



City of Colleyville Planning and Zoning Commission Agenda

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

Monday, August 8, 2016

City Council Chambers

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

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

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

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

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

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

1. APPROVAL OF MINUTES

July 11, 2016

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

3. PUBLIC HEARING AGENDA ITEMS

- 3a** Consideration of a Special Use Permit for Food Packaging and Manufacturing on Lot 8R, Block 1, of the Industrial Park Addition, located at 1904 Industrial Boulevard, Case ZC16-010
- 3b** Consideration of a waiver to certain provisions of Section 5.9 (Minimum Tree Preservation Requirements) of the Land Development Code on Lot 4, Block 2, and Lot 3, Block 1, of the St. Andrews Addition, located at 6004 and 5812 St. Andrews Court, Case GC16-006

4. ADJOURNMENT

I hereby certify this agenda was posted on City Hall bulletin boards Friday, August 5, 2016 by 5:00 p.m.

Araceli Botello
Planning Technician

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

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

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



City of Colleyville Planning and Zoning Commission Minutes

City Hall
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Colleyville, Texas 76034
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www.colleyville.com

Monday, July 11, 2016

City Council Chambers

CALL MEETING TO ORDER

The Planning and Zoning Commission meeting of the City of Colleyville was called to order by the Chairman Byerly on July 11, 2016, at 7:00p.m.

Roll Call

Present: Commissioners, Carel Tornes, David Wheelwright, Jason Elms, Jim Gotcher, Jeff Byerly and David Phelps

Absent: Commissioner Don Davis

Staff Present: Shane Pace, Oscar Chavez, Cheryl Taylor, Rob McKeown, Caleb Tandy, Chris Fuller, Araceli Botello, and Matthew Butler (City Attorney)

1. APPROVAL OF MINUTES

Commissioner Phelps made a motion to approve the June 13, 2016 minutes as written. Commissioner Gotcher seconded.

The motion to approve the June 13, 2016 minutes as written carried by the following vote:

Aye: 6 –Tornes, Wheelwright, Elms, Gotcher, Phelps, and Byerly

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

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

3. CONSENT AGENDA ITEMS

3a Consideration of a replat on Lots 1 and 2, Block 1, of the Covenant Christian Academy Addition, located at 901 Cheek- Sparger Road, and Lot 5, Block 3, of the Southgate Addition, located at 3709 Wayne Drive, Case PC16-002

Commissioner Tornes made a motion to approve Case PC16-002. Commissioner Gotcher seconded.

The motion to approve carried by the following vote:

Aye: 6 – Tornes, Wheelwright, Elms, Gotcher, Phelps, and Byerly

4. PUBLIC HEARING AGENDA ITEMS

- 4a** Consideration of a waiver to certain provisions of Section 5.9 Minimum Tree Preservation Requirements of the Land Development Code on Lots 1-12, Block 1, and 2 Common Areas, of the Villas at Windsor Steele Addition, located at 5011, 5101, 5105, 5109, 5015, 5113, 5117, 5121, 5125, 5129, 5133, 5137, 5141, and 5145 Roberts Road, Case GC16-004

Shane Pace presented the case and briefed the Commission.

The public hearing was opened at 7:15 p.m.

The applicant, Todd Atwood, 4201 North State Highway 161, Irving Texas came forward and briefed the Commission.

Kathy Hadley, 204 North Timberline Drive, came forward and spoke in opposition to this case.

There being no others present wishing to speak, the public hearing was closed at 7:28 p.m.

Commissioner Phelps made a motion to approve Case GC16-004 with the following conditions: 1) All front yard and open space trees shall be of 6 inch caliper or greater; 2) One additional 3 inch caliper tree shall be planted in the rear yard of lots 1, 2, 3, 4, 6, 10, 11, and 12. Commissioner Gotcher seconded.

The motion to approve Case GC16-004 with the following conditions: 1) All front yard and open space trees shall be of 6 inch caliper or greater; 2) One additional 3 inch caliper tree shall be planted in the rear yard of lots 1, 2, 3, 4, 6, 10, 11, and 12, carried by the following vote:

Aye: 5 – Wheelwright, Elms, Gotcher, Phelps, and Byerly

Nay: 1 - Tornos

5. ADJOURNMENT

The meeting adjourned at 7:59 p.m.

The minutes were written and prepared by:



Araceli Botello
Planning Technician

The meeting minutes were approved on _____, 2016 by a vote of ____.



City of Colleyville Planning and Zoning Commission Agenda Briefing

City Hall
100 Main Street
Colleyville, Texas 76034
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Agenda Number 3a	Agenda Date 08/08/2016	Number
Type Public Hearing Agenda Items		
Department Community Development		

Title

Consideration of a Special Use Permit for Food Packaging and Manufacturing on Lot 8R, Block 1, of the Industrial Park Addition, located at 1904 Industrial Boulevard, Case ZC16-010

Explanation

Todd White, the applicant, has submitted a request for a Special Use Permit (SUP) to allow a Food Packaging and Manufacturing business at 1904 Industrial Boulevard, Suite 103. The subject property is zoned ML-Light Manufacturing district. A Food Packaging and Manufacturing business is allowed in the ML-Light Manufacturing zoning district with the approval of an SUP.

Existing Conditions/Background: The subject property is currently known as the Colleyville Technical Center and is developed as an approximately 13,400 square foot commercial building with a mix of office, light manufacturing, and warehouse uses. Per the attached site plan and floor plan exhibits, the proposed business would occupy 1,500 square feet of lease space that is currently vacant.

Proposed Business: Per the attached Statement of Planning Objectives the proposed name of the business is "Trulee Foods". The business currently has six employees and plans to relocate from Southlake to Colleyville upon approval of the Special Use Permit request.

According to the Statement of Planning Objectives the business will manufacture, package, and ship "Bliss Bites", a superfood dessert currently sold in Central Market grocery stores throughout Texas, with plans to begin selling in Market Street grocery stores in the near future.

The applicant has indicated that no cooking of food will take place on the premises. The process primarily consists of mixing ingredients, packaging, and shipping.

Ordinance – Chapter 3 (Land Use) of the Land Development Code identifies the purpose of a Special Use Permit as:

"The purpose of a Special Use Permit is to allow a use not normally allowed in a zoning district, which could be of benefit in a particular case to the general welfare, provided adequate development standards and special requirements are imposed to protect surrounding uses or to preserve the character of the neighborhood."

Analysis – The Special Use Permit request up for consideration is consistent with the land uses located on the subject property, and the governing zoning district. Based on the information provided by the applicant, the business appears to be a low intensity land use with few employees and standard hours of operation. Although residential adjacency exists to the east (Ross Downs Estates), the proposal does not appear to be of a nature anticipated to adversely impact the adjacent residential properties.

Hours of Operation: According to the applicant, the business will generally operate during the following hours:

- 8:00 am to 6:00 pm

Parking: The attached site plan identifies 43 parking spaces provided for 1904 Industrial Boulevard. The Land Development Code does not prescribe a specific parking ratio for the proposed land use. Rather, Chapter 3 of the Land Development Code states that the number of parking spaces for a Food Packaging and Manufacturing land use be established "*As set by the SUP or PUD approved ordinance*". Based on the limited number of employees, the nature of the business, and no overnight parking of distribution trucks on the premises, staff recommends a parking ratio commensurate to a general office land use. This requirement is one parking space per 300 square feet of gross floor area. Utilizing this ratio, five parking spaces will be required for the proposed. Chapter 3 of the Land Development Code states that the assigned parking group is "*As set by the SUP or PUD approved ordinance*"

Comprehensive Plan: The City's comprehensive plan, *Destination Colleyville*, identifies the subject property within the Upper Sector of the Colleyville Boulevard Corridor. This area is encouraged to evolve over time into a more attractive and cohesive section of the Corridor. The current land uses are characterized by auto-service and light industrial uses. However, a focus on transitioning to flex offices, garden offices, and retail services would create some redevelopment activity in an area of the Corridor that would benefit from incremental changes.

Surrounding Development: The table below reflects the surrounding zoning and existing land uses for the subject property as further illustrated on the attached location map:

ML-Light Manufacturing (Commercial Buildings)	ML-Light Manufacturing (Commercial Buildings)	PUD-R-Planned Unit Development-Residential (Ross Downs Estates)
ML-Light Manufacturing (Commercial Buildings)	<i>Subject Property</i> ML-Light Manufacturing (Commercial Buildings)	PUD-R-Planned Unit Development-Residential (Ross Downs Estates)
ML-Light Manufacturing (Commercial Buildings)	ML-Light Manufacturing (Commercial Buildings)	PUD-R-Planned Unit Development-Residential (Ross Downs Estates)

Public Notification: Staff mailed notices to all property owners within 200 feet as well

as any Homeowners Associations within 500 feet of the subject property regarding this request. Grapevine-Colleyville 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. To date, no correspondence has been received.

Staff Recommendation: The proposed zoning change is generally consistent with the City's comprehensive plan. Additionally the request is consistent with the land uses located on the subject property and the governing zoning district. Staff recommends approval of the Special Use Permit.

