



City of Colleyville City Council Agenda

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

Tuesday, January 22, 2019

WORKSESSION
5:30 PM
EXECUTIVE CONFERENCE ROOM
THIRD FLOOR

CALL TO ORDER

- WS-1** Discussion to finalize remaining Plaza design details
- WS-2** Discussion of enhancements to City Hall entrances
- WS-3** Discussion of Cheek-Sparger Road shoulder improvements and alignment
- WS-4** Presentation of technology use for meeting minutes
- WS-5** Discussion of the January 22, 2019, 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 case for Parcel 150

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 551.087 – Economic Development - Discuss or deliberate regarding commercial or financial information the City has received from business prospects 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 Lanre Sobo, Glory House

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-19-4349**

- 3. MAYOR FOR A DAY OATH OF OFFICE**

- 4. ANNOUNCEMENTS, PROCLAMATIONS, AND PRESENTATIONS**

Announcements of civic and charitable events

Presentation of calendar events and updates

Announcements of awards and recognition

Recognition of Mayor for a Day Daniel Thomas - Mayor Richard Newton

Proclamation in recognition of Thank a Teacher Day at Colleyville Heritage Elementary School - Mayor for a Day Daniel Thomas and Mayor Richard Newton

In recognition of the Featured Business of the Month - Orangetheory Fitness Colleyville - 4709 Colleyville Boulevard Suite 500, Greg Wood, Franchise Owner - Mayor Richard Newton and Assistant City Manager Mark Wood

- 5. CONSENT: READING AND PUBLIC HEARING- RESOLUTION R-19-4350**

5a Approval of a contract with Denco Construction Specialists for the Webb House Renovation Project, in an amount not to exceed \$233,926.85, and authorize the City Manager to execute same, and any associated change orders, in an amount not to exceed 25 percent of the contract price

5b Approval of a construction contract with Canary Construction, Inc. for State Highway 26 and Pleasant Run Water Line Improvements, in an amount not to exceed \$245,490.00, and authorizing the City Manager to execute the contract

6. ITEMS NOT FOR CITY COUNCIL ACTION

Monthly Financial Report - December 31, 2018

7. ORDINANCE(S): SECOND READING AND PUBLIC HEARING**7a Ordinance O-19-2073**

Consideration of amendments to the Land Development Code, specifically Chapter 5 – Tree Preservation

8. ORDINANCE(S): FIRST READING AND PUBLIC HEARING**8a Ordinance O-19-2075**

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

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 JANUARY 22, 2019 - READING AND PUBLIC HEARING - RESOLUTION R-19-4351****12. ADJOURNMENT**

I hereby certify this agenda was posted on City Hall bulletin board *Friday, January 18, 2019* 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
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Agenda Number WS-1

Agenda Date 01/22/2019

Type Presentation and Discussion

Department City Manager

Title

Discussion to finalize remaining Plaza design details

Strategic Plan

5.2 Support a variety of community events, concerts and celebrations

5.3 Provide attractive facilities for leisure and recreation

Explanation

In February 2018, the City engaged Freese and Nichols, Inc., to develop three conceptual designs for the plaza in front of City Hall, conduct a public engagement process, and take the input from the City Council and community to develop a final proposed conceptual design. At the April 17, 2018 City Council Worksession, a final conceptual design was presented and received positive feedback and support from the City Council. This design was a product of not only worksession discussions with the City Council, but significant community input gathered from two public engagement meetings, booths at community events, and a traveling exhibit and comment card box. Now that a final conceptual design has been determined, the next phase of the project is to develop the detailed construction documents necessary to bid the project for construction. Fifty percent design plans were presented to the City Council at the September 4, 2018 Worksession. The 95% design plans were presented at the November 20, 2018 Worksession.

This agenda item provides for discussion of the few remaining details that require decisions in order to finalize the construction documents. Freese & Nichols will present the attached presentation and seek City Council input in order to finalize the design process. Freese and Nichols will then submit a complete package to be placed out for bid in the following weeks.

Attachments

1. Plaza Design Presentation

COLLEYVILLE PLAZA CREATING AN EXCEPTIONAL SPACE

SHANE FRIESE, LANDSCAPE
ARCHITECT, R.L.A.

GAYLEN LAING, ARCHITECT, AIA



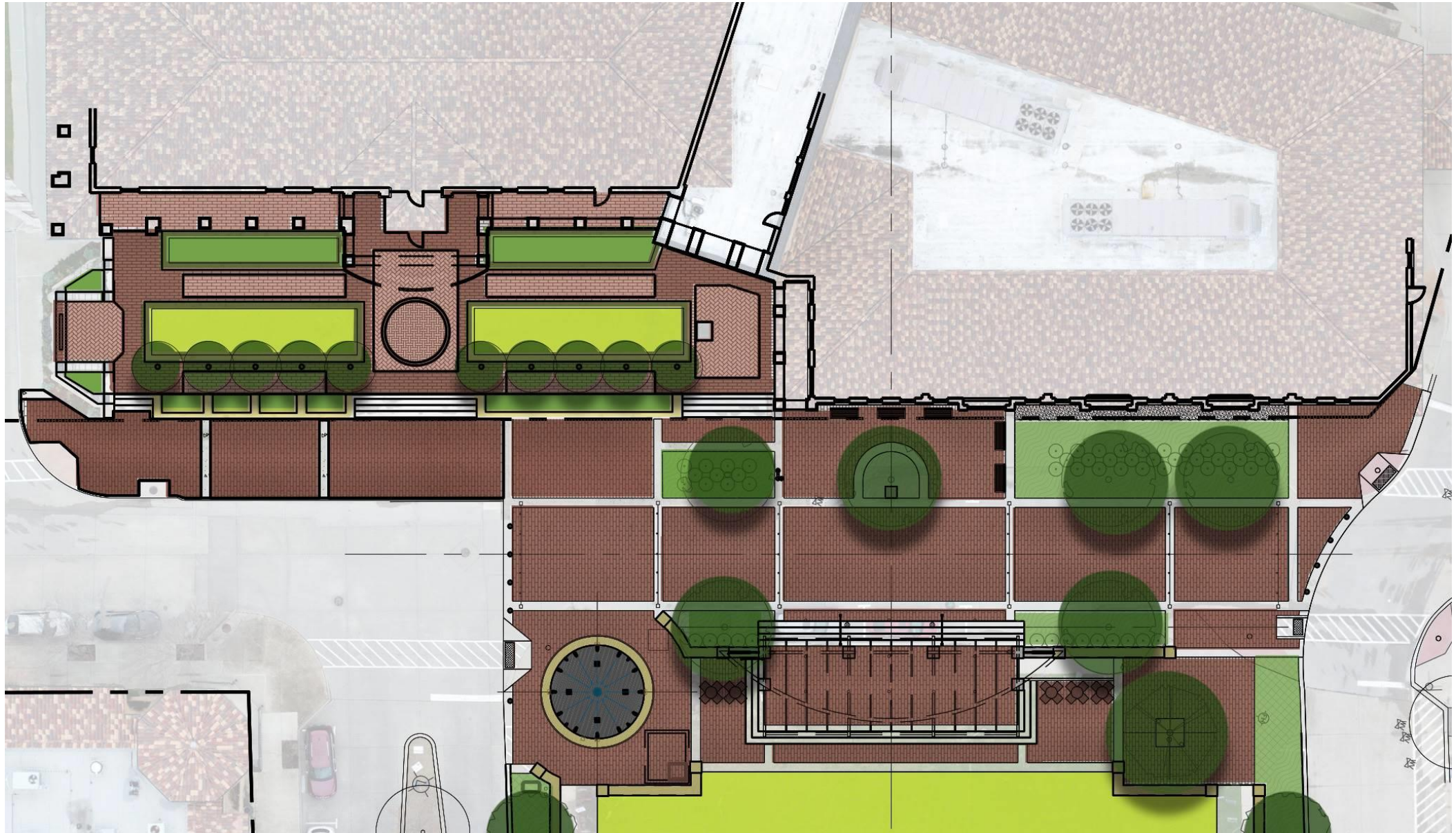
GOAL: TO GET YOUR FEEDBACK

- CITY HALL ENTRY PAVING
- SHADE STRUCTURE PANELS

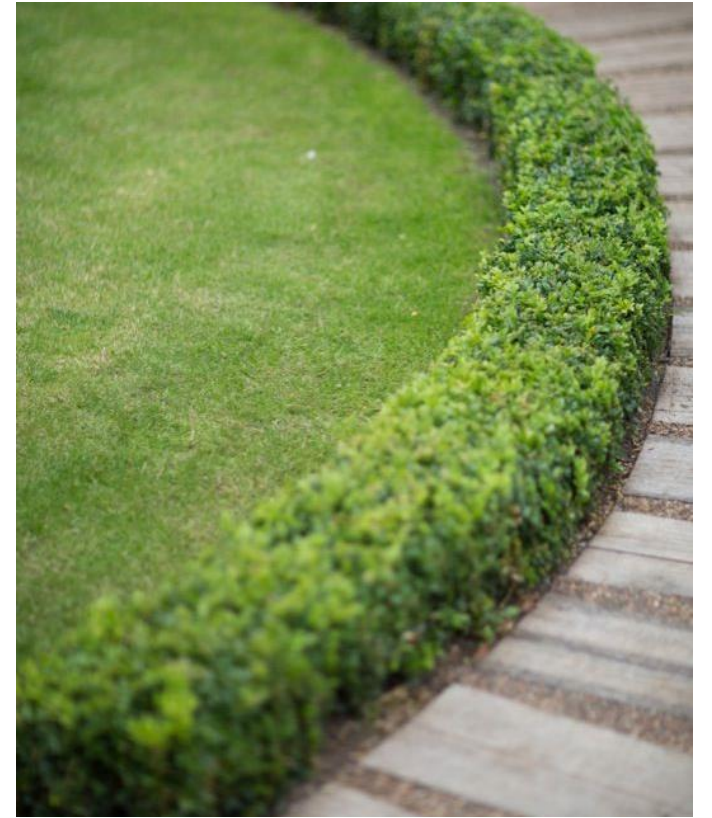




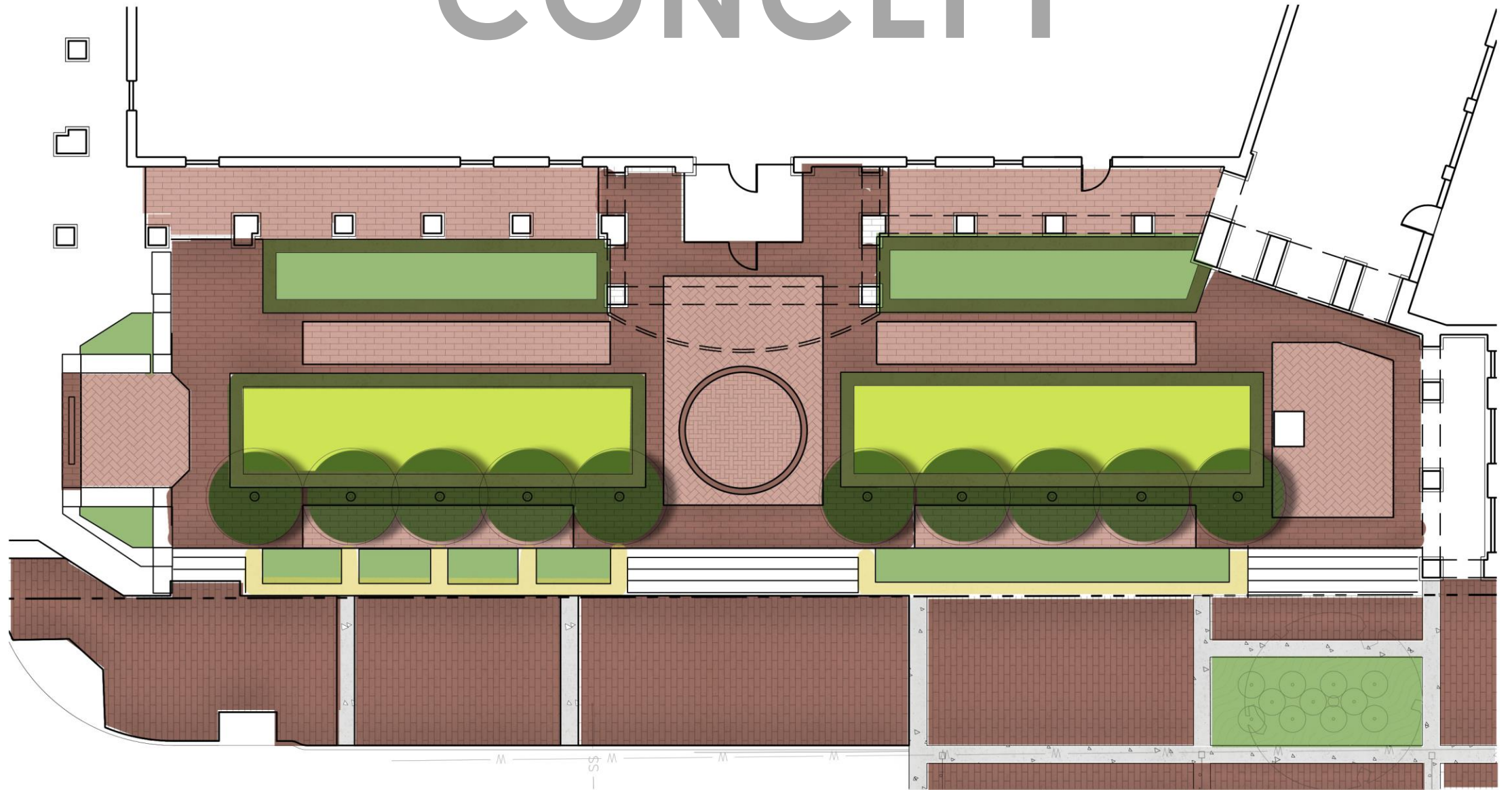
CONCEPT



MATERIALS



CONCEPT



0 10' 20'
SCALE IN FEET



GRANITE COLORS



Academy Black®



Agate



Carnelian®



Charcoal Black®



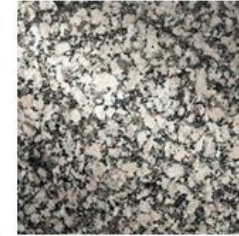
Radiant Red®



Rainbow®



Raven Noir



Rockville Beige



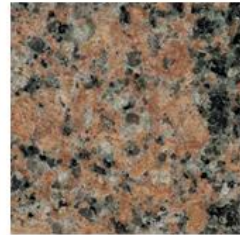
Cold Spring Black



Echo Lake®



Golden Brasil



Indian Sunset



Rockville White®



Royal Auburn®



Sierra White®



Sunset Beige



Iridian®



Kenoran Sage



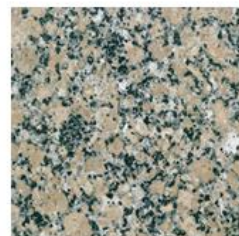
Lac du Bonnet



Lake Placid Blue®



Sunset Red®



Texas Pearl



Lake Superior Green®



Mesabi Black®



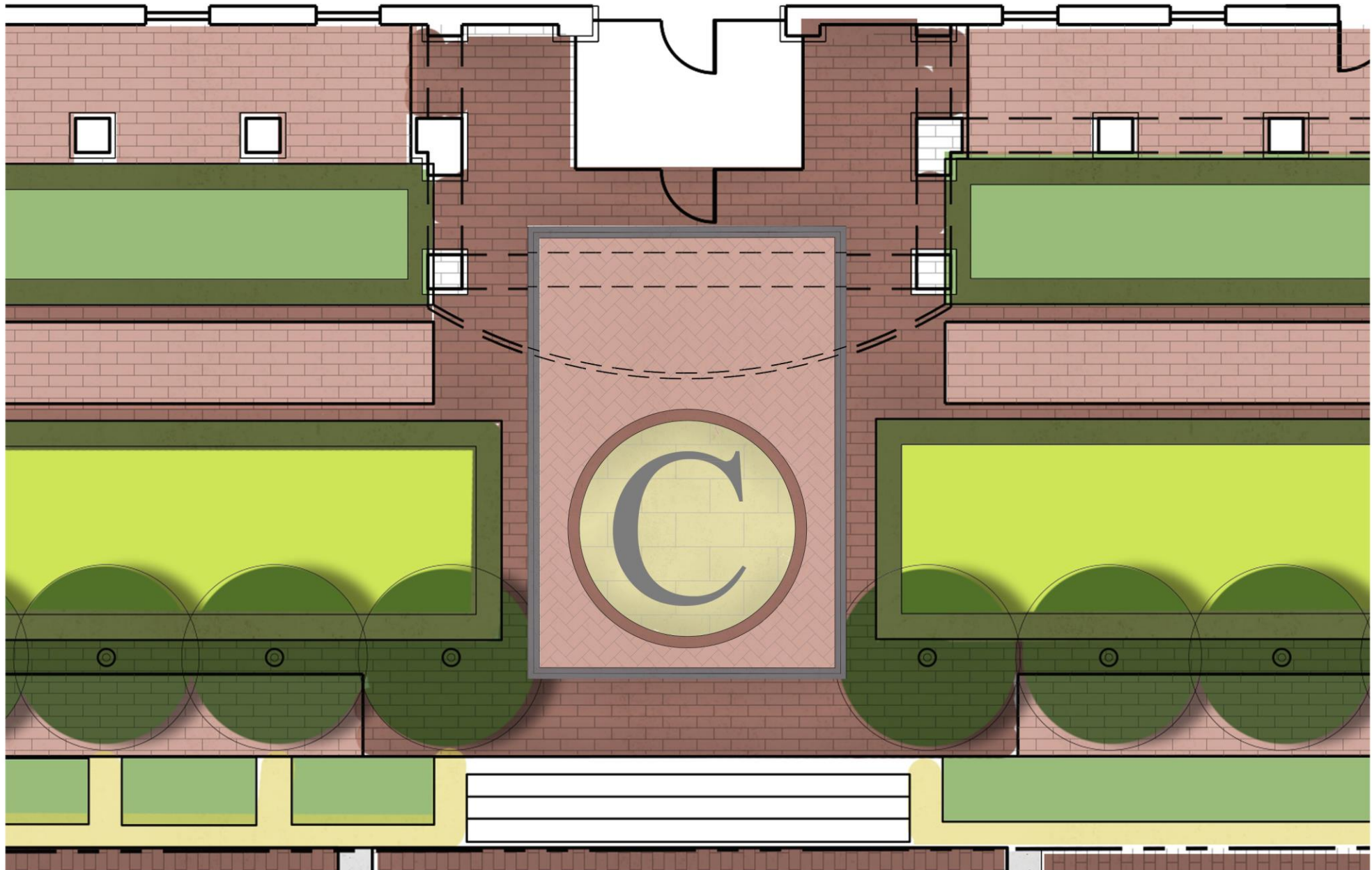
Mountain Green®



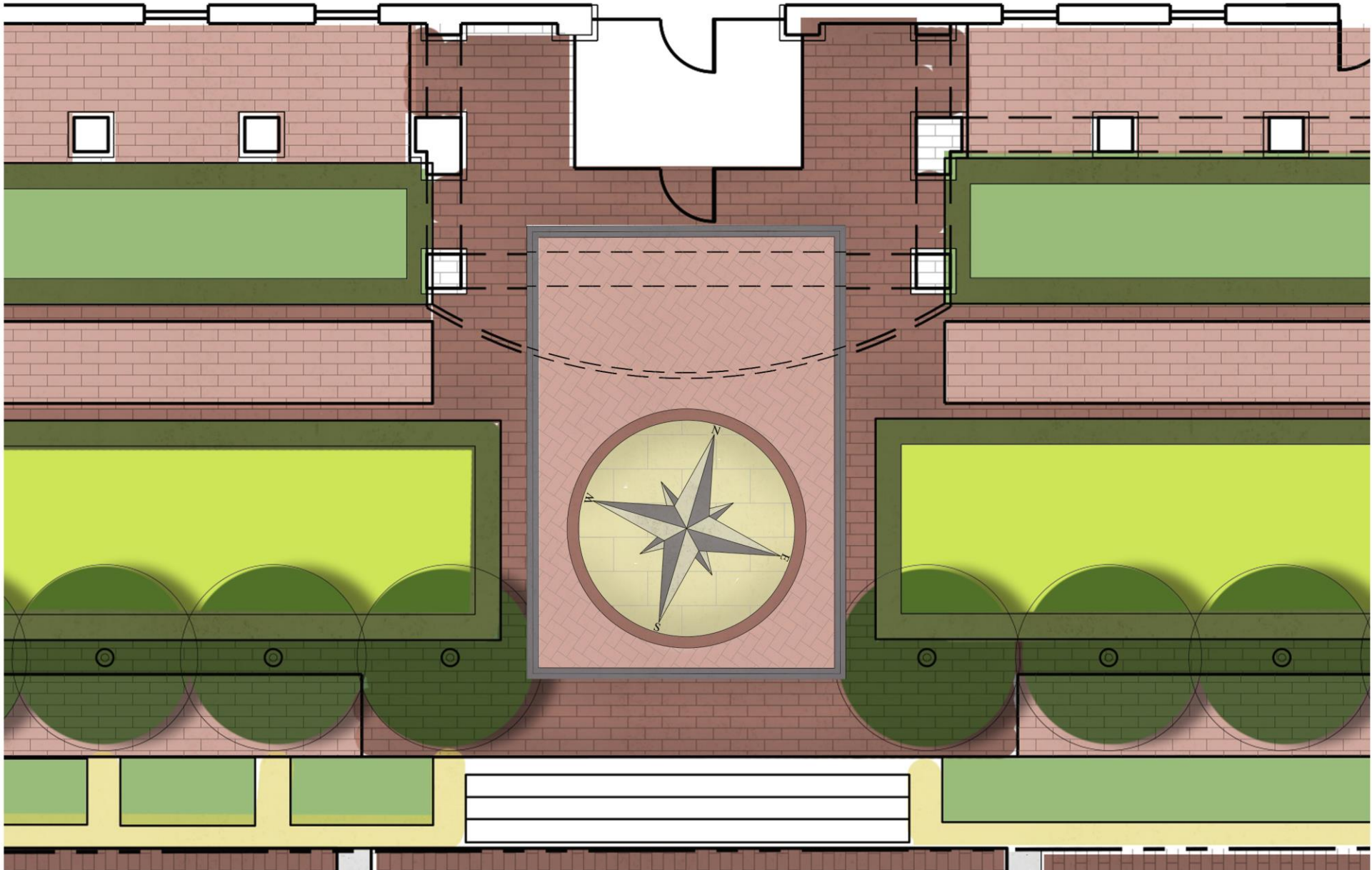
Prairie Brown



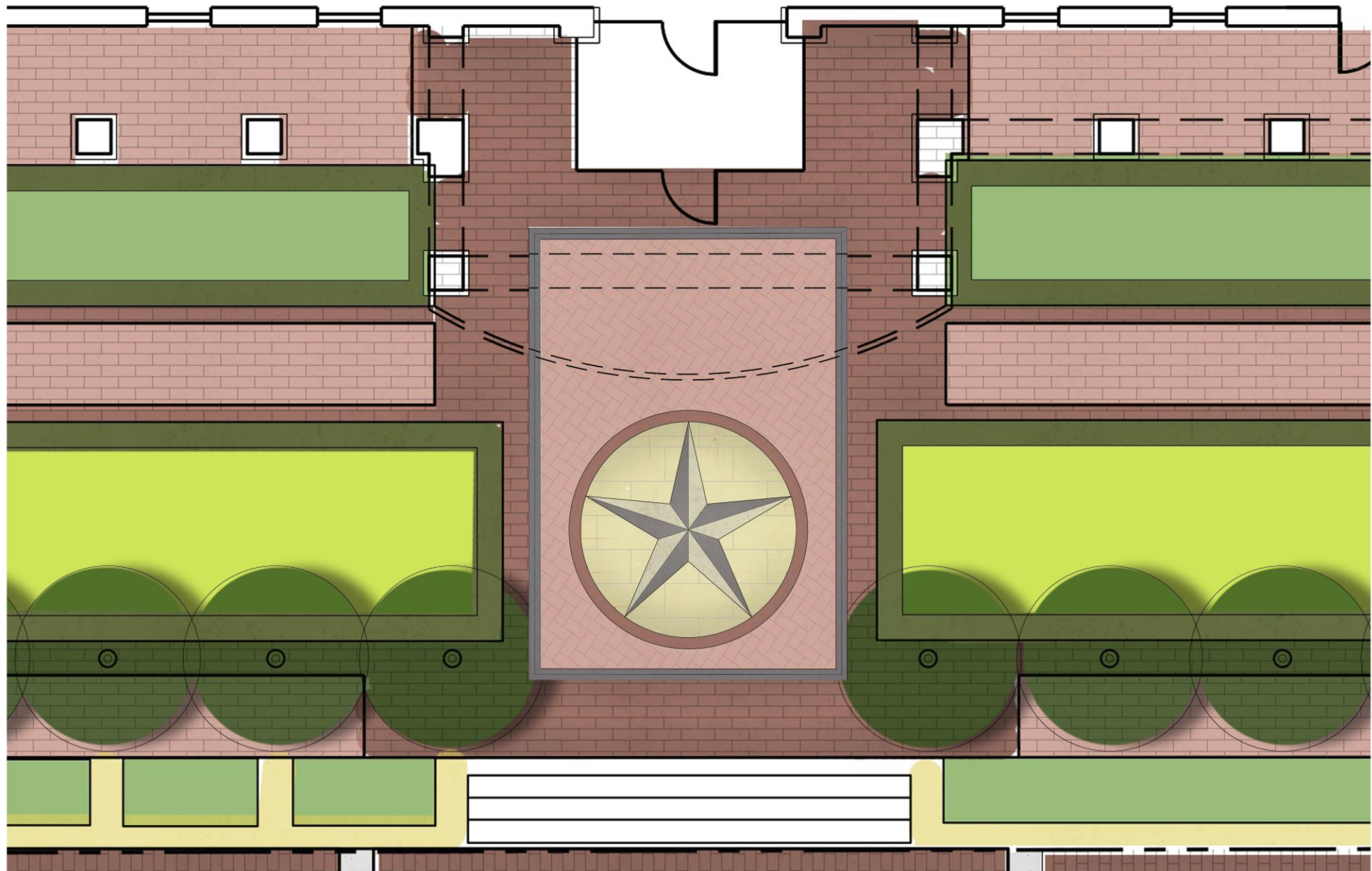
ENTRY-ALT 1



ENTRY-ALT 2



ENTRY-ALT 3



SHADE STRUCTURE



1

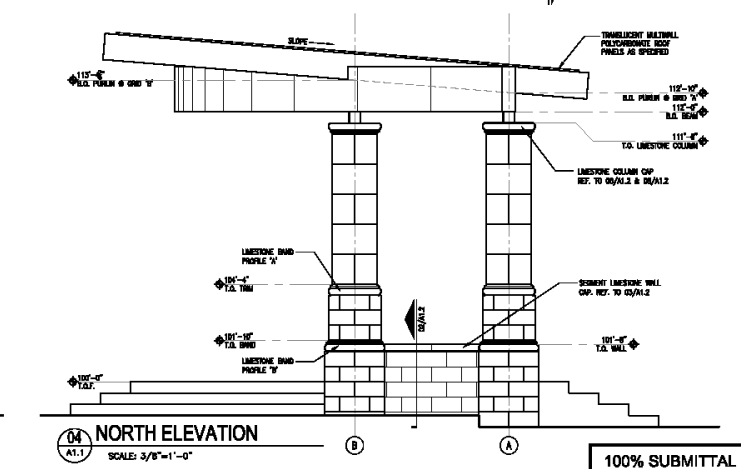
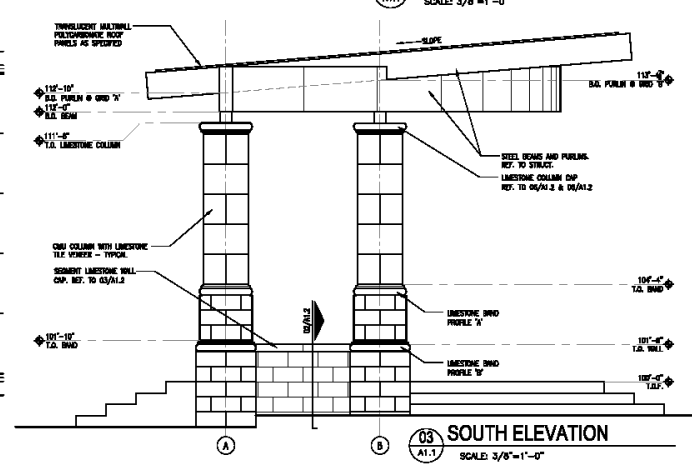
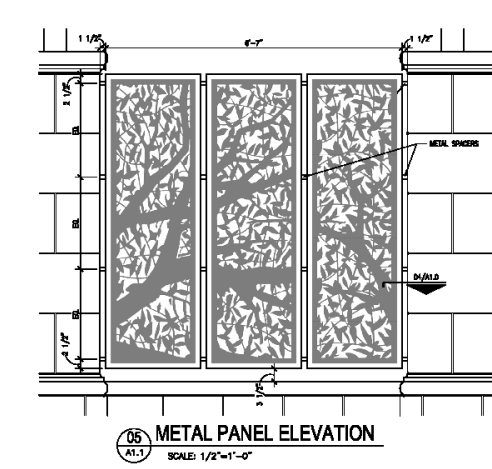
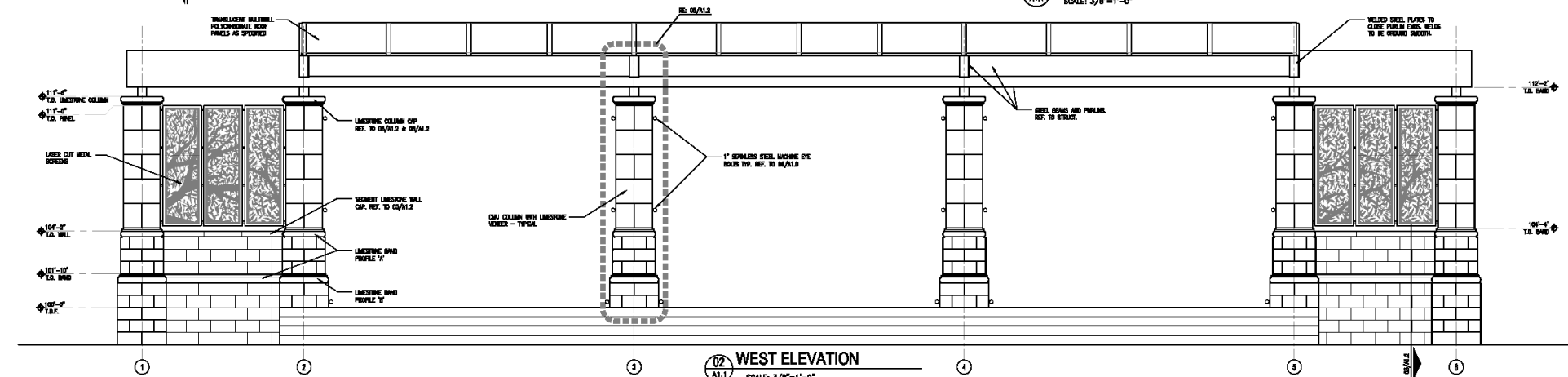
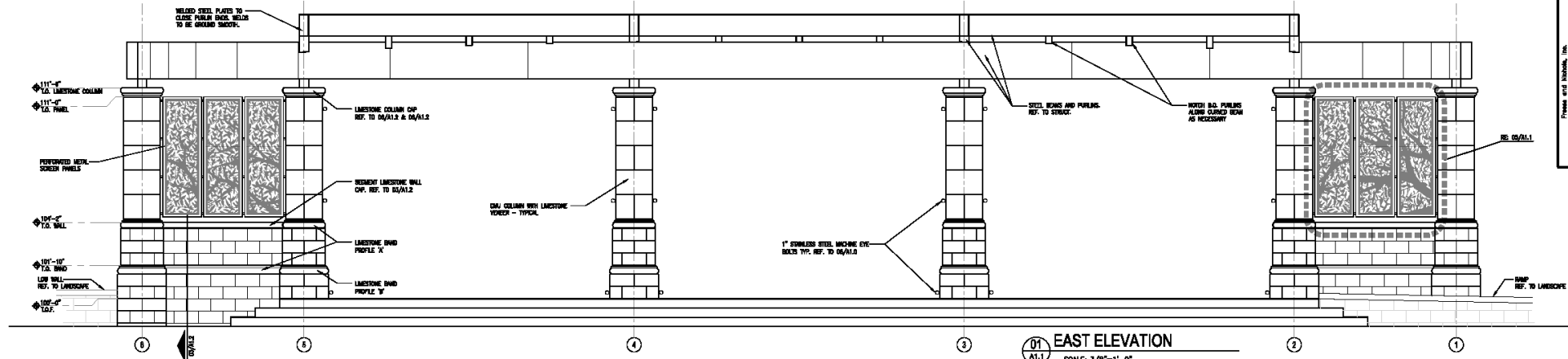


2



3





Drawn by: J. M. M. Inc.
 Title: Building Elevation
 Date: 12/21/18
 Scale: 3/8"=1'-0"

GHIA

ARCHITECTURE

PLANNING

117.801.7260

www.ghia-inc.com

City of Colleville
 Colleville Plaza
 Architecture
 Colleville Plaza

01 EAST ELEVATION

SCALE: 3/8"=1'-0"

02 WEST ELEVATION

SCALE: 3/8"=1'-0"

03 SOUTH ELEVATION

SCALE: 3/8"=1'-0"

04 NORTH ELEVATION

SCALE: 3/8"=1'-0"

05 METAL PANEL ELEVATION

SCALE: 1/2"=1'-0"

100% SUBMITTAL

01 EAST ELEVATION

SCALE: 3/8"=1'-0"

02 WEST ELEVATION

SCALE: 3/8"=1'-0"

03 SOUTH ELEVATION

SCALE: 3/8"=1'-0"

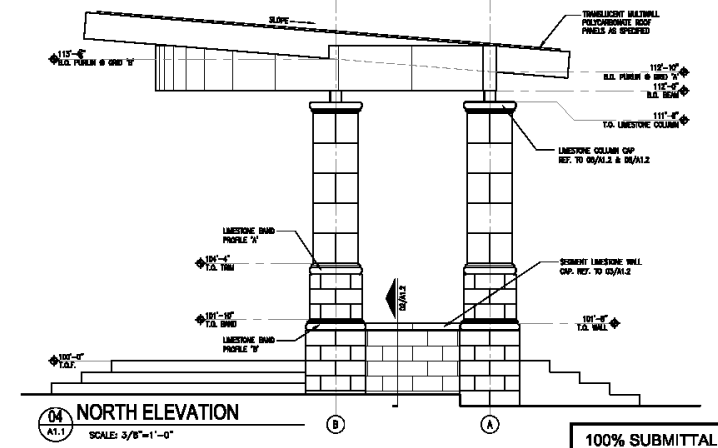
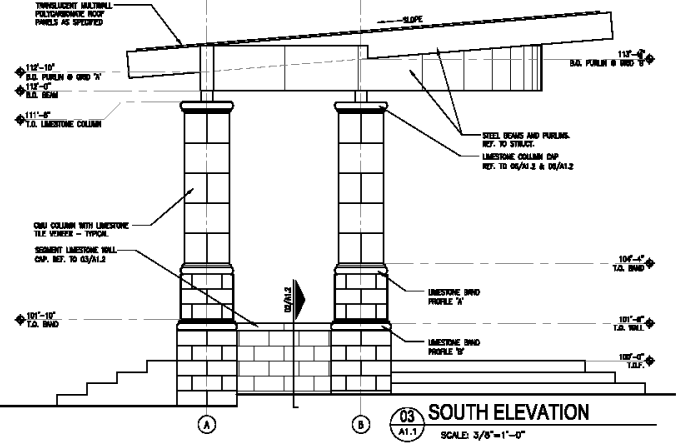
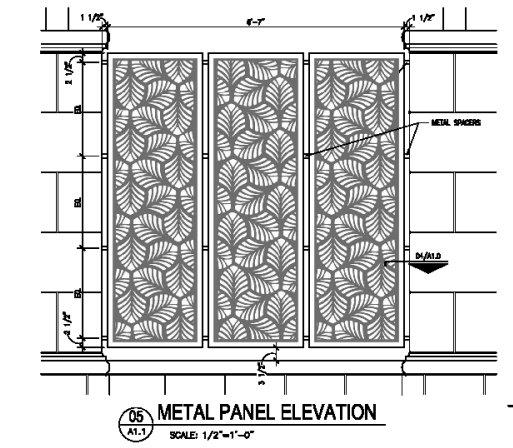
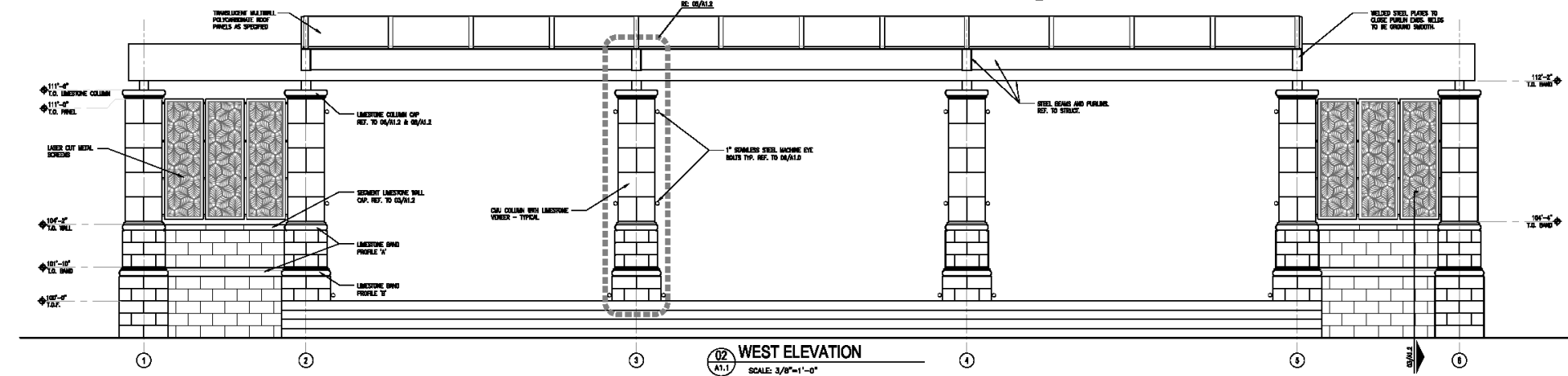
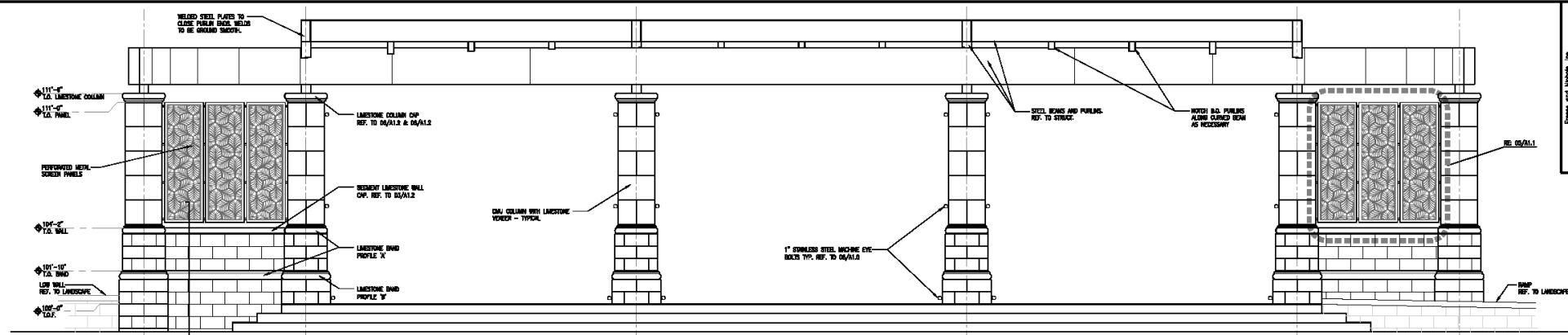
04 NORTH ELEVATION

SCALE: 3/8"=1'-0"

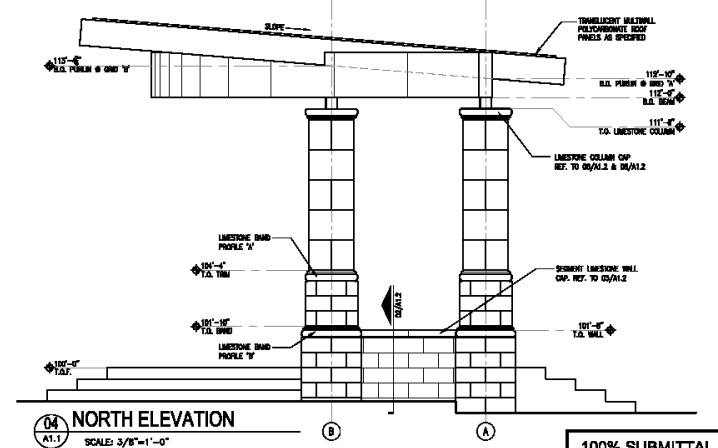
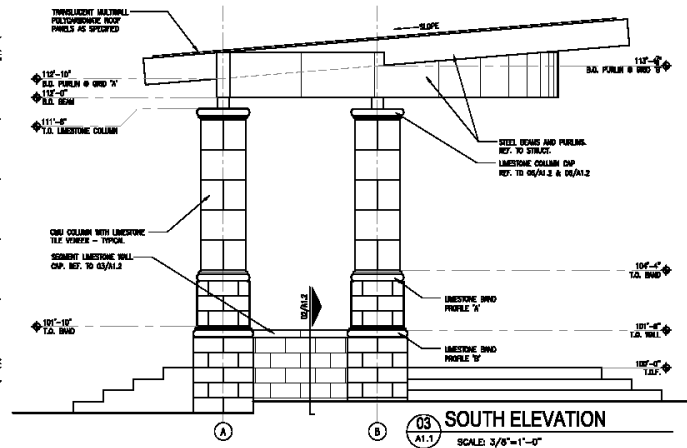
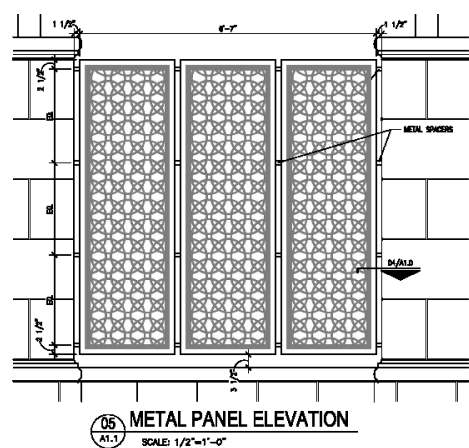
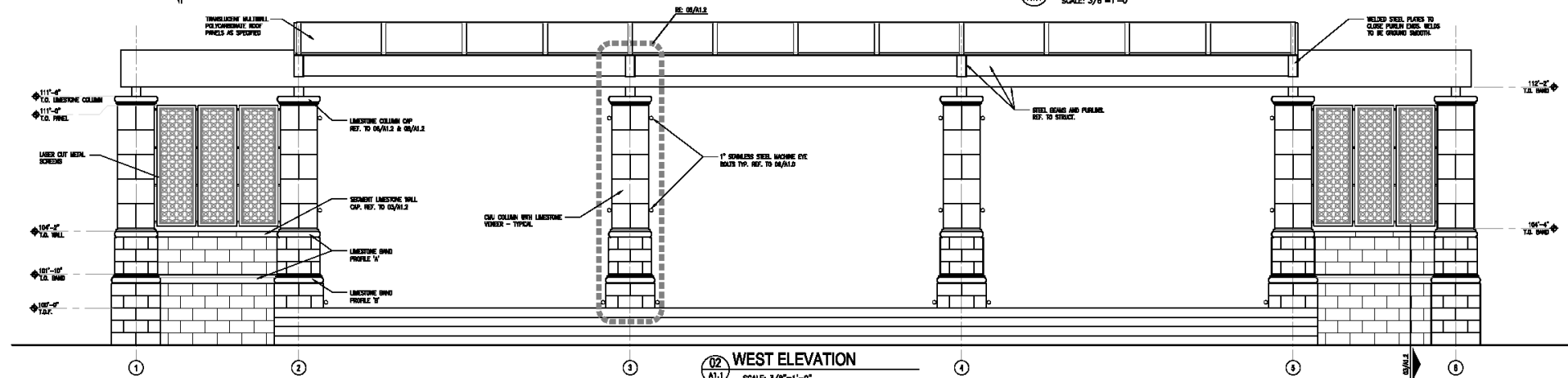
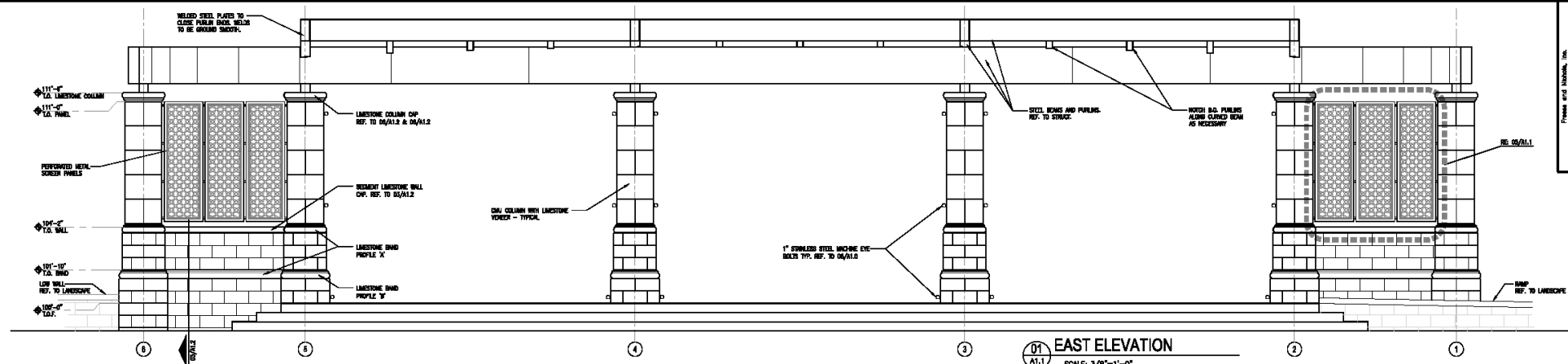
05 METAL PANEL ELEVATION

SCALE: 1/2"=1'-0"

100% SUBMITTAL



FRESE NICHOLS
 ARCHITECTURE
 PLANNING
 GHIA
 CITY OF COLLEVILLE
 COLLEVILLE PLAZA
 ARCHITECTURE
 COLLEVILLE PLAZA
 2711 North Lincoln Ave. Suite 2000
 Chicago, IL 60614
 Phone: (773) 371-2000
 Fax: (773) 371-2001
 Web: www.frese-nichols.com
 DATE: 12/21/18
 DRAWN BY: [blank]
 CHECKED BY: [blank]
 FILE NAME: A1.1.dwg
 SHEET: A1.1
 100% SUBMITTAL
 VERIFY SCALE Bar is one inch on original on this sheet, adjust scale.



COLLEYVILLE PLAZA

- OPEN DISCUSSION -

SHANE FRIESE, LANDSCAPE
ARCHITECT, R.L.A.

GAYLEN LAING, ARCHITECT, AIA





City of Colleyville City Council Agenda Briefing

City Hall
100 Main Street
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Agenda Number WS-2

Agenda Date 01/22/2019

Type Worksession

Department Public Works

Title

Discussion of enhancements to City Hall entrances

Strategic Plan

5.3 Provide attractive facilities for leisure and recreation

Explanation

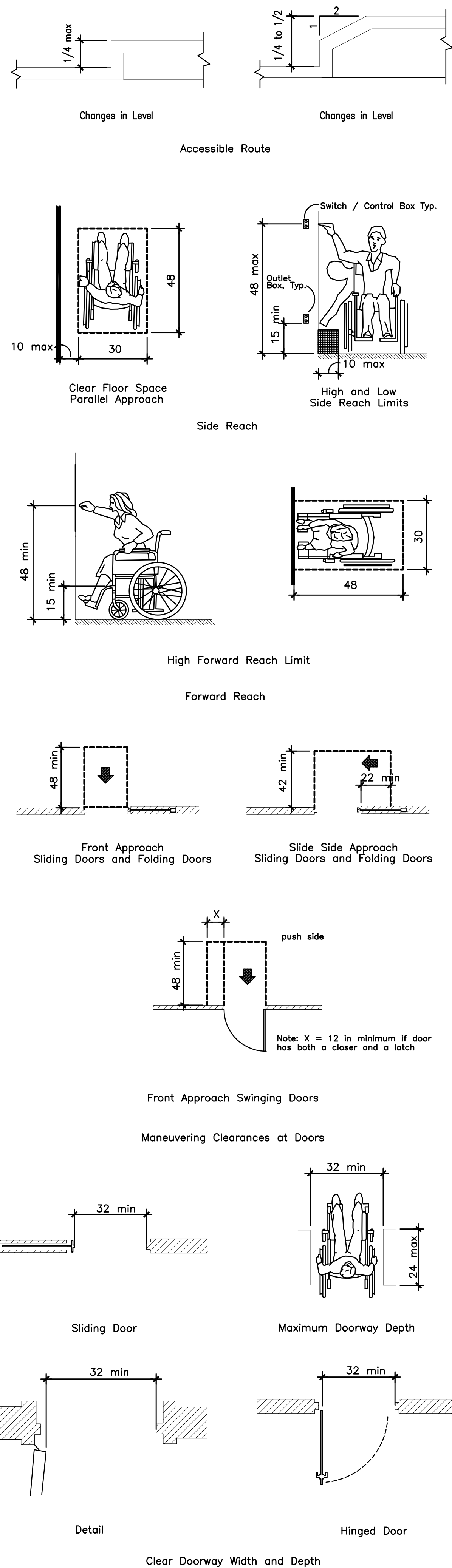
In December 2018, the City GHSA, to develop the design for the conversion of the front and back entry doors at City Hall to be ADA compliant.

The City Hall front and back entry doors although were built to be ADA compliant at the time of construction and are therefore grandfathered. However, with the addition of the plaza improvements, to ensure accessibility to all individuals, staff was provided with direction to bring the doors up to current ADA guidelines.

