

**AGENDA  
CITY OF THE COLONY  
PLANNING AND ZONING COMMISSION  
NOVEMBER 10, 2015**

After determining that a quorum is present, the Planning and Zoning Commission of the City of The Colony, Texas will convene into regular session which will be held on Tuesday, November 10, 2015 at 6:30 PM in the City Council Chambers located in City Hall, 6800 Main Street, The Colony, Texas, at which time the following items will be addressed:

<b>1.0</b>	<b>CALL REGULAR SESSION TO ORDER</b>
<b>1.1</b>	Citizen Input
<b>2.0</b>	<b>CONSENT AGENDA</b>
<b>2.1</b>	Consider approval of the minutes of the October 27, 2015 Regular Session.
<b>2.2</b>	Consider cancelling November 24, and December 22, 2015 Planning and Zoning Commission meetings due to holidays.
<b>2.3</b>	<b><i>FP15-0019 Lots 5, &amp; 7 Block A, Colony Center Addition Final Plat</i></b> Consider approval of a Final Plat for Lots 5 and 7, Block A, Colony Center Addition, being 21.4811 acres out of the B.B.B. & C.R.R. Survey, Abstract No. 174, an addition to the City of The Colony, Denton County, Texas, located on the northwest corner of SH 121 and S Colony Boulevard, in Planned Development 16 (PD-16) zoning district.
<b>2.4</b>	<b><i>RP15-0002, Overlake Addition Replat</i></b> Consider approval of a Replat for Lots 1 and 2, Block A, Overlake Addition, a 3.3838 acres of land being a replat of Lots 1-8, Block 4, Garza – Little Elm Lake Estates Addition, Abstract No, 394, 1092, 611 an addition to the City of The Colony, Denton County, Texas.

“Pursuant to the Texas Open Meetings Act, Government Code Chapter 551, one or more of the above items may be considered in executive session closed to the public. Any decision held on such matter will be taken or conducted in open session following the conclusion of the executive session”.

Persons with disabilities who plan to attend this meeting who may need auxiliary aids such as interpreters for persons who are deaf or hearing impaired, readers or, large print are requested to contact Christie Wilson, City Secretary, at 972-624-3106 at least two (2) working days prior to the meeting so that appropriate arrangements can be made.

**CERTIFICATION**

I hereby certify that above notice of meeting was posted outside the front door of City Hall by 5:00 p.m. on the 6<sup>th</sup> day of November 2015.



*Christie Wilson*  
\_\_\_\_\_  
Christie Wilson, City Secretary

**MINUTES  
CITY OF THE COLONY  
PLANNING AND ZONING COMMISSION  
OCTOBER 27, 2015**

After determining that a quorum was present, the Planning and Zoning Commission of the City of The Colony, Texas convened into Regular Session which was held on Tuesday, October 27, 2015 at 6:30 PM in the City Council Chambers located in City Hall, 6800 Main Street, The Colony, Texas, at which time the following items were addressed:

**Board Members Present:** Karen Hames, Chairman, Detrick DeBurr, Vice Chairman, Shawn Rockenbaugh, Brian Buffington, Cesar Molina Jr., Janece Pool, and Shannon Hebb.

**Board Members Absent:** None

**City Council Liaison:** David Terry, City Council Place 4

**Staff Present:** Gordon Scruggs, P.E., Director of Engineering and Development Services, Surupa Sen, AICP, Senior Planner, Brian McNuelty, Technical Assistant, and David Ritter, City Attorney.

<b>1.0</b>	<b>CALL REGULAR SESSION TO ORDER</b>
------------	--------------------------------------

Chairman Hames called the meeting to order at 6:30 p.m.

<b>1.1</b>	<b>CITIZEN INPUT</b>
------------	----------------------

No citizens came forward during Citizen Input.

<b>2.0</b>	<b>CONSENT AGENDA</b>
<b>2.1</b>	Consider approval of the minutes of the October 13, 2015 Regular Session.
<b>2.2</b>	<b><i>PP15-0006, Tribute West Addition Preliminary Plat</i></b> Consider approval of a Preliminary Plat of 406 residential lots and 21 common area lots being 121.889 acres out of the B.B.B. and C.R.R. Survey, Abstract No. 170, Thomas D. Luckett Survey, Abstract No. 751, Thomas D. Luckett Survey, Abstract No. 752, an addition to the City of The Colony, Denton County, Texas located at northwest corner of Boyd and Stratford Road in Planned Development 23 (PD-23) zoning district.
<b>2.3</b>	<b><i>FP15-0006 Service King Final Plat</i></b> Consider approval of a Final Plat for Lot 3, Block A, East Oak Wood Village Subdivision, being 2.450 acres out of the B.B.B. & C.R.R. Survey, Abstract No. 173, an addition to the City of The Colony, Denton County, Texas, located on Memorial Drive, west of Budget Suites, north of existing Firestone, in Business Park (BP) zoning district.
<b>2.4</b>	<b><i>FP15-0008 East Oak Wood Village Lots 1 and 4, Block A Final Plat</i></b> Consider approval of a Final Plat for Lots 1 and 4, Block A, East Oak Wood Village Subdivision, being 4.479 acres out of the B.B.B. & C.R.R. Survey, Abstract No. 173, an addition to the City of The Colony, Denton County, Texas, located on Memorial Drive, east of Top Golf, in Business Park (BP) zoning district.

Chairman Hames read the Consent Agenda item into the record.

**Commissioner Hebb moved to approve Item 2.1, 2.2, 2.3, and 2.4, Commissioner Molina seconded the motion. Motion carried (7-0).**

<b>3.0</b>	<b>PUBLIC HEARING ITEMS</b>
<b>3.1</b>	<b><i>PDA15-0003, Amendment to Planned Development District No. 25</i></b> Conduct a public hearing, discuss and consider making a recommendation to City Council on a request for an amendment to Planned Development 25 (Ordinance No 2011-1927), adding to Section XIV Miscellaneous - Subsection O - Live Outdoor Music. (Continued from September 22, 2015)

Chairman Hames read the public hearing item 3.1 into record.

Ms. Sen presented the staff report.

Chairman Hames praised staff for doing a thorough research on this item.

Commissioner Hebb asked whether Lava Cantina is the only site at this point where music will be performed. Ms. Sen answered affirmative.

Commissioner Hebb also asked that by this amendment the City is allowing in future any music performance venue to locate anywhere within Lot 3, Block A, where they can locate on Destination Drive and be very close to the residential area.

Ms. Sen explained through the decibel attenuation map that the 330 feet buffer is following the property boundary. So any point on the first buffer rind is 330 feet away from the lot boundary and the decibel level will be restricted to 95 dB per ordinance. As another 150 feet distance is added the decibel level goes down to 91 dB and so on.

Chairman Hames opened the public hearing and with no one wishing to speak, Chairman Hames closed the public hearing at 6:41 p.m.

Commissioner Hebb asked who will regulate this ordinance compliance.

Ms. Sen answered that for any event they will have to come and apply for a permit for a special event permit or similar, the applicant will then be notified of the requirement. If they are in violation and the City receives a complaint then The Colony Police Department will regulate that. But the City expects the applicant to comply with the Ordinance.

Commissioner Hebb asked if they do not comply what the fine is or is there a fine.

Ms. Sen responded that for any Ordinance violation there are a \$2000.00 fine and each occurrence constitutes a separate violation.

Commissioner Molina also appreciated staff's work on the item stating they have covered all the items that were discussed as the last meeting.

**Commissioner Buffington moved to approve Item 3.1 Commissioner Pool seconded the motion. Motion carried (7-0).**

<b>4.0</b>	<b>DISCUSSION ITEMS</b>
<b>4.1</b>	<b><i>SP15-0024 Lava Cantina Development Plan</i></b> Discuss and consider making a recommendation to City Council on a request for Development Plan for Lava Cantina, a 21,723 sf restaurant and entertainment venue, located on Lot 3, Block D, Grandscape Addition Phase II, near the northwest corner of Grandscape Boulevard and Destination Drive.