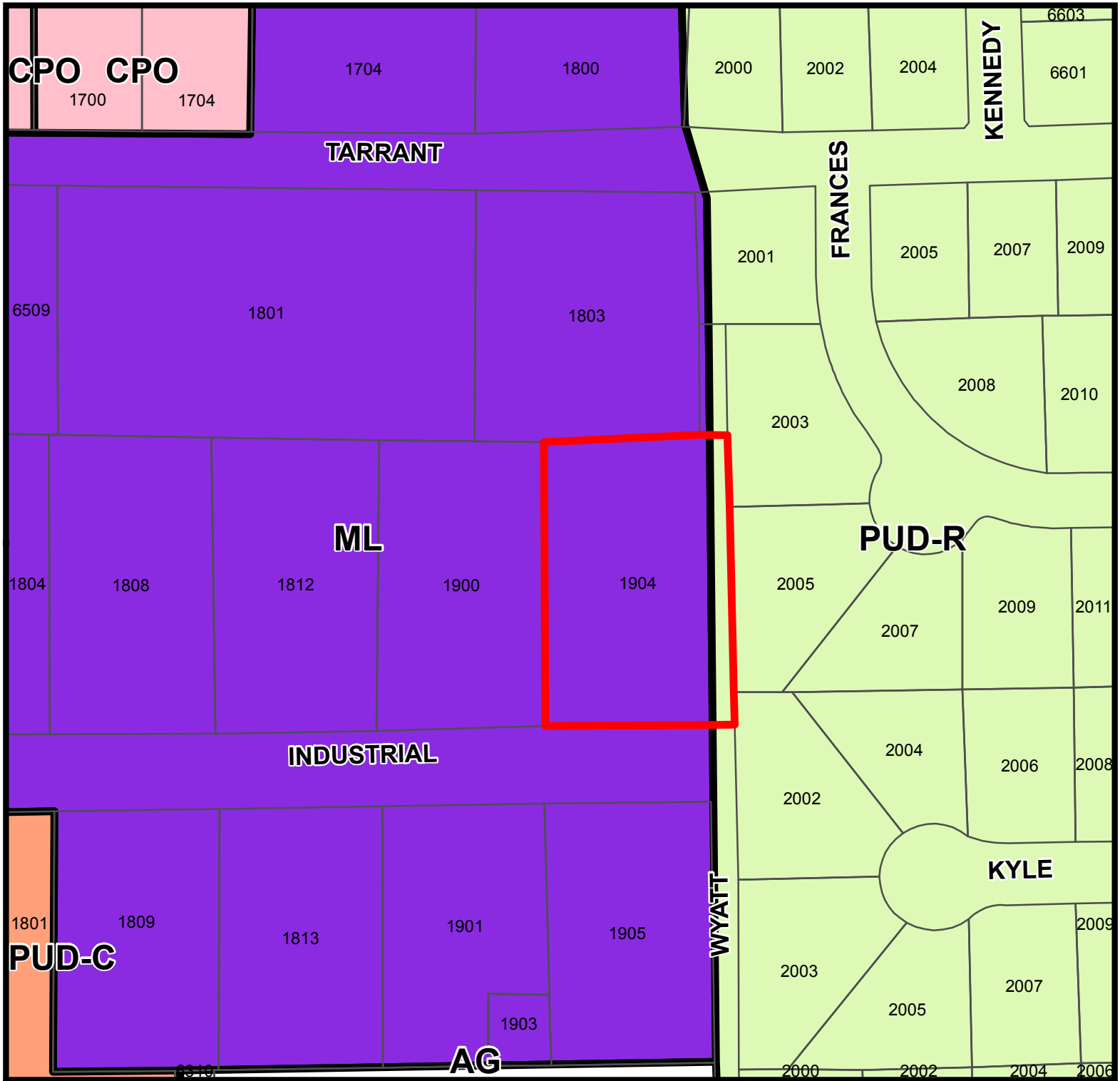
Recommendation

Approve

Attachments

1. Zoning Map
2. Aerial Map
3. Future Land Use Map
4. Statement of Planning Objectives
5. Site Plan
6. Suite 103 Floorplan
7. Executive Summary
8. Notification Map
9. Notification List
10. Draft Ordinance

ZONING MAP



ZC16-010

1904 INDUSTRIAL BLVD. # 103

Legend

Subject Property



1 inch = 125 feet

Vicinity Map



DISCLAIMER: This map and information contained in it were developed exclusively for use by the City of Colleyville. Any use or reliance on this map by anyone else is at that party's risk and without liability to the City of Colleyville, its officials or employees for any discrepancies, errors, or variances which may exist.

AERIAL MAP



ZC16-010

1904 INDUSTRIAL BLVD. # 103



1 inch = 125 feet

Legend



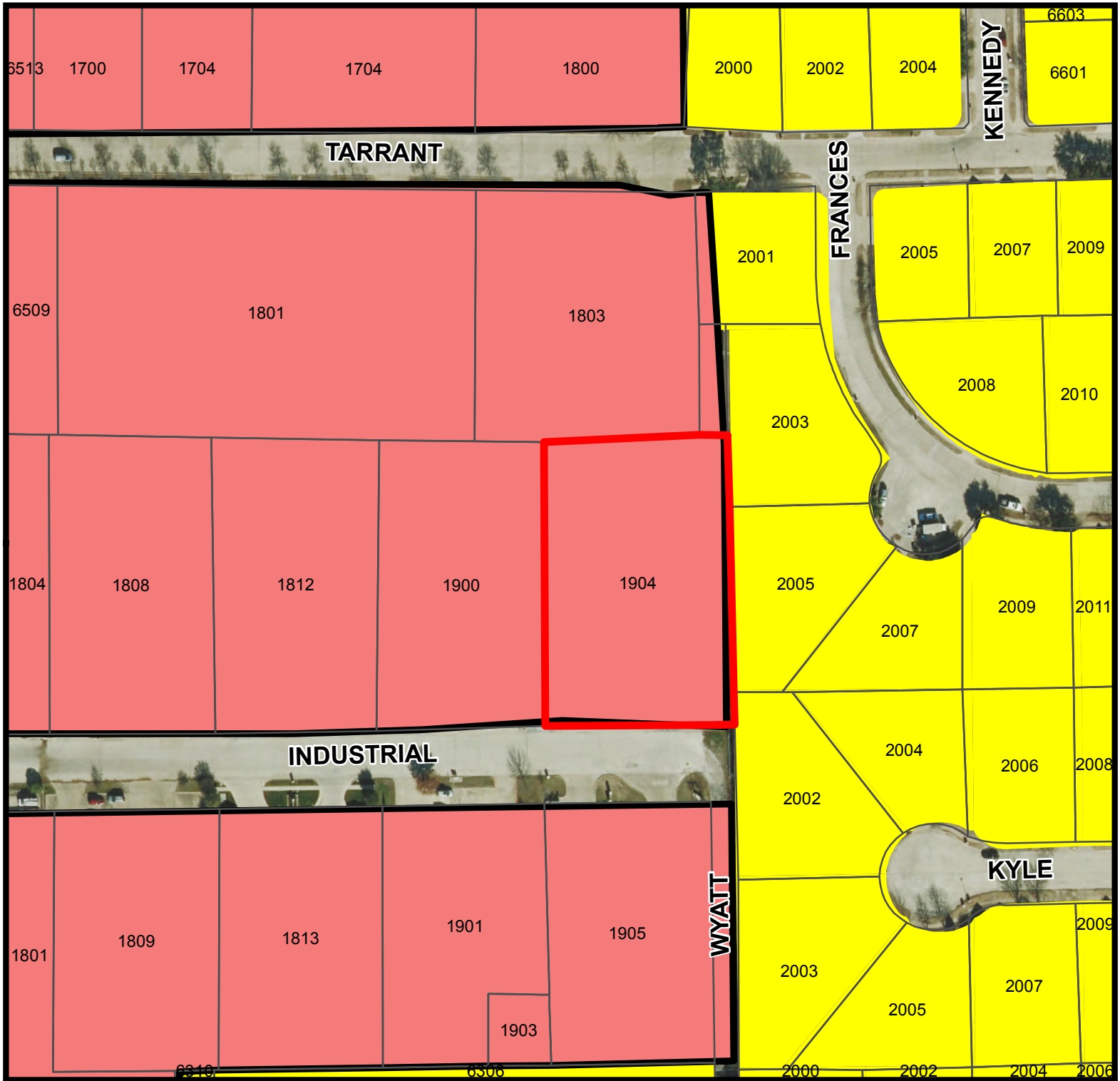
Subject Property

Vicinity Map



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FUTURE LAND USE MAP



ZC16-010

1904 INDUSTRIAL BLVD. # 103

Legend

 Subject Property

 COLLEYVILLE BLVD CORRIDOR

 RESIDENTIAL

 COMMERCIAL

 INSTITUTIONAL

 PARKS/ OPEN SPACE



1 inch = 125 feet

Vicinity Map



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Statement of Planning Objectives

Trulee Foods

Todd White

Chief Operating Officer

1904 Industrial Blvd., Suite 103
Colleyville, TX 76034
844-EAT-HAPPY

City of Colleyville

100 Main Street
Colleyville, TX 76034
817-503-1050

July 13, 2016

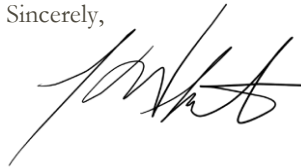
To whom it may concern,

Thank you so much for your consideration of our Special Use Permit.

We are beyond excited to be moving into a dedicated space with our very own loading dock in such a wonderful and business-friendly city! Our company, Trulee Foods, currently creates "Bliss Bites!" superfood desserts - gluten-free, dairy-free, vegan, and incredibly delicious! We pride ourselves on producing organic, raw, all-natural foods that are a key component in helping people achieve a healthy lifestyle. Our founder, Sherry Lee White (my wife), went through an incredible journey of self-healing that has ultimately lead us to this point, and we couldn't be more excited about this next step!

Bliss Bites! are currently available at all Central Market locations across Texas, and will soon be in Market Street as well, which as I'm sure you know, has a location right here in Colleyville. With more product lines on the way, we are anxious to get our new facility in full production mode as soon as possible.

