



City of Colleyville City Council Agenda

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

Tuesday, December 4, 2018

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

CALL TO ORDER

- WS-1** Discussion of SH26 lighting
- WS-2** Discussion of Cheek-Sparger Road shoulder improvements
- WS-3** Discussion of SH26 corridor business property enhancement program
- WS-4** Discussion of the 2019 City Council meeting dates
- WS-5** Discussion of the December 4, 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, including:

- Acquisition of real property along SH26, including discussion of City participation in an online auction for the real property generally described as 4719 Colleyville Boulevard, Colleyville, Texas, ending December 5, 2018.
- 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 Martin Richardson, Crown of Life

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-18-4330**
- 3. ANNOUNCEMENTS, PROCLAMATIONS, AND PRESENTATIONS**
 - Announcements of civic and charitable events**
 - Presentation of calendar events and updates**
 - Announcements of awards and recognition**
- 4. CONSENT: READING AND PUBLIC HEARING- RESOLUTION R-18-4331**
 - 4a** Approval of the minutes of the regular City Council meeting of November 20, 2018
 - 4b** Approval of a Lease Agreement with Tarrant County 9-1-1 for facility space at the Colleyville Justice Center, and authorize the City Manager to execute the agreement
- 5. ORDINANCE(S): SECOND READING AND PUBLIC HEARING**
 - 5a Ordinance O-18-2066**

Consideration of a zoning change from R-40 Single Family Residential district to R-20 Single Family Residential district on Lot C, McEwing Subdivision & 1B02A, 1B2, 1B3, and 1B4, Abstract 1154, in the R H McEwing Survey, located at 712-810 Lavaca Trail, Case ZC18-033

5b Ordinance O-18-2067

Consideration of amendments to the Land Development Code, specifically Chapter 3 – Land Use

6. ORDINANCE(S): FIRST READING AND PUBLIC HEARING**6a Ordinance O-18-2068**

An ordinance amending Sections 3A and 3B of the Water and Sewer Policy and Procedure manual as contained in the Code of Ordinances of the City of Colleyville, Texas, adjusting water and wastewater volumetric rates to pass through changes from the Trinity River Authority

6b Ordinance O-18-2069

Consideration of a zoning change from PUD-C Planned Unit Development – Commercial district, PUD-R Planned Unit Development – Residential district, and ML Light Manufacturing district to AG Agricultural district on Lot 1A, Block 12, of the Longwood Estates at Ross Downs and Tract 1, Abstract 294 & Tract 4A3A, Abstract 591, in the Robert Chowning Survey, located at 7201 Colleyville Boulevard, Case ZC18-030

6c Ordinance O-18-2070

Consideration of a Special Use Permit for a carport on Lot 16, Block 2, of the Quail Crest Estates Addition, located at 316 Quail Crest Drive, Case ZC18-032

6d Ordinance O-18-2071

Consideration of a zoning change from R-10 Single Family Residential district to R-20 Single Family Residential district on Tracts 6A & 6A2, Abstract 1203, in the Peterson Pate Survey, located at 713 Field Street, Case ZC18-034

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

8. RESOLUTION(S): READING AND PUBLIC HEARING**8a Resolution R-18-4332**

Consideration of a Replat for Lots A1R-1 and A1R -2, Block 2, of the Pleasant Oaks Estates Addition, located at 512 and 600 Leta Lane, Case PC18-014

8b Resolution R-18-4333

A resolution changing January, May, October, and November 2019 City Council meetings dates

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. ACTION/RESOLUTION: DISCUSSION AND CONSIDERATION OF A RESOLUTION RATIFYING COUNCIL AGENDA ACTION FOR DECEMBER 4, 2018 - READING AND PUBLIC HEARING - RESOLUTION R-18-4334****12. ADJOURNMENT**

I hereby certify this agenda was posted on City Hall bulletin boards Friday, November 30, 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
www.colleyville.com

Agenda Number WS-1

Agenda Date 12/04/2018

Type Worksession

Department City Manager

Title

Discussion of SH26 lighting

Strategic Plan

5.1 Create and sustain an identifiable Colleyville brand

Explanation

At the November 5, 2018 City Council Worksession, MESA (the City's design consultant) presented different aesthetic options for lighting elements within the SH26 corridor. The City Council provided direction to proceed with the recommended curvilinear style. The purpose of this follow-up discussion is to select the specific fixture for the corridor. Once the specific fixture is determined and any optional elements are decided upon, pricing will be finalized and the installation project will be placed out for bid.

Attachments

1. SH26 Roadway Lighting presentation

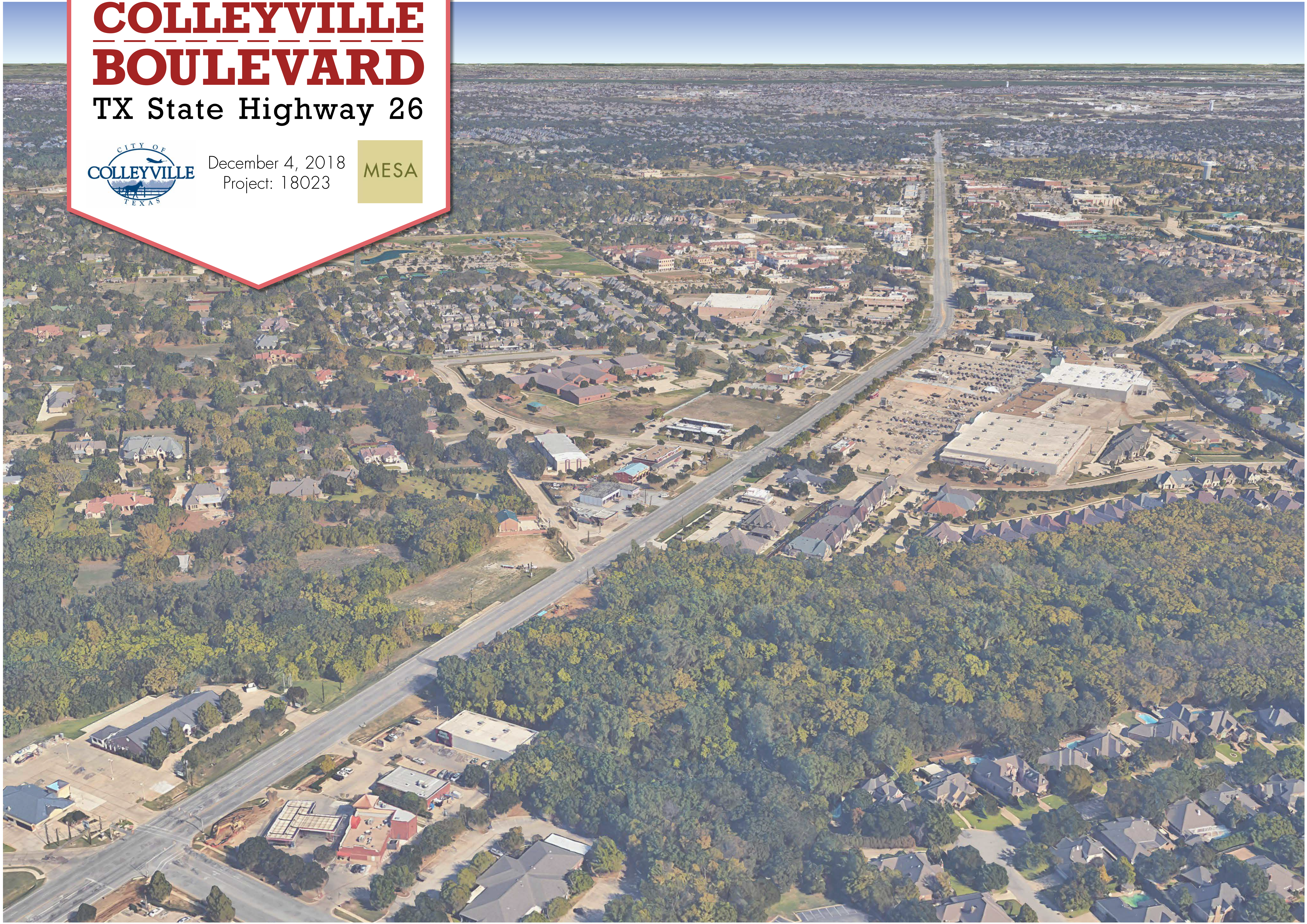
COLLEYVILLE BOULEVARD

TX State Highway 26



December 4, 2018
Project: 18023

MESA



AGENDA

TODAY

Pricing for Roadway Lighting

UPCOMING

Bidding Labor & Install

Award Contract

CORRIDOR KEY



EXISTING MAIN ST. LIGHT POLES



EXISTING MAIN ST. SIGNAGE



EXISTING TRAFFIC SIGNALS



RECTILINEAR



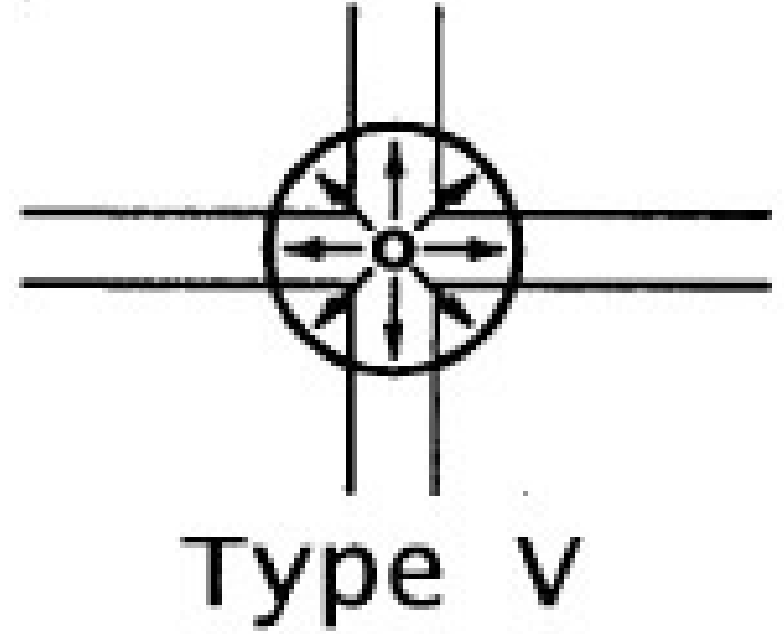
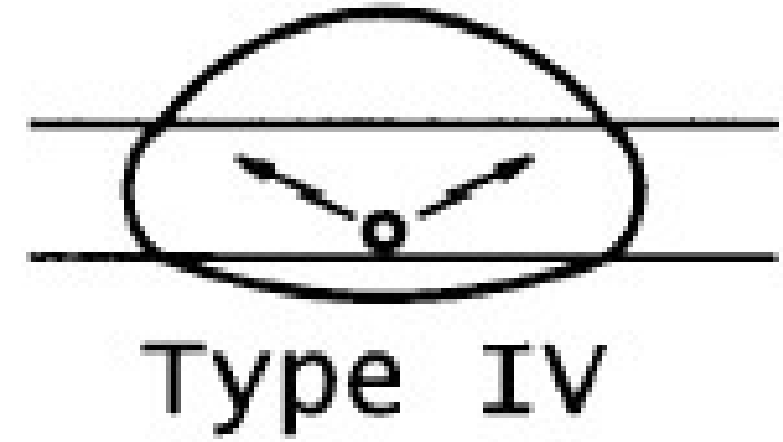
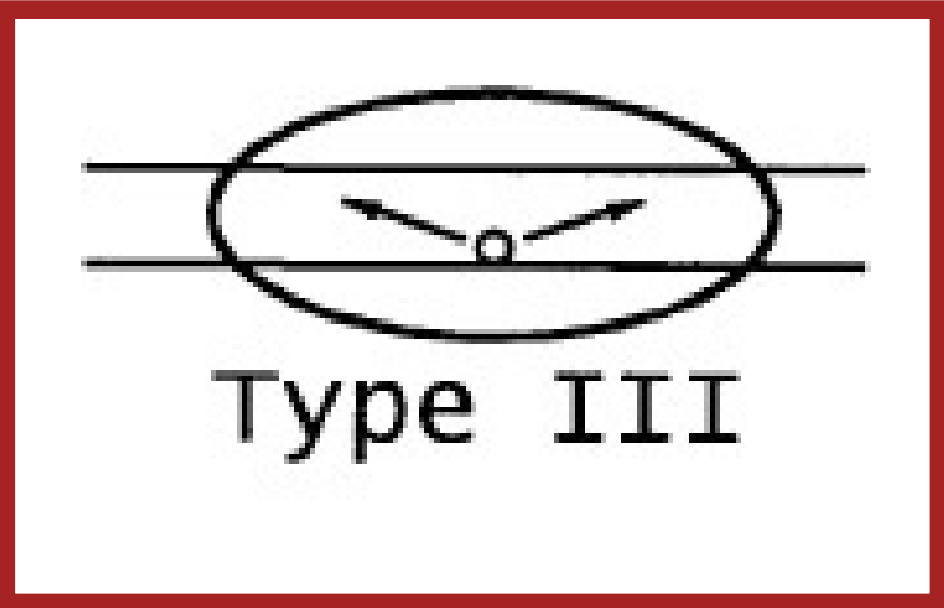
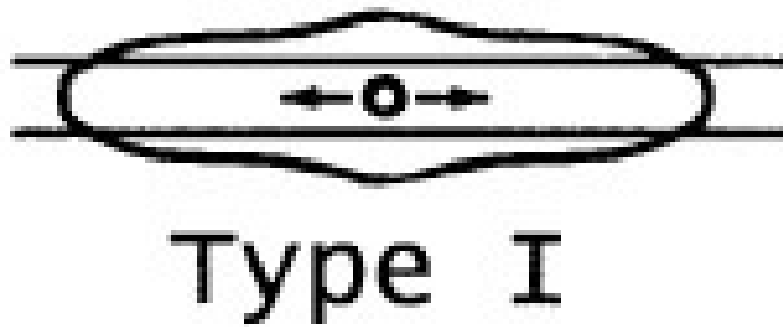
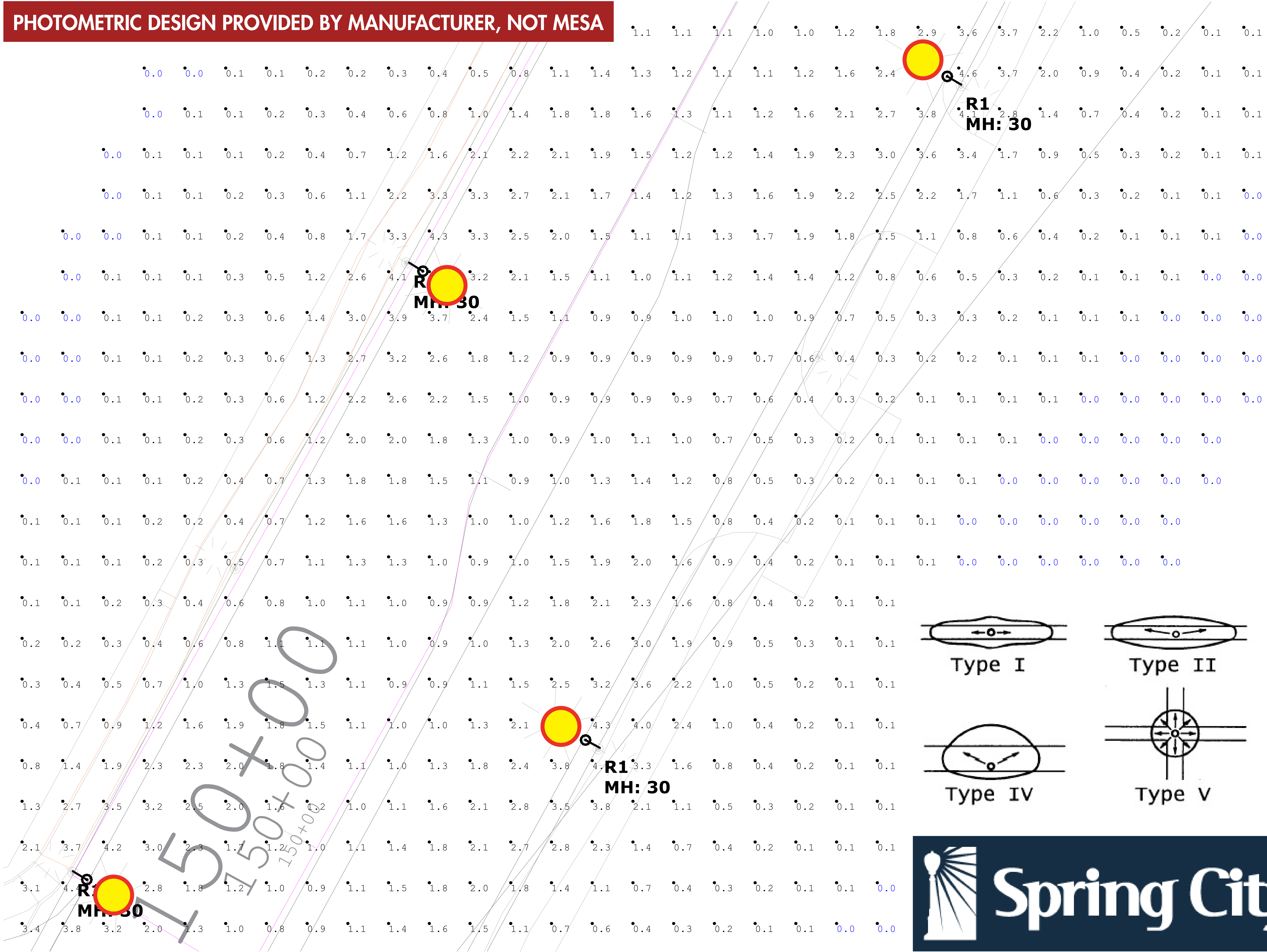
ARCHING



CURVILINEAR



PHOTOMETRIC DESIGN PROVIDED BY MANUFACTURER, NOT MESA



LIGHTING DISTRIBUTION



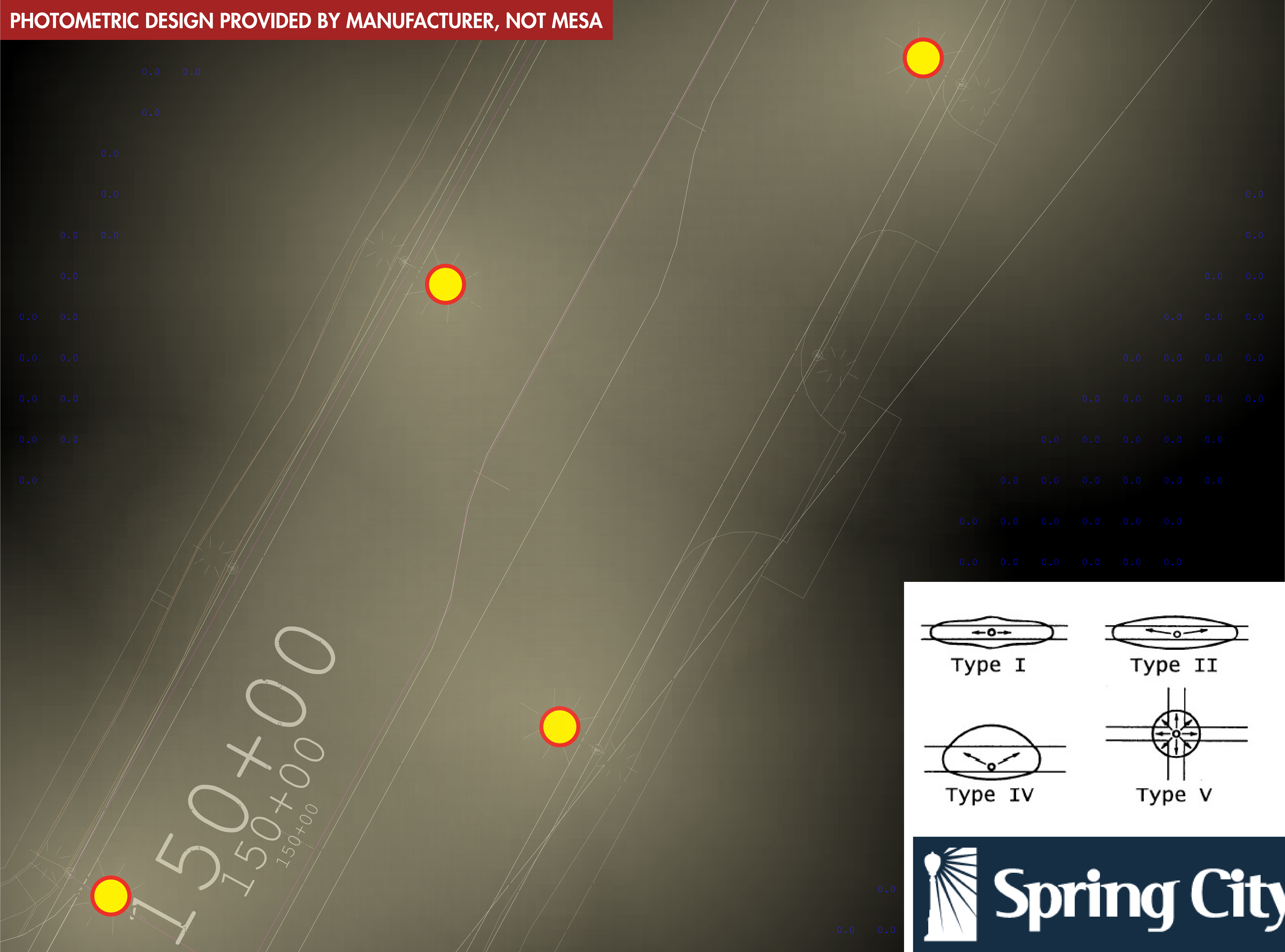
COLLEYVILLE
BOULEVARD

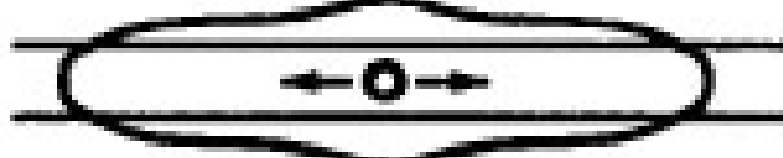
Photometry
ROADWAY LIGHTING

December 4, 2018
Project: 18023



PHOTOMETRIC DESIGN PROVIDED BY MANUFACTURER, NOT MESA





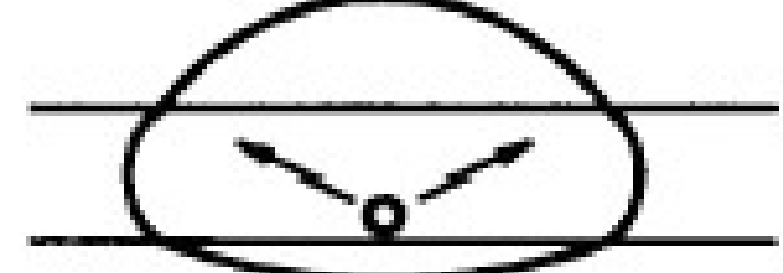
Type I



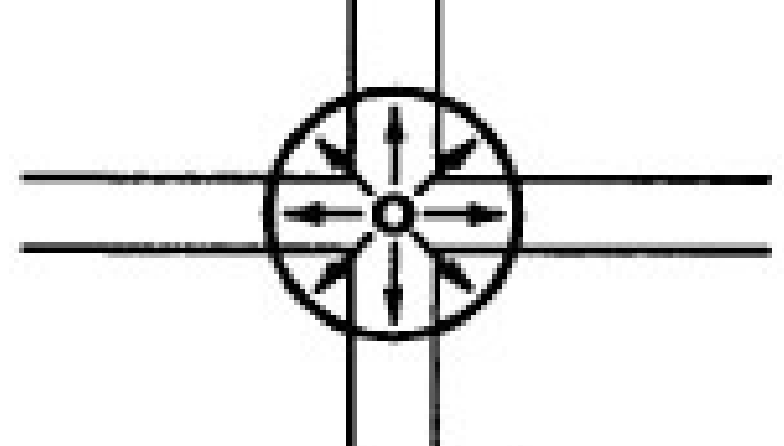
Type II



Type III

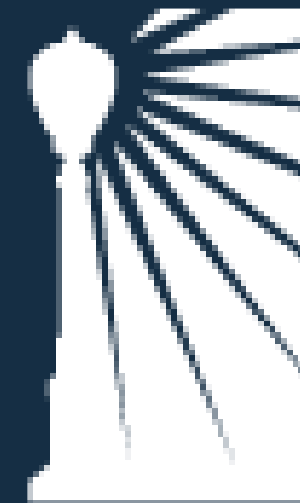


Type IV



Type V

LIGHTING DISTRIBUTION



Spring City™





Bishops Crook



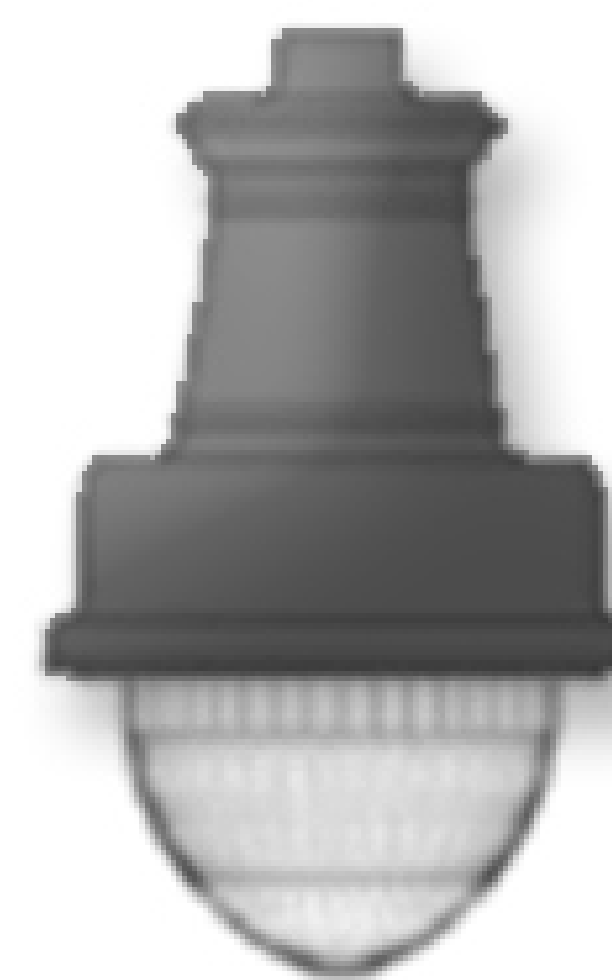
Columbia



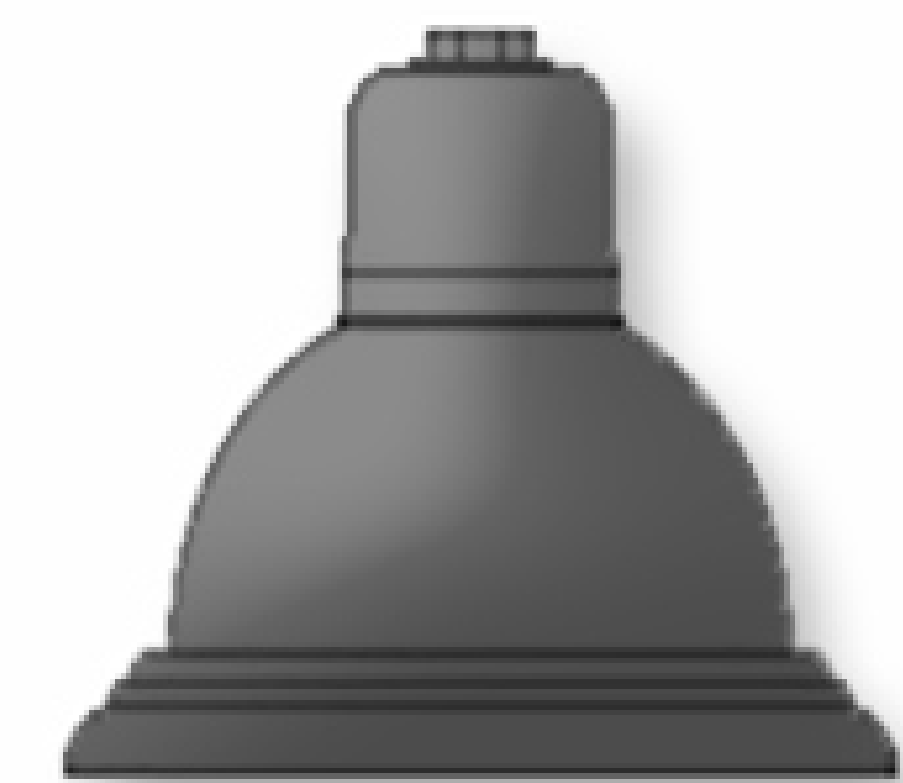
IVY



Lechmere



Manchester



Exton

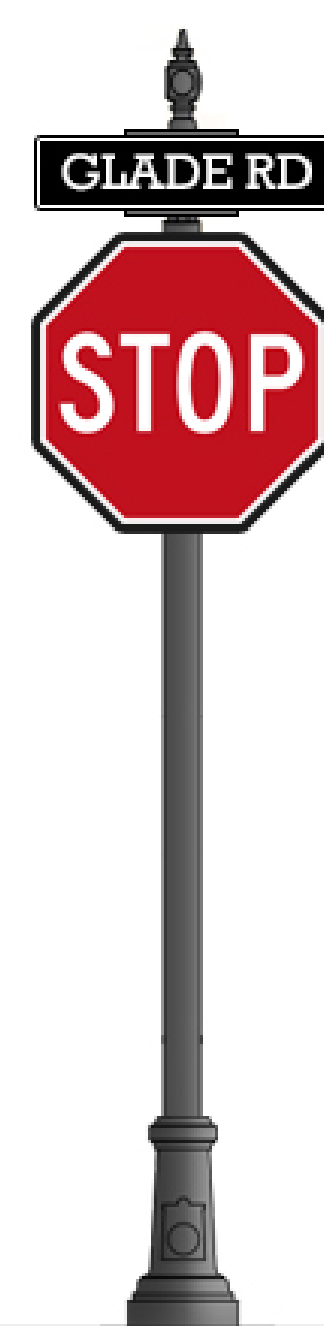
NOTE: ALL ELEMENTS TO HAVE A
BLACK POWDERCOAT FINISH TO
MATCH EXISTING TRAFFIC LIGHTS



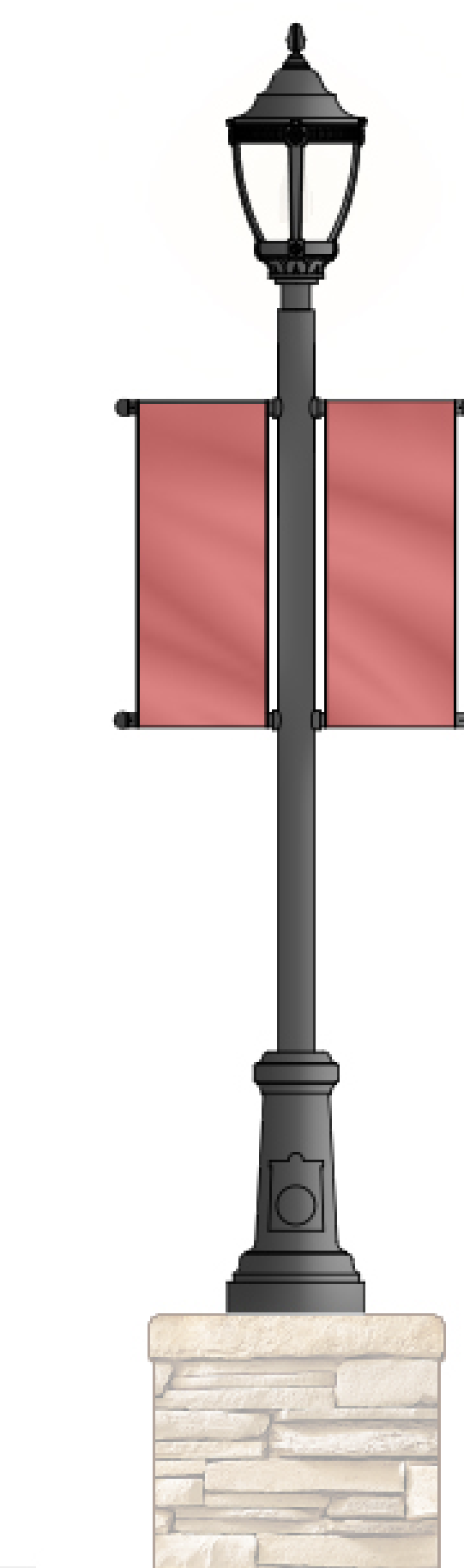
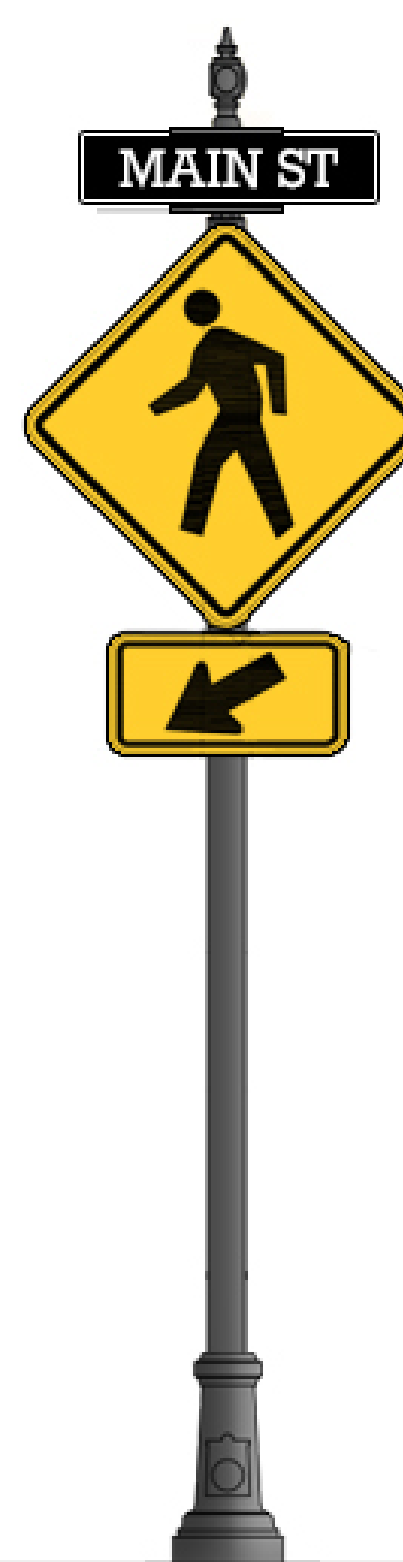
BOLLARD



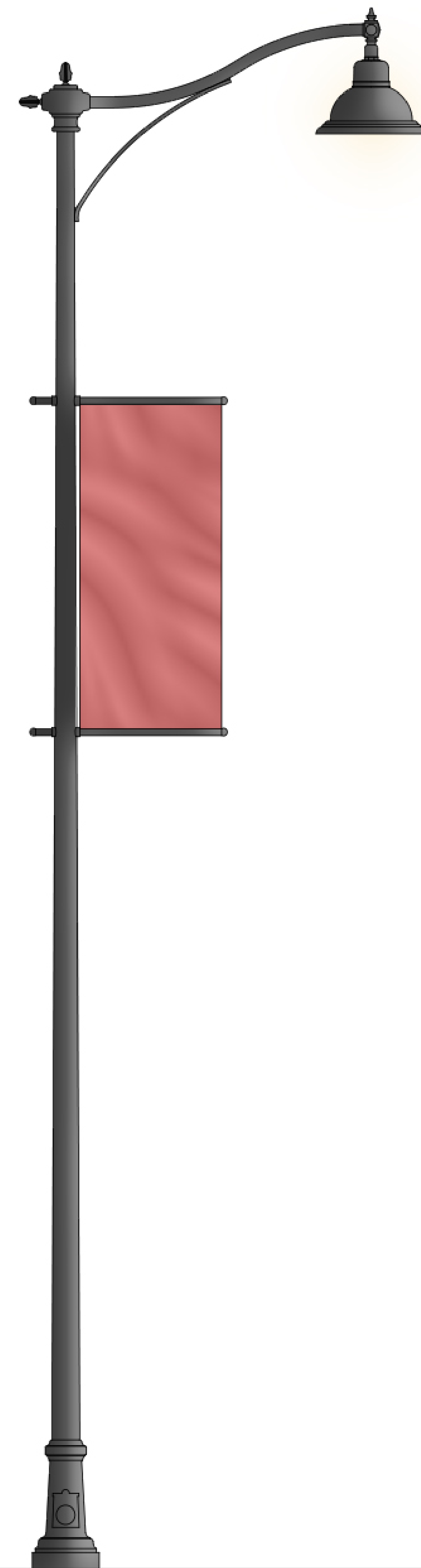
FREESTANDING
PEDESTRIAN
DIRECTORY



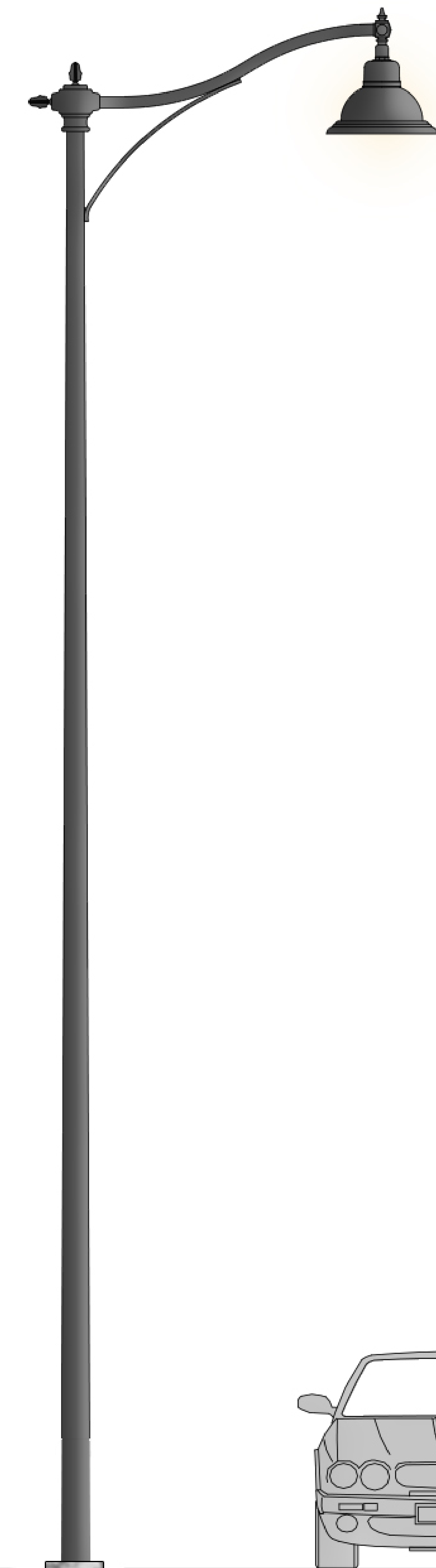
TRAFFIC SIGNS
(TYPICAL)



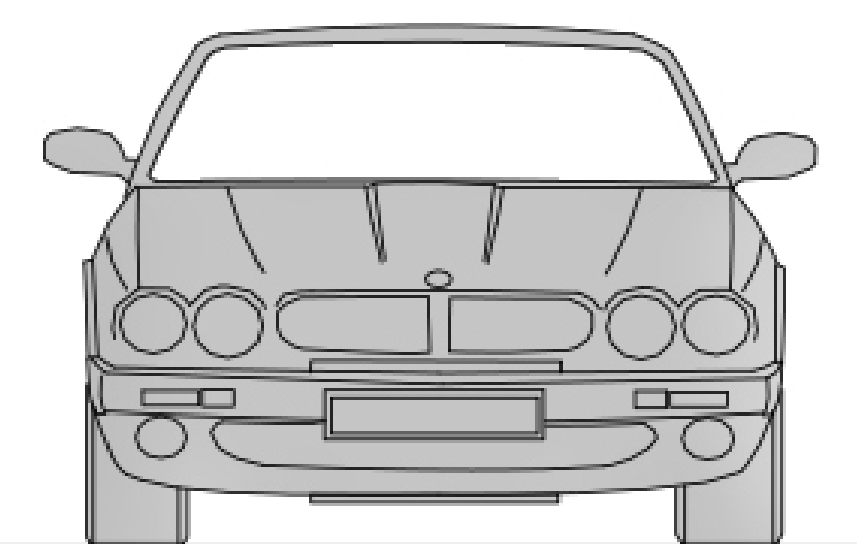
PEDESTRIAN
LIGHT POLE
WITH BANNERS



VEHICULAR LIGHT
POLE WITH BANNER



BASIC VEHICULAR
LIGHT POLE





**COLLEYVILLE
BOULEVARD**

Product Selection
ROADWAY LIGHTING

December 4, 2018
Project: 18023

MESA



CORRIDOR KEY



BASIC VEHICULAR LIGHT POLE

Light Pole, Mast Arm & Luminaire

Unit Cost.....\$3,858.00
Quantity: 163

Total.....\$628,854.00

Optional Decorative “C”

Unit Cost.....\$90.00
Quantity: 163

Total.....\$14,670.00

ADDONS IN DOWNTOWN CORE

Banner Arms

Unit Cost.....\$375.00
Quantity: 48

Total.....\$18,000.00

Decorative Base

Unit Cost.....\$900.00
Quantity: 48

Total.....\$43,200.00



CORRIDOR KEY



PEDESTRIAN LIGHT POLES AT MAIN STREET

Light Pole, Luminaire & Decorative Base

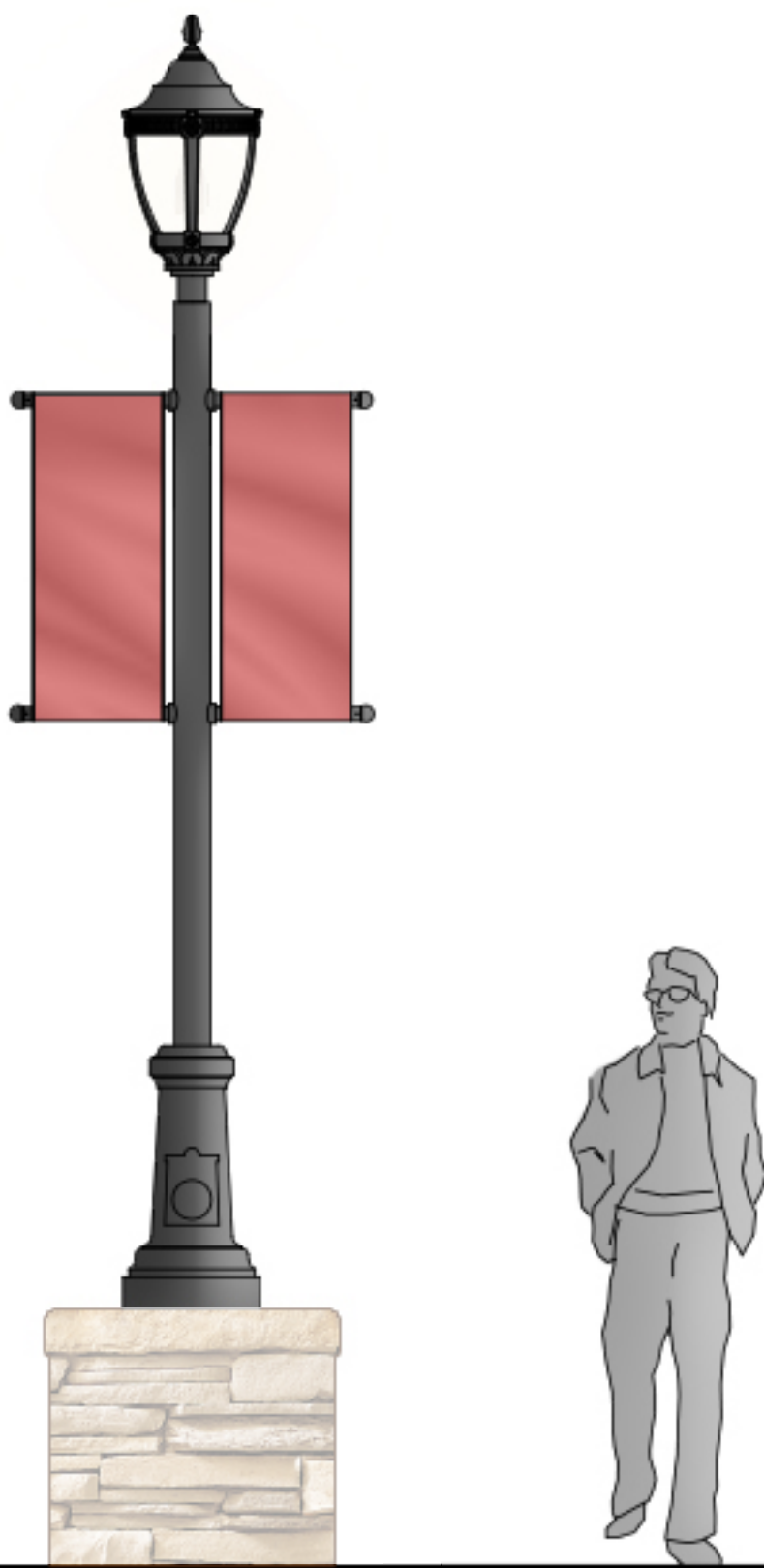
Unit Cost.....\$3,778.00
Quantity: 6

Total.....\$22,668.00

Banner Arms

Unit Cost.....\$275.00
Quantity: 6

Total.....\$1,650.00



CORRIDOR KEY

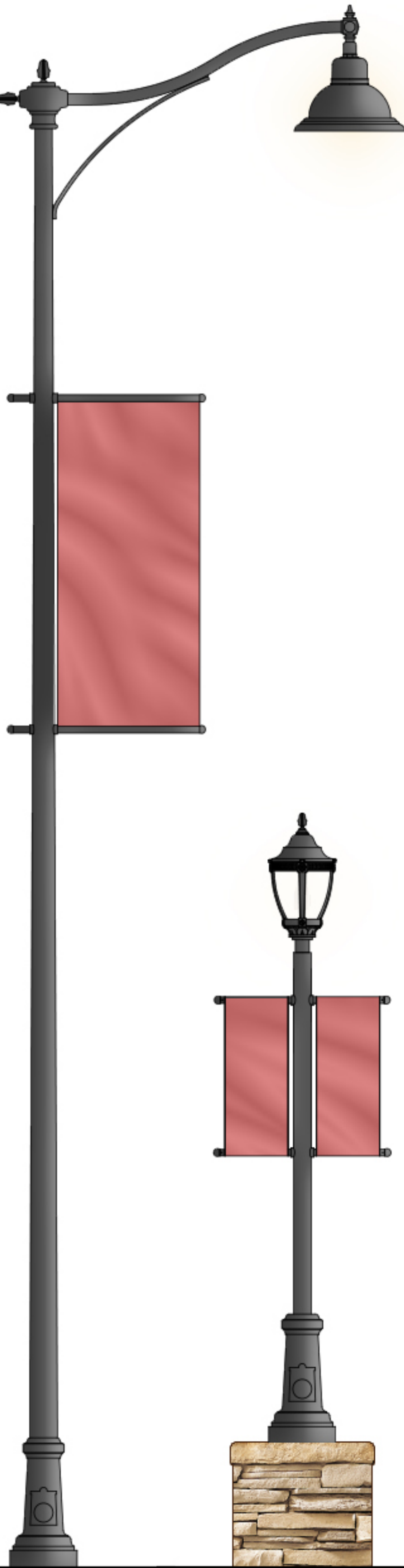
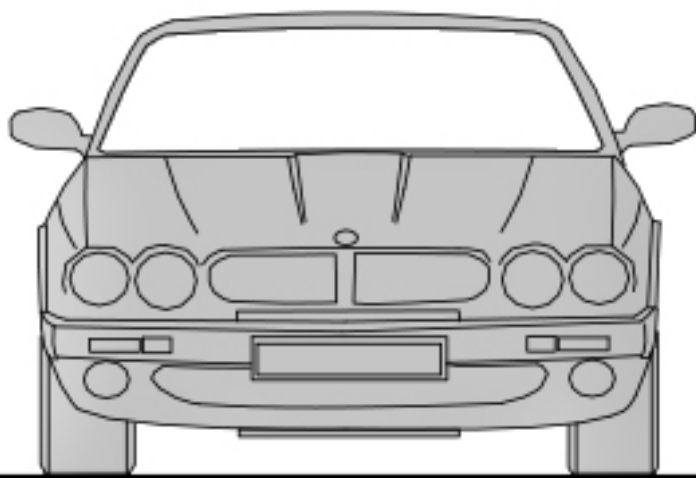


FULL CORRIDOR

Basic Vehicular Light Pole

Unit Cost.....\$3,858.00
Quantity: 163

Total.....\$628,854.00



INSIDE DOWNTOWN CORE

Vehicular Light Pole Decorative Base

Unit Cost.....\$900.00
Quantity: 48

Total.....\$43,200.00

Pedestrian Light Pole

Unit Cost.....\$3,778.00
Quantity: 6

Total.....\$22,668.00

Vehicular Light Pole Banner Arms

Unit Cost.....\$375.00
Quantity: 48

Total.....\$18,000.00

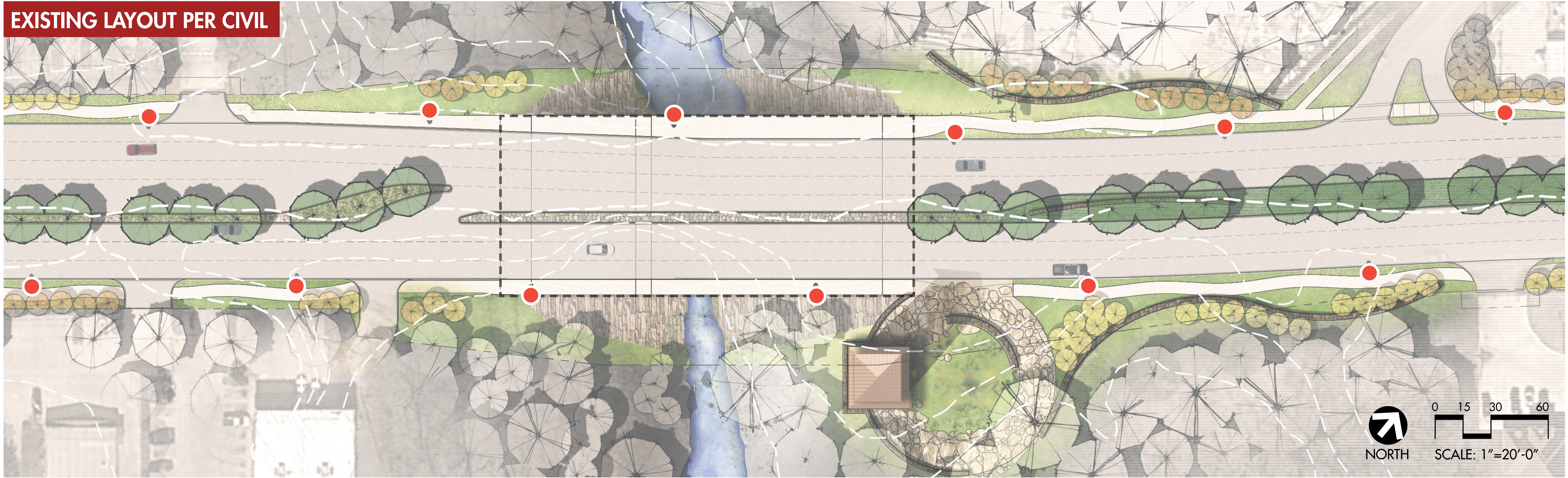
Pedestrian Light Pole Banner Arms

Unit Cost.....\$275.00
Quantity: 6

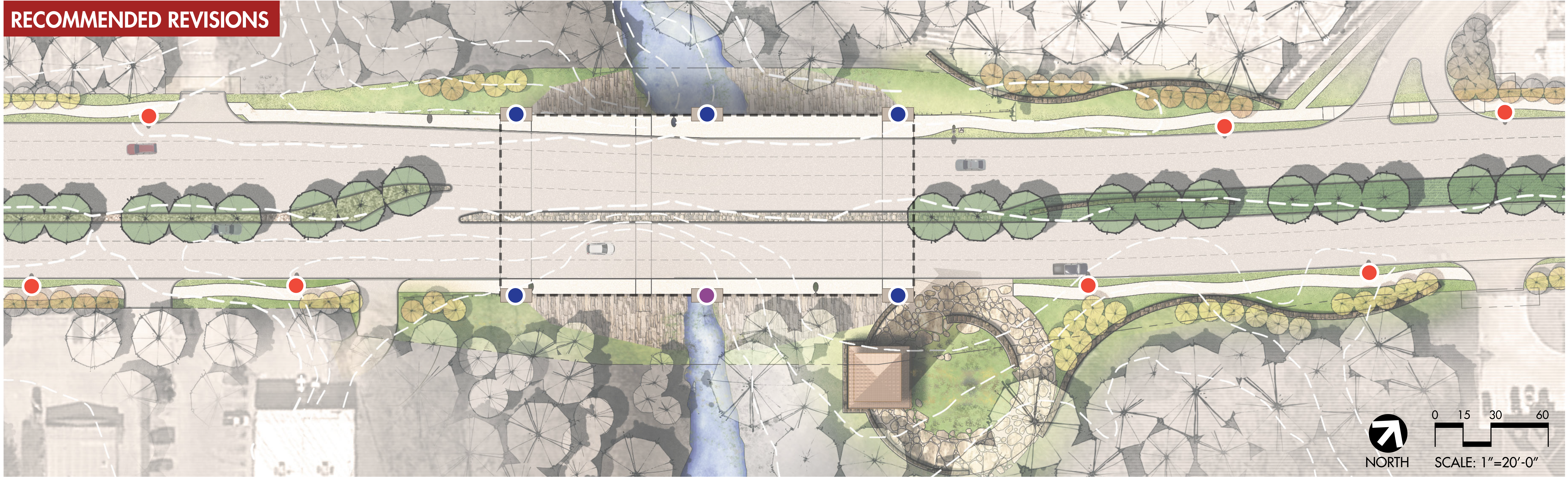
Total.....\$1,650.00

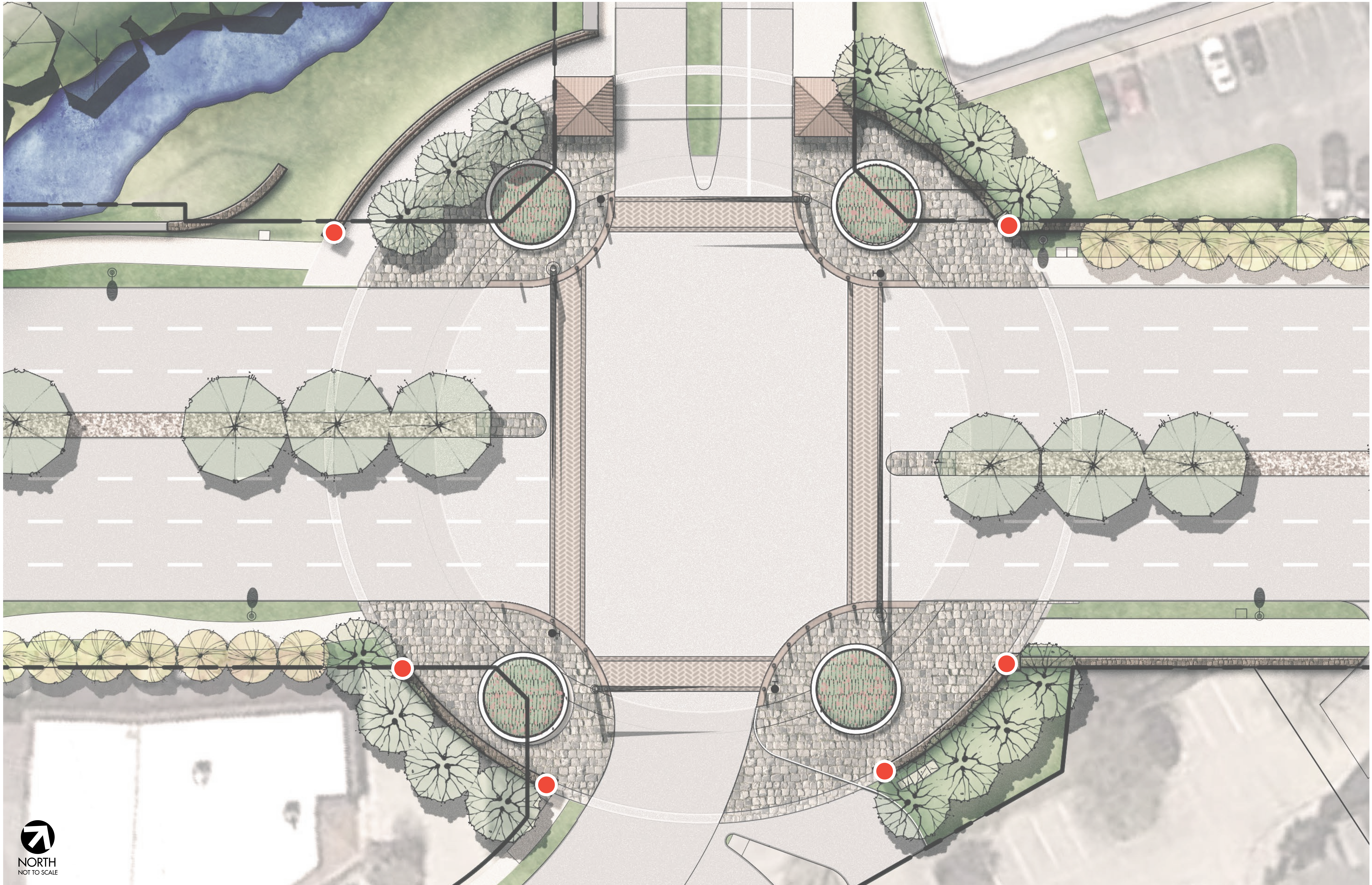
TOTAL ROADWAY LIGHTING MATERIALS **\$714,372.00**
*DOES NOT INCLUDE COST OF INSTALL, WIRING, OR BANNERS

EXISTING LAYOUT PER CIVIL



RECOMMENDED REVISIONS





**COLLEYVILLE
BOULEVARD**

Pedestrian Lighting at Main Street

ROADWAY LIGHTING

December 4, 2018
Project: 18023

MESA





City of Colleyville City Council Agenda Briefing

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

Agenda Number WS-2
Type Worksession
Department Public Works

Agenda Date 12/04/2018

Title

Discussion of Cheek-Sparger Road shoulder improvements

Strategic Plan

3.1 Upgrade the condition of major roads and neighborhood streets

Explanation

Staff initially presented the Cheek-Sparger Highway Safety Improvement Program (HSIP) grant funded project during the August 7, 2018 City Council worksession. Subsequent to the worksession, a professional services agreement for design services was authorized by City Council on August 21, 2018 and an Advanced Funding Agreement with TxDOT on September 18, 2018. The estimated cost of the project is \$3,145,061. Costs will be allocated based on 90% federal funding and 10% local funding. Local participation, including engineering services, is estimated at \$563,294.

This presentation and discussion will provide an update reflecting information regarding right-of-way requirements and the impact the project will have on trees in the corridor, see Exhibit A.

The Base Requirements for the (HSIP) grant funded project include an asphalt street section with shoulders, concrete curbs and gutters, and a storm drain system. These requirements would be considered a complete reconstruction of the roadway as per TxDOT standards.

In order to adequately address questions from the City Council and citizens the following options and impacts will be discussed.

Base Requirements – Addition of shoulders, curb and gutters, and storm drain, one sidewalk on either side of the road. These requirements would require right-of-way to be acquired from two (2) parcels and 73 trees will be impacted, plus the additional trees depending upon whether sidewalk is included on the north or south side of the road.

Alternate Option 1 – In addition to the base requirements consideration for including both an 8 foot trail on the north and a 6 foot sidewalk on the south would impact an additional 11 trees.

Alternate Option 2 – In addition to the base requirements consideration for adding an 8 foot trail on the north would impact an additional 4 trees.

Alternate Option 3 – In addition to the base requirements consideration for adding a 6 foot sidewalk on the south would impact an additional 7 trees.

Attachments

1. Cheek-Sparger Road shoulder improvements presentation
2. Tree Impacts
3. Exhibit A

Cheek-Sparger Road (San Bar Lane to Oakbriar Lane) Presentation and Discussion

City Council
December 4, 2018

WS-2 Cheek-Sparger (San Bar to Oakbriar)

This presentation and discussion will provide an update reflecting information regarding impacted trees and right-of-way requirements for the project.



WS-2 Cheek-Sparger (San Bar to Oakbriar)



Looking east at San Bar



Looking west at Oakbriar



Facing west at curve



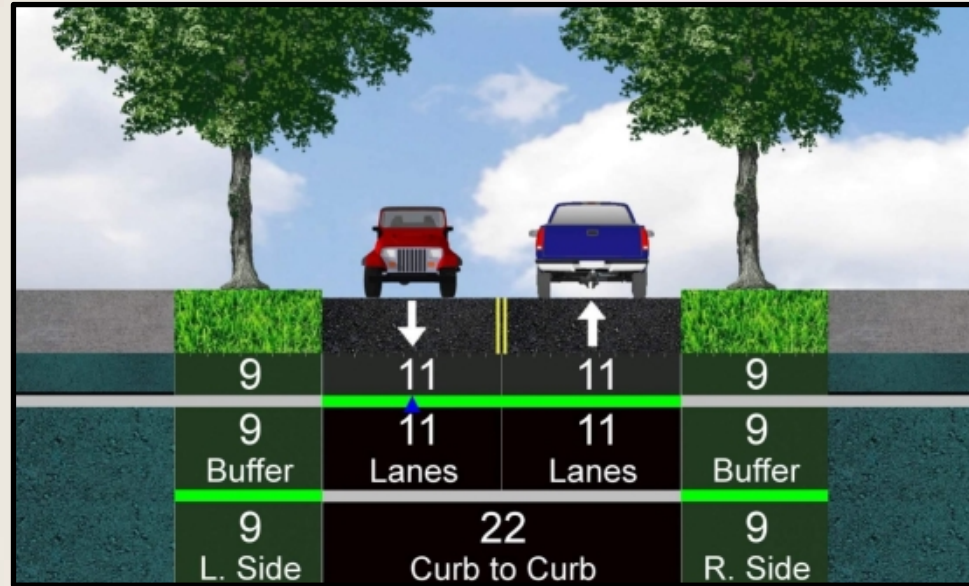
WS-2 Cheek-Sparger (San Bar to Oakbriar)

Project Information

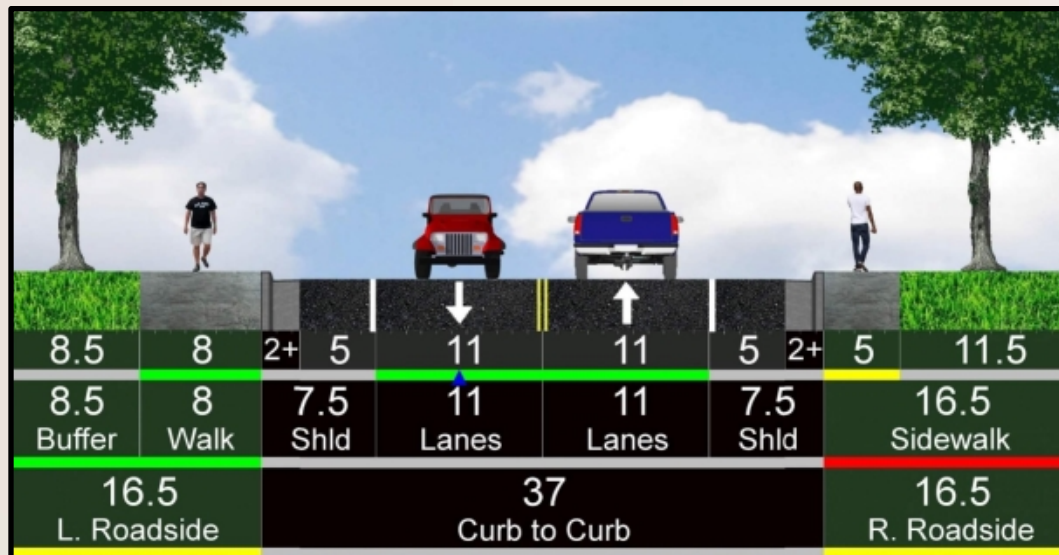
- Full reconstruction and adding of shoulders along Cheek-Sparger from San Bar to Oakbriar Lane
- Awarded funding based upon a grant application for TxDOT's Highway Safety Improvement Program (HSIP)
- Design to begin fall 2018
- Construction in 2019
- HSIP requires TxDOT design review and construction administration
- Certain improvements required as condition of the grant (shoulders, curb and gutter, sidewalk on one side, guardrail replacement, etc.)

WS-2 Cheek-Sparger (San Bar to Oakbriar)

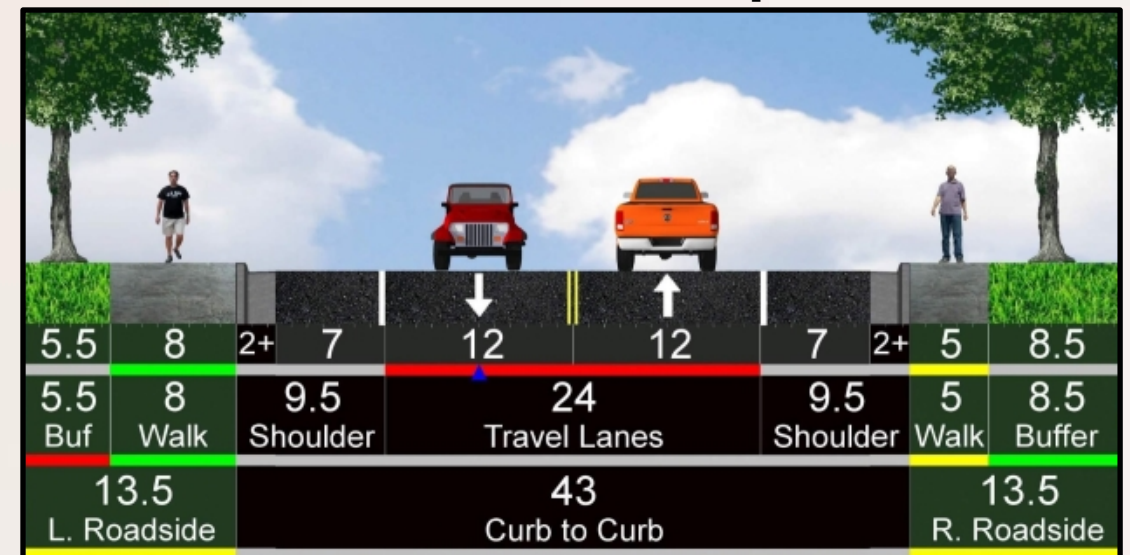
Existing Conditions



HSIP Minimum Section



HSIP Proposed Section



WS-2 Cheek-Sparger (San Bar to Oakbriar)

Impact Type	Trees
Road	73
North Sidewalk	4
South Sidewalk	7
Grand Total	84

Tree Type	Tree Size
ASH	4
BRADFORD PEAR	1
CEDAR	2
ELM	13
HACKBERRY	13
OAK	41
PECAN	4
PINE	6
Grand Total	84



Questions and Discussion

SIZE	TYPE	REASON FOR REMOVAL	PARCEL #
28"	ASH	North Sidewalk	29
26"	PINE	North Sidewalk	30
16"	PECAN	North Sidewalk	31
18"	HACKBERRY	North Sidewalk	31
Impacted Trees		4	

TREE SPECIES	IMPACT
ASH	1
BRADFORD PEAR	1
PECAN	1
PINE	1
TOTAL NSW	4

SIZE	TYPE	REASON FOR REMOVAL	PARCEL #
14"	OAK	South Sidewalk	1
8"	OAK	South Sidewalk	1
8"	OAK	South Sidewalk	2
12"	PINE	South Sidewalk	4
12"	CEDAR	South Sidewalk	9
24"	OAK	South Sidewalk	9
12"	BRADFORD PEAR	South Sidewalk	10
Impacted Trees		7	

TREE SPECIES	IMPACT
BRADFORD PEAR	1
CEDAR	1
OAK	4
PINE	1
TOTAL SSW	7

SIZE	TYPE	REASON FOR REMOVAL	PARCEL #
12"	OAK	Road	1
14"	OAK	Road	2
16"	HACKBERRY	Road	3
16"	HACKBERRY	Road	3
10"	HACKBERRY	Road	3
8"	HACKBERRY	Road	3
14"	HACKBERRY	Road	3
18"	PECAN	Road	3
21"	ELM	Road	4
8"	ELM	Road	4
22"	PINE	Road	4
18"	PINE	Road	4
10"	HACKBERRY	Road	4
21"	PINE	Road	4
18"	OAK	Road	4
28"	ELM	Road	4
16"	HACKBERRY	Road	5
18"	ELM	Road	5
18"	ELM	Road	5
30"	CEDAR	Road	5
32"	OAK	Road	5
12"	PECAN	Road	6
19"	PECAN	Road	6
26"	OAK	Road	7
14"	OAK	Road	7
12"	HACKBERRY	Road	7
14"	OAK	Road	7
14"	OAK	Road	7
14"	OAK	Road	7
20"	OAK	Road	8

TREE SPECIES	IMPACT
ASH	3
CEDAR	1
ELM	13
HACKBERRY	12
OAK	37
PECAN	3
PINE	4
TOTAL ROAD	73

TREE SPECIES	IMPACT
ASH	4
BRADFORD PEAR	1
CEDAR	2
ELM	13
HACKBERRY	13
OAK	41
PECAN	4
PINE	6
TOTAL ALL	84

SIZE	TYPE	REASON FOR REMOVAL	PARCEL #
16"	HACKBERRY	Road	8
6"	OAK	Road	8
14"	OAK	Road	8
24"	PINE	Road	8
32"	OAK	Road	8
14"	OAK	Road	8
24"	HACKBERRY	Road	8
22"	OAK	Road	9
20"	OAK	Road	9
24"	HACKBERRY	Road	9
18"	ELM	Road	9
30"	ELM	Road	9
14"	HACKBERRY	Road	10
10"	ELM	Road	10
10"	ELM	Road	10
6"	ELM	Road	10
14"	ASH	Road	11
14"	ASH	Road	11
14"	ASH	Road	11
16"	OAK	Road	11
12"	OAK	Road	11
14"	OAK	Road	11
14"	OAK	Road	11
7"	OAK	Road	11
12"	OAK	Road	11
13"	OAK	Road	11
12"	OAK	Road	11
15"	OAK	Road	11
25"	OAK	Road	12
22"	OAK	Road	13
14"	OAK	Road	13
11"	OAK	Road	13
14"	OAK	Road	13
9"	OAK	Road	13
14"	OAK	Road	13
9"	OAK	Road	13
18"	ELM	Road	14
24"	ELM	Road	14
10"	ELM	Road	14
11"	OAK	Road	14
15"	OAK	Road	14
24"	OAK	Road	14
14"	OAK	Road	23
Impacted Trees		73	

PLAN LEGEND

PROPOSED ROAD CORRECTED

PROPOSED ROAD IMPROVEMENT

PROPOSED ROAD (PAVING AND CURB)

PROPOSED SIDEWALK

EXISTING PROPERTY LINE

EXISTING ROW

PROPOSED ROW

LIMIT OF CONSTRUCTION

TREE REMOVAL

0' 10' 20' 30'

SCALE: FEET

OCTOBER 2018

DESIGN EXHIBIT
CREEKSPARGER ROAD
ROADWAY IMPROVEMENTS

DESIGN: JESSIE, JIM, P.J.

10000 W. HUNTER STREET, SUITE 200
DALLAS, TEXAS 75244
TEL: 214.343.1100
WWW.FRESE-NICHOLS.COM

PLAN LEGEND

PROPOSED ROAD CORRECTED

PROPOSED ROAD IMPROVEMENT

PROPOSED ROAD (PAVING AND CURB)

PROPOSED SIDEWALK

EXISTING PROPERTY LINE

EXISTING ROW

PROPOSED ROW

LIMIT OF CONSTRUCTION

TREE REMOVAL

0' 10' 20' 30'

SCALE: FEET

OCTOBER 2018

DESIGN EXHIBIT
CREEKSPARGER ROAD
ROADWAY IMPROVEMENTS

DESIGN: JESSIE, JIM, P.J.

10000 W. HUNTER STREET, SUITE 200
DALLAS, TEXAS 75244
TEL: 214.343.1100
WWW.FRESE-NICHOLS.COM

EXISTING TYPICAL SECTION
NOT TO SCALE

PROPOSED TYPICAL SECTION
NOT TO SCALE



City of Colleyville City Council Agenda Briefing

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

Agenda Number WS-3

Agenda Date 12/04/2018

Type Worksession

Department Economic Development

Title

Discussion of SH26 corridor business property enhancement program

Strategic Plan

4.2 Encourage compatible commercial growth

Explanation

Assistant City Manager Mark Wood will present this item.

Attachments

1. BEST Presentation

Colleyville BEST Program

December 4, 2018

Colleyville BEST Program



- Staff plans to begin a SH26 building enhancement program January 2019
- Proactively encourage business owners to enhance their buildings along SH26 as the roadway nears completion
- The goal is to match the exceptional road with exceptional buildings
- Recommendation of the Southern Gateway Corridor Study
- Streamlined application and agreement process

COLLEYVILLE COMMERCIAL PROPERTY OWNERS

COLLEYVILLE'S

B.E.S.T.

Business Enhancements to Support Transformation

ELIGIBLE IMPROVEMENTS INCLUDE:

- ✓ FACADE REPAIR
- ✓ SIGNAGE
- ✓ LANDSCAPE
- ✓ PARKING LOT
- ✓ LIGHTING
- ✓ PAINTING

Beautification and enhancement matching grants up to **\$100,000** are available to area businesses!

GET ALL THE DETAILS AT:
COLLEYVILLE.COM/BEST

CITY OF COLLEYVILLE TEXAS

The flyer is designed with a light wood-grain background. It features a teal header bar with the text "COLLEYVILLE COMMERCIAL PROPERTY OWNERS". Below this, the word "COLLEYVILLE'S" is in a yellow box, followed by "B.E.S.T." in large, bold, black letters. Underneath, the full name of the program is written in a smaller font. A central image shows construction tools like a hard hat, tape measure, and level on a workbench. To the right of this image is a list of eligible improvements, each preceded by a green checkmark. At the bottom left, a black box contains text about grant amounts. The bottom right has a yellow box with the website URL. The City of Colleyville logo is in the bottom left corner.

Colleyville BEST Program

December 4, 2018



City of Colleyville City Council Agenda Briefing

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

Agenda Number WS-4

Agenda Date 12/04/2018

Type Worksession

Department City Secretary

Title

Discussion of the 2019 City Council meeting dates

Strategic Plan

1.4 Communicate thoroughly and strategically

Explanation

In accordance with the City Charter, the City Council shall meet regularly at least twice (2) in every month at such times as a City Council may prescribe by rule. The City Council Rules of Procedure, 3.1 states: Regular Meetings. The City Council shall meet in the City Hall on the first and third Tuesday of each month at 7:30 p.m. unless otherwise officially established by the City Council.

Staff seeks City Council's consideration of changes to the following regular meeting dates for 2019.

January: Consideration of conducting only one City Council Meeting on January 15, due to staffing throughout Christmas and New Year's, January 1 is a City holiday, and GCISD Winter Break continues through January 7. At this time, there are no significant cases scheduled for January.

May: Consideration of changing the date of the second regular City Council meeting of May 21 to May 14, and conducting a Special Meeting at 4:30 p.m. for the official canvass and swearing in of Councilmembers, as the official canvass is required to be conducted between May 7 and 15, and the International Council of Shopping Centers Conference, which the City Manager and Assistant City Manager attend is May 19-22.

October: Consider changing the date of the first regular City Council meeting of October to Wednesday, October 2, due to Texas National Night Out occurring on Tuesday, October 1.

November: Consider changing the date of the first regular City Council meeting of November to Monday, November 4 or Wednesday, November 6, due to Election Day being Tuesday, November 5.

To assist the City Council, staff has listed the additional following dates for 2019 events, which are normally considered when reviewing the City Council meeting

calendar.

GCISD Spring Break: March 11-15, 2019

Texas Municipal League Annual Conference: October 9-11, 2019

If there are no additional exceptions to meeting dates, the City Council meeting schedule for 2019 will be as follows:

January: Tuesday, January 15

February: Tuesdays, February 5 and 19

March: Tuesdays, March 5 and 19

April: Tuesdays, April 2 and 16

May: Tuesdays, May 7 and 14

June: Tuesdays, June 4 and 18

July: Tuesdays, July 2 and 16

August: Tuesdays, August 6 and 20

September: Tuesdays, September 3 and 17

October: Wednesday, October 2 and Tuesday, October 15

November: Monday, November 4, or Wednesday, November 6 and Tuesday, November 19

December: Tuesdays, December 3 and 17

A formal resolution reflecting the City Council's direction is on this evening's agenda.

Attachments



City of Colleyville City Council Agenda Briefing

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

Agenda Number WS-5

Agenda Date 12/04/2018

Type Worksession

Department City Secretary

Title

Discussion of the December 4, 2018, City Council regular agenda items



City of Colleyville City Council Agenda Briefing

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

Agenda Number 1

Agenda Date 12/04/2018

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:

- Acquisition of real property along SH26, including discussion of City participation in an online auction for the real property generally described as 4719 Colleyville Boulevard, Colleyville, Texas, ending December 5, 2018.
- 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-18-4330

**A RESOLUTION APPROVING COUNCIL ACTION
REGARDING EXECUTIVE SESSION ITEMS AT THE REGULAR
CITY COUNCIL MEETING OF DECEMBER 4, 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 4TH DAY OF DECEMBER 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

RESOLUTION R-18-4331

**A RESOLUTION APPROVING CITY COUNCIL ACTION UNDER CONSENT
ITEMS AT THE REGULAR CITY COUNCIL MEETING OF
DECEMBER 4, 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 November 20, 2018
 - b. Approval of a Lease Agreement with Tarrant County 9-1-1 for facility space at the Colleyville Justice Center, and authorize the City Manager to execute the agreement

AND IT IS SO RESOLVED.

APPROVED BY A VOTE OF _ AYES, _ NAYS ON THIS THE 4TH DAY OF DECEMBER 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
Colleyville, Texas 76034
817. 503.1000
www.colleyville.com

Tuesday, November 20, 2018

Mayor Richard Newton called the Colleyville City Council Worksession to order on Tuesday, November 20, 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, Community Development Director Ben Bryner, Public Works Director Ray Silva-Reyes, Parks and Recreation Director Lisa Escobedo, Community Relations Specialist Erin Spicer, Management Intern Lupe Orozco, City Attorney Whitt Wyatt, and City Secretary Christine Loven.

WS-1 Presentation and discussion of City Plaza - 95% design phase

Assistant City Manager Adrienne Lothery gave a quick overview of the project and introduced consultants Shane Friese, Michael Webb, Steve Bingham, and Gaylen Laing, who reviewed the design features of the shade structure, stage panels, fountain tile, and pavers.

There was discussion regarding sound and light, creating a design in the center of the entry, time lines, bid add/alternate options, and final costs.

WS-2 Discussion of the City Plaza Traffic and Parking Design

Director of Public Works Ray Silva-Reyes presented seven options for rerouting the direction of traffic to City Hall when construction on the Plaza begins. City Council directed staff to review costs for changing the direction of the one way drive on the south side of City Hall and expanding Casa Drive to a two way drive.

WS-3 Update on the Federal Communications Commission ("FCC") Declaratory Ruling and Third Report and Order, adopted September 26, 2018, titled FCC-18-133A.1-Network Node FCC Order

Director of Public Works Ray Silva-Reyes and City Attorney Whitt Wyatt, reviewed the node legislation and advised the allowed fees and number of days in which a permit must be issued have been reduced. City Attorney Wyatt stated his office will work with Director Silva-Reyes to bring the design manual updates forward for City Council approval at a future meeting.

WS-4 Discussion of the November 20, 2018, City Council regular agenda items

Mayor Newton stated the Oak Alley item is tabled to December 4, 2018.

Mayor Newton adjourned the worksession at 6:29 p.m.

Mayor Newton called the Executive Session to order at 6:29 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

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

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 7:28 p.m.

The regular meeting of the Colleyville City Council was called to order by Mayor Newton at 7:35 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: Alvaro Matehuala, Colleyville Prayer Room

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-18-4325

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

Mayor Newton and City Councilmembers made the following announcements:

Honoring a local Veteran: On Veteran's Day, City employees participated in Staff Development Day. Staff in many departments spent the morning in training sessions, working on projects, or participating in team building activities. City Secretary Christine Loven took this time to do a little service project for a 101 year old Colleyville resident retired Lt. Col. "Maggie" Megellas and his wife Carole. Mr. Magellas is the most decorated officer in the history of the Army's famed 82nd Airborne Division, having been awarded the Distinguished Service Cross, two Silver Stars, two Bronze Stars and two Purple Hearts. Christine learned the Megallas' did not have a flag pole or flag in the yard – she gifted them with both and with the help of Fire Marshal Rob McKeown and Public Works Field Technician Gatlyn Williams, installed the flag pole. While Mr. Megellas is originally from Fond Du Lax, Wisconsin, we are honored he and his family call Colleyville home and we honor his service and service of so many others. Christine's recognition of our local hero is yet another example of the exceptionalism in our community.

Sales Tax Continues Positive Trend: Sales Tax Continues to be Strong: The Texas Comptroller's Office has posted the most recent sales tax allocation information, which reflects purchases made in September. This is the twelfth and final month of sales tax reported for Fiscal Year 2018. We ended FY 2018 at \$3.9M (+4% over last year), which is \$200k over our \$3.7M General Fund sales tax budget.

This is not only great news for FY 2018, it makes our \$3.9M General Fund revenue budget for FY 2019 (which was originally a projection for +2% growth) a target

that we will hit even with no growth over the next year. Our conservative revenue estimation practices continue to set us up for success.

TEXRail Update: TEXRail has notified Mayor Newton the Federal Railroad Administration has approved the reactivation of the Colleyville quiet zone. Testing is now complete, so we expect the quiet passing of trains to return. With quieter trains comes a need to be more vigilant, as commuter trains will be faster than anything we have seen previously.

Fire Department Life-Saving Effort, Again: Last week the Colleyville Fire Department responded to two separate cardiac arrest calls within 24 hours. Colleyville Fire sprang into action, arrived on scene quickly, and were able to stabilize each person for transport to a local hospital. While one person is expected to make a complete recovery, the outcome for the other is questionable. Interim Fire Chief Mark Cantrell said the main difference between these two incidents is the speed with which CPR was administered. Performing chest compressions quickly after a person goes into cardiac arrest more than doubles their chance of survival. The Colleyville Fire Department is now working on an education campaign so Colleyville residents feel more comfortable performing basic CPR should they need to use it.

Upcoming Events:

Mayor for a Day Contest Essays due by December 7: The contest is only open to Colleyville residents. The winning essay will be announced the week of Dec. 17. Essays may be dropped off at the City Manager's Office on the third floor of City Hall or sent by mail or email to Mayor for a Day Contest, Colleyville City Hall, 100 Main Street, Colleyville, Texas 76034; colleyville@colleyville.com.

Tree Lighting – Friday, November 30, from 5-9 PM.

CWD Holiday Schedule: Thanksgiving – Thursday, November 22: Regular collection on Mon – Wed, Thursday & Friday Collection will be delayed by one day.

2018/2019 Leaf Recycling Dates: Each year, the City works with our solid waste franchise holder (CWD) to provide seasonal leaf and Christmas tree recycling. We have tried different formats and scheduling strategies over the last few years. Last year we offered two back-to-back collections on Saturdays early in the season and then another two back-to-back collections later in the season. While there is no perfect strategy, this approach seems to have worked the best to meet the need and minimize confusion. We will begin promoting the program in coming months. The dates for the 2018/2019 season are Saturday, December 1 and 8, and Saturday, January 5 and 12.

Cease the Grease: When fats, oils, and grease are washed down the drain, they stick to the inside of pipes, hardening and building up until they cause clogs and

sewer backups. This can cause sewage to overflow into homes, streets, and local waterways. Instead of washing your grease down the drain, participate in the 2018 Holiday Grease Roundup and recycle it for free! Cooking grease and oil will be collected at the Colleyville Public Works Facility located at 1601 Hall-Johnson Road from November 26 through January 7. Collection hours are 9 a.m. to 4 p.m. Monday through Friday. There will be no collections on weekends or City Holidays.

Expression of appreciation to Colleyville City Council - Peace Together Walk Organizer Howard Rosenthal

Mr. Howard Rosenthal thanked the City Council and City for the assistance and support of the Peace Together Walk. Mr. Rosenthal noted there were approximately 500 walkers and everything went smoothly. He presented a poster collage of the event as a remembrance and thank you.

In recognition of the Featured Business of the Month - Westlake Ace Hardware, 4701 Colleyville Boulevard, Suite 100 - Mayor Richard Newton and Assistant City Manager Mark Wood

Mayor Richard Newton and Assistant City Manager Mark Wood welcomed Sarah Smith, Manager of Westlake Ace Hardware, which was the featured business of the month. Ms. Smith thanked the City Council and said the store has everything anyone needs from Christmas decorations, to cleaning supplies, to materials for home improvement projects.

4. CONSENT: READING AND PUBLIC HEARING- RESOLUTION R-18-4326

4a Approval of the minutes of the regular City Council meeting of November 5, 2018

4b Approval of a professional services agreement with Dunaway Associates, L.P., in an amount not to exceed \$144,508 for the design of the Bransford Road Elevated Storage Tank Site Rehabilitation and Overland Trail Ground Storage Tank Site Demolition Project, and authorizing the City Manager to execute the agreement

Mayor Newton read Resolution R-18-4326 in its entirety.

Public Works Director Ray Silva-Reyes presented item 4b.

Councilmember Dodson asked Director Silva-Reyes if any other organizations which bid were interviewed. Director Silva-Reyes stated all 58 bidders were interviewed last year.

Mayor Newton opened the public hearing at 8:05 p.m. There was no one present wishing to speak and Mayor Newton closed the public hearing at 8:05 p.m.

Mayor Pro Tem Lindamood made a motion to approve Resolution R-18-4326, and Councilmember Nakamura seconded the motion.

The motion to approve carried with the following vote:

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

5. ITEMS NOT FOR CITY COUNCIL ACTION

Monthly Financial Report - October 30, 2018

Assistant City Manager Mark Wood presented the October monthly financial report, highlighting the Utility, Debt Service, and Drainage Fees Funds. Manager Wood also reviewed the quarterly promotion programs which led to increased sales tax revenue.

Mayor Newton stated the City conservatively budgets a 1% sales tax revenue increase and there is a positive correlation between the quarterly promotion programs and the increase in sales tax revenue.

6. ORDINANCE(S): SECOND 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

Mayor Newton read the caption of Ordinance O-18-2065.

Community Development Director Ben Bryner presented this item and answered questions of the City Council.

Rick Jones, 2221 Lakeside Parkway, #1260, Richardson, applicant, also presented this item and answered questions of the City Council.

Staff and the applicant clarified the sign design, parking requirements, tree canopy, fencing, and drainage plan.

Mayor Newton asked Mrs. Billye Fowler, 1303 Briar Ridge Drive, Keller, representing the property owner, to discuss the landscaping requirements. Mr.

Jones stated he will be responsible for installing the irrigation and landscaping, taking that off the property owner.

Mayor Newton opened the public hearing at 9:05 p.m. There was no one wishing to speak and Mayor Newton closed the public hearing at 9:05 p.m.

There was discussion and clarification regarding the first 100 feet of landscaping.

Councilmember Wheat made a motion to approve Ordinance O-18-2065, with the ordinance to reflect the requirement of the applicant providing landscaping of the first north 100 feet surrounding the driveway to Tract 1; requiring an agreement with the east neighbor for the off-site drainage conveyance, and Councilmember Nakamura seconded the motion.

The motion to approve carried with the following vote:

Aye: 7 – Mayor Richard Newton, Mayor Pro Tem 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-18-2066

Consideration of a zoning change from R-40 Single Family Residential district to R-20 Single Family Residential district on Lot C, McEwing Subdivision & 1B02A, 1B2, 1B3, and 1B4, Abstract 1154, in the R H McEwing Survey, located at 712-810 Lavaca Trail, Case ZC18-033

Mayor Newton read the caption of Ordinance O-18-2066.

Community Development Director Ben Bryner presented this item and answered questions of the City Council.

Mr. Kosse Maykus, the developer, Hat Creek Developments, 2700 William D. Tate, Grapevine, also presented this item and answered questions of the City Council.

Councilmember Wheat asked staff if this is a gated community. Director Bryner replied, yes, it is proposed as a gated community.

Mayor Newton asked Director Bryner how could this be proposed as a gated community since the application is an R-20 straight zoning. Director Bryner said it would be requested at platting. Mayor Newton said he did not agree private streets are an item for platting and he would not vote for private streets in a straight zoning case. Mayor Newton stated his opinion is that private streets are an item for PUD-R zoning.

Councilmember Dodson stated he is very concerned about the drainage and asked if drainage has been examined. Director Bryner replied he was not sure, as drainage is part of the platting process.

Mayor Newton stated the City Council cannot move forward without a drainage study and asked Mr. Maykus to provide one at the next meeting.

Mr. Maykus provided a history of the project and the zoning. There was discussion regarding private streets, open space, tree mitigation, and drainage. Mr. Maykus stated Hat Creek Development has agreements in place with Rosewood Villas for accepting drainage, Remington Park regarding fencing, and Lavaca Trail Estates, fencing and pond dredging.

Mayor Newton commended Mr. Maykus on the arrangement of open space, tree mitigation, and his summary of the agreements, and asked him to forward the agreements he discussed to City Council. Mr. Maykus said he would forward the agreements.

Mayor Newton opened the public hearing at 9:58 p.m.

The following spoke in support for the item and R-20 zoning:
Michael Capps, 6116 Legacy Trail, and Aubra Palmer, 6406 Lorraine Park.

Ed Hogan, 6201 Emmas Court, representing Lavaca Trail HOA, stated he and the HOA had originally registered opposition to the project, but Mr. Maykus met with the HOA and resolved all issues and they collectively are in support. Mr. Hogan provided a copy of the agreement between Hat Creek Development and Lavaca Trail Estates HOA.

The following did not wish to speak, but provided a speaker card in support of the project: Doug and Theresa Wiseman, 808 Lyndsey Way, Bridget Hupp, 603 Terrace Lane, Brian Toni Hennigan, 303 Morningstar Court, and James Bilderback, 6105 Ridgewood Lane.

There being no others wishing to speak, Mayor Newton closed the public hearing at 10:03 p.m.

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

Mayor Newton stated he is going to move item 12b – Quarterly Performance Management Report ahead of 7b – Ordinance O-18-2067 and will come back to 7b.

Mayor Newton recessed the meeting at 10:04 and reconvened at 10:15 p.m.

7b Ordinance O-18-2067

Consideration of amendments to the Land Development Code, specifically Chapter 3 – Land Use

Mayor Newton read the caption of Ordinance O-18-2067.

Community Development Director Ben Bryner presented this item, noting the City Council had conducted a four hour worksession regarding Chapter 3. He then provided a page by page review. There was discussion regarding the following additional changes:

Removing unless modified by the City Council from the PUD open space regulation, including schools as exempted in Special Event permits, removing the maximum residential density column from the district setback chart, requiring dumpsters to be entirely behind a commercial building, and requiring a 1-foot setback from ROW line for perimeter subdivision fences.

At 11:58 p.m. Mayor Newton took a vote to continue the City Council meeting which was unanimously approved.

Mayor Newton opened the public hearing at 12:23 a.m. There was no one present wishing to speak and Mayor Newton closed the public hearing at 12:23 a.m.

This is the first reading therefore, City Council did not take any action.

8. TABLED: ORDINANCE(S) READING AND PUBLIC HEARING**8a 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 Dodson made a motion to remove this item from the table and Councilmember Rigney seconded the motion. The motion passed unanimously.

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

Community Development Director Ben Bryner presented this item and highlighted the revisions, noting the dedication of right-of-way and open space which allows all homes to front Carmel Street. Director Bryner stated he felt the only outstanding item was the fencing which is proposed to be a cedar fence with metal posts along the eastern boundary.

Mayor Newton asked if the CC&R's require masonry posts at the corners of the fence. Director Bryner stated he did not recall seeing it as a requirement.

Mayor Newton stated this item had been tabled because there were questions regarding the HOA's, declarants, and who owned the property which needed to be dedicated. He asked Director Bryner if he could address these items and Director Bryner stated the applicant is present and is prepared to address the City Council.

At the request of the Mayor, Bryan Klein, Managing Director, Ion Design Group, 4061 N. Central Expressway #205, Dallas, representing the applicant, addressed open space, the right-of-way, and trees, and advised the east fence will be an eight foot board on board with stone columns on the corners.

Rome Barnes, 1800 Valley View Lane, #300, Farmers Branch, applicant, came forward and advised City Council he has verified he is the owner of the strip of right-of-way and he will deed it over or replat – which ever the Council prefers, thus eliminating the concern. Mr. Barnes also stated he is still the declarant of the HOA and he will combine both Carmel HOA's.

There was discussion of the previous PUD and changes which have been made to this zoning and what is potentially being approved in the proposed ordinance.

Mayor Newton opened the public hearing at 10:42 p.m. There was no one present wishing to speak and Mayor Newton closed the public hearing at 10:42.

Mayor Newton asked Steve Hickson, 1315 Glade Road, what his thoughts were regarding the development. Mr. Hickson stated he met with Mr. Barnes and they are providing an eight foot fence, writing it into the CC&R's, and he feels like it's the best he can get.

Councilmember Dodson made a motion to approve Ordinance O-18-2064 with the following additions:

- 1. The dedication of Lot 11x as dedicated right-of-way**
- 2. Dedication and preservation of the open space along Glade Road**
- 3. There will be no lots facing Glade Road**
- 4. Installation of an eight foot cedar board on board fence with masonry columns on the eastern boundary**

and Councilmember Nakamura seconded the motion.

The motion to approve carried with the following vote:

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

9. RESOLUTION(S): READING AND PUBLIC HEARING**9a Resolution R-18-4327**

Consideration of a waiver request to the sidewalk requirements and subsequent refund, on Lot 1R, Block 1, of the Van Oaks addition located at 201 Van Oaks Drive

Mayor Newton read Resolution R-18-4327 in its entirety.

Public Works Director Ray Silva-Reyes presented this item.

Mayor Newton stated a refund would not be in keeping with the current policy and he feels the Council should follow their strategy and policies.

Mayor Newton opened the public hearing at 10:55 p.m. There was no one present wishing to speak and Mayor Newton closed the public hearing at 10:55 p.m.

Mayor Newton made a motion to deny Resolution R-18-4327, and Councilmember Dodson seconded the motion.

The motion to deny carried with the following vote:

Aye: 6 – Mayor Richard Newton, Mayor Pro Tem Lindamood, and Councilmembers Kathy Wheat, George Dodson, Chuck Kelley, and Callie Rigney.

Nay: 1 – Councilmember Tammy Nakamura

9b Resolution R-18-4328

Consideration of appointments to the Colleyville Community Garden Advisory Committee

Mayor Newton read Resolution R-18-4328 in its entirety.

The resolution was self-explanatory and there was no discussion.

Mayor Newton opened the public hearing at 11:00 p.m. There was no one present wishing to speak and Mayor Newton closed the public hearing at 11:00 p.m.

Mayor Pro Tem Lindamood made a motion to approve Resolution R-18-4328, appointing: Rich Hendler, Uma Lal, Linda Newton, Amy Putnam, and Sam van Bever to the Colleyville Community Garden Advisory Committee, for a two year term expiring December 2020, and appointing Natalie Genco as Chair, and Councilmember Kelley seconded the motion.

The motion to approve carried with the following vote:

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

10. TABLED: RESOLUTION(S) READING AND PUBLIC HEARING**10a 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

Councilmember Wheat made a motion to remove this item from the table and Mayor Pro Tem Lindamood seconded the motion. The motion passed unanimously.

Mayor Newton read Resolution R-18-4323 in its entirety.

Community Development Director Ben Bryner noted this is the plat associated with Carmel Place East and reviewed the request.

Mayor Newton opened the public hearing at 11:08 p.m. There was no one present wishing to speak and Mayor Newton closed the public hearing at 11:08 p.m.

Councilmember Nakamura made a motion to approve Resolution R-18-4323 with the following additions:

- 1. The dedication of approximately 10,260 square feet of open space along the new Glade Road right-of-way per attached Exhibit "A"**
- 2. The dedication of Lot 11x as dedicated right-of-way**

and Councilmember Kelley seconded the motion.

The motion to approve carried with the following vote:

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

10b 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 was not removed from the table and there has been no additional information provided.

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

There was no one present wishing to speak.

12. REPORTS

12a Annual activity report of the Colleyville Economic Development Corporation

This was a written report requiring no action.

12b Quarterly Performance Management Report

Management Intern Lupe Orozco presented this item giving a recap of Fiscal Year 2018 performance measurements and accomplishments.

13. ACTION/RESOLUTION: DISCUSSION AND CONSIDERATION OF A RESOLUTION RATIFYING COUNCIL AGENDA ACTION FOR NOVEMBER 20, 2018 - READING AND PUBLIC HEARING - RESOLUTION R-18-4329

This resolution was not needed.

14. ADJOURNMENT

There being no further business before the City Council, Mayor Newton adjourned the City Council meeting at 12:24 a.m. Wednesday, November 21, 2018.

APPROVED BY A VOTE OF _ AYES, _ NAYS, AND _ ABSTENTIONS ON THIS THE 4TH DAY OF DECEMBER 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 4b

Agenda Date 12/04/2018

Number Resolution R-18-4331

Type Resolution

Department Police

Title

Approval of a Lease Agreement with Tarrant County 9-1-1 for facility space at the Colleyville Justice Center, and authorize the City Manager to execute the agreement

Strategic Plan

2.4 Demonstrate stewardship of public resources

2.3 Effectively leverage information technology

Explanation

Reading and Public Hearing

Following a presentation by Tarrant County 9-1-1 to the City Council at the October 16, 2018 Worksession, City Council directed staff to move forward with negotiating a lease agreement with Tarrant County 9-1-1 for space at the Colleyville Justice Center.

The attached lease agreement allows Tarrant County 9-1-1 to lease approximately 2,500 square feet of space located in the old dispatch and jail portions of the Colleyville Justice Center as a back-up 9-1-1 Center.

The negotiated lease agreement has a duration of five years, automatically renewable for two successive five-year terms, with a one year notification for non-renewal. The proposed annual rate for lease is \$18,750 or \$7.50 / sq. ft. to be paid quarterly, which is a 25% increase to the original 2010 lease. This rate is comparable to lease information received from the County.

Financial Impact

Tarrant County 9-1-1 will pay the City of Colleyville \$18,750 annually during the term of this lease, equaling \$93,750 for the five-year term.

Recommendation

Approve

Attachments

1. Colleyville TC911 Proposal presentation
2. Proposed Lease Agreement
3. 2010 Original Tarrant County 911 Lease Agreement

COLLEYVILLE COMBINED SERVICES

- 2010 – City of Colleyville joined with Keller and Southlake to create a solution for more efficient management of services for the cities
- TC9-1-1 was engaged to manage the transition of 9-1-1 to Keller (NETCOM)
- Colleyville dispatch and jail services moved to Keller leaving unique space that couldn't easily be used for other purposes
- Colleyville Chief Dye and TC9-1-1 Director Petrey initiated discussions of mutually beneficial arrangements of these empty areas
- An agreement was achieved for Colleyville to lease TC9-1-1 space within the Police Department's dispatch and jail area.

ORIGINAL LEASE AGREEMENT DETAILS

Lease Agreement date effective October 1, 2010:

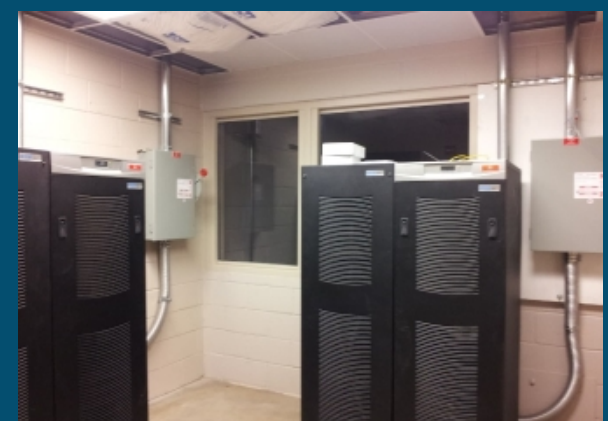
- Approximately 2500 square foot lease space
 - All dispatch area and roughly half of the jail area
- Agreement designed to coincide with Interlocal Agreement for Combined Public Safety Services between Colleyville and Keller
- Initial duration of 6 years with extension option of 2 successive 5 year terms
- TC9-1-1 to make a one-time payment of \$20,000 for use of existing furniture and consoles
- Annual rate for space - \$15,000
- Agreed use as a regional backup site for the Tarrant County 9-1-1 District

NEW LEASE AGREEMENT DETAILS

Lease Agreement date effective December 4, 2018:

- Approximately 2500 square foot lease space
 - All dispatch area and roughly half of the jail area
- Duration of 5 years automatically renewable for 2 successive 5 year terms, with a one year notification for non-renewal.
- Annual rate for space - \$18,750 or \$7.50 / sq ft. to be paid quarterly. This is a 25% increase in the original lease price.
 - The new rate is comparable to lease prices TC911 has paid the County for space this year.
- Agreed use as a regional backup site for the Tarrant County 9-1-1 District

IMAGES OF CURRENT CENTER



QUESTIONS?

KNOW ALL BY THESE PRESENTS:

LEASE AGREEMENT

2,500 square foot portion of the Colleyville Police Department building, as more particularly depicted on the floor plan attached as Exhibit A.

B. **CONDITION OF THE PREMISES.** Tenant accepts the condition of the Premises in "as is" condition. Any remodeling of the Premises is the responsibility of Tenant, subject to approval by Landlord.

ARTICLE II. TERM OF LEASE

A. **COMMENCEMENT DATE AND LEASE TERM.** The term of this Lease shall begin on December 1, 2018 (the "Commencement Date") and shall continue for an initial term of five (5) years. This Lease will automatically renew for two successive five (5) year terms, which shall be referred to as the "First Renewal Term" and "Second Renewal Term", respectively. Either party may elect not to renew the term of this Lease by providing written notice to the other party of its intent not to renew not less than twelve (12) months prior to the expiration of the current term.

B. **SURRENDER.** Promptly on the final expiration of the term of this Lease or earlier termination of this Lease, Tenant shall peaceably and quietly leave, surrender, and yield to Landlord the Premises, broom-clean and in good condition, reasonable wear and tear and casualties provided for in Article IX herein excepted. Additionally, to the extent that Tenant brings hazardous materials onto the premises Tenant covenants and agrees to remove the hazardous materials at no expense to Landlord prior to the expiration or termination of the Lease. Further, Tenant shall surrender all keys to the Premises at the place then fixed for the payment of rent.

C. **HOLDING OVER.** In the event Tenant remains in possession of the Premises after the termination of this Lease without having mutually executed a new or extended lease, Tenant shall be deemed to be a month-to-month Tenant whose rental rate shall be the last rental rate provided for herein plus two-hundred and fifty percent (250%) of such amount, and otherwise subject to all terms, covenants, and conditions of this Lease insofar as the same are applicable to a month-to-month tenancy.

ARTICLE III. RENT

A. Rent shall accrue hereunder from the Commencement Date.

B. During the initial term of this Lease, Tenant promises and agrees to pay to Landlord for the Premises, an annual Rental Rate of SEVEN DOLLARS AND FIFTY CENTS (\$7.50) per square foot, equaling \$18,750 per year. Rent shall be paid in advance in quarterly installments of \$4,687.50 on the first day of each calendar quarter, upon billing by Landlord. All payments will be made in accordance with Texas Prompt Payment Act. As a condition of the Lease and as part of the Lease Rent, Tenant further agrees to maintain the radio equipment and console in working condition throughout the term of the Lease.

ARTICLE IV. LIABILITY

LIABILITY FOR CLAIMS. Tenant is solely responsible for any and all claims, liabilities, losses, damages, causes of action, and expenses (including court costs and reasonable attorney's fees) arising from (1) Tenant's occupation of the Premises, use of the Premises, conduct of its business, or any other activity permitted or suffered by the Tenant on the Premises, (2) any default, breach, violation or nonperformance of this Lease or any of its terms, covenants, and conditions, and (3) any act, omission, or negligence of Tenant, or any officer, agent, employee, guest, customer, subtenant, assignee, or invitee of Tenant, including any act, omission, or negligence resulting in injury or death. Tenant, as a material part of the consideration to Landlord, hereby assumes all risk of damage to property or injury to persons in or upon the Premises, from any cause other than Landlord's negligence; and Tenant hereby waives all claims in respect thereof against Landlord. Tenant shall give prompt notice to Landlord in case of casualty or accidents in or about the Premises. Tenant is responsible for any penalty, damage, or charge incurred or imposed by reason of any violation of law, statute, ordinance, or governmental rule, regulation or requirement now or hereafter in force, by Tenant, or any officer, agent, employee, guest, customer, subtenant, assignee, or invitee of Tenant.

ARTICLE V. INSURANCE AND LIABILITY

A. **INSURANCE.** Tenant shall procure and maintain throughout the Lease Term a policy or policies of insurance, at its sole cost and expense, insuring Landlord as well as Tenant, from all claims, demands, or actions arising out of Tenant's use and occupancy of the Premises, containing bodily injury and property damage combined single-limit coverage of not less than \$1,000,000 per each occurrence. Such insurance shall be carried with companies satisfactory to Landlord, and Tenant shall obtain a written obligation on the part of each insurance company to notify Landlord at least thirty (30) days prior to cancellation of such insurance. Tenant may maintain insurance covering the Premises contents from time to time during the Lease Term, providing protection against perils included within the standard Texas form of fire and extended-coverage insurance policy, together with such other risks.

B. **WAIVER OF SUBROGATION.** Landlord and Tenant do hereby mutually waive as against one another all rights of recovery for damage to the extent that such damage is compensated for by insurance maintained by the damaged party; and Landlord and Tenant agree that no party shall have any claim against the other by way of subrogation or assignment.

C. **LANDLORD NOT LIABLE.** Neither Landlord nor its agents shall be liable for any loss or damage to persons or property resulting from fire, explosion, failing plaster, steam, gas, electricity, rain, or water from any source or any other cause whatsoever, unless caused by or due to the negligence of Landlord, its agents, servants, employees. Landlord or its agents shall not be liable for interference with the light or air, or for any latent defect in the Premises, and any interference with air or light shall not affect this Lease or cause any abatement of Rent.

ARTICLE VI. UTILITIES

Except as provided herein, Tenant shall be responsible for all costs and expenses for the use and connection of utility services for the Premises, including, but not limited to, the payment of any and all utility deposits. Landlord shall provide water and electricity for the Premises at no cost to Tenant. Landlord agrees to maintain back-up generator and provide necessary fuel. Upon request, Landlord will provide Tenant with generator service and fueling records. Tenant shall promptly pay all charges for telephone service and all other utilities furnished to the Premises.

ARTICLE VII. TENANTS USE OF PREMISES

A. **PERMITTED USE.** The Premises may be used and occupied by Tenant as a regional backup site for the Tarrant County 9-1-1 District. Tenant may not change the use of the Premises without Landlord's prior written consent.

B. **PERMITS AND LICENSES.** Tenant shall obtain at its sole cost and expense all permits and licenses required for the transaction of its business in the Premises. Tenant shall not violate any applicable law, ordinance, or governmental regulation now in force or which may hereafter be in force pertaining to the Premises.

C. **PROHIBITED USES.** Tenant shall keep the Premises free from waste or nuisance at all times. Tenant shall not, without Landlord's prior written consent:

1. Damage or deface the walls, ceilings, floors, or any other part of the Premises; or
2. Permit any injury, overloading, or other harm to any part of the Premises or any equipment or fixtures which are attached thereto or used therein, including but not limited to placing any unreasonably heavy loads upon any floor of the Premises.

D. **ALTERATIONS AND ADDITIONS.** Tenant shall not, without Landlord's prior written consent, make any alterations or additions to the Premises. Any alterations or additions, including any fixtures or equipment which are installed to the interior or exterior of the Premises by either party shall upon the termination of this Lease for whatever reason become the property of Landlord and be surrendered with the Premises. Notwithstanding the foregoing, Tenant may install unattached, movable trade fixtures, and may remove same upon termination of this Lease.

ARTICLE VIII. MAINTENANCE AND REPAIR

A. **MAINTENANCE BY LANDLORD.** Landlord shall be responsible only for reasonable maintenance of the foundation, the exterior walls, heating and air conditioning and roof of the Premises; provided, however, that Landlord shall not be required to make any repairs occasioned by the act, omission, or negligence of Tenant, its agents, invitees, contractors, or employees. In the event that the Premises should become in need of repairs required to be made by Landlord, Tenant shall give immediate written notice of the needed repairs to Landlord. Landlord shall not be responsible in any

way for failure to make any such repairs until a reasonable time shall have elapsed after delivery of such written notice. Landlord shall be responsible only for the cost of repairs required above, and not for any consequential or other damages resulting therefrom. If repairs cause premises to be unusable for a period of more than ten (10) consecutive business days, then rent shall abate until such time as repairs are completed.

B. MAINTENANCE BY TENANT. Landlord shall keep the Premises, including all windows, signs and sidewalks, service ways, and loading areas adjacent to the Premises in good, clean, rubbish-free condition, free from waste and nuisance at all times. Landlord shall make all needed repairs, including without being limited to, maintenance of all direct utility connections and replacement of any cracked or broken windows or other glass. Landlord shall keep in good working condition the air conditioning/heating system, the sprinkler system, if any, and the water heater, repairing and replacing such items as may be necessary from time to time. Tenant shall comply at its sole cost and expense with all governmental laws, ordinances, and regulations applicable to the Premises, except that Tenant shall not be obligated to make any structural changes or alterations to the Premises in order to comply therewith unless made necessary by the act or omission of Tenant, in which event, Tenant shall comply at its expense in accordance with plans and specifications approved by Landlord.

C. GARBAGE AND TRASH DISPOSAL. Landlord shall be responsible for making the provision for garbage disposal for the Premises.

ARTICLE IX. CASUALTY

Tenant shall give immediate written notice to Landlord of any damage caused to the Premises by fire or other casualty. In the event that all or any portion of the Premises shall be damaged or destroyed by fire or other casualty, Landlord shall elect either to terminate this Lease or to repair and reconstruct the Premises to their condition immediately prior to such damage or destruction. In the event Landlord elects to terminate this Lease, Landlord shall deliver written notice to Tenant on or before thirty (30) days following receipt of Tenant's written notice of the damage to the Premises, and shall refund to Tenant the prepaid Rent, if any, unaccrued as of the date of damage or destruction, less any sum then owing Landlord by Tenant. If Landlord elects to repair and reconstruct the Premises, this Lease shall continue in full force and effect, and said repairs and reconstruction shall be made within a reasonable time thereafter, and Landlord may elect by the delivery to Tenant of written notice made on or before the Landlord's completion of said repair and reconstruction, to extend the Lease Term by a period of time equal to the period of such repair and reconstruction. During the period of repair and reconstruction of the Premises, Tenant agrees to continue operating its business within the Premises to the extent practicable, and rental shall abate proportionately during the period and to the extent that the Premises are unfit for use by Tenant.

ARTICLE X. CONDEMNATION

A. **TERMINATION OPTION.** In the event that all or any portion of the improved portion of the Premises or in excess of twenty-five percent 25% of the parking area of the Premises should be appropriated or taken by any public or quasi-public authority under the power of eminent domain, this Lease may be terminated by either Landlord or Tenant by the delivery of written notice at least thirty (30) days prior to the date title vests pursuant to such taking or acquisition; the termination shall be effective as of the date title vests pursuant to such taking or acquisition, and all rentals shall be paid up to that date.

B. **LEASE OBLIGATION AFTER CONDEMNATION.** In the event that all or any portion of the Premises should be appropriated or taken by any public or quasi-public authority under the power of eminent domain, and this Lease is not terminated by Landlord or Tenant, the Rent payable hereunder during the unexpired portion of this Lease shall be reduced by multiplying the total rental by a fraction the numerator of which is the Square Foot Area of the Premises after condemnation and the denominator of which is the Square Foot Area of the Premises prior to condemnation. Landlord shall repair any structural damage to the Premises caused by the appropriation or taking.

C. **VOLUNTARY CONVEYANCE IN LIEU OF CONDEMNATION.** In the event that any authority having the power of eminent domain requests that Landlord convey to such authority all or any portion of the Premises, Landlord shall have the right to make a voluntary conveyance to such authority of all or any portion of the Premises whether or not proceedings have been filed by such authority; and in the event of any such voluntary conveyance, it shall nevertheless be deemed for the purpose of interpreting this Lease that there has been a taking under the power of eminent domain.

D. **CONDEMNATION AWARDS.** In the event of such an appropriation or taking, whether whole or partial, all awards of compensation shall belong to Landlord, and Tenant expressly waives any claim or right to any such award, except that Tenant shall be allowed to recover from such authority, but not from any portion of any award to Landlord, at Tenant's own cost and expense, the unamortized cost of Tenant's leasehold improvements and trade fixtures.

ARTICLE XI. DEFAULT AND REMEDIES FOR DEFAULT

A. **EVENTS OF DEFAULT BY TENANT.** The following shall be deemed to be events of default by Tenant under this Lease:

1. Tenant shall fail to pay when due any installment of Rent within ten (10) days after written notice from Landlord or any other payment required pursuant to this Lease;

2. Tenant shall fail to comply with any term, covenant, or condition of this Lease, other than the payment of Rent, and fail to cure within thirty (30) days after written notice by Landlord, provided, however, that if the nature of Tenant's obligation is such that more than thirty (30) days are required for performance, then Tenant shall not be in default if Tenant commences performance within such thirty (30) day period and thereafter diligently prosecutes completion of same;

3. Tenant shall be the subject of a petition under Title II of the United States Code, as amended, or under any state bankruptcy laws, whether voluntary or involuntary or be adjudged bankrupt or insolvent under said laws;

4. Tenant shall have receiver or trustee appointed for all or substantially all of the assets of Tenant; or Tenant shall make a transfer in fraud of creditors or shall make an assignment for the benefit of creditors; or

5. Tenant shall do or permit to be done any act which results in a lien being filed against the Premises, and does not discharge of record or bond against said lien within fifteen (15) days following written notice by Landlord to Tenant of the filing thereof.

B. REMEDIES. In the event of default and in addition to all other remedies now or hereinafter provided herein or by law:

1. Landlord may at its option enter and take possession of the Premises and of the personal property of Tenant on which it has a contractual lien immediately without any previous notice of intention to reenter, and may remove all persons and property from the Premises and may take full and exclusive possession of the Premises. Landlord may secure, lock up, cut off utility service to, and attempt to relet the Premises, all without any of such actions being deemed a trespass or an election on Landlord's part to terminate the Lease. If, however, any such default on Tenant's part should be fully corrected and cured before Landlord exercises an option to terminate the Lease, and before Landlord has relet the Premises, then the Premises shall be returned to Tenant, and Tenant may continue in possession hereunder. Tenant expressly waives any and all damages by reason of reentry by Landlord under this Lease.

2. In the event that Landlord elects to reenter the Premises without terminating the Lease, then Tenant shall be liable for and shall pay to Landlord all Rent and other indebtedness accrued to that date, plus Rent required to be paid by Tenant to Landlord during the remainder of the Lease Term until the date of expiration of the term, diminished by any net sums thereafter received by Landlord through reletting the Premises during said period (after deducting all expenses incurred by Landlord to relet the Premises). In no event shall Tenant be entitled to any excess of any Rent obtained by reletting over and above the Rent herein reserved. Actions to collect amounts due by Tenant as provided in this Paragraph may be brought from time to time, on one or more occasions, without the necessity of Landlord's waiting until expiration of the Lease Term.

3. Notwithstanding any prior election not to terminate, Landlord may at any time, including subsequent to a reentry as above provided, elect to terminate this

Lease on account of such default. Upon termination Tenant shall be liable for and shall pay to Landlord the sum of all Rent and other indebtedness accrued to the date of such termination, plus, as agreed and liquidated damages, an amount equal to the Rent and other charges for the remaining portion of the Lease Term (had such term not been terminated by Landlord prior to expiration of the Lease Term), less the then fair rental value of the Premises for said period, both discounted to their present value based upon an interest rate of six percent (6%) per annum; the undersigned parties hereby stipulate that the fair rental value shall in no event be deemed to exceed sixty percent (60%) of the Rent provided for herein for said period.

4. In case of Default, Tenant shall also be liable for and shall pay to Landlord, in addition to any sum provided to be paid above: the costs of removing and storing Tenants or other occupant's property; the cost of repairing, altering, remodeling, renovating, or otherwise putting the Premises into condition acceptable to a new tenant or tenants; and all reasonable expenses incurred by Landlord in enforcing Landlord's remedies, including reasonable attorney's fees.

C. **DEFAULT BY LANDLORD.** Landlord shall not be in default unless Landlord fails to perform obligations required of Landlord within a reasonable time, but in no event later than thirty (30) days after written notice by Tenant to Landlord, specifying wherein Landlord has failed to perform such obligation; provided, however, that if the nature of Landlord's obligation is such that more than thirty (30) days are required for performance, then Landlord shall not be in default if Landlord commences performance within such thirty (30) day period and thereafter diligently prosecutes completion of same.

ARTICLE XII. TRANSFERS AND LIENS

A. **NO LIEN AUTHORITY.** Tenant agrees that it shall not undertake any act which will cause a lien to be filed against the Premises, and Tenant acknowledges that it has no power to encumber or cloud Landlord's title. Tenant further agrees that if, because of any act or omission of Tenant, any mechanics lien or other lien, charge, or order for the payment of money shall be filed against Tenant or any portion of the Premises, or upon the right, title, and interest of Tenant created by this Lease, Tenant shall, at its own cost and expense, cause the same to be discharged of record or bonded within fifteen (15) days after written notice by Landlord to Tenant of the filing thereof. To the extent permitted by law Tenant hereby agrees to indemnify and hold Landlord harmless against and from all costs, liabilities, suits, penalties, claims, and demands resulting therefrom.

B. **ASSIGNMENT AND SUBLETTING.** Tenant may assign this Lease or sublet the Premises only with the prior written consent of Landlord. Tenant acknowledges that this Lease is personal to Tenant for the use specified herein, and that Landlord may withhold its consent, and may further condition any consent on an increase in Rent or any other changes in the terms, covenants, or conditions hereof. The consent by Landlord to any transfer, assignment, or subletting shall not be deemed to be a waiver on the part of Landlord of its rights regarding any future transfers, assignments, or sublettings. If Landlord consents to an assignment or subletting, that consent shall not be effective unless and until Landlord approves in writing the executed assignment or sublease agreement, which agreement shall provide for the Landlord's consent to any amendment,

and for the assignee or sublessee to assume all of the obligations and liabilities of Tenant under this Lease, without relieving Tenant of its obligations under this Lease.

ARTICLE XIII. ACCESS TO PREMISES

Landlord shall have the right to enter upon the Premises (recognizing that Tenant's hours of operation are 8:00 a.m. to 5:00 p.m.) with 24 hours notice for the purpose of inspecting them, making repairs to the Premises, or curing any default of Tenant hereunder that Landlord elects to cure. Landlord shall not be liable to Tenant for any expense, loss, or damage from any such entry. Tenant shall permit Landlord, during the sixty (60) day period preceding the expiration of this Lease, to enter upon the Premises during normal business hours to exhibit same to prospective tenants.

