

**AGENDA
CITY OF THE COLONY
PLANNING AND ZONING COMMISSION
APRIL 26, 2016**

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, April 26, 2016 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:

1.0	CALL REGULAR SESSION TO ORDER
1.1	Citizen Input
2.0	CONSENT AGENDA
2.1	Consider approval of the minutes of the April 12, 2016 Regular Session.
3.0	PUBLIC HEARING ITEMS
3.1	<i>SUP12-0004, Lots 77 through 88 of the Garza Little Elm Lake Estates</i> Conduct a public hearing, discuss and consider making a recommendation to City Council regarding the revocation of a Specific Use Permit in a General Retail zoning district which allowed outside display of vehicles and merchandise on a tract of land totaling approximately 0.88 acres, generally located on the east side of Main Street (FM 423). The property is located at 7228, 7300 and 7320 Main Street.
4.0	DISCUSSION ITEMS
4.1	<i>SP16-0003, La Quinta Alternate Building Material – Site Plan Amendment</i> Discuss and consider making a recommendation to City Council on a request for Site Plan amendment allowing alternate building material on proposed La Quinta limited service hotel located at 3750 Market Street.

“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 22nd day of April 2016.



Tina Stewart

Tina Stewart, Interim City Secretary

**MINUTES
CITY OF THE COLONY
PLANNING AND ZONING COMMISSION
APRIL 12, 2016**

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, April 12, 2016 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, Cesar Molina Jr., Janece Pool, and Shannon Hebb.

Board Members Absent: Brian Buffington

Staff Present: Mike Joyce, AICP, Planning Director, Surupa Sen, AICP, Senior Planner, and Ed Voss, City Attorney.

1.0	CALL REGULAR SESSION TO ORDER
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Chairman Hames called the meeting to order at 6:30 p.m.

1.1	CITIZEN INPUT
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No citizens came forward during Citizen Input.

2.0	CONSENT AGENDA
2.1	Consider approval of the minutes of the March 22, 2016 Regular Session.
2.2	<i>FP15-0011, Tullamore Meadows Ph 2B at Tribute Final Plat</i> Consider approval of final plat for Lots 1-28, Block A, Lots 29X, 30X, 31X, Block A, Lots 1-24, Block B, Lots 38X, 39X, 40X, Block B, Tullamore Meadows Ph 2B, being 28.984 acres of land out of the B.B.B. and C.R.R. Survey, Abstract No. 170, 182, Thomas D. Luckett Survey, Abstract No. 752, and the S. Payton Survey, Abstract no 1009 an addition to the City of The Colony, Denton County, Texas located on Lebanon Road west of Tullamore Meadows Ph 1 in Planned Development 23 (PD-23) zoning district.
2.3	<i>FP15-0012, Somerset at Tribute Final Plat</i> Consider approval of final plat for Lots 1-17, & 18X, 19X, 20X, Block C, Lots 1-15, Block D, Lots 1-23, Block E, Lots 1-26 & 86X, 87X, Block F, Somerset at Tribute, being 21.414 acres of land out of the B.B.B. and C.R.R. Survey, Abstract No. 170, 182, an addition to the City of The Colony, Denton County, Texas located west of Aberdeen in Planned Development 23 (PD-23) zoning district.
2.4	<i>FP15-0018, Bridge Lane Addition at Tribute Final Plat</i> Consider approval of Bridge Lane Addition final plat being 4.749 acres of land out of the B.B.B. and C.R.R. Survey, Abstract No. 170, Thomas D. Luckett Survey, Abstract No. 752, and the S. Payton Survey, Abstract no 1009 an addition to the City of The Colony, Denton County, Texas in Planned Development 23 (PD-23) zoning district.
2.5	<i>FP15-0023, Waterford Point Ph 1 at Tribute Final Plat</i> Consider approval of final plat for Lots 21-25, 61X, 32X, Block A, Lots 34X, Block L, Lots 1-24, 25X Block M, Lots 1-22, 23X, Block N, Lots 1-28, 29X, Block O, Lots 11-18, 19X, Block Q, and Lots 1-11, Block R, Waterford Point Phase 1 at Tribute, being 32.545 acres of land out of the B.B.B. and C.R.R. Survey, Abstract No. 170, an addition to the City of The Colony, Denton County, Texas located west of Somerset in Planned

	Development 23 (PD-23) zoning district.
2.6	<i>FP16-0003, Westbury Ph 2 at Tribute Final Plat</i> Consider approval of final plat for Lots 27-84, 85X, 86X, Block F, Lots 1-20, Block G, Lots 1-20, Block H, Westbury Phase 2 at Tribute, being 21.330 acres of land out of the B.B.B. and C.R.R. Survey, Abstract No. 182, an addition to the City of The Colony, Denton County, Texas located northwest of Aberdeen Phase 1 in Planned Development 23 (PD-23) zoning district.
2.7	<i>PP16-0001, The Shacks at Austin Ranch Preliminary Plat</i> Consider approval of Preliminary Plat for Lots 1, 2, & 3X, Block A, The Shacks at Austin Ranch, Southeast Corner of Windhaven and Plano Parkway, being 26.565 acres of land out of David Andrews Survey, Abstract No. 18, and B. Schoonover Survey, Abstract No. 1208, an addition to the City of The Colony, Denton County, Texas in Planned Development 22 (PD-22) aka Austin Ranch PD zoning district.

Chairman Hames read the Consent Agenda items into the record.

**Commissioner DeBurr moved to approve Items 2.1, 2.2, 2.3, 2.4, 2.5, 2.6 and 2.7
 Commissioner Hebb seconded the motion. Motion carried (6-0).**

4.0	DISCUSSION ITEMS
4.1	<i>SP16-0001, The Shacks at Austin Ranch – Development Plan</i> Discuss and consider making a recommendation to City Council on a request for Development Plan to allow The Shacks at Austin Ranch, a combination of retail and restaurant buildings on 1.494-acre parcel of land located at the southeast corner of Plano Parkway and Windhaven Parkway in the Planned Development 22 (PD-22 – Austin Ranch) zoning district.

Chairman Hames read the discussion item 4.1 into record.

Ms. Sen presented the staff report.

Commissioner Molina asked whether the dog park will be a city owned park or how will it be maintained.

Ms. Sen responded that the proposed dog park will not be a City owned park, it will be a privately maintained dog park.

Commissioner Molina then asked whether the dogs are going to be allowed in the restaurants. Will there be a code amendment to allow that?

Mr. Tom Holland from Billingsley Company, answered that the dogs may be allowed in the open deck area but not inside the restaurant buildings.

Commissioner Molina asked due to the dog park, are there additional parking spaces planned to accommodate visitors.

Mr. Holland responded that additional parking for the dog park (13 extra spaces) has been proposed. There will be more parking in the next phase of development.

Commissioner Hebb asked about the other locations that Billingsley have looked at with similar developments.

Mr. Holland stated that there are several locations with the similar setup in the metroplex, some are smaller square footage around 350 sf with outdoor deck seating. These places are pretty popular.

Commissioner Pool asked if the dog park is going to be similar to other dog parks around the area, where dogs will be on leash etc.

Mr. Holland mentioned that the whole dog park will be fenced around with two areas for small and large dogs. The owners can grab a drink on the patio while the dogs play in the park.

Chairman Hames mentioned she really appreciate the modern rustic look of the restaurants.

Commissioner Hebb asked if they would need further approval for alcohol sales.

Mr. Joyce answered that PD 22 allows alcohol sales, they will need TABC license however.

Commissioner Hebb moved to approve Item 4.1 Commissioner Pool seconded the motion. Motion carried (6-0).

4.2	<i>SP16-0003, La Quinta Alternate Building Material – Site Plan Amendment</i> Discuss and consider making a recommendation to City Council on a request for Site Plan amendment allowing alternate building material on proposed La Quinta limited service hotel located at 3750 Market Street.
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Chairman Hames read the discussion item 4.2 into record.

Ms. Sen presented the staff report.

Applicant's representative David Callum presented the proposed material and graphics of the new corporate prototype to the Commission.

Ms. Sen wanted clarification on whether the applicant is maintaining the 25% brick/stone on the exterior as before.

Mr. Callum mentioned that there will not be brick/stone utilized on the exterior. Only tiles and stucco will be used.

Ms. Sen informed the Commission that DRC has recommended approval for the request with the understanding that 25% brick/stone shall be maintained on the exterior. Staff does not feel comfortable with this change as the DRC has vetted the application with different understanding.

Commissioner Molina made a motion to go to Executive Session to seek legal advice from City Attorney, Commissioner Hebb seconded the motion.

Commission went into Executive Session at 6:54 p.m.

Commissioner came back to regular session at 7:07 p.m.

Commissioner Rockenbaugh moved to deny Item 4.2 Commissioner Hebb seconded the motion. Motion carried (6-0).

There being no further business to come before the Commission, Chairman Hames adjourned the Regular Session of the Planning and Zoning Commission at 7: 08 p.m.

Karen Hames, Chairman

Surupa Sen, AICP, Senior Planner

PLANNING AND ZONING COMMISSION REPORT

Item 3.1

AGENDA DATE: April 26, 2016
DEPARTMENT: Development Services Department
PLANNER: J. Michael Joyce, AICP, Planning Director, 972-624-3162

SUBJECT *SUP12-0004, Lots 77 through 88 of the Garza Little Elm Lake Estates*

Conduct a public hearing, discuss and consider making a recommendation to City Council regarding the revocation of a Specific Use Permit in a General Retail zoning district which allowed outside display of vehicles and merchandise on a tract of land totaling approximately 0.88 acres, generally located on the east side of Main Street (FM 423). The property is located at 7228, 7300 and 7320 Main Street.

