



City of Colleyville City Council Agenda

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

Monday, November 5, 2018

**WORKSESSION
5:30 PM
EXECUTIVE CONFERENCE ROOM
THIRD FLOOR**

CALL TO ORDER

WS-1 Follow-up discussion regarding SH26 medians and right-of-way design

WS-2 Discussion of the November 5, 2018, 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 items on the agenda

Section 551.071 - Legal - Consultation with attorney regarding contemplated and/or pending litigation, including:

- Glade Road eminent domain cases for Parcels 150 and 159

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

- Glade Road Project Phases 1B and 2
- Acquisition of real property along SH26

Section 551.074 – Personnel – Deliberate the appointment, employment, evaluations, and duties of the Fire Chief

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

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

INVOCATION: Pastor Drew Sherman, Compass Christian Church**PLEDGE OF ALLEGIANCE: City Attorney Nicole Corr****2. EXECUTIVE SESSION READING AND PUBLIC HEARING: CONSIDER AND TAKE ANY ACTION(S) NECESSARY RELATIVE TO ITEMS DISCUSSED IN EXECUTIVE SESSION - RESOLUTION R-18-4320****3. ANNOUNCEMENTS, PROCLAMATIONS, AND PRESENTATIONS****Announcements of civic and charitable events****Presentation of calendar events and updates****Announcements of awards and recognition**

Member recognition of service to a City Board, Commission, or Committee

Proclamation in recognition of Arbor Day - Mayor Richard Newton and Parks and Recreation Director Lisa Escobedo

In recognition of the Featured Business of the Month - Furniture Consignment Gallery, 6000 Colleyville Boulevard, Suite 120, Robin Vander Stoep, owner - Mayor Richard Newton and Assistant City Manager Mark Wood

4. CONSENT: READING AND PUBLIC HEARING- RESOLUTION R-18-4321

4a Approval of the minutes of the regular City Council meeting of October 16, 2018

4b Approval of the minutes of the City Council Worksession of October 25, 2018

4c Approval of a professional services agreement with Baird, Hampton, & Brown, in an amount not to exceed \$68,360 for the design of the Pleasant Run Waterline from John McCain Road north to the north City limit line at Bear Creek, and authorizing the City Manager to execute the agreement

5. ORDINANCE(S): SECOND READING AND PUBLIC HEARING**5a Ordinance O-18-2063**

Consideration of a Special Use Permit for an Automotive Repair Shop on Lot 1A, Block 1, of the Highway 26 Industrial, located at 6804 Colleyville Boulevard, Case ZC18-020

5b Ordinance O-18-2064

Consideration of a zoning change from AG Agricultural district to R-30 Single Family Residential district on Tracts 2A01 & 2A02, Abstract 1543, in the George W Teeter Survey, located at 1309 Glade Road, Case ZC18-023

6. ORDINANCE(S): FIRST READING AND PUBLIC HEARING**6a Ordinance O-18-2065**

Consideration of a zoning change from R-40 Single Family Residential district to PUD-C Planned Unit Development – Commercial district on Tract 1, Abstract 1154, in the R H McEwing Survey and Tract 1G, Abstract A1182, in the Less Homesite Survey, located at 8060 Precinct Line Road, Case ZC18-028

7. TABLED: ORDINANCE(S) READING AND PUBLIC HEARING**7a Ordinance O-18-2056**

Consideration of a zoning change from the R-40 Single Family Residential zoning district and AG Agricultural zoning district to the PUD-R Planned Unit Development-Residential zoning district on Lot 1R1 and 1R2, Block 1, of the Bear Creek Plantation, located at 1312 John McCain Road and 7309 Holly Lane N, Case ZC18-019

7b Ordinance O-18-2062

Consideration of a zoning change from ML Light Manufacturing district to PUD-C Planned Unit Development - Commercial district on Lot 1, Block 1, of the Chandler Addition, located at 1701 John McCain Road, Case ZC18-025

8. RESOLUTION(S): READING AND PUBLIC HEARING**8a Resolution R-18-4322**

Consideration of a Preliminary Plat for the Oak Creek Addition, located at 7209 & 7215 John McCain Road, Case PC18-005

8b Resolution R-18-4323

Consideration of a combination Preliminary/Final Plat for Carmel Place Estates East on Tracts 2A01 & 2A02, Abstract 1543, in the George W Teeter Survey, located at 1309 Glade Road, Case PC18-012

9. TABLED: RESOLUTION(S) READING AND PUBLIC HEARING**9a Resolution R-18-4294**

Consideration of a final plat for Lots 1, 2, and 3X, Block 1, Old Grove Addition, Phase II, located at 105 and 103 John McCain Road and 7189 Cast Iron Forest Trail, Case PC17-004

10. CITIZEN COMMENTS/PRESENTATIONS REGARDING ITEMS NOT ON THE AGENDA**11. REPORTS**

Library Board Minutes - August 13, 2018

12. ACTION/RESOLUTION: DISCUSSION AND CONSIDERATION OF A RESOLUTION RATIFYING COUNCIL AGENDA ACTION FOR MONDAY, NOVEMBER 5, 2018 - READING AND PUBLIC HEARING - RESOLUTION R-18-4324**13. ADJOURNMENT**

I hereby certify this agenda was posted on City Hall bulletin boards Friday, November 2, 2018 by 5:00 p.m.

Christine Loven, TRMC
City Secretary

A quorum of any Colleyville board, commission, or committee may be present 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 City Council Agenda Briefing

City Hall
100 Main Street
Colleyville, Texas 76034
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Agenda Number WS-1
Type Worksession
Department City Manager

Agenda Date 11/05/2018

Title

Follow-up discussion regarding SH26 medians and right-of-way design

Strategic Plan

5.1 Create and sustain an identifiable Colleyville brand

Explanation

The purpose of this worksession item is to conduct a follow-up discussion regarding SH26 medians and right-of-way (ROW) design. At the August 21, 2018 City Council worksession, MESA (the City's design consultant) provided a presentation outlining various optional components of the project and several conceptual design options. The City Council provided direction to proceed with the "ribbon" concept. This concept is in the process of being developed in further detail and will be brought back for further discussion at an upcoming City Council meeting.

Certain elements of the corridor improvements to the medians and ROW must be coordinated with TxDOT's roadway reconstruction project and are time sensitive. To that end, MESA and City staff have worked with TxDOT officials on those items over the last two months and a status update will be provided in the attached presentation.

In addition to providing an update on the elements that must be coordinated with TxDOT, the attached presentation provides an opportunity for City Council discussion of the desired roadway lighting elements within the corridor. Three different aesthetic styles have been presented for consideration. Staff will be seeking direction from the City Council on the preferred design, to ensure that all timeframes are met for bidding and acquisition.

Attachments

1. MESA Presentation 11-5-18

COLLEYVILLE BOULEVARD

TX State Highway 26

AGENDA:

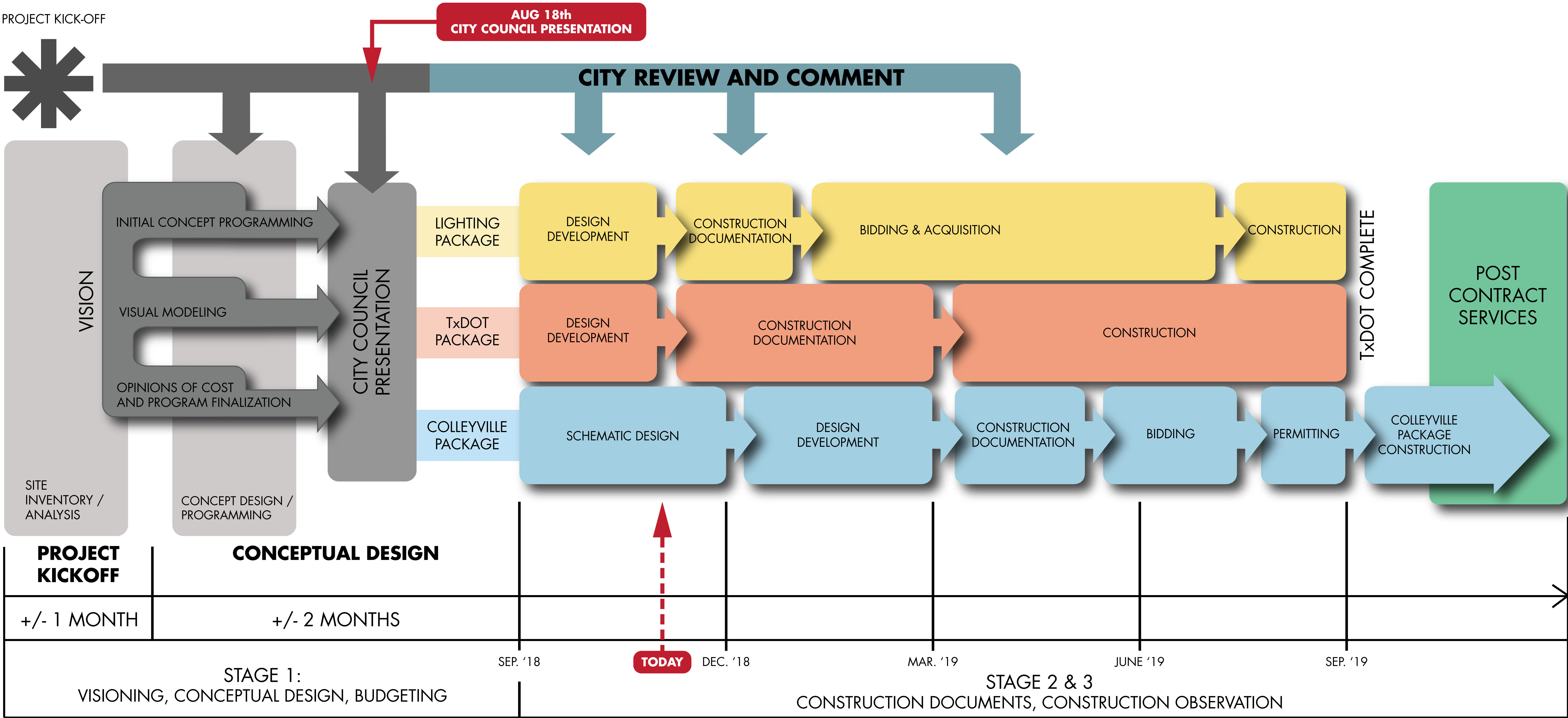
1. Overview of Project Schedule
2. TxDOT Coordination
3. Roadway Lighting Design



November 5, 2018
Project: 18023

MESA





* OPPORTUNITY FOR PUBLIC REVIEW/INPUT

TxDOT COORDINATION

- **INTERSECTION DESIGN**

- MESA provided proposed layout of intersection improvements at Glade Road, Main Street, and John McCain Road.

- **RETAINING WALLS**

- Existing retaining wall design conflicts with proposed intersection improvements.
- MESA provided City with wall layout for in-field staking.

- **TRAFFIC SIGNALS**

- Existing traffic signal and utility locations conflict with proposed intersection design.
- MESA provided new locations to minimize conflict with proposed hardscape at key intersections.

- **ROADWAY LIGHTING**

- MESA proposed removal of pedestrian piers on east side of SH26 from project scope.
- TxDOT to verify any required electrical changes.

- **MEDIANS**

- MESA provided TxDOT and City with proposed power locations for median lighting.
- TxDOT to remove herringbone paving and mow strip at all median nosings.

- **EAST SIDEWALK MODIFICATION**

- MESA provided layout improvements to east sidewalk.
- TxDOT advised to refrain from making modifications to east sidewalk layout due to possible utility conflicts.

- **GREEN RIBBON**

- MESA, City, and TxDOT to continue coordination with the intent to utilize maximum available grant funding.

CORRIDOR KEY



EXISTING MAIN ST. LIGHT POLES



EXISTING MAIN ST. SIGNAGE



EXISTING TRAFFIC SIGNALS



RECTILINEAR



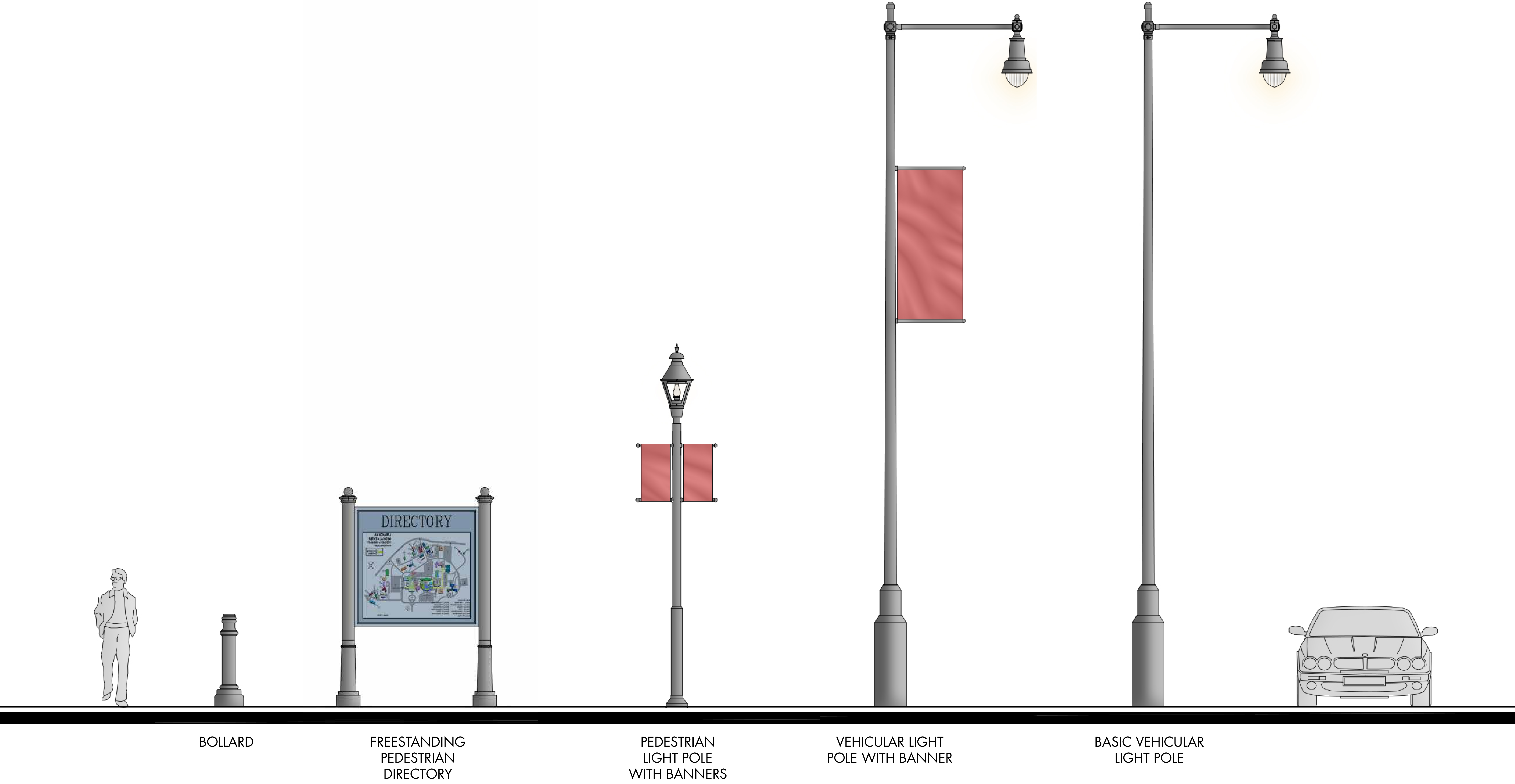
ARCHING



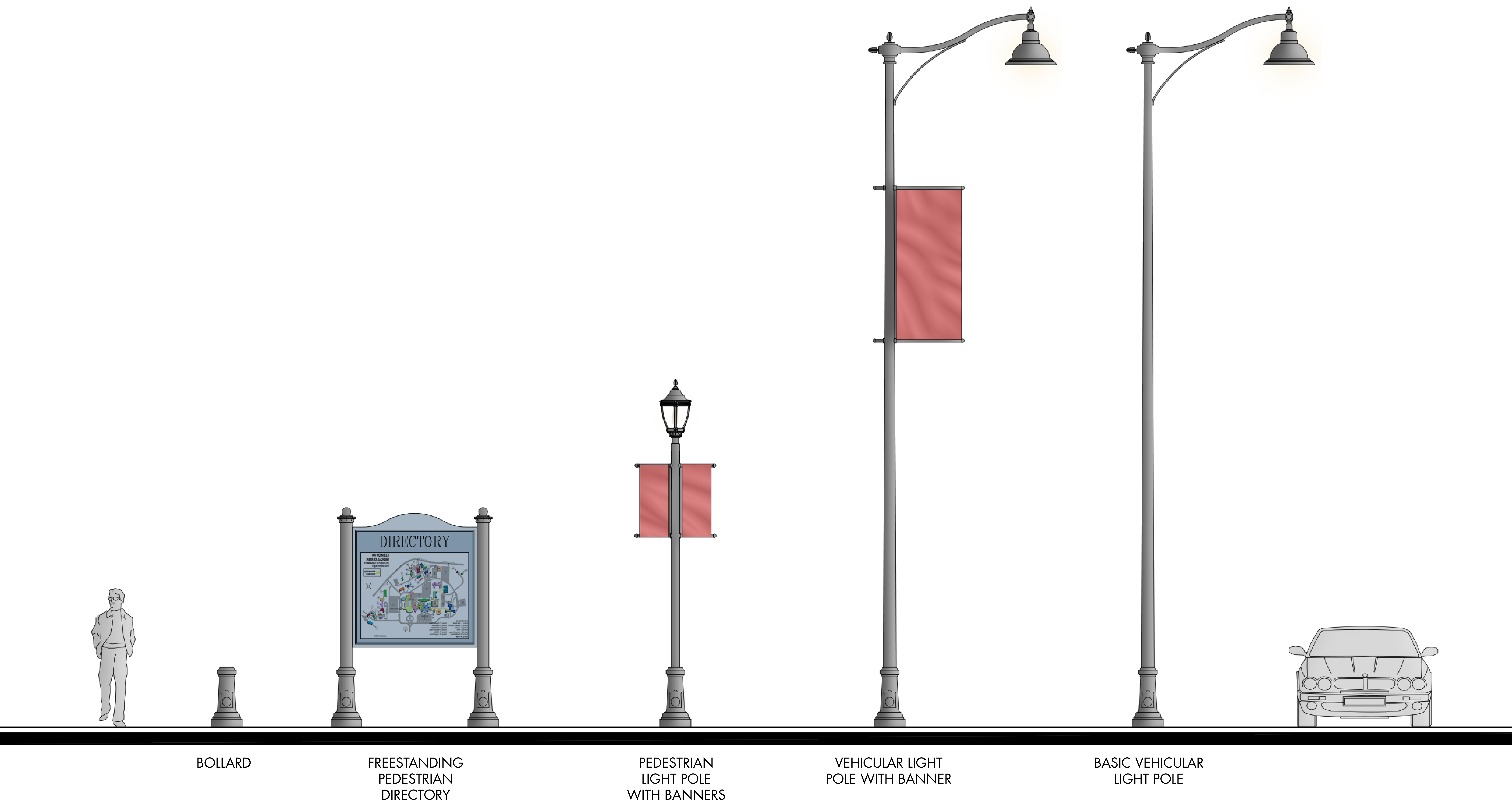
CURVILINEAR



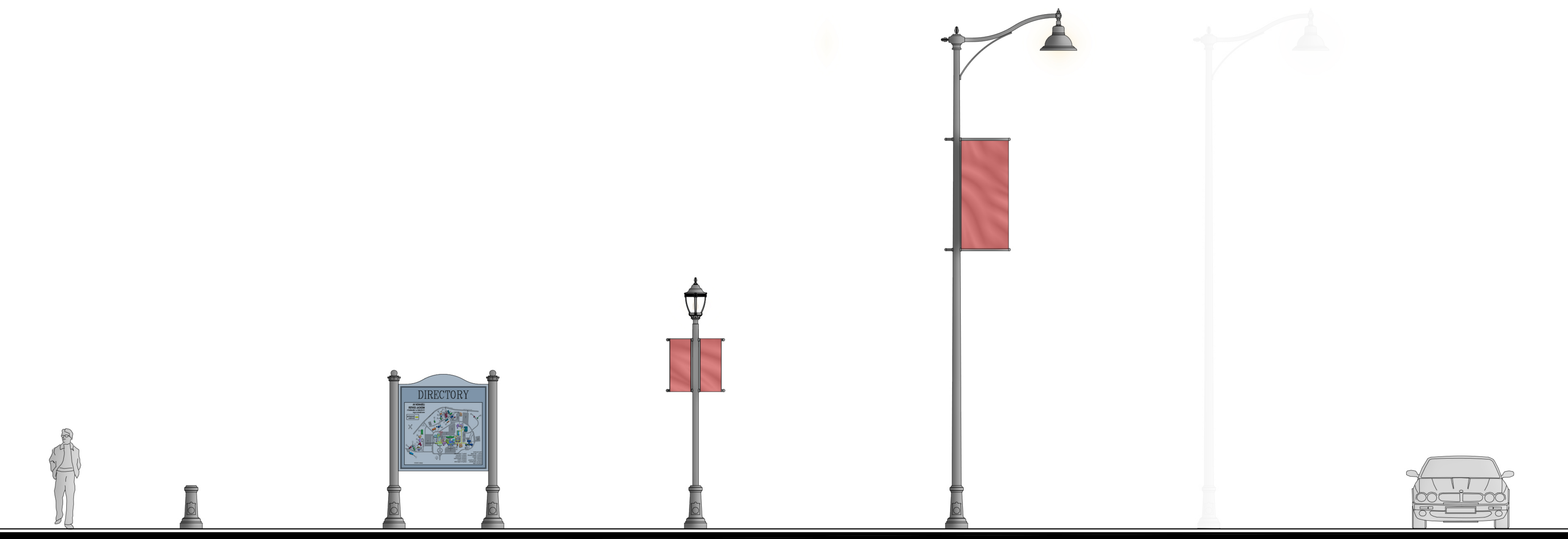
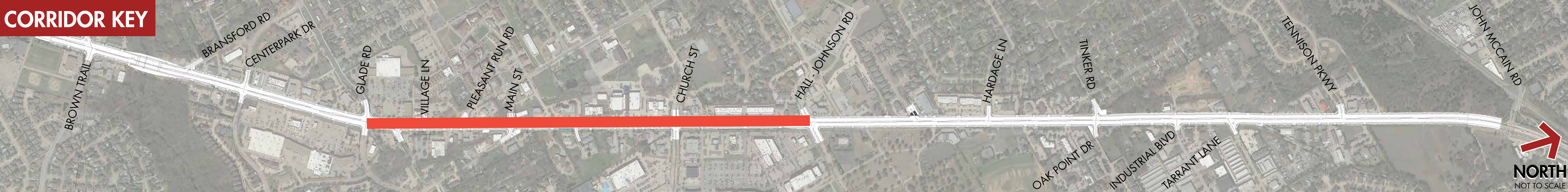
FAMILY 1: RECTILINEAR







CORRIDOR KEY



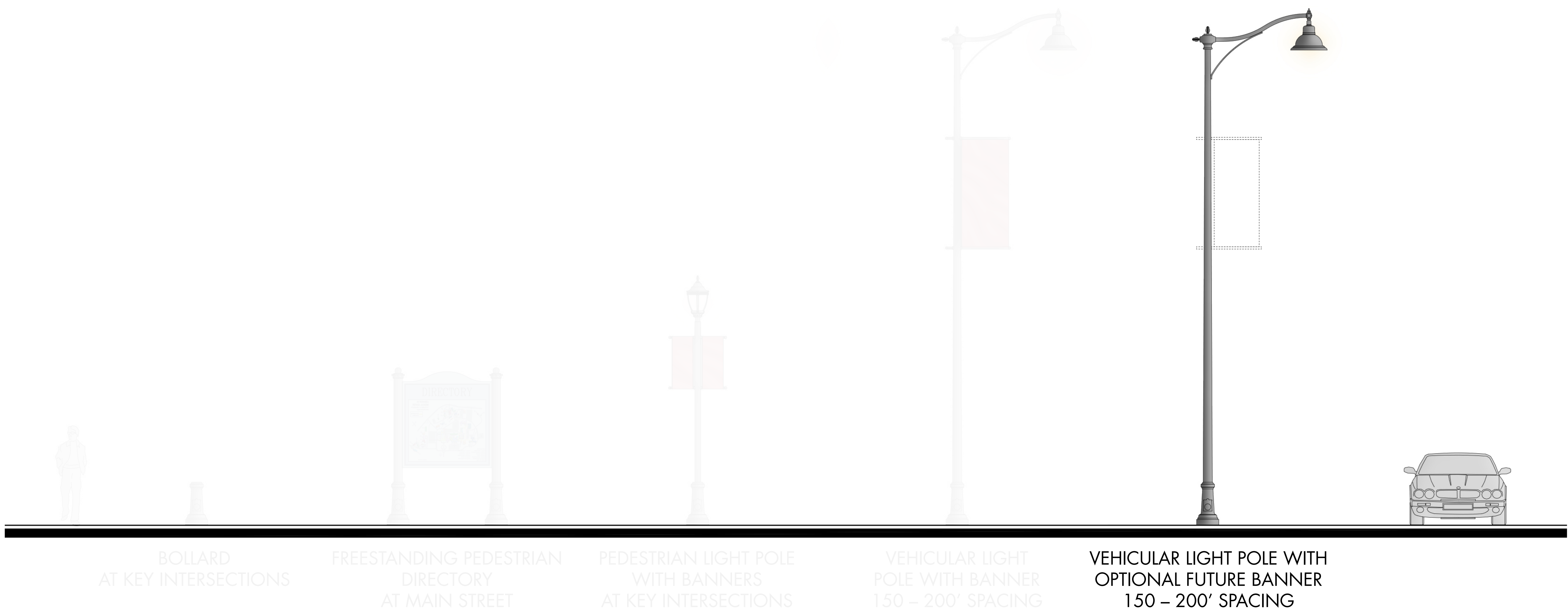
BOLLARD
AT KEY INTERSECTIONS

FREESTANDING PEDESTRIAN
DIRECTORY
AT MAIN STREET

PEDESTRIAN LIGHT POLE
WITH BANNERS
AT KEY INTERSECTIONS

VEHICULAR LIGHT
POLE WITH BANNER
150 – 200' SPACING

VEHICULAR LIGHT POLE WITH
OPTIONAL FUTURE BANNER
150 – 200' SPACING



COLLEYVILLE BOULEVARD

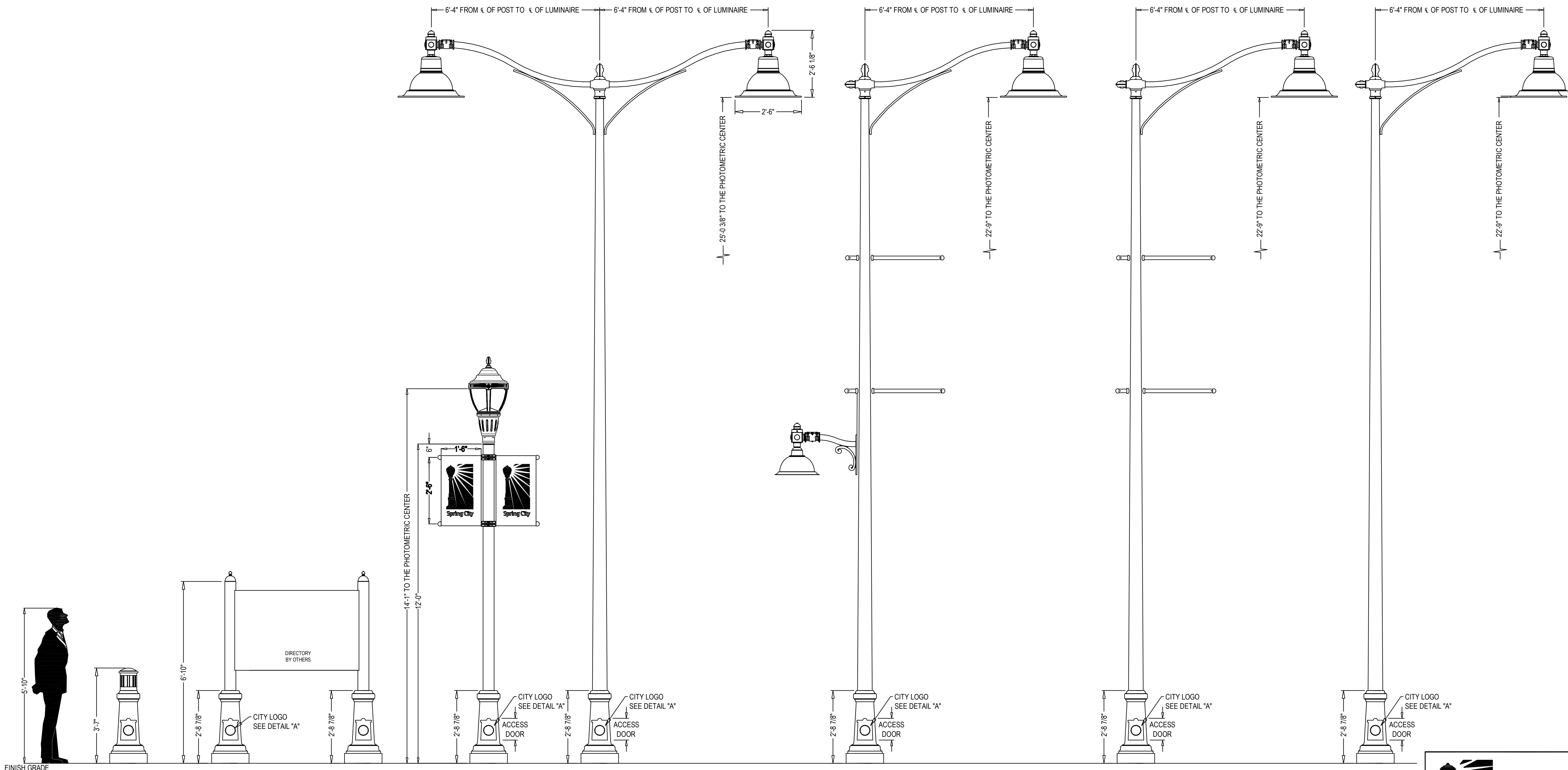
Elements Outside Downtown Core

ROADWAY LIGHTING

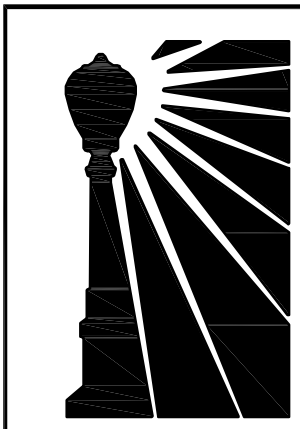
November 5, 2018
Project: 18023



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DETAIL A
CITY LOGO



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PHONE (610) 948-4000 - FAX (610) 948-5577 - WWW.SPRINGCITY.COM

DESCRIPTION	THE CAMBRIDGE SERIES		
CUSTOMER	COLLEYVILLE BOULEVARD		
SCALE	DRAWN BY:	DATE	DRAWING NO.
N.T.S.	WRW	10-25-18	S104466C



City of Colleyville City Council Agenda Briefing

City Hall
100 Main Street
Colleyville, Texas 76034
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Agenda Number WS-2

Agenda Date 11/05/2018

Type Worksession

Department City Secretary

Title

Discussion of the November 5, 2018, 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 11/05/2018

Type Executive Session

Department City Secretary

Title

Section 551.071 - Legal - Consultation with attorney on legal issues raised by items on the agenda

Section 551.071 - Legal - Consultation with attorney regarding contemplated and/or pending litigation, including:

- Glade Road eminent domain cases for Parcels 150 and 159

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

- Glade Road Project Phases 1B and 2
- Acquisition of real property along SH26

Section 551.074 - Personnel - Deliberate the appointment, employment, evaluations, and duties of the Fire Chief

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

Attachments

RESOLUTION R-18-4320

**A RESOLUTION APPROVING COUNCIL ACTION
REGARDING EXECUTIVE SESSION ITEMS AT THE REGULAR
CITY COUNCIL MEETING OF NOVEMBER 5, 2018**

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 NOVEMBER 2018.

Mayor Richard Newton	_____	Mayor Pro Tem Bobby Lindamood	_____
Place 1, Tammy Nakamura	_____	Place 3, Kathy Wheat	_____
Place 4, George Dodson	_____	Place 5, Chuck Kelley	_____
Place 6, Callie Rigney	_____		

ATTEST:

CITY OF COLLEYVILLE

Christine Loven, TRMC
City Secretary

Richard Newton
Mayor



City of Colleyville City Council Agenda Briefing

City Hall
100 Main Street
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Agenda Number 3

Agenda Date 11/05/2018

Type Announcements, Proclamations, and Presentations

Department City Secretary

Title

Member recognition of service to a City Board, Commission, or Committee

Proclamation in recognition of Arbor Day - Mayor Richard Newton and Parks and Recreation Director Lisa Escobedo

In recognition of the Featured Business of the Month - Furniture Consignment Gallery, 6000 Colleyville Boulevard, Suite 120, Robin Vander Stoep, owner - Mayor Richard Newton and Assistant City Manager Mark Wood

Attachments

1. Board, Commission, and Committee Member Service Recognition
2. Proclamation in recognition of Arbor Day 2018

RECOGNITION OF BOARD, COMMISSION, AND COMMITTEE MEMBER SERVICE

Historical Preservation Committee:

Marilyn Keith: September 2012 - September 2018

Walt Mills: September 2012 – September 2018

Cynthia Phillips: September 2012 - September 2018

Library Board:

Seanna Billinger: September 2015 - September 2018

Metroport Teen Court:

Kelly Tookey: November 2016 - September 2018

Zoning Board of Adjustment:

Raymond Allee: September 2015 –January 2018; P&Z: January 2018 -
September 2018

Wayne Maynard: December 2015 - September 2018

Scott McCombs: February 2018 - September 2018

Proclamation

CITY OF

Colleyville,
Texas

WHEREAS: The City of Colleyville and Keep Colleyville Beautiful are committed to the citizens of Colleyville, working together to improve the community and the environment by planting trees and teaching others about environmental stewardship; and

WHEREAS, the City of Colleyville is proud of its natural resources and neighborhoods and seeks to protect and improve our community through the action of citizens, schools, governments, and businesses working together; and

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees. This holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, trees reduce the erosion of precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen, and provide habitat for wildlife and Arbor Day is observed throughout the world and has become a day dedicated to the beauty, usefulness and preservation of trees; and

WHEREAS, the City of Colleyville is celebrating their 20th year of being designated a Tree City USA community.

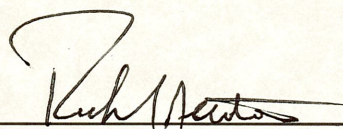
NOW, THEREFORE, I, RICHARD NEWTON, MAYOR OF THE CITY OF COLLEYVILLE, TEXAS, on behalf of the Colleyville City Council do hereby proclaim November 3, 2018 as the

OFFICIAL ARBOR DAY IN COLLEYVILLE

and call upon our citizens to promote responsible environmental stewardship and help us renew our commitment to building a better world today and for future generations.

IN WITNESS WHEREOF, I do hereby set my hand and seal of the City of Colleyville, Texas, affixed this 5th day of November, 2018.





Mayor



RESOLUTION R-18-4321

**A RESOLUTION APPROVING CITY COUNCIL ACTION UNDER CONSENT
ITEMS AT THE REGULAR CITY COUNCIL MEETING OF
NOVEMBER 5, 2018**

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 October 16, 2018
 - b. Approval of the minutes of the City Council Worksession of October 25, 2018
 - c. Approval of a professional services agreement with Baird, Hampton, & Brown, in an amount not to exceed \$68,360 for the design of the Pleasant Run Waterline from John McCain Road north to the north City limit line at Bear Creek, and authorizing the City Manager to execute the agreement

AND IT IS SO RESOLVED.

APPROVED BY A VOTE OF _ AYES, _ NAYS ON THIS THE 5TH DAY OF NOVEMBER 2018.

Mayor Richard Newton	_____	Mayor Pro Tem Bobby Lindamood	_____
Place 1, Tammy Nakamura	_____	Place 3, Kathy Wheat	_____
Place 4, George Dodson	_____	Place 5, Chuck Kelley	_____
Place 6, Callie Rigney	_____		

ATTEST:

CITY OF COLLEYVILLE

Christine Loven, TRMC
City Secretary

Richard Newton
Mayor



City of Colleyville City Council Minutes - Draft

City Hall
100 Main Street
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Tuesday, October 16, 2018

Mayor Richard Newton called the Colleyville City Council Worksession to order on Tuesday, October 16, 2018, at 5:31 p.m.

ROLL CALL: Mayor Richard Newton, Mayor Pro Tem Bobby Lindamood, and Councilmembers Tammy Nakamura, Kathy Wheat, George Dodson, Chuck Kelley and Callie Rigney.

ALSO PRESENT: City Manager Jerry Ducay, Assistant City Manager Mark Wood, Assistant City Manager Adrienne Lothery, Police Chief Michael Miller, Fire Chief Brian Riley, Interim Fire Chief Mark Cantrell, Community Development Director Ben Bryner, Public Works Director Ray Silva-Reyes, Community Relations Specialist Erin Spicer, City Attorney Whitt Wyatt, and City Secretary Christine Loven.

WS-1 Discussion of water and wastewater services provided by Trinity River Authority

Fiona Allen, Regional Manager, TRA, presented this item. Ms. Allen gave an overview of the Central Regional Wastewater System and Tarrant County Water Supply, flow rates, budgeting, debt issuance, bio solids management, construction phases, and capital projects. Ms. Allen presented the water and sewer capacity of the systems they manage showing they are sufficient for the needs of the member cities. She also presented the projected five-year cost increases to the member cities. She also explained the problems diaper and wet wipes, paper towels, and Kleenex cause to the sewer processing system when people flush them. These items are largely advertised as flushable, but do not dissolve and clog up the sewer processing systems, creating significant maintenance costs.

WS-2 Discussion of the Tarrant County 9-1-1 lease of facilities at the Colleyville Justice Center

Police Chief Michael Miller introduced Shinar Haynes, Executive Director, and Kevin Kleck, Technical Operations Manager, Tarrant County 9-1-1 District, and both provided a brief history of Tarrant County leasing the jail area of the Colleyville Justice Center. Ms. Haynes and Mr. Kleck provided a presentation which highlighted the equipment and processes for the use of the area and the importance of the facilities.

WS-3 Discussion and update regarding a zoning change request at 712-810 Lavaca Trail, Case ZC18-033

Community Development Director Ben Bryner provided an update on the zoning to the City Council.

WS-4 Discussion of the October 16, 2018, City Council regular agenda items

Mayor Newton asked everyone to review the announcements to be made tonight.

Mayor Newton stated Ordinance O-18-2056 – Oak Alley should remain tabled to November 5th to allow the City Council time to conduct a worksession concerning the many changes to the project which had occurred over the last week based on discussion with residents and the developer. The worksession is needed to bring the Council up to date on those discussions and to discuss drainage concerns, and resolve any new challenges expressed by the Holly Lane and Tanglewood residents. The date of October 25, 2018 at 3:00 p.m. was selected for a worksession date.

Mayor Newton adjourned the worksession at 6:44 p.m.

Mayor Newton called the Executive Session to order at 6:44 p.m. and called the roll.

ROLL CALL: Mayor Richard Newton, Mayor Pro Tem Bobby Lindamood, and Councilmembers Tammy Nakamura, Kathy Wheat, George Dodson, Chuck Kelley and Callie Rigney.

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 items on the agenda

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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 Newton 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. Executive Session was adjourned at 7:12 p.m.

The regular meeting of the Colleyville City Council was called to order by Mayor Newton at 7:33 p.m.

ROLL CALL: Mayor Richard Newton, Mayor Pro Tem Bobby Lindamood, and Councilmembers Tammy Nakamura, Kathy Wheat, George Dodson, Chuck Kelley and Callie Rigney.

INVOCATION: Pastor Josh Anderson, Colleyville Presbyterian

PLEDGE OF ALLEGIANCE: City Attorney Whitt Wyatt

2. EXECUTIVE SESSION READING AND PUBLIC HEARING: CONSIDER AND TAKE ANY ACTION(S) NECESSARY RELATIVE TO ITEMS DISCUSSED IN EXECUTIVE SESSION - RESOLUTION R-18-4317

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

The Mayor and City Council made the following announcements:

Mayor for a Day - Colleyville residents in grades 2-7 are encouraged to enter the 2018 Mayor for a Day Contest. The winner will serve as honorary mayor on one of the City Council meeting dates in January. Applicants are required to submit a 1-2 paper outlining how they would make Colleyville the best city in Texas. Information on how to apply will be available on Colleyville.com.

The Q4P grant program provides qualifying businesses along the SH26 construction corridor money to spend on advertising. Eligible businesses can apply for up to \$1,000 in grant money to put toward an advertising campaign. Businesses who wish to make a \$500 donation to an area non-profit will receive an additional \$1,000 in grant money. Advertisements must display the hashtag #ColleyvilleGives. Qualifying businesses must: be located within the SH26 Project

corridor, from Brown Trail to John McCain Road, and collect sales tax, complete the Q4P application and W-9 form, run an advertisement by December 31, 2018, ad must contain the hashtag #ColleyvilleGives, and submit proof of advertisement campaign to city staff. Questions about this promotion, please call us at 817.513.1111.

Haunted Trail Fest – The Haunted Trail Fest and the Steak Cook-off has been canceled due to inclement weather.

Chief Riley Retirement - A reception will be held for Fire Chief Riley, October 19, from 2-5 PM at the Colleyville Center. Please join us to wish Brian the best in his retirement.

Cheek-Sparger Resurfacing – resurfacing is scheduled to start next week (weather dependent) and will result in partial lane closures during daytime hours (8 AM to 4 PM). Detour route maps are on Colleyville.com. Staff mailed over 1,000 notices to residents regarding this upcoming project.

Fire Prevention Month – October is Fire Prevention Month. The Colleyville Fire Department presented a fire safety Storytime at the library last week and will visit schools all month long to talk about fire safety.

Early Voting – Early voting begins October 22. The next general election takes place on Tuesday, November 6. Early voting for Colleyville residents will be held at Colleyville City Hall, or any polling location in Tarrant County. City Hall will be open for early voting during the following hours:

- October 22 – October 26: 8 a.m. – 5 p.m.
- October 27: 7 a.m. - 7 p.m.
- October 28: 11 a.m. - 4 p.m.
- October 29 – November 2: 7 a.m. - 7 p.m.

Opening on Historical Preservation Committee and Community Garden Committee - Colleyville City Council is currently accepting applications to fill vacancies on the Historical Preservation Committee and the Colleyville Community Garden Committee. Residents interested in helping their local government in the areas of preserving Colleyville's history or developing a community garden are encouraged to complete an application. Applications are available on Colleyville.com.

Prescription Drug Take-Back Day - The Colleyville Police Department and the Drug Enforcement Administration (DEA) will give the public the opportunity to prevent pill abuse and theft by ridding their homes of potentially dangerous expired, unused, and unwanted prescription drugs. Colleyville residents can bring their pills for disposal from 10 a.m. to 2 p.m. on Saturday, October 27, to the Senior Center. (The DEA cannot accept liquids, needles, or sharps, only pills or

patches.) The service is free and anonymous, no questions asked. Colleyville Police are offering a drive-through service for easier drug disposal.

Date of Next Council Meeting - Mayor Newton announced the next City Council meeting will be Monday, November 5, as Election Day is Tuesday, November 6.

New City Ambulance - Mayor Newton stated he was pleased to note the City now has two ambulances in service which allows the City to respond to most of the calls for service. He noted there were 64 calls in September and Colleyville responded to all of them without relying on mutual aid from adjacent cities. This is beneficial to residents because the City of Colleyville does not direct bill residents, but when we must call on another city, to respond in our city limits, those cities do bill the residents and the cost is higher.

North Texas Commission Legislative Summit - Mayor Newton also stated he and Assistant City Manager Adrienne Lothery attended the North Texas Commission Legislative Summit and there was a lot of information presented concerning the next legislative cycle and school funding. He stated he was invited and plans to attend a meeting with Governor Abbott's office and his chief policy advisor to discuss tax legislation.

In recognition of Mike and LeeAnn Sexton for allowing police and fire services to train on their property - Mayor Richard Newton, Police Chief Michael Miller, Fire Chief Brian Riley

Mayor Richard Newton, Police Chief Michael Miller and Fire Chief Brian Riley thanked Mike and LeeAnn Sexton for allowing their buildings and property to be used by the department for training.

Presentation of a donation to the Colleyville Public Library for the Library Spatial Reconfiguration Project from the Colleyville Public Library Foundation and the Friends of the Colleyville Public Library in the amount of \$40,000 - by the Colleyville Public Library Foundation, Pat Jones, President and the Friends of the Colleyville Public Library, Kay Newton, President

Library and Special Events Director Mary Rodne welcomed Pat Jones, Colleyville Public Library Foundation President and Kay Newton, Friends of the Colleyville Public Library President and gave a brief overview of the long support and funding raising each organization has provided. Mayor Newton and Director Rodne then accepted a joint donation of \$40,000 from the two organizations.

Presentation of the Government Finance Officers Association (GFOA) Certificate of Achievement for Excellence in Financial Reporting for the Fiscal Year 2018 Comprehensive Annual Financial Report (CAFR) & Award of Financial Reporting Achievement (AFRA) - Mayor Richard Newton and CFO Shereen Gendy

Presentation of the Government Finance Officers Association (GFOA) Popular Annual Financial Reporting Award - Mayor Richard Newton and CFO Shereen Gendy

Mayor Newton welcomed CFO Shereen Gendy and explained the CAFR and PAFR and thanked CFO Gendy for achieving this recognition. CFO Gendy thanked her team, Karen Hines, Sue Kralich, Mushtag Ali, and recognized their professional expertise. She also thanked the Mayor and City Council, City Manager Ducay, and Assistant City Managers Mark Wood and Adrienne Lothery.

In recognition of the Featured Business of the Month - Furniture Consignment Gallery, 6000 Colleyville Boulevard, Suite 120, Robin Vander Stoep, owner - Mayor Richard Newton and Assistant City Manager Mark Wood

Ms. Stoep could not attend the meeting, therefore, she will be recognized November 5, 2018.

4. CONSENT: READING AND PUBLIC HEARING- RESOLUTION R-18-4318

- 4a** Approval of the minutes of the regular City Council meeting of October 1, 2018
- 4b** Approval of the minutes of the City Council Worksession of October 4, 2018
- 4c** Approval of a bid award to Infosend, Inc., for printing and mailing of utility bills and inserts
- 4d** Approval of the sale of property, seized items, found items, obsolete and non-serviceable equipment, and vehicles
- 4e** Approval to purchase a 2019 Chevrolet Tahoe fire command vehicle from Siddons-Martin Emergency Group, an approved vendor through the BuyBoard purchasing program, in an amount not to exceed \$75,309.00, and authorize the City Manager to execute the contract
- 4f** Approval to purchase four Chevrolet Tahoe patrol vehicles, from Caldwell Country Chevrolet, in an amount not to exceed \$126,880, bid

through the State of Texas Cooperative Purchasing Program, and authorize the City Manager to execute all purchasing documents

- 4g** Approval to purchase two Police Harley FLHTP Electra Glide motorcycles from Texas Harley, and authorize the City Manager to execute all purchasing documents

Mayor Newton read Resolution R-18-4318 in its entirety.

Chief Financial Officer Shereen Gendy gave an overview of item 4c; Public Works Director Ray Silva-Reyes presented item 4d; Fire Chief Brian Riley presented item 4e; and Police Chief Michael Miller presented items 4f and 4g.

Mayor Newton opened the public hearing at 8:20 p.m. There was no one wishing to speak and Mayor Newton closed the public hearing at 8:20 p.m.

Councilmember Nakamura made a motion to approve Resolution R-18-4318, and Mayor Pro Tem Lindamood seconded the motion.

The motion to approve carried with the following vote:

Aye: 7 – Mayor Richard Newton, Mayor Pro Tem Bobby Lindamood and Councilmembers Tammy Nakamura, Kathy Wheat, George Dodson, Chuck Kelley and Callie Rigney.

5. ITEMS NOT FOR CITY COUNCIL ACTION

5a Monthly Financial Report - September 30, 2018

Assistant City Manager Mark Wood presented the report, highlighting the increase in revenue, water usage, customer accounts, and sales tax revenue. He also reiterated the base rates for water and wastewater, noting efficiencies have reduced expenses from last year. When reviewing the debt service fund, Manager Wood stated the City has been creative in using the fund to finance the second ambulance and a fire engine. Mayor Newton stated in recent months, the Colleyville Fire Department had four life saves.

Mayor Newton stated the briefing had an error in the explanation of sales tax collected as the sales tax is collected three months in arrears and asked the packet be corrected.

Mayor Newton also asked the utility fund charts also track and reflect the expenses.

6. ORDINANCE(S): SECOND READING AND PUBLIC HEARING**6a Ordinance O-18-2062**

Consideration of a zoning change from ML Light Manufacturing district to PUD-C Planned Unit Development - Commercial district on Lot 1, Block 1, of the Chandler Addition, located at 1701 John McCain Road, Case ZC18-025

Mayor Newton stated the applicant has asked this ordinance be tabled.

A motion to table Ordinance O-18-2062 was made by Councilmember Dodson and seconded by Councilmember Kelley.

The motion to table carried with the following vote:

Aye: 7 – Mayor Richard Newton, Mayor Pro Tem Bobby Lindamood and Councilmembers Tammy Nakamura, Kathy Wheat, George Dodson, Chuck Kelley and Callie Rigney.

7. ORDINANCE(S): FIRST READING AND PUBLIC HEARING**7a Ordinance O-18-2063**

Consideration of a Special Use Permit for an Automotive Repair Shop on Lot 1A, Block 1, of the Highway 26 Industrial, located at 6804 Colleyville Boulevard, Case ZC18-020

Mayor Newton read the caption of Ordinance O-18-2063.

Community Development Director Ben Bryner presented this item.

Mayor Newton asked staff if the applicant is planning to replace windows as well. Assistant City Manager Mark Wood responded the applicant plans to replace windows, upgrade the lighting inside and out, and clean up the wiring from the pole at the front of the property.

Councilmember Dodson stated some landscaping improvements of the north side were also planned. Manager Wood agreed.

Mayor Newton opened the public hearing at 8:39 p.m. Kenneth FiField, 2489 County Road 3308, Greenville, president and owner of Joe Hudson's Auto Repair advised the City Council this will be his 80th location and he plans to replace the roof, not just paint it.

There were no others wishing to speak and Mayor Newton closed the public hearing at 8:41 p.m.

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

7b Ordinance O-18-2064

Consideration of a zoning change from AG Agricultural district to R-30 Single Family Residential district on Tracts 2A01 & 2A02, Abstract 1543, in the George W Teeter Survey, located at 1309 Glade Road, Case ZC18-023

Councilmember Chuck Kelley stated he is recusing himself from this case as he voted on this case while serving as a Planning and Zoning Commissioner. Mayor Newton asked for a City Attorney ruling regarding the recusal and Councilmember Kelley chose to recuse himself.

Mayor Newton read the caption of Ordinance O-18-2064.

Community Development Director Ben Bryner presented this item. There were two layout proposals provided for discussion and direction by City Council and the applicant.

Mayor Newton stated the difference between the exhibits which are being proposed is the one on the right, places an entrance on Carmel which eliminates the two entrances off Glade Road, and the variance request is for the number of homes on a cul-de-sac and he believes due to the entrance locations, this would be justification for the variance request.

Councilmember Dodson stated the street and cul-de-sac are not up to the City's standards so he is not in agreement unless they propose to widen the cul-de-sac. Councilmember Rigney asked if widening the cul-de-sac would interfere with emergency services. Councilmember Dodson responded yes, it would be a problem and is why he opposes the proposal.

Mayor Newton asked staff to provide the proper width standards. Director Bryner responded street width is a function of the cul-de-sac length, when it extends beyond 600 feet in length, the cul-de-sac is supposed to be widened to 36 foot of pavement width versus our standard 31 feet of pavement. With Carmel that is already approved, it is about 760 feet in length, one of the conditions of the PUD is they would allow for the 31 feet of pavement. That was written into the PUD ordinance, which means it is currently substandard, based on the length. Secondly, there is also a limitation with the R-20 allowing no more than 12 lots to front the cul-de-sac. The previous proposal provided for 16 lots. This proposal provides for a total of 12 lots fronting Carmel, therefore meeting the standard, but the cul-de-sac is still substandard in width.

Mayor Pro Tem Lindamood stated he appreciates the alternate proposal as their efforts save the trees along Glade Road.

Mayor Newton directed the applicant to provide information on the trees at the next meeting.

Councilmember Wheat asked if there are still 14 houses on the cul-de-sac. Mayor Newton concurred. Councilmember Wheat stated this means fire safety is not being addressed. Mayor Newton clarified each proposal's variance requests.

Councilmember Wheat asked if a car was parked on both sides of Carmel Place, would a fire truck be able to get through. City Manager Jerry Duway stated yes, and the cul-de-sac turn around allows for the truck to turn.

Councilmember Wheat stated she felt the density had not been addressed from the denied proposal to this one. Manager Duway stated there are different lot owners, though the developer is the same.

Mayor Newton opened the public hearing at 8:57 p.m.

Emory Logan, 1313 Glade Road, spoke in opposition with concerns for privacy and fencing.

Steven Hickson, 1315 Glade Road, spoke in opposition with concerns for heritage trees, privacy, land values, traffic congestion, communication, timing, and verification of what is approved vs what is actually done.

Bryan Klein, Ion Design Group, applicant representative, 7075 Twin Hills Avenue, Dallas, spoke in support of this item stating design changes include increased lot size, reduced number of homes, reasonable use of the land, lot arrangement, and ability to save trees.

Marilyn Keith, 1112 Riverwalk Court, spoke in support of this item, but prefers the homes face Carmel West, and concern for traffic during construction.

Kathy Hadley, 204 N. Timberline, spoke regarding the rural feel of Colleyville, preserving the land and trees, and the need to keep current residents happy.

There were no others wishing to speak and Mayor Newton closed the public hearing at 9:09 p.m.

Mayor Newton asked the applicant to confirm if it is the same owner on both sides of the street and if there is an HOA. Mr. Klein responded it is the same developer, but the lots on the west side have been sold to individual builders. Mr. Klein was not sure regarding the HOA.

Rome Barnes, 1800 Valley View Lane, project manager of Carmel West, stated he is not sure if the new lots will be a part of the established HOA.

Mayor Newton advised he wants answers to the following at the next meeting: Is there an HOA on this development, what are the CC&R's, is there a masonry wall, location and species of the trees, what is the number of homes and traffic to be considered.

Councilmember Dodson expressed concern for others requesting more homes within developments, based on this zoning case.

Mayor Pro Tem Lindamood asked Mr. Hickson if he was for facing the houses on Carmel. Mr. Hickson concurred.

Councilmember Dodson asked Mr. Klein if there is any intention to change the road. Mr. Klein stated they do not intend to make changes to the road.

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

Councilmember Kelley rejoined the City Council meeting at 9:16 p.m.

8. TABLED: ORDINANCE(S) READING AND PUBLIC HEARING

8a Ordinance O-18-2056

Consideration of a zoning change from the R-40 Single Family Residential zoning district and AG Agricultural zoning district to the PUD-R Planned Unit Development-Residential zoning district on Lot 1R1 and 1R2, Block 1, of the Bear Creek Plantation, located at 1312 John McCain Road and 7309 Holly Lane N, Case ZC18-019

Mayor Newton read the caption of Ordinance O-18-2056 and stated this is a tabled ordinance which was tabled to a date certain, which is this meeting, however, after he explains, he will be making a motion to remove the item from the table and retable it to the next meeting. Mayor Newton stated the City tried to communicate to all parties this item will be tabled.

Mayor Newton stated the reason this item will be re-tabled is because this is a very important zoning case and we have gone through the process whereby we have done everything we can do to make sure all the neighbors are aware of it and we have received and reviewed all of the comments and concerns and have done our best to put the zoning documents together to take it under consideration to include meeting with the applicant Burk Collins. He said a tremendous amount of work has gone on by everybody. The item was tabled to allow time to put all the documents together and there has been a great deal of time and expense put into this. The commitment was to put all of this information into the hands of all the neighbors and individuals who are concerned about this. We have done that. There has been a flurry of activity as there is a ton of detail in these documents. Reading, reacting, making sure it's consistent, making tweaks where it needed to be done, up to and including meeting on Saturday for three or four hours with citizens, the developer, City staff, and some

Council members – not all Councilmembers, because we cannot have more than three Councilmembers at a meeting which is not a public meeting. It was a great meeting, worked through a lot of the issues known on the west side were dealt with. Mayor Newton stated we have had record rainfall and this is important to note because the back of Bear Creek is in the floodplain, back of the neighbors adjacent to Bear Creek are in the floodplain, and with all this rain, the floodplain has filled up – just as it has in the past and as it's designed to do. However, this raises a lot of questions and concerns which need to be talked about. What's really important is that we get it right. Mayor Newton said he personally has had more meetings and discussion with neighbors and has put a lot of time and effort into this, but we, as an elected body, have not had those conversations because we couldn't do it. We are tabling this so we can have a worksession, it will be a public meeting, but not a public hearing, so we can all discuss this together. That worksession will be October 25, at 3:00 p.m.

Mayor Newton made a motion to remove Ordinance O-18-2056 from the table and re-table to Monday, November 5, 2018 and Councilmember Dodson seconded the motion.

The motion to remove from the table and re-table Ordinance O-18-2056 carried with the following vote.

Aye: 7 – Mayor Richard Newton, Mayor Pro Tem Bobby Lindamood and Councilmembers Tammy Nakamura, Kathy Wheat, George Dodson, Chuck Kelley and Callie Rigney.

Mayor Newton stated he received three speaker cards: Frank and Natalie Genco, and Julianna Garrison, but when we go through this process we do not have a public hearing – that will be at the next meeting.

9. TABLED: RESOLUTION(S) READING AND PUBLIC HEARING

9a Resolution R-18-4294

Consideration of a final plat for Lots 1, 2, and 3X, Block 1, Old Grove Addition, Phase II, located at 105 and 103 John McCain Road and 7189 Cast Iron Forest Trail, Case PC17-004

This item remained tabled.

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

Kathleen Hennessey, 5013 Stonebridge Drive, spoke regarding the Tree Code, a 2005 Texas A&M Tree Survey, and damage done to trees on Cherry Lane which

was reported ten days ago. Mrs. Hennessey was allowed to speak again so she could address the ducks on the Riverwalk Pond and speed sensitive cameras.

James Day, 805 Shelton Drive, spoke regarding the school crossing guards at Shelton Drive, stating they do a good job but it is dangerous there and they do not have the tools needed to perform the task safely. Mr. Day suggested painting school zone lettering on the street and adding flashing lights on the stop signs and cross walk.

Frank Genco, 1104 John McCain Road, spoke in opposition to Ordinance O-18-2056.

Mayor Newton stopped Mr. Genco from speaking and asked for a City Attorney ruling on whether the item could be discussed. Mayor Newton allowed Mr. Genco and then Natalie Genco to proceed, limiting both to the five minute time limit.

Mr. Genco expressed concerns with the zoning versus no rezoning, social media, offers of compensation to remove opposition, concerns of the resident of Tanglewood, and concern regarding if the proposed ordinance has been read by everyone.

Natalie Genco, 1104 John McCain Road, spoke in opposition to Ordinance O-18-2056 with concerns for density, traffic congestions, flooding, zoning, and concerns of the Hidden Oaks HOA residents.

Kathy Hadley, 204 N. Timberline, spoke regarding the train horns, landscaping at Bluebonnet and Glade Road pond, wildlife, trees on Bransford Road, and expressed her appreciation to Mayor, City Council, and staff for all they do.

Sandee Miller, 6313 Pleasant Run Road, spoke regarding the crossing guard duties, speed of vehicles and the need for more signs and lights at the cross walk at Pleasant Run.

Margie Buschhorn, 7700 Chandler Court, North Richland Hills, spoke regarding concerns for school zone speeding in front of Bogart and Pleasant Run at the south entrance on Beverly, suggested school zone lettering on the street, and stated too many drivers are distracted by their phones in the school zone.

11. ACTION/RESOLUTION: DISCUSSION AND CONSIDERATION OF A RESOLUTION RATIFYING COUNCIL AGENDA ACTION FOR OCTOBER 16, 2018 - READING AND PUBLIC HEARING - RESOLUTION R-18-4319

This resolution was not needed.

12. ADJOURNMENT

There being no further business before the City Council, Mayor Newton adjourned the City Council meeting at 10:07 p.m.

APPROVED BY A VOTE OF _ AYES, _ NAYS, AND _ ABSTENTIONS ON THIS THE 5TH DAY OF OCTOBER 2018.

Minutes taken and prepared by:

*Christine Loven, TRMC
City Secretary*



City of Colleyville City Council Worksession Minutes - Draft

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

Thursday, October 25, 2018

3:00 p.m.

Mayor Richard Newton called the Colleyville City Council Worksession to order on October 25, 2018, at 3:05 p.m.

ROLL CALL: Mayor Richard Newton, Mayor Pro Tem Bobby Lindamood, and Councilmembers Tammy Nakamura, Kathy Wheat, George Dodson, Callie Rigney, and Chuck Kelley (arrived at 3:08 p.m.).

City Manager Jerry Ducay, Assistant City Manager Mark Wood, Community Development Director Ben Bryner, Principal Planner Jackie Reyff, Public Works Director Ray Silva-Reyes, City Attorney Whitt Wyatt, and City Secretary Christine Loven.

2. PRESENTATION AND DISCUSSION

- 2a** Discussion regarding tabled Ordinance-O-18-2056 - Consideration of a zoning change from the R-40 Single Family Residential zoning district and AG Agricultural zoning district to the PUD-R Planned Unit Development-Residential zoning district on Lot 1R1 and 1R2, Block 1, of the Bear Creek Plantation, located at 1312 John McCain Road and 7309 Holly Lane N, Case ZC18-019

Mayor Newton stated the purpose of this worksession is to allow the City Council to talk about the Oak Alley development and get everyone up to speed on what has occurred to this point. He noted that he, and other Councilmembers, have spent a lot of time on this case and have talked with the neighbors adjacent to the Oak Alley development more than the City Council. He said it is important the City Council have the opportunity to discuss the case together as a group so they all have the same information about the development. The Council is the voting body that will make the decision based on data and facts relevant to the application, rather than opinions and anecdotal stories. It is important they have the facts.

For citizens who may not be familiar with the process, Mayor Newton outlined the City's process for how a zoning application is received and processed.

Mayor Newton stated he is very consistent in the process of receiving citizen input, listening to and documenting all concerns and issues, working to resolve those issues, and ensuring the resolutions are contained in the zoning ordinance documents so the Council and the citizens, can see in writing, how their concerns have been addressed. Further, all of these documents are sent to the citizens for review before the Council meeting in which the decision will be made.

Mayor Newton stated this case was tabled at the second reading to a date certain of October 16, 2018, to allow time for the many citizen concerns to be addressed and the details and changes to the zoning documents completed. This item was tabled at the October 16, 2018 meeting because there was a flurry of activity which occurred that Council could not review together in time to make a decision at that meeting. Most notably, Mayor Newton stated the record rains in October have brought up more questions regarding drainage and the flood plain.

Mayor Newton stated they would look at all the questions today, but would start with the three drainage questions:

- 1) Will the runoff from the development raise the level of the creek?
- 2) Has the flood plain expanded or will it expand in the future based on development upstream of the Oak Alley property?
- 3) What is the explanation of the recent water flow observed in the flood plain adjacent to the Hidden Acres subdivision (adjacent to Oak Alley)?

Public Works Director Ray Silva-Reyes provided a presentation which showed the drainage run-off under pre and post development conditions. He explained there is a net increase of 108 cubic feet per second (cfs) water flow comparing post development to predevelopment. The flow in the creek at flood stage is 18,000 cfs. Mayor Newton asked if the 108 cfs additional water flow after development would raise the creek level at flood stage any at all. Director Silva-Reyes said no since 108 cfs is only .0006 of the 18,000 cfs total flow - answering the first question.

Mayor Newton stated City staff found two studies that were done in 2007 and 2014 respectively and that they answer the questions concerning the flood plain boundaries. These studies were a cooperative effort of the cities of Southlake, Colleyville, Halff Associates, and North Central Texas Council of Governments. One of those studies included a projection of the flood plain along the entire creek in the year 2050; accounting for future development that would occur. There was extensive review and discussion of the findings of the reports, how tributaries, creeks, and retention basins function. Mayor Newton showed a map from one study which showed the flood plain boundaries adjacent to Hidden Acres and the Oak Alley development would not expand from where they are today through the year 2050. This answered question 2.

City Manager Jerry Ducay then presented a detailed topographic map and explained the flow of water from normal conditions through the flood stage in the area adjacent to the Hidden Acres subdivision. This explanation matched what was observed in actual flow during the recent flood stage event. This answered question 3.

Mayor Newton declared a break at 4:30 p.m. and reconvened at 4:41 p.m.

The proposed ordinance was discussed item by item, covering the proposed HOA, design standards, cost, size, and quality of the homes, the waterline, the pond, and streets. During this discussion there were a couple of items that were noted to be changed. The City Manager said these changes would be made and the resulting updated documents would be available by Monday noon and would be emailed to all citizens adjacent to the development.

Mayor Newton noted the developer has made many costly changes to the proposal in an effort to work with the neighbors and a great deal of time, work, and money has gone into this process – by everyone.

Mayor Newton and the City Council thanked everyone, citizens, developer, City staff, and City Council for working through the process.

Mayor Newton stated this item will be tabled to the November 20, 2018 meeting, as Mayor Pro Tem Bobby Lindamood will not be at the November 5, 2018 meeting and a super-majority vote will be required.

3. ADJOURNMENT

There being no further business before the City Council, Mayor Newton adjourned the worksession at 6:29 p.m.

APPROVED BY A VOTE OF _ AYES, _ NAYS, AND _ ABSTENTIONS ON THIS THE 5TH DAY OF NOVEMBER 2018.

Minutes taken and prepared by:

*Christine Loven, TRMC
City Secretary*



City of Colleyville City Council Agenda Briefing

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

Agenda Number 4c

Agenda Date 11/05/2018

Number Resolution R-18-4321

Type Resolution

Department Public Works

Title

Approval of a professional services agreement with Baird, Hampton, & Brown, in an amount not to exceed \$68,360 for the design of the Pleasant Run Waterline from John McCain Road north to the north City limit line at Bear Creek, and authorizing the City Manager to execute the agreement

Strategic Plan

3.2 Ensure regular repair and replacement of water and wastewater facilities

Explanation

Reading and Public Hearing

In September 2018, City Council approved the 2019-2023 Capital Improvement Program by Resolution R-18-4305, which included the design of the Pleasant Run Waterline Project. The construction of the improvements are scheduled for fiscal year 2020.

Improvements consist of replacing approximately 3,000 linear feet of deteriorated and undersized 6-inch waterline with a new 12-inch waterline along the west parkway of Pleasant Run Road from John McCain Road North to the North City limit line at Bear Creek. The new waterline will be constructed by open-trench and trenchless construction methods.

The City recently completed a Request for Qualifications process for professional engineering services. This process resulted in a total of 53 submittals from various Professional Engineering Firms. Based on a review of the 53 submitted Statements of Qualifications as well as an interview with the firm, staff is recommending the use of Baird, Hampton, & Brown for the design of this project. If approved, Baird, Hampton, & Brown will design the waterline improvements from John McCain North to the north City limit line at Bear Creek and prepare the engineering drawings for construction of this project.

Financial Impact

Funding for the professional services agreement for the Pleasant Run Waterline Improvement Project is available in the Utility Capital Projects Fund.

Form 1295 - Acknowledged by City

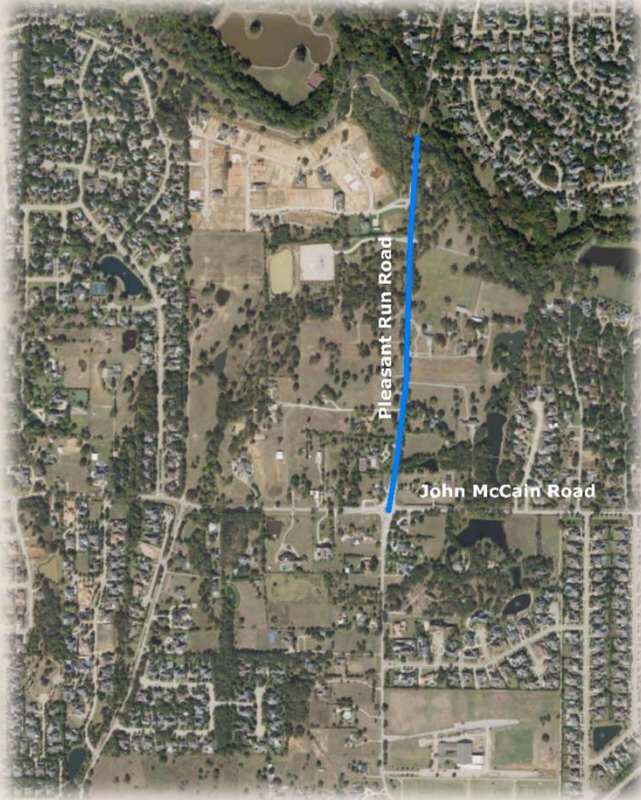
Recommendation

Approve

Attachments

1. Pleasant Run Road Waterline
2. Professional Services Agreement
3. Resolution R-18-4305
4. Form 1295
5. CIQ Form

4c. Pleasant Run Road Waterline Project



- Approval of a professional services agreement with Baird, Hampton, & Brown, in an amount not to exceed \$68,360 for the design of the Pleasant Run Waterline from John McCain Road north to the north City limit line at Bear Creek, and authorizing the city manager to execute the agreement
- The improvements consist of replacing an existing 6-inch water line with approximately 3,000 linear feet of 12-inch PVC water line on the west side of Pleasant Run Road

PROFESSIONAL SERVICES AGREEMENT
Pleasant Run Waterline (John McCain North to Bear Creek)

This Professional Services Agreement (“Agreement”) is made by and between the City of Colleyville (“City”), and Baird, Hampton & Brown, Inc. (“Professional”) (each a “Party” and collectively the “Parties”), acting by and through their respective authorized representatives.

RECITALS

WHEREAS, City desires Professional to perform certain work and services set forth in Section 1, Scope of Services and

WHEREAS, Professional has expressed a willingness to perform said work and services, hereinafter referred to only as "services", specified in said Scope of Services, and enumerated under Section 1, of this Agreement;

NOW, THEREFORE, for and in consideration of the covenants and promises made one to the other herein, City and Professional agree as follows:

Section 1. Scope of Services

Upon issuance of a written Notice to Proceed by City, Professional agrees to provide to City the professional services for the a 12-inch water line on the west parkway of Pleasant Run from John McCain Road North to the north City limit line at Bear Creek (“Project”) as set forth in the Scope of Services attached hereto as Exhibit “A” and incorporated herein by reference (“the Scope of Services”).

Section 2. Term of Agreement

The term of this Agreement shall begin on the last date of execution hereof (the “Effective Date”) and shall continue until Professional completes the services required herein to the satisfaction of City, unless sooner terminated as provided in Section 8, below.

Section 3. Professional Obligations

A. Professional shall devote such time as reasonably necessary for the satisfactory performance of the work under this Agreement. Should City require additional services not included under this Agreement, Professional shall make reasonable effort to provide such additional services in accordance with the payment and fee schedules set forth in Exhibit “A”, attached hereto and incorporated herein by reference, and within the time schedule prescribed by City; and without decreasing the effectiveness of the performance of services required under this Agreement.

B. To the extent reasonably necessary for Professional to perform the services under this Agreement, Professional shall be authorized to engage the services of any agents, assistants, persons, or corporations that Professional may deem proper to aid or assist in the performance of

the services under this Agreement with the prior written approval of City. The cost of such personnel and assistance shall be a reimbursable expense to Professional only if authorized in writing in advance by City.

C. Professional shall furnish and pay for all labor, tools, materials, equipment, supplies, transportation and management necessary to perform all services set forth in the Scope of Services.

Section 4. Payment

A. City agrees to pay Professional for all services authorized in writing and properly performed by Professional in accordance with the payment and fee schedules in Exhibit "A," attached hereto and incorporated herein by reference, subject to additions or deletions for changes or extras agreed upon in writing. All fees paid to Professional, by City, shall be based on invoices submitted by Professional for work performed monthly by City, less any previous payments, and shall be paid within 30 days of receipt of invoice by City.

B. City reserves the right to delay, without penalty, any partial payment when, in the opinion of City, Professional has not made satisfactory progress on the design of this Project based on the Scope of Services.

C. The total compensation to Professional shall be as specified in payment schedule set forth in Exhibit "A", which shall not exceed **SIXTY EIGHT THOOUSAND THREE HUNDRED SIXTY (\$68,360.00)**. City may deduct from any amounts due or to become due to Professional any sum or sums owing by Professional to City. In the event of any breach by Professional of any provision or obligation of this Agreement, or in the event of the assertion by other parties of any claim or lien against City, or City's premises, arising out of Professional's performance of this Agreement, City shall have the right to retain out of any payments due or to become due to Professional an amount sufficient to completely protect City from any and all loss, damage or expense therefrom, until the breach, claim or lien has been satisfactorily remedied or adjusted by Professional.

Section 5. Responsibilities

A. Professional shall be responsible for the professional quality, technical accuracy, and the coordination of all designs, drawings, specifications, plans and other services furnished by Professional under this Agreement. Professional shall, without additional compensation, correct or revise any errors or deficiencies in the design, drawings, specifications, plans and other services.

B. Neither City's review, approval or acceptance of, nor payment for any of the services required under this Agreement, shall be construed to operate as a waiver of any rights under this Agreement or of any cause of action arising out of the performance of this Agreement, and Professional shall be and remain liable to City in accordance with applicable law for all damages to City caused by Professional's negligent performance of any of the services furnished under this Agreement.

- C. The rights and remedies of City under this Agreement are as provided by law.

Section 6. Time for Performance

A. Professional shall perform all services as provided for under this Agreement in a proper, efficient, timely, and professional manner in accordance with City's requirements.

B. In the event Professional's performance of this Agreement is delayed or interfered with by acts of the City or others, Professional may request an extension of time for the performance of same as hereinafter provided but shall not be entitled to any increase in fee or price, or to damages or additional compensation as a consequence of such delays.

C. No allowance of any extension of time, for any cause whatever, shall be claimed or made to Professional, unless Professional shall have made written request upon City for such extension within forty-eight (48) hours after the cause for such extension occurred, and unless City and Professional have agreed in writing upon the allowance of additional time to be made.

Section 7. Documents

A. All surveys, studies, proposals, applications, drawings, plans, specifications and other documents, including those in electronic form, prepared by Professional and its consultants, subcontractors, agents, representatives, and/or employees in connection with this Agreement ("Project Documents") are intended for the use and benefit of City. Professional and its consultants, subcontractors, agents, representatives, and/or employees shall be deemed the authors of their respective part of the Project Documents. Notwithstanding, upon payment by City as required by this Agreement, City shall own, have, keep and retain all rights, title and interest in and to all Project Documents, including all ownership, common law, statutory, and other reserved rights, including copyrights (except copyrights held by the Professional) in and to all Project Documents, whether in draft form or final form, which are produced at City's request and in furtherance of this Agreement. City shall have full authority to authorize contractor(s), subcontractors, sub-subcontractors, City consultants, and material or equipment suppliers to reproduce applicable portions of the Project Documents to and for use in their execution of the work or for any other purpose. All materials and reports prepared by Professional in connection with this Agreement are "works for hire" and shall be the property of City upon payment of Professional as provided in this Agreement. City shall have the right to publish, disclose, distribute and otherwise use Project Documents in accordance with the Engineering Practice Act of the State of Texas (Texas Occupation Code, Chapter 1001, as amended) and/or Texas Occupations Code, Chapter 1051, as amended. Professional shall, upon completion of the services and full payment for Professional's services by the City, or earlier termination and appropriate compensation as provided by this Agreement, provide City with reproductions of all materials, reports, and exhibits prepared by Professional pursuant to this Agreement in a TIFF, JPEG or PDF format, and a DXF format in current version of AutoCAD with NAD-83 coordinate format of all such instruments of service to the City.

B. All instruments of service (including plans, specifications, drawings, reports, designs, computations, computer programs, computer code, software, estimates, surveys, other

data or work items, etc.) prepared under this Agreement shall be submitted for approval of City. All instruments of service shall be professionally sealed as may be required by law or by City.

C. Acceptance and approval of the Project Documents by City shall not constitute nor be deemed a release of the responsibility and liability of Professional, its employees, associates, agents and consultants for the accuracy or competency of their designs, working drawings and specifications, or other documents and work; nor shall such approval be deemed to be an assumption of such responsibility by City for any defect in the designs, working drawings and specifications, or other documents prepared by Professional, its employees, contractor, agents and consultants.

Section 8. Termination

A. City may suspend or terminate this Agreement for cause or without cause at any time by giving written notice to Professional. In the event suspension or termination is without cause, payment to Professional, in accordance with the terms of this Agreement, will be made on the basis of services reasonably determined by City to be satisfactorily performed to the date of suspension or termination. Such payment will be due upon delivery of all instruments of service to City.

B. Should City require a modification of this Agreement with Professional, and in the event City and Professional fail to agree upon a modification to this Agreement, City shall have the option of terminating this Agreement and Professional's services hereunder at no additional cost other than the payment to Professional, in accordance with the terms of this Agreement, for the services reasonably determined by City to be properly performed by Professional prior to such termination date.

C. Termination for Force Majeure. To the extent either Party of this agreement shall be wholly or partially prevented from the performance of the term specified, or of any obligation or duty placed on such party by reason of or through work strikes, stoppage of labor, riot, fire, flood, acts of war, insurrection, court judgment, act of God, or other specific cause reasonably beyond the parties control and not attributable to its malfeasance, neglect or nonfeasance. In such event, the time for performance of such obligation or duty shall be suspended until such disability to perform is removed.

Section 9. Insurance

A. Professional shall during the term hereof maintain in full force and effect the following insurance:

- (i) A commercial general liability policy of insurance for bodily injury, death and property damage insuring against all claims, demands or actions relating to the Professional's performance of services pursuant to this Agreement with a minimum combined single limit of not less than \$1,000,000.00 per occurrence for injury to persons (including death), and for property damage;

- (ii) An automobile liability insurance policy covering any vehicles owned and/or operated by Professional, its officers, agents, and employees, and used in the performance of this Agreement with policy limits of not less than \$500,000.00 combined single limit and aggregate for bodily injury and property damage;
- (iii) Statutory Worker's Compensation Insurance at the statutory limits and Employers' Liability covering all of Professional's employees involved in the provision of services under this Agreement with policy limit of not less than \$500,000.00; and
- (iv) Professional Liability covering negligent acts, errors and omissions in the performance of professional services with policy limit of not less than \$1,000,000.00 per claim and \$1,000,000.00 in the aggregate.

B. All insurance and certificate(s) of insurance shall contain the following provisions:

- (i) Name the City, its officers, and employees as additional insureds as to all applicable coverage (not including the Workers Compensation Insurance and Professional Liability);
- (ii) Provide for at least thirty (30) days prior written notice to the City for cancellation or non-renewal of the insurance or reduction in coverage limits; and
- (iii) Provide for a waiver of subrogation against the City for injuries, including death, property damage, or any other loss to the extent the same is covered by the proceeds of insurance (not including the Professional Liability Insurance).

C. All insurance companies providing the required insurance shall be authorized to transact business in Texas and rated at least "A" by AM Best or other equivalent rating service.

D. A certificate of insurance evidencing the required insurance and all endorsements shall be delivered to City prior to commencement of services.

Section 12. Indemnification

CITY SHALL NOT BE LIABLE FOR ANY LOSS, DAMAGE, OR INJURY OF ANY KIND OR CHARACTER TO ANY PERSON OR PROPERTY ARISING FROM THE SERVICES OF PROFESSIONAL PURSUANT TO THIS AGREEMENT. PROFESSIONAL HEREBY WAIVES ALL CLAIMS AGAINST CITY, ITS OFFICERS, AGENTS AND EMPLOYEES (COLLECTIVELY REFERRED TO IN THIS SECTION AS "CITY INDEMNITEES") FOR DAMAGE TO ANY PROPERTY OR INJURY TO, OR DEATH OF, ANY PERSON ARISING AT ANY TIME AND FROM ANY CAUSE OTHER THAN THE NEGLIGENCE OR WILLFUL MISCONDUCT OF THE CITY INDEMNITEES. PROFESSIONAL AGREES TO INDEMNIFY AND SAVE HARMLESS THE CITY INDEMNITEES FROM AND AGAINST ANY AND ALL LIABILITIES, DAMAGES, CLAIMS, SUITS, COSTS (INCLUDING COURT COSTS, REASONABLE ATTORNEYS' FEES AND COSTS OF INVESTIGATION) AND ACTIONS OF ANY KIND

BY REASON OF INJURY TO OR DEATH OF ANY PERSON OR DAMAGE TO OR LOSS OF PROPERTY TO THE EXTENT CAUSED BY THE NEGLIGENT PERFORMANCE OF SERVICES UNDER THIS AGREEMENT OR BY REASON OF ANY NEGLIGENT ACT OR OMISSION ON THE PART OF PROFESSIONAL, ITS OFFICERS, DIRECTORS, SERVANTS, EMPLOYEES, REPRESENTATIVES, CONSULTANTS, LICENSEES, SUCCESSORS OR PERMITTED ASSIGNS (EXCEPT WHEN SUCH LIABILITY, CLAIMS, SUITS, COSTS, INJURIES, DEATHS OR DAMAGES ARISE FROM OR ARE ATTRIBUTED TO NEGLIGENCE OF A CITY INDEMNITEE, IN WHOLE OR IN PART, IN WHICH CASE PROFESSIONAL SHALL INDEMNIFY THE CITY INDEMNITEE ONLY TO THE EXTENT OR PROPORTION OF NEGLIGENCE ATTRIBUTED TO PROFESSIONAL, ITS OFFICERS, AGENTS, OR EMPLOYEES AS DETERMINED BY A COURT OR OTHER FORUM OF COMPETENT JURISDICTION). PROFESSIONAL'S OBLIGATIONS UNDER THIS SECTION SHALL NOT BE LIMITED TO THE LIMITS OF COVERAGE OF INSURANCE MAINTAINED OR REQUIRED TO BE MAINTAINED BY PROFESSIONAL UNDER THIS AGREEMENT. THIS PROVISION SHALL SURVIVE THE TERMINATION OF THIS AGREEMENT.

Section 13. Assignment

Professional shall not assign or sublet this Agreement, or any part thereof, without the prior written consent of City.

Section 14. Applicable Laws

Professional shall comply with all Federal, State, County and Municipal laws, ordinances, regulations, safety orders, resolutions and building codes relating or applicable to services to be performed under this Agreement. The laws of the State of Texas shall govern this Agreement; and venue for any action concerning this Agreement shall be in the State District Court of Tarrant County, Texas. The Parties agree to submit to the personal and subject matter jurisdiction of said court

Section 15. Default of Professional

In the event, Professional fails to comply or becomes disabled and unable to comply with the provisions of this Agreement as to the quality or character of the service or time of performance, and the failure is not corrected within ten (10) days after written notice by City to Professional, City may, at its sole discretion without prejudice to any other right or remedy:

A. Terminate this Agreement and be relieved of the payment of any further consideration to Professional except for all work determined by City to be satisfactorily completed prior to termination. Payment for work satisfactorily completed shall be for actual costs, including reasonable salaries and travel expenses of Professional to and from meetings called by City at which Professional is required to attend, but shall not include any loss of profit of Professional. In the event of such termination, City may proceed to complete the services in any manner deemed proper by City, either by the use of its own forces or by re-subletting to others.

B. City may, without terminating this Agreement or taking over the services, furnish the necessary materials, equipment, supplies and/or help necessary to remedy the situation, at the expense of Professional.

Section 16. Adjustments in Services

No claims for extra services, additional services or changes in the services will be made by Professional without a written agreement with City prior to the performance of such services.

Section 17. Execution becomes Effective

This Agreement will be effective on the date when signed by authorized representatives of Professional and City ("the Effective Date").

Section 18. Agreement Amendments

This Agreement contains the entire understanding of the Parties with respect to the subject matter hereof and there are no oral understandings, statements or stipulations bearing upon the meaning or effect of this Agreement which have not been incorporated herein. This Agreement may only be modified, amended, supplemented or waived by a written instrument executed by the Parties except as may be otherwise provided therein.

Section 19. Severability.

In the event any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provisions, and the Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained in it.

Section 20. Independent Contractor.

It is understood and agreed by and between the Parties that Professional in satisfying the conditions of this Agreement, is acting independently, and that City assumes no responsibility or liabilities to any third party in connection with Professional's actions. All services to be performed by Professional pursuant to this Agreement shall be in the capacity of an independent contractor, and not as an agent or employee of City. Professional shall supervise the performance of its services and shall be entitled to control the manner and means by which its services are to be performed, subject to the terms of this Agreement. There is no intended third party beneficiary to this Agreement.

Section 21. Right-Of-Access.

City will obtain and/or furnish right-of-access on any project site for Professional to perform any required studies, surveys, tests or other necessary investigations in relation to the Scope of Services. Professional will take reasonable precautions to minimize damage to the personal or real property in the performance of such surveys, tests, studies and investigations.

Section 22. Notice.

Any notice required or permitted to be delivered hereunder may be sent by first class mail, overnight courier or by confirmed telefax or facsimile to the address specified below, or to such other party or address as either party may designate in writing, and shall be deemed received three (3) days after delivery set forth herein:

If to City:	Jerry Ducay, City Manager City of Colleyville 1000 Colleyville Road Colleyville, Texas 75077
With copy to:	Whitt L. Wyatt Nichols, Jackson, Dillard, Hager & Smith, L.L.P. 500 North Akard, Suite 1800 Dallas, Texas 75201
If to Professional:	Konstantine Bakintas, P.E. Baird, Hampton & Brown, Inc. 3801 William D. Tate, Suite 500 Grapevine, TX 76051

Section 23. Counterparts.

This Agreement may be executed by the Parties in separate counterparts, each of which when so executed and delivered shall be an original, but all such counterparts shall together constitute one and the same instrument. Each counterpart may consist of any number of copies hereof each signed by less than all, but together signed by all of the Parties.

Section 24. Exhibits.

The exhibits attached hereto are incorporated herein and made a part hereof for all purposes.

Section 25. Survival of Obligations.

Any of the representations and obligations of the Parties, as well as any rights and benefits of the Parties pertaining to a period of time following the termination of this Agreement shall survive termination.

Section 26. Authorization.

Each Party represents that it has full capacity and authority to grant all rights and assume all obligations granted and assumed under this Agreement.

Section 27. Successors and Assigns.

Subject to the provisions regarding assignment, this Agreement shall be binding on and inure to the benefit of the Parties to it and their respective heirs, executors, administrators, legal representatives, successors and assigns.

Section 28. Recitals.

The recitals to this Agreement are incorporated herein.

Section 29. Audits and Records.

Professional agrees that during the term hereof the City and its representatives may, during normal business hours and as often as deemed necessary, inspect, audit, examine and reproduce any and all of Professional's records relating to the services provided pursuant to this Agreement for a period of one year following the date of completion of services as determined by the City or date of termination if sooner.

Section 30. Conflicts of Interests.

Professional represents that no official or employee of the City has any direct or indirect pecuniary interest in this Agreement.

Section 31. Hazardous Materials.

Professional shall report the presence and location of any hazardous materials it notices or which an engineer of similar skill and experience should have noticed to the City.

(Signature page to follow)

EXECUTED in duplicate originals this the ____ day of _____, 2018.

CITY OF COLLEYVILLE, TEXAS

By: _____
Jerry Duca, Ph.D., City Manager

APPROVED AS TO FORM:

By: _____
Whitt L. Wyatt, City Attorney
(10.22.18:103689)

EXECUTED in duplicate originals this the ____ day of _____, 2018.

PROFESSIONAL
BAIRD, HAMPTON, & BROWN, INC.

By: _____

Name: Konstantine Bakintas, P.E.

Title: Principal

EXHIBIT “A”
SCOPE OF SERVICES

(See attached)



October 5, 2018

Mr. Ray Silva-Reyes, Public Works Director
Mr. Robert Saucedo, PE, City Engineer
City of Colleyville
200 So. Main Street
Grapevine, TX 76051
Tel 817-410-3136

RE: Engineering & Surveying Services for
PLEASANT RUN ROAD WATER LINE
(John McCain to No. City Limit Line)

Gentlemen:

We are pleased to have been selected to assist you with the referenced project. Baird, Hampton & Brown has extensive experience with infrastructure reconstruction projects, and we are confident we can assist you in a timely and responsible manner. In the following pages we've summarized the project scope of work, and offer our opinion of probable cost and schedule.

We've also enclosed the revised Scope of Services and Fee Summary, Estimate of Probable Cost, and Project Schedule in the form of Exhibits to the City's standard Professional Services Contract.

We hope you find the enclosed information complete; and we look forward to working with you.

Thank you:

BAIRD, HAMPTON & BROWN

Konstantine Bakintas, PE
Principal, Sr. Civil Engineer

Enclosure: Project Summary, Exhibits & Estimates
Engineering Services Agreement Exhibits

e:\2018.000.000\2018.755.000 pleasant run road waterline - colleyville\02 documents\contract\scope of work & fee proposal letter_oct'18.docx

3801 William D Tate, Suite 500 | Grapevine, TX 76051 | PH: 817-251-8550 | FX: 817-251-8810

TBPE Firm #44, TBPLS Firm #10011300, #10011302, #10194146

engineering | surveying | landscape

Baird, Hampton & Brown - Engineering & Surveying

City of Colleyville
PLEASANT RUN ROAD WATER LINE
Project Summary

Scope of Work:

The City of Colleyville has identified a water line replacement project required to enhance the effectiveness and reliability of the overall water distribution system. This improvement consists of replacing a deteriorated and undersized 6-inch water line, that routinely exhibit leaks, with a new 12-inch water line.

A brief description of the project limits is provided below:

A 12-inch water line, from John McCain & Pleasant Run Road roundabout, northward approximately 3,000 LF along the west parkway of Pleasant Run Road, to the North City Limit Line at Bear Creek. The new water line will be constructed by open-trench and trenchless construction methods.

This replacement project will provide improved flows, inter-connectedness, and redundancy. We understand the line terminates at the City's north City Limit Line; however, consideration should be given to connecting to Southlake's system for further improvement to flows, inter-connectedness, and redundancy. The City of Southlake water distribution system is currently connected with the Cities of Keller and Grapevine.

Engineer's Opinion of Probable Cost:

From a budgetary perspective, and without the benefit a survey, we've prepared a budgetary Opinion of Probable Construction Cost (OPCC). This estimate will be refined as the project moves forward to the Concept Report, Preliminary Plans and Final Plans phases.

Construction OPCC	\$694,000
Professional Services	<u>\$111,000</u>
PROJECT OPC TOTAL	\$805,000

City of Colleyville
PLEASANT RUN ROAD WATER LINE
Project Summary

Project Schedule:

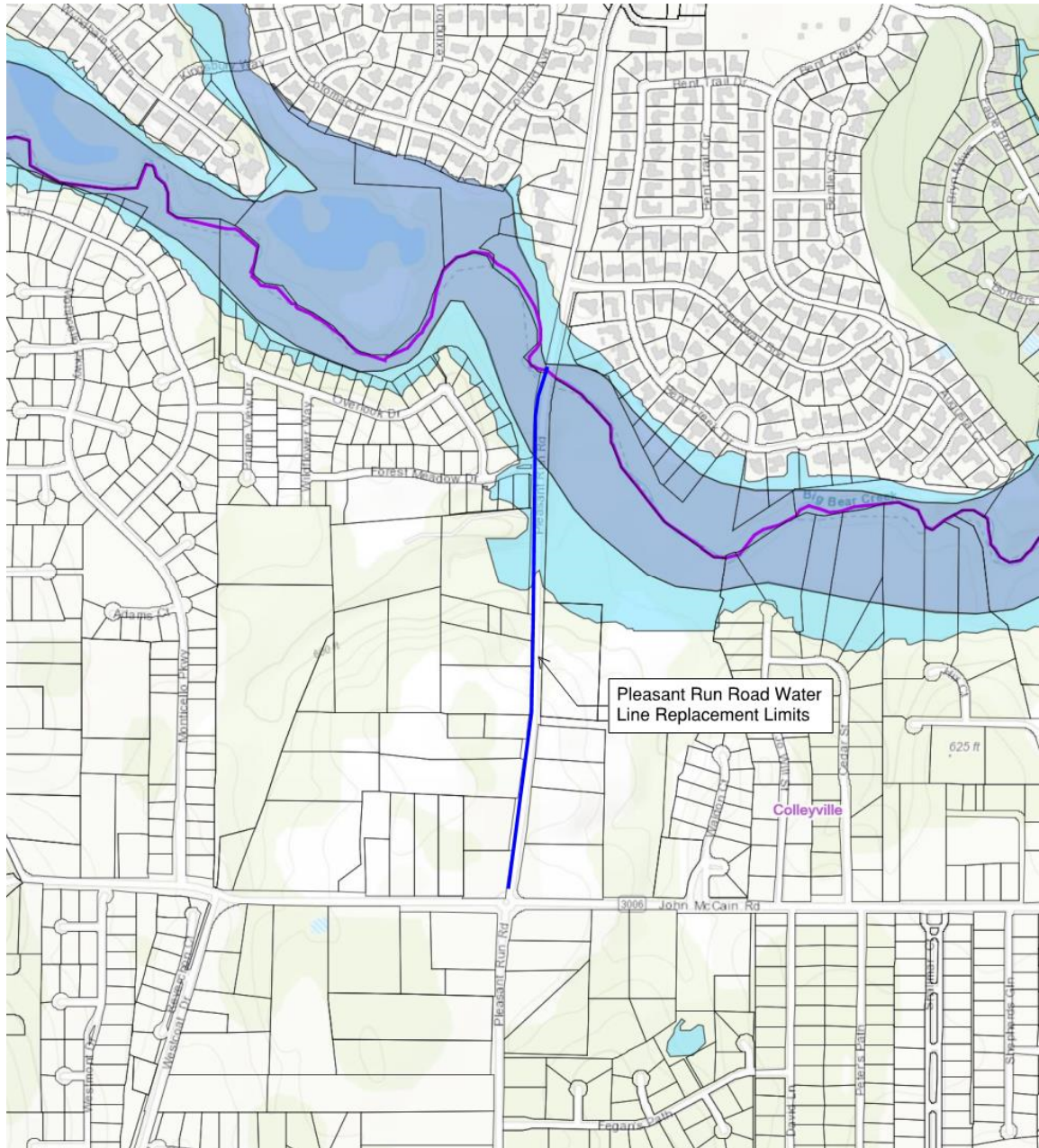
A detailed Project Schedule, which includes surveying, engineering, bidding and construction, has been prepared and enclosed herewith. The schedule has been prepared with assumptions as to the responsiveness of the franchise utility companies and the timeliness of city reviews. The schedule may be summarized as follows:

Pre-Engineering & Surveying	85 working days
Concept Report Phase	55 " "
Preliminary Engineering Plans	145 " "
Final Construction Plans	55 " "
Bid & Award	45 " "
Construction	<u>90 working days</u>
Total Project Schedule	375 working days - from 12/03/18 thru 05/08/20

Professional Services Fee Estimate:

Based upon our years of experience with similar utility reconstruction projects, we've prepared the enclosed Professional Services Fees summary. The summary tabulates individual tasks to be performed and the estimated man-hour effort required to complete these tasks. A fee for each task is then developed by multiplying the tabulated hours with the respective hourly rates for the various positions described. Our standard hourly rate schedule is included in the Agreement for Engineering Services. The professional services fees may be summarized as follows:

Concept Design Report	\$ 12,895
Preliminary Plans, Specs & Estimates	\$ 18,720
Final Plans, Specs & Estimates	\$ 16,175
Limited Constr. Spt. Services	<u>\$ 7,440</u>
Subtotal for Engineering Services	\$ 55,230
Surveying Services	<u>\$ 13,130</u>
Total for Engineering & Surveying	\$68,360



Project Location Map

ENGINEER'S OPINION OF PROBABLE CONSTRUCTION COST
Pleasant Run Road Water Line Replacement
from John McCain, North ±3,000 LF to City Limit Line
City of Colleyville
 October 5, 2018

12" Water Line by Open Trench and Trenchless Construction Methods

Item No.	Construction Item Description	Estimated Quantity	Unit	Unit Cost	AMOUNT
1	Project Sign	2	EA	600	\$ 1,200
2	Implement and Maintain Erosion Control	5	MO	1,500	\$ 7,500
3	Implement and Maintain Traffic Control	5	MO	1,500	\$ 7,500
4	Temporary Water Service Line w/Services	0	LF	15	\$ -
5	Remove & Salvage Exist. FH & Valves	2	EA	500	\$ 1,000
6	Connect to Exist. 12" Water Line	2	EA	500	\$ 1,000
7	Connect to Exist. 10" Water Line	2	EA	500	\$ 1,000
8	12" PVC, Class 150 Water Line Installed By Open Cut	1200	LF	100	\$ 120,000
9	12" PVC, Class 150 Water Line Installed By Pipe Bursting	0	LF	200	\$ -
10	12" DR11, HDPE or 12" DR 18, Fusible PVC Water Line Installed By H.D.D.	1400	LF	250	\$ 350,000
11	Fill w/Flowable Fill, Plug and Abandon Exist. 6" Water Line	2600	LF	3.00	\$ 7,800
12	12" Gate Valve w/Box & Lid	4	EA	2,100	\$ 8,400
13	6" PVC, Class 150 Water Line Installed by Open Cut	80	LF	35	\$ 2,800
14	6" Gate Valve w/ Box & Lid	4	EA	1,100	\$ 4,400
15	Fire Hydrant Assembly	4	EA	3,500	\$ 14,000
16	C.I./D.I. Fittings	2	TON	5,000	\$ 10,000
17	Concrete Collar for Gate Valve Box	8	EA	250	\$ 2,000
18	1" Service Tap	7	EA	325	\$ 2,275
19	1" Type 'K' Copper Water Service Line	30	LF	20	\$ 600
20	1" Type 'K' Copper Water Service Line by HDD	240	LF	95	\$ 22,800
21	Furnish & Set 1" Meter Box & Lid	7	EA	250	\$ 1,750
22	2" Service Tap	2	EA	375	\$ 750
23	2" Type 'K' Copper Water Service Line	10	LF	25	\$ 250
24	2" Type 'K' Copper Water Service Line by HDD	60	LF	105	\$ 6,300
25	Furnish & Set 2" Meter Box & Lid	2	EA	375	\$ 750
26	Trench Excavation Safety for Water Line Depths > 5'	1200	LF	4.00	\$ 4,800
27	Sawcut & Remove HMA Pavement	0	SY	10	\$ -
28	Permanent HMA Roadway Trench Repair	0	SY	75	\$ -
29	Sawcut Demolish & Remove Concrete Driveway	0	SF	3.00	\$ -
30	Concrete Driveway Trench Repair	0	SF	7.00	\$ -
31	Sawcut Demolish & Remove Concrete Sidewalk	0	SF	3.00	\$ -
32	Concrete Sidewalk Trench Repair	0	SF	6.00	\$ -
33	Top Soil in Disturbed (Open Cut) Areas	440	CY	20	\$ 8,800
34	Solid Sod for Disturbed (Open Cut) Areas	2670	SY	6.0	\$ 16,020
Subtotal					\$ 603,695
Contingency				15.0%	\$ 90,305
Total for Construction					\$ 694,000

Item No.	Professiona Services Item Description	Percent	Unit	Unit Cost	AMOUNT
	Topographic Surveying Services	1	LS	2.0%	\$ 13,880
	Geotechnical Investigation	1	LS	0.0%	\$ -
	Engineering Design & Construction Documents	1	LS	10.0%	\$ 69,400
	Construction & Materials Testing	1	LS	1.5%	\$ 10,410
	Misc. & Construction Support Services	1	LS	1.0%	\$ 6,940
Subtotal					\$ 100,630
Contingency				10.3%	\$ 10,370
Total for Services					\$ 111,000

PLEASANT RUN ROAD WATER LINE REPLACEMENT PROJECT TOTAL \$ 805,000

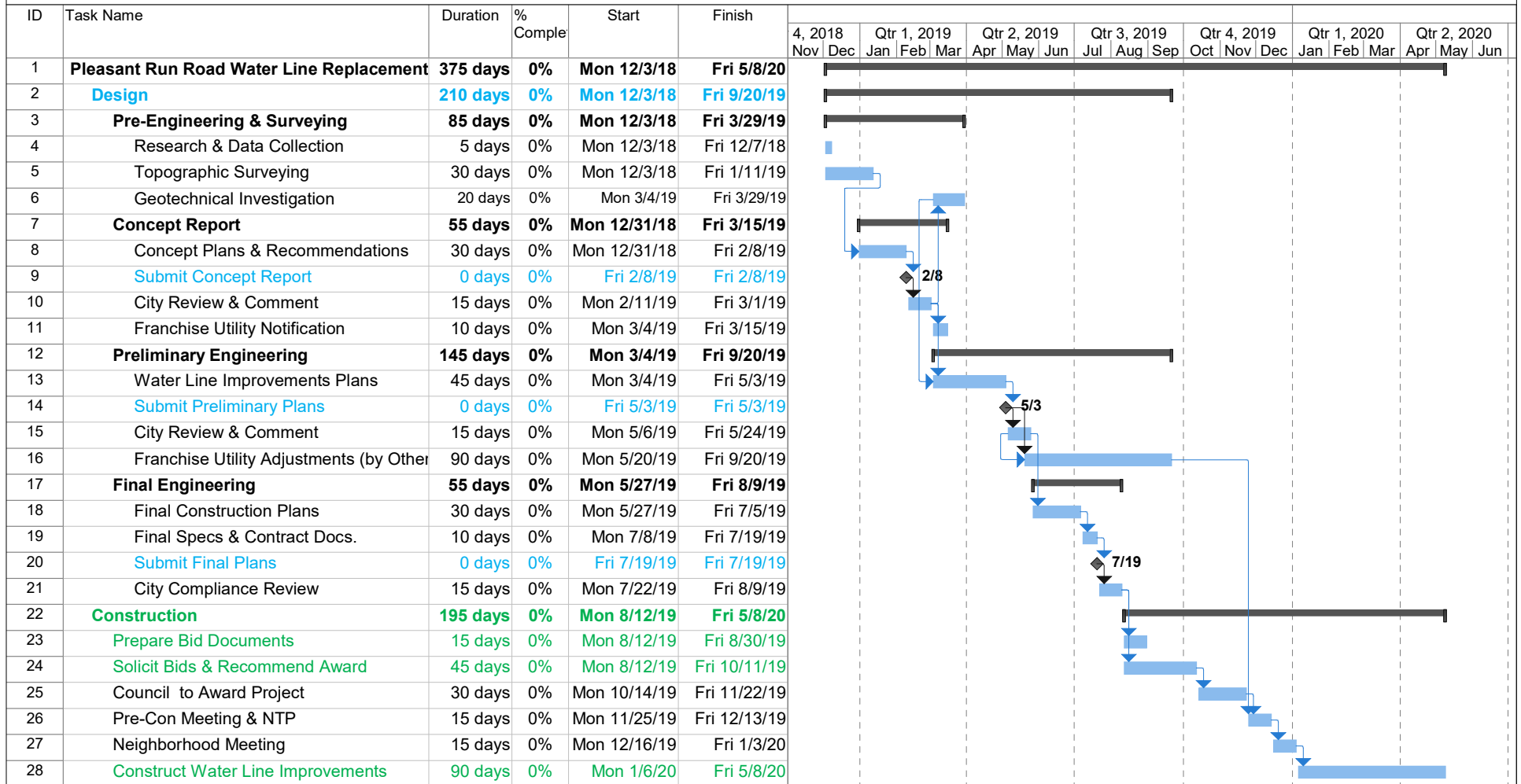
PROFESSIONAL SERVICES FEES: Item / Task Description & Estimated Man-Hour Effort

Pleasant Run Road Water Line Replacement**John McCain to North City Limit Line - ±3,000 LF**

October 5, 2018

Item / Task Description	Project Director (Hrs)	Project Manager (Hrs)	Project Engineer (Hrs)	Engineering CADD/Tech (Hrs)	Project Surveyor (Hrs)	Survey Field Crew (Hrs)	Survey CADD/Tech (Hrs)	Clerical (Hrs)	Direct Costs (\$)	Amount (\$)
	\$235/hr	\$165/hr	\$115/hr	\$95/hr	\$125/hr	\$165/hr	\$90/hr	\$60/hr		
Surveying Services										\$ 13,130
Topographic Surveying			1	1	8	32	32			9,370
Alignment, ROW Mapping			1		6	6	6			2,395
Set Project Control Points				1	2	4	4			1,365
Subtotal =	0	0	2	2	16	42	42	0	0	
Concept Design Report										\$ 12,895
Review Record Drawings & Visit Site		4	4	4					25	1,525
Prepare Water Line Drawings		4	16	24						4,780
Opinion of Probable Constr. Cost	1	2	4	8						1,785
Prepare and Submit Concept Report	1	6	14	12				2	75	4,170
Concept Plans Review Conference		2	2					1	15	635
Subtotal =	2	18	40	48	0	0	0	3	115	
Preliminary Plans & Estimates										\$ 18,720
Revise Plans & Incorporate Comments		2	8	12						2,390
Project Geometric Layout & Control	1	4	8	8						2,575
Water Line Plans & Profiles	2	6	24	32					25	7,285
Details, Traffic Control & Erosion Control		4	16	24						4,780
Opinion of Probable Constr. Cost		1	4	4					50	1,055
Submittal & Review Meetings		2	2					1	15	635
Subtotal =	3	19	62	80	0	0	0	1	90	
Final Plans, Specs & Estimates										\$ 16,175
Revise Plans & Incorporate Comments		2	4	8						1,550
Water Line Plans & Profiles	1	8	8	16						3,995
Details, Traffic Control & Erosion Control		2	4	4						1,170
Estimated Quantities Per Sheet		2	6	8						1,780
Tech. Specs. & Contract Docs.	1	8	16	12				4	100	4,875
Final Plans QA/QC w/Site Verification	1	4	4	4					25	1,760
Submittal & Review Meeting	2	2	2						15	1,045
Subtotal =	5	28	44	52	0	0	0	4	140	
Limited Construction Administration Services										7,440
Incorporate Comments & Issue Bid Docs.	1	4	8	10					100	2,865
Bid Project, Tab. Results & Recom.	1	4	6					8	100	2,165
Pre-Con Mtg. & Final Inspection										-
Prepare Record Drawings & CAD Files		2	4	16					100	2,410
Subtotal =	2	10	18	26	0	0	0	8	300	
Total for Professional Services	12	75	166	208	16	42	42	16	645	68,360

PLEASANT RUN ROAD WATER LINE REPLACEMENT SCHEDULE



Project: Colleyville's Pleasant Run Road
 Date: Wed 10/3/18

Task		Inactive Milestone		Finish-only	
Split		Inactive Summary		External Tasks	
Milestone		Manual Task		External Milestone	
Summary		Duration-only		Progress	
Project Summary		Manual Summary Rollup		Deadline	
External Tasks		Manual Summary			
External Milestone		Start-only			

BASIC ENGINEERING SERVICES
for
PLEASANT RUN ROAD WATER LINE REPLACEMENT
City of Colleyville

The City of Colleyville has identified a water line replacement project required to enhance the effectiveness and reliability of the overall water distribution system. This improvement consists of replacing a deteriorated and undersized 6-inch water line, that routinely exhibit leaks, with a new 12-inch water line.

A brief description of the project and limits is provided below:

A 12-inch water line, from John McCain & Pleasant Run Road roundabout, northward 3,000 LF along the west parkway of Pleasant Run Road, to the North City Limit Line at Bear Creek. The new water line will be constructed by open-trench and trenchless construction methods.

This replacement project will provide improved flows, inter-connectedness, redundancy, and a possible future feed/supply location.

The scope of work for BASIC Engineering Services includes the Topographic Survey, Concept Design, and Project Plans, Specifications, Contract Documents and Estimates for the above described water distribution system improvements.

I. GENERAL

A. Design Meetings

1. The ENGINEER will meet with the CITY's staff during the Concept (30%), Preliminary (65%) and Final Plan (95%) phases of the PROJECT.
2. The ENGINEER, if requested, will assist the CITY's staff in a meeting with property owners during the Preliminary phase of the PROJECT.

B. Project Management, Administration and Coordination

1. The ENGINEER will establish and maintain PROJECT schedules and budgets, develop progress reports, prepare invoices, and meet with other entities on an as needed basis for the duration of the PROJECT's design.
2. Supervision of Subconsultants

The ENGINEER will establish a work program and schedule for each subconsultant, if any, at the beginning of each phase/section of the PROJECT. The ENGINEER will be

responsible for the coordination, supervision, review and incorporation of work performed by subconsultants.

C. Data Collection

1. The ENGINEER will collect, compile and evaluate existing data collected from the CITY, or other entities that supply needed existing information for the design of the PROJECT.
2. Texas 811 (DigTess / One Call) will be notified prior to beginning the survey. Utilities identified by paint or pin flags on the ground will be included in the survey data collected.
3. A location map/schematic will be provided with the Concept Report to the affected utility companies. These plans will be used by the utility companies to show approximate locations of their facilities which are or may be affected by the PROJECT.
4. The ENGINEER will solicit Record/As-Built Drawings and/or future plans for the following facilities in the PROJECT area:
 - i. Roadways
 - ii. Water Lines
 - iii. Sanitary Sewer Lines
 - iv. Storm Drain Lines
 - v. Telephone Underground and/or Overhead Lines
 - vi. Electric Underground and/or Overhead Lines
 - vii. Natural Gas Lines
5. The ENGINEER will identify potential utility conflicts and provide this information to utility companies at the Preliminary Plans phase.

II. SURVEYING

A. Establish Survey Control

Establish survey control along the project alignments as necessary. These control points will be established based on and tied to established CITY horizontal and vertical control points. The horizontal control for the PROJECT will be established on the State Plane Coordinate System (NAD'83 Surface Coordinates) from CITY monumentation, if available. Control points will be established using GPS and/or conventional surveying methods.

B. Surveying for Engineering Design

Perform necessary surveying operations for the complete design of the project as outlined in this Scope of Services. Surveying shall include the following:

- a. Locate Public ROW or easement and topographically survey visible surface features within the ROW of the alignment or easement. Locate property corners sufficient to determine location of ROW or easement and any platted easements that are within or crossing the project limits.
- b. Topographic survey will include:

- 1. CONCRETE FLAT WORK
- 2. PAVEMENT (STREET AND DRIVEWAY)
- 3. LEAD WALKS and MAIL BOXES
- 4. UTILITY POLES & SIGN POSTS
- 5. WATER VALVE BOX LIDS
- 6. MANHOLE LIDS & FLOWLINES
- 7. FIRE HYDRANTS
- 8. TREES (4-inches and larger)
- 9. FENCES / WALLS / DECKS
- 10. ALL MARKED UTILITIES

- c. Record elevation data at visible break lines and at a minimum of every 50 feet; and provide 1-ft elevation contours as may be appropriate.

C. Existing Underground and/or Overhead Utilities

Utility owner's will be contacted, on an as needed basis, and requested to assist in locating existing utilities identified for the PROJECT. Above ground features of existing utilities within the limits of the PROJECT will be surveyed as noted above. The location of utilities between above ground features will be determined from visual inspection, utility records, and/or from locations determined by the respective utility companies. The utilities will be tied to the PROJECT control points and depths determined in sufficient detail to identify potential conflicts with proposed construction. These efforts equate to a Subsurface Utility Engineering (SUE) Quality Level *D & C*, and shall be performed in accordance with CI/ASCE 38-02.

II. CONCEPT DESIGN PLANS

A. Utility Line

- 1. Existing and proposed water line layouts, dimensions and other pertinent information will be presented over the topographic survey and aerial photographs.
- 2. Existing Right-of-Way and Easements will be noted, and proposed Water Line Easements identified.
- 3. Schematic design of all proposed public sewer lines and appurtenances will be described.

B. Quantities and Cost Estimate

- 1. PROJECT quantities will be calculated and tabulated for inclusion in the bid proposal and cost estimates.
- 2. The ENGINEER's opinion of probable construction costs will be prepared for the entire PROJECT using current unit cost data.

- C. Submit Concept Report for Review
 - 1. Submit sets (3) printed sets of the concept plans for CITY review.

III. PLANS, SPECS & ESTIMATES

- A. Prepare Preliminary (65%) Design Plans
 - 1. Incorporate CITY review comments and directives from the Concept Report.
 - 2. Develop dimensioned water Line layouts over actual field surveys.
 - 3. Plans and profiles shall be at a scale of no less than 1"=40' and no more than 1"=20'; profiles will document all critical crossings.
 - 4. Update Quantities and Cost Estimate
 - 5. Submit three (3) printed sets of plans and estimates for CITY review
 - 6. Attend project review meeting with CITY
- B. Prepare Final (95%) Design Plans
 - 1. Incorporate CITY review comments and directives from the Preliminary Plans submittal.
 - 2. Complete Water Plans & Profiles (as needed)
 - 3. Prepare Construction Details
 - 4. Prepare Project Specification and Contract Documents
 - 5. Update Quantities and Cost Estimate
 - 6. Submit three (3) printed sets for CITY review
 - 7. Attend project review meeting with CITY
- C. Prepare Final Bid Documents
 - 1. Incorporate CITY review comments and directives from the Final (95%) Design plans.
 - 2. Provide final plans, specifications, and cost estimates
 - 3. Submit two (2) sets of final bid documents for CITY approval and bidding.

IV. CONSTRUCTION PHASE

- A. Assist the CITY in the advertisement of the PROJECT for bid. The CITY shall bear the cost of advertisement in an official publication. The ENGINEER shall provide all necessary printing of construction plans, specifications and contract documents for use in obtaining bids, awarding contracts, and constructing the PROJECT.
- B. The ENGINEER shall be responsible for dispersing all plans and specifications from its office to prospective bidders, and maintaining a Bidders List.
- C. Assist the CITY in the opening and tabulation of the construction bids for the PROJECT and recommend to the CITY the proper action on all proposals received.
- D. Assist in the preparation of formal Contract Documents and in coordinating their execution by the respective parties.

- E. ~~Conduct, in company with the Contractor and the CITY, a final inspection of the PROJECT for conformance with the design concept of the PROJECT and compliance with the Contract Documents; and approve in writing final payment to the Contractors.~~
- F. Prepare Record Drawings, with the assistance of the CITY's Resident PROJECT Representative, to reflect available information as to how the work was constructed. The CITY's Resident PROJECT Representative will provide the ENGINEER a red-lined set of drawings depicting changes during construction. The ENGINEER shall revise original design drawings, noting changes during construction, and submit one (1) printed sets of Record Drawings and one set of electronic files in pdf format, to the CITY.

SPECIAL (ADDITIONAL) SERVICES
for
PLEASANT RUN ROAD WATER LINE REPLACEMENT
City of Colleyville

The scope of work for BASIC Engineering Services involves providing the necessary Topographic Surveying for the engineering design of the water line improvements. The scope of work for the SPECIAL Engineering Services is more generally described as follows:

I. SURVEYING

- A. Easements & Right-of-Way - Prepare legal description (Exhibit 1) and exhibit (Exhibit 2) for any required Water Line Easement and/or Right-of-Way.

II. LIMITED CONSTRUCTION ADMINISTRATION

- A. Represent the CITY in the non-resident administration of the PROJECT, as requested. In this capacity, the ENGINEER shall have the authority to exercise whatever rights the CITY may have to disapprove work and materials that fail to conform to the Contract Documents when such failures are brought to the ENGINEER's attention.

This function of ENGINEER shall not be construed as supervision of the PROJECT and does not include on-site activities other than occasional site visits to observe overall PROJECT conditions or when specifically requested by CITY to visit on site for a particular matter. It particularly does not involve periodic, exhaustive or continuous on-site inspection to check the quality or quantity of the work or material; nor does it place any responsibility on the ENGINEER for the techniques and sequences of construction or the safety precaution incident thereto, and ENGINEER will not be responsible or liable in any degree for the Contractor's failure to perform the construction work in accordance with the Contract Documents.

Consult and advise the CITY; issue such instructions to the Contractor as in the judgment of the ENGINEER are necessary; and prepare routine change orders, if required.

- B. Review samples, catalog data, schedules, shop drawings, laboratory, shop and mill tests of material and equipment and other data which the Contractor is required to submit, only for conformance with the design concept of the PROJECT and compliance with the information given by the Contract Documents; and assemble written guarantees which are required by the Contract Documents.

III. Other Engineering Services

- A. Assist w/Neighborhood Meeting to inform affected property owners; if requested.
- B. Attend Pre-Construction Meeting and/or Final Walk-Thru/Inspection

HOURLY AND/OR ADDITIONAL ENGINEERING SERVICES
for
PLEASANT RUN ROAD WATER LINE REPLACEMENT
City of Colleyville

- I.** ADDITIONAL Engineering Services, not included in the scope of work, include those services that may result from significant changes in the general scope, extent or character of the PROJECT or its design including, but not limited to, changes in size, complexity, CITY's schedule, character of construction or method of financing; and revising previously accepted studies, reports, design documents or Contract Documents when such revisions are required by changes in laws, rules, regulations, ordinances, codes or orders enacted subsequent to the preparation of such studies, reports or documents, or are due to any other causes beyond ENGINEER's control.
- II.** ADDITIONAL Engineering Services not included in the scope of work, also include assistance to the CITY in connection with bid protests, rebidding or renegotiating contracts for construction, materials, equipment or service, or preparing to serve or serving as a consultant or witness for CITY in any litigation, arbitration or other legal proceeding involving the PROJECT.
- III.** HOURLY and/or ADDITIONAL Engineering services in connection with the PROJECT and described above, and including services which are to be furnished on an hourly basis or by the CITY, and services not otherwise provided for in this Agreement, will be provided at the following rates:

ENGINEERING & LANDSCAPE ARCHITECTURE			LAND SURVEYING SERVICES		
Engineering & Mgmt., Principal	\$	235.00 /hr	Surveying Services, Senior RPLS	\$	150.00 /hr
Project Management	\$	165.00 /hr	Surveying Services, RPLS	\$	125.00 /hr
Engineering Services, Senior PE	\$	165.00 /hr	CAD/Technical Survey Services, Senior Tech.	\$	110.00 /hr
Engineering Services – PE	\$	115.00 /hr	CAD/Technical Survey Services	\$	90.00 /hr
Engineering Services – EIT	\$	95.00 /hr	Land Surveying Research	\$	90.00 /hr
Design Services, Senior Designer	\$	105.00 /hr	Field Surveying - 1 Person Crew	\$	145.00 /hr
Design Services by Designer	\$	90.00 /hr	Field Surveying - 2 Person Crew	\$	165.00 /hr
CAD/Drafting Services	\$	70.00 /hr	GIS Technical Services	\$	75.00 /hr
Landscape Architecture - LA	\$	120.00 /hr			
Clerical Services	\$	60.00 /hr			

CITY PROVIDED INFORMATION/SERVICES
for
PLEASANT RUN ROAD WATER LINE REPLACEMENT
City of Colleyville

The CITY will provide the following services to the ENGINEER in the performance of the PROJECT upon request:

- I.** Provide any existing data the CITY has on file concerning the PROJECT, if available.
- II.** Provide any available Record Drawings for existing streets and drainage facilities, if available.
- III.** Provide any available Record Drawings for existing water and sanitary sewer mains, if available.
- IV.** Assist the ENGINEER, as necessary, in obtaining any required data and information from local franchise utility companies.
- V.** Provide standard details in digital format.
- VI.** Assist the ENGINEER by coordinating with the franchise utility companies and addressing potential conflicts prior to construction.
- VII.** Assist the ENGINEER by requiring appropriate utility companies to expose underground utilities within the Right-Of-Way, if/when required.
- VIII.** Give prompt written notice to ENGINEER whenever CITY observes or otherwise becomes aware of any development that affects the scope or timing of the ENGINEER's services.

EXHIBIT 1

PROJECT LOCATION MAP
for
PLEASANT RUN ROAD WATER LINE REPLACEMENT
City of Colleyville

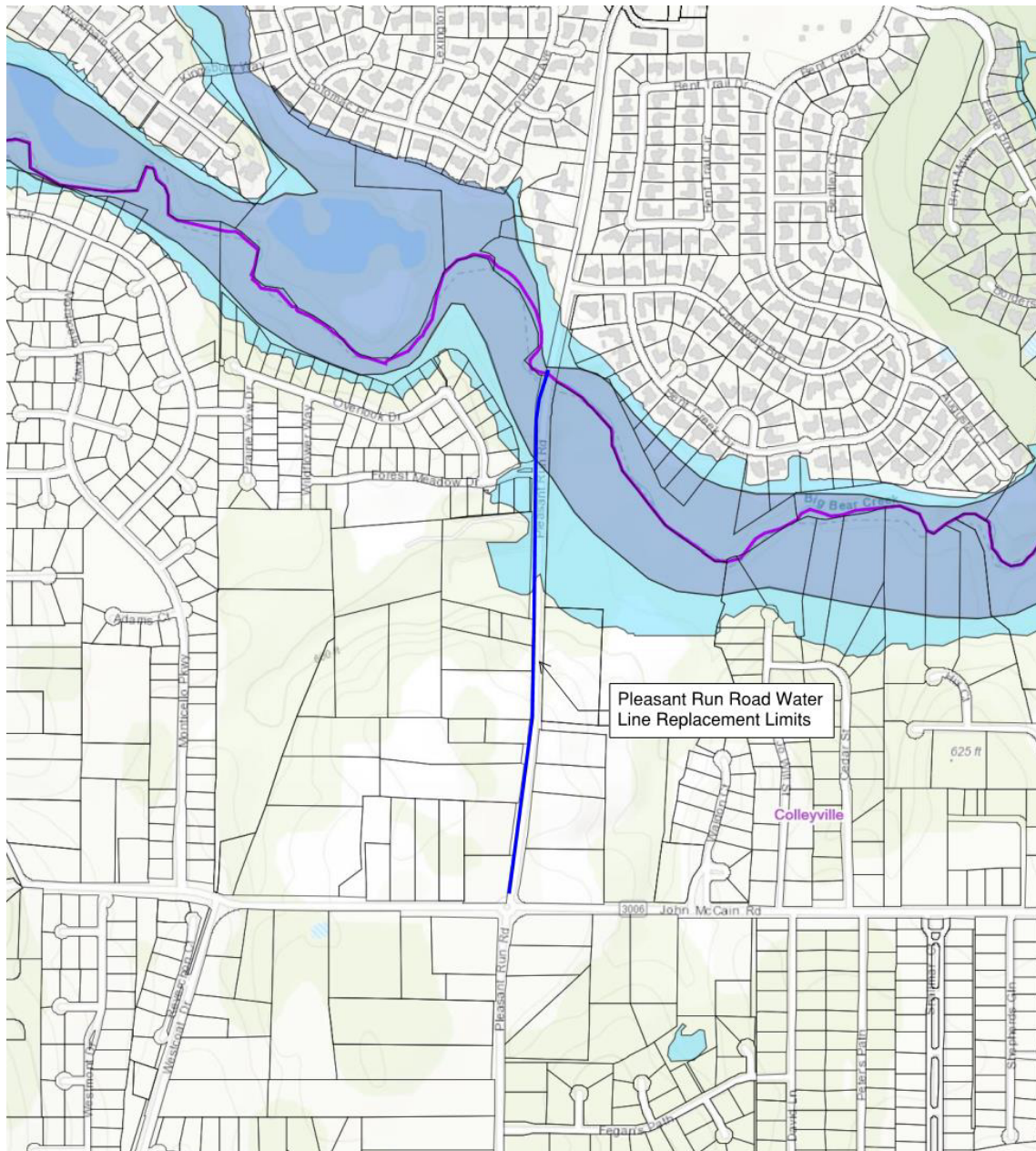


EXHIBIT 2

OPINION OF PROBABLE CONSTRUCTION COST
for
PLEASANT RUN ROAD WATER LINE REPLACEMENT
City of Colleyville

OPINION OF PROBABLE COST

From a budgetary perspective, and without the benefit a survey, we've prepared an Opinion of Probable Cost; see Exhibit B. This estimate will be refined as the project moves forward to the Concept Report, Preliminary Plans and Final Plans phases.

Opinion of Probable Construction Cost	\$694,000
Opinion of Probable Services Fees	<u>\$111,000</u>
PROJECT OPINION OF PROBABLE COST TOTAL	\$805,000

Note: Opinions of Probable Construction Cost do not include easement acquisition (if any).

PROJECT SCHEDULE
for
PLEASANT RUN ROAD WATER LINE REPLACEMENT
City of Colleyville

PROJECT SCHEDULE

A detailed Project Schedule, which includes surveying, engineering, bidding and construction, has been prepared and enclosed herewith. The schedule has been prepared with assumptions as to the responsiveness of the franchise utility companies and the timeliness of city reviews. The schedule may be summarized as follows:

Pre-Engineering & Surveying	85 working days
Concept Report Phase	55 " "
Preliminary Engineering Plans	145 " "
Final Construction Plans	55 " "
Bid & Award	45 " "
Construction	<u>90 working days</u>
Total Project Schedule	375 working days - from 12/03/18 thru 05/08/20

Please Note: The above schedule provides for approximately four months for franchise utility adjustments – if needed.

COMPENSATION
for
PLEASANT RUN ROAD WATER LINE REPLACEMENT
City of Colleyville

I. COMPENSATION

For and in consideration of the services to be rendered by the ENGINEER, the CITY shall pay, and the ENGINEER shall receive, the compensation hereinafter set forth for the Design and Construction Phases of the work and additionally for Special Engineering Services and/or Additional Engineering Services. All remittances by CITY of such compensation shall either be mailed or delivered to the ENGINEER's office.

- A. Compensation for the Basic Services (Surveying, Concept Report, Plans, Specs & Estimates and limited Construction Support Services) shall be a lump sum fee of Sixty-Eight Thousand Three Hundred and Sixty (\$68,360.00) Dollars.

The Design phase portion of the Basic Engineering Services shall be computed at approximately 90% of the total Basic Services Charge; and the Construction phase portion of the Basic Engineering Services shall be computed at approximately 10% of the total Basic Engineering Services Charge.

Payment for the Design phase portion of the Basic Engineering Services shall be due in monthly installments in the proportion to that part of the services in the Design phase which have been accomplished. Final payment for services authorized in the Design phase shall be due at the completion of these services.

Payment for any requested Assistance, with Neighborhood Meetings or Construction Support Services of the Special Services, shall be due in monthly installments and per the contract hourly billing rates schedule.

- B. Compensation for Special and/or Additional Engineering and Surveying Services not covered by Basic Services provided herein shall be as follows:

1. For all of ENGINEER's personnel time applied to the Additional Engineering Services and not itemized above, the following hourly rates shall be used:

ENGINEERING & LANDSCAPE ARCHITECTURE			LAND SURVEYING SERVICES		
Engineering & Mgmt., Principal	\$	235.00 /hr	Surveying Services, Senior RPLS	\$	150.00 /hr
Project Management	\$	165.00 /hr	Surveying Services, RPLS	\$	125.00 /hr

ENGINEERING SERVICES FOR THE CITY OF COLLEYVILLE BY BAIRD, HAMPTON & BROWN

Engineering Services, Senior PE	\$ 165.00 /hr	CAD/Technical Survey Services, Senior Tech.	\$ 110.00 /hr
Engineering Services – PE	\$ 115.00 /hr	CAD/Technical Survey Services	\$ 90.00 /hr
Engineering Services – EIT	\$ 95.00 /hr	Land Surveying Research	\$ 90.00 /hr
Design Services, Senior Designer	\$ 105.00 /hr	Field Surveying - 1 Person Crew	\$ 145.00 /hr
Design Services by Designer	\$ 90.00 /hr	Field Surveying - 2 Person Crew	\$ 165.00 /hr
CAD/Drafting Services	\$ 70.00 /hr	GIS Technical Services	\$ 75.00 /hr
Landscape Architecture - LA	\$ 120.00 /hr		
Clerical Services	\$ 60.00 /hr		

2. For all direct non-labor and/or subcontract expense, including mileage, travel and living expenses at invoice or internal office cost times a multiplier of 1.10.

Payments to the ENGINEER for authorized Additional Engineering Services will be due monthly, upon presentation of monthly statement by the ENGINEER for such services.

II. PAYMENT

Payments to the ENGINEER will be made as follows:

A. Invoice and Time of Payment

Monthly invoices will be issued by the ENGINEER for all work performed under this Agreement, and shall be in proportion to the percent completion of the total work.

Invoices will be prepared in a format approved by the CITY; see format on the following page; and are due and payable within 30 days.

Proposed Invoice Format

Item / Task Description	Contract Amount	Percent Complete	Amount To Date	Previously Invoiced	Amount Due This Invoice
BASIC SERVICES (fixed fee amount)	\$ 68,360.00				
1 Topographic Surveying Services	13,130.00	0%	\$	\$	\$ -
3 Concept Design Report	12,895.00	0%	\$	\$	\$ -
4 Preliminary Plans & Estimates	18,720.00	0%	\$	\$	\$ -
5 Final Plans, Specs & Estimates	16,175.00	0%	\$	\$	\$ -
6 Limited Constr. Admin. Services	7,440.00	0%	\$	\$	\$ -
SPECIAL SERVICES - Estimated (hourly)	\$ - 0.00 -				
7 Special and/or Additional	- 0.00 -				
Total for Professional Services	\$ 68,360.00				

RESOLUTION R-18-4305
A RESOLUTION APPROVING CITY COUNCIL ACTION UNDER CONSENT
ITEMS AT THE REGULAR CITY COUNCIL MEETING OF
SEPTEMBER 18, 2018

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

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

- Sec. 1. THAT the agenda decisions approved by City Council action under Consent Items as follows are hereby adopted:
- a. Approval of the minutes of the regular City Council meeting of September 4, 2018
 - b. Approval of the minutes of the City Council Worksession of September 6, 2018
 - c. Approval of the minutes of the City Council Worksession of August 28, 2018
 - d. Approval of authorized broker/dealers for investment purchases
 - e. Approval of an Interlocal Agreement and funding for the Metroport Teen Court Program
 - f. Approval to use the Voluntary Library Fund in Fiscal Year 2019, for the purchase of library materials, collection processing supplies, and library programs, in an amount not to exceed \$167,000
 - g. Adoption of the Fiscal Year 2019 to 2023 Capital Improvement Program (CIP)
 - h. Approval of the Grounds Maintenance Mowing Contract with Whitmore and Sons, Inc., in an amount not to exceed \$214,784.73, and authorize the city manager to execute same, and any associated change orders, in an amount not to exceed 25 percent of the contract price

- i. Approval of a Local Project Advance Funding Agreement for the Highway Safety Improvement Program (HSIP) for the reconstruction of Cheek-Sparger Road (San Bar Lane to Oak Briar Lane), and authorizing the city manager to execute the agreement

AND IT IS SO RESOLVED.

APPROVED BY A VOTE OF 7 AYES, 0 NAYS AND 0 ABSTENTIONS ON THIS THE 18TH DAY OF SEPTEMBER 2018.

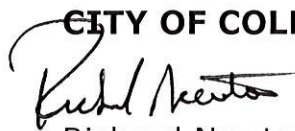
Mayor Richard Newton	<u>Aye</u>	Mayor Pro Tem Bobby Lindamood	<u>Aye</u>
Place 1, Tammy Nakamura	<u>Aye</u>	Place 3, Kathy Wheat	<u>Aye</u>
Place 4, George Dodson	<u>Aye</u>	Place 5, Chuck Kelley	<u>Aye</u>
Place 6, Callie Rigney	<u>Aye</u>		

ATTEST:



Christine Loven, TRMC
City Secretary

CITY OF COLLEYVILLE



Richard Newton
Mayor

CERTIFICATE OF INTERESTED PARTIES

FORM 1295

1 of 1

Complete Nos. 1 - 4 and 6 if there are interested parties.
Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.

**OFFICE USE ONLY
CERTIFICATION OF FILING****1 Name of business entity filing form, and the city, state and country of the business entity's place of business.**

Baird, Hampton & Brown, Inc.
FORT WORTH, TX United States

Certificate Number:
2018-420617

Date Filed:
10/30/2018

Date Acknowledged:
10/31/2018

2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.

City of Colleyville

3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the services, goods, or other property to be provided under the contract.

Pleasant Run Road Waterline
Professional Engineering and Surveying Services

4	Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
			Controlling	Intermediary
	Bost, Ian	Fort Worth, TX United States	X	
	Watters, Richard	Fort Worth, TX United States	X	
	Nave, Shannon	Weatherford, TX United States	X	
	Randall, Kenneth	Fort Worth, TX United States	X	
	Strevey, Tracy	Fort Worth, TX United States	X	
	Bakintas, Konstantine	Grapevine, TX United States	X	
	Baird, John	Fort Worth, TX United States	X	

5 Check only if there is NO Interested Party.

☐**6 UNSWORN DECLARATION**

My name is _____, and my date of birth is _____.

My address is _____, _____, _____, _____, _____.
(street) (city) (state) (zip code) (country)

I declare under penalty of perjury that the foregoing is true and correct.

Executed in _____ County, State of _____, on the _____ day of _____, 20____.
(month) (year)

Signature of authorized agent of contracting business entity
(Declarant)

CERTIFICATE OF INTERESTED PARTIES

FORM 1295

1 of 1

Complete Nos. 1 - 4 and 6 if there are interested parties.
Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.

**OFFICE USE ONLY
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City of Colleyville

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Pleasant Run Road Waterline
Professional Engineering and Surveying Services

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			Controlling	Intermediary
	Bost, Ian	Fort Worth, TX United States	X	
	Watters, Richard	Fort Worth, TX United States	X	
	Nave, Shannon	Weatherford, TX United States	X	
	Randall, Kenneth	Fort Worth, TX United States	X	
	Strevey, Tracy	Fort Worth, TX United States	X	
	Bakintas, Konstantine	Grapevine, TX United States	X	
	Baird, John	Fort Worth, TX United States	X	

5 Check only if there is NO Interested Party.

☐**6 UNSWORN DECLARATION**

My name is Konstantine Bakintas, and my date of birth is 11/04/1993.

My address is 3801 William D Tate, Ste 500, Grapevine, TX, 76051, USA.
(street) (city) (state) (zip code) (country)

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Tarrant County, State of Texas, on the 30 day of October, 2018.
(month) (year)

Signature of authorized agent of contracting business entity
(Declarant)

CONFLICT OF INTEREST QUESTIONNAIRE

FORM CIQ

For vendor doing business with local governmental entity

This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.

This questionnaire is being filed in accordance with Chapter 176, Local Government Code, by a vendor who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the vendor meets requirements under Section 176.006(a).

By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7th business day after the date the vendor becomes aware of facts that require the statement to be filed. See Section 176.006(a-1), Local Government Code.

A vendor commits an offense if the vendor knowingly violates Section 176.006, Local Government Code. An offense under this section is a misdemeanor.

OFFICE USE ONLY

Date Received

10/31/2018

1 Name of vendor who has a business relationship with local governmental entity.

Baird, Hampton & Brown, Inc.

2 ☐ Check this box if you are filing an update to a previously filed questionnaire. (The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date on which you became aware that the originally filed questionnaire was incomplete or inaccurate.)

3 Name of local government officer about whom the information is being disclosed.

N/A

Name of Officer

4 Describe each employment or other business relationship with the local government officer, or a family member of the officer, as described by Section 176.003(a)(2)(A). Also describe any family relationship with the local government officer. Complete subparts A and B for each employment or business relationship described. Attach additional pages to this Form CIQ as necessary.

A. Is the local government officer or a family member of the officer receiving or likely to receive taxable income, other than investment income, from the vendor?

☐

Yes

☒

No

B. Is the vendor receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer or a family member of the officer AND the taxable income is not received from the local governmental entity?

☐

Yes

☒

No

5 Describe each employment or business relationship that the vendor named in Section 1 maintains with a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership interest of one percent or more.

N/A

6 ☐ Check this box if the vendor has given the local government officer or a family member of the officer one or more gifts as described in Section 176.003(a)(2)(B), excluding gifts described in Section 176.003(a-1).

7

Signature of vendor doing business with the governmental entity

10/31/18

Date



City of Colleyville City Council Agenda Briefing

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

Agenda Number 5a

Agenda Date 11/05/2018

Number Ordinance O-18-2063

Type Ordinance

Department Community Development

Title

Consideration of a Special Use Permit for an Automotive Repair Shop on Lot 1A, Block 1, of the Highway 26 Industrial, located at 6804 Colleyville Boulevard, Case ZC18-020

Strategic Plan

4.2 Encourage compatible commercial growth

Explanation

Second Reading and Public Hearing

The applicant has provided a rendering of the proposed improvements to be made to the building and site. A written description has also been provided outlining all of the proposed improvements.