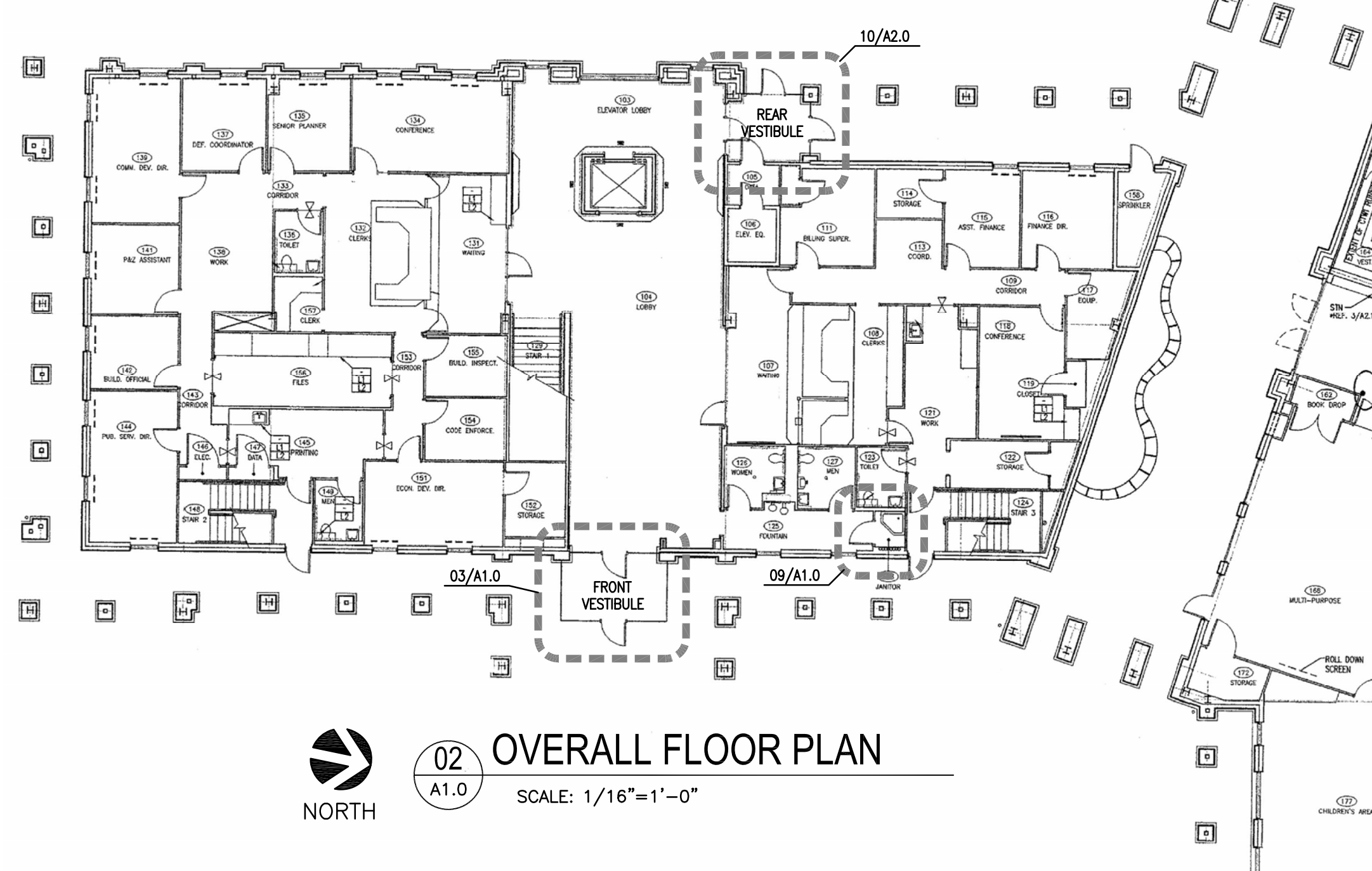
This agenda item provides for discussion of the layout of the doors that require decisions in order to finalize the construction plans. In addition, staff is seeking guidance on the bidding requirements in order to expedite the construction process to ensure completion prior to the upcoming election cycle.

Attachments

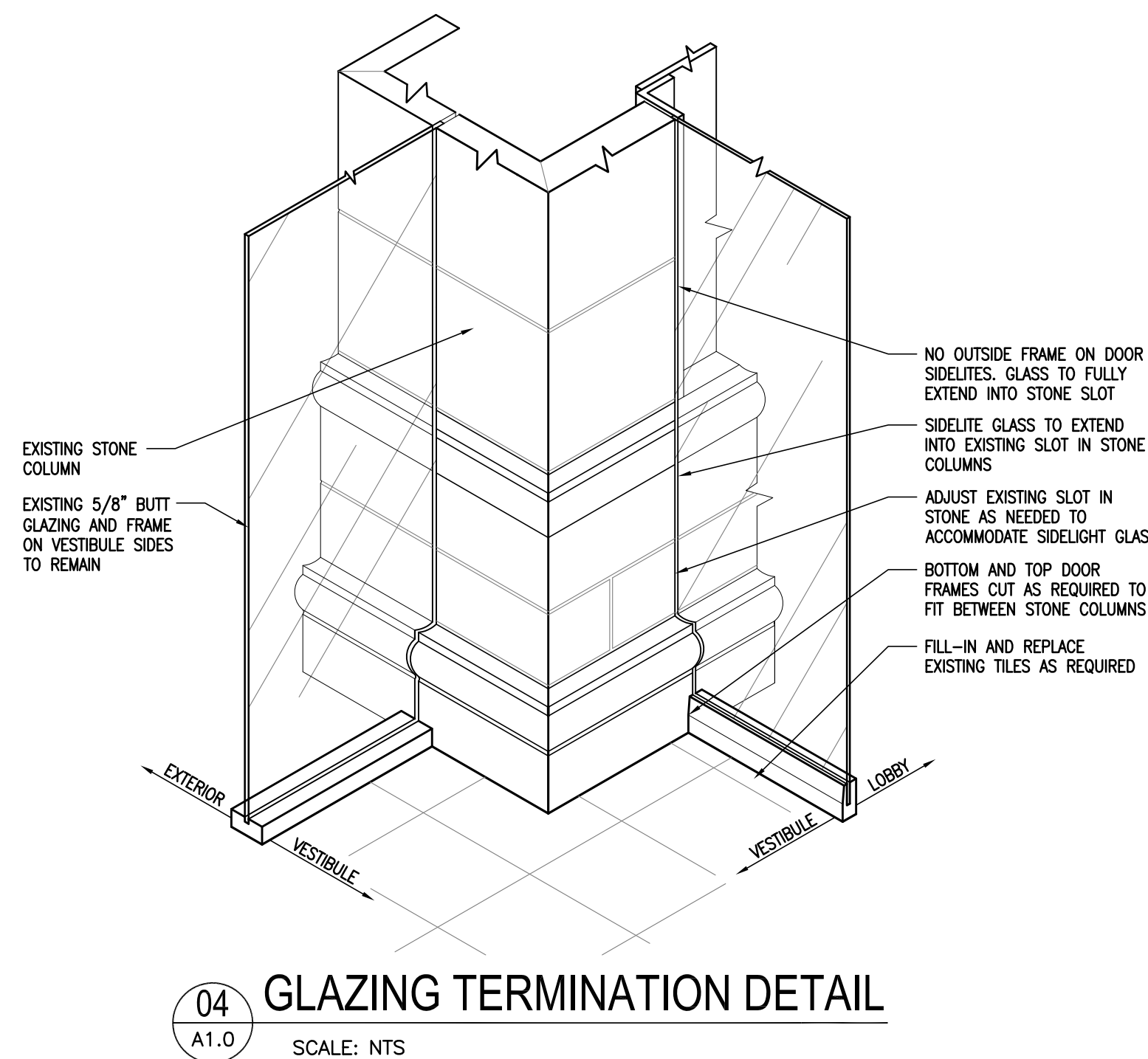
1. City Hall Door Renovation Plans



01 APPLICABLE ACCESSIBILITY DETAILS
SCALE: NTS



02 OVERALL FLOOR PLAN
SCALE: 1/16"=1'-0"



04 GLAZING TERMINATION DETAIL
SCALE: NTS

Technical Data
ASSA ABLOY SL500 CGL

ASSA ABLOY

Configuration

Bottom Rails

Narrow

4"

SL500 CGL Overhead Concealed Fixed Sidelite Bt-Part

Authorities

Operator Type

DC Electro-mechanical 1/4 HP

Door Weight

300 lbs.

Power Supply

85V-265V adjusting automatically

Power Consumption

250W

AMP Requirements

10AMP

Electro-Mechanical Locking Device

Fail Safe/Fail Secure

Glass Compatibility

1/2" 3/8" (heat strengthened safety glass)

Opening Time

1.5 Sec. Max. size" (700mm/sec.)

Closing Time

3.5 Sec. Max. size"

Hold Open Time

0-60 adjustable

Ambient Temperature

-31°F to 122°F (-35°C to 50°C)

Usage

This product can be installed internally or externally with suitable weather protection

Complies and exceeds

ANSI 156.10, ANSI A117.1, ICCBC - International Building Code, CUL - Approved for use in Canada, NFPA 70 - National Electrical Code, NFPA 101 - Life Safety Code.

Optional Features

- Convenience Battery: Capable of full operation with blackout conditions, including sensor capabilities for minimum of 100 cycles.

Access Control Package

Electric Lock Management (Option)

Electrified slide lock automatically locks the sliding function of all sliding door panels within the entrance when the door panels are in the closed position.

- Fail secure operation: Slide lock shall lock the sliding function of the door panels upon loss of power.

Activation

Sensor Package

ANSI 156.10

Combination Activation Motion Sensor/Safety Presence Sensor utilizing K-band microwave technology

- Motion Sensor to activate door
- Presence Detector while door is closing, mounted on each side of header

Clad Finish:

Stainless steel with #4 satin finish.

Stainless steel with #8 mirror like, reflective, non-directional finish.

09 ELECTRICAL CLOSET PLAN
SCALE: 3/8"=1'-0"

08 BUTT GLAZING CORNER DETAIL
SCALE: 3"=1'-0"

03 VESTIBULE FLOOR PLAN
SCALE: 3/8"=1'-0"

05 FRONT ELEVATION
SCALE: 3/8"=1'-0"

06 VESTIBULE SECTION
SCALE: 3/8"=1'-0"

09 UTILITY CLOSET PLAN
SCALE: 3/8"=1'-0"

ARCHITECTURE
PLANNING
INTERIOR DESIGN

GHILA

CITY OF
COLLEYVILLE
TEXAS

CITY OF COLLEYVILLE
CITY HALL ENTRY DOOR
RENOVATION
COLLEYVILLE, TEXAS

PRELIMINARY
NOT FOR CONSTRUCTION
REGISTERED ARCHITECT:
GAYLEN H. LAING
REGISTRATION NO: 12908
DATE: Month/Year

DATE: XX-XX-XX

ISSUE:

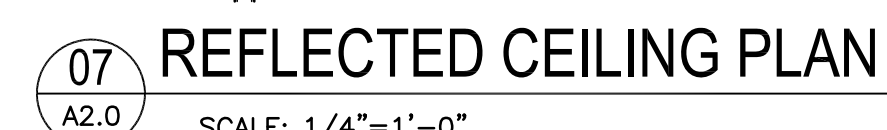
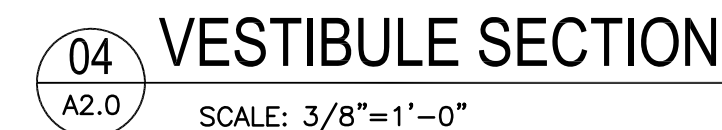
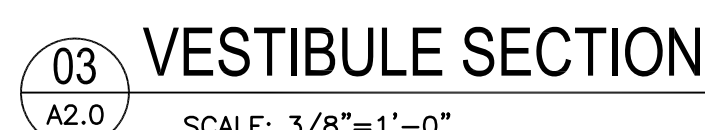
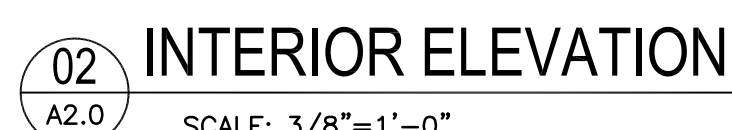
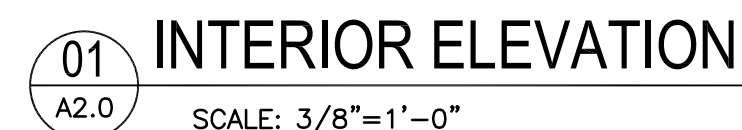
REVISION:

XX-XX-XX

SHEET TITLE:

FRONT-VESTIBULE

A1.0





City of Colleyville City Council Agenda Briefing

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

Agenda Number WS-3
Type Presentation
Department Engineering

Agenda Date 01/22/2019

Title

Discussion of Cheek-Sparger Road shoulder improvements and alignment

Strategic Plan

Explanation

Staff initially presented the Cheek-Sparger Highway Safety Improvement Program (HSIP) grant funded project during the August 7, 2018 City Council work session. Subsequent to the work session, a professional services agreement for design services was authorized by 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.

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.

This presentation and discussion, will provide an update reflecting information requested by council regarding a 3 foot separation from back of curb to the north sidewalk and adjusting the road further west to minimize the right-of-way impact.

Attachments

1. Presentation

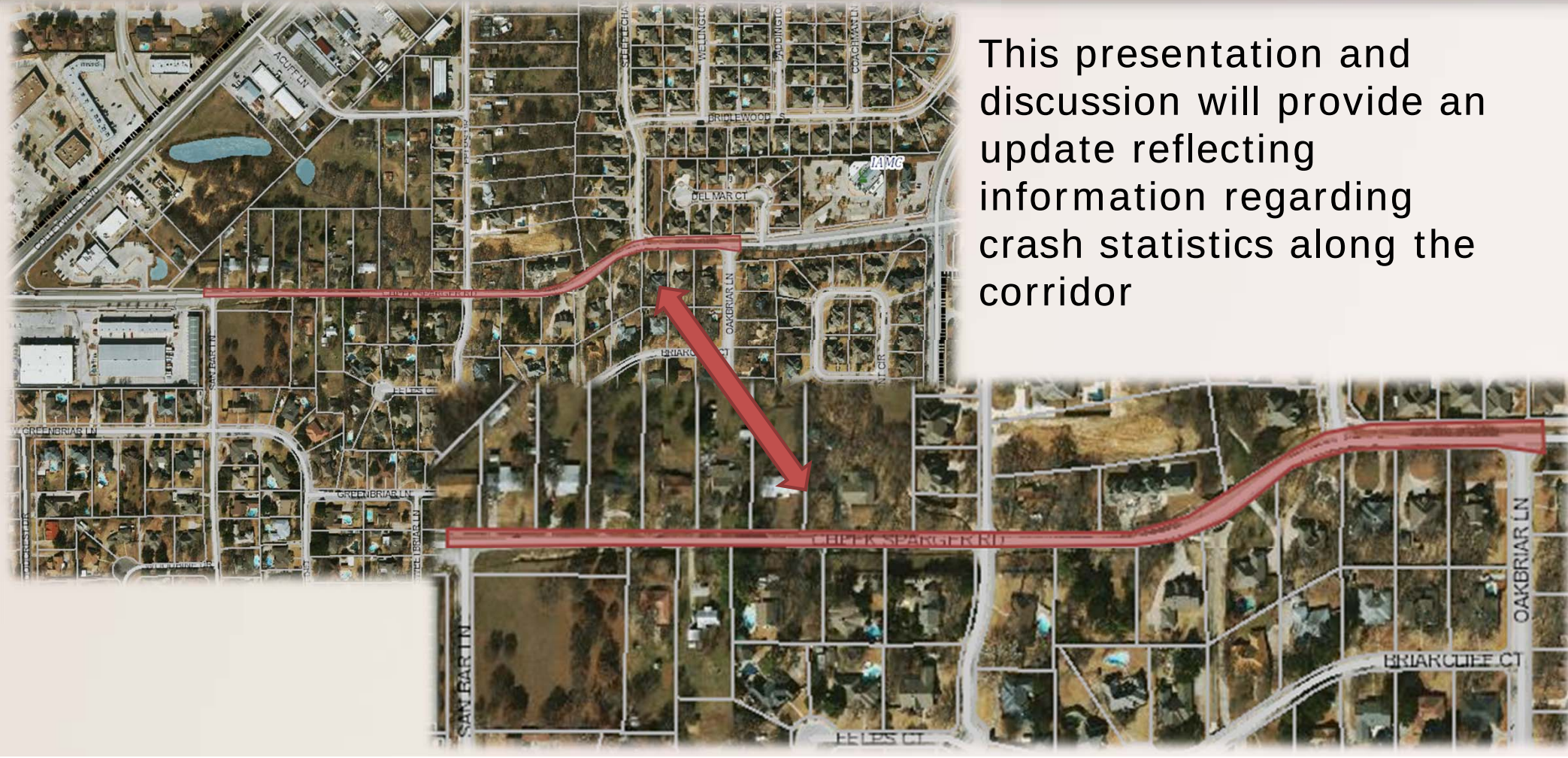
Cheek-Sparger Road (San Bar Lane to Oakbriar Lane) Presentation and Discussion

**City Council Worksession
January 22, 2019**

WS-3 Cheek-Sparger (San Bar to Oakbriar)



This presentation and discussion will provide an update reflecting information regarding crash statistics along the corridor



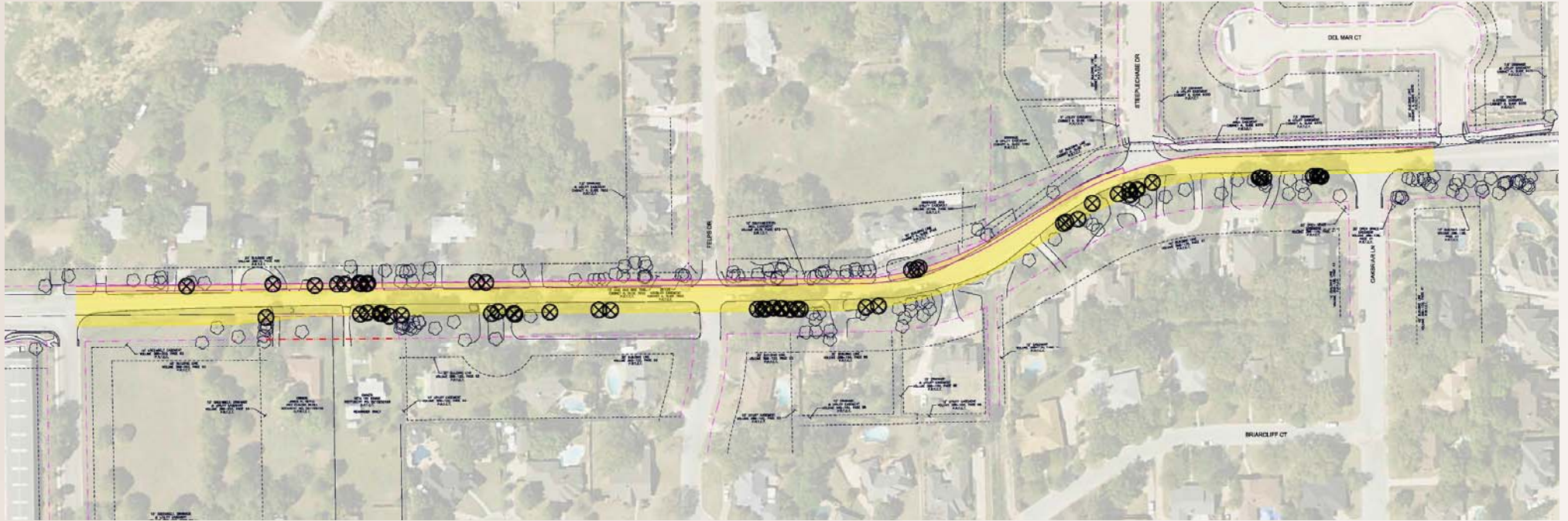
WS-3 Cheek-Sparger (San Bar to Oakbriar)



Project Information

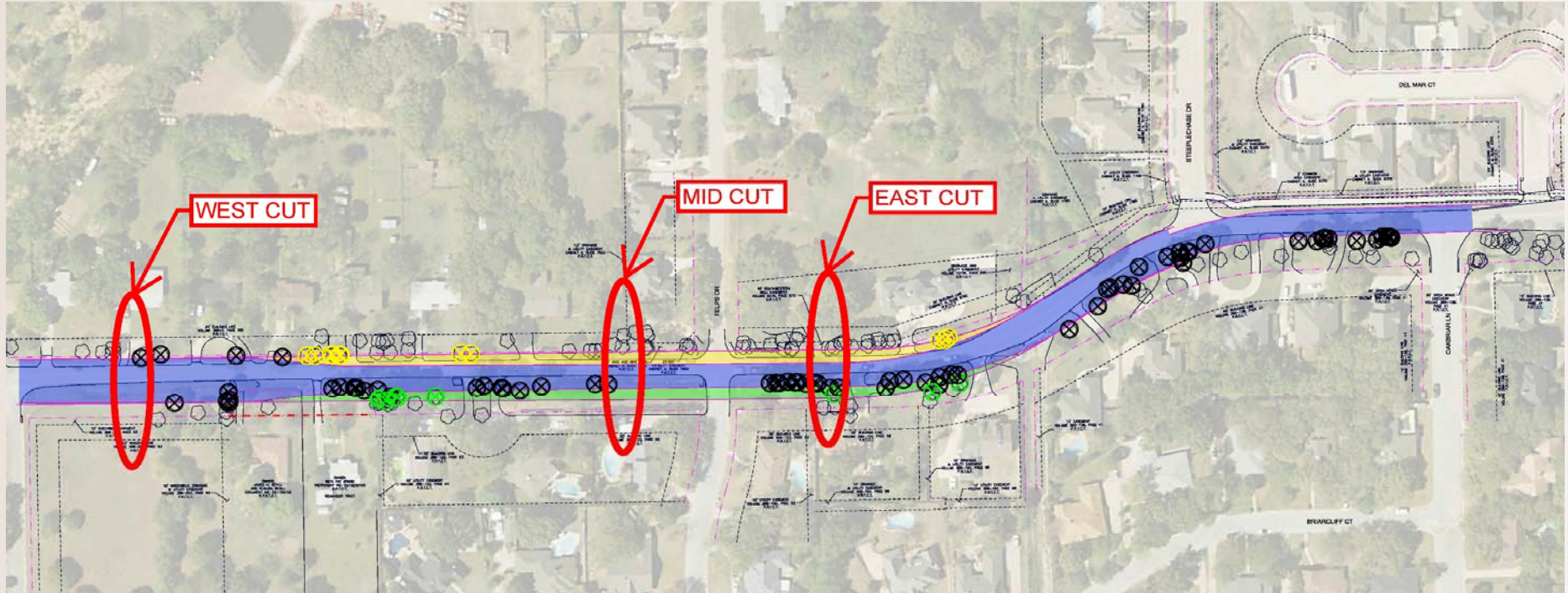
- Full reconstruction and adding of shoulders along Cheek-Sparger from San Bar to Oakbriar Lane
- Awarded funding based upon a grant application for TxDOT's Highway Safety Improvement Program (HSIP)
- Design to begin fall 2018
- Construction in 2019
- HSIP requires TxDOT design review and construction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

WS-3 Cheek-Sparger (San Bar to Oakbriar)



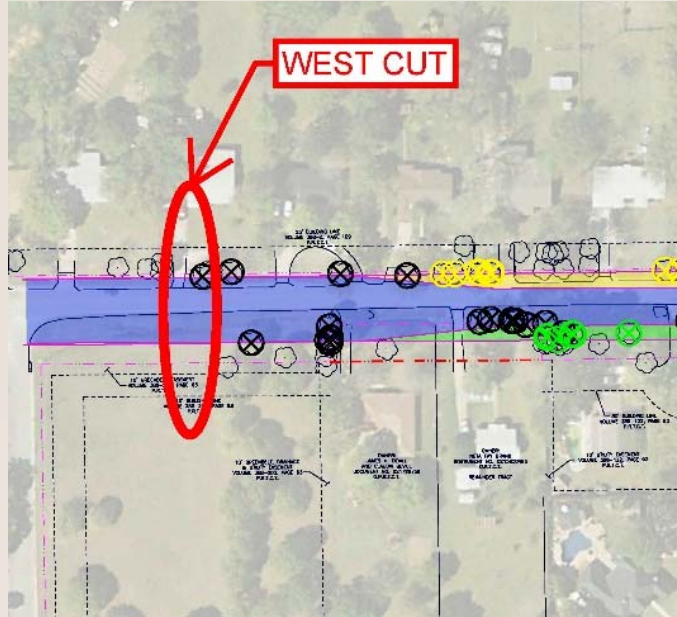
IMPACTED TREES						
ALIGNMENT	ROADWAY	NORTH SIDEWALK	SOUTH SIDEWALK	ROADWAY + N SW	ROADWAY + S SW	ROADWAY + N SW + S SW
NORTH (YELLOW/BLUE)	43	16	22	59	65	81
SOUTH (GREEN/BLUE)	63	4	11	67	74	78

WS-3 Cheek-Sparger (San Bar to Oakbriar)

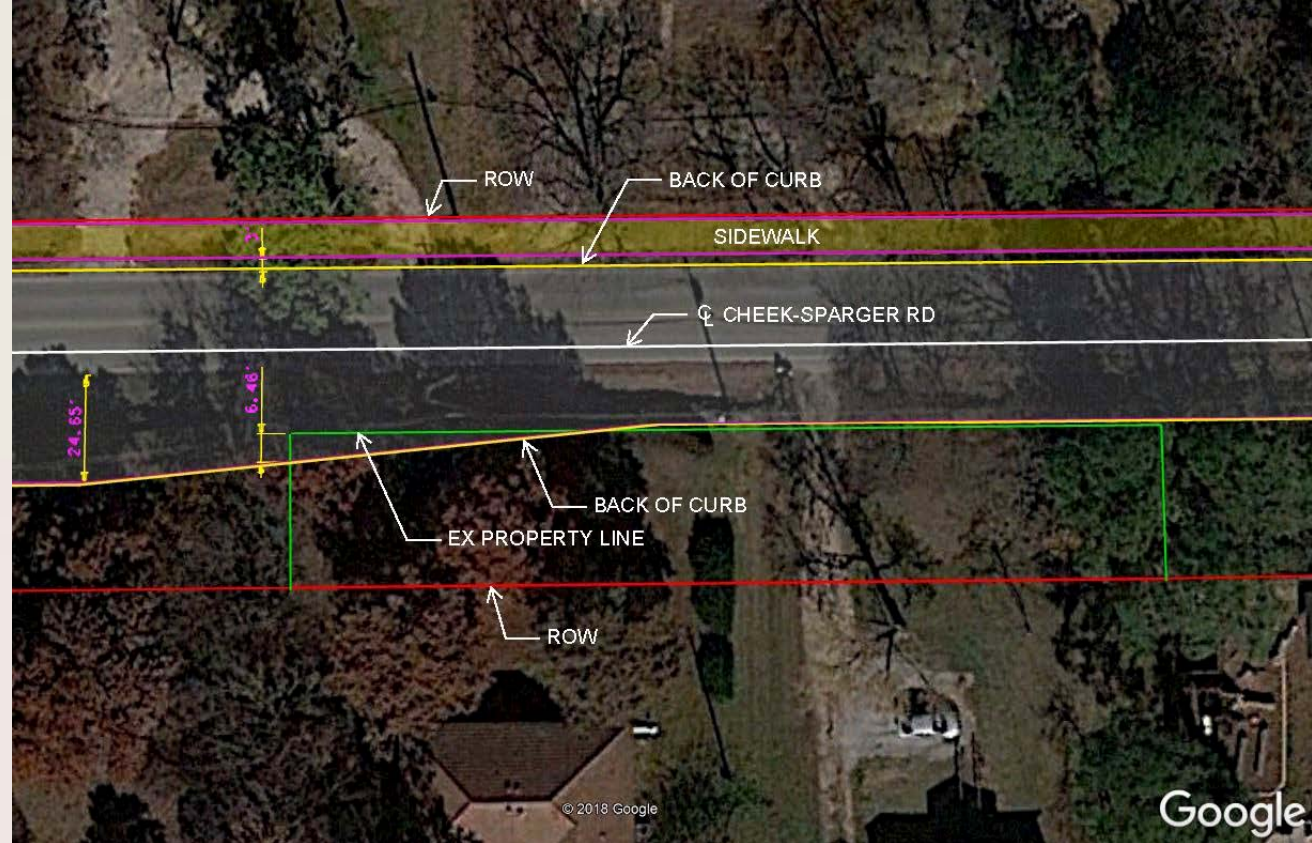


Section Cuts

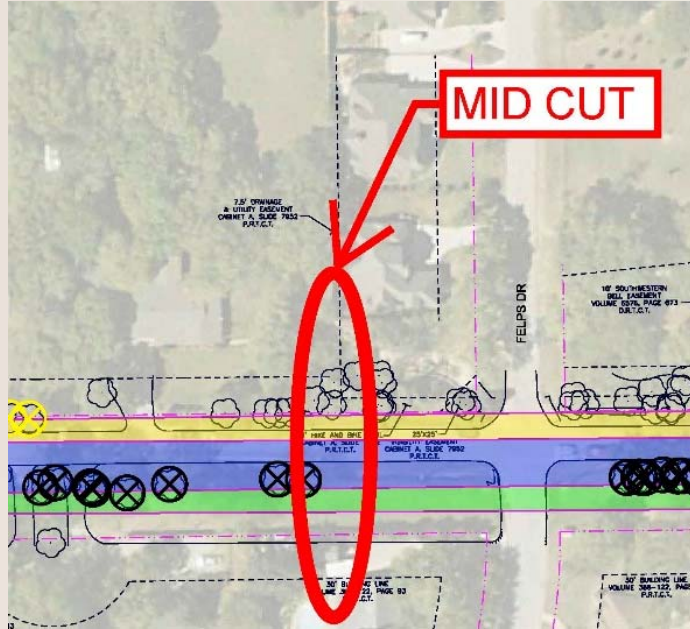
WS-3 Cheek-Sparger (San Bar to Oakbriar)



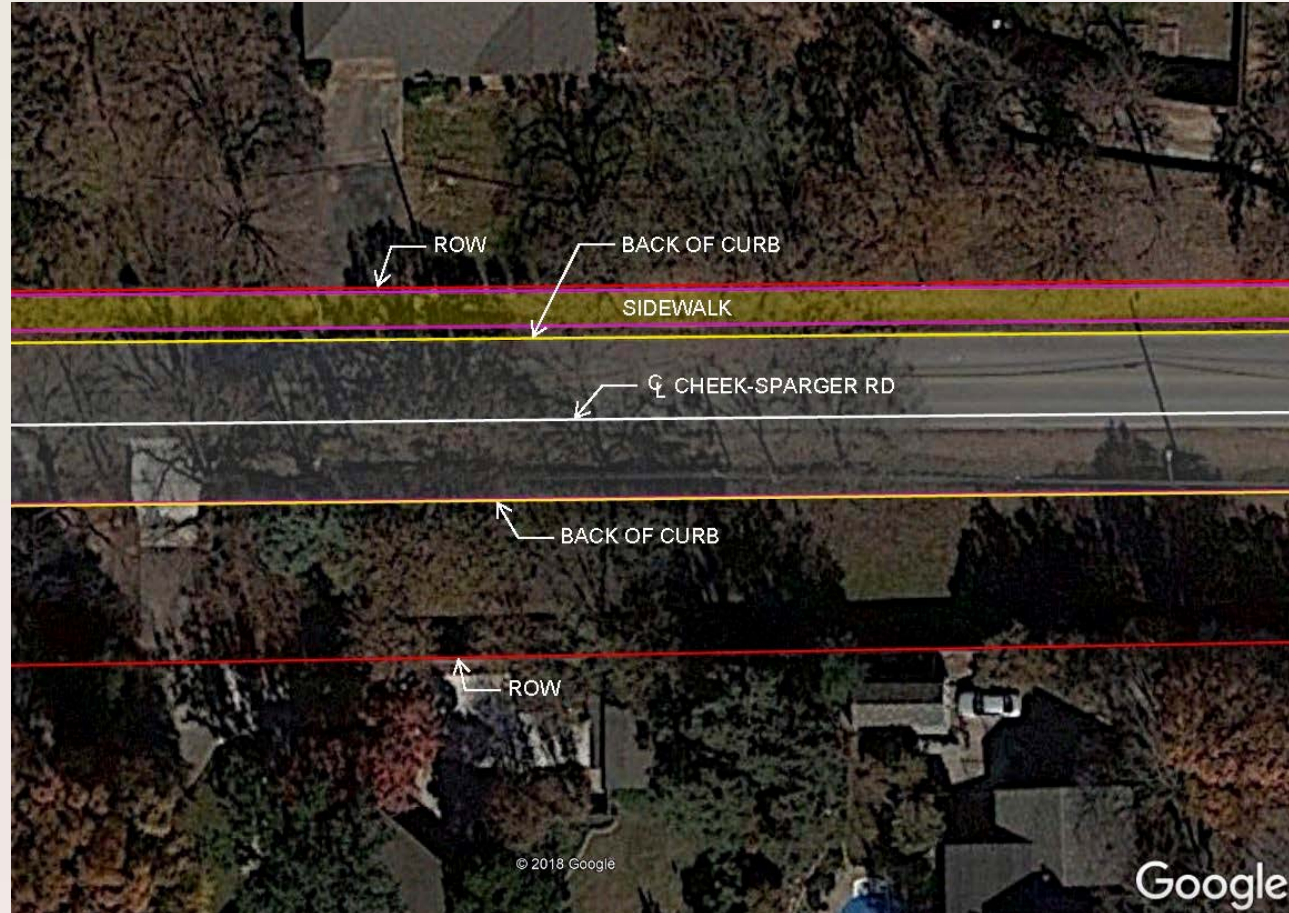
West Cut
(North Alignment)



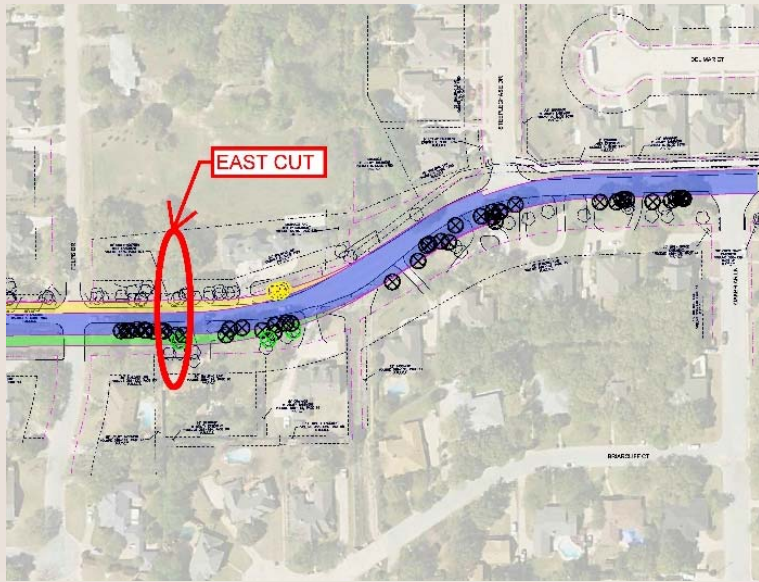
WS-3 Cheek-Sparger (San Bar to Oakbriar)



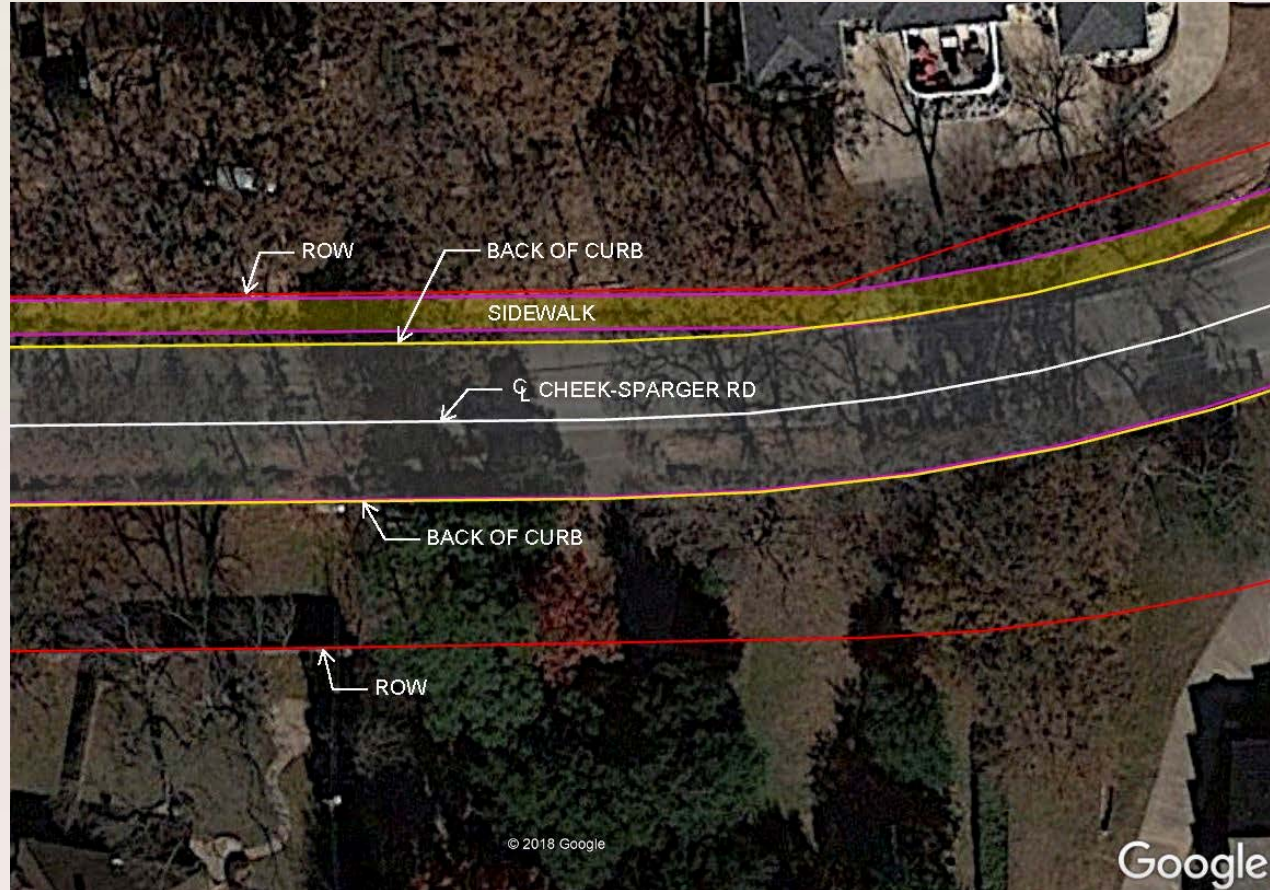
Mid Cut
(North Alignment)



WS-3 Cheek-Sparger (San Bar to Oakbriar)



East Cut
(North Alignment)



Questions and Discussion



City of Colleyville City Council Agenda Briefing

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

Agenda Number WS-4

Agenda Date 01/22/2019

Type Worksession

Department City Secretary

Title

Presentation of technology use for meeting minutes

Strategic Plan

- 1.1 Actively involve and engage stakeholders
- 1.4 Communicate thoroughly and strategically
- 2.3 Effectively leverage information technology
- 2.1 Provide responsive, efficient city services
- 1.3 Assure convenient access to public information

Explanation

This item provides for staff to discuss use of current technology for the creation of meeting minutes.

In an effort to meet the City Council goals and objectives of transparency, communication, and innovation, and the strategy of effectively leveraging information technology, staff proposes to insert the video clips of each agenda item into the minutes body. The minutes will reflect all items on the agenda, information regarding the staff member who provides the briefing, the Mayor and/or Councilmembers who make and second the motion, and the vote. All discussion which occurs will be accessed via the video clip.

The proposed format meets all the requirements of the City of Colleyville Charter, Open Meetings Act, and the Texas State Library and Archives Permanent Record Retention schedules, while providing for the most accurate representation of discussion and action, and is completely objective. Additionally, minutes will be accessible on the City's website within three clicks and the City Secretary can reduce the amount of time required to create minutes by approximately 18 hours a month.

The City of Colleyville began providing live streaming and webcasts of the City Council, Planning and Zoning Commission, Sign Board of Appeals, Zoning Board of Adjustment, Colleyville Crime Control and Prevention District, Tax Increment Finance District, and Colleyville Economic Development Corporation meetings in February 2006. On November 20, 2018, we began the FaceBook Live broadcasts of the City Council meetings.

Two sets of proposed minutes: June 5, 2018 and November 5, 2018; and a document with links to area city websites for video, minutes, and agenda downloads are

attached.

Staff will be seeking City Council direction and input regarding this opportunity.

Attachments

1. 2018.6.5 CC Minutes
2. 2018.11.05 CC Minutes
3. Links to area city sites for agendas and minutes



City of Colleyville City Council Minutes

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

Tuesday, June 5, 2018

Mayor Richard Newton called the Colleyville City Council Worksession to order on Tuesday, June 5, 2018, at 5:30 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.

ABSENT: Councilmember Chuck Kelley

ALSO PRESENT: City Manager Jerry Ducay, Assistant City Manager Mark Wood, Assistant City Manager Adrienne Lothery, Police Chief Michael Miller, Fire Chief Brian Riley, Community Development Director Ben Bryner, Library and Special Events Director Mary Rodne, Human Resources Director Jesse Perez, Marketing Coordinator Dustin Dangli, City Attorney Whitt Wyatt, and City Secretary Christine Loven.

Mayor Newton recognized Chandler Merritt, Chief of Staff, Office of Tarrant County Judge Glen Whitley was in attendance.

WS-1 Discussion of Health Insurance Renewal

WS-2 Overview of the Budget Process

WS-3 Discussion of dates for a City Council goals and objectives worksession

WS-4 Discussion of the City Council portrait

WS-5 Discussion of the June 5, 2018, City Council regular agenda items

<https://media.swagit.com/podcasts/2018/06/05/06052018-1136.360.mp4>

Mayor Newton adjourned the worksession at 6:30 p.m.

Mayor Newton called the Executive Session to order at 6:31 p.m. and called the roll.

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

ABSENT: Councilmember Chuck Kelley

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 551.087 - 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 7:20 p.m.

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

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

INVOCATION: Pastor Josh Anderson, Colleyville Presbyterian

PLEDGE OF ALLEGIANCE: City Attorney Whitt Wyatt

<http://colleyvilletx.swagit.com/play/06052018-1702/#2>

2. EXECUTIVE SESSION READING AND PUBLIC HEARING: CONSIDER AND TAKE ANY ACTION(S) NECESSARY RELATIVE TO ITEMS DISCUSSED IN EXECUTIVE SESSION - RESOLUTION R-18-4267

This resolution was not needed. <http://colleyvilletx.swagit.com/play/06052018-1702/#3>

3. ELECTION OF A MAYOR PRO TEM

Election of Mayor Pro Tem

Mayor Newton opened the floor for nominations for Mayor Pro Tem.

<http://colleyvilletx.swagit.com/play/06052018-1702/#4>

The motion to approve carried with the following vote:

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

Absent: 1 – Councilmember Chuck Kelley

4. ANNOUNCEMENTS, PROCLAMATIONS, AND PRESENTATIONS

Announcements of civic and charitable events

Presentation of calendar events and updates

Announcements of awards and recognition

Presentation of the new City vehicle tailgate wraps – Mayor Newton and Public Information Specialist Dustin Dangli

Presentation of the Government Finance Officers Association (GFOA) Distinguished Budget Presentation Award for the Fiscal Year 2018 budget - Mayor Richard Newton and CFO Shereen Gendy

<http://colleyvilletx.swagit.com/play/06052018-1702/#5>

5. CONSENT: READING AND PUBLIC HEARING- RESOLUTION R-18-4268

5a Approval of the minutes of the Special City Council meeting of May 15, 2018

5b Approval of the minutes of the regular City Council meeting of May 15, 2018

5c Approval of a contract with Merrell Bros., Inc., in an amount not to exceed \$388,520, for the dredging of the Kimzey Park pond, and authorizing the City Manager to execute the contract

- 5d** Approval of an amendment to the agreement for professional services with Freese and Nichols, Inc. in an amount not to exceed \$183,020 for an additional scope of work, including development of construction documents for the City plaza, and authorizing the City Manager to execute the amendment
- 5e** Approval of a construction contract with GRA-Tex Utilities, Inc., for the Manning Drive Wastewater Project 3 and Paving Improvements Project, in an amount not to exceed \$606,193.50 which includes a \$30,000 contingency, and authorizing the City Manager to execute the contract and any associated change orders

Mayor Newton read Resolution R-18-4268 in its entirety.

<http://colleyvilletx.swagit.com/play/06052018-1702/#6>

Councilmember Dodson made a motion to approve Resolution R-18-4268 and Councilmember Nakamura seconded the motion.

The motion to approve carried with the following vote:

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

Absent: 1 – Councilmember Chuck Kelley

6. ORDINANCE(S): FIRST READING AND PUBLIC HEARING

6a Ordinance O-18-2044

Consideration of an amendment to the PUD-R Planned Unit Development-Commercial zoning district to allow for a drive-through services on Lot 3, Block 11, Longwood Estates at Ross Downs, located at 7181 Colleyville Boulevard, Case ZC18-009

Mayor Newton read the caption of Ordinance O-18-2044.

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

<http://colleyvilletx.swagit.com/play/06052018-1702/#7>

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

6b Ordinance O-18-2045

Consideration of a Special Use Permit to exceed the maximum number and total maximum size allowed by right for accessory buildings on Lot 1, Block 1, of the K Bar G Estates addition, located at 6401 Westcoat Drive, Case ZC18-010

Mayor Newton read the caption of Ordinance O-18-2045.

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

<http://colleyvilletx.swagit.com/play/06052018-1702/#8>

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

6c Ordinance O-18-2046

Consideration of a zoning change from the AG-Agricultural zoning district to the R-40 Single Family Residential zoning district on a portion of Lot 1, Block 1, of the Wood Estates Addition, located at 411 McDonwell School Road E, Case ZC18-011

Mayor Newton read the caption of Ordinance O-18-2046.

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

<http://colleyvilletx.swagit.com/play/06052018-1702/#9>

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

6d Ordinance O-18-2047

Consideration of a Special Use Permit to exceed the total maximum size allowed by right for accessory buildings and for a Servants' or Caretakers' Quarters on Tract 5B02, Abstract 294, in the Robert Chowing Survey, located at 5810 Pool Road, Case ZC18-012

Mayor Newton read the caption of Ordinance O-18-2047.

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

<http://colleyvilletx.swagit.com/play/06052018-1702/#10>

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

6e Ordinance O-18-2048

Consideration of a zoning change from the AG-Agricultural and R-20 Single Family Residential zoning districts to the AG-Agricultural and R-20 Single Family Residential zoning districts on Lot 1, Block 1, of the Allzim Acres Addition, and Tracts 2A7B, 2A8C, & 2A9A, Abstract 533, in the Mary M. Freeman Survey, and Tract 4D02, Abstract 295, in the William E. Crooks Survey, located at 7209 & 7215 John McCain Road, Case ZC18-013

Mayor Newton read the caption of Ordinance O-18-2048.

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

<http://colleyvilletx.swagit.com/play/06052018-1702/#11>

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

6f Ordinance O-18-2049

Consideration of a zoning change from the AG-Agricultural zoning district to the RE Single Family 'Estate' Residential zoning district on Tracts 1B & 1B1A, Abstract 294, in the Robert Chowning Survey, located at 6900 Pool Road, Case ZC18-014

Mayor Newton read the caption of Ordinance O-18-2049.

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

<http://colleyvilletx.swagit.com/play/06052018-1702/#12>

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

7. RESOLUTION(S): READING AND PUBLIC HEARING**7a Resolution R-18-4268**

Consideration for approval of a site plan for athletic fields on Lot 1R, Block 1, of the Covenant Christian Academy Addition, located at 901 Cheek-Sparger Road, Case SP18-001

Mayor Newton read Resolution R-18-4268 in its entirety.

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

<http://colleyvilletx.swagit.com/play/06052018-1702/#13>

Councilmember Wheat made a motion to approve Resolution R-18-4268, subject to architectural approval by staff to reflect the additional architectural improvements in material and design to reflect the quality on the south side of the building. Mayor Pro Tem Lindamood seconded the motion.

The motion to approve carried with the following vote:

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

Absent: 1 – Councilmember Chuck Kelley

7b Resolution R-18-4269

Request to appeal the decision of the Sign Board of Appeals for the consideration of a variance to the provisions of Section 7-150, Permanent Freestanding Signs – Sign Classification and Regulations of the Land Development Code, specifically the minimum setback requirements, on Lot 2, Block 1, of the SW Colleyville Office Park Addition, located at 607 Cheek-Sparger Road, Case SC18-001

Mayor Newton read Resolution R-18-4269 in its entirety.

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

<http://colleyvilletx.swagit.com/play/06052018-1702/#14>

Mayor Newton made a motion to deny without prejudice Resolution R-18-4269, Councilmember Wheat seconded the motion.

The motion to deny without prejudice carried with the following vote:

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

Absent: 1 – Councilmember Chuck Kelley

Mayor Newton recessed the meeting at 10:46 p.m. and reconvened the meeting at 10:53 p.m.

7c Resolution R-18-4270

Consideration of a waiver request to the sidewalk requirements on Eastpointe Court of Eastpointe Terrace subdivision located at 6480 Pool Road, Case GC18-001

Mayor Newton read Resolution R-18-4270 in its entirety.

Assistant City Manager Mark Wood presented this item and answered questions of the City Council.

<http://colleyvilletx.swagit.com/play/06052018-1702/#15>

Councilmember Nakamura made a motion to approve Resolution R-18-4270; including language to be drafted by the City Attorney which stipulates installation of a landscape buffer, City, Developer, and HOA approval of plantings, HOA to be responsible for the irrigation and maintenance of the landscape buffer, and The final plat will have to contain a detailed note describing the landscape buffer easement requirements and be subject to compliance and City Council approval, Mayor Pro Tem Lindamood seconded the motion.

The motion to approve carried with the following vote:

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

Absent: 1 – Councilmember Chuck Kelley

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

<http://colleyvilletx.swagit.com/play/06052018-1702/#16>

9. REPORTS

Planning and Zoning Commission Worksession Meeting Minutes - February 26, 2018

Planning and Zoning Commission Worksession Meeting Minutes - March 26, 2018

There was no discussion of this item.

10. ACTION/RESOLUTION: DISCUSSION AND CONSIDERATION OF A RESOLUTION RATIFYING COUNCIL AGENDA ACTION FOR JUNE 5, 2018 - READING AND PUBLIC HEARING - RESOLUTION R-18-4271

This resolution was not needed.

11. ADJOURNMENT

There being no further business before the City Council, Mayor Newton adjourned the City Council meeting at 11:43 p.m.

<http://colleyvilletx.swagit.com/play/06052018-1702/#17>

APPROVED BY A VOTE OF 7 AYES, 0 NAYS, AND 0 ABSTENTIONS ON THIS THE 19TH DAY OF JUNE 2018.