Chairman Hames read the discussion item 4.1 into record.

Ms. Sen presented the staff report.

Commissioner Hebb asked how many people will be coming to this venue.

Applicant and owner of Lava Cantina, Mr. Vaughn stated that the facility can seat upto 900 people and for special events which will be 20 – 25 times a year there will be 1800 tickets for sale. He also added that there will be a \$600,000 – 700,000 entertainment system that will be responsible for the decibel levels. Lava Cantina will get into a management contract with a very reputable company called Eagle AVL who does major entertainment shows throughout the Country. These are professional people and will measure decibel levels from the sound board to the stage for legal compliance so that there is no Legal Class Action lawsuit for people getting hearing issues etc.

Commissioner Hebb asked why there is only 12 ADA spaces where the events might hold 1800 people.

Mr. Vaughn responded that those are very special events and will be scheduled post the time Nebraska Furniture Mart closes so there will be off-site parking and Lava Cantina will run shuttles from those areas.

Ms. Sen also added that Broadwalk Parking project is planned to be done before Lava Cantina opens and there will be more ADA spaces around the venue and not just the 12 shown for this site.

Commissioner Hebb asked if the stage and the patio are open to air.

Mr. Vaughn responded that they are both open air but there will be a retractable roof above the entire outdoor seating.

**Commissioner DeBurr moved to approve Item 4.1 Commissioner Rockenbaugh seconded the motion. Motion carried (7-0).**

<b>4.2</b>	<b><i>SP15-0025 Advance Auto Parts Site Plan</i></b> Discuss and consider making a recommendation to City Council on a request for Site Plan for Advance Auto Parts, an automobile parts and accessory sales shop, located at 4901 Main Street, in General Retail (GR) zoning district.
------------	--

Chairman Hames read the discussion item 4.2 into record.

Ms. Sen presented the staff report.

Commissioner Hebb mentioned that the access for this site is through Angelina's parking lot and it's taking 4 parking spaces out, so will the Angelina's parking requirements still be in compliance?

Ms. Sen stated that Angelina's probably had more than required number of parking spaces so they will be okay.

Mr. Scruggs added that the area is also under a mutual access easement.

Applicant Anna Blackwell approached the Commission and agreed with the statement made by Mr. Scruggs that there is an access easement at the northeast corner of Angelina's that allows access to this property.

Commissioner Rockenbaugh asked if the island shown on the Angelina's property is within the access easement.

Ms. Blackwell stated it is not within the easement and there needs to be permission from Angelina's while construction will happen.

Mr. Scruggs added that the north access is not shown on the drycleaners property. It was done a long time back and access easement was not required. But if the north property re-develops or does a replat then the cross access easement will be shown.

Commissioner Molina asked about the 15' City of The Colony strip on the north side of this site.

Mr. Scruggs responded that the strip has been there, the City doesn't need it. The City is going through the process of giving the property owners on both sides the strip in half and half. There is an electric utility going through the strip to the property behind the dry cleaners. The strip will remain as a utility easement.

Mr. Larry Robinson approached the Commission, who owns the property behind the dry cleaner and wanted clarification if the strip will remain as a utility easement. Mr. Scruggs responded affirmative.

Commissioner Hebb asked for clarification on the 14' wide strip of land south of the 15' wide City owned strip.

Ms. Sen clarified that the 14' wide strip of land is within the Advance Auto Parts property and Ms. Blackwell added that

**Commissioner Rockenbaugh moved to approve Item 4.2 Commissioner Pool seconded the motion. Motion carried (7-0).**

There being no further business to come before the Commission, Chairman Hames adjourned the Regular Session of the Planning and Zoning Commission at 7: 12 p.m.

---

---

Karen Hames, Chairman

---

Surupa Sen, AICP, Senior Planner

## PLANNING AND ZONING COMMISSION REPORT

**AGENDA DATE:** November 10, 2015

**DEPARTMENT:** Development Services Department

**PLANNER:** Surupa Sen, AICP, Senior Planner, 972-624-3164

---

**SUBJECT:** *FP15-0019 Lots 5, & 7 Block A, Colony Center Addition Final Plat*

Consider approval of a Final Plat for Lots 5 and 7, Block A, Colony Center Addition, being 21.4811 acres out of the B.B.B. & C.R.R. Survey, Abstract No. 174, an addition to the City of The Colony, Denton County, Texas, located on the northwest corner of SH 121 and S Colony Boulevard, in Planned Development 16 (PD-16) zoning district.

**APPLICANT**

Owner/Developer:	Colony 5 Partners LLC	Atlanta, Georgia
Engineer/Surveyor:	Cates-Clark & Associates LLP	Dallas, Texas

**EXISTING CONDITION OF PROPERTY**

The subject property is currently undeveloped.

**PROPOSED DEVELOPMENT**

Floor and Décor store is proposed on Lot 7. Lot 5 will be developed as a commercial lot.

**ADJACENT ZONING**

North - Planned Development District (PD-16) – Vacant land  
South - SH 121, proposed Mattress Firm, Panda Express restaurant  
East- Planned Development District (PD-16) – Village at 121 commercial developments  
West- Planned Development District (PD-16) – Rooms-to-Go, vacant land

**PLAT DETAILS**

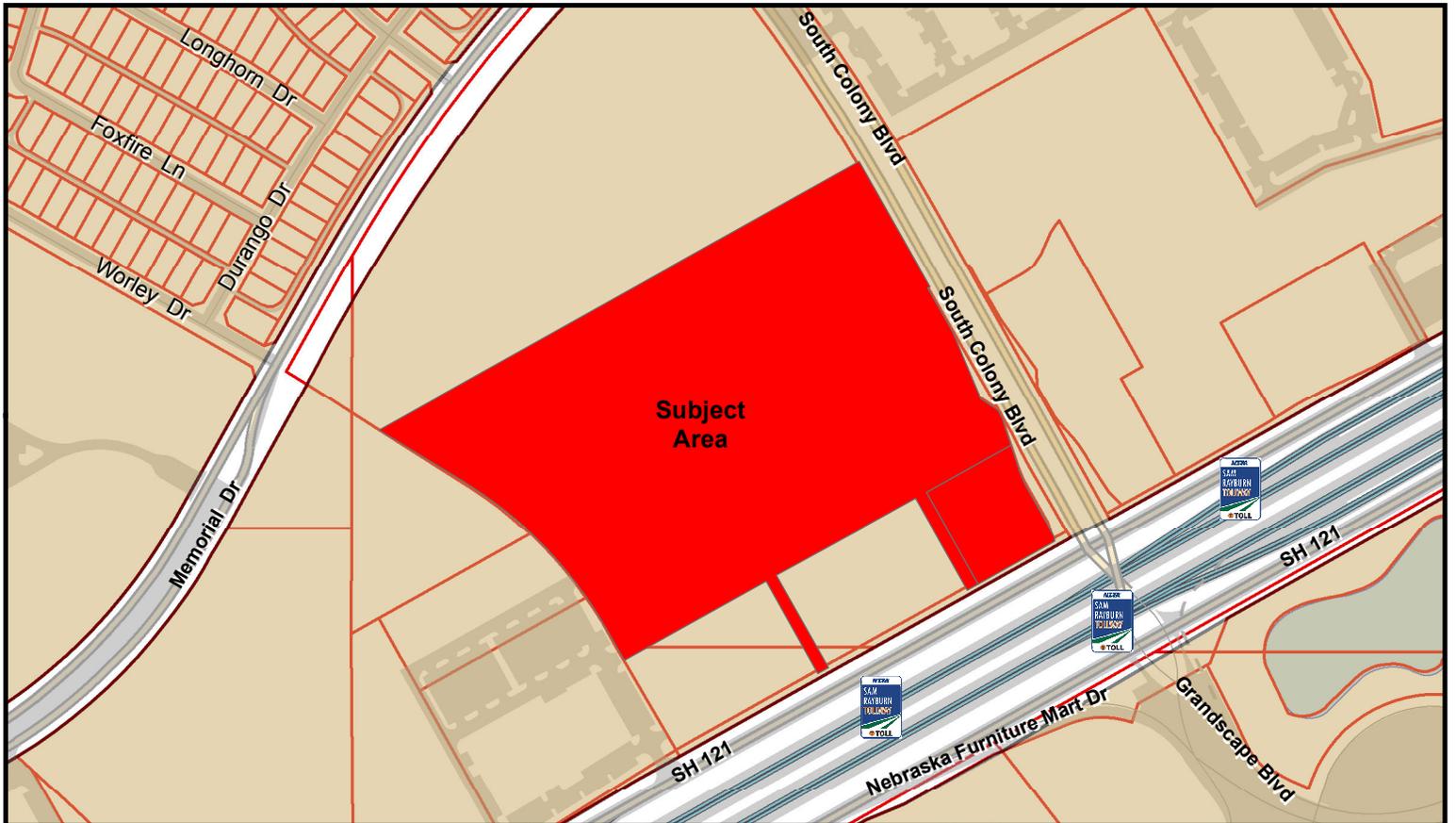
The subject property is located on the northwest corner of SH 121 and South Colony Boulevard and is zoned Planned Development 16 (PD-16). The lots are accessed through South Colony Boulevard and SH 121. The Final Plat meets, Appendix B, Subdivision Ordinance of The Colony Code of Ordinances, PD 16 Ordinance and other applicable ordinance requirements.