ARTICLE XIV. INTERPRETATION, NOTICES, AND MISCELLANEOUS

A. CHOICE OF LAW; VENUE. This Lease shall be governed by the laws of the State of Texas. Should any action be brought for the interpretation or enforcement of this Lease, venue shall be in Tarrant County, Texas.

B. ADDITIONAL COSTS. In the event that Tenant fails to perform any covenant under this Lease within ten (10) days after written notice from Landlord, including, but not limited to, obtaining permits and licenses and obtaining those items necessary for said permits and licenses, Landlord may cure such failure for the account of and at the expense of Tenant, and the reasonable expenses paid therefore may be added to the rent due Landlord. The rights granted to Landlord under this section are not exclusive, and Landlord shall have all other legal remedies otherwise available to it.

C. SUCCESSORS AND ASSIGNS. The terms, covenants, and conditions contained in this Lease shall apply to, inure to the benefit of, and be binding upon the parties hereto, and their respective successors in interest (subject to any restrictions on transfers contained in Article XI) and legal representatives, except as otherwise herein expressly provided.

D. FORCE MAJEURE. In the event that either party is delayed, hindered, or prevented from performing any action required herein, either party shall not be liable or responsible if the delay is due to strike, riot, act of God, shortage of labor or materials, war, governmental laws, regulations, or other restrictions or any other causes of any kind which are beyond the reasonable control of either party, and the period for the performance of such act shall be extended for a period equivalent to the period of such delay.

E. PARTIAL INVALIDITY. Any provision of this Lease which shall prove to be illegal, invalid, or unenforceable under present or future laws shall in no way affect, impair, or invalidate any other provision hereof, and this Lease shall be interpreted as if it had been entered into without such an illegal, invalid, or unenforceable provision.

F. WAIVER; NO REMEDY EXCLUSIVE. The waiver by Landlord of any remedy for the breach of any term, covenant, or condition shall not be deemed to be a

waiver of any subsequent breach of the same or any other term, covenant, or condition contained herein. The subsequent acceptance of Rent hereunder by Landlord shall not be deemed to be a waiver of any preceding default by Tenant of any term, covenant, or condition of this Lease, other than failure of the Tenant to provide the particular Rent payments so accepted, regardless of Landlord's knowledge of such preceding default at the time of acceptance of such Rent. Further, no remedy herein conferred upon or reserved to the Tenant or Landlord is intended to be exclusive of any other available remedy or remedies, but each and every such remedy shall be cumulative and shall be in addition to every other remedy given under this Lease or hereafter existing under law or in equity. In order to entitle the Tenant and Landlord to exercise any remedy reserved to it in this section, it shall not be necessary to give any notice, other than such notice as may be herein expressly required.

G. MERGER OF ESTATES. The voluntary or other surrender of this Lease by Tenant or a mutual cancellation of this agreement shall not cause a merger, and shall, at Landlord's option, terminate all or any existing sublease or subtenancies, or, at Landlord's option, may operate as an assignment to Landlord of Tenant's interest in any or all subleases or subtenancies.

H. LIABILITY. The parties agree that Landlord and Tenant are only responsible for those claims which may be charged against them by virtue of the Texas Tort Claims Act. This agreement may not be construed or interpreted to provide a benefit to any third party to the extent that a third party may bring a cause of action under a third-party beneficiary contract theory.

I. CONSTRUCTION. Whenever in this Lease a singular number is used, the same shall include the plural, and the neutered gender shall include the feminine and masculine genders. The captions used in this Lease are for convenience only, do not constitute a part of the Lease, and shall have no effect upon the construction or interpretation of any term, covenant, or condition herein.

J. NOTICES. All notices or requests provided for in this Lease must be in writing and must be given by depositing the same in the United States Mail, addressed to the party to be notified, Postage Prepaid, and Registered or Certified with Return Receipt Requested. Notices by mail shall be deemed received upon mailing in accordance with the foregoing requirement. Notices shall be sent to the address designated at the conclusion of this Lease.

K. LANDLORD APPROVAL. Whenever and wherever Landlord's permission is required under this Lease, said approval or permission shall not be unreasonably withheld or delayed.

L. USE OF COMMON AREAS. Tenant shall have use of common areas and grounds, in accordance with the use and fee policies set by the Landlord.

M. CANCELLATION PROVISION. Tenant may terminate this Lease on sixty (60) days written notice to Landlord if the notice is given to Landlord within thirty (30) days

of Tenant's budget being approved and only if funds are not appropriated by the proper authority to pay for the Rent due hereunder.

N. ENTIRE AGREEMENT. This Lease, together with the exhibits described below which are attached hereto and incorporated herein for all purposes, set forth all agreements between Landlord and Tenant relative to the Premises. All prior negotiations and agreements are merged herein, and no subsequent agreement relative to the subject matter hereof or modification of this Lease shall be binding unless reduced to a writing signed by both parties hereto. The following exhibit has been attached to and incorporated into this Lease:

EXHIBIT "A"	-	Floor plan
EXHIBIT "B"	-	AT&T SONET CISCO ONS 15454 in server room

Executed by Landlord the _____ day of _____, 20____,

CITY OF COLLEYVILLE [LANDLORD]

ADDRESS: Colleyville City Hall
100 Main Street
Colleyville, TX 76034

Executed by Tenant the _____ day of _____, 20____,

TARRANT COUNTY 9-1-1 DISTRICT [TENANT]

ADDRESS: 2600 Airport Freeway
Fort Worth, TX 76111

EXHIBIT "A" FLOOR PLAN

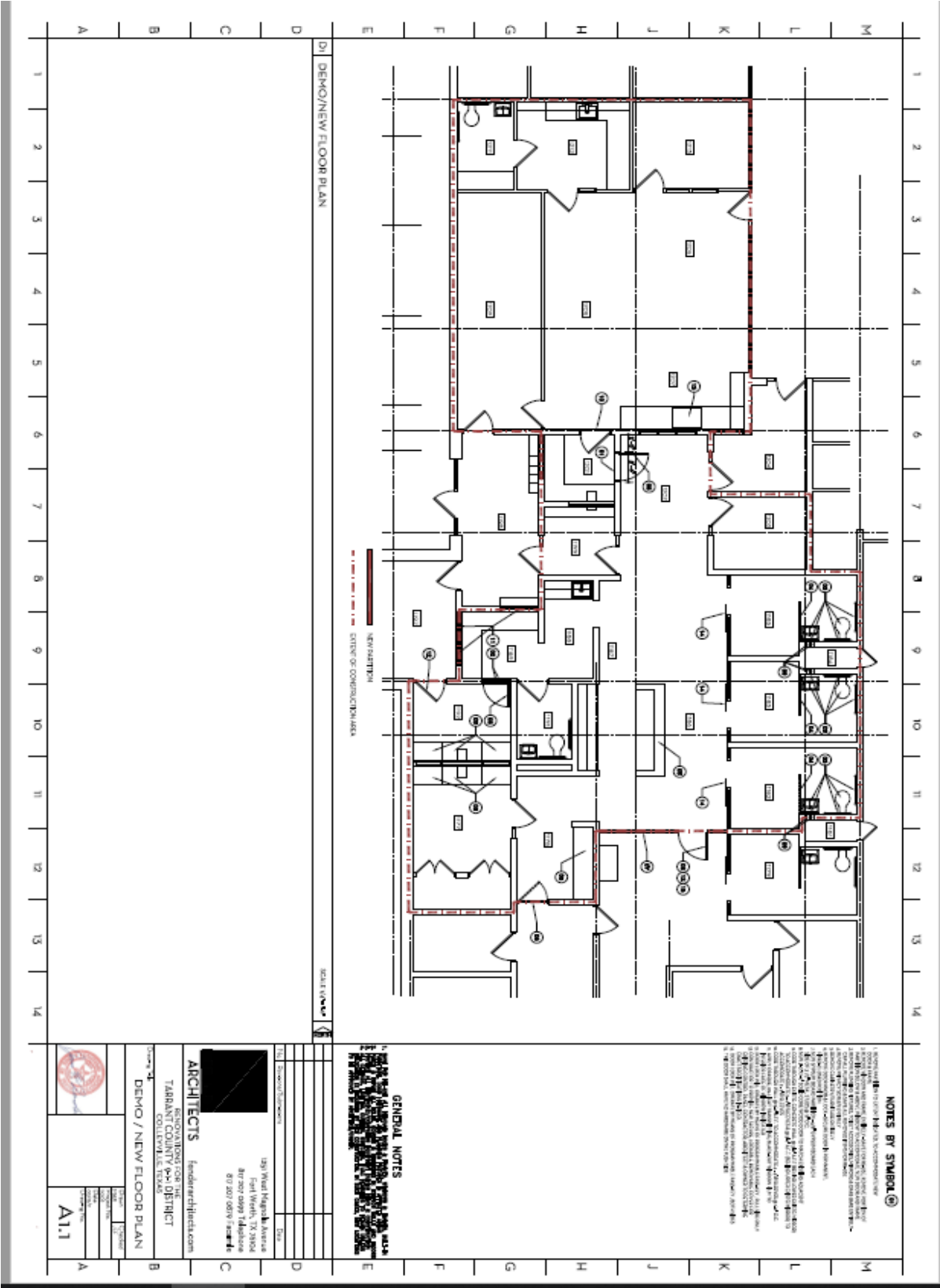


EXHIBIT B
AT&T SONET CISCO ONS 15454 located in the Colleyville server room - TC911
responsibility



STATE OF TEXAS §

KNOW ALL BY THESE PRESENTS:

COUNTY OF TARRANT §

LEASE AGREEMENT

THIS INTERLOCAL AGREEMENT is made and entered into by and between Tarrant County 9-1-1 District (TC911), hereafter Tenant, and the City of Colleyville, Texas, hereafter Landlord:

WHEREAS, this Agreement is made under the authority of §§ 791.001-791.034 Texas Government Code;

WHEREAS, each party, in performing governmental functions or in paying for the performance of governmental functions hereunder, shall make that performance or those payments from current revenues legally available to that party;

WHEREAS, each governing body finds that the subject of this Agreement is necessary for the benefit of the public and that each has the legal authority to perform and to provide the governmental function or service which is the subject matter of this Agreement; and

WHEREAS, each governing body finds that the performance of this Agreement is in the common interest of both parties and that the division of costs fairly compensates the performing party for the services or functions under this Agreement.

WITNESSETH:

In consideration of Tenant's obligation to pay rent, and of the other terms, covenants, and conditions contained herein, Landlord hereby demises and leases to Tenant, and Tenant hereby takes from Landlord the Premises, described herein, TO HAVE AND TO HOLD all and singular, said Premises and improvements, together with the rights, privileges, and appurtenances thereto, belonging unto said Tenant for the term described herein.

ARTICLE I. PREMISES

A. **THE PREMISES.** The leased premises (the "Premises") are the real property, together with all improvements thereon, which are located in Tarrant County, Texas, and described on Exhibit "A", attached hereto.

B. **CONDITION OF PROPERTY; REQUIRED CONSTRUCTION.** Tenant accepts the condition of the Premises in "as is" condition, subject to any requirements relating to construction by Landlord or the condition of the Premises contained in Exhibit "B" attached hereto.

ARTICLE II. TERM OF LEASE

A. **ENTRY PRIOR TO COMMENCEMENT DATE.** Any entry onto or use of the Premises prior to the Commencement Date shall be governed by all of the terms, covenants, and conditions of this Lease, except rent.

B. **COMMENCEMENT DATE AND LEASE TERM.** The Commencement Date shall be as provided for on Exhibit "C", attached hereto and incorporated herein. The term of the Lease shall begin on the Commencement Date and shall continue for the number of years provided for in Exhibit "C", provided that if said Commencement Date shall not occur on the first day of the calendar month, then the last day of the Lease Term shall be calculated from the first day of the calendar month next following the Commencement Date.

C. **SURRENDER.** Promptly on the expiration of the term of this Lease or earlier termination of this Lease, Tenant shall peaceably and quietly leave, surrender, and yield to Landlord the Premises, broom-clean and in good condition, reasonable wear and tear and casualties provided for in Article IX herein excepted. Additionally, to the extent that Tenant brings hazardous materials onto the premises Tenant covenants and agrees to remove the hazardous materials at no expense to the Landlord prior to the expiration or termination of the Lease. Further, Tenant shall surrender all keys to the Premises at the place then fixed for the payment of rent.

D. **HOLDING OVER.** In the event Tenant remains in possession of the Premises after the termination of this Lease without having executed a new lease, Tenant shall be deemed to be a month-to-month Tenant whose rental rate shall be the last rental rate provided for herein plus two-hundred and fifty percent (250%) of such amount, and otherwise subject to all terms, covenants, and conditions of this Lease insofar as the same are applicable to a month-to-month tenancy.

ARTICLE III. RENT

A. Rent shall accrue hereunder from the Commencement Date.

B. Tenant promises and agrees to pay to Landlord for the Premises, as set forth in Exhibit "D", attached hereto and incorporated herein. Rent shall be paid in advance in monthly installments on the first day of each calendar month, upon billing by Landlord. All payments will be made in accordance with Texas Prompt Payment Act.

ARTICLE IV. LIABILITY

LIABILITY FOR CLAIMS. Tenant is solely responsible for any and all claims, liabilities, losses, damages, causes of action, and expenses (including court costs and reasonable attorney's fees) arising from (1) Tenant's occupation of the Premises, use of the Premises, conduct of its business, or any other activity permitted or suffered by the Tenant on the Premises, (2) any default, breach, violation or nonperformance of this Lease or any of its terms, covenants, and conditions, and (3) any act, omission, or

negligence of Tenant, or any officer, agent, employee, guest, customer, subtenant, assignee, or invitee of Tenant, including any act, omission, or negligence resulting in injury or death. Tenant, as a material part of the consideration to Landlord, hereby assumes all risk of damage to property or injury to persons in or upon the Premises, from any cause other than Landlord's negligence; and Tenant hereby waives all claims in respect thereof against Landlord. Tenant shall give prompt notice to Landlord in case of casualty or accidents in or about the Premises. Tenant is responsible for any penalty, damage, or charge incurred or imposed by reason of any violation of law, statute, ordinance, or governmental rule, regulation or requirement now or hereafter in force, by Tenant, or any officer, agent, employee, guest, customer, subtenant, assignee, or invitee of Tenant.

ARTICLE V. INSURANCE AND LIABILITY

A. **INSURANCE.** Tenant shall procure and maintain throughout the Lease Term a policy or policies of insurance, at its sole cost and expense, insuring Landlord as well as Tenant, from all claims, demands, or actions arising out of Tenant's use and occupancy of the Premises, containing bodily injury and property damage combined single-limit coverage of not less than \$1,000,000 per each occurrence. Such insurance shall be carried with companies satisfactory to Landlord, and Tenant shall obtain a written obligation on the part of each insurance company to notify Landlord at least thirty (30) days prior to cancellation of such insurance. Tenant may maintain insurance covering the Premises contents from time to time during the Lease Term, providing protection against perils included within the standard Texas form of fire and extended-coverage insurance policy, together with such other risks.

B. **WAIVER OF SUBROGATION.** Landlord and Tenant do hereby mutually waive as against one another all rights of recovery for damage to the extent that such damage is compensated for by insurance maintained by the damaged party; and Landlord and Tenant agree that no party shall have any claim against the other by way of subrogation or assignment.

C. **LANDLORD NOT LIABLE.** Neither Landlord nor its agents shall be liable for any loss or damage to persons or property resulting from fire, explosion, falling plaster, steam, gas, electricity, rain, or water from any source or any other cause whatsoever, unless caused by or due to the negligence of Landlord, its agents, servants, employees. Landlord or its agents shall not be liable for interference with the light or air, or for any latent defect in the Premises, and any interference with air or light shall not affect this Lease or cause any abatement of Rent.

ARTICLE VI. UTILITIES

Tenant shall be responsible for all costs and expenses for the use and connection of all utility services for Premises, including, but not limited to, the payment of any and all utility deposits. Tenant shall promptly pay all charges for telephone service and all other utilities furnished to the Premises. Landlord shall provide water and electricity for the Premises. Landlord agrees to maintain back-up generator and provide necessary fuel. Upon request, Landlord will provide Tenant with generator

service and fueling records.

ARTICLE VII. TENANTS USE OF PREMISES

A. **PERMITTED USE.** The Premises may be used and occupied only for the purposes described in Exhibit "E", attached hereto and incorporated herein. Tenant may not change the use of the Premises without Landlord's prior written consent.

B. **PERMITS AND LICENSES.** Tenant shall obtain at its sole cost and expense all permits and licenses required for the transaction of its business in the Premises. Tenant shall not violate any applicable law, ordinance, or governmental regulation now in force or which may hereafter be in force pertaining to the Premises.

C. **PROHIBITED USES.** Tenant shall keep the Premises free from waste or nuisance at all times. Tenant shall not, without Landlord's prior written consent:

1. Damage or deface the walls, ceilings, floors, or any other part of the Premises; or

2. Permit any injury, overloading, or other harm to any part of the Premises or any equipment or fixtures which are attached thereto or used therein, including but not limited to placing any unreasonably heavy loads upon any floor of the Premises.

D. **ALTERATIONS AND ADDITIONS.** Tenant shall not, without Landlord's prior written consent, make any alterations or additions to the Premises; provided, however, that Tenant may perform the work, if any, required before it moves into the Premises. Any alterations or additions, including any fixtures or equipment which are installed to the interior or exterior of the Premises by either party shall upon the termination of this Lease for whatever reason become the property of Landlord and be surrendered with the Premises. Notwithstanding the foregoing, Tenant may install unattached, movable trade fixtures, and may remove same upon termination of this Lease.

ARTICLE VIII. MAINTENANCE AND REPAIR

A. **MAINTENANCE BY LANDLORD.** Landlord shall be responsible only for reasonable maintenance of the foundation, the exterior walls, heating and air conditioning and roof of the Premises; provided, however, that Landlord shall not be required to make any repairs occasioned by the act, omission, or negligence of Tenant, its agents, invitees, contractors, or employees. In the event that the Premises should become in need of repairs required to be made by Landlord, Tenant shall give immediate written notice of the needed repairs to Landlord. Landlord shall not be responsible in any way for failure to make any such repairs until a reasonable time shall have elapsed after delivery of such written notice. Landlord shall be responsible only for the cost of repairs required above, and not for any consequential or other damages resulting therefrom. If repairs cause premises to be unusable for a period of more than

ten (10) consecutive business days, then rent shall abate until such time as repairs are completed.

B. MAINTENANCE BY TENANT. Landlord shall keep the Premises, including all windows, signs and sidewalks, service ways, and loading areas adjacent to the Premises in good, clean, rubbish-free condition, free from waste and nuisance at all times. Landlord shall make all needed repairs, including without being limited to, maintenance of all direct utility connections and replacement of any cracked or broken windows or other glass. Landlord shall keep in good working condition the air conditioning/heating system, the sprinkler system, if any, and the water heater, repairing and replacing such items as may be necessary from time to time. Tenant shall comply at its sole cost and expense with all governmental laws, ordinances, and regulations applicable to the Premises, except that Tenant shall not be obligated to make any structural changes or alterations to the Premises in order to comply therewith unless made necessary by the act or omission of Tenant, in which event, Tenant shall comply at its expense in accordance with plans and specifications approved by Landlord.

C. GARBAGE AND TRASH DISPOSAL. Landlord shall be responsible for making the provision for garbage disposal for the Premises.

ARTICLE IX. CASUALTY

Tenant shall give immediate written notice to Landlord of any damage caused to the Premises by fire or other casualty. In the event that all or any portion of the Premises shall be damaged or destroyed by fire or other casualty, Landlord shall elect either to terminate this Lease or to repair and reconstruct the Premises to their condition immediately prior to such damage or destruction. In the event Landlord elects to terminate this Lease, Landlord shall deliver written notice to Tenant on or before thirty days following receipt of Tenant's written notice of the damage to the Premises, and shall refund to Tenant the prepaid Rent, if any, unaccrued as of the date of damage or destruction, less any sum then owing Landlord by Tenant. If Landlord elects to repair and reconstruct the Premises, this Lease shall continue in full force and effect, and said repairs and reconstruction shall be made within a reasonable time thereafter, and Landlord may elect by the delivery to Tenant of written notice made on or before the Landlord's completion of said repair and reconstruction, to extend the Lease Term by a period of time equal to the period of such repair and reconstruction. During the period of repair and reconstruction of the Premises, Tenant agrees to continue operating its business within the Premises to the extent practicable, and rental shall abate proportionately during the period and to the extent that the Premises are unfit for use by Tenant.

ARTICLE X. CONDEMNATION

A. TERMINATION OPTION. In the event that all or any portion of the improved portion of the Premises or in excess of twenty-five percent 25% of the parking area of the Premises should be appropriated or taken by any public or quasi-public

authority under the power of eminent domain, this Lease may be terminated by either Landlord or Tenant by the delivery of written notice at least thirty (30) days prior to the date title vests pursuant to such taking or acquisition; the termination shall be effective as of the date title vests pursuant to such taking or acquisition, and all rentals shall be paid up to that date.

B. LEASE OBLIGATION AFTER CONDEMNATION. In the event that all or any portion of the Premises should be appropriated or taken by any public or quasi-public authority under the power of eminent domain, and this Lease is not terminated by Landlord or Tenant, the Rent payable hereunder during the unexpired portion of this Lease shall be reduced by multiplying the total rental by a fraction the numerator of which is the Square Foot Area of the Premises after condemnation and the denominator of which is the Square Foot Area of the Premises prior to condemnation. Landlord shall repair any structural damage to the Premises caused by the appropriation or taking.

C. VOLUNTARY CONVEYANCE IN LIEU OF CONDEMNATION. In the event that any authority having the power of eminent domain requests that Landlord convey to such authority all or any portion of the Premises, Landlord shall have the right to make a voluntary conveyance to such authority of all or any portion of the Premises whether or not proceedings have been filed by such authority; and in the event of any such voluntary conveyance, it shall nevertheless be deemed for the purpose of interpreting this Lease that there has been a taking under the power of eminent domain.

D. CONDEMNATION AWARDS. In the event of such an appropriation or taking, whether whole or partial, all awards of compensation shall belong to Landlord, and Tenant expressly waives any claim or right to any such award, except that Tenant shall be allowed to recover from such authority, but not from any portion of any award to Landlord, at Tenant's own cost and expense, the unamortized cost of Tenant's leasehold improvements and trade fixtures.

ARTICLE XI. DEFAULT AND REMEDIES FOR DEFAULT

A. EVENTS OF DEFAULT BY TENANT. The following shall be deemed to be events of default by Tenant under this Lease:

1. Tenant shall fail to pay when due any installment of Rent within ten days after written notice from Landlord or any other payment required Pursuant to this Lease;

2. Tenant shall fail to comply with any term, covenant, or condition of this Lease, other than the payment of Rent, and fail to cure within thirty (30) days after written notice by Landlord, provided, however, that if the nature of Tenant's obligation is such that more than thirty (30) days are required for performance, then Tenant shall not be in default if Tenant commences performance within such thirty (30)-day period and thereafter diligently prosecutes completion of same;

3. Tenant shall be the subject of a petition under Title 11 of the United States Code, as amended, or under any state bankruptcy laws, whether voluntary or involuntary or be adjudged bankrupt or insolvent under said laws;

4. Tenant shall have receiver or trustee appointed for all or substantially all of the assets of Tenant; or Tenant shall make a transfer in fraud of creditors or shall make an assignment for the benefit of creditors; or

5. Tenant shall do or permit to be done any act which results in a lien being filed against the Premises, and does not discharge of record or bond against said lien within fifteen (15) days following written notice by Landlord to Tenant of the filing thereof.

B. REMEDIES. In the event of default and in addition to all other remedies now or hereinafter provided herein or by law:

1. Landlord may at its option enter and take possession of the Premises and of the personal property of Tenant on which it has a contractual lien immediately without any previous notice of intention to reenter, and may remove all persons and property from the Premises and may take full and exclusive possession of the Premises. Landlord may secure, lock up, cut off utility service to, and attempt to relet the Premises, all without any of such actions being deemed a trespass or an election on Landlord's part to terminate the Lease. If, however, any such default on Tenant's part should be fully corrected and cured before Landlord exercises an option to terminate the Lease, and before Landlord has relet the Premises, then the Premises shall be returned to Tenant, and Tenant may continue in possession hereunder. Tenant expressly waives any and all damages by reason of reentry by Landlord under this Lease.

2. In the event that Landlord elects to reenter the Premises without terminating the Lease, then Tenant shall be liable for and shall pay to Landlord all Rent and other indebtedness accrued to that date, plus Rent required to be paid by Tenant to Landlord during the remainder of the Lease Term until the date of expiration of the term, diminished by any net sums thereafter received by Landlord through reletting the Premises during said period (after deducting all expenses incurred by Landlord to relet the Premises). In no event shall Tenant be entitled to any excess of any Rent obtained by reletting over and above the Rent herein reserved. Actions to collect amounts due by Tenant as provided in this Paragraph may be brought from time to time, on one or more occasions, without the necessity of Landlord's waiting until expiration of the Lease Term.

3. Notwithstanding any prior election not to terminate, Landlord may at any time, including subsequent to a reentry as above provided, elect to terminate this Lease on account of such default. Upon termination Tenant shall be liable for and shall pay to Landlord the sum of all Rent and other indebtedness accrued to the date of such termination, plus, as agreed and liquidated damages, an amount equal to the Rent and other charges for the remaining portion of the Lease Term (had such term not been

terminated by Landlord prior to expiration of the Lease Term), less the then fair rental value of the Premises for said period, both discounted to their present value based upon an interest rate of six percent (6%) per annum; the undersigned parties hereby stipulate that the fair rental value shall in no event be deemed to exceed sixty percent (60%) of the Rent provided for herein for said period.

4. In case of Default, Tenant shall also be liable for and shall pay to Landlord, in addition to any sum provided to be paid above: the costs of removing and storing Tenants or other occupant's property; the cost of repairing, altering, remodeling, renovating, or otherwise putting the Premises into condition acceptable to a new tenant or tenants; and all reasonable expenses incurred by Landlord in enforcing Landlord's remedies, including reasonable attorney's fees.

C. **DEFAULT BY LANDLORD.** Landlord shall not be in default unless Landlord fails to perform obligations required of Landlord within a reasonable time, but in no event later than thirty (30) days after written notice by Tenant to Landlord, specifying wherein Landlord has failed to perform such obligation; provided, however, that if the nature of Landlord's obligation is such that more than thirty (30) days are required for performance, then Landlord shall not be in default if Landlord commences performance within such thirty (30)- day period and thereafter diligently prosecutes completion of same.

ARTICLE XII. TRANSFERS AND LIENS

A. **NO LIEN AUTHORITY.** Tenant agrees that it shall not undertake any act which will cause a lien to be filed against the subject property, and Tenant acknowledges that it has no power to encumber or cloud Landlord's title. Tenant further agrees that if, because of any act or omission of Tenant, any mechanics lien or other lien, charge, or order for the payment of money shall be filed against Tenant or any portion of the Premises, or upon the right, title, and interest of Tenant created by this Lease, Tenant shall, at its own cost and expense, cause the same to be discharged of record or bonded within fifteen (15) days after written notice by Landlord to Tenant of the filing thereof. To the extent permitted by law Tenant hereby agrees to indemnify and hold Landlord harmless against and from all costs, liabilities, suits, penalties, claims, and demands resulting therefrom.

B. **ASSIGNMENT AND SUBLETTING.** Tenant may assign this Lease or sublet the Premises only with the prior written consent of Landlord. Tenant acknowledges that this Lease is personal to Tenant for the use specified herein, and that Landlord may withhold its consent, and may further condition any consent on an increase in Rent or any other changes in the terms, covenants, or conditions hereof. The consent by Landlord to any transfer, assignment, or subletting shall not be deemed to be a waiver on the part of Landlord of its rights regarding any future transfers, assignments, or sublettings. If Landlord consents to an assignment or subletting, that consent shall not be effective unless and until Landlord approves in writing the executed assignment or sublease agreement, which agreement shall provide for the Landlord's consent to any amendment, and for the assignee or sublessee to assume all of the obligations and liabilities of Tenant under this Lease, without relieving Tenant of its

obligations under this Lease.

ARTICLE XIII. ACCESS TO PREMISES

Landlord shall have the right to enter upon the Premises (recognizing that Tenant's hours of operation are 8:00 a.m. to 5:00 p.m.) with 24 hours notice for the purpose of inspecting them, making repairs to the Premises, or curing any default of Tenant hereunder that Landlord elects to cure. Landlord shall not be liable to Tenant for any expense, loss, or damage from any such entry. Tenant shall permit Landlord, during the sixty (60)-day period preceding the expiration of this Lease, to enter upon the Premises during normal business hours to exhibit same to prospective tenants.

ARTICLE XIV. INTERPRETATION, NOTICES, AND MISCELLANEOUS

A. **CHOICE OF LAW.** This Lease shall be governed by the laws of the State of Texas.

B. **ADDITIONAL COSTS.** In the event that Tenant fails to perform any covenant under this Lease within ten (10) days after written notice from Landlord, including, but not limited to, obtaining permits and licenses and obtaining those items necessary for said permits and licenses, Landlord may cure such failure for the account of and at the expense of Tenant, and the reasonable expenses paid therefore may be added to the rent due Landlord. The rights granted to Landlord under this section are not exclusive, and Landlord shall have all other legal remedies otherwise available to it.

C. **SUCCESSORS AND ASSIGNS.** The terms, covenants, and conditions contained in this Lease shall apply to, inure to the benefit of, and be binding upon the parties hereto, and their respective successors in interest (subject to any restrictions on transfers contained in Article XII) and legal representatives, except as otherwise herein expressly provided.

D. **FORCE MAJEURE.** In the event that either party is delayed, hindered, or prevented from performing any action required herein, either party shall not be liable or responsible if the delay is due to strike, riot, act of God, shortage of labor or materials, war, governmental laws, regulations, or other restrictions or any other causes of any kind which are beyond the reasonable control of either party, and the period for the performance of such act shall be extended for a period equivalent to the period of such delay.

E. **PARTIAL INVALIDITY.** Any provision of this Lease which shall prove to be illegal, invalid, or unenforceable under present or future laws shall in no way affect, impair, or invalidate any other provision hereof, and this Lease shall be interpreted as if it had been entered into without such an illegal, invalid, or unenforceable provision.

F. **WAIVER.** The waiver by Landlord of any remedy for the breach of any term, covenant, or condition shall not be deemed to be a waiver of any subsequent breach of the same or any other term, covenant, or condition contained herein. The subsequent acceptance of Rent hereunder by Landlord shall not be deemed to be a

waiver of any preceding default by Tenant of any term, covenant, or condition of this Lease, other than failure of the Tenant to provide the particular Rent payments so accepted, regardless of Landlord's knowledge of such preceding default at the time of acceptance of such Rent.

G. **MERGER OF ESTATES.** The voluntary or other surrender of this Lease by Tenant or a mutual cancellation of this agreement shall not cause a merger, and shall, at Landlord's option, terminate all or any existing sublease or subtenancies, or, at Landlord's option, may operate as an assignment to Landlord of Tenant's interest in any or all subleases or subtenancies.

H. **LIABILITY.** The parties agree that Landlord and Tenant are only responsible for those claims which may be charged against them by virtue of the Texas Tort Claims Act. This agreement may not be construed or interpreted to provide a benefit to any third party to the extent that a third party may bring a cause of action under a third-party beneficiary contract theory.

I. **CONSTRUCTION.** Whenever in this Lease a singular number is used, the same shall include the plural, and the neutered gender shall include the feminine and masculine genders. The captions used in this Lease are for convenience only, do not constitute a part of the Lease, and shall have no effect upon the construction or interpretation of any term, covenant, or condition herein.

J. **NOTICES.** All notices or requests provided for in this Lease must be in writing and must be given by depositing the same in the United States Mail, addressed to the party to be notified, Postage Prepaid, and Registered or Certified with Return Receipt Requested. Notices by mail shall be deemed received upon mailing in accordance with the foregoing requirement. Notices shall be sent to the address designated at the conclusion of this Lease.

K. **LANDLORD APPROVAL.** Whenever and wherever Landlord's permission is required under this Lease, said approval or permission shall not be unreasonably withheld or delayed.

L. **USE OF COMMON AREAS.** Tenant shall have use of common areas and grounds, in accordance with the use and fee policies set by the Landlord.

M. **CANCELLATION PROVISION.** Tenant may terminate this Lease on sixty (60) days written notice to Landlord if the notice is given to Landlord within thirty (30) days of Tenant's budget being approved and only if funds are not appropriated by the proper authority to pay for the Rent due hereunder.

N. **ENTIRE AGREEMENT.** This Lease, together with the exhibits described below which are attached hereto and incorporated herein for all purposes, set forth all agreements between Landlord and Tenant relative to the Premises. All prior negotiations and agreements are merged herein, and no subsequent agreement relative to the subject matter hereof or modification of this Lease shall be binding unless reduced to a writing signed by both parties hereto. The following exhibits have

been attached to and incorporated into this Lease:

EXHIBIT "A"	-	Description of the Premises
EXHIBIT "A-1"	-	Floor plan
EXHIBIT "B"	-	Condition of Premises
EXHIBIT "C"	-	Lease Term
EXHIBIT "D"	-	Rental Rates
EXHIBIT "E"	-	Permitted Uses

Executed by Landlord the 21st day of September, 2010,


CITY OF COLLEYVILLE [LANDLORD]

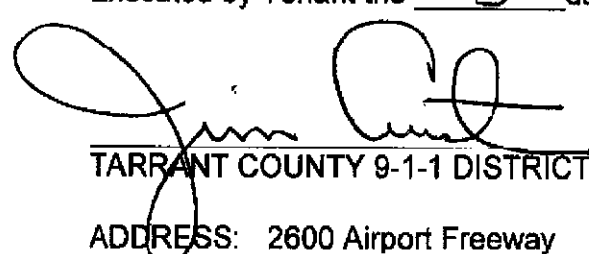
Colleyville City Council

SEP 21 2010

ADDRESS: Colleyville City Hall
100 Main Street
Colleyville, TX 76034

Approved

Executed by Tenant the 5 day of October, 2010,


TARRANT COUNTY 9-1-1 DISTRICT [TENANT]

ADDRESS: 2600 Airport Freeway
Fort Worth, TX 76111

EXHIBIT "A"
DESCRIPTION OF PREMISES

The property to be leased under this agreement is located at 5201 Riverwalk Drive Colleyville, Texas, *and* generally described as:

An approximately 2,500 square foot portion of a the Colleyville Police Department building, as indicated on Exhibit A-1 attached hereto and incorporated herein by reference.

Exhibit A-1 will be a mutually agreeable floor plan outlining the space utilized for the project.

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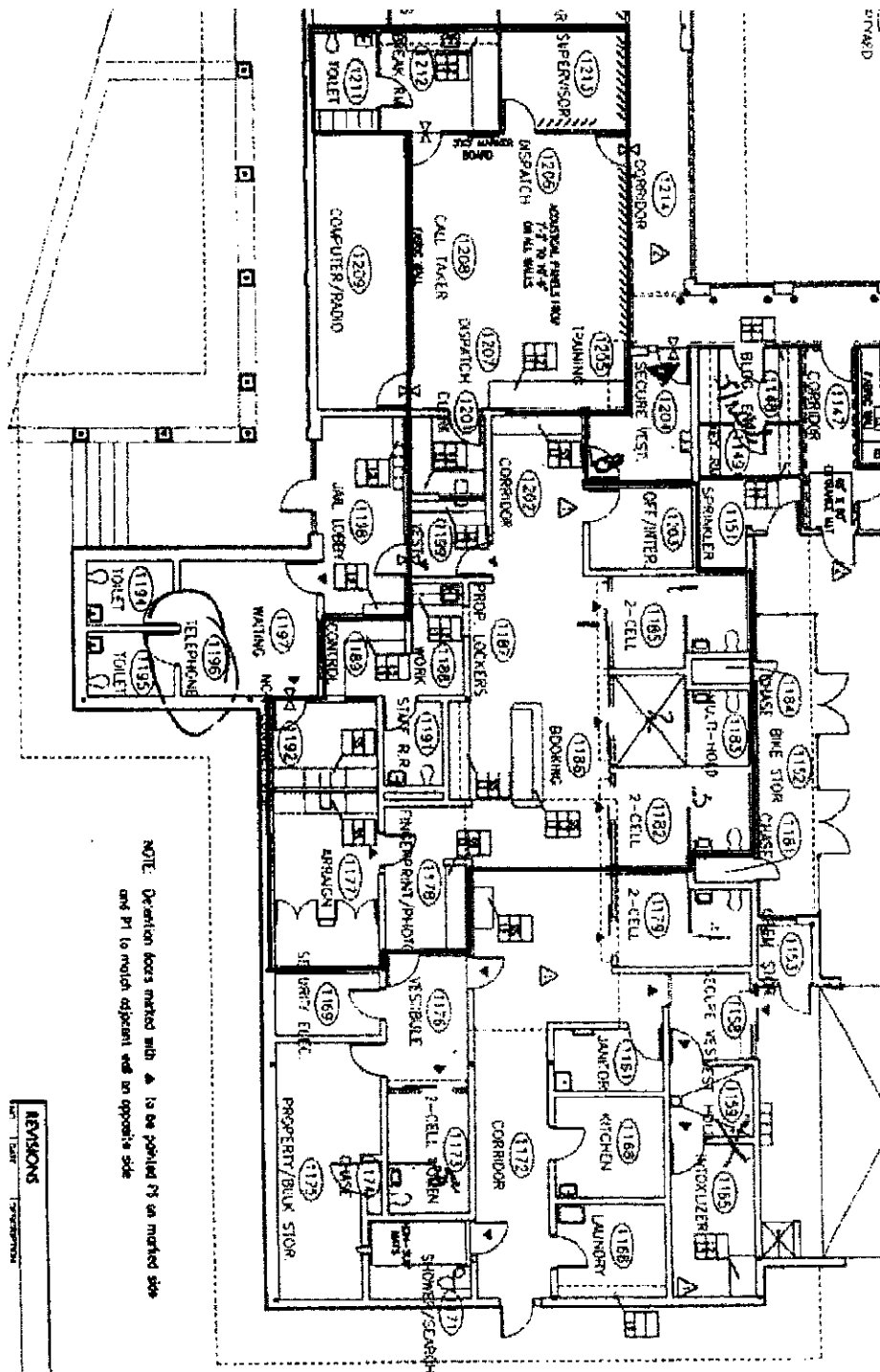


EXHIBIT "B"
CONDITION OF PREMISES

The premises are in good condition.

Any remodeling of the premises is the responsibility of the Tenant subject to approval by Landlord.

EXHIBIT "C"
LEASE TERM

The Commencement Date of the Lease shall be October 1, 2010. The term of the Lease shall coincide with Section 2 of the INTERLOCAL AGREEMENT FOR COMBINED PUBLIC SAFETY DISPATCHING AND JAIL SERVICES FOR THE CITIES OF KELLER, SOUTHLAKE AND COLLEYVILLE executed on 7-6-2010.

"This Agreement shall be for an initial term of six (6) years commencing on October 1, 2010, and ending September 30, 2016, (the "Initial Term") and may be extended thereafter by mutual consent of the parties hereto and for two successive five (5) year terms. (The renewal terms shall be referred to as the "First Renewal Term" and "Second Renewal Term", respectively)"

Furthermore, TC9-1-1 acknowledges and agrees to the provisions in Section 7 **Cancellation.**

EXHIBIT "D"
RENTAL RATES

Tenant shall make a one-time payment of \$20,000 to Landlord within 45 days of Lease signing, as compensation for the use of existing radio consoles and furniture. As a condition of the Lease and as part of the Lease rent, Tenant further agrees to maintain the radio equipment and console in working condition throughout the term of the Lease.

In addition, the annual Rental Rate shall be SIX DOLLARS AND ZERO CENTS (\$ 6.00) per square foot. Rent shall be paid monthly in accordance with Article III of the Lease.

Annual Occupancy Rate For Space at 5201 Riverwalk Drive (2,500 square feet):

\$ 15,000.00 per year

EXHIBIT "E"
PERMITTED USES

The Property shall be used by Tarrant County 9-1-1 District to provide the following types services, including but not limited to:

A regional backup site for the Tarrant County 9-1-1 District

All other uses not consistent with the above will require Landlord's written consent as per Article VI I of the Lease.



City of Colleyville City Council Agenda Briefing

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

Agenda Number 5a

Agenda Date 12/04/2018

Number Ordinance O-18-2066

Type Ordinance

Department Community Development

Title

Consideration of a zoning change from R-40 Single Family Residential district to R-20 Single Family Residential district on Lot C, McEwing Subdivision & 1B02A, 1B2, 1B3, and 1B4, Abstract 1154, in the R H McEwing Survey, located at 712-810 Lavaca Trail, Case ZC18-033

Strategic Plan

Enable Responsible Development

Explanation

Second Reading and Public Hearing

Three residents spoke, and six residents provided speaker cards not wishing to speak, in favor of the item at the first reading. Questions regarding drainage were brought up by the City Council. The preliminary drainage plan and utility plan have been included in the packet for review.

First Reading and Public Hearing

Keith Hamilton, the applicant, has submitted a request for a zoning change from the R-40 Single Family Residential district to the R-20 Single Family Residential district on Lot C, McEwing Subdivision & 1B02A, 1B2, 1B3, and 1B4, Abstract 1154, in the R H McEwing Survey, being approximately 17.32 acres. The purpose of the request is to allow for development of 25 new single-family residential lots and 5 open space lots.

Existing Conditions/Background: The subject property, 712-810 Lavaca Trail, resides on the north side of Lavaca Trail, across the street from an existing subdivision called Legacy Estates zoned R-20 Single Family Residential district. The property currently has R-40 zoning and remains undeveloped. The City's zoning map incorrectly shows these lots to be zoned R-20.

Proposed Zoning:

Request – The applicant requests to rezone the property from R-40 to R-20 for the creation of a single-family residential subdivision consisting of twenty-five (25) single-family residential lots and five (5) open space lots. The development covers a total of 17.32 acres.

The minimum standards for the R-20 zoning district are as follows:

Minimum Lot Size:	20,000 square feet
Minimum Lot Width:	100 feet
Minimum Lot Depth:	125 feet
Front Building Line:	30 feet
Side Building Line:	10 feet
Rear Building Line:	25 feet
Maximum Lot Coverage:	30 percent

Analysis: The requested rezoning allows the applicant to develop the lots in a manner complementary to the neighborhoods surrounding it.

The applicant had applied for a preliminary/final plat for the property due to the city's zoning map showing the zoning for these lots to be the R-20 zoning district. It has been discovered that these properties actually have R-40 zoning based on a Planning and Zoning Commission case from 2006, O-06-1600. A request to rezone the property from the R-40 district to the R-20 district was denied by the Planning and Zoning Commission at their November 13, 2006 meeting. The applicant at that time did not appeal to City Council, therefore the zoning remains R-40. Starting in January of 2007, the official zoning map has shown the R-20 zoning on the property. This error has continued through present day.

The exhibit provided is the Preliminary Plat exhibit, which will be scheduled with the Planning and Zoning Commission and City Council at a later date.

Timeline for Zoning:

Many properties in and around these properties have been developed for a decade or more and were rezoned from R-40 to R-20.

- 1997 O-97-1058 Remington Park from AG, R-20, & R-40 to PUD-R
- 2001 O-01-1286 Rosewood Villas from PUD-C to PUD- R and CC-2
- 2006 O-06-1594 Lavaca Trail/Estates from AG and R-40 to R-20
- 2006 O-06-1599 Lavaca Parc from R-40 to R-20
- 2006 O-06-1597 Legacy Estates western lots from R-40 to R-20
- 2006 O-06-1594 Kays Court and Emmas Court from R-40 & AG to R-20
- 2006 O-06-1563 Villas of Colleyville from CC-2 to PUD-R
- 2007 O-07-1627 Villas of Colleyville from CC-2 to PUD-R
- 2014 O-14-1924 Legacy Estates eastern lots from R-40 to R-20

Surrounding Development: The properties to the south, across Lavaca Trail and west have R-20 zoning and have developed with single-family residential structures. Properties to the north and east have PUD-R zoning and have developed with single-family residential structures.

Comprehensive Plan: The City's comprehensive plan, Destination Colleyville, identifies the subject property for single-family residential development. The proposed R-20 does not conflict with any portion of the comprehensive 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. 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, 3 letters in opposition and 48 letters (to include petitions) in favor have been submitted. One property owner revised their letter to change from opposition to support.

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-20 zoning continues the R-20 zoning districts around the subject property and is similar to the development pattern already established.

Planning & Zoning Commission Recommendation: The Planning & Zoning Commission recommended approval at their October 22, 2018 meeting by a vote of 7-0.

Financial Impact

There is no fiscal impact to the City of Colleyville.

Recommendation

Approve

Attachments

1. Aerial Map
2. Zoning Map
3. Future Land Use Map
4. City Zoning Map 2006
5. City Zoning Map 2007
6. Adjacent Properties Zoning
7. Zimmerman - City Council Agenda Briefing
8. November 13, 2006 - Planning and Zoning Commission Minutes
9. Zoning Exhibit
10. Concept Plan
11. Preliminary Drainage Plans
12. Water and Sanitary Sewer Plan
13. Photos Taken by Staff
14. Notification Map

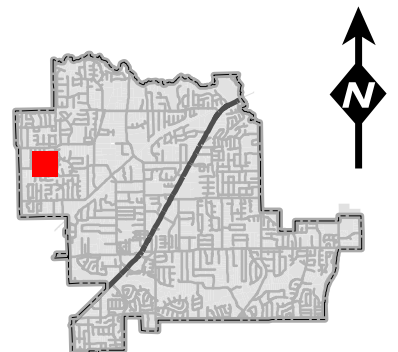
15. Notification List
16. Property Owner Notification
17. Letter from Applicant
18. Letters of Opposition
19. Letters of Support
20. Letter in Support 11.21.18
21. Letter of Support 11.29.18
22. Ordinance O-18-2066

Aerial Map



ZC18-033

712 - 810 Lavaca Trail



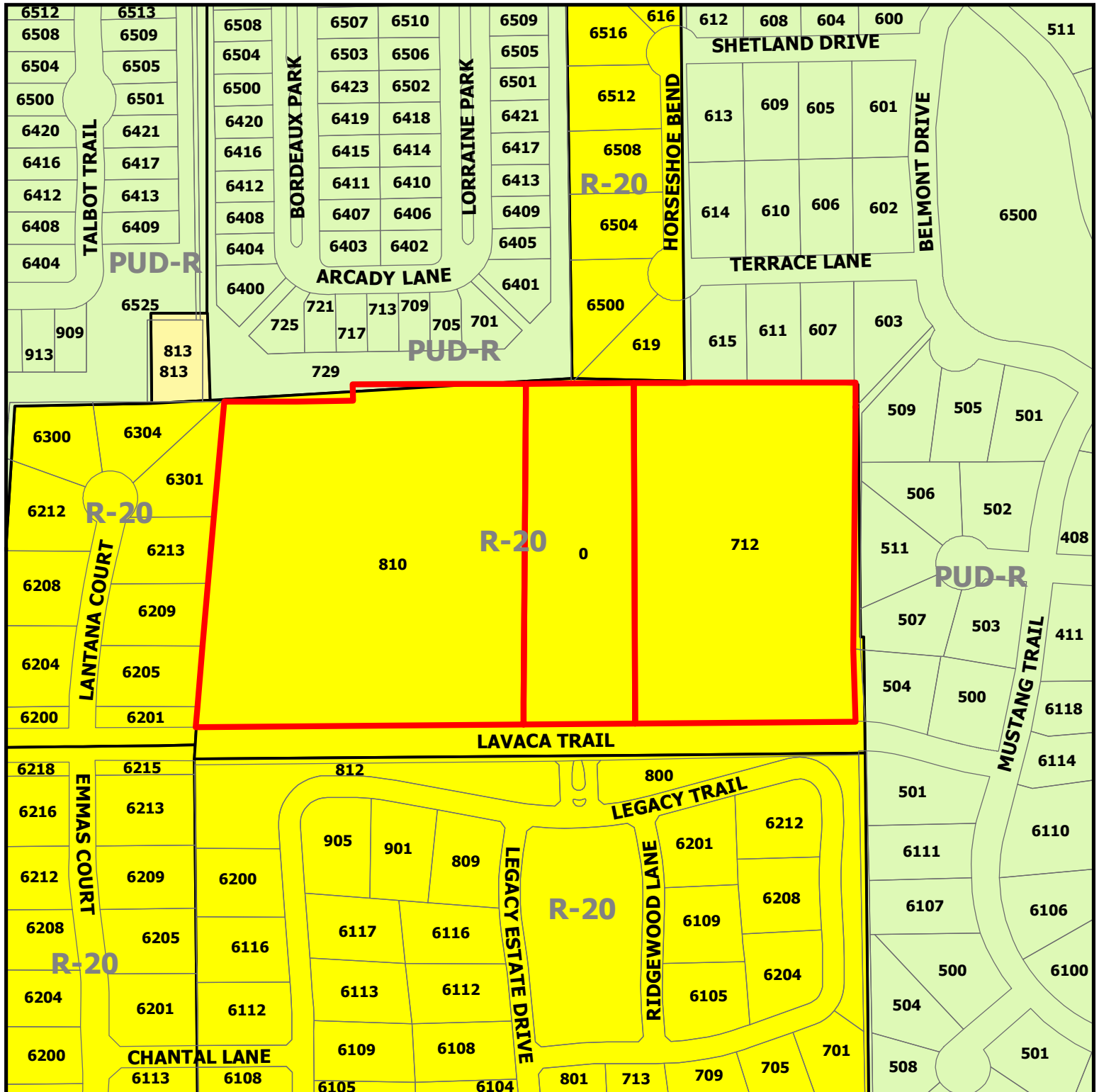
DISCLAIMER:

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



ZC18-033

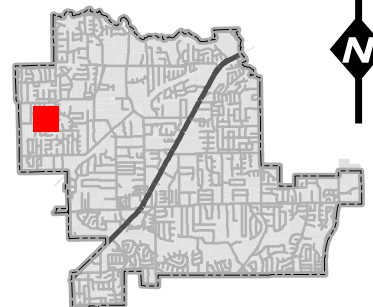
712 - 810 Lavaca Trail

DISCLAIMER:

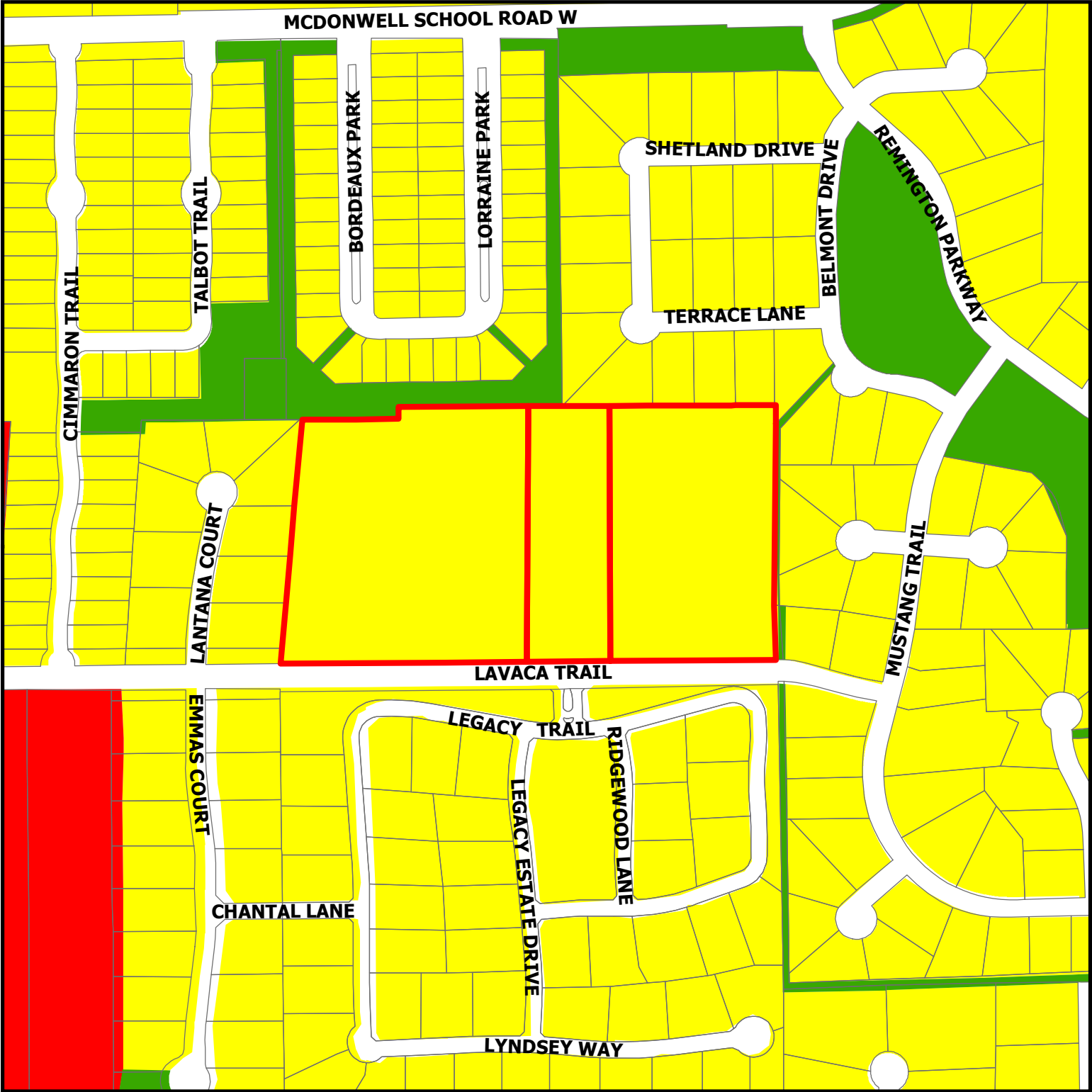
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Subject Property



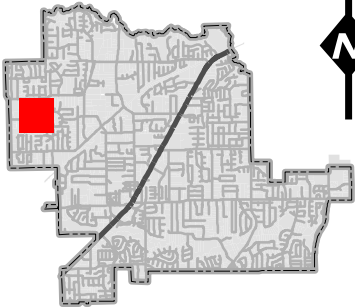
Future Land Use Map



DISCLAIMER:
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ZC18-033
712 - 810 Lavaca Trail

-  Subject Property
-  Residential
-  Commercial
-  Open Space; Parks



City Zoning Map 2006

Zoning

Legend

-  Schools
-  Parks
-  Municipal Locations
-  AG Agricultural
-  CC-1 Village Retail
-  CC-2 Shopping Center
-  CC-3 Highway Commercial
-  CN Neighborhood Commercial
-  CP0 Professional Office
-  ML Light Manufacturing
-  PUD-C Planned Unit Development, Commercial
-  PUD-R Planned Unit Development, Residential
-  R-10 Single Family Residential (10,000 sq. ft. min)
-  R-15 Single Family Residential (15,000 sq. ft. min)
-  R-20 Single Family Residential (20,000 sq. ft. min)
-  R-30 Single Family Residential (30,000 sq. ft. min)
-  R-40 Single Family Residential (40,000 sq. ft. min)
-  R-MF Multi-Family Residential
-  RD Two Family Residential
-  RE Single Family 'Estate' Residential



DISCLAIMER

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0 1,000 2,000 4,000 6,000 8,000 Feet

Last update 10/1/06

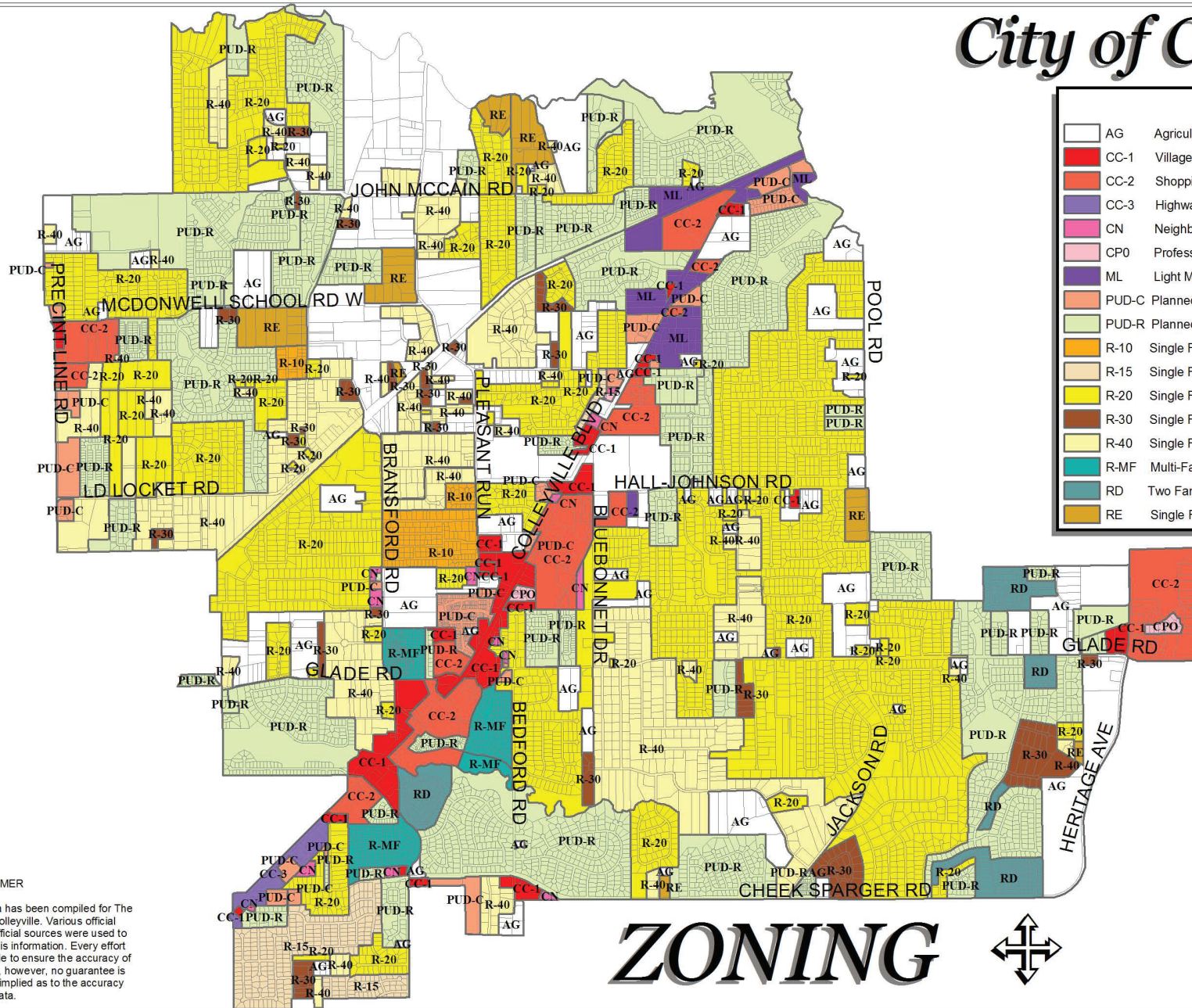


Geographic Information Systems

City Zoning Map 2007

City of Colleyville

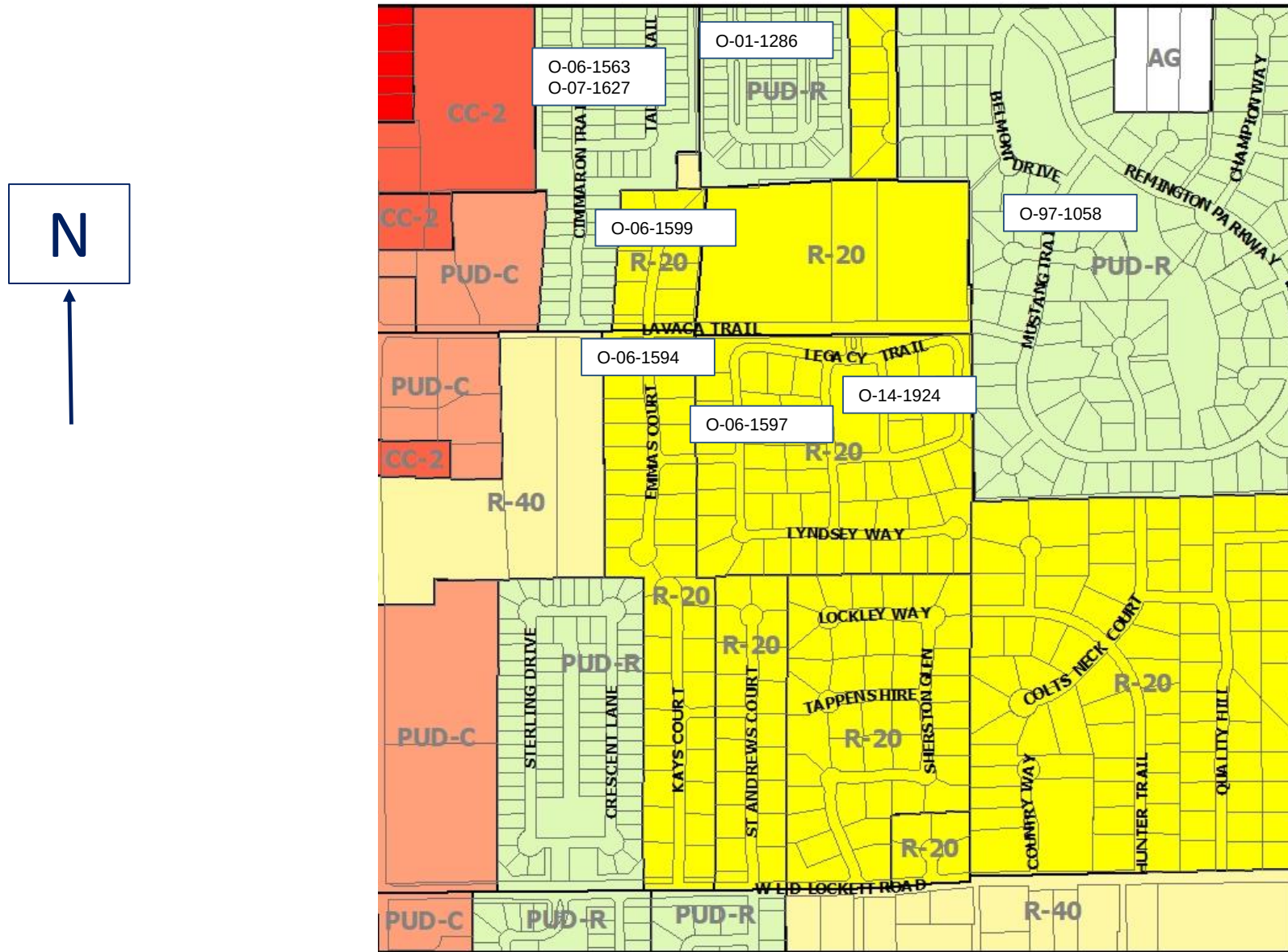
Legend	
AG	Agricultural
CC-1	Village Retail
CC-2	Shopping Center
CC-3	Highway Commercial
CN	Neighborhood Commercial
CP0	Professional Office
ML	Light Manufacturing
PUD-C	Planned Unit Development, Commercial
PUD-R	Planned Unit Development, Residential
R-10	Single Family Residential (10,000 sq. ft. min)
R-15	Single Family Residential (15,000 sq. ft. min)
R-20	Single Family Residential (20,000 sq. ft. min)
R-30	Single Family Residential (30,000 sq. ft. min)
R-40	Single Family Residential (40,000 sq. ft. min)
R-MF	Multi-Family Residential
RD	Two Family Residential
RE	Single Family 'Estate' Residential



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Adjacent Properties Zoning





City of Colleyville

Agenda Briefing

100 Main Street
Colleyville, Texas 76034
(817) 503-1000
www.colleyville.com

File Number: O-06-1600

File Number: O-06-1600	File Type: Ordinance	Status: First Reading
Version: 1	Agenda Date: 12/05/2006	Controlling Body: City Council
Requester: Community Development Department	Agenda No.: 6a	Final Action:
File Name: Approval of a Request for a Special Use Permit on 17 acres out of the R.N. McEwing Survey and the McEwing Addition located at 712-900 Lavaca Trail, Case Z-06-027		
Attachments: Location and Zoning Map • List of Property Owners Notified • Zoning Exhibits • Ordinance O-06-1600		

History of Legislative File

Version:	Date:	Acting Body:	Action Text:
1	11/13/2006	Planning and Zoning Commission	
1	12/05/2006	City Council	

Title

Approval of a Request for a Special Use Permit on 17 acres out of the R.N. McEwing Survey and the McEwing Addition located at 712-900 Lavaca Trail, Case Z-06-027

Explanation

First Reading and Public Hearing

Jeffrey Zimmerman has submitted a request for consideration of a Special Use Permit (SUP) to allow grazing animals on 17 acres of land located on the north side of Lavaca Trail, approximately 275 feet west of Mustang Trail. The property is currently zoned R40-Single Family Residential.

The applicant originally submitted a request to rezone the property from the R40-Single Family Residential zoning district to the R20-Single Family Residential zoning district in conjunction with the SUP request. The Planning and Zoning Commission denied the R20 rezoning request and approved the SUP request. The applicant did not appeal the zoning request to City Council, therefore only the SUP request is being considered by the City Council. The Planning and Zoning Commission recommended approval of the SUP by a vote of 5-2.

Request. SUP to allow grazing animals on the property.

Location. The 17 acres is located at 712-900 Lavaca Trail.

Special Use Permit. The applicant is requesting approval of a SUP to allow grazing

animals on the property. Grazing animals are permitted by right within the AG-Agricultural and RE-Single Family Estate Residential zoning districts. The property is zoned R40 and the property owner indicated six cattle and three calves have existed on the property for many years.

Staff is recommending that a condition be placed within the ordinance stating that if the property is rezoned in the future, the SUP permitting the grazing of animals will become void. The proposed ordinance also contains a provision to limit the number of animals to the ratio permitted in Section 42 of the Colleyville Code of Ordinances, which allows one grazing animal per 15,000 square feet of land area. Using the formula permitted by the code, a total of 49 animals would be allowed on the 17 acre tract. The applicant is aware of the staff recommendations and has agreed to the conditions.

Surrounding Development Trends. The surrounding properties are primarily single family residential in nature. Properties to the north are zoned PUDR-Planned Unit Development Residential and R20-Single Family Residential and are developed as single family uses (Rosewood Villas and Remington Park). The properties to the west and south are zoned R20-Single Family Residential and are currently being developed for single family uses. The properties to the west are zoned PUDR-Planned Unit Development Residential and R20-Single Family Residential and are developed as single family uses (Remington Park).

Public Notification. Staff mailed notices to 36 adjacent property owners regarding this request. Notice was published in the *Fort Worth Star-Telegram* as required by state law and the Land Development Code. No correspondence has been received regarding this request.

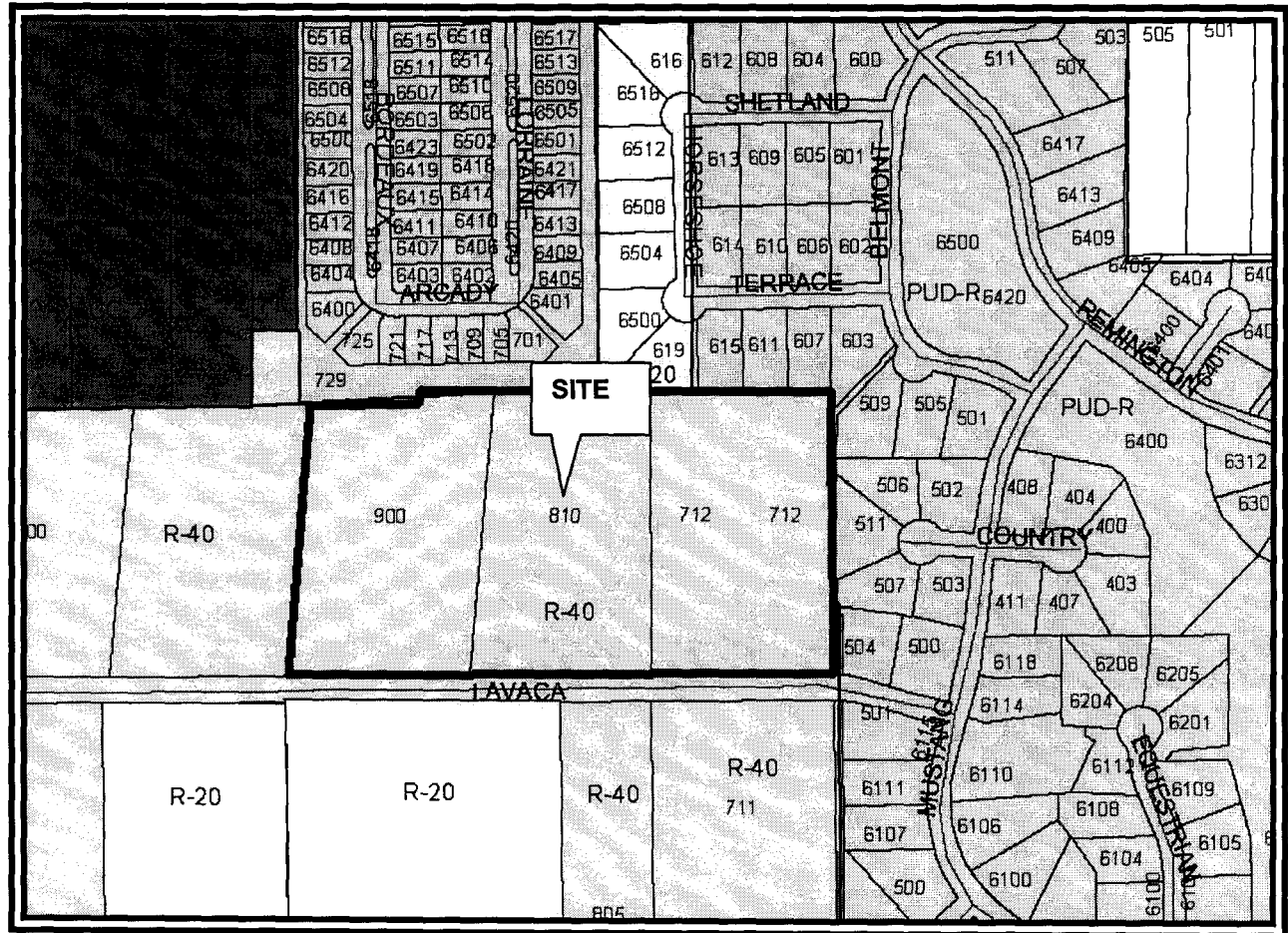
Financial Impact

It has been determined that there is no financial impact.

Recommendation

Approval with the condition that the SUP becomes void upon any future rezoning of the property, which has been incorporated into the attached proposed ordinance. Staff is concerned that a future rezoning of the property without voiding the SUP provisions would allow all future properties within the 17 acres to have grazing animals and have possible adverse effects on the residents in the future of that neighborhood.

Location and Zoning Map



List of Property Owners Notified

Z-06-027

Zimmerman, Jeffrey K applicant 501 Lavaca Trl Colleyville, TX 76034	Zimmerman, Jeffrey K applicant 501 Lavaca Trl Colleyville, TX 76034	Zimmerman, Jeffrey K applicant 501 Lavaca Trl Colleyville, TX 76034
Zimmerman, Jeffrey K applicant 501 Lavaca Trl Colleyville, TX 76034	Anderson, Gregory L Etux Tina 509 Belmont Dr Colleyville, Tx 76034	Bouton, Terry L Etux Debra L 611 Terrace Ln Colleyville, TX 76034
Brown, Sean W 2700 Tibbets Dr Ste 350 Bedford, TX 76022	Chandler, Raman PO Box 611 Colleyville, TX 76034	Cochran, Jerry W Etux Anne M 511 Mustang Ct Colleyville, TX 76034
Crawford, Scott Etux Michelle 502 Mustang Ct Colleyville, TX 76034	Dacy, Carol Crowder Etvir Tim 6500 Horseshoe Bnd Colleyville, TX 76034	Gardner, Thomas J Etux Melinda 607 Terrace Ln Colleyville, TX 76034
Gary Panno Inc PO Box 715 Colleyville, TX 76034	Giacomini, Stephanie A 805 W Lavaca Trl Colleyville, TX 76034	Glasgow, William Etux Karen 6400 Bordeaux Park Colleyville, TX 76034
Gohr, Martin Etux Lorraine 809 Lavaca Tr Colleyville, TX 76034	Gtp Acquisition Partners II 1801 Clint Moore Rd Ste 215 Boca Raton, FL 33487	Invitation Park III Lp 215 W College St Grapevine, TX 76051
Lamberth, Geo A Etux Sharrian 503 Mustang Ct Colleyville, TX 76034	Larson, Charles Etux Marsha 615 Terrace Ln Colleyville, TX 76034	Ldds Communications Inc 500 Clinton Center Dr Clinton, MS 39056
Maner, Jolene C 506 Mustang Ct Colleyville, TX 76034	Martin, Stephen L Etux Nan C 813 W Lavaca Trl Colleyville, TX 76034	McIntosh, Doyle & Mary Fam Lp 8333 Thornhill Dr North Richland Hills, TX 76180
Michelsen, John J III 619 Terrace Ln Colleyville, TX 76034	Morrison, David J 603 Terrace Ln Colleyville, TX 76034	Myers, John R Etux Adrienne A 504 Lavaca Tr Colleyville, TX 76034
O'Hanlon, Kerry Lyn 709 Arcady Ln Colleyville, TX 76034	Ortiz, Maria T 505 Belmont Dr Colleyville, TX 76034	Pacilio, William J Etux Nancy 500 Lavaca Trl Colleyville, TX 76034

Peek, Edward Allen Etux Darcy
507 Mustang Ct
Colleyville, TX 76034

Pratt, Leonard E
711 W Lavaca Trl
Colleyville, TX 76034

Randall, Mark R
6111 Mustang Trl
Colleyville, TX 76034

Rem Park H A Inc
PO Box 343
Colleyville, TX 76034

Rogers, Patricia A
725 Arcady Ln
Colleyville, TX 76034

Royal Lepage Relocation Servic
1905 Harney St Ste 300
Omaha, NE 68102

Terry, Douglas L
717 Arcady Ln
Colleyville, TX 76034

Thompson, Harold D Etux
Sandra
6401 Lorraine Park
Colleyville, TX 76034

Westgate Villas Ltd
PO Box 611
Colleyville, TX 76034

Jeffrey K Zimmerman
501 Lavaca Trail
Colleyville, TX 76034

October 13, 2006

City of Colleyville
100 Main Street
Colleyville, TX 76034

Re: Zimmerman Ranch - Zoning Change from R40-R20 and Special Use Permit for
Grazing Animals

I am requesting a zoning change from R40 to R20 on my 17+ acres located on Lavaca Trail. I am requesting the zoning change in order to keep my land cohesive with the surrounding zoning. The special use permit (SUP) is needed for grazing animals so that I may continue to keep my cattle on this land.

Regards,


Jeffrey K. Zimmerman

Jeffrey K Zimmerman
501 Lavaca Trail
Colleyville, TX 76034

October 13, 2006

SPECIAL INSTRUCTIONS FOR BARRY LeBARON

Re: Zimmerman Ranch - Zoning Change from R40-R20 and Special Use Permit for
Grazing Animals

Barry,

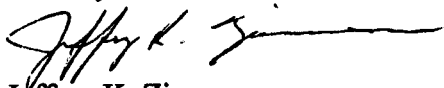
As discussed, I am applying for the single Ordinance that includes:

Section 1: R20 zoning

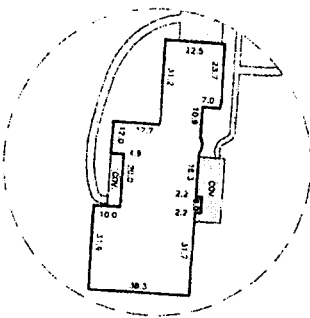
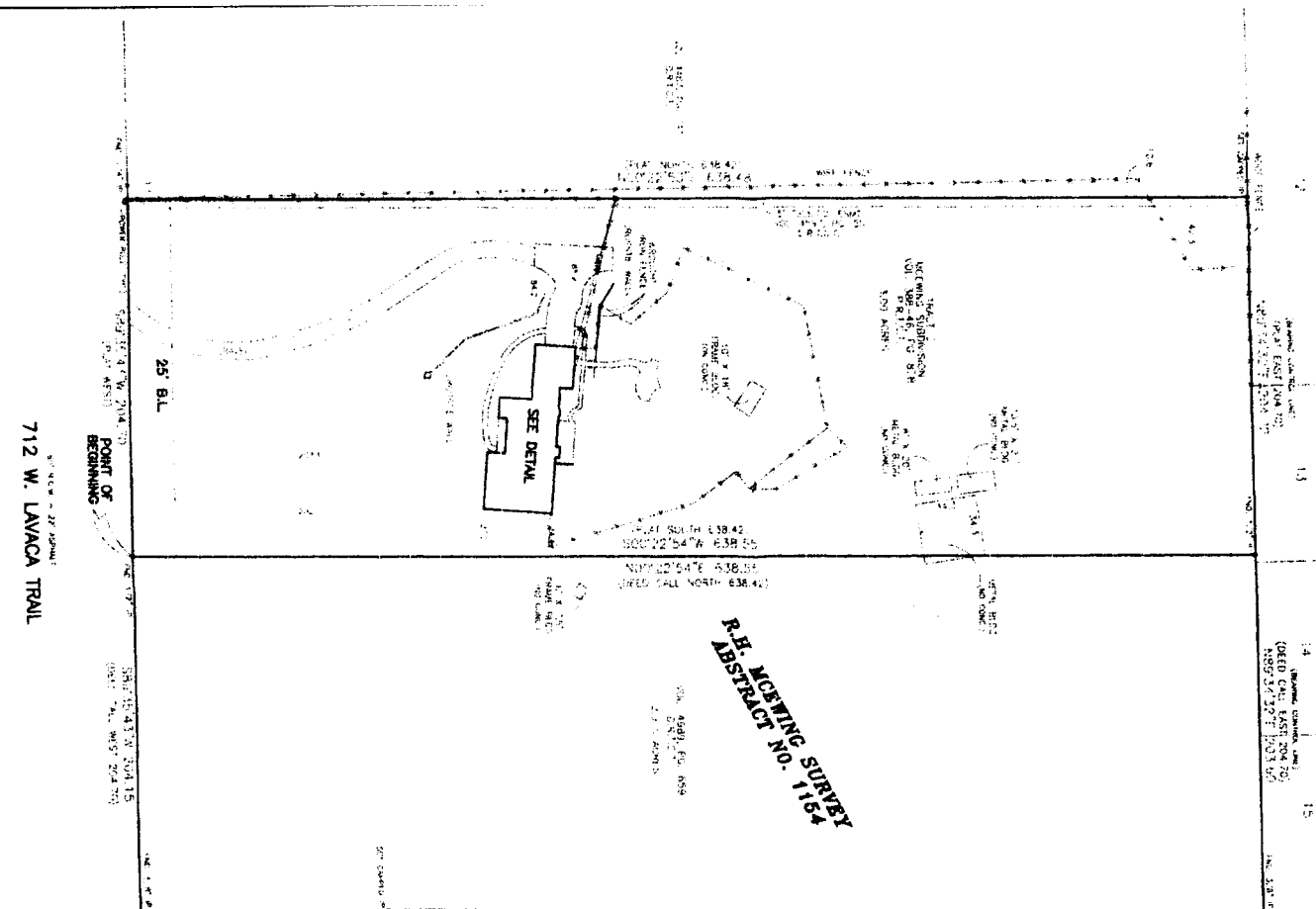
Section 2: SUP for grazing animals so that I may continue to keep livestock

We had determined that the SUP should expire if any portion of the property is platted or replatted, so we need wording in the SUP to reflect this.

Thank you,



Jeffrey K. Zimmerman
Ph: 817-427-4130
Mobile: 817-637-6677
Email: jzidi@aol.com



**DETAIL
ONE STORY
BRICK & FRAME
RESIDENCE**

[illegible]

ELEMENTS IN MOT EFFECT:
VOL. 206, PG. 109, D.R.T.C.
VOL. 227, PG. 25, D.R.T.C.
ELEMENT DOES EFFECT:
VOL. 206, PG. 109, D.R.T.C. - RANGET ELEMENT

CONALTS & MOORE, of SAN ANTONIO, TEXAS, HAVE BEEN ADVISED BY THE TEXAS DEPARTMENT OF CORRECTIONS THAT THE BOARD OF PRISONS HAS RECOMMENDED THE DEPORTATION OF ALL FOREIGN-BORN PRISONERS WHOSE EXPIRATION DATES ARE WITHIN THE NEXT YEAR. THE BOARD OF PRISONS HAS RECOMMENDED THAT THE TEXAS DEPARTMENT OF CORRECTIONS SHOULD BE AUTHORIZED TO DEPORT ALL FOREIGN-BORN PRISONERS WHOSE EXPIRATION DATES ARE WITHIN THE NEXT YEAR. THE BOARD OF PRISONS HAS RECOMMENDED THAT THE TEXAS DEPARTMENT OF CORRECTIONS SHOULD BE AUTHORIZED TO DEPORT ALL FOREIGN-BORN PRISONERS WHOSE EXPIRATION DATES ARE WITHIN THE NEXT YEAR.

[illegible]

**DETAIL
ONE STORY
BRICK & FRAME
RESIDENCE**

BEING TRACT C, McEWING SUBDIVISION, AN ADDITION TO THE CITY OF HURST, TARRANT COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 388-46, PAGE 878, PLAT RECORDS, TARRANT COUNTY, TEXAS,
AND

A TRACT OF LAND OUT OF THE R.H. McEWING SURVEY, ABSTRACT NO. 1154, TARRANT COUNTY, TEXAS, AND BEING THE SAME TRACT OF LAND AS DESCRIBED IN DEED RECORDED IN VOLUME 4989, PAGE 659, DEED RECORDS, TARRANT COUNTY, TEXAS, AND BEING DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2" IRON PIN FOUND IN THE NORTH LINE OF W. LAVACA TRAIL FOR THE SOUTHWEST CORNER OF TRACT BEING DESCRIBED, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF SAID TRACT C, McEWING SUBDIVISION AND BY DEED BEING LOCATED 1572.75 FEET SOUTH 0 DEGREES 30 MINUTES EAST AND 2487.15 FEET EAST FROM THE NORTHWEST CORNER OF SAID McEWING SURVEY;

THENCE NORTH 00 DEGREES 22 MINUTES 54 SECONDS EAST 638.55 FEET (DEED CALL NORTH 638.42 FEET) ALONG THE EAST LINE OF SAID TRACT C, McEWING SUBDIVISION TO A 1/2" IRON PIN FOUND IN THE SOUTH LINE OF BLOCK 1, REMINGTON PARK, PHASE TWO, AN ADDITION TO THE CITY OF COLLEYVILLE, TARRANT COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN CABINET A, SLIDE 4801, PLAT RECORDS, TARRANT COUNTY, TEXAS, FOR THE NORTHWEST CORNER OF TRACT BEING DESCRIBED, SAID POINT ALSO BEING THE NORTHEAST CORNER OF SAID TRACT C, McEWING SUBDIVISION;

THENCE NORTH 89 DEGREES 34 MINUTES 32 SECONDS EAST 203.60 FEET (DEED CALL EAST 204.70) ALONG THE SOUTH LINE OF SAID BLOCK 1, REMINGTON PARK, PHASE TWO TO A 3/8" IRON PIN FOUND FOR THE NORTHEAST CORNER OF TRACT BEING DESCRIBED, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF LOT 15, SAID BLOCK 1, REMINGTON PARK, PHASE TWO;

THENCE SOUTH 00 DEGREES 32 MINUTES 58 SECONDS WEST 471.98 FEET (DEED CALL SOUTH) ALONG THE WEST LINE OF SAID BLOCK 1, REMINGTON PARK, PHASE TWO, TO A CAPPED IRON PIN SET FOR THE SOUTHWEST CORNER OF LOT 17, SAID BLOCK 1, REMINGTON PARK, PHASE TWO, SAID POINT ALSO BEING THE NORTHWEST CORNER OF LOT A2, E.A. SMITH ADDITION, AN ADDITION IN TARRANT COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 388-60, PAGE 31, PLAT RECORDS, TARRANT COUNTY, TEXAS;

THENCE SOUTH 00 DEGREES 17 MINUTES 03 SECONDS EAST 166.64 FEET (DEED CALL SOUTH) ALONG THE WEST LINE OF SAID LOT A2, E.A. SMITH ADDITION TO A 5/8" IRON PIN FOUND IN THE NORTH LINE OF W. LAVACA TRAIL FOR THE SOUTHEAST CORNER OF TRACT BEING DESCRIBED;

THENCE SOUTH 89 DEGREES 35 MINUTES 43 SECONDS WEST 204.15 FEET (DEED CALL WEST 204.70 FEET) ALONG THE NORTH LINE OF SAID W. LAVACA TRAIL TO THE POINT OF BEGINNING AND CONTAINING 2.975 ACRES OF LAND, MORE OR LESS

EASEMENTS DO NOT EFFECT:

VOL. 950, PG. 529, D.R.T.C.T.
VOL. 3271, PG. 25, D.R.T.C.T.

EASEMENT DOES EFFECT:

VOL. 3068, PG. 295, D.R.T.C.T.- BLANKET EASEMENT

LOT 12, BLOCK 1
INDUSTRIAL PARK
PAGE TWO
CALL A. BURE 440

R.F. MEWING SURVEY
ABSTRACT NO. 1164

DEED OF TRUST
VOL. 6897, PG. 564
D.R.T.C.T.
11.339 ACRES

11.339 ACRES

60' ROAD - 22' ASPHALT
W. LAVACA TRAIL

N89°58'33"W 817.50

**POINT OF
RETAINING**

4

MO. 1/4" P.
—POWER SAIL (MP.)

100-1
 McEWING SUBMISSION
 VOL. 368-46, PG. 878
 P.R.T.C.T.

[illegible]

ESSENTIAL DOES NOT EFFECT:
VOL. 3271, PG. 25, D.A.I.C.T.,
VOL. 3008, PG. 543, D.A.I.C.T.

ESSENTIALS DO EFFECT:
VOL. 3048, PG. 265, D.A.I.C.T. - BLANKET ESSENTIAL
VOL. 850, PG. 529, D.A.I.C.T. - BLANKET ESSENTIAL

LOYD BRANSOM SURVEYORS INC.

CHARLES B. HOOKS, JR

TERED PROFESSIONAL LAND SURVEYOR
1028 NORTH SYLVANIA AVENUE
FT. WORTH, TEXAS 76111

(817) 834-3477

DATE: 09-24-01



LEADS:

- ROOM #11
- ROOM #12
- △ ROOM 07A/C STAGE
- CONCRETE FOUNDATION
- FLOOR
- - - POWER LINE
- - - TELEPHONE LINE
- CABLE TELEVISION
- CONCRETE PAVING
- ASPHALT PAVING

1
PND. 1/3" P BEARS
S00'22'53" W 0.44

BEING A TRACT OF LAND OUT OF THE R.H. McEWING SURVEY, ABSTRACT NO. 1154, TARRANT COUNTY, TEXAS, AND BEING THE SAME TRACT OF LAND AS DESCRIBED IN DEED RECORDED IN VOLUME 6887, PAGE 584, DEED RECORDS, TARRANT COUNTY, TEXAS, AND BEING DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/4" IRON PIN FOUND IN THE NORTH LINE OF W. LAVACA TRAIL FOR THE SOUTHEAST CORNER OF TRACT BEING DESCRIBED, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF TRACT C, McEWING SUBDIVISION, AN ADDITION TO THE CITY OF HURST, TARRANT COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 388-48, PAGE 878, PLAT RECORDS, TARRANT COUNTY, TEXAS, AND BY DEED BEING LOCATED 1572.75 FEET SOUTH 0 DEGREES 30 MINUTES EAST AND 1873.05 FEET EAST FROM THE NORTHWEST CORNER OF SAID R.H. McEWING SURVEY;

THENCE NORTH 89 DEGREES 58 MINUTES 33 SECONDS WEST 817.50 FEET ALONG THE NORTH LINE OF SAID W. LAVACA TRAIL TO A 5/8" IRON PIN FOUND FOR THE SOUTHWEST CORNER OF TRACT BEING DESCRIBED, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF A TRACT OF LAND AS DESCRIBED IN DEED RECORDED IN VOLUME 6742, PAGE 340, DEED RECORDS, TARRANT COUNTY, TEXAS;

THENCE NORTH 05 DEGREES 36 MINUTES 17 SECONDS EAST 883.38 FEET ALONG THE EAST LINE OF SAID TRACT OF LAND AS DESCRIBED IN DEED RECORDED IN VOLUME 6742, PAGE 340 TO A 5/8" IRON PIN FOUND IN THE SOUTH LINE OF A TRACT OF LAND AS DESCRIBED IN DEED RECORDED IN VOLUME 14747, PAGE 325, DEED RECORDS, TARRANT COUNTY, TEXAS, FOR THE NORTHEAST CORNER OF SAID TRACT OF LAND AS DESCRIBED IN DEED RECORDED IN VOLUME 6742, PAGE 340 AND THE NORTHWEST CORNER OF TRACT BEING DESCRIBED;

THENCE NORTH 89 DEGREES 27 MINUTES 04 SECONDS EAST 239.90 FEET ALONG THE SOUTH LINE OF SAID TRACT OF LAND AS DESCRIBED IN DEED RECORDED IN VOLUME 14747, PAGE 325 TO A 1/2" IRON PIN FOUND FOR AN INSIDE CORNER OF SAID TRACT OF LAND AS DESCRIBED IN DEED RECORDED IN VOLUME 14747, PAGE 325 AND CORNER OF TRACT BEING DESCRIBED;

THENCE NORTH 60 DEGREES 27 MINUTES 06 SECONDS WEST 35.11 FEET ALONG EAST LINE OF SAID TRACT OF LAND AS DESCRIBED IN DEED RECORDED IN VOLUME 14747, PAGE 325 TO A 1/2" IRON PIN FOUND FOR AN INSIDE CORNER OF SAID TRACT OF LAND AS DESCRIBED IN DEED RECORDED IN VOLUME 14747, PAGE 325 AND CORNER OF TRACT BEING DESCRIBED;

THENCE SOUTH 89 DEGREES 25 MINUTES 11 SECONDS EAST 171.87 FEET ALONG THE SOUTH LINE OF SAID TRACT OF LAND AS DESCRIBED IN DEED RECORDED IN VOLUME 14747, PAGE 325 TO A 3/8" IRON PIN FOUND FOR CORNER OF TRACT BEING DESCRIBED;

THENCE NORTH 89 DEGREES 43 MINUTES 27 SECONDS EAST 240.45 FEET AND CONTINUING ALONG THE SOUTH LINE OF SAID TRACT OF LAND AS DESCRIBED IN DEED RECORDED IN VOLUME 14747, PAGE 325 TO A 1/2" IRON PIN FOUND FOR THE SOUTHEAST CORNER OF SAID TRACT OF LAND AS DESCRIBED IN DEED RECORDED IN VOLUME 14747, PAGE 325 AND THE SOUTHWEST CORNER OF LOT 12, BLOCK 1, REMINGTON PARK, AN ADDITION TO THE CITY OF COLLEYVILLE, TARRANT COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN CABINET A, SLIDE 4801, PLAT RECORDS, TARRANT COUNTY, TEXAS;

THENCE NORTH 89 DEGREES 34 MINUTES 32 SECONDS EAST 110.81 FEET ALONG THE SOUTH LINE OF SAID LOT 12, BLOCK 1, REMINGTON PARK TO THE NORTHEAST CORNER OF TRACT BEING DESCRIBED, FROM WHICH A 1/2" IRON PIN FOUND BEARS 0.44 FEET SOUTH 00 DEGREES 22 MINUTES 53 SECONDS WEST, SAID POINT ALSO BEING THE NORTHWEST CORNER OF SAID TRACT C, McEWING SUBDIVISION;

THENCE SOUTH 00 DEGREES 22 MINUTES 53 SECONDS WEST 838.48 FEET ALONG THE WEST LINE OF SAID TRACT C, McEWING SUBDIVISION TO THE POINT OF BEGINNING AND CONTAINING 11.339 ACRES OF LAND, MORE OR LESS

5" T.E.S.CO. ESMT
VOL. 4887, PG. 58
D.R.T.C.T.

S00'22'53" W 638.48

TRACT C
McEWING SUBDIVISION
VOL. 388-48, PG. 878
P.R.T.C.T.

ORDINANCE O-06-1600

AN ORDINANCE OF THE CITY OF COLLEYVILLE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF COLLEYVILLE, TEXAS, AS HERETOFORE AMENDED; BY AMENDING THE OFFICIAL ZONING MAP BY AUTHORIZING A SPECIAL USE PERMIT TO ALLOW GRAZING ANIMALS ON 17 ACRES IN THE R.N. MCEWING SURVEY, PROVIDING A SAVINGS CLAUSE; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00); AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Colleyville has received an application for rezoning under Case No. Z-06-027; 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, among other things, the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City; and

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

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

- Sec. 1. THAT all the foregoing premises and findings are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety.
- Sec. 2. THAT the Comprehensive Zoning Ordinance of the City of Colleyville, Texas, be, and the same is hereby amended by authorizing a Special Use Permit to allow grazing animals on Tracts 1B4, 1B2, and 1B3 of the R. N. McEwing Survey, Abstract 1154 and Lot C, McEwing Subdivision, as depicted in the attached Exhibit "A" and described in the attached Exhibit "B" subject to the following conditions:
1. If the property is rezoned in the future, the SUP permitting grazing animals will be revoked.
 2. The number of animals shall be in conformance with Chapter 42 of the Colleyville Code of Ordinances.
- 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 _____ day of
_____ 2006.

The second reading and public hearing being conducted on the _____ day of
_____ 2006.

ATTEST:

CITY OF COLLEYVILLE

Cynthia Singleton, TRMC
City Secretary

David Kelly
Mayor

APPROVED AS TO FORM AND LEGALITY:

Matthew C. G. Boyle
City Attorney

EXHIBIT "A"

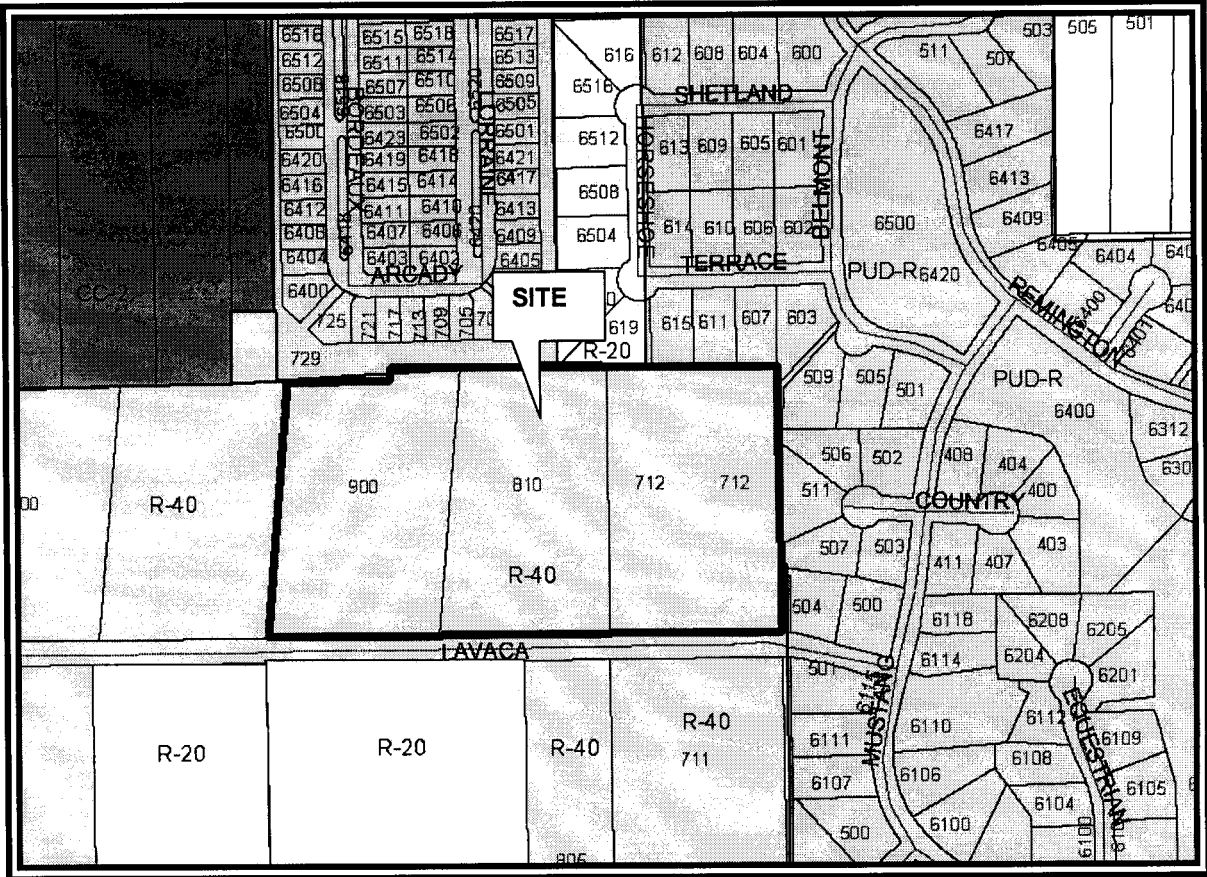


EXHIBIT "B"

BEING A TRACT OF LAND OUT OF THE R.H. McEWING SURVEY, ABSTRACT NO. 1154, TARRANT COUNTY, TEXAS, AND BEING THE SAME TRACT OF LAND AS DESCRIBED IN DEED RECORDED IN VOLUME 6897, PAGE 584, DEED RECORDS, TARRANT COUNTY, TEXAS, AND BEING DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/4" IRON PIN FOUND IN THE NORTH LINE OF W. LAVACA TRAIL FOR THE SOUTHEAST CORNER OF TRACT BEING DESCRIBED, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF TRACT C, McEWING SUBDIVISION, AN ADDITION TO THE CITY OF HURST, TARRANT COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 388-46, PAGE 878, PLAT RECORDS, TARRANT COUNTY, TEXAS, AND BY DEED BEING LOCATED 1572.75 FEET SOUTH 0 DEGREES 30 MINUTES EAST AND 1873.05 FEET EAST FROM THE NORTHWEST CORNER OF SAID R.H. McEWING SURVEY;

THENCE NORTH 89 DEGREES 58 MINUTES 33 SECONDS WEST 817.50 FEET ALONG THE NORTH LINE OF SAID W. LAVACA TRAIL TO A 5/8" IRON PIN FOUND FOR THE SOUTHWEST CORNER OF TRACT BEING DESCRIBED, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF A TRACT OF LAND AS DESCRIBED IN DEED RECORDED IN VOLUME 6742, PAGE 340, DEED RECORDS, TARRANT COUNTY, TEXAS;

THENCE NORTH 05 DEGREES 36 MINUTES 17 SECONDS EAST 603.36 FEET ALONG THE EAST LINE OF SAID TRACT OF LAND AS DESCRIBED IN DEED RECORDED IN VOLUME 6742, PAGE 340 TO A 5/8" IRON PIN FOUND IN THE SOUTH LINE OF A TRACT OF LAND AS DESCRIBED IN DEED RECORDED IN VOLUME 14747, PAGE 325, DEED RECORDS, TARRANT COUNTY, TEXAS, FOR THE NORTHEAST CORNER OF SAID TRACT OF LAND AS DESCRIBED IN DEED RECORDED IN VOLUME 6742, PAGE 340 AND THE NORTHWEST CORNER OF TRACT BEING DESCRIBED;

THENCE NORTH 89 DEGREES 27 MINUTES 04 SECONDS EAST 239.90 FEET ALONG THE SOUTH LINE OF SAID TRACT OF LAND AS DESCRIBED IN DEED RECORDED IN VOLUME 14747, PAGE 325 TO A 1/2" IRON PIN FOUND FOR AN INSIDE CORNER OF SAID TRACT OF LAND AS DESCRIBED IN DEED RECORDED IN VOLUME 14747, PAGE 325 AND CORNER OF TRACT BEING DESCRIBED;

THENCE NORTH 00 DEGREES 27 MINUTES 09 SECONDS WEST 35.11 FEET ALONG EAST LINE OF SAID TRACT OF LAND AS DESCRIBED IN DEED RECORDED IN VOLUME 14747, PAGE 325 TO A 1/2" IRON PIN FOUND FOR AN INSIDE CORNER OF SAID TRACT OF LAND AS DESCRIBED IN DEED RECORDED IN VOLUME 14747, PAGE 325 AND CORNER OF TRACT BEING DESCRIBED;

THENCE SOUTH 89 DEGREES 25 MINUTES 11 SECONDS EAST 171.97 FEET ALONG THE SOUTH LINE OF SAID TRACT OF LAND AS DESCRIBED IN DEED RECORDED IN VOLUME 14747, PAGE 325 TO A 3/8" IRON PIN FOUND FOR CORNER OF TRACT BEING DESCRIBED;

THENCE NORTH 89 DEGREES 43 MINUTES 27 SECONDS EAST 240.45 FEET AND CONTINUING ALONG THE SOUTH LINE OF SAID TRACT OF LAND AS DESCRIBED IN DEED RECORDED IN VOLUME 14747, PAGE 325 TO A 1/2" IRON PIN FOUND FOR THE SOUTHEAST CORNER OF SAID TRACT OF LAND AS DESCRIBED IN DEED RECORDED IN VOLUME 14747, PAGE 325 AND THE SOUTHWEST CORNER OF LOT 12, BLOCK 1, REMINGTON PARK, AN ADDITION TO THE CITY OF COLLEYVILLE, TARRANT COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN CABINET A, SLIDE 4801, PLAT RECORDS, TARRANT COUNTY, TEXAS;

THENCE NORTH 89 DEGREES 34 MINUTES 32 SECONDS EAST 110.81 FEET ALONG THE SOUTH LINE OF SAID LOT 12, BLOCK 1, REMINGTON PARK TO THE NORTHEAST CORNER OF TRACT BEING DESCRIBED, FROM WHICH A 1/2" IRON PIN FOUND BEARS 0.44 FEET SOUTH 00 DEGREES 22 MINUTES 53 SECONDS WEST, SAID POINT ALSO BEING THE NORTHWEST CORNER OF SAID TRACT C, McEWING SUBDIVISION;

THENCE SOUTH 00 DEGREES 22 MINUTES 53 SECONDS WEST 638.48 FEET ALONG THE WEST LINE OF SAID TRACT C, McEWING SUBDIVISION TO THE POINT OF BEGINNING AND CONTAINING 11.339 ACRES OF LAND, MORE OR LESS

TRACT C
McEWING SUBDIVISION
VOL. 388-46, PG. 878
P.R.T.C.T.

BEING TRACT C, McEWING SUBDIVISION, AN ADDITION TO THE CITY OF HURST, TARRANT COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 388-46, PAGE 878, PLAT RECORDS, TARRANT COUNTY, TEXAS,

AND

A TRACT OF LAND OUT OF THE R.H. McEWING SURVEY, ABSTRACT NO. 1154, TARRANT COUNTY, TEXAS, AND BEING THE SAME TRACT OF LAND AS DESCRIBED IN DEED RECORDED IN VOLUME 4989, PAGE 659, DEED RECORDS, TARRANT COUNTY, TEXAS, AND BEING DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2" IRON PIN FOUND IN THE NORTH LINE OF W. LAVACA TRAIL FOR THE SOUTHWEST CORNER OF TRACT BEING DESCRIBED, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF SAID TRACT C, McEWING SUBDIVISION AND BY DEED BEING LOCATED 1572.75 FEET SOUTH 0 DEGREES 30 MINUTES EAST AND 2487.15 FEET EAST FROM THE NORTHWEST CORNER OF SAID McEWING SURVEY.

THENCE NORTH 00 DEGREES 22 MINUTES 54 SECONDS EAST 638.55 FEET (DEED CALL NORTH 638.42 FEET) ALONG THE EAST LINE OF SAID TRACT C, McEWING SUBDIVISION TO A 1/2" IRON PIN FOUND IN THE SOUTH LINE OF BLOCK 1, REMINGTON PARK, PHASE TWO, AN ADDITION TO THE CITY OF COLLEYVILLE, TARRANT COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN CABINET A, SLIDE 4801, PLAT RECORDS, TARRANT COUNTY, TEXAS, FOR THE NORTHWEST CORNER OF TRACT BEING DESCRIBED, SAID POINT ALSO BEING THE NORTHEAST CORNER OF SAID TRACT C, McEWING SUBDIVISION;

THENCE NORTH 89 DEGREES 34 MINUTES 32 SECONDS EAST 203.60 FEET (DEED CALL EAST 204.70) ALONG THE SOUTH LINE OF SAID BLOCK 1, REMINGTON PARK, PHASE TWO TO A 3/8" IRON PIN FOUND FOR THE NORTHEAST CORNER OF TRACT BEING DESCRIBED, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF LOT 15, SAID BLOCK 1, REMINGTON PARK, PHASE TWO;

THENCE SOUTH 00 DEGREES 32 MINUTES 58 SECONDS WEST 471.95 FEET (DEED CALL SOUTH) ALONG THE WEST LINE OF SAID BLOCK 1, REMINGTON PARK, PHASE TWO, TO A CAPPED IRON PIN SET FOR THE SOUTHWEST CORNER OF LOT 17, SAID BLOCK 1, REMINGTON PARK, PHASE TWO, SAID POINT ALSO BEING THE NORTHWEST CORNER OF LOT A2, E.A. SMITH ADDITION, AN ADDITION IN TARRANT COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 388-60, PAGE 31, PLAT RECORDS, TARRANT COUNTY, TEXAS;

THENCE SOUTH 00 DEGREES 17 MINUTES 03 SECONDS EAST 166.64 FEET (DEED CALL SOUTH) ALONG THE WEST LINE OF SAID LOT A2, E.A. SMITH ADDITION TO A 5/8" IRON PIN FOUND IN THE NORTH LINE OF W. LAVACA TRAIL FOR THE SOUTHEAST CORNER OF TRACT BEING DESCRIBED;

THENCE SOUTH 89 DEGREES 35 MINUTES 43 SECONDS WEST 204.15 FEET (DEED CALL WEST 204.70 FEET) ALONG THE NORTH LINE OF SAID W. LAVACA TRAIL TO THE POINT OF BEGINNING AND CONTAINING 2.975 ACRES OF LAND, MORE OR LESS



City of Colleyville

Minutes - Final

100 Main Street
Colleyville, Texas 76034
(817) 503-1000
www.colleyville.com

Planning and Zoning Commission

Monday, November 13, 2006

7:00 PM

City Council Chambers

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

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

REVIEW OF REGULAR AGENDA ITEMS

**REGULAR MEETING
7:00 P.M.**

1. CALL TO ORDER

The Planning and Zoning Commission meeting of the City of Colleyville was called to order by Chairman Byerly on November 13, 2006 at 7:00 p.m.

2. ROLL CALL

Present: Commissioners Robert McCormick, Dave Dudziak, Scott Redfearn, Mary Taylor, David Phelps, Denis Duffy, Jeff Byerly

Staff Members: Barry LeBaron, Chris Fuller, Robert McKeown and Chad Barte

3. INVOCATION

The invocation was given by Commissioner Dudziak.

4. PLEDGE OF ALLEGIANCE

5. APPROVAL OF MINUTES

Commissioner Byerly stated City Attorney Michael Kallas needs to be placed throughout the minutes. The attorney's last name had been misspelled.

Commissioner Duffy stated the word codicil was misspelled in item number 11.

Commissioner Duffy moved to approve the minutes with corrections. Commissioner Dudziak seconded.

The motion carried by the following vote:

Aye: 7 - McCormick, Dudziak, Redfearn, Taylor, Phelps, Duffy, Byerly

6. CITIZEN COMMENTS REGARDING ITEMS NOT ON THE AGENDA

None

7. REGULAR AGENDA ITEMS

7a Consideration of appointments to the Park Land Dedication Committee

Barry LeBaron briefed the Commissioners regarding the Parkland Dedication Committee.

Commissioner Redfearn moved to appoint Commissioner Duffy to the Parkland Dedication Committee. Commissioner Dudziak seconded.

The motion carried by the following vote:

Aye: 7 - McCormick, Dudziak, Redfearn, Taylor, Phelps, Duffy, Byerly

8. PUBLIC HEARING AGENDA ITEMS

8a Case Z-06-026- PUBLIC HEARING - Request for a zoning change from R40-Single Family Residential to R20-Single Family Residential on 1.06 acres on Lot 5, Block 1 of the Alianne Estates located at 6214 Theresa Lane

Chris Fuller presented the case and briefed the Commissioners.

Commissioner Byerly opened the public hearing at 7:13 p.m.

Dean Larson, the applicant, came forward to present the case and brief the Commissioners regarding the rezoning request.

There being no one wishing to speak, the public hearing was closed at 7:15 p.m.

Commissioner Duffy moved to deny case Z-06-026. Commissioner Byerly seconded.

Commissioner Duffy disagreed with the rezoning request and stated this

will set the precedent for subdividing other R40 properties.

Commissioner Byerly concurred with Commissioner Duffy.

The motion carried by the following vote:

Aye: 7 - McCormick, Dudziak, Redfearn, Taylor, Phelps, Duffy, Byerly

8b

Approval of a Request for a Special Use Permit on 17 acres out of the R.N. McEwing Survey and the McEwing Addition located at 712-900 Lavaca Trail, Case Z-06-027

Chris Fuller presented the case and briefed the Commissioners.

Barry LeBaron briefed the Commissioners regarding a study being conducted concerning the traffic issues on Lavaca Trail and the surrounding area.

Commissioner Dudziak questioned staff if the Remington Park subdivision is served by the Liberty Elementary School in the Keller school district? Barry LeBaron replied the majority does not. Commissioner Redfearn stated some do go to that elementary school.

Commissioner Byerly opened the public hearing at 7:20 p.m.

Jeffrey Zimmerman, the applicant, came forward to present the case and brief the Commissioners.

Ron Shirley, 638 Castlrock, Southlake, stated he would like to see a conceptual plat or drainage study done before the rezoning request is approved. Other developers in this area have had to do so before rezoning their properties.

There being no one wishing to speak, the public hearing was closed at 7:30 p.m.

Commissioner Duffy made motion to separate the Special Use Permit (SUP) and rezoning as two separate issues. Commissioner Taylor seconded.

Commissioner Byerly questioned Mr. Zimmerman regarding if the R20 zoning would be acceptable without the SUP? Mr. Zimmerman stated he needs the SUP with the R20 zoning to allow for the grazing animals.

Commissioner Taylor questioned Mr. Zimmerman how many animals are there currently? Mr. Zimmerman replied six cattle and two calves.

Commissioner Phelps questioned Mr. Zimmerman for clarity the cattle are allowed now with the R40 zoning due to being "grandfathered" in? Mr. Zimmerman replied correct.

Commissioner Duffy moved to deny case Z-06-027. Commissioner Dudziak seconded.

Commissioner Duffy stated this commission needs to plan for the traffic and drainage before approving more homes in this area. He stated this area is not well planned. He suggested to deny this zoning case until a general overall study has been completed because Lavaca Trail needs to be improved.

Commissioner Taylor concurred with Commissioner Duffy.

Commissioner Phelps stated the history shows this rezoning would be reasonable, however, without having a drainage study or traffic study completed, it will not be a good decision to rezone. The timing for rezoning is premature for this property.

Commissioner Dudziak stated understanding why Mr. Zimmerman wants to rezone and thanked Mr. Zimmerman for keeping the rural feel for as long as he has.

Commissioner Byerly disagreed and stated understanding Mr. Zimmerman's issues. He stated a plat and a drainage study is not required for rezoning. He stated it is not necessary to see a preliminary plat for rezoning.

Commissioner McCormick questioned the Commissioners regarding why are we opposing what has been asked for in the past? Commissioner Taylor replied not opposing the actual R20 zoning, it is opposing it for all of the other reasons, the traffic and drainage for this area

Commissioner McCormick stated the roads will be built once the homes are built.

Commissioner Phelps stated it is not really the same without having a plat to look at in the beginning. If Mr. Zimmerman chose to keep the middle lot and sell the ones around him, then there would be two smaller R20 developments.

Commissioner Redfearn agreed with many concerns, the timing on this request is too soon. Over the next few months, the studies will be complete and will give further insight.

Commissioner Byerly questioned staff if the time limit is one year for this

applicant to come forward with the same rezoning request? Barry LeBaron replied the one year time frame only comes into affect if the council were to deny the zoning.

The motion carried by the following vote:

Aye: 5 - Dudziak, Redfearn, Taylor, Phelps, Duffy

Nay: 2 - McCormick, Byerly

Commissioner Byerly move to approve the Special Use Permit as provided in the code. Commissioner Taylor seconded.

Commissioner Duffy stated the Special Use Permit stays with the land, but if the land is subdivided, the Special Use Permit goes away. Both movers accepted.

The motion carried by the following vote:

Aye: 7 - McCormick, Dudziak, Redfearn, Taylor, Phelps, Duffy, Byerly

9. TABLED ITEMS

9a Case G-06-028- Consider amending the Planning and Zoning Commission's Rules of Procedure

Commissioner Duffy moved to remove case G-06-028 from the table. Commissioner Byerly seconded.

The motion carried by the following vote:

Aye: 6 - McCormick, Redfearn, Taylor, Phelps, Duffy, Byerly

Nay: 1 - Dudziak

Barry LeBaron briefed the Commissioners regarding this item.

Commissioner Redfearn moved to approve case G-06-028. Commissioner Phelps seconded.

The motion carried by the following vote:

Aye: 7 - McCormick, Dudziak, Redfearn, Taylor, Phelps, Duffy, Byerly

10. STAFF COMMENTS, REPORTS AND DISCUSSION ITEMS

Barry LeBaron thanked the Commissioners for being present at the workshop on November 2, 2006.

11. COMMISSIONERS' COMMENTS AND REPORTS

Commissioner Dudziak stated wanting to see the study for Lavaca Trail to help make better decisions.

Commissioner Byerly stated he wants the new procedures for the public hearing on the back of the speaker cards. Barry LeBaron replied we would do so.

Commissioner Byerly reminded everyone regarding the holidays, to bring calendars to the next meeting to make sure there is enough people to meet. Barry LeBaron stated the developers are busy as well.

12. ADJOURNMENT

There being no further business before the Planning and Zoning Commission, the meeting adjourned at 7:50 p.m. Approved by acclamation.

I hereby certify the above agenda was posted on the bulletin boards at City Hall on November 9, 2006 by 5:00 p.m.

Amy Shelley, Planning and Zoning Assistant

Minutes approved on November 27, 2006.

Zoning Exhibit



Zoning Exhibit

OWNER'S DEDICATION STATE OF TEXAS COUNTY OF TARRANT

WHEREAS, Ralph Sells, is the owner of all that certain 17.32 acres of land, which is all of Tracts I, which is all of Tract C, McEwing Subdivision, recorded in Volume 388-46, Page 878, in the Public Records of Tarrant County, Texas (P.R.T.C.T.), I, R, and N described in the deed to Omerta Cos II, LP, recorded in Document Number D21114766, P.R.T.C.T., in the R.N. McEwing Survey, A-1154, City of Coleville, Tarrant County, Texas and more particularly described by metes and bounds as follows: (All bearings shown hereon are based on the Texas Coordinate System of 1983, North Central Zone).

BEGINNING at a 3/4" iron rod found for the southwest corner of said Tract IV, common to the southeast corner of Lot 2, Lavaca Park, recorded in Document D207129471, P.R.T.C.T., in the north right-of-way line of West Lavaca Trail (right-of-way varies), from which a 3/4" iron rod found bears North 66° 32' East - 2.49' and a 3/8" iron rod found bears North 59° 43' East - 4.16';

THENCE North 04° 53' 39" East - 603.36' to the northwest corner of the herein described tract, common to the southeast corner of Lot 55, Block 1, Rosewood Villas, recorded in Document Number D203361290, P.R.T.C.T.,

THENCE along the south line of said Lot 55, Block 1, Rosewood Villas the following courses:

North 88° 42' 07" East - 239.91' to a 3/4" iron rod found for a point for corner of the herein described tract;

North 01° 19' 56" West - 35.08' to a 1/2" iron rod found for a point for corner of the herein described tract;

North 89° 21' 51" West - 412.31' to a 1/2" iron rod with a cap stamped "SPRY 5647" set for a point for corner of the herein described tract, common to the southeast corner of said Lot 55, Block 1, Rosewood Villas and southwest corner of Lot 12, Block 1, Remington Park Phase Two, recorded in Document Number D199029954, P.R.T.C.T., from which a 3/8" iron rod found bears South 74° 49' East - 0.32';

THENCE North 88° 51' 23" East - 519.12' departing the south line of said Lot 55, Block 1, Rosewood Villas, to a 3/8" iron rod found for the northeast corner of the herein described tract, common to the southeast corner of Lot 15, Block 1, of said Remington Park Phase Two;

THENCE South 00° 10' 13" East - 471.98' to a 5/8" iron rod found for a point for corner of the herein described tract, in the west line of Lot 17, Block 1, of said Remington Park Phase Two;

THENCE South 01° 00' 12" East - 166.64' to a 1/2" iron rod found for the southeast corner of the herein described tract, common to the southeast corner of Lot 28, Block 1, Remington Park Phase 4, recorded in Cabinet A, Slide 8469, P.R.T.C.T., in the north right-of-way line of said West Lavaca Trail;

THENCE along the north right-of-way line of said West Lavaca Trail the following courses:

North 88° 52' 34" West - 204.15' to a point for corner of the herein described tract and the common south corner of said Tracts I and II, Omerta Cos II, LP, from which a 1/2" iron rod bears North 78° 27' East - 0.38';

South 88° 49' 17" West - 204.70' to a 1/2" iron rod found for a point for corner of the herein described tract and the common south corner of Tracts I and II, Omerta Cos II, LP; South 89° 18' 49" West - 817.41' to the POINT OF BEGINNING and containing 17.32 acres of land.

NOW THEREFORE, KNOW ALL PERSONS BY THESE PRESENTS:

That Ralph Sells, the Owner, does hereby adopt this plat designating the herein before described property as Lots 1-15, Block A, Lots 1-6, Block B, Lots 1-6, Block C, & Lots 1-5 Open Space Lots, Legacy North, an addition to the City of Coleville, Tarrant County, Texas, and do hereby dedicate fee simple to the public use forever any 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 endorser 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 plotting ordinances, rules, regulations, and resolutions of the City of Coleville, Texas.

Witness our hands this _____ day of _____, 2018.

Signature _____ Title _____

NOTARY CERTIFICATE
STATE OF TEXAS
COUNTY OF TARRANT

Before me, the undersigned authority, a Notary Public in and for the said County and State, on this day personally appeared _____ known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and considerations therein expressed and in the capacity therein stated and as the act and deed therein stated.

Given under my hand and seal of office, this _____ day of _____, 2018.

Notary Signature _____ Notary Stamp: _____

SURVEYOR CERTIFICATE

That I, David Carlton Lewis, a Registered Professional Land Surveyor licensed in the State of Texas, do hereby certify that I have prepared this plat from an actual on the ground survey of the land and the monuments shown hereon were found and/or placed under my personal supervision and in accordance with the Plotting Rules and Regulations of the City Plan Commission of the City of Coleville, Texas.