First Reading and Public Hearing

Jerry DeFeo, the applicant, has submitted a request for a Special Use Permit (SUP) for an Automotive Repair Shop on Lot 1A, Block 1, of the Highway 26 Industrial addition, being approximately 0.95 acres, and zoned ML Light Manufacturing district. The purpose is to allow for automotive repair services at the business under the name of Colleyville JHCC LLC, dba Joe Hudson's Collision Center.

Existing Conditions/Background: The subject property, at 6804 Colleyville Boulevard, has ML Light Manufacturing and is located on the southwest corner of Tension Parkway and Colleyville Boulevard. The subject property is currently operating as Lone Star Collision.

Proposed Special Use Permit:

Request – The applicant is requesting approval of an SUP to allow for Joe Hudson's Collision Center to operate an automotive repair shop. Conditions were placed on the use with approval of the previous SUP, which include:

1. This Special Use Permit shall apply only to Building B, as shown on the attached Zoning Exhibit.
2. The hours of operation shall be Monday through Friday from 7:00 a.m. to 7:00 p.m. and Saturday 8:00 a.m. to noon.
3. Overnight parking of vehicles shall be allowed outside the building, provided that the vehicles are parked to the rear of Building B, as shown on the attached Zoning

- Exhibit. Vehicles such as boats, recreational vehicles and trailers shall not be parked or stored in the outside parking area.
4. All vehicles waiting for repair shall be parked to the rear of the building.
 5. No storage of parts or containers shall be allowed outside the building.
 6. All repair work shall be done inside the building.
 7. Work shall not be performed on any vehicle larger than a 2-ton pickup truck.
 8. No vehicles for sale shall be parked in front of the building adjacent to Colleyville Boulevard.
 9. This 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.
 10. All requirements of the Land Development Code shall be met, except where amended herein.

Analysis: The requested SUP is required by the Land Development Code with City Council approval for approval of an Auto Repair Shop at this location due to a change of ownership. The applicant intends to use the location in the same capacity as it is currently being utilized. They are not requesting any changes to the current conditions on site, just a change in the ownership of the business.

Surrounding Development: The property to the north across Tennison Parkway is zoned PUD-R district and is developed as office commercial, the property to the south is zoned ML Light Manufacturing and developed as auto sales, the property to the west is zoned PUD-R and is undeveloped, and the property to the east is Colleyville Boulevard.

Comprehensive Plan: The City's comprehensive plan, *Destination Colleyville*, identifies the subject property as part of the 'Colleyville Boulevard Corridor' and is designated as a 'sales tax preferred' intersection.

Public Notification: Staff mailed notices to all property owners within 500 feet as well as any Homeowners Associations within 1000 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 Special Use Permit (SUP) would authorize the continuation of an auto repair shop with a new operator. This use is compliant for the preference for uses that generate sales tax revenue for the city. The proposed business is consistent with the nearby uses in the ML Light Manufacturing District and should not adversely impact surrounding uses. Staff recommends approval of the proposed SUP for an auto repair shop and maintaining the existing SUP conditions and including them with this SUP.

Planning & Zoning Commission Recommendation: The Planning & Zoning Commission recommended approval contingent that the applicant provide a plan for the walls visible to Colleyville Boulevard to meet or come closer to material requirements through façade improvements, landscaping, or a combination at their September 10, 2018 meeting by a vote of 4-0.

Financial Impact

There is no financial impact to the City.

Recommendation

Approve

Attachments

1. Aerial Map
2. Zoning Map
3. Future Land Use Map
4. Statement of Planning Objectives
5. Zoning Exhibit
6. Building Rendering
7. Description of Building Improvements
8. SUP Ordinance (O-10-1752)
9. Notification Map
10. Notification List
11. Property Owner Notification
12. Ordinance O-18-2063

Aerial Map



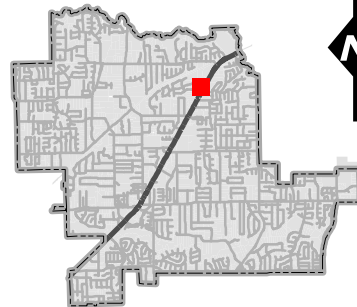
ZC18-020
6804 Colleyville Blvd

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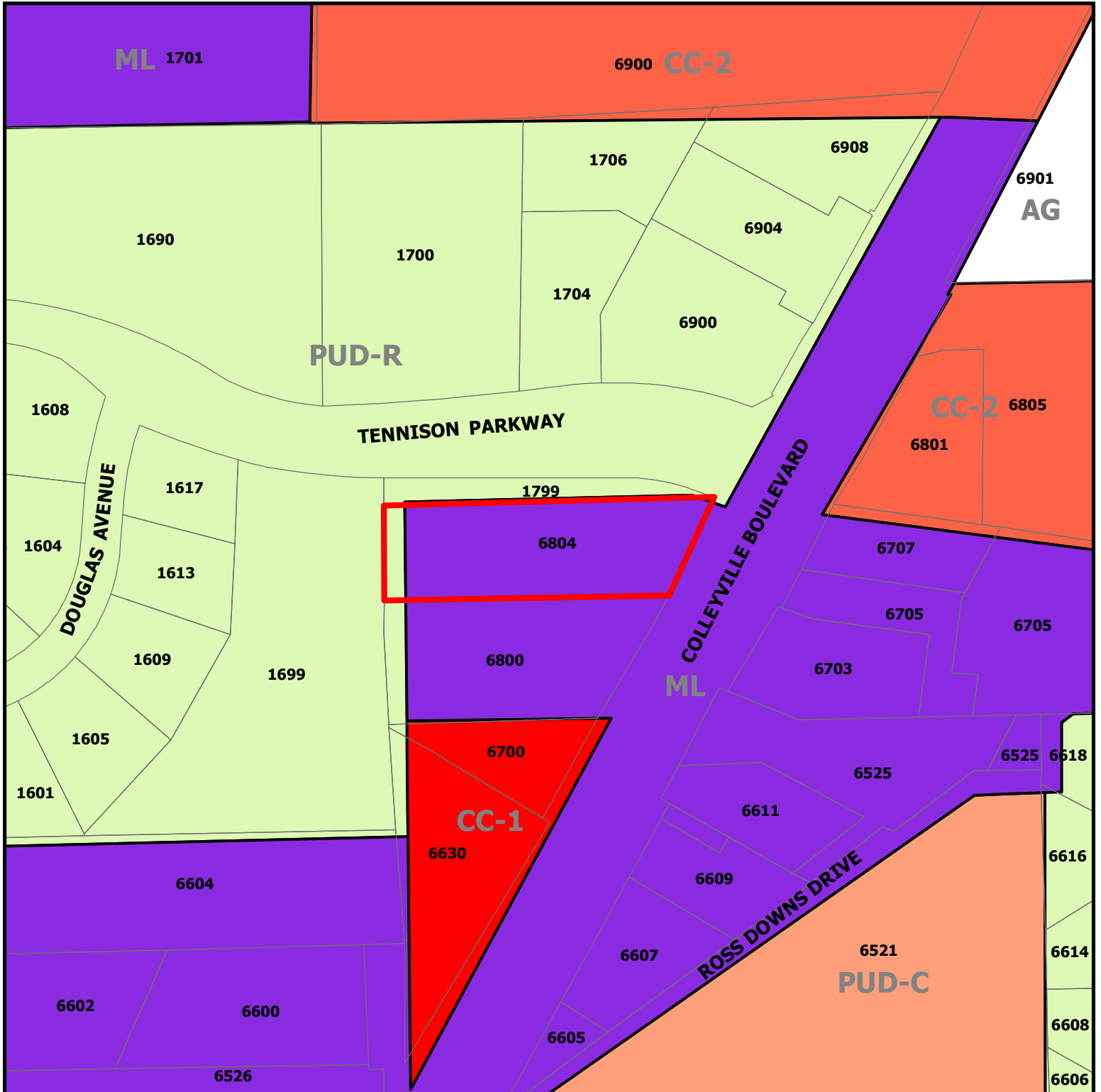
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Subject Property



Zoning Map

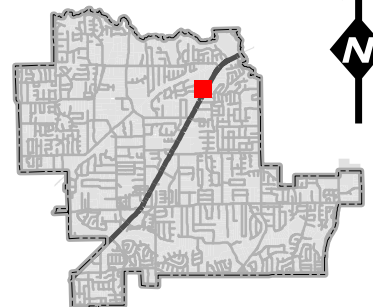


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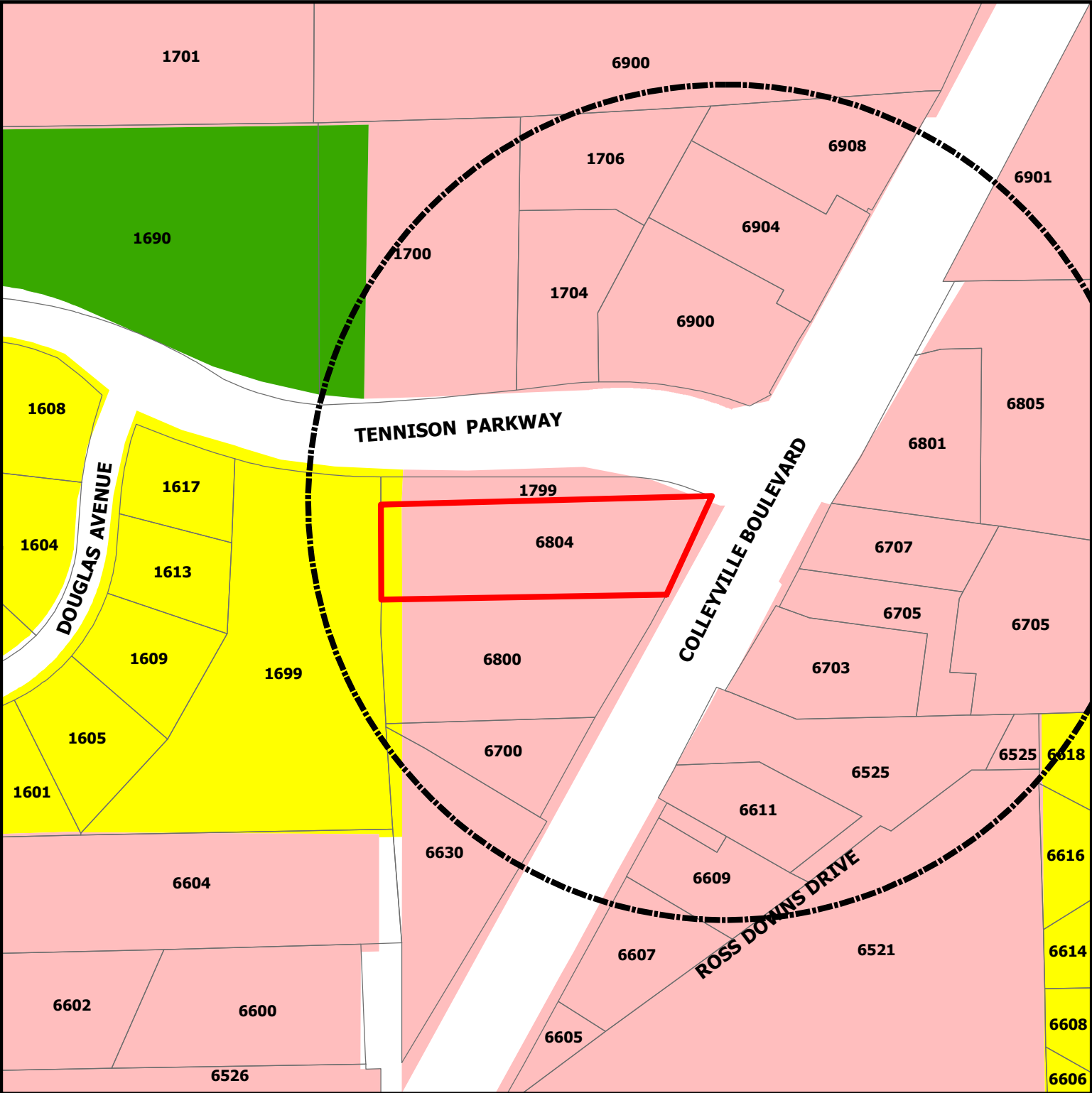
6804 Colleyville Blvd

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 Subject Property



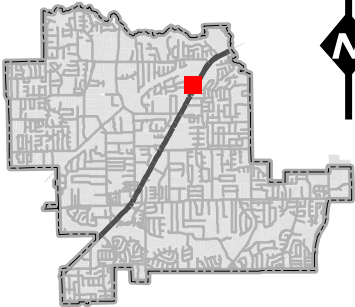
Future Land Use Map



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.

ZC18-020 6804 Colleyville Blvd

-  Subject Property
-  Sales_Tax_Preferred_Intersection
-  Residential
-  Colleyville Blvd Corridor
-  Open Space; Parks



Statement of Planning Objectives

6804 COLLEYVILLE BOULEVARD

STATEMENT OF PLANNING OBJECTIVES

This Property is currently an Automotive Collision Center working under a SUP that was issued to Danny LaPier dba Lone Star Collision. Mr LaPier is wishing to retire and sell his Family owned business to Colleyville JHCC LLC, which will operate as Joe Hudson's Collision Centers; a National Collision Center Chain with a very strong presence in Texas. Based on Colleyville Ordinance, Colleyville JHCC LLC will have to have a SUP in their name in order to operate as an Automotive Collision Center in this location. The current Zoning is ML, Light Manufacturing. The purpose of operating as Joe Hudson's Collision Center is it is a National Branding which offers an established reputation, and Nation-Wide Warranty Service. However, the SUP would be in the name of the Owner, Colleyville JHCC LLC.

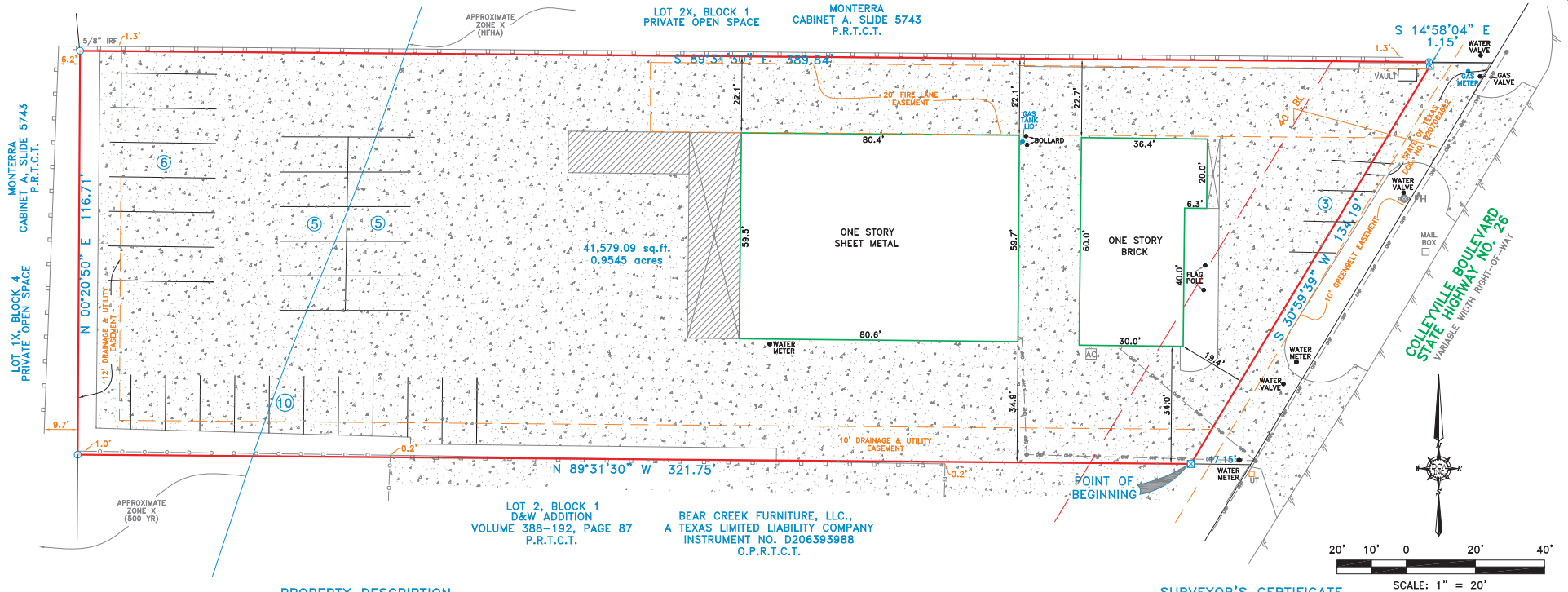
The Schedule for opening as Colleyville JHCC LLC dba Joe Hudson's Collision Center would be ASAP after gaining the SUP and Title Co closing.

The existing center is located on 0.95 Acres, and is comprised of Two Buildings; a very attractive Brick w/Standing Seam Metal Roof Office of approximately 2000 sq ft, and a highly functional Metal Building of approximately 4800 sq ft situated directly behind the Office; being not visible from the street when looking straight on.

The existing Annual Sales is in the \$2,000,000 range. The anticipated Annual Sales using proven updated techniques and national buying power is between \$3.5 and \$4,000,000. The City of Colleyville should see a Two-fold increase in Sales Tax Revenue in this Location.

The anticipated Traffic Count is about 50 to 60 Cars per day, being only about 25 Cars per day more than now. This should be no problem for SH 26.

Zoning Exhibit



PROPERTY DESCRIPTION

BEING all that certain lot, tract or parcel of land situated in the Absalom J. Lott Survey, Abstract No. 963, and being part of Lot 1, Block 1, of Highway 26 Industrial Addition, an addition to the City of Colleyville, Texas, according to the map thereof recorded in Volume A, Page 152, of the Plat Records of Tarrant County, Texas, some being part of a tract of land conveyed to H.B. Jung by deed recorded in Instrument No. D206020581 of the Deed Records of Tarrant County, Texas, and being more particularly described by the metes and bounds as follows;

BEGINNING at a "X" found in the northwest right-of-way line of Colleyville Boulevard (State Highway No. 26) (variable width right-of-way) and in the north line of Lot 2, Block 1 of D&W Addition an addition to the City of Colleyville, Tarrant County, Texas, according to the plat thereof recorded in Volume 388-192, Page 87 of the Plat Records of Tarrant County, Texas, same being the southeast corner of herein described tract;

THENCE North 89 degrees 31 minutes 30 seconds West along the north line of said Lot 2, Block 1 of D&W Addition a distance of 321.75 feet to a 1/2 inch iron rod found in the east line of Lot 1X, Block 4, Private Open Space, of Monterra an addition to the City of Colleyville, Tarrant County, Texas, according to the plat thereof recorded in Cabinet A, Slide 5743 of the Plat Records of Tarrant County, Texas, same being the southwest corner of herein described tract;

THENCE North 00 degrees 20 minutes 50 seconds East along the east line of said Lot 1X, Block 4 of Monterra a distance of 116.71 feet to a 5/8 inch iron rod found at the southwest corner of said Lot 2X, Block 1 of Monterra, same being the northwest corner of herein described tract;

THENCE South 89 degrees 31 minutes 30 seconds East along the south line of said Lot 2X, Block 4 of Monterra a distance of 389.84 feet to a 1/2 inch iron rod set with yellow plastic cap stamped DCA INC. in the southwest right-of-way line of said Colleyville Boulevard, same being the northeast corner of herein described tract;

THENCE South 14 degrees 58 minutes 04 seconds East along the southwest right-of-way line of said Colleyville Boulevard a distance of 1.15 feet to a "X" found, for corner;

THENCE South 30 degrees 59 minutes 39 seconds West along the southwest right-of-way line of said Colleyville Boulevard a distance of 134.19 feet to the POINT OF BEGINNING and containing 41,579.09 square feet or 0.9545 acres of land.

SURVEYOR'S CERTIFICATE

This survey is made relying on information provided by (REUNION TITLE) in connection with the transaction described in GF# (07R29849). The undersigned Registered Professional Land Surveyor (Bryan Connally) hereby certifies to (DANNY LAPIER, REUNION TITLE AND FIRST AMERICAN TITLE INSURANCE COMPANY) that, (a) this plat of survey and the property description set forth herein were prepared from an actual on-the-ground survey of the real property (6804 COLLEYVILLE BOULEVARD) described in (INSTRUMENT NO. D206020581), and shown hereon; (b) such survey was conducted by the Surveyor, or under his direction; (c) all monuments shown hereon actually existed on the date of the survey, and the location, size and type of material thereof are correctly shown; (d) except as shown hereon there are no observable protrusions on to the Property or observable protrusions there from, there are no observable discrepancies, conflicts, shortages in area or boundary line conflicts; (e) the size, location and type of improvements, are shown hereon, and all are located within the boundaries of the Property and setback from the Property lines the distances indicated; (f) the distance from the nearest intersection street or road is as shown; (g) the Property has apparent access to and from a public roadway; (h) recorded easements listed herein have been labeled and platted hereon; (i) the boundaries, dimensions and other details shown hereon are shown to the appropriate accuracy standards of the State of Texas; (j) the Property is not located in a 100 Year Flood Plain, however, does lie in a 500 Year Flood Plain, as defined by the U. S. Department of Housing and Urban Development (Flood Insurance Rate Map No. 48439C0195 H) pursuant to the Flood Disaster Protection Act of 1973.

The surveyor expressly understands and agrees that (DANNY LAPIER, REUNION TITLE AND FIRST AMERICAN TITLE INSURANCE COMPANY) are entitled to rely on this survey as having been performed to the appropriate standards of the current (1999 Edition) Texas Society of Professional Surveyors Standards and Specifications for a Texas Land Title Survey as set forth by the Texas Board of Professional Land Surveying.

Use of this survey by any other parties and/or for other purposes shall be at user's own risk and any loss resulting from other use shall not be the responsibility of the undersigned.

Executed this 22ND day of OCTOBER, 2007

Bryan Connally
Bryan Connally
Registered Professional Land Surveyor No. 5513

NOTE: According to the F.I.R.M. in Map No. 48439C0195 H, this property does lie in Zone X, and DOES NOT lie within the 100 year flood zone, EXCEPT AS SHOWN where does lie in 500 year flood zone.

ACCEPTED BY: _____ SIGNATURE _____ DATE _____ SIGNATURE _____ DATE _____

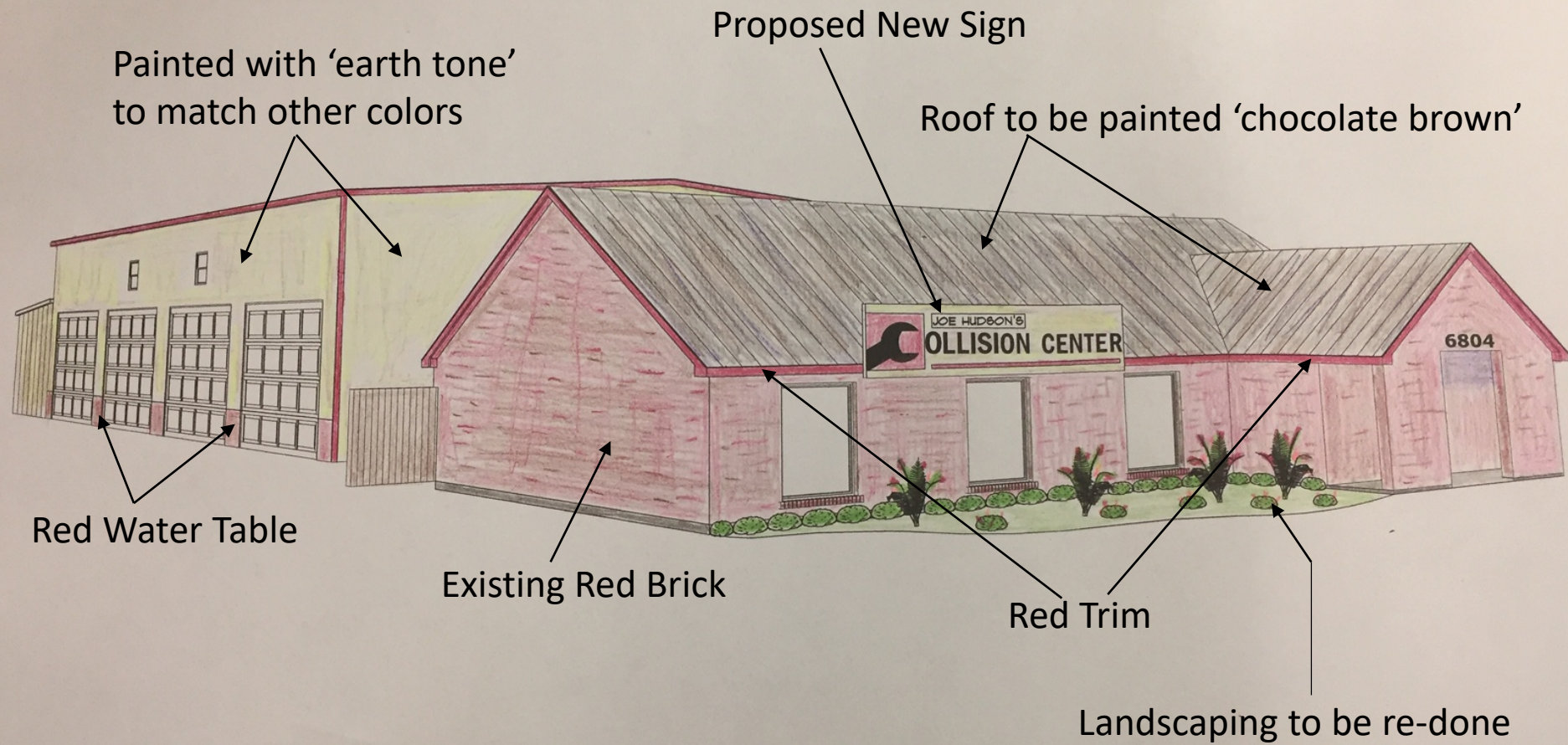
NOTE: BEARINGS ARE BASED ON RECORDED PLAT AND ALL EASEMENTS ARE BY RECORDED PLAT UNLESS OTHERWISE NOTED.
SUBJECT TO LACK OF ACCESS TO ROAD ADJUTING PROPERTY RECORDED IN COUNTY CLERK'S FILE NO. D207062822, REAL PROPERTY RECORDS, TARRANT COUNTY, TEXAS.

REVISIONS		
DATE	BY	NOTES

LEGEND	
○ 1/2" IRON ROD FOUND	● POWER POLE
⊗ 1/2" IRON ROD SET	■ BRICK COLUMN
○ 1" IRON PIPE FOUND	A/C - AIR CONDITIONING
□ FENCE POST CORNER	● FIRE HYDRANT
⊠ "X" FOUND / SET	— COVERED PORCH/DECK OR CARPORT
▲ UNDERGROUND ELECTRIC	— OVERHEAD ELECTRIC SERVICE
△ OVERHEAD ELECTRIC	— OVERHEAD POWER LINE
/// ASPHALT PAVING	— CONCRETE PAVING
▲▲▲ GRAVEL/ROCK ROAD OR DRIVE	

DOUG CONNALLY & ASSOC., INC.				
11545 PAGEMILL RD., SUITE #200				
DALLAS, TEXAS 75243				
PHONE:(214) 349-9485				
FAX:(214) 349-2216				
www.dcadfw.com				
SCALE	DATE	JOB NO.	G.F. NO.	DRAWN
1"=20'	10-22-07	0706726-1	07R29849	LP

TEXAS LAND TITLE SURVEY	
PART OF LOT 1, BLOCK 1 OF HIGHWAY 26 INDUSTRIAL ADDITION	
CITY OF COLLEYVILLE, TARRANT COUNTY, TEXAS	
6804 COLLEYVILLE BOULEVARD	



Ben Bryner

From:
Sent: Friday, October 12, 2018 4:10 PM
To: Mark Wood
Cc: Ben Bryner; Ken Fifield; Jerry DeFeo
Subject: Expenditures for Colleyville-Update

Mark,

While we have not had time to get absolute Quotes, we feel this is a good Estimate of the what we will be spending in Colleyville so as to greatly Enhance the appearance of the Facility more to the Scope of Requirements of the City of Colleyville. We recognize that the City will only Reimburse their 50% Share upon proper receipts to a maximum of \$30,000.

There are actually Two Lists; one where we will be making changes which we feel will Enhance the ability to raise the gross sales which will help the City with Sales Tax Revenue; of which the City will not participate. And then one that changes the appearance to the City's specifications in which we would like to participate in the 50-50 Grant offering by the City.

List #1 - Items with NO City Participation:

1. Interior Refinish for better Customer Reception	\$10,000
2. Enclose Rear portion of Back Building for more working space	12,000
3. Adding 4 Roll-up Doors on side of Back Build as shown	24,000
4. New Backlit Signage	14,500
5. Restripping the back portion of the parking lot	500

Total for List #1	<u>\$61,000</u>
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List #2 - Items for City 50/50 Participation:

1. Replace Red Metal Roof with Standing Seam of Earthtone Color	\$28,500
2. New Landscaping Areas w/Irrigation	8,000
3. Painting of Back Building to Color of Choice of City	6,500
4. Clean up of Office Building South Side - Electrical & A/C	2,600
5. Remove excess Wooden Power Pole	1,800
6. Add Lantern Lights to Front Office	600
7. Replace 3 front Windows w/Prairie View Glass for better look	1,800
8. Restripe Front Parking Lot for a more crisp look	400
9. Glass Section O/H Doors (4) on Back Building for better look-extra	3,600
10. Exterior Lighting to show off New Look and Landscaping	1,800
11. Wrought-Iron w/Wood Slat Backing Gate and Fence	8,600

Total for List #2 - City 50/50 Grant	<u>\$64,200</u>
City of Colleyville Participation Amount, approx	\$30,000

As I said above, these are approximate amounts based on experience and a few Friday Phone Calls to get ballpark pricing. We understand that proper Receipts will be required for Reimbursement.

Respectively,

Jerry DeFeo
972-897-5800

ORDINANCE O-10-1752

AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE OF THE CITY OF COLLEYVILLE, TEXAS, BY AUTHORIZING A SPECIAL USE PERMIT FOR AN AUTO REPAIR SHOP ON LOT 1, BLOCK 1, HIGHWAY 26 INDUSTRIAL ADDITION; 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 of Colleyville has received an application for rezoning under Case No. ZC10-007; 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 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 of approximately 2.0 acres on Lot 1, Block 1, Highway 26 Industrial Addition, depicted on the attached Exhibit "A" and Exhibit "B".
- Sec. 3. THAT the above described tract of land shall be used only in the manner and for the purposes provided by the Comprehensive Zoning Ordinance of the City of Colleyville as heretofore amended, and as amended herein.
- Sec. 4. THAT the above described tract of land shall be subject to the following conditions:

1. GENERAL

- a. This Special Use Permit shall apply only to Building B, as shown on the Zoning Exhibit attached as Exhibit "B".
- b. The hours of operation shall be Monday through Friday from 7:00 a.m. to 7:00 p.m. and Saturday 8:00 a.m. to noon.
- c. Overnight parking of vehicles shall be allowed outside the building, provided that the vehicles are parked to the rear of Building B, as shown on the attached Exhibit "B". Vehicles such as boats, recreational vehicles and trailers shall not be parked or stored in the outside parking area.
- d. All vehicles waiting for repair shall be parked to the rear of the building.
- e. No storage of parts or containers shall be allowed outside the building.
- f. All repair work shall be done inside the building.
- g. Work shall not be performed on any vehicle larger than a 2-ton pickup truck.
- h. No vehicles for sale shall be parked in front of the building adjacent to Colleyville Boulevard.

- i. This Special Use Permit shall automatically expire upon the abandonment of the business, change in the use, a change in ownership or upon the expiration or termination of the Certificate of Occupancy.
- j. All requirements of the Land Development Code shall be met, except where amended herein.

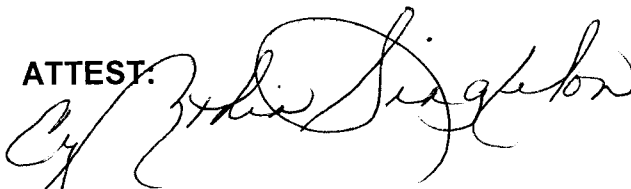
- Sec. 5. THAT any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Colleyville, and upon conviction shall be punishable by a fine not to exceed the sum of Two 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 1st day of June 2010.

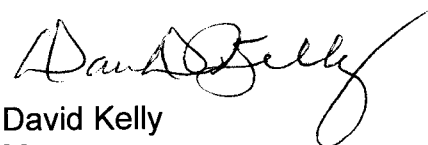
The second reading and public hearing being conducted on the 15th day of June 2010.

ATTEST:



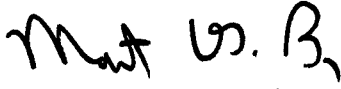
Cynthia Singleton, TRMC, CMC
City Secretary

CITY OF COLLEYVILLE



David Kelly
Mayor

APPROVED AS TO FORM AND LEGALITY:

A handwritten signature in black ink, appearing to read "Matt C. G. Boyle". The signature is stylized with a large "M" and a cursive "Boyle".

Matthew C. G. Boyle
City Attorney

Exhibit "A" - Location and Zoning Map

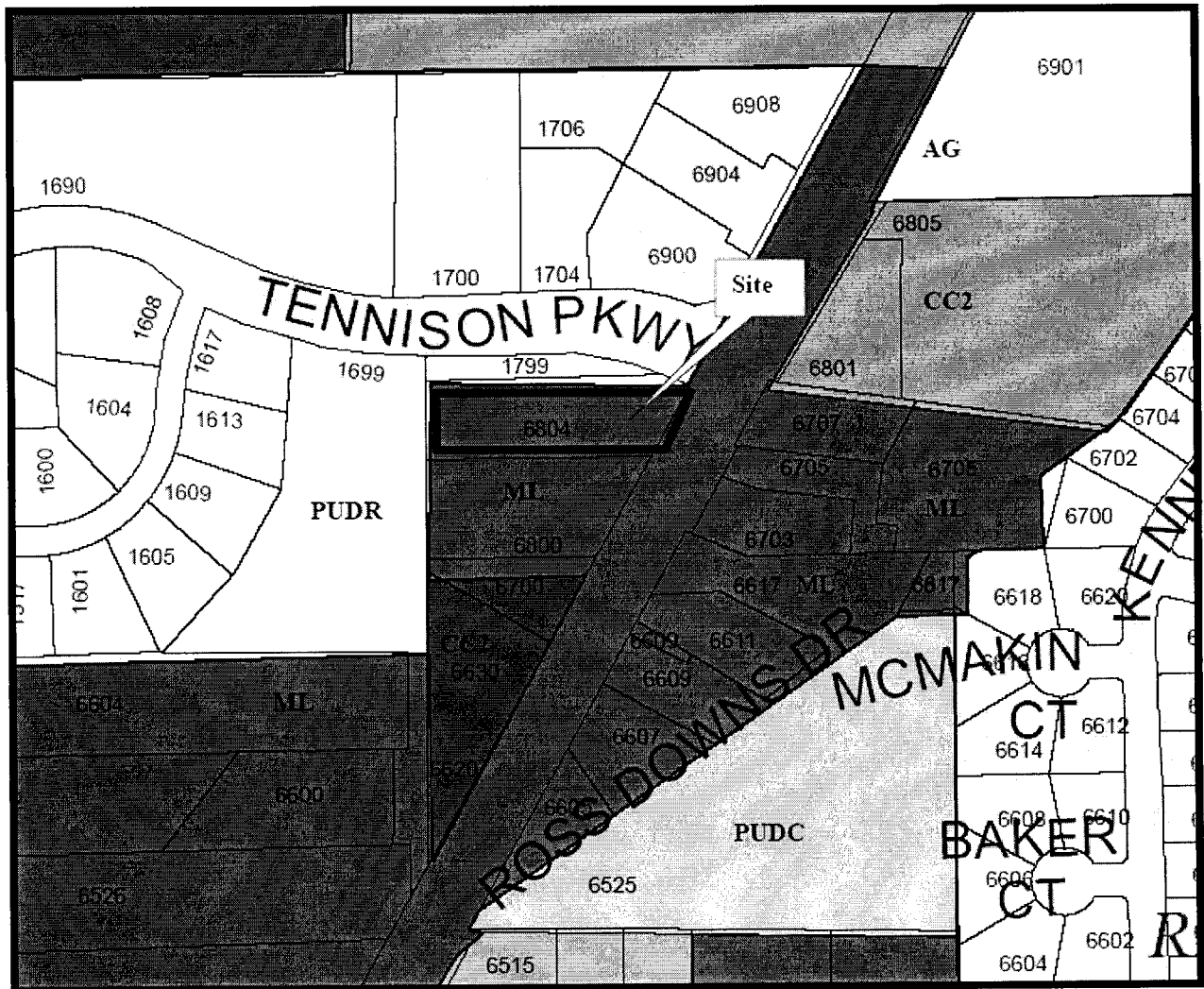
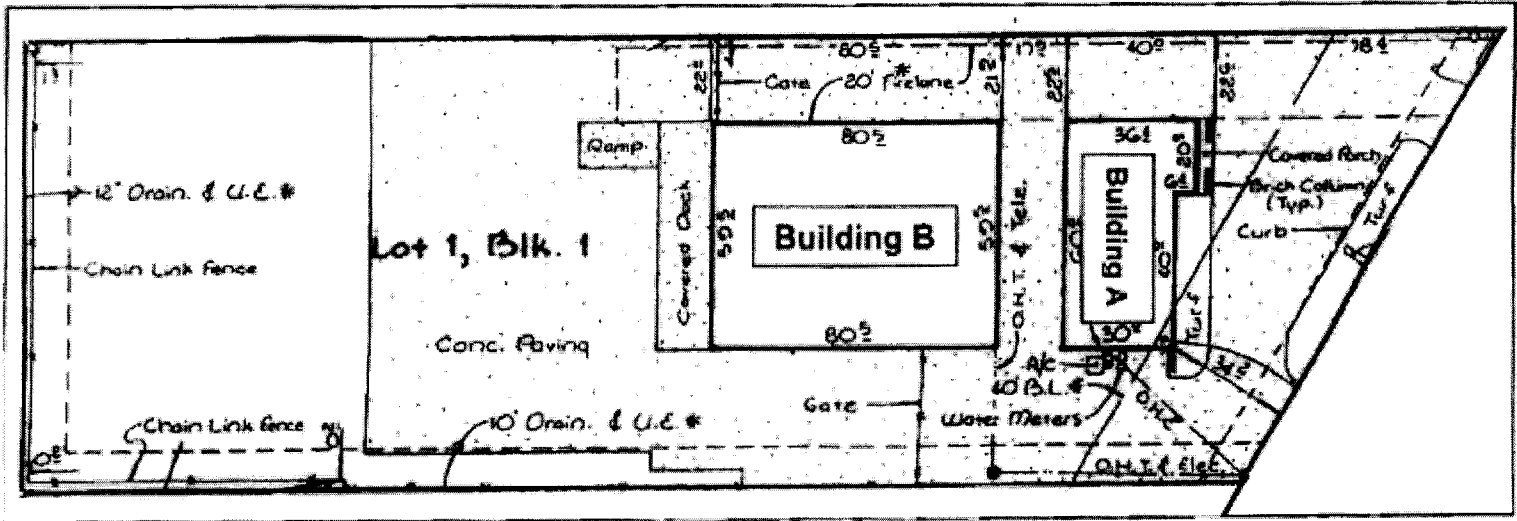
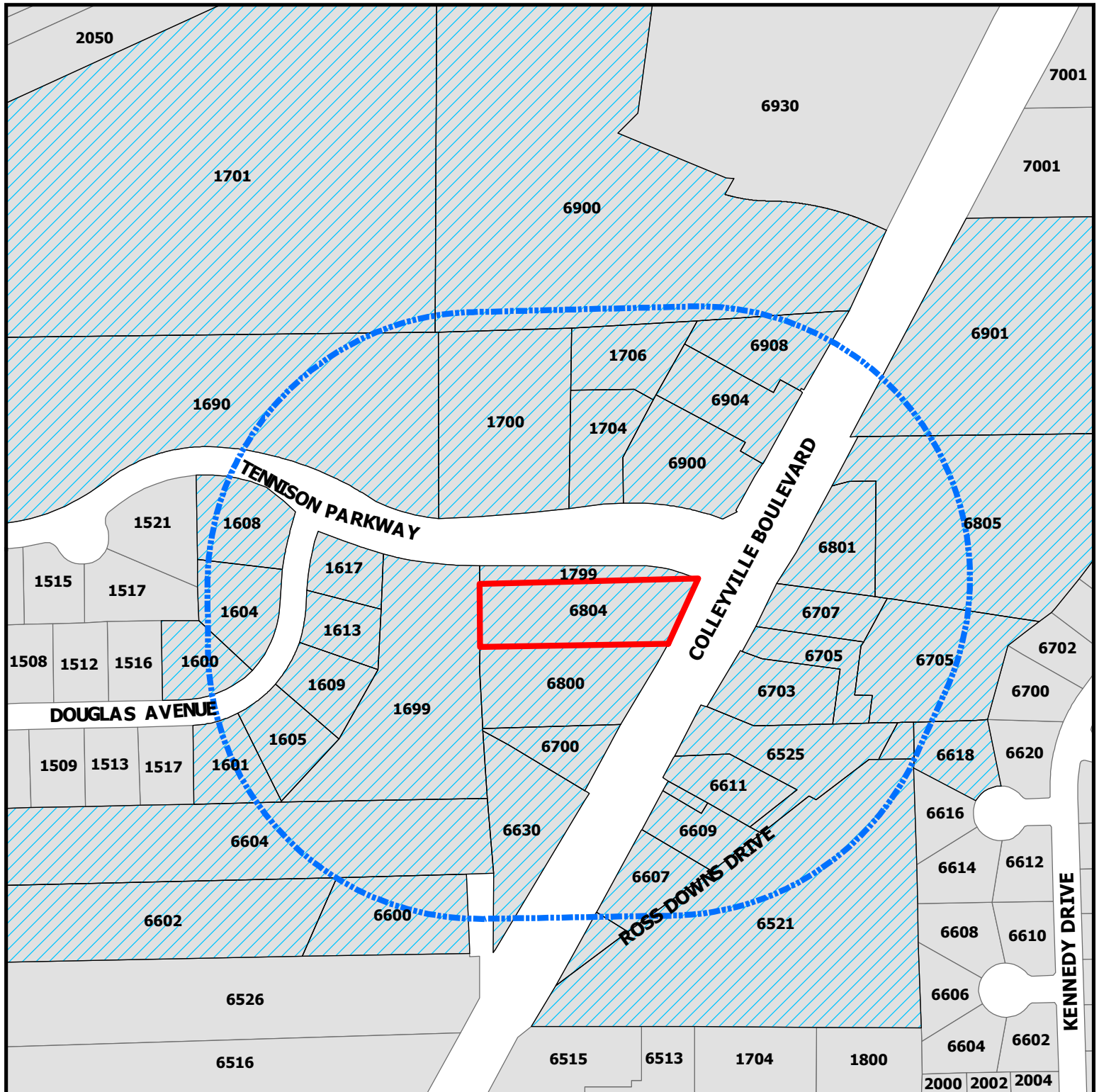


Exhibit "B" – Site Plan



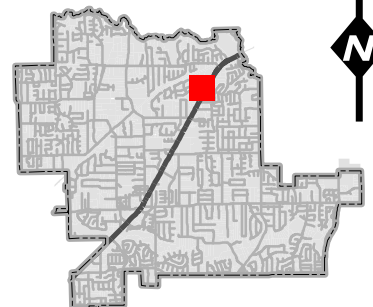
Notification Map



ZC18-020
6804 Colleyville Blvd

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-  Subject Property
-  500ft Buffer
-  Properties within 500ft



Notification List

Owner Name	Owner Address	Owner City	Owner Zip	Situs Address
HART, NEIL J	6703 COLLEYVILLE BLVD	COLLEYVILLE, TX	76034	6703 COLLEYVILLE BLVD
MANGROLA, NIMESH P	1605 DOUGLAS AVE	COLLEYVILLE, TX	76034	1605 DOUGLAS AVE
ARROYO NORTE LTD	6516 COLLEYVILLE BLVD	COLLEYVILLE, TX	76034	6600 COLLEYVILLE BLVD
SUN VALLEY PROPERTIES	5301 SUN VALLEY DR	FORT WORTH, TX	76119	6611 COLLEYVILLE BLVD
COLLEYVILLE CREME DE LA CREME	8400 E PRENTICE AVE STE 1320	GREENWOOD VILLAGE, CO	80111	6801 COLLEYVILLE BLVD
CAIRNS, CRAIG	1617 DOUGLAS AVE	COLLEYVILLE, TX	76034	1617 DOUGLAS AVE
ANDERSON, GARY D	6618 MCMAKIN CT	COLLEYVILLE, TX	76034	6618 MCMAKIN CT
REYNOLDS, LESLIE	6604 COLLEYVILLE BLVD	COLLEYVILLE, TX	76034	6604 COLLEYVILLE BLVD
MONTEERRA HOME OWNER'S ASSOC	6707 BRENTWOOD STR RD	FORT WORTH, TX	76112	1799 TENNISON PKWY
JOHNSON, STEVEN	1613 DOUGLAS AVE	COLLEYVILLE, TX	76034	1613 DOUGLAS AVE
TOTAL E&P USA REAL ESTATE LLC	PO BOX 17180	FORT WORTH, TX	76102	1701 JOHN MCCAIN RD
SELECT ROOFING LLC	6605 COLLEYVILLE BLVD	COLLEYVILLE, TX	76034	6605 COLLEYVILLE BLVD
3 J GREEN LIMITED PARTNERSHIP	6620 COLLEYVILLE BLVD STE 100	COLLEYVILLE, TX	76034	6630 COLLEYVILLE BLVD
SHELTER E320 LLC	1700 TENNISON PKWY # 100	COLLEYVILLE, TX	76034	1700 TENNISON PKWY
MONTEERRA HOME OWNER'S ASSOC	6707 BRENTWOOD STR RD	FORT WORTH, TX	76112	1699 TENNISON PKWY
WILSON, KATHY	211 MEADOWLARK LN	DUNCANVILLE, TX	75137	6609 COLLEYVILLE BLVD
LANI PROPERTIES LLC	3317 STONECREST DR	GRAPEVINE, TX	76051	6707 COLLEYVILLE BLVD
HART, NEIL	1600 GLADE RD	COLLEYVILLE, TX	76034	6525 COLLEYVILLE BLVD
KIMRADDE LLC	3131 ROLLING HILL LN	GRAPEVINE, TX	76051	6908 COLLEYVILLE BLVD
HART, NEIL	1600 GLADE RD	COLLEYVILLE, TX	76034	6525 COLLEYVILLE BLVD
LANI PROPERTIES LLC	3317 STONECREST DR	GRAPEVINE, TX	76051	6705 COLLEYVILLE BLVD
VASHISTH, SURESH C	1604 DOUGLAS AVE	COLLEYVILLE, TX	76034	1604 DOUGLAS AVE
J&C SERVICE GROUP LLC	6521 COLLEYVILLE BLVD	COLLEYVILLE, TX	76034	6521 COLLEYVILLE BLVD
STRATEGY REAL ESTATE HOLDING	1817 LAKESHORE CT	MCKINNEY, TX	75070	6800 COLLEYVILLE BLVD
RADDE GROUP LLC	6700 COLLEYVILLE BLVD	COLLEYVILLE, TX	76034	6700 COLLEYVILLE BLVD
LFP PROPERTIES INC	7505 GLENVIEW DR STE 150	RICHLAND HILLS, TX	76180	1706 TENNISON PKWY
TOTAL E&P USA REAL ESTATE LLC	PO BOX 17180	FORT WORTH, TX	76102	6900 COLLEYVILLE BLVD
LFP PROPERTIES INC	7505 GLENVIEW DR STE 150	RICHLAND HILLS, TX	76180	1704 TENNISON PKWY
COMBINED ENTERPRISES INC	1802 INDUSTRIAL BLVD	COLLEYVILLE, TX	76034	6607 COLLEYVILLE BLVD
MEGELLAS, CAROLE M	1600 DOUGLAS AVE	COLLEYVILLE, TX	76034	1600 DOUGLAS AVE
STANLEY, CALLI	1609 DOUGLAS AVE	COLLEYVILLE, TX	76034	1609 DOUGLAS AVE
CTAJ LTD	6904 COLLYVILLE BLVD	COLLEYVILLE, TX	76034	6904 COLLEYVILLE BLVD
FELLER-DAVIS ENTERPRISES LLC	3300 SPRING VALLEY DR	BEDFORD, TX	76021	6900 COLLEYVILLE BLVD
LONE STAR COLLISION LTD	6804 COLLYVILLE BLVD	COLLEYVILLE, TX	76034	6804 COLLEYVILLE BLVD
WILSON, KATHY	211 MEADOWLARK LN	DUNCANVILLE, TX	75137	6609 COLLEYVILLE BLVD
DENTON, SARA A	1601 DOUGLAS AVE	COLLEYVILLE, TX	76034	1601 DOUGLAS AVE
MONTEERRA HOME OWNER'S ASSO	6707 BRENTWOOD STAIR RD	FORT WORTH, TX	76112	1690 TENNISON PKWY
TX14 COLLEYVILLE LLC	1521 WESTBRANCH DR STE 100	MC LEAN, VA	22102	6805 COLLEYVILLE BLVD
DANCO PROPERTIES LLC	6804 COLLEYVILLE BLVD	COLLEYVILLE, TX	76034	6705 COLLEYVILLE BLVD
GROESBECK, GARY	1608 DOUGLAS AVE	COLLEYVILLE, TX	76034	1608 DOUGLAS AVE
TRES ROSAS LTD	6516 COLLEYVILLE BLVD	COLLEYVILLE, TX	76034	6602 COLLEYVILLE BLVD
DIETRICH, CHARLOTTE	7001 COLLEYVILLE BLVD	COLLEYVILLE, TX	76034	6901 COLLEYVILLE BLVD
MONTEERRA ADDITION	6811 Milton Dr	COLLEYVILLE, TX	76034	COURTESY NOTICE
ROSS DOWNS ESTATES	4113 Gateway Drive #100	COLLEYVILLE, TX	76034	COURTESY NOTICE
GRAPEVINE COLLEYVILLE ISD	3051 IRA E WOODS AVE	GRAPEVINE, TX	76051	STATE REQUIRED
DEFEO, JERRY	646 E. I-30	GARLAND, TX	75043	APPLICANT

Public hearing notices were mailed August 24, 2018 by Araceli Botello



NOTICE OF PUBLIC HEARING

Zoning Case Number: ZC18-020
Owner: Danny Lapier
Applicant: Jerry DeFeo
Location: 6804 Colleyville Boulevard
Property Description: Lot 1A, Block 1, of the Highway 26 Industrial
Present Zoning: ML Light Manufacturing
Request: Consideration of a Special Use Permit for an Automotive Repair Shop. Specifically the purpose of the request is to allow for the existing business, Lone Star Collision, to have a change in ownership to Joe Hudson's Collision Centers with no alterations to the existing facilities.

The City of Colleyville has scheduled public hearings concerning the above referenced request on the following dates and location:

Planning and Zoning Commission Meeting: Monday, September 10, 2018 at 7:00 p.m.
City Council Meeting: Tuesday, October 1, 2018 & Tuesday, October 16, 2018 at 7:30 p.m.
3rd floor of City Hall, 100 Main Street, Colleyville, Texas

This notice has been sent to all owners of real property within 500 feet of the request as such ownership appears on the last approved tax roll and all homeowners associations within 1000 feet. Approval by the Planning and Zoning Commission serves as a recommendation to the City Council and is not a final action on the request. Denial of the proposal by the Commission is final, unless the applicant submits a written notice of appeal within 10 days from the date of action by the Commission. If appealed, the request will be placed on the next available City Council agenda as listed above. Rezoning requests, zoning amendments and conditions recommended by the Commission for approval by the City Council may be more restrictive than those described in this notice.

All interested persons are encouraged to attend the public hearing and express their opinions on the zoning change request. If you are unable to attend, but wish to have your opinions made a part of the public record, please submit written comments prior to the public hearing, to the address below:

**Community Development Department
City of Colleyville
100 Main Street
Colleyville, TX 76034**

If the property owners of 20% or more of the land within the 200 foot notification area file a written protest prior to the public hearing, State law provides that the approval of the zoning change request shall require the approval of a super majority vote by City Council.

The application is on file for public examination in the Community Development Department at 100 Main Street, Colleyville, Texas. A brief project description can be found online on the Active Development Case map: <https://www.colleyville.com/zoning.html>. For additional information, please contact the Community Development Department at 817.503.1052. Please reference the zoning case number when requesting information.

Ben Bryner
Director of Community Development
bbryner@colleyville.com

ORDINANCE O-18-2063

AMENDING THE ZONING ORDINANCE AND THE OFFICIAL ZONING MAP BY CHANGING THE ZONING ON LOT 1A, BLOCK 1, HIGHWAY 26 INDUSTRIAL ADDITION, LOCATED AT 6804 COLLEYVILLE BOULEVARD, BY AUTHORIZING A SPECIAL USE PERMIT FOR AN AUTO REPAIR SHOP; 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 auto repair shop under Case No. ZC18-020; 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 1A, Block 1, of the Highway 26 Industrial addition, located at 6804 Colleyville Boulevard, by authorizing a Special Use Permit for an Auto Repair Shop, 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. This Special Use Permit shall apply only to "Exhibit "B" as shown on the Zoning Exhibit as attached.
- b. The hours of operation shall be Monday through Friday from 7:00 a.m. to 7:00 p.m. and Saturday 8:00 a.m. to noon.
- c. Overnight parking of vehicles shall be allowed outside the building, provided that the vehicles are parked to the rear of Building B, as shown on the attached Exhibit "B". Vehicles

such as boats, recreational vehicles and trailers shall not be parked or stored in the outside parking area.

- d. All vehicles waiting for repair shall be parked to the rear of the building.
- e. No storage of parts or containers shall be allowed outside the building.
- f. All repair work shall be done inside the building.
- g. Work shall not be performed on any vehicle larger than a 2-ton pickup truck.
- h. No vehicles for sale shall be parked in front of the building adjacent to Colleyville Boulevard.
- i. This Special Use Permit shall automatically expire upon the abandonment of the business, change in the use, a change in ownership or upon the expiration or termination of the Certificate of Occupancy.
- j. All requirements of the Land Development Code shall be met, except where amended herein.
- k. Approval of this ordinance is contingent upon the walls, which are visible from Highway 26 meet or come closer to the standards of the Land Development Code through façade material enhancements, landscaping, or a combination of both in compliance with Exhibit "C".

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 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 2018.

The second reading and public hearing being conducted on the 5th day of November 2018.

PASSED AND APPROVED BY A VOTE OF _ AYES, ____ NAYS, AND ____ ABSTENTIONS ON THIS THE 5TH DAY OF NOVEMBER 2018.

Mayor Richard Newton	_____	Mayor Pro Tem Bobby Lindamood	_____
Place 1, Tammy Nakamura	_____	Place 5, Chuck Kelley	_____
Place 3, Kathy Wheat	_____	Place 6, Callie Rigney	_____
Place 4, George Dodson	_____		

ATTEST:

CITY OF COLLEYVILLE

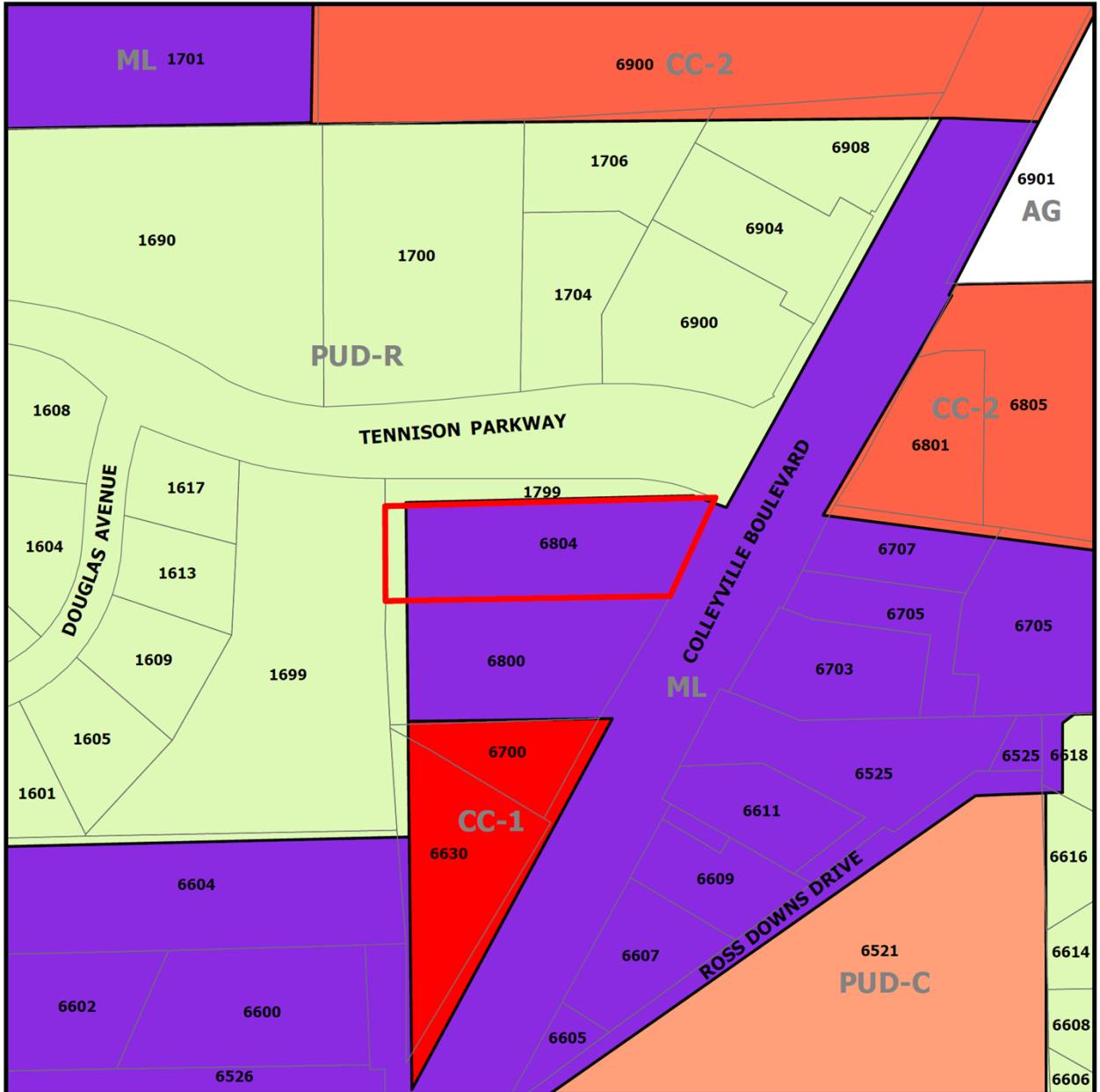
Christine Loven, TRMC
City Secretary

Richard Newton
Mayor

APPROVED AS TO FORM AND LEGALITY:

Whitt Wyatt
City Attorney

Exhibit "A" – Zoning Map



ZC18-020

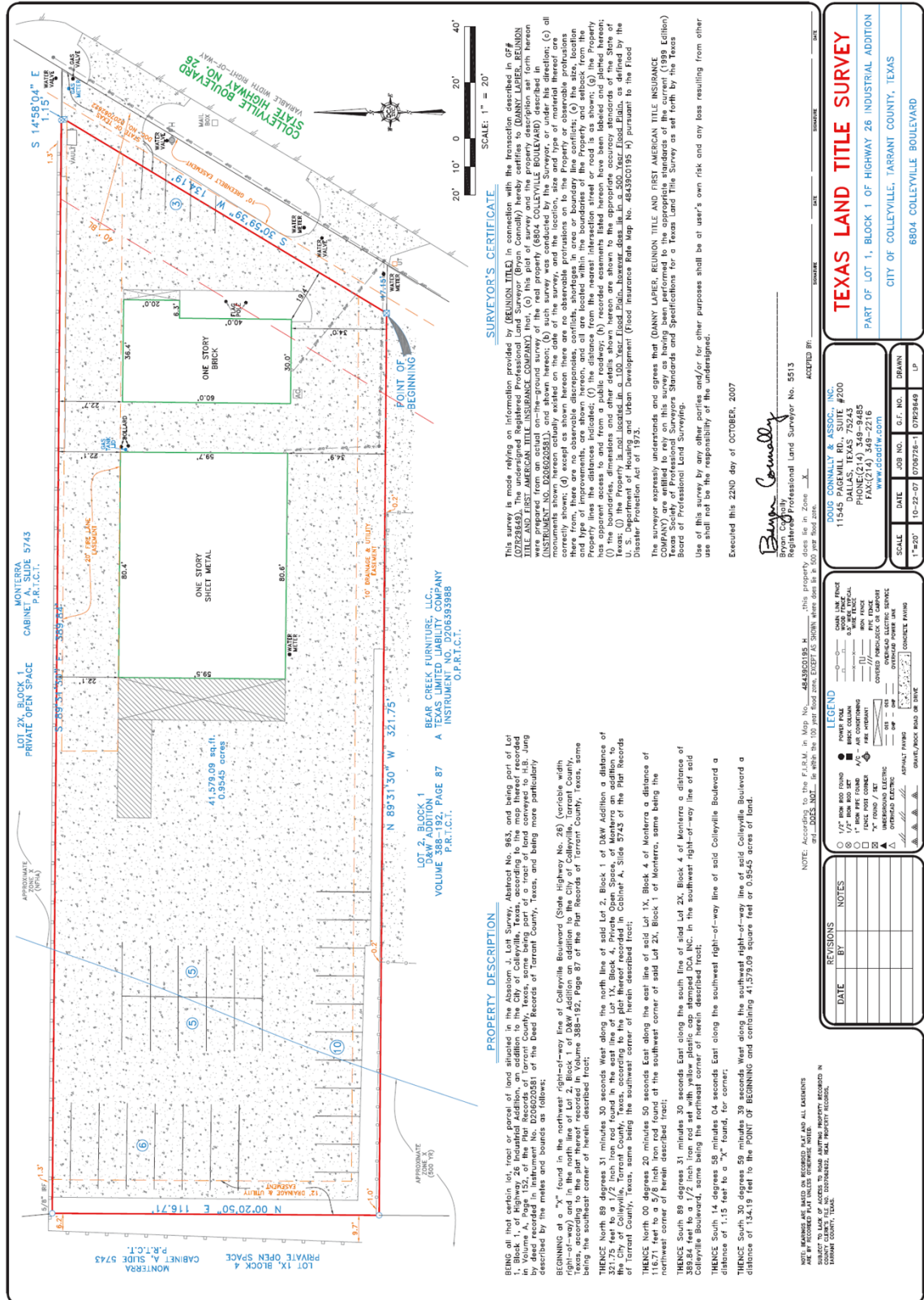
6804 Colleyville Blvd

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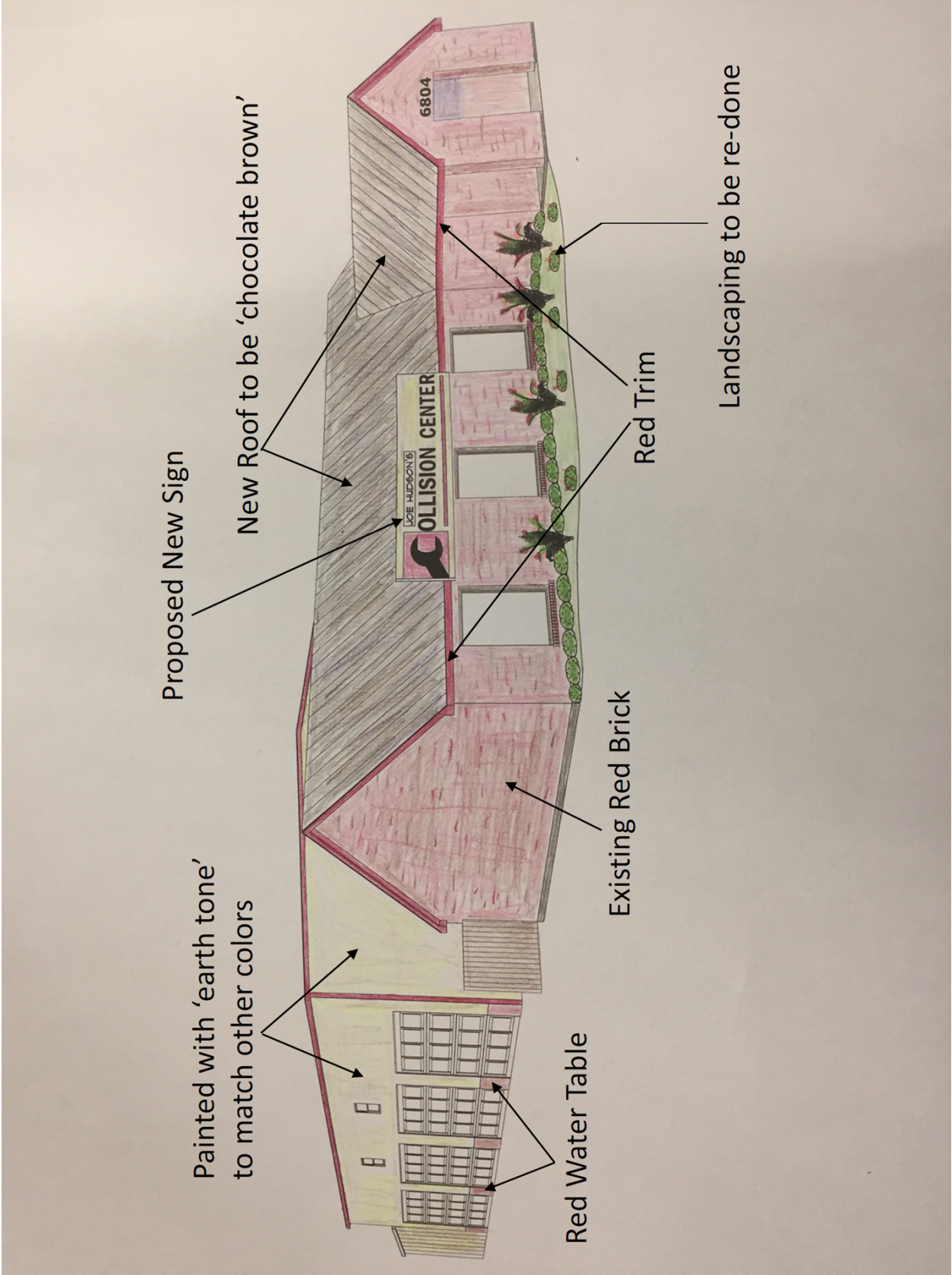
 Subject Property



Exhibit "B" – Zoning Exhibit



Attachment "C" - Conceptual Building Improvements





City of Colleyville City Council Agenda Briefing

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

Agenda Number 5b

Agenda Date 11/05/2018

Number Ordinance O-18-2064

Type Ordinance

Department Community Development

Title

Consideration of a zoning change from AG Agricultural district to R-30 Single Family Residential district on Tracts 2A01 & 2A02, Abstract 1543, in the George W Teeter Survey, located at 1309 Glade Road, Case ZC18-023

Strategic Plan

There is no Strategic Plan connection for this item.

Explanation

Second Reading and Public Hearing

The applicant has provided draft CC&R's for the Council to review. In addition to the CC&R's, a concern was raised about requiring a 6' masonry wall for separation from the neighbors to the east. The applicant is amiable to having the home builder provide an 8-foot board-on-board cedar fence, stained with a cap and metal posts, along with 8-foot stone columns (2'x2') at each rear property corner to complement the cedar fence. Finally, the applicant will modify the plat to identify that the setbacks for the corner side yard will be established for both building structures and fences.

First Reading and Public Hearing

Rome Barnes, the applicant, has submitted a request for a zoning change from the AG Agricultural to the R-30 Single Family Residential district on Tracts 2A01 & 2A02, Abstract 1543, in the George W Teeter Survey, being approximately 4.369 acres. The purpose of the request is to allow for development of 5 new single-family residential lots.

Existing Conditions/Background: The subject property, 1309 Glade Road, resides on the south side of Glade Road and the east side of Carmel Place, across from the existing subdivision called Carmel Place zoned Planned Unit Development – Residential (PUD-R). The property currently has Agricultural (AG) zoning and remains undeveloped except for a single house on the property which is planned to be removed.

Proposed Zoning:

Request – The applicant requests to create a single-family residential subdivision consisting of five (5) lots, ranging from 32,615 square feet to 44,334 square feet. The two large one acre lots fronting Glade Road have lot widths under the required 125

feet. Therefore, a lot width waiver is being requested with the associated plat. All lots will meet the required minimum front yard setback of thirty-five (35) feet, side yard setbacks of ten (10) feet, and rear yard setback of twenty-five (25) feet with a maximum building height of thirty-five (35) feet.

Overall, this would result in a development covering a total of 4.3968 acres with 5 residential lots, achieving a density of 1.14 units per acre which is below the R-30 residential density requirement of 1.45 dwellings per acre.

The minimum standards for the R-30 zoning district are as follows:

Minimum Lot Size:	30,000 square feet
Minimum Lot Width:	125 feet
Minimum Lot Depth:	125 feet
Front Building Line:	35 feet
Side Building Line:	10 feet
Rear Building Line:	25 feet
Maximum Lot Coverage:	25 percent

The five (5) lots will have the following minimum lot areas:

Lot 1:	44,334 square feet
Lot 2:	44,031 square feet
Lot 3:	32,667 square feet
Lot 4:	32,615 square feet
Lot 5:	32,632 square feet

If zoning is approved, the applicant anticipates home construction to begin in late 2018 with the average home size to be 5,200 square feet with an approximate price point of \$950,000.

Analysis: The requested rezoning allows the applicant to develop the lots in a manner complementary to the approved PUD-R on the west side of Carmel Place while also being compatible with the neighborhood surrounding it.

All homes are required to have fire sprinklers regardless of square footage due to the limited size of Glade Road, which could impede the fire department's ability to fight a potential fire, and the length of Carmel Place.

Surrounding Development: The properties to the south, east and west (adjacent to Carmel Place) have R-20 zoning and have developed with single-family residential structures. Properties across Glade Road to the north have PUD-R zoning and have developed with single-family residential structures. Lots directly across the Carmel

Place have an existing PUD-R which the applicant proposes to compliment with their project's design.

Comprehensive Plan: The City's comprehensive plan, *Destination Colleyville*, identifies the subject property for single-family residential development. The proposed R-30 does not conflict with any portion of the comprehensive plan. The proposed R-30 facilitates the maximum desired residential density of 1.45 units per net acre.

Public Notification: Staff mailed notices to all property owners within 500 feet as well as any Homeowners Associations within 1000 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: Staff recommends approval for the applicant's request based on the following findings:

1. The proposed zoning meets the intent of the residential designation assigned in the Destination Colleyville comprehensive plan.
2. The R-30 zoning complements the zoning districts surrounding the subject property.

Planning & Zoning Commission Recommendation: The Planning & Zoning Commission recommended approval of the R-30 zoning at their September 10, 2018 meeting by a vote of 4-0. A Preliminary Plat was also recommended for approval with the recommendation to re-orient the lots to face Carmel Place. The Preliminary/Final Plat item will be placed on the same meeting as the 2nd reading of the zoning.

Financial Impact

There is no financial impact to the City.

Recommendation

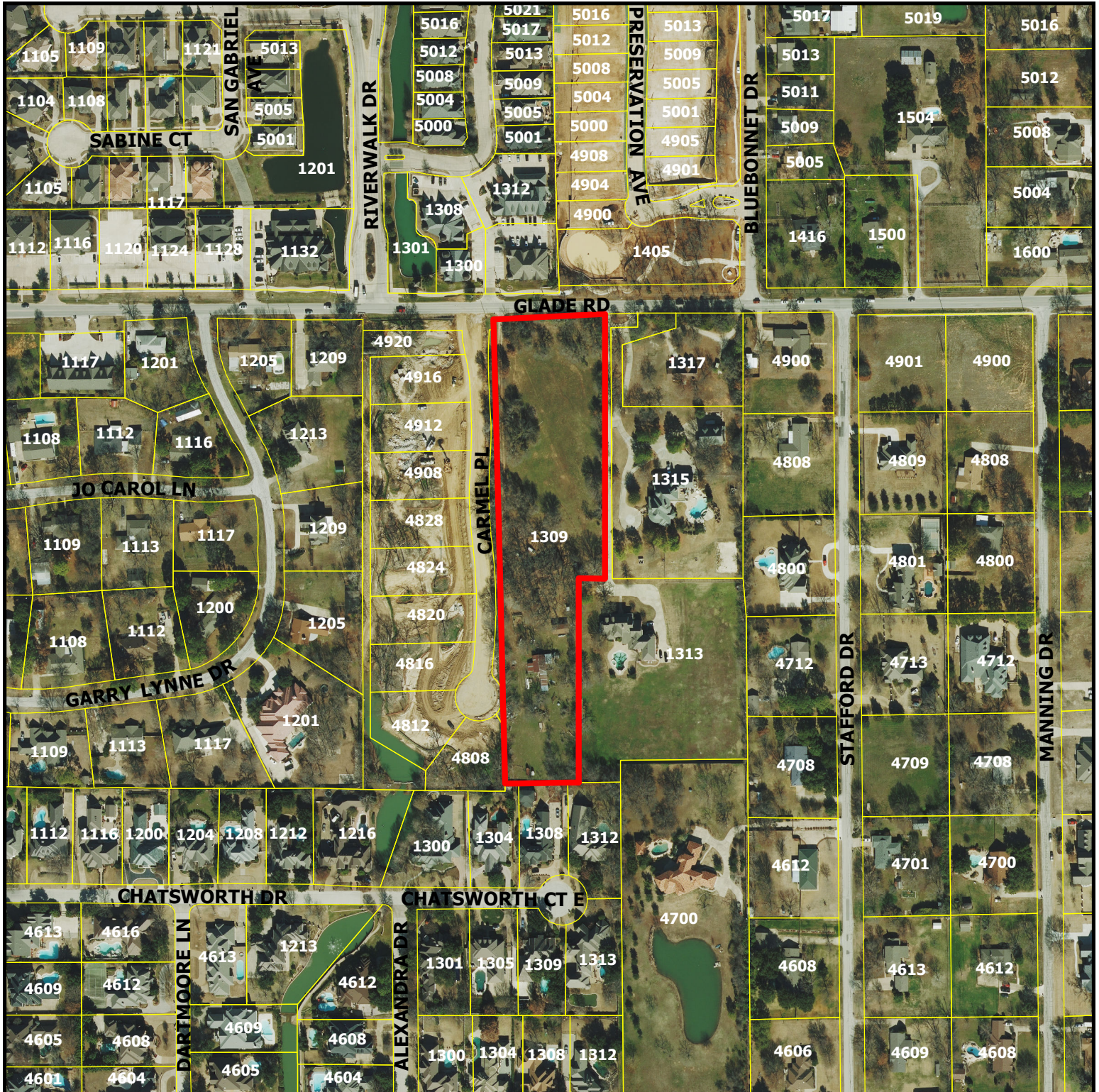
Approve

Attachments

1. Aerial Map
2. Zoning Map
3. Future Land Use Map
4. Statement of Planning Objectives
5. Zoning Exhibit
6. Updated Layout per P&Z Recommendation
7. Carmel East CCR Rough Draft 10-17-18
8. Notification Map
9. Notification List

10. Property Owner Notification
11. Ordinance O-18-2064

Aerial Map



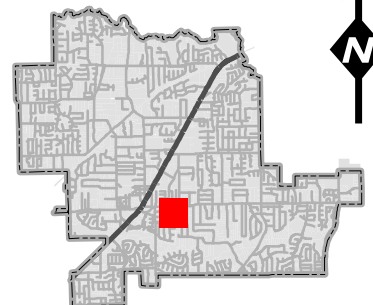
ZC18-023

1309 Glade Road

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Subject Property



Zoning Map



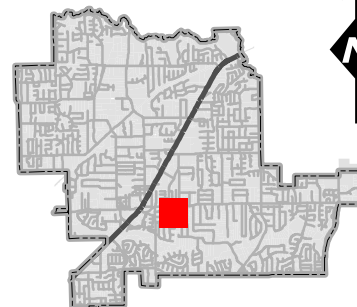
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ZC18-023

1309 Glade Road



Subject Property



Future Land Use Map

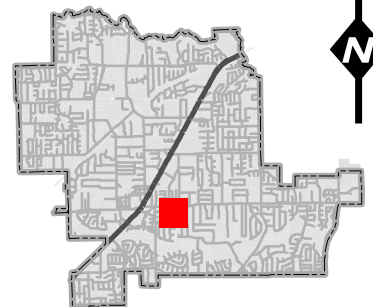


ZC18-023

1309 Glade Road

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 Subject Property



Statement of Planning Objectives

ZONING APPLICATION NARRATIVE

CARMEL PLACE ESTATES EAST

1309 GLADE ROAD, COLLEYVILLE, TX 76034

STATEMENT OF PLANNING OBJECTIVES

Centurion Acquisitions, LLC is requesting rezoning of a 4.3968-acre site (191,524 square feet) located at 1309 Glade Road abutting the eastern portion of Carmel Place within the City of Colleyville, from **AG-Agriculture** to **R30-Single Family Residential District (R30)**. The rezoning objective is to create five residential lots meeting or exceeding the R30 minimum lot size. The abutting residential area is zoned R20 and PUD-R; however, at the request of the City, Carmel Place Estates East rezoning request is being submitted under the R30 zoning district.

- The residential density will be 1.14 dwellings per acre, well below the R30 residential density of 1.45 dwellings per acre.
- The R30 minimum residential lot size is 30,000 square feet; the five residential lots will have the following minimum lot area:
 - Lot 1 – 44,334 square feet
 - Lot 2 – 44,031 square feet
 - Lot 3 – 32,667 square feet
 - Lot 4 – 32,615 square feet
 - Lot 5 – 32,632 square feet
- The R30 required minimum lot width is 125 feet; three of the lots meet and exceed the minimum lot width; however, the two large 1-acre lots fronting Glade Road have lot widths of 116 feet, 9 feet shy of the required minimum lot width (would meet minimum 100-foot lot width required by the adjacent R20 zoning district). **A lot width waiver is being requested for these two lots.**
- All lots will meet the required minimum front yard setback of 35 feet, side yard setback of 10 feet, and rear yard setback of 25 feet and the required maximum building height of 35 feet.

Statement of Planning Objectives

DEVELOPMENT SCHEDULE

It is anticipated that home construction will begin on the five residential lots sometime in late 2018.

Once a building permit is issued, time for completion is estimated from 10-12 months.

ECONOMIC DEVELOPMENT INFORMATION

The average home size is anticipated to be around 5200 square feet at a price point of \$950,000. Using Tarrant County Appraisal District's tax estimator, the City of Colleyville's ad valorem tax rate of .33834 for a home valued at \$950,000 would generate \$3,214 in City taxes and another \$13,269 (tax rate of 1.39670) in taxes to support the City's school system, the Grapevine/Colleyville Independent School District. Five homes built at this price point would generate \$16,070 in ad valorem taxes for the City and \$66,345 for the City's school system. This is an estimate and could change based on specific criteria considered by the Tax Assessor's office.

TRAFFIC IMPACT ANALYSIS

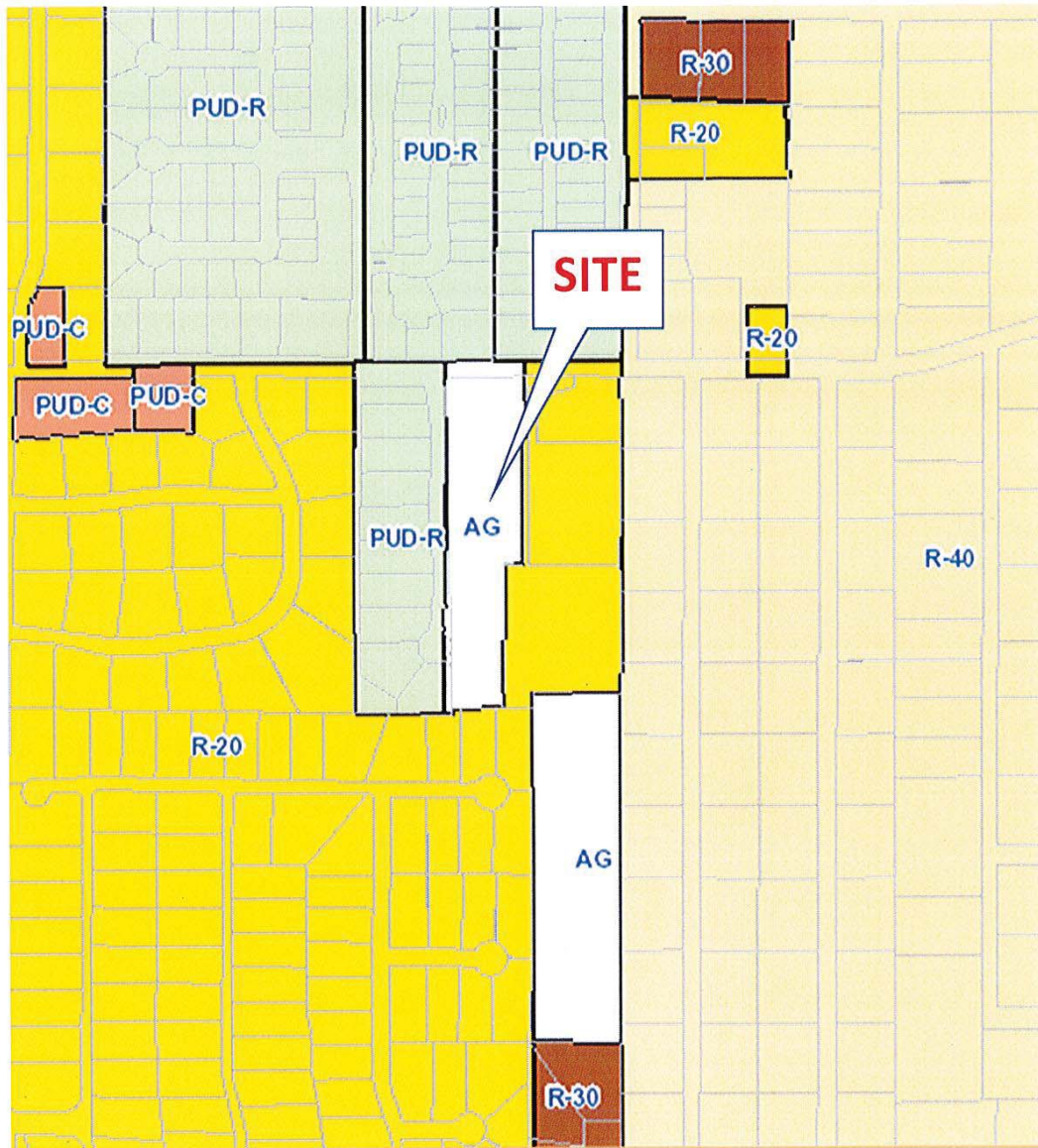
A Traffic Impact Analysis is not required since only five homes are proposed which would fall below the projected generation rate of 1000 vehicle trips per day.

DRAINAGE ANALYSIS

A drainage analysis completed for Carmel Place Estates by Thomas Hoover Engineering, LLC dated 6-23-14 is submitted with the Zoning Application. Carmel Place Estates East land area is included in the drainage area of Carmel Place Estates, thus issues related to drainage impacts have already been assessed. Specific lot drainage for the five lots in Carmel Place Estates East will be a part of the engineering plans and will be consistent with the already submitted drainage analysis.

Statement of Planning Objectives

EXHIBIT A – LOCATION AND ZONING MAP



Statement of Planning Objectives

EXHIBIT B – LEGAL DESCRIPTION

Being a tract of land out of George W. Teeter Survey, Abstract No. 1543 and situated in the City of Colleyville, Tarrant County, Texas, and surveyed by Miller Surveying, Inc. of Hurst, Texas in November 2017, said tract being a portion of the same tract of land described in the deed to Robert Gene Hubbard et ux, Peggy Hubbard recorded in Volume 4069, Page 406 in the Deed Records of Tarrant County, Texas and being more particularly described by metes and bounds as follows:

Beginning at a 5/8 inch steel rod found in the southerly right-of-way line of Glade Road (Co. Rd. 3036), said rod being in the northerly boundary line of "Tract No. 1" of said Hubbard Deed and also being the most northerly northwest corner of Lot 1, Block 1, Greener Acres, an addition to the City of Colleyville, Texas according to the plat thereof recorded in Cabinet A, Slide 4936 of the Plat Records of said County;

Thence South 00 degrees 14 minutes 15 seconds East with the westerly boundary line of said Lot 1 a distance of 553.09 feet to a 1/2 inch "MILLER 5665" capped steel rod set for an inner corner thereof;

Thence South 89 degrees 25 minutes 35 seconds West continuing with said westerly boundary line a distance of 58.10 feet to a 1/2 inch steel rod found for an outer point thereof;

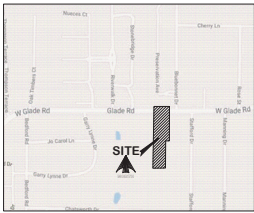
Thence South 00 degrees 12 minutes 14 seconds West continuing with said westerly boundary line a distance of 415.82 feet to a 1/2 inch steel rod found for the southwest corner of said Lot 1, said rod being in the northerly boundary line of Block 1, The Lakes of Somerset, an addition to the City of Colleyville, Texas according to the plat thereof recorded in Cabinet A, Slide 312 of said plat records;

Thence North 89 degrees 46 minutes 39 seconds West with said northerly boundary line a distance of 151.92 feet to a point in a fence post found in the easterly boundary line of Carmel Place Estates, an addition to the City of Colleyville, Texas according to the plat thereof recorded as Instrument No. D217142798 of the Official Public Records of said County;

Thence North 01 degrees 25 minutes 38 seconds West with said easterly boundary line a distance of 985.17 feet to a cross in concrete set for the northwest corner of said Tract 1, said cross being in said southerly right-of-way line;

Thence North 89 degrees 53 minutes 54 seconds East with the northerly boundary line of said Tract 1 and with said southerly right-of-way line a distance of 233.33 feet to the point of beginning and containing 4.3968 acres of land, more or less.

Zoning Exhibit



VICINITY MAP
NOT TO SCALE

Zoning Exhibit - Carmel Place Estates East

1309 Glade Road, Colleyville, TX. 76034

Overall Parcel Gross Area	4.3968 Acres - 191,524 SF
Existing Buildings	Dwelling and out Buildings - all to be removed
Existing Zoning	AG
Street Area Proposed	Not applicable
Sidewalks Proposed	Not applicable
Open Space SF and percent	Not applicable
Proposed Dwelling Lots	5
Proposed Dwellings	1.14 dwellings per acre
Proposed Dwelling Type	Single Family Residential

Metes & Bounds

Tract 1 - 4.3968 ACRES

Being a tract of land out of George W. Teeter Survey, Abstract No. 1543 and situated in the City of Colleyville, Tarrant County, Texas, and surveyed by Miller Surveying, Inc. of Hurst, Texas in November 2017, said tract being a portion of the same tract of land described in the deed to Robert Gene Hubbard et al, Peggy Hubbard recorded in Volume 4069, Page 406 in the Deed Records of Tarrant County, Texas and being more particularly described by metes and bounds as follows:

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Thence North 89 degrees 53 minutes 54 seconds East with the northerly boundary line of said Tract 1 and with said southerly right-of-way line a distance of 233.33 feet to the point of beginning and containing 4.3968 acres of land, more or less.

PROPERTY OWNER

CENTURION ACQUISITIONS, LLC
1800 Valley View Lane
Suite 300
Farmers Branch, TX 75234
817.584.5982
Contact: Rome Barnes

ENGINEER

ION DESIGN GROUP, LLC F-6701
7075 Twin Hills Ave
Suite 350
Dallas, TX 75231
214.370.3470 Ph
Contact: Bryan Klein

SURVEYOR

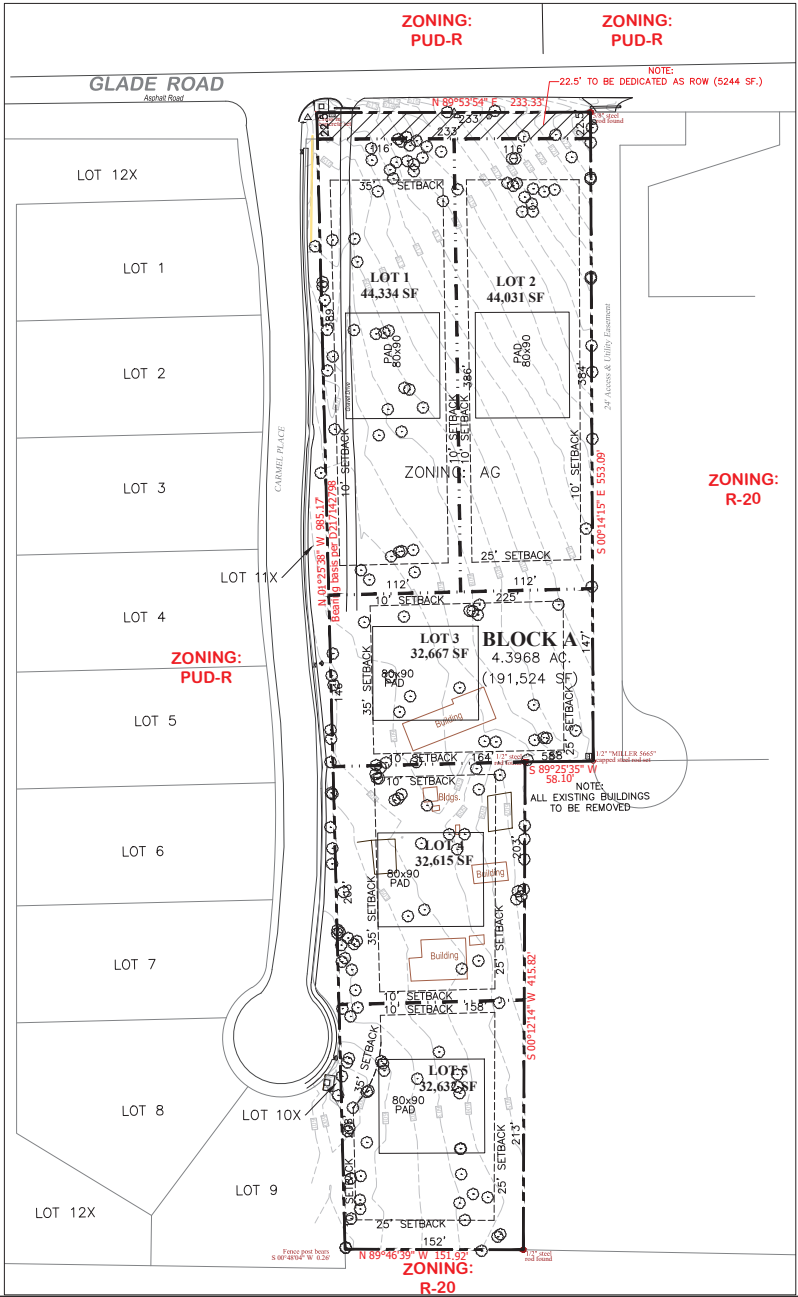
MILLER SURVEYING, INC.
430 Mid Cities Blvd.
Hurst, TX 76054
817.577.0050 Ph
817.577.0972 Fx
Contact: Jason Rawlings

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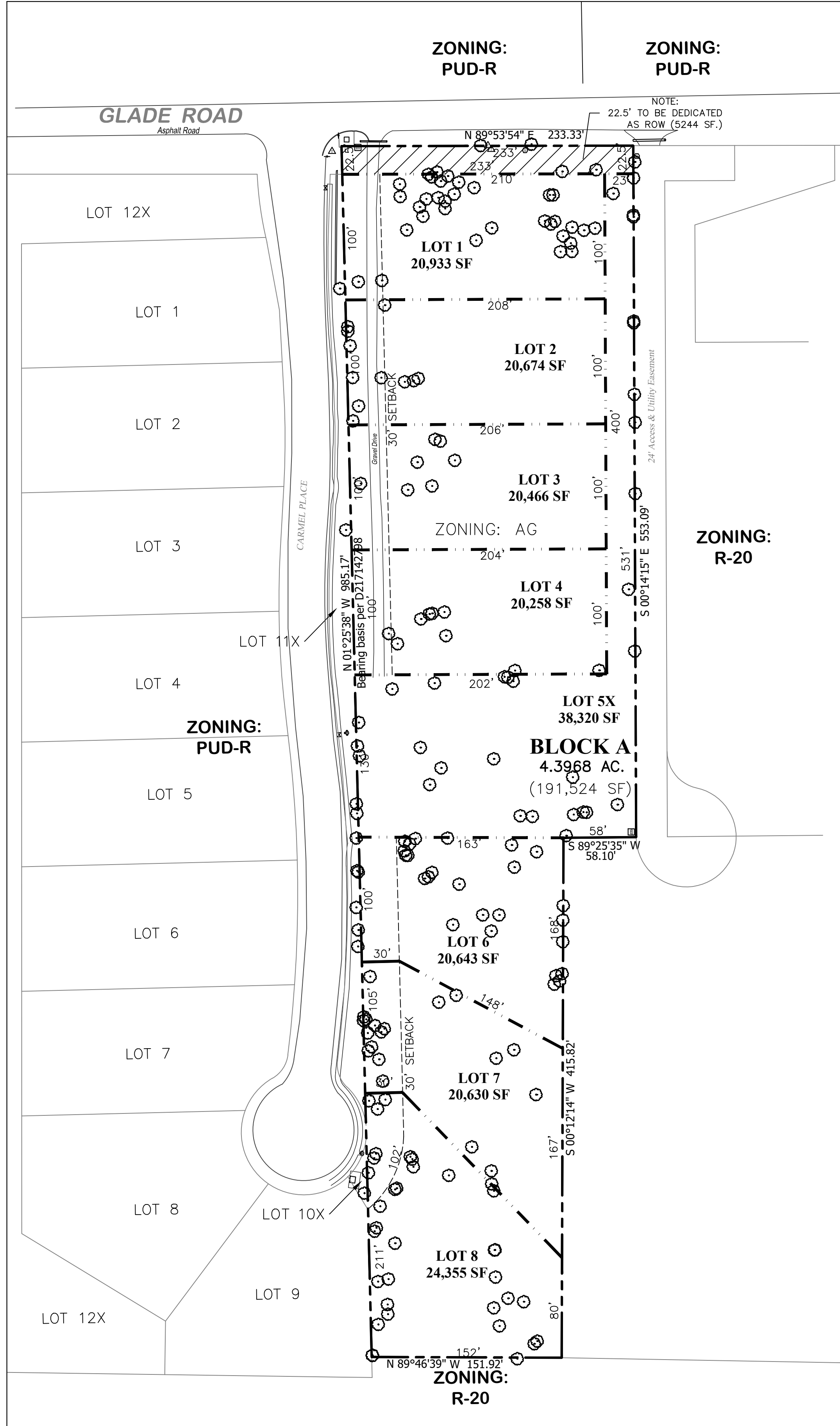


Ion Design Group
7075 Twin Hills Ave
Suite 350
Dallas, Texas 75231
Firm TX F6701
214.370.3470 Ph

Scale: 1" = 50'



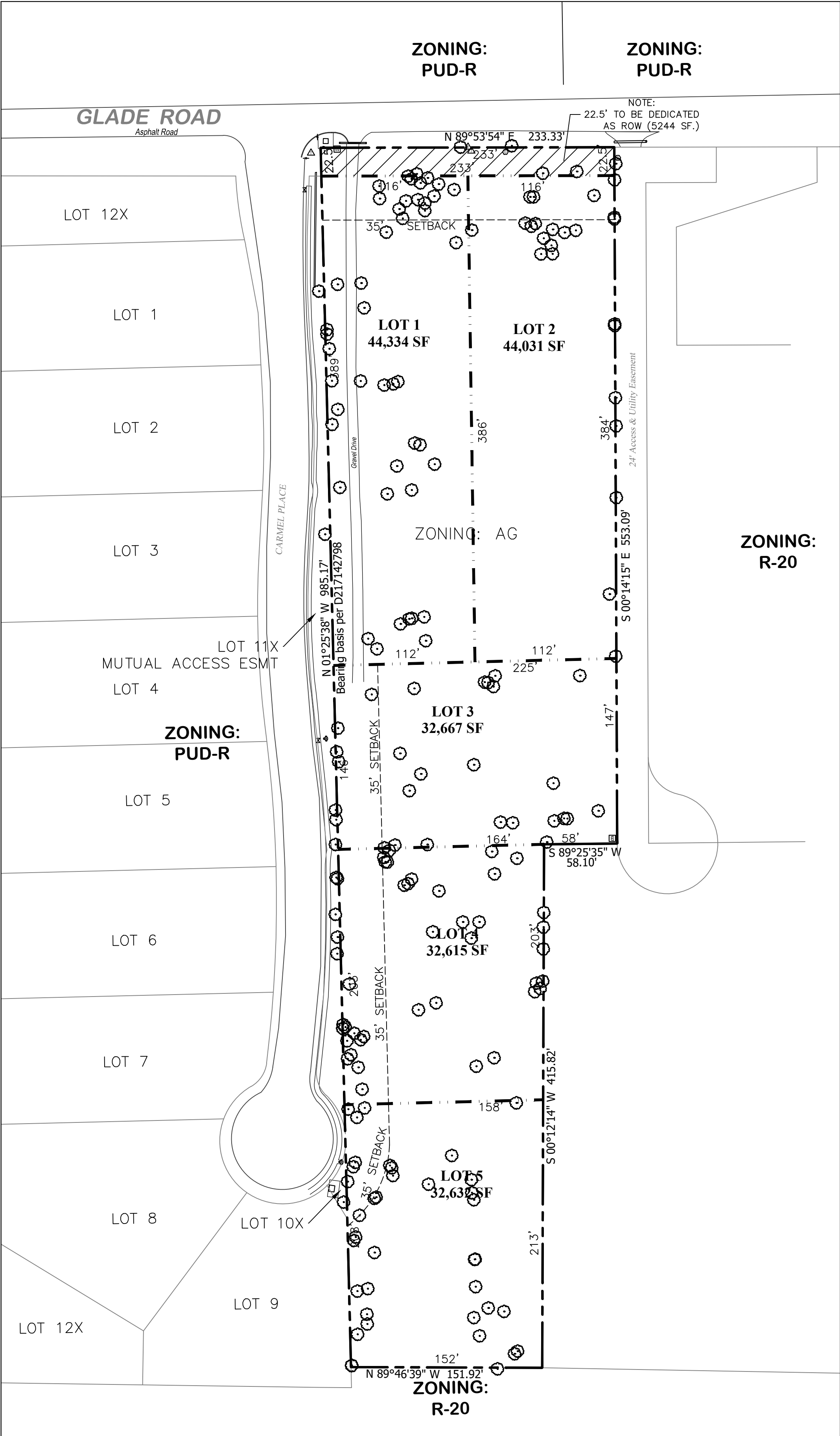
Original Zoning Case



NOTES

1. Zoning not approved.

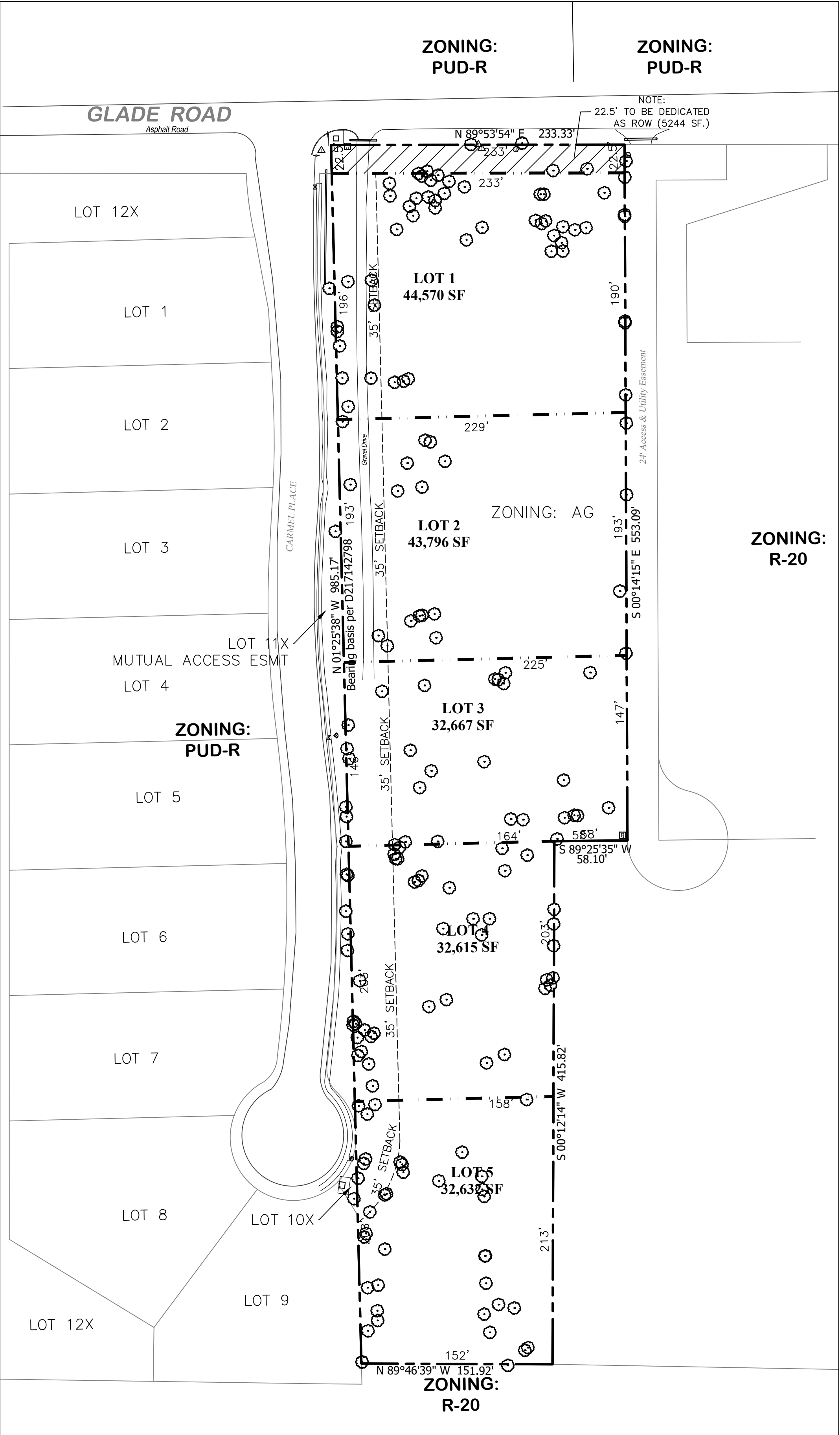
Present Zoning Application



NOTES

1. Needs lot width waiver for Lots 1 & 2.

Alternate Layout



NOTES

1. Needs allowance to front Lots 1 & 2 to Carmel Place.
2. Needs allowance to accept Carmel Place at existing width.

10.01.2018



7075 Twin Hills Ave
Suite 350
Dallas, Texas 75231
Firm TX F6701
214.370.3470 Ph

After recording, return to:
Essex Association Management, L.P.
1221 N. I-35E, Suite 112
Carrollton, Texas 75006

STATE OF TEXAS §
 § KNOW ALL PERSONS BY THESE PRESENTS:
COUNTY OF TARRANT §

This Declaration (herein so called) is executed effective as of _____, 2018,
by CADG Carmel Place, LLC, a Texas limited liability company (the “**Declarant**”).

A. The Declarant is the owner of the real property in Tarrant County, Texas, described on **Exhibit A** attached hereto (the “**Property**”). The Declarant has or is developing the Property as an addition to the City of Colleyville and Tarrant County to be known as Carmel Place Estates East Colleyville (the “**Subdivision**”).

B. The Declarant desires to establish a residential community of single family residential detached homes on the Property and, accordingly, has executed this Declaration to impose the covenants, conditions, restrictions, and easements herein described upon the Property.

Section 1.1 Establishment of Covenants, Conditions and Restrictions. The Declarant hereby imposes upon the Property the covenants, conditions, restrictions, liens and easements set forth in this Declaration (the “**Covenants**”) for the purposes of establishing a general scheme for development of the Property, enhancing the value of the Lots and Residences (defined below), and establishing restrictions for residential use for the benefit of the Declarant, Builders (defined below) and the Owners (defined below). The Declarant does not guarantee that all of these purposes will be accomplished through the creation and imposition of the Covenants. The Covenants touch and concern title to the Property, run with the land and shall be binding upon all persons hereafter acquiring any portion of the Property.

Section 1.2 Definitions. The terms set forth below shall have the indicated meanings when used in this Declaration; other terms are defined elsewhere herein and shall have the meaning given to them in this Declaration.

“ACC” shall mean Architectural Control Committee. During the period of Declarant control, the Declarant shall have the sole right to appoint and remove members of the ACC.

“Assessments” means the Maintenance Assessments and Special Assessments provided for in Article 6.

“Association” means the Carmel Place Estates East Colleyville Homeowners Association, Inc., a Texas non-profit corporation, or such other homeowners’ association name selected and available at the time of formation and established as provided in this Declaration.

“Association Documents” means the Certificate of Formation (herein so called) and the Bylaws (herein so called) of the Association, as amended and modified from time to time, and the resolutions and certifications adopted by the Association from time to time. The Declarant and Board of Directors shall have the sole right and discretion to create, amend, and abolish rules and regulations of the Association which shall be accomplished by Resolution and / or majority vote of the Board of Directors or by Declarant acting as the sole authority during the period of Declarant control.

“Board” means the Board of Directors of the Association. During the period of Declarant control, the Declarant shall have the sole right to appoint and remove, with or without cause, the Board of Directors. Declarant shall the right but, not the obligation, to limit the Board’s authority or responsibility during the period of Declarant control. Should the Declarant exercise this right, it shall prepare by Resolution the guidelines by which the Board shall operate during the period of Declarant control.

“Builder” means any homebuilder constructing the initial Residence upon a Lot in the normal course of conducting its business for profit.

“City” means the City of Colleyville, Texas.

“Common Amenities” means the following: (i) any community amenity center or facility constructed on the Property for the use and benefit of the Owners; (ii) any and all entry features (including, without limitation, entry gates and controlled access improvements), Subdivision signage and monuments, landscape areas and screening walls, and all landscape easements, other similar areas within the Subdivision whether or not shown on the Plat (as hereinafter defined), whether within or surrounding or along the boundaries of the Property, including, without limitation, the landscape features installed and screening walls constructed in the entry areas; (iii) any other property or improvements within or immediately surrounding the Subdivision for which the Association is or may hereafter become obligated to maintain, improve or preserve; (iv) any real and/or personal property, fixtures or improvements conveyed or dedicated to the Association for the common use and benefit of Owners within the Subdivision, and/or to be maintained by the Association; and (v) any and all other fixtures, Structures or other improvements installed by Declarant or the Association within the Subdivision, and all equipment, accessories, utilities and machinery used in the operation or

maintenance of any such Common Amenities, and which are not expressly made the responsibility of the Lot Owner pursuant to the provisions of this Declaration. All Common Amenities shall be maintained by the Association. **The Declarant is not obligated to build or provide Common Amenities however; such Amenities may and often are provided for the benefit of the Association. The payment of Assessments is NOT contingent upon the building of or existence of Common Amenities at any time.**

“Common Area” means those portions of the Property depicted or described as such in or on the Plat (defined below) that do not constitute Lots (defined below), including, without limitation, Streets (defined below), roads or other rights-of-way which are not part of a Lot and/or dedicated to and maintained by the City or other governmental authority as a public right-of-way, and/or any real property and/or lot within the Subdivision comprising or on which the Common Amenities are located. The Declarant shall at all times have and retain the right, but without obligation whatsoever, to effect minor redesigns or reconfigurations of the Common Area located on such Declarant’s portion of the Property and to execute any open space declarations applicable to such Common Area which may be permitted in order to reduce property taxes, and to take whatever steps as may be appropriate to lawfully avoid or minimize the imposition of federal and state ad valorem and/or income taxes. All Common Area shall be maintained by the Association.

“Declarant” means CADG Carmel Place, LLC, and its successors or any assignee of Declarant to whom Declarant expressly assigns all of its rights and obligations as Declarant under this Declaration in accordance with Section 8.8 hereof.

“Design Guidelines” shall mean and refer to those particular standards, restrictions, guidelines, recommendations and specifications set forth on **Exhibit B** attached hereto and incorporated herein by reference, as may be supplemented, amended and/or modified from time to time, and which are applicable to any or all aspects of construction, placement, location, alteration, maintenance and design of any improvements within the Property, together with any interpretations thereof. **The Design Guidelines are an important part of the Declaration and often contain the larger portion of the rules and regulations with regard to construction and other requirements such as fencing, landscape, roofing, exterior materials, and more. Every Builder and Owner should familiarize themselves with the Design Guidelines.**

“Lot” means any of the individual platted building lots reflected, or to be reflected, on the Plat that are to be used for construction of a Residence (defined below) thereon as herein described. In the event any Common Area is conveyed to the Declarant or another third party to be used for construction of a Residence, then such conveyed property shall be included in the definition of a “Lot”.

“Managing Agent” means any Person who has been engaged and designated by the Board to manage the daily affairs and operations of the Association. The Declarant shall have the sole right to determine the Managing Agent during the period of Declarant control. Any contract initiated by the Declarant during the period of Declarant control may have different or stricter term and termination guidelines than other contracts. The Board of Directors shall not have the authority to terminate a contract initiated by the Declarant during the period of Declarant control.

“Owner” means any Person owning fee title to any Lot, but excluding any mortgagee or beneficiary under a deed of trust until such time as it acquires legal title to a Lot.

“Person” means any individual, corporation, limited liability company, partnership or other entity of any kind or type whatsoever.

“Phase” means a particular area of the Property designated by the Declarant for development. The Declarant may impose, as provided in Section 3.3(d), additional or different restrictions on each Phase within such Declarant’s portion of the Property. If the Declarant annexes additional property into the Property as provided in Sections 8.1 and/or 8.2, it may designate the area annexed as a particular Phase, and the Declarant may impose, as provided in Section 3.3(d), additional or different restrictions on such area.

“Plat” means (i) initially, the preliminary plat, and thereafter the final plat, for any Phase of the Property submitted to and approved by the City, or any other applicable governmental entity; (ii) after recordation thereof, the final Plat for any Phase of the Property as recorded in the Records of Tarrant County, Texas; and, (iii) any replat of, or amendment to, the foregoing made by the Declarant in accordance with applicable requirements of the City or other applicable governmental authority. The term “Plat” shall also include the final recorded plat of any additional property annexed into the Property pursuant to Sections 8.1 and/or 8.2. *No Owner may replat his Lot without the express written permission of the Declarant during the period of Declarant control, the ACC or The Board of Directors.*

“Property” shall have the meaning ascribed to such terms as set forth in the recitals of this Declaration.

“Residence” means an attached residence residing upon a Lot in conformance with this Declaration.

“Special Assessments” means collectively, the Special Purpose Assessments and Special Member Assessments, as such terms are defined in Article 6 hereof.

“Street” means any paved road, which is located within a right-of-way of the Subdivision.

“Structure” means any structure (other than a Residence), fence, driveway, sidewalk, planting, landscaping, irrigation system, wall, tennis court, swimming pool, outbuilding, playground equipment, or other improvement of any kind or type.

“Subdivision” shall have the meaning ascribed to such terms as set forth in the recitals of this Declaration.

“Vehicle” means any vehicle of any kind or type whatsoever, including any automobile, truck, motorcycle, boat, mobile home, motor home, boat trailer, or other kind of trailer.

ARTICLE 2

USE PROVISIONS

Section 2.1 Permitted Uses.

(a) **Lots Limited to Residential Use.** Except as otherwise provided in this Declaration, Lots shall be used only for private residential purposes and activities reasonably related thereto. Additional uses for purposes such as schools, churches, or similar activities may not be permitted within the Property, without the prior written approval from the Association and the Declarant.

(b) **Common Area and Common Amenities Uses.** The Common Area designated as the open space and/or to be maintained by the Association on the Plat and any Common Amenities shall be used only for recreational and other similar purposes as approved by the Declarant or the Association. The Common Area consisting of landscaping, maintenance, wall maintenance easements, or similar areas shall be used for such purposes or similar purposes as approved by the applicable Declarant or the Association. The Common Area consisting of sanitary sewer easements, drainage easements, utility easements or similar areas shall be used for such purposes or similar purposes as approved by the applicable Declarant or the Association.

(c) **Sales Offices and Similar Uses.** The Declarant or any Builder may maintain on its Property one or more signs, sales offices, or trailers on Lots for the purpose of facilitating sales of Lots and/or Residences on the Property. The Declarant or the ACC, may by written designation grant to Builder(s) constructing Residences on Lots within the Property the right to conduct their sales and marketing programs for the Property from any permanent or temporary sales buildings or trailers, and conduct improvement work and activities on portions of the Property owned by them and do all things reasonably necessary or convenient as required to expeditiously commence, continue and complete such improvement work, including, but not limited to, the provision of temporary buildings (including, without limitation, trailers), temporary storage of construction materials and equipment and the installation of temporary signage of such types, in such sizes and at such locations on portions of the Property owned by them as they deem appropriate and in accordance with any applicable governmental requirements.

Section 2.2 Prohibited Uses and Activities.

(a) **No Further Subdivision.** No Lot may be further subdivided without the written consent of the Declarant or the ACC; provided, however, this restriction shall not be applicable to Common Area conveyed to the Declarant by the Association. Lots may be combined for the purpose of constructing a single residence on more than one Lot only upon written approval of the Declarant or the ACC. Without regard to any such permitted subdivision or combination, the Lots involved shall continue to be treated as single individual Lots hereunder for all other purposes, including voting in the Association and assessing and collecting Assessments.

(b) **Parking and Vehicle Restrictions.** All Vehicles shall be parked, stored or placed in the garage or upon the driveway. On street parking is **discouraged** except for temporary parking of guests, invitees, vendors, delivery services, and service providers. **The Declarant, ACC, and Board of Directors shall, in their sole discretion, have the authority to determine what constitutes a violation of Parking and Vehicle Restrictions as set forth in this Section.** Vehicles with advertisement shall be allowed **ONLY** in the garage or driveway and must be a vehicle that is regularly used for travel to and from work or connected directly with the Owners business or employment. Oversized work or company vehicles or trucks with a tonnage in excess of one ton will not be allowed at any time. Owners should make provisions for offsite parking of such vehicles. No inoperative or unlicensed Vehicles may be parked or stored anywhere in the community except in a closed garage. The Association shall reserve the right to enforce towing as it is applicable per local city or county law any vehicle which after proper tagging and/or notification by the Association refuses to comply with requests per the guidelines as set forth in this Section of the Declaration. An Owner shall never block a driveway, mailbox, intersection or Common Area at any time. Every Owner shall endeavor to have guests, invitees, vendors, or service providers to park in front of their own home. Any vehicle towed shall be at the sole expense of the Owner. All work on Vehicles (other than routine maintenance) shall be performed only in an enclosed garage. The foregoing provisions shall not restrict the parking of trucks and other Vehicles as necessary in connection with construction of Residences or other permitted Structures on Lots.

(c) **Specific Use Restrictions.** No Lot or improvement shall be used for business, professional, commercial or manufacturing purposes of any kind. No activity, whether for profit or not, shall be conducted on the Property which is not related to single-family residential purposes. No noxious or offensive activity (as determined by the ACC) shall be undertaken on the Property, and nothing shall be done which is or may become an annoyance or nuisance to the neighborhood. Nothing in this subparagraph shall prohibit a Builder's temporary use of a Residence as a sales office until such Builder's last Residence on the Property is sold. Nothing in this subparagraph shall prohibit an Owner's use of a Residence for quiet, inoffensive activities such as tutoring or giving art or music lessons so long as such activities do not materially increase the number of cars parked on the street or interfere with adjoining homeowners' use and enjoyment of their Residences and yards.

(d) **Pet and Animal Restrictions.** Only regular household pets such as cats and dogs shall be permitted on the Property and then only for personal use and not for any business use such as breeding, kennel operations and the like. No other animals of any kind shall be permitted to be maintained upon the Property, including the following: cows, bees, hogs, pot bellied pigs, sheep, goats, poultry, snakes, rats, or skunks. No more than four (4) domesticated household pets are permitted in any Residence. Pets shall not be permitted to run free through the Property. Owners shall clean up after their pets and not allow them to relieve themselves on other Owners property or Common Area grounds. Pets shall be inoculated and shall be kept on leashes at all times when outside the confines of the Owners home or fenced yard. Animals that poses any kind of threat, are excessively noisy, or can be considered to be a nuisance shall upon written notification from the Association, be removed from the Owners premises.

(e) **Outdoor Burning Restrictions.** Outdoor burning of trash, leaves, and other items is prohibited. This restriction shall not be construed as prohibiting outdoor cooking on barbecue grills in connection with use of a Residence.

(f) **Trash/Garbage Disposal.** Trash, garbage and other waste shall at all times be kept in clean, well maintained, sanitary containers for regular scheduled pickup for removal of such items. Trash, garbage or other waste shall not be dumped on the ground of any Lot or in any Common Area. **Containers for trash, garbage and other waste shall be screened from view in accordance with Section 3.4(e)(4) hereof at all times except such containers may be brought to the curbside or other designated pick-up area with respect to a Lot twenty-four (24) hours in advance of scheduled pick-up and such containers must be returned to the screened area within twenty-four (24) hours after the scheduled pick-up time.**

(g) **Occupancy.** Each Lot shall be improved with an attached Residence. No Person shall occupy any garage or other outbuilding as a dwelling unit at any time. No Structure of a temporary character, such as a trailer, basement, tent, shack, barn or other outbuilding, shall be used on any of the Property at any time as a dwelling house; provided, however, that any Builder may maintain and occupy model houses, sales offices and construction trailers during construction periods.

(h) **Projections from Structures.** Window air conditioning units attached to a Residence and other similar projections visible from a street are prohibited. Any projection through the roof of any outbuilding on the Property shall require the prior written approval of the applicable Declarant or the ACC.

(i) **Private Water/Sewer Systems.** Each Residence shall be connected to the City water and sanitary sewer system, and no private water well or water, sanitary or storm sewer system is permitted within the Property unless constructed or caused to be constructed by the Declarant on the Declarant's Property. If the Declarant uses private drainage easements in areas that necessitate or contain a private sub-surface storm sewer drainage system, then such sewer lines are to be kept freely running and unobstructed at all times. If the lines become obstructed, all parties that benefit from their function shall be required to equally and promptly share in the cost of repair or replacement of the lines.

(j) **Changes in Grade.** Except for such changes as are reasonably necessary to facilitate construction of a Residence on a Lot, no Owner shall change the grade of any Lot except in compliance with all applicable laws and the requirements of the grading plan. After the Declarant has developed the Lots on its portion of the Property, the general grading and slope of a Lot may not be altered, and no dams, berms, channels or swales may be constructed or excavated without the prior written approval of the Declarant (or the ACC), the City (if applicable) and other appropriate agencies having authority to grant such approval. Notwithstanding anything to the contrary contained herein, the drainage plan of a Lot shall not be altered in a manner which is inconsistent with the Lot Grading Plan, unless such alteration is first approved by the City in writing.

(k) **Visible Activities - Outdoors.** Outdoor drying of clothes is prohibited. When not in use, lawn mowers, rakes, carts, and other yard equipment shall be stored away from view of

adjoining Lots and Streets. Portable outdoor sports or play equipment including but not limited to bicycles, mini bikes, and motorized skateboards may not be left out when not in use. Items must be neatly and properly stored. Basketball goals may not be weighted down with unsightly materials such as tires, sand bags, bricks, rocks, etc., and must be stored on its side close to the side wall of the home, in the garage or fenced back yard when not in use. Basketball goals should not be positioned in the street or on the sidewalk. No permanent basketball goals shall be attached to the home notwithstanding, a goal may be allowed in the back portion of the home if the yard is fenced and the goal is not visible from any street. Bar-be-que grills used in the front portion of the home must be put away when not use.

(l) **Structures and Storage.** No temporary dwelling, shop, trailer, mobile home or above-ground swimming pools of any kind or any improvement of a temporary character shall be permitted on any Lot, except that a Builder or contractor may have temporary improvements (such as a sales office, parking lot and/or a construction trailer) on a Lot during construction of the Residence on that Lot. Upon approval of the ACC, an Owner may install and place a play structure in the fenced in area behind the Residence on a Lot notwithstanding, no structure may exceed more than two feet (2') over the top of any fence line. Except as otherwise expressly permitted in Section 3.7 hereof, no building material of any kind or character shall be placed or stored upon a Lot until the Owner thereof is ready to commence construction of improvements, and then such material shall be placed only within the property lines of the Lot upon which the improvements are to be erected during construction so long as construction progresses without undue delay. Unless approved in writing by the ACC or the Board, in the absence of the ACC, pursuant to this Declaration, no storage buildings shall be constructed on a Lot. In any event, storage buildings permitted to be constructed on a Lot hereunder or by subsequent written approval by the ACC or Board must match or complement the materials and color of the Residence on the Lot. Storage buildings may be permitted only with the prior written approval of the ACC or Board, in absence of the ACC, and each storage building shall not exceed six to eight feet in height. The ACC or Board shall take into account existing fence height, placement of storage building and visibility of the storage building when considering approval. Any applicable governmental requirements pertaining to the height of such Structure(s), shall be considered. The ACC or Board may make a determination based solely on aesthetic reasons. Approvals may be contingent upon the location of the Owners Lot and may require screening as a condition of approval.

(m) **Recreational Vehicles.** No boat, trailer, marine craft, hovercraft, aircraft, recreational vehicle, travel trailer, motor home, camper body or similar vehicle or equipment may be stored, parked or kept on any driveway, in the front yard or in the Street in front of a Lot for more than 48 hours nor more frequently than two times per month, nor shall any such vehicle or equipment be parked for storage in the side or rear yard of any Residence. No such vehicle or equipment shall be used as a residence or office temporarily or permanently. This restriction shall not apply to any vehicle, machinery or equipment temporarily parked and in use for the construction, maintenance or repair of a Residence in the immediate vicinity.

(n) **Transportation of Hazardous Materials.** No vehicle of any size which transports inflammatory or explosive cargo may be kept on the Property at any time.

(o) **Drilling or Mining.** No oil drilling, oil development operation, oil refining, quarrying or mining operations of any kind shall be permitted on the surface of the Property. No oil wells, tanks, tunnels, mineral excavations or shafts shall be permitted upon or in any part of the surface of the Property. No derrick or other structure designed for use in quarrying or boring for oil, natural gas or other minerals shall be erected, maintained or permitted on the surface of the Property.

(p) **Utilities.** Each Residence situated on a Lot shall be connected to the public water and sanitary sewer lines. No privy, trailer sewage, cesspool or septic tank shall be placed or maintained upon or in any Lot. However, portable toilets will be allowed during building construction. The use of any propane, butane, LP Gas or other gas tank, bottle or cylinder of any type (except as reasonably required [not to exceed fifteen pounds] to operate portable gas grills or permanent gas grills which may be installed or used by an Owner to serve a Residence) is prohibited. Except as to street lighting (if any) all utility service facilities (including, but not limited to, water, sewer, gas, electricity and telephone) shall be buried underground (except meters, transformers, risers, service pedestals and other surface installations necessary to maintain or operate appropriate underground facilities). Electric utility transformers may be installed only in locations designated on the Plat for such purpose or otherwise approved in writing by the ACC, and all improvements on a Lot on which an electric transformer pad easement is located as shown on the Plat must be installed in compliance with all electric company guidelines for separations from pad-mounted transformers.

(q) **Certain Exterior Lighting.** Upon being given notice by the ACC that any exterior lighting is objectionable, as determined by the ACC in its sole and exclusive discretion, the Owner of the Lot on which same is located shall immediately remove any such lighting or shield the same in such a way that it is no longer objectionable to the ACC.

Section 2.3 General. No use shall be permitted on the Property which is not allowed under applicable public codes, ordinances and other laws either already adopted or as may be adopted by the City or other controlling public authorities. Each Owner, occupant or other user of any portion of the Property, shall at all times comply with this Declaration and with any and all laws, ordinances, policies, rules, regulations and orders of all federal, state, county and municipal governments, and other agencies having jurisdictional control over the Property, specifically including, but not limited to, applicable zoning restrictions placed upon the Property as they exist from time to time. IN SOME INSTANCES REQUIREMENTS UNDER THE GOVERNMENTAL REQUIREMENTS MAY BE MORE OR LESS RESTRICTIVE THAN THE PROVISIONS OF THIS DECLARATION. IN THE EVENT A CONFLICT EXISTS BETWEEN ANY SUCH REQUIREMENTS UNDER THE GOVERNMENTAL REQUIREMENT AND ANY REQUIREMENT OF THIS DECLARATION, THE MOST RESTRICTIVE REQUIREMENT SHALL PREVAIL, EXCEPT IN CIRCUMSTANCES WHERE COMPLIANCE WITH A MORE RESTRICTIVE PROVISION OF THE DECLARATION WOULD RESULT IN A VIOLATION OF MANDATORY APPLICABLE GOVERNMENTAL REQUIREMENTS, IN WHICH EVENT THOSE GOVERNMENTAL REQUIREMENTS SHALL APPLY. COMPLIANCE WITH MANDATORY GOVERNMENTAL REQUIREMENTS WILL NOT RESULT IN THE BREACH OF THIS DECLARATION EVEN THOUGH SUCH COMPLIANCE MAY RESULT IN NON-COMPLIANCE WITH PROVISIONS OF THIS DECLARATION. WHERE A GOVERNMENTAL REQUIREMENT DOES NOT CLEARLY CONFLICT WITH THE

PROVISIONS OF THIS DECLARATION BUT PERMITS ACTION THAT IS DIFFERENT FROM THAT REQUIRED BY THIS DECLARATION, THE PROVISIONS OF THIS DECLARATION SHALL PREVAIL AND CONTROL. All Lots shall be developed in accordance with this Declaration as this Declaration may be amended or modified from time to time as herein provided.

ARTICLE 3 **CONSTRUCTION PROVISIONS**

Section 3.1 Plan Approval Required. No Residence or Structure shall be constructed within the Property until the plans have been approved in writing by the ACC or the Declarant as provided in this Article 3.

Section 3.2 Establishment of the ACC.

(a) **Initial Appointment.** The ACC shall consist of three (3) members. The initial ACC members shall be those persons appointed by the Declarant during the period of Declarant control. Thereafter, the Board of Directors shall have the sole right to appoint and remove the ACC.

(b) **Term and Subsequent Appointments.** The members of the ACC shall serve until they resign or are removed by the party appointing them to the ACC (which the appointing party may do at any time). Subsequent appointments to the ACC shall be made by the appointing Declarant until such time as the appointing Declarant either relinquishes such power by written notice to the Board, or no longer owns any Lot; thereafter, appointments to and removals from the ACC shall be made by the Board. Both ACC and Declarant, individually or jointly, may engage the services of a third party to review plans and specifications pursuant to this Article.

(c) **Compensation; Fee for Review.** No member of the ACC shall be entitled to compensation for its services; provided that the ACC may charge a reasonable fee (no more than \$200 per submission) to cover its costs in reviewing any plans and inspecting a Lot and/or improvements constructed thereon, which fee shall be paid by an Owner to the Association at the time of submission and/or resubmission of plans to the ACC for review and approval. Notwithstanding the foregoing or anything to the contrary contained herein, Builders shall not be liable for any charges of the ACC under this Section 3.2(c) with respect to the review and approval of the ACC of plans for the initial construction of a home on a Lot by such Builder.

Section 3.3 Approval Process.

(a) **Submission of Plans.** Any party wishing to construct a Residence or any Structure on the Property shall submit at least one (1) copy of complete plans and specifications to the ACC for its approval prior to commencing construction. Such plans and specifications shall include engineering information, landscaping description, and construction plans showing the location and elevations of the proposed Residence or Structure and the materials to be used in constructing the same, all in sufficient detail to enable the ACC to evaluate the proposed Structure or Residence. The ACC may request additional information, including samples of proposed materials to aid it in its decision process. After receipt of a complete set of plans and specifications, the ACC shall promptly review the same and notify the Person submitting

whether it approves the plans or whether it requires changes thereto. Alternately, the ACC may disapprove a set of plans by so noting thereon and returning it to the Person submitting, accompanied by a statement of the reasons for disapproval. No construction shall be commenced on any portion of the Property unless and until the plans for the Residence or Structure in question have been approved in writing by the ACC or the Declarant.

(b) **Time for Review/Approval.** The ACC shall approve or disapprove all plans properly submitted to it for construction within thirty (30) days after the date it receives a complete set of plans and specifications; therefore, **if the ACC fails to specifically approve or disapprove of any plans within such thirty (30) day period, then the ACC shall be deemed to have disapproved the plans submitted.**

(c) **Review Standards.** The ACC, in reviewing and approving plans for construction of Structures or Residences, shall use commercially reasonable efforts to promote and ensure a high level of taste, design quality, aesthetic harmony, and conformity throughout the Property, consistent with the standards established by this Declaration and the Design Guidelines.

(d) **Design Guidelines/Building Standards.** The Declarant or the ACC may, but is not required to, from time to time, establish specific guidelines and building standards in addition to or to modify and amend the Design Guidelines attached hereto as **Exhibit B** and incorporated herein by reference, to assist Persons in determining the type of Structures and Residences which may be constructed on the Property. Pursuant to Sections 8.1 and 8.2, the Declarant may annex additional property to become a part of the Property in accordance with Sections 8.1 and/or 8.2 hereof, and the Declarant may develop its portion of the Property in various Phases. The Declarant may establish differing restrictions, guidelines and building standards for each such Phase of the Property, which may impose more restrictive or less onerous building standards with respect to a particular Phase. The ACC or the Declarant may amend or modify such guidelines or standards from time to time in its sole discretion. Such guidelines or standards shall supplement this Declaration and shall be general guides to permitted construction within the Declarant's Property, but shall not diminish the authority of the ACC and the Declarant to approve plans as otherwise herein provided.

(e) **Failure to Obtain Approval.** The construction, repair, replacement, installation, improvement or placement of any Structure or improvement of any type on a Lot or Residence without the prior written approval from the ACC shall constitute grounds for the imposition by the ACC or the Association of an automatic fine against the Owner of said Lot not to exceed Twenty-Five and No/100 Dollars (\$25.00) per day commencing upon the date on which the unapproved construction, repair, replacement, installation or placement commenced and continuing until the earlier of the date on which such Owner has either (i) obtained ACC approval (or deemed approval) of such construction, repair, replacement, installation or placement of the offending Structure(s), or (ii) removed such offending Structures and restored its Lot to substantially the same condition as existed prior to commencement of such construction, repair, replacement, installation or placement thereof. A fine levied under this Section shall be charged to the Owner's assessment account, payable upon demand and secured by the Assessment Lien created in Article 6.

(f) **Limitation of Liability.** No Declarant, and none of Declarant's officers, directors, partners, agents, employees, representatives, parent or subsidiaries, nor the Association, the Board, or the ACC, including any of its respective members, shall be liable to any Person for any official act of the ACC in connection with submitted plans and specifications. Notwithstanding any approval by the Declarant or the ACC, neither the Declarant nor the ACC shall be responsible or liable to any Person with respect to any loss, liability, claim or expense which may arise by reason of such approval or the construction of a Residence or Structure related thereto. No Declarant, nor the Association, the Board nor the ACC shall be responsible in any way for any defects in any plans or specifications submitted, reviewed or approved in accordance with the provisions of this Declaration, nor for any structural or other defects in any work done according to such plans or specifications. No approval of any plans by either the ACC or the Declarant shall be construed to mean that the plans comply with any applicable law, building code, or governmental regulation, it being the responsibility of the Person submitting any plans to assure compliance with all applicable laws. Conversely, the issuance of a building permit or any approval from any governmental authority shall not, under any circumstance, constitute any evidence that construction of a Residence or a Structure complies with the terms and conditions contained in this Declaration or the Design Guidelines. No Declarant or members of the ACC shall have liability for decisions made by them regarding the approval or disapproval of plans, so long as the decisions are made in good faith and are not discriminatory, arbitrary, or capricious.

Section 3.4 Specific Construction Provisions.

(a) **Setbacks.** All Residences and other Structures shall be constructed in conformity with the setback requirements of the City and the building lines reflected on the Plat.

(b) **Residence Size and Type.** The minimum square footage of enclosed air-conditioned area of each Residence (exclusive of all porches, garages or breezeways) shall be the greater of (i) 1800 square feet or (ii) the minimum square footage required by the City for each Residence. Each Residence shall be of new construction on a Lot and no mobile homes or manufactured housing shall be permitted on the Property except as authorized by the Declarant on a temporary basis in connection with construction or sales activities on the Declarant's Property.

(c) **Garage Requirements.** Each Residence shall have at least a two (2) car attached or detached garage constructed as a part thereof, in compliance with the minimum applicable requirements established by the City. Each garage must match or complement the materials and color of the Residence on the Lot. Each single-family Residence erected on any Lot shall provide off-street parking space (inclusive of garage space) for a minimum of two (2) automobiles. No garage shall be modified or converted for use as living space or any use other than as a garage, except with regard to model homes or sales offices operated by Builders in the Subdivision for which the garage may be modified or converted to living space or for other uses during periods in which such Residence(s) are being operated as a model home or sales office of a Builder.

(d) **Drive/Walkway Requirements.** All driveways and sidewalks shall conform to applicable City and other governmental specifications and regulations. Each Lot must be accessible to an adjoining Street by a concrete driveway unless other materials are approved in writing by the ACC. If required by the City, concrete sidewalks shall be installed on each Lot by the Builder constructing the initial Residence on any Lot and in conformance with the requirements of the City. No driveway shall be widened without the express written permission of the ACC. No driveway or sidewalk shall be painted or stained without the express written permission of the ACC.

(e) **Ancillary Structure Provisions.** All ancillary Structures (as described below) shall conform to the requirements of this Section:

(1) **Antennas, Aerials and Satellite Dishes.**

(A) Any antenna or satellite dish less than one meter in diameter shall be installed so as to not be visible from any street or the ground level of any adjacent Lot or Common Area, and shall be integrated with the Residence and surrounding landscape.

(B) Any broadcast television antennas and any other antennas and aerials shall be located inside the attic of the Residence constructed on the Lot.

(C) One (1) satellite dish over one meter in diameter shall be permitted per Residence only if it is not visible from any street or the ground level of an adjoining Lot or Common Area, and does not extend above the height of the fence surrounding the Lot on which such satellite dish is located.

(D) With respect to any antenna or satellite dish covered by Section 47 C.F.R. Part I, Subpart S, Section 1.4000 (or any successor provision) promulgated under the Telecommunications Act of 1996, as amended from time to time, the provisions of Section 3.4(e)(1)(A) and 3.4(e)(1)(B) shall be applicable only to the extent that the requirements hereof do not (A) preclude reception of an acceptable quality signal, (B) unreasonably delay or prevent installation, maintenance and use of the antenna or satellite dish, or (C) unreasonably increase the cost of installation, maintenance and use of the antenna or satellite dish.

(2) **Fences and Walls.** All fences constructed within the Subdivision shall comply with the Design Guidelines attached hereto as **Exhibit B** and shall in any event be of a design approved by the ACC. No fence shall exceed eight feet (8') in height. Any transition between intersecting fences of differing heights shall occur over a slope a distance of two feet (2') from the point of intersection. No fence shall be constructed on a Lot nearer than five feet (5') from the front corner of the Residence on such Lot. No fences or walls shall be constructed on any lot, other than by the Builder or Declarant, unless approved in writing by the ACC or the Board in the absence of the ACC.

(3) **Outbuildings.** Outbuildings must be approved by the ACC consistent with Section 2.2(l) herein.

(4) **Trash Containers.** All trash containers belonging to a specific residence shall be screened from view from Streets, except during the period commencing 24 hours prior to scheduled pick-up and ending 24 hours after scheduled pick-up as permitted under Section 2.2(f) hereof.

(5) **Hedges.** Hedges shall be maintained at a height that is no higher than twenty-four inches (24") above the height of fences and walls on a Lot. Each owner shall keep and maintain hedges on its Lots in a manner that preserves the structural integrity of the fence and/or wall, and ensures same is not compromised, and in a manner to prevent encroachment of such hedge onto any adjacent Lot. No hedge shall be maintained in a manner that obstructs any sidewalk or the visibility of intersections of Streets.

(6) **Retaining Walls.** No retaining walls shall be constructed on any lot, other than by the Builder or Declarant, unless approved in writing by the ACC or the Board in the absence of the ACC.

(7) **Mailboxes.** Mailboxes shall be of a design as set forth on **Exhibit C** attached hereto and incorporated herein by reference, or other design approved in writing by the ACC or Declarant, and be designed and constructed in accordance with any applicable guidelines and/or requirements of the City and/or United States Postal Service. If cluster mailboxes are used in this subdivision and there is damage sustained which results in the repair or replacement of the cluster box unit the Association shall attempt to identify the person or entity responsible and shall make every effort to obtain the full cost of repair or replacement from that entity or individual notwithstanding, should the Association not be able to identify the person or entity responsible, the costs of repairs or replacement of a cluster mailbox shall be borne as an individual assessment in equal portion by each Owner to whom the cluster mailbox serves as the receptacle for the receipt of U.S. mail or packages.

