



City of Colleyville City Council Agenda

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

Tuesday, May 5, 2015

City Council Chambers

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

CALL TO ORDER

PC-1 Presentation and discussion of City building and facility rentals

PC-2 Presentation and discussion of the operation of the splash pad at McPherson Park during summer 2015

PC-3 Discussion of the May 5, 2015, City Council regular agenda items

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

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

Section 551.071 - Legal - Consultation with attorney on contemplated litigation (Camden Lock LLC)

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

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

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

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

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

INVOCATION: Pastor Ricky Texada, Colleyville Covenant Church

PLEDGE OF ALLEGIANCE: City Attorney Matthew Boyle

2. EXECUTIVE SESSION READING AND PUBLIC HEARING: CONSIDER AND TAKE ANY ACTION(S) NECESSARY RELATIVE TO ITEMS DISCUSSED IN EXECUTIVE SESSION - Resolution R-15-3870

3. ANNOUNCEMENTS, PROCLAMATIONS, AND PRESENTATIONS

Announcements of civic and charitable events

Presentation of calendar events and updates

Announcements of awards and recognition

Proclamation in recognition of Public Service Recognition Week, May 3-9, 2015, - Mayor David Kelly and City Manager Jennifer Fadden

4. CONSENT: READING AND PUBLIC HEARING- Resolution R-15-3871

4a Approval of the minutes of the regular City Council meeting of April 21, 2015

4b 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, Creekside Phase Four of the Creekside at Colleyville Addition, Case PC15-008

4c Approval of an updated Integrated Mosquito Management Program

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

5a Ordinance O-15-1951

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

5b Ordinance O-15-1952

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

5c Ordinance O-15-1953

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

5d Ordinance O-15-1954

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

5e Ordinance O-15-1955

Approval of a boundary adjustment between the City of Euless and the City of Colleyville

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

7. REPORTS

Colleyville Events Steering Committee meeting minutes - September 24, 2014

Planning and Zoning Commission meeting minutes - March 23, 2015

8. ACTION/RESOLUTION: DISCUSSION AND CONSIDERATION OF A RESOLUTION RATIFYING COUNCIL AGENDA ACTION FOR MAY 5, 2015 - READING AND PUBLIC HEARING - RESOLUTION R-15-3872

9. ADJOURNMENT

I hereby certify this agenda was posted on City Hall bulletin boards Friday, May 1, 2015 by 5:00 p.m.

Amy Shelley, TRMC
City Secretary

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

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



City of Colleyville City Council Agenda Briefing

City Hall
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Agenda Number PC-1

Agenda Date 05/05/2015

Type Presentation and Discussion

Department Library

Title

Presentation and discussion of City building and facility rentals

Strategy Map Connection

C1- Provide attractive and unique spaces for enjoyment of personal interests and community interaction

Explanation

This item is provided as a report to City Council on utilizing City facilities other than the Colleyville Center for rental to community groups. At the Pre Council meeting on September 2, 2014, staff sought direction from the City Council to determine whether current policy regarding building and facility rental to community groups and the general public should be changed or allow for waivers or exceptions. A request made by the Colleyville Lions Club to the City Council to rent the Colleyville Senior Center prompted this discussion. During the discussion, the Senior Center and the Library were identified as additional rental facilities, due to having meeting space that could accommodate larger community group meetings and events, and the City Council requested staff to come back with a report on usage of these facilities. To provide a greater understanding of meeting room spaces available in the Library and the Senior Center, the presentation will include the following:

- Overview of current policy regarding building and facility rental to community groups and the general public
- Overview of Library meeting room amenities and usage
- Overview of Senior Center meeting space amenities and usage

For background, upon the opening of the Colleyville Center in 1998, policy and practice has been to direct all parties interested in renting space for meetings or events to the Colleyville Center. The Colleyville Center was, and continues to be, intended to be the community's gathering place, with the greatest amount of reasonable cost recovery. Other City facilities have not been made available for rental, as to not compete with the Colleyville Center. In very few cases, when the Colleyville Center was closed for renovation, the second floor of the library has been utilized by community groups, but typically with a charge that is consistent with the Colleyville Center fee schedule.

As many events often include alcoholic beverages, another item for consideration is

Ordinance O-93-906, which prohibits alcoholic beverages in public parks, including park pavilions and the Senior Center. Chapter 7, Section 7, of the Colleyville Code provides the Use of and Conduct in Public Parks and states: (B) Prohibition of Alcoholic Beverages – No person shall possess or consume any alcoholic beverages, including, without limitation, liquor, wine, or beer, within a public park, unless written permission has been given for the consumption by the City Manager. (E) Limitation of Sales – (1) No person shall sell any food or other merchandise in a public park. (2) No person shall charge admission or a fee for any purpose within a public park. (3) The prohibitions contained in parts (1) and (2) above shall not apply to persons acting pursuant to and with the written authorization of the City Manager or her designee. This policy also pertains to the Library. In addition, the Senior Center and Library cannot accommodate the same size events as the Colleyville Center and do not have as many tables and chairs as the Colleyville Center.

Additionally, when this item was discussed at the September 2, 2014, Pre Council Meeting, it was requested that the Colleyville Center Advisory Committee provide input about utilizing other City facilities for meeting space. At the February 16, 2015 Colleyville Center Advisory Committee meeting, the rental of other City facilities' meeting room space was discussed. The consensus of the Committee was that current requests for rental space should not be referred to the Senior Center or Library based on the limited availability of hours, tables and chairs, and personnel available to provide access, set-up and take down support. Additionally, the Colleyville Center Advisory Committee reiterated that the Colleyville Center has adequate hours available to accommodate citizen and community group requests and that the operating expenses associated with opening up other facilities that do not have the same amenities as the Center is not in the best interest and use of taxpayer dollars.

Staff is seeking direction on making the Senior Center and the Library meeting room available for rental; limitation of rentals of these facilities to Colleyville community groups; the circumstances in which these facilities may be rented; the fee structure that would apply; and whether alcoholic beverages will be permitted.

Staff recommends the following considerations: the Colleyville Center fee schedule would apply for those rentals; alcoholic beverages would not be permitted; and Colleyville Center staff would manage the booking and event staffing for the rentals, including set-up and take down. Making the Senior Center and the Library available for rental would necessitate either the hiring of additional part-time event staff or incurring overtime costs.

Attachments

1. Facility Rental Presentation

City of Colleyville

Facility Rental

Presentation

Pre Council Meeting

May 5, 2015

City Facility Rental - Presentation



- Overview of current policy regarding building and facility rental to community groups and the general public
- Overview of Library meeting room amenities and usage
- Overview of Senior Center meeting space amenities and usage
- Questions and Discussion

City Facility Rental



- Upon the opening of the Colleyville Center in 1998, policy and practice has been to direct all parties interested in renting space for meetings or events to the Colleyville Center.



Colleyville Public Library



One Large Meeting

Movable Wall -
Two Smaller Rooms



Colleyville Public Library



Meeting Room:	One large meeting room with movable wall - creates two smaller meeting rooms on second floor
Purpose:	Designed to support Library programming, Library and City meetings – building layout not conducive for usage outside of library hours of operation
Hours of Operation:	Monday and Wednesday – 10:00 AM – 6:00 PM; Tuesday and Thursday - 10:00 AM – 8:00 PM; Friday - 10:00 AM – 6:00 PM ; Saturday - 10:00 AM – 3:00 PM
Capacity:	Large Meeting Room – Square & Round tables – 80; Theater – 200; Divided Rooms – 50
Audio-Visual Capabilities:	Screens with projectors - 2; Audio system; Wall interface for laptops and external audio devices
Tables and Chairs:	Tables - round - 8; Eight foot – 19; Six foot – 15; Chairs -125
Restrooms:	First Floor – 1 Woman’s – 1 Men’s; Second Floor – 1 Woman’s – 1 Men’s -1 Family
Kitchen Facilities:	Catering kitchen with sink, microwave /convection oven, ice maker, dish washer and refrigerator
Time Available for Rental:	Most Saturdays – 10:00 – 2:00 PM
Staffing Needs:	Would require Colleyville Center staff for event duration, set-up and take down

Senior Center



Colleyville Senior Center

One Large Meeting Space



Colleyville Senior Center



Meeting Room:	One large space, a renovated church sanctuary
Purpose:	Renovated to support Senior and Recreation programming
Hours of Operation:	Monday - Friday – 8:00 AM – 5:00 PM; Monday, Tuesday & Wednesday evenings used for Senior & Recreation programming (Staffed)
Capacity:	Large Meeting Room – Square & Round Tables – 104; Theater – 168 (chairs only)
Audio-Visual Capabilities:	Projector, laptop; no screen - project on wall; Portable audio system
Tables and Chairs:	Tables - round - 16; six foot - 15; card – 15; Chairs -190
Restrooms:	Main area – 1 Woman’s – 1 Men’s – 1 Handicapped Unisex (older plumbing infrastructure does not support heavy usage)
Kitchen Facilities:	Residential grade kitchen with sink, microwave, stove, ice maker, and refrigerator
Available for Usage:	Thursday & Friday Evenings – Weekends
Staffing Needs:	Would require Colleyville Center staff for event duration, set-up and take down

City Facility Rental



Staff is seeking direction on the following:

- Availability for rental of the Senior Center and the Library
- Will rentals of these facilities be limited to Colleyville community groups
- The circumstances in which these facilities may be rented (overflow events only)
- Fee structure that would apply
- Alcoholic beverages policy

City Facility Rental



Staff recommends the following considerations:

- Colleyville Center fee schedule would apply for those rentals
- Alcoholic beverages would not be permitted (Library meeting room located in children's area)
- Colleyville Center staff would manage the booking and event staffing for the rentals, including set-up and take down

Questions & Discussion



City of Colleyville City Council Agenda Briefing

City Hall
100 Main Street
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Agenda Number PC-2

Agenda Date 05/05/2015

Type Presentation and Discussion

Department Parks and Recreation

Title

Presentation and discussion of the operation of the splash pad at McPherson Park during summer 2015

Strategy Map Connection

Explanation

At the City Council meeting on April 7, 2015, the City Council approved attached Resolution R-15-3863, approving the use of Parks Tomorrow Funds for the purchase and installation of a recirculating chlorination system at the splash pad located at McPherson Park. As the supplier and installer of the system would be unable to install the equipment until late in the 2015 splash pad season, Section 2 of the resolution states that the installation of the system will take place after the 2015 splash pad season, and prior to the 2016 season to extend the warranty period.

In the absence of the recirculation system, per the recently adopted 2015 Water Conservation and Drought Contingency Plan, operation of the splash pad under the current Stage 1 water restrictions requires the passage of a resolution by the City Council. As of April 27, 2015, the Tarrant Regional Water District (TRWD) reported a system capacity of 79%. This is 4% above the trigger point for Stage 1 water restrictions, but TRWD is not anticipating the removal of current restrictions at this time.

Staff is seeking City Council direction on the operation of the splash pad this summer. Should there be interest in authorizing the operation of the splash pad while under Stage 1 water restrictions, staff will prepare a resolution for consideration at the meeting on May 12, 2015.

Historically, the splash pad season has been set for a 106 day period spanning from Memorial Day weekend to Labor Day weekend with hours of operation set from 10 a.m. to 8 p.m., seven days a week. Water consumption at the pad ranged from 3.4 to 3.9 million gallons per season in the years of 2010, 2011, and 2012, which equates to a daily average consumption of approximately 33,000 gallons of water. On June 3, 2013 Stage 1 water restrictions were enacted requiring closure of the splash pad for the remainder of the 2013 season and for the entirety of the 2014 season.

As presented at the Pre Council meeting on February 3, 2015, there are two options to

reduce water consumption under the current flow through configuration (attached presentation). One option would be to equip the play elements with lower flow nozzles. Vortex International, the manufacturer of the splash pad, states that these would reduce water consumption by an estimated 300,000 gallons throughout the entirety of the currently established splash pad season. The cost of this modification has been quoted at \$1,400 and could remain in place even after the recirculation system has been installed.

The second option would be to modify the dates, days, or hours of operation throughout the splash pad season. This would be a feasible and cost effective way to reduce water consumption and could be performed by current staff. Dependent of the significance of the modifications it is expected the reduction in water consumption would likely be between 300,000 and 600,000 gallons of water per season.

Staff is seeking direction on the implementation of these modifications.

Attachments

1. Resolution R-15-3863
2. Splash Pad Presentation

RESOLUTION R-15-3863

A RESOLUTION APPROVING A CONTRACT WITH VORTEX INTERNATIONAL, AUTHORIZING AN EXPENDITURE FROM THE PARKS TOMORROW FUND, IN AN AMOUNT NOT TO EXCEED \$140,000, FOR THE PURCHASE AND INSTALLATION OF A CHLORINATING RECIRCULATION SYSTEM, FOR THE SPLASH PAD AT McPHERSON PARK, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT

WHEREAS, Resolution R-09-3152 established the Parks Tomorrow Fund, utilizing the revenue received from the leasing of subsurface minerals in parks that were constructed using grant funding; and

WHEREAS, the Parks Tomorrow Fund was established to budget revenues received and expenditures planned from this fund for specific projects; and

WHEREAS, at the direction of City Council, staff researched proposed modifications to the splash pad at McPherson Park, to ensure that future investments in the amenity would be sustainable and effective; and

WHEREAS, a chlorinating recirculation system will allow the City to safely operate the splash pad within Tarrant Regional Water District regulations, while under water restrictions.

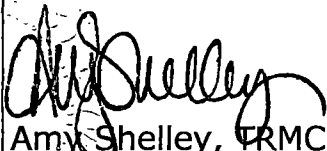
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLLEYVILLE, TEXAS:

- Sec. 1. THAT the City Council approves the expenditure of an amount not to exceed \$140,000 from the Parks Tomorrow Fund, for the purchase and installation of a chlorinating recirculation system for the splash pad at McPherson Park.
- Sec. 2. THAT the installation of the system would be installed after the 2015 season, but before the 2016 season to maximize the extent of the warranty period.
- Sec. 3. THAT the city manager is hereby authorized to execute the contract with Vortex International.

AND IT IS SO RESOLVED.

APPROVED BY A VOTE OF 7 AYES, 0 NAYS, AND 0 ABSTENTIONS ON
THIS THE 7TH DAY OF APRIL 2015.

ATTEST:



Amy Shelley, TRMC
City Secretary

CITY OF COLLEYVILLE



David Kelly
Mayor

McPherson Park Splash Pad

Update and Overview

Pre Council
May 5, 2015

Purpose

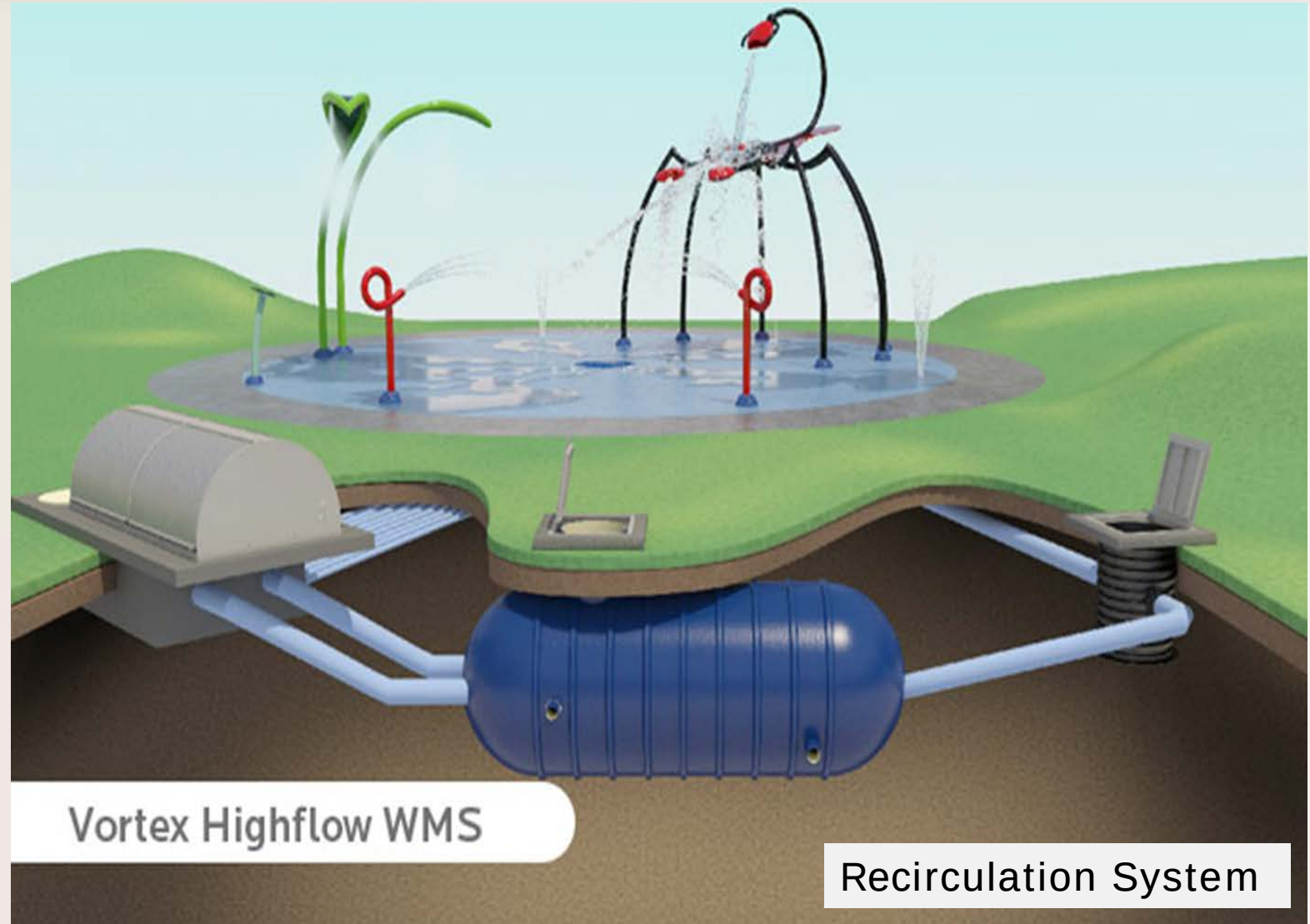


- Provide an update and overview of the McPherson Park splash pad
 - Configuration
 - Operational details
 - Water consumption
- Present options for reducing water consumption
 - Equipment modifications
 - Hours of operation
 - Dates of operation
- Receive City Council direction on the operation of the splash pad for the 2015 summer

Update



- **February 3, 2015**
City Council provided staff direction to pursue the installation of a recirculation system
- **April 7, 2015**
City Council passed Resolution R-15-3863 authorizing the purchase and installation of a recirculation system



Vortex Highflow WMS

Recirculation System

Overview

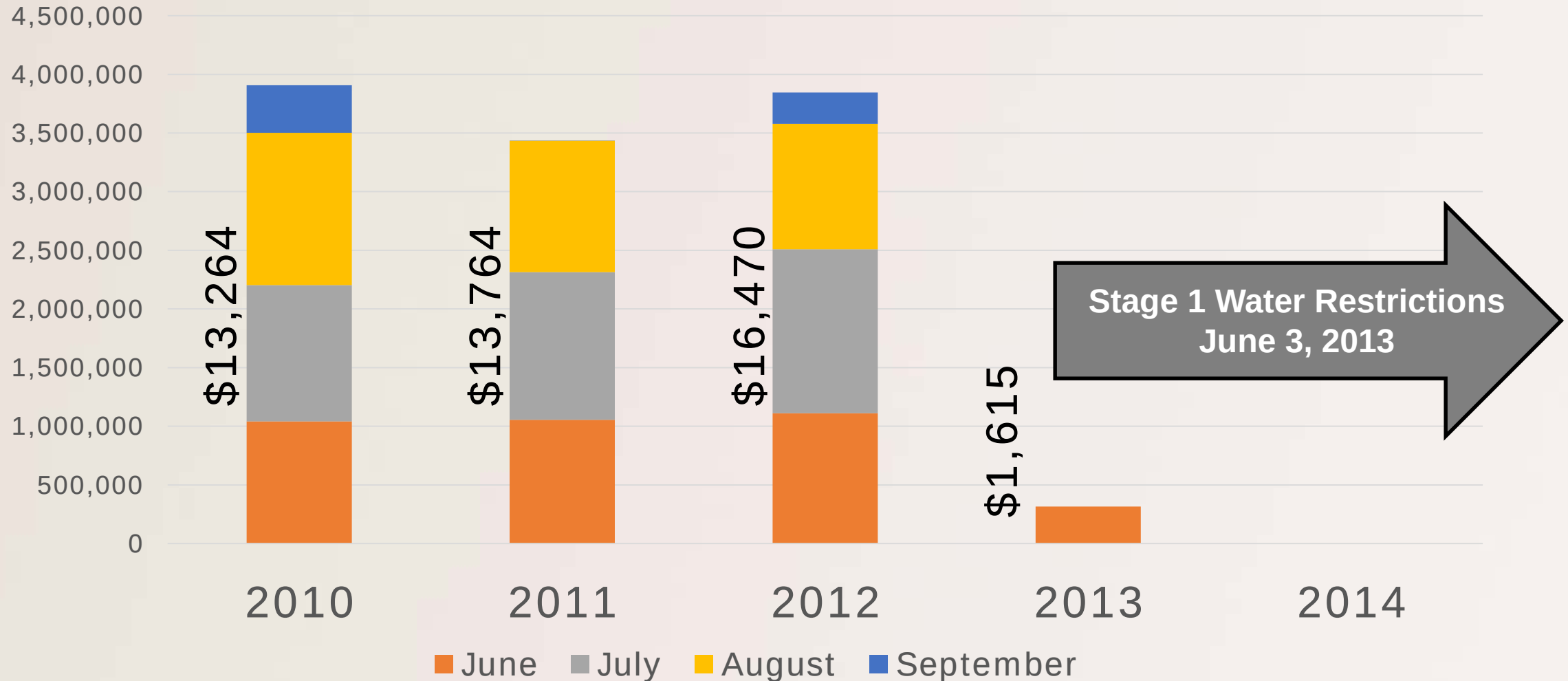


- Sequenced flow of water through 8 play elements
- 91 gallons per minute (gpm)
- Timed 4 minute operational cycles
- Flow through water system

Water Consumption



Water Consumption (gallons per seasonal operation)



Reducing Water Consumption



Option	Initial Cost	Estimated Decrease on Annual Operating Cost	Estimated Annual Water Savings (gallons)
Modify Equipment (low flow nozzles)	\$1,400	(\$1,000)	300,000
Adjust Hours / Dates of Operation	\$0	(\$1,000-2,000)	300,000-600,000

Questions and Discussion



City of Colleyville City Council Agenda Briefing

City Hall
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Agenda Number PC-3

Agenda Date 05/05/2015

Type Pre Council

Department City Secretary

Title

Discussion of the May 5, 2015, City Council regular agenda items



City of Colleyville City Council Agenda Briefing

City Hall
100 Main Street
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Agenda Number 1

Agenda Date 05/05/2015

Type Executive Session

Department City Secretary

Title

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

Section 551.071 - Legal - Consultation with attorney on contemplated litigation (Camden Lock LLC)

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

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

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

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

RESOLUTION R-15-3870

**A RESOLUTION APPROVING COUNCIL ACTION
REGARDING EXECUTIVE SESSION ITEMS AT THE REGULAR
CITY COUNCIL MEETING OF
MAY 5, 2015**

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

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

Sec. 1. THAT

AND IT IS SO RESOLVED.

APPROVED BY A VOTE OF ____ AYES, ____ NAYS, AND ____ ABSTENTIONS ON THIS THE 5TH DAY OF MAY 2015.

ATTEST:

CITY OF COLLEYVILLE

Amy Shelley, TRMC
City Secretary

David Kelly
Mayor



City of Colleyville City Council Agenda Briefing

City Hall
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Agenda Number 3

Agenda Date 05/05/2015

Type Announcements, Proclamations, and Presentations

Department City Manager

Title

Proclamation in recognition of Public Service Recognition Week, May 3-9, 2015, - Mayor David Kelly and City Manager Jennifer Fadden

Attachments

1. Proclamation in recognition of Public Service Recognition Week

Proclamation

CITY OF

Colleyville,
Texas

WHEREAS: Americans are served every day by public servants at the federal, state, county, and city levels; and

WHEREAS, Colleyville public servants work with integrity and efficiency every day; providing our citizens with a diverse range of services; and

WHEREAS, many public servants, including military personnel, police officers, fire fighters, health care professionals, and others risk their lives each day in service to the people of the United States; and

WHEREAS, public servants include our skilled and knowledgeable maintenance, utility, street, administrative, financial, customer service, courts, permits, inspections, and library professionals, as well as police officers, fire fighters, management, and elected officials; and

WHEREAS, our quality of life is enhanced by the dedication of public servants; and

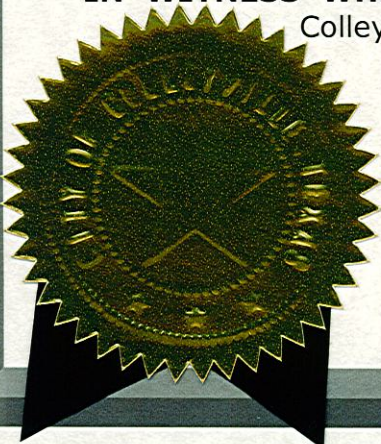
WHEREAS, without our public servants at every level, our continuity would be impossible in a democracy that regularly changes leaders and elected officials.

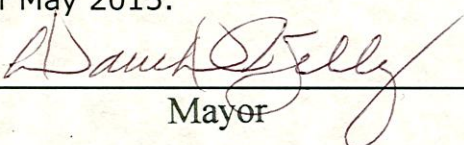
NOW, THEREFORE, I DAVID KELLY, MAYOR OF THE CITY OF COLLEYVILLE, TEXAS, do hereby proclaim the week of May 3 - 9, 2015, as:

PUBLIC SERVICE RECOGNITION WEEK

in the City of Colleyville, and call upon all citizens to recognize the contributions and accomplishments of our employees, our public servants, who every day enhance our health, safety, comfort and quality of life.

IN WITNESS WHEREOF, I do hereby set my hand and seal of the City of Colleyville, affixed this 5th day of May 2015.





Mayor



RESOLUTION R-15-3871

**A RESOLUTION APPROVING CITY COUNCIL ACTION UNDER
CONSENT ITEMS AT THE REGULAR CITY COUNCIL MEETING OF
MAY 5, 2015**

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

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

- Sec. 1. THAT the agenda decisions approved by City Council action under Consent Items as follows are hereby adopted:
- a. Approval of the minutes of the regular City Council meeting of April 21, 2015
 - b. 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, Creekside Phase Four of the Creekside at Colleyville Addition, Case PC15-008
 - c. Approval of an updated Integrated Mosquito Management Program

AND IT IS SO RESOLVED.

APPROVED BY A VOTE OF _____ AYES, _____ NAYS, AND _____
ABSTENTIONS ON THIS THE 5TH DAY OF MAY 2015.

ATTEST:

CITY OF COLLEYVILLE

Amy Shelley, TRMC
City Secretary

David Kelly
Mayor



City of Colleyville City Council Minutes - DRAFT

City Hall
100 Main Street
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Tuesday, April 21, 2015

Council Chambers

Mayor David Kelly called the Pre Council meeting of the Colleyville City Council to order on Tuesday, April 21, 2015, at 5:30 p.m.

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

City Manager Jennifer Fadden, Assistant City Manager and Chief Financial Officer Terry Leake, Executive Director of Development and Infrastructure Chris Fuller, Police Chief Mike Holder, Assistant Police Chief Robert Hinton, Fire Chief Brian Riley, Economic Development Director Marty Wieder, Recreation and Library Director Mary Rodne, Finance Manager Karen Hines, Parks Manager James Hubbard, Public Works Director Bob Lowry, City Engineer Jeremy Hutt, Interim Community Development Director Adam Marsh, Colleyville Center Manager Leslie Hill, Communications and Marketing Director Mona Gandy, Strategic Services Manager Adrienne Lothery, Information Systems Manager Chris Pena, City Attorney Matthew Boyle, Assistant City Attorney Matt Butler, and City Secretary Amy Shelley

PC-1 Discussion of the Glade Road Initiative

Councilmember Putnam questioned City Attorney Matthew Boyle regarding if any other parties were involved in the formation of this judgment, or was it strictly his personal opinion. City Attorney Matthew Boyle replied it was the collective opinion of the six full time lawyers at Boyle & Lowry. He stated the only third parties, that were consulted, involved factual inquiries from City staff relative to the scope of any plans or the impacts of those plans relative to the provisions in the initiative.

Councilmember Putnam stated being concerned that no legal precedent had been stated in the opinion.

Councilmember Putnam asked Councilmember Short if a splitter island is considered a median. Councilmember Short said a splitter island is a more specific type of median.

Councilmember Putnam questioned City Attorney Matthew Boyle regarding if it is possible to conclude that it is within the City's purview to dictate, specify, or agree upon the method of polling. City Attorney Matthew Boyle replied within the construct of the proposition, the typical City Council prerogative has been removed due to the nature of the proposition and because the submitter of the proposition has stated this is the legislation. He stated based on the Charter, once the

proposition has been decided on by the voters, it cannot be amended, even by action of the City Council, for a period of at least five years, unless there is a subsequent initiative. He stated the language of the proposition is the only thing that can be looked at, because it is the singular piece of legislation. He added, "yes", there could be a way to poll the area residents; however, the issue is, could it be done with a level of certainty that you were in full compliance of the proposition, and "no" it could not be done. He stated the limitations and restrictions within the third paragraph of the proposition become problematic relative to the widening of the roadway since a roundabout cannot be constructed without widening the roadway. Councilmember Putnam stated it calls specifically for roundabouts, but otherwise not widen the road.

Councilmember Putnam stated there is nothing in the intent of this resolution that states that the City cannot establish criteria for polling. He added the intent was to give the area residents an impact on the design of the roadway. He stated the interpretation is overly restrictive.

Councilmember Putnam stated it is the responsibility of the people here to make the decision on terms of how it is implemented. He stated there is nothing in the referendum that is in conflict with that principle. He stated City Council is obligated to implement in accordance with the intent of the authors and not impose our own opinions into the implementation.

Councilmember Putnam questioned City Attorney Matthew Boyle regarding if his opinion is not a judgment. City Attorney Matthew Boyle replied he is not clear on the distinction.

Councilmember Putnam questioned City Attorney Matthew Boyle regarding if the resolution passes, and City Council votes for a solution that appears in some way to be in conflict with his interpretation of that language, can City Council pass that resolution? City Attorney Matthew Boyle replied it is within the City Council's prerogative to adopt provisions that are contradictory to the advice given by the city attorney. Councilmember Putnam stated City Council can also seek the advice of another attorney. City Attorney Matthew Boyle agreed.

Councilmember Putnam stated the opinion does not stop people from being able to vote for this resolution.

Councilmember Putnam questioned City Attorney Matthew Boyle regarding why the interpretation is given now, rather than when the petition was filed. City Attorney Matthew Boyle replied he was not asked to do so when the petition was filed.

Mayor Kelly asked City Attorney Matthew Boyle if he or any other City Councilmember asked for this interpretation of the resolution. City Attorney Matthew Boyle replied no. City Manager Jennifer Fadden stated she asked for the

city attorney's legal opinion based on the questions staff had received from citizens. She further stated staff did not feel comfortable weighing in on interpreting what the petition said, in terms of what the effects will be.

Councilmember Putnam asked City Attorney Matthew Boyle if the City has an obligation to offer an interpretation. City Attorney Matthew Boyle replied he did not believe there is an obligation.

Councilmember Putnam asked City Attorney Matthew Boyle if the City was required to offer an opinion to the petitioners prior to the electoral vote process takes place, before forming an opinion. City Attorney Matthew Boyle replied the correspondence clearly reflects that the persons who initiated the inquiries were insistent on staff providing a response.

Councilmember Putnam asked City Attorney Matthew Boyle if the City was required to respond, or could they have stated it is too political right now, we will have to wait until after the election to offer an opinion. City Attorney Matthew Boyle replied the perspective in which he addressed this opinion was presuming it gets adopted, what will be the position of the city attorney be. He stated the opinion given in April will be the same opinion given in June based on the restrictions in the petition relative to the widening of the roadway.

Councilmember Putnam stated people are principally concerned about how this opinion has been discussed prior to it becoming public. City Attorney Matthew Boyle stated the correspondence was sent to City Council between the city manager's office and the persons who were asking these questions, and the answers and the timing of the answers were given, when the questions were asked by the petitioners. He added that while the opinion was not released, the answers were released to the petitioners who then continued to further ask for clarification. He stated the city manager told them that if they put their questions in writing, she promised them answers. He stated an opinion was then generated and forwarded to City Council and the petitioners.

Mayor Kelly stated legal advice is posted as an executive session item. This item was scheduled for the last meeting; though Councilmember Putnam was not able to attend, the City Councilmembers present decided to make the opinion public.

Councilmember Putnam asked City Council if City staff or public safety officials stated that Glade Road is an unsafe road. City Attorney Matthew Boyle replied no, and he stated he did consult with City staff relative to this question.

Councilmember Putnam asked City Councilmembers if they have made an assertion that Glade Road is an unsafe road. Councilmember Mogged stated it is a hazardous road given the accident statistics, and added it is a safe road that is hazardous.

Councilmember Hart questioned City Attorney Matthew Boyle if the resolution on the ballot fails, can the City Council immediately re-institute the three improvement items agreed upon previously, Bluebonnet Drive, Riverwalk Drive, and Bransford Road. City Attorney Matthew Boyle replied yes.

Councilmember Short asked staff if the City Council or staff drafted the language for the ballot. City Manager Jennifer Fadden replied no.

Councilmember Short asked staff if the language was placed on the ballot exactly as it was submitted. Mayor Kelly replied yes.

Councilmember Short stated the opinions expressed have not been interpreted on a higher level than the English language, and one can see that there are some challenges in moving forward, given the language in the petition.

Councilmember Mogged asked City Attorney Matthew Boyle if he has processed any eminent domain action taken on Glade Road. City Attorney Matthew Boyle replied no.

Councilmember Mogged asked staff if they are aware of any eminent domain or absolute requirements to proceed with this project. City Manager Jennifer Fadden replied no. Councilmember Putnam stated eminent domain has been discussed as being necessary with this project.

Councilmember Mogged stated the City Council has not determined if eminent domain is necessary. Mayor Kelly stated acquiring right-of-way is not the same as eminent domain. Councilmember Putnam stated the threat of eminent domain is the same as eminent domain. He added acquiring right-of-way, when the people do not want you to acquire it, is eminent domain.

PC-2 Consideration of a resolution prohibiting the use of eminent domain for sidewalk or trail projects

Councilmember Putnam stated he did not have the resolution prepared for discussion. He asked for this item to be moved to the May 5, 2015 Pre Council meeting. City Councilmembers agreed to move the item.

PC-3 Overview of community gardens

Councilmember Wollin stated she requested this item be placed on the agenda for discussion, given a citizen had an idea for a City-ran community garden.

Parks Manager James Hubbard presented this item and briefed City Council.

Councilmember Wollin stated only being familiar with churches who have these

gardens; however, it is good to know that the City of Coppell does this.

Councilmember Wollin asked staff if the Parks Master Plan mentions anything about a community garden. Manager Hubbard replied no.

Councilmember Wollin asked staff if there were any suggestions in the citizen's comments relative to this effort. Manager Hubbard replied no.

Mayor Kelly asked staff if there is a non-profit organization that runs the City of Coppell garden. Manager Hubbard replied typically a non-profit organization would partner with a city, and that is how the City of Coppell is done. He added the cities of Hurst, Euless, and Bedford also partner with a non-profit group, 6 Stones, for their community gardens.

Mayor Kelly asked staff if the City of Coppell is a neighborhood or communal garden. Manager Hubbard replied it is neighborhood; however, their mission is to donate to a local food bank.

Mayor Kelly asked staff if there is a non-profit organization looking to come to Colleyville. Manager Hubbard replied that would be something done in the future, as this is the first step in joining a consensus that this is something City Council would like to pursue.

Councilmember Short asked staff if gardens are typically done at churches. Manager Hubbard replied yes.

Councilmember Short asked staff if there are any churches in Colleyville that could do this. Manager Hubbard replied not that he knows of.

Councilmember Hart stated the individuals are looking for the land. Manager Hubbard replied yes, this is not something the City is requesting.

Councilmember Hart asked staff if this information has been placed in the *Communicator*. City Manager Jennifer Fadden replied not yet, but if City Council would like, staff can place the information in the *Communicator*.

Councilmember Hart stated he thinks it is a good idea. Mayor Kelly stated staff resources would be a concern. He stated there are concerns as to how to limit citizens who wish to be a part of the neighborhood garden, and how is it decided who can go to the garden. He asked who would make the decision as to who can use the garden. Manager Hubbard stated some gardens have waiting lists.

Councilmember Mogged asked staff if we can get the City of Coppell's policy. Manager Hubbard replied yes, and added he has reviewed the City of North Richland Hills common community grounds garden policy.

Mayor Pro Tem Taylor asked staff if they have researched using public property for private use. Manager Hubbard replied he did not specifically look into that.

Mayor Pro Tem Taylor asked staff who the revenues would be generated for. Manager Hubbard replied the revenues would go to the non-profit. Mayor Pro Tem Taylor stated the public property would be used to generate private revenues.

Councilmember Short stated the sports associations have a similar scenario. Mayor Pro Tem Taylor stated a portion of those revenues is paid back to the City. City Manager Jennifer Fadden agreed, to off-set a portion of the maintenance cost.

Councilmember Wollin asked staff if the City would provide the water. Manager Hubbard replied the water would be brought over by the City; however the water would be paid for by the non-profit organization.

Mayor Kelly stated we should first see if there is an actual interest in this.

Mayor Pro Tem Taylor asked staff if this would be limited to Colleyville residents. Manager Hubbard replied the non-profit would have to set that policy.

Mayor Pro Tem Taylor asked staff if outside sports associations come to Colleyville to play. City Manager Jennifer Fadden replied we only have contractual agreements with the Colleyville Baseball Association, the Colleyville Girls Softball Association, and the Colleyville Soccer Association, who allow non-resident participation. She stated City Council would have to allow outside sports associations to participate in Colleyville.

Mayor Pro Tem Taylor stated funding taxpayers use of their property is one thing, funding non-residents is another. Mayor Kelly agreed. Councilmember Short stated this is very early in the process. Councilmember Wollin stated it is a lot more complicated than she originally thought.

Councilmember Wollin added that the school district (GCISD) would apply for grants for such gardens, but when the teachers would leave, the gardens would fall to pieces; therefore, long-term sustainability is an issue. Mayor Kelly stated there has to be a "cheerleader" for this effort.

Mayor Pro Tem Taylor asked staff if there were any churches contacted since this is a great outreach. Manager Hubbard replied no, since this was not a staff initiative at this point in time.

Mayor Kelly asked City Council if this is something for which they would like staff to solicit interest. Councilmember Wollin agreed.

PC-4 Discussion of the April 21, 2015, City Council regular agenda items

There was no discussion of this item.

Mayor Kelly adjourned the Pre Council meeting at 6:21 p.m.

The regular meeting of the Colleyville City Council was called to order by Mayor Kelly at 7:30 p.m.

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

City Manager Jennifer Fadden, Assistant City Manager and Chief Financial Officer Terry Leake, Executive Director of Development and Infrastructure Chris Fuller, Police Chief Mike Holder, Assistant Police Chief Robert Hinton, Fire Chief Brian Riley, Economic Development Director Marty Wieder, Marketing Coordinator Heather Gaven, Economic Development Coordinator Carlie Dorshaw-Moe, Finance Manager Karen Hines, Parks Manager James Hubbard, Public Works Director Bob Lowry, City Engineer Jeremy Hutt, Interim Community Development Director Adam Marsh, Communications and Marketing Director Mona Gandy, Strategic Services Manager Adrienne Lothery, Information Systems Manager Chris Pena, Assistant City Attorney Matt Butler, and City Secretary Amy Shelley

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

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

Section 551.071 - Legal - Consultation with attorney relative to Heritage Avenue right-of-way (access)

Section 551.071 - Legal - Consultation with attorney on contemplated litigation (Camden Lock LLC)

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

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

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

Section 551.074 - Personnel - Deliberate the appointment, employment, evaluation, and duties of the city manager

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

Mayor Kelly explained the Executive Session had been called in accordance with the Texas Government Code, Chapter 551, Subchapter D, Section 551.071, Legal, Section 551.072, Real Estate, Section 551.074, Personnel, and Section 551.087, Economic Development. He further explained there would be no decisions made or action taken during this time. The meeting was recessed at 6:21 p.m. and reconvened at 6:22 p.m.

INVOCATION: Pastor Dale Molden, First Baptist Church Colleyville

PLEDGE OF ALLEGIANCE: Assistant City Attorney Matt Butler

2. EXECUTIVE SESSION READING AND PUBLIC HEARING: CONSIDER AND TAKE ANY ACTION(S) NECESSARY RELATIVE TO ITEMS DISCUSSED IN EXECUTIVE SESSION - Resolution R-15-3865

This resolution was not needed.

3. ANNOUNCEMENTS, PROCLAMATIONS, AND PRESENTATIONS

Announcements of civic and charitable events

Presentation of calendar events and updates

Announcements of awards and recognition

In recognition of Colleyville's featured business - Starbucks - Alexa Sims, Store Manager, and John Nordberg, Shift Supervisor, 5510 Colleyville Boulevard - Mayor David Kelly and Economic Development Director Marty Wieder

Proclamation in recognition of Arbor Day in Colleyville, April 24, 2015; and in recognition of Colleyville being named a Tree City USA in 2014 - Mayor David Kelly and Parks Manager James Hubbard

Councilmember Wollin announced the Friends of the Colleyville Public Library annual Bargain Book sale to be held on Saturday, May 2, 2015 from 10:00 a.m. to 2:00 p.m., on the second floor of the Library. She stated there will be a private shopping period from 9:00 a.m. to 10:00 a.m. for only the members of the Friends of the Library. She stated if you would like to become a member, the information will be available at the door. She stated author Steve Banter will be available with his book about the Tour de France called, It's Only a Bike Race, How Hard Can it Be? She encouraged everyone to attend, especially since all of the net proceeds will go to the Library.

Councilmember Wollin announced the Garden Club will have a spring plant sale, in place of the Spring Promenade, on Saturday, May 2, 2015, at the historic Webb House located at 408 Shelton Drive from 9:00 a.m. to 2:00 p.m.

Mayor Kelly expressed his appreciation to staff for the help received at the Clean Sweep Event held on Saturday, April 18, at Colleyville Heritage High School. He stated this year we got 130 vehicles through the Crud Cruiser, rather than the 50 we usually get in.

Mayor Kelly announced the annual Old Tyme Colleyville BBQ event that benefits Special Olympics to be held beginning at 6:00 p.m. on Friday, April 24, and then all day on Saturday, April 25. He encouraged everyone to attend this event and enter the BBQ cook-off.

Mayor Kelly announced the Texas Junior Anglers event to be held on Saturday, April 25 at the Colleyville Nature Center from 9:00 a.m. to noon. He stated all fishing gear will be provided.

Mayor Kelly announced Early Voting will begin April 27- May 5, 2015, with early voting at City Hall; on Election Day, May 9, 2015, voting will be at Bransford Elementary School. He stated all election information is available on the City's website.

Mayor Kelly announced the annual Fire Department Open House scheduled for Saturday, May 2, 2015, from 10:00 a.m. to 1:00 p.m. at Central Fire Station located at 5209 Colleyville Boulevard. He encouraged everyone to come out to observe and experience what the fire department is all about.

Mayor Kelly, Heather Gaven, and Carlie Dorshaw-Moe recognized the featured business of the month, Starbucks located at 5510 Colleyville Boulevard. Alexa Sims and John Nordberg expressed their appreciation for the recognition.

Mayor Kelly recognized Arbor Day in Colleyville, April 24, 2015, and Colleyville being named a Tree City USA in 2014, with a proclamation to Parks Manager James Hubbard and Councilmember Wollin. Manager Hubbard then explained the Living Tree Program in Colleyville. Mayor Kelly stated this recognition is a great honor.

4. CONSENT: READING AND PUBLIC HEARING- Resolution R-15-3866

- 4a** Approval of the minutes of the regular City Council meeting of April 7, 2015

Mayor Kelly read Resolution R-15-3866 in its entirety.

Mayor Kelly opened the public hearing at 7:44 p.m.

There was no one present wishing to speak and Mayor Kelly closed the public hearing at 7:44 p.m.

Councilmember Carol Wollin moved to approve Resolution R-15-3866. Councilmember Chuck Mogged seconded the motion.

The motion to approve carried by the following vote:

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

5. RESOLUTION(S): READING AND PUBLIC HEARING

5a Resolution R-15-3867

Approval of an amendment to the Parks and Trails Master Plan to remove Trail 27, Trail 28, and Trail 29

Mayor Kelly read Resolution R-15-3867 in its entirety.

Parks Manager James Hubbard presented this item and briefed City Council.

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

Nancy Coplen, 4803 Queensbury Way East, spoke on behalf of the Woodland Hills HOA, and encouraged City Council to approve the removal of Trails 27, 28, and 29 from the plan.

There was no one else present wishing to speak and Mayor Kelly closed the public hearing at 7:50 p.m.

Councilmember Short asked staff if the trail was requested to be removed by the developer or it was something determined by staff. Manager Hubbard stated it was determined by staff during the review process of the Creekside Plat.

Mayor Kelly explained the history of the trails, and that the ordinance is very specific in that these trails have to be built.

Councilmember Short questioned staff regarding if attitudes change toward the connection of the Heritage Avenue trail, will the City have a mechanism in which to connect the Woodland Hills. Manager Hubbard replied it would be possible; however, there is unlikely a feasible way to re-route the trail post development of the property.

Mayor David Kelly moved to approve Resolution R-15-3867. Councilmember Chris Putnam seconded the motion.

The motion to approve carried by the following vote:

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

5b Resolution R-15-3868

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

Mayor Kelly read Resolution R-15-3868 in its entirety.

Interim Community Development Director Adam Marsh presented this item and briefed City Council.

Mayor Kelly asked staff if this plat is coming for City Council approval because it has multiple phases. Interim Director Marsh replied yes.

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

There was no one present wishing to speak and Mayor Kelly closed the public hearing at 7:56 p.m.

