

ORDINANCE NO. 5334

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DENISON, TEXAS, AMENDING CHAPTER 28 OF THE CODE OF ORDINANCES OF THE CITY OF DENISON, THE SAME BEING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY BY AMENDING PLANNED DEVELOPMENT ORDINANCE 5166 TO ADD AN ADDITIONAL 1.644 ACRES TO THE EXISTING PD, AND TO INCLUDE THE BASE ZONINGS OF SINGLE-FAMILY RESIDENTIAL DISTRICT (SF-5), SINGLE-FAMILY RESIDENTIAL DISTRICT—ATTACHED (SF-TH), MULTI-FAMILY RESIDENTIAL DISTRICT (MF-1), MULTI-FAMILY RESIDENTIAL DISTRICT (MF-2),, AND COMMERCIAL DISTRICT (C) ON THE APPROXIMATELY 28.36-ACRE TRACT LEGALLY DESCRIBED AS SITUATED IN THE SPENCER RICE SURVEY, ABSTRACT NO. 1037, CITY OF DENISON, GRAYSON COUNTY, TEXAS, BEING ALL OF ALL OF THE CALLED 23.556 ACRE TRACT OF LAND DESCRIBED IN WARRANTY DEED WITH VENDOR'S LIEN TO 23 LILLIS SPV, LLC RECORDED IN INSTRUMENT NO. 2020-1726 OF THE OFFICIAL PUBLIC RECORDS OF GRAYSON COUNTY, TEXAS, AND BEING ALL OF THE CALLED 3.709 ACRE TRACT OF LAND DESCRIBED IN WARRANTY DEED WITH VENDOR'S LIEN TO 23 LILLIS SPV, LLC RECORDED IN INSTRUMENT NO. 2020-18243 OF SAID OFFICIAL PUBLIC RECORDS, AND BEING ALL OF THE CALLED 0.207 ACRE TRACT OF LAND DESCRIBED IN GENERAL WARRANTY DEED TO 23 LILLIS SPV, LLC RECORDED IN INSTRUMENT NO. 2021-20792 OF SAID OFFICIAL PUBLIC RECORDS; SAID TRACT ALSO BEING ALL OF LOTS 1, 2, & 3, BLOCK 1 AND LOT 1, BLOCK 2, WESTLAKE LILLIS LANE ADDITION, AN ADDITION TO THE CITY OF DENISON ACCORDING TO THE PLAT RECORDED IN INSTRUMENT NO. 2022-34 OF SAID DEED RECORDS, GRAYSON COUNTY, TEXAS; AND, BEING COMMONLY KNOWN AS 3400 W. CRAWFORD STREET; BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT "A-1" AND DEPICTED IN EXHIBIT "A-2"; PROVIDING DEVELOPMENT STANDARDS, ATTACHED HERETO AS EXHIBIT "B"; PROVIDING A CONCEPT PLAN, ATTACHED HERETO AS EXHIBIT "C"; PROVIDING FOR SEVERABILITY, REPEALING, AND SAVINGS CLAUSES; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION; PROVIDING AN EFFECTIVE DATE; AND FINDING AND DETERMINING THE MEETING AT WHICH THIS ORDINANCE IS ADOPTED TO BE OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City of Denison, Texas (hereinafter referred to as "City") is a Home Rule Municipality acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

WHEREAS, the City Council of the City of Denison, Texas (the "City Council"), is authorized and empowered by law, in accordance with Chapter 211 of the Texas Local Government Code, to adopt zoning regulations governing the use of land within the City; and

WHEREAS, the City Council adopted Chapter 28 of its Code of Ordinances, the same being the Comprehensive Zoning Ordinance of the City, which governs the use and development of land in the City (the “Zoning Ordinance”); and

WHEREAS, on October 4, 2021, the City Council adopted Ordinance No. 5166 establishing a Planned Development on the property more specifically described herein, amending the Zoning Ordinance and the Zoning Map of the City; and

WHEREAS, the City has now received a request from 23 Lillis SPV, LLC, to amend Planned Development Ordinance No. 5166 to add an additional 1.644 acres to the existing PD and to include the base zonings of Single-Family Residential District (SF-5), Single-Family Residential District—Attached (SF-TH), Multi-Family Residential District (MF-1), Multi-Family Residential District (MF-2), and Commercial District (C) on the approximately 28.36-acre tract more particularly described in **Exhibit A-1** and depicted in **Exhibit A-2**, attached hereto and incorporated as if fully set forth herein (the “Property”); and