(8) **Recreational Facilities.** A swimming pool and/or other recreational facilities may be constructed within any Lot provided the plans are approved by the ACC prior to commencement of construction to ensure compliance with the requirements contained in the Design Guidelines with respect to location and screening. Above ground pools are prohibited. All pool service equipment shall be either screened with shrubbery or fenced and located in (A) a side yard between the front and rear boundaries of the Residence, or (B) in the rear yard, or (C) otherwise concealed in a location not visible from any Street, Common Area or adjacent Lot.

(9) **Signage.** No sign or signs of any kind or character shall be displayed to the Streets or otherwise to the public view on any Lot or Common Area, except for the Declarant's signs or Builders' signs approved by the Declarant for such Declarant's Property, and except that:

(A) Any Builder, during the applicable initial construction and sales period, may utilize two (2) professionally fabricated signs (of not more than six

[6] square feet in size) per Lot for advertising and sales purposes, and two (2) professionally fabricated signs (of not more than thirty-two [32] square feet in size) in the Property advertising a model home or advertising the Subdivision, provided that such signs shall first have been approved in writing by the ACC;

(B) A professionally fabricated “for sale” or “for rent” or “for lease” sign (of not more than six [6] square feet in size) may be utilized by the Owner of a Lot for the applicable sale or rent situation, provided that such sign first shall have been approved in writing by the ACC;

(C) Development related signs owned or erected by Declarant (or any builder with Declarant’s prior written consent) shall be permitted;

(D) Signs displaying the name of a security company shall be permitted, provided that such signs are (i) ground mounted, (ii) limited to two (2) in number per Lot (one [1] in the front yard and one [1] in the back yard), and (iii) of a size not in excess of two (2) square feet in size;

(E) Each Owner may display flags on or at a Residence in conformity with the Design Guidelines attached hereto as Exhibit B, and in a manner otherwise consistent with the covenants, conditions and restrictions contained in this Declaration;

(F) Each Residence may display up to two (2) spirit signs or other signs in support of athletic events and/or teams during the applicable sport season which are not otherwise consistent with the covenants, conditions and restrictions contained in this Declaration; and

(G) Each Residence may display seasonal decorations (including lights, lawn ornamentation, flags and banners) for a duration of no longer than six (6) weeks during the applicable season and provided that such decoration is in any event consistent with the covenants, conditions and restrictions contained in this Declaration; and

(H) One (1) sign for each candidate and/or ballot item on advertising such political candidate(s) or ballot item(s) for an election shall be permitted in accordance with Section 202.009 of the Texas Property Code, provided that:

(i) such signs may not be displayed (A) prior to the date which is ninety (90) days before the date of the election to which the sign relates, and (B) after the date which is ten (10) days after that election date;

(ii) such signs must be ground-mounted; and

(iii) such signs shall in no event (A) contain roofing material, siding, paving materials, flora, one or more balloons or lights, or any other similar building, landscaping, or nonstandard decorative component, (B) be attached in any way to plant material, a traffic control device, a light, a

trailer, a vehicle, or any other existing Structure or object, (C) include the painting of architectural surfaces, (D) threaten the public health or safety, (E) be larger than four feet (4') by six feet (6'), (F) violate a law, (G) contain language, graphics, or any display that would be offensive to the ordinary person, or (H) be accompanied by music or other sounds or by streamers or is otherwise distracting to motorists.

All signs must be professionally produced and manufactured. Each Owner hereby grants permission to the ACC (or its duly authorized agents) to enter upon a Lot or any part of the Property and remove any sign, billboard or advertising structure that does not comply with the above requirements and, in doing so, the ACC (or its duly authorized agents) shall not be subject to any liability to any Person whatsoever for trespass, conversion, or any claim for damages in connection with such removal. The ACC's cost to remove any sign shall be added to the Owner's assessment account, be payable upon demand and secured by the Assessment Lien created in Article 6.

(f) **Construction Materials.** All construction materials shall conform to the following provisions:

(1) **Exterior Materials.** The exterior walls (excluding doors and windows), below the first floor ceiling plate, of each Residence constructed or placed on a Lot shall have the minimum City required coverage but not less than one-hundred percent (100%) brick or brick veneer, or stone or cast stone, stucco or other masonry material on the front façade of a residence (excluding openings) and shall otherwise be in compliance with the Design Guidelines attached hereto as **Exhibit B.** All chimney and fireplace flues shall be enclosed and finished and portions located above the roof structure and roofing materials shall be finished as required by the Design Guidelines or applicable ordinances of the City, provided that in any event such exterior portions of the chimney shall be finished with an approved exterior grade siding material; exposed pre-fabricated metal flue piping is prohibited. No material on the exterior of any building or other improvement except wood, hardboard or stucco, shall be stained or painted without the prior written approval of the ACC. No materials other than the following may be used in the exterior construction of a Residence and/or other Structures constructed on a Lot (excluding roofing materials, window frames and exterior fixtures): brick, brick veneer, stone, stone veneer, wood, hardboard, stucco and/or masonry siding. All wood, hardboard or stucco used on the exterior of a Residence must be painted or stained in a color compatible with the exterior design and materials used in the exterior construction of such Residence, and as approved by the ACC.

(2) **Roof Materials.** Minimum 5:12 roof pitch, roofing materials shall be architectural grade composition shingles, cement fiber shingles, slate, metal, clay tile, or concrete tile, be thirty (30) year warranty shingle or equivalent is required, with a minimum weight of 220 pounds per square foot (100 square feet). The color of shingles shall be subject to ACC approval. Generally accepted colors shall be weathered brown or gray color. Other roofing material shall not be used without the express written approval of the ACC. All roofing materials must be fireproof and conform to City requirements, and are subject to approval of the ACC. Roof materials shall in any event be in compliance with the Design Guidelines attached hereto as **Exhibit B.** Dormers above

roof structure and roofing materials may be finished with an approved exterior grade siding material.

(3) **Garage Doors.** All garages facing the street adjacent or parallel to the front property line of a Lot shall have sectional garage doors with cedar overlay, as approved in writing by the ACC.

Section 3.5 Height Restrictions. All Residences and other Structures shall conform to the height restrictions of the City.

Section 3.6 Roof Restrictions. All Residences shall have a minimum roof pitch of 5:12 slope, unless otherwise approved in writing by the Architectural Control Committee. The roof pitches of any permanent Structure(s) to be constructed and/or installed on any Lots shall be subject to the Architectural Control Committee's prior written approval.

Section 3.7 Construction Period and Process. All construction activities, temporary Structures, storage of materials and equipment, construction-related parking and temporary security fences shall be confined entirely on such Lot or, if applicable, (a) such other portion of the Property designated by Declarant for such use or (b) such other Lots owned by a Builder which may be used as staging, parking or storage areas with related temporary Structures and fencing thereon for purposes of such Builder's initial construction of homes on Lots owned by it. Each Owner is responsible for, and shall cause, through appropriate contractual provisions, all costs of cleaning up any debris or waste improperly disposed of anywhere on the Property. Each Owner and such Owner's contractors shall use reasonable diligence to maintain an attractive, clean, nuisance-free environment during the period of construction. Each Owner of a Lot on which improvements are being constructed shall keep all Streets reasonably cleared of mud and dirt left by construction vehicles for each Lot. Once commenced, all construction on a Lot of any Residence (including the initial Residence thereon) (a) shall be continued with due diligence and good faith until completion, and (b) shall be completed within twelve (12) months after commencement thereof. Construction of any other Structure shall be completed within the time periods specified in the plan approval process. All areas under construction shall be maintained in a clean, safe condition, and debris, trash, and rubble shall be stored in appropriate containers and promptly removed from the Property.

Section 3.8 Landscaping. Weather permitting, landscaping of a Lot must be completed within thirty (30) days after (a) the date on which any Residence on a Lot is ninety-five percent (95%) complete, with respect to the initial construction of a Residence on a Lot, or (b) the date on which an Owner commenced installation and/or construction of such landscaping improvements with respect to landscaping improvements and work on Lots with existing Residences. In any event, all landscaping requirements for Residences as set forth in the Design Guidelines attached as **Exhibit B** to this Declaration, and as such Design Guidelines may be amended from time to time by the Board, the ACC or the Association pursuant to the terms hereunder, shall be satisfied prior to occupancy of a Residence on a Lot, provided that in any event (i) all front and side yards of a Lot shall comply with Section 1.1 of the Design Guidelines; (ii) all yard areas and required landscape shall be irrigated by a fully automated irrigation system with drip irrigation installed in the front yard planter beds and front yard trees; (iii) each Lot shall

include at least eight (8) trees with a caliper of six inches (6") or greater (measured at breast height) within the front yard of each of the Lots and landscaping that otherwise complies with any requirements of the City or other applicable governmental authorities and the Design Guidelines promulgated by the Board, the ACC or the Association hereunder (collectively, the "**Minimum Landscaping Requirements**"). With respect to each and every fence installed at or near the side Lot line of any corner Lot running parallel to a Street, the Lot Owner shall be obligated to maintain all grass areas between the fence and the Street, as applicable (and if any Owner fails to do so, the Association shall have the right, but not the obligation to maintain same at the Owner's cost, and shall have all other rights and remedies as are provided for in this Declaration).

Section 3.9 Retaining Walls. Retaining walls may be installed to achieve even grades for pools, driveways or Residence foundations or to prevent storm water drainage to flow onto other Lots as required by Section 2.2(j) hereof. Such retaining walls must be constructed of such materials and height, and in a manner and location, approved in writing by the ACC and the City, if applicable. All retaining walls visible from any Street in front of a Lot, and, for corner Lots, from the adjacent side Street, shall be finished with landscape quality rock or stone. Any retaining walls built by Declarant or its affiliates on Common Area to be maintained by the Association shall be conveyed to and maintained by the Association as Common Areas and/or Common Amenities. Any retaining walls located within a Lot shall be maintained and repaired by the Owner of the Lot on which such retaining wall is located. In the event that a retaining wall is located on a shared property line between two Lots, the Owner of the high-side Lot shall be responsible for the maintenance and repair of such retaining wall.

Section 3.10 Right to Waive or Modify Specific Instruction Provisions. The ACC shall have the right, in its discretion, to grant reasonable waivers of the construction provisions set forth in this Declaration, and any such waiver shall not entitle any other Person to a similar waiver and shall only be granted with respect to portions of the Property for which such ACC is responsible in accordance with the terms of this Declaration.

Section 3.11 Declarant Rights. So long as the Declarant owns any Lot, such Declarant may exercise any of the rights of the ACC appointed by such Declarant under this Article 3 and supersede any decision or action of such ACC. Declarant may at any time and from time to time at its sole discretion issue variances. Any variance issued by the Declarant cannot be revoked by the ACC or the Board.

Section 3.12 Repairs, Replacements and Modifications. The provisions of this Article 3 shall apply to any and all repairs, replacements or modifications of any improvements placed upon any Lot and shall not be deemed or construed as being limited to initial or new construction.

ARTICLE 4 **MAINTENANCE PROVISIONS**

Section 4.1 Owner's Obligation to Maintain. Each Owner shall maintain its Lot and the Residence and other Structures thereon in a clean, first class condition at all times. Each Owner shall keep all landscaping and sprinkler system on such Owner's Lot in a neat, orderly and well-maintained condition and shall keep the driveway and sidewalk on or in front of such Owner's Lot in good condition and repair. Each Owner shall regularly mow grass on its Lot so that at all

times such Owner's Lot contains no weeds, grass or unsightly growth exceeding two inches (2") in height. Each Owner shall maintain the exterior of its Residences and Structures in good condition and shall make such repairs and replacements as necessary to maintain good order and the aesthetic harmony of the Property. Fences shall be kept in good repair; any broken or missing pickets must be replaced. Fallen panels must be replaced or up righted. Leans must be corrected. Fence must be kept in good appearance making sure that fence is re-stained whenever necessary to maintain a favorable aesthetic appearance. No Owner shall have only a portion of a fence.

Section 4.2 Damaged Improvements. If any Residence or Structure is damaged in any way, the Owner shall immediately repair such damage.

Section 4.3 Declarant/Association Right to Perform. If any Owner fails to maintain the condition of its Lot, the landscaping thereon, including the prompt removal of rotting or deceased trees and shrubs, or the Residence or other Structures thereon as contemplated by this Article 4 and fails to take action to correct such defect within ten (10) days after the Declarant or the Association has furnished written notice thereof to such Owner, then the Owner of such Lot hereby grants permission to such Declarant or Association (or its duly authorized agents) to enter upon such Lot and perform those duties which the Owner failed to perform without liability whatsoever to such Owner or any Person for trespass, conversion, or any claim for damages. The cost of performing such duties shall be added to the Owner's assessment account and shall bear interest at the maximum rate of interest permitted to be charged under applicable law, and shall be payable upon demand and secured by the Assessment Lien provided for in Article 6.

Section 4.4 Easement Maintenance.

(a) **Generally.** Each Owner grants to the Association, the Board, and the Declarant the right to access, repair, and maintain all facilities and improvements within any wall, entry, fence, landscape, or other similar easement as recorded on any Plat.

(b) **Drainage Easement.** By acquisition of a Lot, each Owner hereby grants, creates and conveys unto the Association, the other adjacent Owners and the Declarant (prior to the establishment of the Association, and thereafter, the Association) a perpetual non-exclusive easement (the "**Drainage Easement**") over (i) all drainage easements within such Owner's lot and shown on the Plat and (ii) an area five feet (5') on both sides of the shared property line of each Lot within the Property for the purpose of (a) access, ingress, egress, as is reasonably necessary to maintain, repair and/or restore the grading and/or drainage improvements serving the Lots and/or the Property, and (b) permitting runoff and/or storm water to drain from other adjacent Lots over, through, under and across the Owner's Lot(s) to the extent such drainage does not adversely affect any Residence; provided, however, in no event shall Declarant and/or the Association be liable to maintain, repair or restore any grading or drainage on or serving any Lot. Neither the Declarant nor Declarant's successors or assigns shall be liable for any loss of, or damage done to, any shrubbery, grass, flowers, improvements, fences, sidewalks, driveways or buildings of any type or the contents thereof on any Lot caused by any water levels, rising waters or drainage waters. Notwithstanding any of the foregoing rights of the Association or the Declarant, each Owner

hereby agrees to maintain the Drainage Easement area at such Owner's sole cost and expense. If any structures or other obstructions are constructed, created or placed by any Owner within the Drainage Easement area without the prior written consent of the Association and/or the Declarant, the Declarant or the Association shall have the right to remove such structure or obstruction at the sole cost of such Owner.

ARTICLE 5

OWNERS' ASSOCIATION

Section 5.1 Establishment. The Association has heretofore been or will hereafter be created as a Texas non-profit corporation. Each Owner of a Lot shall be a member of the Association and such membership is appurtenant to and shall not be separated from ownership of a Lot. Upon the transfer of a Lot, the new Owner shall automatically become a member of the Association. The term of existence of the Association and other matters pertaining to its operation are set forth in its Certificate of Formation and the By-Laws. The Association is established to enforce this Declaration and the Covenants, to promote the interests of the Owners as residents of the Property, and to enhance the value of the Lots as part of a harmonious, high quality, residential subdivision.

Section 5.2 Membership; Voting Power.

(a) **Generally; Classes of Members.** Every Owner (including Declarant) shall automatically be and must remain a Member of the Association so long as such Person is an Owner. The membership of a Person in the Association shall terminate automatically whenever such Person ceases to be an Owner, except that such termination shall not release or relieve such Person from any liability or obligation arising under this Declaration during such Person's period of ownership. Any transfer of title to a Lot shall operate automatically to transfer membership in the Association appurtenant to such Lot to the new Owner of such Lot. The Association shall have two classes of voting membership as follows:

(i) **Class A.** The Class A Member shall be all Owners other than the Declarant and shall be entitled to one vote for each Lot owned. If more than one person owns an interest in a Lot, they shall combine their vote in such a way as they see fit, but there shall be no fractional votes, and no more than one vote with respect to any Lot.

(ii) **Class B.** The Class B Member shall be the Declarant, who shall be entitled to ten (10) votes for each Lot owned by such Declarant. Subject to the conditions set forth in the remainder of this paragraph, the Class B membership applicable to the Declarant's Property shall be converted to Class A membership upon the earlier of (i) the total votes outstanding in the Class A membership applicable to the Declarant's portion of the Property equaling the total votes outstanding in the Class B membership applicable to such Declarant's portion of the Property, (ii) ten (10) years from this filing, or (iii) the recording in the Records of Tarrant County, Texas, of a notice signed by the Declarant terminating its Class B membership. In determining the number of Lots owned by the Declarant for the purpose of Class B membership status hereunder, the total number of Lots covered by this Declaration, including all Lots annexed thereto in accordance with

Sections 8.1 and/or 8.2 herein shall be considered. In the event the Class B membership has previously lapsed as provided in (i) above, but annexation of additional property restores the ratio of Lots owned by the Declarant to the number required for Class B membership status, such Class B membership shall be reinstated until it expires pursuant to the terms hereof.

(b) **Members in Good Standing.** A Member shall be considered to be a “**Member in Good Standing**” (herein so called) and eligible to vote on Association related matters if such Member:

(i) Has, at least ten (10) days prior to the taking of any vote by the Association, fully paid all Assessments or other charges levied by the Association, as such Assessments or charges are provided for hereunder;

(ii) Does not have a Notice of Unpaid Assessments filed by the Association against the Lot owned by such Owner;

(iii) Has not received any notice of a violation of this Declaration or any notice of violation of any design guidelines promulgated by the ACC, which violation is continuing and has not been cured by such Member in violation; and

(iv) Has discharged all other obligations to the Association as may be required of Members hereunder or under the Association Documents.

The Board shall have the right and authority, in the Board's sole and absolute discretion, to waive the ten (10) day prior payment requirement in Section 5.2(b)(i) hereof and require only that such payment be made at any time before such vote is taken if the Board shall determine, in the Board's sole and exclusive judgment, that extenuating circumstances exist which have prevented prior payment. Any Member not conforming to the provisions of this Section shall be declared by the Board not to be a Member in Good Standing and any such Member shall not be entitled to vote on matters before the Association until such time as Member in Good Standing status is attained and so declared by the Board. Notwithstanding the foregoing or anything to the contrary contained herein, for as long as required under the Texas Residential Property Owners Protection Act, as amended from time to time (Texas Property Code, Section 209.001 *et seq.*), nothing contained in this Section 5.2(b) shall prohibit a Member (whether or not such Member is a Member in Good Standing) from voting at any meeting of the Members to elect directors of the Board or on matters that affect such Member's rights or responsibilities with respect to the Lot owned by it.

(c) **Board of Directors Election.** The Board shall be elected as provided in the Association Documents. The Board shall act by majority vote as provided in the Association Documents.

(d) **Specific Powers of Board.** Without limiting the authority granted to a board of directors under the Texas Business Organizations Code, the Board shall have the following

specific powers on behalf of the Association. During the period of Declarant control, the Board's authority and/or responsibilities may be limited.

- (1) to enforce the provisions of this Declaration;
- (2) to enter into contracts;
- (3) to retain third parties, as necessary, to assist the Board in carrying on the Association's activities, including engineers, accountants, lawyers, architects, land planners, professional management, and other consultants;
- (4) to take such action as necessary to maintain the Common Area and Common Amenities in good order and condition;
- (5) to acquire property, services and materials to carry out its duties;
- (6) to purchase insurance covering potential liability for use of the Common Area and/or Common Amenities and for other risks;
- (7) to borrow money for Association purposes;
- (8) to initiate and defend litigation, arbitration and other similar proceedings;
- (9) to promulgate reasonable rules and regulations for access to and use of Common Area and/or Common Amenities as well as a policy establishing a schedule and procedures by which the Board may assess fines against Owners for violations of the Covenants or the Design Guidelines;
- (10) to establish and collect reasonable fees for the use of any Common Amenities within or on the Common Area; and
- (11) to establish and collect a reasonable fee for copying and furnishing copies of the Association's governing documents and furnishing a Resale Certificate (as hereinafter defined) as and to the extent required by law. This function and the authority to collect and receive such fees may be delegated or assigned by the Board to the Association's Managing Agent.

Section 5.3 Officers. The Association will have such officers as are set forth in the Association Documents.

Section 5.4 Quorum, Notice and Voting Requirements.

(a) **Generally.** Except as otherwise specifically provided in this Declaration, any action requiring the vote or approval of the Members or the Owners shall require the majority vote of the Members in Good Standing (both classes voting together), represented at a duly called meeting of the Members in person or by a legitimate proxy in form provided in the Association Documents or otherwise approved by the Board, at which a "Regular Quorum" or a "Special Quorum" is present. Written notice of a meeting must be given to all Members not less than ten (10) days nor more than forty-five (45) days in advance of any such meeting and shall set forth the purpose(s) of such meeting. No action may be taken at a meeting on any matter that is not described in the applicable meeting notice as being on the agenda for such meeting. Notwithstanding anything herein to the contrary, to the extent permitted by applicable law and in the Association Documents from time to time, any action may be taken by written consent of the Members in lieu of formal meetings.

(b) **Special Quorum.** The quorum (a "**Special Quorum**") required for any action referred to in Section 6.3(b) (maximum increase in Maintenance Assessments) hereof or Section 6.4(a) (Special Purpose Assessments) hereof:

Members in Good Standing, represented at a duly called meeting of the Members in person or by a legitimate proxy in form provided in the Association Documents or otherwise approved by the Board, entitled to cast thirty percent (30%) of all of the votes of Members in Good Standing (both classes of Members taken together) shall constitute a Special Quorum. If the required Special Quorum is not present at such meeting, that meeting may be adjourned, and an additional meeting may be called, subject to the notice requirement set forth herein, with the required Special Quorum at such second (2nd) meeting being reduced to one-half (1/2) of the required Special Quorum at the preceding meeting; provided, however, that such second (2nd) meeting must be held not later than thirty (30) days after the first (1st) meeting. Further, if the reduced required Special Quorum is not present at such second (2nd) called meeting, the adjournment of the meeting shall be continued, and one (1) additional meeting may be called, subject to the notice requirement set forth herein, with Declarant alone constituting the required Special Quorum at such third (3rd) meeting; provided that such third (3rd) meeting must be held not later than forty-five (45) days after the first (1st) meeting.

(c) **Regular Quorum.** The quorum (a "**Regular Quorum**") required for any action other than the action referred to in Section 5.4(b) hereof shall be as follows:

Members in Good Standing, represented at a duly called meeting of the Members in person or by a legitimate proxy in form provided in the Association Documents or otherwise approved by the Board, entitled to cast ten percent (10%) of all of the votes of Members in Good Standing (both classes of Members taken together) shall constitute a Regular Quorum. If the required Regular Quorum is not present at such meeting, that meeting may be adjourned, and an additional meeting may be called, subject to the notice requirement set forth herein, with the required Regular Quorum at such second (2nd) meeting being reduced to one-half (1/2) of the required Regular Quorum at the preceding meeting; provided, however, that such second (2nd) meeting must be held not later than thirty (30) days after the first (1st) meeting. Further, if the reduced required Regular Quorum is not present at such second (2nd) called meeting, the adjournment of the meeting shall be continued, and one (1) additional meeting may be called,

subject to the notice requirement set forth herein, with Declarant alone constituting the required Regular Quorum at such third (3rd) meeting; provided that such third (3rd) meeting must be held not later than forty-five (45) days after the first (1st) meeting.

(d) **Consent without a Meeting.** As an alternative to the procedure set forth in this Section, any action may be taken without a meeting upon obtaining the assent given in writing and signed by Members in Good Standing who hold more than (i) thirty percent (30%) of the outstanding votes eligible to be cast by Members in Good Standing (both classes of Members taken together) for actions referred to and requiring a Special Quorum as provided in Section 5.4(b) hereof, or (ii) ten percent (10%) of the outstanding votes eligible to be cast by Members in Good Standing (both classes of Members taken together) for actions referred to and requiring a Regular Quorum as provided in Section 5.4(c) hereof.

(e) **Controlling Provisions.** Except as set forth in this Section, the notice, voting and quorum requirements for all action to be taken by the Association shall be as set forth in the Association Documents. In the event a conflict exists between any requirement in of this Section 5.4 and the requirements of any Association Documents, the terms of this Section 5.4 shall prevail.

Section 5.5 Dissolution. So long as the Declarant owns record title to any portion of the Property, the Association shall not be dissolved. Once the Declarant is divested of all ownership interest in the Property, the Association may be dissolved upon the written consent of Owners owning at least sixty-seven percent (67%) of the Lots, provided that (a) the assets of the Association shall be donated to a nonprofit organization selected by a majority of the Board and with purposes similar to the Association, and (b) such nonprofit organization must assume in writing the obligation to maintain the donated assets in accordance with the terms of this Declaration.

ARTICLE 6

ASSESSMENTS

Section 6.1 Power to Establish Assessments. The Association is empowered to establish and collect Assessments as provided in this Article 6 for the purpose of obtaining funds to maintain the Common Area and/or Common Amenities, perform its other duties, and otherwise preserve and further the operation of the Property as a first-class, quality residential subdivision. The purposes for which Assessments may be used include, without limitation, maintaining, operating, managing, repairing, replacing or improving the Common Area, Common Amenities or any improvements thereon; mowing grass and maintaining grades and signs; paying legal fees and expenses incurred in enforcing this Declaration; paying expenses incurred in collecting and administering assessments; paying insurance premiums for liability and fidelity coverage for the ACC, the Board and the Association; and satisfying any indemnity obligation under the Association Documents. The Board may reject partial payments and demand payment in full of all amounts due and owing the Association. The Board is specifically authorized to establish a policy governing how payments are to be applied.

Section 6.2 Commencement of Assessments.

(a) **Owner other than the Declarant.** Unless otherwise provided by separate agreement by and between the Declarant and any Person, the Assessments shall commence, as to each Lot located in the Declarant's Property, upon conveyance of the Lot by the Declarant to any Person that is not an affiliate of the Declarant.

(b) **Declarant.** The Declarant shall not be liable for Assessments for any Lots that it owns. The Declarant may, but shall have no obligation to, subsidize the Association from time to time. In the event the Declarant decides to subsidize the Association and any shortfall in the operating budget of the Association is due in part to the failure of the Association to collect delinquent Assessments, then the Association shall immediately and vigorously pursue collection of such delinquent Assessments through foreclosure, if necessary, and shall reimburse the Declarant the amounts, if any, so collected.

Section 6.3 Regular Annual Maintenance Assessments.

(a) **Annual Budget.** For each calendar year or a part thereof during the term of this Declaration, the Board shall establish an estimated budget of the expenses to be incurred by the Association for the forthcoming year in performing its duties (collectively, the "**Common Expenses**"). Based upon such budget, the Association shall then assess each Lot an annual fee (the "**Maintenance Assessment**") which shall be paid by each Owner in advance as follows: semi-annually on the first day of each January and July, unless the Board determines a different schedule. The Association shall notify each Owner of the Maintenance Assessment for the ensuing year by December 15 of the preceding year, but failure to give such notice shall not relieve any Owner from its obligation to pay Maintenance Assessments. Any Maintenance Assessment not paid within thirty (30) days of the date due shall be delinquent and may at the sole discretion at any time and from time to time, bear interest at the Default Interest Rate (as defined below) as provided in Section 6.5(f). As to any partial year, Maintenance Assessments on any Lot shall be appropriately prorated. Until and unless otherwise determined by the Board, the annual Maintenance Assessment shall be Two Thousand, Five Hundred and NO/100 Dollars (\$2,500) per Lot per year.

(b) **Limits on Maintenance Assessments.** In addition to the right to increase Maintenance Assessments as set forth in Section 6.3(a) above, the Board may increase the Maintenance Assessment annually to meet the anticipated needs of the appropriate budget, but the Maintenance Assessment may not be increased in any year by an amount in excess of twenty-five percent (25%) above the previous year's Maintenance Assessment, unless such increase is approved by a majority vote of those members of the Association present at a meeting, in person or by proxy, where a Special Quorum exists. Notwithstanding the foregoing, in the event that the Board determines that due to unusual circumstances the maximum annual Maintenance Assessment even as increased by twenty-five percent (25.0%) will be insufficient to enable the Association to pay the Common Expenses, then in such event, the Board shall have the right to increase the maximum annual Maintenance Assessment by the amount necessary to provide sufficient funds to cover the Common Expenses without the approval of the Members as provided herein; provided, however, the Board shall only be allowed to make one (1) such increase per calendar year without obtaining approval of a Special Quorum of the Members as provided in this Section 6.3(b).

- (c) **Uniform Assessments.** Maintenance Assessments for all Lots shall be uniform.

Section 6.4 Special Assessments.

(a) **Special Purpose Assessments.** The Association may impose special assessments ("**Special Purpose Assessments**") to make capital improvements to the Common Area and/or Common Amenities, to satisfy its indemnity obligations under the Association Documents, or for other similar purposes. Any Special Purpose Assessment proposed by the Association must be approved by a majority vote of those members of the Association present at a meeting, in person or by proxy, at which a Special Quorum exists. At least fifteen (15) days prior to any meeting of the Association called to consider any Special Assessment, the Board shall notify each Owner thereof by written notice specifying the total amount of the Special Purpose Assessment required, the amount thereof imposed on each Lot (which shall be uniform), the purpose for such Special Purpose Assessment, and the time and method of payment thereof. The time for paying any Special Purpose Assessment (which may be in installments) shall be as specified in the approved proposal.

(b) **Special Member Assessments.** The Board may levy a "**Special Member Assessment**" (herein so called) on any Member, to the extent any directly related insurance proceeds (if any) paid to the Association are not sufficient to pay all such costs, for the purpose of:

(i) Paying the cost of any damage or loss requiring maintenance, repairs or replacement of Common Amenities, which damage or loss has been determined by the Board to have been caused, either directly or indirectly, by the act(s) of such Member, or such Member's agent, employee, occupant or visitor;

(ii) Paying the maintenance costs, construction delay damages and fines imposed for violations of this Declaration, the Design Guidelines or any other rules and/or regulations promulgated thereby or other amounts chargeable to any Owner as otherwise set forth herein; and/or

(iii) Paying costs and expenses incurred by the ACC in connection with its review of a Member's plans and related inspections permitted pursuant to Section 3.2(c) hereof.

Section 6.5 Liability for and Enforcement of Assessments.

(a) **Personal Liability.** Each Owner shall be personally liable for all Assessments imposed against the Owner's Lot during the time it owns a Lot.

(b) **Reservation, Subordination, and Enforcement of Assessment Lien.** Declarant hereby reserves for the benefit of itself and the Association, a continuing contractual lien (the "**Assessment Lien**") against each Lot located on such Declarant's portion of the Property to secure payment of (1) the Assessments imposed hereunder and (2) payment of any amounts expended by such Declarant or the Association in performing a defaulting Owner's obligations as provided for in Section 4.3. THE OBLIGATION TO PAY ASSESSMENTS IN THE

MANNER PROVIDED FOR IN THIS ARTICLE, TOGETHER WITH INTEREST FROM SUCH DUE DATE AT THE DEFAULT INTEREST RATE SET FORTH IN SECTION 6.5(f) HEREOF, THE CHARGES MADE AS AUTHORIZED IN SECTION 6.5(e) HEREOF, ALL VIOLATION FINES AND THE COSTS OF COLLECTION, INCLUDING, BUT NOT LIMITED TO, REASONABLE ATTORNEYS' FEES, IS SECURED BY A CONTINUING CONTRACTUAL ASSESSMENT LIEN AND CHARGE ON THE LOT COVERED BY SUCH ASSESSMENT, WHICH SHALL BIND SUCH LOT AND THE OWNERS THEREOF AND THEIR HEIRS, SUCCESSORS, DEVISEES, PERSONAL REPRESENTATIVES AND ASSIGNEES. The continuing contractual Assessment Lien shall attach to the Lots as of the date of the recording of this Declaration in the Official Public Records of Tarrant County, Texas, and such Assessment Lien shall be superior to all other liens except as otherwise provided in this Section 6.5(b). Each Owner, by accepting conveyance of a Lot, shall be deemed to have agreed to pay the Assessments herein provided for and to the reservation of the Assessment Lien. The Assessment Lien shall be subordinate only to the liens of any valid first lien mortgage or deed of trust encumbering a particular Lot. Sale or transfer of any Lot shall not affect the Assessment Lien. However, the sale or transfer of any Lot pursuant to a first mortgage or deed of trust foreclosure (whether by exercise of power of sale or otherwise) or any proceeding in lieu thereof, shall only extinguish the Assessment Lien as to payments which became due prior to such sale or transfer. No sale or transfer shall relieve such Lot from liability and the Assessment Lien for any Assessments thereafter becoming due. The Assessment Lien may be non-judicially foreclosed by power of sale in accordance with the provisions of Section 51.002 of the Texas Property Code (or any successor provision) or may be enforced judicially. Each Owner, by accepting conveyance of a Lot, expressly grants the Association a power of sale in connection with the foreclosure of the Assessment Lien. The Board is empowered to appoint a trustee, who may be a member of the Board, to exercise the powers of the Association to non-judicially foreclose the Assessments Lien in the manner provided for in Section 51.002 of the Texas Property Code (or any successor statute). The Association, through duly authorized agents, shall have the power to bid on the Lot at foreclosure sale and to acquire and hold, lease, mortgage and convey the same. The rights and remedies set forth in this Section 6.5(b) are subject to the Texas Residential Property Owners Protection Act, as amended from time to time (Texas Property Code, Section 209.001 *et seq.*).

(c) **Notices of Delinquency or Payment.** The Association, the Association's attorney or the Declarant may file notice (a "**Notice of Unpaid Assessments**") of any delinquency in payment of any Assessment in the Records of TARRANT County, Texas. THE ASSESSMENT LIEN MAY BE ENFORCED BY FORECLOSURE OF THE ASSESSMENT LIEN UPON THE DEFAULTING OWNER'S LOT BY THE ASSOCIATION SUBSEQUENT TO THE RECORDING OF THE NOTICE OF UNPAID ASSESSMENTS EITHER BY JUDICIAL FORECLOSURE OR BY NONJUDICIAL FORECLOSURE THROUGH A PUBLIC SALE IN LIKE MANNER AS A MORTGAGE ON REAL PROPERTY IN ACCORDANCE WITH THE TEXAS PROPERTY CODE, AS SUCH MAY BE REVISED, AMENDED, SUPPLEMENTED OR REPLACED FROM TIME TO TIME. Upon the timely curing of any default for which a notice was recorded by the Association, the Association, through its attorney, is hereby authorized to file of record a release of such notice upon payment by the defaulting Owner of a fee, to be determined by the Association but not to exceed the actual cost of preparing and filing a release. Upon request of any Owner, any title company on behalf of such Owner or any Owner's mortgagee, the Board, through its agents, may also issue certificates evidencing the status of payments of Assessments as to any particular Lot (i.e., whether they are current or

delinquent and if delinquent, the amount thereof). The Association or its Managing Agent may impose a reasonable fee for furnishing such certificates or statements.

(d) **Suit to Recover.** The Association may file suit to recover any unpaid Assessment and, in addition to collecting such Assessment and interest thereon, may also recover all expenses reasonably expended in enforcing such obligation, including reasonable attorneys' fees and court costs.

(e) **Late Charges and Collection Fees.** If any Assessment or any part thereof remains unpaid after thirty (30) calendar days from and after the due date established by the Board, a late charge shall be assessed against the non-paying Owner for each month or any part thereof, that any portion of any Assessment remains unpaid. Should any Assessment be payable in installments, the Association is authorized to accelerate the entire Assessment and demand immediate payment thereof. The late charge shall be in the amount of Twenty-five and No/100 Dollars (\$25.00) per month. The Association's Managing Agent shall be entitled to charge an Owner a monthly collection fee to compensate Managing Agent for its administrative costs and efforts to collect and process the late payment of Assessments. A service charge in the amount of Fifteen and No/100 Dollars (\$15.00) shall be charged for each check that is returned because of insufficient funds or any other reason. The amount of late charges and service charges may be adjusted, from time to time, by the Board consistent with any changes in the administrative costs to collect unpaid Assessments or the Association's bank charges. All late charges, collection fees, service charges and attorneys' fees assessed or incurred due to late payment of Assessments shall be charged to an Owner's Assessment account which shall be part of the delinquent Assessment and shall be payable and secured in the same manner as herein provided with regard to Assessments. The Association shall use all applicable collection avenues available based on applicable statute and law.

(f) **Interest on Past Due Amounts.** All Assessments past due more than thirty (30) days, unpaid fines and other amounts owed to the Association by any Owner which are not paid when due shall bear interest from the date due until paid at the rate of eighteen percent (18%) per annum, but not in excess of the maximum rate allowed by applicable law (the "**Default Interest Rate**"). Interest charges shall be at the sole discretion of the Board.

(g) **Suspension of Voting Rights.** To the extent permitted under applicable law, no Owner who is delinquent in paying its Assessments shall have the right to vote as a member of the Association while such delinquency continues; an Owner may cure a delinquency at a meeting to regain the right to vote by paying all outstanding amounts (including interest, fines, and penalties) by cashier's or certified check or other good funds acceptable to the Board.

(h) **Suspension of Right to Use Common Area and/or Common Amenities.** In addition to the other powers herein granted, the Board may suspend the right of an Owner to use any of the Common Area and/or Common Amenities during the time that such Owner is delinquent in paying any Assessment.

(i) **Capital Reserve/Improvement Contribution.** Upon sale of record title to a Lot by any Owner other than the Declarant or a Builder, a contribution of \$1,000 shall be made by or on behalf of such Owner to the "**Capital Reserve/Improvement Fund**" (herein so called) of the Association. This amount is not refundable, shall be in addition to, not in lieu of, the

Maintenance Assessment levied on the Lot and shall not be considered an advance payment of any portion thereof. This amount shall be deposited into escrow and disbursed therefrom to the Association or to the applicable Declarant if the Association is not yet established and shall be used for capital improvements made by the Association pursuant to the terms of this Declaration and the Association Documents. Such amount shall be reviewed yearly and may be increased; however, the increase is restricted to 25% over the previous year. If a cluster mailbox is required by the U.S. Postal Service for this subdivision, the following shall apply. Each builder shall contribute an additional capitalization fee of \$250.00 for the purpose of establishing a mailbox reserve fund. This fund shall be used for the installation of the pad and cluster boxes throughout the subdivision as well as the maintenance and upkeep of the boxes excluding damage resulting in the replacement of a cluster box. Cost associated with the replacement of a cluster mailbox shall be borne by the Owners to whom the cluster mailbox serves as the receptacle for the receipt of U.S. mail or packages.

(j) **Transfer Fees and Fees for Issuance of Resale Certificates.** The Board may, at its sole discretion, enter into a contract with a Managing Agent to oversee the daily operation and management of the Association. The Managing Agent may, and probably will, have fees, which will be charged to an Owner for the transfer of a significant estate or fee simple title to a Lot and the issuance of a "**Resale Certificate**" (herein so called). The Association or its agent shall not be required to issue a Resale Certificate until payment for the cost thereof has been received by the Association or its agent. Transfer fees and fees for the issuance of a Resale Certificate shall in no event exceed the greater of (i) two-thirds (2/3rds) of the current annual rate of Maintenance Assessment applicable at the time of the transfer/sale for each home being conveyed and are not refundable and may not be regarded as a prepayment of or credit against regular or special assessments, and are in addition to the contribution to the Capital Reserve/Improvement Fund in Section 6.5(i) above. This Section does not obligate the Board or any third party to levy such fees.

ARTICLE 7

COMMON AREA AND COMMON AMENITIES

Section 7.1

(a) **Right to Use Common Area.** Each Owner, the members of that Owner's immediate family, and the Owner's guests (provided guests are accompanied by an Owner) shall have the right to use the Common Area and/or Common Amenities for its intended purposes as herein provided. The Declarant and the Association shall have the right to enter on and use the Common Area and/or Common Amenities at all times to exercise their rights or (in the case of the Association) perform its duties hereunder.

(b) **Access Easement Rights.** Each Owner, the members of that owner's immediate family, and the Owner's visitors, invitees, licensees, lessees, tenants, subtenants, and/or guests, are hereby granted an easement for vehicular and pedestrian ingress to, egress from, and access between such Owner's Lot and the public rights-of-way adjacent to the Subdivision over the Streets located within the Subdivision.

Section 7.2 Common Amenities. Common Amenities, if any, to be located in the Common Area shall be determined by the Declarant. The Declarant and the Board may promulgate reasonable rules and regulations for use of these Common Amenities.

EACH OWNER, BY RECORDATION OF A DEED TO ANY LOT IN THE SUBDIVISION, FOR ITSELF AND ITS AGENTS, INVITEES, GUESTS, LICENSEES AND/OR TENANTS, AND EACH OF THEIR RESPECTIVE AFFILIATES, HEIRS, SUCCESSORS AND ASSIGNS, WAIVES ITS RIGHT TO RECOVER FROM AND RELEASES AND FOREVER DISCHARGES THE ASSOCIATION, DECLARANT AND ANY BUILDER, AND EACH OF THEIR RESPECTIVE REPRESENTATIVES, OFFICERS, DIRECTORS, MEMBERS, EMPLOYEES, AGENTS, AFFILIATES, HEIRS, SUCCESSORS AND ASSIGNS, FROM ANY AND ALL CLAIMS, DEMANDS, LIABILITIES, LOSSES, DAMAGES, PENALTIES, FINES, LIENS, JUDGMENTS, COSTS OR EXPENSES (INCLUDING WITHOUT LIMITATION ATTORNEY FEES AND DISBURSEMENTS) WHATSOEVER (COLLECTIVELY "CLAIMS") WHETHER AT LAW OR IN EQUITY, WHETHER KNOWN OR UNKNOWN AT THE TIME OF THIS DECLARATION OR RECORDATION OF A DEED CONVEYING ANY LOT IN THE SUBDIVISION, WHICH OWNER HAS OR MAY HAVE IN THE FUTURE, ARISING OUT OF THE FAILURE TO MAINTAIN CONTROLLED ACCESS TO THE SUBDIVISION BY THE ACCESS GATES, INCLUDING, WITHOUT LIMITATION, ALL CLAIMS IN TORT OR CONTRACT AND ANY CLAIM FOR INDEMNIFICATION OR CONTRIBUTION ARISING UNDER ANY FEDERAL, STATE OR LOCAL STATUTE, RULE OR REGULATION (INCLUDING ANY SUBSEQUENT AMENDMENT OR ADDITION THERETO AND JUDICIAL INTERPRETATIONS THEREOF). EACH OWNER, FOR ITSELF AND ITS AGENTS, INVITEES, GUESTS, LICENSEES AND/OR TENANTS, AND EACH OF THEIR RESPECTIVE AFFILIATES, HEIRS, SUCCESSORS AND ASSIGNS UPON ACQUIRING A LOT IN THE SUBDIVISION, SHALL BE DEEMED TO HAVE WAIVED, RELINQUISHED AND RELEASED THE ASSOCIATION, DECLARANT AND ANY BUILDER, AND EACH OF THEIR RESPECTIVE REPRESENTATIVES, OFFICERS, DIRECTORS, MEMBERS, EMPLOYEES, AGENTS, AFFILIATES, HEIRS, SUCCESSORS AND ASSIGNS, FROM AND AGAINST ANY AND ALL MATTERS ARISING OUT OF THE FAILURE TO MAINTAIN CONTROLLED ACCESS TO THE SUBDIVISION BY THE ACCESS GATES.

Section 7.4 Maintenance of Common Area, Common Amenities. The Association shall be solely responsible for all maintenance, repair, replacement, and improvement of the Common Area and Common Amenities, utilizing the Assessments for such purposes as herein provided. The Declarant shall have no responsibility for maintenance, repair, replacement, or improvement of the Common Area or any Common Amenities after initial construction.

Section 7.5 Risk of Loss - Use of Common Area, Common Amenities Each Owner shall be individually responsible and assume all risk of loss associated with its use of the Common Area and/or Common Amenities, and use by its family members and guests. Neither the Association nor the Declarant shall have any liability to any Owner or their family members or guests, or to any other Person, arising out of or in connection with the use, in any manner whatsoever, of the Common Area, Common Amenities or any improvements comprising a part thereof from time to time.

Section 7.6 Conveyance of Common Area to Association. The Declarant shall convey to the Association the Common Area (which conveyance shall include the Common Amenities located thereon) located in Property, free and clear of any liens, claims or encumbrances, not later than sixty (60) days after the Declarant no longer owns a Lot in the Property.

ARTICLE 8

SPECIFIC DECLARANT RIGHTS

Section 8.1 Declarant's Right to Annex Adjacent Property. Declarant hereby reserves for itself and its affiliates and/or any of their respective successors and assigns the right to annex any real property located adjacent to or in the vicinity of the Property owned or subsequently acquired by Declarant (the "**Property Subject to Annexation**") into the scheme of this Declaration as provided in this Article 8. Notwithstanding anything herein or otherwise to the contrary, Declarant and/or such affiliates, successors and/or assigns shall have the exclusive unilateral right, privilege and option (but never an obligation), from time to time, for as long as Declarant owns any portion of the Property or Property Subject to Annexation, to annex (a) all or any portion of the Property Subject to Annexation owned by Declarant, and (b) subject to the provisions of this Declaration and the jurisdiction of the Association, any additional property located adjacent to or in the immediate vicinity of the Subdivision (collectively, the "**Annexed Land**"), by filing in the Official Public Records of Tarrant County, Texas, a Supplemental Declaration expressly annexing any such Annexed Land. Such Supplemental Declaration shall not require the vote of the Owners, the Members of the Association, or approval by the Board or other action of the Association or any other Person. Any such annexation shall be effective upon the filing of such Supplemental Declaration in the Official Public Records of Tarrant County, Texas. Declarant shall also have the unilateral right to transfer to any other Person Declarant's right, privilege and option to annex Annexed Land, provided that such transferee or assignee shall be the developer of at least a portion of the Annexed Land and shall be expressly designated by Declarant in writing to be the successor or assignee to all or any part of Declarant's rights hereunder.

Section 8.2 Procedure for Annexation. Any such annexation shall be accomplished by the execution and filing for record by Declarant (or the other owner of the property being added or annexed, to the extent such other owner has received a written assignment from Declarant of the right to annex hereunder) of a Supplemental Declaration which must set out and provide for the following:

- (i) A legally sufficient description of the Annexed Land being added or annexed;
- (ii) That the Annexed Land is being annexed in accordance with and subject to the provisions of this Declaration, and that the Annexed Land being annexed shall be developed, held, used, sold and conveyed in accordance with, and subject to, the provisions of this Declaration as theretofore and thereafter amended; provided, however, that if any Lots or portions thereof being so annexed are to be treated differently than any of the other Lots (whether such difference is applicable to other Lots included therein or to the Lots now subject to this Declaration), the Supplemental Declaration should specify the details of such differential treatment and a general statement of the rationale and reasons for the difference in

treatment, and if applicable, any other special or unique covenants, conditions, restrictions, easements or other requirements as may be applicable to all or any of the Lots or other portions of Annexed Land being annexed;

- (iii) That all of the provisions of this Declaration, as amended, shall apply to the Annexed Land being added or annexed with the same force and effect as if said Annexed Land were originally included in this Declaration as part of the Initial Property, with the total number of Lots increased accordingly;
- (iv) That an Assessment Lien is therein created and reserved in favor of the Association to secure collection of the Assessments as provided in this Declaration, and as provided for, authorized or contemplated in the Supplemental Declaration, and setting forth the first year Maintenance Assessments and the amount of any other then applicable Assessments (if any) for the Lots within the Annexed Land being made subject to this Declaration; and
- (v) Such other provisions as the Declarant therein shall deem appropriate.

Section 8.3 Amendment. The provisions of this Article 8 may not be amended without the express written consent of Declarant (and Declarant's successors and assigns in accordance with the terms hereof).

Section 8.4 No Duty to Annex. Nothing herein contained shall establish any duty or obligation on the part of the Declarant or any member to annex any property to this Declaration and no owner of the property excluded from this Declaration shall have any right to have such property annexed thereto.

Section 8.5 Effect of Annexation on Class B Membership. In determining the number of Lots owned by the Declarant for the purpose of Class B membership status according to Section 5.2 hereof, the total number of Lots covered by this Declaration and located in such Declarant's portion of the Property, including all Lots acquired by the Declarant and annexed thereto, shall be considered. If Class B membership has previously lapsed but annexation of additional property restores the ratio of Lots owned by the Declarant to the number required by Class B membership, such Class B membership shall be reinstated until it expires pursuant to the terms of Section 5.2.

Section 8.6 Specific Declarant Rights to Amend Declaration. For so long as the Declarant owns any portion of the Property or the Property Subject to Annexation for development and/or sale, the Declarant, without joinder of the Board, the Association, or the other Owners, may unilaterally amend this Declaration without the joinder or vote of any other party for any reason and if such amendment is deemed necessary or desirable, in the Declarant's sole judgment for any purpose, including, without limitation, (i) to bring any provisions of this Declaration into compliance with any applicable governmental statute, rule, regulation or judicial determination; (ii) to enable any reputable title insurance company to issue title insurance coverage on the Lots; (iii) to enable any institutional or governmental lender, purchaser, insurer, or guarantor of mortgage loans, including, for example, the Federal National Mortgage Association or Federal Home Loan Mortgage Corporation, to purchase, insure, or guarantee mortgage loans on the Lots; (iv) to satisfy the requirements of any local, state or federal governmental agency; or (v) to

correct or clarify errors, omissions, mistakes or ambiguities contained herein. No amendment pursuant to this paragraph, however, shall adversely affect the title to any Lot unless the Owner affected thereby shall consent in writing.

Section 8.7 Easement/Access Right. The Declarant reserves a general easement over all Streets, roads, rights of way, utility, maintenance, landscaping, wall and other easements in the Property and over the balance of the Common Area as reasonably necessary for access for the purpose of finishing development of the Property as a subdivision and as otherwise reasonably necessary to affect each Declarant's rights hereunder. Such easements and rights shall expire at such time as the Declarant no longer owns a Lot.

Section 8.8 Assignment of Declarant Rights. The Declarant may assign its rights to a successor Declarant hereunder by execution of a written document, recorded in the Official Public Records of Tarrant County, Texas, expressly and specifically stating that such Declarant has assigned its rights as such to a designated assignee and declaring such assignee to be a new "Declarant" hereunder. No Person purchasing or otherwise acquiring one (1) or more Lots shall be considered "Declarant" hereunder, unless Declarant makes an express and specific assignment referenced in and accordance with the terms of the immediately preceding sentence.

Section 8.9 Declarant's Right to Install Improvements in Setback and Other Areas. The Declarant, in connection with development of the Property and construction of homes thereon, reserves the right, but shall have no obligation, to install or construct walls, fences, irrigation systems and other improvements in the setback areas (being the area on, along and/or between the boundary line of a Lot and the building or setback lines applicable to such Lot). If the Declarant exercises such right in a setback area, then such wall, fence, irrigation system, or other improvement shall be the property of the Owner(s) of the Lot(s) adjacent to such improvements or upon which such improvements are located, and such Owner(s) shall maintain and repair any such improvement unless the applicable Declarant or the Association, by and through the Board, shall advise the Owner(s) in writing of its intent to assume such maintenance and repair obligations. If the Declarant exercises such above-described right in the non-setback areas, then such wall, fence, irrigation system, or other improvement shall be the property of the Association. So long as it owns any Lot, the Declarant shall have the right, but not the obligation, to maintain and repair any such non-setback area improvements located on such Declarant's portion of the Property; otherwise, the Association shall assume the maintenance and repair or it may abandon such improvements at its discretion. If the City requires the maintenance, repair, or removal of any such non-setback area improvements, the Association shall assume such responsibility at its expense. If the Association so abandons such non-setback area improvements or is properly dissolved, then the Owner(s) of the Lot(s) adjacent to such improvements or on which such improvements are located shall assume maintenance and repair at its expense.

Section 8.10 Replatting or Modification of Plat. From time to time, the Declarant reserves the right to replat its Property or to amend or modify the Plat in order to assure harmonious and orderly development of the Property as herein provided. The Declarant may exercise such rights so long as it owns any Lot and no joinder of any other Owner shall be required to give effect to such rights, each Owner consenting to the Declarant's execution of any replat on such Owner's behalf. However, any such replatting or amendment of the Plat shall be with the purpose of efficiently and economically developing the Property for the purposes herein provided or for

compliance with any applicable governmental regulation. The Declarant's rights under this Section 8.10 shall expire at such time as the Declarant no longer owns a Lot.

Section 8.11 Limitation of Declarants' Liability. The Declarant shall not be responsible or liable for any deficit in the Association's funds. The Declarant may, but is under no obligation to, subsidize any liabilities incurred by the Association, and the Declarant may, but is not obligated to, lend funds to the Association to enable it to defray its expenses, provided the terms of such loans are on reasonable market conditions at the time.

Section 8.12 Termination of the Declarant's Responsibilities. In consideration of the Declarant's deficit funding of the Association, if any, upon the occurrence of any of the following events: (i) conversion of the Declarant's Class B membership status to Class A membership status; (ii) completion of any facilities in the Common Area by the Declarant; or (iii) assignment of the Declarant's rights hereunder pursuant to Section 8.8, then and in such event the Declarant shall be fully released, relieved and forever discharged from any further duty or obligation to the Association or any of its members as the Declarant by reason of the terms and conditions of this Declaration including any amendments thereof or supplements thereto, save and except the duties and obligations, if any, of the Declarant as a Class A member by reason of the Declarant's continued ownership of one or more Lots, but not otherwise. Further, and without regard to whether or not the Declarant has been released from obligations and duties to the Association, so long as the Declarant holds record title to at least one (1) Lot and holds same for sale in the ordinary course of business, neither the Association nor its Board, nor any member of the Association shall take any action that will impair or adversely affect the rights of the Declarant or cause the Declarant to suffer any financial, legal or other detriment, including but not limited to, any direct or indirect interference with the sale of Lots. In the event there is a breach of this Section, it is acknowledged that any monetary award which may be available would be an insufficient remedy and therefore, in addition to all other remedies, the Declarant shall be entitled to injunctive relief restraining the Association, its Board or any member of the Association from further breach of this Section.

ARTICLE 9

MISCELLANEOUS PROVISIONS

Section 9.1 Term and Renewal. These Covenants shall commence on the date hereof and shall continue in effect for a period of thirty (30) years. Thereafter these Covenants shall automatically renew for subsequent periods of (10) years each unless Owners owning at least seventy percent (70%) of the Lots elect to terminate these Covenants by written instrument recorded in the Records of TARRANT County, Texas.

Section 9.2 Enforcement. The terms, provisions and conditions of this Declaration and the Design Guidelines shall be enforceable by the Declarant, the ACC, the Association, and each Owner. The Board shall have the power and authority to impose reasonable fines (which shall not exceed \$500.00 for each separate violation) for violation of this Declaration, the Design Guidelines or any rule or regulation of the Association, which shall constitute a lien upon the Lot of the violating Owner as provided in the Declaration, and to suspend the Owner's right to vote or any Person's right to use of the Common Area and/or Common Amenities. Each day the violation continues to exist shall constitute a separate violation. If any occupant, guest, or invitee of a Lot violates the Declaration, the Design Guidelines or a rule or regulation of the Association

and a fine is imposed, the fine shall be assessed against such Owner, who shall pay the fine upon notice from the Association. No delay or failure on the part of Declarant, the Association or any Owner to invoke any available right, power or remedy with respect to a breach of this Declaration shall be held to be a waiver by that party (or estop that party from asserting) any right, power or remedy available to such party upon the recurrence or continuance of said breach or the occurrence of a different breach. Declarant, the Association and the Owners, shall not be under any obligation to take any action to enforce the terms of this Declaration. The failure by Declarant, the Association or any Owner to enforce any provision of this Declaration shall in no event subject Declarant, the Association or any Owner to any claims, liability, cost or expense; it being the express intent of this Declaration to provide Declarant, the Association or any Owner with the right (such right to be exercised at its sole and absolute discretion), but not the obligation to enforce the terms of this Declaration for the benefit of any Owner(s) of any Lot(s) in the Subdivision.

Section 9.3 General Easement for Encroachments, Access, Maintenance and Utilities.

Each Owner grants to the Association, the Board, the Declarant and the other Owners a general easement as reasonably necessary for the maintenance of any minor encroachments of Common Area and/or Common Amenities over adjoining Lots and for access to and from each Owner's Lot through driveways, rights of way and easements as reflected on the Plat for the purpose of giving effect to the provisions of these Covenants.

Section 9.4 Amendment of Declaration. These Covenants may be amended by the Declarant as provided in Section 8.6. In addition, the Declaration may be amended at any time and in any respect with the affirmative vote or written consent, or any combination thereof, of Members (both classes taken together) representing sixty-seven percent (67%) of the total Class A Member votes and Class B Member votes in the Association; provided, however, that no such amendment shall be effective unless joined in by the Declarant until such time as Declarant no longer owns any portion of the Property or Property Subject to Annexation.

Section 9.5 City Provisions. All construction within the Property shall also comply with all applicable City ordinances and regulations. If any ordinance or regulation imposed by the City imposes more demanding, extensive or restrictive requirements than those set forth in this Declaration, such requirements shall govern. No ordinance or regulations adopted by the City shall lessen the requirements set forth in these Covenants.

Section 9.6 Management of the Association. In the event that the Board elects to contract with a Managing Agent to perform any duties of the Board in accordance with Section 5.2 hereof, the Board shall record or cause to be recorded in each county in which the Subdivision is located a management certificate, signed and acknowledged by an officer or the Managing Agent of the Association in accordance with the requirements of Section 209.004 of the Texas Property Code. An amended management certificate shall be recorded no later than the 30th day after the date on which the Association has notice of a change in any information pertaining to the Managing Agent applicable to the Association. Notwithstanding the foregoing or anything to the contrary contained herein, in no event shall the Declarant, the Association and/or their respective officers, directors, employees, and/or agents, or the Board be subject to liability to any Person for a delay in recording or failure to record a management certificate except as otherwise provided by law.

Section 9.7 Notices. Any notice required to be given to any Owner under the terms of this Declaration shall be deemed to have been properly delivered when deposited with the United States Postal Service, postage prepaid, properly addressed to the addressee. Each Owner's address for purposes of notice hereunder shall be deemed to be the Residence located on its Lot.

Section 9.8 Liability Limitations; Indemnification. No Declarant, Member, director, officer or representative of the Association or the Board or the ACC shall be personally liable for the debts, obligations or liabilities of the Association. The directors and officers of the Association shall not be liable for any mistake of judgment, whether negligent or otherwise, except for their own individual willful misfeasance or malfeasance, misconduct, bad faith, intentional wrongful acts or as otherwise expressly provided in the Association Documents. Declarant and directors, officers and ACC members shall have no personal liability with respect to any contract or other commitment made by them, in good faith, on behalf of the Association, and **THE ASSOCIATION, AS A COMMON EXPENSE OF THE ASSOCIATION, SHALL INDEMNIFY AND HOLD HARMLESS DECLARANT, DIRECTORS, OFFICERS AND MEMBERS OF THE ACC FROM ANY AND ALL EXPENSES, LOSS OR LIABILITY TO OTHERS ON ACCOUNT OF ANY SUCH CONTRACT OR COMMITMENT (TO THE EXTENT NOT COVERED BY INSURANCE PROCEEDS).** IN ADDITION, EACH DIRECTOR AND EACH OFFICER OF THE ASSOCIATION AND EACH MEMBER OF THE ACC SHALL BE INDEMNIFIED AND HELD HARMLESS BY THE ASSOCIATION, AS A COMMON EXPENSE OF THE ASSOCIATION, FROM ANY EXPENSE, LOSS OR LIABILITY TO OTHERS (TO THE EXTENT NOT COVERED BY INSURANCE PROCEEDS) BY REASONS OF HAVING SERVED AS SUCH DIRECTOR, OFFICER OR ACC MEMBER AND AGAINST ALL EXPENSES, LOSSES AND LIABILITIES, INCLUDING, BUT NOT LIMITED TO, COURT COSTS AND REASONABLE ATTORNEYS' FEES, INCURRED BY OR IMPOSED UPON SUCH DIRECTOR, OFFICER OR ACC MEMBER IN CONNECTION WITH ANY PROCEEDING TO WHICH SUCH PERSON MAY BE A PARTY OR HAVE BECOME INVOLVED BY REASON OF BEING SUCH DIRECTOR, OFFICER OR ACC MEMBER AT THE TIME ANY SUCH EXPENSES, LOSSES OR LIABILITIES ARE INCURRED SUBJECT TO ANY PROVISIONS REGARDING INDEMNITY CONTAINED IN THE ASSOCIATION DOCUMENTS, EXCEPT IN CASES WHEREIN THE EXPENSES, LOSSES AND LIABILITIES ARISE FROM A PROCEEDING IN WHICH SUCH DIRECTOR, OFFICER OR ACC MEMBER IS ADJUDICATED GUILTY OF WILLFUL MISFEASANCE OR MALFEASANCE, MISCONDUCT OR BAD FAITH IN THE PERFORMANCE OF SUCH PERSON'S DUTIES OR INTENTIONAL WRONGFUL ACTS OR ANY ACT EXPRESSLY SPECIFIED IN THE ASSOCIATION DOCUMENTS AS AN ACT FOR WHICH ANY LIMITATION OF LIABILITY SET FORTH IN THE ASSOCIATION DOCUMENTS IS NOT APPLICABLE; **PROVIDED, HOWEVER, THIS INDEMNITY DOES COVER LIABILITIES RESULTING FROM SUCH DIRECTOR'S, OFFICER'S OR ACC MEMBER'S NEGLIGENCE.** Any right to indemnification provided herein shall not be exclusive of any other rights to which a director, officer or ACC member, or former director, officer or ACC member, may be entitled. The Association shall have the right to purchase and maintain, as a Common Expense, directors', officers', and ACC members', insurance on behalf of any Person who is or was a director or officer of the Association or the ACC member against any liability asserted against any such Person and incurred by any such Person in such capacity, or arising out of such Person's status as such.

Section 9.9 Severability. If any of the terms hereof shall be declared invalid by a court of competent jurisdiction, such invalidity shall not affect the other provisions of these Covenants, which shall be in full force and effect.

Section 9.10 Acceptance by Owners of Rights and Obligations. By the recording of a deed or other conveyance transferring all or part of an interest in a Lot subject to this Declaration, the person or entity to whom such Lot or interest is conveyed shall be deemed to accept and agree to be bound by and subject to all the provisions of the Declaration, the Design Guidelines, the Association Documents, including any rules or regulations adopted or promulgated by the Association, whether or not mention thereof is made in said deed.

Section 9.11 Notice and Hearing. (a) Prior to the imposition of any fine for a violation of this Declaration or the levying of any Special Member Assessment on an Owner, the Association will give notice to the Owner in compliance with Section 209.006 of the Texas Property Code (the "**Property Code**"), as the same may be hereafter amended. Such notice shall be as follows:

- (i) Notice will be delivered by certified mail return receipt requested.
- (ii) The notice must describe the violation or property damage that is the basis for the fine for such violation, and state any amount due the Association from the Owner.
- (iii) The notice must inform the Owner that the Owner is entitled to a reasonable time to cure the violation and avoid the Violation Fine and that the Owner may request a hearing under this Section 9.11 and Section 209.007 of the Property Code on or before the 30th day after the Owner receives the notice.

(b) In compliance with Section 209.007 of the Property Code, if the Owner submits a written request for a hearing, the Association shall hold a hearing not later than the thirtieth (30th) day after the date the Board receives the Owner's request, and shall notify the Owner of the date, time and place of the hearing not later than the tenth (10th) day before the date of the hearing. The Board or the Owner may request a postponement, and, if requested, a postponement shall be granted for a period of not more than ten (10) days. Additional postponements may be granted by agreement of the parties. If the hearing is to be held before a committee appointed by the Board, the notice described in Section 9.11(a) hereof shall state that the Owner has the right to appeal the committee's decision to the Board by written notice to the Board.

Section 9.12 Arbitration of Disputes Involving the Declarant.

(a) **Arbitration.** ANY AND ALL DISPUTES ARISING HEREUNDER BETWEEN AN OWNER AND A DECLARANT, SHALL BE SUBMITTED TO BINDING ARBITRATION AND NOT TO A COURT FOR DETERMINATION. ARBITRATION SHALL COMMENCE AFTER WRITTEN NOTICE IS GIVEN FROM EITHER PARTY TO THE OTHER, SUCH ARBITRATION SHALL BE ACCOMPLISHED EXPEDITIOUSLY IN DENTON COUNTY AND SHALL BE CONDUCTED IN ACCORDANCE WITH THE RULES OF THE AMERICAN ARBITRATION ASSOCIATION ("**AAA**"). THE ARBITRATION SHALL BE CONDUCTED BY THREE (3) ARBITRATORS, ONE OF WHOM SHALL BE APPOINTED BY THE OWNER AND ONE OF WHOM SHALL BE

APPOINTED BY THE DECLARANT. THE THIRD ARBITRATOR SHALL BE APPOINTED BY THE FIRST TWO ARBITRATORS. THE ARBITRATORS SHALL BE SELECTED FROM A LIST OF ARBITRATORS SUBMITTED BY THE AAA. JUDGMENT UPON THE AWARD RENDERED BY THE ARBITRATORS MAY BE ENTERED IN ANY COURT HAVING JURISDICTION THEREOF. ARBITRATION SHALL NOT COMMENCE UNTIL THE PARTY REQUESTING IT HAS DEPOSITED ONE THOUSAND FIVE HUNDRED AND NO/100 U. S. DOLLARS (\$1,500.00) WITH THE ARBITRATORS AS A RETAINER FOR THE ARBITRATORS' FEES AND COSTS. THE PARTY REQUESTING ARBITRATION SHALL ADVANCE SUCH SUMS AS ARE REQUIRED FROM TIME TO TIME BY THE ARBITRATORS TO PAY THE ARBITRATORS' FEES AND COSTS, UNTIL THE PREVAILING PARTY IS DETERMINED OR THE PARTIES HAVE AGREED IN WRITING TO AN ALTERNATE ALLOCATION OF FEES AND COSTS. EACH PARTY SHALL PAY ITS OWN LEGAL FEES AND COSTS AND ANY OTHER FEES INCURRED IN CONNECTION WITH AN ARBITRATION PROCEEDING WHICH ARISES OUT OF OR RELATES IN ANY WAY TO THIS DECLARATION PROVIDED, HOWEVER, THAT THE ARBITRATION PANEL SHALL AWARD THE ARBITRATORS' FEES AND COSTS TO THE PREVAILING PARTY IN ITS ARBITRATION JUDGMENT.

(b) Notwithstanding the Declarant's and Owner's intent to submit any controversy or claim arising out of or relating to this Declaration to arbitration, in the event that a court of competent jurisdiction shall determine or a relevant law shall provide that a particular dispute is not subject to the arbitration provisions in this Section 9.12, then the parties agree to the following provisions: EACH OWNER ACKNOWLEDGES THAT THIS DECLARATION IS A SOPHISTICATED LEGAL DOCUMENT. ACCORDINGLY, JUSTICE WILL BEST BE SERVED IF ISSUES REGARDING THIS DECLARATION ARE HEARD BY A JUDGE IN A COURT PROCEEDING, AND NOT A JURY. EACH OWNER AGREES THAT ANY CLAIM, DEMAND, ACTION, OR CAUSE OF ACTION, WITH RESPECT TO ANY ACTION, PROCEEDING, CLAIM, COUNTERCLAIM, OR CROSSCLAIM, WHETHER IN CONTRACT AND/OR IN TORT (REGARDLESS IF THE TORT ACTION IS PRESENTLY RECOGNIZED OR NOT), BASED ON, ARISING OUT OF, IN CONNECTION WITH OR IN ANY WAY RELATED TO THIS DECLARATION, ANY COURSE OF CONDUCT, COURSE OF DEALING, VERBAL OR WRITTEN STATEMENT, VALIDATION, PROTECTION, ENFORCEMENT ACTION OR OMISSION OF ANY PARTY SHALL BE HEARD BY A JUDGE IN A COURT PROCEEDING AND NOT A JURY.

9.13 Liens/Validity and Severability; Mortgagees. Violation of or failure to comply with this Declaration shall not affect the validity of any mortgage, lien or other similar security instrument which may then be existing on any Lot. Invalidation of any one (1) or more of the provisions of this Declaration, or any portions thereof, by a judgment or court order shall not affect any of the other provisions or covenants herein contained, which such other provisions and covenants shall remain in full force and effect. No default by an Owner of a Lot under any provision of this Declaration shall affect any existing lien or mortgage on that Lot. A Mortgagee shall not be liable for Assessments made with respect to a Lot during any period in which its only interest in the Lot is that of a Mortgagee.

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CADG Carmel Place, LLC,
a Texas limited liability company

By: CADG Holdings, LLC,
a Texas limited liability company,
Its Sole Member

By: MMM Ventures, LLC,
a Texas limited liability company,
Its Manager

By: 2M Ventures, LLC,
a Delaware limited liability company,
Its Manager

By: _____
Name: Mehrdad Moayedi
Its: Manager

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

This instrument was acknowledged before me on the ____ day of _____,
20____, by Mehrdad Moayedi, Manager of 2M Ventures, LLC, as Manager of MMM Ventures,
LLC, as Manager of CADG Holdings, LLC, as Sole Member of CADG Carmel Place, LLC, a Texas
limited liability company on behalf of said company.

Notary Public, State of Texas

**EXHIBIT A
TO
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR CARMEL PLACE ESTATES COLLEYVILLE HOMEOWNERS ASSOCIATION,
INC.
AN ADDITION TO THE CITY OF COLLEYVILLE, TARRANT COUNTY, TEXAS
LEGAL DESCRIPTION AND/OR DEPICTION OF THE PROPERTY**

STATE OF TEXAS
COUNTY OF TARRANT

METES AND BOUNDS DESCRIPTION

CITY OF COLLEYVILLE, TARRANT COUNTY, TEXAS

LEGAL DESCRIPTION: Being a tract of land out of George W. Teeter Survey, Abstract No. 1543 and situated in the City of Colleyville, Tarrant County, Texas, and surveyed by Miller Surveying, Inc. of Hurst, Texas in November 2017, said tract being a portion of the same tract of land described in the deed to Robert Gene Hubbard et ux, Peggy Hubbard recorded in Volume 4069, Page 406 in the Deed Records of Tarrant County, Texas and being more particularly described by metes and bounds as follows:

Beginning at a 5/8 inch steel rod found in the southerly right-of-way line of Glade Road (Co. Rd. 3036), said rod being in the northerly boundary line of "Tract No. 1" of said Hubbard Deed and also being the most northerly northwest corner of Lot 1, Block 1, Greener Acres, an addition to the City of Colleyville, Texas according to the plat thereof recorded in Cabinet A, Slide 4936 of the Plat Records of said County;

Thence South 00 degrees 14 minutes 15 seconds East with the westerly boundary line of said Lot 1 a distance of 553.09 feet to a 1/2 inch "MILLER 5665" capped steel rod set for an inner corner thereof;

Thence South 89 degrees 25 minutes 35 seconds West continuing with said westerly boundary line a distance of 58.10 feet to a 1/2 inch steel rod found for an outer point thereof;

Thence South 00 degrees 12 minutes 14 seconds West continuing with said westerly boundary line a distance of 415.82 feet to a 1/2 inch steel rod found for the southwest corner of said Lot 1, said rod being in the northerly boundary line of Block 1, The Lakes of Somerset, an addition to the City of Colleyville, Texas according to the plat thereof recorded in Cabinet A, Slide 312 of said plat records;

Thence North 89 degrees 46 minutes 39 seconds West with said northerly boundary line a distance of 151.92 feet to a point in a fence post found in the easterly boundary line of Carmel Place Estates, an addition to the City of Colleyville, Texas according to the plat thereof recorded as Instrument No. D217142798 of the Official Public Records of said County;

Thence North 01 degrees 25 minutes 38 seconds West with said easterly boundary line a distance of 968.78 feet to a cross in concrete set for the northwest corner of said Tract 1, said cross being in said southerly right-of-way line;

Thence North 89 degrees 53 minutes 54 seconds East with the northerly boundary line of said Tract 1 and with said southerly right-of-way line a distance of 233.33 feet to the point of beginning and containing 4.3968 acres of land, more or less.

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EXHIBIT B
TO
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR CARMEL PLACE ESTATES COLLEYVILLE HOMEOWNERS ASSOCIATION, INC.,
AN ADDITION TO THE CITY OF COLLEYVILLE, TARRANT COUNTY, TEXAS

DESIGN GUIDELINES

PART ONE: LANDSCAPING, FENCES AND EXTERIOR ELEMENTS

SECTION 1.1 LANDSCAPING:

Upon completion of each Residence, the following landscape elements shall be installed prior to occupancy of the Residence:

- 1.1.1 Sod: Each dwelling shall have full sod installed for the entire front yard and a minimum of ten (10) feet back from the front wall face for each side yard, or to the side yard fence, whichever is greater. Underground irrigation systems are required for all sod areas.
- 1.1.2 Trees: Eight (2) trees with a minimum caliper of six inches (3"), measured at breast height from grade is required for the front yard of each Lot. Should a Street Tree Guideline for the City exist, each Builder and Owner shall be required to comply with applicable Street Tree Guidelines per the City ordinance. Drip irrigation must be provided. Each Owner shall be responsible for maintenance and preservation of trees located on their property and shall promptly replace dead trees within thirty (30) days if favorable weather prevails or ninety (90) days of loss occurrence if unfavorable weather exists.
- 1.1.3 Shrubbery and Planting Beds: Each Dwelling shall have a minimum of twenty (20) three (3) gallon shrubs planted in a mulched planting bed; the planting bed shall have edging materials to separate the sod and bed mulch areas and suitable drip irrigation. The Owner shall be responsible for the maintenance a preservation of the shrubs and planting bed, and shall promptly replace dead plants within thirty (30) days if favorable weather prevails or ninety (90) days of loss occurrence if unfavorable weather exists.

SECTION 1.2 FENCES: Minimum height for all fences shall be six feet (6') and maximum height of all fences shall be eight feet (8').

- 1.2.1 Major Thoroughfares and Corner Lots: All fencing on corner lots and backing up to streets and major thoroughfares will be considered major thoroughfare fencing. Fencing, which shall be of pre stained cedar, board on board with a top cap and running board, and with metal posts installed on the inside so as not to be visible

from any street and wall construction shall comply with the details indicated in Exhibit Attachment 1.2.1.1 and all such fencing facing major thoroughfare shall be stained and preserved as follows. Other colors must be approved in advance in writing by the ACC:

Manufacturer: Sherwin Williams
Color: Banyan Brown – Apply per product installation

Manufacturer: Standard Paint
Color: Sable Brown – Apply per product installation

- 1.2.2 Standard Side and Rear Yard Fences – Interior Lots: For all interior lots, fence and wall construction shall have metal posts and comply with the materials and details indicated in Exhibit Attachment 1.2.2.1. All portions of the fence that are visible from any street shall have metal posts on the inside and shall be stained with the colors specified above at Section 1.2.1.

SECTION 1.3 MAIL BOXES:

- 1.3.1 Standard Mail Boxes: Mail Box construction shall be brick, stone or stucco and must match the material and color used on the primary residence and comply with the materials and details indicated in Exhibit C.
- 1.3.2 Mail Box Location: Mail Box shall be located on the front corner of the lot between the sidewalk and the street approximately one (1) foot inside the property line and situated in such a manner that it is side by side with the mail box to be constructed on the neighboring lot.

SECTION 1.4 FLAGS AND FLAGPOLES

- 1.4.1 The only flags which may be displayed are: (i) the flag of the United States of America; (ii) the flag of the State of Texas; and (iii) an official or replica flag of any branch of the United States armed forces. No other types of flags, pennants, banners, kits or similar types of displays are permitted on a Lot if the display is visible from a street or Common Area.
- 1.4.2 The flag of the United States must be displayed in accordance with 4 U.S.C. Sections 5-10.
- 1.4.3 The flag of the State of Texas must be displayed in accordance with Chapter 3100 of the Texas Government Code.
- 1.4.4 NO freestanding flagpole shall be allowed. Flagpole must be attached to a Residence and shall be constructed of permanent, long-lasting materials. The materials used for the flagpole shall be harmonious with the Residence, and must

have a silver finish with a gold or silver ball at the top. The flagpole must not exceed three (3) inches in diameter. Flags and flagpoles must be kept in good repair at all times.

- 1.4.5 A displayed flag, and the flagpole on which it is flown, shall be maintained in good condition at all times. Any flag that is deteriorated must be replaced or removed. Any flagpole that is structurally unsafe or deteriorated shall be repaired, replaced, or removed.
- 1.4.6 Only one flagpole will be allowed per Residence/ Lot. A flagpole attached to the Residence may not exceed 4 feet in length.
- 1.4.7 Any flag flown or displayed on a flagpole attached to the Residence may be no larger than 3'x 5'.
- 1.4.8 All flagpoles must be equipped to minimize halyard noise. The preferred method is through the use of an internal halyard system. Alternatively, swivel snap hooks must be covered or "Quiet Halyard" Flag snaps installed. Neighbor complaints of noisy halyards are a basis to have flagpole removed until Owner resolves the noise complaint.
- 1.4.9 The illumination of a flag is allowed so long as it does not create a disturbance to other residents in the community. Solar powered light fixtures are preferred as opposed to ground mounted light fixtures. Compliance with all municipal requirements for electrical ground mounted installations must be certified by Owner. Flag illumination may not shine into another Residence. Neighbor complaints regarding flag illumination are a basis to prohibit further illumination until Owner resolves complaint.
- 1.4.10 Flagpoles shall not be installed in Common Area or property maintained by the Association.
- 1.4.11 All flagpole installations must receive prior written approval from the ACC.

SECTION 1.5 GUTTERING, RAIN BARRELS OR RAINWATER HARVESTING SYTEMS

- 1.5.1 All Residences shall be fully guttered. This requirement applies regardless of whether rain barrels or rain water harvesting systems are installed on the Lot.
- 1.5.2 Rain barrels or rain water harvesting systems and related system components (collectively, "**Rain Barrels**") may only be installed after receiving the written approval of the ACC.
- 1.5.3 Rain barrels may not be installed upon or within the Common Areas.

- 1.5.4 Under no circumstances shall rain barrels be installed or located in or on any area within a Lot that is in-between the front of the Owner's Residence and an adjoining or adjacent street.
- 1.5.5 The rain barrel must be of color that is consistent with the color scheme of the Owner's Residence and may not contain or display any language or other content that is not typically displayed on such rain barrels as manufactured.
- 1.5.6 Rain barrels may be located in the side-yard or back-yard of Lot so long as such rain barrel(s) may not be seen from a street, another Lot or any Common Area of the Subdivision.
- 1.5.7 In the event the installation of Rain Barrels in the side-yard or back-yard of an owner's property in compliance with paragraph e above is impossible, the Reviewing Body may impose limitations or further requirements regarding the size, number and screening of Rain Barrels with the objective of screening the Rain Barrels from public view to the greatest extent possible. The owner must have sufficient area on their Lot to accommodate the Rain Barrels.
- 1.5.8 Rain Barrels must be properly maintained at all times or removed by the owner.
- 1.5.9 Rain Barrels must be enclosed or covered.
- 1.5.10 Rain Barrels which are not properly maintained, become unsightly or could serve as a breeding pool for mosquitoes must be removed by the owner from the Lot.

SECTION 1.6 CERTAIN RELIGIOUS DISPLAYS

- 1.6.1 By statute, an Owner is allowed to display or affix on the entry to the Owner's Residence one or more religious items, the display of which is motivated by the Owner's or occupant's sincere religious belief. Such display is limited according to the provisions contained herein.
- 1.6.2 If displaying or affixing of a religious item on the entry to the Owner's or occupant's Residence violates any of the following covenants, the Association may remove the item displayed:
 - (1) threatens the public health or safety;
 - (2) violates a law;
 - (3) contains language, graphics, or any display that is patently offensive to a passerby;
 - (4) is permanently installed in a location other than the entry door or door frame or extends past the outer edge of the door frame of the Owner's or occupant's Residence; or

- (5) individually or in combination with each other religious item displayed or affixed on the entry door or door frame has a total size of greater than 25 square inches
- 1.6.3 No owner or resident is authorized to use a material or color for an entry door or door frame of the Owner's or occupant's Residence or make an alteration to the entry door or door frame that is not authorized by the Declaration or otherwise expressly approved by the ACC.

PART TWO: DWELLING UNITS

SECTION 2.1 ROOFS

- 2.1.1 Roof Pitch: All Roof Pitches shall have a minimum of 5-in-12 slopes or as approved in writing by the ACC and shall have a minimum thirty (30) year rated warranty shingle or equivalent is required, with a minimum weight of 220 pounds per square foot (100 square feet). The color of shingles shall be subject to ACC approval. Generally accepted colors shall be weathered brown or gray color.
- 2.1.2 Roofing Materials: Roofing materials shall be Architectural grade composition shingles, Cement Fiber shingles, slate, metal, clay tile or concrete tile. Color schemes for roofs should be a weathered brown or gray color. **Other roofing materials shall not be used without prior written approval from the ACC.**
- 2.1.3 Dormers & Above Roof Chimneys: Dormers and chimney chases, above roof structure and roofing materials, may be finished in brick, stucco, stone or as approved by the ACC. All fireplace flues shall be enclosed and finished; exposed pre-fabricated metal flue piping is prohibited.

SECTION 2.2 CERTAIN ROOFING MATERIALS

- 2.2.1 Roofing shingles covered by this Section are exclusively those designed primarily to: (i) be wind and hail resistant; (ii) provide heating and cooling efficiencies greater than or equal to those provided by customary composite shingles; or (iii) provide solar generation capabilities (collectively, "**Roofing Shingles**").
- 2.2.2 Roofing Shingles allowed under these Guidelines shall:
 - (1) resemble the shingles used or otherwise authorized for use in Subdivision;
 - (2) be more durable than and are of equal or superior quality to the shingles used or otherwise authorized for use in Subdivision; and
 - (3) match the aesthetics of the property surrounding the property of the owner requesting permission to install the Roofing Shingles.

- 2.2.3 The Owner requesting permission to install the Roofing Shingles will be solely responsible for accrediting, certifying and demonstrating to the ACC that the proposed installation is in full compliance with paragraphs a and b above.
- 2.2.4 Roofing Shingles shall be installed after receiving the written approval of the ACC.
- 2.2.5 Owners are hereby placed on notice that the installation of Roofing Shingles may void or adversely affect other warranties.

SECTION 2.3 SOLAR PANELS – Prior written approval of the ACC is required.

- 2.3.1 Solar energy devices, including any related equipment or system components (collectively, “**Solar Panels**”) may only be installed after receiving the written approval of the ACC.
- 2.3.2 Solar Panels may not be installed upon or within Common Areas or any area which is maintained by the Association.
- 2.3.3 Solar Panels may only be installed on designated locations on the roof of a Residence, on any structure allowed under any Subdivision or Association dedicatory instrument, or within any fenced rear-yard or fenced-in patio of an Owner’s Lot, but only as allowed by the ACC. **Solar Panels may not be installed on the front elevation of the Residence.**
- 2.3.4 If located on the roof of a Residence, Solar Panels shall:
 - (1) not extend higher than or beyond the roofline;
 - (2) conform to the slope of the roof;
 - (3) have a top edge that is parallel to the roofline; and
 - (4) have a frame, support bracket, or wiring that is black or painted to match the color of the roof tiles or shingles of the roof. Piping must be painted to match the surface to which it is attached, i.e. the soffit and wall. Panels must blend with the color of the roof to the greatest extent possible.
- 2.3.5 If located in the fenced rear-yard or patio, Solar Panels shall not be taller than the fence line or visible from any adjacent Lot, Common Area or street.
- 2.3.6 The ACC may deny a request for the installation of Solar Panels if it determines that the placement of the Solar Panels, as proposed by the Owner, will create an interference with the use and enjoyment of any adjacent Lot or Common Area.
- 2.3.7 Owners are hereby placed on notice that the installation of Solar Panels may void or adversely affect roof warranties. Any installation of Solar Panels which voids material warranties is not permitted and will be cause for the Solar Panels to be removed by the Owner.

- 2.3.8 Solar Panels must be properly maintained at all times or removed by the Owner.
- 2.3.9 Solar Panels which become non-functioning or inoperable must be removed by the Owner.

SECTION 2.4 EXTERIOR WALLS

- 2.4.1 Exterior Wall Materials: Exterior walls shall be 100% masonry. The exterior walls (excluding doors and windows), of each Residence constructed or placed on a Lot shall have the minimum City required coverage but not less than the required minimum coverage as set forth below:
- 2.4.1.1 Front Walls: Front wall surfaces for all elevations shall be one-hundred percent (100%) masonry. Siding may only be used for hidden or concealed wall surfaces not directly visible from the Lot front property line. The use of siding shall be strictly limited and must have the prior written approval of the ACC. The Residences constructed are to be 100% masonry consisting of brick, brick veneer, stone, cast stone, stucco or other masonry materials which must obtain the prior written approval of the ACC.
- 2.4.1.2 Side and Rear Walls: Side and rear wall surfaces for all elevations shall be shall be one-hundred percent (100%) masonry. Siding may only be used for hidden or concealed wall surfaces not directly visible from the street or adjoining Lot.
- 2.4.1.3 Chimneys: Chimney wall structures that are a direct extension of an exterior wall shall match the requirement of said wall.
- 2.4.1.4 Required masonry percentages shall be calculated excluding exterior wall areas built on top of a roof

SECTION 2.5 ELEVATION AND BRICK USAGE

- 2.5.1 Exterior Material Area Calculations: All dwelling submittals for the construction of Residences submitted to the ACC for review and approval shall calculate the percentage coverage for each material as follows:

Same Plan with Same Elevation: The repeat of the same floor plan with the same elevation design shall be governed by the following provisions:

- 2.5.1.1 Same Side of Street: When dwelling units, using the same floor plan and same elevation, are constructed on the same side of the street, they shall be separated by a minimum of two (2) lots. A one (1) lot separation will be permitted when a street intersection occurs, the street right-of-way serves as a lot equivalent.

2.5.1.2 Opposite Side of Street: When dwelling units, using the same floor plan and same elevation, are constructed on opposite sides of the street, they shall not be constructed directly or diagonally across from each other.

2.5.2 Repeat Brick Usage and Exterior Material Area Calculations: All Dwelling submittals shall calculate the percentage coverage for each material as follows:

2.5.2.1 Same Side of Street: No combination of brick color, mortar color, and sand color shall be repeated for adjacent dwellings. Street and alley intersections are acceptable separation elements.

2.5.2.2 Opposite Side of Street: There are no restrictions for the use of brick color, mortar color, and sand color for dwelling units on opposing sides of the street.

2.5.2.3 Exterior Material Area Calculations: All Dwelling submittals shall calculate the percentage coverage for each material as shown.

2.5.2.4 Calculation Method: Calculations for material coverage percentages shall include all exposed areas of the wall surface, excluding window and door openings. **Homes located in Waterfront at Forest development shall consist of one-hundred percent (100%) masonry materials on the exterior.**

2.5.2.5 Calculation Format: Calculations shall indicate the area coverage for front, side, and rear wall areas. Calculations shall be submitted in the following format:

Brick Calculations

Overall	
Total Wall Area	0 sf
Total Brick Area	0 sf
Total Brick Percentage	0%
Front	
Total Wall Area	0 sf
Total Brick Area	0 sf
Total Brick Percentage	0%
Left	
Total Wall Area	0 sf
Total Brick Area	0 sf
Total Brick Percentage	0%
Right	
Total Wall Area	0 sf
Total Brick Area	0 sf
Total Brick Percentage	0%
Rear	
Total Wall Area	0 sf
Total Brick Area	0 sf
Total Brick Percentage	0%

**** Openings removed from areas in all calculations**

Following Exhibit Attachment B:

Exhibit Attachment 1.2.1.1 – Fence Detail – Major thoroughfares and Corner Lots

Exhibit Attachment 1.2.2.1 – Fence Detail – Standard Side and Rear Yard Fences

Exhibit C - Standard Brick Mailbox Design

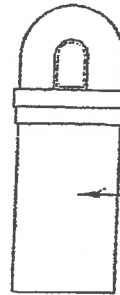
**EXHIBIT C
TO
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR CARMEL PLACE ESTATES COLLEYVILLE HOMEOWNERS ASSOCIATION, INC.,
AN ADDITION TO THE CITY OF COLLEYVILLE, TARRANT COUNTY, TEXAS**

STANDARD BRICK MAILBOX DESIGN

[see attached]



SIDE



FRONT

MASONRY
TO MATCH
RESIDENCE

Mailbox shall be approximately 16 brick courses high with the mail box being approximately 36" to 42" above street level.
All mortar joints shall be 3/8"
All course joints are cut so no holes are exposed

Attachment Mailbox Design

2

A..

1.1.4 Approved Landscaping. All landscaping installed on a Lot (other than sod) shall be selected from the following is the list of approved trees, shrubs ground cover, vines perennial and annual flowers:

(a) Approved Shade Trees:

Afghan Pine

American Elm

Arizona Cypress

Bald Cypress

Bigelow Oak

Bur Oak

Caddo Maple

Cedar Elm

Chinquapin Oak

Durrand Oak

Lacebrook Elm

Lacy Oak

Live Oak

Pecan

Shumard Oak

Southern Live Oak

Southern Magnolia

Texas Ash

Texas Red Oak

Western Soapberry

(b) Approved Accent trees (range from 10 to 20 feet):

Blackhaw, Rusty

Buckeye, Mexican

Buckthorn, Carolina

Chitalpa

Crab Apple

Crepe Myrtle

Deciduous Holly

Dogwood, Rough-leaf

Flameleaf Sumac

Hawthorn, Downy

Hawthorn, Washington

Maple, Japanese

Mesquite

Persimmon, Texas

Plum, Mexican

Redbud

Smoke tree

Texas Sophora (Eve's Necklace)

Wild Plum

Willow, Desert

Yaupon Holly

(c) Approved Shrubs (range from 3 to 5 feet):

Beautyberry

Dwarf Buford Holly

Dwarf Chinese Holly

Dwarf Crepe Myrtle

Dwarf Yaupon Holly

Fountain Grass

Juniper supp.

Purple Leaf Japanese Barberry

Purple Sage

Sumac species

Yucca, Red

(d) Approved Ground cover (range from 18 inches):

Asian Jasmine

Buffalo Grass

Confederate Star Jasmine

Juniper supp.

Liriope

Monkey Grass

Periwinkle

Thyme, Creeping

Wood Fern

(e) Approved Vines:

Boston Ivy

Carolina Yellow Jasmine (Jessamine)

Coral Honeysuckle

Mandevilla

Virginia Creeper

(f) Approved Perennial and annual flowers:

Caladium

Canna
Chrysanthemum
Copper Leaf
Gayfeather
Iris
Lantana
Marigold
Moss Rose or Portulaca
Periwinkle
Petunia
Plumbago
Salvia
Tulip
Wild Flowers
Zinnia

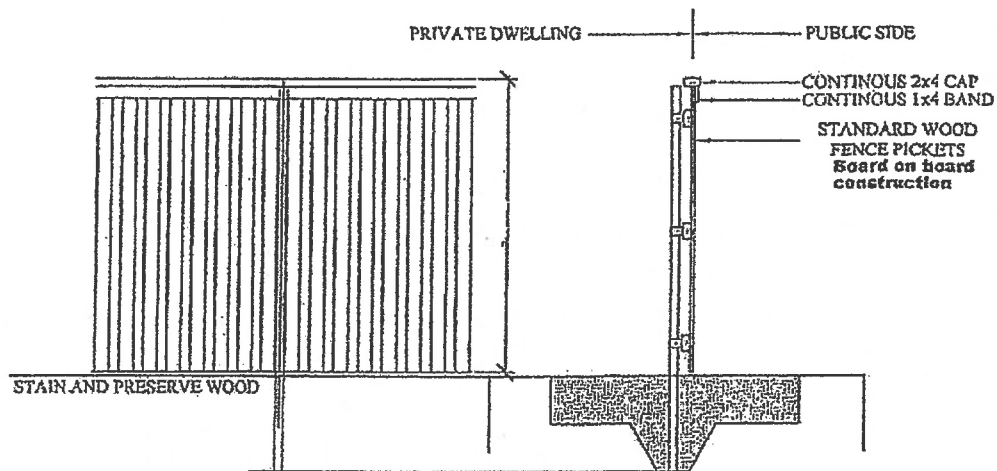
SECTION 1.2 FENCES: Minimum height for all fences shall be six feet (6') and maximum height of all fences shall be eight feet (8').

- 1.2.1 Major Thoroughfares and Corner Lots: All fencing on corner lots and backing up to streets and major thoroughfares will be considered major thoroughfare fencing. Fencing, which shall be of pre stained cedar, board on board with a top cap and running board, and with metal posts installed on the inside so as not to be visible from any street and wall construction shall comply with the details indicated in Exhibit Attachment 1.2.1.1 and all such fencing facing major thoroughfare shall be stained and preserved as follows. Other colors must be approved in advance in writing by the ACC:

Manufacturer:	Sherwin Williams
Color:	Banyan Brown – Apply per product installation

Manufacturer:	Standard Paint
Color:	Sable Brown – Apply per product installation

EXHIBIT ATTACHMENT 1.2.1.1



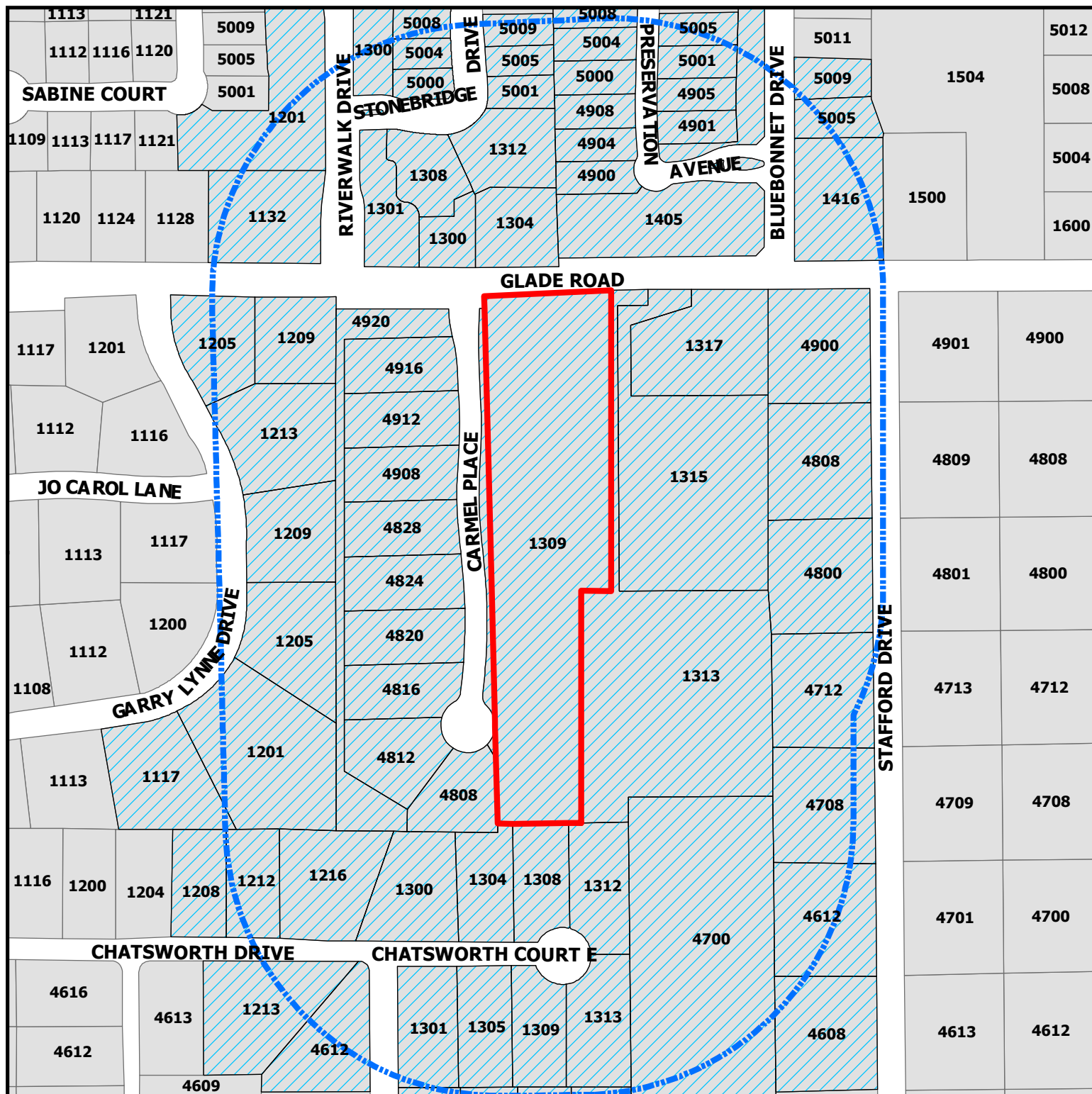
Stain Color:

Manufacturer: Sherwin Williams
Manufacturer Standard Paint

Color: Banyan Brown - Apply per product installation
Color: Sable Brown - Apply per product installation

**Attachment 1.2.1.1
Major Thoroughfare and Corner Lot
Fence Details**

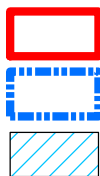
Notification Map



ZC18-023
1309 Glade Road

DISCLAIMER:

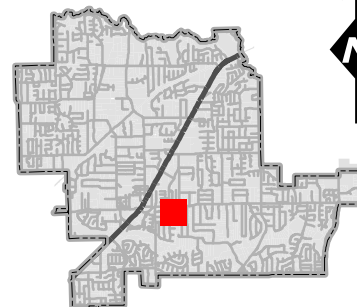
This map and information contained in it were developed exclusively for use by the City of Colleyville. Any use or reliance on this map by anyone else is at that party's risk and without liability to the City of Colleyville, its officials or employees for any discrepancies, errors, or variances which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



Subject Property

500ft Buffer

Properties within 500ft



Notification List

Owner Name	Owner Address	Owner City	Owner Zip	Situs Address
COLLEYVILLE, CITY OF	100 MAIN ST	COLLEYVILLE, TX	76034	1416 GLADE RD
RIETZ, BARRY	5005 PRESERVATION AVE	COLLEYVILLE, TX	76034	5005 PRESERVATION AVE
FREE, DEBRA J	5005 STONEBRIDGE DR	COLLEYVILLE, TX	76034	5005 STONEBRIDGE DR
ASHRAF, AKBER	5000 PRESERVATION AVE	COLLEYVILLE, TX	76034	5000 PRESERVATION AVE
ARCLAND INVESTMENTS LLC	1300 GLADE RD	COLLEYVILLE, TX	76034	1300 GLADE RD
WINSWORTH, LLOYD A	4900 STAFFORD DR	COLLEYVILLE, TX	76034	4900 STAFFORD DR
MAUNEY, KEITH	1216 CHATSWORTH DR	COLLEYVILLE, TX	76034	1216 CHATSWORTH DR
CALAIS INVESTMENTS I LTD	430 N CARROLL AVE #120	SOUTHLAKE, TX	76092	4916 CARMEL PL
BAXI, MAYUR	1300 ASHFORD CT	COLLEYVILLE, TX	76034	1300 ASHFORD CT
BOYTON, KELLEY	1304 ASHFORD CT	COLLEYVILLE, TX	76034	1304 ASHFORD CT
DEYOUNG, ADAM	1312 ASHFORD CT	COLLEYVILLE, TX	76034	1312 ASHFORD CT
GROSS, ANNA	4904 PRESERVATION AVE	COLLEYVILLE, TX	76034	4904 PRESERVATION AVE
NEWTON, CURTIS	PO BOX 1336	COLLEYVILLE, TX	76034	4905 PRESERVATION AVE
SMITH, DENIS J	1308 CHATSWORTH CT E	COLLEYVILLE, TX	76034	1308 CHATSWORTH CT E
CALAIS INVESTMENTS I LTD	430 N CARROLL AVE #120	SOUTHLAKE, TX	76092	4908 CARMEL PL
CALAIS INVESTMENTS I LTD	430 N CARROLL AVE #120	SOUTHLAKE, TX	76092	4816 CARMEL PL
CALAIS INVESTMENTS I LTD	430 N CARROLL AVE #120	SOUTHLAKE, TX	76092	4828 CARMEL PL
GLENN, MICHAEL	4901 PRESERVATION AVE	COLLEYVILLE, TX	76034	4901 PRESERVATION AVE
KING FISHER LTD	1132 GLADE RD	COLLEYVILLE, TX	76034	1132 GLADE RD
WILLIAMS, JAMES P	4700 STAFFORD DR	COLLEYVILLE, TX	76034	4700 STAFFORD DR
CASILIO LIVING TRUST	4808 STAFFORD DR	COLLEYVILLE, TX	76034	4808 STAFFORD DR
LOGAN, EMORY M	1313 GLADE RD	COLLEYVILLE, TX	76034	1313 GLADE RD
COLLEYVILLE, CITY OF	100 MAIN ST	COLLEYVILLE, TX	76034	1209 GLADE RD
CADG CARMEL PLACE LLC	1800 VALLEY VIEW LN STE 300	FARMERS BRNCH, TX	75234	4804 CARMEL PL
HAUTANEN, OSMO A	1304 CHATSWORTH CT E	COLLEYVILLE, TX	76034	1304 CHATSWORTH CT E
EMLER LIVING TRUST	1300 CHATSWORTH CT E	COLLEYVILLE, TX	76034	1300 CHATSWORTH CT E
LEONARD TRUSTEE, IRENE	5004 PRESERVATION AVE	COLLEYVILLE, TX	76034	5004 PRESERVATION AVE
HARMS, STEWART	5009 STONEBRIDGE DR	COLLEYVILLE, TX	76034	5009 STONEBRIDGE DR
MEZANAZI, MICHAEL	4612 ALEXANDRA DR	COLLEYVILLE, TX	76034	4612 ALEXANDRA DR
HICKSON, HEATHER J	1315 GLADE RD	COLLEYVILLE, TX	76034	1317 GLADE RD
THE BRIDGES @ RIVERWALK HOA	PO BOX 1183	COLLEYVILLE, TX	76034	1304 STONEBRIDGE DR
BONNIE STANFIELD TRUST	1001 TUCKER ST	MC KINNEY, TX	75069	5009 BLUEBONNET DR
HUBBARD, ROBERT GENE	PO BOX 575	ALBA, TX	75410	1309 GLADE RD
DILL, ALLEN	5001 STONEBRIDGE DR	COLLEYVILLE, TX	76034	5001 STONEBRIDGE DR
FRANKLIN, BRENT	2800 HIGHLAND PARK CT	COLLEYVILLE, TX	76034	4912 CARMEL PL
PRESERVATION HOA INC	101 CLARIDEN RANCH RD	SOUTHLAKE, TX	76092	1405 BLUEBONNET DR
CALAIS INVESTMENTS I LTD	430 N CARROLL AVE #120	SOUTHLAKE, TX	76092	4808 CARMEL PL
BONNIE STANFIELD TRUST	209 W 2ND ST # 377	FORT WORTH, TX	76102	5005 BLUEBONNET DR
LASATER, JANICE N	4900 PRESERVATION AVE	COLLEYVILLE, TX	76034	4900 PRESERVATION AVE
XING, YIHAN	5008 PRESERVATION AVE	COLLEYVILLE, TX	76034	5008 PRESERVATION AVE
MAHAN, ROY	4712 STAFFORD DR	COLLEYVILLE, TX	76034	4712 STAFFORD DR
GALLAGHER, ROBERT W	1301 CHATSWORTH CT E	COLLEYVILLE, TX	76034	1301 CHATSWORTH CT E
SCOTT, DONALD R	1213 CHATSWORTH DR	COLLEYVILLE, TX	76034	1213 CHATSWORTH DR
STEPHENSON, MARK	5001 PRESERVATION AVE	COLLEYVILLE, TX	76034	5001 PRESERVATION AVE
BURGDORF, JEFF	4608 STAFFORD DR	COLLEYVILLE, TX	76034	4608 STAFFORD DR
IDOL INVESTMENTS LLC	1304 GLADE RD	COLLEYVILLE, TX	76034	1304 GLADE RD
HICKSON, STEVEN A	1315 GLADE RD	COLLEYVILLE, TX	76034	1315 GLADE RD
SNYDER, JOHN	1701 ROYAL LN #1202	DALLAS, TX	75229	4812 CARMEL PL
				1301 STONEBRIDGE DR
HASLER MARK R & MARY K HASLER	5000 STONEBRIDGE DR	COLLEYVILLE, TX	76034	5000 STONEBRIDGE DR
DUNHAM, MICHAEL G	4800 STAFFORD DR	COLLEYVILLE, TX	76034	4800 STAFFORD DR
GRISIO, TERANCE R	3505 MEADOWLARK LN	COLLEYVILLE, TX	76034	1205 GLADE RD
PRESERVATION HOA INC	101 CLARIDEN RANCH RD	SOUTHLAKE, TX	76092	1400 BLUEBONNET DR
GROOM, DOROTHY DEE	4708 STAFFORD DR	COLLEYVILLE, TX	76034	4708 STAFFORD DR
NORTON, BOB	5004 STONEBRIDGE DR	COLLEYVILLE, TX	76034	5004 STONEBRIDGE DR
CADG CARMEL PLACE LLC	1800 VALLEY VIEW LN STE 300	FARMERS BRNCH, TX	75234	4800 CARMEL PL
THE BRIDGES @ RIVERWALK HOA	PO BOX 1183	COLLEYVILLE, TX	76034	1300 STONEBRIDGE DR
PRESERVATION HOA INC	101 CLARIDEN RANCH RD	SOUTHLAKE, TX	76092	1408 BLUEBONNET DR
CHELIND LLC	1312 GLADE RD	COLLEYVILLE, TX	76034	1312 GLADE RD
RIVERWALK OWNERS ASSN	PO BOX 260997	PLANO, TX	75026	1201 RIVERWALK CT
COOLEY, JAMES W	1305 CHATSWORTH CT E	COLLEYVILLE, TX	76034	1305 CHATSWORTH CT E
PRICE, GARY W	5008 STONEBRIDGE DR	COLLEYVILLE, TX	76034	5008 STONEBRIDGE DR
MCKEE, WILLIAM	4908 PRESERVATION AVE	COLLEYVILLE, TX	76034	4908 PRESERVATION AVE
PRESERVATION HOA INC	101 CLARIDEN RANCH RD	SOUTHLAKE, TX	76092	1404 BLUEBONNET DR
ROSEN, VINCENT F	1313 CHATSWORTH CT E	COLLEYVILLE, TX	76034	1313 CHATSWORTH CT E
STUCKEMAN, WILLIAM	1309 CHATSWORTH CT E	COLLEYVILLE, TX	76034	1309 CHATSWORTH CT E
QAMAR, ASIA	2428 MACLAY AVE	BRONX, NY	10461	1205 GARRY LYNNE DR
HSV RETREAT LLC	5013 PRESERVATION AVE	COLLEYVILLE, TX	76034	1308 GLADE RD
ROACH, ALISHA	1312 CHATSWORTH CT E	COLLEYVILLE, TX	76034	1312 CHATSWORTH CT E
RODGERS, CONRAD B	1213 GARRY LYNNE DR	COLLEYVILLE, TX	76034	1213 GARRY LYNNE DR
HEWITT, SHARA	1308 ASHFORD CT	COLLEYVILLE, TX	76034	1308 ASHFORD CT
				4920 CARMEL PL
CALAIS INVESTMENTS I LTD	430 N CARROLL AVE #120	SOUTHLAKE, TX	76092	4820 CARMEL PL
CALAIS INVESTMENTS I LTD	430 N CARROLL AVE #120	SOUTHLAKE, TX	76092	4824 CARMEL PL
THOMPSON, DAVID S	4612 STAFFORD DR	COLLEYVILLE, TX	76034	4612 STAFFORD DR
WHITTEN, HAROLD	1209 GARRY LYNNE DR	COLLEYVILLE, TX	76034	1209 GARRY LYNNE DR
VALENTINE, NICHOLAS	1208 CHATSWORTH DR	COLLEYVILLE, TX	76034	1208 CHATSWORTH DR
SWINDELL, MITCHELL	1212 CHATSWORTH DR	COLLEYVILLE, TX	76034	1212 CHATSWORTH DR
NEAL, JANIS CAROL TR	1117 GARRY LYNNE DR	COLLEYVILLE, TX	76034	1117 GARRY LYNNE DR
GRAY, DOUGLAS M	1201 GARRY LYNNE DR	COLLEYVILLE, TX	76034	1201 GARRY LYNNE DR
BRIDGES AT RIVERWALK ADDITION	P.O. Box 1183	COLLEYVILLE, TX	76034	COURTESY NOTICE
LAKES OF SOMERSET, THE	1104 Chatsworth Court West	COLLEYVILLE, TX	76034	COURTESY NOTICE
RIVERWALK AT COLLEYVILLE	P.O. Box 1031	COLLEYVILLE, TX	76034	COURTESY NOTICE
GRAPEVINE COLLEYVILLE ISD	3051 IRA E WOODS AVE	GRAPEVINE, TX	76051	STATE REQUIRED
BARNES, ROME	1800 VALLEY VIEW LN STE 300	FARMERS BRNCH, TX	75234	APPLICANT

Public hearing notices were mailed on August 24, 2018 by Araceli Botello



NOTICE OF PUBLIC HEARING

Zoning Case Number: ZC18-023
Applicant: Rome Barnes
Owner: CADG Carmel Place, LLC
Location: 1309 Glade Road
Property Description: Tract 2A01 & 2A02, Abstract 1543, in the George W Teeter Survey
Present Zoning: AG Agricultural
Request: Consideration of a zoning change from the AG Agricultural district to the R-30 Single Family Residential district. The purpose is to allow for development of 5 new single-family residential lots.

The City of Colleyville has scheduled public hearings concerning the above referenced request on the following dates and location:

Planning and Zoning Commission Meeting: Monday, September 10, 2018 at 7:00 p.m.
City Council Meetings: Tuesday, October 1, 2018 & Tuesday, October 16, 2018 at 7:30 p.m.
3rd floor of City Hall, 100 Main Street, Colleyville, Texas

This notice has been sent to all owners of real property within 500 feet of the request as such ownership appears on the last approved tax roll and all homeowners associations within 1000 feet. Approval by the Planning and Zoning Commission serves as a recommendation to the City Council and is not a final action on the request. Denial of the proposal by the Commission is final, unless the applicant submits a written notice of appeal within 10 days from the date of action by the Commission. If appealed, the request will be placed on the next available City Council agenda as listed above. Rezoning requests, zoning amendments and conditions recommended by the Commission for approval by the City Council may be more restrictive than those described in this notice.

All interested persons are encouraged to attend the public hearing and express their opinions on the zoning change request. If you are unable to attend, but wish to have your opinions made a part of the public record, please submit written comments prior to the public hearing, to the address below:

Community Development Department
City of Colleyville
100 Main Street
Colleyville, TX 76034

If the property owners of 20% or more of the land within the 200 foot notification area file a written protest prior to the public hearing, State law provides that the approval of the zoning change request shall require the approval of a super majority vote by City Council.

The application is on file for public examination in the Community Development Department at 100 Main Street, Colleyville, Texas. A brief project description can be found online on the Active Development Case map: <https://www.colleyville.com/zoning.html>. For additional information, please contact the Community Development Department at 817.503.1052. Please reference the zoning case number when requesting information.

Ben Bryner
Director of Community Development
bbryner@colleyville.com

ORDINANCE O-18-2064

AMENDING THE ZONING ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY OF COLLEYVILLE, TEXAS, BY CHANGING THE ZONING ON 4.369 ACRES, BEING TRACTS 2A01 AND 2A02, ABSTRACT 1543, IN THE GEORGE W TEETER SURVEY, LOCATED AT 1309 GLADE ROAD, FROM THE AG AGRICULTURAL DISTRICT TO THE R-30 SINGLE FAMILY RESIDENTIAL DISTRICT; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00); AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Colleyville has received an application for rezoning under Case ZC18-023; and

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

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

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

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

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

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

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

- Sec. 1. THAT all the foregoing premises and findings are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety.
- Sec. 2. THAT the Comprehensive Zoning Ordinance of the City of Colleyville, Texas, be, and the same is hereby amended by changing the zoning on 4.369 acres, being Tracts 2A01 and 2A02, Abstract 1543, in the George W Teeter Survey, located at 1309 Glade Road, from the AG Agricultural district to the R-30 Single Family Residential district, as depicted in the attached Exhibit "A" and Exhibit "B".
- Sec. 3. THAT the above described tract of land shall be used only in the manner and for the purposes provided by the Comprehensive Zoning Ordinance of the City of Colleyville as heretofore amended, and as amended herein.
- Sec. 4. THAT any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Colleyville, and upon conviction shall be punishable by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense.
- Sec. 5. THAT if any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.
- Sec. 6. THAT in addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.

Sec. 7. THAT it has been found that there has been a change in conditions in the above described property, it is now necessary that it be given the above zoning classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare, and requires that this ordinance shall take effect immediately from and after its passage.

AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 16th day of October 2018.

The second reading and public hearing being conducted on the 5th day of November 2018.

PASSED AND APPROVED BY A VOTE OF ____ AYES, ____ NAYS, AND ____ ABSTENTIONS ON THIS THE 5TH DAY OF NOVEMBER 2018.

Mayor Richard Newton	_____	Mayor Pro Tem Bobby Lindamood	_____
Place 1, Tammy Nakamura	_____	Place 5, Chuck Kelley	_____
Place 3, Kathy Wheat	_____	Place 6, Callie Rigney	_____
Place 4, George Dodson	_____		

ATTEST:

CITY OF COLLEYVILLE

Christine Loven, TRMC
City Secretary

Richard Newton
Mayor

APPROVED AS TO FORM AND LEGALITY:

Whitt Wyatt
City Attorney

Exhibit "A"- Zoning Map



ZC18-023

1309 Glade Road

DISCLAIMER:

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 Subject Property

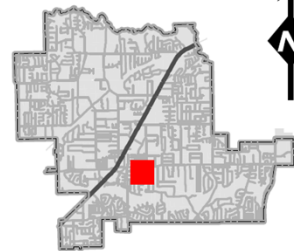


Exhibit "B"- Metes & Bounds Description

Tract 1 – 4.3968 ACRES

Being a tract of land out of George W. Teeter Survey, Abstract No. 1543 and situated in the City of Colleyville, Tarrant County, Texas, and surveyed by Miller Surveying, Inc. of Hurst, Texas in November 2017, said tract being a portion of the same tract of land described in the deed to Robert Gene Hubbard et ux, Peggy Hubbard recorded in Volume 4069, Page 406 in the Deed Records of Tarrant County, Texas and being more particularly described by metes and bounds as follows:

Beginning at a 5/8 inch steel rod found in the southerly right-of-way line of Glade Road (Co. Rd. 3036), said rod being in the northerly boundary line of "Tract No. 1" of said Hubbard Deed and also being the most northerly northwest corner of Lot 1, Block 1, Greener Acres, an addition to the City of Colleyville, Texas according to the plat thereof recorded in Cabinet A, Slide 4936 of the Plat Records of said County;

Thence South 00 degrees 14 minutes 15 seconds East with the westerly boundary line of said Lot 1 a distance of 553.09 feet to a 1/2 inch "MILLER 5665" capped steel rod set for an inner corner thereof;

Thence South 89 degrees 25 minutes 35 seconds West continuing with said westerly boundary line a distance of 58.10 feet to a 1/2 inch steel rod found for an outer point thereof;

Thence South 00 degrees 12 minutes 14 seconds West continuing with said westerly boundary line a distance of 415.82 feet to a 1/2 inch steel rod found for the southwest corner of said Lot 1, said rod being in the northerly boundary line of Block 1, The Lakes of Somerset, an addition to the City of Colleyville, Texas according to the plat thereof recorded in Cabinet A, Slide 312 of said plat records;

Thence North 89 degrees 46 minutes 39 seconds West with said northerly boundary line a distance of 151.92 feet to a point in a fence post found in the easterly boundary line of Carmel Place Estates, an addition to the City of Colleyville, Texas according to the plat thereof recorded as Instrument No. D217142798 of the Official Public Records of said County;

Thence North 01 degrees 25 minutes 38 seconds West with said easterly boundary line a distance of 985.17 feet to a cross in concrete set for the northwest corner of said Tract 1, said cross being in said southerly right-of-way line;

Thence North 89 degrees 53 minutes 54 seconds East with the northerly boundary line of said Tract 1 and with said southerly right-of-way line a distance of 233.33 feet to the point of beginning and containing 4.3968 acres of land, more or less.



City of Colleyville City Council Agenda Briefing

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

Agenda Number 6a

Agenda Date 11/05/2018

Number Ordinance O-18-2065

Type Ordinance

Department Community Development

Title

Consideration of a zoning change from R-40 Single Family Residential district to PUD-C Planned Unit Development – Commercial district on Tract 1, Abstract 1154, in the R H McEwing Survey and Tract 1G, Abstract A1182, in the Less Homesite Survey, located at 8060 Precinct Line Road, Case ZC18-028

Strategic Plan

4.2 Encourage compatible commercial growth

Explanation

First Reading and Public Hearing

Rick Jones, the applicant, has submitted a request to rezone the property located at 8060 Precinct Line Road. The purpose is to rezone from the R-40 Single Family Residential district to the PUD-C Planned Unit Development-Commercial district in order to allow for the development and operation of a self-storage facility on the rear (eastern) portion of the property and creation of three (3) pad sites for retail/restaurant uses along the front (western) portion of the property.

Existing Conditions/Background: The subject property is currently un-platted and is Tract 1, Abstract 1154, in the R H McEwing Survey. The applicant proposes to develop the property into self-storage facilities and potential retail/restaurant for the property located along Precinct Line Road. The current zoning allows for single-family residential uses.

Proposed Zoning Change:

Request – The request is to rezone from the R-40 Single Family Residential (40,000 sq/ft min. lot size) to the Planned Unit Development - Commercial (PUD-C) district. The request is to construct an 86,675 SF self-storage warehouse with three (3) pad sites for approximately 12,850 SF of retail and restaurant.

Purpose: The purpose of a Planned Unit Development (PUD) is to provide for greater flexibility and discretion in the approval of residential, non-residential and mixed use developments by encouraging creative, efficient and aesthetically desirable residential and commercial projects that are superior to what could be accomplished in other zoning districts through the use of increased open spaces, greenbelts, or by providing enhanced amenities or features within the development that will be of special benefit to the property owners or to the community.

Analysis – The subject property meets all of the minimum physical requirements described for the requested PUD-C designation. This request also fits into a recent trend of commercial development along Precinct Line Road. The self-storage facilities have been identified in the Land Development Code for use only with Special Use Permits in our Light Manufacturing (ML) district and therefore approval of this PUD would mean an approval of the self-storage use.

Staff has worked with the applicant to communicate the desire for high quality architectural standards in the development. By approving a PUD-C for the entire property at once, it ensures that the architectural quality of the buildings fronting Precinct Line Road will be of equally high standards and that the entire property develops in a cohesive manner.

Surrounding Development: Property immediately to the north has CC-2 and PUD-C zoning and has developed with commercial and office uses. A new office building is currently under construction to the rear of the existing building along Precinct Line Road. Property to the south has PUD-C zoning but remains undeveloped. Property across Precinct Line Road to the west has developed primarily as residential and falls outside of Colleyville's city boundaries. Property to the east has R-40 and R-20 Single-Family Residential zoning and has mostly developed with single-family residential uses. The property to the southeast is zoned PUD-R and developed with single family residential uses.

Comprehensive Plan: The City's comprehensive plan, *Destination Colleyville*, designates the subject property and most of the property along Precinct Line Road for future commercial use. The Land Development Code only allows the proposed self-storage warehouse use with a Special Use Permit in the Light Manufacturing (ML) zoning district. The addition of retail/restaurant pad sites meets the intent of the comprehensive plan. The proposed rezoning request does comply with the commercial land use designation stated in the comprehensive plan.

Fees: This proposed project would require Park Land Dedication fees in the amount of \$2,876 based on a rate of \$800 per acre. Park Land Dedication fees are due prior to filing the plat for record. Impact Fees are also required per Chapter 13 (Impact Fees) of the Land Development Code and are due prior to the issuance of a Building Permit, if applicable.

Tree Preservation: There exists a protected tree on the self-storage tract and the applicant is requesting to remove the tree due to its location. This request is reflected in the proposed PUD conditions. As the retail/restaurant pad sites develop they must comply with Chapter 5 (Tree Preservation) of the Land Development Code. Where any tree is slated for removal, no site grading, dirt disturbance or new construction may occur on the property until a Tree Removal Permit has been issued that is associated with an approved Tree Preservation Plan.

In addition to the requirements for submittal of a Tree Removal Permit and Tree Preservation Plan, future development on the site must maintain the minimum existing protected tree canopy coverage as required in Chapter 5 or the development could request a waiver to the requirements.

Public Notification: Staff mailed notices to all property owners within 500 feet as well as any Homeowners Associations within 500 feet of the subject property. Staff notified Keller ISD per state law, which serves the subject property. Notice was published in the *Fort Worth Star-Telegram* as required by State law and the Land Development Code. To date, staff has not received any correspondence for this item.

Staff Recommendation: Staff recommends approval of the zoning change request based on the following findings:

- The proposed would conform to the Future Land Use Plan and stated goals described in the *Destination Colleyville* Plan due to the identification and inclusion of a retail/restaurant concept to the Planned Unit Development.
- The proposed use does conform to recent development trends in the surrounding properties and along Precinct Line Road.

Planning & Zoning Commission Recommendation: The Planning & Zoning Commission recommended approval at their October 8, 2018 meeting by a vote of 6-0 with the following conditions: 1) No outdoor storage for RV's, boats, materials, etc.; 2) No commercial truck rentals be permitted; 3) Vehicles associated with the self-storage use shall be parked inside that facility; and 4) The landscaping along the Precinct Line Road frontage shall be required with the self-storage use or the 1st project developed.

Financial Impact

There is no financial impact to the City.

Recommendation

Approve

Attachments

1. Aerial Map
2. Zoning Map
3. Future Land Use Map
4. Statement of Planning Objectives
5. Conceptual Site Plan
6. Existing Site Exhibit
7. Site Plan
8. Existing Tree Exhibit
9. Landscape Plan
10. Proposed Landscape Compromise per P&Z (12 Oct 2018)

11. Building Elevations
12. Drainage Exhibit
13. Drainage Plan
14. Storm Sewer Plan
15. Water and Sanitary Sewer Plan
16. Notification Map
17. Notification List
18. Property Owner Notification
19. Adjacent Property Owner Responses
20. Ordinance O-18-2065

Aerial Map

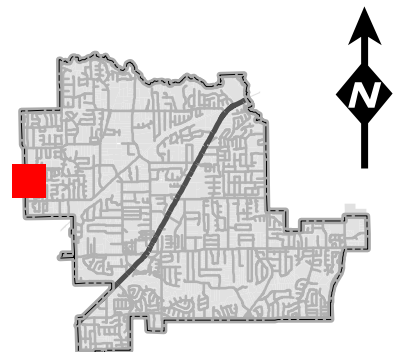


ZC18-028

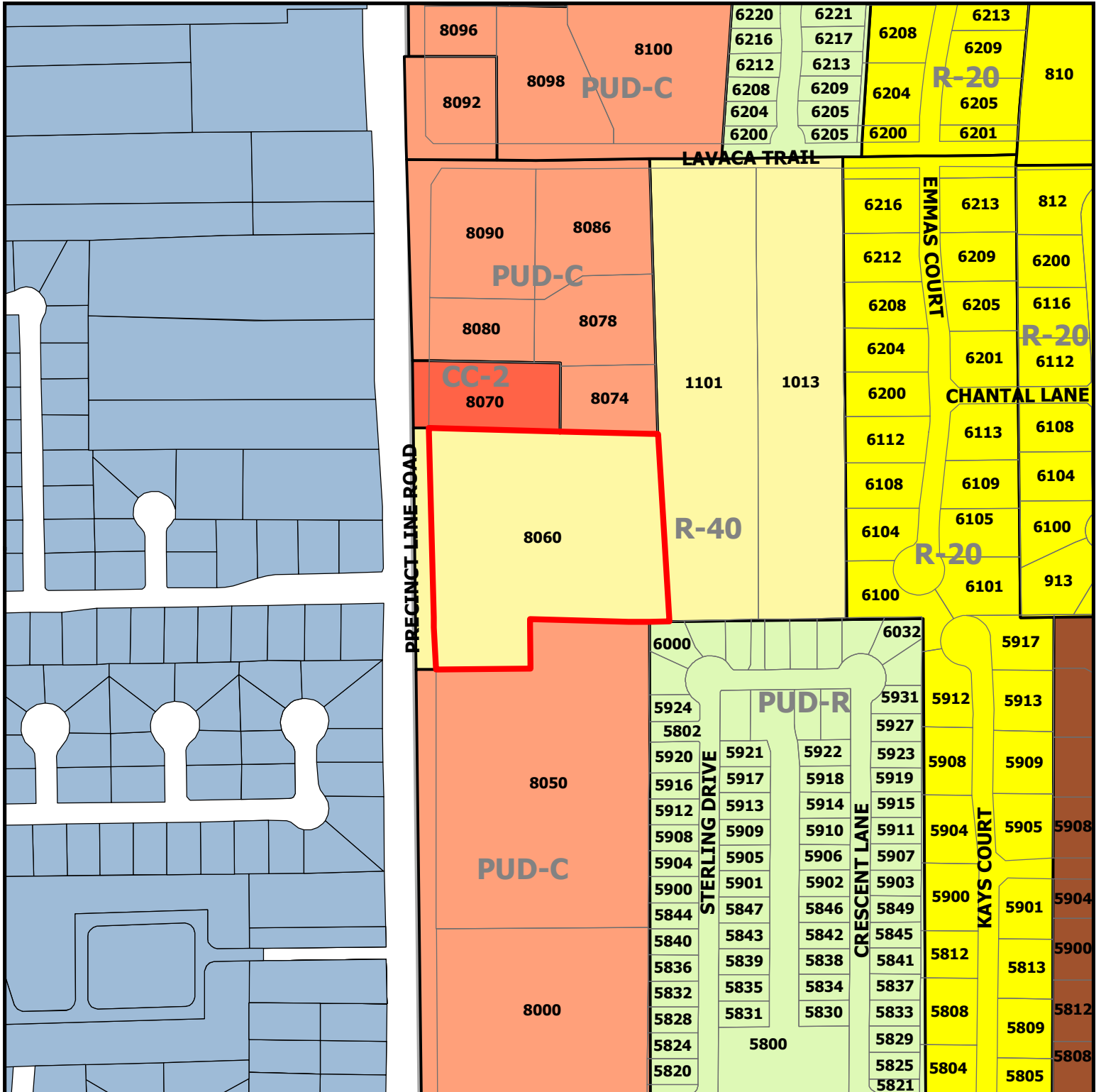
8060 Precinct Line Road

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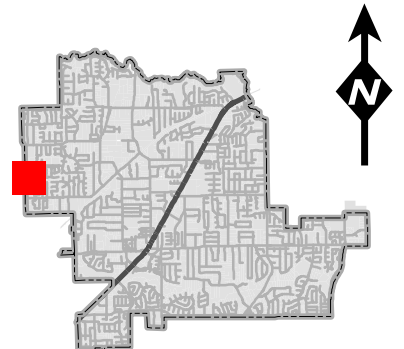
- Subject Property
- Properties Outside the City Limit



Zoning Map



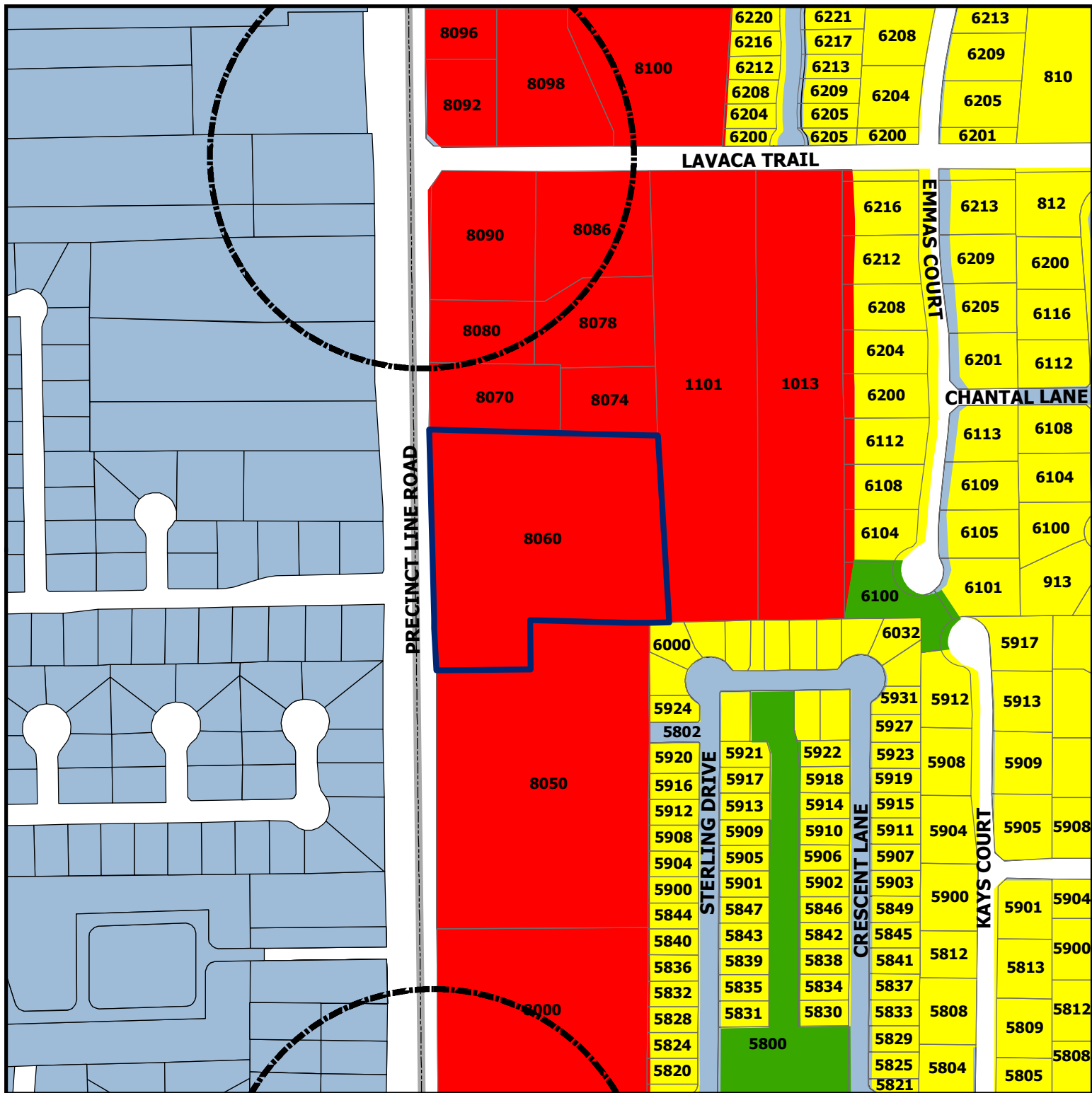
ZC18-028
8060 Precinct Line Road



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- Subject Property
- Properties Outside the City Limit

Future Land Use Map

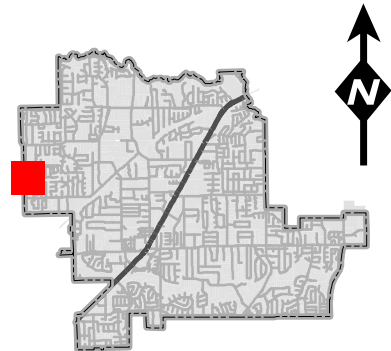


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ZC18-028
8060 Precinct Line Road

-  Subject Property
 Sales Tax Preferred Intersection
 Residential
 Commercial
 Open Space; Parks
 Properties Outside the City Limits



Statement of Planning Objectives

Advantage Storage
2600 Eldorado Parkway, Suite 110
McKinney, Texas 75070
972-547-0236
rjones@AdvantageStorage.net



7 September 2018

Mr. Ben Bryner, AICP
Director of Community Development
City of Colleyville
100 Main Street
Colleyville, Texas 76034

Re: Zoning Application
Proposed Self Storage Development
8060 North Precinct Line Road

Dear Mr. Bryner,

Please accept this letter in fulfillment of the zoning application provision for Statement of Planning Objectives, Development Schedule, Proposed Ownership and Economic Information.

STATEMENT OF PLANNING OBJECTIVES:

The project consists of 6.378 acres located along North Precinct Line Road and is configured in two tracts. Tract One contains 148,047 square feet (3.399 acres) and Tract Two contains 129,781 square feet (2.979 acres).

TRACT ONE:

The planning objective for Tract One is to develop a high quality self-storage facility. Storage facilities have changed significantly over the past 20 years reflecting the evolution of the asset type from a low-quality light industrial use to very high-quality retail service business. Whereas many early self-storage customers used storage for short term, transitory reasons, the majority of contemporary storage customers secure storage space for ongoing, space making reasons. These customers as well as others desire well located facilities near where they work and live. Storage use is much higher per capita today than twenty years ago. Storage development has changed to meet this market demand by providing higher quality facilities with architecture compatible with the high-end retail locations in which they reside. Advantage has since 1996 been on the leading edge of this evolution, developing state-of-the-art facilities in very high profile, retail locations.

The characteristics of the storage project are proposed to be:

- The project will be situated on a 3.399 acre site with 38' of North Precinct Line Road frontage.
- The project consists of two, two-story building and four single story buildings containing approximately 87,225 gross SF configured to provide approximately 71,175 net rentable square feet of storage consisting of approximately 625 individual storage units containing between 25 and 300 square feet.
- Approximately 65% of the net rentable area will be climate controlled, appealing to the higher household income in which the project resides.

Statement of Planning Objectives

- The buildings fronting North Precinct Line Road will be two-story with maximum 29.5' height. This allows the architecture of the building to replicate typical retail scale and incorporate interesting architectural features.
- All remaining buildings will be single story and will be oriented toward interior drives and will not exceed 15' in height. Drive visibility from North Precinct Line Road will be minimal, and no door openings will be oriented toward the perimeter of the project.
- The rental office for the facility will be in the front building.
- There will be no resident manager living on site
- The project will include state-of-the-art security features including CCV cameras and tenant only access via digital gate and building controls.
- Project signage will be a combination of masonry monument sign and building signage conforming to ordinance.
- Landscaping will conform to or exceed ordinance requirements, and will be concentrated on the project perimeters, most visible to the neighboring properties and the public.
- Adequate space has been provided for engineered storm water detention and public utility extensions as may be required.

TRACT TWO:

Tract Two contains 2.979 acres and will be zoned to provide for CC-2 Shopping Center uses. The tract is approximately 250' deep which is ideal for small commercial and retail users. Although the actual users have not yet been identified and therefore the precise building layout cannot be determined, the Conceptual Development Plan depicts the likely configuration of three pad sites for retail and restaurant users. The planning objective for Tract Two is to provide ideal lot depth to promote retail development and to provide an access and utility plan to fully develop the tract. Additionally, the planning objective is to provide construction standards to insure uniform, high quality development. Standards include the following:

- Requirement for increased use of natural stone in building facades.
- Enhanced requirement for landscape buffer along North Precinct Line Road.
- Enhanced requirement for landscaping adjacent to retail buildings.
- Enhanced requirement for landscaping in parking areas.
- Enhanced requirement for uniform monument signs.

DEVELOPMENT SCHEDULE:

- Platting and Site Plan Approval will commence immediately upon zoning approval.
- Storage building permit will occur approximately 120 days following zoning approval.
- Storage completion will occur approximately 14 months following zoning approval.
- Market demand will determine retail pad site development.

PROPOSED OWNERSHIP:

The storage project will be owned by a single asset limited liability company managed and controlled by Advantage Self Storage Advisors, LLC, a Texas limited liability company owned by Rick Jones and Davis Deadman.

ECONOMIC INFORMATION:

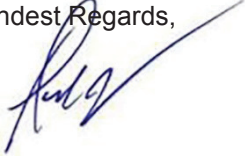
The proposed project will provide the following positive economic impact:

- Property tax valuation will likely increase from the current level of \$357,550 to approximately \$7,500,000 upon completion of the facility. The increase in property value will provide approximately \$167,000 in additional tax revenue, most of which stays in the local community via the city, school system and county.

Statement of Planning Objectives

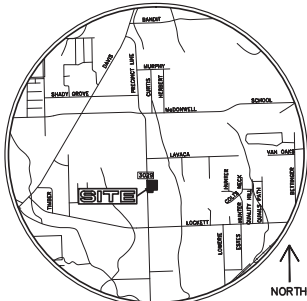
- The configuration of the proposed site is strategically conceived to promote retail and commercial development on the pad-depth property remaining in front of the facility. The current 6-acre parcel of which the storage facility is a portion is 545' deep. This is a size and depth that is awkward for small to mid-size business who would typically locate on this mid-block commercial corridor and does not promote development. The site plan provides remaining retail parcels with +/- 250' depth, near ideal for small business and pad-site development. The property owner is understandably very hesitant to sell front parcels currently because of the limited use and marketability of the back portion of the land. With the storage development taking mainly the back portion, front parcels will likely be quickly developed placing the entire six acres into economic production.
- The storage facility will provide limited sales tax revenue via the sale of packing and moving supplies.
- The storage facility will have approximately 2-3 employees.

