



AGENDA

**REGULAR MEETING OF THE
PLANNING AND ZONING COMMISSION
CITY OF HIGHLAND VILLAGE, TEXAS
TUESDAY, MAY 16, 2023, at 7:00 PM
HIGHLAND VILLAGE MUNICIPAL COMPLEX
CITY COUNCIL CHAMBERS**

1000 HIGHLAND VILLAGE ROAD, HIGHLAND VILLAGE, TEXAS

1. Call to Order/ Roll Call.

2. Visitor's Comments.

(Anyone wishing to address the Planning and Zoning Commission must complete a Speakers' Request form and return it to City Staff. In accordance with the Texas Open Meetings Act, the Commission is restricted in discussing or taking action on items not posted on the agenda. Action on your statement can only be taken at a future meeting.)

3. Conduct Public Hearing and Review and Consider a request to amend the regulations relating to the development and use of 5.66 ± acres located in the James Edmondson Survey, Abst. No. 398 and the James W. Giddens Survey, Abst. No. 471, being a part of Lot 1, Block A, The Shops at Highland Village, by changing the zoning regulations from Marketplace Planned Development – Retail (MPDR) to a Planned Development Overlay District (PDO) for Multi-Family (MF) and Retail uses, said property being generally located north of F.M. 407 and west of Village Parkway (F.M. 2499).

4. Receive Status Report on Various Projects.

- **Future P&Z Meetings**

5. Adjournment.

Pursuant to Section 551.071 of the Texas Government Code, the Planning and Zoning Commission reserves the right to consult in closed session with its attorney and to receive legal advice regarding any item listed.

I HEREBY CERTIFY THAT THIS NOTICE OF MEETING WAS POSTED ON THE PUBLIC BULLETIN BOARD AT THE MUNICIPAL COMPLEX, 1000 HIGHLAND VILLAGE ROAD, HIGHLAND VILLAGE, TEXAS IN ACCORDANCE WITH THE TEXAS GOVERNMENT CODE, CHAPTER 551, ON MAY 12, 2023 NOT LATER THAN 5:00 P.M.

Autumn Aman
Community Development Coordinator

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's Office at (972) 899-5132 or Fax (972) 317-0237 for additional information.

Removed from posting on the _____ day of _____, 2023 at _____ by
_____ at _____.

CITY OF HIGHLAND VILLAGE
PLANNING AND ZONING

AGENDA#	3	MEETING DATE:	May 16, 2023
SUBJECT:	Conduct Public Hearing and Consider a request to amend the regulations relating to the use and development of 5.66± acres located in the Shops at Highland Village, Block A, Lot 1, said property being generally located north of F.M. 407 and west of Village Parkway (F.M. 2499), by enacting a Planned Development Overlay District for Presidium Highland Village.		
PREPARED BY:	Abra Nusser, AICP, Planning Practice Lead – Public Sector Services, Peloton Land Solutions		

BACKGROUND

The City has received an application from Mark Farrell, Presidium Real Estate, requesting to change the current zoning on the subject property, which is currently zoned “PD” – Planned Development District, to a “PD” – Planned Development District, with a base of “R” – Retail District. Staff and the developer-reimbursed Consultant, Peloton Land Solutions, worked with the applicant on potential design and compatibility adjustments that could be made to address resident concerns voiced in 2021 at a neighborhood meeting, as well as best practices.

Project Intent/Purpose: The applicant is proposing to demolish the existing Snuffer’s restaurant building and remove the existing movie theater parking lot in the northeast corner of The Shops and replace it with a four-story apartment building (containing 280 units) with a parking garage. The applicant has stated that the apartments are needed to help support the restaurant and retail uses (existing and potential) within the Shops at Highland Village (i.e. “The Shops”).

Adding residential units to The Shops can positively affect the fiscal vitality and sustainability of the center. With residents able to walk to restaurants and retail, as well as being reminded they are there when they go to and from home, economic development studies indicate that their dollars go straight into the mixed-use centers they inhabit. With shifting trends in retail and restaurant uses and over 20 vacant tenant spaces at The Shops, residential units within the center are very needed and would serve Highland Village and The Shops well if they are properly sited and designed.

Some technical changes were made to the exhibits and additional information was provided, but there are design and compatibility adjustments that remain unresolved and are summarized below. The major topics listed below are not comprehensive and do not represent every requirement that would be different between the existing zoning and the proposed zoning, or between what is required in the Zoning Ordinance and what is proposed, due to the quantity and complexity of the requirements applicable.

PD Structure and Contents: The subject property is zoned “PD” – Planned Development District. The existing set of PD’s applicable to the subject property contain the original Shops standards adopted in 2001, as well as some amendments that affected allowed signage on

the subject property. The PDs contain a wide array of standards, in addition to signage, such as allowed uses, tree preservation, setbacks, architectural design, landscaping, and more.

The applicant is requesting to no longer have The Shops standards apply to the subject property and instead be under a modified version of the “R” – Retail District. The applicant is proposing modifications to setbacks, height, maximum lot coverage, parking, allowed uses, landscape buffers, signage, and more to an extent that there are just a few standards left in the R District that would still apply. Since multi-family uses are not permitted in the R District, the R District does not “contemplate” some of the design considerations of a large multi-family structure.

Staff recommended that the subject property remain under The Shops standards but that a new and clean PD be established to bring forward the standards that still apply to the subject property from the governing PDs. Since the center was planned and designed under the standards within the PDs, applying those standards moving forward for new development will ensure compatibility. The applicant stated that they are not proposing to keep the existing Shops PD standards and is instead proposing a mixture of R District and MF District standards, with many allowed uses and multiple modifications to accommodate the proposed structure and site design. Although the applicant has provided building elevations to demonstrate the proposed building’s architectural design and materials, the building materials standards cannot be enforced under State Law. Some developments include architectural standards in an associated Development Agreement (DA), but no DA has been proposed.

Size and Location: The existing Shops PD prohibits buildings larger than 50,000 square feet and requires a graduated setback when commercial uses, generally, are proposed adjacent to any residential use or zoning district. A graduated setback is when a building is shorter the closer the building is to residential uses. Height can increase at certain increments as portions of the building are located farther from the residential uses (example below).



Example of graduated setback

Graduated setbacks are utilized especially for infill projects, such as this one, to lessen visual impact of tall buildings with windows being constructed near shorter buildings with windows. Although the example to the right does not show the required or recommended setback as provided below, the concept is illustrated.

Existing Shops PD Graduated Setback Requirement: Structures used for retail and/or office purposes that are 25,000 square feet or greater shall have a minimum yard setback requirement of 100 feet for any yard(s) adjacent to a residential use or residential zoning district. The yard setback for any yard(s) adjacent to a residential

use or residential zoning district must be increased by an additional two feet (2') for every 1,000 square feet of floor area above 25,000 square feet. The maximum yard setback requirement for a nonresidential structure(s) adjacent to a residential use or residential zoning district shall be two hundred and fifty feet (250').

Staff recommended the following graduated setback be provided, at minimum, along the northern property line, to meet the intent of the existing graduated setback requirement in The Shops PD, which did not contemplate a large multi-family structure since multi-family is not a permitted use: *No more than two-stories in height are provided within 150 feet of the residential property line, and no more than three stories in height within 200 feet.*

The proposed building is four stories and 60 feet tall, with approximately 302,000 square feet of floor area. The proposed building does not provide a graduated setback, and the applicant is proposing a straight minimum 80-foot setback along the northern property line. Many of the proposed apartment units will be able to see directly into yards of the homes, as well as into the second stories of the homes and vice versa. Although options for a graduated setback, and a wider landscape buffer and setback along Village Parkway were discussed with the applicant and requested, the applicant did not adjust the proposed location, height, or setbacks of the building. In terms of the siting and massing of the building, modifications would be required from the R District for height, maximum lot coverage, front yard setback, rear yard setback, and landscape buffer along Village Parkway.

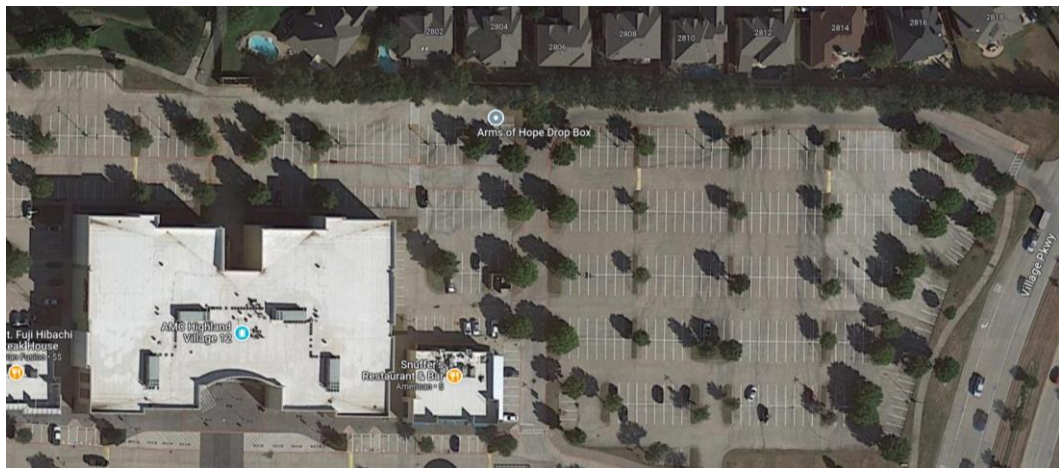
To brainstorm alternatives, Staff asked if providing the graduated setback would be possible if the building were five stories instead of four in an effort to improve proposed compatibility along the northern property line. The applicant stated that providing a graduated setback in the building design would result in loss of units, even if more than four stories are provided, and would make the project cost prohibitive. The applicant also stated that a building more than four stories tall could cause cost prohibitive changes to construction type and materials. Information demonstrating the development of these alternatives and their potential impacts on project cost/return have not been provided for review or consideration, and the applicant stated that no building design was explored that had a graduated setback.

The applicant provided sightline exhibits to address the Staff comment regarding views from the north-facing apartments to homes and vice versa (see Attachment 3: Sightline Exhibits). The applicant provided the Exhibits, but they did not resolve the technical sightlines that would be applicable with the proposed design of the upper stories' north-facing units to and from the homes to the north, especially from the existing homes' second stories and vice versa.

When asked about other areas of The Shops that the multi-family units could be provided as an alternative, such as the southwest corner of the center, the applicant stated that logistical and design concerns made them prohibitive (see Attachment 1 - Applicant: Project Narrative Description). Without making adjustments to the design of the structure or its location, the size and location of the proposed structure do not address adjacent resident concerns and are not consistent with the design and compatibility contemplated in the original or amended Shops PD.

Landscaping and Tree Preservation: The applicant is requesting multiple modifications to the R District standards and do not include multiple landscaping and tree preservation requirements from the existing Shops PD.

- **Landscape Buffers:** The governing PD for The Shops requires a minimum 20-foot landscape buffer adjacent to public right-of-way of any street and any area on private property between the street right-of-way and the curb of the parking area/building area (interior parkway). The applicant is proposing to provide a 10-foot landscape buffer along Village Parkway, as required in the R District instead of the 20-foot landscape buffer currently required. Also, the applicant is proposing a modification to the R District/Zoning Ordinance planting requirements within the buffer to allow trees to be planted elsewhere on the subject property instead of within the required buffer. The reduction in width of the landscape buffer, in conjunction with existing easements, prohibit planting of new trees or preservation of the existing mature trees along Village Parkway.
- **Site Landscape Area:** The existing PD requires a minimum of 20 percent landscaped area that must include a combination of trees, shrubs, plantings, ground cover, and grass. The proposed PD would remove this requirement without a modification since the R District landscape requirements do not have this requirement.
- **Tree Preservation:** The existing PD's preservation standards require that trees more than 12 inches in caliper be preserved. Incentives are provided to retain existing trees, such as all four-to-six-inch caliper trees retained receive 1.5 landscape credits per tree, and trees of at least six inches in caliper and 15 feet tall receive two landscape credits per tree. This requirement also allows the City to require that at least one tree of at least four-inch caliper be planted for every one tree of six-inch caliper or greater that was removed. The applicant is proposing to remove all trees on the subject property, except for the tree line along the north side of the subject property. The existing trees seen on the aerial and street views below would be removed without standards of preservation, transplanting, or replacement.



Aerial view of the trees on the subject property

Additional pictures on next page



View of existing trees and landscape islands in the movie theater parking lot that are proposed to be removed



View of existing trees and landscape buffer on Village Parkway, looking west

Parking: The Shops contain approximately 89 tenant spaces, 23 of which are currently listed as vacant according to the applicant. Although each use needs to have enough parking spaces, The Shops have been on one lot, and parking has been reviewed/required for the development overall. Should the rezoning request be approved, the applicant intends to subdivide the subject property from the overall Shops lot so that it would be located on its own lot, separate from the rest of The Shops.

- **Screening:** The governing PD requires that all parking areas that are adjacent to public streets and single-family zoning districts, such as the condition along the northern property line, be screened with live plant materials, berms, and/or masonry walls. Since the parking garage will be visible from the adjacent homes, this requirement would not be met with the existing zoning. Since the Zoning Ordinance does not have the same requirement, no special ordinance provision is requested for the proposed PD.
- **Parking Reduction:** The parking removed for the existing movie theater and the parking for the proposed apartments are proposed to be accommodated with the proposed parking garage and a shared parking agreement with office uses within The Shops. The required parking in the Zoning Ordinance for the movie theater and for the apartments (including the 30 percent reduction for shared parking with office uses within The Shops) results in a net loss/reduction of 314 required spaces for the center.

A parking analysis was provided by the applicant that included examples of other

Presidium multi-family developments around the DFW metroplex that have similar parking ratios to the one being proposed (see Attachment 4 - Applicant: Parking Analysis). The data lists the total units and parking provided by similar developments and compared it to the total parking proposed. The applicant also provided an ITE parking generation summary for the proposed use that included data for multi-family uses. It stated that the average multi-family low-rise development in an urban/suburban setting, not within half a mile of rail transit, is one parking stall per bedroom and 1.7 parking spaces per dwelling unit.

The proposed development provides 1.5 parking spaces for one bedroom, 1.8 parking spaces for two bedrooms, and two parking spaces for three-bedroom units. The proposed ratios are not consistent with the ITE information provided, do not meet minimums of the Zoning Ordinance, and the examples of other Presidium developments do not account for similar situations that include a movie theater and a mixed-use development.

The proposed development is located in the main commercial corridor of Highland Village, approximately 4.5 miles from the Highland Village/Lewisville Lake DCTA Commuter Rail Station. There is no available public transit at The Shops due to DCTA shutting down the two previously existing bus stops at The Shops. The center is located in a Lyft discount zone, however, which provides additional opportunities for alternative modes of transportation at a lower rate. Parking reductions are typically considered when public transit is readily available, and cars are not the only mode of transportation available, which is not the case with this development.

The proposed parking reduction is significant. When the vacant tenant spaces are filled, and if other redevelopment takes place within The Shops, under-parking the uses will cause issues with parking availability and could negatively impact the success and vitality of The Shops.

Trails: The Comprehensive Trail System Master Plan Update shows Market Trail surrounding the subject property. The existing PD requires a trail along the north and east sides of the subject property. The proposed plans indicate that the existing trails will remain, but the building appears to be located on a portion of the trail along the eastern side of the subject property.

Approval Criteria for PD District:

Per Section 28 – PD – Planned Development District of the Zoning Ordinance, based upon the Concept Plan, the Planning and Zoning Commission and City Council shall determine whether the PD district should be established, taking into account the following criteria:

- 1. The plan of development is consistent with the future land use objectives policies and map in the adopted comprehensive plan;*

The Comprehensive Plan details multiple compatibility standards for areas within Highland Village, especially relating to new development/redevelopment proposed near existing residential uses. Although the subject property does not have specific standards outlined in the Comprehensive Plan since it was already developed, the Comprehensive Plan clearly puts emphasis on compatibility with and protection of existing neighborhoods. The proposed development supports fiscal vitality of The Shops and the City overall, but there are some opportunities to improve compatibility in design and siting.

2. Proposed uses and project design are compatible with existing and planned adjoining uses and the character of the neighborhood in which the project is located;

There are existing, single family detached homes on the north side of the subject property. Due to the proposed height, setback, and sightlines to and from the proposed development, residents have expressed concerns regarding the lack of compatibility. The proposed development is compatible with The Shops, although the applicant is proposing not to include several design standards that are currently applicable to the subject property.

3. Adequate public facilities required to be installed by the developer will be provided in a timely manner to support each phase of the development;

The applicant has provided a Traffic Impact Analysis and drainage plans that provide information supporting adequate public facilities being planned for the development. Should the applicant wish to subdivide the property as indicated, the lot would have to meet all applicable engineering, subdivision, and zoning standards at that time.

4. Proposed uses and development standards are consistent with the purposes of the base zoning district, where applicable; and

The applicant is requesting a mixture of the “MF” – Multiple Family District - 16 and “R” – Retail District standards, with “R” – Retail District as the base zoning district for the PD. The standards within the MF District are more restrictive than the R District. The applicant is requesting multiple modifications to the R District and is proposing more uses than multi-family, including hotel/motel and a wide variety of other uses, even though multi-family is the only use that has been stated to be anticipated. If the applicant were to request the MF District instead of the R District, multiple standards, such as tree preservation, height, setbacks, design, massing, etc. would need modification. Since multi-family is not a permitted use in the R District, it does not appear to be the appropriate base zoning district for the proposed development.

5. The proposed phasing of development is consistent with the overall growth and development of the city.

The development is proposed to be constructed in one phase. The timing and phasing of the development is consistent with the overall growth and development of the city, especially in terms of fiscal vitality and sustainability.

IDENTIFIED NEEDS:

To conduct a public hearing and consider and make a recommendation to the City Council regarding the request to amend the zoning on the property.

OPTIONS & RESULTS:

Options are to recommend to the City Council that the application be (1) approved as submitted, (2) approve with modification, or (3) deny the request. The Planning and Zoning Commission may also postpone any action in order to receive any additional information which it requests be presented.

Per Section 28 – PD – Planned Development District of the Zoning Ordinance, the following

procedures are applicable:

Conditions: The planning and zoning commission may recommend such conditions and the city council may impose such conditions on establishment of the district as are reasonably necessary to assure that the approval criteria are met. Such conditions shall be stated in the adopting ordinance as standards applicable to the project development.

Planning and Zoning Commission recommendation: The Planning and Zoning Commission, after notice and public hearing, shall formulate its recommendation with respect to establishment of the district, including any conditions to be applied. The recommendation of the commission shall be forwarded to the City Council for final decision.

City Council decision: Following receipt of the Planning and Zoning Commission's recommendation, the City Council shall conduct a public hearing and shall approve, approve with conditions, or deny the application for establishment of the PD district.

PROGRESS TO DATE: (if appropriate)

As of the date of this briefing, May 12, 2023, staff has received an overall total of (20) emails and (1) letter regarding this request. (2) For, (18) Opposed, (1) inquiry.

Copies of those emails/letter are included in the packets.

BUDGETARY IMPACT/ORDINANCE CHANGE: (if appropriate)

An Ordinance is required. A copy of the draft ordinance setting forth the required development regulations prepared by the City Attorney is attached.

The proposed development would result in a substantial increase in property tax revenue compared to the existing parking lot, and the development would support the fiscal vitality and sustainability of the City and The Shops.

RECOMMENDATION:

Staff recommends that the Planning and Zoning Commission review and forward a recommendation to City Council.

ATTACHMENTS:

1. Applicant: Narrative Project Description
2. Applicant: Elevations
3. Applicant: Sightline Exhibits
4. Applicant: Parking Analysis
5. Existing Zoning – Proposed Zoning Comparison Table
6. MF District – R District Comparison Table
7. Existing Shops PD
8. Draft Ordinance
 - Exhibit A – Description of Property
 - Exhibit B – Concept Plan
 - Exhibit C – Elevations

NARRATIVE DESCRIPTION

Presidium Highland Village

Purpose: *Description of request.*

The purpose of this application is to request a zoning change for a portion of property generally located on the northeastern quadrant of the Shops at Highland Village (the “Shops”), to allow for multifamily use. There are no architecturally or historically significant features that exist on the property, as the area is currently used as a surface parking lot.

Comprehensive Plan: *Comprehensive Plan consistency – use, character, & design.*

As part of the Comprehensive Plan’s community engagement efforts, a specific question was raised: “What is Highland Village known for?”. The City’s leadership and Staff clearly identified the Shops as a key landmark for the City. In addition, the Highland Village Market Analysis has identified the Shops as an opportunity zone for renter-occupied residential. Specifically, “existing commercial and residential can use higher density housing as a transition (i.e. existing parking lots of [the] Shops at Highland Village). Creates urban context to support more density.” The challenges for meeting this renter-occupied residential is the lack of available land for development, along with the preservation of neighborhood character, and congestion. As such, the target to achieve this demand is to provide high quality, wrap or structure parked product, with smaller unit counts to continue building density around the established commercial core of Justin Road and Village Parkway.

As it relates to retail use, this same Market Analysis further states that there is a need to “leverage existing regional draw created by the Shops at Highland Village to capture a large number of customers”. The Shops make up nearly twenty-five percent (25%) of the City’s retail square footage and the success of these tenants is imperative to the financial success of the City. In addition, the Comprehensive Plan has identified a small undeveloped portion of the Shops, consisting of 0.34 acres, for restaurant use (designated “Opportunity Area #2”)

Finally, the Comprehensive Plan proposes the continuation of Market Trail, which is designated as an eight (8) to ten (10) foot path. Market Trail is proposed to wrap around the Shops, with a portion along the eastern and northern property line of this application. Accessibility is noted as a concern on Market Trail, with few ADA-accessible ramps onto the trail at the northern boundary of the Shops.

The Presidium Highland Village application specifically meets the above residential objectives. While we recognize that there are sensitivities to this development given the residential adjacency, we have provided ample buffering space between the multifamily building and the residential homes. Moreover, multifamily provides an appropriate transition to the residential neighborhood to the north. In addition, we will maintain the fence, landscaping, infill trees, and the continuation of Market Trail as it exists today along the northern property line to further shield from the residences. We will also include an ADA-accessible ramp onto Market Trail. With regard to retail operations, the continued success of the Shops is dependent on an infusion of interested

Attachment 1: Applicant Narrative Project Description

users, which multifamily will bring. The Opportunity Area #2 is a particularly small pad site with very limited development potential given the required setbacks and parking requirements that would be imposed for a restaurant use. This application proposing utilizing that space for a more compatible use that will help ensure the future success and longevity of the Shops.

Property Considerations: *Special consideration or unique characteristics of the property/proposed development (if any).*

As discussed above, the Shops need to continue to evolve to maintain relevant, and drive sales for its retailers. The property is limited in its infill capacity. Currently, the only area that has immediate development potential is the area proposed under this application.

Various scenarios were studied to help infuse the Shops with additional uses and customers, including adding office and hotel uses; however these were simply not financially viable options under current market conditions. Ultimately, developing a Class A multifamily was determined to be the highest and best use.

Upon making this determination, multiple locations within the Shops were assessed in determining the appropriate location for multifamily, including the proposed location and the western parking lot. The western parking lot location was determined to be inferior and ruled out of consideration as a bottleneck location and dimensions would lead to an awkward and inefficient design. Specifically, changes to the western parking lot posed significantly more changes to existing tenants for services and access, employees and customer parking, and certain city infrastructure. Collectively the concern was the western parking lot would more negatively impact existing operations, financial viability, and potentially hinder adjacent retail sales performance. Additionally, and more importantly, the proposed location creates a cohesive plan where the residential development anchors the overall site, , creating a sophisticated lifestyle focal point to replace an underutilized sea of parking.

AEW is one of the largest real estate asset managers in the world. Since our inception, we have helped investors access real estate investment opportunities, and have delivered impact through the communities we invest. We believe the property is at a positive inflection point, requiring further consideration today, and with the right support the Shops can reach its full potential to remain in a competitive landscape of tomorrow. The development team we have assembled includes Poag Development Group, who represents a leading mixed-use developer and lifestyle retail center expert, and Presidium, who is leading our development design with our direction. Presidium prides itself on creating and developing best-in-class projects. This property will be no exception. From the finish-out of the units to the amenity offerings, this will be a place that residents will be proud to call home. Presidium's goal is to positively impact the lives of the residents they serve, while also enhancing the communities they develop in. AEW's goals are aligned, and with Presidium's track record in serving its residents, paired with the potential impact this project would have to the continued success of the Shops, this project will meet those goals.

Justification: *Detailed justification and/or supporting documentation as to why the applicant is requesting to amend the PD, including explanation of each special ordinance provision.*

Attachment 1: Applicant Narrative Project Description

As you are likely aware, there have been numerous zoning amendments made to the Shops since its inception and as such, the existing Planned Development zoning ordinance is complex and difficult to interpret. After consulting with City Staff, we've determined that a new Planned Development District is most appropriate to address this rezoning request before you.

We have proposed to maintain the property's existing base zoning regulations of Retail ("R") zoning district, with modifications to the following PD regulations:

- Uses: All uses are subject to the same conditions applicable in the respective zoning district, except in the event of conflict, then the uses permitted in the Retail ("R") zoning district.
 - We have added the uses permitted in the Multiple-family ("MF") zoning district.
 - We have added "hotel/motel" use for the longevity of the property.
- Development Standards: We have requested a maximum building height of 60 feet, with no minimum lot size, reduced yard regulations due to lot constraints, and reduced parking based on a parking analysis. We are providing additional amenities for multifamily use.
- Landscaping: The only exception requested for landscaping requirements would be to plant trees immediately adjacent to the landscape buffer and not in the 10' landscape buffer along Village Parkway (FM 2499). There is a utility easement that lands in that buffer, which limits our ability to place trees in the area. As such, trees will be placed immediately adjacent. With that being said, we can accommodate the same number of trees and will be able to cluster them as prescribed by the minimum landscape requirements.
- Signage: We have requested one modification for wall signs to permit a wall sign that is perpendicular to the building surface (similar to a projecting sign). This is beneficial for property identification purposes.

History: *History of the proposed project and any neighborhood/community feedback.*

As part of this zoning request, we hosted a voluntary community-wide meeting in October of 2021. We presented the proposed development, which at the time consisted of two (2) phases. We heard the concerns of the citizens and reduced the plan down to one (1) phase. In addition, we have also met with HOA Board of the Rolling Hills community directly behind us. We have also had many discussions with City Staff regarding the project.

Drainage & Infrastructure: *Description of development and/or zoning change impacts on drainage, water utilities, sanitation, sanitary sewer utilities, roadways, and traffic*

Some reconfiguration of the existing drainage infrastructure on site will be necessary to accommodate the site plan, but it will not impact the current capacity and will not increase runoff flows from what they are today. We will also be reducing the amount of impervious area from the existing conditions of the site.

Attachment 1: Applicant Narrative Project Description

With the expansion of the Village Parkway (FM 2499) and Justin Road (FM 407) intersection slated to begin soon, a Traffic Impact Analysis was performed with that in mind. That study indicated that the surrounding roadway infrastructure has the capacity to handle the proposed development. The development will utilize existing driveway entrances and turn lanes.