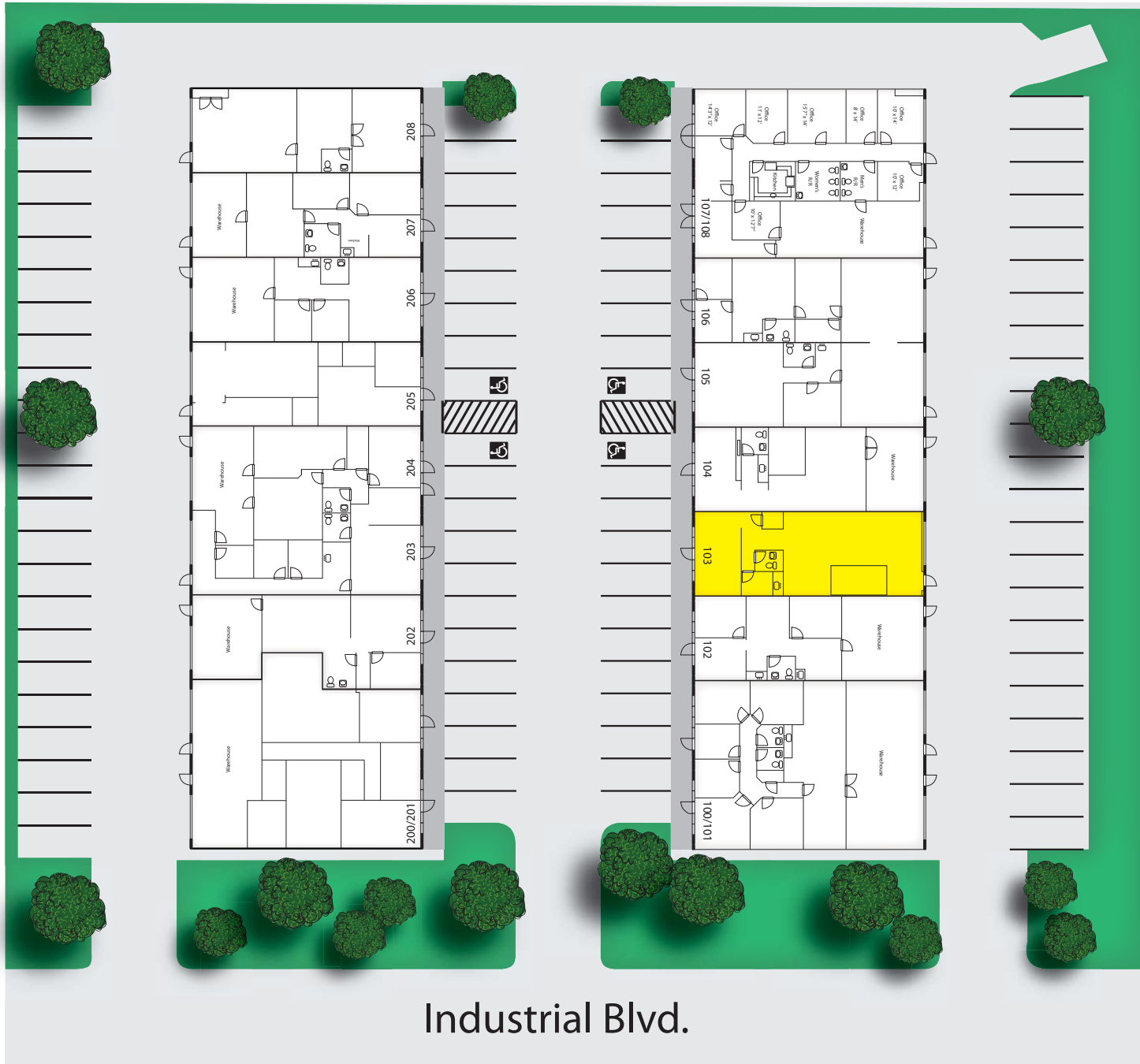
Sincerely,



Todd White

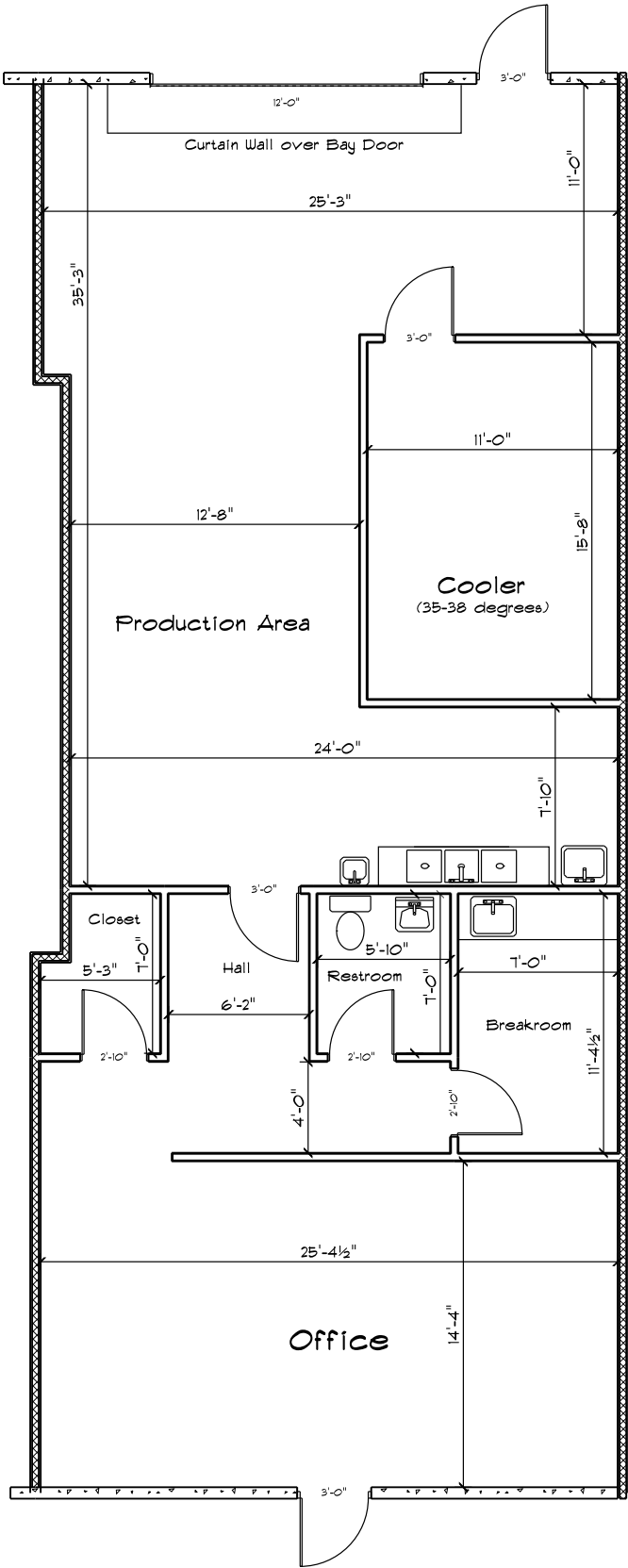
Site Plan

Colleyville Tech Center



Suite 103 Floorplan

Fork That Foods
Colleyville Tech Center Ste 103



CONFIDENTIAL

Fork That Foods Inc.

BUSINESS PLAN



WHERE NUTRITIOUS MEETS DELICIOUS!

PREPARED SEPTEMBER 2015

Contact Information

Sherry White

blissbites.co

**280 Commerce St.
Southlake, TX 76092
844-EAT-HAPPY**

Executive Summary

Overview

Fork That Foods Inc. ("Fork That!" or the "Company") has been steadily growing its Gourmet Superfood Desserts business in the Dallas / Fort Worth metroplex since September 2012. Fork That! began as a dietary consulting company offering a variety of meal plans and cleanse programs to its clients. The popularity of one of the desserts offered was so overwhelming, that Fork That! chose to focus entirely on the (then unnamed) gluten-free, dairy-free, superfood desserts now known as *Bliss Bites!* The home-based business began selling to friends and neighbors in 2013, and by Spring 2014 *Bliss Bites!* were available at local coffee shops and juice bars. Today, you can find them in a variety of local and regional gyms, coffee shops, juice bars, health foods distributors, and grocery stores. Fork That! delivered its first full pallet of *Bliss Bites!* to Central Market in September of 2015. Fork That Foods Inc. is on the verge of even more national accounts, and is poised to expand its market share even more within the next 6 to 9 months.

Background

The story behind Fork That! is actually the story of the company's owner, Sherry Lee White, and her struggle to overcome a debilitating auto-immune disease and clinical depression. For several years, Sherry was crippled with pain in her joints that multiple specialists and even the Mayo Clinic couldn't diagnose. With her joints literally dissolving away on MRI scans, the only treatment the doctors could offer was a course of chemotherapy followed by a lifetime of immuno-suppressant injections, with the possibility of life in a wheelchair. Sherry decided to find a better way. She spent nearly 5 years conducting her own research, and eventually found a big part of the answer was in the food that she ate. By cutting out gluten, dairy, and processed foods, Sherry began to find relief within days of implementing her new lifestyle. After only a month of putting better foods and supplements in her system, Sherry again felt like the healthy

young mother that she was, and Fork That! was born. She made it her mission to bring hope to anyone else suffering under similar circumstances, and bring healthy food options to everyone she could.

Opportunity

Problem

Consumers are actively looking for ready-made, healthier alternatives to the Standard American Diet. Today's explosive gluten-free consumer demand has grown 44% since 2011, and is projected to grow another 48% to \$15.6 billion by 2016. Organic and vegan markets are experiencing similar growth. Current gluten-free, vegan (dairy-free), options are lacking in either taste or nutrition.

Solution

Drawing from her personal experience, Fork That Foods' founder, Sherry Lee White, has created something that the health food market has never seen until now...decadent gourmet desserts that are actually good for you. By using only the highest quality ingredients, and avoiding refined sugars and other processed additives, Fork That! has invented a new way to look at health food. When most people think of "healthy" eating options, they usually assume that taste will be sacrificed. Not so with Fork That Foods' flagship product, *Bliss Bites!* By sourcing the best possible nutrient-dense ingredients to create treats that tantalize the taste buds of foodies and children alike, *Bliss Bites!* achieve the perfect blend of nutritious and delicious.

Who We Sell To

The appeal for healthy desserts is universal. *Bliss Bites!* are the perfect companion to a morning coffee, as an after school snacks for the kids, and go great with an evening glass of wine. Fork That! has been selling *Bliss Bites!* to coffee shops, juice bars, local gyms, and wine shops successfully for the past two years. Our target demographic markets include:

- Health Conscious Individuals
- Coffee Enthusiasts
- Dietary Restricted Individuals (diabetics, celiac, etc.)
- The Wine & Dine Crowd
- Special Needs Individuals (autistic, ADHD, etc.)

