

**AGENDA  
CITY OF THE COLONY  
PLANNING AND ZONING COMMISSION  
NOVEMBER 22, 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, November 22, 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:

<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 25, 2016 Regular Session.
<b>3.0</b>	<b>PUBLIC HEARING ITEMS</b>
<b>3.1</b>	<b><i>SI14-0018 – Automobile Rental land use and Special Events definition</i></b> Conduct a public hearing, discuss and consider making a recommendation to City Council on amendments to Appendix A, Zoning Ordinance, Section 10-100, Schedule of Uses by District, by adding “Automobile Rental” land use, Section 10-300, Definitions and Explanations Applicable to the Use Schedule, Section 25, Definitions; and Section 10D-700 Temporary Use Definitions and Section 10D-2800, Special Events.
<b>3.2</b>	<b><i>PDA16-0003, Amendment to Planned Development District No. 25</i></b> Conduct a public hearing, discuss and consider making a recommendation to City Council on request for amendments to Planned Development 25 (Ordinance No 2011-1927), adding Sub Section D to Section III: Off-Street Parking and Loading Regulations and amending Table 1.
<b>4.0</b>	<b>DISCUSSION ITEMS</b>
<b>4.1</b>	<b><i>SP16-0014 Truck Yard and Quincy’s Chicken Shack Development Plan</i></b> Discuss and consider making a recommendation to City Council on a request for Development Plan for Truck Yard and Quincy’s Chicken Shack restaurants, located on part of Lot 1, Block H, Grandscape Addition Phase II, near Destination Drive.

“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 Tina Stewart, City Secretary, at 972-624-3105 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 18<sup>th</sup> day of November 2016.



*Tina Stewart*

Tina Stewart, City Secretary

**MINUTES  
CITY OF THE COLONY  
PLANNING AND ZONING COMMISSION  
OCTOBER 25, 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, October 25, 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, Cesar Molina Jr., Shannon Hebb, Brian Buffington, and Shawn Rockenbaugh.

**Board Members Absent:** Detrick DeBurr, Vice Chairman and Janece Pool

**Staff Present:** Gordon Scruggs, P.E. Director of Engineering and Development Services, Joe Perez, Programs Administrator, Surupa Sen, AICP, Senior Planner, Brian Mcnuelty, Engineering Technician, and Ed Voss, City Attorney.

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

<b>1.1</b>	<b>CITIZEN INPUT</b>
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No citizen came forward for input.

<b>2.0</b>	<b>CONSENT AGENDA</b>
<b>2.1</b>	Consider approval of the minutes of the October 11, 2016 Regular Session.

Chairman Hames read the Consent Agenda item into the record.

**Commissioner Hebb moved to approve Item 2.1, Commissioner Molina seconded the motion. Motion carried (4-0).**

<b>3.0</b>	<b>PUBLIC HEARING ITEMS</b>
<b>3.1</b>	<i><b>SI16-0001, Zoning Ordinance Amendment - Definition of Single Family</b></i> Conduct a public hearing, discuss and consider making a recommendation to City Council on amendment to Appendix A, Zoning Ordinance, Section 10-300: Definitions and explanations applicable to use schedule, Subsection (1) definition of Single Family.

Chairman Hames read the public hearing item 3.1 into record.

Ms. Sen presented the staff report.

Commissioner Buffington came in 6:35 p.m.

Commissioner Molina asked how many people complained regarding this matter.

Mr. Perez answered probably 6 or 7 people complained.

Commissioner Molina asked if this was about one home.

Ms. Perez stated that's what staff is aware of, one home.

Commissioner Molina stated that when he was a student he had rented a home with three other students and they were not related by blood, marriage or adoption. This is pretty common for students going through college. So why is renting a single family home to unrelated occupants is becoming an issue in The Colony.

Attorney Mr. Voss replied that the house in question was being investigated for a “use” violation and in the process this inconsistency within the Zoning Ordinance was found and staff is rectifying that inconsistency. He also added that every City in the metroplex have some sort of definition of “single family” in their Zoning Ordinance

Commissioner Molina asked if the college towns like Denton, Arlington has regulations to allow this type of renting in single family home.

Mr. Voss stated that the college towns will have separate regulations for uses like this. The Colony not being a college town would have similar definition found in other cities around the metroplex.

Mr. Perez responded that this item is to address the inconsistency in the code. Whether this will affect the current situation in that particular home positively or negatively has not been discussed yet. That will be dealt with separately.

Commissioner Hebb asked why the definition is allowing 3 unrelated individuals and not limiting it to two unrelated individuals.

Mr. Voss stated that particular question deals with a very specific legal issue that can be better addressed in an executive session.

The Commission went into executive session at 6:36 p.m.

The Commission re-convened into regular session at 6:45 p.m.

Chairman Hames opened and closed public hearing at 6:45 p.m. with no one wishing to speak.

**Commissioner Rockenbaugh moved to approve Item 3.1 Commissioner Hebb seconded the motion. Motion carried (5-0).**

<b>4.0</b>	<b>DISCUSSION ITEMS</b>
<b>4.1</b>	<b><i>SP16-0013, The Hudson-Development Plan Amendment</i></b> Discuss and consider making a recommendation to the City Council on a request for development plan amendment to add one multi-family building, additional parking, and a swimming pool to The Hudson project that was approved for 29 multi-family buildings and associated common areas within Planned Development 22 (PD-22) for Lots 1-5, Block D, located on the south side of Windhaven Pkwy and west of the Boathouse Development.

Chairman Hames read the discussion item 4.1 into record.

Ms. Sen presented the staff report.

**Commissioner Hebb moved to approve Item 4.1 Commissioner Molina seconded the motion. Motion carried (5-0).**

4.2	<b><i>SP16-0015 Waterford Point Amenity Center Development Plan</i></b> Discuss and consider making a recommendation to City Council on a request for Development Plan for Waterford Point Amenity Center, a 7,032 sf facility with associated open spaces, located on Castlebridge Road within Tribute subdivision, in Planned Development 23 (PD 23) zoning district.
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Chairman Hames read the discussion item 4.2 into record.

Ms. Sen presented the staff report.

Commissioner Buffington asked if the parking shown in front is the only parking spaces provided for this development.

Ms. Sen answered affirmative that these 21 parking spaces are provided for the amenity center

Commissioner Buffington asked how big the community is.

Ms. Sen responded that there are 417 new home lots under this particular subdivision called Waterford Point Phase I.

Commissioner Hebb asked that the pool and amenity center will be busy during weekends; is there any provision to add future parking?

Ms. Sen stated that the neighbors living close by will probably walk to this facility and not take their car. The applicant meets the requirement for parking to serve 417 dwelling units.

Chairman Hames asked if there was any provision for bicycle racks in this development.

Bret Blankenship with JBI Partners approached Commission and stated there are no plans for bicycle parking at this time.

Chairman Hames stated that she would like to see some bicycle parking being added to this amenity center.

Commissioner Hebb asked if the home buyers in this area will have an indication in their deed restriction that only the residents of this particular area will be allowed to access the amenity center.

Mr. Blankenship stated affirmative.

Commissioner Hebb asked if there are any future plans to add a dock area to this facility.

Mr. Blankenship answered that there is an existing amenity center for the larger subdivision and there are plans to add dock or marina to that amenity center.

Mr. Scruggs added that no new docks can be added without including them in the Environmental Assessment document. The marina and dock at the existing amenity center was already planned for during their Environmental Assessment.

**Commissioner Hebb moved to approve Item 4.2 with the stipulation that bicycle rack/parking is added Commissioner Buffington seconded the motion. Motion carried (5-0).**

There being no further business to come before the Commission, Chairman Hames adjourned the Regular Session of the Planning and Zoning Commission at 7: 00 p.m.

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Karen Hames, Chairman

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Surupa Sen, AICP, Senior Planner

## PLANNING AND ZONING COMMISSION REPORT

**AGENDA DATE:** November 22, 2016

**DEPARTMENT:** Engineering/Development Services Department

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

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**SUBJECT:** *SI14-0018 – Automobile Rental land use and Special Events definition*

Conduct a public hearing, discuss and consider making a recommendation to City Council on amendments to Appendix A, Zoning Ordinance, Section 10-100, Schedule of Uses by District, by adding “Automobile Rental” land use, Section 10-300, Definitions and Explanations Applicable to the Use Schedule, Section 25, Definitions; and Section 10D-700 Temporary Use Definitions and Section 10D-2800, Special Events.

**PRIOR ACTION/REVIEW (Council, Boards, Commissions)**

November 1, 2016 – City Council recommended this case to go back through the Planning and Zoning Commission review and consideration for adding the land use to Shopping Center (SC), General Retail (GR), and Business Park (BP) Zoning Districts along with Light Commercial (LC) High Commercial (HC) and Industrial (I) Zoning Districts through approval of a Specific Use Permit (SUP).

October 11, 2016 – The Planning and Zoning Commission recommended approval of the consider amendments to Appendix A Zoning Ordinance, Section 10-100, Schedule of Uses by District, by adding “Automobile Rental” land use, Section 10-300, Definitions and Explanations Applicable to the Use Schedule, Section 25, Definitions, and Section 10D-700 Temporary Use Definitions and Section 10D-2800, Special Events to clarify the definition for Special Events with a 6-0 vote.

Staff presented the research and findings on Automobile Rental land use to the Commission on September 13, 2016 meeting at a workshop. Commission recommended adding electric cars to the definition of Automobile Rental.

## Staff Analysis

### Automobile Rental Land Use:

The Colony Zoning Ordinance has following Automobile related land uses listed and regulated.

<i>Type of Use</i>	<i>Zoning Districts</i>						
	<i>NS</i>	<i>SC</i>	<i>GR</i>	<i>BP</i>	<i>LC</i>	<i>HC</i>	<i>I</i>
Auto sales and service (outside display)	N	N	SUP	SUP			
Auto sales and service (inside display)	N	N	SUP	SUP			
Auto painting or body rebuilding shop (inside)	N	N	SUP	SUP			
Auto parts and accessory sales (inside only)	N			SUP			
Auto parts and accessory sales (outside display)	N	N	SUP	SUP			
Auto repair garage (inside)	N	SUP		SUP			

### ORDINANCE REVIEW COMMITTEE (ORC) RECOMMENDATION

There has been a need for this type of land use within the City. With the growth of multiple hotels and The Colony being a destination center due to Nebraska Furniture Mart and other new businesses/entertainment venues, vehicle rental is a complimentary land use that can support these businesses. After thorough investigation, review, and with City Council recommendation staff makes the following recommendations for Automobile Rental Uses:

The following chart shows the staff recommendation (N = Not allowed; SUP = Permitted by Specific Use Permit only; blank = allowed):

<i>Proposed Use</i>	<i>Zoning Districts</i>						
	<i>NS</i>	<i>SC</i>	<i>GR</i>	<i>BP</i>	<i>LC</i>	<i>HC</i>	<i>I</i>
Automobile Rental	N	SUP	SUP	SUP	SUP	SUP	SUP

Staff also proposes to add the following definition in the Section 10-300 of the Zoning Ordinance

**Automobile Rental** - Storage, leasing, or renting of automobiles, motorcycles, and light load vehicles, defined as a self-propelled vehicle having no more than 2 axles such as a pick-up truck or van including electric or natural gas automobiles that run on electricity or natural gas, but excluding recreation vehicles and vehicles designed for commercial hauling.

Staff also recommends adding definitions for automobile, light-load vehicles and high-load vehicles to the **Section 25: Definitions** as follows:

**Automobile:** A 4-wheeled, self-propelled vehicle designed for passenger transportation, including electric or natural gas automobiles that run on electricity or natural gas.

**Light Load Vehicle:** A self-propelled vehicle having no more than 2 axles such as a pick-up truck or van but excluding recreation vehicles and vehicles designed for commercial hauling or for the moving of home furnishings and similar articles.

**Heavy Load Vehicle:** A self-propelled vehicle having a Manufacturer's Recommended Gross Vehicle Weight Rating (GVWR) of greater than 10,000 pounds, such as tractor-trailers, buses, vans, and other similar vehicles. The term "truck" shall be construed to mean "Heavy Load Vehicle" unless specifically stated otherwise.

**Special Events Definition:**

Staff would also like to propose the following changes to the Special Events section of the Zoning Ordinance

**10D-700. Temporary use definitions.**

*Apron.* The paved area between any store and its first row of parking or drive aisle located adjacent to the entrance. Also considered to be "under the eaves" regardless of whether actual eaves are present.

*Canopy.* Any temporary structure, enclosure or shelter constructed of fabric or other pliable material that may be partially supported by a building, wall or roof, and additionally by any manner except by air or by the contents it protects and is open without sidewalls or drops on 75 percent or more of the perimeter. In addition, any canopy structure that is 400 square feet or greater in size is defined as a tent for the purposes of the Fire Code.

*City-based organization.* Any group maintaining an organizational structure within the city.

*Mobile food truck.* An enclosed, commercially manufactured, motorized mobile unit in which ready to eat food is cooked, wrapped, packaged, processed or portioned for service, sale or distribution and designed for the transportation, storage and preparation of foods.

*Not-for-profit organization.* Any organization that is recognized by the Internal Revenue Service (IRS) as having a not-for-profit status.

*Seasonal.* Shall mean the typical time period generally understood to be appropriate for a certain type of goods and/or services. For example, Christmas tree sales season would typically be the six weeks prior to the Christmas holiday while the sale of firewood would typically be the six-month period when the weather falls to a temperature in which fireplaces might be put to use.

*Special Event.* An infrequent advertised and/or open to the public event outside of normal activities which is likely to attract visitors, and is an opportunity for leisure, social or cultural experiences by attendees. Such special events may include, but are not limited to, any public amusement or event that will take place on a public right-of-way, exhibitions, automobile shows, tournaments, running events, festivals, carnivals, air shows, group garage sales, outdoor shows/concerts, craft fairs, block parties, parades and religious events. Special events are further defined as temporary activities that are abnormal to the specific site when needs of traffic, parking, restrooms, noise level, crowds, zoning, etc., exceed the original design and intent of the

site. This article does not apply to activities normally occurring on property appropriately zoned to allow the activity.

*Temporary business.* A business transacted or conducted in the city that is upon private property which has no definite arrangement for legal right of occupancy and is used for the purpose of conducting business for a limited period of time.

*Tent.* A temporary structure, enclosure or shelter constructed of fabric or other pliable material supported by any manner except by air or the contents it protects. A tent is typically open on the sides, but may have drop-down sides constructed of fabric or pliable material as well.”

**10D-2800(a): Special Events:**

(a) Examples	<i>Special Event.</i> An infrequent advertised and/or open to the public event outside of normal activities which is likely to attract visitors, and is an opportunity for leisure, social or cultural experiences by attendees. Such special events may include, but are not limited to, any public amusement or event that will take place on a public right-of-way, exhibitions, automobile shows, tournaments, running events, festivals, carnivals, air shows, group garage sales, outdoor shows/concerts, craft fairs, block parties, parades and religious events. Special events are further defined as temporary activities that are abnormal to the specific site when needs of traffic, parking, restrooms, noise level, crowds, zoning, etc., exceed the original design and intent of the site. This article does not apply to activities normally occurring on property appropriately zoned to allow the activity.
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**Attachments:**

1. Proposed Ordinance

**CITY OF THE COLONY, TEXAS**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF THE COLONY, TEXAS, AMENDING APPENDIX A, SECTION 10-100 OF THE CODE OF ORDINANCES OF THE CITY OF THE COLONY, TEXAS, ENTITLED "SCHEDULE OF USES BY DISTRICT," BY ADDING "AUTOMOBILE RENTAL" LAND USE; AMENDING APPENDIX A, SECTION 10-300 OF THE CODE OF ORDINANCES, ENTITLED "DEFINITIONS AND EXPLANATIONS APPLICABLE TO THE USE SCHEDULE," BY ADDING A DEFINITION FOR AUTOMOBILE RENTAL; AMENDING APPENDIX A, SECTION 25-101 OF THE CODE OF ORDINANCES, ENTITLED "DEFINITIONS," BY ADDING DEFINITIONS FOR "AUTOMOBILE," "LIGHT LOAD VEHICLE" AND "HEAVY LOAD VEHICLE;" AMENDING APPENDIX A, SECTION 10D-700, OF THE CODE OF ORDINANCES OF THE CITY OF THE COLONY, TEXAS, ENTITLED "TEMPORARY USE DEFINITIONS," BY AMENDING THE DEFINITION OF "SPECIAL EVENT"; AND AMENDING APPENDIX A, SECTION 10D-2800 OF THE CODE OF ORDINANCES OF THE CITY OF THE COLONY, TEXAS, ENTITLED "SPECIAL EVENTS," BY AMENDING SUBSECTION (A), ENTITLED "EXAMPLES", BY REDEFINING EXAMPLES OF SPECIAL EVENTS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY OF A FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000) FOR EACH AND EVERY OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Section 211.006(a) of the Texas Local Government Code requires the City of The Colony, Texas, to publish notice of a public hearing concerning a zoning amendment before the 15th day before the date of the public hearing; and

**WHEREAS**, Appendix A, Section 24-101(d) of the Code of Ordinances of the City of The Colony, Texas, provides the following "[a] public hearing shall be held by city council before adopting any proposed amendment, supplement or change. Notice of such hearing shall be given per the publication policy of the city, stating the time and place of such hearing, and shall be published a minimum of 15 days prior to the date of the public hearing;" and

**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 the requisite notices by publication and otherwise, and have held due hearings and afforded a full and fair hearing to all property owners generally and to all persons interested, and the City Council of the City of The Colony, Texas, is of the opinion and finds that said changes should be granted, and that the Code of Ordinances should be amended.

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

**SECTION 1.** That the findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

**SECTION 2.** That Appendix A, Section 10-100, of the Comprehensive Zoning Ordinance of the City of The Colony, Texas, entitled “Schedule of Uses by District,” is hereby amended by adding the “221 Automobile Rental” use, which shall read as follows:

<i>Type of Use</i>	SF	D	TH	M1	M2	M3	M4	MH	PD	A	P	O1	O2	NS	SC	GR	LC	HC	I	BP
221 Automobile rental	N	N	N	N	N	N	N	N	N	N	N	N	N	N	SUP	SUP	SUP	SUP	SUP	SUP

**SECTION 3.** That Appendix A, Section 10-300, of the Comprehensive Zoning Ordinance of the City of The Colony, Texas, entitled “Definitions and explanations applicable to use schedule,” is hereby amended by adding an “Automobile Rental” definition which shall read as follows:

“(221) *Automobile Rental.* Storage, leasing, or renting of automobiles, motorcycles, and light load vehicles, defined as a self-propelled vehicle having no more than 2 axles such as a pick-up truck or van including electric or natural gas automobiles that run on electricity or natural gas, but excluding recreation vehicles and vehicles designed for commercial hauling.”

**SECTION 4.** That Appendix A, Section 25-101, of the Comprehensive Zoning Ordinance of the City of The Colony, Texas, entitled “Definitions,” is hereby amended by adding definitions for “Automobile,” “Heavy Load Vehicle,” and “Light Load Vehicle,” which shall read as follows: . . . .

“*Automobile:* A 4-wheeled, self-propelled vehicle designed for passenger transportation, including electric or natural gas automobiles that run on electricity or natural gas.”

...

“*Heavy Load Vehicle:* A self-propelled vehicle having a Manufacturer’s Recommended Gross Vehicle Weight Rating (GVWR) of greater than 10,000 pounds, such as tractor-trailers, buses, vans, and other similar vehicles. The term “truck” shall be construed to mean “Heavy Load Vehicle” unless specifically stated otherwise.”

...

“*Light Load Vehicle:* A self-propelled vehicle having no more than 2 axles such as a pick-up truck or van but excluding recreation vehicles and vehicles designed for commercial hauling or for the moving of home furnishings and similar articles.”

...

**SECTION 5.** That Appendix A, Section 10D-700, of the Comprehensive Zoning Ordinance of the City of The Colony, Texas, entitled “Temporary use definitions,” is hereby amended, which shall read as follows:

**“10D-700. Temporary use definitions.**

*Apron.* The paved area between any store and its first row of parking or drive aisle located adjacent to the entrance. Also considered to be "under the eaves" regardless of whether actual eaves are present.

*Canopy.* Any temporary structure, enclosure or shelter constructed of fabric or other pliable material that may be partially supported by a building, wall or roof, and additionally by any manner except by air or by the contents it protects and is open without sidewalls or drops on 75 percent or more of the perimeter. In addition, any canopy structure that is 400 square feet or greater in size is defined as a tent for the purposes of the Fire Code.