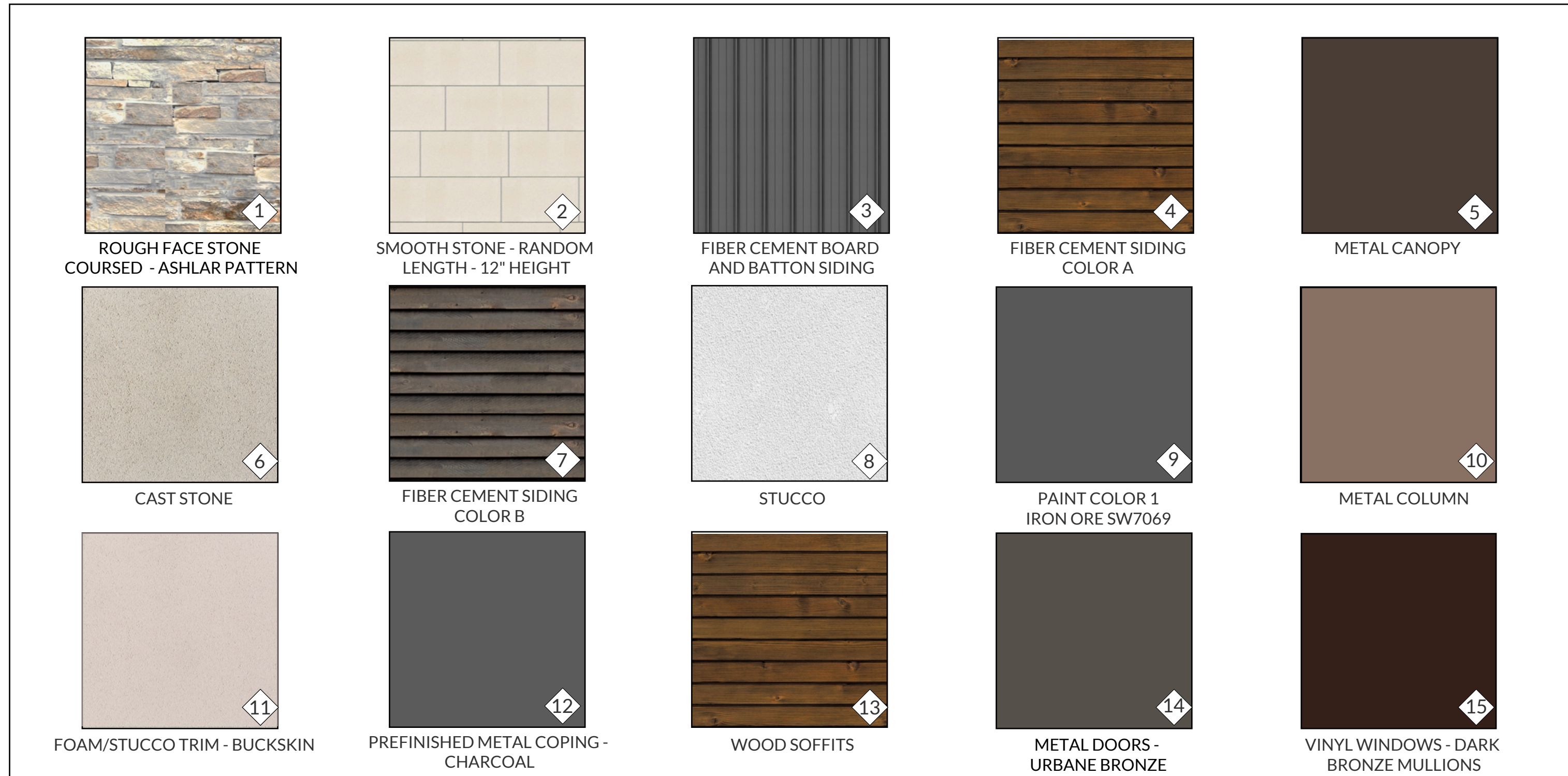
No major changes to surroundings roadways would be required with the development of this project. The project will utilize the sanitary sewer and water infrastructure immediately adjacent to the project location.

City Services: *Description of development and/or zoning change impacts on city services, such as building inspection, development, police, and fire.*

We anticipate limited impacts on City services. We have already agreed to split the cost of the 3rd party planning reviewer with the City. We will pay any and all permit and/or inspection fees associated with the project and we are not seeking any City-funded incentives. Additionally, we would be willing to utilize 3rd party plan reviewers and inspectors if necessary to limit the burden on City Staff.

We will work with the Police Department and offer a courtesy unit for an Officer to reside on site. We believe this will benefit the Shops, the multifamily project, and the surrounding neighborhood. Based on discussions with City Staff we understand that the City's Fire Department does not have a ladder truck to service a property of this height, however we also understand that the City does have reciprocity with the Flower Mound and Lewisville Fire Departments. According to Flower Mound's website, at Flower Mound Fire Station #1 which is 3.2 miles from the subject property, is Truck 501. This is a ladder truck and we anticipate this could be used to service the project in the event of an emergency.

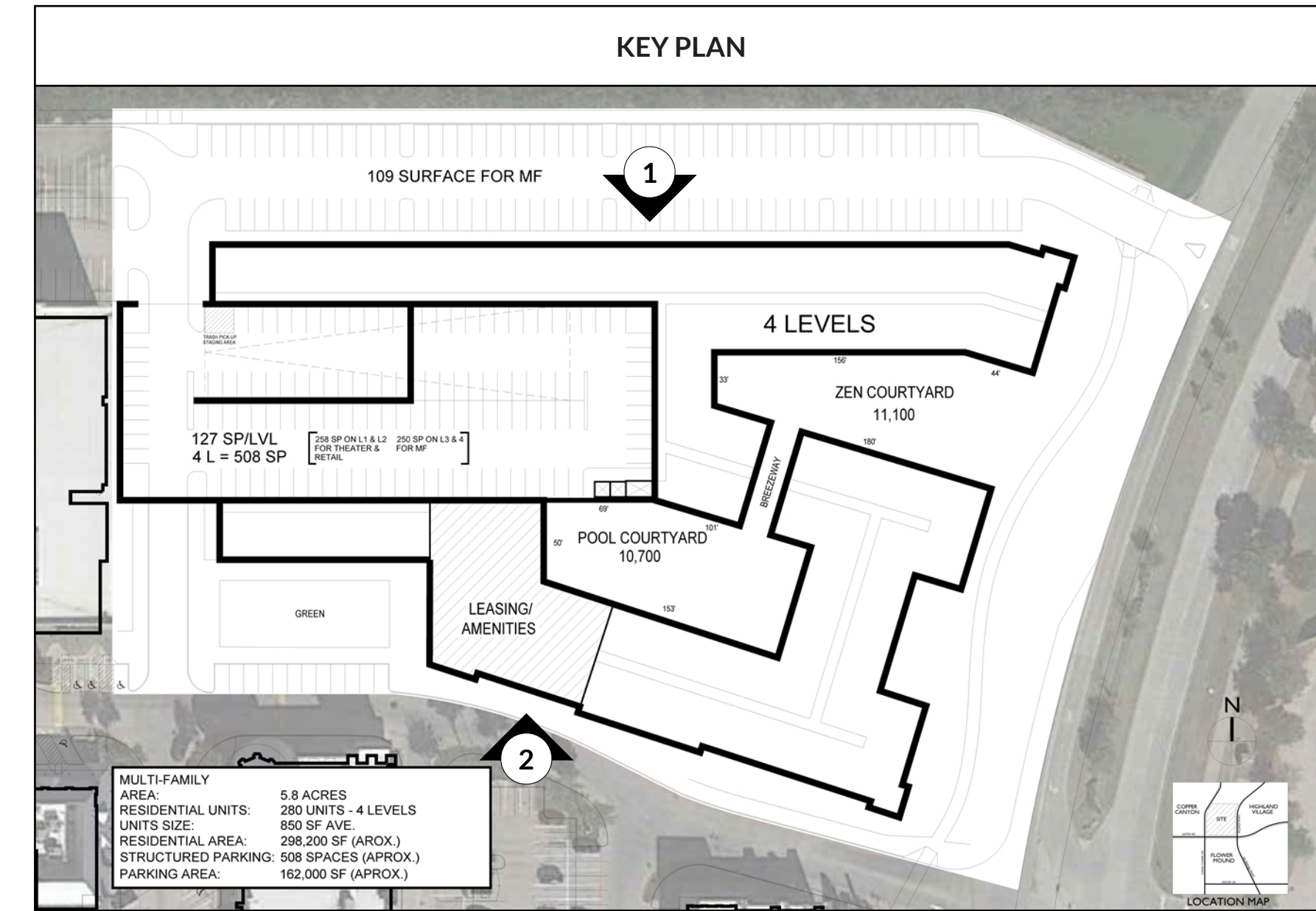
Additionally, this project will have a significant impact on the City's tax coffers. The pro-forma prepared for this project estimates a minimum of \$1,300,000.00 million in annual ad valorem property taxes, with \$360,000.00 of that allocated strictly to the City of Highland Village. This is based on current tax rates and the projected value of the land and improvements.



ELEVATION KEYNOTES	
1	ROUGH FACE STONE COURSED - ASHLAR PATTERN
2	SMOOTH STONE - RANDOM LENGTH - 12" HEIGHT
3	FIBER CEMENT BOARD AND BATTON SIDING
4	FIBER CEMENT SIDING COLOR A
5	METAL CANOPY
6	CAST STONE
7	FIBER CEMENT SIDING COLOR B
8	STUCCO
9	PAINTED METAL/FAISCA COLOR 1
10	METAL COLUMN
11	FOAM/STUCCO TRIM - BUCKSKIN
12	PREFINISHED METAL COPING - CHARCOAL
13	WOOD SOFFITS
14	METAL DOORS - URBANE BRONZE
15	VINYL WINDOWS - DARK BRONZE MULLIONS
16	METAL SCREEN

GENERAL NOTES

- WINDOWS ARE VINYL U.N.O.
- REF. CIVIL FOR GRADE ELEVATIONS.

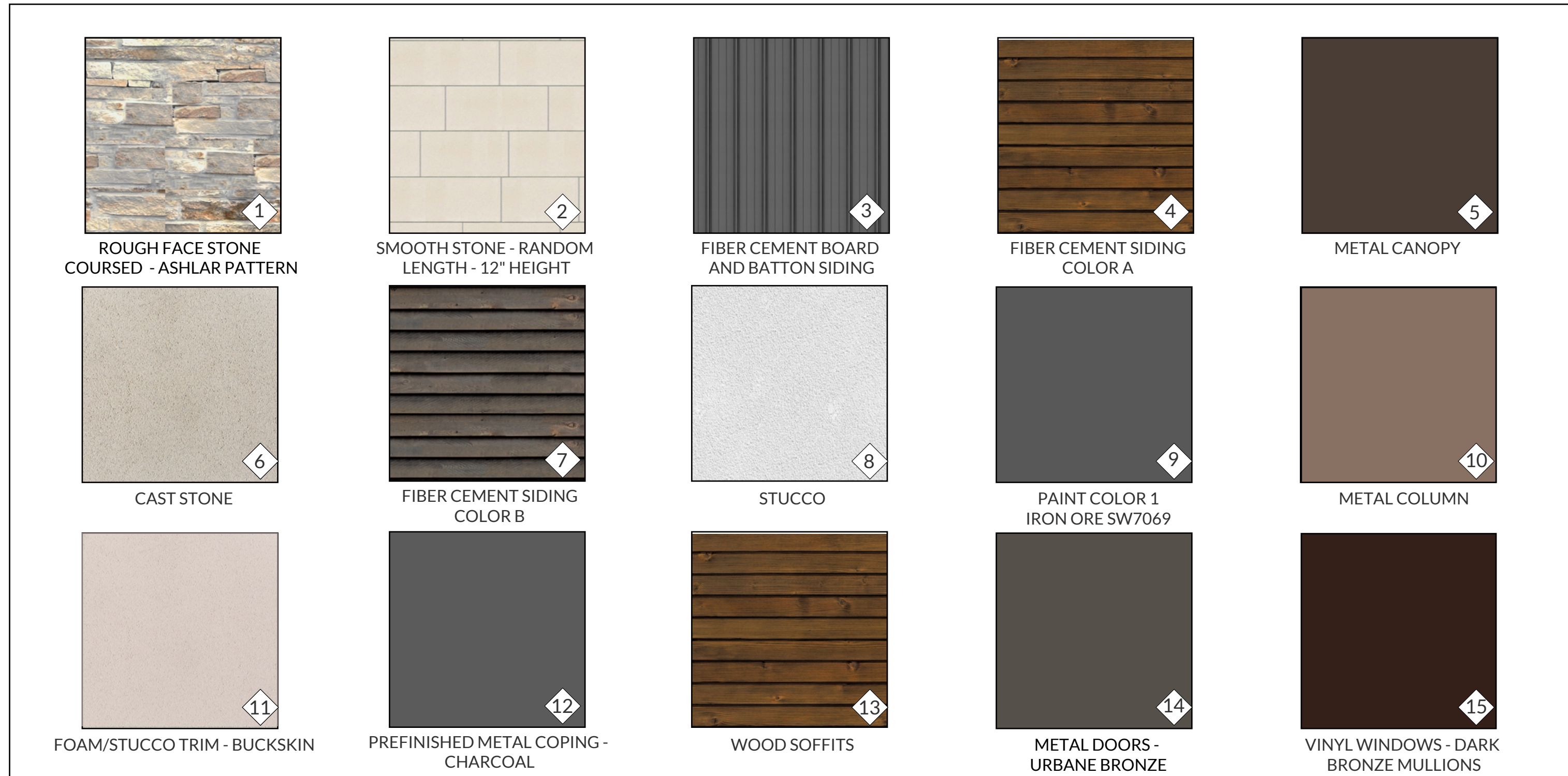


2 SOUTH ELEVATION
SCALE: 1" = 20'-0"



1 NORTH ELEVATION
SCALE: 1" = 20'-0"

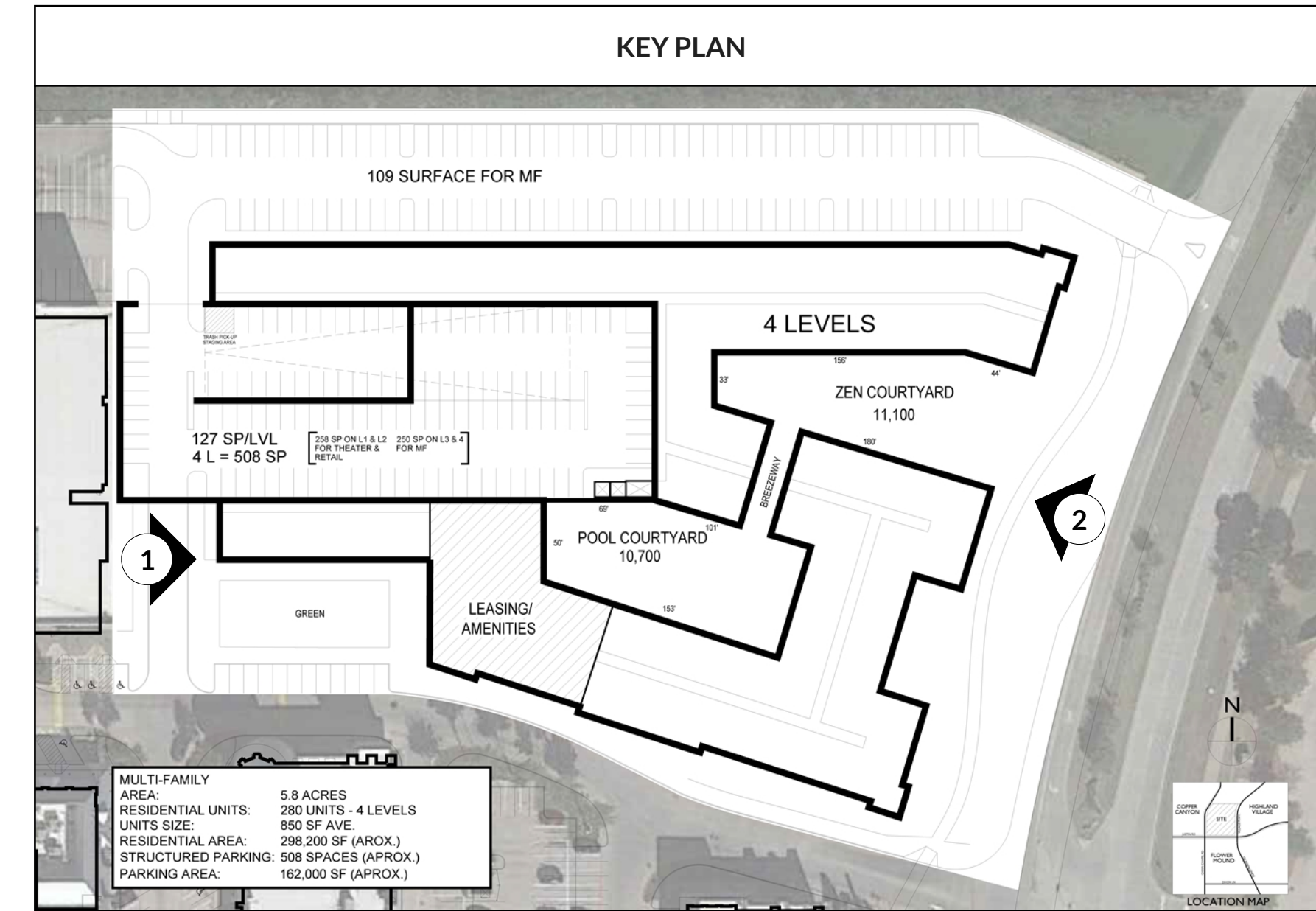
HIGHLAND VILLAGE



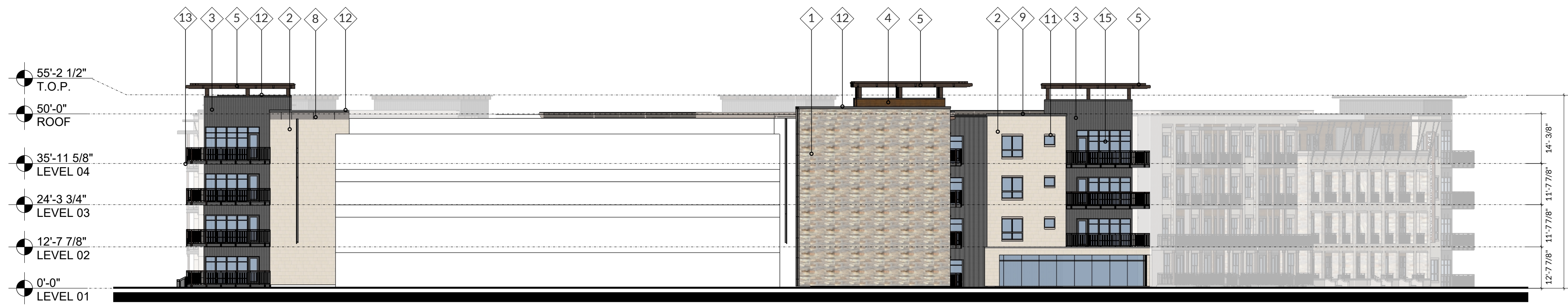
ELEVATION KEYNOTES	
1	ROUGH FACE STONE COURSED - ASHLAR PATTERN
2	SMOOTH STONE - RANDOM LENGTH - 12" HEIGHT
3	FIBER CEMENT BOARD AND BATTON SIDING
4	FIBER CEMENT SIDING COLOR A
5	METAL CANOPY
6	CAST STONE
7	FIBER CEMENT SIDING COLOR B
8	STUCCO
9	PAINTED METAL/FAISCA COLOR 1
10	METAL COLUMN
11	FOAM/STUCCO TRIM - BUCKSKIN
12	PREFINISHED METAL COPING - CHARCOAL
13	WOOD SOFFITS
14	METAL DOORS - URBANE BRONZE
15	VINYL WINDOWS - DARK BRONZE MULLIONS
16	METAL SCREEN

GENERAL NOTES

- WINDOWS ARE VINYL U.N.O.
- REF. CIVIL FOR GRADE ELEVATIONS.

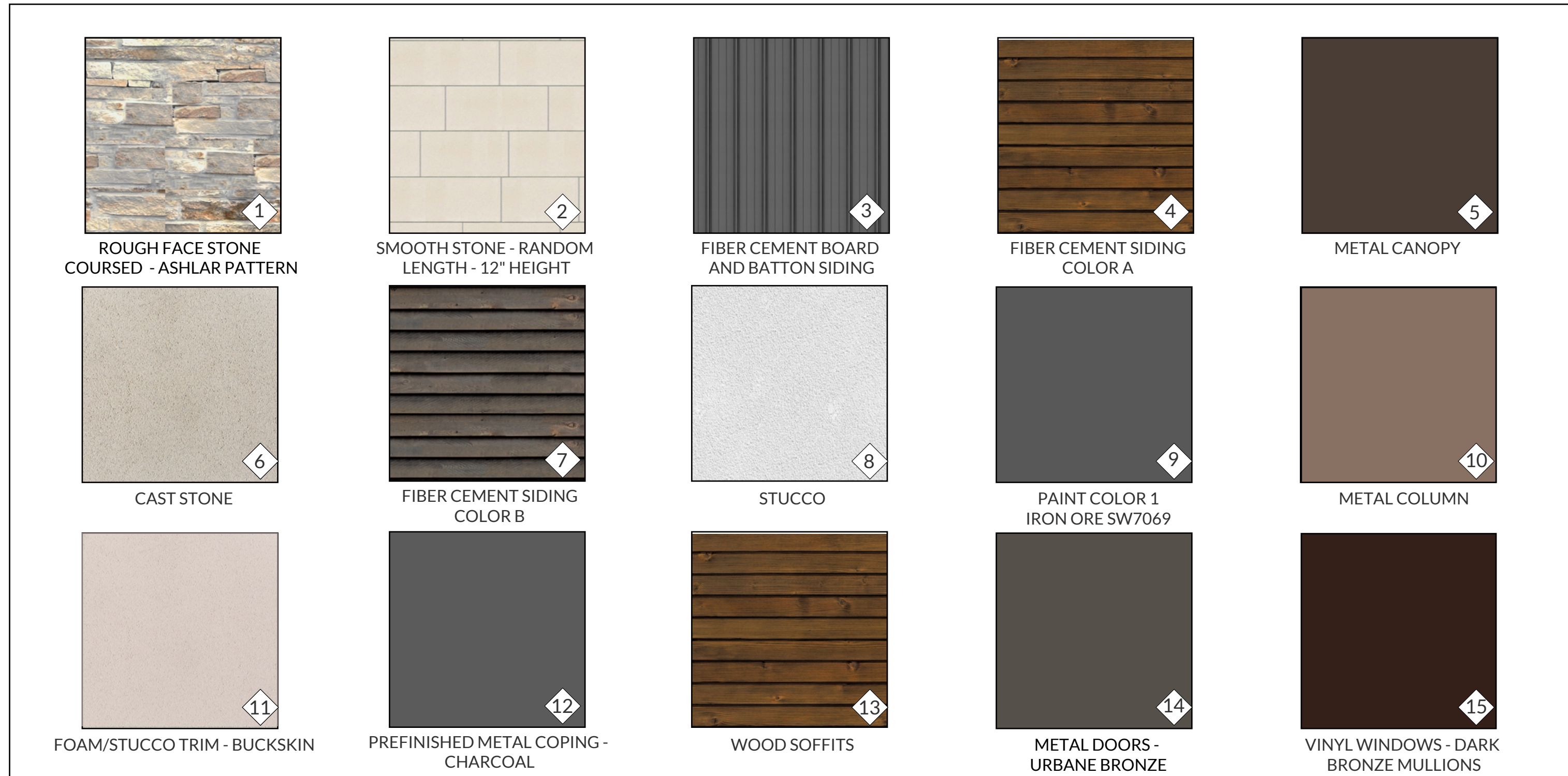


2 EAST ELEVATION
SCALE: 1" = 20'-0"



1 WEST ELEVATION
SCALE: 1" = 20'-0"

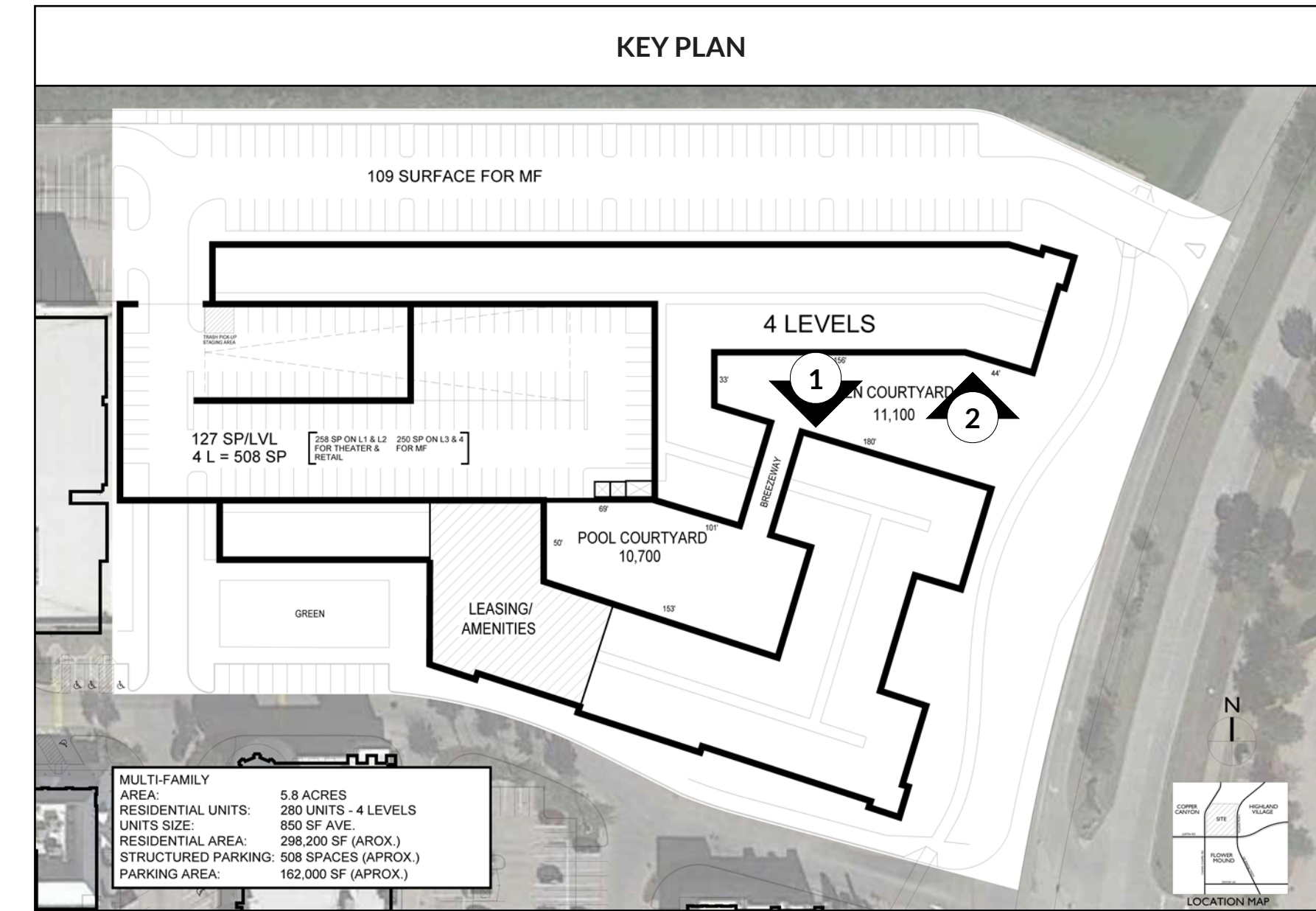
HIGHLAND VILLAGE



ELEVATION KEYNOTES	
1	ROUGH FACE STONE COURSED - ASHLAR PATTERN
2	SMOOTH STONE - RANDOM LENGTH - 12" HEIGHT
3	FIBER CEMENT BOARD AND BATTON SIDING
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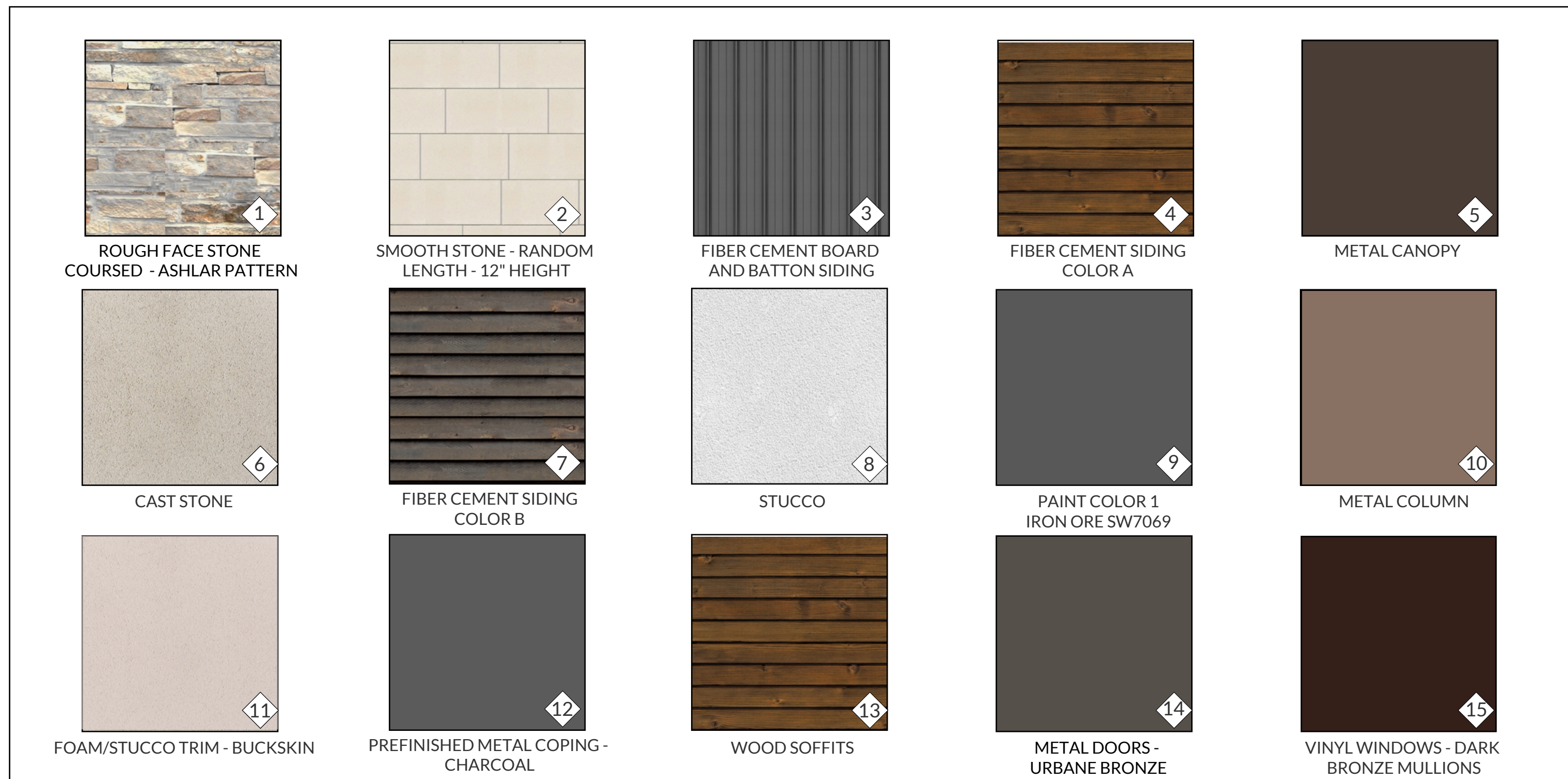