APPLICANT/OWNER

UAC of Garland, Inc. c/o Mr. James Ramsey

Rochelle, TX

PLANNING AND ZONING COMMISSION RECOMMENDATION

The Planning and Zoning Commission voted (4-2) to recommend approval of the proposed Specific Use Permit (SUP) at their September 25, 2012 public hearing with the stipulation that the Planning and Zoning Commission schedule a hearing on this item to consider a zoning change on September 24, 2013 to determine compliance on the proposed site improvements.

On March 1, 2016, the staff made a presentation to City Council requesting that the revocation of the Specific Use Permit occur due to none of the required site improvements being completed. Also at this meeting, the City Council was notified that Mr. Jue's offices were no longer located on the subject property and he was no longer involved with project. The City Council agreed at this meeting for the City staff to begin the process to revoke the Specific Use Permit.

OPTIONS

1. Approve as submitted.
2. Approve with conditions.
3. Deny.
4. Postpone consideration.
5. Table item.

ATTACHMENTS

1. Staff Analysis
2. Location Map
3. Phase I and Phase II Exhibit – Staff-Enhanced Drawing

Staff Analysis

Summary of Request

On October 2, 2012, the City Council approved Ordinance 2012-1981 for a Specific Use Permit (SUP) to allow the outside display of motor vehicles on approximately 0.88-acre tracts or tracts of land consisting of Lots 77 through 88 of Little Garza Elm Lake Estates Addition. These tracts are addressed as 7228, 7300, and 7320 Main Street in The Colony, Texas. The applicant, Mr. James Ramsey was represented by Mr. Lewis Jue, who was one of Mr. Ramsey's tenants at that time.

The 2012 SUP approval by the City Council was based on the applicant completing specific improvements to the subject property in two (2) phases. In Phase I, the applicant proposed to clean-up the subject properties and make repairs and/or replace portions to the existing asphalt parking areas. Improvements for Phase II included additional concrete parking for the existing automobile sales/tire repair building. This new paving would have been used in conjunction with an existing concrete slab found north of the existing building.

On June 3, 2014, The City Council received a presentation from the Planning staff indicating that the approved stipulations from the 2012 SUP approval had not been complied with or completed. At this meeting, Mr. Jew addressed the City Council requesting a six (6) month extension of the deadline to complete the property improvements required in the SUP. The City Council approved this extension request, which has now expired. To date, none of the 2012 required improvements in either Phase 1 or Phase 2 have been completed except for the picking up of site rubbish.

On November 19, 2015, a letter was sent to the owner of the property, Mr. James Ramsey & the tenants which indicated the City was going to begin the process to revoke the SUP. The Planning and Engineering Staff met with Mr. Ramsey's attorney in late November 2015 concerning the paving and site drainage improvements which needed to be made to the property per the SUP stipulations. It was also indicated that a Civil Engineer was needed to design the paving and drainage plans as well.

On March 1, 2016, the staff made a presentation to City Council requesting that the revocation of the Specific Use Permit occur due to none of the required site improvements being completed. Also at this meeting, the City Council was notified that Mr. Jue's offices were no longer located on the subject property and he was no longer involved with project. The City Council agreed at this meeting for the City staff to begin the process to revoke the Specific Use Permit.

Subject Property Zoning and Adjacent Property Zoning and Land Use

Subject Property	General Retail Zoning District (GR) – <i>Vacant Building formerly State Farm Insurance, Low Price Auto Sales and The Tire Shop</i>
North	General Retail Zoning District (GR) – <i>Stained Glass Unlimited</i> retail store.
South	General Retail Zoning District (GR) – <i>Meridian Wellness Center</i>
East	General Retail Zoning District (GR) – <i>Colony Car Care</i> and single family residences
West	Duplex Zoning District (D) – two-family residences

Specific Use Permit Revocation Criteria

Section 10-907 “Specific Use Permit Revocation/Abandonment Criteria,” of Appendix A, Zoning Ordinance, states that the Planning and Zoning Commission and City Council shall review and evaluate a Specific Use Permit revocation using the following criteria:

- (a) A Specific Use Permit shall be deemed revoked if the proposed use or phase does not possess an approved building permit within one year from date of approval, unless a longer period is approved by City Council. If the permit requires Site Plan review approval, the permit shall be deemed revoked if the use or phase is not developed within one year of the date of Site Plan being approved.
- (b) A Specific Use Permit may be revoked or modified, after notice to the property owner and a hearing before the City Council, for either of the following reasons:
 1. The Specific Use Permit was obtained or extended by fraud or deception; or
 2. The one or more of the conditions imposed by the permit has not been met or has been violated.

The 2012 Concept Plan indicated that the petitioner was to accomplish site improvements in two (2) phases. As of today, the owner of the property has not completed any of the site improvements (paving and/or drainage improvements) required when the Specific Use Permit was approved in 2012.

Specific Use Permit Revocation Procedure

Section 10-908, Public Hearings. The notification and public hearing process for a Specific Use Permit or revocation thereof shall be the same as for zoning amendments under Section 24.

1. Conformance with the City of The Colony's Comprehensive Plan;

The request for the SUP designation is in conformance with the 2007 Comprehensive Plan as the plan calls for this area to be developed with commercial uses.

2. Conformance with applicable regulations and standards established by the zoning regulations;

The existing property is not in conformance with applicable zoning regulations and is “legally nonconforming.” Section 20-100, “Nonconforming Uses and Structures,” of the Zoning Ordinance states that when a use or structure which does not conform to the regulations prescribed in the zoning district in which such use or structure is located was in existence and lawfully operating prior to the adoption of the previous Zoning Ordinance and has been operating without discontinuance, it is labeled “legally non-conforming.”

In this case, the two businesses locations were in existence prior to the incorporation of Eastvale into The City of The Colony and, as far as staff can ascertain, have had tenants in the buildings more or less on a continuous basis. This means that as long as they are continually used as businesses, they may remain in the legally non-conforming status that they have currently established.

3. Compatibility with existing or permitted uses on abutting sites, in terms of building height, bulk and scale, setbacks and open spaces, landscaping and site development, access and circulation features, architectural compatibility;

The proposed use (outside display of vehicles and merchandise) is compatible with some of the uses found in the general area. This area of Main Street is a mix of office, retail and commercial uses. There is an automobile dealership to the north of the subject property which has been in existence since the early 1980s when the Town of Eastvale was incorporated into the City of The Colony.

4. Potentially unfavorable effects or impacts on other existing or permitted uses on abutting sites, to the extent such impacts exceed those which reasonably may result from use of the site for a permitted use;

This Specific Use Permit (SUP) was proposed to provide for the outside storage and display of vehicles. With the pavement improvements proposed in Phase I and Phase II, dust and other impacts of deteriorating pavement would have been abated and allowed for positive drainage off the property. The proposed planting of trees and the vegetative screening of the air conditioning units would have provided more aesthetic appeal on the site.

5. Modifications (including variance from property development regulations) to the site plan which would result in increased compatibility, would mitigate potentially unfavorable impacts, would be necessary to conform to applicable regulations and standards and would protect the public health, safety, morals and general welfare;

The attached Concept Plan from October 2, 2012 indicated the petitioner proposed to accomplish improvements to the site in two (2) phases.

In Phase I, the applicant proposes to clean-up the subject properties and make repairs and/or replace portions to the existing asphalt parking areas. Parking spaces would have been delineated on the new pavement and will increase the number of paved parking spaces currently found on the property. The repaving of the parking lots, as shown on the rough drawing completed by staff, indicates that an additional ten (10) off-street parking spaces could be placed on the property. Drive aisles were proposed which met or exceeded the minimum two-way traffic width standard of twenty-four (24) feet. The applicant also proposed to provide a minimum of five (5) outdoor display spaces for automobile sales. The planting of five (5) trees were also proposed in Phase I. These trees would have been planted along Main Street (FM 423) outside of the new right-of-way of the future expansion of the road.

Phase II would have been developed on the property located north of the existing automobile sales/tire repair building. Proposed was an additional concrete parking area to be used in conjunction with the existing concrete slab found on this portion of the subject property. An additional two (2) trees would have been provided as well as screening of the existing air conditioning units that are now visible from the street.

6. Safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonable and anticipated in the area, existing zoning and land uses in the area;

The ingress to the building at 7228 Main Street is provided by a shared access easement with the property to the south, *Meridian Wellness*.

The driveway ingress to the building at 7300 Main Street, which houses *Low Cost Auto Sales* and *The Tire Shop*, is existing and was built prior to the currently adopted City's standards. At this time, there is no sidewalk in this area.

With the completion of the widening of Main Street (FM 423), the subject property will have two (2) new driveways and sidewalks provided which will meet both TxDOT and City standards. The two approved driveway locations are shown on the Concept Plan.

With the Phase I parking lot improvements proposed, the delineated parking areas and drive aisles should provide a safer condition for both vehicles and pedestrians.

7. Protection of persons and property from erosion, flood or water damage, fire, noise, glare, air quality, generation of dust and odors, and similar hazards and impacts;

This criterion does not apply.

8. Location, lighting, and type of signs; the relation of signs to traffic control and adverse effect of signs on adjacent properties;

The location and type of signs on the property meet the Code standards.

