CITY OF SHERMAN
CITY COUNCIL REGULAR MEETING AGENDA
COUNCIL CHAMBERS OF THE CITY HALL
220 WEST MULBERRY STREET
SHERMAN, TEXAS
MONDAY, DECEMBER 5, 2022
5:00 P.M.

A. 1. CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN

A. 2. PLEDGE OF ALLEGIANCE LED BY MAYOR DAVID PLYLER

A. 3. INVOCATION BY COUNCIL MEMBER MAYOR DAVID PLYLER

Special Presentations

B. 1. SPECIAL PRESENTATION
Denison Police Chief Mike Gudgel's Presentation of a Texas Police Chiefs Association Best Practices Accreditation Program Certificate to the Sherman Police Department

Citizen Comments

C. 1. CITIZEN COMMENTS
During this meeting, the City Council welcomes public comment **only** on agenda items listed under the Open Meeting portion of the agenda, in accordance with Texas Government Code Section 551.007. For items not listed on the agenda, those matters may be discussed with City staff during regular business hours, or with the Mayor or any Council member by contacting them at times other than at City Council meetings.

Consent Agenda

D. 1. CONSENT AGENDA
Asterisked (*) items are considered to be routine and will be enacted in one motion without discussion unless a Council Member or a citizen requests a specific item be discussed and voted on separately

D. 2. CONSENT AGENDA
Double Asterisked (**) items are considered to be routine and will be enacted in one motion, subject to staff review letter, without discussion unless a Council Member or a citizen requests a specific item be discussed and voted on separately

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Public Hearing

E. 1. **INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6547**
Authorizing the Issuance of "CITY OF SHERMAN, TEXAS, LIMITED TAX NOTES, SERIES 2023"; Specifying the Terms and Features of Such Notes; Levying a Continuing Direct Annual Ad Valorem Tax for the Payment of Such Notes; and Resolving Other Matters Incident and Related Thereto, Including the Approval and Execution of a Paying Agent/Registrar Agreement and the Approval and Distribution of an Official Statement and Providing an Effective Date

E. 2. **INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6548**
Accepting and Approving an Amended and Restated Service and Assessment Plan and a Phase #2 Assessment Roll for the Bel Air Village Public Improvement District; Making a Finding of Special Benefit to the Property in Phase #2 of The District; Levying Special Assessments Against Property within Phase #2 of The District And Establishing a Lien on Such Property; Providing for Payment of the Assessments In Accordance With Chapter 372, Texas Local Government Code, As Amended; Providing for the Method of Assessment and the Payment of the Assessments, Providing Penalties and Interest on Delinquent Assessments, Providing For Severability, And Providing An Effective Date

E. 3. **INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6549**
Amending Section 8, Subsection (5)(A), Ordinance No. 2280 and Adopting Ordinance No. 6549 so as to Grant a Specific Use Permit to allow a Church, Wood Accessory Building and Pavilion in an R-1 (One-Family Residential) District/R-2 (Multi-Family Residential) District/O-1.1 (FM Highway 1417) Overlay District and Repeal Ordinance No. 4286, located at 601 North FM 1417 (Heritage Parkway), being 14.597 Acres, Nazarene 1st Addition, being a Re-Plat of Lots 1 and 2, Block 5 of Laurel Creek Addition in the J.B. McAnair Survey, Abstract No. 763 and the G.W. McGlothlin Survey, Abstract No. 828 (Heritage Nazarene Church, Owners; Mike Hastings; Representative; and Preston Trail Land Surveying, Surveyor); Providing That This Specific Use Permit Shall Be Granted Subject to Certain Conditions; Providing A Penalty Not to Exceed $2,000.00

E. 4. **INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6550**
Amending Section 12, Ordinance No. 2280, so as to Include Certain Property within the C-2 (General Commercial) District located in the 2300-2700 Blocks East Highway 82, being 22.705 acres in part of the Samuel McGlothlen Survey, Abstract No. 811 and the Ruben Hendrix Survey, Abstract No. 504 (Frostfire Hwy 82 LLC, Owners; Mathias Haubert, Bohler Engineering, Engineer; Lee Engineering, Traffic Engineer; and Copley Land Surveying, Surveyor); Providing for a Penalty not to Exceed $2,000.00; Providing A Repealing/Savings Clause, Severability Clause And An Effective Date

E. 5. **INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6551**
Amending Section 12, Ordinance No. 2280, so as to Include Certain Property within the R-2 (Multi-Family Residential) District located in the 2300-2700 Blocks East Highway 82, being 51.718 acres in part of the Samuel McGlothlen Survey, Abstract No. 811 and the Ruben Hendrix Survey, Abstract No. 504 (Frostfire Hwy 82 LLC, Owners; Mathias Haubert, Bohler Engineering, Engineer; Lee Engineering, Traffic Engineer; and Copley Land Surveying, Surveyor); Providing for a Penalty not to Exceed $2,000.00; Providing A Repealing/Savings Clause, Severability Clause And An Effective Date; Finding And Determining That The Meeting At Which This Ordinance Is Passed Was Noticed And Is Open To The Public As Required By Law

E. 6. **INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6552**

Amending Section 8, Subsection (5)(A), Ordinance No. 2280, So As to Grant a Specific Use Permit to Allow a Mini-Warehouse in a C-2 (General Commercial) District in the 2300-2700 Blocks East Highway 82, being 14.819 acres in part of the Samuel McGlothlen Survey, Abstract No. 811 and the Ruben Hendrix Survey, Abstract No. 504 (Frostfire Hwy 82 LLC, Owners; Mathias Haubert, Bohler Engineering, Engineer; Lee Engineering, Traffic Engineer; and Copley Land Surveying, Surveyor); Providing That This Specific Use Permit Shall Be Granted Subject to Certain Conditions; Providing A Penalty Not to Exceed $2,000.00

E. 7. **INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6553**

Amending Section 8, Subsection (5)(A), Ordinance No. 2280, So As to Grant a Specific Use Permit to Allow Batting Cages in a C-2 (General Commercial) District at 3400 Texoma Parkway, being 3.61 Acres in part of the Hillard Jennings Survey, Abstract No. 639, being part of Lots 10, 12, 13, and 14, and all of Lot 11, Block 1, of Redick Addition (TADLA, Owner; Dax Powell, Tenant; and Helvey-Wagner Surveying, Surveyor); Providing That This Specific Use Permit Shall Be Granted Subject to Certain Conditions; Providing A Penalty Not to Exceed $2,000.00

E. 8. **INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6554**

Amending The Code Of Ordinances Of The City Of Sherman, Texas, Chapter 14 (Zoning Ordinance), To Rezone Real Property Consisting Of 1,495.57± Acres, Situated In The Preston Kitchens Survey, Abstract No. 667, Sherrod Dunman Survey, Abstract No. 329, Elizabeth Jones Survey, Abstract No. 625, And William Martin Survey, Abstract No. 765, In The City Of Sherman, Grayson County, Texas; Providing That The Real Property Is Rezoned And Placed In The Planned Development District / Light Manufacturing (M-1) District (Pd/M-1) Zoning Classification; Describing The Tract To Be Rezoned; Providing A Penalty Clause With A Maximum Fine Of $2,000, Savings/Repealing Clause, Severability Clause And An Effective Date; And Providing For The Publication Of The Caption Hereof

E. 9. **INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6555**

Repealing Exhibit A (General Zoning Ordinance), Exhibit A-1 (Matrix Of Permitted Uses) And Exhibit B (Zoning – Blalock Industrial Park) Of Chapter 14 (Zoning Ordinance) Of The Code Of Ordinances, City Of Sherman, Texas; Adopting A New Comprehensive Zoning Ordinance To Be Codified At Article 14.01 (General Provisions) Through Article 14.11 (Sherman Municipal Airport Hazard Zoning Ordinance) Of Chapter 14 Of The Code Of Ordinances; Establishing New Zoning Regulations Within The City Of Sherman, Texas In Accordance With Chapter 211 Of The Texas Local Government Code, The Home Rule Charter Of The City Of Sherman, Texas And Other Law; Regulating And Restricting The Height, Number Of Stories And Size Of Buildings And Other Structures, The Percentage Of Lots That May Be Occupied, The Size Of The Yards, Courts And Other Open Spaces, The Density Of Population, The Location And Use Of Buildings, Structures And Land For Trade, Industry, Residence Or Other Purpose; And, In The Case Of Designated Places And Areas Of Historic And Cultural Importance, To Regulate And Restrict The Construction, Alteration, Reconstruction Or Razing Of Buildings And Other Structures; Defining Terms; Providing For Variances And Appeals; Amending Chapter 14 (Zoning Ordinance), Article 14.01 (General Provisions), Article 14.02 (Sherman Municipal Airport Hazard Zoning Ordinance), Article 14.03 (Planning And Zoning Board), Article 14.04 (General Zoning Ordinance) And Article 14.05 (Zoning – Blalock Industrial Park); Providing For Inclusion In The Code Of Ordinances;Providing Repealing And Severability Clauses; Providing A Penalty With A Maximum Fine Of $2,000

E. 10. **INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6556**

Amending The Code of Ordinances of The City of Sherman, Texas, to Add Appendix C, Comprehensive Fee Schedule, and Amending Article 3.14 (Permit, Development and Registration Fees); Establishing and Organizing Fees, Fines and Other Charges to be Assessed and Collected By The City of Sherman; Providing a Penalty Clause with a Maximum Fine of $2,000, Savings/Repealing Clause, Severability Clause and an Effective Date; Providing for the Publication of the Caption Hereof

E. 11. **INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6557**
Readopting Chapter 8, Article 8.04, Division 2 of the Code of Ordinances, entitled "Curfew Hours for Minors," with No Modifications; Providing for Inclusion in the Code of Ordinances; Providing for Severability; Providing for a Repealer

Close Public Hearing and Consider Adoption of Ordinances

E. 12. **ADOPTION OF ORDINANCES**
Consider Adoption of Ordinance Numbers 6547, 6548, 6549, 6550, 6551, 6552, 6553, 6554, 6555, 6556 & 6557.

Resolutions

F. 1. **RESOLUTION NO. 6996**
Authorizing Execution of Certain Documents in Connection With The Bel Air Village Public Improvement District, including, without Limitation, that Certain Phase #2 Landowner Agreement and Bel Air Village Public Improvement District Phase #2 Reimbursement Agreement

F. 2. **RESOLUTION NO. 6997**
Authorizing Execution of The Second Amendment to The Bel Air Village Master Development Agreement With Terra Perpetua, LLC, A Delaware Limited Liability Company, Amending The Terms And Conditions of The Bel Air Village Master Development Agreement Dated December 18, 2020 And Approved By Resolution No. 6676

F. 3. **RESOLUTION NO. 6998**
Authorizing the Execution of a Professional Design Services Agreement with Dunken Sims Stoffels, Inc. for the Design of Ballfield Lighting, Trail Lighting, and Shading at Pecan Grove Athletic Complex.

F. 4. **** RESOLUTION NO. 6999***
Authorizing Execution of a Professional Services Agreement with Pape-Dawson Engineers, Inc. for Sherman Water Treatment Plant - Concentrate Discharge and Outfall Design Services

F. 5. **** RESOLUTION NO. 7000***
Authorizing the Purchase of Two New 2023 ACX64 with New Way 31yd Sidewinder Automated Side Loader Trucks from Chastang Enterprise for the Solid Waste Department through the Texas Local Government Purchasing Cooperative (BuyBoard).

F. 6. **** RESOLUTION NO. 7001***
Authorizing the Purchase of a 2023 Frazer Type I 14' Module Ambulance for the Sherman Fire Department from Knapp Chevrolet and Frazer, Ltd. through the Houston-Galveston Area Council of Governments (H-GAC)

Other Business

G. 1. **OTHER BUSINESS**
Receive Update from Texas Department of Transportation Paris District Engineer Noel Paramanantham on TxDOT Projects

Any item on this posted agenda may be discussed in Executive Session provided it is within one of the permitted categories under Chapter 551 of the Texas Government Code

G. 2. ***** OTHER BUSINESS***

Replat approval of B.H. Moore Heirs Addition, Lot 8R, Block 16, being 0.200 Acres in part of the Samuel Blagg Survey, Abstract No. 56, and being the South 100 ft. of Lot 8, Block 16 of the B.H. Moore Heirs Addition; Moran Developments, LLC, Owner and Helvey-Wagner Surveying, Inc., Surveyor (1228 South Rusk Street)

G. 3. ***** OTHER BUSINESS***

Replat approval of 709 East Lamberth Addition, Block A, Lot 1, being 0.152 acres in the George B. Pilant Survey, Abstract Number 963, and also being part of Lot 3, Block 1, East Side Addition; Luke Scheibmeir, Owner and Preston Trail Land Surveying, Surveyor (709 East Lamberth)

G. 4. ***** OTHER BUSINESS***

Replat approval of Emaar Addition, being 0.317 acres in the George B. Pilant Survey, Abstract No. 963, and also being all of Lot 4 and part of Lot 5, Block 2, J.C. Linnstead Addition; Naveed Owais, Emaar TX LLC, Owner and Underwood Drafting & Surveying, Surveyor (514 South Dewey Avenue)

G. 5. ***** OTHER BUSINESS***

Final Plat approval of Lot 1 and Lot 2, Block 1 Frontera, being 113.414 acres in the Aaron Burleson Survey, Abstract No. 61; of Frontera MHC, LLC, Owner; Marley Phillips, Developer/Representative; Bowman, Consulting Firm (2708 East Lamar Street)

G. 6. ***** OTHER BUSINESS***

Final Plat approval of Fielder Addition, being 0.492 acres in the J.B McAnair survey, Abstract No. 763, and being a part of Block 29, Chaffins Second Addition; LaCima Contracting, LLC, Owner; Paul Terrell, Representative; and Copley Land Surveying, Surveyor (1104 East Chaffin Street)

H. COUNCIL COMMENTS

Executive Session

I. 1. EXECUTIVE SESSION

In accordance with the Texas Open Meetings Act, Chapter 551 of the Texas Government Code, the City Council may hold an Executive Session if the discussion of any of the items identified in this agenda, or any of the items identified below, concern one or more of the following:

Tex. Gov't Code § 551.071	Seeking the advice of its attorney about pending or contemplated litigation, settlement offers or any matter in which the duty of the attorney to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act.
Tex. Gov't Code § 551.072	Deliberating the purchase, exchange, lease or value of real property if deliberation in an Open Meeting would have a detrimental effect on the position of the City in negotiations with a third person. (a) City Hall Project
Tex. Gov't Code § 551.073	Deliberating a negotiated contract for a prospective gift or donation to the City if deliberation in an Open Meeting would have a detrimental effect on the position of the City in negotiations with a third person.

Tex. Gov't Code § 551.074	Deliberating the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee unless the officer or employee who is the subject of the deliberation or hearing requests a public hearing.
Tex. Gov't Code § 551.076	Deliberating the deployment, or specific occasions for implementation, of security personnel or devices or a security audit.
Tex. Gov't Code § 551.087	Discussing or deliberating commercial or financial information that the City has received from a business prospect that the City seeks to have locate, stay or expand in or near the City and with which the City is conducting economic development negotiations; or deliberating the offer of a financial or other incentive to a business prospect. (a) Project Top Secret
Tex. Gov't Code § 551.089	Deliberating security assessments or deployments relating to information resources technology, network security information, or the deployment or specific occasions for implementation of security personnel, critical infrastructure or security devices.

The Council reconvenes into General Session

J. 1. OPEN MEETING

Reconvene into Open Meeting and Consider Action, if any, on items discussed in Executive Session

K. ADJOURNMENT

COUNCIL CALENDAR

Any item on this posted agenda may be discussed in Executive Session provided it is within one of the permitted categories under Chapter 551 of the Texas Government Code

CERTIFICATION

I, the undersigned authority, do hereby certify that the above Notice of Regular Meeting of the City Council of the City of Sherman is a true and correct copy of said Notice and that I posted a true and correct copy of said Notice on the bulletin board at City Hall of said City of Sherman, Texas, a place convenient to the public, and said notice was posted on Friday, December 2, 2022 at 4:00 p.m., and said time of posting was 72 hours before said meeting was convened or called to order.

Dated this 2nd day of December, 2022.
City of Sherman, Texas

_____
City Clerk

The above agenda schedule represents an estimate of the order for the indicated items and is subject to change at any time.

All agenda items are subject to final action by the City Council.

An unscheduled closed executive session may be held if the discussion of any of the above agenda items concerns the purchase, exchange, lease or value of real property; the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee; the deployment or use of security personnel or equipment; or requires consultations with the City Attorney.

At the discretion of the City Council, non-agenda items under the headings of "Citizens Requests", "Media Questions", and "Council Concerns" may be presented to the Council for informational purposes; however, by law, the Council shall not discuss, deliberate, or vote upon such matters except that a statement of specific factual information, a recitation of existing policy, and deliberations concerning the placing of the subject on a subsequent agenda may take place.

The City Attorney has approved the Executive Session items on this agenda.

PERSONS WITH DISABILITIES, WHO PLAN TO ATTEND THIS MEETING AND WHO MAY NEED ASSISTANCE, ARE REQUESTED TO CONTACT LINDA ASHBY AT (903) 892-7204, TWO (2) WORKING DAYS PRIOR TO THE MEETING SO THAT APPROPRIATE ARRANGEMENTS CAN BE MADE.

Mayor	Deputy Mayor	Council Members	
David Plyler	Josh Stevenson	Henry Marroquin, Council-At-Large, PL #1	Josh Stevenson, Council – District #2
		Juston Dobbs, Council-At-Large, PL #2	Pamela L. Howeth, Council – District #3
		Shawn C. Teamann, Council – District #1	Daron Holland, Council – District #4

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SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **B. 1.**

Meeting Date: 12/05/2022

Approved By: Robby Hefton, City Manager

Caption:

SPECIAL PRESENTATION

Denison Police Chief Mike Gudgel's Presentation of a Texas Police Chiefs Association Best Practices Accreditation Program Certificate to the Sherman Police Department

Issue:

The Sherman Police Department has achieved "Accredited Status" for compliance with the Texas Law Enforcement Agency Bes Practices Accreditation Program

Background:

What is the Law Enforcement Agency Best Practices Accreditation Program?

The Law Enforcement Accreditation Program is a voluntary process where police agencies in Texas prove their compliance with 170 Texas Law Enforcement Best Practices. These Best Practices were carefully developed by Texas Law Enforcement professionals to assist agencies in the efficient and effective delivery of service, the reduction of risk and the protection of individual's rights.

While similar in nature to the national accreditation program, the Best Practices Accreditation Program is easier to administer, lower in cost and is designed specifically for Texas Law Enforcement. The Texas Legislature demands a great deal of professional law enforcement in Texas and the Best Practices were specifically designed to aid Texas agencies in meeting those demands and providing the best quality of service to the people of our State.

Since its inception in 2006, over 180 Texas Law Enforcement Agencies have been Accredited and many more are currently in the process to become Accredited Agencies. While members of the Texas Police Chiefs Association recognize and support the national accreditation program, The Texas Best Practices Accreditation Program has clearly become the new Gold Standard for Texas Law Enforcement!

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Origination:

Police Chief Jason Jeffcoat

Financial Consideration:

There is no financial impact to be considered.

SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **D. 1.**

Meeting Date: 12/05/2022

Approved By: Robby Hefton, City Manager

Caption:

CONSENT AGENDA

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Issue:

F. 4. **** RESOLUTION NO. 6999***

Authorizing Execution of a Professional Services Agreement with Pape-Dawson Engineers, Inc. for Sherman Water Treatment Plant - Concentrate Discharge and Outfall Design Services

F. 5. **** RESOLUTION NO. 7000***

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F. 6. **** RESOLUTION NO. 7001***

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SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **D. 2.**

Meeting Date: 12/05/2022

Approved By: Robby Hefton, City Manager

Caption:

CONSENT AGENDA

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Issue:

G. 2. ***** OTHER BUSINESS***

Replat approval of B.H. Moore Heirs Addition, Lot 8R, Block 16, being 0.200 Acres in part of the Samuel Blagg Survey, Abstract No. 56, and being the South 100 ft. of Lot 8, Block 16 of the B.H. Moore Heirs Addition; Moran Developments, LLC, Owner and Helvey-Wagner Surveying, Inc., Surveyor (1228 South Rusk Street)

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G. 5. ***** OTHER BUSINESS***

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SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **E. 1.**

Meeting Date: 12/05/2022

Prepared By: Mary Lawrence, Director of Finance

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6547

Authorizing the Issuance of "CITY OF SHERMAN, TEXAS, LIMITED TAX NOTES, SERIES 2023"; Specifying the Terms and Features of Such Notes; Levying a Continuing Direct Annual Ad Valorem Tax for the Payment of Such Notes; and Resolving Other Matters Incident and Related Thereto, Including the Approval and Execution of a Paying Agent/Registrar Agreement and the Approval and Distribution of an Official Statement and Providing an Effective Date

Issue:

Consider all matters incident and related to the issuance and sale of "City of Sherman, Texas, Limited Tax Notes, Series 2023", including the adoption of an ordinance authorizing the issuance of such tax notes

Background:

As part of the fiscal year 2023 budget, the Council approved the purchase of fleet and equipment including an ambulance, a residential trash truck; a street sweeper, dump truck and one-ton pickup for the street department; 6 Tahoes for the police department; a tractor for the parks department; a dump truck for neighborhood services; an excavator, dump truck and sewer truck for the distribution and collection crews; and the construction of an outdoor chapel (pavilion) at West Hill Cemetery, all funded by Tax Note proceeds. This Ordinance authorizes the issue of the notes and their repayment over the next five (5) years. The proceeds from issuance are expected to be received on January 10, 2023. The Notes are secured by an ad valorem tax pledge as security.

Origination:

City Manager's Office

Financial Consideration:

The cost of issuance for these Notes will be about $25,000.00, the cost of which will be netted against the proceeds from issuance.

Staff Recommendation:

The staff recommends that the Council approve the Ordinance as presented.

Alternatives:

No alternatives can be recommended by staff at this time.

Attachments

Ordinance No. 6547

Paying Agent Agreement - 2023 Tax Notes

ORDINANCE NO. 6547

AN ORDINANCE AUTHORIZING THE ISSUANCE OF "CITY OF SHERMAN, TEXAS, LIMITED TAX NOTES, SERIES 2023"; SPECIFYING THE TERMS AND FEATURES OF SUCH NOTES; LEVYING A CONTINUING DIRECT ANNUAL AD VALOREM TAX FOR THE PAYMENT OF SUCH NOTES; AND RESOLVING OTHER MATTERS INCIDENT AND RELATED THERETO, INCLUDING THE APPROVAL AND EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT AND THE APPROVAL AND DISTRIBUTION OF AN OFFICIAL STATEMENT AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to the Texas Government Code, Chapter 1431, as amended (hereinafter called the "Act"), the City Council is authorized and empowered to issue anticipation notes to pay contractual obligations to be incurred for (i) the construction of any public work, (ii) the purchase of materials, supplies, equipment, machinery, buildings, lands and rights-of-way for the City's authorized needs and purposes, and (iii) a professional service; and

WHEREAS, in accordance with the provisions of the Act, the City Council hereby finds and determines that anticipation notes should be issued and sold at this time to finance the costs of paying contractual obligations to be incurred to pay (i) the costs of purchasing equipment and machinery, including vehicles for various City departments, including the Community Development, Police, Fire, Streets, Solid Waste, Utility, and Parks and Recreation departments, (ii) the costs of acquiring, constructing, improving, expanding, and equipping buildings and facilities for the City's Cemetery department, and (iii) professional services rendered in relation to such projects and the financing thereof; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS:

SECTION 1. Authorization – Designation - Principal Amount - Purpose. Notes of the City of Sherman, Texas (the "City") shall be and are hereby authorized to be issued in the aggregate principal amount of $_____, to be designated and bear the title "CITY OF SHERMAN, TEXAS, LIMITED TAX NOTES, SERIES 2023" (hereinafter referred to as the "Notes"), for the purpose of paying contractual obligations to be incurred to pay (i) the costs of purchasing equipment and machinery, including vehicles for various City departments, including the Community Development, Police, Fire, Streets, Solid Waste, Utility, and Parks and Recreation departments, (ii) the costs of acquiring, constructing, improving, expanding, and equipping buildings and facilities for the City's Cemetery department, and (iii) professional services rendered in relation to such projects and the financing thereof, in conformity with the Constitution and laws of the State of Texas, including the Act.

SECTION 2. Fully Registered Obligations - Note Date - Authorized Denominations - Stated Maturities - Interest Rates. The Notes shall be issued as fully registered obligations only, shall be dated the date of initial delivery (the "Note Date"), shall be issued in denominations of $5,000 or any integral multiple thereof, and principal payments shall become due and payable on August 15 in each of the years and in the amounts (the "Stated Maturities") and bear interest at the per annum rate(s) in accordance with the following schedule:

Year of Payment	Principal Amounts ($)	Interest Rate(s) (%)
2023		
2024		
2025		
2026		
2027		
2028		

The Notes shall bear interest on the unpaid principal amounts from the date of delivery to the initial purchasers (anticipated to be January 10, 2023) at the per annum rate(s) shown above in this Section. Interest on the Notes shall be calculated on the basis of a 360-day year of twelve 30-day months, and such interest shall be payable on February 15 and August 15 of each year, commencing August 15, 2023, until maturity.

SECTION 3. Terms of Payment - Paying Agent/Registrar. The principal of, premium, if any, and the interest on the Notes, due and payable by reason of maturity, or otherwise, shall be payable only to the registered owners or holders of the Notes (hereinafter called the "Holders") appearing on the registration and transfer books maintained by the Paying Agent/Registrar and the payment thereof shall be in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts, and shall be without exchange or collection charges to the Holders.The selection and appointment of The Bank of New York Mellon Trust Company, N.A., Dallas, Texas, to serve as Paying Agent/Registrar for the Notes is hereby approved and confirmed. Books and records relating to the registration, payment, transfer and exchange of the Notes (the "Security Register") shall at all times be kept and maintained on behalf of the City by the Paying Agent/Registrar, as provided herein and in accordance with the terms and provisions of a "Paying Agent/Registrar Agreement," substantially in the form attached hereto as **Exhibit A**, and such reasonable rules and regulations as the Paying Agent/Registrar and the City may prescribe. The Mayor or Mayor Pro Tem and the City Clerk are authorized to execute and deliver such Paying Agent/Registrar Agreement in connection with the delivery of the Notes. The City covenants to maintain and provide a Paying Agent/Registrar at all times until the Notes are paid and discharged, and any successor Paying Agent/Registrar shall be a bank, trust company, financial institution or other entity qualified and authorized to serve in such capacity and perform the duties and services of Paying Agent/Registrar. Upon any change in the Paying Agent/Registrar for the Notes, the City agrees to promptly cause a written notice thereof to be sent to each Holder by United States mail, first-class, postage prepaid, which notice shall also give the address of the new Paying Agent/Registrar.

Principal of and premium, if any, on the Notes shall be payable at the Stated Maturities only upon presentation and surrender of the Notes to the Paying Agent/Registrar at its designated offices, initially in East Syracuse, New York, or, with respect to a successor Paying Agent/Registrar, at the designated offices of such successor (the "Designated Payment/Transfer Office"). Interest on the Notes shall be paid to the Holders whose names appear in the Security Register at the close of business on the Record Date (the last business day of the month next preceding the interest payment date) and shall be paid by the Paying Agent/Registrar (i) by check sent United States mail, first-class, postage prepaid, to the address of the Holder recorded in the Security Register or (ii) by such other method, acceptable to the Paying Agent/Registrar, requested

by, and at the risk and expense of, the Holder. If the date for the payment of the principal of or interest on the Notes shall be a Saturday, Sunday, a legal holiday, or a day when banking institutions in the city where the Designated Payment/Transfer Office of the Paying Agent/Registrar is located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not such a Saturday, Sunday, legal holiday, or day when such banking institutions are authorized to close; and payment on such date shall have the same force and effect as if made on the original date payment was due.

In the event of a nonpayment of interest on a scheduled payment date, and for thirty (30) days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the City. Notice of the Special Record Date and of the scheduled payment date of the past due interest (which shall be 15 days after the Special Record Date) shall be sent at least five (5) business days prior to the Special Record Date by United States mail, first-class, postage prepaid, to the address of each Holder appearing on the Security Register at the close of business on the last business day next preceding the date of mailing of such notice.

SECTION 4. No Redemption. The Notes are not subject to redemption prior to maturity.

SECTION 5. Registration – Transfer - Exchange of Notes - Predecessor Notes. The Paying Agent/Registrar shall obtain, record, and maintain in the Security Register the name and address of each and every owner of the Notes issued under and pursuant to the provisions of this Ordinance, or if appropriate, the nominee thereof. Any Note may be exchanged for Notes of other authorized denominations by the Holder, in person or by his duly authorized agent, upon surrender of such Note to the Paying Agent/Registrar for cancellation, accompanied by a written instrument of transfer or request for exchange duly executed by the Holder or by his duly authorized agent, in form satisfactory to the Paying Agent/Registrar.Upon surrender of any Note (other than the Initial Note authorized in Section 8 hereof) for transfer at the Designated Payment/Transfer Office of the Paying Agent/Registrar, the Paying Agent/Registrar shall register and deliver, in the name of the designated transferee or transferees, one or more new Notes of authorized denominations and having the same Stated Maturity and of a like aggregate principal amount as the Note or Notes surrendered for transfer.

At the option of the Holder, Notes (other than the Initial Note authorized in Section 8 hereof) may be exchanged for other Notes of authorized denominations and having the same Stated Maturity, bearing the same rate of interest and of like aggregate principal amount as the Notes surrendered for exchange, upon surrender of the Notes to be exchanged at the Designated Payment/Transfer Office of the Paying Agent/Registrar. Whenever any Notes are surrendered for exchange, the Paying Agent/Registrar shall register and deliver new Notes to the Holder requesting the exchange.

All Notes issued in any transfer or exchange of Notes shall be delivered to the Holders at the Designated Payment/Transfer Office of the Paying Agent/Registrar or sent by United States mail, first-class, postage prepaid, to the Holders, and, upon the registration and delivery thereof, the same shall be the valid obligations of the City, evidencing the same obligation to pay, and entitled to the same benefits under this Ordinance, as the Notes surrendered in such transfer or exchange.

All transfers or exchanges of Notes pursuant to this Section shall be made without expense or service charge to the Holder, except as otherwise herein provided, and except that the Paying Agent/Registrar shall require payment by the Holder requesting such transfer or exchange of any tax or other governmental charges required to be paid with respect to such transfer or exchange.

Notes canceled by reason of an exchange or transfer pursuant to the provisions hereof are hereby defined to be "Predecessor Notes," evidencing all or a portion, as the case may be, of the same obligation to pay evidenced by the new Note or Notes registered and delivered in the exchange or transfer therefor. Additionally, the term "Predecessor Notes" shall include any mutilated, lost, destroyed, or stolen Note for which a replacement Note has been issued, registered and delivered in lieu thereof pursuant to the provisions of Section 11 hereof and such new replacement Note shall be deemed to evidence the same obligation as the mutilated, lost, destroyed, or stolen Note.

SECTION 6. Book-Entry-Only Transfers and Transactions. Notwithstanding the provisions contained in Sections 3, 4, and 5 of this Ordinance relating to the payment, transfer, and exchange of the Notes, the City hereby approves and authorizes the use of "Book-Entry-Only" securities clearance, settlement and transfer system provided by The Depository Trust Company ("DTC"), a limited purpose trust company organized under the laws of the State of New York, in accordance with the operational arrangements referenced in the Blanket Issuer Letter of Representations by and between the City and DTC (the "Depository Agreement").

Pursuant to the Depository Agreement and the rules of DTC, the Notes shall be deposited with DTC who shall hold said Notes for its participants (the "DTC Participants"). While the Notes are held by DTC under the Depository Agreement, the Holder of the Notes on the Security Register for all purposes, including payment and notices, shall be Cede & Co., as nominee of DTC, notwithstanding the ownership of each actual purchaser or owner of each Note (the "Beneficial Owners") being recorded in the records of DTC and DTC Participants.

In the event DTC determines to discontinue serving as securities depository for the Notes or otherwise ceases to provide book-entry clearance and settlement of securities transactions in general or the City determines that DTC is incapable of properly discharging its duties as securities depository for the Notes, the City covenants and agrees with the Holders of the Notes to cause Notes to be printed in definitive form and issued and delivered to DTC Participants and Beneficial Owners, as the case may be. Thereafter, the Notes in definitive form shall be assigned, transferred and exchanged on the Security Register maintained by the Paying Agent/Registrar and payment of such Notes shall be made in accordance with the provisions of Sections 3, 4 and 5 of this Ordinance.