*City-based organization.* Any group maintaining an organizational structure within the city.

*Mobile food truck.* An enclosed, commercially manufactured, motorized mobile unit in which ready to eat food is cooked, wrapped, packaged, processed or portioned for service, sale or distribution and designed for the transportation, storage and preparation of foods.

*Not-for-profit organization.* Any organization that is recognized by the Internal Revenue Service (IRS) as having a not-for-profit status.

*Seasonal.* Shall mean the typical time period generally understood to be appropriate for a certain type of goods and/or services. For example, Christmas tree sales season would typically be the six weeks prior to the Christmas holiday while the sale of firewood would typically be the six-month period when the weather falls to a temperature in which fireplaces might be put to use.

*Special Event.* An infrequent advertised and/or open to the public event outside of normal activities which is likely to attract visitors, and is an opportunity for leisure, social or cultural experiences by attendees. Such special events may include, but are not limited to, any public amusement or event that will take place on a public right-of-way, exhibitions, automobile shows, tournaments, running events, festivals, carnivals, air shows, group garage sales, outdoor shows/concerts, craft fairs, block parties, parades and religious events. Special events are further defined as temporary activities that are abnormal to the specific site when needs of traffic, parking, restrooms, noise level, crowds, zoning, etc., exceed the original design and intent of the site. This article does not apply to activities normally occurring on property appropriately zoned to allow the activity.

*Temporary business.* A business transacted or conducted in the city that is upon private property which has no definite arrangement for legal right of occupancy and is used for the purpose of conducting business for a limited period of time.

*Tent.* A temporary structure, enclosure or shelter constructed of fabric or other pliable material supported by any manner except by air or the contents it protects. A tent is typically open on the sides, but may have drop-down sides constructed of fabric or pliable material as well.”

**SECTION 6.** That Appendix A, Section 10D-2800(a), of the Comprehensive Zoning Ordinance of the City of The Colony, Texas, entitled “Special Events,” is hereby amended, which shall read as follows:

(a) Examples	<i>Special Event.</i> An infrequent advertised and/or open to the public event outside of normal activities which is likely to attract visitors, and is an opportunity for leisure, social or cultural experiences by attendees. Such special events may include, but are not limited to, any public amusement or event that will take place on a public right-of-way, exhibitions, automobile shows, tournaments, running events, festivals, carnivals, air shows, group garage sales, outdoor shows/concerts, craft fairs, block parties, parades and religious events. Special events are further defined as temporary activities that are abnormal to the specific site when needs of traffic, parking, restrooms, noise level, crowds, zoning, etc., exceed the original design and intent of the site. This article does not apply to activities normally occurring on property appropriately zoned to allow the activity.
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**SECTION 7.** If any section, article paragraph, sentence, clause, phrase or word in this Ordinance, or application thereto any persons or circumstances is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance; and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

**SECTION 8.** That all provisions of the ordinances of the City of The Colony, Texas, in conflict with the provisions of this Ordinance be, and the same are hereby amended, repealed, and all other provisions of the ordinances of the City not in conflict with the provisions of this Ordinance shall remain in full force and effect.

**SECTION 9.** Any person, firm, or corporation violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the City of The Colony, Texas, shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense. Every day a violation occurs shall constitute a separate offense.

**SECTION 10.** This Ordinance shall become effective immediately upon its passage and publication as required by law.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF THE COLONY, TEXAS, THIS \_\_\_\_\_ day of \_\_\_\_\_, 2016.**

\_\_\_\_\_  
Joe McCourry, Mayor

**ATTEST:**

\_\_\_\_\_  
Tina Stewart, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Jeff Moore, City Attorney

**PLANNING AND ZONING COMMISSION REPORT**

**AGENDA DATE:** November 22, 2016  
**DEPARTMENT:** Development Services Department  
**PLANNER:** Surupa Sen, AICP, Senior Planner, 972-624-3164

**SUBJECT** – *PDA16-0003, Amendment to Planned Development District No. 25*

Conduct a public hearing, discuss and consider making a recommendation to City Council on request for amendments to Planned Development 25 (Ordinance No 2011-1927), adding Sub Section D to Section III: Off-Street Parking and Loading Regulations and amending Table 1.

**APPLICANT/OWNER**

City of The Colony The Colony, TX

**EXISTING CONDITION OF PROPERTY**

Planned Development 25 aka the Grandscape Planned Development is partially developed with Nebraska Furniture Mart, Grandscape Retail, several restaurants like MiCocina, Cheddars, Rock & Brews, Hard Eight, and a hotel under construction. If approved, the proposed text amendment adding Sub Section D to Section III: Off-Street Parking and Loading Regulations will apply to Lot 1, Block H of Grandscape Addition Phase II only and the amendment to Table 1 will affect Grandscape PD (PD-25) as a whole.

**PROPOSED REQUEST**

The applicant is proposing to add Sub-Section D to Section III: Off-Street Parking and Loading Regulations, as follows:

“D. Exceptions – Lot 1, Block H of Grandscape Addition, Phase II will be exempt from the specific provisions of Section III, Paragraph A(4) of PD 25 and will be permitted to utilize alternative parking lot pavement design provided it meets the concrete pavement design strength and criteria as required in The Colony Engineering Design Manual.”

In addition following changes are being recommended to the Table 1 of PD 25

<b>TABLE 1</b>		
<b>Use</b>	<b>Permitted</b>	<b>Minimum Off-Street Parking Requirement<sup>1</sup></b>
Accessory uses	Yes	None
Assisted living	Yes	1:500
Bank or savings and loan office	Yes	1:500
Bar, lounge, or tavern	Yes	1:250
Beverage store	Yes	1:500
Bicycle sales and service (inside)	Yes	1:500
Carnival or circus	Yes	25 spaces per acre
Catering services	Yes	1:250
Commercial amusement, inside	Yes	6 spaces per lane for bowling alley, otherwise 1:300

Commercial amusement, outside	Yes	1:300 square feet of floor area, plus 1:1,000 square feet of site area excluding parking area
Commercial radio/TV transmitting station	Yes	1:1,000
Concrete or asphalt batching plat (temporary)	Yes	None
Contractor or maintenance yard (temporary)	Yes	None
Convention Center	Yes	1:1,000
Day nursery/day care center	Yes	1:500
Dwelling, multiple family	Yes	1.5 spaces per dwelling unit
Electric substation	<b>SUP</b>	None
Fairgrounds	Yes	25 spaces per acre
Furniture store	Yes	1:500
Government building	Yes	1:1,000
Helistop	Yes	None
Home occupation (accessory use)	Yes	None
Hotel	Yes	1 per guest room
Library, art gallery, or museum	Yes	10 spaces plus 1:500
Mobile food vendor	Yes	None
Local utilities	Yes	None
Motor freight terminal	Yes	1:1,000
Office, general	Yes	1:500
Park or playground, private or public	Yes	None
Personal service	Yes	1:300
Radio, television, or communications facilities	Yes	None
Recreation club or area, private	Yes	1:500
Restaurant	Yes	1:200
Retail stores and shops	Yes	1:500
Studio, broadcasting and/or recording	Yes	1:1,000
Swimming pool, private	Yes	None
Temporary field office or construction office	Yes	None
Theatre (no drive-in)	Yes	<b>One space per 4 seats</b>
Warehouse and distribution	Yes	1:1,250

### **NOTIFICATION**

A notice of public hearing was published in the local newspaper on November 10, 2016 a minimum of 10 days prior to the public hearing. In addition, four (4) property owners within 200 feet of the subject property were notified by postcard that were mailed on November 8, 2016 a minimum of 10 days prior to the public hearing. There has been no public input to date.

### **OPTIONS**

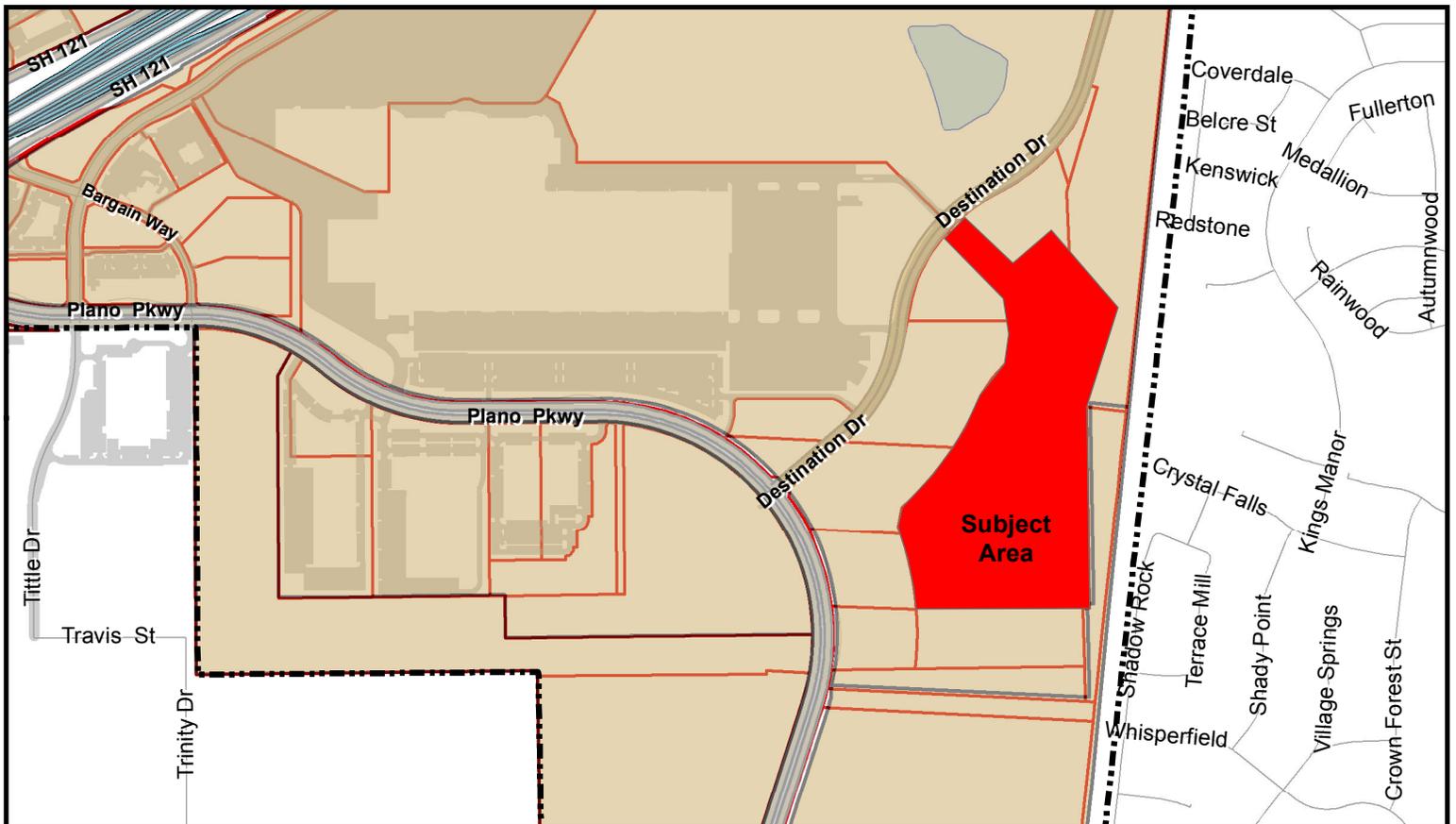
1. Approve as submitted.
2. Approve with conditions.
3. Deny.
4. Postpone consideration.
5. Table item.

**DEVELOPMENT REVIEW COMMITTEE REVIEW**

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

**ATTACHMENTS**

1. Location Map
2. Planned Development 25 (Grandscape PD) Ordinance



**Project No. PDA16-0003 - Project Name: PD 25 Amendment - Lot 1, Block H**

- |                                  |                          |                  |                      |                        |
|----------------------------------|--------------------------|------------------|----------------------|------------------------|
| PD 25 Amendment - Lot 1, Block H | 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.



**THE CITY OF THE COLONY, TEXAS  
ORDINANCE NO. 2011-1927**

**AN ORDINANCE 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 ESTABLISHING A PLANNED DEVELOPMENT DISTRICT THAT ENCOMPASSES THAT CERTAIN 433.81 ACRES OF PROPERTY GENERALLY LOCATED ALONG THE SOUTH SIDE OF STATE HIGHWAY 121 BETWEEN W. SPRING CREK PARKWAY AND PLANO PARKWAY AND INCLUDING A TRACT OF LAND AT THE SOUTHWEST CORNER OF STATE HIGHWAY 121 AND PLANO PARKWAY; GRANTING A VARIANCE TO THE REGULATIONS FOR THE SALE OF ALCOHOLIC BEVERAGES WITH RESPECT TO SAID PROPERTY; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, on November 15, 2011, the City Planning and Zoning Commission and City Council held a public hearing regarding the proposed adoption of Ordinance No. 2011-1927 establishing a planned development district encompassing the property described by metes and bounds on Exhibit "A" and depicted on Exhibit "B" (the "Property"), which exhibits are attached hereto and made a part hereof for all purposes; and

**WHEREAS**, after holding a public hearing, the City Planning and Zoning Commission recommended approval of Ordinance No. 2011-1927, and the City Council voted to approve the adoption of Ordinance No. 2011-1927; and

**WHEREAS**, the City 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 pursuant to the Comprehensive Zoning Ordinance of the City of The Colony, have given all of the requisite notices by publication and otherwise, and after holding due hearings and affording 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 is of the opinion that this Ordinance shall be approved establishing a planned development district encompassing the Property; and

**WHEREAS**, this Ordinance complies with the City's Comprehensive Plan and all other plans and policies of the City; and

**WHEREAS**, the City Council has determined that the enforcement of Sections 10-2205, 10-2206, and 10-2207 of Appendix A of the Code of Ordinances of the City of The Colony, Texas, as hereafter amended (the "Regulations on the Sale of Alcoholic Beverages") in the instance of the Property and the planned development district created by this Ordinance is not in the best interest of the public, constitutes waste or inefficient use of land or other resources, does not serve its intended purpose, and is not effective or necessary; and

**WHEREAS**, the City Council has determined that it is in the best interest of the community to

grant a variance exempting the Property from the Regulations on the Sale of Alcoholic Beverages; and

**WHEREAS**, the developer of the project authorized by this Ordinance filed plans for development of such project with the City prior to the adoption hereof, and pursuant to Chapter 245, Texas Local Government, the filing of such plans for development allows development of the project under the Building Codes, as defined in Section XVII.7 of Exhibit "C" attached hereto, which were in effect at the time plans for development were filed with the City; and

**WHEREAS**, the planned development district established by this Ordinance is an area zoned for commercial use for purposes of the applicability of the Federal Highway Beautification Act and related State law; and

**WHEREAS**, the sign regulations authorized in this Ordinance are (a) consistent with the regulations of the State of Texas and customary use; (b) conform to the requirements of the Federal Highway Beautification Act; and (c) conform to the requirements stated in that certain agreement between the State of Texas and the United States dated May 2, 1972, as amended through November 15, 2011, a copy of which is attached hereto as Exhibit "D".

**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 by adopting this Ordinance No. 2011-1927 establishing a planned development district encompassing all of the Property.

**SECTION 2.** That the regulations hereby adopted are set forth on Exhibit "C" attached hereto and incorporated herein for all purposes.

**SECTION 3.** That the regulations set forth on Exhibit "C" shall be the sole and exclusive zoning and sign regulations that shall apply to the Property, and except as otherwise provided on Exhibit "C", shall not be modified or altered in any way without amending this Ordinance pursuant to the procedures established for a change in zoning by Chapter 211, Texas Local Government Code, as amended, and the Comprehensive Zoning Ordinance of the City of The Colony, Texas, as amended. Except as expressly stated in this Ordinance, the provisions of the Comprehensive Zoning Ordinance of the City of The Colony, Texas, as amended, and Ordinance 2011-1896, as amended (the general sign ordinance of the City of The Colony, Texas), shall be inapplicable to the Property.

**SECTION 4.** That pursuant to Section 109.33(e) of the Texas Alcoholic Beverage Code, as amended, the City Council for the City of The Colony, Texas, after consideration of the health, safety, and welfare of the public and the equities of the situation, finds and determines that enforcement of Sections 10-2205, 10-2206, and 10-2207 of Appendix A of the Code of Ordinances of the City of The Colony, Texas, as to the Property is not in the best interest of the public, constitutes waste or inefficient use of land or other resources, creates an undue hardship on an applicant for a license or permit, does not serve its intended purpose, and enforcement of said regulations as to the Property is not in the best interest of the community.

**SECTION 5.** That pursuant to Section 109.33(e) of the Texas Alcoholic Beverage Code, as

amended, the City Council for the City of The Colony, Texas, does hereby grant to the Property a variance from the enforcement and application of Sections 10-2205, 10-2206, and 10-2207 of Appendix A of the Code of Ordinances of the City of The Colony, Texas, as amended.

**SECTION 6.** That all provisions of the Ordinances of the City of The Colony, Texas, in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions not in conflict with the provisions of this Ordinance shall remain in full force and effect.

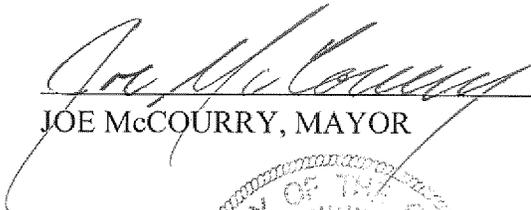
**SECTION 7.** That should any sentence, paragraph, subdivision, clause, phrase, or section of this Ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be unconstitutional, illegal, or invalid, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

**SECTION 8.** 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 The Colony, as heretofore and hereafter amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

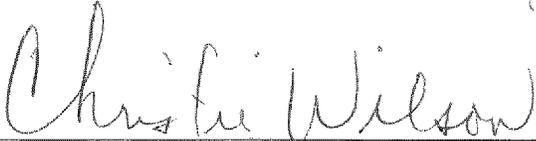
**SECTION 9.** That this Ordinance shall take effect immediately from and after its passage and the publication of its caption, as the law and charter in such cases provide.

**DULY PASSED** by the City Council of the City of The Colony, Texas, this the 15<sup>th</sup> day of November, 2011.

APPROVED:

  
\_\_\_\_\_  
JOE McCOURRY, MAYOR

ATTEST:

  
\_\_\_\_\_  
CHRISTIE WILSON, CITY SECRETARY



APPROVED AS TO FORM:

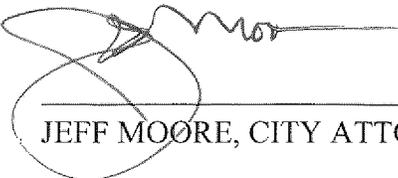
  
\_\_\_\_\_  
JEFF MOORE, CITY ATTORNEY

Exhibit "A"

Metes and Bounds Description of the Property

**LEGAL DESCRIPTION**

**TRACT 1**

BEING a 5.02 acre tract of land situated in the B.B.B. & C.R. Survey, Abstract No. 173, City of The Colony, Denton County, Texas, and being part of a tract of land described as Tract II as conveyed by deed to Maharishi Global Development Fund, as recorded in Volume 4555, Page 281, Official Public Records, Denton County, Texas. Said 5.02 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a found 5/8 inch iron rod with KHA cap for corner, being the intersection of the south right-of-way line of State Highway 121 (a variable width R.O.W.) and the southwest right-of-way line of Plano Parkway (a 100 foot R.O.W.), and being the beginning of a non-tangent curve to the left having a radius of 1050.00 feet, a central angle of 50°34'13" and a long chord which bears South 64°23'31" East, 896.96 feet;

THENCE southeasterly, along said southwest right-of-way line of Plano Parkway and said non-tangent curve to the left, an arc distance of 926.75 feet to a point for corner, being in the north line of a tract of land conveyed by deed to CB/Tittle, Ltd., as recorded in Instrument No. 99-R0007181, Official Public Records, Denton County, Texas;

THENCE South 89°58'40" West, leaving said southwest right-of-way line and following along said north line of CB/Tittle tract, at a distance of 1009.25 feet passing the northeast corner of a tract of land described as Tract F3, as conveyed by deed to Castle Hills Property Company, as recorded in Instrument No. 2006-153339, Official Public Records, Denton County, Texas, and continuing with the north line of said Castle Hills Property Company tract, for a total distance of 1210.45 feet to a point for corner;

THENCE North 00°25'18" West, with the northernmost east line of said Castle Hills Property Company tract, at a distance of 97.47 feet passing the northernmost corner, and continuing with said south right-of-way line of State Highway 121, for a total distance of 226.47 feet to a point for corner;

THENCE continuing with said south right-of-way line of State Highway 121 as follows:

North 63°32'06" East, for a distance of 130.52 feet to a point for corner;

North 60°22'33" East, for a distance of 80.86 feet to a point for corner;

South 29°13'03" East, for a distance of 50.00 feet to a point for corner;

North 60°47'38" East, for a distance of 219.64 feet to the POINT OF BEGINNING and CONTAINING 218,740 square feet or 5.02 acres of land, more or less.

