



**CITY OF TYLER
CITY COUNCIL COMMUNICATION**

Agenda Number: Z-1

Date: February 27, 2008

Page: 1 of 3

Subject: APPLICATION A09-07-005B BELLWOOD LAKE & LOOP 323, LLLP
Request that the City Council consider a request to annex certain sparsely populated and owner requested territory constituting approximately 90.356 acres of land out of the George Myers Survey, A-643, as described by a metes and bounds description, located approximately 750 feet south of Highway 31, east of County Road 1138 and north of Lake Bellwood. Also, request that the City Council consider establishing original zoning for "PCD" Planned Commercial District without final site plan approval of 90.356 acres.

Also consider establishing:

- A. The new boundary of the City Limits**
- B. The new boundary of the Extraterritorial Jurisdiction**
- C. The new boundary of the City Council Districts**
- D. The Land Use Guide to reflect mixed use center land uses**
- E. Original zoning of "PCD" Planned Commercial District without final site plan approval for 90.356 acres.**

Item Reference: Texas Local Government Code Section 43.028; Annexation of Sparsely Populated Areas

The applicant is requesting annexation in order to receive city services and an original zoning classification of "PCD without final site plan approval for a mixed use development. The applicant is requesting annexation under the guidelines for sparsely populated areas pursuant to Texas Local Government Code Section 43.028. This section provides for the annexation of sparsely populated areas without the requirement of a service plan prepared by the City. Section 43.028 further specifies that the petition for annexation be heard by the City Council within five to thirty days of the receipt of the petition. Tyler City Code Section 10-249.d. states that the Planning and Zoning Commission shall review all applications for annexation and recommend action to the City Council.

Section 10-230, "PCD" Planned Commercial Development District, allows for commercial development that will be situated close to residential development requiring development criteria that will achieve a compatible relationship between the retail and commercial development and the nearby residential areas. "PCD" Planned Commercial District allows for any permitted use which is allowed within the "C-2" General Commercial District. This district also requires that the design and development of a "PCD" Planned Commercial Development District be in accordance with an approved site plan.

Agenda Number: Z-1

Page: 2 of 3

This zoning request is part of a larger development that comprises approximately 550 acres of land generally located in the northwest quadrant area of the City of Tyler. The land uses surrounding the 90 acre tract are light industrial to the north, to the south and east are the remaining portions of the development, and to the west are vacant or residential tracts outside the city limits.

The proposed plan for the property is to create a master planned community focused on mixed use residential with complementary office and retail. The applicant is proposing approximately 272 acres of mixed use, 180 acres of single family residential, and 90.356 acres of open space. The mixed use residential component is a combination of condominiums, town homes and apartments. The mixed use commercial component is a combination of restaurants, retail space, a recreation center and office/medical space. Of the 180 acres of single family, there is proposed single family detached, single family attached and zero lot line homes. The 90.356 acres of open space is a minimum of 15% of the property and shall be reserved as open space, parks or conservation areas. There is a project trail system proposed in addition to the regional trail system located in the area.

The written document contains the development standards that will be required for the site plan when submitted. The developer will be required to obtain site plan approval from the Planning Commission and City Council prior to submitting for building permits.

The newly adopted Future Land Use Guide designates this area as mixed use. With the continuing growth in the northwest area of Tyler, this development will create not only housing, but added recreational and retail opportunities to the area. If approved, this will establish a mixed use center land use on this property.

Of the 19 notices mailed, one notice was returned in favor of the application and one notice was returned in opposition to the request. The person who sent in the protest letter is not part of the 200 foot notification area.

All other departments have reviewed the application and anticipate no significant impact on services or facilities by the proposed change.

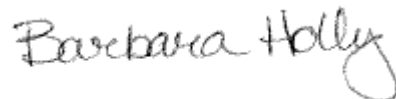
Agenda Number: Z-1

Page: 3 of 3

RECOMMENDATION:

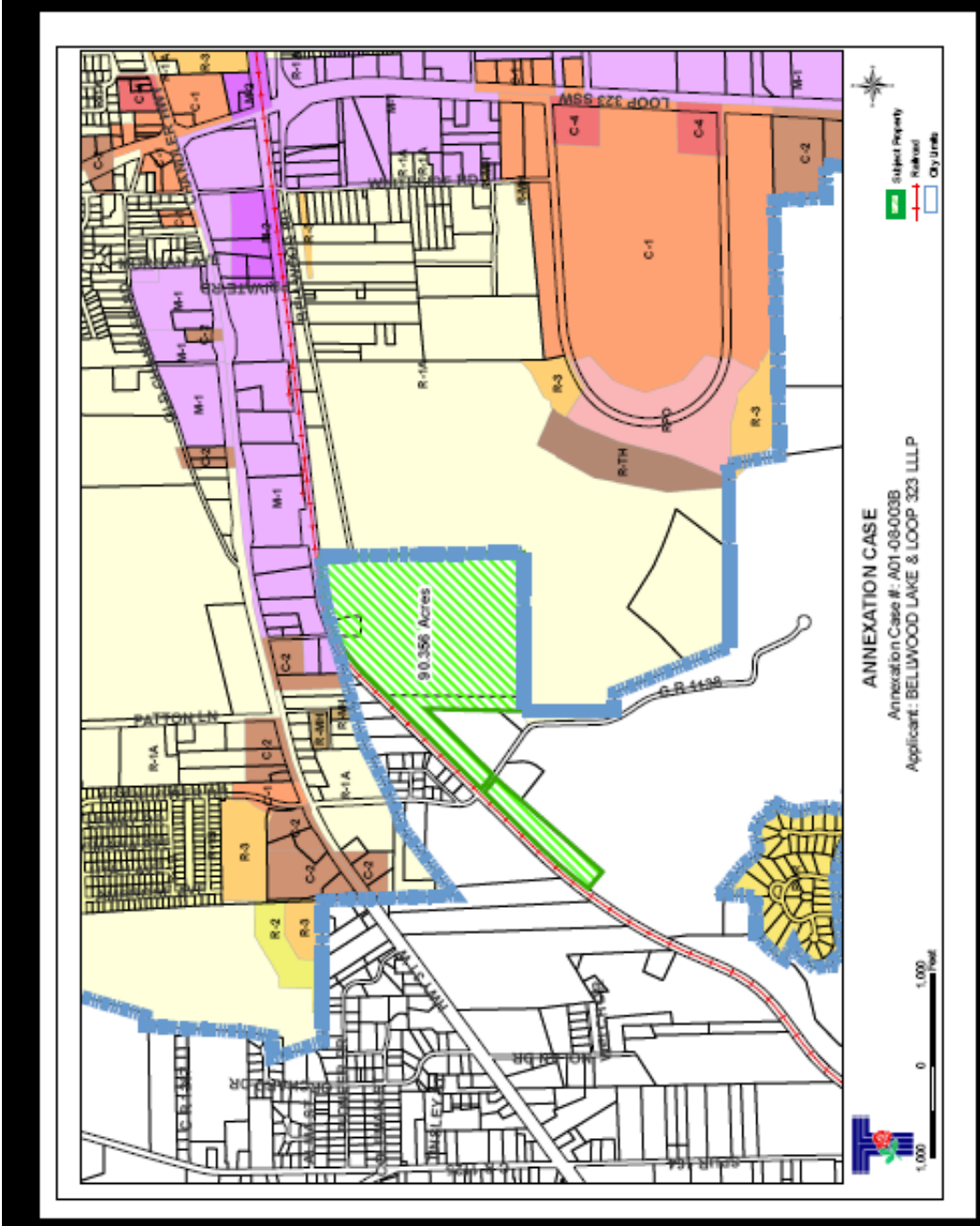
The Planning and Zoning Commission, by a vote of 6-0, recommends approval of the annexation and

