



City of Colleyville Planning and Zoning Commission Agenda

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

Monday, April 13, 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**

**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 Davis
PLEDGE OF ALLEGIANCE**

1. APPROVAL OF MINUTES

March 23, 2015

**2. CITIZEN COMMENTS/PRESENTATIONS REGARDING ITEMS NOT ON
THE AGENDA**

3. REGULAR AGENDA ITEMS

3a Consideration of a replat on Lot 1, Block 1, of the Mac's Bar and Grill

Addition located at 5120 State Highway 121, Case PC15-002

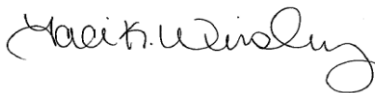
- 3b** Consideration of a final plat on Abstract 685, of the J. Havens Survey, Abstract 173, of the S. C. H. Witten Survey, and Abstract 441, of the Jesse Doss Survey located at 2800 Heritage Avenue, Case PC15-008

4. PUBLIC HEARING AGENDA ITEMS

- 4a** Consideration of a replat on Lots 34A & 35A, Block 1, of the Westcoat Place Addition, located at 6012 and 6106 L. D. Lockett Road, Case PC15-007
- 4b** Consideration of a Special Use Permit for an accessory building on Lot 3R1, Block 1, of the Pleasant Oaks Estates Addition, located at 601 Shelton Drive, Case ZC15-002
- 4c** Consideration of an amendment to the PUDC-Planned Unit Development Commercial zoning requirements on Abstract 1154, of the R. H. McEwing Survey located at 8092 Precinct Line Road, Case ZC15-005
- 4d** Consideration of a Special Use Permit for an accessory building on Lot 12, Block 4, of the Ashmore Addition located at 2705 Highgrove Court, Case ZC15-006
- 4e** Consideration of an amendment to the Special Use Permit requirements on Lot 1R1, Block 2, of the Village Park Addition located at 4701 Colleyville Boulevard, Case ZC15-007

5. ADJOURNMENT

I hereby certify this agenda was posted on City Hall bulletin boards April 10, 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 Agenda Briefing

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

Agenda Number	Agenda Date 04/13/2015	Number
Type Approval of Minutes		
Department Community Development		

Title

March 23, 2015

Explanation

Recommendation

Attachments

1. Planning and Zoning Commission Meeting Minutes - March 23, 2015



City of Colleyville Planning and Zoning Commission Minutes

City Hall
100 Main Street
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817. 503.1000
www.colleyville.com

Monday, March 23, 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 March 23, 2015 at 7:00 p.m.

Roll Call

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

Absent: Commissioners David Phelps and David Wheelwright

Staff Present: Adam Marsh, Taci Wrisley, Patia Boomsma, Rob McKeown, Brian Riley, Dale Crown, Marty Wieder, Chris Pena, and Matt Butler (City Attorney)

1. APPROVAL OF MINUTES

Commissioner Knox made a motion to approve the minutes as written. Commissioner Tornes seconded.

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

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

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

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

3. REGULAR AGENDA ITEMS

3a 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

Patia Boomsma presented the case and briefed the Commission.

Chairman Byerly questioned staff regarding whether Trails 27 and 29

were shown on the proposed plat. Patia Boomsma replied no, they are not shown on the proposed plat.

Commissioner Gotcher questioned staff regarding which trail was proposed to be added or removed. Patia Boomsma replied if Trail 27 is not removed from the plan it will have to connect to Trail 24.

Commissioner Gotcher questioned staff regarding whether the connection of Trail 27 to Trail 24 was indicated on the plat. Patia Boomsma replied no.

Claudio Segovia, on behalf of the applicant, came forward to answer questions and stated if required, they would add the easement for the Trail.

Discussion occurred between staff and the Commission regarding the possibility of adding an easement for the trail.

Commissioner Tornes questioned staff regarding whether they could make a recommendation for the placement of a trail if Trail 27 was removed. Matt Butler, city attorney, replied the Commission could not make a recommendation for placement on a new trail.

Commissioner Gotcher made a motion to approve Case PC15-003 with the following conditions: 1.) Trail 27 must remain and 2.) An extension to connect Trail 27 to Trail 24 must be added to the plat. Commissioner Davis seconded.

Chairman Byerly stated the homeowner's of the adjacent neighborhood have stated they do not want the trail to connect with theirs and the city would have to use eminent domain to make the trail accessible to the public. He further stated he would not be comfortable making that recommendation.

Discussion continued regarding the connection of Trail 27.

Chairman Byerly stated he would like to add a friendly amendment to the motion that the connection of the trail is contingent upon whether there is an existing public use easement.

Commissioner Gotcher and Commissioner Davis both accepted the amendment.

Discussion continued regarding how the case would be presented to City Council and what were the options for approval of the plat.

The motion to approve Case PC15-003 with the following condition: 1.) the developer must provide an easement for Trail 27 if a connection to the Woodland Hills neighborhood can be required carried by the following vote:

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

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

Patia Boomsma presented the case and briefed the Commission.

Commissioner Tornes questioned staff regarding if there was mutual access provided between the subject property and the adjacent property. Patia Boomsma replied no, the adjacent property owner was not willing to provide mutual access.

The public hearing was opened at 7:29 p.m.

There being no one wishing to speak, the public hearing was closed at 7:29 p.m.

Commissioner Knox made a motion to approve Case PC14-028. Commissioner Tornes seconded.

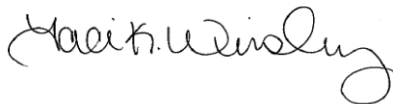
The motion to approve carried by the following vote:

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

5. ADJOURNMENT

The meeting adjourned at 7:30 p.m.

The minutes were written and prepared by:



Taci Wrisley
Planning and Zoning Assistant

The meeting minutes were approved on April 13, 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 04/13/2015	Number
Type Regular Agenda Items		
Department Community Development		

Title

Consideration of a replat on Lot 1, Block 1, of the Mac's Bar and Grill Addition located at 5120 State Highway 121, Case PC15-002

Explanation

Tony Bates has submitted a request to approve a replat of Lot 1, Block 1 of the Mac's Bar and Grill Addition located at 5120 State Highway 121.

The replat involves subdividing Lot 1 into Lots 1A and 1B in order to construct offices on Lot 1A.

Existing Conditions. The property is developed with a 7,549 square foot restaurant building which is currently vacant. The existing building will remain on the proposed Lot 1B.

Surrounding Development Trends. Properties to the north, west, and south of the subject property are zoned CC-2-Shopping Center. Property to the north is developed as Rio Mambo and general office, property to the west is developed as general office, and the property to the south is developed as the Sunflower Shoppe. Property to the east is State Highway 121. Across State Highway 121 is the City of Grapevine.

Zoning. The property is zoned CC-2-Shopping Center district and is developed with a 7,549 square foot restaurant building which is currently vacant. Minimum lot standards for the CC-2 Shopping Center district are as follows:

Minimum Lot Size: 20,000 square feet

Minimum Lot Width: 150 feet

Minimum Lot Depth: 120 feet

The two proposed lots, Lot 1A and Lot 1B, meet the minimum standards of the CC-2-Shopping Center district.

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.

Shared Parking. The entire site currently has 127 total parking spaces. Upon approval of the replat, Lot 1A will have 64 parking spaces and Lot 1B will have 63 parking spaces. Per the Land Development Code, Lot 1B is required to have 76 parking spaces (one(1) parking space per 100 square feet of gross floor area). Once the replat is filed, Lot 1B will be immediately deficient 13 parking spaces. Since the existing parking on Lot 1B will be less than required, a shared parking agreement between Lot 1A and Lot 1B has been provided and is attached to the briefing. The shared parking agreement will be executed and filed with Tarrant County upon approval of the plat. The shared parking agreement will be filed prior to staff filing the replat with Tarrant County. Furthermore, a shared parking agreement will be filed prior to a Certificate of Occupancy being issued to any restaurant use on Lot 1B.

At the time Lot 1A is developed, existing parking will be lost for the placement of a building. Per the applicant, general offices will be constructed for the owner's personal businesses. General office requires one (1) parking space per 300 square feet of gross floor area. When a site and landscape plan is submitted for Lot 1A, adequate parking will be provided between the two lots. Assuming general office is constructed on Lot 1A, the two uses should not share the same peak hours; therefore, a shared parking agreement is appropriate for meeting the parking requirement of both sites.

Mutual Access. A mutual access/fire lane easement is provided between Lot 1A and Lot 1B, and from Lot 1B to the lot to the south.

Sidewalks. There is not currently a sidewalk along State Highway 121. A five foot wide sidewalk will be required to be constructed along State Highway 121 if a building permit is issued for Lot 1B.

Impact Fees. Water, sewer, and roadway impact fees are due at the time a building permit is issued for Lot 1A. Fees will depend upon land use according to Chapter 13- Impact Fees of the Land Development Code. Park land dedication fees are paid per acre on commercial lots. Since this is a replat of an existing platted lot, park land dedication will not be required.

Summary. The proposed replat satisfies the requirements of the Land Development Code for the CC-2-Shopping Center district. Therefore, staff recommends approval of the replat.

Recommendation

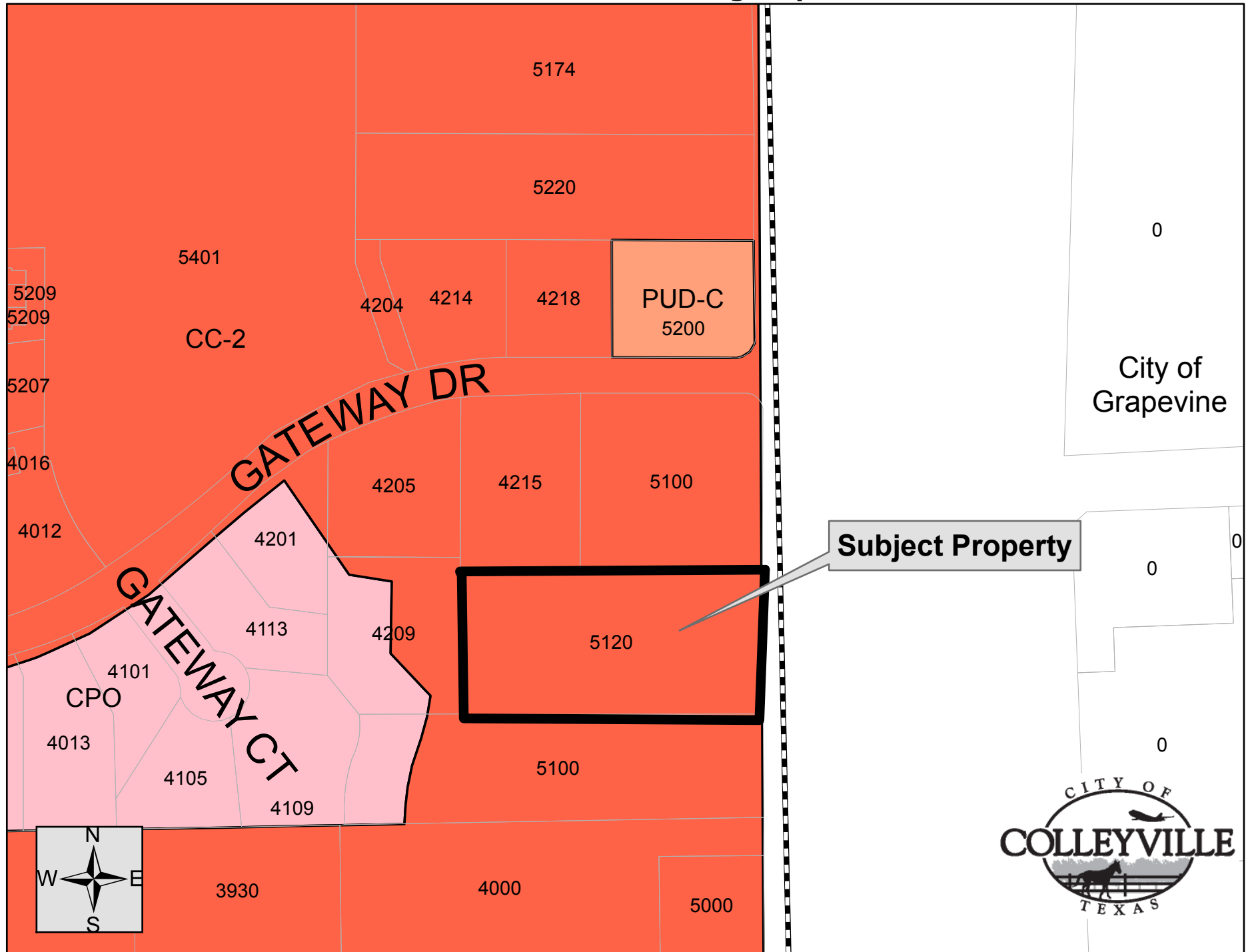
Approve

Attachments

1. Location and Zoning Map

2. Aerial
3. Shared Parking Agreement
4. Replat

Location and Zoning Map



Aerial



Shared Parking Agreement

Easement Agreement for Reciprocal Access and Parking

Date: _____, 2015

First Party: Tomorrow Holdings, LLC, a Texas Limited Liability Company

First Party's Mailing Address:

Tomorrow Holdings, LLC
4215 Gateway Drive, Suite 101
Colleyville, TX 76034

Second Party: Tomorrow Holdings, LLC, a Texas Limited Liability Company

Second Party's Mailing Address:

Tomorrow Holdings, LLC
4215 Gateway Drive, Suite 101
Colleyville, TX 76034

First Party's Property: Lot 1B, Block 1, Mac's Bar and Grill Addition, an addition to the City of Colleyville, Tarrant County, Texas, Being a replat of Lot 1 Block 1, Mac's Bar and Grill Addition, an addition to the City of Colleyville, Tarrant County, Texas according to the plat thereof recorded in Cabinet A, Slide 5671 of the Plat Records of Tarrant County, Texas.

Second Party's Property: Lot 1A, Block 1, Mac's Bar and Grill Addition, an addition to the City of Colleyville, Tarrant County, Texas, Being a replat of Lot 1 Block 1, Mac's Bar and Grill Addition, an addition to the City of Colleyville, Tarrant County, Texas according to the plat thereof recorded in Cabinet A, Slide 5671 of the Plat Records of Tarrant County, Texas.

Easement Purpose: For providing free and uninterrupted pedestrian and vehicular ingress to, egress from, and access across and between First Party's Property and Second Party's Property and portions thereof and for providing uninterrupted vehicular parking of any Class M or Class C motor vehicle, as defined by the Texas Department of Public Safety, across and between First Party's Property and Second Party's Property and portions thereof.

Consideration: The sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the Parties.

Reservations from Conveyance of First Party's Property: That portion of Lot covered with existing landscaping and improvements;

Shared Parking Agreement

Reservations from Conveyance of Second Party's Property: That portion of Lot where one or more office buildings and subsequent improvements shall be constructed;

Grants of Easements:

First Party, for the Consideration and subject to the Reservations from Conveyance of First Party's Property and Exceptions to Warranty of First Party's Property, grants, sells, and conveys to Second Party and Second Party's heirs, successors, and assigns an easement to, over, and across First Party's Property for the Easement Purpose and for the benefit of all or any portion of Second Party's Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold the easement, rights, and appurtenances to Second Party and Second Party's heirs, successors, and assigns forever. First Party binds First Party and First Party's heirs, successors, and assigns to warrant and forever defend the title to the easement, rights, and appurtenances in Second Party and Second Party's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the easement, rights, or appurtenances, or any part thereof, except as to the Reservations from Conveyance of First Party's Property and Exceptions to Warranty of First Party's Property, to the extent that such claim arises by, through, or under First Party but not otherwise.

Second Party, for the Consideration and subject to the Reservations from Conveyance of Second Party's Property and Exceptions to Warranty of Second Party's Property, grants, sells, and conveys to First Party and First Party's heirs, successors, and assigns an easement to, over, and across Second Party's Property for the Easement Purpose and for the benefit of all or any portion of First Party's Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold the easement, rights, and appurtenances to First Party and First Party's heirs, successors, and assigns forever. Second Party binds Second

Shared Parking Agreement

Party and Second Party's heirs, successors, and assigns to warrant and forever defend the title to the easement, rights, and appurtenances in First Party and First Party's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the easement, rights, or appurtenances, or any part thereof, except as to the Reservations from Conveyance of Second Party's Property and Exceptions to Warranty of Second Party's Property, to the extent that such claim arises by, through, or under Second Party but not otherwise.

The easements, rights, and appurtenances hereby granted by and between First Party and Second Party are referred to herein as the "Easements." First Party's Property and Second Party's Property are sometimes referred to herein collectively as the "Properties." First Party and Second Party are sometimes referred to herein individually as a "Party" and collectively as the "Parties."

Terms and Conditions: The following terms and conditions apply to the Easements granted by this agreement:

1. *Character of Easements.* The Easements are appurtenant to and run with the Properties, and portions thereof, whether or not the Easements are referenced or described in any conveyance of the Properties, or any portion thereof. The Easements are for the benefit of the Parties and the heirs, successors, and assigns of the Parties who at any time own the Properties or any interest therein (as applicable, the "Holders").

2. *Duration of Easements.* The duration of the Easement is perpetual

3. *Nonexclusiveness of Easements.* The Easements are nonexclusive, and each of the Parties reserves for itself and its heirs, successors, and assigns the right to use all or part of the Easements in conjunction with any other Holder and the right to convey to others the right to use all or part of the Easements in conjunction with the Holders, as long as such further

Shared Parking Agreement

conveyance is subject to the terms of this agreement.

4. *Use and Location of Easements.* The Parties and other Holders will be entitled to exercise direct access to and between the Properties without interference except as set forth in this agreement and to use all access areas, driveways, and parking lots located on any portion of the Properties in exercising the Easements. A Holder may erect curbs or other barriers to traffic between the Properties owned by that Holder and adjacent portions of the Properties, including but not limited to differences in grade levels, only to the extent that such curbs or other barriers will not unreasonably interfere with or restrict direct access to and between the Properties by the Holders of other portions of the Properties and their employees, customers, and other invitees. A Holder's employees, customers, and other invitees will also be entitled to park on the other Holder's Properties.

5. *Maintenance of Easement Property.* All access ways, driveways, and parking lots located on the Properties must be maintained at a level of appearance and utility consistent with the basic industry standards then prevailing for similarly used properties in the market in which the Properties are located. Each Holder will be solely responsible for the costs of maintaining the access ways, driveways, and parking lots located on that Holder's Properties.

6. *Rights Reserved.* Each Party reserves for that Party and that Party's heirs, successors, and assigns the right to continue to use and enjoy the surface of the Properties for all purposes that do not unreasonably interfere with or interrupt the use or enjoyment of the Easements. Each Party shall reserve the right to use the surface for now existing or future existing permanent construction improvements or the rebuilding of now existing or future existing construction improvements as the law allows. In no way shall this easement restrict the right for each party to maximize its surface use of the land.

Shared Parking Agreement

7. *Equitable Rights of Enforcement.* These Easements may be enforced by restraining orders and injunctions (temporary or permanent) prohibiting interference and commanding compliance. Restraining orders and injunctions will be obtainable on proof of the existence of interference or threatened interference, without the necessity of proof of inadequacy of legal remedies or irreparable harm, and will be obtainable only by the Parties to or those benefited by this agreement; provided, however, that the act of obtaining an injunction or restraining order will not be deemed to be an election of remedies or a waiver of any other rights or remedies available at law or in equity.

8. *Attorney's Fees.* If either Party retains an attorney to enforce this agreement, the Party prevailing in litigation is entitled to recover reasonable attorney's fees and court and other costs.

9. *Binding Effect.* This agreement binds and inures to the benefit of the Parties and their respective heirs, successors, and permitted assigns.

10. *Choice of Law.* This agreement will be construed under the laws of the state of Texas, without regard to choice-of-law rules of any other jurisdiction. Venue is in the county or counties in which the Properties are located.

11. *Counterparts.* This agreement may be executed in any number of counterparts with the same effect as if all signatory Parties had signed the same document. All counterparts will be construed together and will constitute one and the same instrument.

12. *Waiver of Default.* It is not a waiver of or consent to default if the nondefaulting Party fails to declare immediately a default or delays in taking any action. Pursuit of any remedies set forth in this agreement does not preclude pursuit of other remedies in this agreement or provided by law.

Shared Parking Agreement

13. *Further Assurances.* Each signatory Party agrees to execute and deliver any additional documents and instruments and to perform any additional acts necessary or appropriate to perform the terms, provisions, and conditions of this agreement and all transactions contemplated by this agreement.

14. *Indemnity.* Each Party agrees to indemnify, defend, and hold harmless the other Party from any loss, attorney's fees, expenses, or claims attributable to breach or default of any provision of this agreement by the indemnifying Party.

15. *Entire Agreement.* This agreement and any exhibits are the entire agreement of the Parties concerning the Properties and the reciprocal Easements granted by the Parties. There are no representations, agreements, warranties, or promises, and neither Party is relying on any statements or representations of any agent of the other Party, that are not in this agreement and any exhibits.

16. *Legal Construction.* If any provision in this agreement is for any reason unenforceable, to the extent the unenforceability does not destroy the basis of the bargain among the Parties, the unenforceability will not affect any other provision hereof, and this agreement will be construed as if the unenforceable provision had never been a part of the agreement. Whenever context requires, the singular will include the plural and neuter include the masculine or feminine gender, and vice versa. Article and section headings in this agreement are for reference only and are not intended to restrict or define the text of any section. This agreement will not be construed more or less favorably between the Parties by reason of authorship or origin of language.

17. *Notices.* Any notice required or permitted under this agreement must be in writing. Any notice required by this agreement will be deemed to be delivered (whether actually

Shared Parking Agreement

received or not) when deposited with the United States Postal Service, postage prepaid, certified mail, return receipt requested, and addressed to the intended recipient at the address shown in this agreement. Notice may also be given by regular mail, personal delivery, courier delivery, facsimile transmission, or other commercially reasonable means and will be effective when actually received. Any address for notice may be changed by written notice delivered as provided herein.

18. *Recitals.* Any recitals in this agreement are represented by the Parties to be accurate, and constitute a part of the substantive agreement.

19. *Time.* Time is of the essence. Unless otherwise specified, all references to "days" mean calendar days. Business days exclude Saturdays, Sundays, and legal public holidays. If the date for performance of any obligation falls on a Saturday, Sunday, or legal public holiday, the date for performance will be the next following regular business day.

Tomorrow Holdings, LLC, a Texas Limited Liability Company,

Julia P. Barth, Member

Tomorrow Holdings, LLC, a Texas Limited Liability Company,

Julia P. Barth, Member

STATE OF TEXAS)

COUNTY OF TARRANT)

Shared Parking Agreement

Before me, April Thrasher, on this day personally appeared Julia P. Barth, proved to me through Texas Driver's License to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that Julia P. Barth executed the same as the act of Tomorrow Holdings, LLC, a Texas Limited Liability Company, as its Member, for the purposes and consideration therein expressed.

Given under my hand and seal of office this _____ day of _____, 2015.

Notary Public, State of Texas
My commission expires: December 11, 2017

STATE OF TEXAS)

COUNTY OF TARRANT)

Before me, April Thrasher, on this day personally appeared Julia P. Barth, proved to me through Texas Driver's License to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that Julia P. Barth executed the same as the act of Tomorrow Holdings, LLC, a Texas Limited Liability Company, as its Member, for the purposes and consideration therein expressed.

Given under my hand and seal of office this _____ day of _____, 2015.

Notary Public, State of Texas
My commission expires: December 11, 2017

PREPARED IN THE OFFICE OF:

J.P. Barth Law Firm, PLLC
4215 GATEWAY DRIVE, SUITE 101
COLLEYVILLE, TX 76034
Tel: (817) 358-9500
Fax: (817) 358-9501

Shared Parking Agreement

AFTER RECORDING RETURN TO:

J.P. Barth Law Firm, PLLC
4215 GATEWAY DRIVE, SUITE 101
COLLEYVILLE, TX 76034
Tel: (817) 358-9500
Fax: (817) 358-9501

Replat

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

SURVEYOR'S CERTIFICATION

KNOW ALL ME BY THESE PRESENTS:

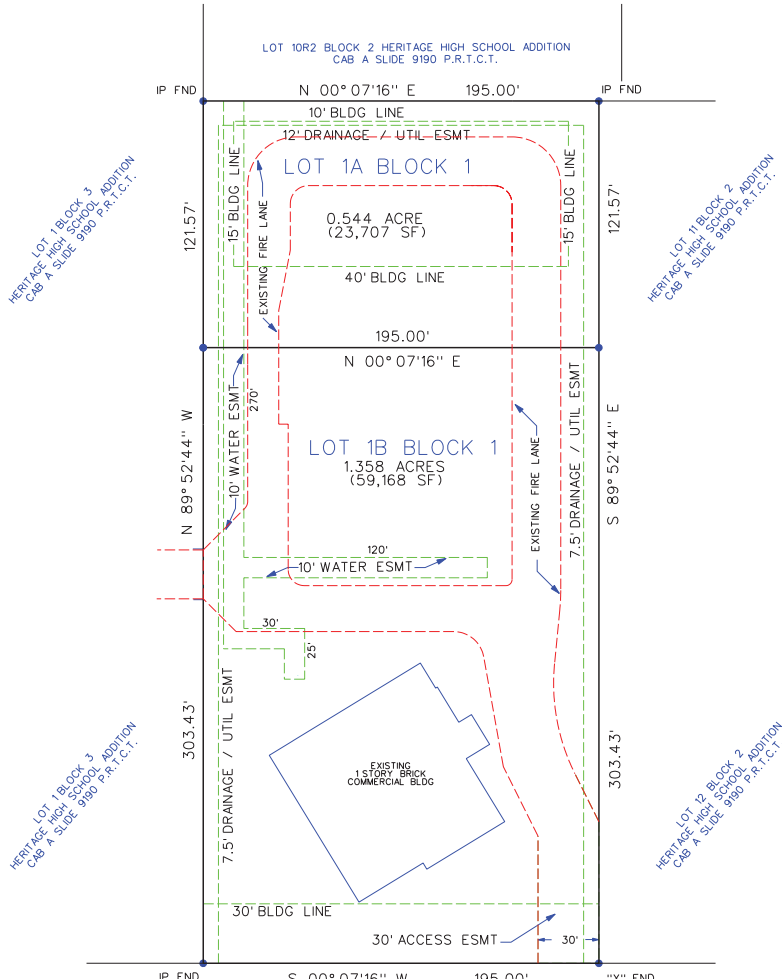
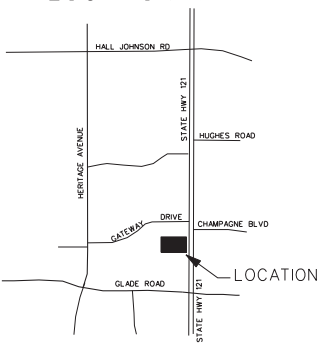
That I, David M. Mullins, a Registered Professional Land Surveyor licensed in the State of Texas, do hereby certify that this Plat is true and correct and was prepared from an actual survey made under my supervision on the ground. Further, this survey conforms to the general rules of procedures and practices of the most current Professional Land Surveying Practices Act.

DATE

OWNER / APPLICANT

TOMORROW HOLDINGS, LLC
4215 GATEWAY DRIVE SUITE 101
COLLEYVILLE, TEXAS 76034
817-358-9500

LOCATION MAP



STATE HIGHWAY 121 (SERVICE ROAD)
VARIABLE WIDTH R.O.W.

STATE OF TEXAS §
COUNTY OF TARRANT §
OWNERS DEDICATION STATEMENT

WHEREAS Tomorrow Holdings, LLC is the owner of a tract of described below in the City of Colleyville, Tarrant County Texas, and surveyed by STD Land Surveying, in January 2015, :

Being all that certain lot, tract or parcel of land out of the Elizabeth Cox Survey, Abstract no. 352 situated in Tarrant County, Texas, and being all of Lot 1 Block 1 Of Mac's Bar and Grill Addition, an addition to the City of Colleyville, Tarrant County, Texas, according to the plat thereof recorded in Cabinet A, Slide 5671, of the Plat Records of Tarrant County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a "X" found for corner in the West line of said State Highway No. 121, said corner being the Northeast corner of said Lot 1 Block 1 of Mac's Bar and Grill Addition, and said corner being the Southeast corner of Lot 12 Block 2 of Heritage High School Addition, an addition to the City of Colleyville, according to the plat thereof recorded in Cabinet A, Slide 9190 of the Plat Records of Tarrant County, Texas;

THENCE South 00 deg 07 min 16 sec West, with the East line of said Mac's Bar and Grill Addition, and with the West line of said State Highway No. 121, a distance of 195.00 feet to an iron rod found for corner, said corner being the Southeast corner of said Lot 1 Block 1 of Mac's Bar and Grill Addition, and being the Northeast corner of Lot 1 Block 3 of said Heritage High School Addition;

THENCE North 89 deg 52 min 44 sec West, with the South line of said Lot 1 of Mac's Bar and Grill Addition, and with the North line of said Lot 1 Block 3 of Heritage High School Addition, a distance of 425.00 feet to an iron rod found for corner, said corner being the Southwest corner of said Lot 1 Block 1 of Mac's Bar and Grill Addition, and being the Northwest corner of Lot 11 Block 2 of said Heritage High School Addition;

THENCE North 00 deg 07 min 16 sec East, with the West line of said Lot 1 Block 1 of Mac's Bar and Grill Addition, and with the East line of said Lot 10R2 of Heritage High School Addition, a distance of 425.00 feet to an iron rod found for corner, said corner being the Northwest corner of said Lot 1 Block 1 of Mac's Bar and Grill Addition, and being the Southwest corner of Lot 11 Block 2 of said Heritage High School Addition;

THENCE South 89 deg 52 min 44 sec East, with the North line of said Lot 1 Block 1 of Mac's Bar and Grill Addition, and with the South line of said Lot 11 Block 2 of Heritage High School Addition, a distance of 425.00 feet to the POINT OF BEGINNING, and containing 1.903 acres of land, more or less.

NOW THEREFORE, KNOWN ALL MEN BY THESE PRESENTS:

That Tomorrow Holdings, LLC, owner does hereby adopt this plat designating the hereinbefore described property as Lot 1A and Lot 1B Block 1 Mac's Bar and Grill Addition, 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 accommodations 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 anyway endanger or interfere with the construction, maintenance or efficiency of it's respective systems or 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____.

Julia P. Barth
Tomorrow Holdings, LLC

STATE OF TEXAS §
COUNTY OF TARRANT §

Before me, the undersigned, a Notary Public in and for said County and State on this date appeared Julia P. Barth know 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

LOTS 1A AND 1B, BLOCK 1
MAC'S BAR AND GRILL ADDITION
an addition to the City of Colleyville, Tarrant County, Texas

Being a replat of Lot 1 Block 1, Mac's Bar and Grill Addition an addition to the City of Colleyville, Tarrant County, Texas according to the plat thereof recorded in Cabinet A, Slide 5671 of the Plat Records of Tarrant County, Texas

DATE

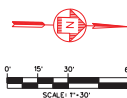
That I, David M. Mullins, Registered Professional Land Surveyor No. 3437 licensed in the State of Texas, do hereby certify that this Plat is true and correct and was prepared from an actual survey made under my supervision on the ground. Further, this survey conforms to the general rules of procedures and practices of the most current Professional Land Surveying Practices Act.

STD LAND SURVEYING

5740 New Patterson Rd
Mansfield, Texas 76063
Office: 817-247-6207
Fax: 817-247-6207

E-Mail us at:
stdlandsurveying@yahoo.com

This Plat Filed as Document No. _____, Date _____ in the Plat Records of Tarrant County, Texas





City of Colleyville Planning and Zoning Commission Agenda Briefing

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

Agenda Number 3b	Agenda Date 04/13/2015	Number
Type Regular Agenda Items		
Department Community Development		

Title

Consideration of a final plat on Abstract 685, of the J. Havens Survey, Abstract 173, of the S. C. H. Witten Survey, and Abstract 441, of the Jesse Doss Survey located at 2800 Heritage Avenue, Case PC15-008

Explanation

Jay Volk, representing Standard Pacific of Texas, has submitted a request to approve the Phase Four final plat for the Creekside at Colleyville addition, which includes 40 single family residential lots and six open space lots on 16.487 acres. The Phase One final plat was approved by the City Council on November 19, 2013 and homes are being constructed. The Phase Two final plat was approved by the City Council on July 15, 2014 and public improvements are under construction. The Phase Three final plat was approved August 19, 2014 and public improvements are under construction. The Phase Five final plat is scheduled for consideration by City Council on April 21, 2015. The Phase Four final plat is consistent with the preliminary plat, which was approved by the City Council on July 15, 2014.

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 require 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 by Ordinance O-13-1899 (attached). The site plan approved by Ordinance O-13-1899 has been divided into four phases (Phase Two, Three, Four, and Five) for final platting purposes. The Phase Four 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 (attached) on March 5, 2013. Ordinance O-13-1866 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.

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. Creekside 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. Eighty (80) 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 proposed final plat dedicates the necessary right-of-way as required by the Master Thoroughfare Plan.

Sidewalks and Trails. Four (4) foot sidewalks will be installed in front of each residential lot and adjacent to all open space lots along new streets 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. Staff will request removal of Trail 29 from the 2005 City of Colleyville Pathways Plan at the April 21, 2015 City Council meeting. Trail 29 showed to connect to a private trail system within the Woodland Hills Addition. The proposed Trail 29 connection within Woodland Hills is located on private property and there is no existing easement granting pedestrian access. Access to Woodland Hills could be blocked leaving an unconnected trail.

Drainage. The developer has submitted a drainage analysis of the site, which has been accepted 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. Based on 40 lots, \$72,080 in park land dedication fees will be due.

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. Roadway impact in the amount of \$4,941 per residential lot will be due at the time a building permit is issued.

With 40 lots in this phase, a total roadway impact fee of \$197,640 will be collected.

Other Impact Fees. Water and wastewater impact fees are due at the time of the building permit application and will be assessed per Chapter 13 - Impact Fees. Minimum water impact fees are \$2,491 and minimum wastewater impact fees are \$643.

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.

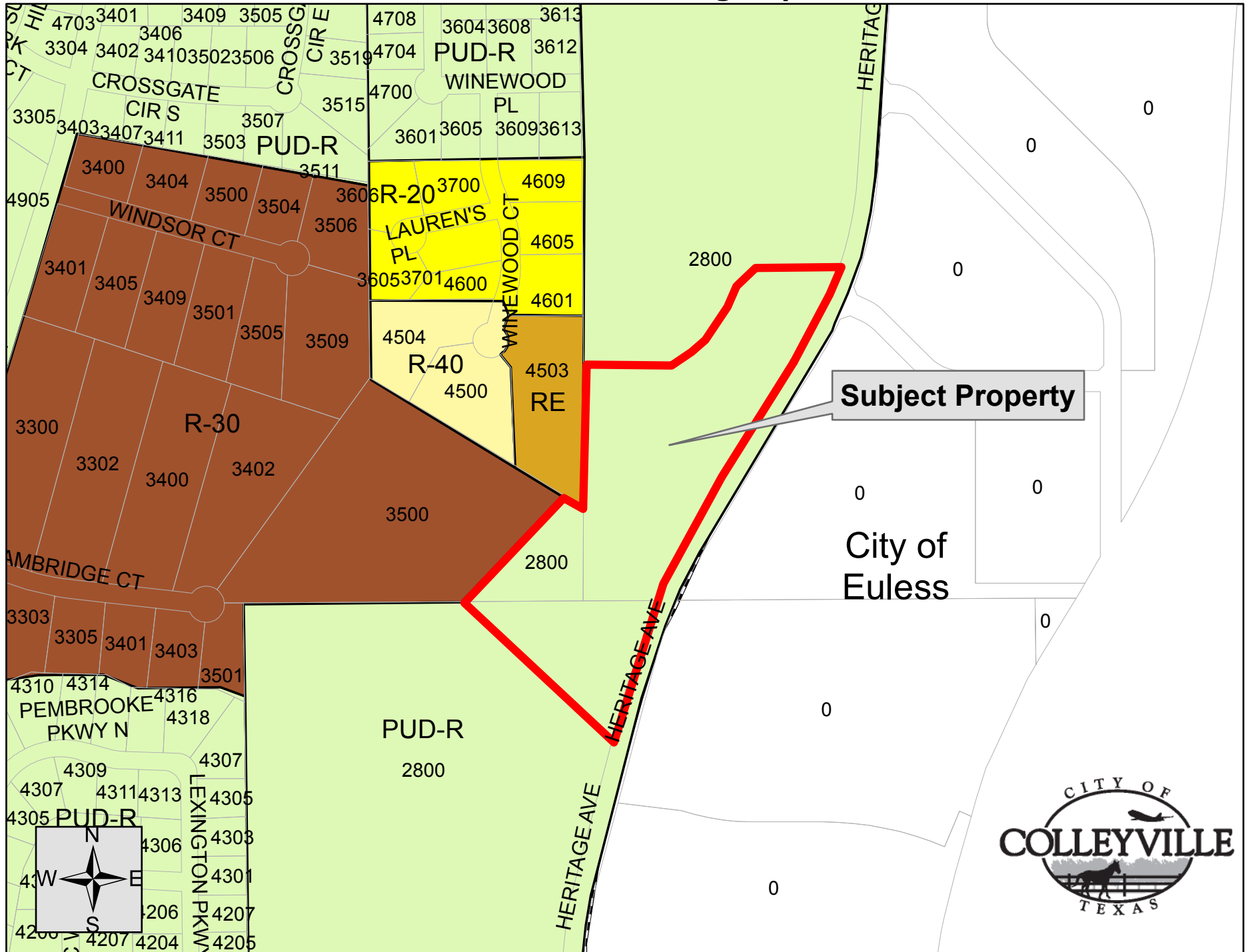
Recommendation

Approve

Attachments

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

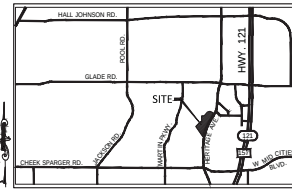
Location and Zoning Map



Aerial



Phase Four Final Plat



VICINITY MAP
N.T.S.



60 30 0 30 60 120
SCALE 1" = 60'

- LEGEND**
- D.E. Drainage Easement
 - U.E. Utility Easement
 - D.U.E. Drainage/Utility Easement
 - P.U.D.E. Pedestrian, Drainage & Util. Esmt.
 - B.L. Building Line
 - C.I. Curve No.
 - L.I. Line No.
 - 1/2" Iron Rod Found
 - Plastic Cap Stamped "JVC"
 - <CM> Control Monument
 - Point of Tangency

- NOTES:**
- Internal streets (Lot 1, Block 17) are to be private and shall be roadway, utility, and drainage easements.
 - Lot 7, Block 14, Lots 2-3, Block 17, and Lots 41, 56 & 57, Block 3 shall be open space/common area lots owned and maintained by the H.O.A.
 - All lot corners monumented with a 1/2" iron rod with yellow plastic cap stamped "JVC" unless otherwise noted.
 - Basis of bearings derived from Texas State Plane Coordinate System, Texas North Central Zone 4202 by using the Topcon Network on a real time feature with antennas located in Dallas, Collin, Tarrant, Ellis, Hunt, Denton and Kaufman counties. Elevations are confirmed and verified with the city of Colleyville monumentation by using a high precision geod model.
 - This plat meets the provisions of P.U.D. Ordinances 0-07-1645, 0-13-1866 and 0-13-1899.