WHEREAS, Owner has designated Eric Jeske of Kimley-Horn to act in the capacity of Owner as agent for submittal, processing, representation, and/or presentation of the application, and as the principal contact person for responding to all requests for information; and

WHEREAS, the Development Standards and Concept Plan, as set forth in **Exhibit B** and **Exhibit C**, attached hereto and incorporated herein, define the base zoning districts and provide for modifications to district regulations for the development of the Property; and

WHEREAS, after public notices were given in compliance with Texas law and public hearings were conducted, and after considering the information submitted at those public hearings and all other relevant information and materials, the Planning and Zoning Commission of the City (the “Planning and Zoning Commission”) has recommended to the City Council to approve the change in zoning district classification on the Property and to amend the official zoning map of the City (the “Zoning Map”) to reflect the PD zoning classification; and

WHEREAS, after complying with all legal notices, requirements, and conditions, a public hearing was held before the City Council at which it considered the recommendation of the Planning and Zoning Commission and, among other things, the character of the land and its suitability for particular uses, and compatibility with surrounding uses, with a view of encouraging the most appropriate use of land in the City, and the City Council does hereby find that the requested zoning accomplishes such objectives; and

WHEREAS, the Zoning Ordinance incorporates design standards and building materials standards that are differentially applicable to residential structures and non-residential buildings; and

WHEREAS, such standards substantially further the preservation of property values and the promotion of economic development within the City; and

WHEREAS, such standards also establish the character of community development and embody architecturally and, in some contexts, culturally significant features of continuing duration; and

WHEREAS, the Zoning Ordinance also provides for planned development districts, which enable departures from traditional zoning district standards in recognition of the unique character of a development project; and

WHEREAS, the City's policy in creating or amending a planned development district is to incorporate and enhance to the fullest extent feasible the design and building materials standards that are integral to the City's zoning regulations in all planned development districts; and

WHEREAS, the City Council finds and determines that the incorporation of such standards lends long-term viability to the planned development project; and

WHEREAS, the owner and/or developer of the Property has consented in writing to the enforcement of the City's design and building materials standards within the planned development district and waived the statutory provisions in Chapter 3000, Texas Government Code.

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

Section 1. Incorporation of Premises. The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

Section 2. Findings. After due deliberations and consideration of the recommendation of the Planning and Zoning Commission and the information and other materials received at the public hearing, the City Council has concluded that the adoption of this Ordinance is in the best interests of the City, and of the public health, safety and welfare.

Section 3. Zoning Amendment. The Zoning Ordinance is hereby amended by amending Planned Development Ordinance No. 5166 to add an additional 1.644 acres to the existing PD and to allow the inclusion of the base zonings of Single-Family Residential District (SF-5), Single-Family Residential District—Attached (SF-TH), Multi-Family Residential District (MF-1), Multi-Family Residential District (MF-2), and Commercial District (C), subject to the following regulations, which exhibits are incorporated as if fully set forth herein, and all applicable City ordinances and regulations governing except as may be modified by this Ordinance:

Exhibit B:	Development Standards
Exhibit C:	Concept Plan

Section 4. Zoning Map. The Zoning Map is hereby amended to reflect the established zoning classification designation herein made.

Section 5. Compliance Required. The Property shall be used only in the manner and for the purposes provided for in this Ordinance and the Comprehensive Zoning Ordinance of the City, as amended.

Section 6. Severability Clause. Should any section, subsection, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

Section 7. Savings/Repealing Clause. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

Section 8. Penalty. Any person, firm, entity or corporation who violates any provision of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction therefore, shall be fined in a sum not exceeding Two Thousand and No/100 Dollars (\$2,000.00). Each continuing day's violation shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude the City from filing suit to enjoin the violation. The City retains all legal rights and remedies available to it pursuant to local, state and federal law.

Section 9. Publication and Effective Date. This Ordinance shall become effective immediately upon its adoption and its publication as required by law.

Section 10. Open Meeting. It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required by law, and that public notice of the time, place, and purpose of said meeting was given all as required by Section 551.041 of the Texas Government Code.

AND IT IS SO ORDERED.

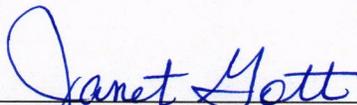
On motion by Mayor Pro Tem Crawley, seconded by Council Member Thorne, the above and foregoing ordinance was passed and approved by the following vote:

Ayes: Hander, Courtright, Thorne, Gott, Massey, Crawley and Thomas

Nays:

Abstentions:

At regular meeting January 16, 2024.