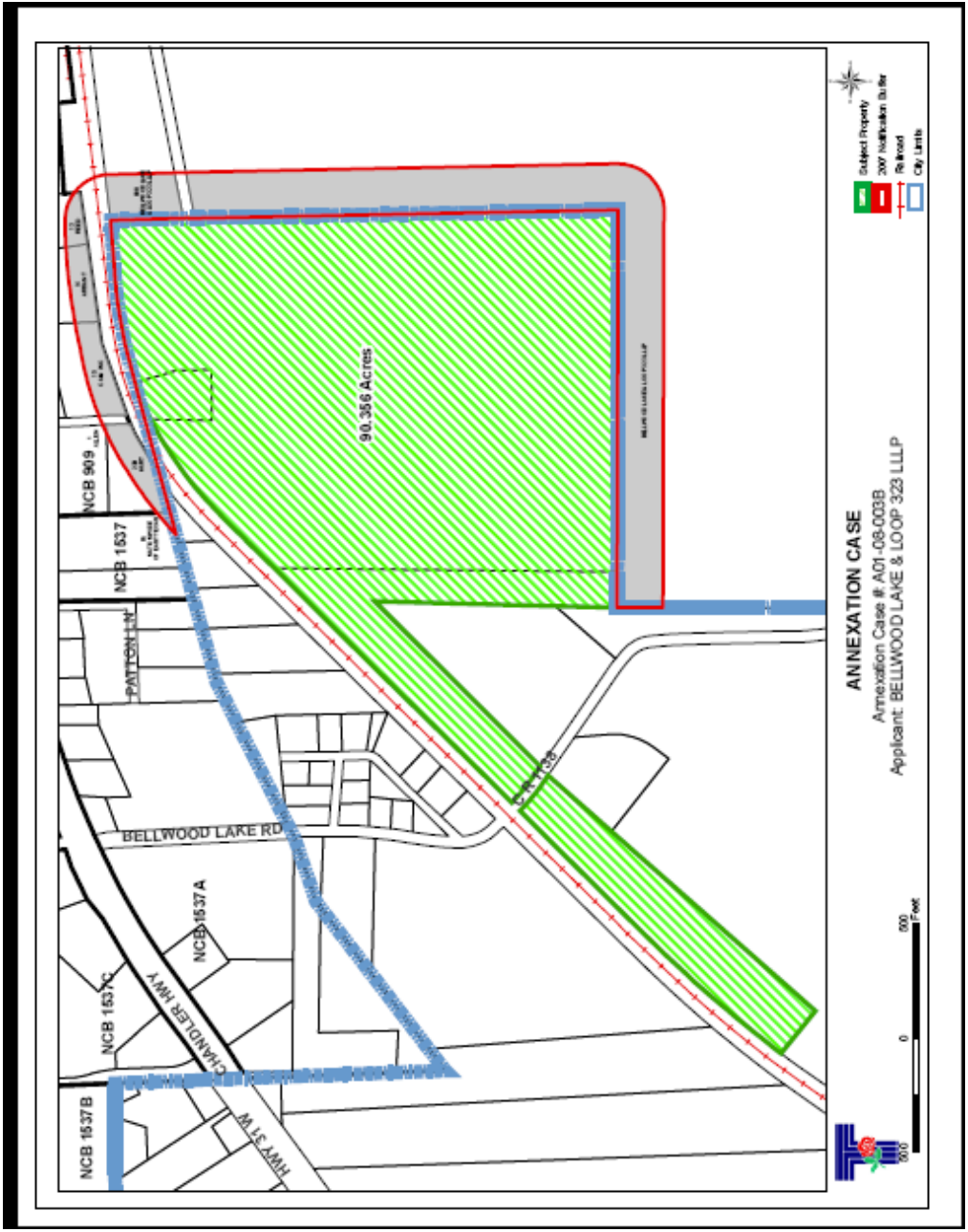
- establishing the new boundary of the City Limits;
- establishing the new boundary of the Extraterritorial Jurisdiction;
- establishing the new boundary of the City Council Districts;
- implementing the Land Use Guide to reflect Mixed Use Center land uses; and
- establishing original zoning for 90.356 acres of “PCD” Planned Commercial District subject to conformance with the development standards, but without final site plan approval at this time.



Drafted/Recommended By: Barbara Holly
Department Leader Director of Planning

Edited/Submitted By:
City Manager





ORDINANCE NO. O-2008-20

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, PROVIDING FOR THE ANNEXATION OF CERTAIN SPARSELY OCCUPIED AND OWNER-REQUESTED TERRITORY LYING ADJACENT TO AND CONTIGUOUS TO THE PRESENT NORTHERN AND EASTERN BOUNDARY LIMITS OF THE CITY OF TYLER AND REFERRED TO AS THE ANNEXATION APPLICATION A01-08-003B; CONSTITUTING APPROXIMATELY 90.356 ACRES OF LAND OUT OF THE GEORGE MYERS SURVEY, A-643, AMENDING THE TYLER CITY LIMITS MAP; ADJUSTING THE CITY OF TYLER EXTRATERRITORIAL JURISDICTION; ESTABLISHING THE INITIAL LAND USE DESIGNATION, AND ESTABLISHING ORIGINAL ZONING.

WHEREAS, a public hearing was held before the City Council of the City of Tyler, Texas, on the 27TH day of February, 2008, in the Council Chambers, City Hall, 212 North Bonner, Tyler, Texas, wherein all interested persons were provided an opportunity to be heard on the proposed annexation of the territory hereinafter described, which date is not more than thirty (30) nor less than five (5) days after the filing of the complete Texas Local Government Code Section 43.028 petition, a copy of which is attached and made a part hereof as Exhibit "C;" and

WHEREAS, the area to be annexed is one-half mile or less in width; and

WHEREAS, the area to be annexed is contiguous to the City of Tyler; and

WHEREAS, the area to be annexed is vacant and without residents or has fewer than three (3) Qualified Voters; and

WHEREAS, the hereinafter described territory lies within the extraterritorial jurisdiction of the City of Tyler, Texas; and

WHEREAS, the hereinafter described territory contains approximately 90.356 acres of land;

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

PART 1: That pursuant to Tyler City Code Sections 10-1 through 10-2, the Texas Local Government Code Section 43.028 Petition is hereby granted and the following described land and territories lying adjacent to and adjoining the City of Tyler, Texas, are hereby added to and annexed to the City of Tyler, Texas, and as shown on the map attached as Exhibit "A" and as described in Exhibit "B" shall be included within the boundary limits of said City, and the present boundary limits of such City, at the various points contiguous to the areas being annexed, are altered and amended so as to include said areas within the corporate limits of the City of Tyler, Texas. Accordingly, the official Tyler City limits map adopted by Ord.0-2007-53 and the City's ETJ are hereby adjusted as described in Tyler City Code Section 10-47 and that section and map are amended to reflect this annexation.

PART 2: That the area so annexed shall be part of the City of Tyler, Texas, and the property so added hereby shall bear its pro rata part of the taxes levied by the City of Tyler, Texas, and the

inhabitants thereof shall be entitled to all of the rights and privileges of all the citizens and shall be bound by the acts, ordinances, resolutions and regulations of the City of Tyler, Texas.

PART 3: That upon final passage, the annexed area shall be zoned as “PCD” Planned Commercial without final site plan approval as shown on Exhibit “D”, and site development standards as shown on Exhibit “E” hereinabove mentioned.

PART 4: That the initial Land Use Designation for the annexed area is hereby established as commercial, and it is directed that the Land Use Guide be amended to reflect said use.

PART 5: That the annexed area shall be added to the District, #2, City Council single member district and the official Voting District Map amended accordingly.

PART 6: That the Planning and Zoning Department shall send to the Texas Secretary of State a copy of the ordinance and statement that the annexation is not involved in any litigation.

PART 7: That the City Clerk shall send to the State Comptroller by certified mail a map showing new boundaries for sales tax and a certified copy of the ordinance showing the effective date of the boundary changes.

PART 8: That within thirty (30) days of notice of U. S. Justice Department approval of this annexation, the Planning and Zoning Department, on behalf of the Mayor, shall file a certified copy of this ordinance and a copy or duplicate of the petition with the County Clerk.

PART 9: That this ordinance shall be in full force and effect from and after the date of its passage and approval by the City Council.

PASSED AND APPROVED THIS the 27th day of February A. D., 2008.

JOSEPH O. SEEBER, MAYOR
OF THE CITY OF TYLER, TEXAS

A T T E S T:

APPROVED:

CITY CLERK

CITY ATTORNEY

Exhibit A = map
Exhibit B = legal description
Exhibit C = owner petition
Exhibit D = zoning map
Exhibit E = site development standards

EXHIBIT "B" TO ORDINANCE NO. 0-2008-20

LEGAL DESCRIPTION

Page 1 of 2

**Exhibit A
Description and Depiction of the Property**

LEGAL DESCRIPTION

BEING a 90.356 acre Tract of land in the George Myers Survey, A-643, Smith County, Texas, and being a portion of a called 575.1936 acre tract of land conveyed to Westchase Center, Inc. by Deed recorded in Volume 3183, Page 588, of the Land Records of Smith County, Texas, and all of a called 77.9479 acre tract of land conveyed to Mattin J. & Michelle T. Heines by deed recorded in Volume 7649, Page 352, Deed Records, Smith County, Texas, and all of that certain tract of land conveyed to Mattin J. & Michelle T. Heines by deed recorded in Volume 7816, Page 724, Deed Records, Smith County, Texas, and being more particularly described by as follows:

BEGINNING at a 1-inch sucker rod found marking the common most northerly corner between said Westchase Center tract and that certain tract of land conveyed to the city of Tyler by deed recorded in Volume 127, Page 579, Deed Records, Smith County, Texas, from which a found 1/2-inch iron rod with cap bears North 20°56'39" West, a distance of 0.07 feet;

THENCE, South 44°39'04" West, along the common line between said Westchase Center and city of Tyler tracts, a distance of 1791.07 feet to 5/8-inch iron rod set with cap stamped "TRI TECH DFW SURVEYING" marking the point of curvature for a curve to the left, from which the radius of said curve to the left bears South 45°21'34" East, a distance of 5480.00 feet;