2 SOUTH ELEVATION - ZEN GARDEN
SCALE: 1" = 20'-0"



1 NORTH ELEVATION - ZEN GARDEN
SCALE: 1" = 20'-0"

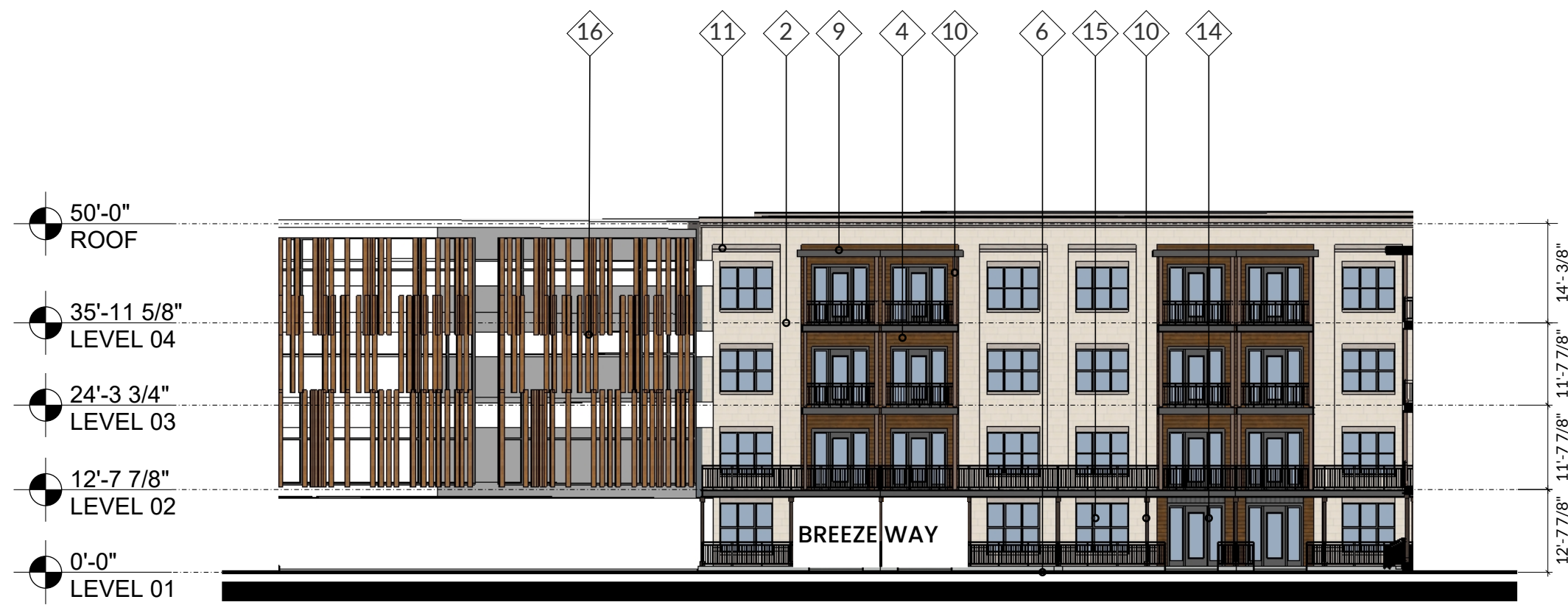
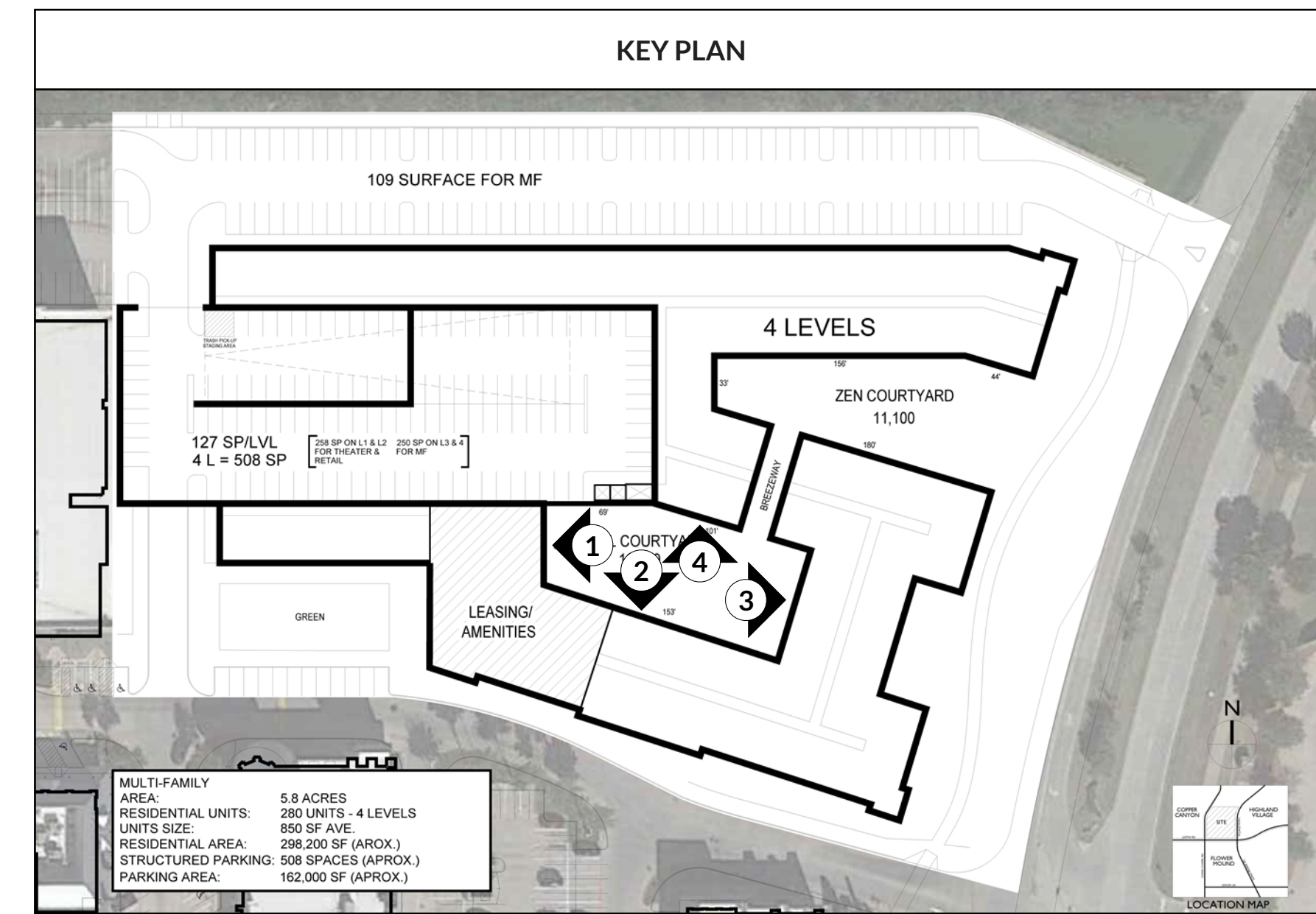
HIGHLAND VILLAGE



ELEVATION KEYNOTES	
1	ROUGH FACE STONE COURSED - ASHLAR PATTERN
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GENERAL NOTES

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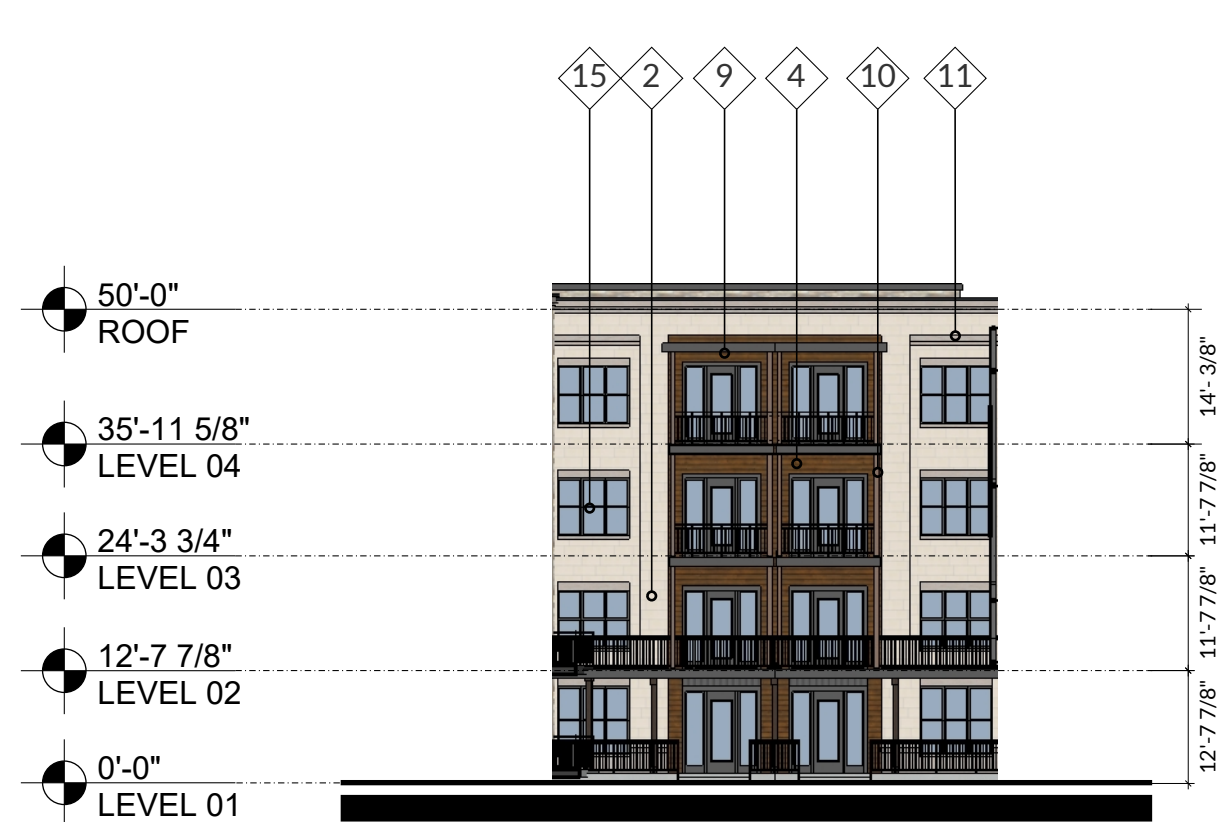
4 SOUTH ELEVATION - POOL
SCALE: 1" = 20'-0"



3 WEST ELEVATION - POOL
SCALE: 1" = 20'-0"



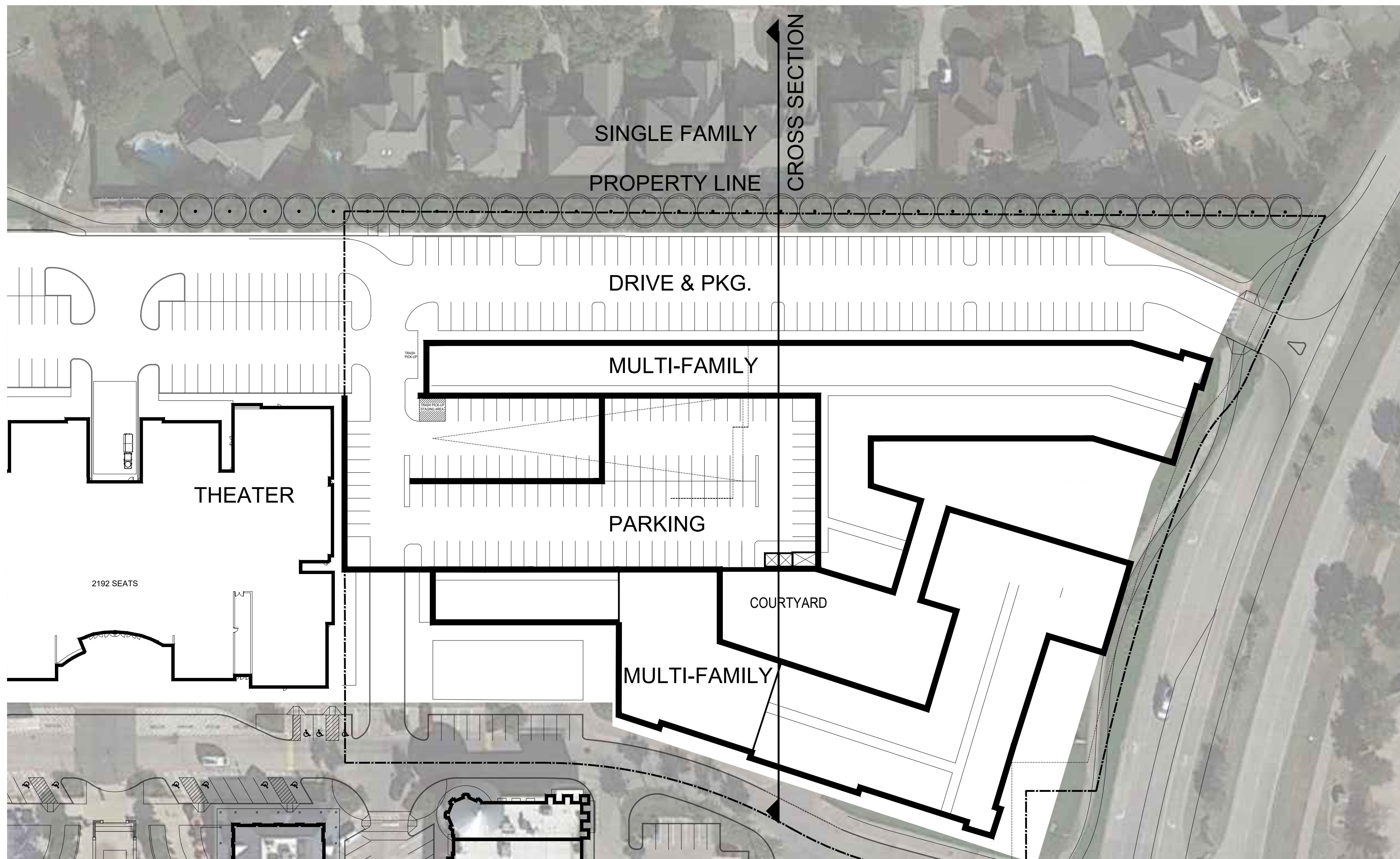
2 NORTH ELEVATION - POOL
SCALE: 1" = 20'-0"



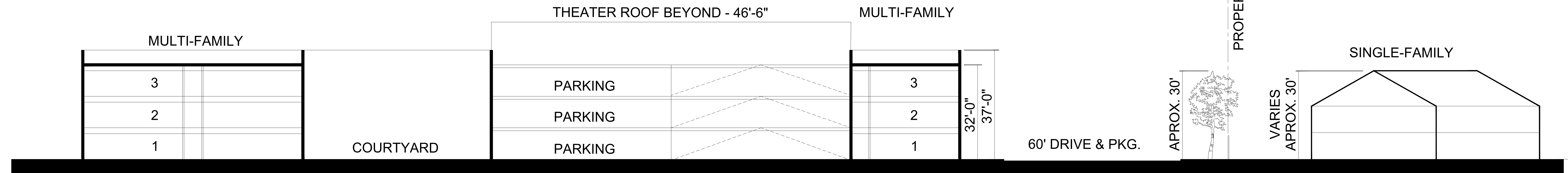
1 EAST ELEVATION - POOL
SCALE: 1" = 20'-0"

HIGHLAND VILLAGE

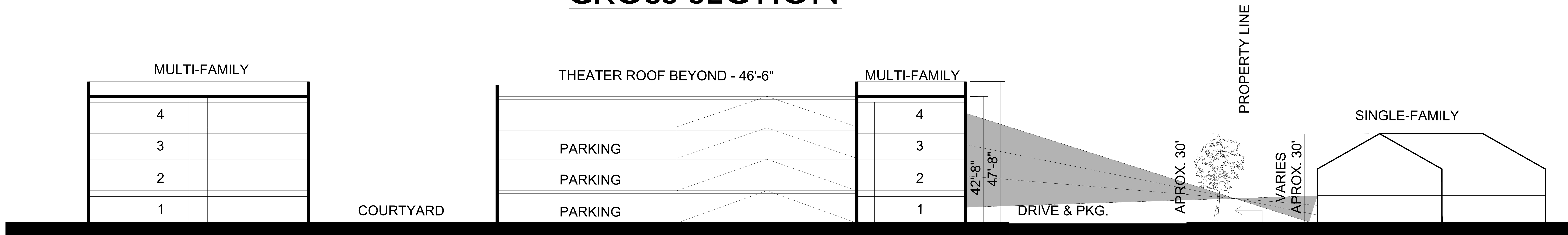
Attachment 3: Applicant Sightline Exhibit



SITE PLAN



CROSS SECTION



CROSS SECTION

The Shops at Highland Village

Presidium / Poag

Highland Village, TX.

SITE LINE STUDY FROM MF

SCALE: NTS JOB No.: 00079 DATE: 04.17.23



Attachment 4: Applicant Parking Analysis

Highland Village Parking - Retail/Theater

	<u>Spaces</u>	<u>Notes</u>	
Total Spaces	1,952	5/16/22 Site Plan.	
Spaces Removed for Sip & Savor	(3)		
Net Total	1,949		
Options			
Parking Lost for MF	(478)		
Parking in MF Garage	49		
Spaces Added to Rear	115		
Spaces Lost to MF and new drive added	(314)		
Net Spaces after MF and Drive Addition	1,635		
Parking Requirements			
Parking Required for Retail	1,791	Current Excess	158
Reduction for Loss of Snuffers	(21)		
30% Theater Sharing	(135)		
Net Parking Required for Retail	1,635		
Net Over/(Under)	0		

Attachment 4: Applicant Parking Analysis

Highland Village Parking Requirements

Per Michael Leavitt (city manager) email on 9/21/15, all retail is considered Retail. There is not a separate classification for restaurants.

Section 31 of Highland Village Zoning Ordinance No. 95-699

Ordinance 01-872 repeals the overlay district and establishes a new one for the Shops and the Marketplace

01-872 states that the Highland Village Marketplace Overlay Zoning District shall comply with Section 31 of Highland Village Zoning Ordinance No. 95-699

Ordinance 03-906 - For purposes of this Overlay District, all retail uses within the Overlay district shall have a parking ratio of 1 space for every 250 sq. ft. of floor area.

Up to 30 percent of the parkingspaces required for a theater, stadium or other place of evening entertainment (after 6:00 p.m.), or for a church, may be provided and used jointly by banks, offices, and similar uses not normally open, used, or operated during evening hours.

Attachment 4: Applicant Parking Analysis

Shops at Highland Village

Space #	Name	SF	Category	Parking Req	Parking
A110	Mt. Fuji	6,475	Retail	250	25.90
B100	AMC Theatre	50,916	Theater	5	451.00
C100	Snuffer's	5,200	Retail	250	20.80
D100	Shoal Creek Tavern	5,300	Retail	250	21.20
D110	Vacant	7,014	Retail	250	28.06
D120	Onyx Nail Bar	3,376	Retail	250	13.50
D130	Teez Hair Studio	2,202	Retail	250	8.81
D140	Adventure Kids Playcare	4,114	Office	300	13.71
D150	Vacant	0	Retail	250	-
D160	Compass Real Estate	6,668	Office	300	22.23
D240	Delta Dental Insurance Company	10,678	Office	300	35.59
D245	Management Office	1,464	Office	300	4.88
D246	Opsgility	3,640	Office	300	12.13
D248	Vacant	2,662	Office	300	8.87
D250	Vacant	3,624	Office	300	12.08
D260	Highland Village Smile Studio	1,965	Medical	200	9.83
D268	Inspire Yoga	1,750	Exercise	100	17.50
D285	Academy Mortgage	2,550	Office	300	8.50
D290	CanAm Oklahoma Petroleum	1,477	Office	300	4.92
E100	Blue Goose Cantina	5,503	Retail	250	22.01
F110	Nestle Tollhouse Cafe	1,300	Retail	250	5.20
F120	Vacant	1,429	Retail	250	5.72
F130	Vacant	2,000	Retail	250	8.00
F140	Brightside Boutique	2,000	Retail	250	8.00
F160	Nasr Brothers Jewelers	1,600	Retail	250	6.40
F170	Francesca's Collections	1,400	Retail	250	5.60
G110	Rockfish Seafood Grill	3,803	Retail	250	15.21
G120	Ben & Jerry's	900	Retail	250	3.60
H100	Barnes & Noble	26,612	Retail	250	106.45
I110	Apricot Lane Boutique	2,524	Retail	250	10.10
I120	Claire's	1,170	Retail	250	4.68
I130	Sunglass Hut	1,500	Retail	250	6.00
I140	La Myrrah	1,100	Retail	250	4.40
I150	White House Black Market	3,500	Retail	250	14.00
J110	Delhi6 Indian Kitchen and Bar	2,430	Retail	250	9.72
J120	Vacant	4,496	Retail	250	17.98
J130	Vacant	3,212	Retail	250	12.85
J140	Vacant	2,564	Retail	250	10.26
J150	Vacant	3,604	Retail	250	14.42
J160	Zumiez	2,784	Retail	250	11.14
J170	Vacant	7,149	Retail	250	28.60
J180	Kendra Scott	2,085	Retail	250	8.34
J190	Vacant	1,915	Retail	250	7.66
K110	Torchy Tacos	5,263	Retail	250	21.05
K115			Retail	250	-
K120	Boardroom Salon for Men	2,270	Retail	250	9.08
K130	Vacant	2,587	Retail	250	10.35
K135	Pigtails & Crewcuts	1,384	Retail	250	5.54
K140	Plus Nails Bar	3,400	Retail	250	13.60
K150	FedEx Office	1,947	Retail	250	7.79
K160	Visionworks	3,200	Retail	250	12.80
L100	Vacant	6,390	Retail	250	25.56
M110	Grimaldi's Pizzeria	3,750	Retail	250	15.00
M120	Hazel + Honey Boutique	2,300	Retail	250	9.20
M130	James Avery Craftsman	2,720	Retail	250	10.88
M140	Jack's Outfitters	1,965	Retail	250	7.86
N110	Lambeaus America Kitchen and Taps	4,747	Retail	250	18.99
N115	Tiff's Treats	1,502	Retail	250	6.01

Attachment 4: Applicant Parking Analysis

N120	Lucy Voss	2,100	Retail	250	8.40	
O110	Chico's	5,201	Retail	250	20.80	
O120	Soma Intimates	2,793	Retail	250	11.17	
P110	Mattison Avenue	10,731	Retail	250	42.92	
P130	Talbots	4,000	Retail	250	16.00	
P140	Buff City Soap	3,287	Retail	250	13.15	
P150	Vacant	0	Retail	250	-	
PKLT	Vacant	0	Retail	250	-	
Q110	Tangerine Salon	3,053	Retail	250	12.21	
ezz	Buckle	4,566	Retail	250	18.26	
Q130	Brass Tap, The	3,018	Retail	250	12.07	
Q140	Bath & Body Works	4,500	Retail	250	18.00	
Q145	Vacant	500	Retail	250	2.00	
Q150	Banana Republic	8,000	Retail	250	32.00	
Q160	Vacant	1,414	Retail	250	5.66	
Q170	Ann Taylor Loft	5,800	Retail	250	23.20	
Q180	Vacant	2,599	Retail	250	10.40	
Q190	Corner Bakery Cafe	3,300	Retail	250	13.20	
R110	Vacant	5,098	Retail	250	20.39	
R120	Woodhouse Day Spa	5,175	Retail	250	20.70	
R120A	Vacant	325	Retail	250	1.30	
R130	Neon Elephant	2,404	Retail	250	9.62	
R140	Victoria's Secret	8,000	Retail	250	32.00	
R150	Learning Express	2,000	Retail	250	8.00	
R160	Megan's Lifestyle Boutique	1,500	Retail	250	6.00	
R165	Vacant	500	Retail	250	2.00	
T9999	United Thrift Management	0	Retail	250	-	
V	Buffalo Wild Wings	6,300	Retail	250	25.20	
W	Vacant	0	Retail	250	-	
X	Capital One	4,000	Bank	300	13.33	
Y	Whole Foods Market	38,350	Retail	250	153.40	5,720 is mezzanine
		<u>389,594</u>			<u>1,791</u>	

Up to 30% of the spaces required for a theater may be used jointly with office. City manager must approve and a document must be executed.