Mayor David Kelly moved to approve Resolution R-15-3868. Councilmember Tom Hart seconded the motion.

The motion to approve carried by the following vote:

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

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

Judy Chappal, 1716 Glade Road, spoke in support of the resolution on the ballot. She further discussed eminent domain, trails, sidewalks, and that there should be a City Council compromise relative to Glade Road.

Tony Seris, 5000 Montclair Drive, spoke regarding the resolution on the ballot and

in being in support of it, and the 10 foot trail on the north side of Glade Road.

Sharon Chan, 4819 Lakeside Drive, spoke regarding her concerns of Glade Road, and stated being in opposition of the resolution on the ballot.

Mark Henderson, 302 Oaklawn Drive, spoke regarding his concerns of Glade Road, and stated being in opposition of the resolution on the ballot.

Julia Barth, 4810 Shadywood Lane, stated the language in the resolution on the ballot is unclear and causing confusion.

Jim Fletcher, 1108 Nueces Court, spoke regarding Glade Road, traffic, eminent domain, sidewalks, trees, bar ditches, and the resolution on the ballot.

Joe Moore, 133 Acuff Lane, spoke regarding the quality of life, road conditions, growth in the City, trails, trees, conflict and confrontations, roadway improvements, and the City Attorney opinion of the resolution on the ballot.

Susan Baum, 2302 Danbury Drive, spoke in support of the resolution on the ballot, and traffic on Glade Road.

Elizabeth Westbrook, 4601 Jim Mitchell Trail East, spoke in support of the resolution on the ballot; stated not being in favor of the City's plan for Glade Road; and asked for City Council to listen to the citizens input.

Barbara Gunn, 2212 Glade Road, spoke in support of the resolution on the ballot; spoke against spending money on a ten foot walkway on the north side of the roadway; eminent domain; and stated this is not a safety issue.

Bobby Lindamood, 4913 Jim Mitchell Trail West, spoke regarding the election signs, the trail on the north side, bar ditches, TexRail, water increases, gas well drilling, and tax reform.

Annella Dedier, 1712 Glade Road, spoke in support of the resolution on the ballot, eminent domain, a ten foot trail, and what it has to do with safety on Glade Road.

Louis Miller, 7802 Tillman Hill Court, read a letter from the resident who lives at 1205 Glade Road, who is concerned about the traffic and safety on Glade Road.

Kathy Hadley, 204 Timberline Drive North, spoke regarding Glade Road, the country atmosphere, SH26, bar ditches, speeding through Colleyville, the ditch at Jackson Road, road construction during school hours, and trees along SH26. She stated being in support of the resolution on the ballot.

David Medlin, 605 Montreux Avenue, spoke regarding traffic on Glade Road, safety

on the roadway, the Tinker Road intersection, bar ditches, and sidewalks. He stated he supports the resolution on the ballot.

Conrad Rodgers, 1213 Garry Lynne Drive, stated being in support of the resolution on the ballot. He stated having concerns about neighbors being against neighbors. He spoke regarding traffic, bar ditches, eminent domain, roundabouts, and turn-lanes.

Elizabeth Zeitlin, 1800 Glade Road, read a letter from Colleyville resident, attorney, and former Mayor Pro Tem Jon Ayers. She also stated being in support of the resolution on the ballot.

Natalie Genco, 1104 John McCain Road, spoke in support of the resolution on the ballot, bar ditches, the safety of roadways in Colleyville, the widening of John McCain, and proposed tax increases. She spoke regarding the community garden proposal and stated she hoped City Council would support the project.

Michael Muhm, 6607 Connie Lane, spoke regarding healthy debates, the resolution on the ballot, construction at John McCain and SH26, traffic, and sidewalks.

7. REPORTS

Zoning Board of Adjustment Meeting Minutes - February 24, 2015

Monthly Financial Report – March 2015

There was no discussion of this item.

8. ACTION/RESOLUTION: DISCUSSION AND CONSIDERATION OF A RESOLUTION RATIFYING COUNCIL AGENDA ACTION FOR APRIL 21, 2015 - READING AND PUBLIC HEARING - RESOLUTION R-15-3869

This resolution was not needed.

9. ADJOURNMENT

There being no further business before the City Council, Mayor Kelly adjourned the meeting at 9:13 p.m.

APPROVED BY A VOTE OF ___ AYES, ___ NAYS, AND ___ ABSTENTIONS ON THIS THE 5TH DAY OF MAY 2015.

Minutes taken and prepared by:

A handwritten signature in black ink, appearing to read "Amy Shelley". The signature is fluid and cursive, with the first name "Amy" and last name "Shelley" clearly distinguishable.

*Amy Shelley, TRMC
City Secretary*



City of Colleyville City Council Agenda Briefing

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

Agenda Number 4b

Agenda Date 05/05/2015

Number Resolution R-15-3871

Type Resolution

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, Creekside Phase Four of the Creekside at Colleyville Addition, Case PC15-008

Strategy Map Connection

There is no strategy map connection for this item.

Explanation

Reading and Public Hearing

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 was approved 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, by attached resolution R-14-3766.

City Council Approval Required. On January 21, 2014 the City Council approved amendments to Chapter 8-Plat Review Procedures in the Land Development Code such that most plats 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.

Ordinances O-07-1645 and O-13-1866 were 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 (now referred to as Trail 26 on the currently adopted 2011 Parks, Recreation and Open Space Master Plan) will be constructed by the developer along the west side of Heritage Avenue, prior to the acceptance of public improvements. At the April 21, 2015 City Council meeting, Trails 27, 28, and 29 were removed from the 2011 Parks, Recreation and Open Space Master Plan by attached Resolution R-15-3867. With these trails removed, there are no additional trail requirements for Phase Four of Creekside at Colleyville.

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.

Planning and Zoning Commission Recommendation. The Planning and Zoning Commission recommended approval of this request at the April 13, 2015 meeting by a vote of 6-1.

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.

Financial Impact

There is no financial impact to the City.

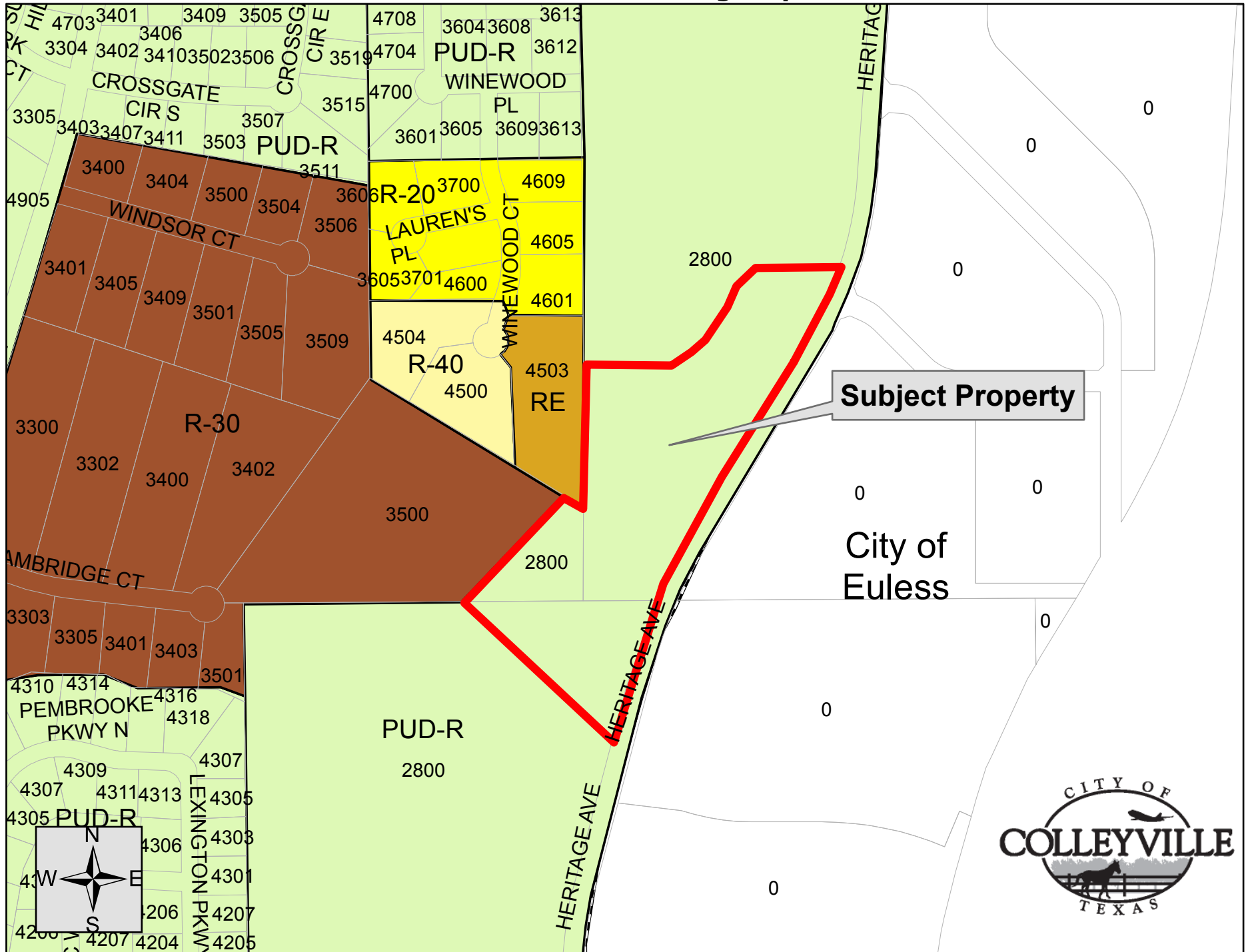
Recommendation

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. Ordinance O-12-1828
8. Preliminary Plat
9. Resolution R-14-3766
10. Resolution R-15-3867

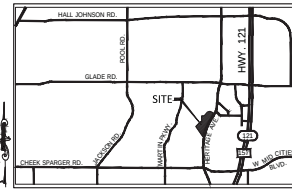
Location and Zoning Map



Aerial



Phase Four Final Plat



VICINITY MAP
N.T.S.



60 0 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 E. Campbell Rd., 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 _____

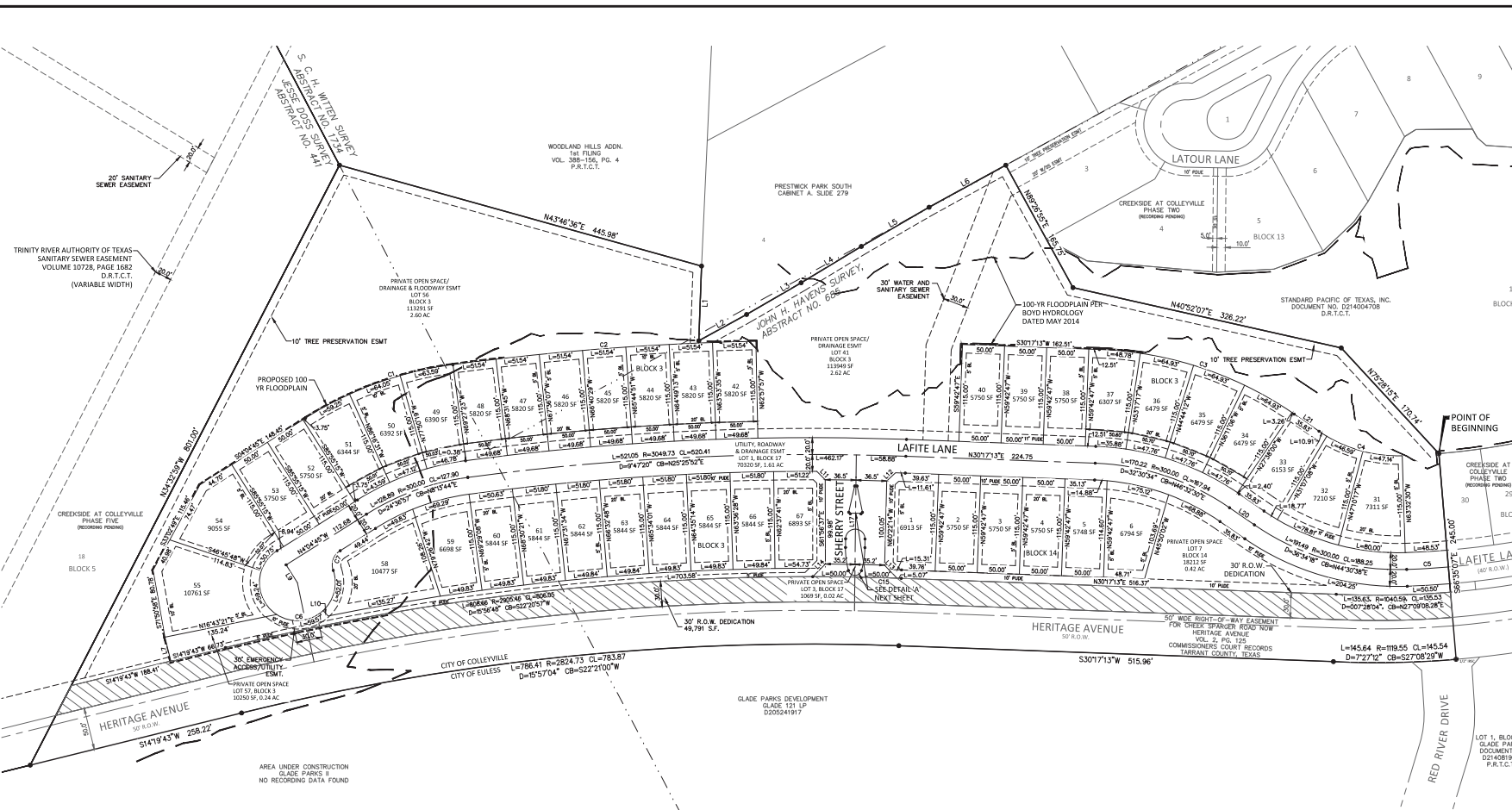
Attest: Secretary, Planning and Zoning Commission _____

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°01'17"W
L18	10.30	N40°12'02"W
L19	10.30	S81°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	024°30'51"	186.40	S08°13'44"W
C2	293.45	284.73	005°16'46"	293.30	S22°10'35"W
C3	244.82	430.00	032°30'34"	243.52	S40°33'30"W
C4	244.82	430.00	032°30'34"	243.52	S40°33'30"W
C5	93.73	165.00	032°30'34"	92.48	S42°43'57"W
C6	93.73	165.00	032°30'34"	92.48	S42°43'57"W
C7	201.56	45.00	298°39'22"	70.60	N47°33'31"E
C8	36.76	26.00	298°39'22"	24.91	S42°24'29"E
C9	4.08	1.00	120°00'00"	1.00	S28°40'10"W
C10	2.99	1.00	114°00'00"	2.92	N08°15'36"W
C11	38.13	11.50	180°00'00"	23.00	S08°47'58"W
C12	27.81	89.50	019°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	019°53'54"	27.52	S08°08'58"E
C15	803.58	2905.45	019°50'48"	801.63	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, 783.67 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 §

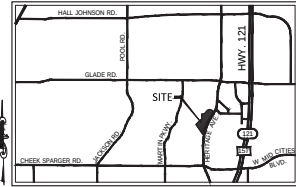
Before me, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared Ryan S. Reynolds, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and considerations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

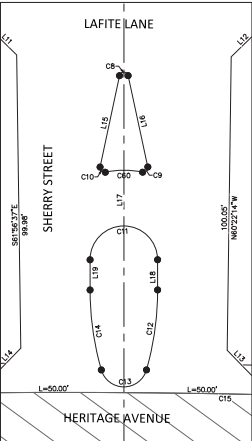
1" = 60'

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 Eules.
- f. Retaining walls that are adjacent to residential lots shall be constructed with a stone facade.

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

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

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

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

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

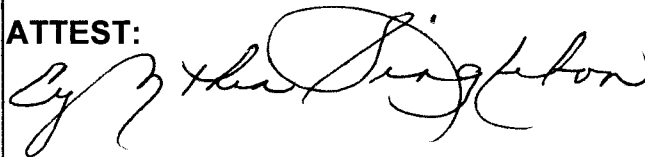
Sec. 9. THAT it has been found that there has been a change in conditions in the above described property, it is now necessary that it be given the above zoning classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare, and requires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

AND IT IS SO ORDERED.

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

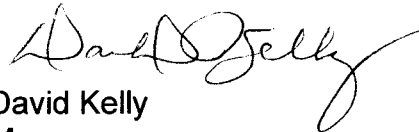
The second reading and public hearing being conducted on the 6th day of November 2007.

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

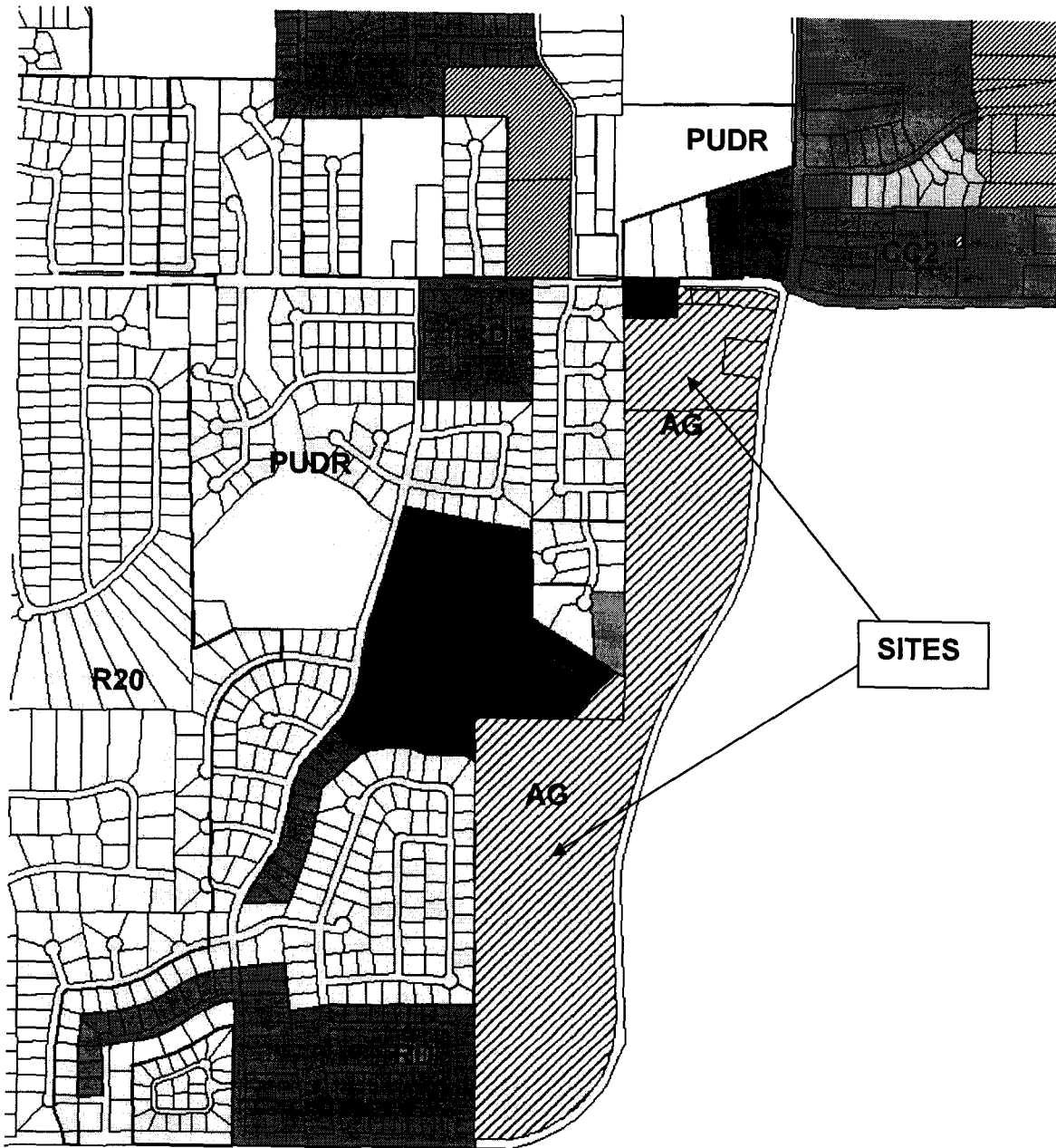


Exhibit "B" Legal Description

**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;

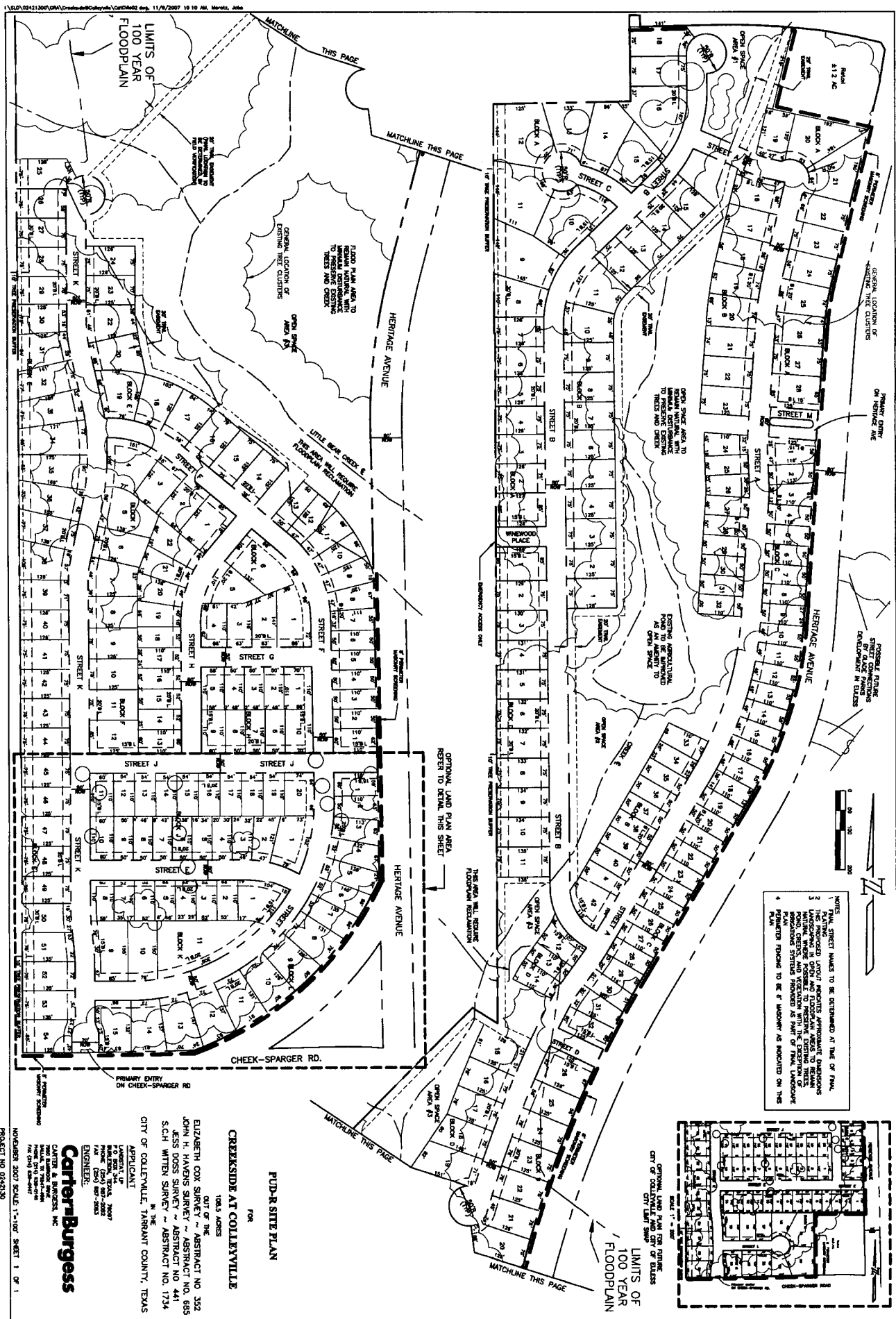
THENCE S 00°27'31" E, A DISTANCE OF 28.94 FEET TO A POINT FOR CORNER;

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.

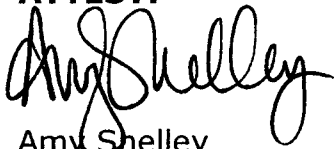
AND IT IS SO ORDERED.

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:



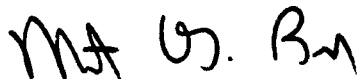
Amy Shelley
City Secretary

CITY OF COLLEYVILLE



David Kelly
Mayor

APPROVED AS TO FORM AND LEGALITY:



Matthew C. G. Boyle
City Attorney

Exhibit "A" -Location and Zoning Map

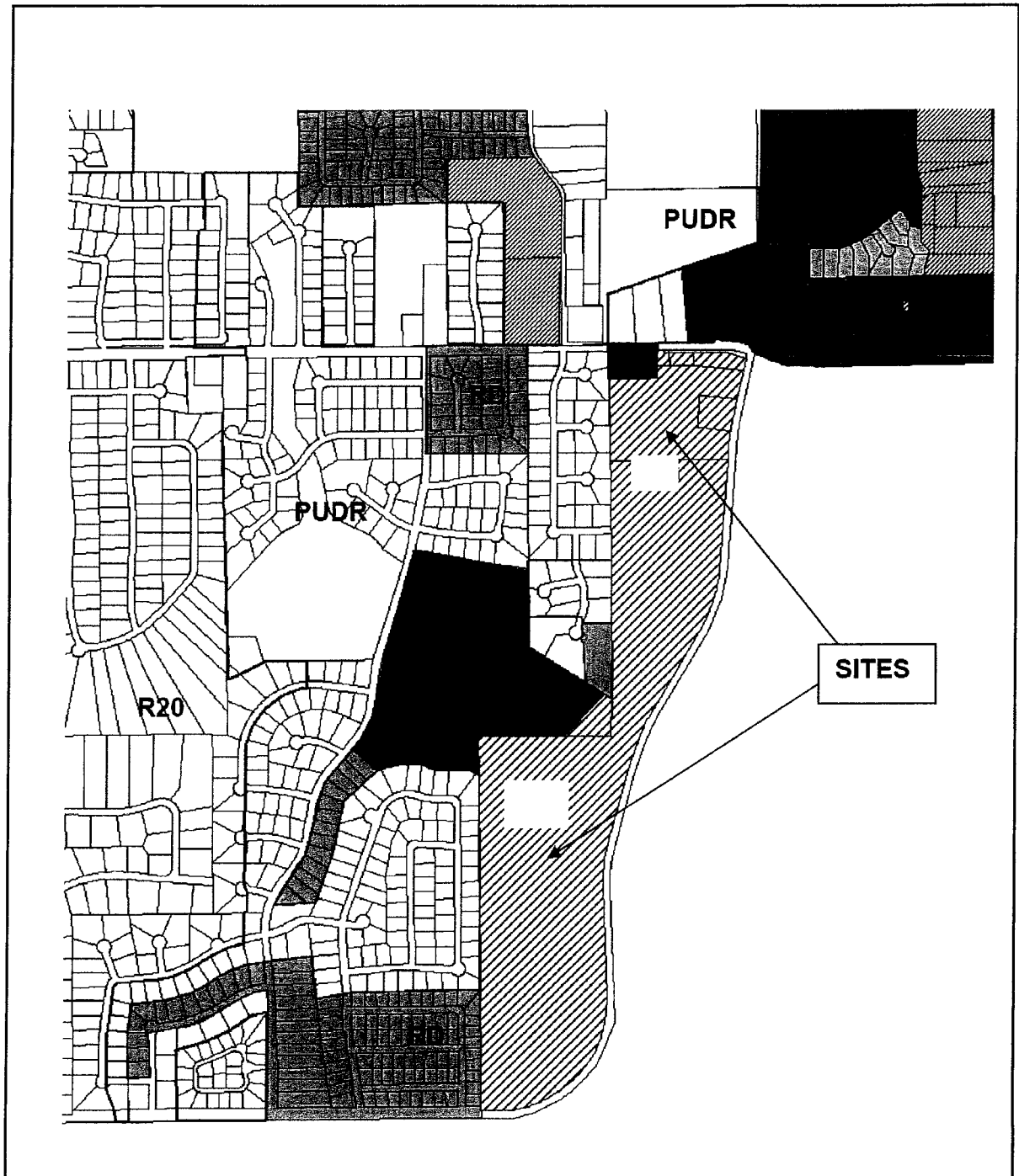
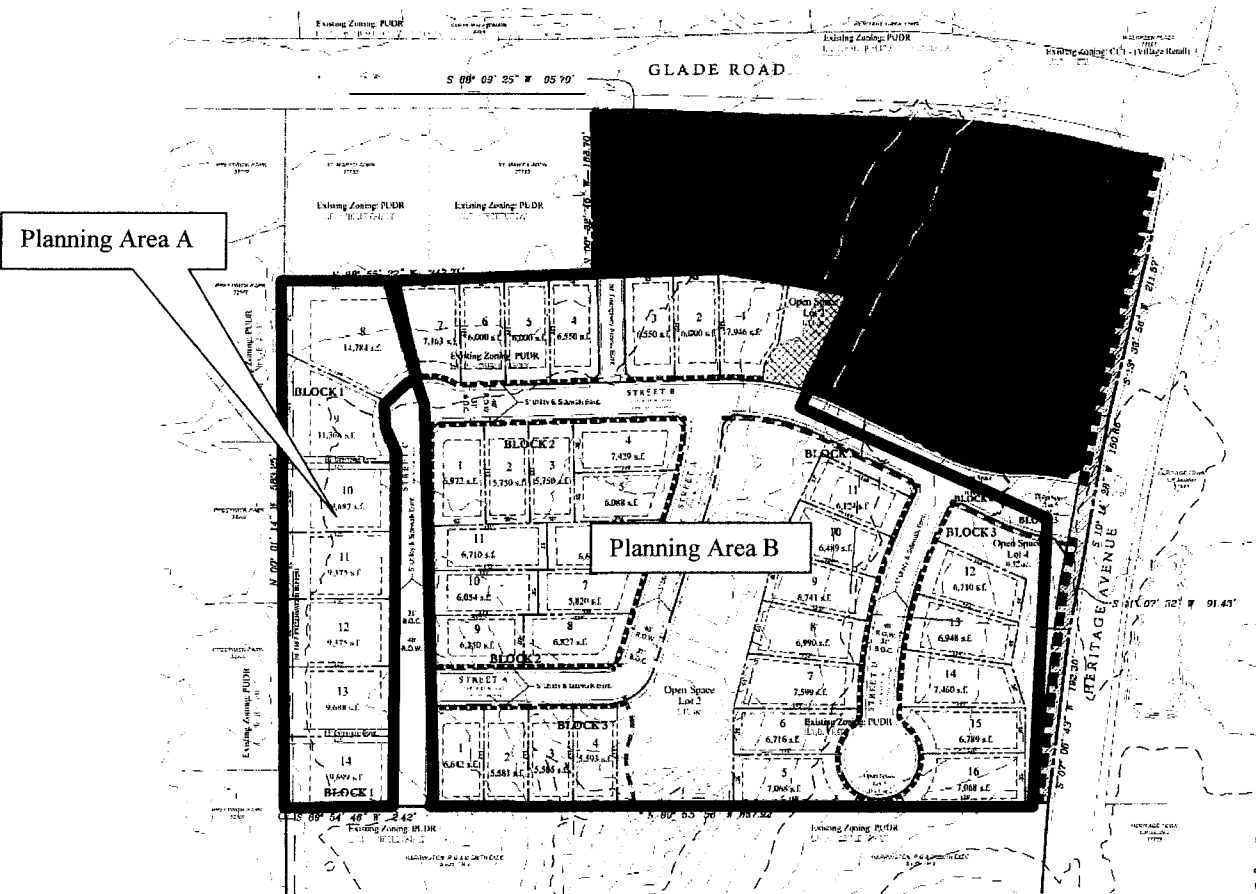


Exhibit "B" Detailed Site Plan



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.

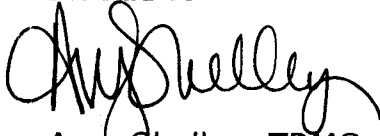
AND IT IS SO ORDERED.

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:



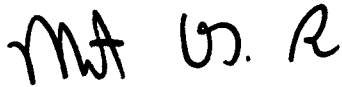
Amy Shelley, TRMC
City Secretary

CITY OF COLLEYVILLE



David Kelly
Mayor

APPROVED AS TO FORM AND LEGALITY:



Matthew C. G. Boyle
City Attorney

Exhibit "A" –Location and Zoning Map

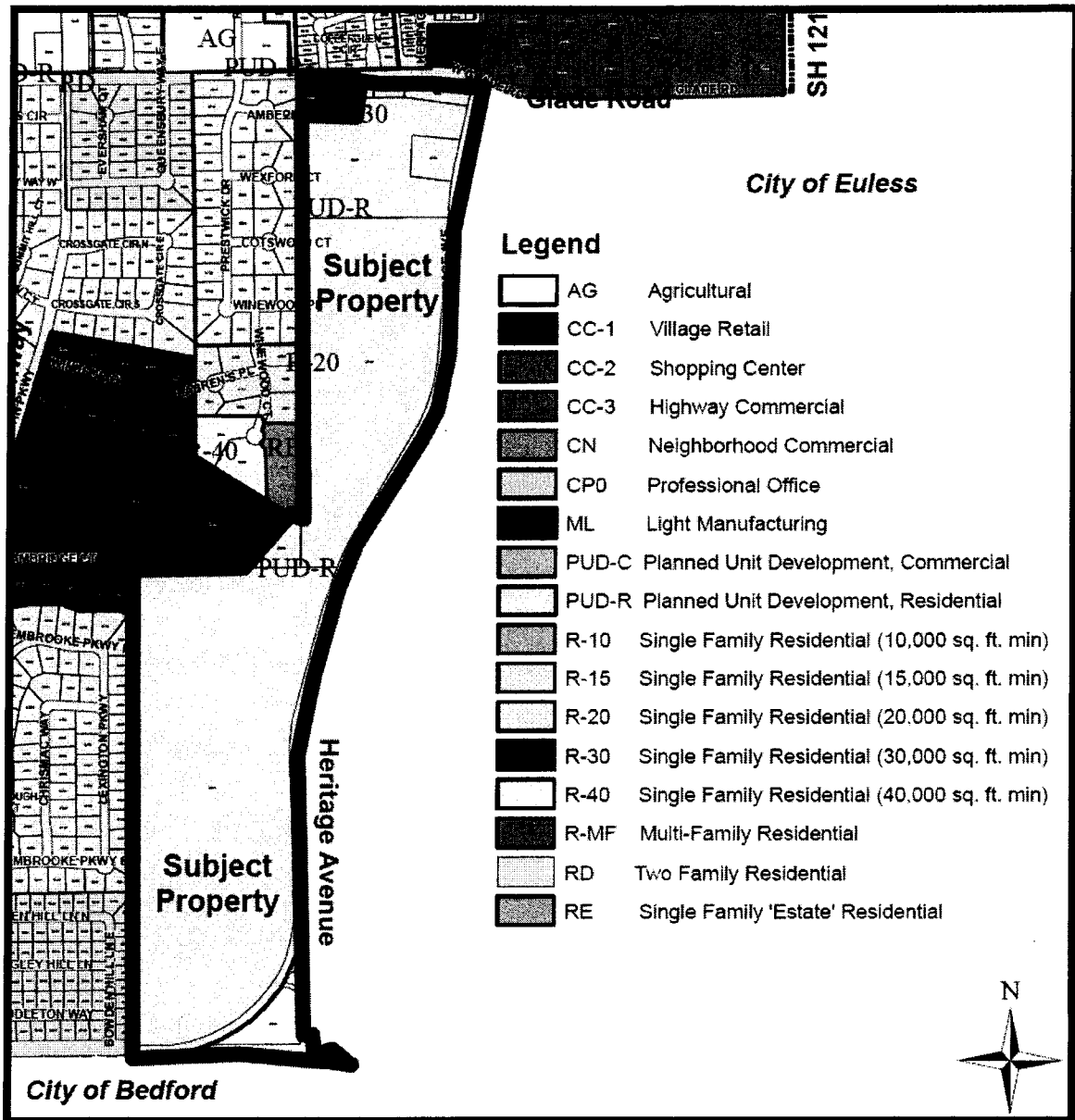


Exhibit "B" – Legal Description of Property Zoned from AG-Agricultural to PUD-R-Planned Unit Development Residential

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;

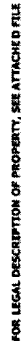
THENCE South 89°57'50" East with the south line of said Hoel tract, approximately 38.00 feet to the northwest corner of the tract described to Cheek-Sparger Properties, LLP., as recorded in Document No. 0206013089 of said Deed Records;

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 Lots	41.50 ac.
Commercial Lots	30.51 ac.
Commercial Lots	10.51 ac.
Commercial Lots	7.24 ac.
Commercial Lots	94.44 ac.
Commercial Lots	96.36 ac.
Residential Lot Summary	
Minimum Building Lot Area	238
Average Building Lot Area	5,000 s.f.
Commercial Lots	8,311 s.f.
Commercial Lots	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.
Master Planning
Urban Design
Architect
Landscape Architecture
100 N. Canal Ave., Ste. 2000
Southwest Tower 1002
P.O. Box 414 3606

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 (width increased to 10')

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
Commercial Sites	1,90 ac.
RESIDENTIAL	
Open Space	43.50 ac.
R.O.W. Dedication (on Heritage)	38.51 ac.
100' Residential	13.19 ac.
GROSS AREA	94.44 ac.
	94.36 ac.

Residential Lot Summary

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

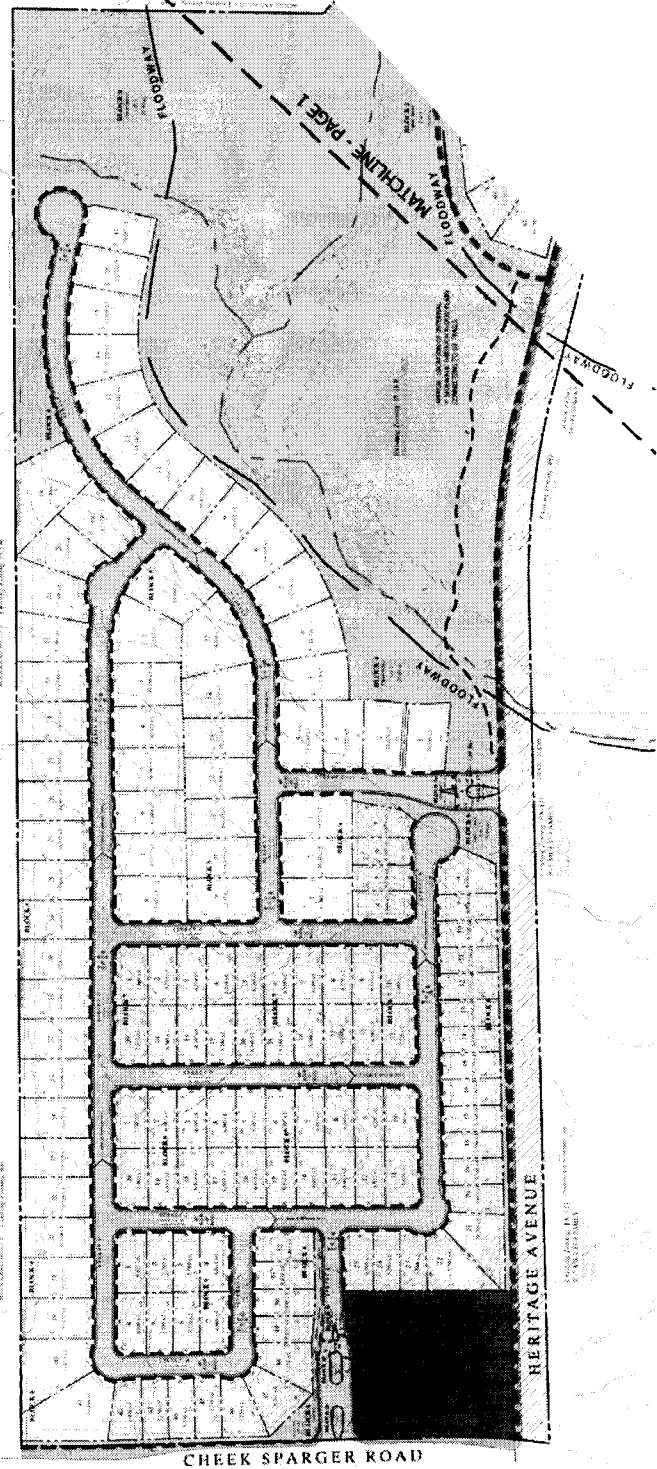
L.U.D. / Zoning

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

NOTES:

- Planning Area A - Front Setbacks are 20' or 15' with a swing garage
- Planning Area A - Rear Setbacks are 30' Typical
- Planning Area B - Front Setbacks are 20' or 15' with a swing garage
- Planning Area B - Rear Setbacks are 10' Typical
- Planning Area B - Side Setbacks can be a corner-lot (10' front, 10' side, 10' rear, 10' min. between structures)
- 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

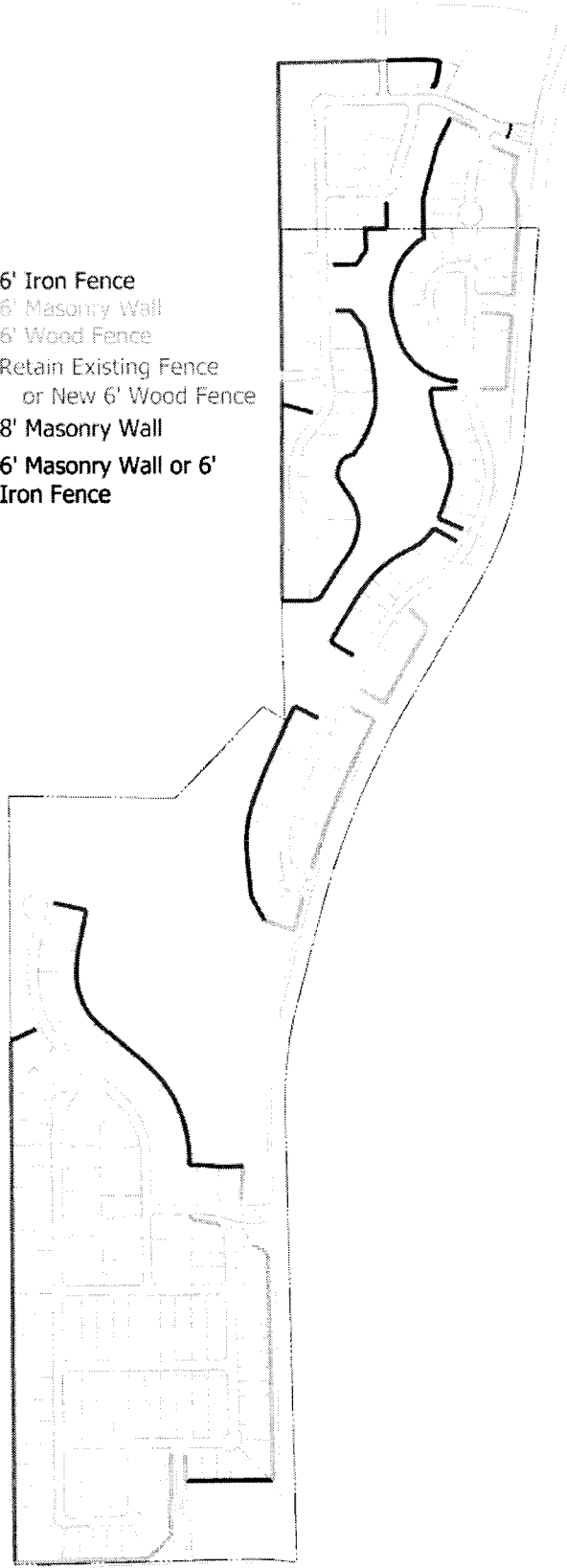
19 DEC 13
1" = 100'
0 100' 200' 400'

Phase 2 Development Plan

Creekside at Colleyville

Exhibit 'D'

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



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

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

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

18 DEC 13



1" = 400'



Wall/Fence Diagram

CITY OF COLLEYVILLE ORDINANCE NO. 0-12-1828
CITY OF EULESS ORDINANCE NO. 1945
JOINT ORDINANCE AND BOUNDARY ADJUSTMENT AGREEMENT

STATE OF TEXAS §
 §
COUNTY OF TARRANT §

WHEREAS, the City of Colleyville, Texas is a home rule municipality located within Tarrant County; and

WHEREAS, the City of Euless, Texas is a home rule municipality located within Tarrant County; and

WHEREAS, pursuant to the authority granted in Section 43.031 of the Texas Local Government Code, as amended, adjacent municipalities may make mutually agreeable changes in their boundaries of areas that are less than 1,000 feet in width; and

WHEREAS, Colleyville and Euless are adjacent; and

WHEREAS, "Tract A", as described and depicted in **Exhibit A**, which is attached hereto and incorporated herein by reference, is uninhabited and is less than 1,000 feet in width; and

WHEREAS, Colleyville and Euless desire to identify mutually agreeable corporate boundaries between the two communities; and

WHEREAS, Colleyville and Euless, in the true spirit of governmental cooperation, intend this Joint Ordinance and Boundary Adjustment Agreement to reflect sound growth management principles and interregional planning.

NOW THEREFORE, BE IT ORDAINED AND MUTUALLY AGREED BY THE CITY COUNCIL OF THE CITY OF COLLEYVILLE AND THE CITY COUNCIL OF THE CITY OF EULESS:

SECTION 1.

The findings set forth above are incorporated into the body of this ordinance and agreement as if fully set forth herein.

SECTION 2.

Pursuant to Section 43.031 of the Texas Local Government Code, Tract A, as described and depicted in **Exhibit A**, shall be released from the corporate boundaries of Euless and simultaneously incorporated into the corporate boundaries of Colleyville.

SECTION 3.

The laws of the State of Texas shall govern the interpretation, validity, performance, and enforcement of this ordinance and agreement. The parties agree that exclusive venue shall lie in Tarrant County, Texas for any dispute arising out of this ordinance and agreement. Before a suit is filed by either party based on or pertaining to this ordinance and agreement, the parties agree that they will submit the dispute for mediation, pursuant to the procedure described in Section 154.023 of the Texas Civil Practice and Remedies Code, as amended.