SECTION 7. Execution - Registration. The Notes shall be executed on behalf of the City by the Mayor or Mayor Pro Tem under its seal reproduced or impressed thereon and countersigned by the City Clerk. The signature of such officers on the Notes may be manual or facsimile. Notes bearing the manual or facsimile signatures of individuals who are or were the proper officers of the City on the date of adoption of this Ordinance shall be deemed to be duly executed on behalf of the City, notwithstanding whether any of such individuals shall cease to hold such offices at the time of delivery of the Notes to the initial purchaser(s) and with respect to Notes delivered in subsequent exchanges and transfers, all as authorized and provided in the Texas Government Code,

Chapter 1201, as amended.No Note shall be entitled to any right or benefit under this Ordinance, or be valid or obligatory for any purpose, unless there appears on such Note either a certificate of registration substantially in the form provided in **Exhibit B**, manually executed by the Comptroller of Public Accounts of the State of Texas, or his duly authorized agent, or a certificate of registration substantially in the form provided in **Exhibit B**, manually executed by an authorized officer, employee or representative of the Paying Agent/Registrar, and either such certificate duly signed upon any Note shall be conclusive evidence, and the only evidence, that such Note has been duly certified, registered, and delivered.

SECTION 8. Initial Note. The Notes herein authorized shall be initially issued as a single, fully registered note in the total principal amount stated in Section 1 hereof with principal installments to become due and payable as provided in Section 2 hereof and numbered T-1, (hereinafter called the "Initial Note") and the Initial Note shall be registered in the name of the initial purchaser(s) or the designee thereof. The Initial Note shall be the Note submitted to the Office of the Attorney General of the State of Texas for approval, certified and registered by the Office of the Comptroller of Public Accounts of the State of Texas and delivered to the initial purchaser(s) as the definitive Note with the Registration Certificate of Paying Agent/Registrar attached thereto. Any time after the delivery of the Initial Note, the Paying Agent/Registrar, pursuant to written instructions from the initial purchaser(s), or the designee thereof, may cancel the Initial Note delivered hereunder and exchange therefor definitive Notes of authorized denominations, Stated Maturities, principal amounts and bearing applicable interest rates for transfer and delivery to the Holders named at the addresses identified therefor; all pursuant to and in accordance with such written instructions from the initial purchaser(s), or the designee thereof, and such other information and documentation as the Paying Agent/Registrar may reasonably require.

SECTION 9. Forms. Forms Generally. The Notes, the Registration Certificate of the Comptroller of Public Accounts of the State of Texas, the Registration Certificate of Paying Agent/Registrar, and the form of Assignment to appear on each of the Notes, shall be substantially in the forms set forth in **Exhibit B** attached hereto with such appropriate insertions, omissions, substitutions, and other variations as are permitted or required by this Ordinance and may have such letters, numbers, or other marks of identification (including identifying numbers and letters of the Committee on Uniform Securities Identification Procedures of the American Bankers Association) and such legends and endorsements (including insurance legends in the event the Notes, or any maturities thereof, are purchased with insurance) and any reproduction of an opinion of counsel thereon as may, consistent herewith, be established by the City or determined by the officers executing such Notes as evidenced by their execution. Any portion of the text of any Note may be set forth on the reverse thereof, with an appropriate reference thereto on the face of the Note.

The definitive Notes and the Initial Note shall be printed, lithographed, engraved, typewritten, photocopied or otherwise reproduced in any other similar manner, all as determined by the officers executing such Notes as evidenced by their execution thereof.

SECTION 10. Levy of Taxes. To provide for the payment of the "Debt Service Requirements" of the Notes, being (i) the interest on the Notes and (ii) a sinking fund for their payment at maturity or a sinking fund of 2% (whichever amount is the greater), there is hereby

levied, and there shall be annually assessed and collected in due time, form, and manner, a tax on all taxable property in the City, within the limitations prescribed by law, and such tax hereby levied on each one hundred dollars' valuation of taxable property in the City for the Debt Service Requirements of the Notes shall be at a rate from year to year as will be ample and sufficient to provide funds each year to pay the principal of and interest on such Notes while Outstanding; full allowance being made for delinquencies and costs of collection; separate books and records relating to the receipt and disbursement of taxes levied, assessed and collected for and on account of the Notes shall be kept and maintained by the City at all times while the Notes are Outstanding, and the taxes collected for the payment of the Debt Service Requirements on the Notes shall be deposited to the credit of a "Special 2023 Note Account" (the "Interest and Sinking Fund") maintained on the records of the City and deposited in a special fund maintained at an official depository of the City's funds; and such tax hereby levied, and to be assessed and collected annually, is hereby pledged to the payment of the Notes.The Mayor, Mayor Pro Tem, City Manager, Assistant City Manager, Director of Finance, and City Clerk of the City, individually or jointly, are hereby authorized and directed to cause to be transferred to the Paying Agent/Registrar for the Notes, from funds on deposit in the Interest and Sinking Fund, amounts sufficient to fully pay and discharge promptly each installment of interest and principal of the Notes as the same accrues or matures; such transfers of funds to be made in such manner as will cause collected funds to be deposited with the Paying Agent/Registrar on or before each principal and interest payment date for the Notes.

The City has sufficient current funds available and such funds are hereby appropriated to make the payment to become due on the Notes on August 15, 2023, and the Mayor, Mayor Pro Tem, City Manager, Assistant City Manager, Director of Finance, and City Clerk, individually or jointly, are hereby authorized and directed to transfer and deposit in the Interest and Sinking Fund such amount of current funds which will be sufficient to pay the amount to become due on the Notes on August 15, 2023.

SECTION 11. Mutilated - Destroyed - Lost and Stolen Notes. In case any Note shall be mutilated, or destroyed, lost or stolen, the Paying Agent/Registrar may execute and deliver a replacement Note of like form and tenor, and in the same denomination and bearing a number not contemporaneously outstanding, in exchange and substitution for such mutilated Note, or in lieu of and in substitution for such destroyed, lost or stolen Note, only upon the approval of the City and after (i) the filing by the Holder thereof with the Paying Agent/Registrar of evidence satisfactory to the Paying Agent/Registrar of the destruction, loss or theft of such Note, and of the authenticity of the ownership thereof and (ii) the furnishing to the Paying Agent/Registrar of indemnification in an amount satisfactory to hold the City and the Paying Agent/Registrar harmless. All expenses and charges associated with such indemnity and with the preparation, execution and delivery of a replacement Note shall be borne by the Holder of the Note mutilated, or destroyed, lost or stolen.Every replacement Note issued pursuant to this Section shall be a valid and binding obligation, and shall be entitled to all the benefits of this Ordinance equally and ratably with all other Outstanding Notes; notwithstanding the enforceability of payment by anyone of the destroyed, lost, or stolen Notes.

The provisions of this Section are exclusive and shall preclude (to the extent lawful) all other rights and remedies with respect to the replacement and payment of mutilated, destroyed, lost or stolen Notes.

SECTION 12. Satisfaction of Obligation of City. If the City shall pay or cause to be paid, or there shall otherwise be paid to the Holders, the principal of, premium, if any, and interest on the Notes, at the times and in the manner stipulated in this Ordinance, then the pledge of taxes levied under this Ordinance and all covenants, agreements, and other obligations of the City to the Holders shall thereupon cease, terminate, and be discharged and satisfied.Notes or any principal amount(s) thereof shall be deemed to have been paid within the meaning and with the effect expressed above in this Section when (i) money sufficient to pay in full such Notes or the principal amount(s) thereof at maturity, together with all interest due thereon, shall have been irrevocably deposited with and held in trust by the Paying Agent/Registrar, or an authorized escrow agent, or (ii) Government Securities (hereinafter defined) shall have been irrevocably deposited in trust with the Paying Agent/Registrar, or an authorized escrow agent, which Government Securities shall mature as to principal and interest in such amounts and at such times as will insure the availability, without reinvestment, of sufficient money, together with any moneys deposited therewith, if any, to pay when due the principal of and interest on such Notes, or the principal amount(s) thereof, on and prior to the Stated Maturity thereof. In the event of a defeasance of the Notes, the City shall deliver to the Paying Agent/Registrar or an authorized escrow agent a certificate from its financial advisor, the Paying Agent/Registrar, an independent certified public accountant, or another qualified third party concerning the sufficiency of the deposit of cash and/or Government Securities to pay, when due, the principal of and interest due on any defeased Notes. The City covenants that no deposit of moneys or Government Securities will be made under this Section and no use made of any such deposit which would cause the Notes to be treated as "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended, or regulations adopted pursuant thereto.

The term "Government Securities", as used herein, means (i) direct noncallable obligations of the United States, including obligations that are unconditionally guaranteed by, the United States of America; (ii) noncallable obligations of an agency or instrumentality of the United States, including obligations that are unconditionally guaranteed or insured by the agency or instrumentality and that, on the date the governing body of the issuer adopts or approves the proceedings authorizing the issuance of refunding bonds, are rated as to investment quality by a nationally recognized investment rating firm not less than "AAA" or its equivalent; (iii) noncallable obligations of a state or an agency or a county, municipality, or other political subdivision of a state that have been refunded and that, on the date the governing body of the issuer adopts or approves the proceedings authorizing the issuance of refunding bonds, are rated as to investment quality by a nationally recognized investment rating firm not less than "AAA" or its equivalent; or (iv) any additional securities and obligations hereafter authorized by the laws of the State of Texas as eligible for use to accomplish the discharge of obligations such as the Notes.

Any moneys so deposited with the Paying Agent/Registrar, or an authorized escrow agent, and all income from Government Securities held in trust by the Paying Agent/Registrar, or an authorized escrow agent, pursuant to this Section which is not required for the payment of the Notes, or any principal amount(s) thereof, or interest thereon with respect to which such moneys have been so deposited shall be remitted to the City or deposited as directed by the City. Furthermore, any money held by the Paying Agent/Registrar for the payment of the principal of and interest on the Notes and remaining unclaimed for a period of three (3) years after the Stated Maturity of the Notes such moneys were deposited and are held in trust to pay shall upon the request of the City be remitted to the City against a written receipt therefor. Notwithstanding the

above and foregoing, any remittance of funds from the Paying Agent/Registrar to the City shall be subject to any applicable unclaimed property laws of the State of Texas.

SECTION 13. Ordinance a Contract - Amendments - Outstanding Notes. This Ordinance shall constitute a contract with the Holders from time to time, be binding on the City, and shall not be amended or repealed by the City so long as any Note remains Outstanding except as permitted in this Section. The City may, without the consent of or notice to any Holders, from time to time and at any time, amend this Ordinance in any manner not detrimental to the interests of the Holders, including the curing of any ambiguity, inconsistency, or formal defect or omission herein. In addition, the City may, with the written consent of Holders holding a majority in aggregate principal amount of the Notes then Outstanding, amend, add to, or rescind any of the provisions of this Ordinance; provided that, without the consent of all Holders of Outstanding Notes, no such amendment, addition, or rescission shall (1) extend the time or times of payment of the principal of, premium, if any, and interest on the Notes, reduce the principal amount thereof, or the rate of interest thereon, or in any other way modify the terms of payment of the principal of, premium, if any, or interest on the Notes, (2) give any preference to any Note over any other Note, or (3) reduce the aggregate principal amount of Notes required to be held by Holders for consent to any such amendment, addition, or rescission.The term "Outstanding" when used in this Ordinance with respect to Notes means, as of the date of determination, all Notes theretofore issued and delivered under this Ordinance, except:

(1) those Notes cancelled by the Paying Agent/Registrar or delivered to the Paying Agent/Registrar for cancellation;

(2) those Notes deemed to be duly paid by the City in accordance with the provisions of Section 12 hereof; and

(3) those mutilated, destroyed, lost, or stolen Notes which have been replaced with Notes registered and delivered in lieu thereof as provided in Section 11 hereof.

SECTION 14. Covenants to Maintain Tax-Exempt Status.

(a) Definitions. When used in this Section 14, the following terms have the following meanings:

"Closing Date" means the date on which the Notes are first authenticated and delivered to the initial purchasers against payment therefor.

"Code" means the Internal Revenue Code of 1986, as amended by all legislation, if any, effective on or before the Closing Date.

"Computation Date" has the meaning set forth in Section 1.148-1(b) of the Regulations.

"Gross Proceeds" means any proceeds as defined in Section 1.148-1(b) of the Regulations, and any replacement proceeds as defined in Section 1.148-1(c) of the Regulations, of the Notes.

"Investment" has the meaning set forth in Section 1.148-1(b) of the Regulations.

"Nonpurpose Investment" means any investment property, as defined in Section 148(b) of the Code, in which Gross Proceeds of the Notes are invested and which is not acquired to carry out the governmental purposes of the Notes.

"Rebate Amount" has the meaning set forth in Section 1.148-1(b) of the Regulations.

"Regulations" means any proposed, temporary, or final Income Tax Regulations issued pursuant to Sections 103 and 141 through 150 of the Code, and 103 of the Internal Revenue Code of 1954, which are applicable to the Notes. Any reference to any specific Regulation shall also mean, as appropriate, any proposed, temporary or final Income Tax Regulation designed to supplement, amend or replace the specific Regulation referenced.

"Yield" of (1) any Investment has the meaning set forth in Section 1.148-5 of the Regulations and (2) the Notes has the meaning set forth in Section 1.148-4 of the Regulations.

(b) Not to Cause Interest to Become Taxable. The City shall not use, permit the use of, or omit to use Gross Proceeds or any other amounts (or any property the acquisition, construction or improvement of which is to be financed directly or indirectly with Gross Proceeds) in a manner which if made or omitted, respectively, would cause the interest on any Note to become includable in the gross income, as defined in Section 61 of the Code, of the owner thereof for federal income tax purposes. Without limiting the generality of the foregoing, unless and until the City receives a written opinion of counsel nationally recognized in the field of municipal bond law to the effect that failure to comply with such covenant will not adversely affect the exemption from federal income tax of the interest on any Note, the City shall comply with each of the specific covenants in this Section.

(c) No Private Use or Private Payments. Except as permitted by Section 141 of the Code and the Regulations and rulings thereunder, the City shall at all times prior to the last Stated Maturity of Notes:

(a) exclusively own, operate and possess all property the acquisition, construction or improvement of which is to be financed or refinanced directly or indirectly with Gross Proceeds of the Notes, and not use or permit the use of such Gross Proceeds (including all contractual arrangements with terms different than those applicable to the general public) or any property acquired, constructed or improved with such Gross Proceeds in any activity carried on by any person or entity (including the United States or any agency, department and instrumentality thereof) other than a state or local government, unless such use is solely as a member of the general public; and

(b) not directly or indirectly impose or accept any charge or other payment by any person or entity who is treated as using Gross Proceeds of the Notes or any property the acquisition, construction or improvement of which is to be financed or refinanced directly or indirectly with such Gross Proceeds, other than taxes of general application within the City or interest earned on investments acquired with such Gross Proceeds pending application for their intended purposes.

(d) No Private Loan. Except to the extent permitted by Section 141 of the Code and the Regulations and rulings thereunder, the City shall not use Gross Proceeds of the Notes to make

or finance loans to any person or entity other than a state or local government. For purposes of the foregoing covenant, such Gross Proceeds are considered to be "loaned" to a person or entity if: (1) property acquired, constructed or improved with such Gross Proceeds is sold or leased to such person or entity in a transaction which creates a debt for federal income tax purposes; (2) capacity in or service from such property is committed to such person or entity under a take-or-pay, output or similar contract or arrangement; or (3) indirect benefits, or burdens and benefits of ownership, of such Gross Proceeds or any property acquired, constructed or improved with such Gross Proceeds are otherwise transferred in a transaction which is the economic equivalent of a loan.

(e) Not to Invest at Higher Yield. Except to the extent permitted by Section 148 of the Code and the Regulations and rulings thereunder, the City shall not at any time prior to the final Stated Maturity of the Notes directly or indirectly invest Gross Proceeds in any Investment (or use Gross Proceeds to replace money so invested), if as a result of such investment the Yield from the Closing Date of all Investments acquired with Gross Proceeds (or with money replaced thereby), whether then held or previously disposed of, exceeds the Yield of the Notes.

(f) Not Federally Guaranteed. Except to the extent permitted by Section 149(b) of the Code and the Regulations and rulings thereunder, the City shall not take or omit to take any action which would cause the Notes to be federally guaranteed within the meaning of Section 149(b) of the Code and the Regulations and rulings thereunder.

(g) Information Report. The City shall timely file the information required by Section 149(e) of the Code with the Secretary of the Treasury on Form 8038-G or such other form and in such place as the Secretary may prescribe.

(h) Rebate of Arbitrage Profits. Except to the extent otherwise provided in Section 148(f) of the Code and the Regulations and rulings thereunder:

(1) The City shall account for all Gross Proceeds (including all receipts, expenditures and investments thereof) on its books of account separately and apart from all other funds (and receipts, expenditures and investments thereof) and shall retain all records of accounting for at least six years after the day on which the last Outstanding Note is discharged. However, to the extent permitted by law, the City may commingle Gross Proceeds of the Notes with other money of the City, provided that the City separately accounts for each receipt and expenditure of Gross Proceeds and the obligations acquired therewith.

(2) Not less frequently than each Computation Date, the City shall calculate the Rebate Amount in accordance with rules set forth in Section 148(f) of the Code and the Regulations and rulings thereunder. The City shall maintain such calculations with its official transcript of proceedings relating to the issuance of the Notes until six years after the final Computation Date.

(3) As additional consideration for the purchase of the Notes by the Purchaser and the loan of the money represented thereby and in order to induce such purchase by measures designed to insure the excludability of the interest thereon from the gross income of the owners thereof for federal income tax

purposes, the City shall pay to the United States from the construction fund, other appropriate fund, or if permitted by applicable Texas statute, regulation or opinion of the Attorney General of the State of Texas, the Interest and Sinking Fund, the amount that when added to the future value of previous rebate payments made for the Notes equals (i) in the case of a Final Computation Date as defined in Section 1.148-3(e)(2) of the Regulations, one hundred percent (100%) of the Rebate Amount on such date; and (ii) in the case of any other Computation Date, ninety percent (90%) of the Rebate Amount on such date. In all cases, the rebate payments shall be made at the times, in the installments, to the place and in the manner as is or may be required by Section 148(f) of the Code and the Regulations and rulings thereunder, and shall be accompanied by Form 8038-T or such other forms and information as is or may be required by Section 148(f) of the Code and the Regulations and rulings thereunder.

(4) The City shall exercise reasonable diligence to assure that no errors are made in the calculations and payments required by paragraphs (2) and (3), and if an error is made, to discover and promptly correct such error within a reasonable amount of time thereafter (and in all events within one hundred eighty (180) days after discovery of the error), including payment to the United States of any additional Rebate Amount owed to it, interest thereon, and any penalty imposed under Section 1.148 3(h) of the Regulations.

(i) Not to Divert Arbitrage Profits. Except to the extent permitted by Section 148 of the Code and the Regulations and rulings thereunder, the City shall not, at any time prior to the earlier of the Stated Maturity or final payment of the Notes, enter into any transaction that reduces the amount required to be paid to the United States pursuant to Subsection (h) of this Section because such transaction results in a smaller profit or a larger loss than would have resulted if the transaction had been at arm's length and had the Yield of the Notes not been relevant to either party.

(j) Elections. The City hereby directs and authorizes the Mayor, Mayor Pro Tem, City Manager, Assistant City Manager, Director of Finance, and City Clerk, individually or jointly, to make elections permitted or required pursuant to the provisions of the Code or the Regulations, as they deem necessary or appropriate in connection with the Notes, in the Certificate as to Tax Exemption or similar or other appropriate certificate, form or document

SECTION 15. Sale of Notes. Pursuant to a public sale for the Notes, the bid submitted by _____ (herein referred to as the "Purchaser") is declared to be the best bid received producing the lowest true interest cost rate to the City, and the sale of the Notes to the Purchaser at the price of $_____, representing ____% of the par value, is hereby approved and confirmed. Delivery of the Notes to the Purchaser shall occur as soon as possible upon payment being made therefor in accordance with the terms of sale. The terms of sale are hereby declared to be in the best interest of the City.

SECTION 16. Official Statement. The use of the Preliminary Official Statement in the offering and sale of the Notes is hereby ratified, confirmed and approved in all respects, and the City Council hereby finds that the information and data contained in said Preliminary Official

Statement pertaining to the City and its financial affairs is true and correct in all material respects and no material facts have been omitted therefrom which are necessary to make the statements therein, in light of the circumstances under which they were made, not misleading and the Preliminary Official Statement is deemed "final" as of its date except for the omission of the information permitted by the Rule (hereinafter defined), within the meaning of the Rule. The final Official Statement, which reflects the terms of sale (together with such changes approved by the Mayor, Mayor Pro Tem, City Manager, Assistant City Manager, Director of Finance or City Clerk, one or more of said officials), shall be and is hereby in all respects approved and the Purchaser is hereby authorized to use and distribute said final Official Statement, dated December 5, 2022, in the offering, sale and delivery of the Notes to the public.

SECTION 17. Control and Custody of Notes. The Mayor of the City shall be and is hereby authorized to take and have charge of all necessary orders and records pending investigation by the Attorney General of the State of Texas, including the printing and supply of definitive Notes, and shall take and have charge and control of the Initial Note pending the approval thereof by the Attorney General, the registration thereof by the Comptroller of Public Accounts and the delivery thereof to the initial purchaser.

SECTION 18. Proceeds of Sale. The proceeds of sale of the Notes, excluding any amounts set aside to pay costs of issuance, and the rounding amount, if any, which shall be deposited to the credit of the Interest and Sinking Fund, shall be deposited in a construction fund maintained at a depository of the City. Pending expenditure for authorized projects and purposes, such proceeds of sale may be invested in authorized investments in accordance with the provisions of the Texas Government Code, Chapter 2256, as amended, and the City's investment policies and guidelines, and any investment earnings realized shall be expended for such authorized projects and purposes or deposited in the Interest and Sinking Fund as shall be determined by the appropriate authorized officials of the City. Any excess Note proceeds, including investment earnings, remaining after completion of all authorized projects or purposes shall be deposited to the credit of the Interest and Sinking Fund.

SECTION 19. Continuing Disclosure Undertaking.

(a) Definitions. As used in this Section, the following terms have the meanings ascribed to such terms below:

"Financial Obligation" means a (a) debt obligation; (b) derivative instrument entered into in connection with, or pledged as a security or a source of payment for, an existing or planned debt obligation; or (c) guarantee of a debt obligation or any such derivative instrument; provided that "financial obligation" shall not include municipal securities as to which a final official statement (as defined in the Rule) has been provided to the MSRB consistent with the Rule.

"MSRB" means the Municipal Securities Rulemaking Board.

"Rule" means SEC Rule 15c2 12, as amended from time to time.

"SEC" means the United States Securities and Exchange Commission.

(b) Annual Reports. The City shall provide annually to the MSRB (1) within six months after the end of each fiscal year of the City beginning in the year 2022, financial information and operating data with respect to the City of the general type included in Tables 1 through 4 and 6 through 9 in Appendix A of the final Official Statement and (2) within twelve months after the end of each fiscal year of the City beginning in the year 2022, the audited financial statements of the City. If the audit of such financial statements is not complete within twelve (12) months after any such fiscal year end, then the City shall file unaudited financial statements by the required time and audited financial statements for the applicable fiscal year, when and if the audit report becomes available. Any financial statements to be provided shall be (i) prepared in accordance with the accounting principles described in Appendix C to the Official Statement, or such other accounting principles as the City may be required to employ from time to time pursuant to state law or regulation, and in substantially the form included in the Official Statement, and (ii) audited, if the City commissions an audit of such statements and the audit is completed within the period during which they must be provided.

If the City changes its fiscal year, it will notify the MSRB of the change (and of the date of the new fiscal year end) prior to the next date by which the City otherwise would be required to provide financial information and operating data pursuant to this Section.

The financial information and operating data to be provided pursuant to this Section may be set forth in full in one or more documents or may be included by specific reference to any documents available to the public on the MSRB's internet web site or filed with the SEC.

(c) Notice of Certain Events. The City shall provide notice of any of the following events with respect to the Notes to the MSRB in a timely manner and not more than ten (10) business days after occurrence of the event:

1. Principal and interest payment delinquencies;
2. Non-payment related defaults, if material;
3. Unscheduled draws on debt service reserves reflecting financial difficulties;
4. Unscheduled draws on credit enhancements reflecting financial difficulties;
5. Substitution of credit or liquidity providers, or their failure to perform;
6. Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB), or other material notices or determinations with respect to the tax status of the Notes, or other material events affecting the tax status of the Notes;
7. Modifications to rights of holders of the Notes, if material;
8. Note calls, if material, and tender offers;
9. Defeasances;
10. Release, substitution, or sale of property securing repayment of the Notes, if material;
11. Rating changes;
12. Bankruptcy, insolvency, receivership, or similar event of the City, which shall occur as described below;
13. The consummation of a merger, consolidation, or acquisition involving the City or the sale of all or substantially all of its assets, other than in the ordinary course of business, the entry into of a definitive agreement to undertake such an action or the

termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;

14. Appointment of a successor or additional trustee or the change of name of a trustee, if material;
15. Incurrence of a Financial Obligation of the City, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a Financial Obligation of the City, any of which affect security holders, if material; and
16. Default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a Financial Obligation of the City, any of which reflect financial difficulties.

For these purposes, (i) any event described in the immediately preceding Subsection (c)12 is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent, or similar officer for the City in a proceeding under the United States Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the City, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement, or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the City, and (ii) the City intends the words used in the immediately preceding Subsections (c)15 and (c)16 and the definition of Financial Obligation in this Section to have the meanings ascribed to them in SEC Release No. 34-83885, dated August 20, 2018.

The City shall notify the MSRB, in a timely manner, of any failure by the City to provide financial information or operating data in accordance with Subsection (b) of this Section of this Ordinance by the time required by such Section.

(d) Filings with the MSRB. All financial information, operating data, financial statements, notices and other documents provided to the MSRB in accordance with this Section shall be provided in an electronic format prescribed by the MSRB and shall be accompanied by identifying information as prescribed by the MSRB.

(e) Limitations, Disclaimers, and Amendments. The City shall be obligated to observe and perform the covenants specified in this Section for so long as, but only for so long as, the City remains an "obligated person" with respect to the Notes within the meaning of the Rule, except that the City in any event will give the notice required by Subsection (c) of this Section of any Note calls and defeasance that cause the City to be no longer such an "obligated person."

The provisions of this Section are for the sole benefit of the Holders and beneficial owners of the Notes; and, nothing in this Section, express or implied, shall give any benefit or any legal or equitable right, remedy, or claim hereunder to any other person. The City undertakes to provide only the financial information, operating data, financial statements, and notices which it has expressly agreed to provide pursuant to this Section. Except as expressly provided within this Section, the City does not undertake to provide any other information, whether or not it may be relevant or material to a complete presentation of the City's financial results, condition, or

prospects; nor does the City undertake to update any information provided in accordance with this Section or otherwise. Furthermore, the City does not make any representation or warranty concerning such information or its usefulness to a decision to invest in or sell Notes at any future date.

UNDER NO CIRCUMSTANCES SHALL THE CITY BE LIABLE TO THE HOLDER OR BENEFICIAL OWNER OF ANY NOTE OR ANY OTHER PERSON, IN CONTRACT OR TORT, FOR DAMAGES RESULTING IN WHOLE OR IN PART FROM ANY BREACH BY THE CITY, WHETHER NEGLIGENT OR WITHOUT FAULT ON ITS PART, OF ANY COVENANT SPECIFIED IN THIS SECTION, BUT EVERY RIGHT AND REMEDY OF ANY SUCH PERSON, IN CONTRACT OR TORT, FOR OR ON ACCOUNT OF ANY SUCH BREACH SHALL BE LIMITED TO AN ACTION FOR MANDAMUS OR SPECIFIC PERFORMANCE.

No default by the City in observing or performing its obligations under this Section shall constitute a breach of or default under this Ordinance for purposes of any other provision of this Ordinance.

Nothing in this Section is intended or shall act to disclaim, waive, or otherwise limit the duties of the City under federal and state securities laws.

Notwithstanding anything herein to the contrary, the provisions of this Section may be amended by the City from time to time to adapt to changed circumstances resulting from a change in legal requirements, a change in law, or a change in the identity, nature, status, or type of operations of the City, but only if (1) the provisions of this Section, as so amended, would have permitted an underwriter to purchase or sell Notes in the primary offering of the Notes in compliance with the Rule, taking into account any amendments or interpretations of the Rule to the date of such amendment, as well as such changed circumstances, and (2) either (a) the Holders of a majority in aggregate principal amount (or any greater amount required by any other provision of this Ordinance that authorizes such an amendment) of the Outstanding Notes consent to such amendment or (b) a Person that is unaffiliated with the City (such as nationally recognized bond counsel) determines that such amendment will not materially impair the interests of the Holders and beneficial owners of the Notes. The provisions of this Section may also be amended from time to time or repealed by the City if the SEC amends or repeals the applicable provisions of the Rule or a court of final jurisdiction determines that such provisions are invalid, but only if and to the extent that reservation of the City's right to do so would not prevent underwriters of the initial public offering of the Notes from lawfully purchasing or selling Notes in such offering. If the City so amends the provisions of this Section, it shall include with any amended financial information or operating data next provided pursuant to subsection (b) of this Section an explanation, in narrative form, of the reasons for the amendment and of the impact of any change in the type of financial information or operating data so provided.

SECTION 20. Notices to Holders - Waiver. Wherever this Ordinance provides for notice to Holders of any event, such notice shall be sufficiently given (unless otherwise herein expressly provided) if in writing and sent by United States mail, first-class, postage prepaid, to the address of each Holder appearing in the Security Register at the close of business on the business day next preceding the mailing of such notice.In any case where notice to Holders is given by mail, neither

the failure to mail such notice to any particular Holders, nor any defect in any notice so mailed, shall affect the sufficiency of such notice with respect to all other Notes. Where this Ordinance provides for notice in any manner, such notice may be waived in writing by the Holder entitled to receive such notice, either before or after the event with respect to which such notice is given, and such waiver shall be the equivalent of such notice. Waivers of notice by Holders shall be filed with the Paying Agent/Registrar, but such filing shall not be a condition precedent to the validity of any action taken in reliance upon such waiver.

SECTION 21. Cancellation. All Notes surrendered for payment, transfer, exchange, or replacement, if surrendered to the Paying Agent/Registrar, shall be promptly canceled by it and, if surrendered to the City, shall be delivered to the Paying Agent/Registrar and, if not already canceled, shall be promptly canceled by the Paying Agent/Registrar. The City may at any time deliver to the Paying Agent/Registrar for cancellation any Notes previously certified or registered and delivered which the City may have acquired in any manner whatsoever, and all Notes so delivered shall be promptly canceled by the Paying Agent/Registrar. All canceled Notes held by the Paying Agent/Registrar shall be returned to the City.

SECTION 22. Legal Opinion. The Purchaser's obligation to accept delivery of the Notes is subject to being furnished a final opinion of Norton Rose Fulbright US LLP, Dallas, Texas ("Bond Counsel"), approving the Notes as to their validity, such opinion to be dated and delivered as of the date of delivery and payment for the Notes. An executed counterpart of said opinion shall accompany the global notes deposited with DTC or a reproduction thereof shall be printed on the definitive notes in the event the book-entry-only system shall be discontinued. The prior engagement of Bond Counsel as bond counsel to the City is hereby approved, ratified and confirmed.Benefits of Ordinance. Nothing in this Ordinance, expressed or implied, is intended or shall be construed to confer upon any person other than the City, the Paying Agent/Registrar and the Holders, any right, remedy, or claim, legal or equitable, under or by reason of this Ordinance or any provision hereof, this Ordinance and all its provisions being intended to be and being for the sole and exclusive benefit of the City, the Paying Agent/Registrar and the Holders.

SECTION 24. Inconsistent Provisions. All ordinances, orders or resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters contained herein.

SECTION 25. Governing Law. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.Effect of Headings. The Section headings herein are for convenience of reference only and shall not affect the construction hereof.

SECTION 27. Construction of Terms. If appropriate in the context of this Ordinance, words of the singular number shall be considered to include the plural, words of the plural number shall be considered to include the singular, and words of the masculine, feminine or neuter gender shall be considered to include the other genders.

SECTION 28. Severability. If any provision of this Ordinance or the application thereof to any circumstance shall be held to be invalid, the remainder of this Ordinance and the application

thereof to other circumstances shall nevertheless be valid, and the City Council hereby declares that this Ordinance would have been enacted without such invalid provision.

SECTION 29. Further Procedures. Any one or more of the Mayor, Mayor Pro Tem, City Manager, Assistant City Manager, Director of Finance, and City Clerk are hereby expressly authorized, empowered and directed from time to time and at any time to do and perform all such acts and things and to execute, acknowledge and deliver in the name and on behalf of the City all agreements, instruments, certificates or other documents, whether mentioned herein or not, as may be necessary or desirable in order to carry out the terms and provisions of this Ordinance and the issuance of the Notes. In addition, prior to the initial delivery of the Notes, the Mayor, Mayor Pro Tem, City Manager, Assistant City Manager, Director of Finance, and City Clerk, or Bond Counsel to the City are each hereby authorized and directed to approve any changes or corrections to this Ordinance or to any of the documents authorized and approved by this Ordinance: (i) in order to cure any ambiguity, formal defect or omission in the Ordinance or such other document; or (ii) as requested by the Attorney General of the State of Texas or his representative to obtain the approval of the Notes by the Attorney General and if such officer or counsel determines that such changes are consistent with the intent and purpose of the Ordinance, which determination shall be final. In the event that any officer of the City whose signature shall appear on any document shall cease to be such officer before the delivery of such document, such signature nevertheless shall be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery.