This document shall not be recorded for any purpose. This drawing shall be used for

REVIEW PURPOSES ONLY

David Carlton Lewis
R.P.L.S. No. 5647

Date: September 12, 2018



David Carlton Lewis, R.P.L.S.
Texas Registration No. 5647
Spry Surveyors, LLC
8241 Mid-Cities Blvd Ste 102
North Richland Hills, TX 76182

CITY COUNCIL APPROVAL

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

Mayor, City of Coleville _____

Attest: City Secretary _____

PLANNING AND ZONING COMMISSION APPROVAL

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

Chairman, Planning and Zoning Commission _____

Attest: Secretary, Planning and Zoning Commission _____

NOTES

- This Survey is issued without the benefit of a current title report and is subject to revision upon receipt thereof. Surveyor has done no additional research for possible easements, restrictions or covenants which may affect this property.
- All bearings shown hereon are based on the Texas Coordinate System of 1983, North Central Zone.
- Unless otherwise noted, all boundary and/or lot corners for the subject property shown hereon are 1/2" iron rods set with a cap stamped "SPRY 5647".
- Spry Surveyors and the Client have agreed to exclude the placement of monuments as required in Section 4.1 of the Texas Surveyors Association Manual of Practice.
- The Surveyor has not physically located any underground utilities and/or improvements which may be located under or near the subject property.
- Selling a portion of this addition by metes and bounds is a violation of the City Subdivision Ordinance and State plotting standards and is subject to fines and withholding of utilities and building permits.
- According to the Flood Insurance Rate Map No. map-fema-48439C0099K, published by the Federal Emergency Management Agency, dated: September 25, 2009, the surveyed property shown hereon does not lie within any special flood hazard area inundated by the 100-year flood.
- On the issue date of this survey the surveyed property shown hereon is zoned R-20 (Single Family Residential 20,000 sq.ft. minimum) according to the City of Coleville zoning ordinance maps. Refer to said zoning ordinance for minimum and maximum setback requirements.
- The maintenance of all drainage and utility easements located on private property are the responsibility of the property owner.
- All residences within the subdivision shall contain automatic fire-sprinkler systems.

LEGEND

- BOUNDARY CORNER
- LOT CORNER
- EASEMENT CORNER

ABBREVIATIONS

- N.T.S. NOT TO SCALE
- U.N.C. UNLESS NOTED OTHERWISE
- P.R.T.C.T. PUBLIC RECORDS OF TARRANT COUNTY, TEXAS
- P.G. PAGE
- C.B. CABINET
- D.C. NO. DOCUMENT NUMBER
- C.M. CONTROLLING MONUMENT
- IFR IRON ROD FOUND
- P.O.B. POINT OF BEGINNING
- C.M. CONTROLLING MONUMENT
- IFR IRON ROD FOUND
- IRS IRON ROD SET
- R.O.W. RIGHT-OF-WAY
- B.L. BUILDING LINE
- U.E. UTILITY EASEMENT
- D.E. DRAINAGE EASEMENT
- B.U.L. DRAINAGE & UTILITY EASEMENT
- T.E.S.O. TEXAS ELECTRIC SERVICE COMPANY
- C.O.S. COMMON OPEN SPACE
- C.O.C. CONCRETE

PURPOSE OF PLAT
The purpose of this plat is to develop the 17.32 acre tract into a residential subdivision.

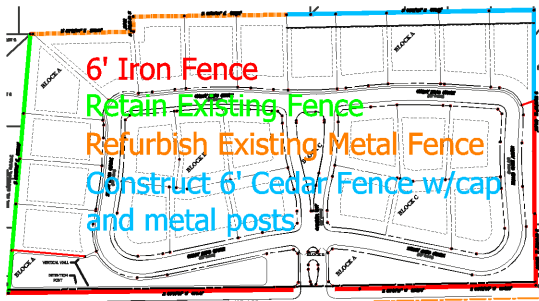
A PRELIMINARY/FINAL PLAT OF
LOTS 1-15, BLOCK A, LOTS 1-6, BLOCK B, LOTS 1-6, BLOCK C,
LOT 1, BLOCK D, LOT 1, BLOCK E, & LOT 1, BLOCK F
25 RESIDENTIAL & 5 OPEN SPACE LOTS
LEGACY NORTH
AND PLAT VACATION OF
TRACT C, McEwing SUBDIVISION
AN ADDITION TO THE CITY OF COLLEVILLE,
IN THE R.N. McEWING SURVEY, A-1154
CITY OF COLLEVILLE, TARRANT COUNTY, TEXAS

SURVEYOR: Spry Surveyors, LLC
8241 Mid-Cities Blvd., Ste.102
North Richland Hills, TX 76182
Phone: 817-776-4049
Firm Reg. No. 10110000

ENGINEER: Hamilton Duffy, P.C.
E.S.&C.M., Inc.
8241 Mid-Cities Blvd., Ste.100
North Richland Hills, TX 76182
Phone: 817-268-0408

OWNER: Ralph Sells
2405 Southern Hills Court
Keller, TX 76248
Phone: 817-458-0040

SPRY PROJECT NO. 066-009-30
DATE: JUNE 2018



Legend

5' Concrete Sidewalk

6' Concrete Trail

Common Open Space

Residential Lots

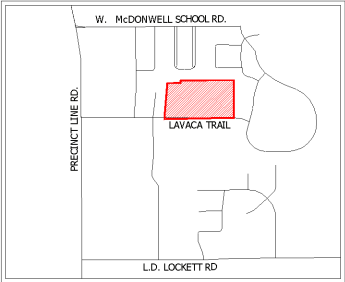
Single Family Residential Lots	25	
Common Areas	5	
Residential Lots	67.76%	11.74 ac.
Open Space	11.32%	1.96 ac.
R.O.W.	20.92%	3.62 ac.
Res. Gross Acreage	100.00%	17.32 ac.

Site Data	
Gross Acreage	17.32 ac.
Gross Density	1.44

Lot Summary	
Residential Lots	25
Minimum Building Lot Area	20,000 s.f.
Average Building Lot Area	20,448 s.f.
Common Areas	5

L.U.D. / Zoning	
Existing Zoning:	R-20 & R-4C
Proposed Zoning:	R-20

- Notes:
- Front Setbacks are 30'
 - Rear Setbacks are 25'
 - Side Setbacks are 10', corner side setbacks are 15'
 - There will be no outside storage onsite
 - Open space lots & landscape easements will be maintained by the Homeowners Association (HOA).

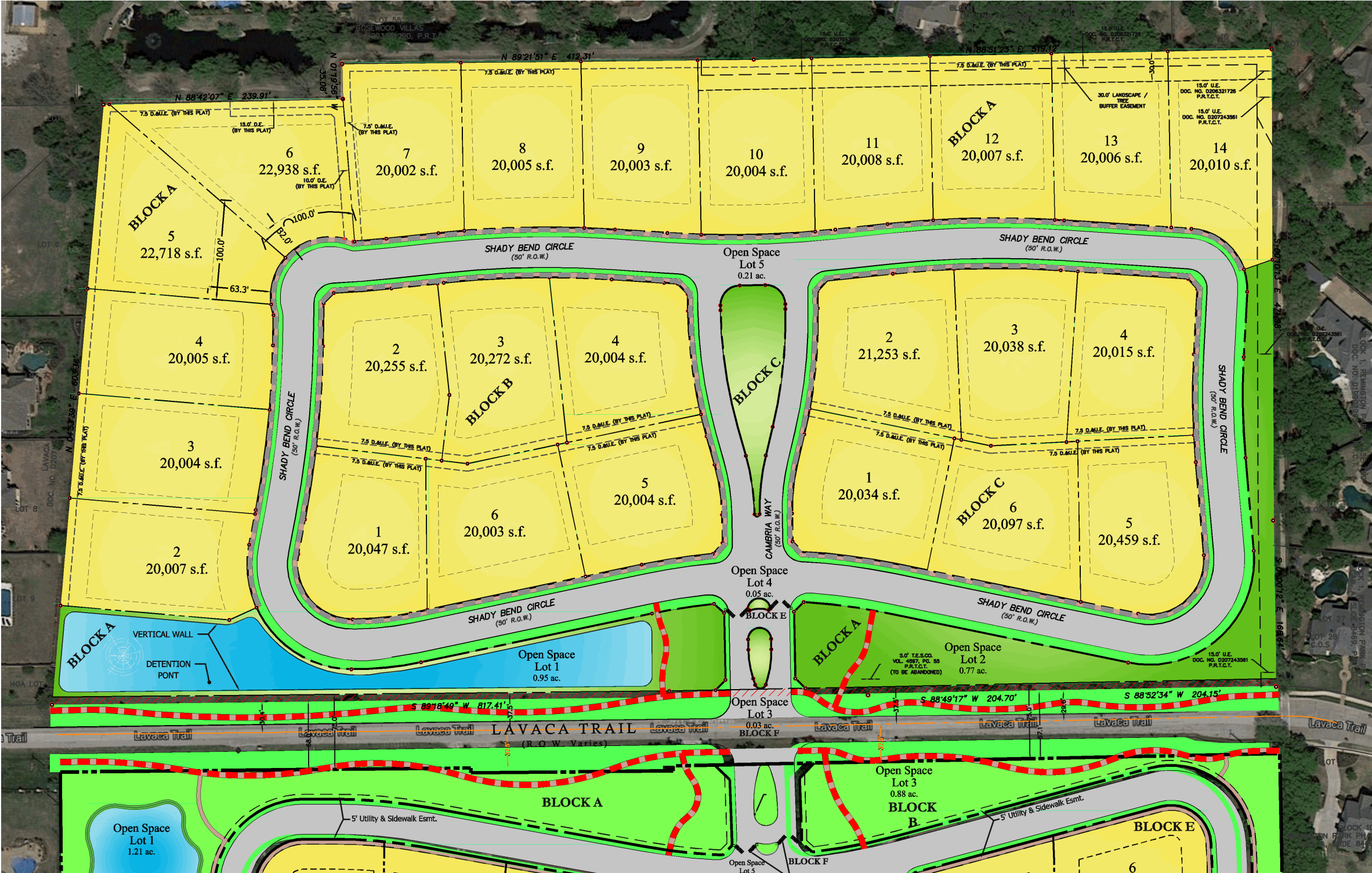
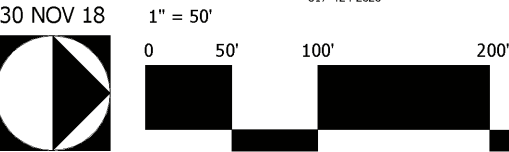


Owner:
Ralph Sells
2405 Southern Hills Court
Keller, TX 76248

Engineer:
Hamilton Duffy, P.C.
8241 Mid Cities Blvd., #100
North Richland Hills, TX 76182
Tel: 817-268-0408
Contact: Keith Hamilton

Applicant:
Hat Creek Development
P.O. Box 92747
Southlake, TX 76092
817-329-3111
Contact: Kosse Maykus

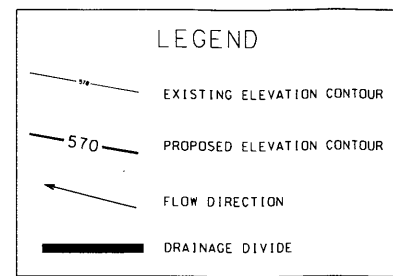
Planner:
SAGE GROUP, INC.
Master Planning
Urban Design
Architecture
Landscape Architecture
1130 N. Carroll Ave., Ste. 200
Southlake, Texas 76092
817-424-2626



Concept Plan - 20k Lots

The Legacy North

Colleyville, Tarrant County, Texas



I, Keith Hamilton, a Professional Engineer, registered and licensed in the State of Texas, have prepared this drainage study and/or plan in compliance with the latest published requirements and criteria of the City of Colleyville, and have verified that the topographic information used in this study and/or plan is in compliance with said requirements and is otherwise suitable for developing this workable plan of drainage which can be implemented through proper subsequent detailed construction planning.

Signed this _____ day of _____, 2018

_____, P.E.

PRELIMINARY
FOR REVIEW ONLY

THESE DOCUMENTS ARE FOR DESIGN REVIEW
AND NOT INTENDED FOR CONSTRUCTION,
BIDDING, OR PERMIT PURPOSES. THEY WERE
PREPARED BY, OR UNDER SUPERVISION OF:

KEITH M. HAMILTON 87384 STATE

PE NO. DATE

DRAINAGE NOTES:

1. PLANS FOR THE LEGACY (SOUTH), LAVACA TRAIL ESTATES (SOUTHWEST), REMINGTON PARK PHASE 4 (EAST), LAVACA PARK (WEST) AND WESTGATE VILLAS (NORTH) WERE REFERENCED DURING PLAN PREPARATION.
2. ALL DRAINAGE DESIGN TO BE IN ACCORDANCE WITH CITY OF COLLEGEVILLE STANDARDS.
3. PER CITY REQUIREMENTS, DETENTION SHALL BE PROVIDED SUCH THAT DEVELOPED RUNOFF FROM THE PROPERTY LEAVES AT THE SAME RATE OR LESS THAN DURING PRE-DEVELOPED CONDITIONS.

DRAINAGE AREA COMPUTATIONS

BASIS:

- Q - C/A (Rational Method)
- Q - Storm discharge (cubic feet per second)
- C - runoff coefficient, based on land use
- I - average rainfall intensity for time of concentration (inches per hour) per ISDW
- A - area contributing runoff (acres)

RUNOFF COEFFICIENT:

- C - 0.30 Parks and Open Areas
- C - 0.40 Developed Park Site
- C - 0.60 Single Family Residential

STORM FREQUENCY:

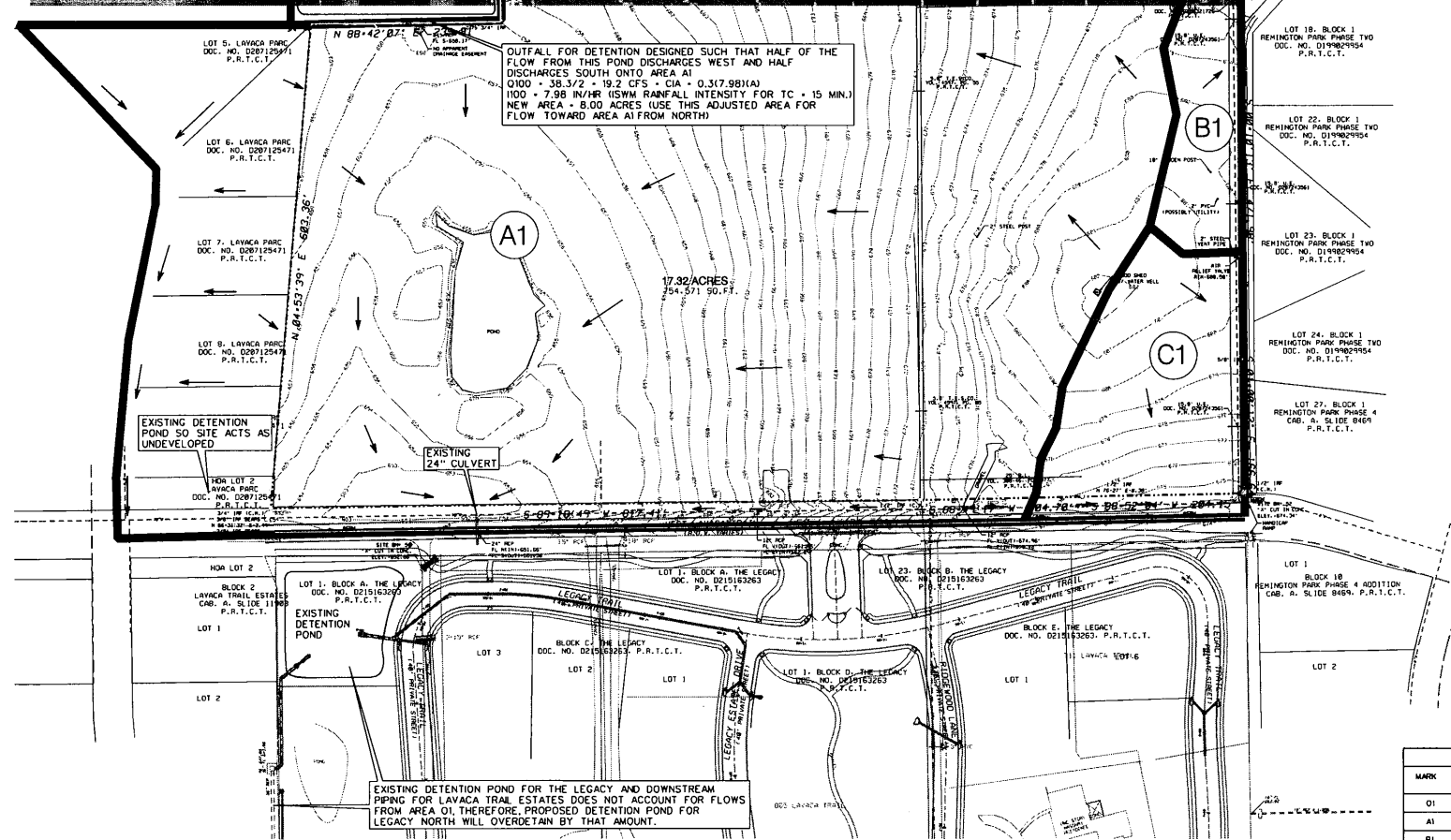
- 5 Years - Enclosed Pipe System
- 100 Years - Combined Enclosed Pipe System - Street - R.O.W.

TIME OF CONCENTRATION:

Combination of inlet times and time of flow in the drain being the time for water to flow over the surface of the ground to the storm drain inlet (on-site - off-site, if applicable)

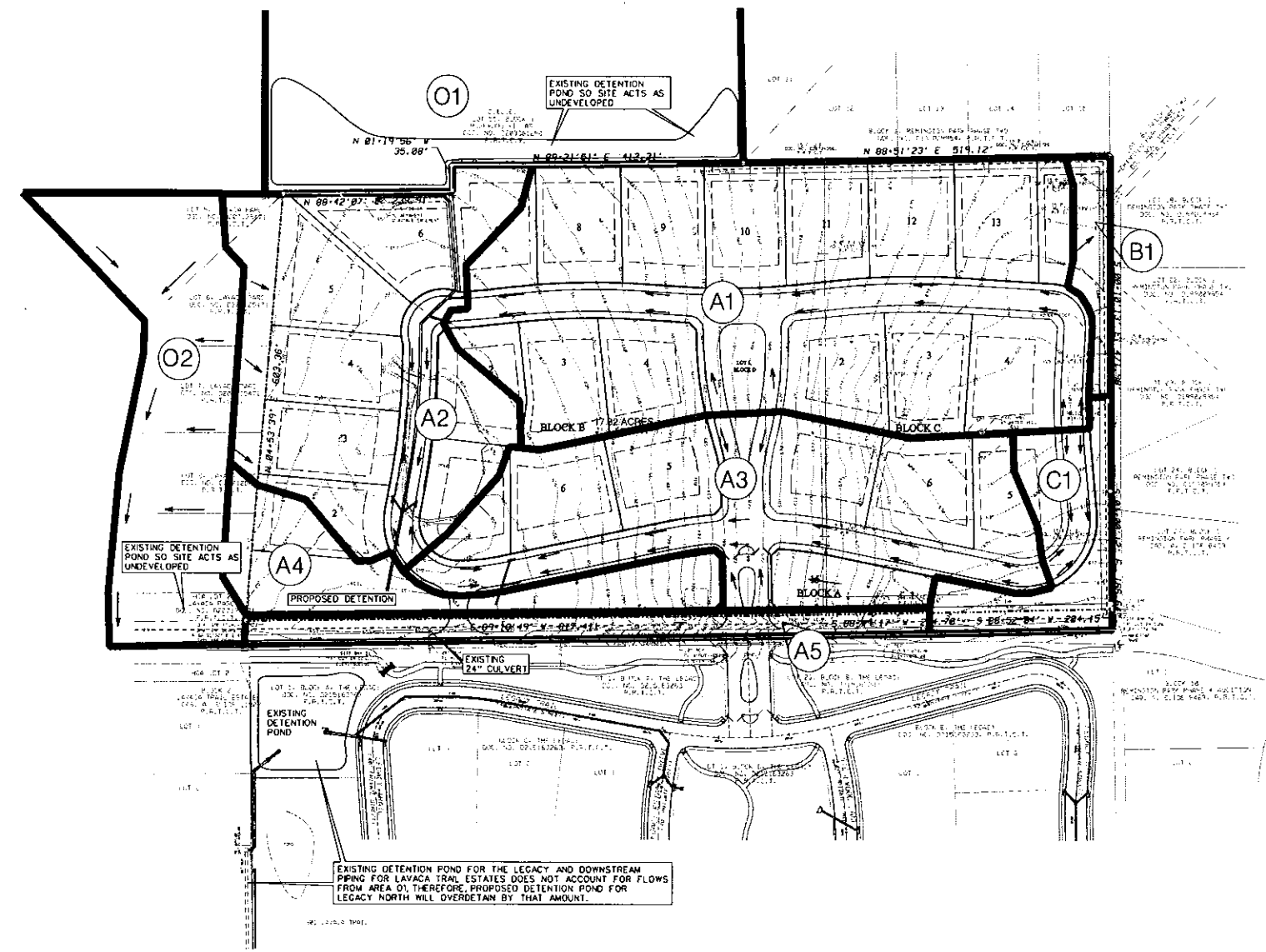
MINIMUM INLET TIME OF CONCENTRATION:

Parks and Open Areas	15 minutes
Residential, Single Family	10 minutes
Industrial, Business	10 minutes



PRE-DEVELOPED SITE DRAINAGE DATA													
MARK	AREA (ACRES)	C	Tc (MIN.)	Ia (IN/HR)	Ia (IN/HR)	Ia (IN/HR)	Ia (IN/HR)	Ia (IN/HR)	Qa (CFS)	Qa (CFS)	Qa (CFS)	Qa (CFS)	COMMENTS
O1	8.00	0.30	15		4.86			7.98		11.7		19.2	TO A1
A1	18.96	0.30	15	3.90	4.86	5.53	6.46	7.20	7.98	27.6		45.4	TO LAVACA TRAIL CULVERT
B1	0.71	0.30	15	3.90	4.86	5.53	6.46	7.20	7.98	1.0		1.7	TO REMINGTON PARK - PHASE 2 (NE)
C1	1.67	0.30	15	3.90	4.86	5.53	6.46	7.20	7.98	2.4		4.0	TO REMINGTON PARK - PHASE 2 (SE)

NO.	REVISION	BY	DATE	DESCRIPTION
01	08/03/2018	K.M.H.	DESIGNED	
02		J.B.L.	DRAWN	
03		K.M.H.	CHECKED	
04		K.M.H.	TEXAS REGISTERED ENGINEERING EXAM APPROVED	



LEGEND

- EXISTING ELEVATION CONTOUR
- PROPOSED ELEVATION CONTOUR
- FLOW DIRECTION
- DRAINAGE DIVIDE

I, Keith Hamilton, a Professional Engineer, registered and licensed in the State of Texas, have prepared this drainage study and/or plan in compliance with the latest published requirements and criteria of the City of Colleyville, and have verified that the topographic information used in this study and/or plan is in compliance with said requirements and is otherwise suitable for developing this available plan of drainage which can be implemented through proper subsequent detailed construction planning.

Signed this _____ day of _____, 2018 _____ P.E.

**PRELIMINARY
FOR REVIEW ONLY**

THESE DOCUMENTS ARE FOR DESIGN REVIEW
AND NOT INTENDED FOR CONSTRUCTION,
BIDDING, OR PERMIT PURPOSES. THEY WERE
PREPARED BY, OR UNDER SUPERVISION OF:

KEITH M. HAMILTON 87384 DATES
PE NO. DATE

- DRAINAGE NOTES:**
- PLANS FOR THE LEGACY (SOUTH), LAVACA TRAIL ESTATES (SOUTHWEST), REMINGTON PARK PHASE 4 (EAST), LAVACA PARK (WEST) AND WESTGATE VILLAS (NORTH) WERE REFERENCED DURING PLAN PREPARATION.
 - ALL DRAINAGE DESIGN TO BE IN ACCORDANCE WITH CITY OF COLLEVILLE STANDARDS.
 - PER CITY REQUIREMENTS, DETENTION SHALL BE PROVIDED SUCH THAT DEVELOPED RUNOFF FROM THE PROPERTY LEAVES AT THE SAME RATE OR LESS THAN DURING PRE-DEVELOPED CONDITIONS.

- DRAINAGE AREA COMPUTATIONS**
- BASIS:**
- Q = CIA (Rational Method)
 - Q = Storm discharge (cubic feet per second)
 - C = runoff coefficient, based on land use
 - I = average rainfall intensity for time of concentration (inches per hour) (per ISWM)
 - A = area contributing runoff (acres)
- RUNOFF COEFFICIENT:**
- C = 0.30 Parks and Open Areas
 - C = 0.40 Developed Park Site
 - C = 0.60 Single Family Residential
- STORM FREQUENCY:**
- 5 Years - Enclosed Pipe System
 - 100 Years - Combined Enclosed Pipe System - Street - R.O.W.
- TIME OF CONCENTRATION:**
- Combination of inlet time and time of flow in the drain being the time for water to flow over the surface of the ground to the storm drain inlet (onsite + offsite, if applicable)
- MINIMUM INLET TIME OF CONCENTRATION:**
- Parks and Open Areas 15 minutes
 - Residential, Single Family 15 minutes
 - Industrial, Business 10 minutes

DETENTION POND DESIGN

DETENTION POND (100 YR)

Q100(PRE) = 45.4 CFS* (SEE PRE-DEVELOPED)
*NOTE - AREA O1 NOT CONSIDERED IN DOWNSTREAM DESIGN, THEREFORE, DETENTION POND WILL OVERDETAIN BY EXCLUDING FLOWS FROM O1 INTO PRE-DEVELOPED ALLOWABLE FLOWS.

Q100(BYPASS) = Q2-A5 = 10.2 CFS

Q100(ALLOWABLE) = QPRE-QBYPASS = 45.4 - 10.2 = 35.2 CFS

Q100 TO POND:

AREA = O1-(A1-A4) = 24.62 ACRES
C = 0.50
TC = 15 MIN.

DETENTION POND (5 YR)

Q5(PRE) = 27.6 CFS* (SEE PRE-DEVELOPED)
*NOTE - AREA O1 NOT CONSIDERED IN DOWNSTREAM DESIGN, THEREFORE, DETENTION POND WILL OVERDETAIN BY EXCLUDING FLOWS FROM O1 INTO PRE-DEVELOPED ALLOWABLE FLOWS.

Q5(BYPASS) = Q2-A5 = 6.2 CFS

Q5(ALLOWABLE) = QPRE-QBYPASS = 27.6 - 6.2 = 21.4 CFS

Q5 TO POND:

AREA = O1-(A1-A4) = 24.62 ACRES
C = 0.50
TC = 15 MIN.

FROM PONDPACK DETENTION POND SOFTWARE:
STORAGE REQUIRED = 2.302 AC-FT

INLET CAPACITY CALCULATIONS

CURB/DROP OPENING INLET IN SUMP: $Q/L = 3.0Y^{3/4}$

Where:

- Q = Storm Drainage Discharge (cfs)
- L = Length of Inlet Opening (ft)
- Y = (Depth of flow at opening) (ft)

For 10' Curb Inlet in sump at 6" curb depth:
10' Depth (Inlet Throat): Qcap = 22.8 cfs

For 15' Curb Inlet in sump at 6" curb depth:
10' Depth (Inlet Throat): Qcap = 34.2 cfs

For 4' Drop Inlet in sump:
5' Depth: Qcap = 16.9 cfs
8' Depth: Qcap = 26.1 cfs

CURB OPENING INLET ON GRADE:

Less than 2% grade = 1 cfs/ft opening
2% to 3.5% grade = 0.67 cfs/ft opening
greater than 3.5% = 0.5 cfs/ft opening

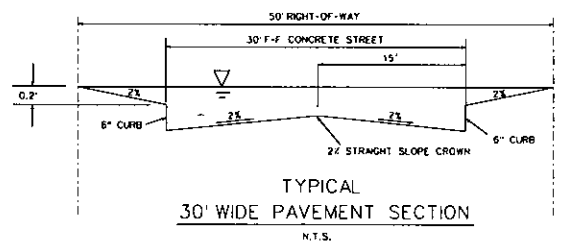
STORM DRAIN SYSTEM DESIGN CRITERIA & CALCULATIONS

MINIMUM INLETS SIZE IS 5 FEET. MAXIMUM VELOCITY IN PIPE IS 12 FEET PER SECOND. MAXIMUM VELOCITY IN EARTHEN CHANNELS IS 6 FEET PER SECOND.

HYDRAULIC SECTIONS:

Use Mannings Formula with:

- n = 0.035 Earth Channels and Ditches
- n = 0.015 Concrete Pavement and Culverts
- n = 0.013 Concrete Conduits



STREET CAPACITY (MIN SLOPE OF 0.50%)

31" B-B W/ 6" CURB AND 2% STRAIGHT CROWN:

Q1(STREET) = 507 * S^{0.5} = 507(0.005)^{0.5} = 36.9 CFS
Q1(R.O.W.) = 665 * S^{0.5} = 665(0.005)^{0.5} = 47.0 CFS

STREET CAPACITY

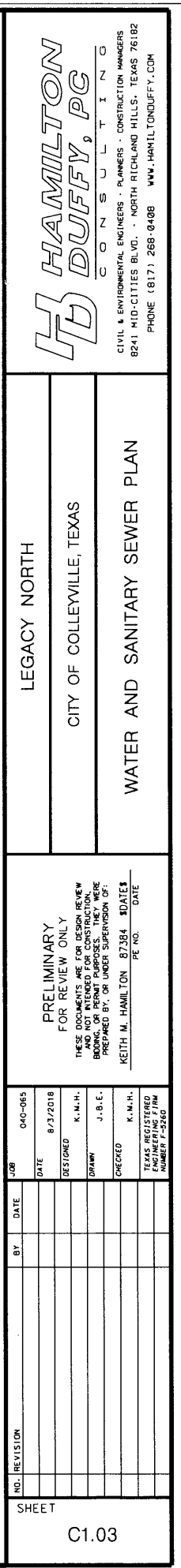
N (CONCRETE) = 0.015
AREA = 10.50 SQ. FT.
WETTED PERIMETER = 31.0 FT
RH = A/PW = 0.339 FT
Q (MANNING'S EQUATION) = 507 * S^{0.5}

R.O.W. CAPACITY

N (CONCRETE) = 0.015
N (GRASS) = 0.035
N (COMPOSITE) = 0.021
AREA = 18.5 SQ. FT.
WETTED PERIMETER = 51.0 FT
RH = 0.363 FT
Q (MANNING'S EQUATION) = 665 * S^{0.5}

NAME	AREA (ACRE)	C	Tc (MIN.)	I ₂ (IN/HOUR)	I ₅ (IN/HOUR)	I ₁₀ (IN/HOUR)	I ₁₅ (IN/HOUR)	I ₂₀ (IN/HOUR)	I ₂₅ (IN/HOUR)	Q ₁ (CFS)	Q ₅ (CFS)	Q ₁₀ (CFS)	Q ₁₅ (CFS)	Q ₂₀ (CFS)	Q ₂₅ (CFS)	COMMENTS
O1	8.00	0.30	15		4.86					7.98		11.7				19.2 TO 4" DROP INLET - TO DETENTION
A1	7.21	0.60	15	3.90	4.86	5.53	6.46	7.20	7.98		21.0					34.6 2'-10" CURB INLETS ON GRADE (4.8 CFS BYPASS)
A2	3.99	0.60	15	3.90	4.86	5.53	6.46	7.20	7.98		11.6					19.1 2'-10" C.I. ISUMP ¹ REL. 4.8 BYPASS = 23.7 CFS
A3	4.14	0.60	15	3.90	4.86	5.53	6.46	7.20	7.98		12.1					19.8 2'-10" C.I. ISUMP ¹ 22.8+2 = 43.8 CFS CAPACITY
A4	1.28	0.60	15	3.90	4.86	5.53	6.46	7.20	7.98		3.7					6.1 SHEET FLOW TO DETENTION
O1(A1-A2-A3-A4)	24.62	0.50	15	3.90	4.86	5.53	6.46	7.20	7.98		59.8					98.2 TOTAL TO DETENTION
Q2	2.53	0.30	15	3.90	4.86	5.53	6.46	7.20	7.98		3.7					6.1 TO A5 - BYPASSES DETENTION
A5	0.85	0.60	15	3.90	4.86	5.53	6.46	7.20	7.98		2.5					4.1 TO 24" CULVERT UNDER LAVACA - BYPASSES DETENTION
O2-A5											6.2					10.2 TOTAL BYPASS DETENTION
B1	0.34	0.60	15	3.90	4.86	5.53	6.46	7.20	7.98		1.0					1.6 TO M.E. - LESS THAN PRE-DEV. - OK
C1	1.00	0.50 ²	15	3.90	4.86	5.53	6.46	7.20	7.98		2.4					4.0 TO S.E. - LESS THAN PRE-DEV. - OK

1) WEIGHTED C = (8.00(0.30)+18.62(0.60))/24.62 = 0.50
2) AREA C1 CONSIDERED SOMEWHAT UNDEVELOPED DUE TO OPEN AREAS



Photos Taken by Staff



Photos Taken by Staff



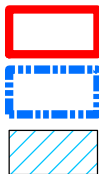
Notification Map



ZC18-033

712 - 810 Lavaca Trail

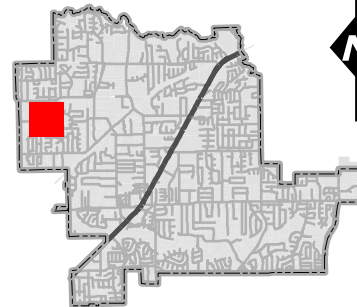
DISCLAIMER:
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Subject Property

500ft Buffer

Properties within 500ft



Notification List

Owner Name	Owner Address	Owner City	Owner Zip	Situs Address
BROWN, SEAN W	720 INDUSTRIAL BLVD STE 400	GRAPEVINE, TX	76051	701 ARCADY LN
BROWN, DAVID S	608 TERRACE LN	COLLEVILLE, TX	76034	608 TERRACE LN
ARSEMENT, PRESTON	504 LAVACA TRL	COLLEVILLE, TX	76034	504 LAVACA TR
KING, ROBERT D	8413 LORRAINE	COLLEVILLE, TX	76034	8413 LORRAINE PK
LARSON, CHARLES	6405 CIMMARON TR	COLLEVILLE, TX	76034	6405 CIMMARON TR
APGAR FAMILY TRUST	6209 CIMMARON TR	COLLEVILLE, TX	76034	6209 CIMMARON TR
KIERKERING, KENNETH	810 TERRACE LN	COLLEVILLE, TX	76034	810 TERRACE LN
VILLAS OF COLLEVILLE HOA LLC	1108 W PIONEER PKWY	ARLINGTON, TX	76013	6205 CIMMARON TR
BOZYCKI, MICHAEL	408 COUNTRY PL	COLLEVILLE, TX	76034	408 COUNTRY PL
NEWTON, ERIC	6408 BORDEAUX PARK	COLLEVILLE, TX	76034	6408 BORDEAUX PK
MILLER, LOUIS	6404 TALBOT TRL	COLLEVILLE, TX	76034	6404 TALBOT TR
LAVACA PARK HOMEOWNERS ASSC	1540 KELLER PKWY STE 108-151	KELLER, TX	76248	6201 LANTANA CT
CHOPYAK, ROBERT A	8400 BORDEAUX PK	COLLEVILLE, TX	76034	8400 BORDEAUX PK
BRINNAN, ALAGORY	6419 BORDEAUX PK	COLLEVILLE, TX	76034	6419 BORDEAUX PK
HOWE, RICHARD	917 TALBOT TRL	COLLEVILLE, TX	76034	917 TALBOT TR
JOAN Y ORTH FAMILY TRUST	913 TALBOT TR	COLLEVILLE, TX	76034	913 TALBOT TR
KNUDSEN, COR	6402 LORRAINE PK	COLLEVILLE, TX	76034	6402 LORRAINE PK
LDOS COMMUNICATIONS INC	PO BOX 152206	IRVING, TX	75015	813 MCDONWELL SCHOOL DR W
NEWSOME, CHAD	609 SHETLAND DR	COLLEVILLE, TX	76034	609 SHETLAND DR
HALL, STANLEY DEAN	6228 CIMMARON TR	COLLEVILLE, TX	76034	6228 CIMMARON TR
AWALT, TERRY	6221 CIMMARON TR	COLLEVILLE, TX	76034	6221 CIMMARON TR
NEAL, DAVID J	8417 TALBOT TR	COLLEVILLE, TX	76034	8417 TALBOT TR
WICKERSHAM, SCOTT	6301 CIMMARON TR	COLLEVILLE, TX	76034	6301 CIMMARON TR
DYNEBORN, JOSH	6301 LANTANA CT	COLLEVILLE, TX	76034	6301 LANTANA CT
CRAWFORD, SCOTT	502 MUSTANG CT	COLLEVILLE, TX	76034	502 MUSTANG CT
THOMPSON, HAROLD D	8401 LORRAINE PK	COLLEVILLE, TX	76034	8401 LORRAINE PK
OMERTA COS II LP	2406 SOUTHERN HILLS CT	KELLER, TX	76248	810 LAVACA TR
VARLEY, JENIFFER	8411 BORDEAUX PK	COLLEVILLE, TX	76034	8411 BORDEAUX PK
MCPHERSON, BARBARA J	6226 CIMMARON TR	COLLEVILLE, TX	76034	6226 CIMMARON TR
STROTTIMAY TER, MARTIN	6213 CIMMARON TR	COLLEVILLE, TX	76034	6213 CIMMARON TR
LAVACA PARK HOMEOWNERS ASSC	1540 KELLER PKWY STE 108-151	KELLER, TX	76248	6200 LANTANA CT
PRAKASH, ANA	8213 LANTANA CT	COLLEVILLE, TX	76034	8213 LANTANA CT
COCHRAN, JERRY W	811 MUSTANG CT	COLLEVILLE, TX	76034	811 MUSTANG CT
LOZANO, ELSA	6404 BORDEAUX PK	COLLEVILLE, TX	76034	6404 BORDEAUX PK
HSU, LISAL W	6204 LANTANA CT	COLLEVILLE, TX	76034	6204 LANTANA CT
BROWN, SHARON E	7205 SMITHFIELD RD	NORTH RICHLAND HILLS, TX	76182	6007 BORDEAUX PK
YARRBROUGH, JOHN D	6118 MUSTANG TR	COLLEVILLE, TX	76034	6118 MUSTANG TR
WALTERS, WILLIAM	6512 HORSESHOE BND	COLLEVILLE, TX	76034	6512 HORSESHOE BEND
FONDREN, WYLIE A	6410 LORRAINE PK	COLLEVILLE, TX	76034	6410 LORRAINE PK
WILLIAMSON, DAVID	6403 BORDEAUX PK	COLLEVILLE, TX	76034	6403 BORDEAUX PK
SAGE, DESREE	8418 LORRAINE PK	COLLEVILLE, TX	76034	8418 LORRAINE PK
MYERS, CHARLES	8416 TALBOT TR	COLLEVILLE, TX	76034	8416 TALBOT TR
SHAKH, AFTAB SUNNY	6209 LANTANA CT	COLLEVILLE, TX	76034	6209 LANTANA CT
MANER, JOLENE G	506 MUSTANG CT	COLLEVILLE, TX	76034	506 MUSTANG CT
OMERTA COS II LP	2406 SOUTHERN HILLS CT	KELLER, TX	76248	812 LAVACA TR
REM PARK H A INC	PO BOX 343	COLLEVILLE, TX	76034	6091 BELMONT DR
HALLETT, CHARLES E	6504 HORSESHOE BND	COLLEVILLE, TX	76034	6504 HORSESHOE BEND
YARACAGODA, YUANYA	601 SHETLAND DR	COLLEVILLE, TX	76034	601 SHETLAND DR
HOOVER, FRANK	6414 LORRAINE PK	COLLEVILLE, TX	76034	6414 LORRAINE PK
DESANTO, DAVID	6408 TALBOT TR	COLLEVILLE, TX	76034	6408 TALBOT TR
PEARSON, LANE D	6508 HORSESHOE BEND	COLLEVILLE, TX	76034	6508 HORSESHOE BEND
HAGOOD, ROCKY J	6416 BORDEAUX PK	COLLEVILLE, TX	76034	6416 BORDEAUX PK
LANIER, PAULA K	6412 BORDEAUX PK	COLLEVILLE, TX	76034	6412 BORDEAUX PK
PICK, EDWARD ALLEN	507 MUSTANG CT	COLLEVILLE, TX	76034	507 MUSTANG CT
SLICKER, ROBERT M	411 COUNTRY PL	COLLEVILLE, TX	76034	411 COUNTRY PL
PALMER, AUBRA W	6406 LORRAINE PK	COLLEVILLE, TX	76034	6406 LORRAINE PK
DAVIDHERT, LARRY	901 TALBOT TR	COLLEVILLE, TX	76034	901 TALBOT TR
DAVIDSON, BRANDI RANEE	6108 MUSTANG TR	COLLEVILLE, TX	76034	6108 MUSTANG TR
GRANT, JAMES M	605 SHETLAND DR	COLLEVILLE, TX	76034	605 SHETLAND DR
PICKER, BRUCE A	813 SHETLAND DR	COLLEVILLE, TX	76034	813 SHETLAND DR
LDOS COMMUNICATIONS INC	PO BOX 152206	IRVING, TX	75015	813 MCDONWELL SCHOOL DR W
HUPP, DENNIS	603 TERRACE LN	COLLEVILLE, TX	76034	603 TERRACE LN
DURRANI, SABBEN	6304 LANTANA CT	COLLEVILLE, TX	76034	6304 LANTANA CT
BOLTON, TERRY L	811 TERRACE LN	COLLEVILLE, TX	76034	811 TERRACE LN
THOMASON, KENNETH	8413 TALBOT TRL	COLLEVILLE, TX	76034	8413 TALBOT TR
REM PARK H A INC	PO BOX 343	COLLEVILLE, TX	76034	6099 REMINGTON PKWY
LANE, THOMAS M	6300 LANTANA CT	COLLEVILLE, TX	76034	6300 LANTANA CT
DURBIN, RICHARD G	725 ARCADY LN	COLLEVILLE, TX	76034	725 ARCADY LN
MOLSON, ALAN H	6205 CIMMARON TR	COLLEVILLE, TX	76034	6205 CIMMARON TR
POULLIER, NORMAN	713 ARCADY LN	COLLEVILLE, TX	76034	713 ARCADY LN
MAKARY, MICHELA	6217 CIMMARON TR	COLLEVILLE, TX	76034	6217 CIMMARON TR
ROSEWOOD VILLAS HOA INC	PO BOX 463	COLLEVILLE, TX	76034	6409 TALBOT TR
GUERRA, ROBERT	602 TERRACE LN	COLLEVILLE, TX	76034	602 TERRACE LN
DARCY, DALE PAUL	6412 TALBOT TR	COLLEVILLE, TX	76034	6412 TALBOT TR
HOPKINS, DILLARD E	6208 LANTANA CT	COLLEVILLE, TX	76034	6208 LANTANA CT
GLATZ, LARRY	501 BELMONT DR	COLLEVILLE, TX	76034	501 BELMONT DR
LYNCH, LAURA C	909 TALBOT TR	COLLEVILLE, TX	76034	909 TALBOT TR
OMERTA COS II LP	2406 SOUTHERN HILLS CT	KELLER, TX	76248	LAVACA TR
DAVIS, JERRY D	6421 LORRAINE PK	COLLEVILLE, TX	76034	6421 LORRAINE PK
TARVER, RUSSELL	6205 LANTANA CT	COLLEVILLE, TX	76034	6205 LANTANA CT
ARMITAGE, DOUGLAS R	6405 LORRAINE PK	COLLEVILLE, TX	76034	6405 LORRAINE PK
LEAVERTON, OWEN M	6420 BORDEAUX PK	COLLEVILLE, TX	76034	6420 BORDEAUX PK
BOLTON, VICTOR	614 TERRACE LN	COLLEVILLE, TX	76034	614 TERRACE LN
ZUBIZARRETA, EMILIO	6110 MUSTANG TR	COLLEVILLE, TX	76034	6110 MUSTANG TR
BURTON, BARRY	618 TERRACE LN	COLLEVILLE, TX	76034	618 TERRACE LN
ROSEWOOD VILLAS HOA INC	PO BOX 463	COLLEVILLE, TX	76034	725 ARCADY LN
GRAY, RANDY K	6233 CIMMARON TR	COLLEVILLE, TX	76034	6233 CIMMARON TR
MCORE, ROBERT E	404 COUNTRY PL	COLLEVILLE, TX	76034	404 COUNTRY PL
LANDS, ROBIN L	505 BELMONT DR	COLLEVILLE, TX	76034	505 BELMONT DR
LAMBERTH, GEORGE	503 MUSTANG CT	COLLEVILLE, TX	76034	503 MUSTANG CT
RINTALA, ROCKY L	925 TALBOT TR	COLLEVILLE, TX	76034	925 TALBOT TR
WROZKE, TODD	6600 HORSESHOE BEND	COLLEVILLE, TX	76034	6600 HORSESHOE BEND
DAVES, JAMES	407 COUNTRY PL	COLLEVILLE, TX	76034	407 COUNTRY PL
VILLAS OF COLLEVILLE HOA LLC	1108 W PIONEER PKWY	ARLINGTON, TX	76013	6525 TALBOT TR
MULLERS, MELANIE	6415 BORDEAUX PK	COLLEVILLE, TX	76034	6415 BORDEAUX PK
REM PARK H A INC	PO BOX 343	COLLEVILLE, TX	76034	6400 REMINGTON PKWY
REM PARK H A INC	PO BOX 343	COLLEVILLE, TX	76034	6500 REMINGTON PKWY
SWEENEY, MATTHEW	6114 MUSTANG TR	COLLEVILLE, TX	76034	6114 MUSTANG TR
BRUCE & BRENDA HUCKINS TRUST	6212 LANTANA CT	COLLEVILLE, TX	76034	6212 LANTANA CT
EASTERLIN, L A	8421 TALBOT TR	COLLEVILLE, TX	76034	8421 TALBOT TR
ROSEWOOD VILLAS HOA INC	PO BOX 463	COLLEVILLE, TX	76034	6001 LORRAINE PK
COLLINS, JOHNNY C	619 TERRACE LN	COLLEVILLE, TX	76034	619 TERRACE LN
ANDERSON, GREGORY I	509 BELMONT DR	COLLEVILLE, TX	76034	509 BELMONT DR
DERGANG, CHRISTOPHER	709 ARCADY LN	COLLEVILLE, TX	76034	709 ARCADY LN
KLEIN, DONALD W	721 ARCADY LN	COLLEVILLE, TX	76034	721 ARCADY LN
CIRAGI, JAMES	717 ARCADY LN	COLLEVILLE, TX	76034	717 ARCADY LN
ROBERTS, KAREN	6409 LORRAINE PK	COLLEVILLE, TX	76034	6409 LORRAINE PK
GARRETT, COY E	709 ARCADY LN	COLLEVILLE, TX	76034	709 ARCADY LN
ROSEWOOD VILLAS HOA INC	PO BOX 463	COLLEVILLE, TX	76034	6418 BORDEAUX PK
EPELEY, H ROBERT	8417 LORRAINE PK	COLLEVILLE, TX	76034	8417 LORRAINE PK
GARNER, THOMAS J	607 TERRACE LN	COLLEVILLE, TX	76034	607 TERRACE LN
MALONE, TERRY	6409 TALBOT TR	COLLEVILLE, TX	76034	6409 TALBOT TR
PACLO, WILLIAM J	500 LAVACA TR	COLLEVILLE, TX	76034	500 LAVACA TR
PHINNEY, JASON	6213 EMMAS CT	COLLEVILLE, TX	76034	6213 EMMAS CT
JAEFZOLD, CORY B	6204 EMMAS CT	COLLEVILLE, TX	76034	6204 EMMAS CT
LT ESTATES HOA INC	215 W COLLEGE ST	GRAPEVINE, TX	76051	6215 EMMAS CT
CHANDLER, CHARLOTTE	6205 EMMAS CT	COLLEVILLE, TX	76034	6205 EMMAS CT
AJIBANI, VIVEK	6212 EMMAS CT	COLLEVILLE, TX	76034	6212 EMMAS CT
MOTIL, SALEM	6218 EMMAS CT	COLLEVILLE, TX	76034	6218 EMMAS CT
LT ESTATES HOA INC	215 W COLLEGE ST	GRAPEVINE, TX	76051	6218 EMMAS CT
HOGAN, EDWARD L	6201 EMMAS CT	COLLEVILLE, TX	76034	6201 EMMAS CT
RIFE, BRYAN D	6208 EMMAS CT	COLLEVILLE, TX	76034	6208 EMMAS CT
GEORGE, ANSH	6209 EMMAS CT	COLLEVILLE, TX	76034	6209 EMMAS CT
FEGAN, DENNIS J	1303 BELLEFONTE LN	COLLEVILLE, TX	76034	1013 LAVACA TR
RASMUSSEN, JASON	501 LAVACA TR	COLLEVILLE, TX	76034	501 LAVACA TR
MONUMENT CUSTOM BUILDERS LP	PO BOX 189	COLLEVILLE, TX	76034	8112 LEGACY TR
BILDERBACK, JAMES L	8105 RIDGEWOOD LN	COLLEVILLE, TX	76034	8105 RIDGEWOOD LN
TANEY, JOSEPH	901 LEGACY TR	COLLEVILLE, TX	76034	901 LEGACY TR
STAR, CHRISTOPHER	8201 RIDGEWOOD LN	COLLEVILLE, TX	76034	8201 RIDGEWOOD LN
LEGACY AT COLLEVILLE LLC THE	PO BOX 92747	SOUTHPLAKE, TX	76082	812 LEGACY TR
LEGACY AT COLLEVILLE LLC THE	PO BOX 92747	SOUTHPLAKE, TX	76082	806 LAGACY TR
TAYLOR, GREGORY	8117 LEGACY TR	COLLEVILLE, TX	76034	8117 LEGACY TR
PROVIDENTIAL LAND DEVELOPMENT	624 STONEGLEN DR	KELLER, TX	76248	6208 LEGACY TR
FORD, DOUGLAS	6200 LEGACY TR	COLLEVILLE, TX	76034	6200 LEGACY TR
PANDALL, MARK R	8111 MUSTANG TR	COLLEVILLE, TX	76034	8111 MUSTANG TR
ISELL, CHRISTOPHER M	504 LIBERTY CT	COLLEVILLE, TX	76034	504 LIBERTY CT
CAPPS, MICHAEL V	8116 LEGACY TR	COLLEVILLE, TX	76034	8116 LEGACY TR
ROSLAND, JAMES W	8107 MUSTANG TR	COLLEVILLE, TX	76034	8107 MUSTANG TR
RODRIGUEZ, JUAN	905 LEGACY TR	COLLEVILLE, TX	76034	905 LEGACY TR
O'NEILL LIVING TRUST	2806 EDGEWOOD LN	COLLEVILLE, TX	76034	8113 LEGACY TR
MCPHERSON, BRAD	14815 STORY LN	FRISCO, TX	75035	6204 LEGACY TR
STEWART, TERRACE	500 LIBERTY CT	COLLEVILLE, TX	76034	500 LIBERTY CT
CHUNG, KRAMER	809 LEGACY TR	COLLEVILLE, TX	76034	809 LEGACY TR
PHILLIP, ANDREW	831 N MULE CT	FORT WORTH, TX	76109	8109 RIDGEWOOD LN
PATRICK CUSTOM HOMES INC	2885 EXCHANGE BLVD STE 112	SOUTHPLAKE, TX	76082	8112 LEGACY ESTATES DR
REM PARK H A INC	PO BOX 343	COLLEVILLE, TX	76034	6021 REMINGTON PKWY
PROVIDENTIAL LAND DEVELOPMENT	624 STONEGLEN DR	KELLER, TX	76248	6116 LEGACY ESTATES DR
REATA BROKERAGE SERVICES LLC	4323 GLOSTER RD	DALLAS, TX	75220	6212 LEGACY TR
CLAREMONT ADDITION	3528 DAVIS BLVD SUITE 134	NORTH RICHLAND HILLS, TX	76182	COURTESY NOTICE
LAVACA TRAIL ESTATES		COLLEVILLE, TX	76034	COURTESY NOTICE
REMINGTON PARK ADDITION	5781 KROGER DRIVE	KELLER, TX	76244	COURTESY NOTICE
ROSEWOOD VILLAS	P.O. BOX 463	COLLEVILLE, TX	76034	COURTESY NOTICE
VILLAS OF COLLEVILLE	9051 AIRPORT FREEWAY SUITE 460	NORTH RICHLAND HILLS, TX	76182	COURTESY NOTICE
KELLER SD	350 KELLER PKWY	KELLER, TX	76248	STATE REQUIRED
GRAPEVINE COLLEVILLE SD	3501 PALM WOODS AVE	GRAPEVINE, TX	76051	STATE REQUIRED
HAMILTON, KEITH	8241 MCDONNELL BLVD	NORTH RICHLAND HILLS, TX	76182	APPLICANT



NOTICE OF PUBLIC HEARING

Zoning Case Number: ZC18-033

Applicant: Keith Hamilton

Owner: Omerta Cos II LP

Location: 712 – 810 Lavaca Trail

Property Description: Lot C, McEwing Subdivision & 1B02A, 1B2, 1B3, and 1B4, Abstract 1154, in the R H McEwing Survey

Present Zoning: R-40 Single Family Residential

Request: Consideration of a zoning change from R-40 Single Family Residential district to R-20 Single Family Residential district. The purpose is to subdivide the 3 properties into 25 single-family residential lots and 5 open spaces. The zoning map incorrectly shows the R-20 zoning on 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

Letter from Applicant

Subject: FW: Zoning Case Number ZC18-033 (712- 810 Lavaca Trail)

From: "Christopher Derganc"

Date: October 5, 2018 at 10:28:36 PM CDT

To: ""Kosse Maykus""

Cc: <smathisencpa@gmail.com>, ""Rosewood Villas HOA"" , ""Coy Garrett""
""Richard Durbin""

Subject: RE: Zoning Case Number ZC18-033 (712- 810 Lavaca Trail)

Kosse,

I just resent to you the email we sent on September 25th in response to your initial email. I didn't send it to Ms. Mathisen as it doesn't relate to the current zoning proposal.

Thanks,
Chirs

From: Kosse Maykus >
Sent: Friday, October 5, 2018 9:44 PM
To: Christopher Derganc
Cc: smathisencpa@gmail.com; Rosewood Villas HOA Coy Garrett
< >; Richard Durbin
Subject: Re: Zoning Case Number ZC18-033 (712- 810 Lavaca Trail)

Christopher,

The last communication I have are these items that I sent the day after we met:

Thank you for meeting yesterday. It's very obvious you care about your neighborhood and the preservation of its resources. These are the items I believe we agreed that I would include in my neighborhood:

- The existing trees on lots 6-9 within 20 feet adjacent to rosewood Villas will be preserved.
- We will install a "row" of Live Oaks with 30 foot spacing where no trees currently exist. These trees are being placed to minimize the visual impact of the new homes and to minimize the views from your trail looking down to these backyards
- We will agree, if possible, to install a "hedge" of shrubbery to minimize the visual impact of the new homes and to minimize the views from your trail looking down to these backyards
- Any installation of additional plantings, any preservation of existing trees, or any agreements made between Hat Creek Development and the Rosewood Villas will be placed in Legacy North's deed restrictions and will be subject to Legacy North HOA enforcement.
- Hat Creek Development and Rosewood Villas HOA will enter into a formal letter agreement outlining any agreements made. A condition of the agreement to install these additional amenities and place additional requirements on the Legacy North neighborhood will be Rosewood Villas agreement to not oppose any approvals that may be required to entitle Legacy North.

In addition, I did have my surveyor locate the existing retaining wall between our properties. The wall is on the property line. The fence on top of the wall is correctly placed. Therefore it is correct to use "natural" means to help the privacy.

Kosse Maykus

Cell: 817.991.8182

Letter from Applicant

Letter of Opposition

Araceli Botello

Subject: FW: Proposed Development on Lavaca Trail

From: Nanette Love

Sent: Friday, October 5, 2018 12:38 PM

To: Ben Bryner <BBryner@colleyville.com>

Subject: Proposed Development on Lavaca Trail

Hi Ben! My name is Nanette Love, and I am a resident in Remington Park here in Colleyville.

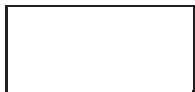
I wanted to share what I am hearing regarding the new development on Lavaca Trail. From my understanding the property is currently zoned as R40, however, I am hearing the developer is more in line with developing as R20, which is a higher density development.

My main concern is that Lavaca Trail can not support the higher density plan from a pure traffic standpoint. We are already seeing more cut through traffic in Remington Park, and developing as R20 vs. R40 will only add to this and create even more congestion to the area.

Believe me, I am all for new construction in our beautiful city, but I am requesting that the city of Colleyville consider how this new development (and all new developments) will impact our existing neighborhood and maintaining the quality of the surrounding areas. I personally think developing with larger lots with less density is best for our city and this particular area.

Please feel free to give me a call, and thank you in advance for your taking the time to read this email.

Nanette Love
Realtor
Keller Williams Realty DFW
cell: 817.602.4101



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Letter of Opposition

Araceli Botello

Subject: FW: Lavaca

-----Original Message-----

From: Kristi

Sent: Friday, October 5, 2018 1:40 PM

To: Ben Bryner <BBryner@colleyville.com>

Cc: Kevin McIntosh

Subject: Lavaca

I heard you are considering making a home development on Lavaca across from The Legacy with smaller lots. I am a resident of The Legacy & just moved in. I would hate to think that beautiful property with amazing trees & green space is being torn down for homes without comparable lots to The Legacy. This was the initial plan according to what I read. I do not agree with this movement.

Kristi McIntosh

Sent from my iPhone

Letter of Opposition

Araceli Botello

Subject: FW: Development off LaVaca behind Remington Park

-----Original Message-----

From: Tina Anderson

Sent: Friday, October 5, 2018 3:06 PM

To: Ben Bryner <BBryner@colleyville.com>

Subject: Development off LaVaca behind Remington Park

We strongly oppose the rezoning of the above referenced tract of land for higher density homes. Our neighborhood is already overrun with speeding pass thru traffic creating a safety hazard for our children. Additionally, during morning commute hours, it is already nearly impossible to exit RP at either the north or south entrances.

Tina And Greg Anderson

509 Belmont

Colleyville

Letter of Opposition

Araceli Botello

Subject: FW: Zoning Case: ZC18-033

Importance: High

From: Walt Mills

Sent: Monday, October 8, 2018 7:03 AM

To: Ben Bryner <BBryner@colleyville.com>

Cc:

Subject: Zoning Case: ZC18-033

Importance: High

Case: ZC18-033

Applicant: Keith Hamilton

Location 712-810 Lavaca Trail

I am strongly opposed to zoning this area to a lower density of R-20. Given the new development already in place and yet to be fully developed along with the vast amount of additional deep farm land along Lavaca Trail, increasing the density to R-20 will be a traffic disaster for businesses and our community. Currently, without a light at Precinct Line, the traffic patten will certainly be through Remington Park. This long term dramatic increase in traffic will be dangerous to our children and other pedestrians. Remington Park has a very long walking trail which often crosses the many streets in Remington Park. This trail connects to the Cotton Belt Trail, used by many residents in the adjoining neighborhoods as well as Remington Park residents. Scooter and bicycle users also enjoy the trails and streets of Remington Park and adding a high density development with the prospect of additional neighborhoods along Lavaca just doesn't make sense.

One might also argue that the notice was poorly worded to end with "the map incorrectly shows R-20 zoning on the property." Thus, burying the lead of high density homes. Moreover, many of the recipients reading the document do not understand the difference between R-20, R-30, R-40 or PUD.

Respectfully,

Walt Mills

404 Vintage Ct.

Remington Park HOA

Walt Mills

Photos By Walt

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 817-271-0353



Letter of Opposition

Araceli Botello

Subject: FW: Zoning Case: ZC18-033- Additional Information

From: Walt Mills

Sent: Monday, October 8, 2018 7:29 AM

To: Ben Bryner <BBryner@colleyville.com>

Cc:

Subject: Zoning Case: ZC18-033- Additional Information

Case: ZC18-033

Applicant: Keith Hamilton

Location 712-810 Lavaca Trail

Refreshing my memory on R-20 property, I ran across the following description from the City of Colleyville Land Development Code, 2015. One could hardly describe 712-810 (West) Lavaca Trail as “inner urbanized” or anything near this definition or “adjacent to shopping facilities.” Nor does it appear to even the casual observer as “the inner area of the city.”

Section 3.12

Purpose and Intent – The purpose and intent of the R20 - Single-Family Residential District is to provide for compatible land, building, and structural uses primarily oriented to medium-low density residential purposes, open space uses, and selected community facility uses. The locational characteristics of this district are generally found in the inner urbanized developed areas of the city, adjacent to shopping facilities. Land uses in this district are normally connected to an approved public or private sewage collection and treatment system, rather than individual septic tanks and sub-surface drainage fields. Moderately low density detached single-family residential dwellings as exist in the inner area of the city comprise the principal elements of the district. It is further the intent to use this district and its regulations to accommodate and recognize the existence of small lot conventional single-family development, which presently exists in the city,

Respectfully,

Walt Mills

404 Vintage Ct.

Remington Park

Walt Mills

Photos By Walt

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☎ 817-271-0353



Letter of Support

Rosewood Villas Homeowners' Association Legacy North Development Committee

**P.O. Box 463
Colleyville, Texas 76034**

Planning and Zoning Commission
c/o Community Development Department
City of Colleyville
100 Main Street
Colleyville, Texas 76034

October 5, 2018

Re: Zoning Case Number ZC18-033 (712 -810 Lavaca Trail)

Dear Commissioners:

On September 11 we sent to City of Colleyville staff the attached documents in connection with the proposed development of the subject property. As you will note in reading these documents, we expressed several concerns with respect to the proposed Legacy North development and asked a question regarding the zoning of this property.

Although we would like you to be aware of our concerns with respect to the proposed Legacy North development, we have no objection to rezoning the subject property to R20. Kosse Maykus has created a beautiful neighborhood in the adjacent Legacy subdivision and we are pleased that he will be the developer of Legacy North.

Since the submission of our original letter, we have met and exchanged emails with Mr. Maykus regarding our most significant concern, the lack of a landscape buffer between Legacy North lots and Rosewood Villas' common recreation area in the original plat submitted by Mr. Maykus.

Based on that meeting, we believe that Mr. Maykus is willing to install such a buffer and is working with us in good faith to resolve this issue in a manner that will benefit both subdivisions.

Thank you.

We very much appreciate your time and consideration.

Very truly yours,

Rosewood Villas HOA Legacy North Development Committee

Note: Please use the following contact information for all communication with the HOA on this matter:

Email: _____ with a copy to _____

Telephone: Christopher Derganc (817) 437-1971

Letter of Support

Rosewood Villas Homeowners' Association

Attachment 1

12/05/2006 City Council Agenda Briefing re: Colleyville Ordinance 0-06-1600

Page 1

Rosewood Villas Homeowners' Association

Legacy North Development Committee

P.O. Box 463

Colleyville, Texas 76034

Ms. Jacquelyn Reyff, AICP
Principal Planner
City of Colleyville
100 Main Street
Colleyville, Texas 76034

Re: Proposed Legacy North Development

September 11, 2018

Dear Ms. Reyff:

We represent the Rosewood Villas HOA ("RWV"). We learned recently that Kosse Maykus has submitted to the City a preliminary plat for the "Legacy North" development, to be located along Lavaca Trail on Tracts 1B2, 1B2A and 1B4 of the RH Mc Ewing Survey and Lot C and A Tract 1B3 of the Mc Ewing Subdivision.

We have examined the preliminary plat and supporting documents and spoken with City staff regarding this proposed development, which will have a direct impact on our HOA. We thought it would be helpful to make you aware of our concerns with respect to this proposed development prior to the initial P&Z meeting.

Background

The Rosewood Villas HOA southern property line runs along a substantial portion of the proposed Legacy North's northern property line. The entire southern portion of our property consists of the HOA's only recreational area and includes our beautiful tree lined ponds and walking path. It is an area frequently used by residents and their guests for recreational walking and fishing in our stocked ponds. It is also the principal site for HOA functions. Listed below are the specific attributes of the recreational area we believe most relevant to the proposed development:

- A wrought iron fence runs along our entire southern property line.
- Our walking path is situated approximately 3 feet from this fence.
- There are several relatively mature trees immediately to the south of our property line that provide shade to our walking path and screen our common area.
- Our property is at grade with the Legacy North property at the eastern end but increases to 3 - 4 feet above grade along most of the property line.
- Our pond system partially overflows onto the proposed Legacy North property.

A central feature of our small-lot villas neighborhood, this recreational area is also a key selling feature of RWV. It enhances the value of all properties within RWV and is highlighted in virtually every sales listing. We hope that the new development will compliment this area, rather than detract from it.

Letter of Support

Rosewood Villas Homeowners' Association

Attachment 1

12/05/2006 City Council Agenda Briefing re: Colleyville Ordinance 0-06-1600

Page 2

Re: Proposed Legacy North Development

September 11, 2018

Page 2

Concerns with Proposed Legacy North Development

1. Lack of Landscape Buffer Between Legacy North and Rosewood Villas

Our principal concern is the lack of a landscape buffer between Legacy North and RWV.

The preliminary Legacy North plat shows lots placed directly along our southern property line. We believe such a placement will adversely impact the aesthetic beauty of our recreational area. It will also adversely impact the privacy and potentially the value of the Legacy North properties bordering this recreational area.

Leaving just the wrought iron fence in place will expose these properties to common area activities of another development, as well as to the backyards of the RWV homes lining the pond system. It will also fundamentally change the character of our recreational area.

Installing a wood or masonry wall directly against the existing RWV wrought iron fence seems to be not only inappropriate but will require the removal of several mature trees and destroy the aesthetic beauty of the RWV recreational area. In fact, we would not even be able to soften the impact of such a wall with landscaping due to the limited space between the existing fence and walking path.

Therefore, we would very much prefer that the developer add a landscape buffer along the north-south border of our properties.

This is the approach Mr. Maykus is proposing with respect to the Legacy North border with Remington Park (which also includes a walking path). It is also the approach used in the original Legacy development along the Remington Park border. We see no reason why our neighborhood should not be treated in a similar manner.

Furthermore, along the RWV eastern border with Remington Park, our developer included an approximately 30-foot common area buffer/drainage easement and, as an accommodation to Remington Park, agreed to limit all homes along this border to one story. On our western border with the Villas of Colleyville, both developers employed approximately 20-foot common area buffer zones, resulting in a substantial distance between the houses. Therefore, adding a similar buffer along our southern Property line is in keeping with the existing development and will protect homeowners of both Legacy North and RWV.

2. Drainage

The preliminary Legacy North plat reflects the removal of the existing pond on the subject property and channels all runoff water, including overflow from the RWV pond system, directly onto Lavaca Trail. We are concerned that this approach will lead to excessive runoff onto Lavaca Trail and urge the City to retain the existing or similar pond.

Furthermore, the existing pond/wetland area seems to have been in place for many years. Since at least the very early 2000s, when RWV was developed, this area has never been dry. It serves as a habitat for numerous species of birds, reptiles and mammals. We urge to City to take all appropriate action to protect and retain this valuable wetland area.

Letter of Support

Rosewood Villas Homeowners' Association

Attachment 1

12/05/2006 City Council Agenda Briefing re: Colleyville Ordinance 0-06-1600

Page 3

Re: Proposed Legacy North Development

September 11, 2018

Page 3

3. Tree Preservation

There is substantial tree canopy coverage on the eastern half of the Legacy North property. We assume you will require the developer to submit a tree preservation plan in compliance with Section 5 of the Colleyville Land Development Code and would appreciate the opportunity to review this plan when available. We would also like to note that the landscape buffer we are proposing would certainly help the developer in meeting the tree preservation requirement.

4. Density and Open Space

Although the original Legacy development set aside a significant portion of its land as open space, we see no similar open space or trail system in the preliminary plat for Legacy North. We assume you will address this issue in your review and would appreciate it if you would update us regarding its disposition. Again, the landscape buffer would also help the developer to meet any open space requirements.

5. Zoning Issue

Finally, the preliminary plat prepared by Mr. Maykus assumes the subject property is zoned R20, which is consistent with the current Colleyville zoning map. However, as the attached Agenda Briefing for City Council's consideration of Colleyville Ordinance 0-06-1600 on December 5, 2006 clearly indicates, the prior owner's application to rezone this property from R40 to R20 was denied by P&Z. It also indicates the applicant elected not to appeal this denial.

We are within the notification area for any such rezoning request and are unaware of a subsequent effort to rezone this property. Therefore, it is our belief that this property is, in fact, zoned R40. We would appreciate it if you would either confirm our understanding or provide us with documentation indicating a subsequent rezoning to R20.

Absent confirmation of a rezoning of this property to R20, we ask either that Mr. Maykus revise his plat to reflect the correct zoning of this property or the City take these parcels through the appropriate rezoning process.

Thank you. We very much appreciate your time and consideration on this matter.

Very truly yours,

Rosewood Villas HOA Committee on Legacy North Development

Please use the following contact information for all communication with the HOA:

Email: _____ with a copy to

Telephone: Christopher Derganc (817) 437-1971

Letter of Support

Rosewood Villas Homeowners' Association

Attachment 2

Letter to City Staff September 11, 2018

Page 1



City of Colleyville Agenda Briefing

100 Main Street
Colleyville, Texas 76034
(817) 503-1000
www.colleyville.com

File Number: O-06-1600

File Number: O-06-1600	File Type: Ordinance	Status: First Reading
Version: 1	Agenda Date: 12/05/2006	Controlling Body: City Council
Requester: Community Development Department	Agenda No.: 6a	Final Action:
File Name: Approval of a Request for a Special Use Permit on 17 acres out of the R.N. McEwing Survey and the McEwing Addition located at 712-900 Lavaca Trail, Case Z-06-027		
Attachments: Location and Zoning Map • List of Property Owners Notified • Zoning Exhibits • Ordinance O-06-1600		

History of Legislative File

Version:	Date:	Acting Body:	Action Text:
1	11/13/2006	Planning and Zoning Commission	
1	12/05/2006	City Council	

Title

Approval of a Request for a Special Use Permit on 17 acres out of the R.N. McEwing Survey and the McEwing Addition located at 712-900 Lavaca Trail, Case Z-06-027

Explanation

First Reading and Public Hearing

Jeffrey Zimmerman has submitted a request for consideration of a Special Use Permit (SUP) to allow grazing animals on 17 acres of land located on the north side of Lavaca Trail, approximately 275 feet west of Mustang Trail. The property is currently zoned R40-Single Family Residential.

The applicant originally submitted a request to rezone the property from the R40-Single Family Residential zoning district to the R20-Single Family Residential zoning district in conjunction with the SUP request. The Planning and Zoning Commission denied the R20 rezoning request and approved the SUP request. The applicant did not appeal the zoning request to City Council, therefore only the SUP request is being considered by the City Council. The Planning and Zoning Commission recommended approval of the SUP by a vote of 5-2.

Request. SUP to allow grazing animals on the property.

Location. The 17 acres is located at 712-900 Lavaca Trail.

Special Use Permit. The applicant is requesting approval of a SUP to allow grazing

Letter of Support

Araceli Botello

Subject: FW: Legacy North Planning and Zoning

From: Bryan Yelverton
Sent: Monday, October 8, 2018 3:23 PM
To: Ben Bryner <BBryner@colleyville.com>
Subject: Legacy North Planning and Zoning

Members of the Planning and Zoning Committee:

My name is Bryan Yelverton and I currently reside at 708 Lyndsey Way in Colleyville, Texas. I purchased this lot in 2016 in current development, The Legacy. I am in support of Hat Creek Development continuing to develop The Legacy North project which calls for 25 1/2 acre home sites. I feel that this proposal is in line with all surrounding neighborhoods in this area and will add value to all of the surrounding neighborhoods. I was about the 4th person to purchase a lot in early 2016 and I have seen the development grow at an amazing pace. There is a high demand for 1/2 acre home sites in this area.

They have done a wonderful job with our neighborhood and have been responsive to the concerns of both the residents and the builders. Maykus Custom Homes, Providential Custom Homes, and Larry Stewart Custom Homes build beautiful custom homes and I would like to see more of these quality homes in this area. The 25 1/2 acre lots to be developed is in line with our neighborhood and all of the surrounding neighborhoods in this area. As a homeowner, selfishly, I am interested in improving property values around my home. I feel that the planned Legacy North project will add great value to my home and the city of Colleyville by providing this area with quality custom homes.

Please do not hesitate to contact me if I can be of further assistance to the zoning committee.

Sincerely,

Bryan C. Yelverton, MD
US Anesthesia Partners
Arlington Division
(c) 972-523-0009

Letter of Support

Araceli Botello

Subject: FW: Legacy North Planning and Zoning

From: Matt Colby

Sent: Tuesday, October 9, 2018 7:32 AM

To: Ben Bryner <BBryner@colleyville.com>

Subject: Legacy North Planning and Zoning

Members of the Planning and Zoning Committee,

My name is Matthew Colby, and my family and I live at 700 Lyndsey Way in Colleyville, TX, in the Legacy development. We are in full support of the development of 25 ½ acre sites in the Legacy North project that Hat Creek Development is currently proposing.

As a property owner within and tax payer to the city of Colleyville, it is important to me that the integrity of our community is preserved by developing these sites with reputable custom builders like Maykus Custom Homes, Larry Stewart Custom Homes, and Providential Custom Homes. These builders hold themselves to a higher standard of excellence in all they do, and are deeply engrained in the communities where they build. The approval of the Legacy North Project's proposed 25 ½ acre home sites is in the best interest of the homeowners in the surrounding area, and ultimately that of the City of Colleyville.

If there is any way for me to further support the efforts of Hat Creek Development in The Legacy North project, please let me know. It is of great interest to the homeowners in our community that we see this project in the hands of those who have served us well in their efforts to protect the value of our homes and the integrity of the community in which we reside.

Best regards,

Matt Colby

MATT COLBY *Vice President*

214.838.5250 | DIRECT

713.870.4778 | MOBILE

1500 SOLANA BLVD., BLDG. 4, SUITE 4500
WESTLAKE, TEXAS 76262

www.goosehead.com |



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Letter of Support



Please consider the environment before printing this e-mail

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Letter of Support

Araceli Botello

Subject: FW: The Legacy North

-----Original Message-----

From: Brad McPherson

Sent: Wednesday, October 10, 2018 8:49 AM

To: Ben Bryner <BBryner@colleyville.com>

Subject: The Legacy North

Good Morning Mr. Bryner,

I hope this finds you well. I am writing you this morning to show my support on the development of The Legacy North. I was not able to attend the meeting on Monday, but as a future resident of The Legacy...in 3 months, I would like to see a similar neighborhood with ½ acre lots, along with the same quality of homes/builders.

We purchased our lot in The Legacy in 2017 after searching Colleyville, Southlake and Westlake. We are moving from Frisco to be closer to family, but ultimately, one of our main goals was to build a custom home in an area surrounded by custom homes on ½ acre lots. The vibe is luxury homes with a country and secluded feeling..This was impossible to find in Frisco given most developments are production builders on 7000 sq. ft lots.

I have spoken with several neighbors across Lavaca along with my parents and their neighbors in Remington Park. There does not seem to be any pushback or negative feedback about the development of The Legacy North, based on my conversations. The common response I've heard is that the development group invest some money into the entrance, fences, etc., and maintain the grounds as long as they are overseeing the HOA.

I approve the development of The Legacy North and hope you and your team can support this future subdivision. Thank you for your time and consideration.

Thanks,
Brad

Brad McPherson
HealthMark Group
325 N. Saint Paul Street
Suite 1650
Dallas, TX 75201
Office (214) 764.9122
Mobile (214) 458.6629
Fax (800) 833.5935

Subject: FW: Zoning Case Number ZC18-033 (712-810 Lavaca Trail)

From: Doug Wiseman
Sent: Sunday, October 21, 2018 8:23 PM
To: Ben Bryner <BBryner@colleyville.com>
Subject: Zoning Case Number ZC18-033 (712-810 Lavaca Trail)

Dear Commissioners:

Our names are Doug and Theresa Wiseman and we reside at 808 Lyndsey Way, in the Legacy. My husband and I searched for a long time for the perfect location to build our home after living in our previous home for 32 years in Bedford. We chose this subdivision and Colleyville because of the location, the walking trails, and surrounding subdivisions with similar lot sizes and pricing. While building our house we met many individuals walking through our gated community from the surrounding subdivision, creating a sense of community for us. When we purchased our land, we understood this land would someday be developed.

Maykus Customs Homes built our home and went beyond our expectations regarding their integrity and high standards. I am sure the developer will meet the expectations of the individuals in the surrounding subdivisions. We agree for Hatcreek Development to develop this land as R20 lots.

One concern on the video of the Planning and Zoning meeting on October 8, 2018 was the traffic going through Remington Park. It is very hard to enter Precinct Line Road at various times of the day. This is going to be a concern going forward because the lights are timed right now and once the commuter train starts running the lights won't be timed. Also, there is a new subdivision being developed across Precinct Line at Lavaca Trail in North Richland Hills. This will make it even more difficult to enter Precinct Line Road.

A traffic light needs to be considered in the future as the traffic flow continues to increase on Precinct Line Road. A light would decrease the traffic in the Remington Park.

Thank you for your consideration in this matter.

Theresa and Doug Wiseman

Sent from my iPad

Araceli Botello

Subject: FW: Lavaca Trail Development

-----Original Message-----

From: Sonia Bilderback

Sent: Sunday, October 21, 2018 9:08 PM

To: Ben Bryner <BBryner@colleyville.com>

Cc: Eason Maykus

Subject: Re: Lavaca Trail Development

Mr. Bryner,

We will be in attendance at the City Hall meeting, Monday, October 22nd in support of the proposed Maykus Development on Lavaca Trail. In keeping with all the requests from City leaders to support Colleyville, especially with Highway 26 construction, it seems only right to keep the development with home town folks rather than a National company. They are the ones that support the doctors, grocery stores and restaurants here locally.

We desire to have the development uniform like the one we live in across the street, The Legacy. The trees, walking paths that the Maykus Company propose are more in keeping with the country feel of Lavaca.

We have lived in this close area including Remington Park since 2006.

Thank you for your time and consideration.

Jimmy and Sonia Bilderback

The Legacy

6105 Ridgewood Lane

Colleyville 76034

Araceli Botello

Subject: FW: Letters from Rosewood Villas Homeowners re: Zoning Case ZC18-033
Attachments: Zoning Case ZC18-033 Rosewood Villas Letters.pdf

From: Christopher Derganc
Sent: Friday, October 19, 2018 2:47 PM
To: Ben Bryner <BBryner@colleyville.com>
Cc: smathisencpa@gmail.com; 'Kosse Maykus' <> 'Rosewood Villas HOA' <>; Coy Garrett <>; 'DURBIN' <>
Subject: Letters from Rosewood Villas Homeowners re: Zoning Case ZC18-033

Mr. Bryner,

Attached to this email is a pdf containing scans of letters from Rosewood Villas homeowners in support of the proposed rezoning. We'll drop off the originals on Monday in order to give our remaining homeowners an opportunity to submit a letter.

Thank you.

Chris Derganc
Rosewood Villas HOA Committee on Legacy North Development

Rosewood Villas
Colleyville, Texas

Planning and Zoning Commission
c/o Community Development Department
City of Colleyville
100 Main Street
Colleyville, Texas 76034

October 15, 2018

Re: Zoning Case Number ZC18-033 (712 -810 Lavaca Trail)

Dear Commissioners:

We are homeowners in the Rosewood Villas subdivision, located directly north of the referenced property, and would like to express our support for the proposal to rezone this property to R20.

It seems to us that it would be unfair to the property owner not to grant this rezoning request, as there is R20 zoning directly to the south and east and the higher density PUD zoning directly to the north and west of this property.

A decision like this is can be difficult and is often based only on a conceptual drawing. However, in this case there is a full-scale example of what the proposed neighborhood will look like directly across the street. The original Legacy is a beautiful neighborhood and we are confident that Legacy North will be equally beautiful.

In addition, the proposed developer of this property, Kosse Maykus, is a local resident who has built homes in this area for more than 40 years - his livelihood is dependent on his reputation within the local community. We also understand that Mr. Maykus intends to use only local custom builders to build homes in Legacy North.

As you are aware, our homeowners' association has been actively engaged in negotiations with Mr. Maykus regarding an appropriate buffer between our properties. It is our understanding that Mr. Maykus has been open and professional in these discussions and is willing to address our concerns.

We are also very concerned that if you do not grant this rezoning proposal and Mr. Maykus is forced to abandon this development, a national production builder with lower standards and little investment in the local community may replace him. This would be the worst possible outcome both for Rosewood Villas and Colleyville.

Therefore, we again urge you to approve this rezoning request with Kosse Maykus as developer. This will ensure that a local developer will use local builders - who depend on their local reputations - to create a beautiful neighborhood making Colleyville even more desirable than it is now.

Thank you for your consideration.



Signatures

SEAN BROWN

Print Names

701 ARCADE LN. COLLEYVILLE, TX 76034

Address

Rosewood Villas
Colleyville, Texas

Planning and Zoning Commission
c/o Community Development Department
City of Colleyville
100 Main Street
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Print Names



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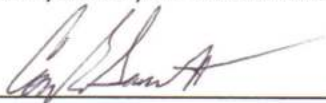
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Print Names







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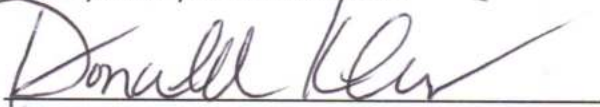
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Signatures



DONALD KLEIN

Print Names

DEBORAH KLEIN

721 Arcady Ln., Colleyville, 76034

Address

Rosewood Villas

Colleyville, Texas

Planning and Zoning Commission
c/o Community Development Department
City of Colleyville
100 Main Street
Colleyville, Texas 76034

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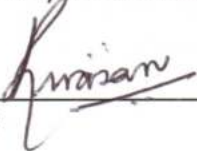
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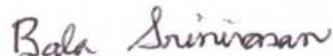
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Signatures

ALAGIRY SRINIVASAN

Print Names



Signatures

BALA SRINIVASAN

6419, Bordeaux Park, Colleyville, TX 76034

Address

Rosewood Villas

Colleyville, Texas

Planning and Zoning Commission
c/o Community Development Department
City of Colleyville
100 Main Street
Colleyville, Texas 76034

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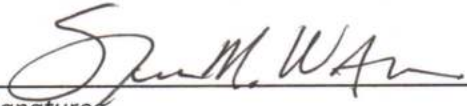
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Thank you for your consideration.



Signatures

STEVEN M. WADE

Print Names



Sandra L Wade

6504 Bordeaux Park, Colleyville

Address

Rosewood Villas
Colleyville, Texas

Planning and Zoning Commission
c/o Community Development Department
City of Colleyville
100 Main Street
Colleyville, Texas 76034

October 15, 2018

Re: Zoning Case Number ZC18-033 (712 -810 Lavaca Trail)

Dear Commissioners:

We are homeowners in the Rosewood Villas subdivision, located directly north of the referenced property, and would like to express our support for the proposal to rezone this property to R20.

It seems to us that it would be unfair to the property owner not to grant this rezoning request, as there is R20 zoning directly to the south and east and the higher density PUD zoning directly to the north and west of this property.

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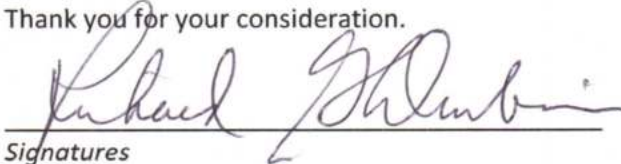
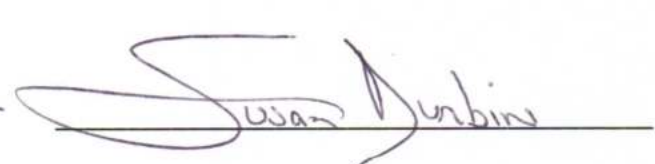
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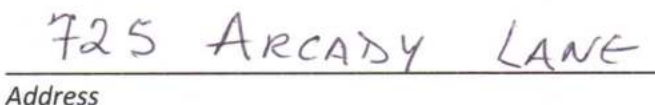
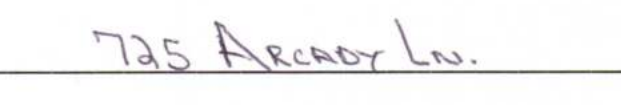
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Signatures

Print Names

Address

Rosewood Villas
Colleyville, Texas

Planning and Zoning Commission
c/o Community Development Department
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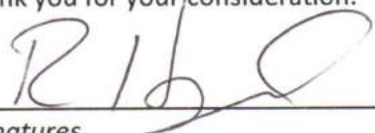
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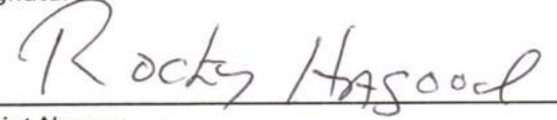
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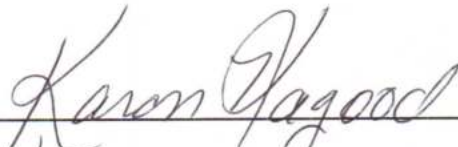
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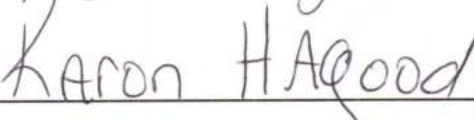
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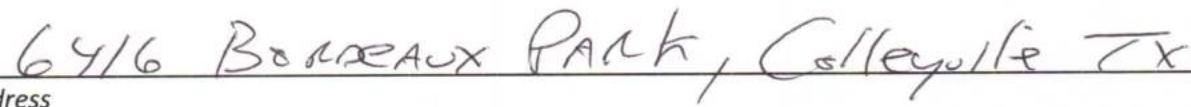
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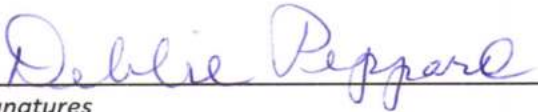
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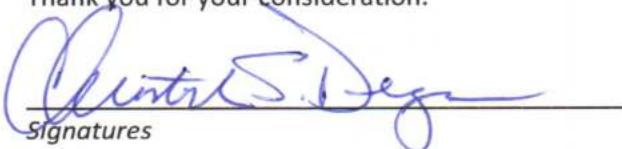
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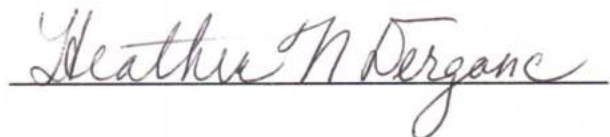
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Thank you for your consideration.


Signatures



CHRISTOPHER DERGAN
Print Names

Heather N Derganc

705 ARCADE LN, COLLEYVILLE, TX 76034
Address

Rosewood Villas
Colleyville, Texas

Planning and Zoning Commission
c/o Community Development Department
City of Colleyville
100 Main Street
Colleyville, Texas 76034

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Thank you for your consideration.

Please approve this rezoning request!

Kathleen M. Boone

Signatures

Kathleen M. Boone

Print Names

6423 Bordeaux Park *Colleyville, TX 76034*

Address

Rosewood Villas
Colleyville, Texas

Planning and Zoning Commission
c/o Community Development Department
City of Colleyville
100 Main Street
Colleyville, Texas 76034

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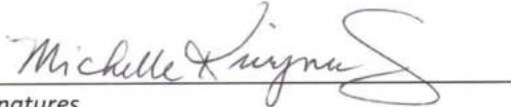
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Signatures


Michelle Krijnenburg

Print Names


Cor Krijnenburg

Address

6402 Lorraine Park Colleyville TX 76034

Rosewood Villas
Colleyville, Texas

Planning and Zoning Commission
c/o Community Development Department
City of Colleyville
100 Main Street
Colleyville, Texas 76034

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Signatures



NORMAN ROUILLIER
Print Names

ADORA ROUILLIER

713 ARCADEY LANE, COLLEYVILLE TX 76034
Address

Rosewood Villas
Colleyville, Texas

Planning and Zoning Commission
c/o Community Development Department
City of Colleyville
100 Main Street
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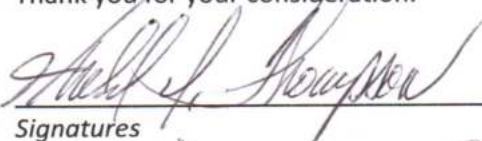
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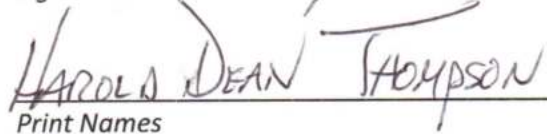
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6401 Lorraine Park 76034

Address

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Colleyville, Texas

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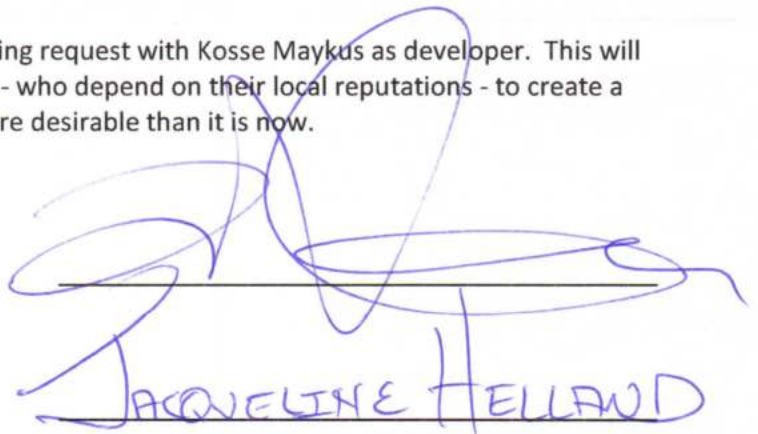
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Signatures

Jerome Helland

Print Names



JACQUELINE HELLAND

6509 Lorraine Park

Address

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Planning and Zoning Commission
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Thank you for your consideration.

Bob Larimore

Signatures

Ernie Larimore

Bob Larimore

Print Names

Ernie Larimore

6500 Bardeaux Park, Colleyville, TX 76034

Address

10-17-18

Rosewood Villas
Colleyville, Texas

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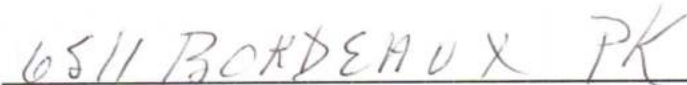
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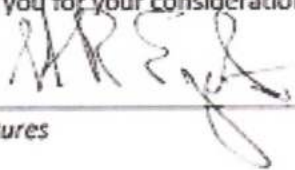
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Signatures

H. ROBERT EPLEY

Print Names

6417 LORRAINE PARK, COLLEYVILLE, TX 76034

Address

Rosewood Villas
Colleyville, Texas

Planning and Zoning Commission
c/o Community Development Department
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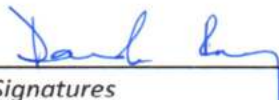
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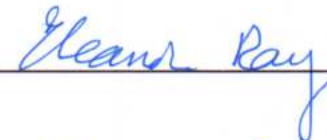
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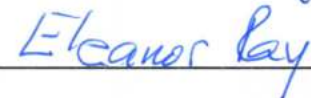


Signatures



Print Names







Address

Rosewood Villas

Colleyville, Texas

Planning and Zoning Commission
c/o Community Development Department
City of Colleyville
100 Main Street
Colleyville, Texas 76034

October 15, 2018

Re: Zoning Case Number ZC18-033 (712 -810 Lavaca Trail)

Dear Commissioners:

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Willie A. Fonder

Signatures

Willie A. Fonder

Print Names

6410 Lorraine Park - Colleyville, TX 76034

Address

Rosewood Villas
Colleyville, Texas

Planning and Zoning Commission
c/o Community Development Department
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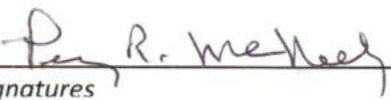
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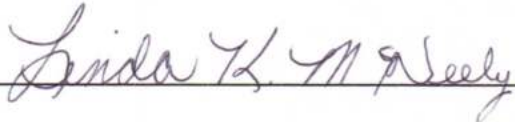
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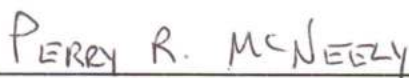
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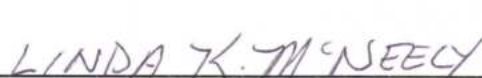
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Print Names



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Print Names

16405 Lorraine Park Colleyville, TX 76034

Address

Rosewood Villas
Colleyville, Texas

Planning and Zoning Commission
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Signatures

JENIFFER VARLEY

Print Names

641 Bordeaux Park Colleyville 76034

Address

Rosewood Villas
Colleyville, Texas

Planning and Zoning Commission
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City of Colleyville
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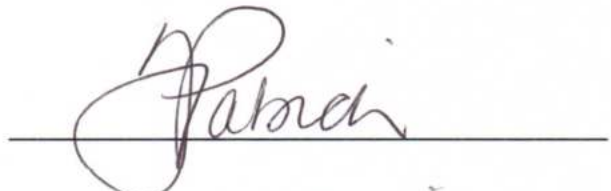
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Signatures

Edward Fabien

Print Names



Faerie Fabien

Print Names

6505 Lorraine Park Colleyville 76034

Address

Rosewood Villas
Colleyville, Texas

Planning and Zoning Commission
c/o Community Development Department
City of Colleyville
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Signatures



Robert Chopsuk

Print Names

Sandra Timma

6400 Bordeaux Park, Colleyville, TX 76034

Address

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Signatures



PATRICK DOWNEY

Print Names

LINDA L. DOWNEY

6518 LORRAINE PARK - COLLEYVILLE, TX. 76034

Address

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Colleyville, Texas

Planning and Zoning Commission
c/o Community Development Department
City of Colleyville
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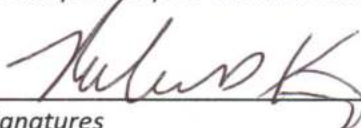
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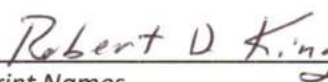
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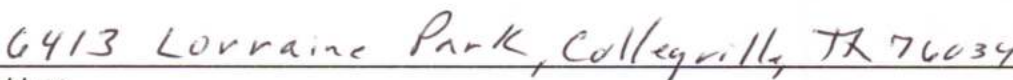
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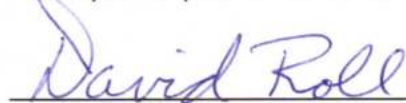
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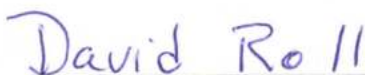
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Signatures

Jim LaBounty

Print Names



ANGELA LABOUNTY

6507 BORDEAUX PARK COLLEYVILLE, TX 76034

Address

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Colleyville, Texas

Planning and Zoning Commission
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Signatures



JERRY DON DAVIS
Print Names

Dean Davis

6421 LORRAINE PARK
Address

6421 Lorraine Park

Rosewood Villas
Colleyville, Texas

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In addition, the proposed developer of this property, Kosse Maykus, is a local resident who has built homes in this area for more than 40 years - his livelihood is dependent on his reputation within the local community. We also understand that Mr. Maykus intends to use only local custom builders to build homes in Legacy North.

As you are aware, our homeowners' association has been actively engaged in negotiations with Mr. Maykus regarding an appropriate buffer between our properties. It is our understanding that Mr. Maykus has been open and professional in these discussions and is willing to address our concerns.

We are also very concerned that if you do not grant this rezoning proposal and Mr. Maykus is forced to abandon this development, a national production builder with lower standards and little investment in the local community may replace him. This would be the worst possible outcome both for Rosewood Villas and Colleyville.

Therefore, we again urge you to approve this rezoning request with Kosse Maykus as developer. This will ensure that a local developer will use local builders - who depend on their local reputations - to create a beautiful neighborhood making Colleyville even more desirable than it is now.

Thank you for your consideration.

DocuSigned by:
Fran W. Hoover
E2383F2320FC4BA...
Signatures

DocuSigned by:
Fran W. Hoover
E2383F2320FC4BA...
Print Names

6414 Lorraine Park

Address

DocuSigned by:
E.L. Hoover
5D510405A8584CE...

DocuSigned by:
E.L. Hoover
5D510405A8584CE...

6414 Lorraine Park

10/16/2018

Rosewood Villas
Colleyville, Texas

Planning and Zoning Commission
c/o Community Development Department
City of Colleyville
100 Main Street
Colleyville, Texas 76034

October 15, 2018

Re: Zoning Case Number ZC18-033 (712 -810 Lavaca Trail)

Dear Commissioners:

We are homeowners in the Rosewood Villas subdivision, located directly north of the referenced property, and would like to express our support for the proposal to rezone this property to R20.

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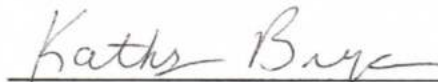
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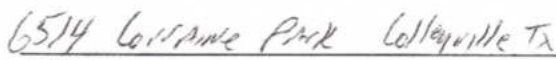
Signatures



Print Names







Address

Rosewood Villas
Colleyville, Texas

Planning and Zoning Commission
c/o Community Development Department
City of Colleyville
100 Main Street
Colleyville, Texas 76034

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Thank you for your consideration.



Signatures

AUBRA PALMER

Print Names

406 LORRAINE PARK

Address



Signatures

JAYNE PALMER

Print Names

6406 LORRAINE PARK

Address

Rosewood Villas
Colleyville, Texas

Planning and Zoning Commission
c/o Community Development Department
City of Colleyville
100 Main Street
Colleyville, Texas 76034

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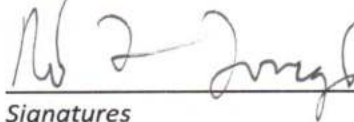
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Signatures



Robert Joseph Longoria

Print Names

Elsa Lozano

6404 Bordeaux Park

Address

Colleyville, TX 76034

Rosewood Villas
Colleyville, Texas

Planning and Zoning Commission
c/o Community Development Department
City of Colleyville
100 Main Street
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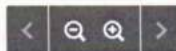
Signatures

Laxman Bhatia

Print Names

6508 BORDEAUX PK. Colleyville Tx.

Address



Christopher Derganc

From: Aubra Palmer <
Sent: Wednesday, October 17, 2018 8:34 PM
To: 'Christopher Derganc'
Subject: FW: Zoning Case Number ZC18-033 (712 -810 Lavaca Trail)

From my personal email address.

From: Aubra Palmer
Sent: Wednesday, October 17, 2018 12:09 PM
To: 'kimberlydraperholt@yahoo.com' <kimberlydraperholt@yahoo.com>; 'ckbeill@hotmail.com' <ckbeill@hotmail.com>; 'smathisencpa@gmail.com' <smathisencpa@gmail.com>; 'julie.waltens@yahoo.com' <julie.waltens@yahoo.com>; 'ryan.moore@ferguson.com' <ryan.moore@ferguson.com>; 'JElms@pape-dawson.com' <JElms@pape-dawson.com>; 'm.koch75@rocketmail.com' <m.koch75@rocketmail.com>
Cc: 'Board Communications' <
Subject: Zoning Case Number ZC18-033 (712 -810 Lavaca Trail)

Dear Commissioners:

My name is Aubra Palmer. My wife, Jayne, and I live at 6406 Lorraine Park in Colleyville in the Rosewood Villas addition. Our neighborhood is directly north of the planned "Legacy North" development. Our neighborhood will most likely be the neighborhood most impacted by the new development.

Jayne and I are fully in support of the proposed zoning change from R40 to R20. In fact, we don't really see it as a change but rather just the clean-up of mistakes in the old City map. We always believed it was zoned R20. Almost all other surrounding areas are R20 zoning, so it seems to really make good common sense.

The proposed developer, Mr. Maykus, has been a strong partner in our efforts to insist on the best possible development. His Legacy South, across Lavaca, is an excellent, well done neighborhood. We would love for that to be they type on neighborhood to our south.

I am also a Board Member of our Rosewood Villas HOA. Our Board fully supports the planned changes, as does the vast majority of our homeowners.

Thank you for your consideration to approve the change from R40 to R20.

Aubra Palmer (cell) 817-271-9154

Jayne Palmer (home) 817-498-3777

Christopher Derganc

From: Board Communications < > on behalf of Rosewood Villas HOA < >
Sent: Wednesday, October 17, 2018 8:40 PM
To: DERGANC
Subject: FW: Zoning Case Number ZC18-033 (712 -810 Lavaca Trail)

From HOA Board mailbox. Note, I got email bounce back on both messages to 'ckbeill@hotmail.com'

From: Rosewood Villas HOA [
Sent: Wednesday, October 17, 2018 4:28 PM
To: 'Aubra Palmer'; 'kimberlydraperholt@yahoo.com'; 'ckbeill@hotmail.com'; 'smathisencpa@gmail.com'; 'julie.waltens@yahoo.com'; 'ryan.moore@ferguson.com'; 'JElms@pape-dawson.com'; 'm.koch75@rocketmail.com'
Cc: 'Board Mailbox'; BRYAN (; Fran Hoover ; LAXMAN & VICKI BHATIA ; Longoria
Subject: Zoning Case Number ZC18-033 (712 -810 Lavaca Trail)

P&Z Commissioners:

We are the Board members representing the Rosewood Villas HOA.

We fully support of the proposed zoning change from R40 to R20. We believe it to be the highest and best use of the property.

We have had three committee members who have worked with the proposed developer, Mr. Maykus. He has been a strong partner in those efforts to create the best possible development. His Legacy South, across Lavaca, is an excellent, well done neighborhood. We would love for that to be they type on neighborhood to our south.

Thank you for your consideration to approve the change from R40 to R20.

The Board of Rosewood Villas HOA

Robert Longoria
Aubra Palmer
Laxman Bhatia
Fran Hoover
Nap Bryan

Araceli Botello

Subject: FW: Letter of Support for LLegacy North Planning and Zoning

From: Michael Capps

Sent: Monday, October 22, 2018 11:10 AM

To: Ben Bryner <BBryner@colleyville.com>

Cc:

Subject: Letter of Support for LLegacy North Planning and Zoning

Members of the Planning and Zoning Committee:

My name is Michael Capps, my wife and I live at [6116 Legacy Trl in Colleyville, TX](#). We purchased the home in the Legacy last year primarily due to the structure of the neighborhood, the open space and the 1/2-acre home sites. We have previously owned homes on lots that were more in the acre size and found that we didn't connect as well with the neighbors because of the distance between our homes. We were also moving back from California where lot sizes were less than half the size offered in this subdivision with no open space or green belts and wanted something with a little room.

We looked at many subdivisions before making our choice and felt that Hat Creek Development created a superior neighborhood with enough space for individualized homes as well as many of the mature trees were retained. I have personally talked to Mr. Maykus and many of his staff members on many occasions and found them to be honest and forthright in their dealings. The quality of the neighborhood and the homes they build are unmatched. Our specific home was not built by Maykus, but the builders that are in the subdivision build quality, unique products that are unmatched in the area with the exception of one or two other subdivisions in Colleyville and unfortunately those are not in areas we would have considered purchasing due to negative factors outside the subdivision complex (i.e. proximity to trains, water towers, highways, shopping centers).

My wife and I have worked in the mortgage banking industry for over 30 and know what creates positive and negative factors in an area. This area and developer hit all our positive marks in our search for what was right for us, including appropriate size lots, space and layout.

We urge you to vote in favor of the R-20 recommendation to allow Hat Creek Development to move forward with Legacy North. Should you have any additional questions, please don't hesitate to contact me.

Sincerely,

Michael Capps

M: [972.567.2693](tel:972.567.2693)

Subject: FW: Zoning Case Number ZC18-033

From: Mark Lanier
Sent: Monday, October 22, 2018 12:03 PM
To: Araceli Botello <ABotello@colleyville.com>
Subject: Zoning Case Number ZC18-033

I talked to Jacquelyn a few minutes ago and she suggested I e-mail my comments to you to ensure they are included in the discussion and record for the P&Z Commission meeting tonight.

We have no objection on going from R-40 to R-20 zoning.

We have one comments/concerns, which I understand are traditionally addressed as the project moves into the platting phase. Regardless, we wanted it to be included in the public record.

1. A permanent or perpetual drainage easement needs to be included to address the rainfall drainage from Rosewood southbound, I believe there is a drainage easement in the current plat. We just want to make sure all rainwater drainage is adequately addressed and accommodated in the revised plat for the new development. My understanding is the City is having an Engineer review the drainage to ensure it is adequately addressed.

We reserve the right to modify or include additional comments and concerns in the event that Kosse Maykus does not proceed and sells the property to another developer.

Please don't hesitate to contact me at (817) 229-9619, if you have any questions or need additional clarification.

Mark & Paula Lanier
6412 Bordeaux Park
Colleyville TX, 76034
(817) 229-9619

Rosewood Villas
Colleyville, Texas

Planning and Zoning Commission
c/o Community Development Department
City of Colleyville
100 Main Street
Colleyville, Texas 76034

October 15, 2018

Re: Zoning Case Number ZC18-033 (712 -810 Lavaca Trail)

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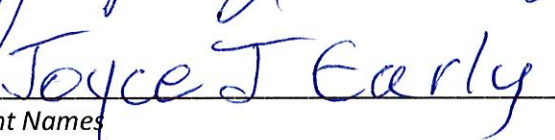
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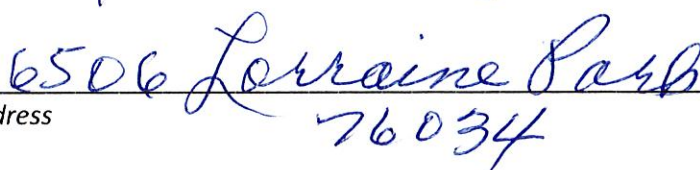
Thank you for your consideration.



Signatures



Print Names



Address
76034

November 14, 2018

Mayor Richard Newton and Honorable City Council Members
Colleyville City Hall
100 Main St.
Colleyville, Texas 76034

Re: ZC18-33

Dear Mayor and City Council Members,

The purpose of this letter is to lend support to ZC18-33 in which Hat Creek Development/Kosse Maykus is proposing to develop approximately 11 acres along Lavaca Trail. It is currently zoned R-40 and the request is to R-20.

My wife and I reside at 709 Arcady Lane, directly north and adjacent to the proposed development. We are homeowners, and through the Rosewood Villas HOA, have worked with Mr. Maykus on his development standards as they interact with Rosewood Villas Addition. We believe the agreed upon standards will enhance both his development, as well as protecting our existing common area and homesites, and will increase everyone's property values.

From a zoning standpoint, this is a classic case of an "infill zoning", which we believe to be entirely appropriate for this tract of land. The subject property is not abutting any undeveloped property and, therefore, will not require the extension of any city utilities. It already has adequate roads, water, sewer, etc. Additionally, I would be remiss if I did not mention that it is completely surrounded by developed properties that generally range from R-20 downward to small lot PUDs. It simply is not realistic to believe that R-40 is the correct zoning category, when it is surrounded by existing greater density and other completely built out properties.

The real estate market has changed in the past several years and there is now a much stronger market for the R-20 than there is for the R-40. An R-20 lot development will normally be built out more rapidly than R-40. As an adjacent resident, we absolutely want his development to be highly successful. We also want to see the least amount of disruption to the surrounding neighborhoods. The faster the developer can achieve "build out", the less interruptions we will experience. I feel that it is very important to the surrounding residents that Mr. Maykus be allowed to start as soon as possible.

Mr. Maykus' development to the south of Lavaca Trail (The Legacy) is very well done and is developed on R-20 zoned property. Our neighborhood, Rosewood Villas, is a 53 homesite PUD that is comprised mainly of older, retired empty nesters that just enjoy the beauty, tranquility and safety that Colleyville so wonderfully provides. Our HOA Board of Directors has sent written support of this development, as Mr. Maykus has been very receptive to our comments. I think we can all agree that the land will eventually be sold and developed. As a homeowner and a member of the HOA, we prefer a custom home developer/builder rather than a big box tract home builder on R-40.

We will not be in attendance for the hearing on November 20 due to previous Thanksgiving plans. We do plan to be in attendance for the December 4th hearing. Please consider our comments and please call me at 817-269-9999(O) or 817-307-9990© should you have any questions, comments or concerns.

In conclusion, we would respectfully request your positive support of the subject zoning request.

Respectfully Submitted,

Tanis Garrett & Coy E. Garrett

Araceli Botello

Subject: FW: Lavaca Trail Development

-----Original Message-----

From: Sonia Bilderback

Sent: Monday, November 19, 2018 2:21 PM

To: Ben Bryner <BBryner@colleyville.com>

Cc: eason Maykus

Subject: Re: Lavaca Trail Development

Mr. Bryner,

We will be in attendance at the City Hall meeting, Tuesday, November 20th in support of the proposed Maykus Development on Lavaca Trail. In keeping with all the requests from City leaders to support Colleyville, especially with the Highway 26 construction, it seems only right to keep the development with home town folks rather than a National company. They are the ones that support the doctors, grocery stores, and restaurants here locally.

We desire to have the development uniform like the one we live in across the street, The Legacy. The trees, walking paths that the Maykus Company propose are more in keeping with the country feel of Lavaca.

We have lived in this close area including Remington Park since 2006.

Thank you for your time and consideration.

Jimmy and Sonia Bilderback

The Legacy

6105 Ridgewood Lane

Colleyville, Texas 76034

Ben Bryner

To: Nanette Love
Subject: RE: Proposed Development on Lavaca Trail

From: Nanette Love [mailto:]
Sent: Wednesday, November 21, 2018 12:45 PM
To: Ben Bryner <BBryner@colleyville.com>
Subject: Re: Proposed Development on Lavaca Trail

Hi Ben,

As a follow up to our conversation this morning, I just wanted to reiterate that after attending the city council meeting this past October and learning more details from the developer on their plans on Lavaca Trail, I am more comfortable with the proposed plans.

My understanding is that they plan on doing a "mirror image" of how they developed The Legacy across the street.

However, with this being said, I also know that Remington Park residents/HOA have requested a meeting with the developer to address specific concerns that they want to make sure are addressed, which I also strongly agree with, such as making sure proper drainage is installed, traffic flow is addressed, etc.

As I shared with you this morning, many residents in Remington, including myself, still have concerns about the increased traffic this will cause for Remington Park, and the dangers this could pose for children, people walking, etc. The traffic has already increased as a result of the Legacy development and it is critical that the city work with the Remington Park neighborhood to address these issues.

Thank you, Ben, please call me with any questions.

Nanette Love
Realtor
Keller Williams Realty DFW
cell: 817.602.4101

WIRE FRAUD: During your representation by Keller Williams Realty you will NEVER be asked, via email, to wire or send funds to ANYONE, not even a title company. DO NOT COMPLY WITH EMAIL INSTRUCTIONS TO WIRE FUNDS!

On Fri, Oct 5, 2018 at 12:38 PM Nanette Love <> wrote:

Hi Ben! My name is Nanette Love, and I am a resident in Remington Park here in Colleyville.

I wanted to share what I am hearing regarding the new development on Lavaca Trail. From my understanding the property is currently zoned as R40, however, I am hearing the developer is more in line with developing as R20, which is a higher density development.

My main concern is that Lavaca Trail can not support the higher density plan from a pure traffic standpoint. We are already seeing more cut through traffic in Remington Park, and developing as R20 vs. R40 will only add to this and create even more congestion to the area.

Believe me, I am all for new construction in our beautiful city, but I am requesting that the city of Colleyville consider how this new development (and all new developments) will impact our existing neighborhood and maintaining the quality of the surrounding areas. I personally think developing with larger lots with less density is best for our city and this particular area.

Please feel free to give me a call, and thank you in advance for your taking the time to read this email.

Nanette Love
Realtor
Keller Williams Realty DFW
cell: 817.602.4101

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11/29/18

Dear City of Colleyville Council:

My wife, our young children, and I recently built a home in The Legacy off of Lavaca Trail in the city of Colleyville. We moved a few miles from Keller to move into this beautiful neighborhood because we needed some more space, were well familiar with the excellent school district (s), were aware of the quality and type of subdivision of The Legacy, and desired the excellent family community atmosphere of the city of Colleyville. If you have visited The Legacy, you will see what a great neighborhood we have. Each house is unique and custom built by very reputable builders. There is a walking trail with preserved green trees, and a pond with a fountain. The neighborhood is gated and quietly situated next to Remington Park. The entrance of our neighborhood is off Lavaca Trail, which is off of busy 7 lane Precinct Line Road. Our gate is critical for the safety of our children, spouses, and property. It is a detractor for heavy volume of vehicle traffic, which can occur off the busy thoroughfare.

We fully support the development of the piece of property to the north of The Legacy to be completed by Hat Creek Development as currently proposed. When we bought in The Legacy, we researched the city of Colleyville's land maps. We were fully aware that the property in question was zoned for ½ acre lots. Making a Legacy North with top of the line builders such as Providential Custom Homes, Maykus Custom Homes, and Larry Stewart Custom Homes will be an excellent addition to OUR community. We support this because we believe the property values will be maintained, which benefits our neighborhood, surrounding neighborhoods, the City of Colleyville, and the local school districts. This proposed neighborhood will maintain the highest standards of tree preservation, open space, walking trails, safety, and the aforementioned quality custom construction.

We have invested greatly in this community and plan to stay for years to come. We fully support the proposed gated development by Hat Creek Development of R20 lots across from The Legacy. We know the developers and the custom builders will maintain the highest quality that we demanded of our neighborhood as home owners and voting citizens of the City of Colleyville. If you need further information from us about our support, please do not hesitate to contact us. Thank you very much for your vote of support for this proposed subdivision by Hat Creek Development.

Sincerely,

Brian G. Webb, MD

Keely D. Webb, JD

705 Legacy Trail

Colleyville, TX 76034

ORDINANCE O-18-2066

AMENDING THE ZONING ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY OF COLLEYVILLE, TEXAS, BY CHANGING THE ZONING ON 17.32 ACRES, BEING LOT C, MCEWING SUBDIVISION & 1B02A, 1B2, 1B3, AND 1B4, ABSTRACT 1154, IN THE R H MCEWING SURVEY, LOCATED AT 712 – 810 LAVACA TRAIL, FROM THE R-40 SINGLE FAMILY RESIDENTIAL DISTRICT TO THE R-20 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 ZC18-033; 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 17.32 acres, Lot C, McEwing Subdivision & 1B02A, 1B2, 1B3, and 1B4, Abstract 1154, in the R H McEwing Survey at 712-810 Lavaca Trail, from the R-40 Single Family Residential district to the R-20 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 20th day of November 2018.

The second reading and public hearing being conducted on the 4th day of December 2018.

PASSED AND APPROVED BY A VOTE OF ____ AYES, ____ NAYS, AND ____ ABSTENTIONS ON THIS THE 4TH DAY OF DECEMBER 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

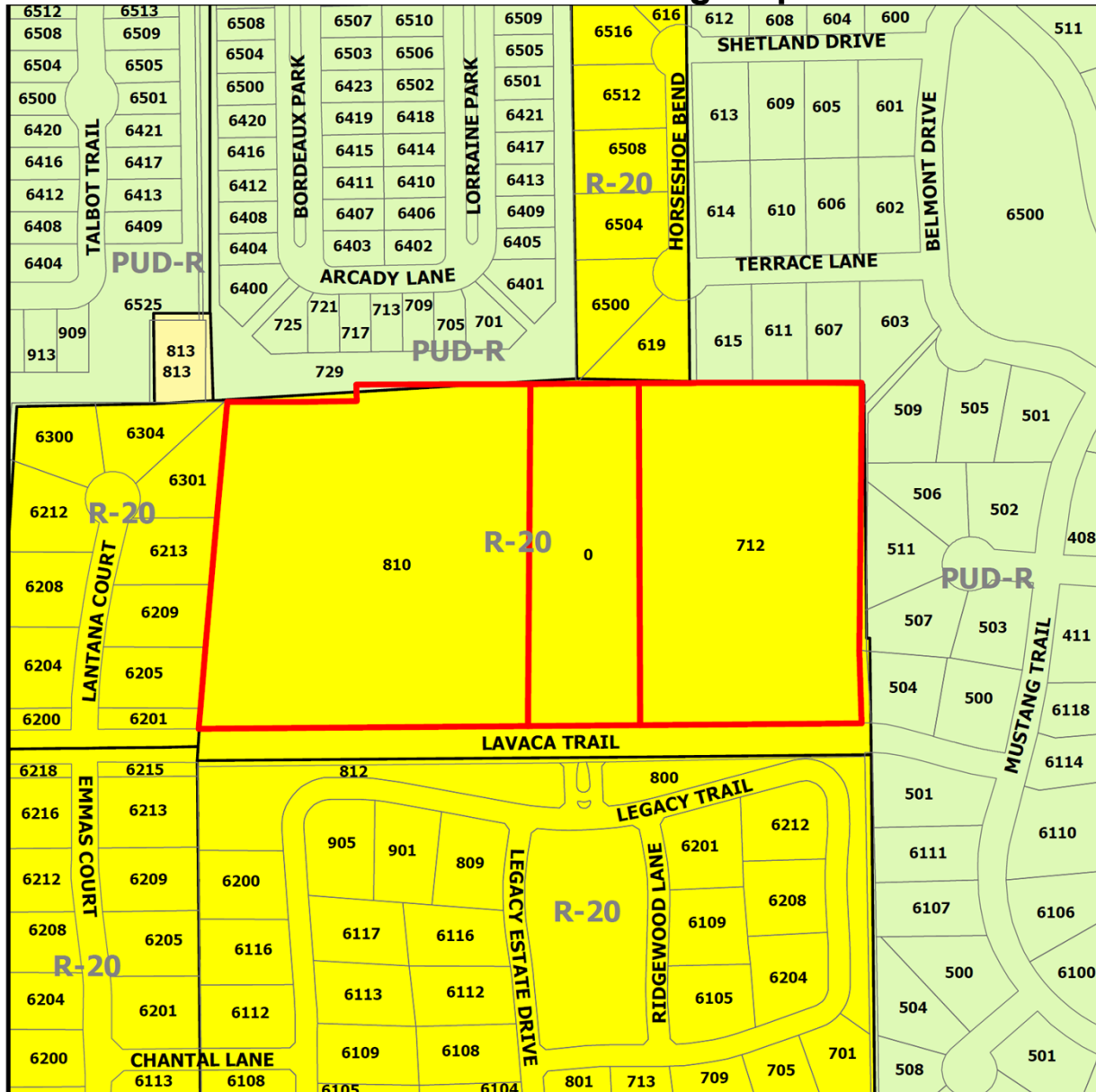
Christine Loven, TRMC
City Secretary

Richard Newton
Mayor

APPROVED AS TO FORM AND LEGALITY:

Whitt L. Wyatt
City Attorney

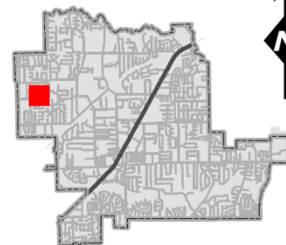
Exhibit "A"- Zoning Map



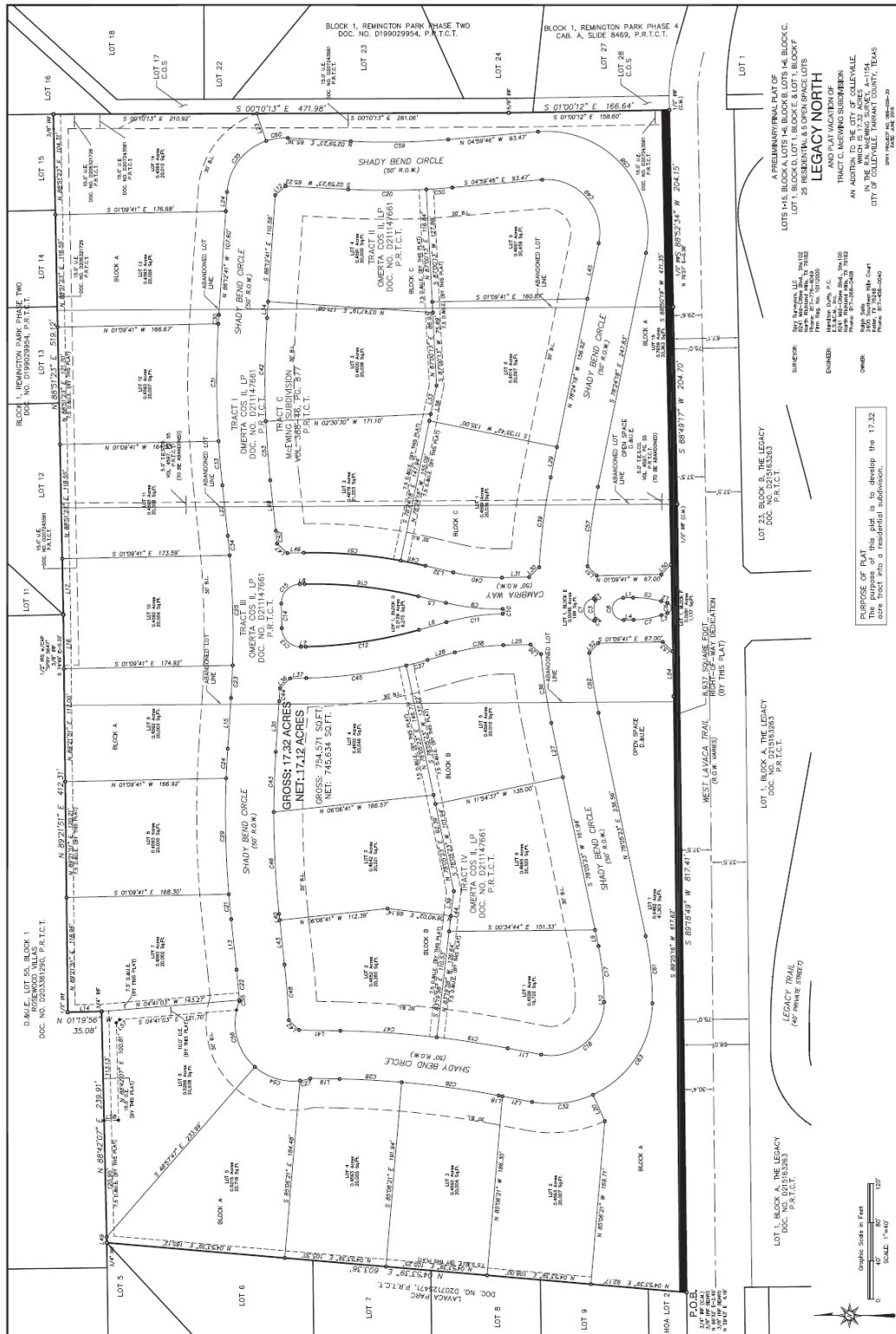
ZC18-033
712 - 810 Lavaca Trail

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 Exhibit





City of Colleyville City Council Agenda Briefing

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

Agenda Number 5b

Agenda Date 12/04/2018

Number Ordinance O-18-2067

Type Ordinance

Department Community Development

Title

Consideration of amendments to the Land Development Code, specifically Chapter 3 – Land Use

Strategic Plan

4.3 Adopt best-practice planning and development processes

Explanation

Second Reading and Public Hearing

The Council identified the following potential changes:

1. Remove the statement "unless modified by the City Council" from the PUD open space regulation;
2. Including schools as exempted in Special Event permits;
3. Removing the maximum residential density column from the district setback chart;
4. Requiring dumpsters to be entirely behind a commercial building; and
5. Requiring a 1-foot setback for Perimeter Subdivision Fences from ROW line.