SECTION 4.

The effective date of this ordinance and agreement shall be the last day this ordinance and agreement is approved by a party hereto as indicated on the signature blocks below.

SECTION 5.

Either party may file a certified copy of this ordinance and agreement in the real property records of Tarrant County, Texas.

SECTION 6.

It is expressly understood and agreed that, in the execution of this ordinance and agreement, no party waives, nor shall be deemed hereby to have waived, any immunity or defense that would otherwise be available to it against claims arising in the exercise of governmental powers and functions. By approving this ordinance and agreement, the parties do not create any obligations, express or implied, other than those set forth herein, and this ordinance and agreement shall not create any rights in parties not signatories hereto.

SECTION 7.

This ordinance shall be cumulative of all provisions of ordinances of the cities of Colleyville, Texas, and Euless, Texas except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 8.

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

SECTION 9.

Should this ordinance and agreement for any reason be ineffective as to any part of the area hereby incorporated into the City of Colleyville, such ineffectiveness of this ordinance and agreement as to any such part or parts of any such area shall not affect the effectiveness of this ordinance and agreement as to the remainder of such area. The Colleyville City Council hereby declares it to be its purpose to include as part of the City of Colleyville every part of the area described in Exhibit A of this ordinance and agreement, regardless of whether any part of such described area is hereby not effectively annexed into the City. Provided, further, that if there is included within the general description of territory set out in Exhibit A of this ordinance and agreement to be hereby annexed into the City of Colleyville any lands or area which are presently part of and included within the limits of the City of Colleyville, or which are presently part of and included within the limits of any other city other than the City of Euless, or which are not within the City of Colleyville's jurisdiction to annex, the same is hereby excluded and excepted from the territory to be annexed hereby as fully as if such excluded and excepted area were expressly described herein.

SECTION 10.

The City of Euless and the City of Colleyville do hereby covenant and agree to protect, preserve and defend the herein described boundary adjustments.

SECTION 11.

This Joint Ordinance and Boundary Adjustment Agreement, upon adoption by both cities, shall be executed in duplicate originals by the Mayor of each City.

APPROVED by the City Council of The City of Colleyville, Texas, at its meeting held on the 20th day of March 2012.

CITY OF COLLEYVILLE, TEXAS

By: David Kelly
David Kelly, Mayor

ATTEST:

By:

Cynthia Singleton, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Matthew C.G. Boyle
Matthew C.G. Boyle, City Attorney

PRESENTED AND PASSED ON FIRST AND FINAL READING at a regular meeting of the Euless City Council on the 28 day of February 2012, by a vote of 5 ayes, 0 nays and 0 abstentions.

CITY OF EULESS

By: Mary Lib Saleh
Mary Lib Saleh, Mayor

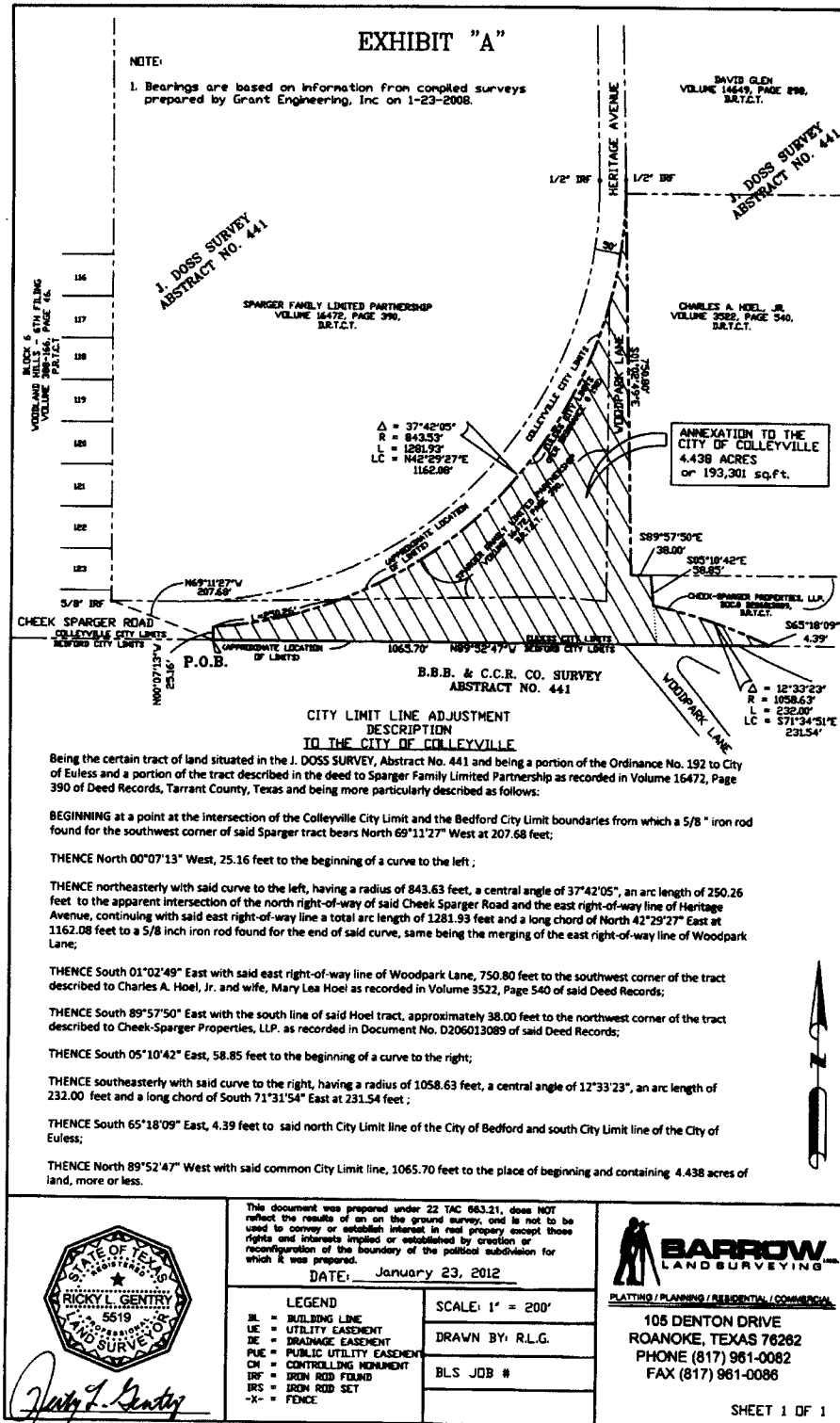
ATTEST:

By: Kim Sutter
Kim Sutter, TRMC, City Secretary

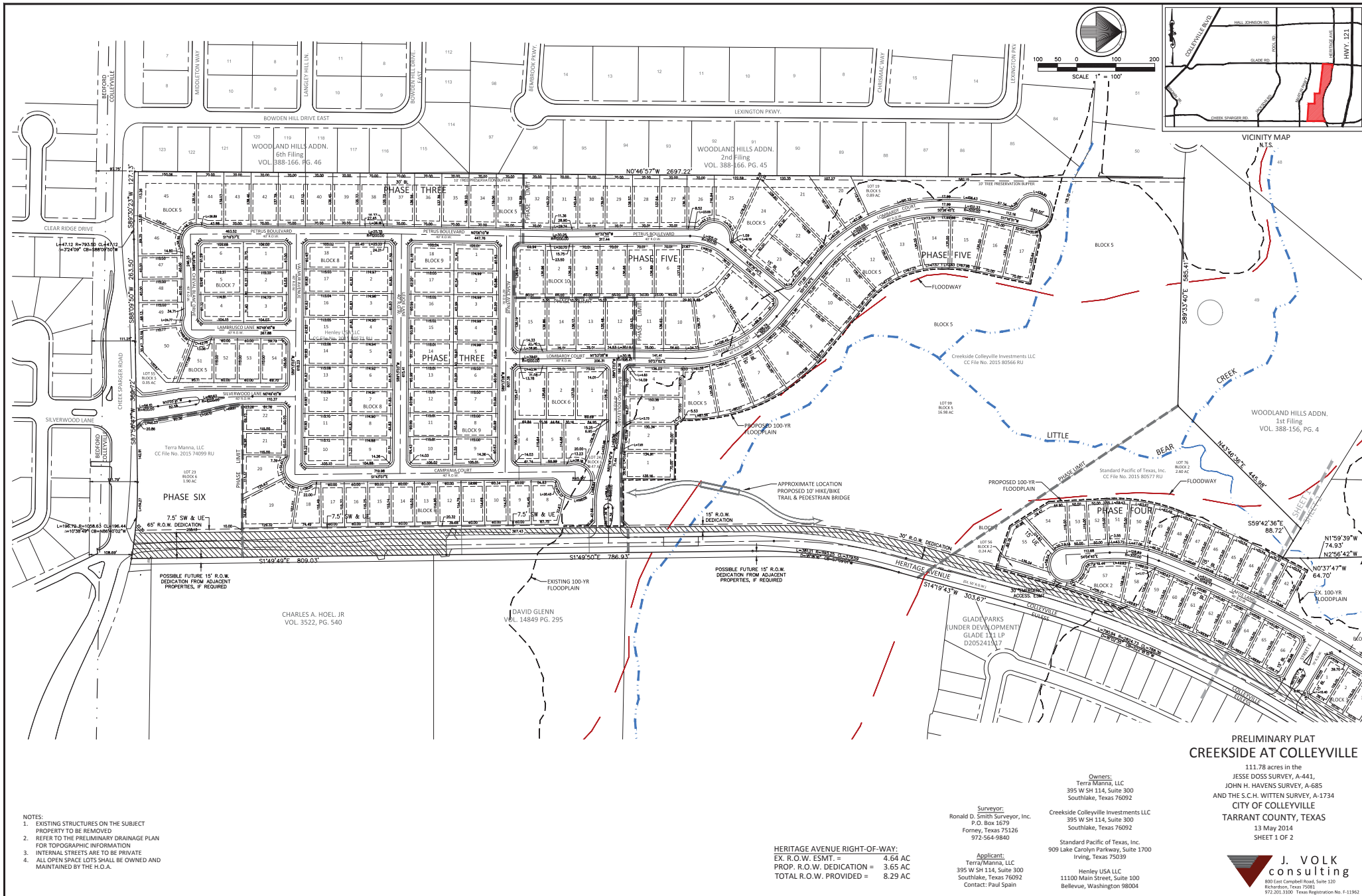
APPROVED AS TO FORM AND LEGALITY:

By: Wayne K. Olson
Wayne K. Olson, City Attorney

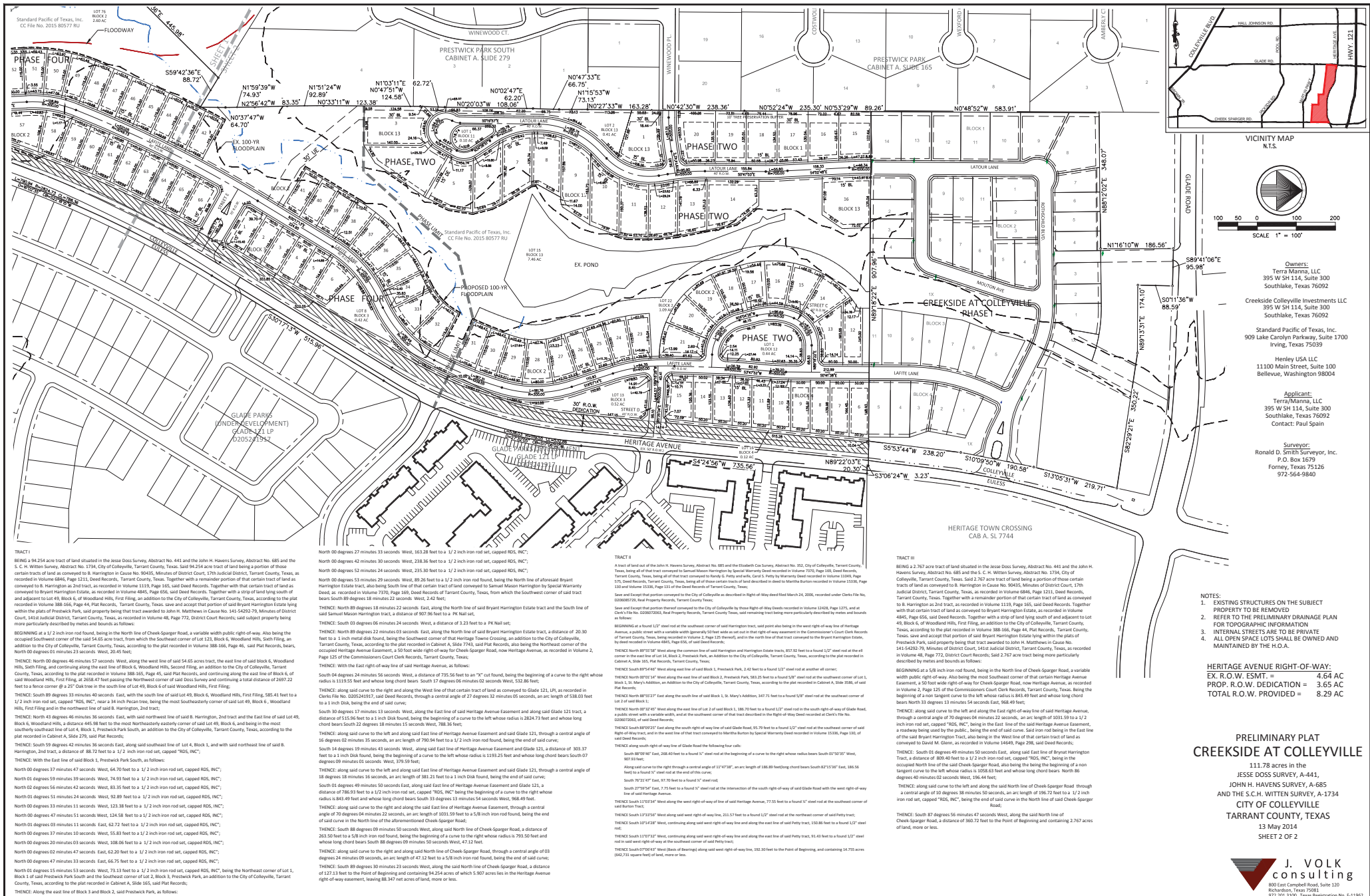
EXHIBIT A "TRACT A"



Preliminary Plat



Preliminary Plat



RESOLUTION R-14-3766

A RESOLUTION APPROVING CITY COUNCIL ACTION UNDER CONSENT ITEMS AT THE REGULAR CITY COUNCIL MEETING OF JULY 15, 2014

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

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

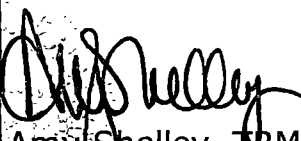
- Sec. 1. THAT the agenda decisions approved by City Council action under Consent Items as follows are hereby adopted:
- a. Approval of the minutes of the City Council worksession of June 30, 2014
 - b. Approval of the minutes of the regular City Council meeting of July 1, 2014
 - c. Approval of a revised preliminary plat for the Creekside at Colleyville Addition, located on 110 acres between Glade Road, Heritage Avenue, and Cheek-Sparger Road, Case PC14-011
 - d. Approval of a final plat for Phase Two of the Creekside at Colleyville Addition, located at 2800 Heritage Avenue, Case PC14-007
 - e. Approval of an Engineering Services Agreement with TranSystems, Inc., for the design of the improvements to Glade Road between Bransford Road and Manning Drive, in an amount not to exceed \$664,365, and authorize the city manager to execute the agreement
 - f. Approval of the disposal of obsolete and non-serviceable equipment and sale of vehicles
 - g. Approval of bid awards for medical and dental insurance to Blue Cross Blue Shield; vision insurance to Block Vision; life and accidental death and dismemberment and long-term disability insurance to Dearborn; and third-party administration of the flexible spending account and health reimbursement account to Total Administrative Services Corporation, and authorize the city manager to execute the agreements

- h. Approval of an Interlocal Agreement with North East Fire Department Association (NEFDA) for Capital Replacement Funding Procedures
- i. Approval of an Interlocal Assistance Agreement for Fire and Explosion Investigations, and authorizing the mayor to execute the agreement
- j. Approval of a contract with Pattillo, Brown and Hill, L.L.P., for audit services for fiscal year ended September 30, 2014, in the amount of \$43,725
- k. Approval of an update to the City's Strategic Plan

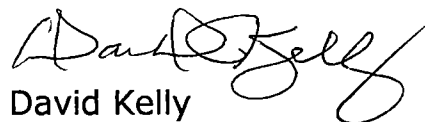
AND IT IS SO RESOLVED.

APPROVED BY A VOTE OF 7 AYES, 0 NAYS, AND 0 ABSTENTIONS
ON THIS THE 15TH DAY OF JULY 2014.

ATTEST:


Amy Shelley, TRMC
City Secretary

CITY OF COLLEYVILLE


David Kelly
Mayor

RESOLUTION R-15-3867

A RESOLUTION REMOVING TRAILS 27, 28, AND 29, FROM THE PARKS AND TRAILS MASTER PLAN MAP, ADOPTED AS PART OF THE 2011 PARKS, RECREATION AND OPEN SPACE MASTER PLAN

WHEREAS, 2005 Colleyville Pathways Plan has since been amended and subsumed into the 2011 Parks, Recreation and Open Space Master Plan, which includes the Parks and Trails Master Plan Map, with the approval of Resolution R-11-3433; and

WHEREAS, based on a review of the Parks and Trails Master Plan Map, the City Council determines that changes should be made to the Map; and

WHEREAS, Trails 27, 28, and 29 are no longer necessary to make a connection to the Heritage Trail (26) per the requirements of Ordinance O-13-1899; and

WHEREAS, all legal prerequisites for the approval of this Resolution have been met, including but not limited to the Open Meetings Act; and

WHEREAS, the City Council hereby determines that the approval of this Resolution is in the best interests of the health, safety, and welfare of the public.

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

Sec. 1. THAT Trails 27, 28, and Trail 29 shall be removed from the Parks and Trails Master Plan Map effective immediately.

AND IT IS SO RESOLVED.

PASSED BY A VOTE OF 7 AYES, 0 NAYS, AND 0 ABSTENTIONS ON THIS THE 21ST DAY OF APRIL 2015.

ATTEST:

A handwritten signature in cursive script, appearing to read "Amy Shelley".

Amy Shelley, TRMC
City Secretary

CITY OF COLLEYVILLE

A handwritten signature in cursive script, appearing to read "David Kelly".

David Kelly
Mayor



City of Colleyville City Council Agenda Briefing

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

Agenda Number 4c

Agenda Date 05/05/2015

Number Resolution R-15-3871

Type Resolution

Department Public Works

Title

Approval of an updated Integrated Mosquito Management Program

Strategy Map Connection

C1- Provide attractive and unique spaces for enjoyment of personal interests and community interaction

C2- Deliver high quality and unique customer service

C5- Achieve the highest standards of safety & security

Explanation

Reading and Public Hearing

Prior to 1999, the City owned and seasonally operated a mosquito fogger that provided a three-day application of pesticide along public streets, but because of new federal regulations, that practice was eliminated in 1999 and the equipment was sold.

Since 2003, the City has participated in the Tarrant County Mosquito Surveillance Project, which includes taking samples from various sites around the City from April 1 until November 1. The samples are submitted to Tarrant County for testing every week and monitoring is done continuously for the duration of the season. The City utilizes a larvicide program to treat potential mosquito breeding grounds and, by request, provides mosquito larvicide briquettes to Colleyville residents or businesses. Larvicide briquettes are also available at Westlake ACE Hardware and Foreman's General Store, both of which are located in Colleyville. If requested, City staff will treat a specific private property location such as a vacant house with a pool, pond, etc. with the larvicide briquettes. In addition, City staff provides educational literature at various City functions such as the State of the City. All of these functions are performed by city staff in conjunction with the program.

On May 7, 2013 the City Council passed Resolution R-13-3623, attached for reference, which codified the practices that have been taking place since 2003 in a program referred to as the Integrated Mosquito Management Program. The Integrated Mosquito Management Program was originally developed through research, discussion with other agencies, and experiences from the 2012 West Nile Virus mosquito season. Ultimately, the Integrated Mosquito Management Program formalized the activities that have taken place since 2003, into a comprehensive program. The highlights of the current program include:

- A clear definition of the actions taken by the City in regard to West Nile Virus
- Establishment of risk levels (low, medium, high)
- Establishment of City actions at each risk level
- Establishment of the escalation and de-escalation between risk levels
- Establishment of an adulticiding policy
- Providing for the consultation with subject matter experts
- Formalization of the public notification procedure

As stated above, the Integrated Mosquito Management Program was originally adopted by Resolution R-13-3623 in 2013 and has been in place for two years. When the document was originally adopted it was known that this would be a fluid program that will require changes as new information and technology become available.

As a result of the experiences, challenges, and the knowledge that was acquired during the last two mosquito seasons, staff is proposing to update the current program document. Staff presented these proposed changes to the Integrated Mosquito Management Program at the March 17, 2015 Pre Council meeting (presentation attached). The original document and the proposed versions are also attached for reference. The proposed revisions to the program include various adjustments to the current program including:

- Adjustment of the number and the location of the sample sites
In order to provide better coverage of the City, staff is recommending a change to the locations and the number of sample sites. A total of 16 sites were sampled in past seasons and the City is limited to testing 5 samples each week. By reducing the number of sample sites to 14, the City is able to slightly increase the numbers of samples taken at each site. In order to provide better City-wide coverage, it is recommended that the current locations of the testing sites be adjusted. These changes will provide better City-wide coverage, facilitate faster and more accurate notifications, and help with the timeliness of any response that is deemed necessary.
- Incorporation of new larvicide products and methods*
Staff is recommending that new larvicide products and application methods that were used this past season be incorporated into the formal program. This is a result of new products that allow for better application in certain situations. These products include Vectolex FG granules and BVA2 larvicide oil.
- Incorporation of a targeted application of adulticide when warranted in the medium risk level*
Staff is recommending that the City incorporate a targeted application of adulticides when warranted in the medium risk level as follows:
 - Three (3) positive samples in one location during the same season require that all future positive samples at any location receive a targeted application of adulticides for the remaining duration of the season.

- Inclusion of winter month sampling in conjunction with Tarrant County Public Health*
Staff also recommends formalizing the winter month sampling that we are currently working in partnership with Tarrant County Public Health, to develop a year round monitoring effort.

* Indicates that this practice that took place in the 2014 season

Financial Impact

The functions included in the proposed plan are currently being performed within the current operating budget. The cost of any future adulticiding may require additional funding, dependent on the extent of the application, as the extent of the application is directly tied to the severity of the mosquito populations and the presence of any diseases.

Recommendation

Approve

Attachments

1. March 17, 2015 Presentation
2. Resolution R-13-3623
3. Current Integrated Mosquito Management Program
4. Proposed Integrated Mosquito Management Program

Presentation and Discussion of the Integrated Mosquito Management Program

Pre Council Meeting
March 17, 2015

History



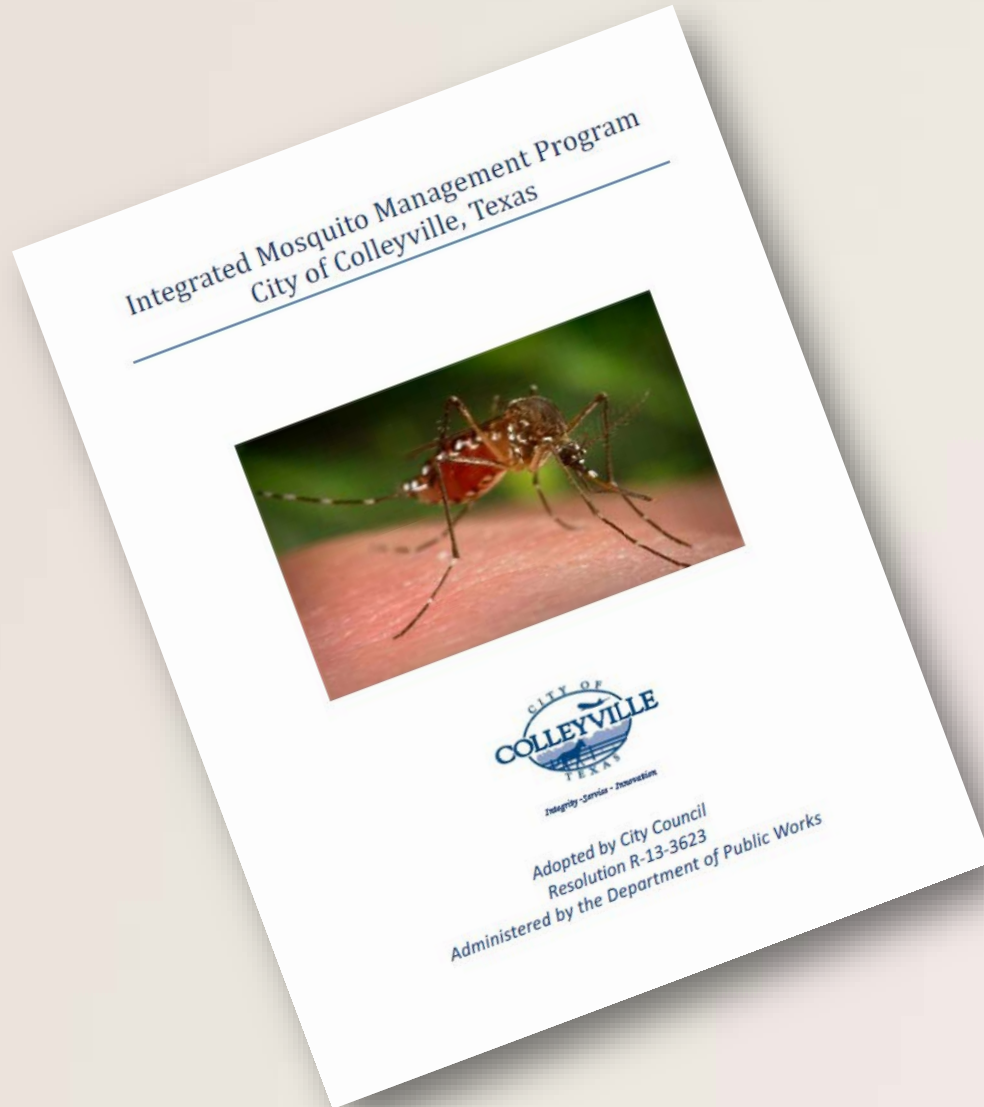
- Prior to 1999, the City of Colleyville owned and operated ground spraying equipment
- Ground spraying programs were administered by Public Works staff
- Due to the increase in federal regulations, the City halted the ground spraying activities and disposed of the equipment in 1999

History



- In 2003, the Tarrant County Health Department asked local municipalities to join the Mosquito Surveillance Program
- The Tarrant County Health Department issued the “2003 WNV Mosquito Surveillance and Response Plan”. City staff used this plan, beginning in 2003, as a guide in the development and implementation of the Colleyville Mosquito Monitoring and Treatment Program
- The City Council adopted Resolution R-13-3623 in May 2013, which established the current program

Current Program



Integrated Mosquito Management Program (IMMP)

- Establishes clear definition of the actions taken by the City in regard to West Nile Virus
- Establishes risk levels (low, medium, high)
- Establishes City actions at each risk level
- Establishes the escalation and de-escalation between risk levels
- Establishes an adulticiding policy
- Provides for consultation with subject matter experts
- Formalizes the public notification procedures

Current Program



Integrated Mosquito Management Program (IMMP)

Surveillance

- 16 sites throughout the City
 - 3 static testing sites (tested weekly)
 - 13 rotating sites (tested approximately once every 6 weeks)
- Five samples submitted to Tarrant County every 7 days (April to November)

Larvicide Program

- Proactively treating several sites throughout the City (Nature Center, Sparger Park, Kimzey Park, drainage structures, etc.)
- Larvicide briquettes are available free of charge to Colleyville residents and businesses upon request. Larvicide briquettes can also be purchased at local stores (Foreman's, Westlake Ace Hardware)
- Constantly monitoring and re-treating sites as needed

Education

- City staff offers property assessments to Colleyville property owners upon request
- Participation in open house events

The Past Three Seasons

	2012 (pre program)	2013	2014
Total Number of Samples Processed for Colleyville (<i>Tarrant County</i>)	21 (647)	82 (4,268)	165 (4,717)
Total Number of Samples Positive for WNV in Colleyville (<i>Tarrant County</i>)	5 (23.8%) (103*) (15.9%)	1 (2.2%) (36*) (0.8%)	25 (15.2%) (317*) (6.7%)
Number of Positive Human WNV Cases in Colleyville (<i>Tarrant County</i>)	6 (259*)	0 (8*)	0 (16*)

* Source - CDC – USGS Disease Maps

Challenges Experienced



- Location of testing sites
 - Proximity to city limits
 - Working with HOA for privately owned open spaces
- Repetitive samples testing positive at the same location (unprecedented prolonged presence of WNV)
 - Staff used a new larvicide product
 - Targeted spraying

Recommended Changes



Adjust the current program to address proposed practices

- Adjustment of the number and the location of the sample sites
- Incorporating new larvicide products and methods*
- Incorporating a targeted application of adulticide when warranted in the medium risk level*
 - (3 positives samples in one location during one season requires that all future positive samples at any location receive a targeted application of adulticides for the remaining duration of the season)
- Include winter month sampling in conjunction with Tarrant County Public Health*

**** Indicates this practice took place in the 2014 season***

Questions and Discussion

RESOLUTION R-13-3623

**A RESOLUTION APPROVING CITY COUNCIL ACTION UNDER
CONSENT ITEMS AT THE REGULAR CITY COUNCIL MEETING OF
MAY 7, 2013**

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

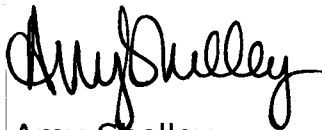
**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE
CITY OF COLLEYVILLE, TEXAS:**

- Sec. 1. THAT the agenda decisions approved by City Council action under Consent Items as follows are hereby adopted:
- a. Approval of the minutes of the regular City Council meeting of April 16, 2013
 - b. Approval of the Integrated Mosquito Management Program
 - c. Approval of an amendment to an Interlocal Agreement with the City of Keller for off-site sewer improvements for Somerset Manor, and authorizing the city manager to execute the amendment
 - d. Approval of a preliminary plat for 2.99 acres situated in the D.R. Teeter Survey, Abstract No. 1518 and the S.C.H. Whitten survey, Abstract No. 1732, located at 2501 Cheek-Sparger, Case PC12-020

AND IT IS SO RESOLVED.

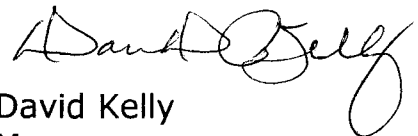
APPROVED BY A VOTE OF 7 AYES, 0 NAYS, AND 0
ABSTENTIONS ON THIS THE 7TH DAY OF MAY 2013.

ATTEST:



Amy Shelley
City Secretary

CITY OF COLLEYVILLE



David Kelly
Mayor

CURRENT

Integrated Mosquito Management Program City of Colleyville, Texas



Integrity - Service - Innovation

*Adopted by City Council
Resolution R-13-3623*

Administered by the Department of Public Works

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INTRODUCTION

Mosquitoes are insects that belong to the order Diptera, or True Flies. Female mosquitoes have modified mouthparts that form a long piercing-sucking proboscis, while male mosquitoes have mouthparts that are incapable of piercing skin. There are over 2,500 different species of mosquitoes that have been identified throughout the world, with approximately 150 species occurring in the United States. The Texas Department of Health estimates there are approximately 82-84 mosquito species in the State of Texas, although only about 12 of these mosquito species have been implicated in the transmission of serious diseases.

Mosquitoes typically need still, stagnant water that is isolated from fish or other small predators to complete their metamorphosis from egg to adult. Larval habitats can range from marshes, freshwater wetlands, and tree holes to human-made structures like catchments, gutters, and discarded tires. Not all species of mosquitoes feed on humans and other mammals, many species feed mostly on birds, amphibians, or reptiles. Only a small percentage of the known mosquito species are considered to carry the West Nile Virus.

Mosquitoes may be controlled through a variety of different physical, chemical, and biological methods. Physical methods usually involve source reduction, which is simply the physical removal of mosquito breeding habitats. Biological measures mainly center on the use of bacteria that kill mosquito larvae or the use of natural mosquito predators. Chemical treatment typically involves the application of pesticides to attempt to control adult mosquito populations.

Today, communities are developing locally tailored mosquito control programs that may be scaled to adapt to changing conditions. For many areas, this means providing the basic level of protection by monitoring mosquito movement, population size, and infection rates. Just as we keep an eye on our checkbook to prevent overdrafts, or track hurricanes to avoid weather disasters, knowing how many and what kinds of mosquitoes are in the area helps communities respond more effectively when threatened, especially in the aftermath of flooding and clean-up activities. Because regions vary in geography and climate, and because each community's economy is supported by different industries, the need for mosquito control is a local matter. In fact, the type of mosquito control program a community needs may change over time. This means a community needs a program that is tailored and flexible.

HISTORY OF MOSQUITO CONTROL AND THE THREATS TO PUBLIC HEALTH

Although only a small percentage of mosquito species are capable of transmitting diseases, mosquitoes are still considered to be a very important vector for disease transmission. Within the United States, the occurrences of mosquito-borne illnesses have been relatively rare in recent years. However, epidemics of mosquito-borne diseases were once common in the United States. Outbreaks of Yellow Fever have been recorded as far north as Philadelphia during the Colonial Period, and Dengue Fever was prevalent along the Gulf Coast until the mid-1940's. At one time, Malaria was well established in the continental United States, especially in the south. Other mosquito-borne illnesses like LaCrosse, St. Louis, and Eastern Equine Encephalitis are still threats in certain areas of the country. Many

of these historical mosquito-borne diseases have been eliminated or at least controlled, the introduction and subsequent rapid spread of West Nile Virus within the United States is a topic of current concern¹.

In recent years, with increasing intercontinental movement of goods, people, and animals, a variety of new and exotic disease problems have been encountered. These emerging infectious diseases include Severe Acute Respiratory Syndrome (SARS), Ebola virus (Reston strain) and West Nile Virus (WNV). These diseases are zoonoses, or diseases of animals that can be transmitted to humans. Many zoonoses, such as WNV, are transmitted by vectors, such as mosquitoes or ticks. WNV has spread from coast to coast in only five years. Given the increasing globalization of travel and commerce, it is likely that other exotic agents will be transported and established in the United States or in other areas of the Americas¹.

WEST NILE VIRUS (WNV)

West Nile Virus is a mosquito-borne illness. Up to 80 percent of people infected with WNV will have no symptoms and will recover on their own; however, some cases can cause serious illness or death. People over 50 and those with weakened immune systems are at a higher risk of becoming ill, if they become infected with the virus.

The relatively rapid spread of WNV and the increase in disease incidence indicates that WNV is permanently established in the United States. It is likely that the virus survives the winter either within birds that remain in the area or possibly within mosquitoes that survive the winter in the adult stage. When spring returns, the virus reemerges within the birds and is readily passed to early season mosquitoes. As mosquito populations increase, mosquitoes begin to feed more frequently on birds, causing an increasing number of birds and mosquitoes to become infected. If environmental conditions are favorable for transmission, the virus will amplify to a theoretical point of spillover. At spillover, the virus can bridge out of the enzootic, bird-mosquito cycle through mosquitoes that feed on birds, humans, and other animals. At the point of spillover, transmission to humans becomes more likely, unless a mosquito control program is implemented.

CITY OF COLLEYVILLE PLAN FOR MOSQUITO SURVEILLANCE AND CONTROL MEASURES

The risk of mosquito-borne diseases depends on the size of mosquito populations and the incidence rate of disease. Collecting information on adult mosquito populations is very important for both targeting control measures and gauging the potential for disease outbreak.

In 2003, the City of Colleyville, along with other cities in the county, joined the Tarrant County Public Health Mosquito Surveillance Program. The program's main objective is collecting adult mosquitoes through the use of gravid traps. Captured mosquitoes are sent to the Tarrant County Public Health Department lab for testing. Each sample or pool will consist of mosquitoes that are collected at a single collection site. The information obtained from these surveillance efforts will be used to map mosquito populations, provide public information, and to determine the incidence of WNV or other viruses. An effective

¹ Technical information has been gathered from various sources including the Center for Disease Control, Texas Department of Health, and the Tarrant County Health Department.

surveillance and control program should therefore, allow analysts to detect the presence of WNV and of other mosquito-borne viruses during the amplification phase. In 2013, the City executed an Interlocal Agreement with Tarrant County that allows the City to utilize County contracts for abatement response operations such as ground fogging and aerial spraying.

The City of Colleyville's Integrated Mosquito Management Program consists of the following control measures.

Public Education (City staff)	 Eliminate standing water	 Wear long, loose, light colored clothing	 Dispose of old tires	 Clean roof gutters
Surveillance (City staff)	 Mosquito Trap		 Testing of Samples	
Larvicide Briquettes (City staff)	 Treatment of standing water		 Treatment of stagnant pools	
Adulticide - Ground or UTV Fogging (Third party contractor)	 Truck mounted fogging		 UTV mounted fogging	
Adulticide – Aerial Spraying (Third party contractor)			Aerial spraying will be considered by the City of Colleyville in conjunction with the regional approach administered by the Tarrant County Public Health Department.	

RISK LEVELS AND RESPONSE

The City of Colleyville will operate the Integrated Mosquito Management Program under three different risk levels. The risk levels include low risk, medium risk, and high risk. The risk levels and the actions taken by the City are described below.

Low Risk Level

Probability of human outbreak is low; subnormal to normal mosquito activity is observed; and no evidence of WNV in the immediate area.

- ★ Public Education - The City of Colleyville will conduct abatement mosquito operations such as providing printed materials (brochures, flyers about mosquito habitat reduction), provide property assessments by request to help identify mosquito-breeding habitats on individual properties, and publicize information about avoiding mosquito bites and encourage larviciding by residents. (Bacillus Thuringiensis Israelensis (BTI) and other low toxicity products). The Tarrant County Public Health Department (TCPH) website is a good source of the education materials and contains frequently asked questions. <http://www.tarrantcounty.com/ehealth/cwp/view>
- ★ Larvicide - The City of Colleyville will larvicide within public rights-of-way areas and city owned properties containing stagnate water with mosquito larvae, using low toxicity materials such as Altosid XR Briquettes. This operation will be done during the mosquito season (typically April 1 to November 1).
- ★ Surveillance - The City of Colleyville will set out five traps each week alternating between 16 test locations identified within the City and submit mosquito samples to the Tarrant County Public Health Department for testing (typically April 1 to November 1).
- ★ Preparedness - The City of Colleyville will utilize the Tarrant County Interlocal Agreement to provide abatement actions whenever possible. If circumstances are such that the County's contracts do not provide adequate services, the City will contract with a certified entomologist and licensed pesticide contractor for the annual mosquito season. The City will retain their services for consultation and recommendation purposes.

Medium Risk Level

WNV has been detected in trapped mosquitoes, probability of human outbreak is increasing, and normal to above normal mosquito activity is observed. All activities at the Low Risk Level will continue and the following additional actions will take place at this level.

- ★ Notification - Citizens and property owners will be immediately notified of the detection of WNV in trapped mosquitoes by Code Red notification within a ¼-mile radius of the positive test site and information will be posted on the City's website.
- ★ Site-specific investigation - The City of Colleyville will conduct a survey within a ¼-mile radius of the mosquito-sampling site that tested positive in order to identify locations in need of mosquito source or habitat reduction. The survey will include all areas that are visible from public property and will not involve City staff entering private property. If obvious sources of mosquito breeding environments are found, code enforcement officials will notify property owners of the situation and direct that action be taken to eliminate the source(s) within ten (10) days. If, after the ten-day period, the breeding sources have not been remediated, a citation will be issued. Obvious sources of mosquito breeding

environments include, but are not limited to tires, open containers, and overhead roof drains plugged with leaves, etc.).

- ★ Test site mitigation – Immediately upon receiving notification of a positive sample, the test site location will be treated with using low toxicity materials such as Altosid XR Briquettes. A follow up sample will be taken 30 days after the initial positive sample and submitted to Tarrant County Public Health Department for testing.
- ★ Monitoring – City staff will prepare and distribute a weekly status report of mosquito activity and program functions.

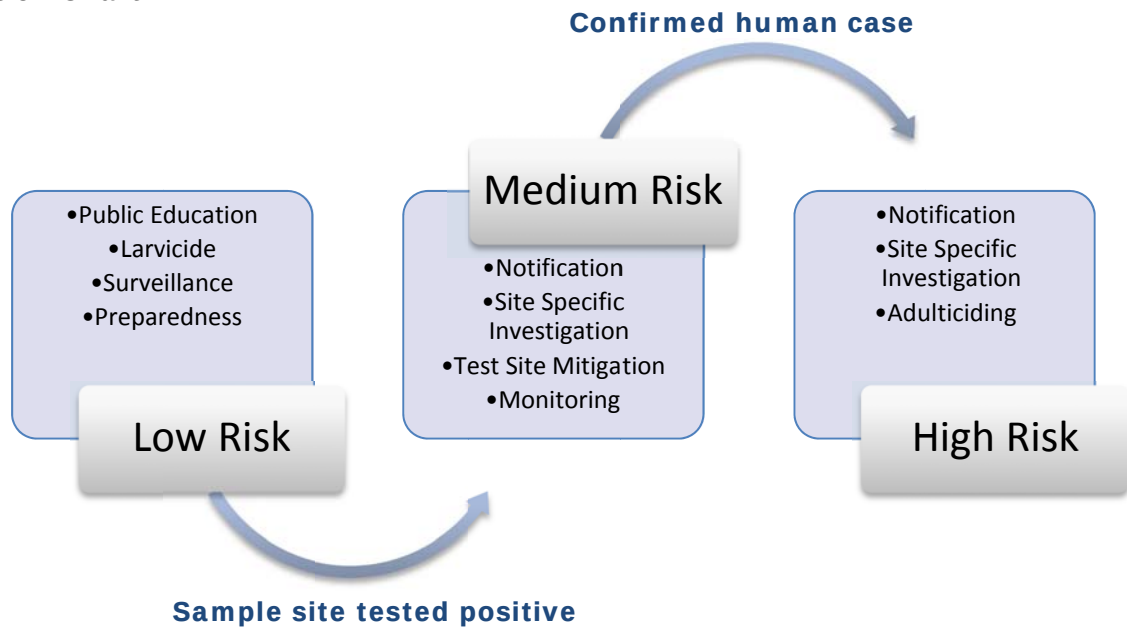
High Risk Level

Confirmed human case has occurred within the jurisdiction; above normal mosquito activity is observed. WNV may or may not have been detected in trapped mosquitoes. All activities at the Medium Risk Level will continue and the following additional actions will take place at this level.

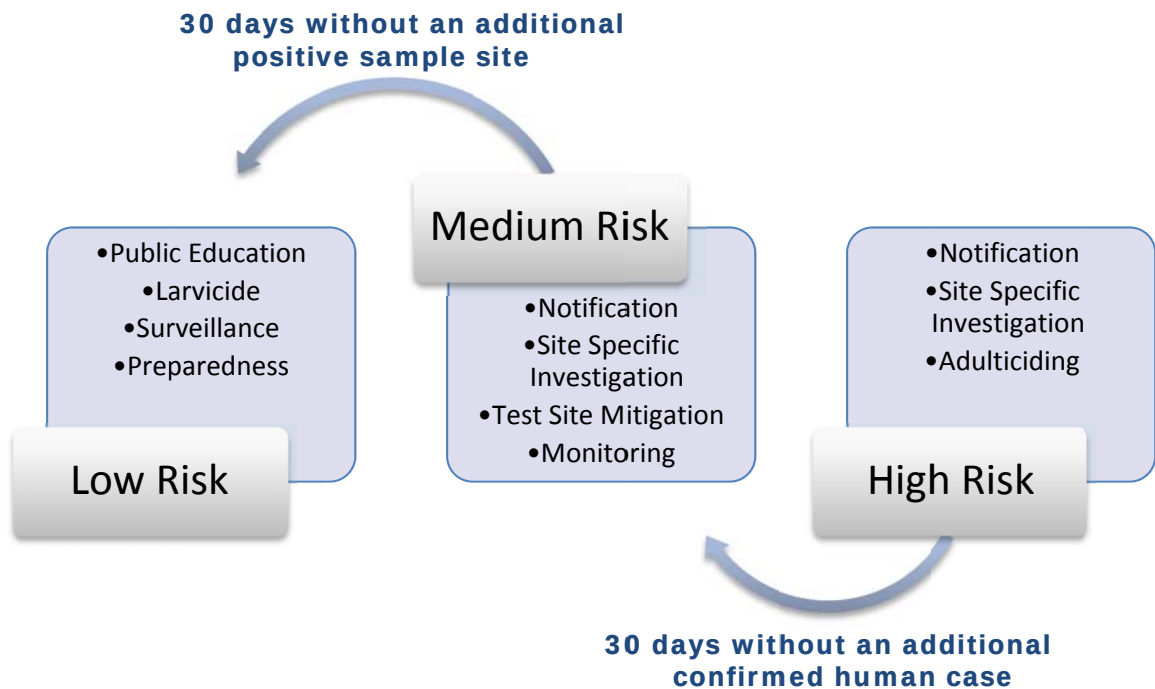
- ★ Notification - Citizens will be immediately notified of the detection of a WNV human case by Code Red notification within a ½-mile radius of the confirmed positive human case. Information of the infected area will be posted on the City's website so that citizens can take extra precautions to avoid being bitten.
- ★ Site-specific investigation - The City of Colleyville will conduct a survey within a ½-mile radius of the mosquito-sampling site that tested positive in order to identify locations in need of mosquito source or habitat reduction. The survey will include all areas that are visible from public property and will not involve City staff entering private property. If obvious sources of mosquito breeding environments are found, code enforcement officials will notify property owners of the situation and direct that action be taken to eliminate the source(s) within ten (10) days. If, after the ten-day period, the breeding sources have not been remediated, a citation will be issued. Obvious sources of mosquito breeding environments include, but are not limited to tires, open containers, and overhead roof drains plugged with leaves, etc.).
- ★ Adulticiding - If the City and consulted Certified Entomologist determine that fogging is needed, the city manager is authorized to initiate this process. Mobilization will take effect within 48 hours to apply adulticides (truck-mounted or UTV mounted fogging). **Fogging operations will only take place within rights-of-way and City owned property.** Adulticiding will be coordinated with larviciding and public information/bite avoidance actions, in order to be effective. Contractors will be certified to apply pesticides and all applications will be in full compliance with all Texas Department of Health (TDH) requirements.