Minutes taken and prepared by:

A handwritten signature in blue ink that reads "Christine Loven". The signature is fluid and cursive, with the first name "Christine" and the last name "Loven" clearly legible.

*Christine Loven, TRMC
City Secretary*



City of Colleyville City Council MINUTES

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

Monday, November 5, 2018

Mayor Richard Newton called the Colleyville City Council Worksession to order on Monday, November 5, 2018, at 5:30 p.m.

ROLL CALL: Mayor Richard Newton, and Councilmembers Tammy Nakamura, Kathy Wheat, George Dodson, and Callie Rigney.

ABSENT: Mayor Pro Tem Bobby Lindamood and Councilmember Chuck Kelley.

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

<http://colleyvilletx.swagit.com/play/11072018-1432/#2>

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

<http://colleyvilletx.swagit.com/play/11072018-1432/#3>

WS-2 Discussion of the November 5, 2018, City Council regular agenda items

<http://colleyvilletx.swagit.com/play/11072018-1432/#4>

Mayor Newton adjourned the worksession at 6:09 p.m.

<http://colleyvilletx.swagit.com/play/11072018-1432/#5>

Mayor Newton called the Executive Session to order at 6:10 p.m. and called the roll.

ROLL CALL: Mayor Richard Newton, and Councilmembers Tammy Nakamura, Kathy Wheat, George Dodson, and Callie Rigney.

ABSENT: Mayor Pro Tem Bobby Lindamood and Councilmember Chuck Kelley.

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 7:22 p.m.

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

ROLL CALL: Mayor Richard Newton, and Councilmembers Tammy Nakamura, Kathy Wheat, George Dodson, and Callie Rigney.

ABSENT: Mayor Pro Tem Bobby Lindamood and Councilmember Chuck Kelley. Mayor Newton explained Mayor Pro Tem Bobby Lindamood was out of the country and Councilmember Chuck Kelley had a death in his family and neither could be present this evening.

INVOCATION: Pastor Jay Franks, Compass Christian Church

PLEDGE OF ALLEGIANCE: City Attorney Nicole Corr

<http://colleyvilletx.swagit.com/play/11072018-1452/#2>

2. EXECUTIVE SESSION READING AND PUBLIC HEARING: CONSIDER AND TAKE ANY ACTION(S) NECESSARY RELATIVE TO ITEMS DISCUSSED IN EXECUTIVE SESSION - RESOLUTION R-18-4320

Mayor Newton stated this item would be addressed following item 5a, Ordinance O-18-2063, but is recorded in order for the minutes.

Mayor Newton read Resolution R-18-4320 in its entirety.

<http://colleyvilletx.swagit.com/play/11072018-1452/#3>

<http://colleyvilletx.swagit.com/play/11072018-1452/#7>

Councilmember Dodson made a motion to approve Resolution R-18-4320, and Councilmember Wheat seconded the motion.

The motion to approve carried with the following vote:

Aye: 5 – Mayor Richard Newton, and Councilmembers Tammy Nakamura, Kathy Wheat, George Dodson, and Callie Rigney.

Absent: 2 - Mayor Pro Tem Bobby Lindamood and Councilmember Chuck Kelley.

3. ANNOUNCEMENTS, PROCLAMATIONS, AND PRESENTATIONS

Announcements of civic and charitable events

Presentation of calendar events and updates

Announcements of awards and recognition

The Mayor and City Councilmembers made the following announcements:

<http://colleyvilletx.swagit.com/play/11072018-1452/#4>

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

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

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

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

- 4a** Approval of the minutes of the regular City Council meeting of October 16, 2018
- 4b** Approval of the minutes of the City Council Worksession of October 25, 2018
- 4c** Approval of a professional services agreement with Baird, Hampton, & Brown, in an amount not to exceed \$68,360 for the design of the Pleasant Run Waterline from John McCain Road north to the north City limit line at Bear Creek, and authorizing the City Manager to execute the agreement

Mayor Newton read Resolution R-18-4321 in its entirety.

Public Works Director Ray Silva-Reyes presented item 4c, and provided anticipated timelines.

<http://colleyvilletx.swagit.com/play/11072018-1452/#5>

Councilmember Wheat made a motion to approve Resolution R-18-4321, and Councilmember Dodson seconded the motion.

The motion to approve carried with the following vote:

Aye: 5 – Mayor Richard Newton, and Councilmembers Tammy Nakamura, Kathy Wheat, George Dodson, and Callie Rigney.

Absent: 2 - Mayor Pro Tem Bobby Lindamood and Councilmember Chuck Kelley.

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

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

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

<http://colleyvilletx.swagit.com/play/11072018-1452/#6>

Councilmember Nakamura made a motion to approve Ordinance O-18-2063 as amended requiring the construction of a monument sign, and Councilmember Dodson seconded the motion.

The motion to approve carried with the following vote:

Aye: 5 – Mayor Richard Newton, and Councilmembers Tammy Nakamura, Kathy Wheat, George Dodson, and Callie Rigney.

Absent: 2 - Mayor Pro Tem Bobby Lindamood and Councilmember Chuck Kelley.

5b Ordinance O-18-2064

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

Community Development Director Ben Bryner presented this item and reviewed the proposed fencing, number of homes, and traffic access changes and noted a plat approval for this property is on tonight's agenda.

<http://colleyvilletx.swagit.com/play/11072018-1452/#8>

Councilmember Wheat made a motion to table Ordinance O-18-2064, and Councilmember Nakamura seconded the motion.

The motion to table carried with the following vote:

Aye: 5 – Mayor Richard Newton, and Councilmembers Tammy Nakamura, Kathy Wheat, George Dodson, and Callie Rigney.

Absent: 2 - Mayor Pro Tem Bobby Lindamood and Councilmember Chuck Kelley.

6. ORDINANCE(S): FIRST READING AND PUBLIC HEARING

6a Ordinance O-18-2065

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

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.

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

<http://colleyvilletx.swagit.com/play/11072018-1452/#9>

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

Mayor Newton stated this item currently requires a super majority vote of the Council. It will remain tabled until December 4th as Mayor Pro Tem Lindamood and Councilmember Kelley are absent tonight and Councilmember Rigney will be absent at the November 20, 2018 meeting.

Mayor Newton made a motion to remove the item from the table and immediately retable Ordinance O-18-2056 to a date certain of December 4, 2018 and Councilmember Dodson seconded the motion.

<http://colleyvilletx.swagit.com/play/11072018-1452/#10>

The motion to table to a date certain of December 4, 2018 carried with the following vote:

Aye: 5 – Mayor Richard Newton, and Councilmembers Tammy Nakamura, Kathy Wheat, George Dodson, and Callie Rigney.

Absent: 2 - Mayor Pro Tem Bobby Lindamood and Councilmember Chuck Kelley.

7b Ordinance O-18-2062

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

Councilmember Wheat made a motion to remove Ordinance O-18-2062 from the table, and Councilmember Nakamura seconded the motion.

The motion carried with the following vote:

Aye: 5 – Mayor Richard Newton, and Councilmembers Tammy Nakamura, Kathy Wheat, George Dodson, and Callie Rigney.

Absent: 2 - Mayor Pro Tem Bobby Lindamood and Councilmember Chuck Kelley.

Mayor Newton read the caption of Ordinance O-18-2062.

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

<http://colleyvilletx.swagit.com/play/11072018-1452/#11>

Councilmember Dodson made a motion to approve Ordinance O-18-2062 as amended and Councilmember Rigney seconded the motion.

The motion to approve carried with the following vote:

Aye: 5 – Mayor Richard Newton, and Councilmembers Tammy Nakamura, Kathy Wheat, George Dodson, and Callie Rigney.

Absent: 2 - Mayor Pro Tem Bobby Lindamood and Councilmember Chuck Kelley.

Mayor Newton recessed the meeting at 10:20 p.m. and reconvened at 10:28 p.m. The meeting was again recessed at 10:33 p.m. due to a technical sound disturbance and reconvened at 10:36 p.m.

8. RESOLUTION(S): READING AND PUBLIC HEARING

8a Resolution R-18-4322

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

Mayor Newton read Resolution R-18-4322 in its entirety.

Community Development Director Ben Bryner presented this item.

<http://colleyvilletx.swagit.com/play/11072018-1452/#12>

Councilmember Wheat made a motion to approve Resolution R-18-4322, and Councilmember Rigney seconded the motion.

The motion to approve carried with the following vote:

Aye: 5 – Mayor Richard Newton, and Councilmembers Tammy Nakamura, Kathy Wheat, George Dodson, and Callie Rigney.

Absent: 2 - Mayor Pro Tem Bobby Lindamood and Councilmember Chuck Kelley.

8b Resolution R-18-4323

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

Councilmember Dodson made a motion to table Resolution R-18-4323 and Councilmember Wheat seconded the motion.

<http://colleyvilletx.swagit.com/play/11072018-1452/#13>

The motion to table carried with the following vote:

Aye: 5 – Mayor Richard Newton, and Councilmembers Tammy Nakamura, Kathy Wheat, George Dodson, and Callie Rigney.

Absent: 2 - Mayor Pro Tem Bobby Lindamood and Councilmember Chuck Kelley.

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

9a Resolution R-18-4294

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

This item remained tabled.

<http://colleyvilletx.swagit.com/play/11072018-1452/#14>

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

There was no one present wishing to speak.

<http://colleyvilletx.swagit.com/play/11072018-1452/#15>

11. REPORTS

Library Board Minutes - August 13, 2018

There was no action regarding this item.

<http://colleyvilletx.swagit.com/play/11072018-1452/#15>

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

This resolution was not needed.

<http://colleyvilletx.swagit.com/play/11072018-1452/#15>

13. ADJOURNMENT

There being no further business before the City Council, Mayor Newton adjourned the City Council meeting at 10:56 p.m.

APPROVED BY A VOTE OF 7 AYES, 0 NAYS, ON THIS THE 20TH DAY OF NOVEMBER 2018.

Minutes taken and prepared by:



*Christine Loven, TRMC
City Secretary*

Links to area city sites for agendas and minutes

Arlington-<http://www.arlington-tx.gov/news/myarlingtontv/watch-city-council-meetings/>

Bedford- <https://www.bedfordtx.gov/AgendaCenter>

Flower Mound- <https://www.flower-mound.com/agendacenter>

Grapevine- <https://www.grapevinetexas.gov/89/Agendas-Minutes>

Keller- <https://www.cityofkeller.com/services/city-council/agendas-minutes>

Southlake- <https://www.cityofsouthlake.com/AgendaCenter>



City of Colleyville City Council Agenda Briefing

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

Agenda Number WS-5

Agenda Date 01/22/2019

Type Worksession

Department City Secretary

Title

Discussion of the January 22, 2019, 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 01/22/2019

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 case for Parcel 150

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

RESOLUTION R-19-4349

**A RESOLUTION APPROVING COUNCIL ACTION
REGARDING EXECUTIVE SESSION ITEMS AT THE REGULAR
CITY COUNCIL MEETING OF JANUARY 22, 2019**

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 22ND DAY OF JANUARY 2019.

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

ATTEST:

CITY OF COLLEYVILLE

Christine Loven, TRMC
City Secretary

Richard Newton
Mayor



City of Colleyville City Council Agenda Briefing

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

Agenda Number 3

Agenda Date 01/22/2019

Type Announcements, Proclamations, and Presentations

Department City Secretary

Title

Recognition of Mayor for a Day Daniel Thomas - Mayor Richard Newton

Proclamation in recognition of Thank a Teacher Day at Colleyville Heritage Elementary School - Mayor for a Day Daniel Thomas and Mayor Richard Newton

In recognition of the Featured Business of the Month - Orangetheory Fitness Colleyville - 4709 Colleyville Boulevard Suite 500, Greg Wood, Franchise Owner - Mayor Richard Newton and Assistant City Manager Mark Wood

RESOLUTION R-19-4350

A RESOLUTION APPROVING CITY COUNCIL ACTION UNDER CONSENT ITEMS AT THE REGULAR CITY COUNCIL MEETING OF JANUARY 22, 2019

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 a contract with Denco Construction Specialists for the Webb House Renovation Project, in an amount not to exceed \$233,926.85, and authorize the City Manager to execute same, and any associated change orders, in an amount not to exceed 25 percent of the contract price
 - b. Approval of a construction contract with Canary Construction, Inc. for State Highway 26 and Pleasant Run Water Line Improvements, in an amount not to exceed \$245,490.00, and authorizing the City Manager to execute the contract

AND IT IS SO RESOLVED.

APPROVED BY A VOTE OF _ AYES, _ NAYS ON THIS THE 22ND DAY OF JANUARY 2019.

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

ATTEST:

CITY OF COLLEYVILLE

Christine Loven, TRMC
City Secretary

Richard Newton
Mayor



City of Colleyville City Council Agenda Briefing

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

Agenda Number 5a

Agenda Date 01/22/2019

Number Resolution R-19-4350

Type Resolution

Department City Manager

Title

Approval of a contract with Denco Construction Specialists for the Webb House Renovation Project, in an amount not to exceed \$233,926.85, and authorize the City Manager to execute same, and any associated change orders, in an amount not to exceed 25 percent of the contract price

Strategic Plan

1.1 Actively involve and engage stakeholders

5.3 Provide attractive facilities for leisure and recreation

Explanation

Reading and Public Hearing

Over the last 18 months, the City has been evaluating options for the best use of the Webb House, located at 400 Shelton Drive. The property is approximately three acres, with a historic home and a connection to the Cotton Belt Trail on the north end of the site. The home was modified in 2002, but is now in need of a number of repairs including a new roof, HVAC system, some siding replacement, and painting. As a part of the discussion of repairs, several options were explored to allow this property to be better enjoyed and utilized by the community.

Discussions were held with the City Council (October 2017 and March 2018), Historic Preservation Committee (November 2017), and Parks & Recreation Advisory Board (January 2018). It was determined that reconfiguring the existing kitchen area in the house into a unisex restroom accessible from both the interior and the exterior of the building would allow the property to become a more utilized stop along the Cotton Belt Trail. Site improvements including a new ADA ramp, extended sidewalk, improved landscaping, and removal of the picket fence are planned to better welcome visitors and communicate that this is a site to stop and enjoy, rather than "keep out".

The project was placed out for bid utilizing the City's expanded procedures and bidding practices. The notice was also published in the Star-Telegram on November 25, December 2, December 9, and December 16, 2018. There were 18 total plan holders and five companies that attended the Pre-Bid meeting on December 6, 2018. The City received two bids by the December 20, 2018 deadline.

Company	Base Bid	Alternate No. 1
K. Tillman Construction LLC	\$243,183.00	\$157,000.00

Denco Construction Specialists \$233,926.85 \$58,464.41

Staff recommends awarding the contract to Denco Construction Specialists for the Base Bid. Staff does not recommend including Alternate No. 1 in the contract, which was for construction of a gazebo. This element will be re-examined in the future for less costly options or alternatives.

Financial Impact

The FY 2019 CEDC Budget includes \$265,000 for the Webb House Renovation Project.

Form 1295 - Acknowledged

Recommendation

Approve

Attachments

1. Bid Results - December 19, 2018
2. Bid Recommendation Construction
3. Denco Bid
4. Webb House Site Final Configuration
5. Denco CS Corporation Construction Service Agreement

Colleyville Webb House Renovation

Bid Results

The following is a list of contractors that submitted bids for the Colleyville Webb House Renovation on 12.19.18 @ 2:00pm. The following results were read aloud.

[illegible]

January 4, 2018

Adrienne Lothery, CGFO
Assistant City Manager
City of Colleyville
100 Main Street
Colleyville Texas 76034

HIDELL

ASSOCIATES
ARCHITECTS

Re: Webb House Bid Review

Adrienne,

The Colleyville Webb House Renovation Project received two bids on December 20, 2018. The two bidders were as follows:

Denco Construction Specialists
K. Tillman Construction LLC

Based on the bids and proposal information required the contractors were evaluated based on the eight criteria factors as defined in the project specifications. The result of the evaluation ranks Denco Construction Specialists as the recommended contractor for council approval.

ranks Denco Construction Specialists had the lowest base bid price. The company has been in business for 27 years with experience in the renovation of facilities and a bonding capacity of \$15,000,000. The following reference for the company were contacted:

PBK Architects – Positive recommendation regarding renovation experience for City of DeSoto

Madison Partners LLC - Positive recommendation regarding several projects.

Bryant Blair Group Architecture, LLC - Positive recommendation regarding a renovation project.

Hidell and Associates Architect recommends the City of Colleyville approve the base bid - \$233,926.85 amount. Denco Construction Specialists did include a bid for Alternate No. 1 in the amount of \$58,464.41. The Alternate no. 1 cost includes a complete steel gazebo including structure, roofing, concrete foundation, and concrete slab.

Included with this letter, are the bid results and bid evaluation sheets.

Sincerely,



Aaron Babcock
Hidell and Associates Architects

Colleyville Webb House Renovation			Evaluation Criteria Tabulation									
Contractor	Base Bid	Total Project Pricing	Quality of bidders goods or services	Experience with similar renovation projects within the past 5 years	Experience and reputation of the key project personnel	References/performance record from previous work	Financial and organization stability	Extent to which the goods or services meet the City's needs	Total long-term cost to the City to acquire the bidders goods or services	Score	Final Ranking	
	K. Tillman Construction LLC	\$ 243,183	28.86	15.000	10.000	10.000	15.000	8.000	5.000	5.000	96.86	2
	Denco Construction Specialists	\$ 233,927	30.00	15.000	10.000	10.000	15.000	10.000	5.000	5.000	100.00	1

Competitive Sealed Proposal Evaluation Sheet

Project or Category: Colleyville Webb House Renovation

Bid Date: 12.20.18

Contractor: K. Tillman Construction LLC

Evaluator: _____

Point
Range

Criteria 1: Total project pricing	Score: 0 - 30 points
- Do not score - determined by formula K. Tillman Construction LLC - Denco Construction Specialists	28.86 30
Criteria 2: The quality of the bidder's goods or services	Score: 0 - 15 points
- Quality of goods or services Comments: _____ _____ _____	15
Criteria 3: The bidder's experience with similar renovation projects in the past 5 years	Score: 0 - 10 points
- Renovation experience in the past 5 years Comments _____ _____ _____ _____	10
Criteria 4: The experience and reputation of the key project personnel	Score: 0 - 10 points
- A305 Key project personnel Comments _____ _____ _____ _____	10

Competitive Sealed Proposal Evaluation Sheet

Project or Category: Colleyville Webb House Renovation

Bid Date: 12.20.18

Contractor: K. Tillman Construction LLC

Evaluator: _____

Point
Range

Criteria 5: References and quality/performance record from bidder's previous work	Score:	0 - 15 points
- The reference submitted in the proposal (A305) were contacted. The results are as follows: K. Tillman Construction - All reference contacted were positive, noting good results on renovation projects. Denco Construction Specialists - All reference contacted were positive, noting good results on renovation projects.		<u>15</u> <u>15</u> <u> </u>
Criteria 6: The bidders financial and organizational stability	Score:	0 - 10 points
- Recent Financial Statement - Bonding Capacity Comments Bonding Capacity was not indicates on A305 _____ _____ _____		<u>5</u> <u>3</u>
Criteria 7: The extent to which the goods or services meet the City's needs	Score:	0 - 5 points
- Are the goods and services bid per specifications - Bidder signed bid form certifying construction time requirement Comments _____ _____ _____		<u>5</u>
Criteria 8: The total long-term cost to the City to acquire the bidder's goods or services	Score:	0 - 5 points
- Long term cost to the City to acquire the bidder's good or services Comments _____ _____ _____		<u>5</u>

Signed: _____

Dated: 1.4.19

Competitive Sealed Proposal Evaluation Sheet

Project or Category: Colleyville Webb House Renovation

Bid Date: 12.20.18

Contractor: Denco Construction Specialists

Evaluator: _____

Point
Range

Criteria 1: Total project pricing	Score: 0 - 30 points
- Do not score - determined by formula K. Tillman Construction LLC - Denco Construction Specialists	28.86 30
Criteria 2: The quality of the bidder's goods or services	Score: 0 - 15 points
- Quality of goods or services Comments: _____ _____ _____	15
Criteria 3: The bidder's experience with similar renovation projects in the past 5 years	Score: 0 - 10 points
- Renovation experience in the past 5 years Comments _____ _____ _____ _____	10
Criteria 4: The experience and reputation of the key project personnel	Score: 0 - 10 points
- A305 Key project personnel Comments _____ _____ _____ _____	10

Competitive Sealed Proposal Evaluation Sheet

Project or Category: Colleyville Webb House Renovation

Bid Date: 12.20.18

Contractor: Denco Construction Specialists

Evaluator: _____

Point
Range

Criteria 5: References and quality/performance record from bidder's previous work	Score: 0 - 15 points
- The reference submitted in the proposal (A305) were contacted. The results are as follows: K. Tillman Construction - All reference contacted were positive, noting good results on renovation projects. Denco Construction Specialists - All reference contacted were positive, noting good results on renovation projects.	<u>15</u> <u>15</u> <u> </u>
Criteria 6: The bidders financial and organizational stability	Score: 0 - 10 points
- Recent Financial Statement - Bonding Capacity Comments Bonding Capacity was not indicates on A305 _____ _____ _____	<u>5</u> <u>5</u> <u> </u>
Criteria 7: The extent to which the goods or services meet the City's needs	Score: 0 - 5 points
- Are the goods and services bid per specifications - Bidder signed bid form certifying construction time requirement Comments _____ _____ _____	<u>5</u> <u> </u> <u> </u>
Criteria 8: The total long-term cost to the City to acquire the bidder's goods or services	Score: 0 - 5 points
- Long term cost to the City to acquire the bidder's good or services Comments _____ _____ _____	<u>5</u> <u> </u> <u> </u>

Signed: _____

Dated: 1.4.19



Colleyville Webb House Renovation Project

YOU DESERVE THE DENCO TEAM! The DENCO Team is ready to serve your construction needs. With decades of construction experience and a proven record of providing quality projects that meet the needs, schedules and budgets of our valued customers, DENCO has the know-how and dedication to make your next build a success.

The DENCO Team has a combined experience of over \$1,000,000,000 in quality construction projects, spanning the US and includes retail centers, office buildings, retail spaces, office spaces, warehouses, restaurants, dental, medical and hotels. Our extensive experience, teamwork and commitment allow us to guarantee our project will be built with the highest quality and workmanship and within your budget and schedule requirements.

We understand the importance of communication between clients, contractors, vendors and design professionals. Our project leadership can be found onsite, ensuring seamless communication and quality control. We can ensure a smooth transition from pre-planning all the way to post-occupancy.

DENCO is proud to offer services in General Construction, Design-Build, Pre-Planning, Budget Consulting, Ground-Up Construction, Finish-Out Construction, Remodel and Custom Interiors. Our Total Construction Management program can save you time and money and will leave you with assurance that your project will be a success.

Please learn more about our firm in the following documents as well as by visiting us online at www.DencoCS.com. We stand by to serve you and answer any questions you may have. We look forward to helping you *Build Your Future!*

Please view our latest promotional videos at: <http://www.youtube.com/user/DENCOCS>

5525 Lyons Road : Garland Texas 75043
972.226.2609 : (f) 972.226.0165

View what our clients are saying. Visit us online at www.DencoCS.com

BIDDER PROPOSAL & ACKNOWLEDGMENT

The undersigned Bidder hereby declares that he has visited the site(s) of work and has carefully examined the Contract Documents pertaining to the work covered by this bid. The Bidder further agrees to execute and file with the City a contract and bonds on the forms provided within ten (10) days after receipt of written notification of award of the contract.

Enclosed with this proposal is a Certified Check for 5% 6AB dollars (\$) or a Proposal Bond in the amount of five (5%) percent of the total bid, which it is agreed shall be collected and retained by the City as liquidated damages (for delay and additional work caused thereby) in the event that this Proposal is accepted by the City within ninety (90) days after the bids are received and the undersigned fails to execute the contract and required bonds for the City within ten (10) days after the Proposal is accepted and the Contract awarded by the City. Otherwise, said check or bond shall be returned to the undersigned upon request.

COOPERATIVE PURCHASING: As permitted under Interlocal Cooperation Act C Texas Government Code, Chapter 791, other governmental entities may wish to also participate under the same terms and conditions contained in this contract. If this bid is not specifically for the Tarrant County Governmental Purchaser's Forum, each entity wishing to participate must have prior authorization from the City of Colleyville and the Bidder. If such participation is authorized, all purchase orders will be issued directly from and shipped directly to the entity requiring supplies/services. The City of Colleyville shall not be held responsible for any orders placed, deliveries made or payment for supplies/services ordered by the entities. Bidder is to state their willingness to allow other governmental entities to participate in this contract, if awarded. Bidders bidding products other than those specified should submit technical specification literature with bids.

IS YOUR FIRM WILLING TO ALLOW OTHER GOVERNMENTAL ENTITIES TO PARTICIPATE IN THIS CONTRACT, IF AWARDED, UNDER THE SAME TERMS AND CONDITIONS? ✓ YES NO

Signed: At Ant

Company: DENCO CS CORPORATION

Address: 5525 LYONS ROAD GARLAND TX

SEAL
(If Corporation)

Telephone: 972-226-2609

Fax: 972-226-0165

Federal ID Number: 26-4115661

The undersigned bidder acknowledges receipt of the following Addenda: (If none is received, then write NONE across the blanks.)

Addendum No. 1 Date Received: 12-11-18

By: SS

Addendum No. 2 Date Received:

By:

Addendum No. 3 Date Received:

By:

**PROPOSAL RESPONSE
BID FORM**

TO: CITY OF COLLEYVILLE

Attn: _____
100 Main Street
Colleyville, Texas 76034

FOR: LIBRARY RENOVATION PROJECT

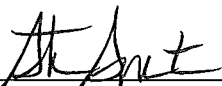
GENERAL INFORMATION REGARDING BIDDER PROPOSALS

Pursuant to the foregoing "Notice to Bidders" and "General Conditions of the Contract", the undersigned bidder, having thoroughly examined the Contract Documents, the site(s) of the project and understanding the amount of work to be done and the prevailing conditions, hereby proposes to fully complete all of the work and requirements (including furnishing all necessary superintendence, labor, machinery, equipment, tools and materials), as provided in the Specifications and Contract Documents and binds itself, upon acceptance of this proposal, to execute a contract and bonds, and to furnish all required guarantees (according to the accompanying forms) and to complete the work within the required time and for the prices contained herein. Bidder information submitted in the following forms and the Bidder's Response will be used solely for the purpose of choosing a bidder. The costs of all material, labor, equipment, and incidental work required to complete the project ready for use must be included in the Bidder's Proposal Response and/or the forms contained herein, and no direct compensation will be made for any other work. Material on hand will not be paid until all work is completed.

BIDDER PRICE FORM ACKNOWLEDGMENT

By signing below the undersigned Bidder hereby certifies that the following price and/or values are accurate and based upon Bidder's careful review and consideration of all work to be performed for the project.

Acknowledged and Submitted by:



Signature

STEVE SMITH

Name

DENCO CS. CORPORATION

Bidder/Company Name

Date: 12/18/18

PRICE FORM

Pursuant to the foregoing "Notice to Bidders" the undersigned bidder, having thoroughly examined the Contract Documents, the site(s) of the project and understanding the amount of work to be done and the prevailing conditions, hereby proposes to fully complete all of, the work and requirements (including furnishing all necessary superintendence, labor, machinery, equipment, tools and materials), as provided in the Plans, Specifications and Contract Documents and binds himself, upon acceptance of this proposal, to execute a contract and bonds, and to furnish all required guarantees (according to the accompanying forms) and to complete the work within the required time and for the following prices to-wit:

The Bidder proposes to perform all the work required by the contractual document for the amount of: <u>Two hundred thirty three Thousand nine hundred</u> Dollars and Cents (fill in amount in words) <u>Twenty six dollars and eighty five cents.</u>	TOTAL	<u>\$ 233,926.85</u>
The Bidder proposes to perform all the work required by Alternate No. 1 for the amount of: <u>Fifty eight thousand four hundred sixty four</u> Dollars and Cents (fill in amount in words) <u>dollars and Seventy one cents.</u>	TOTAL	<u>\$58,464.41</u>

The undersigned Bidder hereby declares that he has visited the site(s) of work and has carefully examined the Contract Documents pertaining to the work covered by this bid. The Bidder further agrees to execute and file with the City a contract and bonds on the forms provided within ten (10) days after receipt of written notification of award of the contract and to begin the work to be performed under the contract within ten (10) days after receipt of written authorization to begin the work (Work Order), and to complete one hundred percent (100%) of the work within **Ninety (90) Consecutive Calendar Days** after the effective starting date for the Project as specified in the "Work Order".

— END OF BID FORM —

Document A310™ – 2010

Conforms with The American Institute of Architects AIA Document 310

Bid Bond

CONTRACTOR:

(Name, legal status and address)

Denco CS Corp
5525 Lyons Road
Garland, TX 75043

SURETY:

(Name, legal status and principal place of business)

Philadelphia Indemnity Insurance Company
One Bala Plaza East, Suite 100
Bala Cynwyd, PA 19004-1403
Mailing Address for Notices
Philadelphia Indemnity Insurance Company
One Bala Plaza East, Suite 100
Bala Cynwyd, PA 19004-1403

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification.

Any singular reference to Contractor, Surety, Owner or other party shall be considered plural where applicable.

OWNER:

(Name, legal status and address)

City of Colleyville
100 Main Street, Colleyville, TX 76034
US

BOND AMOUNT: Five Percent of the Greatest Amount Bid

(5% G.A.B.)

PROJECT:

(Name, location or address, and Project number, if any)

Colleyville Web House Renovation Project

The Contractor and Surety are bound to the Owner in the amount set forth above, for the payment of which the Contractor and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, as provided herein. The conditions of this Bond are such that if the Owner accepts the bid of the Contractor within the time specified in the bid documents, or within such time period as may be agreed to by the Owner and Contractor, and the Contractor either (1) enters into a contract with the Owner in accordance with the terms of such bid, and gives such bond or bonds as may be specified in the bidding or Contract Documents, with a surety admitted in the jurisdiction of the Project and otherwise acceptable to the Owner, for the faithful performance of such Contract and for the prompt payment of labor and material furnished in the prosecution thereof; or (2) pays to the Owner the difference, not to exceed the amount of this Bond, between the amount specified in said bid and such larger amount for which the Owner may in good faith contract with another party to perform the work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect. The Surety hereby waives any notice of an agreement between the Owner and Contractor to extend the time in which the Owner may accept the bid. Waiver of notice by the Surety shall not apply to any extension exceeding sixty (60) days in the aggregate beyond the time for acceptance of bids specified in the bid documents, and the Owner and Contractor shall obtain the Surety's consent for an extension beyond sixty (60) days.

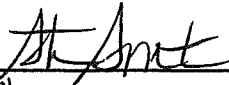
If this Bond is issued in connection with a subcontractor's bid to a Contractor, the term Contractor in this Bond shall be deemed to be Subcontractor and the term Owner shall be deemed to be Contractor.

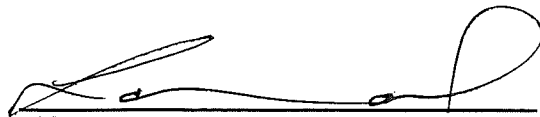
When this Bond has been furnished to comply with a statutory or other legal requirement in the location of the Project, any provision in this Bond conflicting with said statutory or legal requirement shall be deemed deleted herefrom and provisions conforming to such statutory or other legal requirement shall be deemed incorporated herein. When so furnished, the intent is that this Bond shall be construed as a statutory bond and not as a common law bond.

Signed and sealed this 19th day of December 2018


(Witness)

Denco CS Corp
(Principal) _____ (Seal)

By: 
(Title)


(Witness) **Lorena Mancía**

Philadelphia Indemnity Insurance Company
(Surety) _____ (Seal)

By: 
(Title) **Brock Baldwin** Attorney-in-Fact

IMPORTANT NOTICE

To obtain information or make a complaint: You may call the Surety's toll free telephone number for information or to make a complaint at:

1-877-438-7459

You may also write Philadelphia Indemnity Insurance Company at:

**One Bala Plaza, Suite 100
Bala Cynwyd, PA 19004
Attention: Senior Vice President and
Director of Surety**

You may contact the Texas Department of Insurance to obtain information on companies, coverage, rights or complaints at:

1-800-252-3439

You may write the Texas Department of Insurance at:

**P.O. Box 149104
Austin, TX 78714-9104
Fax# 512-475-1771
Web: <http://www.tdi.state.tx.us>
Email: ConsumerProtection@tdi.state.tx.us**

PREMIUM OR CLAIM DISPUTES: Should you have a dispute concerning your premium or about a claim, you should contact the Surety first. If the dispute is not resolved, you may contact the Texas Department of Insurance.

ATTACH THIS NOTICE TO YOUR BOND: This notice is for information only and does not become a part or condition of the attached document.

ADVISO IMPORTANTE

Para obtener informacion o para someter una queja: Usted puede llamar al numero de telefono gratis de para informacion o para someter una queja al:

1-877-438-7459

Usted tambien puede escribir a Philadelphia Indemnity Insurance Company:

**One Bala Plaza, Suite 100
Bala Cynwyd, PA 19004
Attention: Senior Vice President and
Director of Surety**

Puede comunicarse con el Departamento de Seguros de Texas para obtener informacion acerca de companias, coberturas, derechos o quejas al:

1-800-252-3439

Puede escribir al Departamento de Seguros de Texas:

**P.O. Box 149104
Austin, TX 78714-9104
Fax# 512-475-1771
Web: <http://www.tdi.state.tx.us>
Email: ConsumerProtection@tdi.state.tx.us**

DISPUTAS SOBRE PRIMAS O RECLAMOS: Si tiene una disputa concerniente a su prima o a un reclamo, debe comunicarse con el Surety primero. Si no se resuelve la disputa, puede entonces comunicarse con el departamento (TDI).

UNA ESTE AVISO A SU FIANZA DE GARANTIA: Este aviso es solo para proposito de informacion y no se convierte en parte o condicion del documento adjunto.

PHILADELPHIA INDEMNITY INSURANCE COMPANY

One Bala Plaza, Suite 100
Bala Cynwyd, PA 19004-0950

Power of Attorney

KNOW ALL PERSONS BY THESE PRESENTS: That **PHILADELPHIA INDEMNITY INSURANCE COMPANY** (the Company), a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, does hereby constitute and appoint **William D. Baldwin, Blaine Allen, Brent Baldwin, Brock Baldwin, Michael B. Hill, Brady K. Cox, and/or Russ Frenzel of Baldwin-Cox Agency LLC**, its true and lawful Attorney-in-fact with full authority to execute on its behalf bonds, undertakings, recognizances and other contracts of indemnity and writings obligatory in the nature thereof, issued in the course of its business and to bind the Company thereby, in an amount not to exceed \$50,000,000.

This Power of Attorney is granted and is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of PHILADELPHIA INDEMNITY INSURANCE COMPANY on the 14th of November, 2016.

RESOLVED: That the Board of Directors hereby authorizes the President or any Vice President of the Company: (1) Appoint Attorney(s) in Fact and authorize the Attorney(s) in Fact to execute on behalf of the Company bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof and to attach the seal of the Company thereto; and (2) to remove, at any time, any such Attorney-in-Fact and revoke the authority given. And, be it

FURTHER RESOLVED: That the signatures of such officers and the seal of the Company may be affixed to any such Power of Attorney or certificate relating thereto by facsimile, and any such Power of Attorney so executed and certified by facsimile signatures and facsimile seal shall be valid and binding upon the Company in the future with respect to any bond or undertaking to which it is attached.

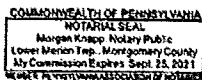
IN TESTIMONY WHEREOF, PHILADELPHIA INDEMNITY INSURANCE COMPANY HAS CAUSED THIS INSTRUMENT TO BE SIGNED AND ITS CORPORATE SEAL TO BE AFFIXED BY ITS AUTHORIZED OFFICE THIS 27TH DAY OF OCTOBER, 2017.



(Seal)

Robert D. O'Leary Jr., President & CEO
Philadelphia Indemnity Insurance Company

On this 27th day of October, 2017, before me came the individual who executed the preceding instrument, to me personally known, and being by me duly sworn said that he is the therein described and authorized officer of the **PHILADELPHIA INDEMNITY INSURANCE COMPANY**; that the seal affixed to said instrument is the Corporate seal of said Company; that the said Corporate Seal and his signature were duly affixed.



(Notary Seal)

Notary Public:

Morgan Knapp

residing at:

Bala Cynwyd, PA

My commission expires:

September 25, 2021

I, Edward Sayago, Corporate Secretary of **PHILADELPHIA INDEMNITY INSURANCE COMPANY**, do hereby certify that the foregoing resolution of the Board of Directors and this Power of Attorney issued pursuant thereto on this 27th day of October, 2017 are true and correct and are still in full force and effect. I do further certify that Robert D. O'Leary Jr., who executed the Power of Attorney as President, was on the date of execution of the attached Power of Attorney the duly elected President of **PHILADELPHIA INDEMNITY INSURANCE COMPANY**,

In Testimony Whereof I have subscribed my name and affixed the facsimile seal of each Company this 19th day of December, 2018.



Edward Sayago, Corporate Secretary
PHILADELPHIA INDEMNITY INSURANCE COMPANY

AIA® Document A305™ – 1986

Contractor's Qualification Statement

The Undersigned certifies under oath that the information provided herein is true and sufficiently complete so as not to be misleading.

SUBMITTED TO

ADDRESS

SUBMITTED BY: DENCO CS Corporation
www.dencocs.com

NAME: Steven J Smith

ADDRESS: 5525 Lyons Road Garland TX 75043

PRINCIPAL OFFICE: 5525 Lyons Road Garland, TX 75043

- ☒ **[X]** Corporation
☐ **[]** Partnership
☐ **[]** Individual
☐ **[]** Joint Venture
☐ **[]** Other

NAME OF PROJECT (if applicable): A305

TYPE OF WORK (file separate form for each Classification of Work):

- ☒ **[X]** General Construction
☐ **[]** HVAC
☐ **[]** Electrical
☐ **[]** Plumbing
☐ **[]** Other (please specify)

§ 1. ORGANIZATION

§ 1.1 How many years has your organization been in business as a Contractor? 27

§ 1.2 How many years has your organization been in business under its present business name? 27

§ 1.2.1 Under what other or former names has your organization operated?

DENCO Construction Specialists

§ 1.3 If your organization is a corporation, answer the following:

- § 1.3.1** Date of incorporation: December 2004
§ 1.3.2 State of incorporation: Texas
§ 1.3.3 President's name: Mark Boland
§ 1.3.4 Vice-president's name(s) Steven J Smith

ADDITIONS AND DELETIONS:

The author of this document has added information needed for its completion. The author may also have revised the text of the original AIA standard form. An *Additions and Deletions Report* that notes added information as well as revisions to the standard form text is available from the author and should be reviewed. A vertical line in the left margin of this document indicates where the author has added necessary information and where the author has added to or deleted from the original AIA text.

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification.

This form is approved and recommended by the American Institute of Architects (AIA) and The Associated General Contractors of America (AGC) for use in evaluating the qualifications of contractors. No endorsement of the submitting party or verification of the information is made by AIA or AGC.

§ 1.3.5 Secretary's name: Steven J Smith

§ 1.3.6 Treasurer's name: Steven J Smith

§ 1.4 If your organization is a partnership, answer the following:

§ 1.4.1 Date of organization:

§ 1.4.2 Type of partnership (if applicable):

§ 1.4.3 Name(s) of general partner(s)

§ 1.5 If your organization is individually owned, answer the following:

§ 1.5.1 Date of organization:

§ 1.5.2 Name of owner:

§ 1.6 If the form of your organization is other than those listed above, describe it and name the principals:

§ 2. LICENSING

§ 2.1 List jurisdictions and trade categories in which your organization is legally qualified to do business, and indicate registration or license numbers, if applicable.

All of Texas & Oklahoma, Colorado, Connecticut, Delaware, Florida, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Michigan, Minnesota, Missouri, Montana, Nebraska, New Hampshire, New Jersey, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Vermont, Washington, Wisconsin, Wyoming.

§ 2.2 List jurisdictions in which your organization's partnership or trade name is filed.

§ 3. EXPERIENCE

§ 3.1 List the categories of work that your organization normally performs with its own forces.

Project Management, Supervision, Field Engineering, Clean-up, Carpentry, Demo, Concrete, Misc steel, Framing

§ 3.2 Claims and Suits. (If the answer to any of the questions below is yes, please attach details.)

§ 3.2.1 Has your organization ever failed to complete any work awarded to it?

NONE

§ 3.2.2 Are there any judgments, claims, arbitration proceedings or suits pending or outstanding against your organization or its officers?

NONE

§ 3.2.3 Has your organization filed any law suits or requested arbitration with regard to construction contracts within the last five years?

NONE

§ 3.3 Within the last five years, has any officer or principal of your organization ever been an officer or principal of another organization when it failed to complete a construction contract? (If the answer is yes, please attach details.)

NO

§ 3.4 On a separate sheet, list major construction projects your organization has in progress, giving the name of project, owner, architect, contract amount, percent complete and scheduled completion date.

Please see what our clients are saying at <http://www.youtube.com/user/DENCOCS> and also visit www.dencocs.com; FACEBOOK, denco construction specialists and <http://dencocs.com/references.htm>

§ 3.4.1 State total worth of work in progress and under contract:

\$24.12 Million

§ 3.5 On a separate sheet, list the major projects your organization has completed in the past five years, giving the name of project, owner, architect, contract amount, date of completion and percentage of the cost of the work performed with your own forces.

See Attached

§ 3.5.1 State average annual amount of construction work performed during the past five years:

\$16 Million

Average Number of Jobs per Year – 32

§ 3.6 On a separate sheet, list the construction experience and present commitments of the key individuals of your organization.

See Attached

§ 4. REFERENCES

§ 4.1 Trade References:

See Attached

§ 4.2 Bank References:

Frost Bank 8235 Douglas Ave. Dallas, TX
Office: Melinda Matthews 214-515-4221
Email: Melinda.matthews@frostbank.com

§ 4.3 Surety:

§ 4.3.1 Name of bonding company:

Philadelphia Indemnity Insurance Company
One Bala Plaza, Suite 100
Bala Cynwyd, PA 19004-1403
Phone: 877-438-7459

Capacity:

\$15 Million Aggregate

\$12 Million Single Project

§ 4.3.2 Name and address of agent:

Baldwin-Cox Agency,

5930 Preston View Blvd., Dallas, TX 75240

§ 5. FINANCING

§ 5.1 Financial Statement.

§ 5.1.1 Attach a financial statement, preferably audited, including your organization's latest balance sheet and income statement showing the following items:

Current Assets (e.g., cash, joint venture accounts, accounts receivable, notes receivable, accrued income, deposits, materials inventory and prepaid expenses); See Attached

Net Fixed Assets; See Attached

Other Assets; See Attached

Current Liabilities (e.g., accounts payable, notes payable, accrued expenses, provision for income taxes, advances, accrued salaries and accrued payroll taxes); See Attached

Other Liabilities (e.g., capital, capital stock, authorized and outstanding shares par values, earned surplus and retained earnings). See Attached

§ 5.1.2 Name and address of firm preparing attached financial statement, and date thereof:

McDonald and Simmons, P.C.
8330 Meadow Road, Suite 210
Dallas, TX 75231
Phone: 214-265-9792
david@mcDonaldsimmons.com

§ 5.1.3 Is the attached financial statement for the identical organization named on page one?

Financial Statement See Attached

§ 5.1.4 If not, explain the relationship and financial responsibility of the organization whose financial statement is provided (e.g., parent-subsidiary).

NA

§ 5.2 Will the organization whose financial statement is attached act as guarantor of the contract for construction?

YES

§ 6. SIGNATURE

§ 6.1 Dated at this day of

Name of Organization: DENCO CS Corporation

By: Steven J Smith

Title: Director of Construction

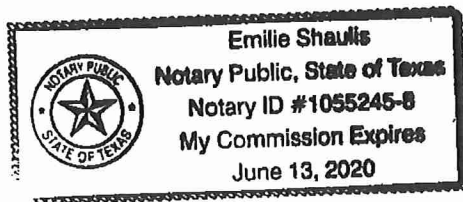
§ 6.2

Steven J Smith being duly sworn deposes and says that the information provided herein is true and sufficiently complete so as not to be misleading.

Subscribed and sworn before me this day of

Notary Public: Emilie A Shaulis

My Commission Expires: June 13, 2020





WEBB HOUSE RENOVATION
SITE PLAN

HIDELL AND ASSOCIATES ARCHITECTS
3033 KELLWAY DRIVE - SUITE 120
CARROLLTON, TEXAS 75006
PHONE: 972-416-4666 -- FAX: 972-416-0169

PROJECT NO.:	20180	SCALE:	1" = 30'-0"	DRAWING NO
DRAWING	PLAN			
DATE:	1.8.18	ISSUED BY:	AB	SK-1

CONSTRUCTION SERVICES AGREEMENT
Colleyville Webb House Renovation Project

This **CONSTRUCTION SERVICES AGREEMENT** ("Agreement") is made as of the Effective Date by and between **Denco CS Corporation**, a Texas corporation, hereinafter called "CONTRACTOR", and the **City of Colleyville, Texas**, hereinafter called "CITY".

RECITALS

WHEREAS, CITY desires CONTRACTOR to perform certain work and services set forth in Section 1 (the "Scope of Services"), and

WHEREAS, CONTRACTOR has expressed a willingness to perform said work and services, hereinafter referred to only as "services", specified in the Contract Documents, and enumerated under Section 1, of this Agreement;

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

Section 1. Scope of Services

Upon issuance of a written Notice to Proceed by CITY, CONTRACTOR agrees to provide to CITY the necessary services, labor, materials, equipment and supplies related to the renovation of the existing City of Colleyville Webb House facility (the "Project"), such services being more fully described herein and pursuant to the plans and specifications identified in the Contract Documents.

Section 2. Term of Agreement

The term of this Agreement shall begin on the last date of execution hereof (the "Effective Date") and shall continue until CONTRACTOR completes the services required herein to the satisfaction of CITY and has been paid in full by City, unless sooner terminated as provided in Section 9, below.

Section 3. Contract Documents

A. This Agreement is a part of the Contract Documents, which include:

- 1) This Agreement, including all exhibits and addenda hereto;
- 2) CITY'S Specifications and Contract Documents for the Project ("Bid Packet");
- 3) CITY'S written notice(s) to proceed to the CONTRACTOR;
- 4) Properly authorized change orders;
- 5) CONTRACTOR's Bid Proposal ("Proposal" and/or "Response"); and
- 6) Any other materials distributed by the CITY that relate to the Project.

In the event there exists a conflict between any term, provision and/or interpretation of the Contract Documents, the documents shall take precedent and control in the order listed above in this Section. If discrepancies are found that may impact construction of the Project, it shall be the Contractor's obligation to seek clarification as to which requirements or provisions control before undertaking any work on that component of the project. Should the Contractor fail or refuse to seek a clarification of such conflicting or inconsistent requirements or provisions prior to any work on that component of the project, the Contractor shall be solely responsible for the costs and expenses - including additional time - necessary to cure, repair and/or correct that component of the Project.

Section 4. Contractor Obligations

A. CONTRACTOR shall devote such time as reasonably necessary for the satisfactory performance of the work under this Agreement. Should CITY require additional services not included under this Agreement, CONTRACTOR shall make reasonable effort to provide such additional services at mutually agreed charges or rates, and within the time schedule prescribed by CITY; and without decreasing the effectiveness of the performance of services required under this Agreement.

B. To the extent reasonably necessary for CONTRACTOR to perform the services under this Agreement, CONTRACTOR shall be authorized to engage the services of any agents, assistants, persons, or corporations that CONTRACTOR may deem proper to aid or assist in the performance of the services under this Agreement with the prior written approval of CITY. The cost of such personnel and assistance shall be a reimbursable expense to CONTRACTOR only if authorized in writing in advance by CITY.

C. Unless otherwise agreed, CONTRACTOR shall provide and pay for all materials, supplies, machinery, equipment, tools, superintendence, labor, insurance, and all water, light, power, fuel, transportation and all other facilities necessary for the execution and completion of the work covered by the Scope of Services. Unless otherwise specified, all materials shall be new and both workmanship and materials shall be of a good quality. CONTRACTOR shall, if required, furnish satisfactory evidence as to the kind and quality of materials. Materials or work described in words that so applied have well known, technical or trade meaning shall be held to refer to such recognized standards.

D. CONTRACTOR shall comply with all laws, ordinances, rules and regulations governing CONTRACTOR's performance of this Agreement.

E. All minor details of the work not specifically mentioned in the Scope of Services or Project Drawings but obviously necessary for the proper completion of the work, such as the proper connection of new work to old, shall be considered as incidental to and a part of the work for which the prices are set forth in this Agreement. CONTRACTOR will not be entitled to any additional compensation therefor unless specifically stated otherwise. Otherwise the term "extra work" as used in this Agreement shall be understood to mean and include all work that may be required by CITY to be done by CONTRACTOR to accomplish any alteration or addition to the work as shown on the Project Drawings. It is agreed that CONTRACTOR shall perform all extra work under the direction of the City's Representative when presented with a written work order signed by the City's Representative, subject, however, to the right of CONTRACTOR to require written confirmation of such extra work order by CITY. Payment for extra work shall be as agreed in the work order.

F. CONTRACTOR agrees to indemnify, defend, and save CITY harmless from all claims growing out of any demands of subcontractors, laborers, workmen, mechanics, materialmen, and suppliers of machinery and parts thereof, equipment, power tools, all supplies incurred in the furtherance of the performance of this Agreement. When CITY requests, CONTRACTOR shall furnish satisfactory evidence that all obligations of the nature hereinabove designated have been paid, discharged or waived.

Section 5. Payment

A. CITY agrees to pay CONTRACTOR for all services authorized in writing and properly performed by CONTRACTOR in a total amount not to exceed TWO HUNDRED AND THIRTY-THREE THOUSAND, NINE HUNDRED AND TWENTY-SIX DOLLARS AND 85/100 (\$233,926.85) ("Contract Price"), subject to additions or deletions for changes or extras agreed upon in writing. Unless otherwise provided herein, payment to CONTRACTOR shall be monthly based on the CONTRACTOR'S monthly progress report and detailed monthly itemized statement for services that shows the names of the

CONTRACTOR'S employees, agents, contractors performing the services, the time worked, the actual services performed, and the rates charged for such services, in a form reasonably acceptable to CITY. CITY shall pay such monthly statements within thirty (30) days after receipt and CITY verification of the services.

B. CITY may deduct from any amounts due or to become due to CONTRACTOR any sum or sums owing by CONTRACTOR to CITY. In the event of any breach by CONTRACTOR of any provision or obligation of this Agreement, or in the event of the assertion by other parties of any claim or lien against CITY, or the CITY'S premises, arising out of CONTRACTOR's performance of this Agreement, CITY shall have the right to retain out of any payments due or to become due to CONTRACTOR an amount sufficient to completely protect the CITY from any and all loss, damage or expense therefrom, until the breach, claim or lien has been satisfactorily remedied or adjusted by CONTRACTOR.