**RECOMMENDATION**

The Development Review Committee (DRC) recommends approval of the Final Plat.

**ATTACHMENTS**

1. Location Map
2. Proposed Final Plat

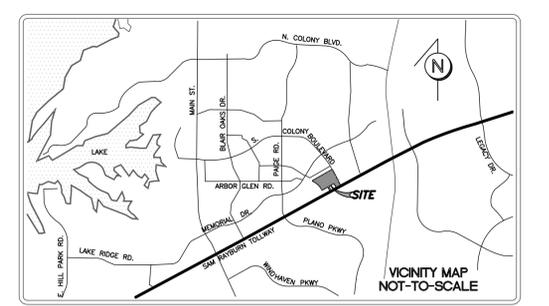
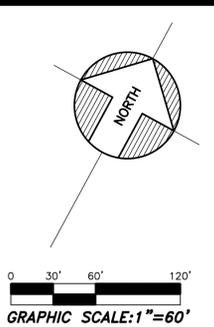
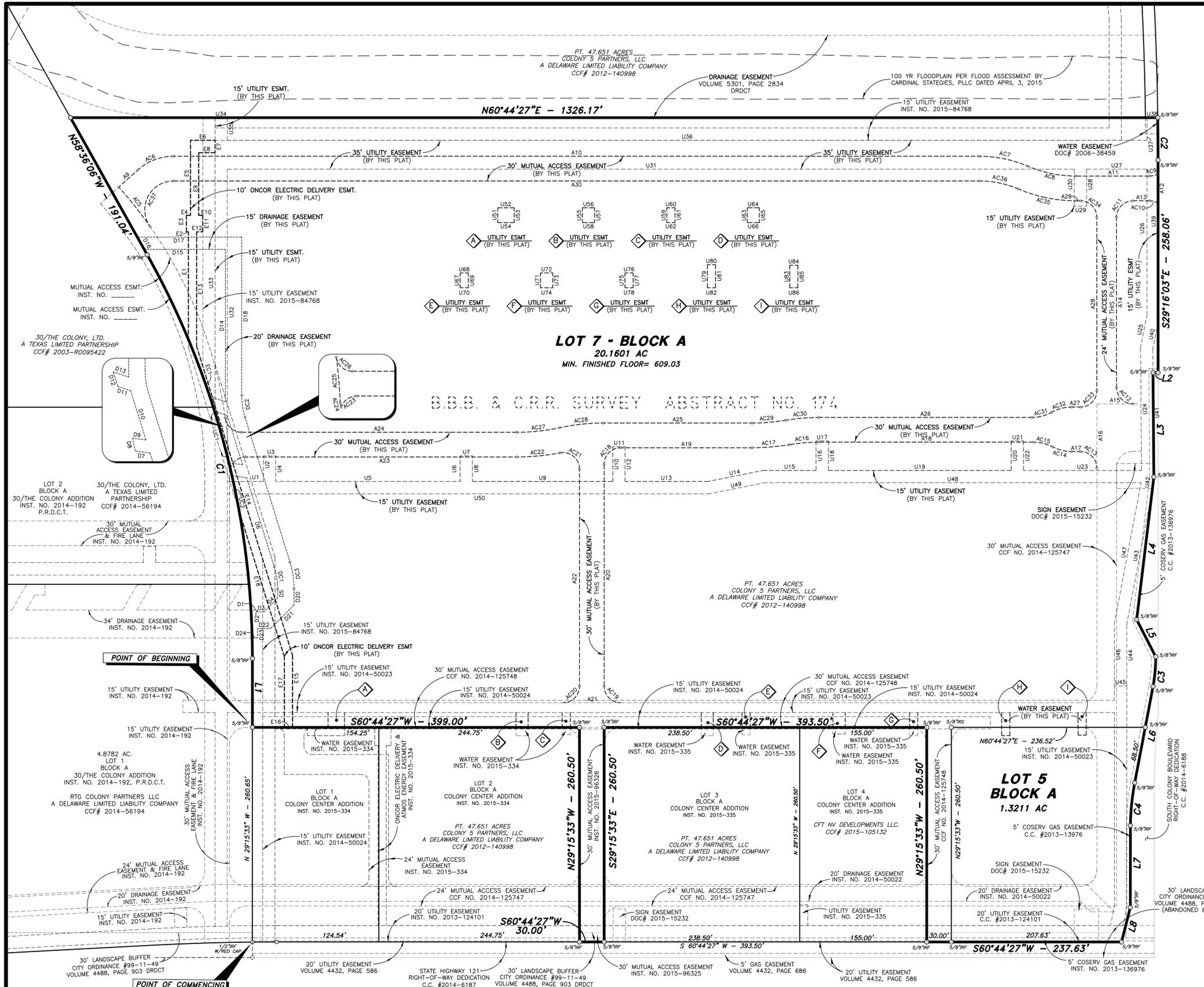


**Project No. FP15-0019 - Project Name: Lots 5, 7 Blk A Colony Center Addition**

- |  |                          |                  |                      |                        |
|--|--------------------------|------------------|----------------------|------------------------|
| Lots 5, 7 Blk A Colony Center Addition | Business Park/Industrial | Heavy Commercial | Mobile Home          | Planned Development    |
| Agricultural                           | Duplex Dwelling          | Industrial       | Neighborhood Service | Shopping Center        |
| Business Park                          | General Retail           | Light Commercial | Office District 1    | Single Family Dwelling |

This map was generated by GIS data provided by The Colony GIS Department. The City of The Colony does not guarantee the correctness or accuracy of any features on this map. These digital products are for illustration purposes only and are not suitable for site-specific decision making.





~ LINE TABLE ~

NO.	BEARING	DISTANCE
L1	N 29°15'33" W	83.73'
L2	S 60°44'13" W	6.17'
L3	S 29°44'07" E	126.63'
L4	S 22°21'48" E	174.54'
L5	S 56°30'14" E	50.60'
L6	S 18°26'54" E	119.02'
L7	S 29°12'39" E	99.33'
L8	S 14°58'21" E	43.28'

~ CURVE TABLE ~

NO.	RADIUS	DELTA	LENGTH	CH. BEARING	CHORD
C1	1000.00'	29°20'33"	512.12'	N 43°55'49" W	506.55'
C2	3984.80'	0°44'28"	51.54'	S 29°38'17" E	51.54'
C3	183.00'	11°23'25"	36.38'	S 24°08'36" E	36.32'
C4	299.70'	9°59'36"	52.27'	S 23°28'05" E	52.21'

\*SEE SHEET 2 FOR EASEMENT LINE AND CURVE TABLES

**\*\*FEMA FLOOD NOTE\*\***  
 THIS PROPERTY LIES ENTIRELY WITHIN OTHER AREAS -ZONE X- AREAS DETERMINED TO BE OUTSIDE 500-YEAR FLOODPLAIN AS SHOWN ON THE NATIONAL FLOOD INSURANCE PROGRAM'S FLOOD INSURANCE RATE MAP (FIRM) FOR DENTON COUNTY, TEXAS, AND INCORPORATED AREAS, PANEL 580 (MAP NUMBER 48121C0580 G) OF 750, MAP REVISED APRIL 18, 2011 AS PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA).