Escalation and De-escalation Charts:

Escalation Chart



De-escalation Chart



Contact Information:

Colleyville Public Works Environmental Compliance Officer	817-503-1092
Colleyville Public Works Office	817-503-1090
Tarrant County Public Health Department	817-884-1111

PROPOSED
Integrated Mosquito Management Program
City of Colleyville, Texas



Integrity - Service - Innovation

April 2015
Adopted by City Council Resolution R-15-3871
Administered by the Department of Public Works

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INTRODUCTION

Mosquitoes are insects that belong to the order Diptera, or True Flies. Female mosquitoes have modified mouthparts that form a long piercing-sucking proboscis, while male mosquitoes have mouthparts that are incapable of piercing skin. There are over 2,500 different species of mosquitoes that have been identified throughout the world, with approximately 150 species occurring in the United States. The Texas Department of Health estimates there are approximately 82-84 mosquito species in the State of Texas, although only about 12 of these mosquito species have been implicated in the transmission of serious diseases.

Mosquitoes typically need still, stagnant water that is isolated from fish or other small predators to complete their metamorphosis from egg to adult. Larval habitats can range from marshes, freshwater wetlands, and tree holes to human-made structures like catchments, gutters, and discarded tires. Not all species of mosquitoes feed on humans and other mammals, many species feed mostly on birds, amphibians, or reptiles. Only a small percentage of the known mosquito species are considered to carry the West Nile Virus.

Mosquitoes may be controlled through a variety of different physical, chemical, and biological methods. Physical methods usually involve source reduction, which is simply the physical removal of mosquito breeding habitats. Biological measures mainly center on the use of bacteria that kill mosquito larvae or the use of natural mosquito predators. Chemical treatment typically involves the application of pesticides to attempt to control adult mosquito populations.

Today, communities are developing locally tailored mosquito control programs that may be scaled to adapt to changing conditions. For many areas, this means providing the basic level of protection by monitoring mosquito movement, population size, and infection rates. Just as we keep an eye on our checkbook to prevent overdrafts, or track hurricanes to avoid weather disasters, knowing how many and what kinds of mosquitoes are in the area helps communities respond more effectively when threatened, especially in the aftermath of flooding and clean-up activities. Because regions vary in geography and climate, and because each community's economy is supported by different industries, the need for mosquito control is a local matter. In fact, the type of mosquito control program a community needs may change over time. This means a community needs a program that is tailored and flexible.

OBJECTIVES

The City of Colleyville's Integrated Mosquito Management Plan was developed to meet several objectives. Including but not limited to:

- Provides guidelines and information on mosquito populations, prevalence of diseases, and control strategies;
- Provides a systematic approach for utilizing mosquito sampling and human disease data to establish Risk Levels;
- Establishes actions that will be undertaken for each risk level;
- Establishes the escalation and de-escalation between risk levels;
- Establishes an adulticiding policy;
- Provides for the consultation with subject matter experts;
- Formalizes the public notification procedures.

WEST NILE VIRUS (WNV)

West Nile Virus is a mosquito-borne illness. Up to 80 percent of people infected with WNV will have no symptoms and will recover on their own; however, some cases can cause serious illness or death. People over 50 and those with weakened immune systems are at a higher risk of becoming ill, if they become infected with the virus.

The relatively rapid spread of WNV and the increase in disease incidence indicates that WNV is permanently established in the United States. It is likely that the virus survives the winter either within birds that remain in the area or possibly within mosquitoes that survive the winter in the adult stage. When spring returns, the virus reemerges within the birds and is readily passed to early season mosquitoes. As mosquito populations increase, mosquitoes begin to feed more frequently on birds, causing an increasing number of birds and mosquitoes to become infected. If environmental conditions are favorable for transmission, the virus will amplify to a theoretical point of spillover. At the point of spillover, transmission to humans becomes more likely, unless a mosquito control program is implemented.

CITY OF COLLEYVILLE PLAN FOR MOSQUITO SURVEILLANCE AND CONTROL MEASURES

The risk of mosquito-borne diseases depends on the size of mosquito populations and the incidence rate of disease. Collecting information on adult mosquito populations is very important for both targeting control measures and gauging the potential for disease outbreak.

In 2003, the City of Colleyville, along with other cities in the county, joined the Tarrant County Public Health Mosquito Surveillance Program. The program's main objective is collecting adult mosquitoes through the use of gravid traps. Captured mosquitoes are sent to the Tarrant County Public Health Department lab for testing. Each sample or pool will consist of mosquitoes that are collected at a single collection site. The information obtained from these surveillance efforts will be used to map mosquito populations, provide public information, and to determine the incidence of WNV or other viruses tested for as determined by Tarrant County Health. An effective surveillance and control program should therefore, allow analysts to detect the presence of WNV and of other mosquito-borne viruses during the amplification phase. In 2013, the City executed an Interlocal Agreement with Tarrant County that allows the City to utilize County contracts for abatement response operations such as ground fogging and aerial spraying.

The City of Colleyville's Integrated Mosquito Management Program consists of the following control measures.

- Public Education and Role of Residents
- Mosquito Surveillance
- Mosquito Control Strategies

Public Education and Role of Residents

Residents can play an important role in reducing the number of adult mosquitoes by eliminating standing water that may support the development of mosquito larva and pupa. Residents for example can do some of the following:

- Properly dispose of discarded tires, cans, and buckets.
- Maintain pools correctly, unclog blocked gutters and drains, dump water from bird baths and pet dishes at least every 2-3 days.
- Ensure that air conditioning condensation is not pooling for several days, control irrigation so that standing water is not produced.



Mosquito Surveillance

The surveillance of mosquitos will be done by way of trapping and testing the trapped samples. The overall goal of mosquito surveillance is to:

- Assess the threat of human disease;
- Determine the geographical areas of highest risk;
- Determine the need for intervention events, and the timing of these events;
- Identify larval habitats that are in need of targeted control;
- Monitor the effectiveness of control measures;
- Develop a better understanding of transmission cycles and potential vector species.



Mosquito Control Strategies

The primary objective of mosquito control is to decrease the risk of mosquito-borne human diseases. This objective should be accomplished by:

- Stressing source reduction as a viable means of control, both by residents and on municipal properties, including enforcement actions for stagnant water located on private property;
- Larviciding where such activities are feasible, practical, and likely to be effective;
- Promoting the use of personal mosquito protection measures, especially for the elderly and those individuals with compromised immune systems, through public education and outreach;
- Providing public information so that citizens are informed about the current Risk Level, areas of the City where WNV has been located, current municipal control measures, and what can be done by the public to help reduce risks;
- If warranted, implement adult mosquito control measures through targeted UTV pesticide applications (adulticiding) including UTV mounted fogging and possibly Truck Mounted Fogging;
- Aerial spraying will be considered by the City of Colleyville in conjunction with the regional approach administered by the Tarrant County Public Health Department.



RISK LEVELS AND RESPONSE

The City of Colleyville will operate the Integrated Mosquito Management Program under three different risk levels. The risk levels include low risk, medium risk, and high risk. The risk levels and the actions taken by the City are described below.



Low Risk Level

Probability of human outbreak is low; subnormal to normal mosquito activity is observed; and no evidence of WNV in the immediate area.

- **Public Education** - The City of Colleyville will conduct abatement mosquito operations such as providing printed materials (brochures, flyers about mosquito habitat reduction), provide property assessments by request to help identify mosquito-breeding habitats on individual properties, and publicize information about avoiding mosquito bites and encourage larviciding by residents. (Bacillus Thuringiensis Israelensis (BTI) and other low toxicity products). The Tarrant County Public Health Department (TCPH) website is a good source of the education materials and contains frequently asked questions. <http://www.tarrantcounty.com/ehealth/cwp/view>
- **Larvicide** - The City of Colleyville will larvicide within public rights-of-way areas and city owned properties containing stagnant water with mosquito larvae, using low toxicity materials such as Vectolex FG granules along with BTI and BVA2 larvicide oil. This operation will be done during the mosquito season (typically April 1 to November 1).
- **Surveillance** - The City of Colleyville will set out five traps each week alternating between 14 test locations identified within the City and submit mosquito samples to the Tarrant County Public Health Department for testing (typically April 1 to November 1). The City will also work with the Tarrant County Public Health Department to participate in the winter month sampling program.
- **Preparedness** - The City of Colleyville will utilize the Tarrant County Interlocal Agreement to provide abatement actions whenever possible. If circumstances are such that the County's contracts do not provide adequate services, the City will contract with a certified entomologist and licensed pesticide contractor for the annual mosquito season. The City will retain their services for consultation and recommendation purposes.

Medium Risk Level

WNV has been detected in trapped mosquitoes, probability of human outbreak is increasing, and normal to above normal mosquito activity is observed. All activities at the Low Risk Level will continue and the following additional actions will take place at this level.

- **Notification** - Citizens and property owners will be immediately notified of the detection of WNV in trapped mosquitoes by Code Red notification within at least a ¼-mile radius of the positive test site and information will be posted on the City's website.

- Site-specific investigation - The City of Colleyville will conduct an area inspection within a ¼-mile radius of the mosquito-sampling site that tested positive in order to identify locations in need of mosquito source or habitat reduction. The survey will include all areas that are visible from public property and will not involve City staff entering private property. If obvious sources of mosquito breeding environments are found, code enforcement officials will notify property owners of the situation and direct that action be taken to eliminate the source(s) within ten (10) days. If, after the ten-day period, the breeding sources have not been remediated, a citation may be issued. Obvious sources of mosquito breeding environments include, but are not limited to tires, open containers, and overhead roof drains plugged with leaves, etc.
- Test site mitigation – Immediately upon receiving notification of a positive sample, the test site location will be treated using low toxicity materials such as Vectolex FG granule and BTI briquettes. The test site will be sampled each week until such time that a positive sample is not received.
- Monitoring – City staff will prepare and distribute a weekly status report of mosquito activity and program functions.
- Targeted application of adulticides – In a situation where a single testing site has three positive samples during the course of a single season, it will be required that all future positive samples at any location will receive a targeted application of adulticides for the remaining duration of the season.

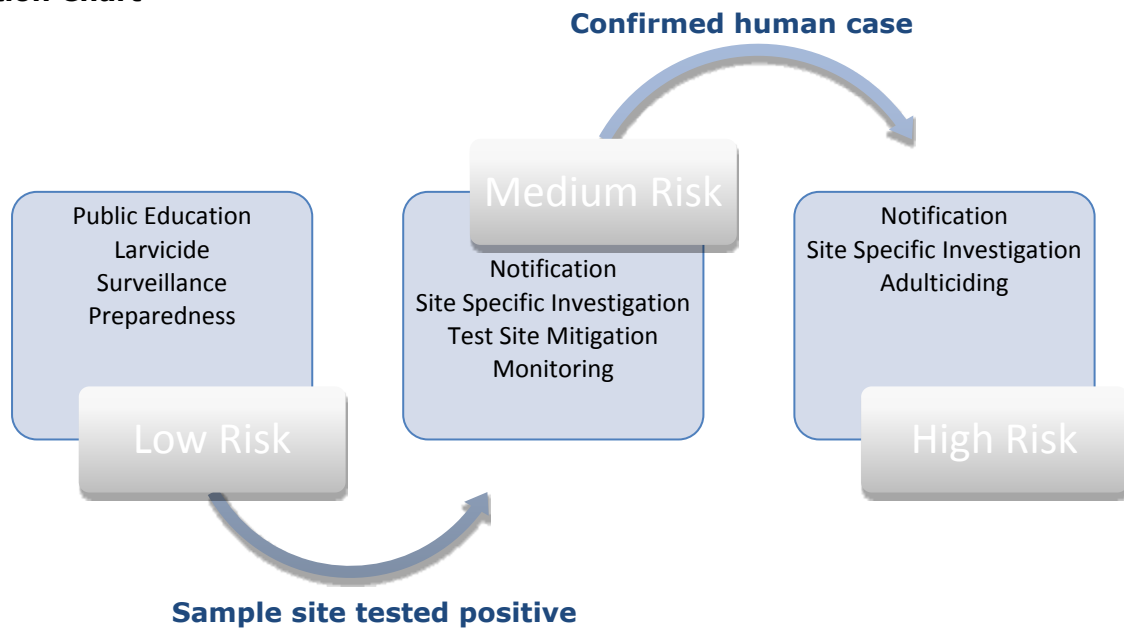
High Risk Level

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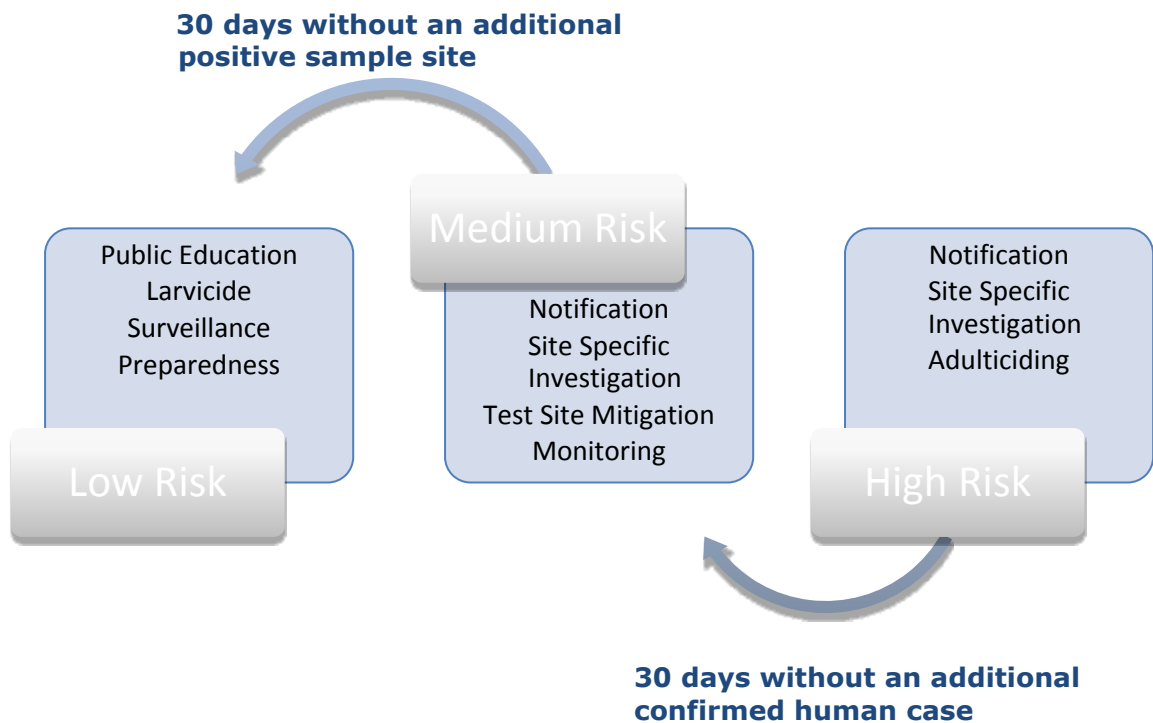
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- Adulticiding - If the City and consulted Certified Entomologist determine that fogging is needed, beyond test site mitigation, the city manager is authorized to initiate this process. Mobilization will take effect within 48 hours to apply adulticides (truck-mounted or UTV mounted fogging). **Fogging operations will take place within rights-of-way and City owned property.** Adulticiding will be coordinated with larviciding and public information/bite avoidance actions, in order to be effective. Contractors will be certified to apply pesticides and all applications will be in full compliance with all Texas Department of Health (TDH) requirements.

Escalation and De-escalation Charts

Escalation Chart



De-escalation Chart



Contact Information

Colleyville Public Works Environmental Compliance Officer	817-503-1092
Colleyville Public Works Main Office	817-503-1090
Tarrant County Public Health Department	817-884-1111



City of Colleyville City Council Agenda Briefing

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

Agenda Number 5a

Agenda Date 05/05/2015

Number Ordinance O-15-1951

Type Ordinance

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

Strategy Map Connection

There is no strategy map connection for this item.

Explanation

First Reading and Public Hearing

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, a 100 square foot loafing shed, and a 100 square foot storage 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 as mentioned in the attached Statement of Planning Objectives letter.

Development Standards. The applicant plans to construct a metal barn with a gabled metal roof and several courses of masonry at the base as indicated on the attached Elevations. 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 as shown on the attached Vertical Height Envelope exhibit. 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. As noted at the Planning and Zoning Commission hearing, the existing 100 square foot loafing shed and 100 square foot storage shed would be torn down once the barn is constructed, and is 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 and are attached to the briefing.

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. To date, staff has received one letter of concern, which was not in the 200 foot buffer area. There was one speaker in support of the case at the April 13, 2015 Planning and Zoning Commission meeting, whose property is within the 200 foot buffer area.

Planning and Zoning Commission Recommendation. The Planning and Zoning Commission recommended approval of this request at the April 13, 2015 meeting by a vote of 7-0.

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.

Financial Impact

There is no financial impact to the City.

Recommendation

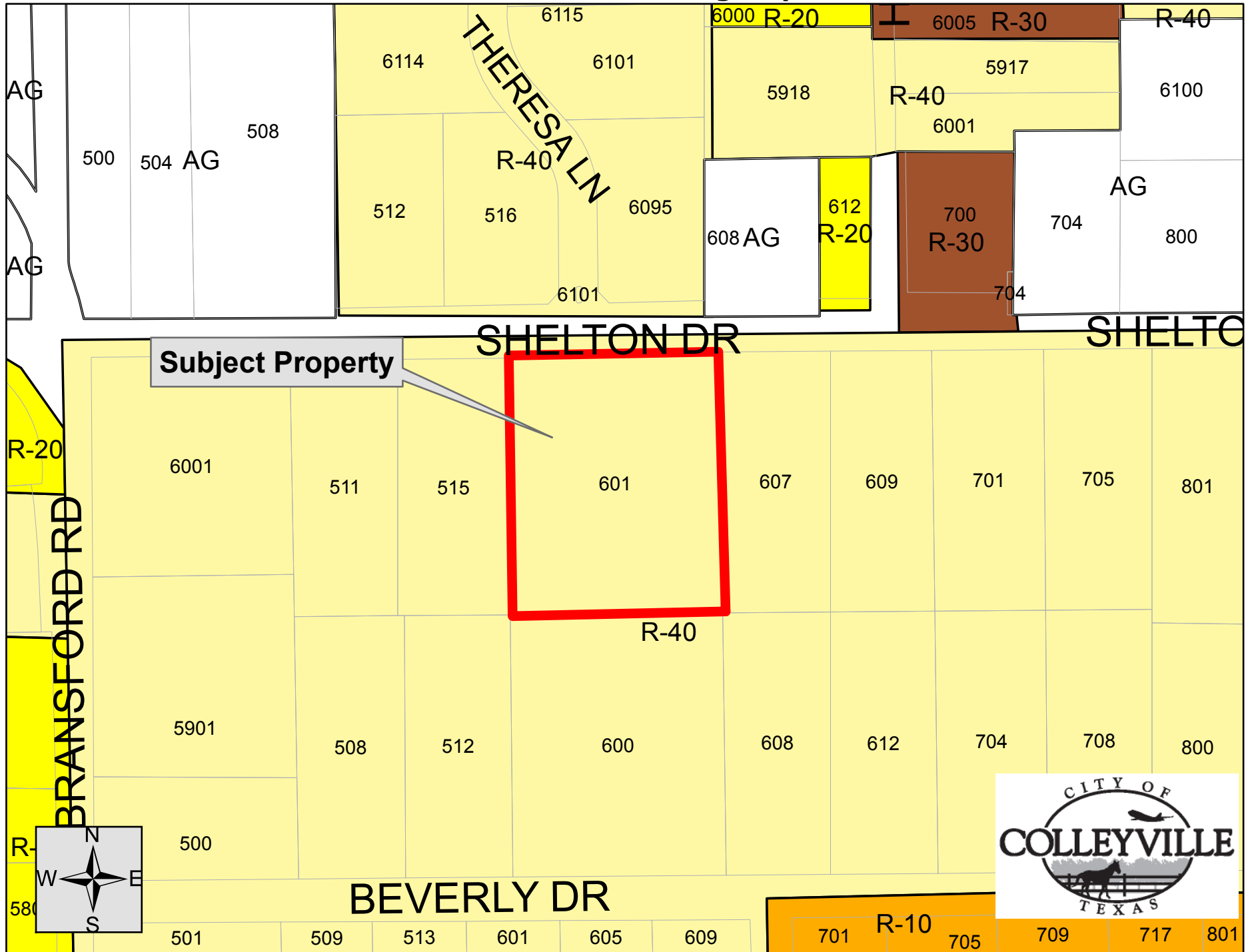
Approval with the following conditions:

- 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 and 100 square foot storage building shall be removed upon completion of the proposed 1,728 square foot accessory building.
- e. The accessory building may not be used as an accessory dwelling unit or for commercial purposes.
- f. The accessory building design and exterior materials shall be generally consistent with Exhibit "C".
- g. 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 Concern
7. Speaker Card from April 13, 2015 - Support
8. Statement of Planning Objectives
9. Zoning Exhibit
10. Elevations
11. Vertical Height Envelope
12. Ordinance O-15-1951

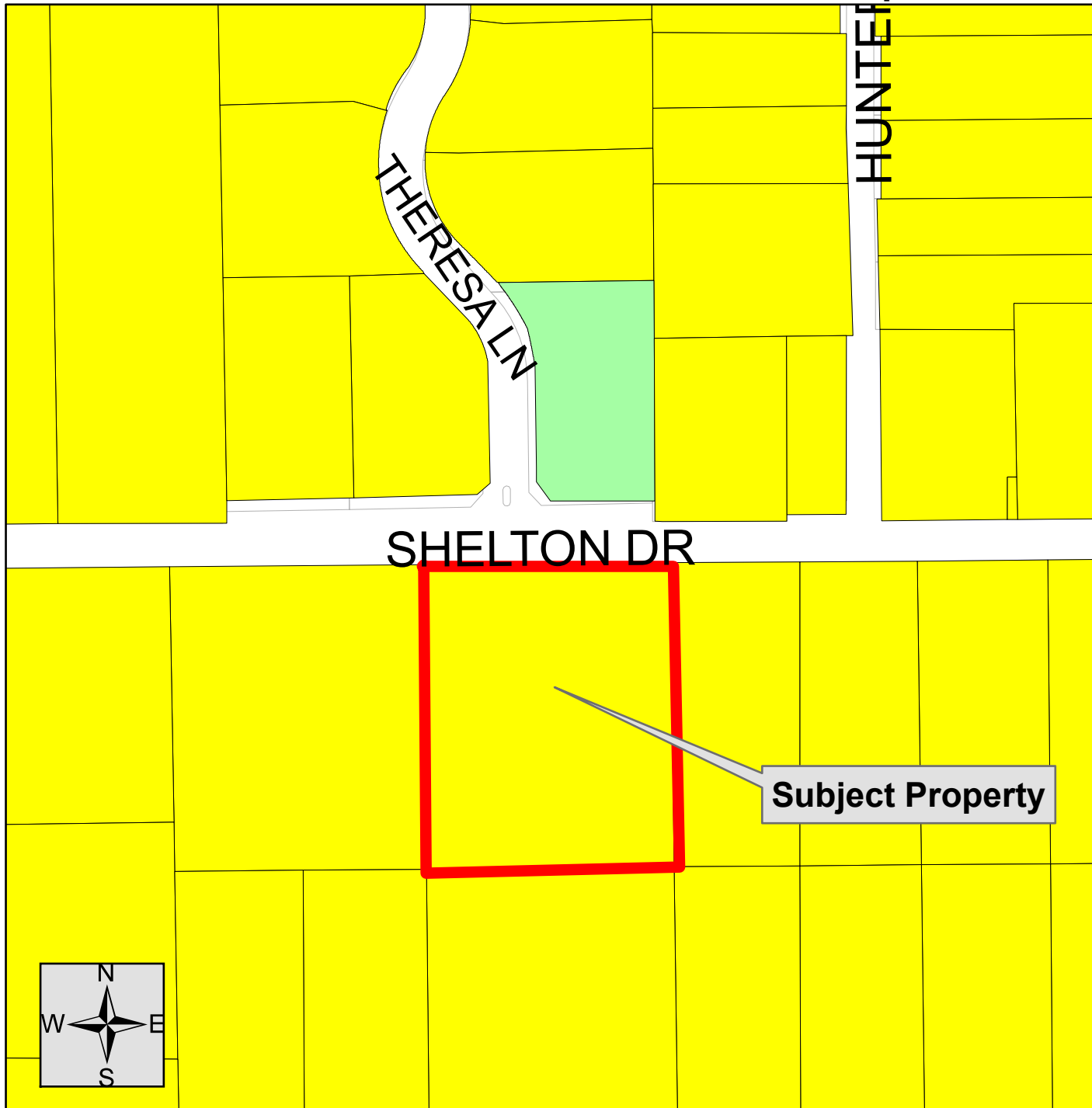
Location and Zoning Map



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
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

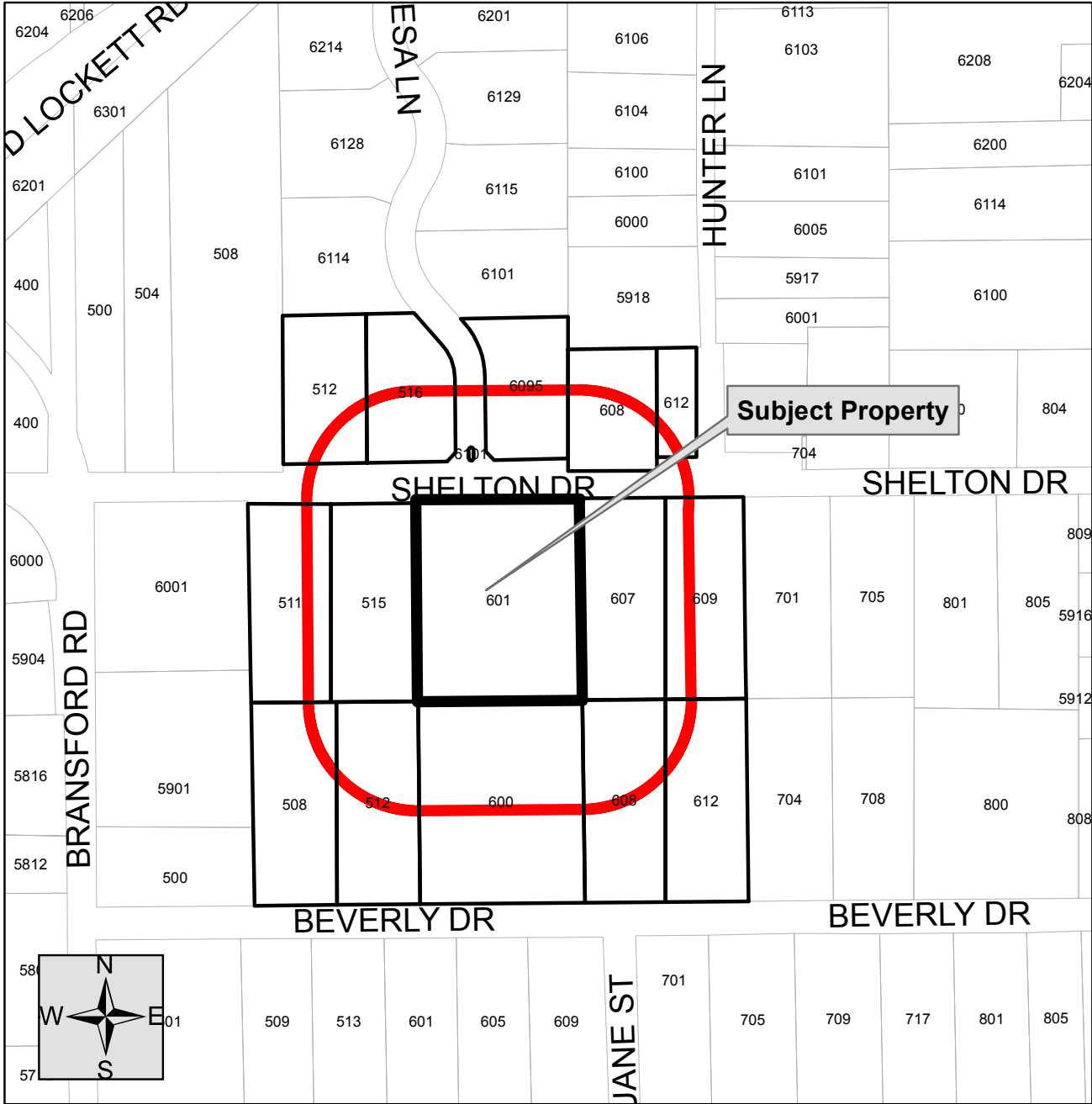
Case ZC15-002
601 Shelton Drive

Legend

Properties within 200 feet

Subject Property

Parcels



Letter of Concern

James Day
805 Shelton Dr.
Colleyville, Tex 76034

I bought my residence and moved to Colleyville approximately 45 years ago. I have seen Colleyville grow from a very rural country town into the fine city in which we now live. It developed by the citizens following sets of laws, rules and regulations set forth by our elected and appointed Governing bodies.

I would like to state for the record that I have no objections to the proposed storage building, horse barn or whatever it might be called, at 601 Shelton Dr., with these exceptions.

No. 1

If this building is, in the future, to be used for any purpose except a storage building or horse barn, it must again come before the P&Z and the City Council for approval.

(over)

Letter of Concern

No. 2

That it be reasonably close to the allowed sq. footage.

There is a small Red storage building located on this property that I don't think the sq. footage was included in the figures provided to staff.

In the attachment intitled, "Statement of Planned objectives", in which I have a copy, the applicant states, and I quote, "The submittal is brought a third time, and in this instance the structure will be built whether approved or not." End quote.

It seems to me that this is an attempt to intimidate the members of the P&Z into rubber stamping this request. I hope the members of the P&Z will not let this influence their decision.

Thank you for your time.

James Day

Speaker Card from April 13, 2015 - Support

Date: <u>4/13/2015</u>	SPEAKER CARD
☐ I will speak In Support of this item.	
☐ I will speak In Opposition to this item.	
☒ I do not wish to speak, but please record my: ☐ support ☐ opposition	
<i>We don't understand what is being considered so don't know if</i>	
Agenda Item Number: <u>40</u>	<i>We support or oppose. Will be</i>
Name: <u>Randy's Iris Graves</u>	<i>learn here?</i>
Address: <u>516 Shelton</u>	
City: <u>Colleyville</u>	State: <u>TX</u> Zip Code: <u>76034</u>
Telephone Number: <u>817/485-9058</u>	Representing: _____ (organization/self)
<i>I understand I am limited to speaking for five minutes.</i>	
<i>For business not listed on the agenda as a Public Hearing, Planning and Zoning Commission will not respond in accordance with the Texas Open Meetings Law, Chapter 551 of the Texas Local Government Code.</i>	
Signed: <u>Randy Graves</u>	
This information is a Public Record.	

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.

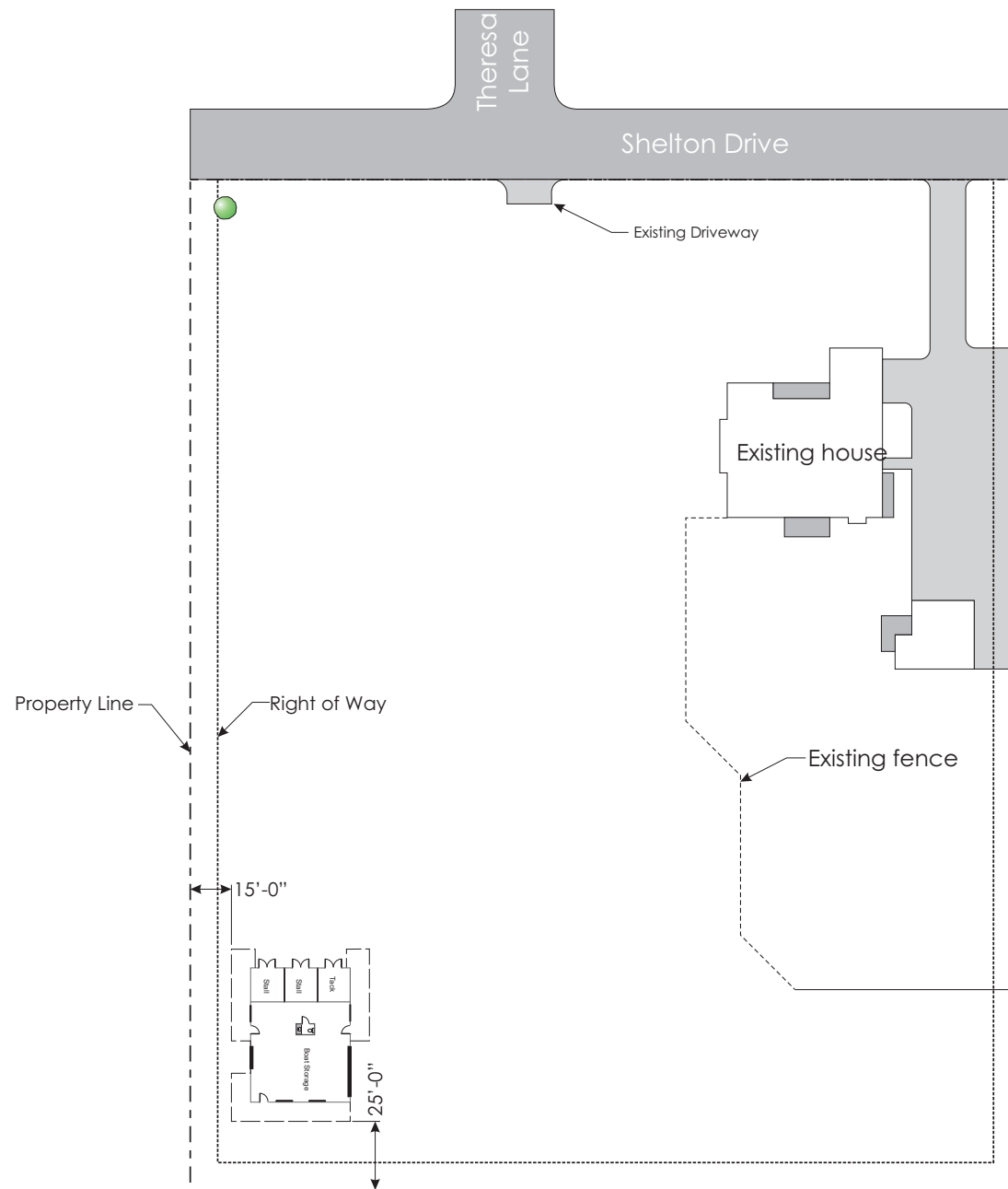
The submittal is brought a third time, and in this instance the structure will be built whether approved or not. The lot has sufficient size to subdivide and maintain the R-40 zoning requirement. The process of submitting to Planning and Zoning is the easiest and most cost-effective way to move forward, 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,



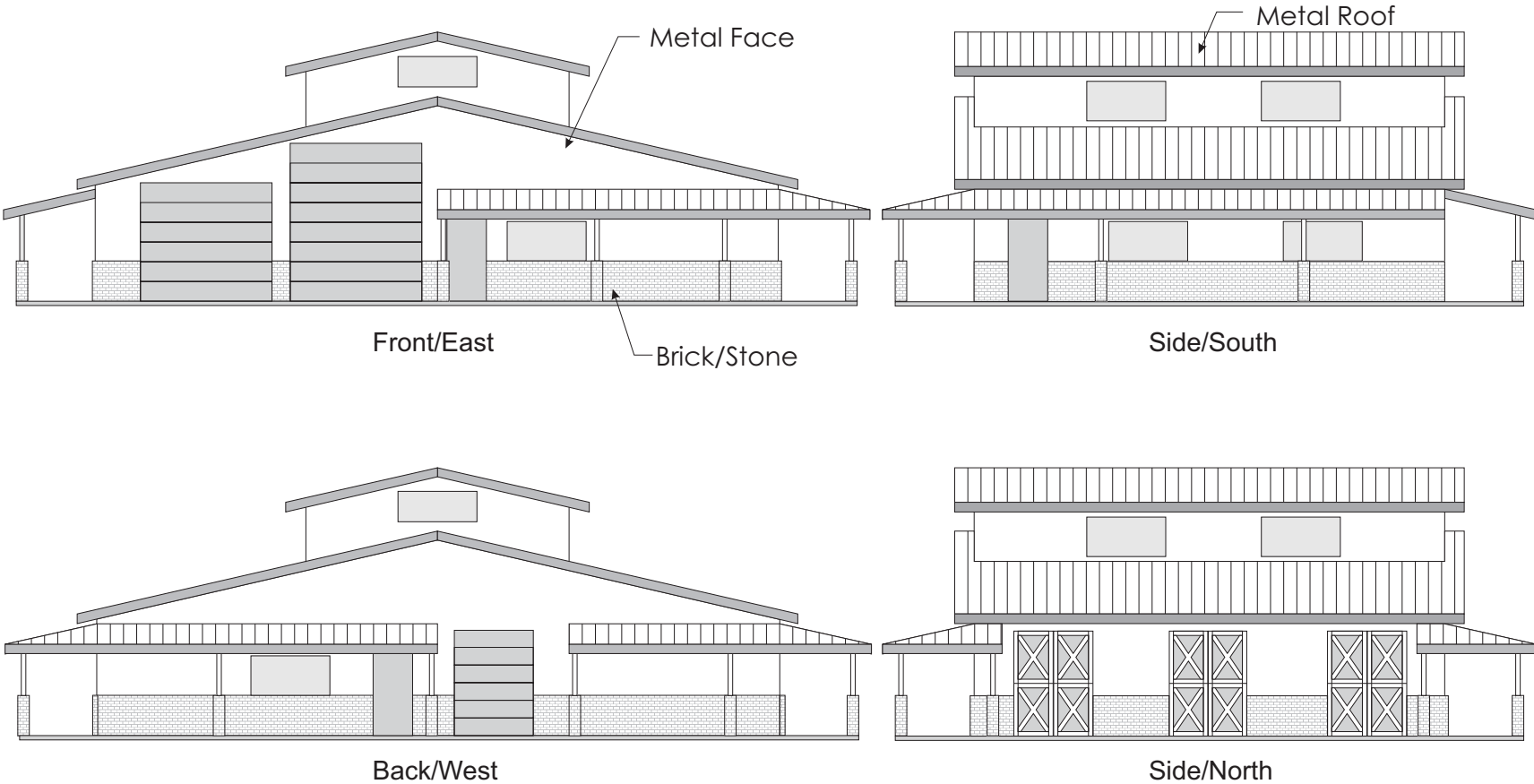
Jeff Vanderpool
601 Shelton Drive
Colleyville, Texas 76034
817.498.4719
jv.comm1@gmail.com

Zoning Exhibit



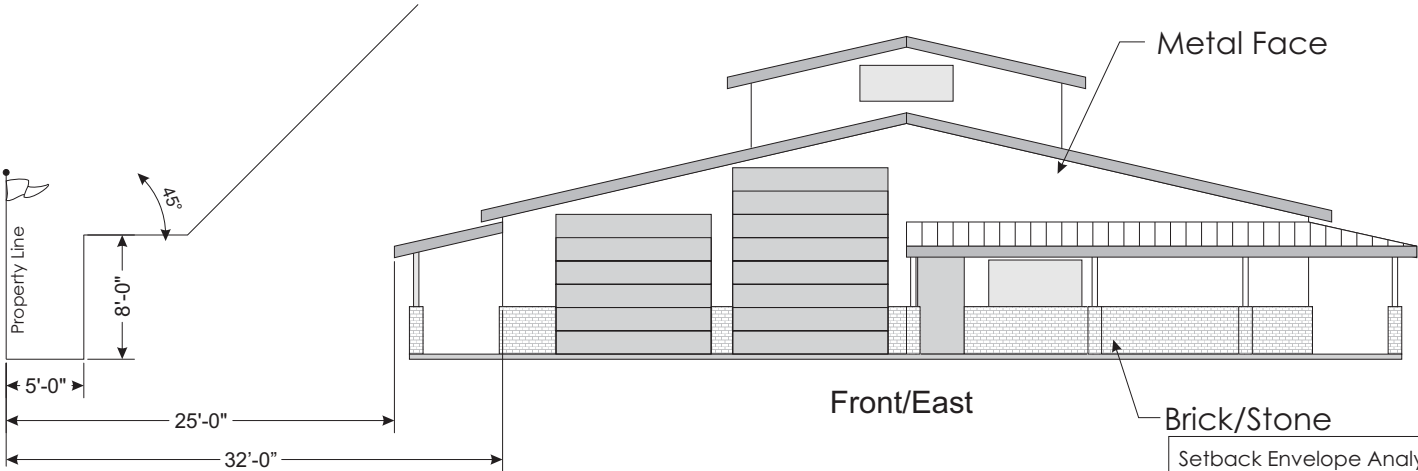
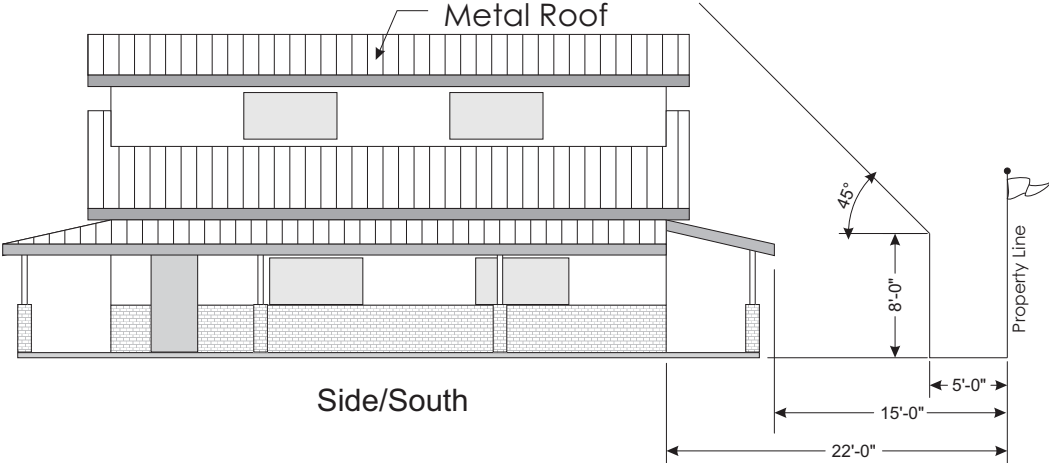
Plot
Vanderpool Barn - Preliminary
601 Shelton Drive, Colleyville 76034
Scale: 1' = 500' 1Apr2015 Rev 04

Elevations



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

Vertical Height Envelope



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

ORDINANCE O-15-1951

AMENDING THE ZONING ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY OF COLLEYVILLE, TEXAS, BY 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 A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00); AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Colleyville has received an application for a 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 and 100 square foot storage building shall be removed upon completion of the proposed 1,728 square foot accessory building.