C. CITY may, on account of subsequently discovered evidence, withhold the whole or part of any payment to such extent as may be necessary to protect itself from loss on account of:

- (1) Defective work not remedied;
- (2) Claims filed or reasonable evidence indicating possible filing of claims;
- (3) Failure of CONTRACTOR to make payments promptly to subcontractors or for material or labor which CITY may pay as an agent for the CONTRACTOR; or
- (4) Damages to another contractor or subcontractor.

When the above grounds are removed, or CONTRACTOR provides a surety bond satisfactory to CITY which will protect CITY in the amount withheld because of said grounds, CITY will release the amounts withheld.

Section 6. Responsibilities

A. CONTRACTOR shall be responsible for the professional quality, technical accuracy, and the coordination of all materials, construction, installation and other services furnished by CONTRACTOR under this Agreement. CONTRACTOR shall, without additional compensation, correct or revise any errors or deficiencies in the installation and construction of the Project components to conform as shown in the Project drawings and specifications.

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

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

Section 7. Time for Performance

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

B. In the event CONTRACTOR's performance of this Agreement is delayed or interfered with by acts of the CITY or others, CONTRACTOR may request an extension of time for the performance of same

as hereinafter provided, but shall not be entitled to any increase in fee or price, or to damages or additional compensation as a consequence of such delays.

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

D. CONTRACTOR understands and agrees that time is of the essence of this contract, and that for each day of delay beyond the number of calendar days herein agreed upon for the completion of the work herein specified and contracted for (after due allowance for such extension of time as may otherwise be provided for extension of time herein), the Owner may withhold permanently from the Contract Price an amount equal to \$1,000.00 per day.

E. In case CONTRACTOR should abandon and fail or refuse to resume work within ten (10) days after written notification from the City, or if CONTRACTOR fails to comply with the orders of the CITY, when such orders are consistent with the Contract Documents, then, and in that case, where performance and payment bonds exist, the Sureties on these bonds may be notified in writing by CITY and directed to complete the work (at CITY'S sole discretion), and a copy of said notice shall be delivered to CONTRACTOR. After receiving said notice of abandonment, CONTRACTOR shall not remove from the work any machinery, equipment, tools, materials or supplies then on the job, but the same, together with any materials and equipment under contract for the work, may be held for use on the work by the CITY or the Surety on the performance bond, or another contractor in completion of the work; and CONTRACTOR shall not receive any rental or credit therefor, it being understood that the use of such equipment and materials will ultimately reduce the cost to complete the work and be reflected in the final settlement. Nothing in this section shall be deemed a waiver of any remedy available to the CITY under this Agreement and the CITY shall retain all remedies upon default provided in Section 14 herein.

(1) In case the Surety should fail to commence compliance with the notice for completion hereinbefore provided for, written ten (10) days after service of such notice, then the CITY may provide for completion of the work in either of the following elective manners:

- a. The CITY may employ such force of labor and use such machinery, equipment, tools, materials and supplies as said CITY may deem necessary to complete the work and charge the expense of such labor, machinery, equipment, tools, materials and supplies to said CONTRACTOR, and expense so charged shall be deducted and paid by the CITY out of such moneys as may be due, or that may thereafter at any time become due to the CONTRACTOR under and by virtue of this Agreement. In case such expense is less than the sum which would have been payable under this contract, if the same had been completed by the CONTRACTOR, then said CONTRACTOR shall receive the difference. In case such expense is greater than the sum which would have been payable under this contract, if the same had been completed by said CONTRACTOR, then the CONTRACTOR and/or its Surety shall pay the amount of such excess to the CITY; or
- b. The CITY under sealed bids, when and in the manner required by law, may let the contract for the completion of the work under substantially the same terms and conditions which are provided in this Agreement. In the case of any increase in cost to the CITY under the new contract as compared to what would have been the cost under this Agreement, such increase shall be charged to the CONTRACTOR

and the Surety shall be and remain bound therefor. However, should the cost to complete any such new contract prove to be less than what would have been the cost to complete under this Agreement, the CONTRACTOR and/his Surety shall be credited therewith.

Section 8. Ownership of Project; Bill of Sale

A. CONTRACTOR warrants that title to all work, including all equipment and materials incorporated into the Project, will pass to CITY no later than the time of final payment. CONTRACTOR further warrants that upon payment by CITY, all Work for which payments have been received from CITY shall be free and clear of liens, claims, security interests or other encumbrances in favor of CONTRACTOR or any other person or entity whatsoever.

B. CONTRACTOR agrees to assign to CITY at the time of completion of the Scope of Services all manufacturer's warranties relating to equipment, materials and labor used in the Project and further agrees to perform the Project in such manner to preserve all manufacturer's warranties. If necessary as a matter of law, CONTRACTOR may retain the right to enforce directly any such manufacturers' warranties during the one year period following the date of acceptance of the Project by City.

Section 9. Termination

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

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

Section 10. Insurance

A. CONTRACTOR shall during the term hereof maintain in full force and effect the following insurance: (i) a comprehensive general liability policy of insurance for bodily injury, death and property damage insuring against all claims, demands or actions relating to the CONTRACTOR's performance of services pursuant to this Agreement with a minimum combined single limit of not less than \$2,000,000.00 per occurrence for injury to persons (including death), and for property damage; (ii) policy of automobile liability insurance covering any vehicles owned and/or operated by CONTRACTOR, its officers, agents, and employees, and used in the performance of this Agreement with policy limits of not less than \$500,000.00 combined single limit and aggregate for bodily injury and property damage; (iii) statutory Worker's Compensation Insurance at the statutory limits and Employers Liability covering all of CONTRACTOR's employees involved in the provision of services under this Agreement with policy limit of not less than \$500,000.00.

B. All insurance and certificate(s) of insurance shall contain the following provisions: (1) name CITY, its officers, and employees as additional insureds as to all applicable coverage with the exception of Workers Compensation Insurance; (2) provide for at least thirty (30) days prior written notice to CITY for cancellation or non-renewal of the insurance; (3) provide for a waiver of subrogation against CITY for injuries,

including death, property damage, or any other loss to the extent the same is covered by the proceeds of insurance. Contractor shall provide written notice to CITY of any material change of or to the insurance required herein.

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

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

Section 11. Indemnification.

CITY SHALL NOT BE LIABLE FOR ANY LOSS, DAMAGE, OR INJURY OF ANY KIND OR CHARACTER TO ANY PERSON OR PROPERTY ARISING FROM THE SERVICES OF CONTRACTOR PURSUANT TO THIS AGREEMENT. CONTRACTOR HEREBY WAIVES ALL CLAIMS AGAINST CITY, ITS OFFICERS, AGENTS AND EMPLOYEES (COLLECTIVELY REFERRED TO IN THIS SECTION AS "CITY") FOR DAMAGE TO ANY PROPERTY OR INJURY TO, OR DEATH OF, ANY PERSON ARISING AT ANY TIME AND FROM ANY CAUSE OTHER THAN THE NEGLIGENCE OR WILLFUL MISCONDUCT OF CITY OR BREACH OF CITY'S OBLIGATIONS HEREUNDER. CONTRACTOR AGREES TO INDEMNIFY AND SAVE HARMLESS CITY FROM AND AGAINST ANY AND ALL LIABILITIES, DAMAGES, CLAIMS, SUITS, COSTS (INCLUDING COURT COSTS, REASONABLE ATTORNEYS' FEES AND COSTS OF INVESTIGATION) AND ACTIONS OF ANY KIND BY REASON OF INJURY TO OR DEATH OF ANY PERSON OR DAMAGE TO OR LOSS OF PROPERTY TO THE EXTENT CAUSED BY CONTRACTOR'S NEGLIGENT PERFORMANCE OF SERVICES UNDER THIS AGREEMENT OR BY REASON OF ANY NEGLIGENT ACT OR OMISSION ON THE PART OF CONTRACTOR, ITS OFFICERS, DIRECTORS, SERVANTS, EMPLOYEES, REPRESENTATIVES, CONSULTANTS, LICENSEES, SUCCESSORS OR PERMITTED ASSIGNS (EXCEPT WHEN SUCH LIABILITY, CLAIMS, SUITS, COSTS, INJURIES, DEATHS OR DAMAGES ARISE FROM OR ARE ATTRIBUTED TO NEGLIGENCE OF CITY, IN WHOLE OR IN PART, IN WHICH CASE CONTRACTOR SHALL INDEMNIFY CITY ONLY TO THE EXTENT OR PROPORTION OF NEGLIGENCE ATTRIBUTED TO CONTRACTOR AND/OR ITS OFFICERS, DIRECTORS, SERVANTS, EMPLOYEES, REPRESENTATIVES, CONSULTANTS, LICENSEES, SUCCESSORS OR PERMITTED ASSIGNS AS DETERMINED BY A COURT OR OTHER FORUM OF COMPETENT JURISDICTION). CONTRACTOR'S OBLIGATIONS UNDER THIS SECTION SHALL NOT BE LIMITED TO THE LIMITS OF COVERAGE OF INSURANCE MAINTAINED OR REQUIRED TO BE MAINTAINED BY CONTRACTOR UNDER THIS AGREEMENT. THIS PROVISION SHALL SURVIVE THE TERMINATION OF THIS AGREEMENT.

Section 12. Assignment

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

Section 13. Applicable Laws

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

Section 14. Default of CONTRACTOR

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

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

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

Section 15. Adjustments in Services

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

Section 16. Execution Becomes Effective

This Agreement will be effective upon signing of the Agreement by authorized representatives of CONTRACTOR and CITY.

Section 17. Agreement Amendments

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

Section 18. Severability

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

Section 19. Independent Contractor

In satisfying the conditions of and providing the services under this Agreement, CONTRACTOR is acting independently, and CITY assumes no responsibility or liabilities to any third party in connection with CONTRACTOR's actions. All services to be performed by CONTRACTOR pursuant to this Agreement shall be in the capacity of an independent contractor and not as an agent or employee of CITY. CONTRACTOR shall supervise the performance of its services and shall be entitled to control the manner and means by which

or otherwise incorporated into the Project. CITY agrees to provide CONTRACTOR such documentation as may otherwise be required by state law to allow CONTRACTOR to avoid payment of sales and uses taxes for materials and equipment with respect to the Project to the extent allowed by law.

(Signature page to follow)

AGREED AND SIGNED this ____ day of January, 2019.

CITY OF COLLEYVILLE, TEXAS

By: _____
Jerry Ducay, City Manager

ATTEST:

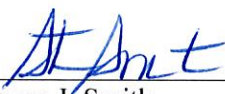
Christine Loven, City Secretary

APPROVED AS TO FORM:

Whitt L. Wyatt City Attorney
(WLW:1.10.19:104423)

AGREED AND SIGNED this ____ day of January, 2019.

CONTRACTOR
Denco CS Corporation

By:  _____
Steven J. Smith
VP, Director of Construction



City of Colleyville City Council Agenda Briefing

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

Agenda Number 5b
Type Resolution
Department Engineering

Agenda Date 01/22/2019

Number Resolution R-19-4350

Title

Approval of a construction contract with Canary Construction, Inc. for State Highway 26 and Pleasant Run Water Line Improvements, in an amount not to exceed \$245,490.00, and authorizing the City Manager to execute the contract

Strategic Plan

3.2 Ensure regular repair and replacement of water and wastewater facilities

Explanation

Reading and Public Hearing

The fiscal year 2017-2023 Capital Improvement Program (CIP) adopted by City Council on September 20, 2016, by attached Resolution R-16-4037, included the waterline replacement and construction of Pleasant Run Road from Shelton Road to John McCain Road. The segment of water line crossing under the railroad tracks was left out of the original plan due to the Tex-Rail construction. On March 6, 2018 Council approved, by resolution R-18-4240, a right-of-way agreement for the waterline to cross under the railroad crossing. During this time period, crews encountered a waterline conflict along SH26 south of Main extending to the approximate location of the former Londoner building. Due to the potential cost of a change order for the waterline conflict on SH26, City Council's direction was to incorporate the waterline project for Pleasant Run Road and SH26. In May 2018, the City executed a Professional Services Agreement with Kimley-Horn and Associates for the design of the project.

Public notification of the invitation for bids was advertised in the *Fort Worth Star-Telegram* on December 2, 9, 16, 23 and 30, 2018. The notice to bidders and bid packet were posted on CivCast for free downloading and distributed to the Dodge Lead Center, BlueBook Building and Construction Network, and Construct Connect, which includes ISqFt, CMD, CDC, and Bid Clerk. Additionally, staff directly notified a list of local contractors who may be interested in the bid opportunity. The project had 55 plan holders, of which 17 were general contractors, 14 sub-contractors, 9 suppliers, 6 plan rooms, 2 engineers, 1 manufacturer, 1 owner, and 5 other.

The City received 4 sealed bids, which were opened and publicly read aloud on January 8, 2019.

Financial Impact

Funding for the project is available in the Utility Capital and TIF Funds.
Form 1295 - Acknowledged by City

Recommendation

Approve

Attachments

1. Bid Tap SH26 PR Water Lines
2. Bid Award Recommendation
3. Contract
4. Opinion of Probable Cost
5. 1295 Form
6. CIQ Form
7. Resolution R-16-4037
8. Resolution R-18-4240

BID TABULATION
KIMLEY-HORN AND ASSOCIATES, INC.

CHECKED BY: 
RYAN DELMOTTE, P.E.

Item No.	Item Description	Quantity
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BIDDER 1

Canary Construction, Inc.
802 N. Kealy Ave. #101
Lewisville, TX 75057

BIDDER 2

Quality Excavation, Ltd.
5580 US Hwy 377
Aubrey, TX 76227

BIDDER 3

GRod Construction, LLC.
889 E. Rock Island Ave.
Boyd, TX 76023

BIDDER 4

Jackson Construction, Ltd.
5112 Sun Valley Dr.
Fort Worth, TX 76119

Item No.	Item Description	Quantity	Unit	Unit Price	Item Cost	Unit Price	Item Cost	Unit Price	Item Cost	Unit Price	Item Cost
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[illegible][illegible]

TOTAL AMOUNT BID	\$245,490.00	\$257,076.10	\$394,248.00	\$464,400.00
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January 15, 2019

Mr. Robert C. Saucedo, P.E.
City of Colleyville
100 Main Street
Colleyville, Texas 76034

RE: SH 26 and Pleasant Run Road Water Lines
KHA No. 061063038

Dear Mr. Saucedo:

On January 8, 2019, the City of Colleyville received bids for the SH 26 and Pleasant Run Road Water Lines project. The following bids were received:

Bidder	Base Bid
Canary Construction, Inc.	\$245,490.00
Quality Excavation, Ltd.	\$257,076.10
GRod Construction, LLC	\$394,248.00
Jackson Construction, Ltd.	\$464,400.00

Kimley-Horn and Associates, Inc. has reviewed the lowest bidder's qualifications and has verified that the Contractor's bonding company is licensed in the State of Texas. Based on these reviews, it appears that Canary Construction, Inc. is the lowest responsive bidder.

Enclosed is a copy of the bid tabulation for your reference. Thank you for the opportunity to be of service to the City of Colleyville. Should you have any questions or comments, please do not hesitate to contact us.

Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.

A handwritten signature in blue ink, appearing to read "Ryan Delmotte".

Ryan Delmotte, P.E.

BID TABULATION
 KIMLEY-HORN AND ASSOCIATES, INC.

KIMLEY-HORN AND ASSOCIATES, INC. RYAN DELMOTTE, P.E.

CHECKED BY: 
RYAN DELMOTTE, P.E.

Owner: City of Colleyville	BIDDER 1	BIDDER 2	BIDDER 3	BIDDER 4
Job No.: 061063038	Canary Construction, Inc.	Quality Excavation, Ltd.	GRod Construction, LLC.	Jackson Construction, Ltd.
Project: SH 26 and Pleasant Run Road Water Lines	802 N. Kealy Ave. #101	5580 US Hwy 377	889 E. Rock Island Ave.	5112 Sun Valley Dr.
Date: January 8, 2019	Lewisville, TX 75057	Aubrey, TX 76227	Boyd, TX 76023	Fort Worth, TX 76119

Item No.	Item Description	Quantity	Unit	Unit Price	Item Cost	Unit Price	Item Cost	Unit Price	Item Cost	Unit Price	Item Cost
BASE BID											
1	Mobilization and Bonds	1	LS	\$ 11,000.00	\$11,000.00	\$16,000.00	\$16,000.00	\$36,000.00	\$36,000.00	\$34,000.00	\$34,000.00
2	Right-of-Way Preparation	1	LS	\$ 1,500.00	\$1,500.00	\$5,000.00	\$5,000.00	\$15,000.00	\$15,000.00	\$63,000.00	\$63,000.00
3	Detours and Barricades	1	LS	\$ 950.00	\$950.00	\$7,800.00	\$7,800.00	\$12,500.00	\$12,500.00	\$9,000.00	\$9,000.00
4	Storm Water Pollution Prevention Plan	1	LS	\$ 3,000.00	\$3,000.00	\$2,500.00	\$2,500.00	\$3,500.00	\$3,500.00	\$4,000.00	\$4,000.00
5	Concrete Sidewalks	23	SY	\$ 95.00	\$2,185.00	\$145.00	\$3,335.00	\$100.00	\$2,300.00	\$180.00	\$4,140.00
6	Sign and Post Assembly (Remove, Salvage & Reinstall)	2	EA	\$ 600.00	\$1,200.00	\$125.00	\$250.00	\$550.00	\$1,100.00	\$750.00	\$1,500.00
7	Barrier-Free Ramp	1	EA	\$ 1,500.00	\$1,500.00	\$1,100.00	\$1,100.00	\$1,500.00	\$1,500.00	\$5,000.00	\$5,000.00
8	Pedestrian Crossing Sign & Light Assembly On new Foundation (Remove, Salvage, & Reinstall)	1	EA	\$ 2,000.00	\$2,000.00	\$1,200.00	\$1,200.00	\$3,500.00	\$3,500.00	\$4,000.00	\$4,000.00
9	Remove, Salvage, and Reinstall Existing Bollard	1	EA	\$ 650.00	\$650.00	\$200.00	\$200.00	\$950.00	\$950.00	\$500.00	\$500.00
10	PVC Water Line (10 inch)(AWWA C900)(DR18)	355	LF	\$ 105.00	\$37,275.00	\$70.00	\$24,850.00	\$120.00	\$42,600.00	\$190.00	\$67,450.00
11	PVC Water Line (12 inch)(AWWA C900)(DR18)	184	LF	\$ 115.00	\$21,160.00	\$83.00	\$15,272.00	\$197.00	\$36,248.00	\$195.00	\$35,880.00
12	Construction of Bored, Jacked or Tunneled Crossings	290	LF	\$ 350.00	\$101,500.00	\$385.79	\$111,879.10	\$580.00	\$168,200.00	\$575.00	\$166,750.00
13	Installation of Ductile Iron Fittings	2	TON	\$ 5,000.00	\$10,000.00	\$7,000.00	\$14,000.00	\$8,100.00	\$16,200.00	\$7,000.00	\$14,000.00
14	Dehole Gas Line	1	EA	\$ 650.00	\$650.00	\$3,000.00	\$3,000.00	\$3,500.00	\$3,500.00	\$3,800.00	\$3,800.00
15	Sodding/Turfgrass Planting	115	SY	\$ 8.00	\$920.00	\$6.00	\$690.00	\$10.00	\$1,150.00	\$12.00	\$1,380.00
16	Construction Contingency Allowance (Water)	1	LS	\$ 50,000.00	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00
TOTAL AMOUNT BID					\$245,490.00		\$257,076.10		\$394,248.00		\$464,400.00

CONSTRUCTION SERVICES AGREEMENT
SH26 and Pleasant Run Waterline Improvements

This **CONSTRUCTION SERVICES AGREEMENT** ("Agreement") is made as of the Effective Date by and between **Canary Construction, Inc.**, hereinafter called "CONTRACTOR", and the **City of Colleyville, Texas**, hereinafter called "CITY".

RECITALS

WHEREAS, CITY desires CONTRACTOR to perform certain work and services set forth in Section 1 (the "Scope of Services"), and

WHEREAS, CONTRACTOR has expressed a willingness to perform said work and services, hereinafter referred to only as "services", specified in the Contract Documents, and enumerated under Section 1, of this Agreement;

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

Section 1. Scope of Services

Upon issuance of a written Notice to Proceed by CITY, CONTRACTOR agrees to provide to CITY the necessary services, labor, materials, equipment and supplies related to the SH26 and Pleasant Run Waterline Improvements (the "Project"), such services being more fully described herein and pursuant to the plans and specifications identified in the Contract Documents.

Section 2. Term of Agreement

The term of this Agreement shall begin on the last date of execution hereof (the "Effective Date") and shall continue until CONTRACTOR completes the services required herein to the satisfaction of CITY and has been paid in full by City, unless sooner terminated as provided in Section 9, below.

Section 3. Contract Documents

A. This Agreement is a part of the Contract Documents, which include:

- 1) This Agreement, including all exhibits and addenda hereto;
- 2) CITY'S Specifications and Contract Documents for the Project ("Bid Packet");
- 3) CITY'S written notice(s) to proceed to the CONTRACTOR;
- 4) Properly authorized change orders;
- 5) CONTRACTOR's Bid Proposal ("Proposal" and/or "Response"); and
- 6) Any other materials distributed by the CITY that relate to the Project.

In the event there exists a conflict between any term, provision and/or interpretation of the Contract Documents, the documents shall take precedent and control in the order listed above in this Section. If discrepancies are found that may impact construction of the Project, it shall be the Contractor's obligation to seek clarification as to which requirements or provisions control before undertaking any work on that component of the project. Should the Contractor fail or refuse to seek a clarification of such conflicting or inconsistent requirements or provisions prior to any work on that component of the project, the Contractor shall be solely responsible for the costs and expenses - including additional time - necessary to cure, repair and/or correct that component of the Project.

Section 4. Contractor Obligations

A. CONTRACTOR shall devote such time as reasonably necessary for the satisfactory performance of the work under this Agreement. Should CITY require additional services not included under this Agreement, CONTRACTOR shall make reasonable effort to provide such additional services at mutually agreed charges or rates, and within the time schedule prescribed by CITY; and without decreasing the effectiveness of the performance of services required under this Agreement.

B. To the extent reasonably necessary for CONTRACTOR to perform the services under this Agreement, CONTRACTOR shall be authorized to engage the services of any agents, assistants, persons, or corporations that CONTRACTOR may deem proper to aid or assist in the performance of the services under this Agreement with the prior written approval of CITY. The cost of such personnel and assistance shall be a reimbursable expense to CONTRACTOR only if authorized in writing in advance by CITY.

C. Unless otherwise agreed, CONTRACTOR shall provide and pay for all materials, supplies, machinery, equipment, tools, superintendence, labor, insurance, and all water, light, power, fuel, transportation and all other facilities necessary for the execution and completion of the work covered by the Scope of Services. Unless otherwise specified, all materials shall be new and both workmanship and materials shall be of a good quality. CONTRACTOR shall, if required, furnish satisfactory evidence as to the kind and quality of materials. Materials or work described in words that so applied have well known, technical or trade meaning shall be held to refer to such recognized standards.

D. CONTRACTOR shall comply with all laws, ordinances, rules and regulations governing CONTRACTOR's performance of this Agreement.

E. All minor details of the work not specifically mentioned in the Scope of Services or Project Drawings but obviously necessary for the proper completion of the work, such as the proper connection of new work to old, shall be considered as incidental to and a part of the work for which the prices are set forth in this Agreement. CONTRACTOR will not be entitled to any additional compensation therefor unless specifically stated otherwise. Otherwise the term "extra work" as used in this Agreement shall be understood to mean and include all work that may be required by CITY to be done by CONTRACTOR to accomplish any alteration or addition to the work as shown on the Project Drawings. It is agreed that CONTRACTOR shall perform all extra work under the direction of the City's Representative when presented with a written work order signed by the City's Representative, subject, however, to the right of CONTRACTOR to require written confirmation of such extra work order by CITY. Payment for extra work shall be as agreed in the work order.

F. CONTRACTOR agrees to indemnify, defend, and save CITY harmless from all claims growing out of any demands of subcontractors, laborers, workmen, mechanics, materialmen, and suppliers of machinery and parts thereof, equipment, power tools, all supplies incurred in the furtherance of the performance of this Agreement. When CITY requests, CONTRACTOR shall furnish satisfactory evidence that all obligations of the nature hereinabove designated have been paid, discharged or waived.

Section 5. Payment

A. CITY agrees to pay CONTRACTOR for all services authorized in writing and properly performed by CONTRACTOR in a total amount not to exceed TWO HUNDRED AND FORTY-FIVE THOUSAND FOUR HUNDRED AND NINETY AND NO/100 DOLLARS (\$245,490) ("Contract Price"), subject to additions or deletions for changes or extras agreed upon in writing. Unless otherwise provided herein, payment to CONTRACTOR shall be monthly based on the CONTRACTOR'S monthly progress report and detailed monthly itemized statement for services that shows the names of the CONTRACTOR'S employees, agents, contractors performing the services, the time worked, the actual

services performed, and the rates charged for such services, in a form reasonably acceptable to CITY. CITY shall pay such monthly statements within thirty (30) days after receipt and CITY verification of the services.

B. CITY may deduct from any amounts due or to become due to CONTRACTOR any sum or sums owing by CONTRACTOR to CITY. In the event of any breach by CONTRACTOR of any provision or obligation of this Agreement, or in the event of the assertion by other parties of any claim or lien against CITY, or the CITY'S premises, arising out of CONTRACTOR's performance of this Agreement, CITY shall have the right to retain out of any payments due or to become due to CONTRACTOR an amount sufficient to completely protect the CITY from any and all loss, damage or expense therefrom, until the breach, claim or lien has been satisfactorily remedied or adjusted by CONTRACTOR.

C. CITY may, on account of subsequently discovered evidence, withhold the whole or part of any payment to such extent as may be necessary to protect itself from loss on account of:

- (1) Defective work not remedied;
- (2) Claims filed or reasonable evidence indicating possible filing of claims;
- (3) Failure of CONTRACTOR to make payments promptly to subcontractors or for material or labor which CITY may pay as an agent for the CONTRACTOR; or
- (4) Damages to another contractor or subcontractor.

When the above grounds are removed, or CONTRACTOR provides a surety bond satisfactory to CITY which will protect CITY in the amount withheld because of said grounds, CITY will release the amounts withheld.

Section 6. Responsibilities

A. CONTRACTOR shall be responsible for the professional quality, technical accuracy, and the coordination of all materials, construction, installation and other services furnished by CONTRACTOR under this Agreement. CONTRACTOR shall, without additional compensation, correct or revise any errors or deficiencies in the installation and construction of the Project components to conform as shown in the Project drawings and specifications.

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

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

Section 7. Time for Performance

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

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

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

D. CONTRACTOR understands and agrees that time is of the essence of this contract, and that for each day of delay beyond the number of calendar days herein agreed upon for the completion of the work herein specified and contracted for (after due allowance for such extension of time as may otherwise be provided for extension of time herein), the Owner may withhold permanently from the Contract Price an amount equal to \$1,000 per day.

E. In case CONTRACTOR should abandon and fail or refuse to resume work within ten (10) days after written notification from the City, or if CONTRACTOR fails to comply with the orders of the CITY, when such orders are consistent with the Contract Documents, then, and in that case, where performance and payment bonds exist, the Sureties on these bonds may be notified in writing by CITY and directed to complete the work (at CITY'S sole discretion), and a copy of said notice shall be delivered to CONTRACTOR. After receiving said notice of abandonment, CONTRACTOR shall not remove from the work any machinery, equipment, tools, materials or supplies then on the job, but the same, together with any materials and equipment under contract for the work, may be held for use on the work by the CITY or the Surety on the performance bond, or another contractor in completion of the work; and CONTRACTOR shall not receive any rental or credit therefor, it being understood that the use of such equipment and materials will ultimately reduce the cost to complete the work and be reflected in the final settlement. Nothing in this section shall be deemed a waiver of any remedy available to the CITY under this Agreement and the CITY shall retain all remedies upon default provided in Section 14 herein.

(1) In case the Surety should fail to commence compliance with the notice for completion hereinbefore provided for, written ten (10) days after service of such notice, then the CITY may provide for completion of the work in either of the following elective manners:

- a. The CITY may employ such force of labor and use such machinery, equipment, tools, materials and supplies as said CITY may deem necessary to complete the work and charge the expense of such labor, machinery, equipment, tools, materials and supplies to said CONTRACTOR, and expense so charged shall be deducted and paid by the CITY out of such moneys as may be due, or that may thereafter at any time become due to the CONTRACTOR under and by virtue of this Agreement. In case such expense is less than the sum which would have been payable under this contract, if the same had been completed by the CONTRACTOR, then said CONTRACTOR shall receive the difference. In case such expense is greater than the sum which would have been payable under this contract, if the same had been completed by said CONTRACTOR, then the CONTRACTOR and/or its Surety shall pay the amount of such excess to the CITY; or
- b. The CITY under sealed bids, when and in the manner required by law, may let the contract for the completion of the work under substantially the same terms and conditions which are provided in this Agreement. In the case of any increase in cost to the CITY under the new contract as compared to what would have been the cost under this Agreement, such increase shall be charged to the CONTRACTOR and the Surety shall be and remain bound therefor. However, should the cost to complete any such new contract prove to be less than what would have been the cost to complete under this Agreement, the CONTRACTOR and/his Surety shall be credited therewith.

Section 8. Ownership of Project; Bill of Sale

A. CONTRACTOR warrants that title to all work, including all equipment and materials incorporated into the Project, will pass to CITY no later than the time of final payment. CONTRACTOR further warrants that upon payment by CITY, all Work for which payments have been received from CITY shall be free and clear of liens, claims, security interests or other encumbrances in favor of CONTRACTOR or any other person or entity whatsoever.

B. CONTRACTOR agrees to assign to CITY at the time of completion of the Scope of Services all manufacturer's warranties relating to equipment, materials and labor used in the Project and further agrees to perform the Project in such manner to preserve all manufacturer's warranties. If necessary as a matter of law, CONTRACTOR may retain the right to enforce directly any such manufacturers' warranties during the one year period following the date of acceptance of the Project by City.

Section 9. Termination

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

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

Section 10. Insurance

A. CONTRACTOR shall during the term hereof maintain in full force and effect the following insurance: (i) a comprehensive general liability policy of insurance for bodily injury, death and property damage insuring against all claims, demands or actions relating to the CONTRACTOR's performance of services pursuant to this Agreement with a minimum combined single limit of not less than \$2,000,000.00 per occurrence for injury to persons (including death), and for property damage; (ii) policy of automobile liability insurance covering any vehicles owned and/or operated by CONTRACTOR, its officers, agents, and employees, and used in the performance of this Agreement with policy limits of not less than \$500,000.00 combined single limit and aggregate for bodily injury and property damage; (iii) statutory Worker's Compensation Insurance at the statutory limits and Employers Liability covering all of CONTRACTOR's employees involved in the provision of services under this Agreement with policy limit of not less than \$500,000.00.

B. All insurance and certificate(s) of insurance shall contain the following provisions: (1) name CITY, its officers, and employees as additional insureds as to all applicable coverage with the exception of Workers Compensation Insurance; (2) provide for at least thirty (30) days prior written notice to CITY for cancellation or non-renewal of the insurance; (3) provide for a waiver of subrogation against CITY for injuries, including death, property damage, or any other loss to the extent the same is covered by the proceeds of insurance. Contractor shall provide written notice to CITY of any material change of or to the insurance required herein.

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

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

Section 11. Indemnification.

CITY SHALL NOT BE LIABLE FOR ANY LOSS, DAMAGE, OR INJURY OF ANY KIND OR CHARACTER TO ANY PERSON OR PROPERTY ARISING FROM THE SERVICES OF CONTRACTOR PURSUANT TO THIS AGREEMENT. CONTRACTOR HEREBY WAIVES ALL CLAIMS AGAINST CITY, ITS OFFICERS, AGENTS AND EMPLOYEES (COLLECTIVELY REFERRED TO IN THIS SECTION AS "CITY") FOR DAMAGE TO ANY PROPERTY OR INJURY TO, OR DEATH OF, ANY PERSON ARISING AT ANY TIME AND FROM ANY CAUSE OTHER THAN THE NEGLIGENCE OR WILLFUL MISCONDUCT OF CITY OR BREACH OF CITY'S OBLIGATIONS HEREUNDER. CONTRACTOR AGREES TO INDEMNIFY AND SAVE HARMLESS CITY FROM AND AGAINST ANY AND ALL LIABILITIES, DAMAGES, CLAIMS, SUITS, COSTS (INCLUDING COURT COSTS, REASONABLE ATTORNEYS' FEES AND COSTS OF INVESTIGATION) AND ACTIONS OF ANY KIND BY REASON OF INJURY TO OR DEATH OF ANY PERSON OR DAMAGE TO OR LOSS OF PROPERTY TO THE EXTENT CAUSED BY CONTRACTOR'S NEGLIGENT PERFORMANCE OF SERVICES UNDER THIS AGREEMENT OR BY REASON OF ANY NEGLIGENT ACT OR OMISSION ON THE PART OF CONTRACTOR, ITS OFFICERS, DIRECTORS, SERVANTS, EMPLOYEES, REPRESENTATIVES, CONSULTANTS, LICENSEES, SUCCESSORS OR PERMITTED ASSIGNS (EXCEPT WHEN SUCH LIABILITY, CLAIMS, SUITS, COSTS, INJURIES, DEATHS OR DAMAGES ARISE FROM OR ARE ATTRIBUTED TO NEGLIGENCE OF CITY, IN WHOLE OR IN PART, IN WHICH CASE CONTRACTOR SHALL INDEMNIFY CITY ONLY TO THE EXTENT OR PROPORTION OF NEGLIGENCE ATTRIBUTED TO CONTRACTOR AND/OR ITS OFFICERS, DIRECTORS, SERVANTS, EMPLOYEES, REPRESENTATIVES, CONSULTANTS, LICENSEES, SUCCESSORS OR PERMITTED ASSIGNS AS DETERMINED BY A COURT OR OTHER FORUM OF COMPETENT JURISDICTION). CONTRACTOR'S OBLIGATIONS UNDER THIS SECTION SHALL NOT BE LIMITED TO THE LIMITS OF COVERAGE OF INSURANCE MAINTAINED OR REQUIRED TO BE MAINTAINED BY CONTRACTOR UNDER THIS AGREEMENT. THIS PROVISION SHALL SURVIVE THE TERMINATION OF THIS AGREEMENT.

Section 12. Assignment

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

Section 13. Applicable Laws

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

Section 14. Default of CONTRACTOR

In the event CONTRACTOR fails to comply or becomes disabled and unable to comply with the provisions of this Agreement as to the quality or character of the service or time of performance, and the

failure is not corrected within ten (10) days after written notice by CITY to CONTRACTOR, CITY may, at its sole discretion without prejudice to any other right or remedy:

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

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

Section 15. Adjustments in Services

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

Section 16. Execution Becomes Effective

This Agreement will be effective upon signing of the Agreement by authorized representatives of CONTRACTOR and CITY.

Section 17. Agreement Amendments

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

Section 18. Severability.

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

Section 19. Independent Contractor.

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

Section 20. Right-Of-Access.

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

Section 21. Notice.

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

If to CITY: City Manager
 City of Colleyville
 100 Main Street
 Colleyville, Texas 76034

With copy to: Whitt L. Wyatt
 Nichols, Jackson, Dillard, Hager & Smith, L.L.P.
 500 North Akard, Suite 1800
 Dallas, Texas 75201

If to CONTRACTOR: Canary Construction, Inc.
 Attn: Wayne Borstad
 802 N. Kealy Ave., #101
 Lewisville, TX 75057

Section 22. Counterparts

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

Section 23. Recitals; Exhibits.

All recitals and exhibits attached hereto are incorporated and made a part hereof for all purposes.

Section 24. Survival of Obligations.

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

Section 25. Sales and Use Taxes

CONTRACTOR understands and acknowledges that CITY is a governmental entity and exempt from the payment of sales and use taxes for certain materials and equipment conveyed to City as part of this Project or otherwise incorporated into the Project. CITY agrees to provide CONTRACTOR such documentation as may otherwise be required by state law to allow CONTRACTOR to avoid payment of sales and uses taxes for materials and equipment with respect to the Project to the extent allowed by law.

EXECUTED in duplicate originals on January 22, 2019.

CITY OF COLLEYVILLE, TEXAS

By: _____
Jerry Ducay, City Manager

ATTEST:

Christine Loven, City Secretary

APPROVED AS TO FORM:

Whitt L. Wyatt City Attorney
(Staff:pk:Date:01/22/2019:v1.2019)

EXECUTED this ____ day of _____ 20____.

CONTRACTOR
Canary Construction, Inc.

By: _____
Wayne Borstad
President

Client: City of Colleyville	Date: 12/20/2018
Project: Pleasant Run Road and SH 26 Water Lines	Prepared By: CDS
KHA No.: 061063038	Checked By: RMD

Item No.	Item Description	Quantity	Unit	Unit Price	Item Cost
1	Mobilization and Bonds	1	LS	\$ 20,000.00	\$ 20,000.00
2	Right-of-Way Preparation	1	LS	\$ 20,000.00	\$ 20,000.00
3	Detours and Barricades	1	LS	\$ 20,000.00	\$ 20,000.00
4	Storm Water Pollution Prevention Plan	1	LS	\$ 40.00	\$ 40.00
5	Concrete Sidewalks	23	SY	\$ 40.00	\$ 920.00
6	Sign and Post Assembly (Remove, Salvage & Reinstall)	2	EA	\$ 550.00	\$ 1,100.00
7	Barrier-Free Ramp	1	EA	\$ 1,000.00	\$ 1,000.00
8	Pedestrian Crossing Sign & Light Assembly On new Foundation (Remove, Salvage, & Reinstall)	1	EA	\$ 2,000.00	\$ 2,000.00
9	Remove, Salvage, and Reinstall Existing Bollard	1	EA	\$ 500.00	\$ 500.00
10	PVC Water Line (10 inch)(AWWA C900)(DR18)	355	LF	\$ 50.00	\$ 17,750.00
11	PVC Water Line (12 inch)(AWWA C900)(DR18)	184	LF	\$ 80.00	\$ 14,720.00
12	Construction of Bored, Jacked or Tunneled Crossings	290	LF	\$ 130.00	\$ 37,700.00
13	Installation of Ductile Iron Fittings	2	TON	\$ 6,000.00	\$ 12,000.00
14	Dehole Gas Line	1	EA	\$ 3,000.00	\$ 3,000.00
15	Sodding/Turfgrass Planting	115	SY	\$ 6.00	\$ 690.00
16	Construction Contingency Allowance (Water)	1	LS	\$ 50,000.00	\$ 50,000.00
SUBTOTAL					\$ 201,420.00

Basis for Cost Projection:

- ☐ No Design Completed
☐ Preliminary Design
☒ Final Design

City Cost Subtotal:	\$ 201,420.00
Const. Conting. +/- (5%):	\$ 10,580.00
City Cost:	\$ 212,000.00

*The above does not include inspection or testing.

The Engineer has no control over the cost of labor, materials, equipment, or over the Contractor's methods of determining prices or over competitive bidding or market conditions. Opinions of probable costs provided herein are based on the information known to Engineer at this time and represent only the Engineer's judgment as a design professional familiar with the construction industry. The Engineer cannot and does not guarantee that proposals, bids, or actual construction costs will not vary from its opinions of probable costs.

CERTIFICATE OF INTERESTED PARTIES

FORM 1295

1 of 1

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

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

Canary Construction, Inc.
Lewisville, TX United States

Certificate Number:
2019-441428

Date Filed:
01/15/2019

Date Acknowledged:
01/15/2019

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

City of Colleyville

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

ENG2019-002
SH 26 and Pleasant Run Road Water Lines

4	Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
			Controlling	Intermediary
	Borstad, Wayne	LEWISVILLE, TX United States	X	

5 Check only if there is NO Interested Party.

☐**6 UNSWORN DECLARATION**

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

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

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

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

Signature of authorized agent of contracting business entity
(Declarant)

CERTIFICATE OF INTERESTED PARTIES

FORM 1295

1 of 1

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OFFICE USE ONLY CERTIFICATION OF FILING

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Lewisville, TX United States

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City of Colleyville

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ENG2019-002
SH 26 and Pleasant Run Road Water Lines

4	Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
			Controlling	Intermediary
	Borstad, Wayne	LEWISVILLE, TX United States	X	

5 Check only if there is NO Interested Party. ☐

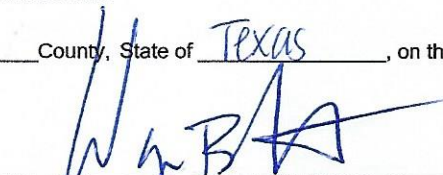
6 UNSWORN DECLARATION

My name is Wayne Borstad, and my date of birth is 04/09/1961.

My address is 401 Betchan Apt 1A, Lake Dallas, TX, 75056, USA.
(street) (city) (state) (zip code) (country)

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

Executed in Denton County, State of Texas, on the 15th day of January, 20 19.
(month) (year)


Signature of authorized agent of contracting business entity
(Declarant)

CONFLICT OF INTEREST QUESTIONNAIRE
For vendor doing business with local governmental entity

FORM CIQ

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

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

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

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

OFFICE USE ONLY

Date Received

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

Canary Construction, Inc - no conflicts

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

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

Name of Officer

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

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

☐

Yes

☐

No

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

☐

Yes

☐

No

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

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

7

Signature of vendor doing business with the governmental entity

1-8-19

Date

RESOLUTION R-16-4037

A RESOLUTION ADOPTING A COMPREHENSIVE FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEARS 2017- 2021 FOR THE CITY OF COLLEYVILLE, TEXAS

WHEREAS, planning for capital expenditures is an essential function of local government; and

WHEREAS, a multi-year capital improvement program is an important communication tool for residents and businesses; and

WHEREAS, a multi-year capital improvement program is a valuable tool in addressing infrastructure renewal and replacement needs, and an essential part of the City's financial planning.

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

- Sec. 1. THAT the Fiscal Year 2017-2021 Capital Improvement Program attached as Exhibit "A", is hereby adopted.
- Sec. 2. THAT the Capital Improvement Program will be reviewed and updated on an annual basis, or as otherwise necessary.
- Sec. 3. THAT changes to the Capital Improvement Program will require approval of the City Council.
- Sec 4. THAT this Capital Improvement Program for Fiscal Years 2017-2021 replaces any previously approved Capital Improvement Programs for those years reflected in each.

AND IT IS SO RESOLVED.

APPROVED BY A VOTE OF 6 AYES, 0 NAYS, AND 0 ABSTENTIONS ON THIS 20TH DAY OF SEPTEMBER 2016.

Mayor Richard Newton
Place 1, Tammy Nakamura
Place 2, Bobby Lindamood
Place 4, Jody Short

Aye
Aye
Aye
Absent

Mayor Pro Tem Chris Putnam
Place 5, Nancy Coplen
Place 6, Mike Taylor

Aye
Aye
Aye

ATTEST:

A handwritten signature in black ink, appearing to read 'Amy Shelley', written over the printed name.

Amy Shelley, TRMC
Secretary

CITY OF COLLEYVILLE

A handwritten signature in black ink, appearing to read 'Richard Newton', written over the printed name.

Richard Newton
Mayor

Exhibit "A"

2021

Justice Center - HVAC Replacement	\$237,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$237,000	\$237,000	\$0
Justice Center- Carpet & VCT Tile Replacement	\$88,052	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$88,052	\$88,052	\$0
County Project (TBD) - Rehabilitation	\$800,000	\$400,000	\$0	\$400,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$800,000	\$0
Water Project 12/Partial Woodbriar Estate Water Lines Replacement - CONSTRUCTION	\$433,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$433,000	\$0	\$0	\$0	\$433,000	\$0
Water Project 3: New Elevated Water Storage Tank and Associated Distribution Lines - CONSTRUCTION	\$4,500,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$4,500,000	\$0	\$4,500,000	\$0
Water Project 6: Upsize and Replace Water Lines in Woodbriar Estates and Quail Crest Subdivisions - CONSTRUCTION	\$745,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$745,000	\$0	\$0	\$0	\$745,000	\$0
Woodbriar, Quail Crest Estates - Rehabilitation (Companion Project to Water Projects #6 and 12/Portion and WW Project #1)	\$2,768,000	\$2,768,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$2,768,000	\$0
WW Project 1: Replace Sewer Lines in Woodbriar Estates and Quail Crest Subdivisions - CONSTRUCTION	\$1,900,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$1,900,000	\$0	\$0	\$0	\$1,900,000	\$0
	\$11,471,052	\$3,168,000	\$0	\$400,000	\$0	\$0	\$0	\$0	\$3,078,000	\$0	\$4,500,000	\$325,052	\$11,471,052	\$0
	\$45,034,376	\$13,816,837	\$450,000	\$1,906,400	\$500,000	\$588,120	\$100,000	\$8,495,130	\$8,686,320	\$134,000	\$6,532,700	\$3,824,869	\$45,034,376	\$0

UNFUNDED

Acuff Lane - Rehabilitation	\$115,360	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$115,360
Automated Meter Reading (AMR) Advanced Metering Infrastructure (AMI) System Implementation	\$5,000,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$5,000,000
Bedford Court - Rehabilitation	\$149,209	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$149,209
Bedford Road Bridge - Rehabilitation	\$60,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$60,000
Bedford Road Bridge at Little Bear	\$2,100,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$2,100,000
Behrens - Rehabilitation	\$392,196	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$392,196
Bettinger Drive- Rehabilitation	\$378,080	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$378,080
Beverly Drive- Rehabilitation	\$222,098	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$222,098
Bill Simmons Rd - Rehabilitation	\$269,867	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$269,867
Bluebonnet Drive - Rehabilitation	\$323,440	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$323,440
Bransford Creek Drainage	\$2,080,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$2,080,000
Brook Meadows Addition - Rehabilitation	\$404,444	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$404,444
Caldwell Hughes Road - Rehabilitation	\$115,360	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$115,360
Cedar Court - Rehabilitation	\$209,964	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$209,964
Cheek-Sparger Road (SH26 to Heritage - Less Brown to Bedford) - Rehabilitation	\$1,698,222	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$1,698,222
City Hall - Boiler Replacement	\$107,900	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$107,900
City Hall - Carpet and VCT Tile	\$102,443	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$102,443
City Hall Dumpster Enclosure	\$60,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$60,000
City Hall/Library - HVAC Replacement	\$300,300	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$300,300
Community Home Addition - Rehabilitation	\$262,222	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$262,222
Cooks Lane- Rehabilitation	\$61,653	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$61,653
Cutter Ridge Court - Rehabilitation	\$48,695	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$48,695
Fairway Addition - Rehabilitation	\$351,111	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$351,111
Fire Station 1 Repairs	\$102,954	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$102,954
Fire Station 2 Repairs	\$66,898	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$66,898
Flood Gates Upgrade	\$365,020	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$365,020
Folding Doors- Fire Station #3	\$44,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$44,000
Ford Drive - Rehabilitation	\$22,276	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$22,276
Four-Fold Door Installation at Fire Station #1	\$124,545	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$124,545
Glade Road (Phase 4 - West City Limits to Bransford Road) - ReCONSTRUCTION	\$4,737,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$4,737,000
Glade Road (Phase 4 - West City Limits to Bransford Road) - ROW Acquisition	\$300,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$300,000
Glade Road Bridge at Trib LB2	\$500,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$500,000
Glade Road Culverts at Bluebonnet Creek	\$536,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$536,000
Hall-Johnson Fire Facility Renovation - Phase 1	\$392,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$392,000
Hall-Johnson Fire Facility Renovation - Phase 2	\$650,720	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$650,720
Heritage Avenue at Little Bear - Drainage	\$2,800,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$2,800,000
Hidden Acres Subdivision - Rehabilitation	\$280,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$280,000
Highland Acres Subdivision - Rehabilitation	\$806,222	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$806,222
Jackson Creek Drainage Improvements	\$2,500,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$2,500,000
Jackson Road Bridge	\$3,400,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$3,400,000
Jackson Road Bridge - Rehabilitation	\$60,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$60,000
Jo Will Street- Rehabilitation	\$186,453	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$186,453
John McCain (Monticello Pkwy to Pleasant Run Rd) - Rehabilitation	\$151,111	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$151,111
John McCain (Williamsburg Court. to Monticello Pkwy) - Rehabilitation	\$302,222	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$302,222
John McCain Box Culvert at White Chapel Creek West	\$250,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$250,000
Leta Lane - Rehabilitation	\$179,840	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$179,840
Library - Carpet and VCT Tile	\$98,055	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$98,055
Library Fountain Repair	\$70,447	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$70,447
Lloyd Circle - Rehabilitation	\$105,964	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$105,964
Maranatha Court - Rehabilitation	\$4,191	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$4,191
McDonwell School Road - Rehabilitation	\$713,316	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$713,316
Oak Knoll Bridge	\$2,700,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$2,700,000
Oak Knoll Court - Rehabilitation	\$105,618	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$105,618

Exhibit "A"

Oak Knoll Drive - Rehabilitation	\$871,236	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$871,236
Oak Timbers Court - Rehabilitation	\$148,836	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$148,836
Old Glade Road - Rehabilitation	\$70,667	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$70,667
Patterson Lane - Rehabilitation	\$203,218	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$203,218
Pecan Park Estates Subdivision - Rehabilitation	\$724,444	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$724,444
Pleasant Run Road Bridge at Big Bear	\$3,800,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$3,800,000
Plymouth Hills Addition - Rehabilitation	\$762,222	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$762,222
Queensbury Way Bridge - Rehabilitation	\$100,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$100,000
Ross Downs Estates - Rehabilitation	\$4,000,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$4,000,000
Saddlebrook Addition - Rehabilitation	\$667,333	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$667,333
Sand Oak Acres Addition - Rehabilitation	\$864,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$864,000
Service Center - Construction	\$4,500,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$4,500,000
Shelton - Rehabilitation	\$288,293	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$288,293
Stafford Road - Rehabilitation	\$250,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$250,000
Suellen Circle - Rehabilitation	\$44,373	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$44,373
Tara Plantation Addition - Rehabilitation	\$495,444	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$495,444
Thompson Terrace - Rehabilitation	\$167,378	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$167,378
Van Oaks Drive - Rehabilitation	\$126,720	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$126,720
Waller Lane - Rehabilitation	\$81,600	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$81,600
Water Project 12: Woodbriar Estates Water Lines - DESIGN	\$300,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$300,000
Water Project 12: Woodbriar Estates Water Lines - CONSTRUCTION	\$2,000,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$2,000,000
Water Project 13: Glade (Oak to Martin) and Gateway/121 Water Lines/Fire Flow Improvements - CONSTRUCTION	\$1,426,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$1,426,000
Water Project 13: Glade (Oak to Martin) and Gateway/121 Water Lines/Fire Flow Improvements - DESIGN	\$214,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$214,000
Water Project 14: Northwest Area Flow Improvements in High Pressure Plane - CONSTRUCTION	\$1,470,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$1,470,000
Water Project 14: Northwest Area Flow Improvements in High Pressure Plane - DESIGN	\$220,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$220,000
Water Project 15: Rustic Oaks and Oak Crest Hills Subdivision Fire Flow Improvements - DESIGN/CONSTRUCTION	\$5,389,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$5,389,000
Water Project 16: Highland Acres Water Line and Fire Flow Improvements - DESIGN/CONSTRUCTION	\$2,264,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$2,264,000
Water Project 17: Northwest Low Plain Flow Improvements - DESIGN/CONSTRUCTION	\$1,404,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$1,404,000
Water Project 18: Northern Low Plain Flow Improvements - DESIGN/CONSTRUCTION	\$8,158,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$8,158,000
Water Project 19: Southern Low Plain Flow Improvements - DESIGN/CONSTRUCTION	\$4,094,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$4,094,000
Water Project 20: Cheek-Sparger (Buckingham to Martin) Water Line Replacement - DESIGN/CONSTRUCTION	\$1,477,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$1,477,000
Water Project 21: Pool Rd Water Line Velocity Adjust. (and Summertree and Hall-Johnson/Meadowhill Area) - DESIGN/CONSTRUCTION	\$646,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$646,000
Water Project 22: Cotton Belt Trail to Pleasant Run Road Water Line Implementation - DESIGN/CONSTRUCTION	\$1,225,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$1,225,000
Water Project 23: Low Plain Lines to Provide Looping - DESIGN/CONSTRUCTION	\$1,827,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$1,827,000
Water Project 24: Southwest Low Plain Flow Improvements - DESIGN/CONSTRUCTION	\$2,567,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$2,567,000
Water Project 25: Cheshire/Dorset Joint Replacements - DESIGN/CONSTRUCTION	\$1,211,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$1,211,000
Water Project 26: Bandit/John McCain Decommissioning of 6" and Connect 12" - DESIGN/CONSTRUCTION	\$176,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$176,000
Water Project 27: Colleyville Boulevard Water Line Upsizing - DESIGN/CONSTRUCTION	\$4,570,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$4,570,000
Wayne Drive - Rehabilitation	\$160,276	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$160,276
Woodland Hills Subdivision - Rehabilitation	\$1,295,667	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$1,295,667
WW Project 10: Rehab Category 2 Manholes (Phase 1) - DESIGN/CONSTRUCTION	\$710,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$710,000
WW Project 11: Remaining Manhole Assessment Program - DESIGN/CONSTRUCTION	\$277,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$277,000
WW Project 12: Rehab Priority 1 Manholes Identified in Assessment Program - DESIGN/CONSTRUCTION	\$415,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$415,000
WW Project 13: Highland/Pool/Summertree Sewer Line Replacement - DESIGN/CONSTRUCTION	\$1,407,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$1,407,000
WW Project 14: Sewer Line Renewal Program, Phase 3 - DESIGN/CONSTRUCTION	\$3,304,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$3,304,000
WW Project 15: Brook Meadows Sewer Line Improvements - DESIGN/CONSTRUCTION	\$758,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$758,000
WW Project 16: Rehab Priority 2 Manholes Identified in Assessment Program - DESIGN/CONSTRUCTION	\$1,416,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$1,416,000
WW Project 17: Sewer Line Renewal Program, Phase 4 - DESIGN/CONSTRUCTION	\$3,946,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$3,946,000
WW Project 6: Emerald Park Sewer Line Replacement - DESIGN/CONSTRUCTION	\$800,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$800,000
WW Project 7: Saddlebrook Addition Sewer Line Replacement - DESIGN/CONSTRUCTION	\$790,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$790,000
WW Project 8: Glade/Camelot Sewer Line and Manhole Replacement - DESIGN/CONSTRUCTION	\$412,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$412,000
WW Project 9: Sewer Line Renewal Program, Phase 2 - DESIGN/CONSTRUCTION	\$2,936,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$2,936,000
	\$114,798,123	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$114,798,123

RESOLUTION R-18-4240

A RESOLUTION APPROVING CITY COUNCIL ACTION UNDER CONSENT ITEMS AT THE REGULAR CITY COUNCIL MEETING OF MARCH 6, 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 February 20, 2018
 - b. Approval of an Interlocal Agreement with Tarrant County for the resurfacing of Montclair Drive, Pleasant Run Road north of John McCain Road, Wayne Drive, and Bluebonnet Drive, and authorizing the city manager to execute the agreement
 - c. Approval of a license agreement with DART for the installation of a 12-inch water line, inside a 20-inch casing, across the Pleasant Run Road Railroad crossing, and authorize the city manager to execute the license agreement and any related agreements necessary to obtain right of entry for the City and its contractors

AND IT IS SO RESOLVED.