Further discussion is required for fencing along corner side yards and allowance for a rear yard setback encroachment for attached, open patio covers.

First Reading and Public Hearing

The City Council had instructed staff to review and propose amendments to each chapter within the City's Land Development Code (LDC). City staff has already reviewed the attached chapters with the City Council at a recent worksession meeting. The process for adopting amendments to the LDC include formal review and recommendation by the Planning and Zoning Commission, followed by formal review and approval by the City Council.

The attached chapters are a continuation of the formal adoption process. Any remaining chapters will be brought forward over the next several months until the entire Land Development Code has been reviewed.

Financial Impact

There is no fiscal impact to the City of Colleyville.

Recommendation

Approve

Attachments

1. Ch. 03 Land Use - Redline v4 (11.09.18)
2. Ordinance - O-18-2067

Chapter 3 Land Use

Rev. 04/15/2014

Section 3.1 – Purpose of This Chapter

The zoning regulations and districts herein established have been made in accordance with a comprehensive plan for the purpose of promoting health, safety, morals and general welfare of the City of Colleyville. They have been designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; 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, sewage, schools, parks and other public facilities. The zoning districts have been created with reasonable consideration, among other things, of the character of the district and its peculiar suitability for the particular uses and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the community.

Section 3.2 – Authorization for Adoption of This Chapter

The regulations contained in this Chapter have been adopted under the authority of *Chapter 211 – Municipal Zoning Authority of the Texas Local Government Code*, which authorizes a municipality to divide a municipality into districts and, within each district, regulate the erection, construction, reconstruction, alteration, repair, or use of buildings, other structures, or land. This Chapter is also adopted under the authority of *the Home Rule Charter of the City of Colleyville*, which authorizes the City Council to exercise all powers granted to municipalities by the Constitution or the laws of the State of Texas.

Section 3.3 – Variances and Appeals

Any person seeking approval of a development as required by this Land Development Code may request a variance from a requirement contained in this Chapter, or appeal a decision of an Administrative Official by submitting a request using the procedures described in *Chapter 1 – General Provisions* of this Land Development Code.

Section 3.4 – Definitions

Definitions applicable to this Chapter may be found in *Chapter 2 - Definitions* of this Land Development Code.

Section 3.5 – Establishment of Districts

- A. Official Zoning Map – The City is hereby divided into zones, or districts, as shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Chapter. The Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Secretary, and bearing the seal of the City under the following words: "This is to certify that this is the Official Zoning Map referred to in Ordinance No. 0-77-248 of the City of Colleyville, Texas," together with the date of adoption of this Chapter.
1. The Official Zoning Map shall be made current from time to time to reflect the changes and amendments, if any, that are approved by the City Council. Any such notations to bring said map current shall include, but not be limited to, the following: Ordinance number of zoning change, date of minutes of passage of said ordinance, boundary of zoning change, zoning classification declared by changing ordinance, and the initial of the City Secretary amending the map. Any unauthorized change of whatever kind to the Official Zoning Map by any person shall be and the same is prohibited.

2. The Official Zoning Map is not intended to control the procedural prerequisites applicable and the ordinances should be looked to as the authoritative source for all zoning. The Official Zoning Map shall be located and displayed in the Colleyville City Hall.
- B. Replacement of Official Zoning Map – In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the City Council may by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map and bring the Official Zoning Map up-to-date to reflect any and all amendments or changes in the same.
- C. Rules for Interpretation of District Boundaries – Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:
 1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.
 2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
 3. Boundaries indicated as approximately following City Limits shall be construed as following City Limits.
 4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
 5. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the centerlines of streams, drainage courses, creeks, canals, lakes, or other bodies of water shall be construed to follow such centerlines.
 6. Boundaries indicated as parallel to, or extensions of, features indicated in paragraphs 1 through 5 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
 7. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map or in other circumstances not covered by paragraphs 1 through 6 above, the Zoning Board of Adjustment shall interpret the district boundaries.
 8. Where a district boundary line divides a lot which was in single ownership at the time of passage of the original zoning ordinance, the Zoning Board of Adjustment may permit, as a special exception, the extension of the regulations for either portion of the lot not to exceed fifty (50') feet beyond the district line into the remaining portion of the lot to either side of said district line.

Section 3.6 – Application of District Regulations; Classification of New and Unlisted Uses; and Platting of Property Not Properly Zoned

- A. Application – The regulations set by this Chapter within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land and particularly except as hereinafter provided:
 1. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, re-constructed, moved, or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.
 2. No building or other structure shall hereafter be erected or altered:

- a. to exceed the height;
 - b. to accommodate or house a greater number of families;
 - c. to occupy a greater percentage of lot area;
 - d. to have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required; or in any other manner contrary to the provisions of this Chapter.
 3. No part of a yard, other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Chapter shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building except as specified in the "Off-Street Parking Requirements." of this Chapter.
 4. No yard or lot existing at the time of passage of this Chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of the original zoning ordinance shall meet at least the minimum requirements established by this Chapter.
 5. In every dwelling unit the density of occupancy shall not exceed 1.5 persons per room.
 6. All territory which hereafter is annexed to the City shall automatically be considered to be in the AG - Agricultural District, unless otherwise classified by the City Council after public hearing and upon recommendation from the Planning and Zoning Commission.
- B. Classification of New and Unlisted Uses – It is recognized that new types of land may develop and forms of land use not anticipated herein may seek to locate in the City. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted form of land and use shall be made as follows:
1. The Administrative Official shall refer the question concerning any new or unlisted use to the Planning and Zoning Commission requesting an interpretation as to the proper zoning classification into which such use should be placed. The use interpretation question shall be determined as to the nature of the use and whether it involves dwelling activity, sales, processing, type of product, storage and the amount and nature thereof, (i.e., enclosed or open storage), anticipated employment, transportation requirements, the general degree of noise, odor, fumes, dust, toxic material and vibration likely to be generated, if any, and the general requirements for public utilities such as water and sanitary sewer.
 2. The Planning and Zoning Commission shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various zoning districts, and determine the zoning district or districts within which such use should be permitted.
 3. The Planning and Zoning Commission shall transmit its findings and recommendations to the City Council as to the classification proposed for any new or unlisted use. The City Council shall approve the recommendation of the Planning and Zoning Commission, or make such other determination concerning the classification of such use as appropriate, based upon its findings of fact, and amend this Chapter to reflect said findings and decisions.
- C. Platting of Property not Properly Zoned – No plat of any residential or non-residential subdivision within the City, or that which is being annexed to the City, shall be approved unless and until the area covered by the proposed plat is or shall be zoned to the proper zoning classification by the City Council, upon recommendation from the Planning and Zoning Commission. A public hearing by the Planning and Zoning Commission on a proposed annexation, zoning classification, and plat approval, or any combination thereof, may be held simultaneously.

Section 3.7 – Non-conforming Uses, Lots and Buildings

- A. Intent – Within the districts established by this Chapter, or amendments that may later be adopted, there exist lots and uses of land, buildings and structures, uses of land and buildings in combination, and characteristics of use which were lawful before the original zoning ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Chapter or future amendment. It is the intent of this Chapter to permit these non-conformities to continue until they are

Commented [BB1]: Needs further review

removed, but not to encourage their survival. It is further the intent of this Chapter that such non-conformities shall not be enlarged upon, expanded or extended, nor be used as ground for adding other buildings and structures or uses prohibited elsewhere in the same district.

Non-conforming uses are declared by this Chapter to be incompatible with permitted uses in the districts involved. A non-conforming use of a building or structure, a non-conforming use of land, or a non-conforming use of buildings and land in combination shall not be extended or enlarged after passage of this Chapter by attachment on a building or premises or by the addition of other uses of a nature which would be prohibited generally in the district involved.

To avoid undue hardship, nothing in this Chapter shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Chapter and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

- B. Non-conforming Lots of Record – In any zoning district in which single-family dwellings or commercial buildings are permitted, a single-family dwelling or commercial building and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Chapter, notwithstanding limitations imposed by other provisions of this Chapter. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Zoning Board of Adjustment.
- C. Non-conforming Uses of Land (or Land with Minor Building Only) – Where at the time of passage of this Chapter lawful use of land exists which would not be permitted by the regulations imposed by this Chapter, and where such use involves no individual structure with a replacement cost exceeding one thousand dollars (\$1,000), the use may be continued so long as it remains otherwise lawful, provided:
1. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of the original zoning ordinance;
 2. No such nonconforming use shall be moved in whole or in part to any portion of the same lot or parcel other than that occupied by such use at the effective date of adoption or amendment of the original zoning ordinance;
 3. If any such nonconforming use of land ceases for any reason for a period of more than ninety (90) consecutive days, any subsequent use of such land shall conform to the regulations specified by this Chapter for the district in which such land is located;
 4. No additional building not conforming to the requirements of this Chapter shall be erected in connection with such nonconforming use of land.
- D. Non-conforming Buildings – Where a lawful building exists at the effective date of adoption or amendment of this Chapter that could not be built under the terms of this Chapter by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the building, such building may be continued so long as it remains otherwise lawful, subject to the following provisions:
1. No such non-conforming building may be enlarged or altered in a way which increases its nonconformity, but any building or portion thereof may be altered to decrease its nonconformity or to comply with City building codes.

2. Should such non-conforming building or non-conforming portion of a building be destroyed by any means to an extent of more than fifty (50) percent of its replacement cost at time of destruction; it shall not be reconstructed except in conformity with the provisions of this Chapter, or when approved by the Zoning Board of Adjustment, after public hearing thereon, when the Board's findings, having due regard for the property rights of persons affected, were considered in the light of public welfare and the character of the area surrounding the nonconforming building and the conservation and protection of property.
 3. Should such building be moved for any reason any distance whatever, it shall thereafter conform to the regulations of the district in which it is located after it is moved.
- E. Non-conforming Uses of Buildings or of Buildings and Premises in Combination – If lawful use involving individual buildings with a replacement cost of one thousand dollars (\$1,000.00) or more, or of buildings and premises in combination, exist at the effective date of adoption or amendment of this Chapter that would not be allowed in a particular district under the terms of this Chapter, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:
1. No existing building devoted to a use not permitted by this Chapter in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the building to a use permitted in the district in which it is located, or to comply with City building codes.
 2. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Chapter, but no such use shall be extended to occupy any land outside such building.
 3. If no structural alterations are made, except as required by the City's building codes, any non-conforming use of a building, or building and premises, may, as a special exception, be changed to another non-conforming use provided that the Zoning Board of Adjustment, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Zoning Board of Adjustment may require appropriate conditions and safeguards in accord with the provisions of this Chapter.
 4. Any building, or building and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the non-conforming use may not thereafter be resumed.
 5. When a non-conforming use of a building, or building and premises in combination, is discontinued or abandoned for six (6) consecutive months or for eighteen (18) months during any three-year period (except when government action impedes access to the premises), the building, or building and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.
 6. Where non-conforming use status applies to a building and premises in combination, removal or destruction of the building shall eliminate the non-conforming status and any new construction shall be in accordance with the zoning regulations applicable to the district. Destruction for the purpose of this subsection is defined as damage to an extent of more than fifty (50) percent of the replacement cost at time of destruction. (O-00-1261 / 12/19/00)
- F. Repairs and Maintenance – On any non-conforming building or portion of a building containing a non-conforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, to an extent not exceeding ten (10) percent of the current replacement cost of the non-conforming building or non-conforming portion of the building as the case may be, provided that the cubic content existing when it became non-conforming shall not be increased.

If a non-conforming building or portion of a building containing a non-conforming use becomes physically

unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized City official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.

Nothing in this Chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

G. Changing Non-conforming Uses

1. Any non-conforming use may be changed to a conforming use and once such change is made, the use shall not thereafter be changed back to a non-conforming use.
2. The Zoning Board of Adjustment may grant a change of use from one non-conforming use to another non-conforming use provided such change is to a use permitted in a zoning district where the original non-conforming use would be permitted or such change is to a use permitted in a more restrictive classification. However, such change of use and occupancy shall not tend to prolong the life of a non-conforming use. Upon review of the facts in accordance with the procedures for the Zoning Board of Adjustment, contained in *Chapter 1 – General Provisions* of this Land Development Code, the Zoning Board of Adjustment may establish a specific period of time for the return of the occupancy to a conforming use.
3. The Zoning Board of Adjustment may approve the remodeling or enlargement of a non-conforming use when such an enlargement would not tend to prolong the life of the non-conforming use. Upon review of the facts, the Zoning Board of Adjustment may establish a specific period of time for the return of the occupancy to a conforming use in accordance with the procedures of the Zoning Board of Adjustment contained in *Chapter 1 – General Provisions* of this Land Development Code.

Section 3.8 AG – Agricultural District

- A. Agricultural District – The regulations set forth in this Section, or as set forth elsewhere in this Chapter when referred to in this Section, are the regulations of the AG - Agricultural District.
- B. Purpose and Intent – The purpose of the AG - Agricultural District is to provide for compatible land, building and structure uses primarily oriented to agricultural farming and ranching, and extremely low density residential purposes. The district's locational characteristics are usually confined to the outer fringe of developed urbanized areas and/or along, unprotected flood-prone areas. The district also serves as: 1) a transitional land use element pending future, more intensive urbanization; 2) open space for the protection and enhancement of scenic areas, vistas, and recreational uses, and 3) where unusual or problematic soils, topographic conditions, or sensitive ecological features are present that would normally not be conducive or appropriate to more intensive forms and patterns of urbanization

The primary intent of this district is a land use designated to aid in the protection of certain lands suitable for producing and supplying food and related agricultural farm and ranch products from more intense urbanization until such time as warranted by demand and supportive community facilities and services.

- C. Use Regulations – Land, buildings and structures may be used only for the purposes allowed in this Chapter.
- D. Permitted Principal Uses – The permitted principal uses allowed in this district as are designated in *Section 3.24.C - Schedule of Permitted Principal Uses*.
- E. Permitted Accessory Uses – Subject to the provisions of *Section 3.28 - Supplementary District Regulations*, accessory buildings, structures and uses customarily incidental to the "Permitted Principal Uses" are allowed, including but not limited to the following:
1. Buildings, structures and uses accessory to permitted farming and ranching operations;
 2. Private residential garages, carports and related storage buildings and greenhouses accessory to

permitted residential uses.

3. Private swimming pools, wading pools, and game courts (lighted or unlighted), provided that: if lighted, the lighting shall be so directed and shielded so as not to shine directly on any adjacent residential property; and further provided that any such pool or game court is for the private use of the site occupants and their guests, and not operated as a business. ~~All "at grade" swimming pools with a depth greater than twenty-four (24") inches and "above grade" swimming pools having a water depth twenty-four (24") inches or more, except for inflatable portable tot pools, shall be enclosed by a fence and gate not less than (4') feet nor more than eight (8') feet in height, and of such material and design to discourage unauthorized entry to the facility. Such pool(s) may be located in a required side or rear yard, but not within a required front yard not forward of the primary dwelling, and shall not be located closer than five (5') feet to any side or rear property line.~~
4. ~~Servants quarters for domestic servants employed on the premises or family members~~ Accessory dwellings provided the gross habitable square feet of floor area shall not exceed six hundred (600) square feet complies with regulations found in Section 3.27 of this chapter. Such quarters may be housed within the principal residential dwelling, above a residential garage, or be part of an accessory building on the same premises, and shall comply with minimum standards for light, health, safety, and occupancy in conformance with other applicable City codes and ordinances.
5. Lanais, gazebos, garden and patio shelters, and children's play-houses, provided the privacy enjoyed by adjacent residential dwellings is not impaired.
6. Non-commercial radio and television receiving antennae and non-commercial radio transmitting antennae limited in height to sixty (60) feet (measured from the ground line in front of the dwelling or use facing a public street), and further provided no electrical, radio or television signal interference is created which would adversely affect such audio or visual signals to nearby dwellings and other permitted uses;
7. Required off-street parking and loading spaces.
8. Home occupation uses as defined in *Chapter 2 – Definitions* of this Land Development Code.
9. Parking and storage of private boats(s), camper trailer(s), or other recreational vehicle(s), in conformance with the regulations for "Parking, Storage or Use of Major Recreational Equipment and Vehicles."
10. Signs, in conformance with *Chapter 7 – Sign Regulations* of this Land Development Code and other applicable City codes and ordinances.
11. Supplemental single-family dwelling for a farm employee and family when located on the same premises as the principal agricultural use, provided:
 - a. Such dwelling shall be used exclusively for the housing of a single-family employed full time on the premises in the conduct of operation or management of the principal agricultural use;
 - b. Such dwelling is under the same ownership as that of the agricultural use and is on the same land as the owner's principal place of residency;
 - c. The land area devoted to such dwelling conforms with the minimum requirements established in *Section 3.24 - Schedule of District Regulations* for single-family dwellings in an "RE" District, as if it were on a separate recorded lot; and
 - d. The total land area under common ownership comprising the agriculture use and related owner's and employee's residence is not less than twenty (20) acres.

F. ~~Special Exception Uses – In order to allow for certain uses which, because of the unique or unusual character thereof, cannot be unconditionally permitted in this district, yet would or could be an appropriate or compatible use under certain controlled circumstances and locations, the "Zoning Board of Adjustment"~~

Commented [EW2]: Recommendation that the pool not extend past the front of the house

Commented [EW3]: Pool barrier requirements are codified in the adopted building codes

Commented [BB4]: New standards for Accessory Dwellings

Commented [BB5]: Deleted per Council direction

~~may, after public hearing thereon, authorize and grant the issuance of a "Special Exception" for such special exception uses as allowed in Section 3.24 - "Schedule of Permitted Principal Uses." The issuance of such "exception" by the "Board" shall be contingent upon reasonable and appropriate conditions and safeguards, including the length of time thereof, when appropriate, so as to properly protect any adjacent property, use, or neighborhood character, as well as insure the appropriate conduct of the special exception use of the land or buildings granted.~~

GE. Prohibited Uses – Any use not expressly authorized and permitted herein is expressly prohibited in this district, unless otherwise allowed in conformance with the provisions for ~~—~~ "Classification of New and Unlisted Uses."

HG. Density; Area; Yard; Height; and Lot Coverage Requirement – The requirements regulating the maximum permissible residential density, minimum lot size, minimum yard sizes, (front, side and rear), maximum building height (stories and feet), and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provisions of *Section 3.24 - Schedule of District Regulations* and other applicable provisions of *Section 3.28 - Supplementary District Regulations*.

H. Off Street Parking and Loading Requirements – Off-street parking and loading requirements pertaining to uses allowed in this district shall conform ~~with~~to the "Off-Street Parking Requirements" and "Off-Street Loading Requirements" contained elsewhere in this Land Development Code.

J. Land Plan and Supporting Documents Required – Any application for a change in zoning district boundaries on the official zoning map affecting this district shall be accompanied by a land plan and supporting document therefor, in conformance with the provisions of *Chapter 1 – General Provisions* of this Land Development Code.

Section 3.9 RE – Single Family "Estate" Residential District

A. **RE-Single Family Estate Residential District** – The regulations set forth in this Section, or as set forth elsewhere in this Chapter when referred to in this section, are the regulations of the RE - Single-Family Residential Estate District.

B. **Purpose and Intent** – The purpose and intent of the RE - Single-Family Estate Residential District is to provide for compatible land, building, and structural uses primarily oriented to low density residential estate purposes, select agricultural uses, open space uses, and selected community facility uses. The locational characteristic of this district is generally confined to the outer fringe of the more intensely urbanized and developed areas and/or along unprotected flood prone areas. The district further serves as a transitional element between limited residential development and intense agricultural activities and of higher density urbanized areas of the city. Low density detached single-family residential dwellings and estate development, along with the aforescribed uses, comprise the principal elements of the district.

C. **Use Regulations** – Land, buildings and structures may be used only for the purposes allowed in this Section.

D. **Permitted Principal Uses** – The permitted principal uses allowed in this district are as designated in *Section 3.24 - Schedule of Permitted Principal Uses*.

E. **Permitted Accessory Uses** – Subject to the provisions of *Section 3.28 - Supplementary District Regulations*, accessory buildings, structures, and uses customarily incidental to the "Permitted Principal Uses" are allowed, including but not limited to the following:

1. Buildings, structures, and uses accessory to permitted farming and ranching operations;
2. Private swimming pools, wading pools, and game courts (lighted or unlighted), provided that: if lighted, the lighting shall be so directed and shielded so as not to shine directly on any adjacent residential property; and further provided that any such pool or game court is for the private use of the site occupants and their guests, and not operated as a business. ~~All "at grade" swimming pools with a water depth greater than twenty-four (24") inches and "above grade" swimming pools having a~~

water depth twenty-four (24") inches or more, except for inflatable portable tot pools, shall be enclosed by a fence and gate not less than four (4') feet nor more than eight (8') feet in height, and of such material and design to discourage unauthorized entry to the facility. Such pool(s) may be located in a required side or rear yard, but not within a required front yard forward of the primary dwelling on the lot, and shall not be located closer than five (5') feet to any side or rear property line.

Commented [EW6]: Pool barrier requirements are already codified in the adopted building codes

Commented [EW7]: Recommend that the pool does not extend past the front of the dwelling

3. Private residential garages, carports, and related storage buildings and greenhouses accessory to permitted residential uses.
4. ~~Servants quarters for domestic servants employed on the premises or family members. Accessory dwellings provided the gross habitable square feet of floor area shall not exceed six hundred (600) square feet complies with regulations found in Section 3.27 of this chapter. Servants quarters for domestic servants employed on the premises or family members provided the gross habitable square feet of floor area shall not exceed six hundred (600) square feet.~~ Such quarters may be housed within the principal residential dwelling, above a residential garage, or be part of an accessory building on the same premises, and shall comply with minimum standards for light, health, safety, and occupancy in conformance with other applicable City codes and ordinances.
5. Lanais, gazebos, garden and patio shelters, and children's play-houses, provided the privacy enjoyed by adjacent residential dwellings is not impaired.
6. Non-commercial radio and television receiving antennae and non-commercial radio transmitting antennae limited in height to sixty (60) feet (measured from the ground line in front of the dwelling or use facing a public street), and further provided no electrical, radio or television signal interference is created which would adversely affect such audio or visual signals to nearby dwellings and other permitted uses;
7. Required off-street parking and loading spaces.
8. Home occupation uses as defined in *Chapter 2 – Definitions* of this Land Development Code
9. Parking and storage of private boat(s), camper trailer(s) or other recreational vehicle(s), in conformance with the regulations for "Parking, Storage or Use of Major Recreational Equipment and Vehicles."
10. Signs, in conformance with *Chapter 7 – Sign Regulations* of this Land Development Code.
11. Private domestic greenhouses.
12. Private stables for the keeping of grazing animals, provided:
 - a. Significant ground accumulations of manure shall be collected and properly disposed of so as not to create offensive odors, fly breeding, or in any way become a health hazard or nuisance to humans or animals;
 - b. Fences for pens, corrals or similar enclosures shall be of sufficient height and strength to properly retain the grazing animal(s) on the premises; and
 - c. The minimum space area of the lot upon which such grazing animal(s) may be kept, including pens, corrals, and stables, shall not be less than 15,000 square feet per each grazing animal over five hundred (500) pounds and not less than five thousand (5,000) square feet for any other grazing animal.

Commented [BB8]: New standards for Accessory Dwellings

~~F. **Special Exception Uses** — In order to allow for certain uses which, because of the unique or unusual character thereof, cannot be unconditionally permitted in this district, yet would or could be an appropriate or compatible use under certain controlled circumstances and locations, the "Zoning Board of Adjustment" may, after public hearing thereon, authorize and grant the issuance of a "Special Exception" for such special exception uses as allowed in Section 3.24 – Schedule of Permitted Principal Uses. The issuance of such "exception" by the "Board" shall be contingent upon reasonable and appropriate conditions and~~

~~safeguards, including the length of time thereof, when appropriate, so as to properly protect any adjacent property, use or neighborhood character, as well as insure the appropriate conduct of the special exception use of the land or buildings granted.~~

GF. Prohibited Uses – Any use not expressly authorized and permitted herein is expressly prohibited in this district, unless otherwise allowed in conformance with the provisions for the “Classification of New and Unlisted Uses.”

HG. Density, Area, Yard, Height, and Lot Coverage Requirements – The requirements regulating the maximum permissible residential density, minimum lot size, minimum yard sizes (front, side and rear), maximum building height (stories and feet), and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provisions of *Section 3.24 - Schedule of District Regulations* and other applicable provisions of *Section 3.28 - Supplementary District Regulations*.

H. Off-street Parking and Loading Requirements – Off-street parking and loading requirements pertaining to uses allowed in this district shall conform ~~with~~to the provisions of the “Off-Street Parking Requirements,” and the “Off-Street Loading Requirements.”

J. Land Plan and Supporting Documents Required – Any application for a change in zoning district boundaries on the Official Zoning Map affecting this district shall be accompanied by a land plan and supporting document therefore, in conformance with the provisions of *Chapter 1 – General Provisions* of this Land Development Code.

Section 3.10 ~~R-40~~ – Single Family Residential District

A. ~~R-40 – Single Family Residential District~~ – The regulations set forth in this Section, or as set forth elsewhere in this Chapter when referred to in this section, are the regulations of the ~~R-40~~ – Single Family Residential District.

B. **Purpose and Intent** – The purpose and intent of the ~~R-40~~ – Single Family Residential District is to provide for compatible land, building and structure uses primarily oriented to low density residential purposes, open space uses, and select community facility uses. The locational characteristics of this district are not confined to any specific or general area; however, they are most appropriate on the outer fringe of the more intensively urbanized parts of the community, and/or along protected flood prone areas. Land uses in this district are normally connected to an approved public or private sewage collection and treatment system, rather than individual septic tanks and subsurface drainage fields. Low density detached single family residential dwellings and development, along with the aforescribed uses, comprise the principal elements of the district.

C. **Use Regulation** – Land, buildings and structures may be used only for the purposes allowed in this Section.

D. **Permitted Principal Uses** – The permitted principal uses allowed in this district are as designated in *Section 3.24 - Schedule of Permitted Principal Uses*.

E. **Permitted Accessory Uses** – Subject to the provisions of *Section 3.28 - Supplementary District Regulations*, accessory buildings, structures, and uses customarily incidental to the “Permitted Principal Uses” are allowed, including but not limited to the following:

1. Private residential garages, carports and related storage buildings and greenhouses accessory to permitted residential uses.
2. Private swimming pools, wading pools, and game courts (lighted or unlighted), provided that: if lighted, the lighting shall be so directed and shielded so as not to shine directly on any adjacent residential property; and further provided that any such pool or game court is for the private use of the site occupants and their guests, and not operated as a business. ~~All “at-grade” swimming pools with a water depth greater than twenty-four (24”) inches and “above grade” swimming pools having a water depth twenty-four (24”) inches or more, except for inflatable portable tot pools, shall be enclosed by a fence and gate not less than four (4’) feet nor more than six (6’) feet in height, and of~~

~~such material and design to discourage unauthorized entry to the facility. Such pool(s) may be located in a required side or rear yard, but not within a required front yard -but not forward of the primary dwelling on the lot, -and shall not be located closer than five (5') feet to any side' or rear property line.~~

Commented [EW9]: Pool barrier requirements are already codified in the adopted building codes

Commented [EW10]: Recommend that the pool cannot extend beyond the front of the existing dwelling

3. Lanais, gazebos, garden and patio shelters, and children's play-houses, provided the privacy enjoyed by adjacent residential dwellings is not impaired.
4. Noncommercial radio and television receiving antennae and noncommercial radio transmitting antennae limited in height to sixty (60') feet (measured from the ground line in front of the dwelling or use facing a public street), and further provided no electrical, radio or television signal interference is created which would adversely affect such audio or visual signals to nearby dwellings and other permitted uses;
5. Required off-street parking and loading spaces.
6. Home occupation uses as defined in *Chapter 2 – Definitions* of this Land Development Code.
7. Parking and storage of private boat(s), camper trailer(s), or other recreational vehicle(s), in conformance with the regulations for the "Parking, Storage or Use of Major Recreational Equipment and Vehicles."
8. Signs, in conformance with *Chapter 7 – Sign Regulations* of this Land Development Code
9. Private domestic greenhouses.
10. Private stables for the keeping of grazing animals, provided:
 - a. Significant ground accumulations of manure shall be collected and properly disposed of so as not to create offensive odors, fly breeding, or in any way become a health hazard or nuisance to humans or animals;
 - b. Fences for pens, corrals or similar enclosures shall be of sufficient height and strength to properly retain the grazing animal(s) on the premises; and
 - c. The minimum space area of the lot upon which such grazing animal(s) may be kept, including pens, corrals, and stables, shall not be less than 15,000 square feet per each grazing animal over five hundred (500) pounds and not less than five thousand (5,000) square feet for any other grazing animal.

~~F. Special Exception Uses – In order to allow for certain uses which, because of the unique or unusual character thereof, cannot be unconditionally permitted in this district, yet would or could be an appropriate or compatible use under certain controlled circumstances and locations, the "Zoning Board of Adjustment" may, after public hearing thereon, authorize and grant the issuance of a "Special Exception" for such special exception uses as allowed in Section 3.24 - "Schedule of Permitted Principal Uses." The issuance of such "exception" by the "Board" shall be contingent upon reasonable and appropriate conditions and safeguards, including the length of time thereof, when appropriate, so as to properly protect any adjacent property, use or neighborhood character, as well as insure the appropriate conduct of the special exception use of the land or buildings granted.~~

~~GE. Prohibited Uses – Any use not expressly authorized and permitted herein is expressly prohibited in this district, unless otherwise allowed in conformance with the provisions of the regulation for the "Classification of New and Unlisted Uses."~~

~~HG. Density, Area, Yard, Height, and Lot Coverage Requirements – The requirements regulating the maximum permissible residential density, minimum lot size, minimum yard sizes (front, side and rear), maximum building height (stories and feet), and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provisions of Section 3.24 - *Schedule of District Regulations* and other applicable provisions of Section 3.28 - *Supplementary District Regulations*.~~

- H. Off-street Parking and Loading Requirements** – Off-street parking and loading requirements pertaining to uses allowed in this district shall conform ~~with~~to the provisions for "Off-Street Parking Requirements," and "Off-Street Loading Requirements."
- J. Land Plan and Supporting Documents Required** – Any application for a change in zoning district boundaries on the Official Zoning Map affecting this district shall be accompanied by a land plan and supporting document therefore, in conformance with the provisions of *Chapter 1 – General Provisions* of this Land Development Code.

Section 3.11 ~~R-30~~ Single Family Residential District

- A. **~~R-30~~ Single Family Residential District** – The regulations set forth in this Section, or as set forth elsewhere in this Chapter when referred to in this Section, are the regulations of the ~~R-30~~ Single-Family Residential District.
- B. **Purpose and Intent** – The purpose and intent of the ~~R-30~~ Single-Family Residential District is to provide for compatible land, building, and structural uses primarily oriented to low density residential purposes, open space uses, and selected community facility uses. The locational characteristics of this district are generally found in the inner urbanized developed areas of the City. Land uses in this district are normally connected to an approved public or private sewage collection and treatment system, rather than individual septic tanks and subsurface drainage fields. Moderately low density detached single-family residential dwellings and development, along with the aforescribed uses, comprise the principal elements of the district.
- C. **Use Regulation** – Land, buildings and structures may be used only for the purposes allowed in this Section.
- D. **Permitted Principal Uses** – The permitted principal uses allowed in this district are as designated in *Section 3.24 - Schedule of Permitted Principal Uses*.
- E. **Permitted Accessory Uses** – Subject to the provisions of *Section 3.28 - Supplementary District Regulations*, accessory buildings, structures, and uses customarily incidental to the "Permitted Principal Uses" are allowed, including but not limited to the following:
1. Private residential garages, carports and related storage buildings and greenhouses accessory to permitted residential uses.
 2. Private swimming pools, wading pools, and game courts (lighted or unlighted), provided that: if lighted, the lighting shall be so directed and shielded so as not to shine directly on any adjacent residential property; and further provided that any such pool or game court is for the private use of the site occupants and their guests, and not operated as a business. ~~All "at-grade" swimming pools with a water depth greater than (24") inches and "above grade" swimming pools having a water depth (24") inches or more, except for inflatable portable tot pools, shall be enclosed by a fence and gate not less than (4') feet nor more than (8') feet in height, and of such material and design to discourage unauthorized entry to the facility. Such pool(s) may be located in a required side or rear yard, but not within a required front yard forward of the primary dwelling on the lot,~~ and shall not be located closer than (5') feet to any side or rear property line.
 3. Lanais, gazebos, garden and patio shelters, and children's play-houses, provided the privacy enjoyed by adjacent residential dwellings is not impaired.
 4. Noncommercial radio and television receiving antennae and noncommercial radio transmitting antennae limited in height to sixty (60') feet (measured from the ground line in front of the dwelling or use facing a public street), and further provided no electrical, radio or television signal interference is created which would adversely affect such audio or visual signals to nearby dwellings and other permitted uses;
 5. Required off-street parking and loading spaces.

Commented [EW11]: Pool barrier requirements are already codified in the adopted building codes

Commented [EW12]: Recommend that the pool cannot extend beyond the front of the existing dwelling on the lot

6. Home occupation uses as defined in *Chapter 2 – Definitions* of this Land Development Code.
7. Parking and storage of private boats(s), camper trailer(s), or other recreational vehicle(s), in conformance with the regulations for the "Parking, Storage or Use of Major Recreational Equipment and Vehicles."
8. Signs, in conformance with these regulations and other applicable City codes and ordinances.
9. Private domestic greenhouses.

~~F. Special Exception Uses – In order to allow for certain uses which, because of the unique or unusual character thereof, cannot be unconditionally permitted in this district, yet would or could be an appropriate or compatible use under certain controlled circumstances and locations, the "Zoning Board of Adjustment" may, after public hearing thereon, authorize and grant the issuance of a "Special Exception" for such as allowed in Section 2.24 – "Schedule of Permitted Principal Uses." The issuance of such "special exception uses" by the "Board" shall be contingent upon reasonable and appropriate conditions and safeguards, including the length of time thereof, when appropriate, so as to properly protect any adjacent property, use, or neighborhood character, as well as insure the appropriate conduct of the special exception use of the land or buildings granted.~~

~~GE. Prohibited Uses – Any use not expressly authorized and permitted herein is expressly prohibited in this district, unless otherwise allowed in conformance with the provisions for the "Classification of New and Unlisted Uses."~~

~~HG. Density, Area, Yard, Height, and Lot Coverage Requirement – The requirements regulating the maximum permissible residential density, minimum lot size, minimum yard sizes, (front, side and rear), maximum building height (stories and feet), and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provisions of Section 3.24 - "Schedule of District Regulations" and other applicable provisions of Section 3.28 - "Supplementary District Regulations."~~

~~JH. Off-street Parking and Loading Requirements – Off-street parking and loading requirements pertaining to uses allowed in this district shall conform with the provisions of the "Off-Street Parking Requirements" and "Off-Street Loading Requirements."~~

~~JI. Land Plan and Supporting Documents Required – Any application for a change in zoning district boundaries on the "Official Zoning Map" affecting this district shall be accompanied by a land plan and supporting document therefore, in conformance with the provisions of Chapter 1 – ~~General~~ General Provisions of this Land Development Code regarding "Petition for Zoning District Change: Land Plan and Supporting Documents Required."~~

Section 3.12 ~~R-20~~ Single Family Residential District

- A. R-20 – Single Family Residential District – The regulations set forth in this Section, or as set forth elsewhere in this Chapter when referred to in this Section, are the regulations of the ~~R-20~~ Single-Family Residential District.
- B. Purpose and Intent – The purpose and intent of the ~~R-20~~ Single-Family Residential District is to provide for compatible land, building, and structural uses primarily oriented to medium-low density residential purposes, open space uses, and selected community facility uses. The locational characteristics of this district are generally found in the inner urbanized developed areas of the city, adjacent to shopping facilities. Land uses in this district are normally connected to an approved public or private sewage collection and treatment system, rather than individual septic tanks and sub-surface drainage fields. Moderately low density detached single-family residential dwellings as exist in the inner area of the city comprise the principal elements of the district. It is further the intent to use this district and its regulations to accommodate and recognize the existence of small lot conventional single-family development, which presently exists in the city.

- C. Use Regulations – Land, buildings and structures may be used only for the purposes allowed in this Section.
- D. Permitted Principal Uses – The permitted principal uses allowed in this district are as designated in *Section 3.24 - Schedule of Permitted Principal Uses*.
- E. Permitted Accessory Uses – Subject to the provisions of *Section 3.28 - Supplementary District Regulations*, accessory buildings, structures, and uses customarily incidental to the “permitted principal uses” are allowed, including but not limited to the following:
1. Private residential garages, carports and related storage buildings and greenhouses accessory to permitted residential uses.
 2. Private swimming pools, wading pools, and game courts (lighted or unlighted), provided that: if lighted, the lighting shall be so directed and shielded so as not to shine directly on any adjacent residential property; and further provided that any such pool or game court is for the private use of the site occupants and their guests, and not operated as a business. ~~All “at-grade” swimming pools with a water depth greater than twenty-four (24”) inches and “above grade” swimming pools having a water depth twenty-four (24”) inches or more, except for inflatable portable tot pools, shall be enclosed by a fence and gate not less than four (4’) feet nor more than eight (8’) feet in height, and of such material and design to discourage unauthorized entry to the facility. Such pool(s) may be located in a required side or rear yard, but not within a required front yard forward of the primary dwelling on the lot, and shall not be located closer than five (5’) feet to any side or rear property line.~~
 3. Lanais, gazebos, garden and patio shelters, and children’s play-houses, provided the privacy enjoyed by adjacent residential dwellings is not impaired.
 4. Noncommercial radio and television receiving antennae and noncommercial radio transmitting antennae limited in height to sixty (60) feet (measured from the ground line in front of the dwelling or use facing a public street), and further provided no electrical, radio or television signal interference is created which would adversely affect such audio or visual signals to nearby dwellings and other permitted uses.
 5. Required off-street parking and loading spaces.
 6. Home occupation uses as defined in *Chapter 2 – Definitions* of this Land Development Code.
 7. Parking and storage of private boat(s), camper trailer(s), or other recreational vehicle(s), in conformance with the regulations for “Parking, Storage or Use of Major Recreational Equipment and Vehicles.”
 8. Signs, in conformance with *Chapter 7 – Sign Regulations* of this Land Development Code.
 9. Private domestic greenhouses.
- ~~F. Special Exception Uses – In order to allow for certain uses which, because of the unique or unusual character thereof, cannot be unconditionally permitted in this district, yet would or could be an appropriate or compatible use under certain controlled circumstances and locations, the “Zoning Board of Adjustment” may, after public hearing thereon, authorize and grant the issuance of a “Special Exception” for such special exception uses as allowed in *Section 3.24 - “Schedule of Permitted Principal Uses.”* The issuance of such “exception” by the “Board” shall be contingent upon reasonable and appropriate conditions and safeguards, including the length of time thereof, when appropriate, so as to properly protect any adjacent property, use or neighborhood character, as well as insure the appropriate conduct of the special exception use of the land or buildings granted.~~
- F. R-10 Single-Family Residential District Historic Designation All lots within the City of Colleyville with the R-10 designation shall conform to the standards of the R-20 zoning district.

Commented [EW13]: Pool barrier requirements are already codified in the adopted building codes

Commented [EW14]: Recommend that the pool cannot extend beyond the front of the existing dwelling on the lot

Commented [BB15]: This will address the existing R-10 properties

- G. Prohibited Uses – Any use not expressly authorized and permitted herein is expressly prohibited in this district, unless otherwise allowed in conformance with the provisions for the “Classification of New and Unlisted Uses.”
- H. Density, Area, Yard, Height, and Lot Coverage Requirements – The requirements regulating the maximum permissible residential density, minimum lot size, minimum yard sizes (front, side and rear), maximum building height (stories and feet), and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provisions of *Section 3.24 - “Schedule of District Regulations”* and other applicable provisions of *Section 3.28 - “Supplementary District Regulations.”*
- I. Off-street Parking and Loading Requirements – Off-street parking and loading requirements pertaining to uses allowed in this district shall conform ~~with~~to the provisions for “Off-Street Parking Requirements,” and “Off-Street Loading Requirements.”
- J. Land Plan and Supporting Documents Required – Any application for a change in zoning district boundaries on the Official Zoning Map affecting this district shall be accompanied by a land plan and supporting document therefore, in conformance with the provisions contained in *Chapter 1 – General Provisions* of this Land Development Code.

Section 3.13 ~~R-15~~ – Single Family Residential District

- A. R-15 – Single Family Residential District – The regulations set forth in this Section, or as set forth elsewhere in this Chapter when referred to in this Section, are the regulations of the ~~R-15~~ – Single-Family Residential District.
- B. Purpose and Intent – The purpose and intent of the ~~R-15~~ – Single-Family Residential District is ~~to~~ provide for compatible land, building, and structural uses primarily oriented to medium-low density residential purposes, open space uses, and selected community facility uses. The locational characteristics of this district are generally found in the inner urbanized developed core of the city and/or adjacent to shopping facilities. Land uses in this district are normally connected to an approved public or private sewage collection and treatment system, rather than individual septic tanks and sub-surface drainage fields. Medium low density detached single-family residential buildings as exist in the inner core area of the city on typically small lots, along with the aforescribed uses, comprise the principal elements of the district. It is further the intent to use this district and its regulations to accommodate and recognize the existence of small lot conventional single-family development, which presently exists in the city, but not to create new-zoned areas for such conventional small lots.
- C. Use Regulations – Land, buildings and structures may be used only for the purposes allowed in this Section.
- D. Permitted Principal Uses – The permitted principal uses allowed in this district are as designated in *Section 3.24 - Schedule of Permitted Principal Uses*.
- E. Permitted Accessory Uses – Subject to the provisions of *Section 2.28 - Supplementary District Regulations*, accessory buildings, structures, and uses customarily incidental to the “permitted principal uses” are allowed, including but not limited to the following:
 - 1. Private residential garages, carports and related storage buildings and greenhouses accessory to permitted residential uses.
 - 2. Private swimming pools, wading pools, and game courts (lighted or unlighted), provided that: if lighted, the lighting shall be so directed and shielded so as not to shine directly on any adjacent residential property; and further provided that any such pool or game court is for the private use of the site occupants and their guests, and not operated as a business. ~~All “at-grade” swimming pools with a water depth greater than twenty-four (24”) inches and “above-grade” swimming pools having a water depth twenty-four (24”) inches or more, except for inflatable portable tot pools, shall be enclosed by a fence and gate not less than four (4) feet nor more than eight (8) feet in height, and of~~

~~such material and design to discourage unauthorized entry to the facility. Such pool (s) may be located in a required side or rear yard, but not within a required front yard forward of the primary dwelling on the lot, and shall not be located closer than five (5') feet to any side or rear property line.~~

Commented [EW16]: Pool barrier requirements are already codified in the adopted building codes

Commented [EW17]: Recommend that the pool cannot extend beyond the front of the existing dwelling on the lot

3. Lanais, gazebos, garden and patio shelters, and children's play-houses, provided the privacy enjoyed by adjacent residential dwellings is not impaired.
4. Noncommercial radio and television receiving antennae and noncommercial radio transmitting antennae limited in height to sixty (60') feet (measured from the ground line in front of the dwelling or use facing a public street), and further provided no electrical, radio or television signal interference is created which would adversely affect such audio or visual signals to nearby dwellings and other permitted uses;
5. Required off-street parking and loading spaces.
6. Home occupation uses, as defined in *Chapter 2 – Definitions* of this Land Development Code.
7. Parking and storage of private boat(s), camper trailer(s), or other recreational vehicle(s), in conformance with the regulations for the "Parking, Storage or Use of Major Recreational Equipment and Vehicles."
8. Signs, in conformance with *Chapter 7 – Sign Regulations* of this Land Development Code.
9. Private domestic greenhouses.

~~F. R-10 Single-Family Residential District Historic Designation All lots within the City of Colleyville with the R-10 designation shall conform to the standards of the R-15 zoning district.~~

Commented [BB18]: This will address the existing R-10 properties. {At the worksession this was moved to the R-20 district}

~~G. Special Exception Uses – In order to allow for certain uses which, because of the unique or unusual character thereof, cannot be unconditionally permitted in this district, yet would or could be an appropriate or compatible use under certain controlled circumstances and locations, the "Zoning Board of Adjustment" may, after public hearing thereon, authorize and grant the issuance of a "Special Exception" for such special exception uses as allowed in Section 3.24 – "Schedule of Permitted Principal Uses." The issuance of such "exception" by the "Board" shall be contingent upon reasonable and appropriate conditions and safeguards, including the length of time thereof, when appropriate, so as to properly protect any adjacent property, use or neighborhood character, as well as insure the appropriate conduct of the special exception use of the land or buildings granted.~~

- G. Prohibited Uses – Any use not expressly authorized and permitted herein is expressly prohibited in this district, unless otherwise allowed in conformance with the regulations for the "Classification of New and Unlisted Uses."
- H. Density, Area, Yard, Height, and Lot Coverage Requirements – The requirements regulating the maximum permissible residential density, minimum lot size, minimum yard sizes (front, side and rear), maximum building height (stories and feet), and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provisions of Section 3.24 "Schedule of District Regulations" and other applicable provisions of Section 3.28 - "Supplementary District Regulations."
- I. Off-street Parking and Loading Requirements – Off-street parking and loading requirements pertaining to uses allowed in this district shall conform ~~with~~to the provisions for "Off-Street Parking Requirements," and "Off-Street Loading Requirements."
- J. Land Plan and Supporting Documents Required – Any application for a change in zoning district boundaries on the Official Zoning Map affecting this district shall be accompanied by a land plan and supporting document therefore, in conformance with the provisions of *Chapter 1 – General Provisions* of this Land Development Code.

Section 3.14 RD – Two-Family Residential District

- A. ~~RD – Two-Family Residential District~~ – The regulations set forth in this Section, or as set forth elsewhere in this Chapter when referred to in this Section, are the regulations of the RD – Two-Family Residential District.
- B. Purpose and Intent – The purpose and intent of the RD – Two-Family Residential District is to provide for compatible land, building, and structure uses primarily oriented to medium-low density two-family residential purposes, open space usage, and selected community facility uses. The locational characteristics of this district are generally, but not always, found in the inner urbanized developed core of the city around shopping centers and neighborhood service facilities, plus as a transitional element between low density, single family districts and higher density multiple family districts. Land uses in this district are normally connected to an approved public or private sewage collection and treatment system, rather than individual septic tanks and sub-surface drainage fields. Dwellings containing two-family dwelling units, plus the aforescribed uses, comprise the principal elements of the district. ~~The intent of this district is not to allow single-family detached dwellings.~~
- C. Use Regulations – Land, buildings and structures may be used only for the purposes allowed in this Section.
- D. Permitted Principal Uses – The permitted principal uses allowed in this district are as designated in *Section 3.24 - Schedule of Permitted Principal Uses*.
- E. Permitted Accessory Uses – Subject to the provisions of *Section 3.28 - Supplementary District Regulations*, accessory buildings, structures, and uses customarily incidental to the “permitted principal uses” are allowed, including but not limited to the following:
1. Private residential garages, carports and related storage buildings and greenhouses accessory to permitted residential uses.
 2. Private swimming pools, wading pools, and game courts (lighted or unlighted), provided that: if lighted, the lighting shall be so directed and shielded so as not to shine directly on any adjacent residential property; and further provided that any such pool or game court is for the private use of the site occupants and their guests, and not operated as a business. ~~All “at-grade” swimming pools with a water depth greater than twenty-four (24”) inches and “above-grade” swimming pools having a water depth twenty-four (24”) inches or more, except for inflatable portable tot pools, shall be enclosed by a fence and gate not less than four (4’) feet nor more than eight (8’) feet in height, and of such material and design to discourage unauthorized entry to the facility. Such pool (s) may be located in a required side or rear yard, but not within a required front yard.~~ forward of the primary dwelling on the lot. and shall not be located closer than five (5’) feet to any side or rear property line.
 3. Lanais, gazebos, garden and patio shelters, and children’s play-houses, provided the privacy enjoyed by adjacent residential dwellings is not impaired.
 4. Noncommercial radio and television receiving antennae and noncommercial radio transmitting antennae limited in height to sixty (60’) feet (measured from the ground line in front of the dwelling or use facing a public street), and further provided no electrical, radio or television signal interference is created which would adversely affect such audio or visual signals to nearby dwellings and other permitted uses;
 5. Required off-street parking and loading spaces.
 6. Home occupation uses, as defined in *Chapter 2 – Definitions* of this Land Development Code.
 7. Parking and storage of private boat(s), camper trailer(s), or other recreational vehicle(s), in conformance with the requirements for “Parking, Storage or Use of Major Recreational Equipment and Vehicles.”
 8. Signs, in conformance with *Chapter 7 – Sign Regulations* of this Land Development Code.
 9. Private domestic greenhouses.

Commented [BB19]: The vast majority of properties zoned RD are developed with single-family residences

Commented [EW20]:

Commented [EW21R20]: Pool barrier requirements are already codified in the adopted building codes

Commented [EW22]: Recommend that the pool cannot extend beyond the front of the existing dwelling on the lot

- ~~F. Special-Exception Uses – In order to allow for certain uses which, because of the unique or unusual character thereof, can not be unconditionally permitted in this district, yet would or could be an appropriate or compatible use under certain controlled circumstances and locations, the “Zoning Board of Adjustment” may, after public hearing thereon, authorize and grant the issuance of a “Special Exception” for such special exception uses as allowed in Section 2.24 – “Schedule of Permitted Principal Uses.” The issuance of such “exception” by the “Board” shall be contingent upon reasonable and appropriate conditions and safeguards, including the length of time thereof, when appropriate, so as to properly protect any adjacent property, use or neighborhood character, as well as insure the appropriate conduct of the special exception use of the land or buildings granted.~~
- F. Single-Family Residential Uses – When a property with RD zoning is developed with a single-family residential use, the property shall conform to the standards of the R-20 Single Family Residential zoning district.
- G. Prohibited Uses – Any use not expressly authorized and permitted herein is expressly prohibited in this district, unless otherwise allowed in conformance with the provisions for the “Classification of New and Unlisted Uses.”
- H. Density, Area, Yard, Height, and Lot Coverage Requirements – The requirements regulating the maximum permissible residential density, minimum lot size, minimum yard sizes (front, side and rear), maximum building height (stories and feet), and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provisions of Section 3.24 - “Schedule of District Regulations” and other applicable provisions of Section 3.28 - “Supplementary District Regulations.”
- I. Off-street Parking and Loading Requirements – Off-street parking and loading requirements pertaining to uses allowed in this district shall conform with the provisions for the “Off-Street Parking Requirements,” and “Off-Street Loading Requirements.”
- J. Land Plan and Supporting Documents Required – Any application for a change in zoning district boundaries on the Official Zoning Map affecting this district shall be accompanied by a land plan and supporting document therefore, in conformance with the provisions of Chapter 1 – General Provisions of this Land Development Code.

Commented [BB23]: Added per Council direction to address single-family residential development

Section 3.15 RMF – ~~Multi-family~~ Family Residential District

- A. RMF – ~~Multi-family~~ Family Residential District – The regulations set forth in this Section, or as set forth elsewhere in this Chapter when referred to in this Section, are the regulations of the RMF – ~~Multi-family~~ Family Residential District.
- B. Purpose and Intent – The purpose and intent of the RMF – ~~Multi-family~~ Family Residential District is to provide for compatible land, building, and structure uses primarily oriented to medium density multi-family residential purposes, open space uses, select community facility uses, and under special conditions, single-family uses. The locational characteristics of this district are generally, but not always, found in the inner urbanized developed core of the city around shopping centers and neighborhood service facilities, near employment centers, at the intersections of major and secondary thoroughfare streets, and as a transitional element between lower density and more intense nonresidential land uses. Land uses in this district are normally connected to an approved public or private sewage collection and treatment system, rather than individual septic tanks and sub-surface drainage fields. Garden apartment buildings and condominiums, and low-density townhouses, plus the aforescribed uses, comprise the principal elements of the district.
- C. Use Regulations – Land, buildings and structures may be used only for the purposes allowed in this Section.
- D. Permitted Principal Uses – The permitted principal uses allowed in this district are as designated in Section 3.24 - Schedule of Permitted Principal Uses.
- E. Permitted Accessory Uses – Subject to the provisions of Section 3.28 - Supplementary District

Regulations, accessory buildings, structures, and uses customarily incidental to the "permitted principal uses" are allowed, including but not limited to the following:

1. Private residential garages, carports and related storage buildings and greenhouses accessory to permitted residential uses.
2. Private swimming pools, wading pools, and game courts (lighted or unlighted), provided that: if lighted, the lighting shall be so directed and shielded so as not to shine directly on any adjacent residential property; and further provided that any such pool or game court is for the private use of the site occupants and their guests, and not operated as a business. ~~All "at-grade" swimming pools with a water depth greater than twenty-four (24") inches and "above-grade" swimming pools having a water depth twenty-four (24") inches or more, except for inflatable portable tot pools, shall be enclosed by a fence and gate not less than four (4') feet nor more than eight (8') feet in height, and of such material and design to discourage unauthorized entry to the facility. Such pool-(s) may be located in a required side or rear yard, but not within a required front yard forward of the primary dwelling on the lot, and shall not be located closer than five (5') feet to any side or rear property line.~~
3. Lanais, gazebos, garden and patio shelters, and children's play-houses, provided the privacy enjoyed by adjacent residential dwellings is not impaired.
4. Noncommercial radio and television receiving antennae and noncommercial radio transmitting antennae limited in height to (60) feet (measured from the ground line in front of the dwelling or use facing a public street), and further provided no electrical, radio or television signal interference is created which would adversely affect such audio or visual signals to nearby dwellings and other permitted uses;
5. Required off-street parking and loading spaces.
6. Parking and storage of private boat(s), camper trailer(s), or other recreational vehicle(s), in conformance with the regulations for "Parking, Storage or Use of Major Recreational Equipment and Vehicles."
7. Signs, in conformance with *Chapter 7 – Sign Regulations* of this Land Development Code.
8. Private domestic greenhouses.
9. Outdoor storage areas or storage buildings for boats, trailers, and other recreational equipment, automobiles, or household effects - for the exclusive use of the site occupants, provided these accessory uses are screened in general conformity with the requirements for "Fences, Free Standing Walls, and Screening Materials."
10. An office area not containing more than (2) percent of the gross floor area of the main building in a multifamily development used exclusively for administration purposes for said development only.
11. Coin-operated vending machines in a principal or accessory building for newspapers, candy, tobacco, soft drinks, ice and similar services for use by the site occupants and guests of permitted uses in this district.
12. Social and recreation buildings for use by the site occupants and guests of permitted uses in this district.
13. Group dining quarters within a principal building.

Commented [EW24]: Pool barrier requirements are already codified in the adopted building codes

Commented [EW25]: Recommend that the pool cannot extend beyond the front of the existing dwelling on the lot

~~F. **Special Exception Uses** — In order to allow for certain uses which, because of the unique or unusual character thereof, cannot be unconditionally permitted in this district, yet would or could be an appropriate or compatible use under certain controlled circumstances and locations, the "Zoning Board of Adjustment" may, after public hearing thereon, authorize and grant the issuance of a "Special Exception" for such special exception uses as allowed in Section 3.24 – "Schedule of Permitted Principal Uses." The issuance of such "exception" by the "Board" shall be contingent upon reasonable and appropriate conditions and~~

~~safeguards, including the length of time thereof, when appropriate, so as to properly protect any adjacent property, use or neighborhood character, as well as insure the appropriate conduct of the special exception use of the land or buildings granted.~~

F. Single-Family Residential Uses – When a property with MF zoning is developed with a single-family residential use, the property shall conform to the standards of the R-20 Single Family Residential zoning district.

Commented [BB26]: Added per Council direction to address single-family residential development

G. Prohibited Uses – Any use not expressly authorized and permitted herein is expressly prohibited in this district, unless otherwise allowed in conformance with the provisions for the - "Classification of New and Unlisted Uses."

H. Density, Area, Yard, Height, and Lot Coverage Requirements – The requirements regulating the maximum permissible residential density, minimum lot size, minimum yard sizes (front, side and rear), maximum building height (stories and feet), and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provisions of Section 3.24 - "Schedule of District Regulations" and other applicable provisions of Section 3.28 - "Supplementary District Regulations."

I. Off-street Parking and Loading Requirements – Off-street parking and loading requirements pertaining to uses allowed in this district shall conform ~~with~~ the provisions of the "Off-Street Parking Requirements," and ~~and~~ "Off-Street Loading Requirements."

J. Site Plan and Supporting Documents Required – Any application for a change in zoning district boundaries on the Official Zoning Map affecting this district, or for a "Special Use Permit" to be issued in this district, shall be accompanied by a site plan and supporting document therefore, unless otherwise waived by the City Planning and Zoning Commission or Zoning Board of Adjustment, in conformance with the provisions of Chapter 1 – General Provisions of this Land Development Code.

K. Open Space Required – Unless waived by the Planning and Zoning Commission, the RMF ~~Multi-family~~ Family Residential District shall conform to the Open Space Requirements as set forth in the provision for "Open Space Requirements," "Maximum Residential Density Permitted; and Density Increase Bonuses," and "Guarantee of Common Open Space."

L. Planned Single-Family Use in RMF Zoning Districts by Special Use Permit

Commented [BB27]: Not needed; single-family residential development to be allowed by right

~~1. Purpose and Intent – the purpose and intent of the grant of a special use permit for single family use in a R-MF Zoning District is to provide for the use in said zoning district of land, buildings and structures, for an appropriate combination of residential uses, accessory uses and special uses and to accommodate uses of land in multifamily zoning districts for single family purposes when said use is pursuant to a plan designed to encourage the most appropriate and aesthetic uses of land having due regard for the special arrangement of buildings, land uses, open spaces, circulation transportation patterns and consideration of special site and topographical features, which are controlled and the actual development becomes incorporated into the grant of the special use permit.~~

~~2. Allowable Uses – land, buildings or structures within an area zoned R-MF on which a special use has been granted may be used for any appropriate combination of principal uses, accessory uses, and special uses as permitted in residential zoning districts. However, the Planning and Zoning Commission and the City Council reserve the right to prohibit and exclude certain uses within any planned district, when, in their opinion, the inclusion of certain uses would or could cause or create an adverse impact within or to an adjacent development, or be an otherwise inappropriate use within the development or detrimental to persons or property within the adjacent districts thereto.~~

~~3. Permitted Uses – the land, buildings and structures within an RMF Zoning District upon which a special use permit has been granted may be used in any single purpose or mixed type of residential dwellings, including but not limited to the attached single family dwelling on conventional subdivision type lots, attached dwellings such as duplexes and townhouses, "cluster housing", patio homes, atrium homes, zero-lot line homes, (with a maximum of one side wall of the dwelling in common with a side property line). Additionally, accessory uses customary and incidental and secondary to any allowed foregoing use are allowed in the district.~~

- ~~4. Prohibited Uses – uses not expressly permitted in residential zoning districts of this Chapter are expressly prohibited in any R-MF District with special use permit unless otherwise authorized and approved by the City Planning and Zoning Commission and the City Council.~~
- ~~5. Minimum Lot Size Requirements; Minimum Yard Requirements; Maximum Building Heights; and Maximum Lot Coverage – the maximum height, lot width, lot depth, floor area ratio and lot area, and the minimum off street parking and loading requirements for a special use permit in RMF Zoning District shall comply with or be more restrictive than the standard established in RMF Zoning Districts. The Planning and Zoning Commission and City Council may alter such requirements when in their opinion the proposed development densities and land use arrangements shown on the site plan would result in the more innovative siting of buildings and facilities which would improve the usefulness of yard areas and the relationship to traffic circulation, admittance of light and air to buildings, fire protection and useable open space.~~
- ~~6. Off-Street Parking and Loading Requirements – off street parking and loading requirements pertaining to uses allowed in this district shall conform with to the provisions of the “Off-Street Parking Requirements,” and “Off-Street Loading Requirements.”~~
- ~~7. Site Plan and Supporting Documents Required – any application for a change in zoning district boundaries on the “official zoning map” to establish a special use permit in an RMF Zoning District shall be accompanied by a site plan and supporting documents therefore, in conformance with the provisions of Chapter 1 – General Provisions of this Land Development Code.~~
- ~~8. Nature of Amending Ordinance Approving a Special Use Permit in RMF Zoning Districts – in approving any request for a special use permit in RMF Zoning Districts, the City Council shall, on the recommendation of the Planning and Zoning Commission, incorporate in the amending ordinance reference to the approved site plan, supporting documents and other conditions or restrictions imposed on the project by the commission including those of Council, and said information, conditions and restrictions shall constitute controls and limitations upon the development and use of the property. The approval and adoption of the amending ordinance by the Council shall result in the appropriate change to the “Official Zoning Map.” However, the zoning change does not constitute recording of a “final plat”, nor authorize the issuance of building permits and “certificates of occupancy,” until such time as a “final plat,” and supporting legal and construction documents have been prepared and submitted for City Council approval on all or part of the proposed development, in conformance with the requirements and procedures of the City Subdivision Regulation Ordinance and the requested zoning change.~~
- ~~9. Requirements for “Final Plat,” Submission Following Grant of Special Use Permit – within a maximum of six (6) consecutive months, following the approval of the special use permit in the RMF Zoning District by the City Council, the applicant shall file with the City Planning and Zoning Commission a “final plat” and necessary supporting documents of all or a part of the site in conformance with the City’s Subdivision Regulations Ordinance. In its discretion and for good cause, the Planning Commission may extend for six (6) months the period of filing for the “final plat,” upon written request by the applicant. Should the applicant fail to submit a “final plat” within the six-month period following the City Council approval of the Special Use Permit, or by the termination date of the filing of the extension granted by the Planning and Zoning Commission, the Commission may initiate proceedings to amend the official zoning map by removing all or part of the Special Use Permit in the RMF Zoning District from the official zoning map. The City Council may uphold the Commission’s recommendation and proceed to advertise and hold public hearings thereon, or may elect to continue the special use permit in the R-MF Zoning District.~~
- ~~10. Compliance with Development Schedule – an application for a planned unit development district shall be accompanied by a development schedule indicating the appropriate date on which construction is expected to begin and the rate of anticipated development to completion. The development schedule, if adopted and approved by the City Council, shall become a part of the development plan and shall be adhered to by the owner, developer and his successors in interest. The development schedule shall be reviewed annually by the City Manager or his designee and he shall report to the Planning and Zoning Commission the actual development accomplished as compared with the~~

~~development schedule. The Planning and Zoning Commission may, if in its opinion the owner or owners of property are failing or have failed to meet the approved schedule, initiate proceedings to amend the official Zoning Map by removing all or part of the special use permit in the RMF Zoning District from the official zoning map. Upon the recommendation of the Planning and Zoning Commission and for good cause shown by the owner and developer, the City Council may also extend the development schedule or adopt such new development schedule as may be indicated by the facts and conditions of the case.~~

Section 3.16 MH – Mobile Home Residential District

- A. MH – Mobile Home Residential District – The regulations set forth in this Section, or as set forth elsewhere in this Chapter when referred to in this Section, are the regulations of the MH – Mobile Home Residential District.
- B. Purpose and Intent – The purpose and intent of the MH – Mobile Home Residential District is to provide for the orderly, safe, and healthful development of mobile home parks and mobile home subdivisions. Since mobile homes are recognized as a special form of housing, the intent of this district is to provide appropriate standards as to compatible land uses, density, minimum mobile home park or subdivision size, and other relevant requirements pertaining to the design, construction, alterations, and extensions of mobile home parks and mobile home subdivisions. Land uses in this district are normally connected to an approved public or private sewage collection and treatment system, rather than individual septic tanks and sub-surface drainage fields.
- C. Use Regulation – Every mobile home park or mobile home subdivision hereafter constructed, enlarged, altered, extended, or created shall comply with all regulations set forth under this Section.
- D. Permitted Principal Uses – The permitted principal uses allowed in this district are as designated in *Section 3.24 - Schedule of Permitted Principal Uses*.
- E. Permitted Accessory Uses – Subject to the provisions of *Section 3.28 - Supplementary District Regulations*, accessory buildings, structures, and uses customarily incidental to the “permitted principal uses” are allowed, including but not limited to the following:
1. Private residential garages, carports and related storage buildings and greenhouses accessory to permitted residential uses.
 2. Private swimming pools, wading pools, and game courts (lighted or unlighted), provided that: if lighted, the lighting shall be so directed and shielded so as not to shine directly on any adjacent residential property; and further provided that any such pool or game court is for the private use of the site occupants and their guests, and not operated as a business. ~~All “at-grade” swimming pools with a water depth greater than twenty-four (24”) inches and “above grade” swimming pools having a water depth twenty-four (24”) inches or more, except for inflatable portable tot pools, shall be enclosed by a fence and gate not less than four (4’) feet nor more than eight (8’) feet in height, and of such material and design to discourage unauthorized entry to the facility. Such pool (s) may be located in a required side or rear yard, but not within a required front yard~~ **forward of the primary dwelling on the lot**, and shall not be located closer than five (5’) feet to any side or rear property line.
 3. Lanais, gazebos, garden and patio shelters, and children's play-houses, provided the privacy enjoyed by adjacent residential dwellings is not impaired.
 4. Non-commercial radio and television receiving antennae and non-commercial radio transmitting antennae limited in height to sixty (60’) feet (measured from the ground line in front of the dwelling or use facing a public street), and further provided no electrical, radio or television signal interference is created which would adversely affect such audio or visual signals to nearby dwellings and other permitted uses;
 5. Required off-street parking and loading spaces.
 6. Home occupation uses, as defined by *Chapter 2 – Definitions* of this Land Development Code.

Commented [EW28]: Pool barrier requirements are already codified in the adopted building codes

Commented [EW29]: Recommend that the pool cannot extend beyond the front of the existing dwelling on the lot

7. Parking and storage of private boat(s), camper trailer(s), or other recreational vehicle(s), in conformance with the requirements for the "Parking, Storage or Use of Major Recreational Equipment and Vehicles."
8. Signs, in conformance with *Chapter 7 – Sign Regulations* of this Land Development Code.
9. Private domestic greenhouses.
10. Pool cabanas, laundry buildings, restroom/shower buildings, park office building, and other similar uses accessory to a Mobile Home Park or Mobile Home Subdivision.

~~F. Special Exception Uses – In order to allow for certain uses which, because of the unique or unusual character thereof, cannot be unconditionally permitted in this district, yet would or could be an appropriate or compatible use under certain controlled circumstances and locations, the "Zoning Board of Adjustment" may, after public hearing thereon, authorize and grant the issuance of a "Special Exception" for such special exception uses as allowed in Section 3.24 – "Schedule of Permitted Principal Uses." The issuance of such "exception" by the "Board" shall be contingent upon reasonable and appropriate conditions and safeguards, including the length of time thereof, when appropriate, so as to properly protect any adjacent property, use or neighborhood character, as well as insure the appropriate conduct of the special exception use of the land or buildings granted.~~

~~GE. Prohibited Uses – Any use not expressly authorized and permitted herein is expressly prohibited in this district, unless otherwise allowed in conformance with the provisions for the "Classification of New and Unlisted Uses."~~

~~HG. Density, Area, Yard, Height, and Lot Coverage Requirements – The requirements regulating the maximum permissible residential density, minimum lot size, minimum yard sizes (front, side and rear), maximum building height (stories and feet), and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provisions of Section 3.24 – "Schedule of District Regulations" and other applicable provisions of Section 3.28 – "Supplementary District Regulations."~~

~~I. Off-street Parking and Loading Requirements – Off-street parking and loading requirements pertaining to uses allowed in this district shall conform with the provisions for the "Off-Street Parking Requirements" and and "Off-Street Loading Requirements."~~

~~J. Site Plan and Supporting Documents Required – Any application for a change in zoning district boundaries on the Official Zoning Map affecting this district, or for a "Special Use Permit" to be issued in this district, shall be accompanied by a site plan and supporting document therefor, unless otherwise waived by the Planning and Zoning Commission or Zoning Board of Adjustment, in conformance with the provisions of Chapter 1 – General Provisions of this Land Development Code.~~

Section 3.17 CPO - Professional Office Commercial District

A. Purpose – This district is designed to be compatible adjacent to or near residential areas and so as to provide office services needed by homeowners on a usual basis. The lot size maximum is small to encourage small-scale developments, and hours of operation do not permit businesses to be open at night.

B. Permitted Uses

1. See Table 3.24.B - Schedule of Permitted Principle Uses

C. Special Uses

1. See Table 3.24.B - Schedule of Permitted Principle Uses

D. Site Requirements

Colleyville, Texas, Land Development Code

Minimum lot size: — 7, 200 s.f.	Minimum setbacks:	Max. Building height in stories: — 2 st.
Maximum lot size: 1 acre	front: 40 ft.	Max. building height in feet: — 35 ft.
Minimum lot width at front setback line: 100 ft.	side abutting residential: 25 ft. side abutting non-residential: 15 ft.	Max. building height adj. to residential district: see Sec. 24
Minimum lot depth: 120 ft.	rear abutting residential: 25 ft.	
Maximum lot coverage: 40%	rear abutting non-residential: 10 ft.	

E. Supplementary Requirements

General: - outdoor storage is not permitted - uses adjacent to single family uses must be screened as per Sec. 3.26 - may be operated in daytime only	Landscaping Plans: - required as per Chapter 4 Commercial Bldg. Design Stds. each site must have a minimum of 25 points as per Chapter 56 — as required per Chapter 6	Off-Street Parking: - as required by Sec. 3.29 Site Plans: - plans must be submitted in accordance with Sec. 3.31
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Section 3.18 CN - Neighborhood Commercial District

A. Purpose – This district is designed to be compatible adjacent to or near residential areas and to provide goods needed by homeowners on a usual basis. The lot size maximum is small to encourage small-scale developments, and hours of operation do not permit businesses to be open at night.

B. Permitted Uses

1. See Table 3.24.B - Schedule of Permitted Principle Uses

C. Special Uses

1. See Table 3.24.B - Schedule of Permitted Principle Uses

D. Site Requirements

General Requirements: Minimum lot size: 10,000 s.f. Maximum lot size: 1 acre Minimum lot width at front setback line: 100 ft. Minimum lot depth: 120 ft. Maximum lot coverage: 40%	PRIMARY USE & STRUCTURE: Minimum setbacks: front: 40 ft. side abutting residential: 25 ft. side abutting non-residential: 15 ft. rear abutting residential: 25 ft. rear abutting non-residential: 10 ft. Max. Building height in stories: 2 st. Max. building height in feet: 35 ft. Max. building height adj. To residential district: see Sec. 24	Accessory Use & Structure: Permitted per Sec. 3.24 & 3.2827
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E. Supplementary Requirements

General: - outdoor storage is not permitted - uses adjacent to single family uses must be screened as per Sec. 24 - may be operated in daytime only	Landscaping Plans: - required per Chapter 4 Commercial Bldg. Design Stds. each site must have a minimum of 25 points per Chapter 65 — as required per Chapter 6	Off-Street Parking: - as required by Sec. 3.29 Site Plans: - plans must be submitted in accordance with Sec. 3.31
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Section 3.19 CC1 - Village Retail District

A. Purpose – This district is oriented to general commercial retail goods and services as well as some office, entertainment and community facility uses. While the district is designed to encourage “clustering” stores, the site requirements allow for a smaller scale than a shopping center type development. It is likely that Village Retail centers will be built without a major anchor store and be located near but not at major street intersections.

B. Permitted Uses

1. See Table 3.24.B - Schedule of Permitted Principle Uses

C. Special Uses

1. See Table 3.24.B - Schedule of Permitted Principle Uses

D. Site Requirements

General Requirements:	PRIMARY USE & STRUCTURE:	Accessory Use & Structure:
Minimum lot size: 15,000 s.f.	Minimum setbacks:	Permitted per Sec. 3.24 & 3.2827
Maximum lot size: 5 acres	front: 40 ft.	
Minimum lot width at front setback line: 150 ft.	side abutting residential: 25 ft.	
Minimum lot depth: 120 ft.	side abutting non-residential: 15 ft.	
Maximum lot coverage: 50%	rear abutting residential: 25 ft.	
	rear abutting non-residential: 10 ft.	
	Max. Building height in stories: 2 st.	
	Max. building height in feet: 35 ft.	
	Max. building height adj. To residential district: see Sec. 3.24 (A&B)	

E. Supplementary Requirements

General:	Landscaping Plans:	Off-Street Parking:
- outdoor storage is not permitted	- required as per Chapter 4	- as required by Sec. 3.29
- uses adjacent to single family uses must be screened as per Sec. 24	Commercial Bldg. Design Stds.	Site Plans:
- may be operated 24 hours/day	each site must have a minimum of 30 points as defined by Chapter 56 as required per Chapter 6	- plans must be submitted in accordance with Sec. 3.31

Section 3.20 CC2 - Shopping Center District

A. Purpose – This district is oriented to general commercial goods and services as well as office, entertainment and community facility uses. By nature, shopping center tracts are large-scale usually accommodating a large anchor store and several smaller stores. These tracts are generally located at major street intersections.

B. Permitted Uses

1. See Table 3.24.B - Schedule of Permitted Principle Uses

C. Special Uses

1. See Table 3.24.B - Schedule of Permitted Principle Uses

D. Site Requirements

General Requirements:		<u>PRIMARY USE & STRUCTURE</u>	<u>Accessory Use & Structure</u>
Minimum lot size:	20,000 s.f.	Minimum setbacks:	Permitted per Sec. 3.24 & 3.2827
Maximum lot size:	none	front: 40 ft.*	
Minimum lot width at front setback line:	150 ft.	*see Sec. 23 (D) for special "urban Village" front yard setback.	
Minimum lot depth	120 ft.	side abutting residential: 25 ft.	
Maximum lot coverage	60%	side abutting non-residential: 15 ft.	
		rear abutting residential: 25 ft.	
		rear abutting non-residential: 10 ft.	
		Max. Building height in stories: 2 st.	
		Max. building height in feet: 35 ft.	
		Max. building height in PUD: 4 st.	
		Max. building height adj. To residential district: see Sec. 3.24 (A&B)	

E. Supplementary Requirements

General: - outdoor storage is not permitted - uses adjacent to single family uses must be screened as per Sec. 3.24 - may be operated 24 hours/day	Landscaping Plans: - required as per Chapter 4 Commercial Bldg. Design Stds. each site must have a minimum of 25 points as defined by Chapter 56 as required per Chapter 6	Off-Street Parking: - as required by Sec. 3.29 Site Plans: - plans must be submitted in accordance with Sec. 3.31
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Section 3.21 CC3 - Highway Commercial District

A. Purpose – This district would permit uses that do not fit within the retail or manufacturing categories. Service and retail uses associated with outdoor storage, noise, especially auto repair and service and others would be permitted. The minimum lot size is less than the Shopping Center District to allow for more flexibility of uses. It is anticipated that most of these districts would not be located near residential districts.

B. Permitted Uses

1. See Table 3.24.B - Schedule of Permitted Principle Uses

C. Special Uses

1. See Table 3.24.B - Schedule of Permitted Principle Uses

D. Site Requirements

General Requirements:		<u>PRIMARY USE & STRUCTURE:</u>	<u>Accessory Use & Structure:</u>
Minimum lot size:	10,000 s.f.	Minimum setbacks:	Permitted as per Sec. 3.24 & 3.2827
Maximum lot size:	none	front: 40 ft.	
Minimum lot width at front setback line:	150 ft.	side abutting residential: 25 ft.	
Minimum lot depth	120 ft.	side abutting non-residential: 15 ft.	
Maximum lot coverage	70%	rear abutting residential: 25 ft.	
		rear abutting non-residential: 10 ft.	
		Max. Building height in stories: 2 st.	
		Max. building height in feet: 35 ft.	
		Max. building height adj. to residential	

district: see Sec. 3.24 (A&B)

E. Supplementary Requirements

General: - outdoor storage is permitted - uses adjacent to single family uses must be screened as per Sec. 3.24 - may be operated 24 hours/day.	Landscaping Plans: - required as per Chapter 4 Commercial Bldg. Design Stds: each site must have a minimum of 20 points as defined by Chapter 56 <u>as required per Chapter 6</u>	Off-Street Parking: - as required by Sec. 3.29 Site Plans: - plans must be submitted in accordance with Sec. 3.31
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Section 3.22 ML - Light Manufacturing District

A. **Purpose** – This district would permit uses that involve the fabrication of products or have outdoor storage, noise, odors or other objectionable aspects that would not be compatible in retail or service areas. This district is limited to those uses that are not retail in nature or in some cases those that need outdoor space.

B. Permitted Uses

1. See Table 3.24.B - Schedule of Permitted Principle Uses

C. Special Uses

1. See Table 3.24.B - Schedule of Permitted Principle Uses

D. Site Requirements

General Requirements: Minimum lot size: 10,000 s.f. Maximum lot size: none Minimum lot width at front Setback line: 100 ft. Minimum lot depth: 120 ft. Maximum lot coverage: 60%	PRIMARY USE & STRUCTURE: Minimum setbacks: front: 40 ft. side abutting residential: 25 ft. side abutting non-residential: 15 ft. rear abutting residential: 25 ft. rear abutting non-residential: 10 ft. Max. Building height in stories: 2 st. Max. building height in feet: 35 ft. Max. building height adj. To residential district: see Sec. 3.24 (A&B)	Accessory Use & Structure: Permitted per Sec. 3.24 & 3.29 27
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E. Supplementary Requirements

General: - outdoor storage is permitted - uses adjacent to single family uses Must be screened as per Sec. 3.24 - may be operated 24 hours/day.	Landscaping Plans: - required as per Chapter 4 Commercial Bldg. Design Stds: each site must have a minimum of 30 points as defined by Chapter 56 <u>as required per Chapter 6</u>	Off-Street Parking: - as required by Sec. 3.29 Site Plans: - plans must be submitted in accordance with Sec. 3.31
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Section 3.23 PUD – Planned Unit Developments

(Ord. O-05-1529 / 06/21/05)

A. **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.

- B. Ordinance Required and Effect on Official Zoning Map – Every Planned Unit Development approved under the provisions of this section shall be considered an amendment to the Land Development Code and Official Zoning Map of the City of Colleyville, Texas. In approving any request for a Planned Unit Development district, the City Council shall, upon recommendation of the Planning and Zoning Commission, incorporate in the approving ordinance reference the approved site plan, supporting documents and include other conditions or restrictions imposed on the project by the Commission, including those of the Council. The approval and adoption of the amending ordinance by the City Council shall result in the appropriate change to the “Official Zoning Map.”
- C. General Development Standards – The standards and requirements set forth in the Land Development Code shall be applicable to every Planned Unit Development, except where a new or different standard or requirement has been set forth in the ordinance establishing the PUD district. Such standards or requirements may be in addition to or in lieu of a development standard contained in the Land Development Code. The ordinance creating the Planned Unit Development may establish these requirements specifically in the ordinance or by reference to another zoning district.
- D. Classification of Planned Unit Developments – The approving ordinance establishing a Planned Unit Development shall include one of the following classifications, which shall also be shown on the Official Zoning Map using the applicable letter symbol.

Planned Unit Development Classifications		
PUD Classification	Planned Unit Development- Residential	Planned Unit Development - Commercial
Map Symbol	PUD-R	PUD-C
Classifications Defined	Planned developments containing primarily residential dwelling units, which may be grouped into clusters and may have a higher density than a conventional single family project of the same acreage, shall be classified as Planned Unit Development – Residential. A PUD-R may also contain a portion of non-residential uses.	Planned developments containing primarily non-residential uses, such as commercial, office, professional services, retail, institutional and industrial uses, or combinations thereof, shall be classified as Planned Unit Development – Commercial. A PUD-C may also contain a portion of residential uses.

- E. Permitted Uses – The uses permitted in a Planned Unit Development shall be enumerated in the approving ordinance with land use descriptions consistent with the Table of Permitted Uses, contained elsewhere in this Land Development Code. A Planned Unit Development may allow a combination of land uses, a specific use, or a class of generic uses, such as single family residential, office, retail, commercial or educational facilities, or a reference to another zoning district.
- F. Prohibited Uses – Uses not expressly permitted in the ordinance approving the Planned Unit Development shall be prohibited.
- G. Maximum Residential Density – The maximum residential density permitted in a PUD-R district, or in a PUD-C district where residential uses are proposed, shall not exceed 1.8 dwelling units per gross net acre. For the purpose of this regulation, the density calculation shall include all residential areas of the project and one-half of any abutting street situated adjacent to the project. This calculation shall exclude all proposed non-residential acreage and street rights-of-way from the gross-net acreage.
- ~~H. Density Bonus – A proposal for a PUD-R or a PUD-C containing a residential density exceeding 1.8 dwelling units per acre may be considered where the amount of open space area provided exceeds the minimum open space requirement or where additional amenities are provided within the open space area. A PUD proposal which contains a density exceeding 1.8 dwelling units per acre shall only be acceptable in an area consistent with sound land use planning, such as a transitional area situated between a non-~~

residential area and less dense residential developments, or near a major street intersection, or for smaller parcels with unique topographical features that make less dense development economically difficult.

Commented [BB30]: No density bonus desired

- I. ~~Minimum Residential Lot Size~~ – Notwithstanding Paragraph C above regarding maximum density, ~~the minimum lot size in a PUD-R district shall be 13,000 square feet, with an average lot size of 16,000 square feet. No lot shall have less than 100 feet of width at the building line. The minimum lot size in a Planned Unit Development district shall be stated in the approving ordinance.~~

Commented [BB31]: The PUD ordinance will determine minimum lot standards for area dimension (size, width & depth)

- J. Open Space Requirements – All requests for approval of a Planned Unit Development shall include provisions for open space areas in conformance with the following:

Commented [BB32]: Should the 20% standard be a recommendation? Should Council be able to reduce this standard as part of the PUD approval?

1. *Residential Areas* – For all residential uses, common open space land, comprising not less than twenty percent (20%) of the gross residential project area unless modified by the City Council, shall be provided for the primary use of the occupants of the residential units.
2. *Non-Residential Areas* – For all non-residential uses, open space land, comprising not less than twenty percent (20%) of the non-residential area unless modified by the City Council, shall be provided. Said open space area may be the same area as the landscaped area required elsewhere in this Land Development Code.
3. *Definition of Common Open Space*. For the purpose of this section, common open space is defined as follows:
 - a. Common Open Space may include:
 - i. land area of the development used for aesthetic, leisure and recreational purposes, that is accessible to and permanently reserved for the common use and enjoyment of the occupants of the development,
 - ii. golf courses, parks, and public open space areas adjacent to the development, which are readily accessible,
 - iii. low-impact passive uses include conservation of open land in its natural state (for example, woodland, fallow field, or meadow), neighborhood squares, common areas, picnic areas, community gardens, walking trails, bikeways, other kinds of pathways, and similar low-impact passive recreational uses, or
 - iv. active recreation uses including recreational playing fields, playgrounds, tennis courts, neighborhood pools, and clubhouse structures.
 - b. Common Open Space shall not include:
 - i. land areas reserved for the exclusive use and benefit of an individual owner or tenant,
 - ii. public or private street right-of-way, parkways, alleys, driveways, parking or loading areas,
 - iii. religious institutions or private school sites, or
 - iv. street medians or islands.
2. *Open Space Design Requirements*.
 - a. An application for a Planned Unit Development that includes a common open space area shall include a written description or a plan of amenities, such as landscaped areas, trees and shrubs, sidewalks and trails, benches, pavilions, and play areas, to be included in the open space areas.
 - b. The maximum amount of common open space used for storm water detention or retention purposes shall not exceed twenty-five (25%) of the common open space area. If the open space area contains a retention pond, the pond shall include at least one (1) aeration device, such as a fountain, waterfall or underwater device.
 - c. Common open space areas adjacent to street rights-of-way shall be a minimum depth of twenty-five (25) feet and shall be landscaped to include the retention or planting of one (1) three (3") inch caliper tree per each fifty (50) feet of street frontage, which may be clustered or distributed within the open space area.

3. **Guarantee of Common Open Space.** In order to guarantee the preservation and maintenance of the common open space, one of the following methods shall be required:
- a. **Public Open Space** – Common open space may be conveyed to the City or other public agency, provided the public agency accepts the conveyance and agrees to maintain the common open space and any buildings, structures or other improvements.
 - b. **Private Open Space** – Common open space may be conveyed to a homeowner's association or property owner's association, provided the declaration of covenants and restrictions that govern the association include, but is not limited to, the following:
 - i. the establishment of the association is made before any lot in the development is sold or any building occupied,
 - ii. membership in the association is mandatory for each building or property owner and any successive owner and give the association the power to compel contributions from residents of the development to cover their proportionate shares of the costs associated with the maintenance and upkeep of the common open space areas,
 - iii. ownership and maintenance of the common open space is guaranteed by a restrictive covenant, which is permanent, running with the land for the benefit of the occupants of the development and state that the association is totally responsible for the maintenance of the common open space and any improvements,
 - iv. submittal of a draft copy of the proposed covenants at the time of preliminary platting, which will ensure the guarantees stated in this section and provides for restricting the use of common spaces for the designated purposes, and
 - v. the plat contains a note stating that the common open space shall be maintained by the home owners association
- K. **Special Submittal and Exhibit Requirements** – To facilitate the review and public hearing process, all applications for a Planned Unit Development shall include the following documents and exhibits:
- 1. **Application** – These forms are furnished by the Administrative Official.
 - 2. **Application Fee** – No application shall be processed or scheduled for public hearing until the application fee has been paid.
 - 3. **Statement of Planning Objectives** – The developer shall provide a written statement of planning objectives which describes the nature and character of the proposed development, any proposed development standards, and the rationale behind the assumptions and choices made by the applicant, including use and ownership of any open spaces, etc.
 - 4. **Legal Description** – A written metes and bounds description of the total site area proposed for the Planned Unit Development.
 - 5. **Development Schedule** – A development schedule indicating the target dates for the start and completion of the project, including any key dates of phasing of the project. The development schedule, if adopted and approved by the City Council, shall be incorporated into the approving ordinance, which shall be adhered to by the owner, developer and his successors in interest.
- If upon review by the Administrative Official, the owner or owners of property fail to meet the approved schedule, the Planning and Zoning Commission or City Council may initiate proceedings under Chapter 1 – General Provisions of this Land Development Code regarding "Amendments, Frequency of Petition and Site Plan Requirements: Zoning and Special Use Permits," to amend the Planned Development District by removing all or part of the Planned Development District from the Official Zoning Map and placing the area involved in another appropriate zoning district. Upon the recommendation of the Planning and Zoning Commission and for good cause shown by the owner and developer, the City Council may also extend the development schedule or adopt such new development schedule as may be indicated by the facts and conditions of the case.
- 6. **Site Plan** – The Site Plan, which may be conceptual and general in nature, but in sufficient detail appropriate for the type of development being proposed and shall at a minimum include the following items, where applicable:
 - a. Proposed layout, indicating the approximate size and dimensions of all residential and non-residential lots

- b. Proposed land uses and building locations
- c. General elevation drawings of all non-residential structures indicating building height
- d. Landscaping, lighting, fencing and screening of common areas
- e. General locations of existing tree clusters
- f. Location and construction type of perimeter fencing
- h. Design of ingress and egress with description of any special pavement treatments
- i. Calculations and location of off-street parking and loading facilities
- j. Location and type of all commercial signage and lighting, including pole heights, for parking lots and common areas
- k. Location and description of subdivision signs and landscaping at entrance areas
- l. Street names on all proposed streets

Exception: A Planned Unit Development application may be submitted and approved without a Site Plan, if the approving ordinance contains sufficient written detail to establish all site criteria.

- 7. **Drainage Analysis** – The applicant shall submit a Preliminary Drainage Analysis to determine the need for drainage facilities. The Preliminary Drainage Analysis shall be prepared in accordance with drainage analysis requirements contained in *Chapter 14 – Engineering Design Standards* of the Land Development Code.

- L. **Optional Preliminary Plat Submittal** – To expedite a development proposal, a developer may submit a separate application for a Preliminary Plat, which meets all of the requirements specified in Chapter 8 of this Land Development Code for a Preliminary Plat submittal, and which may be processed and reviewed concurrently with a PUD application, provided that no Preliminary Plat application shall be approved prior to the approval of the PUD application. The developer shall request a waiver of the 30 day time limit for Preliminary Plat approval where such applications run concurrently with a PUD application.

M. **Approval Process**

- a. **Application** – An application for a Planned Unit Development shall be submitted and processed using the same requirements used for submittal of a rezoning request, which shall be reviewed and considered in accordance with the procedures specified in Chapter One of this Land Development Code.
- b. **Conditions Related to Approval** – In establishing a Planned Unit Development, each application shall be evaluated by the Planning and Zoning Commission and City Council as to its probable effect on the adjacent property and the community. The Planned Unit Development may be approved or denied as the findings indicate appropriate. The Planning and Zoning Commission may recommend and the City Council may approve safeguards or conditions of approval to reduce the effect on adjacent or surrounding properties, which may include any or all of the following site conditions:
 - i. Accessory buildings
 - ii. Building and structure heights
 - iii. Drainage
 - iv. Exterior construction materials
 - v. Exterior lighting
 - vi. Fire protection measures
 - vii. Hours of operation
 - viii. Land uses
 - ix. Landscaping and open space
 - x. Lot coverage, density & setbacks
 - xi. Lot sizes and dimensions
 - xii. Outside storage and display
 - xiii. Pedestrian circulation
 - xiv. Public street access
 - xv. Refuse and waste storage
 - xvi. Screening or buffer areas
 - xvii. Signs
 - xviii. Vehicle traffic, circulation, and parking lots
 - xix. Other conditions deemed appropriate
 - xx. Project phasing and development schedule
- c. **Modification of a PUD requirement** – The Planning and Zoning Commission may recommend and the City Council may approve a proposal for a Planned Unit Development that includes a provision which modifies any requirement contained in these Planned Unit Development regulations.
- d. **Amending a Planned Unit Development** – Changes to a Planned Unit Development or to its approved Site Plan shall be processed in the same manner as the original request. However, the administrator of this Code may approve minor modifications in an approved Concept Plan, provided the modifications:
 - i. Do not alter the basic physical relationship of the property to adjacent property;

- ii. Do not change the permitted land uses;
 - iii. Do not increase the maximum density, floor area, height; or,
 - iv. Do not reduce the minimum yards or setbacks.
- N. Effect of this Section on Existing Planned Unit Developments – Previously approved PUD amending ordinances to the City's preceding zoning ordinance and Land Development Code, including accompanying plans and supporting documents, shall remain in full force and effect with respect to this Chapter and shall not be made to comply with the provisions of this Chapter. Where a prior ordinance fails to provide specific information regarding minimum lot sizes, lot width, lot depth, set backs, building heights and maximum lot coverage, the requirements contained in Section 3.24.G shall prevail.

Section 3.24 Schedule of Permitted Uses

- A. General Requirement and Symbols Used – Land and buildings may be used in accordance with Table 3.24.C, *Schedule of Permitted Principal Uses* and the additional requirements of this section. The following symbols are used in Table 3.24.C, *Schedule of Permitted Principal Uses*:
- 1. *Permitted Uses* – A "P" in a cell indicates that the use is allowed by right as the principal use in the applicable zoning district in accordance with Table 3.24.C, *Schedule of Permitted Principal Uses*.
 - 2. *Specific Uses* – An "S" in a cell indicates that the use may be allowed with the approval by the City Council of a Special Use Permit following the applicable review and approval procedures.
 - 3. *Prohibited Uses* – An empty cell indicates that the land use is prohibited in the applicable zoning district, unless otherwise allowed with the approval by the City Council of an ordinance establishing a Planned Unit Development District, or authorized by a Special Use Permit, or in conformance with the provisions contained in Section 3.6.B-*Classification of New and Unlisted Uses*.

Table 3.24.B- - Schedule of Permitted Principal Uses

Table 3.24.B- - Schedule of Permitted Principal Uses																		
Land Use Classification	Residential District									Non-Residential Districts						Special Land Use Standards or Section Ref.	Parking Group	
	AG	RE	R40	R30	R20	R15	RD	RMF	MH	CPO	CN	CC1	CC2	CC3	ML			
A. RESIDENTIAL ACCOMODATION USES																		
Single Family Detached Dwelling	P	P	P	P	P	P	P	S	P	P							8	3
Duplex – Attached Dwelling							P	S									8	2
Townhome – Attached Dwellings								P									8	4
Multi-family – Attached Dwellings								P									8	4
HUD Code Manufactured Housing									P								8	2
Assisted Living Facilities	PUD only															2	17	
Bed and Breakfast Lodging	S	S	S	S	S	S	S	S									1,8	18
Private (HOA) Recreational Facilities		P	P	P	P	P	P	P	P								9	5
B. ACCESSORY USES																		
Accessory Building	P	P	P	P	P	P	P	P	P								Sec. 3.27	n.a.
Carport	S	S	S	S	S	S	S	S	S								Sec. 3.27.C	n.a.
Home Occupations Uses	P	P	P	P	P	P	P	P	P								8	n.a.
Servants or Caretakers Quarters <u>Accessory Dwelling</u>	P	P	S	S	S										S		16	1
C. AGRICULTURAL USES																		
Commercial equestrian boarding stable and school	P	S															17	25
Crop Farming	P	P																n.a.
Livestock raising and breeding	P	P															12	n.a.
Private horse stables for domestic use	P	P	P	S	S													n.a.
Roadside produce stands (year round)	S	S	S	S	S	S	S	S	S									n.a.
D. UTILITY USES																		
Electrical Substations	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S			21

Commented [BB33]: Only applies to AG & RE districts

Public Utility Supply and Storage Yards	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		24
Table 3.24.B- - Schedule of Permitted Principal Uses																	
Land Use Classification	Residential District									Non-Residential Districts						Special Land Use Standards	Parking Group
	AG	RE	R40	R30	R20	R15	RD	RMF	MH	CPO	CN	CC1	CC2	CC3	ML		
Solid Waste Disposal Sites															Ø		24
Telecommunications Towers	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	3	21
Water Pumping Stations	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		24
Wind Driven Generators	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		n.a.
E. PUBLIC AND INSTITUTIONAL USES																	
Colleges or Universities	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		12
Community Centers or Recreation Centers	S	S	S	S	S	S	S	S	S	P	P	P	P	P	P		5
Government Buildings, Offices and Facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		8
Fire Stations / Police Stations	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		16
Golf Courses – Public Owned	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		22
Government Maintenance Facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		25
Libraries										P	P	P	P	P	P		9
Museums										P	P	P	P	P	P		8
Post Office	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		10
Parks and Open Space Areas	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		25
Public Maintenance and Storage Buildings	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		25
Private Schools – Elementary and Secondary	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		13
Private Schools – High School	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		14
Public Schools – Elementary and Secondary	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		13
Public Schools – High School	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		14
Religious Institutions	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		18
F. OFFICE USES																	

Commented [BB34]: Not a desired use

Commented [BB35]: Not appropriate in residential districts

Accountant's Offices												P	P	P	P	P	S	8
Table 3.24.B- - Schedule of Permitted Principal Uses																		
Land Use Classification	Residential District									Non-Residential Districts						Special Land Use Standards	Parking Group	
	AG	RE	R40	R30	R20	R15	RD	RMF	MH	CPO	CN	CC1	CC2	CC3	ML			
Advertising Agencies										P	P	P	P	P	S		8	
Attorney Offices										P	P	P	P	P	S		8	
Chiropractic Clinics										P	P	P	P	P	S		8	
Emergency Clinic (24 hrs.)												S	P	P	S	10	6	
Engineering, Architect's, and Surveyor's Offices										P	P	P	P	P	S		8	
General Business Offices not elsewhere listed										P	P	P	P	P	S		8	
Insurance Agencies										P	P	P	P	P	S		8	
Management and Public Relations Services Offices										P	P	P	P	P	S		8	
Optometrist Office										P	P	P	P	P	S		8	
Psychologist Offices										P	P	P	P	P	S		8	
Physician's or Dentist's Offices										P	P	P	P	P	S	5	7	
Real Estate Agency Offices										P	P	P	P	P	S		8	
Security Broker Offices										P	P	P	P	P	S		8	
Telemarketing Offices												P	P	P	S		5	
Title Abstract Offices										P	P	P	P	P	S		8	
Trade or Business Schools												S	S	S	P		15	
Travel Agency / Airline Ticket Offices										P	P	P	P	P	S		8	
G. RETAIL AND SERVICE USES																		
Alcoholic Beverage Sales – (Beer and Wine Only) – Off-Premises Consumption												S	S	S		13	n.a.	
Alcoholic Beverage Sales – On-premises Consumption												S	S	S		13	n.a.	
Package Store Sales – Off-premises Consumption												S	S	S		13	n.a.	
Alcohol or Drug Treatment Center										S	S	S	S	S	S		24	

Commented [BB36]: Permitted in restaurant that meets 60/40 alcohol food ratio (no more than 60% of total receipts for alcohol)

Antique Stores															P	P	<u>P</u>			7
Table 3.24.B- - Schedule of Permitted Principal Uses																				
Land Use Classification	Residential District										Non-Residential Districts						Special Land Use Standards	Parking Group		
	AG	RE	R40	R30	R20	R15	RD	RMF	MH	CPO	CN	CC1	CC2	CC3	ML					
Apparel and Accessory Stores												P	P	<u>P</u>					7	
Arts and Crafts Stores and Hobby Shops												P	P	<u>P</u>					7	
Bakery Stores												P	P	<u>P</u>					7	
Banks, Credit Unions and Financial Institutions											P	P	P	<u>P</u>					8	
Barber Shops, Beauty Shops and Day Spas											P	P	P	<u>P</u>		10			7	
Bicycle Shops												P	P	<u>P</u>					7	
Book, Stationary or Greeting Card Shops												P	P	P					7	
Camera or Music Stores												P	P	<u>P</u>					7	
Carnivals and Circuses												S	S						24	
Cemeteries or Mausoleums										S	S	S	S	S	S				24	
Charitable Donation Station												S	S	S					24	
Civic, Social or Fraternal Organizations										S	S	P	P						7	
Convenience Stores with gasoline sales												S	S	S	S				7	
Copy Centers/Print Shops										S	S	P	P	P	P				7	
Dance Studios, and Martial Arts Studios, and Cheerleading & Gymnastics Facilities										S	S	P	P	<u>P</u>	<u>P</u>				7	
Day Care Centers										S	S	S	S	S		17			11	
Department Stores												P	P	<u>P</u>					7	
<u>Dog Boarding with indoor kennels</u>													<u>P</u>	<u>P</u>	<u>P</u>	<u>4</u>			<u>8</u>	
<u>Dog Boarding with outdoor kennels</u>													<u>S</u>	<u>S</u>	<u>S</u>				<u>8</u>	
<u>Dog Grooming</u>													<u>P</u>	<u>P</u>	<u>P</u>				<u>8</u>	
Dry Cleaner Pick-up Stations											S	P	P	<u>P</u>					7	
Dry Cleaners (up to 5,000 s. f. w/on-site laundry)												P	P	<u>P</u>					7	

Equipment Rental and Leasing Stores																		S	P		7
Florist Shops											P	P	P	<u>P</u>							7
Food Catering													<u>P</u>	<u>P</u>	<u>P</u>						8
Funeral Homes												S	S	S							24
Furniture and Appliance Stores												P	P	P							9
<u>General Retail Store (not listed elsewhere)</u>												<u>S</u>	<u>S</u>	<u>S</u>							<u>7</u>

Table 3.24.B- - Schedule of Permitted Principal Uses

Land Use Classification	Residential District										Non-Residential Districts						Special Land Use Standards	Parking Group
	AG	RE	R40	R30	R20	R15	RD	RMF	MH	CPO	CN	CC1	CC2	CC3	ML			
Grocery Stores												P	P	<u>P</u>		18	7	
Hardware, electrical & plumbing w/o outside display											P	P	P	P				
Hardware , electrical & plumbing with outside display													S	P	P			
Hospitals												S	S	S			24	
Hotels and Motels												<u>S</u>	P	P			19	
Interior <u>Home</u> Decoration Stores										P	P	P	P	<u>P</u>			7	
Jewelry Stores											P	P	P	<u>P</u>			7	
Locksmiths											S	S	<u>S</u>	<u>P</u>	<u>P</u>		8	
Mailing and Shipping Stores											P	P	P	P	<u>P</u>		7	
Meat or Fish Market												P	P	P			7	
Nurseries and Greenhouses with outside display													S	P	P		16	
Pawn Shops															<u>P</u> <u>S</u>		7	
Pet Stores												P	P	<u>P</u>			7	
Pharmacy											S	P	P	P			7	
Photography Studios										P	P	P	P	P	P		8	

Commented [BB37]: Catch-All Category

Purchasing and/or resale of precious metals including jewelry, gem stones, gold, silver, and platinum and not licensed as a Pawn Shop by the State of Texas											\$	\$	\$	S		7
Restaurants, Cafes and Cafeterias											P	P	P			5
Restaurants with drive-in or drive-thru service												P	P			5
Second hand goods shop											S	S	S			7
Self-service Laundries											S	S	S	S		7
Short Term Loans (Title/Payday)														S		7
Second-hand-goods-shop											\$	\$	\$			7
Self-service-Laundries											\$	\$	\$	\$		7

Commented [JR38]: City Attorney reviewing this use

Commented [BB39]: New use

Table 3.24.B- - Schedule of Permitted Principal Uses

Land Use Classification	Residential District									Non-Residential Districts						Special Land Use Standards	Parking Group
	AG	RE	R40	R30	R20	R15	RD	RMF	MH	CPO	CN	CC1	CC2	CC3	ML		
<u>Sporting Goods Store</u>												P	P	P			
Shoe Repair Shops											P	P	P	P			8
Tailor and Alteration Shops											P	P	P	P			8
Veterinarian Clinic with indoor kennels													P	P	P	4	8
Veterinarian Clinic with outdoor kennels													S	P	P		8
Video Rental and Sales Stores												P	P	P			7
Wedding Chapels												S	S	S	S		24
H. RECREATIONAL AND ENTERTAINMENT USES																	
Adult Entertainment Establishments	See section 22-5 Code of Ordinances																5
Amusement Centers (indoors)												S P	S P	P	S		24 ⁷
Archery and Firearms Ranges														S	S	6	24

Commented [BB40]: New use

Billiard Parlors														S	S	<u>S</u>		17	23
Commercial Recreation (outdoor)	S												S	S	S	S	S		24
Fitness Centers													<u>S</u>	P	P	P	<u>P</u>		7
Golf Courses – Privately Owned	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	P	P	P	P	P	P	P		22
Golf Driving Ranges													<u>S</u>	P	P	<u>S</u>	<u>S</u>		22
Miniature Golf Courses														P	P	<u>S</u>			20
Roller or Ice Skating Rinks													<u>S</u>	S	S				24
Theaters														P	P	<u>P</u>	<u>S</u>	7	18
I. AUTOMOTIVE AND TRANSPORTATION USES														<u>S</u>	<u>S</u>			<u>17</u>	<u>23</u>
Airports and Heliports	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		24
Auto Alarm / Stereo / Window Tinting Stores															P	P	P	13	7
Auto Lube Shops															S	P	P	13	9
Automotive and Motor Vehicle Sales															S	S	S	13	8

Table 3.24.B- - Schedule of Permitted Principal Uses

Land Use Classification	Residential District										Non-Residential Districts						Special Land Use Standards	Parking Group
	AG	RE	R40	R30	R20	R15	RD	RMF	MH	CPO	CN	CC1	CC2	CC3	ML			
Auto Parts and Accessory Stores												P	P	P	P	13	7	
Auto, Truck or Trailer Rental													S	S	S	13	8	
Auto Upholstery Shops														P	P	13	9	
Auto Parking Lots and Garages (free standing)										S	S	S	S	S	S		n.a.	
Auto Repair Shop													S	S	S	13	9	
Boat and Water-craft Sales and Service													S	S	S	13	8	
Bus or Passenger Train Stations												S	S	S	S		24	

Car Wash (self service and automatic)																		S	P		9
Commuter Transit Stations														S	S			S	S		24
Gasoline Service Stations																		S	S	13	7
LPG / CNG Dispensing Stations																		S	S		24
Motorcycle Sales and Service																		S	S	13	8
Paint and Body Shops																		S	S	13	9
Park and Ride Facilities														S	S			S	S		24
Railroad or Motor Freight Terminals																		S	S		24
Recreational Vehicle Sales and Service																		S	S	13	8
Tire and Battery Stores																		S	S	13	7
Truck and Heavy Equipment Sales and Service																		S	S	13	8
Vehicle Storage Yards or Facilities														S	S			S	S		24

J. HEAVY COMMERCIAL, INDUSTRIAL & MANUFACTURING USES

Appliance Repair Shops																		S	S		8
Building Material Sales with outside storage																		S	P		7

Table 3.24.B- - Schedule of Permitted Principal Uses

Land Use Classification	Residential District										Non-Residential Districts							Special Land Use Standards	Parking Group
	AG	RE	R40	R30	R20	R15	RD	RMF	MH	CPO	CN	CC1	CC2	CC3	ML				
Commercial Laundry															S	S			24
Contractor Office with storage yard															S	S			24
Contractor Office without storage yard															P	P			8
Electronic Assembly or Manufacturing																P			25
Exterminator Shop															S	S			24

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Food Packaging and Manufacturing																	S		24
Furniture and Cabinet Manufacturing																	P		25
Office Showroom																	P		25
Oil and Gas Extraction	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	See Ch. 3.1		24
Plumbing, HVAC and Electrical Trades Shops																	P	P	8
Printing and Publishing - Commercial																	P		8
Plumbing, HVAC and Electrical Trades Shops																	P	P	8
Printing and Publishing - Commercial																	P		8
Research and Development Labs																	P		8
Scientific Instrument Assembly and Manufacturing																	P		8
Self Storage Facilities (mini-warehouse)																	S		24
Upholstery and Furniture Repair Shops																	P	P	8
Warehouse and Distribution Facilities																	S		24
Wood, Paper or Leather Products																	P		25
Manufacturing not elsewhere listed																	S		24
Welding or Machine Shop																	P		25
<u>Wholesale Store/Supply</u>																	<u>P</u>		<u>25</u>
<u>Wholesale Store/Supply with outdoor storage</u>																	<u>S</u>		<u>24</u>

Commented [BB41]: Duplicate listings

Commented [BB42]: New Uses

C. Special Land Use Standards – The following Special Land Use: Standards, which are referenced in the Special Land Use Standards column of Table 3.24.B, Schedule of Permitted Principal Uses, refer to additional standards and requirements that are applicable to the listed land use.

1. Bed and Breakfast – A Certificate of Occupancy (C.O.) is required prior to occupancy of the premises as a bed & breakfast. The C.O. shall be obtained after an inspection has determined that the structure is in compliance with all applicable current codes and ordinances of the City of Colleyville and the following additional conditions:
 - a. The structure is structurally sound.
 - b. There are no clear and present dangers as to fire and fire safety.
 - c. The plumbing is in compliance with the currently adopted code requirements for the zoning district in which it is located.
 - d. The electrical system is in compliance with the currently adopted Electrical Code for the zoning district in which it is located.
 - e. Smoke detectors shall be placed in each individual bedroom which is offered for public use and smoke detectors shall also be placed in any hallway adjacent thereto.
 - f. Signs, not exceeding one and one-half (1-1/2) square feet, shall indicate only the address and the establishment name.
 - g. Off-street parking shall be located behind the front building line of the structure and shall be screened from public view, and shall be provided in the following manner: one space per bedroom offered for temporary rental in addition to that required for the zoning district in which it is located.
 - h. The total rental bedroom area of the structure shall not exceed twenty-five (25) percent of the total floor area of the dwelling.

Also, in order to continue operation:

- i. Annual inspections shall be required for each bed and breakfast facility to ensure ongoing compliance with the requirements of this Section.
- ii. Food service shall comply with all provisions of the City Code.
- iii. The structure shall comply with all current City Codes, including, but not limited to Building Codes, Plumbing Codes, Electrical Codes, Fire and Safety Codes, and others as may from time to time be adopted.
- ix. The length of stay for any guest is limited to fifteen (15) consecutive days.

2. Assisted Living Facilities – A facility operated under a certificate of compliance document issued by the Texas Department of Aging and Disability Services, in which food, shelter, and person assistance or supervision are provided for a period of at least 14 days for four or more aged adults who do not require hospitalization or skilled or intermediate nursing care.

Commented [BB43]: Move to Ch. 2 - Definitions

3. Telecommunication Towers – Construction shall be of monopole design only; and

- a. the distance between the base of the tower and any Agricultural (Ag) or residential district or use shall be not less than two (2) times the height of the tower; and
- b. the site plan shall meet all other commercial development requirements of the City such as site plan review, landscaping, setbacks; and
- c. a minimum of one paved parking space shall be provided at the site of the structure.

4. Veterinarian Clinic with indoor kennels – A facility containing indoor kennels shall be subject to the following conditions.

- a. The entire business must be conducted within a soundproofed building. Noise and odors created by activities within the building shall not be discernible beyond the property line.
- b. No animals shall be kept outside the building.

5. Medical and veterinary clinics – Outpatient services only.

6. Archery & firearm ranges – An SUP required in every zoning district, except CN & CC, for sales activity over 9 mo. per year.

7. Movie Theater Uses: A movie theater shall not contain more than six primary projection screens and two secondary executive viewing rooms and shall not exceed 28,500 square feet in total building size. For purpose of this regulation, a secondary executive viewing room shall not exceed a maximum of fifty (50) seats. (O-04-1454 / 4-16-04) (O-05-1538 / 09/06/05)
8. Home Occupation Uses:
 - a. No person other than members of the family residing on the premises shall be engaged in such occupation;
 - b. The use of the dwelling unit or accessory building for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation;
 - c. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding one (1) square foot in area, non-illuminated, and mounted flat against the wall of the principal building.
 - d. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street on a driveway or other hard surface all weather area;
 - e. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses of any adjacent or nearby site occupant. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
 - f. Home occupation uses and activities shall be limited to the following: seamstress; accounting; bookkeeping and tax services; notary public; insurance and real estate; small-scale production of cosmetics and household sundries; private educational, music and dance tutoring; arts, crafts and home hobby shops; garage, yard and patio sales of short temporary duration; mail order brokerage; and other similar activities --- but excluding medical and law offices, auto repair, beauty shops, pet grooming services, kennels and other such activities.
 - g. If a home occupation is deemed to become a nuisance as described in 'e' above, the Administrative Official may halt the use of the home occupation.
9. Private (HOA) Recreational Facilities – Buildings or structures in which members of a neighborhood association may gather for social, educational or cultural activities that are intended to serve the site occupants and guests thereof.
10. Emergency Clinics – Outpatient services only.
11. Livestock Raising and Breeding – A Special Use Permit is required for swine farming.
12. Alcoholic Beverage and Package Store Sales – A Special Use Permit is required for the sale of alcoholic beverages. A package store shall require the approval of a separate Special Use Permit. Any existing Special Use Permit for the sale of alcoholic beverages for off-premise consumption shall only be for beer and/or wine as specified in the approving ordinance and shall not be considered as approval for a package store as defined in Chapter Two. Also refer to Chapter 6 of the Code of Ordinances for additional regulations regarding alcoholic beverage sales.
13. Vehicle Repair – Vehicle repair, including the repair of other motorized vehicles, are permitted in accordance with the Schedule of Permitted Uses, subject to the following conditions.
 - a. All repairs and servicing shall be conducted within an enclosed building.
 - b. A business that conducts vehicle repair and is located on property adjacent to a residential use shall provide an sixeight-foot tall solid screen along the property line adjacent to the residential use.

Commented [BB44]: Regulations deemed not needed

Commented [BB45]: Clarification of uses, permitted & non-permitted

Commented [EW46]: Recommended language for clarity of activities allowed

Commented [BB47]: New proposed regulation

Commented [BB48]: Move to Ch. 2 - Definitions

Commented [BB49]: A review of Ch. 6 needed to modify the alcohol to food ratio for total receipts

- c. Except for wrecked vehicles, no more than two vehicles per bay or repair/inspection station that have been accepted for repair or servicing shall be parked/stored outside after regular business hours.
- d. Wrecked or dismantled vehicles waiting for repair shall not be visible from the street or other residential property and shall be stored in an enclosed building or within a completely enclosed area behind a ~~six~~eight-foot tall solid masonry screening fence.

Commented [EW50]: Recommended provisions

- 14. ~~Servants or Caretaker Family or Servants Quarters~~ Accessory Dwelling – A secondary dwelling for use by family members or domestic servants employed on the premises or ~~Servants quarters for domestic servants employed on the premises or family members~~ provided the gross habitable square feet of floor area shall not exceed ~~six hundred (600) square feet~~ complies with regulations found in Section 3.27 of this chapter ~~5% of the lot area.~~ Such quarters may be housed within the principal residential dwelling, above a residential garage, or be part of an accessory building on the same premises, and shall comply with minimum standards for light, health, safety, and occupancy in conformance with other applicable City codes and ordinances.

Commented [EW51]: Recommend change in heading for this section

Commented [EW52]: Same language but relocated to beginning of paragraph

Commented [BB53]: New standards for Accessory Dwellings

- 15. Day Care Centers – A facility operated with a state license for the purpose of providing care, protection and guidance to more than twelve children under the age of fourteen years of age for less than a 24-hour period. This term does not include kindergartens and public and private educational facilities or any facility offering care to individuals for a full 24-hour period.

Commented [BB54]: Move to Ch. 2 - Definitions

- 16. Grocery Stores – A special use permit is required for the use of gasoline pumps in conjunction with a grocery store.

- 17. Billiard Parlor – Compliance with Chapter 10 of the Code of Ordinances is required for a Billiard Parlor.

- 18. Wind Driven Generators – No wind driven generator shall be constructed without approval of a special use permit per Section 3.24 of the Land Development Code.

- a. All wind driven generator towers shall be of a monopole design. All wiring shall be buried underground by means of a conduit system.
- b. A wind driven generator may be considered on lots measuring a minimum of 1.5 acres.
- c. The maximum height of a wind driven generator shall be no greater than 50 feet, measured from the existing ground level to the highest point of the blades.
- d. All wind energy structures, including tower and rotor, shall stand independent of any building or structure and shall have a minimum setback from any property line, right-of-way, power line, or other improvement of 1.5 times the height of the wind energy structure. It shall also be located entirely in the rear yard and shall not be located in any required setback.
- e. The maximum noise level shall not exceed 50 dB(a), measured from the property line, adjacent to any residentially zoned property, and 60 dB(a) adjacent to all other zoning districts.
- f. A wind tower and generator shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration.
- g. The wind tower must either (a) have a locked anti-climb device installed on the tower; or (b) be completely enclosed by a locked, protective fence at least 6 feet in height.
- h. No signage or advertisements shall be allowed on the wind tower.
- i. A maximum of one wind energy system, including the tower, shall be permitted per lot.
- j. A wind driven generator, found to be non-productive or unused, for a period exceeding 180 days, shall be immediately removed from the premise and the site returned to its prior condition, at the expense of the property owner.

- 19. Portable Storage Structures – A portable storage structure is any container, storage unit, shed-like container or other portable structure, other than an accessory building as defined in Chapter Two of the Land Development Code, complying with all building codes and Land Development Code requirements, that can or is used for the storage of personal property of any kind and which is located for such purposes outside an enclosed building.

The use of portable storage structures are allowed under the following conditions:

- a. Seven Day Provision: Portable storage structures placed on private property for a period of not more than seven (7) days are hereby exempt from these regulations provided the view of any

vehicular traffic is not impeded in any way. A permit shall be required per the provisions of sub-section "b". However, there shall be no fee required for structures that are placed for seven (7) or fewer days.