Kindest Regards,



Rick Jones

Conceptual Site Plan



VICINITY MAP
NTS

- LEGEND**
- EXISTING CURB
 - PROPOSED CURB
 -  — REINFORCED CONCRETE PAVEMENT
 -  — LANDSCAPING AREA
 -  — SIDEWALK PAVEMENT/PEDESTRIAN WALKWAY
 -  — PARKING SPACES IN A ROW

SITE NOTES:

1. THE POINTS OF INGRESS AND EGRESS FROM THE SITE WILL BE FROM THE PRECINCT LINE ROAD AND THE MUTUAL ACCESS TO THE NEW NW 1/4 NW CORNER.
2. ALL DIMENSIONS ARE TO FACE OF CURB, EDGE OF PAVEMENT, FACE OF BUILDING OR AS OTHERWISE INDICATED.
3. ALL SIDEWALKS SHALL MAINTAIN A 2% MAXIMUM CROSS SLOPE, AND 5% MAXIMUM IN THE DIRECTION OF PEDESTRIAN TRAVEL. ALL SIDEWALKS SHOULD INCLUDE ALL LANDINGS, MARKINGS, ETC. AS REQUIRED BY CITY ORDINANCES.
4. THE SANITATION CONTAINER SCREENING WALLS, GATE, AND PAD SITE WILL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY'S DESIGN SPECIFICATIONS.
5. MECHANICAL HEATING AND AIR CONDITIONING EQUIPMENT SHALL BE SCREENED FROM VIEW FROM PUBLIC RIGHT-OF-WAY AND FROM ADJACENT RESIDENTIAL PROPERTIES.
6. LIGHTING FOR THE SUBJECT PROPERTY WILL BE CONSTRUCTED IN CONFORMANCE WITH THE CITY OF COLLEVILLE CODE OF ORDINANCES.
7. THE SITE CURRENTLY HAS A HOUSE STURGEON SHED AND ACCESSORY BUILDINGS.
8. THE TRACT IS A PORTION OF ABSTRACT NO.1154, RH McWENING SURVEY AND ABSTRACT NO.1182, MC NEWTON SURVEY.
9. FIRE LANE, HYDRANTS, AND BLUE REFLECTIVE HYDRANTS MARKERS ARE REQUIRED TO BE INSTALLED AND INSPECTED IN CONFORMANCE WITH THE CITY OF COLLEVILLE. BLUE REFLECTIVE HYDRANT MARKERS ARE REQUIRED AT THE CENTERLINE OF FIRE LANES.
10. THE SITE TEMPORARY ADDRESS SHALL BE 8050 PRECINCT LINE ROAD, COLLEVILLE, TN. THE ADDRESS SHALL BE CLEARLY DISPLAYED AND VISIBLY FROM THE SURROUNDING PUBLIC STREETS DURING CONSTRUCTION.
11. THE UNDERGROUND FIRE LINE CONTRACTOR IS REQUIRED TO BE LICENSED BY THE TENN. STATE FIRE MARSHAL TO INSTALL UNDERGROUND FIRE LINE. THIS MUST BE PERMITTED, INSTALLED AND ACCEPTED TO FOUNDATION PLOT. THE UNDERGROUND IS A SEPARATE PERMIT AND PLAN REVIEW. MUST COMPLY WITH NFPA 25.
12. THE EASTERN EDGE OF THE PROPERTY IS LOCATED IN ZONE 'A' AS SHOWN.

TRACT DATA		
	TRACT 1	TRACT 2
TRACT SQUARE FOOTAGE:	148,047	129,781
TRACT ACREAGE	3.399	2.979

!!! CAUTION !!!
UNDERGROUND UTILITIES

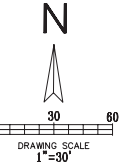
EXISTING UTILITIES AND UNDERGROUND FACILITIES INDICATED ON THESE PLANS HAVE BEEN LOCATED FROM REFERENCE INFORMATION SUPPLIED BY VARIOUS PARTIES. THE ENGINEER DOES NOT ASSUME THE RESPONSIBILITY FOR THE UTILITY LOCATIONS SHOWN. IT SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES AND UNDERGROUND FACILITIES PRIOR TO CONSTRUCTION, TO TAKE PRECAUTIONS IN ORDER TO PROTECT ALL FACILITIES ENCOUNTERED AND NOTIFY THE ENGINEER OF ANY DISCREPANCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION, REPAIR AND MAINTAIN ALL UTILITIES FROM DAMAGE DURING CONSTRUCTION. ANY DAMAGE BY THE CONTRACTOR TO UTILITIES SHALL BE REPAIRED OR REPLACED BY THE CONTRACTOR AT THEIR EXPENSE.

CALL: TEXAS ONE CALL ☎ 1-800-245-4545 AT LEAST 48 HRS PRIOR TO CONSTRUCTION.

TRACT 1 SITE DATA TABLE	
PROPOSED USE:	SELF-STORAGE
TOTAL SITE ACREAGE:	3.999 ACRES
LOT COVERAGE:	62,300/148,047 : 42%
BUILDING FOOTPRINTS:	62,300 SQ. FT.
GROSS FLOOR AREA:	86,675 SQ. FT.
NET RENTABLE AREA:	71,175 SQ. FT.
PAVED AREA:	45,705 SQ. FT. 31%
OPEN AREA:	40,040 SQ. FT. 27%
BUILDING HEIGHT:	15'-29'5"
PARKING (PROVIDED):	9 SPACES

TREE PRESERVATION FOR TRACT 2 SHALL BE REVIEWED PER CHAPTER 5 OF THE LAND DEVELOPMENT CODE PRIOR TO DEVELOPMENT OF THAT TRACT OR ANY PORTION THEREOF.

"FRONT" LOTS SITE DATA TABLE			
	LOT "C"	LOT "D"	LOT "E"
PROPOSED USE:	RESTAURANT	OFFICE	RESTAURANT
TOTAL SITE ACREAGE:	0.92 ACRES	0.81 ACRES	0.81 ACRES
LOT COVERAGE:	3,609/39,973 : 9%	9,512/54,438 : 17%	3,338/35,370 : 10%
BUILDING FOOTPRINTS:	3,609 SQ. FT.	9,512 SQ. FT.	3,338 SQ. FT.
PAVED AREA:	28,627 SQ. FT.: 71%	32,570 SQ. FT.: 60%	22,039 SQ. FT.: 62%
OPEN AREA:	8,014 SQ. FT.: 20%	12,356 SQ. FT.: 23%	9,993 SQ. FT.: 28%
BUILDING HEIGHT:	30'	32'	30'
PARKING (PROVIDED):	31 SPACES	79 SPACES	27 SPACES

ZONING EXHIBIT FOR ZONING CHANGE
REQUEST FROM R-40 TO PUD-C

Cumulus Design
Firm #14810
2080 N. Highway 360, Suite 240
Grand Prairie, Texas 75050
Tel. 214.235.0367

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AUTHORITY OF PAUL
CRAGUN, P.E.
NO. 112767 ON
9/25/18.

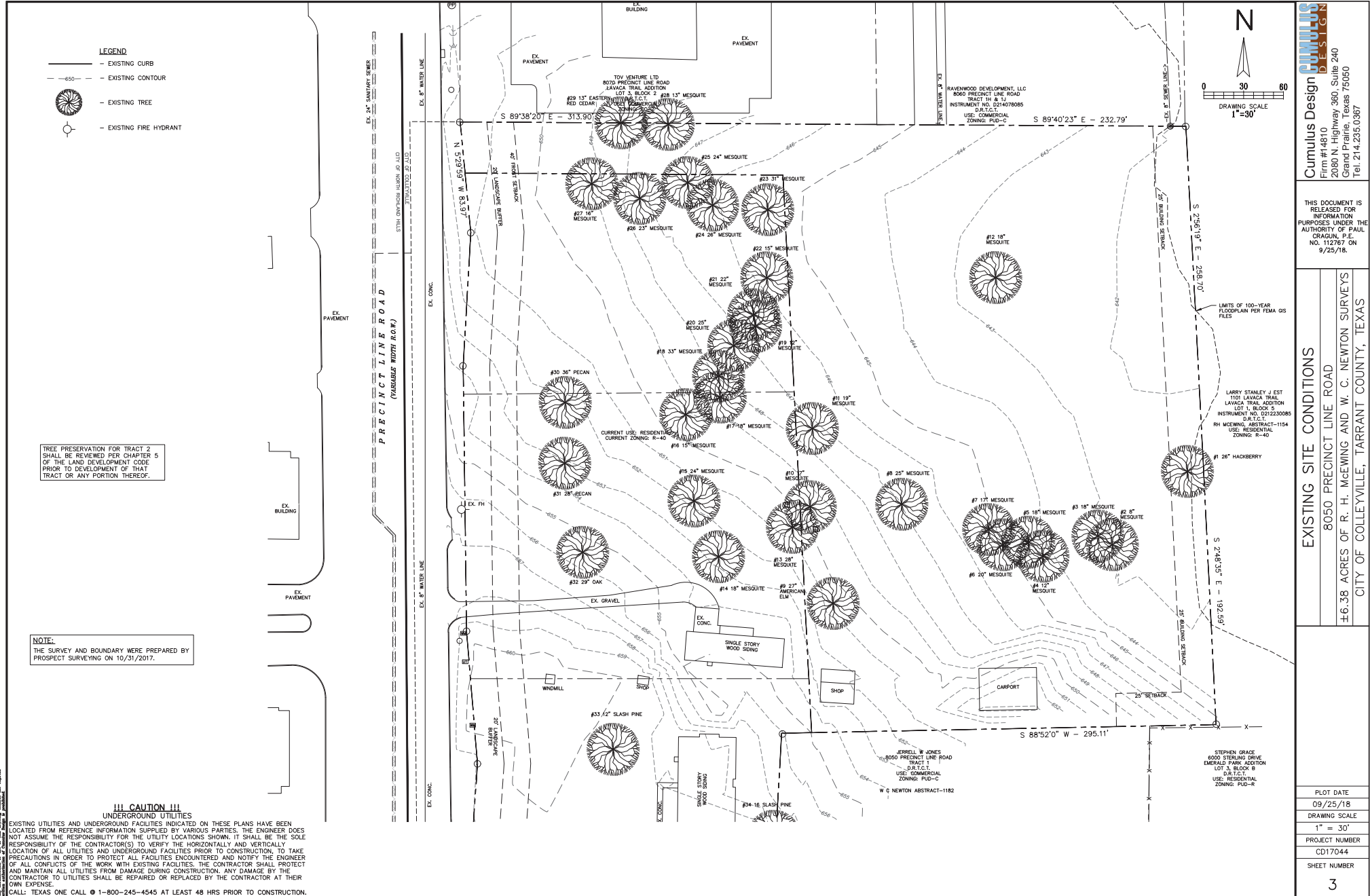
CONCEPTUAL DEVELOPMENT PLAN

8050 PRECINCT LINE ROAD
38 ACRES OF R. H. McEWING AND W. C. NEWTON SURVEYS
CITY OF COLLEYVILLE, TARRANT COUNTY, TEXAS

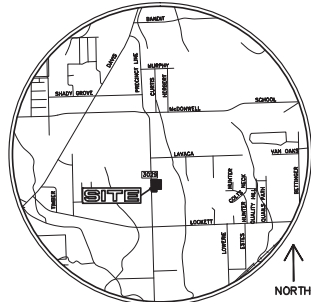
PLOT DATE
09/25/18
DRAWING SCALE
1" = 30'
PROJECT NUMBER
CD17044
SHEET NUMBER

1

Existing Site Exhibit



Site Plan



VICINITY MAP
NTS

- LEGEND**
-  - EXISTING CURB
 -  - PROPOSED CURB
 -  - REINFORCED CONCRETE PAVEMENT
 -  - LANDSCAPING AREA
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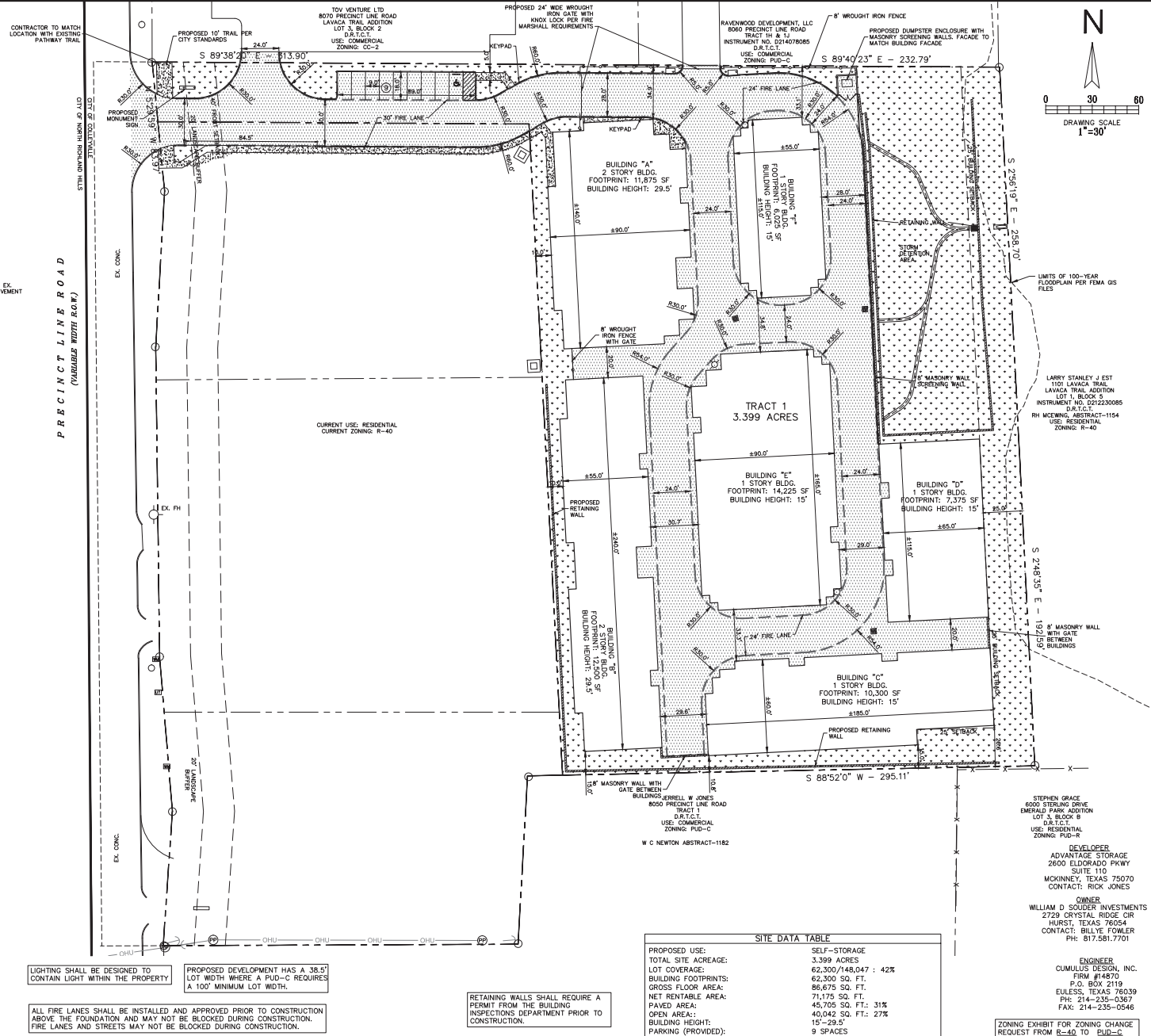
SITE NOTES:

1. THE ~~ENTIRE~~ ENTIRE OF INGRESS AND EGRESS FROM THE SITE WILL BE FROM THE PRECINCT LINE ROAD AND THE MUTUAL ACCESS DRIVE ON THE SW CORNER.
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3. ALL SIDEWALKS SHALL MAINTAIN A 2% MAXIMUM CROSS SLOPE AND 5% MAXIMUM IN THE DIRECTION OF PEDESTRIAN TRAVEL. ALL SIDEWALKS SHOULD INCLUDE ALL LANDINGS, MARKINGS, ETC AS REQUIRED BY CODE.
4. THE SANITATION CONTAINER SCREENING WALLS, GATE, AND PAD SIDE WILL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY'S DESIGN SPECIFICATIONS.
5. MECHANICAL HEATING AND AIR CONDITIONING EQUIPMENT SHALL BE LOCATED IN THE REAR COURT-YARD AND WAY-FROM ADJACENT RESIDENTIAL PROPERTIES.
6. LIGHTING FOR THE SUBJECT PROPERTY WILL BE CONSTRUCTED IN CONFORMANCE WITH THE CITY OF COLLEVILLE CODE OF ORDINANCES.
7. THE SITE CURRENTLY HAS A STORAGE SHED AND ACCESSORY BUILDING.
8. THE TRACT IS A PORTION OF ABSTRACT NO.1154, RM MCWENY SURVEY AND ABSTRACT NO.1182, MCWENY SURVEY.
9. THERE ARE SIX PROPOSED BUILDINGS ON SITE.
10. FIRE LANE, HYDRANTS, AND BLUE REFLECTIVE HIGHWAY MARKERS ARE REQUIRED TO BE INSTALLED AND INSPECTED PRIOR TO CONSTRUCTION ABOVE THE FOUNDATION. BLUE REFLECTIVE HYDRANT MARKERS ARE REQUIRED AT THE CENTERLINE OF FIRE LANES.
11. THE SITE TEMPORARY ADDRESS SHALL BE 8050 PRECINCT LINE ROAD, COLLEVILLE, TEXAS. THE ADDRESS SHALL BE CLEARLY IDENTIFIED AND VISIBLE FROM THE SURROUNDING PUBLIC STREETS DURING CONSTRUCTION.
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!!! CAUTION !!!
UNDERGROUND UTILITIES

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CALL: TEXAS ONE CALL @ 1-800-245-4545 AT LEAST 48 HRS PRIOR TO CONSTRUCTION.



Cumulus Design **DESIGN**
Firm #14810
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SITE PLAN

8050 PRECINCT LINE ROAD

38 ACRES OF R. H. McEWING AND W. C. NEWTON SURVEYS

CITY OF COLLEYVILLE, TARRANT COUNTY, TEXAS

PROJECT NUMBER CD17044 PLOT DATE 09/25/18 SHEET NUMBER DRAWING SCALE 1" = 30'
--

2

Existing Tree Exhibit

- LEGEND**
- EXISTING CURB
 - EXISTING CONTOUR
 - 669 — PROPOSED CONTOUR
 - ⊕ — EXISTING TREE TO REMAIN
 - ⊖ — EXISTING TREE TO BE REMOVED (NOT MITIGATED)
 - ⊗ — EXISTING TREE TO BE REMOVED (MITIGATED)
 - ⊙ — CRITICAL ROOT ZONE

EXISTING SITE TREES

Tree Number	Species	Trunk Diameter (in)	Canopy Area (sq)	Exclusions
1	Hackberry	26	1276	Non-protected
2	Mesquite	8	463	Non-protected
3	Mesquite	18	706	Non-protected
4	Mesquite	12	602	Non-protected
5	Mesquite	18	755	Non-protected
6	Mesquite	20	902	Non-protected
7	Mesquite	17	1200	Non-protected
8	Mesquite	25	1015	Non-protected
9	American Elm	27	2650	Protected
10	Mesquite	17	907	Non-protected
11	Mesquite	19	854	Non-protected
12	Mesquite	18	907	Non-protected
13	Mesquite	28	780	Offsite
14	Mesquite	18	683	Offsite
15	Mesquite	24	1017	Offsite
16	Mesquite	15	962	Offsite
17	Mesquite	18	615	Offsite
18	Mesquite	33	114	Offsite
19	Mesquite	12	490	Offsite
20	Mesquite	25	880	Offsite
21	Mesquite	23	452	Offsite
22	Mesquite	15	495	Offsite
23	Mesquite	31	856	Non-protected
24	Mesquite	26	962	Non-protected
25	Mesquite	24	1017	Non-protected
26	Mesquite	23	452	Non-protected
27	Mesquite	16	315	Non-protected
28	Mesquite	13	456	Non-protected
29	F. Reckless	13	642	Protected
30	Pecan	30	1452	Offsite
31	Pecan	28	2123	Offsite
32	Oak	29	1110	Offsite
33	Slash Pine	12	648	Offsite
34	Slash Pine	16	813	Offsite

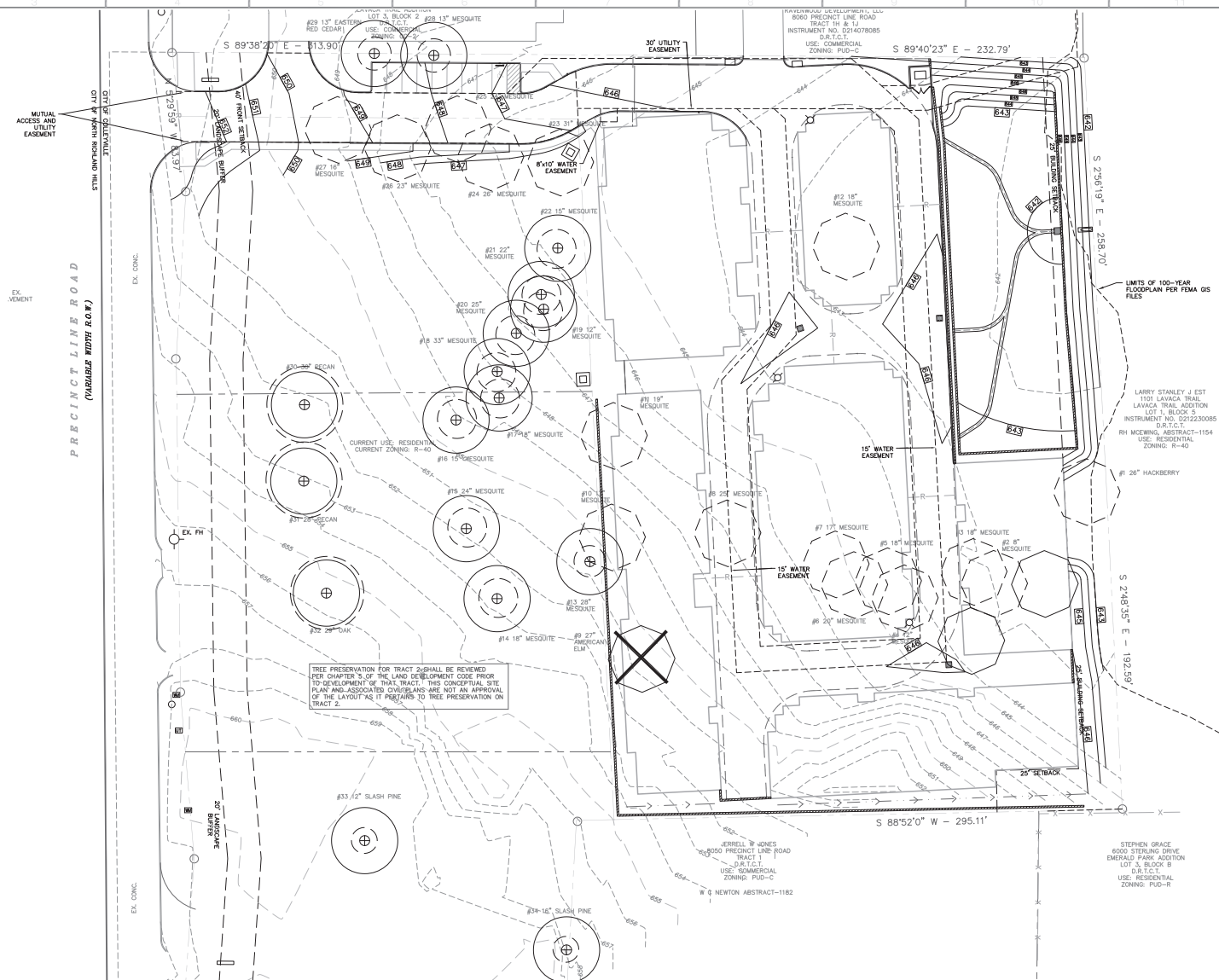
TREE SUMMARY

Tree Species	Number of Trees on Site	Total Tree Diameter (in)	Total Canopy Area (sq)
American Elm	1	27	2650

Lot Area	Total Canopy of Trees	Percentage of Lot Coverage by Non-Exempt Trees	Required Preservation	Total Canopy in Exempt Area	Max Allowable Credit for Tree Preservation	Required Mitigation for Tree Removal (3" Caliper)
3.399 Acres	2650 SF	1.70%	70% (4185 SF)	11,771 SF	0	9

TREE SUMMARY (FOR TRACT 1, SELF STORAGE)

Tree Species	Number of Trees on Site	Total Canopy Area (sq)	Number of Trees to be Preserved	Number of Trees to be Removed	Number of Trees to be Replaced
American Elm	1	27	-	1	27
Mesquite	16	329	16	329	-
Hackberry	1	26	0	0	-



01 EXISTING TREE PLAN

SCALE: 1" = 30'-0"



OWNER
WILLIAM D. SOUTHER INVESTMENTS
2729 CRYSTAL RIDGE CIR
HURST, TEXAS 76054
CONTACT: BILLY FOWLER
PH: 817.581.7701

DEVELOPER
ADVANTAGE STORAGE
2600 ELDORADO PKWY
SUITE 110
MCKINNEY, TEXAS 75070
CONTACT: RICK JONES

ENGINEER
CUMULUS DESIGN, INC.
FIRM #14870
P.O. BOX 2119
EULESS, TEXAS 76039
PH: 214-235-0367
FAX: 214-235-0546

ZONING EXHIBIT FOR ZONING CHANGE REQUEST FROM E-40 TO EUD-C

DATE	DESCRIPTION	REV
09-17-18 <td>Issue Date <td>01</td> </td>	Issue Date <td>01</td>	01
2018-015 <td>Project No. <td>01</td> </td>	Project No. <td>01</td>	01
JCL <td>Drawn By <td>01</td> </td>	Drawn By <td>01</td>	01
JCL <td>Reviewed By <td>01</td> </td>	Reviewed By <td>01</td>	01

**ADVANTAGE STORAGE
LANDSCAPE MASTER PLAN**
CITY OF COLLEVILLE, TEXAS

JCL
J. CAMILLE LA FOY
LANDSCAPE ARCHITECTURE
1111 NORTH DALLAS STREET, SUITE 100
DALLAS, TEXAS 75201
PHONE: 214-235-0546
FAX: 214-235-0546

STEPHEN GRACE
6000 STERLING DRIVE
EMERALD PARK ADDITION
LOT 1, BLOCK 9
D.T.C.T.
USE: RESIDENTIAL
ZONING: PUD-R

LARRY STANLEY J. EST
1001 LAVACA TRAIL
LAVACA TRAIL ADDITION
LOT 1, BLOCK 5
INSTRUMENT NO. 2212230085
D.T.C.T.
RH MORRIS, ABSTRACT-1154
USE: RESIDENTIAL
ZONING: R-40

JERRELL W. JONES
8000 PRECINCT LINE ROAD
TRACT 1
D.T.C.T.
USE: COMMERCIAL
ZONING: PUD-C

W. Q. NEWTON ABSTRACT-1182

LIMITS OF 100-YEAR FLOODPLAIN FOR FEMA 05 FILES

30' UTILITY EASEMENT

8'x10' WATER EASEMENT

15' WATER EASEMENT

25' SETBACK

PRECINCT LINE ROAD (VARIABLE WIDTH E.O. #)

EXISTING CURB

EXISTING CONTOUR

PROPOSED CONTOUR

EXISTING TREE TO REMAIN

EXISTING TREE TO BE REMOVED (NOT MITIGATED)

EXISTING TREE TO BE REMOVED (MITIGATED)

CRITICAL ROOT ZONE

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EX. F.H.

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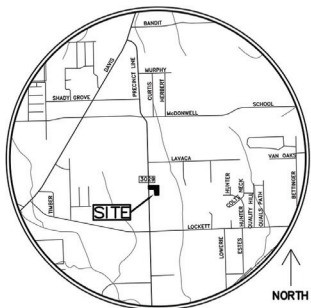
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15' WATER

Landscape Plan



VICINITY MAP
NTS

Tree Preservation for Tract 2 shall be reviewed per Chapter 5 of the Land Development Code prior to development of that tract or any portion thereof.

OWNER:
WILLIAM D SOLDER INVESTMENTS
2729 CRYSTAL RIDGE CIR
HURST, TEXAS 76054
CONTACT: BILLYE FOWLER
PH: 817-581-7701

DEVELOPER:
ADVANTAGE STORAGE
2600 ELIZABETH PKWY
SUITE 110
MCINNEY, TEXAS 75070
CONTACT: RICK JONES

ENGINEER:
CUMULUS DESIGN, INC.
FIRM #1470
P.O. BOX 2119
EULESS, TEXAS 76039
PH: 214-235-0367
FAX: 214-235-0546

III CAUTION III
UNDERGROUND UTILITIES

EXISTING UTILITIES AND UNDERGROUND FACILITIES INDICATED ON THESE PLANS HAVE BEEN LOCATED FROM REFERENCE INFORMATION SUPPLIED BY VARIOUS PARTIES. THE ENGINEER DOES NOT ASSUME THE RESPONSIBILITY FOR THE UTILITY LOCATIONS SHOWN. IT SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR(S) TO VERIFY THE HORIZONTAL AND VERTICAL LOCATION OF ALL UTILITIES AND UNDERGROUND FACILITIES PRIOR TO CONSTRUCTION. TO TAKE PRECAUTIONS IN ORDER TO PROTECT ALL FACILITIES ENCOUNTERED AND NOTIFY THE ENGINEER OF ALL CONFLICTS OF THE WORK WITH EXISTING FACILITIES. THE CONTRACTOR SHALL PROTECT AND MAINTAIN ALL UTILITIES FROM DAMAGE DURING CONSTRUCTION. ANY DAMAGE BY THE CONTRACTOR TO UTILITIES SHALL BE REPAIRED OR REPLACED BY THE CONTRACTOR AT THEIR OWN EXPENSE.

CALL: TEXAS ONE CALL 1-800-245-4545 AT LEAST 48 HRS PRIOR TO CONSTRUCTION.

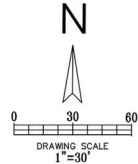
PRECINCT LINE ROAD
(VARIABLE WIDTH ROAD)



LEGEND	
	4\"/>
	4\"/>
	3\"/>
	5 gal. Indian Hawthorn
	5 gal. Variegated Pittosporum
	3 gal. Purple Fountain Grass
	3 gal. Spreading Yew
	3 gal. Mexican Feather Grass
	Sod Turf Grass

NOTE: THIS LANDSCAPE PLAN IS CONCEPTUAL IN NATURE AND IS NOT INTENDED TO DEPICT THE FINAL LANDSCAPE DESIGN OR INSTALLATION. IT IS OFFERED TO DEMONSTRATE THE STORAGE DEVELOPER'S INTENT IN TERMS OF NUMBERS OF TREES AND SHRUBS AND OVERALL LANDSCAPE DENSITY. FINAL LANDSCAPE PLANS FOR THE STORAGE SITE WILL BE SUBMITTED AT TIME OF SITE PLAN APPROVAL AND WILL CLOSELY FOLLOW THIS CONCEPT PLAN.

ACTUAL PAD SITE USERS ON TRACT TWO ARE YET TO BE DETERMINED AND FINAL PLANS WILL BE SUBMITTED AT THE TIME SUCH USERS SUBMIT PLANS FOR SITE PLAN APPROVAL. THE LANDSCAPE CONCEPT PLAN IS OFFERED TO DEPICT THE NUMBERS OF TREES AND OVERALL INTENSITY OF LANDSCAPE. FINAL PLANS WILL VARY.

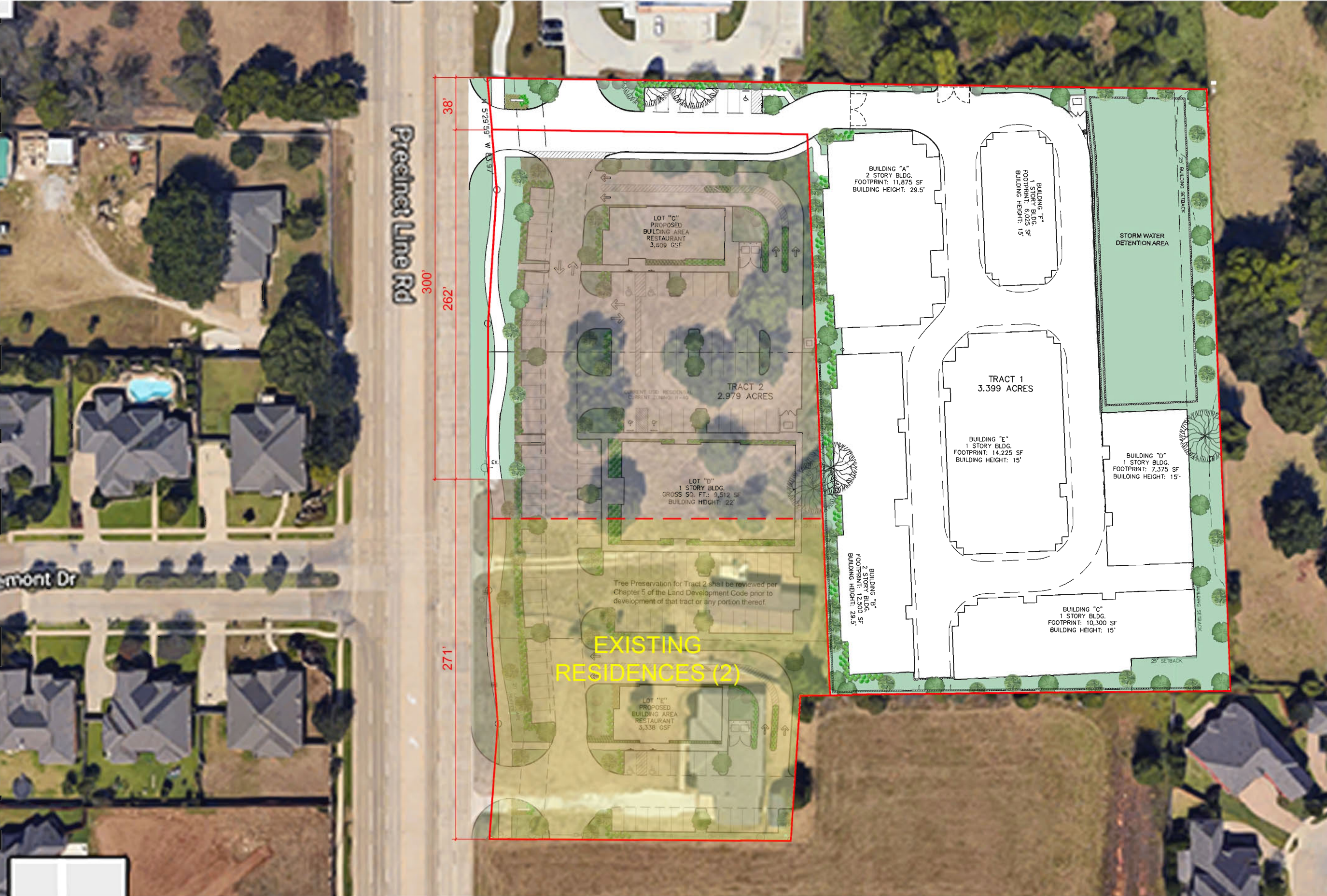


CONCEPTUAL LANDSCAPE PLAN
8060 PRECINCT LINE ROAD
±6.38 ACRES OF R. H. McWING AND W. C. NEWTON SURVEYS
CITY OF COLLEYVILLE, TARRANT COUNTY, TEXAS

PLOT DATE	09/08/18
DRAWING SCALE	1" = 30'
PROJECT NUMBER	
SHEET NUMBER	

ZONING EXHIBIT FOR ZONING CHANGE
REQUEST FROM B-42 TO EUD-G

ADVANTAGE STORAGE
8060 NORTH PRECINCT LINE
STREET LANDSCAPE EXHIBIT



**SCHEMATIC
DESIGN
REVIEW**
NOT FOR REGULATORY
APPROVAL, PERMITTING, OR
CONSTRUCTION

[illegible]

Advantage Storage - Colleyville

PROJECT NUMBER

1735

DATE _____

09.07.18

SHEET NUMBER
A 1 0

A1.0



RIGHT SIDE ELEVATION
SCALE: 1" = 10'-0"

Architectural elevation drawing of the proposed building facade. The drawing shows a multi-story building with various materials and heights. Key features and labels include:

- EPS CORNICE, TYP.
- STONE VENEER, TYP.
- 30'-0" A.F.F. TOP OF PARAPET
- 24'-0" A.F.F. TOP OF PARAPET
- 22'-0" A.F.F. TOP OF PARAPET
- BRICK VENEER, TYP.
- METAL AWNING
- MONUMENTAL CMU/ WANSKOT
- 20'-0" A.F.F. TOP OF PARAPET

WEST (PRECINT LINE ROAD) ELEVATION
SCALE: 1" = 10'-0"

RIGHT SIDE ELEVATION
SCALE: 1" = 10'-0"



STONE VENEER
AUSTIN STONE
COLOR: NICOTINE



BRICK VENEER
SIOUX CITY
DOESKIN

BRICK ACCENTS
SIOUX CITY
WHITE VELOUR



**MONUMENTAL
CMU TRIM**
HEADWATERS
WHITE GROUNDFACE



**STANDING SEAM
METAL ROOFING**
MBCI
SLATE GRAY

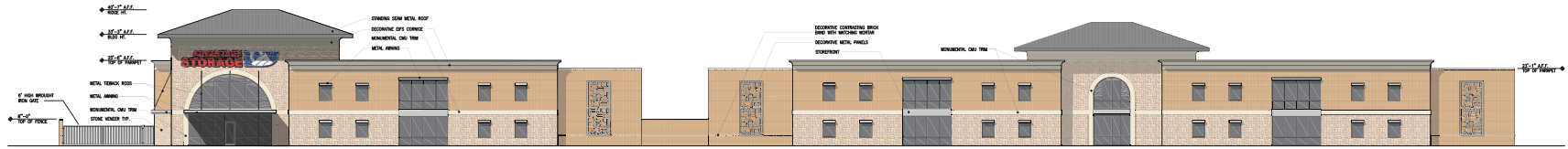


WINDOW FRAMES
ANODIZED ALUMINUM

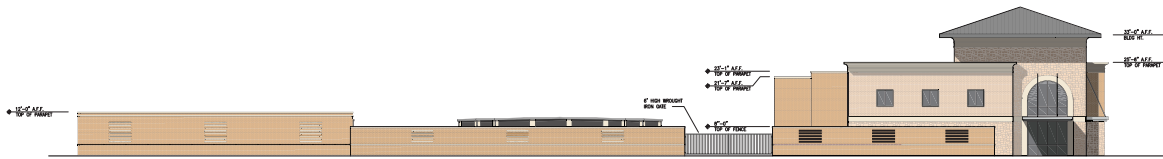
EIFFS CORNICE
SHERWIN WILLIAMS
SUMMER WHITE

NOTE:
The Concept Elevations shown are solely intended as examples of how the envisioned architectural language of the development may be executed. Final and actual elevations shall be submitted for review and approval at such time when the property is developed.

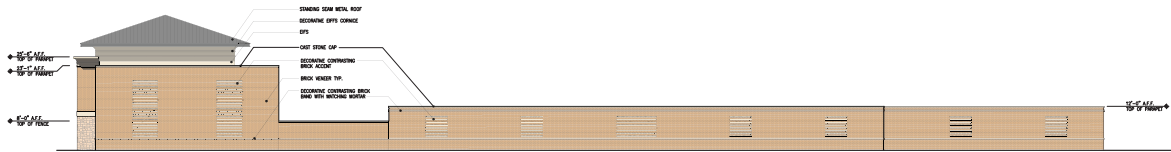
Building Elevations



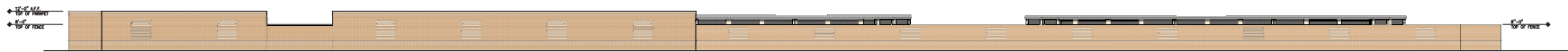
WEST (PRECINCT LINE ROAD) ELEVATION
SCALE: 1/16" = 1'-0"



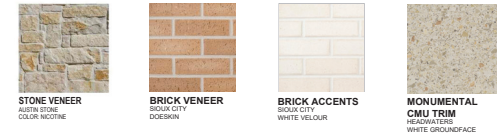
NORHT ELEVATION
SCALE: 1/16" = 1'-0"



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



EAST (BACK) ELEVATION
SCALE: 1/16" = 1'-0"



- Sign comprised of reinforced dark bronze face, letters and images are cut in relief with white lexan laminated behind. Backlit with LED.



100 NORTH TRAVIS STREET
SUITE NO.500A
SHERMAN, TEXAS 75090
903 893 5800
www.davidbocastudio.com

**SCHEMATIC
DESIGN
REVIEW**
NOT FOR REGULATORY
APPROVAL, PERMITTING, OR
CONSTRUCTION

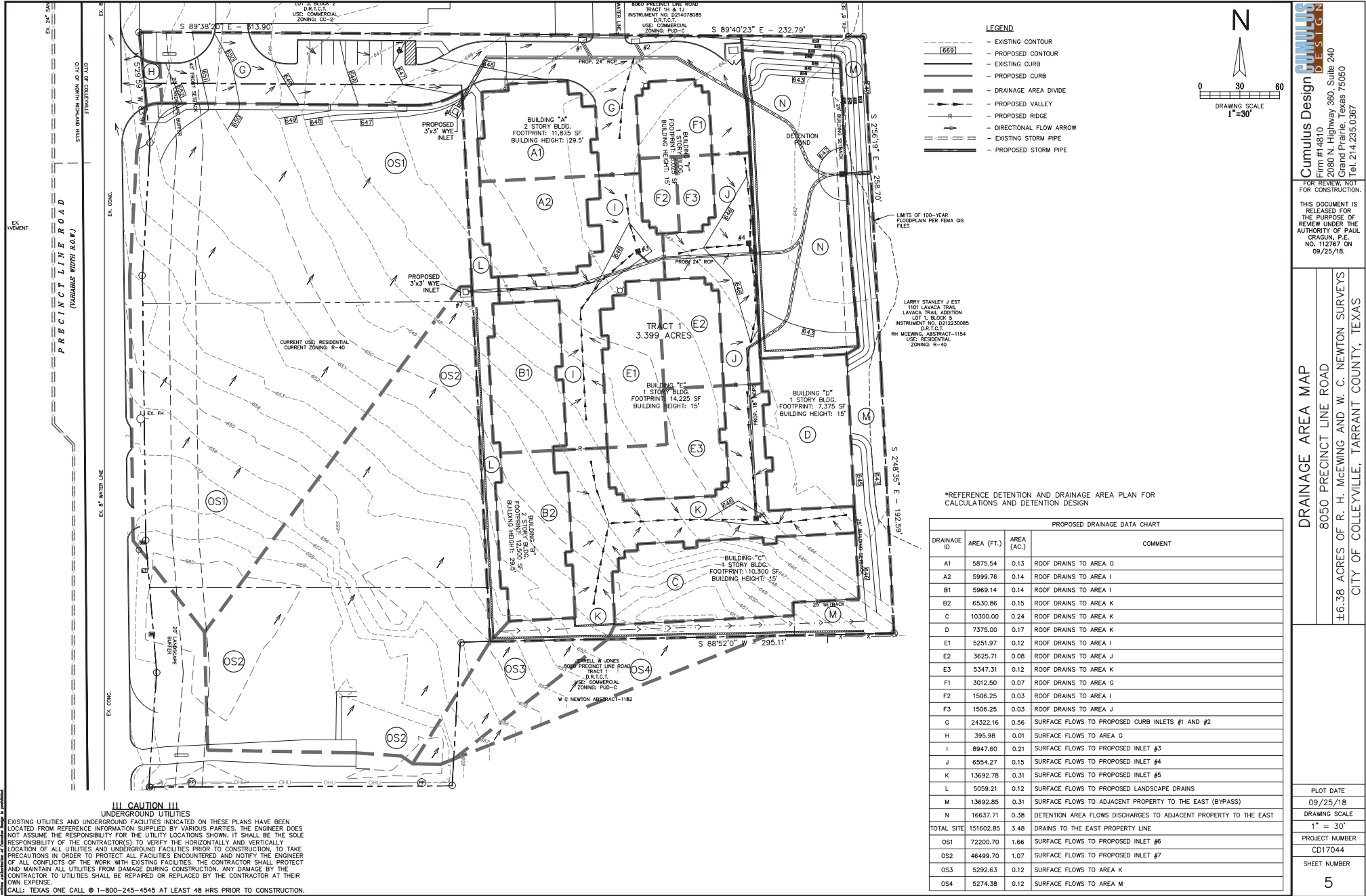
REVISIONS		
NO.	DESCRIPTION	DATE
1	BUILDING FOOTPRINT CHANGES	01.10.2018

exterior elevations; REVISED 09.25.18

Advantage Storage - Colleyville

PROJECT NUMBER
1735
DATE
11.20.17
SHEET NUMBER
SUP-1

Drainage Exhibit



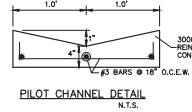
Drainage Plan

LEGEND

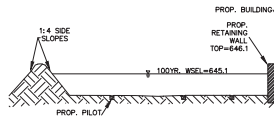
- EXISTING CURB
- PROPOSED CURB
- PROPOSED STORM PIPE
- 669 — EXISTING CONTOUR
- 669 — PROPOSED CONTOUR

DRAINAGE NOTES:

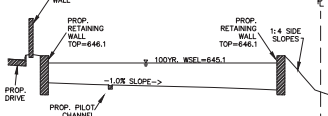
1. ALL MATERIALS AND CONSTRUCTION SHALL CONFORM TO THE CITY'S STANDARD CONSTRUCTION DETAILS AND SPECIFICATIONS EXCEPT AS NOTED HEREIN OR APPROVED BY THE CITY.
2. DURING THE CONSTRUCTION OF THE STORM AND DETENTION POND IMPROVEMENTS, ANY INTERPRETATION OF THE CITY'S STANDARD DETAILS AND SPECIFICATIONS MUST BE APPROVED BY THE DIRECTOR OF PUBLIC WORKS OR THEIR DESIGNEE. BEFORE ANY CONSTRUCTION INVOLVING THAT DECISION COMMENCES, ASSUMPTIONS ABOUT WHAT THESE DECISIONS MIGHT BE WHICH ARE MADE DURING THE BIDDING PHASE WILL HAVE NO BEARING ON THE DECISION.



NOTE:
CITY DESIGN STANDARDS/NOTES
SHALL BE USED FOR THE
CONSTRUCTION OF THIS PROJECT



POND SECTION B-B

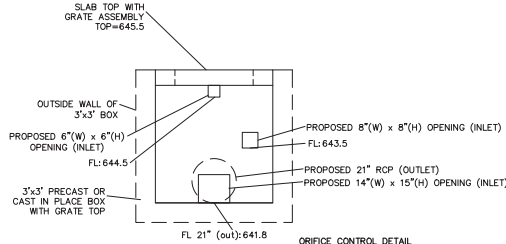


POND SECTION A-A

DETENTION POND DATA

STORM EVENT (YEAR)	EXISTING RUNOFF TO THE EAST (INCLUDING OFFSITE) (CFS)	PROPOSED SITE RUNOFF TO THE EAST (CFS)	DETENTION POND WATER SURFACE ELEVATION (FT)	RELEASE FROM 14\"(W) x 8\"(H) ORIFICE (CFS)	MAX RELEASE FROM 8\"(W) x 8\"(H) ORIFICE (CFS)	MAX RELEASE FROM 6\"(W) x 6\"(H) ORIFICE (CFS)	MAX RELEASE RATE FROM DETENTION (CFS)	BYPASS FLOW FROM THE SITE TO THE EAST (CFS)	TOTAL RELEASE FROM THE SITE TO THE EAST (CFS)	DETENTION VOLUME (CF)
100	17.9	50.6	645.1	11.4	2.4	0.7	14.4	3.5	17.9	35625
50	16.2	46.0	644.8	10.7	2.0	0.2	12.9	3.1	16.0	31088
25	14.6	41.4	644.5	10.0	1.7	0.0	11.7	2.8	14.5	27094
10	12.6	35.7	644.1	9.1	1.1	0.0	10.2	2.4	12.6	22047
5	11.1	31.5	643.9	8.4	0.5	0.0	8.9	2.1	11.0	18629
2	9.1	25.8	643.5	7.1	0.0	0.0	7.1	1.8	8.9	13160

THE DETENTION POND IS DESIGNED TO HANDLE THE ENTIRE DEVELOPMENT OF 8060 PRECINCT LINE, AND NOT ONLY THE SELF-STORAGE DEVELOPMENT.



NOTE:
ORIFICE EQUATION $Q = C \cdot A \cdot (2 \cdot g \cdot H)^{0.5}$ WAS USED FOR THE DETENTION POND CALCULATIONS WITH A C VALUE OF 0.6.

THE PRIMARY INLET FOR THE DETENTION POND ARE 3 ORIFICES AT VARIOUS ELEVATIONS. THE BOTTOM ORIFICE IS 14\" WIDE BY 15\" TALL. THE MIDDLE ORIFICE IS 8\" WIDE BY 8\" TALL AND THE TOP ORIFICE IS 6\" WIDE BY 6\" TALL OPENING (OUT OR Poured IN PLACE) INTO THE SIDE OF THE 3'x3' CONCRETE BOX. THE OUTLET FOR THE DETENTION POND IS AN 21\" RCP LOCATED IN THE 3'x3' PRECAST BOX.

EXISTING DRAINAGE DATA CHART

DRAINAGE ID	AREA (FT ²)	AREA (AC.)	C	I ₂ (in/hr)	I ₅ (in/hr)	I ₁₀ (in/hr)	I ₂₅ (in/hr)	I ₅₀ (in/hr)	I ₁₀₀ (in/hr)	Q ₂ (cfs)	Q ₅ (cfs)	Q ₁₀ (cfs)	Q ₂₅ (cfs)	Q ₅₀ (cfs)	Q ₁₀₀ (cfs)	COMMENT
SITE	151602.85	3.48	0.30	4.71	5.74	6.51	7.55	8.40	9.24	4.9	6.0	6.8	7.9	8.8	9.6	DRAINS TO THE EAST PROPERTY LINE
TOTAL SITE	151602.85	3.48								4.9	6.0	6.8	7.9	8.8	9.6	DRAINS TO THE EAST PROPERTY LINE
OS	129287.41	2.97	0.30	4.71	5.74	6.51	7.55	8.40	9.24	4.2	5.1	5.8	6.7	7.5	8.2	DRAINS TO THE SITE

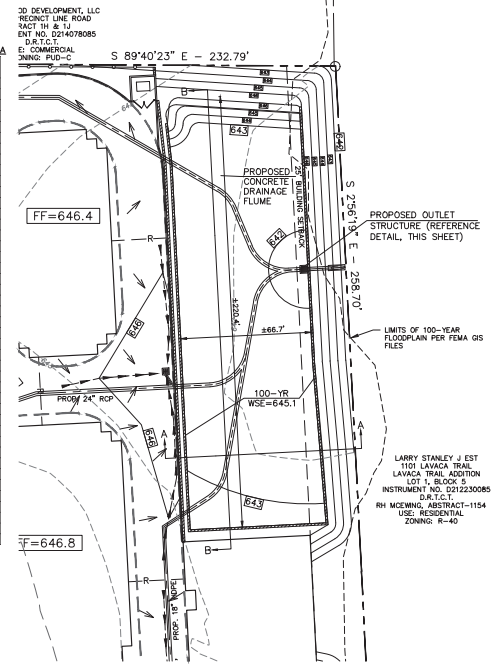
CAUTION

EXISTING UTILITIES AND UNDERGROUND FACILITIES INDICATED ON THESE PLANS HAVE BEEN LOCATED FROM REFERENCE INFORMATION SUPPLIED BY VARIOUS PARTIES. THE ENGINEER DOES NOT ASSUME THE RESPONSIBILITY FOR THE UTILITY LOCATIONS SHOWN. IT SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR(S) TO VERIFY THE HORIZONTALLY AND VERTICALLY LOCATION OF ALL UTILITIES AND UNDERGROUND FACILITIES PRIOR TO CONSTRUCTION, TO TAKE PRECAUTIONS IN ORDER TO PROTECT ALL FACILITIES ENCOUNTERED AND NOTIFY THE ENGINEER OF ALL CONFLICTS OF THE WORK WITH EXISTING FACILITIES. THE CONTRACTOR SHALL PROTECT AND MAINTAIN ALL UTILITIES FROM DAMAGE DURING CONSTRUCTION. ANY DAMAGE BY THE CONTRACTOR TO UTILITIES SHALL BE REPAIRED OR REPLACED BY THE CONTRACTOR AT THEIR OWN EXPENSE.

CALL: TEXAS ONE CALL @ 1-800-245-4545 AT LEAST 48 HRS PRIOR TO CONSTRUCTION.

GENERAL DETENTION POND DATA

Elevation (feet)	Surface (sq-ft)	Storage (cubic-feet)
641.8	0	0
641.9	157	5
642.0	628	40
642.1	1,406	141
642.2	2,493	333
642.3	3,889	650
642.4	5,594	1,121
642.5	7,609	1,779
642.6	9,536	2,586
642.7	11,515	3,485
642.8	13,548	4,491
642.9	15,635	5,599
643.0	17,774	6,829
643.1	19,913	8,104
643.2	22,052	9,402
643.3	24,192	10,714
643.4	26,333	12,040
643.5	28,475	13,381
643.6	30,618	14,735
643.7	32,761	16,104
643.8	34,905	17,488
643.9	37,050	18,885
644.0	39,195	20,298
644.1	41,340	21,719
644.2	43,486	23,149
644.3	45,632	24,570
644.4	47,778	26,000
644.5	49,924	27,433
644.6	52,070	28,869
644.7	54,216	30,309
644.8	56,362	31,751
644.9	58,508	33,196
645.0	60,654	34,645
645.1	62,800	36,096
645.2	64,946	37,551
645.3	67,092	39,009
645.4	69,238	40,470
645.5	71,384	41,933
645.6	73,530	43,400
645.7	75,676	44,871
645.8	77,822	46,344
645.9	79,968	47,820
646.0	82,114	49,300

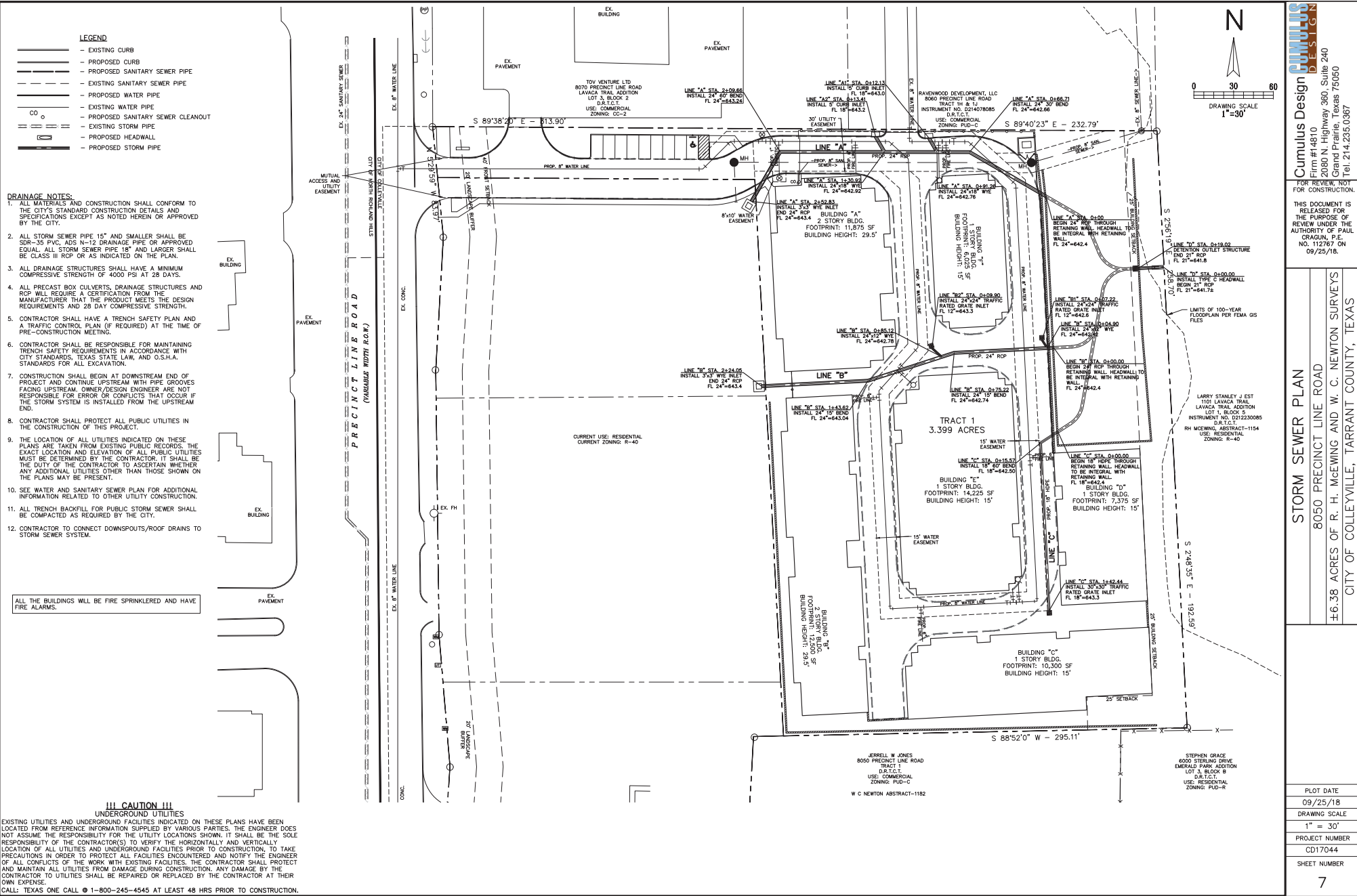


DRAINAGE ID	AREA (FT ²)	AREA (AC.)	C	I ₂ (in/hr)	I ₅ (in/hr)	I ₁₀ (in/hr)	I ₂₅ (in/hr)	I ₅₀ (in/hr)	I ₁₀₀ (in/hr)	Q ₂ (cfs)	Q ₅ (cfs)	Q ₁₀ (cfs)	Q ₂₅ (cfs)	Q ₅₀ (cfs)	Q ₁₀₀ (cfs)	COMMENT
A1	5875.54	0.13	0.85	4.71	5.74	6.51	7.55	8.40	9.24	0.5	0.7	0.7	0.9	1.0	1.1	ROOF DRAINS TO AREA G
A2	5999.76	0.14	0.85	4.71	5.74	6.51	7.55	8.40	9.24	0.6	0.7	0.8	0.9	1.0	1.1	ROOF DRAINS TO AREA I
B1	5969.14	0.14	0.85	4.71	5.74	6.51	7.55	8.40	9.24	0.5	0.7	0.8	0.9	1.0	1.1	ROOF DRAINS TO AREA I
B2	6530.86	0.15	0.85	4.71	5.74	6.51	7.55	8.40	9.24	0.6	0.7	0.8	1.0	1.1	1.2	ROOF DRAINS TO AREA K
C	10300.00	0.24	0.85	4.71	5.74	6.51	7.55	8.40	9.24	0.9	1.2	1.3	1.5	1.7	1.9	ROOF DRAINS TO AREA K
D	7375.00	0.17	0.85	4.71	5.74	6.51	7.55	8.40	9.24	0.7	0.8	0.9	1.1	1.2	1.3	ROOF DRAINS TO AREA K
E1	5251.97	0.12	0.85	4.71	5.74	6.51	7.55	8.40	9.24	0.5	0.6	0.7	0.8	0.9	0.9	ROOF DRAINS TO AREA I
E2	3625.71	0.08	0.85	4.71	5.74	6.51	7.55	8.40	9.24	0.3	0.4	0.5	0.5	0.6	0.7	ROOF DRAINS TO AREA J
E3	5347.31	0.12	0.85	4.71	5.74	6.51	7.55	8.40	9.24	0.5	0.6	0.7	0.8	0.9	1.0	ROOF DRAINS TO AREA K
F1	3012.50	0.07	0.85	4.71	5.74	6.51	7.55	8.40	9.24	0.3	0.3	0.4	0.4	0.5	0.5	ROOF DRAINS TO AREA G
F2	1506.25	0.03	0.85	4.71	5.74	6.51	7.55	8.40	9.24	0.1	0.2	0.2	0.2	0.2	0.3	ROOF DRAINS TO AREA I
F3	1506.25	0.03	0.85	4.71	5.74	6.51	7.55	8.40	9.24	0.1	0.2	0.2	0.2	0.2	0.3	ROOF DRAINS TO AREA J
G	24322.16	0.56	0.85	4.71	5.74	6.51	7.55	8.40	9.24	2.2	2.7	3.1	3.6	4.0	4.4	SURFACE FLOWS TO PROPOSED CURB INLETS #1 AND #2
H	395.98	0.01	0.85	4.71	5.74	6.51	7.55	8.40	9.24	0.0	0.0	0.1	0.1	0.1	0.1	SURFACE FLOWS TO AREA G
I	8947.60	0.21	0.85	4.71	5.74	6.51	7.55	8.40	9.24	0.8	1.0	1.1	1.3	1.5	1.6	SURFACE FLOWS TO PROPOSED INLET #3
J	6554.27	0.15	0.85	4.71	5.74	6.51	7.55	8.40	9.24	0.6	0.7	0.8	1.0	1.1	1.2	SURFACE FLOWS TO PROPOSED INLET #4
K	13692.78	0.31	0.85	4.71	5.74	6.51	7.55	8.40	9.24	1.3	1.5	1.7	2.0	2.2	2.5	SURFACE FLOWS TO PROPOSED INLET #5
L	5059.21	0.12	0.85	4.71	5.74	6.51	7.55	8.40	9.24	0.5	0.6	0.7	0.8	0.9	0.9	SURFACE FLOWS TO PROPOSED LANDSCAPE DRAINS
M	13692.85	0.31	0.85	4.71	5.74	6.51	7.55	8.40	9.24	1.3	1.5	1.7	2.0	2.2	2.5	SURFACE FLOWS TO ADJACENT PROPERTY TO THE EAST (BYPASS)
N	16637.71	0.38	0.85	4.71	5.74	6.51	7.55	8.40	9.24	1.5	1.9	2.1	2.5	2.7	3.0	DETENTION AREA FLOWS DISCHARGES TO ADJACENT PROPERTY TO THE EAST
TOTAL SITE	151602.8500	3.48								0.5	0.7	0.7	0.9	1.0	1.1	DRAINS TO THE EAST PROPERTY LINE
OS1	72200.70	1.66	0.85	4.71	5.74	6.51	7.55	8.40	9.24	6.6	8.1	9.2	10.6	11.8	13.0	SURFACE FLOWS TO PROPOSED INLET #6
OS2	46499.70	1.07	0.85	4.71	5.74	6.51	7.55	8.40	9.24	4.3	5.2	5.9	6.9	7.6	8.4	SURFACE FLOWS TO PROPOSED INLET #7
OS3	5292.63	0.12	0.85	4.71	5.74	6.51	7.55	8.40	9.24	0.5	0.6	0.7	0.8	0.9	1.0	SURFACE FLOWS TO AREA K
OS4	5274.38	0.12	0.85	4.71	5.74	6.51	7.55	8.40	9.24	0.5	0.6	0.7	0.8	0.9	1.0	SURFACE FLOWS TO AREA M

DETENTION AND DRAINAGE PLAN
8050 PRECINCT LINE ROAD
±6.38 ACRES OF R. H. McEWING AND W. C. NEWTON SURVEY'S
CITY OF COLLEYVILLE, TARRANT COUNTY, TEXAS

PLOT DATE
09/25/18
DRAWING SCALE
1\"= 30'
PROJECT NUMBER
CD17044
SHEET NUMBER

Storm Sewer Plan



Water and Sanitary Sewer Plan

LEGEND

- EXISTING CURB
- PROPOSED CURB
- PROPOSED SANITARY SEWER PIPE
- EXISTING SANITARY SEWER PIPE
- PROPOSED WATER PIPE
- EXISTING WATER PIPE
- PROPOSED SANITARY SEWER CLEANOUT
- EXISTING STORM PIPE
- PROPOSED HEADWALL
- PROPOSED STORM PIPE

DRAINAGE NOTES:

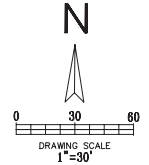
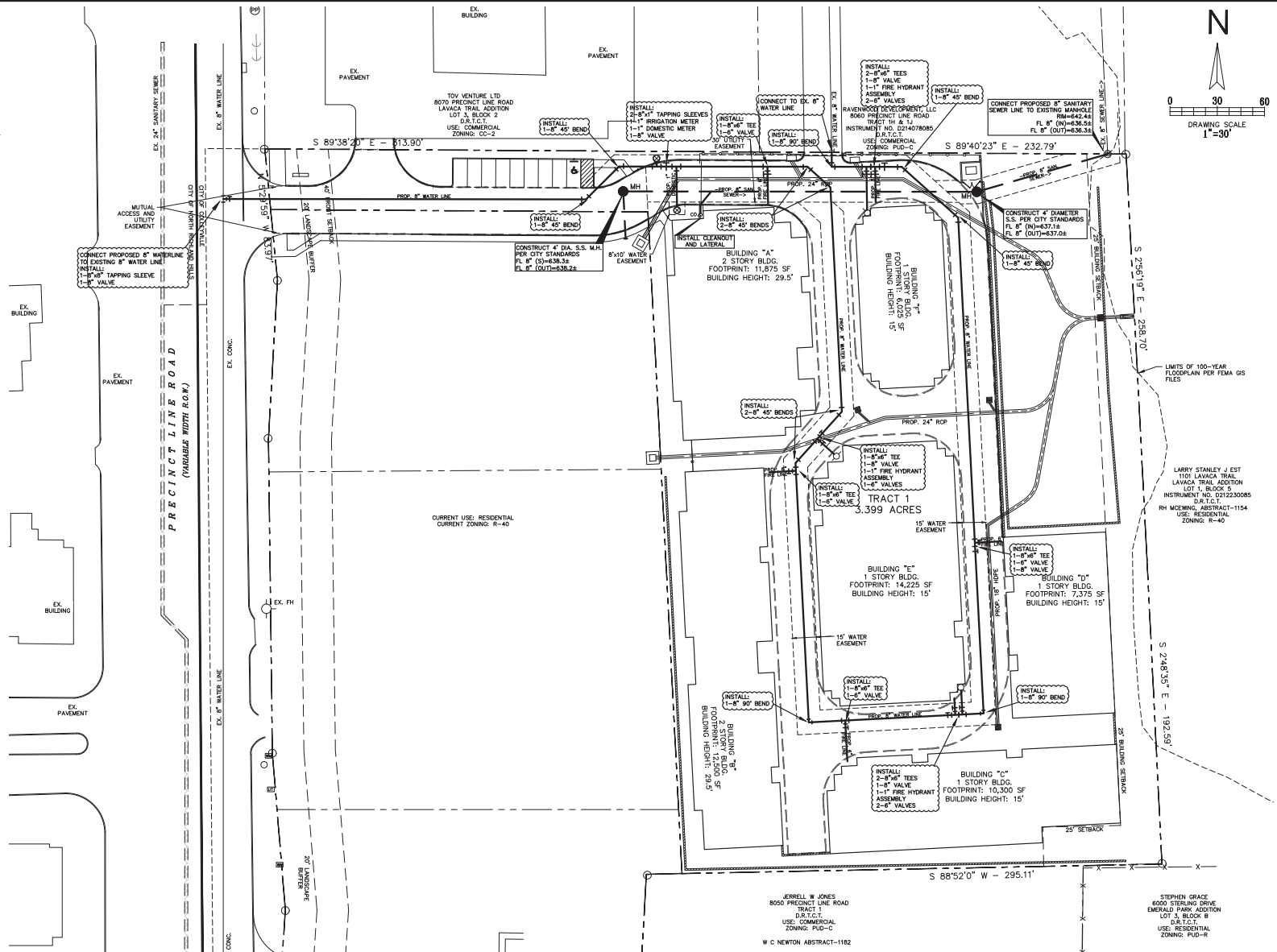
1. ALL MATERIALS AND CONSTRUCTION SHALL CONFORM TO THE CITY'S STANDARD CONSTRUCTION DETAILS AND SPECIFICATIONS EXCEPT AS NOTED HEREIN OR APPROVED BY THE CITY.
2. ALL STORM SEWER PIPE 15" AND SMALLER SHALL BE SDR-35 PVC, ADS N-12 DRAINAGE PIPE OR APPROVED EQUAL. ALL STORM SEWER PIPE 18" AND LARGER SHALL BE CLASS III RCP OR AS INDICATED ON THE PLAN.
3. ALL DRAINAGE STRUCTURES SHALL HAVE A MINIMUM COMPRESSIVE STRENGTH OF 4000 PSI AT 28 DAYS.
4. ALL PRECAST BOX CULVERTS, DRAINAGE STRUCTURES AND RCP WILL REQUIRE A CERTIFICATION FROM THE MANUFACTURER THAT THE PRODUCT MEETS THE DESIGN REQUIREMENTS AND 28 DAY COMPRESSIVE STRENGTH.
5. CONTRACTOR SHALL HAVE A TRENCH SAFETY PLAN AND A TRAFFIC CONTROL PLAN (IF REQUIRED) AT THE TIME OF PRE-CONSTRUCTION MEETING.
6. CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING TRENCH SAFETY REQUIREMENTS IN ACCORDANCE WITH CITY STANDARDS, TEXAS STATE LAW, AND O.S.H.A. STANDARDS FOR ALL EXCAVATION.
7. CONSTRUCTION SHALL BEGIN AT DOWNSTREAM END OF PROJECT AND CONTINUE UPSTREAM WITH PIPE GROOVES FACING UPSTREAM. OWNER/DESIGN ENGINEER ARE NOT RESPONSIBLE FOR ERROR OR CONFLICTS THAT OCCUR IF THE STORM SYSTEM IS INSTALLED FROM THE UPSTREAM END.
8. CONTRACTOR SHALL PROTECT ALL PUBLIC UTILITIES IN THE CONSTRUCTION OF THIS PROJECT.
9. THE LOCATION OF ALL UTILITIES INDICATED ON THESE PLANS ARE TAKEN FROM EXISTING PUBLIC RECORDS. THE EXACT LOCATION AND ELEVATION OF ALL PUBLIC UTILITIES MUST BE DETERMINED BY THE CONTRACTOR. IT SHALL BE THE DUTY OF THE CONTRACTOR TO ASCERTAIN WHETHER ANY ADDITIONAL UTILITIES OTHER THAN THOSE SHOWN ON THE PLANS MAY BE PRESENT.
10. SEE WATER AND SANITARY SEWER PLAN FOR ADDITIONAL INFORMATION RELATED TO OTHER UTILITY CONSTRUCTION.
11. ALL TRENCH BACKFILL FOR PUBLIC STORM SEWER SHALL BE COMPACTED AS REQUIRED BY THE CITY.
12. CONTRACTOR TO CONNECT DOWNSPOUTS/ROOF DRAINS TO STORM SEWER SYSTEM.

ALL THE BUILDINGS WILL BE FIRE SPRINKLERED AND HAVE FIRE ALARMS.

!!! CAUTION !!!

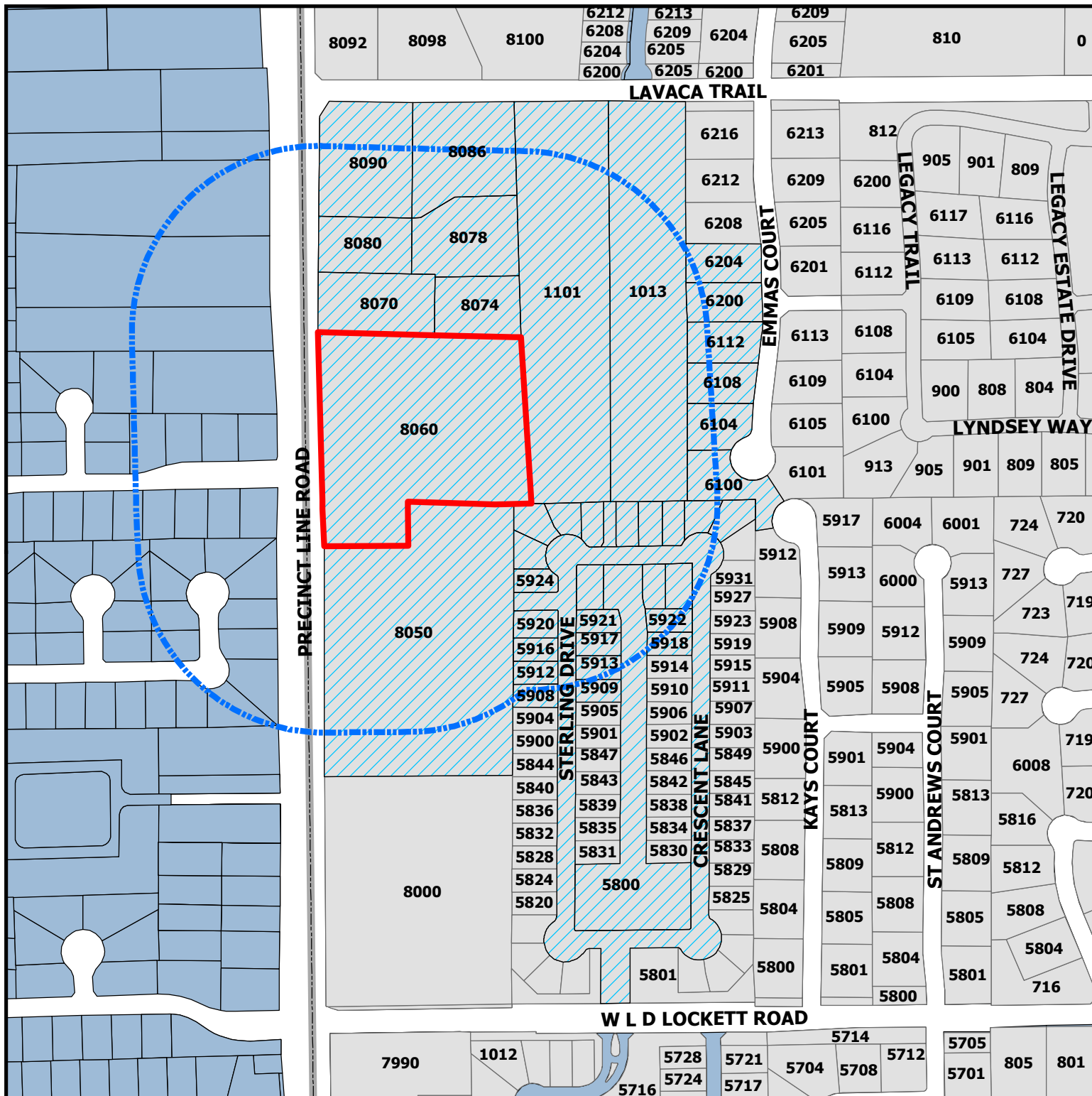
UNDERGROUND UTILITIES
EXISTING UTILITIES AND UNDERGROUND FACILITIES INDICATED ON THESE PLANS HAVE BEEN LOCATED FROM REFERENCE INFORMATION SUPPLIED BY VARIOUS PARTIES. THE ENGINEER DOES NOT ASSUME THE RESPONSIBILITY FOR THE UTILITY LOCATIONS SHOWN. IT SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR(S) TO VERIFY THE HORIZONTAL AND VERTICAL LOCATION OF ALL UTILITIES AND UNDERGROUND FACILITIES PRIOR TO CONSTRUCTION, TO TAKE PRECAUTIONS IN ORDER TO PROTECT ALL FACILITIES ENCOUNTERED AND NOTIFY THE ENGINEER OF ALL CONFLICTS OF THE WORK WITH EXISTING FACILITIES. THE CONTRACTOR SHALL PROTECT AND MAINTAIN ALL UTILITIES FROM DAMAGE DURING CONSTRUCTION. ANY DAMAGE BY THE CONTRACTOR TO UTILITIES SHALL BE REPAIRED OR REPLACED BY THE CONTRACTOR AT THEIR OWN EXPENSE.
CALL: TEXAS ONE CALL @ 1-800-245-4545 AT LEAST 48 HRS PRIOR TO CONSTRUCTION.

\\SERVER-PC\SERVER\2017 PROJECTS\CD17044 - PRECINCT LINE ROAD IN COLLEYVILLE\PLAN\WATER & SANITARY SEWER PLAN (CD17044.DWG)



Cumulus Design Firm #14810 2080 N. Highway 360, Suite 240 Grand Prairie, Texas 75050 Tel. 214.235.0367	
FOR REVIEW, NOT FOR CONSTRUCTION. THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF REVIEW UNDER THE AUTHORITY OF PAUL CRAGIN, P.E. NO. 112767 ON 09/25/18.	
WATER & SANITARY SEWER PLAN 8050 PRECINCT LINE ROAD ±6.38 ACRES OF R. H. McEWING AND W. C. NEWTON SURVEY'S CITY OF COLLEYVILLE, TARRANT COUNTY, TEXAS	
PLOT DATE 09/25/18	DRAWING SCALE 1" = 30'
PROJECT NUMBER CD17044	SHEET NUMBER 8

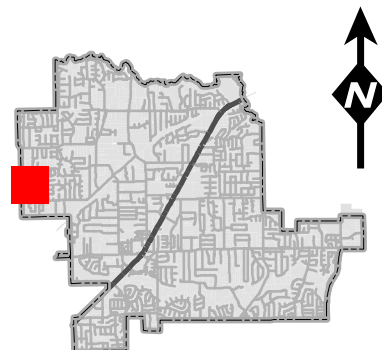
Notification Map



ZC18-028

8060 Precinct Line Road

-  Subject Property
-  500ft Buffer
-  Properties within 500ft
-  Properties Outside the City Limit



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.

Notification List

Owner Name	Owner Address	Owner City	Owner Zip	Situs Address
CARRINGTON, WADE	6004 STERLING DR	COLLEYVILLE, TX	76034	6004 STERLING DR
TISSERA, SHIMAL A	5921 STERLING DR	COLLEYVILLE, TX	76034	5921 STERLING DR
BRICE, TONY J	6021 STERLING DR	COLLEYVILLE, TX	76034	6021 STERLING DR
TOV VENTURE LTD	16950 DALLAS PKWY STE 120	DALLAS, TX	75248	8070 PRECINCT LINE RD
GRACE, STEPHEN	6000 STERLING DR	COLLEYVILLE, TX	76034	6000 STERLING DR
SMITH, FERMAN P	5918 CRESCENT LN	COLLEYVILLE, TX	76034	5918 CRESCENT LN
EISENBARTH, JENNIFER	6032 STERLING DR	COLLEYVILLE, TX	76034	6032 STERLING DR
MILLS, ANDREW E	6008 STERLING DR	COLLEYVILLE, TX	76034	6008 STERLING DR
PIETROBON, JOHN	5916 STERLING DR	COLLEYVILLE, TX	76034	5916 STERLING DR
OLIPHANT, NEKESHA	5909 STERLING DR	COLLEYVILLE, TX	76034	5909 STERLING DR
PANCHAL, PRINCE H	6024 STERLING DR	COLLEYVILLE, TX	76034	6024 STERLING DR
NEILSON, HOWARD	5922 CRESCENT LN	COLLEYVILLE, TX	76034	5922 CRESCENT LN
EMERALD PARK H A INC	400 COUNTRY PL	COLLEYVILLE, TX	76034	6012 STERLING DR
VUJ, DON C	5908 STERLING DR	COLLEYVILLE, TX	76034	5908 STERLING DR
SINGLES, BRANDON S	5912 STERLING DR	COLLEYVILLE, TX	76034	5912 STERLING DR
SAKURAI, KAORU	5917 STERLING DR	COLLEYVILLE, TX	76034	5917 STERLING DR
DUDDING, MICHAEL	6025 STERLING DR	COLLEYVILLE, TX	76034	6025 STERLING DR
SL2 SALON SUITES LLC	7600 QUARTERING	NORTH RICHLAND HILLS, TX	76182	8080 PRECINCT LINE RD
SPRING, AYESHANILL	5913 STERLING DR	COLLEYVILLE, TX	76034	5913 STERLING DR
SIMMONS, DAVID	5924 STERLING DR	COLLEYVILLE, TX	76034	5924 STERLING DR
GRASSI, KAREN	6005 STERLING DR	COLLEYVILLE, TX	76034	6005 STERLING DR
ROTHROCK, ANGEL	5920 STERLING DR	COLLEYVILLE, TX	76034	5920 STERLING DR
CROWE, DANIEL L	6028 STERLING DR	COLLEYVILLE, TX	76034	6028 STERLING DR
EMERALD PARK H A INC	400 COUNTRY PL	COLLEYVILLE, TX	76034	5800 CRESCENT LN
LARSEN, SCOTT R	6016 STERLING DR	COLLEYVILLE, TX	76034	6016 STERLING DR
JONES, JERRELL W	11111 ABBEYWOOD	OKLAHOMA CITY, OK	73170	8050 PRECINCT LINE RD
KWUN, SUN T	5928 STERLING DR	COLLEYVILLE, TX	76034	5928 STERLING DR
EMERALD PARK H A INC	400 COUNTRY PL	COLLEYVILLE, TX	76034	5802 CRESCENT LN
WILLIAM D SOUDER INVESTMENTS	2729 CRYSTAL RIDGE CIR	HURST, TX	76054	8060 PRECINCT LINE RD
CAREY, DEVIN J	6020 STERLING DR	COLLEYVILLE, TX	76034	6020 STERLING DR
JAETZOLD, CORY B	6204 EMMAS CT	COLLEYVILLE, TX	76034	6204 EMMAS CT
THE BIG EASY BLUES AND CARE FR	6112 EMMAS CT	COLLEYVILLE, TX	76034	6112 EMMAS CT
L T ESTATES HOA INC	215 W COLLEGE ST	GRAPEVINE, TX	76051	6100 EMMAS CT
WARRICK, DAVID	6104 EMMAS CT	COLLEYVILLE, TX	76034	6104 EMMAS CT
PATEL, SHAILESH	6108 EMMAS CT	COLLEYVILLE, TX	76034	6108 EMMAS CT
PAL, ROHAN	6200 EMMAS CT	COLLEYVILLE, TX	76034	6200 EMMAS CT
STANLEY, LARRY J EST	1101 LAVACA TR	COLLEYVILLE, TX	76034	1101 LAVACA TR
RAVENWOOD DEVELOPMENT LLC	131 QUEST CT	KELLER, TX	76248	8078 PRECINCT LINE RD
FEGAN, DENNIS J	1303 BELLEFONTE LN	COLLEYVILLE, TX	76034	1013 LAVACA TR
LINLES PROPERTIES LTD	2601 HIGHLAND MEADOW DR	COLLEYVILLE, TX	76034	8090 PRECINCT LINE RD
RAVENWOOD DEVELOPMENT LLC	131 QUEST CT	KELLER, TX	76248	8086 PRECINCT LINE RD
RAVENWOOD DEVELOPMENT LLC	131 QUEST CT	KELLER, TX	76248	8074 PRECINCT LINE RD
EMERALD PARK ADDITION -COLLEY	5837 CRESCENT	COLLEYVILLE, TX	76034	COURTESY NOTICE
LAVACA TRAIL ESTATES		COLLEYVILLE, TX	76034	COURTESY NOTICE
VILLAS OF COLLEYVILLE	9001 AIRPORT FREEWAY SUITE 450	NORTH RICHLAND HILLS, TX	76180	COURTESY NOTICE
KELLER ISD	350 KELLER PKWY	KELLER, TX	76248	STATE REQUIRED
JONES, RICK	2600 ELDORADO PARKWAY, SUITE 110	MCKINNEY, TX	75070	APPLICANT

Public hearing notices were mailed September 21, 2018 by Araceli Botello



NOTICE OF PUBLIC HEARING

Zoning Case Number: ZC18-028
Applicant: Rick Jones
Owner: Billye Fowler
Location: 8060 Precinct Line Road
Property Description: Tract 1, Abstract 1154, in the R H McEwing Survey and Tract 1G, Abstract A1182, in the Less Homesite Survey
Present Zoning: R-40 Single Family Residential
Request: Consideration of a zoning change from R-40 Single Family Residential district to PUD-C Planned Unit Development – Commercial district. The purpose is to allow for the development of a self-storage facility on the eastern portion of the property and potentially 3 retail/restaurant buildings on the western portion of the property

The City of Colleyville has scheduled public hearings concerning the above referenced request on the following dates and location:

Planning and Zoning Commission Meeting: Monday, October 8, 2018 at 7:00 p.m.
City Council Meetings: Tuesday, November 5, 2018 & Tuesday, November 20, 2018 at 7:30 p.m.
3rd floor of City Hall, 100 Main Street, Colleyville, Texas

This notice has been sent to all owners of real property within 500 feet of the request as such ownership appears on the last approved tax roll and all homeowners associations within 1000 feet. Approval by the Planning and Zoning Commission serves as a recommendation to the City Council and is not a final action on the request. Denial of the proposal by the Commission is final, unless the applicant submits a written notice of appeal within 10 days from the date of action by the Commission. If appealed, the request will be placed on the next available City Council agenda as listed above. Rezoning requests, zoning amendments and conditions recommended by the Commission for approval by the City Council may be more restrictive than those described in this notice.

All interested persons are encouraged to attend the public hearing and express their opinions on the zoning change request. If you are unable to attend, but wish to have your opinions made a part of the public record, please submit written comments prior to the public hearing, to the address below:

**Community Development Department
City of Colleyville
100 Main Street
Colleyville, TX 76034**

If the property owners of 20% or more of the land within the 200 foot notification area file a written protest prior to the public hearing, State law provides that the approval of the zoning change request shall require the approval of a super majority vote by City Council.

The application is on file for public examination in the Community Development Department at 100 Main Street, Colleyville, Texas. A brief project description can be found online on the Active Development Case map: <https://www.colleyville.com/government/departments-a-l/community-development/active-development-cases>. For additional information, please contact the Community Development Department at 817.503.1056. Please reference the zoning case number when requesting information.

Jacquelyn Reyff
Principal Planner
jreyff@colleyville.com

Advantage Storage
2600 Eldorado Parkway, Suite 110
McKinney, Texas 75070
972-547-0236
rjones@AdvantageStorage.net



26 September 2018

Mr. Ben Bryner, AICP
Director of Community Development
City of Colleyville
100 Main Street
Colleyville, Texas 76034

Re: PUD-C Planned Unit Development-Commercial Zoning Request
8060 Precinct Line Road, Colleyville
Billye Fowler, owner
Advantage Storage, applicant

To Whom it May Concern,

I am the owner of the property listed below. I have reviewed materials supplied by the applicant, Advantage Storage, and have no objections to their request for PUD-C Planned Unit Development-Commercial zoning.

Sincerely,

Jerrell W. Jones

JERRELL W. JONES

Name

October 1, 2018

Date

TRACT 1, ABSTRACT #11B2 in the
W.C. NEWTON SURVEY
8050 PRECINCT LINE ROAD

Address

Email address (optional)

Advantage Storage
2600 Eldorado Parkway, Suite 110
McKinney, Texas 75070
972-547-0236
rjones@AdvantageStorage.net



26 September 2018

Mr. Ben Bryner, AICP
Director of Community Development
City of Colleyville
100 Main Street
Colleyville, Texas 76034

Re: PUD-C Planned Unit Development-Commercial Zoning Request
8060 Precinct Line Road, Colleyville
Billye Fowler, owner
Advantage Storage, applicant

To Whom it May Concern,

I am the owner of the property listed below. I have reviewed materials supplied by the applicant, Advantage Storage, and have no objections to their request for PUD-C Planned Unit Development-Commercial zoning.

Sincerely,

CHARLES A. LEE

Name

10/1/18

Date

8080 PRECINCT LINE RD

COLLEYVILLE TX 76034

Address

CHARLES.A.LEE@ADVANTAGESTORAGE.NET

Email address (optional)

972-547-0236

Phone (optional)



ADVANTAGE
STORAGE

Phone (optional)

Ben Bryner

To: Souder, Billye
Subject: RE: Advantage Colleyville - 8060 N Precinct Line Road

From: Souder, Billye []
Sent: Friday, October 26, 2018 9:16 AM
To: Rick Jones <>; Ben Bryner <BBryner@colleyville.com>
Subject: RE: Advantage Colleyville - 8060 N Precinct Line Road
Importance: High

Ben

I would like to add my thoughts to the email below that was sent by Rick Jones. I appreciate Rick asking for a compromise regarding the landscaping but would like to input my concerns regarding this requirement and to voice my desire that this requirement be totally waived for several reasons:

1. I am curious as to why the Chair Person felt it necessary to make such a requirement. She did not give a reason on the night the P & Z met. I am not sure what she is concerned about. This land has always been well maintained and to my knowledge the land has never been a nuisance to the City of Colleyville. Just because the back portion of the property would be built out (if the council approves) I am not sure what the concern is for the front portion to be developed with landscaping. In fact I will be even more vigilant since it is my priority to sell the front property as soon as possible to a retail buyer. Keeping it well maintained is to Seller's benefit. In fact I have already reached out to a company that will remove the fencing and some of the mesquite trees to give it a more aesthetic appearance.
2. In my 30 plus years as a real estate attorney representing owners of property holding it for investment and not development I have never known a City to make development requirements on property being listed for sale and not developed by the owner. This property was purchased for investment purposes only and not for to be developed by the owner.
3. There are other undeveloped properties for sale along Precinct Line Road in Colleyville and I do not see where they have been required to add landscaping while they are trying to sell their property. Why is our property being required to do that? Respectfully, I believe this is unfair and discriminatory.
4. I do not see the logic in adding landscaping to property that is going to be sold to a buyer or buyers that may have building requirements that would require removal of what was planted. Seller has no idea if a company will purchase one pad or 2 or all 3. What landscaping that is put in may in all likelihood be pulled up as it will not be appropriate for the plans of the buyer. That is a waste of funds when you have no idea of the future plans.
5. I have been advised by Rick that the cost of the landscaping, depending upon the amount required, could be between \$29,000.00 - \$70,000.00. There is no way my mother has readily available funds in her bank accounts to pay such amount. It would have to come from the proceeds of sale that, as I explain in 6 below, is to be invested for her current and future medical and living expenses.
6. My greatest objection is due to the burden this will create for my mother who is the current owner of the property. The proceeds of the sale from the back 3 acres (if approved) will be placed in an investment account for the benefit of my mother who requires 24/7 care. She may live for at least another 5-8 years and funds must be available to pay for her continued 24/7 care and at some point she may have to be placed in a care facility which is quite expensive. In addition, we need to be prepared for any hospitalization costs if she were to become

hospitalized for a period of time due to her declining health issues. She has limited monthly income (SS and a small retirement). To require her to pay for landscaping which is quite expensive, would take away from the source of funds for her care and living expenses. Additionally because the proceeds will be in an investment account (in order to draw interest) the limited income she has will not begin to cover the maintenance for the upkeep of the landscaping. Because we are having the property replatted she is also losing the benefit of AG exemption which will be an added cost we have to take into account and pay from the proceeds of sale that are invested.

Ben you are welcome to share my comments with the City Staff and council members.

Kind Regards,

Billye Souder Fowler



Billye G. Souder
In-House Attorney
4908 Colleyville Blvd., Ste 306
Colleyville, Tx 76034
O: (817) 581-7701 | F: (817) 581-7206
Cell: 817-994-3523
bsouder@trinitytitletx.com
www.trinitytitletx.com

Trinity Title of Texas thanks you for the opportunity to be in partnership with your business community. We are committed to serving you both professionally and personally!

9 CONVENIENT LOCATIONS in DALLAS/FT WORTH AREA

**ARLINGTON - BALLPARK / ARLINGTON - PARK SPRINGS
BURLESON / COLLEYVILLE / COPPELL / FORT WORTH
FRISCO / HERITAGE TRACE / WEATHERFORD**



*Online banking fraud is on the rise! If you receive an email containing **Wire Transfer Instructions**, please call your Escrow Officer immediately to verify the information before sending funds.*

ORDINANCE O-18-2065

AMENDING THE ZONING ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY OF COLLEYVILLE, TEXAS, BY CHANGING THE ZONING ON 6.378 ACRES ON TRACT 1, ABSTRACT 1154, IN THE R H MCEWING SURVEY, LOCATED AT 8060 PRECINCT LINE ROAD FROM THE R-40 SINGLE FAMILY RESIDENTIAL DISTRICT TO THE PUD-C PLANNED UNIT DEVELOPMENT – COMMERCIAL ZONING DISTRICT; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Colleyville has received an application for a rezoning under Case No. ZC18-028; 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 6.378 acres on Tract 1, Abstract 1154, in the R H McEwing Survey, located at 8060 Precinct Line Road from the R-40 Single Family Residential zoning district to the PUD-C Planned Unit Development – Commercial zoning district, as depicted in the attached Exhibit "A" and Exhibit "C", 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 PUD-C is to allow for a self-storage facility totaling approximately 87,375 square feet and to provide development regulations for the future development of three (3) retail/restaurant lots on Tract 2.
- b. This development shall be generally consistent with the Statement of Planning Objectives, Exhibit "B".
- c. The proposed development is subject to CC-2 Shopping Center zoning district and all the associated regulations contained in the Land Development Code, except as amended by this Ordinance.

2. DEVELOPMENT PLAN

- a. The development shall be generally consistent with the conceptual site plan and landscaping plan, Exhibit "C", and the Site Plan and Building Elevations, Exhibit "C".
- b. The development of Tract 2 shall be generally consistent with the requirements of CC-2 Shopping Center zoning district and all the associated regulations contained in the Land Development Code, except as amended by this Ordinance.

3. PERMITTED USES

- a. Uses shall be those allowed in the CC-2 Shopping Center zoning district.
- b. The self-storage use as depicted in the attached exhibits shall be a permitted use on Tract 1.
- c. There shall be no outside storage allowed per this PUD to include RV's, boats, materials, etc.
- d. No commercial truck rentals on Tract 1 shall be allowed per this PUD.

4. Lot Width

- a. The minimum lot width allowed for Tract 1 shall be ±38 feet at the property line.

5. BUILDING DESIGN

- a. The storage facility on Tract 1 shall be generally consistent with the building elevations and specified material depicted in Exhibit "C".
- b. Development on Tract 2 shall be generally consistent with the requirements of the Land Development Code of the City of Colleyville and the following design standards:
 - i. At least fifty percent (50) of the exterior wall surface

area shall be natural stone.

6. FENCING AND BUFFER YARDS

- a. The buffer yard along the rear (east) property line shall be a minimum of twenty-five feet.
- b. On Tract 1, in lieu of an eight (8) foot masonry wall along the east and south property lines adjacent to residential zoning, the rear of the buildings and connecting eight (8) foot masonry walls shall be permitted per the fence exhibit, Exhibit "D".

7. Tree Preservation Standards

- a. On Tract 1, minimum tree preservation standards will not be met per this PUD.
- b. Tree Preservation for Tract 2 shall be reviewed per Chapter 5 of the Land Development Code prior to development of this tract. This conceptual site plan and associated civil plans are not an approval of the layout as it pertains to tree preservation on Tract 2.

8. LANDSCAPING

- a. Tract 1: The requirement for fifty (50) percent of the required landscaping to be located in the street yard(s) as described in chapter 4.6 of the Land Development Code for the City of Colleyville shall be waived for Tract 1. On Tract 1, the landscape area shall be provided as generally depicted in Exhibit "D".
- b. Tract 2: Landscaping on Tract 2 shall conform to the CC-2 Shopping Center zoning district and all the associated regulations contained in the Land Development Code, except as amended as follows:
 - i. When Tract 1 develops, along North Precinct Line Road, there shall be a minimum twenty (20) foot wide green belt of "live plant material of the evergreen variety", exclusive of access drives. This area may be planted with trees shrubs required at the

front of the site. Landscape planting shall not be erected or installed in such a manner as to interfere with traffic view or impose a safety hazard.

- ii. In addition to the requirements of locating 50% of required landscaping in the street yard(s) as described in Section 4.6 of the Land Development Code for the City of Colleyville, developments on Tract 2 shall be required to provide landscaped areas immediately adjacent to each building equal to ten (10) percent of the footprint area of the building, with fifty (50) percent of that amount being located in the street yard.
- iii. Parking lots shall contain a minimum of one hundred forty (140) square feet of landscaped island per each nine (9) contiguous parking spaces required. This landscape island is to include one (1) three (3) inch caliper tree.

9. PARKING

- a. A total of nine (9) parking spaces shall be required for the storage facility on Tract 1.
- b. Parking requirements for Tract 2 shall conform to the CC-2 Shopping Center zoning district and all the associated regulations contained in the Land Development Code.
- c. No commercial truck rentals on Tract 1 shall be allowed per this PUD.
- d. Any vehicle associated with the operation of the self-storage use on Tract 1 shall be parked/stored interior of the development and shall not be utilized for any additional advertising.

10. MONUMENT SIGN

- a. All monument signs will conform to Exhibit "C" except for the copy on the face of the sign which will be customized for each user on Tract 2. The face of all signs will be the same material and color or anodized aluminum, and sign

copy will be uniformly white Lexan.

- 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 November 2018.

The second reading and public hearing being conducted on the 20th day of November 2018.

PASSED AND APPROVED by the City Council of the City of Colleyville, Texas,
on this the 20th day of November 2018.

Mayor Richard Newton	_____	Mayor Pro Tem Bobby Lindamood	_____
Place 1, Tammy Nakamura	_____	Place 5, Nancy Coplen	_____
Place 3, Kathy Wheat	_____	Place 6, Mike Taylor	_____
Place 4, George Dodson	_____		

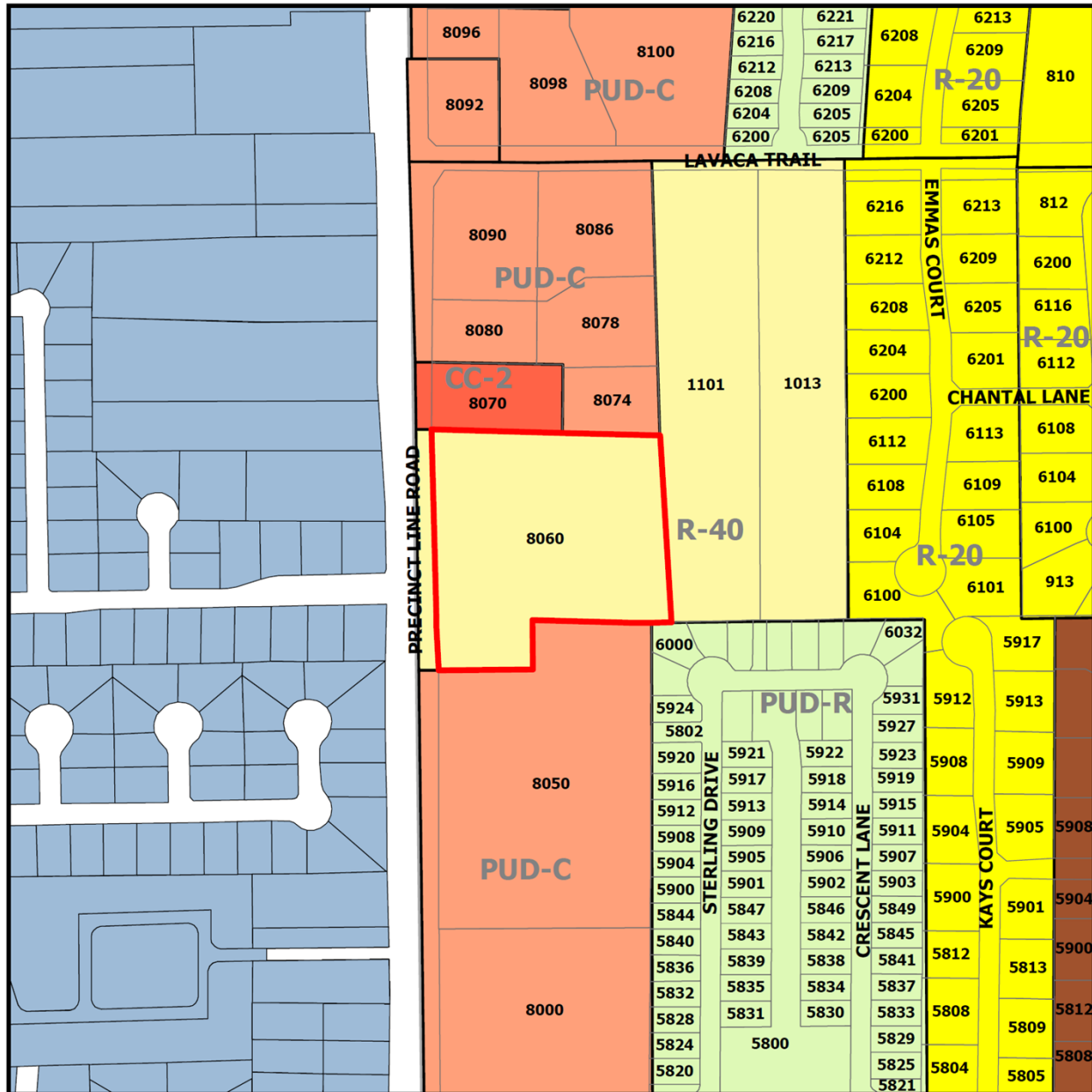
ATTEST: **CITY OF COLLEYVILLE**

Christine Loven, TRMC	Richard Newton
City Secretary	Mayor

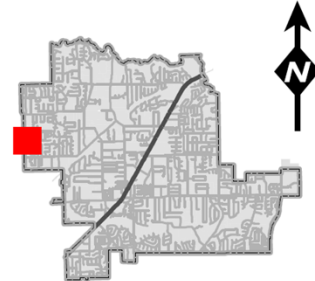
APPROVED AS TO FORM AND LEGALITY:

Whitt Wyatt
City Attorney

Exhibit "A" – Location and Zoning Map



ZC18-028
8060 Precinct Line Road



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.

- Subject Property
- Properties Outside the City Limit

Exhibit "B" – Statement of Planning Objectives

Statement of Planning Objectives

Advantage Storage
2600 Eldorado Parkway, Suite 110
McKinney, Texas 75070
972-547-0236
rjones@AdvantageStorage.net



7 September 2018

Mr. Ben Bryner, AICP
Director of Community Development
City of Colleyville
100 Main Street
Colleyville, Texas 76034

Re: Zoning Application
Proposed Self Storage Development
8060 North Precinct Line Road

Dear Mr. Bryner,

Please accept this letter in fulfillment of the zoning application provision for Statement of Planning Objectives, Development Schedule, Proposed Ownership and Economic Information.

STATEMENT OF PLANNING OBJECTIVES:

The project consists of 6.378 acres located along North Precinct Line Road and is configured in two tracts. Tract One contains 148,047 square feet (3.399 acres) and Tract Two contains 129,781 square feet (2.979 acres).

TRACT ONE:

The planning objective for Tract One is to develop a high quality self-storage facility. Storage facilities have changed significantly over the past 20 years reflecting the evolution of the asset type from a low-quality light industrial use to very high-quality retail service business. Whereas many early self-storage customers used storage for short term, transitory reasons, the majority of contemporary storage customers secure storage space for ongoing, space making reasons. These customers as well as others desire well located facilities near where they work and live. Storage use is much higher per capita today than twenty years ago. Storage development has changed to meet this market demand by providing higher quality facilities with architecture compatible with the high-end retail locations in which they reside. Advantage has since 1996 been on the leading edge of this evolution, developing state-of-the-art facilities in very high profile, retail locations.

The characteristics of the storage project are proposed to be:

- The project will be situated on a 3.399 acre site with 38' of North Precinct Line Road frontage.
- The project consists of two, two-story building and four single story buildings containing approximately 87,225 gross SF configured to provide approximately 71,175 net rentable square feet of storage consisting of approximately 625 individual storage units containing between 25 and 300 square feet.
- Approximately 65% of the net rentable area will be climate controlled, appealing to the higher household income in which the project resides.

Statement of Planning Objectives

- The buildings fronting North Precinct Line Road will be two-story with maximum 29.5' height. This allows the architecture of the building to replicate typical retail scale and incorporate interesting architectural features.
- All remaining buildings will be single story and will be oriented toward interior drives and will not exceed 15' in height. Drive visibility from North Precinct Line Road will be minimal, and no door openings will be oriented toward the perimeter of the project.
- The rental office for the facility will be in the front building.
- There will be no resident manager living on site
- The project will include state-of-the-art security features including CCV cameras and tenant only access via digital gate and building controls.
- Project signage will be a combination of masonry monument sign and building signage conforming to ordinance.
- Landscaping will conform to or exceed ordinance requirements, and will be concentrated on the project perimeters, most visible to the neighboring properties and the public.
- Adequate space has been provided for engineered storm water detention and public utility extensions as may be required.

TRACT TWO:

Tract Two contains 2.979 acres and will be zoned to provide for CC-2 Shopping Center uses. The tract is approximately 250' deep which is ideal for small commercial and retail users. Although the actual users have not yet been identified and therefore the precise building layout cannot be determined, the Conceptual Development Plan depicts the likely configuration of three pad sites for retail and restaurant users. The planning objective for Tract Two is to provide ideal lot depth to promote retail development and to provide an access and utility plan to fully develop the tract. Additionally, the planning objective is to provide construction standards to insure uniform, high quality development. Standards include the following:

- Requirement for increased use of natural stone in building facades.
- Enhanced requirement for landscape buffer along North Precinct Line Road.
- Enhanced requirement for landscaping adjacent to retail buildings.
- Enhanced requirement for landscaping in parking areas.
- Enhanced requirement for uniform monument signs.

DEVELOPMENT SCHEDULE:

- Platting and Site Plan Approval will commence immediately upon zoning approval.
- Storage building permit will occur approximately 120 days following zoning approval.
- Storage completion will occur approximately 14 months following zoning approval.
- Market demand will determine retail pad site development.

PROPOSED OWNERSHIP:

The storage project will be owned by a single asset limited liability company managed and controlled by Advantage Self Storage Advisors, LLC, a Texas limited liability company owned by Rick Jones and Davis Deadman.

ECONOMIC INFORMATION:

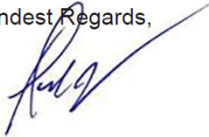
The proposed project will provide the following positive economic impact:

- Property tax valuation will likely increase from the current level of \$357,550 to approximately \$7,500,000 upon completion of the facility. The increase in property value will provide approximately \$167,000 in additional tax revenue, most of which stays in the local community via the city, school system and county.

Statement of Planning Objectives

- The configuration of the proposed site is strategically conceived to promote retail and commercial development on the pad-depth property remaining in front of the facility. The current 6-acre parcel of which the storage facility is a portion is 545' deep. This is a size and depth that is awkward for small to mid-size business who would typically locate on this mid-block commercial corridor and does not promote development. The site plan provides remaining retail parcels with +/- 250' depth, near ideal for small business and pad-site development. The property owner is understandably very hesitant to sell front parcels currently because of the limited use and marketability of the back portion of the land. With the storage development taking mainly the back portion, front parcels will likely be quickly developed placing the entire six acres into economic production.
- The storage facility will provide limited sales tax revenue via the sale of packing and moving supplies.
- The storage facility will have approximately 2-3 employees.

Kindest Regards,

A handwritten signature in blue ink, appearing to read 'Rick Jones', with a long, sweeping flourish extending to the right.

Rick Jones

Attachment: Draft PD Ordinance

[illegible]



2
-
3
3
-
9

903 NORTH TRAVIS STREET
SUITE NO.500A
DALLAS, TEXAS 75090
903 693 5800

www.davidbcastudio.com

**SCHEMATIC
DESIGN
REVIEW**

[illegible]

Advantage Storage - Colleyville

PROJECT NUMBER

4705
PROJECT NUMBER

CS/1.

DATE _____

11 20 17

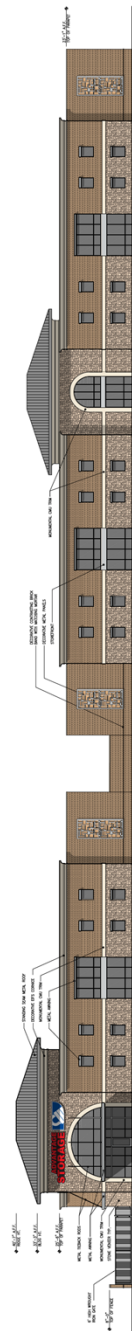
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SHEET NUMBER

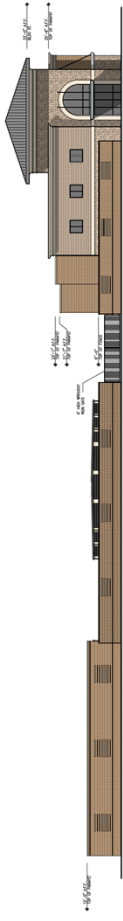
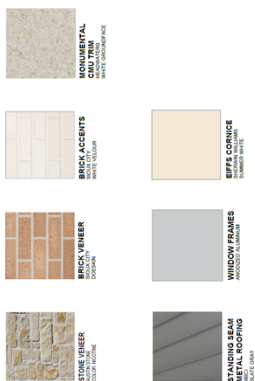
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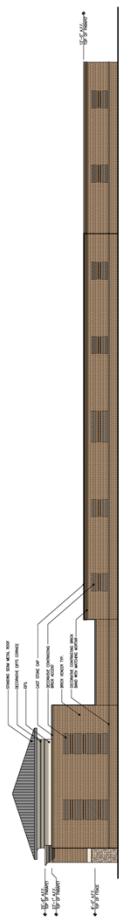
exterior elevations; REVISED 09.25.18



WEST (PRECINCT LINE ROAD) ELEVATION



NORHT ELEVATION



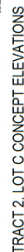
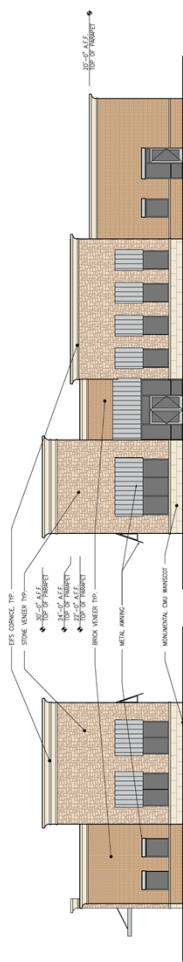
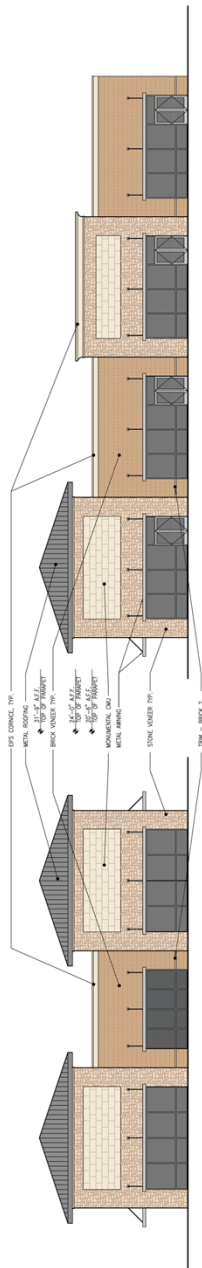
SOUTH ELEVATION
SCALE: 1/16" = 1'-0"



EAST (BACK) ELEVATION



- Materials to match building
- Sign comprised of reinforced dark bronze face, letters and images are cut in relief with white lexan mirrored behind. Backlit with LED.

[illegible]

NOTE: The Concept Elevations shown are solely intended as examples of how the envisioned architectural language of the development may be executed. Final and actual elevations shall be submitted for review and approval at such time when the property is developed.



City of Colleyville City Council Agenda Briefing

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

Agenda Number 7a

Agenda Date 11/05/2018

Number Ordinance O-18-2056

Type Ordinance

Department Community Development

Title

Consideration of a zoning change from the R-40 Single Family Residential zoning district and AG Agricultural zoning district to the PUD-R Planned Unit Development-Residential zoning district on Lot 1R1 and 1R2, Block 1, of the Bear Creek Plantation, located at 1312 John McCain Road and 7309 Holly Lane N, Case ZC18-019

Strategic Plan

There is no Strategic Plan connection for this item.

Explanation

Second Reading and Public Hearing

This item was retabled at the October 16, 2018 City Council Meeting. A Special Council Worksession meeting was held on October 25, 2018. At that meeting, Mayor Pro-tem Lindamood stated that he will not be present at the November 5, 2018 meeting. This item will remain tabled until the November 20, 2018 meeting.

There were several residents who spoke during the public hearing at the first reading who expressed concerns about lot density, traffic, fencing and screening, drainage, grading, and zoning. Several modifications have been made to the request. All plans and documents have been updated and attached.

First Reading and Public Hearing

The applicant provided revised plans on August 1, 2018 reflecting changes from both recommendations by the Planning & Zoning Commission and desires of the adjacent property owners. The plans are attached together as a single document.

No change of zoning where exists a protest against such change, signed by the owners of twenty (20) percent or more of either the area of lots or land included in such proposed change, or lots or land immediately adjoining same and extending two hundred (200) feet therefrom, filed with the City Secretary, shall be passed except by a favorable vote of three-fourths (3/4) of all members of the City Council. The calculated percentage of opposition equals 20.56 percent.

Curtis Young, the applicant, has submitted a request to rezone Lots 1R1 and 1R2, Block 1, of the Bear Creek Plantation, being approximately 43.54 acres, and zoned AG Agricultural & R-40 Single Family Residential districts. The purpose of the request is to

rezone to the PUD-R Planned Unit Development – Residential district to allow for single-family residential development of 36 lots and 9 common area/open space lots.

Existing Conditions/Background: The subject property, 1312 John McCain Road, resides on the north side of John McCain Road and extends north to Big Bear Creek. The portion of the property with Agriculture zoning currently maintains a single residence. The portion of the property with R-40 zoning also maintains a single residence. Many local residents will recognize the property by its long, tree-lined drive.

Proposed Zoning:

Request – The applicant requests to create a single-family residential subdivision. The proposed development consists of 36 lots, ranging from 26,000 square feet (0.597 acres) to 1.31 acres in area, and a large amount of open space (approximately 21% of the project area). The project will also preserve the tree lined drive by converting it into a median area along the primary street through the neighborhood. The applicant also states that through the proposed PUD and development restrictions the home values should average approximately \$2.5 million dollars per lot.

The applicant proposes the following development standards for the PUD-R subdivision:

Minimum Lot Area:	26,000 square feet
Minimum Lot Width:	100 feet, except 67 feet for cul-de-sac lots
Front Setback:	30 feet
Side Setback:	10 feet
Street Facing Side Setback:	20 feet, except "key" lots
Rear Setback:	25 feet
Minimum House Size:	3,500 square feet for a single-story home; 4,000 square feet for a two-story home

Additional regulations are proposed pertaining to screening, architectural features, landscaping, and street design.

Analysis: The requested PUD-R zoning would establish a single-family residential neighborhood similar in character to surrounding neighborhoods. The design of the neighborhood allows for the preservation of a large amount of open space which a standard zoning classification would not likely achieve. It also preserves the well-known double row of oak trees lining both sides of the existing drive. While some of the lot sizes vary more widely than many existing neighborhoods, they maintain a comparable average lot size and create a density below the target density stated in the Comprehensive Plan of 1.8 units per net acre, with the open space included in the calculation.

Surrounding Development: All of the surrounding properties have developed with

single-family residential uses and maintain a variety of zoning classifications including R-20, R-30, R-40, AG, and various PUD-R districts. Big Bear Creek borders the subject property to the north, which is also the city limit line with the City of Southlake.

Comprehensive Plan: The City's comprehensive plan, *Destination Colleyville*, identifies the subject property for single-family residential development. The proposed PUD-R ordinance does not conflict with any portion of the comprehensive plan. The plan does also identify the preservation of the character of existing neighborhoods as a priority objective.

Drainage Analysis: Citizens have expressed and staff is aware of concerns with the existing drainage system in the vicinity. The Developer has provided a preliminary drainage analysis which indicates that the storm drain system in Tanglewood Estates was designed and built to accommodate the developed watershed. Additionally, the proposed drainage plan is to not fully detain post-developed runoff rates to existing runoff rates for the development. Staff has additional concerns and have made the developer aware of those, however they have indicated they want to address these concerns after the zoning process and during the Preliminary Plat process. The final drainage system of the development must meet all requirements of the Land Development Code.

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, a response from the Tanglewood Estates neighborhood to the east has been received and 1 letter in opposition to the case.

Staff Recommendation: The proposed PUD-R ordinance offers a good opportunity to ensure orderly and complementary development to the existing adjacent residential development and in the area. Staff recommends approval of the requested PUD zoning.

Planning & Zoning Commission Recommendation: The Planning & Zoning Commission recommended approval of the zoning change request at their July 9, 2018 meeting by a vote of 5-0 with the following conditions: 1) requiring a minimum house size square footage of 4,000 square feet; 2) requiring that the existing fencing north of Holly Lane be replaced; 3) requiring a maximum lot coverage of 25 percent; 4) requiring that the main street have a minimum street pavement width of 24 feet and requiring a fire suppression system for all home within the subdivision; 5) requiring the construction entrance to be on John McCain only, access from Holly Lane shall be prohibited; and 6) requiring construction methods to ensure that the proposed ponds hold water.

Financial Impact

There is no financial impact to the City.

Recommendation

Approve

Attachments

1. Aerial Map
2. Zoning Map
3. Future Land Use Map
4. Statement of Planning Objectives
5. Preliminary Plat
6. Development Plan
7. Perimeter Grading Concept Plan
8. Preliminary Utility Plan
9. Screening and Fencing Plan
10. Entry Plan
11. Easement Landscape Plan
12. Declaration of Covenants, Conditions and Restrictions
13. Submittal and Review Process
14. Architectural Plan
15. Landscape Plan
16. Notification Map
17. Notification List
18. Property Owner Notification
19. Letters of Opposition
20. Tanglewood Estates Response to Proposed Development
21. Tanglewood Agreement Letter
22. Ordinance O-18-2056

Aerial Map

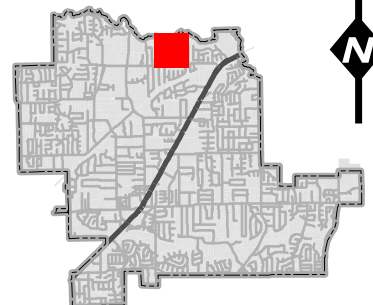


ZC18-019

**1312 John McCain Road
and 7309 Holly Lane N**

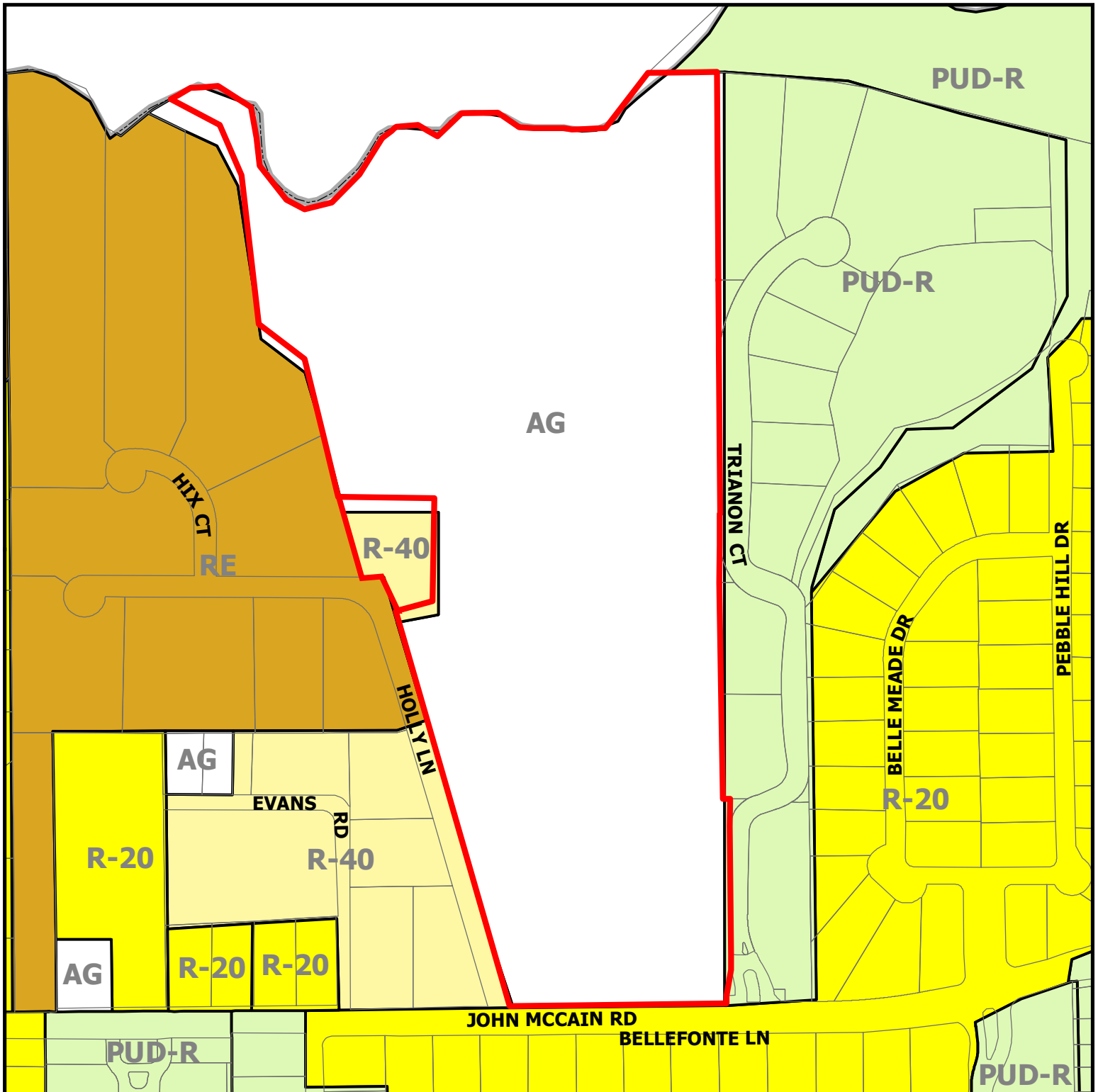


Subject Property



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Zoning Map



ZC18-019

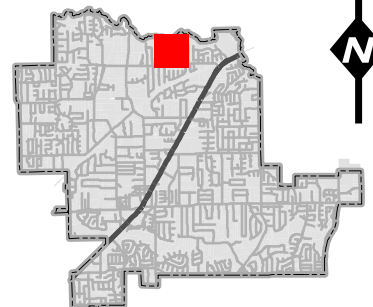
**1312 John McCain Road
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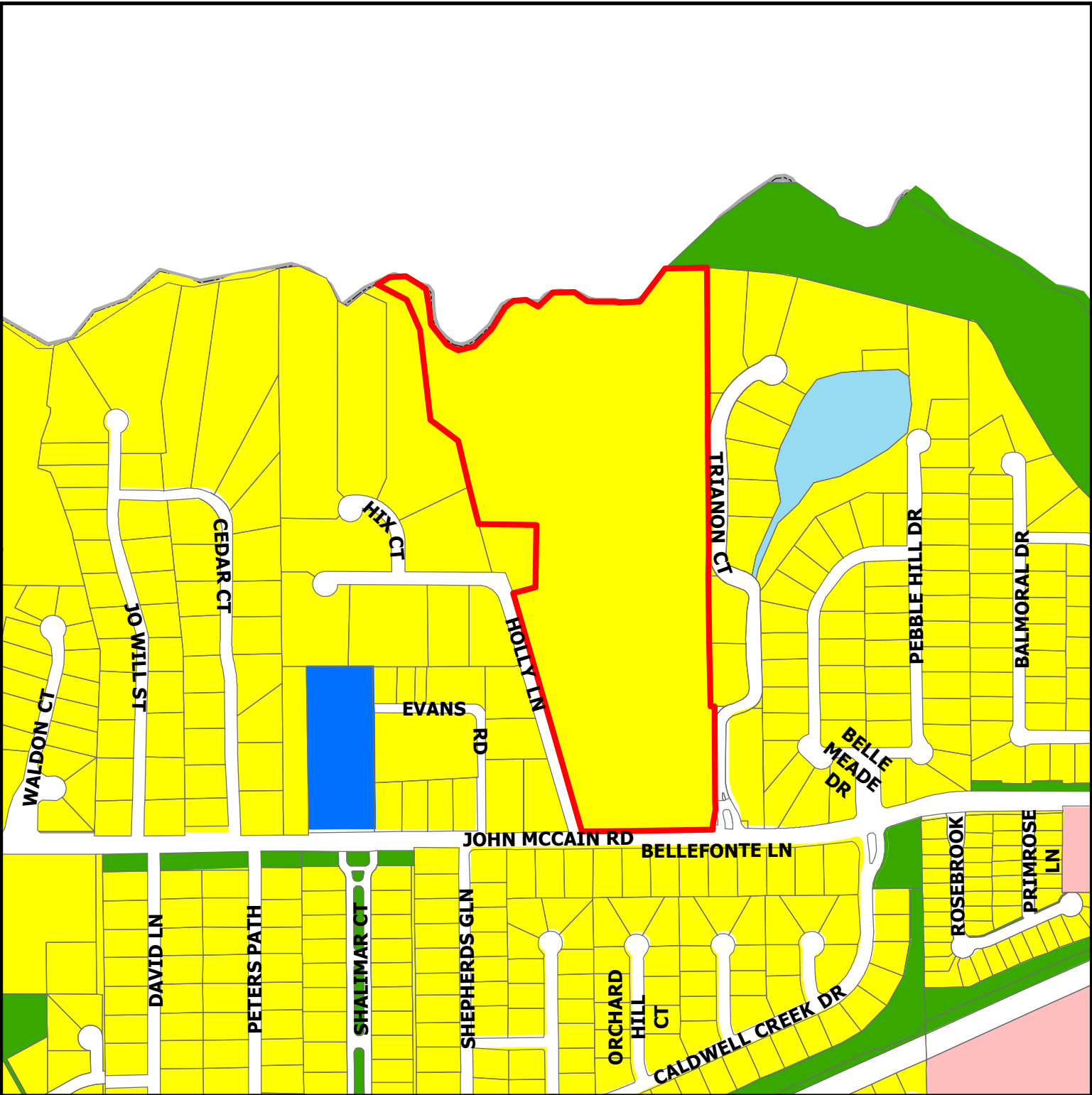
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Subject Property



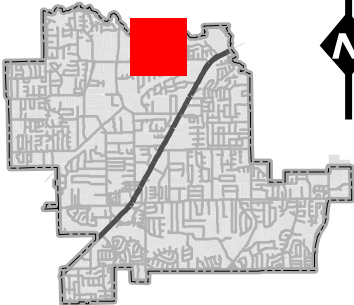
Future Land Use Map



ZC18-019

**1312 John McCain Road
and 7309 Holly Lane N**

 Subject Property



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Statement of Planning Objectives

Oak Alley

Colleyville, Texas

Zoning Narrative –8 Oct. 2018

Burk Collins & Co. LTD, Developer

Sage Group, Inc., Land Planner

Statement of Planning Objectives

Oak Alley is a proposed residential neighborhood to be developed by Burk Collins & Co, LTD, under the PUD-R Residential District regulations for residential development in the City of Colleyville. The 43.54 acre property is located on the north side of John McCain Road, just east of Holly Lane (adjacent to the Hidden Acres Addition) and west of, and adjacent to, the Tanglewood Estates gated neighborhood. The property is currently zoned R-40 and AG. The intent here is to rezone the entire property to PUD-R, unifying the property into one cohesive, master planned residential development of the highest quality.

There are currently two occupied single-family homes on the two platted properties that make up this proposal. The main home will be worked into the plan; most of the remaining structures will be removed.

The surrounding area is, for the most part, fully developed with a combination of PUD-R lots ranging from 15,000 s.f. lots, 30,000 s.f. lots, as well as acre plus sized lots. There are existing subdivisions bordering the subject tract on the entire western, eastern and southern boundaries. The northern boundary is Bear Creek, and is the city limit line. Across the creek is the Timarron Golf Course, and the City of Southlake.

The proposed plan, primarily consisting of 30,000 s.f. lots (average of about 38,000 s.f.), and has a range of lot sizes from 26,000 sf minimum, up to several acre plus lots (and one 3.3 acre lot for the existing large home) and open space, would fit in well with the neighborhood, as well as be consistent with the city's Future Land Use Plan.

Quality and compatibility with the adjacent residential, as well as the rest of Colleyville is essential, and we have designed this proposal with those goals in mind.

The residences planned for Oak Alley will be very upscale, with selling prices estimated to start at around \$2.0 million. The development will center upon, and feature, the existing double row of Live Oaks, installed some years ago by the property owner along either side of the drive, the defining feature of the property. This will continue to enhance the vista toward the "plantation house" at the far end by placing a boulevard (divided) road along either side of it. An expanded greenbelt setback will be dedicated along the John McCain frontage, and will be fully landscaped, as will the other open space areas within the project. Open Space will make up over 19% of the project area.

Oak Alley will be proposed as a gated community with private streets. A double road, divided entry from John McCain Road, positioned to line up with and take advantage of the central double row of Live Oaks, will provide a distinctive and quality main entry. This

Statement of Planning Objectives

divided road will serve as a loop road through the development, with the two entries from John McCain meeting the minimum 100' centerline spacing for two points of emergency access. We propose to build the normal Colleyville street section of 31' (back of curb to back of curb), in a 50' R.O.W., throughout the project, except for the main divided central entry road.

There will be a requirement of at least two street trees for every residential lot to be installed by the home builders, adjacent to the street rights of way, unless there are already existing trees there that are saved. We have worked extensively, in conjunction with our neighbors to the east and west, to provide landscape buffers between the existing homes and the future home sites within Oak Alley. All perimeter boundaries will have 25', fully landscaped buffer easements, as shown on the Development Plan.

The existing and fully developed storm drainage has been carefully analyzed, and will be designed to meet all city regulations and not adversely affect any neighboring properties. There will be a pond constructed along the Holly Lane frontage- in a landscaped setting, which will double as a storm detention facility, to the extent it is necessary.

To encourage pedestrian activity in the neighborhood, sidewalks will be built along the front of each lot, and a connection will be made to the large greenbelt area along Bear Creek, and an amenity for the residents.

The scale and orientation of the development has been designed to have an inviting visual flow with the existing neighborhoods and surrounding uses. The design criteria of the homes will create high quality designed homes in keeping with both the immediate neighborhood and Colleyville as a whole.

Development Schedule

Oak Alley will most likely be developed in one phase, with development commencing upon the successful completion of the zoning and platting and the subsequent approval of the final plat and engineering plans. Construction of homes is anticipated to start immediately upon completion of the subdivision's infrastructure.

Economic Development Information

Oak Alley will have a total of thirty five (35) homes, each with an estimated average value upon completion of \$2,570,000, resulting in an overall tax base of over \$90,000,000. At the current tax rate of 2.339023%, the total taxes generated from the development are projected to be \$2,105,120, with over \$300,000 generated directly for the City at buildout.

Statement of Planning Objectives

Development Standards

Permitted Land Use:	Single Family Residential Detached
Minimum House Size:	4,300 square feet.
Minimum Lot Area:	26,000 s.f. (Average about 38,000 s.f.)
Minimum Lot Width:	One Hundred feet (100') measured at the building setback line, except pie-shaped cul-de-sac lots 1 and 2, in which case the minimum shall be sixty seven feet (67') at the building setback line.
Front Yard Setbacks:	Thirty feet (30') back of the property line
Rear Yard Setbacks:	Twenty Five feet (25')
Side Yard Setbacks:	Ten feet (10').
Street-facing Side Yard:	Side yard setbacks on the street side of a corner lot, fronting on another street, shall be 20', except for "key" lots which shall match the front setback of adjacent lots, as shown on the Development Plan.
Street Standards:	The streets within Oak Alley are proposed to be private streets with restricted access (gated). All undivided sections will be built to the standard street section of 31' b/b paving, in a 50' Private Street ROW. Street "A" (southbound and northbound), is a divided road, intended to preserve the double row of Live Oaks in the median, with paving in each direction of 24'b/b, in separate 32.5' Private Street ROW's.
Minimum Roof Pitch:	Minimum of a 10:12 roof pitch, unless architecturally required to vary, based on home style.
Garage Standard:	Minimum of a three car garage with wood-like, architecturally enhanced doors.
Masonry Requirement:	The dominant exterior vertical wall area of each structure, exclusive of doors and windows, shall be masonry (brick, stone, or stucco over CMU block) or other material solely determined by the Committee. No more than 20% of the exterior vertical wall to be authentic lath and stucco application over wood framing. Dryvit systems or Styrofoam products are not acceptable. The exterior of chimney flues shall be of masonry material acceptable to the Committee. Installation of all types of exterior items and

Statement of Planning Objectives

surfaces such as address numbers or external ornamentation, lights, mail chutes, mailboxes, roofing materials and exterior paint or stain, shall be subject to the approval of the Committee as to size, design, materials color, manufacturer and location.

Additional Elevation Requirements: All plans will be reviewed by the Oak Alley Architectural Review Committee, and will comply with a set of Design Guidelines which will be developed to assure structures and site features of the highest quality. Elevations will have a hierarchy of plate dominance featuring custom front doors and entrances; balanced architectural features and interests with natural tones for paint and exterior finishes. The elevations on all “four sides” shall be addressed in the design to present a finished appearance. Roofing will match the architectural style. Slate, tile or standing seam metal are examples. Each elevation should add interest to the entire streetscape.

Windows: No aluminum windows allowed in the subdivision, only windows of higher quality and energy efficiency will be allowed. All windows will be insulated glass with a “low-e” specification.

Fencing: Wood fencing between lots is not permitted. All front elevation fences, from the front of the house to the side property line, shall be open style fencing of decorative metal, and/or masonry. All lots backing to the Common Open Space shall be open style fencing of decorative metal, and/or Masonry.

Where lots back to existing residential lots with fences, the existing fence shall be kept, maintained or improved in coordination with each owner, as shown in the diagram on the Development Plan and associated detailed diagrams. Where open space lots border adjacent properties, either the existing fence will be maintained or improved, or a decorative masonry or metal fence will be installed, all in cooperation with the adjacent property owner, according to the detailed plans submitted with zoning. All perimeter walls and fences shall be installed prior to any vertical home construction.

Streetscape Standards: Minimum of two (2) three-inch (3”) caliper trees per front yard, unless quality existing trees are present and saved. Fully landscaped and sprinklered front and rear yard within sixty days of completing a house.

Open Space Maintenance: The open space lots within the subdivision shall be maintained in a consistent, uniform manner by the Oak Alley Homeowners Association through dues collected from the individual

Statement of Planning Objectives

homeowners. Membership in the Homeowner’s Association is mandatory.

Street Design Standards:

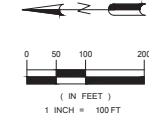
- Right of Way: Fifty feet (50') (Undivided),
Thirty Two, one half feet (32.5') (each side of divided entry road)
- Travel Lane Width: Thirty-one feet (31'), back of curb to back of curb (undivided)
Twenty-four feet (24'), back of curb to back of curb (divided)
- Turning Radii: Fifteen feet (15')

Open Space Standards: Except for the natural tree preservation areas, the Common Open Space shall be fully landscaped and irrigated with a combination of trees and shrubbery pursuant to an approved landscape plan. The Common Open Space shall be owned, operated and maintained by Oak Alley Homeowners Association which shall have a mandatory membership of all homeowners and shall collect dues in amounts satisfactory to maintain the Common Open Space. The Association shall have fine and lien rights as permitted by law to enforce compliance with the rules of the association.

Signage: A monument sign identifying the subdivision shall be built at the gated entry from John McCain Road.