THENCE, Southwesterly an arc distance of 680.83 feet, along said tangent curve to the left having a radius of 5480.00 feet, a central angle of 09°12'34", and a chord which bears South 40°02'09" West, a distance of 879.88 feet to a found 1/2-inch iron rod for corner;

THENCE, North 43°19'35" West, a distance of 204.24 feet to a found 1/2-inch iron rod marking the most westerly common corner between said tracts and being on the Southeasterly right-of-way of the St. Louis Southwestern Railroad (100-foot right-of-way) also being on the arc of a non-tangent curve to the right, from which the radius point of said non-tangent curve bears South 54°09'27" East, a distance of 5680.00 feet;

THENCE, along the common line between said southeasterly right of way of the St. Louis Southwestern Railroad and the northerly line of said Westchase Center and Heines tracts the following four courses:

Northeasterly, an arc distance of 873.24 feet, along said non-tangent curve to the right having a radius of 5680.00 feet, a central angle of 08°48'31", and a chord which bears North 40°14'49" East, a distance of 872.40 feet, to a found 1/2-inch iron rod found marking the point of tangency of said curve;

North 44°39'04" East, a distance of 2635.95 feet to a 1/2-inch iron rod found marking the beginning of a tangent curve to the right;

Northeasterly, an arc distance of 961.07 feet along said tangent curve to the right having a radius of 1426.88 feet, a central angle of 38°35'28", and a chord which bears North 63°56'49" East, a distance of 943.00 feet to a 1/2-inch iron rod found marking the end of said curve;

North 83°14'33" East, a distance of 438.16 feet to a point for corner;

EXHIBIT "B" TO ORDINANCE NO. 0-2008-20

LEGAL DESCRIPTION

Page 2 of 2

THENCE, South 00°05'41" West, passing at a distance of 323.16 feet a 1/2-inch iron rod found marking a common corner between said Westchase Center and Heines tract, and continuing along the common line between said Westchase Center and Heines tracts a total distance of 2211.00 feet to a 1/2-inch iron rod found marking a common corner between said tracts;

THENCE, South 88°58'54" West, continuing along a common line between said tracts, passing at a distance of 1507.46 feet a 1/2-inch iron rod found marking a common corner between said tracts and continuing a total distance of 1707.51 feet to a point for corner on the common line between said Westchase Center and city of Tyler tracts;

THENCE, North 02°21'41" West, along said common line between said Westchase Center and city of Tyler tracts, a distance of 1032.32 feet to the POINT OF BEGINNING and containing a computed area of 90.356 acres (3,935,887 square feet) of land.



09/05/07

EXHIBIT "C" TO ORDINANCE NO. 0-2008-20

OWNER PETITION

Page 1 of 7



RECEIVED

FEB 6 2008

RECEIVED: _____
REFERRAL NO.: _____

APPLICATION NO. _____

INFORMATION FOR COMPLETING FORMS REQUESTING ANNEXATION
FOR SPARSELY OCCUPIED AREA

ITEMS REQUIRED FOR EACH APPLICATION:

(The following items are included in this packet. Instructions are included on each form. There is some repetition because the different forms are necessary for different reasons.)

- A. PETITION FOR ANNEXATION
- B. APPLICANT'S SUPPORT INFORMATION FOR ANNEXATION REQUEST
- C. LIST OF OWNERS OF ALL PROPERTY TO BE ANNEXED
- D. LIST OF QUALIFIED VOTERS RESIDING IN AREA TO BE ANNEXED
- E. AUTHORIZATION OF AGENT
- F. MAP OF AREA (FORM F IS AN EXAMPLE ONLY.)

(Provide a map of the area of the annexation request drawn to scale. Show all land uses, identify the ownership of each parcel of land, show any public ways within or abounding the areas, show any easements within or bordering the areas, and show the existing city limits.)

- G. PETITION FOR ORIGINAL ZONING

(NOTE: Filing fee of \$250.00 (City Code Sec. 10-1) must be received with annexation petition)

ALL ANNEXATION IS BY ORDINANCE, AND ONLY THE CITY COUNCIL HAS THE AUTHORITY TO ENACT AN ORDINANCE. THE COUNCIL HAS ASSIGNED THE STUDY OF ANNEXATIONS TO THE CITY PLANNING AND ZONING COMMISSION, WHICH WILL MAKE RECOMMENDATIONS TO THE COUNCIL. THIS REQUEST FOR ANNEXATION WILL NOT BE EFFECTIVE UNLESS IT IS PASSED BY THE CITY COUNCIL.

(NOTE: The Planning and Zoning Commission hears all requests on the first and third Tuesday of each month at 1:30 p.m. in the City Council Chambers, City Hall, 212 N. Bonner Avenue.)

ANNEXATION PETITIONS MUST BE FILED IN THE PLANNING AND ZONING DEPARTMENT, TYLER DEVELOPMENT CENTER, 423 WEST FERGUSON.

THE FILING DEADLINE FOR THE _____, _____, PLANNING AND ZONING COMMISSION MEETING WILL BE _____, _____, AT 5:00 P.M. PLEASE HAVE A REPRESENTATIVE PRESENT AT ALL PUBLIC HEARINGS. THE APPLICANT HAS THE DUTY TO PRODUCE EVIDENCE BEFORE THE PLANNING AND ZONING COMMISSION AND CITY COUNCIL TO JUSTIFY THE PROPOSED ANNEXATION.

EXHIBIT "C" TO ORDINANCE NO. 0-2008-20



FORM A

REQUEST FOR ANNEXATION OF SPARSELY OCCUPIED AREA
BY THE OWNER(S) OF AREA

TO THE HONORABLE MAYOR AND GOVERNING BODY
OF THE CITY OF TYLER, TEXAS

The undersigned owners of the hereinafter described tract of land hereby request your Honorable Body to extend the present City limits so as to include as a part of the City of Tyler, Texas, the following described territory (complete and accurate field notes must be attached; a metes and bounds description is required), to-wit:

Attached, next page.

Being the above described area is one-half (1/2) mile or less in width and is sparsely populated, the owner(s) request that the City of Tyler, Texas, annex this area on petition of the area landowner(s) pursuant to Texas Local Government Code Section 43.028, which provides for the annexation of sparsely occupied areas without the hearings and rigid time schedule required for general annexations or those annexations undertaken unilaterally by the City.

That I (we), the undersigned, hereby certify that the tract described on FORM A and attached field notes, which is the subject of this annexation petition, is located adjacent to and adjoins the existing corporate limits of the City of Tyler, Texas, that this area is one-half (1/2) mile or less in width, that this area is sparsely populated as evidenced by the list on FORM D of the qualified voters residing in the area to be annexed, and that this petition is signed and duly acknowledged by each and every individual or corporation having a proprietary interest in said land.

IN WITNESS WHEREOF, I (We), as owner(s) of real property in the area to be annexed, request annexation of this area, pursuant to Texas Local Government Code Section 43.028, by signing this petition on the date shown below.

RM
SIGNATURE
2/4/2008
DATE

Bellwood Lake + Loop 323, LLP
BY: Bellwood Lake 323, GP, LLC
PRINT NAME *BY: Ron McRae*
Its: Managing Partner

(ACKNOWLEDGMENT)

THE STATE OF *Arizona*
COUNTY OF *Maricopa*

This petition was acknowledged before me on the *4th* day of *February* *2008* by *Ron McRae*



JAMIE CHICK
Notary Public - Arizona
Maricopa County
Expires 06/04/2011

Jamie Chick
Notary Public
State of *Arizona*

EXHIBIT "C" TO ORDINANCE NO. 0-2008-20



FORM B

APPLICANT'S SUPPORT INFORMATION FOR REQUEST FOR ANNEXATION OF SPARSELY OCCUPIED AREA

Applicants shall submit the following information in support of their petition for annexation. This information will be utilized by the staff in preparing comments for the Planning and Zoning Commission and City Council, and in responding to citizens' inquiries.

1. I (We) propose to use this property for the following purpose(s):

Master planned community under PCD zoning, with current uses continuing until design and entitlements are completed.

2. I (We) am/are requesting this annexation for the following reason(s):

To facilitate development of the overall project.

3. State present use and condition of property and/or structures:

Agriculture / raw land.

4. What is the location of the nearest water and sewer lines? Please indicate location on area map. (This information is available at the City Water Utilities Department, 511 West Locust Street)

Multiple tie-in locations within one mile. See area map.