9. Adequacy and convenience of off-street parking and loading facilities;

Section 13-102, Parking Space Schedule Nonresidential Uses, of the Zoning Ordinance, provides only a cursory parking space schedule. The applicant's representative in the past has stated that only the first floor of the two story building at 7228 Main Street was utilized as general office space. The Code standard for parking for general office is 1 space per 300 square feet of total floor area. Using only the 1,440 square foot first floor to determine the parking requirement, this office building has adequate parking.

Determining the required off-street parking for the building at 7300 Main Street is more difficult due to the limited categories available in Section 13-102. Using a general retail category would require that the 5,881 square foot building provide 30 off-street parking spaces. However, the two actual uses of a tire store and auto sales do not fit in the model of a typical retail sales establishment.

Within Section 13-102, the gasoline service station use requires a minimum of 6 spaces, which more closely relates to the tire store use than the general retail parking ratio. Additionally, Section 13-102 does not have a category for automobile or other vehicle sales. In writing the new Zoning Ordinance, staff has researched numerous ordinances from several cities located within the Metroplex. The new Zoning Ordinance standard staff is proposing to use for vehicle sales/leasing would require 1 parking space per each 4,000 SF of site area with a minimum of 4 parking spaces. Using the two standards would require that 7300 Main Street provide 10 parking spaces, in lieu of the 30 parking spaces if the building was considered a typical retail establishment. Additionally, no off-street loading space is required.

10. Determination that the proposed use is in accordance with the objectives of these zoning regulations and the purpose of the zoning district in which the site is located;

As the subject property now exists, it is considered to be a legally non-conforming use. The submitted Concept Plan indicates that with the completion of the proposed Phase I and Phase II site improvements and driveway and sidewalk improvements for the widening of Main Street (FM 423), the applicant is working toward the site becoming a conforming land use under the Zoning Ordinance and becoming compliant with the zoning regulations and purpose of the zoning district in which the site is located.

11. Determination that the proposed use will comply with each of the applicable provisions of these zoning regulations;

As stated in the review of Criterion 10, the improvements proposed with the completion of the proposed Phase I and Phase II site improvements and the planned State-funded improvements of Main Street (FM 423), the applicant is working toward the site and land uses becoming compliant with the zoning regulations.

12. Determination that the proposed use and site development, together with any modifications applicable thereto, will be compatible with existing or permitted uses in the vicinity;

The proposed outdoor storage and sales of vehicles and the existing tire store is compatible with some of the existing uses found in the general area. This area of Main Street is a mix of office, retail and commercial uses. There is an automobile dealership to the north of the subject property which has been in existence when the Town of Eastvale was incorporated into the City of The Colony. Additionally, there is a combination oil change and tire sales located further north on the same side of Main Street.

13. Determination that any conditions applicable to approval are the minimum necessary to minimize potentially unfavorable impacts on nearby uses in the same district and the surrounding area; and,

The proposed Phase I and Phase II site improvements would minimize potentially unfavorable impacts on nearby uses in the same district and the surrounding area.

14. Determination that the proposed use, together with the conditions applicable thereto, will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

The proposed Phase I and Phase II site improvements should not have been detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

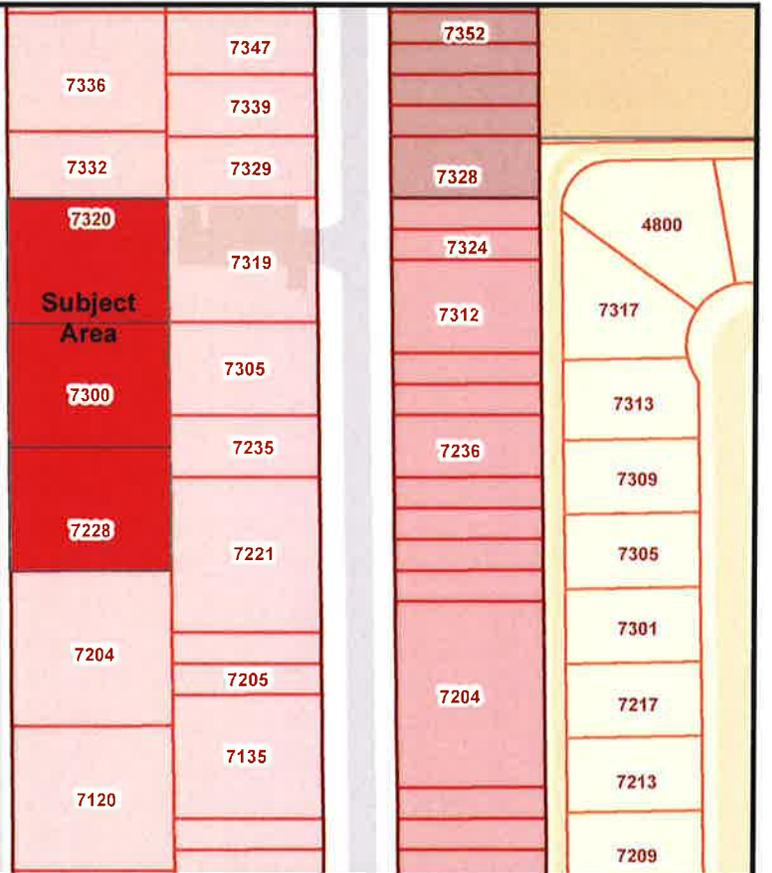
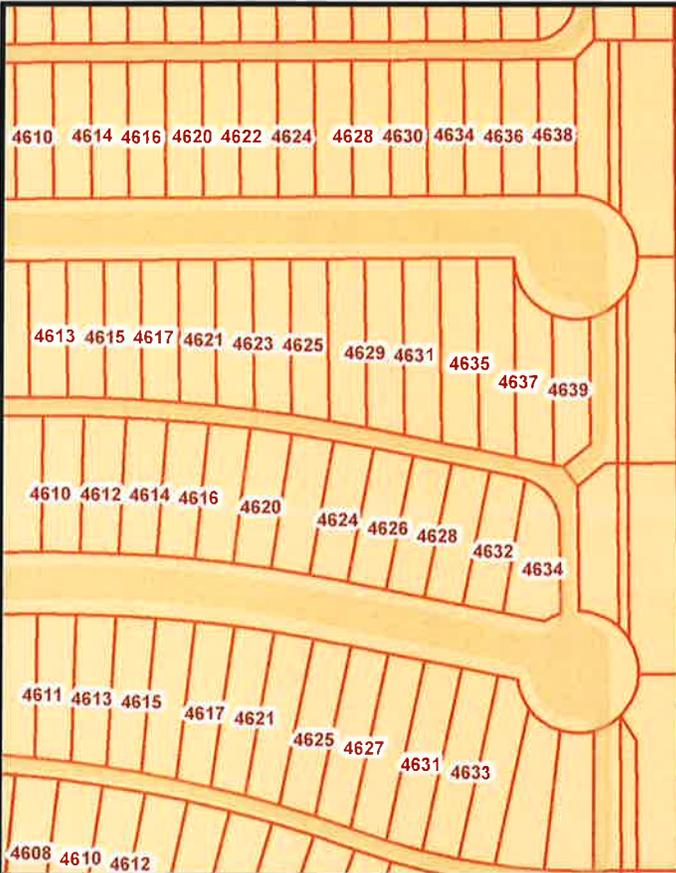
Notification

The Zoning Ordinance requires newspaper notification a minimum of ten (10) days prior to the Planning and Zoning Commission meeting. Notice for this SUP Public Hearing was published in *The Dallas Morning News* on April 15, 2016. In addition, Zoning Ordinance also requires notification of property owners located within 200 feet of the subject property a minimum of ten (10) days prior to the public hearing. Postcards were mailed on April 12, 2016 to twenty-nine

(29) property owners. No comments either for or against the SUP revocation was received as of the printing of this packet.

Development Review Committee Review

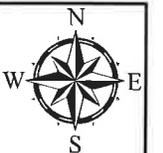
The Development Review Committee (DRC) recommends revocation of the SUP which would allow the outdoor storage of automobiles since one or more of the approval conditions imposed by the permit have not been met.