BENCHMARKS

- 1) 2" brass disc in top of curb at south end of median in centerline of Martin Street located 23' east of west back of curb. Also located 52' north of St. Albans from the centerline.
Northing = 7006375.864 Easting = 2394116.655 Elev. = 587.18'
- 2) 2" brass disc set in the southwest corner of a concrete pad in the southwest quadrant of glade road and heritage road, located 9' southwest of a traffic light pole, 65' west of the centerline of Heritage Road and 42.5' south of Glade Road.
Northing = 7006498.192 Easting = 2396465.156 Elev. = 584.76'
- 3) 2" brass disc on east back of curb of Winewood Court, located 6' south of the point of curvature in the cul-de-sac 46.4' northeast of the radius point.
Northing = 7004542.182 Easting = 2395257.402 Elev. = 576.69'

FINAL PLAT CREEKSIDE AT COLLEYVILLE PHASE FOUR

16.487 acres in the

JOHN H. HAVENS SURVEY, ABSTRACT NO. 685
S. C. H. WITTEN SURVEY, ABSTRACT NO. 1734 and
JESSE DOSS SURVEY, ABSTRACT NO. 441
40 Single Family Lots and
6 Open Space Lots
CITY OF COLLEYVILLE
TARRANT COUNTY, TEXAS

27 March 2015
1" = 60'
SHEET 1 OF 2

Owner/Applicant:
Standard Pacific of Texas, Inc.
900 Lake Carolyn Parkway, Suite 1700
Irving, Texas 75039
972-590-2400

Engineer/Surveyor:
J. Volk Consulting, Inc.
800 East Campbell Road, Suite 120
Richardson, Texas 75081
972-201-3100



City Council Approval

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

Mayor, City of Colleyville _____

Attest: City Secretary _____

Planning and Zoning Commission Approval

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

Chairman, Planning and Zoning Commission _____

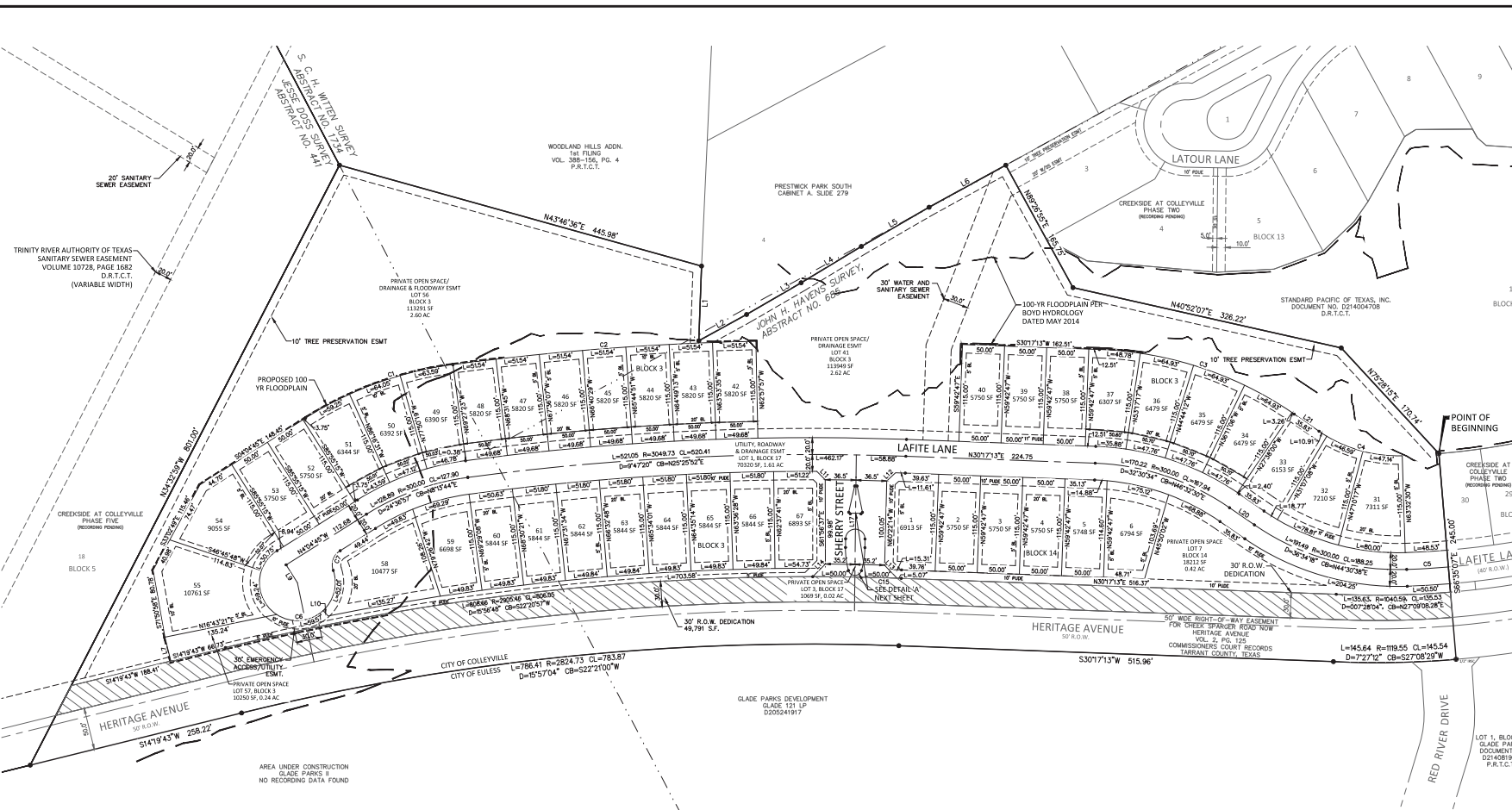
Attest: Secretary, Planning and Zoning Commission _____

Parcel Line Table

Line	Length	Direction
L1	86.72	S89°42'38"E
L2	64.76	N07°55'47"E
L3	74.80	N07°00'30"W
L4	83.35	N02°06'42"W
L5	92.89	N01°51'24"W
L6	103.80	N03°33'17"W
L7	28.18	S70°40'17"E
L8	96.03	S72°30'59"E
L9	25.00	S80°50'10"W
L10	8.77	N10°28'04"E
L11	14.11	N72°11'54"E
L12	14.20	S70°07'56"E
L13	4.98	N10°32'27"E
L14	7.16	S98°50'49"E
L15	31.85	S40°08'15"E
L16	31.85	N72°18'25"W
L17	185.00	N40°00'17"W
L18	10.30	N40°12'02"W
L19	10.30	S91°12'02"E
L20	35.83	N62°47'47"E
L21	35.83	S62°47'47"W

Curve Table

Curve #	Length	Radius	Delta	Chord Length	Chord Bearing
C1	186.89	430.00	02°30'51"	186.40	S08°13'44"W
C2	293.45	2184.73	00°16'46"	293.30	S22°10'35"W
C3	244.82	430.00	03°20'37"	243.52	S40°33'30"W
C4	244.82	430.00	03°20'37"	243.52	S40°33'30"W
C5	93.73	165.00	03°20'37"	92.48	S42°43'57"W
C6	93.73	165.00	03°20'37"	92.48	S42°43'57"W
C7	201.56	45.00	29°39'22"	70.60	N47°35'31"E
C8	36.76	26.00	29°39'22"	24.91	S42°24'29"E
C9	4.08	1.00	120°00'00"	1.00	S00°40'10"W
C10	2.99	1.00	114°00'00"	2.92	N00°15'36"W
C11	38.13	11.50	180°00'00"	23.00	S08°47'58"W
C12	27.81	89.50	01°53'54"	27.52	N63°16'09"W
C13	25.89	8.00	140°12'13"	15.39	N02°47'58"E
C14	27.81	89.50	01°53'54"	27.52	S08°08'58"E
C15	803.58	2905.45	01°50'04"	803.53	S22°17'57"W



Phase Four Final Plat

DEDICATION CERTIFICATE:

WHEREAS, Standard Pacific of Texas, Inc., are the owners of a tract of land situated in the J. HAVENS SURVEY, ABSTRACT NO. 685, the S.C.H. WITTEN SURVEY, ABSTRACT NO. 1734 and the JESSE DOSS SURVEY, ABSTRACT NO. 441, City of Colleyville, Tarrant County, Texas and being part of that tract of land described in Deed to Standard Pacific of Texas, Inc., as recorded in Document No. D214004708, Deed Records, Tarrant County, Texas and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set in the southeast line of Lot 15, Block 13 of CREEKSIDE AT COLLEYVILLE PHASE TWO, an Addition to the City of Colleyville, Tarrant County, Texas according to the Plat recording pending, Tarrant County, Texas and the common southwest corner of Lot 30, Block 13 of said CREEKSIDE AT COLLEYVILLE PHASE TWO;

THENCE South 66 degrees 35 minutes 07 seconds East, a distance of 245.00 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner at the beginning of a curve to the right having a central angle of 07 degrees 27 minutes 12 seconds, a radius of 1,119.25 feet and a chord bearing and distance of South 27 degrees 08 minutes 29 seconds West, 145.54 feet;

Southerly, with said curve to the right, an arc distance of 145.64 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

THENCE South 30 degrees 17 minutes 13 seconds West a distance of 515.96 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner at the beginning of a curve to the left having a central angle of 15 degrees 57 minutes 04 seconds, a radius of 2824.73 feet and a chord bearing and distance of South 22 degrees 21 minutes 00 seconds West, 783.57 feet;

Southerly, with said curve to the left, an arc distance of 786.41 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

THENCE South 14 degrees 19 minutes 43 seconds West a distance of 258.22 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

THENCE North 34 degrees 32 minutes 59 seconds West a distance of 801.00 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

THENCE North 43 degrees 46 minutes 36 seconds East a distance of 445.98 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

THENCE South 59 degrees 42 minutes 36 seconds East a distance of 88.72 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

THENCE North 00 degrees 37 minutes 47 seconds West a distance of 64.70 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

THENCE North 01 degrees 59 minutes 39 seconds West a distance of 74.93 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

THENCE North 02 degrees 56 minutes 42 seconds West a distance of 83.35 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

THENCE North 01 degrees 51 minutes 24 seconds West a distance of 92.89 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

THENCE North 00 degrees 33 minutes 11 seconds West a distance of 103.80 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

THENCE North 89 degrees 26 minutes 55 seconds East a distance of 165.75 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

THENCE North 40 degrees 52 minutes 07 seconds East a distance of 326.22 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

THENCE North 75 degrees 28 minutes 15 seconds East a distance of 170.74 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner; o the POINT OF BEGINNING and containing 16.487 acres of land, more or less.

OWNERS DEDICATION:

NOW, THEREFORE, KNOW ALL PERSONS BY THESE PRESENTS:

THAT We, Standard Pacific of Texas, Inc., do hereby adopt this plat designating the hereinbefore described property as CREEKSIDE AT COLLEYVILLE PHASE FOUR, 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 or 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, regulation, and resolutions of the City of Colleyville, Texas.

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

WITNESS OUR HANDS at this _____ day of _____, 2015.

By _____
NAME: CHIP BOYD
TITLE: VICE PRESIDENT OF LAND DEVELOPMENT

STATE OF TEXAS §
COUNTY OF _____ §

BEFORE ME, the undersigned Notary Public in and for said county and State on this day personally appeared _____ known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and considerations therein expressed, and in the capacity therein stated.

GIVEN under my hand and seal of office, this ____ day of _____, 2015.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

MY COMMISSION EXPIRES _____

SURVEYOR'S CERTIFICATION:

KNOW ALL MEN BY THESE PRESENTS:

That I, Ryan S. Reynolds, a Registered Professional Land Surveyor, licensed by 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 of the most current Professional Land Surveying Practices Act.

Ryan S. Reynolds
Texas Registered Professional Land Surveyor No. 6385

STATE OF TEXAS §
COUNTY OF DALLAS §

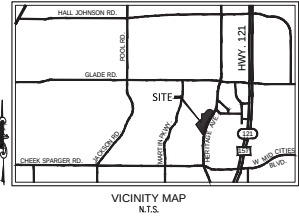
Before me, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared Ryan S. Reynolds, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and considerations therein expressed.

GIVEN under my hand and seal of office, this ____ day of _____, 2015.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

MY COMMISSION EXPIRES _____

1. Lots 41 and 56 of Block 3 denotes the private access and private drainage easement owned by the Homeowners Association (HOA) of Creekside at Colleyville Phase Four.
2. The landowners and any subsequent owners of lots shown herein (the Lot Owners), jointly and severally, shall be responsible and liable for the construction, operation and maintenance of any private common areas or facilities in the addition created herein (the Addition), including but not limited to private streets, private entrance gates or structures, private walls and fences, private pedestrian access, private storm drainage systems, private lake, private open space and landscaping, and emergency access.
3. A HOA shall be established by the subdivider or developer to operate and/or maintain the aforementioned private common areas or facilities.
4. The City of Colleyville, Texas (the City) shall not be responsible for maintaining any of the aforementioned private systems in utility easements accepted by the City.
5. The HOA, lot owners, and landowners shall not seek maintenance from the City except for the aforementioned public water and sanitary sewer systems in utility easements accepted by the City.
6. Any public utility entities, including the City, shall have the right at all times of ingress and egress to and from and upon the utility easements shown herein for the purpose of construction, reconstruction, inspection, patrolling, maintaining, and adding to or removing all or part of its respective systems. Except for private storm drainage systems, private streets and related entrance gates or structures that are approved by the City, no buildings, fences, structures, trees, shrubs, or other improvements or growths shall be constructed or placed upon, or across said public utility easements. Any public utility entity, including the City, shall have the right to remove and keep removed all or parts of any buildings, fences, structures, trees, shrubs, or other improvements or growths which may in any way endanger or interfere with its respective systems within said utility easements.
7. The City shall have the right at all times to remove and keep removed any vehicle or obstacle that impairs emergency access in the emergency access easements shown herein.
8. Any governmental entities, including the City, shall have the right at all times of ingress and egress to and from and upon the private access easements shown herein for any purpose related to the exercise of a governmental service or function.
9. If the HOA or lot owners fail to maintain reliable access to any public utility or governmental entities for purposes stated hereinabove, the City may enter the Addition and remove any entrance gate or structure which is a barrier to access at the sole expense of the HOA or lot owners on a pro-rata share formula.
10. The construction, reconstruction or repair of any private streets within the Addition must meet the approval of the Director of Public Works and comply with the specifications of the City for public streets at the time of construction, reconstruction or repair. The construction, reconstruction or repair of any entrance gate and structure for the Addition must meet the approval of the Engineering Department and Fire Department of the City.
11. The installation or replacement of all traffic regulatory signs along the private streets must conform to the Texas Manual of Uniform Traffic Control Devices.
12. The HOA and lot owners agree to release, indemnify, defend and hold harmless the city, its officers, agents, licensees, servants and employees, from and against any and all claims or suits for property damage or loss and/or personal injury, including death, to any and all persons, of whatsoever kind of character, whether real or asserted, arising out of or in connection with, directly or indirectly: (a) the reasonable use of the private streets, emergency access, utility easements, entrance gate or structure by the city, its officers, agents, licensees, servants and employees; (b) the condition of the private streets, private entrance gates or structures, private walls and fences, private pedestrian access, private storm drainage systems and emergency access; or (c) any use of the addition by the city, its officers, agents, licensees, servants and employees for any purpose stated hereinabove, whether or not caused, in whole or in part, by alleged negligence or officers, agents, servants, employees, contractors, subcontractors, licensees or invitees of city. the HOA shall be responsible for carrying liability insurance to meet the requirements in this paragraph.



BENCHMARKS:

1) 2" brass disc in top of curb at south end of median in centerline of Martin Street located 23' east of west back of curb. Also located 52' north of St. Albans from the centerline.

Northing = 7006375.864 Easting = 239416.655 Elev. = 587.18'

2) 2" brass disc set in the southwest corner of a concrete pad in the southwest quadrant of a gate road and heritage road located 9' southeast of a traffic light pole, 65' west of the centerline of Heritage Road and 42.5' south of Glade Road.

Northing = 7006498.192 Easting = 2396465.156 Elev. = 584.76'

3) 2" brass disc on east back of curb of Winwood Court, located 6' south of the point of curvature in the cul-de-sac 46.4' northeast of the radius point.

Northing = 7004542.182 Easting = 2395257.402 Elev. = 576.69'

NOTES:

1. Internal streets (Lot 1, Block 17) are to be private and shall be roadway, utility, and drainage easements.
2. Lot 7, Block 14, Lots 2-3, Block 17, and Lots 41, 56 & 57, Block 3 shall be open space/common area lots owned and maintained by the HOA.
3. All lot corners monumented with a 1/2" iron rod with yellow plastic cap stamped "JVC" unless otherwise noted.
4. Basis of bearings derived from Texas State Plane Coordinate System, Texas North Central Zone 4202 by using the Topcon Network on a real time feature with antennas located in Dallas, Collin, Tarrant, Ellis, Hunt, Denton and Kaufman counties. Elevations are confirmed and verified with the city of Colleyville monumentation by using a high precision geod model.

DRAINAGE EASEMENT RESTRICTION:

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

FLOODWAY EASEMENT RESTRICTION:

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

FINAL PLAT CREEKSIDE AT COLLEYVILLE PHASE FOUR

16.487 acres in the

JOHN H. HAVENS SURVEY, ABSTRACT NO. 685

S. C. H. WITTEN SURVEY, ABSTRACT NO. 1734 and

JESSE DOSS SURVEY, ABSTRACT NO. 441

40 Single Family Lots and

6 Open Space Lots

CITY OF COLLEYVILLE

TARRANT COUNTY, TEXAS

27 March 2015

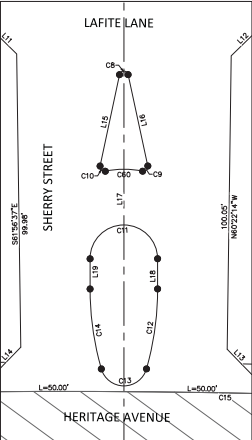
1" = 60'

SHEET 2 OF 2

Owner/Applicant:
Standard Pacific of Texas, Inc.
909 Lake Carolyn Parkway, Suite 1700
Irving, Texas 75039
972-590-2400

Engineer/Surveyor:
J. Volk Consulting, Inc.
800 E. Campbell Rd., Suite 120
Richardson, Texas 75081
972-201-3100

J. VOLK
consulting
800 East Campbell Road, Suite 120
Richardson, Texas 75081
972.201.3100 Texas Registration No. F-11962



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.

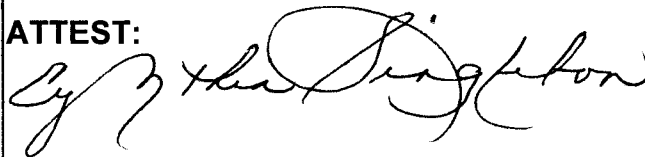
Sec. 9. THAT it has been found that there has been a change in conditions in the above described property, it is now necessary that it be given the above zoning classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare, and requires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

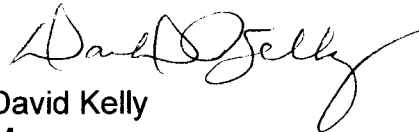
The second reading and public hearing being conducted on the 6th day of November 2007.

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

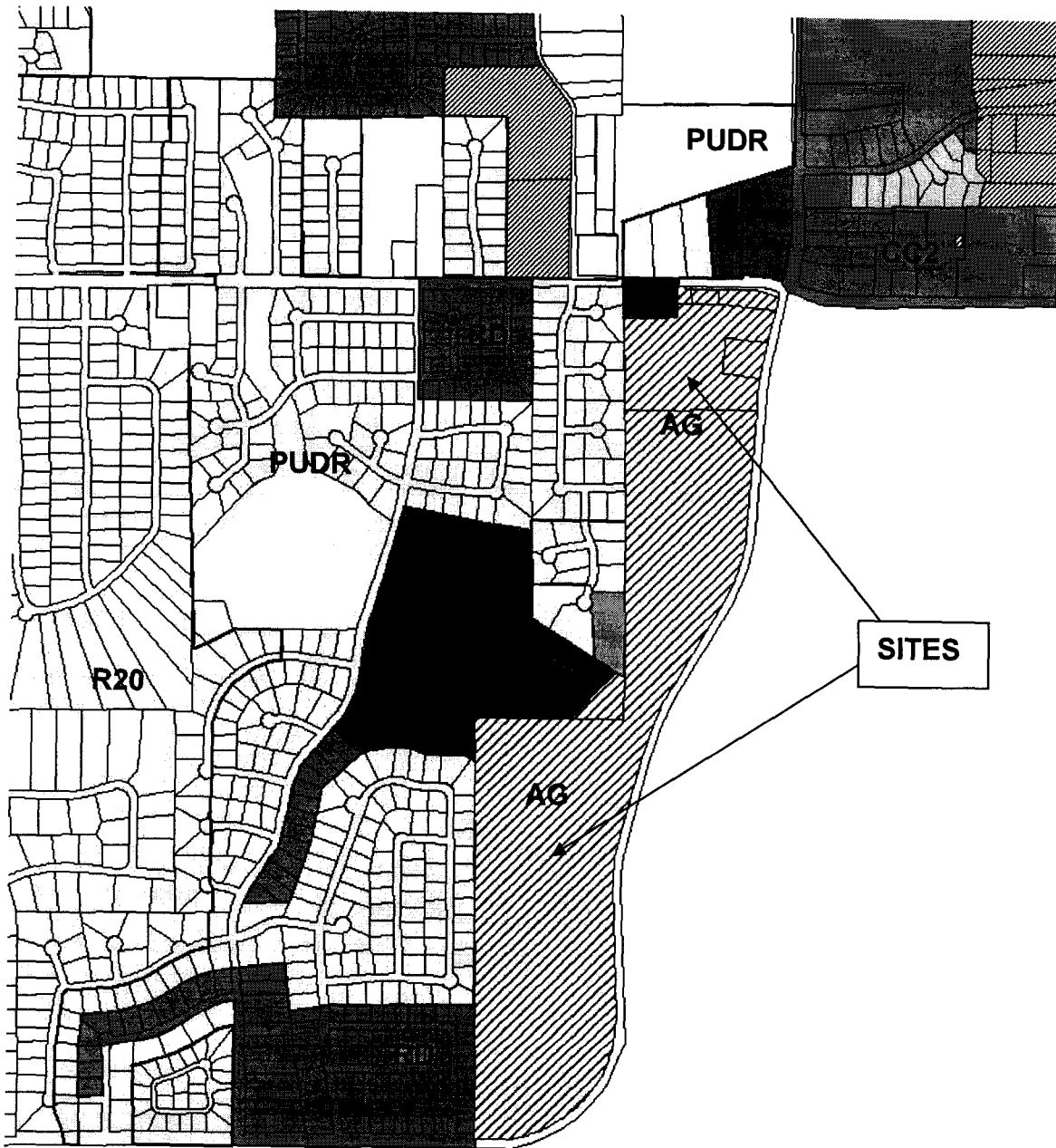


Exhibit "B" Legal Description

**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;

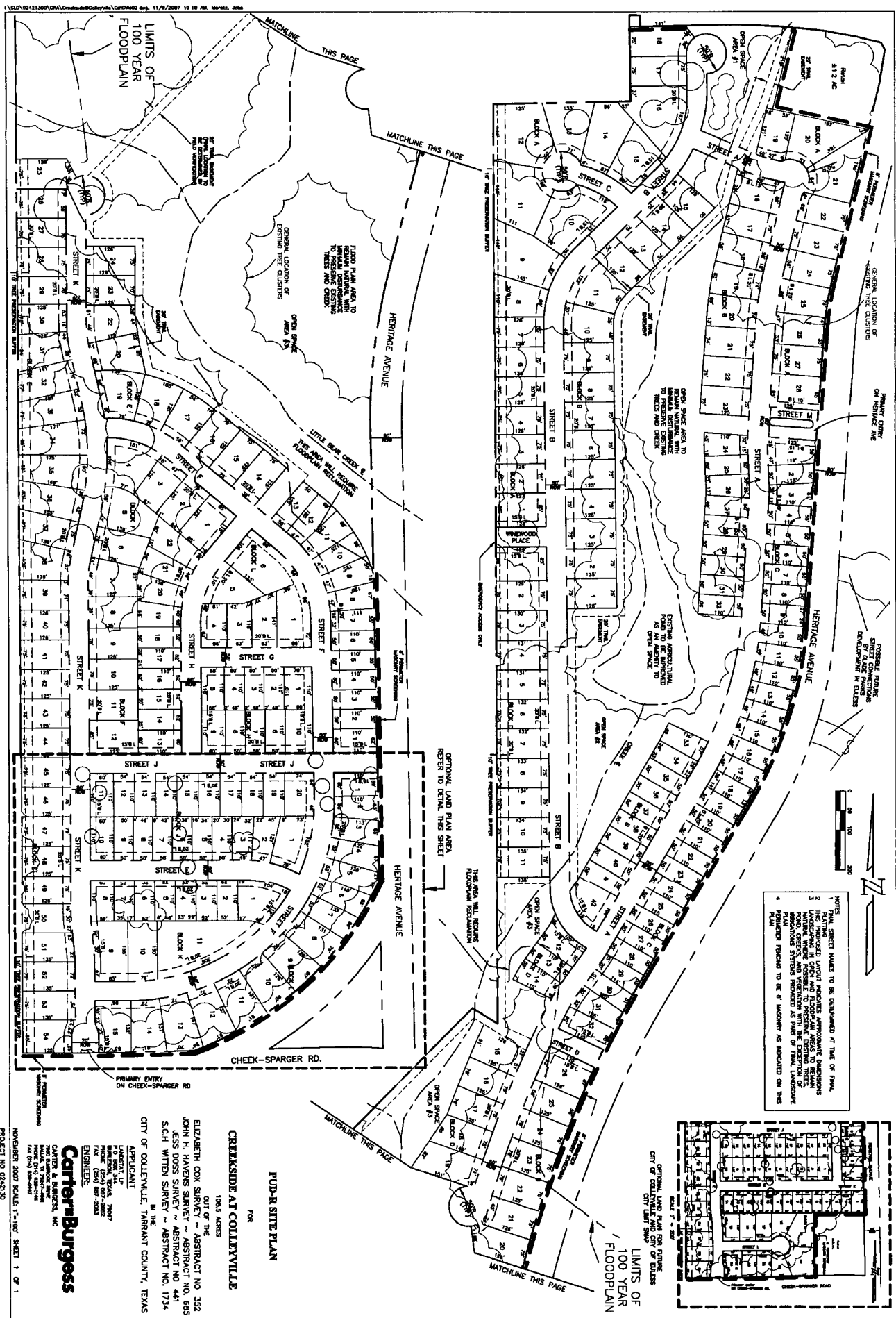
THENCE S 00°27'31" E, A DISTANCE OF 28.94 FEET TO A POINT FOR CORNER;

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.

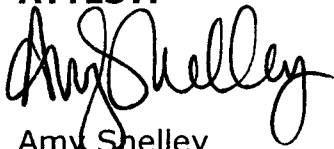
AND IT IS SO ORDERED.

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:



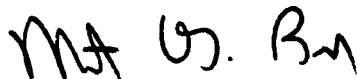
Amy Shelley
City Secretary

CITY OF COLLEYVILLE



David Kelly
Mayor

APPROVED AS TO FORM AND LEGALITY:



Matthew C. G. Boyle
City Attorney

Exhibit "A" -Location and Zoning Map

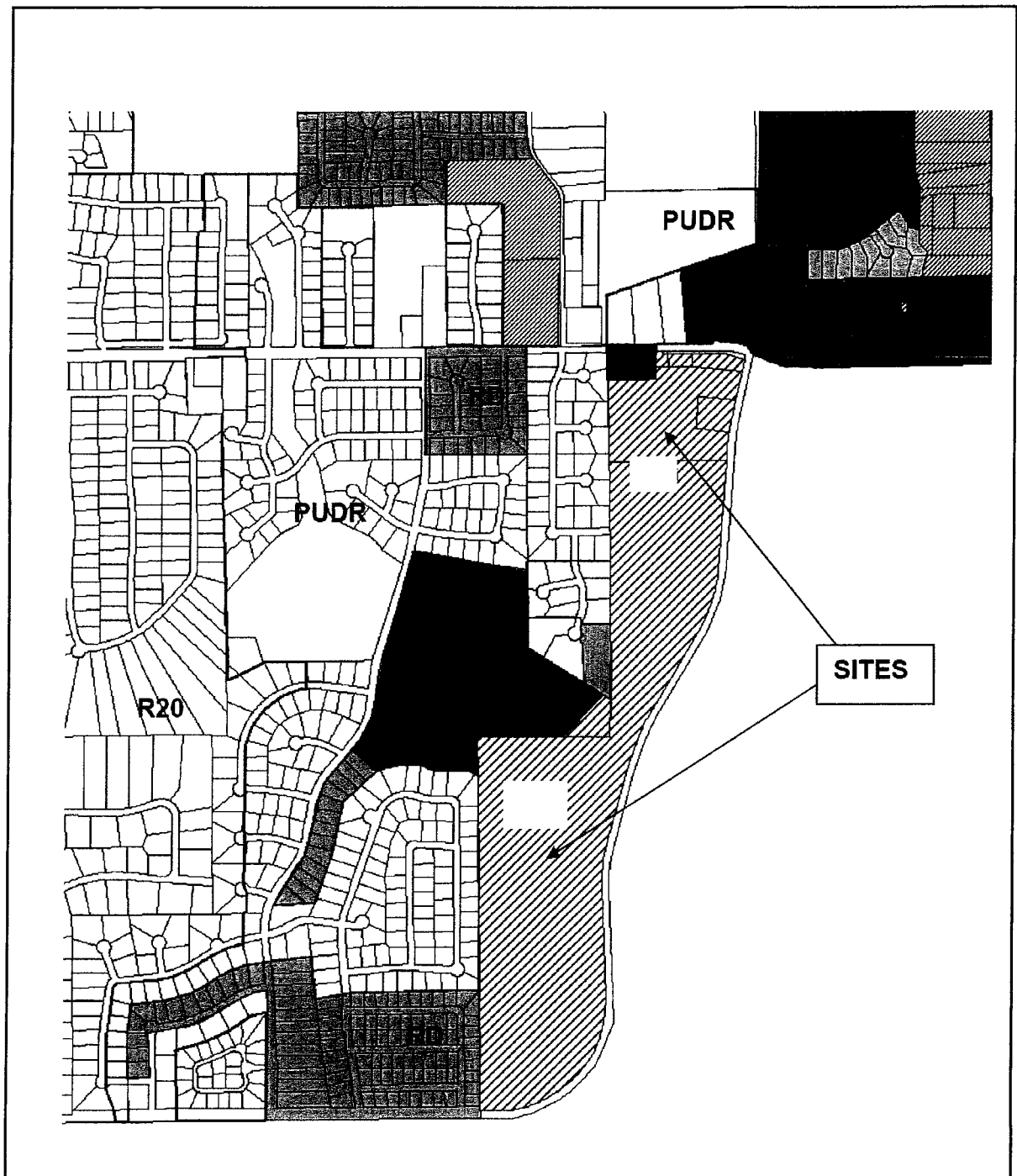
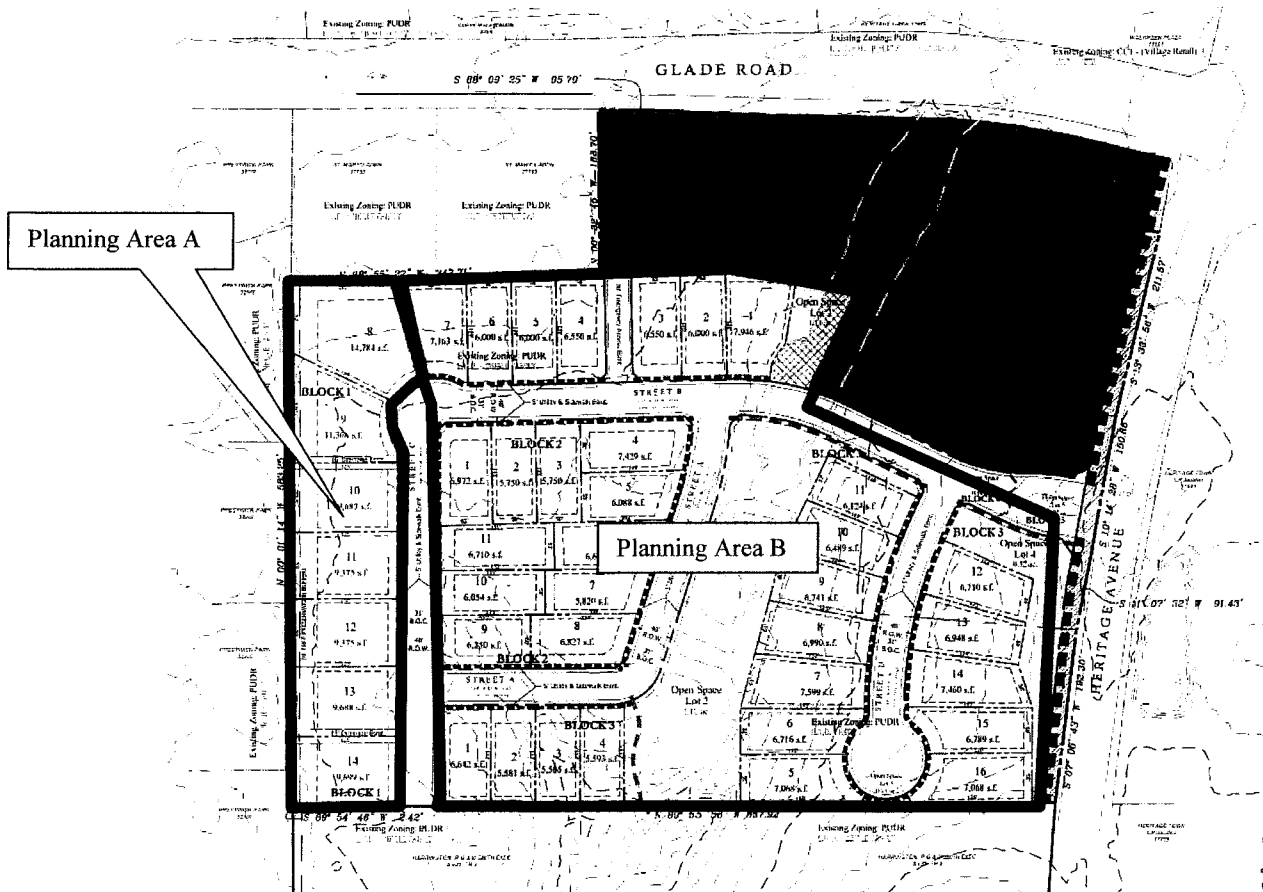


Exhibit "B" Detailed Site Plan



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.

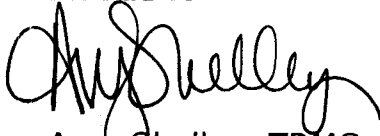
AND IT IS SO ORDERED.

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:



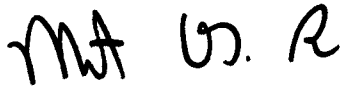
Amy Shelley, TRMC
City Secretary

CITY OF COLLEYVILLE



David Kelly
Mayor

APPROVED AS TO FORM AND LEGALITY:



Matthew C. G. Boyle
City Attorney

Exhibit "A" –Location and Zoning Map

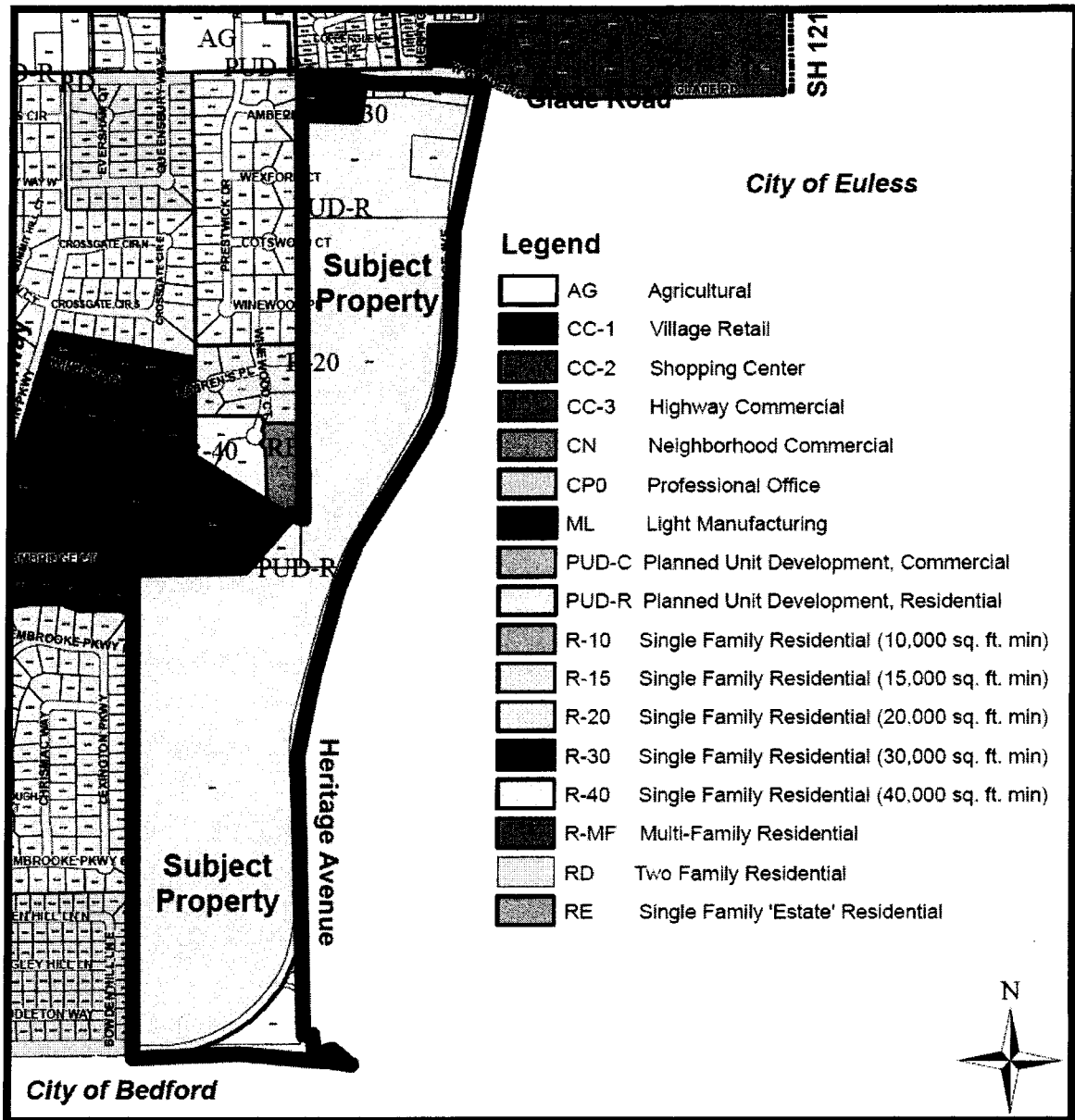


Exhibit "B" – Legal Description of Property Zoned from AG-Agricultural to PUD-R-Planned Unit Development Residential

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;

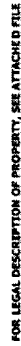
THENCE South 89°57'50" East with the south line of said Hoel tract, approximately 38.00 feet to the northwest corner of the tract described to Cheek-Sparger Properties, LLP., as recorded in Document No. 0206013089 of said Deed Records;

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	238
Commercial Lots	1
Commercial Lots	17
Commercial Lots	190 ac.
COMMERCIAL	41.50 ac.
RESIDENTIAL	10.51 ac.
Open Space	1.24 ac.
Other	7.24 ac.
R.O.W. Deduction (on Heritage)	94.44 ac.
Total Residential	96.36 ac.
GROSS AREA	
Residential Lot Summary	
Minimum Building Lot Area	238
Average Building Lot Area	5,000 s.f.
Common Areas	8,311 s.f.
	17
L.U.D. / Zoning	
Proposed Zoning	PUD-R
Proposed 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" 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 / Morrow, L.L.C.
395 W. State Hwy. 114, Suite 300
Southlake, TX 76092
Contact: Paul Sporn

Planner: SAGE GROUP, INC.
 Major Planning
 Urban Design
 Architecture
 Landscape Architecture
 1100 N. Central Ave., 300, 2000
 Sacramento, Texas 76702
 (713) 412-4100, 36-36

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')

Fixed Plant

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

Site Data Summary Chart

Single Family Residential Lots	228
Commercial Lots	17
Common Areas	1.90 ac.
COMMERCIAL	
Commercial Sites	43.50 ac.
RESIDENTIAL	38.51 ac.
Residential Lots	13.19 ac.
Open Space	1.19 ac.
R.O.W. Dedication (on Heritage)	94.44 ac.
TOTAL 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

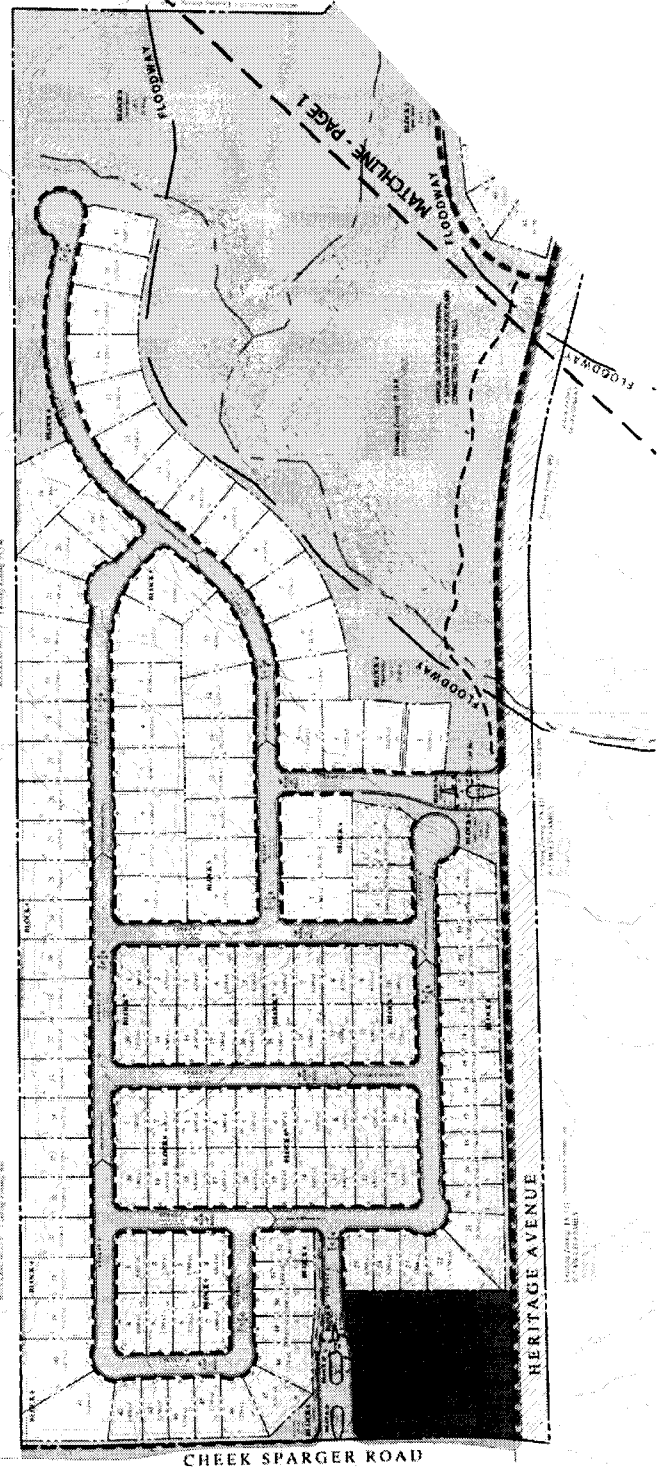
L.U.D. / Zoning

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' or 15' from street)
- 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



Applicant:
Terra / Numa, LLC
395 W. State Hwy. 114, Suite 300
Spartanburg, SC 29592
Contact: Paul Spain

Planner:
SAGE GROUP, INC.
1100 N. Central Ave., Ste. 200
Spartanburg, SC 29592
TEL: 812-424-2626

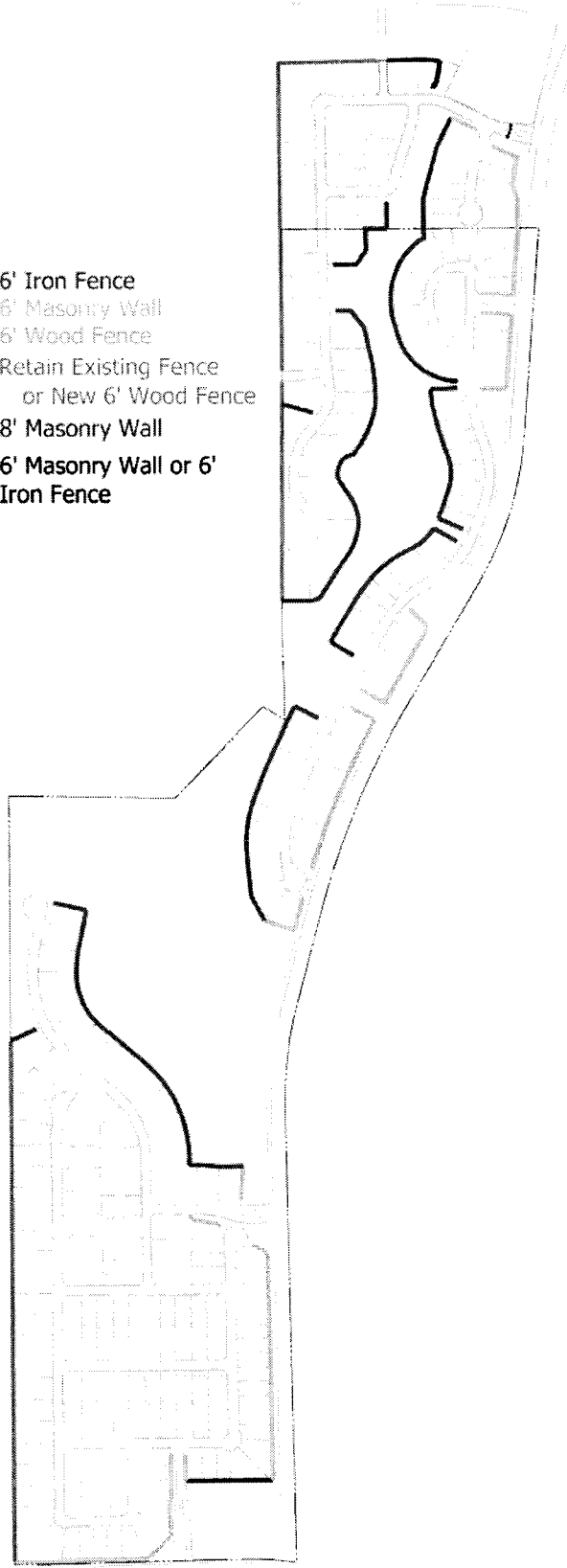


19 DEC 13

Phase 2 Development Plan Creekside at Colleyville

Exhibit 'D'

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



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

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

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

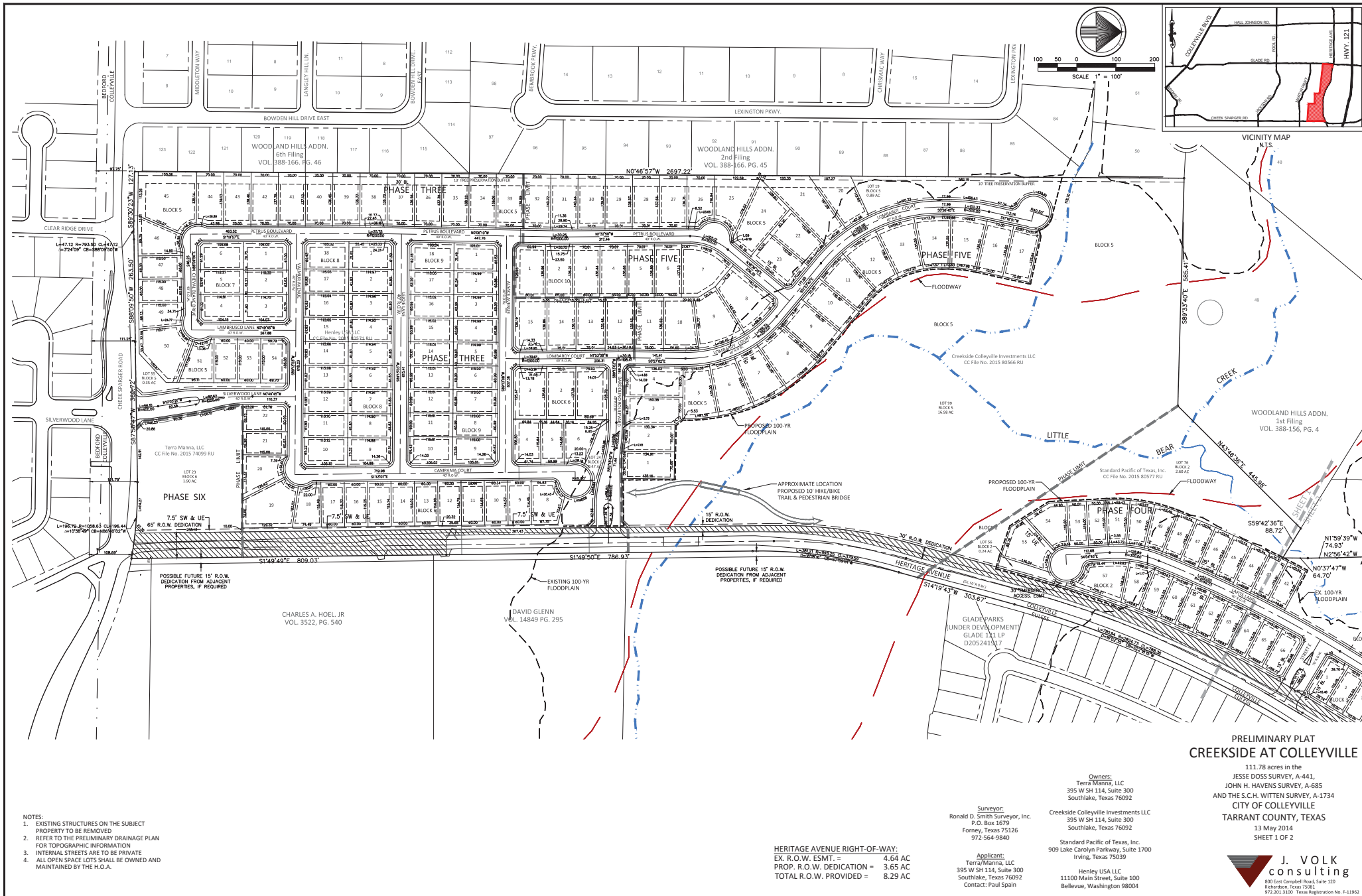


18 DEC 13

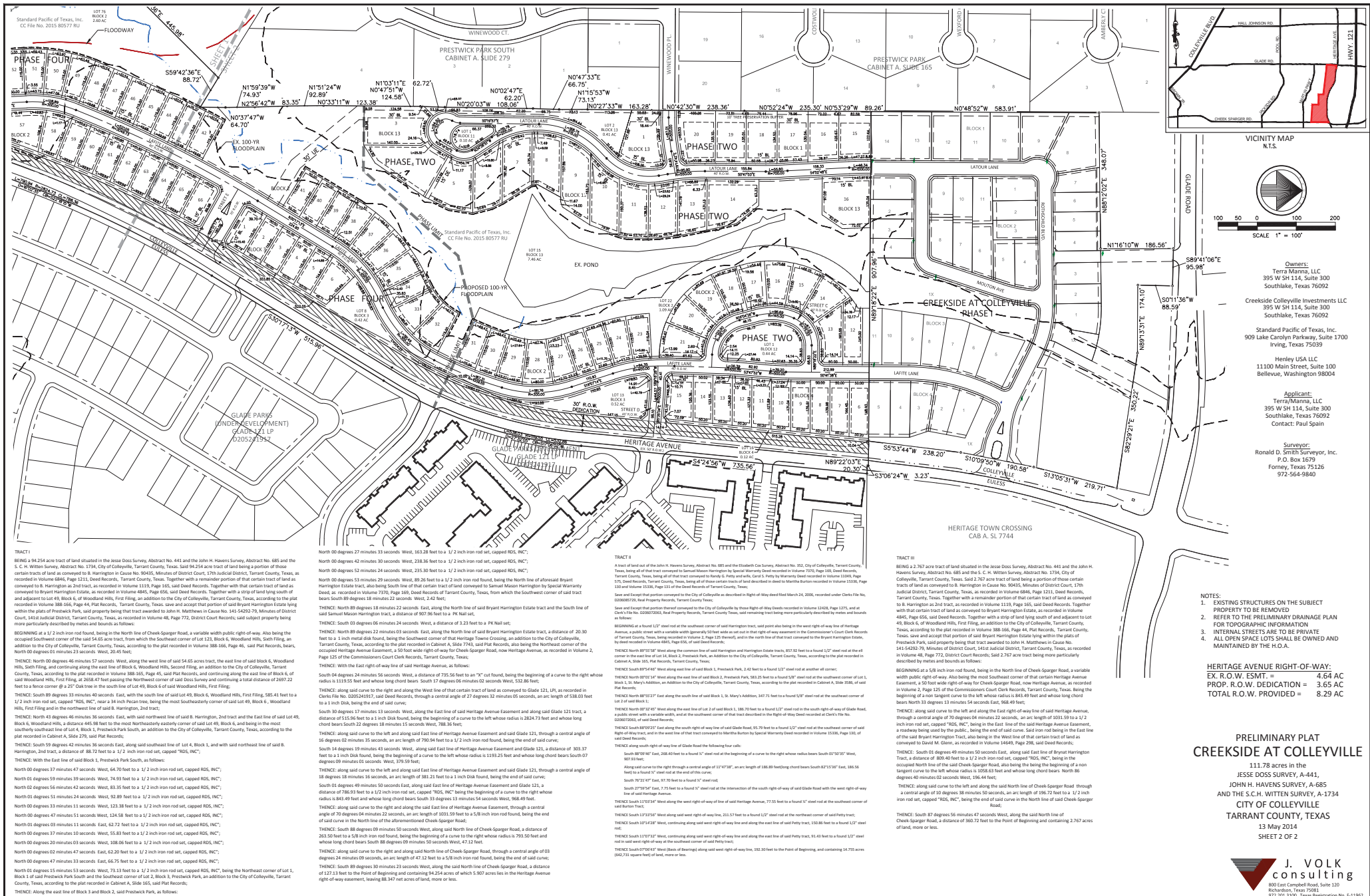


Wall/Fence Diagram

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 04/13/2015	Number
Type Public Hearing Agenda Items		
Department Community Development		

Title

Consideration of a replat on Lots 34A & 35A, Block 1, of the Westcoat Place Addition, located at 6012 and 6106 L. D. Lockett Road, Case PC15-007

Explanation

Ryan Panno, the property owner, proposes to replat 6012 and 6016 L.D. Lockett Road, Lots 34A & 35A, Block 1 of the Westcoat Place Addition, respectively. The applicant is requesting the replat to make the lots more marketable.