LEGEND

MON	MONUMENT
IRS	IRON ROD SET
DRDCT	DEED RECORDS DENTON COUNTY TEXAS
PRDCT	PLAT RECORDS DENTON COUNTY TEXAS
CCF	COUNTY CLERK FILE
SEP	SEPARATE
INST	INSTRUMENT

**STATE HIGHWAY NO. 121**  
 (VARIABLE WIDTH RIGHT-OF-WAY)

**OWNER**  
 COLONY 5 PARTNERS  
 400 PERIMETER CENTER  
 SUITE 800 TERR NE  
 ATLANTA, GEORGIA 30346-1242  
 CONTACT: JEFFREY FINKEL

**SURVEYOR**  
 BLUE SKY SURVEYING & MAPPING, CORP.  
 11015 MIDWAY ROAD  
 DALLAS, TEXAS 75229  
 (214) 358-4500  
 CONTACT: DAVID PETREE, RPLS

**FINAL PLAT  
 COLONY CENTER ADDITION  
 LOTS 5 AND 7 - BLOCK A**

BEING 21.4811 ACRES OUT OF THE  
 B.B.B. AND C.R.R. SURVEY, ABSTRACT NO. 174  
 CITY OF THE COLONY, DENTON COUNTY, TEXAS

CITY FILE NO. FP15-0019

SHEET 1 OF 2  
 NOVEMBER 3, 2015

OWNER'S CERTIFICATE

STATE OF TEXAS
COUNTY OF DENTON

WHEREAS, COLONY 5 PARTNERS, LLC, A DELAWARE LIMITED LIABILITY COMPANY IS THE OWNER OF THAT CERTAIN LOT, TRACT OR PARCEL OF LAND COMPRISING 21.4813 ACRES OF LAND SITUATED IN THE B.B.B. & C.R.R. SURVEY, ABSTRACT NO. 174, CITY OF THE COLONY, DENTON COUNTY, TEXAS AND BEING A PART OF THE 47.651 ACRE TRACT CONVEYED TO COLONY 5 PARTNERS, LLC, A DELAWARE LIMITED LIABILITY COMPANY BY DEED AS RECORDED IN DOCUMENT NUMBER 2012-140998 OF THE DEED RECORDS OF DENTON COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN 1/2" IRON ROD WITH RED CAP FOUND FOR CORNER ON THE NORTHWESTERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY NO. 121 (VARIABLE WIDTH RIGHT-OF-WAY), FOR THE SOUTHEAST CORNER OF LOT 1, BLOCK A OF 30/THE COLONY ADDITION, AN ADDITION TO THE CITY OF THE COLONY AS RECORDED UNDER INSTRUMENT NO. 2014-192 OF THE PLAT RECORDS OF DENTON COUNTY, TEXAS; AND ALSO BEING THE SOUTHWEST CORNER OF LOT 1, BLOCK A OF THE COLONY CENTER ADDITION, AN ADDITION TO THE CITY OF THE COLONY AS RECORDED UNDER INSTRUMENT NO. 2015-334 OF THE PLAT RECORDS OF DENTON COUNTY, TEXAS;

THENCE NORTH 29° 15' 33" WEST (BASIS OF BEARINGS PER PLAT RECORDED UNDER INSTRUMENT NO. 2014-192 OF THE PLAT RECORDS OF DENTON COUNTY TEXAS) AND DEPARTING THE NORTHWEST RIGHT-OF-WAY LINE OF SAID STATE HIGHWAY NO. 121, AND FOLLOWING ALONG THE NORTHEAST LINE OF SAID LOT 1, BLOCK A OF 30/THE COLONY ADDITION, AND ALONG THE SOUTHWEST LINE OF SAID LOT 1, BLOCK A OF THE COLONY CENTER ADDITION FOR A DISTANCE OF 260.65 FEET TO A 5/8" IRON ROD FOUND FOR THE NORTHWEST CORNER OF SAID LOT 1, BLOCK A OF THE COLONY CENTER ADDITION, AND THE POINT OF BEGINNING FOR THIS DESCRIPTION;

THENCE NORTH 29° 15' 33" WEST AND FOLLOWING ALONG THE NORTHEAST LINE OF SAID LOT 1, BLOCK A OF 30/THE COLONY ADDITION FOR A DISTANCE OF 83.73 FEET TO A 5/8" IRON ROD FOUND, AND BEING THE BEGINNING OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 29° 20' 33" WITH A RADIUS OF 1000.00 FEET AND A CHORD BEARING NORTH 43° 55' 49" WEST AT A DISTANCE OF 506.55 FEET;

THENCE NORTHWESTERLY ALONG SAID CURVE TO THE LEFT, PASSING AT AN ARC DISTANCE OF 90.07 FEET THE NORTH CORNER OF SAID LOT 1, BLOCK A OF 30/THE COLONY ADDITION, SAME BEING THE EAST CORNER OF LOT 2, BLOCK A OF SAID 30/THE COLONY ADDITION, AND CONTINUING FOR A TOTAL ARC DISTANCE OF 512.12 FEET TO A 5/8" IRON ROD FOUND;

THENCE NORTH 58° 36' 06" WEST ALONG THE SOUTHWEST LINE OF SAID 47.651 ACRE TRACT CONVEYED TO COLONY 5 PARTNERS, LLC, A DELAWARE LIMITED LIABILITY COMPANY BY DEED AS RECORDED IN DOCUMENT NUMBER 2012-140998 OF THE DEED RECORDS OF DENTON COUNTY, TEXAS, SAME BEING THE NORTHEAST LINE OF A TRACT OF LAND DESCRIBED IN DEED TO 30/THE COLONY, LTD, UNDER COUNTY CLERK'S FILE NO. 2003-0095422, FOR A DISTANCE OF 191.04 FEET TO A 5/8" IRON ROD FOUND FOR CORNER;

THENCE NORTH 60° 44' 27" EAST AND DEPARTING SAID COMMON LINE AND CROSSING THE COLONY 5 PARTNERS, LLC 47.651 ACRE TRACT, FOR A DISTANCE OF 1326.17 FEET TO A 5/8" IRON ROD FOUND ON THE SOUTHWEST RIGHT-OF-WAY LINE OF SOUTH COLONY BOULEVARD, A VARIABLE WIDTH RIGHT-OF-WAY, AND BEING THE BEGINNING OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 00° 44' 28" WITH A RADIUS OF 3,984.80 FEET AND A CHORD BEARING SOUTH 29° 38' 17" EAST AT A DISTANCE OF 51.54 FEET;

THENCE SOUTHEASTERLY ALONG SAID CURVE TO THE RIGHT AND ALONG SAID LINE OF SOUTH COLONY BOULEVARD FOR AN ARC DISTANCE OF 51.54 FEET TO A 5/8" IRON ROD FOUND FOR CORNER;

THENCE SOUTH 29° 16' 03" EAST AND CONTINUING ALONG THE SOUTHWEST LINE OF SAID SOUTH COLONY BOULEVARD FOR A DISTANCE OF 258.05 FEET TO A 5/8" IRON ROD FOUND FOR THE NORTHEAST CORNER OF A RIGHT-OF-WAY DEDICATION FOR SAID SOUTH COLONY BOULEVARD AS RECORDED IN COUNTY CLERK'S FILE NO. 2014-6188 IN THE DEED RECORDS OF DENTON COUNTY, TEXAS;

THENCE ALONG SAID RIGHT-OF-WAY DEDICATION FOR SOUTH COLONY BOULEVARD, THE FOLLOWING BEARINGS AND DISTANCES:

(1) SOUTH 60° 44' 13" WEST FOR A DISTANCE OF 6.17 FEET TO A 5/8" IRON ROD FOUND FOR CORNER;

(2) SOUTH 29° 44' 07" EAST FOR A DISTANCE OF 126.63 FEET TO A 5/8" IRON ROD FOUND FOR CORNER;

(3) SOUTH 22° 21' 48" EAST FOR A DISTANCE OF 174.54 FEET TO A 5/8" IRON ROD FOUND FOR CORNER;

(4) SOUTH 56° 30' 14" EAST FOR A DISTANCE OF 50.60 FEET TO A 5/8" IRON ROD FOUND FOR CORNER, AND BEING IN THE BEGINNING OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 11° 23' 25" WITH A RADIUS OF 183.00 FEET, AND A CHORD BEARING SOUTH 24° 08' 36" EAST AT A DISTANCE OF 36.32 FEET;

(5) SOUTHEASTERLY ALONG SAID CURVE TO THE RIGHT FOR AN ARC DISTANCE OF 36.38 FEET TO A 5/8" IRON ROD FOUND;

(6) SOUTH 18° 26' 54" EAST FOR A DISTANCE OF 119.02 FEET TO A 5/8" IRON ROD FOUND, AND BEING THE BEGINNING OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 09° 59' 36" WITH A RADIUS OF 299.70 FEET, AND A CHORD BEARING SOUTH 23° 28' 05" EAST AT A DISTANCE OF 52.21 FEET;

(7) SOUTHEASTERLY ALONG SAID CURVE TO THE LEFT FOR AN ARC DISTANCE OF 52.27 FEET TO A 5/8" IRON ROD FOUND;

(8) SOUTH 29° 12' 39" EAST FOR A DISTANCE OF 99.33 FEET TO A 5/8" IRON ROD FOUND FOR CORNER;

(9) SOUTH 14° 58' 21" EAST FOR A DISTANCE OF 43.28 FEET TO A POINT FOR CORNER, AND BEING THE INTERSECTION OF THE SOUTHWEST RIGHT-OF-WAY LINE OF SOUTH COLONY BOULEVARD WITH THE NORTHWEST RIGHT-OF-WAY LINE OF STATE HIGHWAY NO. 121, A VARIABLE WIDTH RIGHT-OF-WAY, AS ESTABLISHED BY RIGHT-OF-WAY DEDICATION RECORDED UNDER COUNTY CLERK'S FILE NO. 2014-6187;

THENCE SOUTH 60° 44' 27" WEST AND FOLLOWING ALONG SAID NORTHWEST LINE OF STATE HIGHWAY NO. 121 AS ESTABLISHED BY RIGHT-OF-WAY DEDICATION RECORDED UNDER COUNTY CLERK'S FILE NO. 2014-6187, FOR A DISTANCE OF 237.63 FEET TO A 5/8" IRON ROD FOUND FOR THE SOUTHEAST CORNER OF LOT 4, BLOCK A OF SAID COLONY CENTER ADDITION AS RECORDED UNDER INSTRUMENT NO. 2015-335 OF THE PLAT RECORDS OF DENTON COUNTY, TEXAS;

THENCE NORTH 29° 15' 33" WEST AND FOLLOWING ALONG THE NORTHEAST LINE OF SAID LOT 4, FOR A DISTANCE OF 260.50 FEET TO A 5/8" IRON ROD FOUND FOR THE NORTHEAST CORNER OF SAID LOT 4;

THENCE SOUTH 60° 44' 27" WEST AND FOLLOWING ALONG THE NORTHWEST LINE OF SAID LOT 4, PASSING AT A DISTANCE OF 155.00 FEET THE NORTHWEST CORNER OF LOT 4, SAME BEING THE NORTHEAST CORNER OF LOT 3, BLOCK A OF SAID COLONY CENTER ADDITION AS RECORDED UNDER INSTRUMENT NO. 2015-335 OF THE PLAT RECORDS OF DENTON COUNTY, TEXAS, CONTINUING FOR A TOTAL DISTANCE OF 393.50 FEET TO A 5/8" IRON ROD FOUND FOR CORNER, SAME BEING THE NORTHWEST CORNER OF SAID LOT 3;

THENCE SOUTH 29° 15' 33" EAST AND FOLLOWING ALONG THE SOUTHWEST LINE OF SAID LOT 3 FOR A DISTANCE OF 260.50 FEET TO A 5/8" IRON ROD FOUND FOR THE SOUTHEAST CORNER OF SAID LOT 3, AND BEING ON THE NORTHWEST RIGHT-OF-WAY LINE OF SAID STATE HIGHWAY NO. 121;

THENCE SOUTH 60° 44' 27" WEST AND FOLLOWING ALONG STATE HIGHWAY NO. 121 FOR A DISTANCE OF 30.00 FEET TO A 5/8" IRON ROD FOUND FOR THE SOUTHEAST CORNER OF LOT 2, BLOCK A OF SAID COLONY CENTER ADDITION AS RECORDED UNDER INSTRUMENT NO. 2015-334 OF THE PLAT RECORDS OF DENTON COUNTY, TEXAS;

THENCE NORTH 29° 15' 33" WEST AND DEPARTING SAID STATE HIGHWAY NO. 121 AND FOLLOWING ALONG THE NORTHEAST LINE OF SAID LOT 2 FOR A DISTANCE OF 260.50 FEET TO A 5/8" IRON ROD FOUND FOR THE NORTHEAST CORNER OF SAID LOT 2;

THENCE SOUTH 60° 44' 27" WEST AND FOLLOWING ALONG THE NORTHWEST LINE OF SAID LOT 2, PASSING AT A DISTANCE OF 244.75 FEET THE NORTHWEST CORNER OF SAID LOT 2 AND THE NORTHEAST CORNER OF SAID LOT 1, BLOCK A OF COLONY CENTER ADDITION, AND CONTINUING IN A TOTAL DISTANCE OF 399.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 21.4811 ACRES (935,717 SQUARE FEET) OF LAND, MORE OR LESS.

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT, COLONY 5 PARTNERS, LLC, DOES HEREBY ADOPT THE HEREIN DESCRIBED PROPERTY AS LOTS 5 AND 7, BLOCK A, COLONY CENTER ADDITION, AN ADDITION TO THE CITY OF THE COLONY, DENTON COUNTY, TEXAS AND DOES DEDICATE TO THE PUBLIC'S USE FOREVER THE RIGHTS-OF-WAY AND EASEMENTS SHOWN HEREON.

COLONY 5 PARTNERS, LLC,
A DELAWARE LIMITED LIABILITY COMPANY

JEFFREY H. FINKEL DATE
VICE PRESIDENT

STATE OF \_\_\_\_\_
COUNTY OF \_\_\_\_\_

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED JEFFREY H. FINKEL, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE OR SHE EXECUTED THE SAME FOR THE PURPOSE STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015.

NOTARY PUBLIC, \_\_\_\_\_ COUNTY, \_\_\_\_\_

MY COMMISSION EXPIRES: \_\_\_\_\_

SURVEYOR'S CERTIFICATE

THAT I, DAVID PETREE, A REGISTERED PROFESSIONAL LAND SURVEYOR OF THE STATE OF TEXAS, DO HEREBY CERTIFY THAT I HAVE PREPARED THIS PLAT FROM AN ACTUAL SURVEY OF LAND, AND THAT ALL THE CORNER MONUMENTS SHOWN HEREON SHALL BE PROPERLY MARKED ON THE GROUND, AND THAT THIS PLAT CORRECTLY REPRESENTS THAT SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION AND IS IN ACCORDANCE WITH THE PLATTING RULES AND REGULATIONS OF THE CITY OF FORT WORTH, TARRANT COUNTY, TEXAS.

SIGNED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015.

DAVID PETREE
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 1890

STATE OF TEXAS
COUNTY OF DALLAS

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED DAVID PETREE, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE OR SHE EXECUTED THE SAME FOR THE PURPOSE STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS \_\_\_\_\_ DAY

OF \_\_\_\_\_, 2015.