APPROVED BY A VOTE OF 6 AYES, 0 NAYS AND 0 ABSTENTIONS ON THIS THE 6TH DAY OF MARCH 2018.

Mayor Richard Newton
Place 1, Tammy Nakamura
Place 4, George Dodson
Place 6, Mike Taylor

AYE
AYE
AYE
AYE

Mayor Pro Tem Bobby Lindamood
Place 3, Kathy Wheat
Place 5, Nancy Coplen

AYE
AYE
Absent

ATTEST:



Christine Loven, TRMC
City Secretary

CITY OF COLLEYVILLE



Richard Newton
Mayor



City of Colleyville City Council Agenda Briefing

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

Agenda Number 6

Agenda Date 01/22/2019

Type Report

Department Finance

Title

Monthly Financial Report - December 31, 2018

Explanation

General Fund

As of December 31, 2018, the general fund earned \$7,674,979 in revenues and incurred \$5,083,986 in expenditures.

Ad Valorem tax revenue

Historically, about 96% of the budgeted Ad Valorem tax revenue is collected by February.

As of December 31, 2018 the city collected \$6,539,937 or 45.66% of the budgeted revenue of \$14,322,575.

Franchise Fee revenues

The majority of franchise fee revenue is received on a quarterly or annual basis starting in January.

As of December 31, 2018 the city collected \$165,294 or 7.85% of the budgeted Franchise fee revenue of \$2,105,000.

Sales tax revenue

In accordance with Generally Accepted Accounting Standards, revenues should be recorded in the period in which they were earned.

As of December 31, the city received \$301,063 in general fund sales tax revenue, an increase of 1.24% from the prior year. That revenue was earned in October 2018.

January's monthly financial report will reflect \$292,303.55 in sales tax revenue earned in November and received in January, which is 4.60% below the amount reported for the same month of the prior year.

The cumulative sales taxes collected as of January 2019 is \$593,366.99, a decrease of

1.72% or \$10,407.37 from the prior year.

Month Earned	October	November	TOTAL
Month Received	December	January	
Monthly Report	December	January	
FY2018	\$ 297,364.41	\$ 306,409.95	\$ 603,774.36
FY2019	\$ 301,063.43	\$ 292,303.55	\$ 593,366.99
\$ Increase (Decrease)	\$ 3,699.02	\$ (14,106.39)	\$ (10,407.37)
% Increase (Decrease)	1.24%	-4.60%	-1.72%

Utility Fund

As of December 31, 2018, the utility fund earned \$3,026,515 in revenues and incurred \$2,612,629 in expenditures. The base rate revenues are in line with budget.

The water volumetric rate revenue is significantly down compared to the same month last year due to the excessive rain fall we experienced.

	FY19 Budget	YTD Revenues
Water - Base Rate	\$1,692,467	\$444,576
Water - Volumetric Rate	9,794,756	1,334,371
Wastewater - Base Rate	1,281,578	315,839
Wastewater - Volumetric Rate	3,299,803	818,879

Debt Service Fund

As of December 31, 2018, the Debt service fund paid the annual fire engines' lease payments. The Ambulance lease payment is due in June. Debt payments usually occur in August and February.

Most of the Ad Valorem taxes collections take place between December and February.

Drainage Fees Fund

As of December 31, 2018, the Drainage fees fund spent \$118,697 out of its \$771,136 expense budget and earned \$262,095 in revenues which is 26.95% of the budgeted revenue of \$972,448.

Attachments

1. December 2018 Monthly Financial Report
2. General Fund - Sales Tax Revenue
3. December 2018 Monthly Financial Report Presentation

City of Colleyville
General Fund Monthly Financial Report
As of 12/31/2018 - End of 25% of the Fiscal Year

GENERAL FUND		ACTIVITY	
	FY 2019	FY 2019 YTD	PERCENT
SUMMARY	BUDGET	AS OF	OF BUDGET
		12/31/2018	USED
Revenues	24,110,961	7,674,979	31.83%
Expenditures	24,044,488	5,083,986	21.14%
Revenues over expenditures	\$66,473	\$2,590,994	

GENERAL FUND		RECEIVED FY 2019 YTD AS OF 12/31/2018	PERCENT OF BUDGET RECEIVED	AVERAGE ACTUAL YTD BALANCE AS A PERCENT OF YEAR END BAL	RECEIVED FY 2018 YTD AS OF 12/31/2017	PERCENT CHANGE OVER PRIOR YEAR
REVENUE SOURCE	FY 2019 BUDGET					
Current Taxes	14,242,575	6,523,692	45.80%	44.93%	7,089,582	-7.98%
Delinquent Taxes	25,000	12,333	49.33%	21.51%	26,829	-54.03%
Penalty & Interest	55,000	3,912	7.11%	6.96%	4,652	-15.90%
TOTAL AD VALOREM TAXES	14,322,575	6,539,937	45.66%	44.70%	7,121,062	-8.16%
Oncor Electric	890,000	-	0.00%	0.00%	-	0.00%
Tri-County Electric	105,000	-	0.00%	0.00%	-	0.00%
Atmos Gas	350,000	-	0.00%	0.00%	-	0.00%
AT&T	60,000	12,725	21.21%	25.77%	14,647	-13.12%
Verizon/Others	65,000	18,379	28.28%	24.16%	18,629	-1.34%
Refuse/Recycling	160,000	25,832	16.15%	17.35%	31,151	-17.07%
Cable TV	475,000	108,358	22.81%	24.78%	114,755	-5.58%
TOTAL FRANCHISE TAXES	2,105,000	165,294	7.85%	8.58%	179,182	-7.75%
Sales Tax	3,903,292	301,063	7.71%	7.22%	297,365	1.24%
Mixed Beverage Tax	105,000	-	0.00%	0.00%	-	0.00%
TOTAL SALES TAXES	4,008,292	301,063	7.51%	7.03%	297,365	1.24%
Building	625,000	150,330	24.05%	25.91%	227,317	-33.87%
Plumbing	57,600	14,142	24.55%	28.41%	17,243	-17.98%
Mechanical	48,000	8,136	16.95%	23.70%	11,472	-29.07%
Electrical Permits	57,600	13,770	23.91%	26.32%	19,168	-28.16%
City License	46,000	12,000	26.09%	19.08%	9,400	27.66%
Building Plan Review Fee	88,000	31,107	35.35%	26.09%	28,621	8.69%
New Business	7,200	1,800	25.00%	24.08%	2,000	-10.00%
Sign Permit	8,000	1,375	17.19%	25.37%	1,550	-11.29%
Fence Permit	15,000	3,800	25.33%	24.15%	2,625	44.76%
Fire Permits	8,000	3,030	37.88%	24.04%	2,210	37.10%
Irrigation Permit	15,000	2,775	18.50%	27.29%	4,362	-36.38%
TOTAL LICENSES & PERMITS	975,400	242,266	24.84%	25.69%	325,967	-25.68%

GENERAL FUND - CONTINUED		RECEIVED FY 2019 YTD AS OF 12/31/2018	PERCENT OF BUDGET RECEIVED	AVERAGE ACTUAL YTD BALANCE AS A PERCENT OF YEAR END BAL	RECEIVED FY 2018 YTD AS OF 12/31/2017	PERCENT CHANGE OVER PRIOR YEAR
REVENUE SOURCE	FY 2019 BUDGET					
Court Fines	750,000	127,216	16.96%	23.33%	150,419	-15.43%
Alarm Fees	55,000	7,086	12.88%	10.15%	3,755	88.72%
Library Fines	17,604	3,949	22.43%	19.78%	4,527	-12.77%
TOTAL FINES	822,604	138,251	16.81%	22.28%	158,701	-12.89%
Plat Fee/Site Plan/Landscaping Plan Fee	10,500	500	4.76%	26.72%	3,265	-84.69%
Re-zoning	11,000	1,507	13.70%	19.55%	770	95.71%
Board of Adjustment	2,000	175	8.75%	23.09%	525	-66.67%
Sale of Material	100	-	0.00%	34.94%	268	-100.00%
Weed Mowing	6,000	510	8.50%	22.19%	-	0.00%
Ambulance	345,000	80,628	23.37%	23.93%	88,893	-9.30%
Recreation Program	195,000	28,603	14.67%	12.75%	48,248	-40.72%
Credit Card Fee Revenue	16,000	4,052	25.33%	0.00%	3,202	26.56%
Transfers from Other Funds	-	-	0.00%	0.00%	-	0.00%
Engineering & Inspection	15,000	-	0.00%	35.42%	2,250	-100.00%
Material Testing	8,000	-	0.00%	12.44%	785	-100.00%
Lot Drainage Insp Fee	17,000	3,875	22.79%	29.41%	6,500	-40.38%
Field Use Charge	21,500	11,325	52.67%	48.20%	10,680	6.04%
Colleyville Center Rental	230,000	35,168	15.29%	21.78%	43,796	-19.70%
Non-Resident Fee Parks	40,000	23,500	58.75%	48.95%	21,495	9.33%
Transfer from Utility Fund	226,117	-	0.00%	0.00%	-	0.00%
Transfer from TIF	159,390	-	0.00%	0.00%	-	0.00%
TOTAL CHARGES FOR SERVICE	1,302,607	189,843	14.57%	16.27%	230,676	-17.70%
Keller Court	260,538	-	0.00%	0.00%	-	0.00%
SRO Officer Reimb	103,945	-	0.00%	0.00%	-	0.00%
TOTAL INTERGOVERNMENTAL	364,483	-	0.00%	0.00%	-	0.00%
Sale of Surplus Property	5,000	14,116	282.32%	50.08%	36,523	-61.35%
Interest Income	55,000	41,763	75.93%	8.11%	14,254	192.99%
Miscellaneous	60,000	7,768	12.95%	25.36%	52,778	-85.28%
Antenna Lease	90,000	34,678	38.53%	21.36%	15,211	127.98%
TOTAL MISCELLANEOUS	210,000	98,325	46.82%	15.86%	118,766	-17.21%
TOTAL GENERAL FUND REVENUES	24,110,961	7,674,979	31.83%	30.80%	8,431,719	-8.97%

	FY 2019 BUDGET	THROUGH 12/31/2018	THROUGH 12/31/2017	TOTAL INCREASE (DECREASE)	PERCENT INCREASE (DECREASE)
RESIDENTIAL BLDG PERMITS	115	28	47	(19)	-40.43%
COMMERCIAL BLDG PERMITS	7	2	0	2	200.00%

GENERAL FUND EXPENDITURES		EXPENDED THROUGH 12/31/2018	PERCENT OF BUDGET EXPENDED	PERCENT OF FISCAL YEAR COMPLETE	BUDGET REMAINING	EXPENDED FY 2018 YTD AS OF 12/31/2017
	FY 2019 BUDGET					
Personnel services	15,336,809	3,603,118	23.49%	25.00%	11,733,691	3,469,339
Contractual Services	5,379,345	1,226,076	22.79%	25.00%	4,153,269	1,256,078
Supplies	1,299,628	254,792	19.60%	25.00%	1,044,836	115,673
Capital Outlay	14,000	-	0.00%	25.00%	14,000	-
Transfer to other fund	2,014,706	-	0.00%	25.00%	2,014,706	-
TOTAL EXPENDITURES	24,044,488	5,083,986	21.14%	25.00%	18,960,502	² 4,841,090

City of Colleyville
Utility Fund Monthly Financial Report
As of 12/31/2018 - End of 25% of the Fiscal Year

UTILITY FUND		ACTIVITY	
	FY 2019	FY 2019 YTD	PERCENT
SUMMARY	BUDGET	AS OF	OF BUDGET
		12/31/2018	USED
Revenues	16,405,604	3,026,515	18.45%
Expenditures	16,405,604	2,612,629	15.93%
Revenues over expenditures	-	413,886	

UTILITY FUND		RECEIVED	PERCENT	AVERAGE ACTUAL	RECEIVED	EXPENDED
	FY 2019	AS OF	OF BUDGET	YTD BALANCE	AS OF	CHANGE OVER
REVENUE SOURCE	BUDGET	12/31/2018	RECEIVED	AS A PERCENT OF	12/31/2017	PRIOR YEAR
				YEAR END BAL		
Water - Base Rate	1,692,467	444,576	26.27%	25.00%	447,291	-0.61%
Sewer - Base Rate	1,281,578	315,839	24.64%	25.00%	321,790	-1.85%
Water - Volumetric Rate	9,794,756	1,334,371	13.62%	24.10%	2,434,726	-45.19%
Sewer - Volumetric Rate	3,299,803	818,879	24.82%	21.29%	645,630	26.83%
Water - TRA True-up	-	-	0.00%	0.00%	-	0.00%
Sewer - TRA True-up	-	-	0.00%	0.00%	-	0.00%
Sewer Installation	15,000	3,000	20.00%	29.97%	5,100	-41.18%
Water Installation	42,000	9,770	23.26%	30.01%	13,340	-26.76%
Engineering & Development Charges	5,000	-	0.00%	9.43%	3,926	-100.00%
Penalties	200,000	47,940	23.97%	34.51%	67,877	-29.37%
Sale of Material	-	932	0.00%	35.11%	657	41.93%
Miscellaneous	15,000	3,820	25.47%	25.28%	7,102	-46.22%
TOTAL OPERATING INCOME	16,345,604	2,979,126	18.23%	25.63%	3,947,439	-24.53%
Sale of Surplus Property	-	-	0.00%	0.00%	8,418	-100.00%
Interest Income	60,000	47,389	78.98%	14.96%	19,184	147.02%
TOTAL NON-OPERATING INCOME	60,000	47,389	78.98%	14.37%	27,602	71.69%
TOTAL INCOME	16,405,604	3,026,515	18.45%	25.30%	3,975,041	-23.86%

	THROUGH	THROUGH	TOTAL	PERCENT
	12/31/2018	12/31/2017	INCREASE	INCREASE
			(DECREASE)	(DECREASE)
GALLONS OF WATER SOLD	482,492,600	592,935,900	(110,443,300)	-18.63%
NUMBER OF WATER CUSTOMERS	10,222	10,027	195	1.94%

UTILITY FUND EXPENSES		EXPENDED	PERCENT	PERCENT OF	BUDGET	EXPENDED
	FY 2019	THROUGH	OF BUDGET	FISCAL YEAR	REMAINING	FY 2018 YTD
	BUDGET	12/31/2018	EXPENDED	COMPLETE		AS OF
						12/31/2017
Personnel Services	2,041,194	429,047	21.02%	25.00%	1,612,147	423,545
Contractual services	13,667,521	1,837,761	13.45%	25.00%	11,829,760	2,267,206
Supplies	245,386	37,200	15.16%	25.00%	208,187	30,699
Debt Service	-	-	0.00%	25.00%	-	156,913
Capital Outlay	100,000	1,404	1.40%	25.00%	98,596	897
Transfers to other funds	351,503	307,217	87.40%	25.00%	44,286	-
TOTAL EXPENSES	16,405,604	2,612,629	15.93%	25.00%	13,792,975	2,879,260

City of Colleyville
Debt Service Fund Monthly Financial Report
As of 12/31/2018 - End of 25% of the Fiscal Year

DEBT SERVICE FUND			
	FY 2019 BUDGET	ACTIVITY FY 2019 YTD AS OF 12/31/2018	PERCENT OF BUDGET USED
SUMMARY			
Revenues	1,859,940	366,985	19.73%
Expenditures	1,859,940	164,886	8.87%
Revenues over expenditures	-	202,100	

DEBT SERVICE FUND						
REVENUE SOURCE	FY 2019 BUDGET	RECEIVED FY 2019 YTD AS OF 12/31/2018	PERCENT OF BUDGET RECEIVED	AVERAGE ACTUAL YTD BALANCE AS A PERCENT OF YEAR END BAL	RECEIVED FY 2018 YTD AS OF 12/31/2017	PERCENT CHANGE OVER PRIOR YEAR
Current taxes	682,115	365,868	53.64%	44.93%	400,113	-8.56%
Delinquent taxes	5,000	697	13.95%	20.00%	1,453	-52.01%
Penalty & interest	5,000	224	4.49%	7.67%	266	-15.67%
Interest Income	5,000	195	3.91%	18.28%	115	69.81%
TOTAL AD VALOREM TAX & INTEREST	697,115	366,985	52.64%	44.53%	401,947	-8.70%
Transfer from CCPD	509,100	-	0.00%	0.00%	-	0.00%
Transfer from TIF	653,725	-	0.00%	0.00%	-	0.00%
TOTAL TRANSFERS	1,162,825	-	0.00%	0.00%	-	0.00%
Use of Fund Balance	-	-	0.00%	0.00%	-	0.00%
Bond proceeds & Premium	-	-	0.00%	0.00%	-	0.00%
TOTAL REVENUE & USE OF FUND BAL	1,859,940	366,985	19.73%	26.43%	401,947	-8.70%

DEBT SERVICE FUND						
	FY 2019 BUDGET	EXPENDED THROUGH 12/31/2018	PERCENT OF BUDGET EXPENDED	PERCENT OF FISCAL YEAR COMPLETE	BUDGET REMAINING	EXPENDED FY 2017 YTD AS OF 12/31/2017
Bond & Interest Payments	1,644,628	-	0.00%	25.00%	1,644,628	-
Leases (Fire Engine & Ambulance)	215,312	164,886	76.58%	25.00%	50,426	165,324
TOTAL EXPENSES	1,859,940	164,886	8.87%	25.00%	1,695,054	165,324

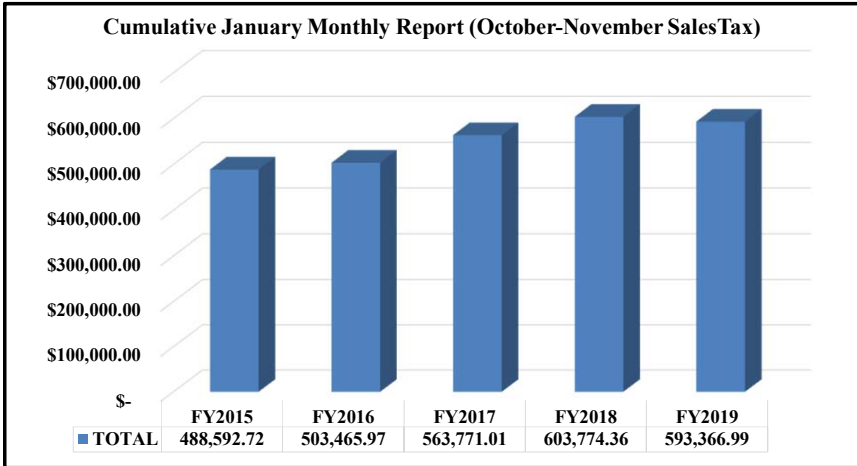
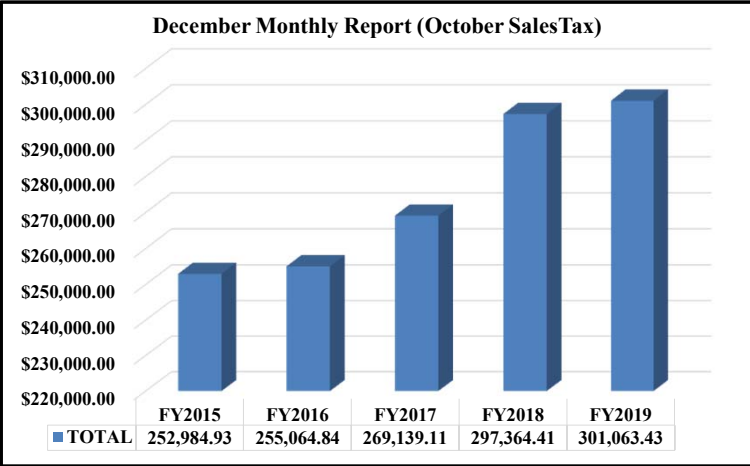
City of Colleyville
Drainage Fee Fund Monthly Financial Report
As of 12/31/2018 - End of 25% of the Fiscal Year

DRAINAGE FEE FUND		ACTIVITY	
	FY 2019	FY 2019 YTD	PERCENT
SUMMARY	BUDGET	AS OF	OF BUDGET
		12/31/2018	USED
Revenues	972,448	262,095	26.95%
Expenditures	771,136	118,697	15.39%
Revenues over expenditures	201,312	143,398	

DRAINAGE FEE FUND		RECEIVED	PERCENT	AVERAGE ACTUAL	RECEIVED	PERCENT
	FY 2019	FY 2019 YTD	OF BUDGET	YTD BALANCE	FY 2018 YTD	CHANGE OVER
REVENUE SOURCE	BUDGET	AS OF	RECEIVED	AS A PERCENT OF	AS OF	PRIOR YEAR
		12/31/2018		YEAR END BAL	12/31/2017	
Drainage Revenues	956,760	248,734	26.00%	24.82%	244,452	1.75%
Other revenues (Interest, penalty,...)	15,688	13,361	85.17%	10.61%	7,007	90.68%
TOTAL REVENUES	972,448	262,095	26.95%	24.43%	251,459	4.23%

DRAINAGE FEE FUND		EXPENDED	PERCENT	PERCENT OF	BUDGET	EXPENDED
	FY 2019	THROUGH	OF BUDGET	FISCAL YEAR	REMAINING	FY 2017 YTD
	BUDGET	12/31/2018	EXPENDED	COMPLETE		AS OF
						12/31/2017
Personnel Services	462,669	102,854	22.23%	25.00%	359,815	97,819
Contractual Services	134,840	7,308	5.42%	25.00%	127,532	13,581
Supplies	47,957	4,841	10.09%	25.00%	43,116	5,410
Debt Service	125,670	3,694	2.94%	25.00%	121,976	4,121
TOTAL EXPENSES	771,136	118,697	15.39%	25.00%	652,439	120,930

General Fund Sales Tax Revenue

[illegible][illegible]



Agenda Item - Items not for council action

Monthly Financial Report December 2018

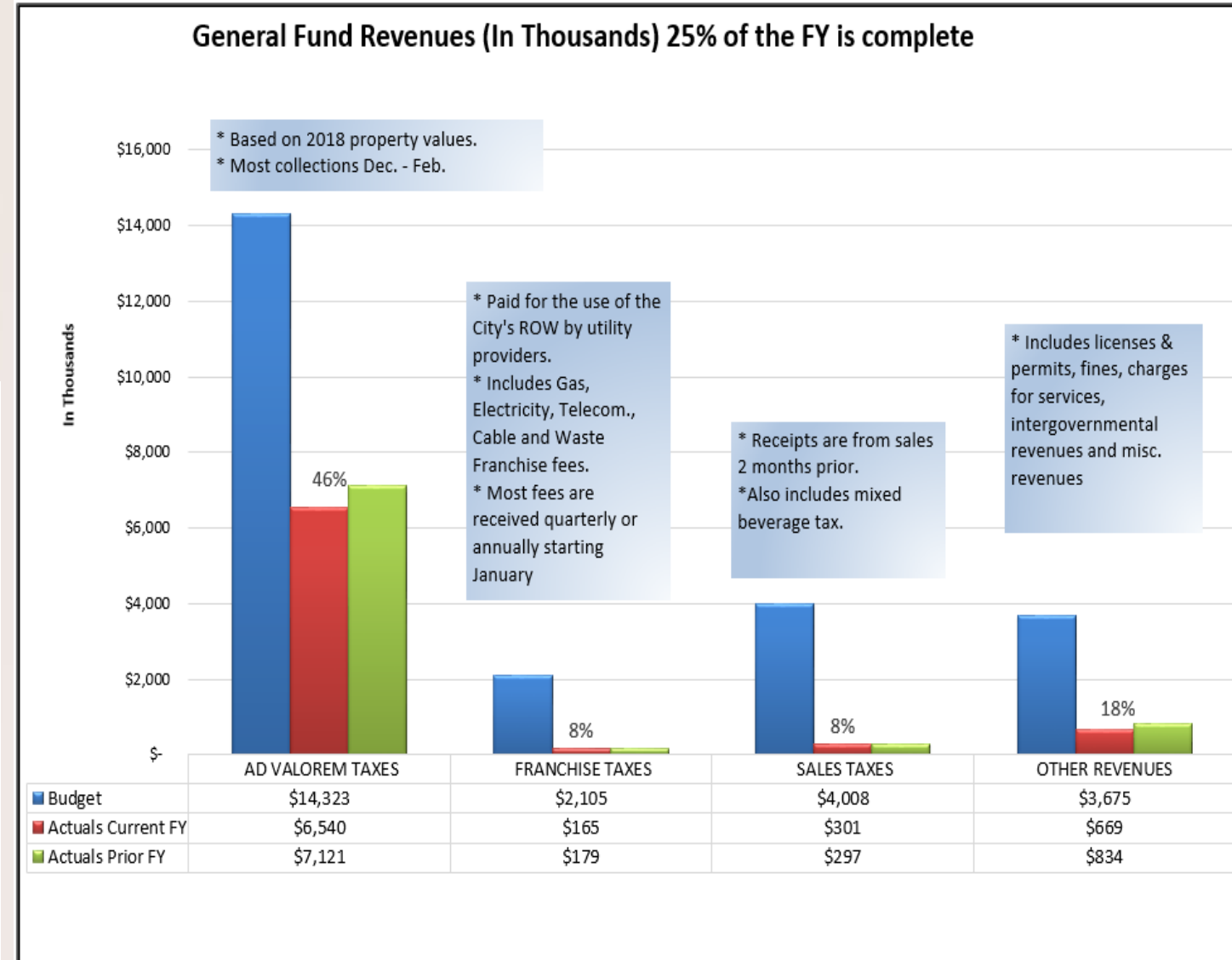
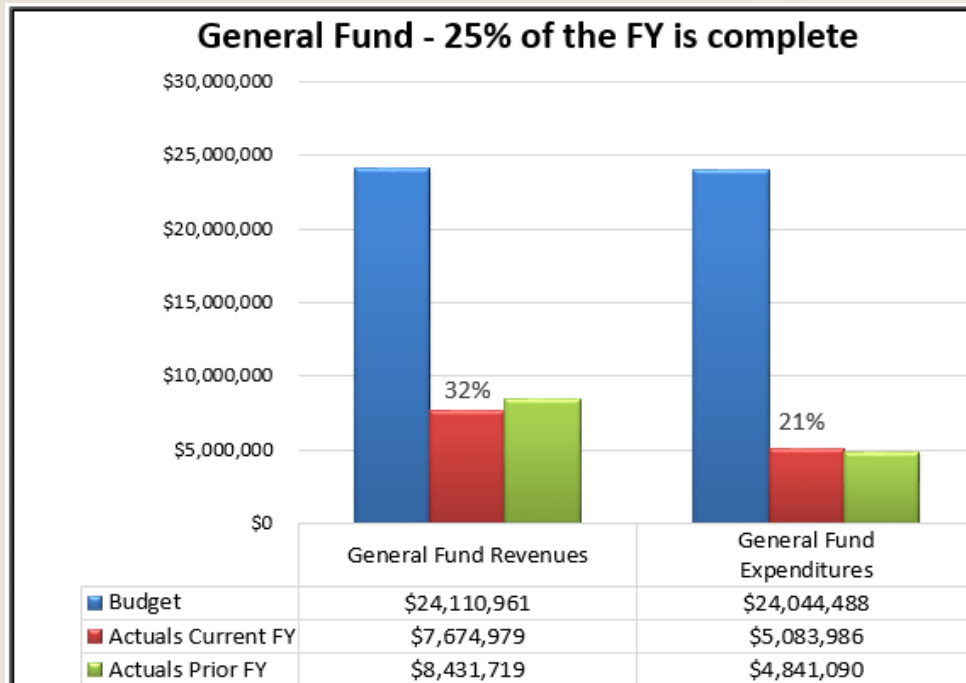
City Council Meeting
January 22, 2019

General Fund



Highlights:

- **Property Taxes:** At 46% of the budget. On track with historical trend.
- **1 cent sales tax:** Revenue earned in October. Up 1.24%.
- **Franchise Fees:** Major activity starts January through annual and quarterly payments.
- **Expenditures:** On track with budget



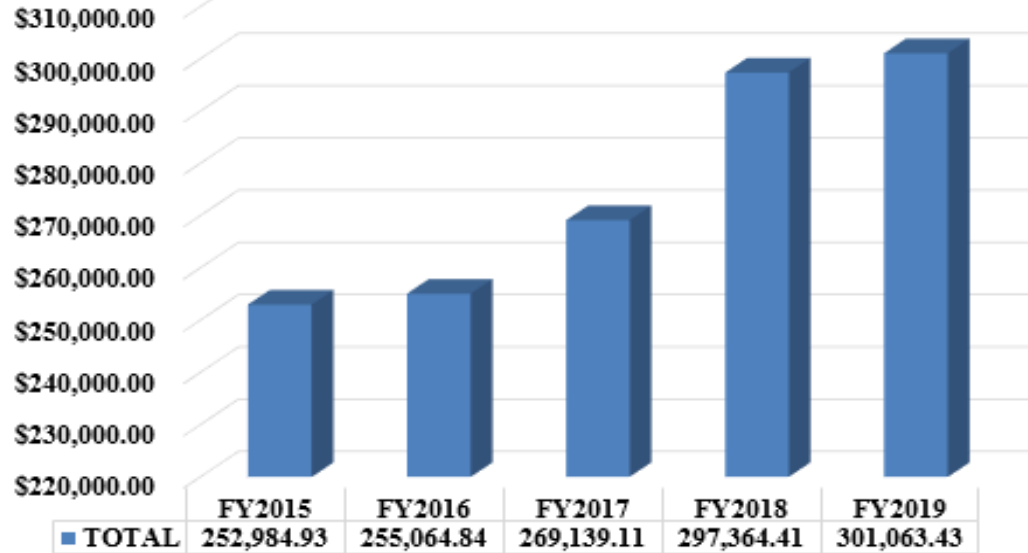
General Fund Sales Tax Revenue



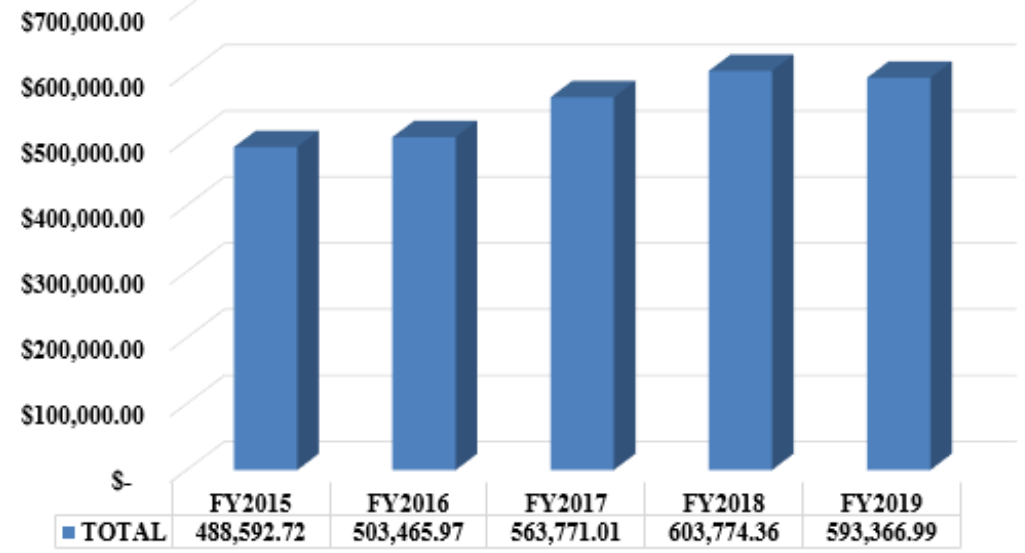
Month Earned	October	November
Month Received	December	January
Monthly Report	December	January
FY2018	297,364.41	306,409.95
FY2019	301,063.43	292,303.55
\$ Change	3,699.02	(14,106.39)
% Change	1.24%	-4.60%

Month Earned	October	November
Month Received	December	January
Monthly Report	December	January
FY2018	297,364.41	603,774.36
FY2019	301,063.43	593,366.99
\$ Change	3,699.02	(10,407.37)
% Change	1.24%	-1.72%

December Monthly Report (October SalesTax)



Cumulative January Monthly Report (October-November SalesTax)

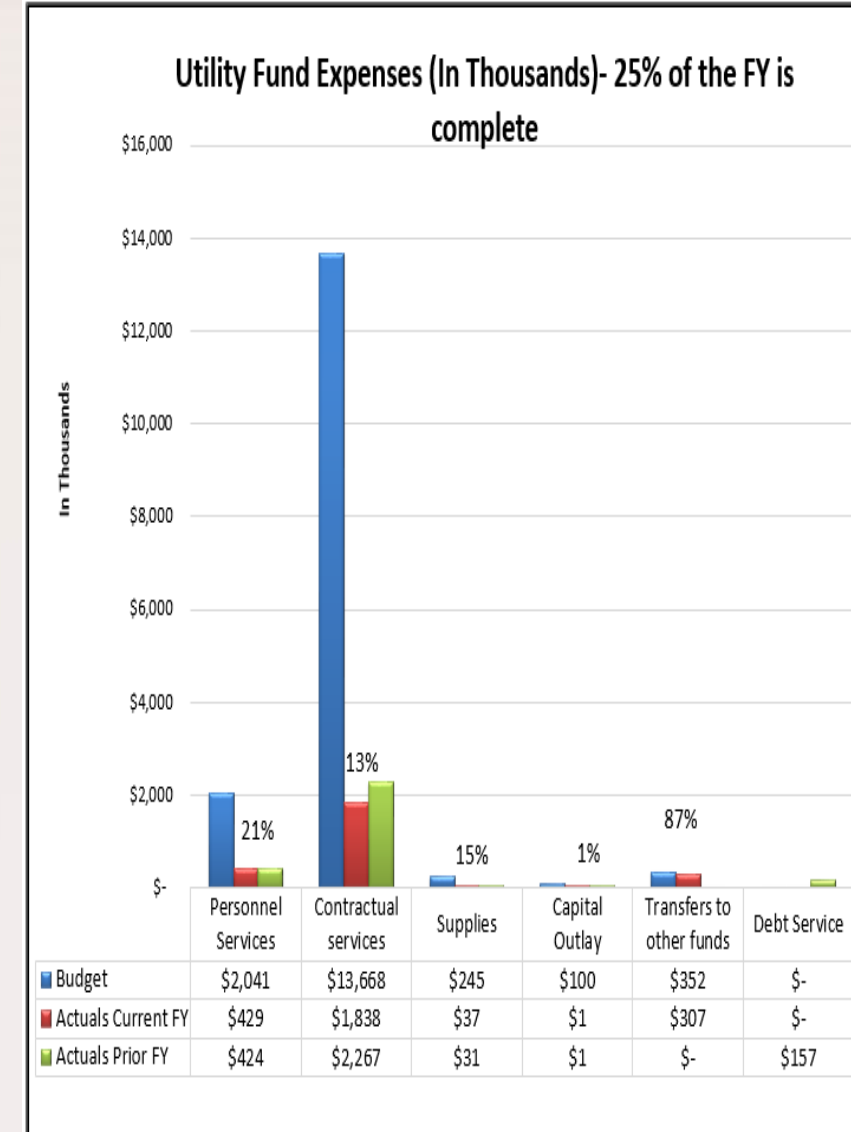
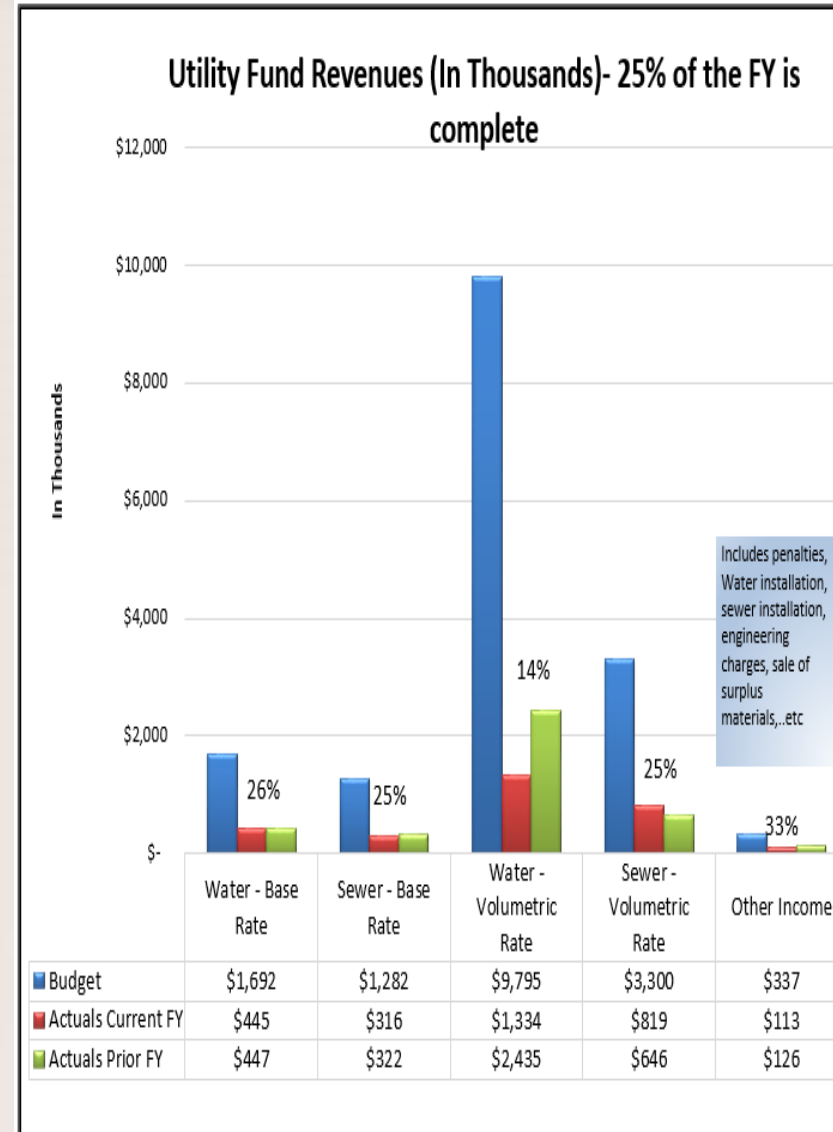
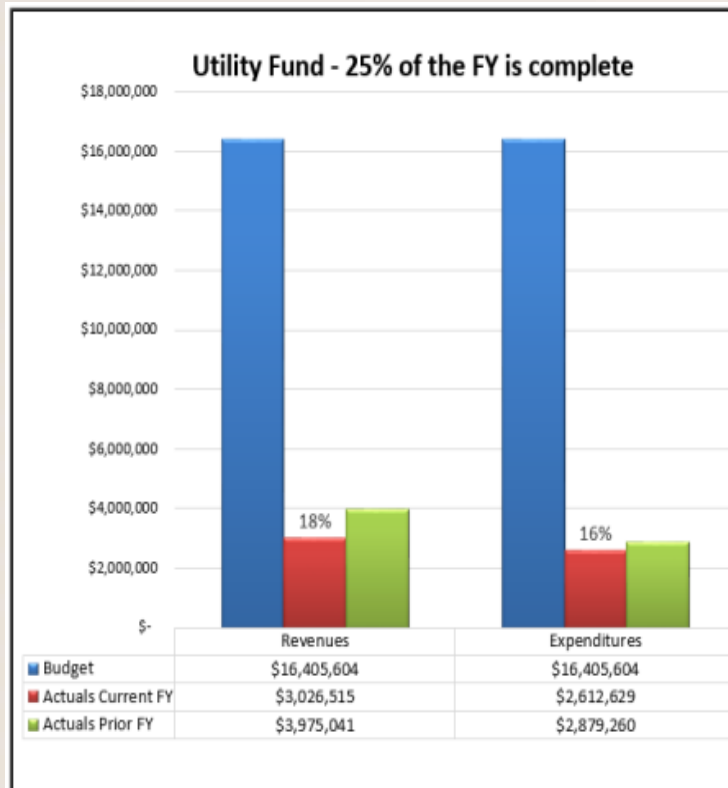


Utility Fund



Highlights:

- Base rate: On track with budget
- Water volumetric rate: Down 45% due to the increase in rain fall and decline in consumption
- Residential sewer winter Average: December, January, and February

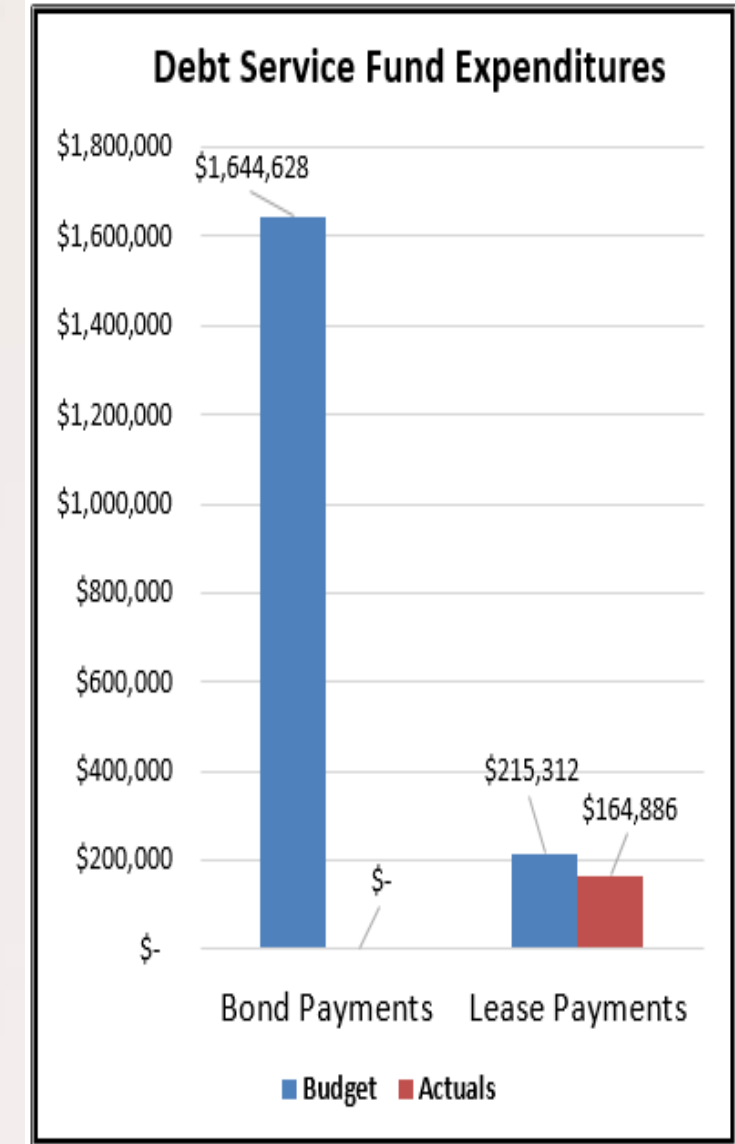
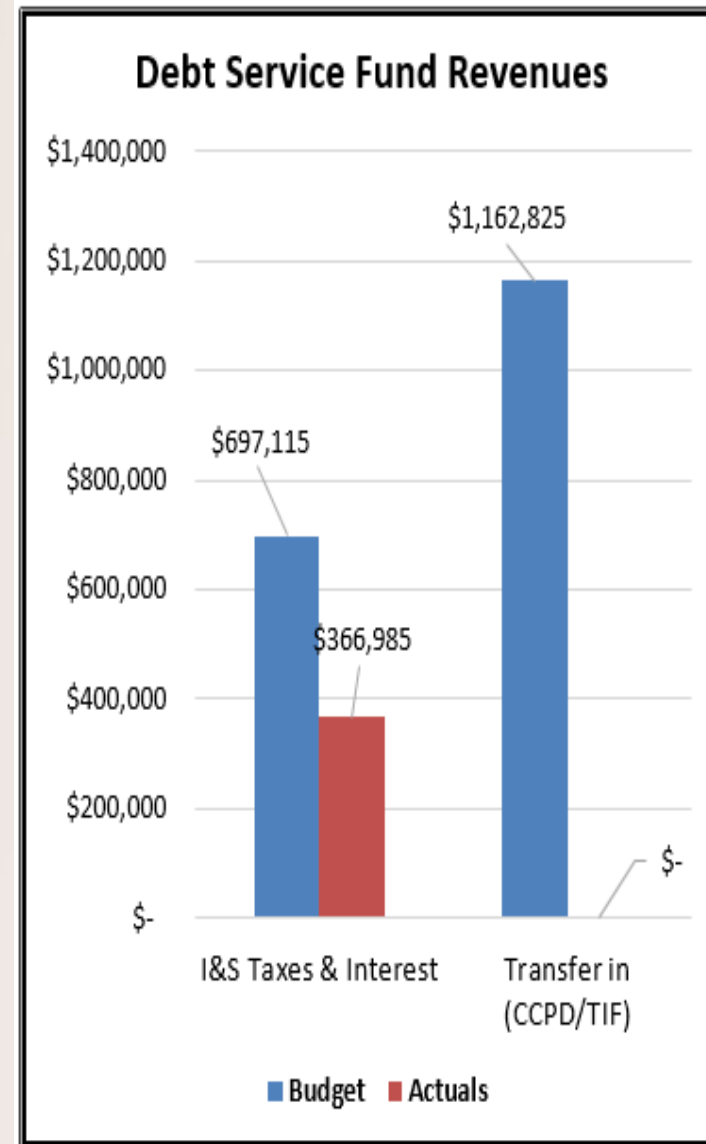
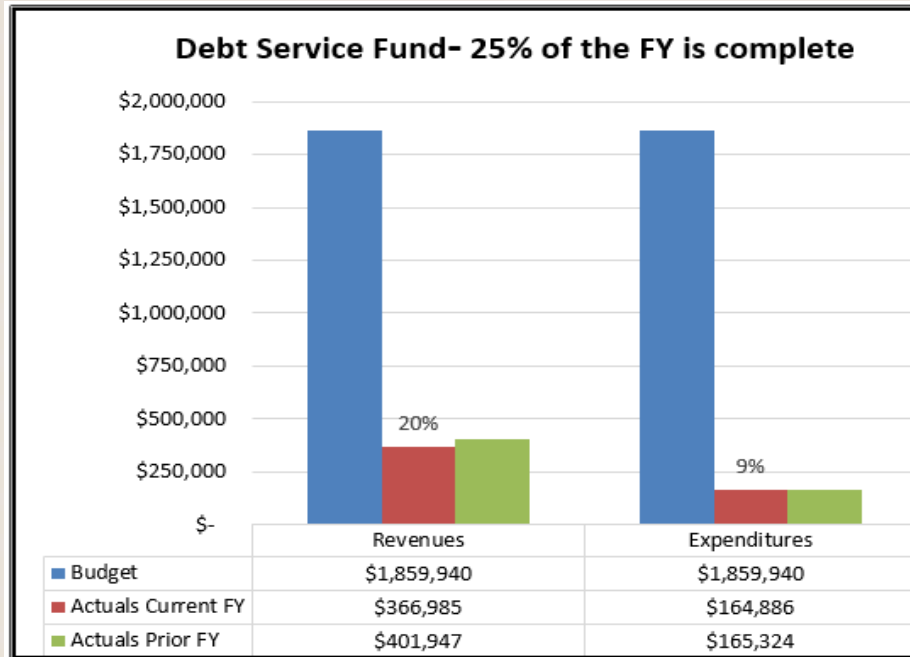