Existing Conditions. The property is currently platted as the Westcoat Place Addition, Block 1, Lots 34A and 35A. Lot 35A is currently developed with a single family residence. The aerial shows an existing residence on Lot 34A which has recently been removed. Lot 34A is currently vacant but there is a single family residential building permit under review.

Zoning. The subject property is currently zoned R-40-Single Family Residential.

Lot Dimensions and Setbacks. The R-40-Single Family Residential zoning regulations require a minimum lot size of 40,000 square feet with a minimum lot width of 150 feet and lot depth of 150 feet. The existing Lots 34A and 35A do not meet the requirements of the R-40-Single Family Residential zoning regulations and are recognized as lots of record; therefore, they are currently exempt from the lot dimension requirements of the R-40 zoning district.

The proposed reconfiguration of Lot 34A is 75 feet wide, 300 feet deep with an area of approximately 30,324 square feet. Proposed Lot 35A is 148.80 feet wide, 191.77 feet deep with an area of approximately 27,434 square feet. The lots are subject to the following development standards:

Minimum Front Yard Setback: 40 feet

Minimum Side Yard Setbacks: 15 feet

Minimum Rear Yard Setback: 25 feet

On June 10, 2014 the Zoning Board of Adjustment approved a variance to the side yard setback requirements on Lot 34A. The eastern side yard setback was reduced to 8 feet and the western side yard setback was reduced to 12 feet. The approved side yard

setbacks are shown on the replat for Lot 34A.

Waiver Request. The applicant has submitted a letter requesting waivers to the minimum lot width for Lot 34A, and the minimum size for Lot 34A and Lot 35A, which is attached to this briefing. With these lots being recognized as lots of record, they do not currently meet the requirements of the R-40-Single Family Residential zoning district. While the request does not worsen the lot layouts, the replat still does not meet the requirements of the R-40-Single Family Residential zoning district. The applicant has indicated the house will be built on the narrow portion of the lot, closer to L.D. Lockett Road. There is an existing pond at the northeast corner of the proposed Lot 34A so constructing a house on the rear portion of the lot is not feasible.

Surrounding Development Trends. The properties to the north, east, and west are zoned R-40-Single Family Residential and are developed with single family residences. Some of these properties are lots of record and do not meet the requirements of the R-40-Single Family Residential zoning district. Land to the south, across L.D. Lockett Road, is zoned R-20-Single Family residential and is currently undeveloped.

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 on the property.

Sidewalks. A minimum five foot wide sidewalk is required along L.D. Lockett Road whenever any new structures are built. Escrow may be paid in lieu of construction as determined by the Public Works Department.

Development Fees. No development fees will be due on Lot 35A since a newer single family residence already exists and is to remain.

At the time Lot 34A develops, water and wastewater impact fees could be due if the size of the existing meter is enlarged. Any additional water and wastewater impact fees will be assessed per Chapter 13 – Impact Fees. Park land dedication and roadway impact fees will not be due on the lot since there was previously a residence on the lot.

Public Notification. Staff mailed notices to all property owners within 200 feet of the subject property within the original subdivision and all Homeowner Associations within 500 feet. Notice was published in the *Fort Worth Star-Telegram* as required by state law and the Land Development Code. Staff has received no correspondence to date.

Summary. The existing lots are recognized as lots of record and do not currently meet the lot dimension requirements of the R-40-Single Family zoning district. The proposed replat does not worsen the non-compliance, however, the replat still does not meet the requirements of the R-40-Single Family Residential zoning district. Since the proposed replat is still not in compliance with the R-40-Single Family zoning district, staff is recommending denial due to technical non-compliance.

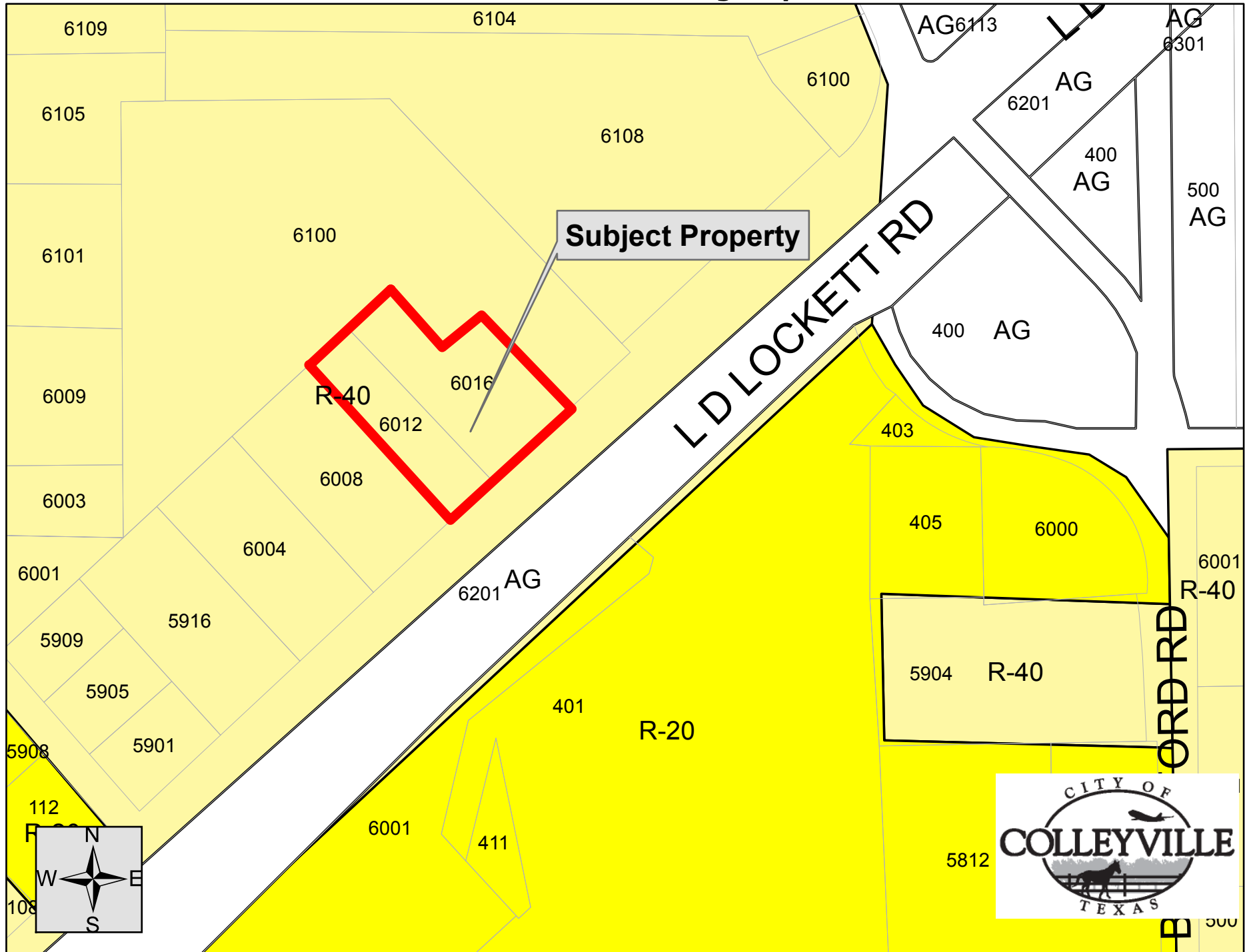
Recommendation

Denial

Attachments

1. Location and Zoning Map
2. Aerial
3. Waiver Request
4. Plat Exhibit

Location and Zoning Map



Aerial



Subject Properties



Waiver Request

Planning and Zoning Commission of Colleyville
100 Main Street
Colleyville, TX 76034

March 25, 2015

Dear Planning and Zoning Commission,

This proposal letter is to request and substantiate the grant of variances for the residences at 6016 and 6012 LD Lockett Road in Colleyville, TX (Lots 34A and 35A, Block 1 of the Westcoat Place Addition). The variances requested are relatively minor, and do not further violate compliance with Chapter 3, Section 3.7 (Non-conforming Uses, Lots, and Buildings) of the Colleyville Land Development Code than the existing conditions of these two lots.

I am requesting a variance to the minimum lot width and size for Lot 34A and 35A, Block 1 of the Westcoat Place Addition.

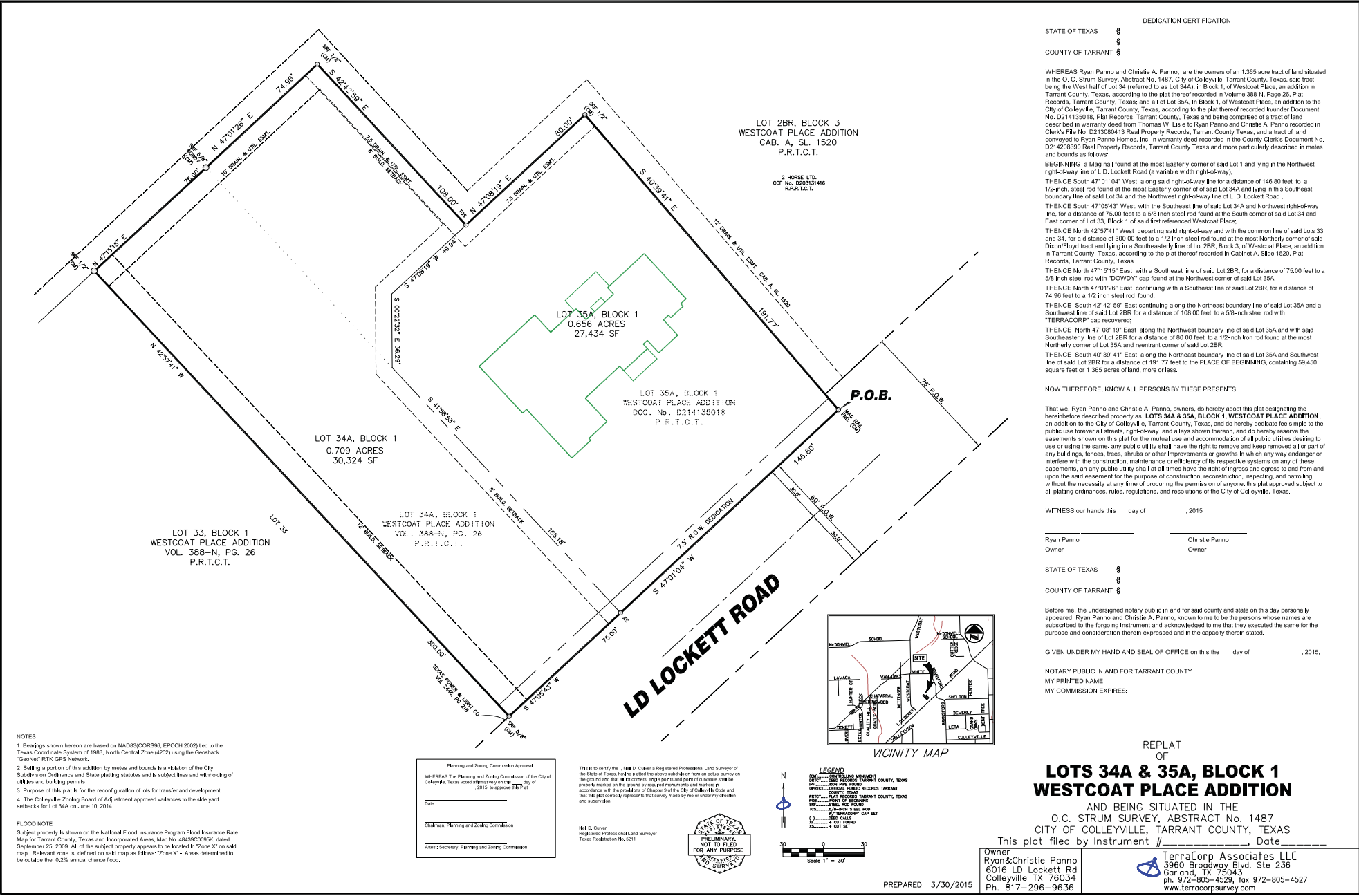
Both Lot 34A and 35A, Block 1 of Westcoat Place addition are zoned R40 according to the currently published City of Colleyville zoning map. Neither lot as it currently exists meets the minimum lot width (150 ft.) for R40 zoning, nor does it meet the minimum lot size (40,000 sq. ft.). Lot 34A is unable to meet any single family zoning minimum width requirement as the minimum lot width is 100 feet and the lot is 75 feet wide. The requested variance does not expand upon or add to any existing nonconformance as outlined in the Land Development Code Chapter 3, Section 3.7.

The proposed variances are also beneficial to the City of Colleyville for several reasons. The Master Thoroughfare Plan calls for a 75' Right-of-Way (ROW) along the frontage of both Lots 34A and 35A with LD Lockett Road, while the city currently has a 60' ROW. As part of this variance request, we propose to dedicate the additional 7.5' of ROW along the North side of LD Lockett Road to meet the Master Thoroughfare Plan. Additionally, we propose to grant the City of Colleyville a 10' drainage and utility easement along the rear lot line of Lot 34A.

The requested variances purposes are to balance the 57,758 sq. ft. more equitably and aesthetically between these two lots. Furthermore, this proposal benefits the City of Colleyville in providing for additional ROW and easements that do not currently exist.

Respectfully submitted,
Ryan Panno
6016 LD Lockett Road
Colleyville, TX 76034
817-296-9636
ryan.panno@gmail.com

Plat Exhibit





City of Colleyville Planning and Zoning Commission Agenda Briefing

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

Agenda Number 4b	Agenda Date 04/13/2015	Number
Type Public Hearing Agenda Items		
Department Community Development		

Title

Consideration of a Special Use Permit for an accessory building on Lot 3R1, Block 1, of the Pleasant Oaks Estates Addition, located at 601 Shelton Drive, Case ZC15-002

Explanation

Jeff Vanderpool, the property owner, has submitted a request for a Special Use Permit (SUP) to construct a 1,728 square foot detached accessory building on 2.56 acres located at 601 Shelton Drive.

Existing Conditions . The property is zoned R40 – Single Family Residential zoning district and is currently developed with a 4,488 square foot single family residence. A detached garage measuring 662 square feet and a 100 square foot loafing shed are also located on the property.

Statement of Planning Objectives. The applicant previously submitted Special Use Permit requests for an accessory building in 2001 and 2006. In 2001 the case was denied by the Planning and Zoning Commission by a vote of 3-3, with the dissenting members citing concerns about the proposed 3,000 square foot size of the building and the potential for conducting commercial business. In 2006, the request was denied by a vote of 3-1 with the opposing Commissioner noting concerns about the barn's proposed driveway. The applicant did not appeal to City Council on either occasion. Since this time, Mr. Vanderpool has reduced the size of the accessory building by approximately fifty percent (50%) and has enhanced the proposed design.

Development Standards. The applicant plans to construct a metal barn with a gabled metal roof and several courses of masonry at the base. Colors for the accessory building have not yet been selected. The proposed building is located in the southwestern portion of the lot, 15 feet from the side property line and 25 feet from the rear property line. The proposed height is twenty (20) feet to the highest roof ridge. The applicant intends to use the accessory building as a horse barn and storage facility.

Accessory buildings are regulated in the Land Development Code by Section 3.27 - Accessory Buildings and Residential Carport Regulations. Section 3.27 requires a Special Use Permit for any accessory building that does not meet the conditions of this section. The conditions allow up to a 1,750 square foot accessory building for a lot that is between 1.0 and 2.99 acres. Although the proposed barn's size of 1,728 square feet is within this limit, the site already has a detached garage measuring 662 square feet,

leaving only 1,088 square feet available. The existing 100 square foot loafing shed would be torn down once the barn is constructed, and would be a condition of Special Use Permit approval. A driveway approach currently exists near the central portion of the lot, and exceeds the Land Development Code's minimum spacing requirement of thirty two feet (32') for minor collectors. However, the applicant is not proposing to construct a driveway to the accessory building at this time.

The proposed accessory structure complies with the R40 – Single Family Residential zoning district's required fifteen (15) foot and twenty five (25) foot side and rear yard setbacks. The R40 – Single Family Residential zoning district allows for up to twenty percent (20%) lot coverage, which would not be exceeded by the proposed request. The accessory building will not penetrate the vertical height envelope required by Section 3.27 of the Land Development Code.

Non-Compliant Factors. The proposed accessory structure does not comply with the following provisions of the Land Development Code:

1. Section 3.27(A)2 – Maximum Size and Number of Buildings:

For lots between 1.0 and 2.99 acres, the maximum size for all accessory buildings on the site is 1,750 square feet. The proposed size of the new accessory building is 1,728 square feet. Including the existing 662 square foot garage, a total accessory building area of 2,390 is being requested, which exceeds the allowed maximum by 640 square feet.

The proposed accessory building complies with the other requirements of Section 3.27. The site plan, floor plan and elevations are incorporated as exhibits to the ordinance.

Surrounding Development Trends. All property surrounding the subject site is zoned R40-Single Family Residential zoning district. The area is primarily developed with single family detached residences, and many of the properties include accessory buildings.

Public Notification. Staff mailed notices to 14 adjacent property owners as well as all Homeowners Associations within 500 feet of the subject property regarding this request. Notification was also sent to the Grapevine Colleyville ISD per state law. Notice was published in the *Fort Worth Star-Telegram* as required by state law and the Land Development Code. No correspondence has been received to date.

Summary. The applicant proposes to construct a detached accessory building that exceeds the maximum size allowed by the Land Development Code, therefore requiring approval of a Special Use Permit. Given that the proposed structure meets all other requirements of the Land Development Code and is consistent with the character of the neighborhood, staff recommends approval.

Recommendation

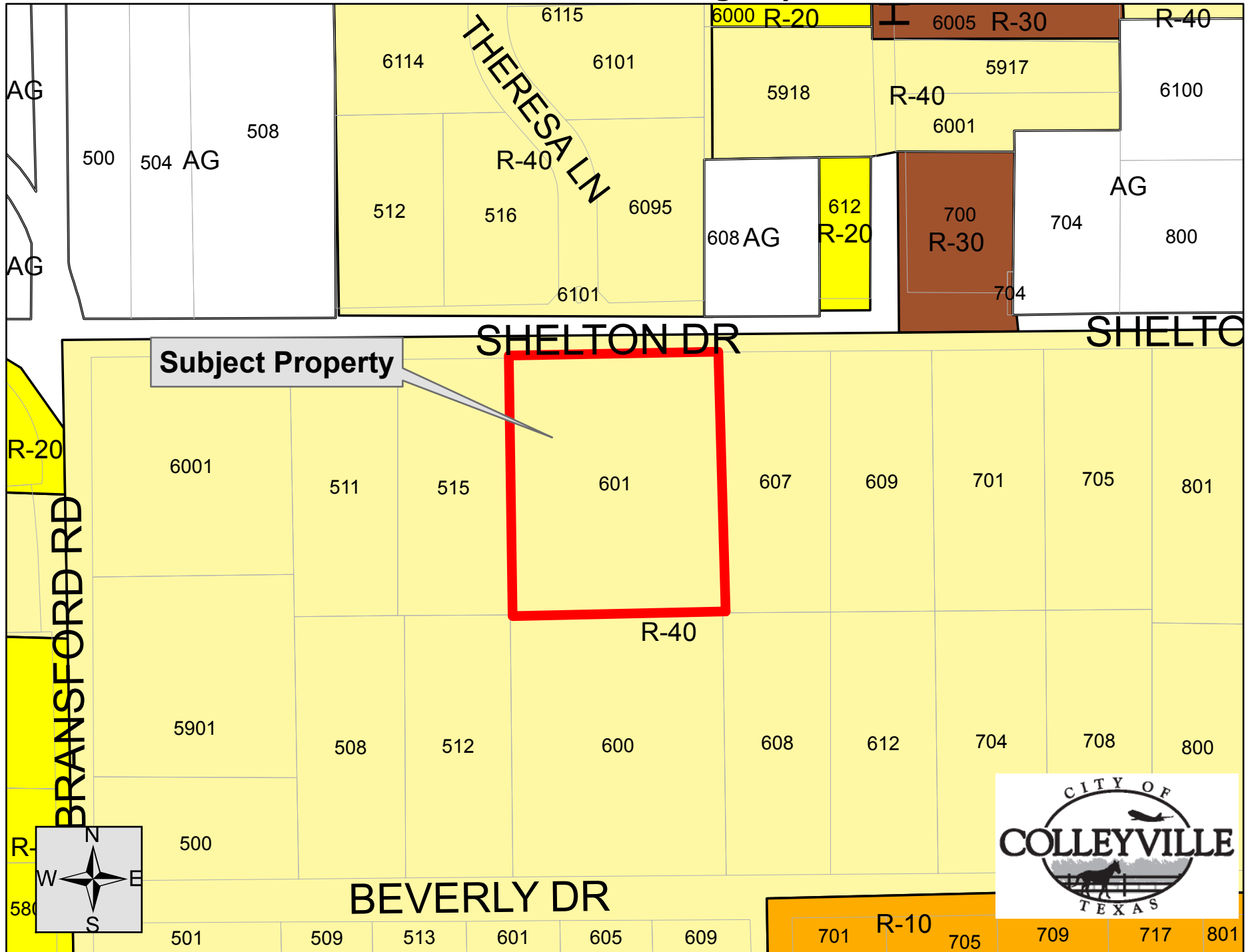
Approval with the following conditions:

- a. The Special Use Permit shall apply to the construction of an accessory building.
- b. The proposed accessory building shall not exceed 1,728 square feet in size including all covered patio areas.
- c. The total accessory building square footage on the lot shall not exceed 2,390 square feet.
- d. The existing 100 square foot loafing shed shall be removed upon completion of the proposed 1,728 square foot accessory building.
- e. The accessory building design and exterior materials shall be generally consistent with Exhibit "C".
- f. All requirements of the Land Development Code shall be met, except where amended herein.

Attachments

1. Location and Zoning Map
2. Aerial
3. Future Land Use Map
4. Notification List
5. Buffer Map
6. Statement of Planning Objectives
7. Zoning Exhibit
8. Elevations
9. Vertical Height Envelope
10. Ordinance O-15-XXXX

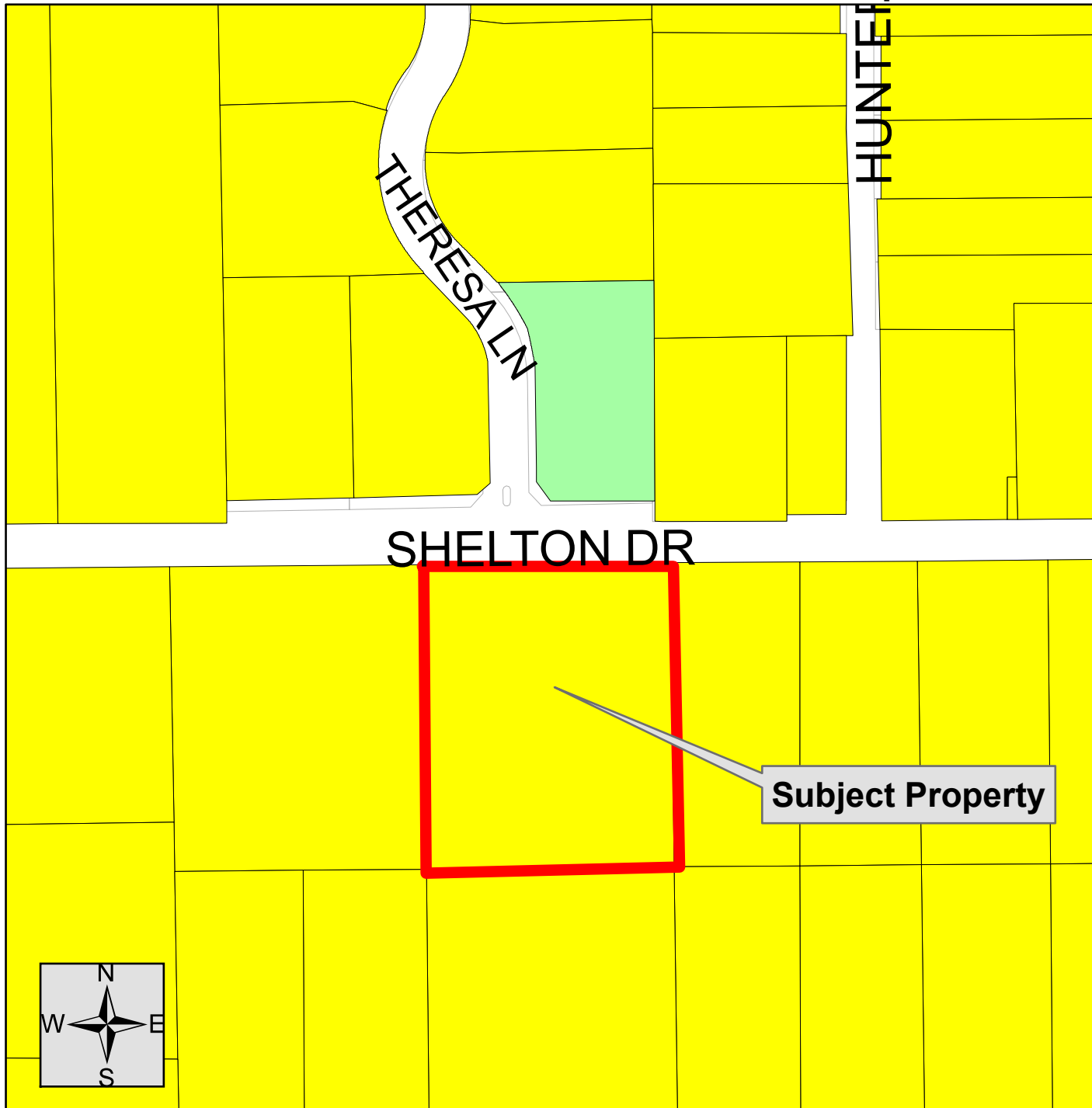
Location and Zoning Map



An aerial photograph of a residential neighborhood in Colleyville, Texas. The map shows several large, mostly vacant lots with some trees and structures. A red rectangular box highlights a specific lot, which is labeled 'Subject Property' with a white callout box. The lot is situated between Theresa Ln and Shelton Dr. Surrounding lots are numbered, including 508, 512, 516, 511, 515, 601, 607, 609, 701, 705, 5901, 508, 512, 600, 608, 612, 5918, 6001, 604, 508, 612, 516, 6095, 608, 612, 6001, 704, 704, 6001, 508, 512, 600, 608, 612, 704, 705, 5901, 508, 512, 600, 608, 612. A compass rose is located in the bottom left corner, and the City of Colleyville logo is in the bottom right corner. The text 'THERESA LN' and 'SHELTON DR' are written vertically and horizontally across the map respectively.



Future Land Use Map



Legend

- Single Family
- Multi-Family
- Office
- Retail
- Institutional
- Industrial
- Roadway
- Utilities
- Parks
- Private Open Space
- Water
- Parcels



Notification List

Owner Name	Owner Address	Owner City	Owner State	Owner Zip	Situs Address
Yaffa, Larry	608 Shelton Dr	Colleyville	Texas	76034	000608 Shelton Dr
Hill, William Etux Elizabeth	512 Shelton Dr	Colleyville	Texas	76034	000512 Shelton Dr
Alianne Partners Lp	601 Shelton Dr	Colleyville	Texas	76034	000000 Theresa Ln
Graves, Randal Etux Iris	516 Shelton Dr	Colleyville	Texas	76034	000516 Shelton Dr
Woods, Gary M & Marcia A Woods	6095 Theresa Ln	Colleyville	Texas	76034	006095 Theresa Ln
Edward, Tim A	608 Beverly Dr	Colleyville	Texas	76034	000608 Beverly Dr
Cleff, David M Etux Lisa S	612 Beverly Dr	Colleyville	Texas	76034	000612 Beverly Dr
Stephens, Billy G Etux Dinah	612 Shelton Dr	Colleyville	Texas	76034	000612 Shelton Dr
Lothrop, William D & Beverly L	609 Shelton Dr	Colleyville	Texas	76034	000609 Shelton Dr
Childress, John Etux Christina	512 Beverly Dr	Colleyville	Texas	76034	000512 Beverly Dr
Gleason, James T	600 Beverly Dr	Colleyville	Texas	76034	000600 Beverly Dr
Quinn, Garry L Etux Helen J	511 Shelton Dr	Colleyville	Texas	76034	000511 Shelton Dr
Childress, John	512 Beverly Dr	Colleyville	Texas	76034	000515 Shelton Dr
Rimmer, Harry L III Etux Peggie	508 Beverly Dr	Colleyville	Texas	76034	000508 Beverly Dr
Cama, Karl J & Janice	7212 Majestic Mnr	Colleyville	Texas	76034	000607 Shelton Dr
GRAPEVINE COLLEYVILLE ISD	3051 IRA E WOODS AVE	Grapevine	Texas	76051	State Law Required
Alianne Estates HOA	6201 Theresa Lane	Colleyville	Texas	76034	Courtesy Notice
Vanderpool, Jeffrey Etux There	601 Shelton Dr	Colleyville	Texas	76034	Applicant

Public hearing notices were mailed
Wed., April 1, 2015 by Taci Wrisley

Buffer Map

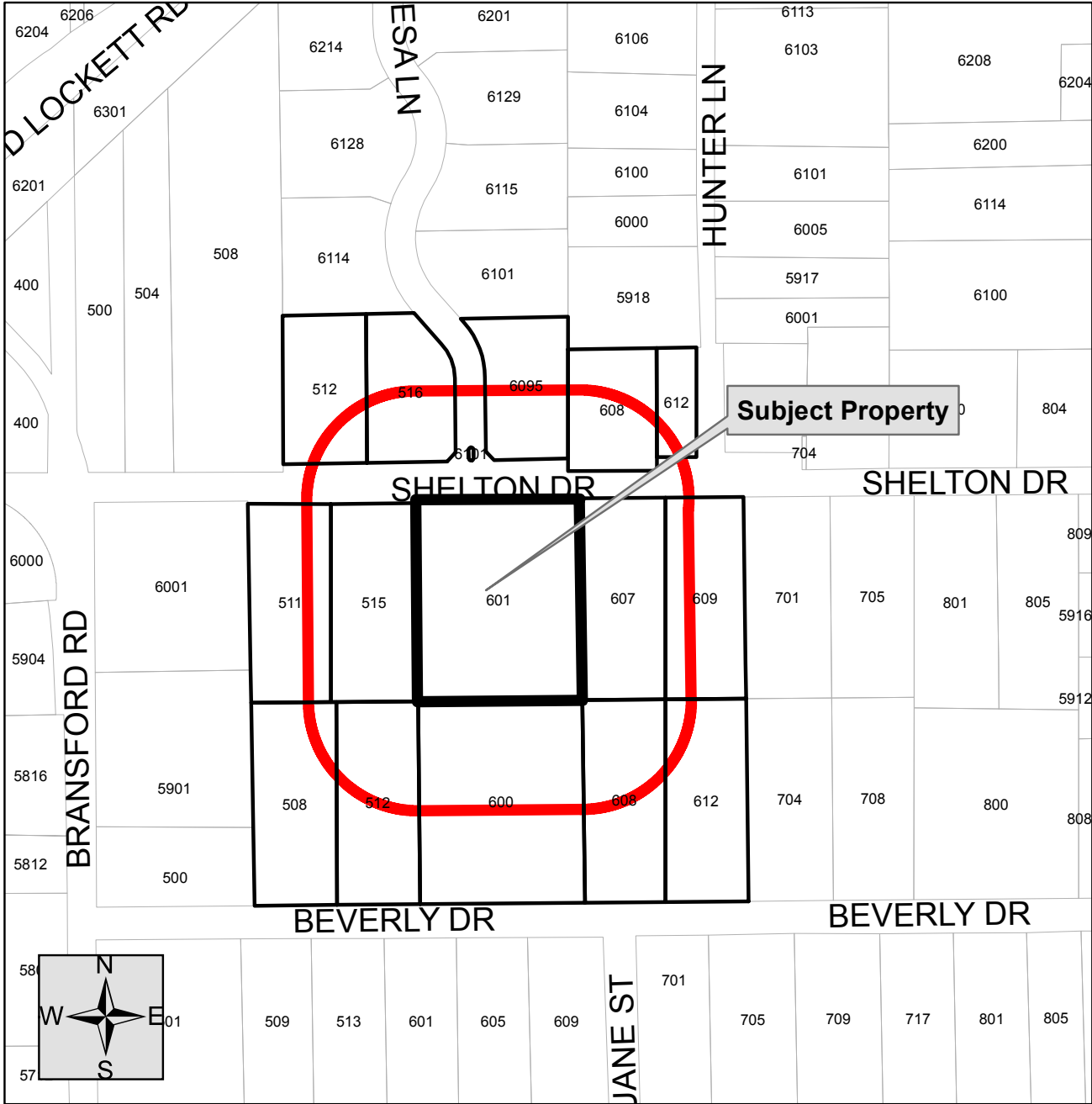
Case ZC15-002
601 Shelton Drive

Legend

Properties within 200 feet

Subject Property

Parcels



Statement of Planning Objectives

5 March 2015

Colleyville Development Review Committee
100 Main Street
Colleyville 76034

Re: 601 Shelton Drive Accessory Building Application

In regard to the Development Review Committee's letter of 9 February 2015, we submit the following comments to the Committee's questions/requests for information:

1. Statement of Planning Objectives – The proposed accessory building is a combination horse barn and storage facility for the owner's boat and other personal property. The size reflects the projected needs of the property owner, and aligns with the general constraints of the lot size (1750 square feet) if the current detached garage were to be connected to the main residence. The owner would prefer a larger facility to provide for an additional hobby woodworking shop, but has elected to minimize the design to conform to city statutes.
2. The revised location of the accessory building is at the site of the existing loafing shed, which will be removed upon construction of the new building.

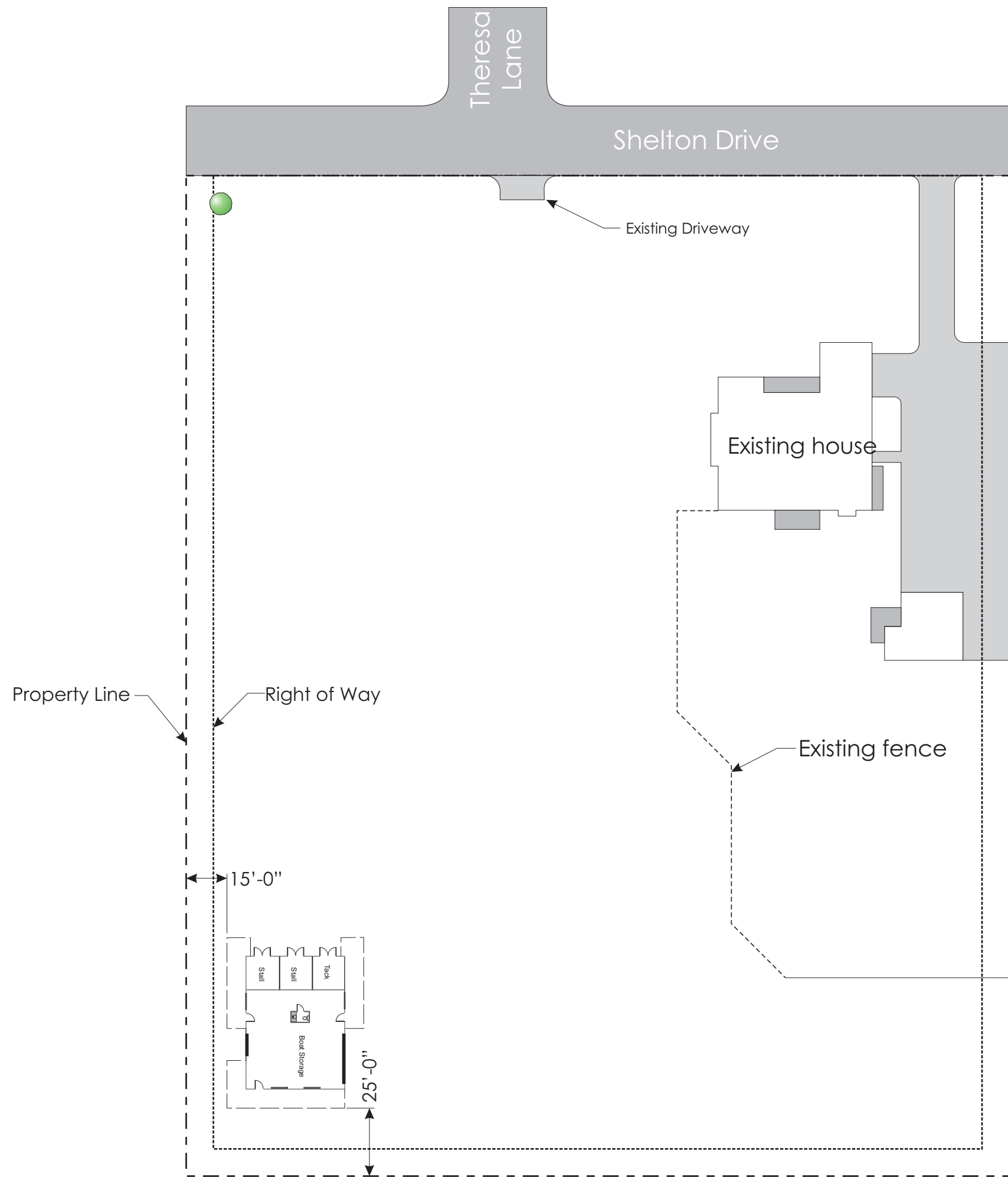
As mentioned in the Committee's finding, similar requests were submitted in 2001 and 2006. The first was denied primarily due to overwhelming neighbor opposition, for which the owner was mystified and frankly unprepared. The 2006 submission was brought before the P&Z Commission on a day when the minimum number of board members were present to constitute a quorum, and the submittal was denied due to a single "no" vote.

The submittal is brought a third time, and in this instance the structure will be built whether approved or not. The lot has sufficient size to subdivide and maintain the R-40 zoning requirement. The process of submitting to Planning and Zoning is the easiest and most cost-effective way to move forward, and affords the council an opportunity for input and questions. The owner has submitted a more aesthetically pleasing (and costly) facility than is needed for a simple barn/storage facility. Subdividing the lot will take more time and be more costly, but no design constraints or input from council or neighbors will be required (other than fairly liberal city design mandates), and the extra funds expended to go through the subdivision process will take away from the aesthetic costs of the building. This has no impact on the owner either way as the owner is indifferent to the aesthetics of the barn.