5. Any additional information that you wish to provide concerning your annexation request:

Please call Bryan Lantz at UEG with any questions, 480-313-3167. Thanks

SIGNED:

Owner's Telephone Number

OWNER (of property to be annexed)

OR

480-305-8412 or 480-705-5372
Agent's Telephone Number

Bryan Lantz, Project Mgr
[Signature] (United Engineering Group)
AGENT (When applicable - See Form E)

EXHIBIT "C" TO ORDINANCE NO. 0-2008-20



FORM C

LIST OWNER(S) OF ALL PROPERTY TO BE ANNEXED

List the names and addresses of all owners of property included within the area requested by the petition to be annexed. (Please print)

NAME	MAILING ADDRESS
1. <i>Bellwood Lake & Loop 323, LLP, a Texas Limited Liability Limited Partnership</i>	<i>8800 N. Gainay Center Dr. Suite 258 Scottsdale, AZ 85258</i>
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____
7. _____	_____
8. _____	_____
9. _____	_____
10. _____	_____
11. _____	_____
12. _____	_____
13. _____	_____
14. _____	_____
15. _____	_____
16. _____	_____
17. _____	_____
18. _____	_____
19. _____	_____
20. _____	_____

EXHIBIT "C" TO ORDINANCE NO. 0-2008-20
Page 5 of 7



FORM D

LIST OF NAMES OF ALL QUALIFIED VOTERS RESIDING IN THE AREA

In order for an area to qualify for annexation under Texas Local Government Code Section 43.028, the area must be vacant or without residents, or on which fewer than three (3) qualified voters reside.

List the names, age and address of all qualified voters residing within the area requested to be annexed by this petition. For purposes of this annexation request, a qualified voter is an individual of legal age in the State of Texas, 18 years or older, which meets the residency requirements and is therefor qualified to register to vote.

<u>NAME AND AGE</u>	<u>MAILING ADDRESS</u>
1. <i>No qualified voters reside on subject property</i>	
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	

SIGNED:

Owner et al (of property to be annexed)

[Signature] (United Engineering Group)
Agent (when applicable - See Form E)

EXHIBIT "C" TO ORDINANCE NO. 0-2008-20




FORM E

AUTHORIZATION OF AGENT

I (We), the undersigned, being owners of real property to be annexed according to this Application, do hereby authorize (print name and address of Agent) United Engineering Group, 3205 W Ray Road, Chandler, AZ 85226 to act as our Agent in the matter of this annexation. The term "Agent" shall mean any lessee, developer, option holder, or other individual who is authorized to act in behalf of the owner(s) of said property to be annexed.

(Form to be signed below by all owners of property to be annexed.)

<u>SIGNATURE</u>	<u>MAILING ADDRESS</u>
1. 	<u>8800 N. Guiney Center Dr., Suite 255</u> <u>Scottsdale, AZ 85258</u>
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____
7. _____	_____
8. _____	_____
9. _____	_____
10. _____	_____
11. _____	_____
12. _____	_____
13. _____	_____
14. _____	_____
15. _____	_____

(This form is necessary only when the person representing this request does not own any of the property to be annexed. Person must also sign Forms B & G as "Agent".)

EXHIBIT "C" TO ORDINANCE NO. 0-2008-20



FORM G

PETITION FOR ORIGINAL ZONING OF SPARSELY OCCUPIED AREA TO BE ANNEXED

Before the City Planning and Zoning Commission and the City Council
of the City of Tyler, Texas

The undersigned, as owner(s) or agent for the owner(s) of the area to be annexed, hereby makes application for the original zoning of the area to be annexed (insert zoning classification desired) PCD. If more than one zoning classification is requested for the area, please indicate on the area map what zoning classification is requested for each portion. Complete and accurate field notes are required delineating the different zones requested. A metes and bounds description is required.

For the property owner which does not request original zoning, the Planning and Zoning Commission as part of its recommendation for approval of this annexation will recommend a zoning classification(s) for the area to be annexed.

Wherefore, the owner(s) request that the Planning and Zoning Commission consider the original zoning requested, and that the Planning and Zoning Commission recommend this zoning to the City Council of the City of Tyler, Texas for adoption.*

PROPERTY OWNERS' SIGNATURES

Two columns of horizontal lines for signatures.

[Signature] (United Engineering Group)
Agent (When Applicable - See Form E)

* The Planning and Zoning Commission in recommending any annexation, and the City Council in approving any annexation, are not obligated to also approve the original zoning requested by the property owner(s). All land contained within the corporate limits of the City of Tyler must be zoned, and the Planning and Zoning Commission and the City Council will endeavor to approve original zoning for the area to be annexed as requested by the property owner(s) if such zoning is appropriate for the existing or likely use of the property to be annexed, and is compatible with current zoning and existing development in that section of the City for which the annexed area will become a part.

EXHIBIT "dC" TO ORDINANCE NO. 0-2008-20

Zoning Map

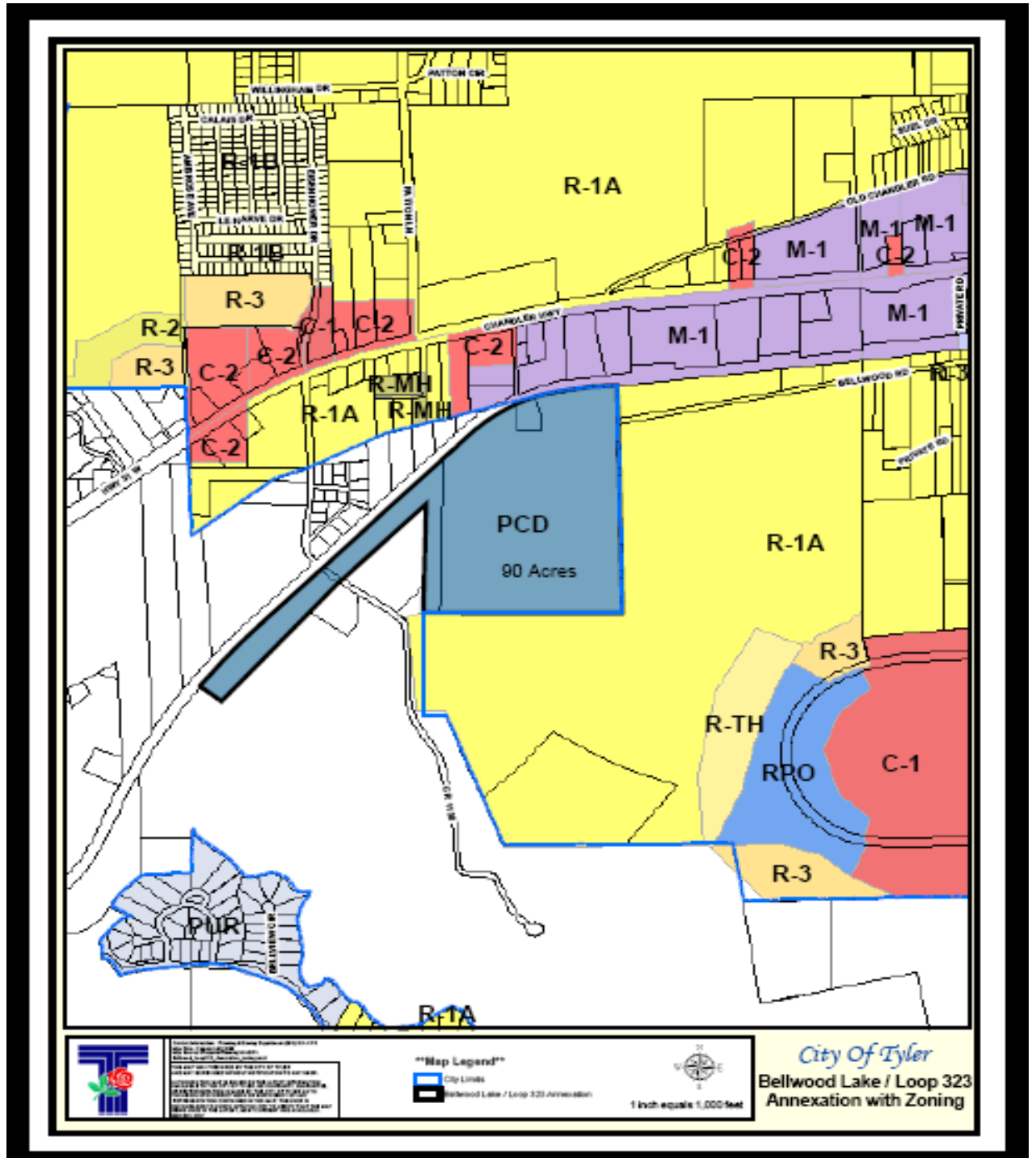


EXHIBIT “E” TO ORDINANCE NO. 0-2008-20
Site Development Standards
Page 1 of 23

Draft Dated 1/10/2008

TABLE OF CONTENTS

	<u>Page</u>
I. APPLICABLE REGULATIONS	1
II. PURPOSE AND INTENT	1
III. DEFINITIONS AND INTERPRETATION	1
IV. CONCEPT PLAN AND SITE DEVELOPMENT PLAN	3
V. PERMITTED USES	4
VI. DEVELOPMENT STANDARDS	6
VII. LANDSCAPING	10
VIII. PARKING	11
IX. OPEN SPACE AND TRAILS	11
X. LIGHTING STANDARDS	12
XI. MISCELLANEOUS	12
XII. EXHIBITS	12

EXHIBIT “E” TO ORDINANCE NO. 0-2008-20
Site Development Standards
Page 2 of 23

Draft Dated 1/10/2008

I. APPLICABLE REGULATIONS

This ordinance amends the Zoning Ordinance as applied to the Property. In the event of a conflict between this PCD and the Zoning Ordinance or any other City ordinance, resolution, plan, or policy, this PCD shall control.