- b. A temporary use permit for a portable storage structure shall be obtained from the Community Development Department prior to placement for any portable storage structure.
- c. There shall be no more than one (1) portable storage structure per property.
- d. The portable storage structure shall be no larger than ten (10) feet wide, twenty (20) feet long and ten (10) feet high.
- e. Notwithstanding the requirements of sub-sections "k" and "l" below, a portable storage structure shall not remain at a property in any zoning district in excess of thirty (30) consecutive days, and shall not be placed at any one property in a zoning district in excess of thirty (30) days in any calendar year.
- f. The portable storage structure shall be set back a minimum of five (5) feet from all property lines.
- g. The portable storage structure shall be set back a minimum of five (5) feet from the nearest wall of a building.
- h. Where a side facing garage or a garage that is located behind the principal structure exists, the portable storage structure shall be located behind the front line of the principal structure.
- i. The portable storage structure shall be placed on an asphalt or concrete surface. A gravel surface is permitted if the portable storage structure is located behind the principal structure.
- j. The portable storage structure shall not be placed upon any street or within any rights-of-way. Exception: Portable storage structures located in mixed-use, townhome, multifamily, or similar residential developments may locate within existing, striped on-street parking spaces provided there are no public safety or vehicular traffic issues caused by the location of the structure.
- k. Portable storage structures associated with construction of a new principal building at a site where a new building permit has been issued are permitted for the duration of construction and shall be removed from the site within fourteen (14) days of the end of construction. Portable storage structures associated with new construction are exempt from the aforementioned conditions.
- l. Portable storage structures associated with any construction that is not part of the construction of a new principal building, and only in conjunction with the issuance of a building permit, may be placed for a maximum period of 180 days or upon completion of construction, whichever occurs first. The fee assessment for a portable storage structure associated with this sub-section shall be as follows:

0 to 30 days:	standard fee
30 to 60 days:	double the standard fee
60 to 90 days:	three times the standard fee
90 to 120 days:	four times the standard fee
120 to 180 days:	six times the standard fee

- m. Any waivers to the conditions of this section shall be considered by the Zoning Board of Adjustment Special Use Permit (SUP) in accordance with Chapter One Section 3.25 Special Use Permit of the Land Development Code.

Commented [BB55]: Revised for SUP approval

D. Temporary Buildings and Uses (O-04-1497 / 12/21/04)

1. Temporary Use Permit – The Building Official may approve a permit for a temporary use specified in this Section for limited periods of time, provided evidence is furnished by the applicant that adequate measures are taken to satisfy public safety concerns and related site criteria concerns. All temporary

uses shall be subject to the regulations contained in this Section. The building official may recommend a temporary use permit application be considered by the City Council where it has been determined by the building official that the proposed temporary use may have significant public interests. A temporary use permit, as herein prescribed, shall not be required for neighborhood block parties held in conjunction with the annual National Night Out neighborhood celebration or for events approved by a municipal department where said event is conducted on municipally owned property.

a. *Revocation:* The Building Official may revoke a temporary use permit if determined that:

- i. The applicant has misrepresented any material fact on the application, or supporting materials.
- ii. The temporary use fails or ceases to comply with applicable standards or criteria for issuance of a permit.
- iii. The operation of the temporary use violates any statute, law, ordinance or regulation.
- iv. The operation of the temporary use constitutes a nuisance or poses a real or potential threat to the health, safety or general welfare of the public.

2. Permit Conditions – The Building Official is hereby authorized to prescribe reasonable conditions upon a temporary use permit to protect the public health, safety, and general welfare of the community, with particular attention to areas adjacent to or in the vicinity of the permitted temporary use. Such conditions may include specific performance standards, noise mitigation measures, lighting restrictions, limitation on hours of operation, odor control measures, off-street parking requirements, traffic restrictions, or other standards designed to minimize adverse impacts on surrounding properties. In the event that a sponsor is dissatisfied with the Building Official's decision, the sponsor may appeal the decision to the City Council.

3. Construction Offices and Sales Offices – The Building Official may approve a permit for a temporary building for use as a construction office or a sales office for new home or lot sales in any zoning district during the construction phase of a permanent building or new subdivision, provided such temporary buildings comply with the following requirements:

- a. No temporary used as a construction office or a sales office shall encroach within five (5) feet of a property line or encroach within the visibility triangle required in Section 3.26 of this Land Development Code.
- b. A temporary building used as a construction office during the construction of a permanent building shall be removed within ten (10) days after the issuance of the certificate of occupancy of the permanent building, weather permitting, ~~weather permitting~~.
- c. A temporary building used as a real estate sales office shall be removed within ten (10) days after ninety (90%) percent of the lots within the subdivision have been sold.
- d. A temporary construction office or real estate sales office shall sit on a blocked foundation acceptable to the Building Official. No temporary construction office or real estate sales office shall be used that rests only on the wheels.
- e. A model home may be used as a temporary real estate sales office and shall be exempt from paragraphs a, b, c, and d above.

4. Community Special Events – Outdoor events of public interest which are anticipated to attract less than 500 persons in attendance at any one time for a period of eight consecutive hours or more, such as business activities, carnivals, circuses, and similar temporary events or special fund-raising events, ~~sponsored by a public entity, civic or non-profit organization located within the City.~~ Events sponsored by the City shall be exempt from the requirements of this section. Special Events shall comply with the following:

- a. Application and site plan for a Special Event shall be submitted at least ten (10) business days in advance of the proposed event
- b. Events located in parking lots which cause the loss of existing parking spaces shall require the submittal of written approval from the owner

c. ~~A Special Event shall not extend greater than any time period over twothree (23) consecutive days.~~

Commented [BB56]: Revised per Council direction

d. ~~There shall be at least one-hundred eighty (180) calendar days between events before another permit can be obtained by the business or organization. Any entity that is directly or indirectly affiliated with the previous permit holder shall require the minimum separation between permits. There shall be no more than four (4) special events allowed per location per calendar year. There shall be at least thirty (30) calendar days between events before another permit can be obtained for the location.~~

Commented [BB57]: Revised per Council direction

5. Tents – A temporary use or special event which includes the use of a tent shall require a separate permit in accordance with the standards contained in the Colleyville Fire Code.
6. Temporary Asphalt or Concrete Batch Plant – The Building Official shall approve a permit for a temporary asphalt or concrete batch plant to provide construction materials for the site on which the temporary batch plant is located during the construction phase of a permanent building, new residential subdivision or other project as authorized by the city manager, provided such temporary use comply with the following requirements:
 - a. The temporary batch plant shall receive an approved air quality permit from the State of Texas, and evidence must be presented at the time of application for the temporary use permit.
 - b. The temporary batch plant shall follow all State of Texas storm water run-off requirements. A copy of any required State documents must be on the site of the temporary batch plant at all times.
 - c. A location map, drawn to scale, shall be provided and indicate the following: the location of the batch plant on the subject property along with a defined plant boundary, the location of all related equipment including but not limited to batching equipment and containers, storage areas, hazardous materials storage if applicable. Another drawing, drawn to scale, shall be provided showing the closest habitable residences, schools and religious institutions. The minimum distances shall be 300 feet measured in a direct line from the boundary of the temporary batch plant, as indicated on the application, to the property boundary of the protected use.
 - d. The material delivery route shall be provided indicating routes for raw material delivery with details on the type and numbers of trucks per day. Said route shall require final approval by the City Manager or his/her designee.
 - e. The hours of operation shall follow the construction hours of operation as required in the Colleyville Code of Ordinances.
 - f. A letter of permission shall be provided by the property owner stating that the temporary batch plant will be used to provide concrete/asphalt for the same site where it is located and no other project(s). The letter must also state that the site will be left in good or better condition.
 - g. The application must state the amount of time that the temporary batch plant will be in operation. The permit duration shall not exceed 30 days from the date of issuance. ~~The Administrative Official may extend the permit for an additional 30 days with good cause.~~ Only one permit may be issued for a given parcel of property within a 12 month period.
 - i. The Public Works Director shall determine if additional materials testing is required and may determine the testing personnel required. Any cost of testing shall be paid by the applicant.
 - j. The batch plant shall not be used as a batching facility for any other site other than the site on which it is located and no concrete, asphalt and ~~or~~ any raw materials may be sold from said plant.

- k. Any appeal or waiver from the requirements of this section shall require final approval by the City Council.

E. Outdoor Storage; Screening and Hours of Operations

Zoning Districts		Outdoor Storage Allowed	Screening Requirements Adjacent to Single Family	Hours of Operation	Commercial Building Design Standards
CPO	Professional Office Commercial	No	8'	Daytime only	30 pts.
CN	Neighborhood Commercial	No	8'	Daytime only	30 pts.
CC1	Village Retail	No	8'	24 hours	30 pts.
CC2	Shopping Center	No	8'	24 hours	30 pts.
CC3	Highway Commercial	Yes	8'	24 hours	30 pts.
ML	Light Manufacturing - Industrial	Yes	8'	24 hours	30 pts.

Commented [BB58]: Revised to match each district

Commented [BB59R58]: No longer needed

F. District Regulation Notes *{renumber as needed}*

- ~~A. Where abutting a lot zoned or used for residential purposes (RE through MH) maximum building height shall not exceed requirements shown in Figure 1 "Height Zones for Commercial Districts Adjoining Residential Districts". The roofline within that 50 feet shall have a maximum height of 16' at the eave and the roof design shall be of a residential style.~~
- ~~B. No structure shall be erected in any zoning district in excess of the specified maximum building height either in the number of stories or feet, whichever is less, unless an exception to said maximum building height is contained in this Chapter, except as noted in note "C" below.~~
- ~~C. Heights of four (4) stories may be permitted in CC2 (Shopping Center) district if combined with a Planned Unit Development (PUD).~~
- D. To achieve the "urban village" design, front yards may be varied to as little as 10' from the front property line if required parking is setback not less than forty feet (40') from the front property line.
- E. Where abutting a lot zoned or used for residential purposes (RE through MH) there shall be a twenty-five (25') foot side yard.
- F. Side or rear yards not required where no windows or other openings for light or entry face the yard, and not adjacent to single family.
- ~~G. There shall be a ten foot (10') side yard set-back, unless an ordinance approving a planned unit development for the property in question specifies a different side yard set-back; however, where abutting a lot zoned for commercial or industrial use, no side yard shall be required, provided there are no window or other openings for light or entry in the encroaching walls facing the side yard.~~
- ~~H. There shall be a ten (10') foot side yard set-back, unless an ordinance approving a planned unit development for the property in question specifies a different side yard set-back.~~
- I. Where abutting a lot zoned or used for residential purposes (RE through MH) there shall be a twenty-five (25') foot rear yard.
- ~~J. There shall be a minimum twenty-five (25) foot rear yard set-back, unless an ordinance approving a planned unit development for the property in question specifies a different rear yard set-back; however, the rear yard set-back may be reduced to ten feet (10'), provided there are no window or other openings for light or entry in the encroaching walls facing the rear yard.~~
- ~~K. Where abutting a lot zoned or used for residential purposes there shall be a minimum twenty-five (25') foot rear yard set-back, unless an ordinance approving a planned unit development for the property in question specifies a different rear yard set-back, however, the rear yard set-back may be reduced to ten feet (10') where abutting a lot zoned or used for non-residential purposes.~~
- L. All regulations may vary when above districts are used as a base district for a PUD.

Commented [BB60]: These notes not needed, not included on the chart

Commented [BB61]: Not needed with removal of PUD lined from chart

Commented [BB62]: Not needed with removal of PUD lined from chart

Commented [BB63]: Not needed with removal of PUD lined from chart

Commented [BB64]: Move to footnotes section of the chart

SECTION 3.24.G - SCHEDULE OF DISTRICT REGULATIONS

MAXIMUM RESIDENTIAL DENSITY; MINIMUM LOT SIZE REQUIREMENTS; MINIMUM YARD REQUIREMENTS;
MAXIMUM BUILDING HEIGHT; MAXIMUM LOT COVERAGE; OUTDOOR STORAGE; SCREENING

AND HOURS OF OPERATION

(See District Regulations Notes following Section 3.24.F for explanation of letters in charts)

Zoning Districts		Max. [*] Res. Density	Minimum Lot Size Requirements					Minimum Yard Requirements				Max. Building Height		Max. Lot Coverage
Classification	DU/AC		Area (sq. ft.)		Min. Width in feet	Min. Depth in feet	Max. Lot Size	Front (feet)	Each Side (feet)	Rear (feet)	Stories	Feet	Percent	
			Per Family	Total										
AG Agricultural	0.3		130,680	130,680	200'	300'	n.a.	40'	25'	40'	2.5	35'	20%	
RE S. F. "Estate" Residential	0.5		80,000	80,000	200'	300'	n.a.	40'	25'	40'	2.5	35'	20%	
R-40 Single Family Residential	1.25		40,000	40,000	150'	150'	n.a.	40'	15'	25'	2.5	35'	20%	
R-30 Single Family Residential	1.5		30,000	30,000	125'	125'	n.a.	35'	10'	25'	2.5	35'	25%	
R-20 Single Family Residential	2.1		20,000	20,000	100'	125'	n.a.	30'	10'	25'	2.5	35'	30%	
R-15 Single Family Residential	3		15,000	15,000	100'	125'	n.a.	30'	10'	25'	2.5	35'	30%	
R-D Two Family Residential	8		4,000	8,000	70'	115'	n.a.	25'	10'	25'	2.5	30'	50%	
R-MF Multi-Family Residential (zoned after June 16, 1981)	8		2,700	18,000	70'	115'	n.a.	25'	10'	25'	2.0	30'	50%	
R-MF Multi-Family Residential (zoned before June 16, 1981)	18		1,500	10,000	70'	115'	n.a.	25'	10'	25'	3.0	30'	75%	
MH Mobile Home (Minimum size of mobile home park - 40 spaces)	2.1		20,000	20,000	100'	125'	n.a.	30'	10'	25'	2.5	30'	30%	
C-PO Professional Office Commercial	n.a.		n.a.	7,200	100'	120'	1 acre	40'	15' (E / F)	10' (F / I)	2.0	35'	40%	
CN Neighborhood Commercial	n.a.		n.a.	10,000	100'	120'	1 acre	40'	15' (E / F)	10' (F / I)	2.0	35'	40%	
CC1 Village Retail	n.a.		n.a.	15,000	150'	120'	5 acres	40' (D)	15' (E / F)	10' (F / I)	2.0	35'	50%	
CC2 Shopping Center	n.a.		n.a.	20,000	150'	120'	none	40' (D)	15' (E / F)	10' (F / I)	2.0	35'	60%	
CC3 Highway Commercial	n.a.		n.a.	10,000	150'	120'	none	40'	15' (E / F)	10' (F / I)	2.0	35'	70%	
ML Light Manufacturing	n.a.		n.a.	10,000	100'	120'	none	40'	15' (E / F)	10' (F / I)	2.0	35'	60%	
PUD-R Planned Unit Dev. - Residential	n.a.		n.a.	15,000***	100'	120'	n.a.	30'	10' (D)	25' (D)	3.0	30'	30%	
PUD-C Planned Unit Dev. - Commercial	n.a.		n.a.	7,200	70'	115'	n.a.	40'	10' (S)	(S)	3.0 (S)	35'	30%	
PUD-I Planned Unit Dev. - Industrial	n.a.		n.a.	10,000	70'	115'	n.a.	40'	10' (S)	(S)	3.0	30'	30%	

* Maximum residential density is the number of dwelling units per acre, not including streets, alleys, or public space. R-MF zoned after June 16, 1981 - four units per building maximum.

** 15,000 s.f. average

*All regulations may vary when above districts are used as a base district for a PUD

Section 3.25 Special Use Permit

(O-02-1331 / 02-19-2002)

The purpose of a Special Use Permit is to allow a use not normally allowed in a zoning district, which could be of benefit in a particular case to the general welfare, provided adequate development standards, and special requirements are imposed to protect surrounding uses or to preserve the character of the neighborhood. Upon proper application and payment of the applicable fee, the City Council, after public hearing and proper notice to all parties affected and after recommendation from the Planning and Zoning Commission, may authorize a Special Use Permit for a use not allowed by right in *Section 3.24 "Schedule of Permitted Principal Uses"* in accordance with the following criteria.

1. Procedures – Every Special Use Permit application shall be reviewed and considered using the same procedures for reviewing and considering a rezoning application as specified in *Chapter 1 – General Provisions* of this Land Development Code.
2. Site Plan – The applicant must submit a site plan in the form and manner specified by the Administrative Official, showing the details of the proposed use and its relationship to surrounding properties.
3. Additional Information – The City Council and the Planning and Zoning Commission, in considering and determining its recommendation to the City Council on any request for a Special Use Permit, may require from the applicant, plans, information, operating data and expert evaluation concerning the location and function and characteristics of any building, structure or use proposed.
4. Conditions of Approval – The City Council may impose such safeguards, requirements and conditions as it deems are necessary to properly protect any surrounding property, surrounding use, or neighborhood character and to insure the appropriate conduct of the special permitted use, including, without limitation, imposing development standards, requiring public facility improvements and means of ingress and egress of public streets, establishing conditions of operation, establishing time limits, establishing location, arrangement and construction of any uses or structures, adopting regulations to protect the general welfare and adjacent property from excessive noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, offensive view of other undesirable or hazardous conditions. All conditions imposed by the City Council shall be complied with prior to the issuance of a Certificate of Occupancy.
5. Revocation Upon Failure to Develop – A special use permit approved by the Council shall become null and void one year from the date of approval by the City Council unless a building permit or certificate of occupancy, whichever is applicable, has been obtained on the property within said one year period. The City Council may in its adopting ordinance, shorten or lengthen the time in which a building permit or certificate of occupancy must be issued in order to preserve the special use permit. Any Special Use Permit in existence upon the passage of this ordinance shall become null and void one year after the passage of this ordinance, unless a building permit or certificate of occupancy, whichever is applicable, has been issued within said year.

Exception: The ordinance authorizing a Special Use Permit may provide for an alternate expiration period.

6. Termination and Abandonment of Use – In the event the building, premises or land uses authorized by a Special Use Permit are terminated or abandoned for a period of six (6) months or longer, the use of the same shall thereafter conform to the regulations applicable to the zoning district, unless a new and separate Special Use Permit is approved for continuation of the use.
7. Modification – No building or premises authorized by a Special Use Permit may be enlarged, modified, structurally altered, or otherwise significantly changed unless an amendment to the Special Use Permit is approved by the City Council using the procedures specified in *Chapter 1 – General Provisions* of this Land Development Code.
8. Violation – It shall be unlawful for property owner or tenant to violate any terms or conditions of the ordinance approving the Special Use Permit.

Section 3.25.1 Large Commercial Buildings

(O-00-1249 / 11/08/00)

Commented [BB65]: Section to be moved to Chapter 6: Commercial Design Standards

A. Applicability — The criteria in this Section shall be applicable to the construction of any new large commercial building proposed for construction on or after November 8, 2000. These criteria shall not be applicable to the following:

1. ~~The use, re-use, modification or consolidation of existing commercial buildings developed prior to November 8, 2000, or to the expansion of commercial buildings existing as of November 8, 2000, provided expansion does not exceed ten percent (10%) of the existing building footprint, including the cumulative amount of all prior expansions, or~~
2. ~~Buildings constructed within the limits of the PUD-C established by ordinance O-99-1141.~~

B. General Provision — No new large commercial building shall be permitted for construction within the city of Colleyville, except where allowed as follows:

1. ~~Large Commercial Building shall be allowed by right in the ML — Light Manufacturing District.~~
2. ~~Large Commercial Building shall be allowed with approval of a Planned Unit Development — Commercial.~~
3. ~~No large commercial building shall be permitted within a previously approved Planned Unit Development — Commercial, unless the approving ordinance contains a specific provision for a large commercial building as provided in this Section. The requirements and procedures for a Planned Unit Development — Commercial contained elsewhere in the Colleyville Land Development Code and the additional requirements set forth in this Section shall be used in the review of an application for a large commercial building. The City Council may establish such terms and conditions as are necessary to protect life, health, property, public peace and the general welfare of the public and the adjacent properties. For purpose of this regulation, a commercial building which contains a building footprint of forty thousand (40,000) square feet, or more, shall be declared a large commercial building and be subject to these criteria.~~

C. Application and Development Requirements — Every large commercial building must comply with the requirements of this Section. All site plan reviews required by the Colleyville Land Development Code or applications for a rezoning request for a Planned Unit Development — Commercial for a large commercial building shall include all the information outlined as follows:

1. Site Plan — A site plan, drawn to scale, showing the property boundary, all proposed buildings, water features, creek channels, the 100-year flood plain, outdoor display areas, proposed driveways, parking lots, landscaped areas, loading and delivery docks, refuse and recycling facilities and other physical features which may influence the development of the site.
2. Elevation Drawings — Building elevation drawings, drawn to scale, indicating the type and percentage of each exterior building wall material.

D. Development Requirements

1. Building Height, Set Back Requirements and Maximum Lot Coverage — The minimum front, side and rear building set back lines, maximum building height, and maximum lot coverage for a 40,000 square foot building footprint shall be in accordance with the following schedule:

Minimum Building Line Set Backs, Maximum Height and Maximum Lot Coverage for a 40,000 s.f. Large Commercial Building			
Minimum Building Set Back	Front:	40 ft.	(1)-(2)
	Side:	40 ft.	(1)-(2)
	Rear:	40 ft.	(1)-(2)
Maximum Building Height		35 ft.	
Maximum Lot Coverage		40%	

Notes:

- (1) ~~The minimum building set back line adjacent to a public street shall be increased one foot for each additional increment of 2,000 s.f. of building footprint over 40,000 square feet of building footprint.~~
- (2) ~~The minimum building set back line adjacent to a residential-zoned property shall be a minimum of 50 feet and shall be increased one foot for each additional increment of 1,000 s.f. of building footprint over 50,000 square feet of building footprint with a maximum building setback of 250 feet. If a public road stands between the residential-zoned property and the commercial establishment, the road width may be included in the setback calculation if the setback exceeds 100 feet.~~
- (3) ~~The setback requirements between two commercial-zoned properties shall conform with the CC2 zoning requirements as outlined in the Land Development Code.~~

~~2. Façade Articulation — All large commercial buildings shall have facades which comply with the following requirements:~~

- a. ~~Horizontal Articulation — No building façade which faces a public street shall extend horizontally greater than three (3) times the height of the wall without having an off-set of not less than fifteen (15%) percent of the wall's height as shown on the attached Exhibit "A", and such off-set shall continue for a minimum distance equal to at least twenty-five (25%) percent of the length of the longest adjacent plane.~~
- b. ~~Vertical Articulation — No building façade which faces a public street shall extend horizontally for a distance greater than three (3) times the height of the wall unless the wall contains at least one of the following features and every front building façade shall have no less than two of the following features:~~
 - (1) ~~Parapets which change the roof line. The parapet height shall be a minimum of fifteen (15%) percent of the wall's height, and such height change shall continue for a minimum distance equal to at least twenty-five (25%) percent of the length of the longest adjacent plane.~~
 - (2) ~~Overhanging eaves, extending no less than three (3) feet past the supporting walls.~~
 - (3) ~~Sloping roofs that do not exceed the average height of the supporting walls, with an average slope greater than or equal to one (1) foot of vertical rise for every three (3) feet of horizontal run and less than or equal to one (1) foot of vertical rise for every one (1) foot of horizontal run.~~
 - (4) ~~Three or more roof slope planes.~~
 - (5) ~~A covered walkway along a minimum of fifty (50%) percent of the front façade length.~~

~~3. Side and Rear Facade Features — Side and rear building facades, which do not face a public street, shall include a minimum of three architectural changes, such as (1) a changing plane not less than five (5) feet in width and eighteen (18) inches in depth, (2) a surface material change of not more than thirty (30) feet in length, as measured horizontally, or (3) a combination of these elements.~~

~~4. Building Design — In addition to the building façade requirements contained herein, the site plan and building elevation plans shall comply with the requirements of Chapter 6 — Building Design of the Colleyville Land Development Code, except where modified by the requirements in this Section. The minimum building design score shall be 30 points.~~

~~5. Exposed Columns — Exposed structural support columns shall be constructed of, or clad in, the same masonry material as the principal structure. Architecturally significant columns (e.g. fluted, etc.) may be permitted.~~

~~6. Exterior Surface Materials — A minimum of ninety (90%) percent of each exterior wall surfaces, excluding door and window openings, shall be constructed of clay-fired brick, native stone, cast stone, or a combination of these materials. Tilt-up concrete construction is permitted, provided the~~

exterior surface is covered with clay-fired brick, native stone, cast stone, or a combination of these materials. Stucco and EIFS (Exterior Installation Finished System) are permitted for not more than ten (10%) percent of the exterior surface. Concrete block, split-faced block or cinder block shall not be acceptable, except where a wall surface faces an adjacent non-residential building. Proposals for surface materials with similar durability and appearance of clay-fired brick, native stone, or cast stone may be considered.

- ~~7. Exterior Surface Colors~~—The exterior surfaces shall be of a natural finish, provided the colors are subtle, or neutral colors. Trim and accent areas may be painted and feature brighter colors, including primary colors, but not more than ten (10%) percent of the wall surface area. High intensity or fluorescent colors are prohibited.
- ~~8. General Landscaping Requirement~~—The landscaping of the development shall comply with the requirements of Chapter 4 — Landscaping and Buffering of the Land Development Code, except where modified by the requirements of this Section. All ground surfaces not used for buildings, sidewalks, roadways or other impermeable surfaces shall be covered with live grass, turf, shrubbery, trees, ground cover, flowering plants or appropriate mulching. In order to insure for a variety of plant materials the following minimum requirements for grass, shrubs, and trees shall be provided:
 - ~~a. Minimum Landscaping Coverage:~~ Not less than twenty percent (20%) of the total land area of the development shall be, landscaped. At least fifty percent (50%) of the total landscaped area shall be located in the street yard(s). The overall minimum percentage of required landscaping may not be reduced by the application of landscaping enhancement credits.
 - ~~b. Trees:~~ Landscaping shall include the retention or planting of one (1) three-inch (3") caliper overstory shade tree per each forty (40) feet of street frontage. These trees to be planted within the landscaped buffer adjacent to each street frontage.
- ~~9. Landscape Buffer and Screening Wall Adjacent to Residential Property~~—Along the entire length of the common property line adjacent to residential property there shall be a landscape buffer, a minimum of forty (40) feet in width, and a solid screening wall constructed of clay fired brick, native stone, cast stone, or a combination of these materials, not less than eight (8) feet in height nor more than ten (10) feet in height. The landscape buffer and the solid screening wall shall be provided along the entire length of any property line adjacent to any residential property. The landscaped buffer shall contain lawn grass or ground cover and be maintained as a permanent landscaped area. There shall be no buildings, parking areas, driveways, sidewalks or structures contained within the required buffer. The landscaping buffer shall include the retention or planting of one (1) three-inch (3") caliper overstory shade tree per each forty (40) feet of common property line with an adjacent residential property. Said screening wall shall be constructed generally along the common property line with the residential property, but its terminus shall not encroach nearer than twenty-five (25') to a street right-of-way.
- ~~10. Landscape Buffer and Screening Adjacent to Public Streets~~—There shall be a minimum forty (40) foot wide landscape buffer adjacent to all street rights-of-way. There shall be no buildings, parking areas, driveways, sidewalks or structures, except permanent signs, contained within the required landscape buffer. A driveway or sidewalk may cross the buffer to provide access to the site. Within the landscaped buffer, there shall be either one or a combination of the following landscaping features:
 - ~~a. Earthen Berms:~~ A minimum of thirty (30) inches in height with a maximum side slope of three feet to one foot of rise as shown on the attached Exhibit "B". The berm shall not extend parallel to the street right-of-way, but shall meander in a serpentine fashion and shall be entirely vegetated with lawn grass or groundcover.
 - ~~b. Shrubs:~~ A row of shrubs consisting of individual shrubs planted not more than thirty-six (36) inches on center which will form a solid continuous visual screen of not less than thirty (30) inches in height within a two-year period after planting as shown on the attached Exhibit "C". Shrubs shall be maintained so as to not exceed six (6) feet in height. The shrub row shall be located along the portion of the landscaped buffer that is the furthest from the street right-of-way.

- ~~c. **Low Solid Wall:** A solid wall constructed of clay-fired brick, native stone, cast stone, or a combination of these materials, not less than thirty (30) inches in height as shown on the attached Exhibit "D". Said wall shall be constructed generally parallel to and twenty (20) feet from the street right-of-way. The solid wall shall not constitute more than thirty (30) percent of the length of the abutting street frontage.~~
- ~~11. **Parking Lot Landscaping** — Parking areas shall contain a minimum of one (1) landscaped island/landscaped island per sixteen (16) parking spaces. No landscaped island shall be less than three hundred (300) square feet. Every landscaped island shall include one (1) three-inch (3") caliper shade tree with the remaining area covered with grass, shrubs or ground cover. Landscaped planting areas shall be located so that no parking space shall be more than seventy-five (75) feet from the trunk of a shade tree. Where a landscaped island is adjacent to a landscaped buffer, the parking spaces adjacent to the landscaped island shall be paved with a pervious material pave stone. The parking lot landscaping requirements contained in the paragraph shall not be applicable to the interior parking spaces of a parking garage.~~
- ~~12. **Parking Lot Walkways** — There shall be a pedestrian walkway a minimum of eight (8) feet in width for every four rows of parking within the parking area. Said walkway shall be constructed parallel to the parking rows as shown on the attached Exhibit "B". The walkway shall be paved with a hard surface.~~
- ~~13. **Curbing of Landscaped Areas** — All landscaped islands and landscaped areas shall be protected from vehicular encroachment by concrete curbs a minimum of six (6) inches in height.~~
- ~~14. **Permanent Ground Signs** — The development shall comply with the provisions of Chapter 7 — Sign Regulations of the Colleyville Land Development Code, except that only one monument sign per street frontage shall be allowed. The maximum height of the monument sign structure shall be eight (8) feet. The maximum area of the monument sign structure shall be one hundred (100) square feet. Only external illumination shall be allowed. Each side of the monument sign structure shall contain an architectural feature of clay-fired brick, native stone, cast stone or a combination of these materials. The architectural feature shall be equivalent to fifteen (15%) percent of the total area of the sign structure.~~
- ~~15. **Attached Building Signs** — The development shall comply with the provisions of Chapter 7 — Sign Regulations of the Colleyville Land Development Code, except that the total square footage of all wall signs shall not exceed ten (10%) percent of the wall face.~~
- ~~16. **Tree Preservation** — The development shall comply with the provisions of Chapter 5 — Tree Preservation of the Colleyville Land Development Code.~~
- ~~17. **Off-Street Parking and Loading Requirements** — The development shall comply with the requirements of Section 3.29 — Off-Street Parking Requirements of the Colleyville Land Development Code. The maximum number of parking spaces shall be one (1) space per two hundred (200) square feet of gross floor area.~~
- ~~18. **Delivery / Loading Spaces** — No delivery or loading space shall be located within one hundred (100) feet of a residential property. All delivery and loading spaces shall be screened from public view from a street right-of-way or an adjacent residential property by an eight (8) foot to ten (10) foot tall solid screening wall constructed of like material to the building. Additional planting materials shall be provided so that no more than two-thirds of the surface area of the solid screening wall is visible from the street or residential property. The live plant screening shall consist of shrubs, a minimum of three (3) feet in height when planted, and which can be expected to reach six (6) feet or greater in height within three (3) years of planting. Shrubs shall be spaced so that there shall be no gap greater than four (4) feet between mature plant materials. No delivery or loading area shall be operated between the hours of 11:00 p.m. and 6:00 a.m. Parking of delivery vehicles shall not exceed 48 hours duration.~~
- ~~19. **Outdoor Display Areas** — Outside display of merchandise shall be allowed, provided that it shall be limited to an area within eight (8) feet of the front wall of the primary building and further provided that emergency pedestrian access to the building is not blocked. No merchandise shall be displayed between the hours of 11:00 p.m. and 6:00 a.m.~~

For purpose of this regulation, the front wall shall be the front containment wall of the structure and not the front of an overhanging walkway cover.

~~20. Outside Storage and Sales Areas—There shall be no outside storage or outside sales areas of landscaping materials, plants or general merchandise, except for an outside display area, as provided in the above paragraph. For purpose of this regulation, nothing shall prohibit the sale or display of landscaping materials, plants or general merchandise located behind an enclosed solid screening wall constructed of like materials to the building, provided merchandise is not visible above the top of the screening wall.~~

~~21. Refuse Collection—No refuse collection shall occur within 100 feet of residential property. All refuse containers, including recycling containers, and trash compactors shall be screened from view from a public street and from adjacent residential properties by an enclosure constructed on three sides with an eight (8) foot high solid masonry screening wall constructed of like material to the building. Said screening enclosure shall include solid metal doors. When a refuse container, trash compactor or recycling container is situated adjacent to a residential property, the screening wall enclosure shall comply with the building setback lines established for the zoning district.~~

~~22. Screening of Mechanical Equipment—Roof or ground-mounted mechanical equipment shall be screened to mitigate noise and views in all directions from adjacent property. If roof mounted, the screening material shall be designed to conform architecturally with the design of the building. Ground-mounted mechanical equipment shall be screened by a solid masonry screening wall constructed of like material to the building and be of sufficient height to block the view and noise of the equipment from adjacent property.~~

~~23. Cart Storage—All shopping cart storage areas shall be contained within the primary building. Temporary shopping cart parking within parking areas shall be allowed, provided carts are removed to within the primary building on a frequent basis.~~

~~24. Outdoor Lighting—Light poles situated within 300 feet of residential property shall not exceed twenty (20) feet in height. Exterior lighting must be High Intensity Discharge (HID) lights shielded and directed away from adjacent properties and shall produce light no greater than one foot candle at the property line, except at driveway entrances which shall be lighted adequately to provide for safe access to the property. The parking lot lighting system shall be designed to dim between the hours of 11:00 p.m. and 6:00 a.m. Wooden light poles shall be prohibited as an illumination standard. Security lighting at the rear and sides of the building shall be designed to reduce light pollution and to prevent objectionable glare onto any residential property. Exterior lighting shall comply with Chapter 6 (Building Design Standards) of the Land Development Code.~~

Commented [EW66]: New Section 6.6 in Chapter 6 addresses exterior lighting in all commercial districts

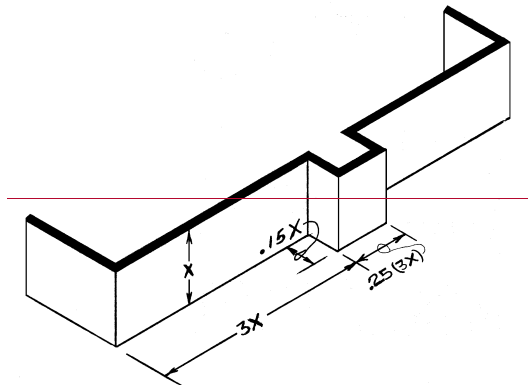
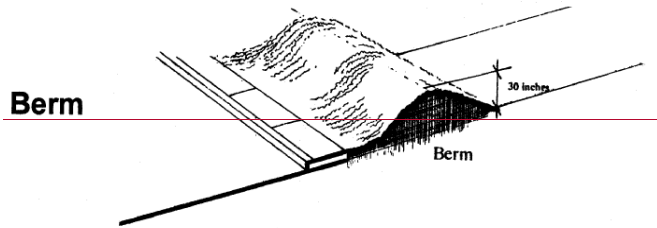
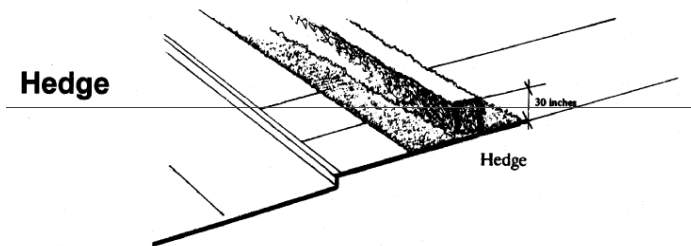


Exhibit "A"

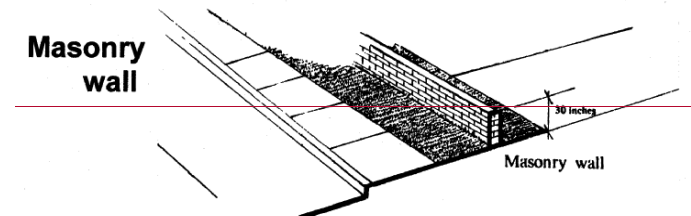
Façade Articulation



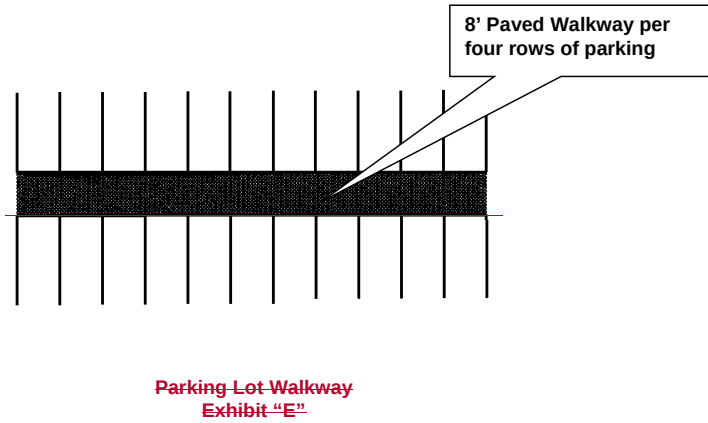
**Landscape-Berm
Exhibit "B"**



**Landscape Shrubs
Exhibit "C"**



**Solid-Wall
Exhibit "D"**



Section 3.26 Fences, Free Standing Walls, and Screening Materials

A. Scope

1. This section is to regulate fences, free standing walls and other screening material in a manner so as to promote safety, preserve property values, promote the general welfare of the City of Colleyville, and to enhance the aesthetic quality of the community.
2. No fence, screen, freestanding wall or other visual barrier shall be constructed or placed in such a manner as would endanger the health or safety of the general public.
3. For administrative purposes, all references to fences or walls shall be interpreted to apply to free standing structures.

B. Definitions Fence or Wall Placement

~~Perimeter Subdivision Fencing. A subdivision perimeter fence shall be construed to be any decorative or security fence along a substantial portion of the boundary or property line of any plat, replat or phase of a plat or replat or filing of a plat or replat as those terms are defined in Chapter 2 - Definitions of this Land Development Code, of any property (1) zoned other than CPO, CN, CC1, CG2, CC3, or ML and shown on an approved plat thereof, or (2) property that is zoned AG, RE, R40, R30, R20, R15, RD, RMF. The actual location of a fence or wall on a site is assumed to be to on the property or common property line and encroachments onto adjacent property are not expressly authorized by the Administrative Official or their representatives.~~

Commented [EW67]: A sub-section for "Definitions" that contains only one definition is not necessary and should be located in Section 2 of LDC. Retitled this section as "Fence or Wall Placement".

Commented [BB68]: Move to Ch. 2 - Definitions

Commented [EW69]: Added disclaimer for when property owners dispute the fence is crossing property lines.

C. Maintenance

1. All fences erected as provided for in this section shall be maintained in good condition.
2. A fence shall not lean more than one inch out of vertical for each foot of height as measured from the top of the fence.
3. The owner shall replace broken, damaged, removed or missing parts of a fence within ten (10) days of the day the owner received notice from the Administrative Official, with the same material, or material with comparable composition, color, size, shape and quality of the original fence to which the repair is being made. No permit is required for repairs as defined in this ordinance. The Administrative Official may, upon written notice from the owner that unusual circumstances prevent the timely repair of a fence, extend the replacement time as required. The Administrative Official shall not extend the replacement time longer than reasonably necessary. The owner requesting a replacement time

extension shall provide the Administrative Official a written scope and schedule detailing materials and estimated time period of the completed replacement for approval.

4. A fence shall be maintained in sound structural condition as a whole or completely removed, including post(s).
5. Property owners shall maintain fences, including those existing prior to the adoption of this Ordinance, at all times in a state of good repair, safe and secure condition, with all braces, bolts, nails, supporting frame and fastenings free from deterioration, termite infestation, rot, rust or loosening, and able to withstand at all times the wind pressure for which they were designed.
6. Property owners shall regularly paint fence supports, gates, structural members and exterior surfaces that are covered with paint to prevent rusting, peeling or blistering surfaces.
7. Existing fences that were constructed prior to the adoption of this Ordinance that were constructed with materials not currently permitted by this Ordinance may be maintained as long as no part of the fence is or becomes unsafe, dilapidated, or a public nuisance. If the Administrative Official determines the fence is unsafe, dilapidated, or a public nuisance the fence must be repaired with materials approved by this Ordinance or be removed.
8. The construction of a fence or wall on the property line shall not preclude the property owner's responsibility to maintain and keep the area between the fence and an adjacent fence on a neighboring property, the property line to the back of curb or edge of the pavement or center of alley, free and clear of debris and high weeds.

D. General Requirements/Prohibitions for all Fences and Free-standing Walls

1. *Screening Required in Residential Districts:*

- a. Nonresidential uses in a residential district shall be suitably screened from view of any adjacent residential lot or dwelling use along the side and rear property lines of such nonresidential use with a decorative masonry wall of not less than eight (8) feet in height. ~~Said screening requirements shall not be mandatory for public schools, parks or churches, except where active outdoor intensive use area (such as a playground) is adjacent to a residential lot or dwelling. Off-street loading areas of any non-residential use shall be adequately screened from view of any residential dwelling or lot or of any other adjacent public or semi-public land use with a decorative masonry wall of not less than (8) feet in height or a landscaped berm.~~
- b. Where a multifamily or mobile home use abuts a one or two family district, or where a mobile home use abuts a one, two or multifamily use or district, the side and rear property lines of said multifamily or mobile home use or district shall be suitably screened from view of any adjacent dissimilar residential dwelling or lot with a decorative masonry wall of not less than eight (8) feet in height or a landscaped berm.
- c. Nothing in this section shall restrict the fencing of tennis courts with traditional fencing material to a maximum of twelve (12) feet.

2. *Screening Required in Non-Residential Districts:*

- a. Where a nonresidential use abuts a residential lot, use or district, the side and rear property lines abutting said residential lot, use or district shall be suitably screened, with a decorative masonry wall, by the nonresidential use so as to obscure the view from the residential lot, use or district to the nonresidential use to a height not less than eight (8) feet.
- b. Where a district boundary separating a residential district from a nonresidential district is along a street, and an automobile parking lot or parking area is located in the front yard of the nonresidential use, then said parking lot or parking area facing the residential lot, use or district shall be suitably screened to a height of not less than three and one-half (3-1/2) feet.

Commented [BB70]: Churches and schools should be expected to provide screening when adjacent to residential uses

- c. In all districts where open storage is permitted and the screening thereof is required, then such screening shall be provided around the exposed perimeter thereof of not less than six (6) feet in height and shall be composed of decorative masonry material
 - d. Off-street loading areas shall be adequately screened from view of any residential dwelling lot or of any other adjacent residential land use with a decorative masonry wall of not less than eight feet in height or a landscaped berm.
 - e. All roof mounted mechanical equipment and parapet wall structural supports shall be screened from view.
 - f. All required screening between residential and commercial, institutional, multifamily and mobile home uses shall be maintained in good condition by the property owner of the commercial, institutional, multifamily and mobile home use.
3. *Screening Requirements for Waste, Garbage, Compacting and Recycling Containers:* The following regulations shall apply to all multifamily, mixed-use, institutional and commercial uses where large containers are utilized for the storage or compacting of waste, garbage or recycling materials for any properties where the building permit for the primary structure was issued on or after April 17, 2013:
- a. All containers shall be fully enclosed by a decorative masonry wall.
 - b. Masonry materials shall match the masonry materials of the exterior wall of the primary structure on the property where the container is located.
 - c. The height of the screening wall shall be a minimum of six feet, or one foot above the height of the container/compactor, whichever is greater, and shall not exceed 10 feet in height.
 - d. The gate shall be composed of solid metal and shall be of a color that matches or complements the masonry wall.
 - e. The gate shall remain closed at all times. Exception: gates for recycling bins that are accessible to the public may remain open provided all recycling material is completely stored within the container.
 - f. Where possible, gates shall be oriented away from the view of any roadway traffic.
 - g. All enclosures and containers shall be located behind all required building setbacks.
 - ~~h. and All enclosures and containers shall be located a minimum of 25 feet from any properties zoned or used for non-multifamily residential purposes.~~
 - h. Unless subject to a different requirement as part of an SUP or PUD ordinance, for properties where the building permit for the primary structure was issued before April 17, 2013, the required enclosure and gate may be composed of wood or masonry materials to a minimum height of six feet and the gate must remain closed at all times. Otherwise, said properties shall be exempt from the other provisions of this section. However, loss of any legal-nonconforming status for any property and/or building as described in Section 3.7 in the Land Development Code shall require full compliance with this section.
 - i. The City shall have the right to remove any container in an enclosure that has been non-compliant with this sub-section for more than 30 days.
4. *Obstruction Prohibited:* No fence, screen, free standing wall or other visual barrier shall be so located or placed that it obstructs the vision of a motor vehicle driver approaching any street, alley or drive intersection. A visual barrier shall be deemed to be any fence, wall, hedge, shrubbery, etc., higher than thirty (30) inches above ground level at the property line, except single trees having single trunks, which are pruned to a height of seven (7) feet above ground level. See Exhibit "3-1".

Commented [BB71]: Separated into 2 regulations

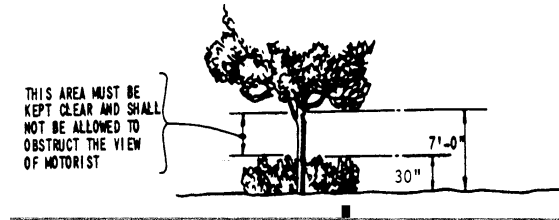


Exhibit "3-1"
Obstructions Prohibited

5. *Twenty-Five (25) Foot Visibility Triangle Required:* No fence, screen, wall or visual barrier shall be located or placed where it obstructs the vision of motor vehicle drivers approaching any street intersection. At all street intersections, clear vision shall be maintained across the lot for a distance of twenty-five (25) feet back from the property corner along both streets. See Exhibit "3-2".

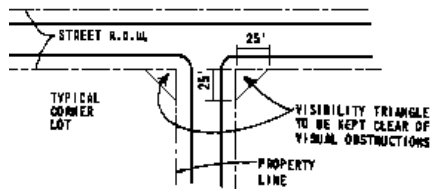


Exhibit "3-2"
Visibility Triangle

6. *Barbed Wire Prohibited:* Fences constructed of barbed wire and walls topped with broken glass or surfaced with any like material shall be prohibited except as provided below.

Barbed wire fences used in conjunction with permitted agricultural, livestock, and related activities, or in industrial districts are permitted without restrictions.

Barbed wire strands may be placed on the top of security fences in non-residential districts for the purpose of security from theft, entry and hazard such as around public utility substations and uses of a similar nature, provided the top strand is not higher than eight (8) feet nor the bottom strand lower than six (6) feet from the adjacent grade line.

7. *Electrical Fences:* Electrical fences and fence charging devices (Underwriters Laboratory approved) shall be plainly marked at a minimum of twenty-five (25) foot intervals as to the nature thereof.
8. *Eight (8) Foot Maximum Height:* No fence in a residential district shall exceed eight (8) feet in height above ground level at the fence line.
9. *Property Owners' Responsibility:* The construction of a fence or wall on the property line shall not preclude the property owner's responsibility to maintain and keep the area defined between the extension of the property lines to the back of curb or edge of pavement free and clear of debris and high weeds. See Exhibit "3-3".

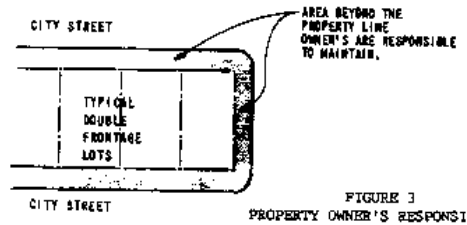


Exhibit "3-3"
Property Owner's Responsibility

10. *Public Property:* No fence, guy wire, brace or any post of such fence shall be constructed upon or cause to protrude over property that the City or the general public has dominion and control over, owns or has an easement over, under, around or through, except upon drainage and utility easements which are permitted to be fenced.
11. *Floodway Permit Required:* The construction of a fence or wall in a floodway as shown on the most recent revision of the "Floodway - Flood Boundary and Floodway Map" prepared by the Federal Emergency Management Agency (FEMA) shall require a development permit as currently required in the City's drainage policies.
12. *Swimming Pools:* All swimming pools shall be fenced. A solid or chain link type fence or a barrier at least four (4) feet in height shall completely enclose every swimming pool to be constructed. There shall be no openings, holes, or gaps bigger than four (4) inch spaces and no openings whatsoever on horizontal picket type fences. All gates allowing access to the pool area shall be self-closing with self-latching devices located in the upper quarter of the gate. All entrances to the swimming pool area must be able to be secured by a combination or key locking device. A dwelling house, accessory building, or apartment building may be used as part of such enclosure provided that all entrances to the swimming pool are equipped with gates as described herein. All fences should conform to local governmental codes and restrictions.
13. *Pre-Formed Concrete:* Pre-formed concrete is a permitted masonry material provided the texture adequately mimics the intended style match, be it wood, brick, stone, etc. Pre-formed concrete fences shall be maintained in good condition including any painted fences. The building official shall approve the final finished surface and reserves the right to deny a fence permit application if the surface does not adhere to these regulations.
14. *General Construction Requirements for Wood Fences*
 - a. For commercial properties, all vertical posts on fences over four (4) feet in height shall be galvanized steel with a minimum two (2) and three-eighths (3/8") inch diameter, a minimum fifteen (15) gauge thickness, and set in a concrete footing. Picket fences, split rail fences, ranch style or agricultural fences, or other types of decorative fences approved by the Building Official or his/her designee shall be permitted to use wood posts.
 - b. Concrete footings shall be a minimum of eight (8) inches in diameter.
 - c. For fences less than seven (7) feet in height, posts shall be spaced at a maximum of eight (8) feet on center, set in a concrete footing of no less than twenty-four (24") inches deep.
 - d. For fences that are seven (7) feet or greater in height, posts shall be spaced at a maximum of six (6) feet on center, set in a concrete footing of no less than thirty-six (36") inches deep.
 - e. Fence posts attached to or supported by other structures, including retaining walls, shall be provided with foundation and anchorage to prevent movement of structure or retaining wall.

- f. All materials shall be securely fastened, vertical boards to horizontal stringers, stringers to vertical posts, top rail, to ensure an ongoing attractive appearance and safe condition, free from rot, rust, vandalism and other sources of decay.
- g. The bottom of the fence shall be designed to prevent ground to wood contact. This can be achieved through the use of a concrete strip poured between the fence supports or by raising the pickets to provide a minimum of two inches between the bottom of the pickets and the ground. Fences located within drainage easements must be approved by the Public Works Director per the requirements of Section 8-170 of the Land Development Code and shall be built such that required drainage and storm water run-off is not impeded.
- h. All wood material shall be stained, pressure treated, painted, or adequately sealed to prevent decay.

Commented [EW72]: "storm water" is two separate words

15. Perimeter Subdivision Fences: A fence along the perimeter of a subdivision is allowed under the following conditions:

- a. No setback shall be required from any street right-of-way line.
- b. No perimeter subdivision fence shall encroach into the required twenty-five (25) foot visibility triangle as defined above.
- c. The perimeter subdivision fence shall have a maximum height of eight (8) feet, to include any element associated with the fence.
- d. Materials along Street Frontage: The perimeter subdivision fence shall be decorative in nature and constructed of stone, brick, wrought-iron, or a combination of these materials for any portion along a perimeter street. The use of wood and composite materials shall be prohibited along the street frontage.

Commented [BB73]: Codified standards for perimeter subdivision fences

Commented [BB74R73]: After review, staff recommends approval of these standards. Revision was made to material standards along street frontages.

16. Sealed Plans Required for Masonry Walls, Columns and Fences: For all masonry walls, columns and fences authorized by this Section, required plans and specifications shall be prepared and sealed by a State of Texas registered engineer and shall consider the site's soil characteristics, wind loadings, and other environmental considerations. All field inspections and verifications for a new masonry wall, fence, and column must be approved by the design professional mentioned above or the professional's representative. Said inspection approval must be submitted to the Building Official in writing prior to the City's final inspection.

E. Fence and Free Standing Wall Setback Requirements

- 1. **Front Yards:** No fence or free standing wall greater than thirty (30) inches in height and no greater than twenty-five (25) percent solid opaque construction shall extend into the required yard on which the primary structure faces.
 - a. The primary fencing material shall be of wrought iron, pre-formed concrete, poured in place concrete, concrete masonry unit (CMU), brick, approved wood rail construction, a combination thereof or other similar material approved by the City Building Official. All poured in place concrete and CMU shall contain an architectural finish.
 - b. On a corner lot, a house shall be deemed to face on that street on which it has its least dimension unless otherwise determined by the Building Official.
 - c. Vehicle Gate setback: Any vehicle gate shall be set back a sufficient distance from the property line to allow vehicle queuing space in order to maintain safety and to prevent backup along the street pavement. Sufficient distance shall be determined by the Building Official.
 - d. Exceptions to front yard requirement: Lots containing a minimum of 40,000 square feet, and subdivisions, shall be allowed to construct a perimeter fence within the front yard setback. Said

Commented [EW75]: Provides consistency for term used throughout Subsection E

Commented [EW76]: Specifies that the section applies to vehicle gates – not pedestrian gates

fencing shall be no greater than eight (8) feet in height and shall have no greater than twenty-five (25) percent solid opaque construction within the front yard. Allowed construction materials shall be the same as paragraph "1.a" above. **This exception shall not apply to properties zoned as a PUD district.**

Commented [EW77]: Provides consistency for term used throughout Subsection E

2. **Corner Side Yards:** Except where allowed elsewhere in this chapter, fences and walls within a required side yard adjacent to a street right-of-way shall meet the following setback standards:

A privacy fence or wall (which shall be defined as any fence or wall greater than thirty inches (30") in height ~~or that is~~ greater than 25 percent opaque construction) within a required street side yard shall be subject to whichever of the following provisions a) through d) shall yield the greatest setback:

Commented [BB78]: This clarifies that a fence that is not opaque (i.e. wrought iron) allowed to be located along the property/ROW line and within the setback.

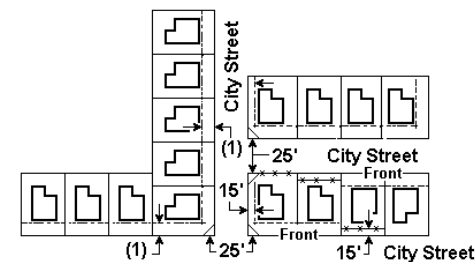
Commented [BB79R78]: Per City Council, all fences must meet setback. Waiver requests require SUP approval?

- a. If the subject lot has a street side yard which faces a dwelling front or lot front across the side street, the side yard privacy fence or wall shall be located not less than fifteen feet (15') from the property line, except on any lot having either a required side yard less than fifteen (15') feet or an existing primary structure setback less than fifteen (15') feet, then the fence or wall may be constructed with the same setback as the primary structure; or
- b. If the subject lot backs to the rear of another residential lot, the side yard privacy fence or wall shall be located not less than fifteen feet (15') from the side property line; or
- c. If the subject lot backs to the side of another residential lot, the side yard privacy fence or wall shall be located not closer to the side property line than the required front setback of the adjoining lot; or
- d. If the subject lot backs to an alley, the side yard privacy fence or wall shall be located not closer than fifteen feet (15') from the side property line.

A decorative wall or fence (which is defined as any wall or fence not greater than thirty inches in height and not greater than twenty-five percent opaque construction) within a required street side yard shall not be placed less than three feet (3') from the side property line, and shall not be subject to the provisions of the preceding sections (a) through (d).

3. **Adjacent to Undeveloped Property:** Except for perimeter subdivision fencing meeting the requirements in paragraph "1.a" above, no fence or wall greater than thirty (30) inches in height ~~and~~ ~~no that is~~ greater than twenty-five (25) percent solid masonry opaque construction, shall be located less than fifteen (15) feet from the side property line adjacent to the street which leads into undeveloped property. See Exhibit "3-4".

Commented [EW80]: Provides consistency with term used throughout Subsection E



(1) Set-back established
by district regulations

Exhibit "3-4"
Typical 15'-0" Solid Fence Setbacks

4. **Rear Fence and Free Standing Wall Setbacks:** Fences and walls meeting all of the construction

requirements of paragraph "1.a" above and the Uniform Building Code other adopted standards may be erected on the rear property line except; however, lots whose rear property line abuts a public street on which one of the immediate adjacent lots maintains its required front yard, then no fence nor wall greater than thirty (30) inches in height shall be located within fifteen (15) feet of the subject lots rear property line. See Exhibit "3-4".

Commented [EW81]: Uniform codes are obsolete

5. Twenty-five Percent Opaque Construction: The intent of this provision in Subsection E is to discourage barriers that resemble a compound or fortress and the calculation shall be as follows: Every eight (8) linear feet of fencing shall be at least 75% open to view from the street or public way. The 25% opaque construction shall be calculated based on the area of each eight (8) foot linear segment of the barrier.

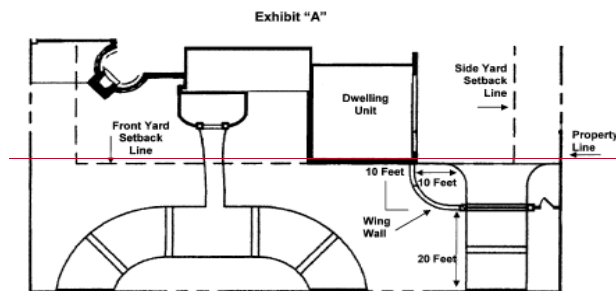
Commented [EW82]: This added provision attempts to specify how the calculation is applied to eliminate completely solid walls for longer runs and then installing wrought-iron on the ends

6. Special Use Permit Provision: Any request for a building permit for a fence/wall which does not meet the criteria in this Section shall only be authorized after approval of a Special Use Permit by the City Council using the procedures contained elsewhere in this Land Development Code.

F. Security Gating Encroachments

A front yard fence or screening wall providing support for a security gate and not exceeding a maximum height of 6 feet, may encroach a maximum of 10 feet into the front yard setback of a residential lot when the fence or screening wall meets the following criteria and shown in Exhibit "A":

1. The fence or screening wall shall attach to a gated entry across the driveway;
2. The fence or screening wall shall attach to the dwelling unit not more than 10 feet from the driveway and extend toward the driveway;
3. The fence or screening wall shall extend to the nearest side property line;
4. The fence or screening wall shall not extend beyond 10 feet into the setback from the dwelling unit;
5. The fence or screening wall shall not enclose nor extend across the entire front yard;
6. The gate and columns may not extend beyond one foot in height above the fence;
7. A minimum setback distance of 20 feet from the fence, screening wall and gate to the front property line shall be maintained.



G. Administration

1. Fence Permit Required - It shall be unlawful for any individual, partnership, company or corporation to erect or have erected a fence or any part of a fence of permanent construction in the city limits without first obtaining a fence permit from the Community Development Department.
2. Application for Permit - Any individual, partnership, company or corporation making application for a fence permit must sign an application for same showing the following information:

- a. Applicants name, address, and in addition, if the applicant represents a company or corporation, the name and address of the supervisor or foreman of said company or corporation and the name of its president.
- b. Name and owner of the property.
- c. Local address where fence is proposed to be erected.
- d. Materials and type of fence construction.
- e. Height of fence.
- f. Applicant shall provide engineering plans and specifications for those types of fences where such engineering is deemed appropriate by the Building Official. The engineering plans shall be reviewed and approved by the Building Official prior to issuance of a fence permit.
- g. Survey showing lot on which the fence is proposed to be erected and the location of adjoining or adjacent lots showing existing structures and fences. The proposed fence shall be delineated by a dark heavy line. In AG zoning districts a scaled plot plan can be submitted in lieu of a survey.

H. Variances

1. Any variance to the provisions of this section shall be heard by the Zoning Board of Adjustment.

Commented [BB83]: Redundant language

Section 3.27 Accessory Buildings and Residential Carport Regulations

The following regulations shall govern the location, size and use of accessory buildings:

A. Accessory Buildings Located in Residential Zoning Districts (O-00-1223 / 07/18/00)

1. Permit Required:

- a. A building permit shall be required for any accessory building which exceeds one hundred and twenty (120) square feet. However, all accessory buildings containing 120 square feet or less shall comply with the height and setback requirements of this Section. An accessory building shall only be allowed as an incidental structure to a principle building unless the accessory building is located in the Agricultural District.
- b. For the purpose of this Section, the term accessory building shall include detached residential garages, and pool houses, but shall exclude a carport (see Section 3.27.C), ~~g~~accessory dwellings, gazebo, cabanas, trellises, arbors, outdoor fireplaces/chimneys, or other shade structures. Exception: structures for specific use as playground assemblies and/or playhouses shall be exempt provided that minimum five (5) feet setbacks from property lines are maintained.

Commented [EW84]: Recommended expansion of language and provisions for children's structures

2. Maximum Size and Number of Buildings:

- a. The maximum number of accessory buildings allowed per lot shall be three (3) buildings. In addition, the combined square footage of all accessory buildings shall not exceed the maximum square footage specified in the following table. ~~four percent (54%) of the aggregate area of the lot. Exemption: Lots containing a minimum of 80,000 square feet shall be exempt from the requirement for the maximum number of accessory buildings.~~

Commented [BB85]: Four percent (4%) is more in-line with current size allowances

Commented [EW86]: Allows for building sizes based on land area, not category

Commented [BB87]: Exemption added for large properties per Council direction

Maximum Square Footage of all Accessory Buildings				
Lot Size	Under .5 ac	.5-.99 ac.	1-2.99 ac.	3+ ac.

Total s. f.	750 s. f.	1,000 s. f.	1,750 s. f.	2,500 s. f.
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b. Accessory dwellings allowed by the Land Development Code shall be limited in size to be no more than the most restrictive of the following:

1. Fifty percent (50%) of the primary structure;
2. The maximum allowed square footage for accessory buildings on the lot; or
3. No more than twelve hundred (1,200) square feet

Commented [BB88]: Size limitations for accessory dwellings

c. For the purpose of this Section, the size of an accessory building shall be the square footage of the building footprint each floor, mezzanine, covered porch, or shade structure.

Commented [EW89]: Large accessory structures and extensions from accessory buildings should be accounted for.

ed. An application to exceed the total square footage shown in the above table authorized above may be approved as a Special Use Permit (SUP).

Commented [EW90]: Non-compliance should be addressed in new Section 7 below - Variances

de.- An existing accessory building may be remodeled or expanded provided the combined square footage of all accessory buildings does not exceed the maximum square footage allowed. However, an a legally-existing accessory building which exceeds the maximum square footage allowed may be remodeled or replaced with a new accessory building, but not expanded or increased in height.

Commented [BB91R90]: Need to keep per City Council direction

Commented [EW92]: Provision that does not "grandfather" buildings that were constructed without permits or otherwise authorized

ef. There shall be no physical connection between accessory buildings and a minimum separation of three (3) feet between accessory buildings.

3. Setbacks:

a. No accessory building shall be erected in any required yard, as defined in *Chapter 2 – Definitions*, except as set forth herein.

b. Attached accessory buildings – Accessory buildings erected ten (10) feet or closer to the principal building shall be considered attached, and shall comply with the setback lines established for the applicable zoning district. For the purpose of this regulation, the distance between buildings shall be measured between the nearest wall surfaces. Exception: Open structures (open on at least 2 ¼ sides), such as patio covers, shall be allowed to extend into the required rear yard setback a maximum of 10 feet.

Commented [BB93]: As long as there are no walls, the exception will allow for attached patio covers.

c. Detached accessory buildings – A detached accessory building shall comply with the setback lines established for the applicable zoning district, unless the accessory building is located totally behind the rear of the principal building, then it shall not be placed closer than five (5) feet to any side or rear lot line.

4. *Maximum Height:* No accessory building shall penetrate a vertical height envelope defined as being a point five feet from a side or rear lot line and extending vertically 8 feet to a point, then extending at a 45° angle to the height of the primary building.

5. *Permitted Uses:* The use of an accessory building shall be consistent with the permitted uses of the applicable zoning district, except, no accessory building shall be used for dwelling purposes other than for domestic family or servants quartersan accessory dwelling employed for the premises, where permitted by the district regulations.

Commented [EW94]: Matches definitions

6. *Special Use Permit Provision:* Any request for a building permit for an accessory building which does not meet the criteria in this Section shall only be authorized after approval of a Special Use Permit by the City Council using the procedures contained elsewhere in this Land Development Code.

B. For Accessory Buildings Located in Non-residential Zoning Districts

1. No accessory building shall be erected in any required yard area except as set forth by this section.

2. No accessory building shall be erected within ten (10) feet of any other building unless such

accessory building is used as a commercial kiosk, in which case such commercial kiosk cannot be located within fifty (50) feet of another building.

3. Commercial kiosks as accessory uses and/or buildings may be located within approved nonresidential districts subject to the following conditions:
 - a. Maximum size of two hundred-fifty (250) square feet.
 - b. No inside sales or service or drive in sales or service; walk-up and/or drive-up service permitted.
 - c. Exterior walls shall be of at least seventy-five percent (75%) masonry, glass, or other equivalent material, provided metal material does not exceed twenty-five percent (25%) of the exterior walls.
 - d. Located within required setbacks and in conformance with this section.
 - e. Located in such a manner as to not impede, impair or endanger vehicular traffic on the property where the kiosk is located and for vehicular traffic ingressing from and egressing to public rights-of-way.
 - f. Submission of an acceptable site plan shall be required for consideration of the issuance of a building permit unless a current valid Certificate of Occupancy exists.
 - g. Limited to one (1) kiosk per platted plot.

~~4. Accessory buildings on sites involving residential adjacency shall require approval of a Special Use Permit by City Council unless previously identified on an approval Site Plan.~~

C. Residential Carport Regulations – Carports located in zoning districts which permit single family residential dwellings shall comply with the regulations contained in this section.

1. Approval by Special Use Permit Only: In accordance with the Special Use Permit procedures contained in this Chapter of these zoning regulations, no carport shall be built in the City of Colleyville without approval by the City Council for a Special Use Permit to construct a carport in a zoning district that permits single family residential dwellings.
2. Carport Standards: A carport shall comply with the following regulations, unless the City Council in approving a Special Use Permit for a carport has imposed other requirements necessary in the particular case to protect the public interests.
 - a. Size: A carport shall not exceed 480 square feet in area. The longest dimension on a carport shall not exceed 24 feet.
 - b. Height: A carport shall not exceed a maximum height of 15 feet. The height shall be measured from the finished grade to the highest point of the roof.
 - c. Setbacks:
 - i. A carport located within ten (10) feet of the principal building shall comply with the front, side and rear yard setbacks of the zoning district. The distance shall be measured between the two closest points of the carport and principal building.
 - ii. A carport located 10 feet or more from a principal building may extend into a required side yard, provided all of the following conditions are satisfied:
 - (1) every part of such carport is unenclosed except for necessary structural supports;
 - (2) no part of the carport is less than five (5) feet from a side or rear lot line, and
 - (3) the carport is located completely within the rear yard area as defined in these zoning regulations.
 - d. Maximum Number Per Lot: one

Commented [EW95]: Recommended for protections of residentially zoned properties

Commented [BB96R95]: Needed?

e. *Paving and Street Access:*

The parking area of a carport shall be paved not less than nine feet (9') by eighteen feet (18') and provide access to a public street right-of-way. Said access shall be a minimum of nine feet (9') in width and paved. All paved surfaces shall be either concrete, asphalt or pave-stone.

f. *Design Criteria:*

- i. Roof - Carports shall have a pitched roof of at least 2:12. Flat roofs shall be prohibited.
- ii. Posts - Posts shall be ~~constructed clad or finished~~ of brick, stone, cedar or decorative metal, such as metal lattice. For purpose of this requirement, decorative metal shall consist of twenty-five (25) percent opaque surfaces. The dimension of each post as viewed from each primary elevation shall not be less than ~~twelve-eight~~ inches (~~128"~~) or more than forty-eight inches (48"). Any carport with two or more elevations that exceed the 48-inch criteria shall be considered an accessory building and be regulated as such. ~~Wooden Cedar~~ posts shall be ~~prohibited wrapped using masonry stone or brick from the base to at least 50% of the post height.~~ The exposed portion of the cedar post shall be a minimum of 8 inches.

Commented [EW97]: Recommend allowing cedar as an approved material

g. *Adequacy of Plans and Specifications:*

The applicant requesting a Special Use Permit to construct a carport shall submit plans and specifications of the proposed carport for review. Said plans and specifications shall contain sufficient information to allow the City Council to determine that the proposed carport complies with these regulations and the City Council may require additional information when necessary to clarify the applicant's request. At a minimum, the drawings shall contain a plot plan, elevation views and a description of the construction materials.

Section 3.28 Supplementary District Regulations

A. Reserved (O-00-1241 / 10/03/00)

B. Erection of More Than One Principal Building on a Lot – In any district other than Agricultural zoning, no more than one (1) building housing a permitted or permissible principal use may be erected on a single lot.

Commented [EW98]: Ag zoning district allows for a secondary dwelling

C. Buildings Constructed Across Lot Lines – No building may be constructed across existing platted lot lines unless a replat is filed and approved in accordance with applicable regulations of the city.

D. Exceptions to Height Regulations

1. Schools, public buildings, and institutions may be erected to a height ~~not exceeding (85) feet~~ the maximum height in any district in which they are permitted, provided front and rear yards are increased in depth and side yards increased in width one (1) foot for each foot of height that the building exceeds the height regulations of the district in which it is located.
2. The height regulations prescribed elsewhere in this Chapter shall not apply (except as may be applicable to paragraph d. hereof) to grain elevators, television and radio towers, church spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, ornamental towers, monuments, conveyors, fuel storage tanks, asphalt and concrete batch plant equipment not intended for human occupancy.
3. Limitations on number of stories shall not apply to buildings used exclusively for manufacturing or storage purposes provided such buildings do not exceed the height in feet permitted in the district in which they are located.
4. The permitted height of any occupied building shall be further restricted to the capability of the local fire fighting equipment to adequately handle any such building height.

Commented [BB99]: The size of the property will dictate the maximum height of the structure

5. In CC and ML zoning districts, the City Council may vary the maximum height of a building if the City Council finds that the location and/or configuration of the building is such that it will conform to the surrounding area and provide adequate light and air under the circumstances. For each foot of proposed height over the standard, there shall be a foot increase in the front and rear yards or as approved by the council. The request for a variance shall be accompanied by a site plan of the property and an architectural drawing of the proposed building.

E. Projections of Buildings, Structures and Appurtenances into Required Yards

1. Open or lattice enclosed fire escapes may project into a required yard not to exceed fifteen (15) feet. The ordinary projections of chimneys and pilasters shall be permitted by the City's Building Official when placed so as not to obstruct light and ventilation.
2. Terraces, balconies, decks, ~~uncovered porches~~ and ornamental features above the floor level of the ~~ground (first) story~~ may project into a required side yard, provided these projections be at least five (5) feet from any adjacent side lot line.
3. ~~An uncovered porch in the front yard may not be more than eighty (80) square feet or project into the front yard setback for distance of more than eight (8) feet. Fountains and other decorative features may project into the required front yard but shall not include structures used for occupancy such as guard sheds, shade structures, etc.~~
4. A porte-cochere or canopy may project into a required side yard, provided every part of such porte-cochere or canopy is unenclosed except for necessary structural supports, and not less than five (5) feet from any side lot line.
5. Every part of a required yard shall be open to the sky, unobstructed by a building, except for the ordinary projections of sills, belt courses, cornices, and ornamental features not exceeding twelve (12) inches, or as otherwise excepted in paragraph a. through d. above. Roof eaves may project into required side yards provided the projections be at least five (5) feet from any adjacent side lot line.
6. Gasoline filling station pumps and pump islands may be located or project into a required yard provided they are not less than twenty-five (25) feet distant from any street, highway or alley right-of-way line, and not less than fifty (50) feet distant from any residential property line.

- F. **Minimum Width of Enclosed or Partially Enclosed Open Space** – Where an open space is more than fifty (50) percent surrounded by a building, the minimum width of the open space shall be at least twenty (20) feet for one-story and one and a half-story buildings, thirty (30) feet for two-story buildings, and forty (40) feet for three or more story buildings.

- G. **Buildings and Structures to Have Access** – Every building or structure hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

- H. **Parking, Storage or Use of Major Recreational Equipment and Vehicles** – No major recreational equipment shall be parked or stored on any lot in a residential district except in a carport or enclosed building, or in a required side or rear yard on an all-weather hard surface driveway; provided, however, that such equipment may be parked anywhere on residential premises not to exceed twenty-four (24) hours during loading or unloading. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, except for the temporary housing of guests not to exceed two (2) consecutive weeks.

For purposes of these regulations, major recreational equipment is defined as including boats and boat trailers, travel trailers, pick-up campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers, and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not.

Commented [EW100]: Uncovered flatwork has no effect on the requirement provided lot drainage is not impacted

Commented [EW101]: Uncovered flatwork, regardless of size, has no effect on aesthetics at the front of a property

Commented [EW102]: Provides for decorative features in a front yard

Commented [BB103]: Need to define in Chapter 2

Commented [EW104]: Prohibits parking RV's on the grass

I. Parking and Storage of Vehicles in General

1. One commercial vehicle of not more than one ton capacity, except pick-up trucks, when used in the employ by the site occupant of a dwelling may be permitted on a residentially zoned lot, provided said parking space shall be in an enclosed garage, carport, or on an all-weather hard surface driveway, or in a side or rear yard on an all-weather surfaced driveway. Nothing in this Chapter shall prohibit the occasional overnight storage or parking of a commercial vehicle on residential property.
2. Off-street vehicle parking spaces shall not be located within ten (10) feet of existing proposed major thoroughfare street right-of-way lines in any commercial or industrial district. Such off-street parking spaces shall consist of a paved surface, i.e., concrete, HMA, brick or paving stone approved by the city building official. All ten (10) foot buffer areas shall be landscaped and maintained to enhance esthetic qualities.
3. To avoid the unsightly appearance of junked and abandoned vehicles in residential districts, no vehicles may be parked or stored on a residential premise where visible to any adjacent residential use, unless a current state vehicle inspection sticker is displayed thereon.

J. Front Yard Adjustments – Front yard requirements as established in *Section 3.24 - Schedule of District Regulations* may be adjusted in the following cases:

1. Where forty (40) percent or more of the frontage on the same side of a street between two intersecting streets is presently developed or may hereafter be developed with buildings that have (with a variation of ten (10) feet or less), a front yard greater or lesser in depth than herein required, new buildings shall not be erected closer to the street than the average front yard so established by the existing buildings.
2. Where forty (40) percent or more of the frontage on one side of a street between two intersecting streets is presently developed or may hereafter be developed with buildings that do not have a front yard as described above, then:
 - a. ~~Where a building is to be erected on a parcel of land that is within one hundred (100) feet of existing buildings on both sides, the minimum front yard shall be a line drawn between the two closest front corners of the adjacent building on each side, or~~
 - b. ~~Where a building is to be erected on a parcel of land that is within one hundred (100) feet of an existing building on one side only, such building may be erected as close to the street as the existing adjacent buildings.~~
3. Interior lots abutting on two streets shall provide the required front yard on both streets.
4. On corner lots, a front yard shall be provided on each street frontage except for lots of record as described in this Chapter.
5. Front yard requirements in all districts adjacent to an existing or proposed major thoroughfare or secondary thoroughfare street, as designated in the City's latest Comprehensive Plan, shall be measured from such existing or proposed major thoroughfare or secondary thoroughfare street right-of-way line.

K. Side Yard Adjustments – Side yard requirements as established in *Section 3.24 -Schedule of District Regulations* may be adjusted in the following cases:

1. Commercial buildings used in part for dwelling purposes, where permitted, shall provide side yards not less than five (5) feet in width unless every dwelling unit therein opens directly upon a front yard, rear yard or court yard.
2. Whenever a lot of record at the time of the effective date of this Chapter has a width of less than fifty (50) feet, the side yard on each side of a building may be reduced to a width not less than ten (10) percent of the width of the lot, but in no instance shall such width be less than four (4) feet.

3. On corner lots of record the yard adjacent to the side street shall not be less than fifteen (15) feet.
4. For commercial or industrial lots abutting a lot zoned CC1, CC2, CC3, CN, CPO or ML, subject to the approval of the city building official, a zero lot line is permitted on one side, provided a four hour fire wall is constructed at said zero lot line.
- L. Rear Yard Adjustments – Rear yard requirements as established in *Section 3.24 - Schedule of District Regulations* may be adjusted in the following case:
 1. Where a lot abuts an alley, one-half the alley width may be considered as part of the required rear yard.
- M. Lot Area Per Family Adjustments – Lot area per family (dwelling unit) requirements as established in *Section 3.24 - Schedule of District Regulations* shall be adjusted in the following cases:
 1. Where a lot of record or a lot in a subdivision which the Planning and Zoning Commission and City Council have officially approved and agreed to accept at the time of the effective date of this Chapter has less area or width than herein required, in the district in which it is located, said lot may nonetheless be used for a residential or nonresidential use, whichever is applicable, in the district in which it is located.

Section 3.29 – Parking Requirements

- A. Purpose – The purpose of this section is to require off-street parking and loading facilities proportional to the need created by each use. Where the minimum number of required parking spaces can not be calculated in accordance with the parking group schedule, the Building Official shall be authorized to determine the minimum number of required parking spaces using acceptable industry comparables.
- B. General Provision – In all zoning districts, there shall be provided in connection with the appropriate permitted use, off-street parking spaces in accordance with the provision of this section, unless a different parking standard has been set forth as a condition of a Special Use Permit or Planned Unit Development for a specific site. Existing facilities being used for off-street parking shall not be reduced in capacity to less than the minimum number of spaces prescribed, or altered in design or function to less than the minimum standards prescribed herein.
- C. Location of Parking – All required parking spaces shall be provided on the same lot or tract occupied by the use being served, except that where an increase in the number of spaces is required by a change or enlargement of a non-residential use, the additional required parking spaces may be located off-premises in accordance with the shared parking requirements contained in this section, unless a different parking standard has been set forth as a condition of a Special Use Permit or Planned Unit Development for a specific site. Required parking spaces for a residential use shall be provided on the lot or tract occupied by the use being served.
- D. Parking Space Locations Prohibited – No off-street parking space shall be located, either in whole or in part, within any fire lane, driveway, driving lane, or maneuvering area. Furthermore, no required off-street parking space shall be located, either in whole or in part, in a public street, sidewalk, parkway, alley or other public right of way.
- E. Parking Space Dimensions – No required off-street parking space shall be less than nine (9) feet in width by eighteen (18) feet in length.
- F. Mixed Use Parking – The parking requirements for a lot or building containing a mixture of uses shall be the sum of the requirements for each type of use. No parking space provided for one type of use or building shall be included in the calculation of the parking requirements for any other use or building. For multi-tenant developments containing greater than 30,000 square feet of floor area, the sum of the total number of required parking spaces may be reduced by ten percent (10%).
- G. Shared Parking – Where an increase in the number of off-street parking spaces is required by a change

or enlargement of use, the additional required spaces may be located on another property that is located on or adjacent to the site as defined by contiguous lot lines of a use not normally open and used or operated during the same hours, provided, that the following conditions are satisfied:

Commented [EW105]: Allows for an adjacent property to be used for shared parking

1. The parking spaces are located within three-hundred feet from an entrance to the building or use being served, measured along the shortest available pedestrian route with public access.
2. A copy of the written agreement, executed by the parties concerned, is furnished to the Building Official, assuring their retention for such purposes.

H. Building Renovations – When an existing building or use is enlarged, structurally altered, or remodeled to the extent of increasing or changing the use by more than ten percent (10%), but less than fifty percent (50%), of the existing square footage, additional off-street parking shall be provided for the incremental increase in accordance with the off-street parking regulations set forth herein. When an existing building or use is enlarged, structurally altered, or remodeled to the extent of increasing or changing the use by fifty percent (50%) or more of the existing square footage, the off-street parking requirements for the entire building shall be comply with the parking regulations set forth herein.

I. Supplemental Parking Space Requirements

1. Parking regulations are based on the gross floor area (GFA) of the building.
2. In determining the required number of parking spaces, fractional spaces shall be rounded to the nearest whole space. Parking spaces located in buildings used for repair garages or car washes, and spaces in drive-through lanes shall not be counted as meeting the required minimum number of parking spaces.
3. Wooden poles shall not be used for parking lot or site lighting for a non-residential use.
4. Except for single-family dwelling units, parking spaces shall be arranged so that vehicles shall not be required to back out of the parking spaces directly into a street.

5. A reduction of up to twenty percent (20%) may be authorized after approval of a Special Use Permit by the City Council when associated with new development or a significant change in use of an existing building or site. A parking analysis report justifying the reduction shall be provided as part of a request for parking reduction.

Commented [BB106]: The percentage is up for discussion; this allows for greater flexibility for unique and/or large developments

J. Parking Group Schedule – The minimum number of off-street parking spaces to be provided in connection with the permitted use listed in Table 3-310, *Schedule of Permitted Principal Uses*, shall be in accordance with the following Table 3.29 – *Parking Group Schedule*.

Table 3.29
Parking Group Schedule

Parking Group	Minimum Number of Off-Street Parking Spaces
1	1 per unit
2	2 per unit
3	2 per unit, exclusive of "in-garage" parking
4	1 per unit plus 1 guest space per every 5 units
5	1 per 100 sq. ft. of gross floor area
6	1 per 150 sq. ft. of gross floor area
7	1 per 200 sq. ft. of gross floor area
8	1 per 300 sq. ft. of gross floor area
9	1 per 400 sq. ft. of gross floor area
10	1 per 500 sq. ft. of gross floor area
11	1 per 5 pupils plus drop-off and pick-up areas
12	1 per classroom plus 1 per each 2 students
13	1 per classroom plus 1 per 400 sq. ft. of office space
14	1 per 1.5 students and staff, based on capacity
15	1 per 3 students
16	1 per 200 sq. ft. of gross floor area plus 1 per 5,000 sq. ft. of exterior nursery area
17	1 per living unit
18	1 per 3 seats in primary seating area
19	1 per guest room plus 1 per 300 sq. ft. of office area – parking for restaurant additional
20	2 per hole
21	1 space
22	5 per hole (one per tee area for driving ranges)
23	5 per alley or table
24	As set by the SUP or PUD approved ordinance
25	Determined by the Building Official using acceptable industry comparables

Section 3.29.1 – Parking Space Construction Standards

- A. Dimensions – No parking space shall be less than nine (9) feet in width by eighteen (18) feet in length. The design and dimensions of off-street parking areas shall be in accordance with the following Table 3.29.1 – *Table of Parking Space Dimensions*.

Table 3.29.1 Table of Parking Space Dimensions					
Angles (Degrees)	0	30	45	60	90
Stall, Parallel to Aisle	23.0	18.0	12.7	11.4	9.0
Stall, Perpendicular to Aisle	9.0	16.5	19.0	20.0	18.0
Aisle Width, One-Way (1)	12.0	12.0	12.0	16.0	22.0
Aisle Width, Two-Way	24.0	24.0	24.0	24.0	24.0

(1) Aisle width shall comply with the requirements of the fire code when the aisle serves as a fire lane

- B. Surfacing (New Structures) – All parking spaces, aisles and maneuvering areas shall be constructed of an all-weather surface composed of concrete, asphalt, brick or paving stone. Such paving shall meet the minimum construction standards contained in the Colleyville Building Code. Such all-weather surface shall be provided for all parking spaces, whether enclosed or unenclosed, and shall be connected by an all-weather surface driveway to a street or alley. Rock, gravel and dirt parking surfaces are prohibited.
- C. Striping – For all non-residential uses and multi-tenant residential uses, parking spaces shall be striped or otherwise clearly designated on the parking facility surface, as determined by the Building Official.
- D. Curbs, Wheel Stops and Islands – Parking spaces abutting on adjoining property lines or street right-of-

way lines shall be provided with wheel guards or bumper guards so located that no part of a normally parked vehicle will extend beyond the property line.

Section 3.30 Off-Street Loading Requirements

- A. Purpose and Intent – The purpose and intent of these regulations are to secure safety from fire, panic and other dangers; to lessen congestion in the streets and alleys; to facilitate the adequate provision of transportation and circulation; to conserve the value of building and land uses; and to encourage the most appropriate use of land. To this end, in all zoned districts where applicable, there shall be provided at the time any use is established or expanded, or any building is erected or structurally altered (except as otherwise provided elsewhere in this section) minimum off-street loading in conformance with the requirements established herein.
- B. Location of Loading Spaces – Off-street loading spaces shall be provided and maintained for all retail, commercial and industrial uses and structures for receiving and loading merchandise, supplies, and materials within a building or on the lot or tract adjacent thereto. Such spaces shall be marked with painted outline and may be adjacent to a public alley or private service drive or may consist of a truck berth within a building or structure, however no portion of the off-street loading space shall be located within or extend into any public street, highway or alley right-of-way. (O-00-1261 / 12/19/00)
- C. Computation of Off-street Loading Space Sizes – At least one-half of the required number of off-street loading spaces or truck berths shall have a minimum dimension of ten (10) feet by fifty (50) feet each and the remaining required spaces or berths shall have a minimum dimension of ten (10) feet by twenty-five (25) feet each - exclusive of turnaround and maneuvering space.
- D. Type of Parking Surface Required for Loading Space – All surface areas upon which vehicles and trucks are parked during unloading operations shall consist of a paved surface, i.e., concrete, HMA, brick, paving stone, approved by the city building official.
- E. Rules for the Computation of Off-street Loading Spaces
1. No building, structure or part thereof used for nonresidential purposes on any "CN" or "CC" district shall hereafter be enlarged or extended unless off-street loading space is provided in accordance with the provisions of this section.
 2. No building, structure or part thereof used for nonresidential purposes in any "ML" district shall hereafter be enlarged or extended to provide a gross floor area of 25,000 square feet or more unless off-street parking is provided in accordance with the provisions of this section.
- F. Number of Off-street Spaces Required – The minimum number of off-street loading spaces required shall be in conformance with the following schedules:
1. Retail, Service (except personal service), Commercial and Industrial Uses

Sq. Ft. of Floor Area in Building or Structure	Minimum Number of Off-Street Loading Spaces or Berths Required
0 to 9,999	None
10,000 to 49,999	1
50,000 to 99,999	2
100,000 to 199,999	3
Each additional 100,000	1 additional

2. Office Buildings, Hotels/Motels, Restaurants and Similar Establishments

Sq. Ft. of Floor Area in Building or Structure	Minimum Number of Off-Street Loading Spaces or Berths Required
0 to 49,999	None
50,000 to 149,999	1
150,000 to 299,999	2
300,000 to 499,999	3
500,000 to 999,999	4
Each additional 500,000	1 additional

Section 3.31 Duties of Administrative Official

- A. Administration and Enforcement – An Administrative Official designated by the City Manager shall administer and enforce this Chapter. Said person may be provided with the assistance of such other persons as the City Manager may direct.

If the Administrative Official finds that any of the provisions of this Chapter are being violated, he ~~the~~ Administrative Official or their representative shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He ~~The~~ Administrative Official or their representative shall order discontinuance of illegal use of land, buildings, or structures, removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done, or shall take any other action authorized by this Chapter to ensure compliance with or to prevent violation of its provisions.

Commented [EW107]: Revised language that was gender-specific

- B. Building Permits Required – No building or other structure shall be erected, moved, added to, or structurally altered without a permit therefore where applicable, and issued by the Administrative Official. No building permit shall be issued by the Administrative Official except in conformity with the provisions of this Chapter, unless he receives a written order from the Zoning Board of Adjustment in the form of an administrative review, special exception, or variance as provided by this Chapter. No building permit shall be issued unless the property has been platted of record, except that a building permit may be issued for unplatted property meeting all of the following five criteria:

1. The parcel is a "lot of record" as defined herein; and
2. Right-of-way and easements sufficient for Master Plan roads or drainage/utility facilities exist; and
3. The parcel adjoins an approved public street; and
4. The parcel contains a principal residential use in a residential structure; and
5. The requested construction permit(s) and all construction permits issued for the parcel within the past three years allow improvements whose combined value does not exceed 50% of the appraised value of the parcel as shown in the current parcel record of the Tarrant County Appraisal District.

- ~~C. Application for Building Permit – All applications for building permits shall be accompanied by plans in triplicate drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any, and the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the Administrative Official, including existing or proposed building or alteration; existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of, this and other city ordinances.~~

~~One copy of the plans shall be returned to the applicant by the Administrative Official, after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. The original and one copy of the plans, similarly marked, shall be retained by the Administrative Official.~~

Commented [EW108]: The adopted building codes already codify the requirements for building permit applications

- D. Site Plan Approval Required – Where the property is zoned CPO, CN, CC, ML, SU, PUD-C, or PUD-I, a

site plan shall be submitted for review and approval to the Administrative Official prior to the issuance of a building permit. The site plan referred to herein shall contain the following:

1. The boundary lines and dimensions of the property, existing subdivision lots, available utilities, easements, roadways, sidewalks, fire lanes, and public rights-of-way.
2. Topography of the property proposed for development in contours of not less than two (2) feet, together with any proposed grade elevations, if different from existing elevations. If the natural contour of the land is to be altered or changed in any location on the property more than four (4) feet then the site plan must provide detailed information on the proposed grading plan. This information shall include the correlation of the proposed grading plan to the surrounding properties and the use of surrounding properties, and shall include information indicating the drainage and line of sight effect the proposed grading plan will have on the surrounding properties.
3. The 100 year flood plain, water courses, wetlands, drainage areas, and other significant features including, but not limited to, rock outcroppings and tree groupings.
4. The location and use of all existing and proposed buildings or structures, including all refuse storage areas, and the minimum distance between buildings. Where building complexes are proposed, a site plan showing the location of each building and the minimum distance between buildings, and between buildings and the property line, street or curb line and/or alley shall be submitted.
5. Total number of off -street parking and loading spaces in accordance with Section 29 "Off-Street Parking Requirements", and Section 30 "Off-Street Loading Requirements" of this Chapter.
6. All points of vehicular ingress and egress and circulation within the property. Any special traffic regulation facilities, proposed or required, to assure the safe function of the circulation plan shall also be shown.
7. Setbacks, lot coverage, and when relevant, the relationships of the setbacks provided and the height of any existing or proposed building or structure.
8. The location, size, and arrangement of all outdoor signs, exterior auditory speakers and lighting.
9. A landscape plan prepared in accordance with the requirements of *Chapter 4 – Landscaping & Buffering* of this Land Development Code.
10. The location and height of fences or, screen plantings and the type of building materials or plantings to be used for fencing or screening in accordance with the requirements of Section 26 "Fences, Free Standing Walls, and Screening Materials" of this Chapter.
11. Note a soil erosion control plan for the period during which construction will be taking place.
12. Where multiple types of land uses are proposed, a land use plan delineating the specific areas to be devoted to various uses shall be required.
13. Vicinity map, north point, scale, name of the development, name of the owner, name of the planner, total acreage of the project, street address or common description of the property.
14. Current land uses and zoning district of the property and current land uses and zoning districts of the contiguous properties and buildings on the exterior of the site and within twenty-five (25) feet of all property lines.
15. The location and size of existing and proposed surface and subsurface drainage facilities.
16. A description of the type of land use that is proposed for the site including its Standard Industrial Classification (SIC) Code if there are any chemicals or toxic materials involved.

The Administrative Official may allow all of the foregoing to be contained within a single drawing if in the opinion of the Administrative official the drawing can be properly evaluated.

~~E. Expiration of Building Permit — If the work described in any building permit has not begun within (6) calendar months from the date of issuance thereof, said permit shall expire. It shall be cancelled by the Administrative Official, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new building permit has been obtained. Further, the Administrative Official shall make an inspection of the work each (6) months, and if the work has not progressed, said permit shall expire.~~

Commented [EW109]: The adopted building codes already codify the requirements for expired permits

~~F. Certificate of Occupancy Required: For New, Altered Changes in Use, or Non-conforming Uses — It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of occupancy shall have been issued therefor by the Administrative Official stating that the proposed use of the principal building or land conforms to the requirements of this Chapter.~~

~~a. No nonconforming building or use shall be maintained, renewed, changed, or extended until a certificate of occupancy shall have been issued by the Administrative Official. The certificate of occupancy shall state specifically wherein the nonconforming use differs from the provisions of the ordinance.~~

~~b. No permit for erection, alteration, moving or structural repair of any building shall be issued until an application has been made for a certificate of occupancy, and the certificate shall be issued in conformity with the provisions of this Chapter upon completion of the work.~~

~~c. A temporary certificate of occupancy may be issued by the Administrative Official for a period not exceeding (6) months during alterations or partial occupancy of a building pending its completion, provided that said temporary certificate may include such conditions and safeguards as will protect the safety of the occupants and the public.~~

~~d. The Administrative Official shall maintain a public record of all certificates of occupancy.~~

~~e. Failure to obtain a certificate of occupancy shall be a violation of this Chapter and punishable under Chapter 1 — General Provisions of this Land Development Code.~~

Commented [EW110]: The adopted building codes already codify the requirements for a Certificate of Occupancy

~~f. Construction and Use to be Provided in Applications, Plans, Permits and Certificate of Occupancy — Building permits or certificates of occupancy issued on the basis of plans and applications approved by the Administrative Official authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed violation of this Chapter, and punishable as provided by Chapter 1 — General Provisions of this Land Development Code.~~

Section 3.32 Comprehensive Zoning Ordinance – Zoning Map

This Chapter when read together with the official Zoning Map of the City of Colleyville, Texas, shall constitute the comprehensive zoning ordinance for the City of Colleyville, Texas.

The Zoning Map, as submitted with Ordinance 0-70-15, revised and updated in 1976, a copy of which is on file in the City Secretary's office shall remain the official Zoning Map of the City of Colleyville, until a new map is established in accordance with the provisions contained in this Chapter.

Section 3.33 Amendments to This Chapter

Reserved for listing of amendments to this Chapter.

Ord. Number	Date	Subject
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Colleyville, Texas, Land Development Code

O-00-1223	07/18/00	Residential Accessory Buildings
O-00-1241	10/03/00	Temp. Construction Offices & Temp. Real Estate Offices
O-00-1249	11/08/00	Large Commercial Buildings
O-00-1261	12/19/00	Location of Loading Spaces / Non-conforming Uses, Lots and Buildings
O-02-1331	02/19/02	Established one year time limit on SUP performance
O-02-1330	02/26/02	Tents and other special events
O-04-1454	04/16/04	Maximum size and number of screens for movie theaters
O-04-1497	12/21/04	Temporary Buildings and Uses
O-05-1529	06/21/05	Amend PUD regulations
O-05-1532	07/19/05	Amend PUD side and rear yard set-back regulations
O-05-1538	09/06/05	Amend movie theater regulations regarding viewing screens
O-07-1607	01/16/07	Update Land Use Table and Parking Schedule
O-07-1608	02/20/07	Security gating setback standards across driveways
O-07-1633	9/4/07	Amend Sections 3.17 to 3.22 and Section 3.24, Table of Permitted Uses
O-08-1656	02/05/08	Amend Section 3.24, Table of Permitted Uses
O-09-1708	02/17/09	Amend Sections 3.26 and 3.27
O-09-1709	02/17/09	Amend Section 3.24.C, Wind Driven Generators
O-10-1750	05/04/10	Addition of Package Store Use, Regulations and Provisions
O-12-1838	6/19/12	Amend Section 3.24, Table of Permitted Uses to include purchasing and/or resale of precious metals
O-13-1863	2/5/13	Amend Section 3.24, Table of Permitted Uses to include addition of medical office uses to CPO zoning district
O-13-1871	4/16/13	Addition of Portable Storage Structure standards to Section 3.24(C). Amendments to Section 3.26 regarding commercial screening and dumpster screening
O-14-1905	1/21/14	Addition of fence maintenance and construction standards
O-14-1914	4/15/14	Addition of Concrete/Asphalt batch plant standards

ORDINANCE O-18-2067

AMENDING CHAPTER 3 – LAND USE OF THE LAND DEVELOPMENT CODE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council of the City of Colleyville approved Ordinance O-00-1214 on April 18, 2000, adopting the Land Development Code; and

WHEREAS, the City of Colleyville desires to amend Chapter 3 – Land Use of the Land Development Code as part of a comprehensive review of the Land Development Code; and

WHEREAS, notice of a public hearing before the City Council was published in a newspaper of general circulation in Colleyville at least 15 days before such hearing.

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

- Sec. 1. THAT *Chapter 3 – Land Use* of the Land Development Code are hereby amended to read as depicted in the attached Exhibit "A".
- Sec. 2. 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. 3. 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. 4. 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. 5. THAT this ordinance shall take effect immediately from and after its passage.

Sec. 6. THAT all other provisions of the Land Development Code shall remain in full force and effect, except as amended herein.

AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 20th day of November 2018.

The second reading and public hearing being conducted on the 4th day of December 2018.

PASSED AND APPROVED BY A VOTE OF ____ AYES, ____ NAYS, AND ____ ABSTENTIONS ON THIS THE 4TH DAY OF DECEMBER 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 L. Wyatt
City

Attorney

Exhibit “A”

{Chapter 3}



City of Colleyville City Council Agenda Briefing

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

Agenda Number 6a

Agenda Date 12/04/2018

Number Ordinance O-18-2068

Type Ordinance

Department Finance

Title

An ordinance amending Sections 3A and 3B of the Water and Sewer Policy and Procedure manual as contained in the Code of Ordinances of the City of Colleyville, Texas, adjusting water and wastewater volumetric rates to pass through changes from the Trinity River Authority

Strategic Plan

2.1 Provide responsive, efficient city services

Explanation

First Reading and Public Hearing

On November 15, 2016, the City Council approved Ordinance O-16-1996, implementing the recommendations of the Water and Wastewater Rate Advisory Committee. This ordinance established a new rate structure in which City operating costs are recovered through base rates and volumetric rates are set to pass through the costs charged by the Trinity River Authority (TRA).

The base and volumetric rates are reviewed and updated on an annual basis. The new base rates are reflected in the bills sent out in October to coincide with the City's fiscal year while the new volumetric rates are reflected in the bills sent out in January to coincide with TRA's rate change.

This agenda item provides for formal consideration and approval to amend Sections 3A and 3B of the Water and Sewer Policy and Procedure manual as contained in the Code of Ordinances of the City of Colleyville, Texas, to reflect the proposed new pass through rates to be in effect starting with the January billing for December's usage as follows:

Water Rates

Staff recommends consideration of raising the current water volumetric rate from \$3.86 to \$4.14

Wastewater Rates

Staff recommends consideration of raising the current wastewater volumetric rate from \$2.81 to \$3.11

Financial Impact

Adoption of this ordinance will provide the revenue to recover the costs from TRA.

Recommendation

Approve

Attachments

1. Utility Rate Presentation
2. Ordinance O-18-2068

Volumetric Utility Rates

City Council
December 4, 2018

Background



➤ **Ordinance O-16-1996:**

- ☐ Approved on November 15, 2016

- ☐ Established a new rate structure:

 - ✓ City operating costs are recovered through base rates and

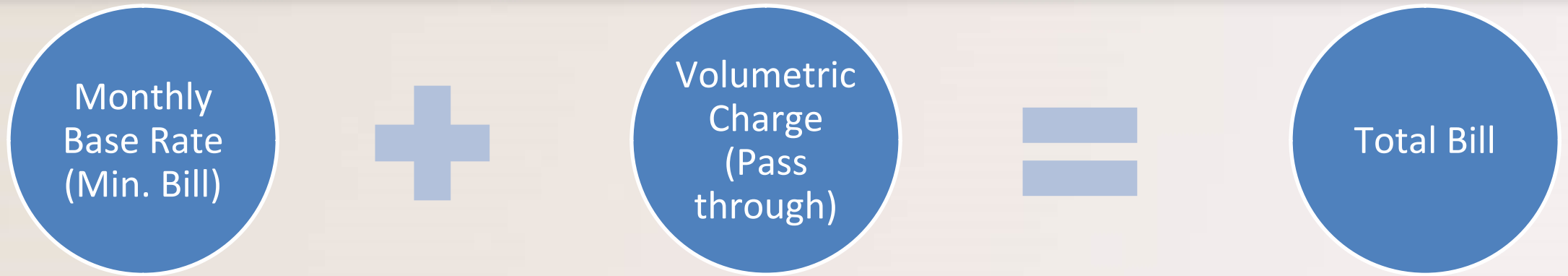
 - ✓ Volumetric rates are set to pass through the costs charged by the Trinity River Authority (TRA).

➤ **Ordinance O-17-2031:**

- ☐ Approved on September 19, 2017

- ☐ Established the Capital Improvement Plan (CIP) base rate to fund future capital projects.

Rate Breakdown



- Fixed monthly charges calculated based on the amount of revenue necessary to recover the City's operating costs.
 - ✓ Water Base Rate
 - ✓ Wastewater Base Rate
 - ✓ Capital Improvement Plan (CIP) Rate

➤ Effective Date: October 1

- TRA bills Colleyville for water and wastewater treatment.
 - ✓ WATER: Based on volume of treated water purchased
 - ✓ WASTEWATER: Based on volume of wastewater treated
 - ✓ DEBT SERVICE: Based on Colleyville's proportional share of water use within the Tarrant County Water Supply Project and proportional share of wastewater flows for Central Regional Wastewater System

➤ Effective Date: December 1

- Colleyville bills customers:
 - ✓ A base rate to recover the operating costs.
 - ✓ A volumetric rate based on projected payments to TRA

- Base rates are fixed monthly charges that are calculated based on the amount of revenue necessary to recover the City's operating costs.
- The base rate is driven by:
 - ❑ The utility fund's budget (excluding projected payments to TRA)
 - ❑ The number of utility customers

Utility Base Rate: 0-18-2061



- Use savings/difference from lower water and wastewater base rates to increase the CIP funding component of the rate structure
- Align CIP base rate with AWWA meter equivalency ratios

Approved FY2019 Rates				
Meter Size	Water	Wastewater	CIP	Total
1" Meter	\$13.48	\$10.78	\$2.29	\$26.55
1.5" Meter	\$26.96	\$10.78	\$4.58	\$42.32
2" Meter	\$43.14	\$10.78	\$7.33	\$61.25
3" Meter	\$80.89	\$10.78	\$13.74	\$105.41
4" Meter	\$134.82	\$10.78	\$22.90	\$168.50

Note: rates shown are for in-city customers; wastewater rate is for residential customers

Volumetric Rates



- Volumetric rates are pass through charges for the water and wastewater treatment services provided by TRA (i.e. the City calculates rates to only bring in what is anticipated to be paid out to TRA)
- The volumetric rate is driven by:
 1. TRA's operating budget (including purchase of raw water from TRWD)
 2. TRA's debt service requirements
 3. Usage - the number of Colleyville's water and wastewater gallons treated by TRA

Volumetric Rates



- Volumetric rates are pass through charges for the water and wastewater treatment services provided by TRA (i.e. the City calculates rates to only bring in what is anticipated to be paid out to TRA)
- The volumetric rate is driven by:
 1. TRA's operating budget (including purchase of raw water from TRWD)
 2. TRA's debt service requirements
 3. Usage - the number of Colleyville's water and wastewater gallons treated by TRA

Preliminary Water Volumetric Rates



Volumetric water rate per thousand gallons:

Current Rate	Preliminary New Rate	Difference
\$3.86	\$4.14	\$0.28

<i>Water Volumetric Rate</i>	Rate per 1,000 Gallons
TRWD Raw water costs	\$1.351
Colleyville's portion of TRA's Operating Budget	\$0.936
Add: 20% of O&M rate (Billed by TRA to ensure liquidity)	\$0.457
Subtotal O&M Rate	\$2.744
Colleyville's portion of TRA's Debt Budget	\$1.326
Add: 5% of Debt service (Based on the City's historical experience)	\$0.066
Subtotal Debt Rate	\$1.392
TOTAL PROJECTED VOLUMETRIC WATER RATE	\$4.136

Preliminary Wastewater Volumetric Rates



Volumetric wastewater rate per thousand gallons:

Current Rate	Preliminary New Rate	Difference
\$2.81	\$3.11	\$0.30

<i>Wastewater Volumetric Rate</i>	Rate per 1,000 Gallons
Colleyville's portion of TRA's Operating Budget	\$1.010
Add: 2% of O&M rate (Based on the City's historical experience)	\$0.020
Subtotal O&M Rate	\$1.030
Colleyville's portion of TRA's Debt Budget	\$1.978
Add: 5% of Debt service (Based on the City's historical experience)	\$0.099
Subtotal Debt Rate	\$2.077
TOTAL PROJECTED VOLUMETRIC WASTEWATER RATE	\$3.107

Wastewater Usage for Volumetric Rate Calculation



- Sewer volume charges for **commercial and industrial customers** is based on the actual water usage each month.
- The sewer volume charge for **residential customers** is based on the winter average for wastewater.
 - The individual customer's average monthly water use during the months of December, January, and February.
 - Where no preceding winter quarter average is available, a volume of 9,000 gallons shall be used for this volume charge.

Wastewater



- Generally, in the winter, the water flow is equal to your wastewater flow but during the rest of the year, it doesn't since you could be using water outdoors.
- Water coming into your house is measured with a water meter since the water is pressurized, but wastewater flows out of your home by gravity. It is not easy to measure gravity water flow through a pipe.
- Wastewater averaging is the practice of using the average water usage in the winter (little to no outdoor water use) to estimate the average amount of wastewater discharged from your home and billing you for that average monthly usage for the rest of the year.

Water Conservation tips



conserving water in the winter = saving money all year long

- Turn off your irrigation system during the winter months
- Use the garbage disposal sparingly. Instead, compost vegetable food waste and save gallons every time.
- When doing laundry, match the water level to the size of the load.
- When shopping for a new washing machine, compare resource savings among Energy Star models. Some can save up to 20 gallons of water per load.
- Use a pool cover to help keep your pool clean and prevent water loss through evaporation.
- Monitor your water bill for unusually high use. Your bill and water meter are tools that can help you discover and fix leaks.

Questions and Discussion

ORDINANCE O-18-2068

AMENDING SECTION 3 – SERVICE CHARGES OF THE WATER AND SEWER POLICY AND PROCEDURE MANUAL OF THE CITY OF COLLEYVILLE, AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, water and wastewater base rates are set to recover the City’s annual operating costs for the utility system; and

WHEREAS, water and wastewater volumetric rates are set to pass through costs the City incurs from the Trinity River authority for treated water and wastewater treatment; and

WHEREAS, the City Council desires to adjust water and wastewater volumetric rates based on updated costs from the Trinity River Authority.

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

Sec. 1. THAT Section 3 – Service Charges of the Water and Sewer Policy and Procedure Manual of Colleyville, Texas, which is “Appendix A” of the Colleyville Code be replaced in its entirety to read as follows:

Sec. A. - Water rates.

The following base and volumetric charges shall apply to in-city residential and commercial water customers. Base charges for out-of-city customers shall be \$4.00 higher than the charge for the in-city customers.

Base charge per month for in-city customers:	
Water meters 1 inch or less	\$13.48
Water meters of 1.5 inches	\$26.96
Water meters of 2 inches	\$43.14
Water meters of 3 inches	\$80.89

Water meters of 4 inches	\$134.82
Base charge per month for out-of-city customers:	
Water meters 1 inch or less	\$17.48
Water meters of 1.5 inches	\$30.96
Water meters of 2 inches	\$47.14
Water meters of 3 inches	\$84.89
Water meters of 4 inches	\$138.82
Volumetric charge per 1,000 gallons	\$4.14

Rates for fire hydrant meters:

The use of fire hydrant meters shall only be allowed within the Colleyville city limits. The use of the fire hydrant meters shall be limited to a period of no more than 90 cumulative calendar days. Under special conditions, a customer may submit a written request to the public works department for use of a fire hydrant meter for a period longer than 90 cumulative calendar days, subject to public works director approval. In considering special condition(s), the public works director shall not consider requests which are necessary to relieve a self-created or personal hardship, failure of performance by a contractor, nor for financial reasons. In considering the customer request, the public works director shall solicit the recommendation of the fire chief and fire marshal in consideration of the request. Further, the public works director shall consider alternative means available to the customer. If special condition(s) are approved by the public works director, in no case shall the meter be used for more than an additional 30 calendar days. The public works director may provide a written ruling within 15 working days of receipt of the customer's written request.

In the event a request for special condition(s) is denied by the public works director, customer shall, within 14 calendar days, make written appeal to the city manager of the public works director's decision. The city manager shall render a written decision within 30 working days of receipt of the customer's

appeal. Such decision by the city manager shall be final and not appealable to the city council.

For purposes of this section, written communication shall be considered communication, which is deposited with the United States Postal Service for delivery.

The user must submit in writing, the location of where the meter will be used and such meter shall be used exclusively at the location on record with the city. For purposes of this section, the use of a meter shall be allowed cumulatively for only one location within an individual subdivision and/or development.

For a period of 90 cumulative calendar days after a meter is returned and read by the city, a user shall not be permitted to check out another meter for use at the same designated location, as defined herein.

The required deposit for a city provided fire hydrant shall be \$ 1,150. The deposit will be refunded, or in the event a balance is due, applied against the final bill upon the return of the fire hydrant meter. The city will not pay interest on meter deposit refunds.

The monthly base charge for a fire hydrant meter shall be \$50.00. Water usage for a fire hydrant meter shall be charged at a rate of \$4.14 per 1,000 gallons of water used.

The customer shall be in possession of and responsible for the meter. The customer will be responsible for bringing the meter to the public works service center by the 20th of each month for reading. The customer is required to use a proper fire hydrant wrench for operation of the fire hydrant. The customer shall be responsible for any damage and repair, as reasonably determined by the city, to the fire hydrant or the fire hydrant meter by the use of a temporary water meter.

The customer will be required to provide for any backflow device necessary to meet the current city ordinance for protection of the city's drinking water supply.

Sec. B. - Sewer rates.

This schedule of rates per month or fraction thereof shall be the basis for determining charges to all customers for rendering sanitary sewage service, where the sewage produced by such customer is a normal strength wastewater (170 mg/l BOD and 260 mg/l suspended solids) and where such

customer is located within the City of Colleyville. The base charge for commercial customers shall be \$6.00 higher than the charge for in and out-of-city residential customers.

A base charge per month shall be charged as follows:	
Residential customers	\$10.78
Commercial customers	\$16.78

A monthly sewer volume charge shall also be charged to all customers as set forth hereinafter.

The sewer volume charge for residential customers will be based upon the individual customer's average monthly water use during the months of December, January and February. Where no preceding winter quarter average is available from records, a volume of 9,000 gallons shall be used for this volume charge.

The monthly sewer volume charges to commercial and industrial class customers will be based on total water use each month as measured by appropriate meters, with the provision that if a customer can show to the satisfaction of the public works director that a significant portion of the metered water usage does not enter the sanitary sewers, the customer will be charged for only that volume entering the sewers, as determined by a method approved by the director of public works.

Volumetric rate per 1,000 gallons:	\$3.11
------------------------------------	--------

Sec. C. – Capital Projects rates.

The following base charges shall apply to in and out-of-city residential customers and commercial customers to provide funding for utility capital projects necessary to maintain the utility system:

Base charge per month:	
Water meters 1 inch or less	\$2.29
Water meters of 1.5 inches	\$4.58
Water meters of 2 inches	\$7.33
Water meters of 3 inches	\$13.74
Water meters of 4 inches	\$22.90

Sec. D. – Billing; delinquent penalty.

All charges for services furnished or rendered by the City of Colleyville Utility Department are due and payable on the date bill is received. If payment is not received within sixteen days of the billing date a (10%) penalty will be imposed on the delinquent balance for failure to pay by the due date of the bill.

In the event the meter is not delivered to the city for reading, a penalty fee would be imposed as follows:

\$100.00	1 st missed reading
200.00	2 nd missed reading
300.00	3 rd missed reading

After the third missed reading, the security deposit will be forfeited and the City of Colleyville will revoke the use of the fire hydrant meter.

Sec. E. – Discontinuance of service, notice; reconnection fee.

1. In the event that any month's charges remain delinquent and unpaid at the time of a subsequent billing's due date, the user or customer shall receive a cut-off notice which will be mailed no later than two working

days after the subsequent billing's due date. Services will be disconnected if any arrearages over 30 days are not paid within six working days of the cut-off notice. Where service has been discontinued for failure to pay for service rendered, a charge of \$25.00 shall be made for each meter disconnected before said service shall be restored. In the event the customer requests reconnection at hours other than 8:00 a.m. to 4:30 p.m., said reconnect fee shall be increased to \$75.00.

Sec. 2. THAT the effective date of this ordinance shall be for the bills sent out starting January 1, 2019.

AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 4th day of December 2018.

The second reading and public hearing being conducted on the 18th day of December 2018.

APPROVED BY A VOTE OF ____ AYES, ____ NAYS, AND ____ ABSTENTIONS ON THIS THE 18TH DAY OF December 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 L. Wyatt
City Attorney



City of Colleyville City Council Agenda Briefing

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

Agenda Number 6b

Agenda Date 12/04/2018

Number Ordinance O-18-2069

Type Public Hearing Agenda Items

Department Community Development

Title

Consideration of a zoning change from PUD-C Planned Unit Development – Commercial district, PUD-R Planned Unit Development – Residential district, and ML Light Manufacturing district to AG Agricultural district on Lot 1A, Block 12, of the Longwood Estates at Ross Downs and Tract 1, Abstract 294 & Tract 4A3A, Abstract 591, in the Robert Chowning Survey, located at 7201 Colleyville Boulevard, Case ZC18-030

Strategic Plan

There is no strategic plan component for this item.

Explanation

First Reading and Public Hearing

The City of Colleyville, the applicant, has submitted a request for a zoning change from PUD-C, Planned Unit Commercial, PUD-R, Planned Unit Residential, and ML, Light Manufacturing to AG, Agricultural on Lot 1A, Block 12, of the Longwood Estates at Ross Downs and Tract 1, Abstract 294 & tract 4A3A, Abstract 591, in the Robert Chowning Survey, being approximately 8.0744 acres. The purpose is to reflect the designated open space use of the land.

Existing Conditions/Background: The subject property, 7201 Colleyville Boulevard, resides on the southwest corner of the Colleyville Boulevard and the Longwood Drive intersection. The subject property has PUD-C, PUD-R and ML zoning and is currently undeveloped. The property is designated as parkland by the City of Colleyville. The property zoned PUC-C has had this zoning dating from 1993 and since that time the zoning has not changed. The property zoned ML has had this zoning dating from 1982 and since that time the zoning has not changed. The property zoned PUD-R has had this zoning dating from 1991 and since that time the zoning has not changed.

Proposed Zoning:

Request – The applicant requests to rezone the property from PUD-C, PUD-R and ML zoning to AG zoning. The applicant desires to maintain this property as park open space. The minimum standards for the AG zoning district are as follows:

Minimum Lot Size 130,680 square feet
Minimum Lot Width 200 feet
Minimum Lot Depth 300 feet
Front Building Line 40 feet

Side Building Line 25 feet
Rear Building Line 40 feet

Analysis: The requested AG zoning allows the property to remain as open space. The property has been designated by the City as park property and therefore the requested zoning change brings the land into conformance with this designation.

Surrounding Development: The property to the east is located in the City of Grapevine. The property to the west is zoned PUD-C, Planned Unit Development Commercial. The properties to the north across Colleyville Boulevard and south are zoned PUD-R, Planned Unit Development Residential zoning. The lots located to the west are improved with retail and office uses. The lots located to the south are improved with single family homes. The surrounding lots to the north across Colleyville Boulevard are open space lots and part of a residential subdivision.

Comprehensive Plan: The City's comprehensive plan, *Destination Colleyville*, identifies the subject property for park open space. The proposed AG zoning does not conflict with any portion of the comprehensive 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. 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, staff has received 1 response in favor.

Staff Recommendation: Staff recommends approval of the request. The proposed zoning meets the intent of the park open space designation assigned in the Destination Colleyville comprehensive plan.

Planning & Zoning Commission Recommendation: The Planning & Zoning Commission recommended approval at their November 13, 2018 meeting with an addition of a whereas clause in the ordinance to 1) reference the grant funding for Kimzey Park and 2) recommend the land for permanent designation as 'park land' by a vote of 7-0.

Financial Impact

There is no fiscal impact to the City of Colleyville.