Sincerely,

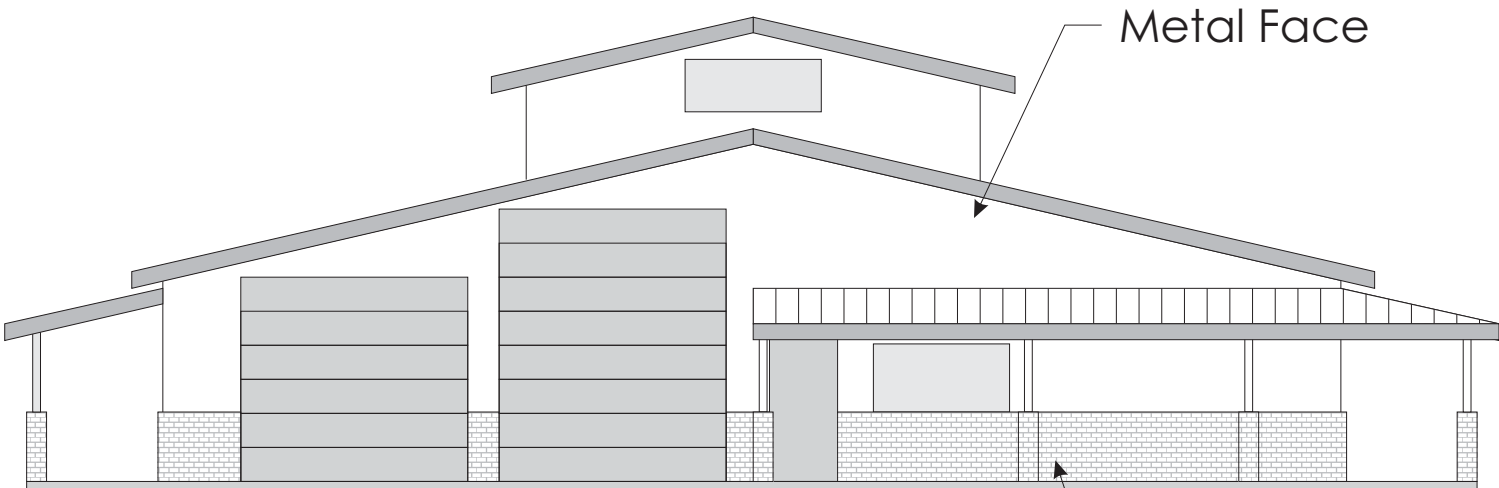


Jeff Vanderpool
601 Shelton Drive
Colleyville, Texas 76034
817.498.4719
jv.comm1@gmail.com

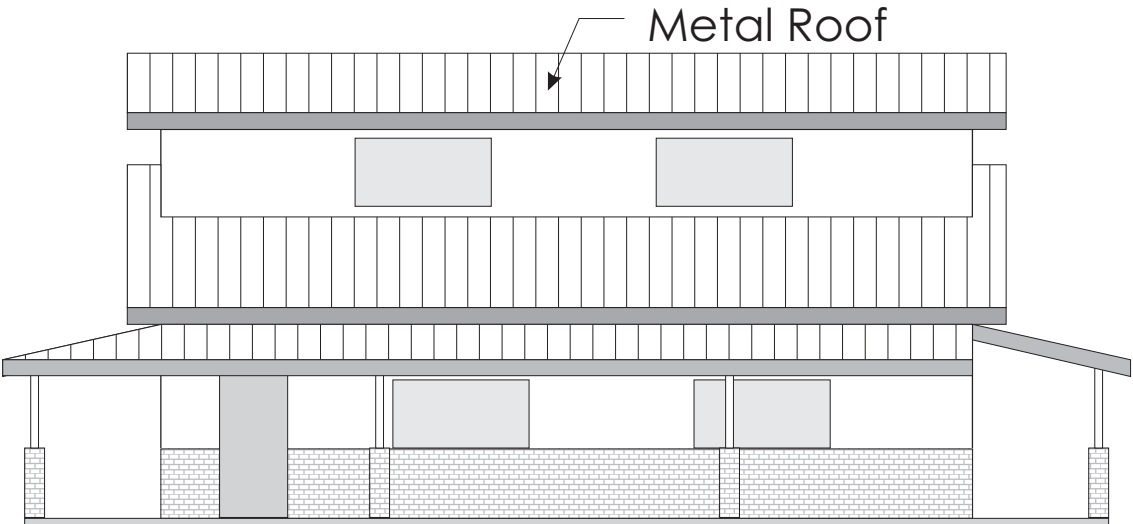


Plot
Vanderpool Barn - Preliminary
601 Shelton Drive, Colleyville 76034
Scale: 1' = 500' 1Apr2015 Rev 04

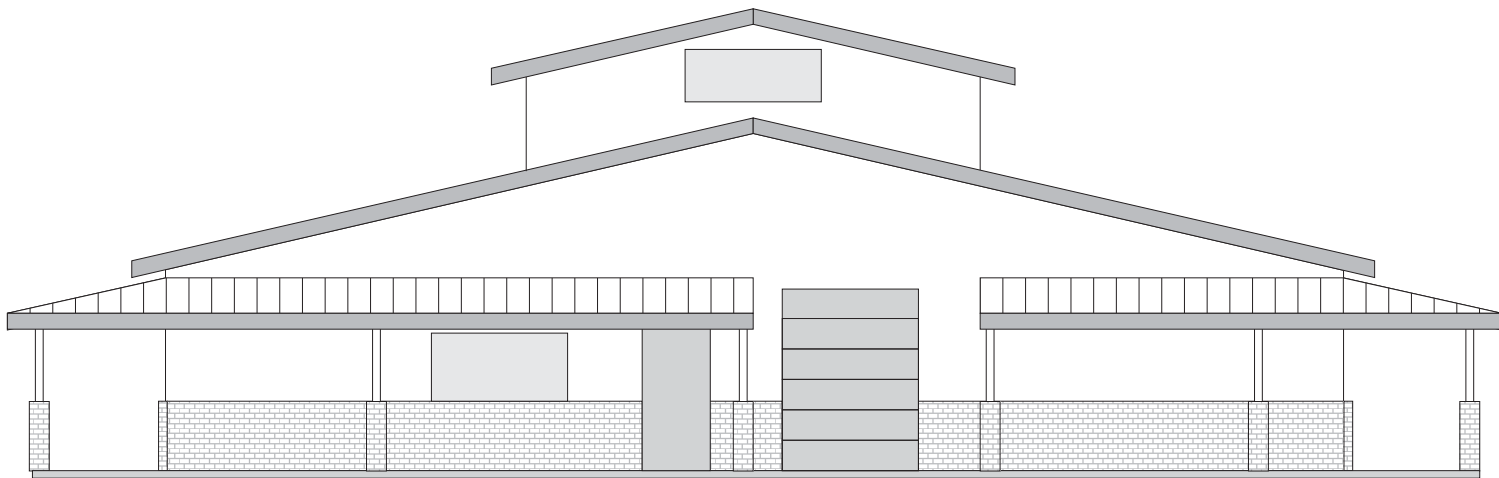
Elevations



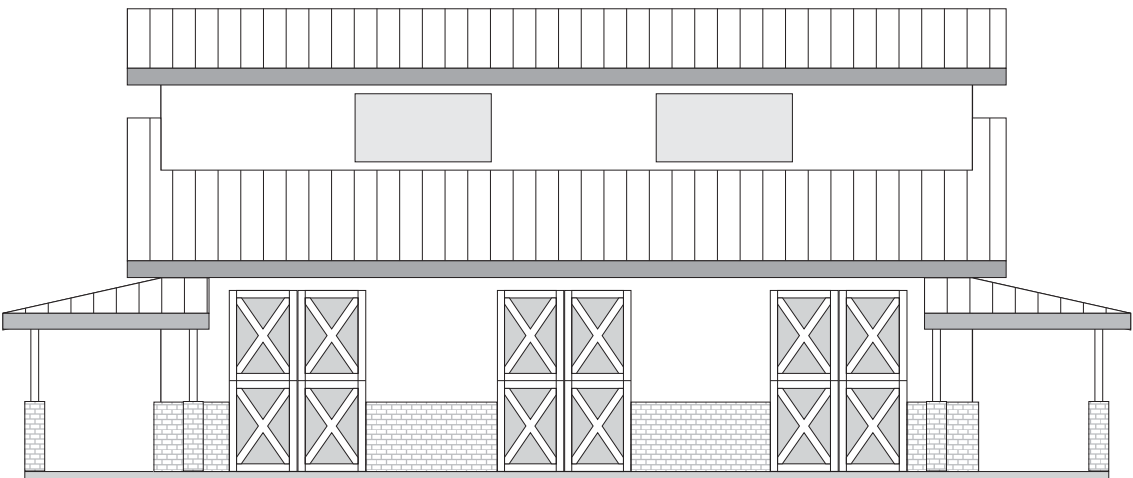
Front/East



Side/South

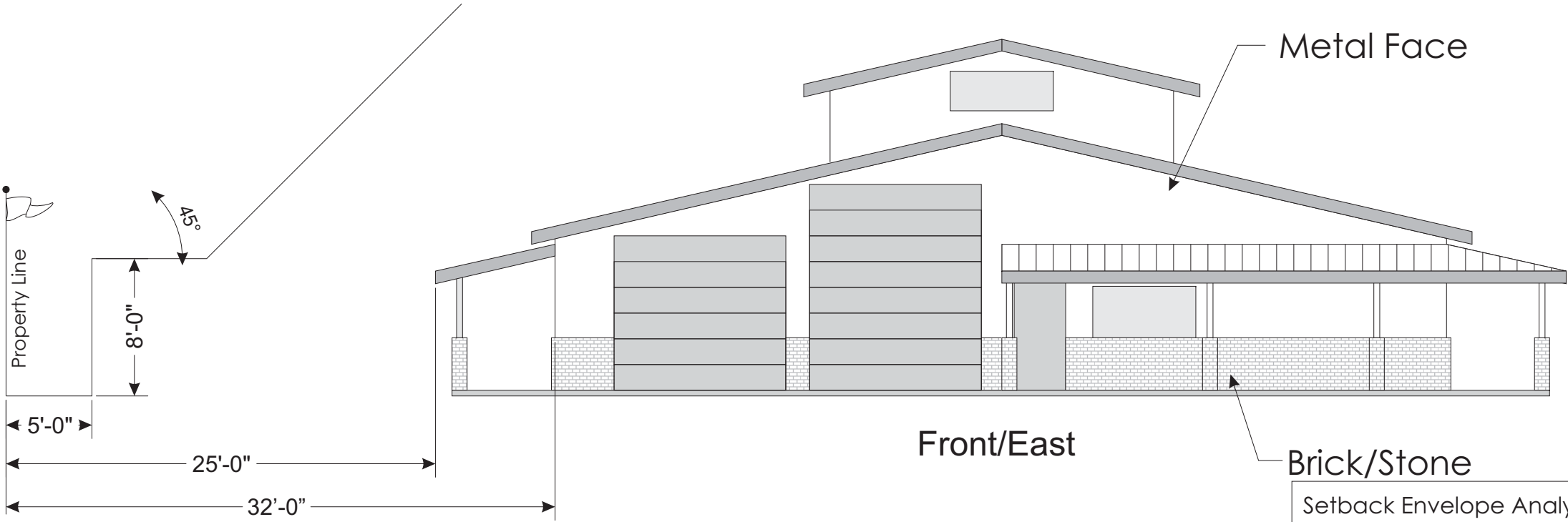
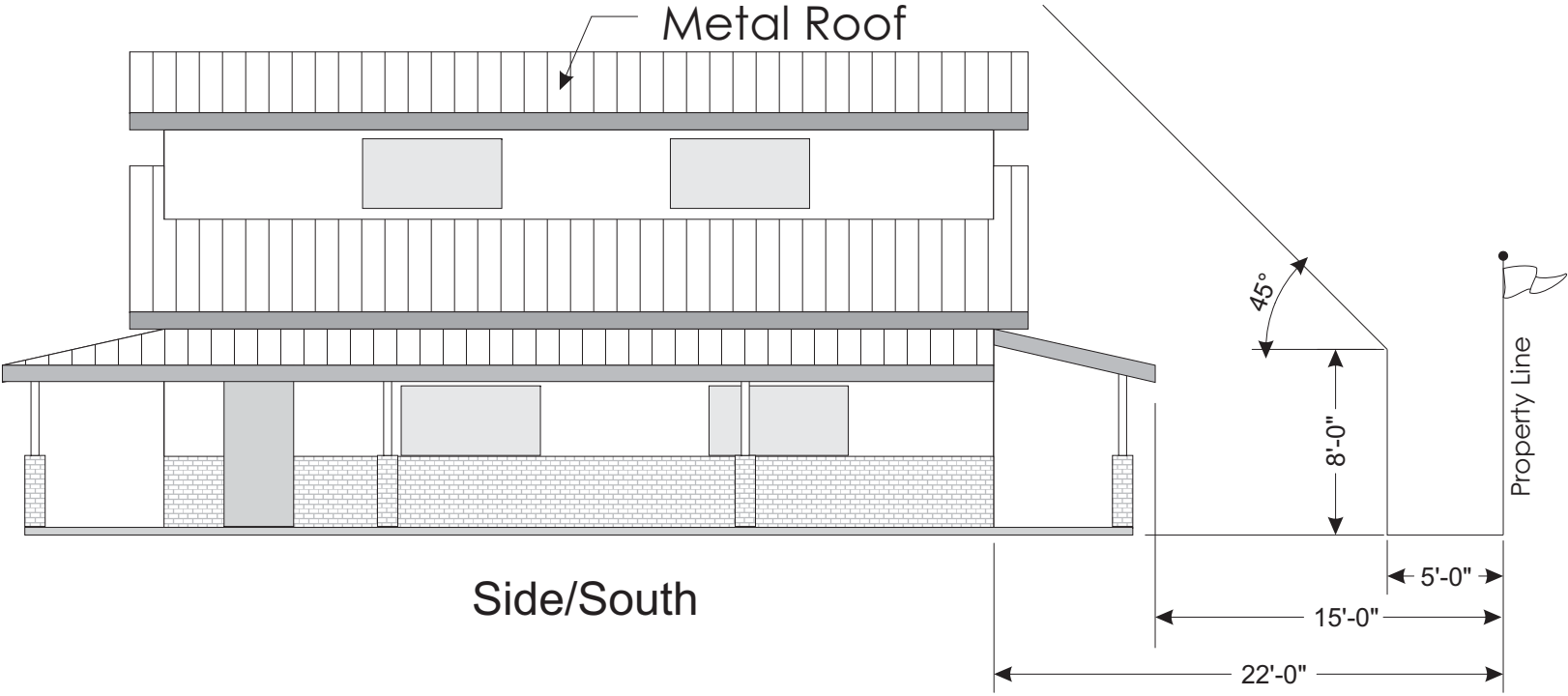


Back/West



Side/North

Elevations
Vanderpool Barn - Preliminary
601 Shelton Drive, Colleyville 76034
Scale: 1/8" = 1' 5Mar2015 Rev 02



Setback Envelope Analysis
Vanderpool Barn - Preliminary
601 Shelton Drive, Colleyville 76034
Scale: 1/8" = 1' 1 Apr2015 Rev 04

ORDINANCE O-15-XXXX

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF COLLEYVILLE, TEXAS, BY AMENDING THE OFFICIAL ZONING MAP AND CHANGING THE ZONING OF LOT 3R1, BLOCK 1 OF THE PLEASANT OAKS ESTATES ADDITION, LOCATED AT 601 SHELTON DRIVE, BY AUTHORIZING A SPECIAL USE PERMIT FOR AN ACCESSORY BUILDING; 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 Special Use Permit for an accessory building under Case No. ZC15-002; and

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

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

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

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

WHEREAS, the Planning and Zoning Commission of the City of Colleyville and the City of Colleyville City Council, in compliance with the Charter of the City of Colleyville, and state law with reference

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

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

- Sec. 1. THAT all the foregoing premises and findings are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety.
- Sec. 2. THAT the Comprehensive Zoning Ordinance of the City of Colleyville, Texas, be, and the same is hereby amended by changing the zoning on Lot 3R1, Block 1 of the Pleasant Oaks Estates Addition located at 601 Shelton Drive by authorizing a Special Use Permit for an accessory building, as depicted on 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 the above described tract of land shall be subject to the following conditions:

1. GENERAL

- a. The Special Use Permit shall apply to the construction of an accessory building.
- b. The proposed accessory building shall not exceed 1,728 square feet in size including all covered patio areas.
- c. The total accessory building square footage on the lot shall not exceed 2,390 square feet.
- d. The existing 100 square foot loafing shed shall be removed upon completion of the proposed 1,728 square foot

accessory building.

e. The accessory building design and exterior materials shall be generally consistent with Exhibit "C".

d. All requirements of the Land Development Code shall be met, except where amended herein.

Sec. 5. THAT any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Colleyville, and upon conviction shall be punishable by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense.

Sec. 6. THAT if any section, paragraph, subdivision, clause, phrase, or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.

Sec. 7. THAT in addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.

Sec. 8. THAT it has been found that there has been a change in conditions in the above described property, it is now necessary that it be given the above zoning classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare, and requires that this ordinance shall take effect immediately from and after its passage.

AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 5th day of May 2015.

The second reading and public hearing being conducted on the 12th day of May 2015.

PASSED AND APPROVED by the City Council of the City of Colleyville, Texas, on this the _____ day of _____ 2015.

ATTEST:

CITY OF COLLEYVILLE

Amy Shelley, TRMC
City Secretary

David Kelly
Mayor

APPROVED AS TO FORM AND LEGALITY:

Matthew C. G. Boyle
City Attorney

Exhibit "A" – Location and Zoning Map

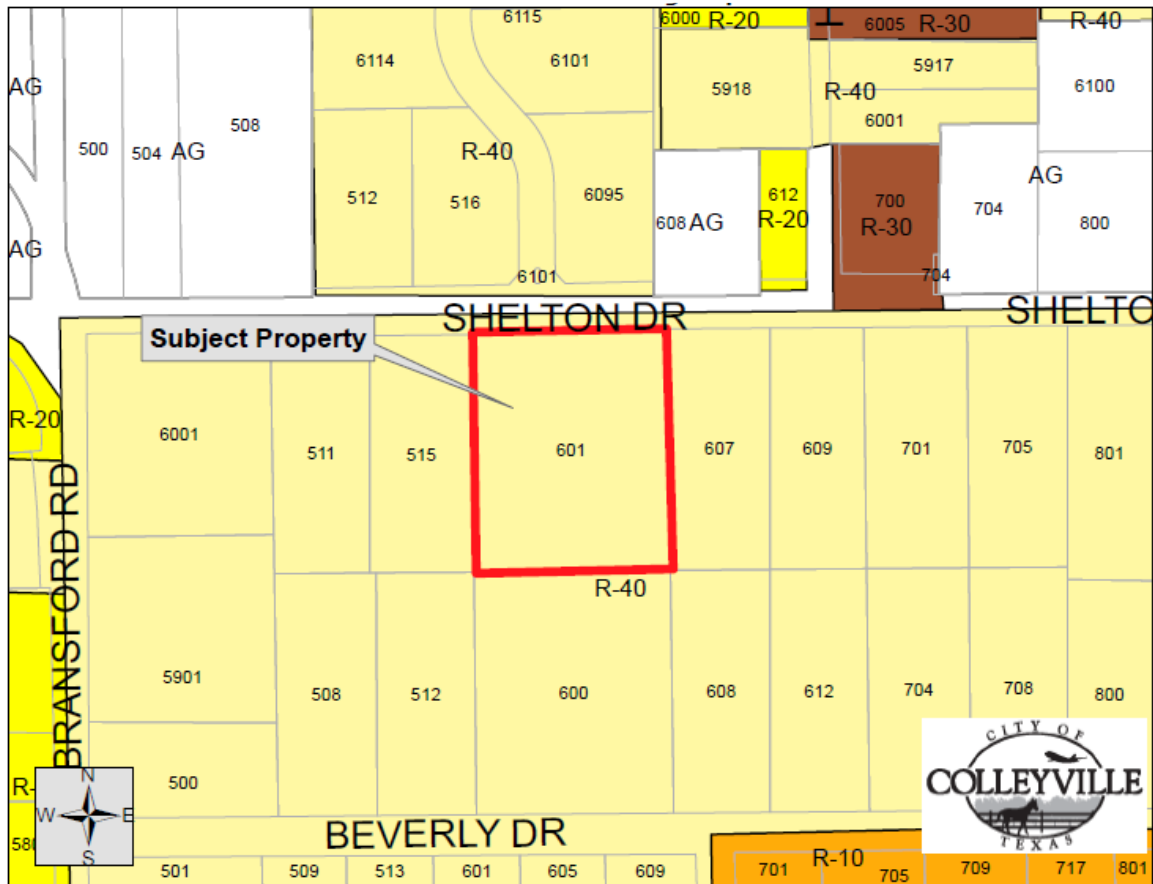


Exhibit "B" – Zoning Exhibit

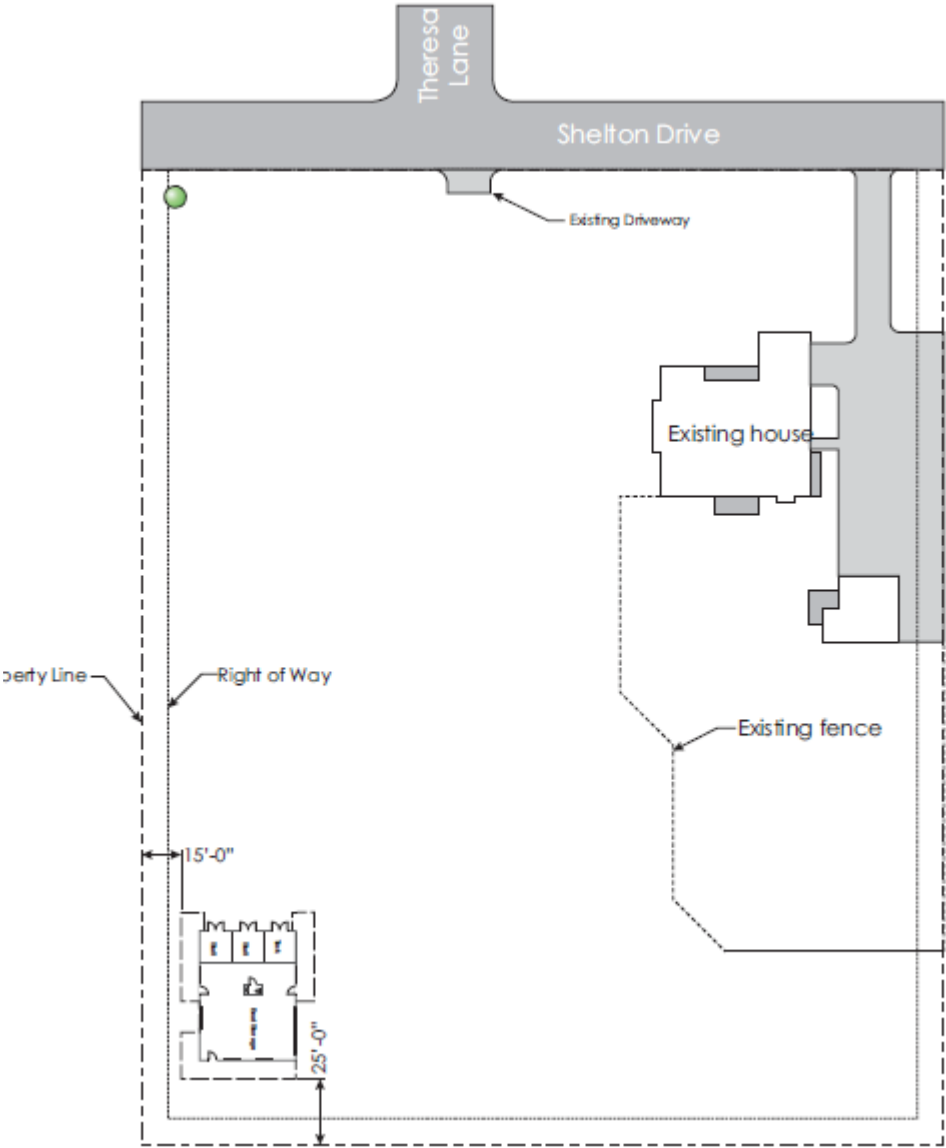
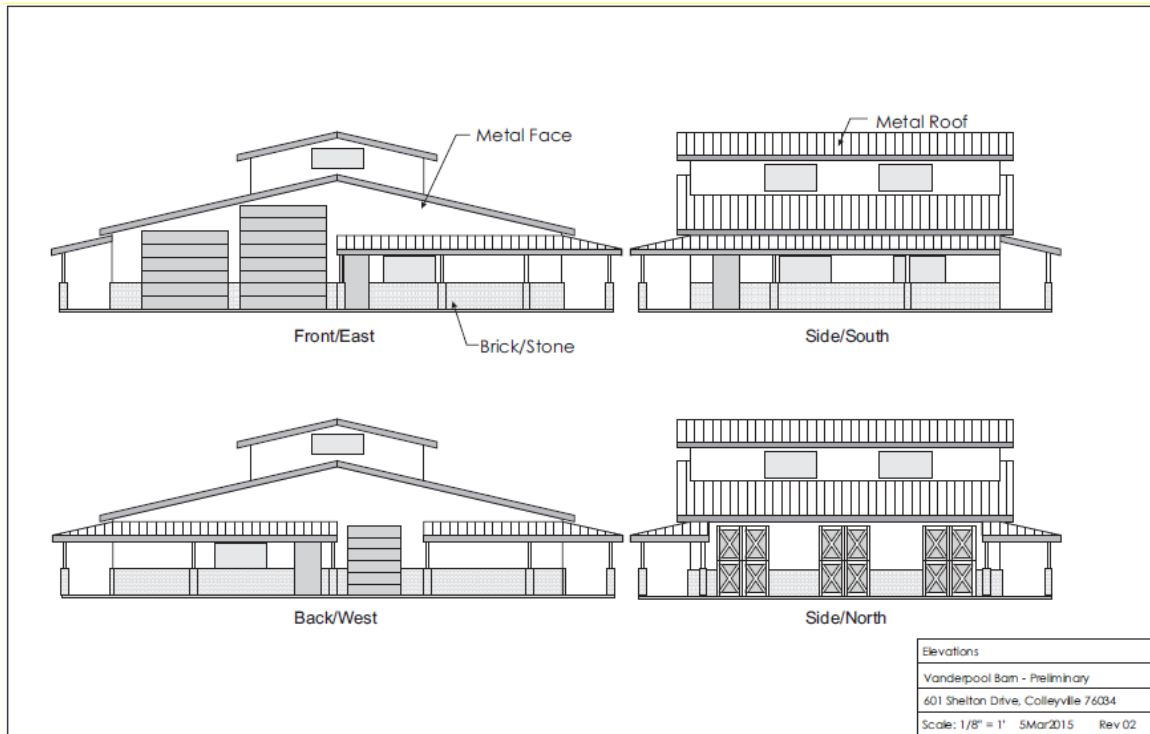


Exhibit "C" – Building Elevations





City of Colleyville Planning and Zoning Commission Agenda Briefing

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

Agenda Number 4c	Agenda Date 04/13/2015	Number
Type Public Hearing Agenda Items		
Department Community Development		

Title

Consideration of an amendment to the PUDC-Planned Unit Development Commercial zoning requirements on Abstract 1154, of the R. H. McEwing Survey located at 8092 Precinct Line Road, Case ZC15-005

Explanation

Paul Moss, representing Lavaca JV, LLC, has submitted a request to amend the PUD-C – Planned Unit Development Commercial zoning of 3.022 acres located at 8092 Precinct Line Road.

Existing Conditions. Ordinance O-10-1761 was approved by the City Council on August 3, 2010. It established the PUD-C zoning for the entire 8.08-acre site and authorized uses for Tract I (3.02 acres) and Tract II (5.06 acres). However, only Tract II has been developed as an assisted living facility. Tract I is currently vacant. The property owner is seeking to amend the PUD-C to provide a site plan for Tract I. The proposed office use is consistent with the requirements of Ordinance O-10-1761, which stipulates that development within Tract I must comply with the CC2 – Shopping Center zoning district regulations.

Statement of Planning Objectives. The developer has provided a written Statement of Planning Objectives, which has been used for drafting the proposed PUD-C ordinance for the subject property. The Statement of Planning Objectives describes the nature of the proposed development, includes a development schedule and a statement of development goals. A copy of the Statement of Planning Objectives is attached to this agenda briefing.

Development Standards. The proposed development will consist of three office buildings, each on a separate lot. Lot 1 is 20,500 square feet in size and contains a 3,664 square foot office building. A total of nineteen (19) parking spaces would be required for medical office uses, and twenty-three (23) spaces are provided. A quarter of the lot area is devoted to landscaping, 2,837 square feet of which is located in front of the building facing Precinct Line Road.

Lot 2 is 36,260 square feet in size and features an 8,510 square foot building. Forty (40) parking spaces are provided, which exceeds the requirement of twenty-nine (29) spaces. Approximately twenty-five percent (25%) of the lot is landscaped, with the majority of vegetation located along Precinct Line Road and Lavaca Trail.

Lot 3 occupies the eastern half of the property and is 74,878 square feet in size. It contains an 11,876 square foot building and forty-one (41) spaces, which is two more than are required. Existing detention ponds are located along the eastern border of the site and in the southeast corner. Landscaped area including the ponds is 38,005 square feet, or fifty-one percent (51%) of the lot area.

All lots and proposed buildings comply with the minimum dimensions and setbacks established for the PUD-C zoning district, which are as follows:

Lot size:	7,200 square feet
Lot width:	70 feet
Lot depth:	115 feet
Front setback:	40 feet
Side setback:	10 feet
Rear setback:	10 feet

Access. The applicant is proposing two points of access to the property with one from Precinct Line Road and one from Lavaca Trail.

Open Space. Ordinance O-10-1761 requires an open space area equal to 38.28 percent of the total 8.08 acre development. This requirement was satisfied by Tract II, which provided amenities in the open space areas including walk-ways, park benches, small gardens and water features. Tract I, the subject property, proposes to provide 52,240 square feet of open space between the three lots. This equates to forty percent (40%) of the 3.022 acre site area and exceeds the twenty percent (20%) typically required for PUD-C developments.

Landscaping. The applicant has submitted a landscape plan that includes 18 trees and 175 shrubs, with the majority of landscaping in the front of the proposed buildings and along Precinct Line Road and Lavaca Trail. The landscaping depicted on the plan meets, and in some cases exceeds, the minimum requirements of the Land Development Code.

Exterior Building Elevations. The applicant has submitted exterior building elevation plans, which have been included within the draft PUD-C ordinance. All three of the proposed buildings utilize natural stone as the primary building material, with bands of cement stucco around the windows. Architectural elements including large wood brackets, cut stone bands, arched doors and windows, and decorative iron lights are proposed. The proposed elevations yield a design score of 31.8 points. Chapter 6 of the Land Development Code requires a minimum score of 30 points for all commercial zoning classifications with the exception of PUD and SUP districts. These developments may obtain approval of higher or lower values as authorized by the City Council.

Trails. According to the *Colleyville Pathways Plan*, a ten (10) foot wide concrete trail is required along Precinct Line Road and a five (5) foot wide sidewalk is to be constructed along Lavaca Trail. The trails will be required to be constructed upon issuance of the building permit.

Platting. The subject property will be required to be platted upon approval of the rezoning request. The applicant acknowledges this requirement.

Surrounding Development Trends. The properties directly to the north and south are zoned PUD-C and developed as offices. The property to the east is zoned PUD-C and contains an assisted living facility. The properties to the west are located within the City of North Richland Hills and are single family residential uses.

Development Fees. Water, sewer, and roadway impact fees are due at the time of building permit issuance. Fees shall be calculated as described in Chapter 13 of the Land Development Code.

Master Plan. The *2004 Colleyville Plan* designates this property for future retail uses. The proposed development of offices is not consistent with the Master Plan's future land use recommendation. However, Ordinance O-10-1761 allows all uses within the CC2 zoning district; therefore, there is a possibility for future retail use on the property.

Public Notification. Staff notified nine (9) property owners within 200 feet of the subject property as well as any Homeowners' Associations within 500 feet regarding this request. Keller ISD, where the subject property is located, was notified per State law. Notice was published in the *Fort Worth Star-Telegram* as required by state law and the Land Development Code. Staff has received no correspondence regarding this request.

Summary. While the request meets the minimum requirements of the Land Development Code, the proposed rezoning does not conform to the *2004 Colleyville Plan's* future land use recommendation of retail. However, Ordinance O-10-1761 requires that the subject property comply with the CC2 zoning district, which lists offices as a permitted use. In addition, the CC2 zoning district would allow for retail uses in the future. Commercial development trends within the City indicate a pattern of retail/office integration along commercial corridors with retail uses typically concentrated around major intersections.

Recommendation

Approval with the following conditions:

1. General

- a. The purpose of this PUD-C is for an office development.
- b. This property is subject to all the regulations contained in the Land Development Code, except where amended by this Ordinance.

2. Zoning Exhibit

- a. The development shall be generally consistent with Exhibit "B", which shall not be considered the plat.

3. Building Elevations

- a. Buildings shall be consistent with the elevations shown on Exhibit "C".
- b. Buildings shall utilize natural stone as the primary exterior finish material, with other masonry products provided in accent areas.
- c. Architectural elements including large wood brackets, cut stone bands, arched doors and windows, and decorative iron lights shall be provided.
- d. Each building must achieve a minimum commercial design score of 31.8 points.

4. Open Space

- a. This development shall provide a minimum of 40% common open space, as shown on Exhibit "B". All open space areas shall be landscaped and maintained by the property owner as shown on the attached Exhibit "D".
- b. The distribution of landscaping on the property shall be in accordance with the attached Exhibit "D" labeled Landscape Plan. At a minimum, all landscaping shall comply with Chapter 4-Landscaping in the Land Development Code.

5. Parking

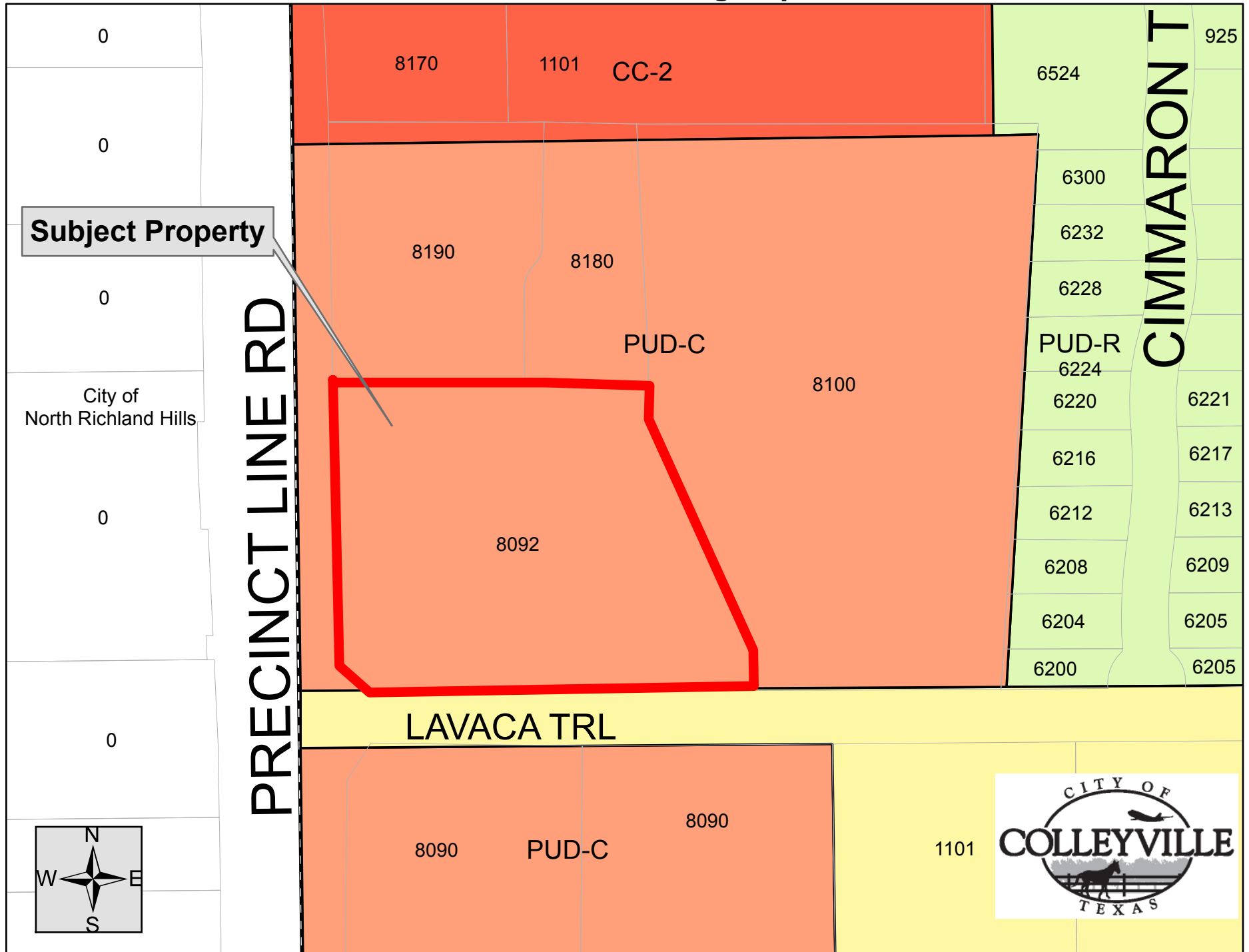
- a. This development shall be required to have a minimum of 87 parking spaces.

Attachments

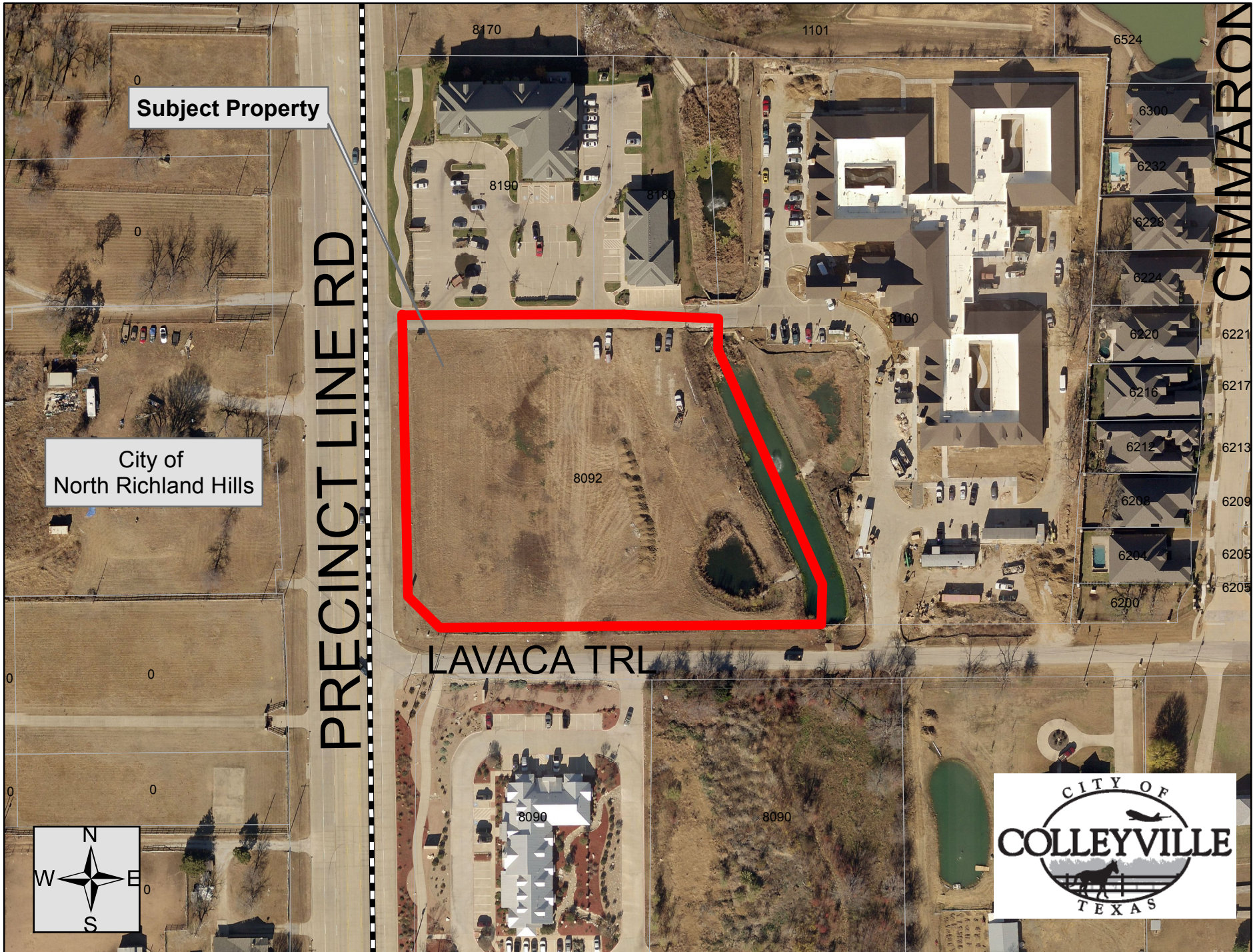
- 1. Location and Zoning Map
- 2. Aerial
- 3. Future Land Use Map
- 4. Notification List
- 5. Buffer Map
- 6. Statement of Planning Objectives
- 7. Zoning Exhibit

8. Building Elevations
9. Landscape Plan
10. Ordinance O-10-1761
11. Ordinance O-15-XXXX

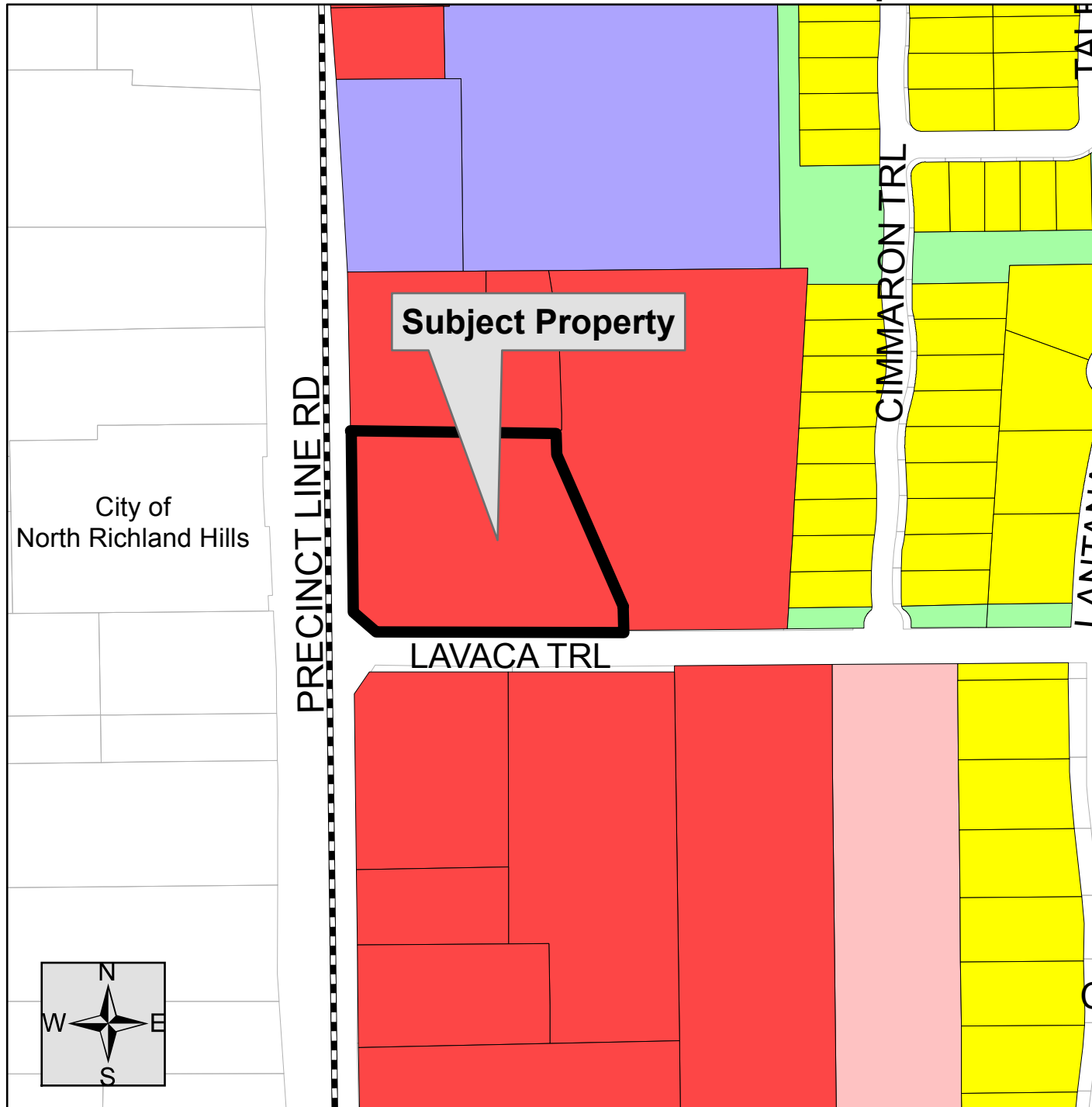
Location and Zoning Map



Aerial

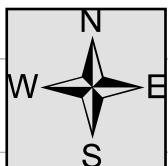


Future Land Use Map



Legend

- Single Family
- Multi-Family
- Office
- Retail
- Institutional
- Industrial
- Roadway
- Utilities
- Parks
- Private Open Space
- Water
- Parcels



Notification List

Owner Name	Owner Address	Owner City	Owner State	Owner Zip	Situs Address
Gene Young Standard Ins A Corp	620 W Pipeline Rd	Hurst	Texas	76053	008190 Precinct Line Rd
Corliss Stone-Littles Llc	8180 Precinct Line Rd Ste 150	Colleyville	Texas	76034	008180 Precinct Line Rd
Stanley, Lynette	1101 Lavaca Trl	Colleyville	Texas	76034	001101 Lavaca Tr
Ravenwood Development Llc	131 Quest Ct	Keller	Texas	76248	008090 Precinct Line Rd
Linles Properties Ltd	2601 Highland Meadow Dr	Colleyville	Texas	76034	008090 Precinct Line Rd
Usmc Colleyville Llc	14881 Quorum Dr Ste 250	Dallas	Texas	75254	008100 Precinct Line Rd
Keller ISD	350 Keller Parkway	Keller	Texas	76248	State law required
City of North Richland Hills	7301 NE Loop 820	North Richland Hills	Texas	76180	Courtesy Notice
Villas of Colleyville HOA	1108 Pioneer Parkway	Arlington	Texas	76013	Courtesy Notice
Lavaca JV, LLC	8821 Davis Blvd, Suite 220	Keller	Texas	76248	Applicant

Public hearing notices were mailed
Wed., April 1, 2015 by Taci Wrisley

[illegible]

Legend

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



Statement of Planning Objectives

LaVaca JV, LLC
8821 Davis Boulevard, Suite 220
Keller, TX 76248

February 20, 2015

To whom it may concern,

LaVaca JV, LLC, requests to amend the existing PUD of the property at 8092 Precinct Line Road, Colleyville, TX 76034, for the purpose of developing three (3) individual lots as Class-A medical and professional office sites. These planned office structures will coincide with the existing goals for development within the City of Colleyville, with high-end elevations and manicured common areas. Each lot is to be individually owned by developer.