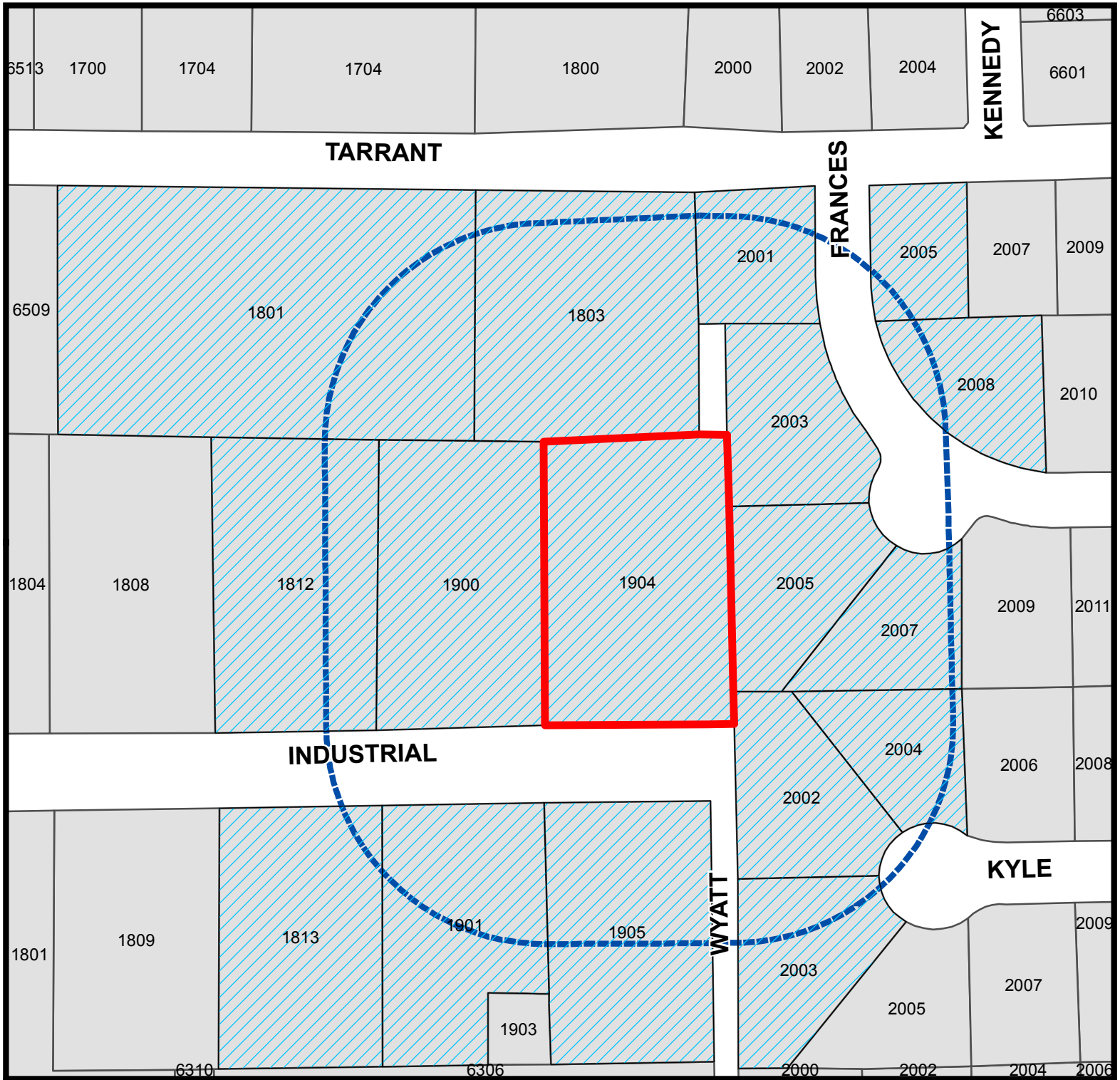
Competition

Several companies offer healthy foods. Several companies offer tasty foods. Very few offer both. Most "healthy" foods available on the market today suffer from either a gross misrepresentation of what it means to be truly healthy, or they sacrifice flavor for better nutrition metrics. Everyone who has tried a healthy dessert or bar has become accustomed to expecting flavor just slightly better than cardboard. Others products that do in fact taste good can only ***claim*** to be healthy in their marketing, but a closer look at their nutrition facts reveals a different story. While some competitors have either taste ***or*** nutrition, none have the superior taste ***and*** nutrition found in *Bliss Bites!*

Why Us?

By leveraging the incredibly compelling personal story of founder, Sherry Lee White, coupled with a solid team of successful business professionals and advisers, and a proven track record since its inception, Fork That! is poised to become the Mrs. Fields of today's health conscious generation.

NOTIFICATION MAP



ZC16-010

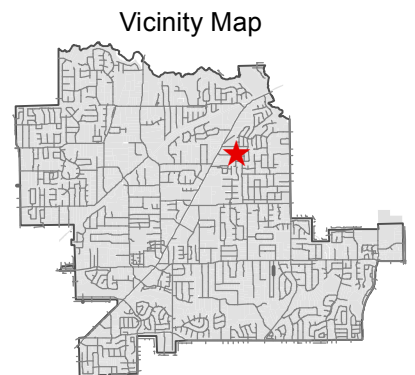
1904 INDUSTRIAL BLVD.

Legend

-  Subject Property
 Properties within 200 ft.
 200 ft Buffer



1 inch = 125 feet



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Notification List

Owner Name	Owner Address	Owner City	Owner Zip	Situs Address
PRINCE, DOUG D	2003 KYLE CT	COLLEYVILLE, TX	76034	2003 KYLE CT
LAND, BRAD	813 HOLLY RIDGE CT	KELLER, TX	76248	1813 INDUSTRIAL BLVD
LINDLEY, SWIFT L	2002 KYLE CT	COLLEYVILLE, TX	76034	2002 KYLE CT
VIENNA CHANNELS REALTY LLC	1905 INDUSTRIAL BLVD	COLLEYVILLE, TX	76034	1905 INDUSTRIAL BLVD
COLLEYVILLE TECH CENTER LLC	PO BOX 742346	DALLAS, TX	75374	1900 INDUSTRIAL BLVD # 2
ECHOLS, BRENT K	2001 TARRANT LN	COLLEYVILLE, TX	76034	2001 TARRANT LN
MEDI-DYNE HEALTHCARE PRODUCTS	1812 INDUSTRIAL BLVD	COLLEYVILLE, TX	76034	1812 INDUSTRIAL BLVD
LUERS FAMILY REVOCABLE TRUST	3509 WINDVIEW CT	GRAPEVINE, TX	76051	1901 INDUSTRIAL BLVD
AMERICA'S STORAGE	4311 OAK LAWN AVE STE 360	DALLAS, TX	75219	1803 TARRANT LN # 220
OWENS, CHRISTOPHER D	2004 KYLE CT	COLLEYVILLE, TX	76034	2004 KYLE CT
LINZ, WILLIAM J	2005 FRANCES DR	COLLEYVILLE, TX	76034	2005 FRANCES DR
COLLEYVILLE TECH CENTER LLC	PO BOX 742346	DALLAS, TX	75374	1900 INDUSTRIAL BLVD
HAGEN, WILLIAM R	2005 TARRANT LN	COLLEYVILLE, TX	76034	2005 TARRANT LN
HANCOCK, LUID T	2007 FRANCES DR	COLLEYVILLE, TX	76034	2007 FRANCES DR
LOFTUS, DONNA M	2008 FRANCES DR	COLLEYVILLE, TX	76034	2008 FRANCES DR
CAMERON, DAVID A	2003 FRANCES DR	COLLEYVILLE, TX	76034	2003 FRANCES DR
DOOR WORKS OVERHEAD DOOR INC	1803 TARRANT LN STE 200	COLLEYVILLE, TX	76034	1803 TARRANT LN # 220
ROSS DOWNS ESTATES HOA	4113 GATEWAY DR #100	COLLEYVILLE, TX	76034	COURTESY NOTICE
TODD WHITE	1904 INDUSTRIAL BLVD, SUITE 103	COLLEYVILLE, TX	76034	APPLICANT
GRAPEVINE COLLEYVILLE ISD	3051 IRA WOODS AVE E	GRAPEVINE, TX	76051	STATE LAW REQUIRED

Public hearing notices were mailed
Friday, July 22, 2016 by Araceli Botello

ORDINANCE O-16-XXXX

AMENDING THE ZONING ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY OF COLLEYVILLE, TEXAS, BY CHANGING THE ZONING OF LOT 8R, BLOCK 1, OF THE INDUSTRIAL PARK ADDITION, LOCATED AT 1904 INDUSTRIAL BOULEVARD, BY AUTHORIZING A SPECIAL USE PERMIT FOR FOOD PACKAGING AND MANUFACTURING; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Colleyville has received an application for rezoning under Case No. ZC16-010; 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 authorizing a Special Use Permit for Food Packaging and Manufacturing on Lot 8R, Block 1, of the Industrial Park Addition, located at 1904 Industrial Boulevard, as depicted on the attached as Exhibit "A".
- Sec. 3. THAT the above described tract of land shall be used only in the manner and for the purposes provided by the Comprehensive Zoning Ordinance of the City of Colleyville as heretofore amended, and as amended herein.
- Sec. 4. THAT the above described tract of land shall be subject to the following conditions:

1. GENERAL

- a. This Special Use Permit shall only apply to the use of Food Packaging and Manufacturing on the subject property as described in Exhibit "B".
- b. The name of the business authorized under this ordinance shall be "Trulee Foods".
- c. The subject property shall generally conform to the site plan as depicted in "Exhibit B".
- d. Noxious fumes shall not be emitted from the premises as a result of the manufacturing of food.

- e. Parking requirements for the business shall be: 1 space per 300 square feet of gross floor area.
- f. 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.

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 RESOLVED.

APPROVED BY A VOTE OF ___ AYES, ___ NAYS, AND ___ ABSTENTIONS ON THIS THE 6TH DAY OF SEPTEMBER 2016.

Mayor Richard Newton	_____	Mayor Pro Tem Chris Putnam	_____
Place 1, Tammy Nakamura	_____	Place 5, Nancy Coplen	_____

Place 2, Bobby Lindamood
Place 4, Jody Short

_____Place 6, Mike Taylor

ATTEST:

CITY OF COLLEYVILLE

Amy Shelley, TRMC
City Secretary

Richard Newton
Mayor

APPROVED AS TO FORM AND LEGALITY:

Matthew C. G. Boyle
City Attorney

Exhibit "A" - Location and Zoning Map

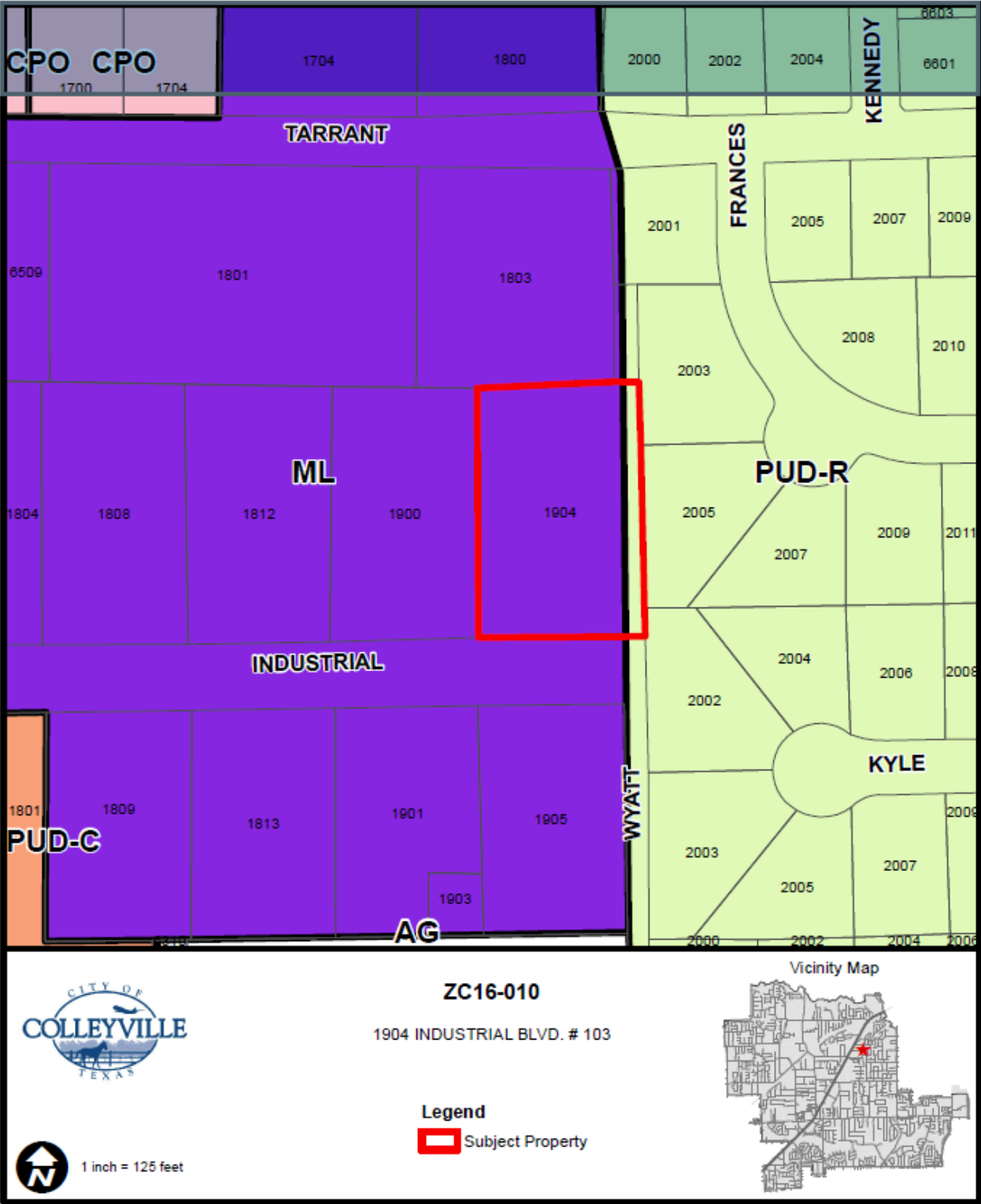
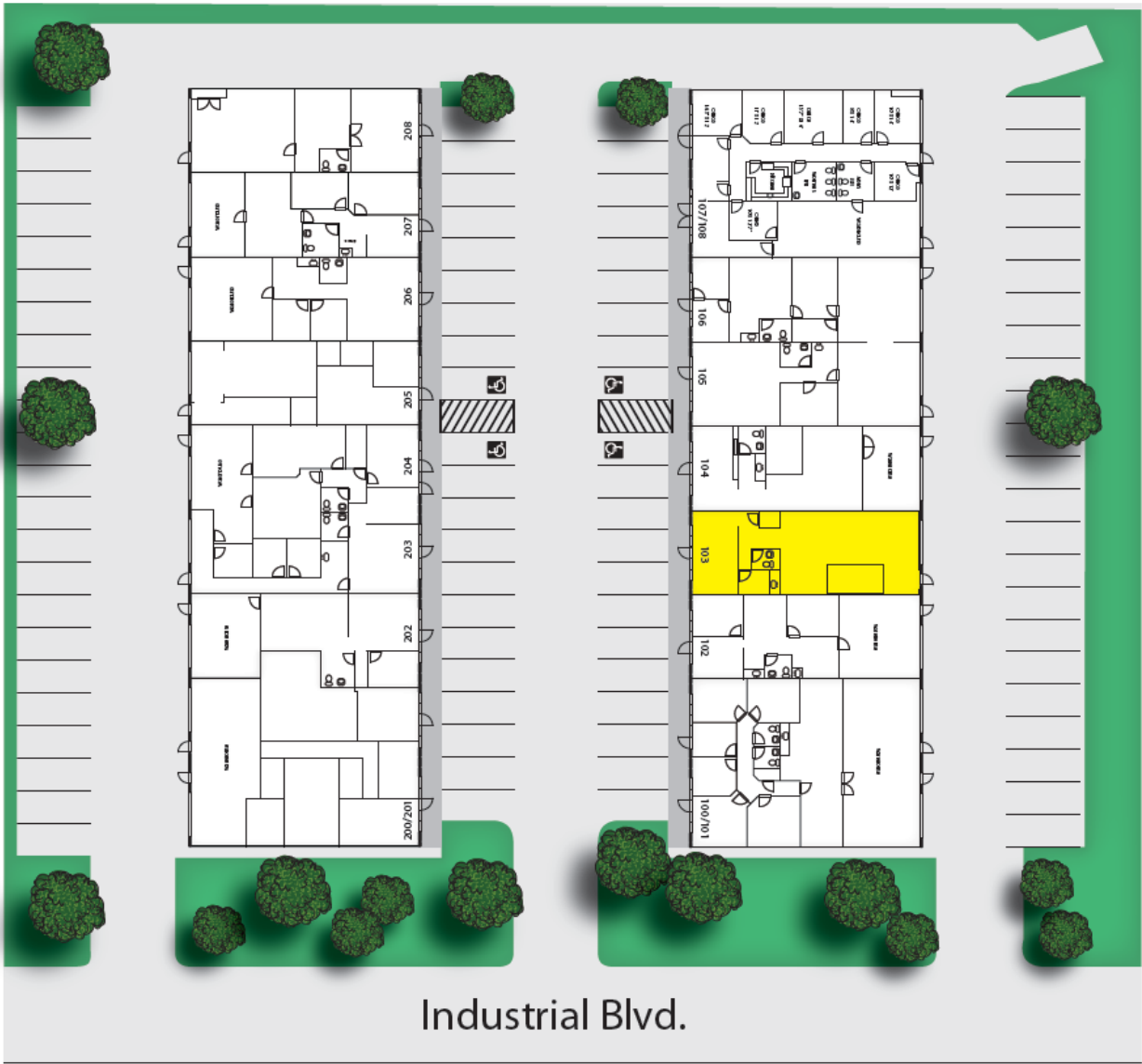


Exhibit “B” – Site Plan

Colleyville Tech Center





City of Colleyville Planning and Zoning Commission Agenda Briefing

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

Agenda Number 3b	Agenda Date 08/08/2016	Number
Type Public Hearing Agenda Items		
Department Community Development		

Title

Consideration of a waiver to certain provisions of Section 5.9 (Minimum Tree Preservation Requirements) of the Land Development Code on Lot 4, Block 2, and Lot 3, Block 1, of the St. Andrews Addition, located at 6004 and 5812 St. Andrews Court, Case GC16-006

Explanation

Jessica Mack of Our Country Homes, the applicant, is requesting a waiver to the requirements of Section 5.9 (Minimum Tree Preservation Requirements) of the Land Development Code. The applicant is requesting the waiver to reduce the percentage of required protected tree canopy coverage (of the entire St. Andrews Estates subdivision) by four percent on two lots which they own and are currently developing.

Existing Conditions/Background: The subject properties are zoned R-20 Single Family Residential District and are platted lots of the St. Andrews Estates Addition. The subject properties are generally located north of L.D. Lockett Road and east of Precinct Line Road. Both residential lots are currently undeveloped.

There are two home builders referenced in the following briefing: M. Christopher Custom Homes (Builder #1) and Our Country Homes (Builder #2). It is important to note that Builder #1 is not a party in this waiver request. However, actions taken by Builder #1 have impacted the overall development and are relevant to the waiver request.

In January 2015, the entire St. Andrews Estates subdivision fell out of compliance with Chapter 5 (Tree Preservation) of the Land Development Code due to violations by Builder #1 within the subdivision. Based on these violations, no trees may be removed within the subdivision, which effects both builders. The waiver request up for consideration has been submitted by Builder #2 in order to proceed with the development of the subject properties.

Variance Request. The applicant is requesting a waiver to the requirements of Section 5.9 (Minimum Tree Preservation Requirements) of the Land Development Code to permit a reduction in the percentage of required protected tree canopy coverage by four percent.

Ordinance: Section 5.9(B) of the Land Development Code states:

"Minimum Existing Tree Preservation Requirements: When any new construction occurs, there shall be a minimum number of trees protected on the property."

Builder #2 has submitted two building permits (5812 and 6004 St. Andrews Court) to construct single family homes. The current building site plans submitted by Builder #2 will require approval to remove 8 additional trees, or four percent (4%) of the required preservation. The list below details the trees proposed for removal.

5812: removal of 4 trees (30 caliper inches)

- (1) 9-inch cedar elm
- (3) 7-inch cedar elms

6004: removal of 4 trees (57 caliper inches)

- (2) 14-inch post oaks
- (1) 6-inch cedar elm
- (1) 23-inch post oak

Preservation: Tree preservation will be reduced to 27% (4% change from current conditions)

Mitigation: Builder #2 will be responsible for 23 caliper inches after applying exemptions for tree types and location

Staff requested alternate site plans for each lot in an effort to preserve the trees as originally approved. Builder #2 has indicated that alternate site plans are not preferable to the future home owners.

Builder #2's request constitutes a four percent (4%) variance to tree preservation requirements for the subdivision. Builder #2 has followed the approved tree preservation plans and/or the City approval process and has committed no violations. Furthermore, Builder #2 is proposing to meet their portion of the mitigation requirements should the waiver be approved.

Analysis: The analysis portion to follow will include a synopsis of the events leading up to the reduction of the overall tree canopy coverage for the development which did not include actions by Builder #2.

The Land Development Code regulates tree preservation for residential subdivisions by utilizing the entire boundary of the subdivision and giving a credit/value (tree canopy area) to each tree based on the diameter of the trunk. Section 5.9 provides a table which is utilized to determine the percentage of tree canopy coverage to be preserved.

Percentage of existing protected canopy tree coverage (LAND AREA COVERAGE)	Minimum percentage of the existing protected canopy tree coverage to be preserved
0% - 20%	70%
20.1% - 40%	60%
40.1% - 60%	50%
60.1% - 80%	40%
80.1% - 100%	30%

St. Andrews Estates had a 20.6% canopy cover and was therefore required to preserve 60% of the existing tree canopy.

The planning and approval of a tree preservation plan, as well as tree protection, during public improvements is generally the responsibility of the original applicant. In this case the original applicant (developer - JFD St Andrews, LTD) met all of the tree preservation requirements and all additional obligations at the time of acceptance by the City. Following acceptance, the developer sold the subdivision to Builder #1 and no longer owned property within the subdivision. Builder #1 followed suit and sold half of the lots (7) to Builder #2.

In January 2015, Builder #1 proceeded to remove trees without a permit on one lot within the subdivision (6001 St. Andrews Court). Staff at this time followed the appropriate procedures in the Land Development Code and required Builder #1 to mitigate per Section 5.13-Penalties and Violations. Builder #1 has addressed the mitigation requirements for the violation. Following the violation, the overall tree preservation had fallen to 55% (60% required).

In February 2016, City staff discovered a second violation by Builder #1 at 6001 St. Andrews Court. Additional trees were removed without a permit. In response staff failed the final inspection for the property and subsequently issued a citation to Builder #1. To date, Builder #1 is working with staff to reconcile the matter.

The violations committed by Builder #1 caused the entire subdivision to fall below the required protected tree canopy coverage percentage. The data below illustrates the original preservation requirements, and the current status of the entire subdivision.

- Original Preservation Requirement = 60%
- Original Preservation Provided = 63%
- Current Preservation = 31%

As previously discussed, Chapter 5 of the Land Development Code regulates tree preservation requirements for the entire subdivision. When a subdivision falls out of

compliance staff cannot administratively allow additional trees to be removed.

Due to the previous violations and the non-compliant status of the subdivision, Builder #2 (the applicant) is not permitted to remove any trees without approval of a waiver from the Planning and Zoning Commission. This has presented a challenge for Builder #2 as they begin the building process on two lots.

It should be noted that the subdivision had a three percent (3%) surplus prior to the violations. Builder #2 is requesting to remove four percent (4%), so a waiver would still be required to remove the trees as proposed.