**LEGAL DESCRIPTION**

## TRACT 2

BEING a 377.68 acre tract of land situated in the Thomas A. West Survey, Abstract No. 1344, the B.B.B. & C.R. Survey, Abstract No. 173, the B.B.B. & C.R. Survey, Abstract No. 174 and the M.D.T. Hallmark Survey, Abstract No. 570, City of The Colony, Denton County, Texas, being part of a tract of land described as Tract I as conveyed by deed to Maharishi Global Development Fund, as recorded in Volume 4555, Page 281, Official Public Records, Denton County, Texas, being part of a called 122.8106 acre tract of land conveyed by Correction Deeds to Crow-Billingsley UMF Plano, Ltd., as recorded in Instrument No. 2004-44212, 2004-44213, 2004-44214 and 2004-44218, Official Public Records, Denton County, Texas, and being a part of McKamy Road (an unrecorded right-of-way) SAVE AND EXCEPT those certain tracts of land conveyed in deeds recorded in Volume 5366, Page 977, Instrument No. 2006-49955, 2006-49957 and 2006-75193, Official Public Records, Denton County, Texas. Said remaining 377.68 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a found TxDot brass cap in concrete for the northeast corner of said 377.68 acre tract, being the intersection of the south right-of-way line of Sam Rayburn Tollway (State Highway 121) (a variable width R.O.W.) and the west right-of-way line of Burlington Northern Railroad (a 100 foot R.O.W. at this point);

THENCE continuing with said west right-of-way line of Burlington Northern Railroad as follows:

THENCE South  $06^{\circ}59'58''$  East, for a distance of 832.17 feet to a point for corner, being the beginning of a tangent curve to the right having a radius of 3703.75 feet, a central angle of  $13^{\circ}04'33''$  and a long chord which bears South  $00^{\circ}27'42''$  East, 843.42 feet;

THENCE southeasterly, along said curve to the right, an arc distance of 845.26 feet to a point for corner;

THENCE South  $06^{\circ}04'35''$  West, for a distance of 2524.64 feet to a point for corner;

THENCE North  $83^{\circ}17'00''$  West, for a distance of 190.16 feet to a point for corner;

THENCE South  $00^{\circ}51'51''$  East, for a distance of 970.10 feet to a point for corner;

THENCE South  $89^{\circ}03'50''$  West, for a distance of 31.58 feet to a point for corner;

THENCE South  $01^{\circ}14'37''$  East, for a distance of 448.38 feet to a point for corner, being the northeast corner of a tract of land conveyed by deed to Frankford Road Investors No. 1, as recorded in Instrument No. 2006-49957, Official Public Records, Denton County, Texas;

THENCE North  $87^{\circ}06'22''$  West, leaving said west right-of-way line and following along the north line of said Frankford Road Investors No. 1, for a distance of 1240.48 feet to a point for corner, being in the northerly right-of-way line of Plano Parkway (a 100 foot R.O.W.), and being the beginning of a non-tangent curve to the left having a radius of 1130.00 feet, a central angle of  $103^{\circ}16'58''$  and a long chord

which bears North 38°43'34" West, 1772.16 feet;

THENCE continuing with said northerly right-of-way line of Plano Road as follows:

THENCE northwesterly, along said non-tangent curve to the left, an arc distance of 2036.97 feet to a point for corner;

THENCE South 89°38'05" West, for a distance of 647.23 feet to a point for corner, being the beginning of a non-tangent curve to the right having a radius of 950.00 feet, a central angle of 40°05'36" and a long chord which bears North 70°19'29" West, 651.29 feet;

THENCE northwesterly, along said non-tangent curve to the right, an arc distance of 664.77 feet to a point for corner, being the beginning of a reverse curve to the left having a radius of 1050.00 feet, a central angle of 40°14'10" and a long chord which bears North 70°21'30" West, 722.31 feet;

THENCE northwesterly, along said reverse curve to the left, an arc distance of 737.37 feet to a point for corner;

THENCE South 89°31'25" West, for a distance of 623.83 feet to a point for corner, being the beginning of a tangent curve to the right having a radius of 950.00 feet, a central angle of 52°49'04" and a long chord which bears North 64°04'03" West, 845.07 feet;

THENCE northwesterly, along said curve to the right, an arc distance of 875.75 feet to a point for corner, being the most southerly point of a corner-clip with said south right-of-way line of Sam Rayburn Tollway (State Highway 121);

THENCE North 08°46'31" East, along said corner-clip, for a distance of 26.03 feet to a point for corner, being in said south right-of-way line of Sam Rayburn Tollway (State Highway 121);

THENCE continuing with said south right-of-way line of Sam Rayburn Tollway (State Highway 121) as follows:

THENCE North 60°47'38" East, for a distance of 203.71 feet to a point for corner;

THENCE North 58°17'36" East, for a distance of 252.11 feet to a point for corner;

THENCE North 55°47'40" East, for a distance of 105.11 feet to a point for corner;

THENCE North 58°17'42" East, for a distance of 248.62 feet to a point for corner;

THENCE North 60°47'38" East, for a distance of 263.85 feet to a point for corner;

THENCE North 76°30'51" East, for a distance of 92.27 feet to a point for corner;

THENCE North 65°56'12" East, for a distance of 100.40 feet to a point for corner;

THENCE North 64°13'39" East, for a distance of 100.18 feet to a point for corner;

THENCE North 60°16'36" East, for a distance of 39.88 feet to a point for corner;  
THENCE South 74°12'01" East, for a distance of 70.70 feet to a point for corner;  
THENCE North 60°47'38" East, for a distance of 64.12 feet to a point for corner;  
THENCE North 15°47'17" East, for a distance of 73.27 feet to a point for corner;  
THENCE North 59°04'32" East, for a distance of 94.25 feet to a point for corner;  
THENCE North 55°39'04" East, for a distance of 100.40 feet to a point for corner;  
THENCE North 47°37'54" East, for a distance of 114.18 feet to a point for corner;  
THENCE North 60°47'38" East, for a distance of 3800.00 feet to a point for corner;  
THENCE North 65°20'10" East, for a distance of 189.41 feet to a point for corner;  
THENCE North 61°56'23" East, for a distance of 100.02 feet to a point for corner;  
THENCE North 63°39'23" East, for a distance of 100.12 feet to a point for corner;  
THENCE North 64°47'53" East, for a distance of 100.24 feet to a point for corner;  
THENCE North 66°30'16" East, for a distance of 201.00 feet to a point for corner;  
THENCE North 65°56'12" East, for a distance of 100.40 feet to a point for corner;  
THENCE North 66°30'16" East, for a distance of 100.50 feet to a point for corner;  
THENCE North 63°05'04" East, for a distance of 100.08 feet to a point for corner;  
THENCE North 64°13'39" East, for a distance of 100.18 feet to a point for corner;  
THENCE North 83°05'27" East, for a distance of 69.58 feet to a point for corner;  
THENCE North 60°39'18" East, for a distance of 33.81 feet to the POINT OF BEGINNING and  
CONTAINING 16,451,919 square feet or 377.68 acres of land, more or less.

**LEGAL DESCRIPTION**

**TRACT 3**

BEING a 51.11 acre tract of land situated in the R.P. Hardin Survey, Abstract No. 611 and the B.B.B. & C.R. Survey, Abstract No. 174, City of The Colony, Denton County, Texas, and being all of a called 27.073 acre tract of land conveyed by deed to Sealy Spring Creek Partners, L.P., as recorded in Instrument No. 2007-83136 and all of a called 23.990 acre tract of land conveyed by deed to Whiteford Limited Partners, as recorded in Instrument No. 2004-132215 Official Public Records, Denton County, Texas. Said 51.11 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a found TxDot brass cap in concrete for the northeast corner of said Sealy Spring Creek Partners tract, being the intersection of the south right-of-way line of Sam Rayburn Tollway (State Highway 121) (a variable width R.O.W.) and the west right-of-way line of West Spring Creek Parkway (a 160 foot R.O.W.);

THENCE South  $29^{\circ}24'43''$  East, along said west right-of-way line of West Spring Creek Parkway, for a distance of 265.52 feet to a point for corner, being the beginning of a non-tangent curve to the right having a radius of 970.00 feet, a central angle of  $29^{\circ}13'42''$  and a long chord which bears South  $14^{\circ}53'13''$  East, 489.48 feet;

THENCE southeasterly, along said west right-of-way line and said non-tangent curve to the right, an arc distance of 494.83 feet to a point for corner;

THENCE South  $00^{\circ}22'42''$  East, continuing along said west right-of-way line, for a distance of 476.17 feet to a point for corner, being the northeast corner of said Whiteford Limited Partners tract;

THENCE South  $00^{\circ}23'35''$  East, continuing along said west right-of-way line, for a distance of 864.92 feet to a point for corner, being the northeast corner of Lot 1, Block A, Kings Ridge Addition, Phase Three, an addition to the City of Plano, as recorded in Cabinet X, Page 450, Plat Records, Denton County, Texas;

THENCE South  $89^{\circ}40'20''$  West, leaving said west right-of-way line, and following along the south line of said Whiteford Limited Partners tract and the north line of said Block A, Kings Ridge Addition, Phase Three, being a common line, for a distance of 1199.93 feet to a point for corner, being the northwest corner of Lot 23 of said Block A, Kings Ridge Addition, Phase Three, being in the east right-of-way line of Burlington Northern Railroad (a 100 foot R.O.W. at this point), and being the beginning of a non-tangent curve to the left having a radius of 3487.75 feet, a central angle of  $8^{\circ}31'36''$  and a long chord which bears North  $01^{\circ}45'21''$  West, 518.57 feet;

THENCE northwesterly, leaving said common line, and following along said east right-of-way line of Burlington Northern Railroad and said non-tangent curve to the left, an arc distance of 519.05 feet to a point for corner;

THENCE North  $06^{\circ}43'29''$  West, continuing along said east right-of-way line, for a distance of 345.89 feet to a point for corner, being the northwest corner of said Whiteford Limited Partners tract;

THENCE North  $07^{\circ}03'01''$  West, continuing along said east right-of-way line, for a distance of 628.03 feet to a point for corner, being in said south right-of-way line of Sam Rayburn Tollway;

THENCE North  $60^{\circ}45'58''$  East, leaving said east right-of-way line and following along said south right-of-way line of Sam Rayburn Tollway, for a distance of 254.35 feet to a point for corner;

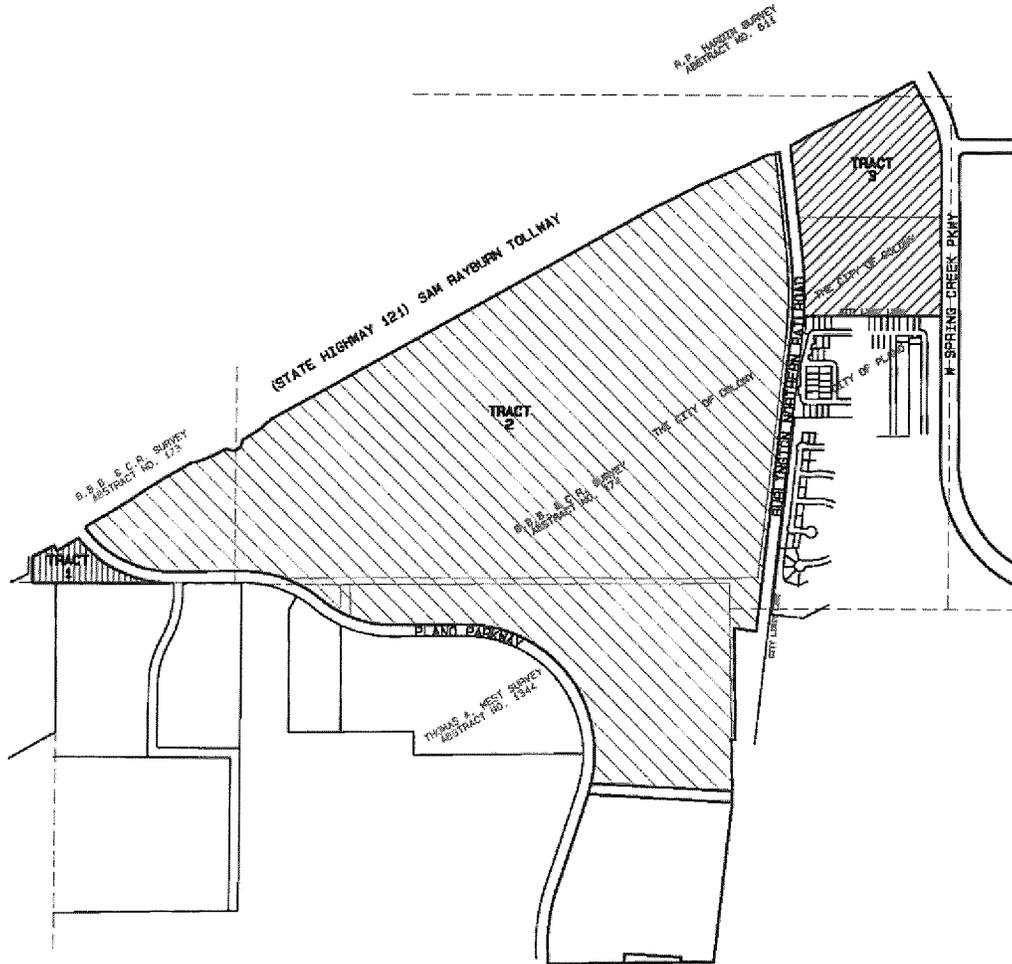
THENCE North  $63^{\circ}19'02''$  East, continuing along said south right-of-way line, for a distance of 585.96 feet to a point for corner;

THENCE North  $60^{\circ}52'09''$  East, continuing along said south right-of-way line, for a distance of 369.37

feet to the POINT OF BEGINNING and CONTAINING 2,226,193 square feet or 51.11 acres of land, more or less.

Exhibit "B"

Depiction of the Property (Not to Scale)



## Exhibit "C"

### Development Regulations

- I. Permitted Uses.
- A. List of Permitted Uses.
1. Land and buildings may be used for any of the uses listed in Table 1, but no land shall hereafter be used, and no building or structure shall hereafter be erected, altered, or converted, that is arranged or designed or used for other than those uses specified as permitted uses in this Section I.A or in accordance with the provisions of Table 1.
  2. In addition to the uses permitted in Table 1, one or more water wells may be drilled on the Property for the purpose of accessing groundwater. A permit shall be required prior to drilling a water well.
  3. All oil and natural gas well drilling operations and related uses, including, but not limited to, compression facilities, disposal wells, and ancillary storage, are expressly prohibited. Gas pipelines necessary for the development of the Property are permitted.
- B. Temporary Construction Offices. A temporary facility may be used as a construction office for a period of four years. The City Manager or his designee shall have the authority to grant one or more six-month extensions if construction is still active during each six-month extension period.
- C. Mobile Food Vendors. Mobile food vendors are governed by the mobile food vending provisions of the Comprehensive Zoning Ordinance, as amended.
- D. Radio, Television, and Wireless Communication Facilities. Radio, television, and wireless communication facilities shall be governed by the provisions of the Comprehensive Zoning Ordinance applicable to these types of facilities. For purposes of enforcing such provisions, all of the Property shall be considered to be located in a nonresidential zoning district. Stealth antenna facilities shall be permitted on the Property, subject to compliance with the provisions for stealth antenna facilities set forth in the Comprehensive Zoning Ordinance.
- E. Sale of Alcoholic Beverages. Pursuant to Section 109.33(e) of the Texas Alcoholic Beverages Code, the City Council hereby grants a variance from the requirements of Sections 10-2205, 10-2206, and 10-2207 of Appendix A of the Code of Ordinances of the City of The Colony, Texas, as amended, with respect to the property within the boundaries of this PD.
- II. Lot Area, Setback, and Bulk Regulations. The minimum requirements set forth on Table 2 shall apply to the Property.

### III. Off-Street Parking and Loading Regulations.

#### A. Vehicle Parking Regulations.

1. Except as hereinafter provided, no building or structure or part thereof shall be erected, altered, or converted for any use unless there shall be provided on the same lot or within 750 feet of such lot vehicle parking according to the minimum parking ratios set forth on Table 1. In computing the parking requirements for any building or development, the total parking requirements shall be the sum of the specific parking space requirements for each class of use included in the building for development. Where fractional parking spaces result from the computation of these requirements, the requirements shall be construed to be that of the nearest whole number.

2. Shared parking involving the same off-street parking stall to satisfy the off-street parking requirements for two (2) or more uses shall be permitted if an applicant demonstrates that the uses sharing parking have either mutually exclusive or compatibly overlapping normal hours of operation.

3. Surface parking and commercial parking lots and garages are permitted, and may be used to provide required or excess parking spaces. A fee may be charged for the use of required or excess parking spaces.

4. All parking lots shall be constructed with a minimum of five inch (5") thickness, 3,000 psi compressive strength concrete at 28 days, and reinforced with #3 rebar on eighteen inch (18") centers both ways, over six inch (6") compacted soil subgrade to 95 percent (95%) Standard Proctor Density, subject to a geotech study.

B. Parking lot lighting. All parking lot lighting must be installed and operated so as not to produce glare or cast direct illumination across the bounding property line. Low pressure sodium lighting is prohibited. All lighting fixtures must be restricted to down-light or cut-off types.

C. Off-Street Loading Regulations. All retail structures shall provide and maintain off-street facilities for receiving and loading merchandise, supplies, and materials within a building as follows:

1. Off-street loading space shall consist of a minimum area of 10x45 feet.

2. A minimum of one (1) loading space or berth is required for a structure with 10,000 to 100,000 gross square feet of air conditioned floor area. One (1) additional space or berth is required for each additional 100,000 gross square feet of air conditioned floor area above the first 100,000 square feet.

3. Access or drives to all off-street loading spaces and berths shall be located on private property. No off-street loading space shall be accessed directly from a public right-of-way.

4. In instances where three (3) or more sides of a building face dedicated streets, loading berths and apron space must be located at the rear or side of the building. The loading area must be screened from abutting streets by a combination of permanent architectural and landscape elements such as walls, berms, trees and shrubs so as to distract, soften or interrupt the view of the casual observer. Such elements must be installed along a minimum of fifty percent (50%) of the affected property line. Screening must be to the height of the top of the dock door but no greater than eight feet (8') above the truck dock apron. When viewed at a perpendicular angle from the street, the truck berths must be screened completely, except for driveway openings. Screening shall be designed to allow adequate visibility for exiting traffic.

#### IV. Landscaping.

A. Minimum Landscape Area. A minimum of ten percent (10%) of the area of each platted lot shall be landscaped. In lieu of satisfying this requirement on a lot by lot basis, this requirement may be satisfied on the basis of a larger platted area that includes multiple lots. All landscaped areas must be planted with trees, shrubs, lawn, and other living ground cover. Landscape areas must be no less than four feet (4') wide and a minimum of thirty-two (32) square feet in area.

B. Landscape Buffer. A landscape buffer with a minimum width of twenty feet (20') shall be provided adjacent to the right-of-way line of SH 121. A landscape buffer with a minimum width of ten feet (10') shall be provided adjacent to all other streets. Any such buffer may be reduced to 75 percent (75%) of the minimum required width if the buffer includes a solid screening wall. The landscape buffer (excluding any screening wall) may be provided wholly or partially within the unimproved portion of the adjacent public right-of-way. Required landscape buffers shall include one (1) tree for every forty feet (40') or fraction thereof of street frontage along a platted lot. Trees must be a minimum of three inches (3") caliper at the time of planting. Trees may be either uniformly spaced or may be clustered depending on the overall landscape design. Compliance with this provision may satisfy other provisions of these landscaping requirements, such as the requirement for a minimum landscape area, to the extent the landscape buffer is provided on private property instead of within the public right-of-way.