- e. The accessory building may not be used as an accessory dwelling unit or for commercial purposes.
- f. The accessory building design and exterior materials shall be generally consistent with Exhibit "C".
- g. 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

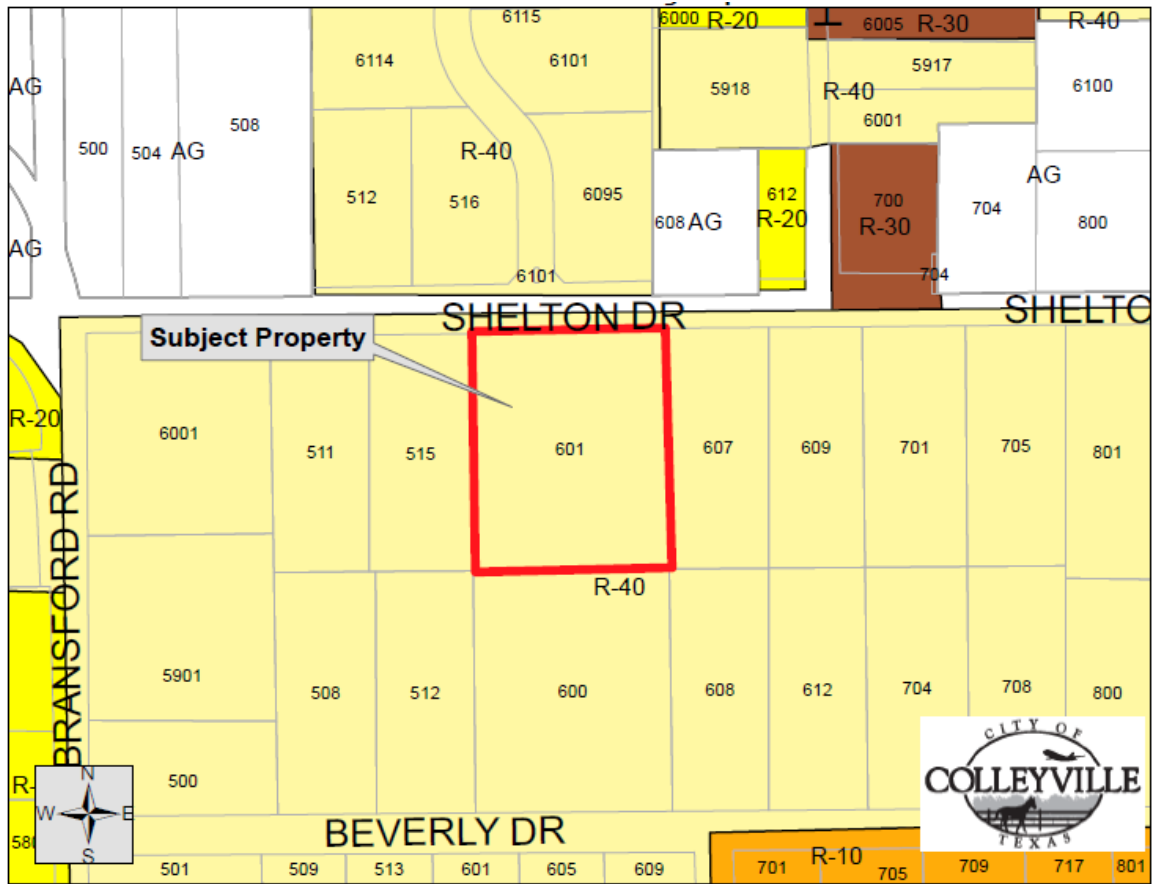


Exhibit "B" – Zoning Exhibit

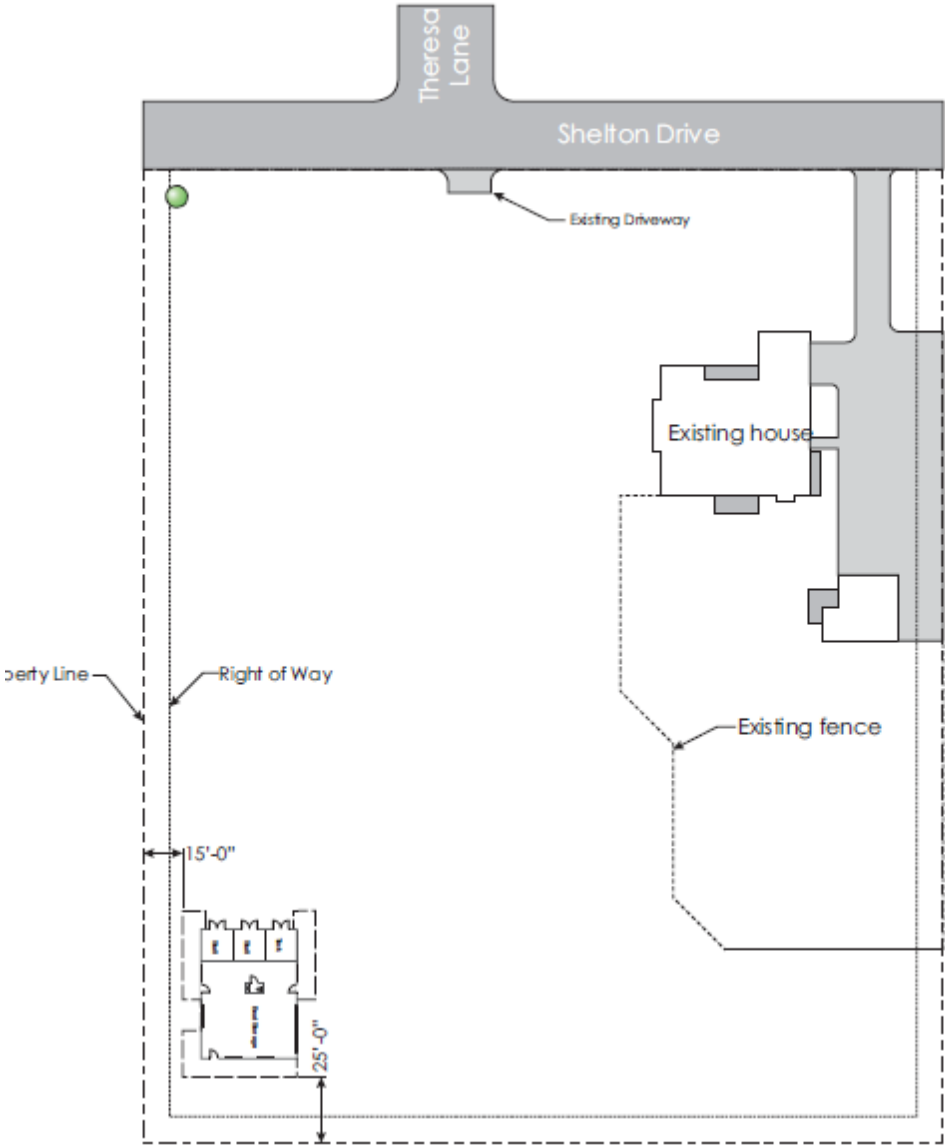
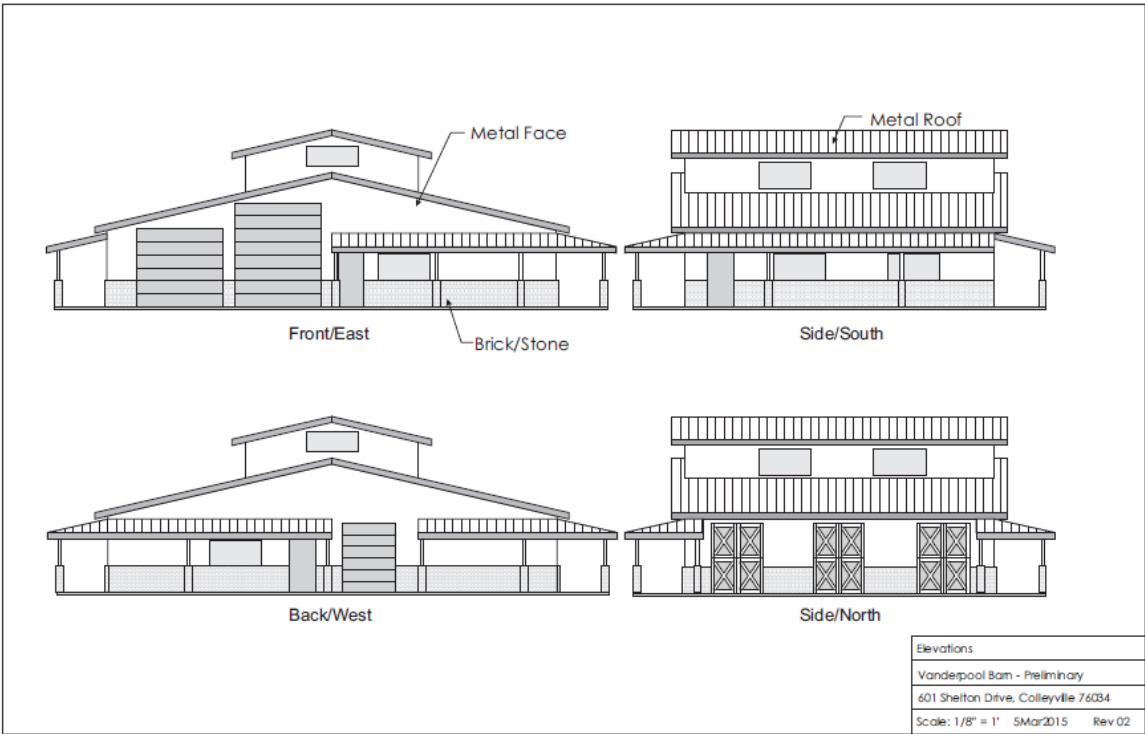


Exhibit "C" – Building Elevations





City of Colleyville City Council Agenda Briefing

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

Agenda Number 5b

Agenda Date 05/05/2015

Number Ordinance O-15-1952

Type Ordinance

Department Community Development

Title

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

Strategy Map Connection

There is no strategy map connection for this item.

Explanation

First Reading and Public Hearing

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, attached, 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 25 percent 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) parking 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 51 percent 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. The site will use an existing driveway off of Precinct Line Road which contains an access easement.

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 walkways, 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 40 percent of the 3.022 acre site area and exceeds the 20 percent 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 and is attached to the briefing.

Exterior Building Elevations. The applicant has submitted exterior building elevation plans, which have been included within the draft PUD-C ordinance, and are attached to the briefing. 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. A minimum design score of 31.8 points is included in the

draft ordinance. 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, Trail 25 in the 2011 Parks, Recreation, and Open Space Master Plan, 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. There was one person who spoke in opposition, within the 200 foot buffer, while the applicant and project architect spoke in support of the request at the April 13, 2015 Planning and Zoning Commission meeting. The opposition within the 200 foot buffer only equates to a 3.37% opposition; therefore, there is no supermajority vote requirement at this time.

Planning and Zoning Commission Recommendation. The Planning and Zoning Commission recommended approval of this request at the meeting on April 13, 2015 by a vote of 6-1.

Summary. While the request meets the minimum requirements of the Land Development Code, the proposed rezoning does not conform to the *2004 Colleyville*

Master 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.

Financial Impact

There is no financial impact to the City.

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.

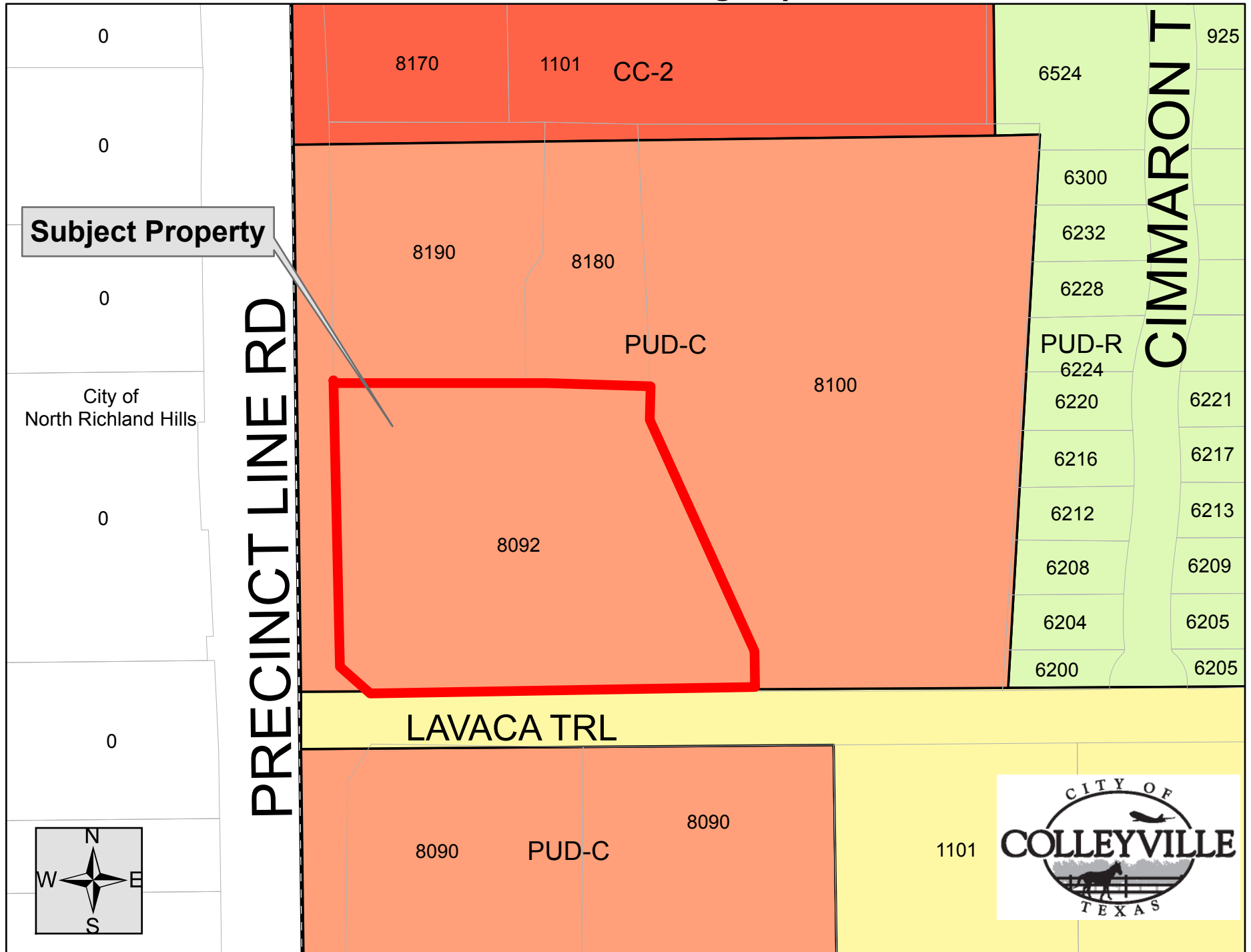
5. Parking

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

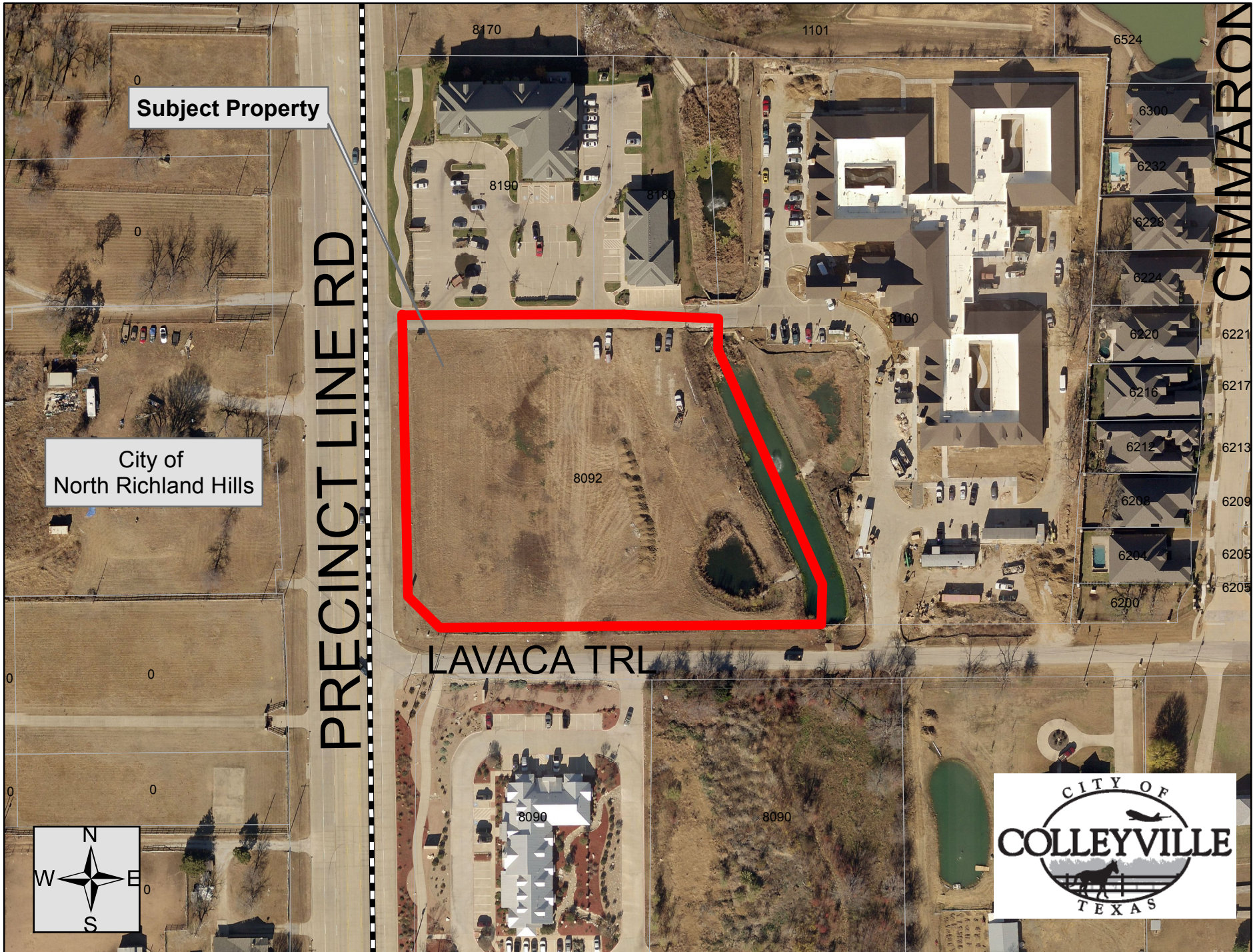
Attachments

1. Location and Zoning Map
2. Aerial
3. Future Land Use Map
4. Notification List
5. Buffer Map
6. Speaker Cards - Support
7. Speaker Card - Opposition
8. Opposition Map
9. Statement of Planning Objectives
10. Zoning Exhibit
11. Building Elevations
12. Landscape Plan
13. Ordinance O-10-1761
14. Ordinance O-15-1952

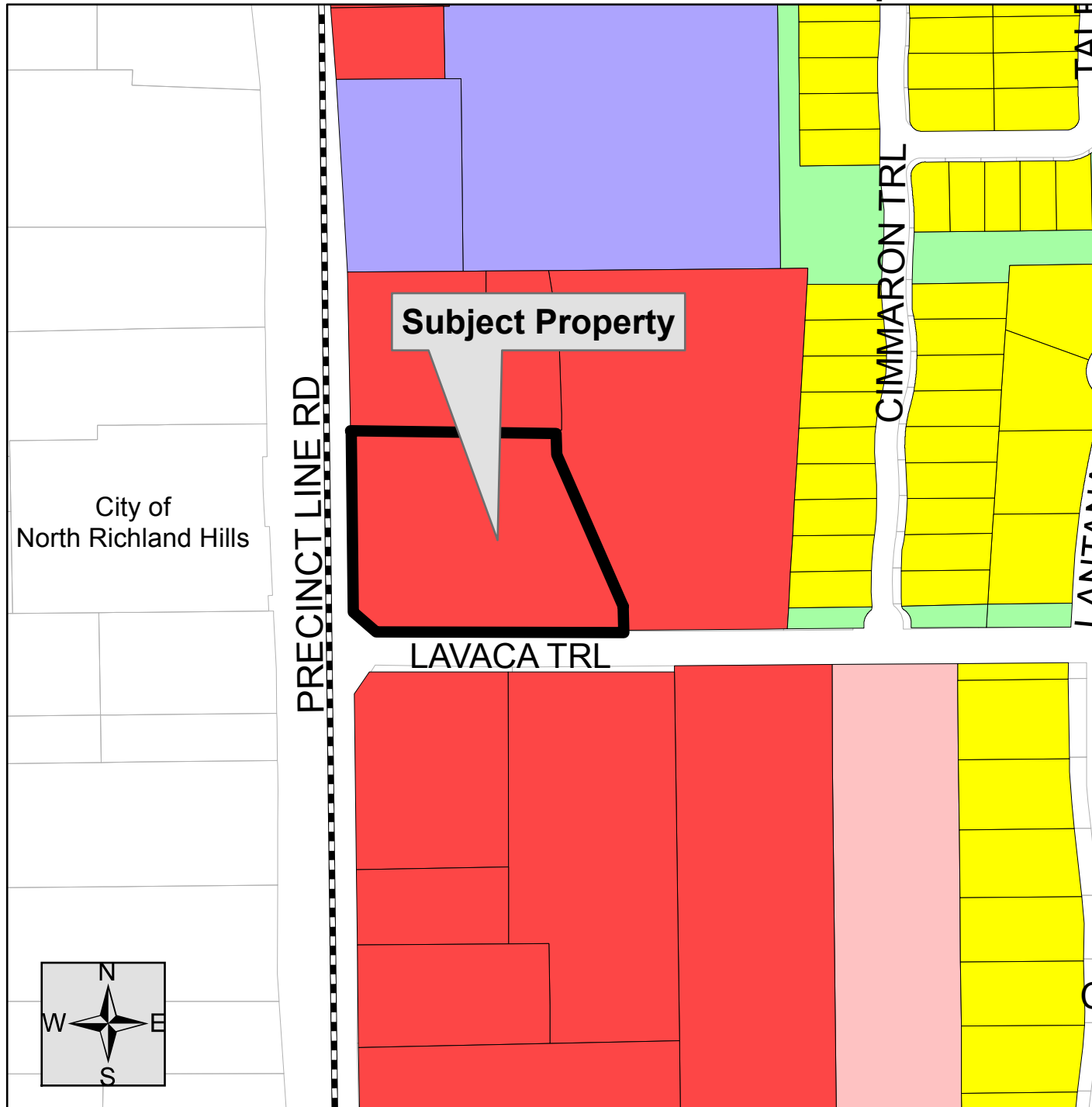
Location and Zoning Map



Aerial



Future Land Use Map



Legend

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



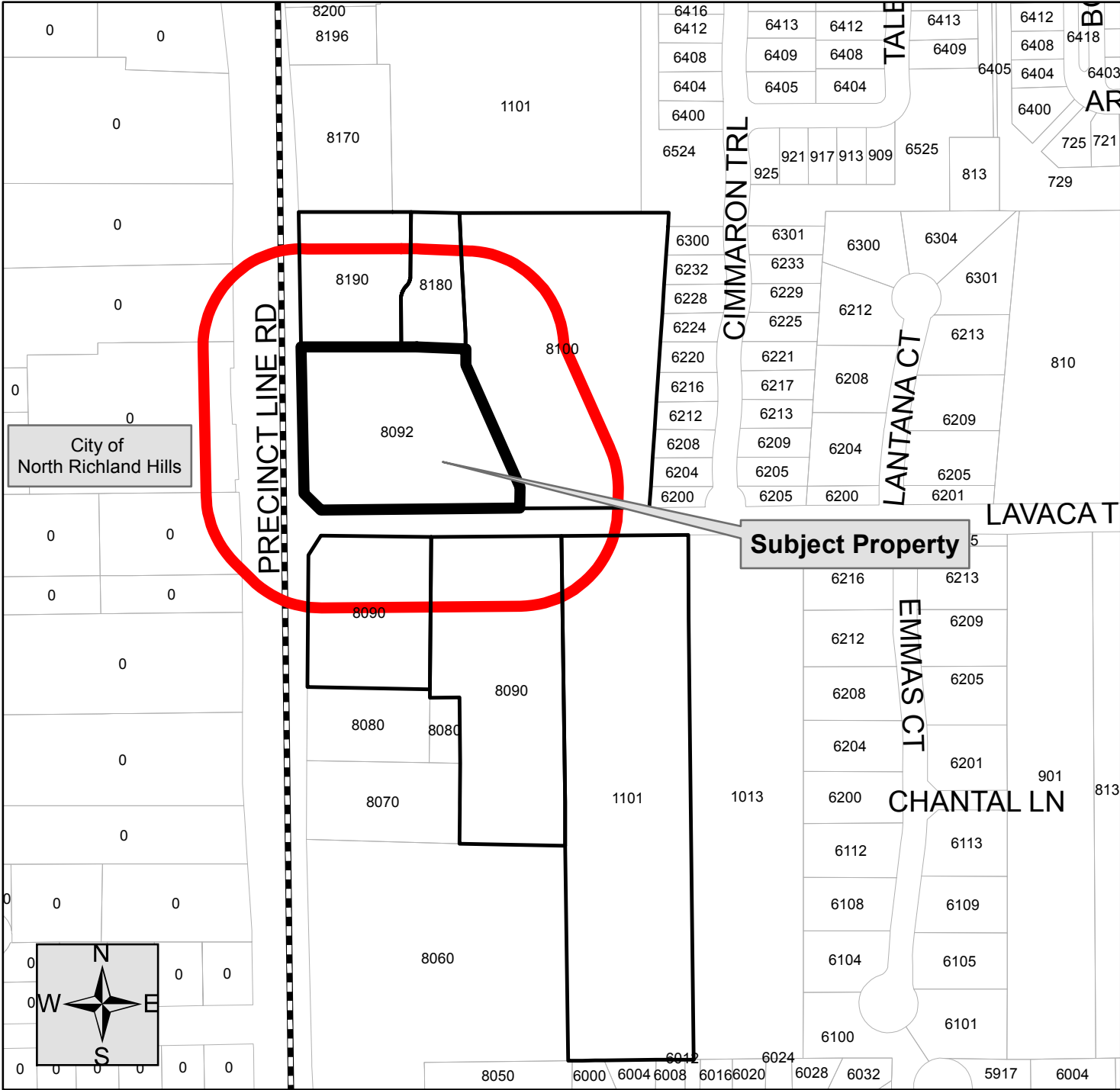
Notification List

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

Buffer Map

Case ZC15-005
8092 Precinct Line Rd



Subject Property

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



Speaker Cards - Support

Date: 4/13/15

SPEAKER CARD

☒ I will speak **In Support** of this item.

☐ I will speak **In Opposition** to this item.

☐ I do not wish to speak, but please record my: ☐ support ☐ opposition

Agenda Item Number: 4C

Name: PAUL MISS

Address: 3607 WOODEN CREEK

City: ARLINGTON

State: TX

Zip Code: 76016

Telephone Number: 817-723-7860 Representing: LA VACA JV, LLC
(organization/self)

I understand I am limited to speaking for five minutes.

For business not listed on the agenda as a Public Hearing, Planning and Zoning Commission will not respond in accordance with the Texas Open Meetings Law, Chapter 551 of the Texas Local Government Code.

Signed: [Signature]

This information is a Public Record.

Date: 4-13-15

SPEAKER CARD

☒ I will speak **In Support** of this item.

☐ I will speak **In Opposition** to this item.

☐ I do not wish to speak, but please record my: ☐ support ☐ opposition

Agenda Item Number: 4C

Name: Ferry Cunningham

Address: 3604 S. Cooper St #100

City: Arlington

State: TX

Zip Code: 76016

Telephone Number: 817-999-3864 Representing: TRC Architects
(organization/self)

I understand I am limited to speaking for five minutes.

For business not listed on the agenda as a Public Hearing, Planning and Zoning Commission will not respond in accordance with the Texas Open Meetings Law, Chapter 551 of the Texas Local Government Code.

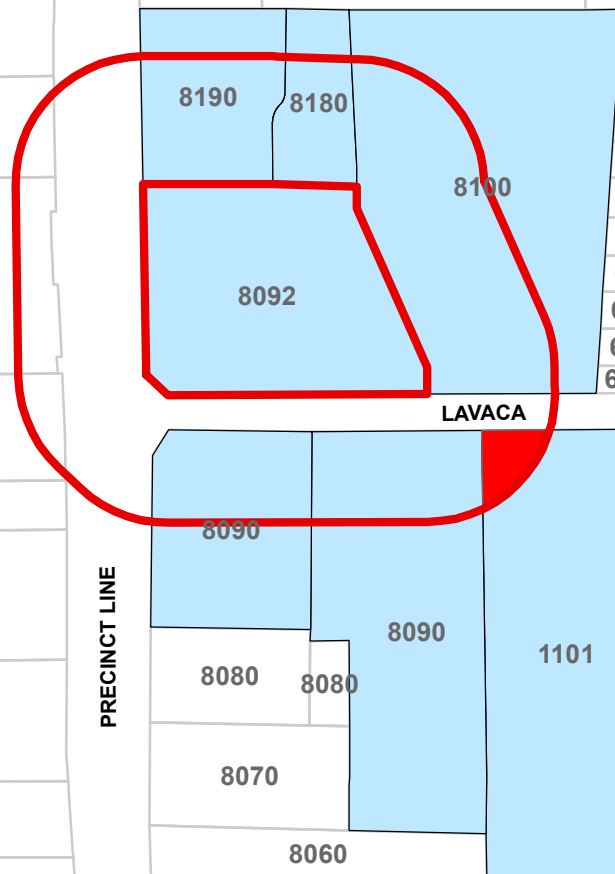
Signed: [Signature]

This information is a Public Record.

Speaker Card - Opposition

Date: <u>4-13-2015</u>	SPEAKER CARD
☐ I will speak In Support of this item.	
☒ I will speak In Opposition to this item.	
☐ I do not wish to speak, but please record my: ☐ support ☐ opposition	
Agenda Item Number: <u>4C</u>	
Name: <u>Stanley, Lynette</u>	
Address: <u>1101 Lavaca</u>	
City: <u>Colleyville</u>	State: <u>TX</u> Zip Code: <u>76034</u>
Telephone Number: <u>541-554-4200</u> Representing: <u>Self</u> (organization/self)	
I understand I am limited to speaking for five minutes.	
For business not listed on the agenda as a Public Hearing, Planning and Zoning Commission will not respond in accordance with the Texas Open Meetings Law, Chapter 551 of the Texas Local Government Code.	
Signed: <u>Lynette Stanley</u>	
This information is a Public Record.	

Opposition Map



Total Land Area in Buffer (Includes R.O.W): 249794.473758 Sq Ft / 5.73 Total Acres
 Total Land Area Opposed (within 200 ft Notice Area): 195757.278687 Sq. Ft/ 0.19 Total Acres
 Percent of Land Opposed (within the 200 ft. Notice Area): 3.37%

Legend

200ft Buffer

Parcels

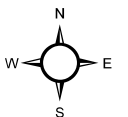
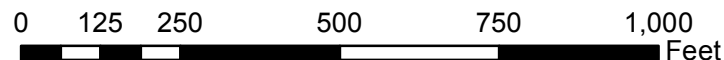
Properties within the 200 foot buffer

Opposition

Yes

8092 Precinct Line Rd Zoning Change

Updated 4/21/15



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.

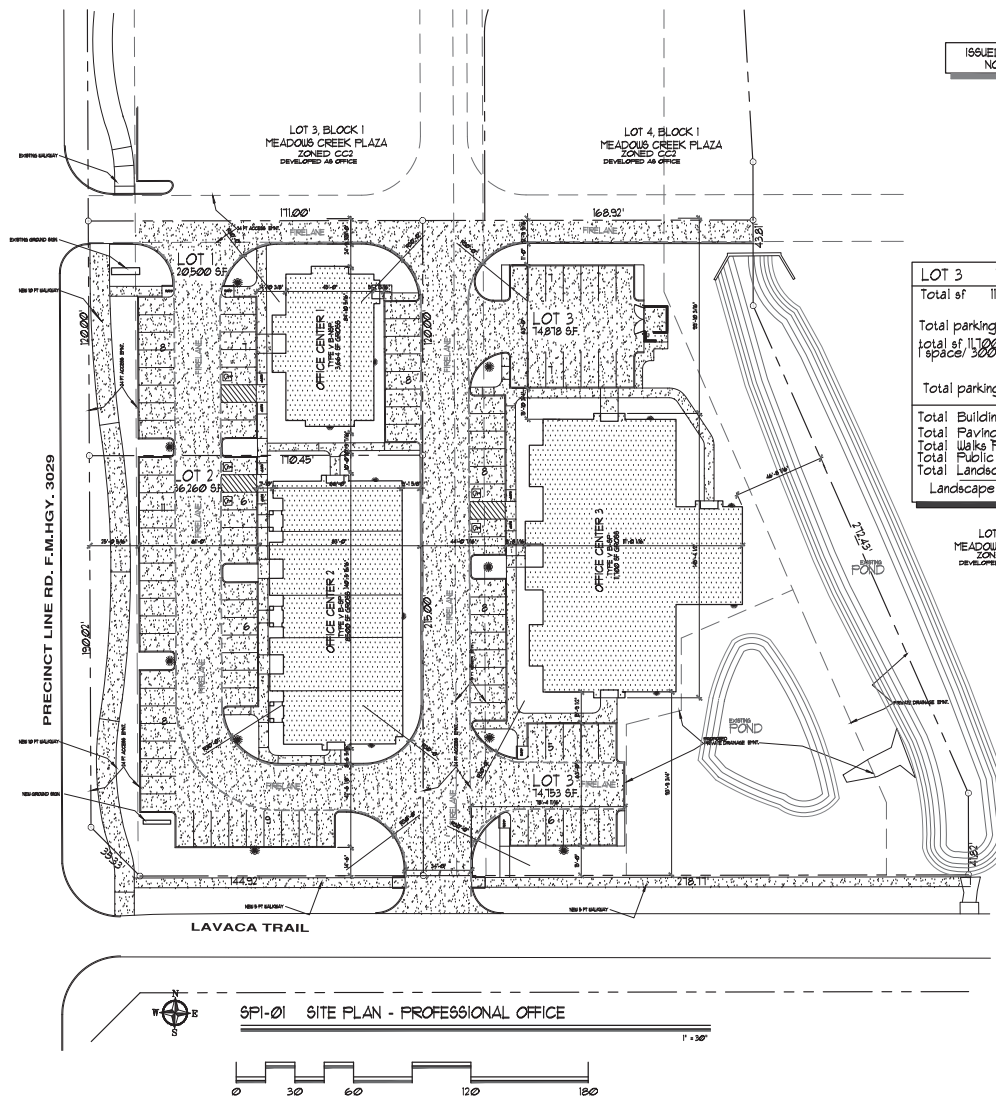
Regards,

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- 10,633 s.f. (58%)

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. (2%)

Total Public Walks area- 2,082 s.f.(6%)

Total Landscape Provided- 9,120 s.f. (21,000 gal.)

Landscape in front of street- 7,176 s.f.(20%)

APPLICANT
LAYACA JV LLC
8802 S. DAVIS ST., SUITE 220
KELLER, TEXAS 76248
CONTACT: PAUL MOORE
817-451-9636

OWNER OF RECORD
LAVACA JV LLC
8821 S DAVIS ST, SUITE 220
KILLIKEN, TEXAS 76249
CONTACT: PAUL MOORE
817-451-5636

SURVEYOR
BARRY SURVEYORS
804 MID CITIES BLVD. SUITE 104
IRVING, TEXAS 75039
CONTACT: DAVID LEISS
817-356-6150

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

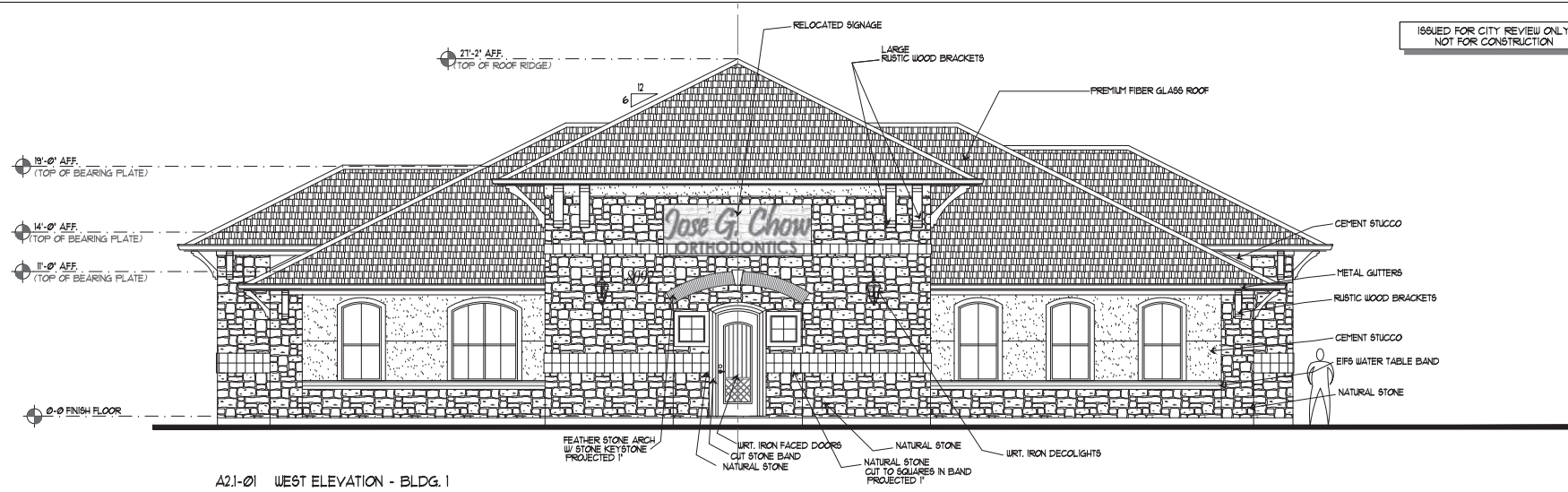
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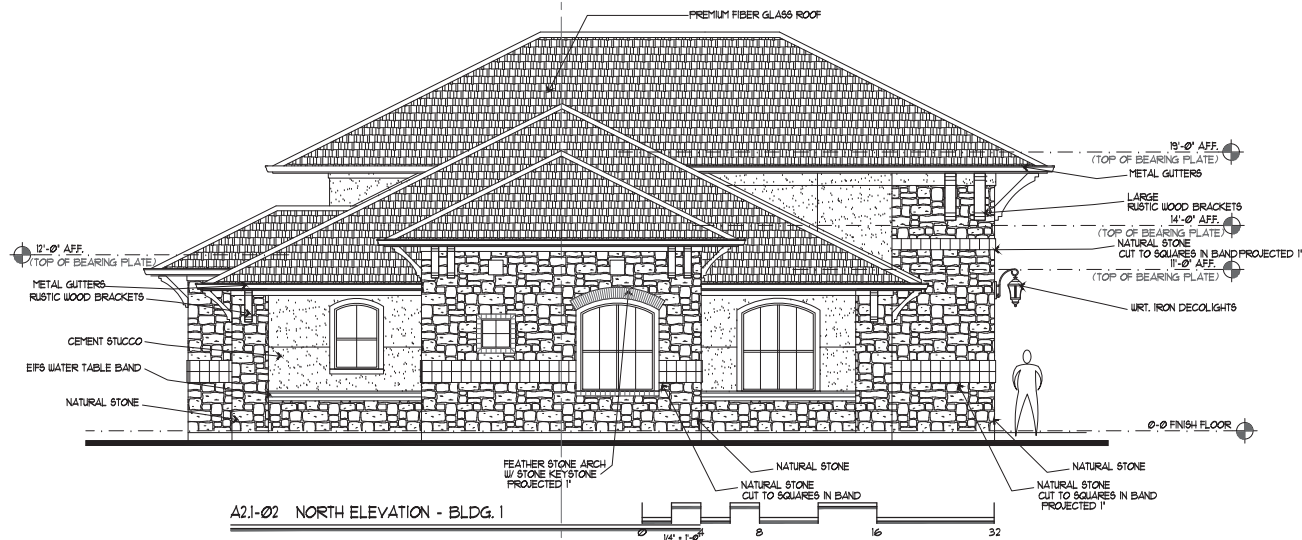
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Building Elevations



PRECINCT 1 ELEVATION - DR. CHOW



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MEADOWS CREEK OFFICES
8092 PRECINCT LINE RD.
COLLEYVILLE, TEXAS

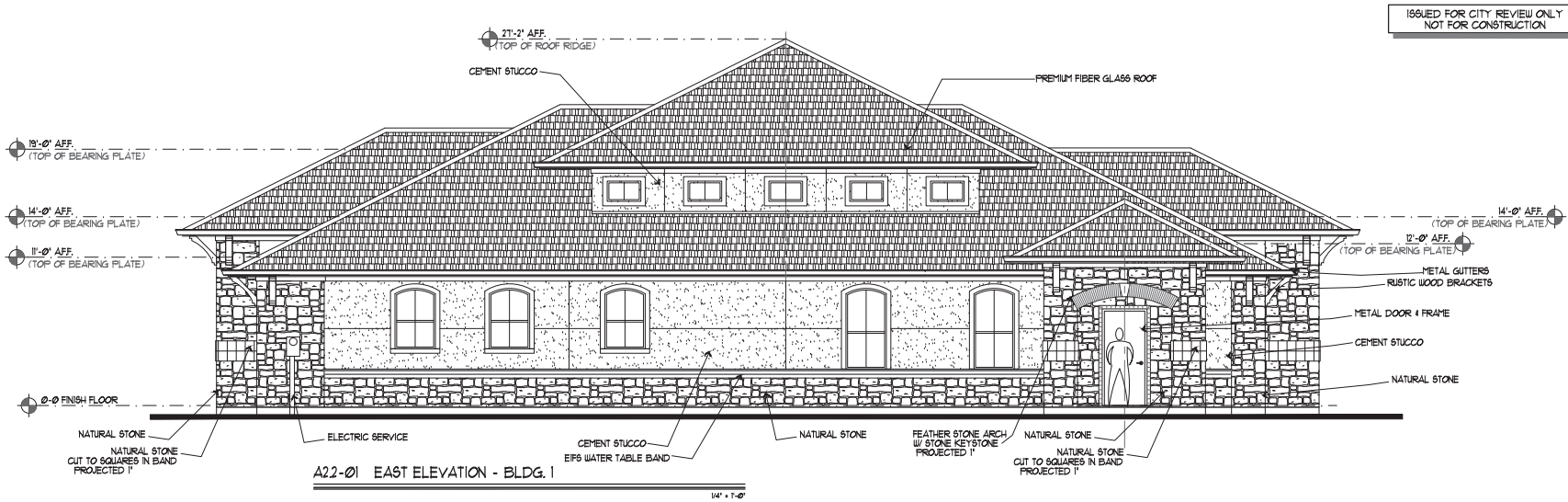
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EXTERIOR
ELEVATION
BLDG. 1

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

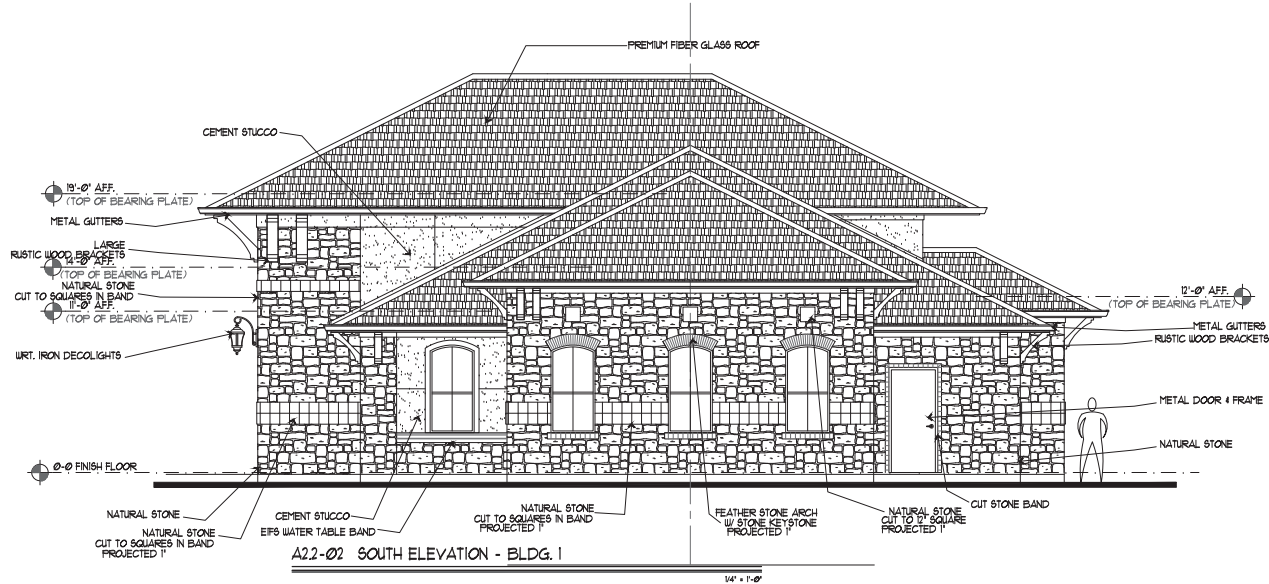
SHEET:

A2.1

Building Elevations



PRECINCT 1 ELEVATION - DR. CHOW



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MEADOWS CREEK OFFICES
8092 PRECINCT LINE RD.
COLLEYVILLE, TEXAS

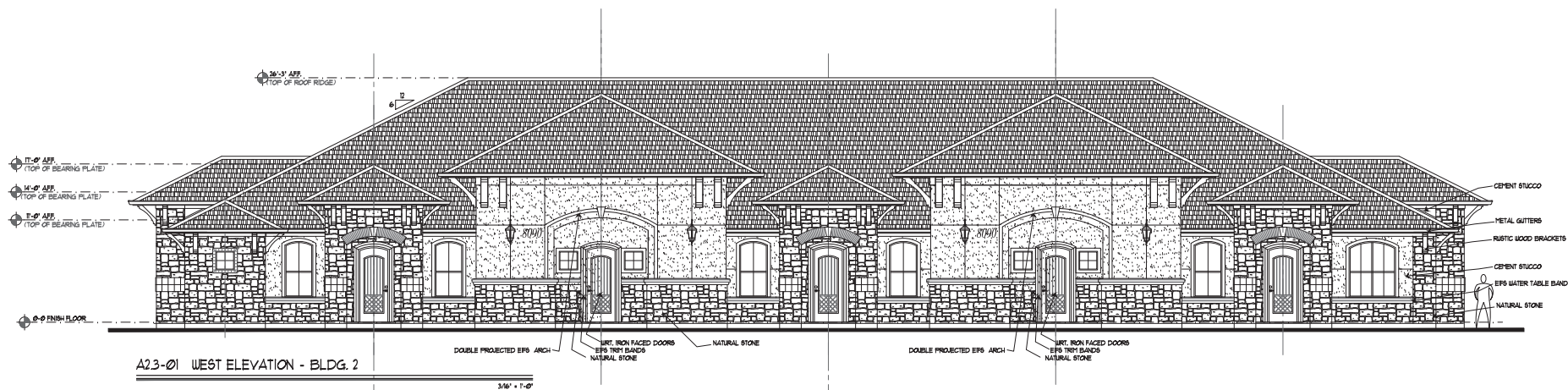
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BLDG. 1

DATE: 2/17/15
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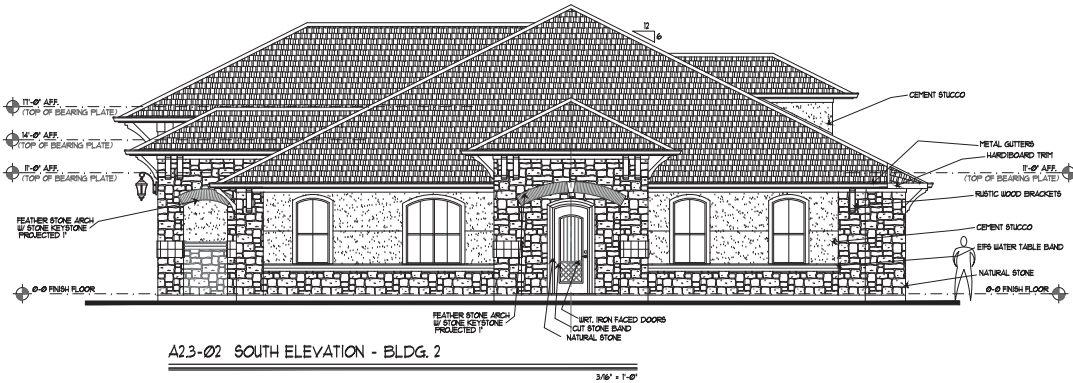
Building Elevations

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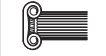