Debt Service Fund



Highlights:

- **Property Taxes:** At 45% of the budget. On track with historical trend.
- **Lease-purchase payments:**
 - Fire engine payments made
 - Ambulance payment - due in June
- **Bond payments:**
 - Principal & first interest payment - due in February
 - Second interest payment - due in August



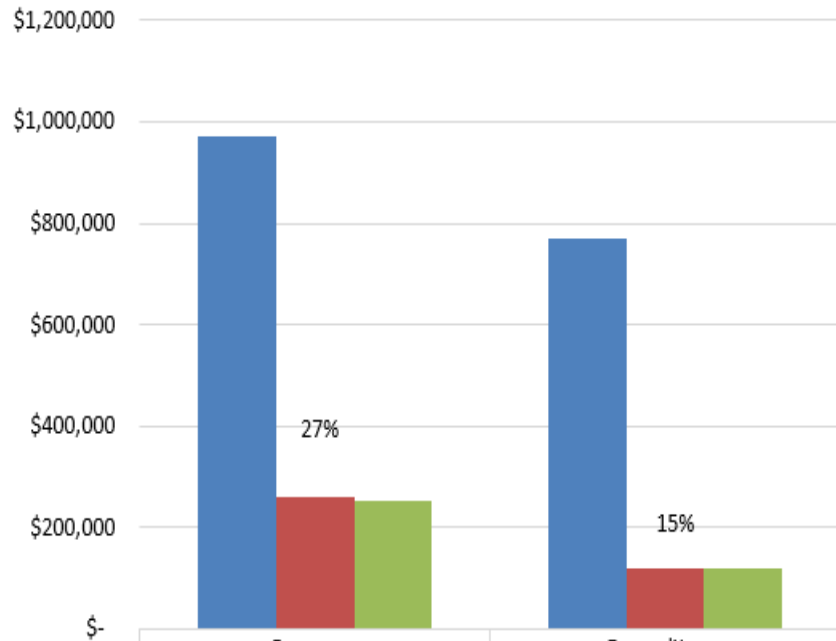
Drainage Fund



Highlights:

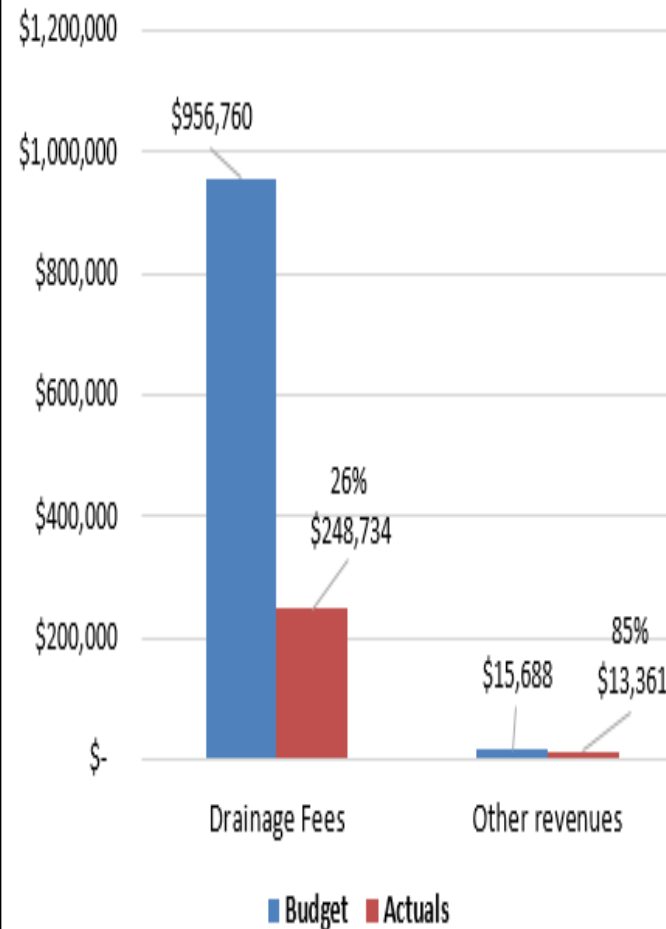
- **Drainage fee revenues:** Up 1.75%. At 26% of the budget.
- **Expenditures:** On track with budget

Drainage Fund - 25% of the FY is complete

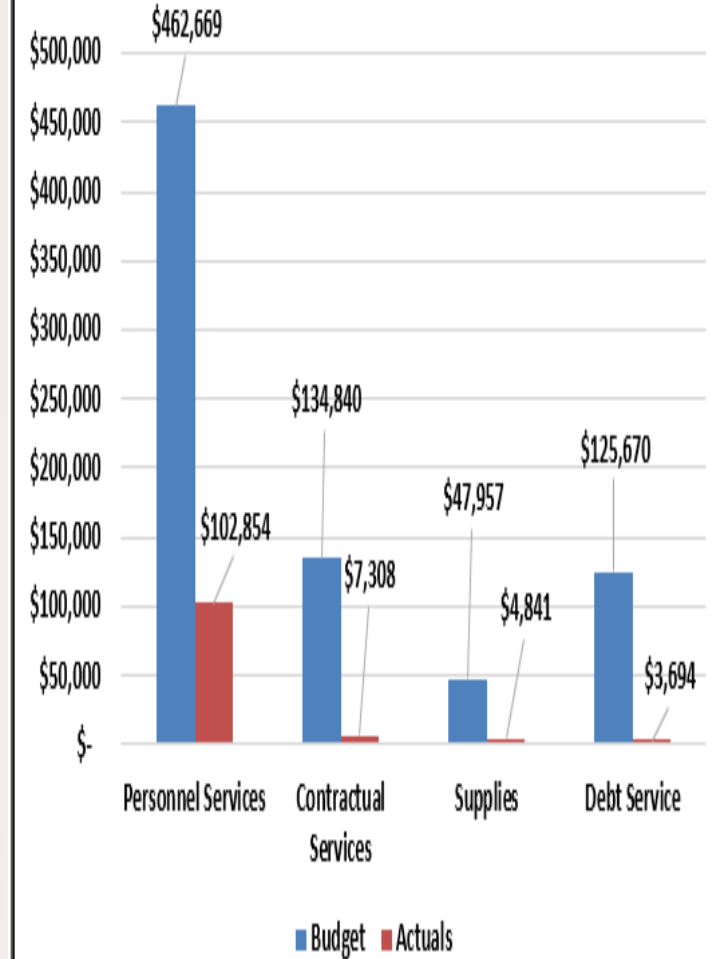


	Revenues	Expenditures
Budget	\$972,448	\$771,136
Actuals Current FY	\$262,095	\$118,697
Actuals Prior FY	\$251,459	\$120,930

Drainage Fund Revenues



Drainage Fund Expenses





City of Colleyville City Council Agenda Briefing

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

Agenda Number 7a

Agenda Date 01/22/2019

Number Ordinance O-19-2073

Type Ordinance

Department Community Development

Title

Consideration of amendments to the Land Development Code, specifically Chapter 5 – Tree Preservation

Strategic Plan

4.3 Adopt best-practice planning and development processes

Explanation

Second Reading and Public Hearing

There were no speakers regarding this item at the January 15, 2019 City Council Meeting.

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.

Parks & Recreation Advisory Board: At their October 8th Meeting, the City's Urban Forester discussed the proposed changes to Chapter 5. The Board members were in support of the changes.

Planning & Zoning Commission Recommendation: The Planning & Zoning Commission recommended approval of the amendments at their December 10, 2018 meeting by a vote of 5-1.

Financial Impact

There is no fiscal impact to the City of Colleyville for this item.

Recommendation

Approve

Attachments

1. Ch. 05 Tree Preservation - Existing Regulations
2. Ch. 05 Tree Preservation DRAFT Revisions
3. Tree List
4. Ordinance - O-19-2073 Amendments to Chapter 5

Chapter 5

Tree Preservation

(10/6/2014)

Section 5.1 Purpose of This Chapter

The intent of this Chapter is to encourage site planning which furthers the preservation of trees and natural areas; to protect trees during construction; to facilitate site design and construction which contribute to the long term viability of existing trees; and to control the removal of trees when necessary. It is the further intent of this Chapter to achieve the following broader objectives:

Protect healthy trees and preserve the natural ecological environmental and aesthetic qualities of the City.

Protect and increase the value of residential and commercial properties within the City.

Prohibit the indiscriminate clear cutting of property.

Section 5.2 Authorization for Adoption of This Chapter

The regulations contained in this Chapter have been adopted under the authority of *Chapter 51 – General Powers of Municipalities of the Texas Local Government Code*, which authorizes a municipality to adopt ordinances, rules, or police regulations that are for the good government, peace, or the trade and commerce of the municipality. 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 5.3 Variances and Appeals

Except where provided in this chapter, 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 5.4 Definitions

Definitions applicable to this Chapter may be found in *Chapter 2 – Definitions* of this Land Development Code.

Section 5.5 Tree Removal Permit

No person directly or indirectly shall cut down, destroy, remove, move, or effectively destroy through damaging the roots, trunk or canopy, any tree situated on property regulated by this Chapter without first obtaining a tree removal permit, unless otherwise exempted by the provisions of this Chapter.

Section 5.6 Applicability

The terms and provisions of this Chapter shall apply to real properties, persons and trees as follows:

- A. Properties which are regulated by this Chapter:
 - 1. Any real property upon which any protected tree is located.
 - 2. All municipal / public domain property.

Section 5.7 Permit and Fee Requirements

The Administrative Official is responsible for the review and approval or disapproval of all requests for tree removal permits. The request shall be submitted in accordance with the requirements specified herein.

- A. Tree Removal Permit: A request for a tree removal permit must be submitted and approved prior to the removal of any tree. 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.
- B. Fees: All tree removal permits shall be accompanied by a check made payable to the City of Colleyville per the following schedule:
 - 1. The resident of a single family home removing all or a portion of a tree which exists on the lot of record on which the single family home is built:.....*no fee required. Exception: For properties larger than two acres in size, if more than five protected trees are removed as part of a tree removal permit, the administrative official may require payment of a fee per sub-section two below only if the Administrative Official determines an intent to "clear cut" the property as described in Section 5.10(A)1b.*
 - 2. All other properties including rights-of-way:.....*\$50.00, plus \$25.00 per protected tree on the property, right-of-way, or development site. For residential subdivisions, the entire subdivision shall be considered the development site. Upon application submittal, the total number of protected trees on the site, including exempted areas, shall be indicated on the application form in order to determine the fee, which shall be paid at the time of submittal. If, upon review of the application and/or tree preservation plan, it is determined that the amount of protected trees tallied is incorrect, the difference in the fee calculation shall be paid, or refunded, prior to the issuance of the tree removal permit.*

Section 5.8 Submittal Requirements for Tree Removal Permits

Any tree removal permit request that requires the removal of a protected tree shall be accompanied by a tree preservation plan. As determined by the Administrative Official, tree removal permit applications that require no fee as listed in Section 5.7(B) above or require the removal of a minimal amount of trees on existing developed properties or within existing rights-of-way may not require a complete tree preservation plan and may only require a description of the trees to be removed showing a limited portion of a site or right of way may be based on an exhibit showing only that portion of the site.

- A. TREE PRESERVATION PLAN – Note: a tree preservation plan shall be submitted with a tree removal permit application form including payment of the required fee. The items required on a tree preservation plan shall, at a minimum, include the following:
 - 1. Title Block: includes street address; legal description (lot and block, subdivision name); date or revised date, north arrow; graphic (and written) scale; name, address, telephone number of owner and of person preparing the exhibit.

2. Location of all existing or proposed structures, improvements and site uses including pavement and landscaping, setback, easements and service connections, all properly dimensioned and referenced to property lines,
3. Existing and proposed site elevations, grades and major contours. Construction details of permanent grade changes around all trees.
4. Location of trunks, canopies and species of all existing protected trees, graphically differentiating between the trees to remain and those to be removed. A plus (+) character shall indicate trunk location and concentric circle shall indicate the size and canopy configuration. All protected trees shall be assigned a unique number classification.
5. Proposed general areas or locations of the replacement trees.
6. Locations of all critical root zones as defined in Chapter 2 – Definitions.

Additionally, tree information required shall be summarized in tabular form on the mitigation table in a format matching the example below and shall include:

7. The detailed list of trees to be removed including the classification number, exempt or non-exempt status, and whether the tree is to be saved or removed.
8. The total diameter of trees to be removed.
9. Replacement trees listed by species name, quantity, size and total diameter required for replacement of trees. (See Section 5.15 for replacement tree list.)
10. The tree preservation plan must be prepared and sealed by a registered landscape architect in the State of Texas.

Example of Tree Survey and Mitigation Table to Be Inserted on Preservation Plan							
Tree Species	Number of Trees on Site	Total Caliper Inches	Number of Exempt Trees Removed	Caliper Inches Exempt to be Removed	Number of Non-Exempt Trees Removed	Caliper Inches Non-Exempt to be Removed	Replacement Trees to be Planted (3" Caliper)
Red Oak	12	108	3	42	1	12	4
Post Oak	35	350	18	168	2	24	8
Cedar	10	89	1	12	0	0	0
Pecan	5	75	0	0	5	75	25
TOTAL	62	622	22	222	8	111	37

- B. Permit Validity: Permits for tree removal issued in connection with a building permit, subdivision plat and site plan shall be valid for the period of that plat's, building permit's or site plan's validity. Permits for tree removal not issued in connection with a building permit, subdivision or a site plan shall become void thirty (30) days after the issue date on the permit.
- C. Timing of Submittal: The tree preservation plan shall be submitted as follows:
 1. New subdivisions that include new streets and/or significant public improvements – submitted on or before the subdivision plat application submittal.

2. New commercial construction – submitted on or before the submittal of the required administrative site plan application.
 3. New home construction on existing platted lots – submitted on or before the building permit application submittal.
 4. All other situations – as required by the Administrative Official.
- D. Construction Plan Notations - The following notes shall be required to be shown on all construction plans:
1. All trees shown on this plan to be preserved shall be protected during construction with temporary fencing. Tree protection fences shall be installed prior to the commencement of any site preparation work (clearing, grubbing or grading).
 2. Fences shall completely surround the tree or clusters of trees. The fence shall be located at the outermost limits of the tree branches or critical root zone. The fence will be maintained throughout the construction project in order to prevent the following.
 - a. Soil compaction in the critical root zone resulting from vehicular traffic or storage of equipment or materials.
 - b. Critical root zone disturbances due to grade changes greater than two inches (2") cut or fill or boring which was not authorized by the City.
 - c. Wounds to the trunk, limbs or exposed roots by mechanical equipment.
 - d. Other activities detrimental to trees such as chemical storage, cement truck cleaning, and fires.
 3. In cases of area constraints where the protective fence is closer to the trunk than four feet (4'), the trunk must be protected with strapped-on planking to a height of eight feet (8') or to the limits of the lower branching.
 4. All grading within critical root zones of protected trees shall be performed by hand or small equipment to minimize damage. Prior to grading, relocate the protective fencing to two feet (2') behind the grade change area.
 5. Trees most heavily impacted by construction activities should be watered deeply once a week during periods of hot and dry weather. Tree crowns should be sprayed with water periodically to reduce dust accumulation on the leaves.
 6. Trenching for landscape irrigation shall be located as far from the existing trunks as possible.
 7. Pruning to provide clearance for structures, vehicular traffic and equipment shall take place before construction begins.

Section 5.9 Minimum Tree Preservation Requirements

- A. Whenever a new residential subdivision plat is submitted for review, the Planning and Zoning Commission may evaluate whether an alternate street layout and grading plan which complies with all City subdivision standards would result in substantially greater compliance with the minimum tree preservation requirements of this section. In the event

such an alternate layout is determined by the Commission to be a reasonable use of the land then the applicant may substitute said alternative plan without being required to submit a new plat application. If, however, the applicant does not substitute said alternate layout or another acceptable plat to the Commission, failure of the applicant to do so shall be a basis for denial of the applicant's plat application.

- B. Minimum Existing Tree Preservation Requirements: When any new construction occurs, there shall be a minimum number of trees protected on the property. For new residential subdivisions, the entire boundary of the subdivision shall be considered as one property for the purpose of this section. The chart below shall be used to determine the minimum protection requirements:

Existing Tree Coverage Preservation Requirements:

<i>Percentage of existing protected canopy tree coverage</i>	<i>Minimum percentage of the existing protected canopy tree coverage to be preserved</i>
0% – 20%	70%
20.1 – 40%	60%
40.1% - 60%	50%
60.1% - 80%	40%
80.1% - 100%	30%

For the purpose of this section, canopy coverage shall be calculated based on the formula for the area of a circle with the individual tree radii equaling the diameter inches of the trunk of each protected tree measured at 4.5 feet above the base of the tree where it meets the ground. This calculation method may apply to developments approved, but not finalized, prior to October 6, 2014. Protected trees located within any of the exempted areas specified in Section 5.10(B) below may be credited toward the minimum existing preservation coverage requirements in the above table such that no more than 50% of the existing protected trees may be credited within an exempt area. NOTE: The minimum preservation coverage requirements listed above shall not be eligible for mitigation as described in Section 5.12.

- C. Exemption Provisions for Preserving Native Tree Stands: Given the requirements of Section B above, as an incentive for preserving groups of native trees in place, a development may be exempted from the mitigation requirements of Section 5.12. The purpose of the exemption would be to reward a more context sensitive approach in preserving native tree clusters such that the root systems of the trees to be preserved are not disturbed and the tree clusters left in their natural condition. In order to meet this exemption, the development must meet the following conditions:

1. The preservation area(s) shall, at a minimum, meet the requirements of Section B above with the following exception: the 50% credit provision shall not apply to the exemption provisions of this section;
2. The proposed preservation area(s) shall be identified on the tree preservation plan;
3. A minimum of 80% of the trees identified within the preservation area on the plan shall be regionally native trees, not classified as exempt, with emphasis given to native oak species;
4. Where possible, preserved trees should be grouped together with as few detached, designated preservation areas on the tree preservation plan as possible;
5. Final approval of the exemption provisions of this section shall be required by the Administrative Official. If approved, notwithstanding the requirements of Section D below, then all trees not located within a preservation area on the tree preservation

plan shall be classified as exempt from the mitigation provisions of Section 5.12 and the protection provisions of this chapter.

6. Approved preservation areas shall contain a perimeter fence, meeting the requirements of this chapter, around the entire preservation area until the development construction receives approval of a final inspection from the City. Said fence shall be placed a minimum of five feet from the outside edge of the drip line of any tree within said area. No earthwork, vehicle and equipment storage, or encroachments of any kind are permitted within the preservation area. No undergrowth shall be removed from a preservation area.

- D. Preservation of Heritage Trees: Heritage Trees, as defined in Chapter 2 - Definitions, may not be classified as exempted trees, regardless of whether or not they are located in any exempted area.

Section 5.10 Exempt and Non-Exempt Provisions

A. Exempted Persons

1. Exempted Persons: The following persons are exempt from the provisions of this Chapter only to the extent of their control over the particular class of properties and trees described below. Persons exempt from these provisions shall not be required to obtain tree removal permits.
 - a. An employee of the City of Colleyville, a public utility or an authorized contractor working in a dedicated public right-of way may in the course of business, may remove or prune that portion of a tree which prohibits the safe construction, repair or maintenance of a service line or facility.
 - b. The resident of a single family home may remove all or a portion of a tree which exists on the lot of record on which the single family home is built. Exception: For properties larger than two acres in size, if more than five protected trees are removed as part of a tree removal permit, the administrative official may require the resident to comply with the mitigation and preservation provisions of this chapter if it is deemed that an attempt to "clear-cut" all or a portion of the property in being made where no new accessory building, pool, building addition or other similar construction, not involving a principal permitted use, is being proposed as part of a submitted active building permit application. Any decision of the Administrative Official may be appealed per the provisions in Section 5.13. As it relates to this sub-section only, any appeal request shall not require payment of an application fee and said request shall be scheduled on the next available meeting.
 - c. A property owner or his authorized contractor, employee or tenant may remove a tree which has become severely diseased or damaged to the extent that it is beyond the point of recovery or is in danger of falling, as determined by the Administrative Official.
 - d. All landscape nurserymen shall be exempt from the terms and provisions of this section only in relation to those trees planted and growing on the nursery premises which are planted and grown for the sale or intended sale to the general public.
 - e. Any person may remove all or a portion of a tree which has disrupted a public utility service due to tornado, storm, flood, or other act of God, but only that portion of the tree which is necessary to safely restore normal utility service.

- f. The following persons shall be exempt from the tree replacement provisions of this Chapter. However, such persons shall provide tree protection and replacements as per this Chapter for all remaining trees in non-exempt areas.
 - (1) A person performing work authorized by a building permit in the residential buildable area (building setback envelope).
 - (2) A person performing work authorized by an approved site plan in the commercial building footprint.
 - (3) A person performing work authorized by the approved grading and drainage plan in the residential setback envelope as part of the construction of a new subdivision only.
 - (4) An employee of the City of Colleyville and a public utility. Persons specifically performing work on a public improvement as part of a new subdivision plat or a separate dedication instrument in a dedicated public right-of-way, drainage or utility easement are hereby exempt. For the purpose of this sub-section, public improvements shall include any drainage facilities, utilities or streets/sidewalks/trails. Fences, gates and open space amenities are not considered public improvements.

B. Exempted Areas

- 1. New Residential Subdivisions that include public or private street dedications: Except where noted above, the following areas shall be exempt from the tree preservation requirements of this chapter:
 - a. Rights-of-way of newly dedicated streets; lots containing private streets.
 - b. Easements, only where new public improvements or facilities are being constructed
 - c. Residential setback envelope
 - d. Residential driveway: Note: this area may only be declared exempt by the City Council in a situation where no reasonable alternative driveway placement exists on the property such that protected trees may be avoided. The City Council determination process shall be through the submittal of an appeal request. As it relates to this sub-section only, any appeal request shall not require payment of an application fee and said request shall be scheduled on the next available meeting.
- 2. Existing Platted Residential Lots and New Residential Subdivisions with no new public or private street Dedications: Except where noted above, the following areas shall be exempt from the tree preservation requirements of this chapter:
 - a. Residential setback envelope
 - b. Residential driveway: Note: this area may only be declared exempt by the City Council in a situation where no reasonable alternative driveway placement exists on the property such that protected trees may be avoided. The City Council determination process shall be through the submittal of an appeal request. As it relates to this sub-section only, any appeal request shall not require payment of

an application fee and said request shall be scheduled on the next available meeting.

3. Platted Commercial/Institutional Lots: Except where noted above, the following areas shall be exempt from the tree preservation requirements of this chapter:

- a. Trees located within the new commercial/institutional building footprint and any tree located within five feet of said building footprint.

C. Exempted Tree Species

1. Exempted Tree Species: The following tree species shall be exempt from the tree preservation requirements of this chapter:

- a. Mesquite
- b. Hackberry
- c. Chinese Tallow
- d. Cottonwood Trees under 18 inches in diameter width
- e. Cedar trees (Cupressaceae family) - Exceptions: Any species of cedar utilized for required landscape screening as required by the Land Development Code or the provisions of any other City ordinance and/or conditional variance shall not be considered as exempt. Additionally, any Eastern Red Cedar planted as a replacement tree per the provisions of this chapter shall not be considered as exempt. Otherwise, any eastern red cedar that does not meet the above exceptions shall be considered exempt only if the tree is less than 13 inches in diameter width.
- f. Other regionally non-native tree species not listed on the tree replacement list in Section 5.14 and as determined by the Administrative Official based on the written recommendation of a certified arborist and/or landscape architect contracted or employed by the City. Said written recommendation shall kept on file in the appropriate development records for the property for which the determination is made.

Section 5.11 Tree Protection

A major purpose of this Chapter is to protect all trees which are not removed and to allow approved construction to occur. The following procedures shall apply to all types of construction projects, public and private, which involve development around trees.

The following procedures are deemed appropriate in the situations noted; however, unique circumstances may allow modifications if deemed necessary by the Administrative Official.

- A. Prohibited Activities: The following activities shall be prohibited within the limits of the critical root zone of any tree which is subject to the requirements of this Chapter.

1. Material Storage: No materials intended for use in construction or waste materials accumulated due to excavation or demolition shall be placed within the limits of the critical root zone of any tree.

2. Equipment Cleaning / liquid disposal: No equipment may be cleaned or other liquids deposited within the limits of the critical root zone of a tree. This would include but not be limited to, paint, oil, solvents, asphalt, concrete, mortar or other materials.
 3. Tree Attachments: No signs, wires or other attachments, other than those of a protective nature shall be attached to any tree.
 4. Vehicular Traffic: No vehicular and construction equipment traffic or parking is allowed within the limits of the critical root zone of trees.
- B. Pre-Construction: The ensuing procedures shall be followed prior to construction.
1. Tree Flagging: All trees to be removed from the construction site shall be flagged with bright red vinyl tape wrapped around the main trunk at a height of four feet (4') or more such that the tape is visible to workers on foot or driving equipment.
 2. Tree Identification: All protected trees shall be tagged with the unique classification number described in Section 5.8. Said number shall correspond to the number listed on the tree protection plan and shall be clearly visible and legible on a metallic surface located between four and five feet above the base of the tree. The classification number shall remain on the tree until all construction is complete and final approval has been obtained by the City.
 3. Protective Fencing: All protected trees shall have protective fencing located at the tree's critical root zone. The protective fencing shall be comprised of orange vinyl construction fencing, with a minimum of four-foot (4') approximate height. The protective fencing may be located within the critical root zone of the specimen tree for approved construction only as determined by the Administrative Official. The fencing shall follow the delineation of the approved construction. In order to protect the trunk, the trunks of all protected trees shall be wrapped with orange vinyl construction fencing such that the trunk will be easily visible during construction activities.
 4. Bark Protection: in situations where a tree remains in the immediate area of intended construction, the tree shall be protected by enclosing the entire circumference of the tree's trunk with lumber encircled with wire or other means that does not damage the tree.
 5. Construction Pruning: In a case where a low hanging limb may be broken during the course of construction, the obtrusive limb may be cut. The limb shall be cut either flush to the trunk on or at the next joint of the limb. The wound shall then be sealed with pruning paint.

In no instance shall pruning involve a portion of the trunk or thirty percent (30%) of the entire canopy without the Administrative Official's prior approval.
 6. Site Signage: Prior to, and during, construction activities, a sign(s), clearly visible from any adjacent roadways, shall be placed by the developer stating the following: "All trees located within an orange fenced area are considered protected. To report any tree protection violations, please contact (phone number designated by the Administrative Official)". The Administrative Official may require the addition of more specific contact information to the sign. Lettering shall be a minimum of 8 inches in height, shall be legible and able to be read from a passing vehicle on any adjacent roadway. The sign dimensions shall, at a minimum, be five feet in width and height. The overall sign height shall be a minimum of eight (8) feet in height measured from the ground to the top of the sign. The sign colors shall be as follows: lettering shall be black, the sign background shall be fluorescent green.

- C. Improvement within the Critical Root Zone of a Tree: Design constraints often dictate that trees slated for preservation have some encroachment on their critical root zone, as defined in Chapter 2 - Definitions. The following is the minimum design criteria, which is allowed within the critical root zone of a tree. Development exceeding the criteria would put the tree at risk and therefore no longer be considered a preserved tree. In such a case replacement trees shall also be required.
1. Grade Changes: In the event that grade changes must be made around a tree or group of trees, the following shall be implemented in order to maintain oxygen and water exchange within the tree's critical root zone.
 - a. A minimum of seventy-five percent (75%) of the critical root zone must be preserved at natural grade with natural ground cover or landscaping for the tree to be considered a preserved tree.
 - b. No cut or fill greater than two inches (2") shall be located closer to the tree trunk than one half (1/2) of the radius of the critical root zone radius distance.
 - c. Increase Grade: Provide an aeration system just outside the tree's critical root zone. A dry well located a minimum of one-half (1/2) of the radius of the critical root zone.
 - d. Decrease Grade: Provide retaining walls outside the critical root zone to mitigate cuts.
 2. Boring of Utilities: May be permitted under protected trees in certain circumstances. The minimum length of the bore shall be the width of the tree's canopy and shall be a minimum depth of forty-eight inches (48").
 3. Trenching: irrigation systems shall be designed to avoid trenching across the critical root zone of any tree.
 4. Paving: A maximum of twenty five percent (25%) of the critical root zone of a tree may be covered with impervious paving. The pavement and the cut and fill for the pavement is to not exceed one-half (1/2) of the critical root zone radius distance.
- D. Special Designated Tree Protection Areas by Other Ordinances and Plats: Any specifically classified tree, landscape or other similar type of classification that prescribes that trees and/or existing landscaping shall be protected within a specifically defined area as a condition of a zoning ordinance such as PUD or SUP, variance and/or plat shall, at a minimum, meet the following provisions:
1. During any construction activities, said area shall be completely contained within a fenced area meeting the tagging and fencing requirements for tree protection in this chapter.
 2. Unless authorized as part of the original approving language for said area, or where another code requirement applies to the maintenance and upkeep of high grass, weeds and other related nuisances, no trees, landscaping, soil or vegetation of any kind may be removed, or otherwise disturbed, within said area and no construction of any kind may occur except
 3. Unless noted as part of the original approving language for said area, the exemption provisions for the resident of a single family home shall apply regarding the provisions of this section.

Section 5.12 Mitigation Requirements

Any protected tree which is six inches (6") or greater that is removed, destroyed or more than 50% damaged and does not meet the exemption provisions of this chapter shall be mitigated per the requirements of this section. In the event that the loss of a protected tree requires mitigation, the party responsible for mitigation shall either replace the protected tree(s) by planting new trees, pay a mitigation fee or a combination of both. For the purpose of this Chapter, trees removed within any City right-of-way or other City owned property by anyone not exempted by the provisions of this chapter shall be mitigated per the requirements of this section and other applicable City ordinances.

The mitigation authorized by this section is not meant to supplant good site planning. Tree replacement will be considered only after all design alternatives which could save more existing trees have been evaluated.

- A. Mitigation Through Planting New Replacement Trees: A sufficient number and diameter of replacement trees shall be planted in order to equal the total diameter inches or fraction thereof of trees six inches (6") or greater and slated for removal.
1. All medium and large, and palm replacement trees shall be a minimum of six inches (6") diameter when measured one foot (1') above the soil line and a minimum of 12 feet in height when planted. All screening and ornamental trees shall be a minimum of three inches (3") diameter when measured one foot (1') above the soil line and a minimum of eight (8) feet in height when planted.

Examples-

- a. A total of 18" diameter to be removed shall be replaced with 3 – 6" diameter medium, large or palm trees.
 - b. A total of 18" diameter to be removed shall be replaced with 6 – 3" diameter screening and ornamental trees.
2. All replacement trees shall be a species listed on the replacement tree list and guaranteed for three years from the date of the final inspection and acceptance of the project. In instances where a replacement tree satisfies a landscaping requirement as regulated in Chapter 4-Landscaping and Buffering, then said tree shall be maintained per the provisions of Chapter 4.
 3. The location of replacement trees is restricted from utility easements and rights-of-way. The location shall not be in an area such that the mature canopy of the tree will interfere with overhead utility lines. No trees shall be planted within ten feet (10') of a fire hydrant.
 4. Replacement trees should be planted on the site from which existing trees are to be removed. If this is not feasible, an applicant may initiate a proposal to plant trees off-site. This may be approved if the planting site is no more than one-half mile from the site where the original trees were removed.
 - a. Replacement trees shall be planted prior to the issuance of the Certificate of Occupancy or project release. Optimum planting times do not always correspond to project completion. For that reason, replacement tree plantings may take place after the project is released by the City; provided, that before project release, a fiscal security is posted in the amount equal to the prevailing rate for installed trees with a three (3) year guarantee, plus fifteen percent (15%) to cover administrative cost.

- b. A minimum of 75 percent of all replacement trees planted as part of the required mitigation for a development under the provisions of this section shall be classified as a medium and large tree as listed on the replacement tree list
- B. Mitigation Through Payment of Fee: A monetary fee of \$250.00 per diameter inch of the tree(s) removed or damaged shall be assessed and paid to the City of Colleyville. All mitigation fees shall be deposited into the City's Tree Preservation Fund. All funds shall be paid prior to the final approval and/or issuance of the Certificate of Occupancy.
- C. Mitigation of Heritage Trees: Heritage Trees, as defined in Chapter 2 – Definitions and noted in Section 5.8:
 - 1. A monetary fee of \$500.00 per diameter inch of the Heritage Tree removed or damaged shall be assessed and paid to the City of Colleyville and deposited into the City's Tree Preservation Fund. All funds shall be paid prior to the final approval and/or issuance of the Certificate of Occupancy. or;
 - 2. If replacement trees are to be planted, the total amount of replacement inches to be planted shall be in an amount that is twice the diameter inches of the Heritage Tree(s) removed and shall, otherwise, meet the requirements of Section A above.
- D. Colleyville Tree Preservation Fund: All mitigation fees and non-criminal penalties mentioned below shall be paid into the Colleyville Tree Preservation Fund. The fund shall be administered by the City Manager or his/her designee and shall only be used for the planting of new trees on City owned or leased properties, rights-of-way and other public properties such as public schools, county and State properties located within the City of Colleyville.
- E. If any protected tree dies within three (3) years of the issuance of the certificate of occupancy, final inspection or acceptance of public improvements and is brought to the attention of the city manager or his/her designee, the original permit applicant shall be subject to the replacement/mitigation requirements for protected trees per this section.

Section 5.13 Penalties and Violations

- A. Civil Penalties: If any protected tree is removed from any real property without a tree removal permit, or if a protected tree is injured during construction where an active tree removal permit has been issued because of failure to follow required tree protection measures of this chapter such that the tree dies or may reasonably be expected to die, the City shall have the authority to impose the following penalty:
 - 1. The violator shall plant new trees at a rate that is three times the diameter inches of tree(s) removed. All plantings shall meet the requirements of Section 5.12. For example, if a 20 inch diameter width tree is removed in violation of this Chapter, then a minimum of 60 inches of new trees shall be planted. A planting plan for the new trees shall be provided to the Administrative Official no later than 30 days from the date of the offense. The new trees shall be planted no later than 90 days from the date of the offense or, if the site is under construction, the new trees shall be planted when all other required landscaping and/or mitigation is planted. The City shall have the authority to hold any development related administrative approvals for the property on which the violation occurred and may impose a stop work order until the penalty is addressed through the submittal of an approved planting plan and/or the planting of new trees. In the event that the trees are not planted within the prescribed timeframe, the City may delay any related administrative approvals for the property and may impose a lien on the property until such time the trees are planted.

2. If the violator, due to property constraints or other impediments, cannot plant the required new trees mentioned in Section One, the violator may petition the City Council through the appeal process mentioned in Section 5.14 to allow a monetary penalty in lieu of the above planting requirements. Said monetary penalty shall be a minimum of \$750.00 per caliper inch of diameter width of the protected tree(s) removed or damaged, payable to the tree preservation fund mentioned above. If a tree is removed without authorization and the size of the tree cannot be determined given the lack of a tree survey or other official documentation, then the minimum penalty shall be \$15,000.00 per tree. If approved by the City Council, said penalties shall be paid no later than 30 days from the action of the City Council. The City shall have the authority to hold any development related administrative approvals for the property on which the violation occurred and may impose a stop work order until the penalty is paid. In the event that the penalty is not paid within the prescribed timeframe, the City may impose a lien on the property until such time the penalty is paid.

- B. **Criminal Penalty:** In addition to the civil penalties of this chapter, any person violating or failing to comply with any provision or requirement of this Chapter, including but not limited to the mitigation requirements of this section, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall, without exception, be fined the maximum amount of \$2,000.00. A separate offense shall be deemed committed upon each day during or on which each separate violation or failure to comply occurs or continues to occur and shall be punishable as such.

Section 5.14 Appeals

Any appeal to the provisions of this chapter and/or any appeal to a decision of the Administrative Official relative to the provisions of this chapter shall be heard by the City Council.

Section 5.15 Replacement Tree List

The following is the list of appropriate and approved replacement trees which have been selected on the basis of their suitability in the urban environment of North East Tarrant County.

REPLACEMENT TREE LIST			
<u>SCREENING TREES</u>	<u>ORNAMENTAL TREES</u>	<u>MEDIUM AND LARGE TREES</u>	<u>PALMS</u>
ARBORVITAE	BLUE POINT JUNIPER	AMERICAN ELM	CALIFORNIA FAN PALM
BLUE POINT JUNIPER	CAROLINA BUCKTHORN	ARISTOCRAT PEAR	MEXICAN FAN PALM
CHINESE PHOTINIA	CAROLINA CHERRY LAUREL	ARIZONA CYPRESS	NEEDLE PALM
CAROLINA CHERRY LAUREL	CRAPE MYRTLE	BALD CYPRESS	SABAL PALM
EAST PALATKA HOLLY	DECIDUOUS HOLLY	BOIS D' ARC	WINDMILL PALM
EASTERN RED CEDAR	DESERT WILLOW	BUR OAK	
LITTLE GEM MAGNOLIA	EAST PALATKA HOLLY	CEDAR ELM	
NELLIE R. STEVENS HOLLY	FIG	CHINESE PISTACHE	
SAVANNAH HOLLY	ITALIAN CYPRESS	CHINQUAPIN OAK	
WAX MYRTLE	JAPANESE MAPLE	DEODAR CEDAR	
YAUPON HOLLY	LACEY OAK	EASTERN RED CEDAR	
	MEXICAN BUCKEYE	EVE'S NECKLACE	
	NELLIE R. STEVENS HOLLY	FOREST PANSY REDBUD	
	OKLAHOMA REDBUD	GINKGO BILOBA	

	SAVANNAH HOLLY	LACEBARK ELM	
	SUMAC	LITTLE GEM MAGNOLIA	
	TEXAS MOUNTAIN LAUREL	LIVE OAK	
	VITEX	PECAN	
	WAX MYRTLE	PERSIMMON	
	YAUPON HOLLY	SHANTUNG MAPLE	
		SHUMARD RED OAK	
		SOUTHERN MAGNOLIA	

Section 5.16 Amendments

Reserved for listing of amendments to this Chapter.

Ord. Number	Date	Subject
O-00-1214	4-18-00	Adoption of Tree Preservation in Land Development Code
O-09-1734	11-4-09	Amendments to Chapter 5 based on recommendations of consultant
O-14-1933	10/6/2014	Comprehensive amendments including incentives for preserving native tree stands, addition of fees, changes to penalties and other modifications

Chapter 5 Urban Forestry

Section 5.1 Purpose of This Chapter

The purpose of this chapter is to promote, conserve, and enhance the City's Urban Forest by:

- ~~Recognizing~~ the historical and cultural importance of the Eastern Cross Timbers and its impact on Colleyville;
- ~~Recognizing~~ the environmental, economic, social, and aesthetic benefits of trees;
- ~~Encouraging~~ and facilitating site planning and design which preserves trees and natural areas;
- ~~Protecting~~ trees during construction
- ~~Limiting~~ the removal of trees
- ~~Providing~~ for the establishment of a diversity of native and adapted trees.

It is the further intent of this chapter to:

- ~~Compliment~~ *Destination Colleyville*;
- ~~Compliment~~ The City of Colleyville Comprehensive Master Plan
- ~~Compliment and~~ The City of Colleyville Parks Master Plan
- ~~as well as maintain~~ *ing* and enhance *ing* Colleyville's identity as a Tree City USA.

Section 5.2 Authorization for Adoption of This Chapter

The regulations contained in this chapter have been adopted under the authority of *Chapter 51 – General Powers of Municipalities of the Texas Local Government Code*, which authorizes a municipality to adopt ordinances, rules, or police regulations that are for the good government, peace, or the trade and commerce of the municipality. 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 5.3 Variances and Appeals

Except where provided in this chapter, 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 5.4 Definitions

Definitions applicable to this chapter may be found in *Chapter 2 – Definitions* of this Land Development Code.

Section 5.5 Tree Removal and Damage

No person directly or indirectly shall cut down, destroy, remove, move, damage, or effectively destroy through damaging the roots, trunk or canopy, any tree without first obtaining the required approvals or permits as outlined in this chapter, unless otherwise exempted by the provisions of this chapter.

Section 5.6 Applicability

A. Prior to the following activities, review and approval of that activity's compliance with this chapter (Urban Forestry Review) shall be completed by the Administrative Official unless subject to the exemptions in Paragraph B:

1. Removal, damage, or adverse impact of any Protected Tree.
2. Construction or expansion of structures for which a building permit is required.
3. Demolition of structures.
4. Clearing, grading, excavation, filling, or paving on any site or property that has existing Protected Trees.
5. Subdivision of land into lots by Preliminary Plat, Final Plat, Minor Plat, or Replat.
6. Required Site and landscape plan submittals for commercial or institutional uses as well as any site plans ~~that are part of~~ a PUD, SUP, or other Zoning Case.

B. Exemptions to Urban Forestry Review:

1. Authorized City employees or contractors and authorized Franchise Utility employees or contractors may, in the course of official business, remove, damage, or adversely impact Protected Trees or portions thereof which exist in a dedicated public street right-of-way or a public utility easement which the City or Franchise Utility has an interest in. The removal, damage, or adverse impact shall be limited to the extent reasonably necessary to install, maintain, or replace utilities or infrastructure. If a Tree Preservation Plan is approved showing to preserve trees in public utility easement or street right-of-way dedicated for new or expanding streets, then those trees shall be preserved and protected per the approved plans. Ordinance O-98-1130 shall govern management and control of all trees within City street right-of-ways, City public parks, and City owned facilities.
2. Any of the above activities may be done without Urban Forestry Review on properties with an active single-family use that are one (1) acre or less in area and where a habitable single-family home exists and is occupied as the primary residence of the landowner. If the landowner owns contiguous individual lots or tracts, the sum of all land shall be used to determine the size restriction of this exemption.
3. All landscape nurserymen shall be exempt from the terms and provisions of this section only in relation to those trees planted and growing on the nursery premises which are planted and grown for the sale or intended sale to the general public.

Commented [BB1]: The P&Z Commission had a discussion regarding this threshold. One concern is that the threshold is too small.
Option: "...that are zoned RE, R-40, R-30, R-20, R-15, or PUD-R..."

Section 5.7 Tree Preservation and Canopy Cover

All new development and redevelopment, to include additions, shall provide a minimum site tree canopy coverage per this Section through preservation of existing trees on the same site and establishment of new ~~one~~ trees on the same site.

A. Calculation of Tree Canopy:

1. The canopy area for each existing Protected Tree shall be assumed as a circle having a radius in feet equal to the DBH (Diameter at Breast Height) in inches of that tree. Example: A 10 inch DBH tree would have a canopy diameter of 20 feet and a canopy area of 314 square feet.
2. The canopy area for each new tree shall be credited based on the categories of large, medium, and small canopy trees: Large - 2000 sqft; Medium - 1000 sqft; Small - 100 sqft. The Administrative Official shall develop, update, and maintain on file a list of tree species and their associated size category and canopy credit.

Commented [BB2]: The P&Z Commission had a discussion regarding these numbers and whether they are correct.

B. Non-single-family residential uses:

1. Preservation of a minimum of 50% of the Protected Tree Canopy outside the Commercial Building Envelope (building footprint includes plus a five (5) foot buffer) shall be required.
2. In addition to the minimum tree preservation as required in #1, provision of a minimum of 50% site tree canopy coverage on the lot outside the Commercial

Building Envelope (building footprint plus a five (5) foot buffer) shall be required. This is accomplished through the preservation of existing trees and/or the supplemental planting of new trees per the tree planting credit in Paragraph 'A' above. See appendix 'A' for examples. The total preservation plus tree planting credit shall have a minimum canopy area equal to 50% of the total area of the lot(s) or tract(s).

- C. Development or redevelopment of single-family residential uses on individual lots or tracts:
1. Preservation of a minimum of 50% of the Protected Tree Canopy outside the Residential Building Envelope (building footprint includes plus a ten (10) foot buffer) shall be required.
 2. In addition to the minimum tree preservation as required in #1, provision of a minimum of 50% site tree canopy coverage on the lot outside the Residential Building Envelope (building footprint plus a ten (10) foot buffer) shall be required. This is accomplished through preservation of existing trees and/or the supplemental planting of new trees per the tree planting credit in Paragraph 'A' above. See appendix "A" for examples. The total preservation plus tree planting credit shall have a minimum canopy area equal to 50% of the total area of the lot(s) or tract(s).
- D. Additions and expansions to existing single-family residential uses on individual lots or tracts:
1. When an addition or expansion to the footprint of a single-family residence equals 50% or more of the existing footprint, the regulations per ~~Paragraph~~ letter 'C' above shall apply.
- E. Development of new single-family residential subdivisions:
1. Preservation of a minimum of 50% of the Protected Tree Canopy on the entire subdivision shall be required. The calculation shall include Protected trees located in newly dedicated streets (public or private), public water, sanitary sewer, gas, electric, telecommunication, drainage and general utility easements. The calculation shall exclude trees located in existing public utility easements containing existing in-service water, sanitary sewer, gas, electric, or telecommunication installations as well as additional public street right-of-way dedicated adjacent to an existing public or private street. The purpose of not excluding trees in new streets and easements is to promote subdivision design and layout that prioritize preservation of trees.
 2. Within the required primary building setback areas (non-buildable areas for primary structure), a minimum of 75% of the Protected Tree Canopy shall be preserved. This is a separate calculation from that in Paragraph E.1.
 3. Once the subdivision is constructed, all improvements are accepted by the City, the Administrative Official has inspected and verified compliance with required tree preservation, and Community Development has issued a letter of acceptance allowing submittal of new single-family building permits, then the preservation requirements of Paragraph C shall apply and each lot will be reviewed separately for tree preservation and planting based on that lots remaining trees and proposed location of single-family home.
- F. Artificial Lots:
1. When more than 50% of a lot or tract being developed or redeveloped is to remain untouched by tree removal, grading, excavation, filling, paving, or building, then an artificial lot may be delineated around the portion being developed and serve as the basis for calculation of tree canopy preservation and coverage. The delineation should not leave small strips or gaps adjacent to property lines and should generally only leave out one side of a property. Review and pre-approval of delineation for artificial lots shall be required.

G. Dead, Declining, and Hazardous Trees:

1. Any tree that the Administrative Official determines to be dead, declining beyond reasonable recovery effort, or that has a high or extreme hazard rating based on the ISA Basic Tree Risk Assessment that cannot be mitigated to a lower risk, shall be exempt from inclusion in the review of tree preservation and canopy cover calculation.

Section 5.8 Heritage Trees

- A. Heritage Trees are those specimens that have attained a significant age and are the heritage of earlier residents of Colleyville or simply pre-date the community. All post oaks and blackjack oaks 15 inches DBH ([Diameter at Breast Height](#)) and larger, cottonwood, water oak, green and white ash 35 inches DBH and larger, and all other Protected Tree species 25 inches DBH and larger are hereby considered Heritage Trees.
- B. Removal of any Heritage Tree in any location shall require mitigation by one of the following options:
1. Plant trees with a total canopy credit of five (5) times the canopy area of the removed tree. Trees shall be planted on the same property that the Heritage Trees are removed unless an alternative location within the City is approved by the Administrative Official. The tree planting standards of Section 5.10 shall apply.
 2. Pay into the City of Colleyville Tree Fund at a rate of \$100 per DBH inch.

Section 5.9 Tree Protection Standards

The following procedures shall be followed for all construction projects which involve activity that requires Urban Forestry Review, unless an alternative is deemed appropriate by the Administrative Official.

A. Pre-Construction: The ensuing procedures shall be followed prior to construction.

1. All Preserved Trees shall have protective fencing located at the tree's critical root zone. The protective fencing shall be comprised of orange vinyl construction fencing, with a minimum of four-foot (4') approximate height.
2. Lumber shall be wrapped vertically around the tree trunk and held in place with wire or any other non-damaging method if a tree is within ten (10) feet of the construction of a building or any other situation determined by the Administrative Official that would pose a physical risk to the tree trunk.
3. In order to prevent damage to low hanging limbs, anything that may be impacted by equipment shall be pruned according to ANSI A300 standards.
4. Each area of tree protection shall require temporary signage that indicates the area is a "Tree Protection Area" and to "Keep Out". A wording standard will be developed, updated, and maintained by the Administrative Official. The wording shall be in English and Spanish and include the appropriate contact phone number with the City to report violations.

B. During Construction: The following procedures shall be followed within the limits of the Critical Root Zone (CRZ) of any Preserved Tree for any activity that is subject to the requirements of this chapter.

1. No placement of materials intended for use in construction or waste materials accumulated due to excavation or demolition.

2. No equipment may be cleaned or other liquids deposited. This would include but not be limited to, paint, oil, solvents, asphalt, concrete, mortar or other materials.
3. No signs, wires or other attachments, other than those of a protective nature shall be attached to the trees.
4. No vehicular and construction equipment traffic or parking.
5. Underground utilities shall be bored underneath trees' CRZ unless pre-approved by the Administrative Official.
6. Irrigation systems shall be designed to NOT require trenching across the critical root zone of any tree unless otherwise approved by the Administrative Official.
7. No digging, building, paving, or elevation changes.

Section 5.10 Tree Planting Standards

All new trees required to be planted under this chapter shall meet the following standards.

- A. Minimum size shall be three (3) inch caliper for large and medium canopy trees and one and one-half (1.5) inches for small canopy trees, measured at six (6) inches above the ground level.
- B. Minimum spacing between trees is ~~twenty-three~~ (30) feet for large, fifteen (15) feet for medium, and eight (8) feet for small trees. Adjacent trees of different sizes shall meet the spacing requirement of the smaller tree.
- C. Trees shall be free from severe bark, cambium, or limb damage due to handling and planting.
- D. Trees shall be healthy and have minimal branch dieback.
- E. Trees shall have a single trunk or stem unless they are a small canopy tree whose ornamental value is attributed to having multiple stems.
- F. Trees shall not have co-dominant terminal leaders.
- ~~G.~~ Trees shall not be planted with the root collar below the soil and mulch shall not be piled up against the trunk.
- ~~G-H.~~ Newly planted trees shall be kept healthy and in good condition for a minimum of thirty-six (36) months, or three (3) years. If a newly planted tree does not survive, it shall be replaced with the same or similar tree type (large, medium, or small tree).
- ~~I.~~ Trees shall be selected from the City of Colleyville Preferred Tree Planting List, to be developed, updated, and maintained on file. Trees outside of the list require pre-approval by the Administrative Official.
- ~~H-J.~~ Trees shall not be planted in public utility easements or public street right-of-way without approval of the Administrative Official.