The projected development schedule for this project is expected to begin June 1st, 2015 with a completion date of September 1st, 2015.

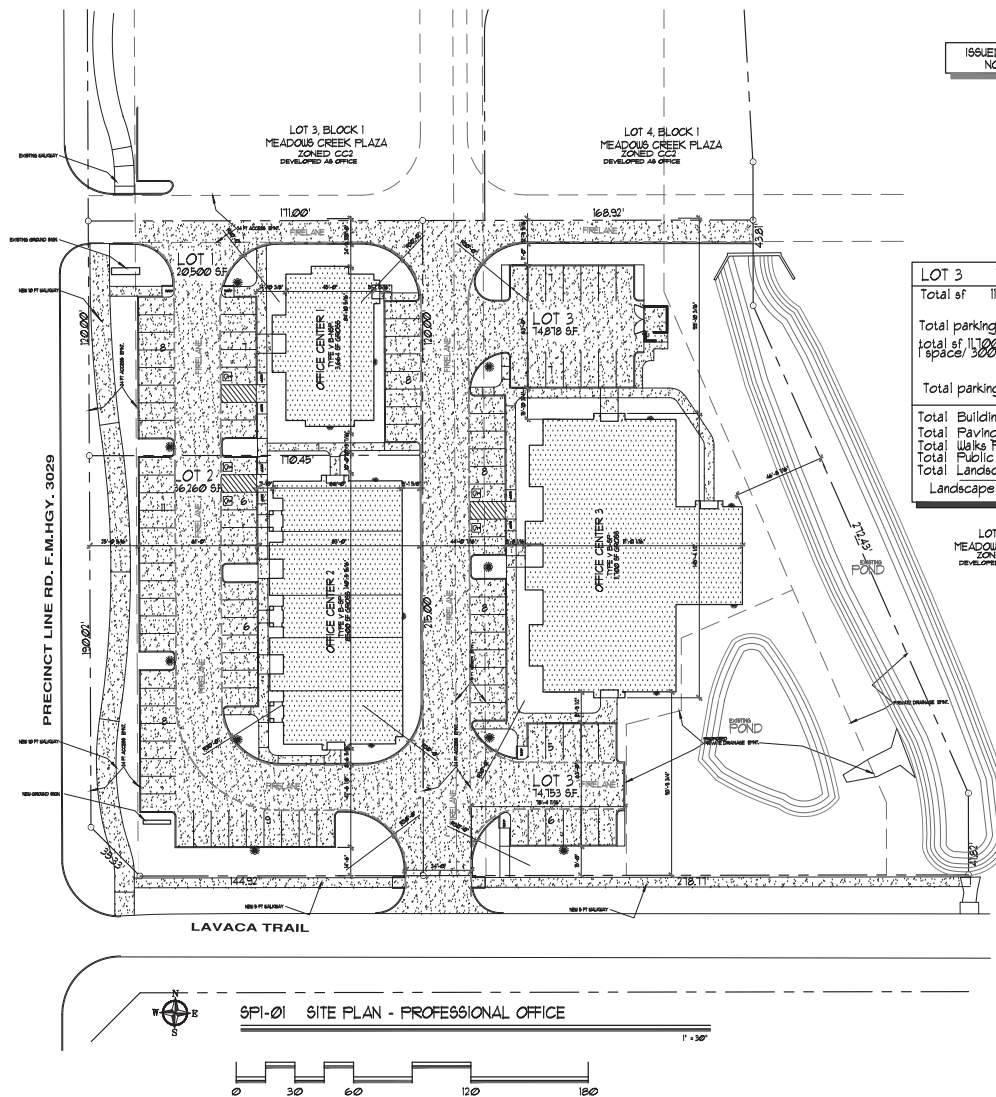
Regards,

LaVaca JV, LLC



Paul Moss, Member

Zoning Exhibit



ISSUED FOR CITY REVIEW ONLY
NOT FOR CONSTRUCTION

DATE: 2/17/15
REVISED:
REVISED:
REVISED:



ORIGINAL LOT	131,638 SF. -3.022 AC
--------------	-----------------------

LOT 1 20,500 SF.

Total sf	3,664 sf
----------	----------

Total parking Required
total sf 3664 sf for medical- 19 spaces
space/ 200 sf for medical

Total parking Provided- 23

Total Building Gross- 3,762 s.f.(18%)
Total Paving Provided- 9,496 s.f.(46%)
Total Walks Provided- 1,063 s.f. (5%)
Total Public Walks area- 1,064 s.f.(5%)
Total Landscape Provided- 5,115 s.f. (25%)
Landscape in front- 2,837 s.f.(14%)

LOT 2 36,260 SF.

Total sf	8510 sf
----------	---------

Total parking Required
total sf 8510 sf for office- 29 spaces
space/ 300 sf for office

Total parking Provided- 40

Total Building Gross- 8,920 s.f.(25%)
Total Paving Provided- 15,075 s.f.(41%)
Total Walks Provided- 1,063 s.f. (3%)
Total Public Walks area- 2,082 s.f.(6%)
Total Landscape Provided- 9,120 s.f. (25%)
Landscape in front of street- 7,176 s.f.(20%)

APPLICANT
LAVACA JV LLC
8822 S DAVIS ST., SUITE 220
KELLER, TEXAS 76248
CONTACT: PAUL MOORE
817-451-5626

OWNER OF RECORD
LAVACA JV LLC
8821 S DAVIS ST. SUITE 220
KILLER, TEXAS 76248
CONTACT : PAUL MOORE
817-451-0626

SURVEYOR
BARRY SURVEYORS
804 E. MID CITIES BLVD., SUITE 100
NORTH TEXAS 75060
CONTACT: DAVID LEWIS
817-336-6100

SPI-01 SITE PLAN - PROFESSIONAL OFFICE

 $\beta = 30^\circ$

**ZONING EXHIBIT FOR ZONING
CHANGE REQUEST FROM
[PUDC] TO [PUDC]
(AMENDMENT TO O-10-1761)**



TERRY R. CUNNINGHAM
ARCHITECTS WWW.TRCARCHITECTS.COM

3604 S. COOPER ST. SUITE 100 - ARLINGTON, TEXAS 76015 - (882) 667-0044
© COPYRIGHT 2015 TERRY R. CUNNINGHAM FAX (882) 667-0056

MEADOWS CREEK OFFICES
PRECINCT LINE RD.
COLLEYVILLE, TEXAS

SHEET TITLE:
ZONING &
SITE
PLAN

SHEET:

SP1

Building Elevations



WEST ELEVATION - BUILDING 1



NORTH ELEVATION - BUILDING 1

MEADOWS CREEK OFFICE 1

8092 PRECINCT LINE ROAD
COLLEYVILLE, TEXAS



TERRY R. CUNNINGHAM
ARCHITECTS

WWW.TRCARCHITECTS.COM

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FAX (882) 667-0056

Building Elevations



WEST ELEVATION - BUILDING 2



SOUTH ELEVATION - BUILDING 2

MEADOWS CREEK OFFICE 2

8092 PRECINCT LINE ROAD
COLLEYVILLE, TEXAS



TERRY R. CUNNINGHAM
ARCHITECTS

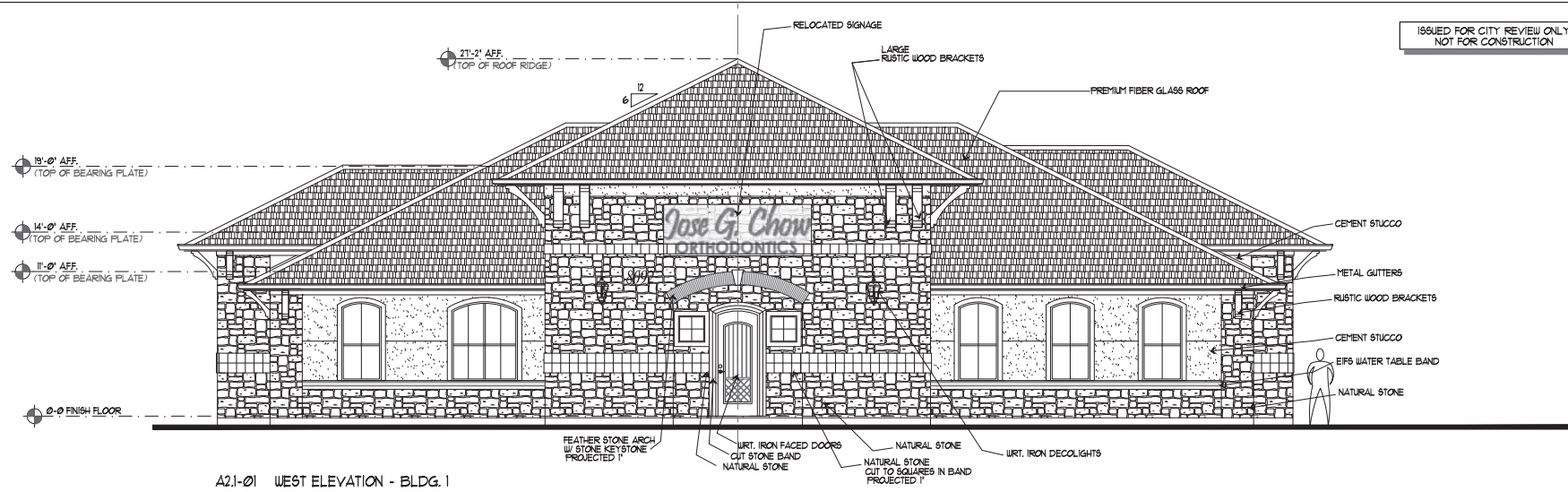
WWW.TRCARCHITECTS.COM

3604 S. COOPER ST. SUITE 100 - ARLINGTON, TEXAS 76015 - (882) 667-0044

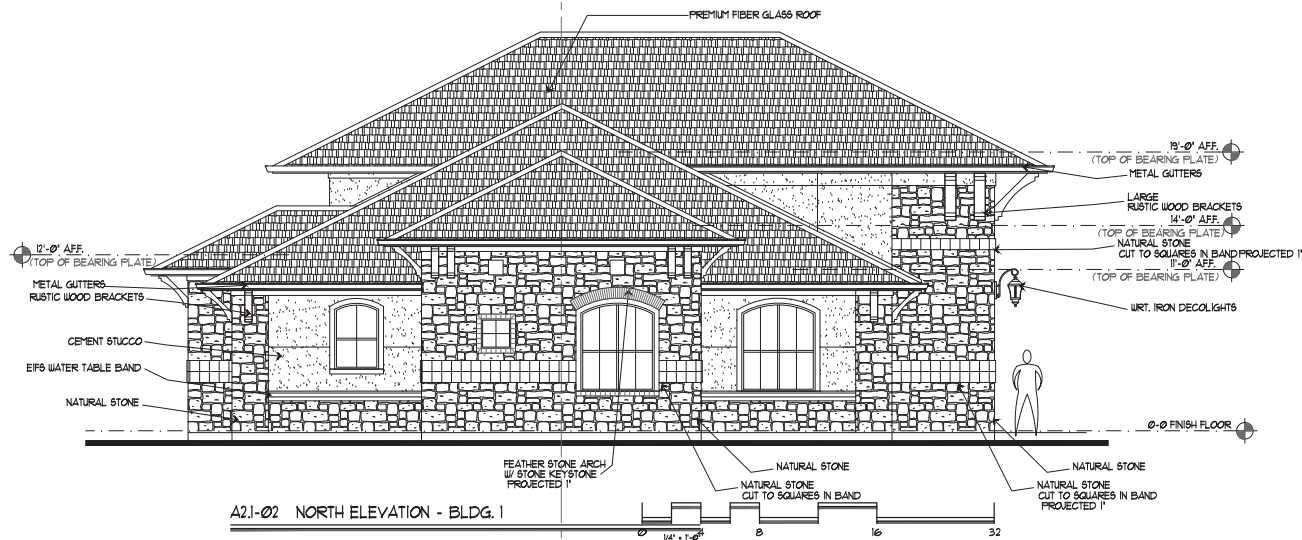
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FAX (882) 667-0056

Building Elevations



PRECINCT 1 ELEVATION - DR. CHOW



TERRY R. CUNNINGHAM
ARCHITECTS
WWW.TERRYCUNNINGHAM.COM
8004 S. COOPER ST. SUITE 100 - ARLINGTON, TEXAS 76015 - (817) 697-0044
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MEADOWS CREEK OFFICES
8092 PRECINCT LINE RD.
COLLEYVILLE, TEXAS

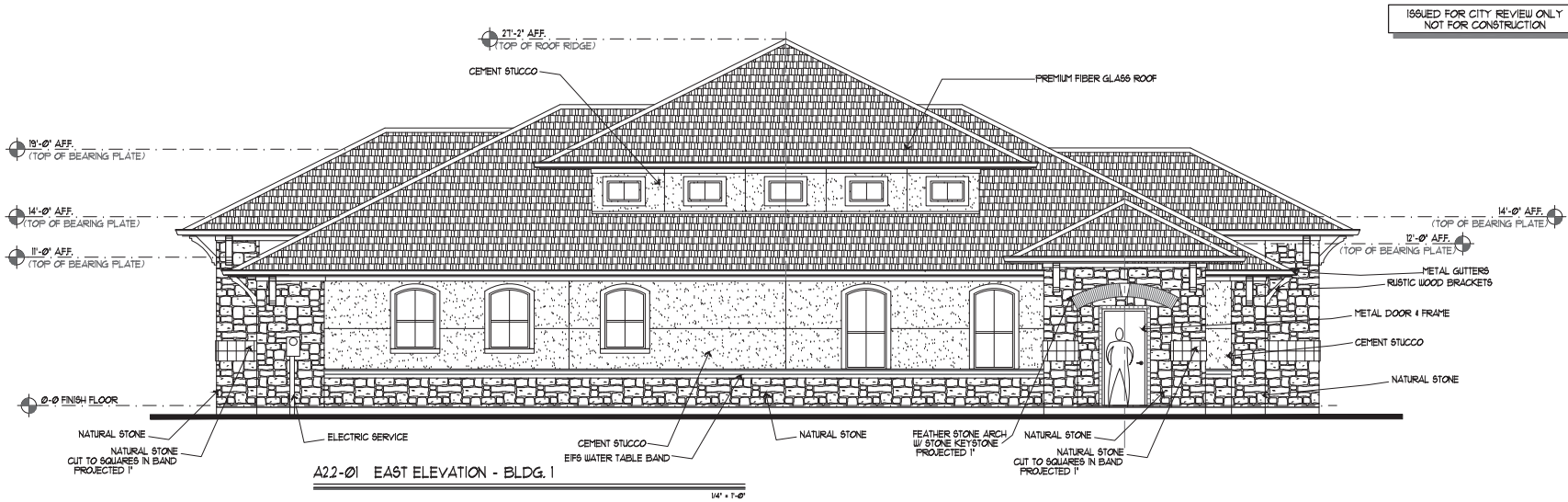
SHEET TITLE:
EXTERIOR
ELEVATION
BLDG. 1

DATE: 2/17/15
REVISED:
REVISED:
REVISED:

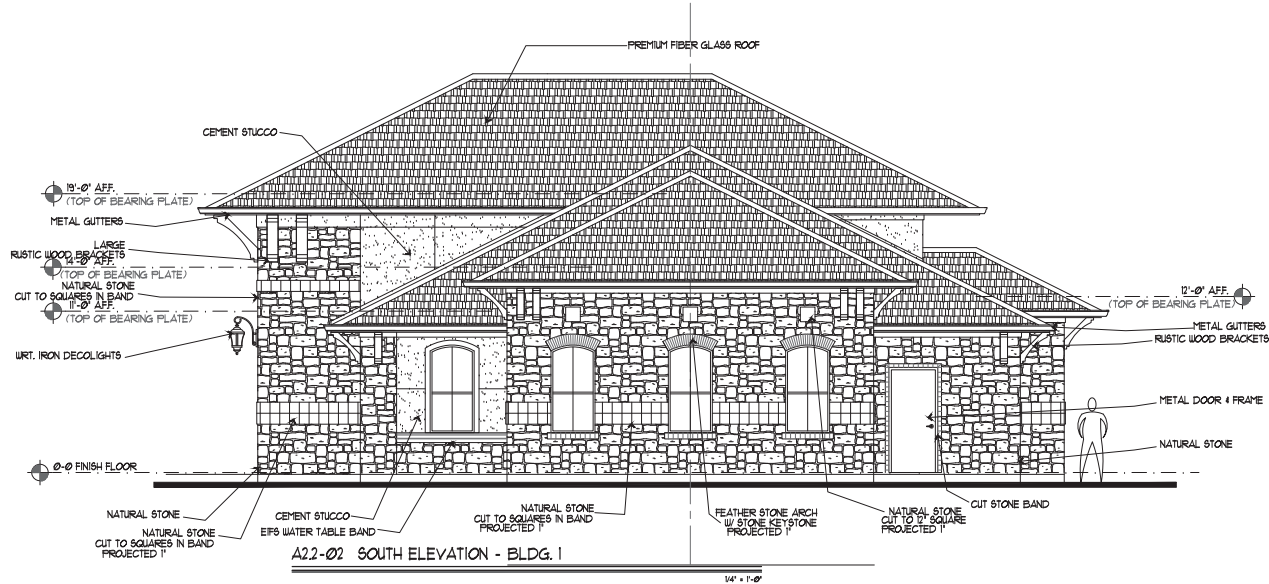
SHEET:

A2.1

Building Elevations



PRECINCT 1 ELEVATION - DR. CHOW



ISSUED FOR CITY REVIEW ONLY
NOT FOR CONSTRUCTION



TERRY R. CUNNINGHAM
ARCHITECTS
WWW.TERRYCUNNINGHAM.COM
1804 S. COOPER ST. SUITE 100 - ARLINGTON, TEXAS 76015 - (817) 697-0044
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MEADOWS CREEK OFFICES
8092 PRECINCT LINE RD.
COLLEYVILLE, TEXAS

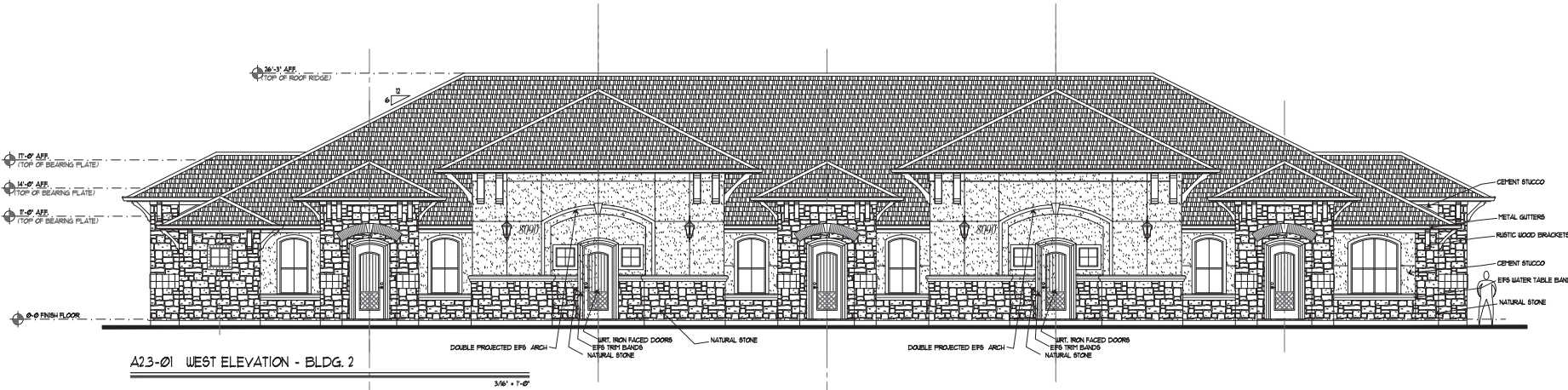
SHEET TITLE:
EXTERIOR
ELEVATION
BLDG. 1

DATE: 2/17/15
REVISED:
REVISED:
REVISED:

SHEET:
A2.2

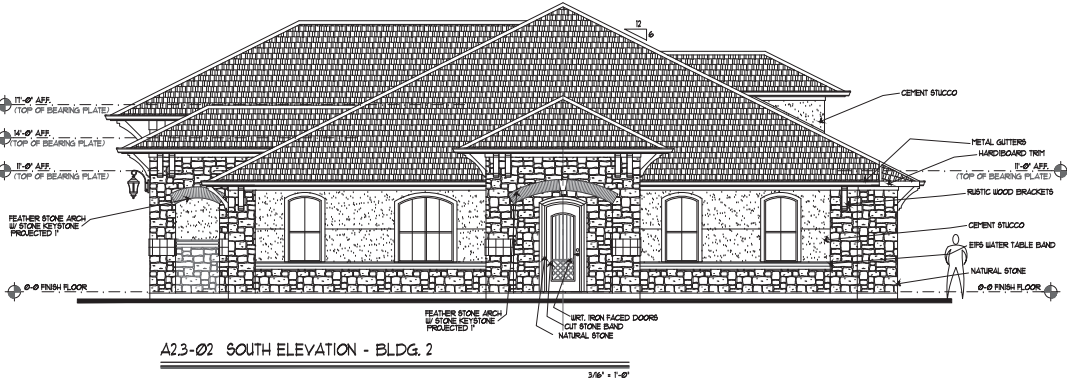
Building Elevations

ISSUED FOR CITY REVIEW ONLY
NOT FOR CONSTRUCTION



PRECINCT 2 ELEVATION

BUILDING 3 ELEVATIONS WILL BE SIMILAR AND USE THE SAME MATERIALS AND ARCHITECTURAL ELEMENTS.





TERRY R. CUNNINGHAM
ARCHITECTS
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MEADOWS CREEK OFFICES
8092 PRECINCT LINE RD.
COLLEYVILLE, TEXAS

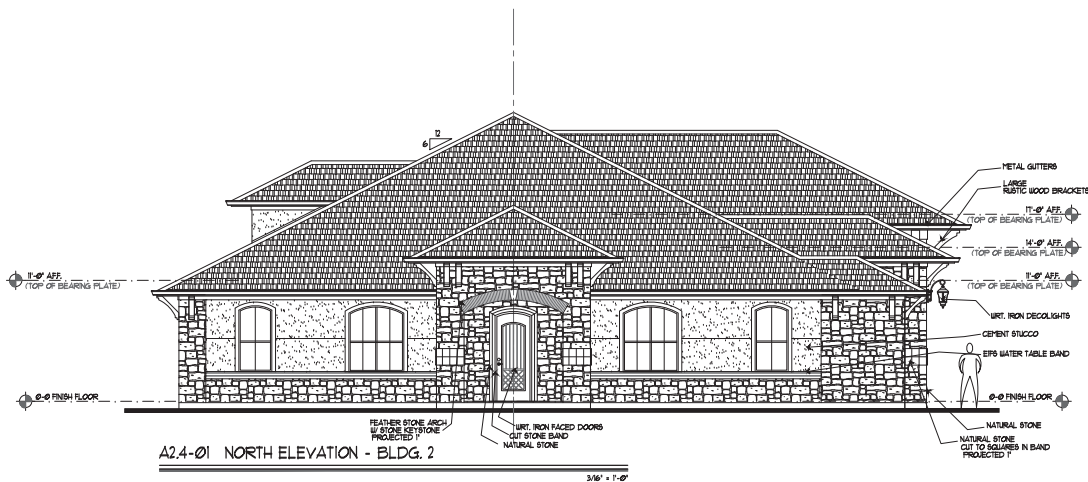
SHEET TITLE:
EXTERIOR
ELEVATION
BLDG. 2

DATE: 2/17/15
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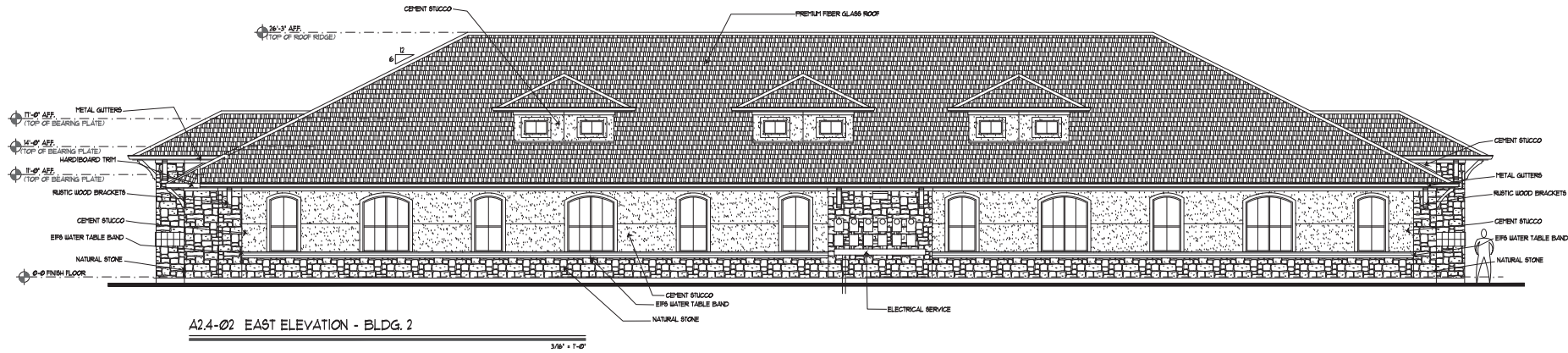
Building Elevations

ISSUED FOR CITY REVIEW ONLY
NOT FOR CONSTRUCTION

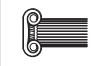


PRECINCT 2 ELEVATION

BUILDING 3 ELEVATIONS WILL BE SIMILAR AND USE THE
SAME MATERIALS AND ARCHITECTURAL ELEMENTS.



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MEADOWS CREEK OFFICES
8092 PRECINCT LINE RD.
COLLEYVILLE, TEXAS

SHEET TITLE:
EXTERIOR
ELEVATION
BLDG. 2

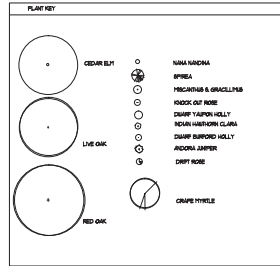
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Landscape Plan

ISSUED FOR OWNER REVIEW ONLY
NOT FOR CONSTRUCTION

DATE: 2/17/15
REVISED:
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REVISED:

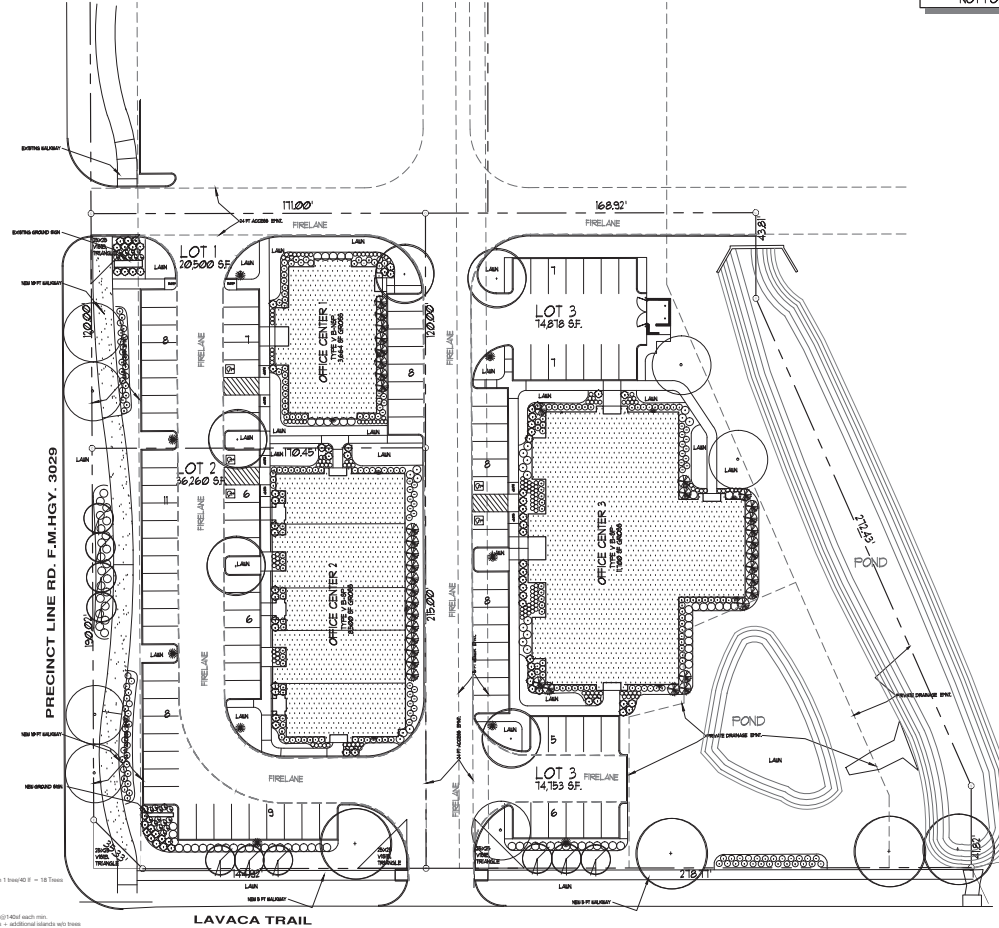


QUANTITY	PLANT NAME (BOTANICAL NAME)	SIZE	NOTES	SPACING
8	Cedar Elm (Ulmus crinitus)	2" cal.	varies	
10	Crape Myrtle (Lagerflora indica 'Red Rover')	30 gal.	varies	2' cal. max.
7	Live Oak (Quercus virginiana)	2" cal.	varies	
4	Red Oak (Quercus shumardii)	2" cal.	varies	
28	Spirea (Spiraea sp. 'Newer')	2 gal.	varies	
19	Muscadine (Muscadine americana 'Gardolium')	5 gal.	varies	
28	Indian Hawthorn (Raphanocarpus indica 'Clara')	5 gal.	varies	
175	Nandina (Nandina domestica 'varies')	1 gal.	varies	
184	Dwarf Barberry (Berberis buxifolia 'varies')	5 gal.	varies	
87	Dwarf Yucca (Yucca complanata 'varies')	5 gal.	varies	
68	Arctostaphylos (Arctostaphylos uva-ursi 'varies')	5 gal.	varies	
28	Arctostaphylos (Arctostaphylos uva-ursi 'varies')	5 gal.	varies	
22	Dwarf Rose (Rosa sp. 'varies')	2 gal.	varies	
22	Lawsonia (Lawsonia alba 'varies')	2 gal.	varies	

NOTES: All landscaped areas shall be irrigated with an irrigation system capable of providing the proper amount of water for the particular type of plant material used. Irrigation will be provided by an underground sprinkler system or a subsurface drip system and shall be equipped with rain and freeze sensors and be in accordance with all applicable codes. A detailed irrigation plan will be submitted with construction plans. **MAINTENANCE:** The plant material must be maintained in a healthy growing condition at all times. The property owner is responsible for regular watering, mowing of grass, weeding, fertilizing, pruning and other maintenance of all plantings as needed. Any city-ordered plantings that shall be replaced with another being plant that complete with the plant within 90 days after installation by the City. Street shrubs shall be maintained at 30" height maximum. **GRADE:** There shall be positive drainage away from all buildings. Final Landscape grade including topsoiling mulch, shall be at least 2" below finished floor of adjacent buildings. **EDGING:** Runway 10 gauge steel or equal. Install top of edging equal to finished existing height of adjacent grass. Do not install any edging parallel and adjacent to concrete walls or curbs. Install edging on inner side of planting beds. Finish with top of edging. **SEDIMENTATION:** Planting areas to receive precipitation, drainage or overland flow shall be prepared as follows: 1. Excavate and remove from site existing soil and rock as necessary to allow for the incorporation of 18" of sandy horticultural organic compost. 2. Finished mulch bed shall allow for the finished grade of beds to be a min. of 2" below the finished floor of adjacent building structure. 3. The sandy horticultural organic compost into existing soil to 8" depth. 4. Back beds smoothly and evenly. Grassy positive drainage away from building and/or toward any surface drains, if present. **MULCH:** All beds shall receive 2" of shredded hardwood mulch. Trees in lawn areas shall have 4" of mulch placed within the tree rings. Do not allow mulch to touch tree trunks. **TREE PLANTING:** Tree size of 20 gallon or greater trees shall be 12" greater than the root ball and slightly shallower than root ball height. Backfill in 8" lifts, tamping between lifts, with 3/4 inch horticultural organic compost mix, and 2 inches soil mix. Provide 4" diameter continuous ring of soil around tree root ball 8" in height.

CALCULATIONS

There are no existing trees on site.
Site Area: 121,639 SF
Required Landscape Area: 25% x 121,639 = 30,409 SF
Required Landscape Area: 10,240 SF
Required Street Trees: 2088' with approaches with 1 tree/40' = 18 Trees
Provided Street Shrubs: 1 shrub/5' = 138
Provided Street Trees: 18
Area of parking: 103 spaces
Required parking for landscape area: 103/18 = 5.72 islands/144sf each min.
Provided parking for landscape area: 8 islands with trees + additional islands with trees
Landscape areas are per approved PD plan.



LPI-01 LANDSCAPE PLAN - OFFICE SITE

1" = 30'



TERRY R. CUNNINGHAM
ARCHITECTS

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MEADOWS CREEK OFFICES
PRECINCT LINE RD.
COLLEYVILLE, TEXAS

SHEET TITLE:
OFFICE
LANDSCAPE
PLAN

SHEET:
LP1

ORDINANCE O-10-1761

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF COLLEYVILLE, TEXAS, BY AMENDING THE OFFICIAL ZONING MAP AND CHANGING THE ZONING OF TRACT 1B1, ABSTRACT 1154 OF THE R.H. SURVEY FROM THE CC2-SHOPPING CENTER ZONING DISTRICT TO THE PUDC-PLANNED UNIT DEVELOPMENT COMMERCIAL 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. ZC10-017; 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; to secure safety from fire, panic, and other dangers; to promote health, general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; and

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

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

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

- Sec. 1. THAT all the foregoing premises and findings are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety.
- Sec. 2. THAT the Comprehensive Zoning Ordinance of the City of Colleyville, Texas, be, and the same is hereby amended by changing the zoning on Tract 1B1, Abstract 1154 of the R.H. Survey, from the CC2-Shopping Center zoning district to the PUDC-Planned Unit Development Commercial zoning district, as depicted in the attached Exhibit "A" and as described in Exhibit "B".
- Sec. 3. THAT the Official Zoning Map of the City of Colleyville be amended to incorporate the zoning change approved herein.
- Sec. 4. THAT the above described tract of land shall be subject to the following conditions:

1. GENERAL

- a. The purpose of this PUDC is for an assisted living and memory care facility.
- b. This facility shall be licensed as a Type A and Type B Assisted Living Center by the Texas Department of Human Services as required by the Assisted Living Facility Licensing Act. Proof of such licensing shall be required prior to the issuance of a Certificate of Occupancy for this property.
- c. This property is subject to all the regulations contained in the Land Development Code, except where amended by this Ordinance.

2. PERMITTED USES

- a. All uses permitted in the CC2-Shopping Center commercial zoning district shall be permitted as part of this development but shall be limited to the 3.02 acre tract adjacent to Precinct Line Road as described in Exhibit "B".

3. HOURS OF OPERATION

- a. Deliveries to the facility for food service and general delivery will be restricted to 7:00 a.m. to 7:00 p.m. daily.

4. CONCEPTUAL PLAN AND PLATTING

- a. The development shall be generally consistent with Exhibit "C", which shall not be considered the preliminary plat.
- b. The developer shall submit and receive approval from the City of Colleyville a minor plat in accordance with the requirements of the Land Development Code prior to development of this PUDC.

5. BUILDINGS

- a. The maximum square footage of assisted living and memory care space for this development shall be 60,000 square feet.
- b. Building elevations shall be consistent with the elevations shown on Exhibit "D".
- c. There shall be no more than 14 cottages allowed for this development and the total occupancy for all cottages combined shall not exceed 18 persons at any one time. The cottages shall not exceed one story in height and there shall be no cottage entrances facing to the south. The cottages shall only be available to friends or relatives of the residents of the assisted living facility allowed by this ordinance and shall not be rented for any reason nor shall they be sold unless they are sold in conjunction with the entire facility.
- d. There shall be no windows or openings on the second story of the east side of the building.
- e. Exterior construction materials for all buildings shall be composed of stone or brick with hardy plank allowed for building accents.
- f. For the assisted living facility, there shall only be one ornamental architectural feature that is allowed to exceed 35 feet in height provided said feature does not exceed a maximum height of 50 feet.
- g. The front building setback along Lavaca Trail shall be 25 feet for the tract containing the assisted living facility only. Otherwise, all building setbacks shall comply with minimum requirements of the Land Development Code.

6. OPEN SPACE

- a. This development shall provide a minimum of 38.28% common open space, as shown on Exhibit "C". All open space areas shall be landscaped and maintained by the property owner as shown on the attached Exhibit "E".
- b. The distribution of landscaping on the property shall be in accordance with the attached Exhibit "E" labeled Landscape Plan. At a minimum, all landscaping shall comply with Chapter 4-Landscaping in the Land Development Code.

7. SIDEWALKS AND PATHWAYS

- a. The trail along Precinct Line Road must be at least ten (10) feet wide. The sidewalk along Lavaca Trail must be at least five (5) feet wide. The trail and sidewalk must be installed when any new structures are built on the property.

8. PARKING

- a. This development shall be required to have a minimum of 71 parking spaces.

9. LIGHTING

- a. All light poles shall be no higher than 18 feet and lighting shall be of a boxed can style and directed away from adjacent residential properties. Illumination from light poles shall not exceed 0.5 foot-candles as measured from any portion of the property line.

10. FENCING AND SCREENING

- a. A six (6) foot wrought iron and masonry fence with stone columns shall be constructed along the property line adjacent to Lavaca Trail.
- b. A minimum eight (8) foot brick or natural stone fence shall be constructed along the east property line adjacent to residential properties. The fence shall be constructed so as to obscure the view from the residential lot, use or district to everything below the roof eave of all buildings in the assisted living facility. The fence shall meet all front setback transparency requirements as required by the Land Development Code.

- c. All gates shall meet the gate requirements of Chapter 14-Engineering Design Standards of the Land Development Code.

11. SIGNAGE

- a. One off-premise monument sign shall be allowed along Precinct Line Road advertising this development. Otherwise all signs shall meet the minimum requirements of the Land Development Code.

- Sec. 5. THAT the above described tract of land shall be used only in the manner and for the purposes provided by the Comprehensive Zoning Ordinance of the City of Colleyville as heretofore amended, and as amended herein.
- Sec. 6. THAT any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Colleyville, and upon conviction shall be punishable by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense.
- Sec. 7. THAT if any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.
- Sec. 8. THAT in addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.
- Sec. 9. THAT it has been found that there has been a change in conditions in the above described property, it is now necessary that it be given the above zoning classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare, and requires that this ordinance shall take effect immediately from and after its passage.

AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 20th day of July 2010.

The second reading and public hearing being conducted on the 3rd day of August 2010.