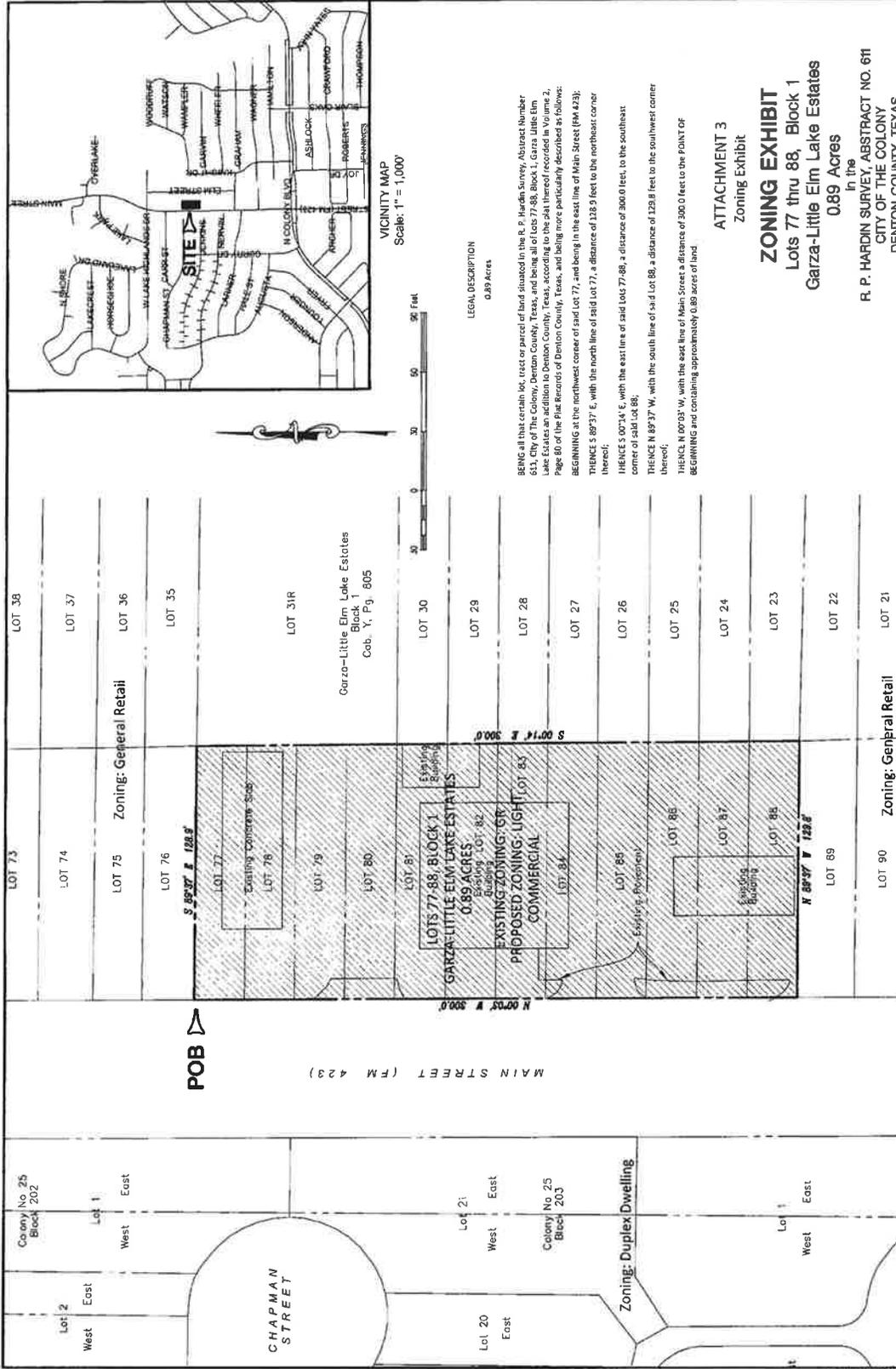
Project No. SUP2012-1981 - Project Name: SUP Revocation



- SUP 2012-1981 Revocation
- Business Park/Industrial
- Heavy Commercial
- Mobile Home
- Agricultural
- Duplex Dwelling
- Industrial
- Neighborhood Service
- Planned Development
- Business Park
- General Retail
- Light Commercial
- Office District 1
- Shopping Center
- 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.



ATTACHMENT 3
Zoning Exhibit

ZONING EXHIBIT
Lots 77 thru 88, Block 1
Garza-Little Elm Lake Estates
0.89 Acres

In the
R. P. HARDIN SURVEY, ABSTRACT NO. 611
CITY OF THE COLONY
DENTON COUNTY, TEXAS

CONSULTANTS, LLC
LAND SURVEYING LANDSCAPE ARCHITECTURE
811 Collins Street, Suite 134, Hurst, Texas 76114
Phone No. 781-1234

DRAWN BY: BR DATE: 05/12/2012 SCALE: 1"=30' JOB No. **12051**

BEING all that certain lot, tract or parcel of land situated in the R. P. Hardin Survey, Abstract Number 611, City of the Colony, Denton County, Texas, and being all of Lots 77-88, Block 1, Garza Little Elm Lake Estates an addition to Denton County, Texas, according to the plat thereof recorded in Volume 2, Page 80 of the Plat Records of Denton County, Texas, and being more particularly described as follows:
BEGINNING at the northwest corner of said lot 77, and being in the east line of Main Street (FM 423); THENCE S 89°37' E, with the north line of said lot 77, a distance of 128.9 feet to the northeast corner thereof;
THENCE S 00°14' E, with the east line of said lot 77-88, a distance of 300.0 feet, to the southeast corner of said lot 88;
THENCE N 89°37' W, with the south line of said lot 88, a distance of 128.8 feet to the southwest corner thereof;
THENCE N 00°03' W, with the east line of Main Street a distance of 300.0 feet to the POINT OF BEGINNING and containing approximately 0.89 acres of land.

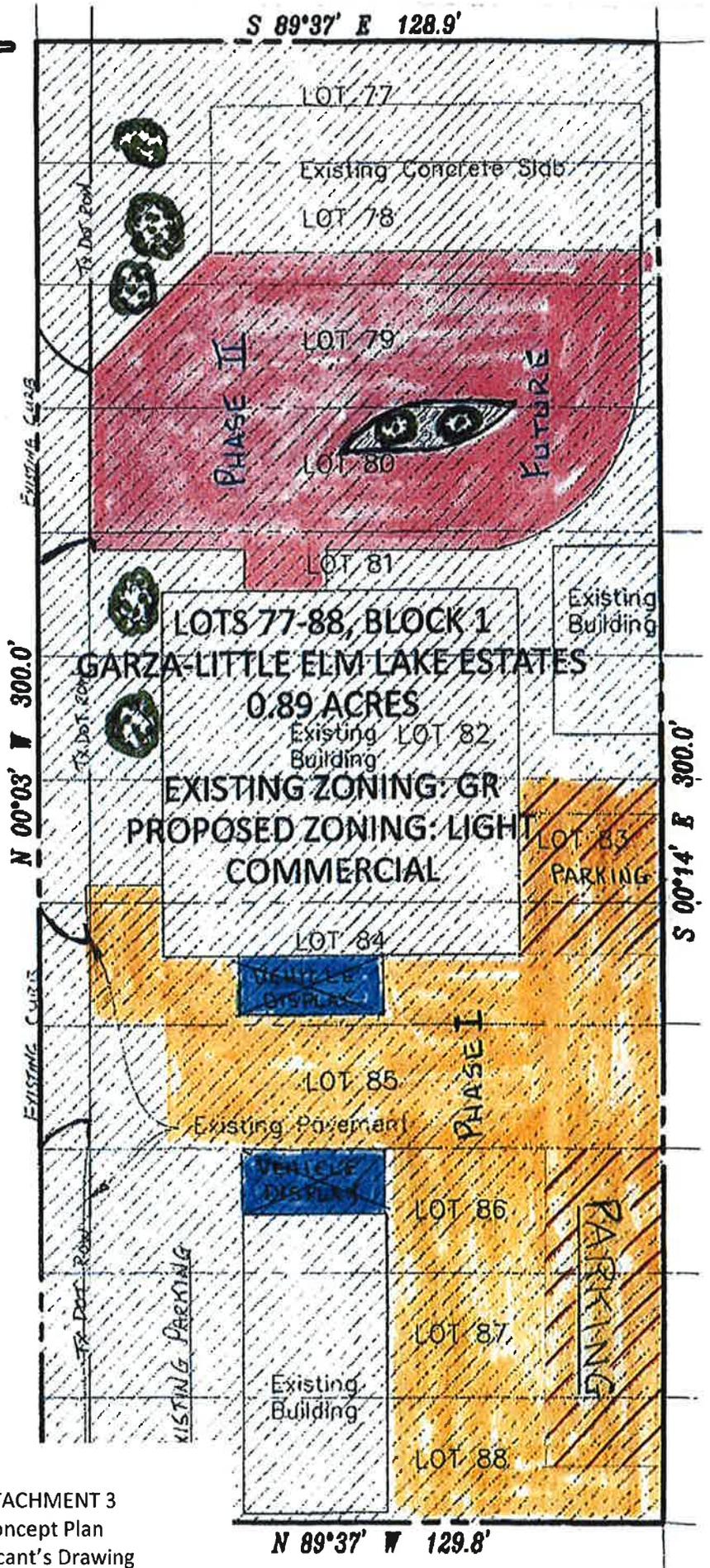
Notes:

Phase I – Area is comprised of existing concrete and asphalt pavement. Project calls for clean-up, repairs and designation of additional parking. This will allow for more efficient use of the property in addition to making the area more aesthetically pleasing. Proposed Tx Dot R.O.W. will remove any existing shrubs and bushes along FM 423 frontage. Project calls for the planting of new trees along street frontage as shown below. Proposed project will allow an initial display of 5 to 7 vehicles and an allowance of 25ft width for the driveway into property.

Phase II – Area is comprised of an existing concrete slab and remaining area undeveloped. Possible future expansion would be a new concrete parking lot. A barrier will be built to shield the A/C units that are now visible from the street.

POB 

MAIN STREET (FM 423)



ATTACHMENT 3
Concept Plan
Applicant's Drawing

CITY OF THE COLONY, TEXAS

ORDINANCE NO. 2012-1981

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF THE COLONY, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND MAP OF THE CITY OF THE COLONY, TEXAS, AS HERETOFORE AMENDED, BY GRANTING A CHANGE IN ZONING FROM GR (GENERAL RETAIL) TO GR-SUP (GENERAL RETAIL-SPECIFIC USE PERMIT) APPROVING A SPECIFIC USE PERMIT ALLOWING OUTSIDE DISPLAY OF VEHICLES ON AN APPROXIMATELY 0.88 ACRE TRACT OR TRACTS OF LAND CONSISTING OF LOTS 77 THROUGH 88 OF THE GARZA LITTLE ELM LAKE ESTATES ADDITION, LOCATED WITHIN THE CITY OF THE COLONY, DENTON COUNTY, TEXAS, COMMONLY KNOWN AS 7228, 7300, AND 7320 MAIN STREET, AND BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission and the City Council of the City of The Colony, Texas, in compliance with the laws of the State of Texas, and the Code of Ordinances of the City of The Colony, Texas, have given requisite notices by publication and otherwise, and after holding due public hearings and afforded a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof, the City Council of the City of The Colony, Texas, is of the opinion and finds that Zoning Application No. SUP12-0004 to allow the outside display of vehicles, on the approximately 0.88 acres of land, consisting of Lots 77 through 88 of the Garza Little Elm Lake Estates addition, located within the City of The Colony, Denton County, Texas, and generally located at 7228, 7300, and 7320 Main Street, The Colony, Texas, should be approved, and in the exercise of legislative discretion have conclude that the Comprehensive Zoning Ordinance and Map should be amended.