II. PURPOSE AND INTENT

The purpose of this PCD is to create standards and regulations that allow the development of an approximately 543-acre master planned community within the City limits of Tyler. The 543-acre property is located west of Loop 323, south of State Highway (SH) 31, and northeast of Bellwood Lake. These roads are primary arterial and provide easy access to the City of Tyler. Loop 323 encircles the existing city, while SH 31 will provide quick access to the future TX-49 Toll freeway.

The vision for the property is to create a master planned community focused on commercial and mixed uses, while including a range of residential dwelling units. The proposed development plan has been crafted to create a community that provides parks and open spaces within a short walking distance of all residential units and creates clear pedestrian connections between all land uses. Natural drainage patterns will be preserved and are planned to be used as a part of the community trail and park system. Commercial frontage on Loop 323 will be complemented by new urban townhomes, urban condos, office space, and an extensive amenity package.

The standards contained herein are intended to allow flexibility in the design of the master while maintaining a high level of quality. Due to the unique location and nature of this project, some deviations from the Zoning Ordinance are necessary to implement a creative, mixed use development.

III. DEFINITIONS AND INTERPRETATION

Terms used within this PCD shall be defined as follows:

EXHIBIT “E” TO ORDINANCE NO. 0-2008-20
Site Development Standards
Page 3 of 23

Draft Dated 1/10/2008

A. Accessory Use. A use that is clearly incidental to and customarily found in connection with a principal use; is subordinate to and serves a principal use and is subordinate in area, extent, or purpose to the principal use served; contributes to the comfort, convenience, or necessity of occupants, business, or industry in the principal use served; or is expressly identified in this PCD as an accessory use.

B. City. The City of Tyler.

C. Concept Plan. The Concept Plan of the Property attached hereto as Exhibit A.

D. Council. The City Council of the City.

E. Key Lot. A corner residential lot with a rear yard abutting the side yard or front yard of another residential lot.

F. Standard Multifamily. Any building containing three or more dwelling units in a building of one, two, or three stories on a single platted lot.

G. Tower Multifamily. Any building containing four or more stories of dwelling units on a single platted lot. May include mixed use buildings that contain a tower multifamily use.

H. PCD. Ordinance No. ____ adopted by the City Council on ____ and creating this planned commercial development district.

I. Property. The property that is the subject of this PCD and described by metes and bounds description on Exhibit B attached hereto.

J. Open Space. Open space includes any open area (with the exception of amenity centers, which are considered open space) located outside of a single family residential lot and designated as open space on a final plat.

K. Side-Entry Garage. A front entry garage with a garage door that is perpendicular to the street rather than facing the street, or in the case of a corner lot, it may also be a garage with a garage door that faces a side street.

L. Single Family Attached. A dwelling that is part of a structure containing more than one dwelling where each dwelling is (i) designed and constructed for occupancy by one family, (ii) attached by a common wall to another dwelling with a minimum length of attachment of 20 feet, and (iii) located on a separate platted lot.

M. Single Family Detached. A detached building designed exclusively for occupancy by one family.

N. Zero Lot Line Home. A residence allowed to have little or no side yard on one side, where the wall on that side has no doors, windows, or other openings and which otherwise qualifies for a one-hour fire rating as defined in the City’s building code. This product includes

EXHIBIT "E" TO ORDINANCE NO. 0-2008-20
Site Development Standards
Page 4 of 23

Draft Dated 1/10/2008

z-lot line homes. A sample configuration of a z-lot is shown on Exhibit C, and is one of several layouts that may be utilized for a z-lot.

O. Zoning Ordinance. Ordinance No. ____ of the City of Tyler adopted on ____ and as amended up to the date of the adoption of this PCD.

IV. CONCEPT PLAN AND SITE DEVELOPMENT PLAN.

A. Concept Plan. Development of the Property shall be generally consistent with the Concept Plan attached hereto as Exhibit A, which is conceptual in nature and is intended to be only a general plan for land uses and major thoroughfares. Non-material changes to the Concept Plan are permitted without further approval. Material changes to the Concept Plan shall be reviewed by the Planning and Zoning Commission, and after the Planning and Zoning Commission makes a recommendation, the revised Concept Plan shall be forwarded to the City Council for final consideration and action

B. Process for Site Development Plan Approval. A site development plan is required for all development and shall be submitted and approved in accordance with the following procedures:

1. Site Development Plan for Single Family Detached Development.

- a. Prior to or concurrently with the submittal of any preliminary plat application for single family detached development, City Council approval of a site development plan for such development is required.
- b. The site development plan shall include, at a minimum, the following information:
 - (1) the names and addresses of the applicant and/or owner of the property and the person preparing the site development plan;
 - (2) A north point, scale, and location map;
 - (3) the current zoning of the property;
 - (4) the proposed use of the property;
 - (5) a legal description of the property;
 - (6) the dimensions of the property;
 - (7) existing streets located within or adjacent to the property;
 - (8) proposed control grades to indicate the intent of the developer;

EXHIBIT "E" TO ORDINANCE NO. 0-2008-20
Site Development Standards
Page 5 of 23

Draft Dated 1/10/2008

- (9) adjacent properties, including the location and type of buildings and structures thereon;
 - (10) the existing topography with contour intervals no greater than five feet unless waived by the Planning and Zoning Director;
 - (11) the proposed front, side, and rear setbacks for each proposed single family detached residence; and
 - (12) any other information required by the Director of Planning to confirm compliance with the applicable requirements of this PD.
2. Site Development Plan for All Development Other Than Single Family Detached Homes. Prior to the issuance of a building permit for any structure other than a single family detached home, City Council approval of a final site development plan in accordance with Section 10-206 of the Zoning Ordinance is required for the tract of land on which building construction is proposed. A site development plan may be submitted prior to, concurrently with, or after the submittal of a preliminary or final plat.
 3. Approval Process. Site development plans shall be reviewed by the Planning and Zoning Commission, and after the Planning and Zoning Commission makes a recommendation on any plan, they shall be forwarded to the City Council for final consideration and action.
 4. Process for an Amendment to a Site Development Plan. An approved site development plan may be amended by the same process as approval of the initial site development plan.

V. PERMITTED USES

A. Except as follows, uses permitted by Section 10-203(b) of the Zoning Ordinance [Use Chart] and by Section 10-230 of the Zoning Ordinance[Planned Commercial District] are permitted on the Property, including, but not limited to, single family detached, zero lot line homes, single family attached, multifamily (both standard and tower), and antique stores:

1. Expressly Prohibited Uses:
 - a. Alcoholic, narcotic, and psychiatric care
 - b. Amusement park, commercial (outdoor)
 - c. Auto detail shop
 - d. Auto glass, muffler, and seat cover shop

EXHIBIT “E” TO ORDINANCE NO. 0-2008-20
Site Development Standards
Page 6 of 23

Draft Dated 1/10/2008

- e. Auto quick service (oil & use)
- f. Auto service garage
- g. Auto supply (with install)
- h. Auto transmission repair shop
- i. Auto and truck paint and body shop
- j. Auto, truck, and equipment auction facility
- k. Carwash, automated
- l. Carwash, do-it-yourself (4+ bays)
- m. Carwash, do-it-yourself (maximum 4 bays)
- n. Farm, machinery, heavy equipment dealership
- o. Flea market (indoor only)
- p. Flea market (with outdoor display)
- q. Hauling and storage facility
- r. Mini-storage warehouse
- s. Outdoor storage (permanent)
- t. Pawn brokerage shop
- u. Second hand store (does not include an antique store)
- v. Self-service storage facility
- w. Stadium (public)
- x. Tobacco store
- y. Truck, heavy equipment rental facility
- z. Truck, tractor (sales, rental, service)

EXHIBIT "E" TO ORDINANCE NO. 0-2008-20
Site Development Standards
Page 7 of 23

Draft Dated 1/10/2008

B. Open space areas shown on an approved preliminary site development plan must be used in a manner consistent with the definition of open space.

C. Notwithstanding any other provision in this PCD to the contrary, sexually oriented businesses and all drilling and mineral extraction activities are prohibited.

D. Accessory uses are permitted without limitation.

E. Uses shall be defined as stated in the Zoning Ordinance, unless otherwise stated herein.

VI. DEVELOPMENT STANDARDS

A. Density.

1. The number of dwelling units on the Property shall not exceed 3,250.
2. No subdivision phase containing single family detached development may exceed 3.5 dwelling units per gross acre within such phase.
3. No subdivision phase containing single family attached development may exceed 18 dwelling units per gross acre within such phase.
4. No subdivision phase containing standard multifamily development may exceed 40 dwelling units per gross acre within such phase.