C. Parking Lot Landscaping. A minimum of 60 square feet of landscaping is required for every twelve (12) parking spaces, and shall occur within the parking lot boundaries inside of landscaped medians or islands that are not less than five feet (5') in width. Landscaped areas must be provided within 120 feet of every parking space. Compliance with this provision may

satisfy other provisions of these landscaping requirements, such as the requirement for a minimum landscape area.

D. Screening of Parking Areas. A wall, a berm, evergreen shrubs, or a combination of any of these three (3) screening methods shall be used to screen surface parking lots from adjacent public street right-of-way along SH 121 and Plano Parkway. The minimum screening height is twenty-four inches (24"). Berms shall have a maximum slope of 3:1. Live screening materials may be included in determining compliance with the other landscaping requirements of this Section IV, such as the requirement for a minimum landscape area, the landscape buffer requirements, and the parking lot landscaping requirements.

E. Protection of Existing Trees During Construction. Existing trees and their root systems that will be preserved and utilized to comply with the landscaping requirements must be protected during construction through the use of barricades and fencing. Damaged or missing trees must be replaced with an equal number of inches. Replacement trees shall be a minimum of three inches (3") in caliper.

F. Irrigation. All landscaped areas (other than manicured mulched areas) must have fully automated underground irrigation systems. Such systems that are connected to the public water supply must contain adequate backflow prevention devices that are tested/inspected annually and must have operable rain/freeze gauges.

G. Maintenance. The property owner shall maintain all trees, landscaped areas, and plant materials in a vigorous and healthy condition, free from disease, pests, weeds, and litter. This maintenance shall include but is not limited to: weeding, watering, fertilizing, pruning, mowing, edging, mulching and other needed maintenance, in accordance with generally accepted horticultural practices. All overhanging foliage shall be kept trimmed more than nine feet (9') above curb level. The city may grant an extension of time where seasonal or adverse weather conditions make replacement impractical.

H. Installation Deadline. All landscaping shall be completed, installed and maintained in accordance with the approved landscape plan within six (6) months following the issuance of a certificate of occupancy.

I. Landscape Plan Required. A landscape plan demonstrating compliance with the provisions of this section for a specific lot shall be submitted to the City Manager or his designee for approval at the time of application for a building permit. Every attempt will be made to comply with the provisions of this section, and where the developer can demonstrate that required elements are not feasible or fail to assure that the desired intent is achieved, the City Manager or his designee may authorize modifications to this section. The plan shall be prepared by a landscape designer or architect and submitted in a manner as prescribed by the city. The plan shall clearly delineate and identify any existing and proposed landscape

development to be used to satisfy the requirements of this section, and shall include the calculations performed to demonstrate compliance with this section. A landscape plan shall be required to demonstrate compliance with this section only as it relates to a platted lot on which construction is proposed. No tree survey shall be required in connection with the submittal of a required landscape plan or to otherwise determine compliance with this Section IV.

J. Prohibited Trees. The following species shall not be planted to satisfy landscaping requirements: Prohibited Tree List: Arizona ash, Cottonwood, Green ash, Hackberry, Mulberry, Silver Maple, Sycamore, and Willow.

V. Corner Visibility. No landscaping materials, trees, signs, shrubs, fences, or walls shall be placed within the following triangular areas which obstructs the view of motorists in excess of two feet (2') in height at curb returns, or between the street and the access drives and parking aisles near the street yard entries and exits, except trees with lower limbs pruned to a minimum height of eight feet (8') above grade:

A. At the intersection of two (2) arterial streets or an arterial and collector street, the triangular area formed by the street right-of-way lines and a line connecting them at points a minimum of thirty feet (30') from the intersection of the right-of-way line.

B. At all other street intersections, the triangular area formed by the street right-of-way line and a line connecting them at points twenty-five feet (25') from the intersection of the right-of-way lines.

C. At all intersections of streets and alleys, the triangular area formed by the street right-of-way line and the alley right-of-way line and a line connecting them at points fifteen feet (15') from the intersection of the right-of-way line.

D. At all intersections of streets and driveways, 10x30 foot triangular area formed by the driveway pavement edge and the street right-of-way.

VI. Tree Preservation. There are no tree preservation requirements.

VII. Sign Regulations.

A. Generally. Except as otherwise provided in this Section VII, signs shall not be subject to regulation, and no sign shall require a sign permit. With the exception of signs that are mounted parallel to, and within eighteen inches (18") of, a building facade, all signs shall meet the wind load requirements of the Texas Department of Transportation set forth in Table 3, regardless of whether a sign permit is required.

B. Signs within 660 feet of SH 121. Any sign that is located within 660 feet of the SH 121 right-of-way and whose message is visible from one (1) or more travel lanes of SH 121 shall be subject to the following requirements:

1. A sign permit shall be required in accordance with the city's general procedures for obtaining a sign permit. If a proposed sign meets the applicable requirements of this Section VII, a sign permit shall be issued.
2. No sign or any part of any sign may move or rotate at a rate more often than once each eight (8) seconds.
3. A sign may not contain or be illuminated by flashing, intermittent, or moving lights, including any type of screen using animated or scrolling displays, except that this provision does not apply to a sign that only provides public service information, such as time, date, temperature, weather, or similar information.
4. A sign may be illuminated, but only by upward lighting of no more than four (4) luminaires per direction of the sign face or faces of the structure, or downward lighting of no more than four (4) luminaires per direction of the sign face or faces of the structure.
5. Lights that are a part of or illuminate a sign (a) must be shielded, directed, and positioned to prevent beams or rays of light from being directed at any portion of the traveled ways of a regulated highway; (b) may not be of such intensity or brilliance as to cause vision impairment of a driver of any motor vehicle on a regulated highway or otherwise interfere with the driver's operation of a motor vehicle; and (c) may not obscure or interfere with the effectiveness of an official traffic sign, device, or signal.
6. A neon light may be used on a sign only if: (a) the light does not flash; (b) the light does not cause an undue distraction to the traveling public; and (c) the permit for the sign specifies that the sign is an illuminated sign.
7. Each message on an electronic sign must be displayed for at least eight (8) seconds. A change of message must be accomplished within two (2) seconds and must occur simultaneously on the entire sign face. An electronic sign must contain a default mechanism that freezes the sign in one (1) position if a malfunction occurs, and must automatically adjust the intensity of its display according to natural ambient light conditions. If the City Manager or his designee finds that an electronic sign causes glare or otherwise impairs the vision of the driver of a motor vehicle or otherwise interferes with the operation of a motor vehicle, the owner of the sign, within twelve (12) hours of receipt of a written request by the City Manager or his designee, shall reduce the intensity of the sign to an acceptable level, as determined by the City Manager or his designee, in his or her sole discretion.
8. An electronic sign may not be illuminated by flashing, intermittent, or moving lights; contain or display animated, moving video, or scrolling advertising; or consist of a static image projected on a stationary object.

9. Non-premise signs governed by this Section VII.B shall be spaced a minimum of 500 feet apart from each other, except that spacing requirements shall not apply to signs separated by buildings, natural surroundings, or other obstructions which cause only one (1) sign located within the specified spacing to be visible at any one (1) time.

10. Freestanding non-premise signs shall not exceed 1,000 square feet in area, excluding supports. The maximum size limitation applies to each side of a sign. A freestanding non-premise sign shall be setback a minimum of five feet (5') from the right-of-way line of SH 121. A maximum of six (6) freestanding non-premise signs may be constructed to a maximum height of 150 feet. All other freestanding non-premise signs shall be limited to a maximum height of 60 feet. Sign height shall be measured from the base of the sign to the highest point of the sign. Sign height is measured as the distance from the ground at the base of a sign to the highest point of the sign.

11. Non-premise signs attached to buildings shall not exceed 1,200 square feet in area, and no portion of such signs may be located more than 100 feet above the base of the building.

12. Notwithstanding anything to the contrary herein, non-premise signs within 660 feet of SH 121 whose message is visible from one (1) or more travel lanes of SH 121 shall comply with the applicable requirements mandated by the agreement between the United States and the State of Texas dated May 2, 1972, as amended (the Federal/State Agreement). A sign that is lawfully constructed under the regulations in force at the time a sign permit is issued shall be a legal, nonconforming structure notwithstanding amendments to the Federal/State Agreement adopted after the erection of such structure. In the event of a conflict between the regulations in this Section VII.B and the Federal/State agreement, the Federal/State Agreement shall control.

13. Non-premise signs within 660 feet of SH 121 whose message is visible from one (1) or more travel lanes of SH 121 shall not be permitted until (a) the city becomes certified to exercise local control over such signs; (b) the Texas Department of Transportation approves the sign regulations in this Section VII that apply to such signs; and (c) the Federal Highway Administration approves the sign regulations in this Section VII that apply to such signs, to the extent required by the Texas Department of Transportation.

C. Other Signs. Any sign that is located within 100 feet of a city-owned public right-of-way and whose message is visible from one (1) or more travel lanes of such right-of-way shall comply with Sections VII.B.2, VII.B.7, and VII.B.8 and shall require a sign permit in accordance with the city's general procedures for obtaining a sign permit.

D. Signs in the Public Right-of-Way. A license is hereby granted to the owner of property adjacent to unimproved portions of the public right-of-way within, or adjacent to, this planned development district to use such adjacent unimproved portions of the public right-of-way for the purpose of installing and maintaining premise signs, subject to the following provisions:

1. Signs may be located adjacent to, or above, the improved portions of a roadway. No portion of a sign shall be located above a vehicular surface unless a vertical clearance of a minimum of fourteen feet (14') is provided.

2. No sign in the public right-of-way may display streaming video or have messages that change more frequently than once every eight (8) seconds.

3. No sign in the public right-of-way may move or rotate at a rate more often than once each eight (8) seconds.

4. Signs, such as banners, may be attached to street light poles or other structural supports in the public right-of-way.

5. A sign permit shall be required for every sign in the public right-of-way. Sign permits shall be processed in accordance with the city's general procedures for obtaining a sign permit. If a proposed sign meets the applicable requirements of this Section VII, a sign permit shall be issued.

6. The rights conferred by this license shall be governed by a separate license and use agreement approved by the City Council and signed by the City Manager, which shall include, but not be limited to, limits on the number, type, and size of signs in the right-of-way and minimum requirements for clearances for signs in the right-of-way.

E. Prohibited Signs. No person shall cause to be erected or maintained any sign using any combination of forms, words, colors, or lights that imitate standard public traffic regulatory signs, emergency signs, or signals.

F. Sign Permits and Outdoor Advertising License.

1. Local. A sign permit application shall be approved or denied within forty-five (45) days of the date the filing of a complete sign permit application with the city. If no action is taken on a sign permit application within such forty-five (45) day period, the sign permit shall be deemed to be approved. If a proposed sign meets the applicable requirements of this Section VII, a sign permit shall be issued. This paragraph applies only to the extent a sign permit is otherwise required by this Section VII. If the State requires a sign to meet more restrictive regulations than those set forth in Section VII.B, an applicant shall be required to demonstrate compliance with the more restrictive State law prior to issuance of a sign permit by the city.

2. State. For signs regulated by Section VII.B, State law may require a State-issued sign permit and outdoor advertising license in addition to any permit required by this Ordinance.

G. Miscellaneous.

1. Sign area shall be measured as follows:

a) For a freestanding sign, the sign area is the area within a minimum imaginary rectangle of vertical and horizontal lines that fully contains all extremities of the sign, excluding its supports. This rectangle is calculated from an orthographic projection of the sign viewed horizontally. The viewpoint for this projection that produces the largest rectangle must be used.

b) For a sign attached to a building, the sign area is the area within a minimum imaginary rectangle of vertical and horizontal lines that fully contains all of the text and graphics associated with a single sign.

VIII. Utilities. At the time of development, all electrical service lines, including feeder lines, on the portion of the Property under development must be placed underground. Where the City Manager or his designee determine that the underground installation of feeder lines is not feasible, the City Manager or his designee may waive the requirement to place such lines underground. This requirement applies only to electrical service lines that serve the portion of the Property under development.

IX. Dumpsters. Dumpsters shall not be located within view from any public street, or shall be screened from view from a public street with a minimum six foot (6') tall screening wall. Screening walls shall incorporate a solid gate to allow access. Screening of the dumpsters shall be of the same or similar material as the primary structure.

X. Creation of Building Site. No permit for the construction of a building or buildings upon any tract or lot shall be issued until a building site, building tract or building lot has been created by the lot or tract appearing on a plat properly approved by the City Council and Planning and Zoning Commission and filed in the plat records of Denton County where the lot or tract is located.

XI. Nonconforming Uses and Structures. Except as otherwise provided herein, nonconforming uses and structures shall be governed by the provisions in the Comprehensive Zoning Ordinance pertaining to such uses and structures. A use that is lawful at the time it is commenced, and a structure that is lawful at the time it is erected, shall constitute a legal, nonconforming use or structure, as applicable, in the event of subsequent amendments to this Ordinance or other applicable laws, or subsequent acquisitions of land by eminent domain or under threat of eminent domain, that affect compliance with all applicable laws.

XII. Board of Adjustment. The Board of Adjustment provisions in the Comprehensive Zoning Ordinance shall apply.

XIII. Certificate of Occupancy. Except as otherwise provided in this paragraph, no building hereafter erected, converted or structurally altered shall be used, occupied or changed in use and no land may be used until a certificate of occupancy and compliance shall have been issued by the City Manager or his designee stating that the building or proposed use of land or building complies with the provisions of this planned development district and other applicable building laws of the City of The Colony. A certificate of occupancy and compliance shall be applied for coincident with the application for a building permit and will be issued within ten (10) days after the completion of the erection, alteration, or conversion of such building or land provided such construction or change has been made in complete conformity to the provisions of this planned development district. A certificate of occupancy and compliance shall state that the building or proposed use of a building or land complies with all the building and fire laws and ordinances and with the provisions of these regulations. A record of all certificates shall be kept on file with the city, and copies shall be furnished, on request, to any person having a proprietary or tenancy interest in the land or building affected. The City Manager or his designee may issue a temporary certificate of occupancy and compliance allowing occupancy and use of all or a portion of a building in instances when all of the provisions of this planned development district and other applicable building laws of the City of The Colony have not yet been satisfied upon making a determination that (a) use and occupancy of the building under the terms of the temporary certificate of occupancy and compliance will not present a hazard; and (b) sufficient safeguards are in place to assure full compliance with this planned development district and other applicable building laws of the City of The Colony not later than six months after the issuance of the temporary certificate of occupancy and compliance.

XIV. Miscellaneous. The following provisions shall apply notwithstanding anything to the contrary in any other ordinance of the city:

A. A fire lane may be delineated by using pavers, enhanced paving, painted red stripes, or signage that adequately identifies the boundaries and location of the fire lane, as approved by the City Manager or his designee.

B. The City Manager or his designee may approve speed limits within the boundaries of the PD that range from twenty (20) to forty (40) miles per hour, notwithstanding the requirements of Chapter 19, Section 19-10 of the city code, which requires streets within an urban district to have a speed limit of thirty (30) miles per hour.

C. To the extent permitted by State law, the City Manager or his designee shall approve all requested changes to an approved preliminary plat or final plat that satisfy the applicable regulations of the city, and no additional approval of such changes shall be required.

D. There shall be no requirements for dedication of park land or payment of fees in lieu of dedication of park land. There shall be no requirements for payment of fees for park improvements.

E. There shall be no maximum building width.

F. The City Manager or his designee may approve increases to the maximum block length and cul-de-sac lengths set forth in the city's subdivision ordinance and engineering design criteria manual.

G. The City Manager or his designee may approve non-standard street lighting improvements that do not meet the requirements of the city's subdivision ordinance or engineering design criteria manual.

H. Approved infrastructure construction and grading plans are valid for three (3) years. Construction of infrastructure must be completed within such three (3) year period.

I. All or a portion of the Property may be included in a preliminary plat. A final plat may include all or a portion of the land governed by an approved preliminary plat.

J. Driveway access to SH 121 and all other roadways is permitted. A public marginal parallel access street, alley, or private parallel access drive to serve the development or individual lots fronting SH 121 or any other roadway shall not be required.

K. A subdivision of land does not include a division of land into parts greater than five (5) acres, where each part has access and no public improvement is being dedicated.

L. Pursuant to the vested rights that have accrued under Chapter 245, Texas Local Government Code, the Property shall be developed in accordance with the Building Codes. If the city adopts a newer edition of any of the Building Codes, the developer may comply, but shall not be required to comply, with all or a portion of the newer edition.

M. The City Manager or his designee may authorize modification to the minimum driveway storage length and street geometrics.

N. No security from a developer or subdivider shall be required in connection with storm water erosion control.

XV. Amendments. Except as otherwise provided herein for minor amendments, these planned development district regulations shall not be modified or altered in any way without following the procedures established for a change in zoning by Chapter 211, Texas Local Government Code, as amended, and the Comprehensive Zoning Ordinance. Upon a finding that an amendment will ensure the protection of the adjacent property and does not otherwise adversely affect the health, safety, or welfare

of the city, the City Manager or his designee may approve an administrative amendment to the regulations in this Ordinance to provide for any of the following:

- A. Up to a twenty percent (20%) decrease in the minimum off-street parking requirement upon a finding that sufficient off-street parking will be provided for the proposed use(s);
- B. An alternative form of dumpster screening that meets the spirit and intent of the regulations in this Ordinance; and
- C. An alternative landscape plan that does not meet the strict requirements of this PD ordinance, but provides sufficient alternative landscaping consistent with the spirit and intent of the regulations in this Ordinance.

XVI. Building Permits. The City Manager or his designee shall approve a building permit application that satisfies all of the applicable regulations of the city.

XVII. Definitions. Words in the present tense include the future, words in the singular number include the plural number and words in the plural number include the singular number: The word "building" includes the word "structure;" the word "lot" includes the words "plot" or "tract;" the word "shall" is mandatory and not discretionary. The definitions that apply to terms in this Ordinance are as follows:

1. *Accessory use*: A use that is customarily appropriate, subordinate, and incidental to the principal use of land or buildings and that is located upon the same lot/tract therewith. An ATM is permitted as a principal use and as an accessory use.
2. *Assisted living*: A residential establishment that provides personal care services, food, and shelter to more than ten (10) persons who are unrelated to the proprietor.
3. *Bank or savings and loan office*: A facility the primary use of which is the custody, loan exchange or issue of money; the extension of credit; and the transmission of funds. This use does not include a quick check-cashing service or pay-day loan establishment.
4. *Bar, lounge or tavern*: An establishment the primary activity of which is the sale and consumption on the premises of beer, wine or other liquors, and where food service, if any, is secondary to the sale of beer, wine or other liquors. It shall be presumed that an establishment is a bar, lounge or tavern where 75 percent (75%) or more of the establishment's gross receipts is derived from the on-premises sale of alcoholic beverages.
5. *Beverage store*: Facility for the sale of beer, wine and/or liquor not for on-premises consumption, that derives 75 percent or more of its gross revenue from the on-premises sale of beer, wine and/or liquor.

6. *Building*: Any structure built for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind.
7. *Building codes*: the 2006 International Building Code, 2006 International Mechanical Code, 2006 International Plumbing Code, 2006 International Residential Code, 2006 International Fuel Gas Code, 2006 International Fire Code, 2006 International Energy Conservation Code, and 2008 National Electrical Code, including all local amendments to such codes adopted by the City Council prior to November 15, 2011.
8. *Caliper*: The diameter of the trunk of a tree measured twelve inches (12") above ground level. If a tree is of a multi-trunk variety, the caliper of the tree is the sum of the largest trunk plus one-half (1/2) the caliper of the remaining trunks.
9. *Carnival or circus*: A traveling show or exhibition sometimes housed in tents, and which has no permanent structure or installation. Any carnival or circus having a total duration in any location of less than one (1) month shall be considered a temporary carnival or circus and shall not be within this definition. Any such temporary carnival or circus is subject to permit authorization under the terms of the applicable codes or ordinances of the city.
10. *Certificate of occupancy and compliance*: An official certificate issued by the city through the enforcing official which indicates conformance with or approved conditional waiver from the zoning regulations and authorizes legal use of the premises for which it is issued.
11. *City Council*: The governing body of the City of The Colony, Texas.
12. *Commercial amusement (inside)*: Any amusement enterprise wholly enclosed in a building, including but not limited, to a bowling alley, a video arcade, or billiard parlor.
13. *Commercial amusement (outside)*: Any amusement enterprise offering entertainment, concerts, games of skill, and other similar amusement or leisure activities to the general public for a fee or charge wherein any portion of the activity takes place outdoors, including but not limited to an amusement park or theme park with or without rides, a golf driving range, an archery range, a miniature golf course, a water park, and a car racing speed park. An arena and a concert hall are also considered a commercial amusement (outside) use.
14. *Commercial radio or television transmitting station*: Facility for transmission of commercial programming by radio or television within the commercial bands of the spectrum.
15. *Comprehensive Zoning Ordinance*: The general comprehensive zoning ordinance of the City of The Colony in effect on November 15, 2011.
16. *Concrete or asphalt batching plant, temporary*: Temporary facility for mixing concrete or asphalt convenient to construction site.