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

SECTION 1. That the Comprehensive Zoning Ordinance and Map of the City of The Colony, Texas, duly passed by the governing body of the City of The Colony, Texas, as heretofore amended, be and the same is hereby amended to grant a change in zoning from General Retail (GR) to General Retail-Specific Use Permit (GR-SUP) to allow the outside display of vehicles on the approximately 0.88 acres of land, consisting of Lots 77 through 88 of the Garza Little Elm Lake Estates addition, located within the City of The Colony, Denton County, Texas, and generally located at 7228, 7300, and 7320 Main Street, The Colony, Texas, and being more particularly described in *Exhibit A* which is attached hereto and incorporated herein.

SECTION 2. That the City Council of the City of The Colony, Texas, does hereby approve the Specific Use Permit.

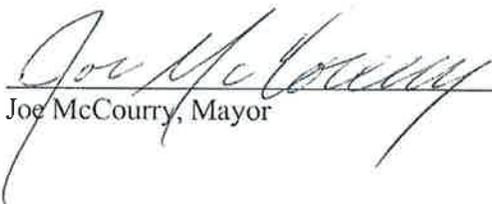
SECTION 3. That, the Specific Use Permit granted by this Ordinance shall be subject to the requirement that the property for which the Specific Use Permit is issued must actually be used for the use designated within one (1) year from the date of issuance by October 2, 2013. If such designated use is not made of the property within the above-described time period, the City Council reserves the right to initiate a rezone of the property to cancel and revoke this Specific Use Permit.

SECTION 4. That it is hereby declared to be the intention of the City Council of the City of The Colony, Texas, that the phrases, clauses, sentences, paragraphs and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 5. That any provision of any prior ordinance of the City whether codified or uncoded, which are in conflict with any provision of this Ordinance, are hereby repealed to the extent of the conflict, but all other provisions of the ordinances of the City whether codified or uncoded, which are not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

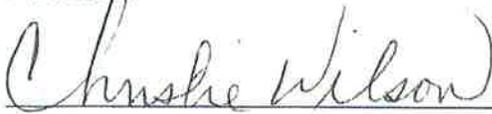
SECTION 6. That this Ordinance shall become effective immediately upon its passage.

DULY PASSED by the City Council of the City of The Colony, Texas, this the 2nd day of October, 2012.



Joe McCourry, Mayor

ATTEST:



Christie Wilson, City Secretary

APPROVED AS TO FORM:

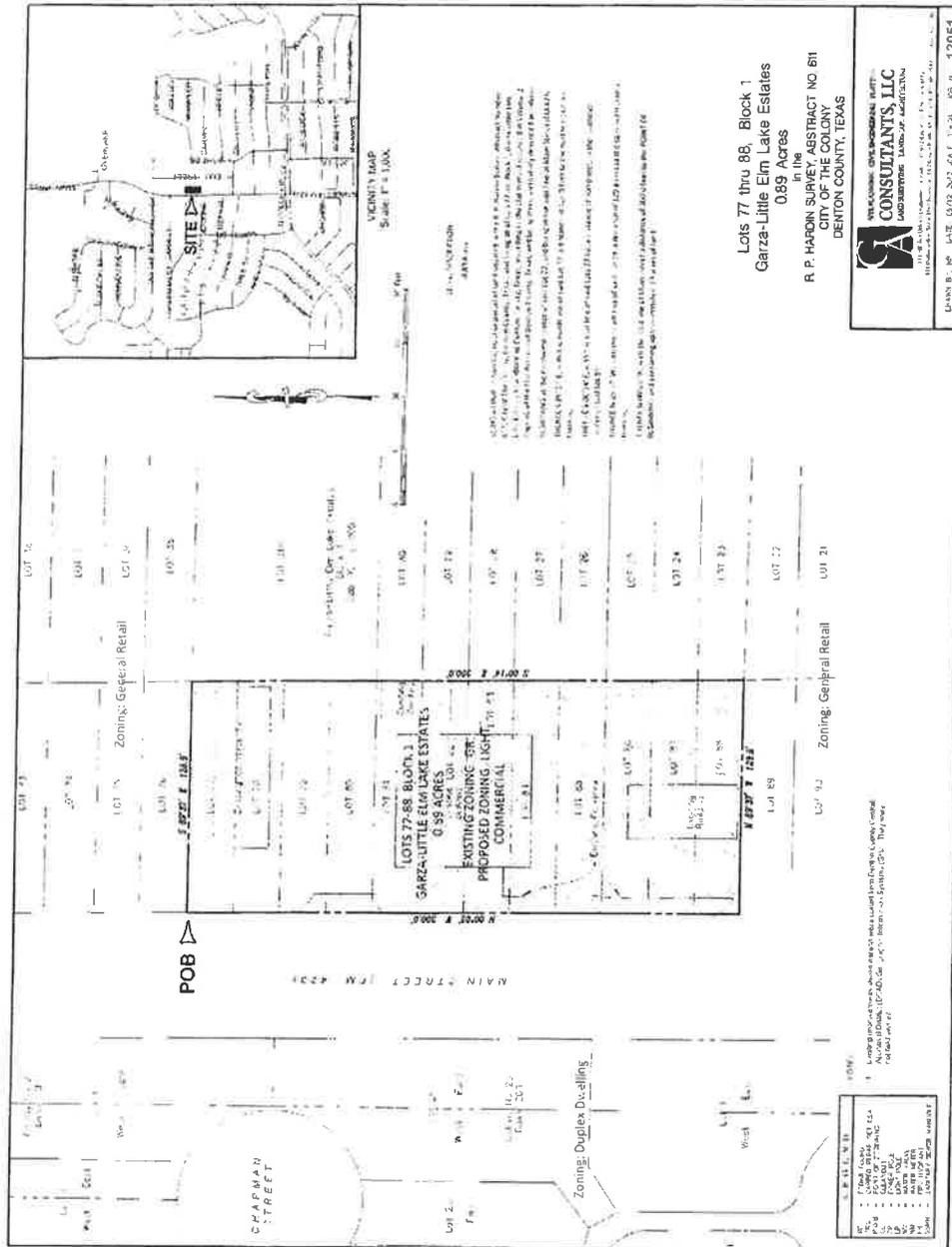


Jeff Moore, City Attorney



Exhibit A

**Legal Description and/or Depiction
of
Lots 77 through 88
of the
Garza Little Elm Lake Estates**



PLANNING AND ZONING COMMISSION REPORT

AGENDA DATE: April 26, 2016
DEPARTMENT: Engineering/Development Services Department
PLANNER: Surupa Sen, AICP, Senior Planner, 972-624-3164

SUBJECT *SP16-0003, La Quinta Alternate Building Material – Site Plan Amendment*

Discuss and consider making a recommendation to City Council on a request for Site Plan amendment allowing alternate building material on proposed La Quinta limited service hotel located at 3750 Market Street.

OWNER/ENGINEER

Owner/Developer: Profound Investments LLC Irving, Texas

EXISTING CONDITION OF PROPERTY

The property is currently under construction.

PROPOSED DEVELOPMENT

The applicant is proposing to construct a four story, 80-room La Quinta Inn to be located on a 3.65 acre tract of land on the southeast corner of Memorial Drive and Market Street. The Specific Use Permit (SUP) for limited service hotel for La Quinta was approved by Council on August 19, 2014. Site plan for this project was approved on December 2, 2014 and final plat was approved by Planning and Zoning Commission on November 12, 2014. The applicant had proposed 75% stucco and rest brick/stone construction on building exterior. To comply with current La Quinta corporate prototype, the applicant would like to use tiles and stucco for 75% of exterior material and maintain 25% brick. As a result this site plan amendment is being processed.

Planning and Zoning Commission had denied the request to change building material with no stone/brick at April 12, 2016 meeting with 6-0 vote.