B. Development Standards.

1. Development of the Property shall comply with Table 1:

Table 1									
	Single Family Detached			Zero Lot Line Home	Single Family Attached	Duplex	Standard Multifamily	Tower Multifamily	Non-Residential and Mixed Use Buildings
	R1-B	R1-A	Estate Lot						
Minimum Lot Area in Square Feet	6,000 SF	9,000 SF	21,780 SF	3,200 SF	700 SF	900 SF	None	None	4,000 SF
Minimum Lot Width for Lots Not Fronting on a Cul-de-Sac or Inside	60 feet	75 feet	100 feet	35 feet	20 feet	35 feet	N/A	N/A	N/A

EXHIBIT "E" TO ORDINANCE NO. 0-2008-20
Site Development Standards
Page 8 of 23

Draft Dated 1/10/2008

	Single Family Detached			Zero Lot Line Home	Single Family Attached	Duplex	Standard Multifamily	Tower Multifamily	Non-Residential and Mixed Use Buildings
	R1-B	R1-A	Estate Lot						
Curve									
Minimum Lot Width for Lots Fronting on Cul-de-Sac or Inside Curve	55 feet	70 feet	75 feet	30 feet	20 feet	35 feet	N/A	N/A	N/A
Minimum Lot Depth	100 feet	100 feet	150 feet	75 feet	35 feet	90 feet	None	None	None
Minimum Front Yard Setback	15 feet, except 25 feet for a front entry garage	20 feet, except 25 feet for a front entry garage	25 feet	15 feet, except 25 feet for a front entry garage	15 feet from back of curb for single family attached	20 feet, except 25 feet for a front entry garage	N/A	N/A	N/A
Minimum Side Yard Setback (Interior Side Yards)	5 feet	5 feet	10 feet	10 feet (minimum separation, but not on each side)	None	10% of the lot width	N/A	N/A	N/A
Minimum Side Yard Setback (Corner Side Yards)	10 feet	10 feet	15 feet	10 feet	None	15 feet	N/A	N/A	N/A
Minimum Rear Yard Setback	10 feet	10 feet	20 feet	10 feet	None	10 feet	N/A	N/A	N/A
Maximum Building Height	35 feet and 3 Stories	35 feet and 3 Stories	45 feet and 3 Stories	35 feet and 3 Stories	45 feet and 3 Stories	35 feet and 3 Stories	45 feet and 3 stories	N/A	N/A

EXHIBIT "E" TO ORDINANCE NO. 0-2008-20
Site Development Standards
Page 9 of 23

Draft Dated 1/10/2008

Table I									
	Single Family Detached			Zero Lot Line Home	Single Family Attached	Duplex	Standard Multifamily	Tower Multifamily	Non-Residential and Mixed Use Buildings
	R1-B	R1-A	Estate Lot						
Maximum Lot Coverage	60%	55%	30%	65%	N/A	65%	N/A	N/A	N/A
Maximum Number Dwelling Units Per Gross Acre	3.5 overall			8	18	8	40	None	35

2. Notes regarding Table 1:

- a. Per Section 10-230(e)(5) of the Zoning Ordinance [Height Regulations], buildings or structures on the Property shall not exceed 45 feet at the minimum side, rear, or front yard setback line adjacent to property located outside of the PD; however, for each additional foot of setback beyond the minimum, one foot of height may be added. For purposes of this provision, the minimum side, rear, or front yard setback shall be the minimum setback identified in Table 1.
- b. In order to protect adjacent property and uses, no building shall be located within 30 feet of the perimeter of the Property.
- c. Minimum lot width shall be measured on the chord of the front setback line.
- d. All setbacks are measured from the property line, with the except of single family attached structures, in which case setbacks are measured from the back of curb.
- e. Front porches may encroach up to five feet into the minimum front yard setback.
- f. Side entry garages may be located up to ten feet from the front property line.
- g. On corner lots, only one front yard setback is required. The front yard setback shall apply along the street frontage that includes the primary entrance to the home.

EXHIBIT “E” TO ORDINANCE NO. 0-2008-20
Site Development Standards

Page 10 of 23

Draft Dated 1/10/2008

- h. Every part of a required side yard shall be open and unobstructed except for accessory buildings, air conditioning units, and ordinary projections of window sills, belt courses, cornices, and other architectural features not more than 18 inches into the required side yard, and roof eaves projecting not more than 36 inches into the required side yard. With respect to zero lot line homes, the encroachments identified in the preceding sentence may be located in a side yard, but in no event may such encroachments cross a property line.
- i. The required rear yard, if required, shall be open and unobstructed from a point 30 inches above the average elevation of the graded rear yard, except for accessory buildings. Eaves, covered porches, and roof extensions without structural support in the rear yard may extend into the rear yard a distance not to exceed two feet.
- j. If more than one building is located on the same lot, there shall be a ten-foot separation between buildings.
- k. Notwithstanding anything to the contrary in Table 1, key lots require a minimum corner side yard setback that is equal to the minimum front yard setback.
- l. Walls, fences, and hedges not to exceed eight feet in height shall be permitted on the property line and within the required side and rear yards. Walls, fences, and hedges shall not exceed three feet in height within the required front yard. The yard enclosed by such wall or fence shall not include more than 33% of the area between the front property line and the front yard setback line.

C. **Building Materials.** All single family detached, single family attached, zero lot line, and standard multifamily structures shall be constructed so that a minimum of 70% of the exterior of each structure (excluding doors, windows, garage doors, and the roof) is constructed of stucco, brick, clay brick, Austin stone, native stone, manufactured concrete stone or brick, which materials may be applied as veneers. The remaining 30% may consist of other building materials, such as cementitious fiberboard.

D. **Front Entries.** Single family detached homes, single family attached homes, and zero lot line homes shall have front entries visible from the street, and shall include one of the following on the front elevation: a covered front entry with an area recessed a minimum of 18 inches, a stoop, a covered front porch a minimum of four feet in depth, a bay window, or dormers. Items provided under this paragraph may be counted to satisfy items required by the following paragraph.

E. **Design Elements.** All single family detached homes, single family attached homes, and zero lot line homes shall include at least two of the following design features on elevations facing a street or an open space area designated on a plat: window pop-outs; recessed

EXHIBIT “E” TO ORDINANCE NO. 0-2008-20
Site Development Standards
Page 11 of 23

Draft Dated 1/10/2008

windows; architectural pillars or posts; bay windows; a brick chimney on an exterior wall; cast stone accents; a covered front porch a minimum of four feet in depth; a cupola or turret; dormers; gables; no garage doors that directly face a street; metal roof accents; multiple types of masonry materials; recessed entries (a minimum of three feet in depth); minimum 8:12 primary roof pitch; separate transom windows; or shutters. Window pop-outs (i.e., window boxes), windowsills, bay windows, recessed windows, or other similar features shall be provided on all single family detached home elevations (other than zero lot line homes).

F. Roofs. Roofing materials on single family detached homes, single family attached homes, and zero lot line homes shall be minimum 20-year architectural grade asphalt composition shingle; however, tile slate, masonry, and simulated tile, slate, and masonry composite roofing materials are also permitted and encouraged. Roof-mounted and wall-mounted mechanical equipment is prohibited on single family detached residential structures and zero lot line homes, except that satellite dishes are permitted.

G. Garage Standards. No front entry garage (excluding side-entry garages) on a residential structure shall extend forward from a home's livable space or in front of a covered front porch by more than five feet. In any event, all front entry garages are required to have a minimum front yard setback of 25 feet.

H. Anti-Repetition for Single Family Detached Homes. No front house elevation on a single family detached home or zero lot line home shall be repeated on the same side of the street unless it is separated by a minimum of three lots from the same elevation. No front house elevation on a single family detached home or zero lot line home shall be repeated directly across the street or within one lot on either side of the home directly across the street. No more than three consecutive rear elevations may be provided on single family detached and zero lot line homes with rear elevations abutting a collector road.

VII. LANDSCAPING

Landscaping shall be provided in accordance with City Ordinance No. 0-98-90 and City Ordinance No. 0-2002-46, located in the City of Tyler Code of Ordinances at Chapter 10, Article III, Division C. Required landscaping for a lot may be located on adjacent right-of-way or on an adjacent separately platted corner lot containing only common area. A landscape plan shall be required and submitted upon application for a Building Permit. The landscape plan may be a separate site plan, or when feasible, the landscape plan information may be included on the building site plan. The City's Director of Planning shall approve a landscape plan if it complies with the applicable landscaping requirements listed above in this section. **[Still reviewing staff's proposed zoning ordinance amendments and will amend PD draft accordingly]**

EXHIBIT "E" TO ORDINANCE NO. 0-2008-20
Site Development Standards

Page 12 of 23

Draft Dated 1/16/2008

X. LIGHTING STANDARDS

A. Architectural lighting of fences, signs, and structures in open space areas and parks shall be installed so that the axis of illumination is adjusted to minimize the amount of light escaping above, below, and to the side of the illuminated object.