Attachment 4: Applicant Parking Analysis

HIGHLAND VILAGE MF PARKING

Units	280
Garage Parking Provided	459
Street Parking Provided	0
Total Parking Provided	459

	Units	beds	Rate	Required Spaces	Provided Spaces	Provided Rate	
Studio/1BR	61%	170	170	1.75/Unit	298	258	1.52
2 BR	35%	98	196	2/Unit	196	177	1.81
3 BR	4%	12	36	2.5/Unit	30	24	2.00
TOTAL	100%	280	402		524	459	

Required Spaces/Unit Ratio: 1.87

Provided Spaces/Unit Ratio: 1.64

Required Spaces/Bed: 1.30

Provided Spaces/Bed: 1.14

Average Spaces/Unit for Similar
N. Texas Presidium MF Projects: 1.57

Average Spaces/Unit for Similar
N. Texas Presidium MF Projects: 1.11

Attachment 4: Applicant Parking Analysis

Other Local Presidium MF Projects

Presidium Revelstoke
9600 Blue Mound Rd
Fort Worth, TX 76131

<u>Units:</u>		<u>%</u>	<u>Beds</u>
Studio/1BR:	243	60%	243
2 BR:	144	35%	288
3 BR:	21	5%	63
TOTAL:	408	100%	594

Parking Provided:

Garage	46
Surface	555
HC Surface	13
HC Garage	2
Tandem	48
TOTAL:	664

Spaces/Unit Ratio: 1.627451
Spaces/Bed Ratio: 1.117845

Presidium Hill Street
1610 Hill St
Grand Prairie, TX 75050

<u>Units:</u>		<u>%</u>	<u>Beds</u>
Studio/1BR:	198	68%	198
2 BR:	80	28%	160
3 BR:	12	4%	36
TOTAL:	290	100%	394

Parking Provided:

Garage	89
Surface	132
HC Surface	3
HC Garage	2
Tandem	89
Carpport	134
Carpport HC	3
TOTAL:	452

Spaces/Unit Ratio: 1.558621
Spaces/Bed Ratio: 1.147208

Presidium Berkshire
9632 Berkshire Lake Blvd
Fort Worth, TX 76131

<u>Units:</u>		<u>%</u>	<u>Beds</u>
Studio/1BR:	222	65%	222
2 BR:	97	29%	194
3 BR:	21	6%	63
TOTAL:	340	100%	479

Parking Provided:

Garage	38
Surface	440
Tandem	38
TOTAL:	516

Spaces/Unit Ratio: 1.517647
Spaces/Bed Ratio: 1.077244

Average Spaces/Unit: 1.572254
Average Spaces/Bed: 1.112474

Land Use: 221 Multifamily Housing (Mid-Rise)

Description

Mid-rise multifamily housing includes apartments, townhouses, and condominiums located within the same building with at least three other dwelling units and with between three and 10 levels (floors) of residence. Multifamily housing (low-rise) (Land Use 220), multifamily housing (high-rise) (Land Use 222), and affordable housing (Land Use 223) are related land uses.

Time of Day Distribution for Parking Demand

The following table presents a time-of-day distribution of parking demand on a weekday (one general urban/suburban study site), a Saturday (two general urban/suburban study sites), and a Sunday (one dense multi-use urban study site).

Hour Beginning	Percent of Peak Parking Demand		
	Weekday	Saturday	Sunday
12:00–4:00 a.m.	100	100	100
5:00 a.m.	94	99	–
6:00 a.m.	83	97	–
7:00 a.m.	71	95	–
8:00 a.m.	61	88	–
9:00 a.m.	55	83	–
10:00 a.m.	54	75	–
11:00 a.m.	53	71	–
12:00 p.m.	50	68	–
1:00 p.m.	49	66	33
2:00 p.m.	49	70	40
3:00 p.m.	50	69	27
4:00 p.m.	58	72	13
5:00 p.m.	64	74	33
6:00 p.m.	67	74	60
7:00 p.m.	70	73	67
8:00 p.m.	76	75	47
9:00 p.m.	83	78	53
10:00 p.m.	90	82	73
11:00 p.m.	93	88	93

Attachment 4: Applicant Parking Analysis

Additional Data

In prior editions of *Parking Generation*, the mid-rise multifamily housing sites were further divided into rental and condominium categories. An investigation of parking demand data found no clear differences in parking demand between the rental and condominium sites within the ITE database. As more data are compiled for future editions, this land use classification can be reinvestigated.

The average parking supply ratios for the study sites with parking supply information are shown in the table below.

Setting	Proximity to Rail Transit	Parking Supply Ratio	
		Per Dwelling Unit	Per Bedroom
Center City Core	Within ½ mile of rail transit	1.1 (15 sites)	1.0 (12 sites)
Dense Multi-Use Urban	Within ½ mile of rail transit	1.2 (39 sites)	0.9 (34 sites)
	Not within ½ mile of rail transit	1.2 (65 sites)	0.8 (56 sites)
General Urban/Suburban	Within ½ mile of rail transit	1.5 (25 sites)	0.8 (12 sites)
	Not within ½ mile of rail transit	1.7 (62 sites)	1.0 (39 sites)

The sites were surveyed in the 1980s, the 1990s, the 2000s, and the 2010s in California, Colorado, District of Columbia, Maryland, Massachusetts, New Jersey, New York, Oregon, Virginia, Washington, and Wisconsin.

It is expected that the number of bedrooms and number of residents are likely correlated to the parking demand generated by a residential site. Parking studies of multifamily housing should attempt to obtain information on occupancy rate and on the mix of residential unit sizes (i.e., number of units by number of bedrooms at the site complex). Future parking studies should also indicate the number of levels contained in the residential building.

Source Numbers

21, 209, 247, 255, 277, 401, 402, 419, 505, 512, 522, 533, 535, 536, 537, 538, 545, 546, 547, 575, 576, 577, 579, 580, 581, 583, 584, 585, 587

Multifamily Housing (Mid-Rise) (221)

Peak Period Parking Demand vs: Dwelling Units

On a: Weekday (Monday - Friday)

Setting/Location: General Urban/Suburban (no nearby rail transit)

Peak Period of Parking Demand: 10:00 p.m. - 5:00 a.m.

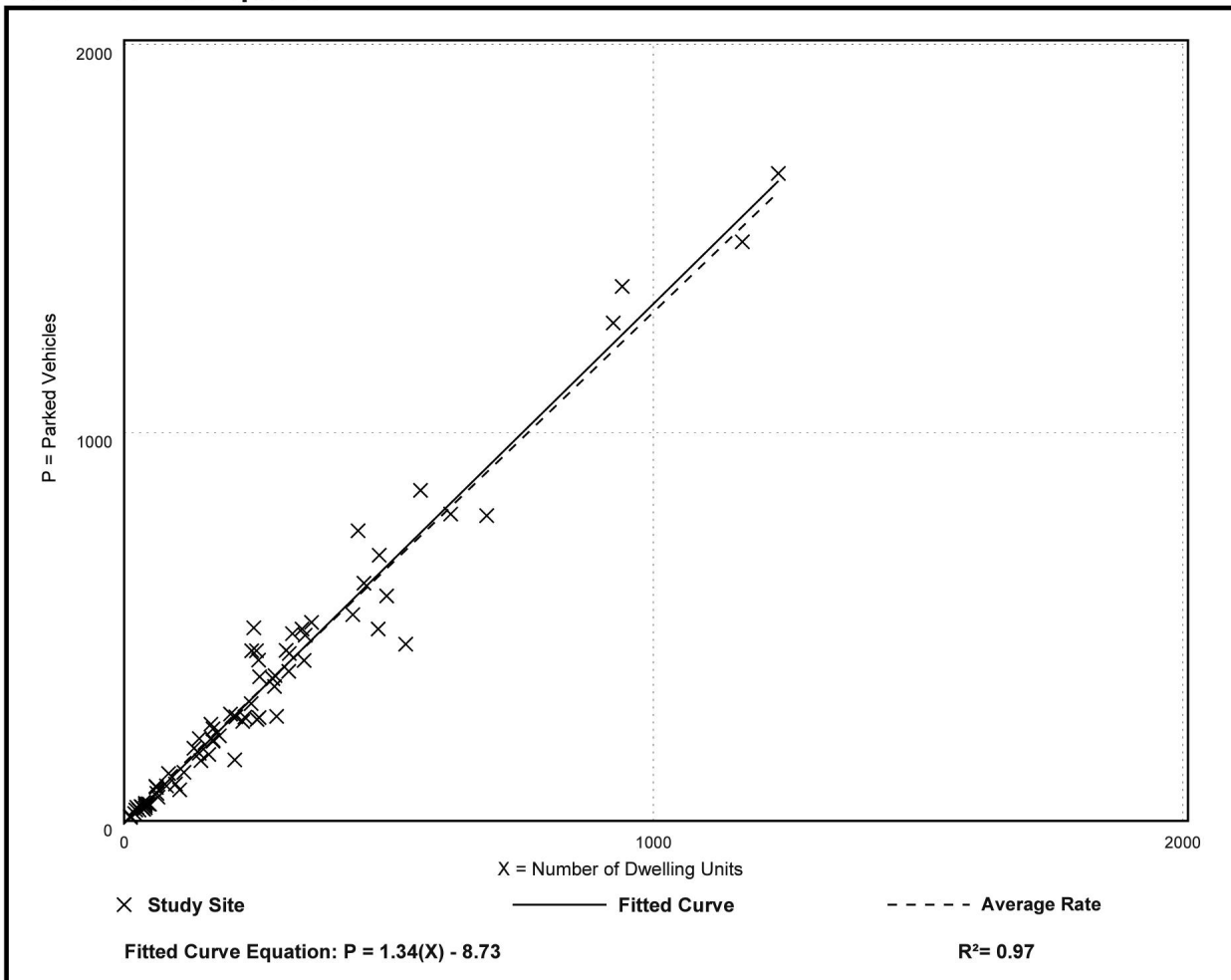
Number of Studies: 73

Avg. Num. of Dwelling Units: 261

Peak Period Parking Demand per Dwelling Unit

Average Rate	Range of Rates	33rd / 85th Percentile	95% Confidence Interval	Standard Deviation (Coeff. of Variation)
1.31	0.75 - 2.03	1.13 / 1.47	1.26 - 1.36	0.22 (17%)

Data Plot and Equation



Multifamily Housing (Mid-Rise) (221)

Peak Period Parking Demand vs: Bedrooms

On a: **Weekday (Monday - Friday)**

Setting/Location: **General Urban/Suburban (no nearby rail transit)**

Peak Period of Parking Demand: 10:00 p.m. - 5:00 a.m.

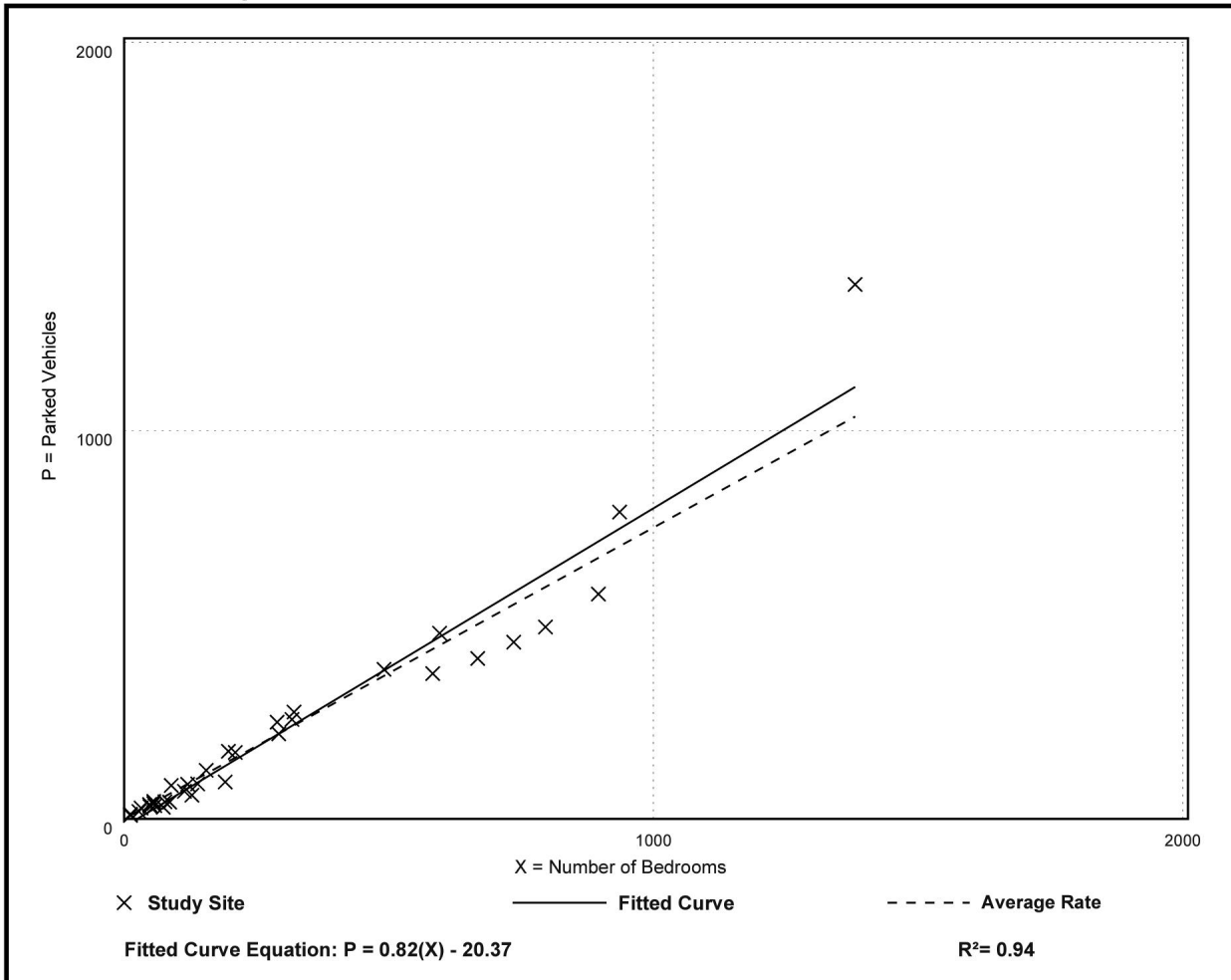
Number of Studies: 35

Avg. Num. of Bedrooms: 294

Peak Period Parking Demand per Bedroom

Average Rate	Range of Rates	33rd / 85th Percentile	95% Confidence Interval	Standard Deviation (Coeff. of Variation)
0.75	0.41 - 1.00	0.65 / 0.87	0.70 - 0.80	0.15 (20%)

Data Plot and Equation



Attachment 5: Existing Zoning-Proposed Zoning Comparison Table

Topic	Existing PD	Retail District	Proposed PD
General Development/Architecture Standards			
Maximum density	N/A - multi-family use not permitted	N/A - multi-family use not permitted	280 units
Maximum lot size	None	Lot area: 7,000 square feet Lot width: 60 feet Lot depth: 100 feet	<<Same as Retail (no modification requested to Retail)
Maximum lot coverage	None	40%	50%
Minimum front yard setback	The minimum front yard shall be forty feet (40'), with no front yard parking allowed, or seventy-five feet (75') if front yard parking is allowed.	25 feet	(East side of the subject property) 10 feet
Minimum rear yard setback	The minimum rear yard setback for fire lanes and utility easements shall be fifty feet (50') when adjacent to a residential use or residential zoning district. The minimum rear yard setback for nonresidential structures and related parking facilities shall be one hundred feet (100') when adjacent to a residential use or residential zoning district. The minimum rear yard setback shall be forty feet (40') when adjacent to a nonresidential zoning district.	25 feet	(West side of the subject property) Zero feet
Minimum side yard setback	The minimum side yard setback for fire lanes and utility easements shall be fifty feet (50') when adjacent to any public street right-of-way residential use, or residential zoning district. The minimum side yard setback for nonresidential structures and related parking facilities shall be one hundred feet (100') when adjacent to a residential use or residential zoning district.	When retail uses are platted adjacent to other retail and other nonresidential uses, no side yard is provided: <ol style="list-style-type: none"> 1) Both property owners agree to adjoining building; 2) Adequate fire lanes and circulation is provided on-site; and 3) Appropriate building codes can be met 	80 feet adjacent to single-family residential, otherwise 20 feet

Attachment 5: Existing Zoning-Proposed Zoning Comparison Table

Topic	Existing PD	Retail District	Proposed PD
Minimum interior side yard setback	No interior side yard shall be required when development is adjacent to nonresidential uses, provided that: <ol style="list-style-type: none"> 1) Appropriate building codes, including building separation standards, are met; and, 2) Required fire lanes and circulation are approved by the Fire Chief, or his designee. 	None	None
Graduated setback requirements for nonresidential uses adjacent to residential uses or residential zoning districts	Structures used for retail and/or office purposes that are 25,000 square feet or greater shall have a minimum yard setback requirement of 100 feet for any yard(s) adjacent to a residential use or residential zoning district. The yard setback for any yard(s) adjacent to a residential use or residential zoning district must be increased by an additional two feet (2') for every 1,000 square feet of floor area above 25,000 square feet. The maximum yard setback requirement for a nonresidential structure(s) adjacent to a residential use or residential zoning district shall be two hundred and fifty feet.	None	None
Maximum height	40 feet	Two stories; not to exceed 40 feet	Four stories; 60 feet
Mix of total dwelling units	None	N/A - multi-family use not permitted	Studio or 1 bedroom: 50-65% 2 bedroom: 30-45% 3 bedroom: 0-15%
Minimum off-street parking	N/A - multi-family use not permitted	N/A - multi-family use not permitted	1.5 parking spaces for one bedroom, 1.8 parking spaces for two bedrooms, and two parking spaces for three-bedroom units
Covered parking	Unclear	None	Fifty percent of the required parking spaces shall be covered

Attachment 5: Existing Zoning-Proposed Zoning Comparison Table

Topic	Existing PD	Retail District	Proposed PD
Parking screening	<p>Parking areas shall be screened from adjacent residential uses and residential zoning districts on all sides of the site with earth berms. Such berms shall not exceed a 3:1 slope, and may be located within the required front, side, and rear setback areas. This requirement may be eliminated for projects in which parking areas are located on-site effectively screen parking areas from adjacent residential uses and residential zoning districts.</p>	None	<p>All surface parking areas that are adjacent to public streets and single-family zoning districts shall be screened from view. Screening may be in the form of live plant material, berms, and/or masonry walls. Any structured parking shall be screened in an architecturally compatible manner. Screening may use decorative features to reduce vehicle noise and light.</p>

Attachment 5: Existing Zoning-Proposed Zoning Comparison Table

Topic	Existing PD	Retail District	Proposed PD
Landscaping Requirements			
Landscape buffers	Landscape buffers (exterior parkways) shall be provided adjacent to a public right-of-way at a minimum of twenty feet (20') and a minimum of twenty feet (20') landscape buffer (interior parkway)	A minimum ten-foot landscape buffer (interior parkway) adjacent to right-of-way of any street is required. The interior parkway is defined as that area on private property between the street right-of-way line and the curb of the parking area or building area. The landscaped portion of interior parkways may be included in the required landscape area percentage. If the lot is a corner lot, two frontages shall be required to observe the ten-foot buffer. If more than two frontages exist, then the other right-of-way frontages shall be required to have no more than 7-1/2 feet of landscaped area. Trees, a minimum of four inches in caliper and chosen from the recommended tree list in Appendix "A" of the subdivision regulations spaced at 30 feet shall be preserved, planted, or transplanted in the landscape buffer. Trees may be grouped or clustered to facilitate a site design.	A minimum ten-foot landscape buffer (interior parkway) adjacent to right-of-way of any street is required. The interior parkway is defined as that area on private property between the street right-of-way line and the curb of the parking area or building area. The landscaped portion of interior parkways may be included in the required landscape area percentage. If the lot is a corner lot, two frontages shall be required to observe the ten-foot buffer. If more than two frontages exist, then the other right-of-way frontages shall be required to have no more than 7-1/2 feet of landscaped area. One tree , a minimum of four inches in caliper and chosen from the recommended tree list in Appendix "A" of the subdivision regulations, shall be provided on the lot for every 30 feet of right-of-way frontage and may be preserved , planted, or transplanted in the required landscape area , buffer, or adjacent landscape area. Trees may be grouped or clustered to facilitate a site design.

Attachment 5: Existing Zoning-Proposed Zoning Comparison Table

Topic	Existing PD	Retail District	Proposed PD
Tree preservation	<p>Trees in excess of twelve inches in caliper shall be preserved. In addition, all trees within the areas shown on Exhibit E shall be preserved to the maximum extent reasonable and feasible. The developer and the builder shall use best good faith efforts to preserve areas in which large clusters of trees are located. Indiscriminate clearing or stripping of trees of any caliper within the Highland Village Marketplace Overlay District is prohibited. Any part of a site not used for buildings, parking, driveways, walkways, utilities and approved storage areas shall be retained in a natural state, or reclaimed to its natural state, to the greatest extent feasible, or shall be attractively landscaped in a manner that adds aesthetic value to the development.</p> <ol style="list-style-type: none"> 1) As an incentive to retain existing trees as required within Section 32 of Ordinance No. 95-699, an existing tree of four to six inches in caliper shall be given 1.5 tree credits for the purposes of satisfying the requirements of Section 32 of Ordinance No. 95-699. 2) As an incentive to retain existing trees as required within Section 32 of Ordinance No. 95-699, an existing tree of at least six inches in caliper and at least fifteen feet tall shall be given two tree credits for the purposes of satisfying the requirements of Section 32 of Ordinance No. 95-699. 3) At least one tree of at least four-inch caliper shall be planted for every one tree of six-inch in caliper or greater that is removed from any area within this Highland Village Marketplace Overlay Zoning District. 	Where protected trees are preserved, credit can be given toward required planting requirements. Preservation of protected trees is not required.	None
Inland Trail System	Required along the north and east sides of the subject property.	None	None
Landscape site area	20% that includes a combination of trees, shrubs, plantings, ground cover, and grass	None	None

Attachment 5: Existing Zoning-Proposed Zoning Comparison Table

Topic	Existing PD	Retail District	Proposed PD
Signage			
Attached wall signs	<p>Attached wall signs to buildings are permitted and shall not exceed one (1) sign per tenant space per street frontage. Illumination of wall signs shall be determined by City Council with approved site plan.</p> <ul style="list-style-type: none"> A) All attached signs shall be limited to a maximum size of 300 square feet or ten percent (10%) of the total building façade area, whichever is less B) All attached signs (whether on towers or structures that are not inhabitable) shall be limited to twenty-six feet (26') in height on a one- or two-story structure (inhabitable structure); C) In no event shall an attached sign exceed the top plate line of the structure. 	<p>All wall signs must be on-premises signs. All businesses are allowed one sign per tenant space per street frontage</p> <p><u>Maximum effective area.</u> All wall signs shall not exceed or cover more than fifteen percent (15%) of the façade area of a building face or area of the leasable building space. But in each case, wall signs shall not exceed 300 square feet in effective area.</p> <p><u>Projection from building surface.</u> All attached signs and their words may be mounted parallel to the building surface to which they are attached, and shall project no more than 18 inches from the surface <u>except as follows:</u></p> <ul style="list-style-type: none"> A) Any on-premises or any nonresidential occupancy may erect not more than on attached sign projecting up to a maximum of four feet from a vertical building surface, but not above the roof, provided that the premises or occupancy maintains no detached sign on the 	<p>All wall signs must be on-premises signs. All businesses are allowed one sign per tenant space per street frontage.</p> <p><u>Maximum effective area.</u> All wall signs shall not exceed or cover more than fifteen percent (15%) of the façade area of a building face or area of the leasable building space. But in each case, wall signs shall not exceed 300 square feet in effective area.</p> <p><u>Projection from building surface.</u> All attached signs and their words may be mounted parallel <u>or perpendicular to the building surface to which they are attached, subject to the following conditions:</u></p> <ul style="list-style-type: none"> A) An attached sign that is mounted parallel to the building surface to which it is attached shall project no more than 18 inches from the building surface. B) An attached sign that is mounted perpendicular to the building surface to which it is attached shall project no more than 42

Attachment 5: Existing Zoning-Proposed Zoning Comparison Table

Topic	Existing PD	Retail District	Proposed PD
		<p>premises, and that the sign does not exceed 20 square feet in effective area and that no part of the sign descends closer to site grade than ten feet, nor projects into or over any public right-of-way (see illustration 12)</p> <p>B) All attached signs (whether on towers or habitable structures) shall be limited to 26 feet in height on a one- or two-story structure (habitable structure), but in no event shall the sign exceed the top plate line, by greater than six feet on a one-story structure</p> <p>C) Signage shall be prohibited on awnings (roof-like shelters that provide protection from sun or rain) and canopies (an awning stretching from a door to a curb or a roof-like projection or covering)</p>	<p>inches from the building surface and shall be mounted at least fifteen (15) feet above the building grade.</p> <p>C) An attached sign shall project above the roof parapet, nor into or over any right-of-way.</p> <p>D) All attached signs (whether on towers or habitable structures, and whether mounted parallel or perpendicular to the building surface) shall be limited to 26 feet in height on a one- or two-story structure, or 32 feet in height on a three- or four-story structure.</p>

Attachment 6: MF District-R District Comparison Table

Topic	Multiple Family-16 District	Retail District	Proposed PD
Height	35 feet	Two stories; not to exceed 40 feet	60 feet
Min Lot Width	100 feet	60 feet	None
Lot Depth	120 feet	100 feet	300 feet
Lot Area	2,722 square feet per dwelling unit, not to exceed 16 dwelling units/acre (calculated on gross acreage). The minimum lot size shall be 20,000 square feet.	7,000 square feet	None
Front Yard	40 feet	25 feet	10 feet
Side Yard	15 feet	25 feet adjacent to a street or residential property	80 feet adjacent to single-family residential, otherwise 20 feet
Rear Yard	20 feet; 80 feet when the building is in excess of one story and adjacent to a single-family zoning district	25 feet	None
Building Separation	One story, 15 feet, two stories, 20 feet between buildings without openings (windows or doors); one story, 25 feet, two stories, 35 feet between buildings with openings	None other than Fire Code	N/A – only one building proposed
Minimum Area per Dwelling Unit	750 square feet per unit plus 150 square feet for each additional bedroom over one.	N/A - multi-family use not permitted	None
Maximum Lot Coverage	50% total including main and accessory buildings	40% by main and accessory structures	50%

Attachment 6: MF District-R District Comparison Table

Topic	Multiple Family-16 District	Retail District	Proposed PD
Parking Regulations	<ul style="list-style-type: none"> • 1.75 per each efficiency or one-bedroom unit. • Two per each two-bedroom unit. • 2.5 per each three-bedroom unit. • Three per each four or more bedroom unit. • 50% of the required parking spaces shall be covered. • Additional requirements in the Zoning Ordinance 	N/A - multi-family use not permitted	<ul style="list-style-type: none"> • 1.5 parking spaces per dwelling unit. Parking, fire lanes, and driveways may be placed within the minimum side yard adjacent to single family residential zoning districts. • Fifty percent (50%) of the required parking spaces shall be covered. • 30% parking reduction with shared parking for office uses within The Shops. • All surface parking areas that are adjacent to public streets and single-family zoning districts shall be screened from view. Screening may be in the form of live plant materials, berms, and/or masonry walls. Any structured parking shall be screened in an architecturally compatible manner.