ADJACENT ZONING AND LAND USE

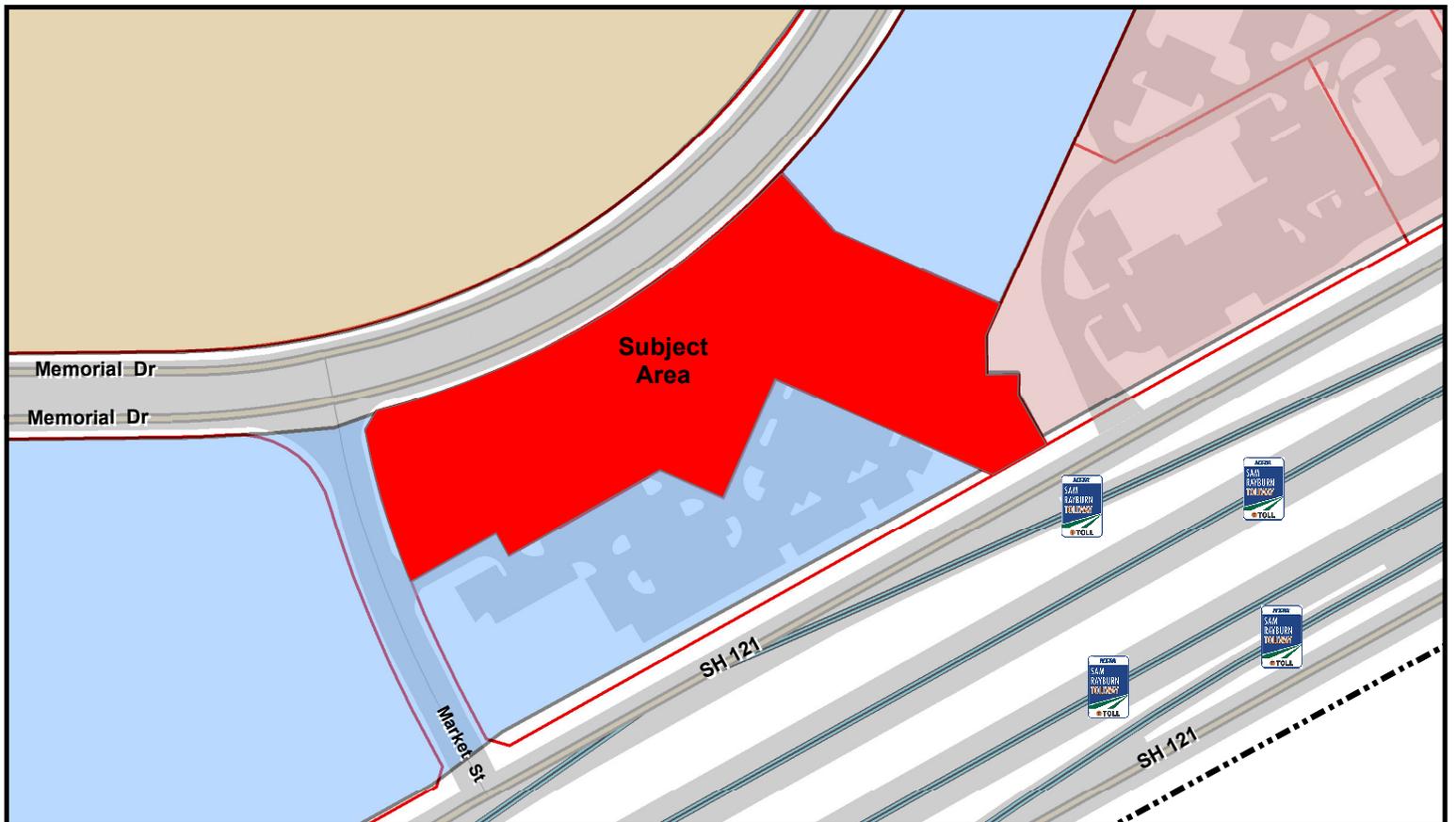
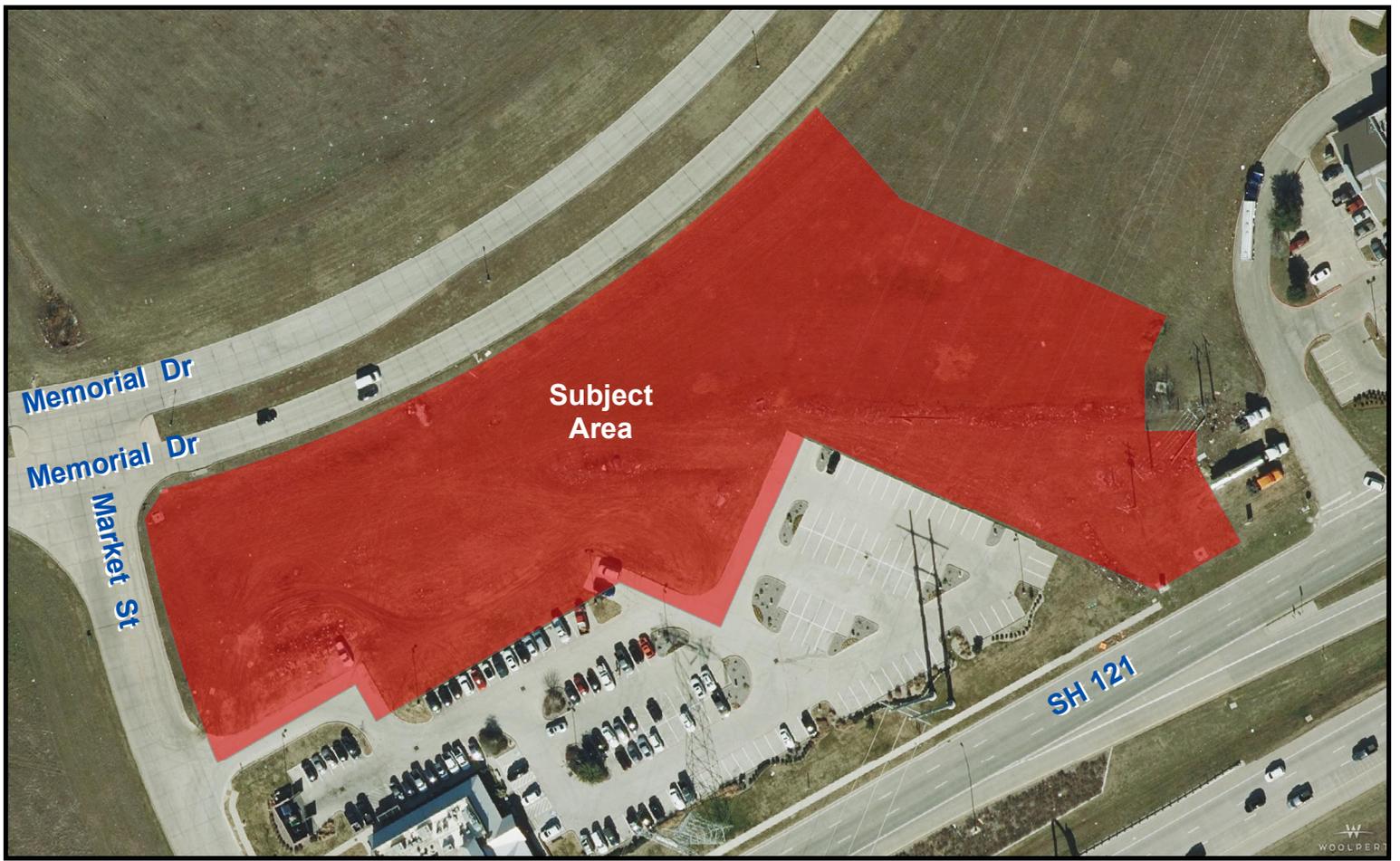
North - PD-19, undeveloped land
South - BP-Business Park, Texas Roadhouse and undeveloped land
East- BP-Business Park, undeveloped land
West- BP-Business Park, undeveloped land

DEVELOPMENT REVIEW COMMITTEE (DRC) REVIEW

The Development Review Committee (DRC) finds the alternate material meets the requirements of Gateway Overlay District Ordinance and recommends approval.

ATTACHMENTS

1. Location Map
2. Prior approved elevation
3. Proposed new elevation



Project No. SP16-0003 - Project Name: La Quinta Alternate Bldg Material

- | | | | | |
|---------------|--------------------------|------------------|----------------------|------------------------|
| La Quinta | 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.





LaQuinta INN & SUITES
 HWY 121 & Market Street,
THE COLONY . TEXAS
 FOR
MR. JARIWALA
 THE COLONY . TEXAS

△	CLARIFIED LIST OF MATERIALS	2/25/2016
△	FRANCHISE COMMENTS	12/12/2014
△	ACCESSIBILITY PLAN REVIEW	12/01/2014
△	FRANCHISE COMMENTS	12/01/2014
△	REV. 3 THIRD RESPONSE	11/19/2014
△	CITY COMMENTS	11/18/2014
△	REV. 2 SECOND RESPONSE	11/18/2014
△	PERMIT COMMENTS	11/18/2014
△	REV. 1 AS PER CITY COMMENT	10/30/2014