Additionally, the Mayor, Mayor Pro Tem, City Manager, Assistant City Manager, Director of Finance, and City Clerk may execute, authenticate, certify, or endorse or authorize to be executed, authenticated, certified, or endorsed with such officer's facsimile signature instead of the officer's manual signature any written agreement, including a contract, purchase order or surety bond, and any related document, including an application, certificate, or approval. For purposes of this Ordinance, "facsimile signature" means a reproduction of the manual signature of an authorized officer that is made by any method.

SECTION 30. Reimbursement. The City reasonably expects to reimburse capital expenditures made from its own funds with respect to the projects described in Section 1 hereof with proceeds of the Notes and this Ordinance shall constitute a declaration of official intent under Treas. Reg. § 1.150-2. The maximum principal amount of obligations to be issued for the projects is $\$_____$.

SECTION 31. Incorporation of Findings and Determinations. The findings and determinations of the City Council contained in the preamble hereof are hereby incorporated by reference and made a part of this Ordinance for all purposes as if the same were restated in full in this Section.

SECTION 32. Public Meeting. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by the Texas Government Code, Chapter 551, as amended.

SECTION 33. Effective Date. This Ordinance shall be in force and effect from and after its passage on the date shown below in accordance with the Texas Government Code, Section 1201.028, as amended, and it is so ordained.

[The remainder of this page intentionally left blank.]

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS.

INTRODUCED on this the 5th day of December 2022.

ADOPTED on this the 5th day of December 2022.

EFFECTIVE DATE on this the 5th day of December 2022.

CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM
AND CONTENT:
THE LAW FIRM OF ABERNATHY,
ROEDER, BOYD & HULLETT, P.C.

BY: _____
RYAN D. PITTMAN, CITY ATTORNEY

EXHIBIT A

PAYING AGENT REGISTRAR/AGREEMENT

EXHIBIT B

FORM OF NOTES

(a) Form of Definitive Notes.

REGISTERED
NO. R-___

REGISTERED
$_____

UNITED STATES OF AMERICA
STATE OF TEXAS
CITY OF SHERMAN, TEXAS
LIMITED TAX NOTES, SERIES 2023

Note Date:	Interest Rate:	Stated Maturity:	CUSIP NO:
January 10, 2023	_____%	August 15, _____	

Registered Owner: CEDE & CO.

Principal Amount: DOLLARS

The City of Sherman, Texas (hereinafter referred to as the "City"), a body corporate and political subdivision in the County of Grayson, State of Texas, for value received, acknowledges itself indebted to and hereby promises to pay to the Registered Owner named above, or the registered assigns thereof, on the Stated Maturity date specified above the Principal Amount hereinabove stated, without right of prior redemption, and to pay interest on the unpaid principal amount hereof from the interest payment date next preceding the "Registration Date" of this Note appearing below (unless this Note bears a "Registration Date" as of an interest payment date, in which case it shall bear interest from such date, or unless the "Registration Date" of this Note is prior to the initial interest payment date in which case it shall bear interest from the date of its delivery to the initial purchaser) at the per annum rate of interest specified above computed on the basis of a 360-day year of twelve 30-day months; such interest being payable on February 15 and August 15 in each year, commencing August 15, 2023, until maturity. Principal of this Note shall be payable at its Stated Maturity to the Registered Owner hereof upon presentation and surrender at the designated offices of the Paying Agent/Registrar executing the registration certificate appearing hereon, initially in East Syracuse, New York, or, with respect to a successor Paying Agent/Registrar, at the designated offices of such successor (the "Designated Payment/Transfer Office"). Interest is payable to the registered owner of this Note (or one or more Predecessor Notes, as defined in the Ordinance hereinafter referenced) whose name appears on the "Security Register" maintained by the Paying Agent/Registrar at the close of business on the "Record Date," which is the last business day of the month next preceding each interest payment date, and interest shall be paid by the Paying Agent/Registrar by check sent United States mail, first-class, postage prepaid, to the address of the registered owner recorded in the Security Register or by such other method, acceptable to the Paying Agent/Registrar, requested by, and at the risk and expense of, the registered owner. If the date for the payment of the principal of or interest on the Notes shall be a Saturday, Sunday, a legal holiday, or a day when banking institutions in the city where the Designated Payment/Transfer Office of the Paying Agent/Registrar is located are authorized by

law or executive order to close, then the date for such payment shall be the next succeeding day which is not such a Saturday, Sunday, legal holiday, or day when such banking institutions are authorized to close; and payment on such date shall have the same force and effect as if made on the original date payment was due. All payments of principal of, premium, if any, and interest on this Note shall be without exchange or collection charges to the owner hereof and in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts.

This Note is issued in the aggregate principal amount of $_____ (herein referred to as the "Notes") for the purpose of paying contractual obligations to be incurred to pay (i) the costs of purchasing equipment and machinery, including vehicles for various City departments, including the Community Development, Police, Fire, Streets, Solid Waste, Utility, and Parks and Recreation departments, (ii) the costs of acquiring, constructing, improving, expanding, and equipping buildings and facilities for the City's Cemetery department, and (iii) professional services rendered in relation to such projects and the financing thereof, under and in strict conformity with the Constitution and laws of the State of Texas and pursuant to an Ordinance adopted by the City Council of the City (herein referred to as the "Ordinance").

The Notes are payable from the proceeds of an ad valorem tax levied, within the limitations prescribed by law, upon all taxable property in the City. Reference is hereby made to the Ordinance, a copy of which is on file in the Designated Payment/Transfer Office of the Paying Agent/Registrar, and to all of the provisions of which the owner or holder of this Note by the acceptance hereof hereby assents, for definitions of terms; the description of and the nature and extent of the tax levied for the payment of the Notes; the terms and conditions relating to the transfer or exchange of this Note; the conditions upon which the Ordinance may be amended or supplemented with or without the consent of the Holders; the rights, duties, and obligations of the City and the Paying Agent/Registrar; the terms and provisions upon which this Note may be redeemed or discharged at or prior to its maturity, and deemed to be no longer Outstanding thereunder; and for other terms and provisions contained therein. Capitalized terms used herein have the meanings assigned in the Ordinance.

This Note, subject to certain limitations contained in the Ordinance, may be transferred on the Security Register only upon its presentation and surrender at the Designated Payment/Transfer Office of the Paying Agent/Registrar, with the Assignment hereon duly endorsed by, or accompanied by a written instrument of transfer in form satisfactory to the Paying Agent/Registrar duly executed by, the registered owner hereof, or his duly authorized agent. When a transfer on the Security Register occurs, one or more new fully registered Notes of the same Stated Maturity, of authorized denominations, bearing the same rate of interest, and of the same aggregate principal amount will be issued by the Paying Agent/Registrar to the designated transferee or transferees.

The City and the Paying Agent/Registrar, and any agent of either, may treat the registered owner hereof whose name appears on the Security Register (i) on the Record Date as the owner entitled to payment of interest hereon, (ii) on the date of surrender of this Note as the owner entitled to payment of principal hereof at its Stated Maturity, and (iii) on any other date as the owner for all other purposes, and neither the City nor the Paying Agent/Registrar, or any agent of either, shall be affected by notice to the contrary. In the event of a nonpayment of interest on a scheduled payment date, and for thirty (30) days thereafter, a new record date for such interest payment (a

"Special Record Date") will be established by the Paying Agent/Registrar, if and when funds forthe payment of such interest have been received. Notice of the Special Record Date and of the scheduled payment date of the past due interest (which shall be fifteen (15) days after the Special Record Date) shall be sent at least five (5) business days prior to the Special Record Date by United States mail, first-class, postage prepaid, to the address of each Holder appearing on the Security Register at the close of business on the last business day next preceding the date of mailing of such notice.

It is hereby certified, recited, represented and declared that the City is a body corporate and political subdivision duly organized and legally existing under and by virtue of the Constitution and laws of the State of Texas; that the issuance of the Notes is duly authorized by law; that all acts, conditions and things required to exist and be done precedent to and in the issuance of the Notes to render the same lawful and valid obligations of the City have been properly done, have happened and have been performed in regular and due time, form and manner as required by the Constitution and laws of the State of Texas, and the Ordinance; that the Notes do not exceed any Constitutional or statutory limitation; and that due provision has been made for the payment of the principal of and interest on the Notes by the levy of a tax as aforestated. In case any provision in this Note shall be invalid, illegal, or unenforceable, the validity, legality, and enforceability of the remaining provisions shall not in any way be affected or impaired thereby. The terms and provisions of this Note and the Ordinance shall be construed in accordance with and shall be governed by the laws of the State of Texas.

IN WITNESS WHEREOF, the City Council of the City has caused this Note to be duly executed under the official seal of the City as of the Note Date.

CITY OF SHERMAN, TEXAS

_____

Mayor

COUNTERSIGNED:

_____

City Clerk

(SEAL)

(b) Form of Registration Certificate of Comptroller of Public Accounts to appear on Initial Note only.

REGISTRATION CERTIFICATE OF
COMPTROLLER OF PUBLIC ACCOUNTS

OFFICE OF THE COMPTROLLER	(	
OF PUBLIC ACCOUNTS	(	REGISTER NO. _____
THE STATE OF TEXAS	(	

I HEREBY CERTIFY that this Note has been examined, certified as to validity and approved by the Attorney General of the State of Texas, and duly registered by the Comptroller of Public Accounts of the State of Texas.

WITNESS my signature and seal of office this _____.

_____
Comptroller of Public Accounts
of the State of Texas

(SEAL)

(c) Form of Certificate of Paying Agent/Registrar to appear on Definitive Notes only.

REGISTRATION CERTIFICATE OF PAYING AGENT/REGISTRAR

This Note has been duly issued and registered under the provisions of the within-mentioned Ordinance; the note or notes of the above entitled and designated series originally delivered having been approved by the Attorney General of the State of Texas and registered by the Comptroller of Public Accounts, as shown by the records of the Paying Agent/Registrar.

The designated office of the Paying Agent/Registrar in East Syracuse, New York, is the Designated Payment/Transfer Office for this Note.

THE BANK OF NEW YORK MELLON TRUST
COMPANY, N.A., Dallas, Texas,
as Paying Agent/Registrar

Registration Date:

By _____
Authorized Signature

_____

(d) Form of Assignment.

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns, and transfers unto (Print or typewrite name, address, and zip code of transferee:) _____

_____

(Social Security or other identifying number: _____

_____) the within Note and all rights thereunder, and hereby irrevocably constitutes and appoints _____

_____

attorney to transfer the within Note on the books kept for registration thereof, with full power of substitution in the premises.

DATED: _____

Signature guaranteed:

_____

_____

NOTICE: The signature on this assignment must correspond with the name of the registered owner as it appears on the face of the within Note in every particular.

(e) The Initial Note shall be in the form set forth in paragraph (a) of this Exhibit, except that the heading and first paragraph of the form of a single fully registered Initial Note shall be modified as follows:

REGISTERED
NO. T-1

REGISTERED
$_____

UNITED STATES OF AMERICA
STATE OF TEXAS
CITY OF SHERMAN, TEXAS
LIMITED TAX NOTES, SERIES 2023

Note Date: January 10, 2023

REGISTERED OWNER: _____

PRINCIPAL AMOUNT: _____ DOLLARS

The City of Sherman, Texas (hereinafter referred to as the "City"), a body corporate and municipal corporation in the County of Grayson, State of Texas, for value received, acknowledges itself indebted to and hereby promises to pay to the Registered Owner named above, or the registered assigns thereof, the Principal Amount hereinabove stated on August 15 in each of the years and in principal installments in accordance with the following schedule:

Year of Stated Maturity	Principal Amounts ($)	Interest Rate(s) (%)

(Information to be inserted from schedule in Section 2 hereof).

(without right of prior redemption) and to pay interest on the unpaid principal amounts hereof from the date of its delivery to the initial purchasers (January 10, 2023) at the per annum rate(s) of interest specified above computed on the basis of a 360-day year of twelve 30-day months; such interest being payable on February 15 and August 15 of each year, commencing August 15, 2023, until maturity. Principal installments of this Note are payable at its Stated Maturity to the registered owner hereof by The Bank of New York Mellon Trust Company, N.A., Dallas, Texas (the "Paying Agent/Registrar"), upon presentation and surrender, at its designated offices, initially in East Syracuse, New York, or, with respect to a successor Paying Agent/Registrar, at the designated offices of such successor (the "Designated Payment/Transfer Office"). Interest is payable to the registered owner of this Note whose name appears on the "Security Register" maintained by the Paying Agent/Registrar at the close of business on the "Record Date," which is the last business day of the month next preceding each interest payment date hereof and interest shall be paid by the Paying Agent/Registrar by check sent United States mail, first-class, postage prepaid, to the address of the registered owner recorded in the Security Register or by such other method, acceptable to the Paying Agent/Registrar, requested by, and at the risk and expense of, the registered owner. If the date for the payment of the principal of or interest on the Notes shall be a Saturday, Sunday, a legal holiday, or a day when banking institutions in the city where the Designated Payment/Transfer Office of the Paying Agent/Registrar is located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not such a Saturday, Sunday, legal holiday, or day when banking institutions are authorized to close; and payment on such date shall have the same force and effect as if made on the original date payment was due. All payments of principal of, premium, if any, and interest on this Note shall be without exchange or collection charges to the owner hereof and in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts.

[The remainder of this page intentionally left blank.]

PAYING AGENT/REGISTRAR AGREEMENT

THIS AGREEMENT is entered into as of December 5, 2022 (this "Agreement"), by and between The Bank of New York Mellon Trust Company, N.A., a banking association duly organized and existing under the laws of the United States of America, or its successors (the "Bank") and the City of Sherman, Texas (the "Issuer"),

RECITALS

WHEREAS, the Issuer has duly authorized and provided for the issuance of its "City of Sherman, Texas, Limited Tax Notes, Series 2023" (the "Securities"), dated January 10, 2023, such Securities scheduled to be delivered to the initial purchasers thereof on or about January 10, 2023; and

WHEREAS, the Issuer has selected the Bank to serve as Paying Agent/Registrar in connection with the payment of the principal of, premium, if any, and interest on said Securities and with respect to the registration, transfer and exchange thereof by the registered owners thereof; and

WHEREAS, the Bank has agreed to serve in such capacities for and on behalf of the Issuer and has full power and authority to perform and serve as Paying Agent/Registrar for the Securities;

NOW, THEREFORE, it is mutually agreed as follows:

ARTICLE ONE
APPOINTMENT OF BANK AS PAYING AGENT AND REGISTRAR

Section 1.01 Appointment. The Issuer hereby appoints the Bank to serve as Paying Agent with respect to the Securities, and, as Paying Agent for the Securities, the Bank shall be responsible for paying on behalf of the Issuer the principal, premium (if any), and interest on the Securities as the same become due and payable to the registered owners thereof; all in accordance with this Agreement and the "Authorizing Document" (hereinafter defined). The Issuer hereby appoints the Bank as Registrar with respect to the Securities and, as Registrar for the Securities, the Bank shall keep and maintain for and on behalf of the Issuer books and records as to the ownership of said Securities and with respect to the transfer and exchange thereof as provided herein and in the Authorizing Document.

The Bank hereby accepts its appointment, and agrees to serve as the Paying Agent and Registrar for the Securities.

Section 1.02 Compensation. As compensation for the Bank's services as Paying Agent/Registrar, the Issuer hereby agrees to pay the Bank the fees and amounts set forth in **Annex A** attached hereto; provided however, notwithstanding anything herein or in Annex A to the contrary, the aggregate value of this agreement shall be less than the dollar limitation set forth Section 2271.002(a)(2) of the Texas Government Code or Section 2274.002(a)(2) of the Texas Government Code, as amended. The Issuer covenants to provide notice to the Bank upon any

change in the Issuer's Fiscal Year within ten (10) business days of the governing body of the Issuer's decision to change the Fiscal Year of the Issuer.

In addition, the Issuer agrees to reimburse the Bank upon its request for all reasonable expenses, disbursements and advances incurred or made by the Bank in accordance with any of the provisions hereof (including the reasonable compensation and the expenses and disbursements of its agents and counsel).

ARTICLE TWO
DEFINITIONS

Section 2.01 Definitions. For all purposes of this Agreement, except as otherwise expressly provided or unless the context otherwise requires:

"Acceleration Date" on any Security means the date, if any, on and after which the principal or any or all installments of interest, or both, are due and payable on any Security which has become accelerated pursuant to the terms of the Security.

"Authorizing Document" means the resolution, order, or ordinance of the governing body of the Issuer pursuant to which the Securities are issued, as the same may be amended or modified, including any pricing certificate related thereto, certified by the secretary or any other officer of the Issuer and delivered to the Bank.

"Bank Office" means the designated office of the Bank at the address shown in Section 3.01 hereof. The Bank will notify the Issuer in writing of any change in location of the Bank Office.

"Financial Advisor" means Specialized Public Finance Inc.

"Holder" and "Security Holder" each means the Person in whose name a Security is registered in the Security Register.

"Person" means any individual, corporation, partnership, joint venture, association, joint stock company, trust, unincorporated organization or government or any agency or political subdivision of a government.

"Predecessor Securities" of any particular Security means every previous Security evidencing all or a portion of the same obligation as that evidenced by such particular Security (and, for the purposes of this definition, any mutilated, lost, destroyed, or stolen Security for which a replacement Security has been registered and delivered in lieu thereof pursuant to Section 4.06 hereof and the Authorizing Document).

"Redemption Date", when used with respect to any Security to be redeemed, means the date fixed for such redemption pursuant to the terms of the Authorizing Document.

"Responsible Officer", when used with respect to the Bank, means the Chairman or Vice-Chairman of the Board of Directors, the Chairman or Vice-Chairman of the Executive Committee of the Board of Directors, the President, any Vice President, the Secretary, any Assistant Secretary, the Treasurer, any Assistant Treasurer, the Cashier, any Assistant Cashier, any Trust Officer or Assistant Trust Officer, or any other officer of the Bank customarily performing functions similar to those performed by any of the above designated officers and also means, with respect to a particular corporate trust matter, any other officer to whom such matter is referred because of his knowledge of and familiarity with the particular subject.

"Security Register" means a register maintained by the Bank on behalf of the Issuer providing for the registration and transfers of Securities.

"Stated Maturity" means the date specified in the Authorizing Document the principal of a Security is scheduled to be due and payable.

Section 2.02 Other Definitions. The terms "Bank," "Issuer," and "Securities (Security)" have the meanings assigned to them in the recital paragraphs of this Agreement.

The term "Paying Agent/Registrar" refers to the Bank in the performance of the duties and functions of this Agreement.

ARTICLE THREE
PAYING AGENT

Section 3.01 Duties of Paying Agent. As Paying Agent, the Bank shall pay, provided adequate collected funds have been provided to it for such purpose by or on behalf of the Issuer, on behalf of the Issuer the principal of each Security at its Stated Maturity, Redemption Date or Acceleration Date, to the Holder upon surrender of the Security to the Bank at the following address:

Express Delivery	First	By Hand
The Bank of New York Mellon	The Bank of New York Mellon	The Bank of New York Mellon
Trust Company, N.A.	Trust Company, N.A.	Corporate Trust Window
Institutional Trust Services	Institutional Trust Services	101 Barclay Street
2001 Bryan Street, 10th Floor	P.O. Box 2320	New York, NY 10286
Dallas, Texas 75201	Dallas, Texas 75221-2320	

As Paying Agent, the Bank shall, provided adequate collected funds have been provided to it for such purpose by or on behalf of the Issuer, pay on behalf of the Issuer the interest on each Security when due, by computing the amount of interest to be paid each Holder and making payment thereof to the Holders of the Securities (or their Predecessor Securities) on the Record Date (as defined in the Authorizing Document). All payments of principal and/or interest on the Securities to the registered owners shall be accomplished (1) by the issuance of checks, payable to the registered owners, drawn on the paying agent account provided in Section 5.05 hereof, sent by United States mail, first-class, postage prepaid, to the address appearing on the Security Register

or (2) by such other method, acceptable to the Bank, requested in writing by the Holder at the Holder's risk and expense.

Section 3.02 Payment Dates. The Issuer hereby instructs the Bank to pay the principal of and interest on the Securities on the dates specified in the Authorizing Document.

ARTICLE FOUR
REGISTRAR

Section 4.01 Security Register - Transfers and Exchanges. The Bank agrees to keep and maintain for and on behalf of the Issuer at the Bank Office books and records (herein sometimes referred to as the "Security Register") for recording the names and addresses of the Holders of the Securities, the transfer, exchange and replacement of the Securities and the payment of the principal of and interest on the Securities to the Holders and containing such other information as may be reasonably required by the Issuer and subject to such reasonable regulations as the Issuer and the Bank may prescribe. All transfers, exchanges and replacements of Securities shall be noted in the Security Register.

Every Security surrendered for transfer or exchange shall be duly endorsed or be accompanied by a written instrument of transfer, the signature on which has been guaranteed by an officer of a federal or state bank or a member of the Financial Industry Regulatory Authority, such written instrument to be in a form satisfactory to the Bank and duly executed by the Holder thereof or his agent duly authorized in writing.

The Bank may request any supporting documentation it feels necessary to effect a re-registration, transfer or exchange of the Securities.

To the extent possible and under reasonable circumstances, the Bank agrees that, in relation to an exchange or transfer of Securities, the exchange or transfer by the Holders thereof will be completed and new Securities delivered to the Holder or the assignee of the Holder in not more than three (3) business days after the receipt of the Securities to be cancelled in an exchange or transfer and the written instrument of transfer or request for exchange duly executed by the Holder, or his duly authorized agent, in form and manner satisfactory to the Paying Agent/Registrar.

Section 4.02 Securities. The Issuer shall provide additional Securities when needed to facilitate transfers or exchanges thereof. The Bank covenants that such additional Securities, if and when provided, will be kept in safekeeping pending their use and reasonable care will be exercised by the Bank in maintaining such Securities in safekeeping, which shall be not less than the care maintained by the Bank for debt securities of other governments or corporations for which it serves as registrar, or that is maintained for its own securities.

Section 4.03 Form of Security Register. The Bank, as Registrar, will maintain the Security Register relating to the registration, payment, transfer and exchange of the Securities in accordance with the Bank's general practices and procedures in effect from time to time. The Bank shall not be obligated to maintain such Security Register in any form other than those which the Bank has currently available and currently utilizes at the time.

The Security Register may be maintained in written form or in any other form capable of being converted into written form within a reasonable time.

Section 4.04 List of Security Holders. The Bank will provide the Issuer at any time requested by the Issuer, upon payment of the required fee, a copy of the information contained in the Security Register. The Issuer may also inspect the information contained in the Security Register at any time the Bank is customarily open for business, provided that reasonable time is allowed the Bank to provide an up-to-date listing or to convert the information into written form.

The Bank will not release or disclose the contents of the Security Register to any person other than to, or at the written request of, an authorized officer or employee of the Issuer, except upon receipt of a court order or as otherwise required by law. Upon receipt of a court order and prior to the release or disclosure of the contents of the Security Register, the Bank will notify the Issuer so that the Issuer may contest the court order or such release or disclosure of the contents of the Security Register.

Section 4.05 Return of Cancelled Securities. The Bank will, at such reasonable intervals as it determines, surrender to the Issuer, all Securities in lieu of which or in exchange for which other Securities have been issued, or which have been paid.

Section 4.06 Mutilated, Destroyed, Lost or Stolen Securities. The Issuer hereby instructs the Bank, subject to the provisions of the Authorizing Document, to deliver and issue Securities in exchange for or in lieu of mutilated, destroyed, lost, or stolen Securities as long as the same does not result in an overissuance.

In case any Security shall be mutilated, destroyed, lost or stolen, the Bank may execute and deliver a replacement Security of like form and tenor, and in the same denomination and bearing a number not contemporaneously outstanding, in exchange and substitution for such mutilated Security, or in lieu of and in substitution for such mutilated, destroyed, lost or stolen Security, only upon the approval of the Issuer and after (i) the filing by the Holder thereof with the Bank of evidence satisfactory to the Bank of the destruction, loss or theft of such Security, and of the authenticity of the ownership thereof and (ii) the furnishing to the Bank of indemnification in an amount satisfactory to hold the Issuer and the Bank harmless. All expenses and charges associated with such indemnity and with the preparation, execution and delivery of a replacement Security shall be borne by the Holder of the Security mutilated, destroyed, lost or stolen.

Section 4.07 Transaction Information to Issuer. The Bank will, within a reasonable time after receipt of written request from the Issuer, furnish the Issuer information as to the Securities it has paid pursuant to Section 3.01, Securities it has delivered upon the transfer or exchange of any Securities pursuant to Section 4.01, and Securities it has delivered in exchange for or in lieu of mutilated, destroyed, lost, or stolen Securities pursuant to Section 4.06.

ARTICLE FIVE
THE BANK

Section 5.01 Duties of Bank. The Bank undertakes to perform the duties set forth herein and agrees to use reasonable care in the performance thereof.

Section 5.02 Reliance on Documents, Etc.

(a) The Bank may conclusively rely, as to the truth of the statements and correctness of the opinions expressed therein, on certificates or opinions furnished to the Bank.

(b) The Bank shall not be liable for any error of judgment made in good faith by a Responsible Officer, unless it shall be proved that the Bank was negligent in ascertaining the pertinent facts.

(c) No provisions of this Agreement shall require the Bank to expend or risk its own funds or otherwise incur any financial liability for performance of any of its duties hereunder, or in the exercise of any of its rights or powers, if it shall have reasonable grounds for believing that repayment of such funds or adequate indemnity satisfactory to it against such risks or liability is not assured to it.

(d) The Bank may rely and shall be protected in acting or refraining from acting upon any resolution, certificate, statement, instrument, opinion, report, notice, request, direction, consent, order, bond, note, security or other paper or document believed by it to be genuine and to have been signed or presented by the proper party or parties. Without limiting the generality of the foregoing statement, the Bank need not examine the ownership of any Securities, but is protected in acting upon receipt of Securities containing an endorsement or instruction of transfer or power of transfer which appears on its face to be signed by the Holder or an agent of the Holder. The Bank shall not be bound to make any investigation into the facts or matters stated in a resolution, certificate, statement, instrument, opinion, report, notice, request, direction, consent, order, bond, note, security or other paper or document supplied by the Issuer.

(e) The Bank may consult with counsel, and the written advice of such counsel or any opinion of counsel shall be full and complete authorization and protection with respect to any action taken, suffered, or omitted by it hereunder in good faith and in reliance thereon.

(f) The Bank may exercise any of the powers hereunder and perform any duties hereunder either directly or by or through agents or attorneys of the Bank.

(g) The Bank is also authorized to transfer funds relating to the closing and initial delivery of the Securities in the manner disclosed in the closing memorandum or letter as prepared by the Issuer, the Financial Advisor or other agent. The Bank may act on a facsimile or e-mail transmission of the closing memorandum or letter acknowledged by the Issuer, the Issuer's financial advisor or other agent as the final closing memorandum or letter. The Bank shall not be liable for any losses, costs or expenses arising directly or indirectly from the Bank's reliance upon and compliance with such instructions.

Section 5.03 Recitals of Issuer. The recitals contained herein with respect to the Issuer and in the Securities shall be taken as the statements of the Issuer, and the Bank assumes no responsibility for their correctness.

The Bank shall in no event be liable to the Issuer, any Holder or Holders of any Security, or any other Person for any amount due on any Security from its own funds.

Section 5.04 May Hold Securities. The Bank, in its individual or any other capacity, may become the owner or pledgee of Securities and may otherwise deal with the Issuer with the same rights it would have if it were not the Paying Agent/Registrar, or any other agent.

Section 5.05 Moneys Held by Bank - Paying Agent Account/Collateralization. A paying agent account shall at all times be kept and maintained by the Bank for the receipt, safekeeping, and disbursement of moneys received from the Issuer under this Agreement for the payment of the Securities, and money deposited to the credit of such account until paid to the Holders of the Securities shall be continuously collateralized by securities or obligations which qualify and are eligible under both the laws of the State of Texas and the laws of the United States of America to secure and be pledged as collateral for paying agent accounts to the extent such money is not insured by the Federal Deposit Insurance Corporation. Payments made from such paying agent account shall be made by check drawn on such account unless the owner of the Securities shall, at its own expense and risk, request an alternative method of payment.

Subject to the applicable unclaimed property laws of the State of Texas, any money deposited with the Bank for the payment of the principal of, premium (if any), or interest on any Security and remaining unclaimed for three years after final maturity of the Security has become due and payable will be held by the Bank and disposed of only in accordance with Title 6 of the Texas Property Code, as amended. The Bank shall have no liability by virtue of actions taken in compliance with this provision.

The Bank is not obligated to pay interest on any money received by it under this Agreement.

This Agreement relates solely to money deposited for the purposes described herein, and the parties agree that the Bank may serve as depository for other funds of the Issuer, act as trustee under indentures authorizing other bond transactions of the Issuer, or act in any other capacity not in conflict with its duties hereunder.

Section 5.06 Indemnification. To the extent permitted by law, the Issuer agrees to indemnify the Bank for, and hold it harmless against, any loss, liability, or expense incurred without negligence or willful misconduct on its part, arising out of or in connection with its acceptance or administration of its duties hereunder, including the cost and expense against any claim or liability in connection with the exercise or performance of any of its powers or duties under this Agreement.

Section 5.07 Interpleader. The Issuer and the Bank agree that, to the extent permitted by law, the Bank may seek adjudication of any adverse claim, demand, or controversy over its person as well as funds on deposit, in either a Federal or State District Court located in the state and county where the administrative office of the Issuer is located, and agree that service of process by certified or registered mail, return receipt requested, to the address referred to in Section 6.03 of this Agreement shall constitute adequate service. The Issuer and the Bank further agree that the Bank has the right to file a Bill of Interpleader in any court of competent jurisdiction in the State of Texas to determine the rights of any Person claiming any interest herein.

In the event the Bank becomes involved in litigation in connection with this Section, the Issuer, to the extent permitted by law, agrees to indemnify and save the Bank harmless from all loss, cost, damages, expenses, and attorney fees suffered or incurred by the Bank as a result. The obligations of the Bank under this Agreement shall be performable at the principal corporate office of the Bank in the City of Dallas, Texas.

Section 5.08 DTC Services. It is hereby represented and warranted that, in the event the Securities are otherwise qualified and accepted for "Depository Trust Company" services or equivalent depository trust services by other organizations, the Bank has the capability and, to the extent within its control, will comply with the "Operational Arrangements", which establishes requirements for securities to be eligible for such type depository trust services, including, but not limited to, requirements for the timeliness of payments and funds availability, transfer turnaround time, and notification of redemptions and calls.

ARTICLE SIX
MISCELLANEOUS PROVISIONS

Section 6.01 Amendment. This Agreement may be amended only by an agreement in writing signed by both of the parties hereto.

Section 6.02 Assignment. This Agreement may not be assigned by either party without the prior written consent of the other.

Section 6.03 Notices. Any request, demand, authorization, direction, notice, consent, waiver, or other document provided or permitted hereby to be given or furnished to the Issuer or the Bank shall be mailed or delivered to the Issuer or the Bank, respectively, at the addresses shown on the signature page(s) hereof.

Section 6.04 Effect of Headings. The Article and Section headings herein are for convenience of reference only and shall not affect the construction hereof.

Section 6.05 Successors and Assigns. All covenants and agreements herein by the Issuer shall bind its successors and assigns, whether so expressed or not.

Section 6.06 Severability. In case any provision herein shall be invalid, illegal, or unenforceable, the validity, legality, and enforceability of the remaining provisions shall not in any way be affected or impaired thereby.

Section 6.07 Merger, Conversion, Consolidation, or Succession. Any corporation or association into which the Bank may be merged or converted or with which it may be consolidated, or any corporation or association resulting from any merger, conversion, or consolidation to which the Bank shall be a party, or any corporation or association succeeding to all or substantially all of the corporate trust business of the Bank shall be the successor of the Bank as Paying Agent under this Agreement without the execution or filing of any paper or any further act on the part of either parties hereto.

Section 6.08 Benefits of Agreement. Nothing herein, express or implied, shall give to any Person, other than the parties hereto and their successors hereunder, any benefit or any legal or equitable right, remedy, or claim hereunder.

Section 6.09 Entire Agreement. This Agreement and the Authorizing Document constitute the entire agreement between the parties hereto relative to the Bank acting as Paying Agent/Registrar and if any conflict exists between this Agreement and the Authorizing Document, the Authorizing Document shall govern.

Section 6.10 Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original and all of which shall constitute one and the same Agreement.