JANET GOTT, MAYOR

ATTEST:



Christine Wallentine, City Clerk

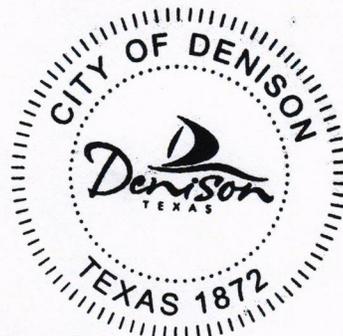


EXHIBIT A-1
PROPERTY LEGAL DESCRIPTION

BEING a 28.36 acre tract of land situated in the Spencer Rice Survey, Abstract No. 1037, City of Denison, Grayson County, Texas, being all of all of the called 23.556 acre tract of land described in Warranty Deed with Vendor's Lien to 23 Lillis SPV, LLC recorded in Instrument No. 2020-1726 of the Official Public Records of Grayson County, Texas, and being all of the called 3.709 acre tract of land described in Warranty Deed with Vendor's Lien to 23 Lillis SPV, LLC recorded in Instrument No. 2020-18243 of said Official Public Records, and being all of the called 0.207 acre tract of land described in General Warranty Deed to 23 Lillis SPV, LLC recorded in Instrument No. 2021-20792 of said Official Public Records; said tract also being all of Lots 1, 2, & 3, Block 1 and Lot 1, Block 2, Westlake Lillis Lane Addition, an addition to the City of Denison according to the plat recorded in Instrument No. 2022-34 said Official Public Records; said tract being more particularly described as follows:

BEGINNING at a 5/8-inch iron rod with cap stamped "KHA" set in the east right-of-way line of U.S. Highway No. 75 (a variable width right-of-way), and being southwest corner of said 23.556 acre tract;

THENCE along the said east right-of-way line of U.S. Highway No. 75, the following four (4) calls:

North 07°33'14" East, a distance of 282.65 feet to a concrete monument found for corner;
North 00°58'38" West, a distance of 800.00 feet to a concrete monument found for corner;
North 04°44'00" East, a distance of 201.00 feet to a concrete monument found for corner;
North 00°58'38" West, a distance of 344.21 feet to a concrete monument found at the south end of a right-of-way corner clip at the intersection of the said east right-of-way line of U.S. Highway No. 75 and the south right-of-way line of Crawford Street (a variable with right-of-way);

THENCE North 40°08'34" East, along said right-of-way corner clip, a distance of 76.56 feet to a brass disk stamped "TXDOT" found at the east end of said right-of-way corner clip;

THENCE North 84°30'27" East, along the said south right-of-way line of Crawford Street, a distance of 182.46 feet to a point for corner;

THENCE South 01°08'19" west, a distance of 2.65 feet to a point for corner;

THENCE South 88°38'12" East, along the said south right-of-way line of Crawford Street, a distance of 341.55 feet to a 1/2-inch iron rod with cap stamped "RPLS 6578" found for the northernmost northeast corner of said 23.556 acre tract;

THENCE departing the said south right-of-way line of Crawford Street, South 00°35'46" West, along the east line of said 23.556 acre tract, a distance of 195.11 feet to a 1/2-inch iron rod found for corner;

THENCE continuing along the east line of said 23.556 acre tract, the following two (2) calls:

North 88°32'56" West, a distance of 132.55 feet to a 1/2-inch iron rod with cap stamped "RPLS 4488" found for corner;

South 01°15'51" West, a distance of 155.92 feet to a 1/2-inch iron rod found for the northwest corner of said 3.709 acre tract;

THENCE departing the said east line of the 23.556 acre tract, South 88°05'44" East, along the north line of said 3.709 acre tract, a distance of 553.21 feet to a 1/2-inch iron rod with cap stamped "RPLS 6578" found for corner in the west right-of-way line of Lillis Lane (a variable width right-of-way);

THENCE South 00°49'32" West, along the said west right-of-way line of Lillis Lane, a distance of 230.33 feet to a 5/8-inch iron rod with cap stamped "KHA" set for the easternmost southeast corner of said 3.709 acre tract;

THENCE continuing along the said west right-of-way line of Lillis Lane, North 88°06'39" West, passing at a distance of 5.12 feet a 1/2-inch iron rod with cap stamped "RPLS 6578" found, continuing along the southeast line of said 3.709 acre tract, in all a total distance of 289.92 feet to a 1/2-inch iron rod with cap stamped "RPLS 6578" found for corner;