Although the current conditions within the boundaries of the subdivision do not meet the requirements of the Land Development Code, the provisions established for violations have been applied to each illegal action. Staff continues to work with Builder #1 to obtain the required mitigation. Builder #2 continues to follow the appropriate approval processes and procedures to ensure compliance with City requirements.

Planning and Zoning Commission Actions. The Commission may:

- Deny
- Approve
- Approve with conditions:
 - Conditions must be directly tied to the waiver

The goal of a condition must be to meet the requirements of the Land Development Code or their functional equivalent (Example: Plant more trees, or pay into tree fund)

Staff Recommendation. The applicant has requested a variance to allow for a reduction in the percentage of protected tree canopy coverage on the subject properties. Due to the unique conditions within the subdivision, staff cannot permit future building permits without approval from the Planning and Zoning Commission. The request up for consideration does not meet the requirements of Chapter 5 of the Land Development Code, therefore staff must recommend denial based on technical noncompliance. Builder #2 has committed no violation within the subdivision.

Recommendation

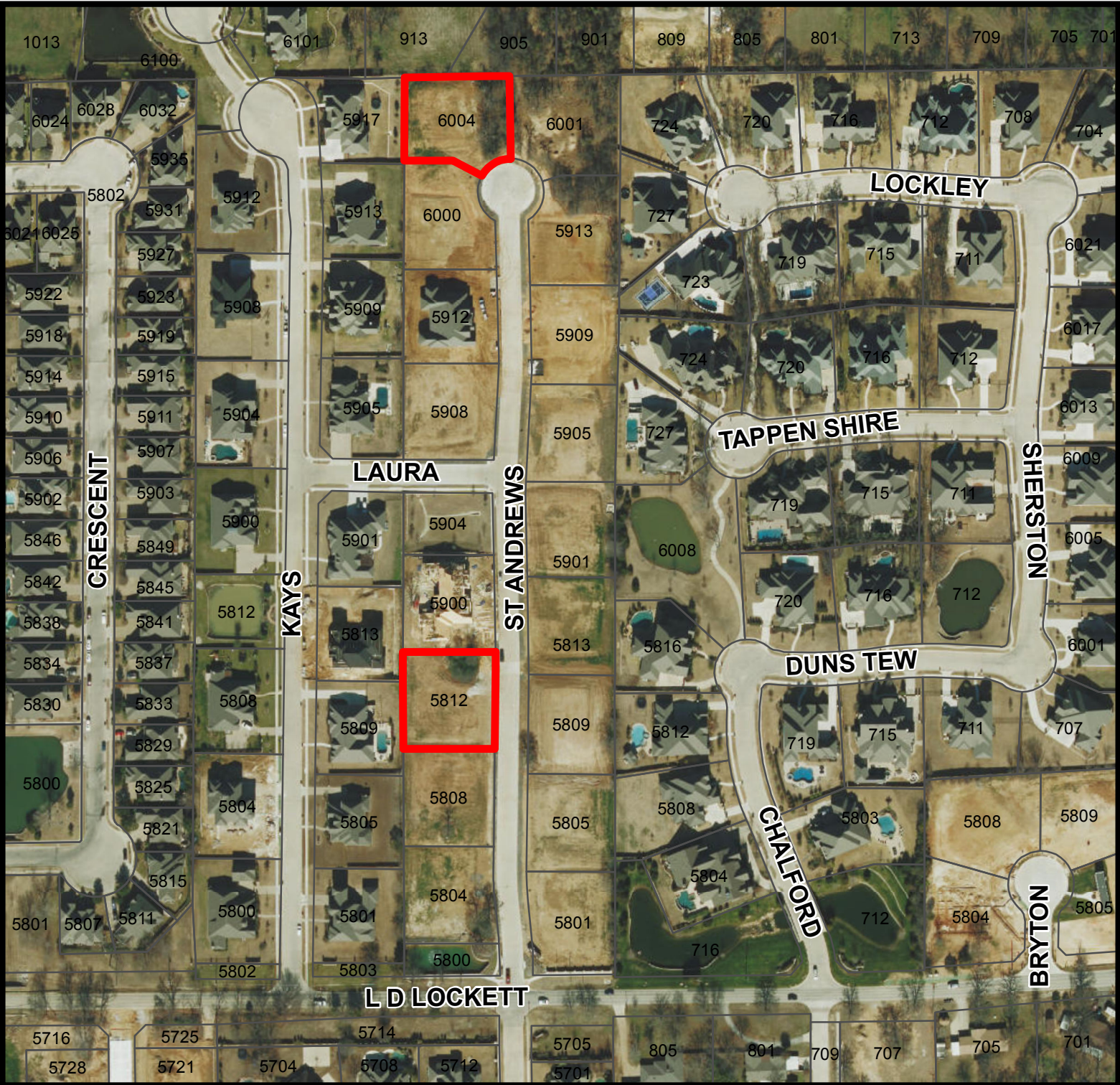
Denial

Attachments

1. Aerial Map
2. Zoning Map
3. Future Land Map Use
4. Statement of Planning Objectives

5. 5812 St Andrews Site and Tree Mitigation Plan
6. 6004 St Andrews Site and Tree Mitigation Plan
7. St. Andrews Subdivision Tree Preservation Plan

AERIAL MAP



GC16-006

5812 AND 6004 ST. ANDREWS COURT

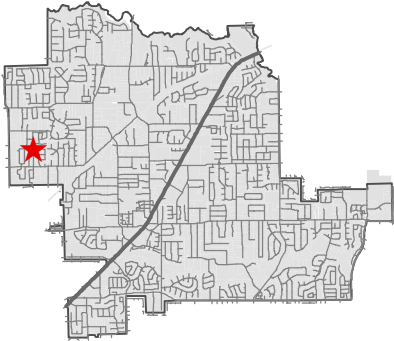
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 Subject Properties



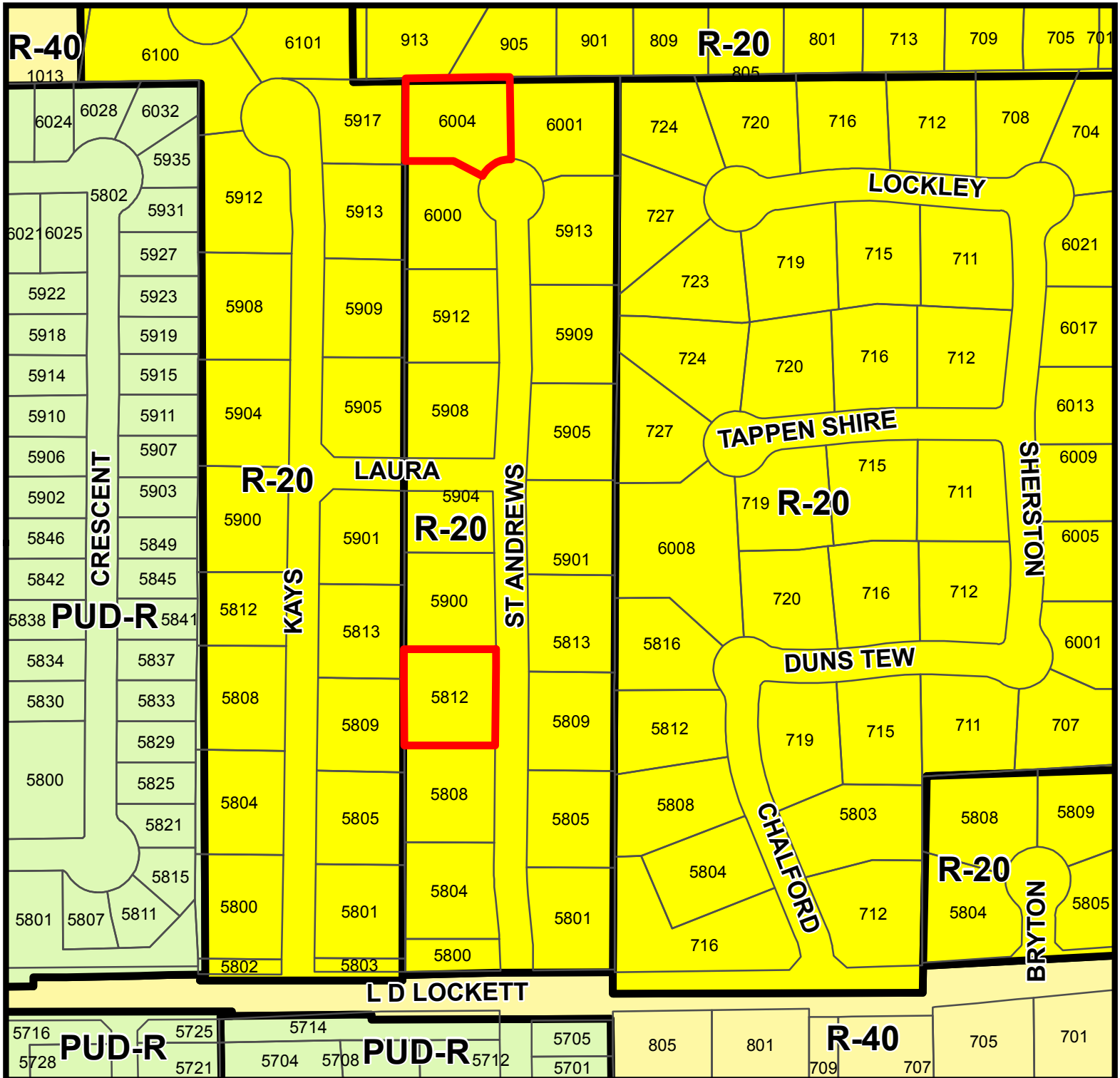
1 inch = 208 feet

Vicinity Map



DISCLAIMER: This map and information contained in it were developed exclusively for use by the City of Colleyville. Any use or reliance on this map by anyone else is at that party's risk and without liability to the City of Colleyville, its officials or employees for any discrepancies, errors, or variances which may exist.