Commented [BB3]: Option: 24 months? 18 months?

Section 5.11 Permits

- A. Tree Removal Permit
 1. An application for tree removal permit must be submitted, reviewed for compliance with this chapter, and approved prior to the removal of any tree.
- B. For trees that have become an immediate high hazard to persons or property, the hazard can be mitigated to a safe condition prior to permitting, but the tree parts and evidence of the damage should not be removed from the site unless sufficient photo evidence is taken in advance. An after-the-fact tree removal permit will be required within 30 days of the event and no fees or mitigation will be required as long as sufficient evidence of the hazard

can be provided. If trees are removed prior to review or approval of a tree removal permit and no evidence can corroborate the hazard then the City may enforce the penalties of this chapter.

- C. Fees: All tree removal permits shall be accompanied by a check made payable to the City of Colleyville per the following schedule:
1. A person that owns and has primary residence of a single-family home on a lot or combination of contiguous adjacent lots or tracts that total more than one (1) acre will not be charged a permit fee.
 2. All others will require a \$50 base fee plus an additional \$25 per Protected Tree that is to be removed.
 3. Any tree that the Administrative Official determines to be dead, declining beyond reasonable recovery effort, or that has a high or extreme hazard rating based on the ISA Basic Tree Risk Assessment that cannot be mitigated to a lower risk, shall be exempt from fees under this Section 5.11(C).

Section 5.12 Plan Submittals

All activity that requires Urban Forestry Review shall have the following plans submitted for review. The Administrative Official shall maintain and keep on file an outline for all specific items required on the following plans as well as any permit applications or additional documents required for review of each activity.

- A. Tree Survey: shall include, but is not limited to, an inventory of all Protected Trees on the property, property boundaries, property easements, existing structures and paving, tree trunk location, a unique tree identification number, common name or species, trunk Diameter at Breast Height (DBH), and an outline of the Critical Root Zone (CRZ). If there are no Protected Trees on the property the Administrative Official may waive this submittal.
- B. Urban Forestry Plan shall include, but is not limited to: property boundaries and easements; building setbacks; all Protected Trees; identify trees to be removed or preserved; outline the preserved trees' CRZ; show grade changes; show all new improvements such as structures, paving, major utilities; show locations, types, and sizes of new trees.

Section 5.13 Penalties and Violations

- A. Civil Penalty: The Administrative Official shall have the authority to impose a civil tree mitigation penalty on any person, firm, or corporation who causes~~If any Protected Tree is to be~~ cut down, destroyed, removed, moved, damaged, or effectively destroyed through damaging the roots, trunk or canopy without first obtaining the required approvals or permits as outlined in this chapter. ~~The violator shall, the Administrative Official shall have the authority to impose a civil tree mitigation penalty requiring the applicant to choose one, or a combination of, the violation remedy options contained in this section. The City shall have the authority to hold any development related administrative approvals for the property on which the violation occurred and may impose a stop work order until the penalty is addressed. Where the dbh size of any tree cannot be measured due to that part of the tree being removed from the site or destroyed, the City shall have the authority to estimate the tree's DBH size based on any remaining physical evidence, photos, and documents.~~
1. Option 1. Tree Planting: The violator shall plant new trees with a canopy credit equal to five (5) times the canopy area of the removed trees. If the tree is a Heritage Tree, then the violator shall plant new trees with a canopy credit equal to ten (10) times the canopy area of the removed tree. All tree plantings shall meet the standards of Section

5.10. ~~Trees shall be planted on the same property that the violation occurred unless an alternative location within the City is approved by the Administrative Official.~~ —A tree planting plan and timeline for installation of the new trees shall be provided to the Administrative Official no later than 30 days from the date of the offense. The new trees shall be planted no later than 90 days from the date of the offense or, if the site is under construction, the new trees shall be planted prior to final inspections. In the event that the trees are not planted within the prescribed timeframe, the City may delay any related administrative approvals for the property and may impose a lien on the property until such time the trees are planted.

2. Option 2. Tree Fund: The violator shall pay into the City of Colleyville Tree Fund at a rate of \$250 per DBH inch of tree removed. If the tree is a Heritage Tree, then the violator shall pay \$500 per DBH inch of tree removed. Payment must be provided no later than 30 days ~~of after~~ the Offense. In the event that the ~~trees-fees~~ are not ~~planted paid~~ within the prescribed timeframe, the City may delay any related administrative approvals for the property and may impose a lien on the property until such time the ~~trees-fess~~ are ~~plantedpaid~~.

- B. Criminal Penalty: In addition to the civil penalties of this chapter, ~~where~~ any person, ~~firm, or corporation violating-violates~~ or ~~failing-fails~~ to comply with any provision or requirement of this chapter, ~~the Administrative Official shall have the authority to issue a citation for a misdemeanor to any and all such persons, firms, or corporations, who upon conviction shall be fined not more than two thousand dollars (\$2,000.00) per violation including but not limited to the mitigation requirements of this section, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall, without exception, be fined the maximum amount of \$2,000.00.~~ ~~When the violation involves the cutting down, destruction, removal, or damage to a Protected Tree, each tree shall be considered a separate offense.~~ ~~Additionally, a~~ separate offense shall be deemed committed upon each day during or on which each separate violation or failure to comply occurs or continues to occur and shall be punishable as such.

Section 5.14 Appeals

Any appeal to the provisions of this chapter and/or any appeal to a decision of the Administrative Official relative to the provisions of this chapter shall be heard by the City Council.

Section 5.16 Amendments

Reserved for listing of amendments to this chapter.

Ord. Number	Date	Subject
O-00-1214	4-18-00	Adoption of Tree Preservation in Land Development Code
O-09-1734	11-4-09	Amendments to Chapter 5 based on recommendations of consultant
O-14-1933	10/6/2014	Comprehensive amendments including incentives for preserving native tree stands, addition of fees, changes to penalties and other modifications
O-19-xxxx	XX/XX/2019	Substantial amendment to the chapter as part of a total LDC review

Appendix "A"



Large Canopy Trees:credit/spacing = 2000 ft²/30ft

Common Name	Species
green ash	<i>Fraxinus pennsylvanica</i>
American elm	<i>Ulmus americana</i>
cedar elm	<i>Ulmus crassifolia</i>
lacebark elm	<i>Ulmus parvifolia</i>
deodar cedar	<i>Cedrus deodara</i>
Eastern cottonwood	<i>Populus deltoides</i>
'Skyline' thornless honeylocust	<i>Gleditsia triacanthos</i> 'Skyline'
Southern magnolia	<i>Magnolia grandiflora</i>
bur oak	<i>Quercus macrocarpa</i>
chinquapin oak	<i>Quercus muhlenbergii</i>
live oak	<i>Quercus virginiana</i>
post oak	<i>Quercus stellata</i>
Shumard oak	<i>Quercus shumardii</i>
Texas red oak	<i>Quercus buckleyi</i>
pecan	<i>Carya illinoensis</i>
London planetree	<i>Platanus x acerifolia</i>
Mexican sycamore	<i>Platanus mexicana</i>
American sycamore	<i>Platanus occidentalis</i>
black walnut	<i>Juglans nigra</i>

Medium Canopy Trees:credit/spacing = 1000 ft²/15ft

Common Name	Species
Texas ash	<i>Fraxinus texensis</i>
Kentucky coffeetree	<i>Gymnocladus dioica</i>
pond cypress	<i>Taxodium ascendens</i>
bald cypress	<i>Taxodium distichum</i>
Montezuma cypress	<i>Taxodium mucronatum</i>
ginkgo	<i>Ginkgo biloba</i>
bigtooth maple	<i>Acer grandidentatum</i>
Caddo maple	<i>Acer barbatum</i> var. <i>caddo</i>
chalk maple	<i>Acer leucoderme</i>
'Jeffersred' Freeman's maple	<i>Acer x freemanii</i> 'Jeffersred'
Shantung maple	<i>Acer truncatum</i>
'Bracken's Brown Beauty' Southern magnolia	<i>Magnolia grandiflora</i> 'Bracken's Brown Beauty'
'Bracken's Claudia Wannamaker' magnolia	<i>Magnolia grandiflora</i> 'Claudia Wannamaker'
'DD Blanchard' Southern magnolia	<i>Magnolia grandiflora</i> 'DD Blanchard'
blackjack oak	<i>Quercus marilandica</i>
Lacey oak	<i>Quercus laceyi</i>
Monterrey oak	<i>Quercus polymorpha</i>
'Aristocrat' Callery pear	<i>Pyrus calleryana</i> 'Aristocrat'
'Autumn Blaze' Callery pear	<i>Pyrus calleryana</i> 'Autumn Blaze'
'Chanticleer' Callery pear	<i>Pyrus calleryana</i> 'Chanticleer'
common persimmon	<i>Diospyros virginiana</i>
Eldarica (Afghan) pine	<i>Pinus eldarica</i>
Italian stone pine	<i>Pinus pinea</i>
Chinese pistache	<i>Pistacia chinensis</i>

golden raintree	<i>Koelreuteria paniculata</i>
Eastern red cedar	<i>Juniperus virginiana</i> var. <i>virginiana</i>
Western soapberry	<i>Sapindus drummondii</i>
Texas walnut	<i>Juglans microcarpa</i>

Small Canopy Trees:

credit/spacing =100 ft²/8ft

Common Name	Species
fragrant ash	<i>Fraxinus cuspidata</i>
rusty blackhaw	<i>Viburnum rufidulum</i>
Mexican buckeye	<i>Ungnadia speciosa</i>
Carolina buckthorn	<i>Frangula caroliniana</i>
common button-bush	<i>Cephalanthus occidentalis</i>
vitex, Chase tree	<i>Vitex agnus-castus</i>
rough-leaf dogwood	<i>Cornus drummondii</i>
possumhaw (deciduous holly)	<i>Ilex decidua</i>
'Savannah' holly	<i>Illex x attenuata</i> 'Savannah'
yaupon holly	<i>Ilex vomitoria</i>
ash juniper	<i>Juniperus ashei</i>
'Torulosa' juniper	<i>Juniperus chinensis</i> 'Torulosa'
Texas mountain laurel	<i>Sophora secundiflora</i>
'Little Gem' Southern magnolia	<i>Magnolia grandiflora</i> 'Little Gem'
Japanese maple	<i>Acer palmatum</i>
crape myrtle	<i>Lagerstroemia indica</i>
Eve's necklace	<i>Sophora affinis</i>
Bigelow oak (white shin oak)	<i>Quercus sinuata</i> var. <i>breviloba</i>
Texas persimmon	<i>Diospyros texana</i>
Mexican plum	<i>Prunus mexicana</i>
eastern redbud (inlc. Texas & Mexican varieties)	<i>Cercis canadensis</i>
American smoke tree	<i>Cotinus obovatus</i>
prairie sumac, flameleaf sumac	<i>Rhus lanceolata</i>
desert willow	<i>Chilopsis linearis</i>

ORDINANCE O-19-2073

AN ORDINANCE OF THE CITY OF COLLEYVILLE, TEXAS, AMENDING CHAPTER 5 – TREE PRESERVATION 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 5 – Tree Preservation 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 5 – Tree Preservation* 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 15th day of January 2019.

The second reading and public hearing being conducted on the 22nd day of January 2019.

PASSED AND APPROVED BY A VOTE OF ____ AYES, ____ NAYS, AND ____ ABSTENTIONS ON THIS THE 22ND DAY OF JANUARY 2019.

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 5}



City of Colleyville City Council Agenda Briefing

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

Agenda Number 8a

Agenda Date 01/22/2019

Number Ordinance O-19-2075

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

4.1 Protect Colleyville's semi-rural residential character

Explanation

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.

At the City Council meeting on December 4, 2018, Council remanded the item back to the Planning and Zoning Commission to reconsider this case as PUD-R Planned Unit Development Residential with R-20 standards. Specifically, the purpose of the PUD-R zoning is so it includes recognition of the agreements between the neighboring Homeowners Associations and developer, to allow private streets, and to authorize 11.3% open space within the development.

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. 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/Final 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 PUD-R with R-20 standards 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 of the R-20 zoning at their October 22, 2018 meeting by a vote of 7-0.

City Council Action: The City Council remanded the item back to the Planning & Zoning Commission to reconsider this case as PUD-R Planned Unit Development - Residential zoning with R-20 standards. Specifically, the purpose of the PUD-R zoning is so it includes recognition of the agreements between the neighboring Homeowners Associations and the developer, to allow private streets, and to authorize 11.3% open space within the development.

Planning & Zoning Recommendation: The Planning & Zoning Commission

recommended approval of the PUD-R zoning at their January 14, 2019 meeting by a vote of 7-0.

Financial Impact

There is no fiscal impact for the City of Colleyville

Recommendation

Approve

Attachments

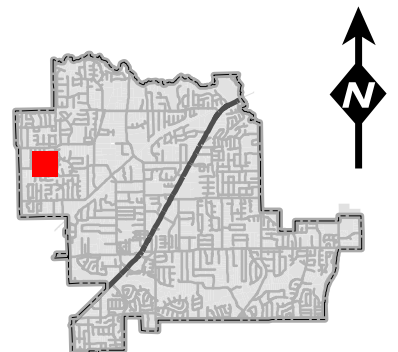
1. Aerial Map
2. Zoning Map
3. Future Land Use Map
4. Zoning Exhibit
5. Tree Preservation Plan
6. City Zoning Map 2006
7. City Zoning Map 2007
8. Planning and Zoning Commission Minutes 11.13.2006
9. City Council Agenda Briefing 12.05.2006
10. Photos Taken by Staff
11. Notification Map
12. Notification List
13. Property Owner Notification Letter
14. Letters of Opposition
15. Letters of Support
16. Ordinance O-19-2075

Aerial Map



ZC18-033

712 - 810 Lavaca Trail



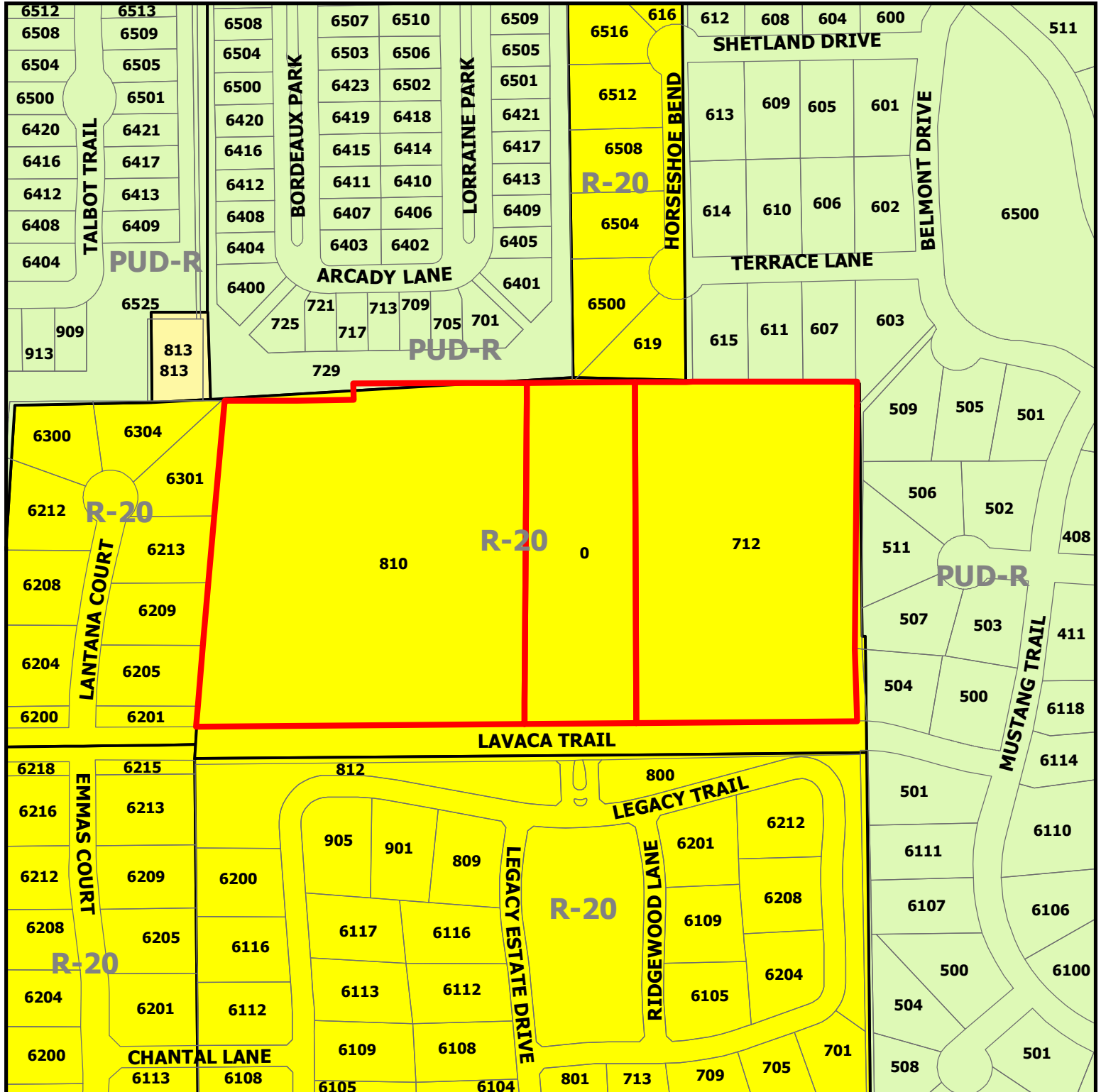
DISCLAIMER:

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Subject Property

Zoning Map

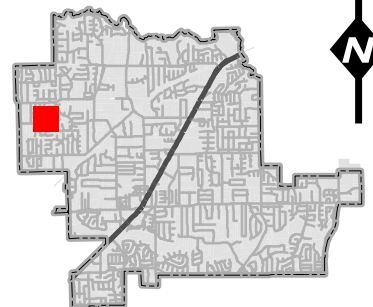


ZC18-033

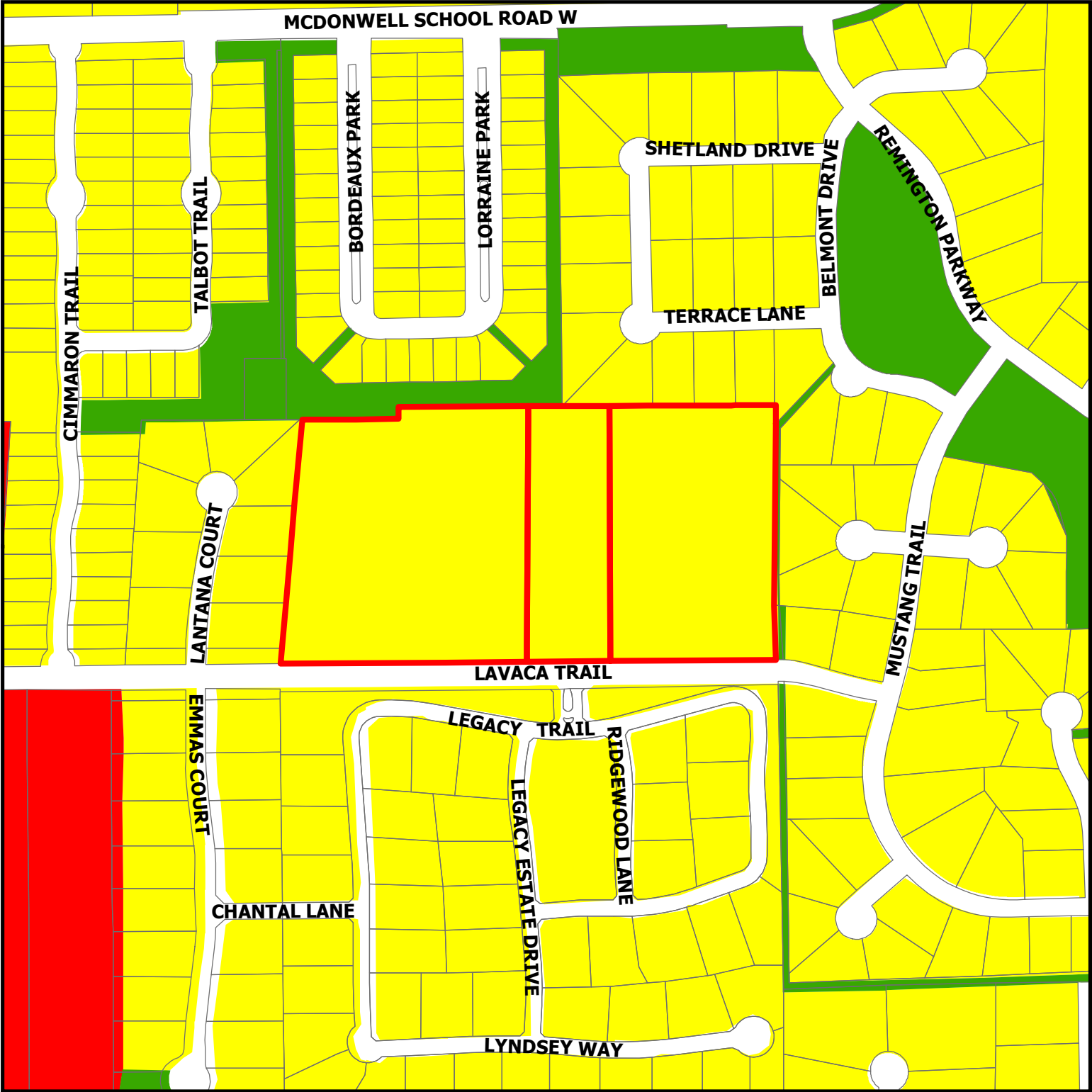
712 - 810 Lavaca Trail

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 Subject Property



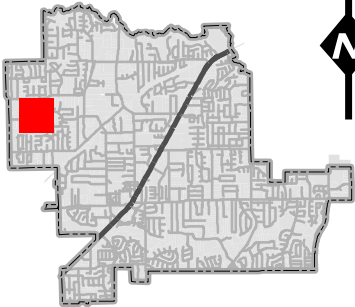
Future Land Use Map



ZC18-033

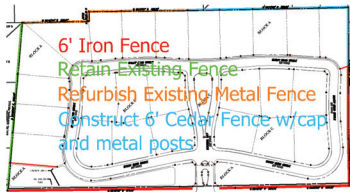
712 - 810 Lavaca Trail

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



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Zoning Exhibit



Site Data Summary Chart

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-40
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

17 DEC 18

1" = 50'



Development Plan

Legend	
5' Concrete Sidewalk	-----
6' Concrete Trail	-----
Common Open Space	-----
Residential Lots	-----



The Legacy North

Colleyville, Tarrant County, Texas

Tree Preservation Plan



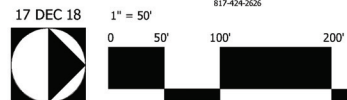
Owner:
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Planner:
SAGE GROUP, INC.
Master Planning
Urban Design
Architecture
Landscape Architecture
1130 N. Carroll Ave., Ste. 200
Southlake, Texas 76092
817-424-2626



Tree Location Plan

The Legacy North

Colleyville, Tarrant County, Texas

Tree Preservation Plan



Tree Preservation Notes

1. ALL TREES SHOWN ON THIS PLAN TO BE PRESERVED SHALL BE PROTECTED DURING CONSTRUCTION WITH TEMPORARY FENCING. TREE PROTECTION FENCES SHALL BE INSTALLED PRIOR TO THE COMMENCEMENT OF ANY SITE PREPARATION WORK (CLEARING, GRUBBING, OR GRADING). REFERENCE SHEET TP-01 FOR TREE PROTECTION DETAILS.
2. REFERENCE RELATED CIVIL ENGINEERING PLANS FOR EXACT LOCATION OF UNDERGROUND UTILITY LINES.
3. REFERENCE RELATED IRRIGATION PLANS FOR LOCATION OF UNDERGROUND IRRIGATION HEAD AND LINE LOCATIONS.
4. INDIVIDUAL LOT OWNERS/BUILDERS ARE REQUIRED TO SUBMIT A DETAILED LOT GRADING PLAN, SIGNED AND SEALED BY A TEXAS REGISTERED PE TO THE CITY ALONG WITH THEIR BUILDING PERMIT APPLICATIONS. SINGLE LOTS SHALL ACCOMMODATE THEIR OWN DRAINAGE.

Tree Legend

SYMBOL	DESCRIPTION
	EXISTING TREE TO REMAIN SIZE VARIES SELECTIVELY PRUNE APPROXIMATE LOCATION OF CRITICAL ROOT ZONE
	EXISTING TREE TO BE REMOVED DURING SUBDIVISION CONSTRUCTION SIZE VARIES
	EXISTING TREE TO BE REMOVED DURING HOME CONSTRUCTION SIZE VARIES
	TREE PROTECTION FENCING FOR SUBDIVISION CONSTRUCTION
	TREE PROTECTION FENCING FOR BUILDER CONSTRUCTION

Tree Summary For: Legacy North - Dec 17, 2018

Tree Canopy	%	#	Acres
Project Area		754,571	17.323
Tree Canopy Coverage	40.4%	304,613	6.993
Required Preservation of Tree Canopy	50%	382,897	8.696
Canopy of Exempt Trees		139,636	3.206
Maximum Credit for Preserving Canopy of Exempt Trees		69,818	1.603
Preserved Canopy of Exempt Trees		3,089	0.071
Preserved Canopy of Non-Exempt Trees		164,977	3.767
Provided Preservation of Tree Canopy	55%	168,066	3.816
Surplus Preservation of Tree Canopy		15,700	0.362
Tree Mitigation			
Required Tree Mitigation Planting		0	
Provided Tree Mitigation Planting		0	
Surplus Tree Mitigation Planting		\$0.00	
Required Tree Mitigation Payment		\$0.00	
Provided Tree Mitigation Payment		\$0.00	
Surplus Tree Mitigation Payment		\$0.00	



0 50' 100' 200'
1" = 50'-0"

Tree Preservation Plan PLAN

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

APPLICANT
 Hat Creek Development
 P.O. Box 92747
 Southlake, TX 76092
 Phone: 817-325-3111
 Contact: Kossie Nayles

THE LEGACY NORTH

COLLEYVILLE, TEXAS

Issued
 Oct 3, 2018
Revisions

SHEET
TP.01

Tree Preservation Plan

Project	Phase	Task	Start Date	End Date	Progress (%)	Assignee	Status	Priority	Dependencies	Notes	
Project A	Phase 1	Task A1.1	2023-01-01	2023-01-10	100	John Doe	Completed	High			
		Task A1.2	2023-01-11	2023-01-20	100	Jane Smith	Completed	High	Task A1.1		
		Task A1.3	2023-01-21	2023-02-05	100	John Doe	Completed	High	Task A1.2		
		Task A1.4	2023-02-06	2023-02-15	100	Jane Smith	Completed	High	Task A1.3		
		Task A1.5	2023-02-16	2023-02-25	100	John Doe	Completed	High	Task A1.4		
	Phase 2	Task A2.1	2023-02-26	2023-03-10	100	Jane Smith	Completed	High	Task A1.5		
		Task A2.2	2023-03-11	2023-03-20	100	John Doe	Completed	High	Task A2.1		
		Task A2.3	2023-03-21	2023-04-05	100	Jane Smith	Completed	High	Task A2.2		
		Task A2.4	2023-04-06	2023-04-15	100	John Doe	Completed	High	Task A2.3		
		Task A2.5	2023-04-16	2023-04-25	100	Jane Smith	Completed	High	Task A2.4		
Project B	Phase 1	Task B1.1	2023-01-01	2023-01-10	100	Jane Smith	Completed	High			
		Task B1.2	2023-01-11	2023-01-20	100	John Doe	Completed	High	Task B1.1		
		Task B1.3	2023-01-21	2023-02-05	100	Jane Smith	Completed	High	Task B1.2		
		Task B1.4	2023-02-06	2023-02-15	100	John Doe	Completed	High	Task B1.3		
		Task B1.5	2023-02-16	2023-02-25	100	Jane Smith	Completed	High	Task B1.4		
	Phase 2	Task B2.1	2023-02-26	2023-03-10	100	John Doe	Completed	High	Task B1.5		
		Task B2.2	2023-03-11	2023-03-20	100	Jane Smith	Completed	High	Task B2.1		
		Task B2.3	2023-03-21	2023-04-05	100	John Doe	Completed	High	Task B2.2		
		Task B2.4	2023-04-06	2023-04-15	100	Jane Smith	Completed	High	Task B2.3		
		Task B2.5	2023-04-16	2023-04-25	100	John Doe	Completed	High	Task B2.4		
Project C	Phase 1	Task C1.1	2023-01-01	2023-01-10	100	John Doe	Completed	High			
		Task C1.2	2023-01-11	2023-01-20	100	Jane Smith	Completed	High	Task C1.1		
		Task C1.3	2023-01-21	2023-02-05	100	John Doe	Completed	High	Task C1.2		
		Task C1.4	2023-02-06	2023-02-15	100	Jane Smith	Completed	High	Task C1.3		
		Task C1.5	2023-02-16	2023-02-25	100	John Doe	Completed	High	Task C1.4		
	Phase 2	Task C2.1	2023-02-26	2023-03-10	100	Jane Smith	Completed	High	Task C1.5		
		Task C2.2	2023-03-11	2023-03-20	100	John Doe	Completed	High	Task C2.1		
		Task C2.3	2023-03-21	2023-04-05	100	Jane Smith	Completed	High	Task C2.2		
		Task C2.4	2023-04-06	2023-04-15	100	John Doe	Completed	High	Task C2.3		
		Task C2.5	2023-04-16	2023-04-25	100	Jane Smith	Completed	High	Task C2.4		
Project D	Phase 1	Task D1.1	2023-01-01	2023-01-10	100	Jane Smith	Completed	High			
		Task D1.2	2023-01-11	2023-01-20	100	John Doe	Completed	High	Task D1.1		
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		Task D1.4	2023-02-06	2023-02-15	100	John Doe	Completed	High	Task D1.3		
		Task D1.5	2023-02-16	2023-02-25	100	Jane Smith	Completed	High	Task D1.4		
	Phase 2	Task D2.1	2023-02-26	2023-03-10	100	John Doe	Completed	High	Task D1.5		
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		Task D2.3	2023-03-21	2023-04-05	100	John Doe	Completed	High	Task D2.2		
		Task D2.4	2023-04-06	2023-04-15	100	Jane Smith	Completed	High	Task D2.3		
		Task D2.5	2023-04-16	2023-04-25	100	John Doe	Completed	High	Task D2.4		
Project E	Phase 1	Task E1.1	2023-01-01	2023-01-10	100	John Doe	Completed	High			
		Task E1.2	2023-01-11	2023-01-20	100	Jane Smith	Completed	High	Task E1.1		
		Task E1.3	2023-01-21	2023-02-05	100	John Doe	Completed	High	Task E1.2		
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		Task E1.5	2023-02-16	2023-02-25	100	John Doe	Completed	High	Task E1.4		
	Phase 2	Task E2.1	2023-02-26	2023-03-10	100	Jane Smith	Completed	High	Task E1.5		
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		Task E2.3	2023-03-21	2023-04-05	100	Jane Smith	Completed	High	Task E2.2		
		Task E2.4	2023-04-06	2023-04-15	100	John Doe	Completed	High	Task E2.3		
		Task E2.5	2023-04-16	2023-04-25	100	Jane Smith	Completed	High	Task E2.4		
Project F	Phase 1	Task F1.1	2023-01-01	2023-01-10	100	John Doe	Completed	High			
		Task F1.2	2023-01-11	2023-01-20	100	Jane Smith	Completed	High	Task F1.1		
		Task F1.3	2023-01-21	2023-02-05	100	John Doe	Completed	High	Task F1.2		
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Project G	Phase 1	Task G1.1	2023-01-01	2023-01-10	100	John Doe	Completed	High			
		Task G1.2	2023-01-11	2023-01-20	100	Jane Smith	Completed	High	Task G1.1		
		Task G1.3	2023-01-21	2023-02-05	100	John Doe	Completed	High	Task G1.2		
		Task G1.4	2023-02-06	2023-02-15	100	Jane Smith	Completed	High	Task G1.3		
		Task G1.5	2023-02-16	2023-02-25	100	John Doe	Completed	High	Task G1.4		
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		Task G2.2	2023-03-11	2023-03-20	100	John Doe	Completed	High	Task G2.1		
		Task G2.3	2023-03-21	2023-04-05	100	Jane Smith	Completed	High	Task G2.2		
		Task G2.4	2023-04-06	2023-04-15	100	John Doe	Completed	High	Task G2.3		
		Task G2.5	2023-04-16	2023-04-25	100	Jane Smith	Completed	High	Task G2.4		
Project H	Phase 1	Task H1.1	2023-01-01	2023-01-10	100	John Doe	Completed	High			
		Task H1.2	2023-01-11	2023-01-20	100	Jane Smith	Completed	High	Task H1.1		
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	Phase 2	Task H2.1	2023-02-26	2023-03-10	100	Jane Smith	Completed	High	Task H1.5		
		Task H2.2	2023-03-11	2023-03-20	100	John Doe	Completed	High	Task H2.1		
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		Task H2.4	2023-04-06	2023-04-15	100	John Doe	Completed	High	Task H2.3		
		Task H2.5	2023-04-16	2023-04-25	100	Jane Smith	Completed	High	Task H2.4		
Project I	Phase 1	Task I1.1	2023-01-01	2023-01-10	100	John Doe	Completed	High			
		Task I1.2	2023-01-11	2023-01-20	100	Jane Smith	Completed	High	Task I1.1		
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		Task I2.4	2023-04-06	2023-04-15	100	John Doe	Completed	High	Task I2.3		
		Task I2.5	2023-04-16	2023-04-25	100	Jane Smith	Completed	High	Task I2.4		
Project J	Phase 1	Task J1.1	2023-01-01	2023-01-10	100	John Doe	Completed	High			
		Task J1.2	2023-01-11	2023-01-20	100	Jane Smith	Completed	High	Task J1.1		
		Task J1.3	2023-01-21	2023-02-05	100	John Doe	Completed	High	Task J1.2		
		Task J1.4	2023-02-06	2023-02-15	100	Jane Smith	Completed	High	Task J1.3		
		Task J1.5	2023-02-16	2023-02-25	100	John Doe	Completed	High	Task J1.4		
	Phase 2	Task J2.1	2023-02-26	2023-03-10	100	Jane Smith	Completed	High	Task J1.5		
		Task J2.2	2023-03-11	2023-03-20	100	John Doe	Completed	High	Task J2.1		
		Task J2.3	2023-03-21	2023-04-05	100	Jane Smith	Completed	High	Task J2.2		
		Task J2.4	2023-04-06	2023-04-15	100	John Doe	Completed	High	Task J2.3		
		Task J2.5	2023-04-16	2023-04-25	100	Jane Smith	Completed	High	Task J2.4		
Project K	Phase 1	Task K1.1	2023-01-01	2023-01-10	100	John Doe	Completed	High			
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		Task K1.3	2023-01-21	2023-02-05	100	John Doe	Completed	High	Task K1.2		
		Task K1.4	2023-02-06	2023-02-15	100	Jane Smith	Completed	High	Task K1.3		
		Task K1.5	2023-02-16	2023-02-25	100	John Doe	Completed	High	Task K1.4		
	Phase 2	Task K2.1	2023-02-26	2023-03-10	100	Jane Smith	Completed	High	Task K1.5		
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		Task K2.4	2023-04-06	2023-04-15	100	John Doe	Completed	High	Task K2.3		
		Task K2.5	2023-04-16	2023-04-25	100	Jane Smith	Completed	High	Task K2.4		
Project L	Phase 1	Task L1.1	2023-01-01	2023-01-10	100	John Doe	Completed	High			
		Task L1.2	2023-01-11	2023-01-20	100	Jane Smith	Completed	High	Task L1.1		
		Task L1.3	2023-01-21	2023-02-05	100	John Doe	Completed	High	Task L1.2		
		Task L1.4	2023-02-06	2023-02-15	100	Jane Smith	Completed	High	Task L1.3		
		Task L1.5	2023-02-16	2023-02-25	100	John Doe	Completed	High	Task L1.4		
	Phase 2	Task L2.1	2023-02-26	2023-03-10	100	Jane Smith	Completed	High	Task L1.5		
		Task L2.2	2023-03-11	2023-03-20	100	John Doe	Completed	High	Task L2.1		
		Task L2.3	2023-03-21	2023-04-05	100	Jane Smith	Completed	High	Task L2.2		
		Task L2.4	2023-04-06	2023-04-15	100	John Doe	Completed	High	Task L2.3		
		Task L2.5	2023-04-16	2023-04-25	100	Jane Smith	Completed	High	Task L2.4		
Project M	Phase 1	Task M1.1	2023-01-01	2023-01-10	100	John Doe	Completed	High			
		Task M1.2	2023-01-11	2023-01-20	100	Jane Smith	Completed	High	Task M1.1		
		Task M1.3	2023-01-21	2023-02-05	100	John Doe	Completed	High	Task M1.2		
		Task M1.4	2023-02-06	2023-02-15	100	Jane Smith	Completed	High	Task M1.3		
		Task M1.5	2023-02-16	2023-02-25	100	John Doe	Completed	High	Task M1.4		
	Phase 2	Task M2.1	2023-02-26	2023-03-10	100	Jane Smith	Completed	High	Task M1.5		
		Task M2.2	2023-03-11	2023-03-20	100	John Doe	Completed	High	Task M2.1		
		Task M2.3	2023-03-21	2023-04-05	100	Jane Smith	Completed	High	Task M2.2		
		Task M2.4	2023-04-06	2023-04-15	100	John Doe	Completed	High	Task M2.3		
		Task M2.5	2023-04-16	2023-04-25	100	Jane Smith	Completed	High	Task M2.4		
Project N	Phase 1	Task N1.1	2023-01-01	2023-01-10	100	John Doe	Completed	High			
		Task N1.2	2023-01-11	2023-01-20	100	Jane Smith	Completed	High	Task N1.1		
		Task N1.3	2023-01-21	2023-02-05	100	John Doe	Completed	High	Task N1.2		
		Task N1.4	2023-02-06	2023-02-15	100	Jane Smith	Completed	High	Task N1.3		
		Task N1.5	20								

Tree Survey

TREE LIST



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

THE LEGACY NORTH
COLLEYVILLE, TEXAS

Issued
Oct 3, 2018

Revisions

SHEET
TP.02

TREE PRESERVATION NOTES:

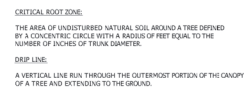
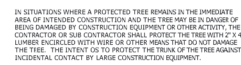
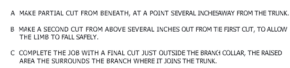
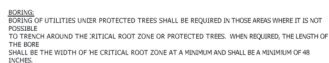
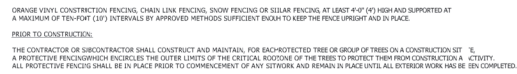
- a. All trees shown on this plan to be preserved, shall be protected during construction with temporary fencing. Tree protection fences shall be installed no later than commencement of any site preparation work (clearing, grubbing or grading) on the site.
- b. Fences shall completely surround the tree or clusters of trees. The fence shall be located at the outermost edge of the crown branching or grading on the critical root zone. The fence will be maintained throughout the construction project in order to provide the following:
 - a. Soil compaction in the critical root zone resulting from vehicular traffic or storage of equipment or materials.
 - b. Critical root zone disturbances due to grade changes greater than two inches (2") out of fill or boring which was not authorized by the City.
 - c. Wounds to the trunk, limbs or exposed roots by mechanical equipment.
 - d. Other activities detrimental to trees such as chemicals, cement truck, construction, and fires.
- c. In cases of area constraints where protective fencing is close to the trunk than four feet (4'), the trunk must be protected with strapping-on plank to a height of eight feet (8') or to the limits of all grading.
- d. All grading within critical root zones of protected trees shall be performed by hand or small equipment to minimize damage. Prior to grading, install the protective fencing to two feet (2') behind the grade change area.
- e. Trees most heavily impacted by construction activities should be watered deeply once a week during periods of hot and dry weather. Tree crowns should be sprayed with water periodically to reduce dust accumulation on the leaves.
- f. Trenching for landscape irrigation shall be located as far from the existing trunks as possible.
- g. Planning to provide clearance for structures, vehicular traffic or equipment shall take place before any construction.

Prohibited Activities: The following activities shall be prohibited within the limits of the critical root zone of any tree which is subject to Tree Protection:

1. **Material Storage:** No materials intended for use in construction or waste materials accumulated due to excavation or demolition shall be placed within the limits of the critical root zone of any protected tree.
2. **Equipment Cleaning/Liquid Disposal:** No equipment may be cleaned or other liquids deposited within the limits of the critical root zone of any protected tree. This would include, but not be limited to, paint, oil, solvents, asphalt, concrete, mortar or other materials.
3. **Tree Attachments:** No signs, wires or other attachments, other than those of a protective nature, shall be attached to any protected tree.
4. **Vehicular Traffic:** No vehicular and/or construction equipment traffic or parking is allowed within the critical root zone of protected trees.

Tree Flagging:

- 1 Tree Flagging: All trees to be removed from the construction site shall be flagged with bright red vinyl tags, wrapped around the trunk of the tree, at a height of four feet (4') or more such that the tape is visible to workers on foot or driving equipment.
- 2 Tree Identification: All protected trees shall be tagged with unique classification number and attached to Section 5.8 of the approved construction plan. The tags shall be clearly visible and fastened to a metallic surface located between four and five feet above the base of the tree. The classification number shall remain on the tree until all construction is complete and final approval has been obtained by the City.
- 3 Protective Fencing: All protected trees shall have protective fencing located at the tree's critical root zone. The protective fencing shall be constructed of approved construction fencing, with all four (4') appropriate heights. The protective fencing may be determined to be within the critical root zone of the specimen tree for approved construction only as determined by the Administrative Official. The fencing shall clearly define the delineation of the approved construction. In addition to the trunk and critical root zone, the protective fencing shall also clearly identify construction fencing such that the trunk will be easily visible during construction activities.
- 4 Bank Protection: In situations where a tree remains in the immediate area of intended construction, the tree shall be protected by enclosing the entire circumference of the tree's trunk with lumber enclosed with wire or other means that does not damage the tree.
- 5 Construction Piling: In a case where a low hanging limb may be broken during the course of construction, the offensive limb may be cut. The limb shall be cut either flush to the trunk, or on the next node of the trunk, and the trunk shall then be sawed flush to the trunk. In no instance shall pruning involve a portion of the trunk OR thirty percent (30%) of the entire canopy with the Administrative Official's prior approval.
- 6 Site Signage: Prior to, and during, construction activities, a sign(s), clearly visible from any adjacent roadways, shall be placed by the developer stating as follows: "All trees located on this project are being fenced and protected. To report any tree protection violations, please contact (phone number designated by the Administrative Official)." The Administrative Official may require the addition of more specific contact information to the sign. Lettering shall be a minimum of 1/2 inch in height and shall be in black ink on a white background for any adjacent roadway. The sign dimensions shall, at a minimum, be five feet wide and height, the overall sign height shall be a minimum of 8 feet (8') in height measured from the ground to the top of the sign. The sign shall be as follows: Lettering shall be black, the sign background shall be fluorescent green.



THE LEGACY NORTH
COLLEYVILLE, TEXAS

Issued
Oct 3, 2018

Revisions

SHEET
TP.03

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

This data has been compiled for The City of Colleyville. Various official and unofficial sources were used to gather this information. Every effort was made to ensure the accuracy of this data, however, no guarantee is given or implied as to the accuracy of said data.

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

Last update 10/1/06

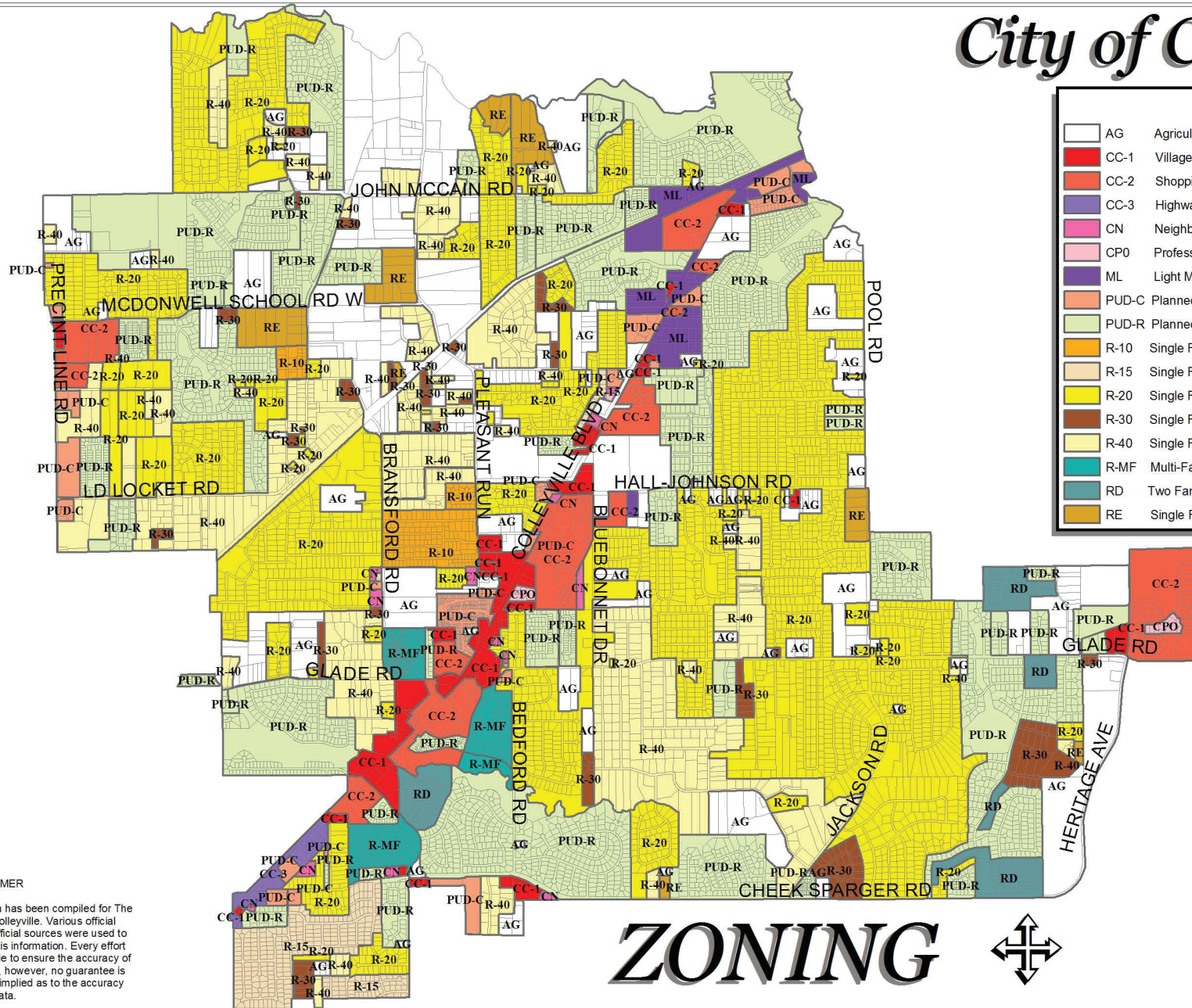


Geographic Information Systems

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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City of Colleyville

Minutes - Final

Planning and Zoning Commission

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

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.



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.