THENCE South 01°53'21" West, along the said southeast line of the 3.709 acre tract, a distance of 130.07 feet to a 1/2-inch iron rod with cap stamped "RPLS 6578" found for the southernmost southeast corner of said 3.709 acre tract, and being the southwest corner of Lot 1, Lillis Hill Addition, an addition to the City of Denison, Texas according to the plat recorded in Instrument No. 2020-112 of said Official Public Records;

THENCE South 88°08'57" East, a distance of 286.66 feet to point for corner;

THENCE South 01°02'29" West, a distance of 195.75 feet to a point for corner;

THENCE North 87°27'18" West, a distance of 114.85 feet to a point for corner;

THENCE South 00°20'26" West, a distance of 120.00 feet to a point for corner;

THENCE South 87°34'03" East, a distance of 115.14 feet to a point for corner;

THENCE South 00°26'44" West, a distance of 67.96 feet to a point for corner;

THENCE North 89°06'19" West, a distance of 239.37 feet to a point for corner

THENCE South 00°19'26" West, a distance of 156.05 feet to a 1-3/4-inch iron rod found for corner;

THENCE South 00°58'38" East, a distance of 104.13 feet to a 5/8-inch iron rod with cap stamped "KHA" set for corner;

THENCE South 88°40'05" East, a distance of 72.45 feet to a 1/2-inch iron rod found for corner;

THENCE South 01°38'05" West, a distance of 134.39 feet to a 1/2-inch iron rod found for corner;

THENCE North 89°19'10" West, a distance of 201.90 feet to a 1/2-inch iron rod with cap stamped "RPLS 4108" found for corner;

THENCE North 01°09'34" East, a distance of 21.83 feet to a 1/2-inch iron rod with cap stamped "RPLS 4108" found for corner;

THENCE South 89°41'11" West, a distance of 225.02 feet to a 3/8-inch iron rod found for corner;

THENCE South 00°21'49" East, a distance of 208.76 feet to a 1/2-inch iron rod found for the southeast corner of said 23.556 acre tract;

THENCE South 89°02'02" West, along the south line of said 23.556 acre tract, a distance of 24.08 feet to a 1/2-inch iron rod found for corner;

THENCE continuing along the said south line of the 23.556 acre tract, South 89°45'02" West, a distance of 387.12 feet to the POINT OF BEGINNING and containing 28.36 acres of land, more or less.

EXHIBIT B
DEVELOPMENT STANDARDS

Waterloo Trails Planned Development District
Statement of Intent and Purpose

This zoning submittal encompasses approximately 28.4 total acres of land located within the City of Denison, as described in Exhibit A. The uses proposed for the Property include single-family residential, Multi-Family residential, retail, restaurant, and hotel. The intent of this planned development document (PD) is to establish a base zoning documenting the intended uses and development regulations as designated therein, subject to modifications as set forth herein. Additionally, the City's Zoning Ordinance incorporates building materials that are differentially applicable to residential structures and non-residential buildings, and it is the City's policy in creating a planned development district to incorporate and enhance to the fullest extent possible the design and building materials standards, which embody architecturally, and in some contexts, culturally significant features of continuing duration.

This PD and Concept Plan demonstrate the general location and relationships of uses for the overall property. The development may be completed in multiple phases. Because of varying development aspects and unforeseen circumstances, the Concept plan may change throughout the design process. Revisions to the concept plan that follow area and use restrictions specified in Section 6.0 and Exhibit C of this Agreement shall not require amendments.

1.0 Project Overview

The purpose of this Planned Development Document is to create a multi-use development with open spaces and amenities (including but not limited to those specified in Sections 7.0 and 8.0 of this Agreement) to preserve and integrate with the natural features of the land. The development will focus on compatibility with adjacent land owners, maintaining residential use buffers and being cognizant of their quality of life. The development will be an asset to the surrounding community to create a thriving region for residents and businesses.

2.0 Project Location

Waterloo Trails is located at the southeast corner of Katy Memorial Expressway and West Crawford Street and is situated in the Spencer Rice Survey, Abstract Number 1037 in the City of Denison, Texas as legally described in Exhibit A-1.

3.0 Property Owners Association

A property owners association shall be established and shall be responsible for the ownership and maintenance of all common areas (Including private open space areas shown on the Concept Plan, and as revised at a later date), private fire lanes, private drive aisles, and parking areas. There will be property owners associations established for the Residential Tract and for the Multi-Family/Commercial Tract.