B. Street lighting fixtures shall be shielded so that all of the light is directed downward and shall not be directed toward neighboring properties, to reduce light intrusion.

C. Commercial and multifamily properties abutting single family detached uses, open spaces, or parks shall shield lighting away from such uses.

D. Low mounted lights, not to exceed 20 feet in height, shall be used for parking areas within 100 feet of single family detached uses, open spaces, and parks.

E. Lighting standards may be up to 45 feet high for parking and roadways, and up to 15 feet high for pedestrian areas.

F. Street lighting fixtures shall be submitted to the City Council for review and approval as part of the final plat process.

XI. MISCELLANEOUS

A. If the City amends its subdivision regulations after the adoption of this PD, streets within the Property may be constructed in accordance with the street sections in the City's subdivision ordinance in effect on the date of adoption of this PD.

B. Each preliminary plat approval shall be valid for a rolling 12-month period. Property may be preliminary and final platted in phases. Each subsequent approval by the City of a final plat for all or a portion of the land included in an approved preliminary plat shall extend the preliminary plat approval period an additional 12 months. The Planning Commission may authorize twelve-month extensions to a preliminary plat if the developer demonstrates that the development is in progress and is not dormant. An approved and recorded final plat shall not expire.

C. The Property may be developed with private streets, in which case the private streets may be gated at the option of the developer, subject to approval of adequate stacking spaces by the Director of Planning and the Director of Development Services. Private streets must also be designed with adequate turn around distance in front of the gates.

D. Upon a written request from the developer, the City Council may consider and approve a unique street signage and street lighting package as part of the plat approval process.

E. Single family attached homes shall not be designed with common utilities running over, under, or through a lot without an easement.

XII. EXHIBITS

**EXHIBIT "E" TO ORDINANCE NO. 0-2008-20
Site Development Standards**

Page 13 of 23

Draft Dated 1/10/2008

The exhibits listed below are attached hereto and incorporated by reference into this PCD for all purposes. Exhibit D is conceptual and is shown for informational purposes only.

Exhibit "A"	Concept Plan
Exhibit "B"	Metes and Bounds Description of the Property and Depiction of the Property
Exhibit "C"	Illustration of Z-Lots
Exhibit "D"	Signature Amenity Center Concept

EXHIBIT "E" TO ORDINANCE NO. 0-2008-20
Site Development Standards
Page 14 of 23

Draft Dated 1/10/2008

Exhibit "A"
Concept Plan

EXHIBIT "E" TO ORDINANCE NO. 0-2008-20
Site Development Standards
Page 15 of 23



EXHIBIT "E" TO ORDINANCE NO. 0-2008-20
Site Development Standards
Page 16 of 23

Draft Dated 1/16/2008

Exhibit "B"
Metes and Bounds Description of the Property and Depiction of the Property

TRACT 1:

BEING a 543.1936 acre Tract of land in the George Myers Survey, A-643, J.M. Edwards Survey, A-1113, A. Sanchez Survey, A-1106, T. Buckley Survey, A-73 and S.A. & M.G. Railroad Company Survey, A-966, Smith County, Texas, and being a portion of Unit 1, Westchase Subdivision as shown by plat recorded in Cabinet B, Slide 282-A, Plat Records, Smith County, Texas and those certain tracts of land conveyed to Westchase Center, Inc. by Deed recorded in Volume 3183, Page 588, of the Land Records of Smith County, Texas, and all of those certain tracts of land conveyed to Martin J. & Michelle T. Heines by deed recorded in Volume 7649, Page 352, Deed Records, Smith County, Texas, and being more particularly described by as follows:

COMMENCING at a 1/2-inch iron rod found marking the northeast corner of said Unit 1, and being on the westerly right of way line of State Highway Loop 323 (called 193 foot wide right of way);

THENCE, South 02°50'10" West (South 04°39'49" West), along the common line between said Unit 1, Westchase Subdivision and the westerly right of way line of State Highway Loop 323, a distance of 257.18 feet to a 5/8-inch iron rod set with cap stamped "TRI TECH DFW SURVEYING" marking the POINT OF BEGINNING of the herein described tract of land;

THENCE, South 02°50'10" West (South 04°39'49" West), continuing along the common line between said Unit 1, Westchase Subdivision and the westerly right of way line of State Highway Loop 323, a distance of 2795.24 feet to a 5/8-inch iron rod found marking the common easterly corner between said Unit 1 and the Southwest Omni Corp. Subdivision as shown by plat recorded in Cabinet B, Slide 303-C, from which a found 3/4-inch iron rod bears South 87°42'46" West, a distance of 0.30 feet;

THENCE, South 88°11'10" West (West), along the common line between said Unit 1, Westchase Center, Inc. tract, Southwest Omni Corp. Tract and that certain tract of land conveyed to First Savings Association of Southeast Texas by deed recorded in Volume 2622, Page 393, Deed Records, Smith County, Texas, a distance of 3798.45 feet (3,797.89 feet) to a point on the easterly line of that certain tract of land conveyed to the City of Tyler by deed recorded in Volume 127, Page 579, Deed Records, Smith County, Texas and marking the common westerly corner between said Westchase Inc. tract and First Savings Association of Southeast Texas tract, from which a found 1/2-iron rod with cap bears North 88°11'10" East, a distance of 0.15 feet;

THENCE, along the common line between said Westchase Center, Inc. tract and the City of Tyler tract the following two courses:

North 11°44'37" West (North 09°54'11" West), a distance of 599.59 feet (600.0 feet) to a 1/2-inch iron rod found for corner;

South 88°13'35" West (North 89°58' West), a distance of 584.19 feet to a 5/8-inch iron rod set with cap stamped "TRI TECH DFW SURVEYING" marking a corner of the herein described tract of land;

EXHIBIT "E" TO ORDINANCE NO. 0-2008-20
Site Development Standards

Page 17 of 23

Draft Dated 1/10/2008

THENCE, North 35°49'27" East, a distance of 732.23 feet to a 5/8-inch iron rod set with cap stamped "TRI TECH DFW SURVEYING" marking an interior corner of the herein described tract of land and the beginning of a non-tangent curve to the right, from which the radius point of said non-tangent curve bears North 10°10'03" East, a distance of 2000.00 feet;

THENCE, Northwesterly, an arc distance of 680.20 feet along said non-tangent curve to the right having a radius of 2000.00 feet, a central angle of 19°29'10", and a chord which bears North 70°05'21" West, a distance of 676.92 feet to a 5/8-inch iron rod set with cap stamped "TRI TECH DFW SURVEYING" marking the point of tangency of said curve;

THENCE, North 60°20'46" West, a distance of 528.53 feet to a 5/8-inch iron rod set with cap stamped "TRI TECH DFW SURVEYING" marking an interior corner of the herein described tract of land;

THENCE, South 38°07'43" West, a distance of 430.52 feet to a power pole for an angle point;

THENCE, South 44°49'00" West, a distance of 527.89 feet to a 5/8-inch iron rod set with cap stamped "TRI TECH DFW SURVEYING" on the aforementioned common line between the City of Tyler and Westchase Center, Inc. tracts, and marking a corner of the herein described tract of land;

THENCE, along the common line between said Westchase Center, Inc. tract and the City of Tyler tract the following six courses:

North 31°44'06" West (North 29°56'06" West), a distance of 874.08 feet to a 1-1/2 inch iron pipe found for corner;

South 87°28'59" West (South 89°18'28" West), a distance of 200.00 feet (200.00 feet) to a 3/4-inch iron pipe found for corner;

North 02°21'41" West (North 0°32'26" West), a distance of 2159.28 feet (2,159.38 feet) to a 1-inch sucker rod found for corner, from which a found 1/2-inch iron rod with cap bears North 20°56'39" West, a distance of 0.07 feet;

South 44°39'04" West (South 46°27'56" West), a distance of 1791.07 feet (1,791.12 feet) to a 5/8-inch iron rod set with cap stamped "TRI TECH DFW SURVEYING" marking the point of curvature of a tangent curve to the left;

Southwesterly an arc distance of 880.83 feet (880.88 feet), along said tangent curve to the left having a radius of 5480.00 feet (5,480.0 feet), a central angle of 09°12'34" (09°12'36"), and a chord which bears South 40°02'09" West (South 41°51'38" West), a distance of 879.88 feet (879.93 feet) to a found 1/2-inch iron rod for corner;

EXHIBIT "E" TO ORDINANCE NO. 0-2008-20
Site Development Standards
Page 18 of 23

Draft Dated 1/10/2008

North 43°19'35" West (North 41°30'00" West), a distance of 204.24 feet (203.77 feet) to a found 1/2-inch iron rod marking the most westerly common corner between said tracts and being on the Southeasterly right-of-way of the St. Louis Southwestern Railroad (100-foot right-of-way) also being on the arc of a non-tangent curve to the right, from which the radius point of said non-tangent curve bears South 54°09'27" East, a distance of 5680.00 feet;