ISSUE	DESCRIPTION	DATE
PROFESSIONAL SEALS		

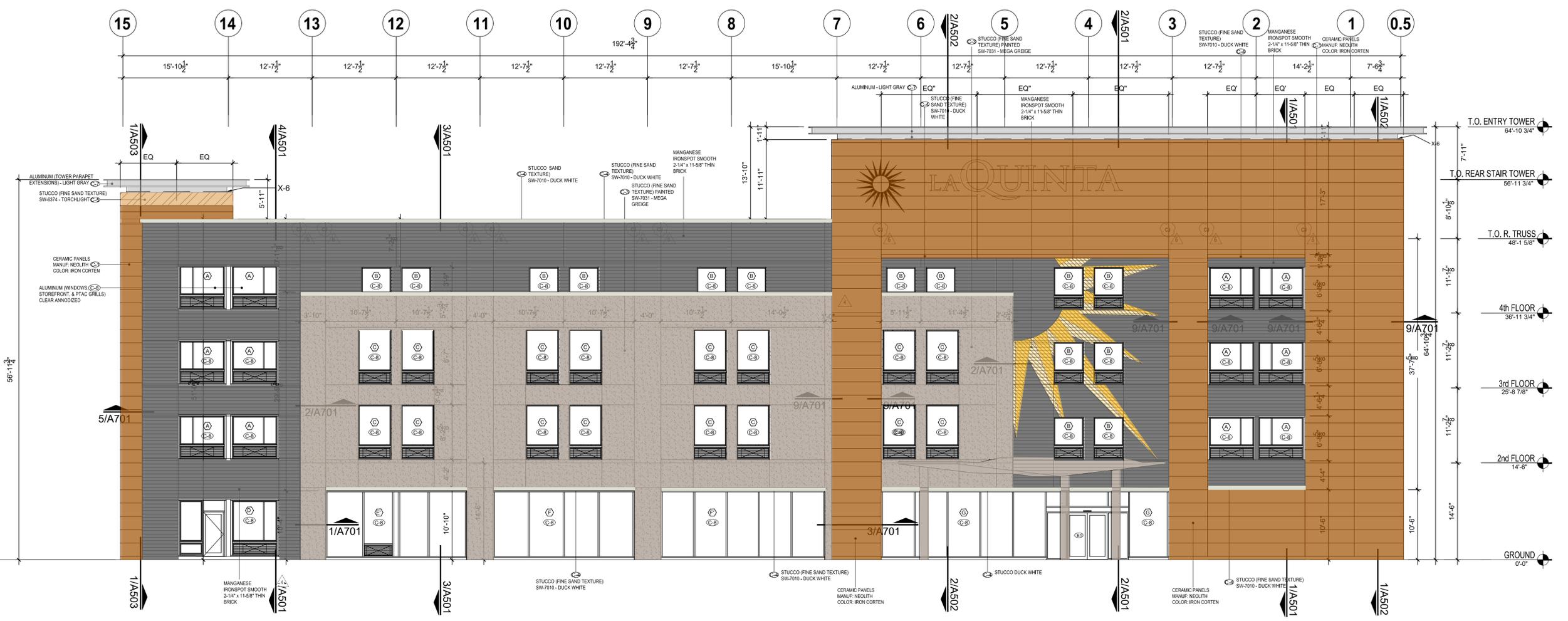
FRONT ELEVATION

DRAWN BY	CHECKED BY	PRP
PROJECT NUMBER	PROJECT ABBREVIATION	LQ-C-TX
DATE	CURRENT DOCUMENTATION STAGE	CONSTRUCTION
DRAWING NUMBER		

A301

COLOR SCHEDULE

C-1 CERAMIC PANELS MANUF: NEOLITH COLOR: IRON CORTEN CONTACT: PETER HOLLAND HOLLAND MARBLE 972.247.1621	C-6 DOOR & FRAME PAINT (AS NOTED) SW-7645 - THUNDER GRAY
C-2 STUCCO (COARSE SAND TEXTURE) PAINTED SW-7645 - THUNDER GRAY	C-7 ALUMINUM (TOWER PARAPET EXTENSIONS) PAC-CLAD - SILVER
C-3 STUCCO (FINE SAND TEXTURE) PAINTED SW-7031 - MEGA GREIGE	C-8 ALUMINUM (WINDOWS, STOREFRONT, & PTAC GRILLS) CLEAR ANODIZED
C-4 STUCCO (FINE SAND TEXTURE) SW-7010 - DUCK WHITE	C-9 ALUMINUM FLUSH PANELS (PORTE-COCHERE) PAC-CLAD - STONE WHITE FINISH
C-5 STUCCO (FINE SAND TEXTURE) SW-6374 - TORCHLIGHT	TOWER, COPING, PORTE-COCHERE METAL FABRICATOR MFG: METAL-ERA CONTACT: DANA SPURGEON (P) 262.650.6449



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

TOTAL AREA = 11,163 sq. ft.	BRICK = 2,558 sq. ft. (30%)
DOOR & WINDOWS = 2,635 sq. ft.	STUCCO = 2,562 sq. ft. (30.04%)
TOTAL BLDG. MATERIAL = 8,528 sq. ft.	PORCELAIN TILES = 3,408 sq. ft. (39.96%)

LEGEND:
 CJ - CONTROL JOINT TYP.



LaQuinta INN & SUITES
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▲	CLARIFIED LIST OF MATERIALS	2/25/2016
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▲	ACCESSIBILITY PLAN REVIEW	12/01/2014
▲	FRANCHISE COMMENTS	12/01/2014
▲	REV. 3 THIRD RESPONSE CITY COMMENTS	11/19/2014
▲	REV. 2 SECOND RESPONSE PERMIT COMMENTS	11/16/2014
▲	REV. 1 AS PER CITY COMMENT	10/30/2014

ISSUE	DESCRIPTION	DATE
PROFESSIONAL SEALS		

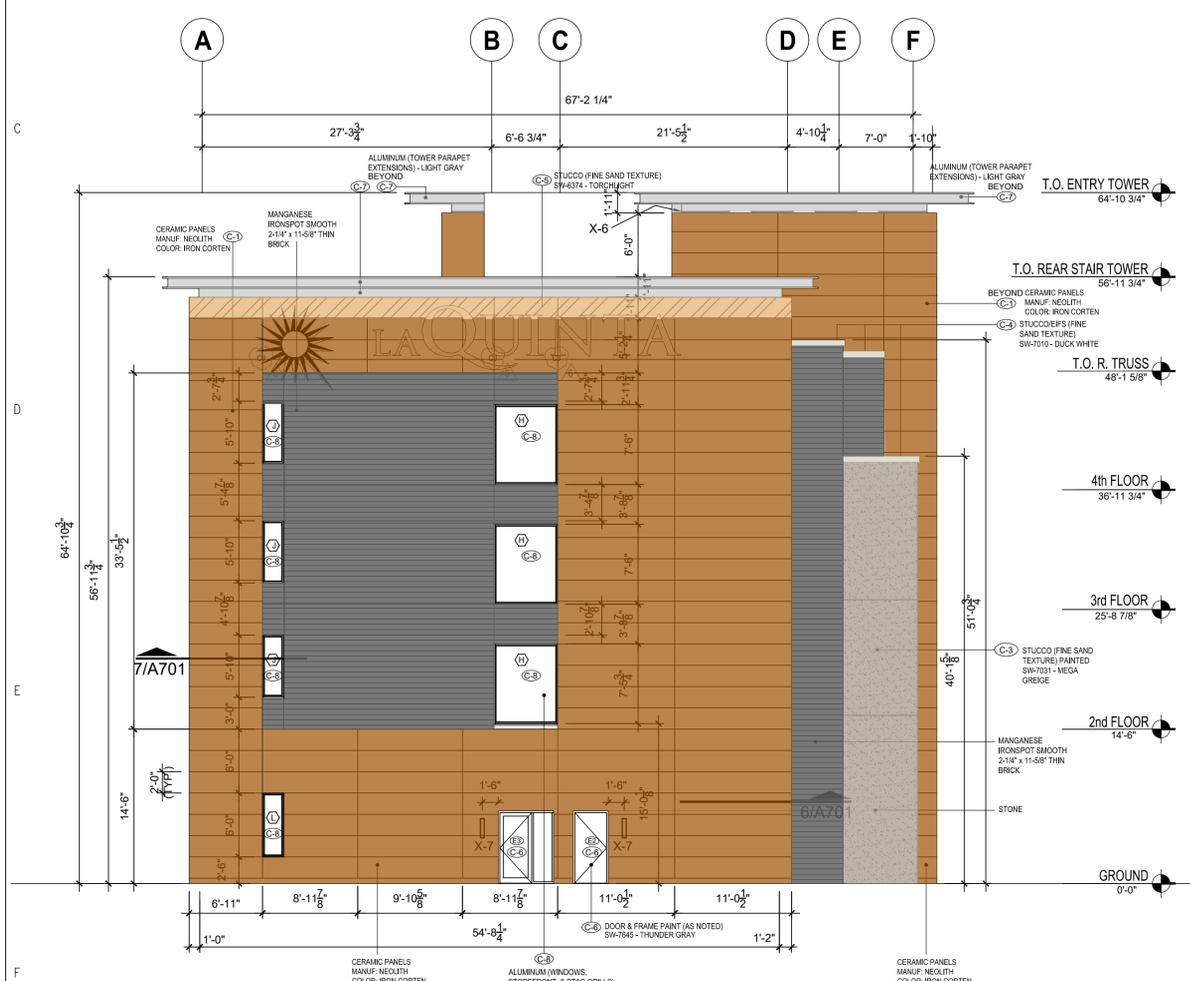
EXTERIOR ELEVATIONS

DRAWN BY	CREATED BY	PRP
PROJECT NUMBER	PROJECT ABBREVIATION	LQ-C-TX
DATE	CURRENT DOCUMENTATION STAGE	CONSTRUCTION
05 OCT 2014		