Attachment 6: MF District-R District Comparison Table

Topic	Multiple Family-16 District	Retail District	Proposed PD
Refuse/Trash Facilities	<ul style="list-style-type: none"> • Every multifamily dwelling unit shall be located within 250 feet of a refuse facility, measured along the designated pedestrian and vehicular travel way. A refuse facility shall be a dumpster or other similar receptacle designed for receiving garbage in bulk for more than one dwelling. Refuse dumpsters shall be no closer than 30 feet to any adjacent single-family property. • Each refuse facility shall be screened from view on three sides from persons standing at ground level on the site or immediately adjoining property, by an opaque wall of brick masonry not less than six feet, nor more than eight feet in height. Refuse containers shall be provided and maintained in a manner to satisfy local public health and sanitary regulations. Each refuse facility shall be located so as to provide safe and convenient pickup by refuse collection agencies. (See illustration 16 for gate design.) 	None	Refuse facilities shall be screened from view from persons standing at ground level on the site or immediately adjoining property and enclosed in masonry on three sides.

Other standards contained in the MF District not proposed to be included in the proposed PD:

- The front door of each apartment unit shall be no more than 150 feet from a fire lane (measured by an unobstructed straight line)
- Paved walkway shall connect the front door of each ground floor unit and to the parking area
- Recreational facilities required
- Building shall not exceed 200 feet in length
- Roof slope minimum of 4:12 pitch

Attachment 6: MF District-R District Comparison Table

- Boats, campers, trailers, and other recreational vehicles prohibited unless oversize parking areas are provided
- Buildings with residential units shall provide unit number sign visible from driveway
- All HVAC and mechanical units shall be screened/hidden from view shall provide usable open space on the same lot in accordance with the following:
 1. One or less bedrooms: 600 square feet
 2. Two bedrooms+: 300 square feet
- An area of common usable space shall have a slope not exceeding 10%, no dimensions less than 10-feet, and may include landscaping, walks, recreation facilities, water features, and decorative objects, such as fountains. Usable open space shall not include: rooftops; accessory buildings; parking areas; driveways; turnaround areas; or the right-of-way or easement for streets or alleys.
- At the time of site plan approval, the Planning and Zoning Commission may recommend and the City Council may approve credit for usable open use requirements under the following conditions:
 1. Up to three square feet for each one square feet of area provided for the following recreation facilities:
 - a. Swimming pools, tennis courts, racquetball courts, or similar facilities.
 - b. Decks, patios or lounge areas adjacent to or within 10 feet of swimming pools.
 - c. Children's play areas developed with play equipment.
 - d. Usable portions of recreational buildings.
 2. Partial/full credit may be given for on-site open space that exceeds the minimum slope as defined above, if it is determined that such areas are environmentally or aesthetically significant and their preservation would enhance the development and community. In determining environmental and aesthetic significance, the planning and zoning commission and city council will consider:
 - a. Preservation of significant trees or other natural vegetation.
 - b. Contribution to on-site retention of stormwater or natural control of drainage.
 - c. Preservation of vistas and other qualities.
 - d. Buffer or transition between the multifamily use and other uses.
 3. Available off-site open space may be credited for up to one-third of the usable open space requirement if:
 - a. 15% or more of the site's boundary is adjacent to park land.
 - b. There are defined pedestrian connections between the multifamily development and park land.
 - c. Permanent usable open space is within 100 feet of the development that is available for use by the general public.
 - d. The design of the development provides a significant visual and pedestrian connection in park land.
 4. The combined credit for areas calculated at a three-to-one basis and off-site parks or usable open space shall not exceed 50% of the total usable open space requirement for each multifamily development.



AN ORDINANCE OF THE CITY OF HIGHLAND VILLAGE, TEXAS, AMENDING COMPREHENSIVE ZONING ORDINANCE NO. 95-699, CREATING A UNIQUE NON-RESIDENTIAL OVERLAY ZONING DISTRICT FOR A SPECIFIC PORTION OF THE CITY; PROVIDING FOR INTENT AND PURPOSE; PROVIDING FOR DEFINITION OF THE OVERLAY ZONE; PROVIDING FOR APPLICABILITY/RELATIONSHIP TO BASE DISTRICTS; PROVIDING FOR DEVELOPMENT REGULATIONS; PROVIDING FOR CONCEPTUAL SITE PLANS; PROVIDING FOR GENERAL DEVELOPMENT/ARCHITECTURAL STANDARDS; PROVIDING FOR SITE PLAN STANDARDS; PROVIDING FOR PEDESTRIAN STANDARDS; PROVIDING FOR LANDSCAPING; PROVIDING FOR PRESERVATION OF ALL OTHER PORTIONS OF THE ZONING ORDINANCE; PROVIDING FOR NO VESTED INTEREST; PROVIDING A PENALTY OF A FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00); PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Highland Village has determined that orderly development of properties zoned for non-residential uses as shown on the Official Zoning Map or as are legally zoned non-residential as of the effective date hereof and any non-residential use operating as a non-conforming use on a residentially-zoned tract is essential to the preservation of a unique Highland Village visual and commercial identity; and,

WHEREAS, After due notice of the zoning change as required by law, and the required public hearings held before the Planning and Zoning Commission and the City Council of the City of Highland Village, Texas, the City Council is of the opinion that said zoning amendment should be approved.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS, THAT:

SECTION 1. AMENDMENT

The City Council of the City of Highland Village, Texas hereby amends Comprehensive Zoning Ordinance # 95-699 by repealing previous overlay districts for the area shown on the attached Exhibit A and by establishing a new Overlay District, as described in this Ordinance amendment and applied to the area shown on the attached Exhibit A.

SECTION 2. SEVERABILITY

If any section, subsection, paragraph, sentence, clause, phrase or word of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance which shall remain in full force and effect, and to this end, the provisions of this Ordinance are declared severable.

SECTION 3. NO VESTED INTEREST

No developer or property owner shall acquire any vested interest in this Ordinance or any specific regulations contained herein. The Ordinance and any regulations enacted hereby may be amended or repealed by the City Council of the City of Highland Village, Texas in the manner provided by law.

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SECTION 4. PENALTY

Any person violating or failing to comply with any provision of this Ordinance shall be fined, upon conviction, in an amount not to exceed Two Thousand Dollars (\$2,000.00), and each day any violation or non-compliance continues shall constitute a separate offense.

SECTION 5. EFFECTIVE DATE

The Caption of this Ordinance shall be published one time in a newspaper having general circulation in the City of Highland Village, and the Ordinance shall become effective upon passage on second reading.

READ ON THE 24th DAY OF April, 2001 BY THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE.


PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS, ON SECOND READING ON THIS THE 13th DAY OF November, 2001.



BILL LAWRENCE
Mayor

ATTEST:

SHARI KUYKENDALL
City Secretary

APPROVED AS TO FORM AND LEGALITY:


MARK S. HOUSER
City Attorney

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HIGHLAND VILLAGE MARKETPLACE OVERLAY ZONING DISTRICT (HVM)

- a. **Intent:** The intent of this ordinance is to provide high quality mixed-use, primarily retail, development that is consistent with the Comprehensive Plan and that is beneficial and complementary to the City in terms of visual image and pedestrian-orientation.
- b. **Purpose:** The purpose of this overlay zoning district is to ensure that any development that occurs within the area designated for the Highland Village Marketplace Overlay Zoning District encourage a mixed-use application including the following:
- Open space for parks, which are connected by the Inland Trail system and included in the Park and Open Space Master Plan;
 - A civic feature that attracts citizens and surrounding community residents to Highland Village businesses;
 - Family, sit-down restaurants;
 - Upscale retail shops and boutiques;
 - Professional office space primarily used as a buffer from adjacent residential properties;
 - Limited residential if it assists in protecting the natural features, with low maintenance style architecture;
 - Connective pedestrian feature linking the east and west parcels along (future) FM 2499.

Section 1. Definition of the Highland Village Marketplace Overlay Zoning District.

The Highland Village Marketplace Overlay Zoning District shall include all properties located within the area identified on the overlay map attached [to the ordinance from which this article derives] as **Exhibit A**.

Section 2. Applicability/relationship to base districts.

The regulations and standards set forth in the Highland Village Marketplace Overlay Zoning District shall be superimposed over the base zoning districts and shall be cumulative of the base district's requirements. However, the regulations and standards of the Highland Village Marketplace Overlay Zoning District shall supersede any base zoning district regulations, requirements, and standards that are in conflict therewith, except in the case where the base district regulations, requirements, and standards are interpreted by staff to be more restrictive; in which case, the more restrictive base district regulations shall apply, as determined by the City Manager or his designee for recommendation to the Planning and Zoning Commission and City Council.

Section 3. Development Regulations.

- a. **Site plan.** In addition to any required site plan under Section 11 of Ordinance No. 95-699, any application for zoning located within the Highland Village Marketplace Overlay Zoning District shall be accompanied by a conceptual site plan. The site plan shall comply with requirements of Section 11 of Ordinance No. 95-699, as amended, entitled "Site Plan Review." All site plans shall have received approval by City Council, after a recommendation

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by the Planning and Zoning Commission in accordance with Section 11 of Ordinance No. 95-699, prior to development. All existing structures and improvements governed by a site plan approved prior to the effective date shall comply with the regulations under this ordinance as subsequent individual development requests are processed. In addition, the site plan application shall contain a detailed landscape plan, pedestrian circulation plan, tree mitigation plan, and professional drawings which identify and illustrate the components of the architectural standards required hereinafter, including but not limited to colored building elevations, specifying surface materials and color, and colored signage.

- b. **General development requests.** The scope of the request shall determine which regulations shall apply. General development requests shall be reviewed for approval by the Director of Public Works, or his designee. A request for approval of a building or site modification shall require conformity with the correlative regulation(s) of this ordinance. For example, a request or application for a modification to a parking lot shall require conformity to all ingress/egress regulations, parking lot lighting regulations, parking lot landscaping, pedestrian connections, and other related regulations. Additionally, a sign permit request shall require conformity to the sign regulations of this ordinance; including design, materials, size, and location. The Director of Public Works, or his designee, may require submittal of a traffic impact analysis, a detailed landscape plan, tree mitigation plan, and professional drawings which identify and illustrate the components of the architectural standards required hereinafter, including but not limited to building elevations, specifying surface materials and color, and signage.
- c. **Variances to specific regulations/standards.** At the time of review of any site plan, general development request, or conceptual site plan required under Section 4, the City Council may grant variances to any specific development regulations under the following guidelines:
 - 1. To receive a variance, the applicant shall demonstrate and the City Council shall find at least one of the following:
 - (a.) Granting a variance would reduce the impact of the project on surrounding residential or nonresidential properties;
 - (b.) A variance is necessary to assure compatibility with surrounding developed properties.
 - 2. After receiving a recommendation from the Planning and Zoning Commission, the City Council may grant a variance by an affirmative vote of a majority of the City Council. In order to grant a variance, the City Council shall determine that a literal enforcement of the regulations will create an unnecessary hardship or a practical difficulty for the applicant; that the situation causing the unnecessary hardship or practical difficulty is unique to the affected property and is not self-imposed; that the variance will not injure and will be wholly compatible with the use and permitted development of adjacent properties; and that the granting of the variance will be in harmony with the spirit and purpose of this ordinance.
 - 3. If a variance application is denied by the City Council, no other variance of like kind relating to the same project or proposed project shall be considered or acted upon by the City Council for a period of six months subsequent to the denial.

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4. Any variance granted hereunder shall be specific to a regulation or standard.
5. The regulations prescribed by Section 8, *Open Space, Detention/Retention Areas, the Inland Trail and Landscaping*, are not eligible for a variance under this subsection.
- d. **General development regulations and standards.** The regulations and standards contained in this ordinance shall apply to all development, initiated after the effective date hereof, located within the Highland Village Marketplace Overlay Zoning District.
- e. As to any conflicts between Section 11 of Ordinance No. 95-699 and this ordinance, this ordinance shall supersede.
- f. Prior to any required development approval, and after proper application and the payment of any fee, the applicant shall submit plans, drawings, or materials sufficient to allow the staff to evaluate the application's conformity to the applicable regulation(s).

Section 4. Conceptual site plans.

Approval of a conceptual site plan shall be in accordance with Section 4.a of the Highland Village Zoning Ordinance No. 95-699. In addition, a conceptual site plan shall comply with the elements set forth in Section 28.5(C), "submittal requirements for concept plan" of Highland Village Zoning Ordinance No. 95-699 in addition to requirements set forth hereinafter:

- a. Traffic circulation;
- b. Cross access;
- c. Driveway location;
- d. Distance to residential uses;
- e. Conceptual design elevations;
- f. Development construction schedule;
- g. Visibility/site easements.
- h. Inland trail location;
- i. Open space areas, including public spaces, public amenities and area focal points;
- j. Elements used to buffer nonresidential and residential development;
- k. Pedestrian circulation.

Section 5. General development/architectural standards.

All uses within the Highland Village Marketplace Overlay Zoning District shall ensure compatibility with and preservation of the character and integrity of adjacent and surrounding residential development. As required by the particular circumstances of each individual development, improvements or modifications either on-site, within common areas, or within rights-of-way may be necessary to mitigate nonresidential development-related adverse impacts

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3

on adjacent and surrounding residential development. The following standards shall apply to all nonresidential development located within the Highland Village Marketplace Overlay Zoning District, unless otherwise provided. Compliance with the requirements of this section (Section 5) shall be a condition of site plan and general development request approval.

a. Site design standards.

1. **Height.** The maximum height of structures on property located within the Highland Village Marketplace Overlay Zoning District is 45 feet, and structures shall not exceed two stories or as specified in the base zoning district. Architectural features, such as clock towers, which are uninhabitable structures and are architecturally consistent with the design and construction of the building, may exceed forty-five feet (45') in height and shall be approved with the site plan.

2. **Minimum yard setback requirements:**

(a.) **Minimum front yard setback.** The minimum front yard shall be forty feet (40'), with no front yard parking allowed, or seventy-five feet (75'), if front yard parking is allowed.

(b.) **Minimum rear yard setback.** The minimum rear yard setback for fire lanes and utility easements shall be fifty feet (50') when adjacent to a residential use or residential zoning district. The minimum rear yard setback for nonresidential structures and related parking facilities shall be one hundred feet (100') when adjacent to a residential use or residential zoning district. The minimum rear yard setback shall be forty feet (40') when adjacent to a nonresidential zoning district. (Refer to additional requirements within Section 5.a.2.(e.) below)

(c.) **Minimum side yard setback.** The minimum side yard setback for fire lanes and utility easements shall be fifty feet (50') when adjacent to any public street right-of-way residential use, or residential zoning district zoning district. The minimum side yard setback for nonresidential structures and related parking facilities shall be one hundred feet (100') when adjacent to a residential use or residential zoning district.

(d.) **Minimum interior side yard setback.** No interior side yard shall be required when development is adjacent to nonresidential uses, provided that:

- (1) Appropriate building codes, including building separation standards, are met; and,
- (2) Required fire lanes and circulation are approved by the Fire Chief, or his designee.

(e.) **Graduated setback requirement for nonresidential uses adjacent to residential uses or residential zoning districts.** Structures used for retail and/or office purposes that are 25,000 square feet or greater shall have a minimum yard setback requirement of 100 feet for any yard(s) adjacent to a residential use or residential zoning district. The yard setback for any yard(s) adjacent to a residential use or residential zoning district must be increased by an additional two feet (2') for every 1,000 square feet of floor area above 25,000 square feet. The maximum yard setback requirement for a nonresidential structure(s) adjacent to a residential use or residential zoning district shall be two hundred and fifty feet (250').

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3. **Screening requirements:**

(a.) Design of screening walls. Screening walls shall be designed in accordance with the following:

(1) Constructed with masonry materials and finished on both sides in a manner and color consistent with the exterior finish of the main building(s). Screening walls shall be extensions of the development's architectural design. The use of chain-link fencing is expressly prohibited. One or a combination of the following methods shall be used for screening wall construction:

- a. Solid masonry consisting of rock, stone, or other material that is equivalent, visually and qualitatively;
- b. Wrought iron, or similar material in quality and appearance, in conjunction with masonry materials and solid landscape screening (refer to Section 5.a.3.b. for specific requirements for landscape screening elements);
- c. Alternate equivalent screening may be approved through the site plan approval process.

(2) Eight feet (8') in height;

(3) Constructed with a variance of at least five feet (5') in depth for every twenty-five feet (25') in length (refer to Illustration A)

(4) Constructed with wall openings (i.e., gates) provided at appropriate locations in order to ensure pedestrian access/circulation from adjacent residential uses and residential zoning districts to and throughout the site. Locations for wall openings shall be shown on the site plan;

(5) Constructed with landscaping elements incorporated along the length of the screening wall;

(6) Constructed entirely upon the lot wherein the nonresidential use is located or within common areas maintained by a commercial property owners' association. Maintenance responsibility of such screening shall be borne by the nonresidential property owner or by a commercial property owners' association approved by the City

(7) Constructed in accordance with the requirements contained within the Highland Village Subdivision Ordinance, No. 95-711.

(b.) Perimeter screening between residential and non-residential land uses. A wrought-iron screening wall, or wall of similar material in quality and appearance, in conjunction with live plant materials shall be provided by the nonresidential use for the purpose of providing a solid visual barrier between residential and nonresidential uses and districts. Plant materials used shall consist of evergreen and deciduous trees and shrubs of such species as to produce a dense opaque natural screen at least eight (8) feet in height such that the wrought iron screening wall and the natural screening materials together continually restrict a clear view from adjacent residential

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CITY OF HIGHLAND VILLAGE**

uses or residential zoning districts beyond the shared property line between the nonresidential and residential uses. Natural screening materials may consist of existing trees of at least twelve inches (12") in caliper. Where there are no existing trees of twelve-inch (12") caliper, one (1) tree of at least five-inch 5" caliper shall be planted at a maximum distance of forty (40') feet on-center along the entire length of the property line. The wrought iron screening wall and all planted natural screening materials shall be placed entirely upon the lot wherein the nonresidential use is located or within common areas maintained by a commercial property owners' association. Maintenance responsibility of such screening shall be borne by the nonresidential property owner or by a commercial property owners' association approved by the City. Another type of appropriately designed screening wall (as outlined in Section 5.a.3.(a.) above) shall be constructed in lieu of the wrought iron and landscaping screen if required by the City Council, provided that exterior finish materials are compatible with nearby structures.

- (1) Wall openings (i.e., gates) shall be constructed at appropriate locations, as required in Section 5.a.3.(a.) above.
 - (2) Perimeter screening shall be constructed in accordance with the requirements contained within the Highland Village Subdivision Ordinance, No. 95-711.
- (c.) Ground-mounted mechanical equipment. Mechanical equipment (HVAC, etc.), satellite dishes, and other mechanical equipment located on the ground shall be screened from public rights-of-way, residential uses and residential zoning districts with an appropriately designed screening wall (as outlined in Section 5.a.3.(a.) above).
- (d.) Roof-mounted mechanical equipment. Roof-mounted mechanical equipment shall be screened from public rights-of-way, residential uses and residential zoning districts with a parapet wall, mansard-style roof or other architectural extension equal in height to the unit(s), except when the unit height exceeds five (5) feet. When the height does exceed five (5) feet, the roof-mounted mechanical equipment shall be setback from the edge of the roof at a ratio of one horizontal foot (1') for every one foot (1') of vertical height that the equipment exceeds.
- (e.) Trash receptacle screening. Trash receptacles shall only be allowed as an incidental use, shall be located outside of the landscaped area and shall be screened from public rights-of-way, residential uses and residential zoning districts with an appropriately designed screening wall (as outlined in Section 5.a.3.(a.) above). Openings for access to the trash receptacle area shall be equipped with gates capable of screening the area from public rights-of-way, residential uses and residential zoning districts when closed; such gates shall remain closed when the area is not in use.
- (f.) Outside storage. Outside storage, meaning the permanent keeping, displaying, or storing, outside a building, of any finished or unfinished goods, material, merchandise, or equipment, including building and hardware materials (refer to definition of outside storage within the Highland Village Zoning Ordinance No. 95-699), shall be screened from public rights-of-way, public areas on-site, residential uses and residential zoning districts with an appropriately designed screening wall (as outlined in Section 5.a.3.(a.) above) that is affixed and adjacent to the primary

ORIGINAL DOCUMENT
CITY OF HIGHLAND VILLAGE 6

on-site structure. Such outside storage materials shall not be stacked at a height higher than the height of the screening wall/fence. Openings for access to the outside storage area shall be equipped with gates capable of screening the area from public rights-of-way, residential uses and residential zoning districts when closed; such gates shall remain closed when the area is not in use. (Refer to additional requirements within Section 5.a.7.) The total area utilized for the purpose of outside storage shall not exceed fifteen percent (15%) of the primary structure on-site (refer to additional requirements within Section 5.a.3.).

(g.) Loading/unloading areas. Loading/unloading areas (i.e., areas used principally for the delivery and/or loading of materials) shall be located at the side or rear of the primary structure, and shall not face onto, or be visible from, public rights-of-way and residential uses. Such areas shall be screened from public rights-of-way, residential uses and residential zoning districts with an appropriately designed screening wall (as outlined in Section 5.a.3.(a.) above).

4. **Cross-access requirement.** A joint access (i.e., ingress, egress) easement shall be required to minimize the number of driveway openings along F.M. 407 and F.M. 2499 (Village Parkway). The location(s) of access easement(s) shall be shown on the site plan. All sites less than one (1) acre in size shall be limited to one (1) driveway; additional access (i.e., two driveways) to one-acre sites shall be shared with adjacent property(s), as specified below:

(a) A minimum distance of two hundred feet (200') shall be required between driveway opening(s) and street intersection(s). Such distance shall be measured from the intersection of curb lines at the intersecting street and the nearest driveway along the length of the unbroken curb between the driveway opening(s) and the street intersection(s);

(b) A minimum distance of one hundred fifty feet (150') shall be required between driveway openings. Such distance shall be measured along the length of the unbroken curb between the driveways.

5. **Parking areas.** Required parking and loading standards for property located within the Highland Village Marketplace Overlay Zoning District shall comply with Section 31 of Highland Village Zoning Ordinance No. 95-699, except as specified below:

(a.) Parking areas shall be screened from adjacent residential uses and residential zoning districts on all sides of the site with earth berms. Such berms shall not exceed a 3:1 slope, and may be located within the required front, side and rear setback areas (refer to Section 5.2 above). This requirement may be eliminated for projects in which parking areas are located on-site with an interior orientation, wherein the structures/buildings constructed on-site effectively screen parking areas from adjacent residential uses and residential zoning districts.

(b.) All parking shall be designed and located so as not to obstruct the passage of vehicles including emergency, delivery and service vehicles.

(c.) Parking shall be allowed only on paved surfaces.

ORIGINAL DOCUMENT
CITY OF HIGHLAND VILLAGE

7

6. **Locational criteria.** The following guidelines shall include all properties located within the area designated as being subject to the Highland Village Marketplace Overlay Zoning District, as identified on the overlay map attached as **Exhibit C**. Structures not to exceed 50,000 square feet shall be allowed within the Overlay District as identified on the map attached as **Exhibit C**. Uses with drive-through facilities shall not be allowed within the Overlay District.
 - (a.) Within the eastern portion of the Highland Village Overlay Zoning District, as identified on the map attached as **Exhibit C**, the following requirements shall apply. The requirements contained herein shall not restrict any uses with structures less than 50,000 square feet or any establishments, dining or otherwise, that do not require drive-through access.
 - (b.) Within the western portion of the Highland Village Overlay Zoning District, as identified on the map attached as **Exhibit C**, the following requirements shall apply. The requirements contained herein shall not restrict any uses with structures less than 50,000 square feet or any establishments, dining or otherwise, that do not require drive-through access.
 - (c.) Office and residential uses shall be permitted to locate within second floor areas of two-story retail uses throughout this district.
7. **Outside display** - Refer to the definition of outside display within the definition section of the Highland Village City Zoning Ordinance, No. 95-699.
 - (a.) Outside display areas, which are identified as outside areas in which finished goods are displayed that are intended for retail sale, shall not encroach upon any required parking areas for any period of time longer than twenty-four (24) hours, except when permitted by the City upon the application and granting of a temporary use permit for a period not to exceed forty-five (45) days.
 - (b.) The total area utilized for the purpose of outside display shall not exceed 2,500 square feet. Larger areas utilized for the purpose of outside display may be approved by the City Council.
8. **Hours for loading and unloading.** All uses within the Highland Village Marketplace Overlay Zoning District shall be permitted to load and unload goods only between the hours of 7:00 a.m. and 10:00 p.m., including solid waste pickup.

Section 6. Architectural standards for structures.

- a. **Architectural design.** All structures, including all building elevations, located within the Highland Village Marketplace Overlay Zoning District shall be constructed utilizing a unified design that is substantially consistent with or contains the design elements including roof features, elevations, window type, percentage of various materials, style, color and overall symmetry of the graphics depicted in **Exhibit B** of Ordinance No. 99-799. Compliance with architectural design standards shall be a condition of site plan and general development request approval.
- b. **Masonry requirements.** All structures shall be constructed with a minimum of 90 percent masonry coverage. All permanent structures shall be compatible in architectural style,

ORIGINAL DOCUMENT
CITY OF HIGHLAND VILLAGE

including the use of masonry elements such as brick, Austin limestone, cast stone, or other masonry material of similar quality and appearance, as approved by City Council. (Refer to additional requirements within Section 6.k.)

- c. **Trim colors.** Trim colors shall complement the base color of the structure to which the trim is attached.
- d. **Roof design and materials.** Sloped, gabled or pitched roofs visible from a public street shall be required for all buildings that have a building footprint of 10,000 square feet or less. Such roofs shall be constructed of 30-year, composite shingles, slate or of similar materials (approved by the Director of Public Works or authorized designee). Roof areas not visible from a public street may be pre-finished metal or other quality roofing materials. Standing seam roofs are permitted. Colors shall be required and shall be approved with site plan approval.
- e. **Windows.** For all structures that have a building footprint of 10,000 square feet or less, residential-style windows shall be incorporated into the building design in a manner consistent with the design depicted in **Exhibit B** of Ordinance No. 99-799. Total window area not to exceed forty percent (40%) with no window greater than six feet (6') in width without a masonry break of at least eighteen inches (18") in width. Style of windows shall be consistent with construction of the building.
- f. **Awnings/canopies.** The use of decorative awnings/canopies is permitted and encouraged, provided that all awnings are designed to be compatible with the structure on which they are located and that all awnings are maintained to a level of quality deemed appropriate by City staff. Awnings and canopies shall be of a consistent pattern, size, shape, material and shall be consistent or complementary to construction of the building and approved with site plan approval.
- g. **Exposed columns.** Exposed columns (structural or decorative) shall be constructed, or clad, in a similar or complementary material as the principal structure.
- h. **Archways.** Archways may be used in conjunction with doorways or windows and shall have an architectural style consistent with the design depicted in **Exhibit B** of Ordinance No. 99-799.
- i. **Lighting.** Lighting shall be consistent with the standards of Section 38 of the Highland Village Zoning Ordinance No. 95-699. Lighting fixtures shall be of consistent design depicted in **Exhibit B** of Ordinance No. 99-799. Illumination shall be directed in a downward manner. Outdoor lighting systems of nonresidential uses, including those used to illuminate nonresidential parking areas, shall not produce direct light onto adjacent residential property as measured from the property line. The nonresidential use shall employ full cut-off, shielding, appropriate aiming, and mounting height as needed to prevent light trespass. If, after all corrective action has been taken, there is illumination crossing the property boundary, under no circumstance shall the illumination be greater than 0.05 footcandles, as measured at five (5) feet inside the residential property.
- j. **Glass.** Glass curtain walls are prohibited within the Highland Village Marketplace Overlay Zoning District.