Preliminary Plat

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L9	66.00	N60°00'00"E		L29	151.00	N62°14'50"E		L35	108.70	N47°19'55"W		L39	108.70	N47°19'55"W		L149	45.00	N87°10'04"W		L169	125.00	N07°10'00"E		L189	258.18	S87°18'00"E		C9	118.28	43.00	14°12'20"	N19°27'10"W	118.29	C29	65.00	50.00	23°43'00"	S34°07'15"E	65.02																																																																																																																																																																																																																																																																																																																																																																																																																																																																													
L10	49.00	S60°00'00"E		L30	135.00	N62°14'50"E		L41	21.00	S01°00'00"W		L110	158.11	N47°19'55"W		L130	120.00	S87°18'00"E		L150	84.80	N87°10'04"W		L170	173.00	N48°33'50"E		L190	191.14	S87°18'00"E		C10	106.41	47.32	S47°18'00"	S55°21'49"W	106.39	C30	61.00	61.00	70°31'44"	S37°54'00"W	61.74																																																																																																																																																																																																																																																																																																																																																																																																																																																																									
L11	66.00	S60°00'00"E		L31	126.00	N62°14'50"E		L111	161.11	N47°19'55"W		L131	25.00	N89°01°15"E		L151	116.00	N47°19'55"W		L171	194.81	S87°18'00"E		L191	85.00	S87°18'00"E		C11	6.48	10.00	54°18'55"	S55°21'49"W	6.53	C31	12.51	50.00	73°37'40"W	15.70																																																																																																																																																																																																																																																																																																																																																																																																																																																																														
L12	31.00	S37°00'00"E		L32	134.19	N62°14'50"E		L112	32.00	S72°19'15"E		L132	120.00	S01°00'00"W		L152	244.31	S02°41'50"E		L172	158.83	N87°10'04"W		L192	213.67	N87°18'00"E		C12	52.07	50.00	60°42'00"	S65°33'30"E	50.37	C32	80.52	50.00	21°12'00"	S33°22'30"E	80.53																																																																																																																																																																																																																																																																																																																																																																																																																																																																													
L13	145.00	S60°00'00"E		L33	117.00	N62°14'50"E		L113	137.21	N47°19'55"W		L133	179.00	S22°41'50"E		L153	226.60	S02°41'50"E		L173	226.52	N07°10'01"W		L193	142.00	N7°21'35"E		C13	69.28	50.00	74°48'20"	S65°40'00"E	69.33	C33	24.50	50.00	67°28'52"	S37°18'00"E	24.58																																																																																																																																																																																																																																																																																																																																																																																																																																																																													
L14	56.00	S12°00'00"E		L34	19.41	N47°19'55"W		L114	132.00	S21°41'50"E		L134	294.30	S12°41'50"E		L154	136.00	S00°00'00"W		L174	30.00	N87°48'50"E		L194	84.00	S01°19'20"E		C14	62.50	50.00	7°33'11"	N17°32'02"E	62.51	C34	42.38	50.00	48°34'34"	S34°50'00"E	41.37																																																																																																																																																																																																																																																																																																																																																																																																																																																																													
L15	56.00	N12°00'00"E		L35	15.00	N47°19'55"W		L115	14.00	S12°41'50"E		L135	14.00	S12°41'50"E		L155	195.00	S00°00'00"W		L175	195.00	S00°00'00"W		L195	195.00	S00°00'00"W		C15	195.00	195.00	S00°00'00"	S00°00'00"E	195.00	C35	53.00	50.00	10°00'00"	S34°50'00"E	53.00																																																																																																																																																																																																																																																																																																																																																																																																																																																																													
L16	56.00	N88°00'00"E		L36	19.41	S87°19'55"E		L116	120.00	S02°41'50"E		L136	320.00	S01°00'00"W		L156	280.00	S21°30'00"E		L176	30.00	N87°10'04"W		L196	56.00	S87°18'00"E		C16	4.48	10.00	148°15'00"	S77°18'00"E	4.53	C36	38.50	50.00	37°02'00"	S34°50'00"E	38.57																																																																																																																																																																																																																																																																																																																																																																																																																																																																													
L17	26.00	N68°00'00"E		L46	14.14	N47°19'55"E		L120	122.50	S87°18'00"E		L137	207.40	S01°00'00"W		L157	119.63	S12°30'00"E		L177	236.30	N07°21'35"E		L197	37.00	S69°45'00"E		C17	71.80	369.60	S48°18'00"	N82°30'00"E	71.79	C37	23.90	50.00	16°17'44"	S26°50'00"E	23.97																																																																																																																																																																																																																																																																																																																																																																																																																																																																													
L18	96.00	S60°00'00"E		L46	170.00	S01°00'00"E		L121	150.00	S01°00'00"E		L138	204.71	N07°10'00"E		L158	307.10	S21°42'20"W		L178	103.28	S48°21'30"E		L198	130.00	S25.00	N48°14'00"E	129.70	C18	23.90	50.00	16°17'44"	S26°50'00"E	23.97	C38	23.90	50.00	16°17'44"	S26°50'00"E	23.97																																																																																																																																																																																																																																																																																																																																																																																																																																																																												
L19	91.00	S79°00'00"E		L47	215.00	S01°00'00"E		L122	120.00	S01°00'00"E		L139	110.00	S01°00'00"E		L159	252.00	N87°10'04"W		L179	136.10	S01°00'00"E		L199	86.64	S16.28	S34°41'00"E	87°05'21"E	86.58	C19	44.10	16.10	72°12'33"	S01°14'10"W	44.10																																																																																																																																																																																																																																																																																																																																																																																																																																																																																	
L20	63.00	N87°00'00"E		L48	15.00	N41°30'00"W		L123	120.00	S01°00'00"E		L140	216.00	S01°00'00"E		L160	85.00	S01°00'00"E		L180	145.33	S87°18'00"E																																																																																																																																																																																																																																																																																																																																																																																																																																																																																														



PROPERTY DESCRIPTION

Being a tract of land out of the Half-Section Survey, Abstract No. 1057 and the H. R. Walli Survey, Abstract No. 1973, situated in the City of Coleville, Tarrant County, Texas, and surveyed by Miller Surveying, Inc. on June 28, 1917, said tract being all of Lot 1911 and Block 1, Bear Creek Plantation, an addition to the City of Coleville, Tarrant County, Texas according to the plat thereof recorded in Cabinet A, Slide 5622 of the Plat Records of Tarrant County, Texas and being more particularly described by metes and bounds as follows:

Beginning at a 12 inch steel rod found for the southwest corner of said Lot 1911, said rod being the intersection of the northerly right-of-way line of John McCan Road and the easterly right-of-way line of Holly Lane;

[illegible]

Thence South 01 degrees 19 minutes 45 seconds West with the easterly boundary line of said Lot 19R1 a distance of 422.00 feet to a 5/8 inch steel rod found for an angle point therein;

Thence South 01 degrees 00 minutes 28 seconds West conforming with said easterly boundary line a distance of 835.92 feet to a brass monument found for an angle point therein;

Thence South 00 degrees 58 minutes 29 seconds West continuing with said easterly boundary line a distance of 1016.49 feet to a 1/2 inch steel rod found for the southeast corner of said Lot 19R1, said rod with the northerly right-of-way line of John McLean Plant;

Thence North 88 degrees 26 minutes 55 seconds West with the southerly boundary line of said Lot 19R1 and with said northerly right-of-way line a distance of 534.37 feet to the point of beginning and containing 43.536 acres of land, more or less.

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

CITY COUNCIL APPROVAL

WHEREAS THE CITY COUNCIL OF THE CITY OF COLLEVILLE, TEXAS VOTED AFFIRMATIVELY ON THIS _____ DAY OF _____, 20____, TO APPROVE THIS PLAT.

MAYOR, CITY OF COLLEVILLE

ATTEST: CITY SECRETARY

PRELIMINARY PLAT
OF
OAK ALLEY
BEING
43.536 ACRES
BEING
LOTS 1R1 & 1R2, BLOCK 1
NEAR CREEK PLANTATION
CITY OF COLLEYVILLE,
TARRANT COUNTY, TEXAS

35 RESIDENTIAL LOTS
10 OPEN SPACE LOTS

OCTOBER 2018

PURPOSE OF PLAT
The purpose of this plat is to develop the 43.536 acre tract into a thirty five lot residential subdivision.

THIS DOCUMENT IS FOR INTERIM REVIEW
AND IS NOT INTENDED FOR CONSTRUCTION,
BIDDING OR PERMIT PURPOSES.
BY: Clayton T. Redinger
Reg. No.: 97497
Firm No.: F-3116(TX)
Date: 10/09/2018

OWNER:
**BURK & GLORIA
COLLINS TRUST**
1312 JOHN MCCAIN ROAD
COLLEYVILLE, TEXAS 76034

SURVEYOR:
MILLER SURVEYING, INC.
430 MID CITIES BOULEVARD
HURST, TEXAS 76054
(817) 577-1052
CONTACT: JASON RAWLINGS

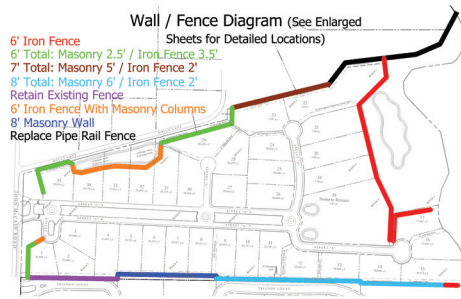
ENGINEER:
DEOTTE, INC.
420 JOHNSON RD. SUITE 3
KELLER, TEXAS 76248
(817) 337-8899
CONTACT: RICH DEOTTE

NOTES:

1. THE DRAINAGE EASEMENT BEHIND LOTS 31 THRU 35 SHALL ACCEPT DRAINAGE FROM BOTH THE EAST AND WEST SIDES OF THE HOLLY LANE ROW.
2. SUBDIVISION IS PLANNING FOR PRIVATE ROADS (LOT OS-10). HOA IS RESPONSIBLE FOR ALL MAINTENANCE IN THIS LOT.

TYPICAL LOT DETAIL

Development Plan



Legend

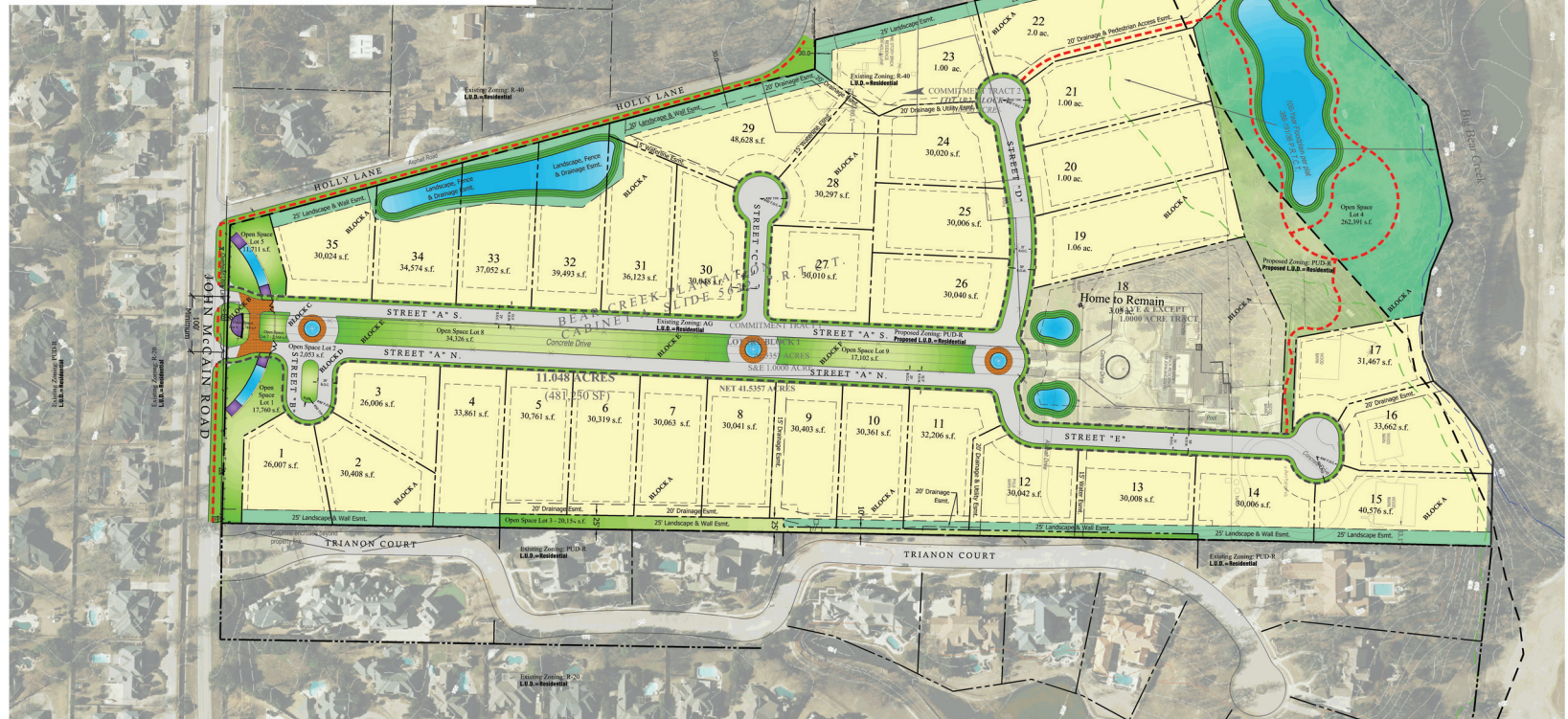
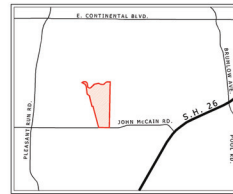
- 4' Concrete Sidewalk
5' Concrete Trail
Flood Plain approximate 100 Year
Floodway

- Common Open Space

- Common Open Space within Floodway

- Residential Lots

- Landscape Easement



Site Data - Development Plan

Single Family Residential Lots	35
Common Areas	9

Residential Lots	70.03%	30.52 ac.
Open Space	8.34%	3.56 ac.
Open Space Floodway	11.36%	4.93 ac.
R.O.W.	10.27%	4.53 ac.
Gross Acreage	100.00%	43.54 ac.

Density Data

Gross Residential Acreage	43.54
Gross Residential Density	0.80
Residential Density Net R.O.W. (R.O.W. = 4.47 ac.)	0.92

Summary

Residential Lots	35
Minimum Building Lot Area	26,000 s.f.
Average Building Lot Area	37,988 s.f.
Common Areas	9
Existing Zoning	AG & R-40
Proposed Zoning	PUD-R

Owner:

Burk & Gloria Collins Trust
1312 John McCain Rd.
Colleyville, TX 76034

Surveyor:

Miller Surveying, Inc.
430 Mid Cities Blvd.
Hurst, TX 76054
Tel: 817-577-1052

Engineer:

Deotte, Inc.
420 Johnson Rd., Suite 303
Keller, TX 76248
Tel: 817-337-8899
Contact: Clayton Redinger

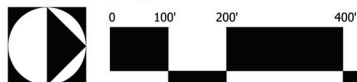
Applicant:

Sage Group, Inc.
1130 N. Carroll Ave., Suite 200
Southlake, TX 76092
Tel: 817-424-2626
Contact: Curtis Young

Planner:

SAGE GROUP, INC.
Master Planning
Urban Design
Architecture
Landscape Architecture
1130 N. Carroll Ave., Ste. 200
Southlake, Texas 76092
817-424-2626

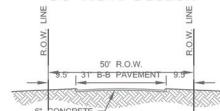
8 OCT 18

$$1'' = 100'$$


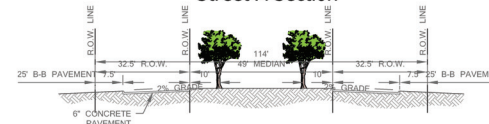
Development Plan

Bear Creek Plantation, Lot 1R1 Block 1 & Lot 1R2 Block 1

50' ROW Section



Street A Section



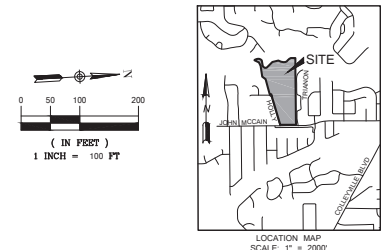
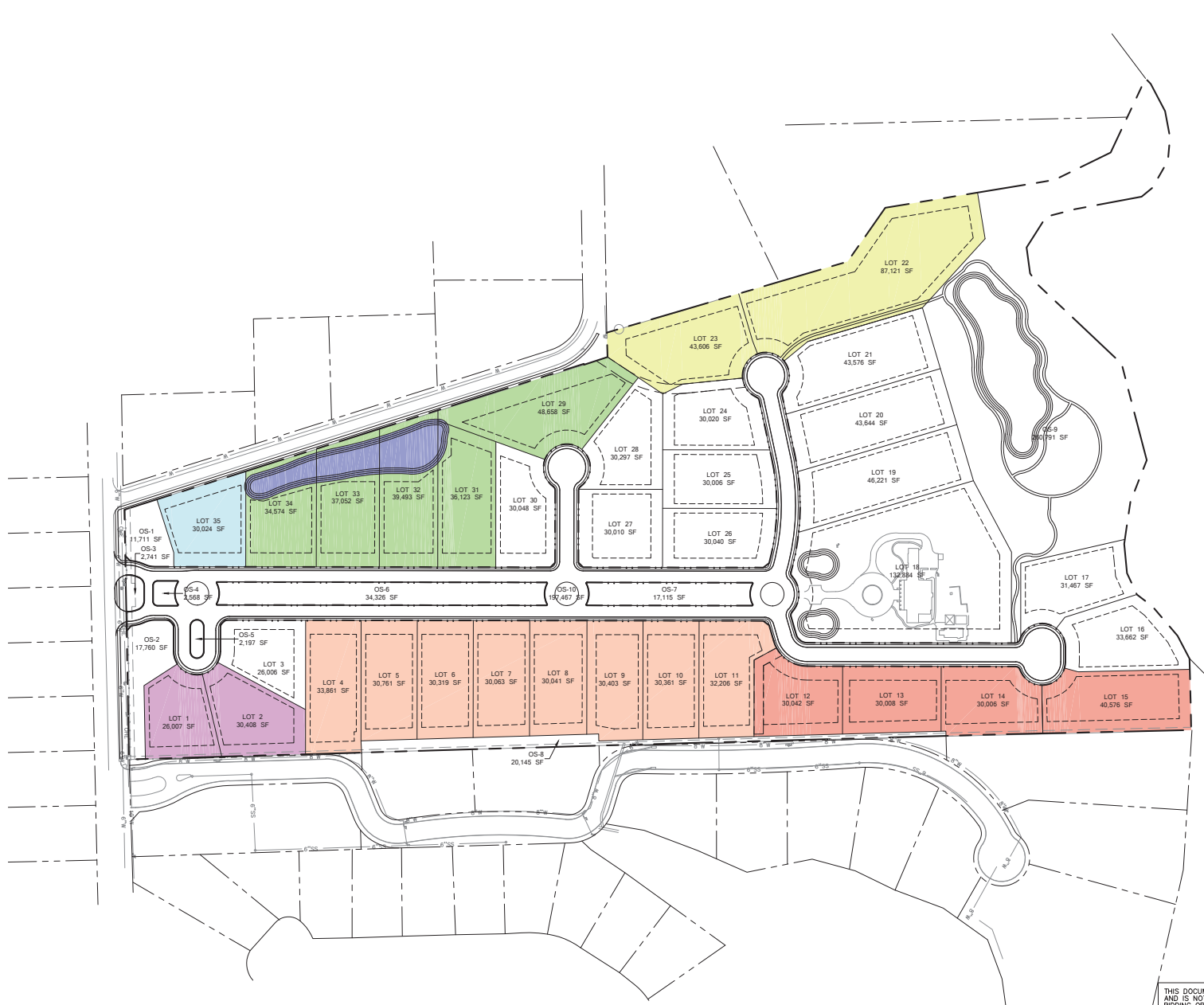
Zoning Exhibit for
Zoning Change Request
From AG & R-40 to PUD-R

Case #ZC18-019

Oak Alley

Colleyville, Tarrant County, Texas

Perimeter Grading Concept Plan



- OAK ALLEY GRADING CONCEPT**
1. FINAL GRADING IS THE FIRST THING THAT STARTS IN THE FINAL DESIGN PROCESS AND IT IS THE LAST THING THE FINISHES IN OUR DESIGN PROCESS BECAUSE MANY THINGS AFFECT THOSE GRADES THAT ARE NOT KNOWN YET. FINAL GRADING WILL DEPEND ON FINAL FIELD TOPOGRAPHIC SURVEY AND TREE SURVEY WHICH HAS NOT BEEN COMPLETED.
 2. FACTORS THAT AFFECT FINAL GRADES WILL INCLUDE TREE PROTECTION, DRAINAGE, LOT AESTHETICS VERY IMPORTANT FOR CUSTOM HOME BUILDERS, ACCESSIBILITY, HANDICAP ACCESSIBILITY, SEWER ACCESS, FLOODPLAIN ELEVATIONS, POSITIVE DRAINAGE OVERFLOW AND MINIMUM SLOPES ON LOTS TO ASSURE PROPER LOT DRAINAGE.
 3. MAJOR CONSTRAINTS IMPACTING GRADING ON THIS SITE INCLUDE THE PERIMETER ROADS, EXISTING ADJACENT PROPERTIES AND THE DOUBLE ROW OF OAK TREES WHICH WILL REMAIN AND AT WHICH THE GRADE CANNOT BE SIGNIFICANTLY ALTERED. THIS CONCEPT FOCUSES ON THE PERIMETER LOTS AND PRESENTS CRITERIA THAT CAN BE ACHIEVED FOR EACH LOT WITH FINAL DESIGN.
- LOTS 1 AND 2**
THESE LOTS ARE EXPECTED TO HAVE PAD GRADES BETWEEN THE EXISTING ELEVATIONS ON THE LOT. DRAINAGE WILL BE DIRECTED TO TRANCON COURT AND TO A STORM DRAIN THAT RECEIVES FLOW AND TAKES IT DIRECTLY TO THE NORTH. SMALL RETAINING WALLS (4 FEET OR LESS) ARE NOT EXPECTED BUT MAY BE REQUIRED. NO LARGE RETAINING WALLS (GREATER THAN FOUR FEET) WILL BE NEEDED.
- LOTS 4 THROUGH 11**
THESE LOTS ARE EXPECTED TO HAVE LOT PAD ELEVATIONS WITHIN THE EXISTING GRADES ON EACH LOT. CUSTOM BUILDERS WILL HAVE TO LOCATE THE PAD ON THE LOT TO DETERMINE GRADING. THESE LOTS ARE EXPECTED TO HAVE PADS CLOSER TO THE ROADWAY SO THE GRADING ANYWHERE NEAR THE EAST PROPERTY LINE IS NOT EXPECTED. RETAINING WALLS ARE NOT EXPECTED TO BE NEEDED NEAR THE EAST END OF THE LOTS.
- LOTS 12 THROUGH 15**
THESE LOTS ARE EXPECTED TO HAVE LOT PAD ELEVATIONS WITHIN THE EXISTING GRADES ON EACH LOT. CUSTOM BUILDERS WILL HAVE TO LOCATE THE PAD ON THE LOT TO DETERMINE GRADING, BUT THESE LOTS ARE NOT AS DEEP AS LOTS 4 THROUGH 11. THESE LOTS ARE EXPECTED TO HAVE PADS CLOSER TO THE ROADWAY SO THE GRADING NEAR THE EAST SIDE OF THE LOT NEAR TANGLEWOOD IS EXPECTED TO BE MINIMAL. NO LARGE RETAINING WALLS (GREATER THAN FOUR FEET IN HEIGHT) ARE EXPECTED. IT IS POSSIBLE THAT SMALLER RETAINING WALLS (FOUR FEET OR LESS) MAY BE NEEDED.
- LOTS 22 AND 23**
THE TOPOGRAPHY ON THESE LOTS IS NATURALLY ABOUT 10%. PAD ELEVATIONS ARE EXPECTED TO BE WITHIN THE LOT GRADES BUT SOME RETAINING WALLS ARE EXPECTED TO BE NEEDED. SMALL WALLS (FOUR FEET OR LESS SEEM LIKELY BUT SOME LARGER WALLS (GREATER THAN FOUR FEET) MAY BE NEEDED. LOT 23 ALREADY HAS A HOUSE ON IT THAT IS EXPECTED TO BE TORN DOWN SO IT'S POSSIBLE THAT NO RETAINING WALLS AT ALL WILL BE LIKELY ON THIS LOT.
- LOTS 29 AND LOTS 31 THROUGH 34**
THESE LOTS ARE EXPECTED TO BE CLOSE TO EXISTING GRADE AND NOT RETAINING WALLS ARE EXPECTED TO BE NEEDED FOR THIS LOTS. SMALLER WALLS (FOUR FEET OR LESS) MAY BE NEEDED AS AN ENHANCEMENT BUT NO SIGNIFICANT RETAINING WALLS WILL LIKELY BE NEEDED FOR GRADING.
- LOT 35**
THE PAD ON THIS LOT IS EXPECTED TO BE WITHIN EXISTING PAD GRADES. A RETAINING WALL IS UNLIKELY BUT MAY BE NEEDED ALONG THE SOUTH SIDE OF THE LOT TO ADJUST FOR THE STEEPER GRADE COMING DOWN FROM THE ENTRY FEATURE ALONG JOHN MCCAIN. OTHER RETAINING WALLS ARE NOT EXPECTED TO BE NEEDED AT THIS TIME.
- THE HOLLY POND**
THE WATER SURFACE OF THE HOLLY POND IS EXPECTED TO BE ABOUT THREE FEET BELOW EXISTING GRADE. THE SIDE SLOPES ABOVE THE WATER SURFACE WILL BE 4:1. THE SLOPES BELOW THE WATER SURFACE WILL BE DETERMINED TO ACHIEVE AS MUCH DEPTH AS POSSIBLE BUT THE MAXIMUM SLOPE WILL BE ACCORDING TO THE SOILS RECOMMENDATIONS OF THE GEOTECHNICAL ENGINEER. RETAINING WALLS MAY BE USED TO ENHANCE AESTHETICS OR TO IMPROVE THE POND DESIGN AND DEPTH.

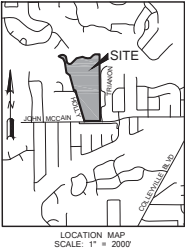
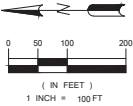
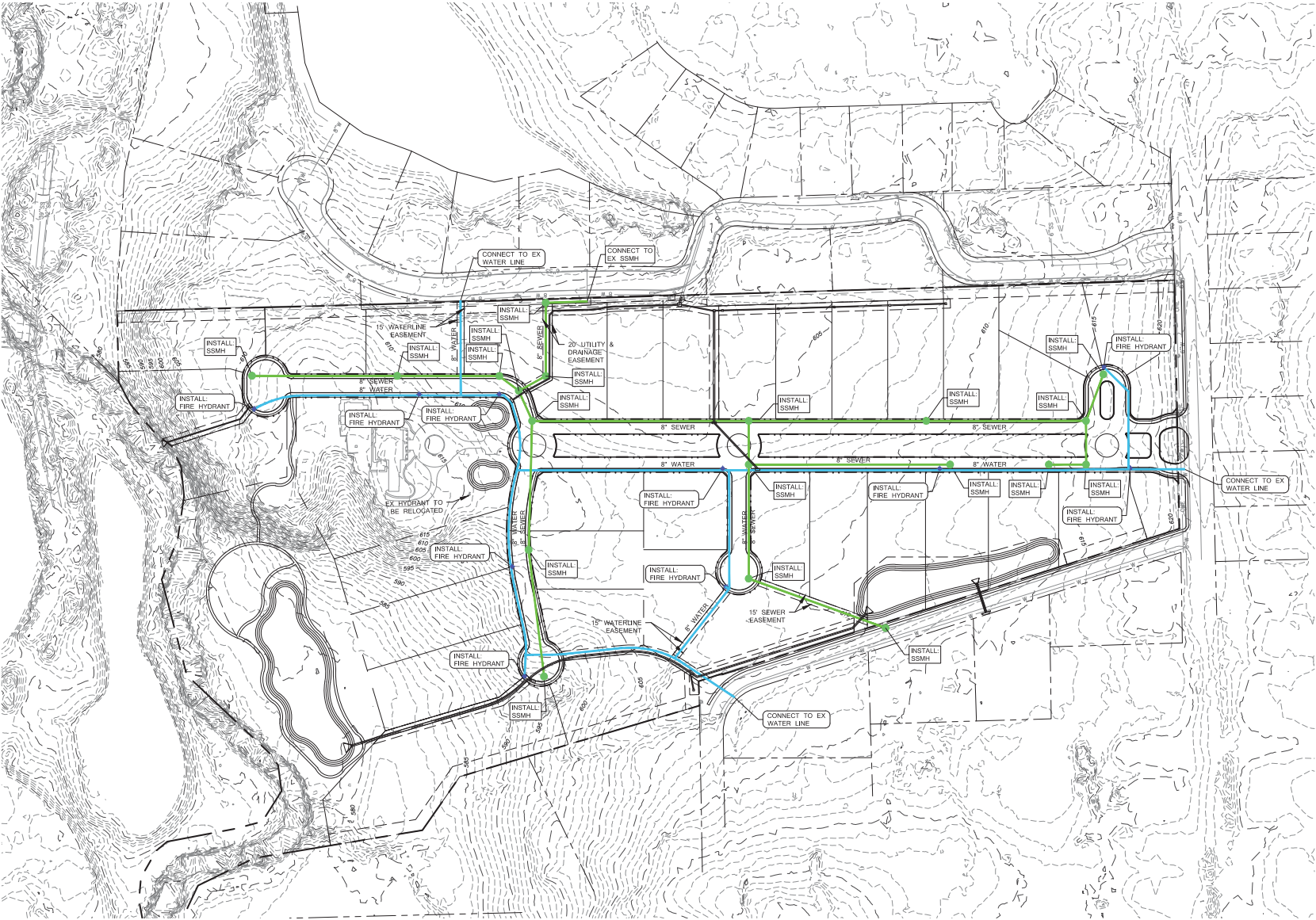
THIS DOCUMENT IS FOR INTERIM REVIEW AND IS NOT INTENDED FOR CONSTRUCTION, BIDDING OR PERMIT PURPOSES.
BY: Clayton T. Redinger
Reg. No.: 97497
Firm No.: F-3116(TX)
Date: 10/09/2018

OAK ALLEY
PERIMETER GRADING CONCEPT PLAN
COLLEYVILLE, TEXAS

DEOTTE, INC.
CIVIL ENGINEERING FIRM REGISTRATION # 0-00016176
10000 Preston Road, Suite 1000 Dallas, Texas 75249
Tel: 972.357.0010 Fax: 972.357.0001
WWW.DEOTTE.COM

DRAWN BY: DMW SCALE: 1"=100' DATE: 10/09/2018 PROJECT NO: 20180200 SHEET: 1 OF 1

Preliminary Utility Plan



- LEGEND**
- 8" WATER LINE
 - + FIRE HYDRANT
 - 8" SANITARY SEWER LINE
 - SANITARY SEWER MANHOLE

DEOTTE, INC.
 CIVIL & ENVIRONMENTAL ENGINEERS, P.C.
 1401 W. 14TH STREET, SUITE 200
 COLLEYVILLE, TEXAS 76034
 PREPARED FOR: BURN & GORDON COLLEGE TRUST

PRELIMINARY UTILITY PLAN
OAK ALLEY
COLLEYVILLE, TEXAS

BENCHMARKS:

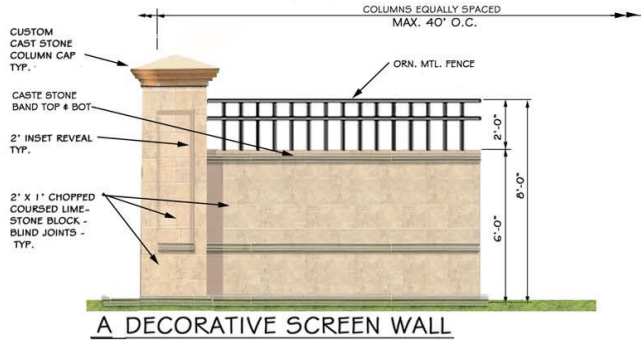
BM1	XXX	ELEV. = XXX'
BM2	XXX	ELEV. = XXX'

THIS DOCUMENT IS FOR INTERIM REVIEW
 AND IS NOT INTENDED FOR CONSTRUCTION.
 BY: [Signature] DATE: 10/09/2018
 FOR: [Signature] DATE: 10/09/2018

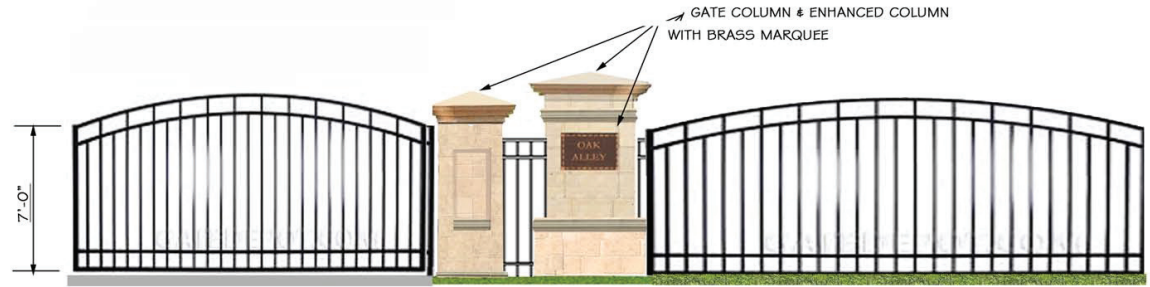
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 Oct. 09, 2018 - 12:01pm

DOI No. 201712100

Screening and Fencing Plan



A DECORATIVE SCREEN WALL



B ENTRY GATE MEDIAN ORNAMENTAL METAL FENCING
GATE & MEDIAN FENCING DESIGN T.B.D.



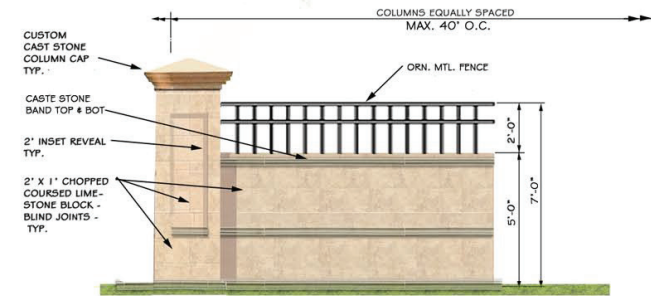
C ORNAMENTAL METAL FENCE
WITH COLUMN TERMINUS



D LOW STONE WALL WITH
ORNAMENTAL METAL FENCE



E ORNAMENTAL METAL FENCE



F DECORATIVE SCREEN WALL

SCREENING WALLS & ORNAMENTAL FENCING EXHIBIT

Screening and Fencing Plan



Planner:



SAGE GROUP, INC.
Master Planning
Urban Design
Architecture
Landscape Architecture
1130 N. Carroll Ave., Ste. 200
Southlake, Texas 76092
817-424-2626

TYPE C - 6' Ornamental Metal Fence WITH Masonry Columns
TYPE D - 6' Total: Masonry Wall 2.5' / Ornamental Metal Fence 3.5'
TYPE F - 8' Masonry Wall
Retain Existing Wall / Fence

Eastern Boundry Detail (Sheet 1 of 3)

Case #ZC18-002

Oak Alley

Bear Creek Plantation, Lot 1R1 Block 1 & Lot 1R2 Block 1

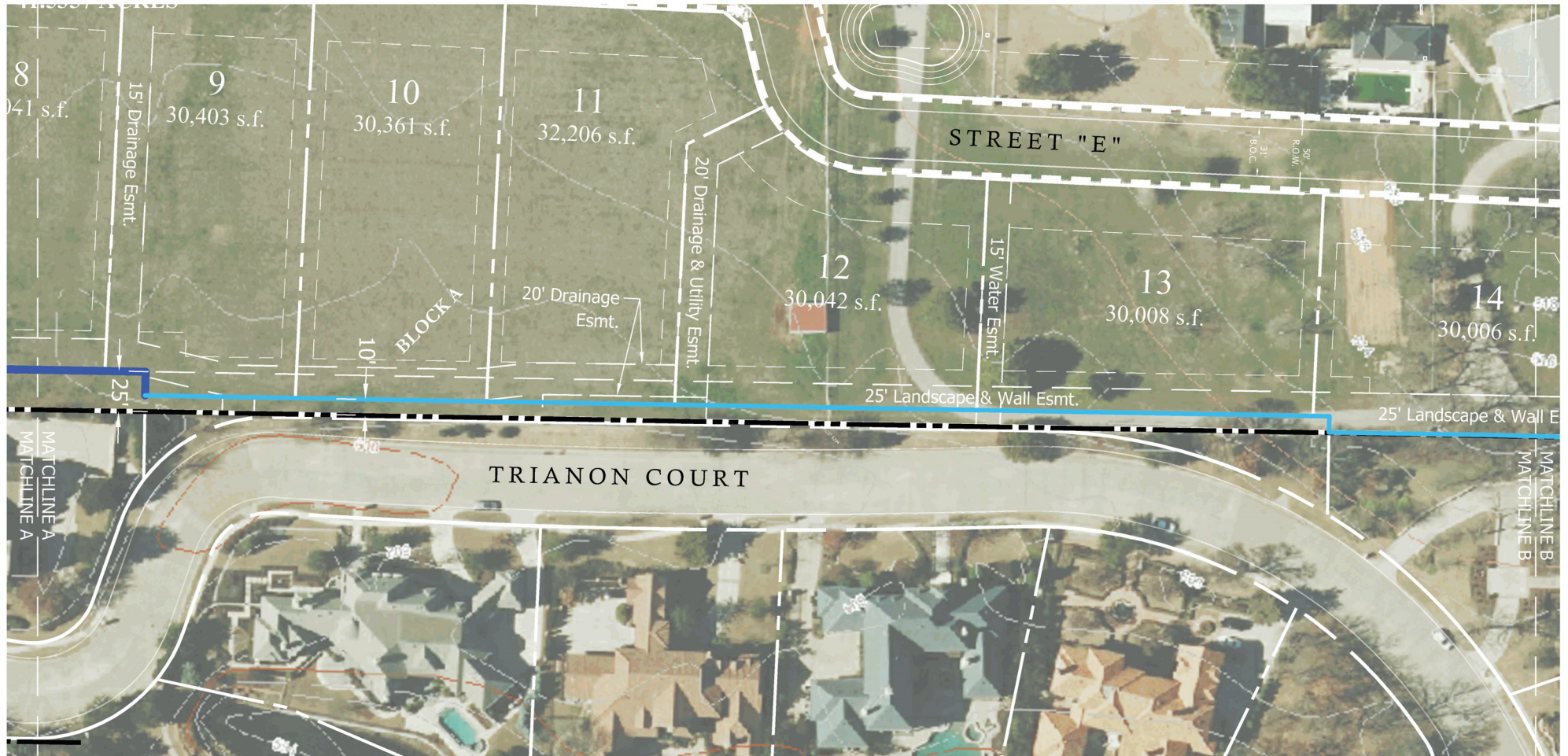
Colleyville, Tarrant County, Texas

21 SEPT 18

1" = 60'



Screening and Fencing Plan



Planner:



SAGE GROUP, INC.
Master Planning
Urban Design
Architecture
Landscape Architecture
1130 N. Carroll Ave., Ste. 200
Southlake, Texas 76092
817-424-2626

TYPE A - 8' Total: Masonry Wall 6' / Ornamental Metal Fence 2'

TYPE F - 8' Masonry Wall

Case #ZC18-002

21 SEPT 18



1" = 60'



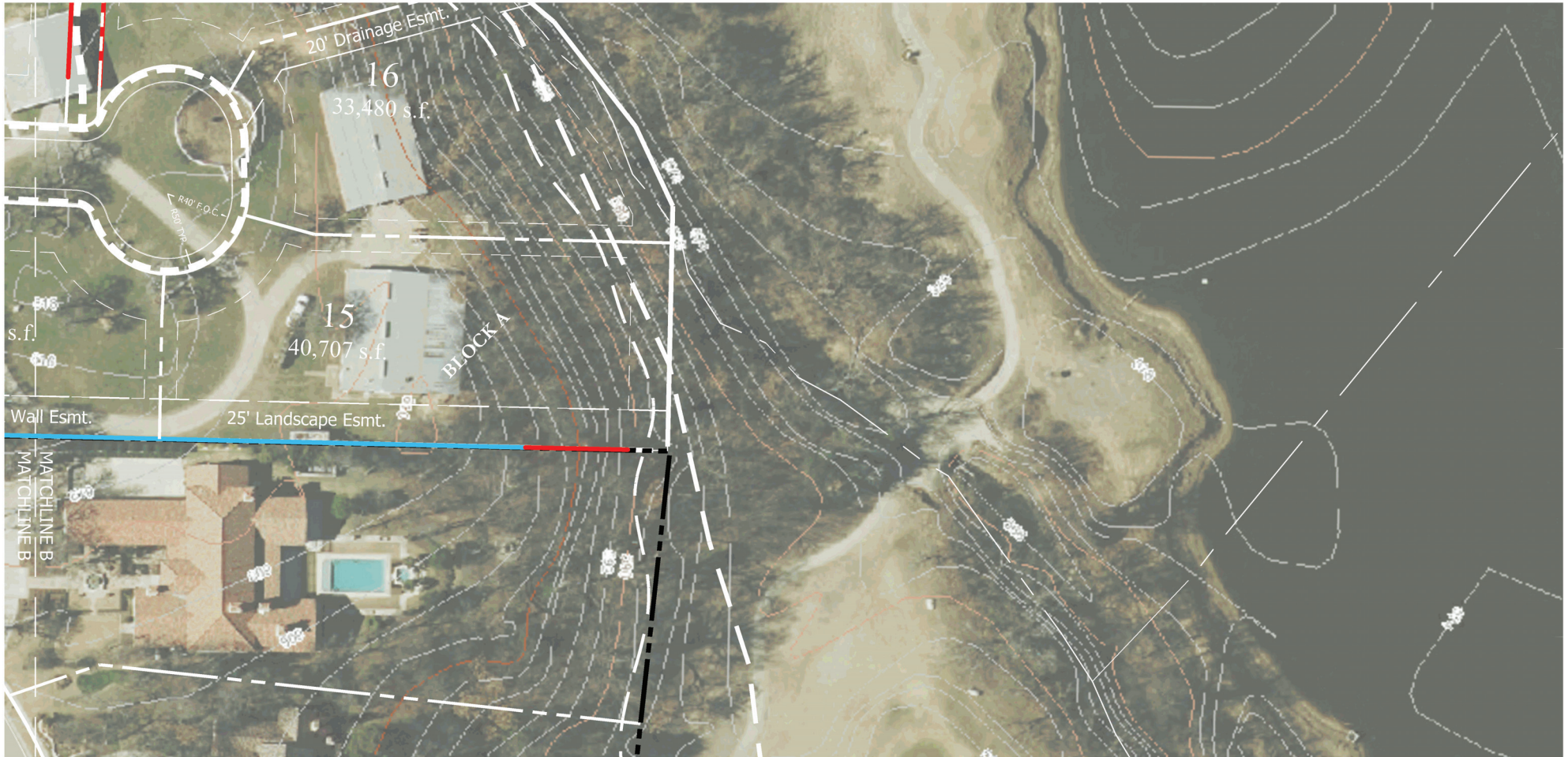
Eastern Boundary Detail (Sheet 2 of 3)

Bear Creek Plantation, Lot 1R1 Block 1 & Lot 1R2 Block 1

Oak Alley

Colleyville, Tarrant County, Texas

Screening and Fencing Plan



Planner:



SAGE GROUP, INC.
Master Planning
Urban Design
Architecture
Landscape Architecture
1130 N. Carroll Ave., Ste. 200
Southlake, Texas 76092
817-424-2626

TYPE A - 8' Total: Masonry Wall 6' / Ornamental Metal Fence 2'

TYPE E - 6' Ornamental Metal Fence

Case #ZC18-002

21 SEPT 18

1" = 60'



Eastern Boundary Detail (Sheet 3 of 3)

Oak Alley

Bear Creek Plantation, Lot 1R1 Block 1 & Lot 1R2 Block 1

Colleyville, Tarrant County, Texas

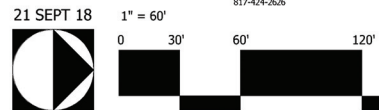
Screening and Fencing Plan



Planner:
SAGE GROUP, INC.
Master Planning
Urban Design
Architecture
Landscape Architecture
1130 N. Carroll Ave., Ste. 200
Southlake, Texas 76092
817-424-2626

TYPE D - 6' Total: Masonry Wall 2.5' / Ornamental Metal Fence 3.5'
TYPE C - 6' Ornamental Metal Fence with Masonry Columns

Case #ZC18-002



Western Boundary Detail (Sheet 1 of 3)

Oak Alley

Bear Creek Plantation, Lot 1R1 Block 1 & Lot 1R2 Block 1

Colleyville, Tarrant County, Texas

Screening and Fencing Plan



TYPE D - 6' Total: Masonry Wall 2.5' / Ornamental Metal Fence 3.5'

TYPE F - 7' Total: Masonry Wall 5' / Ornamental Metal Fence 2'

Replace Pipe Rail Fence

6' Iron Fence

Western Boundary Detail (Sheet 2 of 3)

Bear Creek Plantation, Lot 1R1 Block 1 & Lot 1R2 Block 1

Planner:



SAGE GROUP, INC.
Master Planning
Urban Design
Architecture
Landscape Architecture
1130 N. Carroll Ave., Ste. 200
Southlake, Texas 76092
817-424-2626

21 SEPT 18

1" = 60'



Case #ZC18-002

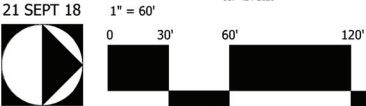
Oak Alley

Colleyville, Tarrant County, Texas

Screening and Fencing Plan



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Replace Pipe Rail Fence

Western Boundary Detail (Sheet 3 of 3)

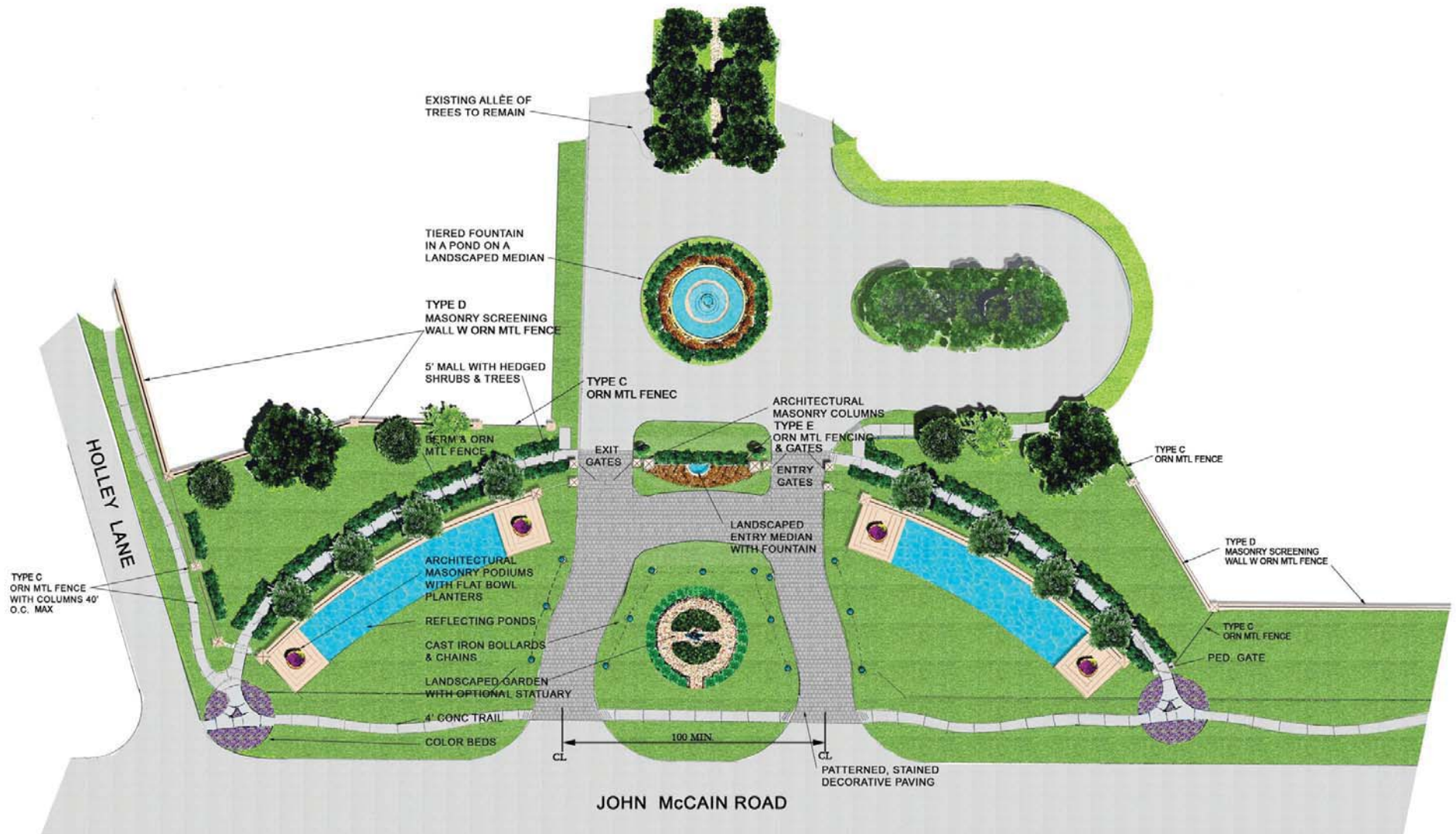
Bear Creek Plantation, Lot 1R1 Block 1 & Lot 1R2 Block 1

Case #ZC18-002

Oak Alley

Colleyville, Tarrant County, Texas

Entry Plan



THE ENTRY

OAK ALLEY

Entry Plan

STONE



PAVERS



INSPIRATION



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Architecture
Landscape Architecture
1130 N. Carroll Ave., Ste 200
Southlake, Texas 76092
TEL: 817-424-2606

THE ENTRY

OAK ALLEY

Entry Elevations

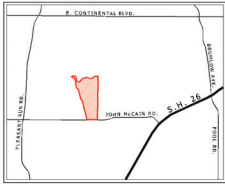


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Landscape Architecture
1130 N. Carroll Ave., Ste 200
Southlake, Texas 76092
TEL: 817-424-2626

ELEVATION OF THE ENTRY

OAK ALLEY

Easement Landscape Plan



Holly Lane / Western Boundary Landscape Easement -
Landscape Specifications

SHADE TREES				
SYMBOL	PLANT NAME	QUANTITY	SIZE	CONDITION / REMARKS
	Live Oak <i>Quercus virginiana</i>	3"	14'-16' HT. / 10'-12' SPREAD	single trunk clear to 6'; b & b; matching growth
	Red Oak <i>Quercus shumardii</i>	3"	14'-16' HT. / 10'-12' SPREAD	single trunk clear to 6'; b & b; matching growth
	Cedar Elm <i>Ulmus crassifolia</i>	3"	14'-16' HT. / 10'-12' SPREAD	single trunk clear to 6'; b & b; matching growth

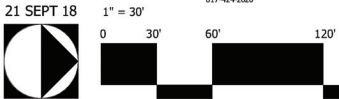
ORNAMENTAL TREES				
SYMBOL	PLANT NAME	QUANTITY	SIZE	CONDITION / REMARKS
	Crape Myrtle <i>Lagerstroemia indica</i> 'Red Rocket'	30 Gal.	8' HT. / 6' SPREAD	container grown; matching growth
	Nellie R. Stevens Holly <i>Ilex x 'Nellie R. Stevens'</i>	30 Gal.	8' HT. / 6' SPREAD	container grown; matching growth
	Charlie Tree <i>Viburnum acer-castan-</i>	30 Gal.	8' HT. / 6' SPREAD	container grown; matching growth

Eastern Boundary Landscape Easement -
Landscape Specifications

SHADE TREES				
SYMBOL	PLANT NAME	QUANTITY	SIZE	CONDITION / REMARKS
	Live Oak <i>Quercus virginiana</i>	3"	14'-16' HT. / 10'-12' SPREAD	single trunk clear to 6'; b & b; matching growth
	Red Oak <i>Quercus shumardii</i>	3"	14'-16' HT. / 10'-12' SPREAD	single trunk clear to 6'; b & b; matching growth
	Cedar Elm <i>Ulmus crassifolia</i>	3"	14'-16' HT. / 10'-12' SPREAD	single trunk clear to 6'; b & b; matching growth

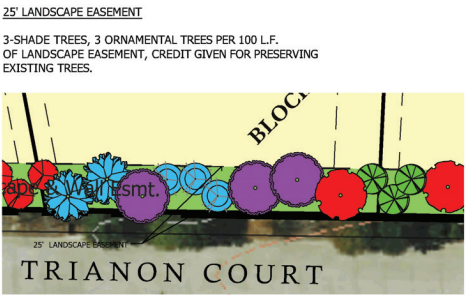
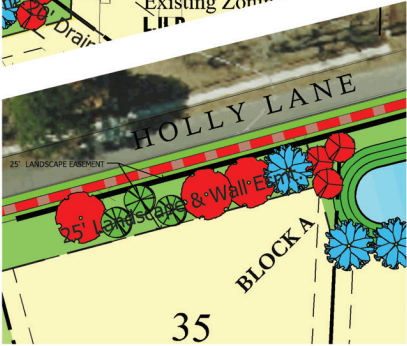
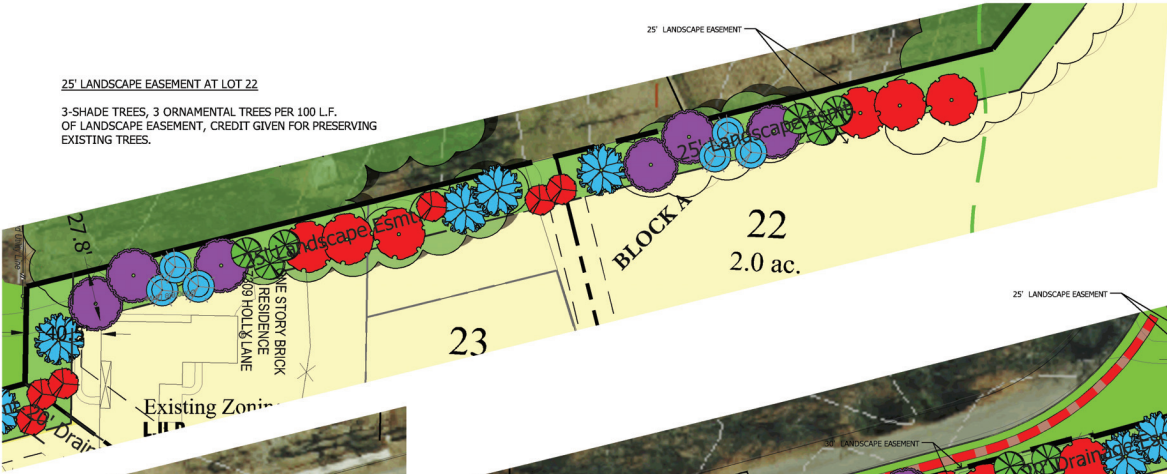
ORNAMENTAL TREES				
SYMBOL	PLANT NAME	QUANTITY	SIZE	CONDITION / REMARKS
	Crape Myrtle <i>Lagerstroemia indica</i> 'Red Rocket'	30 Gal.	8' HT. / 6' SPREAD	container grown; matching growth
	Nellie R. Stevens Holly <i>Ilex x 'Nellie R. Stevens'</i>	30 Gal.	8' HT. / 6' SPREAD	container grown; matching growth
	Charlie Tree <i>Viburnum acer-castan-</i>	30 Gal.	8' HT. / 6' SPREAD	container grown; matching growth

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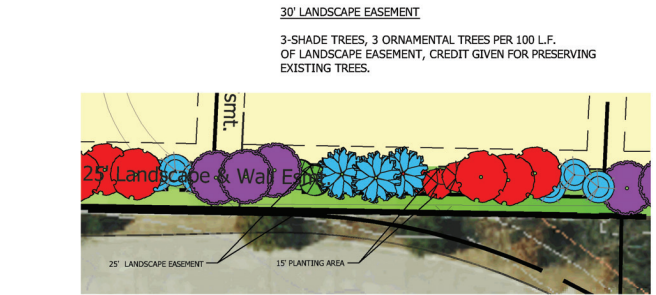
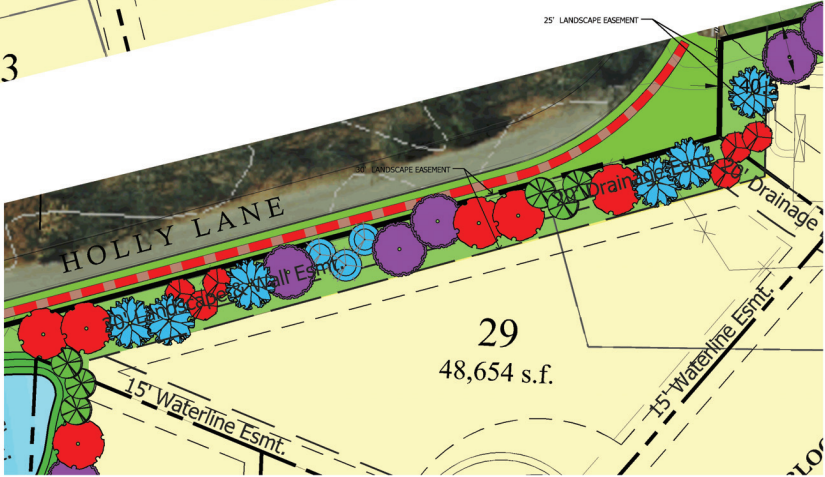


Landscape Easement Plantings

Bear Creek Plantation, Lot 1R1 Block 1 & Lot 1R2 Block 1



25' LANDSCAPE EASEMENT
3 SHADE TREES, 3 ORNAMENTAL TREES PER 100 L.F. OF LANDSCAPE EASEMENT



25' LANDSCAPE EASEMENT
(15' PLANTING AREA)
3 SHADE, 3 ORNAMENTAL TREES PER 100 L.F. OF LANDSCAPE EASEMENT

Oak Alley

Colleyville, Tarrant County, Texas

**DECLARATION OF COVENANTS, CONDITIONS AND
RESTRICTIONS FOR OAK ALLEY**

THE STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS
COUNTY OF TARRANT §

DEVELOPER, LLC, a Texas limited liability company; OAK ALLEY HOA, INC. a Texas corporation (all, "Declarant") is the owner of all that certain land described in EXHIBIT "A", attached hereto and incorporated herein for all purposes (the "Property").

Declarant hereby declares that the Property shall be held, sold and conveyed subject to the following easements, restrictions, covenants and conditions, which are for the purpose of establishing a general scheme for the development of all of the lots in the Property, and which shall run with the land and be binding on all property or any part thereof, and shall inure to the benefit and binding upon of each owner thereof, and his heirs, administrators, successors and assigns.

DEFINITIONS

The following words when used in this Declaration or any amendment or supplement hereto (unless the context shall otherwise clearly indicate or prohibit) shall have the following meanings:

“Addition” shall mean Oak Alley subdivision as depicted in Exhibit A hereof.

“Assessment” shall mean any of the assessments described Article IV hereof.

"Association" shall mean and refer to Oak Alley Homeowners Association, Inc., a Texas non-profit corporation, which after its formation, but subject to the provisions of this Declaration, shall have the power, duty and responsibility of maintaining and administering the Common Area, collecting the Assessments and charges hereinafter prescribed, and the right of administering and enforcing this Declaration.

“Board” shall mean the Board of Directors of the Association.

“Builder” shall mean an Owner who is primarily engaged in the business of homebuilding and is building Residences on one or more Lots.

“City” shall mean the city of Colleyville.

"Common Area" shall mean and refer to the following: (a) easements for lighting and landscaping in the entryway, as more particularly described herein, (b) an easement for a masonry wall and/or fence as more particularly described herein, (c) ponds and water features, and (d) any other property hereafter conveyed to the Association as Common Area that shall be maintained by the Association.

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“Committee” shall have the meaning described in section 6.1 hereof.

“County” shall mean Tarrant County, Texas.

"Declarant" shall mean and refer to the entities named in the first paragraph above and their successors and assigns (if any). No person or entity purchasing one or more Lots from Declarant in the ordinary course of business shall be considered a “Declarant”.

“Development Period” shall mean the period beginning on the date of recording of this Declaration and expiring twenty (20) years thereafter unless previously waived in writing by Declarant; during the Development Period, the Declarant reserves the right to facilitate the development, construction and marketing of the Property and the right to direct the size, shape, and composition of the Property pursuant to section 209.002 (4-a) of the Texas Property Code.

“First Mortgagee” shall mean the holder, insurer, or guarantor of a purchase money mortgage secured by a recorded first deed of trust lien against a Lot, or any renewal, modification or refinancing thereof.

"Lot" shall mean and refer to any plot or tract of land shown upon the Plat, as amended from time to time, which is designated as a lot therein by a number and which is or will be improved with a Residence. If any Common Area may be platted as separate lots in the Plat, same shall be excluded from the definition of "Lot" as used herein. "Adjoining Lot" shall mean and refer to a Lot which is immediately adjacent to any other Lot as shown on the Plat. Any reference herein to the visibility of an item from any Adjoining Lot shall mean the visibility of such item from the ground level of the structure located on the Adjoining Lot and not the second story of a two-story dwelling located thereon.

"Member" shall mean and refer to each Owner of a Lot.

"Owner" shall mean and refer to each and every person or business entity who or which is a record owner of a fee or undivided fee interest in any Lot; however, the word "Owner" shall not include person(s) or entity(ies) who hold a bona fide lien or interest in a Lot as security for the performance of an obligation.

“Plat” shall mean that certain Final Plat of Oak Alley, a plat recorded as Instrument No _____, Real Property Records, Tarrant County, Texas.

"Property" shall mean and refer to the Property described in EXHIBIT "A", and any additions thereto which are subject to this Declaration or any amendment or supplement hereto, prepared and filed of record pursuant to the provisions hereof.

“Residence” shall mean any dwelling constructed on a Lot.

“Streets” shall mean those streets shown on the Plat.

ARTICLE I

MEMBERSHIP AND VOTING RIGHTS

Section 1.1. Membership. Every Owner of a Lot shall automatically be a Member of the Association for so long as he is an Owner.

Section 1.2. Voting Rights. The Association shall have three classes of Members:

CLASS A: Class A Members shall be all Members other than Class B and Class C Members. Class A Members shall be entitled to one (1) vote for each Lot in which they hold the interest required for membership. When more than one person holds such interest or interests in any Lot, all such persons shall be Members, and the vote for such Lot shall be exercised as they, among themselves, determine, but in no event shall more than one (1) vote be cast with respect to any such Lot.

CLASS B: Class B Members shall be any Builders. Class B Members shall be entitled to two (2) votes for each Lot owned. The Class B membership shall cease when a Residence is conveyed to a third party who is not a Builder.

CLASS C: The Class C Member shall be the Declarant. The Class C Member shall be entitled to ten (10) votes for each Lot which it owns; this membership Class shall expire upon the conveyance to a Class B member and/ or third parties of all Lots owned by Declarant.

Section 1.3. Quorum, Notice and Voting Requirements. The quorum, notice and voting requirements of and pertaining to the Association are set forth within the Bylaws of the Association as same may be amended from time to time.

ARTICLE II

GENERAL POWERS OF THE BOARD OF DIRECTORS

Section 2.1. General Powers. The affairs of the Association shall be conducted by its Board. The Board shall be selected in accordance with the Certificate of Formation of the Association (attached hereto as EXHIBIT "B") and Bylaws of the Association (attached hereto as EXHIBIT "C"). The Board, for the benefit of the Common Area and the Owners, shall have the following rights:

- (a) To provide for the care of and preservation of the Common Area and the furnishing and upkeep of any desired fixtures, personal property and landscaping in the Common Area, and to maintain any drainage pipes in Common Area or in easements conveyed to the Association;
- (b) To maintain the Common Area, including care for the grass, shrubs, flowers, and trees;

(c) To provide for any private trash and garbage collection service and security arrangements, at its discretion;

(d) To pay for taxes, insurance and utilities (including without limitation, electricity, gas, water and sewer charges) which pertain to the Common Area only;

(e) To hire the services of a person or firm (including Declarant and any affiliates of Declarant) to manage the Association or any separate portion thereof, and to maintain the Common Area, to the extent deemed advisable by the Board, and the services of such other personnel as the Board shall determine to be necessary or proper for the operation of the Association, whether such personnel are employed directly by the Board or by a manager designated by the Board;

(f) To contract for legal and accounting services;

(g) To obtain and purchase any other materials, supplies, furniture, labor, services, maintenance, repairs, and structural alteration which the Board is required to obtain or pay for pursuant to the terms of this Declaration or which in its opinion shall be necessary or proper for the operation or protection of the Association or for the enforcement of this Declaration;

(h) To execute all declarations of ownership for tax assessment purposes with regard to any of the Common Area;

(i) To enter into agreements or contracts with companies and taxing authorities with respect to: (i) taxes on the Common Area; (ii) insurance coverage (if any) on Common Area, and (iii) utility installation, consumption and service matters;

(j) To borrow funds to pay costs of operations and improvements, secured by assignment or pledge of income, if the Board sees fit, or secured by such assets of the Association as deemed appropriate by the lender and the Board;

(k) To enter into contracts, maintain one or more bank accounts, and, generally, to have all the powers necessary or incidental to the operation and management of the Association;

(l) To protect or defend the Common Area from loss or damage by suit or otherwise, to sue or defend in any court of law on behalf of the Association and to provide adequate reserves for repairs and replacements;

(m) To make reasonable rules and regulations for the Common Area and to amend them from time to time;

(n) To make available to each Owner, within one hundred twenty (120) days after the end of each fiscal year, an annual report;

(o) To adjust the amount, collect, and use any insurance proceeds to repair damage or replace lost property;

(p) To enforce the provisions of this Declaration and any rules made hereunder and to assess, institute foreclosure, fine, enjoin and/or seek damages from any Owner for violation of such of provisions or rules; provided, that the Board may exercise discretion in deciding to enforce the provisions of this Declaration and said rules, so long as it does not act in an arbitrary or capricious manner.

(q) To do such other acts as are contemplated by or are appropriate to this Declaration and the Certificate of Formation and Bylaws of the Association.

Section 2.2. Board Powers, Exclusive. The Board, acting through any Officer of the Association, shall have the exclusive right to contract for all goods, services, and insurance, and the exclusive right and obligation to perform the functions of the Board, except as otherwise provided herein. In the event or if for any reason the Board is not deemed authorized to act for and on behalf of the Association and the Members, then Declarant may exercise its power and authority described herein to act for and on behalf of the Association and the Members, and the Association shall reimburse Declarant for any and all reasonable expenses incurred in so acting.

Section 2.3. Contracts With Owners. The Board, on behalf of the Association, shall have full power and authority to contract with any Owner (including without limitation, Declarant) for the performance, on behalf of the Association, of services which the Board is otherwise required to perform pursuant to the terms hereof, such contracts to be upon such terms and conditions and for such consideration as the Board may deem proper, advisable and in the best interest of the Association.

Section 2.4. Liability Limitations. Neither any Member, the Board, any Director, nor any Officer of the Association shall be personally liable for debts contracted for, or otherwise incurred by the Association, or for a tort of another Member or the Association, whether such other Member was acting on behalf of the Association or otherwise. Neither Declarant, the Association, nor their Directors, officers, agents, or employees shall be liable for any incidental or consequential damages for failure to inspect any premises, improvements or portion thereof or for failure to repair or maintain the same.

Section 2.5. Reserve Funds. The Board may establish reserve funds which may be maintained and accounted for separately from other funds maintained for annual operating expenses.

Section 2.6. Restrictions on Contracts. Neither Declarant nor the Association may directly or indirectly enter into any management agreement or any other contract on behalf of the Association which extends beyond the expiration of the Development Period. The Association may, however, following such date, enter into new management agreements or other contracts in accordance with this Declaration.

ARTICLE III

PROPERTY RIGHTS IN THE COMMON AREA

Section 3.1. Members' Easement of Enjoyment. Subject to the provisions contained herein, the Association shall have and is hereby granted, transferred and conveyed a non-exclusive right and easement in and to the Common Area. The use of the Common Area by any Member, licensee, or guest of either, shall be at their own risk.

Section 3.2. Easements to the Common Area. The Declarant hereby reserves for the benefit of the Association and transfers to the Association an easement as "Common Area" over the landscaped common area of the Addition. The Declarant shall have the right and option (without the joinder and consent of any person or entity, save and except any consent, joinder or approval required by any governmental authority) to redesign, reconfigure, alter, improve, landscape and maintain the Common Area, provided that Declarant fully and timely complies with any and all requirements of any governmental authorities.

Section 3.3. Extent of Members' Easement. The rights and easements created hereby shall be subject to the following:

- (a) The right of the Association to prescribe reasonable regulations and policies governing the Common Area;
- (b) All matters recorded in the Real Property Records of the County, to the extent that same affect the Common Area as of the date of the recording of this Declaration, and such further easements, restrictions and exceptions as the Declarant or the Association may grant to other parties;
- (c) The right of the Association to enter into and execute contracts with any party (including, without limitation, Declarant) for the purpose of providing maintenance or such other materials or services consistent with the purposes of the Association.

Section 3.4. Declarant's and Association's Responsibilities for Common Area.

- (a) All initial improvements to the Common Area shall be performed by Declarant at its sole cost and expense prior to the conveyance of the Common Area to the Association. Such initial improvements shall include the grading and planting of any landscaping on the Common Area, and any other improvements on the Common Area, in Declarant's discretion.
- (b) Upon completion of the improvements described in (a) above, the Association shall cause the Common Area to be maintained, including, but not limited to, maintaining landscaping, payment of taxes on and insurance premiums, if any, for Common Area, the cost of replacing and repairing improvements to the Common Area, and paying the cost of labor, services, materials, and equipment (including the cost of renting same, if any) related to the Common Area and the improvements therein.

ARTICLE IV

COVENANTS FOR ASSESSMENTS

Section 4.1. Assessments. Each Owner of a Lot by acceptance of a deed therefor, whether or not it shall be so expressed in such deed, is deemed, as a part of the purchase money consideration for such deed and conveyance, to covenant and agree to pay to the Association (or to an independent entity or agency which may be designated by the Association to receive such monies):

(a) Regular Assessments (herein so called) for the costs of (i) promoting the health, recreation, safety and welfare of the Owners; (ii) improving and maintaining any Common Area and any improvements thereon; (iii) maintaining the landscaping and wall in the Common Area; (iv) paying taxes on the Common Area and insurance in connection with the Common Area and the repair, replacement and additions thereto; (v) paying for utility services to the Common Area; (vi) trash and garbage collection and security arrangements as may be determined necessary and appropriate by the Association from time to time; (vii) paying the cost of labor, equipment (including the expense of leasing any equipment) and materials required for, and the management and supervision of, the Common Area; (viii) carrying out the rights and duties of the Board as set forth herein, (ix) carrying out the various matters set forth or envisioned in this Declaration or in any amendment or supplement hereto, and in the Certificate of Formation and Bylaws of the Association; and (x) for any matter or thing required by any governmental authorities in connection with any zoning, subdivision, or platting of the Property;

(b) Special Assessments (herein so called) for capital improvements or unusual or emergency matters;

(c) Special Individual Assessments (herein so called) levied against individual Owners for (i) extra costs for maintenance and repairs caused by the willful or negligent acts of the individual Owner and/or his guests, contractors, and agents, and not caused by ordinary wear and tear or (ii) fines levied against individual Owners for violations of rules and regulations pertaining to the Association or the Common Area or (iii) costs to correct violations of this Declaration, including costs to maintain a Lot or improvements on any Lot because the Owner thereof failed to do so. Fines levied against individual Owners for violation of these Covenants, Conditions and Restrictions shall be assessed at a twenty dollar (\$20) a day fine after the owner has been given written notice and five (5) business days to cure the violation.

(d) Clean Up Assessments (herein so called) levied against lots owned Class A or Class B owners to reimburse the Association for the cost of removing trash, debris, and garbage from, and otherwise to mitigate any damage to, the streets, Lots and Common Areas within the Addition due to construction activity. All cleanup assessments shall be assessed ratably against all lots owned by Class A and Class B members.

Section 4.2. Creation of Lien. The Regular, Special and Special Individual Assessments, together with such late charges, interest and costs of collection thereof, as hereinafter provided, shall be a charge on the land and shall be a continuing lien upon each Lot against which each such Assessment is made. Declarant and the Association hereby reserve a vendor's lien in favor of the

Association against each Lot to secure the payment of any Assessment which may be levied against such Lot pursuant to the terms hereof, and the expenses incurred in connection with the enforcement thereof, including, without limitation, interest at the maximum rate permitted by law, costs, and reasonable legal fees. Such lien may be enforced by non-judicial or judicial foreclosure and the amounts secured thereby shall be the obligation of and chargeable to the Owner of the Lot against which such amounts accrue. Such lien shall be and is subordinate and inferior only to the following: (i) assessments, liens and charges in favor of the State of Texas and any political subdivision thereof for taxes past due and unpaid on the Lot; and (ii) amounts due under any first lien deed of trust duly recorded prior to the recordation of any Assessment lien as provided herein.

Section 4.3. Assessment Lien.

(a) All Assessments against a Lot but unpaid, including interest thereon at the maximum rate permitted by law from the date such Assessments are due until said Assessments are paid (subject to the limitation that the interest contracted for, charged or received pursuant to this Declaration may not exceed the maximum permitted by applicable law) shall constitute a lien on such Lot superior to all other liens and encumbrances, except as provided in section 4.2. Declarant or the Board or its duly appointed agent, may (but shall not be required to) prepare a written notice setting forth the amount of such unpaid indebtedness, the name of Owner and a description of the Lot. Such notice shall be signed by Declarant or the Board or its duly appointed agent and may be recorded in the office of the County Clerk of the County. Such lien may be enforced by the foreclosure of it upon the Lot to which it pertains or the Board or its duly appointed agent by judicial or non-judicial means. In any such proceeding, the Owner shall be required to pay the costs, expenses and legal fees incurred in connection with filing the lien, and in the event of any foreclosure proceeding, all additional costs, expenses and legal fees incurred in connection with any such foreclosure proceeding. Declarant or the Board or its duly appointed agent shall have the power to bid on the Lot at foreclosure or other legal sale and to acquire and hold, lease, mortgage, convey or otherwise deal with the same. Any mortgagee holding a lien on the Lot may pay, but shall not be required to pay, any unpaid Assessments owing with respect to the Lot and the Association may contact any mortgagee regarding any unpaid Assessment. All liens for Assessments hereunder shall be inferior to the lien held by a First Mortgagee such that foreclosure of any First Mortgagee's lien extinguishes the Association's claim against the Lot which is subject to said First Mortgagee's lien for unpaid Assessments that accrued prior to the date of foreclosure, but shall not extinguish the Association's claim against the Owner of such Lot and does not extinguish the Association's right to assess such Lot for Assessments after the foreclosure. Any action taken pursuant to this Section 4.3 shall only be taken after Declarant or the Association, as the case may be, first complies with Chapter 209 of the Texas Property Code, as same may be amended and in effect at the time of such action;

(b) The amount of the Assessments assessed against the Lot shall also be a personal obligation or indebtedness of the Owner thereof at the time the Assessments are made. Suit to recover a money judgment for unpaid Assessments shall be maintainable without foreclosing or waiving the lien securing same;

(c) Owner, by acceptance of the deed to the Property, hereby expressly vests in Declarant, the Association or its agents the right and power to bring all actions against Owner personally for the collection of such charges as a debt, and to enforce the aforesaid liens by all

methods available for the enforcement of such liens. No Owner may waive or otherwise escape liability for the Assessments provided herein by non-use of the Common Area or by abandonment of his Lot;

(d) If any Assessment remains unpaid at the expiration of thirty (30) calendar days from and after the due date established by the Declarant and/or the Board, a late charge may be assessed, if permitted by applicable law, against the Owner for each month that any portion of an Assessment remains unpaid. The late charge shall be in the amount of One Hundred and No/100 U.S. Dollars (\$100.00) for all Class A Members, and Fifty Dollars and No/100 U.S. Dollars (\$50.00) for all Class B Members. A reasonable service charge in an amount established by the Board may be charged for each check that is returned because of insufficient funds. The amounts of late charges and service charges may be adjusted, from time to time, by the Board consistent with any changes in the amounts of Regular or Special Assessments; provided, however, that the amount of any late charge assessed against Class B Members shall be fifty percent (50%) of the amount of the late charge assessed against Class A Members. Any such late charges and service charges shall be secured by the same lien that secures Assessments.

(e) No Assessments shall be levied against any public street.

Section 4.4. Basis and Amount of Regular Maintenance Assessments.

(a) Until and unless otherwise determined by the Board, the initial maximum Regular Assessment shall be Eighty and No/100 U.S. Dollars (\$80.00) per Lot per week.

(b) The Board may establish the maximum annual Regular Assessment for each Lot, provided that the maximum annual Regular Assessment may not be increased more than thirty percent (30%) above the maximum annual Regular Assessment for the previous year unless otherwise approved by a majority of the total votes of the Members.

Section 4.5. Special Assessments for Capital Improvements. In addition to the Regular Assessments authorized above, the Association may levy in any fiscal year a Special Assessment applicable to that year only, provided that any such Special Assessment shall have the affirmative approval of a simple majority of the total votes of the Members.

Section 4.6. Uniform Rate of Annual and Special Assessment. Both Regular and Special Assessments must be fixed at a uniform rate for all Lots owned by Members of the same Class. Each Lot owned by a Class A Member shall be charged with one hundred percent (100%) of the established per Lot Assessment; each Lot owned by a Class B Member shall be charged with fifty percent (50%) of the established per Lot Assessment (at the time of this Declaration, such fifty percent (50%) would amount to \$40.00 per week); and Lots owned by Declarant shall not be charged with any portion of any Regular or Special Assessment. Any Regular Assessment owed by a Class B Member will be paid once per calendar quarter, by the end of such quarter. Declarant may, however, pay any shortfall in Assessments necessary to pay for the expenses shown in any budget adopted by the Board.

Section 4.7. Date of Commencement of Assessments and Due Dates. The Board may prescribe from time to time that the Regular Assessments are to be collected on an annual, semi-

Comment

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annual, quarterly or monthly basis, and accordingly, the Declarant and/or the Board shall prescribe the appropriate due dates. All Regular Assessments shall be collected in advance. The due date or dates (if it is to be paid in installments) of any other Assessments shall be fixed in the respective resolution authorizing such Assessment, including the due date of the Assessment.

Section 4.8. Duties of the Board With Respect to Assessments.

(a) In the event of a revision to the amount or rate of the Regular Assessment, or establishment of a Special Assessment or Special Individual Assessment, the Board shall fix the amount of the Assessment, and the applicable due dates for each Assessment, at least sixty (60) days in advance of such due date or period, and the Board shall, at that time, prepare a roster of the Lots and Assessments applicable thereto which shall be kept in the office of the Declarant and/or the Association.

(b) Written notice of the Assessment shall thereupon be delivered or mailed to every Owner subject thereto.

(c) The Association shall furnish to any Owner liable for any Assessment a certificate in writing in accordance with Section 207.003 of the Texas Property Code, as amended. Such certificate shall be conclusive evidence of payment of any Assessment therein stated to have been paid. A reasonable charge may be made by the Association for the issuance of such certificate.

ARTICLE V

CONSTRUCTION OF IMPROVEMENTS AND USE OF LOTS

Section 5.1. Residential Use. All Lots shall be used for single-family residential purposes only. No building shall be erected, altered, placed or permitted to remain on any Lot other than one (1) detached single-family residence per Lot and a private garage as provided below, except as permitted by the Committee (defined below in Section 6.1 of this Declaration). Except as permitted by the Committee, the residence may not exceed the maximum height and/or lot coverage percentage allowed by the City.

Section 5.2. Single-Family Use. Each Residence constructed on a Lot may be occupied by only one family consisting of persons related by blood, adoption or marriage or no more than two unrelated persons living and cooking together as a single housekeeping unit together with any household servants.

Section 5.3. Car Garage Required. Each Residence constructed on a Lot shall have a garage suitable for parking not less than three (3) nor more than six (6) standard size automobiles, which garage conforms in design and materials with the main structure and there shall be one (1) door for each space for front facing garages. Front facing garage doors shall be behind a visual screening such as a berm, landscaping, or wing wall and not visible from a public right-of-way. All garage doors shall be recessed twelve (12") inches into the opening. Unless approved otherwise by the Committee, up to two (2) garage spaces shall have a vehicular access door or opening which faces any public right-of-way but they must be located a minimum of forty (40')

feet behind the front setback and forty (40') feet behind the side setback for corner lots. Garage doors shall be closed at all times except to allow the entry and exit of vehicles and persons and except when cleaning of or storing in the garage is occurring. All driveways must be accessed from the front of the lot unless otherwise approved by the Committee. All driveways and driveway aprons or parking aprons must be kept free of any storage of vehicles or other material and must be kept clean of any dirt, debris, or stain. For purposes of this Section, "storage" shall mean the parking or placing of any object or material for more than one day, except for temporary guests that shall stay for now more than ten (10) consecutive days. All garage doors shall be wood or clad with wood. The use of wood-like materials is prohibited and garage doors with the primary material of metal, vinyl, or glass are prohibited.

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Section 5.4. Restrictions on Resubdivision. None of the Lots shall be subdivided into smaller lots. None of the lots shall be platted into larger lots without the prior written consent of the Committee.

Section 5.5. Driveways. All driveways on a Lot shall be surfaced with concrete or similar substance approved by the Committee. No driveways shall be asphalt.

Section 5.6. Uses Specifically Prohibited.

(a) Except children's playhouses and sports equipment, with the exception of one basketball goal, dog houses, greenhouses, and gazebos, which may be placed on a Lot only in places which are not visible from, or are screened in a manner approved by the Committee from, areas of public open space and right-of-way, and except for buildings of storage of lawn maintenance equipment which shall be built of materials and be of architectural character compatible with the design of the original building, no temporary structure, shop, trailer or mobile home of any kind or any improvement of a temporary character is permitted on any lot. However, with the prior approval of the Committee, one temporary structure shall be permitted to allow the Declarant to coordinate and promote activities directly or indirectly associated with lot and house sales in the Addition, and other temporary structures for the use of Declarant or the Association are permitted with Committee approval. No building material of any kind or character shall be placed or stored upon the Property until the Owner thereof is ready to commence construction of improvements, and then such material shall be placed within the property lines of the Lot upon which the improvements are to be erected.

(b) No boat, marine craft, hovercraft, aircraft, recreational vehicle, pick-up camper, travel trailer, motor home, camper body or similar vehicle or equipment may be parked for more than one day within the Addition, unless completely concealed in an enclosed structure. No such vehicle or equipment shall be used as a residence or office temporarily or permanently. This restriction shall not apply to any vehicle, machinery or equipment temporarily parked and in use for the construction, maintenance or repair of a Residence in the immediate vicinity.

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(c) No Owner shall permit trucks with tonnage in excess of one ton to park overnight on any Street adjacent to a Lot except those used by a Builder during the construction of improvements.

(d) No vehicle of any size, which transports flammable or explosive cargo, may be kept on the Property or any adjoining Street at any time.

(e) No oil drilling, oil development operation, oil refining, quarrying or mining operations of any kind shall be permitted on the Property, nor shall oil wells, tanks, tunnels, mineral excavations or shafts be permitted upon or in any part of the Property. No derrick or other structure designed for use in quarrying for oil or natural gas shall be erected, maintained or permitted on the Property.

(f) No animals, livestock or poultry of any kind shall be raised, bred or kept on the Property except that dogs, cats or other household pets may be kept for the purpose of providing companionship for an Owner. Animals are not to be raised, bred or kept for commercial purposes or for food. It is the purpose of these provisions to restrict the use of the Property so that no person shall quarter on any Lot cows, horses, bees, hogs, sheep, goats, guinea fowls, ducks, chickens, turkeys, skunks, llamas, badgers or other similar animals, and no dangerous, normally wild, animals whatsoever. It is the pet owner's responsibility to keep the Property clean and free of his or her pet's debris and to conform with all City Ordinances and Regulations affecting animals within the City. All pets must be properly tagged for identification. The Board shall have the right to adopt, amend, and repeal rules regulating types, sizes, and behavior of animals kept within the Property.

(g) No Lot or other part of the Property shall be used as a dumping ground for rubbish. Trash, garbage or other waste shall not be kept except in sanitary containers. All incinerators or other equipment for the storage or other disposal of such shall be kept in clean and sanitary condition. Materials incident to construction of improvements may be stored on Lots during construction so long as construction progresses without undue delay. Nothing herein shall prohibit a compost area for only vegetation on a Lot provided that same is not visible from a Street, is not more than twenty square feet in area, and is subject to rules established by the Board from time to time that do not conflict with Section 202.007 of the Texas Property Code, as amended.

(h) No individual water supply system shall be permitted on the Property, except as may be approved by the Committee for irrigation; provided, an Owner may install rain barrel(s) so long as any such rain barrels are not visible from any Street.

(i) No individual sewage disposal systems shall be permitted on the Property.

(j) No garage, garage house or other out-building (except for sales offices and construction trailers during the construction period) shall be occupied by any Owner, tenant or other person prior to the erection of a Residence.

(k) No air-conditioning apparatus shall be installed on the ground in front of a Residence and must be located behind fencing unless approved otherwise by Committee. No air-conditioning apparatus shall be attached to any front wall or window of a Residence, or in any second floor window or wall. No evaporative cooler shall be installed on the front wall or window of a Residence. All utility meters, outdoor equipment, air-conditioning compressors, air-conditioning and heating units, sprinkler and other control devices, junction boxes, and

similar items must be visually screened from rights-of-way and from adjoining lots in a manner approved by the Committee and must be located in areas acceptable to the Committee.

(l) It is the intent of the Committee to insure that antennas, discs, dishes or other similar equipment do not detract from the overall appearance of the neighborhood as they are considered unsightly. No antennas, discs, dishes, or other equipment for sending or receiving sound or video messages shall be permitted in this Addition except antennas for AM or FM radio reception and for UHF and VHF television reception and satellite antennas of size specifically allowed by federal law. All antennas shall be located inside the attic of the main residential structure or otherwise in locations approved by the Committee. No use shall be made of any lot or structure thereon for any other type of radio or television or similar broadcasting system.

(m) No Lot or improvement thereon shall be used for business, professional, commercial or manufacturing purposes of any kind, except that an Owner may use a home office for incidental office use. No activity, whether for profit or not, shall be conducted which is not related to single-family residential purposes. No noxious or offensive activity shall be undertaken within the Property, nor shall anything be done which is or may become an annoyance or nuisance to the neighborhood. No exterior spotlighting shall be permitted which creates a nuisance for adjacent homeowners and only Committee approved dark sky lighting shall be allowed on the exterior of the home.

(n) No fence, wall, hedge or shrub planting which obstructs sight lines at elevations between three (3) and six (6) feet above the roadway shall be placed or permitted to remain on any corner Lot within the triangular area formed by the Street right-of-way lines and a line connecting them at points ten (10) feet from the intersection of the street right-of-way lines. The same sight-line limitations shall apply on any Lot within ten (10) feet from the intersection of a Street right-of-way line with the edge of a private driveway pavement. No tree shall be permitted to remain within such distance of such intersections unless the foliage line is maintained at sufficient height to prevent obstruction of such sight lines.

(o) Except for children's playhouses and sports equipment, doghouses, greenhouses, gazebos and buildings for storage of lawn maintenance equipment, no building previously constructed elsewhere shall be moved onto any Lot, it being the intention that only new construction be placed and erected thereon. All such improvements and their locations on a lot require Committee approval. Children's play equipment such as sandboxes, temporary swimming pool having a depth of less than 24 inches, playhouses and tents shall not require approval of the Committee provided that such equipment is not more than six (6) feet high, in good repair (including painting), and every reasonable effort has been made to screen or shield such equipment from view. Equipment higher than six (6) feet shall require committee approval as to design, location, color, material, screening, and use. Any addition, exterior alteration, or change to an existing building shall be compatible with the design character of the original building. Any new detached structure shall be compatible in materials and design with other structures on the lot, as determined by the Committee.

(p) No structures, planting or materials shall be placed or permitted to remain which may damage or interfere with the installation and maintenance of utilities, which may change

the direction of flow within drainage channels or which may obstruct or retard the flow of water through drainage channels or easements.

(q) Unless approved otherwise by the Committee, no sign of any kind shall be displayed to the public view on any Lot except (i) one (1) professional sign of not more than five (5) square feet in size offering a Lot for sale, (ii) Committee approved uniform signs provided by the Committee used by a builder and design team to advertise property during the construction and sales period, (iii) “spirit” signs regarding school children, and (iv) political signs not more than five (5) square feet in size advocating the election of one or more political candidates or ballot item, provided that same may not be erected more than ninety (90) days in advance of the election to which they pertain and shall be removed within ten (10) days after the election. All permitted signs shall be ground-mounted and not more than three feet (3’) high. No sign of any kind or character that maligns or disparages Declarant, any Builder of a Residence within the Property, or the Property itself, or protests or complains of Declarant, any such Builder, or the Property, or the construction practices by Declarant or any such Builder, shall be displayed on any Lot or elsewhere within the Property, and any internet or electronic publication of any such complaint or protest shall be immediately removed from publication by the author thereof upon notice from Declarant. Further, no Owner may use the internet, publications or other print or broadcast media to malign or disparage the Property, the Declarant or any such Builder, it being acknowledged that any such public action creates controversy that diminishes the value of the Property and the Residences within it. Declarant or its agents shall have the right to remove any sign, billboard or other advertising structure that does not comply with the above, and in so doing shall not be subject to any liability for trespass or any other liability in connection with such removal. Nothing herein shall prohibit the erection of traffic directional signs or streets signs. No sign may be erected within the Common Area without the prior written consent of the Association.

(r) The drying of clothes in view of any Street is prohibited. The owners and occupants of any lots at the intersections of streets or adjacent to parks, common open space or other facilities where the rear yard is visible to public view shall construct a suitable enclosure to screen from public view the equipment which is incident to normal residences, such as clothes drying equipment, yard equipment and storage piles.

(s) Except within fireplaces in or attached to a Residence, or firepits as part of the permanent hardscaping design, and except for outdoor cooking, no outdoor burning of anything shall be permitted anywhere within the Addition without approval of the Committee.

(t) No carport shall be permitted on a lot.

(u) No abandoned, derelict or inoperative vehicles may be stored or located on any lot unless approved by the Committee and stored in the garage at all times with the garage door closed.

(v) No retaining walls visible from any public right-of-way or easement shall be permitted without the prior written approval of the Committee. Under no circumstances shall wooden retaining walls be permitted without the approval of the Committee. Materials used in retaining walls must be complementary to materials used in construction of the home on the lot when attached to a structure, as determined by the Committee. All aspects of retaining walls

must receive Committee approval. Retaining wall not connected to a structure will be of matching material used in the Addition perimeter walls.

Section 5.7. Minimum Floor Area. The total air-conditioned living area of a Residence built on a Lot, as measured to the outside of exterior walls but exclusive of open porches, garages, patios and detached accessory buildings, shall be not less than four thousand three hundred (4,300) square feet. The first story of two-story houses must contain at least two thousand three hundred (2,300) square feet, unless approved otherwise by the Committee. Lot 29 shall be limited to a single-story structure.

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Section 5.8. Structure Materials: Exterior Items and Surfaces. Unless approved by the Committee, the dominant exterior vertical wall area of each structure, exclusive of doors and windows, shall be masonry (brick, stone, or stucco over CMU block) or other material solely determined by the Committee. No more than 20% of the exterior vertical wall to be authentic lath and stucco application over wood framing. Dryvit systems or Styrofoam products are not acceptable. The exterior of chimney flues shall be of masonry material acceptable to the Committee. Installation of all types of exterior items and surfaces such as address numbers or external ornamentation, lights, mail chutes, mailboxes, roofing materials and exterior paint or stain, shall be subject to the approval of the Committee as to size, design, materials color, manufacturer and location. Roofing material of each home shall be that specifically approved by the Committee for that home and consist of slate, flat tile, barrel tile, standing seam metal, or copper. The use of composition shingles or wood shingles is prohibited. Windows must be wood clad, steel or bronze and submitted for review of Committee approval. Window mullions that are appropriate for the selected architectural style are required and shall be approved by the Committee.

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Section 5.9. Side Line and Front Line Setback Restrictions. Except as otherwise approved by the Committee, no structure shall be located on any Lot nearer to the front Lot line or nearer to the side Street line than the minimum building set back lines shown on the Plat or required by any applicable governmental authority.

Section 5.10. Waiver of Setback Requirement. With the prior written approval of the Committee, any structure may be located further back or closer to any property line of a lot than provided above, where, in the opinion of the Committee, the proposed location of the structure will not substantially detract from the appearance and value of the lot and will not substantially detract from the appearance of the adjoining lots. The Committee may require that any structure be located further back or closer to any property line than provided above or on the Plat.

Section 5.11. Fences and Walls.

(a) Any fence or wall shall (i) comply with City requirements, including those regarding height, location and materials; (ii) not extend nearer to the front street than five (5') feet behind the front of the house without the prior approval of the Committee; (iii) be constructed according to architectural design, materials, finish and methods, including site installation, approved by the Committee; (iv) be constructed so that the sides containing the structural supports are not visible from any public right-of-way unless approved by the Committee; (v) be not less than six (6') feet in height or more than eight (8') feet in height as measured from existing ground

level unless approved by the Committee; (vi) for any fence on the side of a corner lot adjacent to a street, be behind the setback line of such lot, unless otherwise approved by the Committee; on corner lots, special, more restrictive fencing requirements may be imposed by the Committee on the lot side facing the street; (vii) be finished strictly as approved by the Committee. Fences may be privately installed but must be constructed to professional levels of quality approved by the Committee. The design, specifications and contractors for building fences may be specified by the Committee.

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(b) As to corner lots, any fence visible from a public right-of-way shall be uniform fence of a design, material and color and in the specific location to be determined by the Committee for each lot, which shall generally include but not be limited to the following: (i) the location between the structure and the side street property line of such fence; (ii) how close the fence may be built to the street the lot fronts on; (iii) whether a formal foundation planting along the outside of the fence is required; (iv) whether such fence shall be constructed of metal and masonry or similar material, have metal posts, and masonry columns constructed of a material required by the Committee; (v) the height of such fence; and (vi) other design criteria of such fence.

(c) The Committee may require that some or all retaining walls in the Addition be constructed of a uniform color, material and/or design for walls attached to a structure.

(d) The use of double fencing shall be prohibited. ▼ The screening for such a fence shall be landscaping. Wood, plastic and chain link fences are prohibited.

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Section 5.12 Sidewalks. All sidewalks shall, at a minimum, conform to City specifications and regulations. The Committee may impose more restrictive standards than those required by the City.

Section 5.13 Mailboxes and Address Plaques. Mailboxes, mailbox stanchions, and address plaques shall be constructed in accordance with material, color and design standards approved by the Committee, made by contractors specified by the Committee, and placed only in locations approved by the Committee. Mailboxes, mailbox stanchions, and address plaques may not be constructed or installed without prior written consent of the Committee. Each Lot shall have one Committee-approved standard mailbox unless one mailbox is prohibited by the United States Postal Service, in which case, a common mail facility shall be created.

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Section 5.14 Commencement of Construction. Each residence constructed on each lot, and any other improvements thereto, shall be commenced within six (6) months after conveyance of the lot by Declarant and completed with due diligence but only after approval by the Committee of the plans and specifications prepared in connection with such construction.

Section 5.15. Utilities. Except as to special street lighting or other aerial facilities which may be required by the City or which may be required by the franchise of any utility company or which may be installed by Declarant pursuant to its development plan, no aerial utility facilities of any type (except meters, risers, service pedestals, transformers and other surface installations necessary to maintain or operate appropriate underground facilities) shall be erected or installed in the Addition whether upon individual lots, easements, streets or rights-of-way of any type, either by the utility company or any other person or entity, including, but not limited to, any person

owning or acquiring any part of the Addition, and all utility service facilities (including, but not limited to, water, sewer, gas, electricity and telephone) shall be buried underground unless otherwise required by a public utility or unless said aerial utilities are approved by the Committee.

Section 5.16. Fire Suppression System. All residences in the subdivision shall be required to have fire suppression system regardless of size or location.

Section 5.17. Perimeter Landscaping Maintenance and Replacement. Any landscaping in the perimeter landscape easements, as required by the City for zoning approval, shall not be removed by the homeowners or the Association, and shall be replaced by either party if it becomes diseased or dies.

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ARTICLE VI

ARCHITECTURAL CONTROL

Section 6.1. Appointment. Declarant shall designate and appoint an Architectural Control Committee (herein called the "Committee") composed of three (3) individuals, each generally familiar with residential and community development design matters and knowledgeable about Declarant's concern for a high level of taste, design, materials, construction, and landscaping standards in the Addition. The Committee shall be the sole determinant to promote and ensure a high level of taste, design, quality, harmony and conformity throughout the Property consistent with this Declaration. The initial Committee shall be the initial Directors of the Association.

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Section 6.2. Successors. Until the end of the Development Period, in the event of the death, resignation or removal by Declarant of any member of the Committee, the Declarant shall have full authority to designate and appoint a successor. No member of the Committee shall be entitled to receive compensation for, or be liable for claims, causes of action or damages arising out of, services performed pursuant to this Declaration. After expiration of the Development Period, the Board shall appoint the Committee and shall determine the term length and rotation for Committee members.

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Section 6.3. Authority. No structure, fence, wall, landscaping (including tree removal, exterior lighting, sculptures, statues, fountains, and other outdoor art, and outdoor recreational equipment), lot grading, flatwork (sidewalks, driveways, porches), or other improvements shall be commenced, erected, placed, maintained or altered on any Lot, nor shall any exterior painting of, exterior addition to, or alteration of, such items or the color, material or texture of any exterior of same, be made until all plans and specifications for same and a plot plan have been submitted to and approved in writing by a majority of the members of the Committee as to:

- (i) Proper facing of main elevation with respect to the Streets and side elevation for corner lots;
- (ii) conformity and harmony of the external design, color, type and appearance of exterior surfaces and landscaping in relation to the various parts of the proposed improvements and in relation to improvements on other Lots in the Addition; and

- (iii) location with respect to topography and finished grade elevation and effect of location and use on Adjoining Lots, improvements and drainage arrangements; and
- (iv) the other standards set forth within this Declaration (and any amendments hereto) or matters in which the Committee had been vested with the authority to render a final interpretation and decision.

The Committee is authorized and empowered, but not obligated, to consider, review and approve any and all aspects of construction and landscaping which may, in the reasonable opinion of the Committee, adversely or positively affect the living enjoyment of one or more lot owners or the general value of lots in the Addition. In considering the harmony of external design between existing structures and the proposed building being erected, placed or altered, the Committee shall consider only the general appearance of the proposed building as that can be determined from front, rear and side elevations on submitted plans. No member of the Committee shall be liable for any decision made by the Committee in good faith.

Section 6.4. Procedure for Approval. Final plans and specifications and landscaping plans shall be submitted in triplicate to the Committee along with a nonrefundable submittal fee of three thousand five hundred dollars (\$3,500.00). The plans and specifications shall show the nature, kind, shape, height, color, materials and location of all structures, landscaping and improvements, and such other information as may be required by the Committee. The documents shall specify any requested variance from the setback lines, garage location or any other requirement set forth in this Declaration. Any incomplete submittals will require a resubmittal fee. The Committee will require the submission of samples of proposed construction materials. At such time as the plans and specifications meet the approval of the Committee, two complete set of plans and specifications will be retained by the Committee and the other complete set of plans shall be marked "Approved", signed by a member of the Committee and returned to the Owner or his designated representative. No verbal approval by any member of the Committee shall be binding on the Committee. If disapproved by the Committee, one set of such plans and specifications shall be returned marked "Disapproved" and shall be accompanied by a reasonable statement of the reasons for disapproval, which statement shall be signed by a member of the Committee. Any modification of the approved set of plans and specifications must again be submitted to the Committee for its approval. A resubmittal fee may be required, at the Committee's discretion. The Committee's approval or disapproval, as required herein, shall be in writing. If the Committee fails to approve or disapprove such plans and specifications within thirty (30) days after the date of all required plans and specifications, written approval of the matters submitted shall not be required and compliance with this Article shall be deemed to have been completed. In case of a dispute about whether the Committee responded within such time period, the person submitting the plan shall have the burden of establishing when and if the Committee received the plans. The Committee's receipt of the plans, specifications and samples may be established by a signed certified mail receipt or by other receipt signed by a Committee representative. Approval of plans by any governmental authority shall not obviate the need to obtain the approval by the Committee hereunder.

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Section 6.5. Standards. The Committee shall have sole discretion with respect to taste, design and all standards specified herein. One objective of the Committee is to prevent unusual, radical, curious, odd, bizarre, peculiar or irregular structures, materials, colors or appearances from

being built in the Addition and to promote excellence in architecture, materials, construction and landscaping. For this purpose, the materials, construction, and landscaping, including but not limited to, that chimney flues be covered with brick or masonry, that chimney caps be approved by the Committee, that non-chimney roof ventilation be hidden from view from rights-of-way and common areas, that specific types of divided light windows be used, restricting the placement of skylights, solar heating panels, and prefabricated fireplace boxes, chimney flues and caps, requiring certain types of front and side window treatments (shutters, etc.) complementary to the architecture of the house, requiring windows to be recessed a minimum of 4" into the wall and generally requiring that plans submitted for approval meet or exceed the standards of the existing improvements on neighboring lots. The Committee may from time to time publish and promulgate architecture, materials, construction, and landscape standards and requirements from improvements in Oak Alley ("The Oak Alley Standards"), which shall carry forward the spirit and intention of this Declaration and of Declarant with respect to improvements in Oak Alley. The Oak Alley Standards shall include Approved Architectural Materials, Approved Landscaping, and the Submittal and Review Process. Committee approvals and requirements may be based all or in part upon these Standards. ALL IMPROVEMENTS MUST STRICTLY ADHERE TO COMMITTEE APPROVALS AND BE BUILT STRICTLY IN OBSERVANCE OF SCALE OF APPROVED DRAWINGS.

Section 6.6. Construction Review. The Committee shall review and approve in writing, construction for the following: (i) foundation pre-pour; (ii) mock wall matching approved materials; (iii) framing review matches approved design; (iv) installed exterior material review matches approved design; and, (v) installed landscape. In the event that i, iii, or iv is not approved on the initial inspection, the Committee may charge a fee of \$200 an hour for additional follow up reviews. See attached Exhibit "D" for additional detail on the Oak Alley Construction Review Process.

ARTICLE VII

SPECIAL FENCING AND LANDSCAPING AND GRADING PLAN

Section 7.1. Fences, Grading Plan, Walls and Sprinkler Systems. After the recording of this document, Declarant, and the Association if it has been formed according to this Declaration, shall have the right to erect, install, maintain, repair and/or replace fences, walls and/or sprinkler systems within those portions of any lot which are located outside the building, setback or sight lines, including all public right-of-way and easements located on or contiguous to any lot, as established by the Plat, this document or any governmental entity (being referred to herein as the "Restricted Area"). Any fence, wall or sprinkler system shall be the property of the owner of the lot on which such fence, wall or sprinkler system is erected or installed, subject to the easements and rights of Declarant and the Association set forth in this document. No fence, wall or sprinkler system shall be erected or installed in the Restricted Area by the owner thereof without the prior written consent of Declarant, the Committee and the Association.

Section 7.2. Landscaping. Except for landscaping by Declarant, no landscaping may be installed without the prior written approval by the Committee of a landscape plan showing the proposed landscape design, plant and other materials, irrigation layout and other details, and describing bed preparation, planting details, fencing, edging, exterior lighting, and other matters required by the Committee. Declarant or the Association shall have the right to grade, plant and/or

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landscape and maintain, repair, replace and/or change such grading, planting and landscaping on any portion of the Restricted Area. In the event Declarant does not landscape the Restricted Area, the owner thereof may plat grass and, with the prior written consent of Declarant, may landscape and plant trees and shrubs in the Restricted Area. Each lot on which a structure is constructed shall have landscaping, including, but not limited to, shrubs, flowers, trees, ground cover and grass, of a sufficient quality, quantity and design to be compatible with landscaping on adjoining lots and the neighborhood setting intended for the Addition. Landscaping of a lot, which must include a sprinkler system for the front yard (and on corner lots, sprinkler systems for sideyards visible from any public right-of-way), shall be completed within thirty (30) days after the date on which the house receives a Certificate of Occupancy from the City. All sprinkler systems shall have a rain sensor so that the sprinklers shut off in the event of rain. Lot owner shall use reasonable efforts to preserve, keep and maintain the landscaping in a healthy and attractive condition. No wooden retaining walls shall be permitted. The Committee may require the owner of any lot to plant and maintain as many as four (4) trees and possibly more for corner lots, and approved by Committee as to location and type of tree. Any such tree(s) shall, if required by the Committee, be replaced by the lot owner if said tree(s) does not survive. The Committee will limit tree, shrubbery, ground cover, grass, edging, flowers, and other materials for use in front and sideyard landscaping to those items which it lists from time to time in the Oak Alley Standards of the Addition. Tree type may be selected by the Committee.

Section 7.3 Easement. The Declarant, the Association and the Committee each shall have, and hereby reserve, the right and easement to enter upon the Restricted Area for the purpose of exercising the discretionary rights set forth in this Declaration.

Section 7.4 Maintenance by Individual Lot Owner. In the event the Declarant, the Association or the Committee does not maintain or repair any fences, walls, grading, planting or landscaping erected, installed or situated within the Restricted Area of any lot, then the owner of such lot shall, at their expense, perform such maintenance and repair work as is necessary to maintain such fences, walls, grading, planting and landscaping in good and neat condition and appearance; provided, however, that the lot owner shall give the Committee and the Association ten (10) business days' written notice before doing any maintenance other than mowing, edging, and trimming. So long as the Restricted Area and any fences, walls, grading, planting and landscaping thereon are being reasonably maintained and repaired by the Committee and the Association, the owner of such lot shall not perform any maintenance or repair work within such Restricted Area without the prior written consent of the Committee and the Association.

Section 7.5 The Committee's Discretion. Notwithstanding any provisions herein to the contrary, neither Declarant, the Association, nor the Committee shall ever be obligated to erect, install, maintain, repair or replace any fences, walls, sprinkler systems, grading, planting or landscaping on any lots.

Section 7.6 Grading Plan. Unless otherwise approved by the Committee, the owner of each lot shall strictly adhere to the lot grading plan attached hereto as Exhibit "E" (the "Grading Plan") and shall have an affirmative obligation to maintain the Grading Plan in all respects. The owner hereby covenants and agrees to strictly adhere to the following obligations:

(a) The owner of each lot shall maintain drainage flows as shown on the Grading Plan and keep properly graded any channel or swale (i) which is located on the lot prior to the conveyance of the lot to the lot owner or (ii) required for compliance with the Grading Plan. The owner of each lot shall keep any such channel or swale free and clear at all times of debris and keep grass therein mowed to a height not to exceed two inches;

(b) The owner of each lot shall build any side or rear lot line fence approved by the Committee that extends across a channel or swale so that no more than 50% of the swale width is closed by fence material. For purposes of this section, "channel width" and "swale width" shall be defined as that cross-section triangular area which is formed by the walls of the fifty percent (50%) or more of the swale or channel width shall be left open, as required by the Engineering Department of the City of Colleyville and the Committee. This specification can be achieved by alternating fence slats with open gaps where the fence protrudes into the channel width or swale width.

ARTICLE VIII

GENERAL PROVISIONS

Section 8.1. Registration with the Association. Each and every Owner shall have an affirmative duty and obligation to provide, within fifteen (15) days after such Owner acquires one or more Lots, and thereafter revise and update, within fifteen (15) days after a material change has occurred, various items of information to the Association such as: (a) the full name, address and email address of the Owner; (b) the full name of each individual family member who resides within the Residence of the Owner; (c) the business address, occupation and telephone numbers of each Owner; (d) the description and license plate number of each automobile owned or used by Owner and brought within the Property; and (e) such other information as may be reasonably requested from time to time by the Association.

Section 8.2. Activation. At or before the earlier of the expiration of the Development Period, or the election of a Board of Directors by the Members other than the Class C Member, Declarant shall transfer control to the Association over any utilities related to the Common Area.

Section 8.3. Easements. Easements areas for the installation and maintenance of utilities, landscape and drainage facilities are reserved as shown on the Plat. Easements are also reserved for the installation, operation, maintenance and ownership of utility service lines from the property lines to the Residences. Declarant reserves the right to make changes in and additions to the above easements for the purpose of most efficiently and economically installing improvements.

Section 8.4. Recorded Plat. All dedications, limitations, restrictions and reservations shown on the Plat are incorporated herein and shall be construed as being adopted in each contract, deed or conveyance executed or to be executed by Declarant, conveying Lots in the Property, whether specifically referred to therein or not.

Section 8.5. Lot Maintenance. The Owner and occupant of each Lot shall maintain the yard on his Lot in a sanitary and attractive manner and shall edge the street curbs that run along the property line. Grass, weeds and vegetation on each Lot must be kept mowed at regular intervals so as to maintain the property in a neat and attractive manner. No vegetables shall be grown in any

yard that faces a street. No Owners shall permit weeds or grass to grow to a height of greater than six inches (6") upon his Lot. In addition, each Owner shall maintain the area between his Lot and the adjoining Street in a neat and attractive manner. Notwithstanding the foregoing, no Owner shall be required to maintain the landscaping or masonry wall located within the Common Area.

Section 8.6. Maintenance of Improvements. Subject to the provisions contained herein, each Owner shall maintain the exterior of all buildings, fences, walls and other improvements on his Lot in good condition and repair, and shall replace worn and rotten parts, and shall regularly repaint all painted surfaces and shall not permit the roofs, rain gutters, down spouts, exterior walls, windows, doors, walks, driveways, parking areas or other exterior portions of the improvements to deteriorate in an unattractive manner.

Section 8.7. Mortgages. No breach of the covenants, conditions and restrictions contained herein shall in any way defeat or render invalid the lien of any mortgage or deed of trust. These covenants, conditions and restrictions shall survive any foreclosure, trustee's sale or otherwise, and be binding upon any person acquiring any Lot by reason of any foreclosure, trustee's sale or otherwise. With respect to any First Mortgagee of which the Association has received written notice, the Association shall, in the event of any breach hereof by the Owner of the property covered by such lien, give such mortgagee or holder written notice of the breach and thirty (30) days time to cure. In dealing with the Association, a First Mortgagee may be represented by a servicer or agent. An action to terminate this Declaration must be approved by the First Mortgagees holding mortgages on two-thirds of the Lots. A First Mortgagee may inspect the books and records of the Association upon written notice to the Association. A First Mortgagee may prepare an audited financial statement of the Association's books and records at its own expense. If this Declaration or applicable law ever requires the consent of mortgagees for an act, amendment or other decision, then the approval of a mortgagee shall be conclusively presumed if the mortgagee fails to respond within sixty (60) days after receiving the Association's written request for approval.

Section 8.8. Development Period. During the Development Period, Declarant reserves all rights and privileges described in section 209.002 (4-a) of the Texas Property Code, including, specifically, the right to:

- a. add or withdraw real estate from the purview of this Declaration and the Association;
- b. amend the Declaration acting alone;
- c. appoint the Board of Directors;
- d. appoint the members of the Committee;
- e. use one or more Lots for model home(s), and consent to the use of Lots by other Builders as model home(s), which may include offices and storage areas;
- f. install, and permit Builders to install, signs, lighting, decorative items and other promotional items on the Lots and to have and sponsor marketing events at the Lots;

g. change Lot size or configuration and revise any plat of any Lots;

h. resolve any conflicts within this Declaration or between this Declaration and any other documents attached hereto.

All decisions regarding any of the foregoing may be made by Declarant at its discretion.

Declarant may voluntarily terminate the Development Period at any time by signing and acknowledging a notice so stating that is recorded in the Real Property Records of the County. The Development Period shall continue even if Declarant no longer owns any portion of the Property.

Section 8.9. Term. The foregoing covenants and restrictions shall run with and bind the land and shall remain in full force and effect for a term of twenty (20) years after this Declaration is recorded. They shall be automatically extended for successive periods of ten (10) years unless terminated by an instrument approved by a majority of the votes of the Owners in writing and recorded in the deed records of the county where the Property is situated.

Section 8.10. Severability. If any condition, covenant or restriction herein contained shall be invalid, which invalidity shall not be presumed until the same is determined by the judgment or order of a court of competent jurisdiction, such invalidity shall in no way affect any other condition, covenant or restriction, each of which shall remain in full force and effect.

Section 8.11. Binding Effect. Each of the conditions, covenants, restrictions and agreements herein contained is made for the mutual benefit of, and is binding upon, each and every person acquiring any part of the Property, it being understood that such conditions, covenants, restrictions and agreements are not for the benefit of the owner of any land except land in the Property. This instrument, when executed, shall be filed of record in the deed records of the Tarrant County, Texas, so that each and every Owner is on notice of the conditions, covenants, restrictions and agreements herein contained.

Section 8.12. Enforcement. The Owner of any Lot shall have the right to have each and all of the foregoing restrictions, conditions and covenants faithfully carried out and imposed upon every other Lot. So long as the Association shall remain in existence, each Owner grants to the Association the right to enforce the performance of all terms and conditions in this Declaration, by injunction or other appropriate remedy, at law or in equity. Should the Association or any Owner employ counsel to enforce or defend any of the restrictions, conditions and covenants herein contained, the prevailing party in any litigation shall be entitled to receive from the losing party all costs incurred in such enforcement or defense, including reasonable attorneys' fees. Failure by the Association, or any Owner, including Declarant, to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter. Any decision to enforce this Declaration by the Board shall be at the Board's discretion, it being acknowledged that the Board may choose not to pursue enforcement for any of a variety of reasons, including, but not limited to, lack of materiality of the violation, the cost of enforcement, inconsistency with applicable law, etc. If an Owner fails to maintain his Lot in accordance with Sections 6.5 and 6.6, then the Association may do so and the costs thereof shall be a Special Individual Assessment.

Section 8.13. Other Authorities. If other authorities, such as Tarrant County or any city having jurisdiction over the Property, impose more demanding, expensive or restrictive requirements than those set forth herein, the requirements of such authorities shall be complied with. Said authorities' imposition of lesser requirements than those set forth herein shall not supersede or diminish the requirements herein.

Section 8.14. Addresses. Any notices or correspondence to an Owner shall be sent to the street address of the Lot or email address of the Owner. Any notice or correspondence to the Association or Committee shall be addressed to the address shown beneath the signature of Declarant below or to such other address as is specified by the Association or Committee pursuant to an instrument recorded in the Real Property Records of the County.

Section 8.15. Amendments. This Declaration may be amended with the consent of sixty-seven percent (67%) or more of the outstanding votes of the Association. For any such amendment by the Owners, the Board shall prescribe a method for soliciting votes of the Owners that gives each Owner the exact wording of the proposed amendment and the opportunity to vote for or against same. If the proposed amendment is passed, then a written document describing this Declaration, the amendment, and referencing the Property shall be signed and acknowledged by an officer of the Association and duly recorded in the real property records of the County. For a period of five years after the recording of this document, Declarant and/or the Association, if it has been formed, shall give the City notice of any Amendments to this Declaration.

Section 8.16. Assignment. Declarant may assign its rights and obligations under this Declaration to any party which assumes such rights and obligations in writing. To be effective, such an assignment must be signed by Declarant and such assignee, with signatures acknowledged, and recorded in the real property records of the Tarrant County, Texas.

Section 8.17 Statute Reference. Any reference to any statute in this Declaration shall be to the statute so named, as same may be subsequently amended and/or restated.

Section 8.18 Soil Movement. Each Owner acknowledges that the failure or excessive movement of any foundation of any Residence within the Property can result in the diminished value and desirability of the entire Property. Each Owner agrees and understands that the maintenance of the moisture content and the soils on each Lot is necessary to preserve the structural integrity of each Residence built within the Property. Each Owner also acknowledges that the long-term value and desirability of the Property is contingent upon each Owner maintaining its Residence so that no structural failure or excessive soil movement occurs within such Owner's Lot.

EACH OWNER IS HEREBY NOTIFIED THAT THE SOIL COMPOSITION IN NORTH TEXAS IN GENERAL AND THE PROPERTY IN PARTICULAR AND THE CONDITION OF THE LOTS MAY RESULT IN THE SWELLING AND/OR CONTRACTION OF THE SOIL IN AND AROUND THE LOT IF THE OWNER OF THE LOT DOES NOT EXERCISE THE PROPER CARE AND MAINTENANCE OF THE SOIL NECESSARY TO PREVENT SOIL MOVEMENT.

If the Owner fails to exercise the necessary precautions, then damage, settlement, movement or upheaval to the foundation and structural failure may occur. Owners are highly encouraged to install and maintain proper irrigation around their Residence or take such other measures to ensure even, proportional, and prudent watering around the foundation of their Residence.

By each Owner's acceptance of a deed to any Lot, each Owner, on behalf of itself and its representatives, successors and assigns, hereby acknowledges that Declarant and any Builder in the Property shall not be liable for, and Owner shall assume all risk and consequences of, any damage, settlement, movement or upheaval to the foundation, structural failure, or any damage to any other part of their Residence caused by such Owner's failure to exercise proper care and maintenance of the soil necessary to prevent soil movement, and hereby releases and forever discharges, all Builders of Residences within the Property and Declarant and their respective shareholders, members, officers, directors, partners, employees, agents, representatives, affiliates, attorneys, successors and assigns, of and from any and all claim for the relief and causes of actions, liabilities, damages and claims whatsoever, known or unknown, direct or indirect, arising from or relating to Owner's failure to exercise proper care and maintenance of the soil required to prevent soil movement, including but not limited to, any damage caused by or related in any fashion to the failure or improper or uneven watering of the Lot, planting of improper vegetation near the foundation or any action by any Owner that affects the drainage of any Lot.

EXECUTED AS OF THE _____ DAY OF _____, 2018.

Declarant Company, LLC

By: _____

Name

Its: Manager

STATE OF TEXAS)

COUNTY OF _____)

THIS INSTRUMENT was acknowledged before me on _____, 2018, Declarant Name, Manager of Declarant Company, LLC, a Texas limited liability company, on behalf of said company.

Notary Public, State of Texas

Exhibit A
(Legal Description of the Property)

Exhibit B
(Certificate of Formation of the Association)

Exhibit C
(Bylaws of the Association)

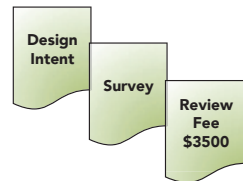
Exhibit D
(Oak Alley Construction Review Process)

Exhibit E
(Grading Plan)

Submittal and Review Process

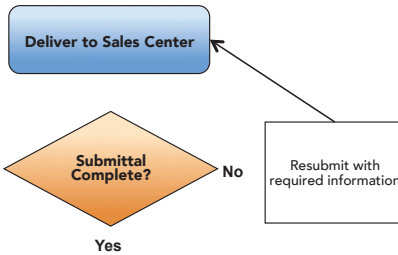
Oak Alley Submittal and Review Process

Preliminary Review of Architectural Drawings



Architectural Drawings:
Three sets 30 x 42
Digital PDFs

Preliminary Submittal: Survey, Review Fee, Schematic Front Elev, Floor Plans / Roof Plan and Site Plan @ 1/8" scale



Board Review Meeting:
Architect & Builder (Homeowner attendance optional)

Receive Committee Prelim. Submittal Comments

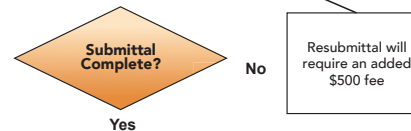
Final Review of Architectural Drawings and Preliminary Review of Landscape Design



Architectural Drawings:
Three sets 30 x 42
Digital PDFs

Architecture Model: Physical or Digital

Final Submittal: Site Plan, Grading Plan, Elevations, Floor Plan, Roof w penetrations, Ext Details (incl. Window J/H/S, Eaves & Soffits, Gable Returns, Cast Stone profiles) Landscape Prelim Plan & Eng. Foundation @ 1/8" Scale	Samples: Masonry/Stucco, Roof, Gutter, Trim material. Front Entry Door and Window manufacturer and type / color
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Board Review Meeting:
Architect & Builder (Homeowner attendance optional)

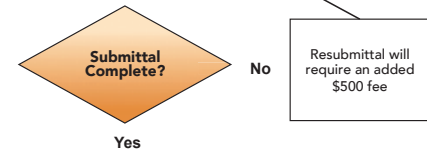
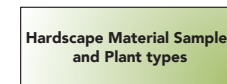
Receive Committee Final Submittal Comments

Final Review of Landscape Design



Hardscape & Softscape Drawings:
Three sets 30 x 42
Digital PDFs

Final Landscape: Drainage Affidavit, Hardscape and Landscape plan	Samples: Hardscape materials, finish, color, fence materials, finish and color
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Board Review Meeting:
Builder & Landscape (Homeowner attendance optional)

Receive Committee Approval Letter

Architectural Plan

APPROVED ARCHITECTURAL MATERIALS AND DETAILS

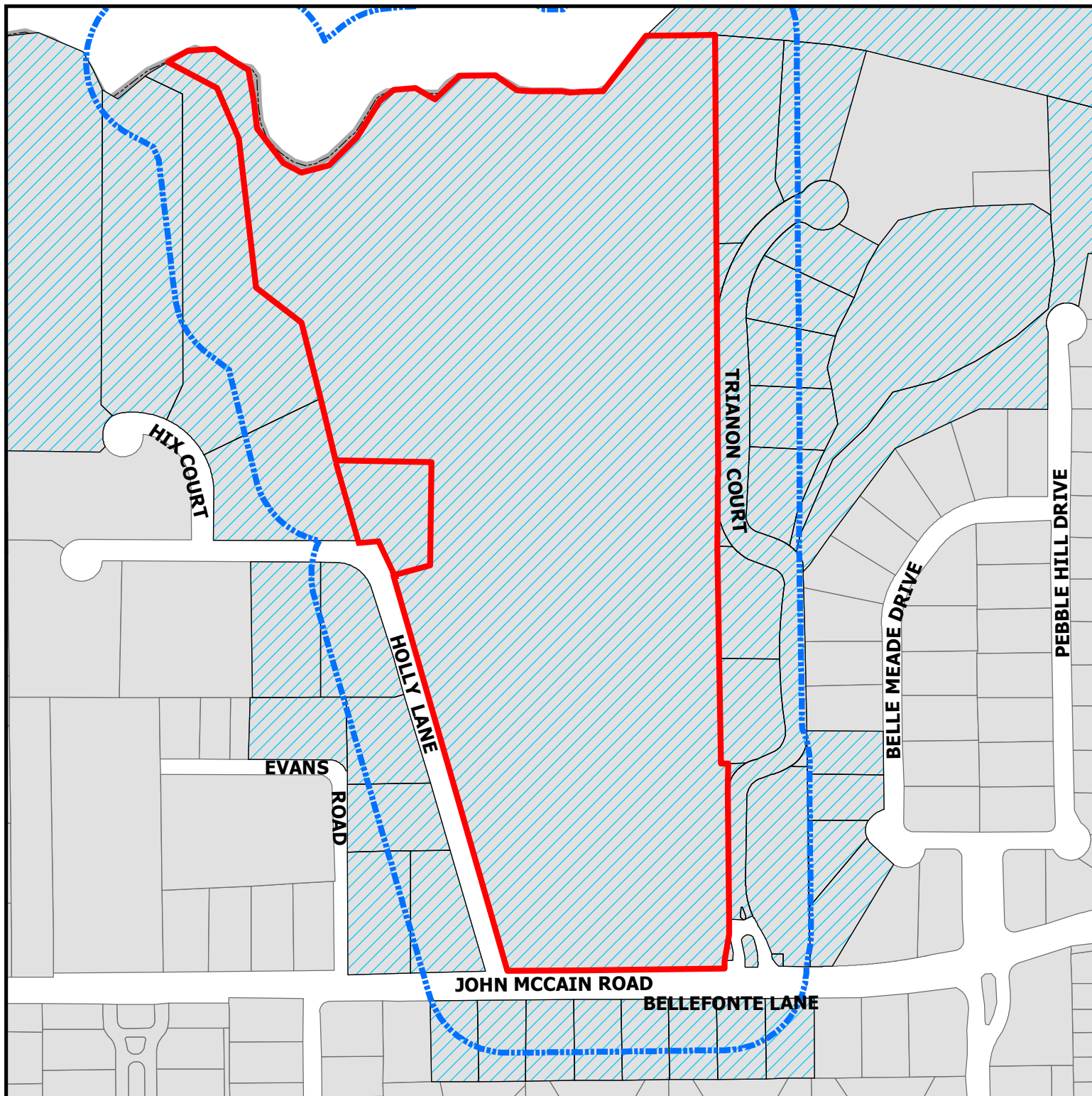
	ENGLISH	SPANISH REVIVAL	ITALIAN - SYMMETRICAL ONLY	TUSCAN	FRENCH	TEXAS REGIONAL VERNACULAR	PRAIRIE	ALL ARCHITECTURAL STYLES
WALL SURFACE	BRICK, STUCCO OR STONE. PROJECTED GABLES AND/OR DORMERS TO BE DECORATIVE HALF TIMBER AND/OR LIGHT COLORED STUCCO ON 2ND LEVEL. OPTIONAL PARAPETED GABLES.	STUCCO	STUCCO, PAINTED OR LIGHT-COLORED UNIFORM BRICK OR CUT STONE. IF BRICK IS USED, MASONRY JOINTS SHOULD BE FLUSH.	PREDOMINATELY ROUGH STONE, WITH STUCCO AND/OR BRICK ACCENTS	STUCCO, BRICK, CUT STONE OR ROUGH STONE, SOMETIMES WITH DECORATIVE HALF-TIMBERING.	PREDOMINATELY CUT AND/OR ROUGH LIMESTONE WITH STUCCO ACCENTS. COR-TEN WILL NOT BE AN ACCEPTED MATERIAL.	BRICK, STUCCO OR CUT STONE. HORIZONTAL BANDING AND PATTERNS IN WALL MATERIALS. RECESSED HORIZONTAL MASONRY JOINTS. UPPER HALF OF SECOND FLOOR INSET WITH CONTRASTING MATERIAL.	ALL STUCCO TO BE APPLIED OVER CMU (UNLESS ON THE UPPER FLOOR). MANUFACTURED STONE PROHIBITED.
ROOF	GABLED WITH SLATE OR FLAT TILE, MINIMUM 10:12 ROOF PITCH IN PUBLIC VIEW. ACCENT ROOFING MATERIAL TO BE COPPER.	GABLED WITH BARREL TILE EARTH-TONED ROOF WITH MISSION OR S-CURVE TILES, NO GRAY OR BLACK COLORS, MINIMUM 4:12 TO MAXIMUM 7:12 ROOF PITCH IN PUBLIC VIEW.	HIPPED WITH BARREL TILE EARTH-TONED ROOF WITH MISSION OR S-CURVE TILES, NO GRAY OR BLACK COLORS, MINIMUM 4:12 TO MAXIMUM 7:12 ROOF PITCH IN PUBLIC VIEW	GABLED WITH BARREL TILE EARTH-TONED ROOF WITH MISSION OR S-CURVE TILES, NO GRAY OR BLACK COLORS, MINIMUM 4:12 TO MAXIMUM 7:12 ROOF PITCH IN PUBLIC VIEW	HIPPED WITH SLATE OR FLAT TILE, MINIMUM 12:12 ROOF PITCH IN PUBLIC VIEW. ACCENT ROOFING MATERIAL TO BE COPPER. EAVES FLARED UPWARD AT ROOF/WALL JUNCTIONS.	GABLED STANDING SEAM METAL ROOF. MAXIMUM 7:12 PITCH. DARK COLORS TO BE SUBMITTED FOR REVIEW. BOARD APPROVAL. REFLECTIVE OR GALVANIZED COLORS WILL NOT BE ACCEPTED.	HIPPED WITH SLATE OR FLAT TILE ROOF. MINIMUM 4:12 TO MAXIMUM 6:12 ROOF PITCH IN PUBLIC VIEW	
WINDOWS, DOORS AND SURROUNDS	SOLID WOOD PROMINENT DOORS. TALL NARROW WINDOWS, DIAMOND-SHAPED LEADED GLASS FOR ACCENT WINDOWS, OR ORIEL WINDOWS. SURROUNDS TO BE CAST STONE, CUT STONE OR HEAVY TIMBER.	DRAMATICALLY CARVED PROMINENT WOOD DOORS. SURROUNDS TO BE CAST STONE, CUT STONE, DECORATIVE TILE OR HEAVY TIMBER. IF NO SURROUND IS USED, WINDOWS OR DOORS MUST BE DEEP SET AT A MINIMUM OF 6". PROMINENT WINDOW(S) WILL TYPICALLY BE ARCHED. WROUGHT IRON GRILLS ON ACCENT WINDOWS.	DECORATIVE METAL OR DRAMATICALLY CARVED PROMINENT WOOD DOORS. SURROUNDS TO BE CUT STONE OR CAST STONE WITH OR WITHOUT PEDIMENTS. SMALLER WINDOWS ON UPPER FLOOR.	PANELED PROMINENT WOOD DOORS. HEAVY TIMBER LINTELS, ROUGH STONE SURROUNDS OR BRICK SURROUNDS. DEEP SET (AT LEAST 12") WINDOWS AND DOORS ARE ENCOURAGED AS ACCENTS. WROUGHT IRON GRILLS ON ACCENT WINDOWS.	WOOD PLANK, WOOD PANELED OR DECORATIVE METAL PROMINENT DOOR. ASYMMETRICAL OR INFORMAL STYLES WILL HAVE HEAVY TIMBER LINTELS, CUT STONE OR ROUGH STONE LINTELS AND/OR SILLS. SYMMETRICAL OR FORMAL STYLES WILL HAVE CUT STONE OR CAST STONE SURROUNDS.	STEEL, GLASS AND/OR WOOD PROMINENT DOORS. LARGE GROUPINGS OF RECTANGULAR WINDOWS. HEAVY TIMBER LINTELS, ROUGH STONE SURROUNDS OR STUCCO SURROUNDS WITHIN A STUCCO WALL. DEEP SET (AT LEAST 12") WINDOWS AND DOORS ARE ENCOURAGED AS ACCENTS. CLERESTORY WINDOWS ENCOURAGED.	WOOD DOORS WITH GLASS AND/OR WOOD PANELS FOR PROMINENT DOORS. HORIZONTAL BANDING OF RIBBON WINDOWS. USE OF PATTERNED STAINED OR LEADED PANES FOR ACCENT WINDOWS IS ENCOURAGED. WOOD SURROUNDS WILL MATCH WINDOWS, AND ARE CONNECTED TO HORIZONTAL BANDING IN THE WALL MATERIALS.	SECONDARY DOORS TO MATCH WINDOWS, WINDOWS MUST BE WOOD-CLAD. STEEL OR BRONZE WINDOWS TO BE SUBMITTED FOR REVIEW. BOARD APPROVAL. WINDOW MULLIONS REQUIRED, APPROPRIATE FOR THE ARCHITECTURAL STYLE. GARAGE DOORS TO BE RECESSED 12".
GUTTERS	COPPER OR PAINTED STEEL HALF ROUND GUTTERS AND ROUND DOWNSPOUTS	COPPER HALF ROUND GUTTERS AND ROUND DOWNSPOUTS	COPPER HALF ROUND GUTTERS AND ROUND DOWNSPOUTS	COPPER HALF ROUND GUTTERS AND ROUND DOWNSPOUTS	COPPER HALF ROUND GUTTERS AND ROUND DOWNSPOUTS	PAINTED STEEL HALF ROUND GUTTERS (TO MATCH ROOF COLOR) AND ROUND DOWNSPOUTS	COPPER OR PAINTED STEEL HALF ROUND GUTTERS AND ROUND DOWNSPOUTS	
BALCONIES, TOWERS AND PORCHES	BALCONY DETAILS TO BE CUT STONE OR CAST STONE. BALCONIES ONLY ON REAR ELEVATION OR UPON REVIEW BOARD APPROVAL.	BALCONY DETAILS AND BALUSTRADES TO BE TURNED OR CARVED WOOD, STUCCO, ROOF TILE OR WROUGHT IRON. ONE ROUND, SQUARE OR POLYGONAL TOWER WILL BE ALLOWED, AND MUST BE PLACED ON AN INSIDE CORNER OF THE FRONT ELEVATION.	BALCONY DETAILS AND BALUSTRADES TO BE WROUGHT IRON, CUT STONE OR CAST STONE.	BALCONY DETAILS TO BE HEAVY TIMBER AND BALUSTRADES TO BE WROUGHT IRON, OR A STUCCO HALF WALL.	BALCONY DETAILS MAY BE IRON, CUT STONE OR CAST STONE. FRONT PORCHES ARE PROPORTIONATELY SMALL. ONE ROUND TOWER (TURRET) WILL BE ALLOWED ON ASYMMETRICAL STYLES, AND MUST BE PLACED ON AN INSIDE CORNER OF THE FRONT ELEVATION WITH A CONICAL ROOF.	PORCHES TO BE A PROMINENT FEATURE. COLUMNS TO BE WOOD, METAL OR STONE.	ONE STORY PORCHES TO BE A PROMINENT FEATURE. PORCH COLUMNS ARE MASSIVE SOLID MASONRY OR STUCCO (MATCHING WALL MATERIAL). PLINTHS COMMONLY AT CORNERS OF PORCHES.	
SOFFITS, CHIMNEYS & MISC. DETAILS	SOFFIT OVERHANG WILL VARY, WITH A MINIMUM OVERHANG OF 18", WITH FINISH GRADE WOOD EAVES. SEMI-HEXAGONAL ONE AND TWO STORY BAY WINDOWS. ACCEPTABLE DORMERS INCLUDE: SHED, GABLED, HIPPED AND EYEBROW. MASSIVE CHIMNEYS ON A PROMINENT ELEVATION, WITH CLAY CHIMNEY POTS.	SOFFITS TO BE A MAXIMUM OVERHANG OF 6", TO BE ROOF TILE, STUCCO OR CAST STONE EAVES. ELABORATELY CARVED SEMI-HEXAGONAL ONE STORY BAY WINDOW. SHAPED WING WALLS. STUCCO OR TILE DECORATIVE GABLE VENTS. ELABORATE CHIMNEY TOPS WITH STUCCO OR TILE ROOFS.	SOFFITS TO BE A MINIMUM OVERHANG OF 18", WITH TONGUE AND GROOVE FINISH GRADE WOOD EAVES. WOOD BRACKETS OR CORBELS AT EAVES. CUT STONE OR CAST STONE QUOINS OR CLASSICAL COLUMNS. CHIMNEYS TO BE RECTANGULAR.	SOFFITS TO BE A MINIMUM OVERHANG OF 18", TO HAVE EXPOSED WOOD RAFTER TAILS OR BRACKETS, WITH TONGUE AND GROOVE FINISH GRADE WOOD EAVES. AT GABLE RAKE, MINIMAL OVERHANG WITH BARREL TILE EDGE. OPERABLE PANELED OR SLATTED WOOD SHUTTERS. STUCCO OR TILE DECORATIVE GABLE VENTS. CHIMNEYS MAY BE CANTED OR SQUARED. CHIMNEY TOPS WITH STUCCO OR TILE ROOFS.	SOFFITS TO HAVE A MAXIMUM OVERHANG OF 12". STUCCO, CUT STONE OR CAST STONE SOFFITS (FOR FORMAL STYLES ONLY) OR FINISH GRADE WOOD EAVES FOR INFORMAL STYLES. CUT STONE OR CAST STONE QUOINS OR CLASSICAL COLUMNS. MASSIVE CHIMNEYS ON A PROMINENT ELEVATION, WITH CLAY CHIMNEY POTS. ACCEPTABLE DORMERS INCLUDE: ARCHED, SHED, HIPPED AND EYEBROW. OPERABLE PANELED WOOD OR SLATTED WOOD SHUTTERS.	SOFFITS TO HAVE EXPOSED WOOD RAFTER TAILS OR BRACKETS, WITH TONGUE AND GROOVE FINISH GRADE WOOD EAVES. SOFFITS WILL BE A MINIMUM OVERHANG OF 12". OPERABLE SLATTED WOOD SHUTTERS. HEAVY TIMBER WOOD TRUSSES OR BEAMS. WIDE, SIMPLE STONE CHIMNEY.	SOFFITS TO HAVE STUCCO OR TONGUE AND GROOVE FINISH GRADE WOOD EAVES, WITH MINIMUM OVERHANG OF 30". (BAY WINDOWS MAY REQUIRE LESS OVERHANG.) WIDE, SIMPLE STONE CHIMNEY. CONTRASTING WOOD TRIM. INTEGRATED PLANTER BOXES OR FLATTENED, ROUND URNS AT TOP PLINTHS. NO DORMERS ARE APPROPRIATE FOR THIS ARCHITECTURAL STYLE. CAST STONE OR CUT STONE CAPS ON PLINTHS, PORCHES, CHIMNEYS AND ALIGNED WITH SILLS.	
ARCH SHAPES	ELLIPTICAL, HALF ROUND OR TUDOR	ELLIPTICAL, HALF ROUND OR PARABOLIC	ELLIPTICAL OR HALF ROUND	ELLIPTICAL OR HALF ROUND	ELLIPTICAL OR SEGMENTED. HALF ROUND AT ENTRY AS AN OPTION.	NONE	HALF ROUND AT ENTRY ONLY.	
MAILBOXES								STREETSCAPE OXFORD BRASS MAILBOX IS SPECIFIED FOR ALL HOMES
DRIVEWAYS								DRIVEWAY MATERIAL TO BE TEXTURED CONCRETE, PRECAST CONCRETE PAVERS, BRICK OR STONE. ASPHALT MATERIAL IS PROHIBITED. MOTOR COURTS WITHIN THE FRONT 1/2 OF THE PROPERTY TO HAVE A MINIMUM 20' SETBACK FROM THE STREET CURB, AND MAXIMUM OF 40' WIDE PAVED AREA. DRIVEWAYS TO BE A MINIMUM OF 12' WIDE, AND A MAXIMUM OF 16' WIDE.
HARDSCAPING	PATIO SURFACES TO BE BRICK OR STONE.	PATIO SURFACES TO BE TERRA COTTA, BRICK OR STONE.	PATIO SURFACES TO BE TERRA COTTA, BRICK OR CUT STONE.	PATIO SURFACES TO BE TERRA COTTA, BRICK OR ROUGH STONE.	PATIO SURFACES TO BE BRICK OR STONE.	PATIO SURFACES TO BE TEXTURED CONCRETE OR STONE.	PATIO SURFACES CAN BE BRICK, TEXTURED CONCRETE OR STONE.	ATTACHED RETAINING WALLS TO MATCH PREDOMINANT HOUSE MATERIAL. UNATTACHED RETAINING WALLS TO MATCH THE OAK ALLEY BOUNDARY FENCE. GATES TO BE DECORATIVE METAL IN MATTE BLACK OR BRONZE FINISHES, AND/OR HEAVY WOOD MEMBERS, STAINED OR PAINTED TO MATCH HOUSE COLOR PALETTE.