17. *Convention center*: A publicly or privately owned or operated building that is designed to hold a convention, where individuals and groups gather to promote and share common interests.
18. *Coverage*: The percent of a lot or tract covered by the roof or first floor of a building. Roof eaves shall be excluded from the coverage computations.
19. *Day nursery or day care center*: A child-care facility that provides care for more than twelve (12) children under fourteen (14) years of age for less than twenty-four (24) hours a day. For purposes of this definition, the term "child-care facility" shall have the same meaning as provided in Section 42.002 of the Texas Human Resources Code, as they same may be amended or superseded from time to time,
20. *Dwelling, multiple family*: Three (3) or more dwelling units each occupied by not more than one (1) family.
21. *Dwelling unit*: A building or portion of a building which is arranged, occupied, or intended to be occupied as living quarters and includes facilities for food preparation and sleeping.
22. *Electrical substation*: Location for transforming electricity prior to distribution to individual customers.
23. *Fairgrounds*: An outside area where a fair, circus, or exhibition is held.
24. *Family*: Any number of individuals living together as a single housekeeping unit, in which not more than three (3) individuals are unrelated by blood, marriage or adoption.
25. *Floor area*: The total square feet of floor space within the outside dimensions of a building including each floor level, but excluding cellars, carports or garages.
26. *Furniture store*: Facility for displaying and selling new furniture at retail; may also include appliances such as radios, televisions, stereos, refrigerators, stoves and lawn furniture.
27. *Government building*: A building owned or leased by a government agency and that is not specifically covered by the other use regulations in this Ordinance, such as a city hall or fire station.
28. *Height*: The vertical distance of a building measured from the average established grade at the street line or from the average natural front yard ground level, whichever is higher, to (1) the highest point of the roof's surface if a flat surface, (2) to the deck line of mansard roofs or (3) to the mean height level between eaves and ridge for hip and gable roofs and, in any event, excluding chimneys, cooling towers, elevator bulkheads, penthouses, tanks, water towers, radio towers, ornamental cupolas, domes or spires, and parapet walls not exceeding ten feet (10') in height. If the street grade has not been officially established, the average front yard grade shall be used for a base level.

29. *Helistop*: A landing pad for occasional and infrequent use by rotary wing aircraft not exceeding a gross weight of six thousand (6,000) pounds and not for regularly scheduled stops and subject to approval by the City of The Colony.
30. *Home occupation*: A home occupation is an occupation carried on in the home by a member of the occupant's family, without the employment of additional persons, without the use of a sign to advertise the occupation, without offering any commodity for sale on the premises, without the use of equipment other than that customarily found in a household and which does not create obnoxious noise or other obnoxious conditions to abutting residential property such as emission of odor, increased traffic or generation of light or smoke, and where the use is carried on in the main structure only. A home occupation specifically excludes the operation of a repair shop or garage, antique shop, beauty shop, barber shop, plumbing shop, manufacturing process, or similar sales or service activity on residential premises. Materials used in connection with any commercial use on a residential lot or tract shall not be stored on said residential lot or tract except for company vehicles of less than one (1) ton carrying capacity used for passenger transportation only.
31. *Hotel*: A temporary abiding place containing six (6) or more guest rooms or units furnishing customary hotel services such as linen, maid service and the use and upkeep of furniture, and designed with interior access to all guest rooms.
32. *Landscaped area*: Any area which is permeable and capable of supporting living organic ornamental or native plant material or waterscape. The landscape area must support trees, turf, ground covers, seasonal color and/or shrubs.
33. *Library, art gallery or museum (public)*: An establishment for the loan or display of books, objects of art or science, or similar items.
34. *Local utilities*: The usual electric power, telephone, gas, water, sewer drainage lines and those in line facilities such as gas regulating stations and water pumping stations but not to include above-ground storage tanks, electrical transmission lines designed and constructed by the municipality or a franchised utility company.
35. *Lot*: A lot which is part of a subdivision, the plat of which has been recorded in the office of the county clerk of Denton County.
36. *Lot depth*: The mean distance between the front and rear lot lines.
37. *Lot lines*: The lines bounding a lot as defined herein.
38. *Lot width*: The width of a lot at the front building line.
39. *Mobile food vendor*: Any person or persons who operate or sell food from a stationary cart, or trailer mounted on chassis, but without an engine for a period of fifteen (15) days or greater per year.

Mobile food vendors who operate for fourteen (14) days or less shall be considered temporary food service establishments, as defined by The Colony Code of Ordinances as it exists or is amended from time to time.

40. *Motor freight terminal*: Facility for freight loading and freight storage.
41. *Non-Premise Sign*: Any sign that is not a premise sign.
42. *Occupancy*: The use or intended use of the land or buildings by proprietors or tenants.
43. *Office, general*: A place for the regular transaction of business.
44. *Parking, commercial lot or garage*: A parking facility for parking vehicles, including trucks or buses, where parking may be provided with or without charging a fee. Parking may be provided with or without charging a fee.
45. *Parking space*: An enclosed or unenclosed all-weather surfaced area of not less than 144 square feet (measuring not less than 9x18 feet) not on a public street or alley, together with an all-weather surfaced driveway connecting the area with a street or alley permitting ingress and egress without encroachment on the street or alley. Any parking adjacent to a public street wherein the maneuvering is done on the public street shall not be classified as off-street parking in computing the parking area requirements for any use.
46. *Personal Service*: A facility for the sale of personal services that may include, but is not limited to, the following types of personal service uses: a health studio or fitness center, a key shop, a post office, a barber/beauty shop, a nail salon, a massage parlor licensed by the state, a shoe repair shop, a tailor, an instructional arts studio, a photography studio, a laundry or cleaning pickup and receiving station, a handcrafted art work studio, safe deposit boxes, a travel bureau, a custom printing or duplicating shop, and a doggie day care. This use may also include a studio for art, music, ceramics, sculpture, drama, speech, dance, or similar skills.
47. *Planning and Zoning Commission*: The agency appointed by the city council as an advisory body to it relative to zoning matters and the physical development of the city and its environs.
48. *Premise*: For purposes of sign regulations, the entire planned development district shall be considered a single premise.
49. *Premise Sign*: Any sign the content of which relates to the premises on which it is located, referring exclusively to the following: the name of the owner or occupant of the premises, or the identification of the premises; accommodations, services, or activities offered or conducted on the premises; products sold, other than incidentally, on the premises if no more than seventy percent (70%) of the sign is devoted to the advertisement of products by brand name or symbol; or the sale, lease, or construction of the premises.

50. *Recreation club or area, private*: A building, park or recreation area, the use of which is restricted to private membership such as by a church, neighborhood association, fraternal or social organization and which may contain the normal active and passive facilities as provided in a public park or playground.
51. *Required off-street parking*: Parking spaces required by this Ordinance.
52. *Restaurant*: An establishment other than a bar, tavern or lounge where the primary activity is the sale and service of food to customers. A restaurant may include dancing or entertainment, as well as the sale of beer, wine or liquor in addition to the sale and service of food. A restaurant may include drive-in or drive-thru service.
53. *Retail stores and shops*: Any retail establishment that offers consumer goods for sale, including, but not limited to, the following types of retail establishments: a bookstore, a stationery shop, a clothing store, a pharmacy or drugstore, a bakery, a beverage store, a grocery store or other food store, a shoe store, a hardware store, a sporting goods store, a florist, a garden shop with or without plant sales, a craft or hobby shop, an art supply store, an optical shop, outside sales, a home improvement store, a paint and wallpaper store, a home goods store, a pet shop, and a bicycle shop (including servicing/repair). Retail stores and shops may include outdoor sales as an accessory use.
54. *Sign*: Any outdoor form of publicity or advertising that can be viewed from a public right-of-way and directs attention from the public right-of-way to an individual, business, commodity, service, activity, or product, by means of words, figures, numerals, emblems, devices, trade names, or trademarks, or other pictorial matter that communicates information of any kind to the public.
55. *Street*: Any thoroughfare, other than an alley, more than twenty-four feet (24') in width and which has been dedicated or deeded to the public for public use.
56. *Structure*: That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.
57. *Studio, broadcasting and/or recording*: Facility for broadcasting live or prerecorded programs by radio and/or television; and/or recording on records, tapes, video tapes or other suitable recording media. Such facility may perform activities necessary for recording programming and receiving of radio and/or television signals. Such facility shall not engage in mass production.
58. *Surface parking*: Surface parking facility for required or excess parking where parking may be provided with or without charging a fee.
59. *Swimming pool (private)*: A swimming pool constructed for the exclusive use of the residents at a apartment dwelling or hotel.

60. *Temporary field or construction office*: Temporary office and temporary material storage use in connection with the property. This use may be permitted for a specified period of time in accordance with a permit issued by the City Manager or his designee.
61. *Theater, no drive-in*: Facility for showing motion pictures or viewing live performances to an audience inside an enclosed structure.
62. *Video arcade*: Facility of which the primary use is the operation of coin or token operated amusement or entertainment machines.
63. *Visible*: Capable of being read or identified by a person with normal visual acuity.
64. *Warehouse and distribution*: Facility for commodities stored. This use may include a distribution facility. No outside storage shall be classified as a warehouse.

#### XVIII. Interpretation, Purpose, and Conflict.

A. Except as expressly stated in these planned development district regulations, the provisions of the Comprehensive Zoning Ordinance, as amended, and the general city sign ordinance, Ordinance 2011-1896, as amended, shall be inapplicable to this planned development district. These planned development district regulations shall be the sole and exclusive zoning and sign regulations that shall apply to the Property, and shall not be modified or altered in any way without amending this Ordinance pursuant to the procedures established for a change in zoning by Chapter 211, Texas Local Government Code, as amended, and the Comprehensive Zoning Ordinance.

B. The City Manager or his designee shall have the authority to interpret the regulations in this Ordinance. This Ordinance shall be interpreted as broadly as possible to allow the uses permitted hereunder.

TABLE 1		
Use	Permitted	Minimum Off-Street Parking Requirement <sup>1</sup>
Accessory uses	Yes	None
Assisted living	Yes	1:500
Bank or savings and loan office	Yes	1:500
Bar, lounge, or tavern	Yes	1:250
Beverage store	Yes	1:500
Bicycle sales and service (inside)	Yes	1:500
Carnival or circus	Yes	25 spaces per acre
Catering services	Yes	1:250
Commercial amusement, inside	Yes	6 spaces per lane for bowling alley; otherwise 1:300
Commercial amusement, outside	Yes	1:300 square feet of floor area, plus 1:1,000 square feet of site area excluding parking area
Commercial radio/TV transmitting station	Yes	1:1,000
Concrete or asphalt batching plant (temporary)	Yes	None
Contractor or maintenance yard (temporary)	Yes	None
Convention Center	Yes	1:1,000
Day nursery/day care center	Yes	1:500
Dwelling, multiple family	Yes	1.5 spaces per dwelling unit
Electric substation	Yes	None
Fairgrounds	Yes	25 spaces per acre
Furniture store	Yes	1:500
Government building	Yes	1:1,000
Helistop	Yes	None
Home occupation (accessory use)	Yes	None
Hotel	Yes	1 per guest room
Library, art gallery, or museum	Yes	10 spaces plus 1:500
Mobile food vendor	Yes	None
Local utilities	Yes	None
Motor freight terminal	Yes	1:1,000
Office, general	Yes	1:500
Park or playground, private or public	Yes	None
Personal service	Yes	1:300
Radio, television, or communications facilities	Yes	None
Recreation club or area, private	Yes	1:500
Restaurant	Yes	1:200
Retail stores and shops	Yes	1:500
Studio, broadcasting and/or recording	Yes	1:1,000
Swimming pool, private	Yes	None
Temporary field office or construction office	Yes	None
Theater (no drive-in)	Yes	One space per 40 square feet of seating area
Warehouse and distribution	Yes	1:1,250

<sup>1</sup> Unless otherwise noted, the minimum off-street parking requirement is the number of parking spaces based on gross floor area. For example, 1:100 means a minimum of one parking space is required for every 100 square feet of gross floor area or fraction thereof. Gross floor area means air conditioned floor area within a building.

**Table 2**

Minimum building setback from street right-of-way	None
Minimum lot area	None
Minimum lot width	100 feet
Minimum lot depth	100 feet
Maximum building height	No limit, but subject to the federal flight overlay restrictions
Maximum floor area ratio (FAR)	None
Maximum lot coverage	None

**Table 3**  
**Wind Load Pressure in Pounds per Square Foot**

Height, in feet above ground, as measured above the average level of the ground adjacent to the structure	Pressure, pounds per square foot
0 - 5	0
6 - 30	20
31 - 50	25
51 - 99	35
100 - 199	45
200 - 299	50
300 - 399	55
400 - 500	60
501 - 800	70
Over 800	77

## Exhibit "D"

### Right of Way Manual

#### AGREEMENT

FOR CARRYING OUT NATIONAL POLICY RELATIVE TO CONTROL OF OUTDOOR ADVERTISING IN AREAS ADJACENT TO THE NATIONAL SYSTEM OF INTERSTATE AND DEFENSE HIGHWAYS AND THE FEDERAL-AID PRIMARY SYSTEM.

THIS AGREEMENT made and entered into this 2nd day of May, 1972, by and between the United States of America, represented by the Secretary of Transportation, acting by and through the Federal Highway Administrator, hereinafter referred to as the "Administrator," and the State of Texas, represented by the State Highway Commission, acting by and through the State Highway Engineer, hereinafter referred to as the "State," Witnesseth:

WHEREAS, Congress has declared that Outdoor Advertising in areas adjacent to the Interstate and Federal-aid Primary Systems should be controlled in order to protect the public investment in such highways, to promote the safety and recreational value of public travel and to preserve natural beauty; and,

WHEREAS, Section 131(d) of Title 23, United States Code, authorizes the Secretary of Transportation to enter into agreements with the several States to determine the size, lighting and spacing of signs, displays and devices, consistent with customary use, which may be erected and maintained within 660 feet of the nearest edge of the right of way within areas adjacent to the Interstate and Federal-aid Primary Systems which are zoned industrial or commercial under authority of State law or in unzoned commercial or industrial areas, also to be determined by agreement; and,

WHEREAS, Section 4(C) of Senate Bill No. 3, adopted by the Second Special Session of the 62nd Texas Legislature, authorizes the State Highway Commission to enter into negotiations with the Federal Government with respect to the regulation and control of Outdoor Advertising; and,

WHEREAS, the purpose of said agreement is to promote the reasonable, orderly and effective display of Outdoor Advertising while remaining consistent with the National Policy to protect the public investment in the Interstate and Federal-aid Primary Highways, to promote the safety and recreational value of public travel and to preserve natural beauty; and,

WHEREAS, the State of Texas desires to implement and carry out the provisions of Section 131 of Title 23, United States Code, and the National Policy in order to remain eligible to receive the full amount of all Federal-aid Highway Funds to be apportioned to such State on or after January 1, 1968, under Section 104 of Title 23, United States Code.

NOW, THEREFORE, in consideration of the premises aforesaid, the parties hereto do mutually agree as follows:

#### I. Definitions

A. The Term "Highway Beautification Act" means Section 131 of Title 23, United States Code (1965) and for the purposes of this agreement, reference

Right of Way Manual

is made specifically to Title I of the said Highway Beautification Act of 1965.

B. A "zoned commercial or industrial area" under authority of State law shall mean land that has been zoned as commercial or industrial by the State or any political subdivision of the State to which legal authority has been delegated by State law.

C. An "unzoned commercial or industrial area" shall mean an area in which the land use is not zoned under authority of law but which is within a distance of 800 feet of one or more recognized commercial or industrial activities; however, within cities of 40,000 population or more, where no municipal zoning is in effect, an "unzoned commercial or industrial area" shall mean an area within 1500 feet of one or more recognized commercial or industrial activities, except that the area shall not include:

1. Land within 500 feet of a public park, public forest, public playground or scenic area which is adjacent to the highway; or
2. Land within 500 feet of two or more residences; or
3. Land which extends further than 500 feet into undeveloped or agricultural lands where such lands extend for one-half mile or more on the same side of the highway.

Other detailed characteristics of said areas:

1. Shall be located on the same side of the highway as principal part of said activity.
2. Not predominantly used for residential purposes.

D. "Commercial or industrial activities" as used in "C" above mean those customarily permitted only in zoned commercial or industrial areas except that none of the following shall be considered commercial or industrial activities:

1. Outdoor advertising structures.
2. Agricultural, forestry, ranching, grazing, farming and related activities including but not limited to temporary wayside fresh produce stands.
3. Activities not housed in a permanent building or structure.
4. Activities not visible from the traffic lanes of the main traveled way.
5. Activities conducted in a building primarily used as a residence.
6. Railroad right of way.
7. Activities more than 660 feet from the edge of the right of way.

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## Right of Way Manual

All measurements should be from the outer edges of the regularly used buildings, parking lots, storage or processing areas of the commercial or industrial activities and shall be along or parallel to the edge of the pavement of the highway.

Measurements shall not be from the property lines of the activities unless said property lines coincide with the regularly used buildings, parking lots, storage or processing areas.

E. "National system of Interstate and Defense Highways and Interstate System" means the system presently defined in Subsection (d) of Section 103 of Title 23, United States Code.

F. "Federal-aid Primary Highway" means any highway within that portion of the State Highway System as established and maintained as a Primary Highway, including extensions of such system within municipalities, which has been approved pursuant to Subsection (b) of Section 103 of Title 23, United States Code.

G. "Traveled way" means that portion of the roadway used for the movement of vehicles, exclusive of shoulders and auxiliary lanes.

H. "Main traveled way" means the through traffic lanes exclusive of frontage roads, auxiliary lanes and ramps.

I. "Outdoor Advertising" or "Sign" means an outdoor sign, light, display, device, figure, painting, drawing, message, placard, poster, billboard or other thing which is designated, intended or used to advertise or inform, any part of the advertising or informative contents of which is visible from any place on the main traveled way of the Interstate or Federal-aid Primary Highway.

J. "Erect" means to construct, build, raise, assemble, place, affix, attach, create, paint, draw or, in any other way, bring into being or establish except when performed incidental to the change of an advertising message or to normal maintenance or repair of an existing sign.

K. "Freeway" means a divided highway with full control of access.

### II. Scope of Agreement

This agreement shall apply to all zoned and unzoned commercial and industrial areas within 660 feet of the nearest edge of the right of way of all portions of the Interstate and Primary Systems within the State of Texas in which outdoor advertising signs, displays and devices, exclusive of official signs and on-premise signs, erected subsequent to effective date of agreement or regulation may be visible from the main traveled way of said system.

### III. State Control

A. The State hereby agrees that, in all areas within the scope of this agreement, the State shall effectively control, or cause to be controlled,

Right of Way Manual

the erection and maintenance of outdoor advertising signs, displays and devices erected subsequent to the effective date of this agreement other than those advertising the sale or lease of the property on which they are located, or activities conducted thereon, in accordance with the following:

1. In commercial and industrial zones, the State may discharge its obligation under this agreement by a certification that a political subdivision has established and will enforce within its geographical jurisdiction standards and criteria for size, lighting and spacing of outdoor advertising signs consistent with the purposes of the Highway Beautification Act of 1965 and with customary use.
2. In all other zoned and unzoned commercial and industrial areas, the criteria set forth hereinafter shall apply.

B. Should any commercial or industrial activity located in an area which has been defined as unzoned commercial or industrial area under Section One (1) cease to operate, any signs in said unzoned commercial or industrial area shall become nonconforming and shall be removed not later than five years following the cessation of the operation of the commercial or industrial activity.

C. The following signs shall not be permitted.

1. Signs which imitate or resemble any official traffic sign, signal or device.
2. Signs which are erected or maintained upon trees or painted or drawn upon rocks or other natural features.