NOTARY PUBLIC, DALLAS COUNTY, TEXAS

CITY SIGNATURE BLOCK

ON THE \_\_\_ DAY OF \_\_\_\_\_, 2015, THIS PLAT WAS DULY APPROVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF THE COLONY.

SIGNED: \_\_\_\_\_
CHAIRMAN OF THE PLANNING AND ZONING COMMISSION

ATTEST: \_\_\_\_\_
CITY SECRETARY

OWNER

COLONY 5 PARTNERS
400 PERIMETER CENTER
SUITE 800 TERR NE
ATLANTA, GEORGIA 30346-1242
CONTACT: JEFFREY FINKEL

SURVEYOR

BLUE SKY SURVEYING & MAPPING, CORP.
11015 MIDWAY ROAD
DALLAS, TEXAS 75229
(214) 358-4500
CONTACT: DAVID PETREE, RPLS

~ ACCESS EASEMENT CURVE TABLE ~

Table with columns: CURVE, RADIUS, DELTA, LENGTH, CH. BEARING, CHORD. Lists curves AC5 through AC37 with their respective measurements.

~ ACCESS EASEMENT LINE TABLE ~

Table with columns: LINE, BEARING, DISTANCE. Lists lines A9 through A30 with their respective bearings and distances.

~ UTILITY EASEMENT CURVE TABLE ~

Table with columns: CURVE, RADIUS, DELTA, LENGTH, CH. BEARING, CHORD. Lists curves UC1 and UC2 with their respective measurements.

~ UTILITY EASEMENT LINE TABLE ~

Table with columns: LINE, BEARING, DISTANCE. Lists lines U1 through U86 with their respective bearings and distances.

~ ELECTRIC EASEMENT CURVE TABLE ~

Table with columns: CURVE, RADIUS, DELTA, LENGTH, CH. BEARING, CHORD. Lists curve EC1 with its measurements.

~ ELECTRIC EASEMENT LINE TABLE ~

Table with columns: LINE, BEARING, DISTANCE. Lists lines E1 through E18 with their respective bearings and distances.

~ DRAINAGE EASEMENT CURVE TABLE ~

Table with columns: CURVE, RADIUS, DELTA, LENGTH, CH. BEARING, CHORD. Lists curves DC1, DC2, and DC3 with their respective measurements.

~ DRAINAGE EASEMENT LINE TABLE ~

Table with columns: LINE, BEARING, DISTANCE. Lists lines D1 through D24 with their respective bearings and distances.

FINAL PLAT
COLONY CENTER ADDITION
LOTS 5 AND 7 - BLOCK A

BEING 21.4811 ACRES OUT OF THE
B.B.B. AND C.R.R. SURVEY, ABSTRACT NO. 174
CITY OF THE COLONY, DENTON COUNTY, TEXAS

CITY FILE NO. FP15-0019

SHEET 1 OF 2
NOVEMBER 3, 2015

**PLANNING AND ZONING COMMISSION REPORT**

**AGENDA DATE:** November 10, 2015  
**DEPARTMENT:** Engineering/Development Services Department  
**PLANNER:** Surupa Sen, AICP, Senior Planner, 972-624-3164

---

**SUBJECT** *RP15-0002, Overlake Addition Replat*

Consider approval of a Replat for Lots 1 and 2, Block A, Overlake Addition, a 3.3838 acres of land being a replat of Lots 1-8, Block 4, Garza – Little Elm Lake Estates Addition, Abstract No, 394, 1092, 611 an addition to the City of The Colony, Denton County, Texas.

**OWNER/ENGINEER**

Owner/Developer:	HKS Global and Daryl Siemens	Plano, Texas
Engineer/Surveyor:	Mori’s Engineering	Plano, Texas

**EXISTING CONDITION OF PROPERTY**

Lot 1 is currently undeveloped and Lot 2 has a metal building on it.

**PROPOSED DEVELOPMENT**

Applicant is proposing replat of 8 lots. Lot 1 will combine former Lots 1- 7. Future commercial development is planned on Lot 1. Lot 2 is owned by Daryl Siemens and has a metal building. The lots are zoned General Retail (GR).

**ADJACENT ZONING AND LAND USE**

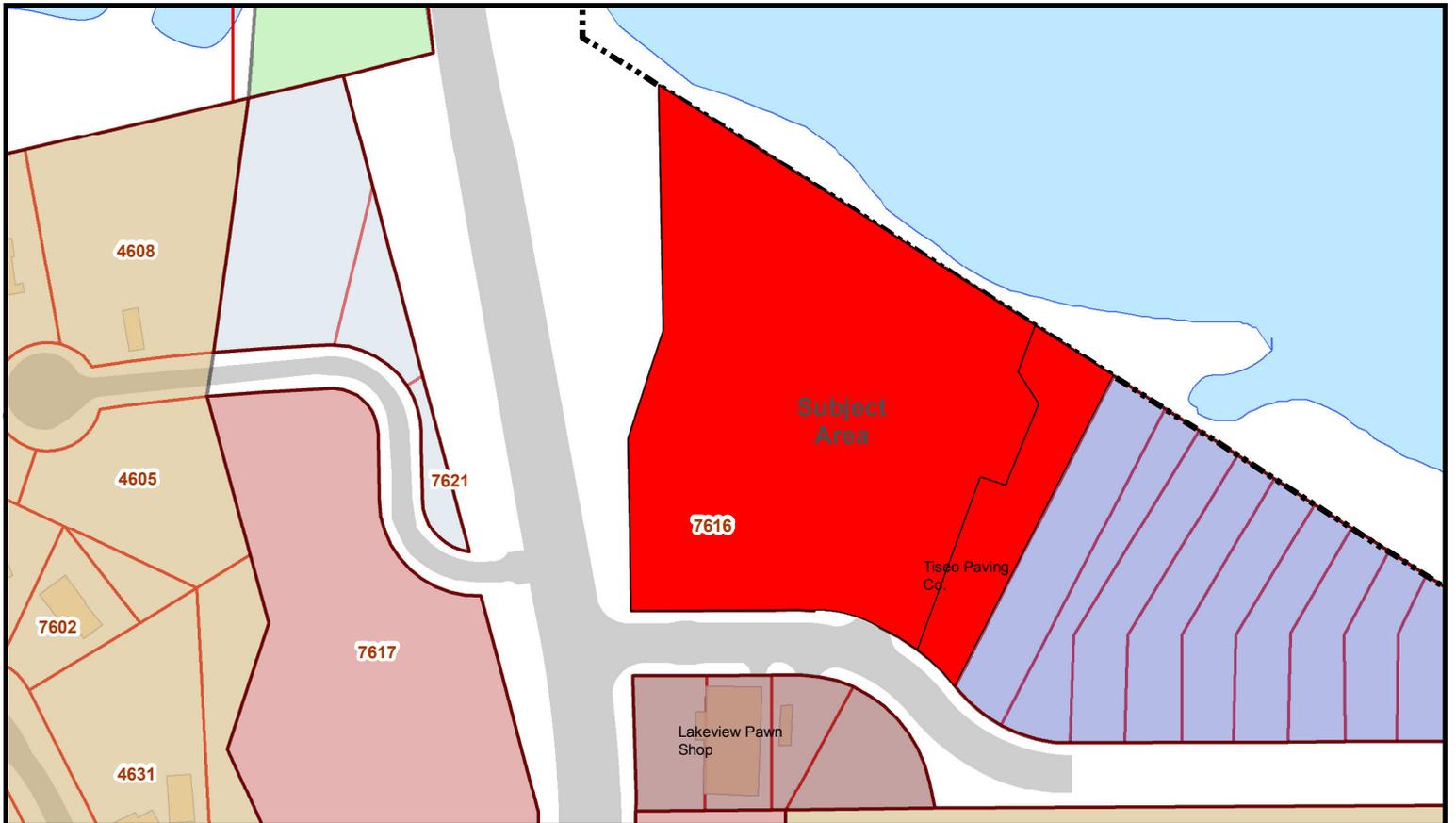
North - Vacant, outside The Colony City Limits  
South - Heavy Commercial (HC) – Lakeview Pawn Shop  
East- Industrial (I) – Vacant Land  
West- Main Street

**DEVELOPMENT REVIEW COMMITTEE (DRC) REVIEW**

The Development Review Committee (DRC) recommends approval of the Replat.