Landscape Plan

OAK ALLEY APPROVED SOFTSCAPE

APPROVED LANDSCAPING								
SOFTSCAPE	TREES		SHRUBS		GRASSES	GROUND COVERS	VINES	PERENNIALS
CATEGORY	CANOPY	ORNAMENTAL	LARGE	MED/SMALL				
MINIMUM SIZE	4" CAL/100 GAL	30 GAL	15-35 GAL	5-15 GAL	1-5 GAL	4" POTS	15 GAL	
TYPES	ACER SPECIES-MAPLE CARYA ILLINOENSIS-PECAN CARYA NIGRA-BLACK WALNUT GINKGO BILBOA-GINKGO (MALE ONLY) HOELREUTERIA PANICULATA-GOLDEN RAIN TREE FRAXINUS ALBICANS-TEXAS ASH LIQUIDAMBAR STYRACIFLUA-SWEETGUM PISTACIA CHINESSIS-CHINESE PISTACHE PISTACIA TEXAN-TEXAS PISTACHE QUERCUS MACROCARPA-BURR OAK QUERCUS MUhlenBERGII-CHINKAPEN OAK QUERCUS SHUMARDII-SHUMARD RED OAK QUERCUS VIRGINIANA-LIVE OAK TAXODIUM DISTICHUM-BALD CYPRESS ULMUS AMERICANA-AITHENA-AITHENA ELM ULMUS CRASSIFOLIA-CEAR ELM ULMUS PARVIFOLIA SEMPERVIRENS-LACEBARK ELM MAGNOLIA SPECIES-MAGNOLIA	ACER PALMATUM-JAPANESE MAPLE AESCLULUS ARGULA-TEXAS BUCKEYE ALTHEA BETULA NIGRA-RIVER BIRCH CEDRUS ATLANTICA-ATLAS BLUE CEDAR/WEeping CERDUS DEODARA-DEODAR CEDAR CERDUS CANADENSIS-WEeping REDBUD CERDUS CANADENSIS 'FOREST PANSY'-FOREST PANSY REDBUD CERDUS CANADENSIS 'MEXICANA'-MEXICAN REDBUD CERDUS CANADENSIS 'OKLAHOMA'-OKLAHOMA REDBUD CERDUS CANADENSIS 'TEXANS'-TEXAS REDBUD CHILOPSIS LINEARIS-DESERT WILLOW CHITALPA TASHKENTENSIS-CHITALPA CORNUS DRUMMONDII-ROUGHLEAF DOGWOOD CORNUS FLORIDA-DOGWOOD CUPRESSUS ARIZONICA-ARIZONA CYPRESS CUPRESSUSCYPARIS LEYLANDII-LEYLAND CYPRESS ILEX X ATTENUATE 'TOSTER'-FOSTER'S HOLLY ILEX ATTENUATA-EAST PALATKA HOLLY ILEX CONAF-ONKLEAF HOLLY ILEX CONIN-ROBIN HOLLY ILEX CORNUTA 'NEEDLEPOINT'-NEEDLEPOINT HOLLY ILEX DECIDUA-POSSUMHAW HOLLY ILEX OPACA (X ATTENUATE) 'SAVANNAH'-SAVANNAH HOLLY ILEX VOMITORIA-YALPON HOLLY ILEX VOMITORIA 'PENDULA'-WEeping YALPON ILEX X 'NELLIE R STEVEN'-NELLIE R STEVENS HOLLY JUNIPERUS VIRGINIANA-EASTERN RED CEDAR LAGERSTROEMIA INDICA-CRAPE MYRTLE MAGNOLIA DECIDUOUS SPECIES MAGNOLIA 'LITTLE GEM'-O'WARF SOUTHERN MAGNOLIA MALUS SPECIES-CRABAPPLE MYRICA CERIFERA-WAX MYRTLE, TREE FORM PRUNUS CAROLINIANA-CHERRY LAUREL PRUNUS MEXICANA-MEXICAN PLUM SOPHORA AFFINIS-EVE'S NECKLACE SOPHORA SECUNDIFLORA-TEXAS MOUNTAIN LAUREL LINGNADIA SPECIOSA-MEXICAN BUCKEYE VIBURNUM RUFIDULUM-RUSTY BLACKHAW VIBURNUM VITEX VITEX AGNUS-CASTUS-VITEX	ILEX CORNUTA 'BURFORDII'-BURFORD HOLLY JUNIPERUS SSP.-JUNIPER SPECIES LOROPETALUM CHINESE-CHINESE FRINGE FLOWER MYRICA CERIFERA-WAX MYRTLE, SHRUB FORM PYRACANTHA SPECIES-FIRETHORN RHUS VIREN-EVERGREEN SUMAC	AZALEAS SPECIES-AZALEAS ASPIDISTRA-CAST IRON PLANT ABELIA GRANDIFLORA-ABELIA ABELIA JAPANESE-ABELIA AUCUBA BERBERIS THUNBERGII-REDLEAF BARBERRY BERBERIS SWASEYI-TEXAS BARBERRY BERBERIS SPECIES-BARBERRY BULBUS SPECIES-BOWWOOD CALICARPA AMERICANA-AMERICAN BEAUTYBERRY CAMELLIA SASANQUA-SASANQUA CAMELLIA JAPONICA COTONEASTER SPECIES-COTONEASTER CLEYERA SPECIES CEPHALANTHUS YEW DISTYLIUM CINNAMON GIRL EUONYMUS ALATUS COMPACTA-O'WARF BURNING BUSH EQUISETAM HYEMALE-HORSETAIL REED FATSIA JAPONICA-JAPANESE ARALIA FORSYTHIA X INTERMEDIA-FORSYTHIA GARDENIA SPECIES HYDRANGEA-ENDESS SUMMER, NANTUCKET, LIMELIGHT HESPERALOE PARVIFLORA-RED YUCCA HYDRANGEA QUERCHOLIA-OAK LEAF HYDRANGEA ILEX CORNUTA 'BURFORDII NANA'-O'WARF BURFORD HOLLY ILEX CORNUTA 'ROTUNDA'-ROTUNDA HOLLY ILEX VOMITORIA 'NANA'-O'WARF YALPON HOLLY ILEX CORNUTA 'CARISSA'-CARISSA HOLLY ILEX CRENATA 'SKYPENCIL'-SKYPENCIL HOLLY JUNIPERUS SPECIES-JUNIPERS LOQUAT COPPERTONE LAGERSTROEMIA INDICA 'NANA'-O'WARF CRAPE MYRTLE LEUCOPHYLLUM FRUTESCENS-TEXAS SAGE LOROPETALUM CHINESE-O'WARF VARITIES MAHONIA SPECIES-MAHONIA MYRICA PUSILLA-O'WARF WAX MYRTLE NANDINA DOMESTICA-HARBOR O'WARF, GULF STREAM AND MOON BAY NADINA-FLIRT, OBSESSION PITTSOPORUM-CREME DE MINT, TOBIRA 'WHEELERS O'WARF' PODOCARPUS MACROPHYLLUS-JAPANESE YEW PITTSOPORUM TOBIRA-PITTSOPORUM ROSA BANKSIA-LADY BANKSIA ROSE RHAPHNOLIPS INDICA-INDIAN HAWTHORN-SPECIES RHUS GLABRA-SMOOTH SUMAC ROSA SPECIES-ROSES, IMPROVED AND ALSO SHRUB FORM SALVIA GRIEGGI-AUTUMN SAGE SALVIA REGAL-MOUNTAIN SAGE SYMPHORICARPOS OBICULATUS-CORALBERRY SPIREA SPECIES-SPIREA TAXUS YEW-SPECIES VIBURNUM SPECIES-VIBERNUM YUCCA SPECIES-YUCCA	BOUTELOUA CURTIPENDULA-SIDEOTS GRAMA CALAMAGROSTIS 'KARL FORESTER'-FEATHER REED GRASS CAREX SPECIES-SEDGES ERAGROSIS CURVULA-WEeping LOVEGRASS FESTUCA SPECIES-BLUE FESCUE HELICTOTRICHON SEMPUERVIRENS-BLUE OATS MUSCANTHUS SINENSIS-MAIDEN GRASS VARIETIES MUHLINBERGIA SPECIES-MUHLI GRASS PANICUM-SWITCH GRASS PENNISETUM SPECIES-FOUNTAIN GRASS SORGHASTRUM SCOPARIUM-LITTLE BLUESTEM SORGHASTRUM NUTANS-INDIAN GRASS STIPA SPECIES-FEATHER GRASS	AJUGA REPTANS-AJUGA EUONYMUS FORTUNEI 'COLORATUS'-PURPLE WINTER CREEPER HEDERA ALGERIENSIS-VARIEGATED ALGERIAN IVY HEDERA HELIX-ENGLISH IVY JUNIPERUS SPECIES-SPREADING JUNIPERS LIROPE SPECIES-LIROPE OPHIPOGON JAPONICUM-OPHIPOGON ROSEMARINUS 'LOCKWOOD DE FOREST'-ROSEMARY TRACHELOSPERMUM ASIATICUM-ASIAN JASMINE THYME-CREEPING SPECIES VINCA MAJOR-BIGLEAF PERIWINKLE VINCA MINOR-O'WARF PERIWINKLE	AKERIA OLINATA-CHOCOLATE VINE CAMPIS RADICANS-TRUMPET VINE CLEMATIS ARMANDII-EVERGREEN CLEMATIS CLEMATIS JACKMANNI-SPECIES FICUS PUMILA-FIG IVY GELESEMUM SEMPERVIRENS-CAROLINA JESSAMINE HEDERA HELIX-ENGLISH IVY JUNIPERUS SPECIES-SPREADING JUNIPERS PARTHENOSSIS TRICUSPIDATA-BOSTON IVY TRACHELOSPERMUM ASIATICUM-ASIAN JASMINE TRACHELOSPERMUM JASMINOIDES-CONFEDERATE JASMINE WISTERIA SPECIES-WISTERIA	ARTEMISIA DWARF SPECIES PLATYCODOM-BALLON FLOWER IBERIS CANDYTUFF COLUMBINE ECHINACEA-CONEFLOWER COREOPSIS SPECIES HEMEROCALLIS DAYLILY DWARF SPECIES DIANELLA FLAX LILY DIANTHUS GRATIANOPOLITANUS SPECIES FERN SPECIES GAURA GERMANDER PROSTRATA HELLEBORUS HEUCHERA HOSTA SPECIES DIETES BUCOLOR-AFRICAL IRIS LAVENDER SPECIES FARFUTUM/LIGULARIA-LEOPARD PLANT RUELLIA DWARF MEXICAN PETUNIA PENSTEMON RUDBECKIA SPECIES SALVIA SPECIES SANTOLINA SCABIOSA SEDIUM SPECIES SCUTTELLARIA-SKULLCAP
HARDSCAPE	RETAINING WALLS *IF NOT CONNECTED TO THE RESIDENCE, MUST BE OF SAME MATERIALS AS OAK ALLEY PERIMETER WALLS *IF CONNECTED TO THE RESIDENCE, MUST BE OF SAME MASONRY MATERIALS AS THE RESIDENCE							

Notification Map

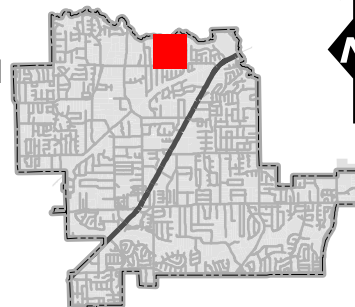


ZC18-019

1312 John McCain Road and 7309 Holly Lane N

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.

-  Subject Property
-  200ft Buffer
-  Properties within 200ft



Notification List

Owner Name	Owner Address	Owner City	Owner Zip	Situs Address
MOON, KENNETH W	1305 BELLEFONTE LN	COLLEYVILLE, TX	76034	1305 BELLEFONTE LN
COLE, HENRY TR	7206 BELLE MEADE DR	COLLEYVILLE, TX	76034	7206 BELLE MEADE DR
PEARCE, CHARLES A	7212 HOLLY LN	COLLEYVILLE, TX	76034	7212 HOLLY LN N
BRADEN, KENNETH A	1307 BELLEFONTE LN	COLLEYVILLE, TX	76034	1307 BELLEFONTE LN
ALLEN, MARK C	7305 TRIANON CT	COLLEYVILLE, TX	76034	7305 TRIANON CT
BRUNKEN, JOHN	7204 BELLE MEADE DR	COLLEYVILLE, TX	76034	7204 BELLE MEADE DR
TANGLEWOOD ESTATES HOA	7321 TRIANON CT	COLLEYVILLE, TX	76034	7107 TRIANON CT
FONVILLE, EARL R	1403 BELLEFONTE LN	COLLEYVILLE, TX	76034	1403 BELLEFONTE LN
HEFLIN, JUD	1407 BELLEFONTE LN	COLLEYVILLE, TX	76034	1407 BELLEFONTE LN
TANGLEWOOD ESTATES HOA	7321 TRIANON CT	COLLEYVILLE, TX	76034	7101 JOHN MCCAIN RD
HUFFMAN, JERRY M	7309 TRIANON CT	COLLEYVILLE, TX	76034	7309 TRIANON CT
TANGLEWOOD ESTATES MAINTENANCE	7321 TRIANON CT	COLLEYVILLE, TX	76034	7300 TRIANON CT
DAVIDSON, RICHARD	7304 HIX CT	COLLEYVILLE, TX	76034	7304 HIX CT
FLEMING, BRYAN A	7312 HIX CT	COLLEYVILLE, TX	76034	7312 HIX CT
PERONE, JOHN A	1216 HOLLY LN	COLLEYVILLE, TX	76034	1216 HOLLY LN N
ST CLAIR, DAVID J	1401 BELLEFONTE LN	COLLEYVILLE, TX	76034	1401 BELLEFONTE LN
TANGLEWOOD ESTATES MAINTENANCE	7321 TRIANON CT	COLLEYVILLE, TX	76034	7215 TRIANON CT
TANGLEWOOD ESTATES MAINTENANCE	7321 TRIANON CT	COLLEYVILLE, TX	76034	7217 TRIANON CT
MADY, CONSTANCE E	7301 TRIANON CT	COLLEYVILLE, TX	76034	7301 TRIANON CT
BOTIK, DON	7208 TRIANON CT	COLLEYVILLE, TX	76034	7208 TRIANON CT
SPENCER, MARC	1309 BELLEFONTE LN	COLLEYVILLE, TX	76034	1309 BELLEFONTE LN
COLLINS, BURK	1840 NORWOOD PLZ STE 101	HURST, TX	76054	7309 HOLLY LN N
VENNEMEYER, MICHAEL	7212 TRIANON CT	COLLEYVILLE, TX	76034	7212 TRIANON CT
NOWOTNIK, DAVID	1405 BELLEFONTE LN	COLLEYVILLE, TX	76034	1405 BELLEFONTE LN
PISTOR, ELISE A	7200 HOLLY LN	COLLEYVILLE, TX	76034	7200 HOLLY LN N
RIGNEY, THOMAS	7308 HIX CT	COLLEYVILLE, TX	76034	7308 HIX CT
PERONE, JOHN A	1216 HOLLY LN	COLLEYVILLE, TX	76034	1220 HOLLY LN N
COLLINS, BURK	1840 NORWOOD PLZ STE 101	HURST, TX	76054	1312 JOHN MCCAIN RD
TANGLEWOOD ESTATES MAINT ASSOC	7321 TRIANON CT	COLLEYVILLE, TX	76034	7105 JOHN MCCAIN RD
JEANES, FREDRIC M	7200 BELLE MEADE DR	COLLEYVILLE, TX	76034	7200 BELLE MEADE DR
TANGLEWOOD ESTATES HOA	7321 TRIANON CT	COLLEYVILLE, TX	76034	7103 TRIANON CT
URRUTIA, MICHAEL	1311 BELLEFONTE LN	COLLEYVILLE, TX	76034	1311 BELLEFONTE LN
GRANT, RICHARD	1304 JOHN MCCAIN RD	COLLEYVILLE, TX	76034	1304 JOHN MCCAIN RD
ST MARY'S COPTIC ORTHODOX CHUR	1110 JOHN MCCAIN RD	COLLEYVILLE, TX	76034	1300 JOHN MCCAIN RD
TANGLEWOOD ESTATES HOA	7321 TRIANON CT	COLLEYVILLE, TX	76034	7109 TRIANON CT
FONNER, ALAN D	7320 TRIANON CT	COLLEYVILLE, TX	76034	7320 TRIANON CT
GOTTFREDSON, MARK ALAN	7321 TRIANON CT	COLLEYVILLE, TX	76034	7317 TRIANON CT
WASHINGTON, DAVID	7300 HIX CT	COLLEYVILLE, TX	76034	7300 HIX CT
SMITH, NANCY BURSCH	7202 BELLE MEADE DR	COLLEYVILLE, TX	76034	7202 BELLE MEADE DR
KAUFFMAN, KURT H	1208 JOHN MCCAIN RD	COLLEYVILLE, TX	76034	7150 EVANS RD
TIMARRON GOLF CLUB INC	3030 L B J FWY STE 600	DALLAS, TX	75234	201 E CONTINENTAL BLVD
CHEATWOOD, CHRIS	7313 TRIANON CT	COLLEYVILLE, TX	76034	7313 TRIANON CT
BRADSHAW, F THOMAS	7316 TRIANON CT	COLLEYVILLE, TX	76034	7316 TRIANON CT
HUDSON, LEONARD	7201 TRIANON CT	COLLEYVILLE, TX	76034	7201 TRIANON CT
CALDWELL'S CREEK ADDITION	P.O. BOX 682	COLLEYVILLE, TX	76034	COURTESY NOTICE
PEBBLE HILL PLANTATION ESTATES	P.O. BOX 911	COLLEYVILLE, TX	76034	COURTESY NOTICE
CARROLL ISD	2400 NORTH CARROLL AVE	SOUTHLAKE, TX	76092	STATE REQUIRED
GRAPEVINE COLLEYVILLE ISD	3051 IRA E. WOODS AVENUE	GRAPEVINE, TX	76051	STATE REQUIRED
YOUNG, CURTIS	1130 N. CARROLL AVE, SUITE 200	SOUTHLAKE, TX	76092	APPLICANT

Public hearing notices were mailed June 22, 2018 by Araceli Botello



NOTICE OF PUBLIC HEARING

Zoning Case Number: ZC18-019
Applicant: Curtis Young
Owner: Burk and Gloria Collins
Location: 1312 John McCain Road and 7309 Holly Lane N
Property Description: Lots 1R1 & 1R2, Block 1, of the Bear Creek Plantation
Present Zoning: R-40 Single Family Residential District and AG Agricultural
Request: Consideration of a zoning change from the R-40 Single Family Residential zoning district and AG Agricultural zoning district to the PUD-R Planned Unit Development-Residential zoning district. The purpose is to allow for the development of 36 single-family residential lots and 9 open space lots.

The City of Colleyville has scheduled public hearings concerning the above referenced request on the following dates and location:

Planning and Zoning Commission Meeting: Monday, July 9, 2018 at 7:00 p.m.
City Council Meetings: Tuesday, August 7, 2018 & Tuesday, August 21, 2018 at 7:30 p.m.
3rd floor of City Hall, 100 Main Street, Colleyville, Texas

This notice has been sent to all owners of real property within 200 feet of the request as such ownership appears on the last approved tax roll and all homeowners associations within 200 feet. Approval by the Planning and Zoning Commission serves as a recommendation to the City Council and is not a final action on the request. Denial of the proposal by the Commission is final, unless the applicant submits a written notice of appeal within 10 days from the date of action by the Commission. If appealed, the request will be placed on the next available City Council agenda as listed above. Rezoning requests, zoning amendments and conditions recommended by the Commission for approval by the City Council may be more restrictive than those described in this notice.

All interested persons are encouraged to attend the public hearing and express their opinions on the zoning change request. If you are unable to attend, but wish to have your opinions made a part of the public record, please submit written comments prior to the public hearing, to the address below:

**Community Development Department
City of Colleyville
100 Main Street
Colleyville, TX 76034**

If the property owners of 20% or more of the land within the 200 foot notification area file a written protest prior to the public hearing, State law provides that the approval of the zoning change request shall require the approval of a super majority vote by City Council.

The application is on file for public examination in the Community Development Department at 100 Main Street, Colleyville, Texas. A brief project description can be found online on the Active Development Case map: <https://www.colleyville.com/government/departments-a-l/community-development/active-development-cases>. For additional information, please contact the Community Development Department at 817.503.1052. Please reference the zoning case number when requesting information.

Ben Bryner
Community Development Director
bbryner@colleyville.com

John & Susan Perone
1216 Holly Lane
Colleyville, TX 76034
July 1, 2018

Planning & Zoning Commission
City of Colleyville
100 Main Street
Colleyville, TX 76034

Dear Planning and Zoning Commission Board Members:

We reside at 1216 Holly Lane immediately to the West within 200 feet of the Oak Alley proposed development.

We are writing in response to the Notice of Public Hearing for Zoning case # ZC18-019. After review of the materials enclosed in the Notice as well as materials previously submitted to the City of Colleyville Community Development Department, without modification, we are opposed to the proposal.

Our objections to the rezoning request include but are not limited to the following areas of concern:

- Lot sizes are not compatible and the proposal fails to protect the integrity of the adjacent neighborhood.
- The use of Holly Lane as a construction entry point, construction thoroughfare, or construction parking, staging would be unacceptable and would present a safety hazard.

The first reason for our lingering concerns is that the **Lot sizes** in the proposed Oak Alley development are not compatible with the adjacent Hidden Acres neighborhood. Specifically the Hidden Acres homes, many of which are within the 200 ft, on Holly Lane and Hix Court are zoned Residential Estate (RE) and as a result, the plan fails to protect the integrity of the neighborhood.

We realize that the rezoning request is for a PUD-R so to be specific our objection is that most of the lots are R-30 equivalent size lots with two immediately adjacent to our property which is zoned RE.

Furthermore, as the same property owners at 1216 Holly Lane for the last 25 years, approximately 18 years ago, I, John Perone, participated at the Rezoning Hearing when Bear Creek Plantation owner, Mr. Burk Collins requested and was approved to Rezone a parcel of the Bear Creek Plantation for his Foreman's house which is located on Holly Lane.

We believe Mr. Collins established a R-40 equivalent size precedent when he wisely chose to rezone that parcel as R-40 Single Family Residential in order to be more compatible with the immediate neighborhood which included Hidden Acres RE homes as well as the two remaining R-40 homes on Holly Lane at that time.

The second reason for our lingering concerns pertains to potential construction traffic activity on Holly Lane with related safety issues.

We haven't seen any PUD-R contractual language that addresses this issue so we want to bring this to your attention.

We **strongly object** to the use of Holly Lane as a construction entry point, construction thoroughfare, or construction / contractor parking or staging area.

Considering the magnitude of the Oak Alley development, if any of the above mentioned were to occur, it would severely compromise the integrity and safety of our neighborhood with a major impact for years to come.

Holly Lane characteristics as follows:

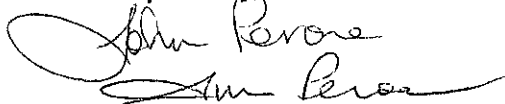
- Not a standard city sized street, as it is narrow in width.
- In order to facilitate two way traffic, any parking on the street has to be on the grass in the right of way. Therefore residents don't park on Holly Lane.
- Hazardous 70 degree curve near Foreman's house.
- No Outlet
- Children Playing

We want to thank you for your attention to our concerns and objections to the Oak Alley zoning change request.

It is our hopeful expectation that City Officials will preserve the Colleyville Comprehensive Plan, adhere to the Land Use Code, and facilitate citizen input.

Thank you for serving our community.

Respectfully,



John & Susan Perone
1216 Holly Lane
Colleyville, TX 76034
(H) 817-421-3057

Letter of Opposition

Araceli Botello

Subject: FW: Bear Creek Plantation

-----Original Message-----

From: Wayne Rigney

Sent: Thursday, July 5, 2018 10:20 AM

To: Susan Mathisen <smathisencpa@gmail.com>

Cc: JElms@pape-dawson.com; ckbevill@hotmail.com; m.kich@rocketmail.com; veronica@sellsdfw.com; slv4105@gmail.com; rayallee@aol.com

Subject: Bear Creek Plantation

I Wayne Rigney oppose the Bear Creek Plantation.

Below are some of my concerns!

1. Burk Collins personally told me the pond in the flood plain would be a retention pond for flooding. But in the P&Z meeting Curtis said it would be a wet pond. He is already changing what he told us.
 2. He has made numerous water flow modifications for the Tanglewood Estates subdivision and NONE for us.
 3. We have multiple flooding problems and he is exacerbating them building in the flood plain and the ditch next to Holly Lane will only direct more water flow back to us. And the amenity Lake was again supposed to be a retention pond to help with flooding.
 4. Our property at the back is directly next to his. He wants to leave the current fence which is being held up by numerous pieces of wood. From Holly lane turn to the floodplain it means there is no barrier into our yards plus it's a ranch fence.
 5. He said he has addressed all our concerns! Not true we have numerous times Addressed flooding problems.
 6. Ben Bryner in the P&Z meeting " for the most part it complies with our standards and desires"
- I thought we were using comprehensive plan as a standard not mostly a plan!
7. His engineer Curtis has consistently talked down to us! And now all the things we were concerned with are categorically being ignored!

We want water flow problems addressed! Not ignored!

Thomas Wayne Rigney
7308 Hix Ct
Colleyville, TX 76034
501 240 3561

Sent from my iPhone

Letter of Opposition

LETTER OF CONCERN TO:

THE COMMUNITY DEVELOPMENT DEPARTMENT OF COLLEYVILLE (ZONING CASE # ZC18-019)
100 Main Street
Colleyville, Tx 76034

Office: 817-503-1050 E-Mail: bbryner@colleyville.com

Re: ZONING CASE # ZC18-019

I, Gary T. Beggs, oppose the rezoning for 1312 John McCain Road from R-40 single family & AG Agricultural to PUD-R.

SIGNED: _____



NAME: Gary T. Beggs

ADDRESS: 7105 Peters Path

CITY/ZIP: Colleyville, TX 76034

DATE: July 5, 2018

Letter of Opposition

Araceli Botello

Subject: FW: Bear Creek Plantation

From: [Charlie](#)

Sent: Thursday, July 5, 2018 1:36 PM

To: ['Wayne Rigney'](#); ['Susan Mathisen'](#)

Cc: [JElms@pape-dawson.com](#); [ckbevill@hotmail.com](#); [m.kich@rocketmail.com](#); [veronica@sellsdfw.com](#); [slv4105@gmail.com](#); [rayallee@aol.com](#)

Subject: RE: Bear Creek Plantation

Basically other than all the concerns, I feel like I do not want to be responsible for making a decision that may be in our worst interest. Therefore I will oppose the project and put the responsibility on a high majority vote of the City Council by creating a Super Majority vote if possible.

Hopefully this will be in our best interest!

Charles Pearce

-----Original Message-----

From: Wayne Rigney

Sent: Thursday, July 05, 2018 10:20 AM

To: Susan Mathisen

Cc: [JElms@pape-dawson.com](#); [ckbevill@hotmail.com](#); [m.kich@rocketmail.com](#); [veronica@sellsdfw.com](#); [slv4105@gmail.com](#); [rayallee@aol.com](#)

Subject: Bear Creek Plantation

I Wayne Rigney oppose the Bear Creek Plantation.

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 4. Our property at the back is directly next to his. He wants to leave the current fence which is being held up by numerous pieces of wood. From Holly lane turn to the floodplain it means there is no barrier into our yards plus it's a ranch fence.
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 6. Ben Bryner in the P&Z meeting " for the most part it complies with our standards and desires"
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We want water flow problems addressed! Not ignored!

Thomas Wayne Rigney
7308 Hix Ct
Colleyville, TX 76034

Letter of Opposition

501 240 3561

Sent from my iPhone

Letter of Opposition

Araceli Botello

Subject: FW: Letter of Protest - Regarding Rezoning of Bear Creek Plantation

From: [Natalie Genco](#)

Sent: Saturday, July 7, 2018 2:19 PM

To: bbryner@colleyville.com; [Susan](#); rayallee@aol.com; slv4105@gmail.com; veronica@sellsdfw.com; m.koch75@rocketmail.com; Claudia Bevil; JEIms@pape-dawson.com

Cc: [Richard Newton](#); tnakamura@colleyville.com; [Bobby Lindamood](#); gdodson@colleyville.com; kwheat@colleyville.com; ckelley@colleyville.com; crigney@colleyville.com; [Frank Genco](#); [Charlie](#)

Subject: Letter of Protest - Regarding Rezoning of Bear Creek Plantation

LETTER OF PROTEST FOR ZONING CASE # ZC18-019

TO: COMMUNITY DEVELOPMENT DEPARTMENT

CITY OF COLLEYVILLE

100 Main Street

Colleyville, TX 76034

Office: 817-503-1050 E-Mail: bbryner@colleyville.com

To whom it may concern:

I, Natalie Genco, oppose the rezoning for 1312 John McCain Road (Zoning Case # ZC18-019) from R-40 single family & AG Agricultural to PUD-R or any other zoning.

This property should be left AG as this zoning is what neighbors bought next to. It is grossly unfair as an infringement on neighbors' rights and others in our city to change zoning on this property to anything other than how it is zoned currently.

It is a property owners right to develop their property with the zoning he purchased it with. It is NOT anyone's right to have their property rezoned. We have zoning rules in place to protect neighbors who buy near a property.

Please keep our neighborhood low density by keeping zoning on this property as it is.

CONCERNS:

1. Adding unnecessary traffic congestion to already congested John McCain. My neighbors and I can barely get out of our driveways as things are now.
2. Water drainage issues.
3. Open spaces in our city need to be protected and not developed for the personal profit of one person and to the detriment of all neighbors.
4. This rezoning request is not in harmony with surrounding neighborhoods. The request far exceeds development density on three sides of this property. To the west is Hidden Acres with properties that are 2-6 acres. To the east is Tanglewood with properties averaging 2 acres and to the north is flood plain with a golf course beyond.
5. The main reason people give for moving to Colleyville is our "rural feel". Changing zoning and developing one of our last AG pieces of land greatly diminishes this rural feel and lowers the quality of life for all Colleyville residents for the personal profit of one person. This tragedy should not be allowed to happen. Please protect our neighborhood and our city.

Sincerely,

Natalie Genco

July 7, 2018

1104 John McCain Rd, COLLEYVILLE, TEXAS 76034

Letter of Opposition

Araceli Botello

Subject: FW: Protest - Regarding Rezoning of Bear Creek Plantation #ZC18-019

From: Frank Genco

Sent: Sunday, July 8, 2018 12:16 PM

To: Ben Bryner <BBryner@colleyville.com>

Cc: Susan <smathisencpa@gmail.com>; rayallee@aol.com; slv4105@gmail.com; veronica@sellsdfw.com; m.koch75@rocketmail.com; Claudia Bevill <ckbevill@hotmail.com>; JElms@pape-dawson.com; Richard Newton <RNewton@colleyville.com>; Tammy Nakamura <TNakamura@colleyville.com>; Bobby Lindamood <BLindamood@colleyville.com>; George Dodson <GDodson@colleyville.com>; Kathy Wheat <KWheat@colleyville.com>; Chuck Kelley <CKelley@colleyville.com>; Callie Rigney <CRigney@colleyville.com>; Charlie <charles.pearce@verizon.net>

Subject: Protest - Regarding Rezoning of Bear Creek Plantation #ZC18-019

LETTER OF PROTEST FOR ZONING CASE # ZC18-019

TO: COMMUNITY DEVELOPMENT DEPARTMENT

CITY OF COLLEYVILLE

[100 Main Street](#)

[Colleyville, TX 76034](#)

Office: [817-503-1050](tel:817-503-1050) **E-Mail:** bbryner@colleyville.com

To whom it may concern:

I, Frank Genco, oppose the rezoning for [1312 John McCain Road](#) (Zoning Case # ZC18-019) from R-40 single family & AG Agricultural to PUD-R or any other zoning.

This property should be left AG as this zoning is what neighbors bought next to. It is grossly unfair as an infringement on neighbors' rights and others in our city to change zoning on this property to anything other than how it is zoned currently.

It is a property owners right to develop their property with the zoning he purchased it with. It is NOT anyone's right to have their property rezoned. We have zoning rules in place to protect neighbors who buy near a property.

Zoning defines a property owner's rights. Rezoning is an infringement on neighbors' rights.

Please keep our neighborhood low density by keeping zoning on this property as it is.

CONCERNS:

1. Adding unnecessary traffic congestion to already congested John McCain. My neighbors and I can barely get out of our driveways as things are now.
2. Water drainage issues.
3. Open spaces in our city need to be protected and not developed for the personal profit of one person and to the detriment of all neighbors.
4. This rezoning request is not in harmony with surrounding neighborhoods. The request far exceeds development density on three sides of this property. To the west is Hidden Acres with properties that are

Letter of Opposition

2-6 acres. To the east is Tanglewood with properties averaging 2 acres and to the north is flood plain with a golf course beyond.

5. The main reason people give for moving to Colleyville is our "rural feel". Changing zoning and developing one of our last AG pieces of land greatly diminishes this rural feel and lowers the quality of life for all Colleyville residents for the personal profit of one person. This tragedy should not be allowed to happen. Please protect our neighborhood and our city.

Sincerely,

Frank Genco

July 8, 2018

1104 John McCain Rd, COLLEYVILLE, TEXAS 76034

Sent from my iPhone

Letter of Opposition

LETTER OF PROTEST FOR ZONING CASE # ZC18-019

TO: COMMUNITY DEVELOPMENT DEPARTMENT

CITY OF COLLEYVILLE

100 Main Street

Colleyville, TX 76034

Office: 817-503-1050 E-Mail: bbryner@colleyville.com

To whom it may concern:

I, Richard B. Davidson, oppose the rezoning for 1312 John McCain Road (Zoning Case # ZC18-019) from R-40 single family & AG Agricultural to PUD-R or any other zoning under RE & AG.

CONCERNS:

- (1) Water drainage issues along the West side of the running along Holly Ln. and continuing through my backyard causing larger erosion issues and possible flooding based on the current grading plan.
- (2) The so called "retention pond" and its true purpose. If this pond is turned into a constantly full recreation pond then there will be almost certain flooding issues along my floodplain.
- (3) No intentions to build a masonry wall or privacy fence along the west side of the proposed Oak Alley to help prevent against any potential drainage issues and also help protect the privacy of my land against new neighbors direct view as well as those walking around the proposed Oak Alley walking paths in the back of the neighborhood.

Sincerely,

Richard Davidson

July 8, 2018

7304 Hix Ct., COLLEYVILLE, TEXAS 76034

Letter of Opposition

LETTER OF PROTEST FOR ZONING CASE # ZC18-019

TO: COMMUNITY DEVELOPMENT DEPARTMENT

CITY OF COLLEYVILLE

100 Main Street

Colleyville, TX 76034

Office: 817-503-1050 E-Mail: bbryner@colleyville.com

To whom it may concern:

I, Joyce Pearce, oppose the rezoning for 1312 John McCain Road (Zoning Case # ZC18-019) from R-40 single family & AG Agricultural to PUD-R or any other zoning.

CONCERNS:

- (1) Adding traffic congestion to John McCain.
- (2) Water drainage from west of Holly Lane east to Bear Creek Plantation needs to be addressed for backup problems from the west and throughout the development.
- (3) Lot sizes are too small according to Colleyville 2035 Comprehensive Plan Chapter 6, Northwest Colleyville-Neighborhood Area 6.
- (4) It would be an infringement on our rights to rezone 1312 John McCain to a higher density than the adjoining neighbors.

SIGNED: Joyce Pearce

DATE: 7-8-18

NAME: Joyce Pearce

ADDRESS: 1312 Holly Ln.

COLLEYVILLE, TEXAS 76034

Letter of Opposition

LETTER OF PROTEST FOR ZONING CASE # ZC18-019

TO: COMMUNITY DEVELOPMENT DEPARTMENT

CITY OF COLLEYVILLE

100 Main Street

Colleyville, TX 76034

Office: 817-503-1050 E-Mail: bbryner@colleyville.com

To whom it may concern:

I, Charles Pearce, oppose the rezoning for 1312 John McCain Road (Zoning Case # ZC18-019) from R-40 single family & AG Agricultural to PUD-R or any other zoning.

CONCERNS:

- (1) Adding traffic congestion to John McCain.
- (2) Water drainage from west of Holly Lane east to Bear Creek Plantation needs to be addressed for backup problems from the west and throughout the development.
- (3) Lot sizes are too small according to Colleyville 2035 Comprehensive Plan Chapter 6, Northwest Colleyville-Neighborhood Area 6.
- (4) It would be an infringement on our rights to rezone 1312 John McCain to a higher density than the adjoining neighbors.

SIGNED: Charles Pearce

DATE: 7-8-18

NAME: Charles Pearce

ADDRESS: 7212 Holly Lane

COLLEYVILLE, TEXAS 76034

Letter of Opposition

LETTER OF PROTEST FOR ZONING CASE # ZC18-019

TO: COMMUNITY DEVELOPMENT DEPARTMENT

CITY OF COLLEYVILLE

100 Main Street

Colleyville, TX 76034

Office: 817-503-1050 E-Mail: bbryner@colleyville.com

To whom it may concern:

I, ELISE D. PISTOR, oppose the rezoning for 1312 John McCain Road (Zoning Case # ZC18-019) from R-40 single family & AG Agricultural to PUD-R or any other zoning under RE & AG.

CONCERNS:

- (1) Adding traffic congestion to John McCain.
- (2) Water drainage from west of Holly Lane east to Bear Creek Plantation needs to be addressed for backup problems from the west and throughout the development.
- (3) Lot sizes are too small according to Colleyville 2035 Comprehensive Plan Chapter 6, Northwest Colleyville-Neighborhood Area 6.

SIGNED:

Elise D. Pistor

DATE: 7-8-18

NAME:

ELISE DUELL PISTOR

ADDRESS:

7200 HOLLY LANE

COLLEYVILLE, TEXAS 76034

Letter of Opposition

LETTER OF PROTEST FOR ZONING CASE # ZC18-019

TO: COMMUNITY DEVELOPMENT DEPARTMENT

CITY OF COLLEYVILLE

100 Main Street

Colleyville, TX 76034

Office: 817-503-1050 E-Mail: bbryner@colleyville.com

To whom it may concern:

I, Donna Kautzman, oppose the rezoning for 1312 John McCain Road (Zoning Case # ZC18-019) from R-40 single family & AG Agricultural to PUD-R or any other zoning under RE & AG.

CONCERNS:

- (1) Too High Density, takes away from
Quality of life, larger Estates
- (2) Drainage Along Holly, including Holly
Sidewalks, fencing, has left, the
western homeowners w/ lesser developed street, drainage
fencing
- (3) _____

SIGNED: Donna Kautzman DATE: 7/9/2018

NAME: Donna Kautzman

ADDRESS: 1208 John McCain

COLLEYVILLE, TEXAS 76034

Letter of Opposition

LETTER OF PROTEST FOR ZONING CASE # ZC18-019

TO: COMMUNITY DEVELOPMENT DEPARTMENT

CITY OF COLLEYVILLE

100 Main Street

Colleyville, TX 76034

Office: 817-503-1050 E-Mail: bbryner@colleyville.com

To whom it may concern:

I, Kurt Kauffman, oppose the rezoning for 1312 John McCain Road (Zoning Case # ZC18-019) from R-40 single family & AG Agricultural to PUD-R or any other zoning under RE & AG.

CONCERNS:

- (1) Lot sizes are too small according to Colleyville 2035 Comprehensive Plan Chapter 6, N W Colleyville - Neighborhood Area 6.
- (2) "Concern for the 'Small Pond' / Properties along Holly Lane - Where will the overflow go?"
- (3) "Fence" / Hedges should be same as by Holly Lane as Tanglewood Side -

SIGNED: Kurt Kauffman

DATE: 7/8/2018

NAME: Kurt Kauffman

ADDRESS: 1208 John McCain Rd.

COLLEYVILLE, TEXAS 76034

Letter of Opposition

Community Development Department
City of Colleyville
100 Main Street
Colleyville, Texas 76034

Date: 7-8-18

Attn: Planning and Zoning Commission Members

To Whom It May Concern:

I am writing in response to the Notice of Public Hearing for Zoning Case Number ZC18-019. After review of the materials enclosed in the Notice as well as materials previously submitted to the Planning and Zoning Commission, I hereby object to the proposed development plan and request for zoning change (the "Plan"). My objections to the proposed development (the "Development") include, but are not limited to, the following areas of concern:

- The lot sizes in the Development are not compatible with the properties in the adjacent neighborhoods and, as a result, the Plan fails to protect the integrity of those neighborhoods;
- The proposed density of the Development is not in keeping with the Colleyville 2035 Comprehensive Plan Chapter 6, Northwest Colleyville-Neighborhood Area 6;
- The Plan has inconsistent and inadequate border enclosures and landscape buffers, including a water collection area outside the perimeter of the proposed fencing along the western edge; and
- The Plan poses a risk of damage to surrounding properties due to (i) the disruption of existing water flow conditions (ii) reduced absorption of surface water resulting from the construction of a densely populated development, and (iii) a water collection area that may overflow onto Holly Lane.

Sincerely,

Kara JF
Signature

KARA FLEMING
Printed Name

7312 Hix Ct

Colleyville TX 76034
Address

Letter of Opposition

Community Development Department
City of Colleyville
100 Main Street
Colleyville, Texas 76034

Date: 7/8/18

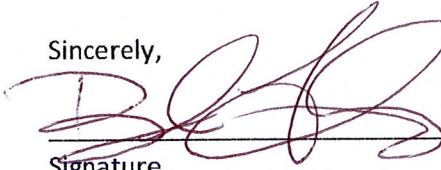
Attn: Planning and Zoning Commission Members

To Whom It May Concern:

I am writing in response to the Notice of Public Hearing for Zoning Case Number ZC18-019. After review of the materials enclosed in the Notice as well as materials previously submitted to the Planning and Zoning Commission, I hereby object to the proposed development plan and request for zoning change (the "Plan"). My objections to the proposed development (the "Development") include, but are not limited to, the following areas of concern:

- The lot sizes in the Development are not compatible with the properties in the adjacent neighborhoods and, as a result, the Plan fails to protect the integrity of those neighborhoods;
- The proposed density of the Development is not in keeping with the Colleyville 2035 Comprehensive Plan Chapter 6, Northwest Colleyville-Neighborhood Area 6;
- The Plan has inconsistent and inadequate border enclosures and landscape buffers, including a water collection area outside the perimeter of the proposed fencing along the western edge; and
- The Plan poses a risk of damage to surrounding properties due to (i) the disruption of existing water flow conditions (ii) reduced absorption of surface water resulting from the construction of a densely populated development, and (iii) a water collection area that may overflow onto Holly Lane.

Sincerely,


Signature

BRYAN A FLEMING
Printed Name

7312 Hix Ct

Colleyville, TX 76034

Address

Letter of Opposition

LETTER OF PROTEST FOR ZONING CASE # ZC18-019

TO: COMMUNITY DEVELOPMENT DEPARTMENT

CITY OF COLLEYVILLE

100 Main Street

Colleyville, TX 76034

Office: 817-503-1050 E-Mail: bbryner@colleyville.com

To whom it may concern:

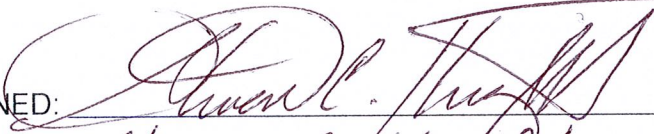
I, Steven C. Knight, oppose the rezoning for 1312 John McCain Road (Zoning Case # ZC18-019) from R-40 single family & AG Agricultural to PUD-R or any other zoning under RE & AG.

CONCERNS:

(1) When many fellow citizen is affected by questionable density issues, I am also affected. I could be next.

(2)

(3)

SIGNED: 

DATE: 7-8-18

NAME: Steven C. Knight

ADDRESS: 3917 Felps Court

COLLEYVILLE, TEXAS 76034

Letter of Opposition

April 11, 2018

Dear Neighbor,

This letter shall confirm our conversation.

Attached is our latest plan (37 lots) for the Oak Alley Development. We've made the changes that most have asked for, plus we have increased the size of the lake on Holly Lane. We have also added additional landscaping and closed the exit on Holly Lane. All lots are now 30,000 square feet and up.

I am asking for your support of our development. Your signature below will confirm that you support the zoning of the attached site plan. Thank you.

Sincerely,

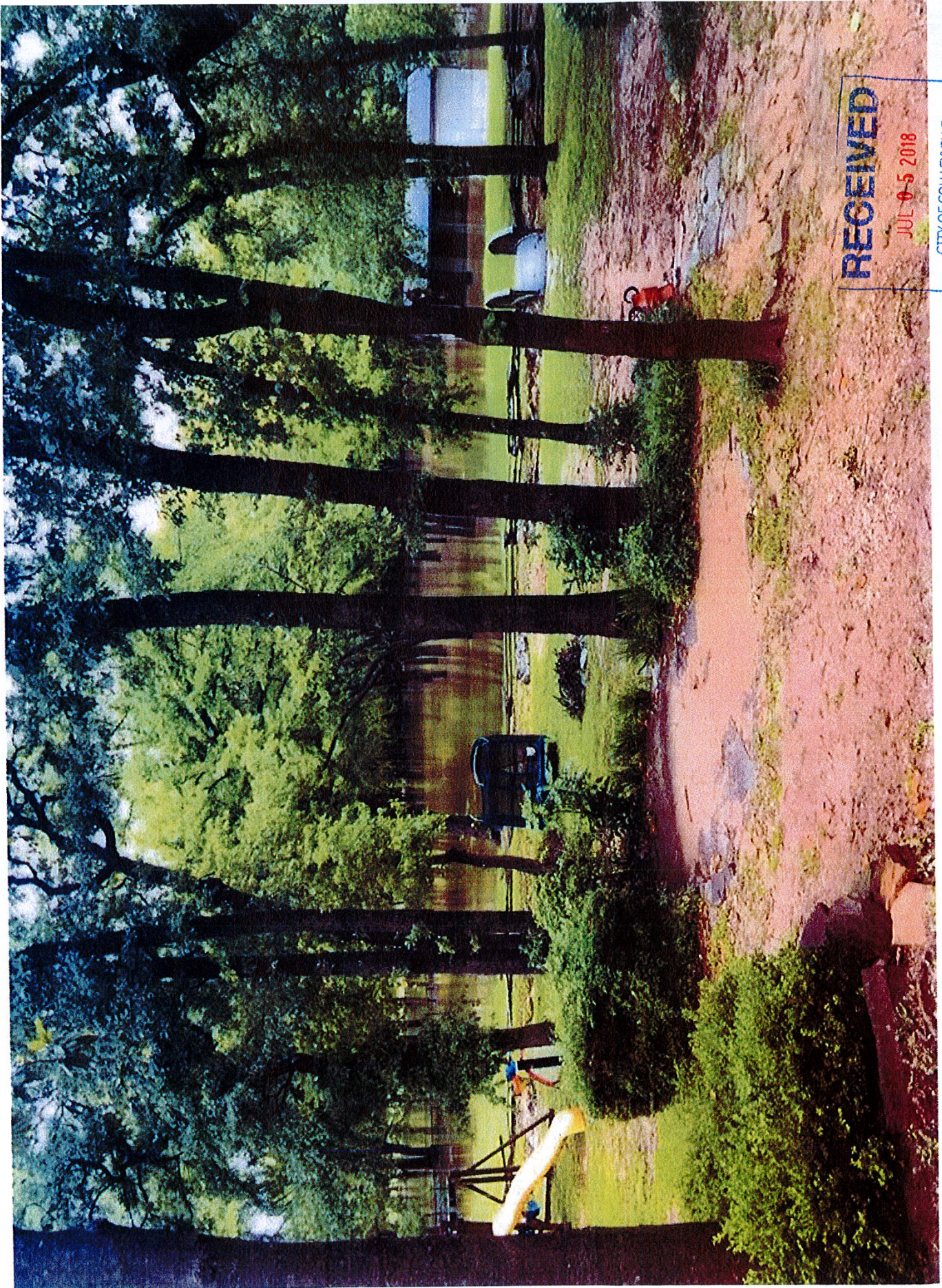

Burk Collins

Printed Name

Signature



Letter of Opposition



RECEIVED

JUL 05 2018

CITY OF COLLEEVILLE
BY COMMUNITY DEV. DEPT

Letter of Opposition



Letter of Opposition

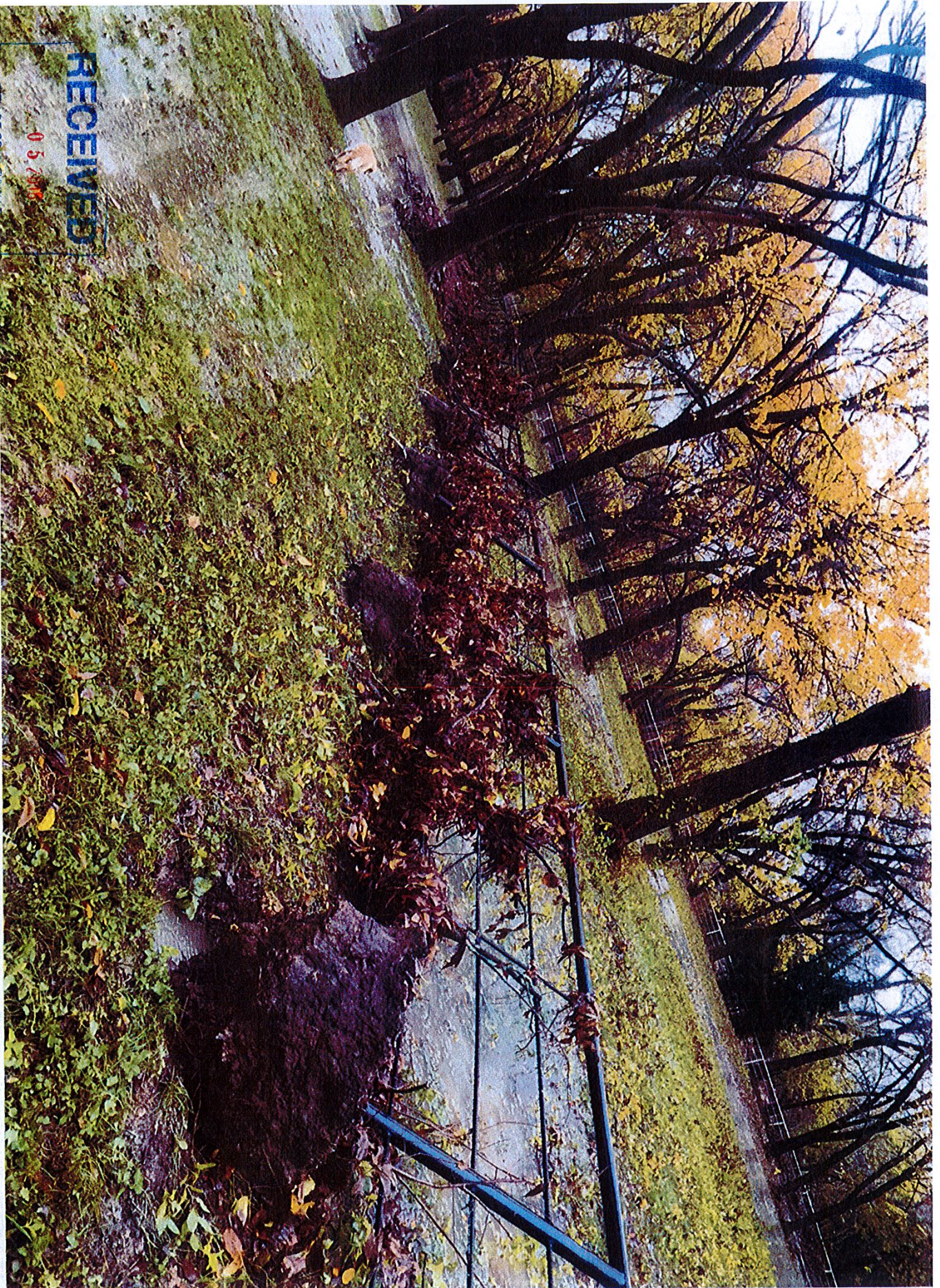


RECEIVED

JUL 05 2018

CITY OF CHICAGO

Letter of Opposition



RECEIVED

05/29/18

CITY OF COLLEYVILLE
BY COMMUNITY DEV. DEPT.

Letter of Opposition



Letter of Opposition



Letter of Opposition



Letter of Opposition



RECEIVED

JUL 20 03 2013

CITY OF COLLEGEVILLE
BY COMMUNITY DEV. DEPT.
BY COMMUNITY DEV. DEPT.

Letter of Opposition



RECEIVED

JUL 05 2018

CITY OF COLLEVILLE
BY COMMUNITY DEV. DEPT

Letter of Opposition

Araceli Botello

Subject: FW: 1312 John McCain Rd New Project

From: Issam Bou-Hamdan

Sent: Monday, July 9, 2018 9:42 AM

To: Ben Bryner <BBryner@colleyville.com>

Subject: 1312 John McCain Rd New Project

We oppose building smaller lots on or near the John McCain Rd area. As it is we are witnessing unbearable traffic daily on John McCain and this kind of project it will only increase traffic and noise.

Thank You,

Issam Bou-Hamdan
6804 Shalimar Ct
Colleyville, TX 76034

Sent from [Mail](#) for Windows 10

Letter of Opposition

LETTER OF CONCERN TO:

THE COMMUNITY DEVELOPMENT DEPARTMENT OF COLLEYVILLE (ZONING
CASE # ZC18-019)

100 Main Street

Colleyville, Tx 76034

Office: 817-503-1050 E-Mail: bbryner@colleyville.com

To whom it may concern on: ZONING CASE # ZC18-019

I, Coral L. Nauter, oppose the rezoning for 1312 John
McCain Road from R-40 single family & AG Agricultural to PUD-R.

SIGNED: Coral L. Nauter DATE: 7/9/18

NAME: Coral L. Nauter

ADDRESS: 801 Beverly Dr.

CITY/ZIP: Colleyville, TX 76034

Letter of Opposition

Araceli Botello

Subject: FW: Notice of Public Hearing Case ZC18-002

From: Edward Palluth

Sent: Thursday, July 5, 2018 12:13 PM

To: rayallee@aol.com; slv4105@gmail.com; veronica@sellsdfw.com; m.koch75@rocketmail.com; JEIms@pape-dawson.com; ckbevill@hotmail.com; smathisencpa@gmail.com

Subject: Re: Notice of Public Hearing Case ZC18-002

July 5, 2018

Community Development Department

City of Colleyville

100 Main Street

Colleyville, Texas 76034

Planning and Zoning Commission Member:

After thoroughly reviewing the materials submitted to the Commission regarding Zoning Case Number ZC18-002, we cannot support the plans as submitted by the development company. Our primary objections to the proposed development include, but are not limited to, the following areas of concern:

- The proposed lot sizes compromise the integrity of the adjacent properties. Both developments east and west of the proposed development average approx. 2 acres while the new development averages well under one acre with the majority of the properties under .7 acre. The plan fails to protect the integrity of the adjacent neighborhoods;
- The planned density further exacerbates traffic and safety issues on John McCain;

We would like to point out some debatable points in *The Statement of Objectives* submitted by the developer. The developer states that the adjacent east and west properties would be unified by the PUD-R rezoning. The average lots sizes of the east and west adjacent properties are approximately 2 acres while the proposed development would have 25% of the properties smaller than 2/3 acre..

Five of the properties are plotted at 30.0k sq ft, however when you take out the drainage easement these properties all fall below 30.0k sq ft.. Increasing the total number of homes under 30.0 sq ft to 9 (25% of the proposed development)

The developer suggests that average starting price for ALL homes would be \$2,000,000.00.. We searched the DFW area real estate sites and found over 80 properties over \$2,000,000.00 for sale in Tarrant County, of those only one had a lot size of less than one acre.. A more likely target price based on this proposal would be 1/3 to 1/2 of what the developer suggests. This would obviously compromise the integrity of the adjacent property values, in addition, greatly reducing the the suggested property tax contribution to the City of Colleyville...

While we are opposed to the plan as submitted, we are not against the residential development of this property.

Please advise if you have any questions or would rather this be sent via mail..

Thank you for your service to the community and consideration,

Joan & Ed Palluth

Letter of Opposition

1212 Holly Lane
Colleyville, Texas 76034

On Mar 20, 2018, at 3:16 PM, Edward Palluth <

> wrote:

March 20, 2018

Community Development Department
City of Colleyville
100 Main Street
Colleyville, Texas 76034

Planning and Zoning Commission Member:

I am writing in response to the Notice of Public Hearing for Zoning Case Number ZC18-002. After review of the materials enclosed in the Notice as well as materials previously submitted to the Planning and Zoning Commission, I hereby object to the proposed development plan and request for zoning change. My objections to the proposed development include, but are not limited to, the following areas of concern:

- The lot sizes in the development are not consistent with the properties in the adjacent neighborhoods and, as a result, the plan fails to protect the integrity of those neighborhoods;
- The planned density further exacerbates traffic and safety issues on John McCain;
- The planned street exiting to Holly Lane will create unsafe conditions for residing on Holly Lane and Hidden Acres neighborhood.

Please advise if you would rather this be sent via mail..

Thank you for your service to the community and consideration,

Ed Palluth
1212 Holly Lane
Colleyville, Texas 76034

Letter of Opposition

Community Development Department
City of Colleyville
100 Main Street
Colleyville, TX 76034

Date: July 9, 2018

Attn: Planning and Zoning Commission Members

To Whom It May Concern:

I am writing in response to the Notice of Public Hearing for Zoning Case Number ZC18-019. After review of the materials enclosed in the Notice as well as materials previously submitted to the Planning and Zoning Commission, I hereby object to the proposed development plan and request for zoning change (the "Plan"). My objections to the proposed development (the "Development") include, but are not limited to, the following areas of concern:

- The lot sizes in the Development are not compatible with the properties in the adjacent neighborhoods and, as a result, the Plan fails to protect the integrity of those neighborhoods;
- The proposed density of the Development is not in keeping with the Colleyville 2035 Comprehensive Plan Chapter 6, Northwest Colleyville-Neighborhood Area 6;
- The Plan has inconsistent and inadequate border enclosures and landscape buffers, including a water collection area outside the perimeter of the proposed fencing along the western edge; and
- The Plan poses a risk of damage to surrounding properties due to (i) the disruption of existing water flow conditions, (ii) reduced absorption of surface water resulting from the construction of a densely populated development, and (iii) a water collection area that may overflow onto Holly Lane.

Sincerely,

Elise Duell Pistor
(Signature)

ELISE DUELL PISTOR
Printed Name

7200 HOLLY LANE
COLLEYVILLE, TX 76034
Address

Letter of Opposition

Community Development Department
City of Colleyville
100 Main Street
Colleyville, TX 76034

Date: July 9, 2018

Attn: Planning and Zoning Commission Members

To Whom It May Concern:

I am writing in response to the Notice of Public Hearing for Zoning Case Number ZC18-019. After review of the materials enclosed in the Notice as well as materials previously submitted to the Planning and Zoning Commission, I hereby object to the proposed development plan and request for zoning change (the "Plan"). My objections to the proposed development (the "Development") include, but are not limited to, the following areas of concern:

- The lot sizes in the Development are not compatible with the properties in the adjacent neighborhoods and, as a result, the Plan fails to protect the integrity of those neighborhoods;
- The proposed density of the Development is not in keeping with the Colleyville 2035 Comprehensive Plan Chapter 6, Northwest Colleyville-Neighborhood Area 6;
- The Plan has inconsistent and inadequate border enclosures and landscape buffers, including a water collection area outside the perimeter of the proposed fencing along the western edge; and
- The Plan poses a risk of damage to surrounding properties due to (i) the disruption of existing water flow conditions, (ii) reduced absorption of surface water resulting from the construction of a densely populated development, and (iii) a water collection area that may overflow onto Holly Lane.

Sincerely,

Signature

Jeff Pistor

Printed Name

7200 Holly Ln
Colleyville, TX 76034

Address

Letter of Opposition

LETTER OF CONCERN TO:

THE COMMUNITY DEVELOPMENT DEPARTMENT OF COLLEYVILLE (ZONING
CASE # ZC18-019)

100 Main Street

Colleyville, Tx 76034

Office: 817-503-1050 E-Mail: bbryner@colleyville.com

To whom it may concern on: ZONING CASE # ZC18-019

I, Michael Newton, oppose the rezoning for 1312 John
McCain Road from R-40 single family & AG Agricultural to PUD-R.

SIGNED:  DATE: 7/9/18

NAME: Michael Newton

ADDRESS: 801 Beverly Dr.

CITY/ZIP: Colleyville, TX 76034

Letter of Opposition

Araceli Botello

Subject: FW: 1312 John McCain

From: Robbie
Sent: Monday, July 9, 2018 11:27 AM
To: Ben Bryner <BBryner@colleyville.com>
Subject: 1312 John McCain

Mr. Bryner, I would like to express my concerns and oppose to this new housing project at 1312 John McCain. I believe at this time this development would case major traffic jams on John McClain street and noise issues in this neighborhood.

My home address is 7208 Jo Will Street.

Robbie Sebren Burns
Legend Asset Management
2415 Avenue J, Suite III
Arlington, TX 76006
P 817.640.3040 ext 101
F 817.701.0523



Letter of Opposition

Araceli Botello

Subject: FW: Please do not rezone 1312 John McCain Rd.

From: Jody Larson

Sent: Monday, July 9, 2018 11:52 AM

To: Ben Bryner <BBryner@colleyville.com>

Subject: Please do not rezone 1312 John McCain Rd.

I would like to add my opinion about the rezoning of the property at 1312 John McCain. I do not agree with it because of these reasons:

I do not want the extra traffic that the building of the homes will bring to the neighborhood; the extra traffic of the construction vehicles, the 18 wheelers, construction trucks, etc.

Not only will there be extra traffic with the construction, there will be extra traffic with the new tenants. John McCain has already taken a beating with the detoured traffic during the Pleasant Run/Tinker Rd. construction.

We have greatly enjoyed seeing the longhorns the owners previously had and while we know that the next owners will likely not do the same, building out that property will make us just another neighborhood. Splitting it up into two or three homes would be good but as many as they are proposing? No thank you! We love the rural feel of this area while being in the middle of the city. We love it here and would hate to see that aesthetic go away!

Thank you for "listening".

Sincerely,
Jody Larson
7308 Jo Will
Colleyville.

Letter of Opposition

LETTER OF CONCERN TO:

THE COMMUNITY DEVELOPMENT DEPARTMENT OF COLLEYVILLE (ZONING CASE # ZC18-019)

100 Main Street

Colleyville, Tx 76034

Office: 817-503-1050 E-Mail: bbryner@colleyville.com

To whom it may concern on: ZONING CASE # ZC18-019

I, _____, oppose the rezoning for 1312 John McCain Road from R-40 single family & AG Agricultural to PUD-R.

SIGNED: _____

DATE: _____

NAME: _____

ADDRESS: _____

CITY/ZIP: _____

Signature
DATE: *7/5/18*
NAME: *SANIR/Khalil*
ADDRESS: *1809 Thames TRAIL*
CITY/ZIP: *Colleyville, TX 76034*

Letter of Opposition

LETTER OF CONCERN TO:

THE COMMUNITY DEVELOPMENT DEPARTMENT OF COLLEYVILLE (ZONING CASE # ZC18-019)

100 Main Street

Colleyville, Tx 76034

Office: 817-503-1050 E-Mail: bbryner@colleyville.com

To whom it may concern on: ZONING CASE # ZC18-019

I, Manal Khalil, oppose the rezoning for 1312 John McCain Road from R-40 single family & AG Agricultural to PUD-R.

SIGNED:

Manal Khalil

DATE:

7/5/18

NAME:

Manal Khalil

ADDRESS:

1809 Thames Trail

CITY/ZIP:

Colleyville, TX 76034

Letter of Opposition

LETTER OF CONCERN TO:

THE COMMUNITY DEVELOPMENT DEPARTMENT OF COLLEYVILLE (ZONING CASE # ZC18-019)

100 Main Street

Colleyville, Tx 76034

Office: 817-503-1050 E-Mail: bbryner@colleyville.com

To whom it may concern on: ZONING CASE # ZC18-019

I, Mark Khalil, oppose the rezoning for 1312 John McCain Road from R-40 single family & AG Agricultural to PUD-R.

SIGNED: Mark Khalil DATE: 7/6/18

NAME: Mark Khalil

ADDRESS: 1809 Thames Trail

CITY/ZIP: Colleyville, TX 76034

Letter of Opposition

LETTER OF CONCERN TO:

THE COMMUNITY DEVELOPMENT DEPARTMENT OF COLLEYVILLE (ZONING CASE # ZC18-019)

100 Main Street

Colleyville, Tx 76034

Office: 817-503-1050 E-Mail: bbryner@colleyville.com

To whom it may concern on: ZONING CASE # ZC18-019

I, Angela Khalil, oppose the rezoning for 1312 John McCain Road from R-40 single family & AG Agricultural to PUD-R.

SIGNED: Angela Khalil DATE: 7/5/18

NAME: Angela Khalil

ADDRESS: 1809 Thames Trail

CITY/ZIP: Colleyville, TX 76034

Tanglewood Estates Response to the Proposed Development

June 1, 2018

To: Colleyville Planning and Zoning Commission and City Council
Burk Collins and Curtis Young

From: Tanglewood Estates Maintenance Association

We have had many meetings with Burk Collins, and Curtis Young of Sage Associates who have developed the plat concepts for the proposed development, Oak Alley. We would much prefer a plan that doesn't have all of their homes backing up to the fronts of our homes, which we believe would be possible without the constraints of retaining the plantation home and the ability to relocate the entry oaks. However, if the agreements outlined below are **included in the zoning filings and approval and strictly enforced and non-changeable**, we can be supportive of the development plan submitted.

This letter and list of agreements, with attachments, is designed to lay out, in layman's terms our understanding of the agreement which must be formalized in the zoning filings and approvals and which we expect any developer of the property currently being referred to as Oak Alley to honor.

The plan we understand has been filed is shown as "Attachment A" which is a 36 lot concept with a 25 foot landscape easement on the east side. If any changes in the plat plan are made, we reserve the right to change our support or lack thereof for the plan and the associated agreements.

Attachments B, C, and D show the detail of how the wall will be configured along the East side. Beginning at the Botik property (behind lot #5), a wall will attach to the existing wall that is 6' of stone masonry (examples, shown as Exhibit E, F, and G are of Texas limestone, and expected finish is not smooth), and 2 feet of wrought iron. As the wall passes the Botik and Venemeyer properties (behind lots 5 - 9), the wall will follow the west boundary of the landscape easement. In other words, the landscape easement will be on the Tanglewood side of the wall. (Attachment B) Once reaching the end of the Venemeyer property line (after lot 9), the wall will move over so that 15' of the 25' will be on the Oak Alley side of the wall, and 10' will be on the Tanglewood side of the wall (Attachment C). The wall will continue in that manner until reaching the boundary of the Bradshaw property where the wall will move to the boundary of Tanglewood and Oak Alley and extend until the steep slope which leads into Bear Creek where it will then become an iron fence to the end of the property (exact location to be determined and marked) (Attachment D). All property on the Tanglewood side of the wall will be considered landscape easement to be deeded to Tanglewood HOA.

Both parties also have the following agreements:

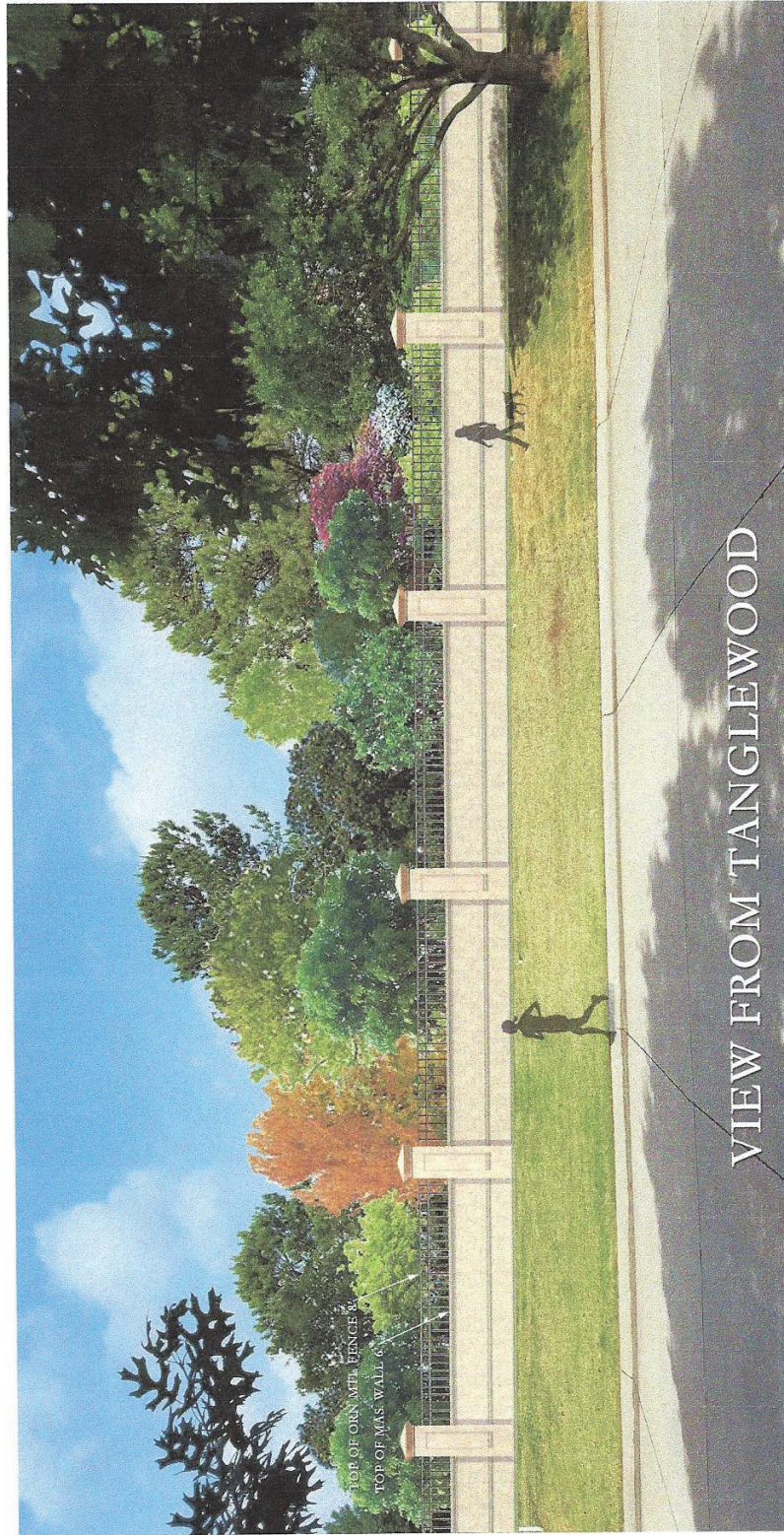
1. The wall along the boundary will be built by Oak Alley developers prior to any homes being built. The wall will be paid for and maintained in perpetuity by the Oak Alley HOA.
2. The portion of the landscape easement that will be on the Tanglewood side will be deeded as common area to the Tanglewood Maintenance Association (Tanglewood Maintenance Association will in turn deed the section in the yards of the Botiks and Venemeyers to them to plant and care for). This deeding shall be legally binding and

Tanglewood Estates Response to the Proposed Development

executed within 30 days of zoning change that has the above-mentioned plat attached to it.

3. The landscape easement (including the areas on both sides of the wall) will be graded and prepared for easy planting (for example, on part of the easement there is currently a hard top road that will be removed and the land graded so that no other work is required to plant and landscape the area). This shall occur prior to the wall installation, which will be before any homes being built.
4. An agreed upon (by Tanglewood Homeowner's Association) specific landscape plan for planting the landscape easement on the Oak Alley side of the wall **must be included in the plat submission to the city for zoning approval** for Oak Alley that will specify tree and shrub plant specimens, caliper and size, and spacing. This will include the area behind lots 1, 2 & 4 near the front of the development as well as behind lots 9 - 15.
5. The green space plantings on the Oak Alley side will take place immediately after the wall is installed, prior to construction of homes and will be irrigated with temporary irrigation. Replacements of any plant materials that die or seem to be failing will be made in a timely manner based on the next seasonal opportunity to replace.
6. CC&R's will specify that homeowners who have these green space plantings in their yards will be required to maintain such plantings and not remove them and also replace any that die or are failing in a timely manner based on the next seasonal opportunity to replace.
7. The CC&R's for Oak Alley will be similar to those for Quail Hollow in Westlake, TX and will require the highest architectural standards for the home, including the same architectural standards for the front, side and rear of each of the homes and must be included specifically in the plans for zoning approval and must be reviewed by and approved by Tanglewood Maintenance Association.
8. An engineering drainage study will be done by the city and Oak Alley developers will abide by recommendations of the study, conforming to the City Master Plan and Texas Water Code. Oak Alley agrees that they will not cause any impact to water runoff into the Tanglewood Estates HOA pond which increases the volume or velocity of water or potentially causes the pond to flood or be overwhelmed in handling the water during heavy rains. If such an impact is expected or occurs, Oak Alley developers agree to make necessary changes to the output area of the Tanglewood HOA pond to allow faster exit of the water from the pond. Precautions and provisions should be made to assure the lake depth remains the same as its current state and Oak Alley developers commit to remediate if any significant silt enters the pond during the construction process. Please see attachment of original drainage study for reference.

Tanglewood Estates Response to the Proposed Development



OAK ALLEY

SAGE GROUP, INC.
Master Planning
Urban Design
Architecture
Landscape Architecture
1130 N. Carroll Ave., Ste. 200
Schaumburg, IL 60196
TEL: 817-484-5026



Tanglewood Estates Response to the Proposed Development



**OAK ALLEY - BRUHN SMOOTH SPLIT
FACE LIMESTONE, COURSED
RUNNING BOND, CUT JOINT**

 **SAGE GROUP, INC.**
Master Planning
Urban Design
Architecture
Landscape Architecture
1130 N. Carroll Ave., Ste 200
Southlake, Texas 76092
TEL: 817-424-2626

Tanglewood Estates Response to the Proposed Development

Site Data - Development Plan
Single Family Residential Lots : 36



Owner:
Buck & Gloria Collins Trust
1312 John McCain Rd.
Colleyville, TX 76034

Surveyor:
Buck & Gloria Collins Trust
430 Red Circle Blvd.
Hurst, TX 76054
Tel: 817-577-1052

Engineer:
Dodge, Inc.
420 Johnson Rd., Suite 303
Keller, TX 76248
Tel: 817-337-8899
Contact: Clayton Redinger

Applicant:
Sage Group, Inc.
1130 N. Carroll Ave., Suite 200
Southlake, TX 76092
Tel: 817-424-2626
Contact: Curtis Young

Planner:
SAGE GROUP, INC.
Master Planning
Landscape Architecture
1130 N. Carroll Ave., Suite 200
Southlake, TX 76092
817-424-2626



Zoning Exhibit for
Zoning Change Request
From AG & R-40 to PUD-R

Case #ZC18-002

Oak Alley

Colleyville, Tarrant County, Texas

Concept Plan

Bear Creek Plantation, Lot 1R1 Block 1 & Lot 1R2 Block 1

Space Lot 1 17,760 s.f.

1 26,007 s.f.

2 30,408 s.f.

3 26,006 s.f.

4 34,200 s.f.

5 33,758 s.f.

6 33,316 s.f.

7 32,874 s.f.

8 32,432 s.f.

120'

120'

120'

120'

120'

25' Landscape Esmt.

25' Landscape Esmt.

TRIANON COURT

CLUBHOUSE

SWIMMING POOL

0 100'

ATCHLINE A

ATCHLINE A

17 MAY 18

1" = 60'



Oak Alley

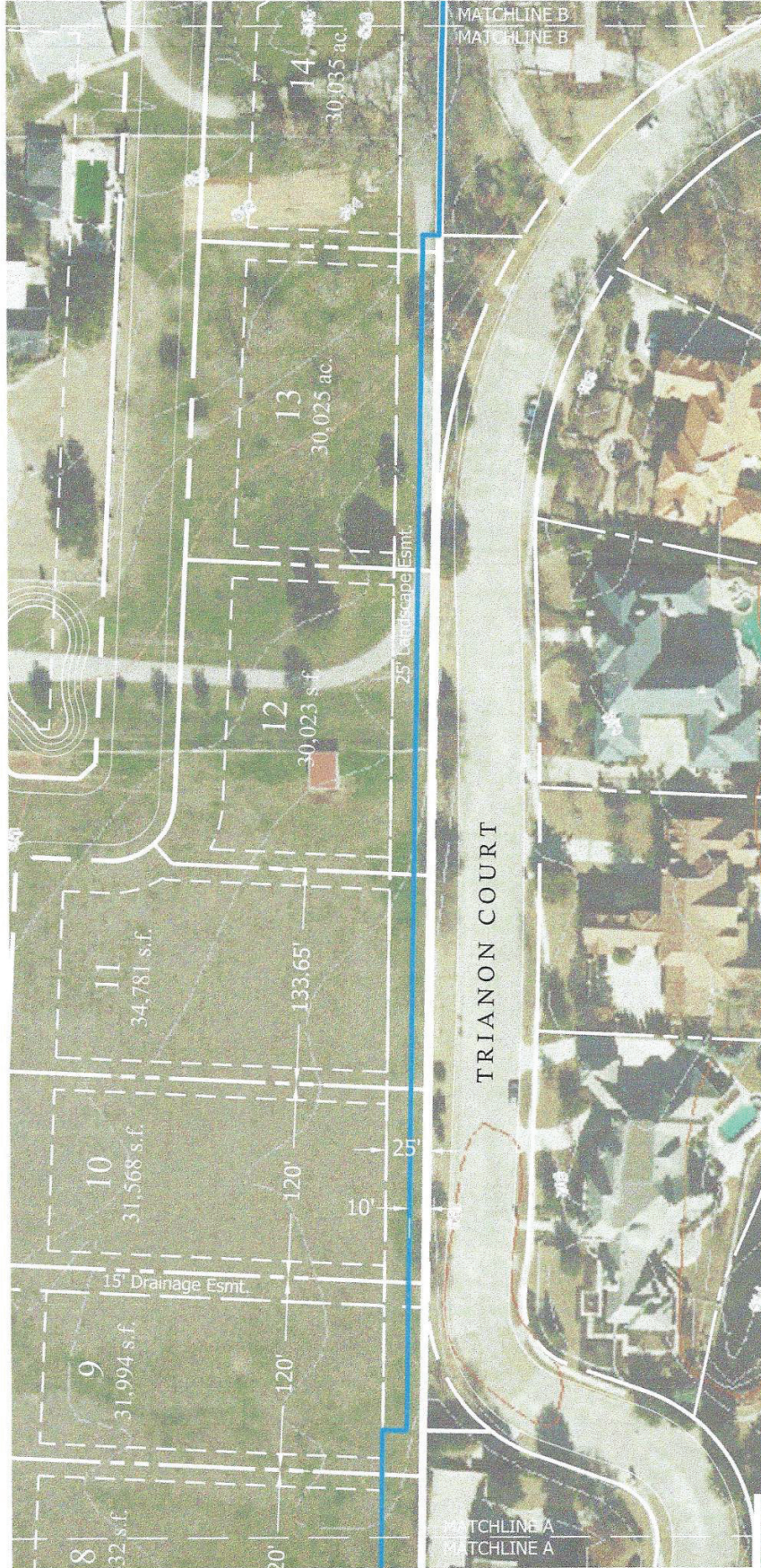
Colleyville, Tarrant County, Texas

6' Total: Masonry Wall 2.5' / Iron Fence 3.5'
8' Total: Masonry Wall 6' / Iron Fence 2'
Retain Existing Wall / Fence

Eastern Boundry Detail (Sheet 1 of 3)

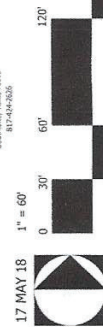
Bear Creek Plantation, Lot 1R1 Block 1 & Lot 1R2 Block 1

Tanglewood Estates Response to the Proposed Development



8' Total: Masonry Wall 6' / Iron Fence 2'

Planner: SAGE GROUP, INC.
17 MAY 18
1" = 60'



Case #ZC18-002

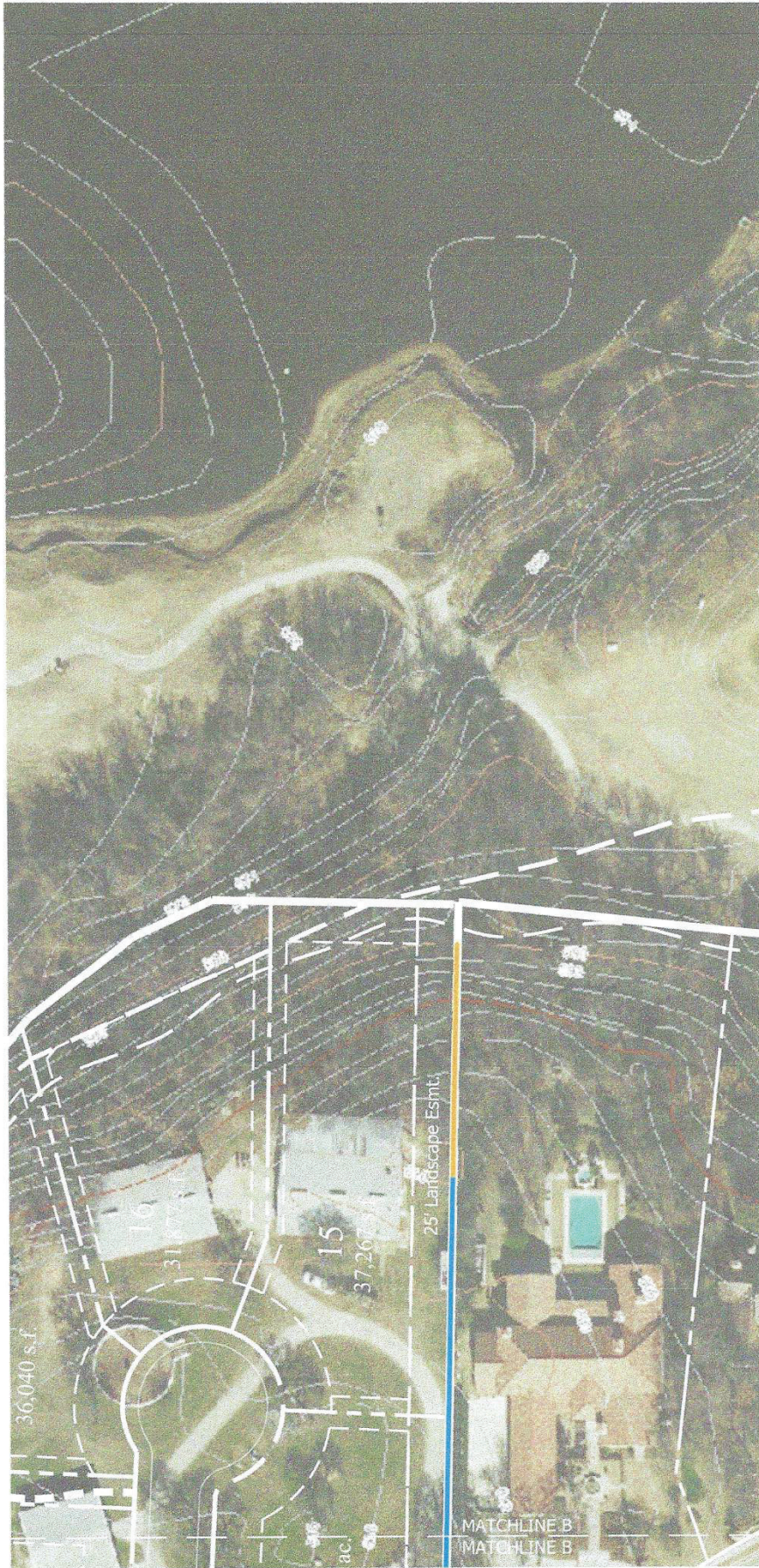
Oak Alley

Colleyville, Tarrant County, Texas

Eastern Boundary Detail (Sheet 2 of 3)

Bear Creek Plantation, Lot 1R1 Block 1 & Lot 1R2 Block 1

Tanglewood Estates Response to the Proposed Development



8' Total: Masonry Wall 6' / Iron Fence 2'
Retain or Construct Iron Fence

Planner: SAGE GROUP, INC.
Master Planning
Urban Design
Architecture
Landscape Architecture
1130 N. Central Ave., Ste. 200
Southfield, Texas 75082
311-N-1111111111



Case #ZC18-002

Oak Alley

Colleyville, Tarrant County, Texas

Eastern Boundary Detail (Sheet 3 of 3)

Bear Creek Plantation, Lot 1R1 Block 1 & Lot 1R2 Block 1

GRAPHIC SCALE IN FEET

LEGEND

1	RELAY
2	ELECTRIC METER
3	WATER METER
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GRAPHIC SCALE IN FEET

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EXISTING CONDITIONS CALCULATIONS

STATION	AREA	C	1/4"	1/2"	3/4"	1"	1 1/4"	1 1/2"	1 3/4"	2"	2 1/4"	2 1/2"	2 3/4"	3"	3 1/4"	3 1/2"	3 3/4"	4"	4 1/4"	4 1/2"	4 3/4"	5"	5 1/4"	5 1/2"	5 3/4"	6"	6 1/4"	6 1/2"	6 3/4"	7"	7 1/4"	7 1/2"	7 3/4"	8"	8 1/4"	8 1/2"	8 3/4"	9"	9 1/4"	9 1/2"	9 3/4"	10"	10 1/4"	10 1/2"	10 3/4"	11"	11 1/4"	11 1/2"	11 3/4"	12"	12 1/4"	12 1/2"	12 3/4"	13"	13 1/4"	13 1/2"	13 3/4"	14"	14 1/4"	14 1/2"	14 3/4"	15
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OAK ALLEY, LLC

Binding Letter of Intent

June 27, 2018

Re: Oak Alley Development
1840 Norwood Plaza, Suite 101
Hurst, TX 76054

This letter sets forth the basic binding Letter of Intent, to which Oak Alley, LLC is willing to enter into with Tanglewood Estates Maintenance Association, subject to the full approval and acceptance by Oak Alley of the Zoning approved by the City of Colleyville for the Oak Alley Development plans submitted by the Sage Group, Inc.

Development:

Oak Alley
1840 Norwood Plaza, Suite 101
Hurst, TX 76054

with copy to

Steve Thornton, Condon Thornton Sladek PLLC,
8080 Park Lane, Suite 700, Dallas, TX 75231

Project:

Oak Alley Development
Located at, 1312 John McCain Road,
Colleyville, TX 76034

DEMISED PREMISES:

All Land East of the Oak Alley dividing wall along the East Boundary of Oak Alley Development, as outlined in Sage Group's Oak Alley Plan submitted to the City of Colleyville for zoning approval.

TO BE DEEDED:

Deeding of subject properties will be deeded upon final platting; at no cost to the Tanglewood Estates Maintenance Association.

OAK ALLEY, LLC

CONSTRUCTION

Oak Alley Obligation

Oak Alley will construct the Oak Alley Subdivision based on the plans submitted by the Sage Group on June 22nd to Mary Huffman, Mark Gottfredson, and to the City of Colleyville.

Tanglewood Estates Association Obligation

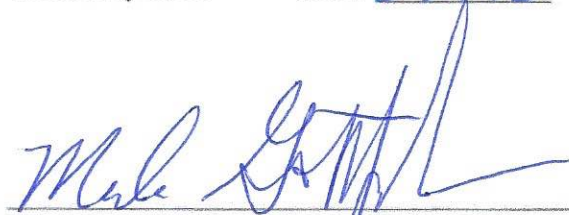
As an agreement for Oak Alley to construct all walls, landscaping and deeds of land on the East side of the wall dividing Oak Alley and Tanglewood Estates; the Tanglewood Estates Association will agree to submit the attached letter supporting the Oak Alley Development.

Very truly yours,



Oak Alley LLC

Date: 6-27-18



Tanglewood Estates Maintenance Association,

Manager

President

Date: 7/2/18

OAK ALLEY AND TANGLEWOOD ESTATES MAINTENANCE ASSOCIATION AGREEMENT

June 25, 2018

This letter is to confirm the agreement between Burk Collins, as owner of the property to be known as "Oak Alley" and the Tanglewood Estates Maintenance Association, concerning the zoning request currently under consideration for the property by the City of Colleyville. The plans and documents for the request have been prepared by Curtis Young of the Sage Group and are to be considered a part of this agreement. Based on the content of those plans, and the agreements outlined below, included in the zoning filings and approval, and strictly enforced by the city, we can be supportive of the development plan submitted. The Tanglewood Estates Maintenance Association will agree to send a letter to the Zoning Board and the City Council simply stating that they support the Oak Alley development.

This letter and list of agreements, with attachments, is designed to lay out, in layman's terms our understanding of the agreement which must be formalized in the zoning filings and approvals and which we expect any developer of the property currently being referred to as Oak Alley to honor.

The plan we understand has been filed is shown as "Attachment A" which is a 36-lot concept with a 25-foot landscape easement on the east side. If any changes in the zoning "Development Plan" are made, we reserve the right to change our support or lack thereof for the plan and the associated agreements. In such event that Tanglewood Estates Maintenance Association withdraws their support then this agreement shall become null and void.

Attachments B, C, and D show the detail of how the wall will be configured along the east side. Beginning at the Botik property (behind lot #5), a wall will attach to the existing wall that is 8' of stone masonry with no iron on top (examples, shown as Exhibit E, F, and G are of Texas limestone, and expected finish is not smooth). As the wall passes the Botik and Venemeyer properties (behind lots 5 - 9), the wall will follow the west boundary of the landscape easement. In other words, the landscape easement will be on the Tanglewood side of the wall. (Attachment B) Once reaching the end of the Venemeyer property line (after lot 9), the wall will move over so that 15' of the 25' will be on the Oak Alley side of the wall, and 10' will be on the Tanglewood side of the wall (Attachment C). The wall will become 6' masonry with 2' iron on top. Upon reaching the boundary of the Bradshaw property, it will remain 6' masonry plus 2' iron and move to the boundary of Tanglewood and Oak Alley and extend until the steep slope which leads into Bear Creek where it will then become an iron fence to the end of the property (exact location to be determined and marked) (Attachment D). All property on the Tanglewood side of the wall will be considered landscape easement to be deeded to Tanglewood HOA.

Both parties also have the following agreements:

1. Oak Alley developers agree to build the wall along the boundary prior to any homes being built. The wall will be paid for and maintained in perpetuity by the Oak Alley HOA.
2. The portion of the landscape easement that will be on the Tanglewood side will be deeded as common area to the Tanglewood Maintenance Association (Tanglewood Maintenance Association will in turn deed the section in the yards of the Botiks and Venemeyers to them to plant and care for). This deeding shall be legally binding and executed within 30 days

of final plat approval, consistent with the above-mentioned zoning plan. Oak Alley will sign a binding Letter Of Intent to deed this portion of the landscaping easement to Tanglewood HOA subject to a final zoning approval and final plat approval as outlined in the plan.

3. The landscape easement on the Oak Alley side of the wall will be graded and prepared for easy planting (for example, on part of the easement there is currently a hard-top road that will be removed and the land graded so that no other work is required to plant and landscape the area). This shall occur prior to the wall installation, which will be before any homes being built.
4. A landscape plan for planting the landscape easement on the Oak Alley side of the wall which adequately address the issue of green space buffer screening for Tanglewood, as per our discussions with Curtis, will be submitted to the city as part of the zoning request.
5. The green space plantings will take place immediately (allowing for appropriate seasonal considerations) after the wall is installed, prior to construction of homes and will be irrigated with temporary irrigation. Replacements of any plant materials that die or seem to be failing will be made in a timely manner based on the next seasonal opportunity to replace.
6. CC&R's will specify that homeowners who have these green space plantings in their yards will be required to maintain such plantings and not remove them and also replace any that die or are failing in a timely manner based on the next seasonal opportunity to replace.
7. The CC&R's for Oak Alley will be similar to those for Quail Hollow in Westlake, TX and will require the highest architectural standards for the home, including the same architectural standards for the front, side and rear of each of the homes. The standards should be higher than those of Tanglewood HOA and will include such provisions as no wood fencing on any property.
8. An engineering drainage study will be done or approved by the city and Oak Alley developers will abide by recommendations of the study, conforming to the City Master Plan and Texas Water Code. Oak Alley agrees that they will not cause any adverse impact (as defined by Fort Worth's iSWMM manual) to water runoff into the Tanglewood Estates HOA pond which increases the volume or velocity of water or potentially causes the pond to flood or be overwhelmed in handling the water during heavy rains. If such an impact to the limits within iSWMM is expected or occurs, Oak Alley developers agree to make necessary changes to the output area of the Tanglewood HOA pond to allow faster exit of the water from the pond. (Tanglewood agrees to allow sufficient access for data collection and construction of said improvements.) Precautions and provisions should be made to assure the lake depth remains the same as its current state and Oak Alley developers commit to remediate if any significant silt enters the pond during the construction process. Please see attachment of original drainage study for reference.

Signatures:



Oak Alley, LLC, Burk Collins, 1312 John McCain Rd



Mark & Josie Allen, 7305 Trianon Ct

Don Botin

Don & Barbara Botik, 7208 Trianon Ct

Barbara Botik

Tom Bradshaw

Tom & Barbara Bradshaw, 7316 Trianon Ct

Barbara Bradshaw

Chris J. Cheatwood

Chris & Cathy Cheatwood, 7213 Trianon Ct.

Catherine C. Cheatwood

Alan & Cheryl Forner

Alan & Cheryl Forner, 7320 Trianon Ct.

Cheryl Forner

Leonard & April Hudson

Leonard & April Hudson, 7201 Trianon Ct.

April Hudson

Mark & Christine Gottfredson

Mark & Christine Gottfredson 7321 Trianon Ct.

Christine Gottfredson

Mary & Jerry Hoffman (by MSH)

Mary & Jerry Hoffman, 7309 Trianon Ct

Jerry Hoffman

Chuck & Connie Mady

Chuck & Connie Mady, 7301 Trianon Ct

Connie E Mady

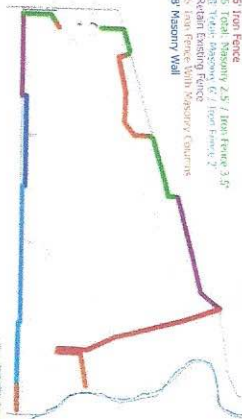
Michael Venemeyer & Andrea Holinga

Michael Venemeyer & Andrea Holinga, 7312 Trianon Ct.

Andrea Holinga

Wall / Fence Diagram (See Detailed Sheets for Detailed Locations)

- 6' Iron Fence
- 5' Concrete Sidewalk
- 5' Concrete Trail
- 5' Flood Plain approximate 100 Year Floodway
- 6' Iron Fence With Masonry Columns
- 8' Masonry Wall



Site Data - Development Plan

Single Family Residential Lots	36
Common Acres	9
Residential Lots	68.22%
Open Space	29.70 ac.
Open Space Floodway	8.45%
R.O.W.	2.68 ac.
Gross Acreage	10.40%
Density Data	43.54 ac.
Gross Residential Density	0.32
Residential Density Net R.O.W. (R.O.W. - 13%)	0.32
Summary	
Residential Lots	36
Minimum Building Lot Area	26,000 s.f.
Average Building Lot Area	35,937 s.f.
Existing Zoning	AG & R-40
Proposed Zoning	PUD-R

- ### Legend
- 4' Concrete Sidewalk
 - 5' Concrete Trail
 - 5' Flood Plain approximate 100 Year Floodway
 - Common Open Space
 - Common Open Space within Floodway
 - Residential Lots
 - Landscape Easement



Owner:
Buck & Co's Coils Trust
1312 Joan McCain Rd.
Colleyville, TX 76034

Surveyor:
Niles Surveying, Inc.
430 Mid Cities Blvd.
Hurst, TX 76054
Tel: 817-577-1052

Engineer:
Deotte, Inc.
420 Johnson Rd., Suite 303
Keller, TX 76248
Tel: 817-337-8688
Contact: Clayton Redinger

Applicant:
Sage Group, Inc.
1130 N. Carroll Ave., Suite 200
Southlake, TX 76092
Tel: 817-424-2626
Contact: Curtis Young

Planner:
SAGE GROUP, INC.
1130 N. Carroll Ave., Suite 200
Southlake, Texas 76092
817-424-2626



Development Plan

Bear Creek Plantation, Lot 1R1 Block 1 & Lot 1R2 Block 1

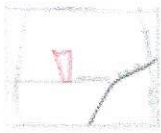
Exhibit A

Oak Alley

Zoning Exhibit for
Zoning Change Request
From AG & R-40 to PUD-R
Case #ZC18-019



Colleyville, Tarrant County, Texas



Owner:
Bear Creek Plantation
11111 Bear Creek Road
Colleyville, TX 76034

Surveyor:
Hester Surveying, Inc.
2100 Star 1300, Suite 100
Austin, TX 78704
Tel: 512-338-1000

Engineer:
Carter, Inc.
1000 International Blvd., Suite 400
Dallas, TX 75208
Tel: 214-343-8888
Carter, Inc. is a member of the
Carter Group, Inc.

Applicant:
Sage Group, Inc.
11111 Bear Creek Road, Suite 100
Colleyville, TX 76034
Tel: 817-450-0000
Contact: Carter, Inc.

Planter:

SAGE GROUP, INC.
11111 Bear Creek Road, Suite 100
Colleyville, TX 76034
Tel: 817-450-0000
Contact: Carter, Inc.



1" = 100'



Tree Locations

Bear Creek Plantation, Lot 1R1 Block 1 & Lot 1R2 Block 1

Zoning R
Zoning Change
From AG & B-401

Case #2C1

Oak All

Colleyville, Tarrant County



Planter:

SAGE GROUP, INC.
11111 Bear Creek Road, Suite 100
Colleyville, TX 76034
Tel: 817-450-0000
Contact: Carter, Inc.



1" = 100'



TYPE C - 6' Ornamental Metal Fence WITH Masonry Columns
TYPE D - 6' Total: Masonry Wall 2.5' / Ornamental Metal Fence 3.5'
TYPE F - 8' Masonry Wall
Retain Existing Wall / Fence

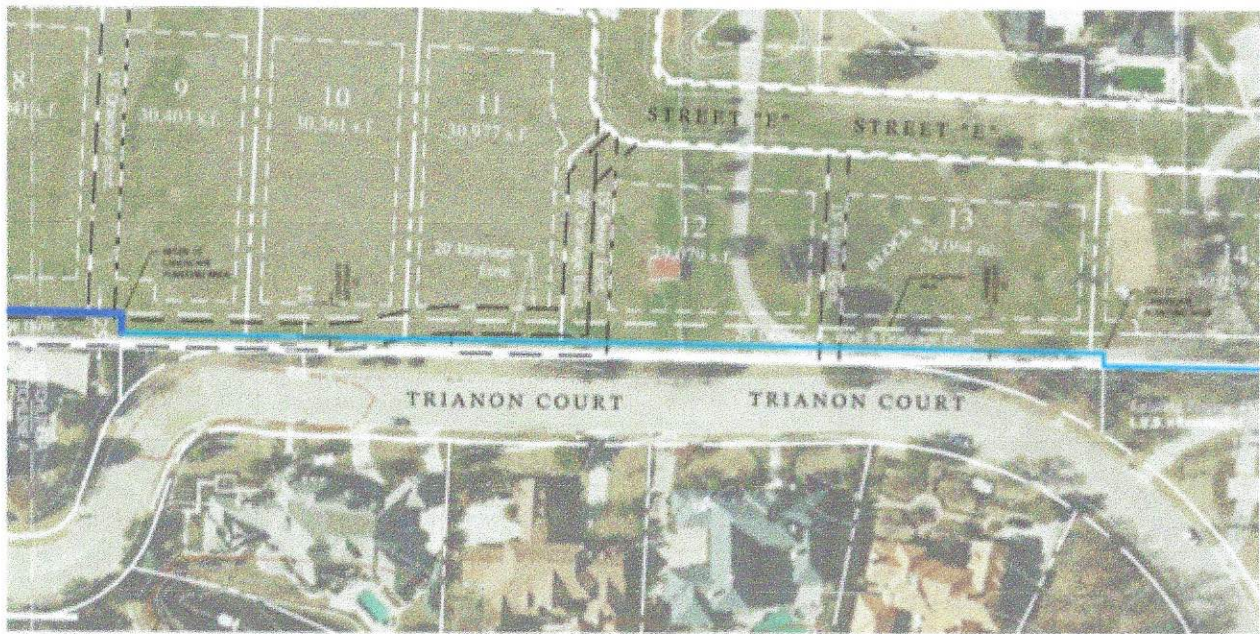
Eastern Boundary Detail (Sheet 1 of 3)

Bear Creek Plantation, Lot 1R1 Block 1 & Lot 1R2 Block 1

Case #2C18

Oak All

Colleyville, Tarrant County



TYPE A - 8' Total: Masonry Wall 6' / Ornamental Metal Fence 2'
 TYPE F - 8' Masonry Wall

Case #ZC18

Eastern Boundary Detail (Sheet 2 of 3)

Oak Alley

Bear Creek Plantation, Lot 1R1 Block 1 & Lot 1R2 Block 1

Colonyville, Tarrant County



↖ This one will have the solid wall going further in their revised plan

All:

Please see attached the *second* batch of PDF copies of the re-submittal exhibits for Oak Alley. Because of file sizes, there will be 1 more email.

These reflect the agreements we've discussed.

Please let me know if you have any questions.

Thanks-

Curtis W. Young, AIA

Sage Group, Inc.

1130 N. Carroll Avenue, Suite 200

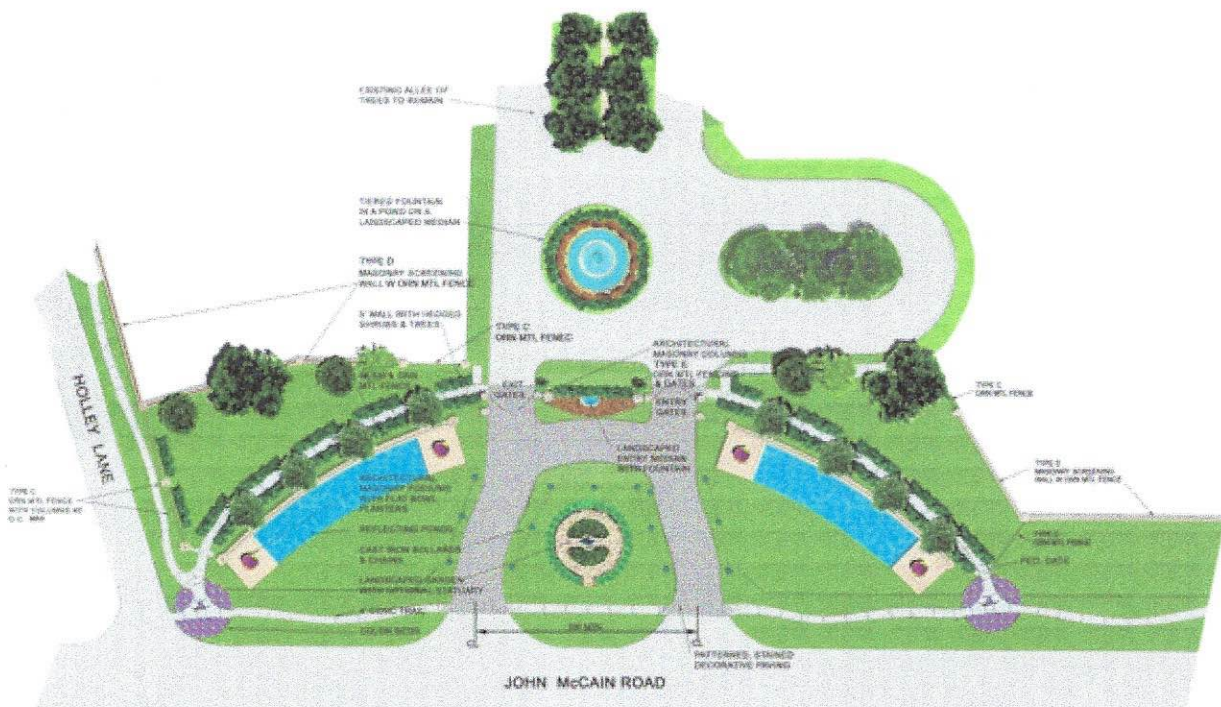
Southlake, Texas 76092

Tel: 817-424-2626 (Metro)

Fax: 817-424-2890

Cell: 817-909-0909

Email: cyoung@sage-dfw.com




SALE PRICE, 197
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THE ENTRY

OAK ALLEY

STONE



PAVERS



INSPIRATION

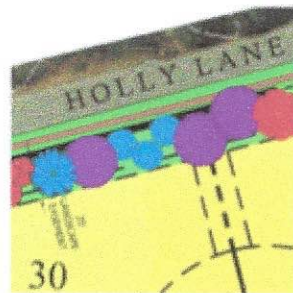


THE ENTRY

OAK ALLEY

Holly Lane / Western Boundary Landscape Easement -
Landscape Specifications

Plant	Plant Type	Quantity	Size	Comments / Remarks
1	Red Oak	10	12" x 12"	Plant in 10' x 10' area
2	Blue Oak	10	12" x 12"	Plant in 10' x 10' area
3	White Oak	10	12" x 12"	Plant in 10' x 10' area
4	Red Oak	10	12" x 12"	Plant in 10' x 10' area
5	Blue Oak	10	12" x 12"	Plant in 10' x 10' area
6	White Oak	10	12" x 12"	Plant in 10' x 10' area
7	Red Oak	10	12" x 12"	Plant in 10' x 10' area
8	Blue Oak	10	12" x 12"	Plant in 10' x 10' area
9	White Oak	10	12" x 12"	Plant in 10' x 10' area
10	Red Oak	10	12" x 12"	Plant in 10' x 10' area



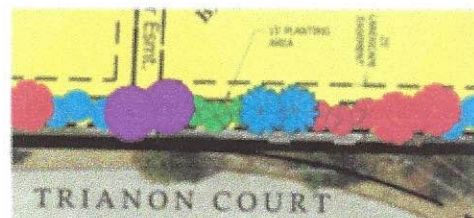
30' PLANTING AREA
1. 10' x 10' PLANTING AREA
2. 10' x 10' PLANTING AREA
3. 10' x 10' PLANTING AREA
4. 10' x 10' PLANTING AREA
5. 10' x 10' PLANTING AREA
6. 10' x 10' PLANTING AREA
7. 10' x 10' PLANTING AREA
8. 10' x 10' PLANTING AREA
9. 10' x 10' PLANTING AREA
10. 10' x 10' PLANTING AREA

Eastern Boundary Landscape Easement -
Landscape Specifications

Plant	Plant Type	Quantity	Size	Comments / Remarks
1	Red Oak	10	12" x 12"	Plant in 10' x 10' area
2	Blue Oak	10	12" x 12"	Plant in 10' x 10' area
3	White Oak	10	12" x 12"	Plant in 10' x 10' area
4	Red Oak	10	12" x 12"	Plant in 10' x 10' area
5	Blue Oak	10	12" x 12"	Plant in 10' x 10' area
6	White Oak	10	12" x 12"	Plant in 10' x 10' area
7	Red Oak	10	12" x 12"	Plant in 10' x 10' area
8	Blue Oak	10	12" x 12"	Plant in 10' x 10' area
9	White Oak	10	12" x 12"	Plant in 10' x 10' area
10	Red Oak	10	12" x 12"	Plant in 10' x 10' area



30' PLANTING AREA
1. 10' x 10' PLANTING AREA
2. 10' x 10' PLANTING AREA
3. 10' x 10' PLANTING AREA
4. 10' x 10' PLANTING AREA
5. 10' x 10' PLANTING AREA
6. 10' x 10' PLANTING AREA
7. 10' x 10' PLANTING AREA
8. 10' x 10' PLANTING AREA
9. 10' x 10' PLANTING AREA
10. 10' x 10' PLANTING AREA



30' PLANTING AREA
1. 10' x 10' PLANTING AREA
2. 10' x 10' PLANTING AREA
3. 10' x 10' PLANTING AREA
4. 10' x 10' PLANTING AREA
5. 10' x 10' PLANTING AREA
6. 10' x 10' PLANTING AREA
7. 10' x 10' PLANTING AREA
8. 10' x 10' PLANTING AREA
9. 10' x 10' PLANTING AREA
10. 10' x 10' PLANTING AREA

From: **Curtis Young** cyoung@sage-dfw.com 
Subject: Oak Alley- Zoning Submittal Exhibits #3 of 3
Date: June 22, 2018 at 2:45 PM
To: Burk Collins burk@burkcollinscompany.com
Cc: Gottfredson, Mark Mark.Gottfredson@Bain.com, Huffman Mary maryshuffman@gmail.com



Last one!

Please confirm you've received all three emails.

Thanks-

Curtis W. Young, AIA
Sage Group, Inc.
1130 N. Carroll Avenue, Suite 200
Southlake, Texas 76092
Tel: 817-424-2626 (Metro)
Fax: 817-424-2890
Cell: 817-909-0909

Email: cyoung@sage-dfw.com



Planner:  **SAGE GROUP, INC.**
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10000
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10000



TYPE D - 6' Total: Masonry Wall 2.5' / Ornamental Metal Fence 3.5'
TYPE C - 6' Ornamental Metal Fence with Masonry Columns
Retain Existing Wall / Fence

Western Boundary Detail

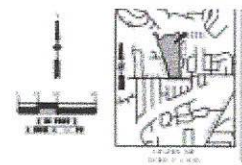
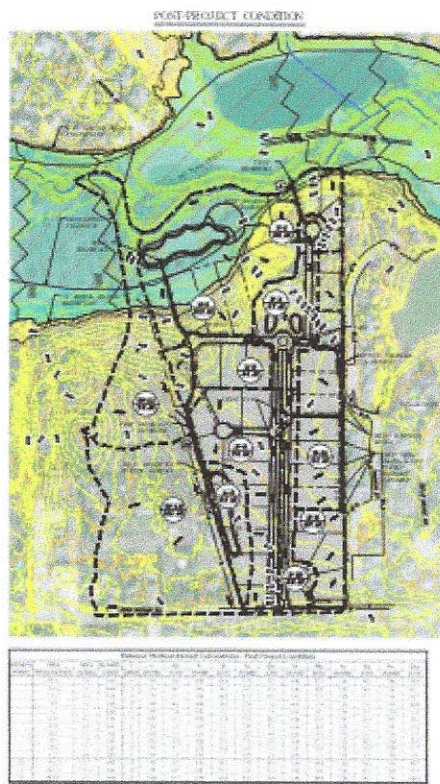
Oak Alley

Bear Creek Plantation, Lot 1R1 Block 1 & Lot 1R2 Block 1

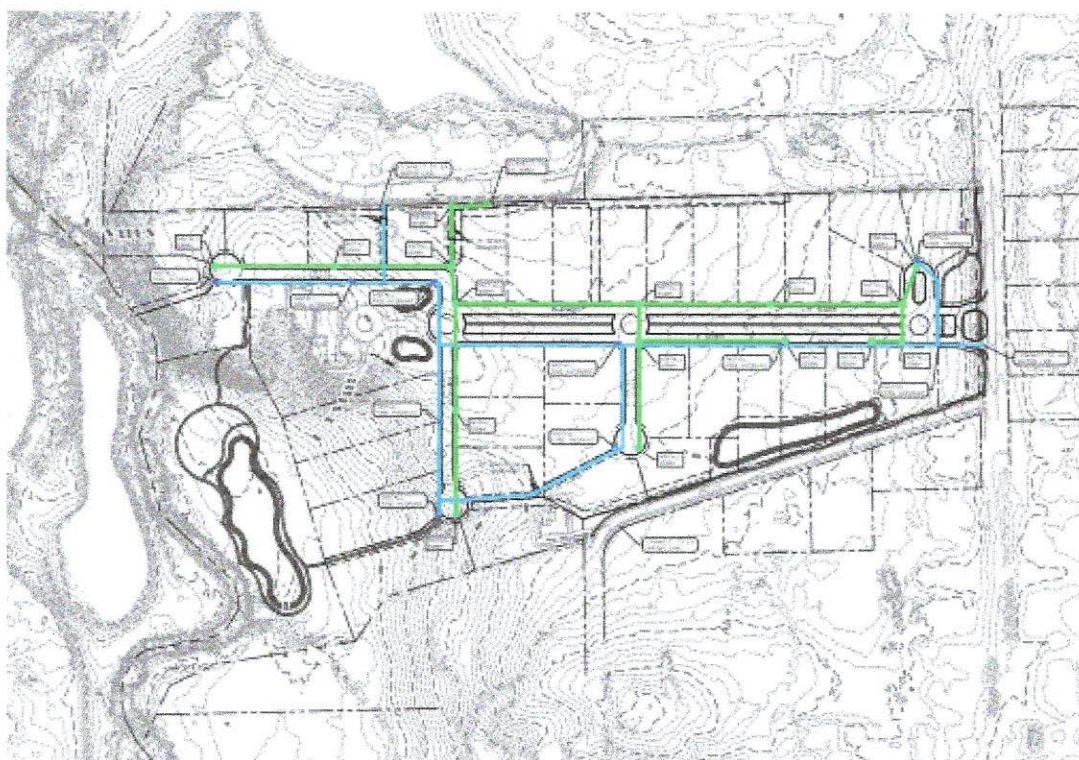
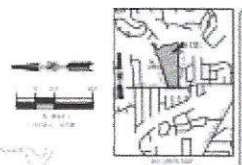
Colleyville, Tarrant County, Texas



180622 Oak
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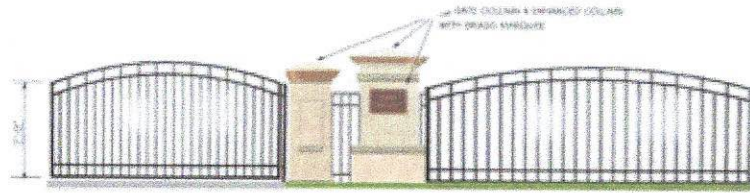


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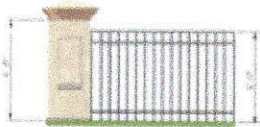
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A DECORATIVE SCREEN WALL



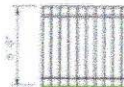
B ENTRY GATE MEDIAN ORNAMENTAL METAL FENCING
GATE & MEDIAN FENCING DESIGN T.B.D.



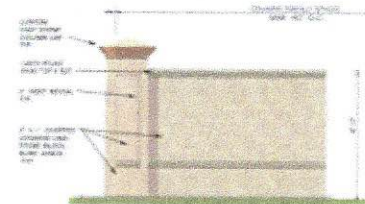
C ORNAMENTAL METAL FENCE
WITH COLUMN TERMINUS



D LOW STONE WALL WITH
ORNAMENTAL METAL FENCE



E ORNAMENTAL
METAL FENCE



F DECORATIVE SCREEN WALL

SCREENING WALLS

ORDINANCE O-18-xxxx

AMENDING THE ZONING ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY OF COLLEYVILLE, TEXAS, BY CHANGING THE ZONING ON 43.54 ACRES ON LOTS 1R1 AND 1R2, BLOCK 1, BEAR CREEK PLANTATION ADDITION, LOCATED AT 1312 JOHN MCCAIN ROAD AND 7309 HOLLY LANE FROM THE AG AGRICULTURAL AND R-40 SINGLE FAMILY RESIDENTIAL ZONING DISTRICTS TO THE PUD-R PLANNED UNIT DEVELOPMENT - RESIDENTIAL ZONING DISTRICT; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Colleyville has received an application for a rezoning under Case No. ZC18-019; 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 43.54 acres on Lots 1R1 and 1R2, Block 1, Bear Creek Plantation Addition, located at 1312 John McCain Road and 7309 Holly Lane from the AG Agricultural and R-40 Single Family Residential zoning districts to the PUD-R Planned Unit Development – Residential zoning district, as depicted in the attached Exhibit "A" and Exhibit "C", 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 PUD-R is for a single-family residential development of detached dwelling units.
- b. This property is subject to all the regulations contained in the Colleyville Land Development Code, except where amended by this Ordinance.

2. CONCEPTUAL PLAN AND PLATTING

- a. The street layout and arrangement of lots of the subdivision shall be generally consistent with the Conceptual Site Plan, labeled as Exhibit "C", which shall not

be considered the preliminary plat. The actual street and lot arrangement may differ from that shown on Exhibit "C" to accommodate topographic, drainage, engineering design limitations or other conditions.

- 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 PUD-R.

3. PERMITTED USES

- a. Single-family residences, detached
- b. Common open space areas

4. RESIDENTIAL LOT REQUIREMENTS AND SETBACKS

Single-family detached residential lot requirements and setbacks shall comply with the following provisions:

- a. Minimum Lot Size: 26,000 square feet
- b. Minimum Lot Width: 100 feet, except for cul-de-sac lots which shall be a minimum of 67 feet wide, measured at the building setback line
- c. Front Yard Setback: 30 feet
- d. Side Yard Setback: 10 feet
- e. Street Side Setback: 20 feet
- f. Rear Yard Setback: 25 feet
- g. Minimum House Size: 3,500 square feet for a single-story home; 4,000 square feet for a two-story home.

5. OPEN SPACE

- a. This development shall provide not less than approximately 21% common open space, which shall generally be configured as shown in Exhibit "C". All open space areas shall be landscaped and maintained by the Homeowner's Association as described in Exhibit "B".
- b. All amenities within the open space areas shall be maintained by the Homeowner's Association.

6. SCREENING

- a. Perimeter fencing and screening shall be in compliance with the Wall/Fence Diagram included and shown on the Conceptual Site Plan and associated exhibits, labeled as Exhibit "C".
- b. Wood fencing between lots is permitted. All front elevation fences, from the front of the house to the side property line, shall be open style fencing of decorative metal, and/or masonry.
- c. All lots backing to the Common Open Space lots shall be open style fencing of decorative metal, and/or masonry.

7. ARCHITECTURAL FEATURES

- a. Masonry Requirement – 100% brick, stone or real stucco masonry. No EIFS or artificial stucco material shall be permitted in the subdivision.
- b. Garage Standard – Minimum of a three car garage with wood-like, architecturally enhanced doors.
- d. Minimum Roof Pitch – Minimum of a 10:12 roof pitch unless architecturally required to vary, based on home style.
- e. Windows – No aluminum windows allowed in the subdivision, only windows of higher quality and every efficiency will be allowed. All windows will be insulated glass with a "low-e" specification.

8. OTHER

- a. A minimum of two (2) three-inch caliper trees shall be planted within the front yard of each lot by the homebuilder upon construction of a new home, unless quality existing trees are present and saved.
- b. Within 60 days of the certificate of occupancy being issued, all lots must be fully landscaped and irrigated, both front and rear yards.
- c. Street Design Standards:
 - o Right-Of-Way: Fifty feet (50')
 - o Travel Lane Width: Thirty-one feet (31'), back of curb to back of curb

- Turning Radii: Fifteen feet (15')
 - d. Street "A" (southbound and northbound), is a divided road, intended to preserve the double row of Live Oaks in the median, with paving in each direction of 23' b/b, in separate 42' Private Street ROW's.
 - e. All residences within the subdivision shall contain automatic fire-sprinkler systems.
- 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 7th day of August 2018.

The second reading and public hearing being conducted on the 21st day of August 2018.

PASSED AND APPROVED by the City Council of the City of Colleyville, Texas, on this the 21st day of August 2018.

Mayor Richard Newton	_____	Mayor Pro Tem Bobby Lindamood	_____
Place 1, Tammy Nakamura	_____	Place 5, Chuck Kelley	_____
Place 3, Kathy Wheat	_____	Place 6, Callie Rigney	_____
Place 4, George Dodson	_____		

ATTEST:

CITY OF COLLEYVILLE

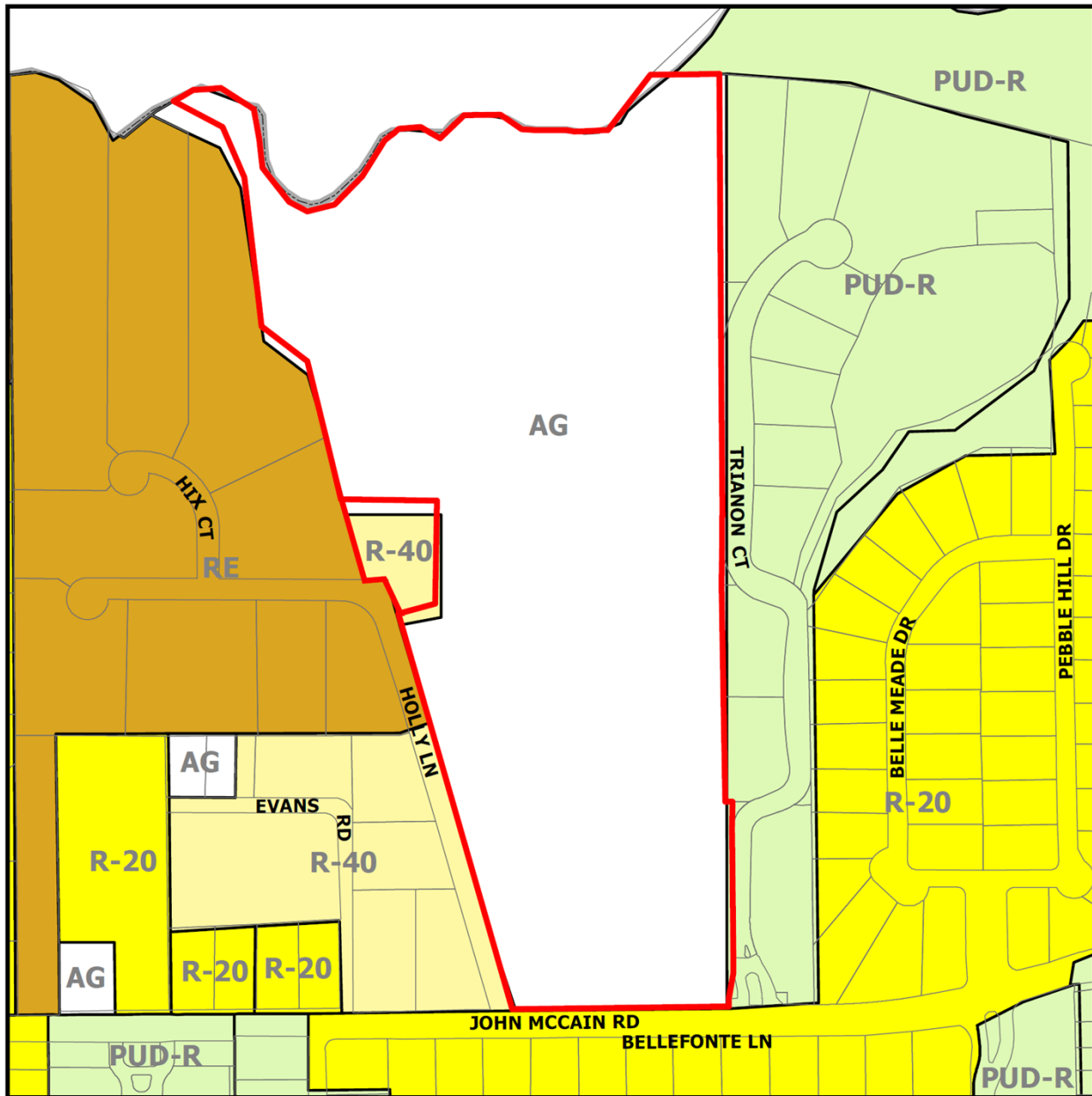
Christine Loven, TRMC
City Secretary

Richard Newton
Mayor

APPROVED AS TO FORM AND LEGALITY:

Whitt Wyatt
City Attorney

Exhibit "A" – Location and Zoning Map



ZC18-019

**1312 John McCain Road
and 7309 Holly Lane N**

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.

 Subject Property

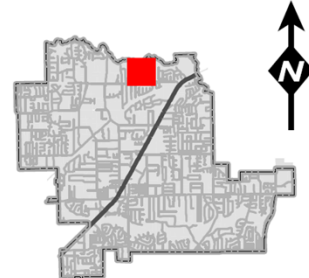


Exhibit “B” – Statement of Planning Objectives

Oak Alley

Colleyville, Texas

Zoning Narrative –23 May 2018

Burk Collins & Co. LTD, Developer

Sage Group, Inc., Land Planner

Statement of Planning Objectives

Oak Alley is a proposed residential neighborhood to be developed by Burk Collins & Co, LTD, under the PUD-R Residential District regulations for residential development in the City of Colleyville. The 43.54 acre property is located on the north side of John McCain Road, just east of Holly Lane and west of, and adjacent to, the Tanglewood gated neighborhood. The property is currently zoned R-40 and AG. The intent here is to rezone the entire property to PUD-R, unifying the property into one cohesive, master planned residential development of the highest quality.

There are currently two occupied single-family homes on the two platted properties that make up this proposal, both of which will be worked into the plan; most of the remaining structures will be removed.

The surrounding area is, for the most part, fully developed with a combination of PUD-R lots ranging from 15,000 s.f. and half acre lots, 30,000 s.f. lots, as well as acre plus sized lots. There are existing subdivisions bordering the subject tract on the entire western, eastern and southern boundaries. The northern boundary is Bear Creek, and is the city limit line. Across the creek is the Timarron Golf Course, and the City of Southlake.

The proposed plan, primarily consisting of 30,000 s.f. lots, has a range of lot sizes from 26,000 sf minimum, up to several acre plus lots (and one 3.3 acre lot for the existing large home) and open space, would fit in well with the neighborhood, as well as be consistent with the city’s Future Land Use Plan.

Quality and compatibility with the adjacent residential, as well as the rest of Colleyville is essential, and we have designed this proposal with those goals in mind.

The residences planned for Oak Alley will be very upscale, with selling prices estimated to start at around \$2.0 million. The development will center upon, and feature, the existing double row of Live Oaks, installed some years ago by the property owner along either side of the drive, the defining feature of the property. This will continue to enhance the vista toward the “plantation house” at the far end by placing a boulevard (divided) road along either side of it. An expanded greenbelt setback will be dedicated along the John McCain frontage, and will be fully landscaped, as will the other open space areas within the project. Open Space will make up over 21% of the project area.

Oak Alley will be proposed as a gated community with private streets. A double road, divided entry from John McCain Road, positioned to line up with and take advantage of the central double row of Live Oaks, will provide a distinctive and quality main entry. This divided road will serve as a loop road through the development, with the two entries from

John McCain meeting the minimum 100' centerline spacing for two points of emergency access. We propose to build the normal Colleyville street section of 31' (back of curb to back of curb), in a 50' R.O.W., throughout the project, except for the main divided central entry road.

There will be a requirement of at least two street trees for every residential lot to be installed by the home builders, adjacent to the street rights of way, unless there are already existing trees there that are saved. We have worked extensively, in conjunction with our neighbors to the east and west, to provide landscape buffers between the existing homes and the future home sites within Oak Alley. All perimeter boundaries will have 25', fully landscaped buffer easements, as shown on the Development Plan.

The existing and fully developed storm drainage has been carefully analyzed, and will be designed to meet all city regulations and not adversely affect any neighboring properties. There will be a pond constructed along the Holly Lane frontage- in a landscaped setting, which will double as a storm detention facility, to the extent it is necessary.

To encourage pedestrian activity in the neighborhood, sidewalks will be built along the front of each lot, and a connection will be made to the large greenbelt area along Bear Creek, and an amenity for the residents.

The scale and orientation of the development has been designed to have an inviting visual flow with the existing neighborhoods and surrounding uses. The design criteria of the homes will create high quality designed homes in keeping with both the immediate neighborhood and Colleyville as a whole.

Development Schedule

Oak Alley will most likely be developed in two phases with first phase development commencing upon the successful completion of the zoning and platting and the subsequent approval of the final plat and engineering plans. Construction of homes is anticipated to start immediately upon completion of the subdivision's infrastructure.

Economic Development Information

Oak Alley will have a total of thirty six (36) homes, each with an estimated average value upon completion of \$2,500,000, resulting in an overall tax base of over \$90,000,000. At the current tax rate of 2.339023%, the total taxes generated from the development are projected to be \$2,105,120, with over \$300,000 generated directly for the City at buildout.

Development Standards

Permitted Land Use:	Single Family Residential Detached
Minimum House Size:	3,500 square feet for a single story home, 4,000 square feet for a two story home
Minimum Lot Area:	26,000 s.f. (Average over 35,000 s.f.)
Minimum Lot Width:	One Hundred feet (100') measured at the building setback line, except pie-shaped cul-de-sac lots 1 and 2, in which case the minimum shall be sixty seven feet (67') at the building setback line.
Front Yard Setbacks:	Thirty feet (30') back of the property line
Rear Yard Setbacks:	Twenty Five feet (25')
Side Yard Setbacks:	Ten feet (10').
Street-facing Side Yard:	Side yard setbacks on the street side of a corner lot, fronting on another street, shall be 20', except for "key" lots which shall match the front setback of adjacent lots, as shown on the Development Plan.
Street Standards:	The streets within Oak Alley are proposed to be private streets with restricted access (gated). All undivided sections will be built to the standard street section of 31' b/b paving, in a 50' Private Street ROW. Street "A" (southbound and northbound), is a divided road, intended to preserve the double row of Live Oaks in the median, with paving in each direction of 23'b/b, in separate 42' Private Street ROW's.
Minimum Roof Pitch:	Minimum of a 10:12 roof pitch, unless architecturally required to vary, based on home style.
Garage Standard:	Minimum of a three car garage with wood-like, architecturally enhanced doors.
Masonry Requirement:	One hundred percent (100%) brick, stone or real stucco masonry. No EIFS or artificial stucco material shall be permitted in the subdivision.

Additional Elevation Requirements: All plans will be reviewed by the Oak Alley Architectural Review Committee, and will comply with a set of Design Guidelines which will be developed to assure structures and site features of the highest quality. Elevations will have a hierarchy of plate dominance featuring custom front doors and entrances; balanced architectural features and interests with natural tones for paint and exterior finishes. The elevations on all “four sides” shall be addressed in the design to present a finished appearance. Roofing will match the architectural style, and at a minimum, be either 50 lb. Architectural Dimensional shingles, slate, tile or standing seam metal. Each elevation should add interest to the entire streetscape.

Windows: No aluminum windows allowed in the subdivision, only windows of higher quality and energy efficiency will be allowed. All windows will be insulated glass with a “low-e” specification.

Fencing: Wood fencing between lots is permitted. All front elevation fences, from the front of the house to the side property line, shall be open style fencing of decorative metal, and/or masonry. All lots backing to the Common Open Space shall be open style fencing of decorative metal, and/or Masonry.

Where lots back to existing residential lots with fences, the existing fence shall be kept, maintained or improved in coordination with each owner, as shown in the diagram on the Development Plan. Where open space lots border adjacent properties, either the existing fence will be maintained or improved, or a decorative masonry or metal fence will be installed, all in cooperation with the adjacent property owner.

Streetscape Standards: Minimum of two (2) three-inch (3”) caliper trees per front yard, unless quality existing trees are present and saved. Fully landscaped and sprinklered front and rear yard within sixty days of completing a house.

Open Space Maintenance: The open space lots within the subdivision shall be maintained in a consistent, uniform manner by the Oak Alley Homeowners Association through dues collected from the individual homeowners. Membership in the Homeowner’s Association is mandatory.

Street Design Standards:

Right of Way:	Fifty feet (50')
Travel Lane Width:	Thirty-one foot (31'), back of curb to back of curb
Turning Radii:	Fifteen feet (15')

Open Space Standards:

Except for the natural tree preservation areas, the Common Open Space shall be fully landscaped and irrigated with a combination of trees and shrubbery pursuant to an approved landscape plan. The Common Open Space shall be owned, operated and maintained by Oak Alley Homeowners Association which shall have a mandatory membership of all homeowners and shall collect dues in amounts satisfactory to maintain the Common Open Space. The Association shall have fine and lien rights as permitted by law to enforce compliance with the rules of the association.

Signage:

A monument sign identifying the subdivision shall be built at the gated entry from John McCain Road.

Exhibit "C" – Conceptual Zoning Exhibit



Site Data - Development Plan	
Common Areas	36
Residential Lots	9
Open Space	68.22%
Open Space Floodway	25.70 ac.
R.O.W.	12.53%
Gross Acreage	5.63 ac.
Net Acreage	4.53 ac.
Density Data	43.54
Residential Density	0.83
Residential Density Net R.O.W. (R.O.W. = 4.53 ac.)	0.92
Summary	
Residential Lots	36
Minimum Building Lot Area	36,000 s.f.
Minimum Building Lot Area	36,000 s.f.
Common Areas	9
Existing Zoning	AG & R-40
Proposed Zoning	PUD-N

Owner:
Berk & Co. Collins Trust
1312 John McCain Rd.
Colleyville, TX 76034

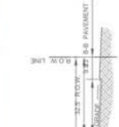
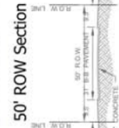
Surveyor:
Miller Surveying, Inc.
430 Mid Cities Blvd.
Hurst, TX 76054
Tel: 817-577-1052

Engineer:
Dorazio, Inc.
430 Johnson Rd., Suite 303
Keller, TX 76248
Tel: 817-577-1052

Applicant:
Sage Group, Inc.
11111 West Loop, Suite 200
Southlake, TX 76092
Tel: 817-424-2626
Contact: Curtis Young

Planner:
SAGE GROUP, INC.
11111 West Loop, Suite 200
Southlake, TX 76092
Tel: 817-424-2626
Contact: Curtis Young

22 JUNE 18
0 100' 200' 400'



Zoning Exhibit for
Zoning Change Request
From AG & R-40 to PUD-R
Case #ZC18-019

Oak Alley

Colleyville, Tarrant County, Texas

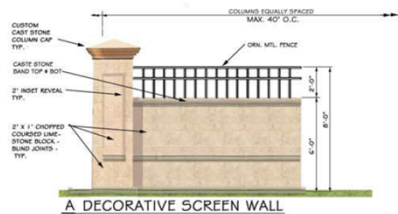
Development Plan

Bear Creek Plantation, Lot 1R1 Block 1 & Lot 1R2 Block 1



THE ENTRY

OAK ALLEY



A DECORATIVE SCREEN WALL



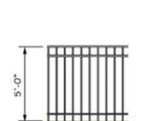
B ENTRY GATE MEDIAN ORNAMENTAL METAL FENCING
GATE & MEDIAN FENCING DESIGN T.B.D.



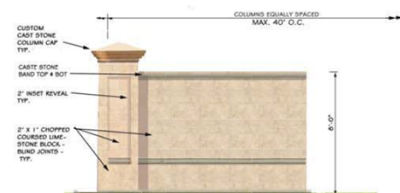
C ORNAMENTAL METAL FENCE
WITH COLUMN TERMINUS



D LOW STONE WALL WITH
ORNAMENTAL METAL FENCE



E ORNAMENTAL
METAL FENCE



F DECORATIVE SCREEN WALL

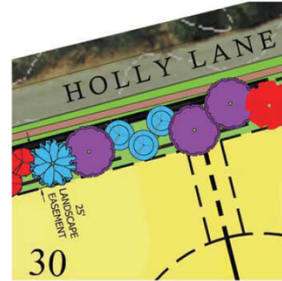


SCREENING WALLS & ORNAMENTAL FENCING EXHIBIT

OAK ALLEY

Holly Lane / Western Boundary Landscape Easement - Landscape Specifications

SHADE TREES				
SYMBOL	PLANT NAME	QUANTITY	SIZE	CONDITION / REMARKS
	Live Oak	1	12" DBH	single trunk (over 10' x 10' x 10')
	Shrimp Apple	1	12" DBH	single trunk (over 10' x 10' x 10')
	Shrimp Apple	1	12" DBH	single trunk (over 10' x 10' x 10')
	Shrimp Apple	1	12" DBH	single trunk (over 10' x 10' x 10')
ORNAMENTAL TREES				
SYMBOL	PLANT NAME	QUANTITY	SIZE	CONDITION / REMARKS
	Shrimp Apple	1	12" DBH	single trunk (over 10' x 10' x 10')
	Shrimp Apple	1	12" DBH	single trunk (over 10' x 10' x 10')
	Shrimp Apple	1	12" DBH	single trunk (over 10' x 10' x 10')
	Shrimp Apple	1	12" DBH	single trunk (over 10' x 10' x 10')



25' LANDSCAPE EASEMENT
3 SHADE TREES, 3 ORNAMENTAL TREES PER 100 L.F. OF LANDSCAPE EASEMENT, CREDIT GIVEN FOR PRESERVING EXISTING TREES.