D. Size of signs.

1. A. No sign shall exceed the following limits:

- (1) Maximum area - 1,200 square feet
- (2) Maximum height - 25 feet
- (3) Maximum length - 60 feet

B. All dimensions include border and trim, but exclude supports.

2. Double faced, back-to-back or V type signs shall be considered as one sign.
3. Signs which exceed 350 square feet in area may not be double faced (stacked or side-by-side).

E. Spacing of Signs: Interstate and Primary Highways.

1. Signs may not be located in such a manner as to obscure or otherwise interfere with the effectiveness of an official traffic sign,

Right of Way Manual

signal or device, or which obstruct or interfere with the driver's view of approaching, merging or intersecting traffic.

2. Signs may not be located within 500 feet of any public park, public forest, public playground or scenic area designated as such by the State Highway Department or other Governmental Agency having and exercising such authority, which is adjacent to the highway.
3. Signs may not be located adjacent to or within 500 feet of interchanges, intersections at grade and rest areas on Interstate and Freeway highways outside incorporated municipalities or which will tend to obscure or otherwise interfere with the driver's view of approaching, merging or intersecting traffic. Such distance shall be measured along the highway from the nearest point of the beginning or ending of pavement widening at the exit from, or entrance to, the main traveled way.
4. Signs may not be erected on the Interstate and Freeway Primary Systems closer than 500 feet apart on the same side of the highway.
5. Signs may not be erected on the non-freeway Primary System located outside of incorporated cities, towns or villages closer than 300 feet apart on the same side of the highway.
6. Signs may not be erected on the non-freeway Primary System in incorporated cities, towns and villages closer than 100 feet apart on the same side of the highway.
7. The above spacing between signs shall not apply to signs separated by buildings, natural surroundings or other obstructions which cause only one sign located within the specified spacing to be visible at any one time.
8. The above spacing rules do not apply to on-premise or directional or other official signs, as defined in Section 131(c) of the Act, nor shall measurements be made from such signs for the purposes of this agreement.

F. Lighting: Signs may be illuminated, subject to the following restrictions:

1. Signs which contain, include or are illuminated by any flashing, intermittent or moving light or lights are prohibited, except those giving public service information such as time, date, temperature, weather or similar information.
2. Lights which are not effectively shielded as to prevent beams or rays of light from being directed at any portion of the traveled ways of the Interstate or Primary Highway and which are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, or which otherwise interfere with any driver's operation of a motor vehicle are prohibited.

Right of Way Manual

3. No sign shall be so illuminated that it interferes with the effectiveness of or obscures an official traffic sign, device or signal.

IN WITNESS WHEREOF the parties hereto have executed this agreement on this the 2nd day of May, 19 72.

UNITED STATES OF AMERICA  
DEPARTMENT OF TRANSPORTATION

BY:

/s/ R. R. Bartelsmeyer  
Dep. Federal Highway Administrator

STATE OF TEXAS  
TEXAS HIGHWAY COMMISSION

Certified as being executed for the purpose and effect of activating and/or carrying out the orders, established policies, or work programs heretofore approved and authorized by the State Highway Commission.

BY:

/s/ J. C. Dingwall  
Executed as State Highway Engineer and approved for State Highway Commission by Minute Number 60394 dated January 16, 1968, and Minute Number 66107 dated May 1, 1972.

APPROVED AS TO FORM:

/s/ Crawford C. Martin  
Attorney General of Texas

PLATE 2B - Sheet 6 of 10

Right of Way Manual

SUPPLEMENTAL AGREEMENT

WHEREAS, by Agreement made and entered into on the 2nd day of May, 1972, by and between the United States of America, represented by the Secretary of Transportation, acting by and through the Federal Highway Administrator and the State of Texas, represented by the Texas Highway Commission, acting by and through the State Highway Engineer, the parties thereto agreed to carry out the National Policy relative to control of Outdoor Advertising in areas adjacent to the National System of Interstate and Defense Highways and the Federal-aid Primary System; and,

WHEREAS, said Agreement defined among other items the limits for control of outdoor advertising in "unzoned commercial and industrial areas;" and,

WHEREAS, it is now apparent that the definition of "unzoned commercial and industrial areas" for cities of 40,000 population or more is considered to be discriminatory, vague and inconsistent with Senate Bill No. 3 adopted by the Second Special Session of the 62nd Texas Legislature,

NOW, THEREFORE, in consideration of the premises aforesaid, the parties hereto do mutually agree to modify the original agreement as follows:

Section I.C. beginning on page 2 is amended by changing the semi-colon after the words "industrial activities" to a period and striking the following language:

"however, within cities of 40,000 population or more, where no municipal zoning is in effect, an 'unzoned commercial or industrial area' shall mean an area within 1500 feet of one or more recognized commercial or industrial activities, except that the area shall not include:

1. Land within 500 feet of a public park, public forest, public playground or scenic area which is adjacent to the highway; or
2. Land within 500 feet of two or more residences; or
3. Land which extends further than 500 feet into undeveloped or agricultural lands where such lands extend for one-half mile or more on the same side of the highway."

Right of Way Manual

IN WITNESS WHEREOF the parties hereto have executed this supplemental agreement on this the 17th day of July, 1972.

UNITED STATES OF AMERICA  
DEPARTMENT OF TRANSPORTATION

BY:

/s/ R. R. Bartelsmeyer  
Federal Highway Administrator

STATE OF TEXAS  
TEXAS HIGHWAY COMMISSION

Certified as being executed for the purpose and effect of activating and/or carrying out the orders, established policies, or work programs heretofore approved and authorized by the State Highway Commission.

BY:

/s/ J. C. Dingwall  
Executed as State Highway Engineer and approved for State Highway Commission by Minute Number 60394 dated January 16, 1968, and Minute Number 66107 dated May 1, 1972.

APPROVED AS TO FORM:

/s/ Crawford C. Martin  
Attorney General of Texas

PLATE 2B - Sheet 8 of 10

Right of Way Manual

SUPPLEMENTAL AGREEMENT NO. 2

WHEREAS, by Agreement made and entered into on the 2nd day of May, 1972, by and between the United States of America, represented by the Secretary of Transportation, acting by and through the Federal Highway Administrator and the State of Texas, represented by the Texas Highway Commission, acting by and through the State Highway Engineer, the parties thereto agreed to carry out the National Policy relative to control of Outdoor Advertising in areas adjacent to the National System of Interstate and Defense Highways and the Federal-aid Primary System; and

WHEREAS, said Agreement defined among other items the limitations on the size of signs; and

WHEREAS, it is now apparent that the definition of size limitations is vague and contradictory.

NOW, THEREFORE, in consideration of the premises aforesaid, the parties hereto do mutually agree to modify the original Agreement as follows:

Section III. D. on pages 6 and 7 is amended by striking the existing language in its entirety and substituting therefore:

D. Size of signs.

1. The maximum area for any one sign shall be 1200 square feet with a maximum height of 25 feet and maximum length of 60 feet, inclusive of border and trim but excluding the base or apron, supports, and other structural members.
2. The area shall be measured by the smallest square, rectangle, triangle, circle, or combination thereof which will encompass the entire sign.
3. The maximum size limitations shall apply to each side of a sign structure or structures visible to approaching traffic.
4. Signs may be placed back-to-back, side-by-side, stacked, or in V type construction with not more than two displays to each facing and such sign structure or structures shall be considered one sign.
5. Signs which exceed 350 square feet in area may not be stacked or placed side-by-side.

PLATE 2B - Sheet 9 of 10

Right of Way Manual

IN WITNESS WHEREOF the parties hereto have executed this supplemental agreement on this the 6th day of March, 1973.

UNITED STATES OF AMERICA  
DEPARTMENT OF TRANSPORTATION

BY:

/s/ R. R. Bartelsmeyer  
Federal Highway Administrator

STATE OF TEXAS  
TEXAS HIGHWAY COMMISSION

Certified as being executed for the purpose and effect of activating and/or carrying out the orders, established policies, or work programs heretofore approved and authorized by the State Highway Commission.

BY:

/s/ B. L. DeBerry  
Executed as State Highway Engineer and approved for State Highway Commission by Minute Number 67022 dated January 31, 1973, and Minute Number 66107 dated May 1, 1972.

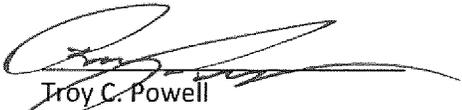
APPROVED AS TO FORM:

/s/ John L. Hill  
Attorney General of Texas

PLATE 2B - Sheet 10 of 10

City Manager's Fiscal Impact Statement  
Planned Development  
November 15, 2011

The fiscal impact schedule for the Planned Development PD-25 is income neutral for the first three years and no anticipated costs in consecutive years.



Troy C. Powell  
City Manager

## PLANNING AND ZONING COMMISSION REPORT

**AGENDA DATE:** November 22, 2016

**DEPARTMENT:** Engineering/Development Services Department

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

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### **SUBJECT** *SP16-0014 Truck Yard and Quincy's Chicken Shack Development Plan*

Discuss and consider making a recommendation to City Council on a request for Development Plan for Truck Yard and Quincy's Chicken Shack restaurants, located on part of Lot 1, Block H, Grandscape Addition Phase II, near Destination Drive.

### **OWNER/ENGINEER**

Owner/Developer:	LMG Ventures LLC	Omaha, Nebraska
Engineer/Surveyor:	Level 5 Design Group	Mansfield, Texas

### **EXISTING CONDITION OF PROPERTY**

The property is currently undeveloped.

### **PROPOSED DEVELOPMENT**

The project consists of two restaurant and bar establishments, Truck Yard and Quincy's Chicken Shack, each with a 5,000 SF pad that includes an outdoor dining environment.

### **ADJACENT ZONING AND LAND USE**

North - Planned Development 25 (PD 25) – Vacant land  
South - Planned Development 25 (PD 25) – Vacant land  
East - Planned Development 25 (PD 25) – Vacant land, BNSF Railroad  
West - Planned Development 25 (PD 25) – Vacant land

### **DEVELOPMENT REVIEW COMMITTEE (DRC) REVIEW**

The Development Review Committee (DRC) finds the Development Plan meets the requirements of the Appendix A, Zoning Ordinance, PD 25 and other applicable ordinances of the Code of Ordinances as outlined in the Staff Report.

### **ATTACHMENTS**

1. Staff Analysis
2. Location Map
3. Proposed Development Plan
4. Landscape Plan
5. Building Elevations

## ATTACHMENT 1

### Staff Analysis

#### Summary of Request

The project consists of two restaurant and bar establishments, Truck Yard and Quincy's Chicken Shack, each with a 5,000 SF pad that includes an outdoor dining environment. Truck Yard will have 4,500 sf building and Quincy's will have 5000 sf split level building. This development has a stage, lighted trees, heaters on tables and large fans for cooling during the summer months. A second floor deck for congregating and specialty bottled cocktails is raised over a remote outdoor bar. Utilization of repurposed materials for seating, tables, décor, and exterior walls has been proposed. A rustic style with materials native to Texas will be carried into the dining areas and throughout the property. Earth friendly features such as rainwater storage collection system and reclaimed materials from locally sourced vendors will be incorporated in the exterior environment. The bar component will have regular operating hours. The outdoor stage will provide music and shows for special occasions and larger events. Truck Yard similar to the Dallas location would also incorporate food trucks to provide a variety of dining options each and every day to this location.

#### Existing Condition of Property

The subject property is undeveloped. The existing property will be re-graded to allow for a sunken outdoor dining oasis, and create a "hole in the hill" dining experience. The new road extension and parking areas will be nearly 11' higher than the finish floor of the buildings and main outdoor dining spaces. In dealing with this grading change, the site is proposed to have a large singular ramp to operate as the main entrance to the outdoor space and both restaurants. By placing this ramp in between the two restaurants, it helps separate the two outdoor spaces, while proving access from the main road.

#### Platting Status

The property is platted as Lot 1, Block H, Grandscape Addition Ph II. A portion of the site extends into the unplatted tract. Before construction begins the Truck Yard and Quincy's Chicken Shack site will be replatted/plated to include the unplatted area, and the new street that is the primary access point for this development.

#### Adjacent Zoning/Land Use

North - Planned Development 25 (PD 25) – Vacant land  
South - Planned Development 25 (PD 25) – Vacant land  
East - Planned Development 25 (PD 25) – Vacant land, BNSF Railroad  
West - Planned Development 25 (PD 25) – Vacant land

#### Land Use Analysis

Restaurant is an allowed use under PD 25.

#### Infrastructure Improvements

The City is not planning any specific public infrastructure improvements for this area.

#### Exterior Building Material

**Truck Yard** – the building will consist of multi-level steel framed structure and stem wall, clad in mixed masonry veneer and mixed cedar plank siding.

**Quincy's** – the building will consist of split-level steel framed structure, clad in mixed cedar veneer and metal panel, with the outdoor open air dining space enclosed with architectural grid wall panels with hung landscaping and creepers.

Circulation and Parking

The site will be accessed through the new roadway (under construction) connecting through Destination Drive. The parking ratio for restaurants is 1 space per 200 sf of gross floor area. The parking provided meets the specific requirements PD 25 Ordinance.

Building Area	Parking Required	Parking Provided
Truck Yard, 4,500 SF	23 spaces	52 spaces
Quincy's Chicken Shack, 5,000 SF	25 spaces	58 spaces

In addition to the 110 (including 5 accessible spaces) paved parking spaces provided, the site also proposed an overflow parking lot with 234 parking spaces with alternate pavement.

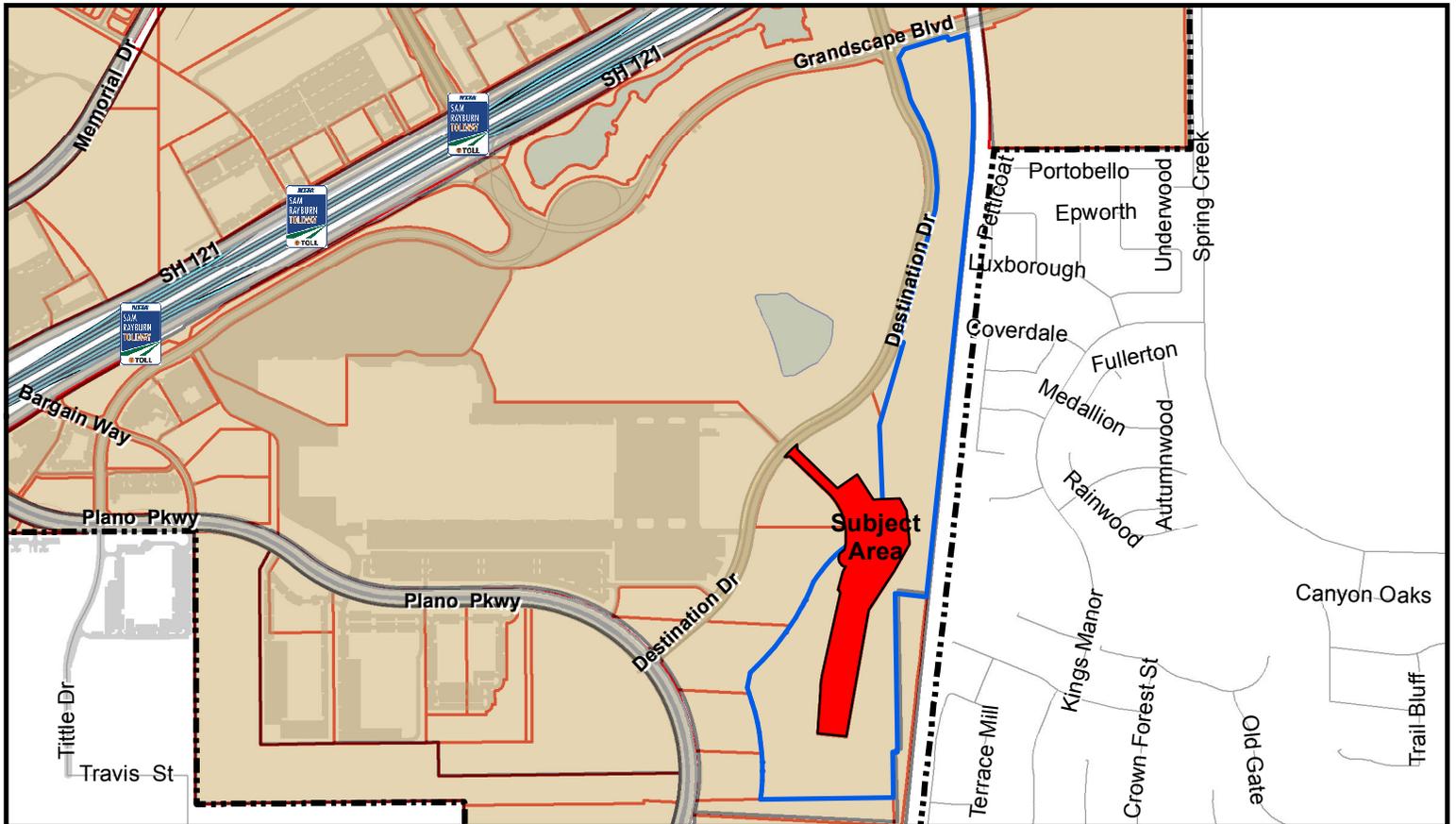
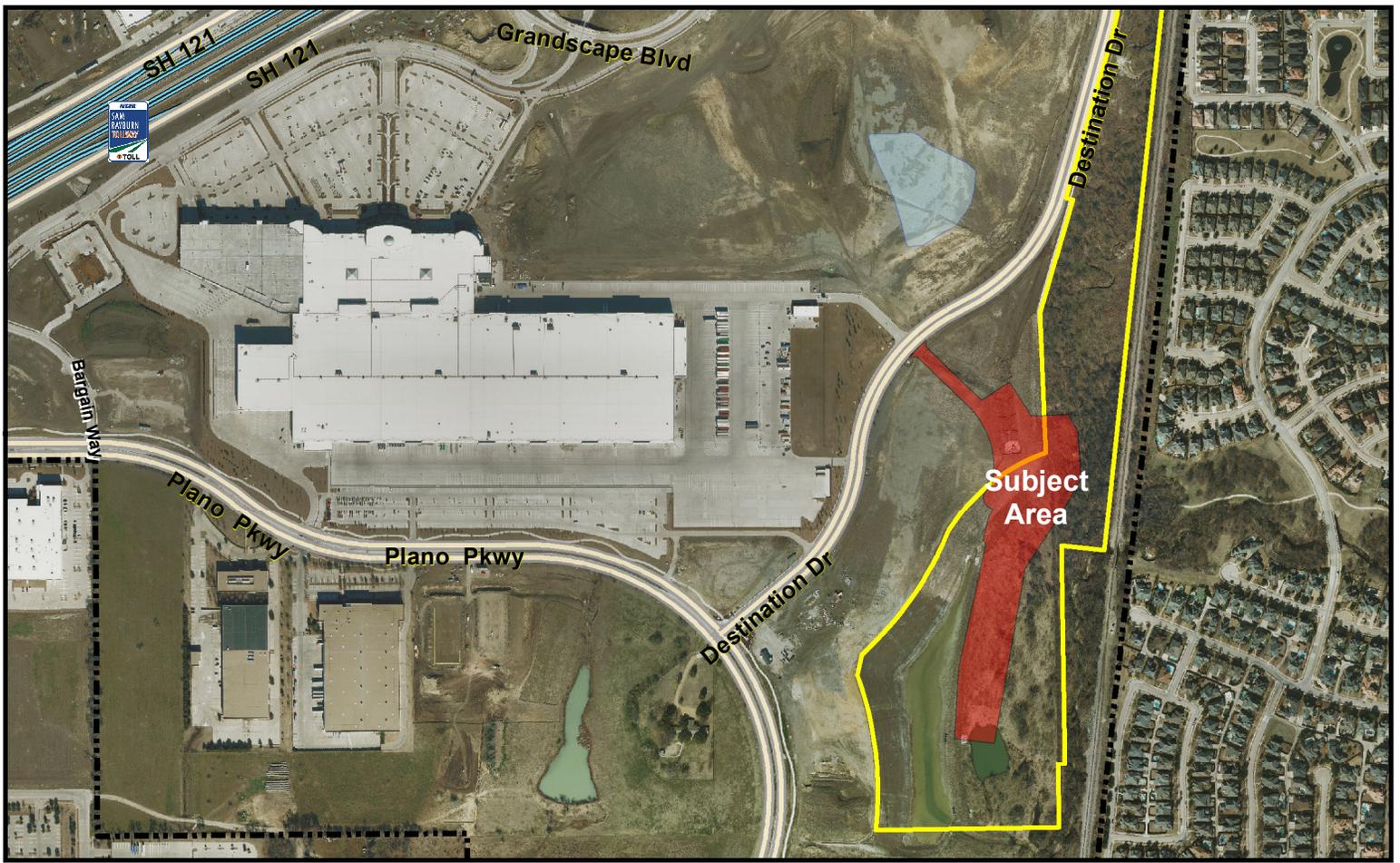
Landscaping and Irrigation

The overall site and open seating areas will be beautifully landscaped with Cedar Elm, Live Oak, Shumard Oak, and shrubs like Muhly Grass, Texas Sage, Maiden Grass and Red Yucca.