ZONING MAP



GC16-006

5812 AND 6004 ST. ANDREWS COURT

Legend



Subject Properties



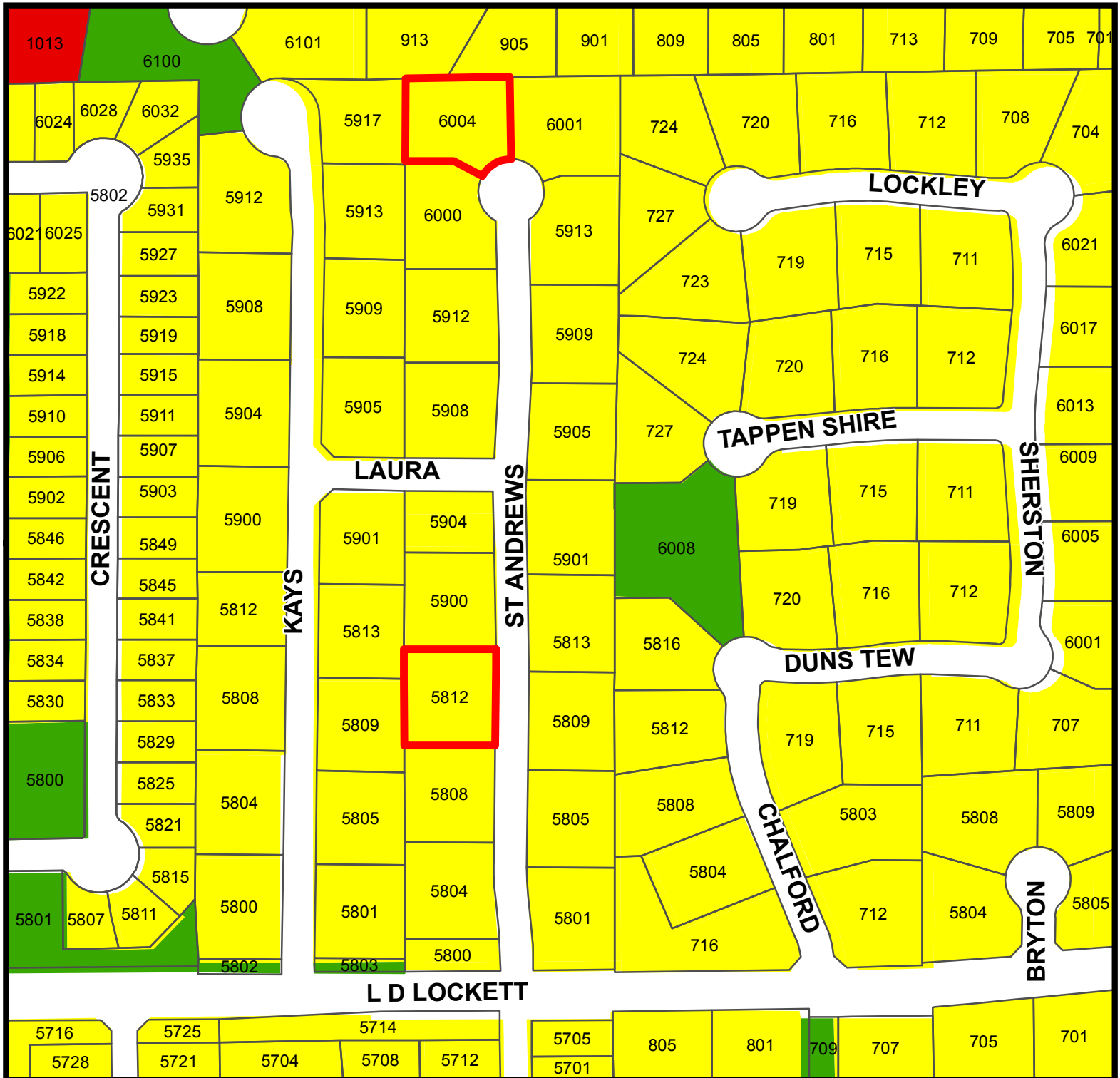
1 inch = 208 feet

Vicinity Map



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FUTURE LAND USE MAP



GC16-006

5812 AND 6004 ST. ANDREWS COURT

Legend



Subject Properties

COLLEYVILLE BLVD CORRIDOR

RESIDENTIAL



COMMERCIAL

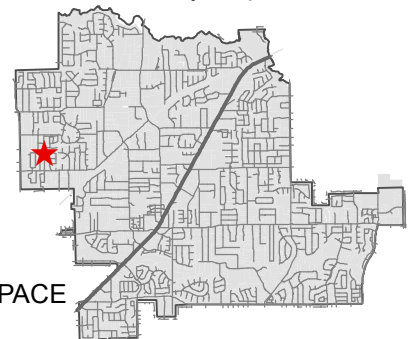


INSTITUTIONAL



PARKS/ OPEN SPACE

Vicinity Map



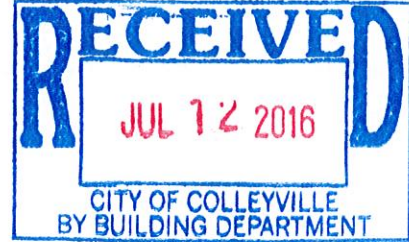
1 inch = 208 feet

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Statement of Planning Objectives



City of Colleyville
The Colleyville Development Review Committee
Statement of Planning Objectives



To whom it may concern:

Our Country Homes has been contracted to build two houses in the St. Andrews neighborhood of Colleyville; 5812 St. Andrews Court and 6004 St. Andrews Court.

5812 St. Andrews Court- we are requesting to remove 3 trees.

6004 St. Andrews Court- we are requesting to remove 4 trees.

Statement of Planning Objectives:

We are requesting a waiver so that we can proceed with new home construction: *wavier from minimum tree preservation in order to remove additional trees that are still remaining*; ordinance provision Section 5.9 of the Land Development Code. These trees would need to be removed in order to proceed with construction. Please see attached statement for this request which explains hardships and practical difficulties.

Sincerely,

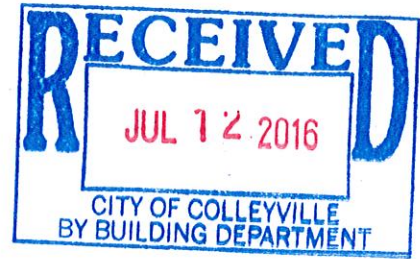
A handwritten signature in blue ink that reads "Jessica Mack".

Jessica Mack
Starts Coordinator
jmack@ourcountryhomes.com

Statement of Planning Objectives



City of Colleyville
The Colleyville Development Review Committee



Addressing General Comments:

1. Our Country Homes is the owner of 5812 St. Andrews Court. George and Trudy Casteleiro are currently under contract with Our Country Homes and upon completion of the home, they will be the owners. Jeffrey & Vicki Sanders are the owners of 6004 St. Andrews Court as of 4/7/2016.

2. Providing hardships or practical difficulties:

5812 St. Andrews Court: if layout of house was switched to the alternative layout suggested, the garage would be visible when entering the neighborhood which could be considered unsightly and uninviting.

6004 St. Andrews Court: if layout of house was switched to the alternative layout suggested, the location of the drainage and utility easements would compromise usable backyard space, as well as future planned swimming pool.

TREE LIST

[illegible]

PRELIMINARY PLANS

6/28/16

DATE: _____

PURCHASER / OWNER: _____

PURCHASER / OWNER: _____

SALES CONSULTANT: _____

CONSTRUCTION SUPERINTENDENT: _____

TREE MITIGATION PLAN

NORTH 

SCALE: 1"= 20'-0"

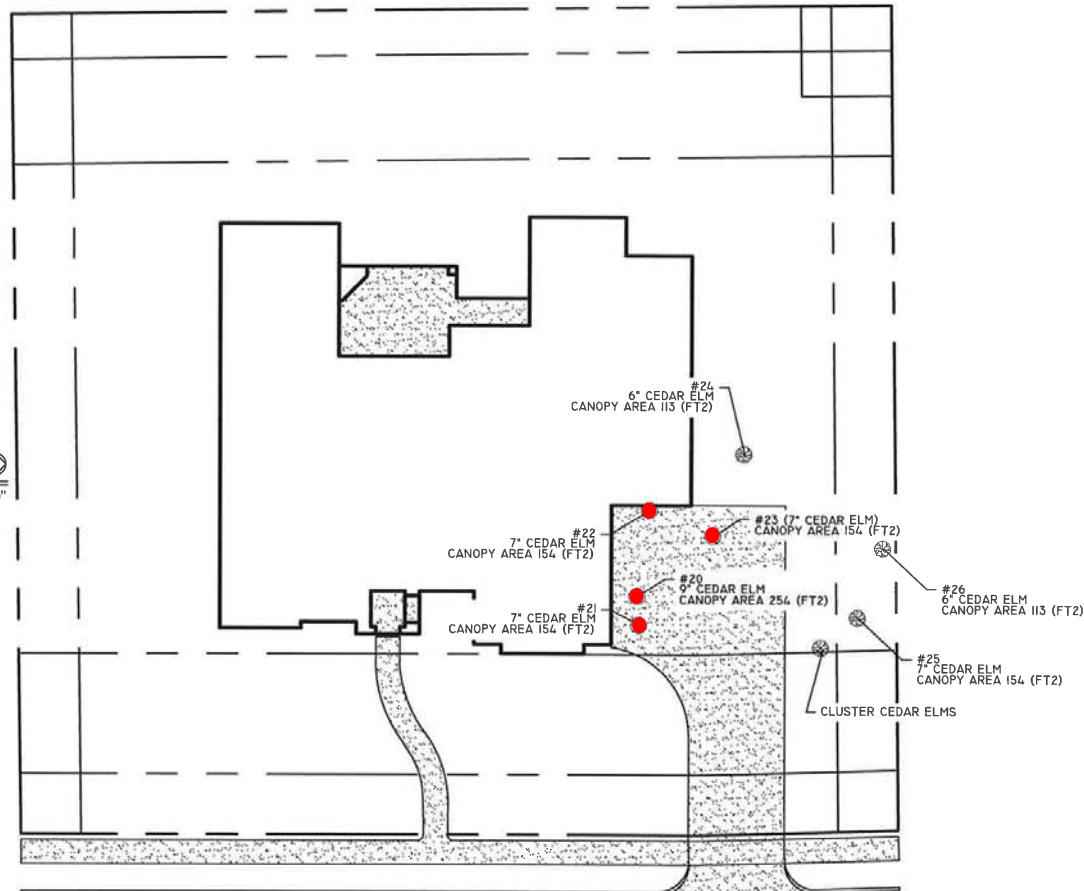
EXISTING TREE

EXISTING TREE
TO BE REMOVED

NOTES:

-A MINIMUM OF THREE 4-INCH CALIPER TREES
WILL BE PLANTED PRIOR TO FINAL INSPECTION
PER THE APPROVED TREE MITIGATION PLANS
FOR THE OVERALL SUBDIVISION OF SAINT
ANDREWS ESTATES

-ALL UTILITIES AND IRRIGATION WILL BE
ROUTED OUTSIDE THE CRITICAL ROOT ZONE
OF PRESERVED TREES.