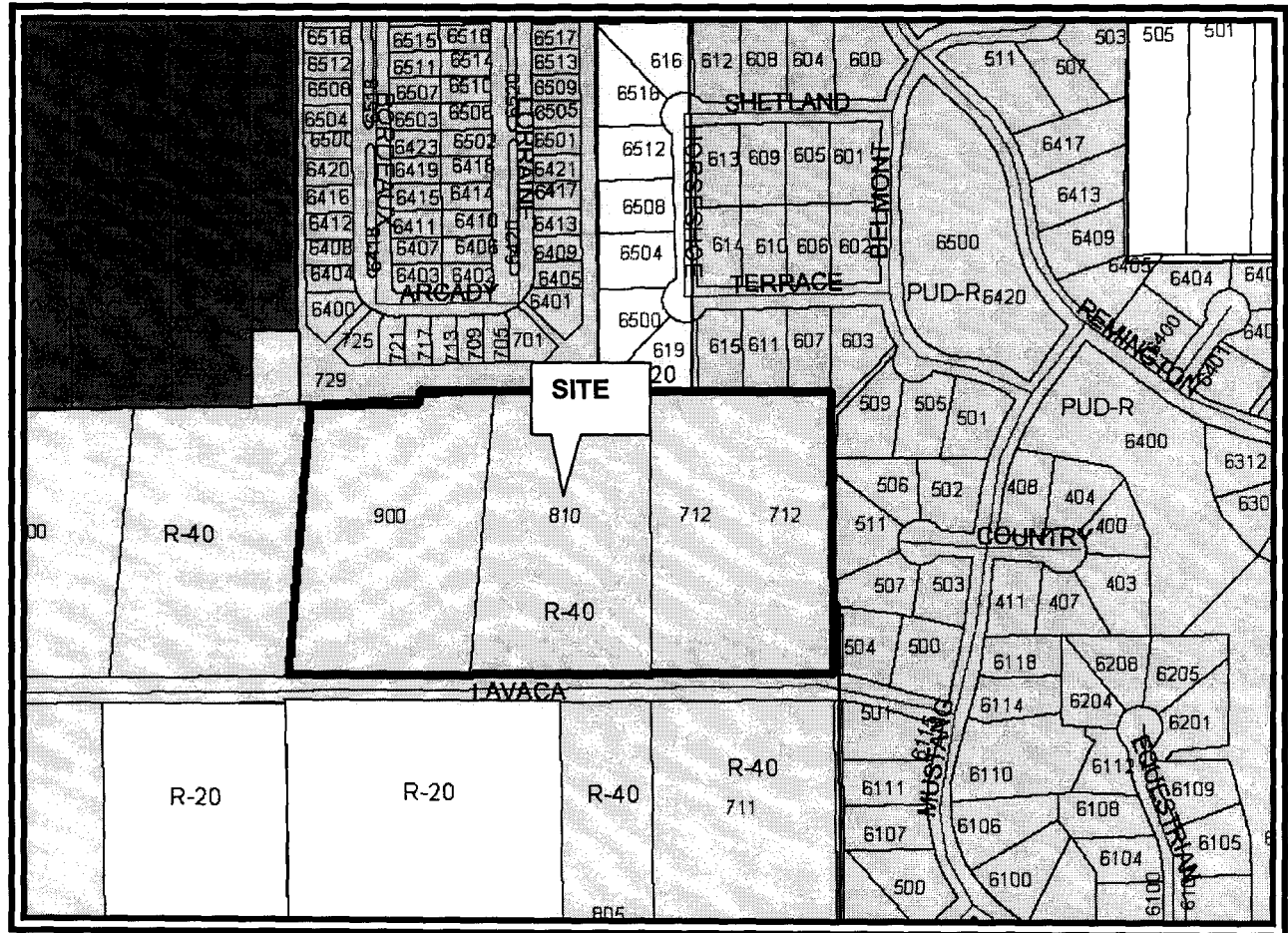
Financial Impact

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

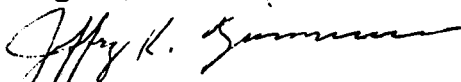
October 13, 2006

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,

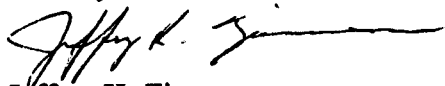
As discussed, I am applying for the single Ordinance that includes:

Section 1: R20 zoning

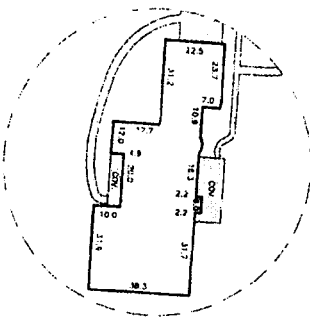
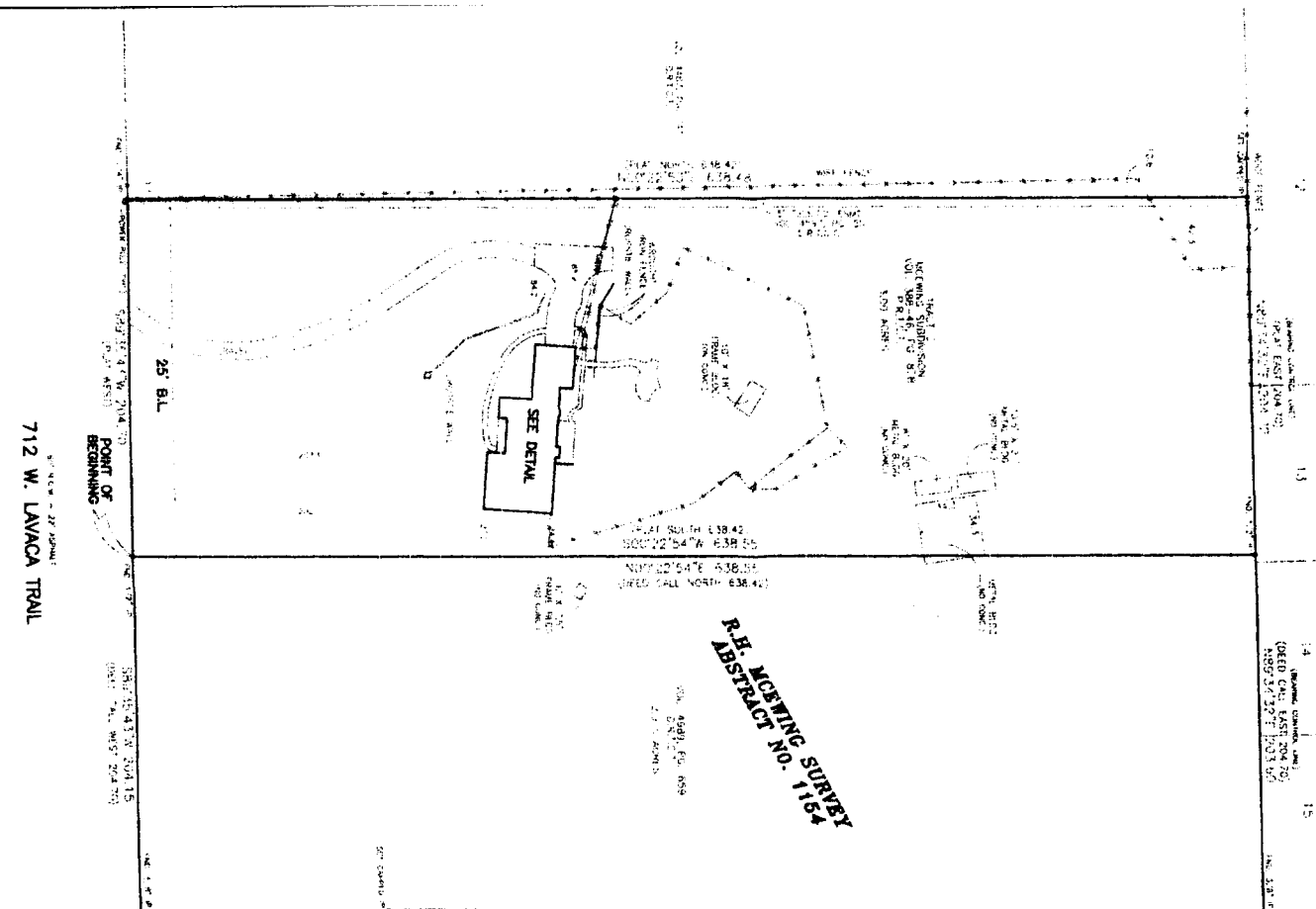
Section 2: SUP for grazing animals so that I may continue to keep livestock

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.

LOYD BRANSON SURVEYORS INC.

CHARLES H. MOORE, JR.
REGISTERED PROFESSIONAL LAND SURVEYOR
1028 NORTH SYLVANIA AVENUE
FT. WORTH, TEXAS 76114

DATE: 05-22-01



01-1172

**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

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"

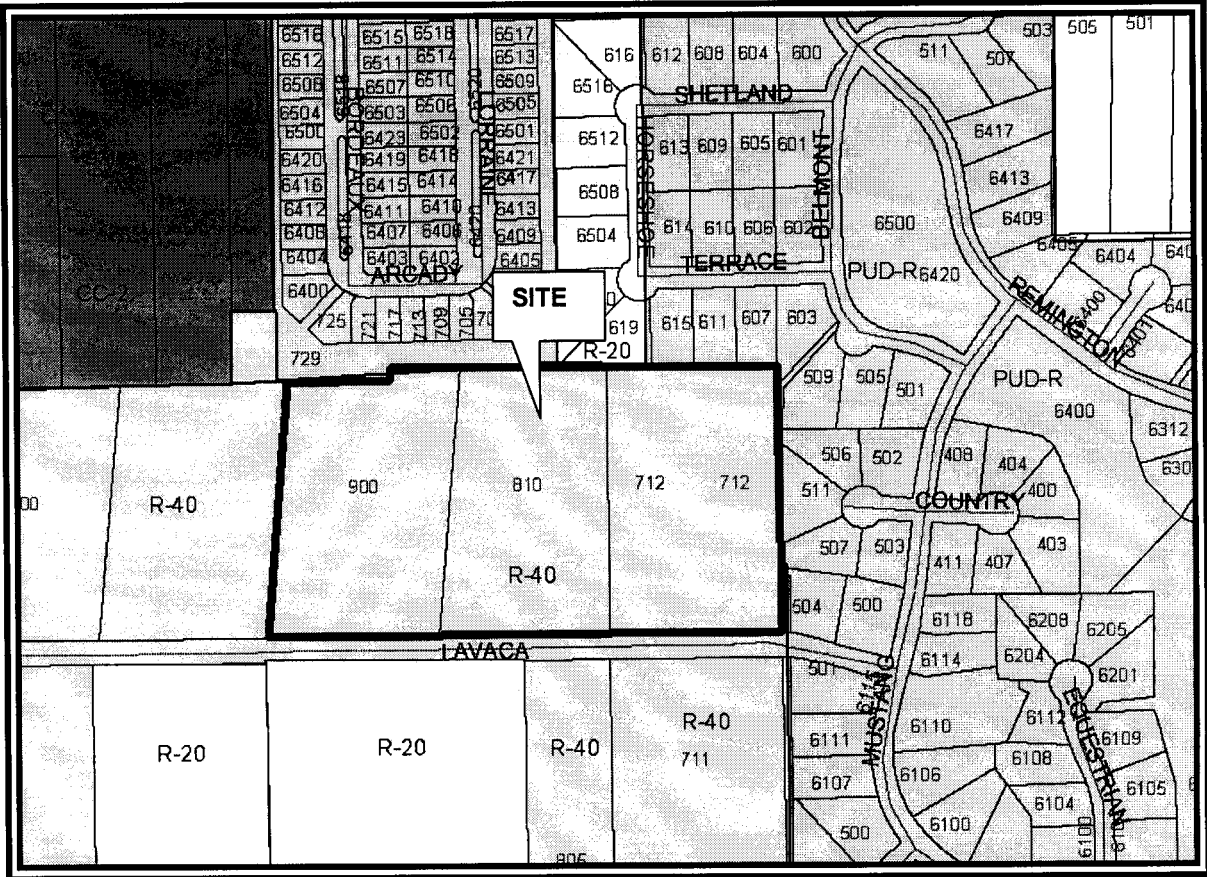


EXHIBIT "B"

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

Photos Taken by Staff



Photos Taken by Staff



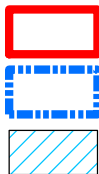
Notification Map



ZC18-033

712 - 810 Lavaca Trail

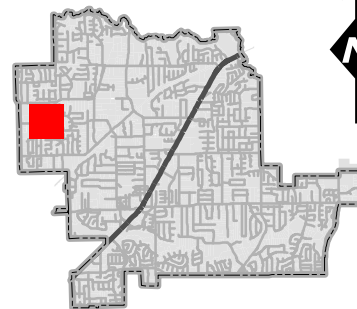
DISCLAIMER:
This map and information contained in it were developed exclusively for use by the City of Colleyville. Any use or reliance on this map by anyone else is at that party's risk and without liability to the City of Colleyville, its officials or employees for any discrepancies, errors, or variances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



Subject Property

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	6605 CIMMARON TR	COLLEVILLE, TX	76034	6605 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 PARC 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
BRINNASAN, 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	813 TALBOT TR	COLLEVILLE, TX	76034	813 TALBOT TR
KNUNENBURG, COR	8402 LORRAINE PK	COLLEVILLE, TX	76034	8402 LORRAINE PK
LDOS COMMUNICATIONS INC	PO BOX 152206	IRVING, TX	75015	813 MCDONNELL SCHOOL RD W
NEWSOME, CHAD	609 SHETLAND DR	COLLEVILLE, TX	76034	609 SHETLAND DR
HAIL, 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
WYCKERSHAM, SCOTT	6301 CIMMARON TR	COLLEVILLE, TX	76034	6301 CIMMARON TR
DYNEVSKI, 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
STROTTMAYER, MARTIN	6213 CIMMARON TR	COLLEVILLE, TX	76034	6213 CIMMARON TR
LAVACA PARC 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	603 MUSTANG CT	COLLEVILLE, TX	76034	603 MUSTANG CT
LOZANO, ELSA	6404 BORDEAUX PK	COLLEVILLE, TX	76034	6404 BORDEAUX PK
HSU, LISA, 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, WILLIE A	6410 LORRAINE PK	COLLEVILLE, TX	76034	6410 LORRAINE PK
WILLIAMSON, DAVID	6403 BORDEAUX PK	COLLEVILLE, TX	76034	6403 BORDEAUX PK
SAGE, DESIREE	8418 LORRAINE PK	COLLEVILLE, TX	76034	8418 LORRAINE PK
MYERS, CHARLES	8418 TALBOT TR	COLLEVILLE, TX	76034	8418 TALBOT TR
SHAIKH, AFTAB SUNNY	6209 LANTANA CT	COLLEVILLE, TX	76034	6209 LANTANA CT
MANER, JOLENE C	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	811 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
HOOPER, 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
HAGGOD, 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
DAUPHREY, LARRY	961 TALBOT TR	COLLEVILLE, TX	76034	961 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 MCDONNELL SCHOOL RD W
HUPP, DENNIS	603 TERRACE LN	COLLEVILLE, TX	76034	603 TERRACE LN
CURRANI, 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	609 REMINGTON PKWY
LANE, THOMAS M	6301 LANTANA CT	COLLEVILLE, TX	76034	6301 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
ROULLIER, NORMAN	713 ARCADY LN	COLLEVILLE, TX	76034	713 ARCADY LN
MAKARY, MICHEL A	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
GLAZE, 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
LANDIS, ROBIN L	205 BELMONT DR	COLLEVILLE, TX	76034	205 BELMONT DR
LAMBERTH, GEORGE	503 MUSTANG CT	COLLEVILLE, TX	76034	503 MUSTANG CT
RINTALA, ROCKY L	865 TALBOT TR	COLLEVILLE, TX	76034	865 TALBOT TR
WRODEK, TODD	6500 HORSESHOE BEND	COLLEVILLE, TX	76034	6500 HORSESHOE BEND
DAVIES, 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
EPLEY, 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
PACKO, D WILLIAM J	500 LAVACA TR	COLLEVILLE, TX	76034	500 LAVACA TR
PHINNEY, JASON	6213 EMMAS CT	COLLEVILLE, TX	76034	6213 EMMAS CT
JAEZLOD, 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	6201 RIDGEWOOD LN	COLLEVILLE, TX	76034	6201 RIDGEWOOD LN
LEGACY AT COLLEVILLE LLC THE	PO BOX 92747	SOUTHDAKE, TX	75092	812 LEGACY TR
LEGACY AT COLLEVILLE LLC THE	PO BOX 92747	SOUTHDAKE, TX	75092	806 LAGACY TR
TAYLOR, GREGORY	817 LEGACY TR	COLLEVILLE, TX	76034	817 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
CARRIS, 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 MILES CT	FORT WORTH, TX	76109	8109 RIDGEWOOD LN
PATRICK CUSTOM HOMES INC	2885 EXCHANGE BLVD STE 112	SOUTHDAKE, TX	75092	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	8116 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	76180	COURTESY NOTICE
KELLER SD	350 KELLER PKWY	KELLER, TX	76248	STATE REQUIRED
GRAPEVINE COLLEVILLE SD	3501 RALF WOODS AVE	GRAPEVINE, TX	76051	STATE REQUIRED
HAMILTON, KEITH	8241 MCDIES BLVD	NORTH RICHLAND HILLS, TX	76182	APPLICANT

Public hearing notices were mailed on December 28, 2016



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 PUD-R Planned Unit Development – Residential district. The purpose is to develop and subdivide the 3 properties into 25 single-family residential lots and 5 open space lots. The zoning map incorrectly shows the R-20 zoning on the property.

This item was remanded back to the Planning and Zoning Commission by the City Council at their December 4, 2018, meeting in order to convert the zoning to a PUD-R Planned Unit Development – Residential district. The original request was to rezone to the R-20 Single Family Residential district. The purpose of the PUD-R zoning is to allow for 11.3% open space, private streets and to ratify specific enhancements the developer has agreed to with adjacent subdivisions.

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, January 14, 2019 at 7:00 p.m.
City Council Meetings: Tuesday, January 22, 2019 & Tuesday, February 5, 2019 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 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.

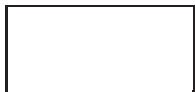
I wanted to share what I am hearing regarding the new development on Lavaca Trail. From my understanding the property is currently zoned as R40, however, I am hearing the developer is more in line with developing as R20, which is a higher density development.

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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Grapevine Chamber of Commerce

Colleyville Chamber of Commerce

serving the greater DFW area

Grapevine/Colleyville. Texas

☎ 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

We make you look like you think you should.

Web <http://GrapevineHeadshots.com> and <http://PhotosByWalt.com>
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Colleyville Chamber of Commerce

serving the greater DFW area

Grapevine/Colleyville. Texas

☎ 817-271-0353



Letters of Support

Araceli Botello

Subject: FW: Letter of Support for Legacy North Planning and Zoning case ZC18-033

From: Michael Capps []

Sent: Wednesday, January 2, 2019 8:05 AM

To: Ben Bryner <BBryner@colleyville.com>

Cc:

Subject: Letter of Support for Legacy North Planning and Zoning case ZC18-033

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, which included the common 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 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 PUD-R Planned Unit Development - Residential District recommendation to allow Hat Creek Development to move forward with Legacy North. This plan will bring consistency with the other subdivisions on Lavaca Trail and the surrounding areas. Should you have any additional questions, please don't hesitate to contact me.

Sincerely,

Michael Capps

M: [972.567.2693](tel:972.567.2693)

Letters of Support

Araceli Botello

Subject: FW: Letter of Support for Legacy North Planning and Zoning case ZC18-033

From: BMCapps]

Sent: Wednesday, January 2, 2019 9:42 PM

To: Michael Capps

Cc: Ben Bryner <BBryner@colleyville.com>

Subject: Re: Letter of Support for Legacy North Planning and Zoning case ZC18-033

Please consider this my support of Legacy North. Brenda Capps
6116 Legacy Trail, Colleyville

Sent from my iPhone

On Jan 2, 2019, at 8:05 AM, Michael Capps <> wrote:

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, which included the common 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 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 PUD-R Planned Unit Development - Residential District recommendation to allow Hat Creek Development to move forward with Legacy North. This plan will bring consistency with the other subdivisions on Lavaca Trail and the surrounding areas. Should you have any additional questions, please don't hesitate to contact me.

Sincerely,

Michael Capps

M: [972.567.2693](tel:972.567.2693)

Letters 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

Letters 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.

Letters 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.

Letters 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

Letters 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

Letters 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

Letters 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

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WESTLAKE, TEXAS 76262

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Letters 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

Letters of Support

Araceli Botello

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

Letters of Support

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

Letters of Support

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

Letters of Support

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 ARCADEY LN. COLLEYVILLE, TX 76034

Address

Letters of Support

Rosewood Villas

Colleyville, Texas

Planning and Zoning Commission
c/o Community Development Department
City of Colleyville
100 Main Street
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Thank you for your consideration.

Melanie Mullens

Signatures

Melanie Mullens

Print Names

6415 Bordeaux Park

Address

Letters of Support

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

ERIC NEWTON

Print Names

6408 BORDEAUX PARK

Address

Letters of Support

Rosewood Villas Colleyville, Texas

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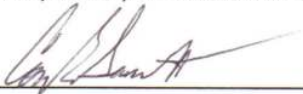
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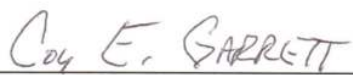
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Signatures





Print Names





Address

Letters of Support

Rosewood Villas

Colleyville, Texas

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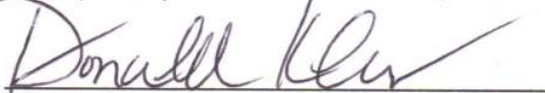
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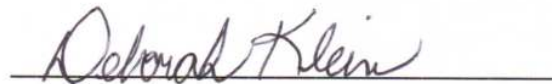
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Thank you for your consideration.



Signatures



DONALD KLEIN

Print Names

DEBORAH KLEIN

721 Arcady Ln., Colleyville, 76034

Address

Letters of Support

Rosewood Villas

Colleyville, Texas

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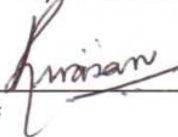
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Thank you for your consideration.



Signatures

ALAGIRY SRINIVASAN

Print Names



Signatures

BALA SRINIVASAN

6419, Bordeaux Park, Colleyville, TX 76034

Address

Letters of Support

Rosewood Villas

Colleyville, Texas

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

STEVEN M. WADE

Print Names



Sandra L Wade

6504 Bordeaux Park, Colleyville

Address

Letters of Support

Rosewood Villas Colleyville, Texas

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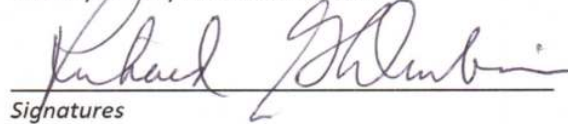
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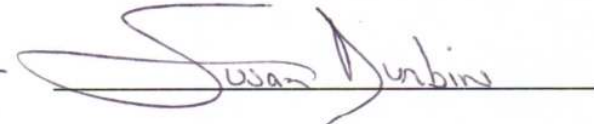
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Thank you for your consideration.



Signatures



RICHARD DURBIN

Print Names

SUSAN DURBIN

725 ARCADE LANE

Address

725 ARCADE LN.

Letters of Support

Rosewood Villas Colleyville, Texas

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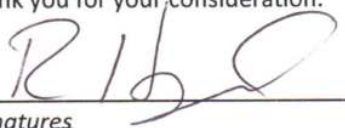
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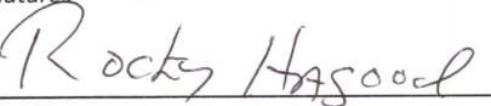
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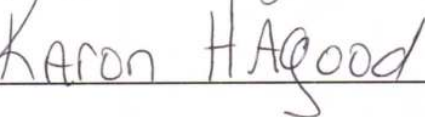
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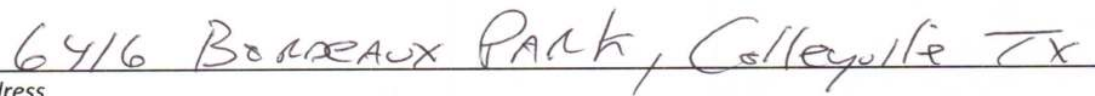
Print Names



Signatures



Print Names



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Debbie Peppard
Signatures

Debbie Peppard
Print Names

6516 Bordeaux Park, Colleyville, TX 76034
Address

Letters of Support

Rosewood Villas

Colleyville, Texas

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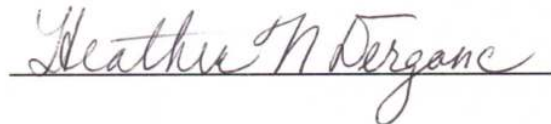
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Signatures



CHRISTOPHER DERGAN
Print Names

Heather N Derganc

705 ARCADE LN, COLLEYVILLE, TX 76034
Address

Letters of Support

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Thank you for your consideration.

Kathleen M. Boone

Signatures

Kathleen M. Boone

Print Names

6423 Bordeaux Park

Address

Colleyville, TX 76034

Please approve this rezoning request!

Letters of Support

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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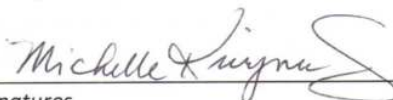
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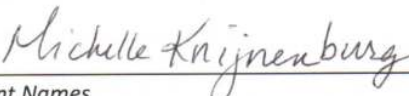
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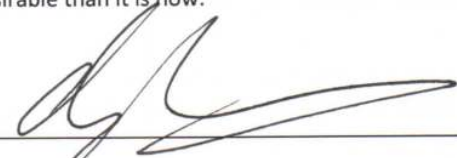
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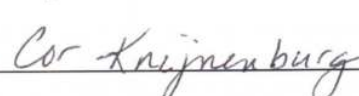
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Print Names



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Address

Letters of Support

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Colleyville, Texas

Planning and Zoning Commission
c/o Community Development Department
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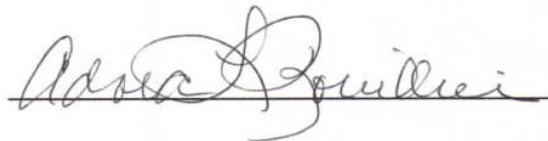
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Signatures



NORMAN ROUILLIER
Print Names

ADORA ROUILLIER

713 ARCADEY LANE, COLLEYVILLE TX 76034
Address

Letters of Support

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

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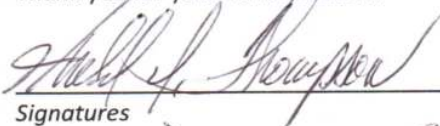
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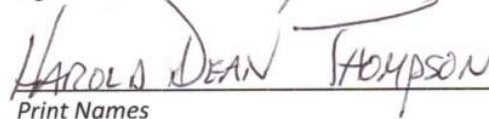
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Signatures



Print Names

6401 Lorraine Paris 76034

Address

Letters of Support

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

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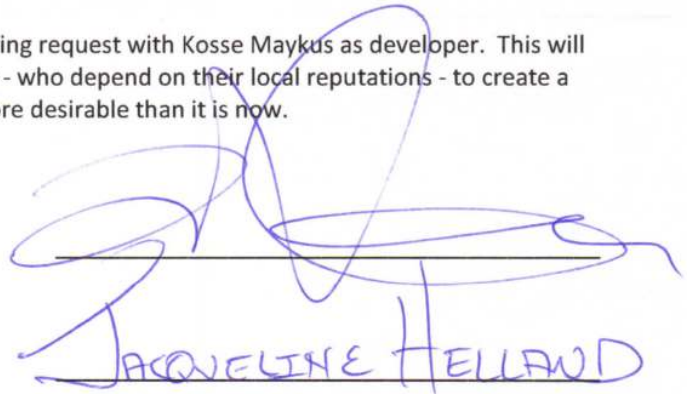
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Signatures

Jerome Helland

Print Names


JACQUELINE HELLAND

6509 Lorraine Park

Address

Letters of Support

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

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Bob Larimore

Signatures

Ernie Larimore

Signatures

Bob Larimore

Print Names

Ernie Larimore

Print Names

6500 Bordeaux Park, Colleyville, TX 76034

Address

10-17-18

Letters of Support

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

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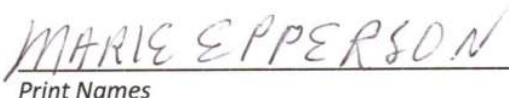
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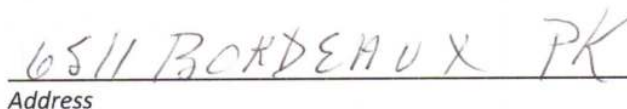
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Letters of Support

Rosewood Villas Colleyville, Texas

Planning and Zoning Commission
c/o Community Development Department
City of Colleyville
100 Main Street
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October 15, 2018

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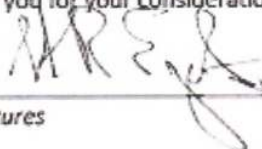
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Signatures

H. ROBERT EPLEY

Print Names

6417 LORRAINE PARK, COLLEYVILLE, TX 76034

Address

Letters of Support

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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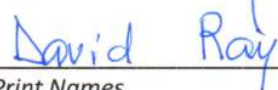
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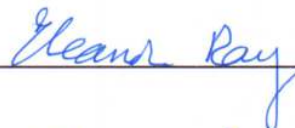
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100 Main Street
Colleyville, Texas 76034

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Willie A. Fonder

Signatures

Willie A. Fonder

Print Names

6410 LORRAINE PARK - COLLEYVILLE, TX 76034

Address

Letters of Support

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Colleyville, Texas

Planning and Zoning Commission
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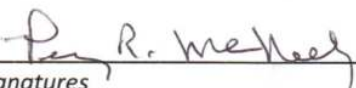
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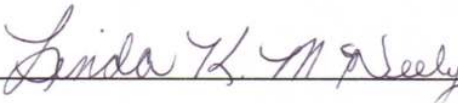
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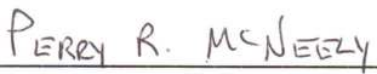
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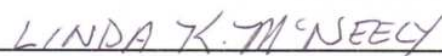
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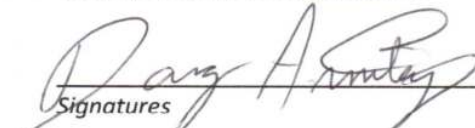
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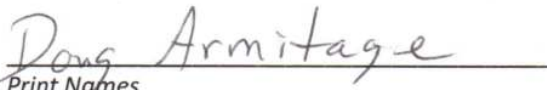
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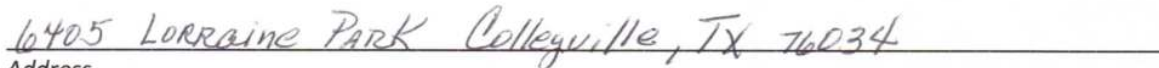
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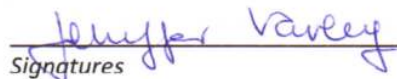
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Thank you for your consideration.



Signatures

JENIFFER VARLEY

Print Names

641 Bordeaux Park Colleyville 76034

Address

Letters of Support

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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Signatures

Edward Fabien

Print Names



Signatures

Faerie Fabien

Print Names

6505 Lorraine Park Colleyville 76034

Address

Letters of Support

Rosewood Villas

Colleyville, Texas

Planning and Zoning Commission
c/o Community Development Department
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Signatures



Robert Chopak

Print Names

Sandra Timma

6400 Bordeaux Park, Colleyville, TX 76034

Address

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Colleyville, Texas

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Signatures



PATRICK DOWNEY

Print Names

LINDA L. DOWNEY

6518 LORRAINE PARK - COLLEYVILLE, TX. 76034

Address

Letters of Support

Rosewood Villas

Colleyville, Texas

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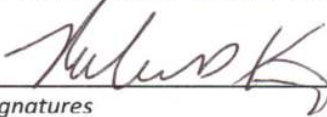
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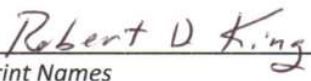
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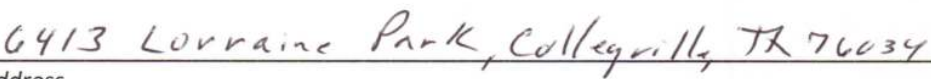
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David Roll

Signatures

David Roll

Print Names

6522 Lorraine Park

Address

Letters of Support

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Colleyville, Texas

Planning and Zoning Commission
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Signatures

Jim LaBounty
Print Names

ANGELA LABOUNTY

Address

4507 BORDEAUX PARK COLLEYVILLE, TX 76034

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Planning and Zoning Commission
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Signatures



JERRY DON DAVIS
Print Names

Dean Davis

6421 LORRAINE PARK
Address

6421 Lorraine Park

Letters of Support

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Rosewood Villas Colleyville, Texas

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City of Colleyville
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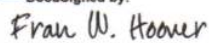
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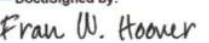
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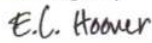
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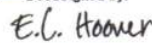
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Signatures

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E2383F2320FC4BA...
Print Names

6414 Lorraine Park

Address

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5D516405A9584CE...

6414 Lorraine Park

10/16/2018

Letters of Support

Rosewood Villas Colleyville, Texas

Planning and Zoning Commission
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City of Colleyville
100 Main Street
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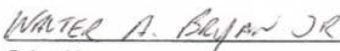
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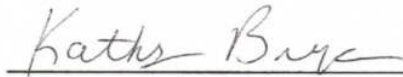
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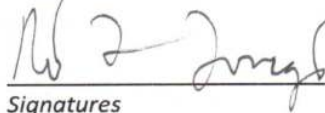
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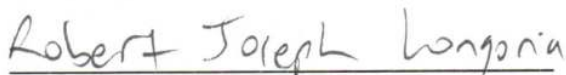
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Print Names





Address Colleyville, TX. 76034

Letters of Support

Page 1 of 1

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Colleyville, Texas

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Dear Commissioners:

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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

Print Names

Address

Laxman Bhatia

LAXMAN BHATIA

6505 BORDEAUX PK. Colleyville Tx.



Letters of Support

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**

Letters of Support

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

Letters of Support

Araceli Botello

Subject: FW: Letter of Support for LEgacy 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 LEgacy 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)

Letters of Support

Araceli Botello

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

Letters of Support

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

Joyce J Early

Print Names

6506 Lorraine Park

Address
76034

Letters of Support

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.

Letters of Support

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

Letters of Support

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

Letters of Support

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.

Letters of Support

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

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!

Letters of Support

Ben Bryner

Subject: RE: Lavaca Trail Development

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

From: Sonia Bilderback []

Sent: Tuesday, December 4, 2018 8:53 AM

To: Ben Bryner <BBryner@colleyville.com>

Cc: Eason Maykus < >

Subject: Lavaca Trail Development

Mr. Bryner,

We will be in attendance tonight at the City Council meeting in support of the Maykus Development on Lavaca Trail. We strongly feel it is in the best interest of the area to duplicate a similar development as the The Legacy.

We have enough castles in Colleyville. And this small country road nestled between other developments is not suitable for castles. Our generation takes offense to those opposing downsizing to half acre lots with million dollar homes.

Again, you want us to support Colleyville businesses, then we suggest you support local builders.

Thanks,

Sonia and Jimmy Bilderback

Letters of Support

Ben Bryner

Subject: RE: Letter of Support for Legacy North Agenda item for City Council meeting tonite
Dec 4 2018

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

From: Todd ford []

Sent: Tuesday, December 4, 2018 4:12 PM

To: Christine Loven <cloven@colleyville.com>

Cc: Ben Bryner <BBryner@colleyville.com>

Subject: Letter of Support for Legacy North Agenda item for City Council meeting tonite Dec 4 2018

December 4, 2018

Dear City Council Members,

I am writing this letter in support of the proposed zoning change request for the Legacy North development. I reside at 6200 Legacy Trail in the Legacy development and my home will be facing the proposed new development so I have a vested interest in the decision made this evening. My family has lived in Colleyville since 2013, and we were drawn here specifically for the community and the hometown feel that the neighborhoods and streets and semi-rural development across our beautiful city of Colleyville. We have lived in Thornbury and in Leyton Grove and have recently moved last year into the Legacy development.

I am writing this letter in favor of this proposed zoning change for many reasons and let me take this opportunity to point them out one at a time.

1. Colleyville has a master future land use plan and in that plan developments such as The Legacy were specifically designed to meet and exceed those exact goals. The current Legacy development on the south side of Lavaca Trail is a beautiful subdivision that makes use of the natural beauty of the land maintaining open park space and walking trails and an abundance of native trees just as Colleyville desires for its future neighborhoods as written in the city's goals on your own website, and with the new proposed Legacy development it is planned to mirror the existing Legacy project—how much easier could this decision be for the current council? The developer has been building homes and developments in Colleyville for over 40 years and as someone who has built two custom homes in Colleyville there is something to be said about using a local proven builder/developer who has the best interest of our city in mind.....that will simply not be the case if you deny this request and a national builder with no loyalty to this city or its citizens buys that land.

2. The R-40 zoning that is currently in place for this 17 acre tract is a remnant of a larger land use plan that at the time might have been the "best use of the land" however and most importantly that is no longer the case or the "best use" standard. All of the surrounding developments WERE R-40 many years ago but as those developments were rezoned to R-20, PUD-R and other similar zoning changes that left this as the only remaining property around the Lavaca corridor that wasn't rezoned. And it wasn't rezoned simply because the original owner in 2006 failed to bring any reasonable plan to the P&Z board at that time to give them reason to rezone like the surrounding neighborhoods. The P&Z at that time stated in their minutes if he would come back with specific plans and plat they could look at then they would most likely approve his request as they did in all the other surrounding developments. He simply never went back to ask. And in fact the city it appears has been mistakenly misrepresenting the zoning of this 17 acre tract for over 10

Letters of Support

years! In those 10 years no one has objected to the R-20 zoning depiction because quite frankly it made sense then and it makes sense now given all the surrounding neighborhoods that border this small island of property—the last undeveloped piece of land in this part of the city. The proposed Legacy North development will exceed the minimum standards of the R-20 zoning and each of you only need to look across the street Lavaca Trail to see EXACTLY what the city will be receiving by approving this zoning change request. Once again this is an easy decision with no risk to the council because you can see the finished product before it ever breaks ground because it has been duplicated in its mirror image right across the street.

3. Community support. Quite simply this might be the most important reason this proposal should pass tonite with your approval. All of the surrounding neighborhoods have overwhelmingly supported this proposal. The HOA of Remington Parc to the east, the HOA of Rosewood Villas to the north, the current Legacy property owners to the south and the owners of homes on Emmas Court to the southwest and Lantana Court to the west.....All of these citizens have overwhelmingly written letters of support or voiced their support in person at one of the two planning and zoning board meetings and the two council meeting including tonite. As council members I feel it is without question that one of your goals is to seek the input of the most affected citizens in a zoning change request, and I would venture a guess that not many zoning change requests come or will come before you with such resounding community support from the immediate and most impacted neighbors as this proposal has. Not only have the citizens come out to speak in favor of this plan but those that were initially opposed or had concerns with this plan have all met with the developer to discuss their concerns and to the best of my knowledge all concerns have been addressed and even those such as the Emmas Court HOA that initially opposed in P&Z are now SUPPORTING this zoning request. What better evidence does a council person need to support a zoning request than its own citizens? IN fact not only have the citizens supported this proposal but the city planning and zoning staff has recommended approval because this zoning request meets the overall desires and goals of the Colleyville future land use design plan and moreover by a UNANIMOUS decision the P&Z board voted 7-0 to approve this request without reservation.

It seems quite logical for the council to use their authority to approve this zoning request for the benefit of not only the citizens of the new LEGACY north but for all of those surrounding neighbors who have all voiced their approval in one way or another and the overall benefit of the city of Colleyville.

Just this past weekend thousands of people came to The Legacy south neighborhood to complete the Colleyville Women's Christmas Tour of Homes for charity! They chose The Legacy because of its natural beauty and the quality of homes being built by local proven custom home builders such as the Maykus developers. The citizens of Colleyville are asking you to do what we see as an easy choice to bring a high quality neighborhood to a final undeveloped piece of land in a mirror image of the existing Legacy development directly across Lavaca Trail. It will look beautiful and will complement the existing neighborhood and it will be everything the city of Colleyville envisions for the present and the future I can assure you.

Thank you for your time and your consideration in this matter.

Todd and Kayla Ford
6200 Legacy Trail
Colleyville, Texas

817-360-9570

Letters of Support

Ben Bryner

Subject: RE: Letter for city council meeting

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

From: Beka []

Sent: Tuesday, December 4, 2018 4:22 PM

To: Ben Bryner <BBryner@colleyville.com>

Cc: Eason Maykus <>

Subject: Letter for city council meeting

Dear City Council Members of Colleyville,

My name is Beka Philipp. My husband and I along with our three children; are in the process of building a house in the Legacy subdivision in Colleyville.

My husband and I moved to Texas nearly 10 years ago and both fell in love with the charm of Colleyville. We hoped that someday our family would be able to end up there.

We have been living in Heritage in Fort Worth for the last 7 yrs and have be ready to make a change and move. For the last three years we have driven around looking for lots that spoke to us, so that we could build a home someday and raise our children.

We stumbled upon the Legacy subdivision one day when they had just started to build homes. We FELL IN LOVE with the neighborhood! The trees in the entry, the security of a gate, the trails, the custom homes, the whole layout of the neighborhood. EVERYTHING! At that time we didn't feel quite ready to start building. So we went about our lives.

Well here we are a couple years later and we are building our home there.

Legacy's charm never left our hearts and we're so grateful we are going to live there!

With that being said, I also fell in love with Lavaca trail. That road, has been beautiful with the cow pasture and all the trees. I am sad to see it go, but know it will be developed. The only way I will be happy about that area being developed is if we get to add to Legacy and make another neighborhood that is just as beautiful. There is nothing I hate more than having these contractors come through and build their cookie cutter homes. The builders in Legacy are custom and build beautiful homes. They also know the importance of keeping the beauty of the trees in some areas, having the homes face the street and adding to the community by bringing in trails.

I hope that you will hear the voices of those of us that are already apart of the Legacy subdivision. And go with Maykus to be the developer of a new Legacy North Subdivision.

Sincerely,
Beka Philipp

Sent from my iPhone

Letters of Support

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

Letters of Support

December 1, 2018

Dear City Council Members of Colleyville,

I would like to introduce my wife and myself to you. Our names are Chris and Donna Stark. Our primary residence address is 6201 Ridgewood Lane, Colleyville, TX 76034 in the Legacy subdivision. We purchased our home in late May 2017 and moved in in early July of the same year. My wife and I were former residents of Southlake Texas for more than 7 years.

Prior to moving to Colleyville, we had our home in North Arlington, TX for more than 14 years. What drew Donna and I to Colleyville was the unique and well-thought-out master community ("Legacy") that the Maykus' had developed. With the very large green belt areas within the neighborhood, well-constructed wide sidewalks for morning and evening walks with our pet, ½ acre lots and top-rated builders we knew this concept would protect our financial interest in our home along with the privacy of the gated community. I travel extensively. My wife loved the idea of the open gate during daylight hours for her deliveries to come freely while being able to meet and greet neighbors that come into this community from the surrounding areas to walk the pets, children and get in the morning runs. Yet, what really excited her was the thought of the closed gates in the evening for her security and comfort.

Our purpose for exiting Southlake were many. We had custom built our home on a 1.25-acre plot of land that was promised to us to be a community of top builders, high quality and high standards of construction. This pocket neighborhood was only made up of 28 one plus acre homes. We were the fourth house in that neighborhood. Next thing we knew the homes being constructed were by subpar builders with no regards to the neighbors, landscaping, architecture standards and any concerns to building a community that would enhance the value of the entire community and surroundings.

When we moved into the Legacy here in Colleyville, we were about the fifth or sixth home to be occupied. Today, out of the 38 plus lots located here in the Legacy subdivision, there has been about 28 homes built, occupied and/or under construction. The original developer of this community has done a spectacular job in sticking to his word about the quality, construction, approved builders and vendors and the residence within the community. I personally believe the philosophy behind one-acre plus tracks is garbage and can't stand up against time. What the Maykus', Hat Creek Development and other home owners have truly done in the Legacy is built a community that everyone is proud of and will become only stronger as the other residents move in.

When it was brought to my attention a few months back that there could be a "Legacy North" subdivision developed under the same ethics, guidelines, principals and standards as our subdivision I knew my home investment and location was PROTECTED and PERFECT. In fact, I have been telling several of my friends and neighbors from Southlake about this upcoming development and they can't wait to see it since they also experience what we did in the larger lots and promises that were never fulfilled.

The Starks FULLY SUPPORT the development of "THE LEGACY NORTH" subdivision as proposed to the City. We hope we can count on your vote as well to see this project get approved.

Sincerely,

The Starks

6201 Ridgewood Lane

Colleyville, TX 76034

Chris Cell: 817-247-3183

Chris email: Christopher.stark.sr@rewdbeemedia.com

Donna Stark

Letters of Support

Cell:817-538-3860

Email: donnasta620@gmail.com

ORDINANCE O-19-2075

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 PUD-R PLANNED UNIT DEVELOPMENT 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 a rezoning under Case No. 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; 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.

WHEREAS, The City Council acknowledges the existence of a binding letter of intent between the developer and the Lavaca Trail Estates HOA dated November 20, 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.

WHEREAS, The City Council acknowledges the existence of a binding letter of intent between the developer and the Remington Park Estates HOA dated November, 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.

WHEREAS, The City Council acknowledges the existence of a binding letter of intent between the developer and the Rosewood Villas HOA dated November, 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 17.32 Acres being Lot C, McEwing Subdivision & 1B02A, 1B2, 1B3, and 1B4, Abstract 1154, located

in the RH McEwing Survey, located at 712-820 Lavaca trail from The R-40 Single Family Residential zoning district to the PUD-R Planned Unit Development - Residential zoning district, as depicted in the attached Exhibit "A" and Exhibit "B", 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 twenty-five (25) detached dwelling units, constructed at a minimum density of 20,000 square feet per single family dwelling unit and five (5) open space lots.
- b. This property is subject to all the regulations of the R-20 Single Family Residential district 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 Zoning Exhibit, labeled as Exhibit "B", which shall not be considered the preliminary plat. The actual street and lot arrangement may differ slightly from that shown on Exhibit "B" 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.
- c. As part of the platting process, detailed drainage plans shall be submitted showing the existing run-off and the proposed detention for containing the increased run-off at full development. The drainage shall not impact adjacent development.

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 20,000 square feet.
- b. Minimum Lot Width 100 feet, except for cul-de-sac lots
- c. Minimum Lot Depth 125 feet.
- d. Front Building Line 30 feet.
- e. Side Building Line 10 feet.
- f. Rear Building Line 25 feet.
- g. Maximum Lot Coverage: 30 percent

5. OPEN SPACE

- a. This development shall provide 11.3% of common open space, which shall generally be configured as shown on Exhibit "B". All open space areas shall be landscaped and maintained by the Homeowner's Association.
- b. All amenities within the open space areas shall be maintained by the Homeowner's Association.

6. PRIVATE STREETS

- a. This development shall provide streets within the Legacy North subdivision to be private streets with restricted access (gated).

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 22nd day of January 2019.

The second reading and public hearing being conducted on the 5th day of February 2019.

PASSED AND APPROVED by the City Council of the City of Colleyville, Texas, on this the 5th day of February 2019.

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

The map displays a residential area with various streets and lots. The streets shown include Talbot Trail, Bordeaux Park, Lorraine Park, Arcady Lane, Horseshoe Bend, Shetland Drive, Terrace Lane, Lantana Court, Mustang Trail, Lavaca Trail, Legacy Trail, Ridgewood Lane, Chantal Lane, and Emmas Court. The lots are color-coded: yellow for R-20 zoning, green for PUD-R zoning, and white for no specific zoning. A large yellow area in the center is outlined in red, indicating a specific area of interest. The map also shows a network of roads and a river or canal running through the area.

Exhibit "B" – Conceptual Zoning Exhibit



Category	Value
Site Data	
Residential Lots	25
Open Space	11.74 ac.
Open Space	11.27%
R.O.W.	1.94 ac.
R.O.W.	1.94%
Open Space	11.27%
Open Space	11.27%

Lot	Area
1	20,000 s.f.
2	20,000 s.f.
3	20,000 s.f.
4	20,000 s.f.
5	20,000 s.f.
6	20,000 s.f.
7	20,000 s.f.
8	20,000 s.f.
9	20,000 s.f.
10	20,000 s.f.
11	20,000 s.f.
12	20,000 s.f.
13	20,000 s.f.
14	20,000 s.f.
15	20,000 s.f.

Notes:
- Front setbacks are 30'.
- Side setbacks are 10'.
- Rear setbacks are 10'.
- There will be no outdoor storage units.
- All structures must be constructed by the Homeowners Association (HOA).

Owner:
Hill Country
2000 Hill Country Blvd
San Antonio, TX 78248

Engineer:
Hill Country
2000 Hill Country Blvd
San Antonio, TX 78248

Planner:
Hill Country
2000 Hill Country Blvd
San Antonio, TX 78248

Planner:
Hill Country
2000 Hill Country Blvd
San Antonio, TX 78248

17 DEC 18
0 50' 100' 200'

Development Plan

The Legacy North

Colleyville, Tarrant County, Texas





City of Colleyville City Council Agenda Briefing

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

Agenda Number

Agenda Date 01/22/2019

Number Resolution R-18-4294

Type Resolution

Department Community Development

Title

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

Strategic Plan

There is no Strategic Plan connection for this item.

Explanation

This item remains tabled, waiting on applicant action.

Reading and Public Hearing

Kevin Kessler, the applicant, requests approval of a final plat for Lots 1, 2, and 3X, Block 1, Old Grove Addition on approximately 2.20 acres, located at 105 and 103 John McCain Road and 7189 Cast Iron Forest Trail. The applicant proposes to combine and redevelop 2 lots, an old right-of-way area, and an open space lot into 2 single-family residential lots and an open space lot. The old right-of-way area will be abandoned as part of the plat.

Existing Conditions/Background: The subject property is currently zoned PUD-R Planned Unit Development – Residential district and is a combination of Lots 1 & 2, Block 1, Neidholt Addition, and old right-of-way area, and Lot 2X, Block E, Old Grove Addition. The property is generally located east of Cast Iron Forest Trail and southwest of John McCain Road as it turns north. The property is currently undeveloped. The plat up for consideration proposes to combine and redevelop the property for future residential development on 2 lots and an open space lot.

Lot Dimensions and Setbacks:

Per Ordinances O-04-1475, Lot Requirements and Setbacks, the PUD zoning regulations require the following standards:

- Minimum Lot Area: 13,000 square feet
- Average Lot Area: 16,000 square feet
- Minimum Lot Width: 90 feet
- Minimum Lot Depth: 120 feet
- Minimum Front Yard Setback: 25 feet
- Minimum Side Yard Setbacks: 10 feet

Minimum Rear Yard Setback: 25 feet

As submitted, the proposed plat meets all of the requirements of the PUD-R zoning and the Land Development Code.

Surrounding Development: The properties to the north, south, and west are zoned PUD-R Planned Unit Development – Residential district and primarily developed with single family homes. The property to the east is zoned R-30 Single Family Residential district and developed with a single family home. There is a large retention/detention pond adjacent to the south.

Analysis: The property is located at the northeast side of the Old Grove neighborhood. The PUD-R zoning approved in 2004 originally planned for 4 lots. The proposal has reduced the lot number to 2 lots for single-family residential development.

The proposed Final Plat also includes a small open space lot adjacent to an existing Emergency Access Easement and drive lane.

Finally, an old right-of-way area is currently unused with no improvements existing. The approval of the Final Plat will include the abandonment of the right-of-way and the area incorporated into the lot area of the proposed area of Lot 1.

Fees: Park Land Dedication fees are required in the amount of \$1,802 per residential lot. Park Land Dedication fees are due prior to filing the plat for record. Impact Fees are also required per Chapter 13 (Impact Fees) of the Land Development Code and are due prior to the issuance of a Building Permit.

Tree Preservation: Any subdivision of the subject property must comply with Chapter 5 (Tree Preservation) of the Land Development Code. Where any tree is slated for removal, no site grading, dirt disturbance or new construction may occur on the property until a Tree Removal Permit has been issued that is associated with an approved Tree Preservation Plan.

In addition to the requirements for submittal of a Tree Removal Permit and Tree Preservation Plan, future development on the site must maintain the minimum existing protected tree canopy coverage as required in Chapter 5.

Public Notification: Staff mailed notices to all property owners within 200 feet of the subject property on Friday, March 23, 2018. Notice was published in the Fort Worth Star-Telegram as required by State law and the Land Development Code on Saturday, March 24, 2018. To date, three correspondences in opposition have been received for this item.

Staff Recommendation: The proposed Final Plat meets the requirements of the Land Development Code, staff recommends approval.

Planning & Zoning Commission Recommendation: The Planning & Zoning Commission recommended approval at their July 9, 2018 meeting by a vote of 5-0.

Financial Impact

There is no financial impact to the City.

Recommendation

Approve

Attachments

1. Aerial Map
2. Zoning Map
3. Future Land Use Map
4. Plat Exhibit
5. Ordinance O-04-1475
6. Notification Map
7. Notification List
8. Property Owner Notification Letter
9. Letters of Opposition
10. Resolution R-18-4294

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

OLD GROVE ADDITION, PHASE II



RESOLUTION R-19-4351

**A RESOLUTION APPROVING CITY COUNCIL ACTION
UNDER BUSINESS AT THE REGULAR CITY COUNCIL MEETING OF
JANUARY 22, 2019**

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 ON THIS THE 22ND DAY OF
JANUARY 2019.

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