PRECINCT 2 ELEVATION

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

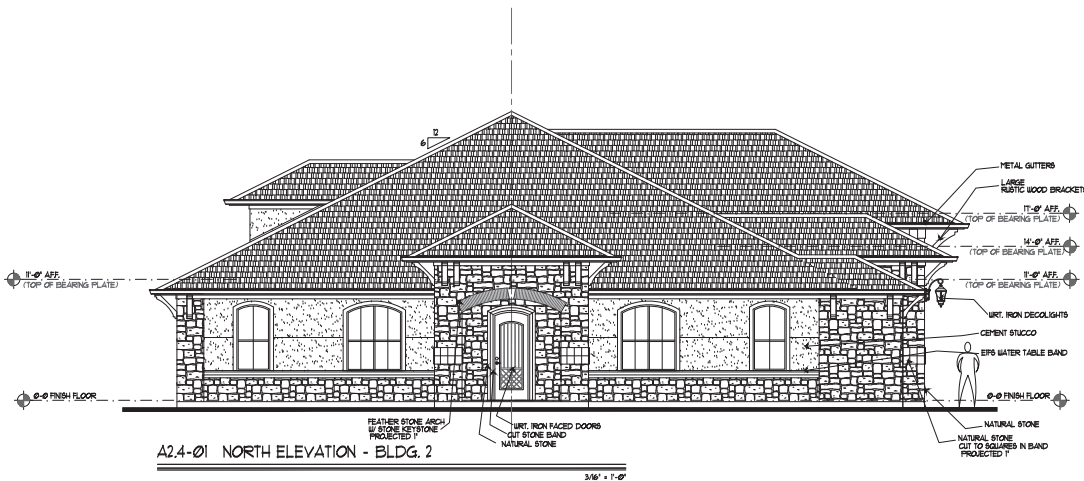
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EXTERIOR
ELEVATION
BLDG. 2

DATE: 2/17/15
REVISED:
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SHEET:
A2.3

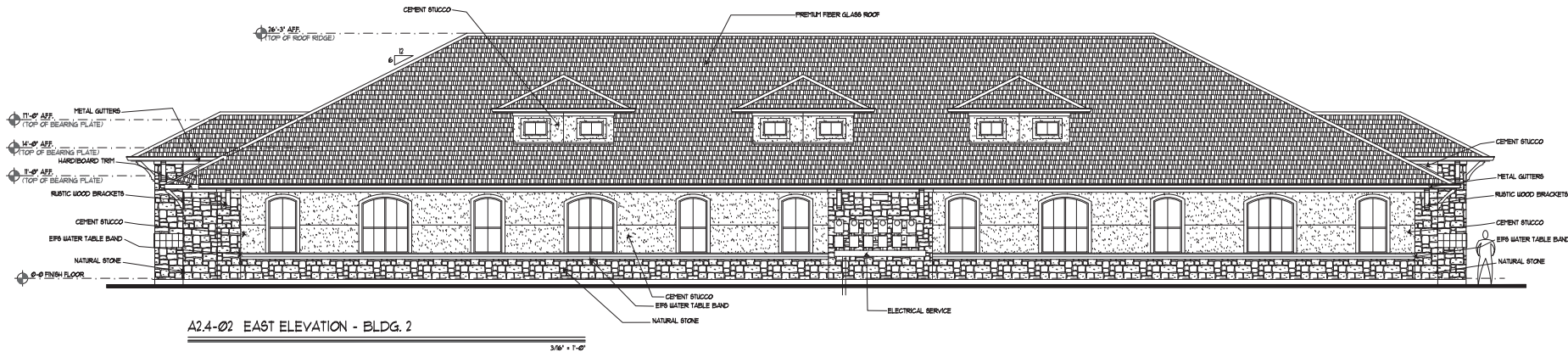
Building Elevations

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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

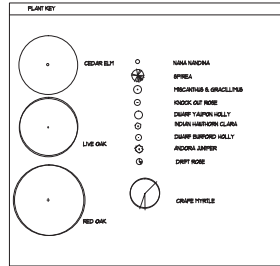
DATE: 2/17/15
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SHEET:
A2.4

Landscape Plan

ISSUED FOR OWNER REVIEW ONLY
NOT FOR CONSTRUCTION

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

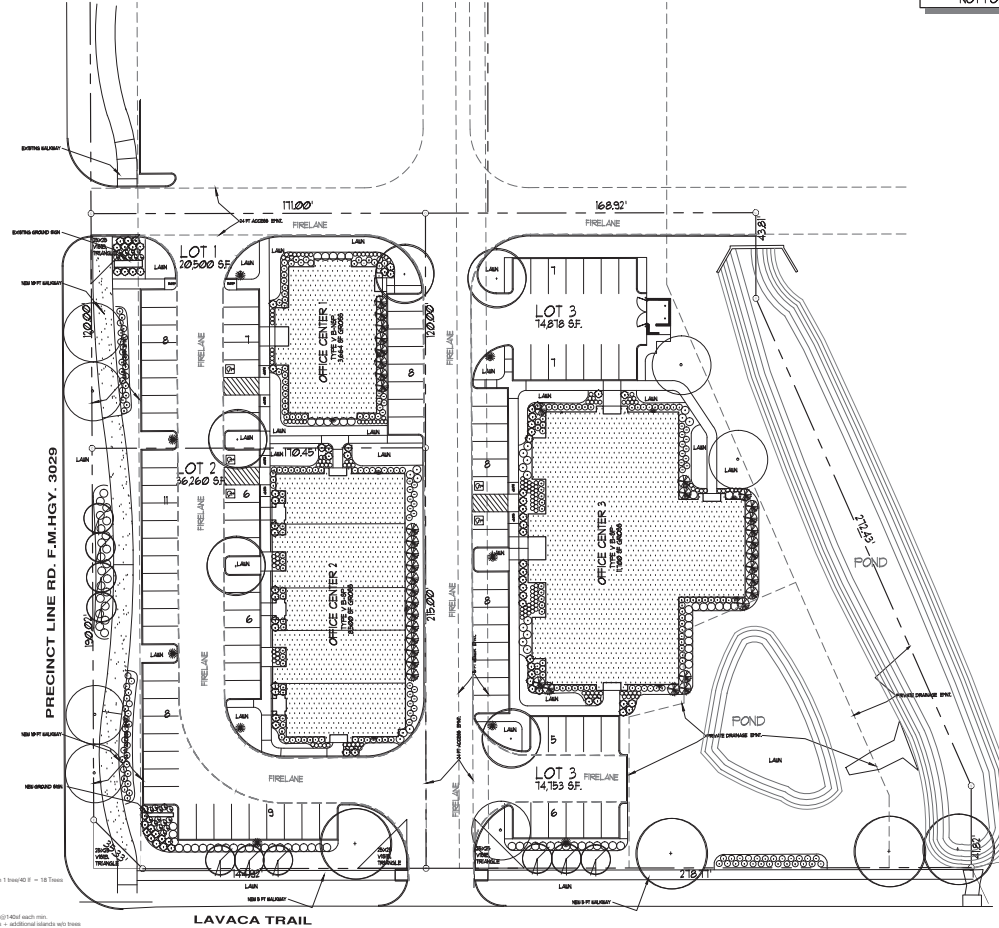


QUANTITY	PLANT NAME (BOTANICAL NAME)	SIZE	NOTES	SPACING
8	Cedar Elm (Ulmus crinitus)	2' cal.	varies	
10	Crape Myrtle (Lagerflora indica 'Red Rover')	30 gal.	varies	2' cal. max.
7	Live Oak (Quercus virginiana)	2' cal.	varies	
4	Red Oak (Quercus shumardii)	2' cal.	varies	
28	Spirea (Spiraea sp. 'Newer')	2 gal.	varies	
19	Muscadine (Muscadine americana 'Gardolium')	5 gal.	varies	
28	Indian Hawthorn (Raphanocarpus indica 'Clara')	5 gal.	varies	42" x 42"
175	Nandina (Nandina domestica 'varies')	1 gal.	varies	2' x 2'
184	Dwarf Red-Tip (Hollyhock 'varies')	5 gal.	varies	2' x 2'
87	Dwarf Yucca (Yucca complanata 'varies')	5 gal.	varies	2' x 2'
68	Arctostaphylos (Arctostaphylos uva-ursi 'varies')	5 gal.	varies	4' x 4'
28	Arctostaphylos (Arctostaphylos uva-ursi 'varies')	5 gal.	varies	2' x 2'
22	Dwarf Rose (Rosa sp. 'varies')	5 gal.	varies	2' x 2'
22	Lawsonia (Lawsonia inermis 'varies')	5 gal.	varies	2' x 2'

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 groundcover, shrubs or ornamental trees shall be prepared as follows: 1. Excavate and remove top soil existing soil and rock as necessary to allow for the incorporation of 12" 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. Backfill beds with sandy soil and rock as necessary to allow for the 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" fill, tamping between fill, with 1/2 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: 121,638 SF
Required Landscape Area: 25% x 121,638 = 28,527 SF
Provided Landscape Area: 32,240 SF
Required Street Trees: 2888' with approaches with 1 tree/40' = 18 Trees
Provided Street Trees: 18
Area of parking: 103 spaces
Required parking for landscape area: 103 (8-10' islands) / 42nd 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'



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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:



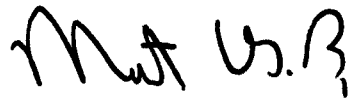
Cynthia Singleton, TRMC, CMC
City Secretary

CITY OF COLLEYVILLE



David Kelly
Mayor

APPROVED AS TO FORM AND LEGALITY:



Matthew C. G. Boyle
City Attorney

Exhibit A –Location and Zoning Map

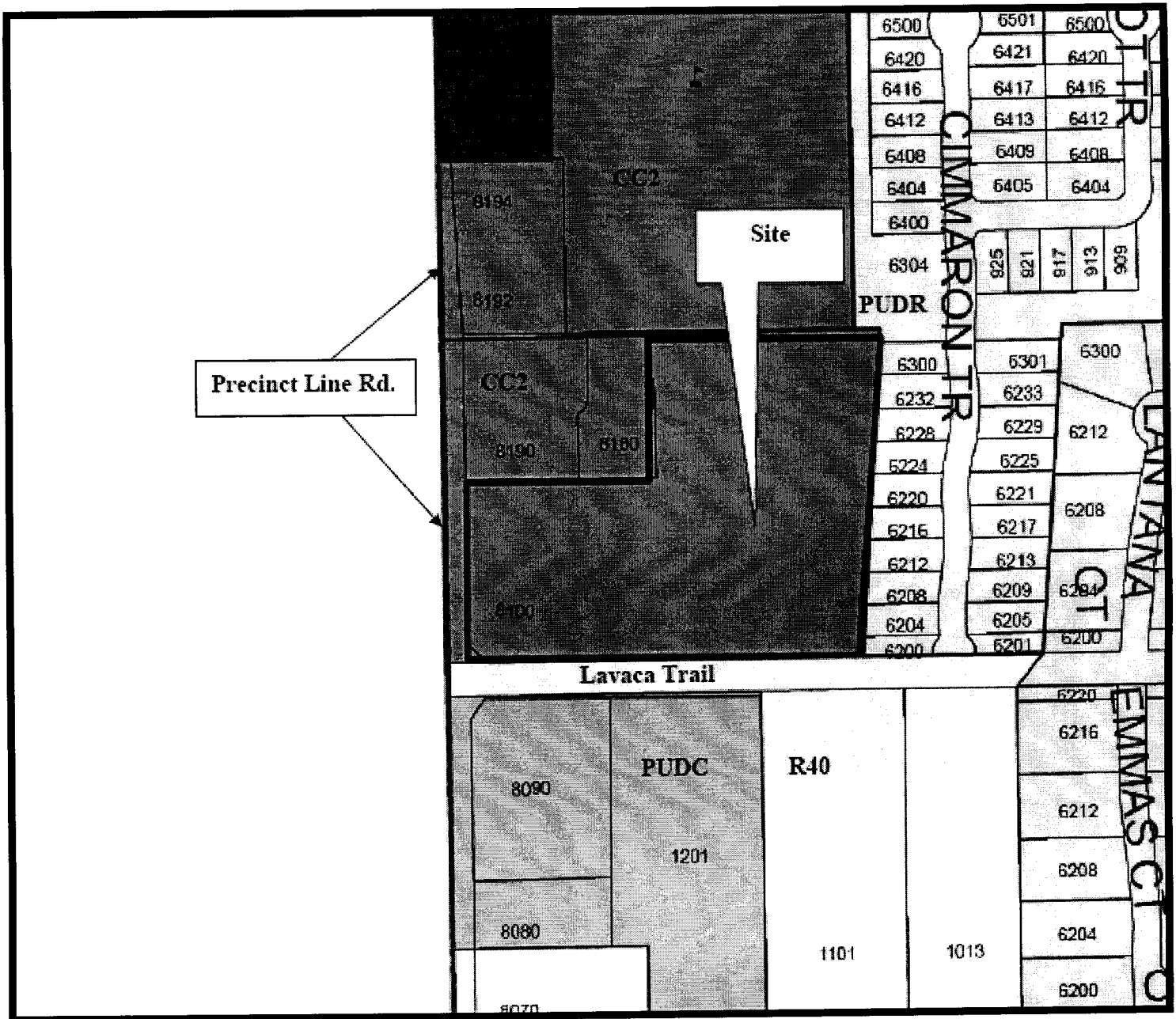


Exhibit B – Legal Descriptions

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

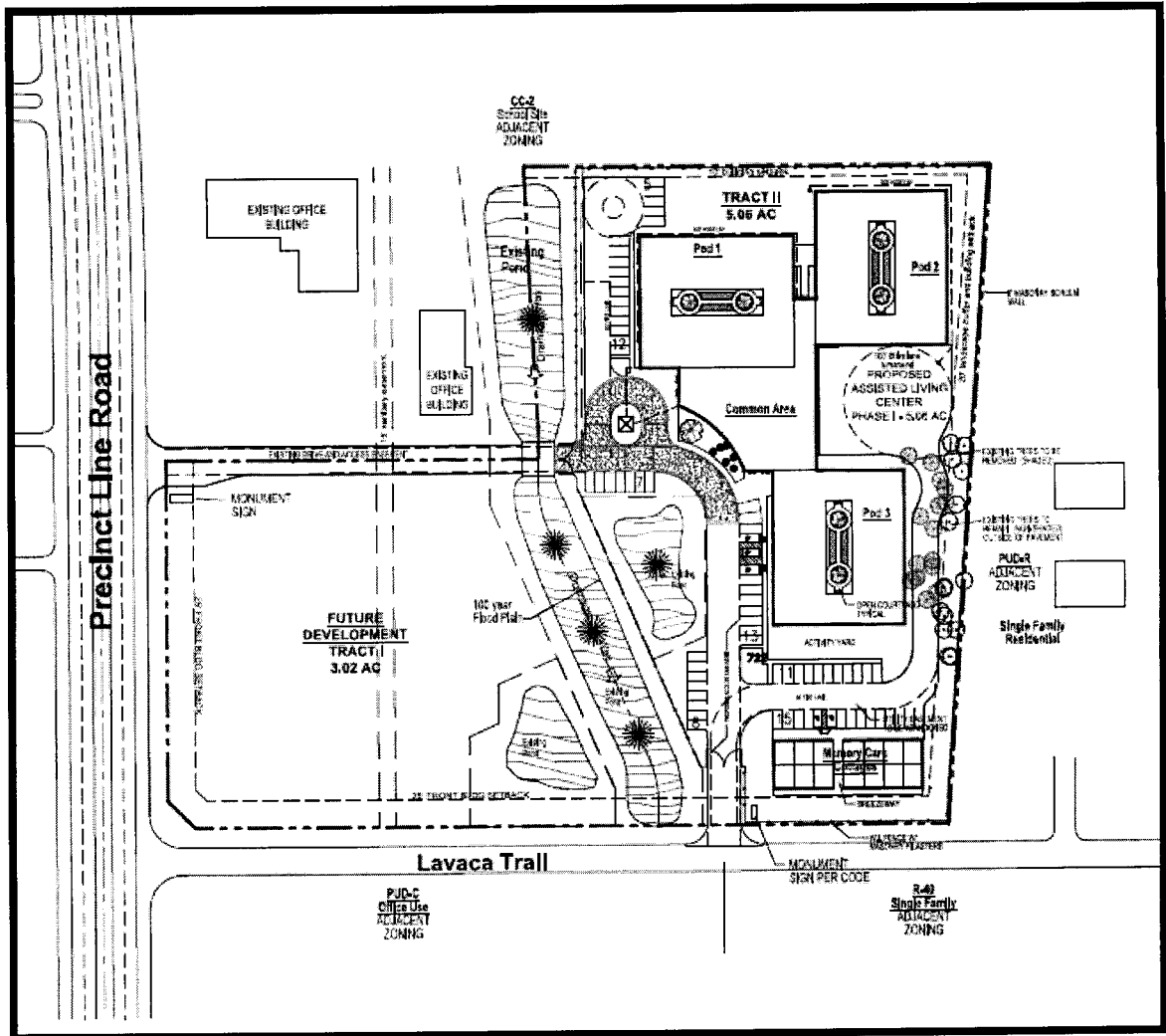
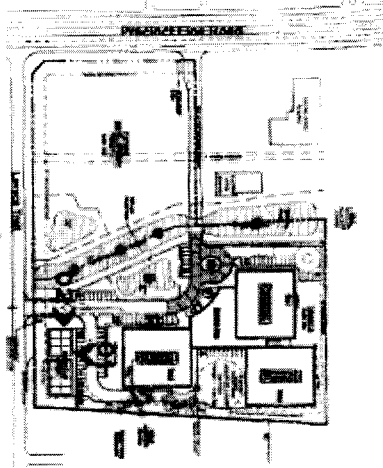
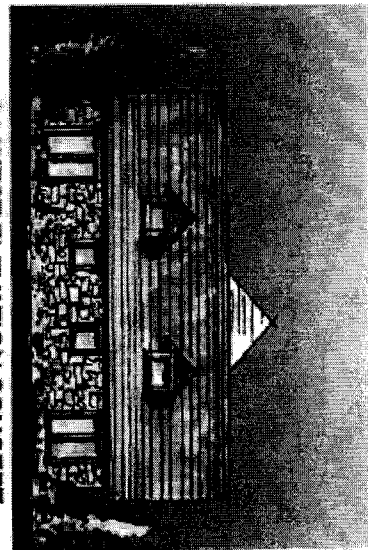


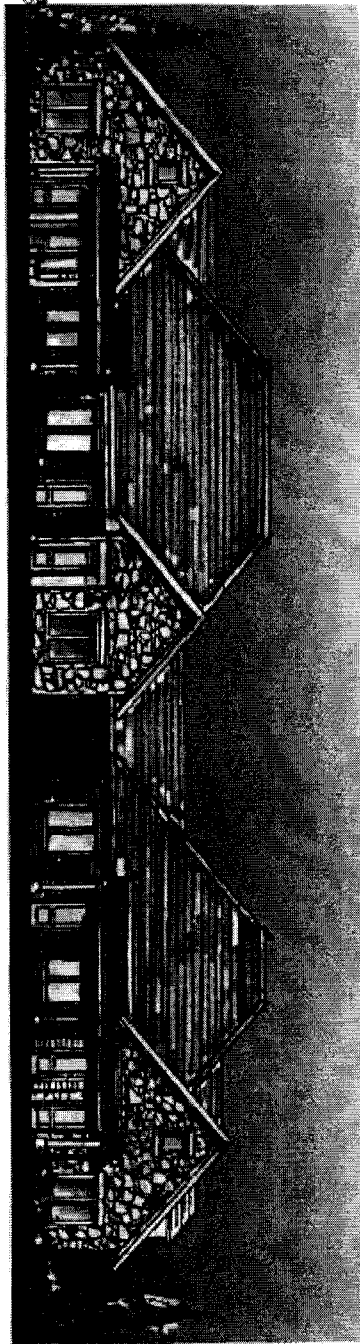
Exhibit D –Building Elevations



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.

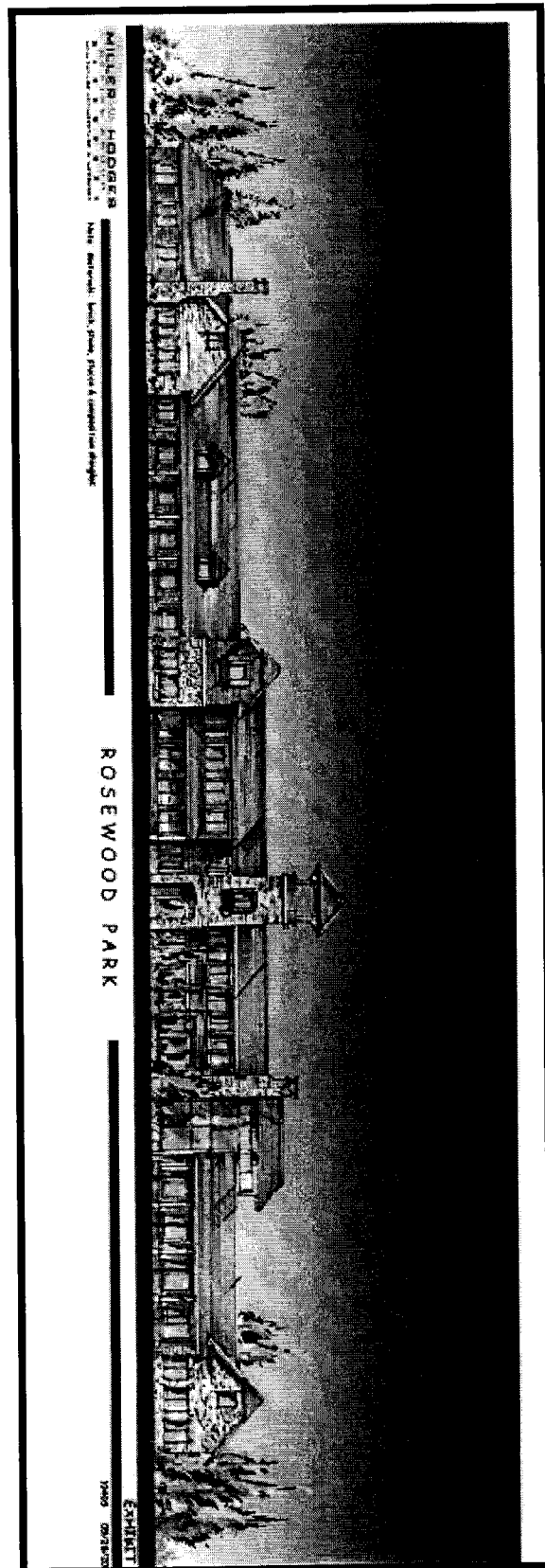
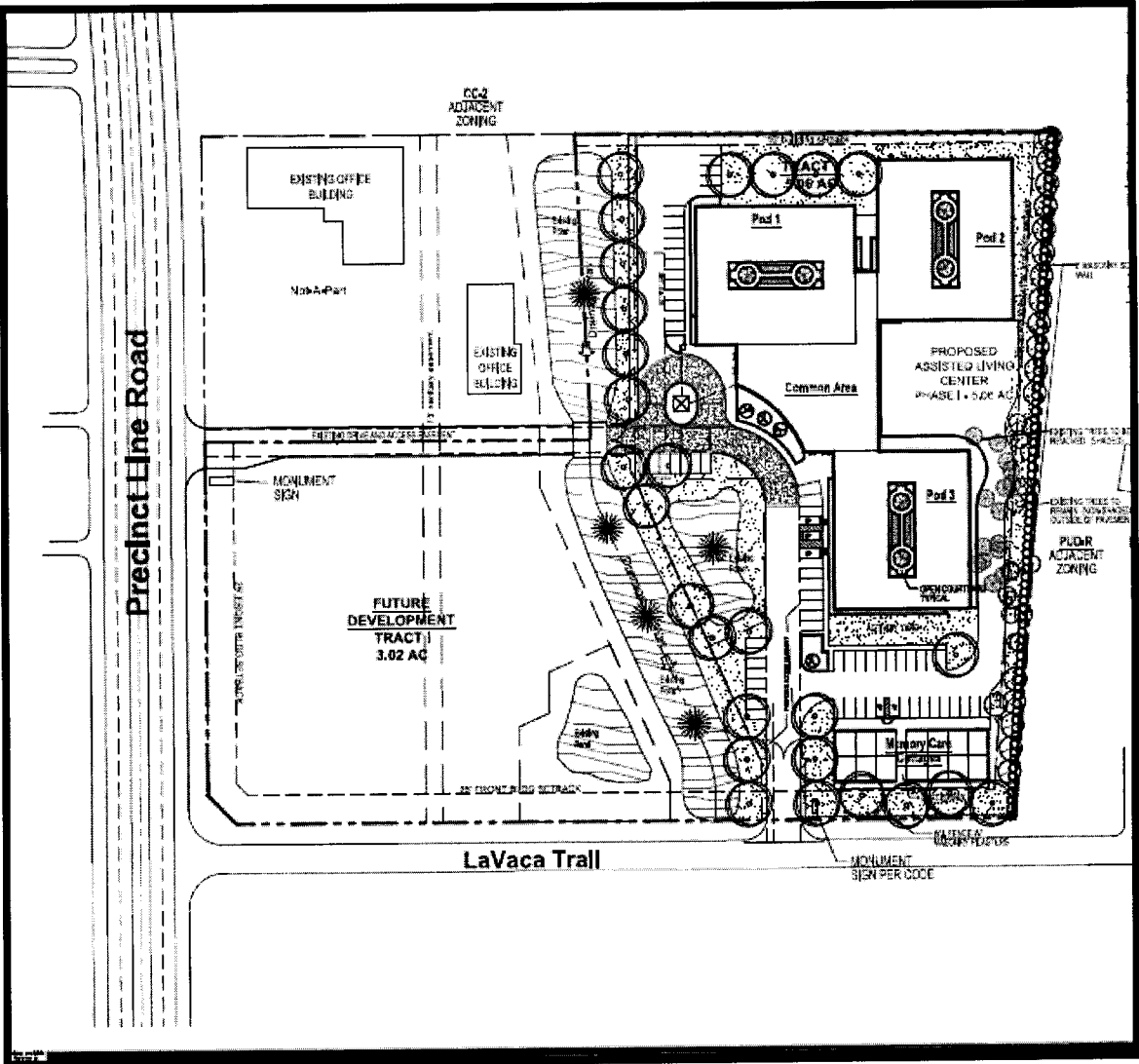


Exhibit E – Landscape Plan



ORDINANCE O-15-1952

AMENDING ORDINANCE O-10-1761 CONDITIONS; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00); AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Colleyville 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. 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.

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

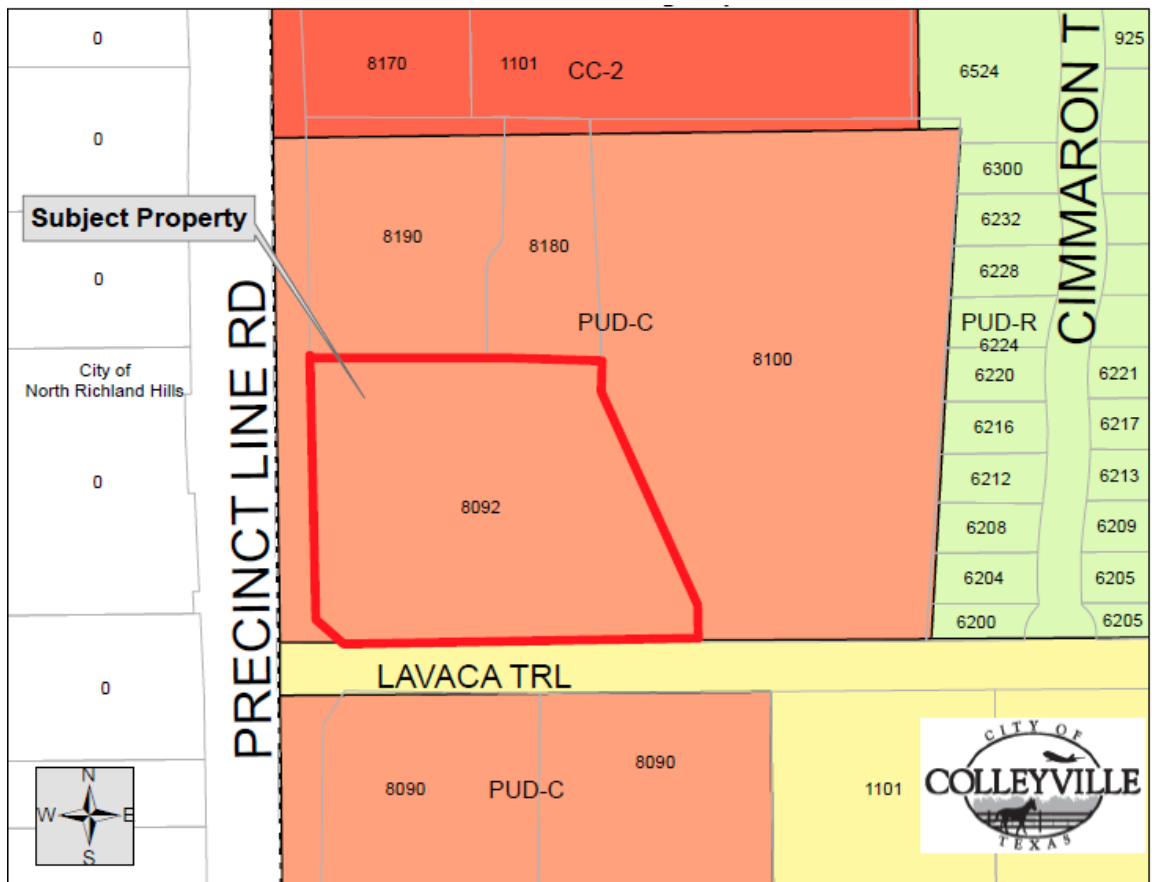
Amy Shelley, TRMC
City Secretary

David Kelly
Mayor

APPROVED AS TO FORM AND LEGALITY:

Matthew C. G. Boyle
City Attorney

Exhibit "A" – Location and Zoning Map



LOT 3 BLOCK 1
MEADOW CREEK PLAZA
ZONED C-2
DEVELOPED BY SITE

LOT 4 BLOCK 1
MEADOW CREEK PLAZA
ZONED C-2
DEVELOPED BY SITE

LOT 3
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LOT 153

Exhibit "C" – Building Elevations



WEST ELEVATION - BUILDING 1



NORTH ELEVATION - BUILDING 1



WEST ELEVATION - BUILDING 2



SOUTH ELEVATION - BUILDING 2

Exhibit "C" – Building Elevations, Continued

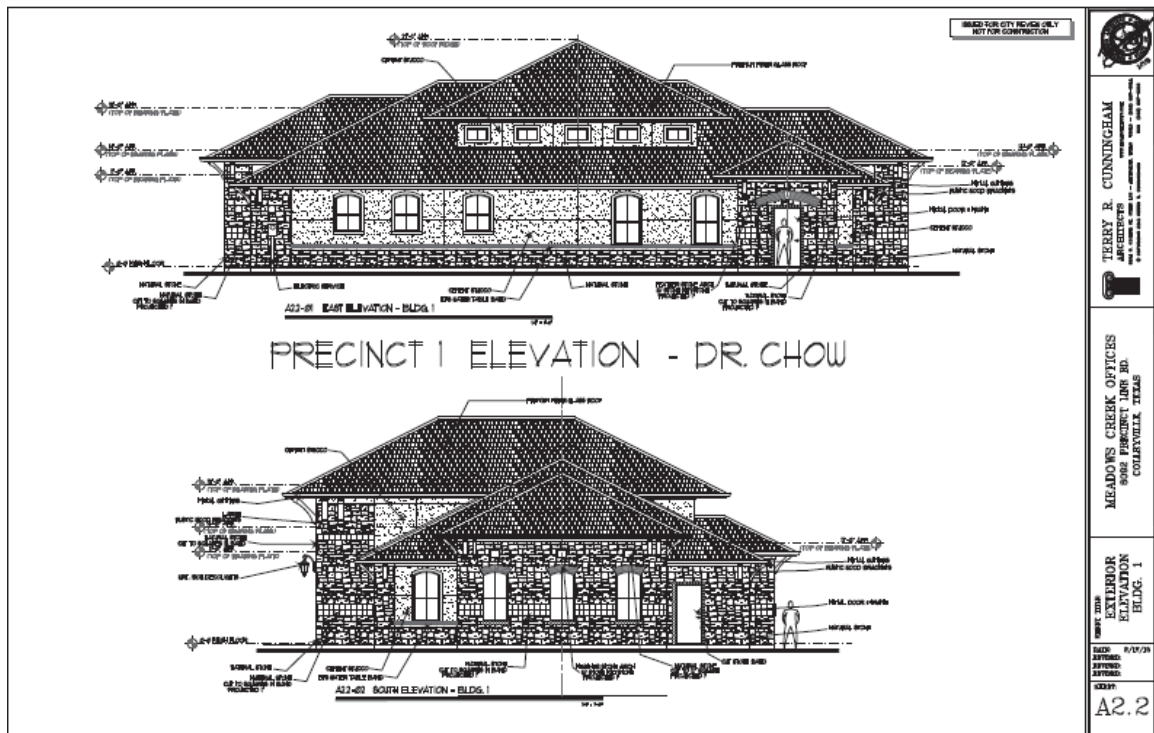
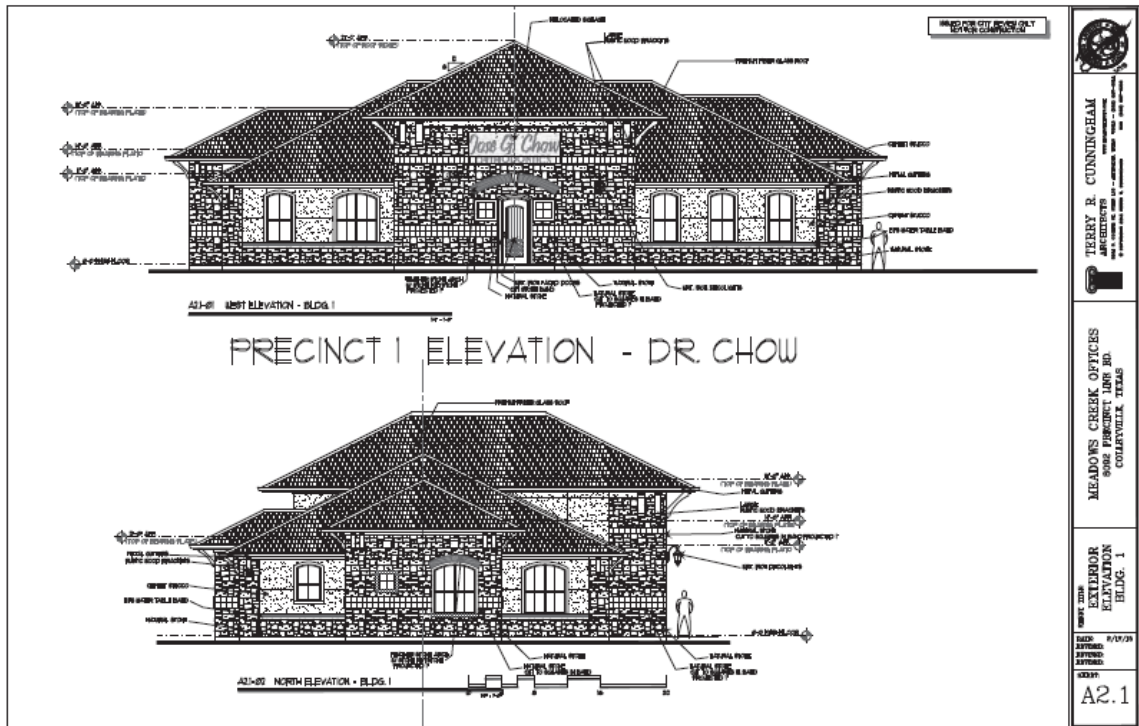
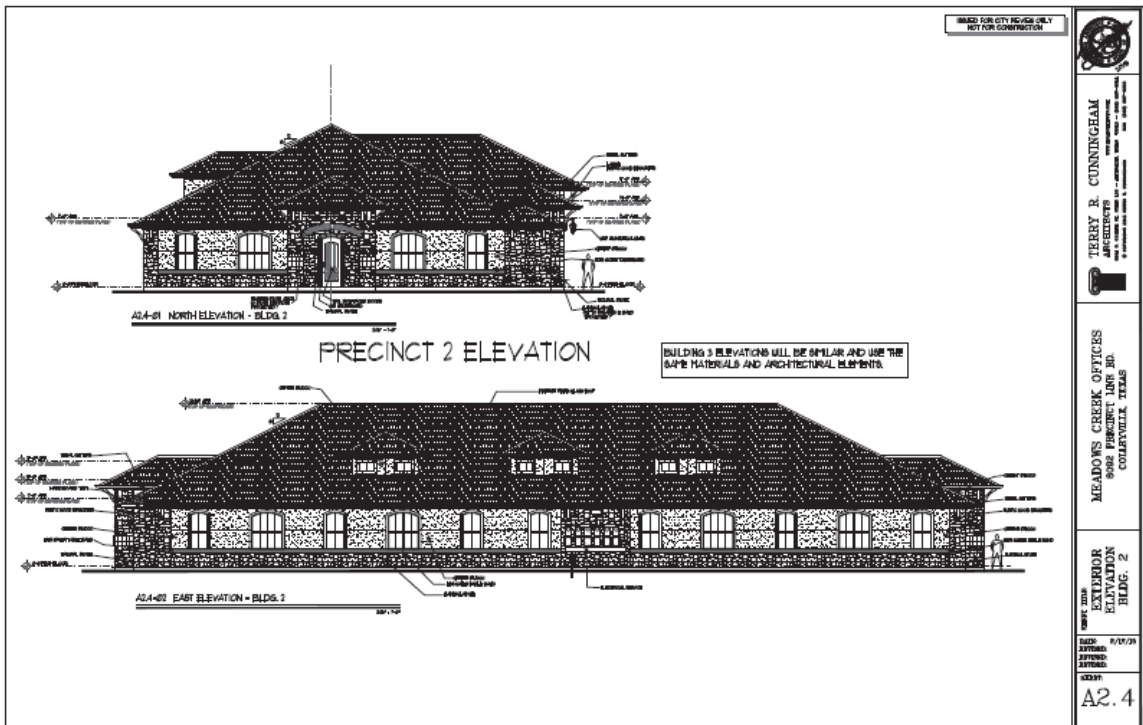
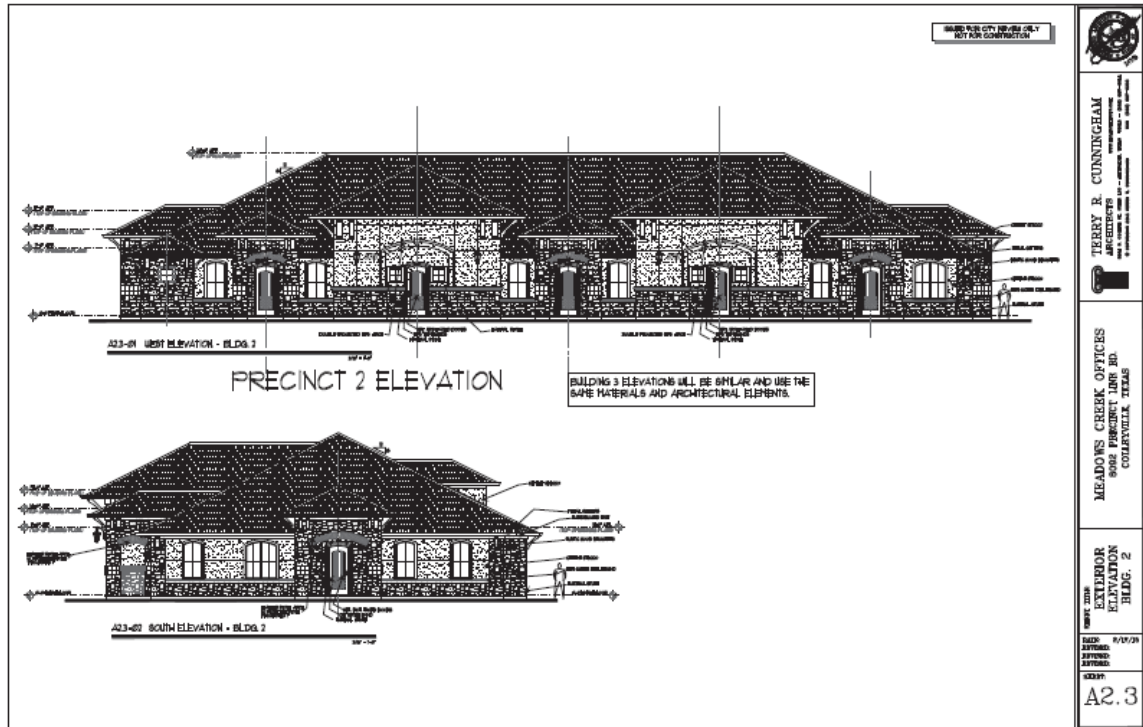


Exhibit "C" – Building Elevations, Continued



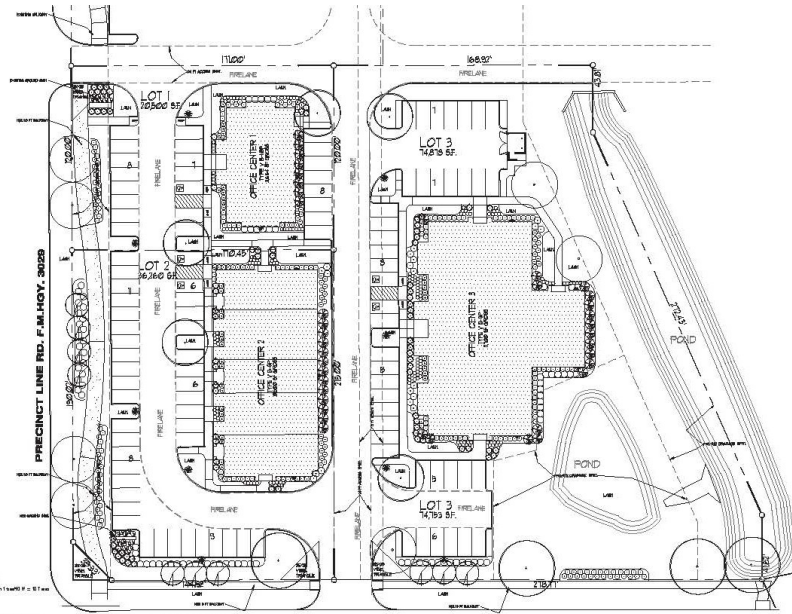
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PLANT LIST (Landscape Committee is responsible for location of plants installed)				QTY	UNIT	SPACING
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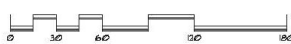
GLASS RENTA, INC.
LANDSCAPE ARCHITECTS

2701 8TH Avenue
Fort Worth, TX 76110 267.925.4608



LPI-01 LANDSCAPE PLAN - OFFICE SITE

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City of Colleyville City Council Agenda Briefing

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

Agenda Number 5c

Agenda Date 05/05/2015

Number Ordinance O-15-1953

Type Ordinance

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

Strategy Map Connection

There is no strategy map connection for this item.

Explanation

First Reading and Public Hearing

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 as illustrated on the attached Elevations exhibit. The proposed roof has a 12:1 pitch. The applicant intends to use the accessory building as a pool house and recreation room as indicated in the attached Statement of Planning Objectives. 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 as shown on the attached exhibit.

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 from a resident located within the 200 foot buffer area.

Planning and Zoning Commission Recommendation. The Planning and Zoning Commission recommended approval of this request at the April 13, 2015 meeting by a vote of 7-0.

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.

Financial Impact

There is no financial impact to the City.

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-15-1953

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

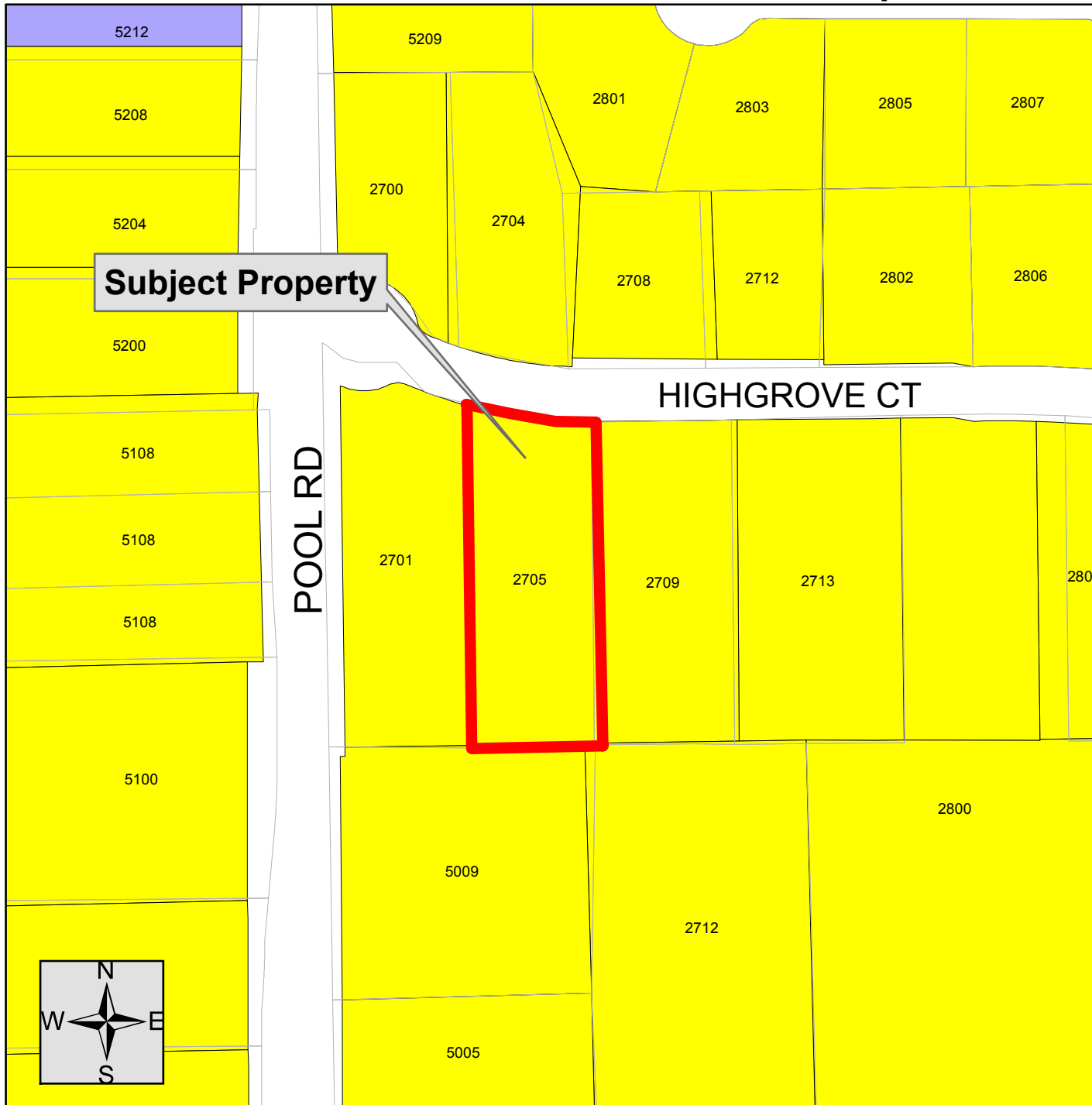
- Streets:** POOL RD (west), GLADE RD (south), EDGEWOOD (north), STRAIGHT LN (east), HIGHGROVE CT (east), WESTGROVE LN (east).
- Lot Numbers and Zoning:**
 - West of Pool Rd: 5212, 5208 (R-20), 5204, 5200, 5108, 5108, 5108, AG, AG, 5100, 5008, 2612, 2616 (R-20).
 - Along Pool Rd: 5213, 5209 (AG), 2700, 2704, 2701, 2705 (Subject Property), 2709, 2713, 5009, 5005, 2712 (R-20).
 - Along 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, 5002, 5001, 2800, 2900, 5006, 5004, 5005, 5003, 5002, 5001.
- Other Features:** A north arrow in the bottom left and the City of Colleyville logo in the bottom right.