5812 ST. ANDREWS COURT

GOLD SERIES

CASTELEIRO RESIDENCE
5812 ST. ANDREWS COURT
LOT 3, BLOCK 1
ST. ANDREWS ESTATES
COLLEYVILLE, TEXAS

OUR COUNTRY HOMES
700 W. HARWOOD ROAD # G2

817-281-3388 www.ourcountryhomes.com
HURST, TX. 76054



Date:
5-25-16
Designer:
BFM

SHEET
S-2

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THESE PLANS MAY NOT BE DUPLICATED WITHOUT THE EXPRESSED WRITTEN
CONSENT OF DUSTIN AUSTIN ENTERPRISES INC., DBA "OUR COUNTRY HOMES"

6004 St Andrews Site and Tree Mitigation Plan

TREE LIST											
TREE LOCATION	TREE #	COMMON NAME / SPECIES	DBH (IN)	CANOPY AREA (FT ²)	PRESERVATION STATUS	SETBACK TREE	EXCLUSIONS EXEMPT	TREE MITIGATION	PENALTY/VIOLATION	COMMENTS	
6004	74	POST OAK	15	707	PRES						
6004	75	POST OAK	9	254	PRES						
6004	78	POST OAK	13	531	PRES						
6004	79	POST OAK	12	452	PRES						
6004	81	POST OAK	13	531	REM			PLANT		NO PERMIT; ORIGINALLY DESIGNATED TO PRESERVE	
6004	87	POST OAK	15	707	PRES						
6004	92	POST OAK	23	1662	PRES						
6004	104	POST OAK	13	531	REM		RSE	PLANT		NO PERMIT; ORIGINALLY DESIGNATED TO PRESERVE	
6004	109	CEDAR ELM	6	113	PRES		RSE				
6004	122	POST OAK	18	1018	REM						
6004	123	POST OAK	14	616	PRES		RSE				
6004	129	HONEY LOCUST	5	79	REM		NON-P				
6004	134	POST OAK	14	616	PRES		RSE				
ROW	58	POST OAK	11	380	REM		ROW				
ROW	70	POST OAK	14	616	REM						

TREE MITIGATION PLAN

NORTH
SCALE: 1"= 20'-0"

- EXISTING TREE
- EXISTING TREE TO BE REMOVED
- REMOVED TREES

NOTES:

-A MINIMUM OF THREE 4-INCH CALIPER TREES WILL BE PLANTED PRIOR TO FINAL INSPECTION PER THE APPROVED TREE MITIGATION PLANS FOR THE OVERALL SUBDIVISION OF SAINT ANDREWS ESTATES. ADDITIONAL MITIGATION OF 42 CALIPER INCHES WILL BE PLANTED FOR THE REMAINING TREES REMOVED OUTSIDE THE RESIDENTIAL SETBACK ENVELOPE.

-ALL UTILITIES AND IRRIGATION WILL BE ROUTED OUTSIDE THE CRITICAL ROOT ZONE OF PRESERVED TREES.

FINAL PLANS
6/28/16

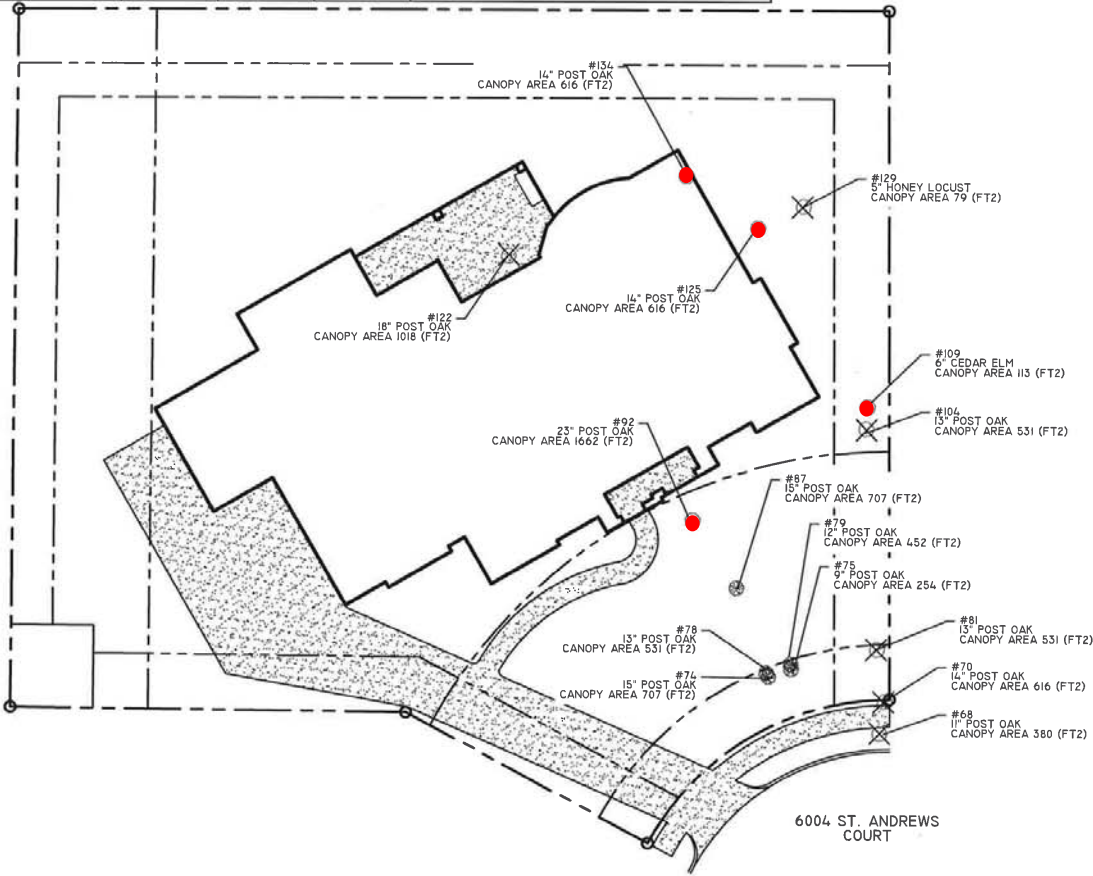
DATE: _____

PURCHASER / OWNER: _____

PURCHASER / OWNER: _____

SALES CONSULTANT: _____

CONSTRUCTION SUPERINTENDENT: _____



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CONSENT OF DUSTIN ANDREWS ENTERPRISES INC. OR OUR COUNTRY HOMES

PLATINUM SERIES

OUR COUNTRY HOMES
700 W. HAWTHORNE ROAD # G2
HURST, TX. 76054
817-281-3388 www.ourcountryhomes.com

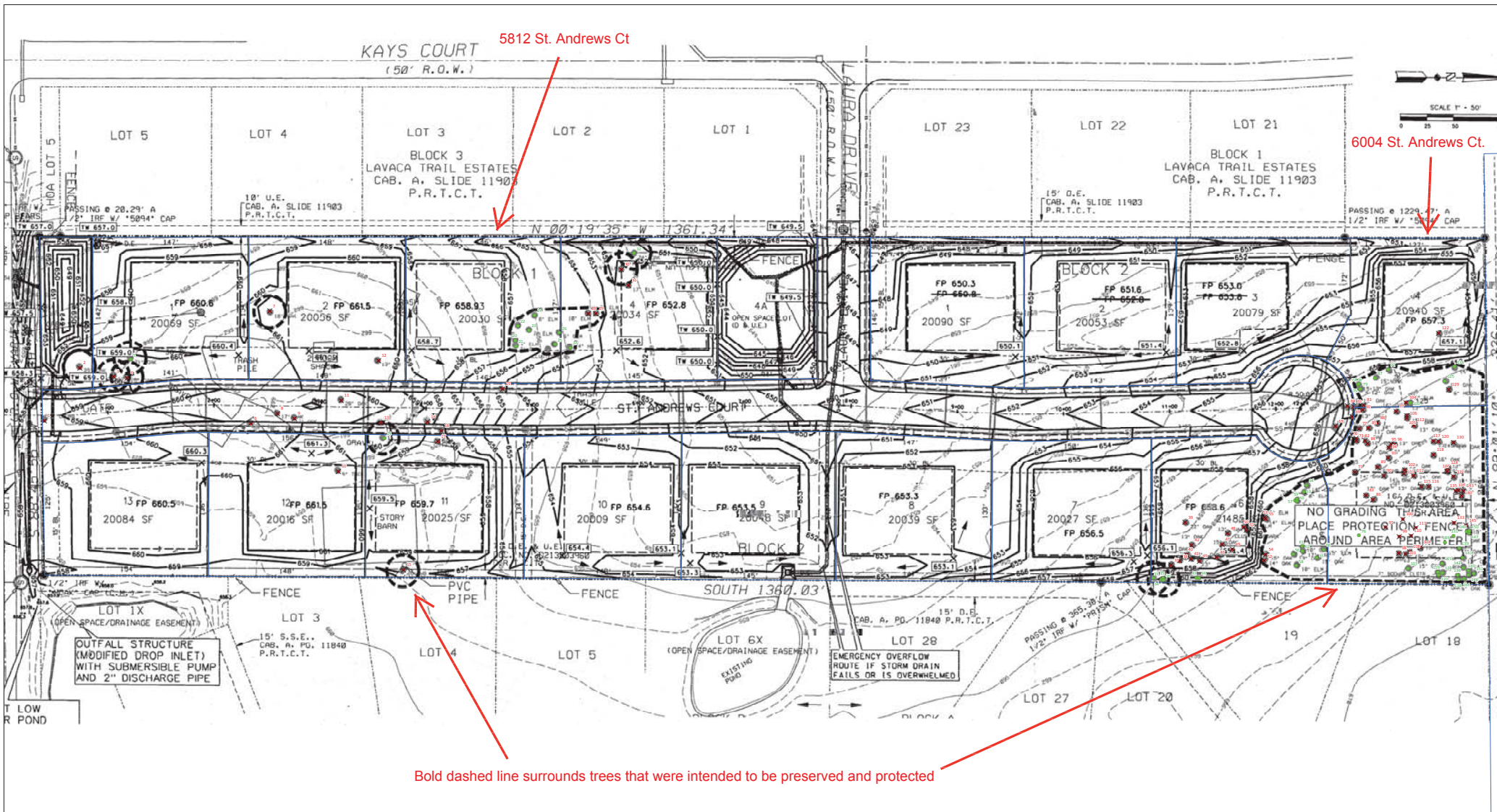


Date:
3-15-16
Designer:
BFM

SHEET
SITE

SANDERS RESIDENCE
6004 ST. ANDREWS COURT
LOT 4, BLOCK 2
ST. ANDREWS ESTATES
COLLEYVILLE, TEXAS

St. Andrews Subdivision Tree Preservation Plan

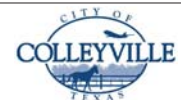


- ✖ Removed or Unprotected Tree
- Preserved Tree

1 inch equals 40 feet

0 40 80 160

Feet



Prepared by: Caleb Tandy, ISA Certified Arborist (TX-3710A)
Urban Forester, City of Colleyville

Date: 5/24/2016

St. Andrews Subdivision Tree Preservation Plan



✕ Removed or Unprotected Tree
● Preserved Tree

1 inch equals 40 feet
0 40 80 160
Feet



Prepared by: Caleb Tandy, ISA Certified Arborist (TX-3710A)
Urban Forester, City of Colleyville
Date: 5/24/2016