<b>LANDSCAPE REQUIREMENTS</b>
THIS PLAN MEETS OR EXCEEDS THE FOLLOWING STANDARDS:
<b>LOT INFO</b>
TOTAL SITE AREA: 53.329 AC (2,279,443 S.F.)
<b>LANDSCAPE AREA:</b>
REQUIRED: MINIMUM 10% OF LOT 2,279,443 S.F. X 10% = 227,944 S.F.
PROVIDED: 230,000+ S.F. (10+%)
<b>PARKING LOT LANDSCAPE:</b>
REQUIRED: 60 S.F. OF LANDSCAPE AREA PER TWELVE (12) PARKING SPACES 118 / 12 = 9.833 X 60 = 590 S.F. OF LANDSCAPE AREA
PROVIDED: 600+ S.F.
REQUIRED: LANDSCAPE AREAS MUST BE PROVIDED WITHIN 120 FEET OF OF EVERY PARKING SPACE.
PROVIDED: LANDSCAPE AREA WITH 120 FEET OF EVERY PARKING SPACE.
<b>BUFFERS:</b>
REQUIRED: 10' WIDE LANDSCAPE BUFFER (1) TREE PER 40 L.F. OF STREET FRONTAGE ROAD (581 L.F. / 40) = 14 TREES
PROVIDED: 14 TREES (PROVIDED BY STREETSCAPE IMPROVEMENTS)

Development Review Committee Review

The Development Review Committee finds that the Development Plan meets all applicable requirements of the Zoning Ordinance and PD 25 ordinance, therefore recommends approval.

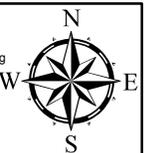


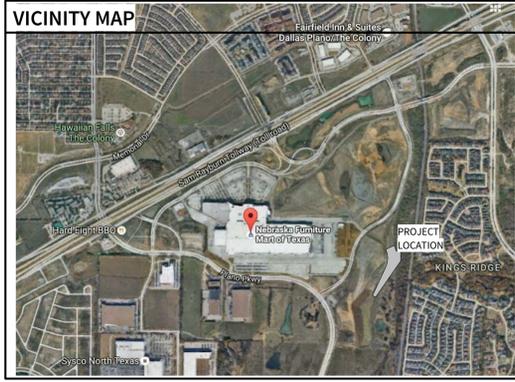
**Project No. SP16-0014 - Project Name: Truck Yard and Quincy's Chicken Shack**



- |                                       |                          |                  |                      |                     |                        |
|---------------------------------------|--------------------------|------------------|----------------------|---------------------|------------------------|
| Truck Yard and Quincy's Chicken Shack | Business Park            | General Retail   | Light Commercial     | Office District 1   | Single Family Dwelling |
| Lot 1, Block H, Grandscape Ph II      | Business Park/Industrial | Heavy Commercial | Mobile Home          | Planned Development |                        |
| 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.





**LEGEND**

- PROPERTY LINE PER LATEST RE-PLAT
- - - EASEMENT
- UTILITY LINE (PROPOSED OR EXISTING)
- ⊙ PROPOSED POLE LIGHTING, NOT TO EXCEED 15'-0" TALL OR 0.6 FOOT CANDLES
- ⊙ PROPOSED TREES PER LANDSCAPE DRAWINGS

**SITE DATA TABLE - ZONING DISTRICT PLANNING DEVELOPMENT - 25**

SIZE AND BULK OF BUILDINGS		LOT SIZE AND DENSITY	
TRUCK YARD -	TOTAL SF - 5,000 SF	LOT SIZE -	LOT 1, BLOCK H
AIR CONDITIONED SF -	101'-0"	52.329 ACRES (2,279,443 SF)	DOC. 2015-240
LENGTH -	42' - 11 1/4"	O.P.R.D.C.T.	
WIDTH -	2	DENSITY -	PARKING AREA - 43,028.74 SF
NUMBER OF STORIES -			REMAINING SITE - T, B, D.
FLOOR TO AREA RATIO -			
QUINCY'S -	TOTAL SF - 5,000 SF		
AIR CONDITIONED SF -	101'-6"		
LENGTH -	53'-4"		
WIDTH -	2		
NUMBER OF STORIES -			
FLOOR TO AREA RATIO -			

**BUILDING SET BACK LINES**

REQUIRED PER PD-25 ORDINANCE NO. 2011-1927

TABLE 2

MIN. BUILDING SETBACK FROM STREET R.O.W. - NONE

MIN. LOT AREA - NONE

MIN. LOT DEPTH - 100 FEET

MIN. LOT WIDTH - 100 FEET

MAX. BUILDING HEIGHT - NO LIMIT

MAX. FLOOR AREA RATIO - NONE

MAX. LOT COVERAGE - NONE

**PARKING REQUIREMENTS**

RESTAURANT PARKING REQUIREMENTS:

PER PD-25 ORDINANCE NO. 2011-1927

TABLE 1

NEW BUILDING PARKING REQUIRED: 50 SPACES

H.C. ACCESSIBLE SPACES PROVIDED: 5 SPACES

NEW BUILDING PARKING PAVED PROVIDED: 105 SPACES

NEW BUILDING PARKING NON-PAVED PROVIDED: 234 SPACES

H.C. ACCESSIBLE SPACES PROVIDED: 5 SPACES

**FIRE SPRINKLERS**

BOTH TRUCK YARD AND QUINCY'S CHICKEN SHACK WILL HAVE A FIRE SUPPRESSION SYSTEM, WHICH WILL MEET ALL CODE REQUIREMENTS.

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ARCHITECT:  
 JUSTIN S. GILMORE  
 LEVEL 5 DESIGN GROUP

**SITE PLAN SUBMITTAL**  
 10.24.2016

PROJECT INFORMATION:

**NEW SITE PLAN, AND BUILDINGS FOR TRUCK YARD AND QUINCY'S CHICKEN SHACK**

LOT 1, BLOCK H LOCATED OFF NEW ROAD EXTENSION THE COLONY, TX 75056

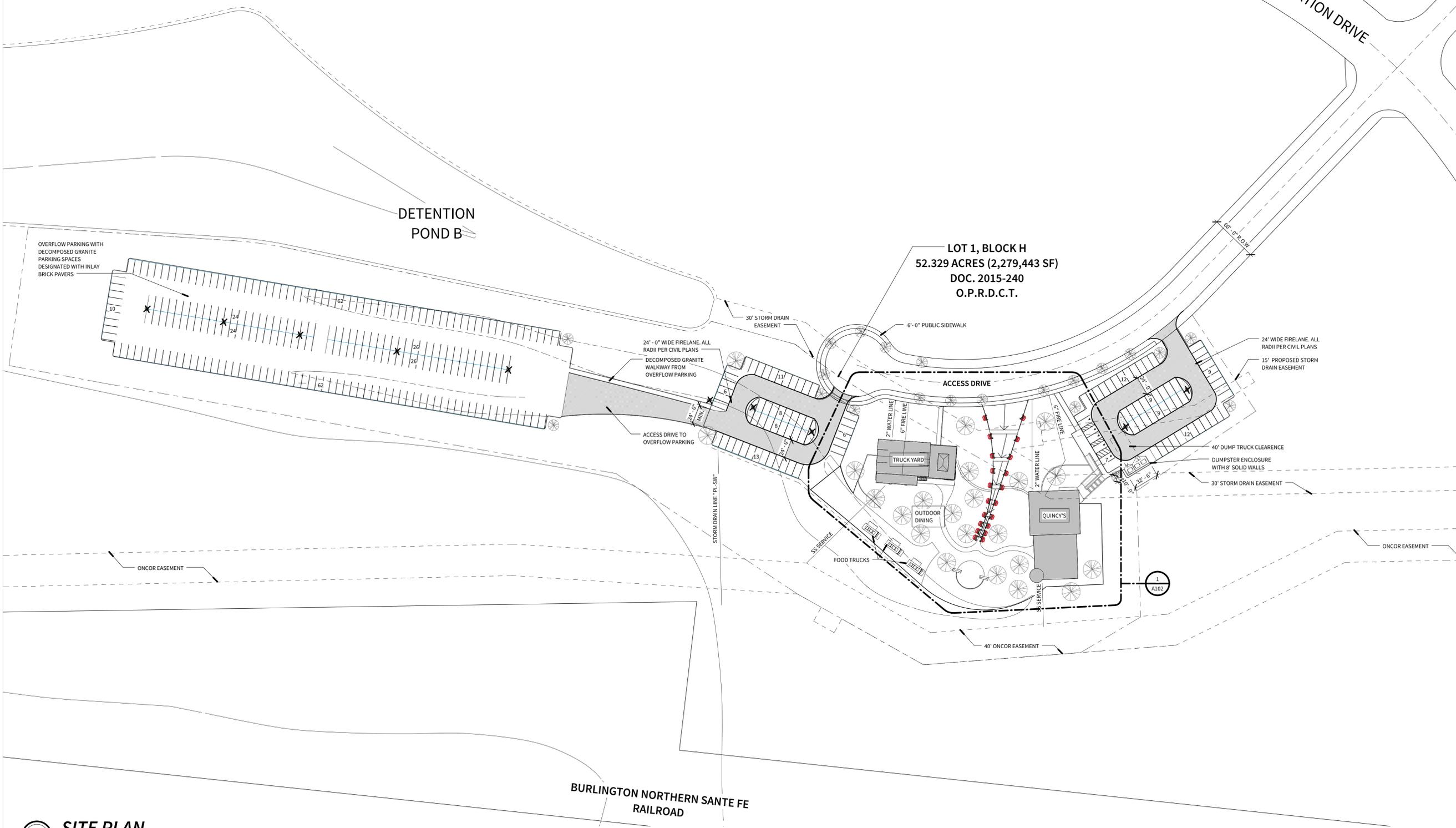
PROJECT NUMBER: 16-14

ISSUE DATE: 10.24.2016

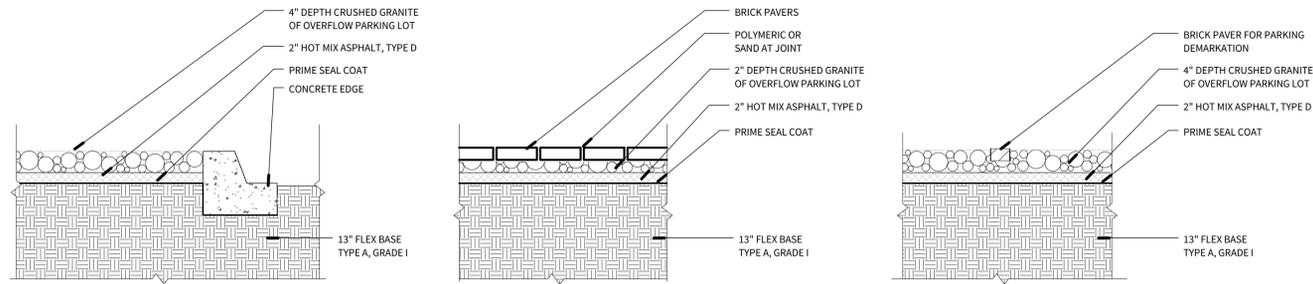
REVISIONS:

SHEET NAME:  
**SITE PLAN - PROJECT NO. SP16-0014**

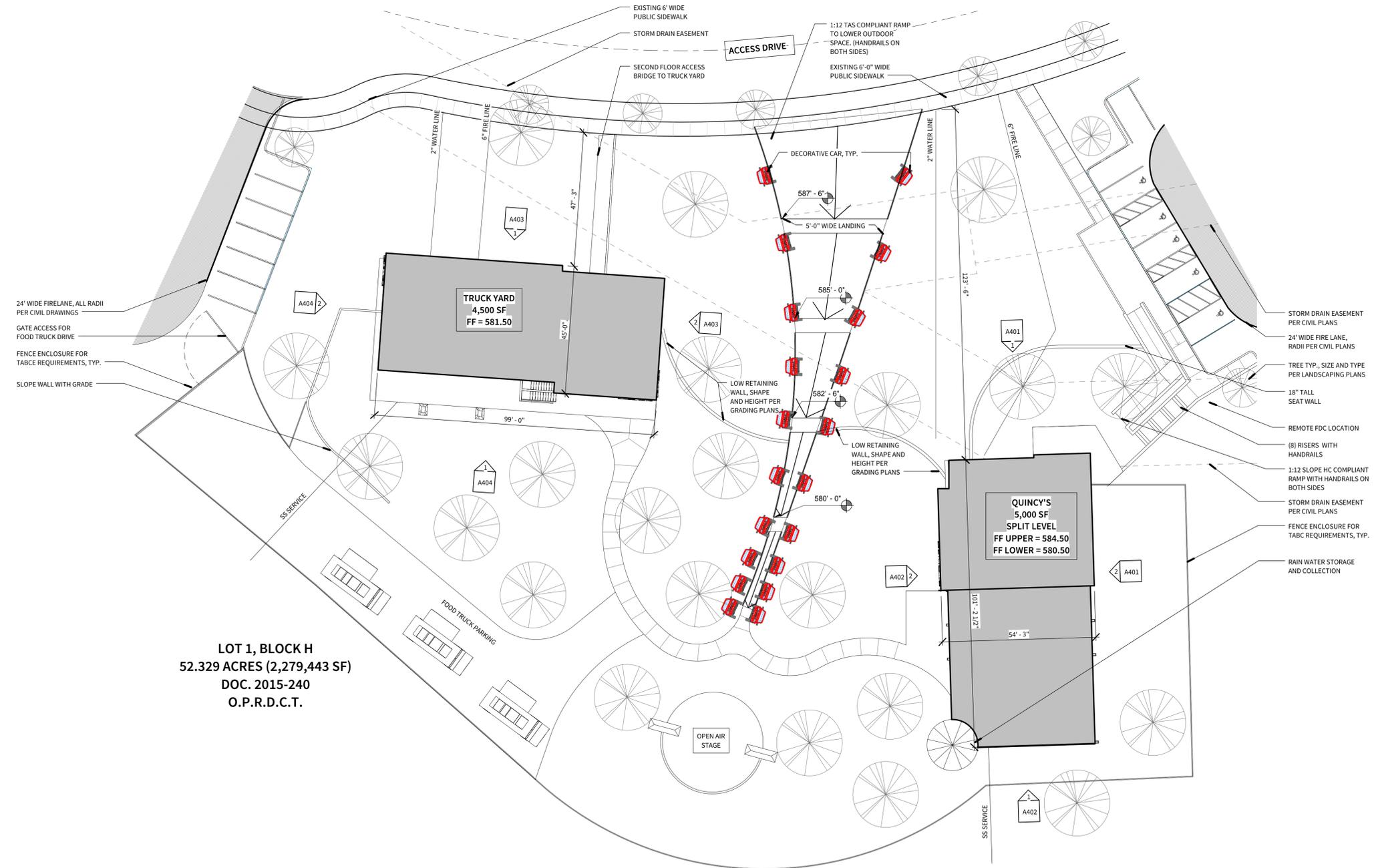
SHEET NUMBER:  
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**2 OVERFLOW PARKING DETAILS**  
SCALE: 3/4" = 1'-0"



LOT 1, BLOCK H  
52.329 ACRES (2,279,443 SF)  
DOC. 2015-240  
O.P.R.D.C.T.

**1 ENLARGED SITE PLAN**  
SCALE: 1" = 20'-0"

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ARCHITECT: JUSTIN S. GILMORE  
LEVEL 5 DESIGN GROUP  
SITE PLAN SUBMITTAL  
10.24.2016

PROJECT INFORMATION:  
NEW SITE PLAN, AND BUILDINGS FOR  
**TRUCK YARD AND QUINCY'S CHICKEN SHACK**  
LOT 1, BLOCK H  
LOCATED OFF NEW ROAD EXTENSION  
THE COLONY, TX 75056

PROJECT NUMBER: 16-14  
ISSUE DATE: 10.24.2016  
REVISIONS:

SHEET NAME:  
ENLARGED SITE PLAN - PROJECT NO. SP16-0014

SHEET NUMBER:  
**A102**

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**IRRIGATION NOTES**  
 ALL LANDSCAPED AREAS (OTHER THAN MANICURED MULCHED AREAS) MUST HAVE FULLY AUTOMATED UNDERGROUND IRRIGATION SYSTEMS. SUCH SYSTEMS THAT ARE CONNECTED TO THE PUBLIC WATER SUPPLY MUST CONTAIN ADEQUATE BACKFLOW PREVENTION DEVICES THAT ARE TESTED/INSPECTED ANNUALLY AND MUST HAVE OPERABLE RAIN/FREEZE GAUGES.

**LANDSCAPE INSTALLATION & MAINTENANCE NOTES**  
 THE PROPERTY OWNER SHALL MAINTAIN ALL TREES, LANDSCAPED AREAS, AND PLANT MATERIALS IN A VIGOROUS AND HEALTHY CONDITION, FREE FROM DISEASE, PESTS, WEEDS, AND LITTER. THIS MAINTENANCE SHALL INCLUDE BUT IS NOT LIMITED TO: WEEDING, WATERING, FERTILIZING, PRUNING, MOWING, EDGING, MULCHING, AND OTHER NEEDED MAINTENANCE, IN ACCORDANCE WITH GENERALLY ACCEPTED HORTICULTURAL PRACTICES. ALL OVERHANG FOLIAGE SHALL BE KEPT TRIMMED MORE THAN NINE FEET (9') ABOVE CURB LEVEL. THE CITY MAY GRANT AN EXTENSION OF TIME WHERE SEASONAL OR ADVERSE WEATHER CONDITIONS MAKE REPLACEMENT IMPRACTICAL.