4.0 Proposed Thoroughfares/Access/Cross Sections

The adjacent U.S. Highway 75 is designated on the City Thoroughfare Plan as an Expressway. No other thoroughfares are shown adjacent to or through the Property. A series of proposed public local streets and access drives will be provided in general accordance with the Concept Plan. There shall be no split entry requirement into the development for any local street or access drive connection to an existing thoroughfare or local street, unless required by Traffic Impact Analysis (TIA).

5.0 Concept Plan

The design and development of the Property shall generally comply with the Concept Plan, which is intended to provide a general representation of the location of the land uses on the property.

6.0 Proposed Zoning Districts

The property shall be divided into two Tracts, with the general location of each shown in the Concept Plan (Exhibit C in this Agreement). The Tracts shall be designated as Residential Tract (Tract 1) and Multi-Family/Non-Residential Flex Tract (Tract 2). The area designated for each of these tracts in Exhibit C shall be developed according to the following sections of this Exhibit.

- a) The Concept Plan demonstrates the general location and relationships of uses for the overall property. The development will be completed in multiple phases, per the preliminary plat. The following criteria shall be permitted without amendment to the Concept Plan and shall be approved at a staff level:
 - i. Public streets and access drives may be realigned, provided they meet City of Denison Engineering Design Standards.
 - ii. The boundary for Tract 1 and Tract 2 may be adjusted so that either Tract can be enlarged.
 - iii. Uses shown on the concept plan can be revised as long as the use is permitted within the zoning of the tract.
 - iv. Residential Tract (Tract 1) shall have a minimum area of five (5) acres and a maximum area of fifteen (15) acres.
 - v. Multi-Family/Non-Residential Flex Tract (Tract 2) shall have a minimum area of eight (8) acres and a maximum area of twenty (20) acres.
 - vi. Commercial, office, and apartments buildings shall be setback a minimum of fifty (50) feet from existing residential buildings located on an adjacent property, measured from edge of building to edge of building, except in the case where a public street runs between the buildings and the single family.

Residential Tract – Development Regulations

Except as amended in these Development Standards, the Residential Tract (Tract 1) shall be developed in accordance with the standards applicable to the Single-family Residential District (SF-5), Multi-Family Residential District (MF-1), Single-family Townhome District (TH), and Two-Family (duplex) Residential District (2F) as it exists or may be amended. The developer will develop the area designated for Tract 1 with a combination of Single-family Detached for-sale lots, and/or for-rent units, and townhome for-sale lots, and/or for-rent units. The SF-5 regulations shall apply for the single-family detached for-sale lots, and the MF-1 district regulations shall apply for the single-family detached and duplex for-rent units. The TH district regulations shall apply for the single-family attached for-sale and for-rent units. The 2F district regulations shall apply for the duplex for-sale use.

1. Permitted Uses. Except as provided herein, all uses permitted in the SF-5, MF-1, TH, and 2F districts. The following additional uses shall be permitted:

- a) Single-family Detached for-rent Units
- b) Duplex/Two-Family Residential for-rent Units
- c) Townhomes

2. Prohibited Uses. The following additional uses shall be prohibited:

- a) Garden-style and wrap multi-family buildings
- b) Triplexes
- c) Quadplexes

3. Area Regulations for Single-family Detached For-Sale Lots. Area regulations shall follow SF-5 zoning standards with the following deviations:

- a) Minimum Garage setback. Fifteen (15) feet if attached to unit. Garage may extend five (5) feet past front door of unit. Minimum garage setback if detached from unit and garage can be located along access drive and shall follow accessory building setback requirement of three (3) feet.

4. Area Regulations for Single-family Detached / Duplex For-Rent Units. Area regulations shall follow MF-1 zoning standards with the following deviations:

- a) Minimum Lot Area. Three thousand four hundred (3,400) square feet.
- b) Minimum Lot Width. Forty (40) feet for detached and duplex units.
- c) Minimum Lot Depth. Eighty-five (85) feet.
- d) Minimum Front yard setback. Twenty (20) feet.
- e) Minimum Garage setback. Fifteen (15) feet if attached to unit. Minimum garage setback if detached from unit and garage can be located along access drives, fire lanes, streets, and alleys and shall follow accessory building setback requirement of three (3) feet.
- f) Minimum side yard setback. One side reduced to zero feet if a duplex use; other side yard a minimum of five (5) feet required with primary structures being located no closer than ten (10) feet to another primary structure; fifteen (15) feet from a street right-of-way line or property line.
- g) Minimum floor area per dwelling for single family and duplex for rent units.
 - i. 1-bedroom 700 square feet
 - ii. 2-bedroom 1,000 square feet
 - iii. 3-bedroom 1,200 square feet
- h) Maximum Building Height. 2.5 stories, thirty-five (35) feet
- i) Maximum Lot Coverage. Seventy (70) percent including main buildings and accessory buildings.
- j) Minimum Masonry Content. Seventy-Five (75) percent.
 - i. The remaining percentage shall consist of, but not be limited to, board and batten, and Hardie board.
 - ii. Minimum Roof Pitch. 4:12
- k) Maximum Residential Density. Twelve (12) units per gross acre of land area

within the development.