**ATTACHMENTS**

1. Location Map
2. Replat

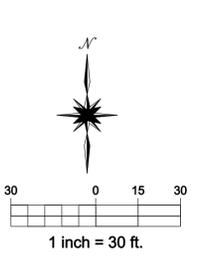
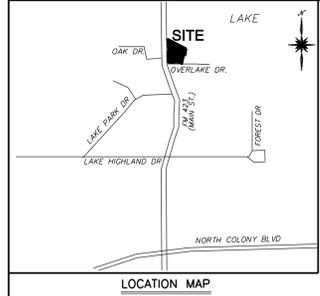


**Project No. RP15-0002 - Project Name: Overlake Addition Replat**

- |                   |                          |                  |                      |                     |                        |
|-------------------|--------------------------|------------------|----------------------|---------------------|------------------------|
| Overlake Addition | Business Park            | General Retail   | Light Commercial     | Office District 1   | Single Family Dwelling |
| The Hudson        | Business Park/Industrial | Heavy Commercial | Mobile Home          | Planned Development | BuildingFootprints     |
| Agricultural      | Duplex Dwelling          | Industrial       | Neighborhood Service | Shopping Center     |                        |

This map was generated by GIS data provided by The Colony GIS Department. The City of The Colony does not guarantee the correctness or accuracy of any features on this map. These digital products are for illustration purposes only and are not suitable for site-specific decision making.





**LEGAL DESCRIPTION:**

BEING a 3.3838 acre (147,399 square foot) tract of land situated in City The Colony, Denton County, Texas, and being Street Right-of-Way dedication, known as Pine Court (60' Right-of-Way), and Lots 1-8 being of the Plat of Garza Little Elm Lake Estates Addition, an addition to the City of The Colony, according to the Plat filed of record in Volume 2, Page 80 of the Plat Records of Denton County, Texas, and being more particularly described by metes and bounds as follows:

Beginning at 5/8 inch iron rod at the intersection of the North line of Overlake Drive (60' Right-of-Way) with the East line of Main Street (Variable Right-of-Way), said point also being the Southwest corner of Lot 1, Block 4 of said Garza Little Elm Lake Estates Addition;

THENCE, North 01 deg. 08 min. 00 sec. East, along the said East line of Main Street a distance of 158.89 feet to a 1/2 inch iron rod found for corner;

THENCE, North 18 deg. 01 min. 00 sec. East, a distance of 105.90 feet to a 1/2 inch iron rod found for corner;

THENCE, North 01 deg. 16 min. 00 sec. West, a distance of 227.00 feet to a point for corner, said corner being in the South line of Lewisville Lake;

THENCE, South 57 deg. 25 min. 00 sec. East, along said South line of Lewisville Lake a distance of 505.00 feet to a point for corner, said point being the Northeast corner of said Lot 8 and the Northwest corner of Lot 9, Block 4 of said Garza Little Elm Lake Estates Addition;

THENCE, South 26 deg. 19 min. 28 sec. West, along the common line of said Lots 8 and 9, a distance of 325.95 feet to a 1/2 inch iron rod found for corner in the North line of said Overlake Drive, said point also being the beginning of a non-tangent curve to the right with a radius of 140.00 feet, delta angle of 04 deg. 24 min. 10 sec, and a chord of North 40 deg. 30 min. 53 sec. West, 10.76 feet;

THENCE, along the said North line of Overlake Drive and along the said curve to the right, a distance of 10.76 feet to a 1/2 inch iron rod set for the beginning of a curve to the left with a radius of 185.00 feet, delta angle of 52 deg. 01 min. 12 sec, and a chord of North 64 deg. 19 min. 24 sec. West, 162.26 feet, and an arc length of 167.97 feet to a 1/2 inch iron rod set;

THENCE, South 89 deg. 40 min. 00 sec. West, continuing along the said North line of Overlake Drive, a distance of 152.35 feet, to the POINT OF BEGINNING and containing 3.3838 acres (147,399 square feet) of land, more or less.

**SURVEYOR'S CERTIFICATE:**

I, ERNEST HEDGCOTH, REGISTERED PROFESSIONAL LAND SURVEYOR NO. 2804, OF THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND REPRESENTS THE RESULTS OF A SURVEY MADE ON THE GROUND BY MYSELF OR BY PERSONNEL UNDER MY DIRECT SUPERVISION AND CONTROL. THIS PLAT WAS MADE IN ACCORDANCE WITH THE CURRENT PROCEDURES AND PRACTICES ESTABLISHED BY THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYING, AS AUTHORIZED BY THE PROFESSIONAL LAND SURVEYING PRACTICES ACT, AS AMENDED.

WITNESS MY HAND AND SEAL THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015.

ERNEST HEDGCOTH, REGISTERED PROFESSIONAL LAND SURVEYOR, NO. 2804

STATE OF TEXAS §  
COUNTY OF DENTON §

Before me, the undersigned authority, on this day personally appeared \_\_\_\_\_, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration and under the authority therein expressed.

GIVEN under my hand and seal of office this \_\_\_\_ day of \_\_\_\_\_, 2015.

Notary Public for and in the State of Texas  
My commission expires: \_\_\_\_\_

**OWNER DEDICATION:**

THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT, I, \_\_\_\_\_, the President of HKS GLOBAL, INC., being the owner of Lot 1, Block A, do hereby adopt this plat as OVERLAKE ADDITION, an addition to the City of The Colony, Denton County, Texas and do hereby dedicate to the public use and benefit benefit forever the streets and alleys shown thereon for all public purposes including but not limited to all streets purposes and the right of the City of The Colony and its assigns to lay, install, operate, repair and remove and reconstruct any and all public utilities including but not limited to water lines, sanitary sewer lines, drainage and storm sewer lines and canals, gas lines, telephone poles and lines, electrical power lines and appurtenances. The right to establish grades on said dedicated streets and alleys is hereby granted to the City of The Colony and all claims for damages which may arise by reason of changing the present surface of said streets to conform to said grades are hereby waived.

The easements shown on the plat are hereby granted, dedicated and reserved for the mutual use and accommodation of the City of The Colony and all public utilities desiring to use, or using the same for public sewer lines, drainage and storm sewer canals and lines, gas lines, telephone poles and lines, electrical power lines and appurtenances. All and any public utility and the City of The Colony shall have the right to remove and keep removed all or part of any residence, building, fences, trees, shrubs or other improvements, growths or obstructions which may in any way endanger or interfere with the construction, maintenance, operation or efficiency of the respective utility in, on or under said easement strips. The City of The Colony and all public utilities shall at all times have the full right of ingress and egress to and from and upon said easement strips for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, and adding to or removing all or part of the respective systems without the necessity at any time of procuring the permission of anyone. WE do further dedicate to the public use forever all parks, squares, parkways, and all other public uses and dedication shown on the face of this plat.

**OWNERS ACKNOWLEDGMENT:**

WITNESS MY HAND THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015

\_\_\_\_\_  
President of HKS Global, Inc.

STATE OF TEXAS §  
COUNTY OF DENTON §

Before me, the undersigned authority, on this day personally appeared \_\_\_\_\_, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration and under the authority therein expressed.

GIVEN under my hand and seal of office this \_\_\_\_ day of \_\_\_\_\_, 2015.