**LANDSCAPE REQUIREMENTS**  
 THIS PLAN MEETS OR EXCEEDS THE FOLLOWING STANDARDS:

**LOT INFO**  
 TOTAL SITE AREA: 53.329 AC (2,279,443 S.F.)

**LANDSCAPE AREA:**  
 REQUIRED: MINIMUM 10% OF LOT  
 2,279,443 S.F. X 10% = 227,944 S.F.  
 PROVIDED: 230,000+ S.F. (10+%)

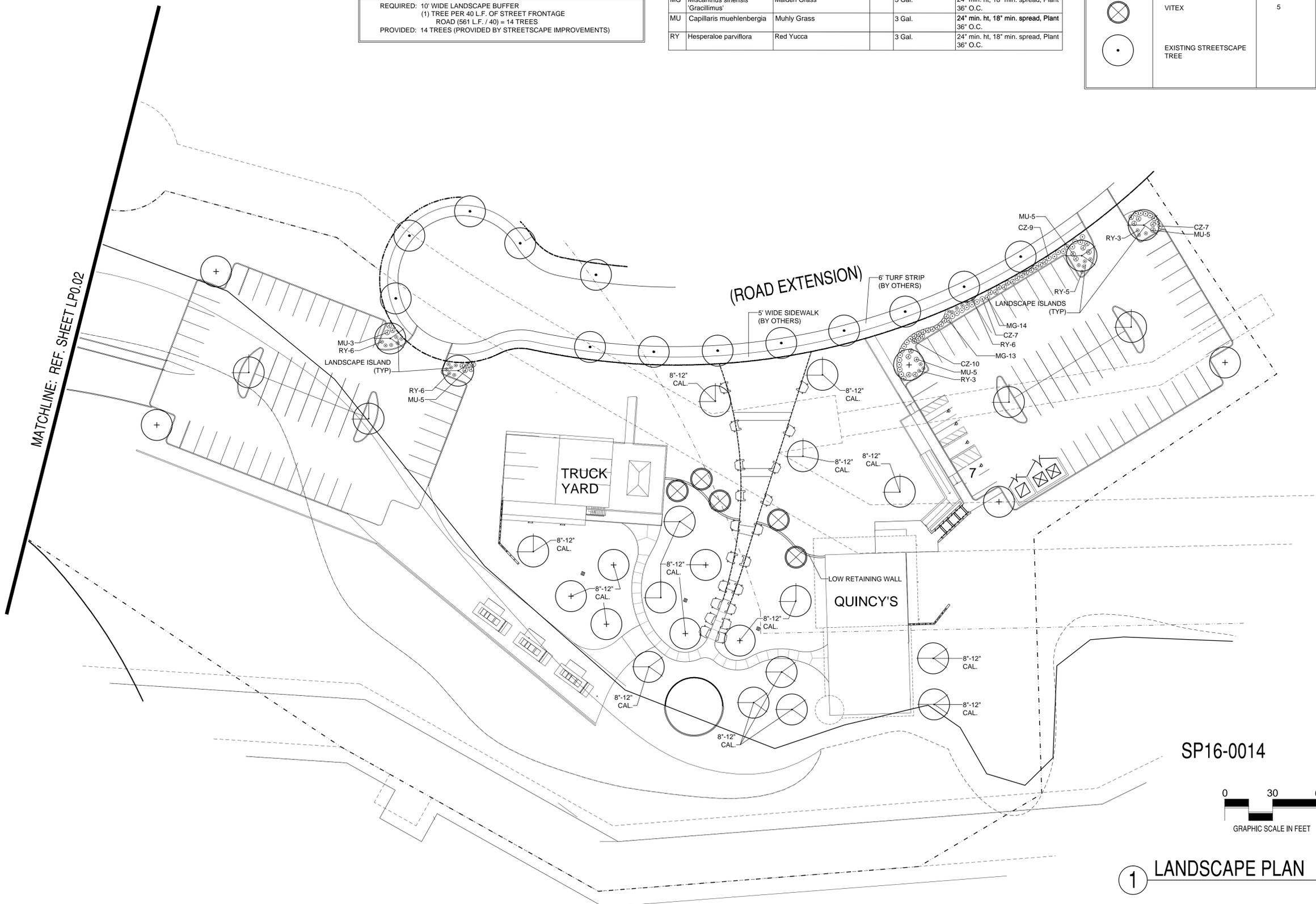
**PARKING LOT LANDSCAPE:**  
 REQUIRED: 60 S.F. OF LANDSCAPE AREA PER TWELVE (12) PARKING SPACES  
 118 / 12 = 9.833 X 60 = 590 S.F. OF LANDSCAPE AREA  
 PROVIDED: 600+ S.F.

REQUIRED: LANDSCAPE AREAS MUST BE PROVIDED WITHIN 120 FEET OF EVERY PARKING SPACE.  
 PROVIDED: LANDSCAPE AREA WITH 120 FEET OF EVERY PARKING SPACE.

**BUFFERS:**  
 REQUIRED: 10' WIDE LANDSCAPE BUFFER  
 (1) TREE PER 40 L.F. OF STREET FRONTAGE  
 ROAD (561 L.F. / 40) = 14 TREES  
 PROVIDED: 14 TREES (PROVIDED BY STREETSCAPE IMPROVEMENTS)

PLANT LEGEND					
SYMBOTANICAL NAME	COMMON NAME	QUAN	SIZE	REMARKS	
<b>SHADE TREES</b>					
CE	Ulmus crassifolia	Cedar Elm	11	3" Cal.	12-14' Ht.
LO	Quercus virginiana	Live Oak 'Empire'	19	3" Cal.	12-14' Ht.
RO	Quercus shumardii	Shumard Oak	11	3" Cal.	12-14' Ht.
<b>ORNAMENTAL TREES</b>					
VT	Vitex Agnus Castus	Vitex	5	8' to 10' Ht., 4' - 5' spread	Multi trunk, 3 - 5 canes, 1" cal., cane min.
<b>SHRUBS</b>					
CZ	Leucophyllum frutescens	Texas Sage	3	Gal.	24" min. ht. 18" min. spread, Plant 36" O.C.
MG	Miscanthus sinensis 'Gracillimus'	Maiden Grass	3	Gal.	24" min. ht. 18" min. spread, Plant 36" O.C.
MU	Capillaris muenhbergia	Muhly Grass	3	Gal.	24" min. ht. 18" min. spread, Plant 36" O.C.
RY	Hesperaloe parviflora	Red Yucca	3	Gal.	24" min. ht. 18" min. spread, Plant 36" O.C.

TREE LEGEND			
SYMBOL	SPECIES	QUANTITY	SIZE
	SHUMARD OAK QUERCUS SHUMARDII	11	3" CAL.
	LIVE OAK 'EMPIRE' QUERCUS VIRGINIANA	19	3" CAL.
	CEDAR ELM ULMUS CRASSIFOLIA	11	3" CAL.
	VITEX	5	
	EXISTING STREETSCAPE TREE		



MATCHLINE: REF. SHEET LP0.02

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PROJECT INFORMATION:  
**NEW SITE PLAN,  
 AND BUILDINGS  
 FOR**  
**TRUCK YARD  
 AND QUINCY'S  
 CHICKEN  
 SHACK**  
 NEW ROAD  
 THE COLONY, TEXAS  
 75056

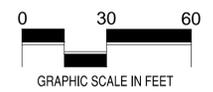
PROJECT NUMBER:  
16-14  
 ISSUE DATE:  
10.24.2016  
 REVISIONS:  
XX.XX.2016

SHEET NAME:  
LANDSCAPE PLAN

SHEET NUMBER:  
LP0.01

**mdg**  
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 RICHARDSON, TX 75080  
 PH (972) 690-7474

SP16-0014



1 LANDSCAPE PLAN

SCALE: 1" = 30'-0"

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### EXTERIOR MATERIAL CALC.

#### VIEW 1 QUINCY'S:

WOOD SIDING	-26%
GLAZING	-17%
METAL PANEL	-57%

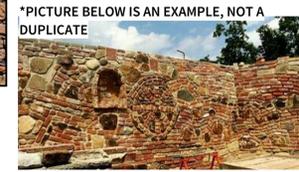
#### VIEW 2 QUINCY'S:

WOOD SIDING	-51%
GLAZING	-07%
ARCH. GRIDWALL PANELS	-42%

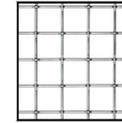
### ELEVATION LEGEND



MIXED MASONRY VENEER TO BE COMPOSED OF MULTIPLE TYPES OF STONE AND BRICK AND COMPUATION OF OTHER RECYCLED MATERIALS.



ARCHITECTURAL WOOD SIDING

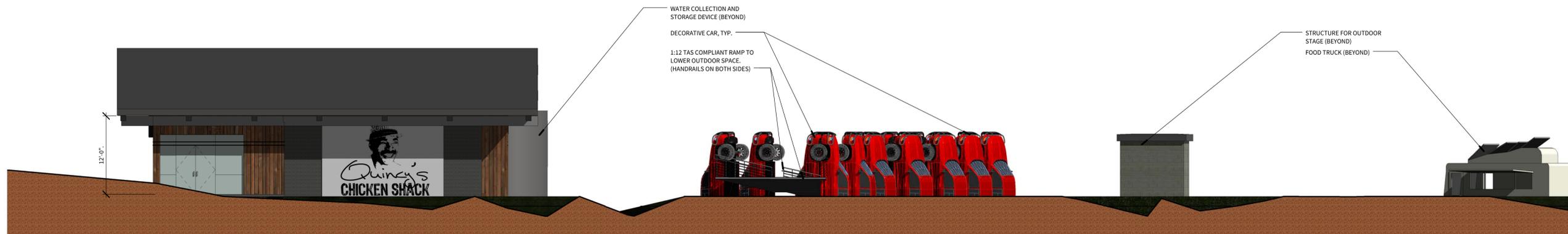


ARCHITECTURAL GRIDWALL PANELS



METAL PANEL

\*\*FOR CLARITY OF ELEVATION VIEWS, THE TREES AND OTHER SUCH LANDSCAPING ARE NOT SHOWN IN VIEWS



**1** QUINCY'S - MAIN ENTRANCE/ FRONT ELEVATION

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



**2** QUINCY'S - SIDE ELEVATION

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

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 ARCHITECT:  
 JUSTIN S. GILMORE  
 LEVEL 5 DESIGN GROUP  
**REV./ISSUE**  
 MM.DD.YYYY

PROJECT INFORMATION:  
**TRUCK YARD AND QUINCY'S CHICKEN SHACK**  
  
**NEW SITE PLAN, AND BUILDINGS FOR**  
  
 LOT 1, BLOCK H  
 LOCATED OFF NEW ROAD EXTENSION  
 THE COLONY, TX  
 75056

PROJECT NUMBER:  
 16-14  
 ISSUE DATE:  
 10.24.2016  
 REVISIONS:

SHEET NAME:  
**ELEVATIONS QUINCY'S**

SHEET NUMBER:  
**A401**

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**EXTERIOR MATERIAL CALC.**

**VIEW 1 QUINCY'S:**

WOOD SIDING	-33%
GLAZING	-07%
ARCH. GRIDWALL PANELS	-60%

**VIEW 2 QUINCY'S:**

WOOD SIDING	-50%
METAL PANEL	-11%
ARCH. GRIDWALL PANELS	-39%

**ELEVATION LEGEND**



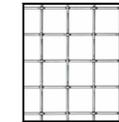
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\*PICTURE BELOW IS AN EXAMPLE, NOT A DUPLICATE



ARCHITECTURAL WOOD SIDING



ARCHITECTURAL GRIDWALL PANELS



METAL PANEL

\*\*FOR CLARITY OF ELEVATION VIEWS, THE TREES AND OTHER SUCH LANDSCAPING ARE NOT SHOWN IN VIEWS

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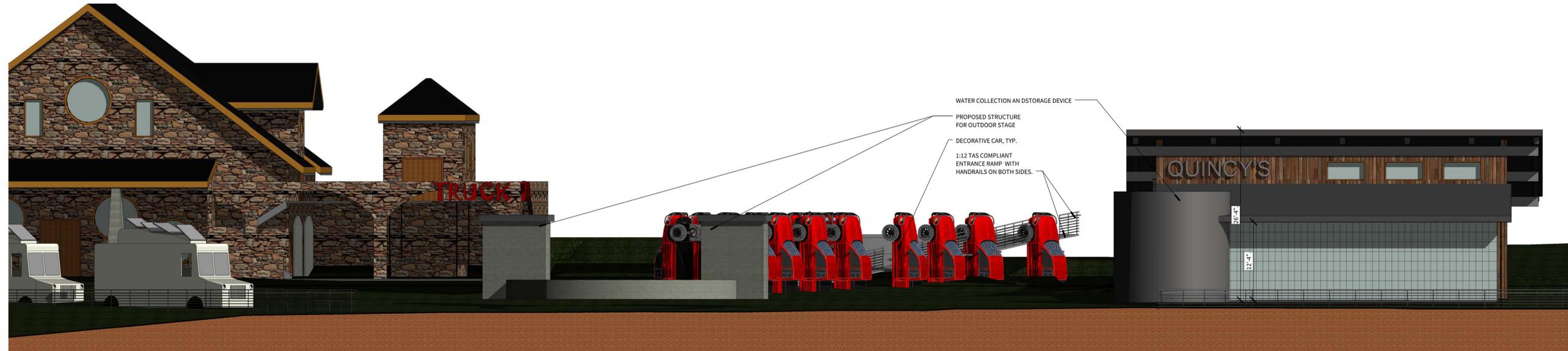
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**SITE PLAN SUBMITTAL**  
 10.24.2016

PROJECT INFORMATION:  
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 LOT 1, BLOCK H  
 LOCATED OFF NEW ROAD EXTENSION  
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 75056

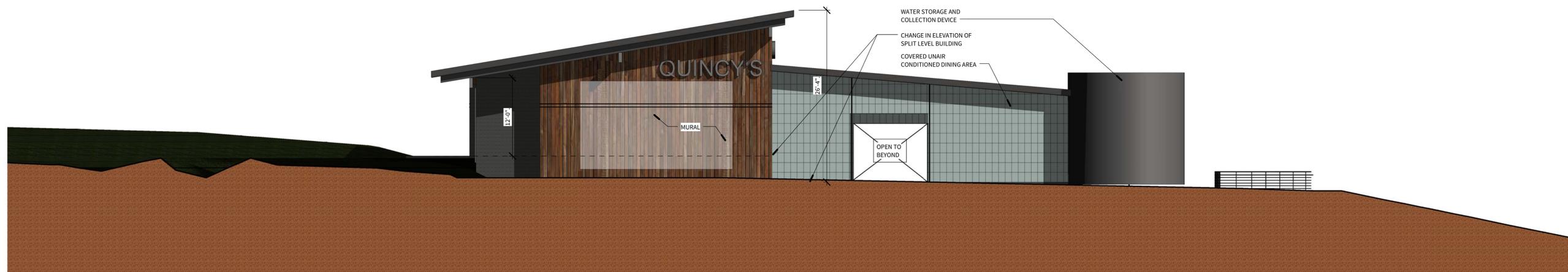
PROJECT NUMBER:  
 16-14  
 ISSUE DATE:  
 10.24.2016  
 REVISIONS:

SHEET NAME:  
**ELEVATIONS QUINCY'S**

SHEET NUMBER:  
**A402**



**1 QUINCY'S - BACK ELEVATION**  
 SCALE: 1/8" = 1'-0"



**2 QUINCY'S - SIDE ELEVATION**  
 SCALE: 1/8" = 1'-0"

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**EXTERIOR MATERIAL CALC.**

**VIEW 1 TRUCK YARD:**

MIXED MASONRY -92%  
GLAZING -08%

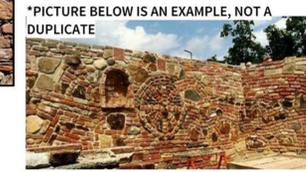
**VIEW 2 TRUCK YARD:**

MIXED MASONRY -82%  
GLAZING -18%

**ELEVATION LEGEND**



MIXED MASONRY VENEER TO BE COMPOSED OF MULTIPLE TYPES OF STONE AND BRICK AND COMPUATION OF OTHER RECYCLED MATERIALS.



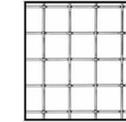
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ARCHITECTURAL WOOD SIDING



METAL PANEL



ARCHITECTURAL GRIDWALL PANELS

\*\*FOR CLARITY OF ELEVATION VIEWS, THE TREES AND OTHER SUCH LANDSCAPING ARE NOT SHOWN IN VIEWS

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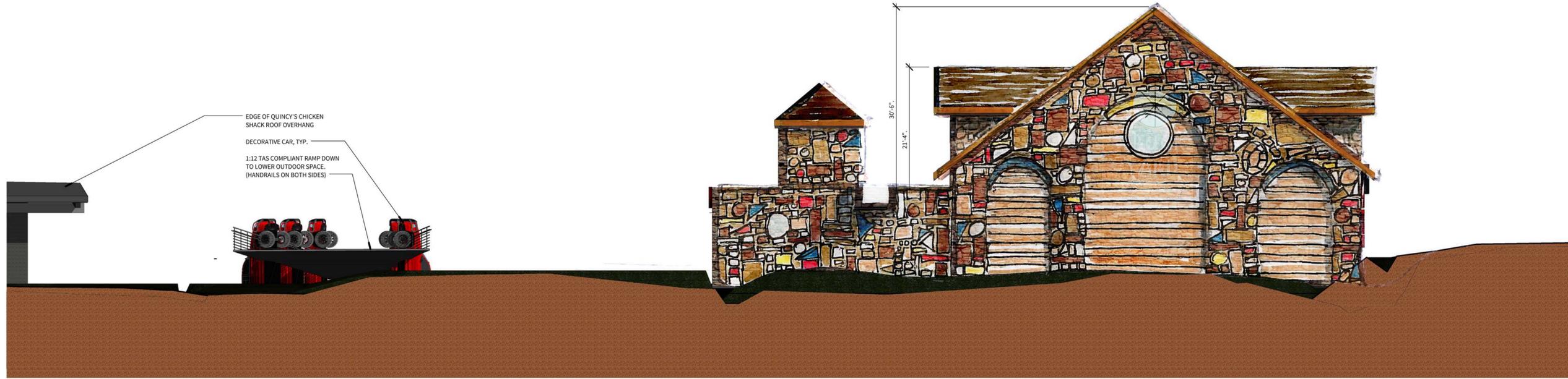
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ARCHITECT: JUSTIN S. GILMORE  
LEVEL 5 DESIGN GROUP  
SITE PLAN SUBMITTAL  
10.24.2016

PROJECT INFORMATION:  
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TRUCK YARD AND QUINCY'S CHICKEN SHACK  
LOT 2, BLOCK H  
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THE COLONY, TX  
75056

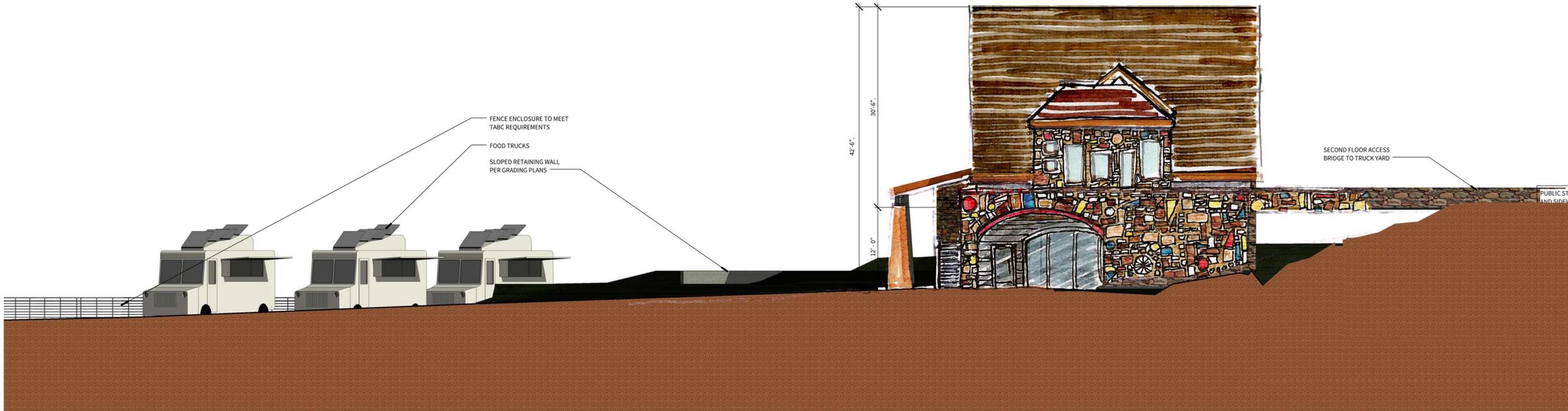
PROJECT NUMBER: 16-14  
ISSUE DATE: 10.24.2016  
REVISIONS:

SHEET NAME:  
ELEVATIONS TRUCK YARD

SHEET NUMBER:  
**A403**



**1 TRUCK YARD -- ELEVATION FACING STREET**  
SCALE: 1/8" = 1'-0"



**2 TRUCK YARD - SIDE ELEVATION**  
SCALE: 1/8" = 1'-0"

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**EXTERIOR MATERIAL CALC.**

<b>VIEW 1 TRUCK YARD:</b>		
MIXED MASONRY	-81%	
GLAZING	-19%	
<b>VIEW 2 TRUCK YARD:</b>		
MASONRY	-95%	
GLAZING	-05%	

**ELEVATION LEGEND**

MIXED MASONRY VENEER  
TO BE COMPOSED OF MULTIPLE TYPES OF STONE AND BRICK AND COMPUATION OF OTHER RECYCLED MATERIALS.

\*PICTURE BELOW IS AN EXAMPLE, NOT A DUPLICATE

ARCHITECTURAL WOOD SIDING

ARCHITECTURAL GRIDWALL PANELS

METAL PANEL

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ARCHITECT:  
JUSTIN S. GILMORE  
LEVEL 5 DESIGN GROUP

**SITE PLAN SUBMITTAL**  
10.24.2016

PROJECT INFORMATION:

**NEW SITE PLAN, AND BUILDINGS FOR**

**TRUCK YARD AND QUINCY'S CHICKEN SHACK**

LOT 2, BLOCK H  
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75056

PROJECT NUMBER:  
16-14

ISSUE DATE:  
10.24.2016

REVISIONS:

SHEET NAME:  
**ELEVATIONS TRUCK YARD**

SHEET NUMBER:  
**A404**



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



**2 TRUCK YARD -- SIDE ELEVATION**  
SCALE: 1/8" = 1'-0"