Section 6.11 Termination. This Agreement will terminate (i) on the date of final payment of the principal of and interest on the Securities to the Holders thereof or (ii) may be earlier terminated by either party upon sixty (60) days written notice; provided, however, an early termination of this Agreement by either party shall not be effective until (a) a successor Paying Agent/Registrar has been appointed by the Issuer and such appointment accepted and (b) notice has been given to the Holders of the Securities of the appointment of a successor Paying Agent/Registrar. However, if the Issuer fails to appoint a successor Paying Agent/Registrar within a reasonable time, the Bank may petition a court of competent jurisdiction within the State of Texas to appoint a successor. Furthermore, the Bank and the Issuer mutually agree that the effective date of an early termination of this Agreement shall not occur at any time which would disrupt, delay or otherwise adversely affect the payment of the Securities.

Upon an early termination of this Agreement, the Bank agrees to promptly transfer and deliver the Security Register (or a copy thereof), together with the other pertinent books and records relating to the Securities, to the successor Paying Agent/Registrar designated and appointed by the Issuer.

The provisions of Section 1.02 and of Article Five shall survive and remain in full force and effect following the termination of this Agreement.

Section 6.12 Iran, Sudan or Foreign Terrorist Organizations. The Bank represents that neither it nor any of its parent company, wholly- or majority-owned subsidiaries, and other affiliates is a company identified on a list prepared and maintained by the Texas Comptroller of Public Accounts under Section 2252.153 or Section 2270.0201, Texas Government Code, and posted on any of the following pages of such officer's internet website:

https://comptroller.texas.gov/purchasing/docs/sudan-list.pdf,
https://comptroller.texas.gov/purchasing/docs/iran-list.pdf, or
https://comptroller.texas.gov/purchasing/docs/fto-list.pdf.

The foregoing representation is made solely to comply with Section 2252.152, Texas Government Code, and to the extent such Section does not contravene applicable Federal law and excludes the Bank and each of its parent company, wholly- or majority-owned subsidiaries, and other affiliates, if any, that the United States government has affirmatively declared to be excluded

from its federal sanctions regime relating to Sudan or Iran or any federal sanctions regime relating to a foreign terrorist organization. The Bank understands "affiliate" to mean any entity that controls, is controlled by, or is under common control with the Bank and exists to make a profit.

Section 6.13 Governing Law. This Agreement shall be construed in accordance with and governed by the laws of the State of Texas.

[Remainder of page left blank intentionally.]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

THE BANK OF NEW YORK MELLON
TRUST COMPANY, N.A.

By:_____

Title:_____

Address: 2001 Bryan Street, 10th Floor
Dallas, Texas 75201

CITY OF SHERMAN, TEXAS

By: _____
Mayor

Address: 220 West Mulberry Street
Sherman, Texas 75090

Attest:

_____
City Clerk

ANNEX A

SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **E. 2.**

Meeting Date: 12/05/2022

Prepared By: Teri Fine, Assistant to the City Manager

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6548

Accepting and Approving an Amended and Restated Service and Assessment Plan and a Phase #2 Assessment Roll for the Bel Air Village Public Improvement District; Making a Finding of Special Benefit to the Property in Phase #2 of The District; Levying Special Assessments Against Property within Phase #2 of The District And Establishing a Lien on Such Property; Providing for Payment of the Assessments In Accordance With Chapter 372, Texas Local Government Code, As Amended; Providing for the Method of Assessment and the Payment of the Assessments, Providing Penalties and Interest on Delinquent Assessments, Providing For Severability, And Providing An Effective Date

Issue:

To accept and approve a service and assessment plan, a Phase #2 assessment roll for the Bel Air Village Public Improvement District (PID), and to levy property tax assessment against properties within the PID #1 District.

Background:

On March 15, 2021, the City Council of the City of Sherman approved Resolution No. 6711, authorizing, establishing and creating the Bel Air Village Public Improvement District (PID). On May 3, 2021, the Council adopted Ordinance No. 6377, which approved the original Service and Assessment Plan for the District. The property within the district is being developed in phases, the second phase of which includes approximately 119.806 acres, and 561 single-family residential lots.

This PID will be the primary financing mechanism for the Phase 2 PID public improvements paid for by the Developer. The PID assessments associated with Phase 2 improvements will total about $20.1 million. These development costs relate to roads, water and sewer utilities, drainage, sidewalks, landscaping, etc. The PID assessments will be applied to future property owners within the district at a rate proportional to the lot sizes as lots are sold.

Origination:

City Manager's Office

Financial Consideration:

The City determined the estimated total costs of certain public improvements for the benefit of the property within Phase #2 District Improvements and to be financed by the District is $20,126,042. All of these costs are to be paid through property assessments.

Staff Recommendation:

Staff recommends approval of this Ordinance.

Alternatives:

As directed by the City Council

Attachments

Ordinance No. 6548

Phase #2 Service and Assessment Plan

Legal Notice

Ordinance No. 6377

ORDINANCE NO. 6548

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN ACCEPTING AND APPROVING AN AMENDED AND RESTATED SERVICE AND ASSESSMENT PLAN AND A PHASE #2 ASSESSMENT ROLL FOR THE BEL AIR VILLAGE PUBLIC IMPROVEMENT DISTRICT; MAKING A FINDING OF SPECIAL BENEFIT TO THE PROPERTY IN PHASE #2 OF THE DISTRICT; LEVYING SPECIAL ASSESSMENTS AGAINST PROPERTY WITHIN PHASE #2 OF THE DISTRICT AND ESTABLISHING A LIEN ON SUCH PROPERTY; PROVIDING FOR PAYMENT OF THE ASSESSMENTS IN ACCORDANCE WITH CHAPTER 372, TEXAS LOCAL GOVERNMENT CODE, AS AMENDED; PROVIDING FOR THE METHOD OF ASSESSMENT AND THE PAYMENT OF THE ASSESSMENTS, PROVIDING PENALTIES AND INTEREST ON DELINQUENT ASSESSMENTS, PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, a petition was submitted and filed with the City Clerk (the "City Clerk") of the City of Sherman, Texas (the "City") pursuant to the Public Improvement District Assessment Act, Chapter 372, Texas Local Government Code, as amended (the "PID Act"), requesting the creation of a public improvement district in the City to be known as the Bel Air Village Public Improvement District (the "District"); and

WHEREAS, the petition contained the signatures of the owners of taxable property representing more than fifty percent of the appraised value of taxable real property liable for assessment within the District, as determined by the then current ad valorem tax rolls of the Grayson County Central Appraisal District, and the signature of the property owners who owned taxable real property that constituted more than fifty percent of the area of all taxable property within the District that is liable for assessment; and

WHEREAS, on March 15, 2021, after due notice, the City Council of the City (the "City Council") held a public hearing in the manner required by law on the advisability of the public improvements and services described in the petition as required by Sec. 372.009 of the PID Act and made the findings required by Sec. 372.009(b) of the PID Act and, by Resolution No. 6711 (the "Authorization Resolution") adopted by a majority of the members of the City Council, authorized and created the District in accordance with its finding as to the advisability of the Authorized Improvements; and

WHEREAS, following adoption of the Authorization Resolution, the City published the Authorization Resolution in a newspaper of general circulation in the City; and

WHEREAS, no written protests regarding the creation of the District from any owners of record of property within the District were filed with the City Clerk within twenty (20) days after publication of the Authorization Resolution; and

WHEREAS, on November 7, 2022, the City Council adopted a resolution approving a preliminary amended and restated service and assessment plan update, determining the total costs of the Phase #2 Projects (as defined in the Service and Assessment Plan, defined below), calling for a public hearing to consider the levying of the Assessments against the property within Phase #2 (as defined in the Service and Assessment Plan) of the District (the "Phase #2 Assessments"), authorizing and directing the filing of a proposed assessment roll for Phase #2 of the District (the "Phase #2 Assessment Roll"), authorizing and directing the publication of notice of a public hearing to consider the levying of the Phase #2 Assessments against the property within Phase #2 of the District (the "Levy and Assessment Hearing") in a newspaper of general circulation in the City, and directing related action; and

WHEREAS, on November 7, 2022, the City Clerk filed the Phase #2 Assessment Roll and made the same available for public inspection; and

WHEREAS, the City Clerk, pursuant to Section 372.016(b) of the PID Act, published notice of the Levy and Assessment Hearing in a newspaper of general circulation in the City; and

WHEREAS, the City Clerk, pursuant to Section 372.016(c) of the PID Act, mailed the notice of the Levy and Assessment Hearing to the last known address of the owners of the property liable for the Phase #2 Assessments; and

WHEREAS, the City Council opened the Levy and Assessment Hearing on December 5, 2022 and at which all persons who appeared, or requested to appear, in person or by their attorney, were given the opportunity to contend for or contest the Phase #2 Assessment Roll, and the proposed Phase #2 Assessments, and to offer testimony pertinent to any issue presented on the amount of the Phase #2 Assessments, the allocation of costs of the Phase #2 Projects, the purposes of the Phase #2 Assessments, the special benefits of the Phase #2 Projects, and the penalties and interest on annual installments and on delinquent annual installments of the Phase #2 Assessments; and

WHEREAS¸ the owners of 100% of the property subject to the proposed assessment within Phase #2 (the "Landowners") had actual knowledge of the Levy and Assessment Hearing to be held on December 5, 2022, and support the levy of assessments against the property within Phase #2 in accordance with the Service and Assessment Plan to finance the Phase #2 Projects for benefit of the property within Phase #2; and

WHEREAS, the City Council finds and determines that the Phase #2 Assessment Roll and the Bel Air Village Public Improvement District Service and Assessment Plan, dated May 3, 2021, as updated for Phase #2 on December 5, 2022 (as amended and updated, the "Service and Assessment Plan"), in a form substantially similar to ***Exhibit A*** attached hereto and incorporated herein, which final form shall be approved by the City Manager and the City's land use attorney, and which is incorporated herein for all purposes, should be approved and that the Phase #2 Assessments should be levied as provided in this Ordinance and the Service and Assessment Plan and the Phase #2 Assessment Roll attached thereto as Appendix G; and

WHEREAS, the City Council further finds that there were no written objections or evidence submitted to the City Clerk in opposition to the Service and Assessment Plan, the allocation of costs of the Phase #2 Projects, the Phase #2 Assessment Roll, or the levy of the Phase #2 Assessments; and

WHEREAS, the City Council closed the Levy and Assessment Hearing, and, after considering all written and documentary evidence presented at the hearing, including all written comments and statements filed with the City, determined to proceed with the adoption of this Ordinance in conformity with the requirements of the PID Act.

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

SECTION 1. Terms. Terms not otherwise defined herein are defined in the Service and Assessment Plan.

SECTION 2. Findings. The findings and determinations set forth in the preambles hereof are hereby incorporated by reference and made a part of this Ordinance for all purposes as if the same were restated in full in this Section. The City Council hereby finds, determines, and ordains, as follows:

(a) The apportionment of the costs of the Phase #2 Projects (as reflected in the Service and Assessment Plan) and the Administrative Expenses (as reflected in the Service and Assessment Plan) is fair and reasonable, reflects an accurate presentation of the special

benefit each assessed parcel within Phase #2 of the District will receive from the construction of the Phase #2 Projects identified in the Service and Assessment Plan, and is hereby approved;

(b) The Service and Assessment Plan covers a period of at least five years and defines the annual indebtedness and projected costs for the Phase #2 Projects and has been reviewed and updated annually, including by the Service and Assessment Plan attached hereto;

(c) The Service and Assessment Plan apportions the cost of the Phase #2 Projects to be assessed against the property in Phase #2 of the District and such apportionment is made on the basis of special benefits accruing to the property because of the Phase #2 Projects;

(d) All of the real property in Phase #2 of the District which is being assessed in the amounts shown in the Phase #2 Assessment Roll will be benefited by the Phase #2 Projects proposed to be constructed as described in the Service and Assessment Plan, and each assessed parcel will receive special benefits in each year equal to or greater than each annual installment of the Phase #2 Assessments and will receive special benefits during the term of the Phase #2 Assessments equal to or greater than the total amount assessed;

(e) The method of apportionment of the costs of the Phase #2 Projects and the Administrative Expenses set forth in the Service and Assessment Plan results in imposing equal shares of the costs of the Phase #2 Projects and Administrative Expenses on property similarly benefited, and results in a reasonable classification and formula for the apportionment of the costs and Administrative Expenses;

(f) The Service and Assessment Plan should be approved as the service plan and assessment plan for the District as described in Sections 372.013 and 372.014 of the PID Act;

(g) The Phase #2 Assessment Roll in the form attached as Appendix G to the Service and Assessment Plan should be approved as the Phase #2 Assessment Roll for Phase #2 of the District;

(h) The provisions of the Service and Assessment Plan relating to due and delinquency dates for the Phase #2 Assessments, interest on Annual Installments, interest and penalties on delinquent Phase #2 Assessments and delinquent Annual Installments, and procedures in connection with the imposition and collection of Phase #2 Assessments should be approved and will expedite collection of the Phase #2 Assessments in a timely

manner in order to provide the services and improvements needed and required for Phase #2 of the District; and

(i) A written notice of the date, hour, place and subject of this meeting of the City Council along with the meeting agenda was posted at a place convenient to the public and on the City's internet website for the time required by law preceding this meeting, as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended, and that this meeting has been open to the public as required by law at all times during which this Ordinance and the subject matter hereof has been discussed, considered, and formally acted upon.

SECTION 3. Service and Assessment Plan. The Service and Assessment Plan is hereby accepted and approved pursuant to Sections 372.013 and 372.014 of the PID Act as the service plan and the assessment plan for the District.

SECTION 4. Phase #2 Assessment Roll. The Phase #2 Assessment Roll is hereby accepted and approved pursuant to Section 372.016 of the PID Act as the Phase #2 Assessment Roll for Phase #2 of the District.

SECTION 5. Levy and Payment of Special Assessments for the Estimated Costs of Phase #2 Projects.

(a) The City Council hereby levies an assessment on each parcel of Phase #2 Assessed Property (excluding Non-Benefitted Property) located within Phase #2 of the District, as shown and described in the Service and Assessment Plan and the Phase #2 Assessment Roll, in the respective amounts shown on the Phase #2 Assessment Roll as a special assessment on the properties set forth in the Phase #2 Assessment Roll. The amount of the Phase #2 Annual Installments shall be reviewed and determined annually by the City Council following the City Council's annual review of the Service and Assessment Plan for the District. Pursuant to Section 372.015(d), the amount of assessment for each property owner may be adjusted following the annual review of the Service and Assessment Plan.

(b) The levy of the Phase #2 Assessments shall be effective on the date of adoption of this Ordinance levying the Phase #2 Assessments and strictly in accordance with the terms of the Service and Assessment Plan and the PID Act.

(c) The collection of the Phase #2 Assessments shall be as described in the Service and Assessment Plan. The collection of the first Annual Installment of the Phase #2 Assessments hereby levied against each lot or parcel of Phase #2 Assessed Property

shall commence upon the earlier of: (i) with tax bills sent the first October following the issuance of the first building permit for each Lot within each Phase #2, such that Phase #2 Assessments are billed only for Lots for which a building permit has been issued, (ii) with tax bills sent the first October after issuance of any Bonds secured by the respective reimbursement agreement for Phase #2 Assessed Property, or (iii) with tax bills sent the first October following the second anniversary of the levy of Phase #2 Assessments on the Phase #2 Assessed Property, such that all Phase #2 Assessments in Phase #2 begin collection immediately after the expiration of such two year period. Such first Annual Installment for a Phase #2 lot or parcel for which collection has begun, shall be due by January 31st of the following calendar year.

(d) Each Phase #2 Assessment may be prepaid in whole or in part at any time or may be paid in Annual Installments pursuant to the terms of the Service and Assessment Plan.

(e) Each Phase #2 Assessment shall bear interest at the rate or rates specified in the Service and Assessment Plan.

(f) Each Annual Installment shall be collected each year in the manner set forth in the Service and Assessment Plan.

(g) The Administrative Expenses for the Phase #2 Assessed Property shall be calculated pursuant to the terms of the Service and Assessment Plan.

SECTION 6. Method of Assessment. The method of assessment and method of apportioning the estimated costs of the Phase #2 Projects and the Administrative Expenses is as set forth in the Service and Assessment Plan.

SECTION 7. Penalties and Interest on Delinquent Assessments. Delinquent Phase #2 Assessments shall be subject to the penalties, interest, procedures, and foreclosure sales set forth in the Service and Assessment Plan and as allowed by law. The Phase #2 Assessments shall have lien priority as specified in the PID Act, the Service and Assessment Plan, and as otherwise allowed by law.

SECTION 8. Prepayments of Assessments. As provided in Section VI of the Service and Assessment Plan, the owner of any Phase #2 Assessed Property may prepay the Phase #2 Assessments levied by this Ordinance.

SECTION 9. Lien Priority. The City Council and the owners of property in Phase #2 of the District intend for the obligations related to payment of the Phase #2

Assessments and the Annual Installments thereof, to constitute covenants that shall run with the land. The Phase #2 Assessments and the Annual Installments thereof which are levied hereby shall be binding upon each landowner, as the owner of a portion of the Phase #2 Assessed Property, and its respective transferees, legal representatives, heirs, devisees, successors and assigns in the same manner and for the same period as such landowners would be personally liable for the payment of ad valorem taxes under applicable law during the period such owner holds title to such portion of the Phase #1 Assessed Property. The Phase #2 Assessments shall have lien priority as specified in the Service and Assessment Plan and the PID Act.

SECTION 10. Appointment of Initial Administrator and Collector of Assessments.

(a) Appointment of Administrator. MuniCap, Inc. has been appointed and designated to serve, or until otherwise determined by the City Council, as the Administrator of the Service and Assessment Plan and of the Phase #2 Assessments levied by this Ordinance. The Administrator shall perform the duties of the Administrator described in the Service and Assessment Plan, in this Ordinance and in any contract between the City and the Administrator. The Administrator's fees, charges and expenses for providing such service shall constitute an Administrative Expense.

(b) Collector. The City shall by future action, appoint a third-party collector of the Phase #2 Assessments. The City is hereby authorized to enter into an agreement with a third-party for the collection of the Phase #2 Assessments. The City may also contract with other qualified collection agents selected by the City or may collect the Phase #2 Assessments on its own behalf. The costs of such collection contracts shall constitute an Administrative Expense.

SECTION 11. Applicability of Tax Code. To the extent not inconsistent with this Ordinance, and not inconsistent with the PID Act or the other laws governing public improvement districts, the provisions of the Texas Tax Code, as amended, governing enforcement of ad valorem tax liens shall be applicable to the imposition and collection of Phase #2 Assessments by the City.

SECTION 12. Filing in Land Records The City Clerk is directed to cause a copy of this Ordinance, including the Service and Assessment Plan and the Phase #2 Assessment Roll, to be recorded in the real property records of Grayson County. The City Clerk is further directed to similarly file each Annual Service Plan Update approved by the City Council.

SECTION 13. Severability. If any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portions of this Ordinance or the application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council that no portion hereof, or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness, or invalidity or any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

SECTION 14. Effective Date. This Ordinance shall take effect, and the levy of the Phase #2 Assessments, and the provisions and terms of the Service and Assessment Plan shall be and become effective upon passage and execution hereof.

[Remainder of Page Intentionally Left Blank; Signature page follows]

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS on this the 5th day of December 2022.

CITY OF SHERMAN, TEXAS

ATTEST:

BY: _____ **BY:** _____
LINDA ASHBY, CITY CLERK **DAVID PLYLER, MAYOR**

APPROVED AS TO FORM
AND CONTENT:
THE LAW FIRM OF
ABERNATHY, ROEDER,
BOYD & HULLETT, P.C.

BY: _____
NAME: _____
CITY ATTORNEY

Exhibit A

Service and Assessment Plan

(See attached.)

BEL AIR VILLAGE
PUBLIC IMPROVEMENT DISTRICT

CITY OF SHERMAN, TEXAS

SERVICE AND ASSESSMENT PLAN

April 4, 2022 and updated for Phase #2 on

December 5, 2022

PREPARED BY:

MUNICAP, INC.

PUBLIC FINANCE

BEL AIR VILLAGE
PUBLIC IMPROVEMENT DISTRICT

SERVICE AND ASSESSMENT PLAN

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I. PLAN DESCRIPTION AND DEFINED TERMS

A. INTRODUCTION

On March 15, 2021, the City Council of the City of Sherman passed and approved Resolution No. 6711 approving and authorizing the creation of Bel Air Village Public Improvement District (the "PID") to finance the costs of certain public improvements for the benefit of property in the PID, which is presently located within the City.

The property in the PID is proposed to be developed in multiple phases, and the PID will finance public improvements for Phase #1 and Phase #2 as Phase #1 and Phase #2 are developed. Assessments will be imposed on all property in the PID for the public improvements that benefit the entire PID and on the property in Phase #1 and Phase #2 for the public improvements to be constructed for the benefit of that phase.

Chapter 372 of the Texas Local Government Code, the "Public Improvement District Assessment Act" (as amended, the "PID Act"), governs the creation and operation of public improvement districts within the State of Texas. The Bel Air Village Public Improvement District Service and Assessment Plan (the "Service and Assessment Plan") has been prepared in accordance with the PID Act and specifically Sections 372.013, 372.014, 372.015 and 372.016, which address the requirements of a service and assessment plan and the assessment roll. According to Section 372.013 of the PID Act, a service plan "must (i) cover a period of at least five years; (ii) define the annual indebtedness and the projected costs for improvements; and (iii) include a copy of the notice form required by Section 5.014, Property Code." The service plan is described in Section IV of this Service and Assessment Plan. The copy of the notice form required by Section 5.014 of the Texas Property Code, as amended, is attached hereto as Appendix E.

Section 372.014 of the PID Act requires that "an assessment plan must be included in the annual service plan." The assessment plan is described in Section V of this Service and Assessment Plan.

Section 372.015 of the PID Act requires that "the governing body of the municipality or county shall apportion the cost of an improvement to be assessed against property in an improvement district." The method of assessing the costs of the Authorized Improvements and apportionment of such costs to the property in the PID is included in Section V of this Service and Assessment Plan.

Section 372.016 of the PID Act requires that "after the total cost of an improvement is determined, the governing body of the municipality or county shall prepare a proposed assessment roll. The roll must state the assessment against each parcel of land in the district, as determined by the method of assessment chosen by the municipality or county under this subchapter." The Assessment Roll for the PID is included as Appendix F of this Service and Assessment Plan. The Assessments as shown on each Assessment Roll are based on the method of assessment and apportionment of costs described in Section V of this Service and Assessment Plan.

B. Definitions

Capitalized terms used herein shall have the meanings ascribed to them as follows:

"**Actual Cost(s)**" means, with respect to an Authorized Improvement, the demonstrated, reasonable, allocable, and allowable costs of constructing such Authorized Improvement, as specified in a Certification for Payment that has been reviewed and approved by the City. Actual Cost may include (a) the costs for the design, planning, financing, administration, management, acquisition, installation, construction and/or implementation of such Authorized Improvement, including general contractor construction management fees, if any, (b) the costs of preparing the construction plans for such Authorized Improvement, (c) the fees paid for obtaining permits, licenses or other governmental approvals for such Authorized Improvement, (d) the costs for external professional costs associated with such Authorized Improvement, such as engineering, geotechnical, surveying, land planning, architectural landscapers, advertising, marketing and research studies, appraisals, legal, accounting and similar professional services, taxes (property and franchise) (e) the costs of all labor, bonds and materials, including equipment and fixtures, incurred by contractors, builders and material men in connection with the acquisition, construction or implementation of the Authorized Improvements, (f) all related permitting, zoning and public approval expenses, architectural, engineering, legal, and consulting fees, financing charges, taxes, governmental fees and charges (including inspection fees, City permit fees, development fees), insurance premiums, miscellaneous expenses, and all advances and payments for Administrative Expenses.

Actual Costs include general contractor's fees in an amount up to a percentage equal to the percentage of work completed and accepted by the City or construction management fees in an amount up to five percent of the eligible Actual Costs described in a Certification for Payment. The amounts expended on legal costs, taxes, governmental fees, insurance premiums, permits, financing costs, and appraisals shall be excluded from the base upon which the general contractor and construction management fees are calculated.

"Administrator" means the employee or designee of the City, identified in any indenture of trust relating to any Bonds or in any other agreement approved by the City Council, who shall have the responsibilities provided for herein.

"Administrative Expenses" mean the administrative, organization, maintenance and operation costs associated with, or incident to, the administration, organization, maintenance and operation of the PID, including, but not limited to, the costs of: (i) creating and organizing the PID, including conducting hearings, preparing notices and petitions, and all costs incident thereto, including engineering fees, legal fees and consultant fees, (ii) the annual administrative, organization, maintenance, and operation costs and expenses associated with, or incident and allocable to, the administration, organization, and operation of the PID, (iii) computing, levying, billing and collecting Assessments or the Annual Installments thereof, (iv) maintaining the record of installments of the Assessments and the system of registration and transfer of the Bonds, (v) paying and redeeming the Bonds, (vi) investing or depositing of monies, (vii) complying with the PID Act and other laws applicable to the Bonds, (viii) the Trustee fees and expenses relating to the Bonds, including reasonable fees, (ix) legal counsel, engineers, accountants, financial

advisors, investment bankers or other consultants and advisors, and (x) administering the construction of the Authorized Improvements. Administrative Expenses do not include payment of the actual principal of, redemption premium, if any, and interest on the Bonds. Administrative Expenses collected and not expended for actual Administrative Expenses in one year shall be carried forward and applied to reduce Administrative Expenses in subsequent years to avoid the over-collection of amounts to pay Administrative Expenses.

"Annual Installment" means, with respect to each Parcel, each annual payment of: (i) the Assessments, including any applicable interest, as shown on the Assessment Roll attached hereto as Appendix F and Appendix G, as applicable, or in an Annual Service Plan Update, and calculated as provided in Section VI of this Service and Assessment Plan, and (ii) Administrative Expenses.

"Annual Service Plan Update" has the meaning set forth in the second paragraph of Section IV of this Service and Assessment Plan.

"Assessed Property" means the property that benefits from the Authorized Improvements to be provided by the PID on which Assessments have been imposed as shown in each Assessment Roll, as each Assessment Roll is updated each year by the Annual Service Plan Update. Assessed Property includes Parcels within the PID other than Non-Benefited Property.

"Assessment" means an assessment levied against a Parcel imposed pursuant to an Assessment Ordinance and the provisions herein, as shown on any Assessment Roll, subject to reallocation upon the subdivision of such Parcel or reduction according to the provisions herein and the PID Act. An Assessment for a Parcel consists of the Annual Installments to be collected in all years including the portion of those Annual Installments collected to pay Administrative Expenses and interest on all Assessments.

"Assessment Ordinance" means an Assessment Ordinance adopted by the City Council approving the Service and Assessment Plan (including amendments or supplements to the Service and Assessment Plan) and levying the Assessments.

"Assessment Revenues" mean the revenues actually received by or on behalf of the City from the collection of Assessments.

"Assessment Roll" means the Phase #1 Assessment Roll, Phase #2 Assessment Roll or any other Assessment Roll in an amendment or supplement to this Service and Assessment Plan or in an Annual Service Plan Update.

"Authorized Improvements" mean those public improvements described in Appendix B-1 of this Service and Assessment Plan and Section 372.003 of the PID Act, constructed and installed in accordance with this Service and Assessment Plan, and any future updates and/or amendments.

"Bonds" mean bonds, if any, issued in one or more series for financing the Authorized Improvements and secured in whole or in part by the Assessment Revenues.

"**Budgeted Cost(s)**" means the amounts budgeted to construct the Authorized Improvements as used in the preparation of this Service and Assessment Plan.

"Certification for Payment" means the certificate to be provided by the Developer, or his designee, to substantiate the Actual Cost of one or more Authorized Improvements.

"City" means the City of Sherman, Texas.

"City Council" means the duly elected governing body of the City.

"**County**" means Grayson County, Texas.

"**Delinquent Collection Costs"** mean interest, penalties and expenses incurred or imposed with respect to any delinquent installment of an Assessment in accordance with the PID Act and the costs related to pursuing collection of a delinquent Assessment and foreclosing the lien against the Assessed Property, including attorney's fees.

"Development Agreement" means that certain "Bel Air Village Master Development Agreement" by and between the City and the Developer, a Texas limited liability company, and related to the development of the Property effective December 18, 2020, as the same may be amended from time to time.

"Developer" means Bel Air Village SFR, LLC.

"Homeowner Association" means a homeowner's association or property owners' association established for the benefit of property owners within the boundaries of the PID.

"Homeowner Association Property" means property within the boundaries of the PID that is owned by or irrevocably offered for dedication to, whether in fee simple or through an exclusive use easement, a homeowner's association.

"Lot" means a tract of land described as a "lot" in a subdivision plat recorded in the official public records of Grayson County, Texas.

"Lot Type" means a classification of final building lots with similar characteristics (e.g. commercial, light industrial, multifamily residential, single family residential, etc.), as determined by the Administrator and confirmed by the City Council. In the case of single family residential lots, the Lot Type shall be further defined by classifying the residential lots by the estimated average home value for each home at the time of assessment levy (as shown in Appendix E for the calculation of Equivalent Units), considering factors such as density, lot size, proximity to amenities, view premiums, location, and any other factors that may impact the average home value on the lot, as determined by the Administrator and confirmed by the City Council.

"Major Improvements" or "MI" mean the Authorized Improvements which benefit all Assessed Property within the PID and are described in Section III.B.

"Non-Benefited Property" means Parcels that accrue no special benefit from the Authorized Improvements, including Homeowner Association Property, Public Property and easements that create an exclusive use for a public utility provider to the extent they accrue no special benefit. Property identified as Non-Benefited Property at the time the Assessments (i) are imposed or (ii) are reallocated pursuant to a subdivision of a Parcel, is not assessed. Assessed Property converted to Non-Benefited Property, if the Assessments may not be reallocated pursuant to the provisions herein, remains subject to the Assessments and requires the Assessments to be prepaid as provided for in Section VI.E.

"Parcel" or **"Parcels"** means a parcel or parcels within the PID identified by either a tax map identification number assigned by the Grayson Central Appraisal District for real property tax purposes or by lot and block number in a final subdivision plat recorded in the real property records of Grayson County.

"Phase" means one or more Parcels within the PID that will be developed in the same general time period. The Parcels within a Phase will be assessed in connection with the execution of a reimbursement agreement and/or issuance of Bonds for Authorized Improvements (or the portion thereof) designated in an update to this Service and Assessment Plan that specially benefits the Parcels within the Phase.

"Phase #1" means the initial Phase to be developed and generally shown in Appendix A, as specifically depicted and described as the sum of all Parcels shown in Appendix F.

"**Phase #1 Assessed Property**" means all Parcels within Phase #1 other than Non-Benefited Property and shown in the Phase #1 Assessment Roll against which an Assessment relating to the Phase #1 Projects is levied.

"**Phase #1 Assessment Revenues**" mean the actual revenues received by or on behalf of the City from the collection of Assessments levied against Phase #1 Assessed Property, or the Annual Installments thereof, for the Phase #1 Projects.

"Phase #1 Assessment Roll" means the document included in this Service and Assessment Plan as Appendix F**,** as updated, modified or amended from time to time in accordance with the procedures set forth herein and in the PID Act, including updates prepared in connection with any Annual Service Plan Update.

"**Phase #1 Improvements**" mean the Authorized Improvements which only benefit Phase #1 Assessed Property, which are described in Section III.C.

"Phase #1 Maximum Assessment Per Unit" means for Phase #1, an Assessment per unit related to the Phase #1 Projects for each applicable Lot Type as follows:

Lot Type 1 (50 Ft) - $31,086.76
Lot Type 2 (40 Ft) - $27,632.65
Lot Type 3 (25 Ft) - $24,178.57

"**Phase #1 Projects**" mean (i) the pro rata portion of the Major Improvements allocable to Phase #1, and (ii) the Phase #1 Improvements.

"Phase #1 Reimbursement Agreement" means that certain Bel Air Village Public Improvement District Phase #1 Reimbursement Agreement dated May 3, 2021, by and between the City and the Developer, as may be amended from time to time, in which the Developer agrees to fund certain Actual Costs of Authorized Improvements and the City agrees to reimburse the Developer for a portion of such Actual Costs funded by the Developer with interest as permitted by the PID Act.

"Phase #2" means the second Phase to be developed and generally shown in Appendix A, as specifically depicted and described as the sum of all Parcels shown in Appendix G.

"**Phase #2 Assessed Property**" means all Parcels within Phase #2 other than Non-Benefited Property and shown in the Phase #2 Assessment Roll against which an Assessment relating to the Phase #2 Projects is levied.

"**Phase #2 Assessment Revenues**" mean the actual revenues received by or on behalf of the City from the collection of Assessments levied against Phase #2 Assessed Property, or the Annual Installments thereof, for the Phase #2 Projects.