ATTEST:



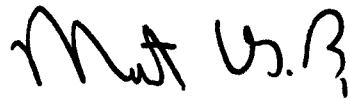
Cynthia Singleton, TRMC, CMC
City Secretary

CITY OF COLLEYVILLE



David Kelly
Mayor

APPROVED AS TO FORM AND LEGALITY:



Matthew C. G. Boyle
City Attorney

Exhibit A –Location and Zoning Map

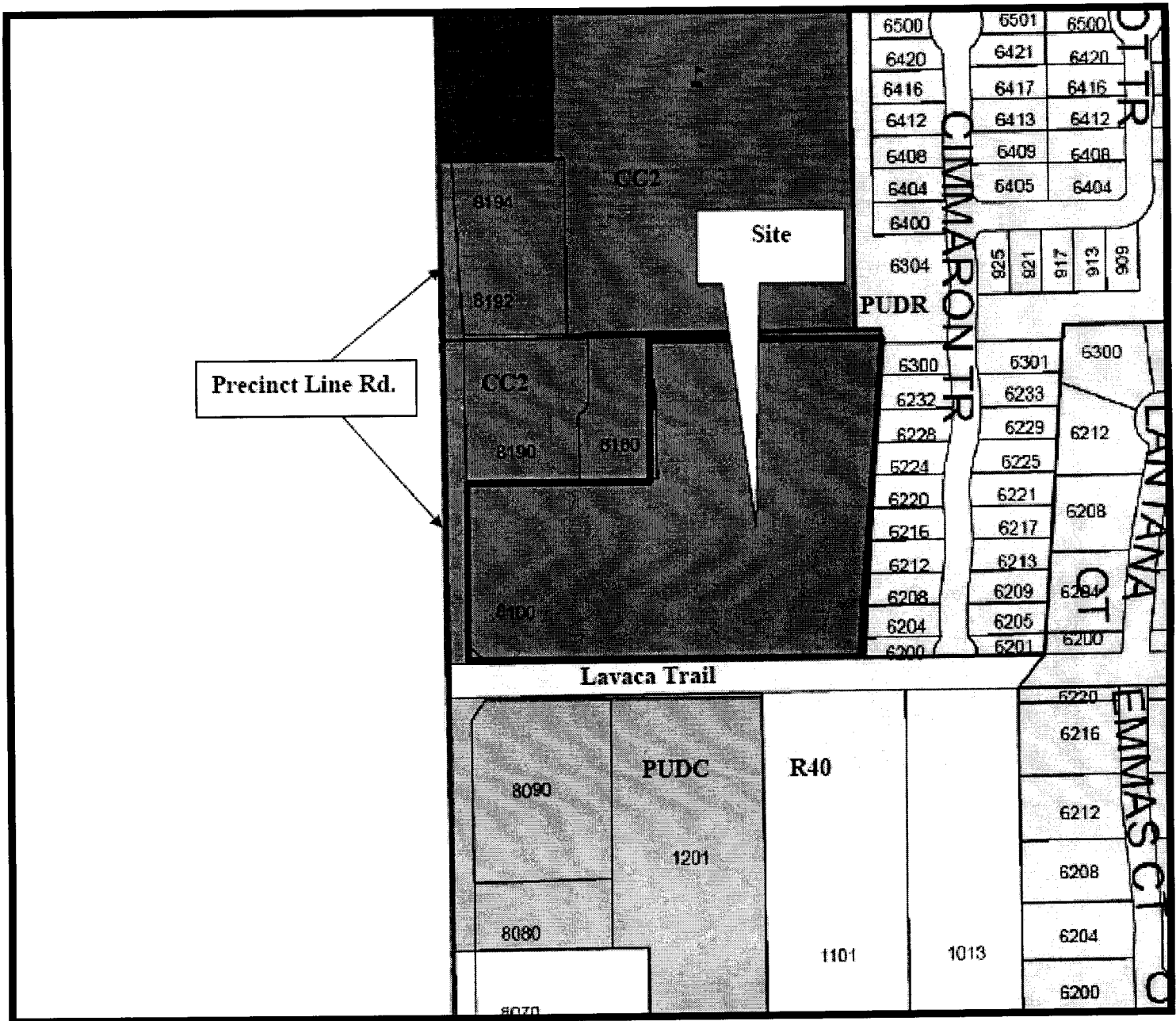


Exhibit B – Legal Descriptions

3.02 Ac Property Description

Being a 3.02 acre tract on parcel of land situated in the R.N. McEwing Survey, Abstract No. 1154 in the City of Colleyville, Tarrant County, Texas, said tract being a portion of a tract of land conveyed to at RCP Cedar Creek Park, Ltd as described in Document Number D205304503 of the Deed Records of Tarrant County, Texas, said 3.02 acre tract more particularly described by metes and bounds as follows:

BEGINNING at a Texas Department of Transportation brass disk in concrete found at the southeast cutback of the intersection of the north line of Lavaca Trail (60' ROW) and the west line of F.M. Highway No. 3029 (Precinct Line Road) (variable width ROW);

Thence: North 45°04'36" West along said cutback line for a distance of 35.33 feet to a Texas Department of Transportation brass disk found for corner in the east line of said F.M. Highway 3029;

Thence: North 00°15'26" West along the east line of said F.M. Highway 3029 for a distance of 310.00 feet to an "x" in concrete found for corner at the southwest corner of Lot 3, Block 1, Meadows Creek Plaza, an addition to the City of Colleyville according to the plat thereof recorded in Cabinet A, Slide 10661 of the Plat Records of Tarrant County, Texas;

Thence: South 89°55'00" West with the south line of said Lot 3, Block 1, at 202.73 feet passing an "x" found in concrete at the southeast corner of said Lot 3, Block 1, same being the southwest corner of Lot 4, Block 1, Meadows Creek Plaza Addition an addition to the City of Colleyville according to the plat recorded in Cabinet A, Slide 11536 of the Plat Records of Tarrant County, Texas, and continuing along the south line of said Lot 4, Block 1 a total distance of 339.92 feet to an "x" found in concrete for corner at the southeast corner of said Lot 4, Block 1;

Thence: South 00°05'00" West for a distance of 43.81 feet to a point for corner;

Thence: South 23°49'40" East for a distance of 272.42 feet to a point for corner;

Thence: South 00°05'00" West for a distance of 41.82 feet to a point for corner in the north line of said Lavaca Trail;

Thence: North 89°55'00" East with the north line of said Lavaca Trail for a distance of 423.69 feet to the **POINT OF BEGINNING** and containing 3.02 acres of land more or less.

5.06 Ac Property Description

Being a 5.06 acre tract on parcel of land situated in the R.N. McEwing Survey, Abstract No. 1154 in the City of Colleyville, Tarrant County, Texas, said tract being a portion of a tract of land conveyed to RCP Cedar Creek Park, Ltd as described in Document Number D205304503 of the Deed Records of Tarrant County, Texas; said 5.06 acre tract more particularly described by metes and bounds as follows:

COMMENCING at a Texas Department of Transportation brass disk found at the southeast cutback line of the west line of F.M. Highway 3029 (Precinct Line Road) (variable width right of way) and the north line of Lavaca Trail (60' ROW);

Thence: South 89°55'00" West with the north line of said Lavaca Trail for a distance of 423.69 feet to the **POINT OF BEGINNING**;

Thence: North 00°05'00" West for a distance of 41.82 feet to a point for corner;

Thence: North 23°49'40" West for a distance of 272.42 feet to a point for corner;

Thence: North 00°05'00" West at 43.81 feet passing an "x" found in concrete at the southeast corner of Lot 4, Block 1, Meadows Creek Plaza Addition, an addition to the City of Colleyville per the plat recorded in Cabinet A, Slide 11536 of the Plat Records of Tarrant County, Texas, and continuing along an east line of said Lot 4, Block A, a total distance of 77.84 feet to a point for corner;

Thence: North 03°17'55" West with east line of said Lot 4, Block A, for a distance of 134.23 feet to a point for corner;

Thence: North 02°45'04" West for a distance of 103.90 feet to a point for corner in the north line of said RCP Cedar Creek Park, Ltd tract, said point being the northeast corner of said Lot 4, Block 1, Meadow Creek Plaza Addition;

Thence: South 89°55'00" West with the north line of said RCP Cedar Creek Park, Ltd tract for a distance of 427.37 feet to a point for corner at the northeast corner of said RCP Cedar Creek Park, Ltd tract;

Thence: South 03°47'13" West with the east line of said RCP Cedar Creek Park, Ltd tract for a distance of 603.20 feet to a point for corner at the southeast corner of said RCP Cedar Creek Park, Ltd tract, said point being in the north line of said Lavaca Trail;

Thence: North 89°55'00" East with the south line of said RCP Cedar Creek Park, Ltd tract, same being the north line of said Lavaca Trail to the **POINT OF BEGINNING** and containing 5.06 acres of land more or less.

Exhibit C –Conceptual Site Plan

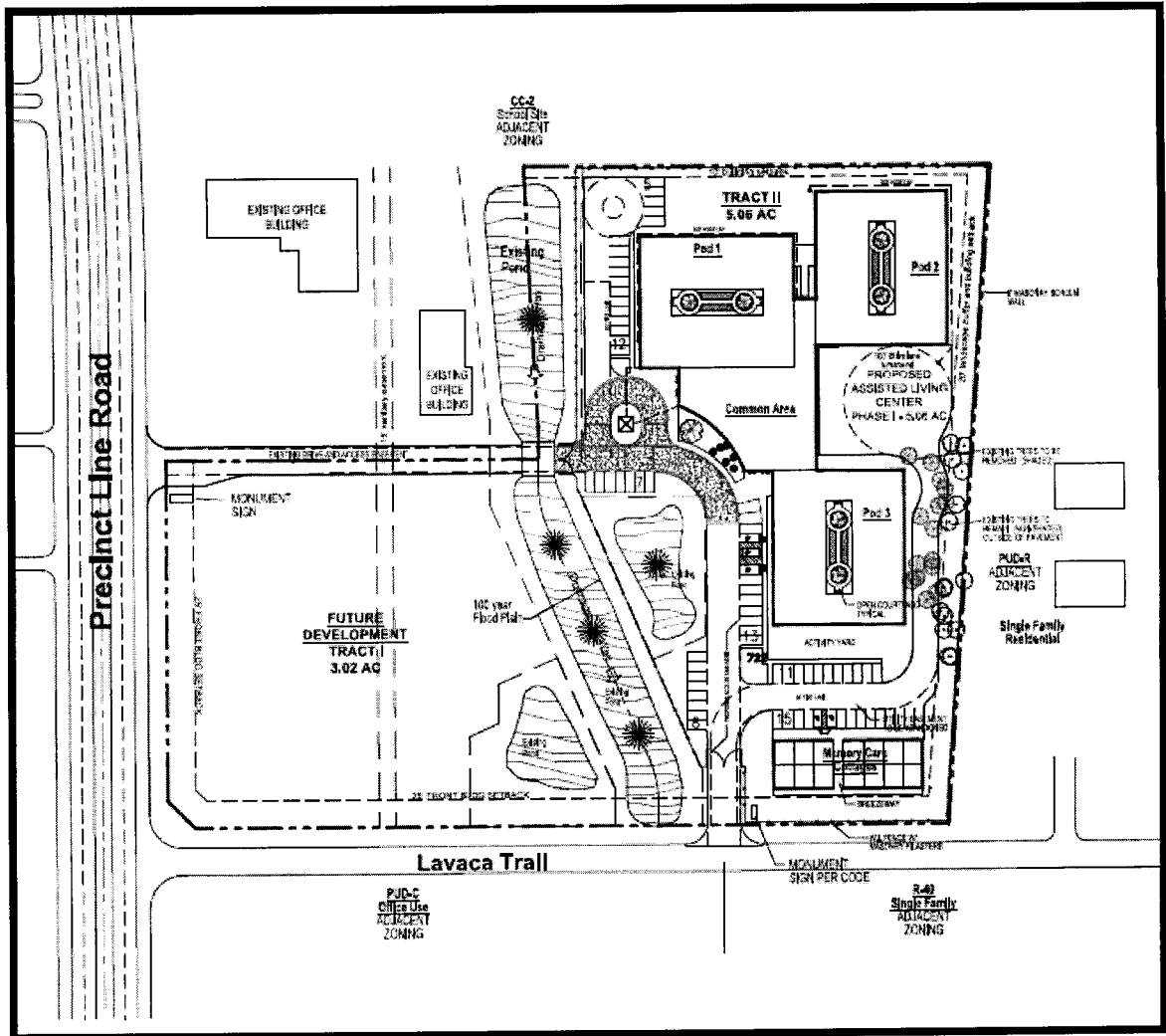
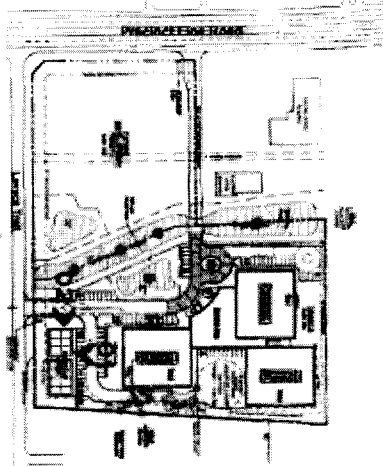
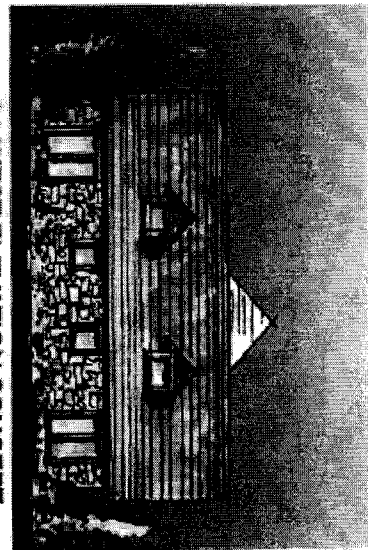


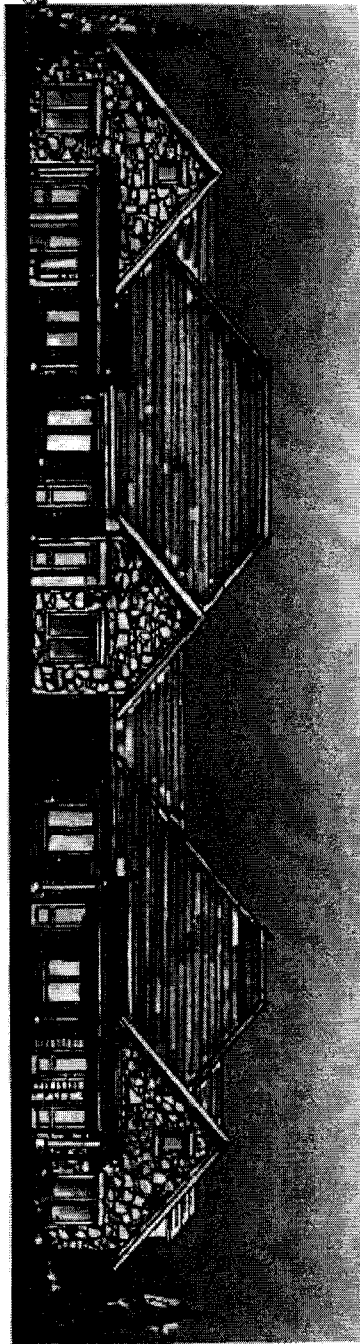
Exhibit D –Building Elevations



KEY PLAN



02 WEST ELEVATION CONCEPT



01 NORTH ELEVATION CONCEPT

SCALE: 1/16"=1'-0"

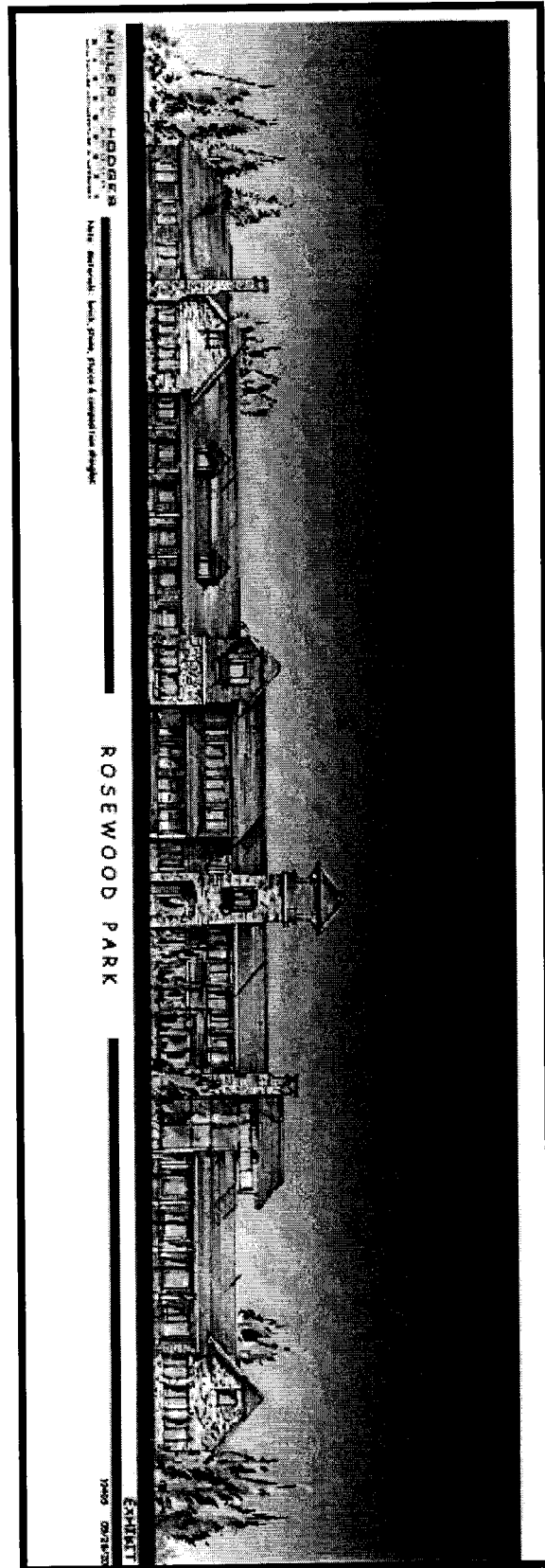
ROSEWOOD PARK MEMORY CARE - COTTAGES

COLLEYVILLE, TEXAS

MILLER HODGES
DESIGN GROUP
ARCHITECTURE & INTERIORS

#10403 TWS 06/21/10

Exhibit D –Building Elevations Cont.



The site plan illustrates the proposed assisted living center at the intersection of Precinct Line Road and LaVaca Trail. The plan includes the following details:

- Proposed Assisted Living Center Phase 1:** Consists of three pods (Pod 1, Pod 2, Pod 3) and a common area, totaling 5.02 AC.
- Future Development Tract:** A 3.02 AC tract located to the west of the proposed center.
- Existing Structures:** Includes an existing office building and a future office building.
- Adjacent Zoning:** The site is adjacent to CC-2 zoning to the north and PUDR adjacent zoning to the east.
- Monument Signs:** Signs are indicated for the future development tract and the proposed assisted living center.
- Other Features:** The plan shows parking areas, landscaping, and a monument sign per code.

Precinct Line Road

ORDINANCE O-15-XXXX

AN ORDINANCE AMENDING ORDINANCE O-10-1761 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 of Colleyville approved Ordinance O-10-1761 on August 3, 2010 to establish the zoning of 8.08 acres out of Tract 1B1, Abstract 1154 of the R.H. Survey from CC2 – Shopping Center zoning district to PUD-C – Planned Unit Development – Commercial zoning district under Case Number ZC10-017; and

WHEREAS, the applicant has requested an amendment to Ordinance O-10-1761 to submit a detailed site plan for 3.022 acres 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-10-1761 conditions.
- Sec. 3. THAT the Official Zoning Map of the City of Colleyville be amended to incorporate the zoning change approved herein, as depicted in Exhibit "A".
- Sec. 4. THAT the above described tract of land shall be subject to the following conditions:

1. GENERAL

- a. The purpose of this PUD-C is for an office development.
- b. This property is subject to all the regulations contained in the Land Development Code, except where amended by this Ordinance.

2. CONCEPTUAL SITE PLAN AND PLATTING

- a. The development shall be generally consistent with Exhibit "B", which shall not be considered the plat.

3. BUILDINGS

- a. Buildings shall be consistent with the elevations shown on Exhibit "C".
- b. Buildings shall utilize natural stone as the primary exterior finish material, with other masonry products provided in accent areas.
- c. Architectural elements including large wood brackets, cut stone bands, arched doors and windows, and decorative iron lights shall be provided.
- d. Each building must achieve a minimum commercial design score of 31.8 points.

4. OPEN SPACE

- a. This development shall provide a minimum of 40% common open space, as shown on Exhibit "B". All open space areas shall be landscaped and maintained by the property owner as shown on the attached Exhibit "D".
- b. The distribution of landscaping on the property shall be in accordance with the attached Exhibit "D" labeled Landscape Plan. At a minimum, all landscaping shall comply with *Chapter 4-Landscaping* in the Land Development Code.

5. PARKING

- a. This development shall be required to have a minimum of 87 parking spaces.

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

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

- Sec. 7. THAT if any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.
- Sec. 8. THAT in addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.
- Sec. 9. THAT it has been found that there has been a change in conditions in the above described property, it is now necessary that it be given the above zoning classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare, and requires that this ordinance shall take effect immediately from and after its passage.

AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 5th day of May 2015.

The second reading and public hearing being conducted on the 12th day of May 2015.

PASSED AND APPROVED by the City Council of the City of Colleyville, Texas, on this the _____ day of _____ 2015.

ATTEST:

CITY OF COLLEYVILLE

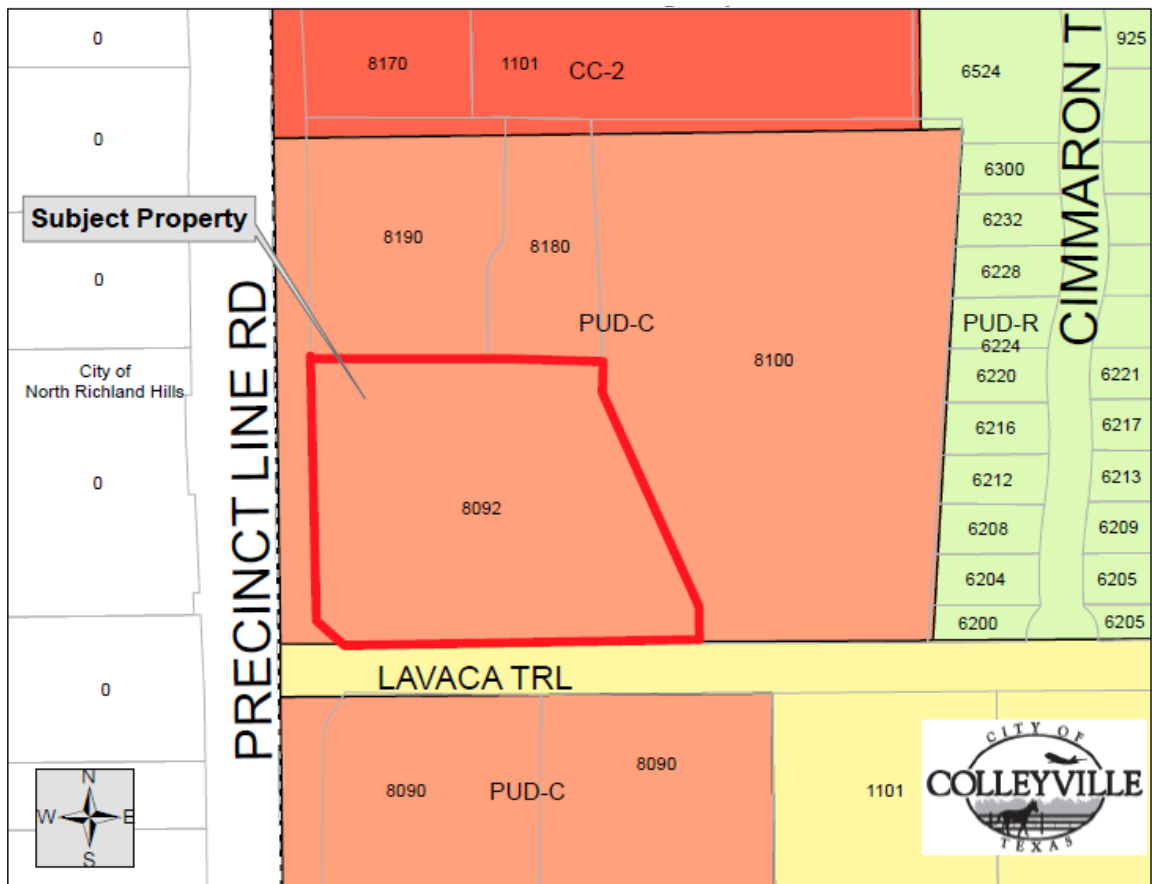
Amy Shelley, TRMC
City Secretary

David Kelly
Mayor

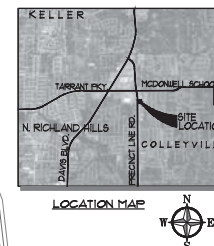
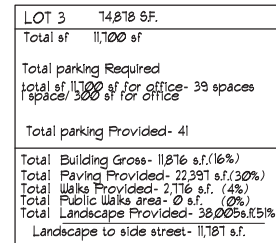
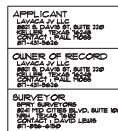
APPROVED AS TO FORM AND LEGALITY:

Matthew C. G. Boyle
City Attorney

Exhibit "A" – Location and Zoning Map



DATE: 2/17/15
 REVISED:
 REVISED:
 REVISED:



SHEET:
SP1

Exhibit "C" - Building Elevations



WEST ELEVATION - BUILDING 1



NORTH ELEVATION - BUILDING 1

MEADOWS CREEK OFFICE 1

8092 PRECINCT LINE ROAD
COLLEYVILLE, TEXAS



TERRY R. CUNNINGHAM
ARCHITECTS

WWW.TRCARCHITECTS.COM

3604 S. COOPER ST. SUITE 100 - ARLINGTON, TEXAS 76015 - (682) 667-0044

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FAX (682) 667-0056

Exhibit "C" - Building Elevations



WEST ELEVATION - BUILDING 2



SOUTH ELEVATION - BUILDING 2

MEADOWS CREEK OFFICE 2

8092 PRECINCT LINE ROAD
COLLEYVILLE, TEXAS



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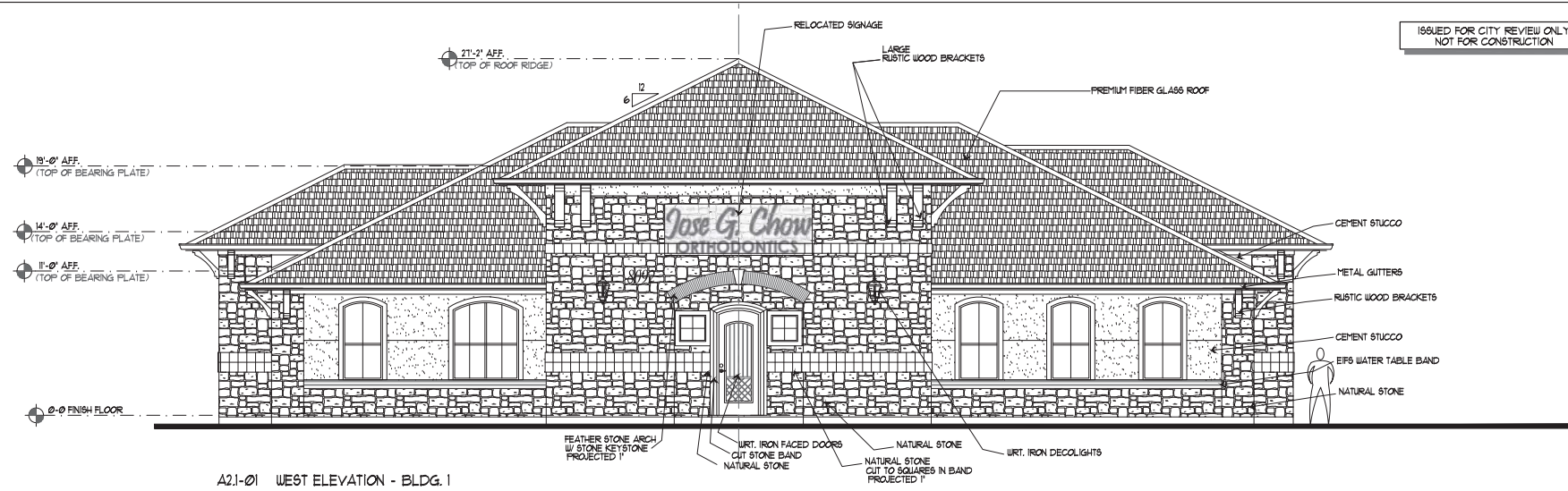
WWW.TRCARCHITECTS.COM

3604 S. COOPER ST. SUITE 100 - ARLINGTON, TEXAS 76015 - (882) 667-0044

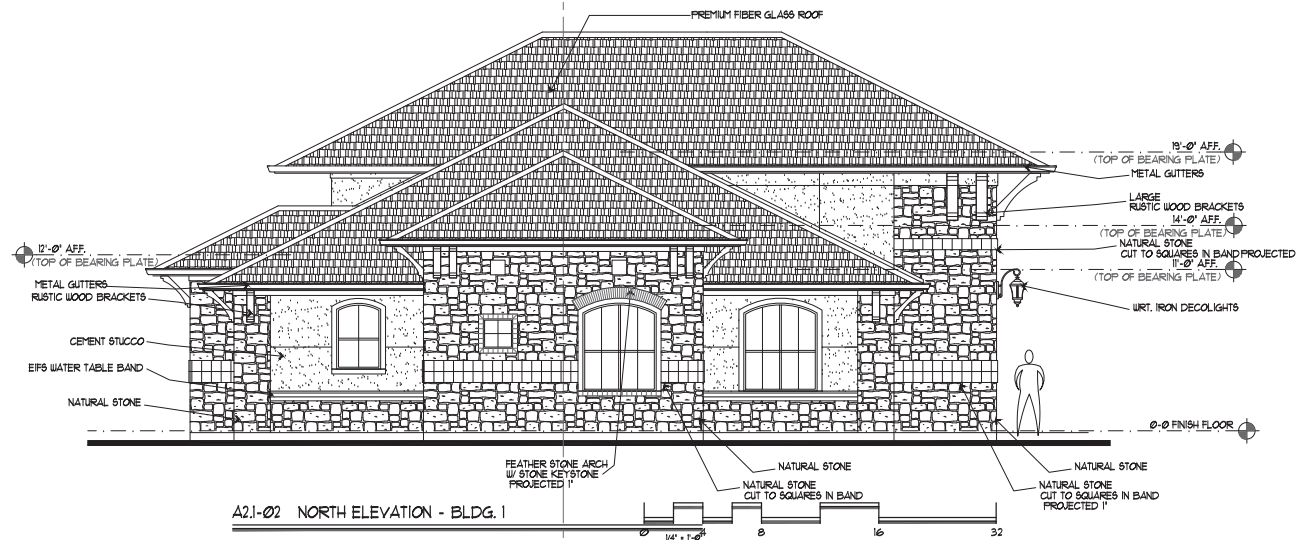
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Exhibit "C" - Building Elevations



PRECINCT 1 ELEVATION - DR. CHOW



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ARCHITECTS
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MEADOWS CREEK OFFICES
8092 PRECINCT LINE RD.
COLLEYVILLE, TEXAS

SHEET TITLE:
EXTERIOR
ELEVATION
BLDG. 1

DATE: 2/17/15
REVISED:
REVISED:
REVISED:

SHEET:

A2.1

Exhibit "C" - Building Elevations

ISSUED FOR CITY REVIEW ONLY
NOT FOR CONSTRUCTION



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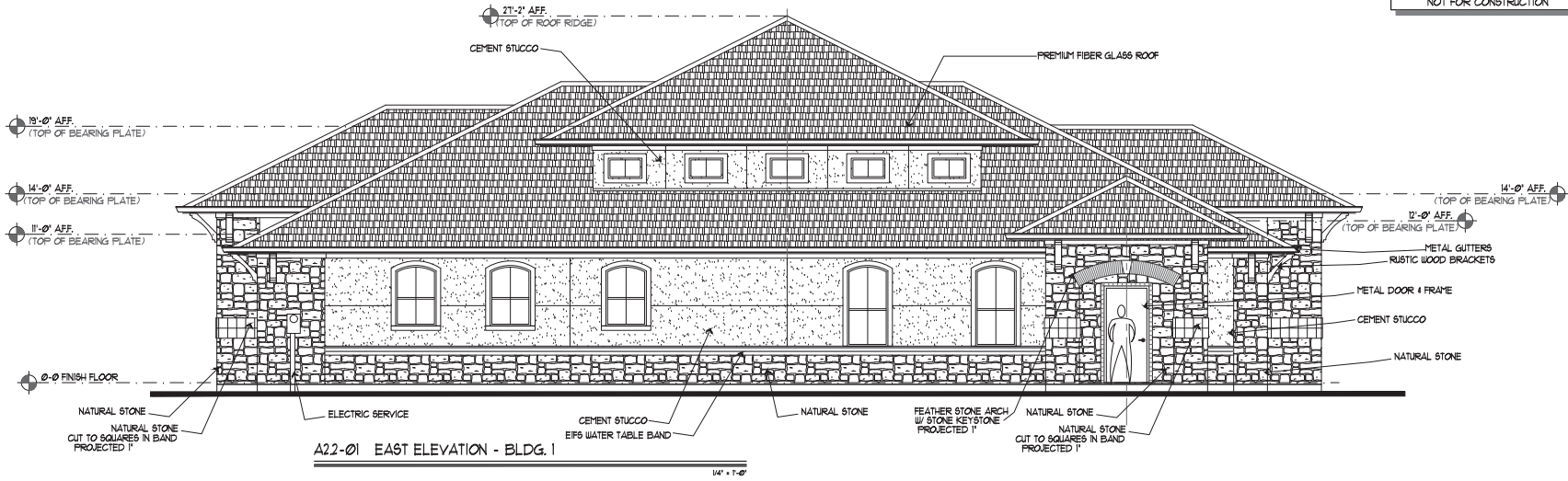


MEADOWS CREEK OFFICES
8092 PRECINCT LINE RD.
COLLEYVILLE, TEXAS

SHEET TITLE:
EXTERIOR
ELEVATION
BLDG. 1

DATE: 2/17/15
REVISED:
REVISED:
REVISED:

SHEET:
A2.2



PRECINCT 1 ELEVATION - DR. CHOW

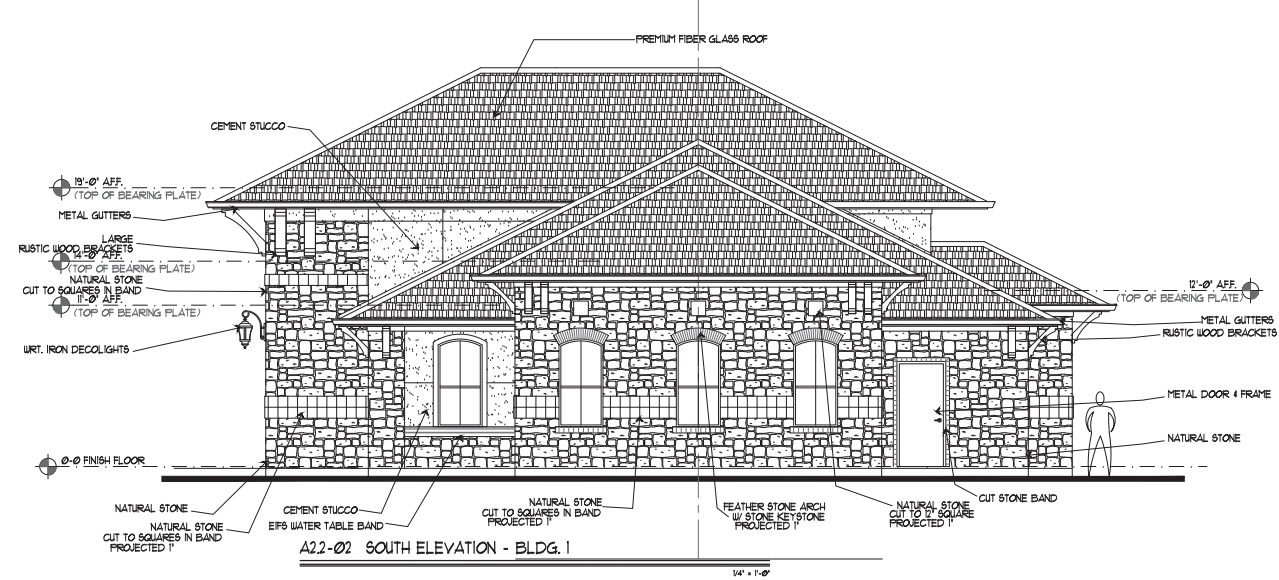
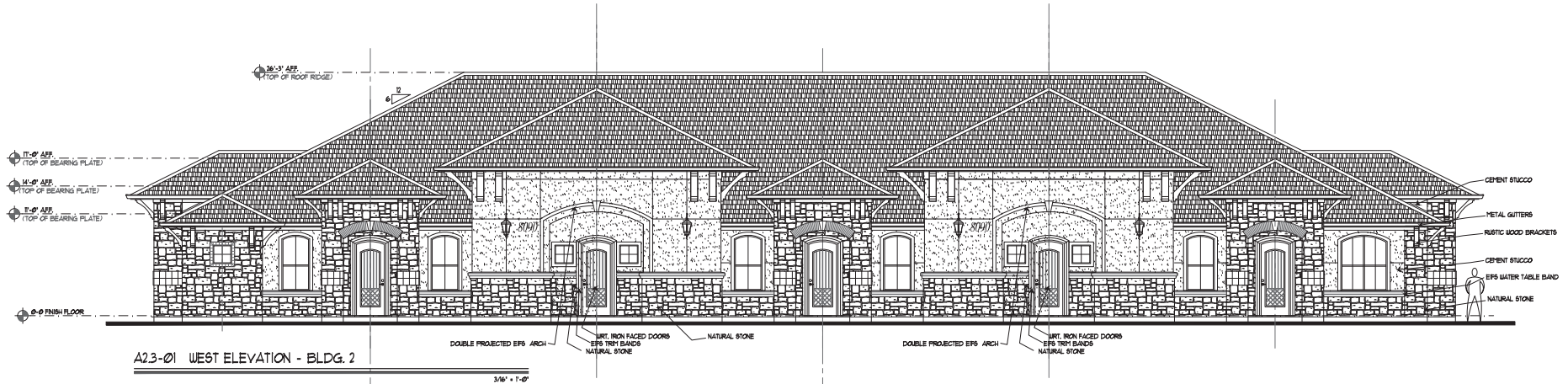


Exhibit "C" - Building Elevations

ISSUED FOR CITY REVIEW ONLY
NOT FOR CONSTRUCTION



PRECINCT 2 ELEVATION

BUILDING 3 ELEVATIONS WILL BE SIMILAR AND USE THE SAME MATERIALS AND ARCHITECTURAL ELEMENTS.



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ARCHITECTS

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MEADOWS CREEK OFFICES
8092 PRECINCT LINE RD.
COLLEYVILLE, TEXAS

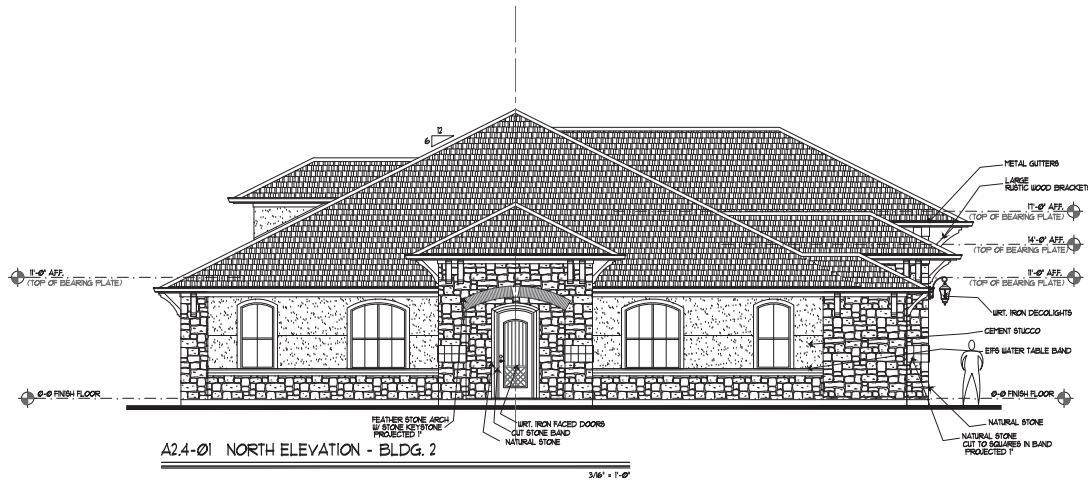
SHEET TITLE:
EXTERIOR
ELEVATION
BLDG. 2

DATE: 2/17/15
REVISED:
REVISED:
REVISED:

SHEET:
A2.3

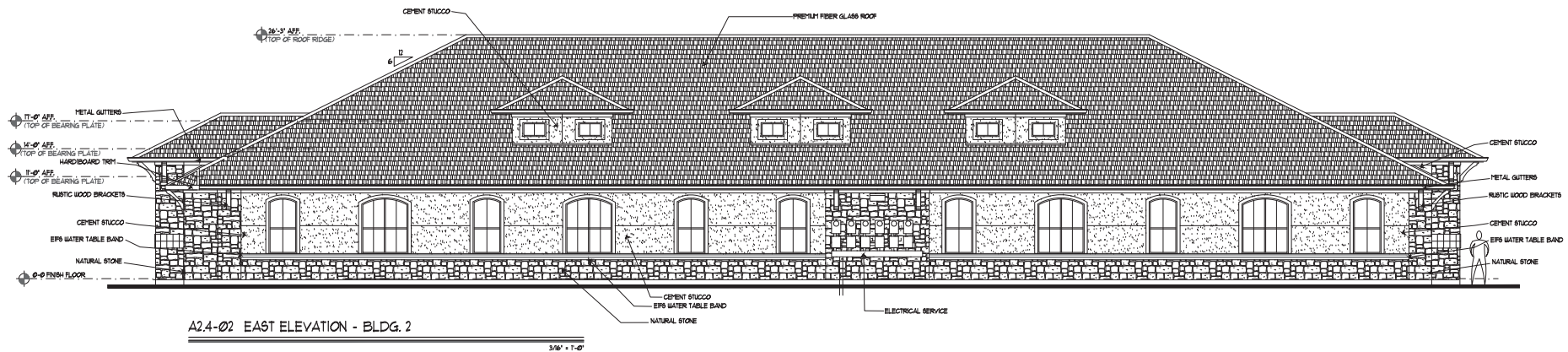
Exhibit "C" - Building Elevations

ISSUED FOR CITY REVIEW ONLY
NOT FOR CONSTRUCTION



PRECINCT 2 ELEVATION

BUILDING 3 ELEVATIONS WILL BE SIMILAR AND USE THE SAME MATERIALS AND ARCHITECTURAL ELEMENTS.



TERRY R. CUNNINGHAM
ARCHITECTS

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MEADOWS CREEK OFFICES
8092 PRECINCT LINE RD.
COLLEYVILLE, TEXAS

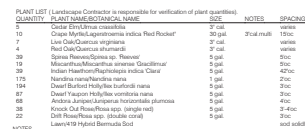
SHEET TITLE:
EXTERIOR
ELEVATION
BLDG. 2

DATE: 2/17/15
REVISED:
REVISED:
REVISED:

SHEET:
A2.4

ISSUED FOR OWNER REVIEW ONLY
NOT FOR CONSTRUCTION

DATE:	2/17/15
REVISED:	
REVISED:	
REVISED:	

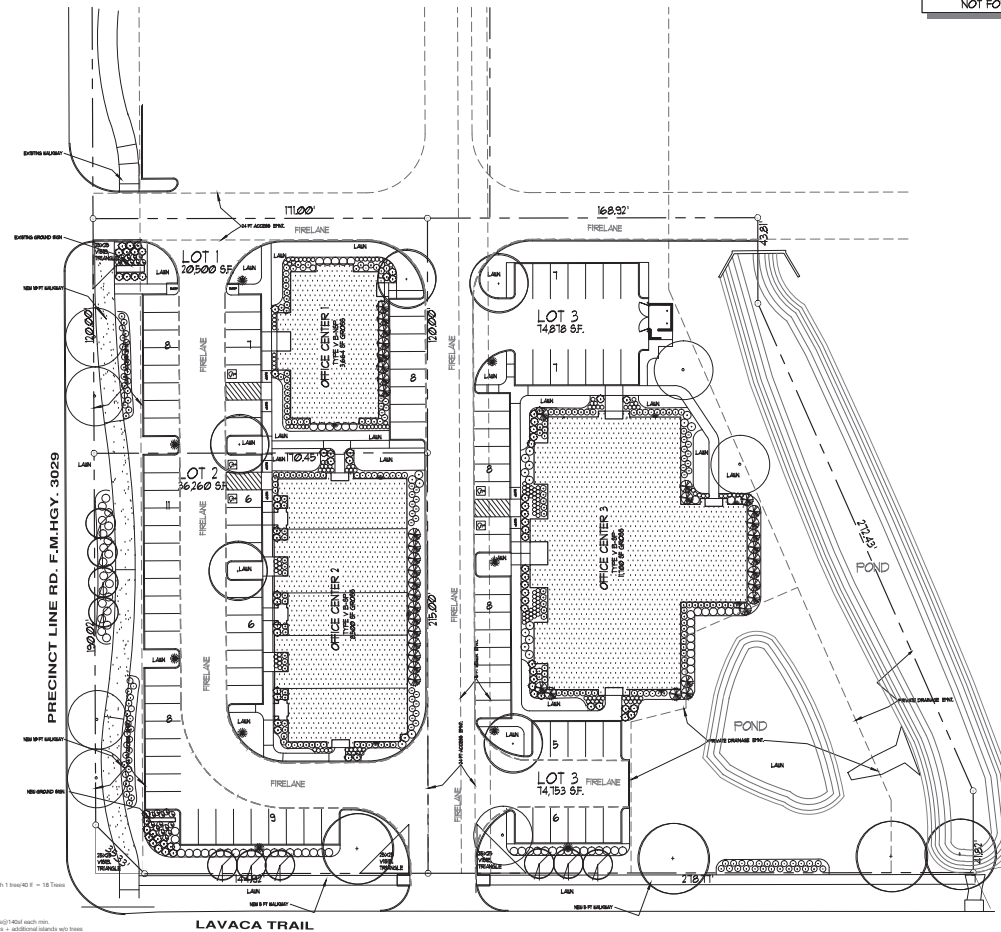
[illegible]

CALCULATIONS

There are no existing trees on site.