ORIGINAL DOCUMENT
CITY OF HIGHLAND VILLAGE

9

- k. **Construction Materials.** The use of prefinished metal wall panels, concrete blocks, or stucco is prohibited. All building facades (i.e., the exterior of each side of the structure) shall be constructed of masonry materials. Tilt wall may be used only when differentiation techniques have been utilized, resulting in an appearance that resembles brick and/or stone materials. Tilt wall and other alternative exterior materials may be approved with site plan approval, upon the determination that the material proposed is equivalent in quality and appearance to masonry materials.

Section 7. Architectural style elements.

Requirements for architectural style elements contained herein are intended to ensure that nonresidential development is consistent with the character and quality of existing development within Highland Village. Compatibility with existing residential development within the City is of extreme importance, and these requirements are intended to ensure such compatibility. Strict adherence to these requirements shall not be such as to prevent architectural creativity, however, compliance with the requirements of this section (Section 7) shall be a condition of site plan and general development request approval.

- a. **Conforming architectural design.** All buildings within the Highland Village Marketplace Zoning Overlay District shall be complementary to and compatible with one another. Specific elements that shall be examined in terms of this requirement include: building materials; color; the incorporation of windows, archways, and unique architectural elements; and, overall style and symmetry. Any buildings within any proposed developments that are substantially different from existing structures or that do not substantially adhere to these requirements, as determined by City staff, shall require approval of the City Council subsequent to a recommendation by the Planning and Zoning Commission.
- b. **Color.** The primary exterior color of all buildings within the Highland Village Marketplace Zoning Overlay District shall be comprised of earth tones and shall be used on at least eighty-five percent (85%) of the building façade, excluding doors and windows. A secondary accent color, which also must be a variation of an earth tone color, may be used on up to fifteen percent (15%) of the exterior facade. Bright or fluorescent colors, including pinks, purples, oranges, and those classified as primary colors, are permitted only as secondary accent colors. Project material samples and colors, including those to be used for signage, shall be submitted with the site plan for review.
- c. **Building façade articulation.** To ensure the aesthetic value and visual appeal of nonresidential structures within the Highland Village Marketplace Zoning Overlay District, façade articulation is required for all buildings that have a building footprint of 10,000 square feet or greater.
 - 1. **Amount of articulation.** Facade articulation of at least five feet (5') in depth shall be required for every fifty feet (50') in vertical and/or horizontal surface length (refer to Illustration B).
 - 2. **Articulation on elevation plan.** Facade offsets shall be shown, along with calculations verifying that the building elevations meet the above requirement, on a building facade (elevation) plan, and shall be submitted with the site plan for review.

Section 8. Open Space, Detention/Retention Areas, the Inland Trail and Landscaping.

ORIGINAL DOCUMENT
CITY OF HIGHLAND VILLAGE

10

The intent of the requirements contained within this section of the Highland Village Overlay Zoning District is to ensure that pedestrian access for the residents of the City is accommodated and enhanced by nonresidential development within the City. It is also the intent of these requirements to ensure that the floodplain areas, flood-prone areas, and drainageways located within this Overlay District are maintained or enhanced in terms of their ability to contribute to flood management.

All nonresidential development within the Highland Village Overlay Zoning District must be integrated with the City's park and open space network, including the inland trail, as described in the Park and Open Space Master Plan of the Comprehensive Plan. This shall include the provision of public spaces and the construction of trails that would connect to the defined inland trail system (also referred to as a system of *linear parks* within the Highland Village Subdivision Ordinance). Public or common uses and open space should be connected together via the trail system to promote pedestrian usage through the district, as well as from adjacent residential areas. Public space, common use, open spaces, public places, as area focal points, and public amenities used herein interchangeably shall mean areas designated for pedestrian travel and recreation on private property. In addition, utilization of open space must be enhanced through the provision of amenities. Compliance with the requirements of this section (Section 8) shall be a condition of site plan and general development request approval.

- a. **Outdoor and open space.** Development within the Highland Village Overlay Zoning District should make a positive overall contribution to the City by providing defined public places and activity centers so that varied activities are encouraged within this area. This can be accomplished through the incorporation of open spaces that become public amenities and that provide interest within the area at the pedestrian level.
 1. Amount of outdoor seating. Any establishment serving food for consumption on-premises may provide outdoor seating area equal in size to at least fifteen percent (15%) of the total inside square footage of seating area.
 2. Area focal points—The developer or owner of all buildings within the Overlay District shall provide, or provide in concert with other owners in the Overlay District, areas to be designated as focal points. Area focal points shall be at least 20,000 square feet in size. Amenities located with Area Focal Points, as described hereinafter, shall be constructed by the owners; however, the City may provide for the deferral of construction pending the coordination of construction of additional buildings in the area, or areas, adjacent to the Area Focal Points, with a goal of maximizing the size, amenities, and quality of the Area Focal Point. Contributions of areas to the Area Focal Points shall be a "building size to area contributed" ratio of 2:1. For instance, a 50,000 square foot building owner shall contribute 25,000 square feet of area to an Area Focal Point. Notwithstanding the foregoing, any building greater than or equal to 20,000 square feet but less than or equal to 30,000 square feet shall contribute 10,000 square feet of area. Developers and owners are encouraged to coordinate and jointly design Area Focal Points to maximize pedestrian use and efficiency of contributed area. If approved by the City Manager (or if he elects to require City Council approval). Developers and owners of buildings which are not adjacent to Area Focal Point or which do not allow for efficient contributions or common use areas may contribute amenities, or the cost thereof, in amounts equivalent to the area of which would have been required under this paragraph. The City shall coordinate the collection and disbursement of any funds generated in such circumstances.

ORIGINAL DOCUMENT
CITY OF HIGHLAND VILLAGE

11

(a.) This area and associated amenities shall be approved on the site plan, and shall be improved with at least one of the following amenities:

- (1) A water feature (i.e., a fountain);
- (2) A plaza with a piece of art sculpture feature;
- (3) A gazebo/large seating area;
- (4) Other areas for pedestrian congregation, as may be approved on the site plan.

(b.) At least one (1) tree or planter shall exist for each 200 square feet of open space. Credits for maintaining existing trees may be given (refer to Section 8.b.3.).

2. Locational criteria. The location of public spaces and trails/pedestrian walkways shall be consistent with the conceptual locations shown on **Exhibit D**.

b. **Other requirements.**

6. Retention/detention ponds. It is anticipated that flood mitigation measures, including the construction of retention/detention ponds, will have to be utilized within the Highland Village Overlay Zoning District, as required by the Director of Public Works. Retention/detention pond areas shall be designed as freeform shapes to blend with the natural landscape, and shall be an integral part of the overall site design concept. Natural rocks and boulders with spillways of natural rock shall be used to create visual appeal.

(a.) Any necessary retention/detention pond area shall be constructed in conjunction with and as an amenity to public open space areas (refer to Section 8.a).

(b.) In addition to engineering review, plans for retention/detention pond areas shall be designed by a landscape architect and shall be reviewed by the Director of Parks and Recreation.

7. The Inland Trail system. In keeping with the City's Park and Open Space Master Plan, it is envisioned that within the Highland Village Marketplace Overlay Zoning District area, people will be able to move freely throughout the area without the use of an automobile due to an emphasis on trails/walkways that would connect with the City's inland trail system. The overall concept for the secondary trail is shown on the map attached as **Exhibit D**, and an easement for access into the secondary trail system shall be provided in accordance with the conceptual locations shown.

(a.) It is the responsibility of the developer to ensure that the secondary trail constructed as part of each development meets the following requirements:

- (1) Allows pedestrians to have accessibility between public streets and the building without having to walk through a surface parking lot,
- (2) Protects pedestrians from vehicular intrusions with landscaping, curbs, bollards or other elements integrated into the site design.

ORIGINAL DOCUMENT
CITY OF HIGHLAND VILLAGE

- (3) Connects with existing or future City-owned trails without physical barriers,
- (4) Provides access to open space areas provided as a result of development (refer to Section 8.a),
- (5) Traverses each development in such a way that allows for the free movement of pedestrians,
- (6) Provides an opportunity for trails constructed as a result of future development to connect to said trail.

(b.) The City shall specify the proposed dimensions of the trail constructed as part of each development, in accordance with **Exhibit D** of this ordinance. The developer shall then provide the City an easement to the common area or property upon which the trail is constructed. The owner may offer to construct the trail at an alternative site that reasonably meets the same needs of the City, however, the City shall have the authority to determine the adequacy of the alternative site. Secondary trails shall be of a suitable size, dimension, topography and general character to meet the design criteria specified in the Parks and Open Space Master Plan for the City's inland trail system (referred to as *linear park facilities* in the Parks and Open Space Master Plan), as may be further specified through administrative guidelines.

3. Preservation of existing trees. Trees in excess of twelve inches (12') in caliper shall be preserved. In addition, all trees within the areas shown on **Exhibit E** shall be preserved to the maximum extent reasonable and feasible. The developer and the builder shall use best good faith efforts to preserve areas in which large clusters of trees are located. Indiscriminate clearing or stripping of trees of any caliper within the Highland Village Marketplace Overlay District is prohibited. Any part of a site not used for buildings, parking, driveways, walkways, utilities and approved storage areas shall be retained in a natural state, or reclaimed to its natural state, to the greatest extent feasible, or shall be attractively landscaped in a manner that adds aesthetic value to the development.

(a.) As an incentive to retain existing trees as required within Section 32 of Ordinance No. 95-699, an existing tree of four (4) to six (6) inches in caliper shall be given 1.5 tree credits for the purposes of satisfying the requirements of Section 32 of Ordinance No. 95-699.

(b.) As an incentive to retain existing trees as required within Section 32 of Ordinance No. 95-699, an existing tree of at least six (6) inches in caliper and at least fifteen (15) feet tall shall be given two (2) tree credits for the purposes of satisfying the requirements of Section 32 of Ordinance No. 95-699.

(c.) At least one (1) tree of at least four-inch (4") caliper shall be planted for every one (1) tree of six-inch (6") in caliper or greater that is removed from any area within this Highland Village Marketplace Overlay Zoning District.

4. Formation of a Commercial Property Owners' Association (CPOA). As a condition to site plan approval and for the purpose of maintaining open spaces and trails, as described within this section (Section 8), a Commercial Property Owners' Association may be required to be formed by the nonresidential uses within Highland Village Marketplace Overlay Zoning District. A representative person(s) from any adjacent

**ORIGINAL DOCUMENT
CITY OF HIGHLAND VILLAGE**

13

residential area(s) and/or adjacent residential district(s) shall be solicited to become a member of this CPOA. Bylaws for this CPOA shall be submitted to the City Attorney for approval.

c. Landscaping.

1. All properties located within the Highland Village Marketplace Overlay Zoning District shall comply with the landscaping requirements contained within Section 32 of Ordinance No. 95-699, except as provided below. Compliance with the requirements of this section (Section 8) shall be a condition of site plan and general development request approval.
 - (a.) Shade trees. At least sixty percent (60%) of all required trees planted throughout the development shall be shade trees, as such are defined in Ordinance No. 95-699.
 - (b.) Street buffer trees. Street buffer trees are required to be planted adjacent to any public right-of-way and shall be spaced one (1) tree for every thirty feet (30') of frontage and shall be of at least a four inch (4") caliper. Evergreen and/or ornamental trees shall be planted in addition to the required shade trees. Evergreen and/or ornamental trees should be utilized to screen service areas, or to screen/buffer adjacent properties. Ornamental trees shall be used to accent the building and overall development. Existing trees located in parking lots shall not be accepted as credits in lieu of street buffer trees.
 - (c.) Street buffer tree location. Street buffer trees shall not be located within any public right-of-way or utility easement.
 - (d.) Lot landscaped area. Each lot shall provide a minimum of fifteen percent (15%) landscaped area that shall include a combination of trees, shrubs, plantings, ground cover and grass.
 - (e.) Site landscaped area. The entire site shall provide a minimum of twenty percent (20%) landscaped area that shall include a combination of trees, shrubs, plantings, ground cover and grass.
 - (f.) Landscape buffers. Landscape buffers (exterior parkways) shall be provided adjacent to a public right-of-way at a minimum of twenty feet (20') and a minimum of twenty feet (20') landscape buffer (interior parkway).
 - (g.) Berming. Berms shall be used to screen parking areas (refer to Section 5.a.5. of this ordinance). Berms shall not exceed a 3:1 slope. Berms located within parking lot islands or medians shall be crowned for positive drainage, with the highest point along or near the center of the island.
 - (h.) Utility easements. Any landscaping located within utility easements is subject to approval by the respective company. The landscaping of utility easements should be consistent with the development.
 - (i.) Parking lots. Landscape areas located within parking lots shall be an area not less than one hundred (100) square feet in area. These areas shall be no less than five feet (5') in width.

ORIGINAL DOCUMENT
CITY OF HIGHLAND VILLAGE

- (j.) Parking lot islands/medians. Parking lot islands or medians shall be placed at an average of every eight (8) parking spaces not to exceed ten (10) spaces without a break. Parking lot islands or medians shall be located to help define parking areas and assist in indicating traffic circulation patterns. Consideration for the protection of existing trees and/or clusters of trees will be given.
- (k.) Landscaping within parking lot islands/medians. A combination of shrubs and ground cover plantings shall be required in all islands and medians. Trees are required at the end of each parking row within the island or median. Trees in this location shall be no less than three inches (3") in caliper.
- (l.) Seasonal plantings. The use of seasonal color and xeriscape in plantings shall be required throughout the development.
- (m.) Pedestrian access. The trail system and other elements for pedestrian access/circulation on the property are preferred within exterior landscaped areas and may be included in the interior landscaped areas to serve as visual amenities. Pedestrian access between properties, as previously mentioned in Section 8 of this ordinance, shall be a condition of site plan approval.
- (n.) Foundation plantings. Foundation plantings are required around no less than fifty percent (50%) of the perimeter of the building or structure.
- (o.) Plan requirements. Landscape plans shall be designed by a landscape architect and shall be reviewed by the Director of Parks and Recreation.
- (p.) Condition of landscaped areas. All landscaped areas shall be maintained in a clean, sanitary condition. Landscaped areas shall be trimmed, free of weeds, with trees, ground cover and grass in a healthy, living and growing condition at all times.
- (q.) Plant materials. A landscape plant materials list is attached hereto as **Exhibit G**, which is a list that has been reviewed and approved by the Director of Parks and Recreation.

Section 9. Signage.

Signage for all properties located within the Highland Village Marketplace Overlay Zoning District shall comply with Section 33 of the Highland Village Zoning Ordinance No. 95-699, except as specified below. Compliance with the requirements of this section (Section 9) shall be a condition of site plan and general development request approval.

- a. **Relationship to the development.** All signs shall be complementary to and compatible with the development.
- b. **Awnings, canopies and windows.** Signs shall be prohibited on awnings (rooflike shelters that provide protection from the sun or rain) and canopies (an awning stretching from a door to a curb or a rooflike projection or covering). Regulatory and community service announcements are permitted on windows. All other window signs shall comply with the regulations set forth by Ordinance No. 95-699, Section 33.

ORIGINAL DOCUMENT
CITY OF HIGHLAND VILLAGE 15

- c. **Changeable message signs.** Signs with changeable messages are prohibited.
- d. **Monument signs.** Monument signs are required for all development within the Highland Village Marketplace Overlay Zoning District.
1. **Materials and compatibility.** Monument signs, including base and surface area, shall be constructed of brick or stone and shall be architecturally compatible with the building it is identifying. The sign face must be encased in brick or stone, with pole(s) or supports concealed.
 2. **Size and number of monument signs.** Monument signs shall not exceed four feet (4') in height and thirty-two (32) square feet in surface area; one sign per use is permitted. The size of a monument sign may be increased in size to six feet (6') in height and sixty (60) square feet in surface area and may be increased to a total of two (2) signs in the case of three or more uses sharing monument sign(s). Height is measured from the lowest point of natural grade. Signs must have engineered plans at the time of sign permit.
 - (a.) The ground upon which a monument is located may be bermed up (or designed as a raised planter) a maximum of three feet (3') for the top of the adjacent street curb.
 3. **Lighting.** Monument signs shall be externally ground lit.
 4. **Location.** Monument signs are permitted within fifteen feet (15') from front yard lines adjacent to a public right-of-way, and 10 feet (10') from side or rear yard lines.
- e. **Center identification signs.** Center identification monument signs are encouraged and shall be of similar materials and construction as buildings located within the center. Monument signs shall not exceed six feet (6') and sixty (60) square feet in surface area. Height is measured from the lowest point of natural grade. Names of individual tenants are not permitted on center identification monument signs. Leasing information is permitted. Signs must have engineered plans at the time of sign permit.
- f. **Attached wall signs.** Attached wall signs to buildings are permitted and shall not exceed one (1) sign per tenant space per street frontage. Illumination of wall signs shall be determined by City Council with approved site plan.
 - (a.) All attached signs shall be limited to a maximum size of 300 square feet or ten percent (10%) of the total building façade area, whichever is less.
 - (b.) All attached signs (whether on towers or structures that are not inhabitable) shall be limited to twenty-six feet (26') in height on a one- or two-story structure (inhabitable structure);
 - (c.) In no event shall an attached sign exceed the top plate line of the structure by greater than six feet (6') on a one-story structure.
- g. **Multi-tenant signs, retail.** In buildings with both interior and exterior access for tenants, one (1) wall sign is permitted for interior tenants, in addition to one (1) wall sign for the exterior tenants.

ORIGINAL DOCUMENT
CITY OF HIGHLAND VILLAGE

- h. **Multi-tenant signs, office.** In multi-tenant office buildings, nameplates indicating only the name and suite number of tenants are allowed. Such nameplates shall not exceed six (6) square feet in area.
- i. **Billboards.** Billboards are expressly prohibited.
- j. **Bandit signs.** Bandit signs are expressly prohibited.

Section 10. Common Streetscape Elements.

- a. **Defined.** The following aspects of each nonresidential property located within the Highland Village Marketplace Overlay Zoning District shall become common streetscape elements, as development occurs, of the Highland Village Marketplace Overlay Zoning District.
 - 1. **Street trees.** As identified in Section 32 of the Highland Village Zoning Ordinance No. 95-699.
 - 2. **Landscaping.** As identified in Section 8.c. of this Ordinance and in Section 32 of the Highland Village Zoning Ordinance No. 95-699.
 - 3. **Setbacks.** As identified in Section 5.a.2. of this Ordinance.
 - 4. **Monument signage.** As identified in Section 9.d. of this Ordinance.
 - 5. **Underground utilities.** All on-site utilities, including electrical and cable lines, shall be placed underground within this Overlay District.

ORIGINAL DOCUMENT
CITY OF HIGHLAND VILLAGE

ILLUSTRATION A
SCREENING WALL ARTICULATION

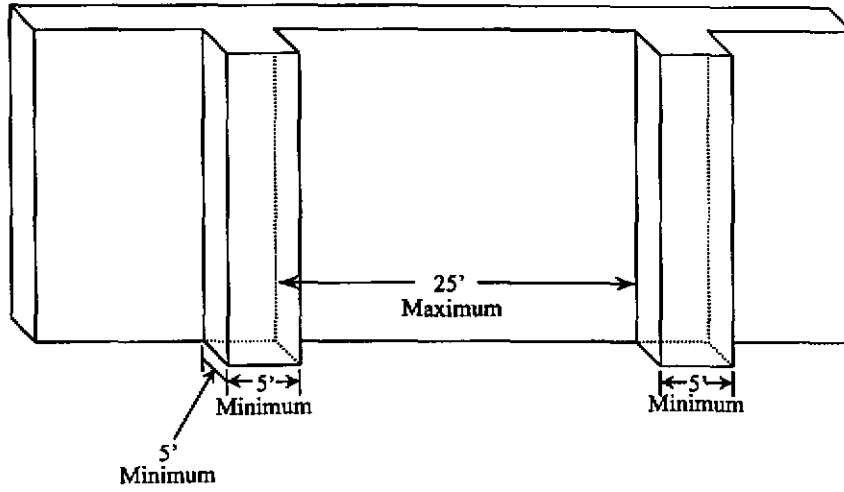
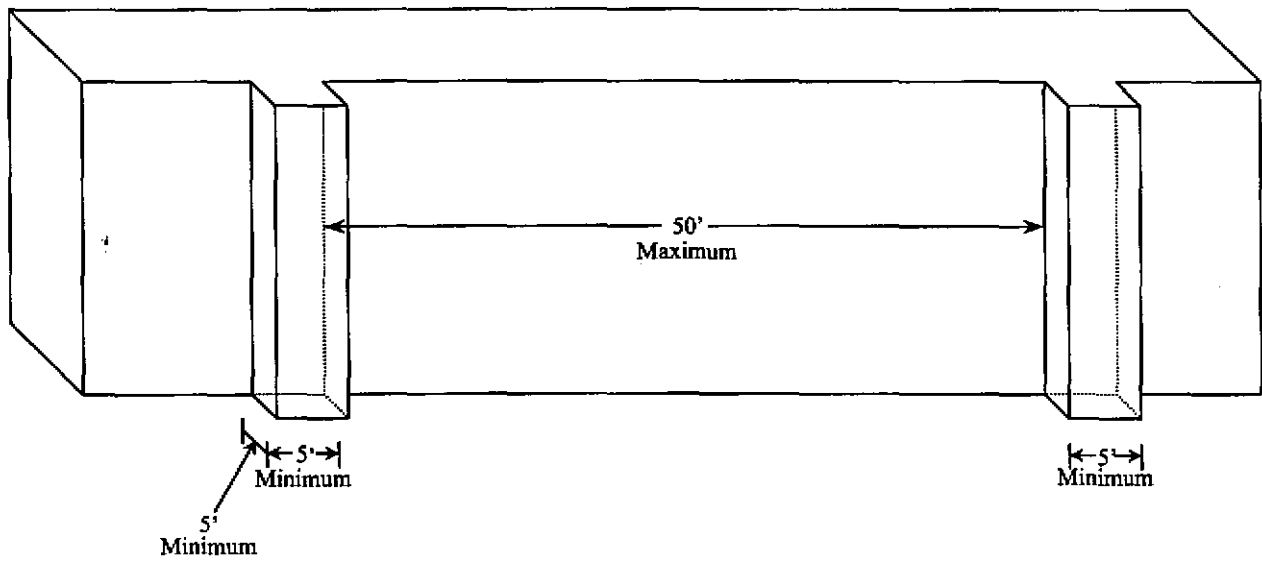
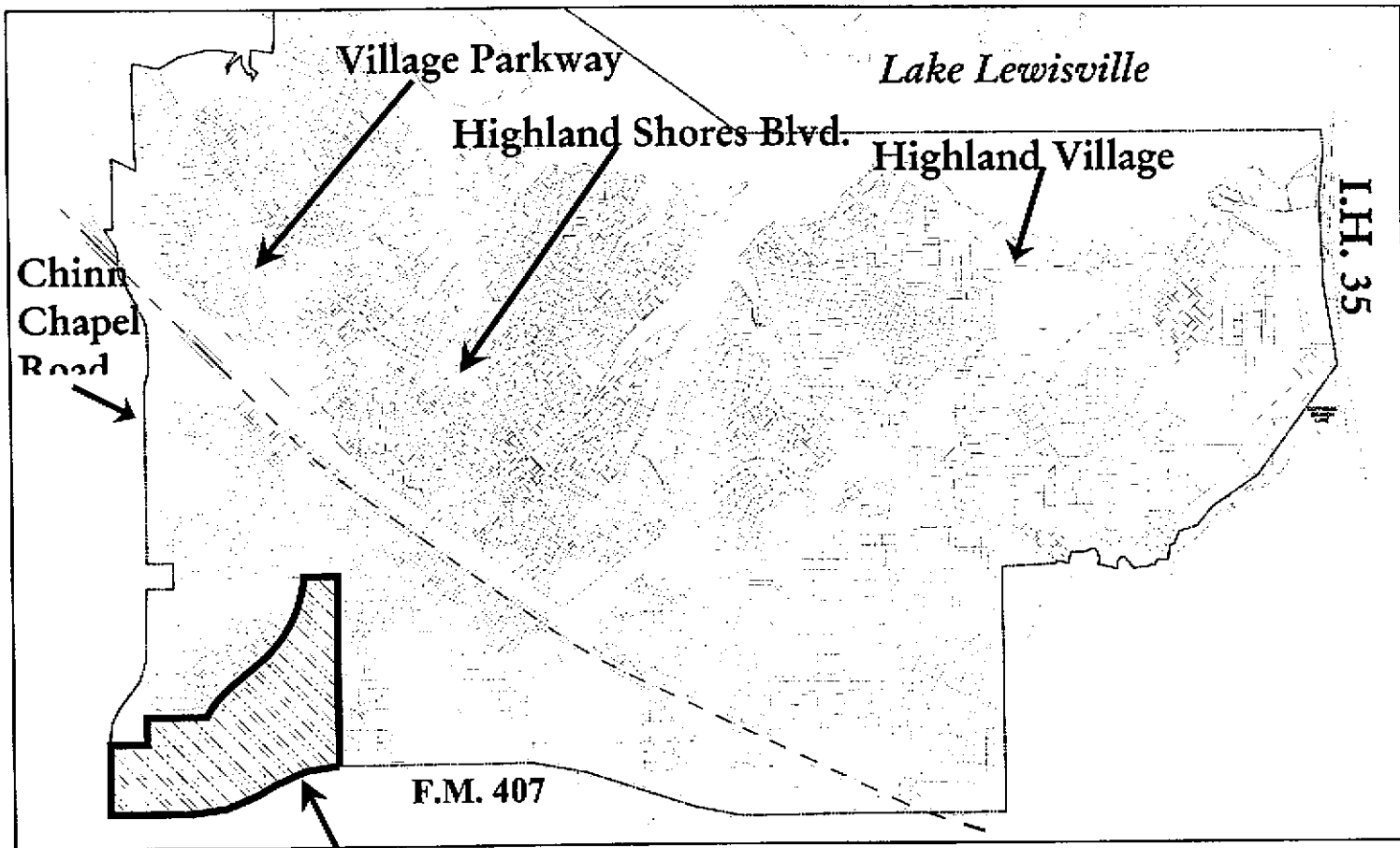


ILLUSTRATION B
BUILDING FAÇADE ARTICULATION



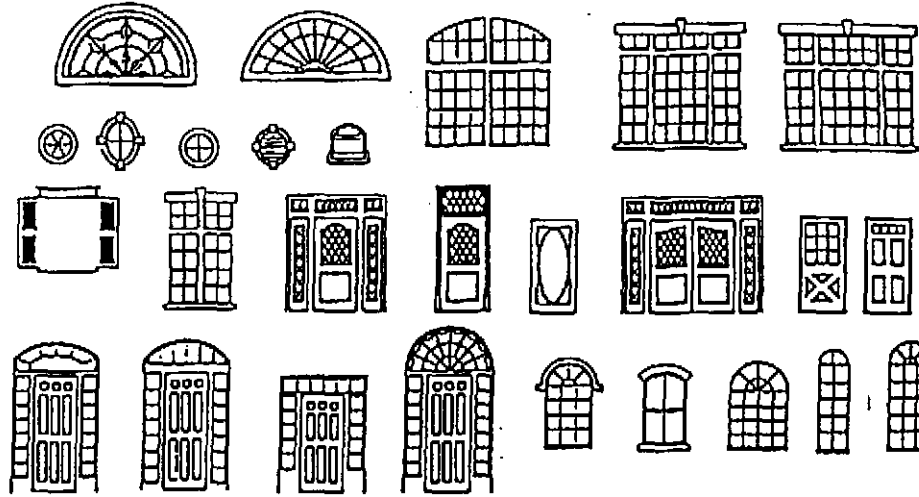
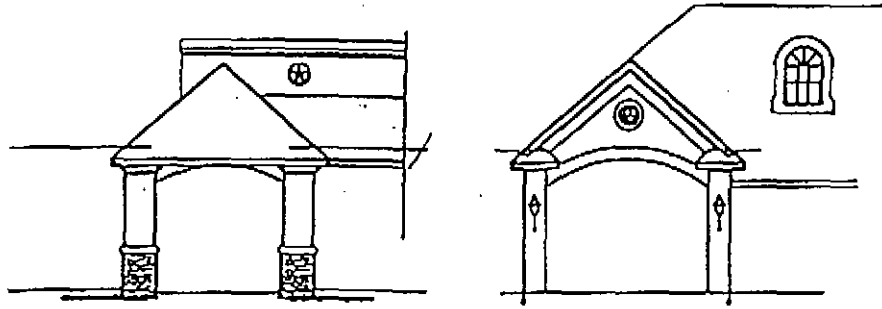
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CITY OF HIGHLAND VILLAGE