Recommendation

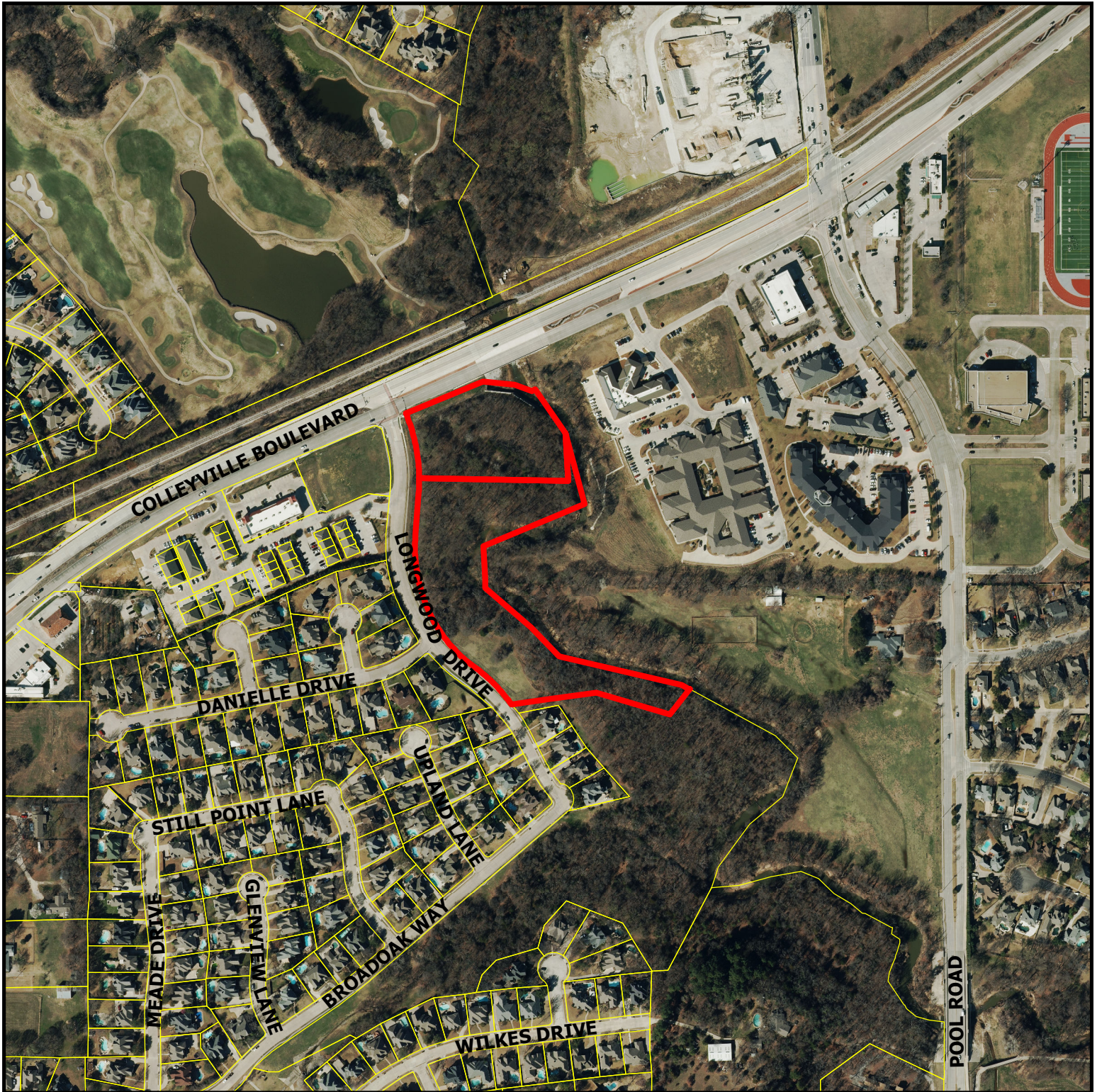
Approve

Attachments

1. Aerial Map
2. Zoning Map

3. Future Land Use Map
4. Notification Map
5. Notification List
6. Property Owner Notification
7. Letter of Support - Ross Downs HOA
8. City Council Resolutions (R-99-1462)-221999
9. Ordinance O-18-2069

Aerial Map

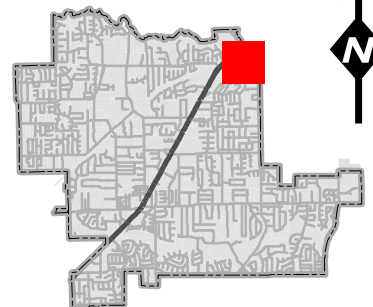


ZC18-030
7201 Colleyville Blvd

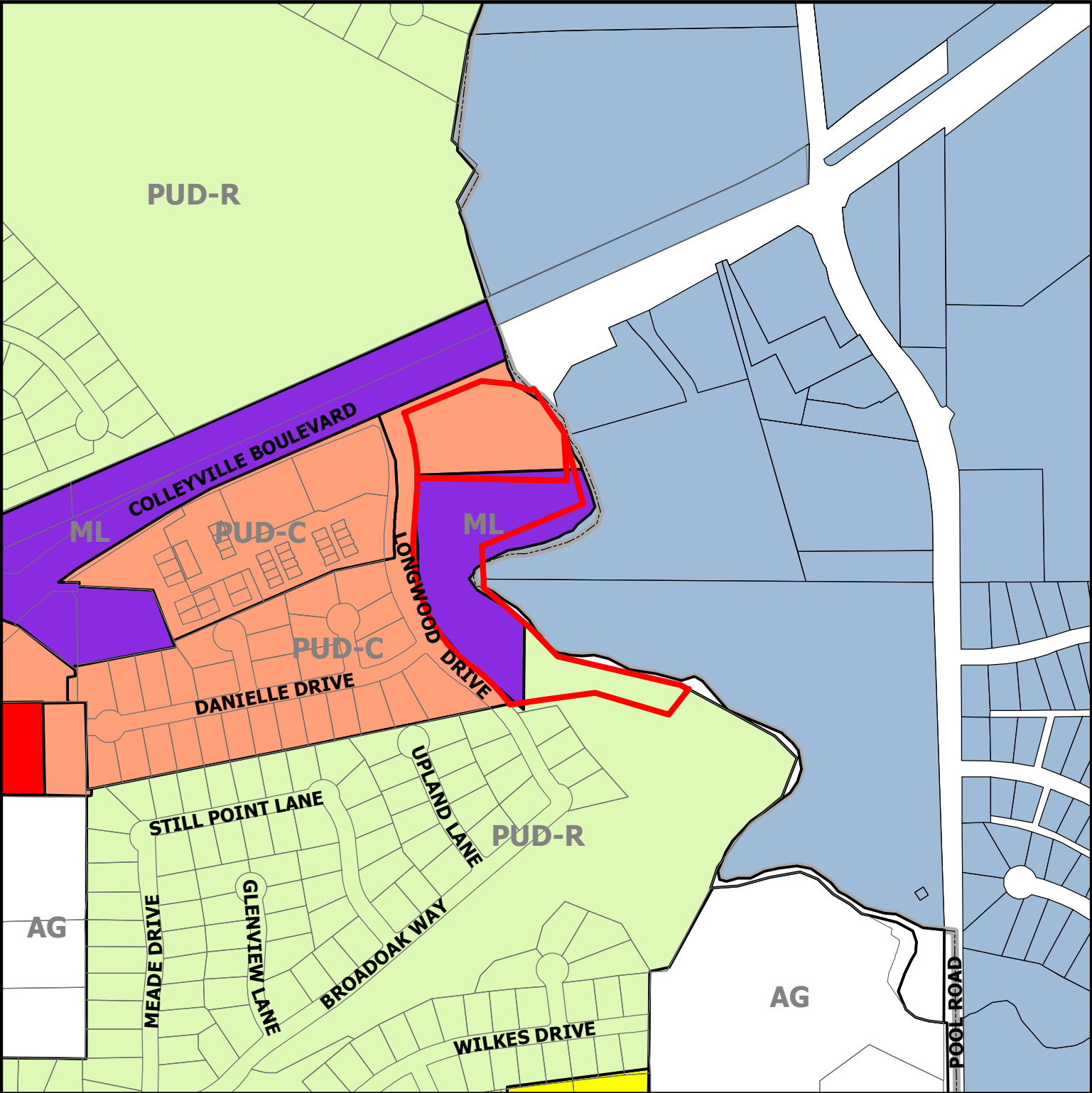
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Subject Property



Zoning Map

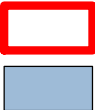


ZC18-030

7201 Colleyville Blvd

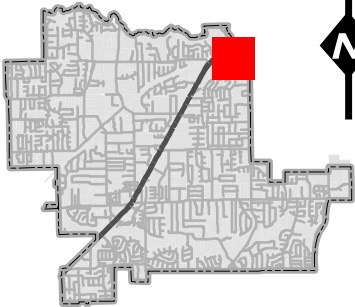


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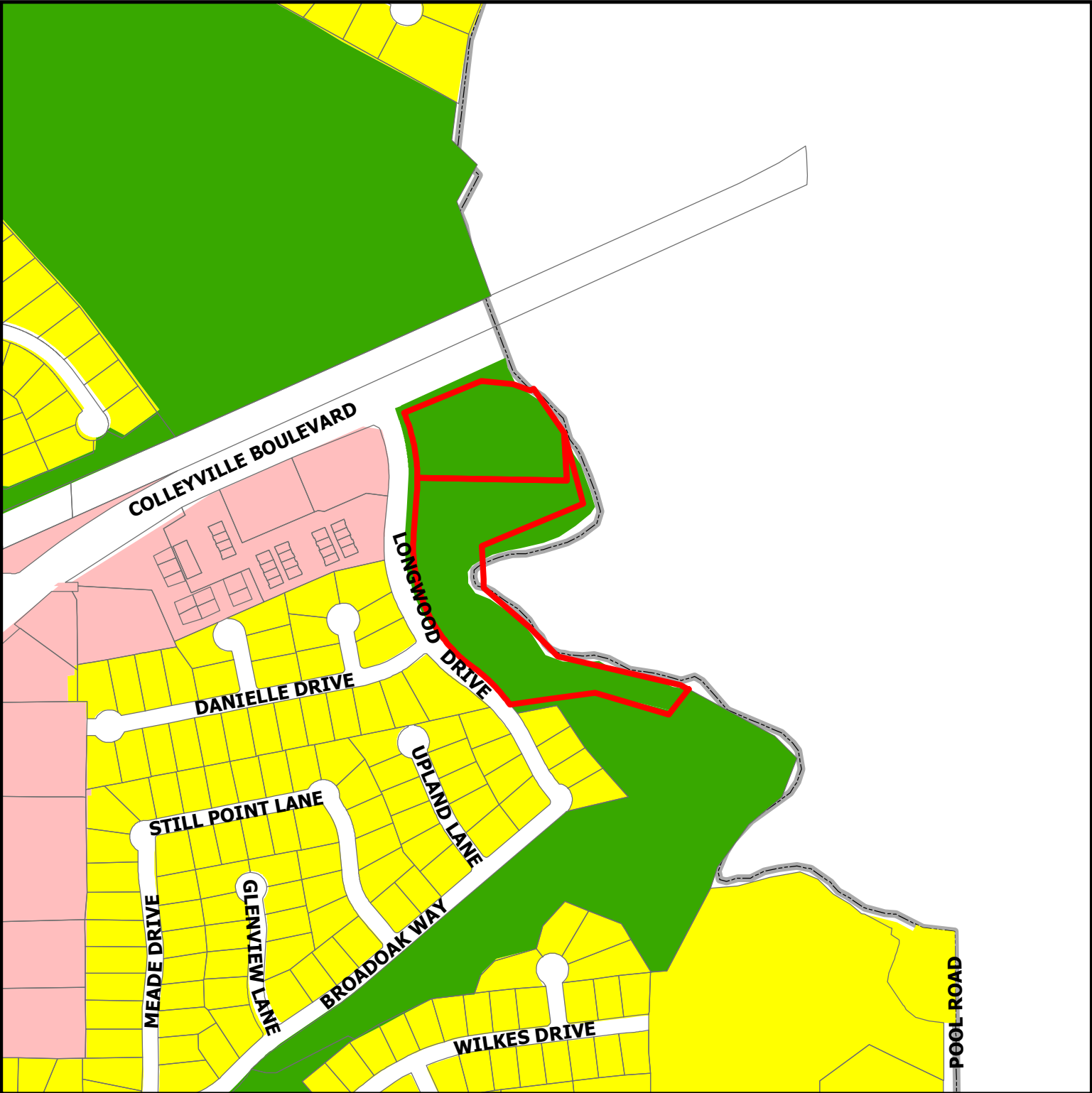


Subject Property

Properties Outside the City Limit



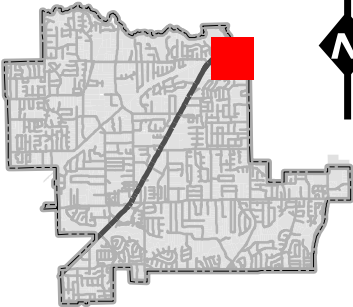
Future Land Use Map



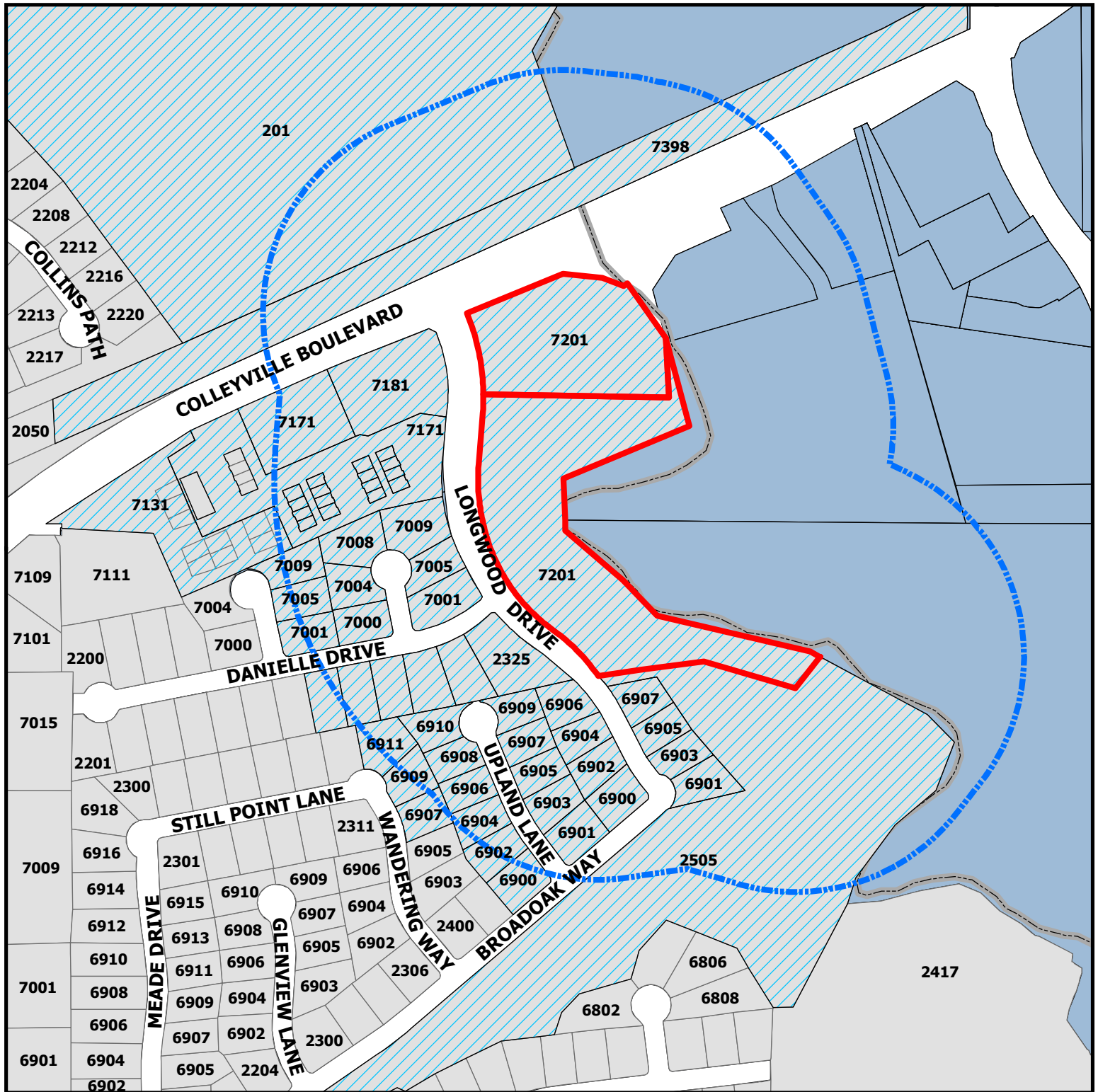
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ZC18-030
7201 Colleyville Blvd

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



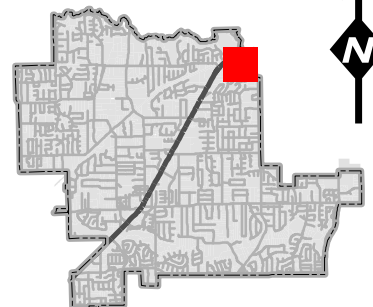
Notification Map



ZC18-030 7201 Colleyville Blvd

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-  Subject Property
-  500ft Buffer
-  Properties within 500ft
-  Properties Outside the City Limit



Notification List

Owner Name	Owner Address	Owner City	Owner Zip	Situs Address
AGHDAM, LIDA G	6710 VINES CT	COLLEYVILLE, TX	76034	7155 COLLEYVILLE BLVD
GILL, DANIEL D	6903 UPLAND LN	COLLEYVILLE, TX	76034	6903 UPLAND LN
MOON, WOO J	7009 COLE CT	COLLEYVILLE, TX	76034	7009 COLE CT
BIRKENFELD, RICHARD	PO BOX 93089	SOUTHLAKE, TX	76092	7001 COLEMAN CT
SEATON, DAVID	6904 LONGWOOD DR	COLLEYVILLE, TX	76034	6904 LONGWOOD DR
GUMINSKI, GLENN G	6904 UPLAND LN	COLLEYVILLE, TX	76034	6904 UPLAND LN
7165 COLLEYVILLE LLC	5650 KROGER DR	FORT WORTH, TX	76244	7165 COLLEYVILLE BLVD
CANTER, LARRY	6905 UPLAND LN	COLLEYVILLE, TX	76034	6905 UPLAND LN
BUENROSTRO, ARTURO	6902 LONGWOOD DR	COLLEYVILLE, TX	76034	6902 LONGWOOD DR
KUKAHI CORPORATE SOLUTIONS INC	7131 COLLEYVILLE BLVD STE 102	COLLEYVILLE, TX	76034	7155 COLLEYVILLE BLVD
PRO-DIEM INC	702 LAKEHURST CT	SOUTHLAKE, TX	76092	7157 COLLEYVILLE BLVD
KEYES, NICHOLAS	6906 LONGWOOD DR	COLLEYVILLE, TX	76034	6906 LONGWOOD DR
ABEYTA, STANLEY J	6901 UPLAND LN	COLLEYVILLE, TX	76034	6901 UPLAND LN
PADILLA, MARCO A	6901 LONGWOOD DR	COLLEYVILLE, TX	76034	6901 LONGWOOD DR
J T DAVA PROPERTIES LLC	PO BOX 12080	DALLAS, TX	75225	7165 COLLEYVILLE BLVD
RAK PROPERTY GRUOP LLC	175 CREEKWAY BND	SOUTHLAKE, TX	76092	7157 COLLEYVILLE BLVD
LONGWOOD/26 LTD	8713 AIRPORT FWY STE 100	NORTH RICHLAND HILLS, TX	76180	7171 COLLEYVILLE BLVD
CHUN, JOHN S	6906 UPLAND LN	COLLEYVILLE, TX	76034	6906 UPLAND LN
CONRAD, CATHY	6902 UPLAND LN	COLLEYVILLE, TX	76034	6902 UPLAND LN
7165 COLLEYVILLE LLC	5650 KROGER DR	FORT WORTH, TX	76244	7165 COLLEYVILLE BLVD
TOOMEY, WM C	6900 LONGWOOD DR	COLLEYVILLE, TX	76034	6900 LONGWOOD DR
LYNBA INC & VIKRAM JANGAM	1012 WHITTINGTON PL	SOUTHLAKE, TX	76092	7157 COLLEYVILLE BLVD
KRIKORIAN, GABRIEL Y	7008 COLE CT	COLLEYVILLE, TX	76034	7008 COLE CT
HALE EQUITY LLC	7131 COLLEYVILLE BLVD STE 101	COLLEYVILLE, TX	76034	7131 COLLEYVILLE BLVD UNIT 101
BROWN, CHRISTOPHER	6907 WANDERING WAY	COLLEYVILLE, TX	76034	6907 WANDERING WAY
CHAMPION STRATEGIC VENTURES LL	1312 BURGUNDY CT	SOUTHLAKE, TX	76092	7167 COLLEYVILLE BLVD
7157 COLLEYVILLE LLC	115 SAM BASS RIDGE RD	SOUTHLAKE, TX	76092	7157 COLLEYVILLE BLVD
SHERMAN, JEFFREY F	6909 UPLAND LN	COLLEYVILLE, TX	76034	6909 UPLAND LN
SANDADI, PRAVEEN	7416 STONEY POINT DR	PLANO, TX	75025	7155 COLLEYVILLE BLVD
BARTKOWSKI, JENNIFER K	6908 UPLAND LN	COLLEYVILLE, TX	76034	6908 UPLAND LN
BOYETT, PAIGE	6907 LONGWOOD DR	COLLEYVILLE, TX	76034	6907 LONGWOOD DR
GROSS, SAMUEL CRIS	2309 DANIELLE DR	COLLEYVILLE, TX	76034	2309 DANIELLE DR
SYRING, MICHAEL	2305 DANIELLE DR	COLLEYVILLE, TX	76034	2305 DANIELLE DR
REGIONAL RAIL ROW CO	PO BOX 660163	DALLAS, TX	75266	7398 COLLEYVILLE BLVD
PALLAI, RAVI	6900 UPLAND LN	COLLEYVILLE, TX	76034	6900 UPLAND LN
FORD, PHYLLIS	7167 COLLEYVILLE BLVD STE 101	COLLEYVILLE, TX	76034	7167 COLLEYVILLE BLVD
COLLEYVILLE, CITY OF	100 MAIN ST	COLLEYVILLE, TX	76034	2505 BROADOAK WAY
LITTON, JAMES	2321 DANIELLE DR	COLLEYVILLE, TX	76034	2321 DANIELLE DR
ERNSPIGER, RICHARD K	2313 DANIELLE DR	COLLEYVILLE, TX	76034	2313 DANIELLE DR
WOEHRLE, ADRIENNE LYNN	2001 PRESCOTT CT	BEDFORD, TX	76021	7155 COLLEYVILLE BLVD
SALLEE, HELEN LENHAN	6905 LONGWOOD DR	COLLEYVILLE, TX	76034	6905 LONGWOOD DR
PRM/RM LLC	3045 PONDER PATH	KELLER, TX	76248	7167 COLLEYVILLE BLVD
CHAMPION STRATEGIC VENTURES LL	1312 BURGUNDY CT	SOUTHLAKE, TX	76092	7167 COLLEYVILLE BLVD
7165 COLLEYVILLE LLC	5650 KROGER DR	FORT WORTH, TX	76244	7165 COLLEYVILLE BLVD
WEXLER, MALAISHA A	7004 COLE CT	COLLEYVILLE, TX	76034	7004 COLE CT
ROGERS, JASON T	7005 COLEMAN CT	COLLEYVILLE, TX	76034	7005 COLEMAN CT
LEE, DARREN M	7005 COLE CT	COLLEYVILLE, TX	76034	7005 COLE CT
CONAN, PIERRE	2317 DANIELLE DR	COLLEYVILLE, TX	76034	2317 DANIELLE DR
KOCH, MATTHEW P	6907 UPLAND LN	COLLEYVILLE, TX	76034	6907 UPLAND LN
MARR, DAVID G	7000 COLE CT	COLLEYVILLE, TX	76034	7000 COLE CT
LONGWOOD PLAZA PARTNERS LP	1901 N AKARD ST	DALLAS, TX	75201	7171 COLLEYVILLE BLVD
BHATLA, RAVINDER N	7009 COLEMAN CT	COLLEYVILLE, TX	76034	7009 COLEMAN CT
WHITE, C R	7001 COLE CT	COLLEYVILLE, TX	76034	7001 COLE CT
OVERTON, MICHAEL S	6909 WANDERING WAY	COLLEYVILLE, TX	76034	6909 WANDERING WAY
COLLEYVILLE, CITY OF	100 MAIN ST	COLLEYVILLE, TX	76034	7201 COLLEYVILLE BLVD
GUIRGUIS, NANCY ANN	2325 DANIELLE DR	COLLEYVILLE, TX	76034	2325 DANIELLE DR
KOETTING, JAKE	6911 WANDERING WAY	COLLEYVILLE, TX	76034	6911 WANDERING WAY
COLLEYVILLE, CITY OF	100 MAIN ST	COLLEYVILLE, TX	76034	7201 COLLEYVILLE BLVD
BURKHARDT, RONALD D	6910 UPLAND LN	COLLEYVILLE, TX	76034	6910 UPLAND LN
LONGWOOD DRIVE PARTNERS LP	11511 ROSSER RD	DALLAS, TX	75229	7181 COLLEYVILLE BLVD
TIMARRON GOLF CLUB INC	3030 L B J FWY STE 600	DALLAS, TX	75234	201 E CONTINENTAL BLVD
BLAXTON, MATHEW	6903 LONGWOOD DR	COLLEYVILLE, TX	76034	6903 LONGWOOD DR
ROSS DOWNS ESTATES	4113 GATEWAY DRIVE #100	COLLEYVILLE, TX	76034	COURTESY NOTICE
TIMARRON VILLAGE H-COLYVLE	700 WENTWOOD DRIVE	SOUTHLAKE, TX	76092	COURTESY NOTICE
TIMARRON-CASCADES AT TIMARRON	700 WENTWOOD DRIVE	SOUTHLAKE, TX	76092	COURTESY NOTICE
GRAPEVINE COLLEYVILLE ISD	3051 IRA E WOODS AVE	GRAPEVINE, TX	76051	STATE REQUIRED
CITY OF GRAPEVINE	P.O. BOX 95104	GRAPEVINE, TX	76099	COURTESY NOTICE
CITY OF COLLEYVILLE	100 MAIN ST	COLLEYVILLE, TX	76034	APPLICANT

Public hearing notices were mailed October 26, 2018 by Araceli Botello



NOTICE OF PUBLIC HEARING

Zoning Case Number: ZC18-030

Applicant: City of Colleyville

Owner: City of Colleyville

Location: 7201 Colleyville Blvd

Property Description: Lot 1A, Block 12, of the Longwood Estates at Ross Downs and Tract 1, Abstract 294 & Tract 4A3A, Abstract 591, in the Robert Chowning Survey

Present Zoning: PUD-C Planned Unit Development – Commercial, PUD-R Planned Unit Development – Residential, and ML Light Manufacturing

Request: Consideration of a zoning change from PUD-C Planned Unit Development – Commercial district, PUD-R Planned Unit Development – Residential district, and ML Light Manufacturing district to AG Agricultural district. The purpose is to rezone the property from PUD-C, PUD-R, and ML to AG in order to reflect the designated open space.

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

Planning and Zoning Commission Meeting: Tuesday, November 13, 2018 at 7:00 p.m.
City Council Meetings: Tuesday, December 4, 2018 & Tuesday, December 18, 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 817.503.1052. Please reference the zoning case number when requesting information.

Ben Bryner
Director of Community Development - bbryner@colleyville.com

Ross Downs Homeowners Association

11/9/18

City of Colleyville
Colleyville, TX 76034

RE: P&Z Zoning Case ZC18-030. Agenda Item 2d.
Agenda Date: 11/13/18

Dear City Council Members:

The Ross Downs Homeowners Association and our 320 residents are in full support of the Planning & Zoning Commission & the City Council making the zoning change to establish that the Kimzey Park open space land at Longwood & Hwy.26 will never be considered for use in commercial or residential development.

At this time, we have one concern. Please clarify as to why the PUD-C is being changed to PUD-R and not AG as the ML zoning is being changed to.

Kimzey Park is used extensively by many homeowners and their children who enjoy the park. Making these zoning changes, hopefully will preserve the park land as it is currently developed for all future Colleyville Residents.

We appreciate you taking action on this important issue.

Sincerely,



David Dudziak
President
Ross Downs Homeowners Association
(817) 929-6697

RESOLUTION R-99-1462

**A RESOLUTION AUTHORIZING FUNDING SUPPORT AND RESUBMITTAL OF THE
KIMZEY PARK GRANT APPLICATION**

WHEREAS, the City Council supports the development of the Kimzey Park Master Plan;
and

WHEREAS, the City Council supports the Texas Parks and Wildlife Department (TPWD)
grant resubmission for the development of Kimzey Park.

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

- Sec. 1. THAT the City Council approves the priorities for Texas Parks and Wildlife
Department (TPWD) grant resubmission for the development of Kimzey Park
in the amount of \$550,000.
- Sec. 2 THAT the City Council approves the resubmission of the Kimzey Park Grant
Application to the Texas Parks Account Program by the February 26, 1999
deadline.

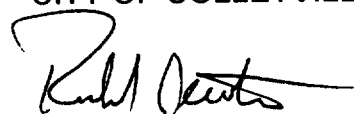
AND IT IS SO RESOLVED.

PASSED BY A VOTE OF 5 AYES, 0 NAYS, AND 0 ABSTENTIONS ON
THIS THE 2nd DAY OF February 1999.

ATTEST:


Jean Harris, TRMC, CMC
City Secretary

CITY OF COLLEVILLE


Richard Newton
Mayor

ORDINANCE O-18-2069

AMENDING THE ZONING ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY OF COLLEYVILLE, TEXAS, BY CHANGING THE ZONING ON 8.0744 ACRES, LOT 1A, BLOCK 12, OF THE LONGWOOD ESTATES AT ROSS DOWNS AND TRACT 1, ABSTRACT 294 & TRACT 4A3A, ABSTRACT 591, IN THE ROBERT CHOWNING SURVEY LOCATED AT 7201 COLLEYVILLE BOULEVARD, FROM THE PUD-C PLANNED DEVELOPMENT COMMERCIAL DISTRICT, PUD-R PLANNED DEVELOPMENT RESIDENTIAL DISTRICT, AND ML LIGHT MANUFACTURING DISTRICT TO THE AG AGRICULTURAL 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 initiated an application for rezoning under Case ZC18-030; 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; and

WHEREAS, the 8.0744 acres of land being Lot 1A, Block 12, of the Longwood Estates at Ross Downs and tract 1, Abstract 294 & tract 4A3A, Abstract 591, in the Robert Chowning Survey, located at 7201 Colleyville Boulevard shall remain designated as parks open space per the 1998 Texas Parks and Wildlife grant submission for the development of the Kimzey Park in conjunction with the Kimzey Park Master Plan per City Council Resolution R-99-1462.

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 8.0744 acres, Lot 1A, Block 12, of the Longwood Estates at Ross Downs and Tract 1, Abstract 294 & tract 4A3A, Abstract 591, in the Robert Chowning Survey, located at 7201 Colleyville Boulevard, from PUD-C Planned Unit Development Commercial, PUD-R Planned Unit Development Residential and ML Light Manufacturing to AG Agricultural district, as depicted in the attached Exhibit "A".
- Sec. 3. THAT the above described tract of land shall be used only in the manner and for the purposes provided by the Comprehensive Zoning Ordinance of the City of Colleyville as heretofore amended, and as amended herein.

- Sec. 4. THAT any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Colleyville, and upon conviction shall be punishable by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense.
- Sec. 5. THAT if any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.
- Sec. 6. THAT in addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.
- Sec. 7. THAT it has been found that there has been a change in conditions in the above described property, it is now necessary that it be given the above zoning classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare, and requires that this ordinance shall take effect immediately from and after its passage.

AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 4th day of December 2018.

The second reading and public hearing being conducted on the 18th day of December 2018.

PASSED AND APPROVED BY A VOTE OF ____ AYES, ____ NAYS, AND ____ ABSTENTIONS ON THIS THE 18TH DAY OF DECEMBER 2018.

Mayor Richard Newton	_____	Mayor Pro Tem Bobby Lindamood	_____
Place 1, Tammy Nakamura	_____	Place 5, Chuck Kelley	_____
Place 2, Kathy Wheat	_____	Place 6, Callie Rigney	_____
Place 4, George Dodson	_____		

ATTEST:

CITY OF COLLEYVILLE

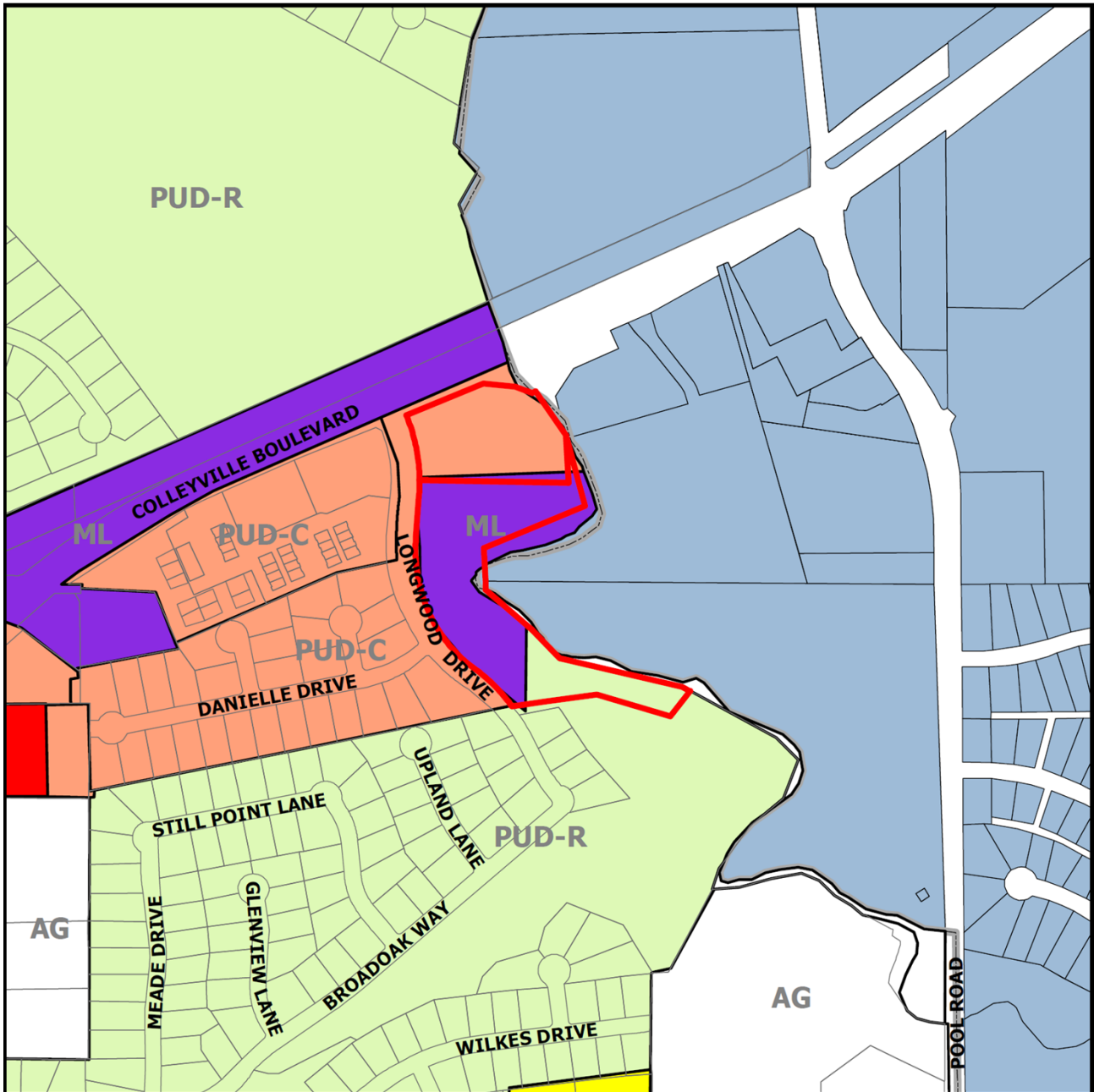
Christine Loven, TRMC
City Secretary

Richard Newton
Mayor

APPROVED AS TO FORM AND LEGALITY:

Whitt L. Wyatt
City Attorney

Exhibit "A"- Zoning Map



ZC18-030
7201 Colleyville Blvd

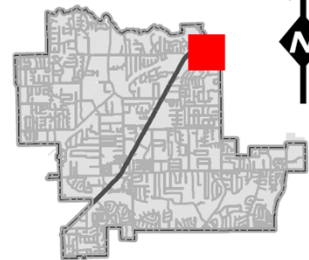
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Subject Property

Properties Outside the City Limit





City of Colleyville City Council Agenda Briefing

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

Agenda Number 6c

Agenda Date 12/04/2018

Number Ordinance O-18-2070

Type Ordinance

Department Community Development

Title

Consideration of a Special Use Permit for a carport on Lot 16, Block 2, of the Quail Crest Estates Addition, located at 316 Quail Crest Drive, Case ZC18-032

Strategic Plan

There is no strategic plan component for this item.

Explanation

First Reading and Public Hearing

The P&Z Commission recommended denial at their November 13, 2018 meeting by a vote of 7-0. When the Planning and Zoning Commission makes a recommendation of denial, a favorable vote of three-fourths (3/4) of all members of the City Council is required for approval of the request. Additionally, more than twenty percent (20%) of the area of lots within 200 feet have registered their opposition to the case.

Neal and Joyce Morris, the applicants, have submitted a request for a Special Use Permit (SUP) to allow for an existing carport to remain on the property at 316 Quail Crest Drive Lot 16, Block 2, of the Quail Crest Estates Addition, being approximately 0.34 acres, and zoned R-15 Single Family Residential Development – Residential district. The request is for the carport to be larger and longer than allowed, closer to the side property line than permitted, and constructed using alternate materials.

Existing Conditions/Background: The subject property, 316 Quail Quest Drive, has R-15 zoning and is located on the north side of Quail Quest Drive in the Quail Crest Estates Subdivision. The property has R-15 zoning, which dates back to 1972.

SUP Request:

Request – The applicant is requesting approval of an SUP to allow for a carport structure which is larger and longer than regulations allow, encroaches into the side property line, and is constructed using alternate materials.

Ordinance – Section 3.27 Accessory Buildings and Residential Carport Regulations of the Land Development Code establishes what may be permitted by City Council on a residential lot:

C. Residential Carport Regulations – Carports located in zoning districts which permit single family residential dwellings shall comply with the regulations contained in this section.

1. *Approval by Special Use Permit Only:* In accordance with the Special Use Permit procedures contained in this Chapter of these zoning regulations, no carport shall be built in the City of Colleyville without approval by the City Council for a Special Use Permit to construct a carport in a zoning district that permits single family residential dwellings.

2. *Carport Standards:* A carport shall comply with the following regulations, unless the City Council in approving a Special Use Permit for a carport has imposed other requirements necessary in the particular case to protect the public interests.

a. *Size:* A carport shall not exceed 480 square feet in area. The longest dimension on a carport shall not exceed 24 feet.

b. *Height:* A carport shall not exceed a maximum height of 15 feet. The height shall be measured from the finished grade to the highest point of the roof.

c. *Setbacks:*

i. A carport located within ten (10) feet of the principal building shall comply with the front, side and rear yard setbacks of the zoning district. The distance shall be measured between the two closest points of the carport and principal building.

ii. A carport located 10 feet or more from a principal building may extend into a required side yard, provided all of the following conditions are satisfied:

(1) every part of such carport is unenclosed except for necessary structural supports;

(2) no part of the carport is less than five (5) feet from a side or rear lot line, and

(3) the carport is located completely within the rear yard area as defined in these zoning regulations.

d. *Maximum Number Per Lot:* one

e. *Paving and Street Access:*

The parking area of a carport shall be paved not less than nine feet (9') by eighteen feet (18') and provide access to a public street right-of-way. Said access shall be a minimum of nine feet (9') in width and paved. All paved surfaces shall be either concrete, asphalt or pave-stone.

f. Design Criteria:

i. Roof - Carports shall have a pitched roof of at least 2:12. Flat roofs shall be prohibited.

ii. Posts - Posts shall be constructed of brick, stone or decorative metal, such as metal lattice. For purpose of this requirement, decorative metal shall consist of twenty-five (25) percent opaque surfaces. The dimension of each post as viewed from each primary elevation shall not be less than twelve inches (12") or more than forty-eight inches (48"). Any carport with two or more elevations that exceed the 48-inch criteria shall be considered an accessory building and be regulated as such. Wooden posts shall be prohibited.

g. Adequacy of Plans and Specifications:

The applicant requesting a Special Use Permit to construct a carport shall submit plans and specifications of the proposed carport for review. Said plans and specifications shall contain sufficient information to allow the City Council to determine that the proposed carport complies with these regulations and the City Council may require additional information when necessary to clarify the applicant's request. At a minimum, the drawings shall contain a plot plan, elevation views and a description of the construction materials.

Currently, the site has 1,750 square feet of a carport structure. The applicants have already constructed the structure without a Specific Use Permit, but once learning that a Specific Use Permit would be required they applied to begin the process.

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

The existing carport structure does not comply with the requirements of Section 3.27.C. The structure is 1,270 sf over the 480 sf allowed by SUP. There is a requirement for the structure to have specific materials. This request varies greatly from those materials. Additionally, the structure is encroaching into the required side yard. The site exhibit, elevations, and photos have been included as attachments for review.

Surrounding Development: The properties to the north, east, and west all have residential development with R-15 zoning. The properties to the south are located in the City of Bedford and zoned residential.

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, 31 letters of opposition have been received.

Staff Recommendation: The following findings have been identified by staff for consideration of the Commission for the requested SUP:

- The carport structure was built to store the applicant's vehicles. The carport does not meet the size standards outlined in the LDC. As part of consideration of the SUP, the City Council may impose other requirements necessary particular to the case to protect the public interests. Additionally, if Council decides to impose other requirements regarding this request, the considerations would remain only on 316 Quail Crest Drive and would not set a precedent for other properties.
- Architecturally, the carport structure is not compatible with the requirements outlined in the LDC. However, there may be no negative impact because it is not visible from the public right-of-way and most adjacent properties.

Planning & Zoning Commission Recommendation: The Planning & Zoning Commission recommended denial of the item at their November 13, 2018 meeting by a vote of 7-0.

Financial Impact

There is no fiscal impact to the City of Colleyville.

Recommendation

None

Attachments

1. Applicant's Request to Appeal Denial
2. Aerial Map
3. Zoning Map
4. Future Land Use Map
5. Statement of Planning Objectives
6. Site Plan
7. Parking Area & Tubular Steel Support Plan
8. Carport Elevations and Details
9. Photos Provided by Applicant
10. Photos Taken by Staff
11. Notification Map
12. Notification List
13. Property Owner Notification
14. Letters of Opposition
15. Ordinance O-18-2070

Araceli Botello

Subject: FW: Appeal Case ZC18-032 SUP to City Counsel

From: Neal & Joyce Morris

Sent: Tuesday, November 20, 2018 2:51 PM

To: Ben Bryner <BBryner@colleyville.com>

Cc: Araceli Botello <ABotello@colleyville.com>; Araceli Botello <ABotello@colleyville.com>

Subject: Appeal Case ZC18-032 SUP to City Counsel

Dear Mr. Bryner,

Please accept this email as my official request to appeal my application for the Special Use Permit Case ZC18-032 to the Colleyville City Counsel.

Regards,

Neal Morris
316 Quail Crest Drive
Colleyville, TX 76034

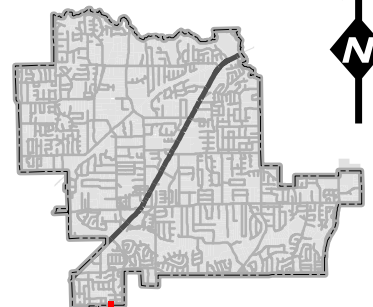
Aerial Map



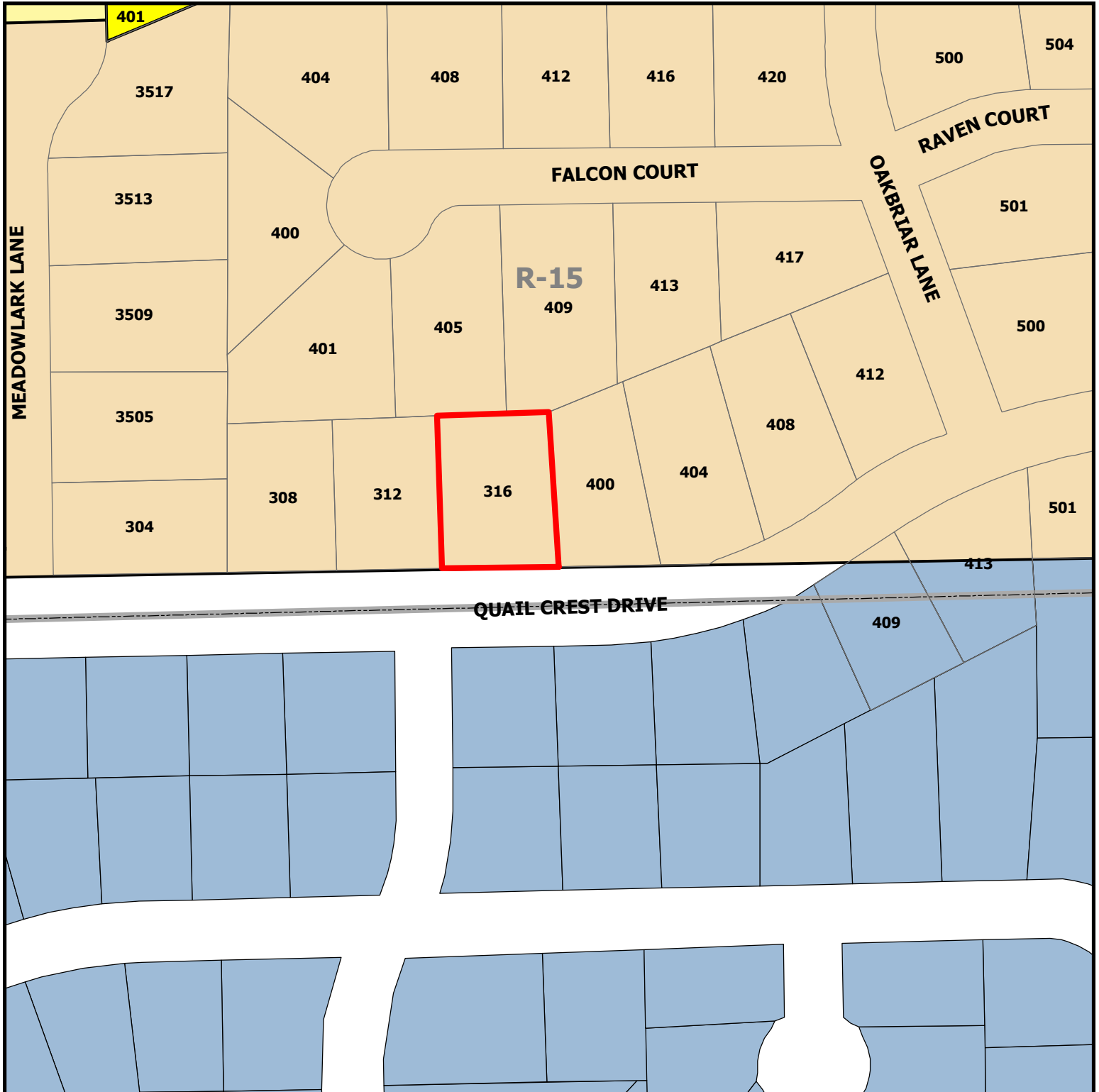
ZC18-032
316 Quail Crest Drive

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 Subject Property



Zoning Map



ZC18-032
316 Quail Crest Drive

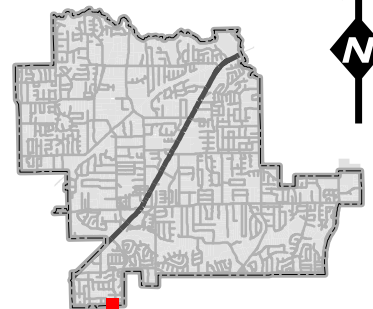
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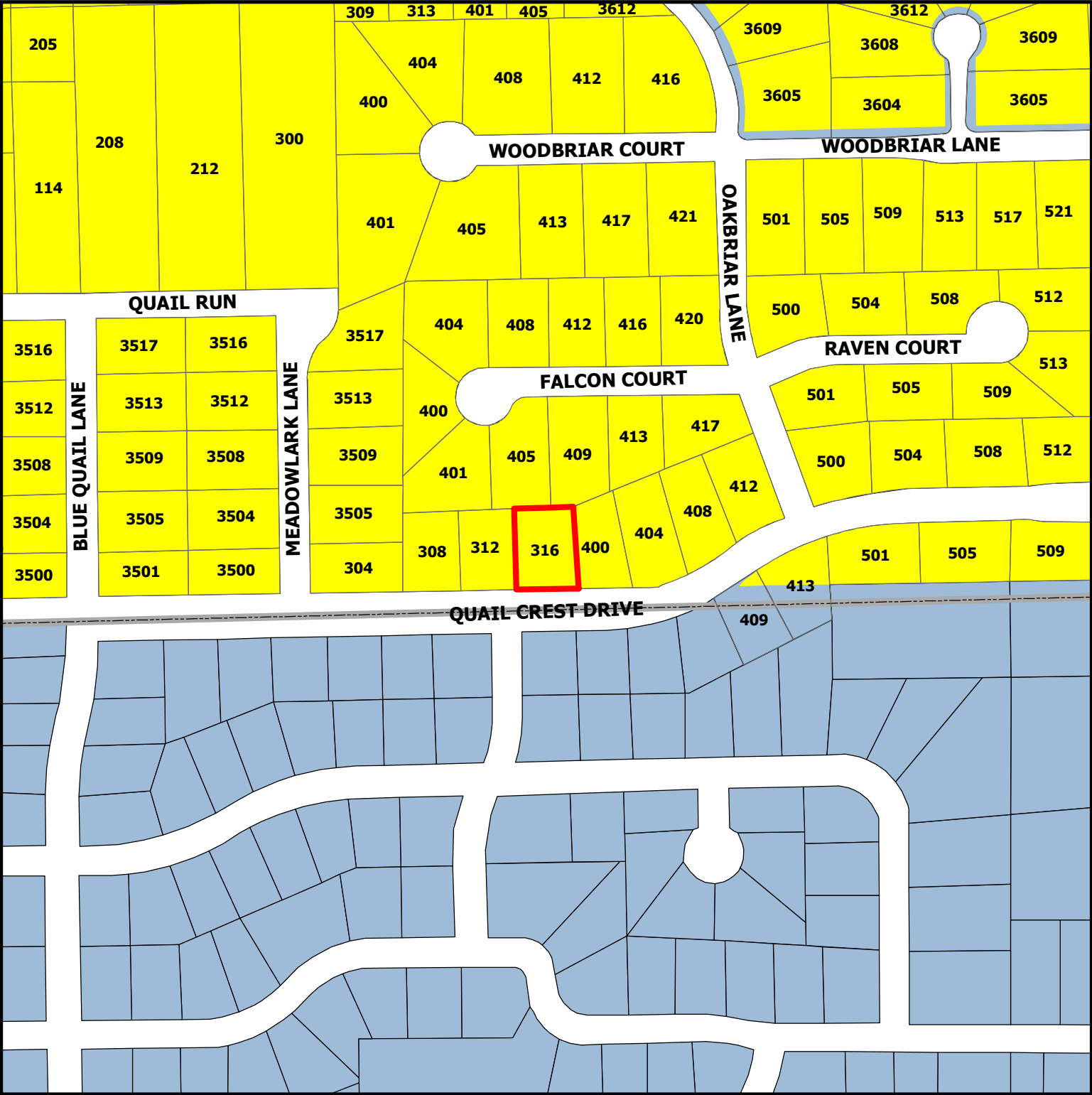
Subject Property



Properties Outside the City Limit



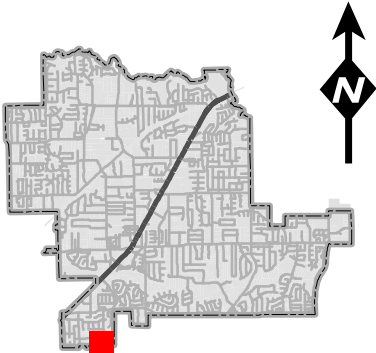
Future Land Use Map



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ZC18-032
316 Quail Crest Drive

-  Subject Property
-  Residential
-  Properties Outside the City Limit



Statement of Planning Objectives

City of Colleyville

Community Development Department

Development Review Committee

Subject: SUP for Carport. - 316 Quail Crest Drive

Response from Applicant on Comments:

1. The character of the proposed development is an “L” shaped covered automobile parking area and proportioned to be confined within a fenced area located in the back yard of the existing structure (house). The proposed development will complement the current board-on-board and picket perimeter fence replacing sections of the 6’ picket fence with 8’ sections. The east elevation with a 6’ board-on-board fence shall not be changed. Additional fence will be erected for the west and south elevations and a portion of the east elevation. The purpose of the proposed development is to protect current, classic and antique automobiles from hail, sun degradation and other inclement Texas weather. The automobiles are the #2 highest investments this family owns. The Home at this location is their #1 investment.

a) The total square footage of the parking area will be approximately 1,750.

b) Currently, on the property is no garage, accessory building or covered parking.

c) As stated above, the purpose of the proposed covered parking area will be to park current, classic and antique automobiles.

d) The exterior of the proposed parking area will include the existing perimeter fence on the north and partial east elevations. The south portion of the east elevation is new 8’ board-on-board fence with three 10’ gates. The north perimeter fence includes a board-on-board to the northwest and picket fence on the northeast. The existing 6’ picket fence shall be replaced with an 8’ picket fence. The west elevation is new 8’ board-on-board fence. The west section of the south elevation abuts the house with an additional 4.5’ of board-on-board fence and gate. The east portion of the south elevation is new 8’ board-on-board fence with three 10’ gates. The parking area shall have a tubular steel frame to support a tarp cover for the area. The tubular steel shall be 1.375’ and 1.625’ diameters and connect to the existing and new 2.375’ fence post. The steel framing shall be attached with bolt on end clamps to allow removal for unencumbered access to the Utility Easement. The steel framing shall include gussets and mid-section post to minimize sagging, add increase uplift resistance and structural integrity.

e) The new board-on-board fence shall consist of 6”X 8’ cedar boards attached to 2’X4” pressure treated supports with stainless ring shank nails. The fence shall have a 2”x6” top board and 1”x4” cover plate at the top of the vertical boards. The steel framing and tarp shall be below the fence line. The tarps shall be a thermal-set reinforced membrane attached to steel framing with grommets and heat welded membrane strips. The tarp shall be attached atop the west perimeter fence with termination bar and screws 6” on center.

Statement of Planning Objectives

f) The maximum height of the proposed parking area will be approximately 8'. See photos showing the fence heights and a location of the proposed parking area indicated on a flyover photo of the lot.

3. Development Schedule: NA

4. Height requirement is met.

5. The proposed parking area will extend to the North and East property lines encroaching on the 6' easements. The resident has obtained signatures from all City of Colleyville Associates for an Encroachment Agreement. (See Attached)

6. Total square footage of property is approximately 15,000. The square footage of existing structure is approximately 3,122. The total square footage of the covered parking area will be approximately 1,750. Thus, the total square footage of all structures is approximately 32.48% of total lot coverage.

7. The proposed covered parking area will be totally behind the rear of the principal building or enclosed within an 8' fence with exception of the 24' of the east elevation with a 6' fence. See exhibit for north and east lot line easements.

Statement of Planning Objectives



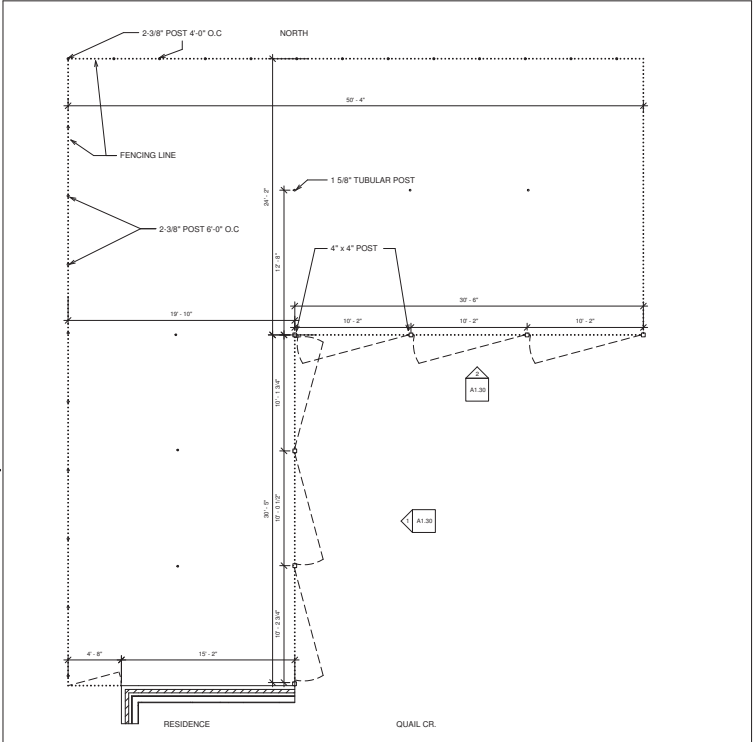
The White lines indicate the fenced area for automobile access/egress and the Covered Parking Area

The narrow black line indicates the Utility Easement and Encroachment Area

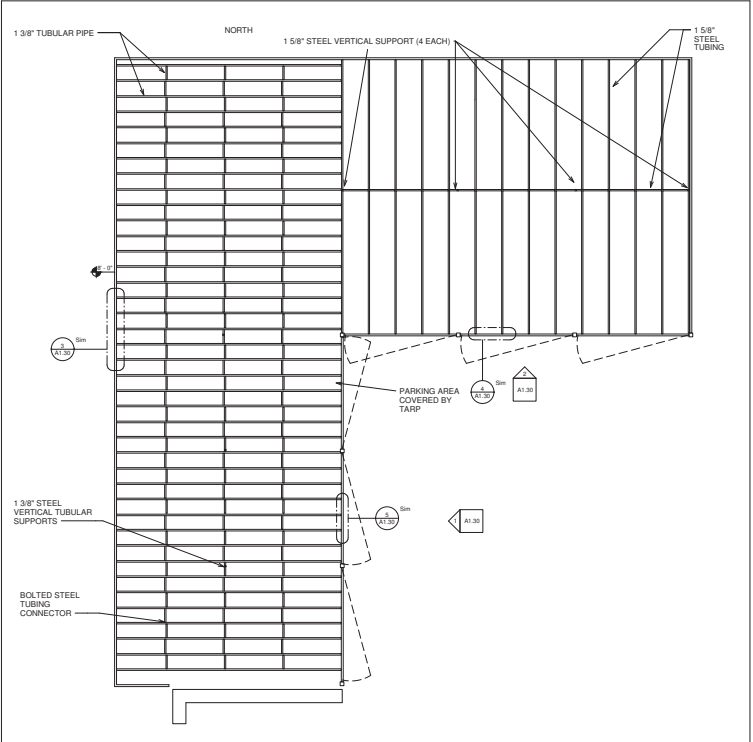
Site Plan



Parking Area & Turbular Steel Support Plan



1 CONSTRUCTION PLAN
1/4" = 1'-0"



2 REFLECTED CEILING PLAN
1/4" = 1'-0"

NEAL MORRIS
316 QUAIL CREST DRIVE
COLLEYVILLE, TX 76034

MORRIS & McCOY
FAMILY PARKING
AREA

PARKING AREA &
TUBULAR STEEL
SUPPORT PLAN

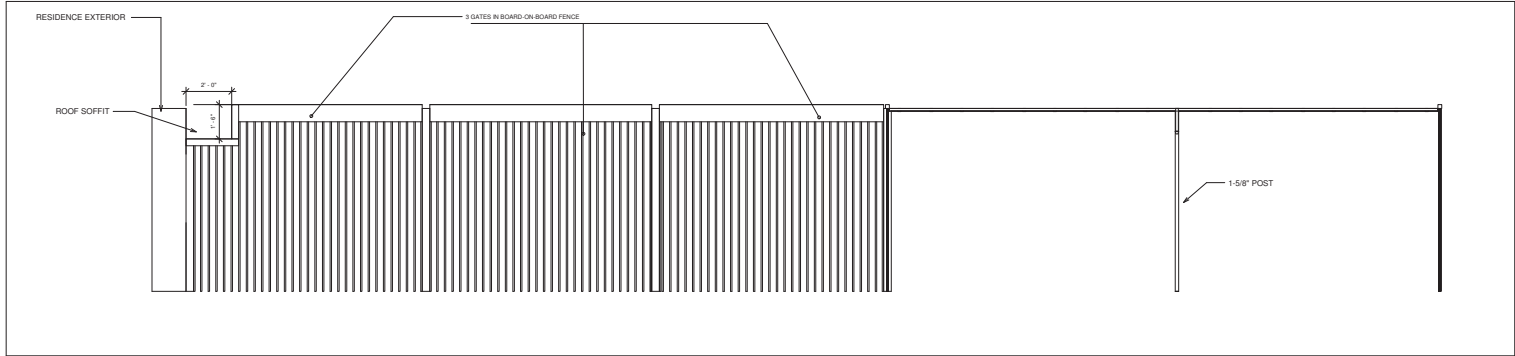
Date 08.26.18

A1.20

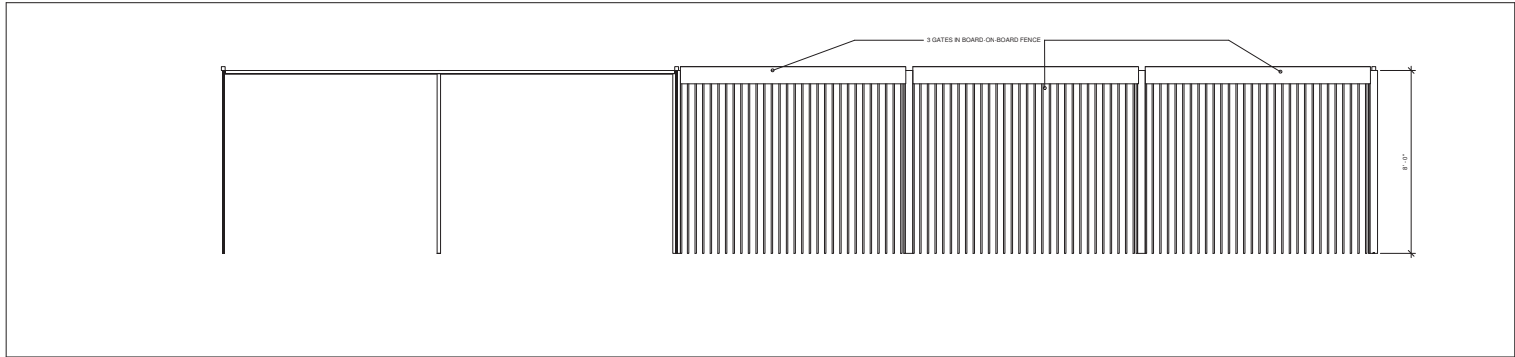
Scale 1/4" = 1'-0"

08/26/18 9:53:53 PM

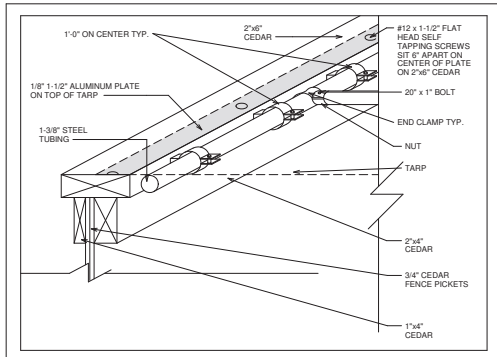
Carport Elevations and Details



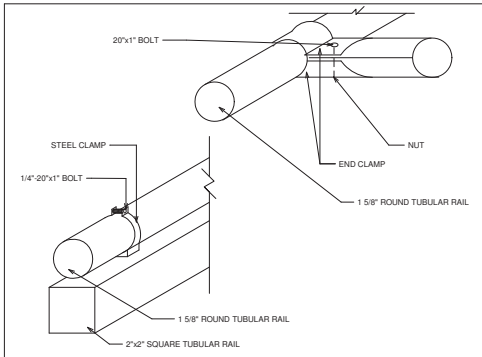
① EAST ELEVATION
1/2" = 1'-0"



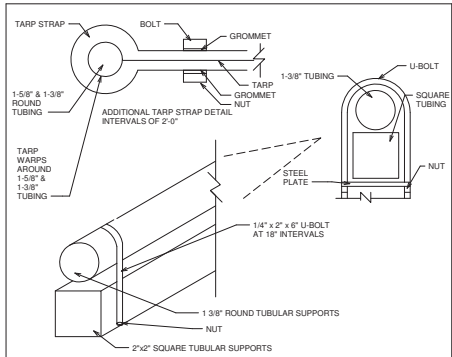
② NORTH ELEVATION
1/2" = 1'-0"



③ TARP AND STEEL TUBULAR CONNECTOR
3/4" = 1'-0"



④ TYPICAL CONNECTORS
3/4" = 1'-0"



⑤ PERIMETER CONNECTION
3/4" = 1'-0"

NEAL MORRIS
316 OUAL CREST DRIVE
COLLEYVILLE, TX 76034

MORRIS & McCOY
FAMILY PARKING
AREA

ELEVATIONS AND
DETAILS

Date 08.26.18

A1.30

Scale As indicated

08/26/2018 10:55:40 PM

Photos Provided by Applicant



South Elevation (West Portion)

Photos Provided by Applicant



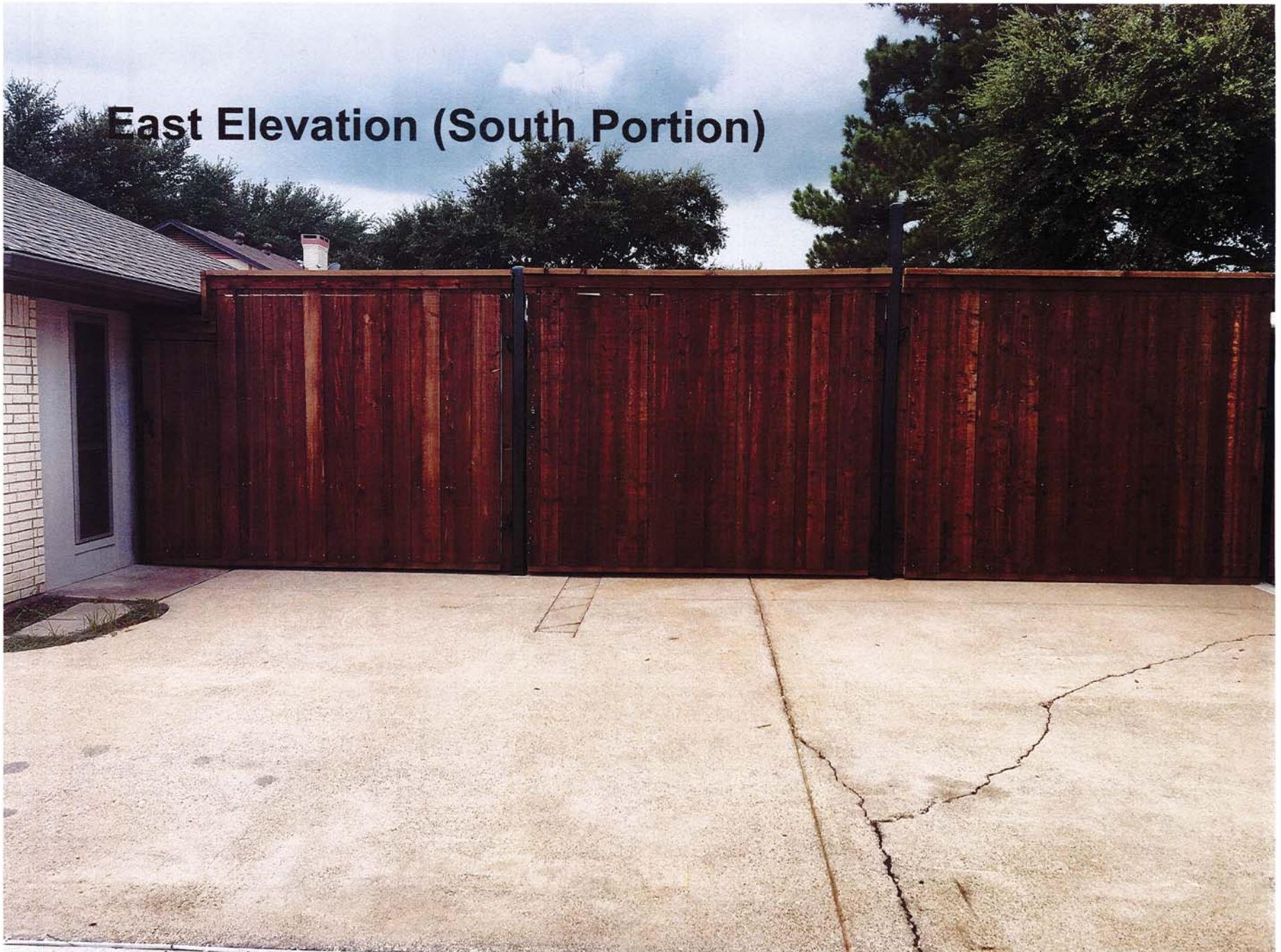
Photos Provided by Applicant



South Elevation (East Portion)

Photos Provided by Applicant

East Elevation (South Portion)



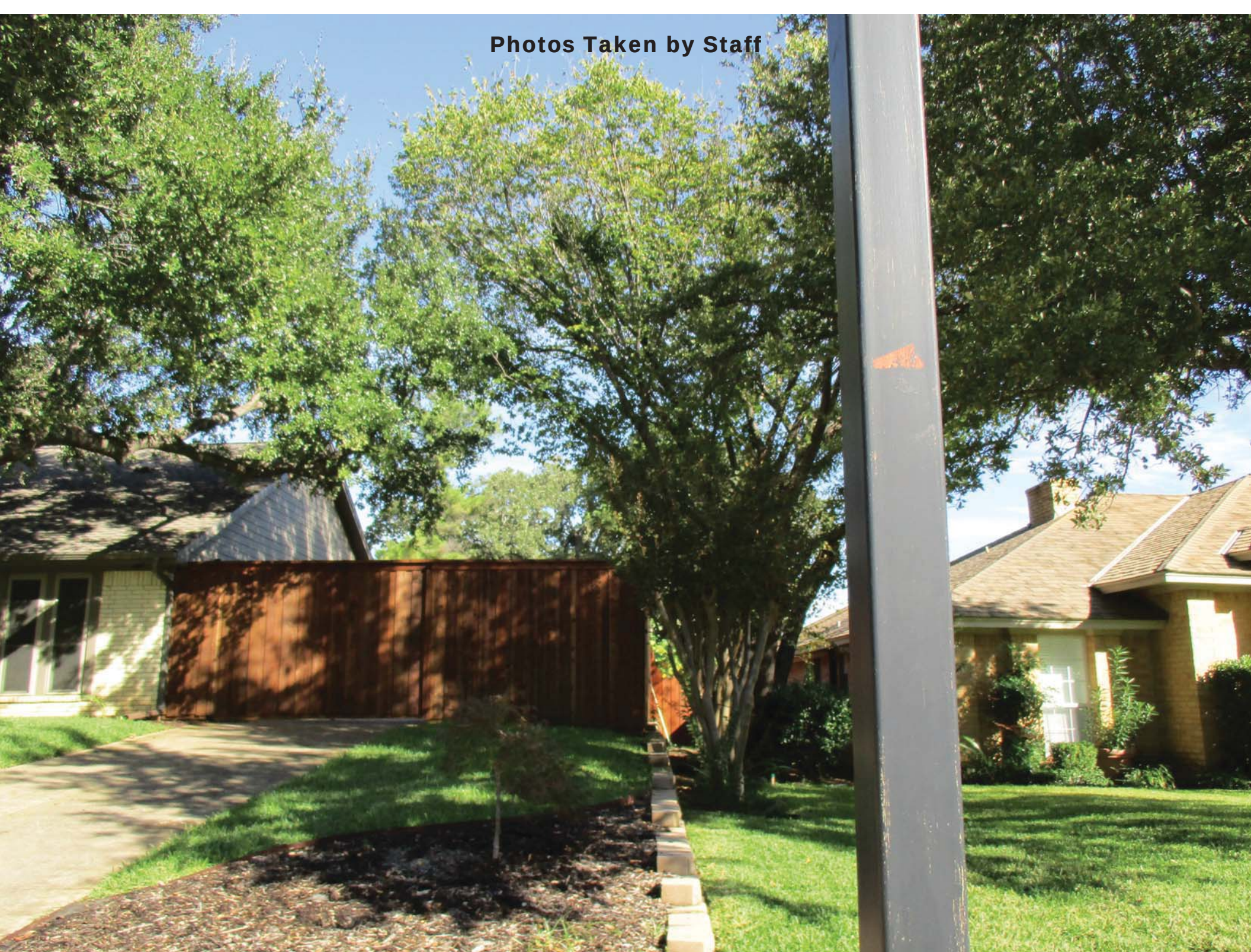
Photos Taken by Staff



Photos Taken by Staff



Photos Taken by Staff



Photos Taken by Staff



Photos Taken by Staff



Photos Taken by Staff



Photos Taken by Staff



Photos Taken by Staff



Photos Taken by Staff



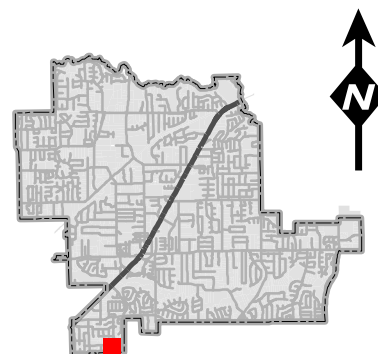
Notification Map



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.

ZC18-032
316 Quail Crest Drive

-
-  Subject Property
 500ft Buffer
 Properties within 500ft
 Properties Outside the City Limit



Notification List

Owner Name	Owner Address	Owner City	Owner Zip	Situs Address
TRAVIS, MARSHALL	501 WOODBRIAR LN	COLLEYVILLE, TX	76034	501 WOODBRIAR LN
DELACRUZ, RANDOLPH	417 WOODBRIAR ST	COLLEYVILLE, TX	76034	417 WOODBRIAR CT
DEGUIRE, DENNIS	409 FALCON CT	COLLEYVILLE, TX	76034	409 FALCON CT
PURSLEY, MARK L	400 QUAIL CREST DR	COLLEYVILLE, TX	76034	400 QUAIL CREST DR
KIMBROUGH, HOWARD D	404 QUAIL CREST DR	COLLEYVILLE, TX	76034	404 QUAIL CREST DR
CARLSON, SCOTT A	300 QUAIL RUN	COLLEYVILLE, TX	76034	300 QUAIL RUN
CATHARINA W REIMANN FAM TRUST	409 QUAIL CREST DR	BEDFORD, TX	76021	409 QUAIL CREST DR
SANCIBRIAN, KEVIN M	408 FALCON CT	COLLEYVILLE, TX	76034	408 FALCON CT
LEUNG, MING CHIU	400 FALCON CT	COLLEYVILLE, TX	76034	400 FALCON CT
HILDEBRANDT, GARY L	421 WOODBRIAR CT	COLLEYVILLE, TX	76034	421 WOODBRIAR CT
MORRIS, NEAL	316 QUAIL CREST DR	COLLEYVILLE, TX	76034	316 QUAIL CREST DR
HAWKES, ROBERT W	3500 MEADOWLARK LN	COLLEYVILLE, TX	76034	3500 MEADOWLARK LN
DAVIS, AARON J	413 QUAIL CREST DR	BEDFORD, TX	76021	413 QUAIL CREST DR
OWENS, ADAM	308 QUAIL CREST DR	COLLEYVILLE, TX	76034	308 QUAIL CREST DR
UMBREWICZ, JANUSZ	401 FALCON CT	COLLEYVILLE, TX	76034	401 FALCON CT
DAILY, ADAM	500 QUAILCREST DR	COLLEYVILLE, TX	76034	500 QUAIL CREST DR
CONWAY, JUDITH CATHERINE	3516 MEADOWLARK LN	COLLEYVILLE, TX	76034	3516 MEADOWLARK LN
EVANS, BILLY W	312 QUAIL CREST DR	COLLEYVILLE, TX	76034	312 QUAIL CREST DR
GORDON, JEANNE	501 RAVEN CT	COLLEYVILLE, TX	76034	501 RAVEN CT
BREWER, ROYCE N	3504 MEADOWLARK LN	COLLEYVILLE, TX	76034	3504 MEADOWLARK LN
CASTRO, ALBERT J	417 FALCON CT	COLLEYVILLE, TX	76034	417 FALCON CT
GRISIO, TERANCE	3505 MEADOWLARK LN	COLLEYVILLE, TX	76034	3505 MEADOWLARK LN
SPRAGINS, CHRISTINA	304 QUAIL CREST DR	COLLEYVILLE, TX	76034	304 QUAIL CREST DR
GRAMMER, BETTY	3509 MEADOWLARK LN	COLLEYVILLE, TX	76034	3509 MEADOWLARK LN
HOLBERT, GUY D	413 FALCON CT	COLLEYVILLE, TX	76034	413 FALCON CT
REYNOLDS, ERNEST E	413 WOODBRIAR CT	COLLEYVILLE, TX	76034	413 WOODBRIAR CT
HPA TEXAS SUB 2016-2 LLC	180 N STETSON AVE STE 3650	CHICAGO, IL	60601	3513 MEADOWLARK LN
BIELSS, GEORGE	404 FALCON CT	COLLEYVILLE, TX	76034	404 FALCON CT
LEWIS, DAVID C	408 QUAIL CREST DR	COLLEYVILLE, TX	76034	408 QUAIL CREST DR
GORUP, FRANK ANTHONY	3508 MEADOWLARK LN	COLLEYVILLE, TX	76034	3508 MEADOWLARK LN
DOSS, EMMETT I	3517 MEADOWLARK LN	COLLEYVILLE, TX	76034	3517 MEADOWLARK LN
VAN SICKLE, MARK D	412 FALCON CT	COLLEYVILLE, TX	76034	412 FALCON CT
RAINS, RUSSELL R	401 WOODBRIAR CT	COLLEYVILLE, TX	76034	401 WOODBRIAR CT
MILES, MARCUS	412 QUAIL CREST DR	COLLEYVILLE, TX	76034	412 QUAIL CREST DR
BURGERT, HAROLD C	405 WOODBRIAR CT	COLLEYVILLE, TX	76034	405 WOODBRIAR CT
SCOTT, WILLIAM G	500 RAVEN CT	COLLEYVILLE, TX	76034	500 RAVEN CT
DAVIS, OSBORNE	501 QUAIL CREST DR	COLLEYVILLE, TX	76034	501 QUAIL CREST DR
MUNO, TERRY L	3512 MEADOWLARK LN	COLLEYVILLE, TX	76034	3512 MEADOWLARK LN
MUNSON, DEBORAH	420 FALCON CT	COLLEYVILLE, TX	76034	420 FALCON CT
CLAY, WILLIAM C	405 FALCON CT	COLLEYVILLE, TX	76034	405 FALCON CT
GANN, ROCKY H	416 FALCON CT	COLLEYVILLE, TX	76034	416 FALCON CT
QUAIL CREST ESTATES	408 FALCON COURT	COLLEYVILLE, TX	76034	COURTESY NOTICE
WOODBRIAR ESTATES ADDITION	3700 SWEETBRIAR	COLLEYVILLE, TX	76034	COURTESY NOTICE
HURST EULESS BEDFORD ISD	1849 CENTRAL DR	BEDFORD, TX	76022	STATE REQUIRED
CITY OF BEDFORD	2000 FOREST RIDGE DRIVE	BEDFORD, TX	76021	COURTESY NOTICE
MORRIS, NEAL	316 QUAIL CREST DR	COLLEYVILLE, TX	76034	APPLICANT

Public hearing notices were mailed out October 26, 2018 by Araceli Botello



NOTICE OF PUBLIC HEARING

Zoning Case Number: ZC18-032
Applicant: Neal and Joyce Morris
Owner: Neal and Joyce Morris
Location: 316 Quail Crest Drive
Property Description: Lot 16, Block 2, of the Quail Crest Estates Addition
Present Zoning: R-15 Single Family Residential
Request: Consideration of Special Use Permit for the carport on Lot 16, Block 2, of the Quail Crest Estates Addition. The purpose is to allow for an existing carport to remain on 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: Tuesday, November 13, 2018 at 7:00 p.m.
City Council Meetings: Tuesday, December 4, 2018 & Tuesday, December 18, 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

**Community Development Department
Planning and Zoning
Colleyville City Council**

RE: CASE NO. ZC18-032

LOCATION: 316 Quail Crest Drive, Colleyville Texas 76034

I OPPOSE the zoning request change, and the carport built differently than the standards set forth in the Land Development Code (LDC). This is a tarp or membrane between fences to create a shelter for cars. This is not the type of structure or construction method that is typical of residential neighborhoods, or even commercial districts. Construction and materials outside of normal or common methods and types may even be considered insurance risks for the homeowner and most certainly unwarranted risks when they are unexpectedly near other residential property. This structure has been presented for this SUP as being hidden or not visible; however visibility is not a condition of approval. Just because you can't see it, does not make it right.

This application as being presented also states that the applicant did not know that a permit was required for this structure. However the applicant did get a permit for a fence that has seven gates about 10 feet wide each and each wide enough for a vehicle. I was told by the applicant that he wanted a temporary carport behind the fence; however what was constructed does not appear temporary in the least. When I told the applicant that the structure built was not temporary, he informed me that it was temporary and it could all be taken down . . . *“that why I made sure to meet Colleyville’s requirement that it not be a permanent structure, it is only temporary.”* Assuming arguendo that the applicant truly thought that this structure did not need a permit because of the “temporary” nature of the structure; then ask yourself if this structure is temporary?

The bottom line is this; The method of constructing a carport with a tarp between fences is *not* right for any residential community. My understanding of the LDC is; there are 9 items that a carport needs to be compliant, and this only meets 3 of the requirements. One of the requirements is that there is only a quantity of 1 carport, really not a characteristic of the carport. This structure also fails to meet the maximum lot coverage of the R-15 zoning district of 30%. This is a failure of compliance of the LDC lot coverage, and a 75% failure of the carport requirement considering the character of the structure. The application presented understates the area of the structure as per the diagram; it is over 1800sq/ft. . . not 1750 sq/ft. I feel as the application is misleading and does not “contain sufficient information to allow the City Council to determine that the proposed carport complies with these regulations” as stated in the LDC, should be denied.

THIS APPLICATION IS:

1. Over 3x the maximum area
2. Over 2x the maximum length
3. ¼ of the minimum roof pitch

4. Rear lot setback is 25 feet too close
5. Side lot setback is 10 feet too close
6. Supporting structure is a fence – clearly not standard and fails brick or masonry requirement
7. Fails to meet application requirements
 - Complies with height requirement
 - Complies with paving requirement

One of the few carport requirements that are in compliance is the requirement of paving under the carport. This carport meets that requirement, however because extremely large area the cement pavement covers. (About half of the back yard) All of the rainfall water on the cement and carport area is now directed to a very small portion of the applicant's yard that now spills into my yard. This has now caused flooding, thus I found it necessary for me to install a surface drain to protect my property. The flooding problem has been brought to the attention of the applicant several times.

This application should be denied in whole, without consideration of modification. Nothing in this application is for the benefit of the City, Community, or Neighborhood. Any approval in whole or in part does in fact establish precedence. In addition; approval of an application based on forgiveness opposed to permission establishes a bad precedent.

Respectfully



Mark Pursley
400 Quail Crest
Colleyville, Texas 76034
214-536-4000

2018/09/30
13:22:29



$\frac{3}{4} < \text{rain} > \frac{1}{2} \text{ inch}$
 $\frac{2/24/18}{\text{"No Carpet"}}$









Ben Bryner

Subject: RE: December 4 City Council Meeting

From: mark pursley [[mailto:](#)]

Sent: Monday, November 26, 2018 1:46 PM

To: Richard Newton; Bobby Lindamood; Tammy Nakamura; Kathy Wheat; George Dodson; Chuck Kelley; Callie Rigney

Subject: December 4 City Council Meeting

Colleyville City Council

RE: Zoning Case Number ZC18-)32

My Name is Mark Pursley, I am writing to you to introduce above referenced zoning change request. This is an appeal from a 100% denial of the P&Z board, and 80% opposition of the 500-foot notification list of occupied homes. (not counting the applicant) I, as a substantial majority of residence oppose of this type of structure in a residential environment. In the consideration of the application it is important to understand the totality of the request

This request is for a structure that is already built. It should also be noted that construction has continued after the 100% denial by the P&Z. Would this continued construction raise “red flags”? It certainly has for me. However, this application for a carport is really an application for a roof structure of a tarp span between the tops of fences. The application as presented for approval is deceptive at best. The application clearly understates the request. In addition, I believe the request is now before the council because there was an attempt circumvent the Land Development Code, and the required permit application process from the onset.

The Land Development Code (LDC) is for the good of the community and Colleyville. Protecting home values, creating a safe environment, and to maintain a desirable City. The LDC provides rights for adjacent neighbors with “setback” standards. It provides safety for the community with minimum building standards, and it provides value with a minimum design criteria. This application is absent of all of these standards and specifically most every detail as listed in the LDC requirements for carports. In addition, it violates the lot coverage standards for the zoning district. Just because you can not see the structure, it does not make anything less wrong. Adjacent property owners lose their right by diminished setbacks, water still floods my yard, and I can see it from my yard. However now Neal has disguised the tarp membrane roof as a fence. This was the latest construction after the P&Z denial. Neal built a 3-foot fence over a 24 foot in length that is 5 feet off the ground. This is not a normal fence, it is only the top 3 feet of an 8-foot fence. So instead of looking at his tarp roof, I look at my side fence that is 2 different colors brown on top, and cedar tone on bottom that appears 8-foot-tall for a 24-foot length, six-foot-tall cedar tone for about 45 feet, and then a brown fence for almost 40 feet that is 8 feet tall. 8 foot – 6 foot – 8-foot-tall fence in 2 different colors. a portion of which was built without any permit, and likely not to code. Where does this stop?

Neal and Joyce Morris moved to this house just at a year ago, and I have made every attempt be a good and understanding neighbor. Here is a brief timeline of events.

- Soon after Neal moved in the house, he stated to me he was going to have some cement added in the back yard, and he wanted to build some additional fence that would enclose a larger portion of his back yard, he also stated that he wanted to **raise** My fence from 6 foot to 8 foot. I told him that I thought that may look like an “add-on” and perhaps lattice may be a solution to allow for some additional height he desired and not look as it were “added on”. I never gave him consent for lattice, but only suggested as an option. I asked him at the time if there was any special rush or need for the additional height. He made NO mention of his plan to use the fences as a wall or support for a tarp roof.

- late December 17 – early January 2018 Neal covered about half of his back yard in concrete
- Jan. 21, 2018 I gave Neal notice my yard was flooding from the new cement
- One month passed still have flooding problem, gave Neal second notice
- Feb. 2018 by this time Neal has applied for a fence permit and installed some 8 foot fences, however understand about 50% of the fences installed were comprised of gates. these gates are 10 feet wide. Most of the fence was internal to the backyard dividing the yard into sections.
- March 5, 2018 I had conversation with: Neal he wanted to raise my 6 foot fence by 2 feet with lattice on top. I had additional conversation about flooding problem for now the third time. Also ask Neal what he had going on in the back and why the need for the 8 foot height. Again No mention of a tarped carport using the fences as the support and wall for the carport. However I gave Neal clear approval that he could add 2 feet of lattice on the 6 foot fence
- March 6, 2018 Neal cancelled the fence work by sending me a text. I even apologized if I were not grateful enough that he was raising the fence with lattice (although I did not like the idea, I was just trying to be accommodating to his need or desire) he then sent me an emoji with smoke blowing out his nose (angry?)
- First week of July 2018, Neal installed tarped roof between fences. Over 1800 square feet without regard for any setback requirements affecting 3 adjacent homes, and attaching the structure to his house. This was started while I was out of town on vacation
- I attempted to call the Colleyville Building Permit office without success . .
- Week of July 9, 2018 I had surface drains installed in my yard to protect my house and yard from flooding since it was apparent that Neal was not going to address the issue in any kind of timely manner even after several attempts to let him know the problem still existed. I was at risk of flooding.
- July 11, 2018 Neal wanted to talk to me about a problem he had with his new tarp roof. He wanted again to raise the 6 foot fence by scabbing 2 feet to the top of the existing 6 foot fence for the purpose of solving a wind issue on his new carport roof. Wind was causing a problem. I informed Neal, as We stood in my yard where the new drain was being installed of 2 things #1) I have had to install a drain to address the water flooding problem that has been caused by what is now his “carport”. (Never asking for one thin dime) #2) I told him that his structure is clearly not temporary, and that if he needed the additional height, that he should do the right thing and just replace the 6 foot fence with a proper 8 foot fence. However: Neal did not find that to be an acceptable solution, and he took exception to my statement that his carport was not temporary and a code violation. **He stated “That is why I made sure to meet Colleyville’s requirement that it not be a permanent structure, it is only temporary metal lattice with a temporary membrane on it”**
- July 19, 2018 I made my last attempt to address the problem of the water flooding my yard, and the structure he has built. At this point Neal’s position as he presented it was that what he had build was a structure that had Colleyville’s “OK” as it were just a temporary structure. I did have a conversation with him and stated that I thought he should do two things. Pay for the expense of addressing the water problems, and second build a proper fence replacing the 6 foot fence with an 8 foot fence. I tried to provide him in writing all of my thoughts and reasons why I felt this was the right thing to do. Neal chose to have nothing to do with this conversation, and refused the information, stating he was going to enclose the carport above my fence by adding a membrane tarp . I confirmed giving him a second opportunity to try to discuss the problems, and he still refused.

I ultimately contacted code enforcement about the issue, and was redirected to the building permit office. The building permit office opened an investigation.

This request is not small. It has far reaching affects for not only me, but the all of the surrounding neighbors that see it, and that have their setback rights violated. Home values are affected by comparison for all of the neighborhood, and Colleyville. This is not normal construction methods, and the vast majority of the neighbors agree

that this is not good for our community. Approval would only set a precedent for other non-standard construction methods. In my situation, I could not even hide the structure unless I built a non-compliant fence. There is just no end to the problems presented if approved. This should be denied. I feel as the applicant has been misleading at best, and perhaps deceitful on other occasions. This is evidenced in his application, and in the previous P&Z meeting where he was denied 100%, and in the P&Z work session that he attended. I would welcome the opportunity to briefly discuss this issue with you in a little more detail. I have attached some images that show what is really built, the continued water problem, and an audio of Neal claiming that he has complied with Colleyville's building requirement.

Mark Pursley

400 Quail Crest Drive

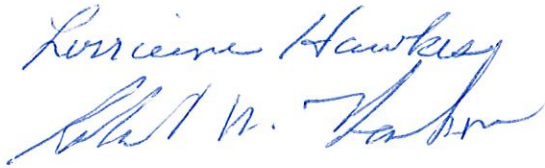
214-536-4000

Markpursley@live.com

Opposition Letter

CASE NO. ZC18-032 **LOCATION:** 316 Quail Crest Drive Colleyville, Texas 76034

I **OPPOSE** the Special Use Permit (SUP) as referenced above. I respectfully request the Colleyville Planning and Zoning Commission together with the Colleyville City Council to deny this SUP. Please protect me and my property afforded by the Colleyville Land Development Code. Variances as described from the minimum construction standards, and design criteria may adversely affect the subject home value and resale ability. This could result in a lower resale value, and in turn have a negative impact my homes value by comparison; therefore this application could be injurious to other property monetarily. Colleyville has in place a Land Development Code to promote the health, safety, and general welfare of the community. The R-15 zoning district provides for uses *customarily incidental* to the "permitted principal uses" In addition, Variances from the standards set forth by Colleyville, and this case specifically extreme variances are not customarily incidental uses common to the residential zoning districts and specifically the R-15 district. This request should be denied as to not set a president for future development different from the minimum standards set forth by the Colleyville Land Use Code.

A handwritten signature in blue ink, appearing to read "Robert Hawkes", written over a second, less legible signature.

Robert Hawkes
3500 Meadowlark Lane
Colleyville, Texas 76034

Opposition Letter

CASE NO. ZC18-032 **LOCATION:** 316 Quail Crest Drive Colleyville, Texas 76034

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Scott Carlson
300 Quail Run
Colleyville, TX. 76034



Opposition Letter

CASE NO. ZC18-032 **LOCATION:** 316 Quail Crest Drive Colleyville, Texas 76034

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Emmett Doss
3517 Meadowlark Lane
Colleyville, Texas 76034

Opposition Letter

CASE NO. ZC18-032 **LOCATION:** 316 Quail Crest Drive Colleyville, Texas 76034

I **OPPOSE** the Special Use Permit (SUP) as referenced above. I respectfully request the Colleyville Planning and Zoning Commission together with the Colleyville City Council to deny this SUP. Please protect me and my property afforded by the Colleyville Land Development Code. Variances as described from the minimum construction standards, and design criteria may adversely affect the subject home value and resale ability. This could result in a lower resale value, and in turn have a negative impact my homes value by comparison; therefore this application could be injurious to other property monetarily. Colleyville has in place a Land Development Code to promote the health, safety, and general welfare of the community. The R-15 zoning district provides for uses *customarily incidental* to the "permitted principal uses" In addition, Variances from the standards set forth by Colleyville, and this case specifically extreme variances are not customarily incidental uses common to the residential zoning districts and specifically the R-15 district. This request should be denied as to not set a president for future development different from the minimum standards set forth by the Colleyville Land Use Code.



Terry Muno
3512 Meadowlark Lane
Colleyville, Texas 76034

Opposition Letter

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Terrance Grisso
3505 Meadowlark Lane
Colleyville, Texas 76034

Opposition Letter

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Randolph L. Delacruz

Randolph Delacruz
417 Woodbriar
Colleyville, TX. 76034

Opposition Letter

CASE NO. ZC18-032 **LOCATION:** 316 Quail Crest Drive Colleyville, Texas 76034

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A handwritten signature in blue ink, appearing to read 'Marshall Travis', with a long horizontal flourish extending to the right.

Marshall Travis
501 Woodbriar Ln.
Colleyville, TX. 76034

Opposition Letter

CASE NO. ZC18-032 **LOCATION:** 316 Quail Crest Drive Colleyville, Texas 76034

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Name: Larry E. Cox

Address: 504 Quail Crest Dr.

Signed: Jimmy E. Cox

Opposition Letter

CASE NO. ZC18-032 **LOCATION:** 316 Quail Crest Drive, Colleyville Texas 76034

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Geoff Scott
500 Raven Court
Colleyville, Texas 76034

Opposition Letter

CASE NO. ZC18-032 **LOCATION:** 316 Quail Crest Drive, Colleyville Texas 76034

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Gary Hildebrant
421 Woodbriar Court
Colleyville, Texas 76034

Opposition Letter

CASE NO. ZC18-032 **LOCATION:** 316 Quail Crest Drive, Colleyville Texas 76034

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Ernest Reynolds
413 Woodbriar Court
Colleyville, Texas 76034

Signed
Petition
Page 2 of 11

Opposition Letter

CASE NO. ZC18-032 **LOCATION:** 316 Quail Crest Drive, Colleyville Texas 76034

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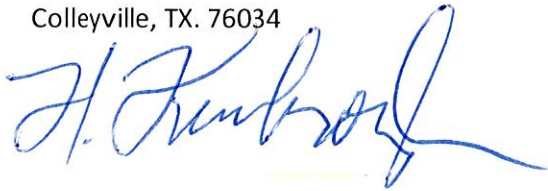
Jeanne Gordon
501 Raven Court
Colleyville, Texas 76034

Opposition Letter

CASE NO. ZC18-032 **LOCATION:** 316 Quail Crest Drive, Colleyville Texas 76034

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Howard Kimbrough
404 Quail Crest Dr.
Colleyville, TX. 76034



**Colleyville Planning and Zoning
Colleyville City Council**

RE: CASE NO. ZC18-032

LOCATION: 316 Quail Crest Drive, Colleyville Texas 76034

I **OPPOSE** the Special Use Permit (SUP) as referenced above. I respectfully request the Colleyville Planning and Zoning Commission together with the Colleyville City Council to deny this SUP. Please protect me and my property afforded by the Colleyville Land Development Code. Variances as described from the minimum construction standards, and design criteria may adversely affect the subject home value and resale ability. This could result in a lower resale value, and in turn have a negative impact on my home by comparison; therefore this application could be injurious to other property monetarily. Colleyville has in place a Land Development Code to promote the health, safety, and general welfare of the community. The R-15 zoning district provides for uses *customarily incidental* to the "permitted principal uses". In addition, variances from the standards set forth by Colleyville, and in this case specifically extreme variances are not customarily incidental uses common to the residential zoning districts, and specifically the R-15 district. This request should be denied as to not set a precedent for future development different from the minimum standards and rules set forth by the Colleyville Land Use Code.

NAME: Lauren Falzett

ADDRESS: 413 Quail Crest Dr.

SIGNATURE: Lauren Falzett

Community Development Department
Planning and Zoning
Colleyville City Council
City of Colleyville
100 Main Street Colleyville, TX 76034

RE: **CASE NO. ZC18-032**

LOCATION: 316 Quail Crest Drive, Colleyville Texas 76034

I live adjacent to the structure built at 316 Quail Crest. Permission to replace a portion of my six foot fence with an eight foot fence was given to Mr. Morris. However it was never my understanding that the fence was to be used to build the carport or attach some type of support structure. I should be protected from structures being built this close to my property. I can see from my house that the structure connects to the fence, as this is visible from my house and yard.

Therefore I **OPPOSE** the Special Use Permit (SUP) as referenced above. I respectfully request the Colleyville Planning and Zoning Commission together with the Colleyville City Council to deny this SUP. Please protect me and my property afforded by the Colleyville Land Development Code. Variances as described from the minimum construction standards, and design criteria may adversely affect the subject home value and resale ability. This could result in a lower resale value, and in turn have a negative impact on my home by comparison; therefore this application could be injurious to other property monetarily. Colleyville has in place a Land Development Code to promote the health, safety, and general welfare of the community. The R-15 zoning district provides for uses *customarily incidental* to the "permitted principal uses". In addition, variances from the standards set forth by Colleyville, and in this case specifically extreme variances are not customarily incidental uses common to the residential zoning districts, and specifically the R-15 district. This request should be denied as to not set a precedent for future development different from the minimum standards and rules set forth by the Colleyville Land Use Code.

Respectfully

Merry and Dennis DeGuire
409 Falcon Ct.
Colleyville, TX. 76034



Opposition Letter

CASE NO. ZC18-032 **LOCATION:** 316 Quail Crest Drive Colleyville, Texas 76034

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David Lewis
408 Quail Crest Drive
Colleyville, Texas 76034

Opposition Letter

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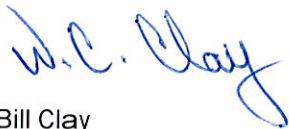
Albert & Kay Castro
417 Falcon Court
Colleyville, Texas 76034



Opposition Letter

CASE NO. ZC18-032 LOCATION: 316 Quail Crest Drive Colleyville, Texas 76034

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Bill Clay
405 Falcon Court
Colleyville, Texas 76034

Opposition Letter

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Kevin Sancibrian
408 Falcon Court
Colleyville, TX. 76034



10-27-18

Opposition Letter

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Name: MARK VAN SICKLE

Address: 412 FAZCOW CT

Signed:

Opposition Letter

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✓ Stacy Gann

Rocky Gann
416 Falcon Court
Colleyville, Texas 76034

Opposition Letter

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Deborah Munson
420 Falcon Court
Colleyville, Texas 76034

Opposition Letter

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Guy Holbert
413 Falcon Court
Colleyville, Texas 76034

Opposition Letter

CASE NO. ZC18-032 **LOCATION:** 316 Quail Crest Drive Colleyville, Texas 76034

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Adam Owens
308 Quail Crest Drive
Colleyville, Texas 76034

Opposition Letter

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Adam Daily
500 Quail Crest Drive
Colleyville, Texas 76034

Opposition Letter

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Catharin W. Reimann Family Trust
409 Quail Crest Dr.
Bedfors TX. 76021

Opposition Letter

CASE NO. ZC18-032 **LOCATION:** 316 Quail Crest Drive Colleyville, Texas 76034

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Marcus Miles
412 Quail Crest Drive
Colleyville, Texas 76034



Opposition Letter

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Name:

Barbara Cox

Address:

504 Quail Crest Dr.

Signed:

Barbara Cox

Opposition Letter

CASE NO. ZC18-032 **LOCATION:** 316 Quail Crest Drive Colleyville, Texas 76034

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Janusz Umbrewicz
401 Falcon Court
Colleyville, Texas 76034

Opposition Letter

CASE NO. ZC18-032 **LOCATION:** 316 Quail Crest Drive Colleyville, Texas 76034

I **OPPOSE** the Special Use Permit (SUP) as referenced above. I respectfully request the Colleyville Planning and Zoning Commission together with the Colleyville City Council to deny this SUP. Please protect me and my property afforded by the Colleyville Land Development Code. Variances as described from the minimum construction standards, and design criteria may adversely affect the subject home value and resale ability. This could result in a lower resale value, and in turn have a negative impact my homes value by comparison; therefore this application could be injurious to other property monetarily. Colleyville has in place a Land Development Code to promote the health, safety, and general welfare of the community. The R-15 zoning district provides for uses *customarily incidental* to the "permitted principal uses" In addition, Variances from the standards set forth by Colleyville, and this case specifically extreme variances are not customarily incidental uses common to the residential zoning districts and specifically the R-15 district. This request should be denied as to not set a president for future development different from the minimum standards set forth by the Colleyville Land Use Code.

George Bielss
404 Falcon Court
Colleyville, Texas 76034



Petition in Opposition of Case NO: ZC18-032

LOCATION: 316 Quail Crest Drive Colleyville, Texas 76034

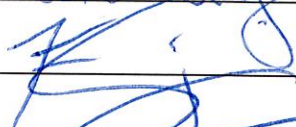
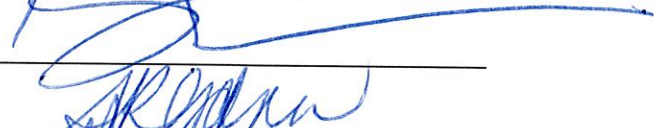
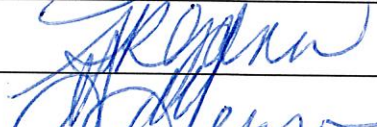
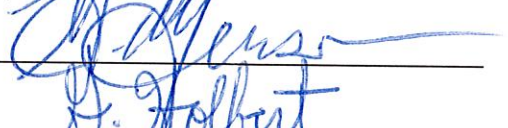
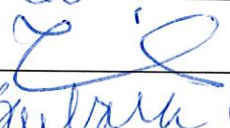
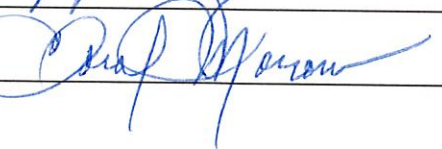
I **OPPOSE** the Special Use Permit (SUP) ZC18-032 for carport with a tarp/membrane and tubular steel roof, supported by fences. I respectfully request the Colleyville Planning and Zoning Commission together with the Colleyville City Council to deny this SUP.

Address: 3500 MEADOWLARK	Signed: [Signature]
Address: 300 Quail Crest	Signed: [Signature]
Address: 3517 Meadowlark	Signed: [Signature]
Address: 3517 Meadowlark Ln	Signed: [Signature]
Address: 3505 Meadowlark Ln	Signed: [Signature]
Address: 417 Woodbridge Ct.	Signed: [Signature]
Address: 501 Woodbridge Ln	Signed: [Signature]
Address: 504 Quail Crest Dr.	Signed: [Signature]
Address: 500 Raven Ct	Signed: [Signature]
Address: 421 Woodbridge Ct	Signed: [Signature]
Address: 413 Woodbridge Ct.	Signed: [Signature]
Address: 501 Raven Ct	Signed: [Signature]
Address: 401 Quail Crest	Signed: [Signature]
Address: 413 Quail Crest Dr.	Signed: [Signature]
Address: 409 Falcon Ct.	Signed: [Signature]
400 Quail Crest Dr	Mark Porsley Mark Porsley

Petition in Opposition of Case NO: ZC18-032

LOCATION: 316 Quail Crest Drive Colleyville, Texas 76034

I **OPPOSE** the Special Use Permit (SUP) ZC18-032 for carport with a tarp/membrane and tubular steel roof, supported by fences. I respectfully request the Colleyville Planning and Zoning Commission together with the Colleyville City Council to deny this SUP.

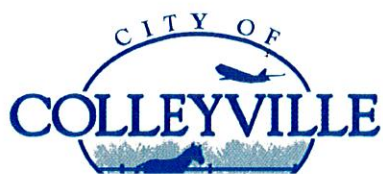
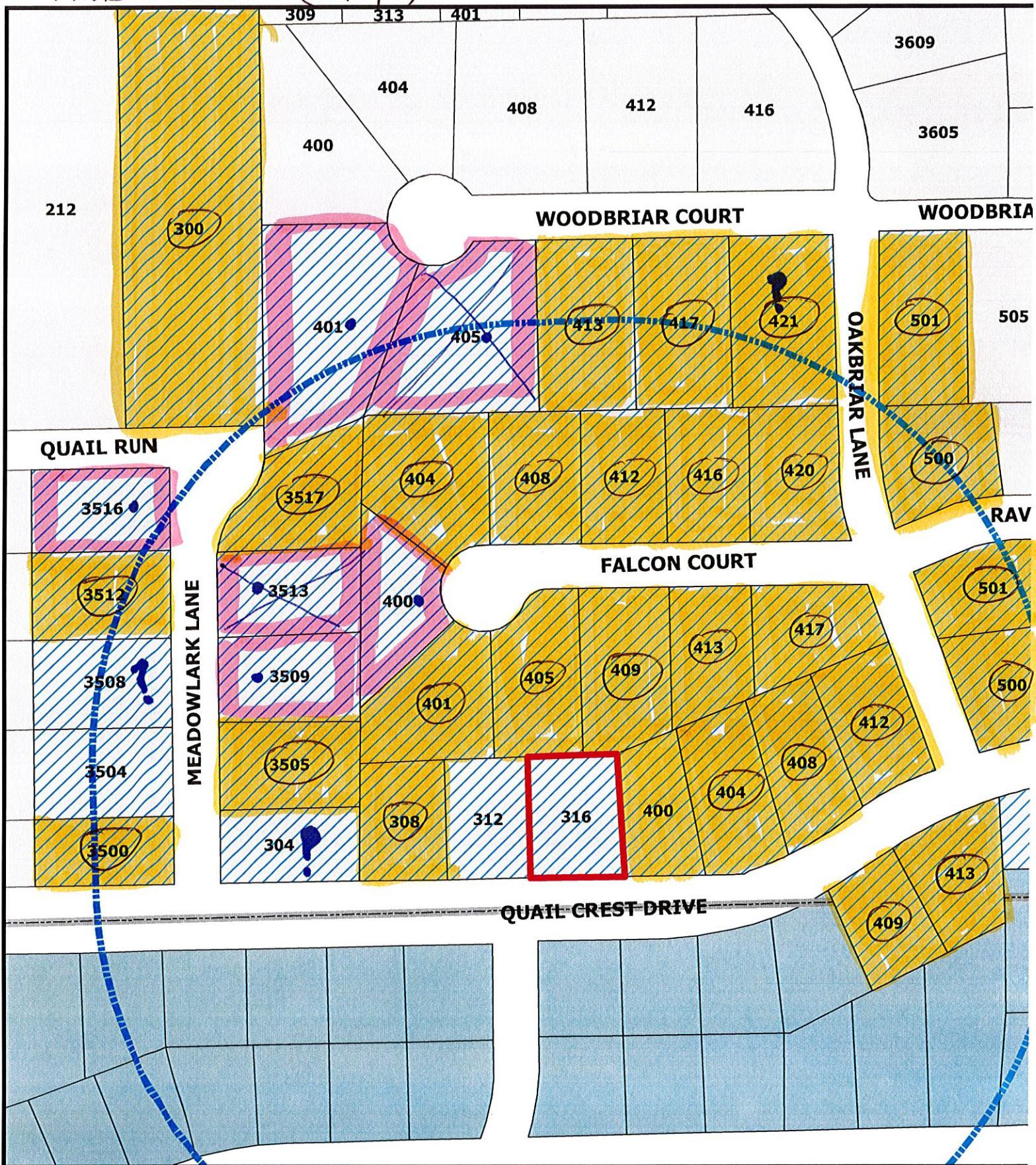
Address: 408 Quail Crest Dr	Signed: 
Address: 417 FALCON CT.	Signed: Kay Castro
Address: 405 Falcon Ct.	Signed: W.C. Day
Address: 408 Falcon Ct.	Signed: 
Address: 412 Falcon Ct	Signed: 
Address: 416 Falcon Ct.	Signed: 
Address: 420 Falcon Ct	Signed: 
Address: 413 Falcon Ct.	Signed: D. Holbert
Address: 308 Quail Crest Drive	Signed: 
Address: 500 Quail Crest Dr	Signed: 
Address: 409 Quail Crest Dr	Signed: Catharine W. Reiman
Address: 412 Quail Crest Dr	Signed: 
Address: 504 Quail Crest Dr	Signed: Catharine Cox
Address: 401 Falcon Court	Signed: 
Address: 404 Falcon Ct	Signed: 

Yellow Oppose

Pink - Not Home (empty?)

Notification Map

! - May or may not
312/316 - Omit



ZC18-032
316 Quail Crest Drive



ORDINANCE O-18-2070

AMENDING THE ZONING ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY OF COLLEYVILLE, TEXAS, BY CHANGING THE ZONING OF LOT 16, BLOCK 2, OF THE QUAIL CREST ESTATES ADDITION, LOCATED AT 316 QUAIL CREST DRIVE, BY AUTHORIZING A SPECIAL USE PERMIT FOR A CARPORT TO EXCEED THE MAXIMUM SIZE, ENCROACH INTO THE SIDE PROPERTY LINE, AND CONSTRUCTED WITH ALTERNATE MATERIALS; 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 a carport to exceed the maximum size, encroach into the side property line, and constructed with alternate materials Case No. ZC18-032; and

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

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

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

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

WHEREAS, the Planning and Zoning Commission of the City of Colleyville and the City of Colleyville City Council, in compliance with the

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

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

- Sec. 1. THAT all the foregoing premises and findings are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety.
- Sec. 2. THAT the Comprehensive Zoning Ordinance of the City of Colleyville, Texas, be, and the same is hereby amended by authorizing a Special Use Permit for a carport to exceed the maximum size, encroach into the side property line, and being constructed with alternate materials on the lot on Lot 16, Block 2, of the Quail Crest Estates Addition, located at 316 Quail Crest Drive, as depicted on the attached as Exhibit "A".
- Sec. 3. THAT the above described tract of land shall be used only in the manner and for the purposes provided by the Comprehensive Zoning Ordinance of the City of Colleyville as heretofore amended, and as amended herein.
- Sec. 4. THAT the above described tract of land shall be subject to the following conditions:

1. GENERAL

- a. The Special Use Permit shall apply to the carport structure as depicted in Exhibit "B" Site Plan, Exhibit "C" Elevations, Exhibit "D" Photos Taken by Staff.
- b. 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 4th day of December 2018.

The second reading and public hearing being conducted on the 18th day of December 2018.

PASSED AND APPROVED BY A VOTE OF ____ AYES, ____ NAYS, AND ____ ABSTENTIONS ON THIS THE 18th day of December 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

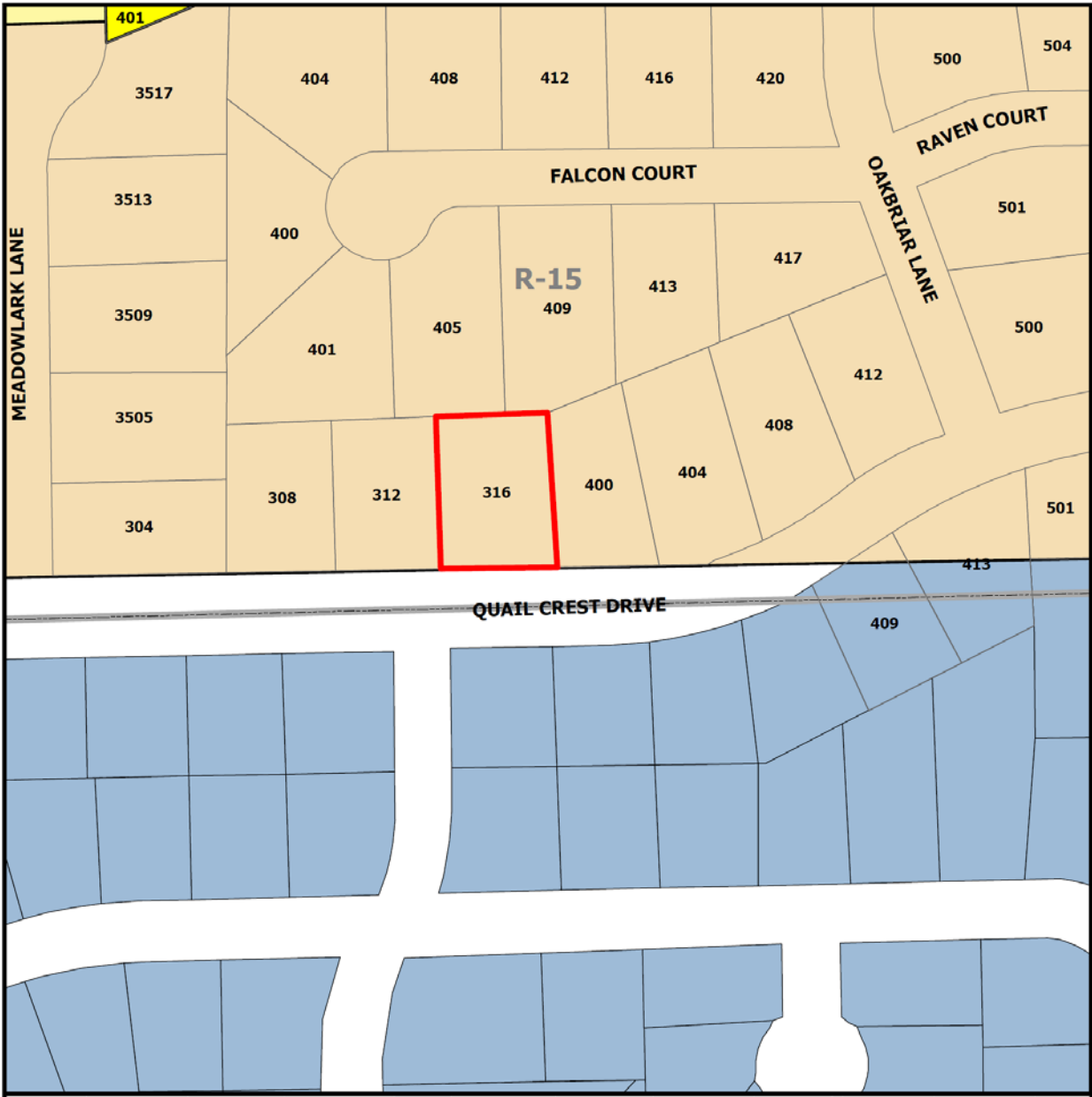


Exhibit “B” – Site Plan



Exhibit "C" – Elevations

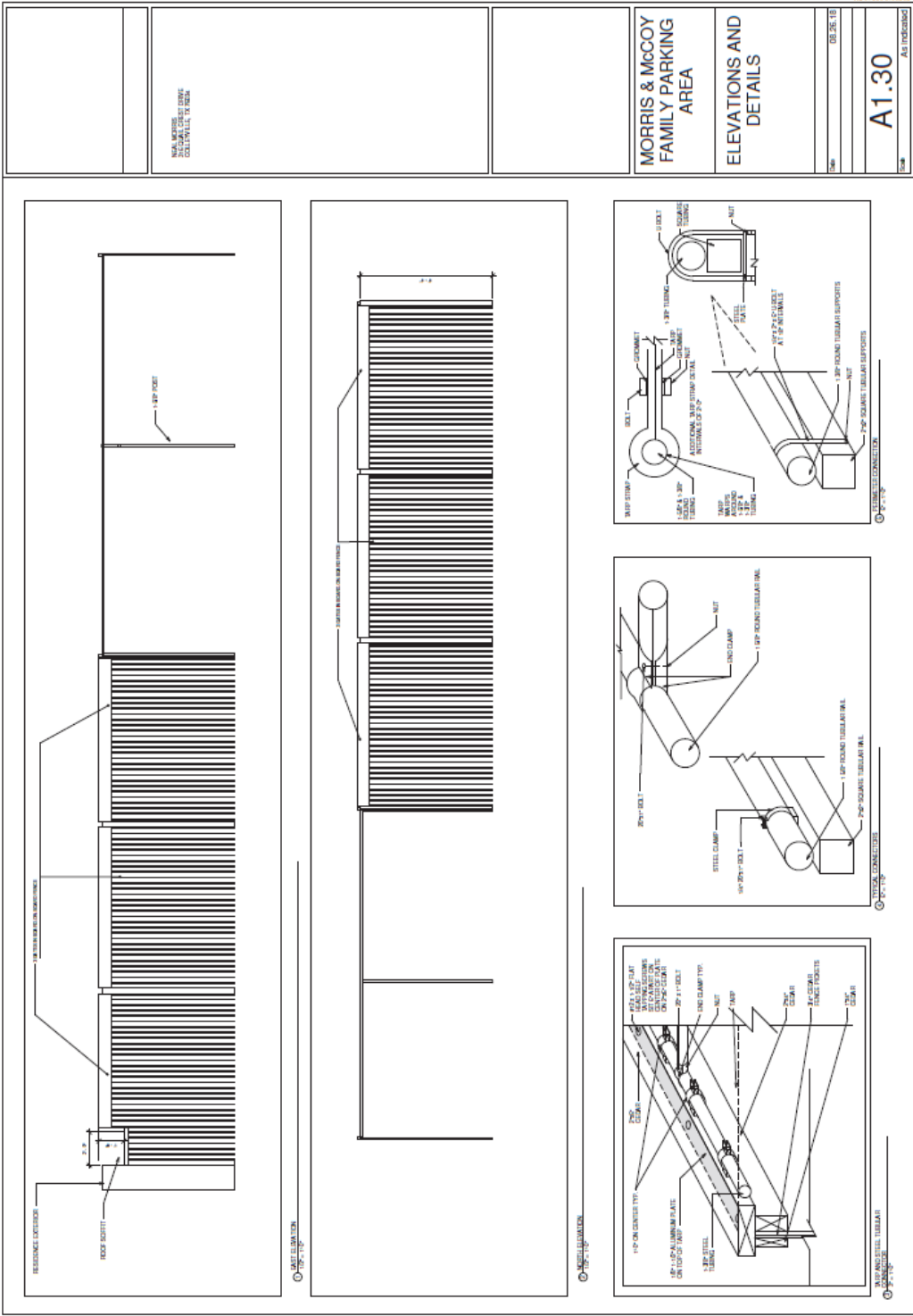
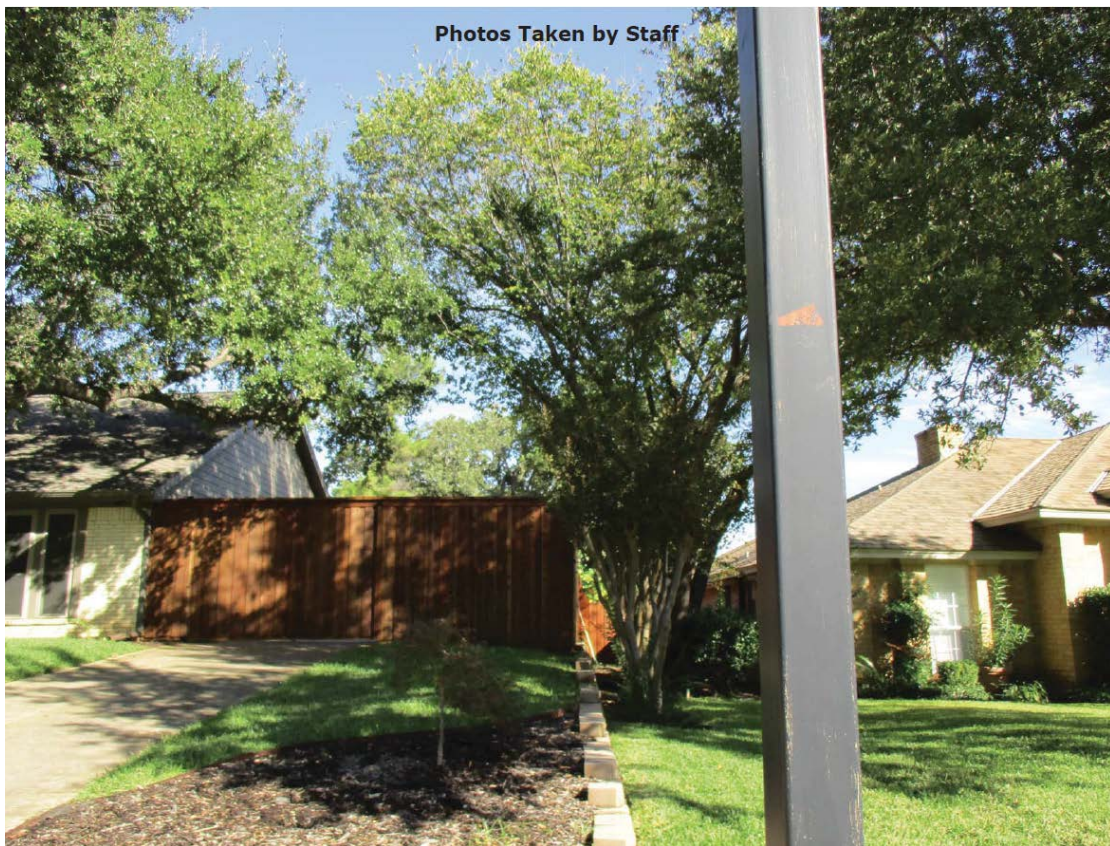


Exhibit "D" – Photos Taken by Staff











City of Colleyville City Council Agenda Briefing

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

Agenda Number 6d

Agenda Date 12/04/2018

Number Ordinance O-18-2071

Type Ordinance

Department Community Development

Title

Consideration of a zoning change from R-10 Single Family Residential district to R-20 Single Family Residential district on Tracts 6A & 6A2, Abstract 1203, in the Peterson Pate Survey, located at 713 Field Street, Case ZC18-034

Strategic Plan

4.1 Protect Colleyville's semi-rural residential character

Explanation

First Reading and Public Hearing

Mark Paine, the applicant, has submitted a request for a zoning change from the R-10 Single Family Residential district to the R-20 Single Family Residential district on Lots 1 & 2, Block A, Park View Estate, being approximately 1.175 acres. The purpose of the request is to allow for development of two single-family residential lots.