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
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



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.

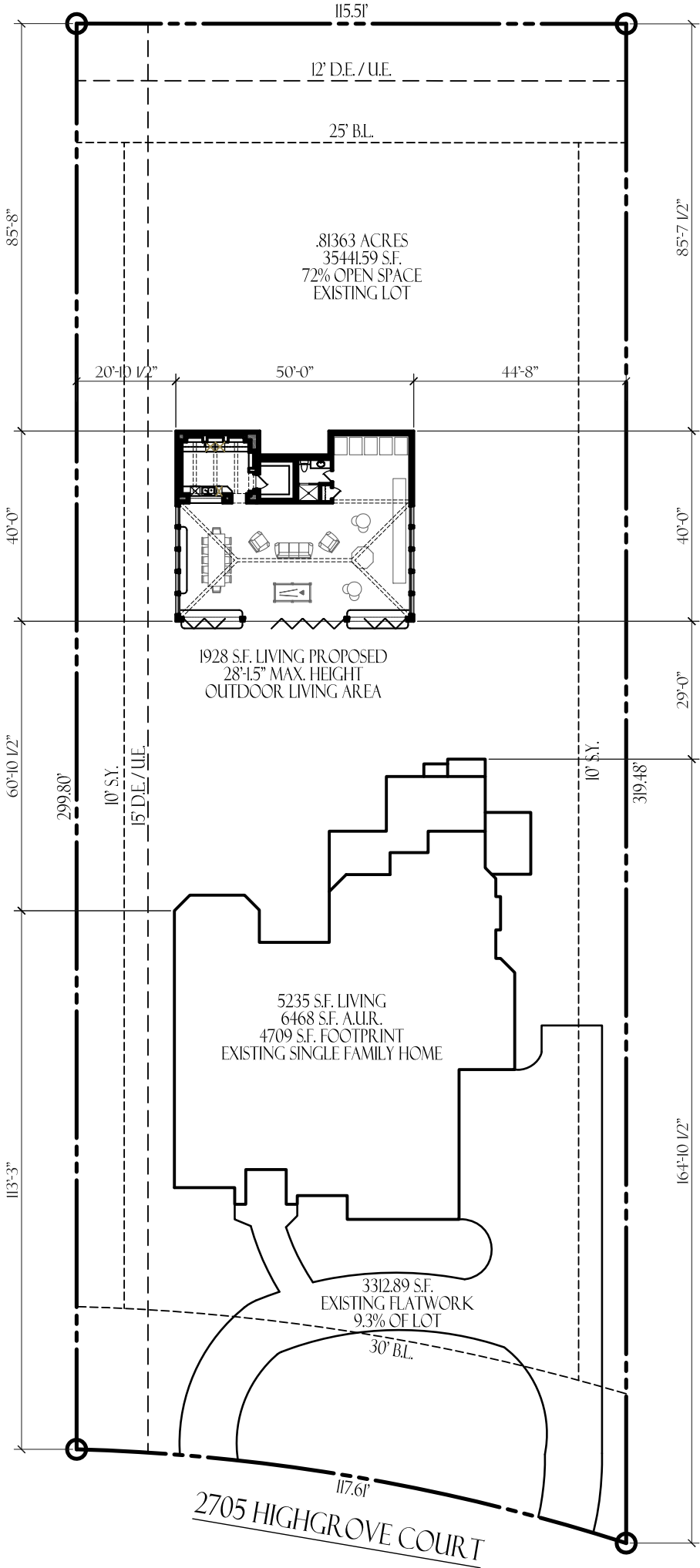
Kelly R. Fontenot 3-19-15
Kelly R. Fontenot, Owner Date

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

Zoning Exhibit



VICINITY MAP



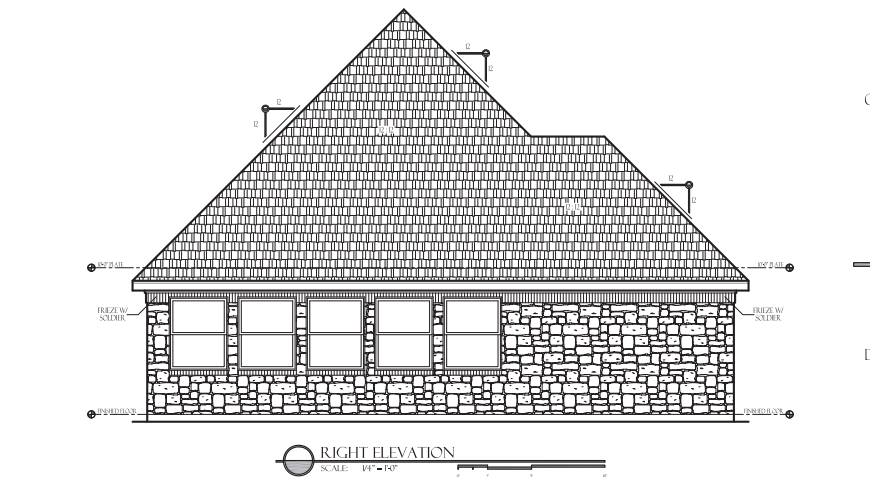
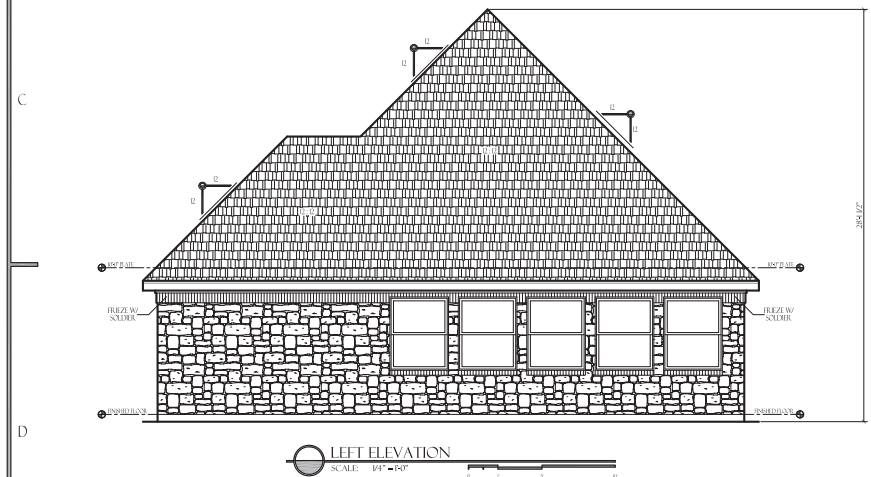
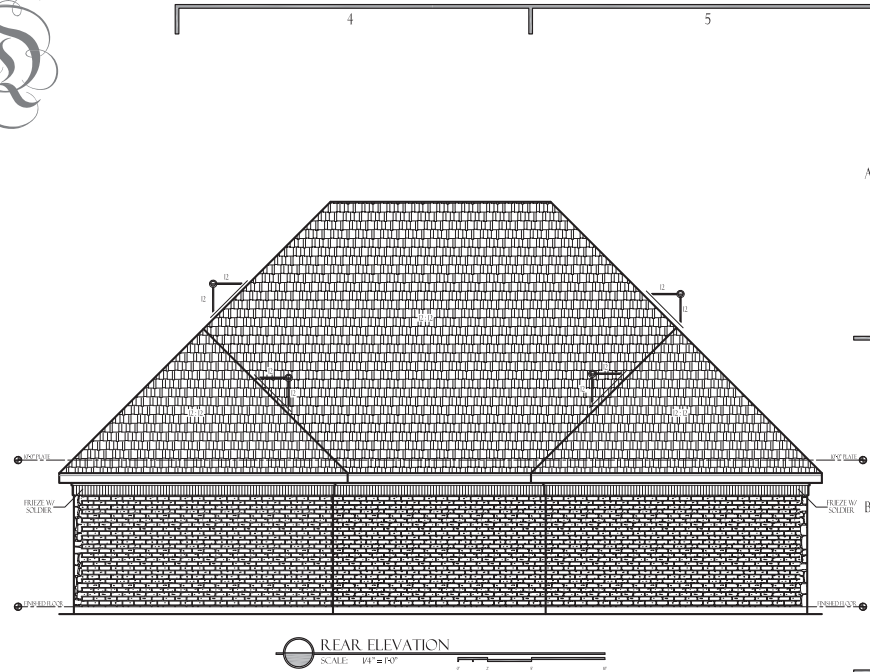
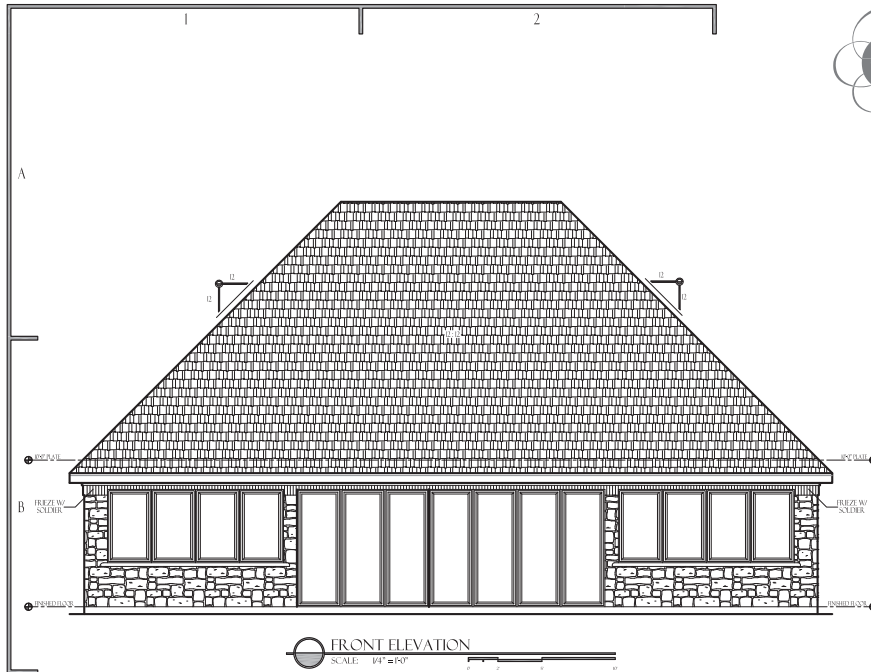
HOME DESIGNS
817.412.0896
www.qhomedesigns.com



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



PLANNING REQUIREMENT
Having these plans looked / review agrees to the following. These plans are the property of Q Home Designs and are not to be reproduced, stored, or used for construction without the written permission of Q Home Designs. These plans are intended to provide the necessary construction information to build the structure. Builder / owner shall verify and check all aspects prior to construction. Any plan changes will need Designer's Initial. Designer liability will be paid for plans. Copyright © 2019 Q Home Designs.

DRAWN BY:
D.M.H.
CHECKED BY:
D.M.H.
DESIGN REVIEW BY:
D.M.H.
CONSTRUCTION BY:
D.M.H.

NOTES

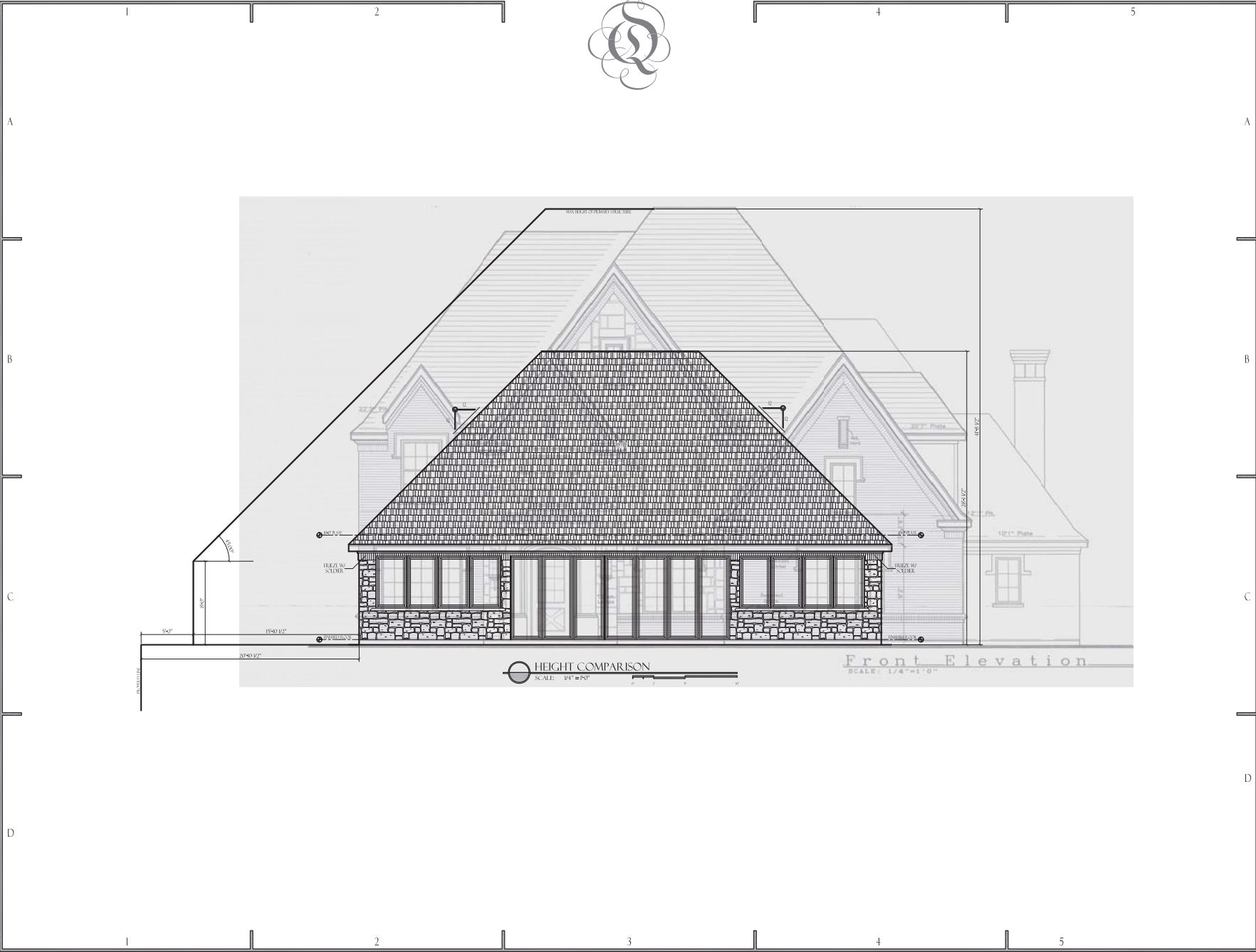
1. Contractor shall verify all dimensions prior to beginning construction and shall notify the Designer of any discrepancies immediately.
2. Contractor shall follow all applicable state and local codes / ordinances.
3. All glazing within 2'-0" from each side of any door shall be tempered.
4. Framing within a corridor shall be 2x4 studs.
5. All doors on first floor shall be 1'-0" full radius round otherwise, second floor doors shall be 1'-0" x 1'-0".
6. Plans shall conform to the 2015 International Building Code and the 2015 International Residential Code or with all other applicable code / or governing codes.
7. All exterior projections shall be on a side using face of the wall.
8. G.E. is responsible for verifying all site conditions of changes or variations in plan / construction details.
9. All second floor plan heights are based on 10' floor system. Actual floor heights may vary. Verify with builder / engineer.

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

HOME DESIGNS
817.412.0896
www.qhomedesigns.com

JOB #:
14099
A-3

Vertical Height Envelope



BY USING THESE PLANS, THE HOMEOWNER AGREES TO THE FOLLOWING: THESE PLANS ARE THE PROPERTY OF Q HOME DESIGNS, AND ARE NOT TO BE REPRODUCED, COPIED, OR USED FOR CONSTRUCTION WITHOUT THE WRITTEN PERMISSION OF Q HOME DESIGNS. THESE PLANS ARE INTENDED TO PROVIDE THE NECESSARY CONSTRUCTION INFORMATION TO BUILD THE STRUCTURE. BUILDERS / OWNERS SHALL VERIFY AND CHECK ALL DIMENSIONS PRIOR TO ANY CONSTRUCTION. ANY CHANGES TO THE PLANS SHALL BE MADE BY Q HOME DESIGNS. CHANGES MADE TO THE PLANS SHALL BE PAID FOR BY THE HOMEOWNER. COPYRIGHT © 2019 Q HOME DESIGNS.

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 otherwise noted. All doors shall be 36" wide.
4. Plumbing vents or vent pipes shall be 4" or 6" diameter unless otherwise noted.
5. All doors on the first floor shall be 6' 8" x 2' 8".
6. Steps shall conform to the 2018 International Building Code and the 2018 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 roof.
8. L.C. is responsible for verifying all dimensions of change or variation to plans / construction drawings.
9. All second floor floor heights are based on 10' floor system. Actual floor 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-15-1953

AMENDING THE ZONING ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY OF COLLEYVILLE, TEXAS, BY 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 PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00); AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Colleyville has received an application for a 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

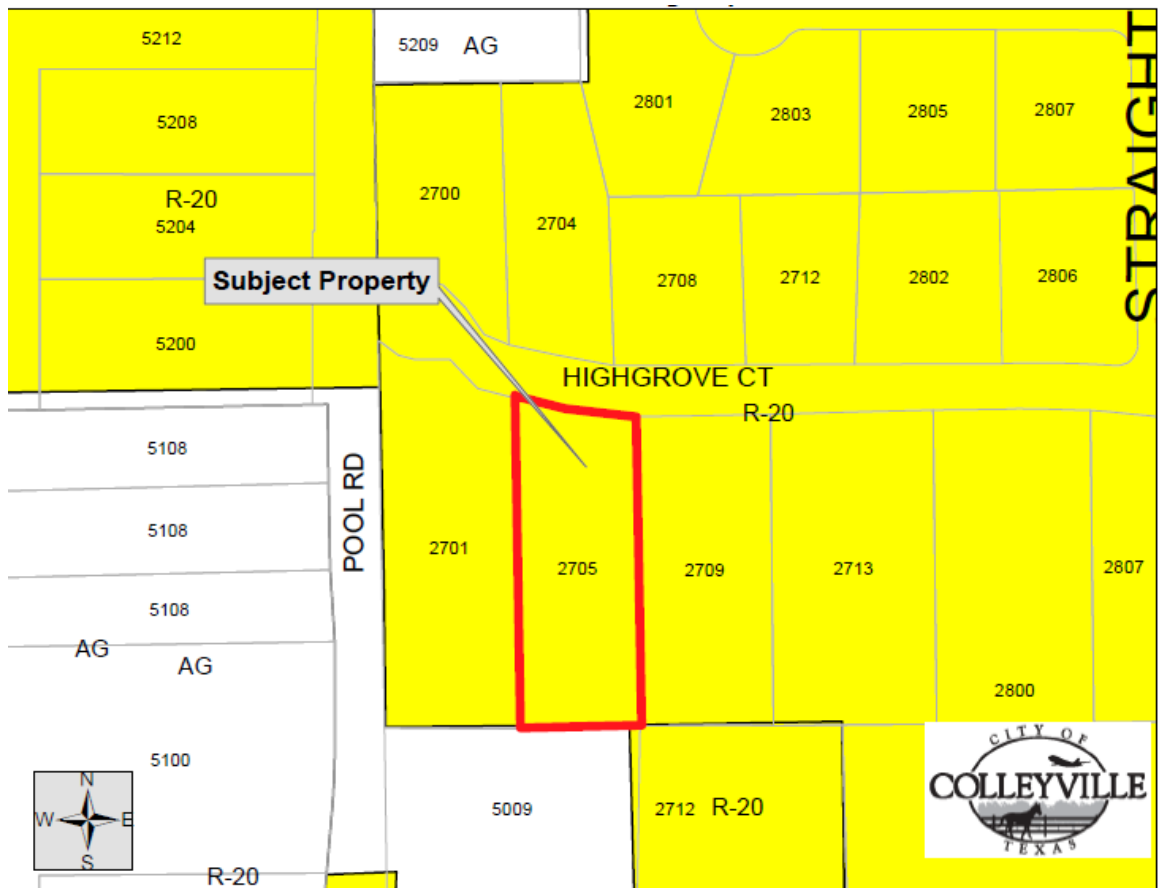


Exhibit "B" – Zoning Exhibit

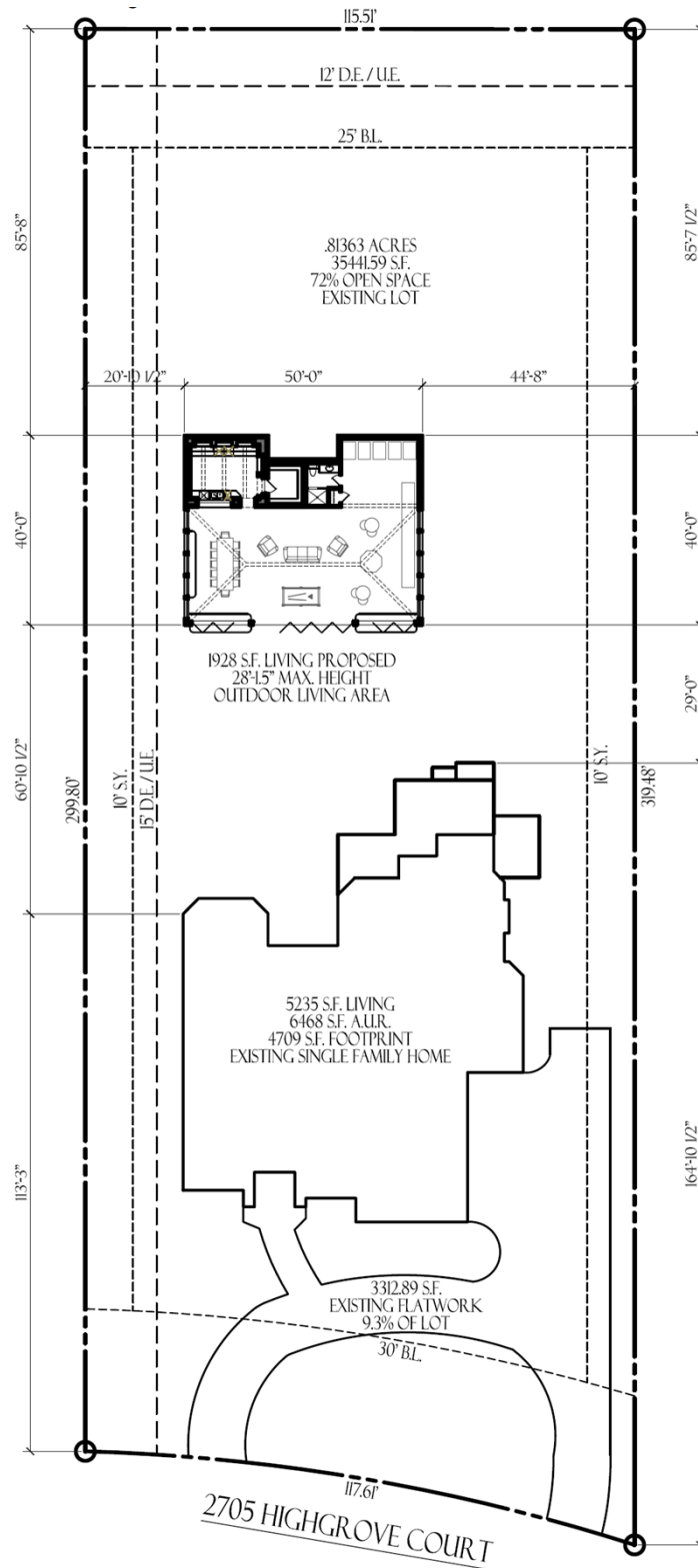
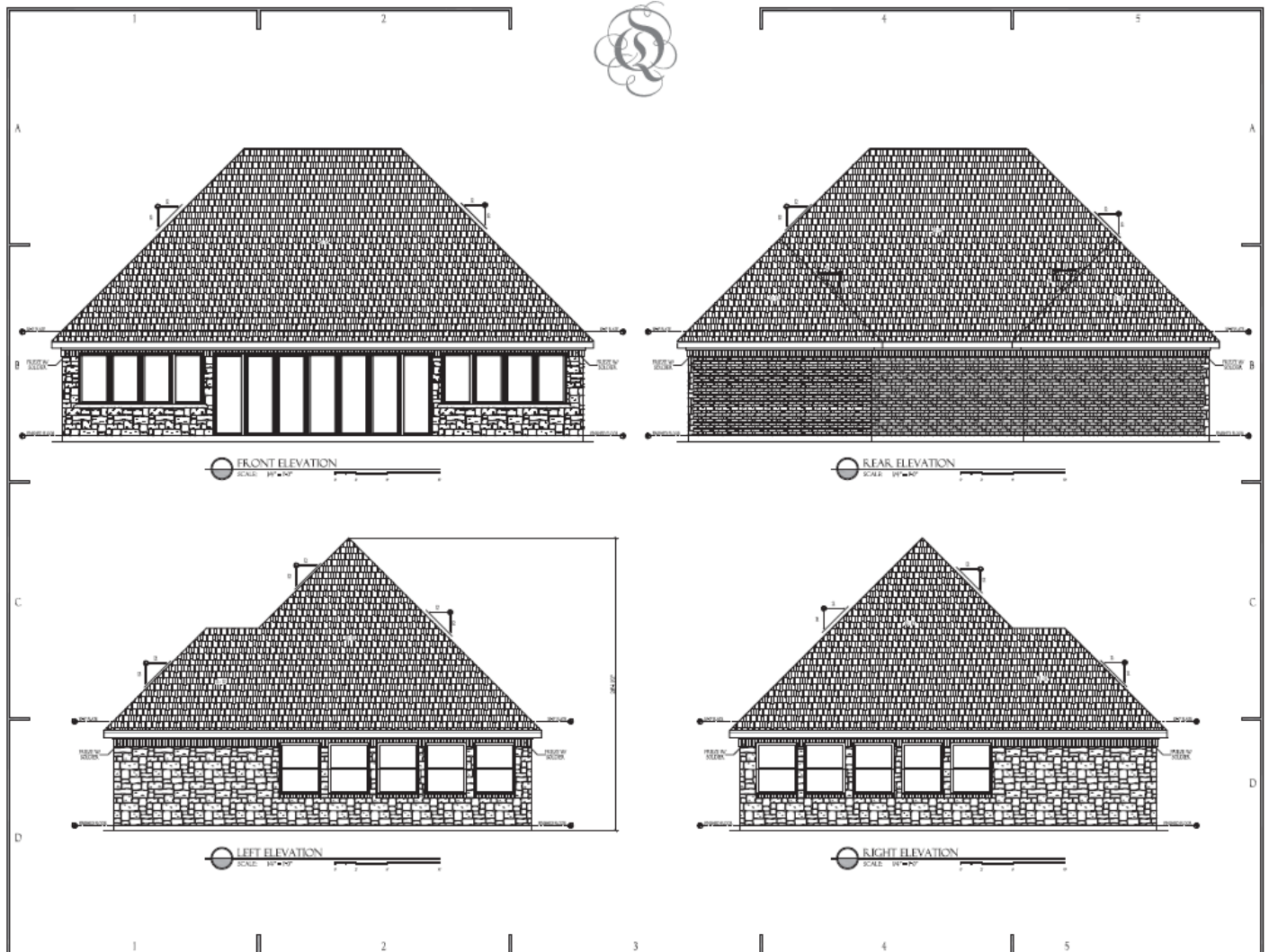


Exhibit "C" – Building Elevations





City of Colleyville City Council Agenda Briefing

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

Agenda Number 5d

Agenda Date 05/05/2015

Number Ordinance O-15-1954

Type Ordinance

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

Strategy Map Connection

There is no strategy map connection for this item.

Explanation

First Reading and Public Hearing

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 SH 26/Colleyville Boulevard, 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 attached 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. The attached Proposed Screening renderings conceptually illustrates how the plantings will screen the outdoor storage area.

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, neither of which were located within the 200 foot buffer, and two letters of support regarding this request, one of which was located within the 200 foot buffer. Additionally, there were two people who spoke in support of this request at the April 13, 2015 Planning and Zoning Commission meeting, neither were located within the 200 foot buffer.

Planning and Zoning Commission Recommendation. The Planning and Zoning Commission recommended approval of this request on April 13, 2015 by a vote of 5-2 with the condition that the proposed screening be extended around the southeastern corner of the parking spaces.

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.

Additionally, Section 4(1)"c" in Ordinance O-08-1660 is being revised to clarify that the SUP will expire if the ownership of the hardware store changes instead of the ownership of the entire development.

Financial Impact

There is no financial impact to the City.

Recommendation

Approval with the following conditions:

1. General

- b. All outdoor storage areas shall conform to the descriptions and locations shown on the attached Exhibit "B".
- 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

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

3. Screening

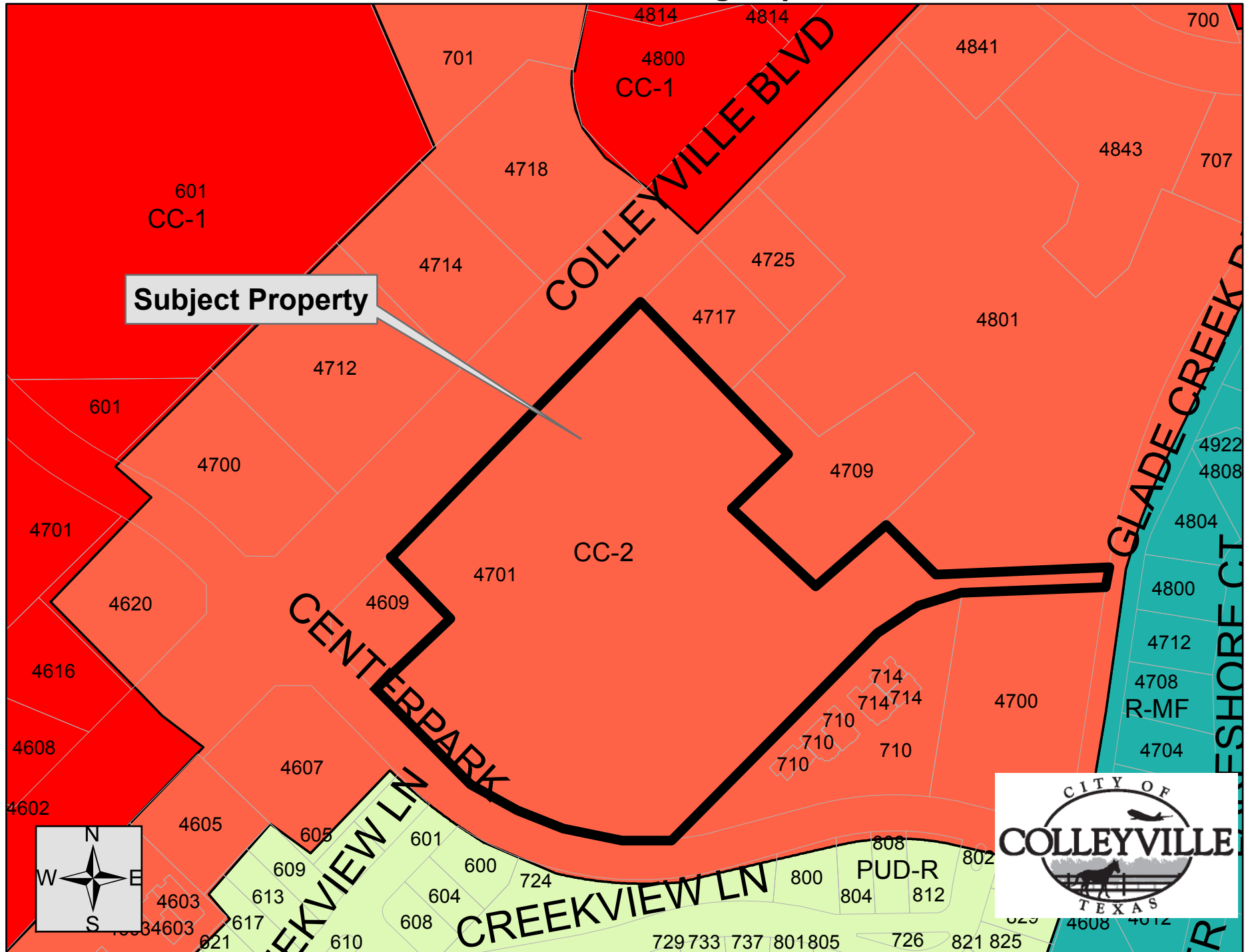
- a. A row of Oakleaf holly bushes shall be installed along Centerpark Drive to screen the outside storage areas.
- b. The plants shall be six feet in height at time of installation, and planted six feet apart.
- c. A drip line irrigation system shall be provided.
- d. Plants that are damaged or die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

Attachments

- 1. Location and Zoning Map
- 2. Aerial
- 3. Future Land Use Map
- 4. Notification List
- 5. Buffer Map
- 6. Letters of Concern
- 7. Letters and Speaker Cards of Support
- 8. Statement of Planning Objectives
- 9. Zoning Exhibit
- 10. Proposed Screening

11. Ordinance O-08-1660
12. Ordinance O-15-1954

Location and Zoning Map



Aerial



Subject Property

COLLEYVILLE BL

GLADE CREEK DR
AKESHORE CT

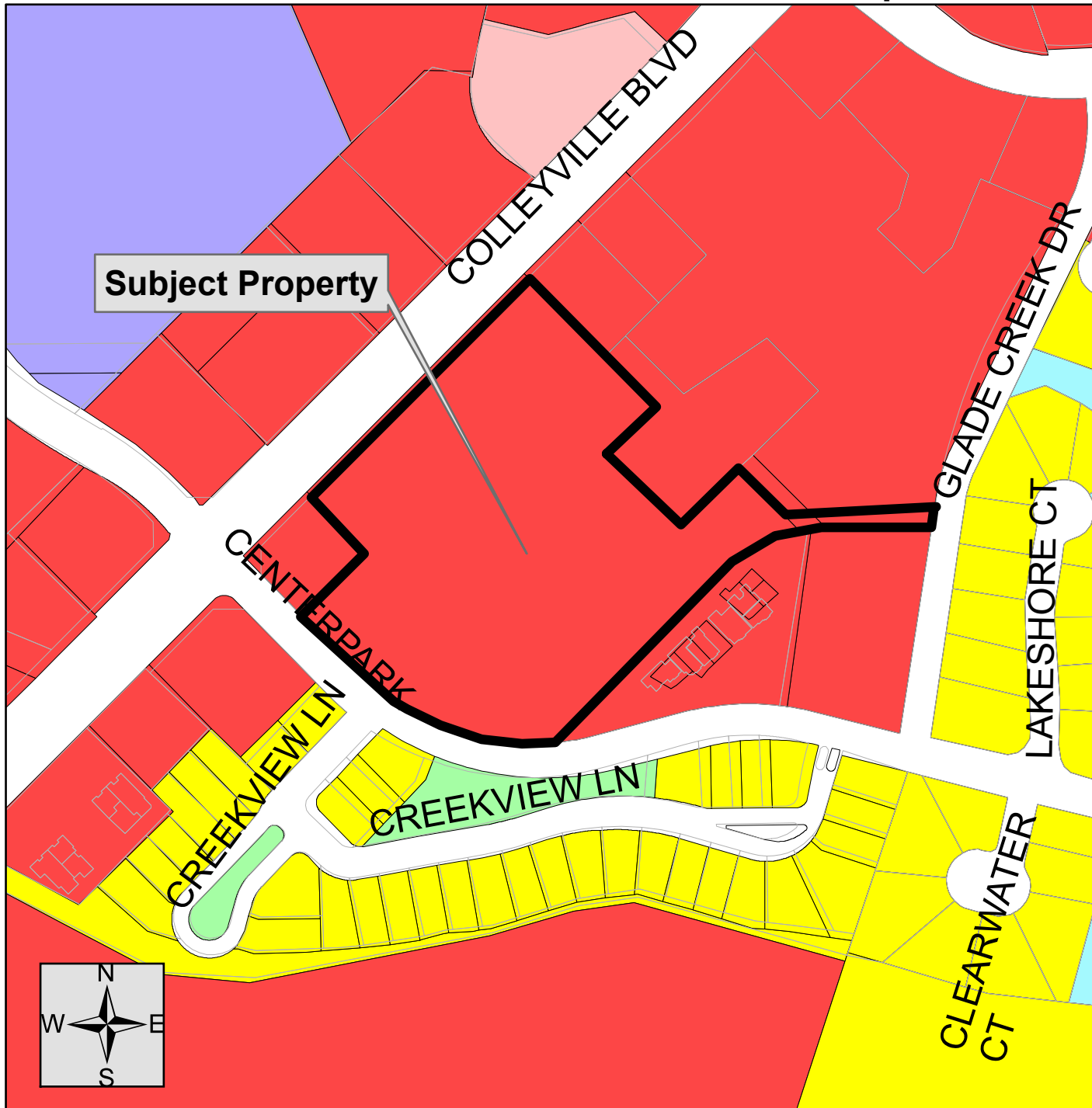
CENTERPARK

CREEKVIEW LN

CREEKVIEW LN



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

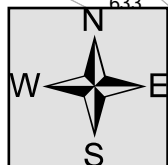
Case ZC15-007

4701 Colleyville Blvd.
Suite 100

Subject Property

Legend

-  Properties within 200 feet
-  Subject Property
-  Parcels



Letters 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?

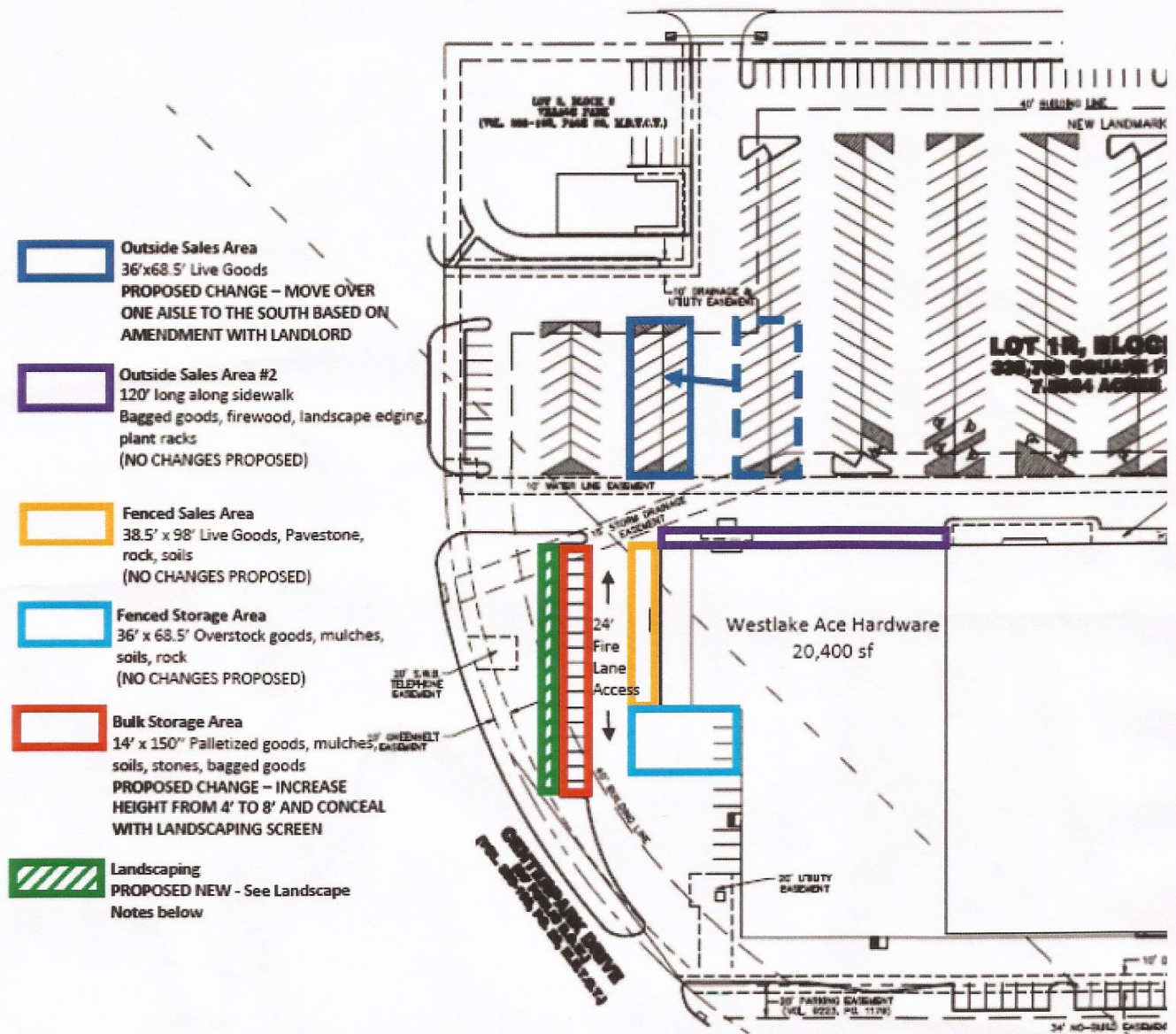
Will the change complement the developers recent investments in the shopping center?

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

Letters 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.

Letters of Concern

Patia Boomsma

From: Beth
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

Letters and Speaker Cards of Support

From: Kevin Crumpler
Sent: Saturday, April 11, 2015 11:27 AM
To: Patia Boomsma
Cc: JeffByerly@tx.rr.com
Subject: ZC15-007

Patia:

I intend to attend the upcoming P&Z Meeting, but if I can't make it I'd like to say that I fully support the request submitted by Ace Hardware 'ZC15-007.

Thanks!

Kevin Crumpler
725 Creekview Lane
Colleyville, Texas 76034

Letters and Speaker Cards of Support

30 S. MERIDIAN STREET
SUITE 1100
INDIANAPOLIS, IN 46204
317-577-5600 FAX 317-577-5605
kite Realty.com

April 13, 2015

City of Colleyville, Texas Department of Community Development Services

RE: Westlake Hardware, Inc. – Special Use Permit Amendment O-08-1660



On behalf of KRG Colleyville, LLC, the owner of the Colleyville Downs Shopping Center, we have reviewed the Special Use Permit request by our tenant, Westlake Hardware. Kite Realty Group has no objections to the amendment requested at this time.

Regards,

A handwritten signature in blue ink, appearing to read "Matthew Van Dyke". The signature is fluid and cursive, with a large loop at the end.

Matthew Van Dyke
Senior Project Manager – Kite Realty Group

Cc: Frank Kramer – Asset Manager – Kite Realty Group

Letters and Speaker Cards of Support

Date: <u>4-13-15</u>	SPEAKER CARD
☒ I will speak In Support of this item.	
☐ I will speak In Opposition to this item.	
☐ I do not wish to speak, but please record my: ☐ support ☐ opposition	
Agenda Item Number: <u>4e</u>	
Name: <u>Sara Smith</u>	
Address: <u>8705 Sabinas Tr.</u>	
City: <u>Fort Worth</u>	State: <u>TX</u> Zip Code: <u>76118</u>
Telephone Number: <u>817-709-1219</u> Representing: <u>Westlake Ace Hardware</u> (organization/self)	
<i>I understand I am limited to speaking for five minutes.</i>	
<i>For business not listed on the agenda as a Public Hearing, the Planning and Zoning Commission will not respond in accordance with the Texas Open Meetings Law, Chapter 551 of the Texas Local Government Code.</i>	
Signed: <u>[Signature]</u> This information is a Public Record.	

Date: <u>13th APRIL, 2015</u>	SPEAKER CARD
☒ I will speak In Support of this item.	
☐ I will speak In Opposition to this item.	
☐ I do not wish to speak, but please record my: ☐ support ☐ opposition	
Agenda Item Number: <u>4e</u>	
Name: <u>Geoffrey OWEN</u>	
Address: <u>809 CREEKVIEW LANE</u>	
City: <u>COLLEYVILLE</u>	State: <u>TX</u> Zip Code: <u>76034</u>
Telephone Number: <u>(817) 454-5414</u> Representing: <u>SELF</u> (organization/self)	
<i>I understand I am limited to speaking for five minutes.</i>	
<i>For business not listed on the agenda as a Public Hearing, Planning and Zoning Commission will not respond in accordance with the Texas Open Meetings Law, Chapter 551 of the Texas Local Government Code.</i>	
Signed: <u>Geoffrey Owen</u> This information is a Public Record.	

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 Designation: CC-2



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.)