Eastern Boundary Landscape Easement - Landscape Specifications

SHADE TREES				
SYMBOL	PLANT NAME	QUANTITY	SIZE	CONDITION / REMARKS
	Live Oak	1	12" DBH	single trunk (over 10' x 10' x 10')
	Shrimp Apple	1	12" DBH	single trunk (over 10' x 10' x 10')
	Shrimp Apple	1	12" DBH	single trunk (over 10' x 10' x 10')
	Shrimp Apple	1	12" DBH	single trunk (over 10' x 10' x 10')
ORNAMENTAL TREES				
SYMBOL	PLANT NAME	QUANTITY	SIZE	CONDITION / REMARKS
	Shrimp Apple	1	12" DBH	single trunk (over 10' x 10' x 10')
	Shrimp Apple	1	12" DBH	single trunk (over 10' x 10' x 10')
	Shrimp Apple	1	12" DBH	single trunk (over 10' x 10' x 10')
	Shrimp Apple	1	12" DBH	single trunk (over 10' x 10' x 10')



25' LANDSCAPE EASEMENT
3 SHADE TREES, 3 ORNAMENTAL TREES PER 100 L.F. OF LANDSCAPE EASEMENT



25' LANDSCAPE EASEMENT
(15' PLANTING AREA)
2 SHADE, 3 ORNAMENTAL TREES PER 100 L.F. OF LANDSCAPE EASEMENT



22 JUNE 18

1" = 20'

0 20' 50' 100'

Landscape Easement Plantings

Bear Creek Plantation, Lot 1R1 Block 1 & Lot 1R2 Block 1

Oak Alley

Colleyville, Tarrant County, Texas

STONE



PAVERS



INSPIRATION



THE ENTRY

OAK ALLEY

DOE No. 2017111001

THIS DOCUMENT IS FOR REVIEW AND COMMENT ONLY. IT IS NOT TO BE USED FOR CONSTRUCTION. ANY CHANGES TO THIS DOCUMENT MUST BE APPROVED BY THE DESIGNER.

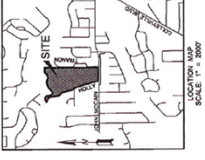
DATE: 5/23/2018
BY: [Signature]
FOR: [Signature]
PROJECT: [Signature]
SHEET: 2 OF 2

REVISIONS

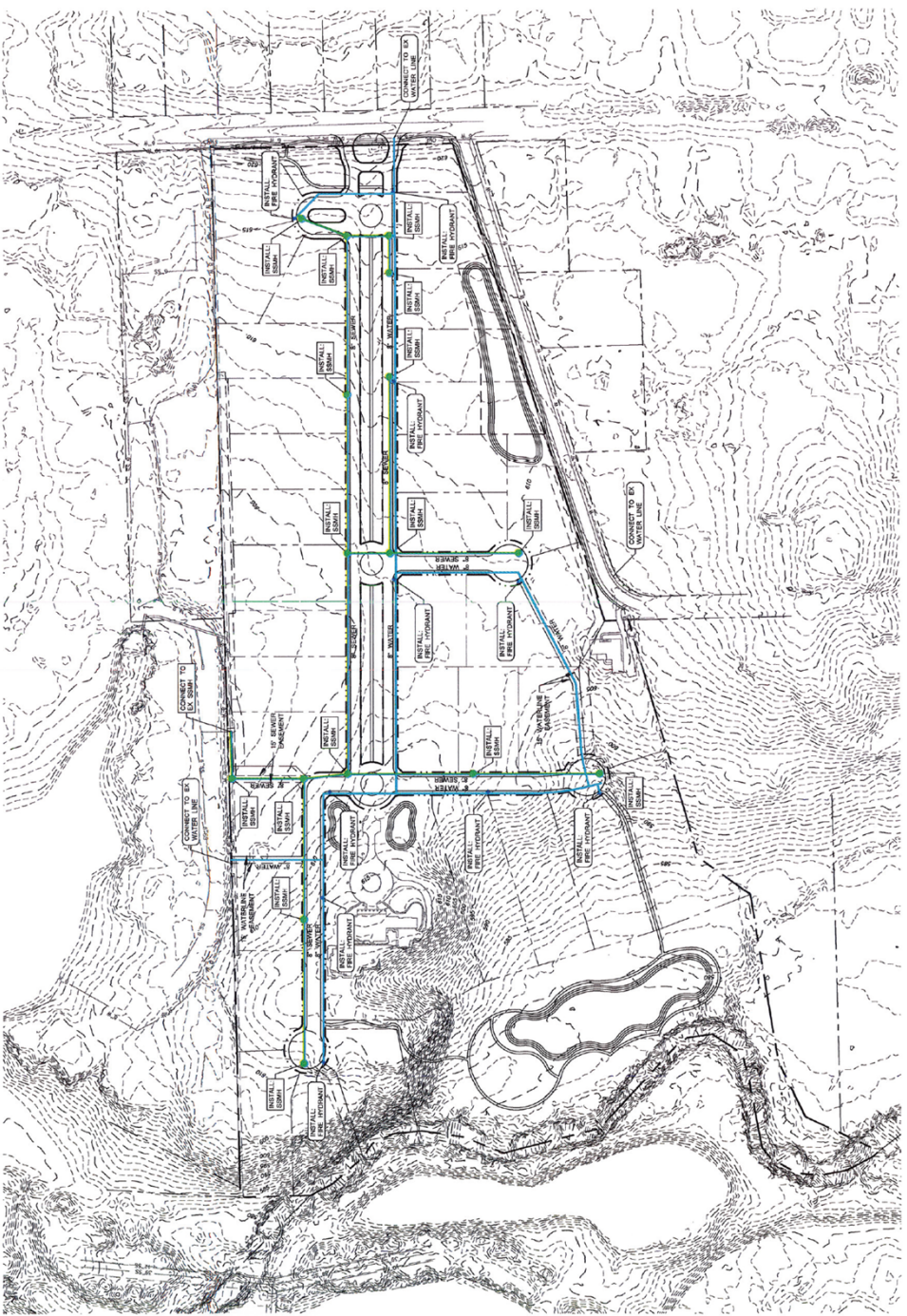
NO.	DATE	DESCRIPTION
1	5/23/2018	ISSUED FOR REVIEW
2	5/23/2018	ISSUED FOR REVIEW
3	5/23/2018	ISSUED FOR REVIEW

PRELIMINARY UTILITY PLAN
OAK ALLEY
COLLEYVILLE, TX

DEOTTE, INC.
10000 W. 100TH AVE., SUITE 100
OVERLAND PARK, KS 66211
TEL: 913.241.1000
WWW.DEOTTE.COM



- LEGEND
- 8" WATER LINE
 - FIRE HYDRANT
 - SEWER MAIN
 - SEWER BRANCH
 - SEWER MANHOLE



ORDINANCE O-18-2056

AMENDING THE ZONING ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY OF COLLEYVILLE, TEXAS, BY CHANGING THE ZONING ON 43.54 ACRES ON LOTS 1R1 AND 1R2, BLOCK 1, BEAR CREEK PLANTATION ADDITION, LOCATED AT 1312 JOHN MCCAIN ROAD AND 7309 HOLLY LANE FROM THE AG AGRICULTURAL AND R-40 SINGLE FAMILY RESIDENTIAL ZONING DISTRICTS TO THE PUD-R PLANNED UNIT DEVELOPMENT - RESIDENTIAL ZONING DISTRICT; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Colleyville has received an application for a rezoning under Case No. ZC18-019; 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;

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; and

WHEREAS, The City Council acknowledges the existence of a binding letter of intent between the developer and the Tanglewood HOA dated June 27, 2018 (LOI) containing certain mutual covenants between these two parties related to the development of the property described herein and that said parties intend on performing the covenants contained therein, provided said performance does not expressly conflict with applicable law or this ordinance.

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 43.54 acres on Lots 1R1 and 1R2, Block 1, Bear Creek Plantation Addition, located at 1312 John McCain Road and 7309 Holly Lane from the AG Agricultural and R-40 Single Family Residential zoning districts to the PUD-R Planned Unit Development – Residential zoning district, as depicted in the attached Exhibit “A” and Exhibit “C”, 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 PUD-R is for a single-family residential development of no more than 35 single-family detached dwelling units.

- b. This property is subject to all the regulations contained in the Colleyville Land Development Code, except where amended by this Ordinance.
- c. Temporary fencing shall be installed during development construction.
- d. All perimeter wall/fencing shall be installed prior to home construction within the development.
- e. No development-related access shall come from Holly Lane and all construction related activity shall be prohibited within the public ROW along Holly Lane, including without limitation, the operation, parking, and storing of construction equipment or vehicles.

2. CONCEPTUAL PLAN AND PLATTING

- a. The street layout and arrangement of lots of the subdivision shall be generally consistent with the Preliminary Plat and Development Plan, labeled as Exhibit "C" & "D" respectively. The actual street and lot arrangement presented as a Final Plat may differ from that shown on Exhibit "C" to accommodate topographic, drainage, engineering design limitations, or other conditions. However, the Final Plat shall not differ in the number of lots allowed or any of the specific conditions provided herein.
- b. The developer shall submit and receive approval from the City a Preliminary Plat and Final Plat in accordance with the requirements of the Land Development Code prior to development of this PUD-R.

3. PERMITTED USES

- a. Single-family residences, detached, and accessory uses/structures per regulations of the R-30 zoning district, except where amended herein.
- b. Common open space areas

4. RESIDENTIAL LOT REQUIREMENTS AND SETBACKS

Single-family detached residential lot requirements and setbacks shall comply with the following provisions:

- a. Minimum Lot Size: 26,000 square feet for no more than 2 residential lots within the development.
30,000 square feet for no more than 33 residential lots.
- b. Minimum Lot Width: One Hundred feet (100') measured at the building setback line, except pie-shaped cul-de-sac lots 1 and 2, in which case the minimum shall be sixty seven feet (67') at the building setback line
- c. Front Yard Setback: 30 feet
- d. Side Yard Setback: 10 feet
- e. Street Side Setback: 20 feet, except for "key" lots which shall match the front setback of adjacent lots, as shown on the Development Plan
- f. Rear Yard Setback: 25 feet
- g. Minimum House Size: 4,300 square feet
- h. Maximum Lot Coverage: 25 percent

5. OPEN SPACE

- a. This development shall provide not less than approximately 19% common open space, which shall generally be configured as shown in Exhibit "D". All open space areas shall be landscaped and maintained by the Homeowner's Association as described in Exhibit "B".
- b. All amenities within the open space areas shall be maintained by the Homeowner's Association. A landscape and pond maintenance plan shall be provided in conformance with the Declaration of Covenants, Conditions, and Restrictions as required by this PUD-R and the Perimeter Fencing Exhibits as attached in Exhibit "D".

6. SCREENING

- a. Perimeter fencing and screening shall be in compliance with the Wall/Fence Diagram included and shown on the Conceptual Site Plan and associated exhibits, labeled as Exhibit "D".
- b. Wood fencing between lots is not permitted. All front elevation fences, from the front of the house to the side property line, shall be open style fencing of decorative metal, and/or masonry.
- c. All lots backing to the Common Open Space lots shall be open style fencing of decorative metal, and/or masonry.

7. ARCHITECTURAL FEATURES

- a. Masonry Requirement – 80% masonry (brick, stone, or stucco over CMU) shall be required on all structures. No EIFS or artificial stucco material (Dryvit systems or Styrofoam products) shall be permitted in the subdivision.
- b. Garage Standard – Minimum of a three car garage with wood-like, architecturally enhanced doors.
- d. Minimum Roof Pitch – Minimum of a 10:12 roof pitch unless architecturally required to vary, based on home style and with approval of the HOA's Architectural Review Committee.
- e. Windows – No aluminum windows allowed in the subdivision, only windows of higher quality and efficiency will be allowed. All windows will be insulated glass with a "low-e" specification.

8. OTHER

- a. A minimum of two (2) three-inch caliper trees shall be planted within the front yard of each lot by the homebuilder upon construction of a new home, unless quality existing trees are present and saved.
- b. Within 60 days of the final inspection/certificate of occupancy being issued for the primary residential structure, all lots must be fully landscaped and irrigated, both front and rear yards.

- c. The streets within Oak Alley are proposed to be private streets with restricted access (gated).
- d. Street Design Standards:
 - o Right-Of-Way: Fifty feet (50')
 - o Travel Lane Width: Thirty-one feet (31'), back of curb to back of curb
 - o Turning Radii: Fifteen feet (15')
- e. Street "A" (southbound and northbound), is a divided road, intended to preserve the double row of Live Oaks in the median, with paving in each direction of 25' b/b, in separate 32.5' Private Street ROW's.
- f. All residences within the subdivision shall contain automatic fire-sprinkler systems.
- g. A monument sign identifying the subdivision shall be built at the gated entry from John McCain Road.
- h. The construction entrance(s) shall be on John McCain Road only. Access from Holly Lane shall be prohibited.
- i. Appropriate construction methods shall be utilized to ensure that the ponds are able to hold the volumes of water contemplated in the final design plans and retain the water in the manner in which the ponds are designed. All ponds shall be maintained in an appropriate manner by the Oak Alley HOA.
- j. A water main loop shall be connected to the existing water main on Holly Lane between Lot 23 and Lot 29. Said pipe installation, sizing, and material shall be approved by the City Engineer.
- k. Pedestrian access to the north pond walking trail shall be provided via public easement from Holly Lane. Sidewalks shall be installed along the east side of Holly Lane at a size of no less than 4 feet in width and along the north side of John McCain Road at a size no less than 5 feet in width.
- l. Storm sewer installation and connection shall be made to drain the area west of Lot 33 (west of Holly Lane) into the new detention pond traversing Lots 32, 33, and 34. Said

pipe installation, sizing, and material shall be approved by the City Engineer.

- m. Diverters/shields shall be installed on all street lights adjacent to perimeter homes. All residential lighting shall be limited so as to prevent glare and illumination beyond the private property line.
- n. The proposed pond along Holly Lane shall be constructed at an adequate depth to assure a high level of water quality, shall have a deep well available for make-up water, and shall be maintained in an appropriate manner by the Oak Alley HOA.
- o. Street lights in private road developments shall be owned, operated, and funded exclusively by the HOA.

9. HOA DOCUMENTS

- a. At a minimum, the agreements, covenants and restrictions establishing and creating the homeowners' association required herein (CCRs) shall contain and/or provide for the following:
 - 1) The initial term of the agreement, covenants and restrictions establishing and creating the homeowners' association shall be for a period of not less than 25 years and, if not established to be perpetual, shall automatically renew for successive periods of not less than 10 years thereafter;
 - 2) The homeowners' association may not be dissolved without the prior written consent of the City;
 - 3) Provisions acceptable to the City to ensure the continuous and perpetual use, operation, maintenance and/or supervision of all facilities, structures, improvements, systems, open space or common areas that are the responsibility of the homeowners' association and to establish a reserve fund for such purposes;
 - 4) Provisions prohibiting the amendment of any portion of the homeowners' association's agreements, covenants or restrictions pertaining to the use, operation, maintenance and/or supervision of any facilities,

structures, improvements, systems, area or grounds that are the responsibility of the homeowners' association without the prior written consent of the City;

- 5) The right and ability of the City or its lawful agents, after due notice to the homeowners' association, to remove any landscape systems, features or elements that cease to be maintained by the homeowners' association; to perform the responsibilities of the homeowners' association and its board of directors if the homeowners' association fails to do so in compliance with any provisions of the agreements, covenants or restrictions of the homeowners' association, or of any applicable City ordinances or regulations; to assess the homeowners' association for all costs incurred by the City in performing said responsibilities if the homeowners' association fails to do so; and/or to avail itself of any other enforcement actions available to the City pursuant to state law or City ordinances or regulations; and
- 6) Provisions indemnifying and holding the City harmless from any and all costs, expenses, suits, demands, liabilities or damages including attorney's fees and costs of suit, incurred or resulting from the City's removal of any landscape systems, features or elements that cease to be maintained by the homeowners' association or from the City's performance of the aforementioned operation, maintenance or supervision responsibilities of the homeowners' association due to the homeowners' association's failure to perform said responsibilities.

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 7th day of August 2018.

The second reading and public hearing being conducted on the 16th day of October 2018.

PASSED AND APPROVED by the City Council of the City of Colleyville, Texas, on this the 16th day of October 2018.

Mayor Richard Newton	_____	Mayor Pro Tem Bobby Lindamood	_____
Place 1, Tammy Nakamura	_____	Place 5, Chuck Kelley	_____
Place 3, Kathy Wheat	_____	Place 6, Callie Rigney	_____
Place 4, George Dodson	_____		

ATTEST:

CITY OF COLLEYVILLE

Christine Loven, TRMC
City Secretary

Richard Newton
Mayor

APPROVED AS TO FORM AND LEGALITY:

Whitt Wyatt
City Attorney

Exhibit "A" – Location and Zoning Map

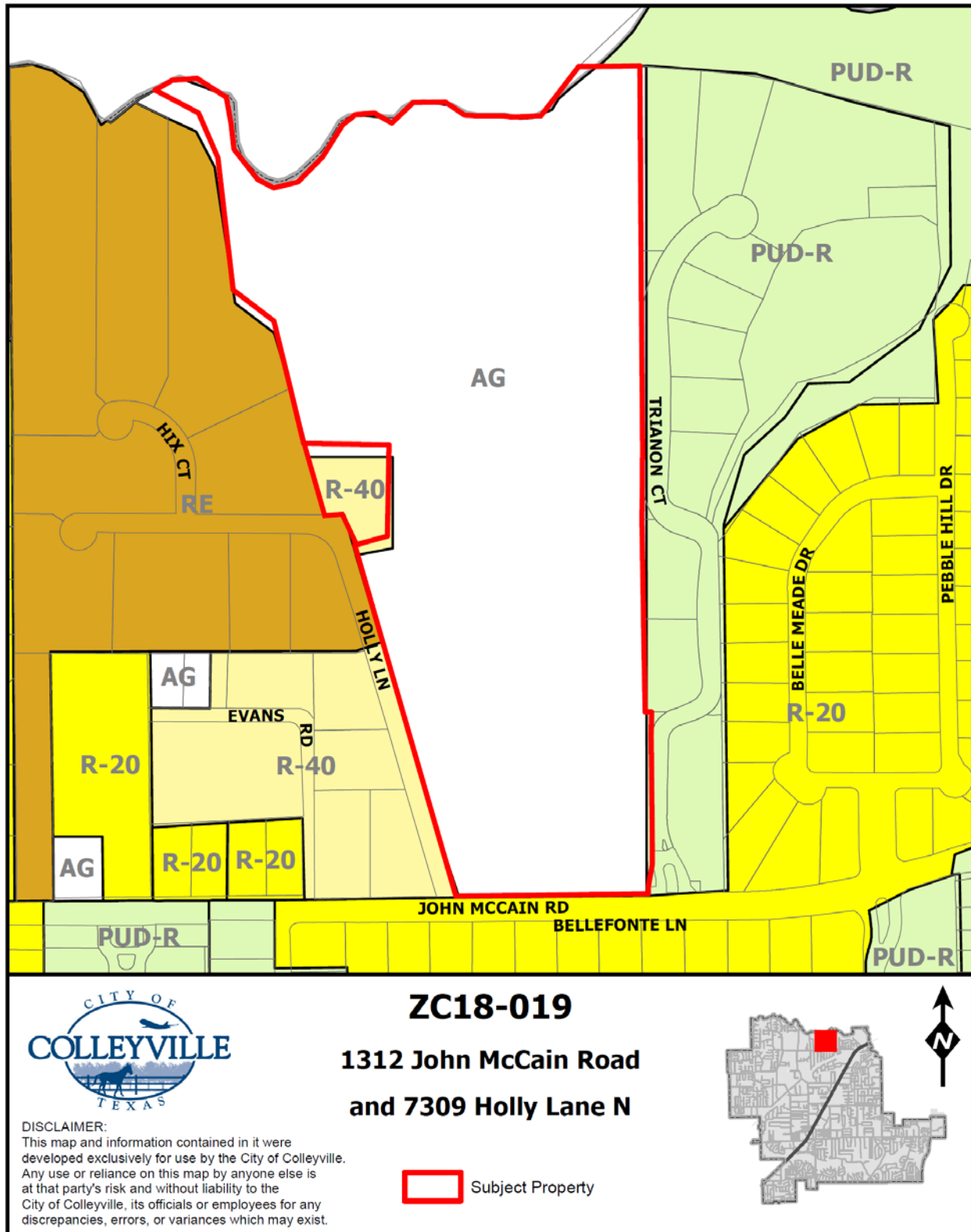


Exhibit “B” – Statement of Planning Objectives

Oak Alley

Colleyville, Texas

Zoning Narrative –8 Oct. 2018

Burk Collins & Co. LTD, Developer

Sage Group, Inc., Land Planner

Statement of Planning Objectives

Oak Alley is a proposed residential neighborhood to be developed by Burk Collins & Co, LTD, under the PUD-R Residential District regulations for residential development in the City of Colleyville. The 43.54 acre property is located on the north side of John McCain Road, just east of Holly Lane (adjacent to the Hidden Acres Addition) and west of, and adjacent to, the Tanglewood Estates gated neighborhood. The property is currently zoned R-40 and AG. The intent here is to rezone the entire property to PUD-R, unifying the property into one cohesive, master planned residential development of the highest quality.

There are currently two occupied single-family homes on the two platted properties that make up this proposal. The main home will be worked into the plan; most of the remaining structures will be removed.

The surrounding area is, for the most part, fully developed with a combination of PUD-R lots ranging from 15,000 s.f. lots, 30,000 s.f. lots, as well as acre plus sized lots. There are existing subdivisions bordering the subject tract on the entire western, eastern and southern boundaries. The northern boundary is Bear Creek, and is the city limit line. Across the creek is the Timarron Golf Course, and the City of Southlake.

The proposed plan, primarily consisting of 30,000 s.f. lots (average of about 38,000 s.f.), and has a range of lot sizes from 26,000 sf minimum, up to several acre plus lots (and one 3.3 acre lot for the existing large home) and open space, would fit in well with the neighborhood, as well as be consistent with the city’s Future Land Use Plan.

Quality and compatibility with the adjacent residential, as well as the rest of Colleyville is essential, and we have designed this proposal with those goals in mind.

The residences planned for Oak Alley will be very upscale, with selling prices estimated to start at around \$2.0 million. The development will center upon, and feature, the existing double row of Live Oaks, installed some years ago by the property owner along either side of the drive, the defining feature of the property. This will continue to enhance the vista toward the “plantation house” at the far end by placing a boulevard (divided) road along either side of it. An expanded greenbelt setback will be dedicated along the John McCain frontage, and will be fully landscaped, as will the other open space areas within the project. Open Space will make up over 19% of the project area.

Oak Alley will be proposed as a gated community with private streets. A double road, divided entry from John McCain Road, positioned to line up with and take advantage of the central double row of Live Oaks, will provide a distinctive and quality main entry. This

divided road will serve as a loop road through the development, with the two entries from John McCain meeting the minimum 100' centerline spacing for two points of emergency access. We propose to build the normal Colleyville street section of 31' (back of curb to back of curb), in a 50' R.O.W., throughout the project, except for the main divided central entry road.

There will be a requirement of at least two street trees for every residential lot to be installed by the home builders, adjacent to the street rights of way, unless there are already existing trees there that are saved. We have worked extensively, in conjunction with our neighbors to the east and west, to provide landscape buffers between the existing homes and the future home sites within Oak Alley. All perimeter boundaries will have 25', fully landscaped buffer easements, as shown on the Development Plan.

The existing and fully developed storm drainage has been carefully analyzed, and will be designed to meet all city regulations and not adversely affect any neighboring properties. There will be a pond constructed along the Holly Lane frontage- in a landscaped setting, which will double as a storm detention facility, to the extent it is necessary.

To encourage pedestrian activity in the neighborhood, sidewalks will be built along the front of each lot, and a connection will be made to the large greenbelt area along Bear Creek, and an amenity for the residents.

The scale and orientation of the development has been designed to have an inviting visual flow with the existing neighborhoods and surrounding uses. The design criteria of the homes will create high quality designed homes in keeping with both the immediate neighborhood and Colleyville as a whole.

Development Schedule

Oak Alley will most likely be developed in one phase, with development commencing upon the successful completion of the zoning and platting and the subsequent approval of the final plat and engineering plans. Construction of homes is anticipated to start immediately upon completion of the subdivision's infrastructure.

Economic Development Information

Oak Alley will have a total of thirty five (35) homes, each with an estimated average value upon completion of \$2,570,000, resulting in an overall tax base of over \$90,000,000. At the current tax rate of 2.339023%, the total taxes generated from the development are projected to be \$2,105,120, with over \$300,000 generated directly for the City at buildout.

Development Standards

Permitted Land Use:	Single Family Residential Detached
Minimum House Size:	4,300 square feet.
Minimum Lot Area:	26,000 s.f. (Average about 38,000 s.f.)
Minimum Lot Width:	One Hundred feet (100') measured at the building setback line, except pie-shaped cul-de-sac lots 1 and 2, in which case the minimum shall be sixty seven feet (67') at the building setback line.
Front Yard Setbacks:	Thirty feet (30') back of the property line
Rear Yard Setbacks:	Twenty Five feet (25')
Side Yard Setbacks:	Ten feet (10').
Street-facing Side Yard:	Side yard setbacks on the street side of a corner lot, fronting on another street, shall be 20', except for "key" lots which shall match the front setback of adjacent lots, as shown on the Development Plan.
Street Standards:	The streets within Oak Alley are proposed to be private streets with restricted access (gated). All undivided sections will be built to the standard street section of 31' b/b paving, in a 50' Private Street ROW. Street "A" (southbound and northbound), is a divided road, intended to preserve the double row of Live Oaks in the median, with paving in each direction of 24'b/b, in separate 32.5' Private Street ROW's.
Minimum Roof Pitch:	Minimum of a 10:12 roof pitch, unless architecturally required to vary, based on home style.
Garage Standard:	Minimum of a three car garage with wood-like, architecturally enhanced doors.
Masonry Requirement:	The dominant exterior vertical wall area of each structure, exclusive of doors and windows, shall be masonry (brick, stone, or stucco over CMU block) or other material solely determined by the Committee. No more than 20% of the exterior vertical wall to be authentic lath and stucco application over wood framing. Dryvit systems or Styrofoam products are not acceptable. The exterior of chimney flues shall be of masonry material acceptable to the Committee. Installation of all types of exterior items and

surfaces such as address numbers or external ornamentation, lights, mail chutes, mailboxes, roofing materials and exterior paint or stain, shall be subject to the approval of the Committee as to size, design, materials color, manufacturer and location.

Additional Elevation Requirements: All plans will be reviewed by the Oak Alley Architectural Review Committee, and will comply with a set of Design Guidelines which will be developed to assure structures and site features of the highest quality. Elevations will have a hierarchy of plate dominance featuring custom front doors and entrances; balanced architectural features and interests with natural tones for paint and exterior finishes. The elevations on all “four sides” shall be addressed in the design to present a finished appearance. Roofing will match the architectural style. Slate, tile or standing seam metal are examples. Each elevation should add interest to the entire streetscape.

Windows: No aluminum windows allowed in the subdivision, only windows of higher quality and energy efficiency will be allowed. All windows will be insulated glass with a “low-e” specification.

Fencing: Wood fencing between lots is not permitted. All front elevation fences, from the front of the house to the side property line, shall be open style fencing of decorative metal, and/or masonry. All lots backing to the Common Open Space shall be open style fencing of decorative metal, and/or Masonry.

Where lots back to existing residential lots with fences, the existing fence shall be kept, maintained or improved in coordination with each owner, as shown in the diagram on the Development Plan and associated detailed diagrams. Where open space lots border adjacent properties, either the existing fence will be maintained or improved, or a decorative masonry or metal fence will be installed, all in cooperation with the adjacent property owner, according to the detailed plans submitted with zoning. All perimeter walls and fences shall be installed prior to any vertical home construction.

Streetscape Standards: Minimum of two (2) three-inch (3”) caliper trees per front yard, unless quality existing trees are present and saved. Fully landscaped and sprinklered front and rear yard within sixty days of completing a house.

Open Space Maintenance: The open space lots within the subdivision shall be maintained in a consistent, uniform manner by the Oak Alley Homeowners Association through dues collected from the individual

homeowners. Membership in the Homeowner's Association is mandatory.

Street Design Standards:

Right of Way:	Fifty feet (50') (Undivided), Thirty Two, one half feet (32.5') (each side of divided entry road)
Travel Lane Width:	Thirty-one feet (31'), back of curb to back of curb (undivided) Twenty-four feet (24'), back of curb to back of curb (divided)
Turning Radii:	Fifteen feet (15')

Open Space Standards:	Except for the natural tree preservation areas, the Common Open Space shall be fully landscaped and irrigated with a combination of trees and shrubbery pursuant to an approved landscape plan. The Common Open Space shall be owned, operated and maintained by Oak Alley Homeowners Association which shall have a mandatory membership of all homeowners and shall collect dues in amounts satisfactory to maintain the Common Open Space. The Association shall have fine and lien rights as permitted by law to enforce compliance with the rules of the association.
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Signage:	A monument sign identifying the subdivision shall be built at the gated entry from John McCain Road.
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[illegible]

Oak Alley

Case #ZC18-019

Colleyville, Tarrant County, Texas



Site Data - Development Plan					
Percentages are based on residential lots.					
Common Area					35
Residential Lots	70.03%	30.12 ac			
Open Space	8.34%	3.55 ac			
Paved Open Space	11.36%	4.93 ac			
Open Space Footway	11.36%	4.93 ac			
Open Space Roadway	11.36%	4.93 ac			
Other Common Area	100.00%	43.54 ac			
Density Data					
Residential Density		43.54			
Residential Average		0.60			
Residential Density Net R.O.W.		0.92			
Summary					
Residential Lots	35				
Common Area	35				
Common Area	35				
Average Building Lot Area	2,700 sq. ft.				
Average Building Lot Area	2,700 sq. ft.				
Common Area	9				
Common Area	9				
Proposed Zoning	R-OR				
Proposed Zoning	R-OR				

1000

Development Plan

Bear Creek Plantation, Lot 1R1 Block 1 & Lot 1R2 Block 1



THE ENTRY

OAK ALLEY



A DECORATIVE SCREEN WALL



B ENTRY GATE MEDIAN ORNAMENTAL METAL FENCING
 GATE & MEDIAN FENCING DESIGN T.B.D.



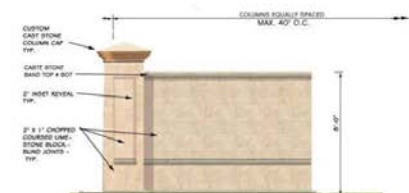
C ORNAMENTAL METAL FENCE
 WITH COLUMN TERMINUS



D LOW STONE WALL WITH
 ORNAMENTAL METAL FENCE



E ORNAMENTAL
 METAL FENCE



F DECORATIVE SCREEN WALL



SCREENING WALLS & ORNAMENTAL FENCING EXHIBIT

OAK ALLEY



Holly Lane / Western Boundary Landscape Easement - Landscape Specifications

SYMBOL	PLANT TYPE	QUANTITY	SIZE	CONSTRUCTION / REMARKS
●	Shade Tree	1	12" x 12" x 12" x 12"	Shade tree, 12" x 12" x 12" x 12"
●	Shade Tree	1	12" x 12" x 12" x 12"	Shade tree, 12" x 12" x 12" x 12"
●	Shade Tree	1	12" x 12" x 12" x 12"	Shade tree, 12" x 12" x 12" x 12"
●	Shade Tree	1	12" x 12" x 12" x 12"	Shade tree, 12" x 12" x 12" x 12"

Eastern Boundary Landscape Easement - Landscape Specifications

SYMBOL	PLANT TYPE	QUANTITY	SIZE	CONSTRUCTION / REMARKS
●	Shade Tree	1	12" x 12" x 12" x 12"	Shade tree, 12" x 12" x 12" x 12"
●	Shade Tree	1	12" x 12" x 12" x 12"	Shade tree, 12" x 12" x 12" x 12"
●	Shade Tree	1	12" x 12" x 12" x 12"	Shade tree, 12" x 12" x 12" x 12"
●	Shade Tree	1	12" x 12" x 12" x 12"	Shade tree, 12" x 12" x 12" x 12"

Planner:



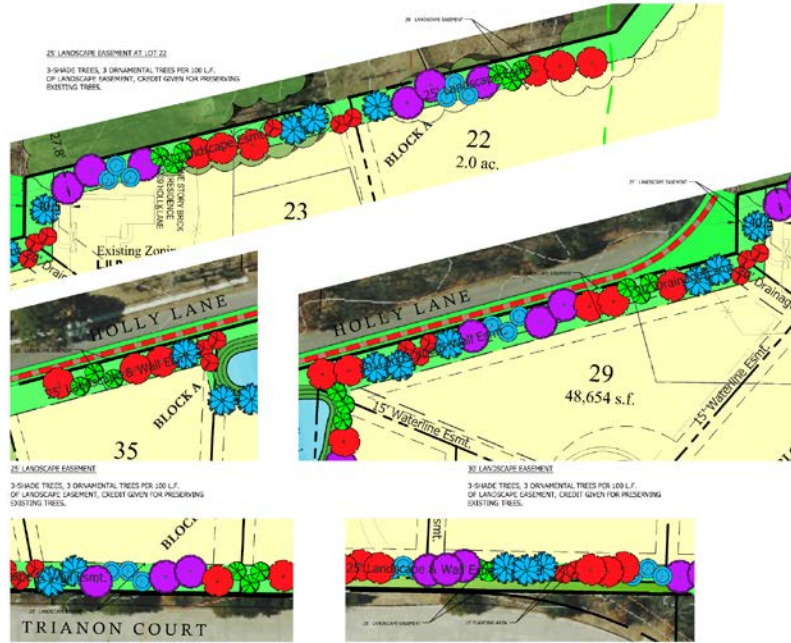
SAGE GROUP, INC.
Master Planning
Urban Design
Landscape Architecture
1100 N. Central Ave., Ste 200
Ft. Worth, Texas 76102
(817) 424-2626

Landscape Easement Plantings

Bear Creek Plantation, Lot 1R1 Block 1 & Lot 1R2 Block 1

Oak Alley

Colleyville, Tarrant County, Texas



STONE



PAVERS



INSPIRATION



SAGE GROUP, INC.
Master Planning
Urban Design
Landscape Architecture
1100 N. Central Ave., Ste 200
Ft. Worth, Texas 76102
(817) 424-2626

THE ENTRY

OAK ALLEY



Planner: SAGE GROUP, INC.
 21 SEPT 18 1" = 60'
 0 30' 60' 120'

TYPE C - 6' Ornamental Metal Fence WITH Masonry Columns
 TYPE D - 6' Total: Masonry Wall 2.5' / Ornamental Metal Fence 3.5'
 TYPE F - 8' Masonry Wall
 Retain Existing Wall / Fence

Case #ZC18-002

Oak Alley

Eastern Boundary Detail (Sheet 1 of 3)

Bear Creek Plantation, Lot 1R1 Block 1 & Lot 1R2 Block 1

Colleyville, Tarrant County, Texas



Planner: SAGE GROUP, INC.
 21 SEPT 18 1" = 60'
 0 30' 60' 120'

TYPE A - 8' Total: Masonry Wall 6' / Ornamental Metal Fence 2'
 TYPE F - 8' Masonry Wall

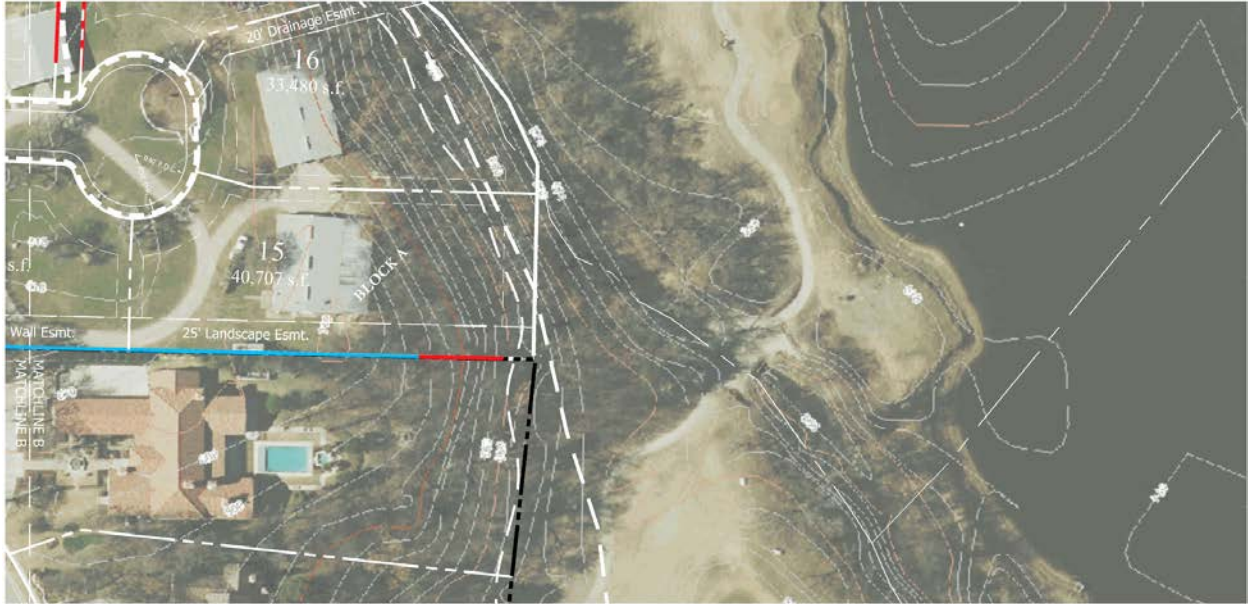
Case #ZC18-002

Oak Alley

Eastern Boundary Detail (Sheet 2 of 3)

Bear Creek Plantation, Lot 1R1 Block 1 & Lot 1R2 Block 1

Colleyville, Tarrant County, Texas



Planner: SAGE GROUP, INC.
Master Planning
Urban Design
Landscape Architecture
11215 Central Exp., Ste. 200
Dallas, Texas 75242
817-424-3026

TYPE A - 8' Total: Masonry Wall 6' / Ornamental Metal Fence 2'
TYPE E - 6' Ornamental Metal Fence

Case #ZC18-002



Eastern Boundary Detail (Sheet 3 of 3)

Oak Alley

Bear Creek Plantation, Lot 1R1 Block 1 & Lot 1R2 Block 1

Colleyville, Tarrant County, Texas



Planner: SAGE GROUP, INC.
Master Planning
Urban Design
Architecture
Landscape Architecture
11215 Central Exp., Ste. 200
Dallas, Texas 75242
817-424-3026

TYPE D - 6' Total: Masonry Wall 2.5' / Ornamental Metal Fence 3.5'
TYPE C - 6' Ornamental Metal Fence with Masonry Columns

Case #ZC18-002



Western Boundary Detail (Sheet 1 of 3)

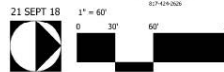
Oak Alley

Bear Creek Plantation, Lot 1R1 Block 1 & Lot 1R2 Block 1

Colleyville, Tarrant County, Texas



Planner: SAGE GROUP, INC.
Master Planning
Urban Design
Architecture
Landscape Architecture
1200 W. Central Ex., Ste. 200
Ft. Worth, Texas 76102
817.424.5026



TYPE D - 6' Total: Masonry Wall 2.5' / Ornamental Metal Fence 3.5'
TYPE F - 7' Total: Masonry Wall 5' / Ornamental Metal Fence 2'
Replace Pipe Rail Fence
6' Iron Fence

Western Boundary Detail (Sheet 2 of 3)

Bear Creek Plantation, Lot 1R1 Block 1 & Lot 1R2 Block 1

Case #ZC18-002

Oak Alley

Colleyville, Tarrant County, Texas



Planner: SAGE GROUP, INC.
Master Planning
Urban Design
Architecture
Landscape Architecture
1200 W. Central Ex., Ste. 200
Ft. Worth, Texas 76102
817.424.5026



Replace Pipe Rail Fence

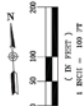
Western Boundary Detail (Sheet 3 of 3)

Bear Creek Plantation, Lot 1R1 Block 1 & Lot 1R2 Block 1

Case #ZC18-002

Oak Alley

Colleyville, Tarrant County, Texas



OAK ALLEY GRADING CONCEPT

1. FINAL GRADING IS THE FIRST THING THAT STARTS IN THE FINAL DESIGN PROCESSING AND IS THE LAST THING THAT FINISHES. THE DESIGNER MUST BE AWARE OF THE FACTS OF THE GRADE AND THE FACTS OF THE SITE. THE DESIGNER MUST BE AWARE OF THE FACTS OF THE GRADE AND THE FACTS OF THE SITE.
2. FACTORS THAT AFFECT FINAL GRADES WILL INCLUDE TREE PROTECTION, FLOODING, DAMAGE TO EXISTING ADJACENT PROPERTIES AND THE FLOOD RISK OF OAK TREES.
3. THE DESIGNER MUST BE AWARE OF THE FACTS OF THE GRADE AND THE FACTS OF THE SITE. THE DESIGNER MUST BE AWARE OF THE FACTS OF THE GRADE AND THE FACTS OF THE SITE.
4. MAJOR CONSTRAINTS AFFECTING GRADING OF THIS SITE INCLUDE THE PERMITTER REQUIREMENTS, ADJACENT PROPERTIES AND THE FLOOD RISK OF OAK TREES.

THIS CONCEPT FOCUSES ON THE PERMITS, LOTS AND PRESENTS OPTIONS THAT CAN BE ACHIEVED FOR EACH LOT WITH FINAL DESIGN.

LOTS 1 AND 2

THESE LOTS ARE EXPECTED TO HAVE FAD GRADING BETWEEN THE EXISTING GRADES AND THE FINAL GRADES. THE DESIGNER MUST BE AWARE OF THE FACTS OF THE GRADE AND THE FACTS OF THE SITE.

LOTS 3 THROUGH 11

THESE LOTS ARE EXPECTED TO HAVE FAD GRADING BETWEEN THE EXISTING GRADES AND THE FINAL GRADES. THE DESIGNER MUST BE AWARE OF THE FACTS OF THE GRADE AND THE FACTS OF THE SITE.

LOTS 12 THROUGH 15

THESE LOTS ARE EXPECTED TO HAVE FAD GRADING BETWEEN THE EXISTING GRADES AND THE FINAL GRADES. THE DESIGNER MUST BE AWARE OF THE FACTS OF THE GRADE AND THE FACTS OF THE SITE.

LOTS 16 AND 17

THESE LOTS ARE EXPECTED TO HAVE FAD GRADING BETWEEN THE EXISTING GRADES AND THE FINAL GRADES. THE DESIGNER MUST BE AWARE OF THE FACTS OF THE GRADE AND THE FACTS OF THE SITE.

LOTS 18 AND 19

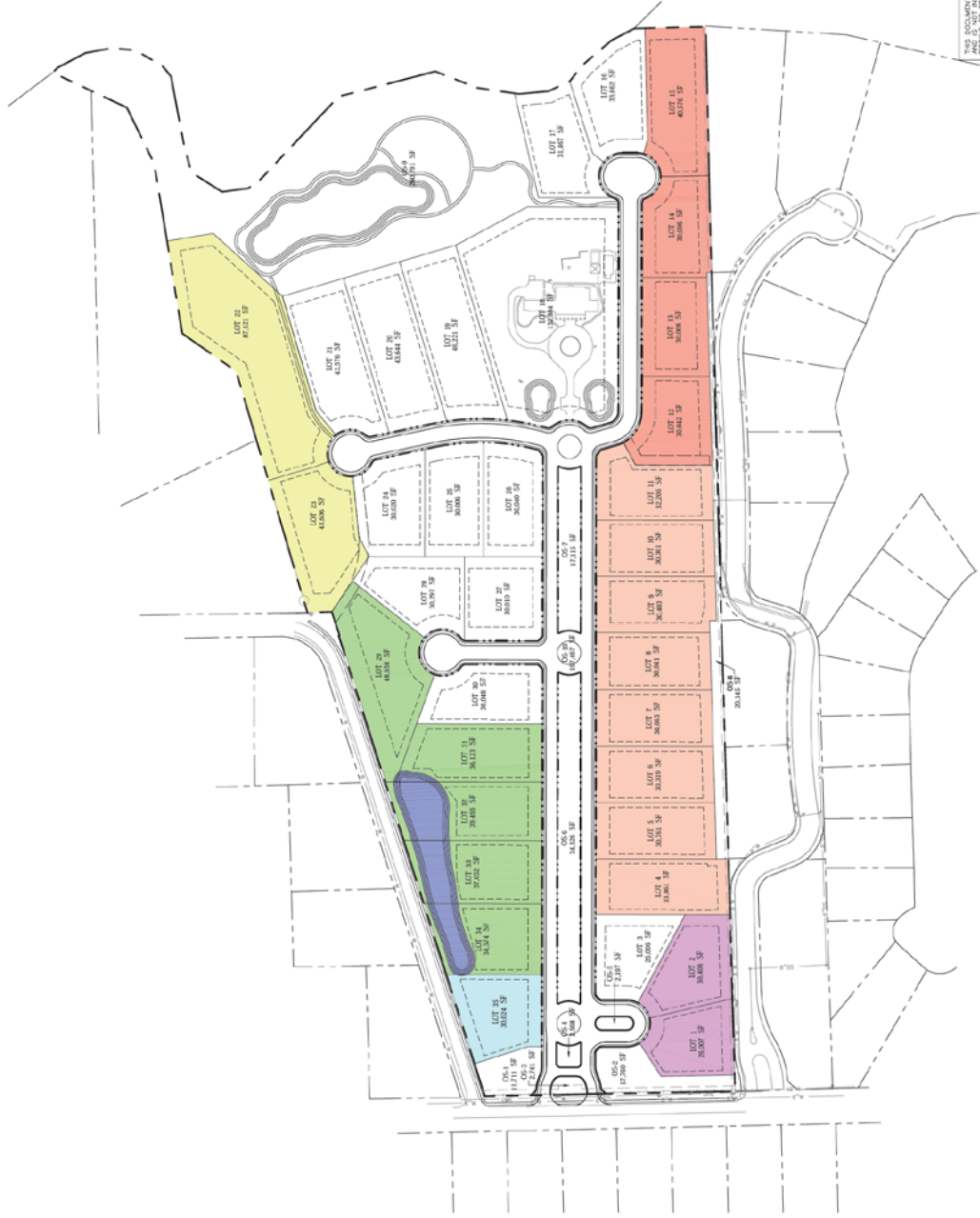
THESE LOTS ARE EXPECTED TO HAVE FAD GRADING BETWEEN THE EXISTING GRADES AND THE FINAL GRADES. THE DESIGNER MUST BE AWARE OF THE FACTS OF THE GRADE AND THE FACTS OF THE SITE.

LOT 20

THESE LOTS ARE EXPECTED TO HAVE FAD GRADING BETWEEN THE EXISTING GRADES AND THE FINAL GRADES. THE DESIGNER MUST BE AWARE OF THE FACTS OF THE GRADE AND THE FACTS OF THE SITE.

THE HOLLY POND

THESE LOTS ARE EXPECTED TO HAVE FAD GRADING BETWEEN THE EXISTING GRADES AND THE FINAL GRADES. THE DESIGNER MUST BE AWARE OF THE FACTS OF THE GRADE AND THE FACTS OF THE SITE.



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DATE: 10/07/2016

OAK ALLEY
PERIMETER GRADING CONCEPT PLAN
COLLETTVILLE, TEXAS
DEOTTE, INC.

PROJECT NO: 16-001
DATE: 10/07/2016
DRAWN BY: J. Deotte
CHECKED BY: J. Deotte
APPROVED BY: J. Deotte



City of Colleyville City Council Agenda Briefing

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

Agenda Number 7b

Agenda Date 11/05/2018

Number Ordinance O-18-2062

Type Ordinance

Department Community Development

Title

Consideration of a zoning change from ML Light Manufacturing district to PUD-C Planned Unit Development - Commercial district on Lot 1, Block 1, of the Chandler Addition, located at 1701 John McCain Road, Case ZC18-025

Strategic Plan

4.2 Encourage compatible commercial growth

Explanation

Second Reading and Public Hearing

The City Council asked for a revised Schedule of Permitted Principal Uses chart. Staff has prepared an updated schedule with an accompanying list.

First Reading and Public Hearing

Peggy Finley, the applicant, has submitted a request for a rezoning from ML Light Manufacturing to the PUD-C Planned Unit Development – Commercial district in order to allow for a mix of uses on the property. The applicant is proposing additional uses (general and medical office) and the removal of undesirable uses that are currently allowed.

Existing Conditions/Background: The subject property is zoned ML and generally located on the south side of John McCain Road, west of the intersection with Colleyville Boulevard. The subject property is a developed, platted lot, built in 1998, and is currently operating as Enhanced Voice Processing.

Proposed Zoning:

Request – The applicant requests to rezone the property currently zoned ML Light Manufacturing to PUD-C Planned Unit Development – Commercial with the intent to have greater flexibility in the types of land uses permitted for the existing building. The ML zoning, the current zoning of the property, does not allow for office and medical office uses. There are other uses that are currently allowed that are proposed to be removed to ensure compatibility with the surrounding properties.

Analysis: The requested PUD-C zoning would allow for office and medical uses as well as a few other uses that are currently not allowed. The modification in uses is intended to create a transitional zoning from the existing adjacent residential uses to the

existing ML zoning further east. There are no changes proposed at this time to the overall building or site, rather, just a change in allowable uses.

Existing ML uses, which are allowed under the current zoning and could be considered more intense uses of the property, are proposed to be removed as part of this request. They include uses such as: car wash auto / self-serve; auto lube shops; and welding or machine shops.

This proposed PUD-C is an attempt to establish a combination of allowable land uses which would be typically found in the CPO Professional Office zoning district while also allowing for the continuation of appropriate ML uses, e.g. Office Showroom.

Approval of the zoning change should not adversely impact surrounding uses or the character of the neighborhood because the uses being proposed are less intense than currently allowed in the ML zoning district.

Surrounding Properties: The surrounding properties are primarily developed as light manufacturing and single family residential uses. The properties to the south and west are zoned PUD-R and developed with single family residential homes. The property to the east is zoned ML Light Manufacturing and is undeveloped. The property to the north is zoned PUD-R and developed with single family residential homes.

Comprehensive Plan: The City's comprehensive plan, *Destination Colleyville*, designates the subject property for commercial development as part of the Colleyville Boulevard commercial corridor. The use of the property to include general and medical office use complies with the plan.

Public Notification: Staff mailed notices to all property owners within 500 feet as well as any Homeowners Associations within 1,000 feet of the subject property regarding this request. The 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: Staff recommends approval of the PUD-C zoning to allow for revised uses at this location. The use of the property in this manner should not adversely impact surrounding uses.

Planning & Zoning Commission Recommendation: The Planning & Zoning Commission recommended approval with changes to 10 uses requiring a Special Use Permit at their September 10, 2018 meeting by a vote of 4-0.

Financial Impact

There is no fiscal impact for the City

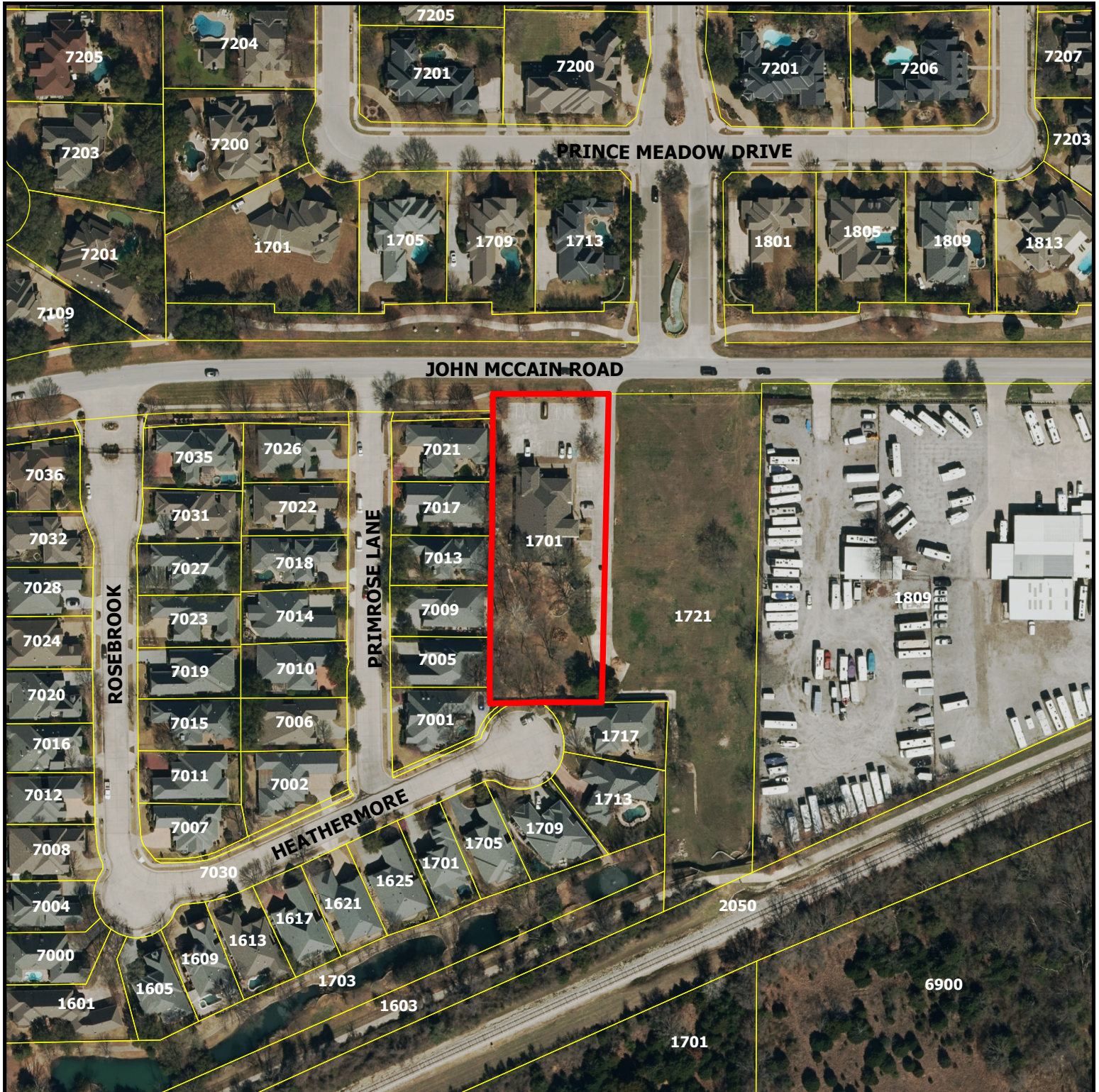
Recommendation

Approve

Attachments

1. Aerial Map
2. Zoning Map
3. Future Land Use Map
4. Statement of Planning Objectives
5. Schedule of Proposed Uses - Revised
6. List of Proposed Permitted Uses
7. Zoning Exhibit
8. Building Elevations
9. Notification Map
10. Notification List
11. Property Owner Notification
12. Ordinance O-18-2062

Aerial Map

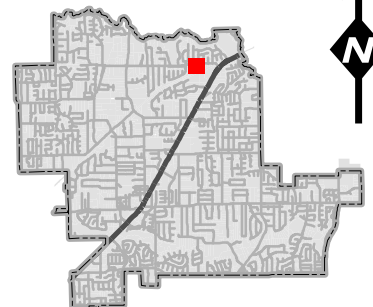


ZC18-025

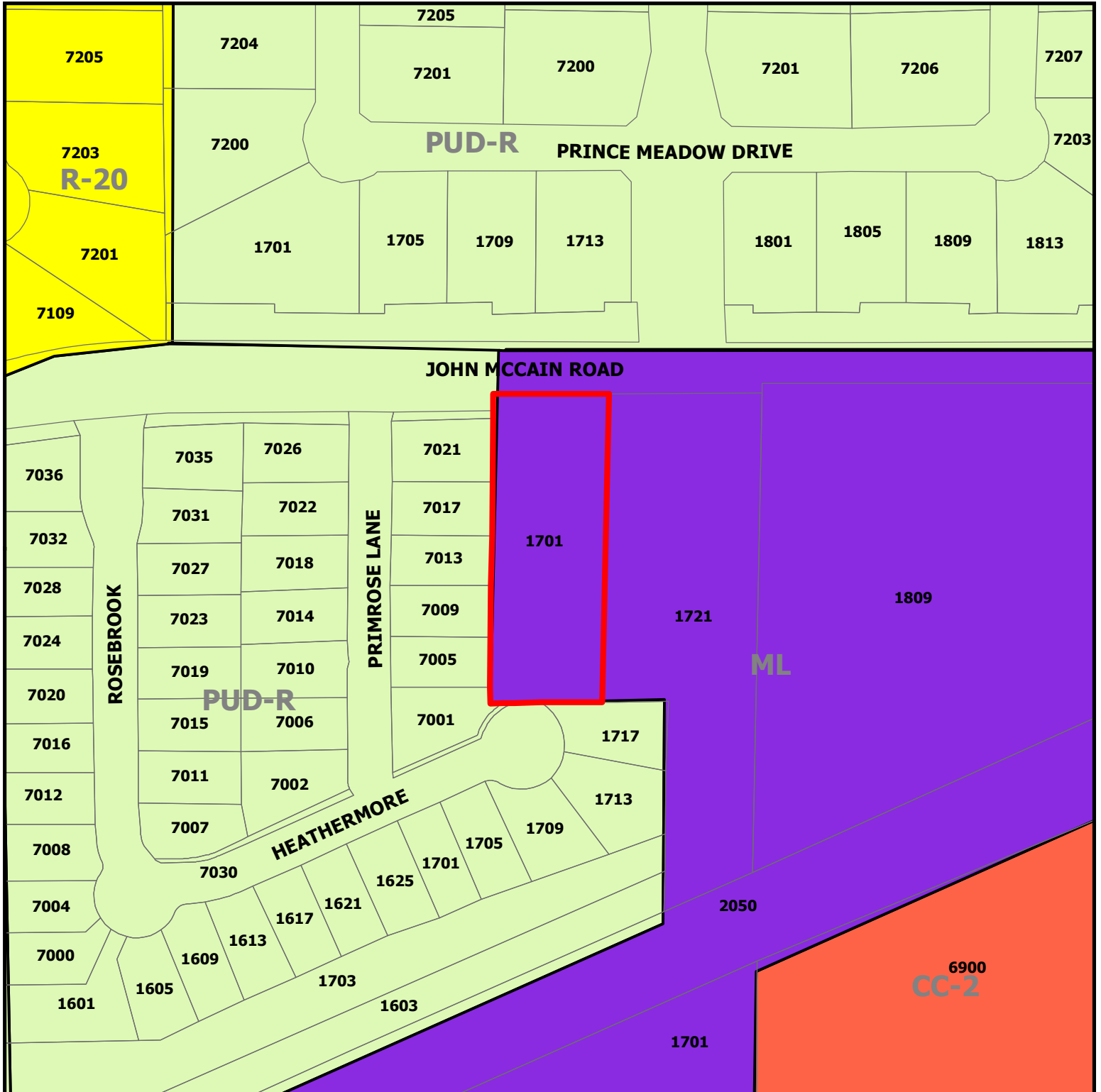
1701 John McCain Road

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 Subject Property



Zoning Map

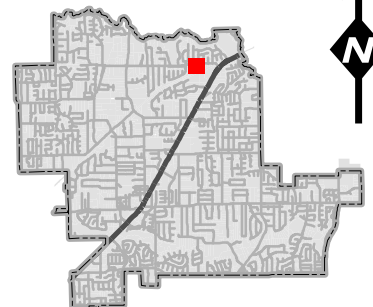


ZC18-025

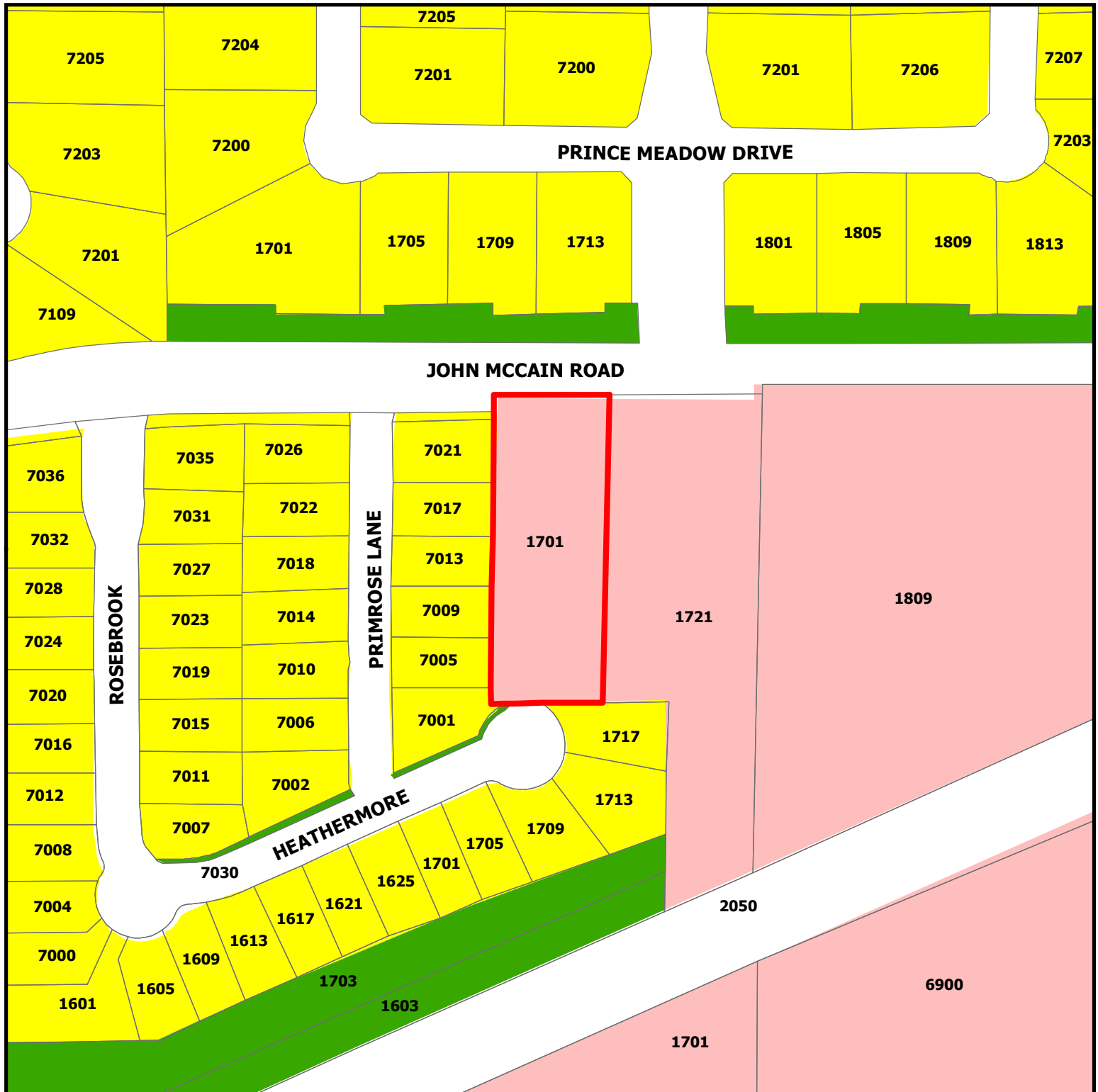
1701 John McCain Road

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 Subject Property



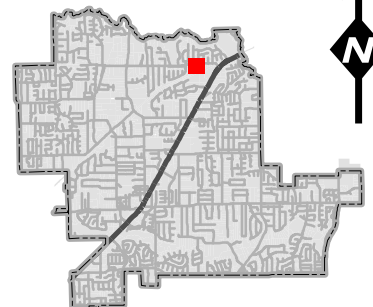
Future Land Use Map



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ZC18-025 1701 John McCain Road

- Subject Property
- Residential
- Colleyville Blvd Corridor
- Open Space; Parks



Statement of Planning Objectives

COMMUNITY DEVELOPMENT SERVICES APPLICATION

Planned Unit Development (PUD-C) Rezoning Request

Property: 1701 John McCain Road

Zoning Change Request from ML to PUD-C

Applicant / Property Owner:
EVP Realty, LLC
and business entity Enhanced Voice Processing (EVP)
occupies the Property.

Statement of Planning Objectives

STATEMENT OF PLANNING OBJECTIVES

Applicant is submitting the request for rezoning to PUD-C to provide greater flexibility for this property that can only be accomplished with a combination zoning districts provided with a PUD. Requested rezoning will eliminate some existing permitted uses within ML that are not as desirable (example: automotive related, pawn shops, etc.) and encourage more efficient and aesthetically desirable uses with combined zoning districts based on the size, location, existing improvements, etc. of the Property. Additionally, there are existing permitted uses in the ML zoning that the Applicant is offering to strike in consideration of the PUD-C approval to include CPO permitted uses for the property.

Due to the design and existing structure of the building, it is highly suited for office and medical related uses included in CPO zoning category and not permitted in ML. The property is adjacent to existing residential. The PUD-C zoning modification would create a transitional zoning from Residential to PUD-C (which would include CPO permitted uses and modified ML permitted uses for transitional purposes) and then ML zoning to the east.

This property additionally has an abundance of trees/landscaping and green open space and the likely highest and best use would be an office or medical related use. Consequently, Applicant is requesting modification to zoning to accommodate those revised permitted uses.

Applicant is not requesting change to the General Development Standards set forth in the Land Development Code.

DEVELOPMENT SCHEDULE

Existing improvements – commercial building. No subsequent stages or phases are expected to begin at this time.

PROPOSED OWNERSHIP

No change in ownership. Current Ownership is EVP Realty, LLC. (real estate holding company). Occupied by Enhance Voice Processing (EVP).

Statement of Planning Objectives

UTILITY PROVISIONS

Existing improvements – no modifications to the existing public utilities are required.

ECONOMIC DEVELOPMENT INFORMATION

No increased economic impact anticipated at this time. Existing use is primarily office/showroom.

TRAFFIC IMPACT ANALYSIS

Not required. Existing development does not generate significant trips per day and no proposed uses with PUD-C permitted uses would generated the required 1,000+ vehicle trips per day, as determined by the Director of Public Services for this 1 acre parcel with an existing 5,100 sf commercial building.

Statement of Planning Objectives

ZONING EXHIBIT:

Applicant and Owner of Record Information

APPLICANT / OWNER OF RECORD:

EVP Realty, LLC
Peggy Finley

Ownership Address:
1701 John McCain Road
Colleyville, Texas 76034

Notice Address:
806 Caroline Lane
Southlake, Texas 76092

Schedule of Proposed Uses

PUD - Rezoning Application							
Property Address:	1701 John McCain Road, Colleyville						
PUD-C / Requested Permitted Uses							
CPO All standard Uses plus Modified ML Uses							
Table 3.24.B - - Schedule of Permitted Principal Uses							
Land Use Classification	Non-Residential Districts						Proposed
	CPO	CN	CC1	CC2	CC3	ML	PUD-C
ACCESSORY USES							
Servants or Caretakers Qtrs.						S	S
UTILITY USES							
Elect. Substations	S	S	S	S	S	S	S
Pub Util Supply/Storage Yards	S	S	S	S	S	S	S
Solid Waste Disposal Sites						S	S
Telecommunications Towers	S	S	S	S	S	S	S
Water Pumping Station	S	S	S	S	S	S	S
Wind Driven Generators	S	S	S	S	S	S	S
Public and Institutional Uses							
College or Universities	S	S	S	S	S	S	S
Community Ctr/Rec. Centers	P	P	P	P	P	P	P
Govt. Bldg, Offices/Facilities	P	P	P	P	P	P	P
Fire, Police Stations	P	P	P	P	P	P	P
Golf Course Public Owned	P	P	P	P	P	P	P
Govt. Maintenance Facilities	P	P	P	P	P	P	P
Libraries	P	P	P	P	P	P	P
Museums	P	P	P	P	P	P	P
Post Office	P	P	P	P	P	P	P
Parks and Open Space Areas	P	P	P	P	P	P	P
Public Maint./Storage Bldgs.	S	S	S	S	S	S	S
Private School Elementary							
Secondary	S	S	S	S	S	S	S
Private School High School	S	S	S	S	S	S	S

Schedule of Proposed Uses

Table 3.24.B - - Schedule of Permitted Principal Uses							
Land Use Classification	Non-Residential Districts						Proposed
	CPO	CN	CC1	CC2	CC3	ML	PUD-C
Public and Institutional Uses (Cont.)							
Public School Elementary	P	P	P	P	P	P	P
Secondary	P	P	P	P	P	P	P
Public School High School	P	P	P	P	P	P	P
Religious Institutions	P	P	P	P	P	P	P
Office Uses							
Accountant's Office	P	P	P	P	P		P
Advertising Agencies	P	P	P	P	P		P
Attorney Offices	P	P	P	P	P		P
Chiropractic Clinics	P		P	P	P		P
Emergency Clinic (24 hrs)			S	P	P		
Engineering, Architect's and Surveyor's Offices	P	P	P	P	P		P
General Business offices not listed elsewhere	P	P	P	P	P		P
Insurance Agencies	P	P	P	P	P		P
Management and Public Relations Services Offices	P	P	P	P	P		P
Optometrist Offices	P		P	P	P		P
Psychologist Offices	P	P	P	P	P		P
Physician's or Dentist's Office	P		P	P			P
Real Estate Agency Offices	P	P	P	P	P		P
Security Broker Offices	P	P	P	P	P		P
Telemarketing Offices			P	P	P		P
Title Abstract Offices	P	P	P	P	P		P
Trade or Business Schools			S	S	S	P	P
Travel Agency/Airline Ticket Offices.	P	P	P	P	P		P

Schedule of Proposed Uses

Table 3.24.B - - Schedule of Permitted Principal Uses							
Land Use Classification	Non-Residential Districts						Proposed
	CPO	CN	CC1	CC2	CC3	ML	PUD-C
Retail and Service Uses							
Alcoholic Beverage Sales-Beer and Wine only- Off Premise Consumption			S	S	S		
Alcoholic Beverage Sales-on Premise Consumption			S	S	S		
Package Store Sales-Off Premise Consumption			S	S	S		
Alcohol/Drug Treatment Ctr.	S	S	S	S	S	S	
Antique Stores			P	P			
Apparel/Accessory Store			P	P			
Arts/Crafts/Hobby Shops			P	P			
Bakery Stores			P	P			
Banks/Cr.Unions/Financial Institutions		P	P	P			
Barber/Beauty Shops/Day Spa		P	P	P			
Bicycle Shops			P	P			P S
Books/Stationary/Greeting Card Shops			P	P	P		
Camera or Music Stores			P	P			
Carnivals and Circuses			S	S			
Cemeteries or Mausoleums	S	S	S	S	S	S	
Charitable Donation Station			S	S	S		
Civic/Social/Fraternal Org.	S	S	P	P			S
Convenience Store W/Gas			S	S	S	S	
Copy Centers/Print Shops	S	S	P	P	P	P	P
Dance Studio/Martial Arts	S	S	P	P			P
Day Care Center	S	S	S	S	S		S
Department Store			P	P			
Dry Cleaners Pick-up Stations		S	P	P			

Schedule of Proposed Uses

Table 3.24.B - - Schedule of Permitted Principal Uses							
Land Use Classification	Non-Residential Districts						Proposed
	CPO	CN	CC1	CC2	CC3	ML	PUD-C
Retail and Service Uses (Cont.)							
Dry Clean(up to 5K/on-site-			P	P			
Equip. Rental/Leasing Stores					S	P	P S
Florist Shops		P	P	P			
Food Catering				P	P		P S
Funeral Homes			S	S	S		P S
Furniture/Appliance Stores			P	P	P		
Grocery Stores			P	P			
Hardware/elect/plumbing w/o outside display		P	P	P	P		P S
Hardware/elect/plumbing with outside display				S	P	P	
Hospitals			S	S	S		
Hotels and Motels				P	P		
Interior Decoration Stores	P	P	P	P			P
Jewelry Stores		P	P	P			
Locksmiths		S	S	P	P		P
Mailing and Shipping Stores		P	P	P	P		P
Meat or Fish Market			P	P	P		
Nurseries/Greenhouse with outside display				S	P	P	P S
Pawn Shops						P	
Pet Stores			P	P			
Pharmacy		S	P	P	P		
Photography Studios	P	P	P	P	P	P	P
Purchasing and/or resale of precious metals incl jewelry, gemstones gold, silver and platinum and not licensed as a Pawn Shop by St of TX			S	S	S		P

Schedule of Proposed Uses

Table 3.24.B - - Schedule of Permitted Principal Uses							
Land Use Classification	Non-Residential Districts						Proposed
	CPO	CN	CC1	CC2	CC3	ML	PUD-C
Retail and Service Uses (Cont.)							
Restaurants/Café/Cafeterias			P	P	P		
Restaurants w/drive-in/Drive-thru service				P	P		
Second Hand Good Shop			S	S	S		
Self-Service Laundry		S	S	S	S		
Shoe Repair Shops		P	P	P	P		
Tailor and Alterations Shops		P	P	P	P		
Vet Clinic w/indoor Kennels				P	P	P	P
Vet Clinic w/outdoor Kennel				S	P	P	
Video Rental/Sales Store			P	P	P		
Wedding Chapels			S	S	S		
Recreational and Entertainment Uses							
Adult Entertainment Estab.	See Section 22-5 Code of Ordinances						
Amusement Ctr (indoors)			S	S			
Archery/Firearms Ranges					S	S	
Billiard Parlors			S	S			
Commercial Rec. (outdoors)		S	S	S	S	S	
Fitness Center			P	P	P		P S
Golf Course Privately Owned	P	P	P	P	P	P	
Golf Driving Range			P	P			
Miniature Golf Course			P	P			
Roller/Ice Skating Rinks				S	S		
Theaters			P	P			

Schedule of Proposed Uses

Table 3.24.B - - Schedule of Permitted Principal Uses							
Land Use Classification	Non-Residential Districts						Proposed
	CPO	CN	CC1	CC2	CC3	ML	PUD-C
Automotive and transportation Uses							
Airport/Heliports	S	S	S	S	S	S	
Auto Alarm/Stereo/Window Tinting Stores				P	P	P	
Auto Lube Shops				S	P	P	
Auto/Motor Vehicle Sales				S	S	S	
Auto Parts/Accessory Stores			P	P	P		
Auto/Truck/Trailer Rental					S	S	
Auto Upholstery Shops					P	P	
Auto Parking Lots/Garage- (Freestanding)	S	S	S	S	S	S	
Auto Repair Shop				S	S	S	
Boat/Watercraft Sales/Svc				S	S	S	
Bus/Passenger Train Station			S	S	S	S	
Car Wash Auto/Self Serve					S	P	
Commuter Transit Station			S	S	S	S	
Gasoline Service Stations					S	S	
LPG/CNG Dispensing Station					S	S	
Motorcycle Sale/Service					S	S	
Paint and Body Shops					S	S	
Park and Ride Facilities			S	S	S	S	
RR or Motor Freight Terminal				S	S	S	
Rec Vehicle Sales/Service					S	S	
Tire and Battery Stores				S	S	S	
Truck/Heavy Equip Sales/Svc					S	S	
Vehicle Storage Yards/Facilt-			S	S	S	S	

Schedule of Proposed Uses

Table 3.24.B - - Schedule of Permitted Principal Uses							
Land Use Classification	Non-Residential Districts						Proposed
	CPO	CN	CC1	CC2	CC3	ML	PUD-C
Heavy Commercial, Industrial & Manufacturing Uses							
Asphalt or Concrete Batching	S	S	S	S	S	S	
Appliance Repair Shops					S	S	S
Bldg Material Sale w/o Storage					S	P	P S
Commercial Laundry					S	S	
Contractor Office w/Storage Yard					S	S	S
Contractor Office w/o Storage Yard					P	P	P S
Elec. Assembly/Manufact.						P	P S
Exterminator Shop					S	S	S
Food Pkg and Manufacturing						S	S
Furniture/Cabinet Manufact.						P	P S
Office Showroom						P	P
Oil/Gas Extraction	S	S	S	S	S	S	S
Plum/HVAC/Elec Trade Shop					P	P	P S
Print/Publishing Commercial						P	P S
Research/Development Labs						P	P
Scientific Instrument Assem/Manufacturing						P	P S
Self Stg (mini-warehouse)						S	
Upholstery/Furniture Repair					P	P	P S
Warehouse/Dist Facilities						S	S
Wood, Paper, Leather Prdcts						P	P S
Manuf not listed elsewhere						S	S
Welding or Machine Shop						P	

Schedule of Proposed Uses for 1701 John McCain Rd

Permitted Uses:

Office Uses permitted by right:

- P Accountant's Offices
- P Advertising Agencies
- P Attorney Offices
- P Chiropractic Clinics
- P Engineering, Architect's, and Surveyor's Offices
- P General Business Offices not elsewhere listed
- P Insurance Agencies
- P Management and Public Relations Services Offices
- P Optometrist Office
- P Psychologist Offices
- P Physician's or Dentist's Offices
- P Real Estate Agency Offices
- P Security Broker Offices
- P Telemarketing Offices
- P Title Abstract Offices
- P Travel Agency / Airline Ticket Offices

Retail & Other Uses permitted by right:

- P Copy Centers/Print Shops
- P Dance Studio/Martial Arts
- P Interior Decoration Stores
- P Locksmiths
- P Mailing and Shipping Stores
- P Photography Studios
- P Office Showroom

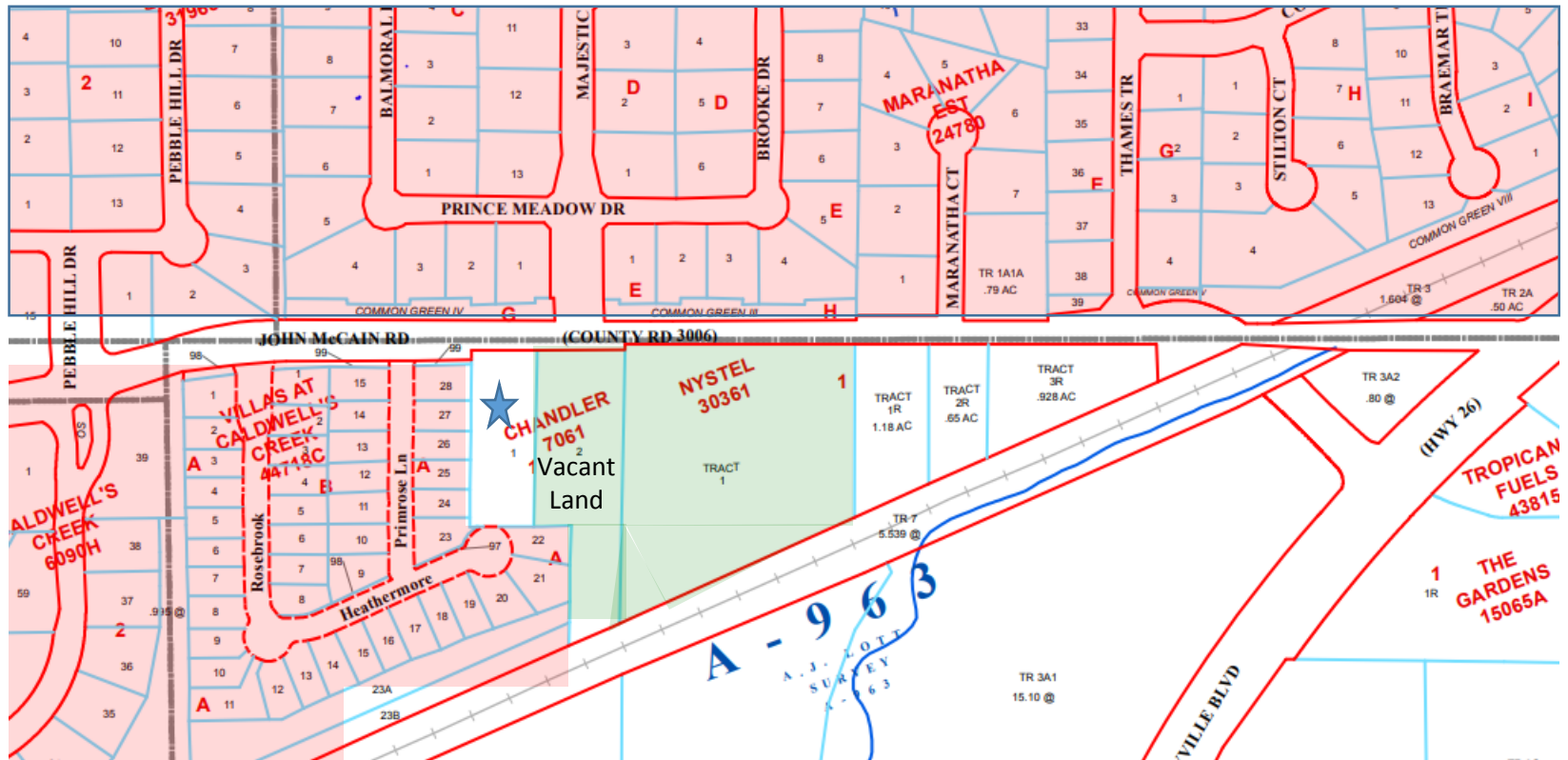
Use Permitted by Special Use Permit (SUP) Only:

- S Bicycle Shops
- S Civic/Social/Fraternal Organizations
- S Day Care Center
- S Food Catering
- S Fitness Center
- S Building Material Sales without outdoor storage
- S Hardware/electric/plumbing without outside display
- S Contractor Office without outdoor storage yard

ZONING EXHIBIT:
Adjacent Properties
Aerial

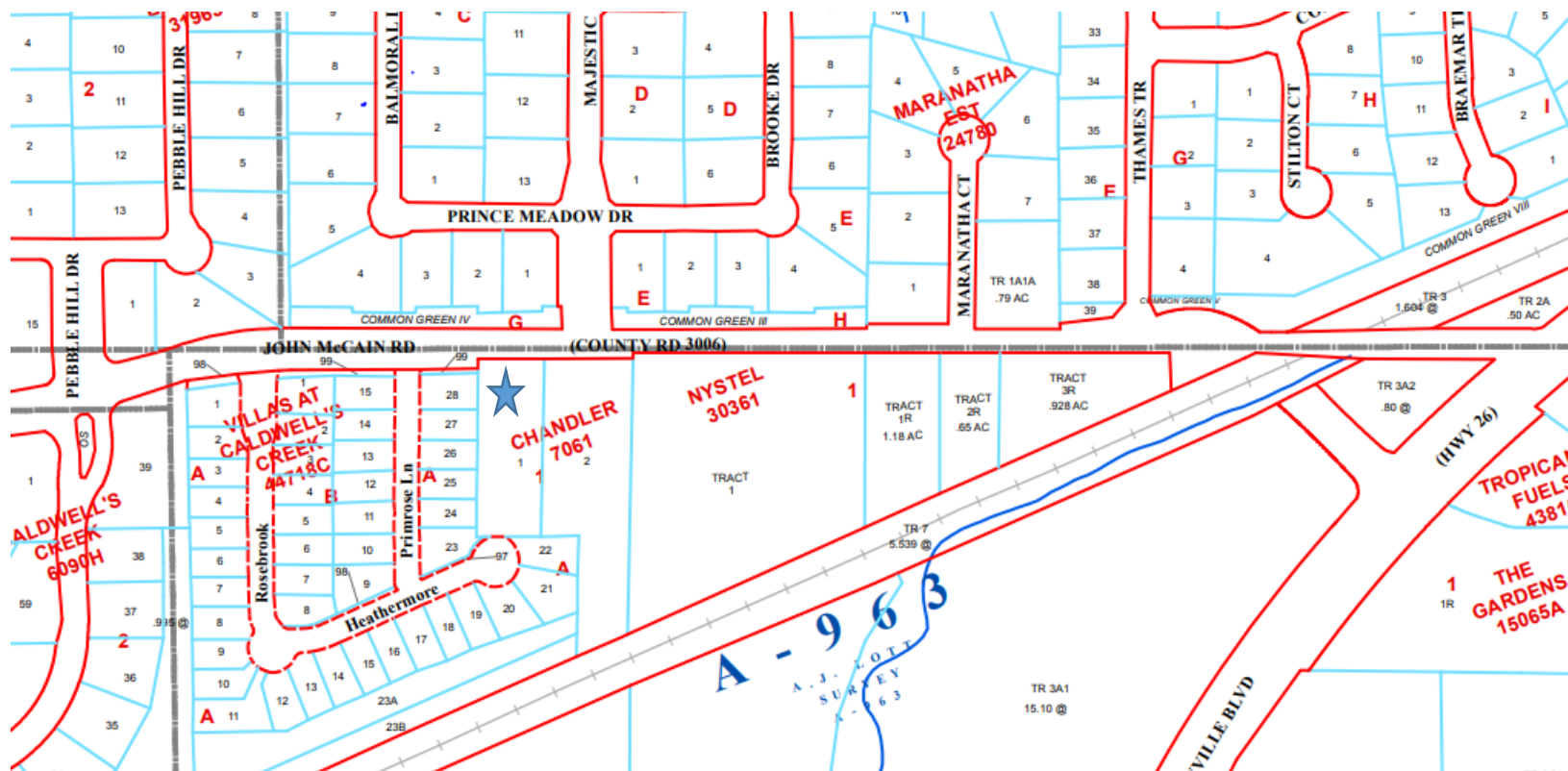


ZONING EXHIBIT: Adjacent Properties Use/Zoning

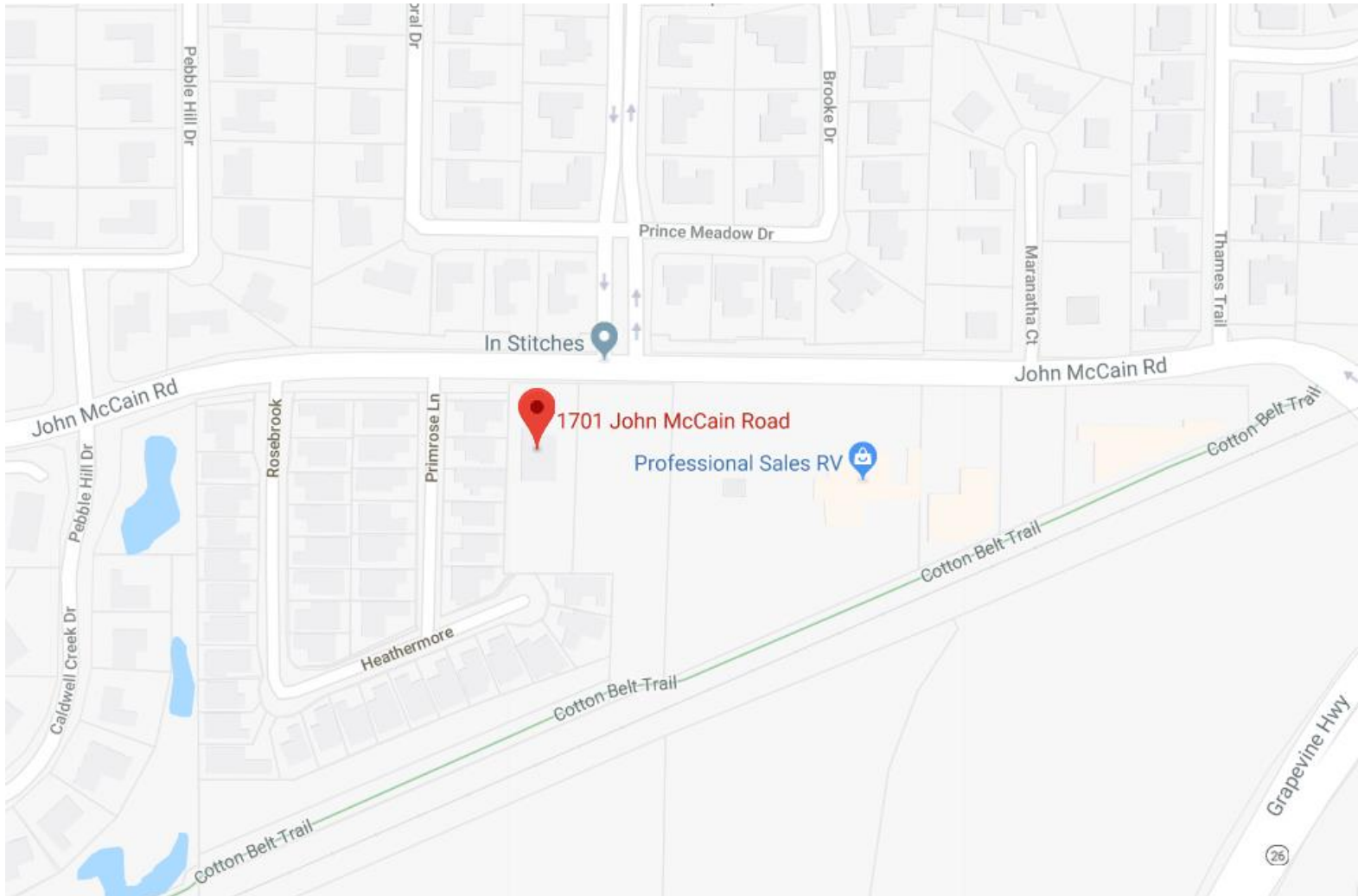


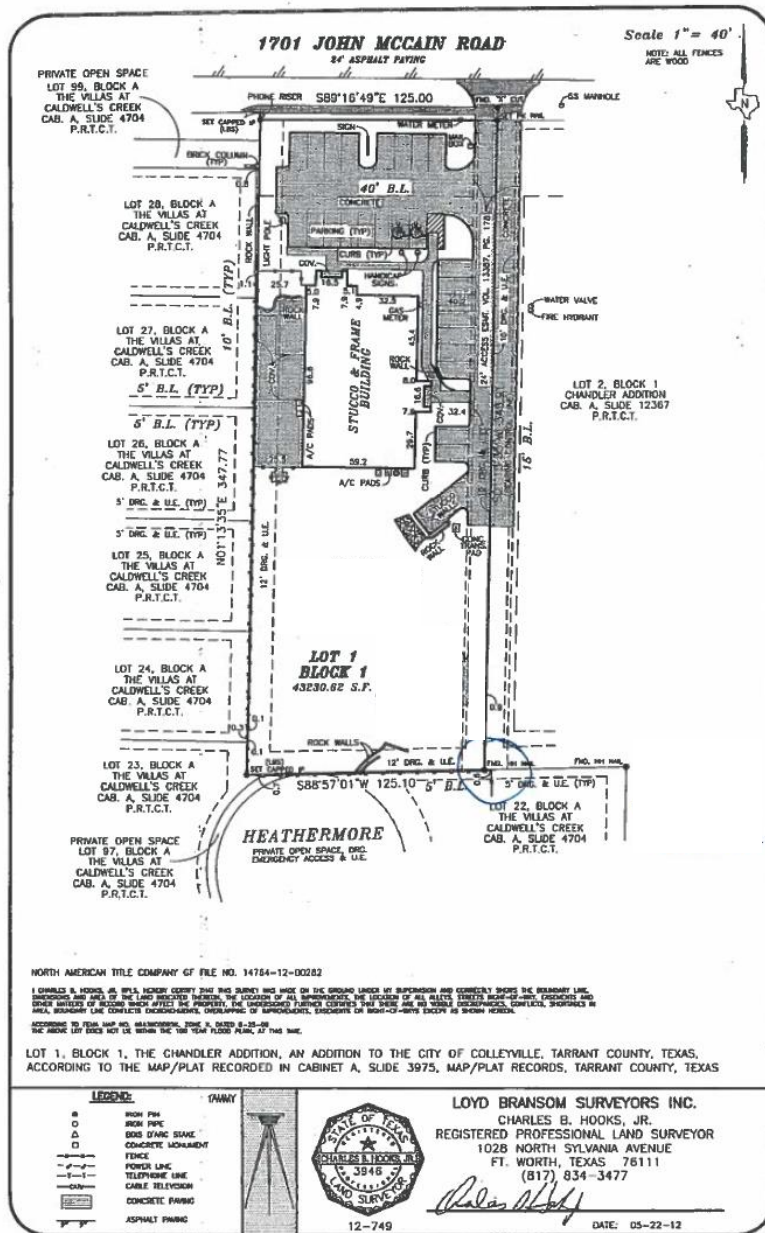
- Residential Zoning / Uses
- ML / Industrial Zoning / Uses

ZONING EXHIBIT: Vicinity Map



ZONING EXHIBIT: Vicinity Map





ZONING EXHIBIT: Survey

No existing 100-year flood plain identified within the subject property on survey

ZONING EXHIBIT: Legal Description & Gross Area Table

LEGAL DESCRIPTION:

Lot 1, Block 1, Chandler Addition, an addition to the City of Colleyville, Tarrant County, Texas, according to the Map/Plat recorded in Cabinet A, Slide 3975, Map/Plat Records, Tarrant County, Texas

GROSS AREA TABLE:

Gross Area (acreage or square feet) of the property for zoning Change:

43,231 square feet / approx. 1 acre

Gross area and floor area of existing building and its percentage of the total property area:

5,100 sf (Source: Tarrant Appraisal District)

11.8% of total property area

Gross area of streets, sidewalks and other paved surfaces and its percentage of the total property area:

Existing improvements

21,000 sf (estimation of existing paved sidewalks, parking, patio

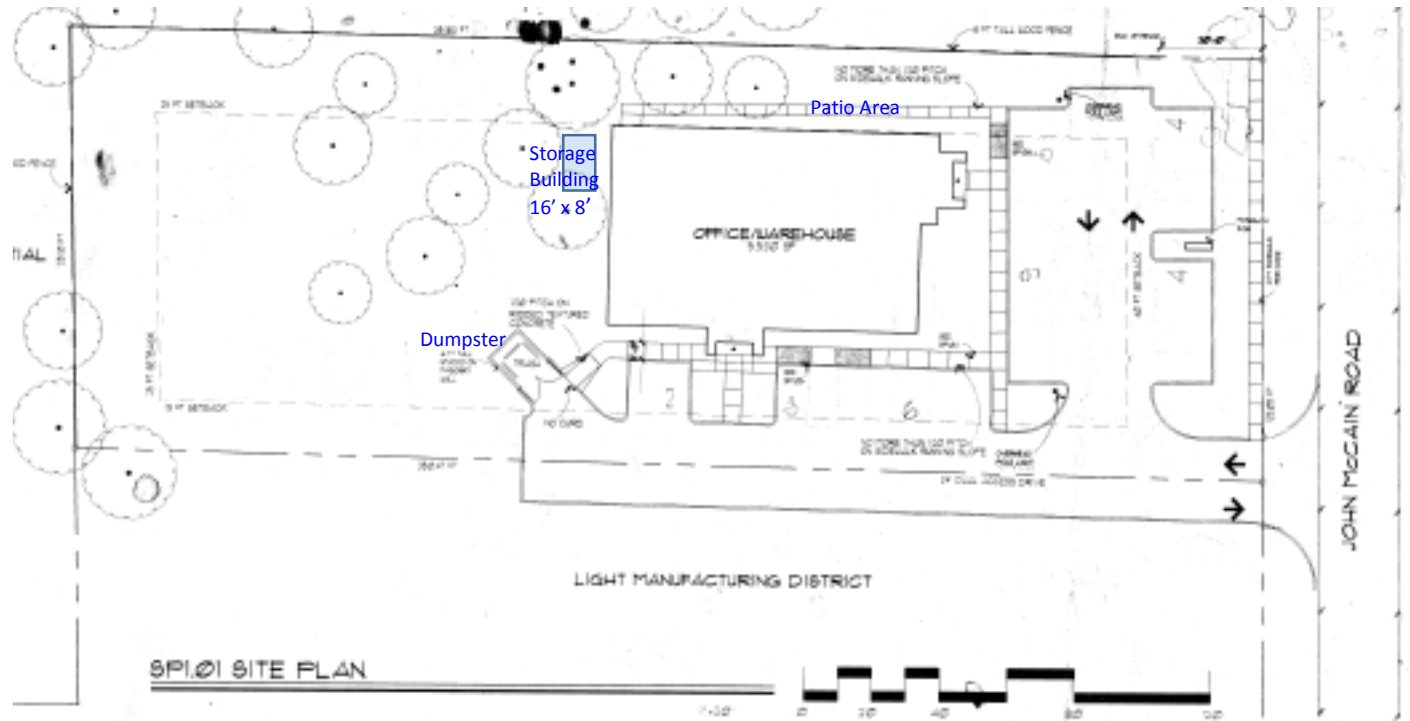
Gross area of open space and its percentage of the total property area:

Existing improvements

17,000 sf (estimation of existing open/green space)

40% of total property area (approximate calculation – significant open green space, trees, landscaping areas as shown on the survey and site plan.

ZONING EXHIBIT:
Site Plan
Existing Improvements



ZONING EXHIBIT:
Aerial
Existing Improvements



Existing Improvements visible:
Parking / Drive Lane
Building Rooftop view
Monument sign
Tree Coverage

Building Elevations

ZONING EXHIBIT: Existing Building Elevations



North Building Elevation

Secondary building
entrance fronting John
McCain Road.

East Building Elevation
Primary building entrance
and drive

Plus adjacent vacant land



Building Elevations

ZONING EXHIBIT: Existing Building Elevations



Primary Drive Area
(NOTE: Shared access with adjacent vacant parcel.)

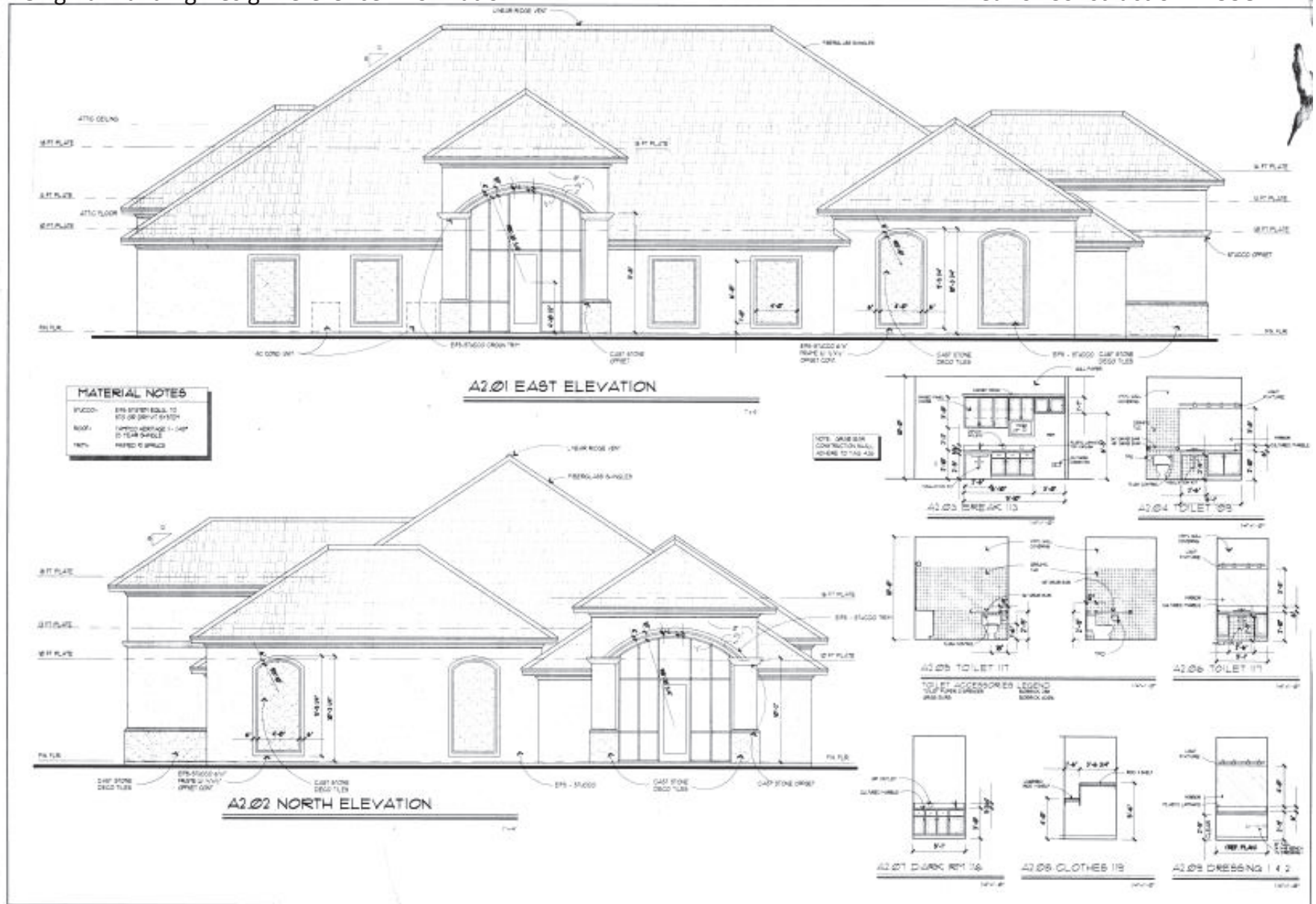
Building Elevations

ZONING EXHIBIT:

Existing Building Elevations

Original Building Design reference information.

Year of Construction: 1998



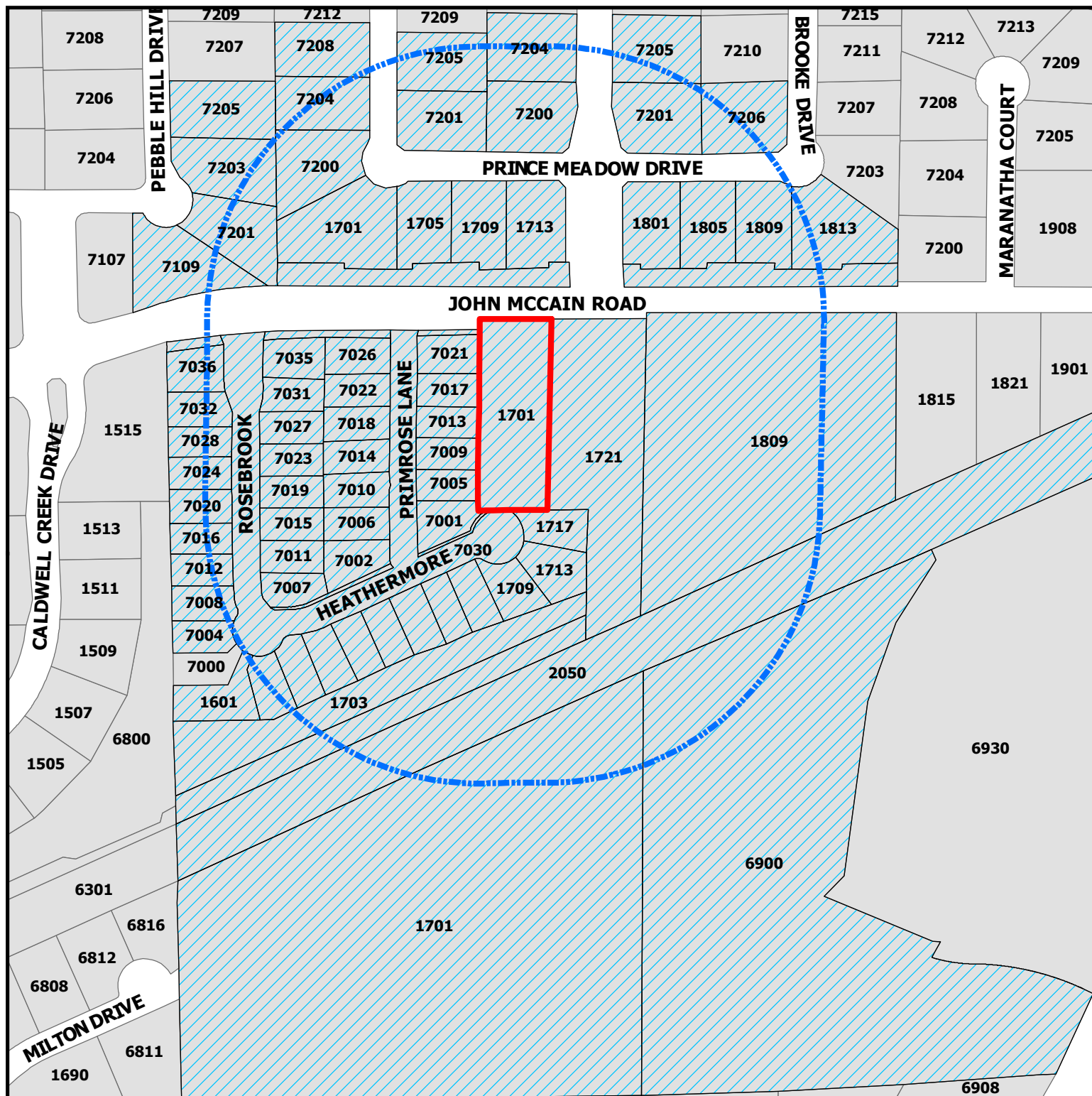
Building Elevations

ZONING EXHIBIT:

Existing Building Elevations



Notification Map



ZC18-025
1701 John McCain Road



Subject Property



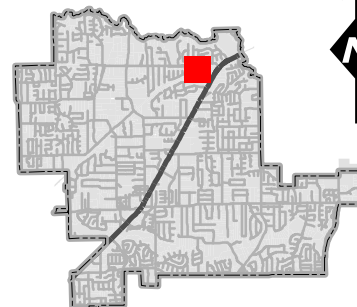
500ft Buffer



Properties within 500ft

DISCLAIMER:

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Notification List

Owner Name	Owner Address	Owner City	Owner Zip	Situs Address
YEARGIN LIVING TRUST	7015 ROSEBROOK	COLLEYVILLE, TX	76034	7015 ROSEBROOK
BIRGELAITIS, DANIEL	7010 PRIMROSE LN	COLLEYVILLE, TX	76034	7010 PRIMROSE LN
BOONE, ROBERT G	7019 ROSEBROOK	COLLEYVILLE, TX	76034	7019 ROSEBROOK
WOLTER, WILLIAM	1713 PRINCE MEADOW DR	COLLEYVILLE, TX	76034	1713 PRINCE MEADOW DR
WOOD, GAYLE S	7020 ROSEBROOK	COLLEYVILLE, TX	76034	7020 ROSEBROOK
PHILLIPS, RAMON D	7024 ROSEBROOK	COLLEYVILLE, TX	76034	7024 ROSEBROOK
CAPELLO, MELISSA A	7023 ROSEBROOK	COLLEYVILLE, TX	76034	7023 ROSEBROOK
WARD, JAMES D	1605 HEATHERMORE	COLLEYVILLE, TX	76034	1605 HEATHERMORE
EVP REALTY LLC	806 CAROLINE LN	SOUTHLAKE, TX	76092	1701 JOHN MCCAIN RD
BORKOWSKI, R E	7027 ROSEBROOK	COLLEYVILLE, TX	76034	7027 ROSEBROOK
EVANS, STEVE	7002 PRIMROSE LN	COLLEYVILLE, TX	76034	7002 PRIMROSE LN
ALEX MICHAEL MCCLURE GS-TRUST	1613 HEATHERMORE	COLLEYVILLE, TX	76034	1613 HEATHERMORE
AKSAMIT, PAUL V	7036 ROSEBROOK	COLLEYVILLE, TX	76034	7036 ROSEBROOK
MILLER, DEBBIE	7014 PRIMROSE LN	COLLEYVILLE, TX	76034	7014 PRIMROSE LN
WHITE, HOWARD R	7013 PRIMROSE LN	COLLEYVILLE, TX	76034	7013 PRIMROSE LN
JAMIESON, JENNIFER D	7005 PRIMROSE LN	COLLEYVILLE, TX	76034	7005 PRIMROSE LN
SELLERS, FRANK DAVID BUD	2520 K AVE STE 700-287	PLANO, TX	75074	7004 ROSEBROOK
SAWYERS, NORMA ANN	1617 HEATHERMORE	COLLEYVILLE, TX	76034	1617 HEATHERMORE
PURGETT, THOMAS J	7201 MAJESTIC MNR	COLLEYVILLE, TX	76034	7201 MAJESTIC MNR
LILLEY, GENE T	1717 HEATHERMORE	COLLEYVILLE, TX	76034	1717 HEATHERMORE
TOTAL E&P USA REAL ESTATE LLC	PO BOX 17180	FORT WORTH, TX	76102	1701 JOHN MCCAIN RD
CASTILLO, ROGER	7011 ROSEBROOK	COLLEYVILLE, TX	76034	7011 ROSEBROOK
OLSON, STEVEN	7203 PEBBLE HILL DR	COLLEYVILLE, TX	76034	7203 PEBBLE HILL DR
ADLER, ERIC K	7205 BALMORAL DR	COLLEYVILLE, TX	76034	7205 BALMORAL DR
RADCLIFFE, LAWRENCE	7018 PRIMROSE LN	COLLEYVILLE, TX	76034	7018 PRIMROSE LN
DECKER, SCOTT	7032 ROSEBROOK	COLLEYVILLE, TX	76034	7032 ROSEBROOK
SIPPLE, GEOFFREY R	7008 ROSEBROOK	COLLEYVILLE, TX	76034	7008 ROSEBROOK
MCCORMICK, BRIAN W	7035 ROSEBROOK	COLLEYVILLE, TX	76034	7035 ROSEBROOK
SPAHR, AARON C	7201 BALMORAL DR	COLLEYVILLE, TX	76034	7201 BALMORAL DR
ELDRIDGE, MICHELLE	1625 HEATHERMORE	COLLEYVILLE, TX	76034	1625 HEATHERMORE
CORDER, MARK	7009 PRIMROSE LN	COLLEYVILLE, TX	76034	7009 PRIMROSE LN
WARNER, BURDETTE LEE	1621 HEATHERMORE	COLLEYVILLE, TX	76034	1621 HEATHERMORE
MAYO, ROBERT D	1709 PRINCE MEADOW DR	COLLEYVILLE, TX	76034	1709 PRINCE MEADOW DR
KOUZES, STEPHEN	1713 HEATHERMORE	COLLEYVILLE, TX	76034	1713 HEATHERMORE
GRIFFITH, ADRON N	7007 ROSEBROOK	COLLEYVILLE, TX	76034	7007 ROSEBROOK
MURRAY, MICHAEL J	1705 PRINCE MEADOW DR	COLLEYVILLE, TX	76034	1705 PRINCE MEADOW DR
PANNO, RALPH	7026 PRIMROSE LN	COLLEYVILLE, TX	76034	7026 PRIMROSE LN
CIKOTA, LEON D	1805 PRINCE MEADOW DR	COLLEYVILLE, TX	76034	1805 PRINCE MEADOW DR
GALE, JANICE SHEILA	7021 PRIMROSE LN	COLLEYVILLE, TX	76034	7021 PRIMROSE LN
OTANO, ANDRES H	7206 BROOKE DR	COLLEYVILLE, TX	76034	7206 BROOKE DR
VILLAS AT CALDWELL CREEK HOA	PO BOX 293	COLLEYVILLE, TX	76034	7030 PRIMROSE LN
WROBLE, MICHAEL J	7204 BALMORAL DR	COLLEYVILLE, TX	76034	7204 BALMORAL DR
PATEL, KETAN V	1701 PRINCE MEADOW DR	COLLEYVILLE, TX	76034	1701 PRINCE MEADOW DR
GRACE PROPERTIES DFW LLC	4843 COLLEYVILLE BLVD STE 251-	COLLEYVILLE, TX	76034	7200 MAJESTIC MNR
TOTAL E&P USA REAL ESTATE LLC	PO BOX 17180	FORT WORTH, TX	76102	6900 COLLEYVILLE BLVD
TENNERLY, PATRICIA A	1701 HEATHERMORE	COLLEYVILLE, TX	76034	1701 HEATHERMORE
BALSER, ROGER H	7205 MAJESTIC MNR	COLLEYVILLE, TX	76034	7205 MAJESTIC MNR
KANE, MICHAEL B	1705 HEATHERMORE	COLLEYVILLE, TX	76034	1705 HEATHERMORE
AVARY, CODY	7200 BALMORAL DR	COLLEYVILLE, TX	76034	7200 BALMORAL DR
GAMMON, ROBERT J	PO BOX 794	COLLEYVILLE, TX	76034	7205 PEBBLE HILL DR
ROSCHMANN, PETER	7208 BALMORAL DR	COLLEYVILLE, TX	76034	7208 BALMORAL DR
JUETTEN, CHRISTOPHER M	7204 MAJESTIC MNR	COLLEYVILLE, TX	76034	7204 MAJESTIC MNR
SCHULTZ, ERIC	1801 PRINCE MEADOW DR	COLLEYVILLE, TX	76034	1801 PRINCE MEADOW DR
WEBER, GLENN C	7028 ROSEBROOK	COLLEYVILLE, TX	76034	7028 ROSEBROOK
COLLEYVILLE, CITY OF	100 MAIN ST	COLLEYVILLE, TX	76034	1603 HEATHERMORE
SEIFERT, NELDA E	2849 VOLTERRA WAY	KELLER, TX	76248	7012 ROSEBROOK
ANDERSON, JOE S	1601 HEATHERMORE	COLLEYVILLE, TX	76034	1601 HEATHERMORE
DRAUTZ, EUGENE D	7006 PRIMROSE LN	COLLEYVILLE, TX	76034	7006 PRIMROSE LN
MACAULAY, ANDREW	7022 PRIMROSE LN	COLLEYVILLE, TX	76034	7022 PRIMROSE LN
NORTHEAST PROPERTIES INC	PO BOX 611	COLLEYVILLE, TX	76034	1721 JOHN MCCAIN RD
WINTERBERG, FERRIS	7017 PRIMROSE LN	COLLEYVILLE, TX	76034	7017 PRIMROSE LN
VILLAS AT CALDWELL CREEK HOA	PO BOX 293	COLLEYVILLE, TX	76034	7027 PRIMROSE LN
NELSON, ARNOLD E	5800 HUNTER TR	COLLEYVILLE, TX	76034	1809 JOHN MCCAIN RD
FINDLEY, DAVID V	7016 ROSEBROOK	COLLEYVILLE, TX	76034	7016 ROSEBROOK
VILLAS AT CALDWELL CREEK HOA	PO BOX 293	COLLEYVILLE, TX	76034	1620 HEATHERMORE
ANDERSON, DAVID	1813 PRINCE MEADOW DR	COLLEYVILLE, TX	76034	1813 PRINCE MEADOW DR
BYERLY, JEFFREY S	7109 PEBBLE HILL DR	COLLEYVILLE, TX	76034	7109 PEBBLE HILL DR
MARTENS, ROBERT E	7031 ROSEBROOK	COLLEYVILLE, TX	76034	7031 ROSEBROOK
VILLAS AT CALDWELL CREEK HOA	PO BOX 293	COLLEYVILLE, TX	76034	1700 HEATHERMORE
VILLAS AT CALDWELL CREEK HOA	PO BOX 293	COLLEYVILLE, TX	76034	7040 ROSEBROOK
HUGHES, CHARLES	1809 PRINCE MEADOW DR	COLLEYVILLE, TX	76034	1809 PRINCE MEADOW DR
STAGGS, GARY M	1709 HEATHERMORE	COLLEYVILLE, TX	76034	1709 HEATHERMORE
LANKFORD, CHARLES	7001 PRIMROSE LN	COLLEYVILLE, TX	76034	7001 PRIMROSE LN
PRUITT, DENNIS P	1609 HEATHERMORE	COLLEYVILLE, TX	76034	1609 HEATHERMORE
REGIONAL RAIL ROW CO	PO BOX 660163	DALLAS, TX	75266	2050 JOHN MCCAIN RD
BROUSSARD, JAMES C	7201 PEBBLE HILL DR	COLLEYVILLE, TX	76034	7201 PEBBLE HILL DR
VILLAS AT CALDWELL CREEK HOA	PO BOX 293	COLLEYVILLE, TX	76034	1703 HEATHERMORE
RAMAN CHANDLER PROPERTIES	PO BOX 611	COLLEYVILLE, TX	76034	7030 ROSEBROOK
PEBBLE HILL PLANTATION ESTATES	P.O. Box 911	COLLEYVILLE, TX	76034	COURTESY NOTICE
TIMARRON-CASCADES AT TIMARRON	700 Wentwood Drive	SOUTHLAKE, TX	76092	COURTESY NOTICE
VILLAS AT CALDWELLS CREEK, THE	P.O. Box 293	COLLEYVILLE, TX	76034	COURTESY NOTICE
CALDWELL'S CREEK ADDITION	P.O. Box 682	COLLEYVILLE, TX	76034	COURTESY NOTICE
MONTERRA ADDITION	6811 Milton Dr	COLLEYVILLE, TX	76034	COURTESY NOTICE
GRAPEVINE COLLEYVILLE ISD	3051 IRA E WOODS AVE	GRAPEVINE, TX	76051	STATE REQUIRED
FINDLEY, PEGGY	806 CAROLINE LN	SOUTHLAKE, TX	76092	APPLICANT

Public hearing notices were mailed on August 24, 2018 by Araceli Botello



NOTICE OF PUBLIC HEARING

Zoning Case Number: ZC18-025
Applicant: Peggy Finley
Owner: EVP Realty, LLC
Location: 1701 John McCain Road
Property Description: Lot 1, Block 1, of the Chandler Addition
Present Zoning: ML Light Manufacturing
Request: Consideration of a zoning change from ML Light Manufacturing district to PUD-C Planned Unit Development - Commercial district. The purpose is to allow for the additional uses of general office and medical office in the existing building.

The City of Colleyville has scheduled public hearings concerning the above referenced request on the following dates and location:

Planning and Zoning Commission Meeting: Monday, September 10, 2018 at 7:00 p.m.
City Council Meetings: Tuesday, October 1, 2018 & Tuesday, October 16, 2018 at 7:30 p.m.
3rd floor of City Hall, 100 Main Street, Colleyville, Texas

This notice has been sent to all owners of real property within 500 feet of the request as such ownership appears on the last approved tax roll and all homeowners associations within 1000 feet. Approval by the Planning and Zoning Commission serves as a recommendation to the City Council and is not a final action on the request. Denial of the proposal by the Commission is final, unless the applicant submits a written notice of appeal within 10 days from the date of action by the Commission. If appealed, the request will be placed on the next available City Council agenda as listed above. Rezoning requests, zoning amendments and conditions recommended by the Commission for approval by the City Council may be more restrictive than those described in this notice.

All interested persons are encouraged to attend the public hearing and express their opinions on the zoning change request. If you are unable to attend, but wish to have your opinions made a part of the public record, please submit written comments prior to the public hearing, to the address below:

**Community Development Department
City of Colleyville
100 Main Street
Colleyville, TX 76034**

If the property owners of 20% or more of the land within the 200 foot notification area file a written protest prior to the public hearing, State law provides that the approval of the zoning change request shall require the approval of a super majority vote by City Council.

The application is on file for public examination in the Community Development Department at 100 Main Street, Colleyville, Texas. A brief project description can be found online on the Active Development Case map: <https://www.colleyville.com/zoning.html>. For additional information, please contact the Community Development Department at 817.503.1052. Please reference the zoning case number when requesting information.

Ben Bryner
Director of Community Development
bbryner@colleyville.com

ORDINANCE O-18-2062

AMENDING THE ZONING ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY OF COLLEYVILLE, TEXAS, BY CHANGING THE ZONING ON 0.9924 ACRES ON LOT 1, BLOCK 1, OF THE CHANDLER ADDITION, LOCATED AT 1701 JOHN MCCAIN ROAD FROM THE ML LIGHT MANUFACTURING ZONING DISTRICT TO THE PUD-C PLANNED UNIT DEVELOPMENT COMMERCIAL ZONING DISTRICT; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Colleyville has received an application for a rezoning under Case No. ZC18-025; 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 0.9924 acres on Lot 1, Block 1, of the Chandler Addition, located at 1701 John McCain Road from the ML Light Manufacturing zoning district to the PUD-C Planned Unit Development Commercial zoning district, as depicted in the attached Exhibit "A" and Exhibit "C", 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 PUD-C is to allow the use of general office and medical office in the existing building.
- b. This development shall be generally consistent with the Statement of Planning Objectives, Exhibit "B".
- c. The proposed development is subject to all the regulations contained in the Land Development Code, except as amended by this Ordinance.

2. Schedule of Proposed Uses

- a. The development shall be generally consistent with the schedule of proposed uses, Exhibit "C".

- 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 1st day of October 2018.

The second reading and public hearing being conducted on the 5th day of November 2018.

PASSED AND APPROVED BY A VOTE OF ____ AYES, ____ NAYS, AND ____
ABSTENTIONS ON THIS THE 5TH DAY OF NOVEMBER 2018.

Mayor Richard Newton	_____	Mayor Pro Tem Bobby Lindamood	_____
Place 1, Tammy Nakamura	_____	Place 5, Chuck Kelley	_____
Place 3, Kathy Wheat	_____	Place 6, Callie Rigney	_____
Place 4, George Dodson	_____		

ATTEST:

CITY OF COLLEYVILLE

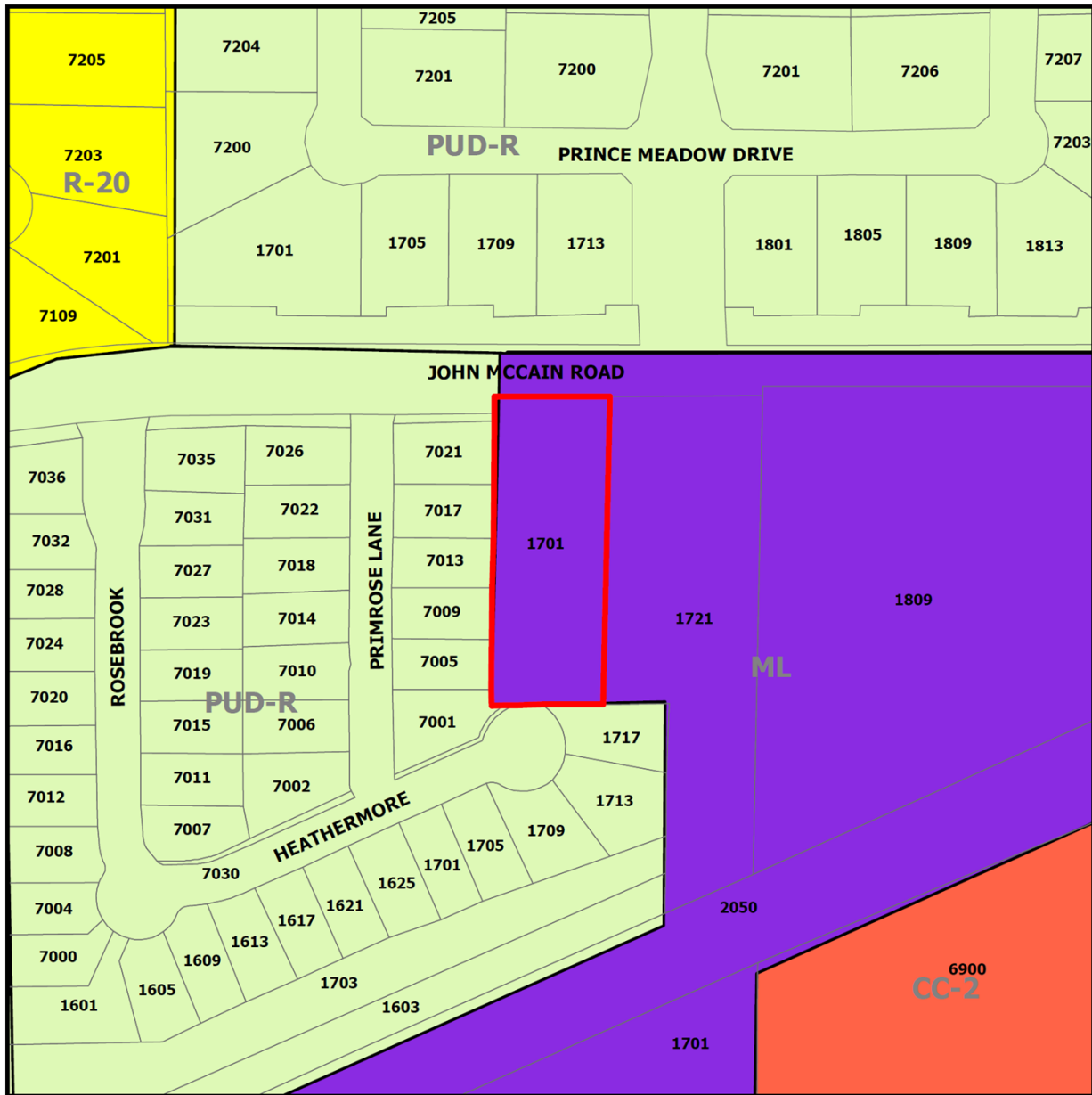
Christine Loven, TRMC
City Secretary

Richard Newton
Mayor

APPROVED AS TO FORM AND LEGALITY:

Whitt Wyatt
City Attorney

Exhibit "A" – Location and Zoning Map



ZC18-025

1701 John McCain Road

DISCLAIMER:
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 Subject Property

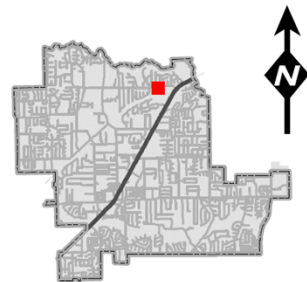


Exhibit “B” – Statement of Planning Objectives

Statement of Planning Objectives

COMMUNITY DEVELOPMENT SERVICES APPLICATION

Planned Unit Development (PUD-C) Rezoning Request

Property: 1701 John McCain Road

Zoning Change Request from ML to PUD-C

Applicant / Property Owner:
EVP Realty, LLC
and business entity Enhanced Voice Processing (EVP)
occupies the Property.

ZONING EXHIBIT FOR ZONING CHANGE REQUEST FROM ML TO PUD-C

Statement of Planning Objectives

STATEMENT OF PLANNING OBJECTIVES

Applicant is submitting the request for rezoning to PUD-C to provide greater flexibility for this property that can only be accomplished with a combination zoning districts provided with a PUD. Requested rezoning will eliminate some existing permitted uses within ML that are not as desirable (example: automotive related, pawn shops, etc.) and encourage more efficient and aesthetically desirable uses with combined zoning districts based on the size, location, existing improvements, etc. of the Property. Additionally, there are existing permitted uses in the ML zoning that the Applicant is offering to strike in consideration of the PUD-C approval to include CPO permitted uses for the property.

Due to the design and existing structure of the building, it is highly suited for office and medical related uses included in CPO zoning category and not permitted in ML. The property is adjacent to existing residential. The PUD-C zoning modification would create a transitional zoning from Residential to PUD-C (which would include CPO permitted uses and modified ML permitted uses for transitional purposes) and then ML zoning to the east.

This property additionally has an abundance of trees/landscaping and green open space and the likely highest and best use would be an office or medical related use. Consequently, Applicant is requesting modification to zoning to accommodate those revised permitted uses.

Applicant is not requesting change to the General Development Standards set forth in the Land Development Code.

DEVELOPMENT SCHEDULE

Existing improvements – commercial building. No subsequent stages or phases are expected to begin at this time.

PROPOSED OWNERSHIP

No change in ownership. Current Ownership is EVP Realty, LLC. (real estate holding company). Occupied by Enhance Voice Processing (EVP).

Statement of Planning Objectives

UTILITY PROVISIONS

Existing improvements – no modifications to the existing public utilities are required.

ECONOMIC DEVELOPMENT INFORMATION

No increased economic impact anticipated at this time. Existing use is primarily office/showroom.

TRAFFIC IMPACT ANALYSIS

Not required. Existing development does not generate significant trips per day and no proposed uses with PUD-C permitted uses would generated the required 1,000+ vehicle trips per day, as determined by the Director of Public Services for this 1 acre parcel with an existing 5,100 sf commercial building.

Exhibit "C" – Schedule of Proposed Uses

PUD - Rezoning Application							
Property Address:	1701 John McCain Road, Colleyville						
PUD-C / Requested Permitted Uses							
CPO All standard Uses plus Modified ML Uses							
Table 3.24.B - - Schedule of Permitted Principal Uses							
Land Use Classification	Non-Residential Districts						Proposed
	CPO	CN	CC1	CC2	CC3	ML	PUD-C
ACCESSORY USES							
Servants or Caretakers Qtrs.						S	S
UTILITY USES							
Elect. Substations	S	S	S	S	S	S	S
Pub Util Supply/Storage Yards	S	S	S	S	S	S	S
Solid Waste Disposal Sites						S	S
Telecommunications Towers	S	S	S	S	S	S	S
Water Pumping Station	S	S	S	S	S	S	S
Wind-Driven Generators	S	S	S	S	S	S	S
Public and Institutional Uses							
College or Universities	S	S	S	S	S	S	S
Community Ctr/Rec. Centers	P	P	P	P	P	P	P
Govt. Bldg. Offices/Facilities	P	P	P	P	P	P	P
Fire, Police Stations	P	P	P	P	P	P	P
Golf Course-Public Owned	P	P	P	P	P	P	P
Govt. Maintenance Facilities	P	P	P	P	P	P	P
Libraries	P	P	P	P	P	P	P
Museums	P	P	P	P	P	P	P
Post Office	P	P	P	P	P	P	P
Parks and Open Space Areas	P	P	P	P	P	P	P
Public Maint./Storage Bldgs.	S	S	S	S	S	S	S
Private School-Elementary-Secondary	S	S	S	S	S	S	S
Private School-High School	S	S	S	S	S	S	S

Table 3.24.B - - Schedule of Permitted Principal Uses							
Land Use Classification	Non-Residential Districts						Proposed
	CPO	CN	CC1	CC2	CC3	ML	PUD-C
Public and Institutional Uses (Cont.)							
Public School-Elementary-Secondary	P	P	P	P	P	P	P
Public School-High School	P	P	P	P	P	P	P
Religious Institutions	P	P	P	P	P	P	P
Office Uses							
Accountant's Office	P	P	P	P	P		P
Advertising Agencies	P	P	P	P	P		P
Attorney Offices	P	P	P	P	P		P
Chiropractic Clinics	P		P	P	P		P
Emergency Clinic (24 hrs)			S	P	P		
Engineering, Architect's and Surveyor's Offices	P	P	P	P	P		P
General Business offices not listed elsewhere	P	P	P	P	P		P
Insurance Agencies	P	P	P	P	P		P
Management and Public Relations Services Offices	P	P	P	P	P		P
Optometrist Offices	P		P	P	P		P
Psychologist Offices	P	P	P	P	P		P
Physician's or Dentist's Office	P		P	P			P
Real Estate Agency Offices	P	P	P	P	P		P
Security Broker Offices	P	P	P	P	P		P
Telemarketing Offices			P	P	P		P
Title Abstract Offices	P	P	P	P	P		P
Trade or Business Schools			S	S	S	P	P
Travel Agency/Airline Ticket Offices.	P	P	P	P	P		P

Table 3.24.B - - Schedule of Permitted Principal Uses							
Land Use Classification	Non-Residential Districts						Proposed
	CPO	CN	CC1	CC2	CC3	ML	PUD-C
Retail and Service Uses							
Alcoholic Beverage Sales-Beer and Wine only-Off Premise Consumption			S	S	S		
Alcoholic Beverage Sales-on Premise Consumption			S	S	S		
Package Store Sales-Off Premise Consumption			S	S	S		
Alcohol/Drug Treatment Ctr.	S	S	S	S	S	S	
Antique Stores			P	P			
Apparel/Accessory Store			P	P			
Arts/Crafts/Hobby Shops			P	P			
Bakery Stores			P	P			
Banks/Cr.Unions/Financial Institutions		P	P	P			
Barber/Beauty Shops/Day Spa		P	P	P			
Bicycle Shops			P	P			P S
Books/Stationary/Greeting Card Shops			P	P	P		
Camera or Music Stores			P	P			
Carnivals and Circuses			S	S			
Cemeteries or Mausoleums	S	S	S	S	S	S	
Charitable Donation Station			S	S	S		
Civic/Social/Fraternal Org.	S	S	P	P			S
Convenience Store W/Gas			S	S	S	S	
Copy Centers/Print Shops	S	S	P	P	P	P	P
Dance Studio/Martial Arts	S	S	P	P			P
Day Care Center	S	S	S	S	S		S
Department Store			P	P			
Dry Cleaners Pick-up Stations		S	P	P			

Table 3.24.B - - Schedule of Permitted Principal Uses							
Land Use Classification	Non-Residential Districts						Proposed
	CPO	CN	CC1	CC2	CC3	ML	PUD-C
Retail and Service Uses (Cont.)							
Dry Clean(up to 5K/ on site-			P	P			
Equip. Rental/Leasing Stores					S	P	P S
Florist Shops		P	P	P			
Food Catering				P	P		P S
Funeral Homes			S	S	S		P S
Furniture/Appliance Stores			P	P	P		
Grocery Stores			P	P			
Hardware/elect/plumbing w/o outside display		P	P	P	P		P S
Hardware/elect/plumbing with outside display				S	P	P	
Hospitals			S	S	S		
Hotels and Motels				P	P		
Interior Decoration Stores	P	P	P	P			P
Jewelry Stores		P	P	P			
Locksmiths		S	S	P	P		P
Mailing and Shipping Stores		P	P	P	P		P
Meat or Fish Market			P	P	P		
Nurseries/Greenhouse with outside display				S	P	P	P S
Pawn Shops						P	
Pet Stores			P	P			
Pharmacy		S	P	P	P		
Photography Studios	P	P	P	P	P	P	P
Purchasing and/or resale of precious metals incl jewelry, gemstones gold, silver and platinum and not licensed as a Pawn Shop by St of TX			S	S	S		P

[illegible]

Table 3.24.B - - Schedule of Permitted Principal Uses							
Land Use Classification	Non-Residential Districts						Proposed
	CPO	CN	CC1	CC2	CC3	ML	PUD-C
Automotive and transportation Uses							
Airport/Heliports	S	S	S	S	S	S	
Auto Alarm/Stereo/Window Tinting Stores				P	P	P	
Auto Lube Shops				S	P	P	
Auto/Motor Vehicle Sales				S	S	S	
Auto Parts/Accessory Stores			P	P	P		
Auto/Truck/Trailer Rental					S	S	
Auto Upholstery Shops					P	P	
Auto Parking Lots/Garage- (Freestanding)	S	S	S	S	S	S	
Auto Repair Shop				S	S	S	
Boat/Watercraft Sales/Svc				S	S	S	
Bus/Passenger Train Station			S	S	S	S	
Car Wash Auto/Self-Serve					S	P	
Commuter Transit Station			S	S	S	S	
Gasoline Service Stations					S	S	
LPG/CNG Dispensing Station					S	S	
Motorcycle Sale/Service					S	S	
Paint and Body Shops					S	S	
Park and Ride Facilities			S	S	S	S	
RR or Motor Freight Terminal				S	S	S	
Rec Vehicle Sales/Service					S	S	
Tire and Battery Stores				S	S	S	
Truck/Heavy Equip Sales/Svc					S	S	
Vehicle Storage Yards/Facilt:			S	S	S	S	

Table 3.24.B - - Schedule of Permitted Principal Uses							
Land Use Classification	Non-Residential Districts						Proposed
	CPO	CN	CC1	CC2	CC3	ML	PUD-C
Heavy Commercial, Industrial & Manufacturing Uses							
Asphalt or Concrete Batching	S	S	S	S	S	S	
Appliance Repair Shops					S	S	S
Bldg Material Sale w/o Storage					S	P	P S
Commercial Laundry					S	S	
Contractor Office w/Storage Yard					S	S	S
Contractor Office w/o Storage Yard					P	P	P S
Elec. Assembly/Manufact.						P	P S
Exterminator Shop					S	S	S
Food Pkg and Manufacturing						S	S
Furniture/Cabinet Manufact.						P	P S
Office Showroom						P	P
Oil/Gas Extraction	S	S	S	S	S	S	S
Plum/HVAC/Elec Trade Shop					P	P	P S
Print/Publishing Commercial						P	P S
Research/Development Labs						P	P
Scientific Instrument Assem/Manufacturing						P	P S
Self Stg (mini-warehouse)						S	
Upholstery/Furniture Repair					P	P	P S
Warehouse/Dist Facilities						S	S
Wood, Paper, Leather Prdcts						P	P S
Manuf not listed elsewhere						S	S
Welding or Machine Shop						P	



City of Colleyville City Council Agenda Briefing

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

Agenda Number 8a

Agenda Date 11/05/2018

Number Resolution R-18-4322

Type Resolution

Department Community Development

Title

Consideration of a Preliminary Plat for the Oak Creek Addition, located at 7209 & 7215 John McCain Road, Case PC18-005

Strategic Plan

4.1 Protect Colleyville's semi-rural residential character

Explanation

Reading and Public Hearing

Wesley Dawson, the applicant, has submitted a request for a Preliminary Plat for Oak Creek Addition, being Lot 1, Block 1, of the Allzim Acres, and Tracts 2A7B, 2A8C, & 2A9A, Abstract 533, in the Mary M. Freeman Survey, and Tract 4D02, Abstract 295, in the William E. Crooks Survey, being approximately 12.038 acres, and zoned R-20 Single Family Residential and AG Agricultural. The purpose is to subdivide the three properties into 3 large single family residential lots and one large agricultural lot.