"Phase #2 Assessment Roll" means the document included in this Service and Assessment Plan as Appendix G**,** as updated, modified or amended from time to time in accordance with the procedures set forth herein and in the PID Act, including updates prepared in connection with any Annual Service Plan Update.

"**Phase #2 Improvements**" mean the Authorized Improvements which only benefit Phase #2 Assessed Property, which are described in Section III.C.

"Phase #2 Maximum Assessment Per Unit" means for Phase #2, an Assessment per unit related to the Phase #2 Projects for each applicable Lot Type as follows:

Lot Type 1 (50 Ft) - $38,061.29
Lot Type 2 (40 Ft) - $36,427.76
Lot Type 4 (Townhome) - $31,527.16
Lot Type 5 (60 Ft) - $42,308.47

"**Phase #2 Projects**" mean (i) the pro rata portion of the Major Improvements allocable to Phase #2, and (ii) the Phase #2 Improvements.

"Phase #2 Reimbursement Agreement" means that certain Bel Air Village Public Improvement District Phase #2 Reimbursement Agreement dated December 5, 2022 by and between the City and the Developer in which the Developer agrees to fund certain Actual Costs of Authorized Improvements and the City agrees to reimburse the Developer for a portion of such Actual Costs funded by the Developer with interest as permitted by the PID Act.

"PID" has the meaning set forth in Section I.A of this Service and Assessment Plan.

"PID Act" means Texas Local Government Code Chapter 372, Public Improvement District Assessment Act, Subchapter A, Public Improvement Districts, as amended.

"**Prepayment Costs**" mean interest and expenses to the date of prepayment, plus any additional expenses related to the prepayment, reasonably expected to be incurred by or imposed upon the City as a result of any prepayment of an Assessment.

"Public Property" means property within the boundaries of the PID that is owned by or irrevocably offered for dedication to the federal government, the State of Texas, Grayson County, the City, a school district or any other public agency, whether in fee simple or through an exclusive use easement.

"Service and Assessment Plan" means this Service and Assessment Plan prepared for the PID pursuant to the PID Act, as the same may be amended from time to time.

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II. PROPERTY INCLUDED IN THE PID

A. PROPERTY INCLUDED IN THE PID

The PID is presently located within the City and contains approximately 278.38 acres of land. A map of the property within the PID is shown on Appendix A to this Service and Assessment Plan.

At completion, the PID is expected to consist of approximately 888 single family residential units, landscaping, and infrastructure necessary to provide roadways, drainage, and utilities to the PID. The estimated number of units (888) is based upon the proposed development plan.

The property within the PID is proposed to be developed as follows:

Table II-A
Proposed Development

Proposed Development	Phase #1	Phase #2	Total
25 Ft	98	0	98
Townhomes	0	128	128
40 Ft	124	280	404
50 Ft	105	123	228
60 Ft	0	30	30
Total	**327**	**561**	**888**

B. PROPERTY INCLUDED IN PHASE #1

Phase #1 consists of approximately 58.53 acres and is projected to consist of 327 single family residential units, to be developed as Phase #1, as further described in Section III. A map of the property within the PID is shown in Appendix A.

The property within Phase #1 is proposed to be developed as follows:

Table II-B
Proposed Development – Phase #1

Lot Type	Quantity	Measurement
25 Ft	98	Units
40 Ft	124	Units
50 Ft	105	Units
Total	**327**	**Units**

C. PROPERTY INCLUDED IN PHASE #2

Phase #2 consists of approximately 119.806 acres and is projected to consist of 561 single family residential units, to be developed as Phase #2, as further described in Section III. A map of the property within the PID is shown in Appendix A.

The property within Phase #2 is proposed to be developed as follows:

Table II-C
Proposed Development – Phase #2

Lot Type	Quantity	Measurement
Townhomes	128	Units
40 Ft	280	Units
50 Ft	123	Units
60 Ft	30	Units
Total	**561**	**Units**

(remainder of this page is intentionally left blank)

III. DESCRIPTION OF THE AUTHORIZED IMPROVEMENTS

A. AUTHORIZED IMPROVEMENT OVERVIEW

372.003. Authorized Improvements

(a) If the governing body of a municipality or county finds that it promotes the interests of the municipality or county, the governing body may undertake an improvement project that confers a special benefit on a definable part of the municipality or county or the municipality's extraterritorial jurisdiction. A project may be undertaken in the municipality or county or the municipality's extraterritorial jurisdiction.

(b) A public improvement may include:

(i) landscaping;

(ii) erection of fountains, distinctive lighting, and signs;

(iii) acquiring, constructing, improving, widening, narrowing, closing, or rerouting of sidewalks or of streets, any other roadways, or their rights-of way;

(iv) construction or improvement of pedestrian malls;

(v) acquisition and installation of pieces of art;

(vi) acquisition, construction, or improvement of libraries;

(vii) acquisition, construction, or improvement of off-street parking facilities;

(viii) acquisition, construction, improvement, or rerouting of mass transportation facilities;

(ix) acquisition, construction, or improvement of water, wastewater, or drainage facilities or improvements;

(x) the establishment or improvement of parks;

(xi) projects similar to those listed in Subdivisions (i)-(x);

(xii) acquisition, by purchase or otherwise, of real property in connection with an authorized improvement;

(xiii) special supplemental services for improvement and promotion of the district, including services relating to advertising, promotion, health and sanitation, water and wastewater, public safety, security, business recruitment, development, recreation, and cultural enhancement;

(xiv) payment of expenses incurred in the establishment, administration and operation of the district; and

(xv) the development, rehabilitation, or expansion of affordable housing

After analyzing the public improvement projects authorized by the PID Act, the City has determined at this time to undertake only Authorized Improvements listed in Section III.B and III.C below and shown in the opinion of probable costs included as Appendix B-1 and on the Diagrams shown in Appendix C for the benefit of the Assessed Property. Any change to the list of Authorized Improvements will require the approval of the City and an update to this Service and Assessment Plan.

B. DESCRIPTIONS AND COSTS OF MAJOR IMPROVEMENTS

The Major Improvements benefit the entire PID. The costs of the Major Improvements are allocated proportionally throughout the entire PID, excluding Non-Benefited Property, in a manner that anticipates planned development of the PID based on the type of development and anticipated number of lots. The costs of the Major improvements are shown in Table III-A.

The Major Improvements descriptions are presented below as provided by the project engineer. The Budgeted Costs shown in Table III-A and may be revised in Annual Service Plan Updates, including such other improvements as deemed necessary to further improve the properties within the PID.

A description of the Major Improvements follows:

Roadway Improvements

The roadway improvement portion of the Major Improvements consists of the construction of entrance road improvements, including related grading, paving, drainage, curbs, gutters, sidewalks, retaining walls, erosion control, signage, street lighting, and traffic control devices, which benefit the Assessed Property. All roadway projects will be designed and constructed in accordance with City standards and specifications and will be owned and operated by the City.

Water Improvements

The water improvement portion of the Major Improvements consists of construction and installation of waterlines, mains, pipes, valves, and appurtenances, necessary for the water distribution system that will service the Assessed Property. The water improvements will be designed and constructed according to City standards and specifications and will be owned and operated by the City.

Sanitary Sewer Improvements

The sanitary sewer improvement portion of the Major Improvements consists of construction and installation of pipes, service lines, manholes, encasements, and appurtenances necessary to provide sanitary sewer service to the Assessed Property. The sanitary sewer improvements will be designed and constructed according to City standards and specifications and will be owned and operated by the City.

Storm Drainage Improvements

The storm drainage improvement portion of the Major Improvements consist of reinforced concrete pipes, reinforced concrete boxes, and multi-reinforced box culverts, which benefit the Assessed Property. The storm drainage collection system improvements will be designed and constructed in accordance with City standards and specifications and will be owned and operated by the City.

Landscaping and Hardscaping

The landscaping improvement portion of the Major Improvements consists of landscaping, irrigation, and hardscaping.

Table III-A
Estimated Major Improvement Costs

Authorized Improvements	Total Major Improvement Costs	Phase #1 Allocated Amount[1]	Phase #2 Allocated Amount [1]
Roadway Improvements	$174,570	$64,591	$109,979
Water Improvements	$20,066	$7,424	$12,642
Sanitary Sewer Improvements	$232,876	$12,803	$220,073
Storm Drainage Improvements	$1,737,526	$764,511	$973,015
Landscaping and Hardscaping	$2,205,011	$815,854	$1,389,157
Other Soft and Miscellaneous Costs	$995,177	$368,215	$626,961
Total Authorized Improvements	**$5,365,226**	**$2,033,399**	**$3,331,827**

Note: Costs provided by Kimley-Horn. The figures shown in Table III-A may be revised in Annual Service Plan Updates and may be reallocated between line items so long as the Total Authorized Improvements amount does not change.
1 - The Major Improvements are allocated between the property within Phase #1 and Phase #2 based on the engineering allocations described in Appendix B-2 as summarized in Table V-A.

C. DESCRIPTIONS AND COSTS OF PHASE #1 IMPROVEMENTS

The Phase #1 Improvements descriptions are presented below as provided by the project engineer. The Budgeted Costs of the Phase #1 Projects are shown in Table III-B and may be revised in Annual Service Plan Updates, including such other improvements as deemed necessary to further improve the properties within the PID.

A description of the Phase #1 Improvements are as follows, and a description of the Major Improvements that are a portion of the Phase #1 Projects can be found in Section III-B above.

Road Improvements

The road improvement portion of the Phase #1 Improvements consists of the construction of road and thoroughfare improvements, including related grading, paving, drainage, curbs, gutters, sidewalks, retaining walls, erosion control, signage, street lighting, and traffic control devices, which benefit the Phase #1 Assessed Property. All roadway projects will be designed and constructed in accordance with City standards and specifications and will be owned and operated by the City.

Water Improvements

The water improvements portion of the Phase #1 Improvements consists of construction and installation of a looped water main network, waterlines, mains, pipes, valves and appurtenances, necessary for the portion of the water distribution system that will service the Phase #1 Assessed

Property. The water improvements will be designed and constructed according to City standards and will be owned and operated by the City.

Sanitary Sewer Improvements

The sanitary sewer improvement portion of the Phase #1 Improvements consists of construction and installation of pipes, service lines, manholes, encasements, and appurtenances necessary to provide sanitary sewer service to Phase #1 Assessed Property. The sanitary sewer improvements will be designed and constructed according to City standards and specifications and will be owned and operated by the City.

Storm Drainage Improvements

The storm drainage improvement portion of the Phase #1 Improvements consists of reinforced concrete pipes, reinforced concrete boxes, and multi-reinforced box culverts, which benefit the Phase #1 Assessed Property. The storm drainage collection system improvements will be designed and constructed in accordance with City standards and specifications and will be owned and operated by the City.

Landscaping and Hardscaping

The landscaping improvement portion of the Phase #1 Improvements consists of landscaping, irrigation, and hardscaping.

Table III-B
Estimated Phase #1 Projects Costs

Authorized Improvements	Phase #1's Share of Major Improvements	Phase #1 Improvement Costs	Total Phase #1 Projects
Roadway Improvements	$64,591	$2,126,609	$2,191,200
Water Improvements	$7,424	$713,377	$720,801
Sanitary Sewer Improvements	$12,803	$863,168	$875,971
Storm Drainage Improvements	$764,511	$2,076,534	$2,841,045
Landscaping and Hardscaping	$815,854	$188,947	$1,004,801
Other Soft and Miscellaneous Costs	$368,215	$1,604,968	$1,973,183
Total Authorized Improvements	**$2,033,399**	**$7,573,603**	**$9,607,002**

Note: Costs provided by Kimley-Horn. The figures shown in Table III-B may be revised in Annual Service Plan Updates and may be reallocated between line items so long as the Total Authorized Improvements amount does not change.
1 - The Major Improvements are allocated between the property within Phase #1 based on the engineering allocations described in Appendix B-2 as summarized in Table V-A.

D. DESCRIPTIONS AND COSTS OF PHASE #2 IMPROVEMENTS

The Phase #2 Improvements descriptions are presented below as provided by the project engineer. The Budgeted Costs of the Phase #2 Projects are shown in Table III-C and may be revised in Annual Service Plan Updates, including such other improvements as deemed necessary to further improve the properties within the PID.

A description of the Phase #2 Improvements are as follows, and a description of the Major Improvements that are a portion of the Phase #2 Projects can be found in Section III-B above.

Road Improvements

The road improvement portion of the Phase #2 Improvements consists of the construction of road and thoroughfare improvements, including related grading, paving, drainage, curbs, gutters, sidewalks, retaining walls, erosion control, signage, street lighting, and traffic control devices, which benefit the Phase #2 Assessed Property. All roadway projects will be designed and constructed in accordance with City standards and specifications and will be owned and operated by the City.

Water Improvements

The water improvements portion of the Phase #2 Improvements consists of construction and installation of a looped water main network, waterlines, mains, pipes, valves and appurtenances, necessary for the portion of the water distribution system that will service the Phase #2 Assessed Property. The water improvements will be designed and constructed according to City standards and will be owned and operated by the City.

Sanitary Sewer Improvements

The sanitary sewer improvement portion of the Phase #2 Improvements consists of construction and installation of pipes, service lines, manholes, encasements, and appurtenances necessary to provide sanitary sewer service to Phase #2 Assessed Property. The sanitary sewer improvements will be designed and constructed according to City standards and specifications and will be owned and operated by the City.

Storm Drainage Improvements

The storm drainage improvement portion of the Phase #2 Improvements consist of reinforced concrete pipes, reinforced concrete boxes, and multi-reinforced box culverts, which benefit the Phase #2 Assessed Property. The storm drainage collection system improvements will be designed and constructed in accordance with City standards and specifications and will be owned and operated by the City.

Landscaping and Hardscaping

The landscaping improvement portion of the Phase #2 Improvements consists of landscaping, irrigation, and hardscaping.

Table III-C
Estimated Phase #2 Projects Costs

Authorized Improvements	Phase #2's Share of Major Improvements	Phase #2 Improvement Costs	Total Phase #2 Projects
Roadway Improvements	$973,015	$5,151,279	$6,124,293
Water Improvements	$109,979	$1,999,397	$2,109,377
Sanitary Sewer Improvements	$12,642	$2,536,153	$2,548,794
Storm Drainage Improvements	$220,073	$3,351,136	$3,571,209
Landscaping and Hardscaping	$1,389,157	$331,500	$1,720,657
Other Soft and Miscellaneous Costs	$626,961	$3,424,751	$4,051,712
Total Authorized Improvements	**$3,331,827**	**$16,794,215**	**$20,126,042**

Note: Costs provided by Kimley-Horn. The figures shown in Table III-C may be revised in Annual Service Plan Updates and may be reallocated between line items so long as the Total Authorized Improvements amount does not change.
1 - The Major Improvements are allocated between the property within Phase #2 based on the engineering allocations described in Appendix B-2 as summarized in Table V-A.

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IV. SERVICE PLAN

A. SOURCES AND USES OF FUNDS

The PID Act requires the service plan to cover a period of at least five years. The service plan is required to define the annual projected costs and indebtedness for the Authorized Improvements undertaken within the PID during the five-year period. The Major Improvements and Phase #1 Projects were substantially completed and dedicated to the City in 3Q2022. The Phase #2 Projects are anticipated to be substantially completed and dedicated to the City in 3Q2024.

The Budgeted Costs for Phase #1 Projects are $9,607,002 as shown in Table IV-A-1. The service plan shall be reviewed and updated at least annually for the purpose of determining the annual budget for Administrative Expenses, updating the estimated Authorized Improvement costs, and updating the Assessment Roll(s). Any update to this Service and Assessment Plan is herein referred to as an "Annual Service Plan Update."

The Phase #1 Reimbursement Agreement shown in Table IV-A-1 will be used to reimburse the Developer for a portion of the costs of the Phase #1 Projects.

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Table IV-A-1
Estimated Sources and Uses – Phase #1

Sources of Funds	Phase #1 Reimbursement Agreement
Assessments	$9,060,054
Other funding sources	$546,948
Total Sources	**$9,607,002**
Uses of Funds	
Major Improvements:	
Roadway Improvements	$64,591
Water Improvements	$7,424
Sanitary Sewer Improvements	$12,803
Storm Drainage Improvements	$764,511
Landscaping and Hardscaping	$815,854
Other Soft and Miscellaneous Costs	$368,215
Subtotal	*$2,033,399*
Phase #1 Improvements	
Roadway Improvements	$2,126,609
Water Improvements	*$713,377*
Sanitary Sewer Improvements	$863,168
Storm Drainage Improvements	*$2,076,534*
Landscaping and Hardscaping	$188,947
Other Soft and Miscellaneous Costs	$1,604,968
Subtotal	*$7,573,603*
Total Uses	**$9,607,002**

The Budgeted Costs for Phase #2 Projects are $20,186,042 as shown in Table IV-A-2. The service plan shall be reviewed and updated at least annually for the purpose of determining the annual budget for Administrative Expenses, updating the estimated Authorized Improvement costs, and updating the Assessment Roll(s). Any update to this Service and Assessment Plan is herein referred to as an "Annual Service Plan Update."

The Phase #2 Reimbursement Agreement shown in Table IV-A-2 will be used to reimburse the Developer for a portion of the costs of the Phase #2 Projects.

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Table IV-A-2
Estimated Sources and Uses – Phase #2

Sources of Funds	Phase #2 Reimbursement Agreement
Assessments	$20,186,042
Other funding sources	$0
Total Sources	**$20,186,042**
Uses of Funds	
Major Improvements:	
Roadway Improvements	$109,979
Water Improvements	$12,642
Sanitary Sewer Improvements	$220,073
Storm Drainage Improvements	$973,015
Landscaping and Hardscaping	$1,389,157
Other Soft and Miscellaneous Costs	$626,961
Subtotal	*$3,331,827*
Phase #2 Improvements	
Roadway Improvements	$5,151,279
Water Improvements	*$1,999,397*
Sanitary Sewer Improvements	$2,536,153
Storm Drainage Improvements	*$3,351,136*
Landscaping and Hardscaping	$331,500
Other Soft and Miscellaneous Costs	$3,424,751
Subtotal	*$16,794,215*
Other Authorized Improvement Costs	
First year Administrative Expenses	$60,000
Subtotal	*$60,000*
Total Uses	**$20,186,042**

B. FIVE YEAR SERVICE PLAN

Phase #1

The annual projected costs and annual projected indebtedness for Phase #1 is shown in Table IV-B-1. The annual projected costs and indebtedness is subject to revision, and each shall be updated in the Annual Service Plan Update to reflect any changes in the costs or indebtedness expected for each year.

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Table IV-B-1
Annual Projected Costs and Annual Projected Indebtedness

Year Ending September 1	Annual Cost	Annual Indebtedness	Other Funding Sources	Projected Phase #1 Annual Installments
1	$9,181,487	$9,060,054	$121,433	$0
2	$0	$0	$0	$199,529
3	$0	$0	$0	$767,095
4	$0	$0	$0	$767,933
5	$0	$0	$0	$768,790
6	$0	$0	$0	$769,666
7	$0	$0	$0	$603,909
Total	**$9,181,487**	**$9,060,054**	**$121,433**	**$3,273,013**

The annual projected costs shown in Table IV-B-1 are the annual expenditures relating to the Phase #1 Projects shown in Table III-B. The difference between the total projected cost and the total projected indebtedness, if any, is the amount contributed by the Developer.

Phase #2

The annual projected costs and annual projected indebtedness for Phase #2 is shown in Table IV-B-2. The annual projected costs and indebtedness is subject to revision, and each shall be updated in the Annual Service Plan Update to reflect any changes in the costs or indebtedness expected for each year.

Table IV-B-2
Annual Projected Costs and Annual Projected Indebtedness

Year Ending September 1	Annual Projected Cost	Annual Projected Indebtedness	Other Funding Sources	Projected Phase #2 Annual Installments
1	$10,093,021	$20,186,042	$0	$1,895,911
2	$10,093,021	$0	$0	$1,897,020
3	$0	$0	$0	$1,898,153
4	$0	$0	$0	$1,899,311
5	$0	$0	$0	$1,900,494
6	$0	$0	$0	$1,673,270
Total	**$20,186,042**	**$20,186,042**	**$0**	**$11,164,160**

The annual projected costs shown in Table IV-B-2 are the annual expenditures relating to the Phase #2 Projects shown in Table III-C. The difference between the total projected cost and the total projected indebtedness, if any, is the amount contributed by the Developer.

C. PID DISCLOSURE NOTICE

The PID Act requires that this Service and Assessment Plan and each Annual Service Plan update include a copy of the "PID Disclosure Notice" form required by Section 5.014 of the Texas Property Code. The PID Disclosure Notice is attached hereto as Appendix E and may be updated in an Annual Service Plan Update.

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V. ASSESSMENT PLAN

A. INTRODUCTION

The PID Act requires the City Council to apportion the costs of the Authorized Improvements on the basis of special benefits conferred upon the property because of the Authorized Improvements. The PID Act provides that the costs of the Authorized Improvements may be assessed: (i) equally per front foot or square foot; (ii) according to the value of the property as determined by the governing body, with or without regard to improvements on the property; or (iii) in any other manner that results in imposing equal shares of the cost on property similarly benefited. The PID Act further provides that the governing body may establish by ordinance or order reasonable classifications and formulas for the apportionment of the cost between the municipality and the area to be assessed and the methods of assessing the special benefits for various classes of improvements.

For purposes of this Service and Assessment Plan, the City Council has determined that the costs of the Phase #1 Projects shall be allocated as described below:

1. The Major Improvement costs are proportionally allocated to the Phase #1 and Phase #2 based on allocation of costs provided by the project engineer and attached herein as Appendix B-2.

2. The costs of the Phase #1 Projects (including a proportional share of the Major Improvements) that only benefit Phase #1 shall be allocated on the basis of Equivalent Units calculated using the average home price of each Lot Type once such property is developed, and that such method of allocation will result in the imposition of equal shares of the costs of such Authorized Improvements of Phase #1 Assessed Property to Parcels similarly benefited.

3. The costs of the Phase #2 Projects (including a proportional share of the Major Improvements) that only benefit Phase #2 shall be allocated on the basis of Equivalent Units calculated using the average home price of each Lot Type once such property is developed, and that such method of allocation will result in the imposition of equal shares of the costs of such Authorized Improvements of Phase #2 Assessed Property to Parcels similarly benefited.

Table V-A provides a summary of the allocation of costs of the Authorized Improvements constituting Major Improvements as provided by the project engineer.

This section of this Service and Assessment Plan currently (i) describes the special benefit received by each Parcel within Phase #1 as a result of the Phase #1 Projects and Phase #2 as a result of Phase #2 Projects, as applicable, (ii) provides the basis and justification for the determination that this special benefit exceeds the amount of the Assessments levied on the Phase #1 Assessed Property and Phase #2 Assessed Property respectively, for such improvements, and (iii) establishes the methodologies by which the City Council allocates and reallocates the special

benefit of the Phase #1 Projects and Phase #2 Projects, as applicable, to Parcels in a manner that results in equal shares of the Actual Costs of such improvements being apportioned to Parcels similarly benefited. The determination by the City Council of the assessment methodologies set forth below is the result of the discretionary exercise by the City Council of its legislative authority and governmental powers and is conclusive and binding on the Developer and all future owners and developers of the Assessed Property.

B. SPECIAL BENEFIT

Assessed Property must receive a direct and special benefit from the Authorized Improvements, and this benefit must be equal to or greater than the amount of the Assessments. The Authorized Improvements are provided specifically for the benefit of the Assessed Property. The Authorized Improvements (more particularly described in line-item format in Appendix B-1 to this Service and Assessment Plan) are authorized by the PID Act. These Authorized Improvements are provided specifically for the benefit of the Assessed Property.

Each owner of the Assessed Property has acknowledged that the Authorized Improvements confer a special benefit on the Assessed Property and has consented to the imposition of the Assessments to pay for the Actual Costs associated therewith. Each of the owners is acting in its interest in consenting to this apportionment and levying of the Assessments because the special benefit conferred upon the Assessed Property by the Authorized Improvements exceeds the amount of the Assessments.

The Authorized Improvements provide a special benefit to the Assessed Property as a result of the close proximity of these improvements to the Assessed Property and the specific purpose of these improvements of providing infrastructure for the Assessed Property. In other words, the Assessed Property could not be used in the manner proposed without the construction of the Authorized Improvements. The Authorized Improvements are being provided specifically to meet the needs of the Assessed Property as required for the proposed use of the property.

The Assessments are being levied to provide the Authorized Improvements that are required for the highest and best use of the Assessed Property (i.e., the use of the property that is most valuable, including any costs associated with that use). Highest and best use can be defined as "the reasonably probable and legal use of property, which is physically possible, appropriately supported, financially feasible, and that results in the highest value." (*Dictionary of Real Estate Appraisal, Third Edition.*) The Authorized Improvements are expected to be required for the proposed use of the Assessed Property to be physically possible, appropriately supported, financially feasible, and maximally productive.

The Developer has evaluated the potential use of the property and has determined that the highest and best use of the property is the use intended and the legal use for the property as described in Section II of this Service and Assessment Plan. The use of the Assessed Property as described herein will require the construction of the Authorized Improvements.

Each owner of the Assessed Property will ratify, confirm, accept, agree to and approve: (i) the determinations and finding by the City Council as to the special benefits described in this Service

and Assessment Plan and the Assessment Ordinance; (ii) the Service and Assessment Plan and the Assessment Ordinance, and (iii) the levying of Assessments on the Assessed Property. Use of the Assessed Property as described in this Service and Assessment Plan and as authorized by the PID Act requires that Authorized Improvements be acquired, constructed, installed, and/or improved. Funding the Actual Costs of the Authorized Improvements through the PID has been determined by the City Council to be the most beneficial means of doing so. As a result, the Authorized Improvements result in a special benefit to the Assessed Property, and this special benefit exceeds the amount of the Assessment. This conclusion is based on and supported by the evidence, information, and testimony provided to the City Council.

In summary, the Authorized Improvements result in a special benefit to the Assessed Property for the following reasons:

1. The Authorized Improvements are being provided specifically for the use of the Assessed Property, are necessary for the proposed best use of the property and provide a special benefit to the Assessed Property as a result;

2. The Developer has consented to the imposition of the Assessments for the purpose of providing the Authorized Improvements and the Developer is acting in its interest by consenting to this imposition;

3. The Authorized Improvements are required for the highest and best use of the property;

4. The highest and best use of the Assessed Property is the use of the Assessed Property that is most valuable (including any costs associated with the use of the Assessed Property);

5. Financing of the costs of the Authorized Improvement through the PID is determined to be the most beneficial means of providing for the Authorized Improvements; and,

6. As a result, the special benefits to the Assessed Property from the Authorized Improvements will be equal to or greater than the Assessments.

C. ALLOCATION OF MAJOR IMPROVEMENT COSTS TO ASSESSED PROPERTY

The Major Improvements will provide a special benefit to all property in the PID. Accordingly, the estimated Major Improvement costs must be allocated throughout all Assessed Property in the PID. Table V-A summarizes the allocation of Budgeted Costs for each type of Major Improvement. The costs shown in Table V-A are estimates and may be revised in Annual Service Plan Updates, but the related Assessment may not be increased.

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Table V-A
Allocation of Major Improvement Costs

Authorized Improvement	Major Improvement Costs	Phase #1 Percent Allocation	Major Improvements Allocated to Phase #1	Phase #2 Percent Allocation	Major Improvements Allocated to Phase #2
Roadway Improvements	$174,570	37.00%	$64,591	63%	$109,979
Water Improvements	$20,066	37.00%	$7,424	63%	$12,642
Sanitary Sewer Improvements	$232,876	5.50%	$12,803	95%	$220,073
Storm Drainage Improvements	$1,737,526	44.00%	$764,511	56%	$973,015
Landscaping and Hardscaping	$2,205,011	37.00%	$815,854	63%	$1,389,157
Other Soft and Miscellaneous Costs	$995,177	37.00%	$368,215	63%	$626,961
Total Major Improvements	**$5,365,226**		**$2,033,399**		**$3,331,827**

See appendix B-2 for detailed descriptions and calculations of the allocations as provided by the project engineer.

D. ASSESSMENT METHODOLOGY

The costs of the Authorized Improvements may be assessed by the City Council against the Assessed Property so long as the special benefit conferred upon the Assessed Property by the Authorized Improvements equals or exceeds the Assessments. The costs of the Authorized Improvements may be assessed using any methodology that results in the imposition of equal shares of the Actual Costs on Assessed Property similarly benefited.

1. Assessment Methodology for Phase #1

For purpose of this Service and Assessment Plan, the City Council has determined that the Actual Costs of the Phase #1 Projects shall be allocated to the Phase #1 Assessed Property by spreading the entire Assessment across the Parcels based on the estimated number of units anticipated to be developed on each Parcel within Phase #1.

Based on the estimates of the costs of the Phase #1 Projects, as set forth in Table III-B, the City Council has determined that the benefit to Phase #1 Assessed Property of the Phase #1 Projects is at least equal to the Assessments levied on the Phase #1 Assessed Property.

Upon subsequent divisions of any Parcel, the Assessment applicable to it will then be apportioned pro rata based on the estimated equivalent units of each newly created Parcel. For residential Lots, when final residential building sites are platted, Assessments will be apportioned proportionately among each Parcel based on the ratio of the estimated number of units at the time residential Lots are platted to the total estimated number of all Lots in the platted Parcel, as determined by the Administrator and confirmed by the City Council.

The Assessment and Annual Installments for each Parcel or Lot located within Phase #1 is shown on the Phase #1 Assessment Roll, attached as Appendix F, and no Assessment shall be changed except as authorized by this Service and Assessment Plan or the PID Act.

2. Assessment Methodology for Phase #2

For purpose of this Service and Assessment Plan, the City Council has determined that the Actual Costs of the Phase #2 Projects shall be allocated to the Phase #2 Assessed Property by spreading the entire Assessment across the Parcels based on the estimated number of units anticipated to be developed on each Parcel within Phase #2.

Based on the estimates of the costs of the Phase #2 Projects, as set forth in Table III-B, the City Council has determined that the benefit to Phase #2 Assessed Property of the Phase #2 Projects is at least equal to the Assessments levied on the Phase #2 Assessed Property.

Upon subsequent divisions of any Parcel, the Assessment applicable to it will then be apportioned pro rata based on the estimated equivalent units of each newly created Parcel. For residential Lots, when final residential building sites are platted, Assessments will be apportioned proportionately among each Parcel based on the ratio of the estimated number of units at the time residential Lots are platted to the total estimated number of all Lots in the platted Parcel, as determined by the Administrator and confirmed by the City Council.

The Assessment and Annual Installments for each Parcel or Lot located within Phase #2 is shown on the Phase #2 Assessment Roll, attached as Appendix G, and no Assessment shall be changed except as authorized by this Service and Assessment Plan or the PID Act.

E. ASSESSMENTS

The Assessments for the Phase #1 Reimbursement Agreement and Phase #2 Reimbursement Agreement will be levied on each Parcel or Lot according to the Phase #1 Assessment Roll and Phase #2 Assessment Roll, respectively, as applicable. The Annual Installments for the Phase #1 Reimbursement Agreement and Phase #2 Reimbursement Agreement will be collected on the dates and in the amounts shown on the Phase #1 Assessment Roll and Phase #2 Assessment Roll, respectively, subject to revisions made during an Annual Service Plan Update. Non-Benefited Property will not be subject to any Assessments.

See Appendix E for Assessment per equivalent unit, leverage, and estimated tax rate equivalent calculation details.

F. ADMINISTRATIVE EXPENSES

The cost of administering the PID and collecting the Annual Installments shall be paid for on a pro rata basis by each Parcel based on the amount of Assessment levied against the Parcel. The Administrative Expenses shall be collected as part of and in the same manner as Annual Installments in the amounts shown on each Assessment Roll, which may be revised based on actual costs incurred in Annual Service Plan Updates.

VI. TERMS OF THE ASSESSMENTS

A. AMOUNT OF ASSESSMENTS AND ANNUAL INSTALLMENTS FOR PARCELS LOCATED WITHIN PHASE #1

The Assessment and Annual Installments for each Assessed Property located within Phase #1 is shown on the Phase #1 Assessment Roll, attached as Appendix F, and no Assessment shall be changed except as authorized by this Service and Assessment Plan and the PID Act.

The Annual Installments shall be collected from Phase #1 Assessed Property in an amount sufficient to pay (i) principal and interest on the Phase #1 Reimbursement Agreement, and (ii) to pay Administrative Expenses related to the PID. The Annual Installment for each Parcel shall be calculated by taking into consideration any available funds to reduce the Annual Installments.

B. AMOUNT OF ASSESSMENTS AND ANNUAL INSTALLMENTS FOR PARCELS LOCATED WITHIN PHASE #2

The Assessment and Annual Installments for each Assessed Property located within Phase #2 is shown on the Phase #2 Assessment Roll, attached as Appendix G, and no Assessment shall be changed except as authorized by this Service and Assessment Plan and the PID Act.