DRAWING NUMBER **A302**

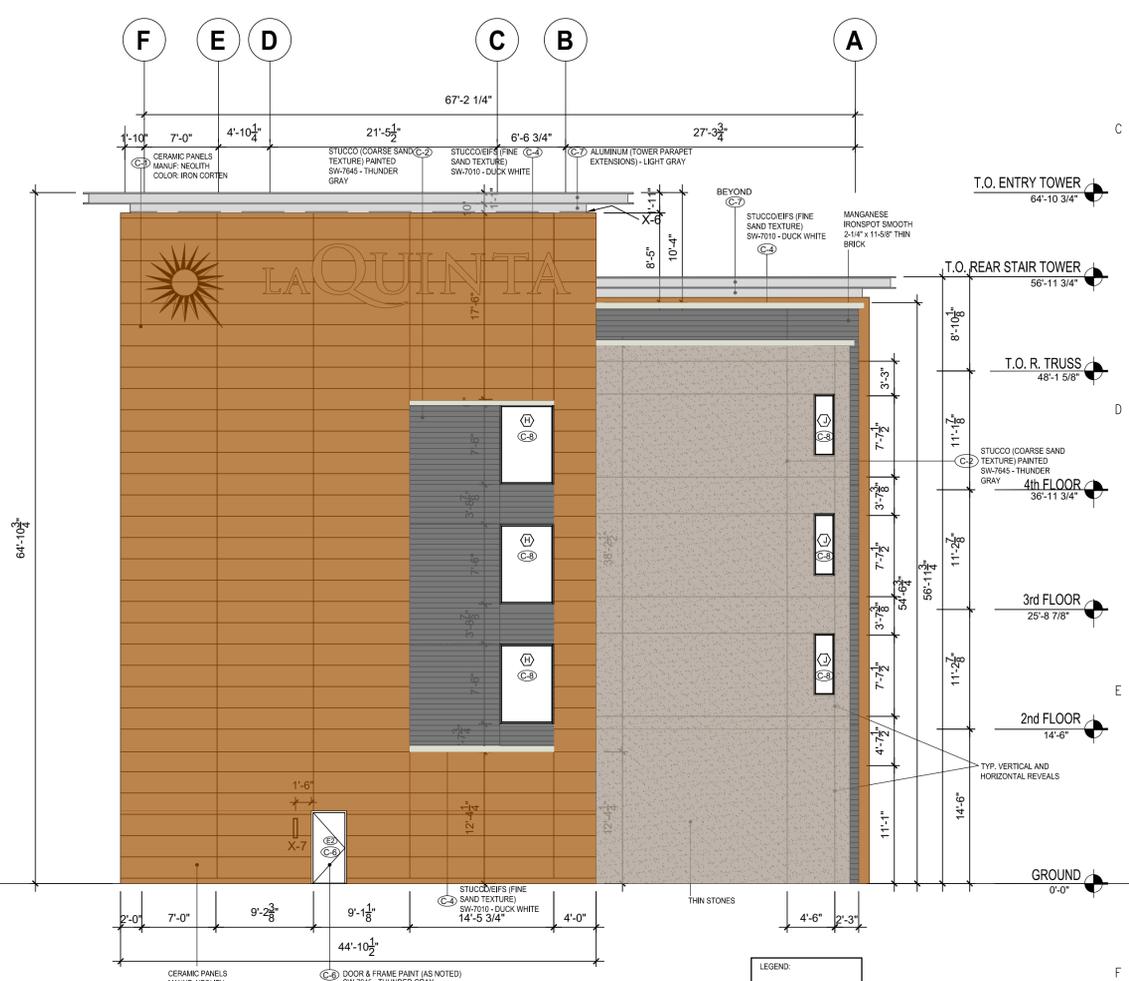
COLOR SCHEDULE

C-1 CERAMIC PANELS MANUF: NEOLITH COLOR: IRON CORTEN CONTACT: PETER HOLLAND HOLLAND MARBLE 972.247.1621	C-6 DOOR & FRAME PAINT (AS NOTED) SW-7645 - THUNDER GRAY
C-2 STUCCO (COARSE SAND TEXTURE) PAINTED SW-7645 - THUNDER GRAY	C-7 ALUMINUM (TOWER PARAPET EXTENSIONS) PAC-CLAD - SILVER
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C-4 STUCCO (FINE SAND TEXTURE) SW-7010 - DUCK WHITE	C-9 ALUMINUM FLUSH PANELS (PORTE-COCHERE) PAC-CLAD - STONE WHITE FINISH
C-5 STUCCO (FINE SAND TEXTURE) SW-6374 - TORCHLIGHT	TOWER, COPING, PORTE-COCHERE METAL FABRICATOR MFG: METAL-ERA CONTACT: DANA SPURGEON (P) 262.650.6449



TOTAL AREA = 4,395 sq. ft.	BRICK = 1,043 sq. ft. (25.10%)
DOOR & WINDOWS = 240 sq. ft.	STUCCO = 732 sq. ft. (17.62%)
TOTAL BLDG. MATERIAL = 4,155 sq. ft.	PORCELAIN TILES = 2,380 sq. ft. (57.28%)

2 LEFT END ELEVATION
 SCALE: 1/8" = 1'-0"



TOTAL AREA = 4,387 sq. ft.	BRICK = 452 sq. ft. (10%)
DOOR & WINDOWS = 173 sq. ft.	STUCCO = 1,755 sq. ft. (38.4%)
TOTAL BLDG. MATERIAL = 4,560 sq. ft.	PORCELAIN TILES = 2,353 sq. ft. (51.60%)

1 RIGHT END ELEVATION
 SCALE: 1/8" = 1'-0"



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FRANCHISE COMMENTS	12/01/2014
REV. 3 THIRD RESPONSE	11/19/2014
CITY COMMENTS	11/19/2014
REV. 2 SECOND RESPONSE	11/16/2014
PERMIT COMMENTS	11/16/2014
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ISSUE	DESCRIPTION	DATE
PROFESSIONAL SEALS		

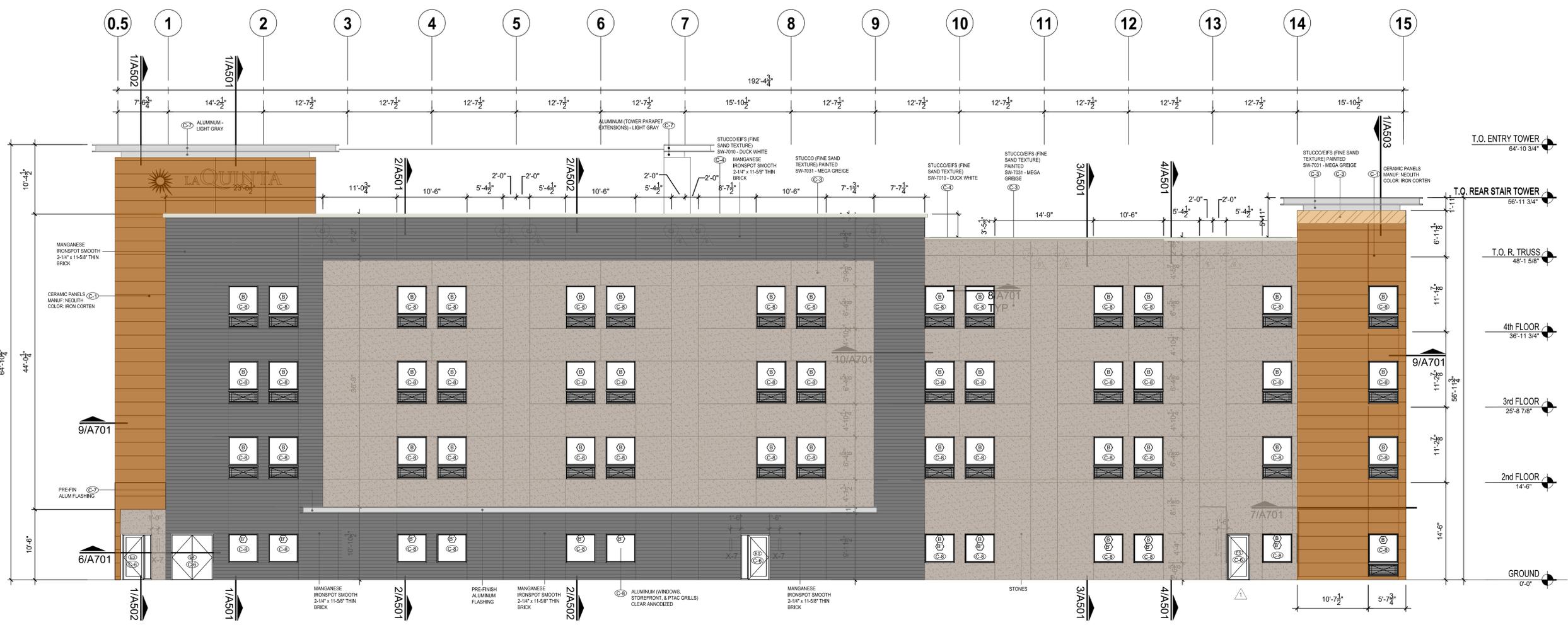
REAR ELEVATION

DRAWN BY	CHECKED BY	PRP
PROJECT NUMBER	PROJECT ABBREVIATION	LQ-C-TX
DATE	CURRENT DOCUMENTATION STAGE	CONSTRUCTION
05 OCT 2014		

A303

COLOR SCHEDULE

C-1 CERAMIC PANELS MANUF: NEOLITH COLOR: IRON CORTEN CONTACT: PETER HOLLAND HOLLAND MARBLE 972.247.1621	C-6 DOOR & FRAME PAINT (AS NOTED) SW-7645 - THUNDER GRAY
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C-5 STUCCO (FINE SAND TEXTURE) SW-6374 - TORCHLIGHT	TOWER, COPING, PORTE-COCHERE METAL FABRICATOR MFG: METAL-ERA CONTACT: DANA SPURGEON (P) 262.650.6449



TOTAL AREA = 11,282 sq. ft.	BRICK = 2,668 sq. ft. (27.48%)
DOOR & WINDOWS = 1,576 sq. ft.	STUCCO = 5,642 sq. ft. (58.14%)
TOTAL BLDG. MATERIAL = 9,706 sq. ft.	PORCELAIN TILES = 1,396 sq. ft. (14.38%)

1 REAR ELEVATION
 SCALE: 1/8" = 1'-0"