EXHIBIT A

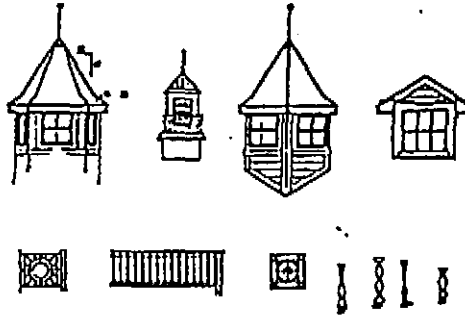


HIGHLAND VILLAGE OVERLAY ZONING DISTRICT AREA

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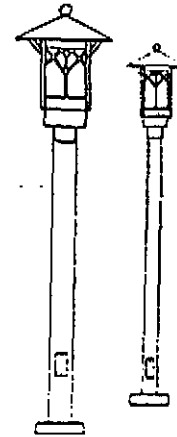
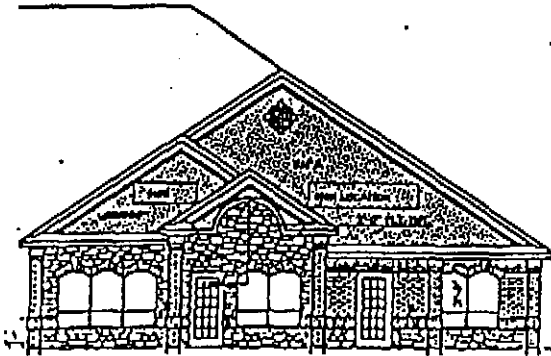


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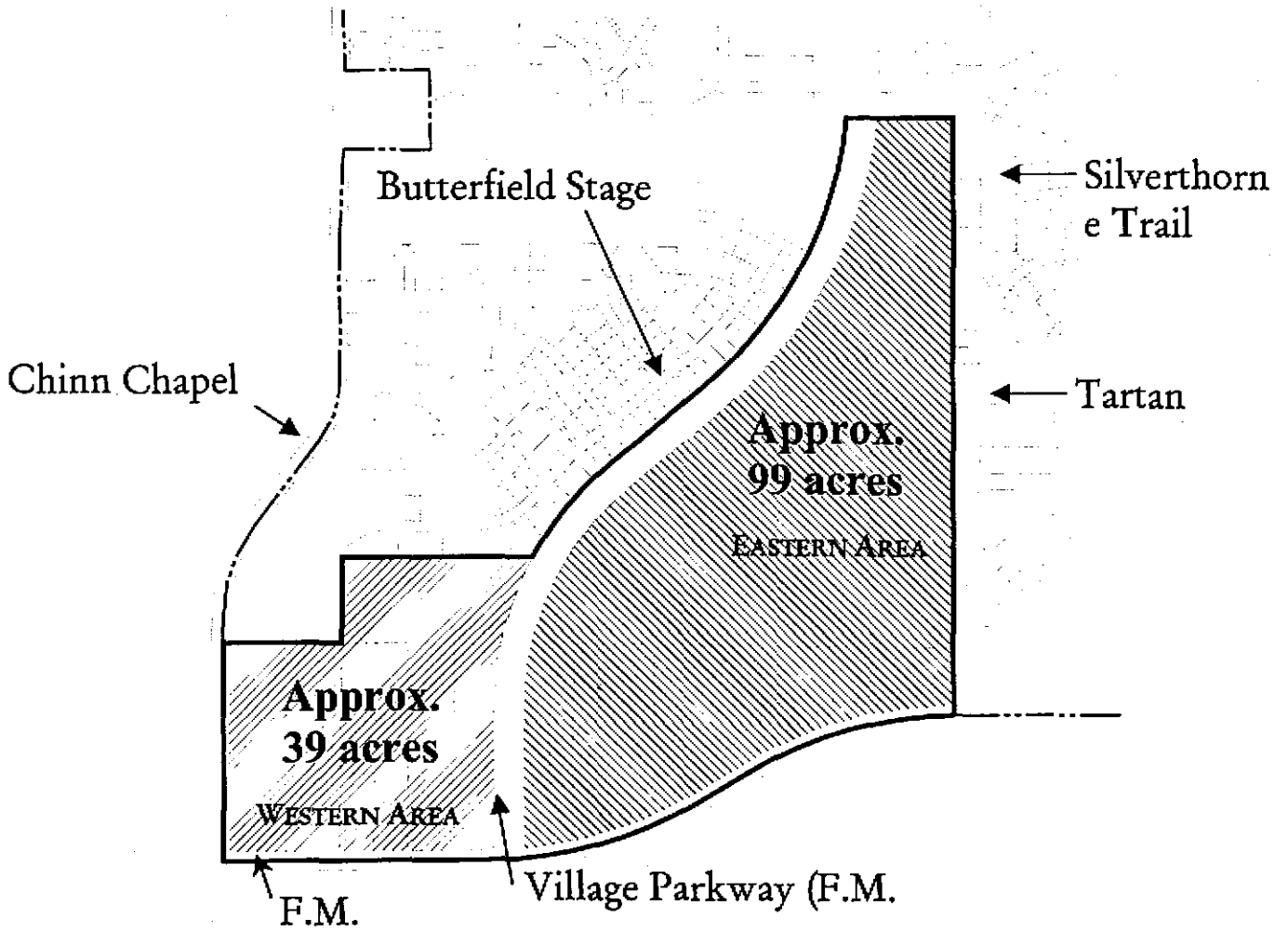
CITY OF HIGHLAND VILLAGE
COMMERCIAL OVERLAY DISTRICT - DESIGN GUIDELINES

LAMBERT ARCHITECTS
1000 E. 1st Street
Denver, CO 80202
Tel: 303.733.1234
Fax: 303.733.1235



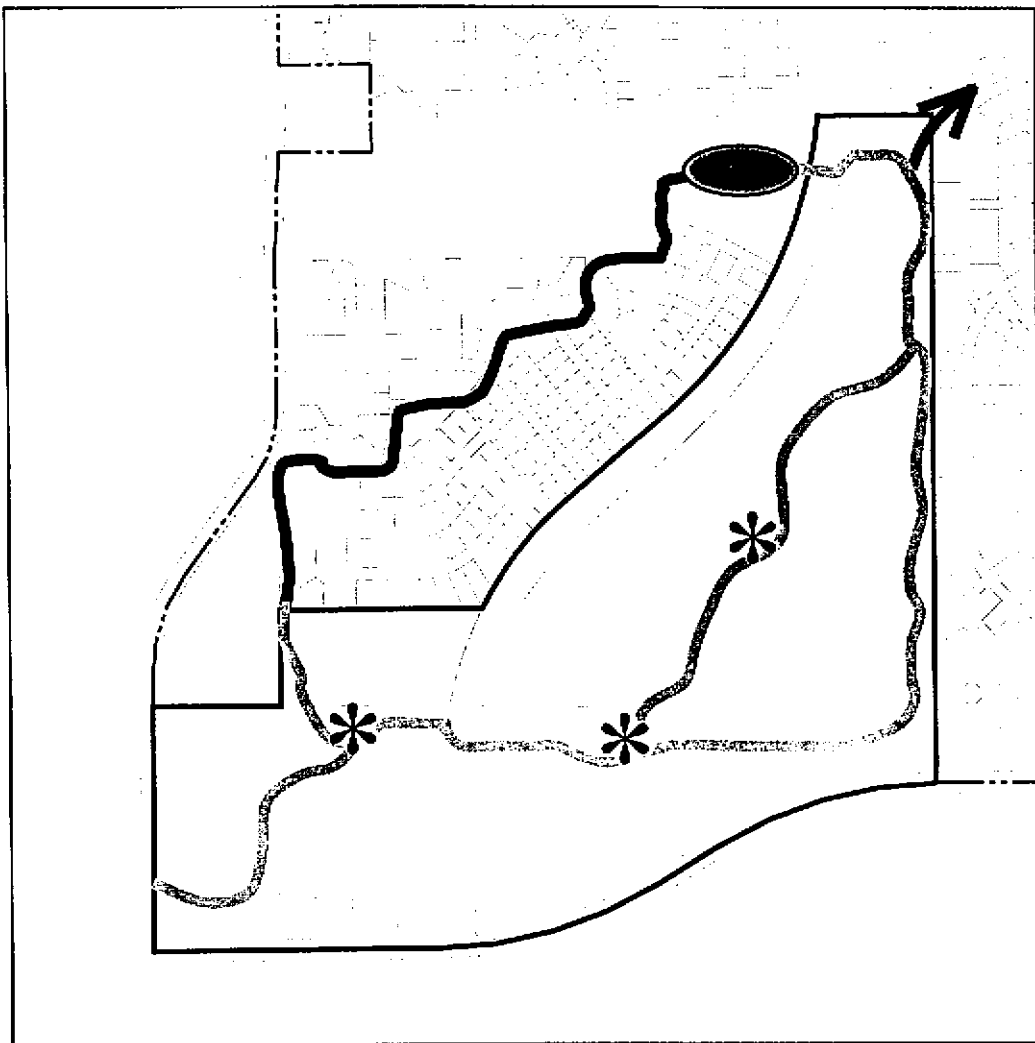
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CITY OF HIGHLAND VILLAGE

Attachment 7: Existing Shops PD
EXHIBIT C








**ORIGINAL DOCUMENT
CITY OF HIGHLAND VILLAGE**

EXHIBIT D

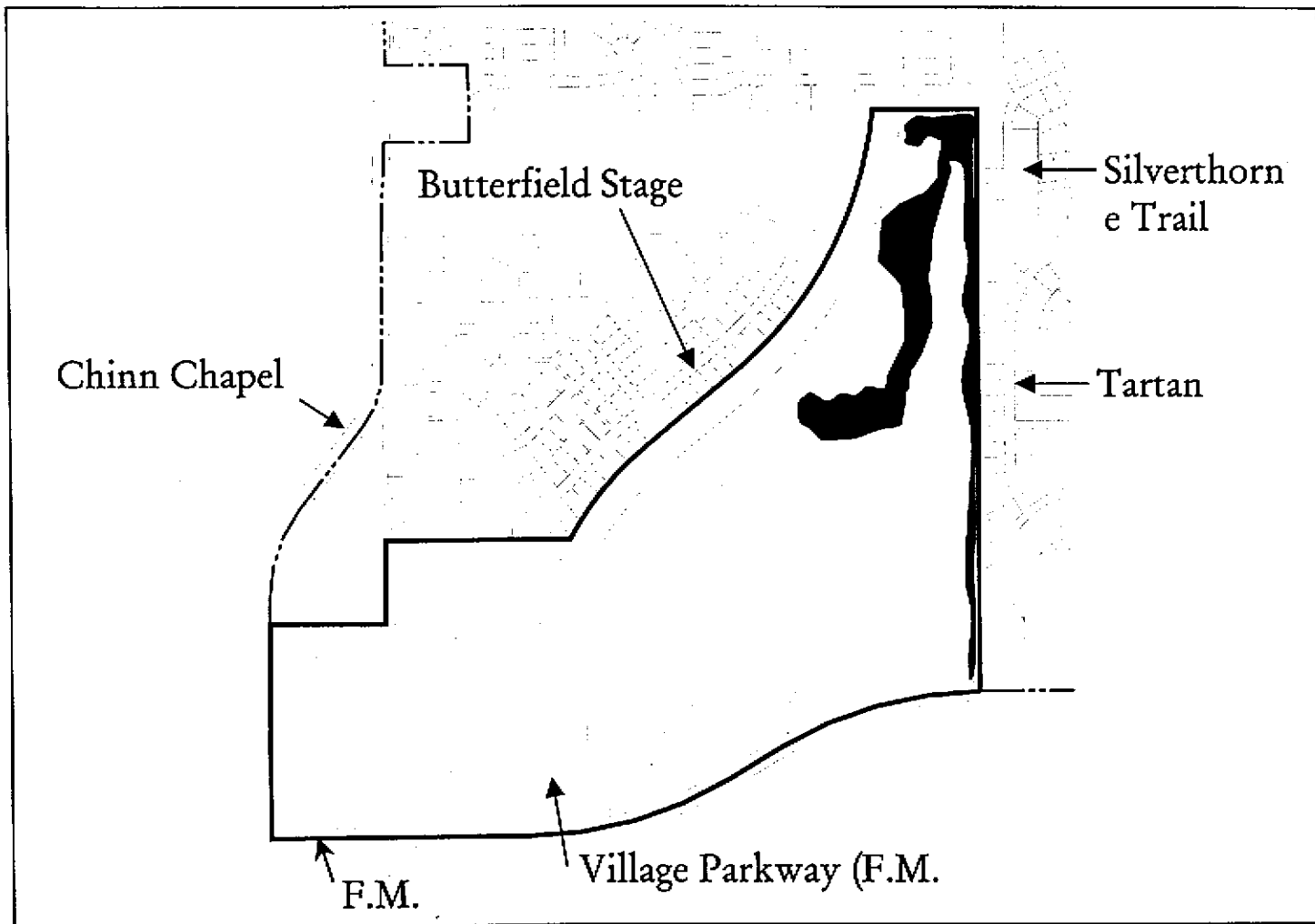


Legend


-  Existing inland trail R.O.W.
-  Proposed inland trail – To be constructed by the City and/or private development
-  Proposed inland trail – Required to be constructed by private development
-  City park land/detention pond area
- 

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EXHIBIT E



LEGEND

 Trees To Be Preserved

ORIGINAL DOCUMENT
CITY OF HIGHLAND VILLAGE

EXHIBIT "G"

LANDSCAPE PLANT MATERIALS LIST

The following landscape plant materials are approved for the landscape design work to be installed by each individual parcel developer.

Trees:

Shade Trees:

Scientific Name: *Uercus Virginiana*

Common Name: Live Oak

Minimum Recommended Size: 4" caliper, single trunk

Scientific Name: *Quercus Macrocarpa*

Common Name: Bur Oak

Minimum Recommended Size: 4" caliper, single trunk

Scientific Name: *Uercus Muhlenbergii*

Common Name: Chinquapin Oak

Minimum Recommended Size: 4" caliper, single trunk

Scientific Name: *Quercus Shumardii*

Common Name: Red Oak

Minimum Recommended Size: 4" caliper, single trunk

Scientific Name: *Quercus Virginiana*

Common Name: Live Oak

Minimum Recommended Size: 4" caliper, single trunk

Scientific Name: *Taxodium Distichum*

Common Name: Bald Cypress

Minimum Recommended Size: 4" caliper, single trunk

Scientific Name: *Ulmus Crassifolia*

Common Name: Cedar Elm

Minimum Recommended Size: 4" caliper, single trunk

Evergreen Trees:

Scientific Name: *Cupressocyparis Leylandii*

Common Name: Leylandii Cypress

Minimum Recommended Size: 8' to 10' height

Scientific Name: *Pinus Eldarica*

ORIGINAL DOCUMENT
CITY OF HIGHLAND VILLAGE

26
ORIGINAL DOCUMENT
CITY OF HIGHLAND VILLAGE

Common Name: Eldarica Pine
Minimum Recommended Size: 8' to 10' height

Scientific Name: Pinus Thunbergii
Common Name: Japanese Black Pine
Minimum Recommended Size: 6' to 8' height

Ornamental Trees:

Scientific Name: Ilex Vomitoria
Common Name: Yaupon Tree Holly

Scientific Name: Lagerstroemia Indica
Common Name: Crapemyrtle

Scientific Name: Pyrus Calleryana "Aristocrat"
Common Name: Aristocrat Pear

Shrubs:

Scientific Name: Abelia Grandiflora
Common Name: Glossy Abelia
Minimum Recommended Size: 5 gallon

Scientific Name: Abelia Grandiflora "Edward Goucher"
Common Name: Edward Goucher Abelia
Minimum Recommended Size: 3 gallon

Scientific Name: Berberis Thunbergii "Atropurpurea"
Common Name: Red-leafed Barberry
Minimum Recommended Size: 3 gallon

Scientific Name: Ilex Cornuta "Carissa"
Common Name: Carissa Holly
Minimum Recommended Size: 3 gallon

Scientific Name: Ilex cornuta "Dwarf Burford"
Common Name: Dwarf Burford Holly
Minimum Recommended Size: 3 gallon

Scientific Name: Ilex Vomitoria "Nana"
Common Name: Dwarf Yaupon Holly
Minimum Recommended Size: 3 gallon

Scientific Name: Ilex x "Nellie R. Stevens"
Common Name: Nellie R. Stevens Holly
Minimum Recommended Size: 5 gallon

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CITY OF HIGHLAND VILLAGE

Scientific Name: Juniperus Chinensis "Sea Green" or "Tamarisk"
Common Name: Sea Green or Tam Juniper
Minimum Recommended Size: 3 gallon

Scientific Name: Lagerstroemia Indica
Common Name: Dwarf Crapemyrtle
Minimum Recommended Size: 1 gallon

Scientific Name: Myrica Cerifera "Nana"
Common Name: Dwarf Waxmyrtle
Minimum Recommended Size: 3 gallon

Scientific Name: Nandina Domestica "Compacta"
Common Name: Compact Nandina
Minimum Recommended Size: 3 gallon

Scientific Name: Nandina Domestica "Gulf Stream"
Common Name: Gulf Stream Nandina
Minimum Recommended Size: 5 gallon

Scientific Name: Rhamnus Indica "Bay Breeze"
Common Name: Bay Breeze Indian Hawthorne
Minimum Recommended Size: 1 gallon

Scientific Name: Spiraea Bumalda "Anthony Waterer"
Common Name: Anthony Waterer Spirea
Minimum Recommended Size: 3 gallon

Scientific Name: Ternstroemia Gymnanthera
Common Name: Cleyera
Minimum Recommended Size: 5 gallon

Groundcover:

Scientific Name: Juniperus Horizontalis "Bar Harbor" or "Blue Rug" or "Wiltoni"
Common Name: Creeping Juniper
Minimum Recommended Size: 1 gallon

Scientific Name: Liriope Muscari
Common Name: Liriope
Minimum Recommended Size: 4" pot

Scientific Name: Trachelospermum Asiaticum
Common Name: Asian Jasmine
Minimum Recommended Size: 4" pot

Turf:

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CITY OF HIGHLAND VILLAGE

28
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CITY OF HIGHLAND VILLAGE

Scientific Name: Cynodon Dactylon
Common Name: Common Bermuda Grass
Minimum Recommended Size: solid sod or hydromulch

Scientific Name: Cynodon Dactylon – varieties
Common Name: Hybrid Bermuda Grass
Minimum Recommended Size: solid sod

Scientific Name: Lolium Perenne
Common Name: Annual Rye Grass
Minimum Recommended Size: winter over seeding

Scientific Name: Stenotaphrum Secundatum Var. Raleigh
Common Name: Raleigh St. Augustine
Minimum Recommended Size: solid sod

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CITY OF HIGHLAND VILLAGE

29
ORIGINAL DOCUMENT
CITY OF HIGHLAND VILLAGE

THE COLONY COURIER-LEADER & Lewisville Leader

AFFIDAVIT OF LEGAL NOTICE

I Darla Bishop, Account Representative of The Colony Courier - Leader and Lewisville Leader, weekly newspapers printed in the English language in Denton County, State of Texas, do hereby certify that this notice was published in The Colony Courier - Leader and Lewisville Leader, on the following dates, to-wit

March 21-22, 2001

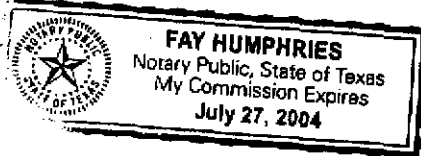
Darla Bishop

Account Representative of The Colony Courier - Leader
and Lewisville Leader

Fay Humphries
Notary Public, State of Texas

Subscribed and sworn to this
23 day of March, 2001

Page 6 — The Leader, Coppell Gazette, The Colony Courier Leader — Week of March 21 - March 22 2001



JOINT PUBLIC HEARING NOTICE CITY OF HIGHLAND VILLAGE CITY COUNCIL AND PLANNING AND ZONING COMMISSION

Notice is hereby given that the Planning and Zoning Commission of the City of Highland Village and the City Council of the City of Highland Village will hold a Joint Public Hearing on Tuesday, April 10, 2001 at 7:30 PM in the City Council Chambers, 1000 Highland Village Rd., Highland Village, Texas. The purpose of the hearing is to consider the creation of a specific Overlay District for a unique non-residential, pedestrian environment with compatible uses. The property includes approximately one hundred thirty-eight (138) acres and is generally located on the northwest and northeast corners of the FM 407 and Village Parkway (future FM 2499) intersection and is west of the Briarhill III subdivision and east of the Rolling Hills subdivision. The Ordinance creating the specific Overlay District will include provisions for Definition of Overlay zone, General Development Regulations/Standards, Landscaping and Buffer zones, and Site Plans. All persons interested are encouraged to attend this hearing. Persons wishing their opinion to be part of the record who are unable to attend may send a written reply prior to the date of the hearing to the Highland Village Planning and Zoning Commission, c/o Sue Thompson, Community Services Coordinator, 1000 Highland Village Rd., Highland Village, Texas 75077 or e-mail sthompson@hmvillage.org

THE COLONY
 COURIER-LEADER
 & Lewisville Leader

AFFIDAVIT OF LEGAL NOTICE

I Darla Bishop, Account Representative of The Colony Courier - Leader and Lewisville Leader, weekly newspapers printed in the English language in Denton County, State of Texas, do hereby certify that this notice was published in The Colony Courier - Leader and Lewisville Leader, on the following dates, to-wit

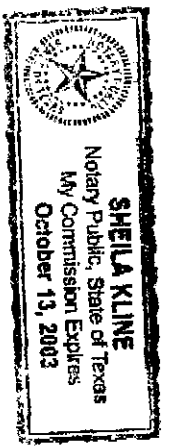
November 21-22, 2001

Darla Bishop
 Account Representative of The Colony Courier - Leader
 and Lewisville Leader

Sheila Kline
 Notary Public, State of Texas

Attachment Existing Stops PD

Subscribed and sworn to this
 29 day of Nov, 2001



- The Colony Courier Leader—Thursday, November 22, 2001

City of Highland Village
 ORDINANCE NO. 01-872

AN ORDINANCE OF THE CITY OF HIGHLAND VILLAGE, TEXAS, AMENDING COMPREHENSIVE ZONING ORDINANCE NO. 95-889, CREATING A UNIQUE NON-RESIDENTIAL OVERLAY ZONING DISTRICT FOR A SPECIFIC PORTION OF THE CITY; PROVIDING FOR INTENT AND PURPOSE; PROVIDING FOR DEFINITION OF THE OVERLAY ZONE; PROVIDING FOR APPLICABILITY/RELATIONSHIP TO BASE DISTRICTS; PROVIDING FOR DEVELOPMENT REGULATIONS; PROVIDING FOR CONCEPTUAL SITE PLANS; PROVIDING FOR GENERAL DEVELOPMENT/ARCHITECTURAL STANDARDS; PROVIDING FOR SITE PLAN STANDARDS; PROVIDING FOR PEDESTRIAN STANDARDS; PROVIDING FOR LANDSCAPING; PROVIDING FOR PRESERVATION OF ALL OTHER PORTIONS OF THE ZONING ORDINANCE; PROVIDING FOR NO VESTED INTEREST; PROVIDING A PENALTY OF A FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00); PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

DULY PASSED AND APPROVED by the City Council of the City of Highland Village, Texas this the 13th day of November, 2001.

Mayor Bill Lawrence
 City of Highland Village, TX

ATTEST:
 Shari Kuykendall
 City Secretary

APPROVED AS TO FORM AND LEGALITY:
 Mark Houser
 City Attorney

The ordinance, in its entirety, is available for review in the Office of the City Secretary.

**CITY OF HIGHLAND VILLAGE, TEXAS
ORDINANCE NO. 2023-_____**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS, AMENDING THE HIGHLAND VILLAGE COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP BY AMENDING THE REGULATIONS RELATING TO THE USE AND DEVELOPMENT OF 5.667± ACRES LOCATED IN THE JAMES EDMONSON SURVEY, ABSTRACT NO. 398, AND THE JAMES W. GIDDENS SURVEY, ABSTRACT NO. 471, BY CHANGING THE ZONING FROM THE MARKETPLACE PLANNED DEVELOPMENT DISTRICT WITH RETAIL (MPD-R) TO A PLANNED DEVELOPMENT OVERLAY DISTRICT FOR MULTI-FAMILY AND RETAIL USES (PD 2023-1 – PRESIDIUM MULTI-FAMILY OVERLAY DISTRICT) AND ADOPTING DEVELOPMENT REGULATIONS, A CONCEPT PLAN, A LANDSCAPE PLAN, AND ELEVATIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission and the governing body of the City of Highland Village, Texas, in compliance with the laws of the State of Texas and the ordinances of the City of Highland Village, Texas, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all the property owners generally and to all persons interested and situated in the affected area, and in the vicinity thereof, and in the exercise of the legislative direction, have concluded that the Comprehensive Zoning Ordinance and Zoning Map of the City of Highland Village, Texas, as previously amended, should be further amended.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS, THAT:

SECTION 1. The Comprehensive Zoning Ordinance and the Zoning Map of the City of Highland Village, Texas, as previously amended (collectively, the “CZO”), be further amended by amending the regulations relating to the use and development of 5.667± acres located in James Edmonson Survey, Abstract No. 398, and the James W. Giddens Survey, Abstract No. 471, City of Highland Village, Denton County, Texas, more particularly described in Exhibit “A” attached hereto and incorporated herein by reference (the “Property”), changing the zoning from The Marketplace Planned Development District With Retail (MPD-R) to a Planned Development Overlay District for Multi-Family and Retail Uses (PD 2023-1 – Presidium Multi-Family Overlay District)(sometimes referred to in this Ordinance as “the District”) subject to the use and development regulations set forth in Section 2 of this Ordinance.

SECTION 2. In addition to the uses for which the Property may otherwise be developed in accordance with the Retail “R” Zoning District, the Property may be developed and used for Multi-Family Residential uses subject to the following:

A. DEFINITIONS: As used in this Ordinance, the following words and phrases shall have the following meanings:

- (1) "Club room" means an interior area consisting of not less than 500 square feet of floor area and is intended for the use of residents of a multifamily facility, which may include televisions, fireplaces, seating areas, and indoor entertainment.
- (2) "Coworking space" means an interior area consisting of not less than 500 square feet of floor area and is intended for residents to work or hold meetings on a temporary basis.
- (3) "Leasing center" means an area for property management staff to conduct the business of the property.
- (4) "Pool courtyard" means an outdoor area consisting of a swimming pool and lounge area.
- (5) "Private gym or recreational facility" means an indoor area consisting of a not less than 1,000 square feet of floor area which includes exercise equipment and/or workout studio.