The Annual Installments shall be collected from Phase #2 Assessed Property in an amount sufficient to pay (i) principal and interest on the Phase #2 Reimbursement Agreement, and (ii) to pay Administrative Expenses related to the PID. The Annual Installment for each Parcel shall be calculated by taking into consideration any available funds to reduce the Annual Installments.

C. REALLOCATION OF ASSESSMENTS

1. Subdivision

Upon the subdivision of any Parcel, the Assessment for the Parcel prior to the subdivision shall be reallocated among the new subdivided Parcels according to the following formula:

$$A = B \times (C \div D)$$

Where the terms have the following meanings:

A = the Assessment for each new subdivided Parcel
B = the Assessment for the Parcel prior to subdivision
C = the estimated Equivalent Units to be built on each new subdivided Parcel
D = the sum of the estimated Equivalent Units to be built on all of the new subdivided Parcels

The calculation of the estimated number of units to be built on a Parcel shall be performed by the Administrator and confirmed by the City Council based on the information available regarding

the use of the Parcel. The estimate as confirmed shall be conclusive. The number of units to be built on a Parcel may be estimated by net land area and reasonable density ratios.

The sum of the Assessments for all newly subdivided Parcels shall equal the Assessment for the Parcel prior to subdivision. The calculation shall be made separately for each newly subdivided Parcel. The reallocation of an Assessment for a Parcel that is a homestead under Texas law may not exceed the Assessment prior to the reallocation and to the extent the reallocation would exceed such amount, it shall be prepaid by such amount by the party requesting the subdivision of the Parcels. Any reallocation pursuant to this section shall be reflected in an Annual Service Plan Update approved by the City Council.

2. Consolidation

Upon the consolidation of two or more Parcels, the Assessment for the consolidated Parcel shall be the sum of the Assessments for the Parcels prior to consolidation. The reallocation of an Assessment for a Parcel that is a homestead under Texas law may not exceed the Assessment prior to the reallocation and to the extent the reallocation would exceed such amount, it shall be prepaid by such amount by the party requesting the consolidation of the Parcels. Any reallocation pursuant to this section shall be reflected in an Annual Service Plan Update approved by the City Council.

D. MANDATORY PREPAYMENT OF ASSESSMENTS

1. If a Parcel subject to Assessments is transferred to a party that is exempt from the payment of the Assessment under applicable law, or if an owner causes a Parcel subject to Assessments to become Non-Benefited Property, the owner of such Parcel shall pay to the City the full amount of the principal portion of the Assessment on such Parcel, plus all Prepayment Costs, prior to any such transfer or act.

2. If at any time the Assessment per Unit on a Parcel exceeds the Assessment per Unit calculated in this Service and Assessment Plan as a result of any changes in land use, subdivision, consolidation or reallocation of the Assessment authorized by this Service and Assessment Plan and initiated by the owner of the Parcel, then such owner shall pay to the City prior to the recordation of the document subdividing the Parcel the amount calculated by the Administrator by which the Assessment per Unit for the Parcel exceeds the Assessment per Unit calculated in this Service and Assessment Plan.

3. The payments required above shall be treated the same as any Assessment that is due and owing under the PID Act, the Assessment Ordinance, and this Service and Assessment Plan, including the same lien priority, penalties, procedures, and foreclosure specified by the PID Act.

E. REDUCTION OF ASSESSMENTS

1. If after all Authorized Improvements to be funded with the reimbursement agreements have been completed, including any additional Authorized Improvements described herein, and Actual Costs for such Authorized Improvements are less than the Actual Costs used to calculate the Assessments securing such reimbursement obligations, then the Assessment

securing such reimbursement obligations for each Parcel of Assessed Property shall be reduced by the City Council pro rata such that the sum of the resulting reduced Assessments for all Assessed Properties equals the actual reduced Actual Costs. The Assessments shall not be reduced to an amount less than the outstanding reimbursement obligations. If all of the Authorized Improvements are not completed, the City may reduce the Assessments in another method if it determines such method would better reflect the benefit received by the Parcels from the Authorized Improvements completed.

2. If the Authorized Improvements to be funded with the respective reimbursement agreements, including any additional Authorized Improvements described herein, are not undertaken by the City, the Assessment securing such reimbursement obligations for each Assessed Property shall be reduced by the City Council to reflect only the Actual Costs that were expended. The City Council shall reduce such Assessments for each Assessed Property pro rata such that the sum of the resulting reduced Assessments equals the Actual Costs with respect to such Authorized Improvements that were undertaken. The Assessments shall not be reduced to an amount less than the related outstanding reimbursement obligations.

F. PAYMENT OF ASSESSMENTS

1. Payment in Full

(a) The Assessment for any Parcel may be paid in full at any time. Payment shall include all Prepayment Costs.

(b) If an Annual Installment has been billed prior to payment in full of an Assessment, the Annual Installment shall be due and payable and shall be credited against the payment-in-full amount.

(c) Upon payment in full of the Assessment and all Prepayment Costs, the City shall deposit the payment in accordance with the Trust Indenture; whereupon, the Assessment shall be reduced to zero, and the owner's obligation to pay the Assessment and Annual Installments thereof shall automatically terminate.

(d) At the option of the owner, the Assessment on any Parcel plus Prepayment Costs may be paid in part as determined by the Administrator. Upon the payment of such amounts for a Parcel, the Assessment for the Parcel shall be reduced, the Assessment Roll shall be updated to reflect such partial payment, and the obligation to pay the Annual Installment for such Parcel shall be reduced to the extent the partial payment is made.

2. Payment in Annual Installments

The Act provides that an Assessment for a Parcel may be paid in full at any time. If not paid in full, the Act authorizes the City to collect interest and collection costs on the outstanding Assessment. An Assessment for a Parcel that is not paid in full will be collected in Annual Installments each year in the amounts shown in the Phase #1 Assessment Roll and Phase #2 Assessment Roll, which includes interest on the outstanding Assessment and Administrative Expenses.

Each Assessment for the Phase #1 Assessed Property shall be paid with interest based on an interest rate of 7.95% per annum for years 1 through 5 and 4.95% per annum following the fifth Annual Installment. The interest on the Phase #1 Reimbursement Agreement shall be paid at a rate not to exceed five hundred basis points (5.00%) above the highest average index rate for tax-exempt bond reported in a daily or weekly bond index approved by the City and reported in the month prior to the establishment of the Assessments and continuing for a period of five years from such date. Such rate shall then adjust and shall not exceed two hundred basis points above the bond index rate described above and shall continue until the Assessments are paid in full. The index approved by the City is the Bond Buyer Index for which the highest average rate during the previous thirty days prior to the levy of Assessments was 2.95%. The City has determined that the Assessments shall bear interest at the rate of 7.95% per annum for years 1 through 5 and 4.95% per annum following the fifth Annual Installment, which rates are equal to both the initial maximum allowable rate of interest of 7.95% as well as the maximum allowable rate of interest following the fifth Annual Installment, which would be 4.95%. Furthermore, the principal and interest component of the Annual Installments may not exceed the amounts shown on the Assessment Roll. The Assessment Rolls, updated with the actual interest rate on the respective reimbursement agreements, are shown in Appendix F.

Each Assessment for the Phase #2 Assessed Property shall be paid with interest based on an interest rate of 9.09% per annum for years 1 through 5 and 6.09% per annum following the fifth Annual Installment. The interest on the Phase #2 Reimbursement Agreement shall be paid at a rate not to exceed five hundred basis points (5.00%) above the highest average index rate for tax-exempt bond reported in a daily or weekly bond index approved by the City and reported in the month prior to the establishment of the Assessments and continuing for a period of five years from such date. Such rate shall then adjust and shall not exceed two hundred basis points above the bond index rate described above and shall continue until the Assessments are paid in full. The index approved by the City is the Bond Buyer Index for which the highest average rate during the previous thirty days prior to the levy of Assessments was 4.30%. The City has determined that the Assessments shall bear interest at the rate of 9.09% per annum for years 1 through 5 and 6.09% per annum following the fifth Annual Installment, which rates are less than both the initial maximum allowable rate of interest of 9.30% as well as the maximum allowable rate of interest following the fifth Annual Installment, which would be 6.30%. Furthermore, the principal and interest component of the Annual Installments may not exceed the amounts shown on the Assessment Roll. The Assessment Rolls, updated with the actual interest rate on the respective reimbursement agreements, are shown in Appendix G.

The Annual Installments shall be reduced to equal the actual costs of repaying the reimbursement obligation under the applicable reimbursement agreement and actual Administrative Expenses (as provided for in the definition of such term), taking into consideration any other available funds for these costs, such as interest income on account balances.

G. COLLECTION OF ANNUAL INSTALLMENTS

No less frequently than annually, the Administrator shall prepare, and the City Council shall consider, an Annual Service Plan Update to allow for the billing and collection of Annual Installments. Each Annual Service Plan Update shall include updated Assessment Rolls and a

calculation of the Annual Installment for each Parcel. Administrative Expenses shall be allocated among Parcels in proportion to the amount of the Annual Installments for the Parcels. Annual Installments shall be collected by the City in the same manner and at the same time as ad valorem taxes and shall be subject to the same penalties, procedures, and foreclosure sale in case of delinquencies as are provided for ad valorem taxes of the City. The City Council may provide for other means of collecting the Annual Installments to the extent permitted under the PID Act. The Assessments shall have lien priority as specified in the PID Act.

The collection of the first Annual Installment for a Phase #1 Lot or Parcel shall commence upon the earlier of: (i) with tax bills sent the first October following the issuance of the first building permit for each Lot within Phase #1, such that Assessments are billed only for Lots for which a building permit has been issued, (ii) with tax bills sent the first October after issuance of any Bonds secured by the respective reimbursement agreement for Phase #1 Assessed Property, or (iii) with tax bills sent the first October following the second anniversary of the levy of Assessments on the Phase #1 Assessed Property such that all Assessments in the applicable Phase begin collection immediately after the expiration of such two year period. Such first Annual Installment for a Phase #1 Lot or Parcel for which collection has begun, shall be due by January 31st of the following calendar year.

The collection of the first Annual Installment for a Phase #2 Lot or Parcel shall commence upon the earlier of: (i) with tax bills sent the first October following the issuance of the first building permit for each Lot within Phase #2, such that Assessments are billed only for Lots for which a building permit has been issued, (ii) with tax bills sent the first October after issuance of any Bonds secured by the respective reimbursement agreement for Phase #2 Assessed Property, or (iii) with tax bills sent the first October following the second anniversary of the levy of Assessments on the Phase #2 Assessed Property such that all Assessments in the applicable Phase begin collection immediately after the expiration of such two year period. Such first Annual Installment for a Phase #2 Lot or Parcel for which collection has begun, shall be due by January 31st of the following calendar year.

Any sale of property for nonpayment of the Annual Installments shall be subject to the lien established for the remaining unpaid Annual Installments against such property and such property may again be sold at a judicial foreclosure sale if the purchaser thereof fails to make timely payment of the non-delinquent Annual Installments against such property as they become due and payable.

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VII. THE ASSESSMENT ROLL

A. PHASE #1 ASSESSMENT ROLL

The City Council has evaluated each Parcel in Phase #1 (based on numerous factors such as the applicable zoning for developable area, the use of proposed Homeowner Association Property, the Public Property, the types of public improvements, and other development factors deemed relevant by the City Council) to determine the amount of Assessed Property within the Phase #1.

The Phase #1 Assessed Property has been assessed for the special benefits conferred upon the property resulting from the Phase #1 Projects. Table VII-A summarizes the $9,607,002 in special benefit received by the Phase #1 Assessed Property from the Phase #1 Projects. The Assessment amount of the Phase #1 Reimbursement Agreement is $9,060,054, which is less than the benefit received by the Phase #1 Assessed Property. Accordingly, the total Assessment to be applied to all the Phase #1 Assessed Property is $9,060,054 plus annual Administrative Expenses. The Assessment for each Phase #1 Assessed Property is calculated based on the allocation methodologies described in Section V.D. The Phase #1 Assessment Roll is attached hereto as Appendix F.

Table VII-A
Special Benefit Summary - Phase #1

Special Benefit	Total Cost
Phase #1 Projects	$9,607,002
Total Special Benefit	**$9,607,002**
Special Benefit:	
Total Special Benefit	$9,607,002
Projected Phase #1 Assessment	$9,060,054
Excess Benefit	**$546,948**

(a) See Table III-B for details.

B. PHASE #2 ASSESSMENT ROLL

The City Council has evaluated each Parcel in Phase #2 (based on numerous factors such as the applicable zoning for developable area, the use of proposed Homeowner Association Property, the Public Property, the types of public improvements, and other development factors deemed relevant by the City Council) to determine the amount of Assessed Property within the Phase #2.

The Phase #2 Assessed Property has been assessed for the special benefits conferred upon the property resulting from the Phase #2 Projects. Table VII-B summarizes the $20,186,042 in special benefits received by the Phase #2 Assessed Property from the Phase #2 Projects. The Assessment amount of the Phase #2 Reimbursement Agreement is $20,186,042 which is equal to the benefit

received by the Phase #2 Assessed Property. Accordingly, the total Assessment to be applied to all the Phase #2 Assessed Property is $20,186,042 plus annual Administrative Expenses. The Assessment for each Phase #2 Assessed Property is calculated based on the allocation methodologies described in Section V.D. The Phase #2 Assessment Roll is attached hereto as Appendix F.

Table VII-B
Special Benefit Summary - Phase #2

Special Benefit	Total Cost
Total Authorized Improvements (Phase #2 Projects)	$20,186,042
First year Administrative Expenses	$60,000
Total Special Benefit	$20,186,042
Special Benefit:	
Total Special Benefit	$20,186,042
Projected Phase #2 Assessment	$20,186,042
Excess Benefit	**$0**

(a) See Table III-C for details.

C. ANNUAL ASSESSMENT ROLL UPDATES

The Administrator shall prepare, and shall submit to the City Council for approval, annual updates to the Phase #1 Assessment Roll in conjunction with the Annual Service Plan Update to reflect the following matters, together with any other changes helpful to the Administrator or the City and permitted by the PID Act: (i) the identification of each Parcel (ii) the Assessment for each Parcel of Assessed Property, including any adjustments authorized by this Service and Assessment Plan or in the PID Act; (iii) the Annual Installment for the Assessed Property for the year (if the Assessment is payable in installments); and (iv) payments of the Assessment, if any, as provided by Section VI.G of this Service and Assessment Plan.

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VIII. MISCELLANEOUS PROVISIONS

A. ADMINISTRATIVE REVIEW

The City may elect to designate a third party to serve as Administrator. The City shall notify Developer in writing at least thirty (30) days in advance before appointing a third party Administrator.

To the extent consistent with the PID Act, an owner of an Assessed Parcel claiming that a calculation error has been made in the Assessment Roll(s), including the calculation of the Annual Installment, shall send a written notice describing the error to the City not later than thirty (30) days after the date any amount which is alleged to be incorrect is due prior to seeking any other remedy. The Administrator shall promptly review the notice, and if necessary, meet with the Assessed Parcel owner, consider written and oral evidence regarding the alleged error, and decide whether, in fact, such a calculation error occurred.

If the Administrator determines that a calculation error has been made and the Assessment Roll should be modified or changed in favor of the Assessed Parcel owner, such change or modification shall be presented to the City Council for approval to the extent permitted by the PID Act. A cash refund may not be made for any amount previously paid by the Assessed Parcel owner (except for the final year during which the Annual Installment shall be collected or if it is determined there are sufficient funds to meet the expenses of the PID for the current year), but an adjustment may be made in the amount of the Annual Installment to be paid in the following year. The decision of the Administrator regarding a calculation error relating to the Assessment Roll may be appealed to the City Council. Any amendments made to the Assessment Roll(s) pursuant to calculation errors shall be made pursuant to the PID Act.

The decision of the Administrator, or if such decision is appealed to the City Council, the decision of the City Council shall be conclusive as long as there is a reasonable basis for such determination. This procedure shall be exclusive and its exhaustion by any property owner shall be a condition precedent to any other appeal or legal action by such owner.

B. TERMINATION OF ASSESSMENTS

Each Assessment shall be extinguished on the date the Assessment is paid in full, including unpaid Annual Installments and Delinquent Collection Costs, if any. After the extinguishment of an Assessment and the collection of any delinquent Annual Installments and Delinquent Collection Costs, the City shall provide the owner of the affected Parcel a recordable "Notice of the PID Assessment Termination".

C. AMENDMENTS

Amendments to the Service and Assessment Plan can be made as permitted or required by the PID Act and under Texas law.

The City Council reserves the right to the extent permitted by the PID Act to amend this Service and Assessment Plan without notice under the PID Act and without notice to property owners of Parcels: (i) to correct mistakes and clerical errors; (ii) to clarify ambiguities; and (iii) to provide procedures for the collection and enforcement of Assessments, Prepayment Costs, Collection Costs, and other charges imposed by the Service and Assessment Plan.

D. ADMINISTRATION AND INTERPRETATION OF PROVISIONS

The City Council shall administer the PID, this Service and Assessment Plan, and all Annual Service Plan Updates consistent with the PID Act and shall make all interpretations and determinations related to the application of this Service and Assessment Plan unless stated otherwise herein or in the Trust Indenture, such determination shall be conclusive.

E. SEVERABILITY

If any provision, section, subsection, sentence, clause or phrase of this Service and Assessment Plan or the application of same to an Assessed Parcel or any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Service and Assessment Plan or the application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Service and Assessment Plan that no part hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other part hereof, and all provisions of this Service and Assessment Plan are declared to be severable for that purpose.

If any provision of this Service and Assessment Plan is determined by a court to be unenforceable, the unenforceable provision shall be deleted from this Service and Assessment Plan and the unenforceable provision shall, to the extent possible, be rewritten to be enforceable and to give effect to the intent of the City.

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APPENDIX A
PID MAP AND LEGAL DESCRIPTION

PHASE #2 LEGAL DESCRIPTION

STATE OF TEXAS §

COUNTY OF GRAYSON §

WHEREAS TERRA PERPETUA, LLC., is the sole owner of a tract of land situated in the Sharrod Dunman Survey, Abstract No. 329, City of Sherman, Grayson County, Texas and being a portion of a called 245.83-acre tract of land described in a Special Warranty Deed to Terra Perpetua, LLC, recorded in Instrument No. 2018-3686 and a portion of a called 32.545-acre tract of land described in a Special Warranty Deed to Terra Perpetua, LLC, recorded in Instrument No. 2019-22865, both of the Official Public Records, Grayson County, Texas, and being all of Lot 2-HOA, Block F, Bel-Air Village, Phase 1, an Addition to the City of Sherman, Texas according to the Replat thereof recorded in Instrument No. 2022-55, said Official Public Records, and being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8-inch iron rod with red plastic cap stamped “KHA” found for the southernmost southwest corner of Bel-Air Village, Phase 1, an Addition to the City of Sherman, Texas according to the Amended Plat there of recorded in Instrument No. 2022-54, said Official Public Records, same being the southwest corner of the southern terminus of Bel Air Boulevard (variable width public right-of-way, Instrument No. 2022-54);

THENCE South 78°54'13" East, along the southern terminus of said Bel Air Boulevard, a distance of 110.96 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found for the southeast corner of the southern terminus of said Bel Air Boulevard;

THENCE North 11°05'47" East, along the easterly right-of-way line of said Bel Air Boulevard, a distance of 25.16 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found for the south corner of a corner clip at the intersection of the easterly right-of-way line of said Bel Air Boulevard and the southerly right-of-way line of the aforementioned Beach Boulevard;

THENCE North 50°33'06" East, along said corner clip, a distance of 46.74 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found for the north corner of said corner clip;

THENCE along the southerly right-of-way line of said Beach Boulevard the following courses and distances:

> South 82°57'08" East, a distance of 24.65 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found for at the beginning of a tangent curve to the left with a radius of 207.00 feet, a central angle of 11°18'55", and a chord bearing and distance of South 88°36'35" East, 40.81 feet;
>
> In an easterly direction, with said curve to the left, an arc distance of 40.88 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found at the beginning of a reverse curve to the right with a radius of 193.00 feet, a central angle of 18°29'55", and a chord bearing and distance of South 85°01'06" East, 62.04 feet;

In an easterly direction, with said curve to the right, an arc distance of 62.31 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found for the end of said curve to the right; South 75°46'08" East, a distance of 78.75 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found for corner;

South 30°46'08" East, a distance of 14.14 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found for corner;

South 14°13'52" West, a distance of 10.00 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found for corner;

South 75°46'08" East, a distance of 50.00 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found for corner;

North 14°13'52" East, a distance of 10.00 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found for corner;

North 59°13'52" East, a distance of 14.14 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found for corner;

South 75°46'08" East, a distance of 96.06 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found at the beginning of a tangent curve to the left with a radius of 825.00 feet, a central angle of 07°24'04", and a chord bearing and distance of South 79°28'11" East, 106.50 feet;

In an easterly direction, with said curve to the left, an arc distance of 106.57 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found for the end of said curve to the left;

South 39°33'34" East, a distance of 14.40 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found for corner;

South 04°23'56" West, a distance of 10.00 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found for corner;

South 85°36'04" East, a distance of 50.00 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found for corner;

North 04°23'56" East, a distance of 10.00 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found for corner;

North 48°21'25" East, a distance of 14.40 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found at the beginning of a non-tangent curve to the left with a radius of 825.00 feet, a central angle of 02°50'58", and a chord bearing and distance of South 89°27'25" East, 41.02 feet;

In an easterly direction, with said curve to the left, an arc distance of 41.03 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found for the end of said curve to the left;

North 89°07'06" East, a distance of 142.12 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found at the beginning of a tangent curve to the right with a radius of 1,475.00 feet, a central angle of 00°47'56", and a chord bearing and distance of North 89°31'04" East, 20.57 feet;

In an easterly direction, with said curve to the right, an arc distance of 20.57 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found for the end of said curve to the right;

South 44°18'21" East, a distance of 14.00 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found for corner;

South 01°16'37" West, a distance of 10.00 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found for corner;

South 88°43'23" East, a distance of 50.00 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found for corner;

North 01°16'37" East, a distance of 10.00 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found for corner;

North 46°51'34" East, a distance of 14.00 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found at the beginning of a non-tangent curve to the right with a radius of 1,475.00 feet, a central angle of 04°03'00", and a chord bearing and distance of South 85°20'18" East, 104.24 feet;

In an easterly direction, with said non-tangent curve to the right, an arc distance of 104.26 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found for corner;

South 83°18'48" East, a distance of 367.76 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found for the northernmost northeast corner of the aforementioned Lot 2-HOA, common to the northwest corner of Lot 2, Block F, said Bel-Air Village, Phase 1 (2022-54);

THENCE South 06°41'12" West, departing the southerly right-of-way line of said Beach Boulevard and along the common line of said Lot 2-HOA and said Lot 2, a distance of 115.00 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found for the southwest corner of said Lot 2, common to an angle point in the northerly line of said Lot 2-HOA;

THENCE South 83°18'48" East, continuing along said common line and along the southerly lines of Lots 3 & 4, Block F, said Bel-Air Village, Phase 1 (2022-54) and the southerly line of Lot 1-HOA, Block F, aforementioned Bel-Air Village, Phase 1 (2022-55), a distance of 225.00 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found for the easternmost northeast corner of said Lot 2-HOA, common to the southeast corner of said Lot 1-HOA, same being on the westerly line of a 225-foot right-of-way for the Burlington Northern Santa Fe Railroad;

THENCE South 06°41'12" West, along the common line of said Lot 2-HOA and said Burlington Northern Santa Fe Railroad right-of-way, passing at a distance of 560.00 feet a 5/8-inch iron rod with red plastic cap stamped “KHA” found for the southeast corner of said Lot 2-HOA, and continuing along the same course and the westerly line of said Burlington Northern Santa Fe Railroad right-of-way and along the easterly line of the aforementioned 245.83-acre tract, for a total distance of 2,194.84 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” set for corner;

THENCE North 83°18'48" West, along the common line of said 245.83-acre tract and said Burlington Northern Santa Fe Railroad right-of-way, a distance of 75.00 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” set for corner;

THENCE South 06°41'12" West, continuing along said common line, a distance of 842.82 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” set for the southeast corner of said 245.83-acre tract, common to the northeast corner of a called 82.032-acre tract of land described as Tract 3 in a Warranty Deed to Sherman Development Limited Partnership No. 1, recorded in Volume 2353, Page 218, Deed Records, Grayson County, Texas;

THENCE North 67°19'59" West, departing the westerly line of said Burlington Northern Santa Fe Railroad right-of-way and along the southerly line of said 245.83-acre tract and the northerly line of said Tract 3, passing at a distance of 1036.32 feet a 1/2-inch iron rod found for the northwest corner of said Tract 3, and continuing along the same course and the southerly line of said 245.83-acre tract, for a total distance of 1,879.33 feet to a 1/2-inch iron rod found at the southwest corner of a 8-inch wood fence post corner for an angle point in the southerly line of said 245.83-acre tract;

THENCE North 49°31'49" West, continuing along the southerly line of said 245.83-acre tract, a distance of 170.15 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” set for corner;

THENCE departing the southerly line of said 245.83-acre tract and crossing said 245.83-acre tract the following courses and distances:

North 26°56'33" East, a distance of 433.90 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” set at the beginning of a tangent curve to the right with a radius of 60.00 feet, a central angle of 234°54'01", and a chord bearing and distance of North 35°36'26" West, 106.49 feet;

In a northerly direction, with said curve to the right, an arc distance of 245.99 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” set at the beginning of a reverse curve to the left with a radius of 20.00 feet, a central angle of 54°54'01", and a chord bearing and distance of North 54°23'34" East, 18.44 feet;

In a easterly direction, with said curve to the left, an arc distance of 19.16 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” set for the end of said curve to the left;

North 26°56'33" East, a distance of 125.42 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” set at the beginning of a tangent curve to the left with a radius of 957.00 feet, a central angle of 20°05'14", and a chord bearing and distance of North 16°53'56" East, 333.80 feet;

In a northerly direction, with said curve to the left, an arc distance of 335.51 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” set for the end of said curve to the left;

North 39°39'08" West, a distance of 34.88 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” set for corner;

North 87°23'18" West, a distance of 10.00 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” set for corner;

North 02°36'42" East, a distance of 90.00 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” set for corner;

South 87°23'18" East, a distance of 11.08 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” set for corner;

North 47°38'05" East, a distance of 35.37 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” set at the beginning of a non-tangent curve to the right with a radius of 2,793.00 feet, a central angle of 21°18'23", and a chord bearing and distance of North 13°28'55" East, 1,032.65 feet;

In a northerly direction, with said curve to the right, an arc distance of 1,038.63 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” set at the beginning of a reverse curve to the left with a radius of 957.00 feet, a central angle of 13°02'20", and a chord bearing and distance of North 17°36'57" East, 217.31 feet;

In a northerly direction, with said curve to the left, an arc distance of 217.78 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” set for the end of said curve to the left;

North 11°05'47" East, a distance of 162.11 feet to the POINT OF BEGINNING and containing 119.806 acres (5,218,735 sq. ft.) of land, more or less.

APPENDIX B-1
ESTIMATED COSTS OF AUTHORIZED IMPROVEMENTS

APPENDIX B-2
ALLOCATION OF THE AUTHORIZED IMPROVEMENTS

APPENDIX C
DIAGRAMS OF THE AUTHORIZED IMPROVEMENTS

APPENDIX D
PID DISCLOSURE NOTICE

AFTER RECORDING RETURN TO:

_____
_____
_____
_____
_____][1]

NOTICE OF OBLIGATION TO PAY PUBLIC IMPROVEMENT DISTRICT ASSESSMENT TO CITY OF SHERMAN, TEXAS
CONCERNING THE FOLLOWING PROPERTY

_____
STREET ADDRESS

LOT TYPE _____ PRINCIPAL ASSESSMENT: $_____

As the purchaser of the real property described above, you are obligated to pay assessments to the City of Sherman, Texas (the "City"), for the costs of a portion of a public improvement or services project (the "Authorized Improvements") undertaken for the benefit of the property within ***Bel Air Village Public Improvement District*** (the "District") created under Subchapter A, Chapter 372, Local Government Code.

AN ASSESSMENT HAS BEEN LEVIED AGAINST YOUR PROPERTY FOR THE AUTHORIZED IMPROVEMENTS, WHICH MAY BE PAID IN FULL AT ANY TIME. IF THE ASSESSMENT IS NOT PAID IN FULL, IT WILL BE DUE AND PAYABLE IN ANNUAL INSTALLMENTS THAT WILL VARY FROM YEAR TO YEAR DEPENDING ON THE AMOUNT OF INTEREST PAID, COLLECTION COSTS, ADMINISTRATIVE COSTS, AND DELINQUENCY COSTS.

The exact amount of the assessment may be obtained from the City. The exact amount of each annual installment will be approved each year by the City Council in the annual service plan update for the District. More information about the assessments, including the amounts and due dates, may be obtained from the City.

Your failure to pay any assessment or any annual installment may result in penalties and interest being added to what you owe or in a lien on and the foreclosure of your property.

[1] To be included in separate copy of the notice required by Section 5.0143, Tex. Prop. Code, to be executed at the closing of the purchase and sale and to be recorded in the deed records of Grayson County.

[The undersigned purchaser acknowledges receipt of this notice before the effective date of a binding contract for the purchase of the real property at the address described above.

DATE: DATE:

SIGNATURE OF PURCHASER SIGNATURE OF PURCHASER

The undersigned seller acknowledges providing this notice to the potential purchaser before the effective date of a binding contract for the purchase of the real property at the address described above.

DATE: DATE:

SIGNATURE OF SELLER SIGNATURE OF SELLER][2]

[2] To be included in copy of the notice required by Section 5.014, Tex. Prop. Code, to be executed by seller in accordance with Section 5.014(a-1), Tex. Prop. Code.

[The undersigned purchaser acknowledges receipt of this notice before the effective date of a binding contract for the purchase of the real property at the address described above. The undersigned purchaser acknowledged the receipt of this notice including the current information required by Section 5.0143, Texas Property Code, as amended.

DATE: DATE:

SIGNATURE OF PURCHASER

SIGNATURE OF PURCHASER

STATE OF TEXAS §
§
COUNTY OF GRAYSON §

The foregoing instrument was acknowledged before me by_____ and _____, known to me to be the person(s) whose name(s) is/are subscribed to the foregoing instrument and acknowledged to me that he or she executed the same for the purposes therein expressed.

Given under my hand and seal of office on this _____, 20__.

Notary Public, State of Texas][3]

[3] To be included in separate copy of the notice required by Section 5.0143, Tex. Prop. Code, to be executed at the closing of the purchase and sale and to be recorded in the deed records of Grayson County.

The undersigned seller acknowledges providing a separate copy of the notice required by Section 5.014 of the Texas Property Code including the current information required by Section 5.0143, Texas Property Code, as amended, at the closing of the purchase of the real property at the address above.

DATE: DATE:

SIGNATURE OF SELLER SIGNATURE OF SELLER

STATE OF TEXAS §
§
COUNTY OF GRAYSON §

The foregoing instrument was acknowledged before me by _____and _____ , known to me to be the person(s) whose name(s) is/are subscribed to the foregoing instrument and acknowledged to me that he or she executed the same for the purposes therein expressed.

Given under my hand and seal of office on this_____ , 20__.

Notary Public, State of Texas][4]

[4] To be included in separate copy of the notice required by Section 5.0143, Tex. Prop. Code, to be executed at the closing of the purchase and sale and to be recorded in the deed records of Grayson County.

APPENDIX E
ASSESSMENT PER EQUIVALENT UNIT AND PROJECTED TAX RATE EQUIVALENTS

Appendix E

For purposes of calculating and allocating the Assessments, the Phase #1 Assessed Property has been classified in one of three Lot Types.

"Lot Type 1" means lots identified as such on the Assessment Roll, being lots typically with a Lot width of approximately 50 feet.

"Lot Type 2" means lots identified as such on the Assessment Roll, being lots typically with a Lot width of approximately 40 feet.

"Lot Type 3" means lots identified as such on the Assessment Roll, being lots typically with a Lot width of approximately 25 feet.

"Lot Type 4" means lots identified as such on the Assessment Roll, being lots typically with a Lot specified for townhomes.

"Lot Type 5" means lots identified as such on the Assessment Roll, being lots typically with a Lot width of approximately 60 feet.

A) Proposed Development

Table E-1 shows the projected residential units to be developed within the PID.

Table E-1
Proposed Development within the PID

Description	Proposed Development	
60 Ft Lots	30	Units
50 Ft Lots	228	Units
40 Ft Lots	404	Units
Townhomes	128	Units
25 Ft Lots	98	Units
Total	**888**	**Units**

Table E-2 shows the proposed residential units within Phase #1.

Table E-2
Proposed Development – Phase #1

Description	Proposed Development	
50 Ft Lots	105	Units
40 Ft Lots	124	Units
25 Ft Lots	98	Units
Total	**327**	**Units**

Table E-3 shows the proposed residential units within Phase #2.