Site Area: 131.63sf
Required Landscape Area: 20% = 131.63 / 5 = 26.32sf
Provided Landscape Area: 52.24sf = 40%
Required Street Trees: 200sf - 1 shrub/5sf = 40
Required Street Trees: 18
Required Street Shrubs: 1 shrub/5sf = 138
Provided Street Shrubs: 175
Area of parking: 103 sqfeet
Required parking for landscape area: 103/18 = 6 islands(142sf) each min.
Required parking for landscape area = 6 islands with trees + additional islands w/o trees

Landscape areas are pre approved PO plan



LPI-01 LANDSCAPE PLAN - OFFICE SITE



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MEADOWS CREEK OFFICES
PRECINCT LINE RD.
COLLEYVILLE, TEXAS

SHEET TITLE:
OFFICE
LANDSCAPE
PLAN

SHEET:

LP1



City of Colleyville Planning and Zoning Commission Agenda Briefing

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

Agenda Number 4d	Agenda Date 04/13/2015	Number
Type Public Hearing Agenda Items		
Department Community Development		

Title

Consideration of a Special Use Permit for an accessory building on Lot 12, Block 4, of the Ashmore Addition located at 2705 Highgrove Court, Case ZC15-006

Explanation

Kelly Fontenot, the property owner, has submitted a request for a Special Use Permit (SUP) to construct a 1,928 square foot detached accessory building on 0.814 acres located at 2705 Highgrove Court.

Existing Conditions. The property is zoned R20 – Single Family Residential zoning district and is currently developed as a 5,235 square foot single family residence.

Applicant's Request. The applicant plans to construct a masonry accessory building in the rear portion of the lot, nearly eighty nine (89) feet from the rear lot line and over twenty (20) feet from the eastern side lot line. The accessory building will be located entirely behind the primary residence and separated by a distance of 29 feet. The proposed height is twenty eight feet, one and one-half inches (28' 1 ½") to the highest roof ridge. The proposed roof has a 12:1 pitch. The applicant intends to use the accessory building as a pool house and recreation room. Colors for the masonry have not been specified at this time.

Accessory buildings are regulated in the Land Development Code by Section 3.27 - Accessory Buildings and Residential Carport Regulations. Section 3.27 requires a Special Use Permit for any accessory building that does not meet the conditions of this section. The conditions allow up to a 1,000 square foot accessory building for a lot that is between 0.5 and 0.99 acres; therefore, a Special Use Permit is required for the proposed accessory building.

The proposed accessory structure complies with the R20 – Single Family Residential zoning district's required ten (10) foot and twenty five (25) foot side and rear yard setbacks, respectively. The lot size of 0.814 acres equates to 35,458 square feet. The existing area under roof is 6,468 square feet. Including the proposed 1,928 square feet, the total covered area would be 8,396 square feet, or roughly twenty four percent (24%) lot coverage. The R20 – Single Family Residential zoning district allows for up to thirty percent (30%) lot coverage. The proposed accessory building will not penetrate the vertical height envelope.

Non-Compliant Factors. The proposed accessory structure does not comply with the

following provisions of the Land Development Code:

1. Section 3.27(A)2 – Maximum Size and Number of Buildings:

For lots below one acre in size, the maximum size for all accessory buildings on the site is 1,000 square feet. The proposed size of the accessory building is 1,928 square feet.

The proposed accessory building complies with the other requirements of Section 3.27. The site plan, floor plan and elevations are incorporated as exhibits to the ordinance.

Surrounding Development Trends. Surrounding properties to the north, east, and west are zoned R20-Single Family Residential zoning district and are developed as single family detached homes. Land to the south is Zoned AG – Agricultural and developed with a single family detached home.

Public Notification. Staff mailed notices to 15 adjacent property owners as well as all Homeowners Associations within 500 feet of the subject property regarding this request. Notification was also sent to the Grapevine Colleyville ISD 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 one letter of support.

Summary. The applicant proposes to construct a detached accessory building that exceeds the size allowed by the Land Development Code. Given that the proposed structure meets all other requirements, staff recommends approval.

Recommendation

Approval with the following conditions:

- a. The Special Use Permit shall apply to the construction of an accessory building.
- b. The accessory building shall not exceed 1,928 square feet in size including all covered patio areas.
- c. Design and exterior materials shall be generally consistent with Exhibit "C". All façades shall be composed entirely of masonry.
- d. The accessory building may only be used for recreational purposes and not as an accessory dwelling unit.
- e. All requirements of the Land Development Code shall be met, except where amended herein.

Attachments

1. Location and Zoning Map

2. Aerial
3. Future Land Use Map
4. Notification List
5. Buffer Map
6. Letter of Support
7. Statement of Planning Objectives
8. Zoning Exhibit
9. Elevations
10. Vertical Height Envelope
11. Ordinance O-15-XXXX

The map displays a grid of property lots with the following details:

- Streets:** POOL RD (west), GLADE RD (south), EDGEWOOD DR (north), STRAIGHT LN (east of Pool Rd), HIGHGROVE CT (east of Straight Ln), and WESTGROVE LN (east of Highgrove Ct).
- Lot Numbers and Zoning:**
 - West of Pool Rd: 5212, 5208 (R-20), 5204, 5200, 5108, 5108, 5108, AG, AG, 5100, 5008, 2612, 2616 (R-20).
 - Between Pool Rd and Glade Rd: 2701, 2705 (Subject Property), 2709, 2713, 5009, 5005, 2712 (R-20).
 - East of Glade Rd: 2800, 2802, 2804, 2806, 2808, 2810, 2902, 2904, 2906, 2801, 2803, 2805, 2807, 2708, 2712, 2802, 2806, 2807, 2809, 2901, 2903, 2905, 2907, 2810, 2900, 2902, 2904, 2906, 5009, 5007, 5005, 5003, 5006, 5004, 5002, 2900, 5001.
- Other Features:** A north arrow in the bottom left and the City of Colleyville logo in the bottom right.



[illegible][illegible]

Subject Property

HIGHGROVE CT

POOL RD

2705

2701

2709

2713

2807

2800

5009

2712

CITY OF COLLEYVILLE TEXAS

Subject Property

HIGHGROVE CT

POOL RD

2705

2701

2709

2713

2807

2800

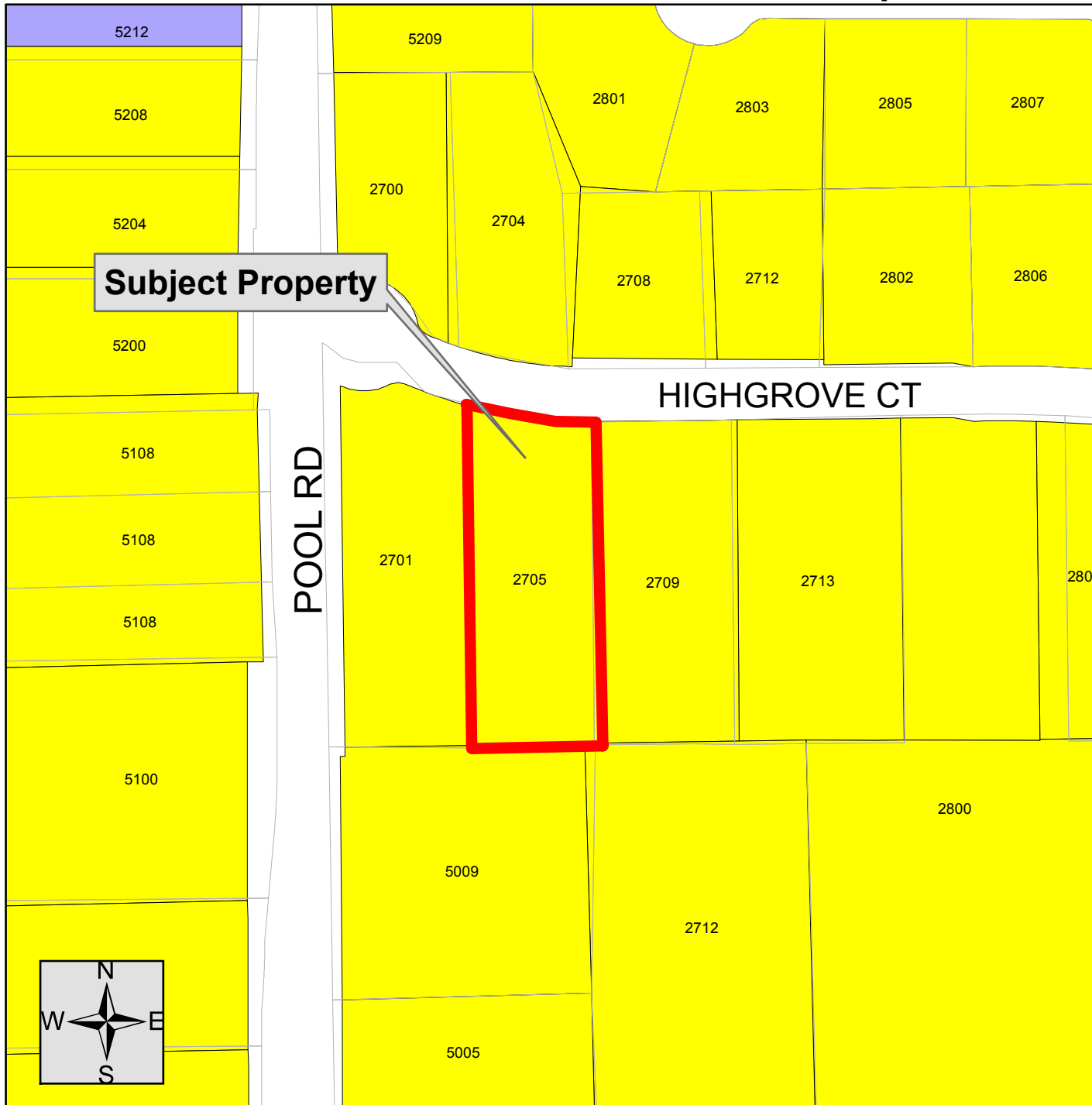
5009

2712

CITY OF COLLEYVILLE TEXAS



Future Land Use Map



Legend

- Single Family
- Multi-Family
- Office
- Retail
- Institutional
- Industrial
- Roadway
- Utilities
- Parks
- Private Open Space
- Water



Notification List

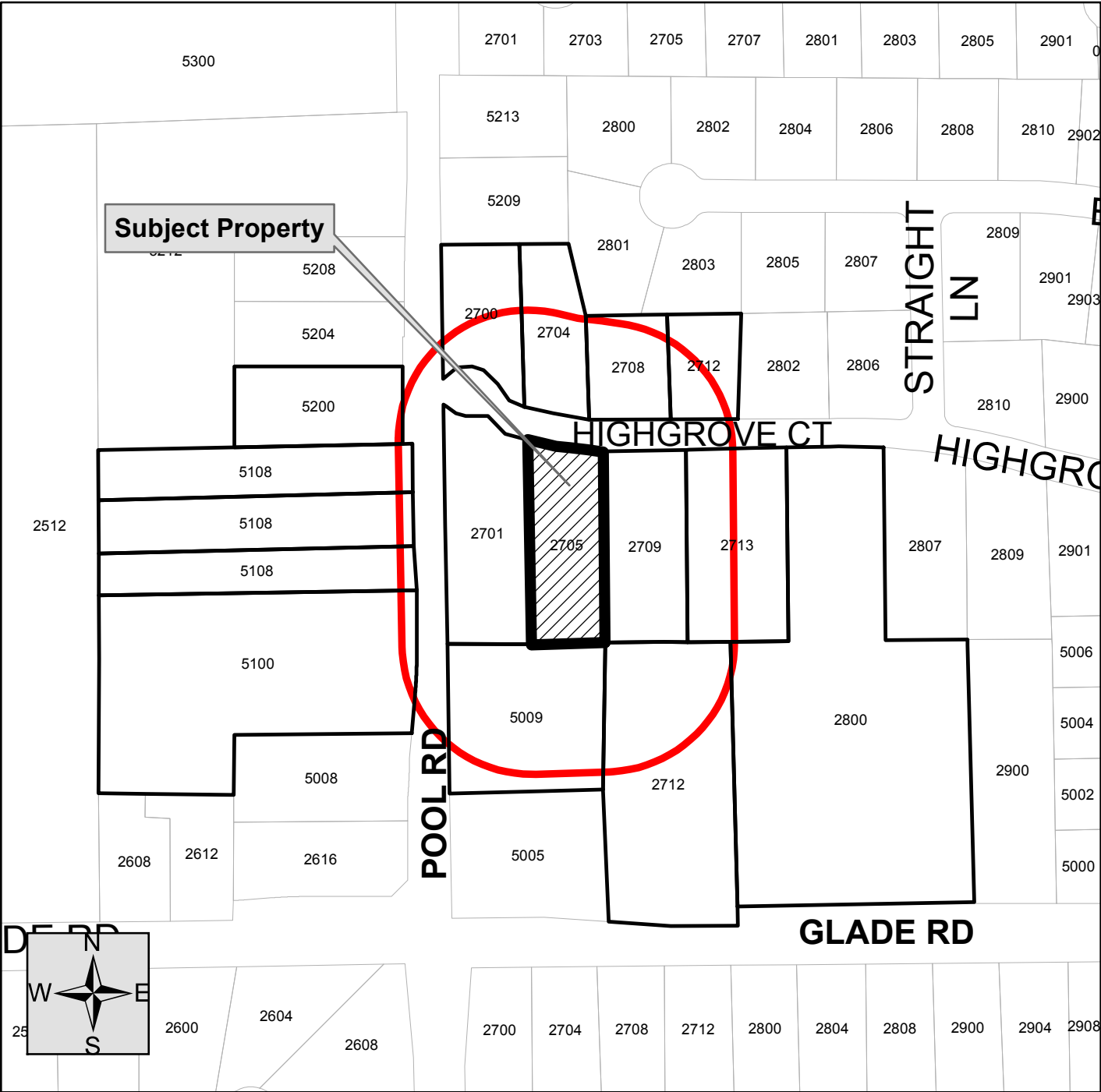
Owner Name	Owner Address	Owner City	Owner State	Owner Zip	Situs Address
McCormick, Robert J	2220 Pool Rd Ste 100	Grapevine	Texas	76051	005009 Pool Rd
McCormick, Robert & Cynthia	2220 Pool Rd Ste 100	Grapevine	Texas	76051	002712 Glade Rd
Mikulik, Walter Etux Eva	5100 Pool Rd	Colleyville	Texas	76034	005108 Pool Rd
Texcan Ventures Vii Ltd	5100 Pool Rd	Colleyville	Texas	76034	005108 Pool Rd
Texcan Ventures Vii Ltd	5100 Pool Rd	Colleyville	Texas	76034	005108 Pool Rd
Dzura, Michael Etux Patricia	2704 Highgrove Ct	Colleyville	Texas	76034	002704 Highgrove Ct
Do, Phuong N Etvir Binh V	2700 Highgrove Ct	Colleyville	Texas	76034	002700 Highgrove Ct
Yancey, Charles W Etux Theresa	2701 Highgrove Ct	Colleyville	Texas	76034	002701 Highgrove Ct
Fyffe, Jack B & Jane G	2708 Highgrove Ct	Colleyville	Texas	76034	002708 Highgrove Ct
Little, David P Etux Shelly	2712 Highgrove Ct	Colleyville	Texas	76034	002712 Highgrove Ct
Staley, David C	5200 Pool Rd	Colleyville	Texas	76034	005200 Pool Rd
Mikulik, Walter Etux Eva	5100 Pool Rd	Colleyville	Texas	76034	005100 Pool Rd
McCormick, Robert & Cynthia	2220 Pool Rd Ste 100	Grapevine	Texas	76051	002800 Glade Rd
Johnson, Zachary S Etux Amy W	2713 Highgrove Ct	Colleyville	Texas	76034	002713 Highgrove Ct
Fontenot, Kelly R Etux Kelle L	2705 Highgrove Ct	Colleyville	Texas	76034	002705 Highgrove Ct
Wuestenberg, Kurt Etux Melissa	2709 Highgrove Ct	Colleyville	Texas	76034	002709 Highgrove Ct
GRAPEVINE COLLEYVILLE ISD	3051 IRA E WOODS AVE	Grapevine	Texas	76051	State Law Required
Dan Hatley, Applicatnt	PO Box 1013	Colleyville	Texas	76034	Applicant

Public hearing notices were mailed
Wed., April 1, 2015 by Taci Wrisley

Buffer Map

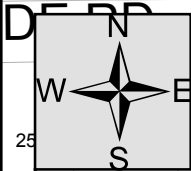
Case ZC15-006

2705 Highgrove Ct



Legend

-  Properties within 200 feet
-  Subject Property
-  Parcels



Letter of Support

From: CapitalCorp
Sent: Tuesday, April 7, 2015 7:11 PM
To: Taci Wrisley
Cc: Ron Ruthven
Subject: Re: ZC15-006

Taci;
Thank you for sending me the plans. My comments are as follows:

"As a homeowner that falls within the 200' notification area, I have reviewed the submitted plans and believe that the Owners' project will be an enhancement to Ashmore and the surrounding neighborhoods. Please put me down as being in favor of approval by the P & Z Board"

David Staley
5200 Pool Rd

Statement of Planning Objectives

Date: March 19, 2015
To: City of Colleyville, Community Development Review Committee
From: Kelly Fontenot (krfontenot@hotmail.com)
Subject: Planning Objectives for 2705 Highgrove Court, 76034

The Fontenot Family is building an accessory building to be used as an outdoor game room for family entertainment purposes.

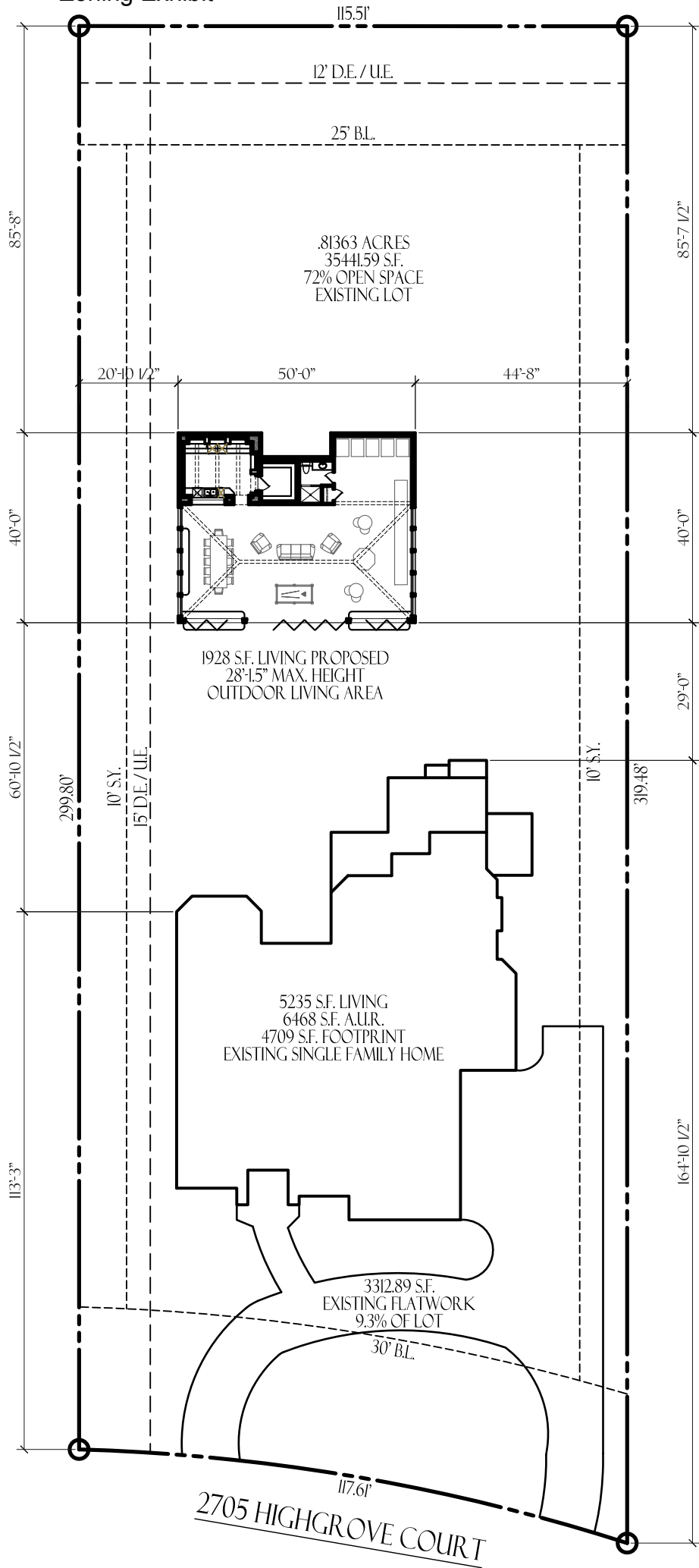
Kelly R. Fontenot 3-19-15
Kelly R. Fontenot, Owner Date

Kelle L. Fontenot 3-19-15
Kelle L. Fontenot, Owner Date

Zoning Exhibit



VICINITY MAP



HOME DESIGNS
817.412.0896
www.qhomedesigns.com



SITE PLAN

1" = 30'-0"
LOT 12, BLOCK 4
ASHMORE
COLLEYVILLE, TEXAS
FONTENOT RESIDENCE
14099

* Contractor/Owner to verify and check all aspects of this site and plot plan prior to any construction

Elevations



PLANS AGREEMENT
By using these plans, the buyer agrees to the following: These plans are the property of Q Home Designs and are not to be reproduced, altered, or used for construction without the written permission of Q Home Designs. These plans are intended to provide the owner with a general idea of the design and construction of the house. The owner is responsible for obtaining all necessary permits and for ensuring that the construction complies with all applicable codes and regulations. Any changes to the plans must be made in writing and signed by both parties. The plans are provided as a guide only and are not to be used as a basis for construction without the supervision of a professional architect or engineer. The plans are not to be used for any other purpose without the written permission of Q Home Designs. Copyright © 2017 Q Home Designs.

DISCLAIMER
Q Home Designs is not responsible for any errors or omissions in these plans. The plans are provided as a guide only and are not to be used as a basis for construction without the supervision of a professional architect or engineer. The plans are not to be used for any other purpose without the written permission of Q Home Designs.

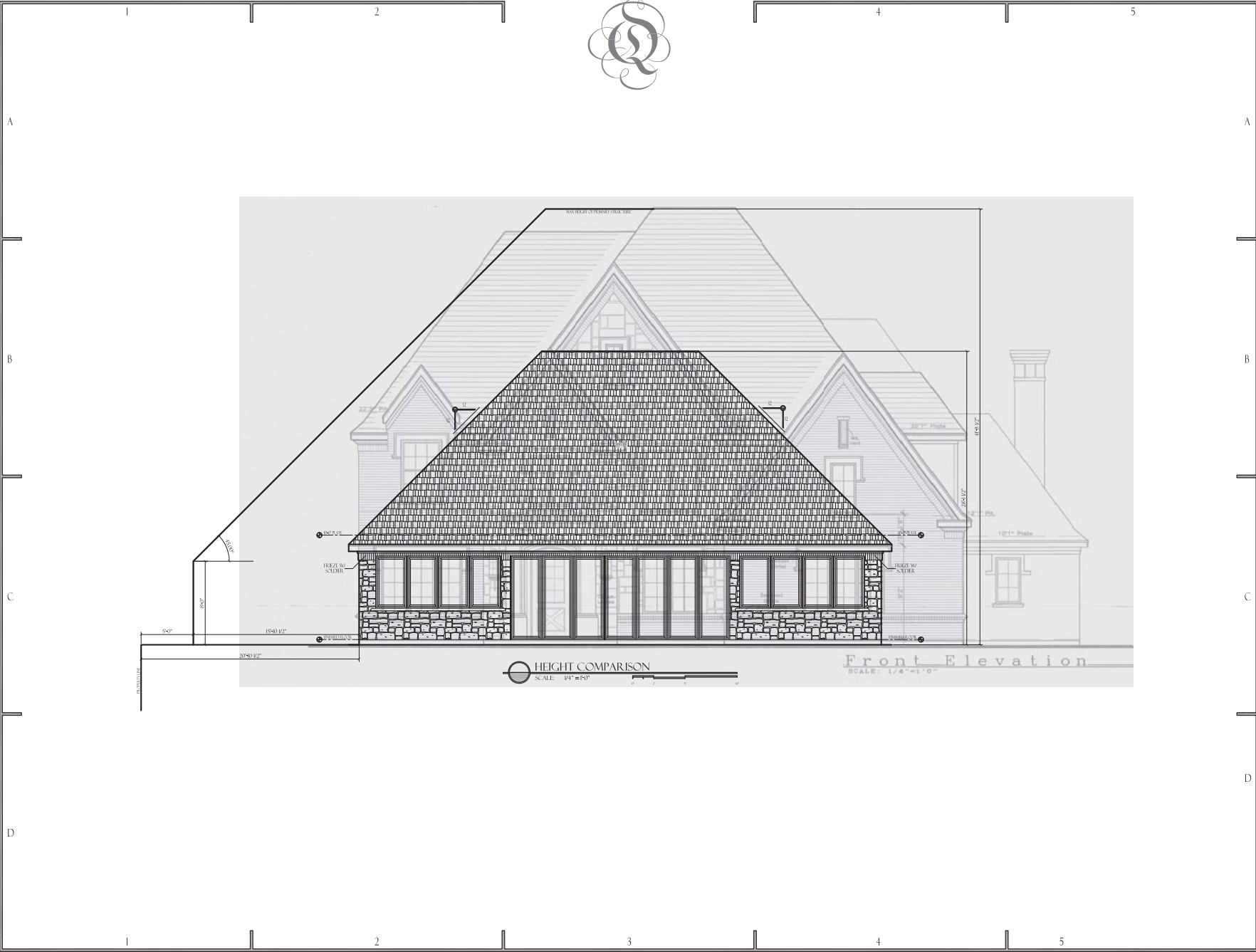
NOTES
1. Customer shall verify all dimensions prior to beginning construction and shall notify the Designer of any discrepancies immediately.
2. Customer shall follow all applicable codes and local rules / ordinances.
3. All plans shall be 1/4" = 1'-0" and shall be printed on A-size paper.
4. Printing shall be on a standard 11" x 17" sheet of paper.
5. All dimensions shall be in feet and inches, rounded to the nearest 1/8".
6. Notes shall conform to the 2015 International Building Code and the 2015 International Residential Code, as well as all other applicable codes and regulations.
7. All work shall be done in accordance with the plans and specifications.
8. All work shall be done in accordance with the plans and specifications.
9. All work shall be done in accordance with the plans and specifications.
10. All work shall be done in accordance with the plans and specifications.

HATLEY CUSTOM HOMES
2705 HIGHGROVE COURT
COLLEYVILLE, TEXAS
ASHMORE
LOT 12, BLOCK 4
FONTENOT RESIDENCE

HOME DESIGNS
817.412.0896
www.qhomedesigns.com

JOB #:
14099
A-3

Vertical Height Envelope



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DRAWN BY: Q HOME DESIGNS
CHECKED BY: Q HOME DESIGNS
DATE: 10/1/2019
CONSTRUCTION BY: Q HOME DESIGNS

NOTES:
1. Contractor shall verify all dimensions prior to beginning construction and shall notify the Designer of any discrepancies immediately.
2. Contractor shall follow all applicable state and local codes / ordinances.
3. All framing shall be 2x6 unless noted otherwise.
4. All framing shall be 2x6 unless noted otherwise.
5. All doors and windows shall be 2x6 unless noted otherwise.
6. Siding shall conform to the 2019 International Building Code and the 2019 International Residential Code or as well as all other applicable and / or governing codes.
7. All roof pitches shall be as indicated on any face of the plan.
8. L&L is responsible for verifying all dimensions of change or variation to plans / construction drawings.
9. All second floor pin heights are based on 10' floor system. Actual pin heights may vary. Verify with builder / engineer.

HATLEY CUSTOM HOMES
2705 HIGHGROVE COURT
COLLEYVILLE, TEXAS
ASHMORE
LOT 12, BLOCK 4
FONTENOT RESIDENCE

HOME DESIGNS
817.412.0896
www.qhomedesigns.com

JOB #:
14099
A-5

ORDINANCE O-15-XXXX

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF COLLEYVILLE, TEXAS, BY AMENDING THE OFFICIAL ZONING MAP AND CHANGING THE ZONING OF LOT 12, BLOCK 4 OF THE ASHMORE ADDITION, LOCATED AT 2705 HIGHGROVE COURT BY AUTHORIZING A SPECIAL USE PERMIT FOR AN ACCESSORY BUILDING; 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 Special Use Permit for an accessory building under Case No. ZC15-006; and

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

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

WHEREAS, the Planning and Zoning Commission has divided the City into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan 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 changing the zoning on Lot 12, Block 4 of the Ashmore Addition located at 2705 Highgrove Court by authorizing a Special Use Permit for an accessory building, as depicted on 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 the above described tract of land shall be subject to the following conditions:

1. GENERAL

- a. The Special Use Permit shall apply to the construction of an accessory building.
- b. The accessory building shall not exceed 1,928 square feet in size including all covered patio areas.
- c. Design and exterior materials shall be generally consistent with Exhibit "C". All façades shall be composed entirely of masonry.
- d. The accessory building may only be used for recreational

purposes and not as an accessory dwelling unit.

e. All requirements of the Land Development Code shall be met, except where amended herein.

Sec. 5. THAT any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Colleyville, and upon conviction shall be punishable by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense.

Sec. 6. THAT if any section, paragraph, subdivision, clause, phrase, or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.

Sec. 7. THAT in addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.

Sec. 8. THAT it has been found that there has been a change in conditions in the above described property, it is now necessary that it be given the above zoning classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare, and requires that this ordinance shall take effect immediately from and after its passage.

AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 5th day of May 2015.

The second reading and public hearing being conducted on the 12th day of May 2015.

PASSED AND APPROVED by the City Council of the City of Colleyville, Texas, on this the _____ day of _____ 2015.

ATTEST:

CITY OF COLLEYVILLE

Amy Shelley, TRMC
City Secretary

David Kelly
Mayor

APPROVED AS TO FORM AND LEGALITY:

Matthew C. G. Boyle
City Attorney

Exhibit "A" – Location and Zoning Map

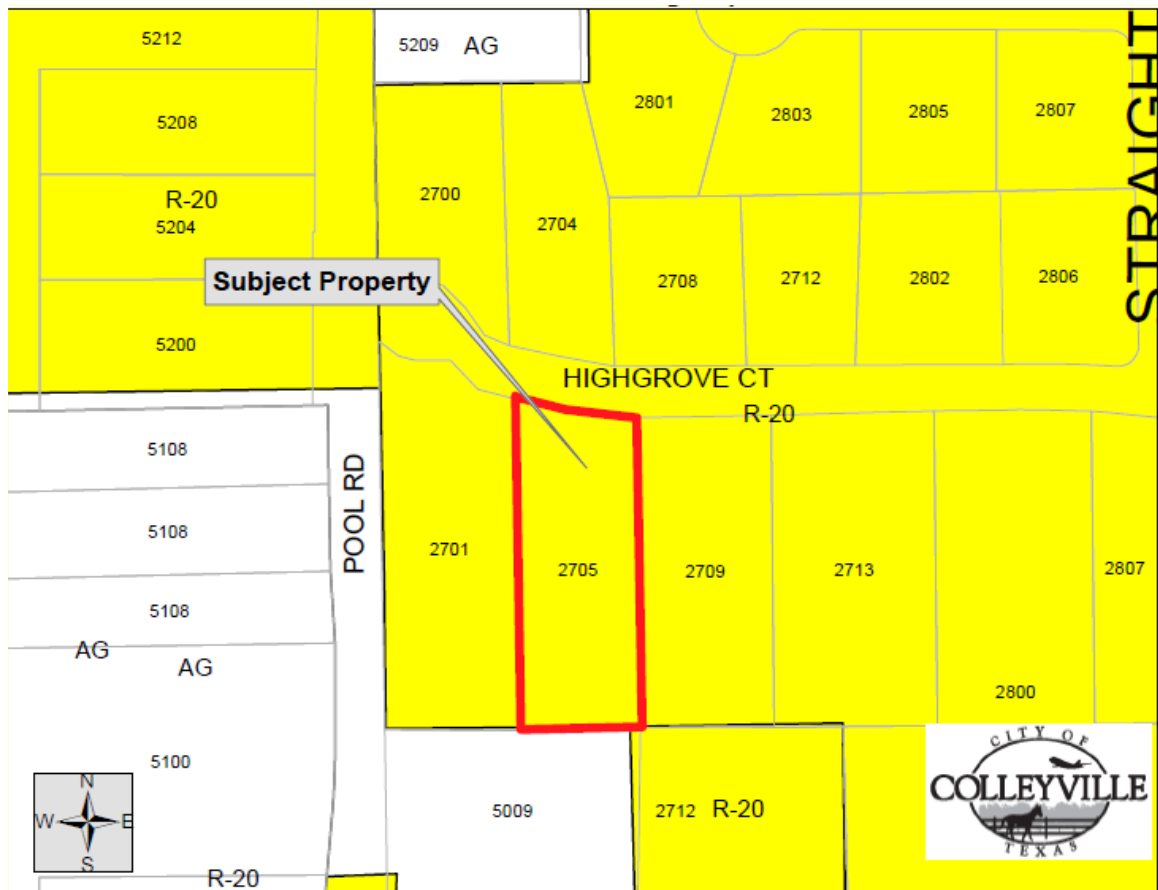


Exhibit "B" – Zoning Exhibit

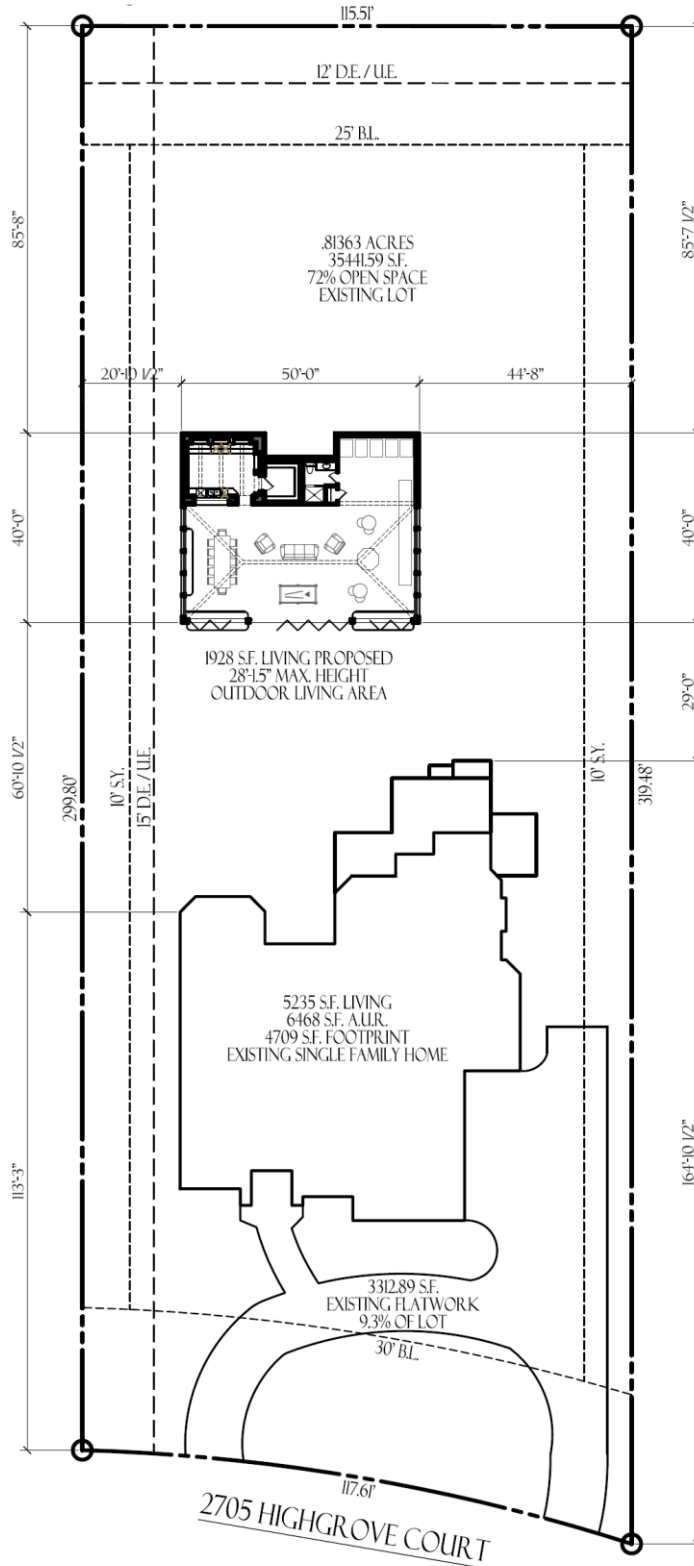
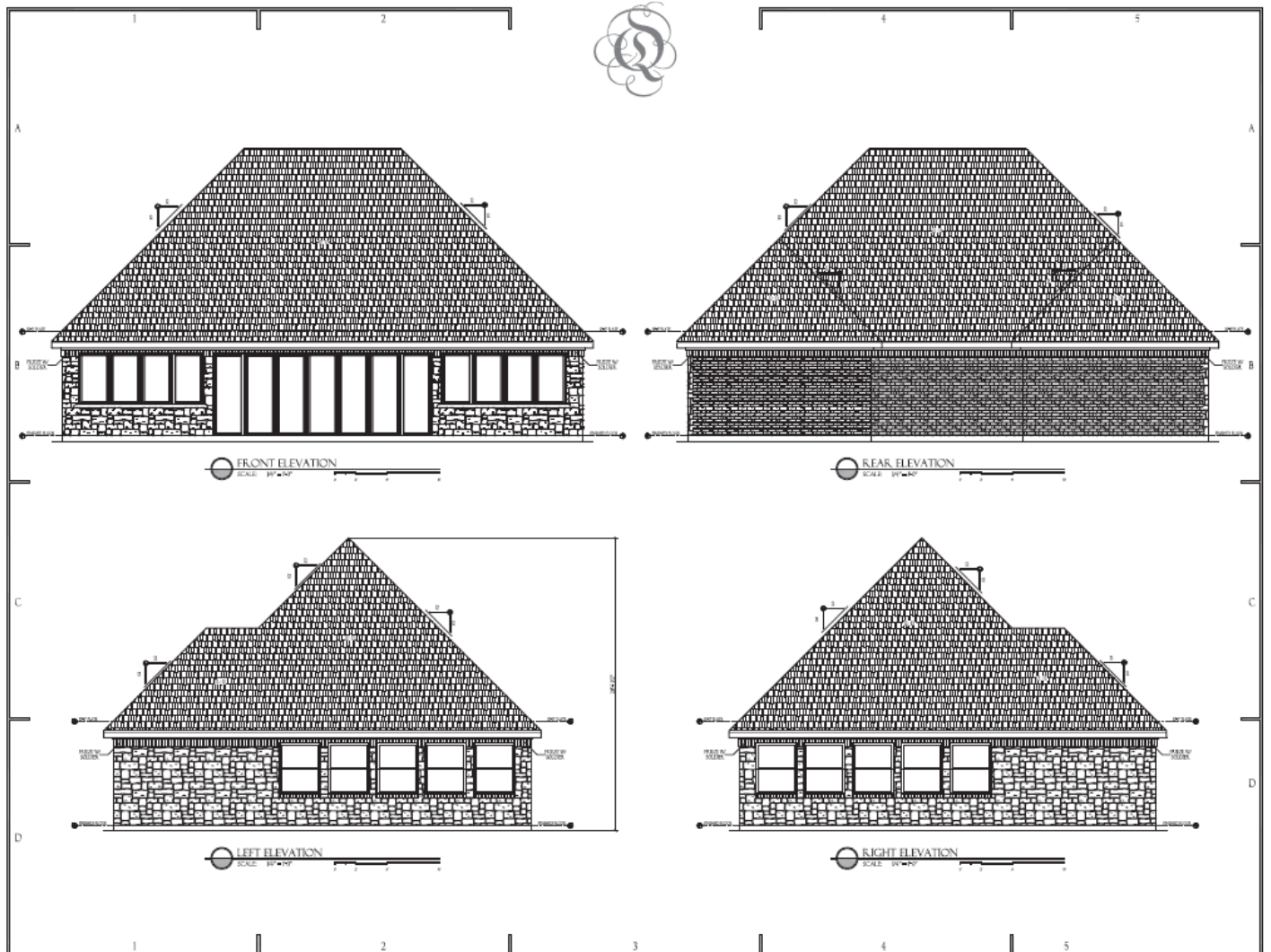


Exhibit "C" – Building Elevations





City of Colleyville Planning and Zoning Commission Agenda Briefing

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

Agenda Number 4e	Agenda Date 04/13/2015	Number
Type Public Hearing Agenda Items		
Department Community Development		

Title

Consideration of an amendment to the Special Use Permit requirements on Lot 1R1, Block 2, of the Village Park Addition located at 4701 Colleyville Boulevard, Case ZC15-007

Explanation

Sara Smith has submitted an application to amend the Special Use Permit (SUP) for outside storage for the Westlake ACE Hardware store, located at 4701 Colleyville Boulevard.

Existing Conditions. Westlake ACE Hardware currently occupies the southern portion of the existing 190,000 square foot Colleyville Downs shopping center located along the east side of SH26 between Glade Road and Centerpark Drive. The subject property is currently zoned CC2-Shopping Center district. A Special Use Permit for outside storage was approved on February 19, 2008 by Ordinance O-08-1660.

Statement of Planning Objectives. Several outside sales areas were approved in conjunction with Ordinance O-08-1660 as described below. The applicant is proposing to increase the allowed height of the "Bulk Storage Area" from four feet (4') to eight feet (8'). This area is primarily used for storage and display of stacked bags of mulch, soil, stones, and other similar products. In addition, relocation of the "Outside Sales Area" is requested in order to accurately reflect its current location at the end of the parking aisle directly to the southwest of the area approved by Ordinance O-08-1660. The four (4) handicap-accessible parking spaces located in the new "Outside Sales Area" will be shifted to the aisle immediately to the northeast.

The description of the current outside sales and storage areas is as follows (refer to the attached zoning exhibit):

- a. **Outside Sales Area:** Items stored in this area shall be stacked no higher than four feet. No fencing shall be permitted around the perimeter of this area.
- b. **Outside Sales Area #2:** This area shall be limited to the sidewalk adjacent to the building. Goods displayed or stored in this area shall be stacked no higher than six feet.
- c. **Bulk Storage Area:** Goods stored in this area shall be no higher than four feet

(an increase to eight feet in height is requested).

d. **New Fenced Sales Area:** This area shall be an extension of the existing chain-link fence.

e. **Fenced Storage Area:** This area shall be screened with slats located between the fence links with a maximum height of items to be stored of 8 feet. The screening slats shall be maintained and kept in good condition and appearance.

Screening. The applicant is proposing to provide a row of Oakleaf holly bushes along Centerpark Drive in order to screen the outside storage areas. The holly bushes are planned to be installed six feet apart, and will be six feet in height at time of planting. Vegetation will be irrigated by a drip line. These requirements are outlined in the draft ordinance.

Surrounding Development Trends. Properties surrounding the subject site on the north, east, and west are zoned CC2-Shopping Center and are developed as retail and office uses. Land to the south is zoned PUDR-Planned Unit Development Residential and is developed with single family residences.

Public Notification. Staff mailed notices to all adjacent property owners within 200 feet of the subject property and all Homeowner Associations within 500 feet. Notification was also sent to the Grapevine Colleyville ISD per state law. Notice was published in the *Fort Worth Star-Telegram* as required by state law and the Land Development Code. Staff has received two letters of concern regarding this request.

Summary. The proposed increase in height for the "Bulk Storage Area" from four (4) to eight (8) feet may negatively impact aesthetics of the site; however, this may be mitigated through installation of the proposed vegetative screening. The relocation of the "Outside Sales Area" as proposed would not be detrimental to the site.

Recommendation

Approval with the following conditions:

1. General

- a. All outdoor storage areas shall conform to the descriptions and locations shown on the attached Exhibit "B".
- b. Section 4 (1) "c" shall be deleted.
- c. The Special Use Permit shall automatically expire upon the abandonment of the business, change in use, change in ownership of the hardware store, or the expiration or termination of the Certificate of Occupancy for the approved use.

2. Outdoor Storage Specifications

- a. **Bulk Storage Area:** Goods stored in this area shall be no higher than eight

feet.