- l) Minimum Parking**.
 - i. 1-bedroom 1.20 spaces per bedroom
 - ii. 2-bedroom 2.00 spaces per bedroom
 - iii. 3-bedroom 2.50 spaces per bedroom
- m) Alley dimensions shall require twelve (12) foot wide pavement section with no curb and seventeen (17) foot wide right-of-way.
- n) Refuse Facilities. Every multi-family dwelling unit, including single family detached for-rent and duplex/two-family residential for-rent shall be located within five hundred (500) feet of a refuse facility, measured along the designated pedestrian travel way.
- o) There shall be no swimming pool requirement.
- p) There shall be no playground requirement.

* The term "net acreage" shall mean and refer to the total acres of a subdivision remaining after subtracting land dedicated for rights-of-way, floodplain, erosion setback hazards, easements, areas for thoroughfare screening.

**Required parking shall be permitted to be off-street parking spaces. Head in parking shall be allowed off of streets access drives. Parking within street or access drive limits shall not be permitted or counted towards the required minimum. Dedicated parking for residents shall be included. Covered parking shall not be required if providing this use, but covered spaces shall count towards the parking requirement if used. There shall be no driveway requirement, but driveway spaces shall count towards the parking requirement if used.

5. Area Regulations for Single-family Attached For- Sale Lots or For - Rent Units. Area regulations shall follow TH zoning standards with the following deviations:

- a) Maximum Density. Fourteen (14) units per gross acre of land area within the development.
- b) Maximum Number of Units. There shall be a maximum of fifty (50) units. There shall be a minimum of 3 units and a maximum of 12 units per structure.
- c) Minimum Project Size. There shall be no minimum area set within Tract 1 for townhome development.
- d) Minimum Front yard setback. Fifteen (15) feet for dwelling units and any other structures.
- e) Minimum side yard setback. Attached townhome dwellings shall not have an interior side yard; however, a minimum fifteen-foot side yard is required for a corner lot adjacent to a residential street or access drive/fire lane.
- f) Maximum Building Height. 3 stories, forty-five (45) feet.
- g) Parking. On-street parking shall be allowed to accommodate designated visitor parking requirements.
- h) Landscaping of each lot shall adhere to the base ordinance for Landscaping as defined by Denison's Zoning Ordinance in Section 28.51.5-28.51.6 and subsequent amendments through the date of approval of this Agreement.

- i) Alley dimensions shall require twelve (12) foot wide pavement section with no curb and seventeen (17) foot wide right-of-way.

6. Area Regulations for Single-family Duplex for-sale. Area regulations shall follow 2F zoning standards with the following deviations:

- a) Minimum Lot Area. Three thousand four hundred (3,400) square feet.
- b) Minimum Lot Width. Forty (40) feet.
- c) Minimum Lot Depth. Eighty-five (85) feet.
- d) Minimum Front yard setback. Twenty (20) feet.
- e) Minimum Garage setback. Fifteen (15) feet if attached to unit. Minimum garage setback if detached from unit and garage can be located along access drives, fire lanes, streets, and alleys and shall follow accessory building setback requirement of three (3) feet.
- f) Minimum side yard setback. One side reduced to zero feet; other side yard a minimum of five (5) feet required with primary structures being located no closer than ten (10) feet to another primary structure; fifteen (15) feet from a street right-of-way line or property line.
- g) Minimum floor area per dwelling for single family and duplex for rent units.
 - i. 1-bedroom 700 square feet
 - ii. 2-bedroom 1,000 square feet
 - iii. 3-bedroom 1,200 square feet
- h) Maximum Building Height. 2.5 stories, thirty-five (35) feet
- i) Maximum Lot Coverage. Seventy (70) percent including main buildings and accessory buildings.
- j) Minimum Masonry Content. Seventy-Five (75) percent.
 - i. The remaining percentage shall consist of, but not be limited to, board and batten, and Hardie board.
 - ii. Minimum Roof Pitch. 4:12
- k) Minimum parking. A minimum of two (2) parking spaces shall be required for each dwelling unit. A minimum of one (1) space shall be in an enclosed garage and one (1) additional space may be paved open parking
- l) Alley dimensions shall require twelve (12) foot wide pavement section with no curb and seventeen (17) foot wide right-of-way.