Table E-3
Proposed Development – Phase #2

Description	Proposed Development	
60 Ft Lots	30	Units
50 Ft Lots	123	Units
40 Ft Lots	280	Units
Townhomes	128	Units
Total	**561**	**Units**

B) Calculation of Equivalent Units – Phase #1

As explained under Section IV.D, for purpose of this Service and Assessment Plan, the City Council has determined that the Actual Costs of the portion of the Phase #1 Projects be financed with the Phase #1 Reimbursement Agreement and shall be allocated to the Phase #1 Assessed Property by spreading the entire Assessment across the Parcels based on the estimated Equivalent Units.

For purposes of this Service and Assessment Plan, the City Council has determined that the Assessments shall be allocated to the Phase #1 Assessed Property on the basis of the average home value of each Lot Type, and that such method of allocation will result in the imposition of equal shares of the Assessments on Parcels similarly benefited. In determining the average home value of each Lot Type, the City Council has taken into consideration (i) the type of lots (i.e., 50 Ft, 40 Ft, etc.); (ii) current and projected home prices; (iii) the costs of the Authorized Improvements, and (iv) the ability of different property types to utilize and benefit from the Authorized Improvements.

Having taken into consideration the matters described above, the City Council has determined that allocating the Assessments among Parcels based on average home value is best accomplished by creating classifications of benefited Parcels based on the "Lot Types" defined above. These classifications (from Lot Type 1 (50 Ft Lots) representing the highest value to Lot Type 3 (25 Ft Lot) representing the lowest value for residential lots are set forth in Table E-5. Assessments are allocated to each Lot Type on the basis of the average home value for each class of lots. This is accomplished by giving each Lot Type an Equivalent Unit factor. Equivalent Units are the ratio of the average value of lots within each assessment class, setting the Equivalent Unit factor for Lot Type 1 (50 Ft Lots) to 1.0.

Table E-4
Equivalent Unit Factors – Phase #1

Lot Type	Estimated Average Unit Value	Equivalent Unit Factor	
Lot Type 1 (50 Ft Lot)	$450,000	1.00	per dwelling unit
Lot Type 2 (40 Ft Lot)	$400,000	0.89	per dwelling unit
Lot Type 3 (25 Ft Lot)	$350,000	0.78	per dwelling unit

The total estimated Equivalent Units for Phase #1 are shown in Table E-5 as calculated based on the Equivalent Unit factors shown in Table E-4, estimated Lot Types and number of units estimated to be built within Phase 1.

Table E-5
Estimated Equivalent Units - Phase #1

Lot Type	Planned No. of units	Equivalent Unit Factor	Total Equivalent Units
Lot Type 1 (50 Ft Lot)	105	1.00	105.00
Lot Type 2 (40 Ft Lot)	124	0.89	110.22
Lot Type 3 (25 Ft Lot)	98	0.78	76.22
Total Equivalent Units	**327**		**291.44**

C) Allocation of Assessments to Lots within Phase #1

As shown in Section IV of this Service and Assessment Plan, the total amount of the Phase #1 Reimbursement Agreement, which represents the total Assessment to be allocated on all Parcels within Phase #1, is $9,060,054. As shown in Table E-7, there are a total of 291.44 estimated Equivalent Units in Phase #1, resulting in an Assessment per Equivalent Unit of $31,086.73.

The Assessment per dwelling unit in Phase #1 ("Assessment er Unit") is calculated as the product of (i) $31,086.73 multiplied by (ii) the applicable Equivalent Unit value for each Lot Type. For example, the Assessment for a Lot Type 1 (50 Ft Lot) dwelling unit is $31,086.73 (i.e. $31,086.73 × 1.00). The Assessment for a Lot Type 2 (40 Ft Lot) dwelling unit is $27,632.65 (i.e. $31,086.73 × 0.83). The Assessment for a Lot Type 3 (25 Ft Lot) dwelling unit is $24,178.57 (i.e. $31,086.73 × 0.62). Table E-6 sets forth the Assessment per Unit for each Lot Type in Phase #1.

Table E-6
Assessment Per Unit – Phase #1

Lot Type	Planned No. of Units	Assessment per Equivalent Unit	Equivalent Unit Factor	Assessment per Unit		Total Assessments
Lot Type 1 (50 Ft Lot)	105	$31,086.73	1.00	$31,086.73	per dwelling unit	$3,264,106
Lot Type 2 (40 Ft Lot)	124	$31,086.73	0.89	$27,632.65	per dwelling unit	$3,426,448
Lot Type 3 (25 Ft Lot)	98	$31,086.73	0.78	$24,178.57	per dwelling unit	$2,369,499
Total	**327**					**$9,060,054**

The projected leverage calculated based on the estimated finished lot values and home values for each unit is shown in Table E-7.

Table E-7
Projected Leverage – Phase #1

Lot Type	Planned No. of Units	Estimated Finished Lot Value per unit	Projected Home Value per unit	Assessment per Unit[1]	Leverage (Lot Value)	Leverage (Home Value)
Lot Type 1 (50 Ft Lot)	105	$45,000	$450,000	$31,086.73	1.45	14.48
Lot Type 2 (40 Ft Lot)	124	$45,000	$400,000	$27,632.65	1.63	14.48
Lot Type 3 (25 Ft Lot)	98	$45,000	$350,000	$24,178.57	1.86	14.48

The projected tax rate equivalent per unit calculated based on the estimated finished lot values and home values for each unit is shown in Table E-8.

Table E-8
Projected Tax Rate Equivalent per unit – Phase #1

Lot Type	Planned No. of Units	Estimated Finished Lot Value per unit[1]	Projected Home Value per unit[1]	Projected Average Annual Installment per unit	Tax Rate Equivalent (per $100 Lot Value)	Tax Rate Equivalent (per $100 Home Value)[2]
Lot Type 1 (50 Ft Lot)	105	$100,000	$450,000	$2,515	$2.52	$0.56
Lot Type 2 (40 Ft Lot)	124	$90,000	$400,000	$2,236	$2.48	$0.56
Lot Type 3 (25 Ft Lot)	98	$61,250	$350,000	$1,956	$3.19	$0.56

[1]Provided by Developer.
[2]Assumes projected home value per unit remains static.

The Assessment and Annual Installments for each Parcel or Lot located within Phase #1 is shown on the Phase #1 Assessment Roll, attached as Appendix F, and no Assessment shall be changed except as authorized by this Service and Assessment Plan and the PID Act.

D) Calculation of Equivalent Units – Phase #2

As explained under Section IV.D, for purpose of this Service and Assessment Plan, the City Council has determined that the Actual Costs of the portion of the Phase #2 Projects to be financed with the Phase #2 Reimbursement Agreement and shall be allocated to the Phase #2 Assessed Property by spreading the entire Assessment across the Parcels based on the estimated Equivalent Units.

For purposes of this Service and Assessment Plan, the City Council has determined that the Assessments shall be allocated to the Phase #2 Assessed Property on the basis of the average home value of each Lot Type, and that such method of allocation will result in the imposition of equal shares of the Assessments on Parcels similarly benefited. In determining the average home value of each Lot Type, the City Council has taken into consideration (i) the type of lots (i.e., 50 Ft, 40 Ft, etc.); (ii) current and projected home prices; (iii) the costs of the Authorized Improvements, and (iv) the ability of different property types to utilize and benefit from the Authorized Improvements.

Having taken into consideration the matters described above, the City Council has determined that allocating the Assessments among Parcels based on average home value is best accomplished by creating classifications of benefited Parcels based on the "Lot Types" defined above. These classifications (from Lot Type 1 (50 Ft Lots) representing the highest value to Lot Type 3 (25 Ft Lot) representing the lowest value for residential lots are set forth in Table E-9. Assessments are allocated to each Lot Type on the basis of the average home value for each class of lots. This is accomplished by giving each Lot Type an Equivalent Unit factor. Equivalent Units are the ratio of the average value of lots within each assessment class, setting the Equivalent Unit factor for Lot Type 1 (50 Ft Lots) to 1.0.

Table E-9
Equivalent Unit Factors – Phase #2

Lot Type	Estimated Average Unit Value	Equivalent Unit Factor	
Lot Type 1 (50 Ft Lot)	$466,000	1.00	per dwelling unit
Lot Type 2 (40 Ft Lot)	$446,000	0.96	per dwelling unit
Lot Type 4 (Townhomes)	$386,000	0.83	per dwelling unit
Lot Type 5 (60 Ft Lot)	$518,000	1.11	per dwelling unit

The total estimated Equivalent Units for Phase #2 are shown in Table E-10 as calculated based on the Equivalent Unit factors shown in Table E-9, estimated Lot Types and number of units estimated to be built within Phase 2.

Table E-10
Estimated Equivalent Units - Phase #2

Lot Type	Planned No. of units	Equivalent Unit Factor	Total Equivalent Units
Lot Type 1 (50 Ft Lot)	123	1.00	123.00
Lot Type 2 (40 Ft Lot)	280	0.96	267.98
Lot Type 4 (Townhomes)	128	0.83	106.03
Lot Type 5 (60 Ft Lot)	30	1.11	33.35
Total Equivalent Units	**561**		**530.36**

E) Allocation of Assessments to Lots within Phase #2

As shown in Section IV of this Service and Assessment Plan, the total amount of the Phase #2 Reimbursement Agreement, which represents the total Assessment to be allocated on all Parcels within Phase #2, is $20,186,042. As shown in Table E-11, there are a total of 530.36 estimated Equivalent Units in Phase #2, resulting in an Assessment per Equivalent Unit of $38,061.29.

The Assessment per dwelling unit in Phase #2 ("Assessment er Unit") is calculated as the product of (i) $38,061.29 multiplied by (ii) the applicable Equivalent Unit value for each Lot Type. For example, the Assessment for a Lot Type 1 (50 Ft Lot) dwelling unit is $38,061.29 (i.e. $38,061.29 × 1.00). The Assessment for a Lot Type 2 (40 Ft Lot) dwelling unit is $36,427.76 (i.e. $38,061.29 × 0.83). The Assessment for a Lot Type 4 (Townhomes) dwelling unit is $31,527.16 (i.e. $38,061.29 × 0.62). Table E-10 sets forth the Assessment per Unit for each Lot Type in Phase #2.

Table E-11
Assessment Per Unit – Phase #2

Lot Type	Planned No. of Units	Assessment per Equivalent Unit	Equivalent Unit Factor	Assessment per Unit		Total Assessments
Lot Type 1 (50 Ft Lot)	123	$38,061.29	1.00	$38,061.29	per dwelling unit	$4,681,539
Lot Type 2 (40 Ft Lot)	280	$38,061.29	0.96	$36,427.76	per dwelling unit	$10,199,772
Lot Type 4 (Townhomes)	128	$38,061.29	0.83	$31,527.16	per dwelling unit	$4,035,477
Lot Type 5 (60 Ft Lot)	30	$38,061.29	1.11	$42,308.47	per dwelling unit	$1,269,254
Total	**561**					**$20,186,042**

The projected leverage calculated based on the estimated finished lot values and home values for each unit is shown in Table E-12.

Table E-12
Projected Leverage – Phase #2

Lot Type	Planned No. of Units	Estimated Finished Lot Value per unit	Projected Home Value per unit	Assessment per Unit[1]	Leverage (Lot Value)	Leverage (Home Value)
Lot Type 1 (50 Ft Lot)	123	$45,000	$466,000	$38,061.29	1.18	12.24
Lot Type 2 (40 Ft Lot)	280	$45,000	$446,000	$36,427.76	1.24	12.24
Lot Type 4 (Townhomes)	128	$45,000	$386,000	$31,527.16	1.43	12.24
Lot Type 5 (60 Ft Lot)	30	$45,000	$518,000	$42,308.47	1.06	12.24

The projected tax rate equivalent per unit calculated based on the estimated finished lot values and home values for each unit is shown in Table E-13.

Table E-13
Projected Tax Rate Equivalent per unit – Phase #2

Lot Type	Planned No. of Units	Estimated Finished Lot Value per unit	Projected Home Value per unit	Projected Average Annual Installment per unit	Tax Rate Equivalent (per $100 Lot Value)	Tax Rate Equivalent (per $100 Home Value)
Lot Type 1 (50 Ft Lot)	123	$100,000	$466,000	$3,404	$3,224	$3.22
Lot Type 2 (40 Ft Lot)	280	$90,000	$446,000	$3,258	$3,086	$3.43
Lot Type 4 (Townhomes)	128	$90,000	$386,000	$2,820	$2,670	$2.97
Lot Type 5 (60 Ft Lot)	30	$61,250	$518,000	$3,784	$3,584	$5.85

[1]Provided by Developer.
[2]Assumes projected home value per unit remains static.

The Assessment and Annual Installments for each Parcel or Lot located within Phase #2 is shown on the Phase #2 Assessment Roll, attached as Appendix G, and no Assessment shall be changed except as authorized by this Service and Assessment Plan and the PID Act.

APPENDIX F
PHASE #1 ASSESSMENT ROLL

Appendix F-1
Phase #1 Assessment Roll

Parcel	**All Parcels**
Equivalent Units	**$9,060,054**
Assessment	**291.44**

Year[1]	Principal	Interest[2]	Administrative Expenses[3]	Total Annual Installment
1	$1,000	$720,274	$45,000	$766,274
2	$1,000	$720,195	$45,900	$767,095
3	$1,000	$720,115	$46,818	$767,933
4	$1,000	$720,036	$47,754	$768,790
5	$1,000	$719,956	$48,709	$769,666
6	$106,000	$448,225	$49,684	$603,909
7	$120,000	$442,978	$50,677	$613,655
8	$134,000	$437,038	$51,691	$622,729
9	$149,000	$430,405	$52,725	$632,130
10	$164,000	$423,030	$53,779	$640,809
11	$181,000	$414,912	$54,855	$650,766
12	$199,000	$405,952	$55,952	$660,904
13	$217,000	$396,102	$57,071	$670,173
14	$237,000	$385,360	$58,212	$680,572
15	$257,000	$373,629	$59,377	$690,005
16	$279,000	$360,907	$60,564	$700,471
17	$302,000	$347,097	$61,775	$710,872
18	$327,000	$332,148	$63,011	$722,159
19	$352,000	$315,961	$64,271	$732,232
20	$379,000	$298,537	$65,557	$743,094
21	$408,000	$279,777	$66,868	$754,644
22	$438,000	$259,581	$68,205	$765,786
23	$470,000	$237,900	$69,569	$777,469
24	$503,000	$214,635	$70,960	$788,595
25	$539,000	$189,736	$72,380	$801,116
26	$576,000	$163,056	$73,827	$812,883
27	$615,000	$134,544	$75,304	$824,847
28	$656,000	$104,101	$76,810	$836,911
29	$700,000	$71,629	$78,346	$849,975
30	$747,054	$36,979	$79,913	$863,946
Total	**$9,060,054**	**$11,104,794**	**$1,825,564**	**$21,990,411**

1 - Each year represents the assessment year ending September 1.
2 - The interest is calculated at an interest rate of 7.95% for years 1 through 5 and 4.95% thereafter on the Phase #1 Reimbursement Agreement.
3 - The Administrative Expenses shown include the estimated PID administration and assessment collection costs.

Appendix F-2
Phase #1 Assessment Roll by Lot Type

Lot Type	**Lot Type 1 (50 Ft)**
Assessment	**$31,087**
Equivalent Unit	**1.00**

Year[1]	Principal	Interest[2]	Administrative Expenses[3]	Annual Installment
1	$3	$2,471	$154	$2,629
2	$3	$2,471	$157	$2,632
3	$3	$2,471	$161	$2,635
4	$3	$2,471	$164	$2,638
5	$3	$2,470	$167	$2,641
6	$364	$1,538	$170	$2,072
7	$412	$1,520	$174	$2,106
8	$460	$1,500	$177	$2,137
9	$511	$1,477	$181	$2,169
10	$563	$1,451	$185	$2,199
11	$621	$1,424	$188	$2,233
12	$683	$1,393	$192	$2,268
13	$745	$1,359	$196	$2,299
14	$813	$1,322	$200	$2,335
15	$882	$1,282	$204	$2,368
16	$957	$1,238	$208	$2,403
17	$1,036	$1,191	$212	$2,439
18	$1,122	$1,140	$216	$2,478
19	$1,208	$1,084	$221	$2,512
20	$1,300	$1,024	$225	$2,550
21	$1,400	$960	$229	$2,589
22	$1,503	$891	$234	$2,628
23	$1,613	$816	$239	$2,668
24	$1,726	$736	$243	$2,706
25	$1,849	$651	$248	$2,749
26	$1,976	$559	$253	$2,789
27	$2,110	$462	$258	$2,830
28	$2,251	$357	$264	$2,872
29	$2,402	$246	$269	$2,916
30	$2,563	$127	$274	$2,964
Total	**$31,087**	**$38,103**	**$6,264**	**$75,453**

1 - Each year represents the assessment year ending September 1.
2 - The interest is calculated at an interest rate of 7.95% for years 1 through 5 and 4.95% thereafter on the Phase #1 Reimbursement Agreement.
3 - The Administrative Expenses shown include the estimated PID administration and assessment collection costs.

Appendix F-3
Phase #1 Assessment Roll by Lot Type

Lot Type	**Lot Type 2 (40 Ft)**
Assessment	**$27,633**
Equivalent Unit	**0.89**

Year[1]	Principal	Interest[2]	Administrative Expenses[3]	Annual Installment
1	$3	$2,197	$137	$2,337
2	$3	$2,197	$140	$2,340
3	$3	$2,196	$143	$2,342
4	$3	$2,196	$146	$2,345
5	$3	$2,196	$149	$2,347
6	$323	$1,367	$152	$1,842
7	$366	$1,351	$155	$1,872
8	$409	$1,333	$158	$1,899
9	$454	$1,313	$161	$1,928
10	$500	$1,290	$164	$1,954
11	$552	$1,265	$167	$1,985
12	$607	$1,238	$171	$2,016
13	$662	$1,208	$174	$2,044
14	$723	$1,175	$178	$2,076
15	$784	$1,140	$181	$2,104
16	$851	$1,101	$185	$2,136
17	$921	$1,059	$188	$2,168
18	$997	$1,013	$192	$2,203
19	$1,074	$964	$196	$2,233
20	$1,156	$911	$200	$2,266
21	$1,244	$853	$204	$2,302
22	$1,336	$792	$208	$2,336
23	$1,433	$726	$212	$2,371
24	$1,534	$655	$216	$2,405
25	$1,644	$579	$221	$2,443
26	$1,757	$497	$225	$2,479
27	$1,876	$410	$230	$2,516
28	$2,001	$318	$234	$2,553
29	$2,135	$218	$239	$2,592
30	$2,278	$113	$244	$2,635
Total	**$27,633**	**$33,869**	**$5,568**	**$67,069**

1 - Each year represents the assessment year ending September 1.
2 - The interest is calculated at an interest rate of 7.95% for years 1 through 5 and 4.95% thereafter on the Phase #1 Reimbursement Agreement.
3 - The Administrative Expenses shown include the estimated PID administration and assessment collection costs.

Appendix F-4
Phase #1 Assessment Roll by Lot Type

Lot Type	**Lot Type 3 (25 Ft)**
Assessment	**$24,179**
Equivalent Unit	**0.78**

Year[1]	Principal	Interest[2]	Administrative Expenses[3]	Annual Installment
1	$3	$1,922	$120	$2,045
2	$3	$1,922	$122	$2,047
3	$3	$1,922	$125	$2,049
4	$3	$1,922	$127	$2,052
5	$3	$1,921	$130	$2,054
6	$283	$1,196	$133	$1,612
7	$320	$1,182	$135	$1,638
8	$358	$1,166	$138	$1,662
9	$398	$1,149	$141	$1,687
10	$438	$1,129	$144	$1,710
11	$483	$1,107	$146	$1,737
12	$531	$1,083	$149	$1,764
13	$579	$1,057	$152	$1,788
14	$632	$1,028	$155	$1,816
15	$686	$997	$158	$1,841
16	$745	$963	$162	$1,869
17	$806	$926	$165	$1,897
18	$873	$886	$168	$1,927
19	$939	$843	$172	$1,954
20	$1,011	$797	$175	$1,983
21	$1,089	$747	$178	$2,014
22	$1,169	$693	$182	$2,044
23	$1,254	$635	$186	$2,075
24	$1,342	$573	$189	$2,105
25	$1,438	$506	$193	$2,138
26	$1,537	$435	$197	$2,169
27	$1,641	$359	$201	$2,201
28	$1,751	$278	$205	$2,233
29	$1,868	$191	$209	$2,268
30	$1,994	$99	$213	$2,306
Total	**$24,179**	**$29,635**	**$4,872**	**$58,686**

1 - Each year represents the assessment year ending September 1.
2 - The interest is calculated at an interest rate of 7.95% for years 1 through 5 and 4.95% thereafter on the Phase #1 Reimbursement Agreement.
3 - The Administrative Expenses shown include the estimated PID administration and assessment collection costs.

APPENDIX G
PHASE #2 ASSESSMENT ROLL

Appendix G-1
Phase #2 Assessment Roll

Parcel	**437109 and 125515**
Equivalent Units	**$20,186,042**
Assessment	**530.36**

Year[1]	Principal	Interest[2]	Administrative Expenses[3]	Total Annual Installment
1	$1,000	$1,834,911	$60,000	$1,895,911
2	$1,000	$1,834,820	$61,200	$1,897,020
3	$1,000	$1,834,729	$62,424	$1,898,153
4	$1,000	$1,834,639	$63,672	$1,899,311
5	$1,000	$1,834,548	$64,946	$1,900,494
6	$378,000	$1,229,025	$66,245	$1,673,270
7	$400,000	$1,206,005	$67,570	$1,673,575
8	$422,000	$1,181,645	$68,921	$1,672,566
9	$446,000	$1,155,945	$70,300	$1,672,245
10	$472,000	$1,128,784	$71,706	$1,672,490
11	$499,000	$1,100,039	$73,140	$1,672,179
12	$528,000	$1,069,650	$74,602	$1,672,253
13	$558,000	$1,037,495	$76,095	$1,671,589
14	$590,000	$1,003,513	$77,616	$1,671,129
15	$625,000	$967,582	$79,169	$1,671,750
16	$661,000	$929,519	$80,752	$1,671,271
17	$700,000	$889,264	$82,367	$1,671,631
18	$741,000	$846,634	$84,014	$1,671,649
19	$784,000	$801,507	$85,695	$1,671,202
20	$830,000	$753,762	$87,409	$1,671,171
21	$879,000	$703,215	$89,157	$1,671,372
22	$931,000	$649,684	$90,940	$1,671,624
23	$986,000	$592,986	$92,759	$1,671,745
24	$1,044,000	$532,938	$94,614	$1,671,552
25	$1,106,000	$469,359	$96,506	$1,671,865
26	$1,172,000	$402,003	$98,436	$1,672,440
27	$1,242,000	$330,629	$100,405	$1,673,034
28	$1,316,000	$254,991	$102,413	$1,673,404
29	$1,394,000	$174,846	$104,461	$1,673,308
30	$1,477,042	$89,952	$106,551	$1,673,544
Total	**$20,186,042**	**$28,674,622**	**$2,434,085**	**$51,294,748**

1 - Each year represents the assessment year ending September 1.
2 - The interest is calculated at an interest rate of 9.09% for years 1 through 5 and 6.09% thereafter on the Phase #2 Reimbursement Agreement.
3 - The Administrative Expenses shown include the estimated PID administration and assessment collection costs.

Appendix G-2
Phase #2 Assessment Roll by Lot Type

Lot Type	**Lot Type 1 (50 Ft)**
Assessment	**$38,061**
Equivalent Unit	**1.00**

Year[1]	Principal	Interest[2]	Administrative Expenses[3]	Annual Installment
1	$2	$3,460	$113	$3,575
2	$2	$3,460	$115	$3,577
3	$2	$3,459	$118	$3,579
4	$2	$3,459	$120	$3,581
5	$2	$3,459	$122	$3,583
6	$713	$2,317	$125	$3,155
7	$754	$2,274	$127	$3,156
8	$796	$2,228	$130	$3,154
9	$841	$2,180	$133	$3,153
10	$890	$2,128	$135	$3,154
11	$941	$2,074	$138	$3,153
12	$996	$2,017	$141	$3,153
13	$1,052	$1,956	$143	$3,152
14	$1,112	$1,892	$146	$3,151
15	$1,178	$1,824	$149	$3,152
16	$1,246	$1,753	$152	$3,151
17	$1,320	$1,677	$155	$3,152
18	$1,397	$1,596	$158	$3,152
19	$1,478	$1,511	$162	$3,151
20	$1,565	$1,421	$165	$3,151
21	$1,657	$1,326	$168	$3,151
22	$1,755	$1,225	$171	$3,152
23	$1,859	$1,118	$175	$3,152
24	$1,968	$1,005	$178	$3,152
25	$2,085	$885	$182	$3,152
26	$2,210	$758	$186	$3,153
27	$2,342	$623	$189	$3,155
28	$2,481	$481	$193	$3,155
29	$2,628	$330	$197	$3,155
30	$2,785	$170	$201	$3,156
Total	**$38,061**	**$54,067**	**$4,590**	**$96,718**

1 - Each year represents the assessment year ending September 1.
2 - The interest is calculated at an interest rate of 9.09% for years 1 through 5 and 6.09% thereafter on the Phase #2 Reimbursement Agreement.
3 - The Administrative Expenses shown include the estimated PID administration and assessment collection costs.

Appendix G-3
Phase #2 Assessment Roll by Lot Type

Lot Type	**Lot Type 2 (40 Ft)**
Assessment	**$36,428**
Equivalent Unit	**0.96**

Year[1]	Principal	Interest[2]	Administrative Expenses[3]	Annual Installment
1	$2	$3,311	$108	$3,421
2	$2	$3,311	$110	$3,423
3	$2	$3,311	$113	$3,425
4	$2	$3,311	$115	$3,427
5	$2	$3,311	$117	$3,430
6	$682	$2,218	$120	$3,020
7	$722	$2,176	$122	$3,020
8	$762	$2,132	$124	$3,018
9	$805	$2,086	$127	$3,018
10	$852	$2,037	$129	$3,018
11	$900	$1,985	$132	$3,018
12	$953	$1,930	$135	$3,018
13	$1,007	$1,872	$137	$3,017
14	$1,065	$1,811	$140	$3,016
15	$1,128	$1,746	$143	$3,017
16	$1,193	$1,677	$146	$3,016
17	$1,263	$1,605	$149	$3,017
18	$1,337	$1,528	$152	$3,017
19	$1,415	$1,446	$155	$3,016
20	$1,498	$1,360	$158	$3,016
21	$1,586	$1,269	$161	$3,016
22	$1,680	$1,172	$164	$3,017
23	$1,779	$1,070	$167	$3,017
24	$1,884	$962	$171	$3,016
25	$1,996	$847	$174	$3,017
26	$2,115	$725	$178	$3,018
27	$2,241	$597	$181	$3,019
28	$2,375	$460	$185	$3,020
29	$2,516	$316	$189	$3,020
30	$2,665	$162	$192	$3,020
Total	**$36,428**	**$51,746**	**$4,393**	**$92,567**

1 - Each year represents the assessment year ending September 1.
2 - The interest is calculated at an interest rate of 9.09% for years 1 through 5 and 6.09% thereafter on the Phase #2 Reimbursement Agreement.
3 - The Administrative Expenses shown include the estimated PID administration and assessment collection costs.

Appendix G-4
Phase #2 Assessment Roll by Lot Type

Lot Type	**Townhomes**
Assessment	**$31,527**
Equivalent Unit	**0.83**

Year[1]	Principal	Interest[2]	Administrative Expenses[3]	Annual Installment
1	$2	$2,866	$94	$2,961
2	$2	$2,866	$96	$2,963
3	$2	$2,866	$97	$2,965
4	$2	$2,865	$99	$2,966
5	$2	$2,865	$101	$2,968
6	$590	$1,920	$103	$2,613
7	$625	$1,884	$106	$2,614
8	$659	$1,846	$108	$2,612
9	$697	$1,805	$110	$2,612
10	$737	$1,763	$112	$2,612
11	$779	$1,718	$114	$2,612
12	$825	$1,671	$117	$2,612
13	$872	$1,620	$119	$2,611
14	$921	$1,567	$121	$2,610
15	$976	$1,511	$124	$2,611
16	$1,032	$1,452	$126	$2,610
17	$1,093	$1,389	$129	$2,611
18	$1,157	$1,322	$131	$2,611
19	$1,224	$1,252	$134	$2,610
20	$1,296	$1,177	$137	$2,610
21	$1,373	$1,098	$139	$2,610
22	$1,454	$1,015	$142	$2,611
23	$1,540	$926	$145	$2,611
24	$1,631	$832	$148	$2,611
25	$1,727	$733	$151	$2,611
26	$1,830	$628	$154	$2,612
27	$1,940	$516	$157	$2,613
28	$2,055	$398	$160	$2,614
29	$2,177	$273	$163	$2,613
30	$2,307	$140	$166	$2,614
Total	**$31,527**	**$44,785**	**$3,802**	**$80,114**

1 - Each year represents the assessment year ending September 1.
2 - The interest is calculated at an interest rate of 9.09% for years 1 through 5 and 6.09% thereafter on the Phase #2 Reimbursement Agreement.
3 - The Administrative Expenses shown include the estimated PID administration and assessment collection costs.

Appendix G-5
Phase #2 Assessment Roll by Lot Type

Lot Type	**60 Ft**
Assessment	**$42,308**
Equivalent Unit	**1.11**

Year[1]	Principal	Interest[2]	Administrative Expenses[3]	Annual Installment
1	$2	$3,846	$126	$3,974
2	$2	$3,846	$128	$3,976
3	$2	$3,845	$131	$3,978
4	$2	$3,845	$133	$3,981
5	$2	$3,845	$136	$3,983
6	$792	$2,576	$139	$3,507
7	$838	$2,528	$142	$3,508
8	$884	$2,477	$144	$3,506
9	$935	$2,423	$147	$3,505
10	$989	$2,366	$150	$3,505
11	$1,046	$2,306	$153	$3,505
12	$1,107	$2,242	$156	$3,505
13	$1,170	$2,175	$159	$3,504
14	$1,237	$2,103	$163	$3,503
15	$1,310	$2,028	$166	$3,504
16	$1,385	$1,948	$169	$3,503
17	$1,467	$1,864	$173	$3,504
18	$1,553	$1,774	$176	$3,504
19	$1,643	$1,680	$180	$3,503
20	$1,740	$1,580	$183	$3,503
21	$1,842	$1,474	$187	$3,503
22	$1,951	$1,362	$191	$3,504
23	$2,067	$1,243	$194	$3,504
24	$2,188	$1,117	$198	$3,503
25	$2,318	$984	$202	$3,504
26	$2,456	$843	$206	$3,505
27	$2,603	$693	$210	$3,507
28	$2,758	$534	$215	$3,507
29	$2,922	$366	$219	$3,507
30	$3,096	$189	$223	$3,508
Total	**$42,308**	**$60,100**	**$5,102**	**$107,510**

1 - Each year represents the assessment year ending September 1.
2 - The interest is calculated at an interest rate of 9.09% for years 1 through 5 and 6.09% thereafter on the Phase #2 Reimbursement Agreement.
3 - The Administrative Expenses shown include the estimated PID administration and assessment collection costs.

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PUBLIC NOTICE

Bid Proposal Request Transportation Office Renovaton

Best Value Bids for the construction of the Transportation Office Renovation for Ark-Tex Council of Governments (ATCOG) in Paris, Lamar County, Texas, will be received via email only to the Ark-Tex Council of Governments, Mrs. Mary Beth Rudel, mrudel@atcog.org, until 12:00PM, November , 2022. The bids will be opened and read aloud at 2:00 PM, local time, November 30, 2022. The bid opening will occur online at a link provided to those attending the pre-construction meeting. The work to be executed as herein described and shown on the drawings entitled Transportation Office Renovation for Ark-Tex Council of Governments, Paris, Texas, consists of demolition of an existing restaurant and adding 6 offices, conference room, break room, storage, and 1 restroom, furnishing of all materials, labor, equipment and services necessary or reasonably incidental to complete the construction of the aforementioned project on a site shown and described on the drawings. Interested bidders may obtain Drawings, Specifications and Bidding Documents by contacting Uriel Carrillo, Level 5 Architecture, url@level5arch.com, or on the ATCOG website: https://atcog.org/doing-business-with-atcog. A pre-construction meeting will be held on November 16, 2022, at 10:00am, at the construction site located at 1610 Clarksville Street, Paris, Texas. Questions regarding this project will be accepted until 5:00PM, November 23, 2022, submitted via email to Uriel Carrillo, url@level5arch.com. Responses to questions will be provided no later than 5:00PM, November 28, 2022.

584960

Ace Affordable Storage, Pursuant to Chapter 59, Texas Property Code, shall conduct a public sale of the contents on the storage unit(s) listed below to satisfy a landlord's lien. Sale to be held online at www.Storagetreasures.com. Facility is located at 4615 N. Travis in Sherman, TX 75092. Bidding will open on 11/06/2022 and will conclude on 11/13/2022 at 9:00 am. Seller reserves the right to withdraw the property at any time before the sale. Unit items are sold as is to the highest bidder. Contact (903-251-4500) at Ace Affordable Storage in Sherman.