Existing Conditions/Background: The subject property, 713 Field Street, resides on the south side of Field Street and is zoned R-10 Single Family Residential district. The property currently is developed with an existing home on west side of the property. The property has had R-10 zoning dating from at least 1970 and since that time the zoning has not changed.

Proposed Zoning:

Request – The applicant requests to rezone the property from R-10 to R-20 for the creation of two (2) single-family residential lots. The development covers a total of 1.175 acres.

The minimum standards for the R-20 zoning district are as follows:

Minimum Lot Size:	20,000 square feet
Minimum Lot Width:	100 feet
Minimum Lot Depth:	125 feet
Front Building Line:	30 feet
Side Building Line:	10 feet
Rear Building Line:	25 feet
Maximum Lot Coverage:	30 percent

Analysis: The requested rezoning allows the applicant to develop the lot to the east in

a manner complementary to the neighborhoods surrounding it as well as bring both lots into compliance with the City's comprehensive plan.

The exhibit provided is the minor plat exhibit, which was approved at Staff level and has been recorded.

Surrounding Development: The properties to the south are zoned R-20 and are developed with single-family residential structures. Properties to the north and west have R-10 zoning and have developed with single-family residential structures. The properties to the east have PUD-R zoning and are developed with single-family residential structures.

Comprehensive Plan: The City's comprehensive plan, *Destination Colleyville*, identifies the subject property for single-family residential development. The proposed R-20 does not conflict with any portion of the comprehensive 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. 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-20 zoning continues the R-20 zoning districts around the subject property and is similar to the development pattern already established.

Planning & Zoning Commission Recommendation: The Planning & Zoning Commission recommended approval at their November 13, 2018 meeting by a vote of 7-0.

Financial Impact

There is no fiscal impact to the City of Colleyville.

Recommendation

Approve

Attachments

1. Aerial Map
2. Zoning Map
3. Future Land Use Map
4. Zoning Exhibit

5. Photos Taken by Staff
6. Notification Map
7. Notification List
8. Property Owner Notification
9. Ordinance O-18-2071

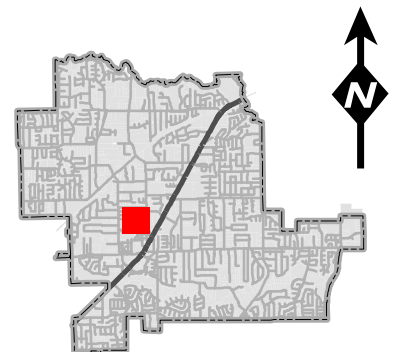
Aerial Map



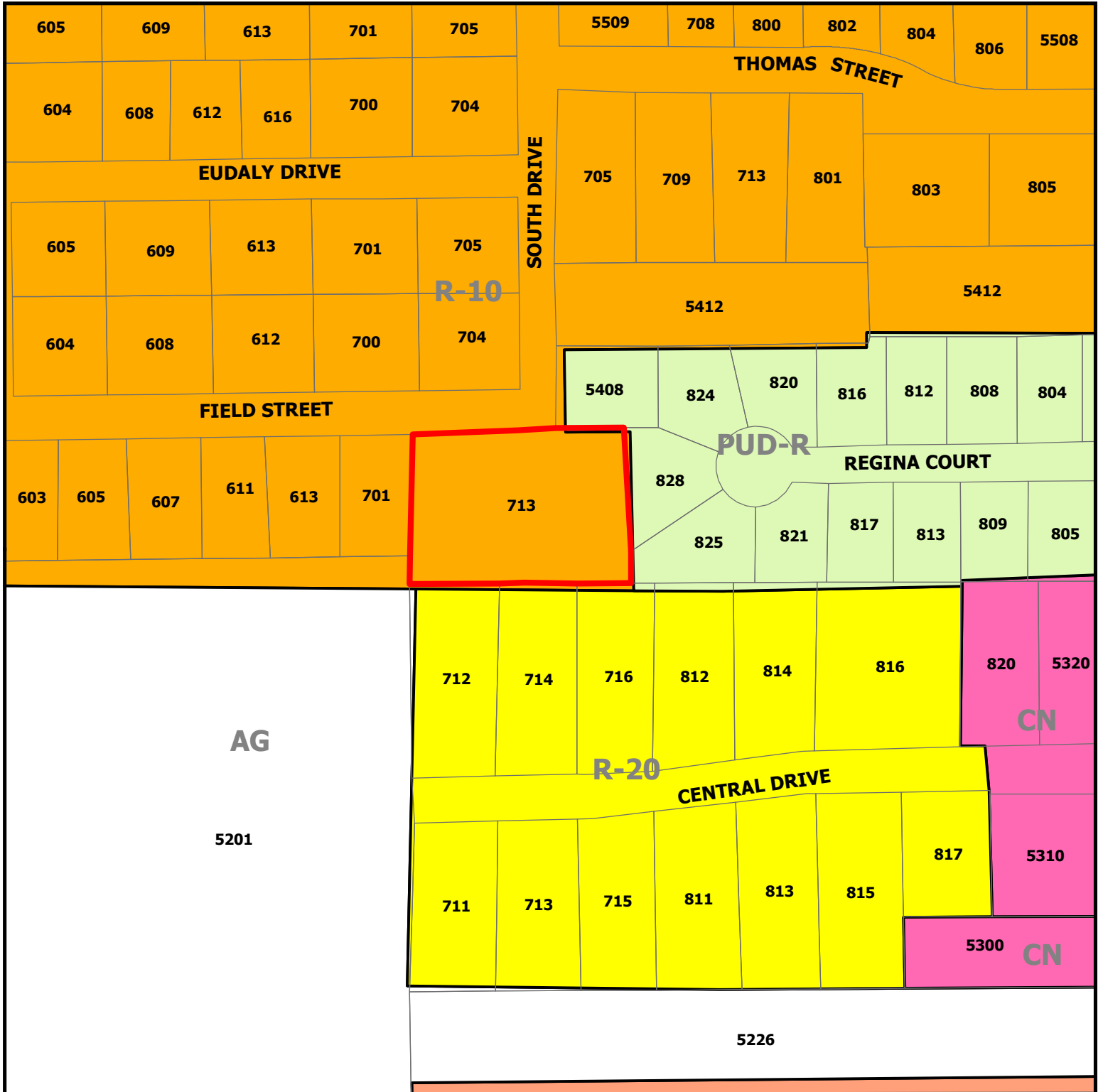
ZC18-034
713 Field Street

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



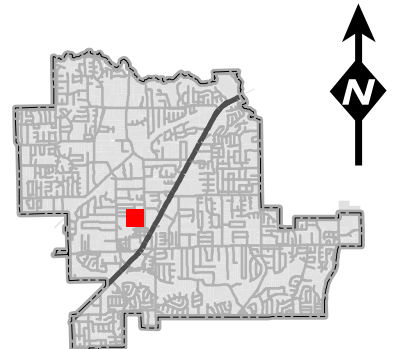
Zoning Map



ZC18-034
713 Field Street

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 Subject Property



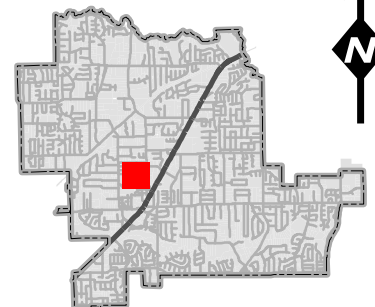
Future Land Use Map



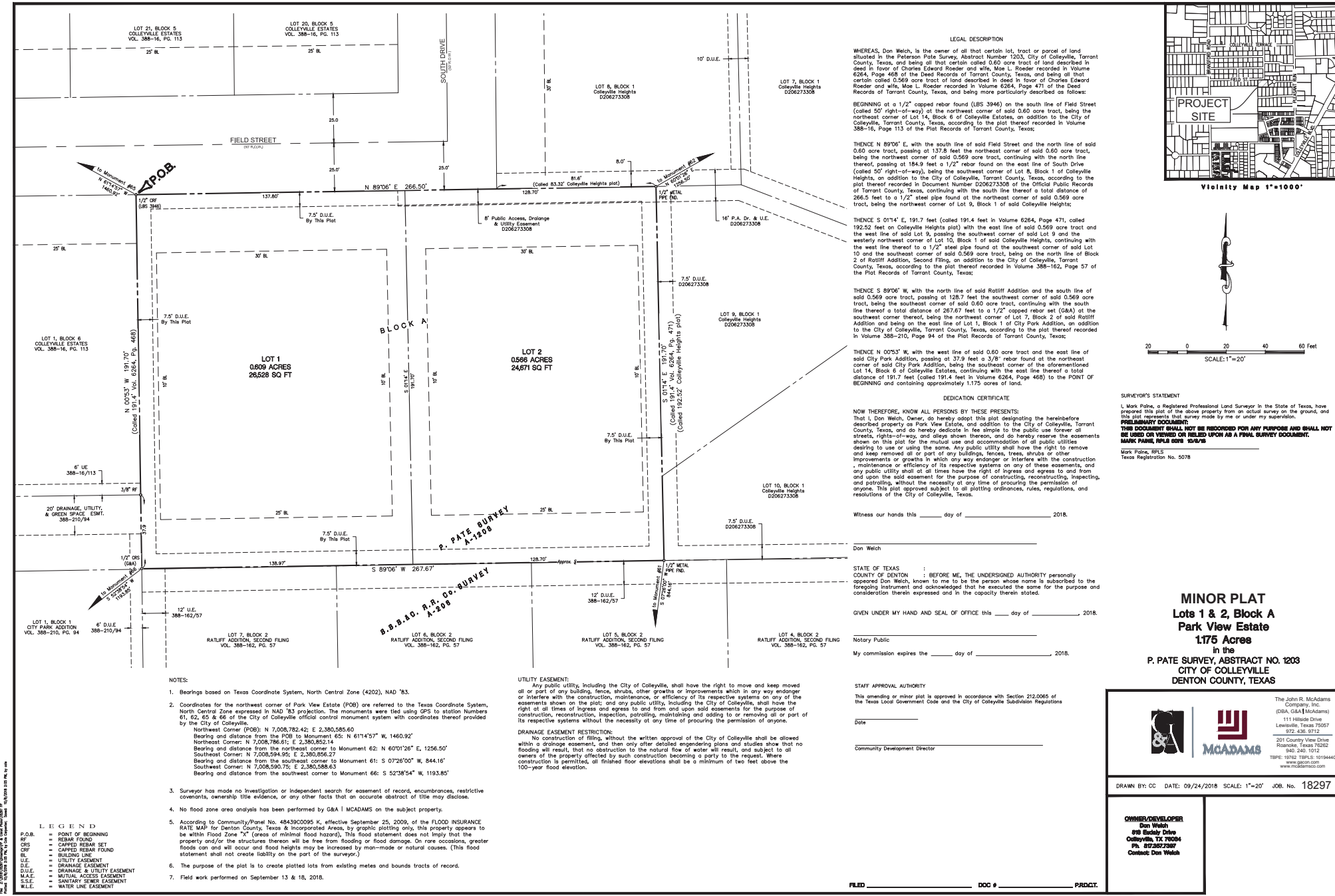
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ZC18-034
713 Field Street

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



Zoning Exhibit



Photos Taken by Staff



Photos Taken by Staff



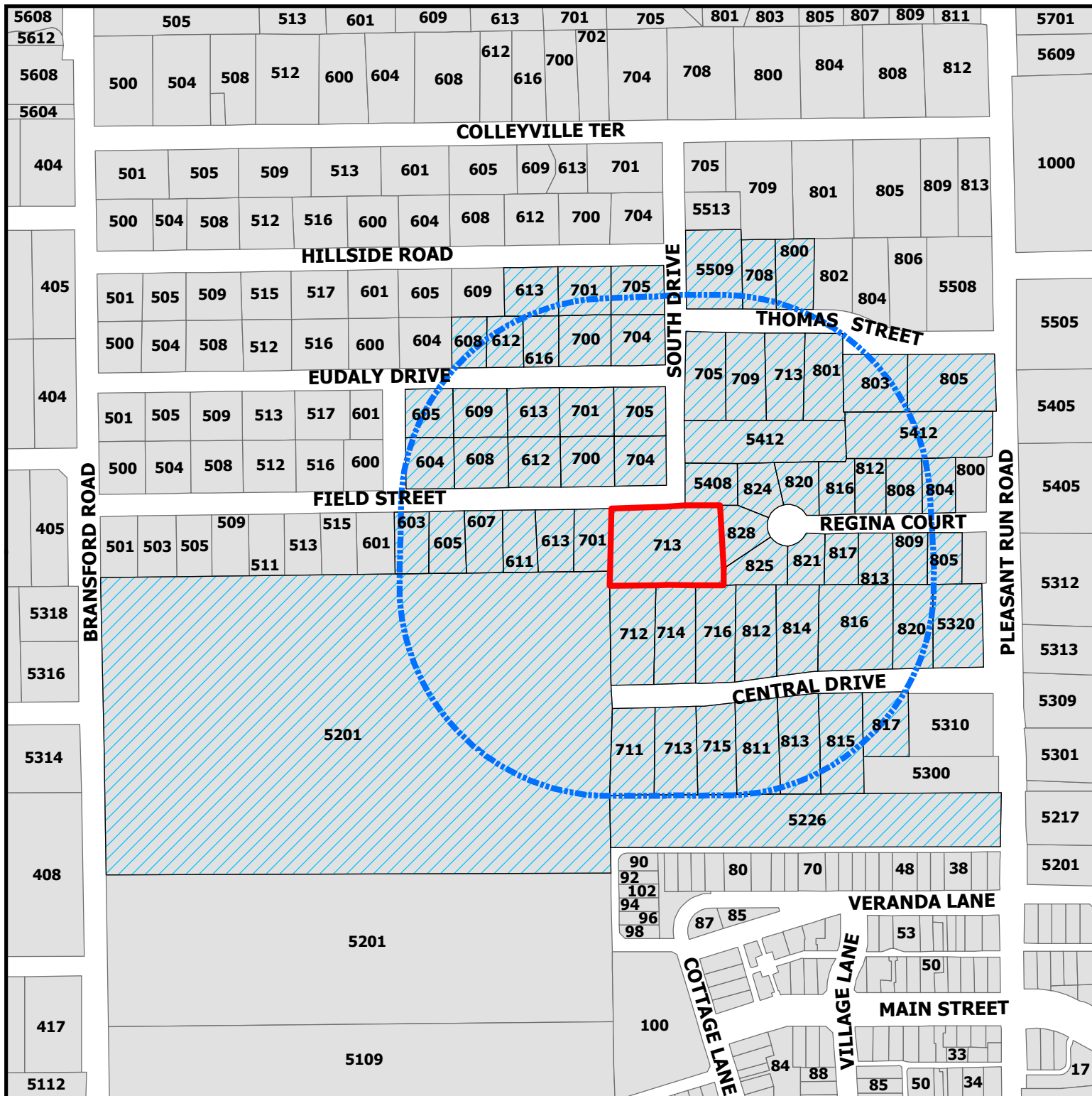
Photos Taken by Staff



Photos Taken by Staff



Notification Map

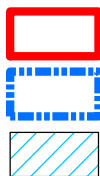


ZC18-034

713 Field Street

DISCLAIMER:

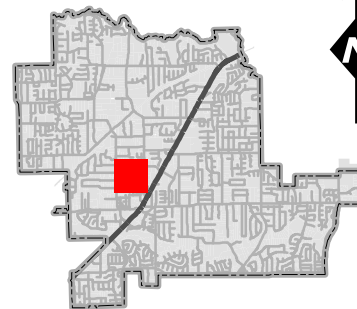
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Subject Property

500ft Buffer

Properties within 500ft



Notification List

Owner Name	Owner Address	Owner City	Owner Zip	Situs Address
GROFFMAN, STEVEN	815 CENTRAL DR	COLLEYVILLE, TX	76034	815 CENTRAL DR
BENNETT, LORI	611 FIELD ST	COLLEYVILLE, TX	76034	611 FIELD ST
KELLOGG, MICHAEL	824 REGINA CT	COLLEYVILLE, TX	76034	824 REGINA CT
FADDEN, MARK S	825 REGINA CT	COLLEYVILLE, TX	76034	825 REGINA CT
GARCIA, ANNETTE	PO BOX 1466	COLLEYVILLE, TX	76034	613 EUDALY DR
PICKENS, ROSEMARY	708 THOMAS ST	COLLEYVILLE, TX	76034	708 THOMAS ST
HENIGSMITH, CECIL	705 THOMAS ST	COLLEYVILLE, TX	76034	705 THOMAS ST
LAIBLY, CATHEY	704 EUDALY DR	COLLEYVILLE, TX	76034	704 EUDALY DR
ROEDER, C E EST	713 FIELD ST	COLLEYVILLE, TX	76034	713 FIELD ST
CARDINI, CHRISTOPHER	821 REGINA CT	COLLEYVILLE, TX	76034	821 REGINA CT
MAX, RICHARD W	700 FIELD ST	COLLEYVILLE, TX	76034	700 FIELD ST
ROEMING, BRANTON F	805 THOMAS ST	COLLEYVILLE, TX	76034	805 THOMAS ST
DIQUINZIO, LORRAINE H	608 EUDALY DR	COLLEYVILLE, TX	76034	608 EUDALY DR
CHANDLER, TOM LOUIS	613 FIELD ST	COLLEYVILLE, TX	76034	613 FIELD ST
LALA, MARLENE	816 CENTRAL DR	COLLEYVILLE, TX	76034	816 CENTRAL DR
WESCOAT, BRYAN S	804 COLLEYVILLE TERR	COLLEYVILLE, TX	76034	612 EUDALY DR
KIM & DEBORAH SHELTON TRUST	813 REGINA CT	COLLEYVILLE, TX	76034	813 REGINA CT
BANKS, JAMES	715 CENTRAL DR	COLLEYVILLE, TX	76034	715 CENTRAL DR
HALEY, JASON B	711 CENTRAL DR	COLLEYVILLE, TX	76034	711 CENTRAL DR
MCNARY PROPERTIES	1230 BROWN TR STE 107	BEDFORD, TX	76022	701 EUDALY DR
MOORE, KAREN JEAN	PO BOX 694	COLLEYVILLE, TX	76034	5412 SOUTH DR
GARCIA, ANNETTE	PO BOX 1466	COLLEYVILLE, TX	76034	609 EUDALY DR
BERNTSEN, JACQUELINE	604 FIELD ST	COLLEYVILLE, TX	76034	604 FIELD ST
DS & RS PROPERTIES LLC	2421 ARBOR GATE LN	COLLEYVILLE, TX	76034	5320 Pleasant Run RD
BLOODGOOD, CORNELIA	705 HILLSIDE RD	COLLEYVILLE, TX	76034	705 HILLSIDE RD
WILLIAMSON, PENNY S	713 THOMAS ST	COLLEYVILLE, TX	76034	713 THOMAS ST
CHACKO, RAIBU	817 REGINA CT	COLLEYVILLE, TX	76034	817 REGINA CT
BRUNKEN, JOHN E. JR.	7204 BELLE MEADE DR	COLLEYVILLE, TX	76034	712 CENTRAL DR
TUMPAK, SCOTT	809 REGINA CT	COLLEYVILLE, TX	76034	809 REGINA CT
YOUNG, CLINT	811 CENTRAL DR	COLLEYVILLE, TX	76034	811 CENTRAL DR
ALLEN, WALT RAUD	5600 MIRAMAR LN	COLLEYVILLE, TX	76034	812 CENTRAL DR
THOMAS MONROE PROPERTIES	PO BOX 806	COLLEYVILLE, TX	76034	612 FIELD ST
GARRETT, RUSSELL W	820 REGINA CT	COLLEYVILLE, TX	76034	820 REGINA CT
D & V WALKER PROPERTIES LLC	5501 NORMANDY DR	COLLEYVILLE, TX	76034	5226 PLEASANT RUN RD
HAMPTON, GEORGE	812 REGINA CT	COLLEYVILLE, TX	76034	812 REGINA CT
HASELTINE, MARILYN L	704 FIELD ST	COLLEYVILLE, TX	76034	704 FIELD ST
VENABLE, CLAUDE W	700 EUDALY DR	COLLEYVILLE, TX	76034	700 EUDALY DR
MISKO, SUSAN R	716 CENTRAL DR	COLLEYVILLE, TX	76034	716 CENTRAL DR
CLARKE PRODUCTS INC	820 CENTRAL DR	COLLEYVILLE, TX	76034	820 CENTRAL DR
PASCHAL, JEFFERY	613 HILLSIDE RD	COLLEYVILLE, TX	76034	613 HILLSIDE RD
HARRIS, FRANK H	5509 SOUTH DR	COLLEYVILLE, TX	76034	5509 SOUTH DR
2021VECO LLC	6406 CUTTER RIDGE CT	COLLEYVILLE, TX	76034	701 HILLSIDE RD
GRIFFIN, TIMOTHY S	828 REGINA CT	COLLEYVILLE, TX	76034	828 REGINA CT
PAYNE, KAREN M	608 FIELD ST	COLLEYVILLE, TX	76034	608 FIELD ST
MHOLTSCLOW REALTY LLC	3505 DEERWOOD CT	RICHARDSON, TX	75082	603 FIELD ST
WILLIAMSON, LAWRENCE	709 THOMAS ST	COLLEYVILLE, TX	76034	709 THOMAS ST
GONZALES, ANDREW J	603 SCENIC DR	IRVING, TX	75039	705 EUDALY DR
MCDONALD, CEACY SAMANTHA	814 CENTRAL DR	COLLEYVILLE, TX	76034	814 CENTRAL DR
VANDOR, CSABA	605 EUDALY DR	COLLEYVILLE, TX	76034	605 EUDALY DR
BELL, MICHAEL W	308 HARWOOD RD	BEDFORD, TX	76021	816 REGINA CT
MITCHELL, JEWELL O	800 THOMAS ST	COLLEYVILLE, TX	76034	800 THOMAS ST
CRANDALL, BRUCE	5412 PLEASANT RUN RD	COLLEYVILLE, TX	76034	5412 PLEASANT RUN RD
BOWMAN, DAVID	805 REGINA CT	COLLEYVILLE, TX	76034	805 REGINA CT
WARNER, RICHARD D	5408 SOUTH DR	COLLEYVILLE, TX	76034	5408 SOUTH DR
DEFREECE, MICHAEL	8903 DOUGLAS CT	OMAHA, NE	68114	804 REGINA CT
GABLE, MICHAEL	813 CENTRAL DR	COLLEYVILLE, TX	76034	813 CENTRAL DR
HUNKINS, RALPH H	808 REGINA CT	COLLEYVILLE, TX	76034	808 REGINA CT
COLLEYVILLE, CITY OF	100 MAIN ST	COLLEYVILLE, TX	76034	5201 BRANSFORD RD
TURNER, CHRISTINE	713 CENTRAL DR	COLLEYVILLE, TX	76034	713 CENTRAL DR
RAINES, ESTHER DELEON	605 FIELD ST	COLLEYVILLE, TX	76034	605 FIELD ST
GRACIA, MACEDONIO	803 THOMAS ST	COLLEYVILLE, TX	76034	803 THOMAS ST
FIGUEROA FAMILY REVOCABLE TRUS	817 CENTRAL DR	COLLEYVILLE, TX	76034	817 CENTRAL DR
HIRSCH, JOACHIM	607 FIELD ST	COLLEYVILLE, TX	76034	607 FIELD ST
TIPTON, CAROL A	701 FIELD ST	COLLEYVILLE, TX	76034	701 FIELD ST
GARCIA, JOHN	616 EUDALY DR	COLLEYVILLE, TX	76034	616 EUDALY DR
TRAPHAGAN, CHAS K	801 THOMAS ST	COLLEYVILLE, TX	76034	801 THOMAS ST
REYNOLDS, GILES	714 CENTRAL DR	COLLEYVILLE, TX	76034	714 CENTRAL DR
COLLEYVILLE HEIGHTS	825 REGINA COURT	COLLEYVILLE, TX	76034	COURTESY NOTICE
GRAPEVINE COLLEYVILLE ISD	3051 IRA E WOODS AVE	GRAPEVINE, TX	76051	STATE REQUIRED
PAINE, MARK	201 COUNTRY VIEW DRIVE	ROANOKE, TX	76262	APPLICANT

Public hearing notices were mailed on October 26, 2018 by Araceli Botello



NOTICE OF PUBLIC HEARING

Zoning Case Number: ZC18-034
Applicant: Mark Paine
Owner: Don Welch
Location: 713 Field Street
Property Description: Tracts 6A & 6A2, Abstract 1203, in the Peterson Pate Survey
Present Zoning: R-10 Single Family Residential
Request: Consideration of a zoning change from R-10 Single Family Residential district to R-20 Single Family Residential district. The purpose is to rezone the property from R-10 to R-20 in order to better match the existing and proposed lots sizes for 2 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: Tuesday, November 13, 2018 at 7:00 p.m.
City Council Meetings: Tuesday, December 4, 2018 & Tuesday, December 18, 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

ORDINANCE O-18-2071

AMENDING THE ZONING ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY OF COLLEYVILLE, TEXAS, BY CHANGING THE ZONING ON 1.175 ACRES, ON LOTS 1 & 2, BLOCK A, PARK VIEW ESTATE, LOCATED AT 713 FIELD STREET, FROM THE R-10 SINGLE FAMILY RESIDENTIAL DISTRICT TO THE R-20 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 ZC18-034; 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 1.175 acres, Lots 1 & 2, Block A, Park View Estate, located at 713 Field Street, from the R-10 Single Family Residential District to the R-20 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 4th day of December 2018.

The second reading and public hearing being conducted on the 18th day of December 2018.

PASSED AND APPROVED BY A VOTE OF ____ AYES, ____ NAYS, AND ____ ABSTENTIONS ON THIS THE 18TH DAY OF DECEMBER 2018.

Mayor Richard Newton	_____	Mayor Pro Tem Bobby Lindamood	_____
Place 1, Tammy Nakamura	_____	Place 5, Chuck Kelley	_____
Place 2, 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 L. Wyatt
City Attorney

Exhibit "A"- Zoning Map

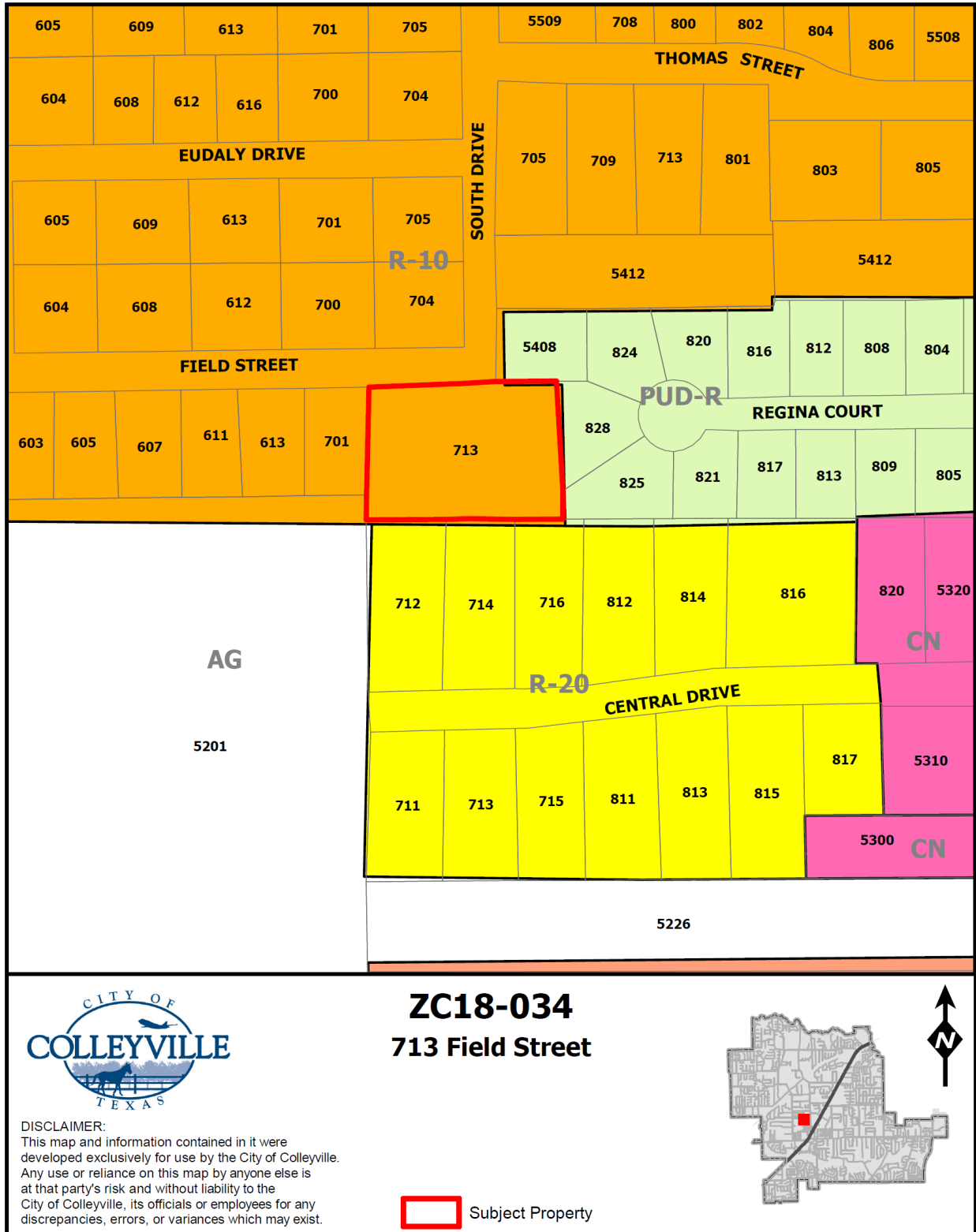
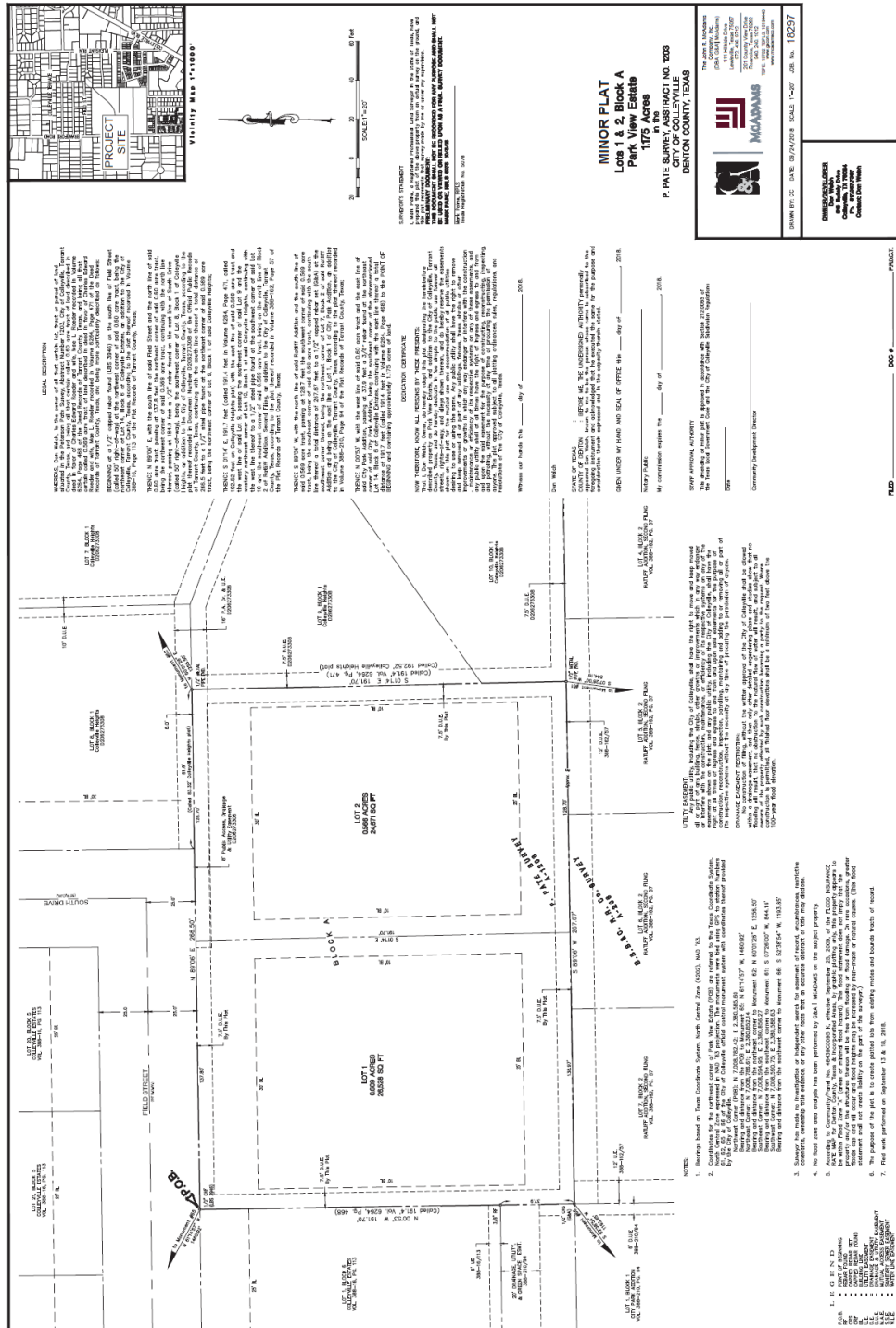


Exhibit “B”- Zoning Exhibit





City of Colleyville City Council Agenda Briefing

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

Agenda Number 7a

Agenda Date 12/04/2018

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 tabled to a date certain for the December 4, 2018 meeting.

There were several residents who spoke during the public hearing 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, 10 letters have been received in favor and 20 letters in opposition to the case. For some properties, multiple letters have been submitted. A response from the Tanglewood Estates neighborhood to the east has been received in support.

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. Revised Development Plan with Pond Lot
7. Preliminary Drainage Analysis
8. Perimeter Grading Concept Plan
9. Preliminary Utility Plan
10. Bear Creek 2050 Floodplain
11. Drainage Exhibit - Topo of Creek
12. Screening and Fencing Plan
13. Entry Plan
14. Easement Landscape Plan
15. Declaration of Covenants, Conditions and Restrictions
16. Submittal and Review Process
17. Architectural Plan
18. Landscape Plan
19. Notification Map
20. Notification List
21. Property Owner Notification
22. Letters of Opposition
23. Tanglewood Estates Response to Proposed Development
24. Tanglewood Agreement Letter
25. Updated Tanglewood Response Letter 10.28.18
26. Ordinance O-18-2056

Aerial Map

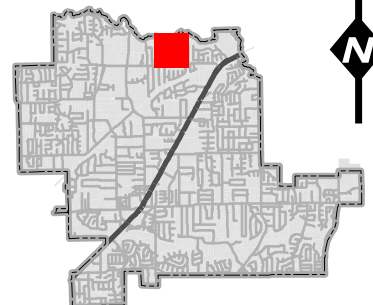


ZC18-019

**1312 John McCain Road
and 7309 Holly Lane N**

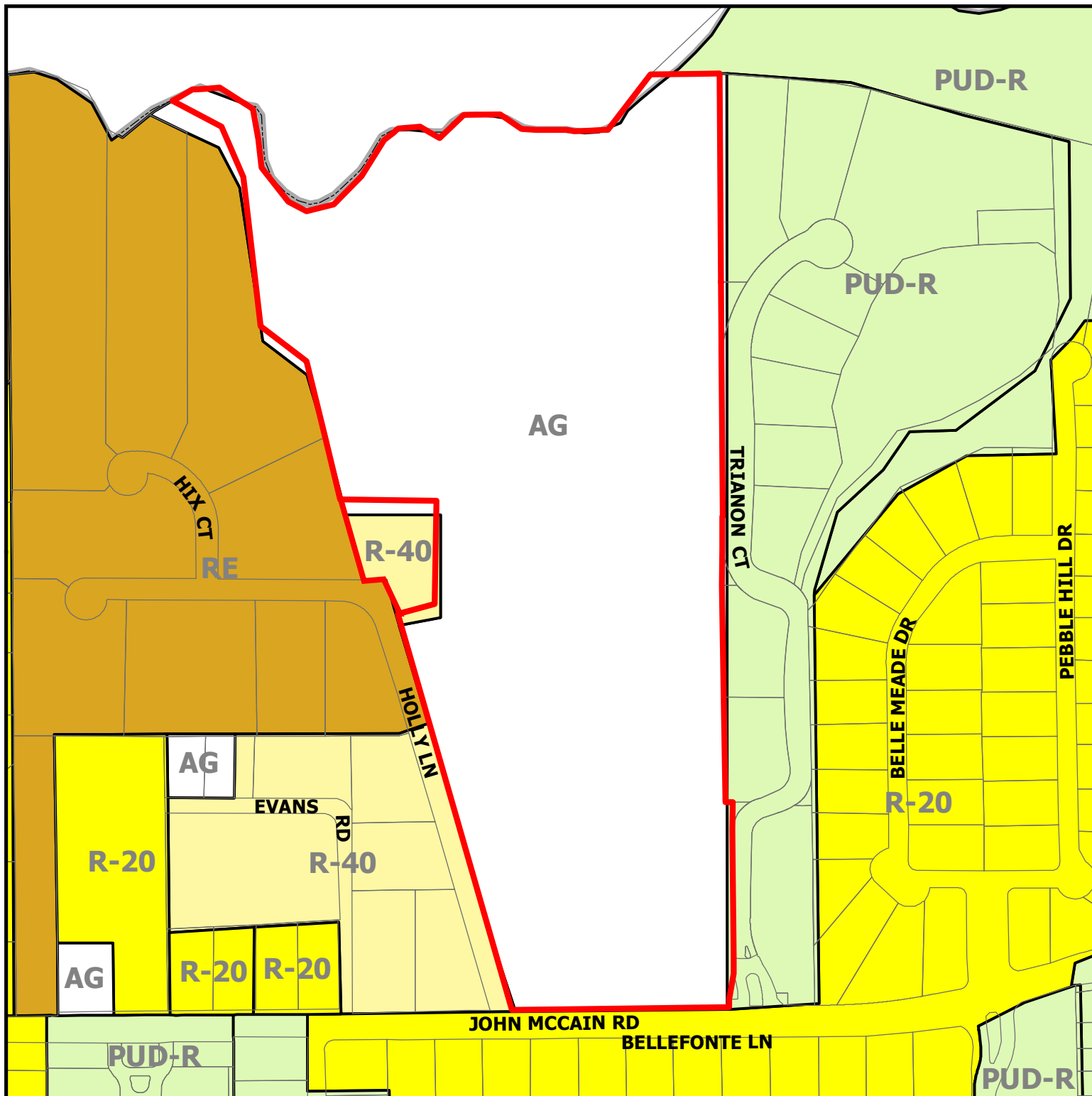


Subject Property



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

Zoning Map

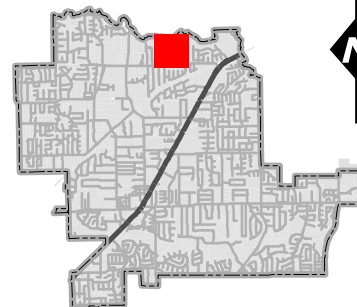


ZC18-019

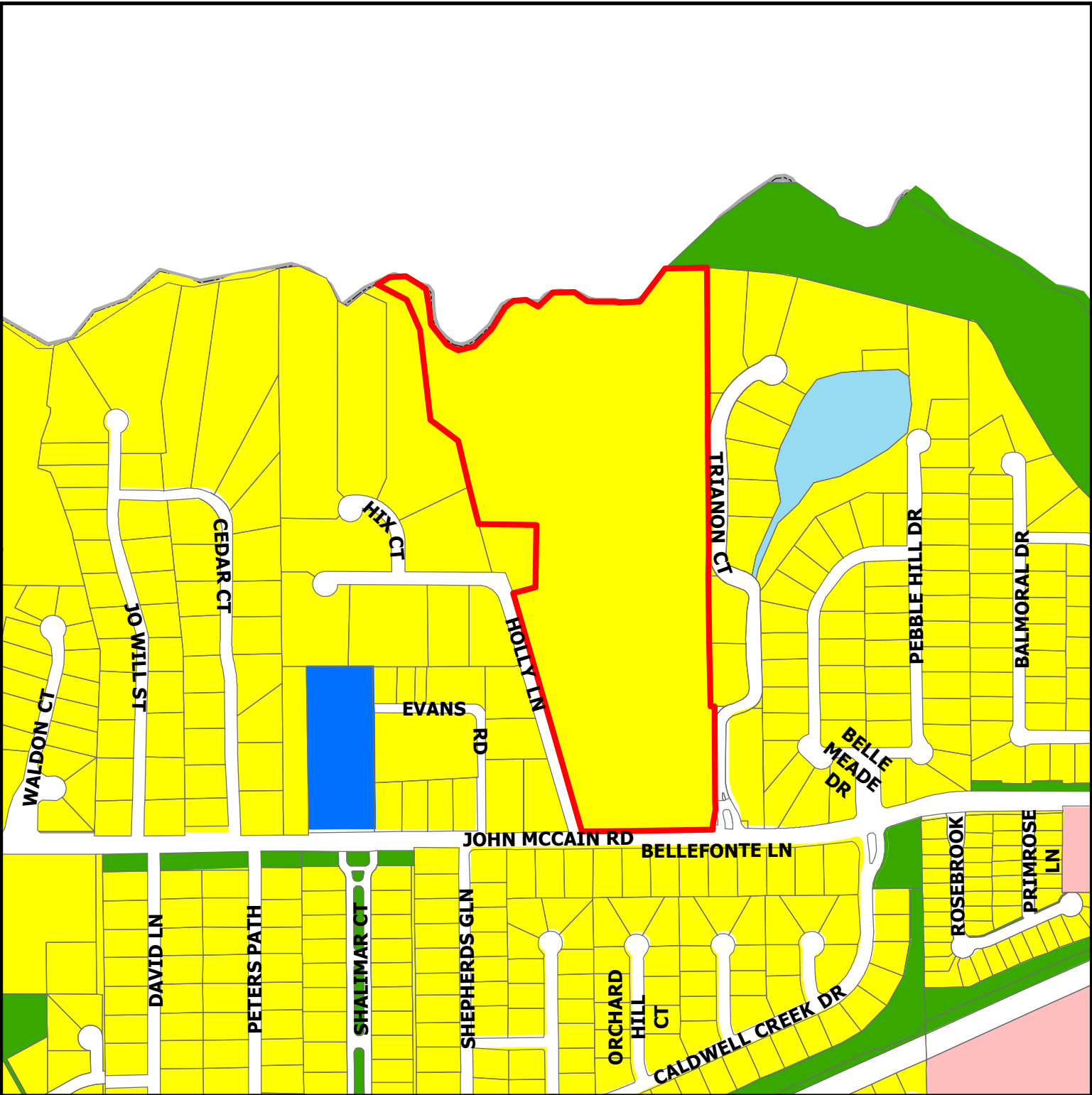
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 Subject Property



Future Land Use Map



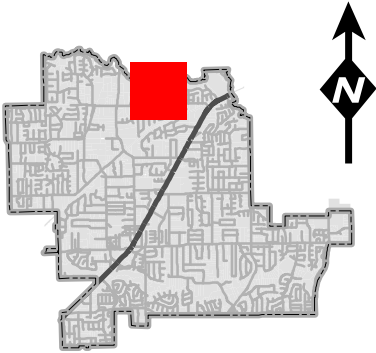
ZC18-019

**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

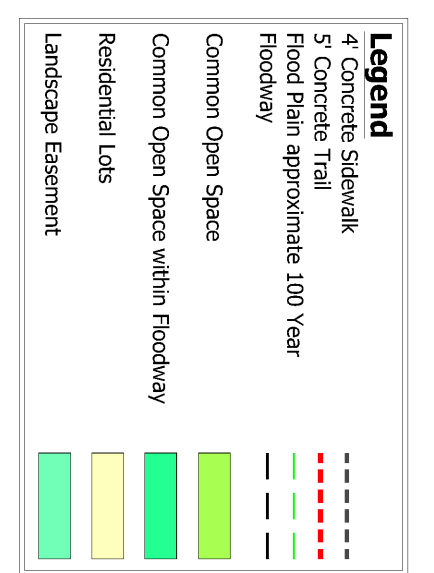
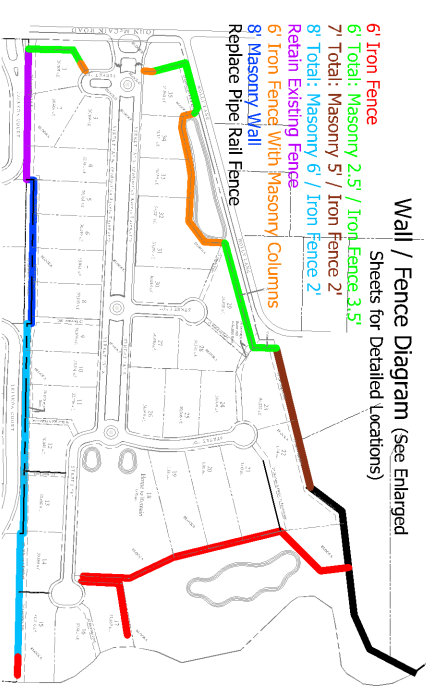
homeowners. Membership in the Homeowner's Association is mandatory.

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.
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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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Site Data - Development Plan

Single Family Residential Lots	35
Common Areas	10
Residential Lots	63.96%
Open Space	27.85 ac.
Open Space Floodway	13.08%
R.O.W.	5.69 ac.
Gross Acreage	12.56%
	5.47 ac.
	10.40%
	4.53 ac.
	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	23,121 s.f.
Average Building Lot Area	34,658 s.f.
Common Areas	10
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:

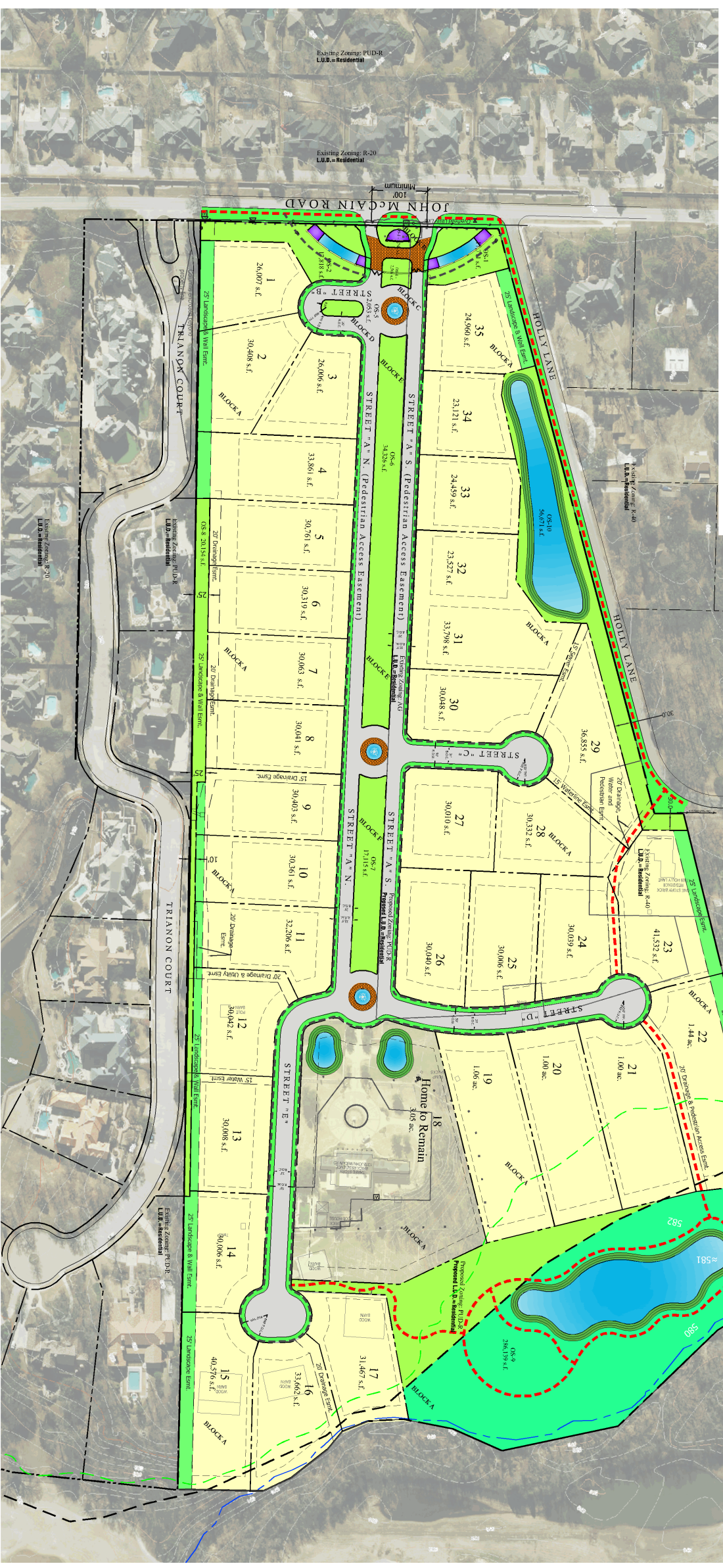
Sage Group, Inc.
1130 N. Carroll Ave., Suite 200
Southlake, TX 76092
Tel: 817-424-2626
Contact: Curtis Young

Planner:

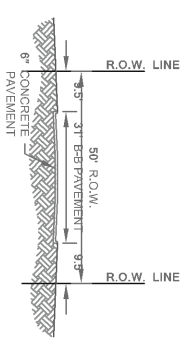
SAGE GROUP, INC.
Master Planning
Urban Design
Architecture
Landscape Architecture
1130 N. Carroll Ave., Ste. 200
Southlake, Texas 76092
817-424-2626

29 NOV 18

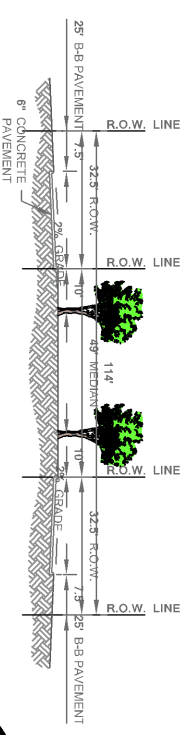
1" = 100'



50' ROW Section



Street A Section



Zoning Exhibit for

Zoning Change Request
From AG & R-40 to PUD-R

Case #ZC18-019

Development Plan

Oak Alley

Bear Creek Plantation, Lot 1R1 Block 1 & Lot 1R2 Block 1

Colleyville, Tarrant County, Texas

0.2% ANNUAL CHANCE FLOODPLAIN

REGULATORY FLOODWAY

1% ANNUAL CHANCE FLOODPLAIN

BIG BEAR CREEK

AUGUSTA CT

JOHN MCCAIN RD

HOLLY LN

TANGLEWOOD

BELLE MEADE DR

KAY TRAMON CT

EX-A
8.4 AC

EX-B1
15.5 AC

EX-B2
5.3 AC

OS-1
20.1 AC

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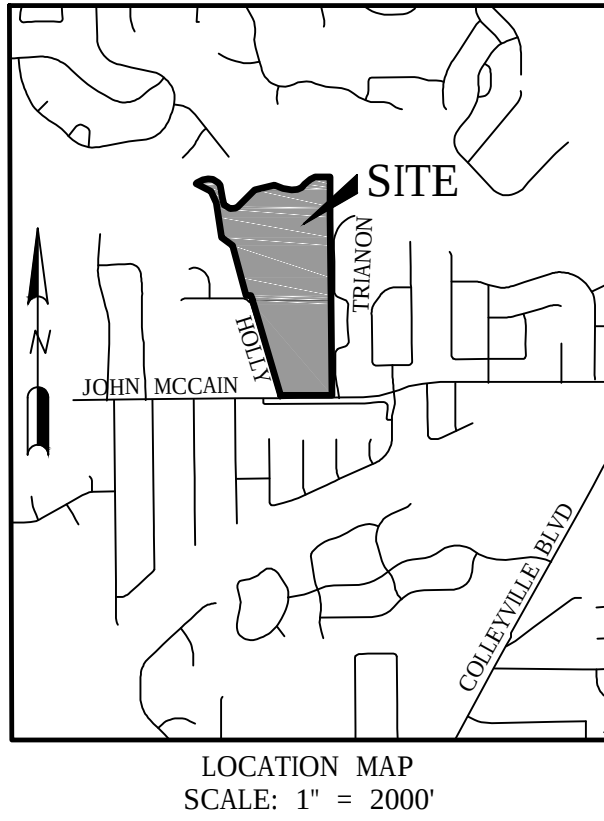
Rational Method Runoff Calculations - Existing Condition																
DESIGN POINT	AREA DESIGNATION	AREA (ACRES)	RUNOFF COEFF	Tc (MIN)	I ₂ (IN/HR)	Q ₂ (CFS)	I ₅ (IN/HR)	Q ₅ (CFS)	I ₁₀ (IN/HR)	Q ₁₀ (CFS)	I ₂₅ (IN/HR)	Q ₂₅ (CFS)	I ₅₀ (IN/HR)	Q ₅₀ (CFS)	I ₁₀₀ (IN/HR)	Q ₁₀₀ (CFS)
	OS-1	20.1	0.60	15	3.90	47.0	4.86	58.6	5.53	66.7	6.46	77.9	7.20	86.8	7.98	96.2
	EX-A	21.1	0.30	21	3.25	20.6	4.13	26.1	4.71	29.8	5.54	35.3	6.19	39.2	6.89	43.6
	EX-B1	15.5	0.30	15	3.90	18.1	4.86	22.6	5.53	25.7	6.46	30.0	7.20	33.5	7.98	37.1
	EX-B2	5.3	0.30	15	3.90	6.2	4.86	7.7	5.53	8.8	6.46	10.3	7.20	11.4	7.98	12.7
A	EX-A	21.1	0.30	21	3.25	20.6	4.13	26.1	4.71	29.8	5.54	35.3	6.19	39.2	6.89	43.6
B	ALL B	20.8	0.30	15	3.90	24.3	4.86	30.3	5.53	34.5	6.46	40.3	7.20	44.9	7.98	49.8

The site plan illustrates a proposed 100-unit residential development located at 10000 Blue Meade Dr. The plan includes the following features and labels:

- Regulatory Floodplains:** 0.2% Annual Chance Floodplain and 1% Annual Chance Floodplain.
- Water Features:** Big Bear Creek, Tanglewood, and Blue Meade Dr.
- Proposed Infrastructure:**
 - Prop. Headwall
 - Prop. Drainage Easement
 - Prop. CI (Culvert Inlet)
 - Prop. RCP (Rigid Culvert Pipe)
 - Prop. Junction Boxes
 - Prop. Area Drains & RCP in Prop. Drainage Easement
 - Prop. Headwall at Pond Outfall
 - Prop. Headwalls & Pond Outfall (See Note 6)
- Proposed Lots and Areas:**
 - A-1: 13.3 AC
 - A-2: 3.5 AC
 - A-3: 2.3 AC
 - B-3: 7.0 AC
 - B-1A: 6.1 AC
 - B-2: 2.7 AC
 - B-1B: 2.8 AC
 - C-1: 0.6 AC
 - B-4: 3.7 AC
 - OS-1.1: 7.0 AC
 - OS-1.2: 13.1 AC
- Other Labels:**
 - Augusta Ct
 - John McCain Rd
 - Retention Ct
 - 6" W
 - 8" W
 - 12" W
 - 18" W
 - 24" W
 - 30" W
 - 36" W
 - 42" W
 - 48" W
 - 54" W
 - 60" W
 - 66" W
 - 72" W
 - 78" W
 - 84" W
 - 90" W
 - 96" W
 - 102" W
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 - 114" W
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 - 1818" W
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 - 1830" W
 - 1836" W
 - 1842" W
 - 1848" W
 - 1854" W
 - 1860" W
 - 1866" W
 - 1872" W
 - 18

Rational Method Runoff Calculations - Post-Project Condition																	
DESIGN POINT	AREA DESIGNATION	AREA (ACRES)	RUNOFF COEFF	T _C (MIN)	I ₂ (IN/HR)	Q ₂ (CFS)	I ₃ (IN/HR)	Q ₃ (CFS)	I ₁₀ (IN/HR)	Q ₁₀ (CFS)	I ₁₅ (IN/HR)	Q ₁₅ (CFS)	I ₅₀ (IN/HR)	Q ₅₀ (CFS)	I ₁₀₀ (IN/HR)	Q ₁₀₀ (CFS)	
	OS-1.1	7.0	0.60	15	3.90	16.4	4.86	20.4	5.53	23.2	6.46	27.1	7.20	30.2	7.98	33.5	
	OS-1.2	13.1	0.60	15	3.90	30.7	4.86	38.2	5.53	43.5	6.46	50.8	7.20	56.6	7.98	62.7	
		A-1	13.3	0.60	15	3.90	31.1	4.86	38.8	5.53	44.1	6.46	51.6	7.20	57.5	7.98	63.7
		A-2	2.5	0.60	15	3.90	8.2	4.86	10.2	5.53	11.6	6.46	13.6	7.20	15.1	7.98	16.8
	A-3	3.3	0.60	15	3.90	5.4	4.86	6.7	5.53	7.6	6.46	8.9	7.20	9.9	7.98	11.0	
	B-1A	6.1	0.60	15	3.90	14.3	4.86	17.8	5.53	20.2	6.46	23.6	7.20	26.4	7.98	29.2	
	B-1B	2.8	0.60	15	3.90	6.6	4.86	8.2	5.53	9.3	6.46	10.9	7.20	12.1	7.98	13.4	
	B-2	2.7	0.60	15	3.90	6.3	4.86	7.9	5.53	9.0	6.46	10.5	7.20	11.7	7.98	12.9	
	B-3	7.0	0.60	15	3.90	16.4	4.86	20.4	5.53	23.2	6.46	27.1	7.20	30.2	7.98	33.5	
	B-4	3.7	0.60	15	3.90	8.7	4.86	10.8	5.53	12.3	6.46	14.3	7.20	16.0	7.98	17.7	
C-1	0.6	0.60	15	3.90	1.4	4.86	1.7	5.53	2.0	6.46	2.3	7.20	2.6	7.98	2.9		
OS	OS-1.2	13.1	0.60	15	3.90	30.7	4.86	38.2	5.53	43.5	6.46	50.8	7.20	56.6	7.98	62.7	
A	ALL A	19.1	0.60	15	3.90	44.7	4.86	55.7	5.53	63.4	6.46	74.0	7.20	82.5	7.98	91.5	
B	ALL B	22.3	0.60	15	3.90	52.2	4.86	65.0	5.53	74.0	6.46	86.4	7.20	96.3	7.98	106.8	

SAGE GROUP, INC.
1130 N. CARROLL AVE., SUITE 200
SOUTHLAKE, TEXAS 76092
(817) 424-2626
CONTACT: CURTIS YOUNG



	DRAINAGE AREA LABEL
	FLOW ARROW
	DRAINAGE DIVIDE
	EXISTING CONTOUR MIDPOINT
	EXISTING CONTOUR MIDPOINT AT 500 FEET
	DESIGN POINT

1. PROPOSED GRADING IMPROVEMENTS WITHIN THE REGULATORY FLOODWAY OF BIG BEAR CREEK WILL LIKELY REQUIRE A CLOMR SUBMITTAL THROUGH FEMA AT A LATER DATE DETAILING HYDRAULIC IMPACT DUE TO DEVELOPMENT.
2. ULTIMATE CONFIGURATION AND SIZING OF PROPOSED IMPROVEMENTS MAY CHANGE SLIGHTLY IN FINAL DESIGN.
3. TOPOGRAPHY OBTAINED THROUGH TEXAS NATURAL RESOURCE INFORMATION SERVICE (TNRIS), 2009, NAVD 88 VERTICAL DATUM.
4. REF. TANGLEWOOD RECORD DRAINAGES (STAMPED 05-23-02) FOR DOWNSTREAM STORM DRAINAGE CAPACITY & CONFIGURATION.
5. BIG BEAR CREEK SPECIAL FLOOD HAZARD AREA OBTAINED THROUGH TARRANT COUNTY GIS, REFERENCED TO NAD83 TEXAS STATE PLANE COORDINATES, NORTH CENTRAL ZONE, US FEET.
6. INLET LOCATION ON WEST SIDE OF HOLLY ROW TO BE COORDINATED WITH EXISTING PROPERTY OWNERS TO WEST. INLETS WILL BE DESIGNED TO PICK UP PORTION OF OS-1.2 DRAINING TO IT AND DIRECT WATER TO PROPOSED POND.

Time of Concentration or Travel Time Worksheet				
Project: Oak Alley				
By: DAC				
Date: #####				
Location: Colleyville, TX				
Condition (Present/Proposed): Current Conditions				
SHEET FLOW (Applicable to T_c only)				
SEGMENT ID				
1. Surface Description	OS-1	EX-A	EX-B1	EX-B2
2. Manning's Roughness Coefficient	Pavement	D. Grass	D. Grass	D. Grass
3. Flow Length, L (total L <= 300ft)...(ft)	0.011	0.240	0.240	0.240
4. Two-yr 24 hr rainfall, P_2 ...(in)	100	100	100	100
5. Land Slope, S ...(ft/ft)	4	4	4	4
6. $T_c = [0.007 * (nL^{0.5}) / (P_2^{0.5} S^{0.4})] \dots (hr)$	0.021	0.05	0.05	0.03
7. $T_c = [0.007 * (nL^{0.5}) / (P_2^{0.5} S^{0.4})] \dots (hr)$	0.02	0.15	0.15	0.18
8. $T_c = [0.007 * (nL^{0.5}) / (P_2^{0.5} S^{0.4})] \dots (min)$	1.06	8.85	8.85	10.85
SHALLOW CONCENTRATED FLOW				
SEGMENT ID				
7. Surface description (paved or unpaved)	OS-1	EX-A	EX-B1	EX-B2
8. Flow Length, L...(ft)	UNPAVED	UNPAVED	UNPAVED	UNPAVED
9. Watercourse slope, S ...(ft/ft)	200	200	200	200
10. Average velocity, V ...(ft/sec)	0.022	0.02	0.024	0.02
11. $T_c = L / (3600 * V) \dots (hr)$	2.4	2.25	2.5	2.25
11. $T_c = L / (3600 * V) \dots (hr)$	0.02	0.02	0.02	0.02
11. $T_c = L / (3600 * V) \dots (min)$	1.39	1.48	1.33	1.48
CHANNEL FLOW				
SEGMENT ID				
12. Cross section flow area, a ...(ft ²)	OS-1	EX-A	EX-B1	EX-B2
13. Wetted perimeter, P_w ...(ft)				
14. Hydraulic radius, $r = a / P_w$...(ft)				
15. Channel slope, S ...(ft/ft)				
16. Manning's Roughness Coefficient, n				
17. $V = (1.49 / n^{2/3} S^{1/2}) \dots (ft/sec)$	4	4	4	4
18. Flow length, L ...(ft)	1760	2595	872	393
19. $T_c = L / (3600 * V) \dots (hr)$	0.12	0.18	0.06	0.03
19. $T_c = L / (3600 * V) \dots (min)$	7.33	10.81	3.63	1.64
Watershed Area (ac.)				
20. Total Watershed or subarea T_c or T_c ...(hr)	0.16	0.35	0.23	0.23
20. Total Watershed or subarea T_c or T_c ...(min)	9.79	21.14	13.81	13.97
T _c ROUNDED (MIN 15 min.)	15	21	15	15