Notary Public for and in the State of Texas  
My commission expires: \_\_\_\_\_

**OWNER DEDICATION:**

THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT, I, \_\_\_\_\_, the owner of Lot 2, Block A, do hereby adopt this plat as OVERLAKE ADDITION, an addition to the City of The Colony, Denton County, Texas and do hereby dedicate to the public use and benefit benefit forever the streets and alleys shown thereon for all public purposes including but not limited to all streets purposes and the right of the City of The Colony and its assigns to lay, install, operate, repair and remove and reconstruct any and all public utilities including but not limited to water lines, sanitary sewer lines, drainage and storm sewer lines and canals, gas lines, telephone poles and lines, electrical power lines and appurtenances. The right to establish grades on said dedicated streets and alleys is hereby granted to the City of The Colony and all claims for damages which may arise by reason of changing the present surface of said streets to conform to said grades are hereby waived.

The easements shown on the plat are hereby granted, dedicated and reserved for the mutual use and accommodation of the City of The Colony and all public utilities desiring to use, or using the same for public sewer lines, drainage and storm sewer canals and lines, gas lines, telephone poles and lines, electrical power lines and appurtenances. All and any public utility and the City of The Colony shall have the right to remove and keep removed all or part of any residence, building, fences, trees, shrubs or other improvements, growths or obstructions which may in any way endanger or interfere with the construction, maintenance, operation or efficiency of the respective utility in, on or under said easement strips. The City of The Colony and all public utilities shall at all times have the full right of ingress and egress to and from and upon said easement strips for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, and adding to or removing all or part of the respective systems without the necessity at any time of procuring the permission of anyone. WE do further dedicate to the public use forever all parks, squares, parkways, and all other public uses and dedication shown on the face of this plat.

**OWNERS ACKNOWLEDGMENT:**

WITNESS MY HAND THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015

\_\_\_\_\_  
OWNER

STATE OF TEXAS §  
COUNTY OF DENTON §

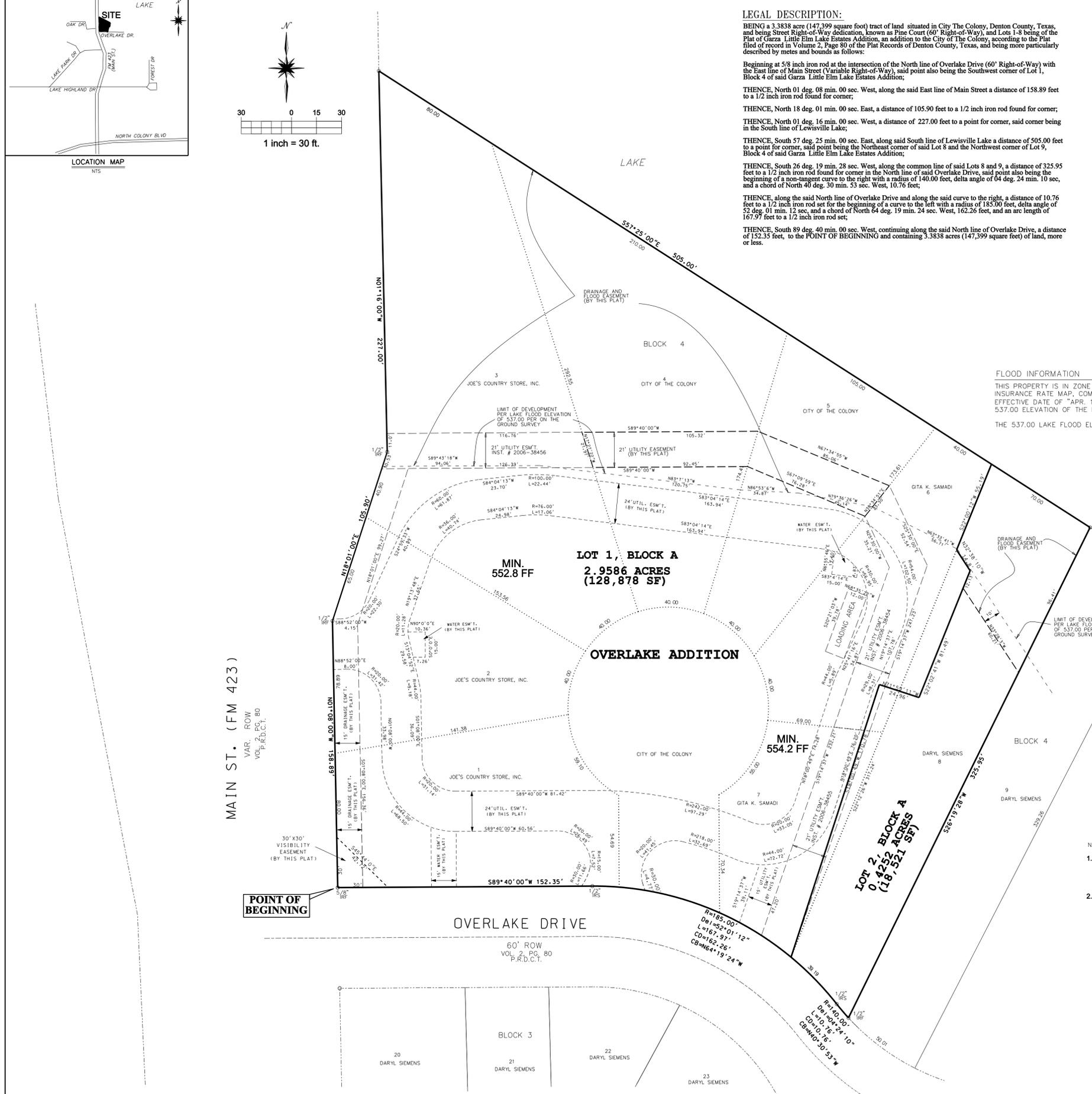
Before me, the undersigned authority, on this day personally appeared \_\_\_\_\_, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration and under the authority therein expressed.

GIVEN under my hand and seal of office this \_\_\_\_ day of \_\_\_\_\_, 2015.

Notary Public for and in the State of Texas  
My commission expires: \_\_\_\_\_

**FLOOD INFORMATION**

THIS PROPERTY IS IN ZONE "X" AND PARTIALLY IN ZONE "AE" OF THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 48121C0560G, WHICH BEARS AN EFFECTIVE DATE OF "APR. 18 2011". THE AREA TO BE DEVELOPED IS ABOVE THE 537.00 ELEVATION OF THE LAKE FLOOD LINE AND IS NOT IN A HAZARD AREA. THE 537.00 LAKE FLOOD ELEVATION WAS SURVEYED ON THE GROUND.



**NOTES:**

- Selling off a portion of this addition by metes and bounds description, without a replat being approved by the City of The Colony, is a violation of city ordinance and state law and is subject to fines and withholding of utilities and building permits.
- The purpose of this replat is to combine lots 1-8 into one lot.

**CITY APPROVAL:**

On the \_\_\_\_\_ day of \_\_\_\_\_, 2015, this plat was duly approved by the Planning and Zoning Commission of the City of The Colony.

Signed: \_\_\_\_\_  
Chairman of the Planning and Zoning Commission

Attest: \_\_\_\_\_  
City Secretary

**OVERLAKE ADDITION  
LOTS 1 AND 2, BLOCK A**

3.3838 ACRES

**REPLAT**

OF  
LOTS 1-8, BLOCK 4  
GARZA-LITTLE ELM LAKE ESTATES ADDITION  
ABSTRACTS 394, 1092, 611

CITY OF THE COLONY  
DENTON COUNTY, TEXAS

CITY PROJECT NO. PR 15-0002

DEVELOPER  
**HKS GLOBAL, INC.**  
KC KIANI 214-869-8093  
kasrakiani9@gmail.com

BY: **MORI'S ENGINEERING, INC.**  
2616 PICKWICK LANE PLANO, TEXAS 75093  
CONTACT: MORI AKHAVAN 972-816-2626  
moriakhavan@yahoo.com

SCALE 1" = 30'  
JUNE 2015

BASIS OF BEARING:  
ALL BEARINGS SHOWN ARE BASED ON THE NORTH LINE OF THE COLONY CORNERS ADDITION, AN ADDITION TO THE CITY OF THE COLONY, DENTON COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN CABINET D, SLIDE 195, OF THE PLAT RECORDS OF DENTON COUNTY, TEXAS.