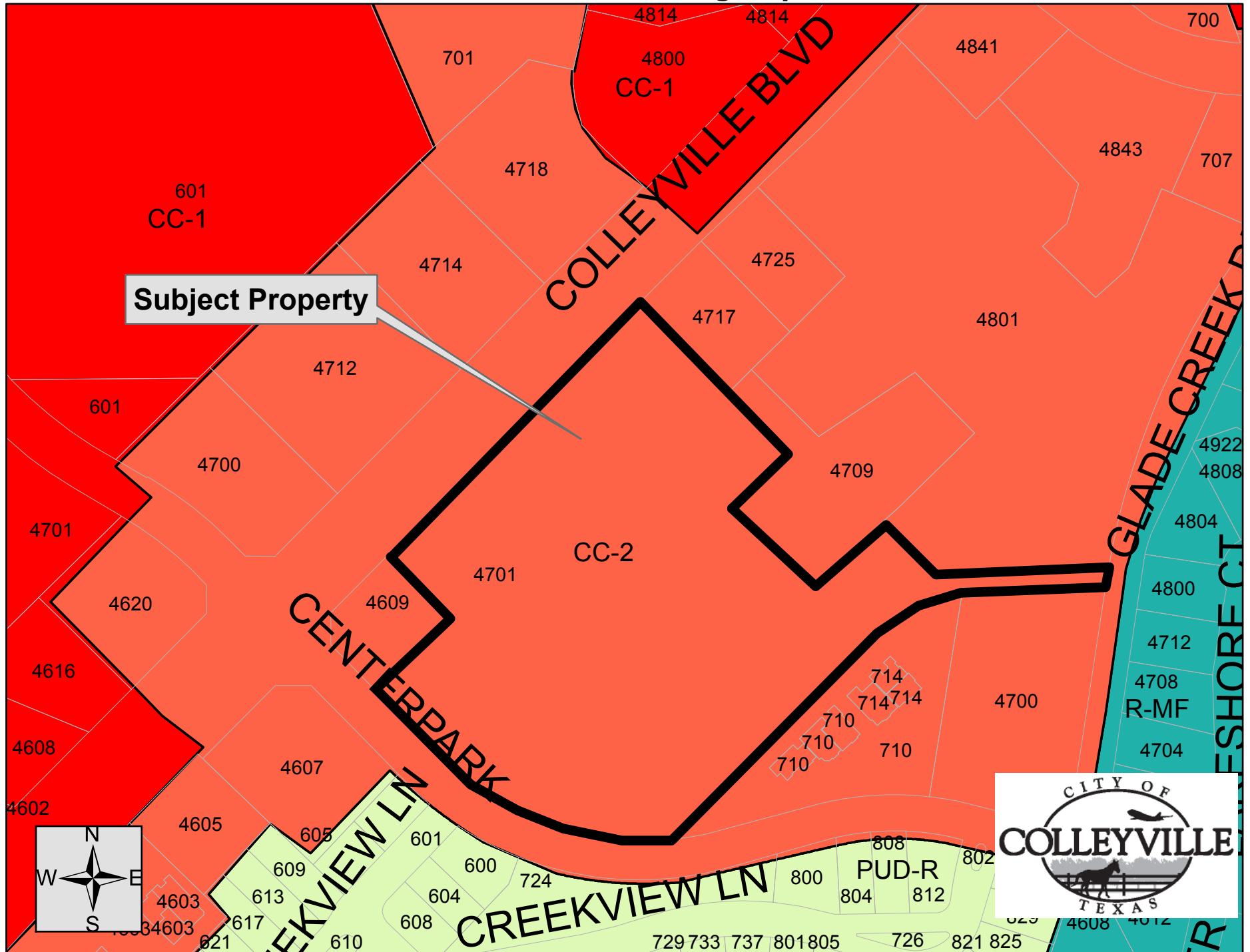
3. Screening

- a. A row of Oakleaf holly bushes shall be installed along Centerpark Drive to screen the outside storage areas.
- b. The plants shall be six feet in height at time of installation, and planted six feet apart.
- c. A drip line irrigation system shall be provided.
- d. Plants that are damaged or die must be replaced immediately.

Attachments

1. Location and Zoning Map
2. Aerial
3. Future Land Use Map
4. Notification List
5. Buffer Map
6. Letter of Concern
7. Letter of Concern 2
8. Statement of Planning Objectives
9. Zoning Exhibit
10. Proposed Screening
11. Ordinance O-08-1660
12. Ordinance O-15-XXXX

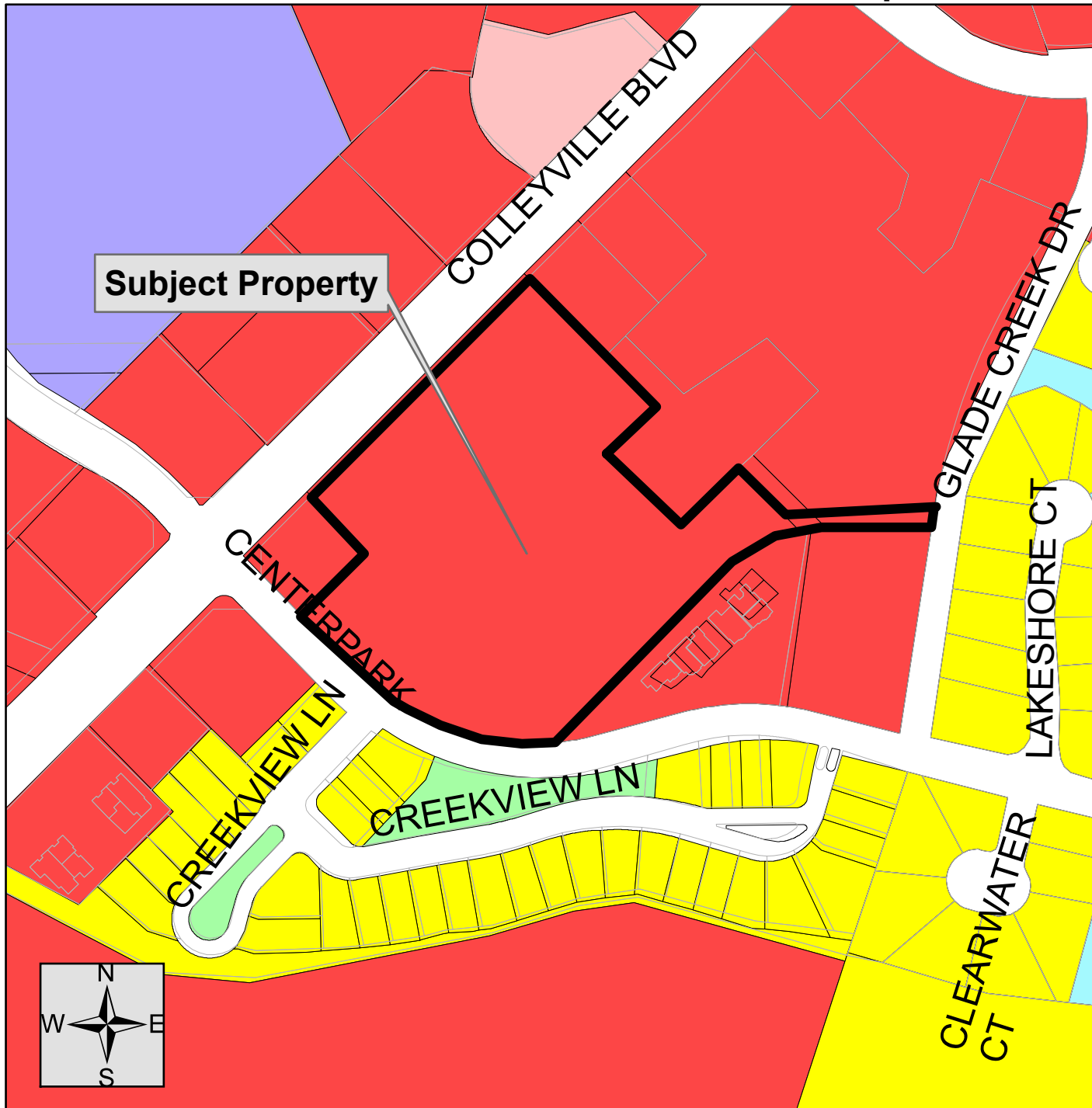
Location and Zoning Map



Aerial



Future Land Use Map



Legend

- Single Family
- Multi-Family
- Office
- Retail
- Institutional
- Industrial
- Roadway
- Utilities
- Parks
- Private Open Space
- Water



Notification List

Owner Name	Owner Address	Owner City	Owner State	Owner Zip	Situs Address
R&L Capital Properties Llc	6903 Shepherds Gln	Colleyville	Texas	76034	004800 Colleyville Blvd
Fonberg, Peter D	5452 Glen Lakes Dr Ste 203	Dallas	Texas	75231	004718 Colleyville Blvd
4714 Colleyville Blvd Prtnrs	8235 Douglas Ave Ste 655	Dallas	Texas	75225	004714 Colleyville Blvd
Ac Village Park Partners Llc	8235 Douglas Ave Ste 655	Dallas	Texas	75225	004701 Colleyville Blvd
Daunis, Walter F & Letaine	106 Blue Stem Ln	Haslet	Texas	76052	004609 Colleyville Blvd
Ac Village Park Partners Llc	8235 Douglas Ave Ste 655	Dallas	Texas	75225	004801 Colleyville Blvd
Ac Village Park Partners Llc	8235 Douglas Ave Ste 655	Dallas	Texas	75225	004725 Colleyville Blvd
Pardo, Lisa D	904 Saddlebrook Dr	Colleyville	Texas	76034	004607 Colleyville Blvd
Harris, John	4808 Lakeshore Ct	Colleyville	Texas	76034	004808 Lakeshore Ct
Erickson, Orlando Etux Anna	4804 Lakeshore Ct	Colleyville	Texas	76034	004804 Lakeshore Ct
Rhodes, Dee Ann Etvir Joe	4712 Lakeshore Ct	Colleyville	Texas	76034	004712 Lakeshore Ct
Wren, Donald C Etux Barbara	4704 Lakeshore Ct	Colleyville	Texas	76034	004704 Lakeshore Ct
Talkington, Mary Alice	4708 Lakeshore Ct	Colleyville	Texas	76034	004708 Lakeshore Ct
Charlotte Walters Family Trust	PO Box 1669	Burnet	Texas	78611	004800 Lakeshore Ct
Hardin, Jo Dora	600 Creekview Ln	Colleyville	Texas	76034	000600 Creekview Ln
Moyer, Cecilia C	604 Creekview Ln	Colleyville	Texas	76034	000604 Creekview Ln
Johnson, Yvonne F	608 Creekview Ln	Colleyville	Texas	76034	000608 Creekview Ln
Thomas, Barry J Etux Nancy E	800 Creekview Ln	Colleyville	Texas	76034	000800 Creekview Ln
Nicholas, Rene Lou	808 Creekview Ln	Colleyville	Texas	76034	000808 Creekview Ln
Fick, Gary Etux Rebecca Cast	804 Creekview Ln	Colleyville	Texas	76034	000804 Creekview Ln
Hoa Of Cambridge Place Inc	3500 Maple Ave Ste 1165	Dallas	Texas	75219	000724 Creekview Ln
Patel, Geeta Tr	601 Creekview Ln	Colleyville	Texas	76034	000601 Creekview Ln
Hasheesh, Abdul M Etux Nour A	605 Creekview Ln	Colleyville	Texas	76034	000605 Creekview Ln
Winstead, Debra A	717 Creekview Ln	Colleyville	Texas	76034	000717 Creekview Ln
Ross, Mickey K	721 Creekview Ln	Colleyville	Texas	76034	000721 Creekview Ln
Espinosa, Roberto & Vilma	801 Creekview Ln	Colleyville	Texas	76034	000801 Creekview Ln
Crumpler, John K Etux Kandis L	725 Creekview Ln	Colleyville	Texas	76034	000725 Creekview Ln
Sorlie, Victor A Etux Linda	729 Creekview Ln	Colleyville	Texas	76034	000729 Creekview Ln
Teague, Mary P Etvir Daniel	733 Creekview Ln	Colleyville	Texas	76034	000733 Creekview Ln
Dehart, Doris	737 Creekview Ln	Colleyville	Texas	76034	000737 Creekview Ln
Realty Income Tx Pro 1 Llc	PO Box 460069	Escondido	California	92046	004700 Glade Creek Dr
Ac Village Park Partners Llc	8235 Douglas Ave Ste 655	Dallas	Texas	75225	004709 Colleyville Blvd
Ac Village Park Partners Llc	8235 Douglas Ave Ste 655	Dallas	Texas	75225	004717 Colleyville Blvd
Schwab Group Llc	714 Centerpark Dr Ste 100	Colleyville	Texas	76034	000714 Centerpark
Avia Properties Llc	714 Centerpark Dr Ste 140	Colleyville	Texas	76034	000714 Centerpark
Betty B Pannell Rev Liv Tr	PO Box 815	Colleyville	Texas	76034	000710 Centerpark
1 Chronicles 29:10-20 Llc	6620 Cedar Grove Dr	North Richland Hills	Texas	76182	000714 Centerpark
Colleyville Centerpark Assoc	PO Box 47	Colleyville	Texas	76034	000710 Centerpark
Raphael Leasing Llc	PO Box 820895	North Richland Hills	Texas	76182	000710 Centerpark
Kettle, Keith & Teresa S	714 Centerpark Dr Ste 120	Colleyville	Texas	76034	000710 Centerpark
Centerpark Colleyville Prtnrs	3008 E Hebron Pkwy Bldg 300	Carrollton	Texas	75010	000000 Colleyville Blvd
Ervin, Richard L Etux Terri	1155 W Wall St Ste 101	Grapevine	Texas	76051	004700 Colleyville Blvd
GRAPEVINE COLLEYVILLE ISD	3051 IRA E WOODS AVE	GRAPEVINE	Texas	76051	State Law Required
Hoa - Lakewood Estates	6707 Brentwood Stair Rd	Fort Worth	Texas	76112	COURTESY NOTICE
LAKEWOOD ESTATES HOA	4908 LAKESHORE COURT	COLLEYVILLE	Texas	76034	COURTESY NOTICE
Hoa Of Cambridge Place Inc	3500 Maple Ave Ste 1165	Dallas	Texas	75219	COURTESY NOTICE
Sara Smith	4701 Colleyville Blvd. Suite 100	Colleyville	Texas	76034	Applicant

Public hearing notices were mailed
Wed., April 1, 2015 by Taci Wrisley

Buffer Map

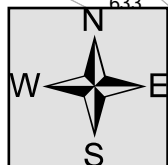
Case ZC15-007

4701 Colleyville Blvd.
Suite 100

Subject Property

Legend

-  Properties within 200 feet
-  Subject Property
-  Parcels



Letter of Concern

From: Joel Hart
Sent: Thursday, April 9, 2015 9:34 AM
To: Geoffrey Owen; Sorlie Vic; Morse Billie; Stalford Beth; Hardin Jo
Cc: Patia Boomsma; Taci Wrisley
Subject: Zoning Variance for Ace Hardware Centerpark Dr. / Hwy 26
Attachments: Scan0001.pdf

Friends and neighbors.

Here are some of the things that concern me about the future zoning request by Ace Hardware.

- 1- Stacking 40 pound bag of manure, compost, mulch etc. to 8 feet can be hazardous to the employees of Ace Hardware also to the customers should they try to help themselves. I understand this should not be a concern of the zoning and planning commission. Its more for Ace Hardware management to consider.
- 2- The hedge is made of 6 foot tall hollies that should be measured from the ground up **Not from the root ball up** as we could end up with 4 foot bushes that would not cover half of the stacked products for the next five years.
- 3- The exterior products would still be very visible as you approach the store from south Centerpark Dr. To fix this problem the hedge should go all the way to the end of the side garden rather than simply behind the 8 foot stack of material.

4- I believe the hedge should be installed prior to granting the Zoning change to avoid discrepancies on the size, height and number of the hollie bushes.

5- The outside sales area has been moved prior to the Zoning change.

This is simply my opinion. I like the store and Sarah the manager. The hedge should have been installed many years ago when they started stacking materials outside. If I am in town I will attend the zoning and planning commission meeting. I will also e mail my opinion to the President of the commission and all respective people.

Some questions to ask:

Will the change increase the city's revenue?

Will the change improve safety ? 24ft" fire lane access.

Will the change add to the esthetics of the area?

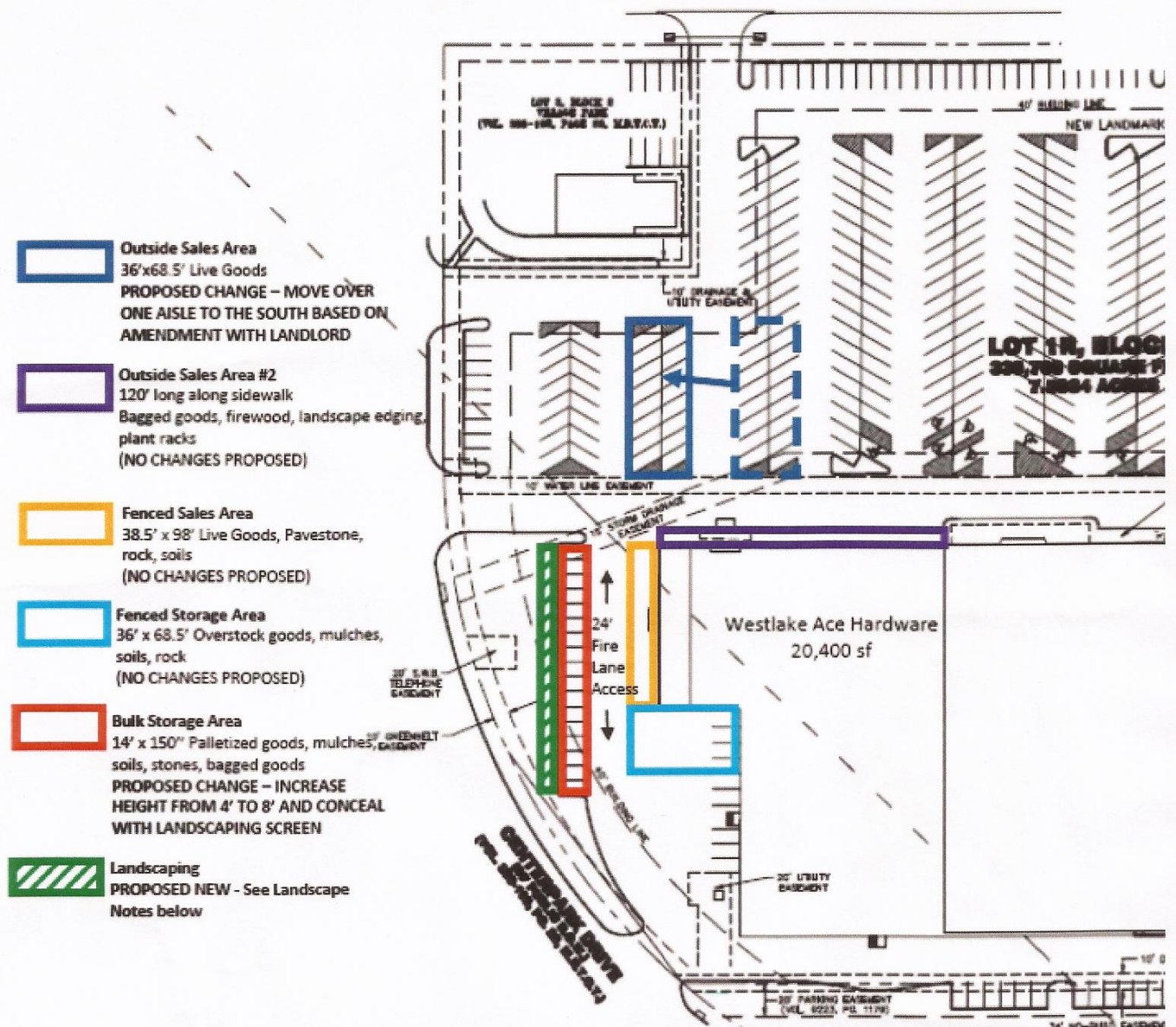
Will the change complement the developers recent investments in the shopping center?

The Chairman of the Zoning and Planning commission is Mr. Jeffrey Byerly. His e mail is JeffByerly@tx.rr.com

The e mail if you can not attend should be sent to Ms. Patia Boomsma AICP pboomsma@colleyville.com

Joel C. Hart

Letter of Concern



Landscape Notes:

Install an evergreen hedge as a screen around the product loading area on South side of parking lot facing Centerpark Drive.

Proposing to use 6' tall 'Oakleaf' hollies planted on 6' spacing, which will grow together and can be maintained as a screen for entire 150' area of approved Bulk Storage Area.

Oakleaf hollies are fast growing to 14 ft. tall and 6 ft. wide, and may be maintained as a sheared hedge or kept natural.

Prior to installation, irrigation will need to be repaired in this area and retrofitted for the new planting bed. The bed will contain drip irrigation and be top dressed with hardwood mulch for a clean appearance. Existing trees will remain and the hedge will be planted accordingly.

Patia Boomsma

From: Beth <bstalfordtx@verizon.net>
Sent: Thursday, April 9, 2015 1:10 PM
To: Patia Boomsma
Subject: Zoning Variance for Ace Hardware Centerpark Dr. / Hwy 26

Follow Up Flag: Follow up
Flag Status: Completed

Dear Ms. Boomsma,

I live in the Cambridge Place community off of Centerpark - across the street from Ace Hardware.

Ace Hardware is very convenient for many residents.

However, it is the **only** store in Colleyville Downs without shrubbery to hide outdoor products and dumpsters. Dumpsters are always hidden from view of the street. I'm sure you have noticed that neighboring Lowe's and Home Depot stores are strictly enforcing no outside storing of materials and dumpsters are hidden.

I would like to see the commission take advantage of Ace Hardware's zoning request and make them **extend** the new landscaping plan to cover current eyesores.

Thank you very much,

Beth Stalford
701 Creekview Lane
817/941-1816

Statement of Planning Objectives

Community Development Services Application for Special Use Permit Amendment to existing Ordinance O-08-1660

Applicant: Westlake Hardware, Inc.

Date: March 26, 2015

STATEMENT OF PLANNING OBJECTIVES:

Westlake Hardware, Inc. wishes to amend the current Special Use Permit for Outdoor Display and Storage. We currently have a **Bulk Storage Area** that allows for goods to be stored up to four feet in height. Our bulk bagged goods for this area are shipped in 8 foot tall pallets. To break down the product manually in order to comply with the existing Special Use Permit requires a great amount of additional labor, as well as takes up additional space. Westlake is hoping for approval to store these bulk bagged goods at the specification of up to 8 feet tall. If approved, Westlake will install an evergreen landscape screen in order to shield the visibility of the bulk storage area.

The existing Ordinance O-08-1660 authorizes a Special Use Permit for Outdoor Display and Storage. The objective of this Application is to amend the Specifications in Section 4. 2. Outdoor Storage Specifications as described in the below:

2. Outdoor Storage Specifications

- a. **Outside Sales Area:** Items stored in this area shall be stacked no higher than four feet. No fencing shall be permitted around the perimeter of this area.
- b. **Outside Sales Area #2:** This area shall be limited to the sidewalk adjacent to the building. Goods displayed or stored in this area shall be stacked no higher than six feet.
- c. **Bulk Storage Area:** Goods stored in this area shall be no higher than ~~four~~eight feet.
- d. **New Fenced Sales Area:** This area shall be an extension of the existing chain-link fence.
- e. **Fenced Storage Area:** This area shall be screened with slats located between the fence links with a maximum height of items to be stored 8 feet. The screening slats shall be maintained and kept in good condition and appearance.
- f. **Fire Lane:** A 24-foot fire lane shall be maintained around the building.

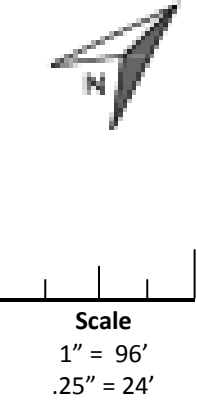
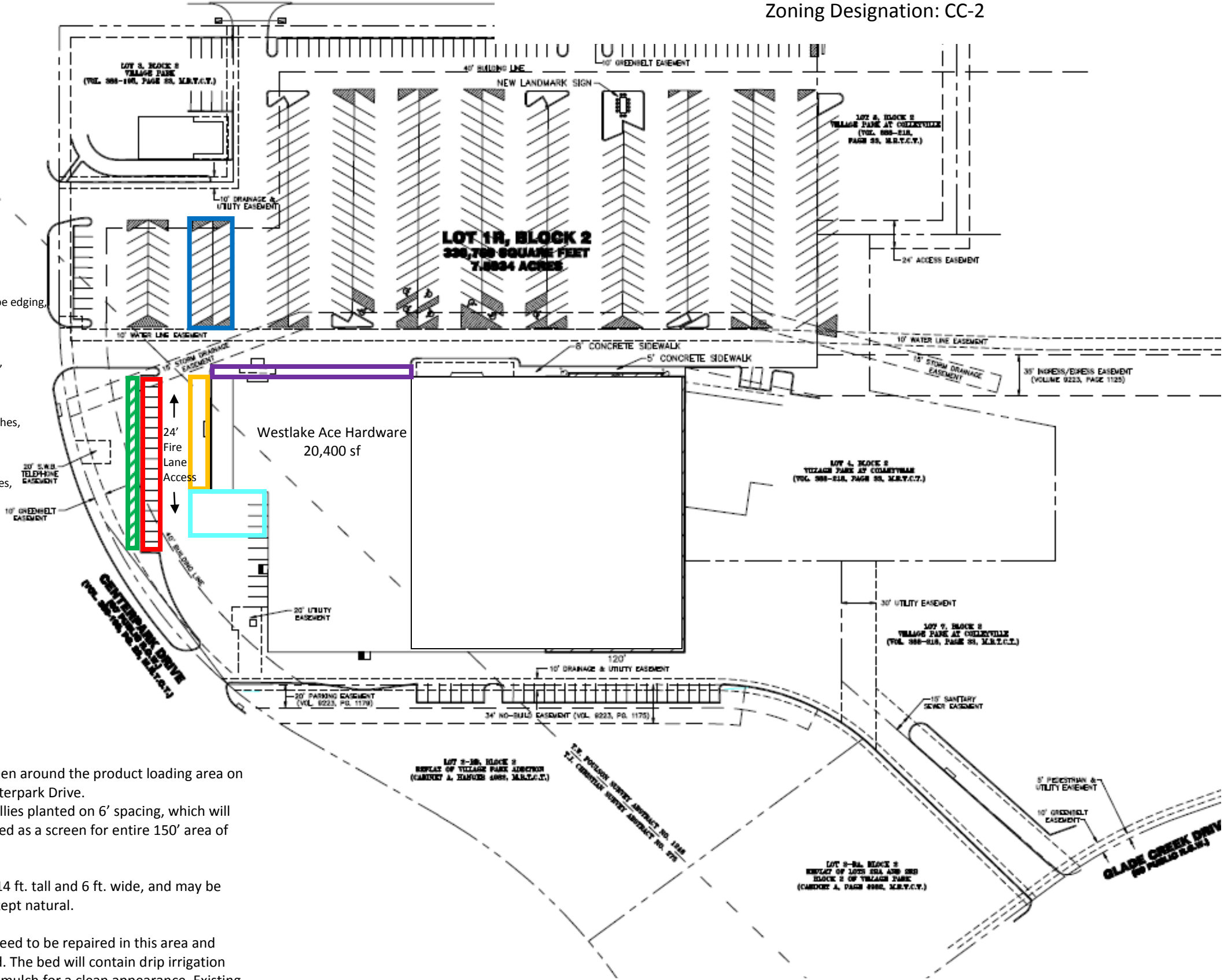
The "Exhibit B – Site Plan" shall be deleted and replaced with the attached updated Exhibit B – Site Plan.

The **Outside Sales Area** described in Section 4.2.a and also noted on the original Site Plan approved with O-08-1660 is also proposed to be slightly amended. The original Special Use Permit was approved in 2008. In 2011, the Property Owner and Westlake entered into an Amendment moving **the Outside Sales Area** to the southwest one aisle. This needs to be amended and updated for the O-08-1660 as well.

Thank you for your consideration.

ZONING EXHIBIT – ZC 15-007
SUP Amendment for Outside Display and Storage (4701 Colleyville Blvd.)
Amendment to Ordinance O-08-1660
Zoning Designation: CC-2

- Outside Sales Area**
36'x68.5' Live Goods
- Outside Sales Area #2**
120' long along sidewalk
Bagged goods, firewood, landscape edging,
plant racks
- New Fenced Sales Area**
38.5' x 98' Live Goods, Pavestone,
rock, soils
- Fenced Storage Area**
36' x 68.5' Overstock goods, mulches,
soils, rock
- Bulk Storage Area**
14' x 150' Palletized goods, mulches,
soils, stones, bagged goods
- Proposed Landscaping**
See Landscape Notes below



Landscape Notes:

Install an evergreen hedge as a screen around the product loading area on South side of parking lot facing Centerpark Drive.

Proposing to use 6' tall 'Oakleaf' hollies planted on 6' spacing, which will grow together and can be maintained as a screen for entire 150' area of approved Bulk Storage Area.

Oakleaf hollies are fast growing to 14 ft. tall and 6 ft. wide, and may be maintained as a sheared hedge or kept natural.

Prior to installation, irrigation will need to be repaired in this area and retrofitted for the new planting bed. The bed will contain drip irrigation and be top dressed with hardwood mulch for a clean appearance. Existing trees will remain and the hedge will be planted accordingly.

Westlake ACE Hardware Village Park 4701 Colleyville Blvd. Colleyville, TX 76034
Lot 1R, Block 2
Property Owner: AC Village Park Partners, LLC c/o Centennial Real Estate Company, LLC 8750 N Central Expressway, Ste 1740 Dallas, TX 75231 Contact: Renee Tims 972-338-9822
Applicant: Westlake Hardware, Inc. 34000 Marshall Drive Lenexa, KS 66215 Contact: Jenna Bobrukiewicz 913-888-8438 x2279



Proposed Screening

ZONING EXHIBIT – ZC 15-007

SUP Amendment for Outside Display and Storage (4701 Colleyville Blvd.)

Amendment to Ordinance O-08-1660

Zoning Designation: CC-2

Detailed Landscape Plan

Colleyville Downs – Westlake Ace Hardware

Westlake Ace Hardware utilizes a section of the south parking lot to display bulk bagged products such as mulch and soil for ease of loading for customers. In the interest of the ability to store those bulk products as they come in 8' tall pallets, we desire to be a good neighbor to the community and adjacent homeowners' association, by installing an evergreen hedge as a screen around the bulk storage area. We have landscaping bids proposing to use 6' tall 'Oakleaf' hollies planted on 6' spacing, which will grow together and can be maintained as a screen. The bed will contain drip irrigation and be top dressed with hardwood mulch for a clean appearance. Existing trees will remain and the hedge will be planted accordingly and will allow the hollies to mature.



Current View



Proposed Screening

Proposed Screening

ZONING EXHIBIT – ZC 15-007

SUP Amendment for Outside Display and Storage (4701 Colleyville Blvd.)

Amendment to Ordinance O-08-1660

Zoning Designation: CC-2



Proposed Screening after some growth

Site Plan



Proposed Screening

ZONING EXHIBIT – ZC 15-007

SUP Amendment for Outside Display and Storage (4701 Colleyville Blvd.)

Amendment to Ordinance O-08-1660

Zoning Designation: CC-2



Oakleaf Red Holly

A hybrid holly with a tall, elegant, pyramidal form; foliage is similar in shape to that of an oak, emerging bronze to burgundy in spring and maturing to emerald green. Fast growing to 14 ft. tall and 6 ft. wide, may be maintained as a sheared hedge or kept natural.

Sample photos showing matured growth:



ORDINANCE O-08-1660

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF COLLEYVILLE, TEXAS, BY AMENDING THE OFFICIAL ZONING MAP AND CHANGING THE ZONING OF LOT 1R, BLOCK 2 OF THE VILLAGE PARK ADDITION, LOCATED AT 4701 COLLEYVILLE BOULEVARD BY AUTHORIZING A SPECIAL USE PERMIT FOR OUTDOOR DISPLAY AND STORAGE; 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-08-004; and

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

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

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

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

WHEREAS, the Planning and Zoning Commission of the City of Colleyville and the City of Colleyville City Council, in compliance with the Charter of the City of Colleyville, and State Law with reference to changes to zoning classifications under the Zoning Ordinance Regulations and Zoning Map, having given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all the property owners generally, and to the persons interested and situated in

the affected area and in the vicinity thereof, the governing body of the City of Colleyville is of the opinion that said change in zoning should be made.

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

- Sec. 1. THAT all the foregoing premises and findings are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety.
- Sec. 2. THAT the Comprehensive Zoning Ordinance of the City of Colleyville, Texas, be, and the same is hereby amended by changing the zoning on Lot 1R, Block 2 of the Village Park Addition located at 4701 Colleyville Boulevard, by authorizing a Special Use Permit for outdoor display and storage, as depicted on Exhibit "A", labeled as Location and Zoning Map.
- Sec. 3. THAT the above described tract of land shall be used only in the manner and for the purposes provided by the Comprehensive Zoning Ordinance of the City of Colleyville as heretofore amended, and as amended herein.
- Sec. 4. THAT the above described tract of land shall be subject to the following conditions:

1. General

- a. This Special Use Permit shall only apply to the use of a hardware store on the subject property.
- b. All outdoor storage areas shall conform to the descriptions and areas shown on the attached Exhibit "B", labeled as Site Plan.
- c. The Special Use Permit shall automatically expire upon the abandonment of the business, change in use, a change in ownership or upon the expiration or termination of the Certificate of Occupancy for the approved use.

2. Outdoor Storage Specifications

- a. **Outside Sales Area:** Items stored in this area shall be stacked no higher than four feet. No fencing shall be permitted around the perimeter of this area.
- b. **Outside Sales Area #2:** This area shall be limited to the sidewalk adjacent to the building. Goods displayed or stored in this area shall be stacked no higher than six feet.

- c. **Bulk Storage Area:** Goods stored in this area shall be no higher than four feet.
- d. **New Fenced Sales Area:** This area shall be an extension of the existing chain-link fence.
- e. **Fenced Storage Area:** This area shall be screened with slats located between the fence links with a maximum height of items to be stored of 8 feet. The screening slats shall be maintained and kept in good condition and appearance.
- f. **Fire Lane:** A 24-foot fire lane shall be maintained around the building.

Sec. 5. THAT any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Colleyville, and upon conviction shall be punishable by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense.

Sec. 6. THAT if any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.

Sec. 7. THAT in addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.

Sec. 8. THAT it has been found that there has been a change in conditions in the above described property, it is now necessary that it be given the above zoning classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare, and requires that this ordinance shall take effect immediately from and after its passage.

AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the _____ day of _____ 2008.

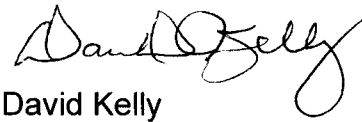
The second reading and public hearing being conducted on the _____ day of _____ 2008.

ATTEST:



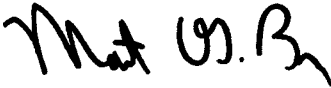
Cynthia Singleton, TRMC, CMC
City Secretary

CITY OF COLLEYVILLE



David Kelly
Mayor

APPROVED AS TO FORM AND LEGALITY:



Matthew C. G. Boyle
City Attorney

Exhibit A – Location and Zoning Map

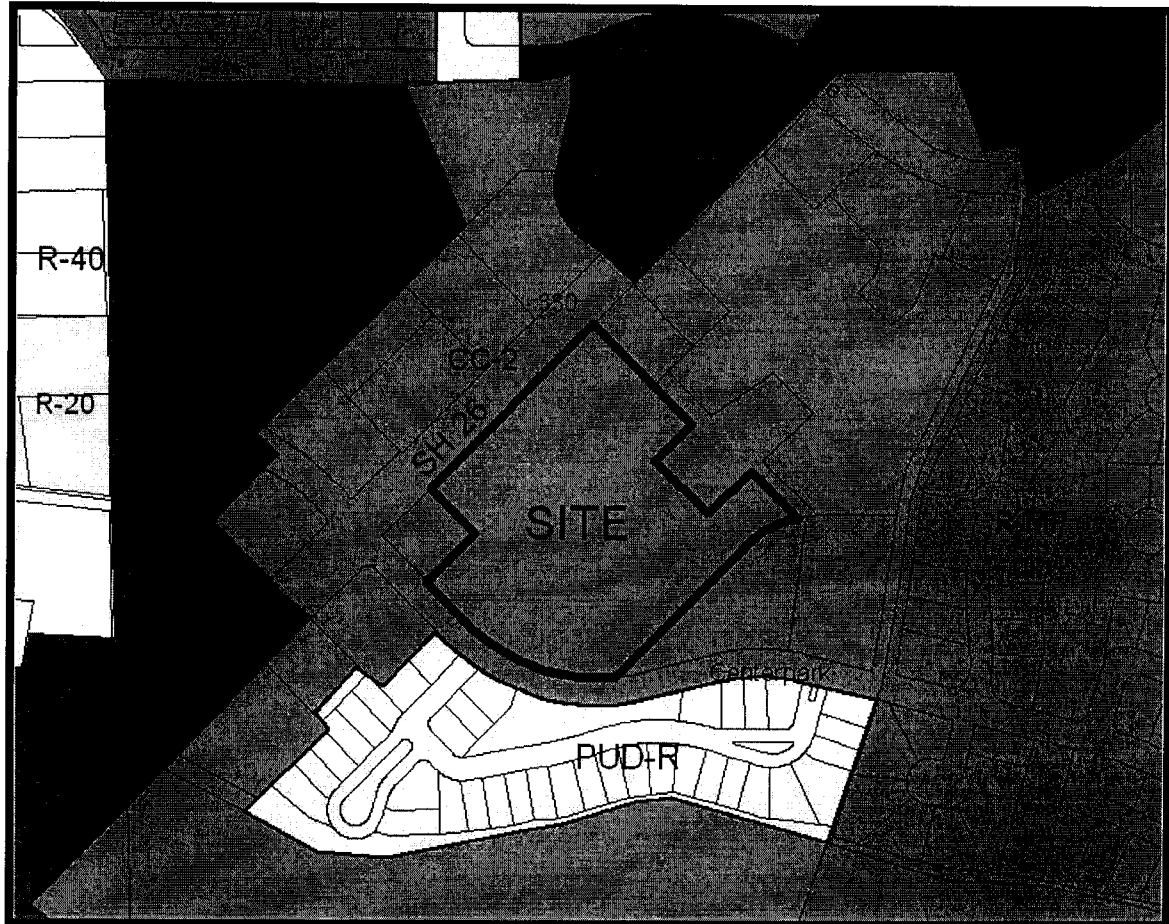
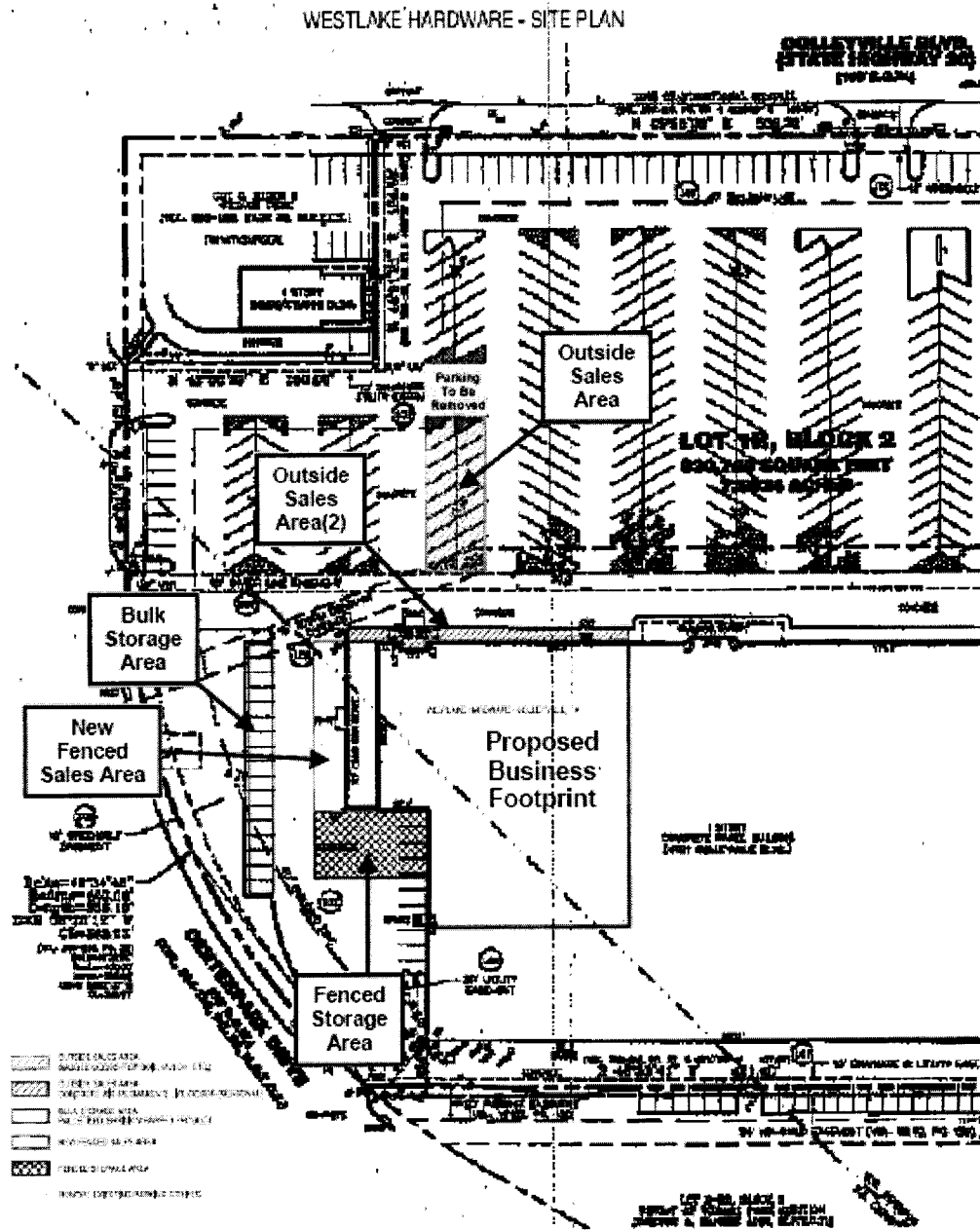


Exhibit B – Site Plan



ORDINANCE O-15-XXXX

AN ORDINANCE AMENDING ORDINANCE O-08-1660 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-08-1660 on February 19, 2008, to grant a Special Use Permit for outside storage on Lot 1R, Block 2 of the Village Park Addition, located at 4701 Colleyville Boulevard; and

WHEREAS, the applicant has requested an amendment to Ordinance O-08-1660 to increase the height of the "Bulk Storage Area" from four feet to eight feet, install an irrigated vegetative screen along Centerpark Drive, and relocate the "Outside Sales Area" to the end of the parking aisle immediately to the southwest of its current location under case number ZC15-007; 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-08-1660 to increase the height of the "Bulk Storage Area" from four feet to eight feet, install an irrigated vegetative screen along Centerpark Drive, and relocate the "Outside Sales Area" to the parking aisle immediately southwest of its current location.
- Sec. 3. THAT the above described tract of land depicted in Exhibit "A" shall be used only in the manner and for the purposes provided by the Comprehensive Zoning Ordinance of the City of Colleyville as heretofore amended, and as amended herein.
- Sec. 4. THAT the above described tract of land shall be subject to the following conditions:

1. General

- a. All outdoor storage areas shall conform to the descriptions and locations shown on the attached Exhibit "B".
- b. Section 4 (1) "c" shall be deleted.

- c. The Special Use Permit shall automatically expire upon the abandonment of the business, change in use, change in ownership of the hardware store, or the expiration or termination of the Certificate of Occupancy for the approved use.

2. Outdoor Storage Specifications

- a. **Bulk Storage Area:** Goods stored in this area shall be no higher than eight feet.

3. Screening

- a. A row of Oakleaf holly bushes shall be installed along Centerpark Drive to screen the outside storage areas.
- b. The plants shall be six feet in height at time of installation, and planted six feet apart.
- c. A drip line irrigation system shall be provided.
- d. Plants that are damaged or die must be replaced immediately.

Sec. 5. THAT any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Colleyville, and upon conviction shall be punishable by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense.

Sec. 6. THAT if any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.

Sec. 7. THAT in addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.

Sec. 8. THAT it has been found that there has been a change in conditions in the above described property, it is now necessary that it be given the above zoning classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare, and requires that this ordinance shall take effect immediately from and after its

passage.

AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 5th day of May 2015.

The second reading and public hearing being conducted on the 12th day of May 2015.

PASSED AND APPROVED by the City Council of the City of Colleyville, Texas, on this the _____ day of _____ 2015.

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 "B" – Zoning Exhibit

ZONING EXHIBIT – ZC 15-007
SUP Amendment for Outside Display and Storage (4701 Colleyville Blvd.)
Amendment to Ordinance O-08-1660
Zoning Designation: CC-2