Existing Conditions/Background: The subject property currently has a mix of R-20 Single Family Residential minimum 20,000 square foot lots and AG Agricultural zoning. John McCain Road currently provides the only frontage to the property. The property has some flood plain stretching from southwest to northeast. The preliminary plat for consideration proposes to divide the R-20 area into 3 lots while maintaining a large single lot within the AG zoning.

Lot Dimensions and Setbacks:

Per the Land Development Code Section 3.24.G, Schedule of District Regulations, the R-20 zoning regulations require the following standards:

Minimum Lot Area: 20,000 square feet
Minimum Lot Width: 100 feet
Minimum Lot Depth: 125 feet
Minimum Front Yard Setback: 30 feet
Minimum Side Yard Setbacks: 10 feet
Minimum Rear Yard Setback: 25 feet

The AG zoning regulations require the following standards:

- Minimum Lot Area: 130,680 square feet
- Minimum Lot Width: 200 feet
- Minimum Lot Depth: 300 feet
- Minimum Front Yard Setback: 40 feet
- Minimum Side Yard Setbacks: 25 feet
- Minimum Rear Yard Setback: 40 feet

As submitted, the proposed plat meets all of the requirements of the R-20 and AG zoning in the Land Development Code.

Surrounding Development: All of the surrounding property has developed with single-family residences using a variety of zoning classifications including: R-20, PUD-R, R-30, R-40, and AG.

Analysis: The property previously had a plat which created 9 lots in the existing R-20 area. It was subsequently platted into a single lot. Under a recent zoning change, the applicant proposed to adjust the zoning (ZC18-013) and re-subdivide the property and reconfigure the lots to better accommodate the drainage in the area. The new configuration was to move many of the R-20 lots further away from John McCain Road to the back of the cul-de-sac and shift more of the larger AG lot towards John McCain Road. The proposed plat at the time increased the number of R-20 lots from 9 to 10 while also increasing the amount of AG zoned property.

A condition was added to the zoning change that requires a 30 foot tree preservation and landscape easement along the western and northern boundaries. The applicant has provided the easement on the plat.

Fees: Park Land Dedication fees are required in the amount of \$1,802 per residential lot. Park Land Dedication fees are due prior to filing the plat for record. Impact Fees are also required per Chapter 13 (Impact Fees) of the Land Development Code and are due prior to the issuance of a Building Permit.

Tree Preservation: Any subdivision of the subject property must comply with Chapter 5 (Tree Preservation) of the Land Development Code. Where any tree is slated for removal, no site grading, dirt disturbance or new construction may occur on the property until a Tree Removal Permit has been issued that is associated with an approved Tree Preservation Plan.

In addition to the requirements for submittal of a Tree Removal Permit and Tree Preservation Plan, future development on the site must maintain the minimum existing protected tree canopy coverage as required in Chapter 5.

Staff Recommendation: The proposed Preliminary Plat meets the requirements of the Land Development Code and the approved zoning. Staff recommends approval.

Planning & Zoning Commission Recommendation: The Planning & Zoning Commission recommended approval of the plat with the condition of a 30 foot tree preservation and landscape easement along the western and northern boundaries at their May 14, 2018 meeting by a vote of 6-1.

Financial Impact

There is no financial impact to the City.

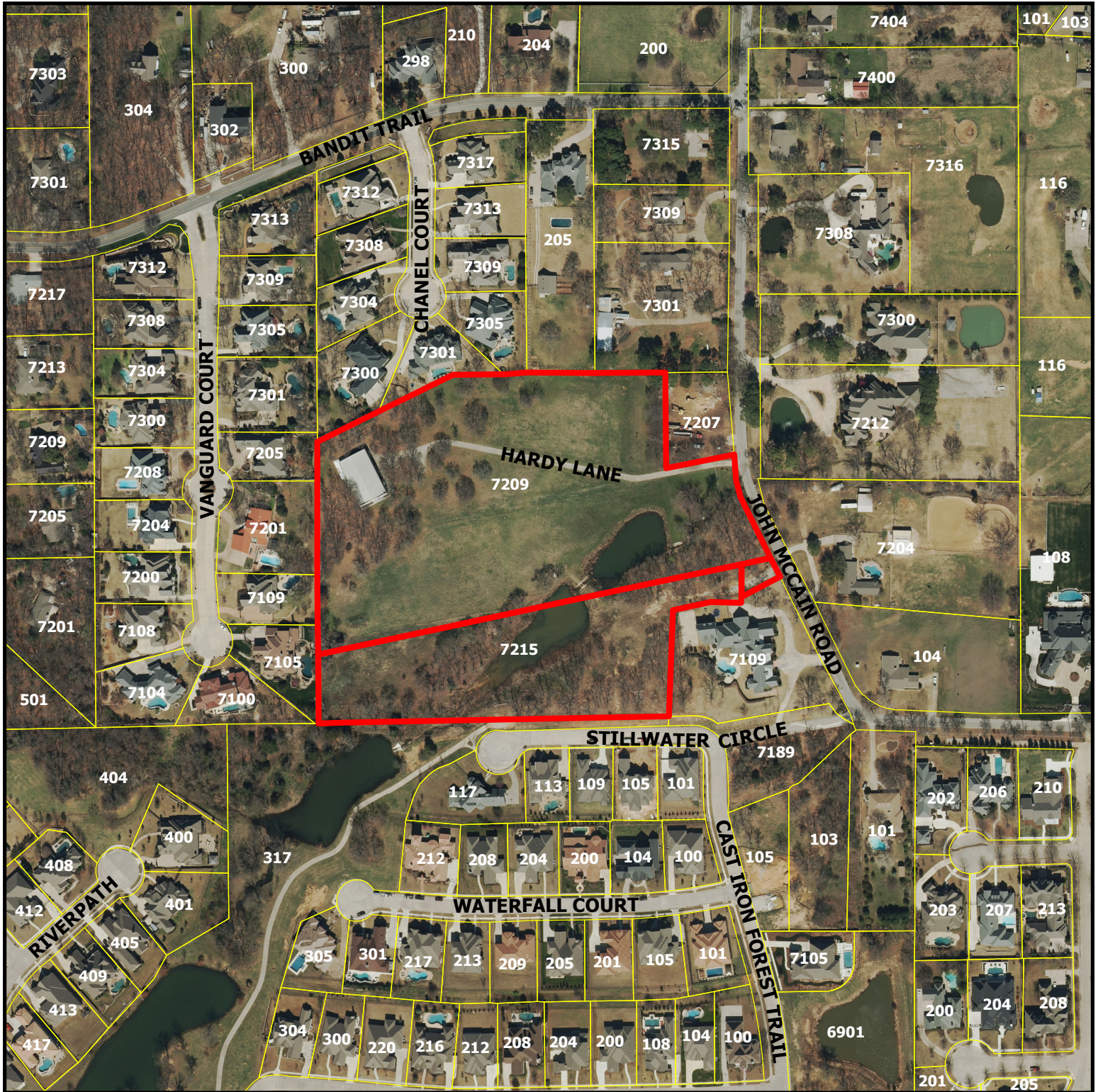
Recommendation

Approve

Attachments

1. Aerial Map
2. Zoning Map
3. Future Land Use Map
4. Plat Exhibit
5. Tree Survey
6. Drainage Plan
7. Utility Plan
8. Resolution R-18-4322

Aerial Map



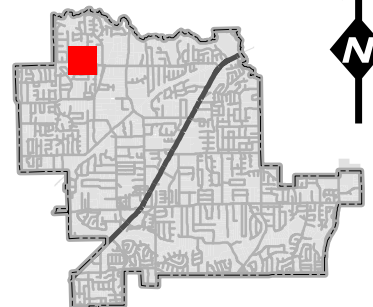
PC18-005

7209 and 7215 John McCain Road

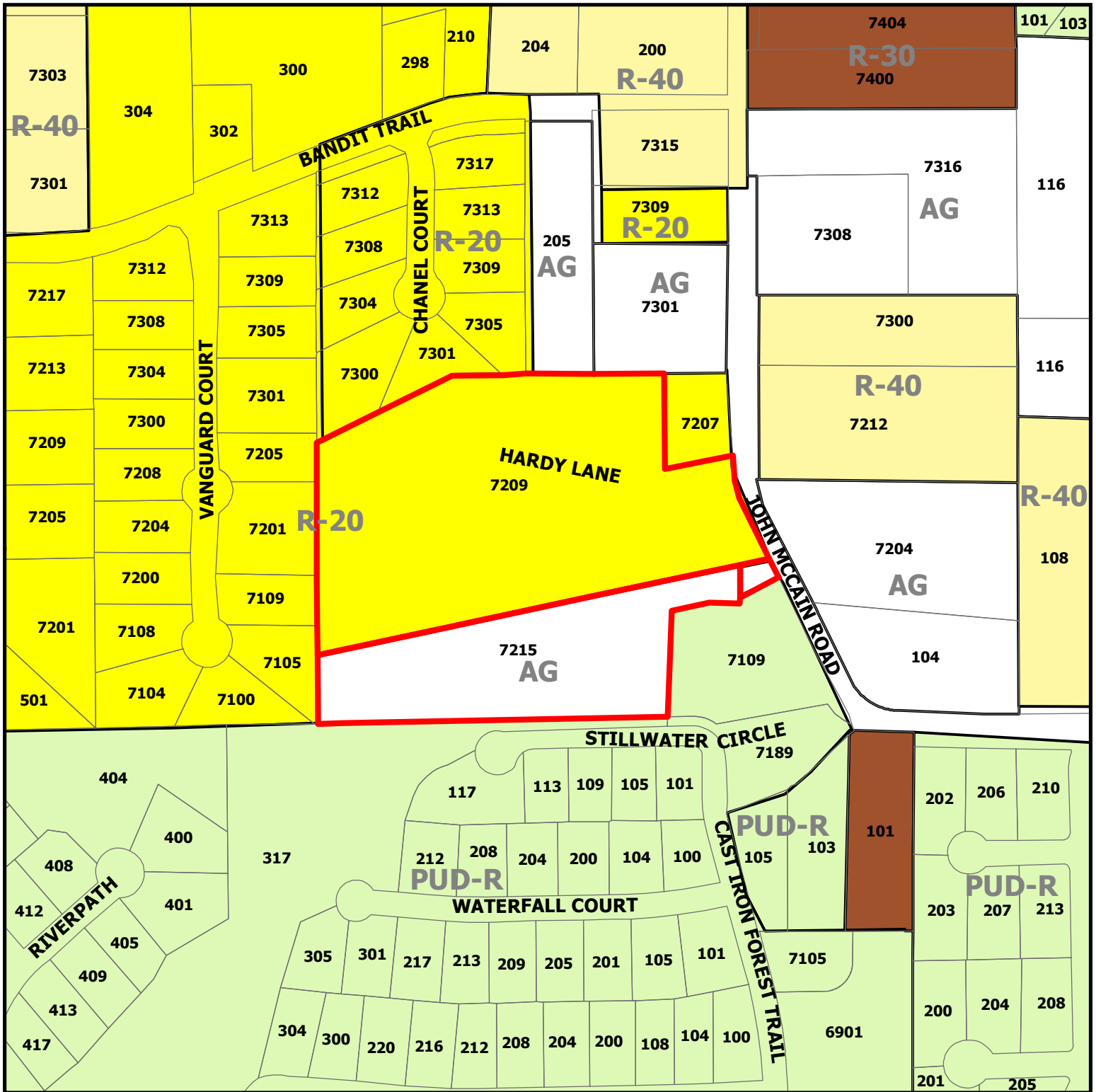
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Subject Property



Zoning Map



PC18-005

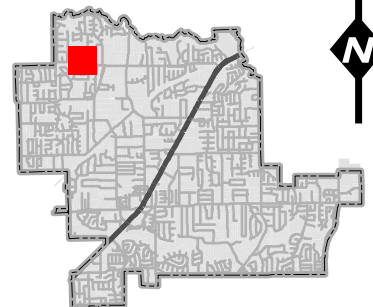
7209 and 7215 John McCain Road

DISCLAIMER:

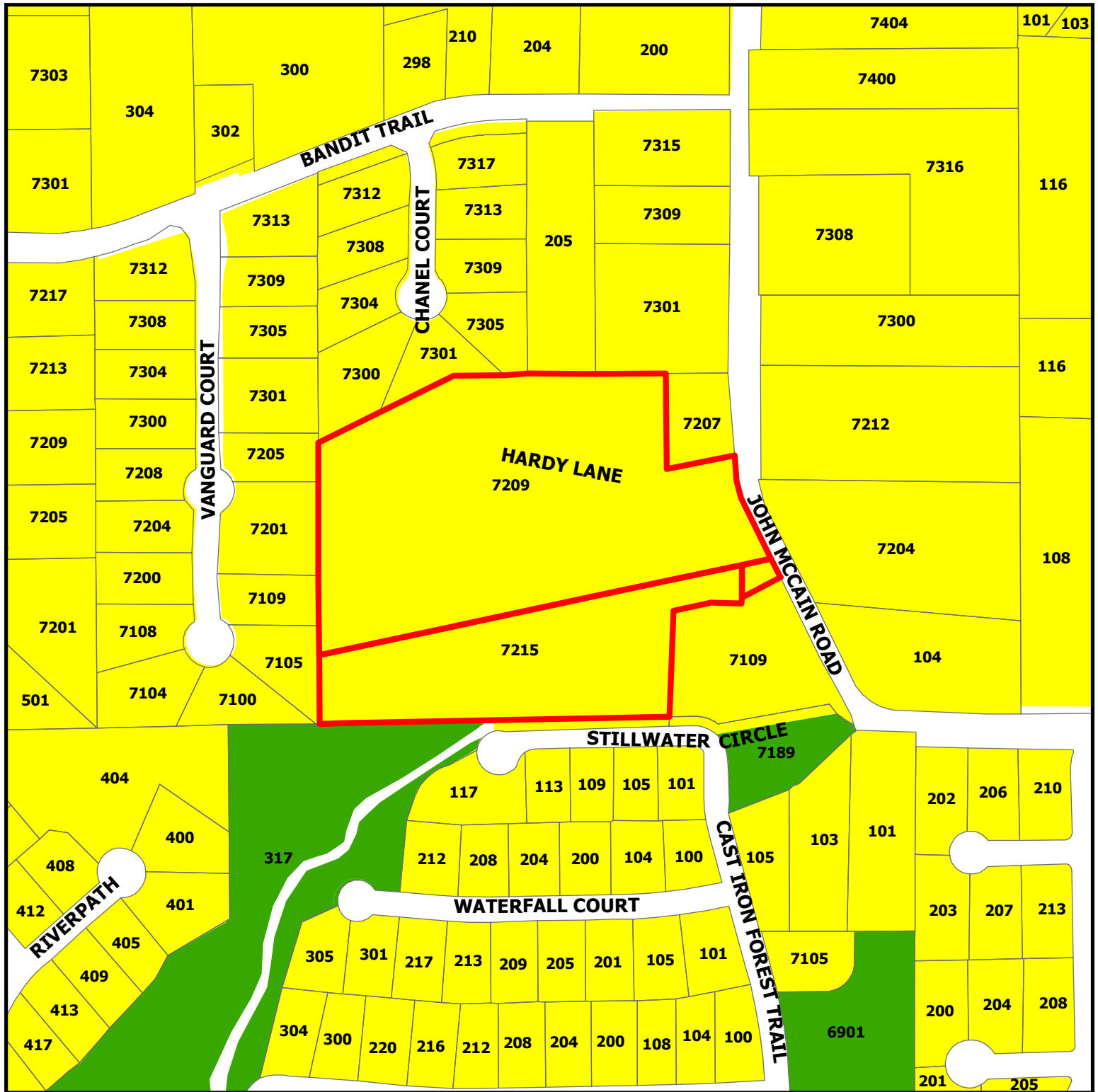
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Subject Property



Future Land Use Map

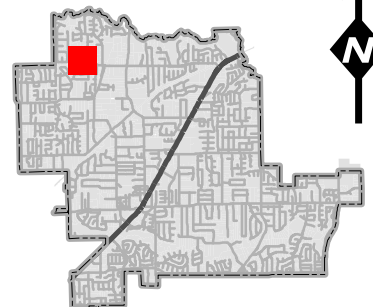


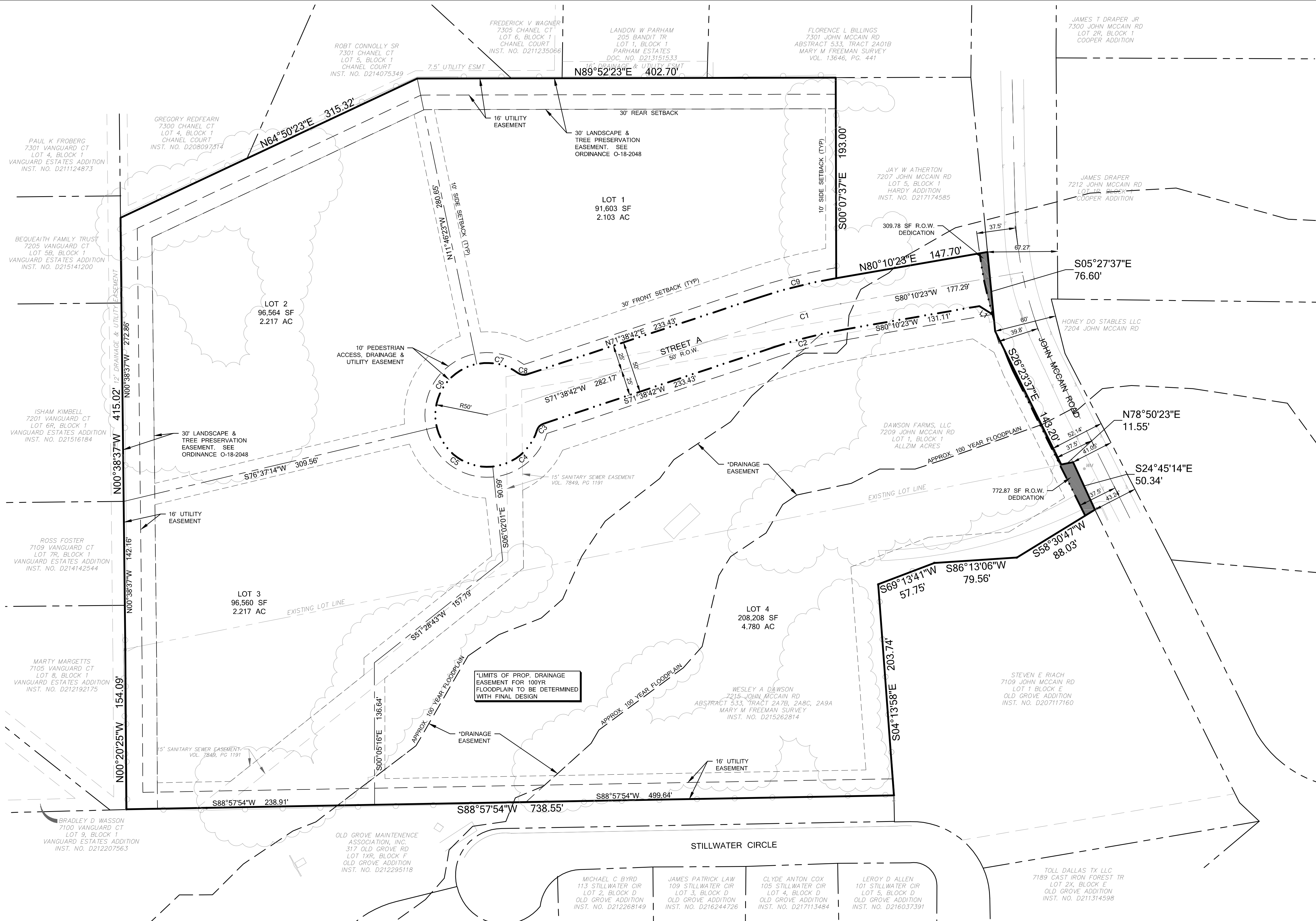
PC18-005

7209 and 7215 John McCain Road

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- Subject Property
- Residential
- Open Space; Parks





PROPERTY DESCRIPTION

Being a tract of land situated in the M. M. Freeman Survey, Abstract No. 533 and the William E. Crook Survey, Abstract No. 295, City of Colleyville, Tarrant County, Texas, and being a portion of a Replat of Alzim Acres a Revision of Lots 1, 4, 6, and 9, Block 1, of Hardy Addition, an addition to the City of Colleyville, Tarrant County, Texas, according to the Plat thereof recorded in Cabinet B, Slide 1227, Map Records, Tarrant County, Texas, and being a portion of a tract of land conveyed to Wesley A. Dawson, by deed recorded in County Clerk File No. D215262814, Real Property Records of Tarrant County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod found with red plastic for corner, said corner being the Southeast corner of said Wesley A. Dawson tract, said corner being along the West line of Lot 1, Block E, Old Grove Addition, an addition to the City of Colleyville, Tarrant County, Texas, according to the Plat thereof in Cabinet A, Slide 9808, Plat Records, Tarrant County, Texas, said corner being the Northeast corner of Lot 1X, Block F of said Old Grove Addition, from which a 1/2 inch iron rod found bears, South 00 degrees 03 minutes 34 seconds West, 5.18 feet for witness;

THENCE South 88 degrees 57 minutes 54 seconds West along the North line of Lot 1X, Block F of said Old Grove Addition, a distance of 738.55 feet to a 1/2 inch iron rod found for corner, said corner being the Northwest corner of said Old Grove Addition, and the Southeast corner of Lot 8, of Vanguard Estates, an addition to the City of Colleyville, Tarrant County, Texas, according to the Plat thereof recorded in Cabinet A, Slide 4761, Plat Records, Tarrant County, Texas;

THENCE North 00 degrees 20 minutes 25 seconds West along the East Line of said Vanguard Estates Addition, a distance of 153.09 feet to a 1/2 inch iron rod found on-line for reference, continuing along said East line, a total distance of 154.09 feet to a 1/2 inch iron rod found for corner, said corner being the Southwest corner of said Alzim Acres, from which a 1/2 inch iron rod found bears South 43 degrees 57 minutes 32 seconds West, a distance of 2.51 feet for witness;

THENCE North 00 degrees 38 minutes 37 seconds West, along the East line of said Vanguard Estates Addition, a distance of 415.02 feet to a point for corner, said corner being the South corner of Chanel Court, an addition to the City of Colleyville, Tarrant County, Texas, according to the Plat thereof recorded in Cabinet A, Slide 12087, Map Records, Tarrant County, Texas;

THENCE North 64 degrees 50 minutes 23 seconds East, along the South line of said Chanel Court Addition, a distance of 315.32 feet to a point for corner;

THENCE North 89 degrees 52 minutes 23 seconds East, along the South line of said Chanel Court Addition, a distance of 402.70 feet to a 1/2 inch iron rod found for corner, said corner being along the South line of that tract of land conveyed to Grady M. Walker, by deed recorded in Volume 13646, Page 441, Deed Records, Tarrant County, Texas and being the Northwest corner of said Hardy Addition;

THENCE South 00 degrees 07 minutes 37 seconds East, along the West line of said Hardy Addition, a distance of 193.00 feet to a point for corner, said corner being an "ell" corner of said Hardy Addition;

THENCE North 80 degrees 10 minutes 23 seconds East along the South line of said Hardy Addition, a distance of 147.70 feet to a 1/2 inch iron rod found for corner, said corner being the Southeast corner of said Hardy Addition;

THENCE South 05 degrees 27 minutes 37 seconds East, along the West line of said John McCain Road, a distance of 76.60 feet to a 1/2 inch iron rod found for corner;

THENCE South 26 degrees 23 minutes 37 seconds East, along the West line of said John McCain Road, a distance of 143.20 feet to a 1/2 inch iron rod found for corner;

THENCE North 78 degrees 50 minutes 23 seconds East, along the West line of said John McCain road, a distance of 11.55 feet to a 1/2 inch iron rod found for corner;

THENCE South 24 degrees 45 minutes 14 seconds East, along the West line of said John McCain road, a distance of 50.34 feet to a point for corner, said corner being a Northwest line of Lot 1, Block E of said Old Grove Addition;

THENCE South 58 degrees 30 minutes 47 seconds West along a Northwest line of Lot 1, Block E of said Old Grove Addition, a distance of 88.03 feet to a 5/8 inch iron rod found for corner;

THENCE South 86 degrees 13 minutes 06 seconds West along a North line of Lot 1, Block E of said Old Grove Addition, a distance of 79.56 feet to a 1/2 inch iron rod found for corner;

THENCE South 69 degrees 13 minutes 41 seconds West along a Northwest line of Lot 1, Block E of said Old Grove Addition, a distance of 57.75 feet to 1/2 inch iron rod found for corner;

THENCE South 04 degrees 13 minutes 58 seconds East along the West line of Lot 1, Block E of said Old Grove Addition, a distance of 203.74 feet to the POINT OF BEGINNING and containing 524,369 square feet or 12.038 acres of land.

PURPOSE OF PLAT

The purpose of this plat is to develop the 12.038 acre tract into a four lot residential subdivision.

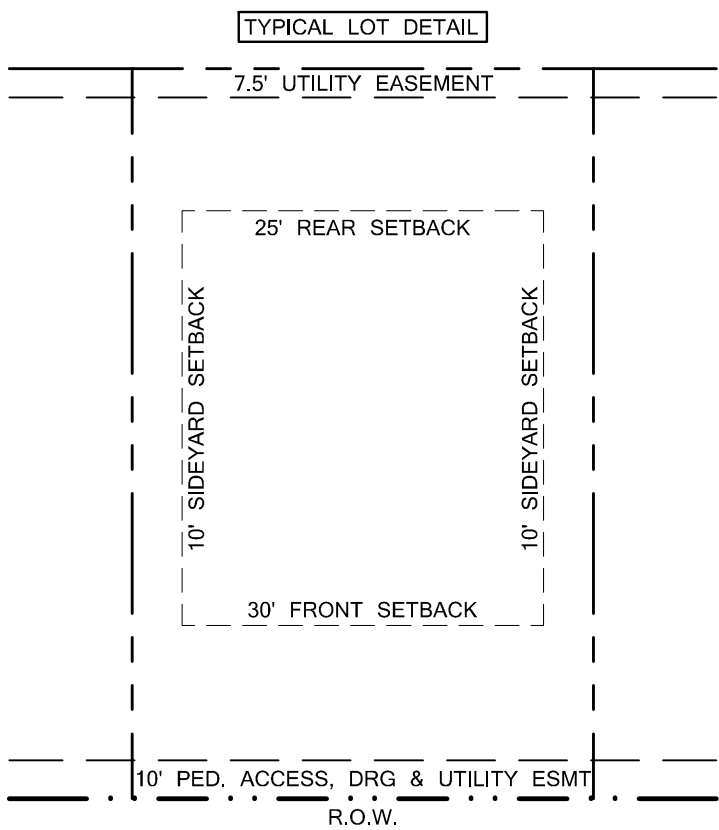
NOTES:

- THIS PROPERTY LIES WITHIN ZONE "X" UNSHADED OF THE FLOOD INSURANCE RATE MAP FOR TARRANT COUNTY, TEXAS AND INCORPORATED AREAS, MAP NO. 48439C0095K, DATED SEPTEMBER 25, 2009, VIA SCALED MAP LOCATION AND GRAPHIC PLOTTING.
- ALL EXISTING STRUCTURES SHALL BE DEMOLISHED.
- UTILITY EASEMENT: ANY PUBLIC UTILITY, INCLUDING THE CITY OF COLLEYVILLE, SHALL HAVE THE RIGHT TO MOVE AND KEEP MOVED ALL OR PART OF ANY BUILDING, FENCES, SHRUBS, OTHER GROWTHS OR IMPROVEMENTS WHICH IN ANY WAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE, OR EFFICIENCY OF ITS RESPECTIVE SYSTEMS ON ANY OF THE EASEMENTS SHOWN ON THE PLAT. AND ANY PUBLIC UTILITY, INCLUDING THE CITY OF COLLEYVILLE, SHALL HAVE THE RIGHT AT ALL TIMES OF INGRESS AND EGRESS TO AND FROM AND UPON SAID EASEMENTS FOR THE PURPOSE OF CONSTRUCTION, RECONSTRUCTION, INSPECTION, PATROLLING, MAINTAINING AND ADDING TO OR REMOVING ALL OR PART OF ITS RESPECTIVE SYSTEMS WITHOUT THE NECESSITY AT ANY TIME OF PROCURING THE PERMISSION OF ANYONE.
- DRAINAGE EASEMENT RESTRICTION: NO CONSTRUCTION OR FILLING, WITHOUT WRITTEN APPROVAL OF THE CITY OF COLLEYVILLE SHALL BE ALLOWED WITHIN A DRAINAGE EASEMENT, AND THE 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 PARTY TO THE REQUEST. WHERE CONSTRUCTION IS PERMITTED, ALL FINISH FLOOR ELEVATIONS SHALL BE A MINIMUM OF TWO FEET ABOVE THE 100-YEAR FLOOD ELEVATION.
- THE MAINTENANCE OF ALL DRAINAGE AND UTILITY EASEMENTS LOCATED ON PRIVATE PROPERTY ARE THE RESPONSIBILITY OF THE PROPERTY OWNER.

THIS DOCUMENT IS FOR INTERIM REVIEW AND IS NOT INTENDED FOR CONSTRUCTION, BIDDING OR PERMIT PURPOSES.
By: Clayton T. Redinger
Reg. No.: 97497
Date: 10/15/2018

Line Table		
Line #	Length	Direction
L1	14.80'	N57°34'46"W

Curve Table					
Curve #	Length	Radius	Delta	Chord Bearing	Chord Length
C1	74.42'	500.00'	8°31'42"	S75°54'33"W	74.35'
C2	70.70'	475.00'	8°31'42"	S75°54'33"W	70.64'
C3	9.48'	10.00'	54°18'53"	S44°29'15"W	9.13'
C4	58.15'	50.00'	66°38'10"	S50°38'54"W	54.93'
C5	72.13'	50.00'	82°39'15"	N54°42'23"W	66.04'
C6	79.94'	50.00'	91°36'22"	N32°25'26"E	71.69'
C7	41.65'	50.00'	47°43'58"	S77°54'24"E	40.46'
C8	9.48'	10.00'	54°18'53"	S81°11'52"E	9.13'
C9	78.14'	525.00'	8°31'42"	N75°54'33"E	78.07'



OWNER:
WESLEY A. DAWSON
3421 SOUTH BRIERY
IRVING, TEXAS 75060
(972) 986-7239

OWNER:
DAWSON FARMS, LLC
BEING
7209 JOHN MCCAIN ROAD
COLLEYVILLE, TEXAS 76034
(972) 986-7239

ENGINEER:
DEOTTE, INC.
420 JOHNSON RD. SUITE 303
KELLER, TEXAS 76248
(817) 337-8899
CONTACT: CLAYTON REDINGER, P.E.

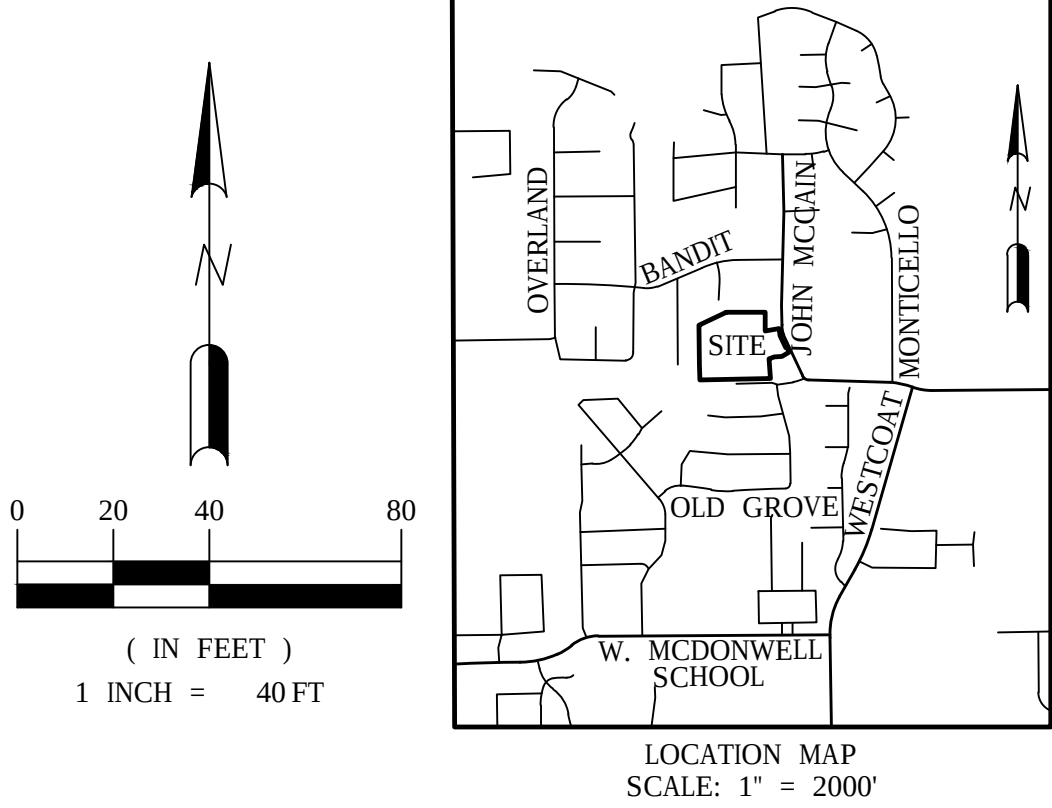
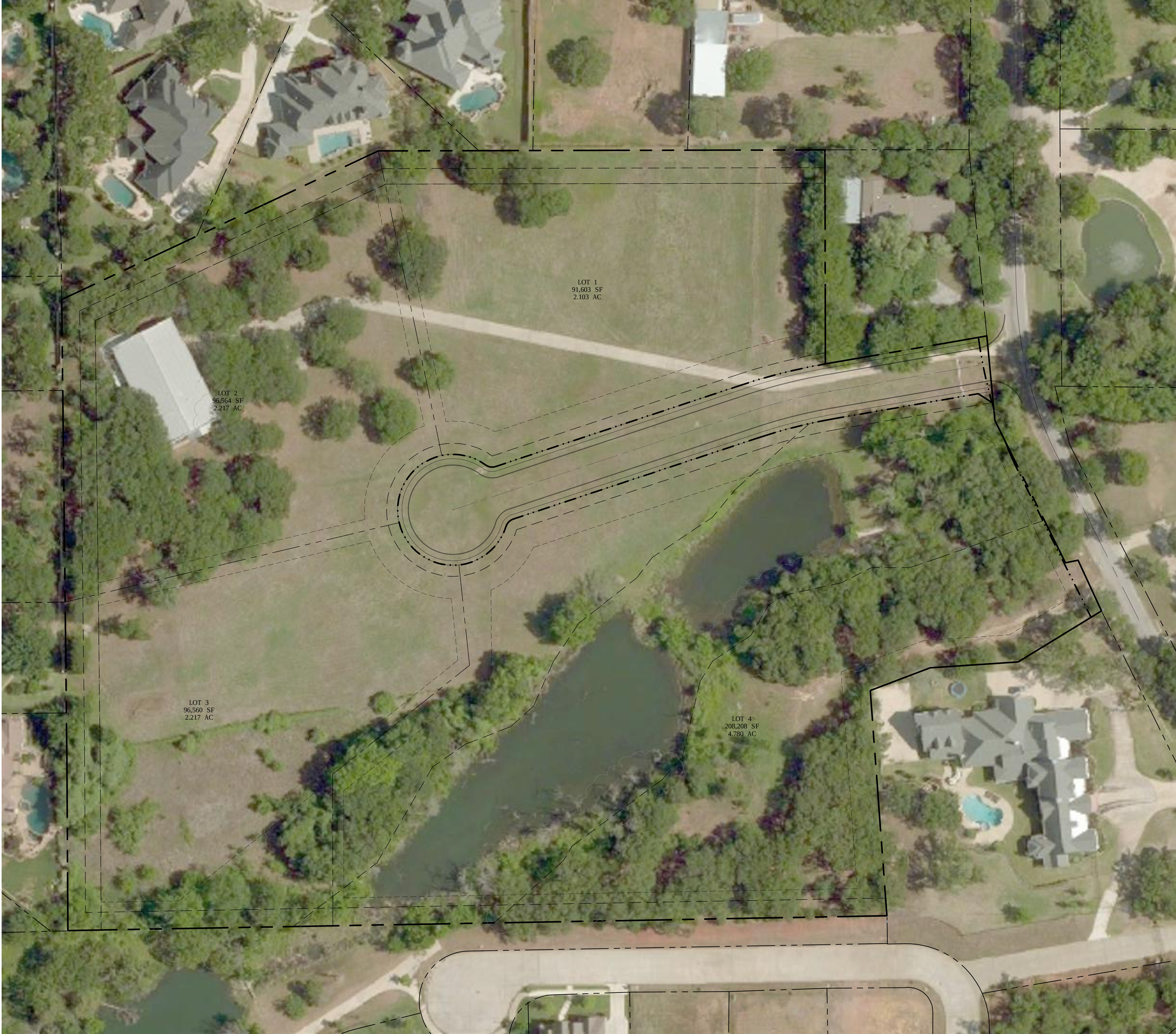
SURVEYOR:
C.B.G. SURVEYING, INC.
12025 SHILOH RD., SUITE 230
DALLAS, TEXAS 75228
(214) 349-0485
CONTACT: J.T. THOMPSON, R.P.L.S.

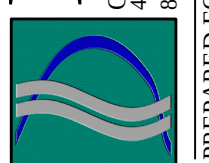
PRELIMINARY PLAT
OF
OAK CREEK
BEING
12.038 ACRES
SITUATED IN THE

M.W. FREEMAN SURVEY SURVEY, ABSTRACT NO. 533
AND
W.E. COOK SURVEY, ABSTRACT NO. 295
CITY OF COLLEYVILLE, TARRANT COUNTY, TEXAS

4 RESIDENTIAL LOTS

LAND USE DESIGNATION: RESIDENTIAL
EXISTING ZONING: R-20 & AG
PROPOSED ZONING: R-20 & AG



**DEOTTE, INC.**
CIVIL ENGINEERING | TREE No. F-003116
400 Johnson Road, Suite 303 | Keller, Texas 76248
PREPARED FOR: BMC COMMERCIAL, INC.
1000 SOUTH BRIERY
DALLAS, TEXAS 75060
(972) 986-7239
CONTACT: WES DAWSON

TREE SURVEY
OAK CREEK
COLLEYVILLE, TX

BENCHMARKS:		
BM1		
TBD		
ELEV = TBD		
BM2		
TBD		
ELEV = TBD		

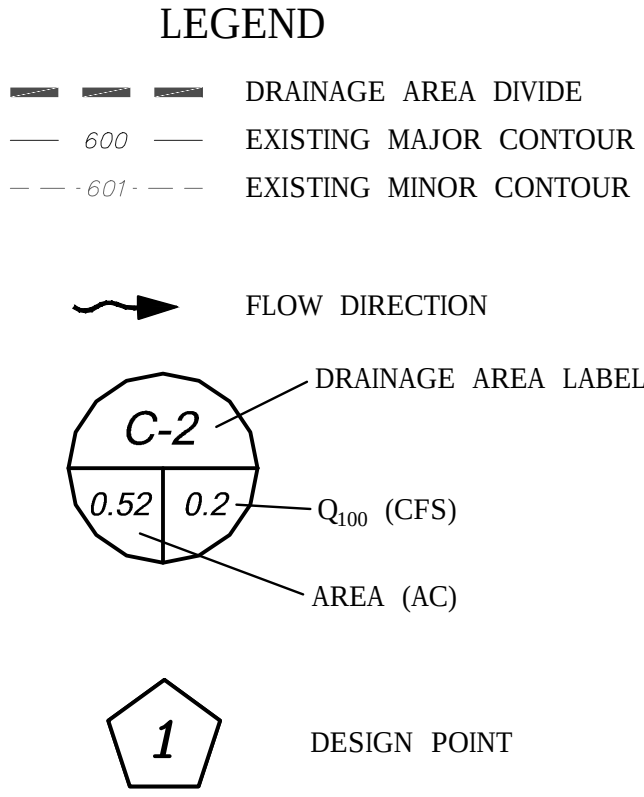
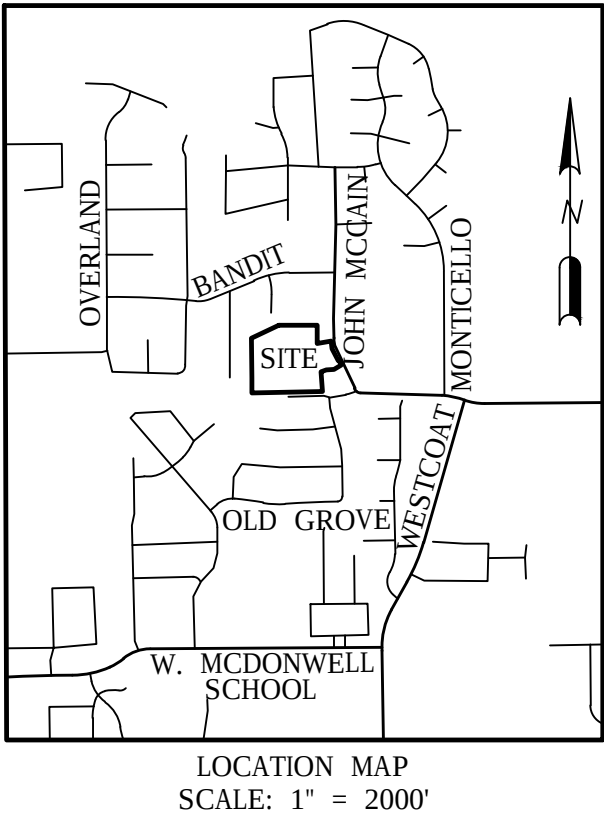
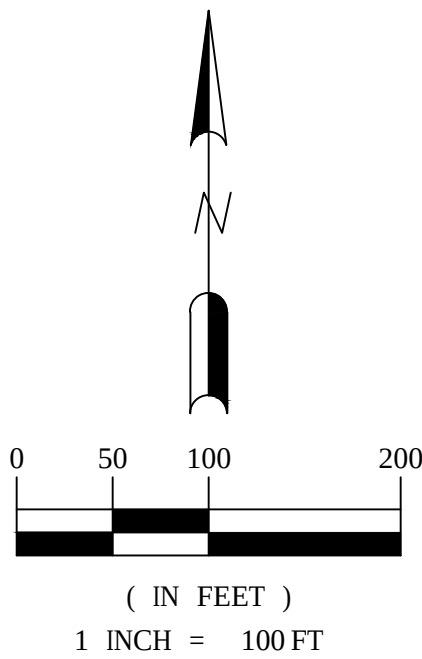
THIS DOCUMENT IS FOR INTERIM REVIEW
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BIDDING OR PERMIT PURPOSES.

BY: Clayton T. Redinger
Reg. No.: 97497
Date: 10/15/2018

Printed by
dammatherna
Oct 15, 2018 - 7:44am

DOI No. 201810100

RATIONAL METHOD RUNOFF CALCULATIONS																			
AREA DESIGNATION	AREA (ACRES)	RUNOFF COEFF. (EXIST/PROP)		TIME OF CONC. (MIN)	I(2) (IN/HR)	Q2 (EX) (CFS)	Q2 (PR) (CFS)	I(5) (IN/HR)	Q5 (EX) (CFS)	Q5 (PR) (CFS)	I(10) (IN/HR)	Q10 (EX) (CFS)	Q10 (PR) (CFS)	I(25) (IN/HR)	Q25 (EX) (CFS)	Q25 (PR) (CFS)	I(100) (IN/HR)	Q100 (EX) (CFS)	Q100 (PR) (CFS)
OS-1	3.1	0.60	0.60	15	3.90	7	7	4.86	9	9	5.53	10	10	6.46	12	12	7.98	15	15
A-1	3.5	0.36	0.6	15	3.90	5	8	4.86	6	10	5.53	7	12	6.46	8	14	7.98	10	17
A-2	5.3	0.375	0.6	15	3.90	8	12	4.86	10	15	5.53	11	18	6.46	13	21	7.98	16	25
A-3	6.2	0.3	0.6	15	3.90	7	15	4.86	9	18	5.53	10	21	6.46	12	24	7.98	15	30



WEST WHITE CHAPEL CREEK FROM FY14 - TSDN (HALFF) STUDY DP-1 PEAK DISCHARGE (CFS)				
	4%	2%	1%	0.20%
EXISTING	396.2	527.6	638.1	1007.2
POST-PROJ	392.8	526.8	637.9	1001.4
DELTA	-3.4	-0.8	-0.2	-5.8

HALFF ASSOCIATES, INC. HEC-HMS MODEL DATA
OBTAINED THROUGH CITY OF COLLEYVILLE. EXISTING
CONDITION CALCULATED ASSUMING OPEN SPACE
AND PERMANENT WATER. POST-PROJECT
CONDITION CALCULATED ACCORDING TO ORIGINAL
TSDN PARAMETERS. FINAL DRAINAGE
CONFIGURATION MAY VARY SLIGHTLY DURING FINAL
CONSTRUCTION PROJECT DESIGN.

DEOTTE, INC.
CIVIL ENGINEERING, TREE No. F-003116
1400 Johnson Road, Suite 300 | Keller, Texas 76248
PREPARED FOR: BMC COMMERCIAL, INC.
1001 SOUTH BRIERY
1001 SOUTH BRIERY, SUITE 1500
972.986.7239
CONTACT: WES DAWSON

PRELIMINARY DRAINAGE
ANALYSIS
OAK CREEK
COLLEYVILLE, TX

BENCHMARKS:

BM1	TBD	ELEV = TBD
BM2	TBD	ELEV = TBD

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BY: Clayton T. Redinger
Reg. No.: 97497
Date: 10/15/2018

Printed by
donmathema
Oct 15, 2018 - 7:46am

DOI No. 201810100

2

DOI No. 201810100 - OAK CREEK - PRELIMINARY PLAT - COLLEYVILLE, TX



LEGEND

- 8" WATER LINE
- 8" SANITARY SEWER LINE
- STORM DRAIN LINE

NOTES:

1. FINAL CALCULATIONS TO BE PROVIDED WITH FINAL ENGINEERING PLANS.
2. FINAL ENGINEERING REVIEW AND COORDINATION MAY RESULT IN SOME MINOR ADJUSTMENTS TO THIS PLAN.
3. ALL PUBLIC UTILITY CONSTRUCTION SHALL COMPLY WITH NCTCOG SPECIFICATIONS (LATEST EDITION) AS AMENDED BY THE CITY OF COLLEYVILLE.
4. VALVES SHALL BE PLACED AT ALL WATERLINE INTERSECTIONS AND SUFFICIENT TO PROPERLY ISOLATE HYDRANTS.
5. WATER LINES SHALL BE 8" AWWAC900 WATER PIPE OR APPROVED EQUAL.
6. FIRE HYDRANTS AT CUL-DE-SACS SHOULD ALIGN WITH COMMON PROPERTY LINES.
7. ALL WATER LINE STUBS MUST HAVE 2 JOINTS OF PIPE PAST THE VALVE WITH A 2" BLOW OFF PER CITY STANDARDS.
8. MINIMUM SIZE FOR SANITARY SEWER IS 8". SANITARY SEWER SERVICE LINES SHALL CONNECT TO PUBLIC SANITARY SEWER SYSTEM BUILT TO CITY STANDARDS.

BENCHMARKS:

BM1	TBD	ELEV = TBD
BM2	TBD	ELEV = TBD

DEOTTE, INC.
CIVIL ENGINEERING | TRBE No. F-00316
140 Johnson Road, Suite 303 | Keller, Texas 76248
PREPARED FOR: BMC COMMERCIAL, INC.
1000 SOUTH BRIERY
DALLAS, TEXAS 75060
(972) 986-7239
CONTACT: WES DAWSON

PRELIMINARY UTILITY PLAN
OAK CREEK
COLLEYVILLE, TX

THIS DOCUMENT IS FOR INTERIM REVIEW ONLY AND IS NOT TO BE USED FOR CONSTRUCTION, BIDDING OR PERMIT PURPOSES.
BY: Clayton T. Redinger
Reg. No.: 97497
Date: 10/15/2018

Printed by
dannmathernae
Oct 15, 2018 - 7:45am

DOI No. 201810100

3

RESOLUTION R-18-4322

A RESOLUTION APPROVING A PRELIMINARY PLAT FOR THE OAK CREEK ADDITION

WHEREAS, the Planning and Zoning Commission recommended approval of the Preliminary Plat for the Oak Creek Addition on May 14, 2018 with a condition that a 30-foot landscape easement shall be provided along the western and northern boundary lines on the Final Plat.

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

Sec. 1. THAT the Preliminary Plat for Oak Creek Addition on approximately 12.038 acres, attached as Exhibit "A" - Plat Exhibit, is hereby approved.

AND IT IS SO RESOLVED.

APPROVED BY A VOTE OF ____ AYES, ____ NAYS, AND ____ ABSTENTIONS ON THIS THE 5th DAY OF NOVEMBER 2018.

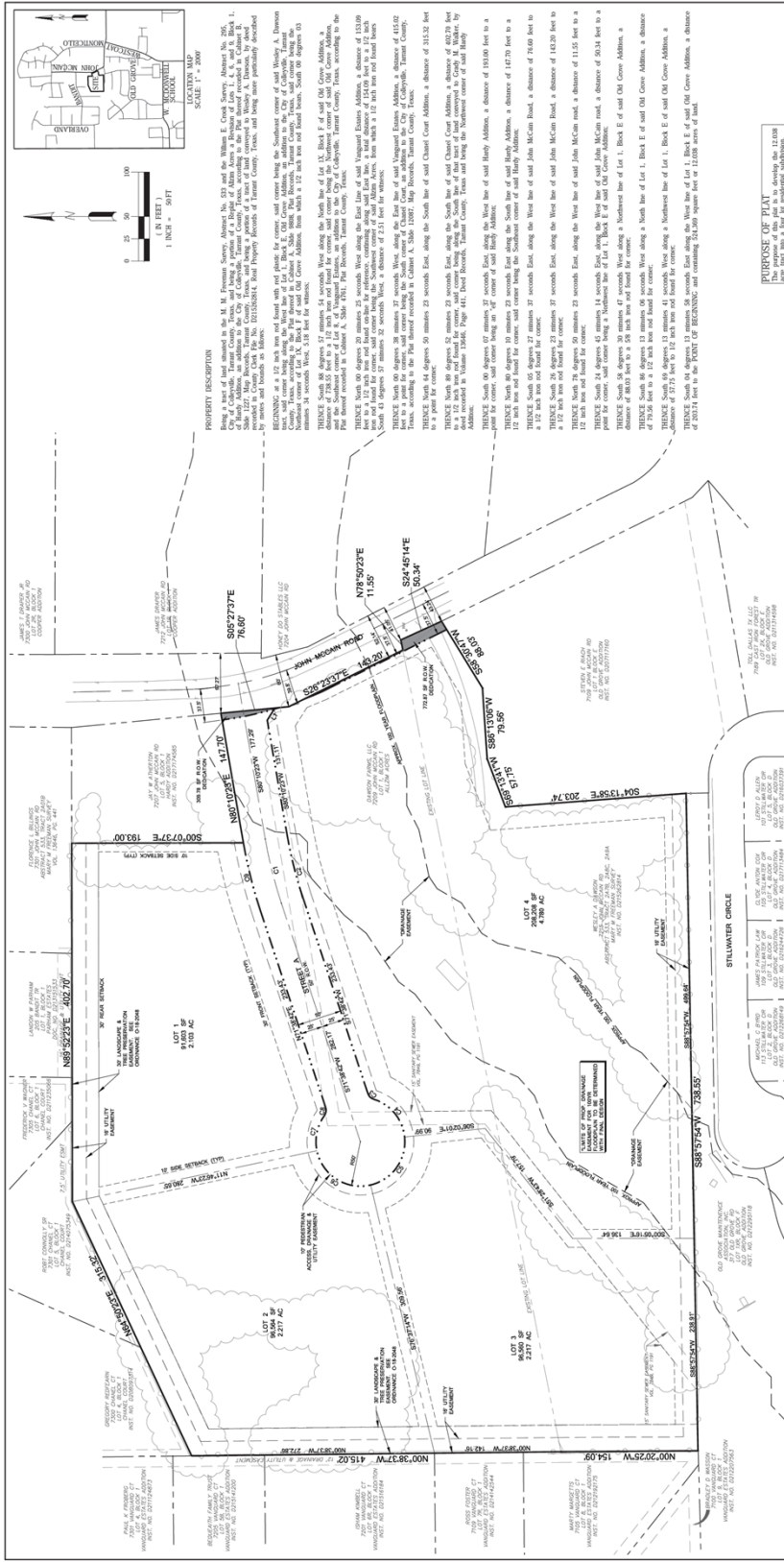
Mayor Richard Newton	_____	Mayor Pro Tem Bobby Lindamood	_____
Place 1, Tammy Nakamura	_____	Place 5, Chuck Kelley	_____
Place 3, Kathy Wheat	_____	Place 6, Callie Rigney	_____
Place 4, George Dodson	_____		

ATTEST:

CITY OF COLLEYVILLE

Christine Loven, TRMC
City Secretary

Richard Newton
Mayor



PURPOSE OF PLAT
The purpose of this plat is to develop the 12.038 acre tract into four lot residential subdivisions.

PRELIMINARY PLAT
OF
OAK CREEK

12,038 ACRES
SITUATED IN THE
M.W. FREEMAN SURVEY SURVEY, ABSTRACT NO. 533
AND
W.E. COOK SURVEY, ABSTRACT NO. 295
CITY OF COLLEVILLE, TARRANT COUNTY TEXAS

4 RESIDENTIAL LOTS
AND USE DESIGNATION: RESIDENTIAL
EXISTING ZONING: R-20 & AG
PROPOSED ZONING: R-20 & AG

OWNER:
WESLEY A. DAWSON

ORANGE
DAWSON FARMS, LLC

7209 JOHN MCCAIN ROAD
COLLEYVILLE, TEXAS 76034
(972) 966-7239

ENGINEER
DEOTTE, INC.
420 JOHNSON RD. SUITE 303
MILWAUKEE, WISCONSIN 53212

RELLER, TEXAS 75445
(817) 337-8899
CONTACT: CLAYTON RELLER, P.E.

SURVEYOR
C.B.G. SURVEYING, INC.
12025 SHELBOH RD., SUITE 230
DALLAS, TEXAS 75242

CONTACT: J.T. THOMPSON, R.P.L.S.
(214) 349-9485
CONTACT: J.T. THOMPSON, R.P.L.S.

NOTES:

- [illegible]

THIS DOCUMENT IS FOR INTERIM REVIEW
AND IS NOT INTENDED FOR CONSTRUCTION,
BIDDING OR PERMIT PURPOSES.

BY: Clayton T. Redinger
Reg. No.: 97497
Date: 10/15/2018

Core Data						
Core #	Length	Radius	Data	Chord Bearing	Chord Length	
C1	79.42	500.00	87°14'42"	87°59'33"W	79.43	
C2	79.99	473.00	87°14'42"	87°59'33"W	79.64	
C3	79.99	473.00	54°18'52"	54°29'37"W	93.3	
C4	58.33	50.00	86°48'50"	86°48'50"	58.34	
C5	72.13	50.00	86°48'50"	86°42'22"W	66.94	
C6	79.94	50.00	83°26'22"	83°26'22"E	71.69	
C7	41.87	50.00	87°43'49"	87°54'29"E	40.46	
C8	8.48	50.00	54°18'52"	58°11'52"E	93.3	
C9	76.14	50.00	87°14'42"	87°59'33"E	80.7	

SEPTEMBER 2018



City of Colleyville City Council Agenda Briefing

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

Agenda Number 8b

Agenda Date 11/05/2018

Number Resolution R-18-4323

Type Resolution

Department Community Development

Title

Consideration of a combination Preliminary/Final Plat for Carmel Place Estates East on Tracts 2A01 & 2A02, Abstract 1543, in the George W Teeter Survey, located at 1309 Glade Road, Case PC18-012

Strategic Plan

4.1 Protect Colleyville's semi-rural residential character

Explanation

Reading and Public Hearing

Rome Barnes, the applicant, has submitted a request for a Preliminary/Final Plat on Tracts 2A01 & 2A02, Abstract 1543, in the George W Teeter Survey, being approximately 4.369 acres, and zoned AG Agricultural. The purpose is to allow for development of five new single-family residential lots.

Existing Conditions/Background: The subject property, 1309 Glade Road, is located on the east side of Carmel Place across from an existing Planned Unit Development – Residential (PUD-R) subdivision called Carmel Place. The property currently has Agricultural zoning (AG) and remains undeveloped except for a single house on the property which is planned to be removed.

Surrounding Development: All of the surrounding property has developed with single family residences using a variety of zoning classifications, which include R-20 and PUD-R (Planned Unit Development – Residential).

Drainage: A drainage analysis was completed for Carmel Place Estates and the area for Carmel Place Estates East was included in the analysis. Specific lot drainage for the five lots will be part of the engineering plans and consistent with the already submitted drainage analysis.

Analysis: The requested Preliminary/Final Plat allows the applicant to develop the lots in a manner complementary to the approved PUD-R on the west side of Carmel Place while also being compatible with the neighborhood surrounding it.

Plat waivers are needed for the lot widths of Lots one (1) and two (2), which are shown as 116.43 feet because a 125' lot width is required for R-30 zoning.

Fees: Park Land Dedication fees are required in the amount of \$1,802 per residential

lot. Park Land Dedication fees are due prior to filing the plat for record. Impact Fees are also required per Chapter 13 (Impact Fees) of the Land Development Code and are due prior to the issuance of a Building Permit.

Tree Preservation: Any subdivision of the subject property must comply with Chapter 5 (Tree Preservation) of the Land Development Code. Where any tree is slated for removal, no site grading, dirt disturbance or new construction may occur on the property until a Tree Removal Permit has been issued that is associated with an approved Tree Preservation Plan.

In addition to the requirements for submittal of a Tree Removal Permit and Tree Preservation Plan, future development on the site must maintain the minimum existing protected tree canopy coverage as required in Chapter 5.

Comprehensive Plan: The City's comprehensive plan, *Destination Colleyville*, identifies the subject property for single-family residential development. The proposed R-30 zoning does not conflict with any portion of the comprehensive plan. The proposed R-30 zoning facilitates the maximum desired residential density of 1.45 units per net acre.

Staff Recommendation: The proposed Preliminary/Final Plat will meet the requirements of the Land Development Code if the zoning is approved. Staff recommends approval with a plat waiver to lot width for Lots 1 and 2.

Planning & Zoning Commission Recommendation: The Planning & Zoning Commission recommended approval of the Preliminary/Final Plat with a condition that Lots 1 & 2 be oriented to face Carmel Place at their 10, 2018 meeting by a vote of 4-0.

Financial Impact

There is no financial impact to the City.

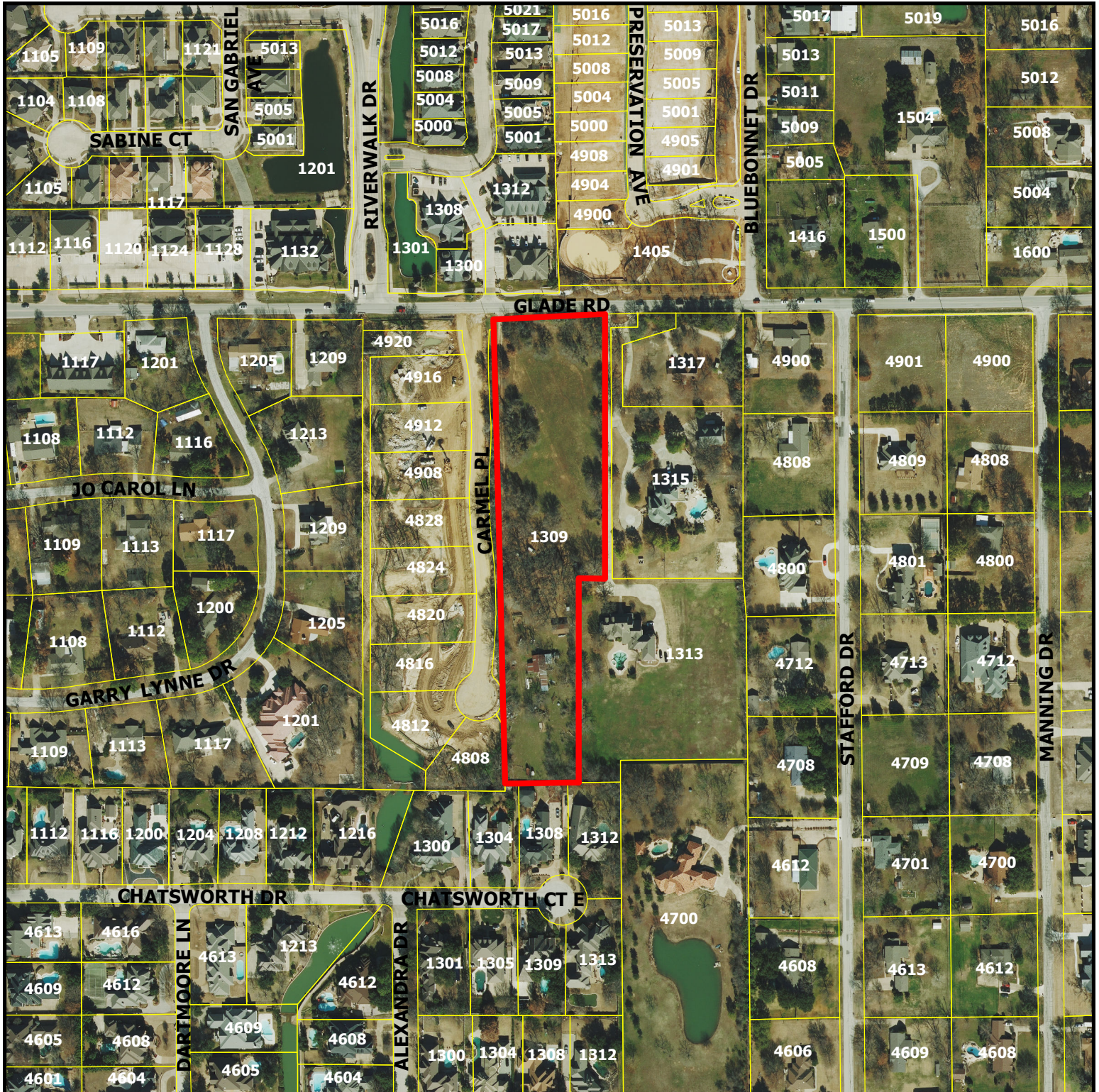
Recommendation

Approve

Attachments

1. Aerial Map
2. Zoning Map
3. Future Land Use Map
4. Original Plat Exhibit
5. Layout Exhibit
6. Resolution R-18-4323

Aerial Map

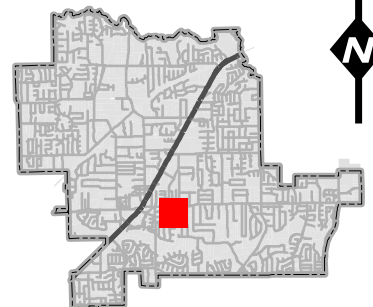


PC18-012

1309 Glade Road

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.

 Subject Property



Zoning Map



DISCLAIMER:

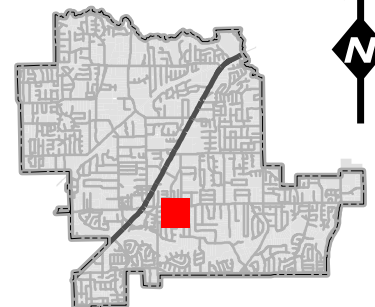
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PC18-012

1309 Glade Road



Subject Property



Future Land Use Map

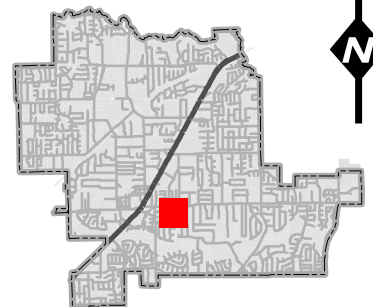


PC18-012

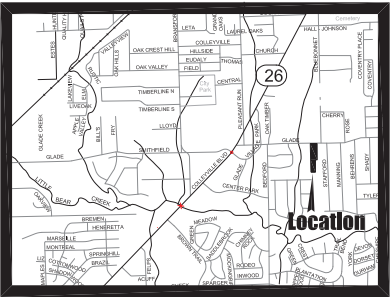
1309 Glade Road

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 Subject Property



Plat Exhibit



OWNER:
CADG CARMEL PLACE, LLC
1800 VALLEY VIEW LANE, SUITE 300
FARMERS BRANCH, TEXAS 75234
CONTACT: MEHRDAD MOAYEDI

ENGINEER/APPLICANT:
ION DESIGN GROUP, INC.
7075 TWIN HILLS AVENUE, SUITE 350
DALLAS, TX 75231
CONTACT: BRYAN KLEIN/JASON TRAFTON, PE
214-370-3470

STATE OF TEXAS
COUNTY OF TARRANT

OWNER'S DEDICATION AND CERTIFICATE

WHEREAS CADG Carmel Place, LLC, acting by and through the undersigned agent thereof, is the owners Being a tract of land out of the George W. Teeter Survey, Abstract No. 1543 and situated in the City of Colleyville, Tarrant County, Texas, and surveyed by Miller Surveying, Inc. of Hurst, Texas in November 2017, said tract being a portion of the same tract of land described in the deed to Robert Gene Hubbard et ux, Peggy Hubbard recorded in Volume 4008, Page 406 in the Deed Records of Tarrant County, Texas and being more particularly described by metes and bounds as follows:

Beginning at a 5/8 inch steel rod found in the southerly right-of-way line of Glade Road (Co. Rd. 3036), said rod being in the northerly boundary line of "Tract No. 1" of said Hubbard Deed and also being the most northerly northwest corner of Lot 1, Block 1, Greener Acres, an addition to the City of Colleyville, Texas according to the plat thereof recorded in Cabinet A, Slide 4936 of the Plat Records of said County;

Thence South 00 degrees 14 minutes 15 seconds East with the westerly boundary line of said Lot 1 a distance of 553.09 feet to a 1/2 inch "MILLER 5665" capped steel rod set for an inner corner thereof;

Thence South 89 degrees 25 minutes 35 seconds West continuing with said westerly boundary line a distance of 58.10 feet to a 1/2 inch steel rod found for an outer point thereof;

Thence South 00 degrees 12 minutes 14 seconds West continuing with said westerly boundary line a distance of 415.82 feet to a 1/2 inch steel rod found for the southwest corner of said Lot 1, said rod being in the northerly boundary line of Block 1, The Lakes of Somerset, an addition to the City of Colleyville, Texas according to the plat thereof recorded in Cabinet A, Slide 312 of said plat records;

Thence North 89 degrees 46 minutes 39 seconds West with said northerly boundary line a distance of 151.92 feet to a point in a fence post found in the easterly boundary line of Carmel Place Estates, an addition to the City of Colleyville, Texas according to the plat thereof recorded as Instrument No. 0217142798 of the Official Public Records of said County;

Thence North 01 degrees 25 minutes 38 seconds West with said easterly boundary line a distance of 968.78 feet to a cross in concrete set for the northwest corner of said Tract 1, said cross being in said southerly right-of-way line;

Thence North 89 degrees 53 minutes 54 seconds East with the northerly boundary line of said Tract 1 and with said southerly right-of-way line a distance of 233.33 feet to the point of beginning and containing 4.3968 acres of land, more or less.

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That CADG Carmel Place, LLC, acting by and through the undersigned agent thereof, do hereby adopt this plat designating the hereinbefore described property as **CARMEL PLACE ESTATES EAST**, an addition to the City of Colleyville, Tarrant County, Texas, and do hereby dedicate fee simple to the public use forever all streets, rights-of-way, and alleys shown thereon, and do hereby reserve the easements shown on this plat for the mutual use and accommodation of all public utilities desiring to use or using the same. Any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs or other improvements or growths in which any way endanger or interfere with the construction, maintenance or efficiency of its respective systems on any of these easements, and any public utility shall at all times have the right of ingress and egress to and from and upon the said easement for the purpose of constructing, reconstructing, inspecting, and patrolling, without the necessity at any time of procuring the permission of anyone. This plat approved subject to all platting ordinances, rules regulations, and resolutions of the City of Colleyville, Texas.

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

CADG Carmel Place, LLC

STATE OF TEXAS §
COUNTY OF TARRANT §

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

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

Notary Public for the State of Texas

PLANNING AND ZONING COMMISSION APPROVAL

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

Chairman, Planning and Zoning Commission _____

Attest: Secretary, Planning and Zoning Commission _____

Preliminary Plat

LOTS 1 THRU 5, BLOCK A
CARMEL PLACE ESTATES EAST
an addition to the City of Colleyville, Tarrant County, Texas

Consisting of 5 lots and being 4.3968 acres of land out of the
GEORGE W. TEETER SURVEY, ABSTRACT NO. 1543
Surveyed in March of 2018

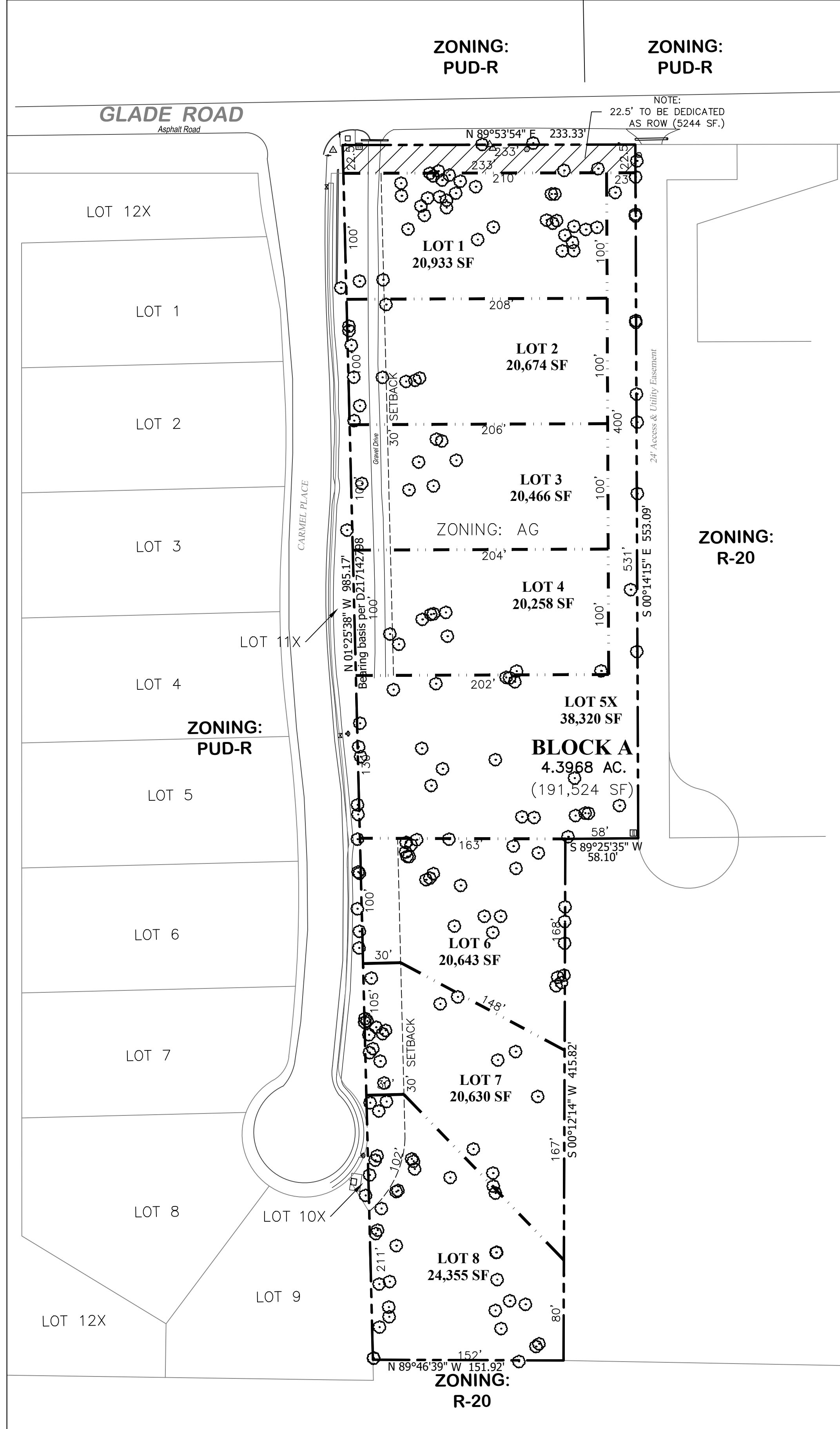
KNOW ALL MEN BY THESE PRESENTS:

That I, Jason B. Rawlings, Registered Professional Land Surveyor No. 5665 licensed in the State of Texas, do hereby certify that this Plat is true and correct and was prepared from an actual survey made under my supervision on the ground. Further, this survey conforms to the general rules of procedures and practices of the most current Professional Land Surveying Practices Act.

Jason B. Rawlings Date _____

MILLER
Surveying, Inc.
Commercial • Residential • Municipal
430 Mid Cities Blvd. 817-577-1052
Hurst, Texas 76054 TxLSF No. 10100400
mllersurvey.net

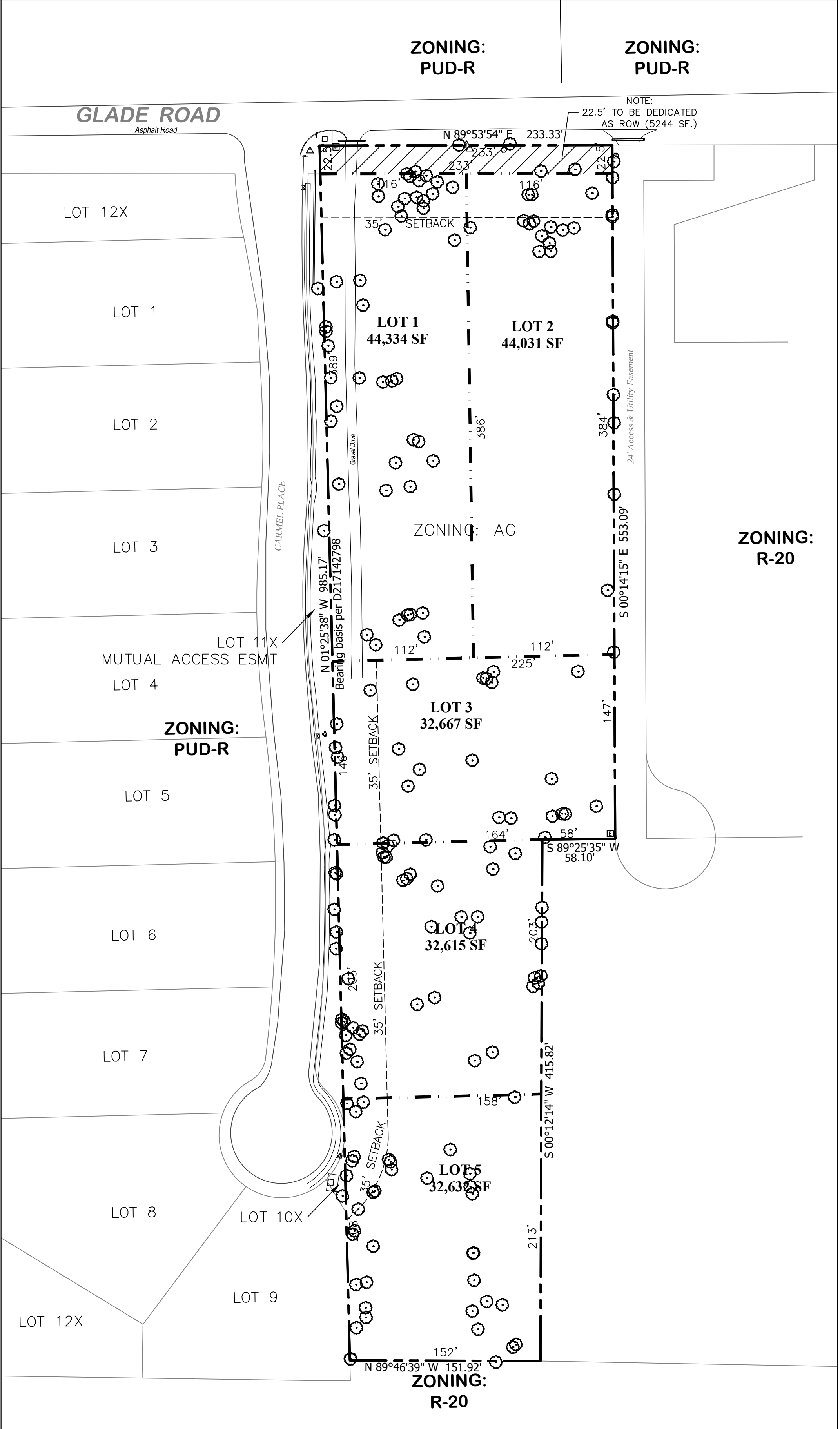
Original Zoning Case



NOTES

1. Zoning not approved.

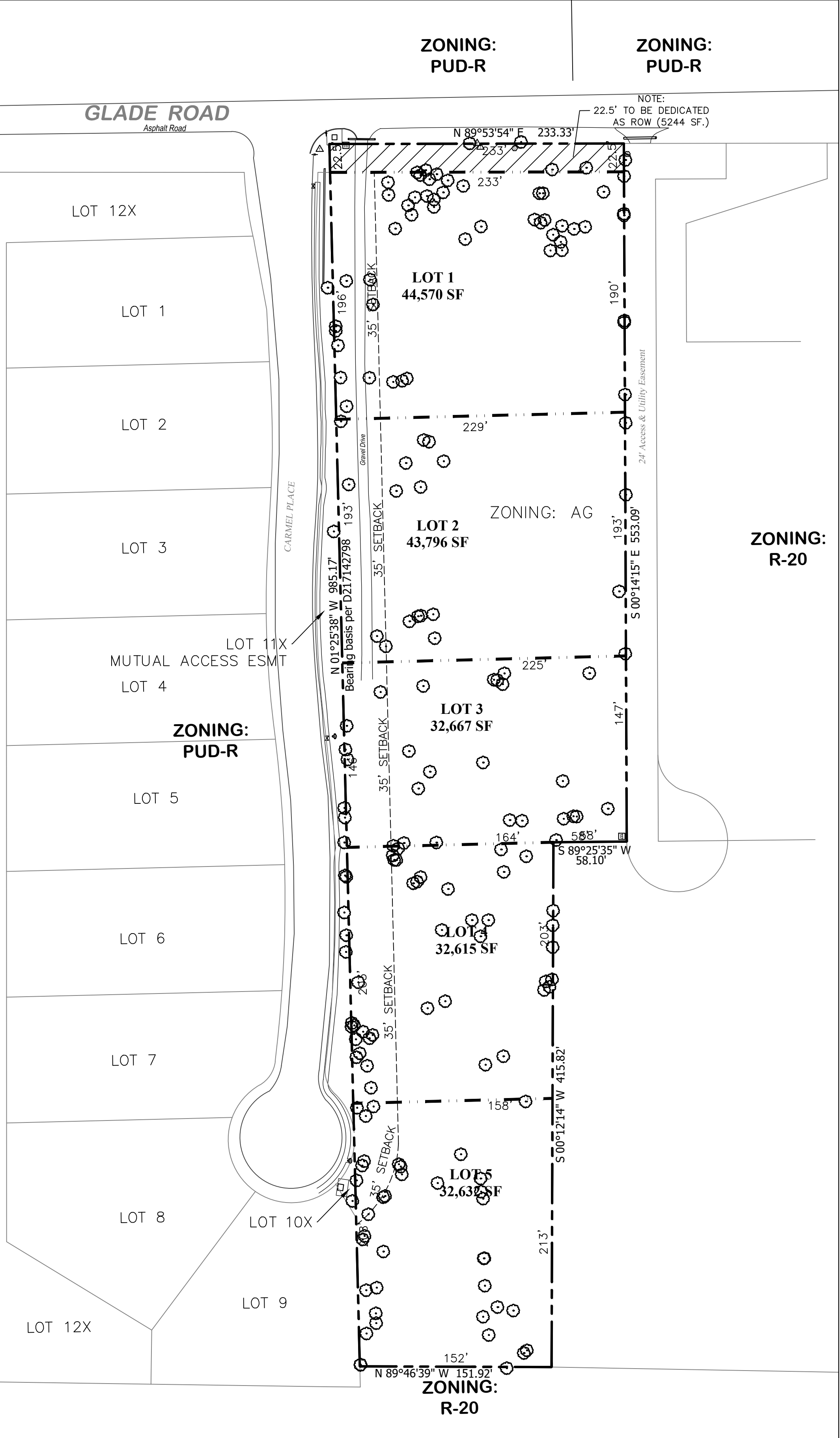
Present Zoning Application



NOTES

1. Needs lot width waiver for Lots 1 & 2.

Alternate Layout



NOTES

1. Needs allowance to front Lots 1 & 2 to Carmel Place.
2. Needs allowance to accept Carmel Place at existing width.

10.01.2018

RESOLUTION R-18-4323

A RESOLUTION APPROVING A PRELIMINARY/FINAL PLAT FOR LOTS 1 - 5, BLOCK A, OF THE CARMEL PLACE ESTATES EAST ADDITION

WHEREAS, the Planning and Zoning Commission recommended approval of the Preliminary/Final Plat for Lots 1-5, Block A, of the Carmel Place Estates East Addition on September 10, 2018 with a condition that Lots 1 and 2 be oriented to face Carmel Place.

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

Sec. 1. THAT the Preliminary/Final Plat for Lots 1-5, Block A, of the Carmel Place Estates East Addition on approximately 4.396 acres, attached as Exhibit "A" - Plat Exhibit, is hereby approved with the following plat waivers:

1. Cul-de-sac Street Design: The cul-de-sac shall be allowed as currently constructed in regard to pavement width and shall allow for a total of 14 lots with all lots facing Carmel Place.

AND IT IS SO RESOLVED.

APPROVED BY A VOTE OF ____ AYES, ____ NAYS, ON THIS THE 5th DAY OF NOVEMBER 2018.

Mayor Richard Newton _____
Place 1, Tammy Nakamura _____
Place 3, Kathy Wheat _____
Place 4, George Dodson _____

Mayor Pro Tem Bobby Lindamood _____
Place 5, Chuck Kelley _____
Place 6, Callie Rigney _____

ATTEST:

CITY OF COLLEYVILLE

Christine Loven, TRMC
City Secretary

Richard Newton
Mayor



City of Colleyville City Council Agenda Briefing

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

Agenda Number 9a

Agenda Date 11/05/2018

Number Resolution R-18-4294

Type Resolution

Department Community Development

Title

Consideration of a final plat for Lots 1, 2, and 3X, Block 1, Old Grove Addition, Phase II, located at 105 and 103 John McCain Road and 7189 Cast Iron Forest Trail, Case PC17-004

Strategic Plan

There is no Strategic Plan connection for this item.

Explanation

This item remained tabled at the October 16, 2018 City Council meeting.

This item remained tabled at the October 1, 2018 City Council meeting.

This item remained tabled at the September 18, 2018 City Council meeting.

This item remained tabled at the September 4, 2018 City Council meeting.

This item remained tabled at the August 21, 2018 City Council meeting.

This item was tabled at the August 7, 2018 City Council Meeting.

Reading and Public Hearing

Kevin Kessler, the applicant, requests approval of a final plat for Lots 1, 2, and 3X, Block 1, Old Grove Addition on approximately 2.20 acres, located at 105 and 103 John McCain Road and 7189 Cast Iron Forest Trail. The applicant proposes to combine and redevelop 2 lots, an old right-of-way area, and an open space lot into 2 single-family residential lots and an open space lot. The old right-of-way area will be abandoned as part of the plat.

Existing Conditions/Background: The subject property is currently zoned PUD-R Planned Unit Development – Residential district and is a combination of Lots 1 & 2, Block 1, Neidholt Addition, and old right-of-way area, and Lot 2X, Block E, Old Grove Addition. The property is generally located east of Cast Iron Forest Trail and southwest of John McCain Road as it turns north. The property is currently undeveloped. The plat up for consideration proposes to combine and redevelop the property for future residential development on 2 lots and an open space lot.

Lot Dimensions and Setbacks:

Per Ordinances O-04-1475, Lot Requirements and Setbacks, the PUD zoning regulations require the following standards:

- Minimum Lot Area: 13,000 square feet
- Average Lot Area: 16,000 square feet
- Minimum Lot Width: 90 feet
- Minimum Lot Depth: 120 feet
- Minimum Front Yard Setback: 25 feet
- Minimum Side Yard Setbacks: 10 feet
- Minimum Rear Yard Setback: 25 feet

As submitted, the proposed plat meets all of the requirements of the PUD-R zoning and the Land Development Code.

Surrounding Development: The properties to the north, south, and west are zoned PUD-R Planned Unit Development – Residential district and primarily developed with single family homes. The property to the east is zoned R-30 Single Family Residential district and developed with a single family home. There is a large retention/detention pond adjacent to the south.

Analysis: The property is located at the northeast side of the Old Grove neighborhood. The PUD-R zoning approved in 2004 originally planned for 4 lots. The proposal has reduced the lot number to 2 lots for single-family residential development.

The proposed Final Plat also includes a small open space lot adjacent to an existing Emergency Access Easement and drive lane.

Finally, an old right-of-way area is currently unused with no improvements existing. The approval of the Final Plat will include the abandonment of the right-of-way and the area incorporated into the lot area of the proposed area of Lot 1.

Fees: Park Land Dedication fees are required in the amount of \$1,802 per residential lot. Park Land Dedication fees are due prior to filing the plat for record. Impact Fees are also required per Chapter 13 (Impact Fees) of the Land Development Code and are due prior to the issuance of a Building Permit.

Tree Preservation: Any subdivision of the subject property must comply with Chapter 5 (Tree Preservation) of the Land Development Code. Where any tree is slated for removal, no site grading, dirt disturbance or new construction may occur on the property until a Tree Removal Permit has been issued that is associated with an approved Tree Preservation Plan.

In addition to the requirements for submittal of a Tree Removal Permit and Tree

Preservation Plan, future development on the site must maintain the minimum existing protected tree canopy coverage as required in Chapter 5.

Public Notification: Staff mailed notices to all property owners within 200 feet of the subject property on Friday, March 23, 2018. Notice was published in the Fort Worth Star-Telegram as required by State law and the Land Development Code on Saturday, March 24, 2018. To date, three correspondences in opposition have been received for this item.

Staff Recommendation: The proposed Final Plat meets the requirements of the Land Development Code, staff recommends approval.

Planning & Zoning Commission Recommendation: The Planning & Zoning Commission recommended approval at their July 9, 2018 meeting by a vote of 5-0.

Financial Impact

There is no financial impact to the City.

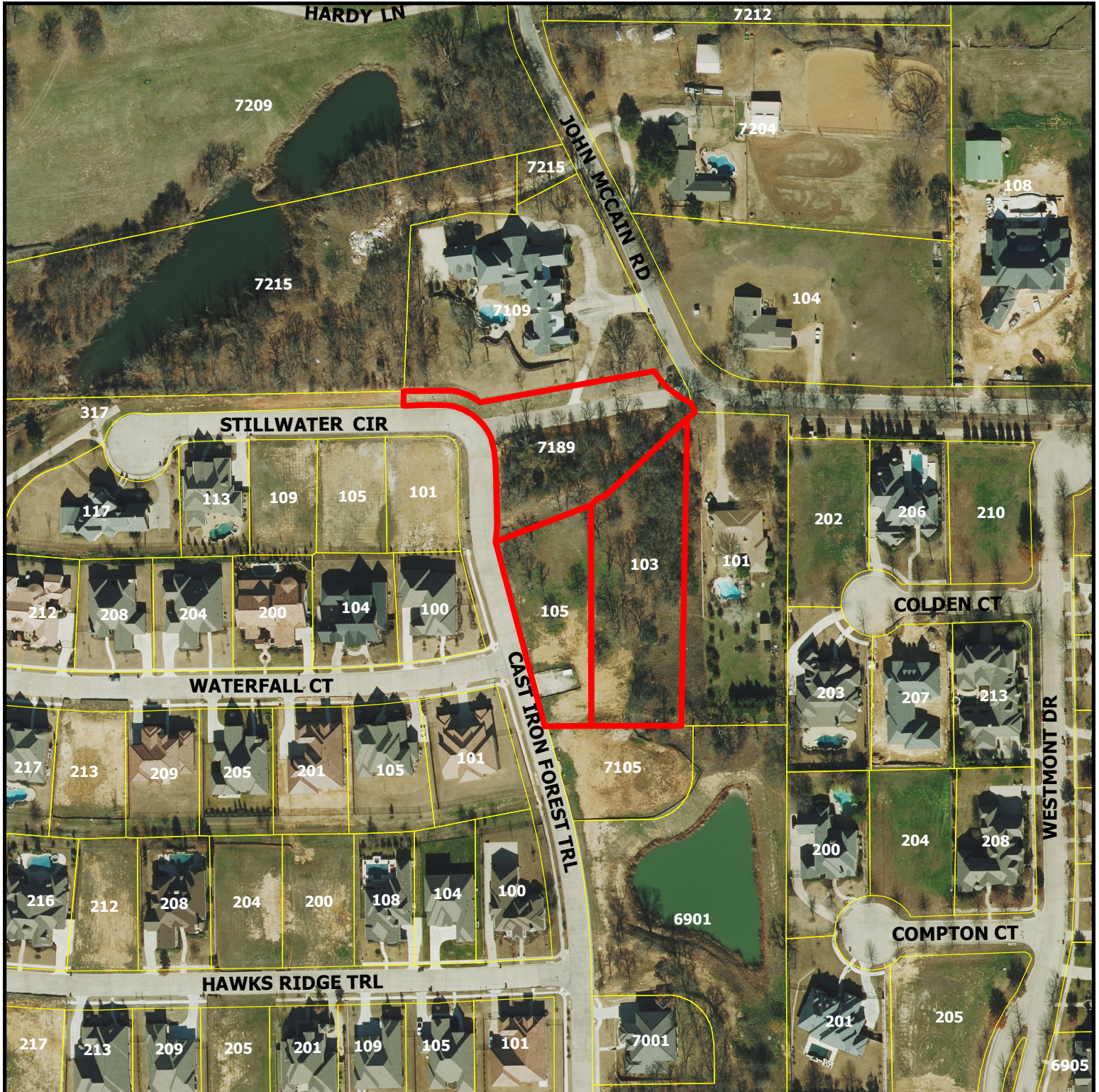
Recommendation

Approve

Attachments

1. Aerial Map
2. Zoning Map
3. Future Land Use Map
4. Plat Exhibit
5. Ordinance O-04-1475
6. Notification Map
7. Notification List
8. Property Owner Notification Letter
9. Letters of Opposition
10. Resolution R-18-4294

Aerial Map

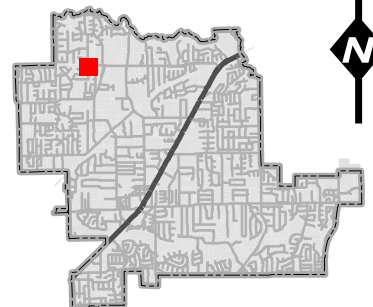


PC17-004

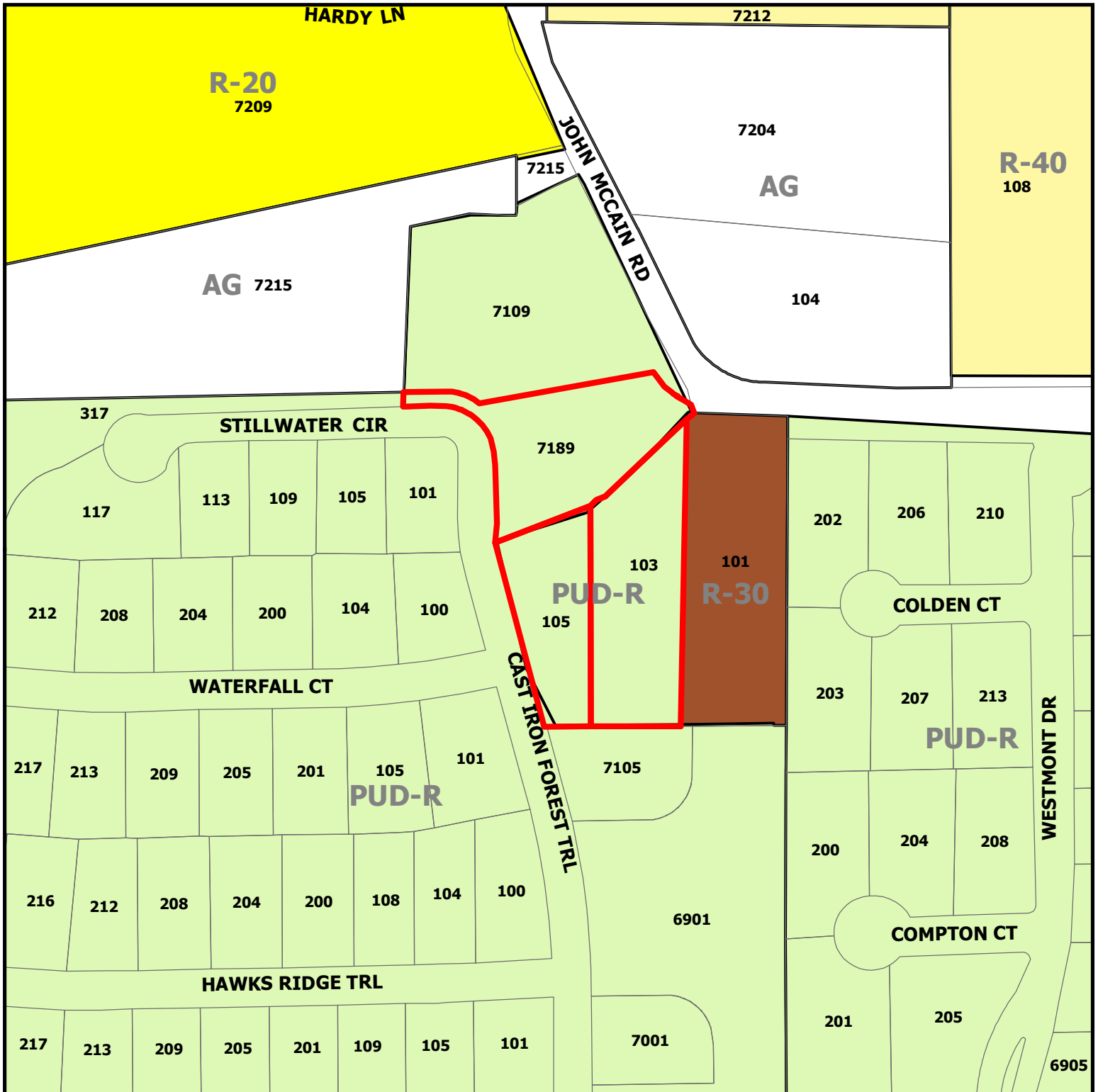
**105 & 103 John McCain Rd and
7189 Cast Iron Forest Trl**

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 Subject Property



Zoning Map



PC17-004

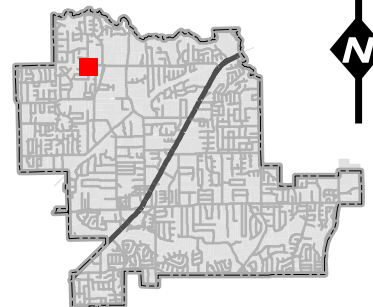
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Subject Property



Future Land Use Map



PC17-004

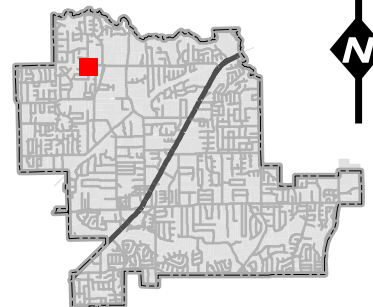
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Subject Property



OLD GROVE ADDITION, PHASE II



ORDINANCE O-04-1475

AN ORDINANCE AMENDING CHAPTER 3, LAND USE OF THE LAND DEVELOPMENT CODE OF THE CITY OF COLLEYVILLE, TEXAS, BY AMENDING THE OFFICIAL ZONING MAP AND CHANGING THE ZONING OF LOTS 1 AND 2, BLOCK 1, NEIDHOLT ADDITION, FROM THE R30 SINGLE FAMILY RESIDENTIAL DISTRICT TO THE PUD-R PLANNED UNIT DEVELOPMENT RESIDENTIAL DISTRICT; PROVIDING FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING A SAVINGS CLAUSE; AUTHORIZING PUBLICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, an application for a zoning change was filed by Old Grove Limited Partnership on July 6, 2004, under Case No. Z-04-026; and

WHEREAS, the City of Colleyville has complied with the notification requirements of the Texas Local Government Code and the Colleyville Land Development Code; and

WHEREAS, the Planning and Zoning Commission has held a public hearing and made a recommendation on the proposed zoning amendment; and

WHEREAS, the City Council has determined that the proposed zoning amendment is in the best interests of the City of Colleyville.

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

Sec. 1. THAT the Master Plan, the Land Development Code of the City of Colleyville, Texas, and the Official Zoning Map are hereby amended insofar as they relate to certain land located in Colleyville, Texas, as shown on the Zoning Map attached as Exhibit "A", and described by metes and bounds description attached as Exhibit "B", by changing the zoning of said property from the R30 Single Family Residential district to the PUD-R Planned Unit Development Residential district, as shown on the attached Exhibit "C", including any other conditions and restrictions imposed and approved by the City Council, which are incorporated herein.

Sec. 2. THAT the PUD-R shall be subject to the following conditions:

1. GENERAL

- a. The purpose of the PUD-R area is for single-family residential development.

- b. This property is subject to all the regulations contained in the Colleyville Land Development Code, except where amended by this Ordinance.

2. PERMITTED USES

- a. Single family residences, detached
- b. Open space

3. RESIDENTIAL LOT REQUIREMENTS AND SETBACKS

- a. Residential lot requirements and setbacks shall comply with the following provisions:

(1) Minimum Lot Size	13,000 square feet
(2) Minimum Lot Width	90 feet
(3) Minimum Lot Depth	120 feet
(4) Front Building Line	25 feet
(5) Side Building Line	10 feet
(6) Rear Building Line	25 feet

- b. The average lot size 16,000 square feet and shall be calculated over the combined acreage of Whittier Heights Phase I, Old Grove Phase I, Whittier Heights Phase II, and Old Grove Phase II.

4. OPEN SPACE

- a. The PUD-R area shall provide a minimum of twenty percent (20%) of the residential project area as common open space for the leisure and recreational use of the development's residents. The open space shall be calculated over the combined acreage of Whittier Heights Phase I, Old Grove Phase I, Whittier Heights Phase II, and Old Grove Phase II. The open space shall comply with the provisions contained in the Land Development Code.
- b. The common open space may be utilized for storm water detention purposes.

5. CONCEPTUAL SITE PLANS AND PLATTING

- a. The residential lot layout of the PUD-R area shall be generally consistent with the conceptual site plan attached as Exhibit "C", which shall be considered the preliminary plat. The actual street and lot arrangement may differ from that shown on Exhibit "C" to accommodate physical, topographic, drainage or other conditions.

- b. Prior to the issuance of any development permits on the subject property and as a condition to the development of the subject property, the developer shall obtain approval of a final plat of the property in accordance with the procedures and requirements of the Colleyville Land Development Code. In approving the final plat, the approving body shall exercise reasonable discretion with respect to changes from the Preliminary Plat in roadway design, lot sizes, lot shape, building line, setback lines, open space and all other aspects of the plat.
- c. The average residential density is permitted to be 1.8 dwelling units per acre over the combined acreage of Whittier Heights Phase I, Old Grove Phase I, Whittier Heights Phase II, and Old Grove Phase II.

6. STREETS AND SIDEWALKS

- a. Each homebuilder shall construct sidewalks along lot frontages. All sidewalks shall be constructed in accordance with the requirements of the Colleyville Land Development Code.

7. OTHER

- a. This development shall be subject to all impact fees as of the date of approval of the final plat.
- b. No water or sewer extensions are required to be made to adjacent property.
- c. The provisions of the Colleyville Pathways plan shall be incorporated in the project. Pathways shall be designated on the preliminary plan and final plat in a dedicated public right-of-way. Pathways shall be constructed by the developer.

- Sec. 3. THAT any person, firm, or corporation violating any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined a sum not to exceed Two Thousand Dollars (\$2,000.00). Each and every day such violation continues shall constitute a separate offense and shall be punishable as such.
- Sec. 4. THAT the Land Development Code of the City of Colleyville, Texas, shall remain in full force and effect, except where amended by this ordinance.
- Sec. 5. THAT the City Secretary is hereby authorized and directed to cause publication of the descriptive caption and penalty clause hereof as an alternative method of publication provided by law.

Sec. 6. THAT this ordinance shall become effective immediately upon publication.

AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 17th day of August 2004.

The second reading and public hearing being conducted on the 7th day of September 2004.

ATTEST:



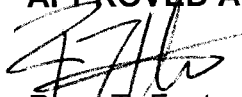
Cynthia Singleton, TRMC
City Secretary

CITY OF COLLEYVILLE:



Joe Hocutt
Mayor

APPROVED AS TO FORM AND LEGALITY:



Ross T. Foster
City Attorney

EXHIBIT A – ZONING MAP

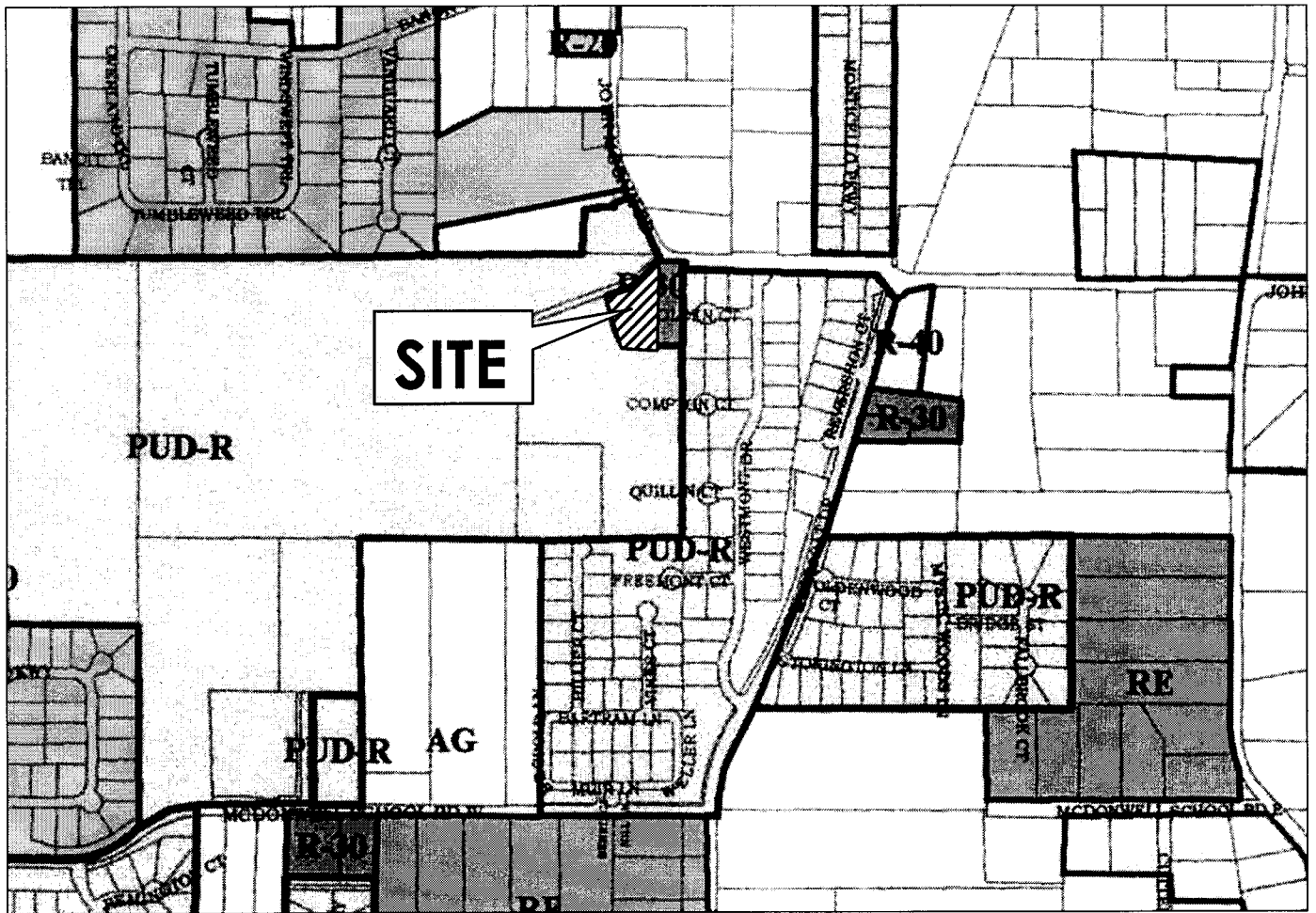


EXHIBIT B – METES AND BOUNDS DESCRIPTION

BEING a tract of land in the D.J. Beddo Survey, Abstract No. 232, situated in the City of Colleyville, Tarrant County, Texas and being all of Lot 1 and Lot 1, Block 1, of the final plat of Lots 1, 2, & 3, Block 1, Neidholt Addition, an addition to the City of Colleyville, Tarrant County, Texas as recorded in Volume 388-123, Page 64, Plat Records, Tarrant County, Texas (PRTCT), and being a portion of an unnamed right-of-way dedication as set out by aforesaid plat, and being a portion of that tract of land as described in deed to Old Grove Limited Partnership, recorded in Volume 1469, Page 37, Deed Records, Tarrant County, Texas, and being more particularly described as follows:

COMMENCING at a ½-inch rebar found at the southeast corner of Lot 3, Block 1, the said final plat of Lots 1, 2, & 3, Block 1, Neidholt Addition, being an angle point in the west line of Westmont, an addition to the City of Colleyville, Tarrant County, Texas, as recorded in Cabinet A, Slide 6060, PRTCT, being the most easterly northeast corner of said Old Grove tract;

THENCE South 89 degrees 54 minutes 50 seconds West, departing the west line of said Westmont, along the south line of said Neidholt Addition and a reentrant line of said Old Grove tract, a distance of 105.60 feet to southwest corner of said Lot 3 and the southeast corner of said Lot 2, being the POINT OF BEGINNING of the herein described tract of land;

THENCE South 89 degrees 54 minutes 50 seconds West, continuing along the south line of said Neidholt Addition and a reentrant line of said Old Grove tract, at a distance of 116.83 feet passing a 5/8 inch rebar found, said point being 0.25 feet to the south of line, at a distance of 194.00 feet passing a ½ inch rebar capped set at the southwest corner of said Neidholt Addition and a reentrant corner of said Old Grove tract, thereafter traversing said Old Grove tract, continuing a total distance of 199.18 feet to a ½ inch rebar capped set at the southwest corner of the herein described tract of land;

THENCE traversing said Old Grove tract, as follows:

North 15 degrees 12 minutes 36 seconds West, a distance of 220.16 feet to a ½ inch rebar capped set at the point of curvature of a circular curve to the right, having a radius of 250.00 feet;

Northwesterly, along said curve, having a central angle of 15 degrees 05 minutes 37 seconds, an arc distance of 65.86 feet and a chord that bears North 07 degrees 39 minutes 47 seconds West, 65.6 feet to a ½ inch rebar capped set;

North 89 degrees 53 minutes 01 seconds East, non tangent to said curve, a distance of 5.00 feet to a ½ inch rebar capped set;

North 00 degrees 06 minutes 59 seconds West, a distance of 71.04 feet to a ½ inch rebar capped set at the point of curvature of a circular curve to the left having a radius of 75.00 feet;

Northwesterly, along said curve, having a central angle of 22 degrees 32 minutes 37 seconds, an arc distance of 29.51 feet and a chord that bears North 11 degrees 23 minutes 17 seconds West, 29.32 feet to a ½ inch rebar capped set at the northwest corner of the herein described tract;

North 81 degrees 17 minutes 06 seconds East, non tangent to said curve, a distance of 267.80 feet to a ½ inch rebar found in the southwesterly line of John McCain Road (County Road No. 3036, variable width right-of-way), from which a 3/8 inch rebar found bears South 76 degrees 32 minutes 02 seconds West, 6.00 feet;

THENCE South 78 degrees 29 minutes 15 seconds East, along the southwesterly line of said John McCain Road, a distance of 2.40 feet to the northeast corner of the herein described tract;

THENCE South 00 degrees 30 minutes 30 seconds West, departing the southwesterly line of said John McCain Road, at a distance of 27.55 feet passing the northwest corner of said Lot 3 and the northeast corner of said Lot 2, continuing along the west line of said Lot 3 and the east line of said Lot 2, a total distance of 417.12 feet to the POINT OF BEGINNING and containing 97,138 square feet or 2.230 acres of land, more or less.

Notification Map

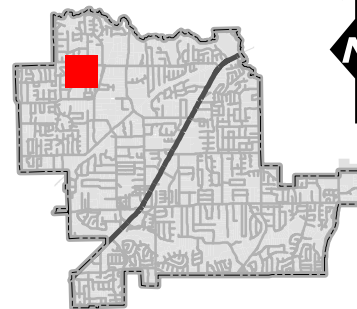


PC17-004

**105 & 103 John McCain Rd and
7189 Cast Iron Forest Trl**

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-  Subject Property
-  200ft Buffer
-  Properties within 200ft



Notification List

Owner Name	Owner Address	Owner City	Owner Zip	Situs Address
JOHNSON, MARK	203 COLDEN CT	COLLEYVILLE, TX	76034	203 COLDEN CT
BATTLES, BRANDON	101 JOHN MCCAIN RD	COLLEYVILLE, TX	76034	101 JOHN MCCAIN RD
TOLL DALLAS TX LLC	250 GIBALTAR RD	HORSHAM, PA	19044	105 STILLWATER CIR
ALLEN, LEROY	101 STILLWATER CIR	COLLEYVILLE, TX	76034	101 STILLWATER CIR
TOLL DALLAS TX LLC	250 GIBALTAR RD	HORSHAM, PA	19044	105 JOHN MCCAIN RD
FREIG, JOSE	104 HAWKS RIDGE TRL	COLLEYVILLE, TX	76034	104 HAWKS RIDGE TR
BOLTON, JONATHON	202 COLDEN CT	COLLEYVILLE, TX	76034	202 COLDEN CT
HA, THANH THUC	100 HAWKS RIDGE TR	COLLEYVILLE, TX	76034	100 HAWKS RIDGE TR
LAW, JAMES	109 STILLWATER CIR	COLLEYVILLE, TX	76034	109 STILLWATER CIR
RAU, SUSAN	7105 CAST IRON FOREST TRL	COLLEYVILLE, TX	76034	7105 CAST IRON FOREST TR
TOLL DALLAS TX LLC	250 GIBALTAR RD	HORSHAM, PA	19044	103 JOHN MCCAIN RD
ALLEN, CARL E	200 COMPTON CT	COLLEYVILLE, TX	76034	200 COMPTON CT
KELLY, JOHN	105 WATERFALL CT	COLLEYVILLE, TX	76034	105 WATERFALL CT
CLARK, EDWARD D	104 WATERFALL CT	COLLEYVILLE, TX	76034	104 WATERFALL CT
TOLL DALLAS TX LLC	250 GIBALTAR RD	HORSHAM, PA	19044	7189 CAST IRON FOREST TR
HIGHTOWER, ROXANNE S	104 JOHN MCCAIN RD	COLLEYVILLE, TX	76034	104 JOHN MCCAIN RD
ETTA, ANITA B	101 WATERFALL CT	COLLEYVILLE, TX	76034	101 WATERFALL CT
OLD GROVE MAINTENENCE ASSN	1800 PRESTON PARK BLVD STE 101	PLANO, TX	75093	6901 CAST IRON FOREST TR
RIACH, STEVEN E	7109 JOHN MCCAIN RD	COLLEYVILLE, TX	76034	7109 JOHN MCCAIN RD
DAWSON, WESLEY	406 PECAN DR	IRVING, TX	75061	7215 JOHN MCCAIN RD
WESTMAN, GARY A	2812 COTSWOLD CT	KELLER, TX	76248	100 WATERFALL CT
OLD GROVE MAINTENENCE ASSN	1800 PRESTON PARK BLVD STE 101	PLANO, TX	75093	317 OLD GROVE RD
OLD GROVE ADDITION	P.O. Box 1481	COLLEYVILLE, TX	76034	COURTESY NOTICE
WESTMONT ADDITION	5751 KROGER DRIVE	KELLER, TX	76244	COURTESY NOTICE
KELLER ISD	350 KELLER PARKWAY	KELLER, TX	76248	STATE REQUIRED
GRAPEVINE-COLLEYVILLE ISD	3051 IRA E. WOODS AVE	GRAPEVINE, TX	76051	STATE REQUIRED
KESSLER, KEVIN	1999 BRYAN STREET, SUITE 1200	DALLAS, TX	75201	APPLICANT



NOTICE OF PUBLIC HEARING

Zoning Case Number: PC17-004

Owner: Toll Dallas TX LLC

Applicant: Kevin Kessler

Location: 105 & 103 John McCain and 7189 Cast Iron Forest Trail

Property Description: Lots 1 and 2, Block 1, of the Neidholt Addition, Lot 2X, Block E, of the Old Grove Addition, and existing dedicated Right of Way

Present Zoning: PUD-R Planned Unit Development Residential District

Request: Consideration of a Final Plat for Lots 1, 2, and 3X, Block 1, Old Grove Addition, Phase II, located at 105 & 103 John McCain Road and 7189 Cast Iron Forest Trail. The purpose of the plat is to combine the 3 properties into 2 Single Family Residential lots and 1 open space lot.

The City of Colleyville has scheduled public hearings concerning the above referenced request on the following dates and location:

Planning and Zoning Commission Meeting: Monday, April 9, 2018 at 7:00 p.m.
City Council Meeting: Tuesday, May 1, 2018 at 7:30 p.m.
3rd floor of City Hall, 100 Main Street, Colleyville, Texas

This notice has been sent to all owners of real property within 200 feet of the request as such ownership appears on the last approved tax roll and all homeowners associations within 500 feet. Action by the Planning and Zoning Commission serves as a recommendation to the City Council and is not a final action on the request.

The application is on file for public examination in the Community Development Department at 100 Main Street, Colleyville, Texas. A brief project description can be found online on the Active Development Case map: <https://www.colleyville.com/zoning.html>. For additional information, please contact the Community Development Department at 817.503.1056. Please reference the zoning case number when requesting information.

Felix Landry
Principal Planner
flandry@colleyville.com

Opposition to Final Plat for Lots 1, 2 and 3X, Block 1, Old Grove Addition, Phase II

Jennifer Johnson [REDACTED]

T Kathy

o **Wheat** kwheat@colleyville.com, **rnewton** rnewton@colleyville.com, **blindamood** blindamood@colleyville.com, **tnakamura** tnakamura@colleyville.com, **gdodson** gdodson@colleyville.com, **ckelley** ckelley@colleyville.com, **crigney** crigney@colleyville.com

CMark ICE: Johnson [REDACTED] **Susan Rau/ Psa** [REDACTED], **Richard**

c Freitag [REDACTED] **Beth Battles** [REDACTED]

All,

My husband, Mark and I have spoken at two of the P&Z meetings, voicing our opposition to the Toll Brothers plans for the two lots on Cast Iron Forest Trail in the Old Grove subdivision. We will be out of town during the next City Council meeting, so wanted to send in our written opposition.

We are very concerned about the proposed dry retention pond and the risk to the health of neighboring homeowners and their property if the dry retention pond is not maintained. We are all at the mercy of the homeowner to maintain the pond, with no recourse if they do not. The drainpipe for this pond will be 18" wide, in the retaining wall at the back of the property, and needs to be left open to ensure correct water flow. If the homeowner has small children, or pets, this will be a safety issue, and we are very concerned they will put fencing over the hole to keep their pets/children safe.

Our second opposition to this plan is that there are large oak trees along both the HOA easement (East/West) (below left photo), and a 100 year old Post Oak in our backyard (below right photo) within the easement (North/South) and planned drainage area that will have roots damaged when the drainage pipes are installed. During the 5 years we have owned our house, we have spent over \$2,000 treating our Post Oak, as it was very sick when we bought the lot. I don't think it can survive having a good portion of its' root structure damaged.

Lastly, and I mentioned this when I spoke at the P&Z meeting in July, Toll Brothers as not been a good partner to your citizens during this process. On two separate occasions Greg Powell with Toll Brothers told my husband and I that they had no obligation to us during this process, because they were allowed to use the easement. Other representatives from Toll Brothers have since indicated that they will replace our fence, substantial bushes along the fence line, and a portion of our driveway; however given how we were initially treated, we are very concerned to what extent our property will be restored.

Thank you for your consideration.

Jennifer and Mark Johnson
203 Colden Court
Colleyville TX 76034

Opposition to Final Plat for Lots 1, 2 and 3X, Block 1, Old Grove Addition, Phase II

Beth Battles

T **kwheat** kwheat@colleyville.com, **rnewton** rnewton@colleyville.com, **blindamood** blindamood@colleyville.com, **tnakamura** tnakamura@colleyville.com, **gdodson** gdodson@colleyville.com, **ckelley** ckelley@colleyville.com, **crigney** crigney@colleyville.com

Crauprofit

Jennifer Johnson

Dear Mayor Newton and Members of the City Council,

My husband, Brandon, and I live at 101 John McCain Rd., the property adjacent to the proposed final plat of two lots in Old Grove. We want to voice our opposition to the replat proposal because we are opposed to the proposed drainage plan. These two lots slope towards our property.

We have had drainage problems across our property since Old Grove was constructed. Our lot was initially one lot in the three-lot Neidholdt subdivision. The other two lots were owned by single family, sold to David Bagwell, and replatted into Old Grove. Against our vehement opposition, the Council at the time approved the replatting, based in some measure on some verbal promises from David Bagwell of fencing along our western property line, a gate in the front, and enhanced landscaping. None of that, of course, came to be.

We learned only recently that when Old Grove was approved by the council, the land in question never had final plat approval, so no drainage plan was considered by the city. It is clearly very difficult to find a solution to appropriate drainage for these lots. Since the rest of Old Grove has been developed, the drainage for these two lots must be retrofitted into the design, and we are skeptical of the proposed solution.

We share the concern of our neighbors about the health and maintenance issues of the proposed dry detention pond and to the significant tree damage that will result in completing this drainage plan. Trees will be removed and damaged in constructing the drainage pipe across the easement of Old Grove that runs behind (on the south edge) of our proper (top picture below). Our neighbors, the Johnsons, reference a Post Oak on their property that we saved when the sewer line was constructed by allowing David Bagwell to put the manhole on the southeast corner of our property. It would be a shame to save the tree only to lose it now. If the development is approved, existing old oak trees on the property are at risk due to residential over-watering of landscapes.

We did have discussions with Toll Brothers about possible solutions to mitigate the tree loss and damage by running a drainage easement across our property, but ultimately felt that such an easement would limit our own use of our lot as well as that of future owners.

We hope that you will oppose this plan. The area in question is a lovely, wild place that would best serve the citizens living in and around Old Grove to remain as a park or wild space.

Thank you for your consideration,

Beth and Brandon Battles
101 John McCain Rd.
Colleyville, TX 76034

Opposition to Final Plat for Lots 1, 2 and 3X, Block 1, Old Grove Addition, Phase II

Susan Rau

Tkwheat kwheat@colleyville.com, rnewton rnewton@colleyville.com, blindamood blindamood@colleyville.com, tnakamura tnakamura@colleyville.com, gdodson gdodson@colleyville.com, ckelley ckelley@colleyville.com, crigney crigney@colleyville.com

C Ben Bryner bbryner@colleyville.com rauprofit
Johnson j Beth Battles

Jennifer
Richard Freitag

Dear Mayor Newton & Colleyville City Council Members:

My husband, Dick Freitag and I live at 7105 Cast Iron Forest Trail in Colleyville. Our home was built by Toll Brothers and we closed in July 2016. Dick and I were unable to attend the Council's meeting on August 7. I was at Mayo Clinic in Minnesota, where I am undergoing treatment.

Dick and I reviewed the video of the Council's meeting. Given the very long meeting and very full agenda, the Council noted that the members had not reviewed our Memo of Opposition in the Council packet. We previously submitted the same memo to the P&Z Committee; the salient points of which we addressed orally at two P&Z meetings.

This email attempts to summarize the points raised in our previously submitted Memo of Opposition. **By copy of this email, we are asking Ben Bryner to ensure that our email and the emails sent to the City Council by our neighbors Beth & Brandon Battles and Jennifer and Mark Johnson are included in the Council's Agenda packet for the August 21 meeting. To expedite the process, the three emails are attached in PDF format.**

We share the concerns of our neighbors and the Old Grove and Westmont communities about the re-plat being proposed by Toll Brothers. Despite several productive meetings with the Toll Brothers representatives and follow up discussions, our opposition is primarily related to the proposed drainage and grading plan. In addition, we oppose the building pad site on the land immediately adjacent to our property insofar as the pad is very close to the minimal easement, which is in contrast to other pad sites in the area.

Summarizing our opposition to the plans submitted by Toll Brothers to the City staff and City Council:

1. In turning the lots to face Cast Iron Forest Trail, Toll Brothers is proposing to handle storm water run-off by way of a "dry" detention pond. The stated reason for this approach is that the large existing retention pond on Cast Iron Forest Trail cannot handle the storm water from the two building lots that would result from the proposed re-plat.
 1. The detention pond would abut our property and run alongside the Battles and Johnson's properties. This is an inappropriate solution in a suburban development insofar as this would be the ONLY lot in Old Grove with a detention pond on private property. Thus, unlike the large retention pond, there would be no City or HOA oversight.
 2. The construction of the drainage field and pipes will eliminate large oak trees, spruce trees, tree roots on several properties, resulting in potential damage or death of these large mature trees. Nesting wildlife including Harper's and Red-tail hawks, owls, bluebirds, blue jays, cardinals, finches and bees will be displaced.

Opposition to Final Plat for Lots 1, 2 and 3X, Block 1, Old Grove Addition, Phase II

2. A careful review of the approved drainage plans for Old Grove and for Westmont shows that the lots in question plus the lot with the Battles home were not included in the approved plans for either subdivision.
 1. But, the fact that these lots were not included does not mean that the retention pond cannot handle the water from the new lots. It simply means that the lots (currently facing John McCain) were omitted from the plans submitted by David Bagwell and then adopted by Toll Brothers.
 2. Clearly the developers anticipated building on these lots but why and how they were omitted from the submission to the City and the resulting approved drainage plans may never be fully understood.
3. The story that the large existing pond cannot handle more storm water has been repeated so often that Toll Brothers represents this as fact. This assertion is just that--an assertion. We ask the City Council to require a full feasibility study with the goal of determining how the existing retention pond can be modified to handle the runoff from these two new lots.
 1. Yes, the study may be expensive and, yes, the work that may need to be done on the large existing retention pond may be considerable and expensive, but the solution being proposed by Toll Brothers is overly complex, destroys significant vegetation, displaces nesting wildlife and places the burden of maintenance on a single homeowner within a subdivision, which is contrary to the City's best practices.
 2. Toll has already built intakes from Stillwater Court such that some of the infrastructure might be used to add these new lots if/when the large retention pond is reconfigured to take more water.
4. Toll Brothers and City staff have pointed out, correctly, that the natural flow of water runs down and across the backyard of the Battles property, but this should not be construed to mean that the only way to handle the flow is through a dry detention pond.
 1. Our lot, prior to being developed, also drained downhill and roughly in the direction of the rear of the Battles property and along the edge of the Johnson property in the general direction of the Westmont storm sewer.
 2. When we built and installed a pool and landscaping, the City required us to reroute the runoff so as to have it drain into the large retention pond (in other words, contrary to the natural flow).
 3. We were required to "plumb" as opposed to a dry detention pond or French drains. Having lived for many years in a rural area where we had numerous dry detention ponds on our property we were acutely aware of the maintenance required and knew that this type of solution, while certainly cheaper, is inappropriate for a subdivision lot.
 4. Although the drainage solution cost us in excess of \$100,000, it was the right solution. We simply ask that the City Council vote to apply the same standards to the lots next to us.
5. In recent years, Colleyville has seldom approved a dry detention pond on a small lot within a subdivision. Such detention ponds have usually been approved when constructed on the common areas of a subdivision. This is for good reason. Within common areas, the burden of maintenance and restrictions on access that might pose a threat to public health becomes the responsibility of the HOA with oversight from the City; this is the way the large existing retention pond is handled today.
 1. A casual drive around Colleyville readily shows that even when a well designed dry detention pond is used on large or rural residential lots outside of a subdivision, there can be significant health and safety risks when the homeowner fails to properly maintain the pond.

Opposition to Final Plat for Lots 1, 2 and 3X, Block 1, Old Grove Addition, Phase II

2. Even an untrained observer can see examples within Colleyville and surrounding towns of "dry" detention ponds where the egress is blocked with tree roots, grass clippings or other debris, where standing water and muck are readily visible and provide a breeding ground for mosquitoes and where the safety of children and pets is threatened.

Regarding the health and safety risks of a dry detention pond, at its last meeting the Council asked why we purchased a lot next to a large retention pond but now are objecting to the proposed dry detention pond directly adjacent to our property. Simply put, the extent of my health issues was not yet apparent. Once we became aware of my illness, we could not back out of the purchase and had to devise plans to ensure that our property is shielded from storm water, lawn and garden chemicals (fertilizers, pesticides, insecticides, weed killers etc.) and insects, including but not limited to mosquitoes. In addition to the extensive drainage work we've done, we have also installed synthetic turf in some areas and an extensive vacuum system to rid the property of all flying insects.

Yes, we may be somewhat more aware of the health and safety risks of the drainage plan being proposed by Toll Brothers, but this is driven by direct experience with such detention ponds and only tangentially by current health issues. For all the reasons outlined here and the details in our Memo of Opposition shared with the P&Z Committee and the City Council previously, we oppose the Toll Brothers request for a re-plat of the lots in its current form.

Unless or until the solutions being offered are reconsidered and replaced by a below ground drainage solution, we cannot in good conscience allow this proposal to go forward without asking that our City government and its elected officials consider our objections and those raised by our neighbors. We ask for a fair hearing on the matter and rely on the wisdom of our City Council to reject the proposal in its current form. With additional work, we hope that a solution can be found that is fair to all.

Susan E. Rau & Richard Freitag
7105 Cast Iron Forest Trail
Colleyville TX 76034

RESOLUTION R-18-4294

**A RESOLUTION APPROVING A FINAL PLAT FOR LOTS 1, 2, AND 3X,
BLOCK 1, OF THE OLD GROVE ADDITION, PHASE II**

WHEREAS, the Planning and Zoning Commission recommended approval of the Final Plat for Lots 1, 2, & 3X, Block 1, of the Old Grove Addition, Phase II on July 9, 2018.

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

Sec. 1. THAT the Final Plat for Lots 1, 2, & 3X, Block 1, of the Old Grove Addition, Phase II on approximately 2.20 acres, attached as Exhibit "A" - Plat Exhibit, is hereby approved.

AND IT IS SO RESOLVED.

APPROVED BY A VOTE OF ____ AYES, ____ NAYS, AND ____ ABSTENTIONS ON THIS
THE 18TH DAY OF SEPTEMBER 2018.

Mayor Richard Newton	_____	Mayor Pro Tem Bobby Lindamood	_____
Place 1, Tammy Nakamura	_____	Place 5, Chuck Kelley	_____
Place 3, Kathy Wheat	_____	Place 6, Callie Rigney	_____
Place 4, George Dodson	_____		

ATTEST:

CITY OF COLLEYVILLE

Christine Loven, TRMC
Assistant City Secretary

Richard Newton
Mayor



City of Colleyville City Council Agenda Briefing

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

Agenda Number 11

Agenda Date 11/05/2018

Type Report

Department City Secretary

Title

Library Board Minutes - August 13, 2018

Attachments

1. Library Board Minutes - August 13, 2018



City of Colleyville

Colleyville Library Board

MINUTES

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

Monday, August 13, 2018
6:00 p.m.

Colleyville Public Library
110 Main Street

1. CALL TO ORDER

Chair Molly Skinner called the meeting of the Colleyville Library Board to order at 6:05 p.m.

Present Board members: Chair Molly Skinner, Kay Newton, Gary McPherson, Pat Jones, Merry Graves, Cecilia Sublette, Ex-Officio Joan Roberts; City Staff: Library Director Mary Rodne, Library Community Events Coordinator Kristi Isbell

Absent Board members: Seanna Billinger, Billie Tuttle, Mike Sexton

2. APPROVAL OF MINUTES

June 11, 2018

A motion was made by Kay Newton and seconded by Gary McPherson to approve the June 11, 2018 minutes. The motion was approved unanimously.

3. REGULAR AGENDA ITEMS

3a Library Board appointments update

Director Mary Rodne stated that letters were mailed to Board members whose terms were expiring and information on the Library Board application process could be found on the City's website.

3b City of Colleyville Fiscal Year 2019 (FY19) budget update

Rodne reported that more of the Library's operating budget was moved from the City's General Fund to the CEDC (Colleyville Economic Development Corporation) Fund and the Library Voluntary Fund. Gary McPherson questioned the reason for the shift in Library funding. Rodne explained that there was funding available through CEDC (a tax used for certain expenditures) and that the Library qualified for this type of funding.

3c Update on the Library Spatial Reconfiguration Project

Rodne stated that three bids were received for the construction portion of the Project and that Scott Beck Construction was awarded the contract. Library Interiors of Texas

was awarded the contract for the furniture portion of the Project. All bids were higher than anticipated, because of market trends, and some features were eliminated from the Project in order to stay on budget. Rodne distributed a Project cost outline and explained that City Council approved the use of \$459,470.00 from CEDC funding for the Project and the Friends of the Colleyville Public Library and Colleyville Library Foundation had each approved \$20,000.00 from their respective funds. Rodne stated the remaining funds needed would come from various donations already received. Rodne stated that the Project should be complete by November 2018.

3d Approval of the use of the Voluntary Library Fund for purchase of library materials, materials processing supplies, and library programs.

Director Rodne presented an overview of the Voluntary Library Fund report, which gave projections through September 2018. Rodne stated that the anticipated available funds were about \$167,241.00 and requested \$165,000.00 be used for the purchase of library materials, materials processing supplies, and programs. The board discussed the proposed expenditures of \$165,000.00 for the purchase of collection materials, materials processing supplies, and library programs and the merit of increasing the amount approved to not exceed \$167,000.00. A motion was made by Pat Jones and seconded by Kay Newton to make a recommendation to City Council to proceed with the expenditure of these funds for the purchase of library materials, materials processing supplies, and library programs, in an amount not to exceed \$167,000.00 for the FY2019 budget year. The motion was approved unanimously.

3e Discussion of Items for Future Agendas

Rodne stated that the completion of the Project in November would coincide with the Library's fifteenth anniversary on November 24, 2018 and that it could be fitting to host some type of celebration. Board Members were in favor and discussion ensued regarding possible ideas and timing. The next regularly scheduled meeting was tentatively set for Monday, October 8, 2018.

4. REPORTS

4a Librarian's Report

A. Monthly Statistics:

Director Rodne provided an overview of the statistics for the months of July and August 2018 and explained that overall Library usage had increased. Rodne further provided an update on the cloudLibrary agreement and the increased library participation and patron circulation.

B. Donations:

Rodne stated that the Library received \$300.00 in June and no donations in July 2018. In June, the Library received \$300.00 from Amy Dowell for the purchase of juvenile books in honor of the birthdays of her three children.

C. Programs:

Rodne distributed and explained the Summer Reading Spotlight, a newsletter highlighting the statistics, sponsors, programs, and photos from the 2018 Summer Reading Program.

4b Friends of the Colleyville Library Report

Joan Roberts stated the Friends worked throughout the summer to sort through donated materials and worked with buyers to obtain the highest amount in order to support the Library. Roberts reported that the Friends elected the following new officers: Kay Newton, President; Joan Roberts, Treasurer; Mary Alice Rippe, VP - Membership; and, Pam Pugliese, Secretary.

4c Colleyville Public Library Foundation Report

Pat Jones reported that the Foundation would be participating in North Texas Giving Day 2018 on September 20 and that giving could be scheduled beginning on Monday, September 10. Jones provided information on types of fundraisers and events hosted by the Foundation in the past.

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

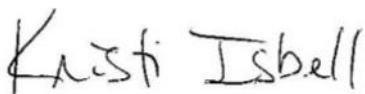
There were no citizen comments/presentations regarding items not on the agenda.

6. ADJOURNMENT

A motion was made by Merry Graves and seconded by Pat Jones to adjourn the meeting of the Colleyville Library Board at 6:50 p.m. The motion was approved unanimously.

APPROVED BY A VOTE OF 7 AYES, 0 NAYS, AND 0 ABSTENTIONS ON THIS THE 8th DAY OF October, 2018.

Minutes taken and prepared by:



*Kristi Isbell,
Community Events Coordinator*



Colleyville Public Library Summer Reading Program



SPOTLIGHT



IMPACT

June—July 2018

**1,446
Enrolled**

in Reading Program

1,249 children ♦ 50 teens ♦ 147 adults

Since 2004, Colleyville's
Summer Reading Program
has enrolled almost 19,000!



**62,058
Items
Circulated**



PROGRAMS

May—July 2018

**180
Programs
Presented**



Attended by:

10,217 children

159 teens/adults

10,376 TOTAL



Toddler Tales ♦ Preschool Palooza ♦ Tiny Treasures ♦
Shake, Rattle & 3's ♦ Chomp It Up ♦ Exploratorium ♦
Dino-Mighty Kids ♦ Shake, Rattle, & Read ♦
Rocket Readers ♦ Chess Club ♦ Lego Mania ♦
Family Movie Days ♦ Performers ♦ Bounce Time ♦ Books N
Brunch ♦ Late Edition ♦ Keeping It Real Non-Fiction Book
Club ♦ Reel Talk ♦ Get Crafty ♦ Spa-Tacular



In 15 years, over 107,000 area children,
teens, and adults have experienced
"community" through over 1400
Summer Reading events in Colleyville.



THANK YOU

to the

**The Robert J. and Helen H.
Glaser Family Foundation**

and

NRH20 Family Water Park

and the following supporters:

Alley Cats Entertainment, Hurst

Black Walnut Café, Colleyville

Buttermilk Sky Pie, Colleyville

Celebrity Café & Bakery, Colleyville

Chicken Salad Chick, Hurst

Chick Fil A, Hurst

Costa Vida, Colleyville

Dallas Zoo

Dave & Busters, Euless

Fort Worth Museum of Science & History

Friends of the Colleyville Public Library

La Hacienda Ranch, Colleyville

Lego Land / Sea Life

Loveria Cafe

Market Street, Colleyville

McAlister's Deli, Colleyville

McDonald's, Colleyville

Menchie's Frozen Yogurt, Colleyville

Palio's Pizza

Pinnacle Bank

Snuffer's Restaurant

Sonic, Colleyville

Studio Movie Grill, Colleyville

Sweet & Sassy, Southlake

Teddy's Bigger Burgers, Colleyville

Texas Rangers Baseball

Whataburger

Sweet Treats at the Library

A summer well-spent at the Library was made complete with the help of Colleyville businesses. We want to thank *Teddy's Bigger Burgers*, *Britt's Sno Cones*, and *Menchie's Frozen Yogurt* for being onsite to sell cool and refreshing sweet treats on Tuesday and Thursday afternoons!



COMMUNITY COMMENTS

Message from Child: "I Love Library!"

"Great Programs! Thank you!!!"

"Thank you- we have enjoyed each program and will continue to attend many in the future!"

"It (the Summer Reading Program) was great! Thank you!"

"Thank you for the wonderful, informative, and entertaining Tuesday / Thursday afternoon programs. You made our summer so much more fun and worthwhile."

"Thank you for the opening and closing programs. The Finale is fun for everyone."

"My family greatly appreciates all the efforts by the friendly and helpful staff. You make our summer a very positive and fun experience!"

"...very happy with all the programs at the Library."

"Thanks for all you do!"

"Thank you for providing such wonderful Tues/Thurs. performers. My kids have loved them all and look forward to coming."

"Thank you!!! We love Bounce Time!"



COLLEYVILLE PUBLIC LIBRARY

RESOLUTION R-18-4324

**A RESOLUTION APPROVING CITY COUNCIL ACTION
UNDER BUSINESS AT THE REGULAR CITY COUNCIL MEETING OF
NOVEMBER 5, 2018**

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:

a. THAT

AND IT IS SO RESOLVED.

APPROVED BY A VOTE OF _ AYES, _ NAYS AND _ ABSTENTIONS ON THIS THE 5TH DAY OF NOVEMBER 2018.

Mayor Richard Newton	_____	Mayor Pro Tem Bobby Lindamood	_____
Place 1, Tammy Nakamura	_____	Place 3, Kathy Wheat	_____
Place 4, George Dodson	_____	Place 5, Chuck Kelley	_____
Place 6, Callie Rigney	_____		

ATTEST:

CITY OF COLLEYVILLE

Christine Loven, TRMC
City Secretary

Richard Newton
Mayor