PRELIMINARY DRAINAGE ANALYSIS OAK ALLEY COLLEYVILLE, TEXAS

```
BM1
XXX
ELEV = XXX

BM2
XXX
ELEV = XXX
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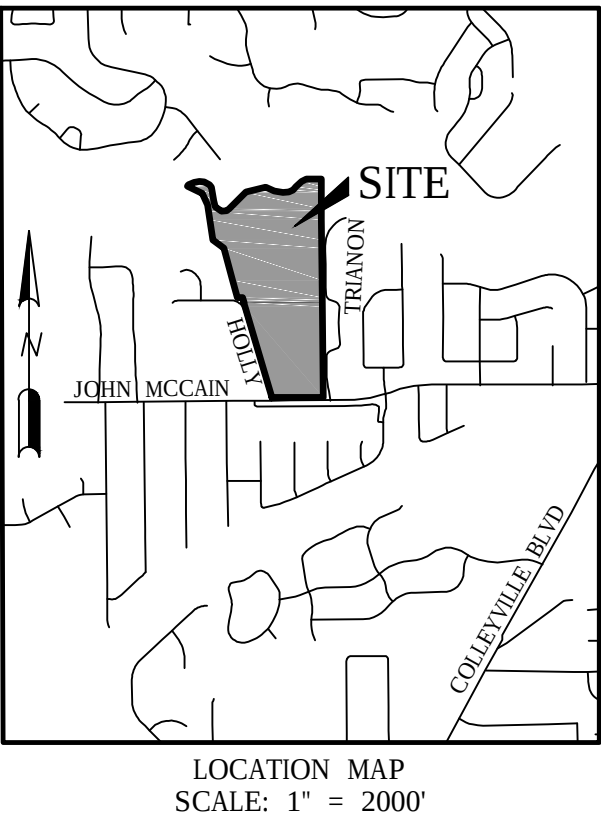
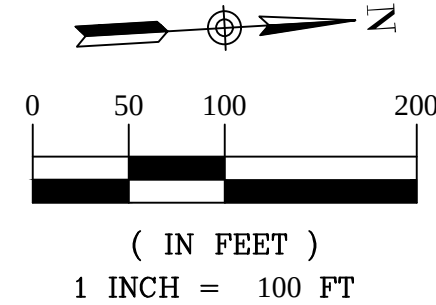
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THIS DOCUMENT IS FOR INTERIM REVIEW
AND IS NOT INTENDED FOR CONSTRUCTION,
BIDDING OR PERMIT PURPOSES.

Bt: Clayton T. Redinger
Reg. No.: 97497
Firm No.: F-3116(TX)
Date: 10/19/2018

Printed by
danmatherne
Oct 19, 2018 - 10:51am

DOI No. 201712100



OAK ALLEY GRADING CONCEPT

1. FINAL GRADING IS THE FIRST THING THAT STARTS IN THE FINAL DESIGN PROCESS AND IT IS THE LAST THING THAT 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 TRIANON 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 LETS 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 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.

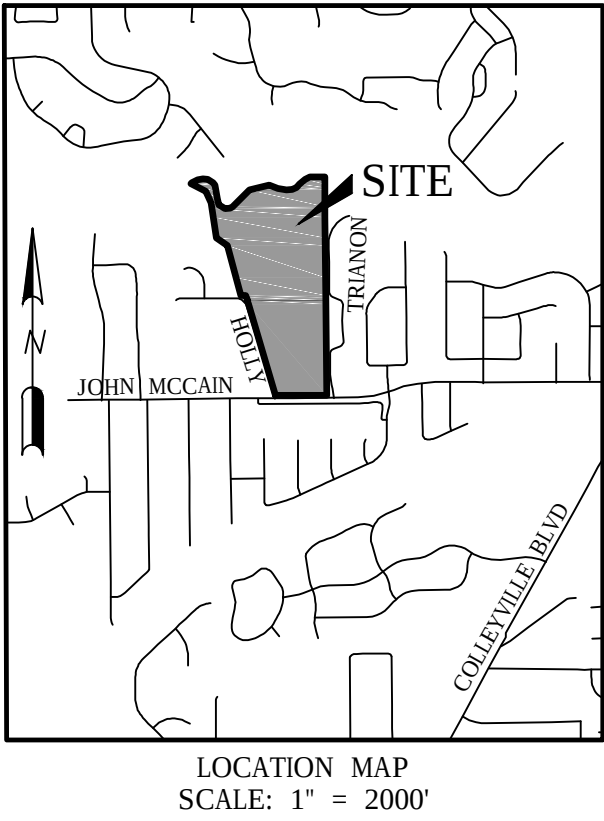
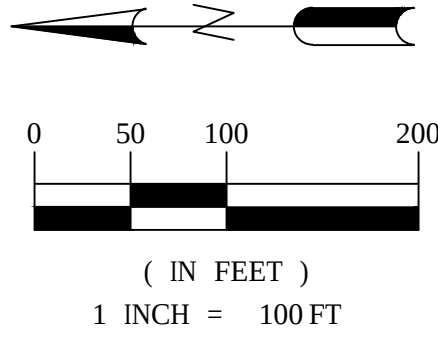
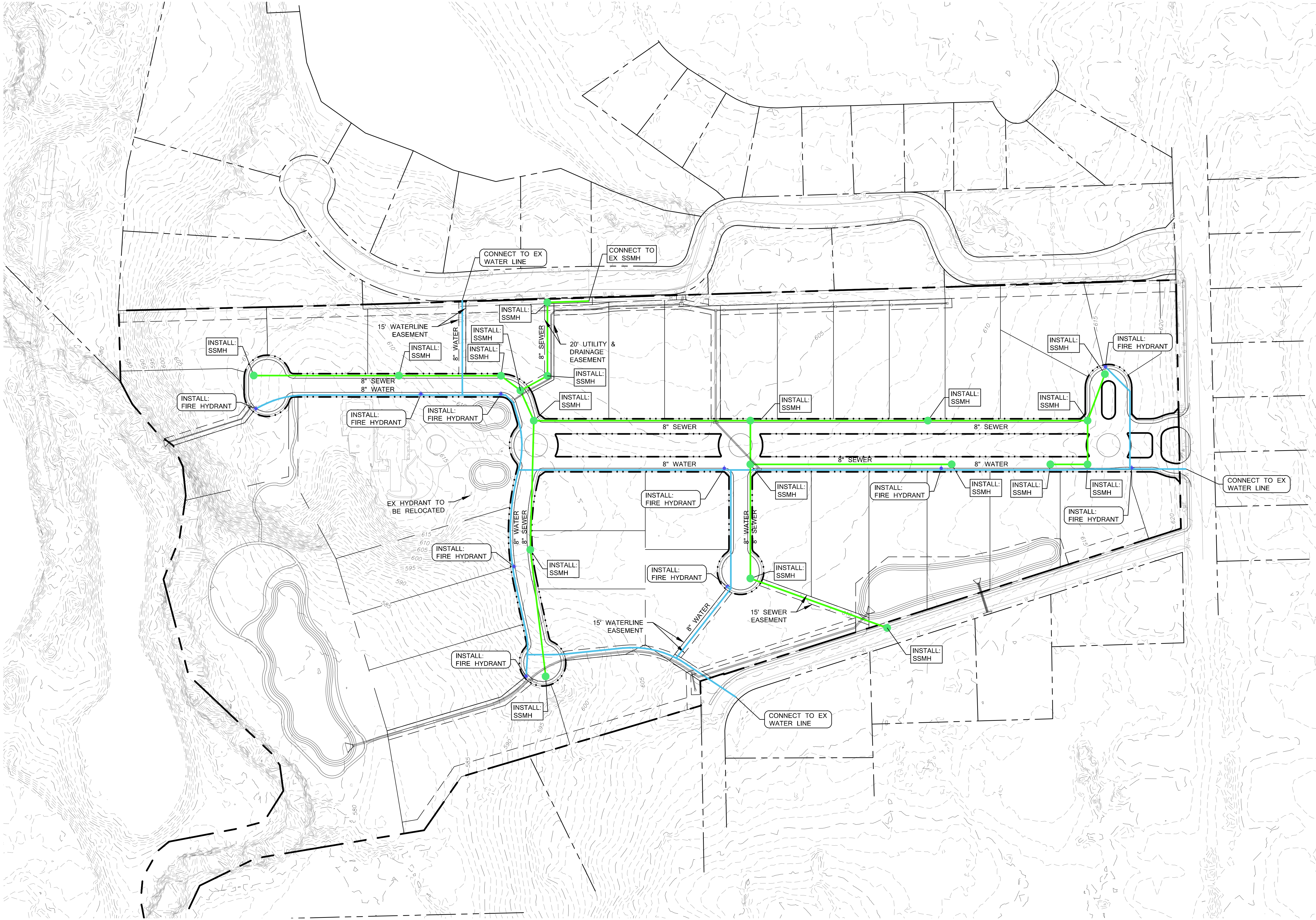
LOT 29 AND LOTS 31 THROUGH 34
THESE LOTS ARE EXPECTED TO BE CLOSE TO EXISTING GRADE AND NOT RETAINING WALLS ARE EXPECTED TO BE NEEDED FOR THIS LOTS. SMALLER WALLS (FOUR FEET OR LESS) MAY BE NEEDED AS AN ENHANCEMENT BUT NO SIGNIFICANT RETAINING WALLS WILL LIKELY BE NEEDED FOR GRADING.

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: 10/23/2018

OAK ALLEY				
PERIMETER GRADING CONCEPT PLAN				
COLLEYVILLE, TEXAS				
		420 Johnson Road, Suite 303 Keller, Texas 76248 Phone 817-337-8899 Fax 817-337-5133 WWW.DEOTTE.COM		
CIVIL ENGINEERING		FIRM REGISTRATION: # E-00316(TX)		PROJECT NO.: 201712100
DRAWN BY: DSM	SCALE: 1"=100'	DATE: 10/23/2018	SHEET: 1 OF 1	



- LEGEND
- 8" WATER LINE
 - FIRE HYDRANT
 - 8" SANITARY SEWER LINE
 - SANITARY SEWER MANHOLE

DEOTTE, INC.
CIVIL ENGINEERING | TBPE No. F-003116
400 Johnson Road, Suite 300 | Keller, Texas 76248
817-337-8899 (Office) | 817-337-5131 (Fax)
PREPARED FOR: BURK & GLORIA COLLINS 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,
BIDDING OR PERMIT PURPOSES.
Prepared by: T. Redinger
Reg. No.: 9749
Firm No.: F-3116(TX)
Date: 10/19/2018

Printed by:
dammatherna
Oct 19, 2018 - 10:50am

Bear Creek Future Urbanized Conditions

LEGEND

- Existing 100-yr Floodplain
- Future (2050) 100-yr Floodplain
- Backwater From WF Trinity River
- Big Bear Creek
- Cross Sections
- Levee
- Dallas Co./Tarrant Co. Line
- Flow Directions

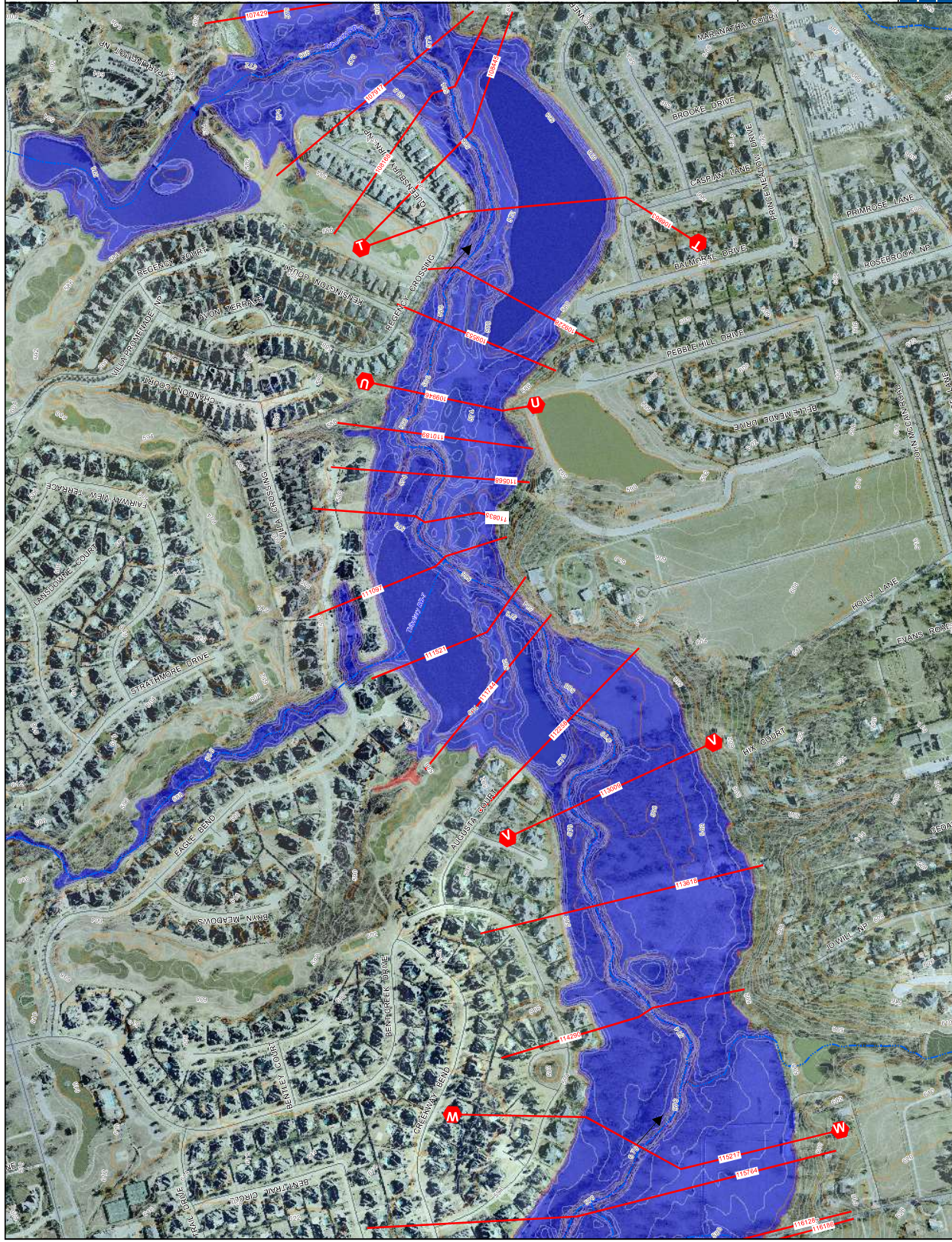
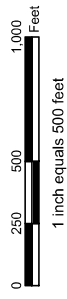
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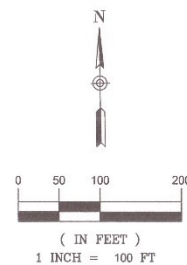
- 1% and 0.2% existing conditions annual chance floodplains developed for FEMA for the Tarrant County FIS
- 1% and 0.2% annual chance floodplains are based on Steady State HEC-RAS analysis.
- Limits of 1% and 0.2% Annual Chance Floodplains are based on the City of Keller 2005 Topography, City of Grand Prairie 1999 Topography and NCTCOG 2001 LIDAR.

DATUM:

NAD 83 Texas State Plane
North Central Zone
NAVD 88

Big Bear Creek Future Conditions Workmaps BBC-12



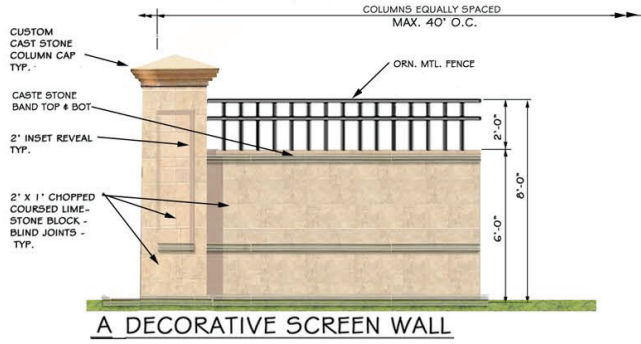


Oak Alley — Big Bear Creek Ponding

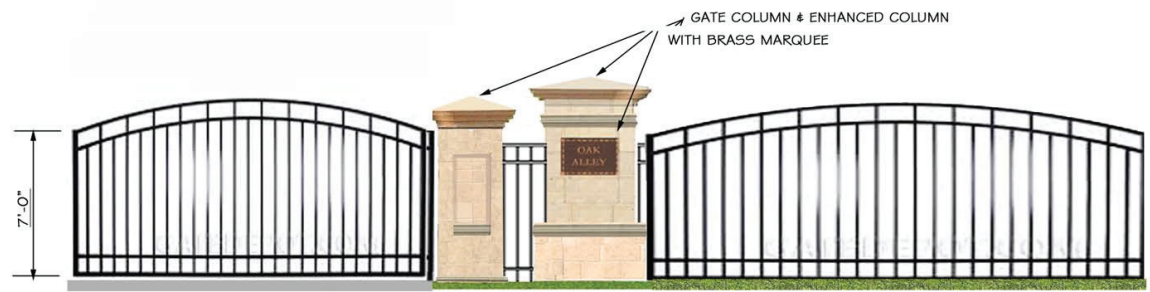
THIS DOCUMENT IS FOR INTERIM REVIEW
AND IS NOT INTENDED FOR CONSTRUCTION,
BIDDING OR PERMIT PURPOSES.
BY: Clayton T. Redinger
Reg. No.: 97497
Firm No.: F-3116(TX)
Date: 10/15/2018

OAK ALLEY				
TOPO EXHIBIT				
COLLEYVILLE, TEXAS				
DEOTTE, INC.				
CIVIL ENGINEERING				
430 Johnson Road, Suite 301 Keller, Texas 76248 Phone 817-337-5115 Fax 817-337-8899 FIRM REGISTRATION # F-40016 (TX) WWW.DEOTTE.COM				
DRAWN BY: DSM	SCALE: 1"=100'	DATE: 10/15/2018	PROJECT NO.: 201712100	SHEET: 1 OF 1

Screening and Fencing Plan



A DECORATIVE SCREEN WALL



B ENTRY GATE MEDIAN ORNAMENTAL METAL FENCING
GATE & MEDIAN FENCING DESIGN T.B.D.



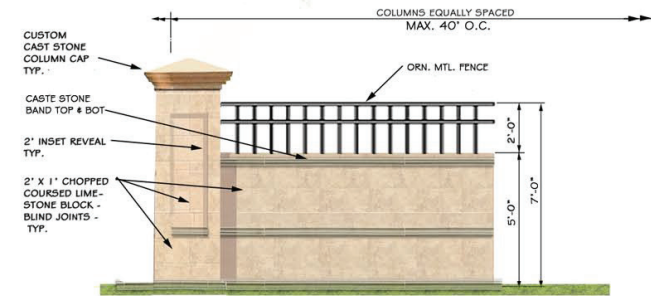
C ORNAMENTAL METAL FENCE
WITH COLUMN TERMINUS



D LOW STONE WALL WITH
ORNAMENTAL METAL FENCE



E ORNAMENTAL METAL FENCE



F DECORATIVE SCREEN WALL

SCREENING WALLS & ORNAMENTAL FENCING EXHIBIT



OAK ALLEY

Screening and Fencing Plan



Planner:



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Master Planning
Urban Design
Architecture
Landscape Architecture
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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:



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Urban Design
Architecture
Landscape Architecture
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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'



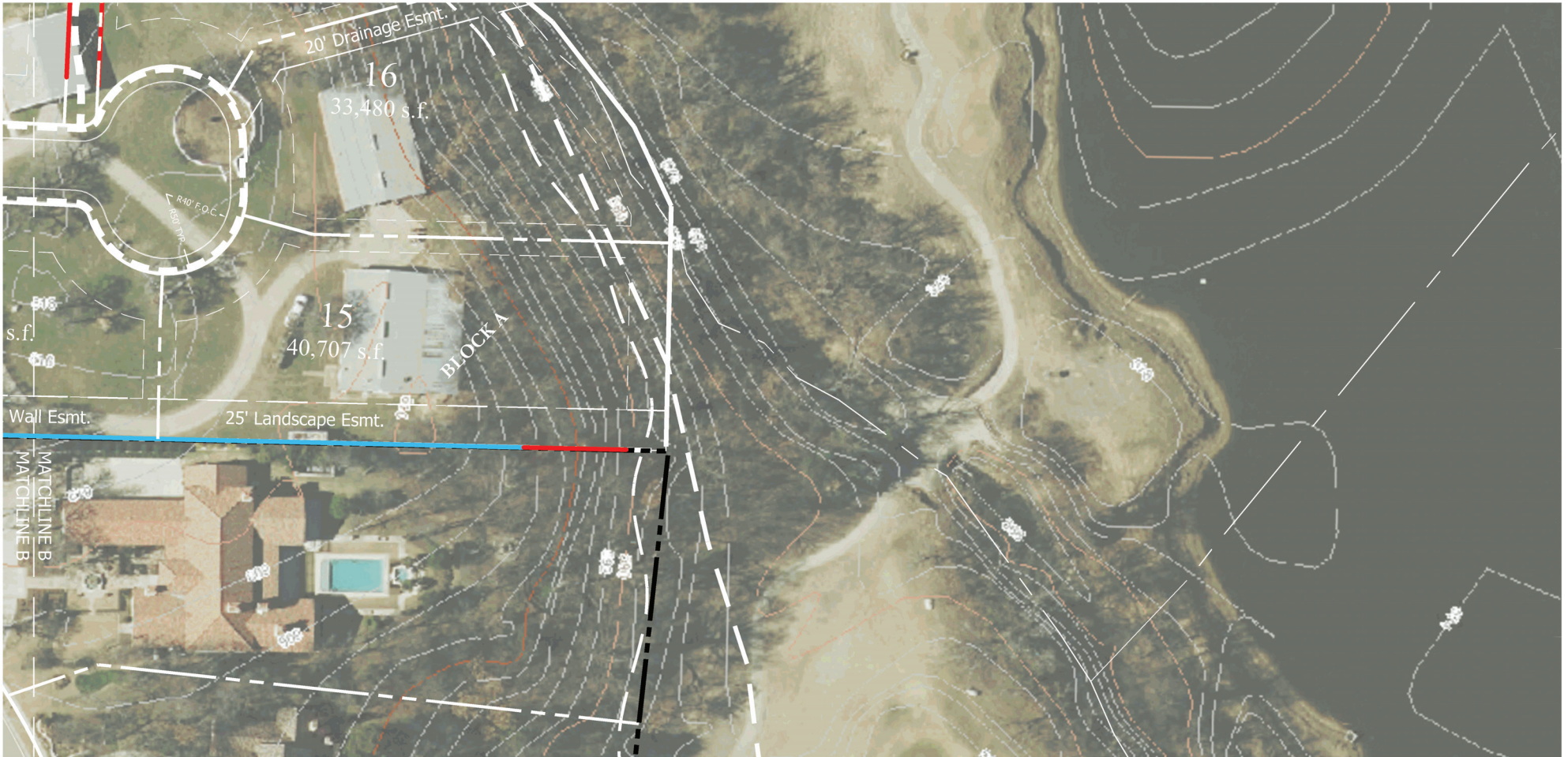
Eastern Boundary Detail (Sheet 2 of 3)

Bear Creek Plantation, Lot 1R1 Block 1 & Lot 1R2 Block 1

Oak Alley

Colleyville, Tarrant County, Texas

Screening and Fencing Plan



Planner:



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Urban Design
Architecture
Landscape Architecture
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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

$$1'' = 60'$$


0

111

60'

120'

10

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



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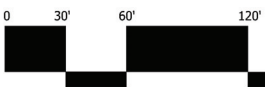
TYPE D - 6' Total: Masonry Wall 2.5' / Ornamental Metal Fence 3.5'

TYPE C - 6' Ornamental Metal Fence with Masonry Columns

Case #ZC18-002

21 SEPT 18

1" = 60'



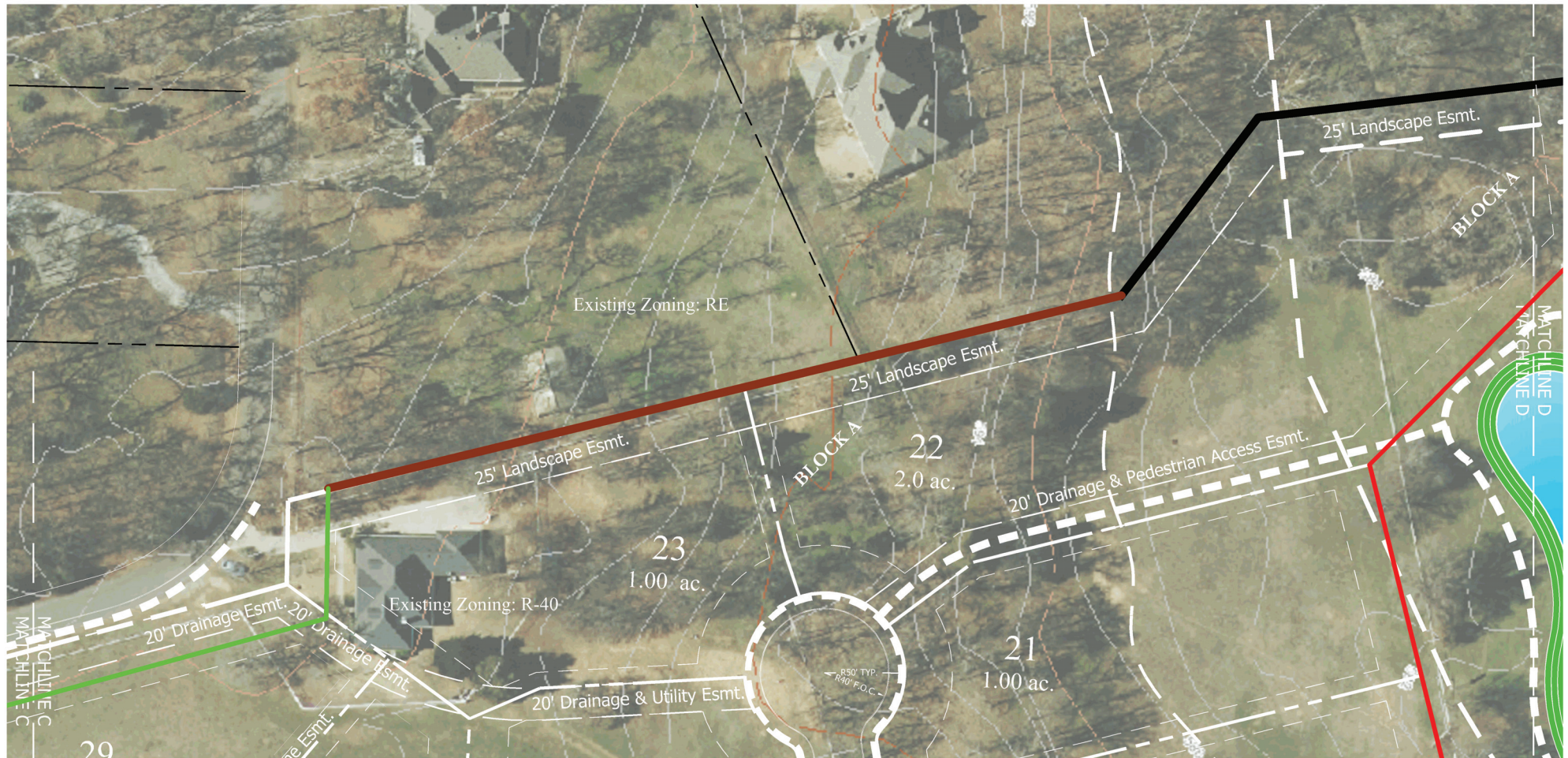
Western Boundary Detail (Sheet 1 of 3)

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

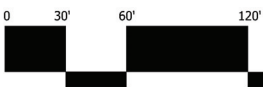
Planner:



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Master Planning
Urban Design
Architecture
Landscape Architecture
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817-424-2626

21 SEPT 18

1" = 60'



Western Boundary Detail (Sheet 2 of 3)

Case #ZC18-002

Oak Alley

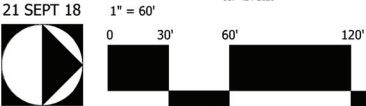
Bear Creek Plantation, Lot 1R1 Block 1 & Lot 1R2 Block 1

Colleyville, Tarrant County, Texas

Screening and Fencing Plan



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Replace Pipe Rail Fence

Western Boundary Detail (Sheet 3 of 3)

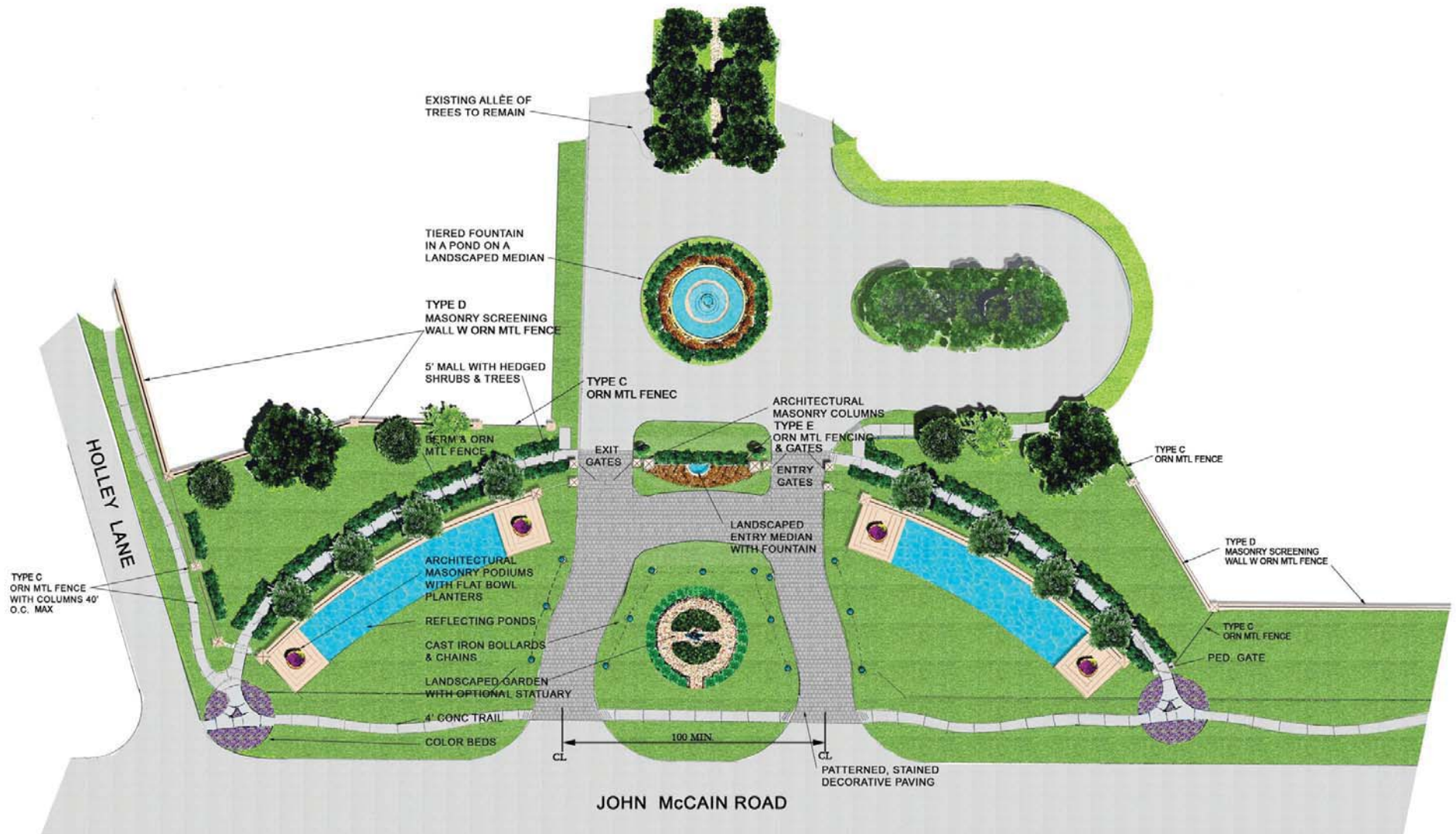
Bear Creek Plantation, Lot 1R1 Block 1 & Lot 1R2 Block 1

Case #ZC18-002

Oak Alley

Colleyville, Tarrant County, Texas

Entry Plan



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Landscape Architecture
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THE ENTRY

OAK ALLEY

Entry Plan

STONE



PAVERS



INSPIRATION



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Landscape Architecture
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Southlake, Texas 76092
TEL: 817-424-2606

THE ENTRY

OAK ALLEY

Entry Elevations

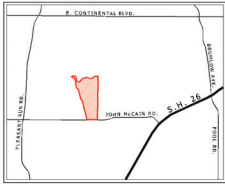


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Landscape Architecture
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Southlake, Texas 76092
TEL: 817-424-2626

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

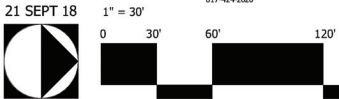
ORNAMENTAL TREES				
SYMBOL	PLANT NAME	QUANTITY	SIZE	CONDITION / REMARKS
	Crape Myrtle <i>Lagerstroemia indica</i> 'Red Rocket'	30 Gal.	8' HT. / 6' SPREAD	container grown; matching growth
	Nellie R. Stevens Holly <i>Ilex x 'Nellie R. Stevens'</i>	30 Gal.	8' HT. / 6' SPREAD	container grown; matching growth
	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

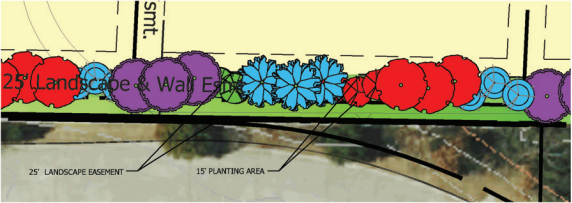
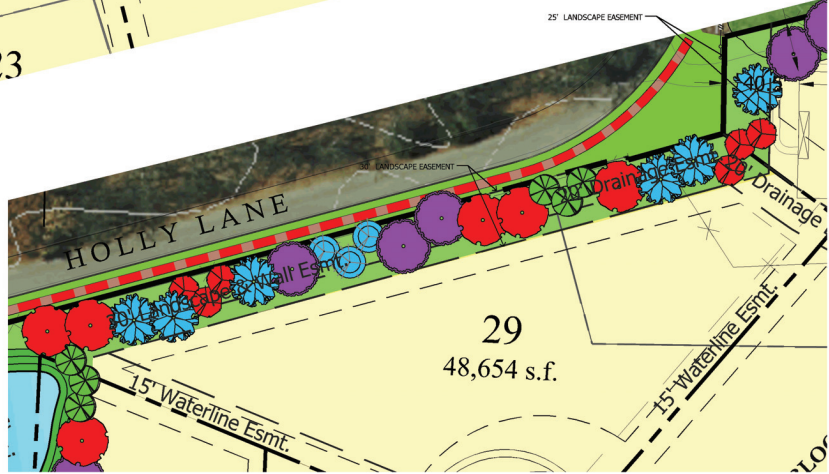
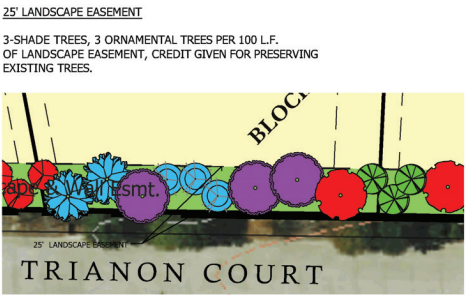
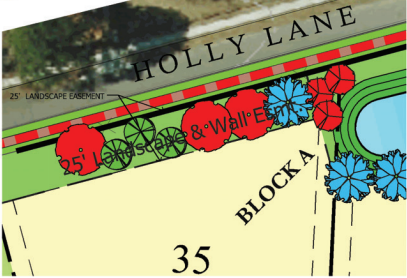
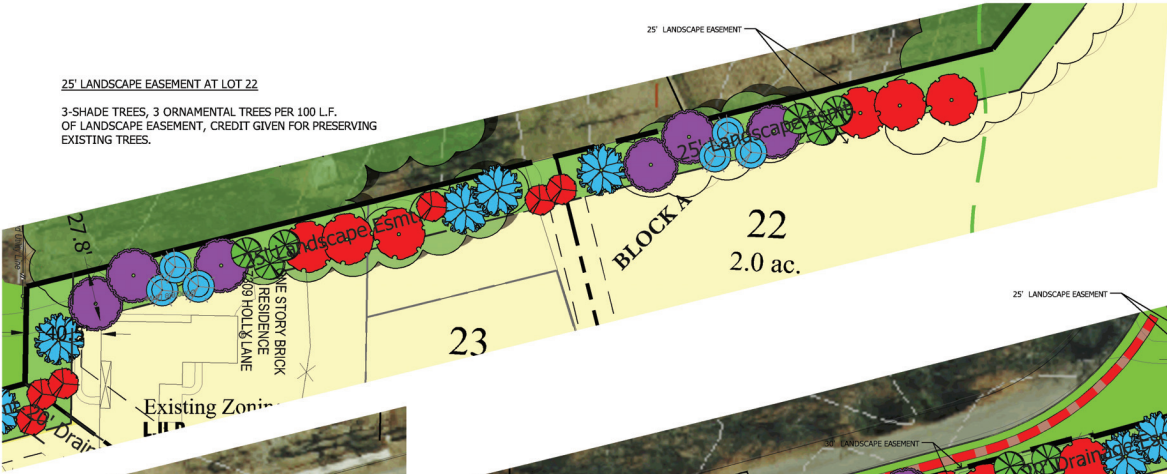
ORNAMENTAL TREES				
SYMBOL	PLANT NAME	QUANTITY	SIZE	CONDITION / REMARKS
	Crape Myrtle <i>Lagerstroemia indica</i> 'Red Rocket'	30 Gal.	8' HT. / 6' SPREAD	container grown; matching growth
	Nellie R. Stevens Holly <i>Ilex x 'Nellie R. Stevens'</i>	30 Gal.	8' HT. / 6' SPREAD	container grown; matching growth
	Charlie Tree <i>Viburnum acer-castan</i>	30 Gal.	8' HT. / 6' SPREAD	container grown; matching growth

Planner: SAGE GROUP, INC.
Master Planning
Urban Design
Architecture
Landscape Architecture
1130 N. Carroll Ave., Ste. 200
Southlake, Texas 76092
817-424-2626



Landscape Easement Plantings

Bear Creek Plantation, Lot 1R1 Block 1 & Lot 1R2 Block 1



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.

“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-

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. Garage doors facing a public right-of-way or adjacent subdivisions shall be behind a visual screening such as a berm, landscaping, or wing wall and not visible from a public right-of-way or adjacent subdivisions. 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.

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.

(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) Clothes lines or the outside washing or drying of clothes 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.

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.

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.

(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.

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.

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 promptly replaced by either party if it becomes diseased or dies, allowing for appropriate seasonal considerations.

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.

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

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 for all primary and detached structures; placement of the built elements upon the lot; and landscaping in relation to the various parts of the proposed

improvements and in relation to improvements on other Lots in the Addition and in adjacent neighborhoods; 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.

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 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, subject to the requirements of the approved zoning for the project, 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. petition the city to allow for a change in 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 SWELLIING 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)

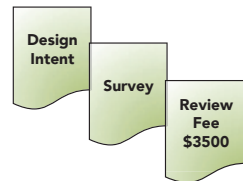
Exhibit D
(Oak Alley Construction Review Process)

Exhibit E
(Grading Plan)

Submittal and Review Process

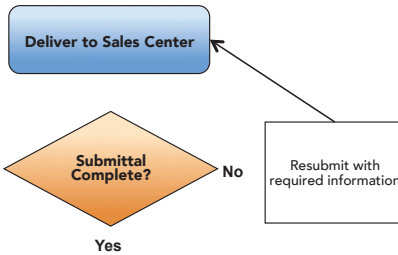
Oak Alley Submittal and Review Process

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

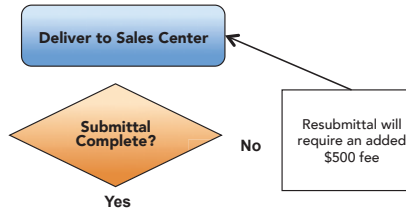
Survey with Tree location & species

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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Exterior Material Samples and Fixture information



Board Review Meeting:
Architect & Builder (Homeowner attendance optional)

Receive Committee Final Submittal Comments

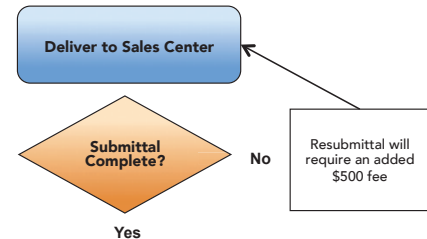
Final Review of Landscape Design

Drainage Affidavit

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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Hardscape Material Samples and Plant types



Board Review Meeting:
Builder & Landscape (Homeowner attendance optional)

Receive Committee Approval Letter

Architectural Plan

APPROVED ARCHITECTURAL MATERIALS AND DETAILS

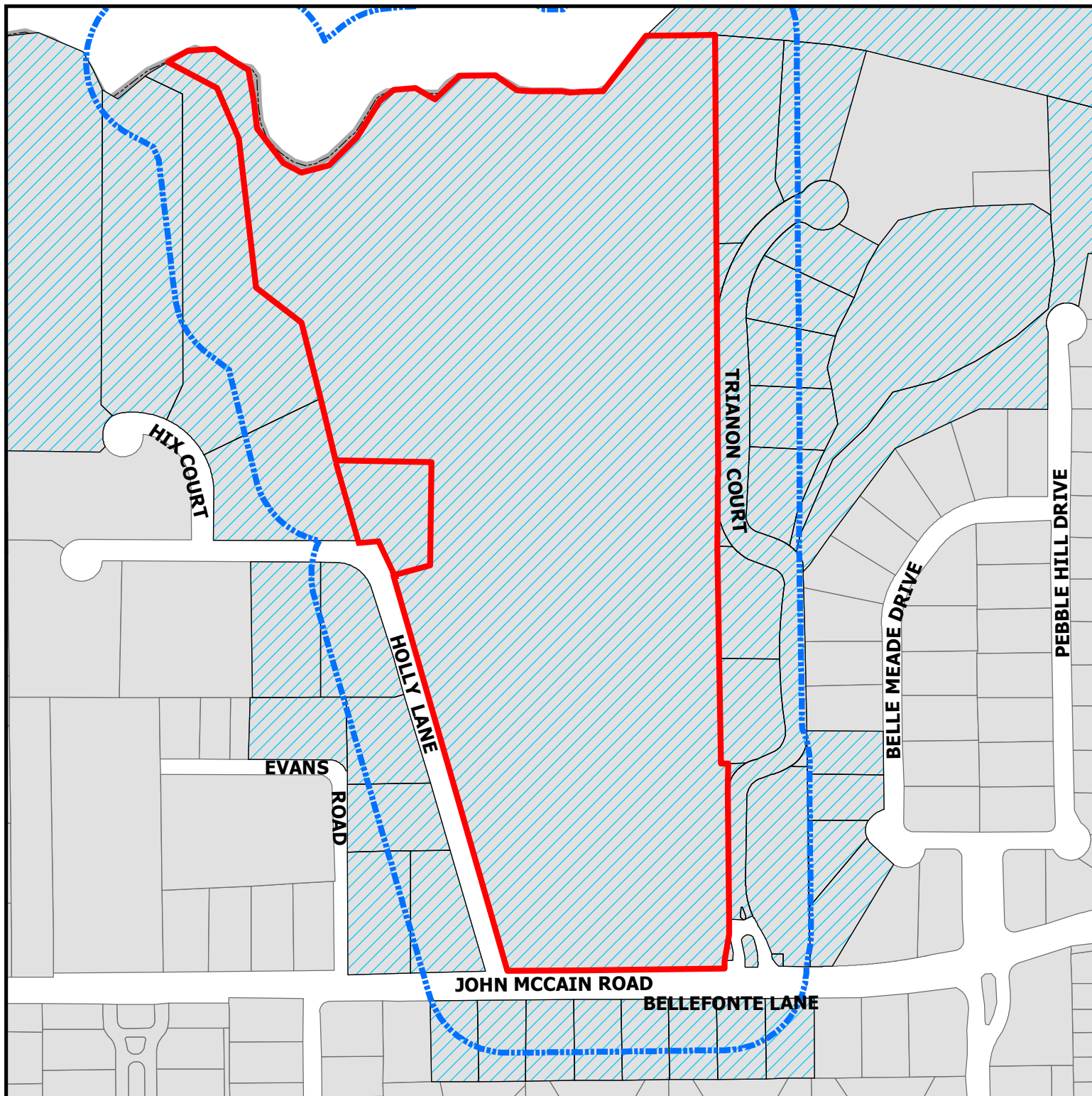
	ENGLISH	SPANISH REVIVAL	ITALIAN - SYMMETRICAL ONLY	TUSCAN	FRENCH	TEXAS REGIONAL VERNACULAR	PRAIRIE	ALL ARCHITECTURAL STYLES
WALL SURFACE	BRICK, STUCCO OR STONE. PROJECTED GABLES AND/OR DORMERS TO BE DECORATIVE HALF TIMBER AND/OR LIGHT COLORED STUCCO ON 2ND LEVEL. OPTIONAL PARAPETED GABLES.	STUCCO	STUCCO, 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 MUEHLBERGII-CHINKAPEN OAK QUERCUS SHUMARDII-SHUMARD RED OAK QUERCUS VIRGINIANA-LIVE OAK TAXODIUM DISTICHUM-BALD CYPRESS ULMUS AMERICANA-ATHENA-ATHENA 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 CERCIS CANADENSIS-WEeping REDBUD CERCIS CANADENSIS 'FOREST PANSY'-FOREST PANSY REDBUD CERCIS CANADENSIS 'MEXICANA'-MEXICAN REDBUD CERCIS CANADENSIS 'OKLAHOMA'-OKLAHOMA REDBUD CERCIS CANADENSIS 'TEXANS'-TEXAS REDBUD CHILOPSIS LINEARIS-DESERT WILLOW CHITALPA TASHKENTENSIS-CHITALPA CORNUS DRUMMONDII-ROUGHLEAF DOGWOOD CORNUS FLORIDA-DOGWOOD CUPRESSUS ARIZONICA-ARIZONA CYPRESS CUPRESSUSCYPARIS LEYLANDI-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'DWARF 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 RUFIODULUM-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'DWARF 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'DWARF BURFORD HOLLY ILEX CORNUTA 'ROTUNDA'-ROTUNDA HOLLY ILEX VOMITORIA 'NANA'-O'DWARF YALPON HOLLY ILEX CORNUTA 'CARISSA'-CARISSA HOLLY ILEX CRENATA 'SKYPENCIL'-SKYPENCIL HOLLY JUNIPERUS SPECIES-JUNIPERS LOQUAT COPPERTONE LAGERSTROEMIA INDICA 'NANA'-O'DWARF CRAPE MYRTLE LEUCOPHYLLUM FRUTESCENS-TEXAS SAGE LOROPETALUM CHINESE-O'DWARF VARITIES MAHONIA SPECIES-MAHONIA MYRICA PUSILLA-O'DWARF WAX MYRTLE NANDINA DOMESTICA-HARBOR O'DWARF, GULF STREAM AND MOON BAY NADINA-FLIRT, OBSESSION PITTSOPORUM-CREME DE MINT, TOBIRA 'WHEELERS O'DWARF' 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 OBIICULATUS-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 PENNSSETUM 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 TRACHELOSPIRUM ASIATICUM-ASIAN JASMINE THYME-CREEPING SPECIES VINCA MAJOR-BIGLEAF PERIWINKLE VINCA MINOR-O'DWARF PERIWINKLE	AKEBIA OLINATA-CHOCOLATE VINE CAMPIS RADICANS-TRUMPET VINE CLEMATIS ARMANDII-EVERGREEN CLEMATIS CLEMATIS JACKMANNI-SPECIES FICUS PUMILA-FIG IVY GESEMIUM SEMPERVIRENS-CAROLINA JESSAMINE HEDERA HELIX-ENGLISH IVY JUNIPERUS SPECIES-SPREADING JUNIPERS PARTHENOCISSUS TRICUSPIDATA-BOSTON IVY TRACHELOSPIRUM ASIATICUM-ASIAN JASMINE TRACHELOSPIRUM JASMINOIDES-CONFEDERATE JASMINE WISTERIA SPECIES-WISTERIA	ARTEMISIA O'DWARF SPECIES PLATYCOODM-BALLON FLOWER IBERIS CANDYTUFF COLUMBINE ECHINACEA-CONEFLOWER COREOPSIS SPECIES HEMEROCALLIS DAYLILY O'DWARF SPECIES DIANELLA FLAX LILY DIANTHUS GRATIANOPOLITANUS SPECIES FERN SPECIES GAURA GERMANDER PROSTRATA HELLEBORUS HEUCHERA HOSTA SPECIES DIETES BUCCOLOR-AFRICAL IRIS LAVENDER SPECIES FARFUTUM/LIGULARIA-LEOPARD PLANT RUELLIA O'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

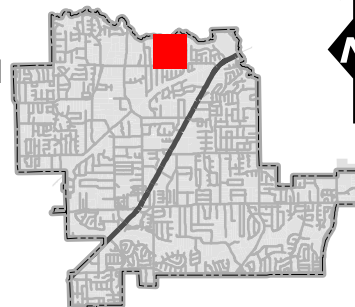


ZC18-019

1312 John McCain Road and 7309 Holly Lane N

DISCLAIMER:
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-  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:

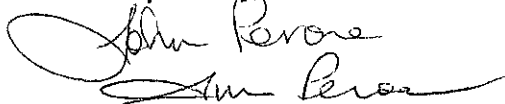
- Not a standard city sized street, as it is narrow in width.
- In order to facilitate two way traffic, any parking on the street has to be on the grass in the right of way. Therefore residents don't park on Holly Lane.
- Hazardous 70 degree curve near Foreman's house.
- No Outlet
- Children Playing

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:

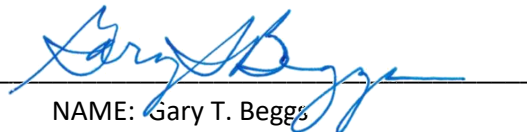
THE COMMUNITY DEVELOPMENT DEPARTMENT OF COLLEYVILLE (ZONING CASE # ZC18-019)
100 Main Street
Colleyville, Tx 76034

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

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- 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

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: _____

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

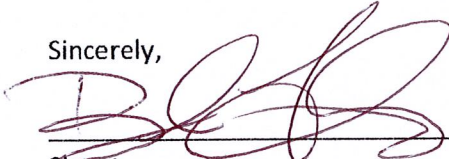
Attn: Planning and Zoning Commission Members

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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: Steven C. Knight

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,

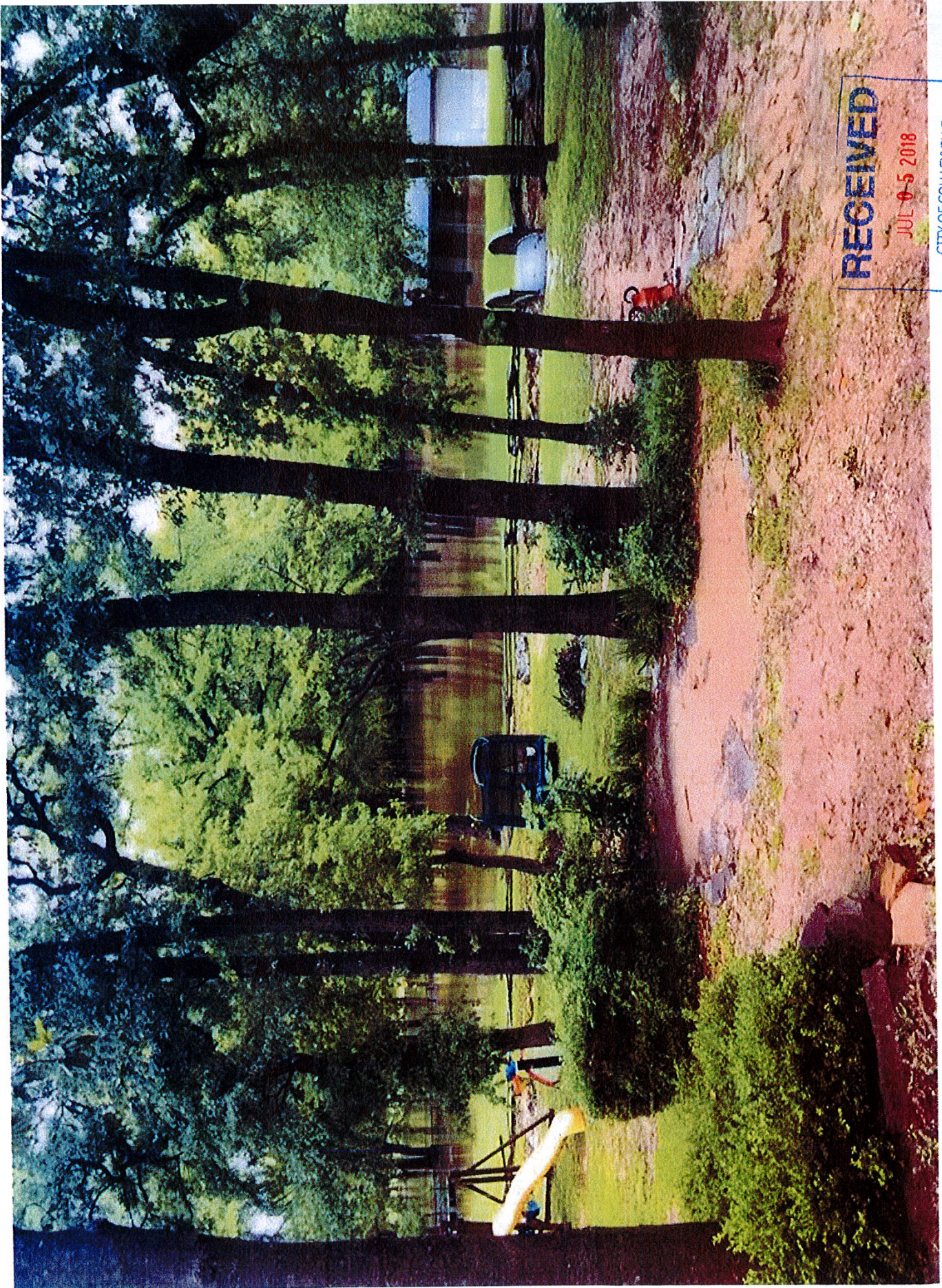

Burk Collins

Printed Name

Signature



Letter of Opposition



RECEIVED

JUL 05 2018

CITY OF COLLEEVILLE
BY COMMUNITY DEV. DEPT

Letter of Opposition



Letter of Opposition

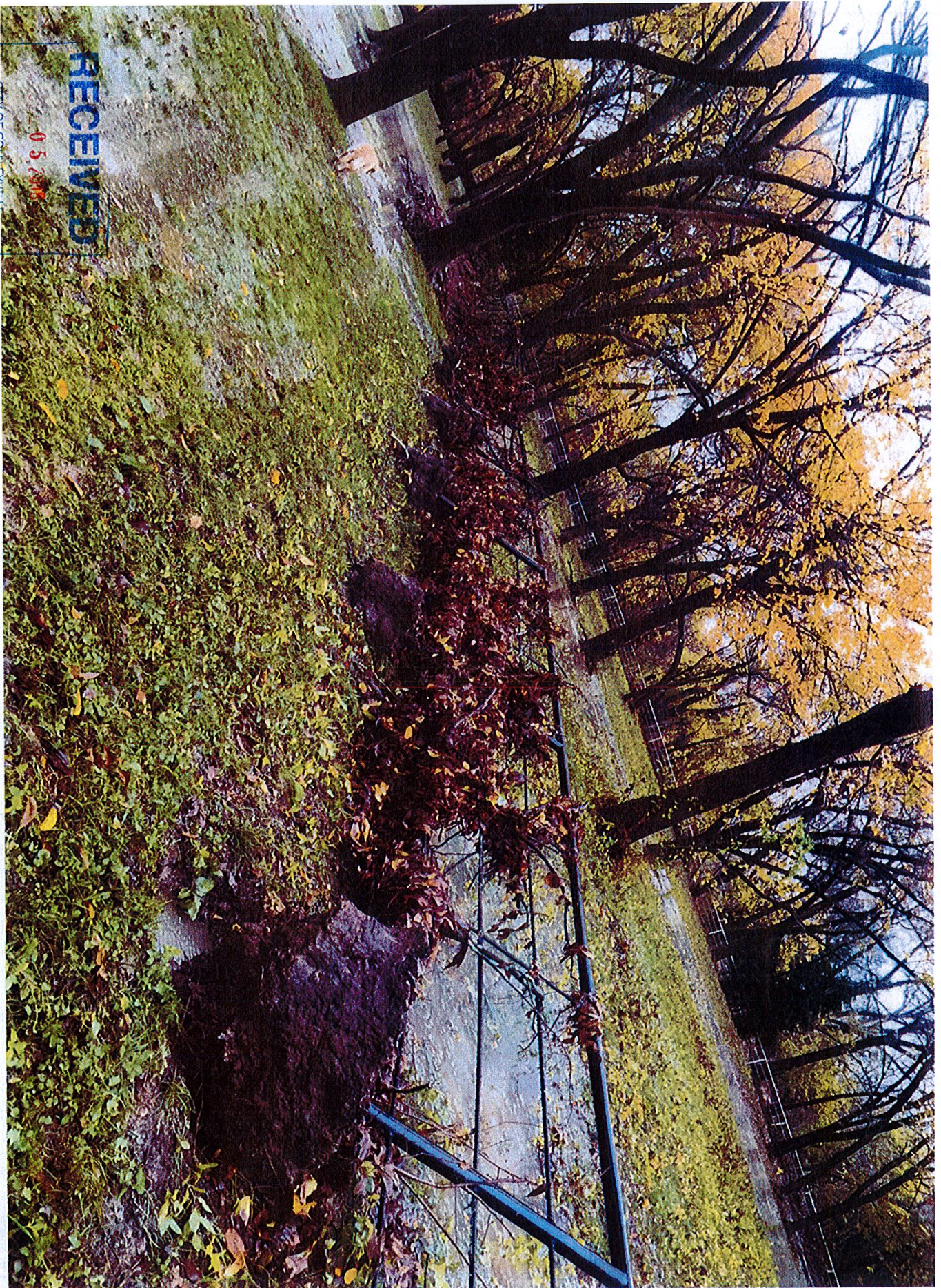


RECEIVED

JUL 05 2018

CITY OF CHICAGO

Letter of Opposition



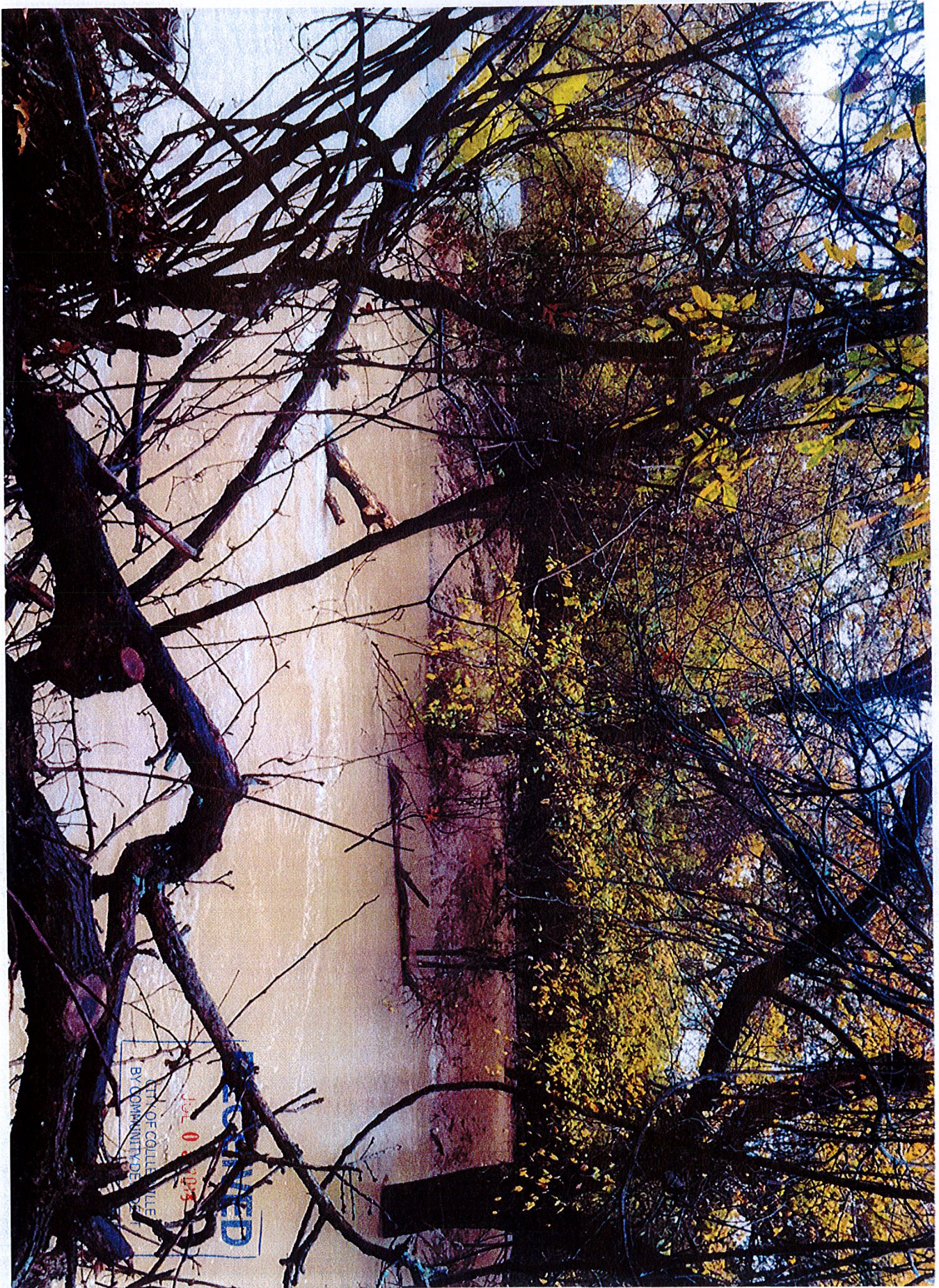
Letter of Opposition



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

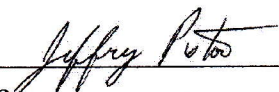
To Whom It May Concern:

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:

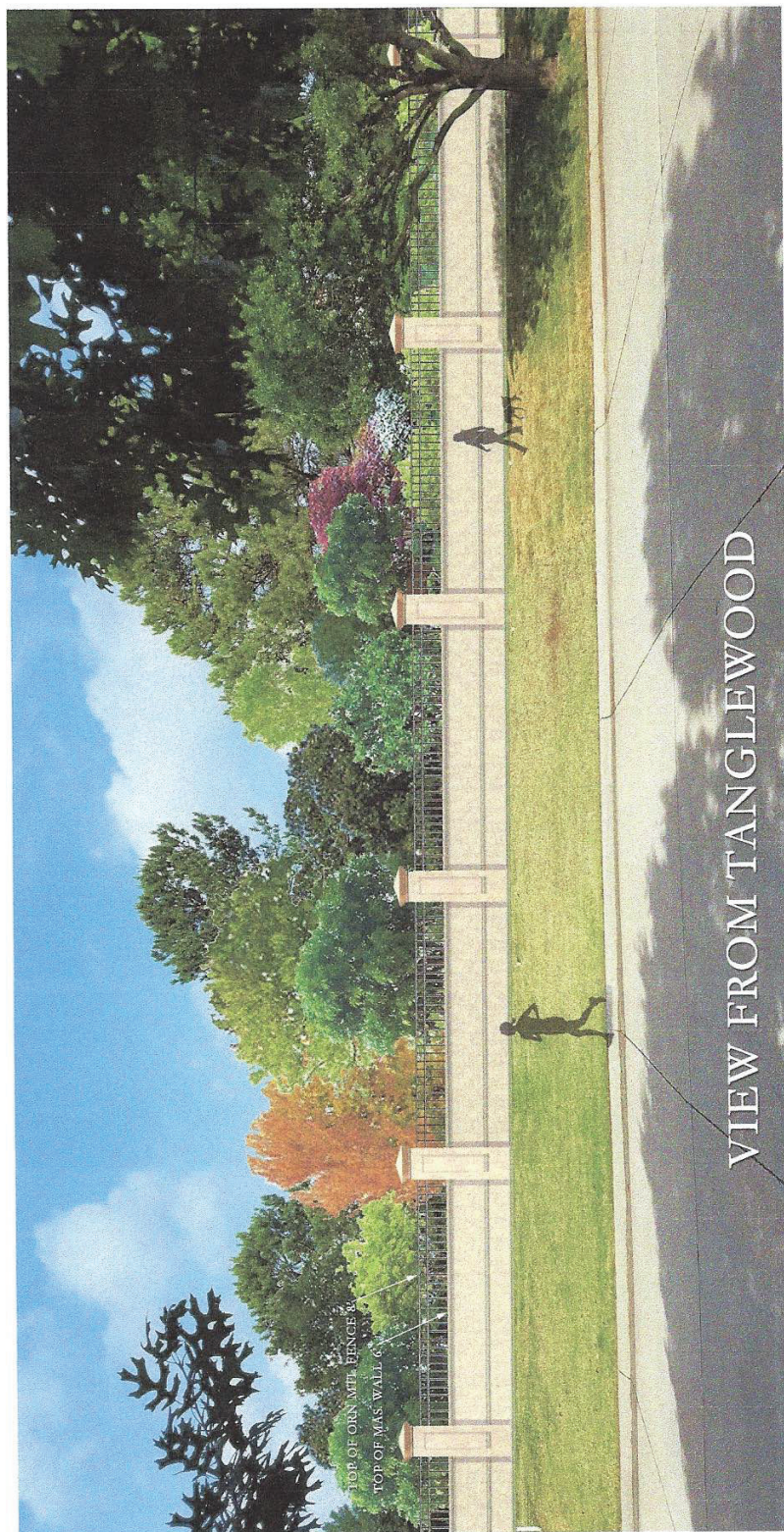
1. The wall along the boundary will be built by Oak Alley developers prior to any homes being built. The wall will be paid for and maintained in perpetuity by the Oak Alley HOA.
2. The portion of the landscape easement that will be on the Tanglewood side will be deeded as common area to the Tanglewood 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



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

Owner:
Buck & Gloria Collins Trust
1312 John McCain Rd.
Colleyville, TX 76034

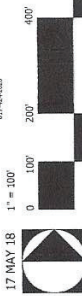
Surveyor:
Buck & Gloria Collins Trust
430 Red Circle Blvd.
Hurst, TX 76054
Tel: 817-577-1052

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
Urban Design
1130 N. Carroll Ave., Suite 200
Southlake, Texas 76092
817-424-2626



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'

120'

25' Landscape Esmt.

25' Landscape Esmt.

TRIANON COURT

MATCHLINE A

17 MAY 18

1" = 60"

0 3



Oak Alley

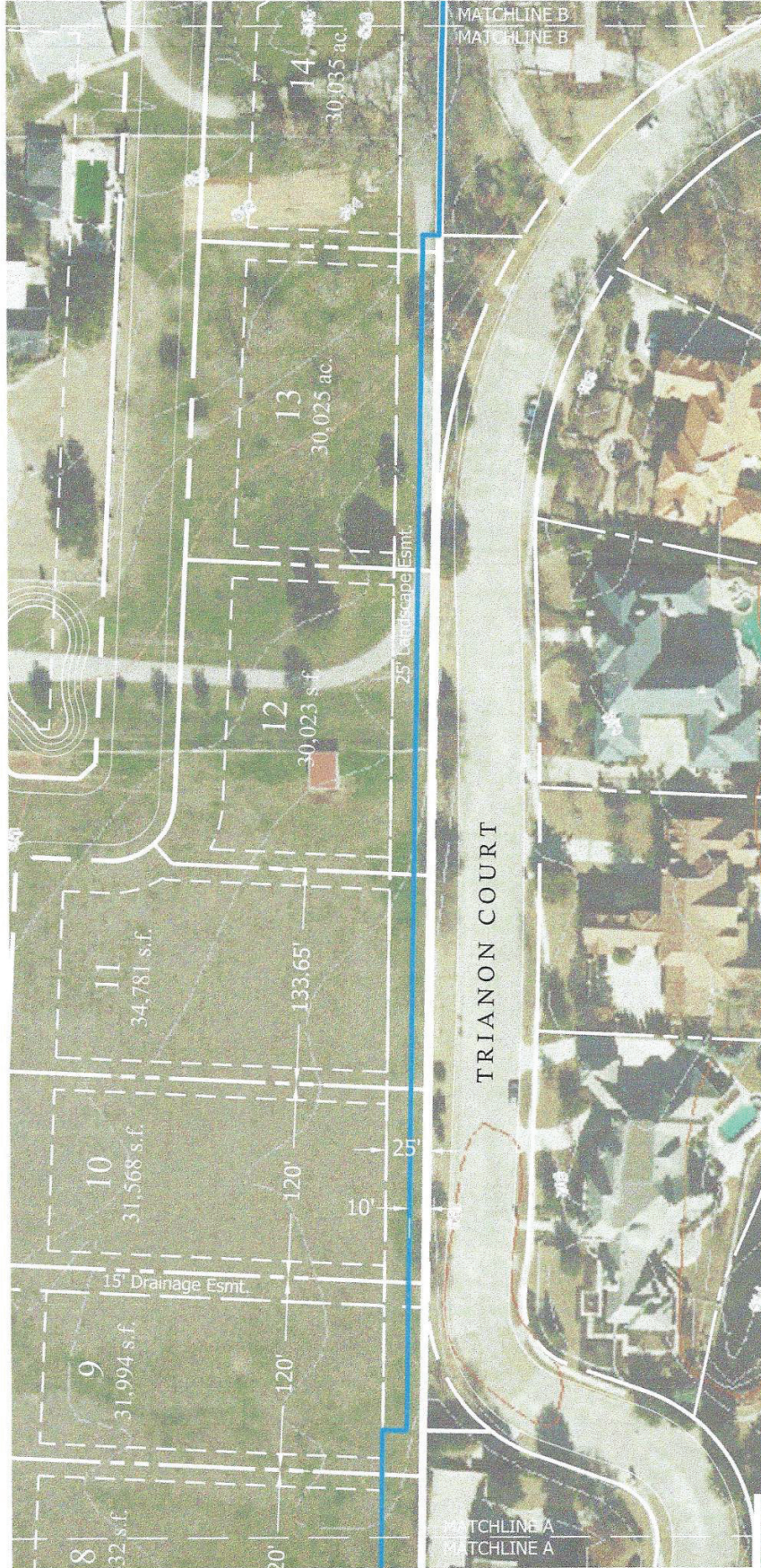
Colleyville, Tarrant County, Texas

Eastern Boundry Detail (Sheet 1 of 3)

Bear Creek Plantation, Lot 1R1 Block 1 & Lot 1R2 Block 1

6' Total: Masonry Wall 2.5' / Iron Fence 3.5'
8' Total: Masonry Wall 6' / Iron Fence 2'
Retain Existing Wall / Fence

Tanglewood Estates Response to the Proposed Development



Planner: SAGE GROUP, INC.

17 MAY 18

1" = 60'



8' Total: Masonry Wall 6' / Iron Fence 2'

Case #ZC18-002

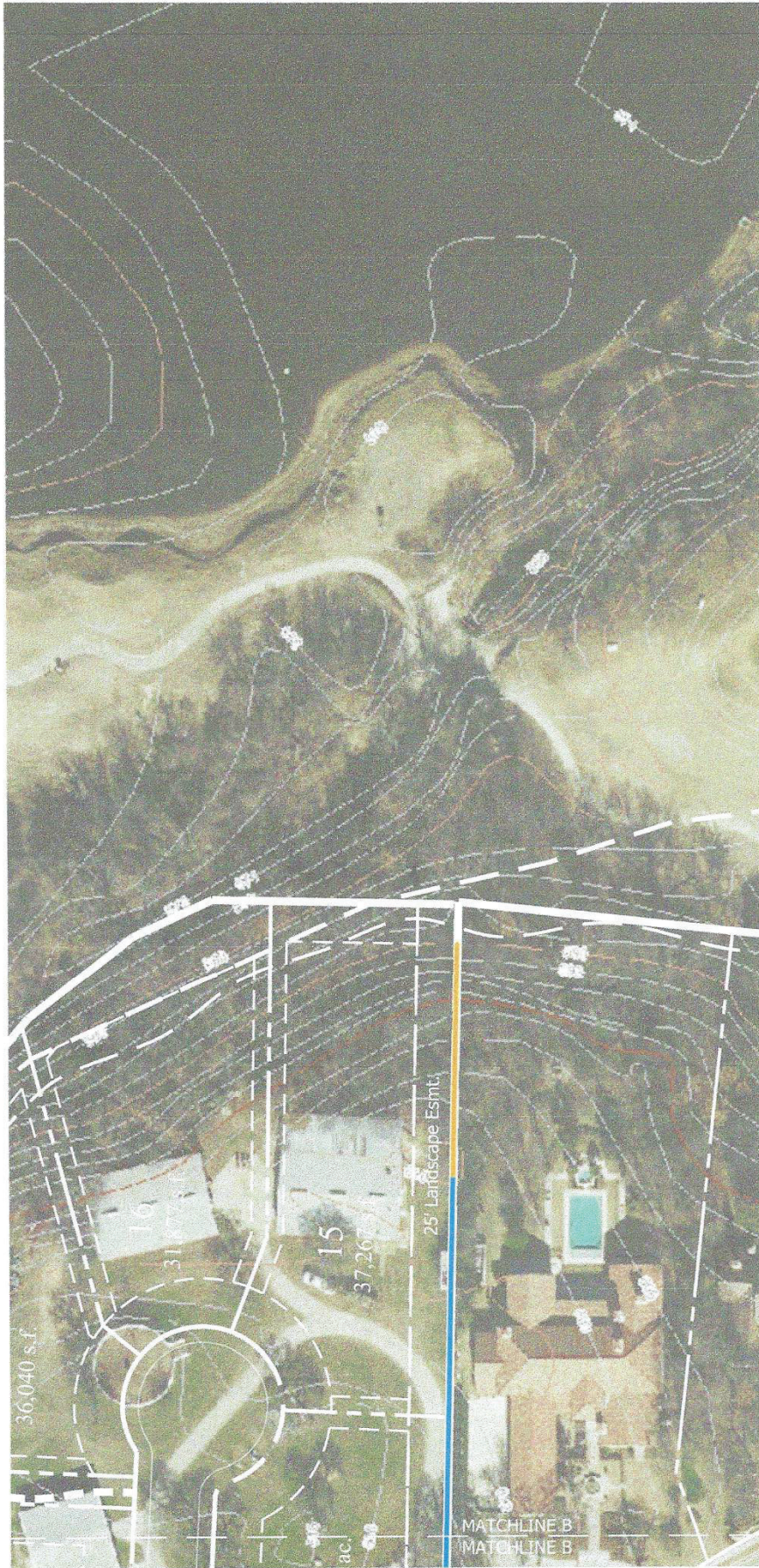
Oak Alley

Eastern Boundary Detail (Sheet 2 of 3)

Colleyville, Tarrant County, Texas

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
317-941-1616



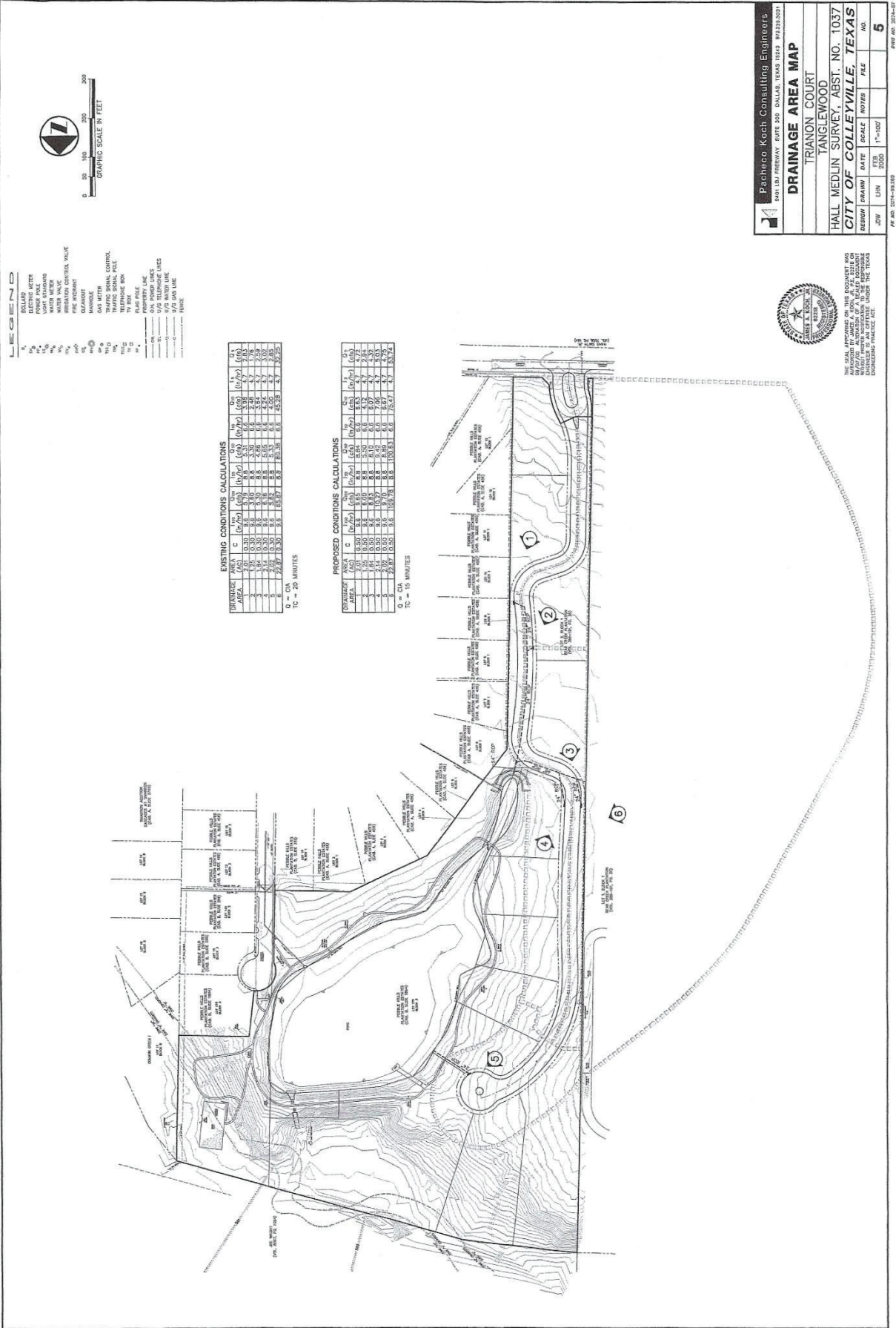
Case #ZC18-002

Oak Alley

Colleyville, Tarrant County, Texas

Eastern Boundary Detail (Sheet 3 of 3)

Bear Creek Plantation, Lot 1R1 Block 1 & Lot 1R2 Block 1



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

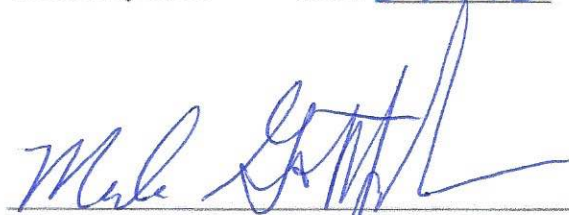
As an agreement for Oak Alley to construct all walls, landscaping and deeds of land on the East side of the wall dividing Oak Alley and Tanglewood Estates; the Tanglewood Estates Association will agree to submit the attached letter supporting the Oak Alley Development.

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 Trainon 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

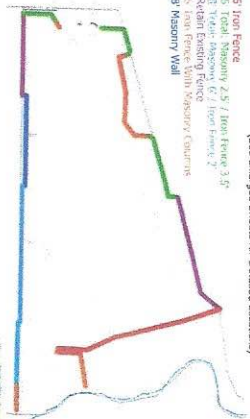
Michael Venemeyer & Andrea Holinga

Michael Venemeyer & Andrea Holinga, 7312 Trainon 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

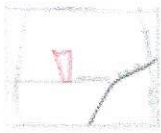
Exhibit A

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 12th Street
Austin, TX 78704
Tel: 512-338-1222

Engineer:
Carter, Inc.
1000 International Blvd., Suite 400
Dallas, TX 75240
Tel: 214-352-8888
Carter@Carter-Engineers.com

Applicant:
Sage Group, Inc.
11111 Bear Creek Road, Suite 100
Colleyville, TX 76034
Tel: 817-474-0000
Carter@Carter-Engineers.com

Planter:

SAGE GROUP, INC.
11111 Bear Creek Road, Suite 100
Colleyville, TX 76034
Tel: 817-474-0000
Carter@Carter-Engineers.com



0 100 200 300 400 500

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: 817-474-0000
Carter@Carter-Engineers.com



0 100 200 300 400 500

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

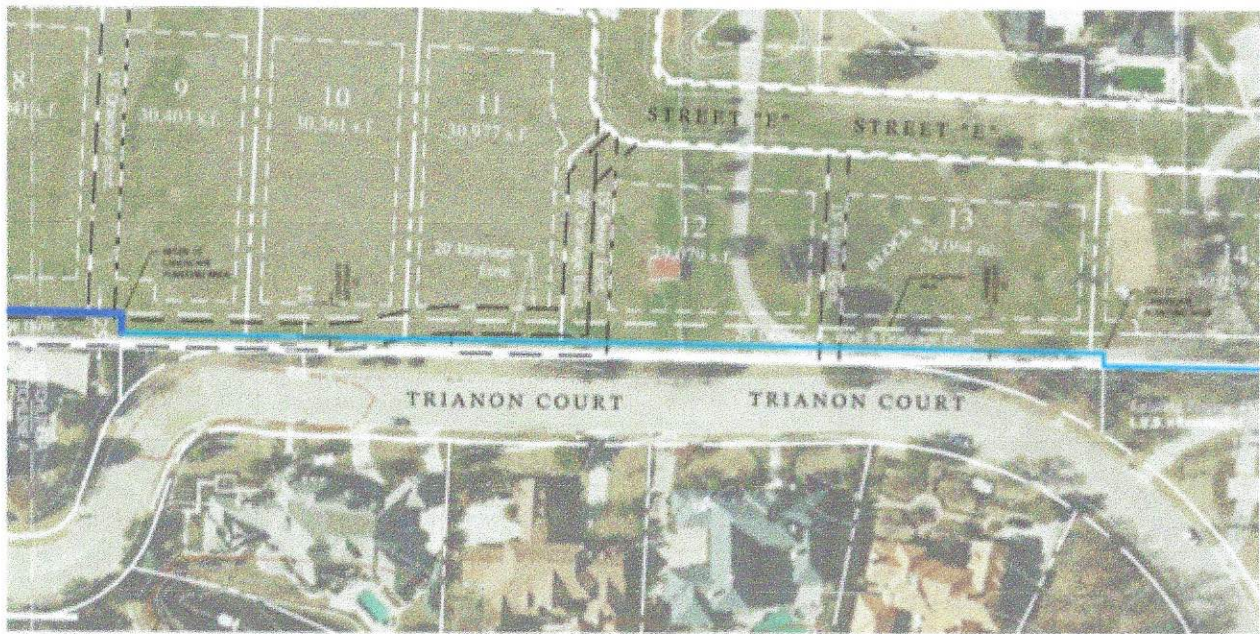
Eastern Boundary Detail (Sheet 1 of 3)

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


SALE PRICE, 197
 New Rising
 from a paper
 notebook
 100000-000000
 100000-000000, 100000-000000
 100000-000000, 100000-000000
 100000-000000, 100000-000000

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.
180622 OAK ALLEY
180622 OAK ALLEY
180622 OAK ALLEY
180622 OAK ALLEY



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

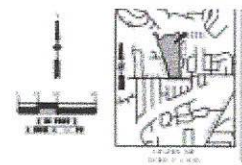
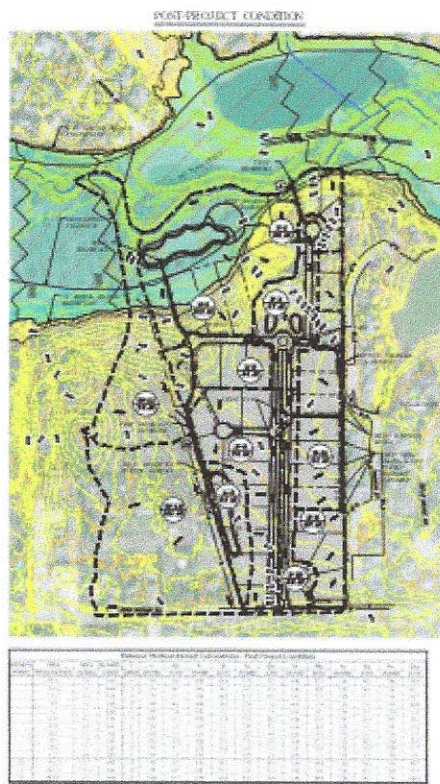
Oak Alley

Bear Creek Plantation, Lot 1R1 Block 1 & Lot 1R2 Block 1

Colleyville, Tarrant County, Texas

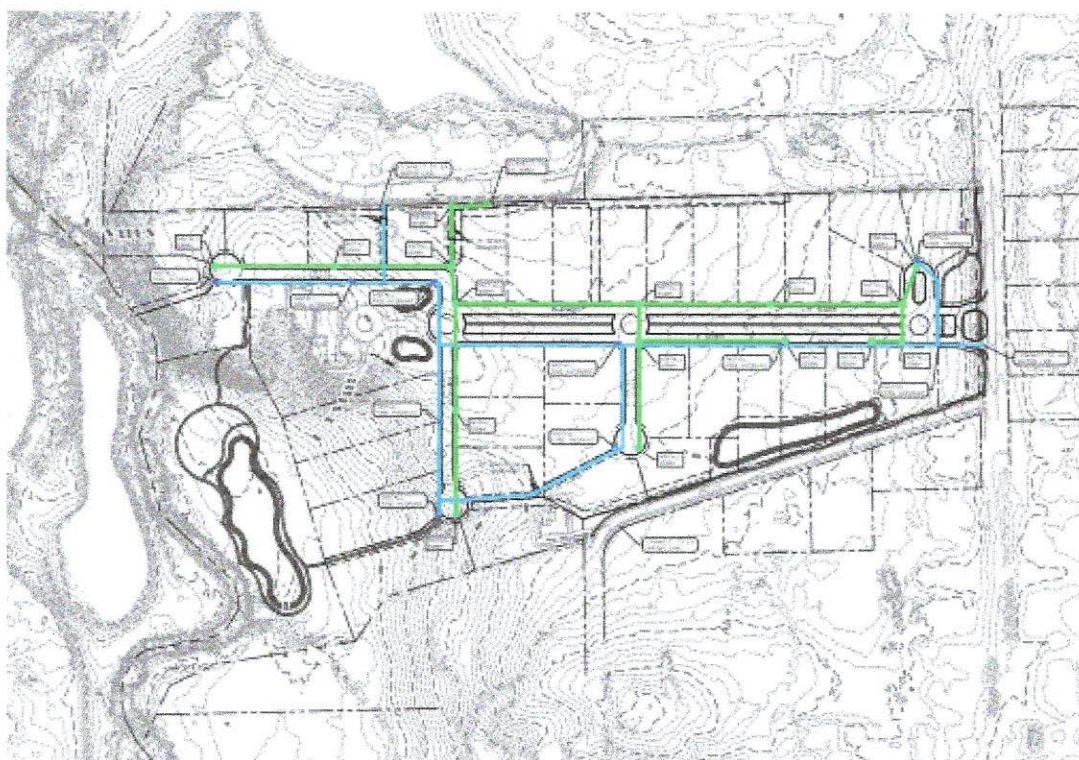
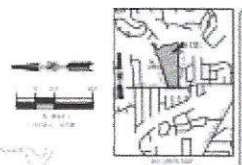


180622 Oak
Alley-...s2.pdf



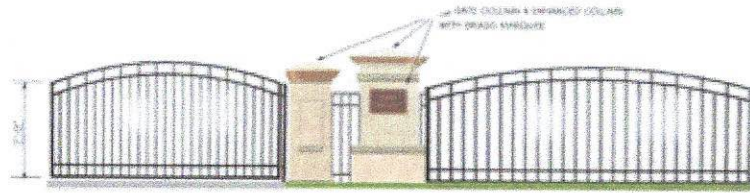
- [illegible]

Firm's characteristics		Firm's performance	
Variable	Mean	Median	Standard deviation
Size			
Logarithm of sales (in million dollars)	6.12	6.00	0.50
Logarithm of assets (in million dollars)	5.85	5.75	0.45
Logarithm of employees	5.50	5.40	0.40
Age			
Age of the firm (in years)	15.50	14.00	5.00
Capital structure			
Debt to capitalization ratio	0.25	0.20	0.15
Debt to assets ratio	0.20	0.15	0.10
Profitability			
Return on assets	0.10	0.08	0.05
Return on equity	0.15	0.12	0.08
Market performance			
Market-to-book ratio	1.50	1.20	0.80
Market-to-book ratio (lagged)	1.40	1.10	0.70
Other variables			
Industry			
Food and beverage	0.10	0.00	0.30
Chemical	0.10	0.00	0.30
Electronics	0.10	0.00	0.30
Health care	0.10	0.00	0.30
Other	0.60	0.00	0.49
Year			
Year of establishment	1980	1980	1980
Year of listing	1980	1980	1980

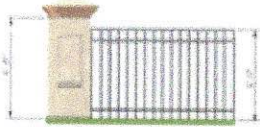




A DECORATIVE SCREEN WALL



B ENTRY GATE MEDIAN ORNAMENTAL METAL FENCING
GATE & MEDIAN FENCING DESIGN T.B.D.



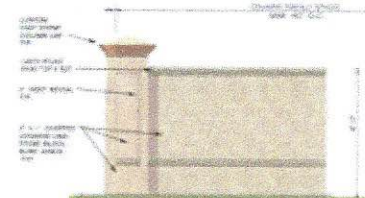
C ORNAMENTAL METAL FENCE
WITH COLUMN TERMINUS



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

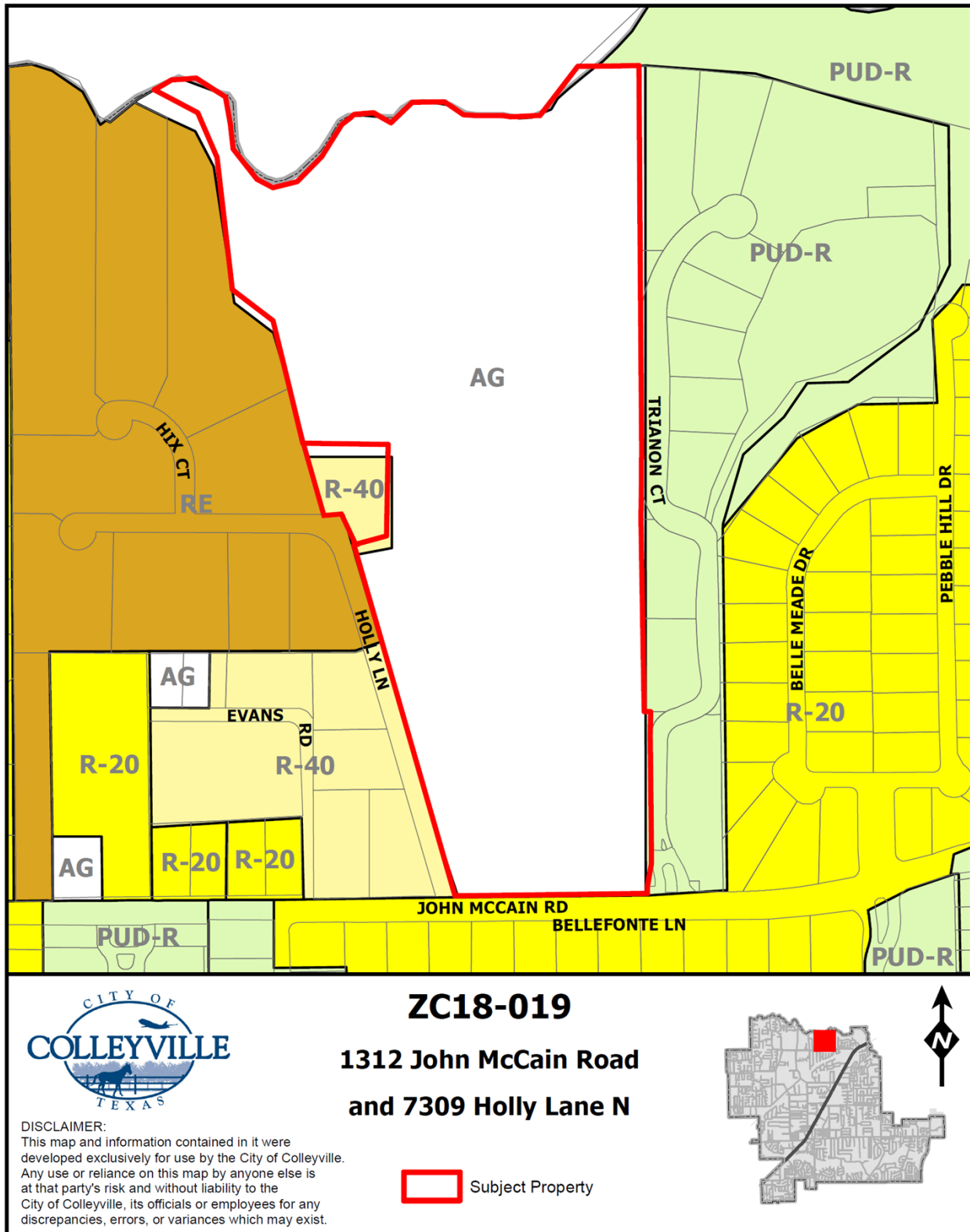


Exhibit “B” – Statement of Planning Objectives

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	
Single Family Residential Lots	36
Common Areas	9
Residential Lots	68.22%
Open Space Floodway	29.78 ac.
R.O.W.	12.93%
Gross Acreage	4.53 ac.
Density Data	10.00%
Residential Density	43.54
Residential Density Net R.O.W. (R.O.W. = 4.53 ac.)	0.92
Summary	
Residential Lots	36
Minimum Building Lot Area	36,000 sq. ft.
Minimum Building Lot Area	36,000 sq. ft.
Common Areas	9
Existing Zoning	AG & R-40
Proposed Zoning	PUD-N

Owner:
Berk & Goss 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.
Master Planning
Urban Design
Landscape Architecture
11111 West Loop, Suite 200
Southlake, Texas 76092
Tel: 817-424-2626



22 JUNE 18 1" = 100'

Zoning Exhibit for
Zoning Change Request
From AG & R-40 to PUD-R
Case #ZC18-019

Oak Alley

Colleyville, Tarrant County, Texas



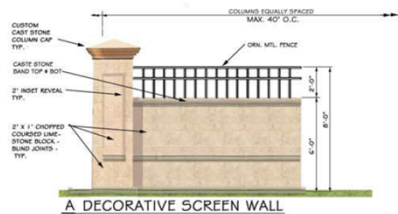
Development Plan

Bear Creek Plantation, Lot 1R1 Block 1 & Lot 1R2 Block 1



THE ENTRY

OAK ALLEY



A DECORATIVE SCREEN WALL



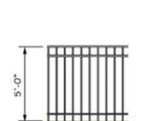
B ENTRY GATE MEDIAN ORNAMENTAL METAL FENCING
GATE & MEDIAN FENCING DESIGN T.B.D.



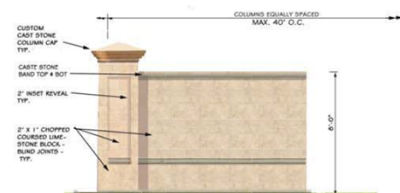
C ORNAMENTAL METAL FENCE
WITH COLUMN TERMINUS



D LOW STONE WALL WITH
ORNAMENTAL METAL FENCE



E ORNAMENTAL
METAL FENCE



F DECORATIVE SCREEN WALL

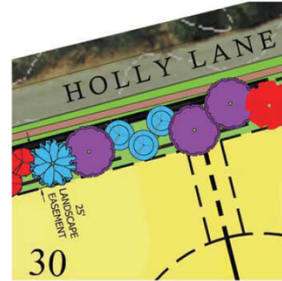


SCREENING WALLS & ORNAMENTAL FENCING EXHIBIT

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, clear 8' to 10' B&B, matching growth
	Shrimp Apple	1	12" DBH	single trunk, clear 8' to 10' B&B, matching growth
	Shrimp Apple	1	12" DBH	single trunk, clear 8' to 10' B&B, matching growth
	Shrimp Apple	1	12" DBH	single trunk, clear 8' to 10' B&B, matching growth
ORNAMENTAL TREES				
SYMBOL	PLANT NAME	QUANTITY	SIZE	CONDITION / REMARKS
	Shrimp Apple	1	12" DBH	single trunk, clear 8' to 10' B&B, matching growth
	Shrimp Apple	1	12" DBH	single trunk, clear 8' to 10' B&B, matching growth
	Shrimp Apple	1	12" DBH	single trunk, clear 8' to 10' B&B, matching growth
	Shrimp Apple	1	12" DBH	single trunk, clear 8' to 10' B&B, matching growth



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, clear 8' to 10' B&B, matching growth
	Shrimp Apple	1	12" DBH	single trunk, clear 8' to 10' B&B, matching growth
	Shrimp Apple	1	12" DBH	single trunk, clear 8' to 10' B&B, matching growth
	Shrimp Apple	1	12" DBH	single trunk, clear 8' to 10' B&B, matching growth
ORNAMENTAL TREES				
SYMBOL	PLANT NAME	QUANTITY	SIZE	CONDITION / REMARKS
	Shrimp Apple	1	12" DBH	single trunk, clear 8' to 10' B&B, matching growth
	Shrimp Apple	1	12" DBH	single trunk, clear 8' to 10' B&B, matching growth
	Shrimp Apple	1	12" DBH	single trunk, clear 8' to 10' B&B, matching growth
	Shrimp Apple	1	12" DBH	single trunk, clear 8' to 10' B&B, matching growth



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'

Landscape Easement Plantings

Bear Creek Plantation, Lot 1R1 Block 1 & Lot 1R2 Block 1

Oak Alley

Colleyville, Tarrant County, Texas

STONE



PAVERS



INSPIRATION



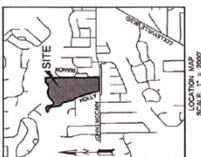
THE ENTRY

OAK ALLEY

BENCHMARKS

• 828

DEOTTE, INC.

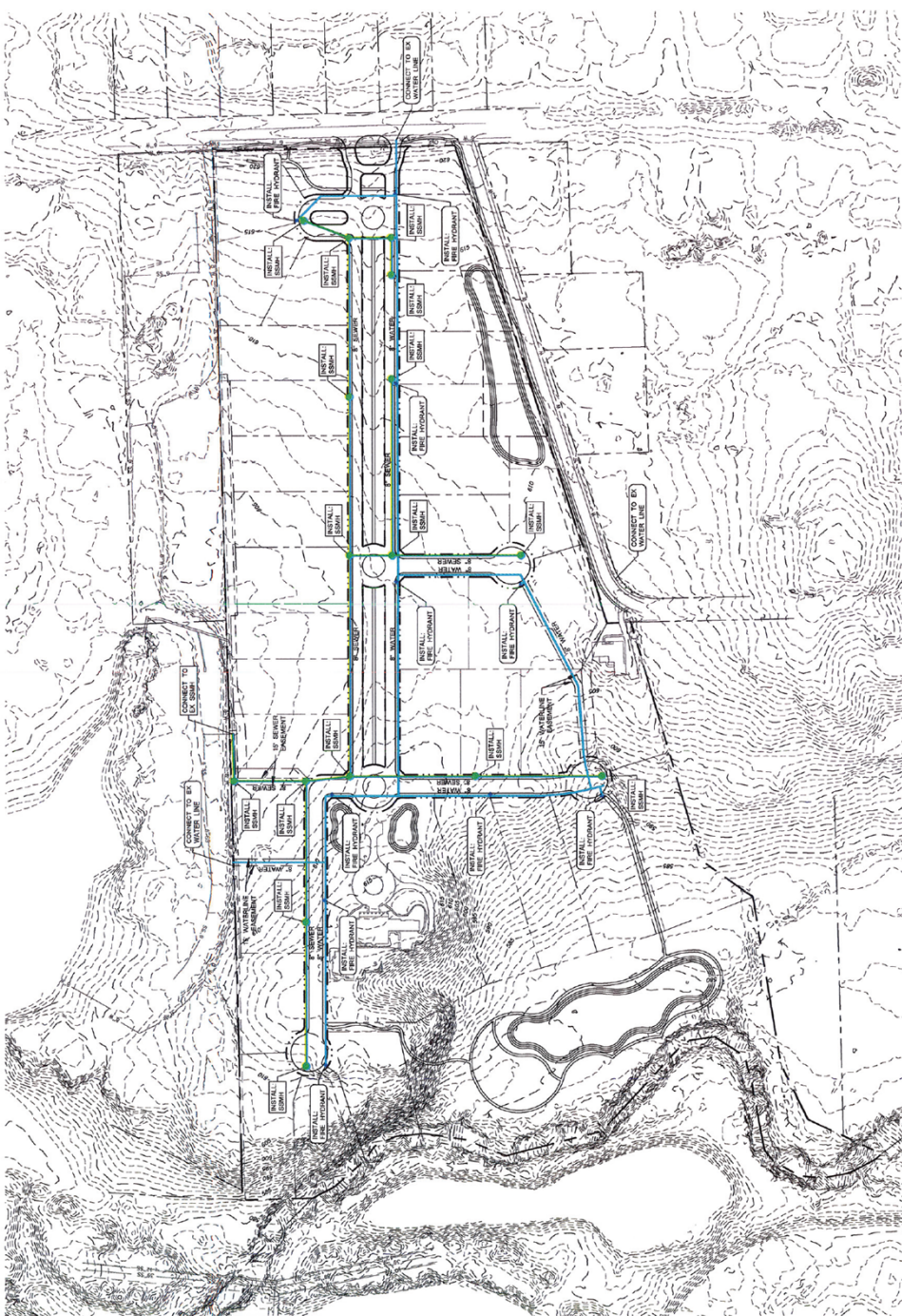


LOCATION MAP
SCALE: 1" = 3000'

LOCATION MAP
SCALE: 1" = 3000'

LEGEND

- 8" WATER LINE
- FIRE HYDRANT
- 8" SANITARY SEWER LINE
- SANITARY SEWER MANHOLE



TANGLEWOOD ESTATES MAINTENANCE ASSOCIATION

October 28, 2018

Ben Bryner
City of Colleyville
100 Main Street
Colleyville, Texas 76034

Re: Oak Alley, 1312 John McCain Road, Rezoning Case No. ZC18-019

Dear Ben,

Please note that we are in support of the above referenced development.
The recent revisions made to both the PUD Zoning Ordinance and the CC&R's are
now in conformance with our Letter Agreement dated June 25, 2018.

Thank You,



Tanglewood Estates Maintenance Association
President

Date: October 29, 2018

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

Constance E Mady

Michael Venemeyer & Andrea Holinga

Michael Venemeyer & Andrea Holinga, 7312 Trianon Ct.

Andrea Holinga

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; 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; 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 permanent perimeter wall/fencing shall be installed prior to home construction within the development and maintained in perpetuity by the Oak Alley HOA.
- 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.
- c. Preliminary Plat shall include measurement of buildable area and lot size for each lot within the development.
- d. Pedestrian access easements shall be provided to Holly Lane and John McCain and depicted on the Final Plat.

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
- c. The existing structure commonly known as the foreman's house (7309 Holly Lane) shall be demolished and removed within twenty-four (24) months of final plat approval.

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 minimum lot size for lots 1 and 3; 23,000 square feet minimum lot size for lots 32, 33, 34 and 35 (pond is to be conveyed to HOA and not calculated in lot size).

30,000 square feet for no more than 29 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, except where noted below and/or on the Development Plan
- g. Minimum House Size: 4,300 square feet
- h. Maximum Lot Coverage: 25 percent
- i. Lot 29 shall be limited to a single-story structure, and the rear setback shall be no less than 10' from Open Space Lot 10 (setback shall apply to all primary and accessory structures)

- j. Lots 31, 32, 33, 34, & 35 shall provide for a rear building setback from either Open Space Lot 10, or the the “wall and landscape easement” of no less than 15 feet (setback shall apply to all primary and accessory structures)
- k. Lots 4, 5, 6, 7, 8, 9, 10 & 11 shall provide for a rear building setback from the western boundary of the “landscape and wall easement” of no less than 50 feet (setback shall apply to all primary and accessory structures).
- l. Lots 12, 13 & 14 shall have no accessory structures in the rear yard, behind the primary house and/or garage.

5. OPEN SPACE

- a. This development shall provide not less than approximately 20% 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”.
- c. Landcaping easements along the east border of the development (Tanglewood) to be deeded to the Tanglewood Maintenance Association shall be conveyed and improved within 30 days of the Final Plat being recorded at the county. All green space improvements shall be installed immediately following wall/fence construction and shall be adequately irrigated and maintained to assure compliance with landscape plan.

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, plastic or chain-link fencing 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. Double fencing shall be prohibited.

- 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 or wood-clad 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.
- f. Wood, plastic, PVC, or chain-link type fences shall be prohibited.

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. An enhanced entry feature, as depicted in Exhibit "D" and hereto attached, shall be erected along the John McCain Road frontage and shall serve as the entryway to the development.
- h. The construction entrance(s) shall be on John McCain Road only. Access from Holly Lane shall be prohibited including the property commonly known as the foreman's house (7309 Holly Lane).
- 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. The north pond shall maintain at least 2 feet of storage capacity over the low water elevation design. All ponds shall be owned and 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.
- 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. Street lights, and the cost of electricity for the lights, shall be the responsibility of the HOA. Diverters/shields shall be installed on all street lights adjacent to perimeter homes.
- 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. The City reserves the right to revisit this PUD ordinance if the property is not final platted within 48 months of the date of Council approval.

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 Council;
 - 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 Council;
 - 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.
- 7) No boat, marine craft, hovercraft, recreational vehicle, pick-up camper, travel trailer, motor home, camper body or similar vehicle or equipment may be parked in public view for more than 24 consecutive hours within the development.
- 8) The HOA should make every effort to prevent unsightly structures or uses that can be visible from the neighbors outside the development.
- 9) Clothes lines or outside washing or drying of clothes shall be prohibited.
- 10) Garage doors should be of a side-load design or screened from street view and lots in adjacent neighborhoods.
- 11) Whenever possible, storage/shed buildings should be limited in height to avoid viewing by neighbors and subject to all building setback requirements.
- 12) Architectural design guidelines that include building rendering/evaluation illustrations.

- 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 4th day of December 2018.

PASSED AND APPROVED by the City Council of the City of Colleyville, Texas, on this the 4th day of December 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	Richard Newton
City Secretary	Mayor

APPROVED AS TO FORM AND LEGALITY:

Whitt Wyatt
City Attorney

Exhibit "A" – Location and Zoning Map

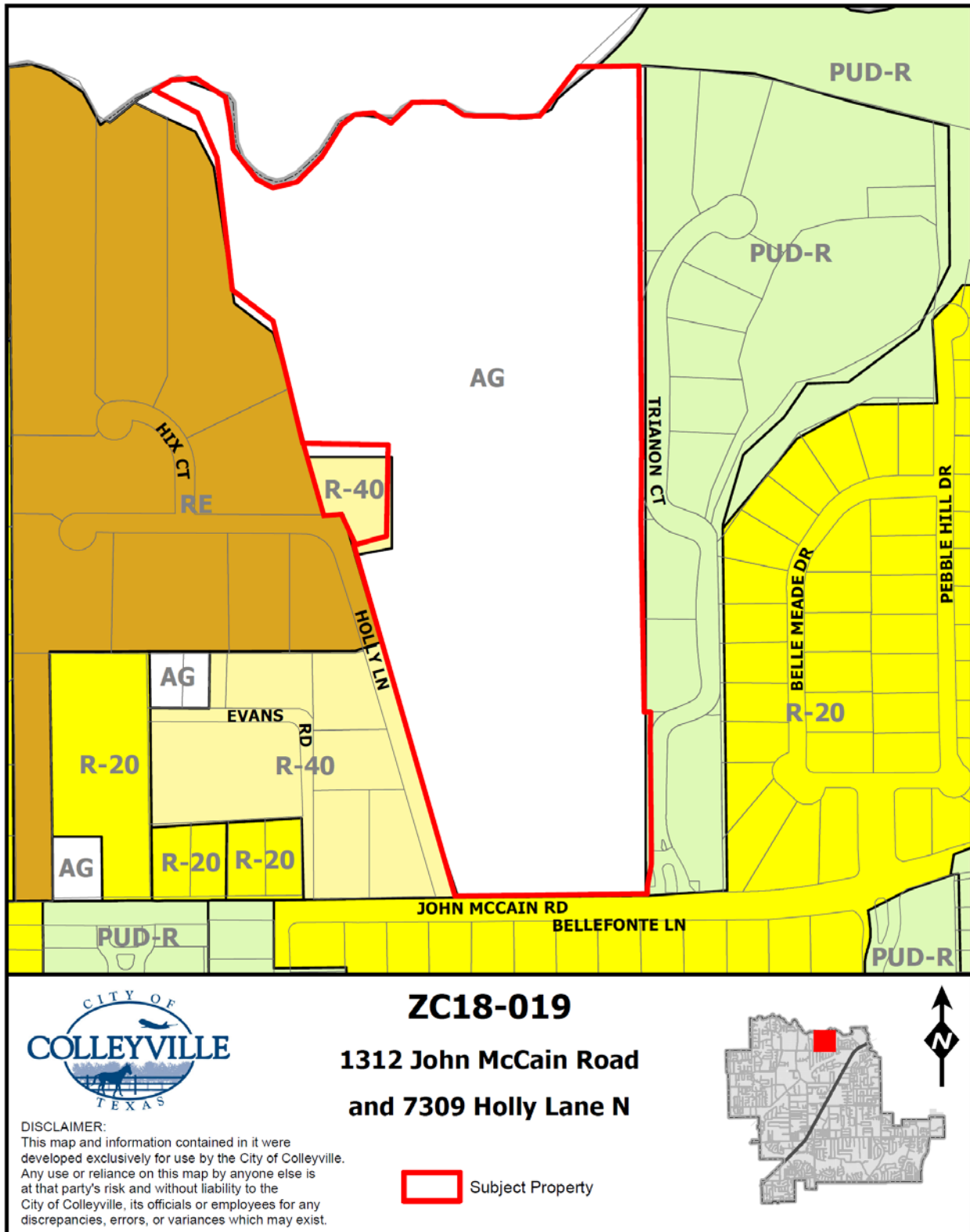


Exhibit “B” – Statement of Planning Objectives

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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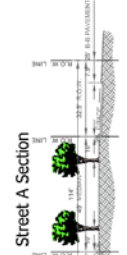
Signage:	A monument sign identifying the subdivision shall be built at the gated entry from John McCain Road.
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Oak Alley

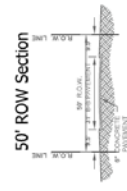
Bear Creek Plantation, Lot 1R1 Block 1 & Lot 1R2 Block 1



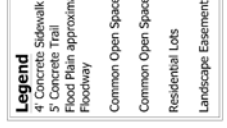
Case #ZC18-019



Street A Section



50' ROW Section



Site Data - Development Plan		
Site Area	35	10
Site Area - Residential LSI	27	8
Common Areas	35	10
Residential LSI	63.96%	27.85 ac.
Open Space	13.68%	5.69 ac.
Open Space - Woodway	11.46%	4.53 ac.
R.O.W.	16.40%	6.23 ac.
Gross Acreage	100.00%	43.54 ac.
Density Data		
Gross Residential Acreage	43.54	
Residential Density (R.D.)	0.92	
Residential Density (R.D.)	0.92	(0.92 ac. = 4.0 ac./mi.)
Summary		
Residential LSI	35	
Minimum Building Lot Area	23,051 s.f.	
Minimum Building Lot Area	10,128 s.f.	
Minimum Building Lot Area	AG & 6-40	
Existing Zoning	PUD-R	
Proposed Zoning		

Owner:
Buck & Charles Collins Trust

OWNER:
Bunk & 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: 817.337.0800

Applicant:
Contact: Clayton Redinger
Tel. 617-537-0039
Green Cross, Inc.

Sage Group, Inc.
1130 N. Carroll Ave., Suite 2
Southlake, TX 76092
Tel: 817-424-2626

Planner:  **Contacts:** Curtis Young

SAGE GROUP, INC.
Master Planning
Johnston, Georgia

Urban Design
Architecture
Landscape Architecture
1130 N. Canal Ave., Ste. 200
Southwest, Texas 76092
817-483-3674

2007

1

29 NOV 18 1" = 100'



THE ENTRY

OAK ALLEY



A DECORATIVE SCREEN WALL



B ENTRY GATE MEDIAN ORNAMENTAL METAL FENCING
 GATE & MEDIAN FENCING DESIGN T.B.D.



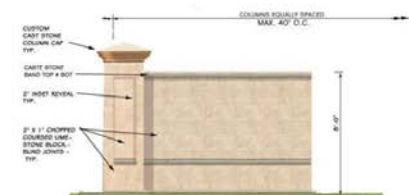
C ORNAMENTAL METAL FENCE
 WITH COLUMN TERMINUS



D LOW STONE WALL WITH
 ORNAMENTAL METAL FENCE



E ORNAMENTAL
 METAL FENCE



F DECORATIVE SCREEN WALL



SCREENING WALLS & ORNAMENTAL FENCING EXHIBIT

OAK ALLEY

STONE



PAVERS



INSPIRATION



SAGE GROUP, INC.
Master Planning
Site Design
Landscape Architecture
1120 N. Capital Ave., Ste 200
Birmingham, Texas 75002
TEL: 817-421-2626

THE ENTRY

OAK ALLEY



SAGE GROUP, INC.
Master Planning
Site Design
Landscape Architecture
1120 N. Capital Ave., Ste 200
Birmingham, Texas 75002
TEL: 817-421-2626

ELEVATION OF THE ENTRY

OAK ALLEY



Holly Lane / Western Boundary Landscape Easement - Landscape Specifications

SYMBOL	PLANT TYPE	QUANTITY	SIZE	CONC./COM. / 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"
●	Shade Tree	1	12" x 12" x 12" x 12"	Shade tree, 12" x 12" x 12" x 12"
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●	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	CONC./COM. / 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"
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●	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"

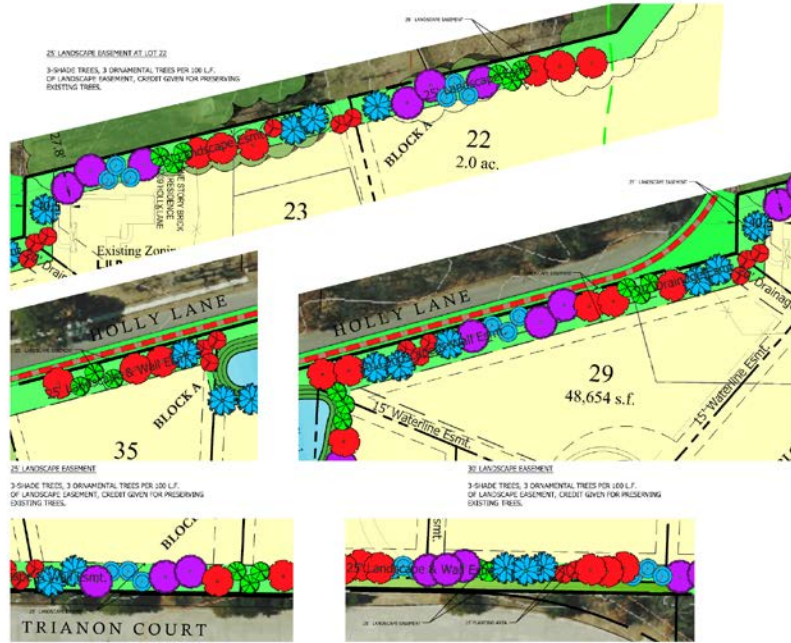
Planner:

SAGE GROUP, INC.
Landscape Architecture
10000 W. 10th Ave., Suite 100
Fort Worth, Texas 76132
(817) 331-1000



Landscape Easement Plantings

Bear Creek Plantation, Lot 1R1 Block 1 & Lot 1R2 Block 1



Oak Alley

Colleyville, Tarrant County, Texas



Planner: SAGE GROUP, INC.
 0000
 21 SEPT 18 1" = 60'



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



Planner: SAGE GROUP, INC.
 0000
 21 SEPT 18 1" = 60'



TYPE A - 8' Total: Masonry Wall 6' / Ornamental Metal Fence 2'
 TYPE F - 8' Masonry Wall

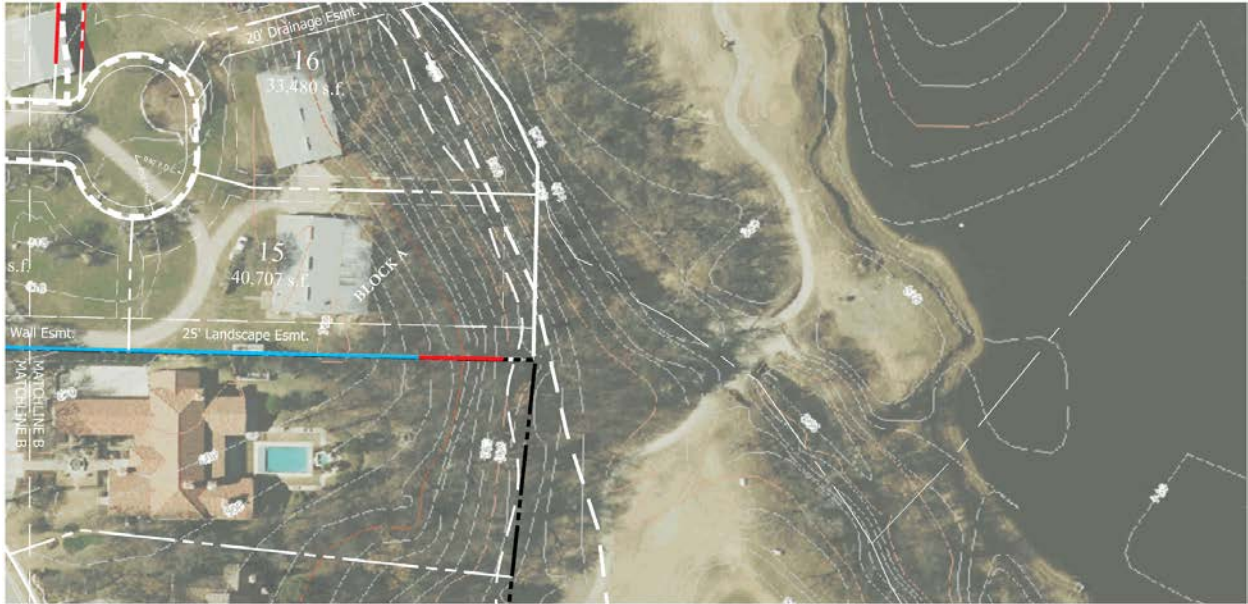
Eastern Boundry Detail (Sheet 2 of 3)

Case #ZC18-002

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
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



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



Planner: SAGE GROUP, INC.
Master Planning
Urban Design
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



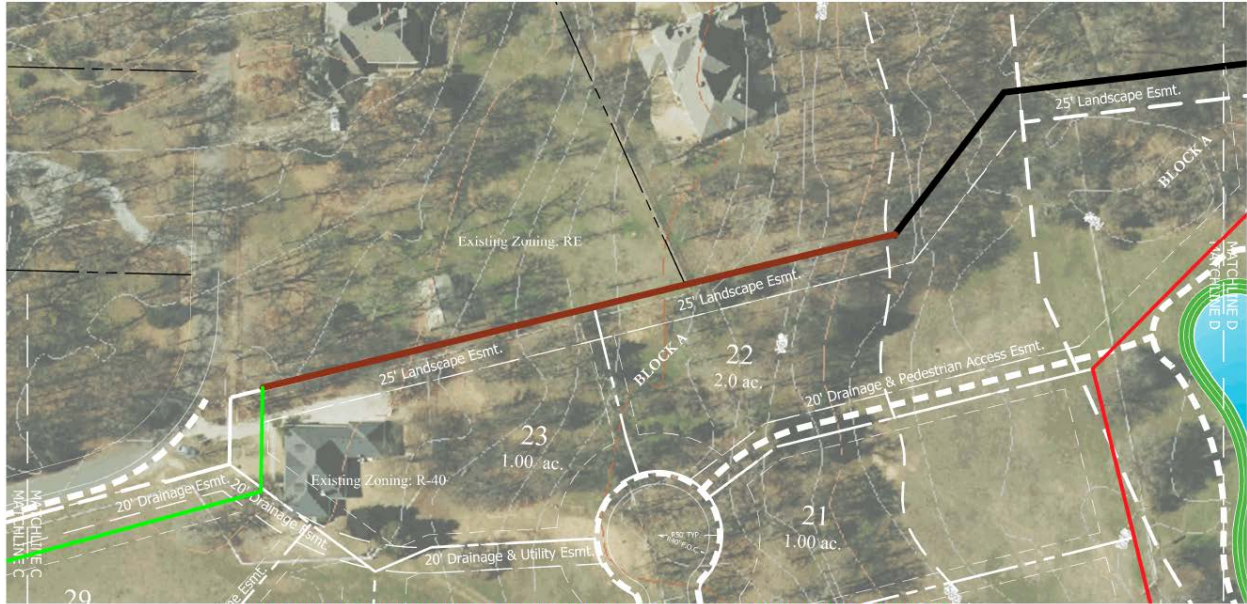
21 SEPT 18 1" = 60'

Western Boundary Detail (Sheet 1 of 3)

Oak Alley

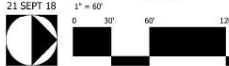
Bear Creek Plantation, Lot 1R1 Block 1 & Lot 1R2 Block 1

Colleyville, Tarrant County, Texas



Planner:  SAGE GROUP, INC.
Master Planning
Urban Design
Architecture
Landscape Architecture
1100 W. Central Exp., Ste. 200
Ft. Worth, Texas 76102
627-424-5025

21 SEPT 18 1" = 60'



TYPE D - 6' Total: Masonry Wall 2.5' / Ornamental Metal Fence 3.5'
 TYPE A - 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
1100 W. Central Exp., Ste. 200
Ft. Worth, Texas 76102
627-424-5025

21 SEPT 18 1" = 60'



Replace Pipe Rail Fence

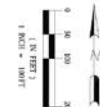
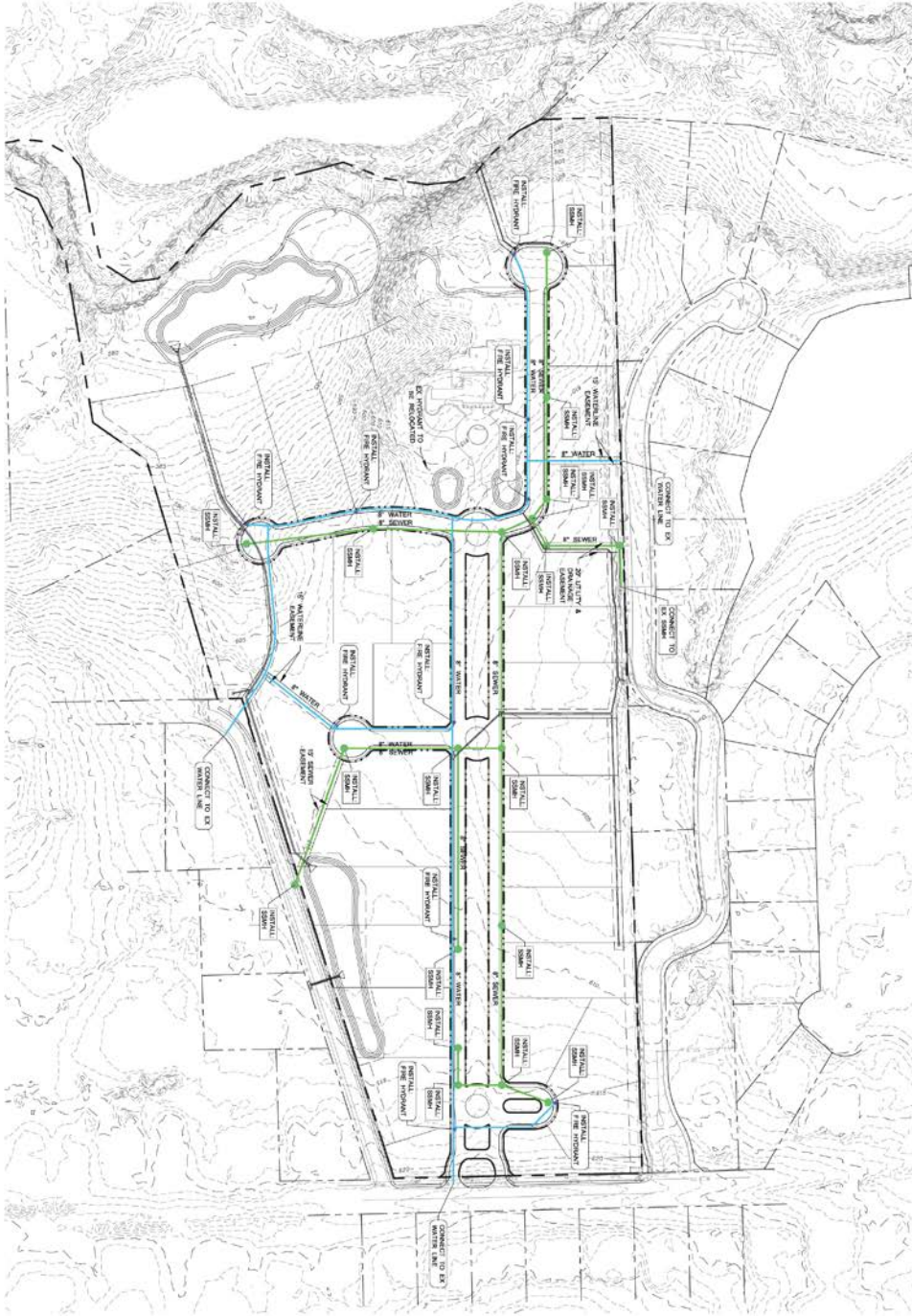
Western Boundary Detail (Sheet 3 of 3)

Bear Creek Plantation, Lot 1R1 Block 1 & Lot 1R2 Block 1

Case #ZC18-002

Oak Alley

Colleyville, Tarrant County, Texas



- LEGEND**
- 6" WATER LINE
 - 6" FIRE LINE
 - 6" SANITARY SEWER LINE
 - 15' SANITARY SEWER MANHOLE



3

DATE: 05/05/2010
BY: [Signature]

THIS DOCUMENT IS FOR INTERIM REVIEW
AND IS NOT INTENDED FOR CONSTRUCTION.
BEFORE OR AFTER CONSTRUCTION.
BY: Clayton T. Redinger
Reg. No.: 97467
Firm No.: 8-311610
DATE: 10/16/2010

NO.	DESCRIPTION
1	6" WATER LINE
2	6" FIRE LINE
3	6" SANITARY SEWER LINE
4	15' SANITARY SEWER MANHOLE

PRELIMINARY UTILITY PLAN OAK ALLEY COLLEYVILLE, TEXAS

DEOTTE, INC.
CIVIL ENGINEERING
11111 AMBUSH ROAD, SUITE 100
COLLEYVILLE, TEXAS 76034
TEL: 817.336.1111 FAX: 817.336.1112
WWW.DEOTTE.COM

LOCATION MAP
SCALE: 1" = 200'

1" = 200'

1" = 200'

1" = 200'

LEGEND

1. DRAINAGE AREA LABEL

2. FLOW DIRECTION

3. EXISTING CENTER MAIN

4. EXISTING CENTER MAIN

5. DESIGN POINT

NOTES

1. EXISTING CENTER MAINS WERE THE
REGULATORY FLOODWAY FOR THE AREA.
THESE CENTER MAINS WERE NOT
DESIGNED FOR THE DESIGN FLOOD
THROUGH THE AREA AT A LATER DATE. THEREFORE,
THESE CENTER MAINS WILL BE REPLACED
WITH NEW CENTER MAINS OF
SUFFICIENT CAPACITY AND DESIGN
TO HANDLE THE DESIGN FLOOD.
2. THE NEW CENTER MAINS WILL BE
DESIGNED TO HANDLE THE DESIGN FLOOD
WITH A 1% CHANCE OF EXCEEDANCE
IN THE DESIGN LIFE OF THE
SYSTEM.
3. THE NEW CENTER MAINS WILL BE
DESIGNED TO HANDLE THE DESIGN FLOOD
WITH A 1% CHANCE OF EXCEEDANCE
IN THE DESIGN LIFE OF THE
SYSTEM.
4. THE NEW CENTER MAINS WILL BE
DESIGNED TO HANDLE THE DESIGN FLOOD
WITH A 1% CHANCE OF EXCEEDANCE
IN THE DESIGN LIFE OF THE
SYSTEM.
5. THE NEW CENTER MAINS WILL BE
DESIGNED TO HANDLE THE DESIGN FLOOD
WITH A 1% CHANCE OF EXCEEDANCE
IN THE DESIGN LIFE OF THE
SYSTEM.
6. THE NEW CENTER MAINS WILL BE
DESIGNED TO HANDLE THE DESIGN FLOOD
WITH A 1% CHANCE OF EXCEEDANCE
IN THE DESIGN LIFE OF THE
SYSTEM.

Flow of Concentration or Flood Flow Worksheet

Project: Oak Alley
Location: Colleyville, TX
City: Colleyville, TX

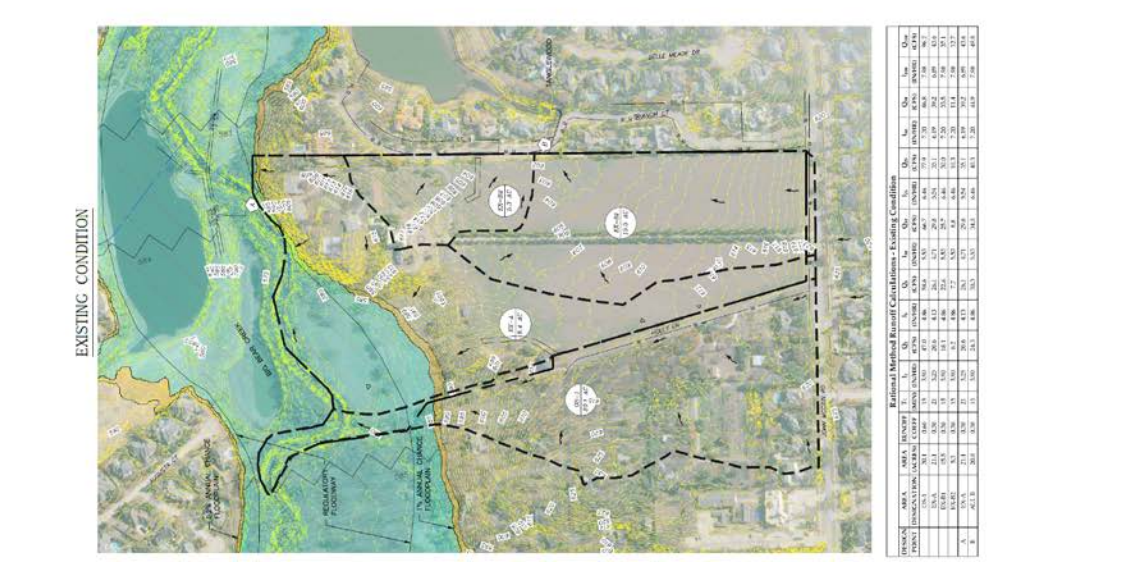
Calculation (Flooded/Unflooded) Current Conditions

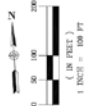
SHEET FLOW (Approximate to 0.001)

1. Surface Description
2. Manning's Roughness Coefficient
3. Slope (ft/ft)
4. Time of Travel (min)
5. Land Slope (ft/ft)
6. Length of Run (ft)
7. Time of Travel (min)
8. Length of Run (ft)
9. Time of Travel (min)
10. Length of Run (ft)

UNFLOODED CONDITIONS

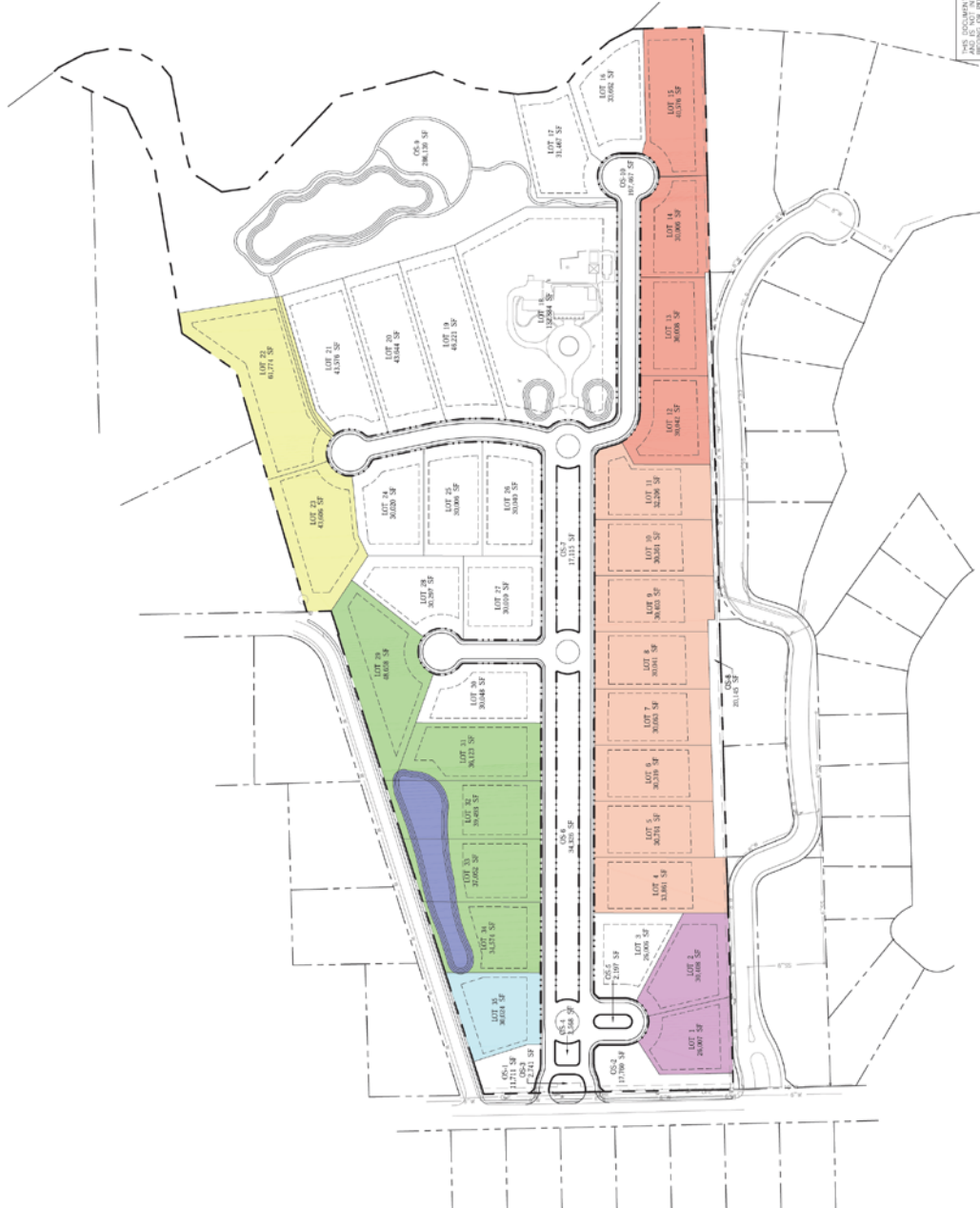
1. Surface Description
2. Manning's Roughness Coefficient
3. Slope (ft/ft)
4. Time of Travel (min)
5. Land Slope (ft/ft)
6. Length of Run (ft)
7. Time of Travel (min)
8. Length of Run (ft)
9. Time of Travel (min)
10. Length of Run (ft)





OAK ALLEY GRADING CONCEPT

1. FINAL GRADING IS THE FIRST THING THAT SHAPES THE FINAL DESIGN PROCESS AND IT IS THE LAST THING THE DESIGNER DOES. THE DESIGNER MUST BE AWARE OF THE FACTS OF THE SITE AND THE DESIGN PROCESS BEFORE ANY DESIGN CAN BE DEVELOPED. THE DESIGNER MUST BE AWARE OF THE FACTS OF THE SITE AND THE DESIGN PROCESS BEFORE ANY DESIGN CAN BE DEVELOPED.
2. FACTORS THAT AFFECT FINAL GRADING WILL INCLUDE: PROTECTION, BARRIERS, ACCESS, AND THE DESIGNER MUST BE AWARE OF THE FACTS OF THE SITE AND THE DESIGN PROCESS BEFORE ANY DESIGN CAN BE DEVELOPED.
3. MAJOR CONSTRAINTS IMPACTING GRADING ON THIS SITE INCLUDE: THE PRESENCE OF EXISTING UTILITIES, THE PRESENCE OF EXISTING BUILDINGS, AND THE PRESENCE OF EXISTING LANDSCAPE.
4. THIS CONCEPT PRESENTS THE GRADING FOR EACH LOT WITH FINAL DESIGN.
- LOTS 1 AND 2**
THESE LOTS ARE EXPECTED TO HAVE A LOT GRADING BETWEEN THE EXISTING GRADING AND THE PROPOSED GRADING. THE GRADING WILL BE A MIXTURE OF EXISTING AND PROPOSED GRADING. THE GRADING WILL BE A MIXTURE OF EXISTING AND PROPOSED GRADING.
- LOTS 3 THROUGH 11**
THESE LOTS ARE EXPECTED TO HAVE A LOT GRADING BETWEEN THE EXISTING GRADING AND THE PROPOSED GRADING. THE GRADING WILL BE A MIXTURE OF EXISTING AND PROPOSED GRADING. THE GRADING WILL BE A MIXTURE OF EXISTING AND PROPOSED GRADING.
- LOTS 12 THROUGH 15**
THESE LOTS ARE EXPECTED TO HAVE A LOT GRADING BETWEEN THE EXISTING GRADING AND THE PROPOSED GRADING. THE GRADING WILL BE A MIXTURE OF EXISTING AND PROPOSED GRADING. THE GRADING WILL BE A MIXTURE OF EXISTING AND PROPOSED GRADING.
- LOTS 16 AND 17**
THESE LOTS ARE EXPECTED TO HAVE A LOT GRADING BETWEEN THE EXISTING GRADING AND THE PROPOSED GRADING. THE GRADING WILL BE A MIXTURE OF EXISTING AND PROPOSED GRADING. THE GRADING WILL BE A MIXTURE OF EXISTING AND PROPOSED GRADING.
- LOTS 18 AND 19**
THESE LOTS ARE EXPECTED TO HAVE A LOT GRADING BETWEEN THE EXISTING GRADING AND THE PROPOSED GRADING. THE GRADING WILL BE A MIXTURE OF EXISTING AND PROPOSED GRADING. THE GRADING WILL BE A MIXTURE OF EXISTING AND PROPOSED GRADING.
- LOTS 20 AND 21**
THESE LOTS ARE EXPECTED TO HAVE A LOT GRADING BETWEEN THE EXISTING GRADING AND THE PROPOSED GRADING. THE GRADING WILL BE A MIXTURE OF EXISTING AND PROPOSED GRADING. THE GRADING WILL BE A MIXTURE OF EXISTING AND PROPOSED GRADING.
- LOTS 22 AND 23**
THESE LOTS ARE EXPECTED TO HAVE A LOT GRADING BETWEEN THE EXISTING GRADING AND THE PROPOSED GRADING. THE GRADING WILL BE A MIXTURE OF EXISTING AND PROPOSED GRADING. THE GRADING WILL BE A MIXTURE OF EXISTING AND PROPOSED GRADING.
- LOTS 24 AND 25**
THESE LOTS ARE EXPECTED TO HAVE A LOT GRADING BETWEEN THE EXISTING GRADING AND THE PROPOSED GRADING. THE GRADING WILL BE A MIXTURE OF EXISTING AND PROPOSED GRADING. THE GRADING WILL BE A MIXTURE OF EXISTING AND PROPOSED GRADING.
- THE HOLLY POND**
THESE LOTS ARE EXPECTED TO HAVE A LOT GRADING BETWEEN THE EXISTING GRADING AND THE PROPOSED GRADING. THE GRADING WILL BE A MIXTURE OF EXISTING AND PROPOSED GRADING. THE GRADING WILL BE A MIXTURE OF EXISTING AND PROPOSED GRADING.



OAK ALLEY
PERMITS & CONCEPT PLAN
COLLEGEVILLE, TEXAS
DIOTTE, INC.

THE DESIGNER IS THE AUTHOR OF THIS PLAN AND IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS. THE DESIGNER IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS. THE DESIGNER IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS.



City of Colleyville City Council Agenda Briefing

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

Agenda Number 8a

Agenda Date 12/04/2018

Number Resolution R-18-4332

Type Resolution

Department Community Development

Title

Consideration of a Replat for Lots A1R-1 and A1R -2, Block 2, of the Pleasant Oaks Estates Addition, located at 512 and 600 Leta Lane, Case PC18-014

Strategic Plan

There is no strategic plan goal associated with this item.

Explanation

Reading and Public Hearing

The applicant has requested to replat two tracts by shifting the property line between the two tracts to the east.

Grayson CeBallos, the applicant, has submitted a request for a Replat of Lot A1R-1 and AIR-2, Block 2, of the Pleasant Oaks Addition, being approximately 2.937 acres, and zoned R-40 Single Family Residential district. The purpose is to create two platted single-family residential lots.

Existing Conditions/Background: The subject properties, 512 & 600 Leta Lane, reside on the north side of Leta Lane east of Bransford Road. The subject property has R-40 zoning and the tracts are developed with a single-family residences. The property has had R-40 zoning dating back to 1977 and since that time the zoning has not changed.

Lot Dimensions and Setbacks: Per Section 3.24 G, Schedule of District Regulations in the Land Development Code, the R-40 zoning regulations require the following standards:

- Minimum Lot Area: 40,000 square feet
- Minimum Lot Width: 150 feet
- Minimum Lot Depth: 150 feet
- Minimum Front Yard Setback: 40 feet
- Minimum Side Yard Setbacks: 15 feet
- Minimum Rear Yard Setback: 25 feet
- Maximum Lot Coverage: 20 percent

As submitted, the proposed plat meets all of the requirements of the R-40 zoning as described in the Land Development Code.

Surrounding Development: The surrounding area consists of a mix of larger lots with R-40 zoning and smaller lots with R-10 zoning, all of which are developed with single family homes.

Analysis: The proposed lot layout complies with the existing R-40 zoning and meets the intent of the City's Comprehensive Master Plan.

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 500 feet of the subject property. Notice was also published in the Fort Worth Star-Telegram as required by State law and the Land Development Code. To date, no correspondence has been received for this item.

Staff Recommendation: The proposed plat meets the requirements of the Land Development Code, staff recommends approval.

Planning & Zoning Commission Recommendation: The Planning & Zoning Commission recommended approval of the Replat at their November 13, 2018 meeting by a vote of 7-0.

Financial Impact

There is no fiscal impact to the City of Colleyville.

Recommendation

Approve

Attachments

1. Aerial Map
2. Zoning Map
3. Future Land Use Map
4. Plat Exhibit
5. Notification Map
6. Notification List
7. Property Owner Notification
8. Resolution R-18-4332

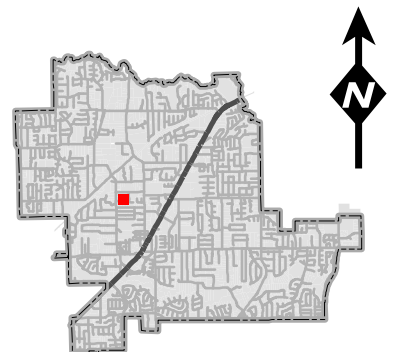
Aerial Map



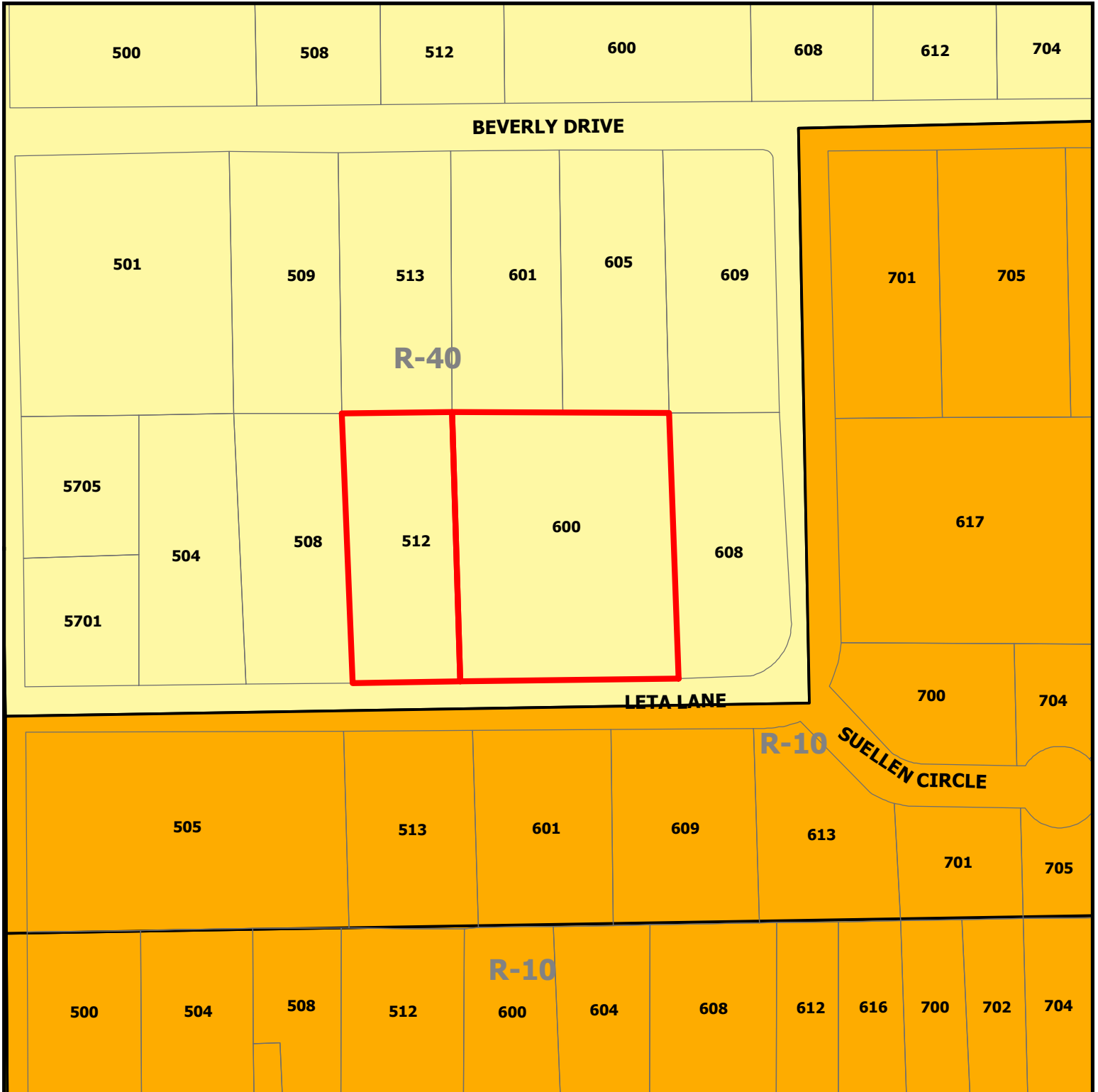
PC18-014 512 and 600 Leta Lane

DISCLAIMER:
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 Subject Property



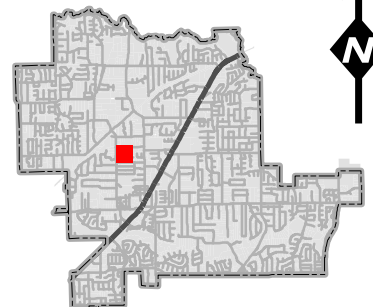
Zoning Map



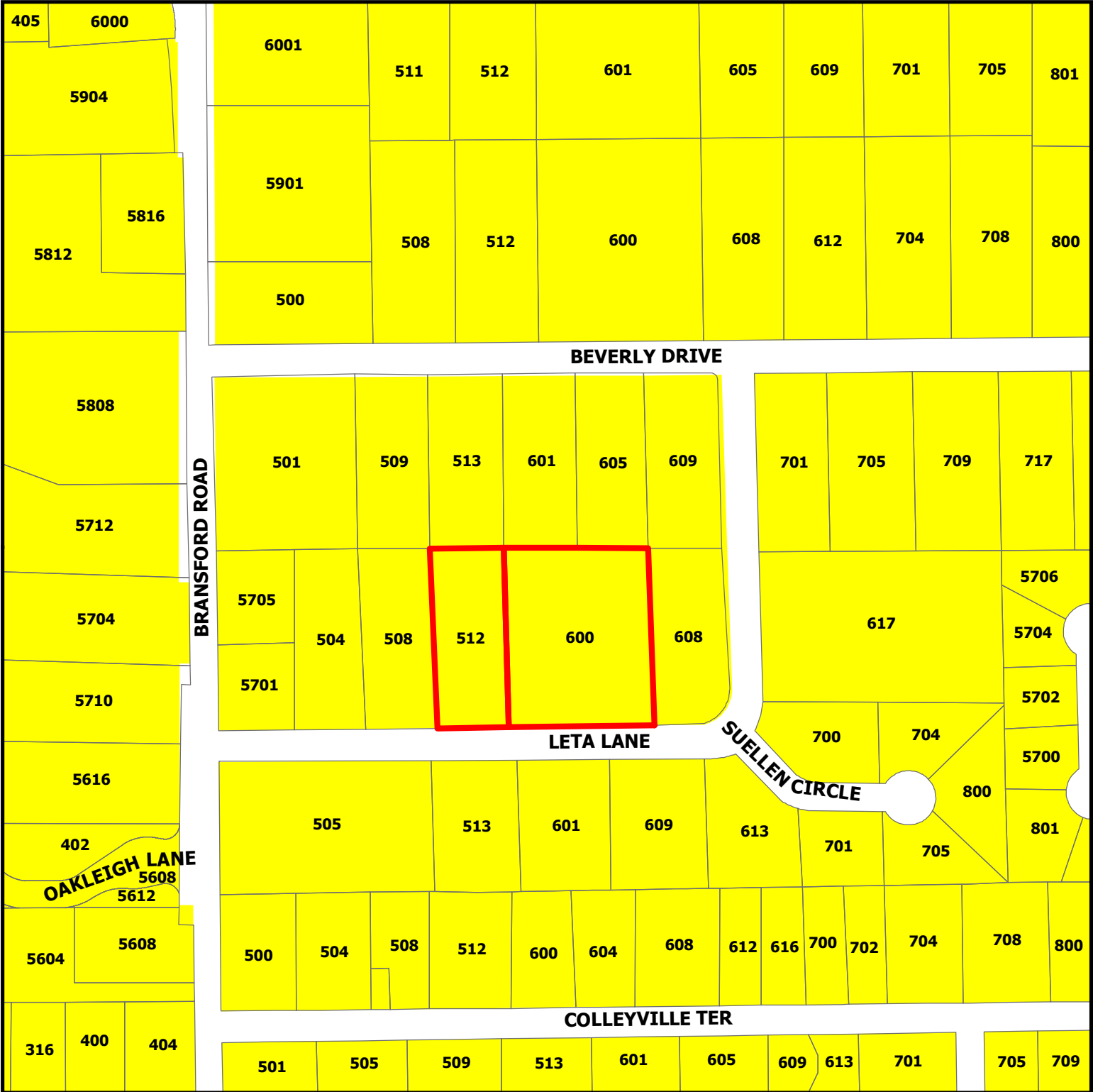
PC18-014 512 and 600 Leta Lane

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 Subject Property



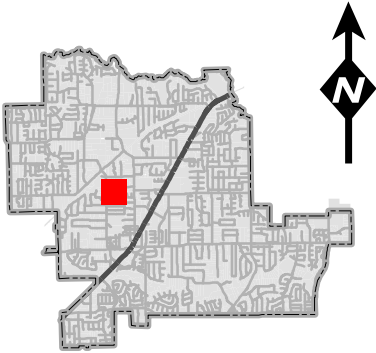
Future Land Use Map



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PC18-014
512 and 600 Leta Lane

 Subject Property
 Residential



Plat Exhibit

SURVEYOR'S NOTES:

- Bearings and distances are based on Texas State Plane Coordinate System, Texas North Central Zone 4202 North American Datum of 1983 (NAD 83) (U.S. Foot) with a combined scale factor of 1.00012.
- 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.
- Notice: Selling a portion of this addition by metes and bounds is a violation of City subdivision ordinance and state platting statutes and is subject to fines and withholding of utilities and building certificates.
- The purpose of this plat is to combine one platted lot and one unplatted lot into two platted lots.
- The maintenance of all drainage and utility easements located on private property are the responsibility of the property owner.
- A Plat Waiver has been requested to allow 111.97 feet to be allowed for frontage in the R-40 Zoning District.

VICINITY MAP NOT TO SCALE



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, paralleling, 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 the written approval of the City of Colleyville shall be allowed within a drainage easement, and then only after detailed engineering plans and studies show that no flooding will result, that no obstruction to the natural flow of water will result, and subject to all owners of the property affected by such construction becoming a party to the request. Where construction is permitted, all finished floor elevations shall be a minimum of two feet above the 100-year flood elevation.

STATE OF TEXAS COUNTY OF DENTON

This is to certify that I, Thomas W. Mauck, a Registered Professional Land Surveyor of the State of Texas, have plotted the subdivision from an actual survey on the ground, and that this plat correctly represents that survey made by me or under my direction and supervision.

PRELIMINARY

THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT DATED 10/16/2018

Thomas W. Mauck, R.P.L.S.
No. 5119

STATE OF TEXAS COUNTY OF TARRANT

WHEREAS James K. and Theresa M. Lines are the owners of two tracts of land situated in the Pate Peterson Survey, Abstract Number 1203, being a portion of Block 2, Pleasant Oak Estates, an addition to the City of Colleyville, Texas, recorded in Volume 388-25, Page 88, Plat Records Tarrant County, Texas and all of Lot AIR, Block 2, Pleasant Oak Estates, an addition to the City of Colleyville, Texas, recorded in Cabinet B, Slide 584, Plat Records, Tarrant County, Texas being two tracts of land described to James K. and Theresa M. Lines as described in Instrument Numbers D21807091 and D216092509, Deed Records, Tarrant County, Texas and being more particularly described by metes and bounds as follows: (Bearings and distances are based on the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983 (NAD83) (US Foot) with a combined scale factor of 1.00012);

COMMENCING from a 1/2 inch rebar found for the southeastern southeast corner of a tract of land described to Michael S. and Catherine M. Alford, recorded in Instrument Number D21607111, Deed Records, Tarrant County, Texas, and lying on the north right of way line of Leta Lane (60 foot right of way as shown in Cabinet B, Slide 584, Plat Records, Tarrant County, Texas);

THENCE South 89 degrees 37 minutes 03 seconds West with the north right of way line of said Leta Lane, a distance of 85.00 feet to a 1/2 inch rebar capped "ASC" set for the southeast corner of said Lot AIR and the southwest corner of said Alfred tract also being THE POINT OF BEGINNING;

THENCE South 89 degrees 31 minutes 26 seconds West continuing with the north right of way line of said Leta Lane, a distance of 397.00 feet to a point for the southwest corner of said first referenced Lines tract same being the southeast corner of a tract of land described to James K. and Theresa Lines, recorded in Instrument Number D217264705, Deed Records, Tarrant County, Texas from which a 1/2 inch rebar bears South 00 degrees 53 minutes 28 seconds East, a distance of 0.89 feet;

THENCE North 01 degrees 54 minutes 30 seconds West departing the north right of way line of said Leta Lane, with the east line of said third referenced Lines tract, a distance of 322.02 feet to a 1/2 inch rebar found for the northeast corner of said third referenced Lines tract, same being the southeast corner of Lot AIR, Block 2, Pleasant Oak Estates, an addition to the City of Colleyville, Texas, recorded in Instrument Number D219112106, Plat Records, Tarrant County, Texas, also being the southwest corner of a tract of land described to Brian O'Regan by deed recorded in Instrument Number D206301779, Deed Records, Tarrant County, Texas;

THENCE North 89 degrees 31 minutes 26 seconds East with the south line of said O'Regan tract, passing a wood fence corner post found for the southeast corner of said O'Regan tract at a distance of 132.60 feet and continuing with the south line of a tract of land described to John P. and Christine Burnett, by deed recorded in Instrument Number D202350111, Deed Records, Tarrant County, Texas and with the south line of a tract of land described to Michael De Jong and Spouse, Michele K. De Jong, as recorded in Instrument Number D206309538, Deed Records, Tarrant County, Texas, a total distance of 397.80 feet to a 1/2 inch rebar capped "ASC" set for the southeast corner of said De Jong tract, same being the southwest corner of Lot AIR-2, Pleasant Oak Estates Addition, an addition to the City of Colleyville, Texas, recorded in Instrument Number D215175100, Plat Records, Tarrant County, Texas, and being the northwest corner of said Alfred tract;

THENCE South 01 degrees 46 minutes 57 seconds East with the west line of said Alfred tract and with the east line of said Lot AIR, a distance of 322.00 feet back to THE POINT OF BEGINNING and containing 127,945 square feet or 2,937 acres of land, more or less.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS

That We, James K. Lines and Theresa M. Lines, Owners, do hereby adopt this plat designating the hereinbefore described property as Lot AIR-1 and Lot AIR-2, Block 2, PLEASANT OAK ESTATES ADDITION, an addition to the City of Colleyville, Tarrant County, Texas, and do hereby dedicate for single to the public use forever all streets, right-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 planning ordinances, rules, regulations, and resolutions of the City of Colleyville, Texas.

By: _____
James K. Lines
By: _____
Theresa M. Lines

STATE OF TEXAS COUNTY OF

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared James K. Lines, 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 purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this ____ day of ____ 20__.

Notary Public in and for the State of Texas

STATE OF TEXAS COUNTY OF

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Theresa M. Lines, 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 purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this ____ day of ____ 20__.

Notary Public in and 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 ____ day of ____, 2018, to approve this Plat.

Chairman, Planning and Zoning Commission

Aldert: Secretary, Planning and Zoning Commission

PLANNING AND ZONING COMMISSION APPROVAL:

WHEREAS The Planning and Zoning Commission of the City of Colleyville, Texas voted affirmatively on this ____ day of ____, 2018, to approve this Plat.

Mayor, City of Colleyville

Aldert: Secretary, Planning and Zoning Commission

REPLAT
PLEASANT OAK ESTATES
LOT AIR-1 and AIR-2, BLOCK 2
FROM
LOT AIR PLEASANT OAK ESTATES
AND PART OF BLOCK 2
PATE PETERSON SURVEY,
ABSTRACT NO. 1203
CITY OF COLLEYVILLE, TARRANT
COUNTY, TEXAS



DRAWN BY: G.L.C. DATE: 07/26/2018 CHECKED BY: T.A. JOB NO.: 21807091

LEGEND OF ABBREVIATIONS

- D.R.T.C.T. DEED RECORDS, TARRANT COUNTY, TEXAS
- O.P.R.T.C.T. OFFICIAL PUBLIC RECORDS, TARRANT COUNTY, TEXAS
- P.R.T.C.T. PLAT RECORDS, TARRANT COUNTY, TEXAS
- ROW RIGHT OF WAY
- IRS 1/2 INCH CAPPED REBAR STAMPED "ASC" SET
- C.M. CONTROLLING MONUMENT
- SF SQUARE FEET

JAMES MILTON GRAY, JR.
VOL. 610, PG. 440
INST. NO. D2006258
D.R.T.C.T.

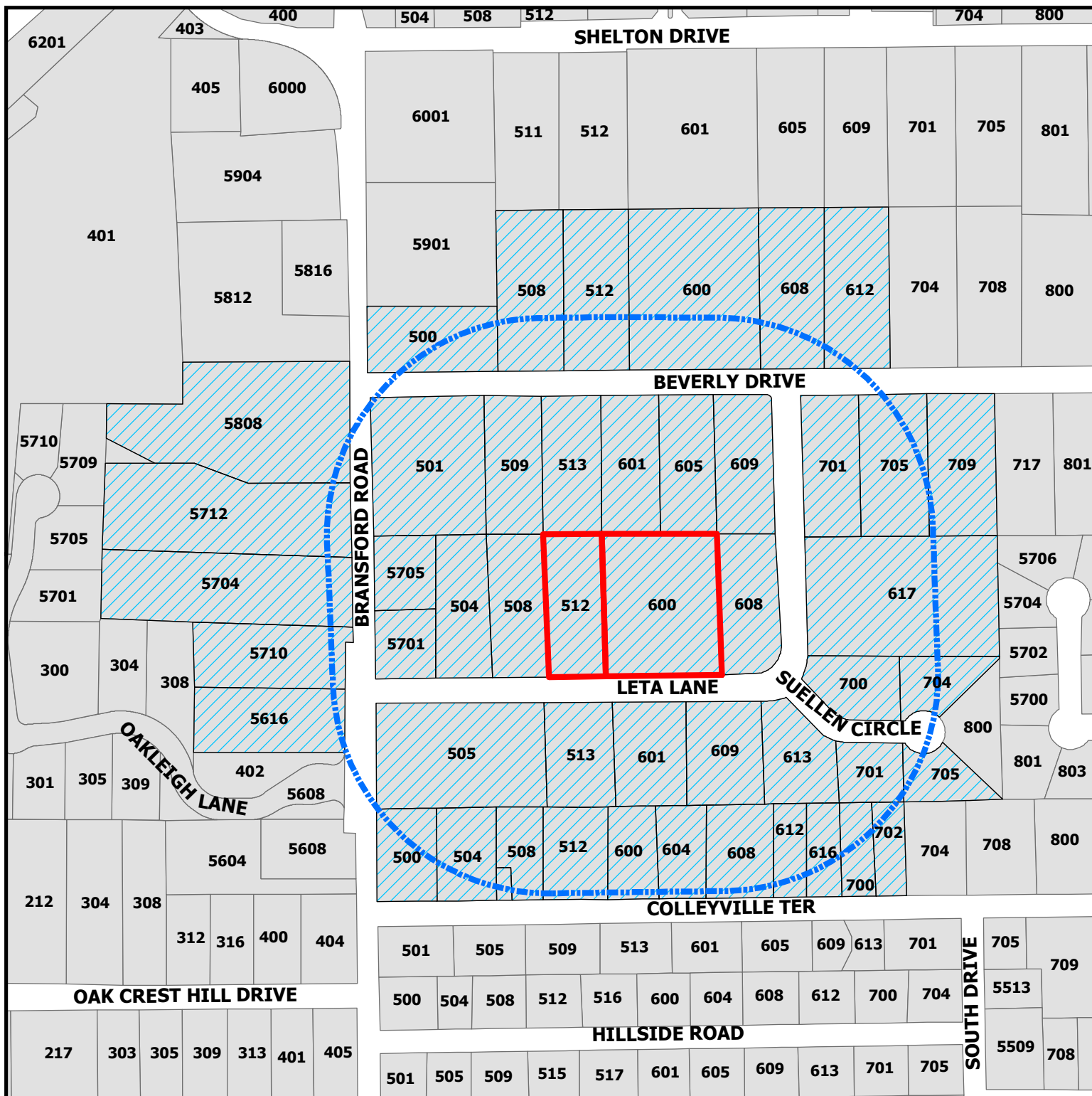
EDWIN L. WALLER
VOL. 610, PG. 440
INST. NO. D2006258
D.R.T.C.T.

RODNEY M. CROWSON
WIFE, DEBORAH A. CROWSON
INST. NO. D2006258
D.R.T.C.T.

LORENA TEES
INST. NO. D2006258
D.R.T.C.T.

OWNER/DEVELOPER
THERESA LINES
3207 ST. ALBANS CIRCLE
COLLEYVILLE, TEXAS, 76034

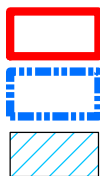
Notification Map



PC18-014
512 and 600 Leta Lane

DISCLAIMER:

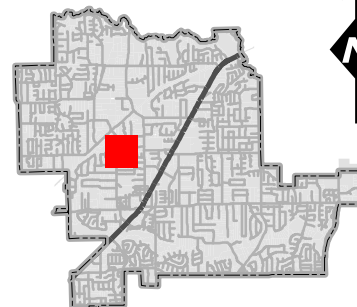
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Subject Property

500ft Buffer

Properties within 500ft



Notification List

Owner Name	Owner Address	Owner City	Owner Zip	Situs Address
WALLER, EDWIN	513 LETA LN	COLLEYVILLE, TX	76034	513 LETA LN
MCGRATH, PAUL E	709 BEVERLY DR	COLLEYVILLE, TX	76034	709 BEVERLY DR
SURLLEY, ELTON R	617 LETA LN	COLLEYVILLE, TX	76034	617 LETA LN
KOEHN, GARY L	612 COLLEYVILLE TERR	COLLEYVILLE, TX	76034	612 COLLEYVILLE TERR
FREIMUTH, KIRK	700 COLLEYVILLE TERR	COLLEYVILLE, TX	76034	700 COLLEYVILLE TERR
BUTLER, LINDSAY LEE	508 COLLEYVILLE TERR	COLLEYVILLE, TX	76034	508 COLLEYVILLE TERR
JOHNSON, WM R	608 COLLEYVILLE TERR	COLLEYVILLE, TX	76034	608 COLLEYVILLE TERR
ROGERS, LAURA	701 SUELLEN CIR	COLLEYVILLE, TX	76034	701 SUELLEN CIR
JEFFRIES, BRANDON	512 COLLEYVILLE TERR	COLLEYVILLE, TX	76034	512 COLLEYVILLE TERR
CHILDRESS, JOHN	512 BEVERLY DR	COLLEYVILLE, TX	76034	512 BEVERLY DR
BUTLER, LINDSAY LEE	508 COLLEYVILLE TERR	COLLEYVILLE, TX	76034	508 COLLEYVILLE TERR
CROSS, SHEILA	705 BEVERLY DR	COLLEYVILLE, TX	76034	705 BEVERLY DR
GRAY, JAMES M	505 LETA LN	COLLEYVILLE, TX	76034	505 LETA LN
BELLAMY, MARTY	705 SUELLEN CIR	COLLEYVILLE, TX	76034	705 SUELLEN CIR
KAMKID PROPERTIES LLC	6016 LD LOCKETT RD	COLLEYVILLE, TX	76034	600 COLLEYVILLE TERR
EDWARD, TIM A	608 BEVERLY DR	COLLEYVILLE, TX	76034	608 BEVERLY DR
LEMASTER, SCOTT L	504 COLLEYVILLE TERR	COLLEYVILLE, TX	76034	504 COLLEYVILLE TERR
ALVARADO, PATRICIA L	500 COLLEYVILLE TERR	COLLEYVILLE, TX	76034	500 COLLEYVILLE TERR
CROWSON, RODNEY	601 LETA LN	COLLEYVILLE, TX	76034	601 LETA LN
MINOR, ARVIL	5808 BRANSFORD RD	COLLEYVILLE, TX	76034	5808 BRANSFORD RD
WEST, NICHOLAS	5506 TEXAS TR	COLLEYVILLE, TX	76034	500 BEVERLY DR
RIMMER, HARRY L	508 BEVERLY DR	COLLEYVILLE, TX	76034	508 BEVERLY DR
CALDWELL, J R	604 COLLEYVILLE TERR	COLLEYVILLE, TX	76034	604 COLLEYVILLE TERR
DWYER, JOHN	5511 CLERMONT CT	COLLEYVILLE, TX	76034	616 COLLEYVILLE TERR
CLEFF, DAVID M	612 BEVERLY DR	COLLEYVILLE, TX	76034	612 BEVERLY DR
LOPEZ, CLAIRE LOUISE	701 BEVERLY DR	COLLEYVILLE, TX	76034	701 BEVERLY DR
GLEASON, JAMES T	600 BEVERLY DR	COLLEYVILLE, TX	76034	600 BEVERLY DR
TEES, LORENA	609 LETA LN	COLLEYVILLE, TX	76034	609 LETA LN
DWYER, JOHN J	5511 CLERMONT CT	COLLEYVILLE, TX	76034	613 SUELLEN CIR
WHITEHURST, MARY K	704 SUELLEN CR	COLLEYVILLE, TX	76034	704 SUELLEN CIR
PETERSON, LOWELL E	700 SUELLEN CIR	COLLEYVILLE, TX	76034	700 SUELLEN CIR
NELSON, ROBERT	608 LETA LN	COLLEYVILLE, TX	76034	608 LETA LN
LINES, JAMES K	3207 ST ALBANS CIR	COLLEYVILLE, TX	76034	508 LETA LN
TANNER, BRUCE	5616 BRANSFORD RD	COLLEYVILLE, TX	76034	5616 BRANSFORD RD
O'REGAN, BRIAN	513 BEVERLY DR	COLLEYVILLE, TX	76034	513 BEVERLY DR
BURNETT, JOHN P	601 BEVERLY DR	COLLEYVILLE, TX	76034	601 BEVERLY DR
LINES, JAMES K	3207 ST ALBANS CIR	COLLEYVILLE, TX	76034	512 LETA LN
LINES, JAMES K	3207 ST ALBANS CIR	COLLEYVILLE, TX	76034	600 LETA LN
OREGAN, BRIAN	513 BEVERLY DR	COLLEYVILLE, TX	76034	509 BEVERLY DR
WEST, GARY R	104 OAK VALLEY DR	COLLEYVILLE, TX	76034	504 LETA LN
TANNER, VICKI	15618 HADDON FIELD WAY	DARNESTOWN, MD	20878	5710 BRANSFORD RD
CARNEY, MAX	5712 BRANSFORD RD	COLLEYVILLE, TX	76034	5712 BRANSFORD RD
GARRISON, LISA	5704 BRANSFORD RD	COLLEYVILLE, TX	76034	5704 BRANSFORD RD
WEST, ERNEST R	104 OAK VALLEY DR	COLLEYVILLE, TX	76034	5705 BRANSFORD RD
BRISTOL, DAVID E	501 BEVERLY DR	COLLEYVILLE, TX	76034	501 BEVERLY DR
WEST, GARY R	104 OAK VALLEY DR	COLLEYVILLE, TX	76034	5701 BRANSFORD RD
DE JONG, MICHAEL	605 BEVERLY DR	COLLEYVILLE, TX	76034	605 BEVERLY DR
WEBB, JOHN P	609 BEVERLY DR	COLLEYVILLE, TX	76034	609 BEVERLY DR
DAVIS, JOSHUA	702 COLLEYVILLE TERR	COLLEYVILLE, TX	76034	702 COLLEYVILLE TERR
LAUREL OAKS ESTATES	809 LAUREL OAKS LANE	COLLEYVILLE, TX	76034	COURTESY NOTICE
GRAPEVINE COLLEYVILLE ISD	3051 IRA E WOODS AVE	GRAPEVINE, TX	76051	STATE REQUIRED
CEBALLOS, GRAYSON	220 ELMS STREET	LEWISVILLE, TX	75057	APPLICANT

Public hearing notices were mailed on October 26, 2018 by Araceli Botello



NOTICE OF PUBLIC HEARING

Zoning Case Number: PC18-014

Owner: Grayson CeBallos

Applicant: Grayson Ceballos

Location: 512 & 600 Leta Lane

Property Description: Lot A1W and A1R, Block 2, of the Pleasant Oaks Estates Addition

Present Zoning: R-40 Single Family Residential District

Request: Consideration of a Replat for Lots A1R-1 and A1R-2, Block 2, of the Pleasant Oaks Estates Addition, located at 512 and 600 Leta Lane. The purpose is to replat the properties into two 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: Tuesday, November 13, 2018 at 7:00 p.m.
City Council Meeting: Tuesday, December 4, 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. 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/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, AICP
Principal Planner
jreyff@colleyville.com

RESOLUTION R-18-4332

**A RESOLUTION APPROVING A REPLAT FOR LOTS A1R-1 and A1R-2,
BLOCK 2, OF THE PLEASANT OAKS ESTATES ADDITION**

WHEREAS, the Planning and Zoning Commission recommended approval of the Replat for Lots A1R-1 and A1R-2, Block 2, of the Pleasant Oaks Estates Addition on November 13, 2018.

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

Sec. 1. THAT the Replat for Lots A1R-1 and A1R-2, Block 2, of the Pleasant Oaks Estates Addition on approximately 2.937 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 4th DAY OF DECEMBER 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

[illegible]



City of Colleyville City Council Agenda Briefing

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

Agenda Number 8b

Agenda Date 12/04/2018

Number Resolution R-18-4333

Type Resolution

Department City Secretary

Title

A resolution changing January, May, October, and November 2019 City Council meetings dates

Strategic Plan

1.4 Communicate thoroughly and strategically

Explanation

Reading and Public Hearing

During the worksession, City Council discussed changing the dates of City Council meetings in 2019 to accommodate, conferences, holidays, the general election, National Night Out in Texas, and Election Day.

The proposed resolution will set the 2019 regular City Council Meeting dates as discussed and will allow an opportunity for the dates to be publicized on the City's social and electronic media, and website.

The proposed 2019 meeting schedule is as follows:

January: Tuesday, January 15

February: Tuesdays, February 5 and 19

March: Tuesdays, March 5 and 19

April: Tuesdays, April 2 and 16

May: Tuesdays, May 7 and 14

June: Tuesdays, June 4 and 18

July: Tuesdays, July 2 and 16

August: Tuesdays, August 6 and 20

September: Tuesdays, September 3 and 17

October: Wednesday, October 2 and Tuesday, October 15

November: Monday, November 4, and Tuesday, November 19

December: Tuesdays, December 3 and 17

Financial Impact

There is no financial impact to the City.

Recommendation

Approve

Attachments

1. Resolution R-18-4333

RESOLUTION R-18-4333

A RESOLUTION CHANGING THE DATES OF REGULAR CITY COUNCIL MEETINGS IN JANUARY, MAY, OCTOBER, AND NOVEMBER 2019

WHEREAS, in accordance with the City Charter, and Section 3.1 of the City Council Rules of Procedure, *the City Council shall meet in the City Hall on the first and third Tuesday of each month at 7:30 p.m. unless otherwise officially established by the City Council; and*

WHEREAS, City Council desires to change City Council meeting dates in January, May, October, and November, 2019, to accommodate conferences, holidays, the general election, National Night Out in Texas, and Election Day.

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

- Sec. 1. THAT there will be one January City Council meeting held January 15, 2019.
- Sec. 2. THAT the second regular City Council meeting of May will be held May 14, 2019.
- Sec. 3. THAT the first regular City Council meeting in October will be held October 2, 2019.
- Sec. 4. THAT the first regular City Council meeting in November will be held November 4, 2019.

AND IT IS SO RESOLVED.

APPROVED BY A VOTE OF ____ AYES, ____ NAYS, AND ____ ABSTENTIONS, THIS THE 4TH DAY OF DECEMBER 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	_____		

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Mayor

TABLED

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

RESOLUTION R-18-4334

**A RESOLUTION APPROVING CITY COUNCIL ACTION
UNDER BUSINESS AT THE REGULAR CITY COUNCIL MEETING OF
DECEMBER 4, 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 4TH DAY OF DECEMBER 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	_____		

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