THENCE, along the common line between the southeasterly right of way line of the St. Louis Southwestern Railroad, the northerly line of said Westhase Center, Inc. tract and Heines tract the following four courses:

Northeasterly, an arc distance of 873.24 feet (873.30 feet) along said non-tangent curve to the right having a radius of 5680.00 feet (5,680 feet), a central angle of 08°48'31" (08°48'33"), and a chord which bears North 40°14'49" East (North 42°03'39" East), a distance of 872.40 feet (872.44 feet), to a found 1/2-inch iron rod found marking the point of tangency of said curve;

North 44°39'04" East (North 46°27'56" East), a distance of 2635.95 feet to a 1/2-inch iron rod found marking the beginning of a tangent curve to the right;

Northeasterly, an arc distance of 961.07 feet (960.94 feet) along said tangent curve to the right having a radius of 1426.88 feet (1426.88 feet), a central angle of 38°35'28" (38°35'10"), and a chord which bears North 63°56'49" East (North 65°45'12" East), a distance of 943.00 feet (943.36 feet) to a 1/2-inch iron rod found marking the end of said curve;

North 83°14'33" East (North 85°03'19" East), a distance of 1650.85 feet (1,650.23 feet) to a 1/2-inch iron rod found marking the common northerly corner between said Heines tract and that certain called 1.59 acre tract conveyed to the Trustees of the Dale Chappell Church of Smith County, by deed recorded in Volume 103, Page 594, Deed Records, Smith County, Texas;

THENCE, South 03°22'14" East (South 01°44'52" East), along the common line between said Heines and Dale Chappell Church tracts, passing at a distance of 225.24 feet a found 1/2-inch iron pipe and continuing a total distance of 240.15 feet (240.34 feet) to a 5/8-inch iron rod set with plastic cap stamped "TRI TECH DFW SURVEYING" on the northerly line of said Westhase Center, Inc. tract, from which a found 3/8-inch iron rod bears North 17°14'07" East, a distance of 0.65 feet;

THENCE, North 79°25'45" East (North 81°15'14" East), along the centerline of Bellwood Road and northerly line of said Westhase Center, Inc. tract, a distance of 937.32 feet a 5/8-inch iron rod set with plastic cap stamped "TRI TECH DFW SURVEYING" marking the original interior cll corner of the certain tract of land conveyed to Joe Potter by deed recorded in Volume 865, Page 367, deed Records, Smith County, Texas, said corner also being the northerly common corner between said Westhase Center, Inc. tract and that

EXHIBIT "E" TO ORDINANCE NO. 0-2008-20
Site Development Standards
Page 19 of 23

Draft Dated 1/10/2008

certain tract of land conveyed to Jarvco Inc. by deed recorded in Volume 2753, Page 237, Deed Records, Smith County, Texas, from which a found 1/2-inch iron rod bears North 79°25'45" East, a distance of 1.93 feet;

THENCE, South 01°39'01" East (South 00°06'30" West), along the common line between said Westchase Center, Inc. tract, Joe Potter tract and Jarvco tracts, passing at a distance of 1174.17 feet (1174.55 feet) a 3/4-inch iron pipe found marking the southwest corner of said Joe Potter tract and continuing a total distance of 2451.91 feet (2451.30 feet) to a 5/8-inch iron rod set with plastic cap stamped "TRI TECH DFW SURVEYING" marking a common southerly corner between said Jarvco Inc. tract and an interior ell corner of said Westchase Center, Inc. tract, from which a found 1/2-inch iron rod with cap bears North 85°43'28" East, a distance of 4.96 feet;

THENCE, North 85°43'28" East (North 87°32'40" East), along the common line between said Westchase Center, Inc. tract, Unit 1, Westchase Subdivision, Jarvco Inc. tract and that certain tract of land conveyed to Pearl Nelson, a distance of 1919.70 feet (1,914.92 feet) to a 1/2-inch iron rod found on the common line between the east right of way line of Whiteside Drive (60 foot wide right of way) and west line of Lot 1, N.C.B. 1545A, Unit 1, Westchase Subdivision for corner;

THENCE, North 01°51'13" West (North), along the common line between said lot 1 and the east right of way line of Whiteside Drive, a distance of 76.19 feet to a 5/8-inch iron rod set with plastic cap stamped "TRI TECH DFW SURVEYING" marking a corner of the herein described tract of land;

THENCE, North 88°06'56" East, a distance of 839.01 feet to the POINT OF BEGINNING and containing a computed area of 543.1936 acres (23,661,511 square feet) of land.

TRACT 2:

Being a 0.443 acre tract of land in the George Myers Survey, Abstract 643, Smith County, Texas, being all of that certain called 0.443 acre (Tract two) as conveyed to Martin J. Heines and Michelle T. Heines by deed recorded in Volume 7649, Page 352, Deed Records, Smith County, Texas, and being more particularly described as follows:

BEGINNING at a 5/8-inch iron rod set with plastic cap stamped "TRI TECH DFW SURVEYING" marking the southwest corner of said tract two, said point being North 44°42'43" East (North 46°31'00" East), a distance of 930.82 feet (931.16 feet) from the northwest corner of that certain called 77.941 acre (Tract one) as conveyed to Martin J. Heines and Michelle T. Heines by deed recorded in Volume 7649, Page 352, Deed Records, Smith County, Texas, and also being on the north right-of-way line of the St. Louis and Southwestern Railroad (100 foot wide right of way), also being on the arc of a non-tangent curve to the left;

THENCE, North 02°03'17" West (North 00°03'18" West), along the west line of said tract two, a distance of 646.30 feet (646.22 feet) to a 5/8-inch iron rod set with plastic cap stamped "TRI TECH DFW SURVEYING" on the southerly right of way line of State Highway No. 31 (133 feet wide right of way) and marking the northwest corner of the herein described tract, from which a found axle marking the northwest corner of that certain 4.642 acre tract conveyed to Gene Allen Homes, Inc., by deed recorded in Volume 2378, Page 767 of the Deed Records of Smith County, Texas, bears South 76°50'01" West (South 78°50'00" West) a distance of 393.19 feet (393.19 feet);

EXHIBIT "E" TO ORDINANCE NO. 0-2008-20
Site Development Standards
Page 20 of 23

Draft Dated 1/10/2008

THENCE, North 76°50'01" East (North 78°50'00" East), along the south right of way line of said State Highway No. 31, a distance of 30.58 feet (30.57 feet) to a 5/8-inch iron rod set with plastic cap stamped "TRI TECH DFW SURVEYING" marking the northeast corner of the herein described tract;

THENCE, South 02°03'17" East (South 00°03'18" East), along the east line of said tract two, a distance of 640.25 feet (640.03 feet) to a 5/8-inch iron rod set with plastic cap stamped "TRI TECH DFW SURVEYING" marking the common southerly corner between said tract two and that certain tract of land conveyed to C.A.M. Inc. by deed recorded in Volume 4066, Page 40 Deed Records, Smith County, Texas, said point being on the north right-of-way line of said St. Louis and Southwestern Railroad and arc of said non-tangent curve to the left, from which the radius point of said non-tangent curve bears South 23°10'54" East, a distance of 1526.88 feet;

THENCE, Southwesterly, along said north right of way line of the St. Louis and Southwestern Railroad, an arc distance of 32.30 feet (32.34 feet) along said non-tangent curve to the left having a radius of 1526.88 feet (1,526.88 feet), a central angle of 01°12'43" (01°12'49"), and a chord which bears South 66°12'44" West (South 68°01'13" West), a distance of 32.30 feet (32.34 feet) to the POINT OF BEGINNING and containing a computed area of 0.443 acre (19,296 square feet) of land.

EXHIBIT "E" TO ORDINANCE NO. 0-2008-20
Site Development Standards
Page 21 of 23

Draft Dated 1/10/2008

Exhibit "C"
Illustration of Z Lots

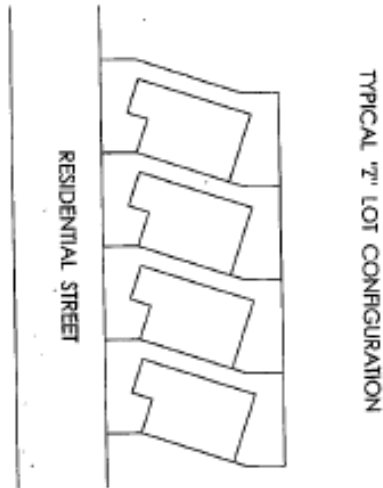


EXHIBIT "E" TO ORDINANCE NO. 0-2008-20
Site Development Standards
Page 22 of 23

Draft Dated 1/16/2008

Exhibit "D"
Signature Amenity Center Concept

EXHIBIT "E" TO ORDINANCE NO. 0-2008-20
Site Development Standards
 Page 23 of 23