Supplemental Standards – Residential Tract:

The following regulations shall also apply and supersede Denison’s Zoning Ordinance for Development:

1. Separation between residential buildings shall be a minimum of 10 feet (face of building to face of building, including eaves).
2. The required masonry content will be considered on an entire structure basis, not floor-by-floor, and there is no minimum natural stone or stone veneer requirement.
3. The façade of each single-family detached and duplex for-rent unit shall not be repeated

- for at least three (3) structures in a row.
4. For-rent dwelling units shall be a mix of two (2) and three (3) bedroom units.
 5. Sidewalks located within the MF-1 zoning district, which are private and located onsite, shall be a minimum of five (5) feet wide and maintained by the property owner's association. Public sidewalks shall meet City requirements.
 6. Attached and detached garages (9' x 18') and reserved parking spaces in front of garages (9' x 20') are allowed and count towards minimum parking requirements.
 7. Detached covered parking structures are not required but allowed so long as no structure shall accommodate more than (12) parking spaces or be located closer than ten (10) feet to another detached parking structure.
 8. Fencing:
 - a) Property owner's association (POA) shall be responsible for maintaining perimeter fencing.
 - b) Perimeter fencing shall be minimum 6 feet in height. Allowed materials: wood, iron, metal, or masonry.
 - i. Perimeter fencing may be up to twenty (20) feet inside the subject property line when restricted by grade or easements.
 - c) Internal fencing of yards shall be minimum four (4) feet and maximum eight (8) feet in height. Allowed materials: wood or metal.
 - i. Fences in front yard shall have a maximum height of four (4) feet.
 - d) Exception: fencing of amenities may be 4 feet in height, or as approved on the detailed site plan. Allowed materials: wood, iron, or metal.
 9. Retaining walls may be placed in front/side/rear setbacks and landscape buffers and must be built to City of Denison Standards. Fences are allowed in front/side/rear setbacks and shall adhere to the standards for perimeter fencing listed in item 8.b.

Multi-Family/Non-Residential Tract – Development Regulations

Except as amended in these Development Standards, the Multi-Family/Non-Residential Tract (Tract 2) shall be developed in accordance with the standards applicable to the Multi-Family Residential District (MF-2) and Commercial District (C) as it exists or may be amended. The developer will develop the area designated for Tract 2 with a combination of apartments, hotel, retail, restaurants, and/or grocery store. MF-2 district regulations shall apply for multi-family residential use. C district regulations shall apply for all other permitted uses.

- a) Permitted Uses. Except as provided herein, all uses permitted in the MF-2 and C districts.

The following uses shall be prohibited:

- i. Mini-warehouse/Self-storage
- ii. Auto-dealer new/or used
- iii. Auto-repair major/or minor
- iv. Car wash
- v. Pawn shop
- vi. Trailer rental/RV sales
- vii. Single-family Attached and Detached

b) Regulations for Multi-Family Use.

- i. A minimum area of 2.0-acres and a maximum area of 10.0-acres in Tract 2 labeled as "MULTI-FAMILY" as depicted on the Concept Plan shall develop in accordance with the MF-2 – Multi-Family Residential District as it exists or may be amended.
- ii. Dwelling units. There shall be a minimum of 50 units and a maximum of 400 units. The property may consist of efficiency, one-bedroom, two- bedroom, or three-bedroom units. Multi-family units with four or more bedrooms shall be prohibited.
- iii. Maximum density. There shall be a maximum allowable density of forty (40) dwelling units per acre.
- iv. On-site parking. No average number of parking spaces shall apply. On-site parking shall be provided as follows:
 1. One (1) space for each studio/efficiency unit.
 2. One and one-fifth (1.2) spaces for each one-bedroom unit.
 3. Two (2) spaces for each two-bedroom unit.
 4. Two and one half (2.5) spaces for each three-bedroom unit.
- v. Building heights. The maximum building height shall be four (4) stories and 42 feet to the top floor plate, and 65 feet to the top of the roof ridge. Chimneys, antennae, and other architectural projections not used for occupancy may extend above this height limit. Accessory buildings shall be a maximum of twenty-five (25) feet, including detached garages.
- vi. Exterior masonry requirements. All main structures must have a minimum of eighty percent (80%) masonry. Masonry construction includes walls constructed of brick, rock, stone, stucco (excluding EIFS), tilt wall materials, concrete, concrete block, or other approved masonry materials. The required masonry and non-masonry shall be either hues of natural stone colors or color shades that blend with brick or other primary façade materials.
- vii. Flat roofs shall be permitted.