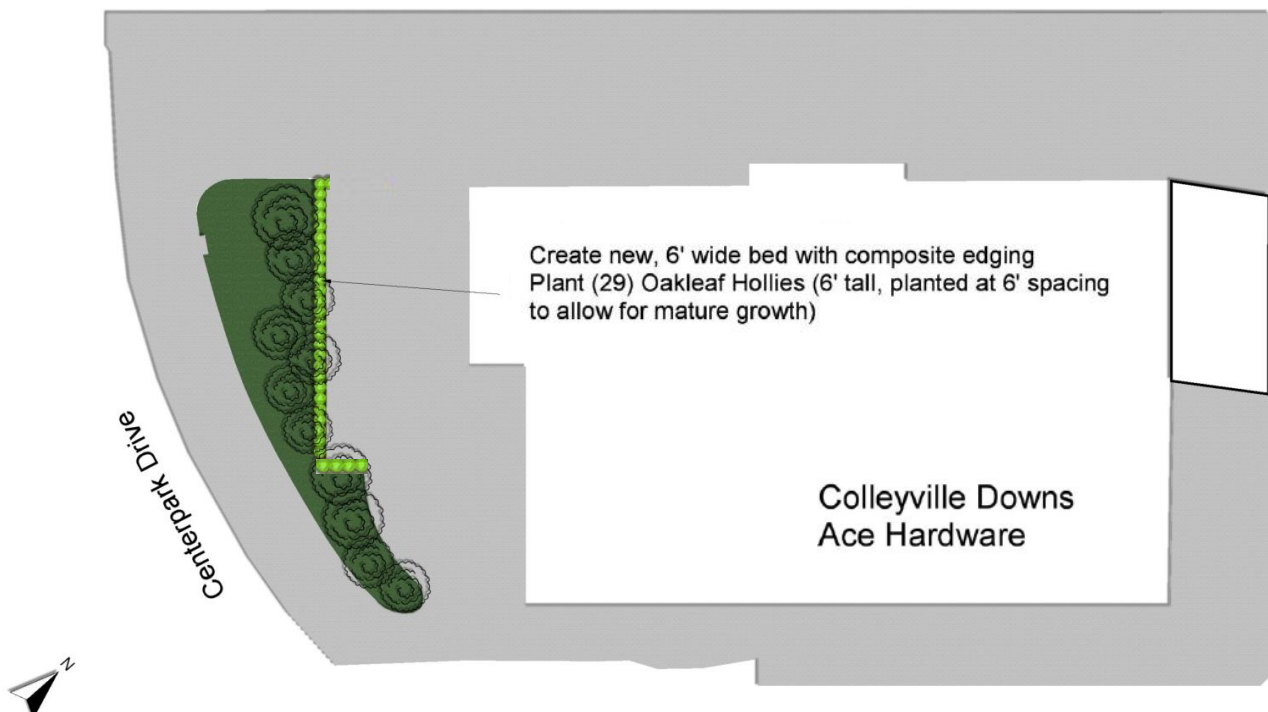
Amendment to Ordinance O-08-1660

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.

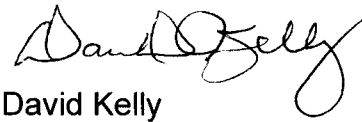
The second reading and public hearing being conducted on the _____ day of _____ 2008.

ATTEST:



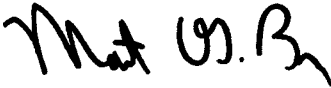
Cynthia Singleton, TRMC, CMC
City Secretary

CITY OF COLLEYVILLE



David Kelly
Mayor

APPROVED AS TO FORM AND LEGALITY:



Matthew C. G. Boyle
City Attorney

Exhibit A – Location and Zoning Map

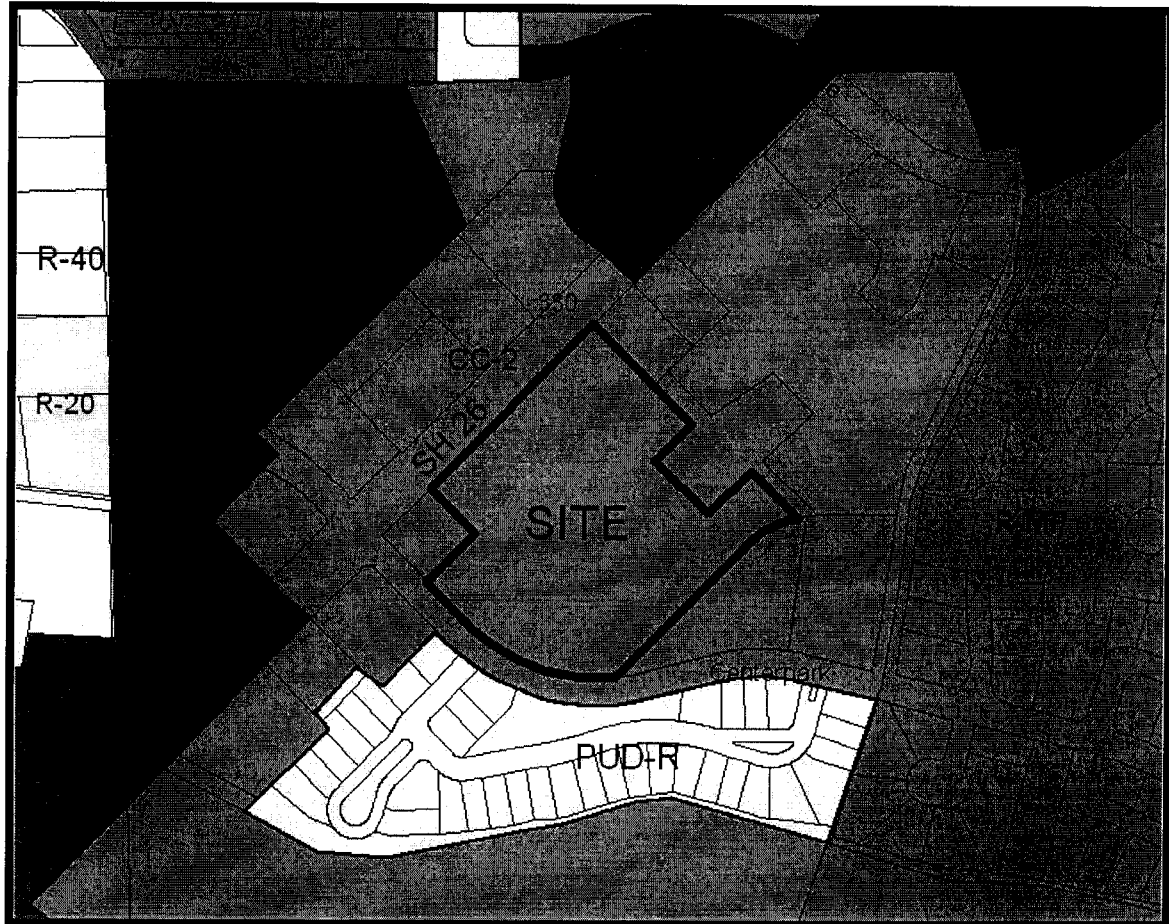
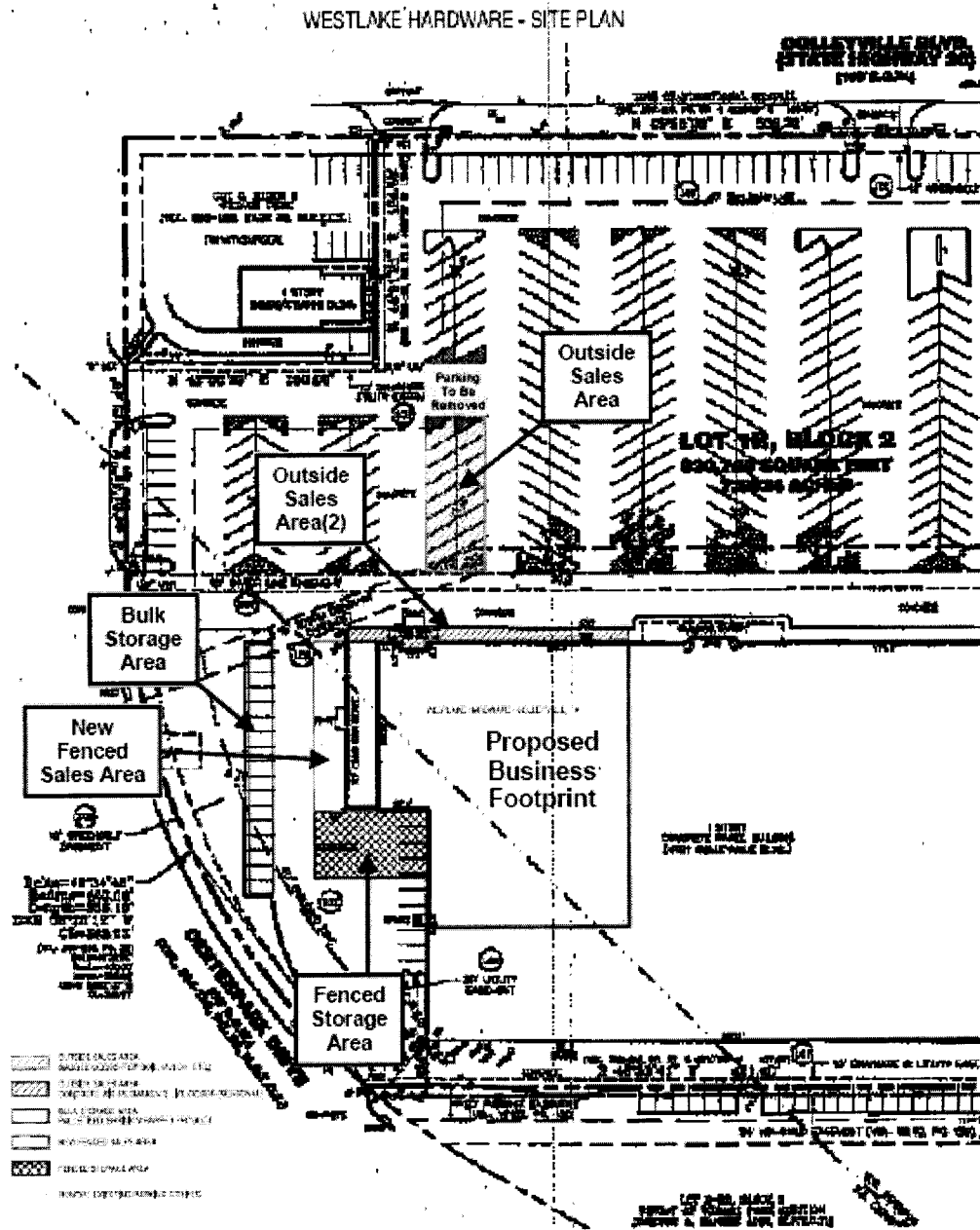


Exhibit B – Site Plan



ORDINANCE O-15-1954

AMENDING ORDINANCE O-08-1660 CONDITIONS; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00); AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City 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

- b. All outdoor storage areas shall conform to the descriptions and locations shown on the attached Exhibit "B".
- 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

- c. **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 Ordinance O-08-1660 shall remain in full force and effect except where 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

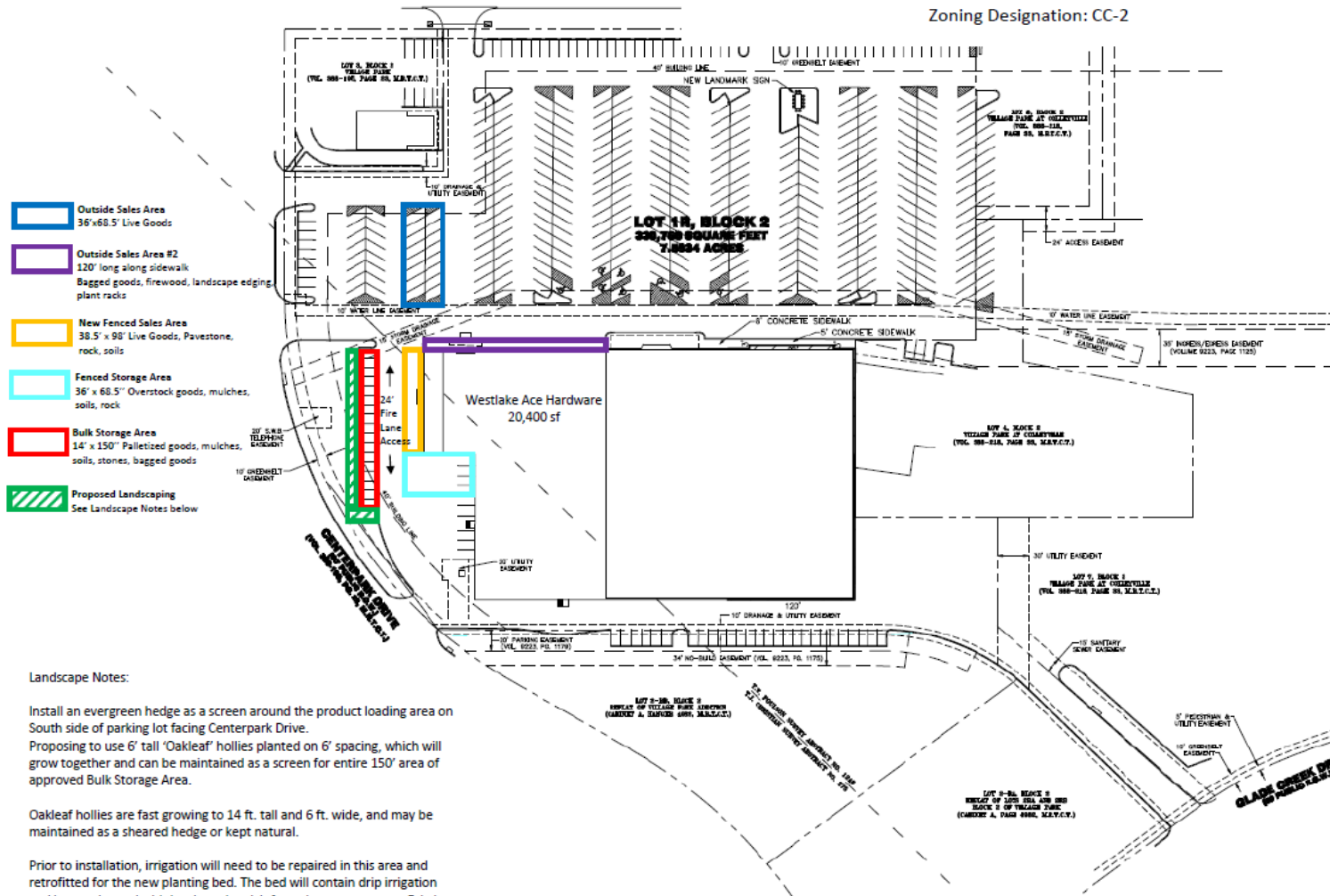
APPROVED AS TO FORM AND LEGALITY:

Matthew C. G. Boyle
City Attorney

The map displays a residential area in Colleyville, Texas. The subject property is a large, irregularly shaped lot outlined in black, located at the intersection of Centerpark and Creekview Ln. It is zoned CC-2. Surrounding properties are labeled with their addresses and zoning codes. To the north is Colleyville Blvd, and to the east is Glade Creek Dr. A north arrow is in the bottom left, and the City of Colleyville logo is in the bottom right.

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



Scale
1" = 96'
25" = 24'

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
972-338-0822

Applicant:

Westlake Hardware, Inc.
34000 Marshall Drive
Lenexa, KS 66215
Contact: Jenna Bobrukiewicz
913-688-8438 x2279

WESTLAKE
ACE
Hardware
Store Development



City of Colleyville City Council Agenda Briefing

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

Agenda Number 5e

Agenda Date 05/05/2015

Number Ordinance O-15-1955

Type Ordinance

Department Community Development

Title

Approval of a boundary adjustment between the City of Euless and the City of Colleyville

Strategy Map Connection

B3 - Utilize partnerships to implement cost-effective service solutions.

Explanation

First Reading and Public Hearing

The City of Euless has requested that the City of Colleyville transfer 2.045 acres of Heritage Avenue right-of-way to the City of Euless through a boundary adjustment agreement. The right-of-way is located at the intersection of Heritage Avenue and Cheek-Sparger Road and extends approximately 1,349 feet to the north along Heritage Avenue. Fifty five (55) feet of right-of-way width is being transferred to Euless along the Heritage Avenue corridor with additional square footage at the southern boundary to accommodate future intersection improvements within Euless.

Background. On March 20, 2012, a boundary adjustment was approved by the City Council per attached Ordinance O-12-1828 to incorporate 4.4 acres from the City of Euless into the City of Colleyville. The property is located at the northwest corner of Heritage Avenue (formerly Woodpark Lane) and Cheek-Sparger Road. The purpose of the boundary adjustment was to enable more effective physical development of the subject property and to improve the intersection alignment of Cheek-Sparger Road and Heritage Avenue (formerly Woodpark Lane) at a perpendicular angle.

Boundary Agreement. Upon adoption of this ordinance and agreement, a portion of Heritage Avenue between Cheek-Sparger Road and Glade Road will be within the corporate boundaries of Colleyville and a portion will be within the corporate boundaries of Euless. Colleyville and Euless each agree to allow the drive approaches or other curb cuts onto Heritage Avenue to allow development within the other City's corporate boundaries, unless strictly precluded by traffic safety considerations and regulations. Colleyville and Euless agree to maintain all portions of Heritage Avenue within their respective City Limits. Colleyville and Euless agree that Heritage Avenue shall remain named Heritage Avenue unless otherwise agreed to by both Cities.

City of Euless. The City of Euless has scheduled consideration of the boundary

adjustment agreement on the May 12, 2015, City Council meeting agenda.

Master Thoroughfare Plan Amendment. Upon approval of the proposed boundary adjustment agreement, staff will initiate amendments to the Master Thoroughfare Plan in order to adjust the terminus points of Heritage Avenue and to remove the special consideration intersection at Heritage Avenue and Cheek-Sparger Road, which will be located within Euless.

Financial Impact

There is no financial impact to the City.

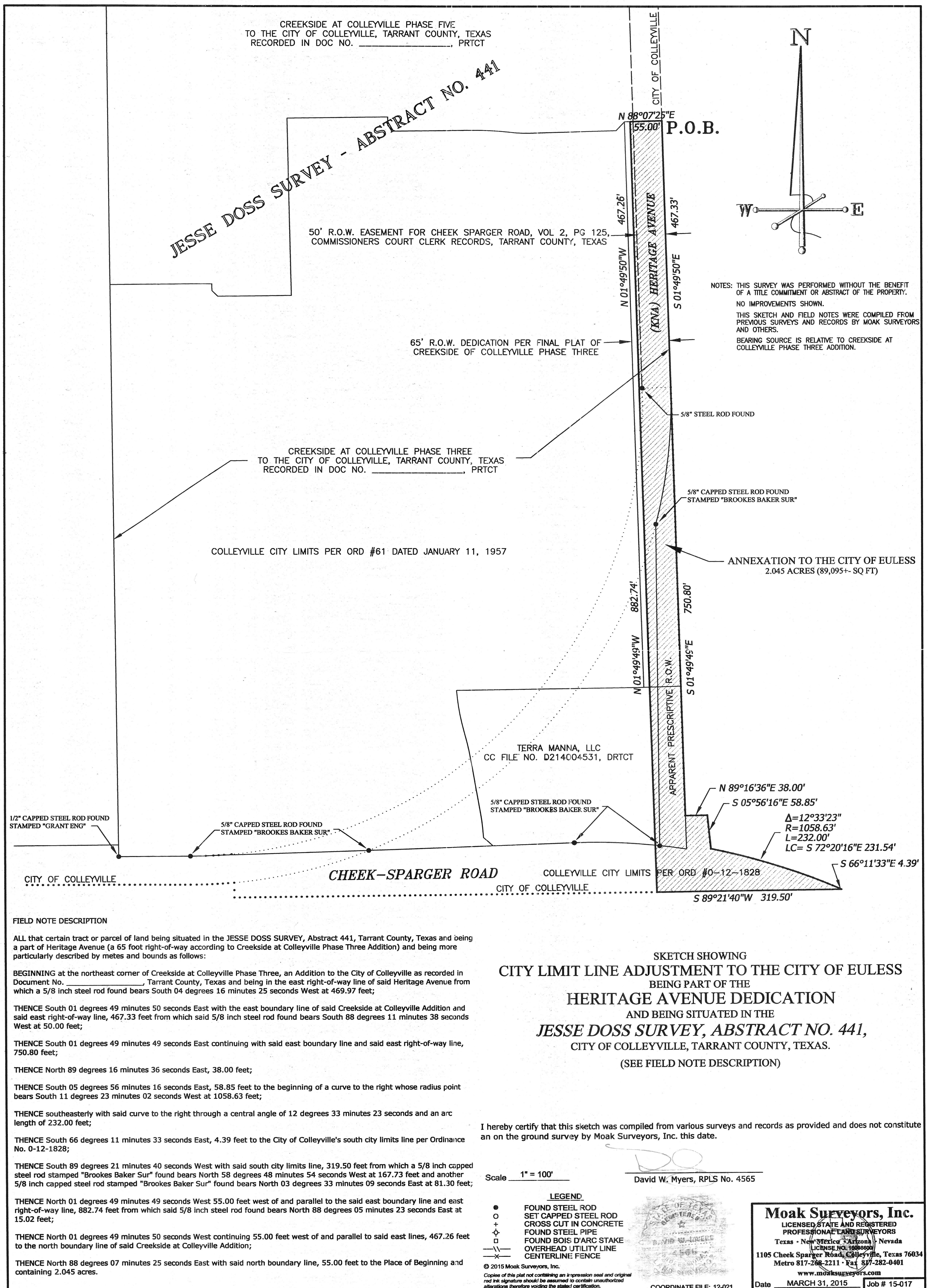
Recommendation

Approve

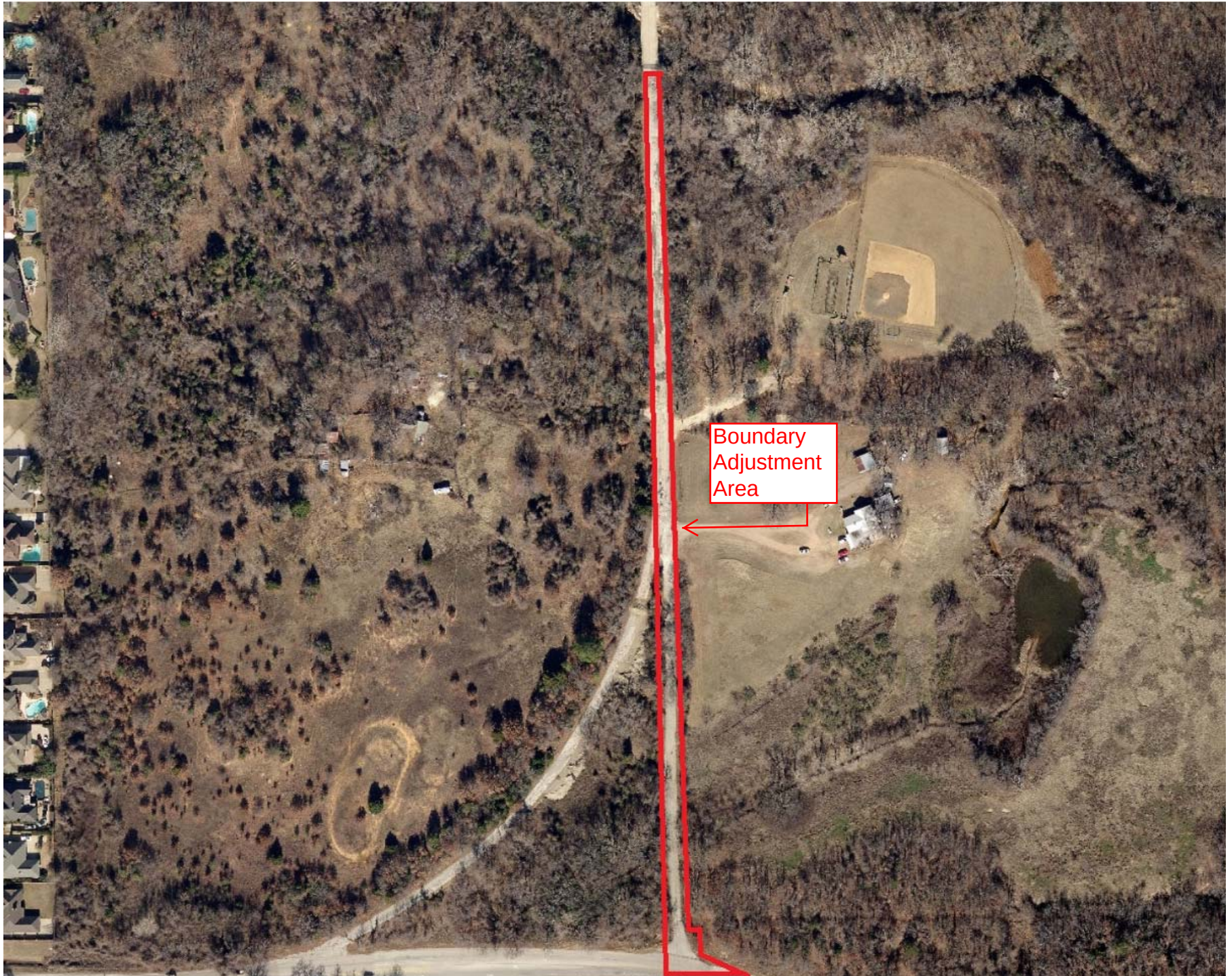
Attachments

1. Boundary Adjustment Exhibit
2. Location Exhibit
3. Ordinance O-12-1828
4. Ordinance O-15-1955

Boundary Adjustment Exhibit



Location Exhibit



CITY OF COLLEYVILLE ORDINANCE NO. 0-12-1828
CITY OF EULESS ORDINANCE NO. 1945
JOINT ORDINANCE AND BOUNDARY ADJUSTMENT AGREEMENT

STATE OF TEXAS §
§
COUNTY OF TARRANT §

WHEREAS, the City of Colleyville, Texas is a home rule municipality located within Tarrant County; and

WHEREAS, the City of Euless, Texas is a home rule municipality located within Tarrant County; and

WHEREAS, pursuant to the authority granted in Section 43.031 of the Texas Local Government Code, as amended, adjacent municipalities may make mutually agreeable changes in their boundaries of areas that are less than 1,000 feet in width; and

WHEREAS, Colleyville and Euless are adjacent; and

WHEREAS, "Tract A", as described and depicted in **Exhibit A**, which is attached hereto and incorporated herein by reference, is uninhabited and is less than 1,000 feet in width; and

WHEREAS, Colleyville and Euless desire to identify mutually agreeable corporate boundaries between the two communities; and

WHEREAS, Colleyville and Euless, in the true spirit of governmental cooperation, intend this Joint Ordinance and Boundary Adjustment Agreement to reflect sound growth management principles and interregional planning.

NOW THEREFORE, BE IT ORDAINED AND MUTUALLY AGREED BY THE CITY COUNCIL OF THE CITY OF COLLEYVILLE AND THE CITY COUNCIL OF THE CITY OF EULESS:

SECTION 1.

The findings set forth above are incorporated into the body of this ordinance and agreement as if fully set forth herein.

SECTION 2.

Pursuant to Section 43.031 of the Texas Local Government Code, Tract A, as described and depicted in **Exhibit A**, shall be released from the corporate boundaries of Euless and simultaneously incorporated into the corporate boundaries of Colleyville.

SECTION 3.

The laws of the State of Texas shall govern the interpretation, validity, performance, and enforcement of this ordinance and agreement. The parties agree that exclusive venue shall lie in Tarrant County, Texas for any dispute arising out of this ordinance and agreement. Before a suit is filed by either party based on or pertaining to this ordinance and agreement, the parties agree that they will submit the dispute for mediation, pursuant to the procedure described in Section 154.023 of the Texas Civil Practice and Remedies Code, as amended.

SECTION 4.

The effective date of this ordinance and agreement shall be the last day this ordinance and agreement is approved by a party hereto as indicated on the signature blocks below.

SECTION 5.

Either party may file a certified copy of this ordinance and agreement in the real property records of Tarrant County, Texas.

SECTION 6.

It is expressly understood and agreed that, in the execution of this ordinance and agreement, no party waives, nor shall be deemed hereby to have waived, any immunity or defense that would otherwise be available to it against claims arising in the exercise of governmental powers and functions. By approving this ordinance and agreement, the parties do not create any obligations, express or implied, other than those set forth herein, and this ordinance and agreement shall not create any rights in parties not signatories hereto.

SECTION 7.

This ordinance shall be cumulative of all provisions of ordinances of the cities of Colleyville, Texas, and Euless, Texas except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 8.

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

SECTION 9.

Should this ordinance and agreement for any reason be ineffective as to any part of the area hereby incorporated into the City of Colleyville, such ineffectiveness of this ordinance and agreement as to any such part or parts of any such area shall not affect the effectiveness of this ordinance and agreement as to the remainder of such area. The Colleyville City Council hereby declares it to be its purpose to include as part of the City of Colleyville every part of the area described in Exhibit A of this ordinance and agreement, regardless of whether any part of such described area is hereby not effectively annexed into the City. Provided, further, that if there is included within the general description of territory set out in Exhibit A of this ordinance and agreement to be hereby annexed into the City of Colleyville any lands or area which are presently part of and included within the limits of the City of Colleyville, or which are presently part of and included within the limits of any other city other than the City of Euless, or which are not within the City of Colleyville's jurisdiction to annex, the same is hereby excluded and excepted from the territory to be annexed hereby as fully as if such excluded and excepted area were expressly described herein.

SECTION 10.

The City of Euless and the City of Colleyville do hereby covenant and agree to protect, preserve and defend the herein described boundary adjustments.

SECTION 11.

This Joint Ordinance and Boundary Adjustment Agreement, upon adoption by both cities, shall be executed in duplicate originals by the Mayor of each City.

APPROVED by the City Council of The City of Colleyville, Texas, at its meeting held on the 20th day of March 2012.

CITY OF COLLEYVILLE, TEXAS

By: David Kelly
David Kelly, Mayor

ATTEST:

By:

Cynthia Singleton, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Matthew C.G. Boyle
Matthew C.G. Boyle, City Attorney

PRESENTED AND PASSED ON FIRST AND FINAL READING at a regular meeting of the Euless City Council on the 28 day of February 2012, by a vote of 5 ayes, 0 nays and 0 abstentions.

CITY OF EULESS

By: Mary Lib Saleh
Mary Lib Saleh, Mayor

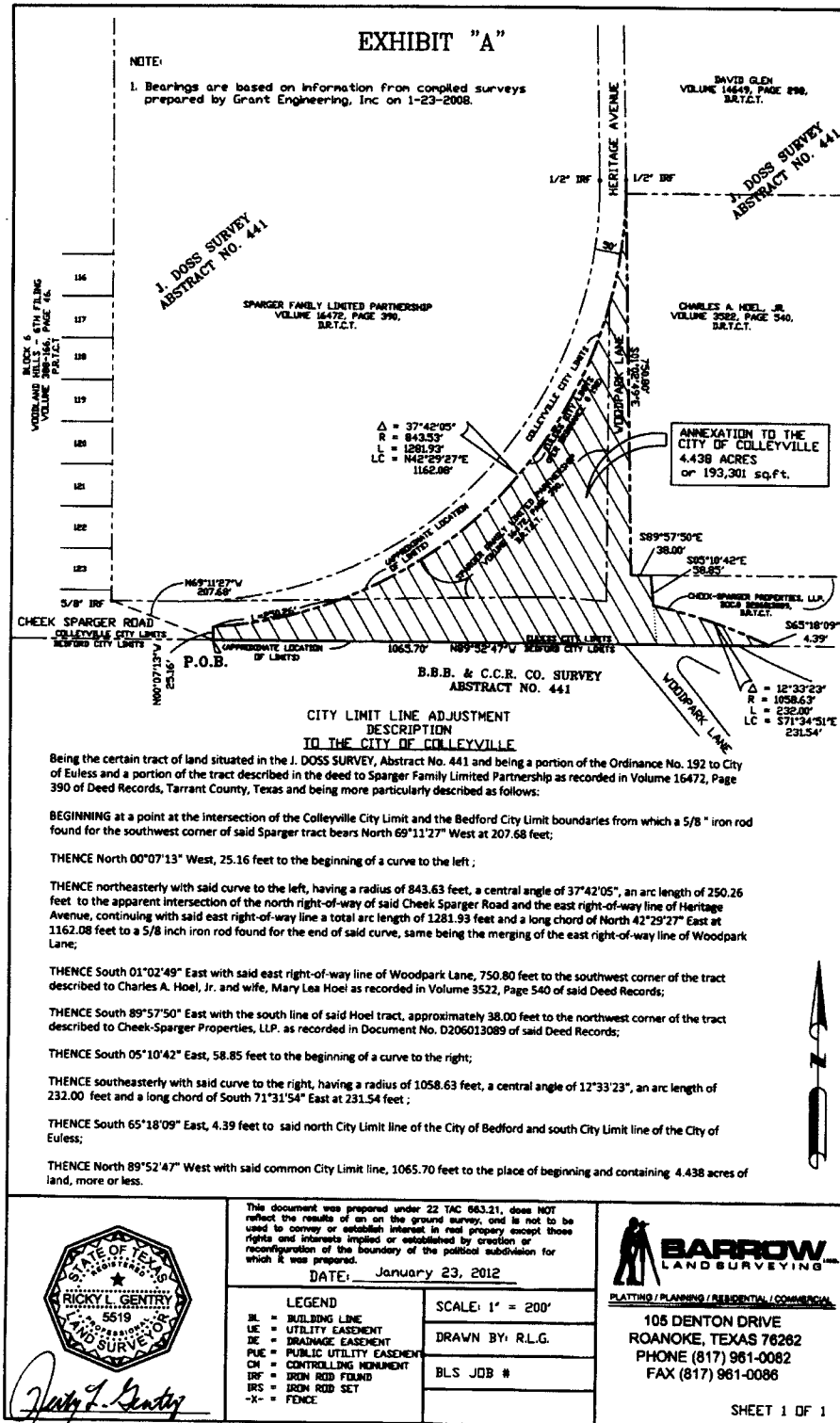
ATTEST:

By: Kim Sutter
Kim Sutter, TRMC, City Secretary

APPROVED AS TO FORM AND LEGALITY:

By: Wayne K. Olson
Wayne K. Olson, City Attorney

EXHIBIT A "TRACT A"



CITY OF COLLEYVILLE ORDINANCE NO. O-15-1955
CITY OF EULESS ORDINANCE NO. 2063
JOINT ORDINANCE AND BOUNDARY ADJUSTMENT AGREEMENT

STATE OF TEXAS §
 §
COUNTY OF TARRANT §

WHEREAS, the City of Colleyville, Texas is a home rule municipality located within Tarrant County; and

WHEREAS, the City of Euless, Texas is a home rule municipality located within Tarrant County; and

WHEREAS, pursuant to the authority granted in Section 43.031 of the Texas Local Government Code, as amended, adjacent municipalities may make mutually agreeable changes in their boundaries of areas that are less than 1, 000 feet in width; and

WHEREAS, Colleyville and Euless are adjacent; and

WHEREAS, the cities previously entered into City of Colleyville Ordinance No. O-12-1828 and City of Euless Ordinance No. 1945, Joint Ordinance and Boundary Agreement and now desire to revise the boundaries established by that Agreement; and

WHEREAS, Colleyville and Euless desire to identify mutually agreeable corporate boundaries between the two communities; and

WHEREAS, Colleyville and Euless, in the true spirit of governmental cooperation, intend this Joint Ordinance and Boundary Adjustment Agreement to reflect sound growth management principles and interregional planning; and

WHEREAS, Colleyville and Euless want to make other commitments as part of this Agreement to promote the efficient delivery of service, and sound regional growth.

NOW THEREFORE, BE IT ORDAINED AND MUTUALLY AGREED BY THE CITY COUNCIL OF THE CITY OF COLLEYVILLE AND THE CITY COUNCIL OF THE CITY OF EULESS:

SECTION 1.

The findings set forth above are incorporated into the body of this ordinance and agreement as if fully set forth herein.

SECTION 2.

Pursuant to Section 43.031 of the Texas Local Government Code, the area described and depicted in **Exhibit A** shall be released from the corporate boundaries of Colleyville and simultaneously incorporated into the corporate boundaries of Euless.

SECTION 3.

Upon adoption of this ordinance and agreement, a portion of Heritage Avenue between Cheek-Sparger Road and Glade Road will be within the corporate boundaries of Colleyville and a portion will be within the corporate boundaries of Euless. Colleyville and Euless each agree to allow the drive approaches or other curb cuts onto Heritage Avenue to allow development within the other City's corporate boundaries, unless strictly precluded by traffic safety considerations and regulations. Colleyville and Euless agree to maintain all portions of Heritage Avenue within their respective City Limits. Colleyville and Euless agree that Heritage Avenue shall remain named Heritage Avenue unless otherwise agreed to by both Cities.

SECTION 4.

The laws of the State of Texas shall govern the interpretation, validity, performance, and enforcement of this ordinance and agreement. The parties agree that exclusive venue shall lie in Tarrant County, Texas for any dispute arising out of this ordinance and agreement. Before a suit is filed by either party based on or pertaining to this ordinance and agreement, the parties agree that they will submit the dispute for mediation, pursuant to the procedure described in Section 154.023 of the Texas Civil Practice and Remedies Code, as amended.

SECTION 5.

The effective date of this ordinance and agreement shall be the last day this ordinance and agreement is approved by a party hereto as indicated on the signature blocks below.

SECTION 6.

Either party may file a certified copy of this ordinance and agreement in the real property records of Tarrant County, Texas.

SECTION 7.

It is expressly understood and agreed that, in the execution of this ordinance and agreement, no party waives, nor shall be deemed hereby to have waived, any immunity or defense that would otherwise be available to it against claims arising in the exercise of governmental powers and functions. By approving this ordinance and agreement, the parties do not create any obligations, express or implied, other than those set forth herein, and this ordinance and agreement shall not create any rights in parties not signatories hereto.

SECTION 8.

This ordinance shall be cumulative of all provisions of ordinances of the cities of Colleyville, Texas, and Euless, Texas except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 9.

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

SECTION 10.

Should this ordinance and agreement for any reason be ineffective as to any part of the area hereby incorporated into the City of Euless, such ineffectiveness of this ordinance and agreement as to any such part or parts of any such area shall not affect the effectiveness of this ordinance and agreement as to the remainder of such area. The Euless City Council hereby declares it to be its purpose to include as part of the City of Euless every part of the area described in Exhibit A of this ordinance and agreement, regardless of whether any part of such described area is hereby not effectively annexed into the City of Euless. Provided further, if there is included within the general description of territory set out in Exhibit A of this ordinance and agreement to be hereby annexed into the City of Euless any lands or area which are presently part of and included within the limits of the City of Euless, or which are presently part of and included within the limits of any other city other than the City of Colleyville, or which are not within the City of Euless' jurisdiction to annex, the same is hereby excluded and excepted from the territory to be annexed hereby as fully as if such excluded and excepted area were expressly described herein.

SECTION 11.

The City of Euless and the City of Colleyville do hereby covenant and agree to protect, preserve and defend the herein described boundary adjustments.

SECTION 12.

This Joint Ordinance and Boundary Adjustment Agreement, upon adoption by both cities, shall be executed in duplicate originals by the Mayor of each City.

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.

CITY OF COLLEYVILLE, TEXAS

By: _____
David Kelly, Mayor

ATTEST:

Amy Shelly, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Matthew C. G. Boyle, City Attorney

PRESENTED AND PASSED ON FIRST AND FINAL READING at a regular meeting of the Euless City Council on the _____ day of _____, 2015, by a vote of _____ ayes, _____ nays and _____ abstentions.

CITY OF EULESS, TEXAS

By: _____
Linda Martin, Mayor

ATTEST:

Kim Sutter, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Wayne K. Olson, City Attorney



City of Colleyville City Council Agenda Briefing

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

Agenda Number 7

Agenda Date 05/05/2015

Type Report

Department City Secretary

Title

Colleyville Events Steering Committee meeting minutes - September 24, 2014
Planning and Zoning Commission meeting minutes - March 23, 2015

Attachments

1. Colleyville Events Steering Committee meeting minutes - September 24, 2014
2. Planning and Zoning Commission Meeting Minutes - March 23, 2015



City of Colleyville

Colleyville Events Steering Committee Minutes

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

Wednesday, September 24, 2014
4:30 p.m.

Colleyville Public Library
110 Main Street

1. CALL TO ORDER

Chair Amy Redfearn called to order the Colleyville Events Steering Committee meeting at 4:34 p.m.

ROLL CALL

Present: Chair Amy Redfearn, Vice Chair Patti Tanaka, Mary Lou Dove, Ryan Milakovich. Staff Present: Library and Recreation Director Mary Rodne, Recreation Manager Lisa Escobedo, Administrative Assistant Kathy Moore, and Administrative Assistant Kristi Isbell.

Absent: Manjiri Joshi, J. Walt Mills, Sandra McIntosh

2. APPROVAL OF MINUTES

July 23, 2014

A motion was made by Mary Lou Dove and seconded by Ryan Milakovich to approve the July 23, 2014 minutes as presented. The motion carried with a unanimous vote.

3. REGULAR AGENDA ITEMS

3a Discussion and Update on Special Events

Library and Recreation Director Mary Rodne stated that during her presentation to City Council regarding upcoming events, Council confirmed the desire to host City events on the grounds surrounding Colleyville Center. Rodne stated that the concert format for the City's patriotic event will remain the same and that The Vocal Majority has been booked for Red, White & Sousa on Friday, June 26, 2015.

Rodne stated that the following changes/additions are being considered for Red, White & Sousa 2015: additional reserved seating tables, laser light show, and additional sponsorship opportunities.

Discussion regarding the laser light show centered on the timing. Rodne stated the event start time of 8:00 p.m. has allowed The Vocal Majority members adequate

travel time across the metroplex. Rodne explained that the laser light show, as a consequence, would not begin until approximately 10:00 p.m. and she requested feedback on the desirability of a late event.

Ryan Milakovich questioned whether a laser light show, or any post-concert activity, is appropriate because of aforementioned description of Red, White and Sousa events drawing a more adult crowd, than other events. Milakovich stated he had been told that crowds gather early and stated efforts could be put into a pre-concert event or activity rather than a post-concert event. Rodne explained that the The Vocal Majority sound check would prohibit another act from performing on the stage. Patti Tanaka suggested a deejay with some sort of interactive games and Mary Lou Dove suggested a radio station. Amy Redfearn suggested roving performers like a balloon artist, face painter, juggler, stilt walker, and/or magician.

Redfearn commented that the distribution of glow necklaces was a “unifying” element of the Red, White and Sousa 2014 and stated desire to continue with something similar. Discussion ensued regarding the distribution of free glow items or the merit of allowing a vendor to sell glow items.

Rodne stated the she would research roving performer options and continue researching the laser light show option because it is more feasible than a fireworks presentation that is frequently requested by citizens.

Rodne explained that there has been discussion regarding the elimination of Haunted Trails and the creation of a different fall event located on the grounds of the Colleyville Center. Rodne stated this could provide an opportunity to design a new and unique event with the addition of features such as a Scarecrow Lane or even a run/walk event. The fall event has been scheduled for Saturday, October 17, 2015.

Discussion ensued regarding a manner in which to add a “haunted” element, with suggestions including a haunted trail, haunted house, haunted hayride or mad science lab. Redfearn reminded members of Colleyville’s win in Baylor’s Lifestyle Improvement Challenge, for area cities, and expressed interest in incorporating a haunted run/walk family event. Board members and staff discussed pros and cons and logistics of incorporating a run/walk event including location, route, police and road closures, staffing of multi-faceted event, and chip-timing.

Mary Lou Dove noted the challenges to having a fall event entirely at Colleyville Center with very limited facility use, no access to trail, and lack of tear down time because of weekend facility reservations. Milakovich concurred with Dove citing additional Parks locations that could benefit from the exposure of having a city event

hosted at its site. Milakovich stated the Cottonbelt Trail is an “incredible asset” and should be incorporated into an event.

Amy Redfearn requested a focus on three features to include in the fall event. Members agreed to consider a hayride or run/walk event with haunted theme, and carnival games. Discussion ensued regarding the timing of the event and Dove pointed out that Colleyville Elementary has their Fall Carnival, on the 3rd Saturday of October, in the late afternoon, and was concerned over conflict with such a large, very local, elementary school. Mary Rodne suggested a timeframe similar to Holly Colley’s 4:30 p.m. – 8:30 p.m. Dove questioned whether it was possible to move the event toward the end of September to avoid other fall carnival type of conflicts.

Rodne asked for direction regarding the name and focus of event. Board members unanimously agreed to use something that sets apart from other fall carnivals and preferred something related to scarecrows. Members continued to discuss possibilities of displaying and utilizing scarecrows and gaining sponsorship opportunities.

3b Discussion of Items for Future Agendas

No items were brought forward for future agendas. The Committee agreed to meet again on February 25, 2015.

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

There were no citizen’s comments/presentations regarding items not on the agenda.

5. ADJOURNMENT

Vice Chair Patti Tanaka moved to adjourn the meeting and Mary Lou Dove seconded the motion. The meeting of the Colleyville Events Steering Committee was adjourned at 5:50 p.m.

APPROVED BY A VOTE OF 5 AYES, 0 NAYS, AND 0 ABSTENTIONS ON THIS THE 25th DAY OF March, 2015.

Minutes taken and prepared by:

Kristi Isbell

*Kristi Isbell
Administrative Assistant*



City of Colleyville Planning and Zoning Commission Minutes

City Hall
100 Main Street
Colleyville, Texas 76034
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 contingent upon the following conditions: 1.) Trail 27 must remain, and 2.) an easement for Trail 27 connecting the Woodland Hills trail 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 it is determined that a public easement exists and 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.

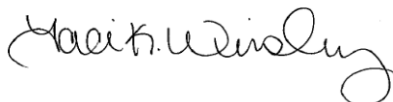
The motion to approve Case PC14-028 carried by the following vote:

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 7-0.

RESOLUTION R-15-3872

**A RESOLUTION APPROVING CITY COUNCIL ACTION
UNDER BUSINESS AT THE REGULAR CITY COUNCIL MEETING OF
MAY 5, 2015**

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

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

Sec. 1. THAT the agenda decisions approved by City Council action under Business this date and not otherwise adopted by Ordinance and/or separate Resolution as follows are hereby adopted:

AND IT IS SO RESOLVED.

APPROVED BY A VOTE OF ____ AYES, ____ NAYS, AND ____ ABSTENTIONS
ON THIS THE 5TH DAY OF MAY 2015.

ATTEST:

CITY OF COLLEYVILLE

Amy Shelley, TRMC
City Secretary

David Kelly
Mayor