B. ADDITIONAL PERMITTED USE: In addition to those uses permitted within the Retail "R" Zoning District and the Multi-Family Residential (MF) Zoning District, and the uses within said zoning districts authorized following approval of a conditional use permit, as set forth in Section 29 of the CZO as amended from time to time, the Property may be used and developed for Hotel/Motel purposes.

C. CONCEPT PLAN: The Property shall be developed in substantial conformance with the Concept Plan attached hereto as Exhibit "B" and incorporated herein by reference ("Concept Plan").

D. DEVELOPMENT STANDARDS: The Property and the buildings constructed on the Property shall be developed in accordance with and subject to the following development standards:

Maximum height	60 feet
Maximum number of dwelling units	280 units
Minimum lot size	none
Maximum lot coverage	50%
Minimum front yard (east):	10 feet
Minimum side yard	80 feet if adjacent to single-family residential, otherwise 20 feet
Minimum rear yard (west):	none
Mix of total dwelling units:	Studio or 1 bedroom: 50-65% 2 bedroom: 30-45% 3 bedroom: 0-15%

E. PARKING: The Property shall be developed with off-street parking in accordance with Section 31 of the CZO except as follows:

- (1) **Multiple-family parking:** Off-street parking for the Multi-Family Use identified on the Concept Plan shall be located on the Property as shown on the Concept Plan and further subject to the following:
- (a) The number of off-street parking spaces shall be not less than 1.5 parking spaces per dwelling unit;
 - (b) Parking spaces, fire lanes, and driveways may be placed within the minimum side yard adjacent to single family residential zoning districts as shown on the Concept Plan;
 - (c) Not less than fifty percent (50%) of the required off-street parking spaces shall be located within the parking garage structure identified on the Concept Plan;
 - (d) All surface parking areas that are adjacent to public streets and single-family zoning districts shall be screened from view, such screening to be in the form of live plant materials, berms, and/or masonry walls, but which shall be in addition to and not in lieu of the parking lot landscaping required by Section 32.6.F. of the CZO. Any structured parking shall be screened in an architecturally compatible manner. Parking area screening may incorporate decorative features to reduce vehicle noise and light.
- (2) **Shared Parking:** No building permit shall be issued for the construction of any building to be constructed on the Property prior to execution and recording in the Official Public Records of Denton County, Texas, of a shared parking easement agreement (the "Shared Parking Agreement") between the owner of the Property and the owner of the remainder of Lot 1, Block A, The Shops at Highland Village, an Addition to the City of Highland Village, Texas, according to the plat thereof recorded in Cabinet Y, Page 166, Plat Records, Denton County, Texas (the "Lot 1 Remainder Property") in a form acceptable to the City Attorney and the City Manager designating parking spaces on the Property to be available for shared use by the uses developed on, or which may be developed on, the Lot 1 Remainder Property to accommodate the off-street parking requirements for the Lot 1 Remainder Property subject to the following:
- (a) The Shared Parking Agreement will result in the off-street parking requirements for both the Property and the Lot 1 Remainder Property to be in compliance with all applicable City ordinances relating to the use and development of said properties;
 - (b) The Shared Parking Agreement complies with the limitations relating to shared parking set forth in Section 31.7.F. of the CZO;
 - (c) The Shared Parking Agreement contains a provision wherein the parties in substance understand, acknowledge, and agree that the Shared Parking Agreement is necessary comply with the ordinances and regulations applicable to the development and use of the Property and the Lot 1 Remainder Property;
 - (d) The Shared Parking Agreement shall contain provisions acknowledging

and agreeing the City is a third-party beneficiary to the Shared Parking Agreement with the right, but not the obligation, to enforce the terms of the Shared Parking Agreement;

- (e) The Shared Parking Agreement shall contain a provision prohibiting its termination or any amendment relocating or reducing the number of the identified shared parking spaces without the prior approval of the City Council; and
- (f) The Shared Parking Agreement shall constitute a covenant running with the land for both the Property and the Lot 1 Remainder Property.

F. ELEVATIONS AND ARCHITECTURAL FEATURES: The buildings constructed on the Property shall be designed and constructed to appear substantially consistent with the Elevation Plans attached hereto as "Exhibit C" and incorporated herein by reference (the "Elevations").

G. LANDSCAPING: The Property shall be developed in accordance with the landscaping and irrigation requirements applicable to a Retail "R" Zoning District, except as follows:

- (1) A landscape buffer minimum not less than ten feet (10.0') wide shall be installed adjacent to all interior parkways (i.e., the area on private property between the street right-of-way line and the curb of the parking area or building area)
- (2) The landscaped portion of interior parkways may be included in the required landscape area percentage;
- (3) Both frontages on each corner lot shall be constructed with the ten foot (10.0') wide landscape buffer required by paragraph (1), above;
- (4) If a lot has more than two (2) street frontages, the width of the landscape buffer adjacent to each additional right-of-way frontage after two (2) may be reduced to not less than 7.5 feet in width;
- (5) One (1) tree with a trunk diameter at the time of planting of not less than four inches (4.0") in caliper shall be planted on the Property for every 30 feet of right of way frontage and may be preserved, planted, or transplanted in the required landscape area, buffer, or adjacent landscape area;
- (6) Trees planted on the Property shall be a species identified on the recommended tree list in Appendix "A" of the Subdivision Regulations (i.e. Exhibit 26A of the Code of Ordinances of the City of Highland Village, Texas, as amended), and
- (7) Trees may be grouped or clustered to facilitate site design;
- (8) No certificate of occupancy for any building constructed on the Property other than the structured parking garage shall be issued until completion of installation of all required landscaping and irrigation systems; and

(9) No building permit shall be issued for construction of any building to be constructed on the Property prior to approval of a landscape plan in accordance with Section 32.4 of the CZO.

H. **REFUSE CONTAINERS**: The location and screening of refuse containers on the Property shall comply with Section 21.5 of the CZO provided that no certificate of occupancy for the building to be served by a refuse container located on the Property shall be granted for such building until construction of the masonry the screening walls for such container is complete.

I. **MECHANICAL EQUIPMENT**: All mechanical equipment must be constructed, located, and screened to not be visible from any public right-of-way or adjacent property.

J. **SIGNS**: All signs installed on the Property shall comply with the provisions of Section 33 of the CZO, as amended or succeeded, applicable to property within a Retail "R" Zoning District except as follows:

(1) All wall signs must be on-premises signs. All businesses are allowed one sign per tenant space per street frontage.

(2) The cumulative area of all wall signs shall not exceed or cover more than fifteen percent (15%) of the façade area of a building face or area of the leasable building space, but shall in no case exceed 300 square feet in effective area; and

(3) All attached signs and their words may be mounted parallel or perpendicular to the building surface to which they are attached, subject to the following conditions:

(a) An attached sign that is mounted parallel to the building surface to which it is attached shall project no more than eighteen (18) inches from the building surface;

(b) An attached sign that is mounted perpendicular to the building surface to which it is attached shall project no more than 42 inches from the building surface and shall be mounted at least fifteen (15) feet above the building grade;

(c) An attached sign shall not project above the roof parapet, nor into or over any public right-of-way; and

(d) All attached signs (whether on towers or habitable structures, and whether mounted parallel or perpendicular to the building surface) shall be limited to 26 feet in height on a one- or two-story structure, or 32 feet in height on a three- or four-story structure.

K. **AMENITIES**: The multi-family use to be developed on the Property shall include the following amenities, construction of which shall be completed prior to the issuance of a certificate of occupancy or approval of a final inspection for any building constructed on the Property with dwelling units:

- (1) Club room.
- (2) Coworking space.
- (3) Leasing center.
- (4) Pool courtyard.
- (5) Private gym or recreational facility

Notwithstanding the preceding to the contrary, a partial or temporary certificate of occupancy may be granted for occupancy of the leasing center area of a building that also contains dwelling units prior to completion of the above amenities.

L. **MINOR MODIFICATIONS:** The City Manager shall have the authority, but not the obligation, to approve Minor Modifications. For purposes of this Ordinance, a "Minor Modification" is a deviation to the Concept Plan, Elevations, and/or regulations relating to landscaping set forth in any application for a permit and/or plans and specifications relating to the development of the Property that does not:

- (1) Materially change the site access, circulation, and/or building location on the Property as shown on the Concept Plan;
- (2) Allow a use not otherwise authorized by this Ordinance;
- (3) Increase the building height beyond what is allowed by this Ordinance;
- (4) Exceed the maximum building coverage authorized by this Ordinance;
- (5) Substantially change the massing, colors and materials of the building elevations;
- (6) Increase the maximum number of dwelling units allowed by this Ordinance;
- (7) Does not change the dwelling unit mix by more than ten percent (10%);
- (8) Materially change the landscaping features or reduce the amount of landscaping required to be installed on the Property; and/or
- (9) Otherwise effectively result in an amendment to these Development Regulations or the CZO to an extent beyond the amendments established by these Development Regulations.

The City Manager shall make the determination as to whether a requested deviation from the Concept Plan, the Elevations, and/or any required landscaping regulations set forth in any application for a development permit and/or plans and specifications relating to the development of the Property constitutes a Minor Modification. Any requested deviation from the Concept Plan, Elevations, and/or landscape regulations determined to not be a Minor Modification shall be deemed to be a request for an amendment to this Ordinance.

SECTION 3. All ordinances of the City of Highland Village related to the use and development of the Property heretofore adopted and in effect upon the effective date of this Ordinance are and shall remain in full force and effect except to the extent amended by this Ordinance or to the extent there is an irreconcilable conflict between the provisions of said other ordinance and the provisions of this Ordinance, in which case the provision of this Ordinance shall be controlling.

SECTION 4. Should any word, sentence, paragraph, subdivision, clause, phrase or section of this Ordinance, or the Comprehensive Zoning Ordinance, as amended hereby, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said Ordinance or the Comprehensive Zoning Ordinance, as amended hereby, which shall remain in full force and effect.

SECTION 5. An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Comprehensive Zoning Ordinance, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.

SECTION 6. 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 Comprehensive Zoning Ordinance as previously amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000) for each offense.

SECTION 7. This ordinance shall take effect immediately from and after its passage on Second Reading and publication of the caption in accordance with the provisions of the Charter of the City of Highland Village, and it is accordingly so ordained.

**PASSED AND APPROVED BY THE CITY COUNCIL, CITY OF HIGHLAND VILLAGE, TEXAS
ON FIRST READING ON THIS THE _____ DAY OF _____ 2023.**

**PASSED AND APPROVED BY THE CITY COUNCIL, CITY OF HIGHLAND VILLAGE, TEXAS
ON SECOND READING ON THIS THE ___ DAY OF _____ 2023.**

APPROVED:

Daniel Jaworski, Mayor

ATTEST:

Angela Miller, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Kevin B. Laughlin, City Attorney

(kbl:5/9/2023:134953)

Ordinance No. 2023-____
EXHIBIT A - Description of the Property

A tract of land situated in the James Edmonson Survey, Abstract No. 398, and the James W. Giddens Survey, Abstract No. 471, City of Highland Village, Denton County, Texas and being a portion of Lot 1, Block A, The Shops at Highland Village, an Addition to the City of Highland Village, Texas, according to the plat thereof recorded in Cabinet Y, Page 166, Plat Records, Denton County, Texas, and being more particularly described as follows:

BEGINNING at the easternmost northeast corner of said Lot 1, common to the southeast corner of Rolling Hills Estates, Phase One, an Addition to the City of Highland Village, Texas, according to the plat thereof recorded in Cabinet S, Page 60, said Plat Records, same being on the westerly right-of-way line of Village Parkway (variable width public right-of-way), same also being the beginning of a non-tangent curve to the left with a radius of 1,496.46 feet, a central angle of 04°50'45", and a chord bearing and distance of South 26°06'17" West, 126.53 feet;

THENCE with said westerly right-of-way line of Village Parkway, the following courses and distances:

In a southerly direction, with said non-tangent curve to the left, an arc distance of 126.57 feet to a point at the beginning of a reverse curve to the right with a radius of 80.00 feet, a central angle of 18°40'08", and a chord bearing and distance of South 33°00'58" West, 25.95 feet;

In a southerly direction, with said reverse curve to the right, an arc distance of 26.07 feet to a point at the beginning of a reverse curve to the left with a radius of 120.00 feet, a central angle of 21°18'42", and a chord bearing and distance of South 31°41'41" West, 44.38 feet;

In a southerly direction, with said reverse curve to the left, an arc distance of 44.64 feet to a point at the beginning of a compound curve to the left with a radius of 1,508.46 feet, a central angle of 09°07'47", and a chord bearing and distance of South 16°28'26" West, 240.11 feet;

In a southerly direction, with said compound curve to the left, an arc distance of 240.36 feet to a point for corner;

North 89°45'44" West, a distance of 49.50 feet to a point for corner;

South 00°18'40" East, a distance of 79.14 feet to a point for corner;

THENCE over and across said Lot 1, Block A, the following courses and distances:

North 75°04'32" West, a distance of 108.58 feet to a point at the beginning of a tangent curve to the right with a radius of 250.00 feet, a central angle of 14°50'24", and a chord bearing and distance of North 67°39'20" West, 64.57 feet;

In a westerly direction, with said tangent curve to the right, an arc distance of 64.75 feet to a point at the beginning of a reverse curve to the left with a radius of 350.00 feet, a central angle of 29°45'52", and a chord bearing and distance of North 75°07'04" West, 179.78 feet;

In a westerly direction, with said reverse curve to the left, an arc distance of 181.82 feet to a point for corner;

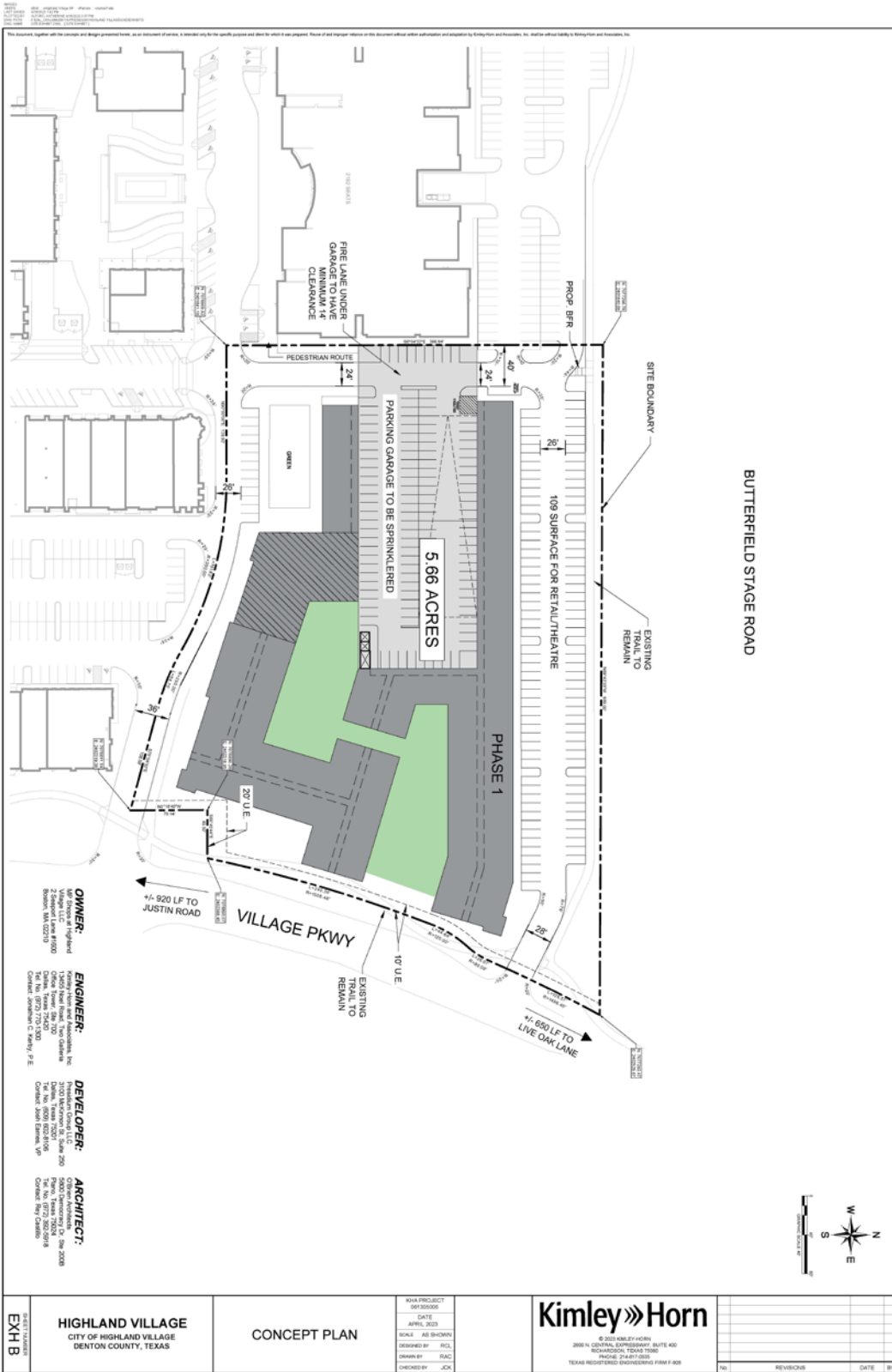
North 90°00'00" West, a distance of 139.80 feet to a point for corner;

North 00°04'32" West, a distance of 386.94 feet to a point for corner in the north line of said Lot 1, Block A;

THENCE South 89°43'33" East, with said north line of Lot 1, Block A, a distance of 689.00 feet to the **POINT OF BEGINNING** and containing 246,756 square feet or 5.6647 acres of land.

Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983.

Ordinance No. 2023- Exhibit "B" - Concept Plan

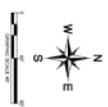


OWNER:
Village LLC
12005 Live Oak Blvd
Dallas, Texas 75240
Owner: Justin Brown, P.E.

ENGINEER:
Tandem Engineering, Inc.
12005 Live Oak Blvd, Two Gates
Dallas, Texas 75240
Owner: Justin Brown, P.E.

DEVELOPER:
21201 Richardson Dr, Suite 200
Dallas, Texas 75240
Owner: Justin Brown, P.E.

ARCHITECT:
5600 Commerce Ct, Ste 200B
Dallas, Texas 75240
Owner: Amy Cannon

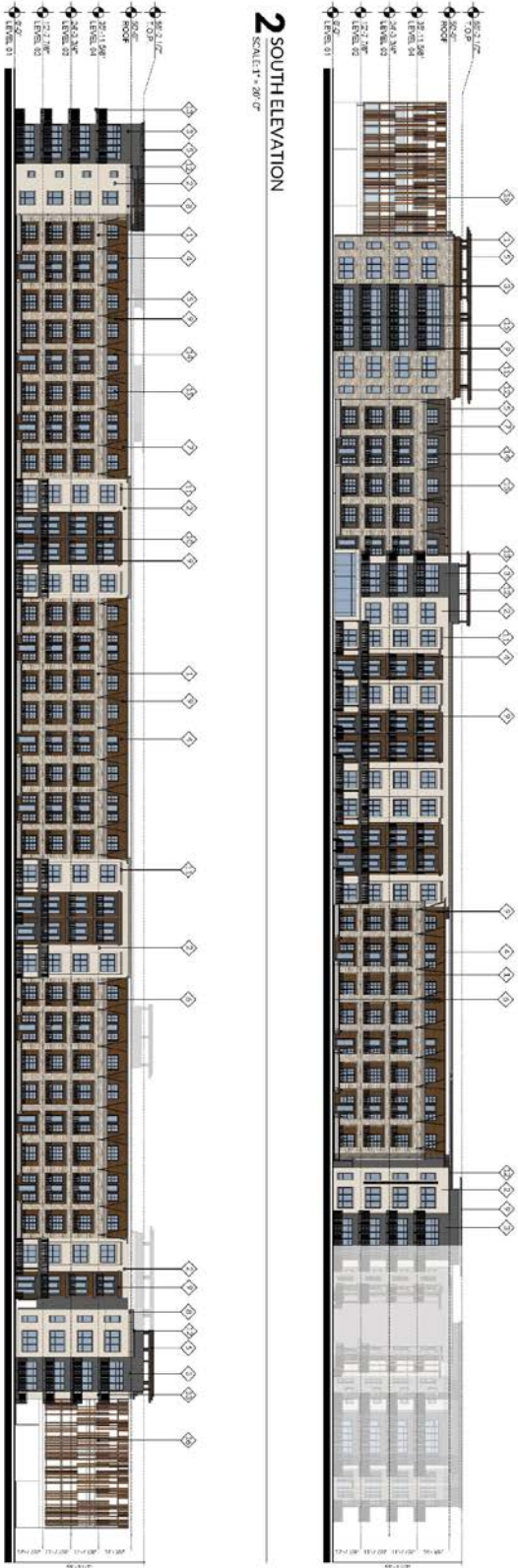
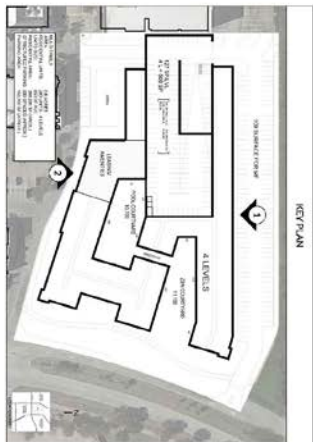


EXH B	HIGHLAND VILLAGE CITY OF HIGHLAND VILLAGE DENTON COUNTY, TEXAS	CONCEPT PLAN	KVA PROJECT SHEET NO. 001 DATE: APRIL 2023 SCALE: AS SHOWN DESIGNED BY: RCL DRAWN BY: RAC CHECKED BY: JCK	Kimley»Horn <small>© 2023 KIMLEY-HORN 2805 N. CENTRAL EXPRESSWAY, SUITE 400 RICHARDSON, TEXAS 75081 PHONE: 214.917.0255 TEXAS REGISTERED ENGINEERING FIRM # 308</small>	NO. _____ REVISIONS _____ DATE _____
			SHEET NO. 001 OF 001		

Ordinance No. 2023-
EXHIBIT "C" - Elevations



ELEVATION KEYNOTS	
1 WINDOWS ARE VARY UNIC. FINISH MATERIALS	9 PAINTED METAL / ANSO COLOR 1
2 REF. CIVIL FOR GRADE ELEVATIONS	10 METAL COLUMN
	11 FOAMSTUCCO TRIM - BLACKISH CHARCOAL
	12 FINISHED METAL COPING - CHARCOAL
	13 WOOD SORTITS
	14 METAL DOORS - LIBRARIEMBOUZE
	15 WHITE WINDOWS - DARK BROUZE MULLIONS
	16 METAL SCREEN



2 SOUTH ELEVATION
SCALE 1" = 20'-0"

1 NORTH ELEVATION
SCALE 1" = 20'-0"

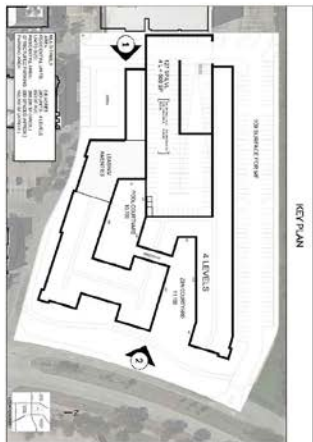
Ordinance No. 2023-
EXHIBIT "C" - Elevations



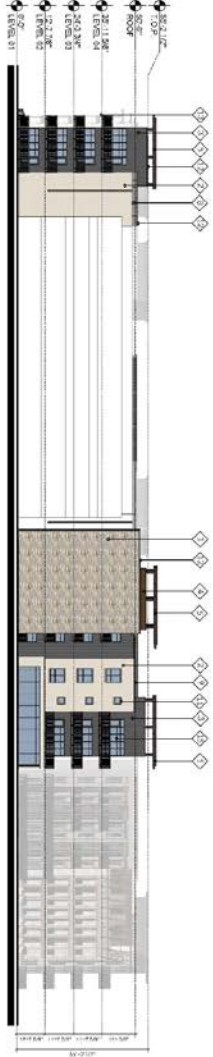
ELEVATION KEYNOTS	
1 ROUGH FACED STONE COURSED - ASH/GRAY TINT	9 PAINTED METAL / ANSICOLOR 1
2 SMOOTH STONE - RANDOM LENGTH - 2" HEIGHT	10 METAL COLUMN
3 FIBER CEMENT BOARD AND BRICKTON SCHEME	11 FOAMSTUCCO FIN - BUCKSHIN CHARCOAL
4 FIBER CEMENT SCING COLOR A	12 FINISHED METAL CORNG - CHARCOAL
5 METAL CANOPY	13 WOOD SORTTS
6 CAST STONE	14 METAL DOORS - LIBRARIEMBRUCE
7 FIBER CEMENT SCING COLOR B	15 VINYL WINDOWS - DARK BRNDUT MULLIONS
8 STUCCO	16 METAL SCREEN

GENERAL NOTES

1 WINDOWS ARE VINYL UNIC. 2 REF. CIVIL FOR GRADE ELEVATIONS.



2 EAST ELEVATION
SCALE 1" = 20'-0"



1 WEST ELEVATION
SCALE 1" = 20'-0"

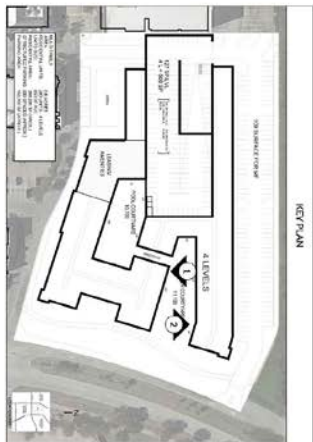
Ordinance No. 2023-
EXHIBIT "C" - Elevations



ELEVATION KEYNOTS	
1 WINDOWS ARE WITH UNIC. FINISH MATERIALS	9
2 REF. CIVIL FOR GARAGE ELEVATIONS	10
	11
	12
	13
	14
	15

GENERAL NOTES

- WINDOWS ARE WITH UNIC. FINISH MATERIALS
- REF. CIVIL FOR GARAGE ELEVATIONS



HIGHLAND VILLAGE
PRESIDIUM HIGHLAND VILLAGE, TX

BUILDING ELEVATIONS | SCALE 1" = 20'-0" | 11.11.2022



Ordinance No. 2023- EXHIBIT "C" - Elevations

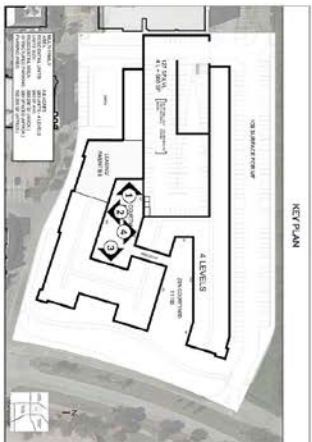


ELEVATION KEYNOTES

1 ROUGH FACE STONE COURSED - ASPHALT FINISH	9 PAINTED METAL/FINIS/COLOR 1
2 SMOOTH STONE - SAND/LENGTH 1- 32" HEIGHT	10 METAL COLUMN
3 FIBER CEMENT BOARD AND BRATTON SIDING	11 FOAMSTYROFOAM - BLACK/GRN
4 FIBER CEMENT SIDING COLOR A	12 FINISHED METAL CORNER - CLASSIC/COAL
5 METAL CANTOPY	13 WOOD SHUTTERS
6 CAST STONE	14 METAL DOORS - LIBRARY/BRONZE
7 FIBER CEMENT SIDING COLOR B	15 VINYL WINDOWS - DARK BRONZE MULLIONS
8 STUCCO	16 METAL SCREEN

GENERAL NOTES

- 1 WINDOWS ARE VINYL UNIC.
- 2 REEF CIVIL FOR GRADE ELEVATIONS.



4 SOUTH ELEVATION - POOL

3 WEST ELEVATION - POOL