7. Regulations for Hotel, Restaurant, and All Other Commercial Permitted Uses.

- a) A minimum area of 2.0-acres and a maximum area of 18.0-acres in Tract 2 labeled as "COMMERCIAL" as depicted on the Concept Plan shall develop in accordance with the C – Commercial District as it exists or may be amended.
- b) Building heights. Buildings shall be a maximum of eight (8) stories.
- c) Minimum building area. No minimum building area.
- d) Exterior masonry requirements. All main structures shall be of exterior materials

having at least seventy-five (75) percent of the total exterior walls above grade level, excluding doors and windows, constructed of masonry.

- e) Flat roofs shall be permitted.
- f) Hotel buildings shall be setback a minimum of one hundred (100) feet from existing residential buildings located on an adjacent property, measured from edge of building to edge of building.

Supplemental Standards - Multi-Family/Non-Residential Tract:

1. Landscape Requirements will be satisfied with the planting of landscaping that meets or exceeds the base ordinance as defined by Denison's Zoning Ordinance in Sections 28.51.
2. Open space trees will be satisfied with the planting of landscaping that meets or exceeds the base ordinance for Landscaping as defined by Denison's Zoning Ordinance in Section 28.51.5-28.51.6.
3. Additional Landscape Requirements. For development abutting Katy Memorial Expressway, there shall be a minimum twenty (20) foot landscape easement consisting of turf and/or ground cover and one (1), three-inch caliper shade trees planted at thirty (30) feet on center. The area shall have permanent irrigation and other easements shall be permitted to overlap the landscape easement.
4. Maximum fire hose pull shall be two hundred and fifty (250) feet for buildings equipped with a fire suppression sprinkler system in accordance with NFPA 13D standards.
5. There shall be no requirements for a split drive entry any part of the development.
6. An approved emergency turnaround shall not require for dead-end drive lanes one hundred and fifty (150) feet or less in length.
7. Standard off-street parking spaces shall be 9' x 18' minimum if 2' overhang is provided. Sidewalks shall be a minimum of 5' wide when placed at the back of curb.
8. Building height will be measured as an average of the tallest and lowest point due to significant topography across site.

7.0 Tree Preservation Requirements

Existing trees within buildable area of single-family residential uses, building pad of multi-family, commercial, and hotel uses, proposed public street right of ways, areas needed to establish property drainage, utility easements, detention and retention areas, sidewalks, septic systems and lateral lines, fences, screening walls, swimming pools and decking, driveways, drive aisles, and fire lanes shall be exempt from tree preservation and mitigation requirements.

- a) Regardless of exemptions, minimum of ten (10) percent of the total caliper inches of protected trees shall be preserved, excluding any protected trees in a floodway. Trees within a floodplain shall be included in the ten (10) percent.
- b) Mitigation and payment in lieu of mitigation shall count towards ten (10)

percent of the total caliper tree preservation if ten (10) percent of existing protected trees cannot be preserved.

8.0 Open Space & Trails

The following Open Space and amenities shall be provided as part of this Agreement:

- a) A minimum of 5.0-acres of Open Space shall be provided across Tract 1 and 2. Open space shall be owned and maintained by a Property Owners Association.
- b) A series of trails shall connect the Open Space areas to the surrounding residential uses.
 - i. The developer shall not be responsible for extending the trail system offsite, if needed.

Area within the floodplain shall be counted towards the Open Space requirement given that it contains amenities stated above.

9.0 Development Amenities

The development shall consist of the following amenities:

- a) Open space areas with trails surrounding wet ponds.
- b) Playground areas within open spaces.
- c) Trail head with parking.
- d) Multi-family complex will include pool for resident use and amenity center.

10.0 Perimeter screening & landscape buffers

Perimeter screening shall be provided when adjacent to existing single-family zoning that meets or exceeds Denison's Zoning Ordinance in Sections 28.53. Perimeter screening shall be maintained by the Property Owner's Association (POA).

11.0 Phasing

There shall be no phasing requirements.

EXHIBIT C CONCEPT PLAN