Unit/Tenant Description

6071 Javier Montano Mattress, Box spring, bedframe tote, chairs, fan, microwave, table

6022 Kelvin Jones Misc. totes, file boxes, trash bags, lamp, dresser, tent bag

6008 Wilola Walker Fridge, microwave, mattress, box spring, file cabinet, table

5114 Haltee Anderson Baby Items, grill, air mattress, tote, misc. boxes

586280

Bid Proposal Request Transportation Office Renovaton

Best Value Bids for the construction of the Transportation Office Renovation for Ark-Tex Council of Governments (ATCOG) in Paris, Lamar County, Texas, will be received via email only to the Ark-Tex Council of Governments, Mrs. Mary Beth Rudel, mrudel@atcog.org, until 12:00PM, November 30, 2022. The bids will be opened and read aloud at 2:00 PM, local time, November 30, 2022. The bid opening will occur online at a link provided to those attending the pre-construction meeting. The work to be executed as herein described and shown on the drawings entitled Transportation Office Renovation for Ark-Tex Council of Governments, Paris, Texas, consists of demolition of an existing restaurant and adding 6 offices, conference room, break room, storage, and 1 restroom, furnishing of all materials, labor, equipment and services necessary or reasonably incidental to complete the construction of the aforementioned project on a site shown and described on the drawings. Interested bidders may obtain Drawings, Specifications and Bidding Documents by contacting Uriel Carrillo, Level 5 Architecture, url@level5arch.com, or on the ATCOG website: https://atcog.org/doing-business-with-atcog. A pre-construction meeting will be held on November 18, 2022, at 10:00am, at the construction site located at 1610 Clarksville Street, Paris, Texas. Questions regarding this project will be accepted until 5:00PM, November 23, 2022, submitted via email to Uriel Carrillo, url@level5arch.com. Responses to questions will be provided no later than 5:00PM, November 28, 2022.

586300

PUBLIC NOTICE

PURSUANT TO SECTION 2303.4051(E) OF THE TEXAS GOVERNMENT CODE, THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS WILL HOLD A PUBLIC HEARING TO CONSIDER THE NOMINATION OF GLOBALWAFERS AMERICA LLC FOR ENTERPRISE ZONE DESIGNATION. SAID PUBLIC HEARING SHALL BE HELD AT SHERMAN CITY HALL, 220 WEST MULBERRY STREET, SHERMAN, TEXAS AT 5:00 P.M. ON NOVEMBER 21, 2022.

The designation will enable the City to pursue the creation of the proper economic and social environment to induce the investment of private resources in productive business enterprises located in the City, provide employment to residents of enterprise zones and other economically disadvantaged individuals, and provide for tax and other incentives applicable to the enterprise zone program. The location of the qualified business site is approximately 143 +/- acres located in the vicinity of the west side of the 3200 Block of Northgate Drive, Sherman, Texas.

597740

CITY OF SHERMAN, TEXAS NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT a public hearing will be conducted by the City Council of Sherman, Texas on *December 5, 2022 at 5:00 p.m. at City Council Chambers, 220 W. Mulberry, Sherman, Texas 75090*. The public hearing will be held to consider proposed assessments to be levied against the assessable property within Phase #2 (" Phase #2 ") of the Bel Air Village Public Improvement District (the " District ") pursuant to the provisions of Chapter 372 of the Texas Local Government Code, as amended (the " Act ").

The general nature of the proposed improvements authorized by the Act to be undertaken and financed for the benefit of the property within the District (the " Authorized Improvements ") include, but are not limited to, landscaping, entryway features, water, wastewater, sidewalks, streets, roadways, off-street parking, drainage system improvements, trails, parks and open space, special supplemental services for the improvement and promotion of the District, and payment of expenses incurred in the establishment, administration, and operation of the District. The proposed Authorized Improvements to be undertaken at this time include road improvements, water distribution system improvements, sanitary sewer collection system improvements, storm sewer collection system improvements, and costs related to the administration of the District and financing the Phase #2 Authorized Improvements.

The total expected cost of the Authorized Improvements that will benefit property within Phase #2 of the District is $20,186,042.

The boundaries of the District include approximately 278.38 acres of land located within the corporate limits of the City of Sherman, Grayson County, Texas, being composed of tracts generally located in the 300-1000 Blocks East FM 1417 (Vietnam Veterans Parkway). The boundaries of Phase #2 of the District include approximately 119.806 acres of land within the District, as more particularly described by a metes and bounds description available at Sherman City Hall, 220 W. Mulberry, Sherman, Texas 75090, and available for public inspection.

All written or oral objections on the proposed assessment within the District will be considered at the public hearing.

A copy of the proposed Phase #2 Assessment Roll relating to the Authorized Improvements to be undertaken at this time, which includes the assessments to be levied against certain assessable property in Phase #2 of the District, is available for public inspection at the office of the City Secretary, 220 W. Mulberry, Sherman, Texas 75090.

599730

Legal Notice

Application has been made with the Texas Alcoholic Beverage Commission for a P-Package Store Permit by GOURADEVI LLC, Dba Red River Liquor, to be located at 4423 Highway 91, Denison, Grayson County, Texas 75020. Officers of said corporation are Rajendra Wagle, a manager, and Kusum Bhattarai Chetry, a manager.

603500

THE STATE OF TEXAS: Cause No. FA-19-0981

To: Aissa Y. Miranda and All Whom it May Concern, Respondents; Greetings:

NOTICE TO RESPONDENT: "You have been sued. You may employ an attorney. If you or your attorney does not file a written answer with the clerk who issued this citation by 10:00 AM on the Monday next following the expiration of 20 days after the date you were served this citation and petition, a default judgment may be taken against you."

The petition of Israel Antonio Miranda, Petitioner was filed in the 397th District Court District Court of Grayson County, Texas on this the 24th day of June, 2019 against Aissa Y. Miranda, Respondent in the above entitled cause and entitled
In the Interest of Antony I. Miranda, Jr.Natalia Patricia Miranda.

The suit requests AMENDED PETITION IN SUIT AFFECCTING THE PAENT- CHILD RELATIONSHIP as is more fully shown by Petition on file in this suit.

The date and place of birth of the children who are the subject of the suit is/are: N.P.M.-Natalia Patricia Miranda-05/22/2012 A.I.M Jr.-Anthony Israel Miranda Jr.-03/29/2019

The Court has authority in this suit to enter any judgment of decree in the children's interest which will be binding upon you, including the termination of the parent-child relationship, the determination of paternity and appointment of a conservator with authority to consent to the children's adoption.

Issued and given under my hand and seal of said Court at Sherman, Texas, this the 10TH day of November, 2022.

KELLY ASHMORE
District Clerk
Grayson County, Texas

Shleana Brinkley, Deputy Clerk

606270

CAUSE NO. FA-22-1408

IN THE MATTER OF THE MARRIAGE OF SHELBI LEANN LUNA AND JESSIE JOE JOHN TENORIO

IN THE 15TH DISTRICT COURT
OF
GRAYSON COUNTY, TEXAS

CITATION BY PUBLICATON

TO: Jessie Joe John Tenorio, whereabouts unknown,

You have been sued. You may employ an attorney. If you or your attorney does not file a written answer with the Clerk who issued this citation by 10:00 a.m. on Monday next following the expiration of 20 days after you were served with this citation and petition, a default judgment may be taken against you. The Petition of Shelbi LeAnn Luna, Petitioner, was filed in the Court of Grayson County, Texas on this the 4th day of November, 2022 against Jessie Joe John Tenorio, Respondent, numbered FA-22-1408, and entitled:
"In The Matter Of The Marriage Of Shelbi Leann Luna and Jessie Joe John Tenorio."

The Suit Requests Plaintiff prays for Divorce on the grounds of insupportability under section 6.0001, Family Code.

The Court has authority in this suit to enter any judgment or decree dissolving the marriage and providing for the division of property,

ISSUED AND GIVEN UNDER MY HAND AND SEAL OF SAID COURT at Sherman, Texas, on this the 10th day of November, 2022.

KELLY ASHMORE,
District Clerk
Grayson County, Texas

Chanda Beshar
Deputy Clerk

606340

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CITY OF SHERMAN, TEXAS

ORDINANCE NO. 6377

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN ACCEPTING AND APPROVING A SERVICE AND ASSESSMENT PLAN AND A PHASE #1 ASSESSMENT ROLL FOR THE BEL AIR VILLAGE PUBLIC IMPROVEMENT DISTRICT; MAKING A FINDING OF SPECIAL BENEFIT TO THE PROPERTY IN PHASE #1 OF THE DISTRICT; LEVYING SPECIAL ASSESSMENTS AGAINST PROPERTY PHASE #1 OF THE DISTRICT AND ESTABLISHING A LIEN ON SUCH PROPERTY; PROVIDING FOR PAYMENT OF THE ASSESSMENTS IN ACCORDANCE WITH CHAPTER 372, TEXAS LOCAL GOVERNMENT CODE, AS AMENDED; PROVIDING FOR THE METHOD OF ASSESSMENT AND THE PAYMENT OF THE ASSESSMENTS, PROVIDING PENALTIES AND INTEREST ON DELINQUENT ASSESSMENTS, PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, a petition was submitted and filed with the City Clerk (the "City Clerk") of the City of Sherman, Texas (the "City") pursuant to the Public Improvement District Assessment Act, Chapter 372, Texas Local Government Code, as amended (the "PID Act"), requesting the creation of a public improvement district in the City to be known as the Bel Air Village Public Improvement District (the "District"); and

WHEREAS, the petition contained the signatures of the owners of taxable property representing more than fifty percent of the appraised value of taxable real property liable for assessment within the District, as determined by the then current ad valorem tax rolls of the Grayson County Central Appraisal District, and the signature of the property owners who owned taxable real property that constituted more than fifty percent of the area of all taxable property within the District that is liable for assessment; and

WHEREAS, on March 15, 2021, after due notice, the City Council of the City (the "City Council") held a public hearing in the manner required by law on the advisability of the public improvements and services described in the petition as required by Sec. 372.009 of the PID Act and made the findings required by Sec. 372.009(b) of the PID Act and, by Resolution No. 6711 (the "Authorization Resolution") adopted by a majority of the members of the City Council, authorized and created the District in accordance with its finding as to the advisability of the Authorized Improvements; and

WHEREAS, following adoption of the Authorization Resolution, the City published the Authorization Resolution in a newspaper of general circulation in the City; and

WHEREAS, no written protests regarding the creation of the District from any owners of record of property within the District were filed with the City Clerk within 20 days after publication of the Authorization Resolution; and

WHEREAS, on April 19, 2021, the City Council adopted a resolution approving a preliminary service and assessment plan update, determining the total costs of the Phase #1 Improvements (as defined in the Service and Assessment Plan, defined below), calling for a public hearing to consider the levying of the Assessments against the property within Phase #1 (as defined in the Service and Assessment Plan) of the District (the "Phase #1 Assessments"), authorizing and directing the filing of a proposed assessment roll for Phase #1 of the District (the "Phase #1 Assessment Roll"), authorizing and directing the publication of notice of a public hearing to consider the levying of the Phase #1 Assessments against the property within Phase #1 of the District (the "Levy and Assessment Hearing") in a newspaper of general circulation in the City, and directing related action; and

WHEREAS, on April 19, 2021, the City Clerk filed the Phase #1 Assessment Roll and made the same available for public inspection; and

WHEREAS, the City Clerk, pursuant to Section 372.016(b) of the PID Act, published notice of the Levy and Assessment Hearing on April 21, 2021 in the *Herald Democrat*, a newspaper of general circulation in the City; and

WHEREAS, the City Clerk, pursuant to Section 372.016(c) of the PID Act, mailed the notice of the Levy and Assessment Hearing to the last known address of the owners of the property liable for the Phase #1 Assessments; and

WHEREAS, the City Council opened the Levy and Assessment Hearing on May 3, 2021, and at which all persons who appeared, or requested to appear, in person or by their attorney, were given the opportunity to contend for or contest the Phase #1 Assessment Roll, and the proposed Phase #1 Assessments, and to offer testimony pertinent to any issue presented on the amount of the Phase #1 Assessments, the allocation of costs of the Phase #1 Improvements, the purposes of the Phase #1 Assessments, the special benefits of the Phase #1 Improvements, and the penalties and interest on annual installments and on delinquent annual installments of the Phase #1 Assessments; and

WHEREAS, the City Council finds and determines that the Phase #1 Assessment Roll and the Bel Air Village Public Improvement District Service and Assessment Plan, dated May 3, 2021

(the "Service and Assessment Plan"), in a form substantially similar to ***Exhibit A*** attached hereto and incorporated herein, which final form shall be approved by the City Manager and the City's land use attorney, and which is incorporated herein for all purposes, should be approved and that the Phase #1 Assessments should be levied as provided in this Ordinance and the Service and Assessment Plan and the Phase #1 Assessment Roll attached thereto as Appendix E; and

WHEREAS, the City Council further finds that there were no written objections or evidence submitted to the City Clerk in opposition to the Service and Assessment Plan, the allocation of costs of the Phase #1 Improvements, the Phase #1 Assessment Roll, or the levy of the Phase #1 Assessments; and

WHEREAS, the City Council closed the Levy and Assessment Hearing, and, after considering all written and documentary evidence presented at the hearing, including all written comments and statements filed with the City, determined to proceed with the adoption of this Ordinance in conformity with the requirements of the PID Act.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS:

SECTION 1. Terms. Terms not otherwise defined herein are defined in the Service and Assessment Plan.

SECTION 2. Findings. The findings and determinations set forth in the preambles hereof are hereby incorporated by reference and made a part of this Ordinance for all purposes as if the same were restated in full in this Section. The City Council hereby finds, determines, and ordains, as follows:

(a) The apportionment of the costs of the Phase #1 Improvements (as reflected in the Service and Assessment Plan) and the Administrative Expenses (as reflected in the Service and Assessment Plan) is fair and reasonable, reflects an accurate presentation of the special benefit each assessed parcel within Phase #1 of the District will receive from the construction of the Phase #1 Improvements identified in the Service and Assessment Plan, and is hereby approved;

(b) The Service and Assessment Plan covers a period of at least five years and defines the annual indebtedness and projected costs for the Phase #1 Improvements and has been reviewed and updated annually, including by the Service and Assessment Plan attached hereto;

(c) The Service and Assessment Plan apportions the cost of the Phase #1 Improvements to be assessed against the property in Phase #1 of the District and such

apportionment is made on the basis of special benefits accruing to the property because of the Phase #1 Improvements;

(d) All of the real property in Phase #1 of the District which is being assessed in the amounts shown in the Phase #1 Assessment Roll will be benefited by the Phase #1 Improvements proposed to be constructed as described in the Service and Assessment Plan, and each assessed parcel will receive special benefits in each year equal to or greater than each annual installment of the Phase #1 Assessments and will receive special benefits during the term of the Phase #1 Assessments equal to or greater than the total amount assessed;

(e) The method of apportionment of the costs of the Phase #1 Improvements and the Administrative Expenses set forth in the Service and Assessment Plan results in imposing equal shares of the costs of the Phase #1 Improvements and Administrative Expenses on property similarly benefited, and results in a reasonable classification and formula for the apportionment of the costs and Administrative Expenses;

(f) The Service and Assessment Plan should be approved as the service plan and assessment plan for the District as described in Sections 372.013 and 372.014 of the PID Act;

(g) The Phase #1 Assessment Roll in the form attached as Appendix E to the Service and Assessment Plan should be approved as the Phase #1 Assessment Roll for Phase #1 of the District;

(h) The provisions of the Service and Assessment Plan relating to due and delinquency dates for the Phase #1 Assessments, interest on Annual Installments, interest and penalties on delinquent Phase #1 Assessments and delinquent Annual Installments, and procedures in connection with the imposition and collection of Phase #1 Assessments should be approved and will expedite collection of the Phase #1 Assessments in a timely manner in order to provide the services and improvements needed and required for Phase #1 of the District; and

(i) A written notice of the date, hour, place and subject of this meeting of the City Council along with the meeting agenda was posted at a place convenient to the public and on the City's internet website for the time required by law preceding this meeting, as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended, and that this meeting has been open to the public as required by law at all times during which this Ordinance and the subject matter hereof has been discussed, considered, and formally acted upon.

SECTION 3. Service and Assessment Plan. The Service and Assessment Plan is hereby accepted and approved pursuant to Sections 372.013 and 372.014 of the PID Act as the service plan and the assessment plan for the District.

SECTION 4. Phase #1 Assessment Roll. The Phase #1 Assessment Roll is hereby accepted and approved pursuant to Section 372.016 of the PID Act as the Phase #1 Assessment Roll for Phase #1 of the District.

SECTION 5. Levy and Payment of Special Assessments for the Estimated Costs of Phase #1 Improvements.

(a) The City Council hereby levies an assessment on each parcel of Phase #1 Assessed Property located within Phase #1 of the District, as shown and described in the Service and Assessment Plan and the Phase #1 Assessment Roll, in the respective amounts shown on the Phase #1 Assessment Roll as a special assessment on the properties set forth in the Phase #1 Assessment Roll.

(b) The levy of the Phase #1 Assessments shall be effective on the date of execution of this Ordinance levying the Phase #1 Assessments and strictly in accordance with the terms of the Service and Assessment Plan and the PID Act.

(c) The collection of the Phase #1 Assessments shall be as described in the Service and Assessment Plan. The collection of the first Annual Installment of the Phase #1 Assessments hereby levied against each lot or parcel of Phase #1 Assessed Property shall commence upon the earlier of (i) with tax bills sent the first October following the issuance of the first building permit for each Lot within each Phase, such that Assessments are billed only for Lots for which a building permit has been issued, (ii) with tax bills sent the first October after issuance of any Bonds secured by the respective reimbursement agreement for Phase #1 Assessed Property, or (iii) with tax bills sent the first October following the second anniversary of the levy of Assessments on the Phase #1 Property such that all Assessments in the applicable Phase begin collection immediately after the expiration of such two year period. Such first Annual Installment for a Phase #1 lot or parcel for which collection has begun shall be due by January 31st of the following calendar year.

(d) Each Phase #1 Assessment may be paid in a lump sum at any time or may be paid in Annual Installments pursuant to the terms of the Service and Assessment Plan.

(e) Each Phase #1 Assessment shall bear interest at the rate or rates specified in the Service and Assessment Plan.

(f) Each Annual Installment shall be collected each year in the manner set forth in the Service and Assessment Plan.

(g) The Administrative Expenses for the Phase #1 Assessed Property shall be calculated pursuant to the terms of the Service and Assessment Plan.

SECTION 6. Method of Assessment. The method of assessment and method of apportioning the estimated costs of the Phase #1 Improvements and the Administrative Expenses is as set forth in the Service and Assessment Plan.

SECTION 7. Penalties and Interest on Delinquent Assessments. Delinquent Phase #1 Assessments shall be subject to the penalties, interest, procedures, and foreclosure sales set forth in the Service and Assessment Plan and as allowed by law. The Phase #1 Assessments shall have lien priority as specified in the PID Act, the Service and Assessment Plan, and as otherwise allowed by law.

SECTION 8. Prepayments of Assessments. As provided in Section VI of the Service and Assessment Plan, the owner of any Phase #1 Assessed Property may prepay the Phase #1 Assessments levied by this Ordinance.

SECTION 9. Lien Priority. The City Council and the owners of property in Phase #1 of the District intend for the obligations related to payment of the Phase #1 Assessments and the Annual Installments thereof, to constitute covenants that shall run with the land. The Phase #1 Assessments and the Annual Installments thereof which are levied hereby shall be binding upon each landowner, as the owner of a portion of the Phase #1 Assessed Property, and its respective transferees, legal representatives, heirs, devisees, successors and assigns in the same manner and for the same period as such landowners would be personally liable for the payment of ad valorem taxes under applicable law during the period such owner holds title to such portion of the Phase #1 Assessed Property. The Phase #1 Assessments shall have lien priority as specified in the Service and Assessment Plan and the PID Act.

SECTION 10. Appointment of Initial Administrator and Collector of Assessments.

(a) Appointment of Administrator. MuniCap, Inc. is hereby appointed and designated to initially serve, or until otherwise determined by the City Council, as the Administrator of the Service and Assessment Plan and of the Phase #1 Assessments levied by this Ordinance. The Administrator shall perform the duties of the Administrator described in the Service and Assessment Plan, in this Ordinance and in any contract between the City and the Administrator. The Administrator's fees, charges and expenses for providing such service shall constitute an Administrative Expense.

(b) Collector. The City shall by future action, appoint a third-party collector of the Phase #1 Assessments. The City is hereby authorized to enter into an agreement with a third-party

for the collection of the Phase #1 Assessments. The City may also contract with other qualified collection agents selected by the City or may collect the Phase #1 Assessments on its own behalf. The costs of such collection contracts shall constitute an Administrative Expense.

SECTION 11. Applicability of Tax Code. To the extent not inconsistent with this Ordinance, and not inconsistent with the PID Act or the other laws governing public improvement districts, the provisions of the Texas Tax Code shall be applicable to the imposition and collection of Phase #1 Assessments by the City.

SECTION 12. Filing in Land Records. The City Clerk is directed to cause a copy of this Ordinance, including the Service and Assessment Plan and the Phase #1 Assessment Roll, to be recorded in the real property records of Grayson County. The City Clerk is further directed to similarly file each Annual Service Plan Update approved by the City Council.

SECTION 13. Severability. If any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portions of this Ordinance or the application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council that no portion hereof, or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness, or invalidity or any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

SECTION 14. Effective Date. This Ordinance shall take effect, and the levy of the Phase #1 Assessments, and the provisions and terms of the Service and Assessment Plan shall be and become effective upon passage and execution hereof.

Exhibit A

Service and Assessment Plan

(See attached.)

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS on this the 3rd day of May, 2021.

CITY OF SHERMAN, TEXAS

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

BY: _____
DAVID PLYLER, MAYOR

APPROVED AS TO FORM AND CONTENT:
THE LAW FIRM OF ABERNATHY, ROEDER, BOYD & HULLETT, P.C.

BY: _____
NAME: _____
CITY ATTORNEY

BEL AIR VILLAGE
PUBLIC IMPROVEMENT DISTRICT

CITY OF SHERMAN, TEXAS

SERVICE AND ASSESSMENT PLAN

May 3, 2021

PREPARED BY:

MUNICAP, INC.
PUBLIC FINANCE

BEL AIR VILLAGE
PUBLIC IMPROVEMENT DISTRICT

SERVICE AND ASSESSMENT PLAN

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I. PLAN DESCRIPTION AND DEFINED TERMS

A. INTRODUCTION

On March 15, 2021, the City Council of the City of Sherman passed and approved Resolution No. 6711 approving and authorizing the creation of Bel Air Village Public Improvement District (the "PID") to finance the costs of certain public improvements for the benefit of property in the PID, which is presently located within the City.

The property in the PID is proposed to be developed in multiple phases, and the PID will finance public improvements for each phase as each phase is developed. Assessments will be imposed on all property in the PID for the public improvements that benefit the entire PID and on the property in each phase for the public improvements to be constructed for the benefit of that phase.

Chapter 372 of the Texas Local Government Code, the "Public Improvement District Assessment Act" (as amended, the "PID Act"), governs the creation and operation of public improvement districts within the State of Texas. The Bel Air Village Public Improvement District Service and Assessment Plan (the "Service and Assessment Plan") has been prepared in accordance with the PID Act and specifically Sections 372.013, 372.014, 372.015 and 372.016, which address the requirements of a service and assessment plan and the assessment roll. According to Section 372.013 of the PID Act, a service plan "must cover a period of at least five years and must also define the annual indebtedness and the projected costs for improvements. The plan shall be reviewed and updated annually for the purpose of determining the annual budget for improvements." The service plan is described in Section IV of this Service and Assessment Plan.

Section 372.014 of the PID Act requires that "an assessment plan must be included in the annual service plan." The assessment plan is described in Section V of this Service and Assessment Plan.

Section 372.015 of the PID Act requires that "the governing body of the municipality or county shall apportion the cost of an improvement to be assessed against property in an improvement district." The method of assessing the costs of the Authorized Improvements and apportionment of such costs to the property in the PID is included in Section V of this Service and Assessment Plan.

Section 372.016 of the PID Act requires that "after the total cost of an improvement is determined, the governing body of the municipality or county shall prepare a proposed assessment roll. The roll must state the assessment against each parcel of land in the district, as determined by the method of assessment chosen by the municipality or county under this subchapter." The Assessment Rolls for the PID are included as Appendix E and Appendix F of this Service and Assessment Plan. The Assessments as shown on each Assessment Roll are based on the method of assessment and apportionment of costs described in Section V of this Service and Assessment Plan.

B. Definitions

Capitalized terms used herein shall have the meanings ascribed to them as follows:

"**Actual Cost(s)**" means, with respect to an Authorized Improvement, the demonstrated, reasonable, allocable, and allowable costs of constructing such Authorized Improvement, as specified in a Certification for Payment that has been reviewed and approved by the City. Actual Cost may include (a) the costs for the design, planning, financing, administration, management, acquisition, installation, construction and/or implementation of such Authorized Improvement, including general contractor construction management fees, if any, (b) the costs of preparing the construction plans for such Authorized Improvement, (c) the fees paid for obtaining permits, licenses or other governmental approvals for such Authorized Improvement, (d) the costs for external professional costs associated with such Authorized Improvement, such as engineering, geotechnical, surveying, land planning, architectural landscapers, advertising, marketing and research studies, appraisals, legal, accounting and similar professional services, taxes (property and franchise) (e) the costs of all labor, bonds and materials, including equipment and fixtures, incurred by contractors, builders and material men in connection with the acquisition, construction or implementation of the Authorized Improvements, (f) all related permitting, zoning and public approval expenses, architectural, engineering, legal, and consulting fees, financing charges, taxes, governmental fees and charges (including inspection fees, City permit fees, development fees), insurance premiums, miscellaneous expenses, and all advances and payments for Administrative Expenses.

Actual Costs include general contractor's fees in an amount up to a percentage equal to the percentage of work completed and accepted by the City or construction management fees in an amount up to five percent of the eligible Actual Costs described in a Certification for Payment. The amounts expended on legal costs, taxes, governmental fees, insurance premiums, permits, financing costs, and appraisals shall be excluded from the base upon which the general contractor and construction management fees are calculated.

"Administrator" means the employee or designee of the City, identified in any indenture of trust relating to any Bonds or in any other agreement approved by the City Council, who shall have the responsibilities provided for herein.

"Administrative Expenses" mean the administrative, organization, maintenance and operation costs associated with, or incident to, the administration, organization, maintenance and operation of the PID, including, but not limited to, the costs of: (i) creating and organizing the PID, including conducting hearings, preparing notices and petitions, and all costs incident thereto, including engineering fees, legal fees and consultant fees, (ii) the annual administrative, organization, maintenance, and operation costs and expenses associated with, or incident and allocable to, the administration, organization, and operation of the PID, (iii) computing, levying, billing and collecting Assessments or the Annual Installments thereof, (iv) maintaining the record of installments of the Assessments and the system of registration and transfer of the Bonds, (v) paying and redeeming the Bonds, (vi) investing or depositing of monies, (vii) complying with the PID Act and other laws applicable to the Bonds, (viii) the Trustee fees and expenses relating to

the Bonds, including reasonable fees, (ix) legal counsel, engineers, accountants, financial advisors, investment bankers or other consultants and advisors, and (x) administering the construction of the Authorized Improvements. Administrative Expenses do not include payment of the actual principal of, redemption premium, if any, and interest on the Bonds. Administrative Expenses collected and not expended for actual Administrative Expenses in one year shall be carried forward and applied to reduce Administrative Expenses in subsequent years to avoid the over-collection of amounts to pay Administrative Expenses.

"Annual Installment" means, with respect to each Parcel, each annual payment of: (i) the Assessments, including any applicable interest, as shown on the Assessment Roll attached hereto as Appendix E and Appendix F, as applicable, or in an Annual Service Plan Update, and calculated as provided in Section VI of this Service and Assessment Plan, and (ii) Administrative Expenses.

"Annual Service Plan Update" has the meaning set forth in the second paragraph of Section IV of this Service and Assessment Plan.

"Assessed Property" means the property that benefits from the Authorized Improvements to be provided by the PID on which Assessments have been imposed as shown in each Assessment Roll, as each Assessment Roll is updated each year by the Annual Service Plan Update. Assessed Property includes Parcels within the PID other than Non-Benefited Property.

"Assessment" means an assessment levied against a Parcel imposed pursuant to an Assessment Ordinance and the provisions herein, as shown on any Assessment Roll, subject to reallocation upon the subdivision of such Parcel or reduction according to the provisions herein and the PID Act. An Assessment for a Parcel consists of the Annual Installments to be collected in all years including the portion of those Annual Installments collected to pay Administrative Expenses and interest on all Assessments.

"Assessment Ordinance" means an Assessment Ordinance adopted by the City Council approving the Service and Assessment Plan (including amendments or supplements to the Service and Assessment Plan) and levying the Assessments.

"Assessment Revenues" mean the revenues actually received by or on behalf of the City from the collection of Assessments.

"Assessment Roll" means the Phase #1 Assessment Roll or any other Assessment Roll in an amendment or supplement to this Service and Assessment Plan or in an Annual Service Plan Update.

"Authorized Improvements" mean those public improvements described in Appendix B-1 of this Service and Assessment Plan and Section 372.003 of the PID Act, constructed and installed in accordance with this Service and Assessment Plan, and any future updates and/or amendments.

"Bonds" mean bonds, if any, issued in one or more series for financing the Authorized Improvements and secured in whole or in part by the Assessment Revenues.

"Certification for Payment" means the certificate to be provided by the Developer, or his designee, to substantiate the Actual Cost of one or more Authorized Improvements.

"City" means the City of Sherman, Texas.

"City Council" means the duly elected governing body of the City.

"**Delinquent Collection Costs"** mean interest, penalties and expenses incurred or imposed with respect to any delinquent installment of an Assessment in accordance with the PID Act and the costs related to pursuing collection of a delinquent Assessment and foreclosing the lien against the Assessed Property, including attorney's fees.

"Development Agreement" means that certain "Bel Air Village Master Development Agreement" by and between the City and the Developer, a Texas limited liability company, and related to the development of the Property effective December 18, 2020, as the same may be amended from time to time.

"Developer" means Bel Air Village SFR, LLC.

"**Future Phases**" means Phases that are fully developed after Phase #1, as such areas are generally depicted in Appendix A. The Future Phases are subject to adjustment and are shown for example only.

"Homeowner Association" means a homeowner's association or property owners' association established for the benefit of property owners within the boundaries of the PID.

"Homeowner Association Property" means property within the boundaries of the PID that is owned by or irrevocably offered for dedication to, whether in fee simple or through an exclusive use easement, a homeowner's association.

"Lot" means a tract of land described as a "lot" in a subdivision plat recorded in the official public records of Grayson County, Texas.

"Lot Type" means a classification of final building lots with similar characteristics (e.g. commercial, light industrial, multifamily residential, single family residential, etc.), as determined by the Administrator and confirmed by the City Council. In the case of single family residential lots, the Lot Type shall be further defined by classifying the residential lots by the estimated average home value for each home at the time of assessment levy (as shown in Appendix D for the calculation of Equivalent Units), considering factors such as density, lot size, proximity to amenities, view premiums, location, and any other factors that may impact the average home value on the lot, as determined by the Administrator and confirmed by the City Council.

"Major Improvements" or "MI" mean the Authorized Improvements which benefit all Assessed Property within the PID and are described in Section III.B.

"Non-Benefited Property" means Parcels that accrue no special benefit from the Authorized Improvements, including Homeowner Association Property, Public Property and easements that create an exclusive use for a public utility provider to the extent they accrue no special benefit. Property identified as Non-Benefited Property at the time the Assessments (i) are imposed or (ii) are reallocated pursuant to a subdivision of a Parcel, is not assessed. Assessed Property converted to Non-Benefited Property, if the Assessments may not be reallocated pursuant to the provisions herein, remains subject to the Assessments and requires the Assessments to be prepaid as provided for in Section VI.E.

"Parcel" or **"Parcels"** means a parcel or parcels within the PID identified by either a tax map identification number assigned by the Grayson Central Appraisal District for real property tax purposes or by lot and block number in a final subdivision plat recorded in the real property records of Grayson County.

"Phase" means one or more Parcels within the PID that will be developed in the same general time period. The Parcels within a Phase will be assessed in connection with the execution of a reimbursement agreement and/or issuance of Bonds for Authorized Improvements (or the portion thereof) designated in an update to this Service and Assessment Plan that specially benefit the Parcels within the Phase.

"Phase #1" means the initial Phase to be developed and generally shown in Appendix A, as specifically depicted and described as the sum of all Parcels shown in Appendix E.

"**Phase #1 Assessed Property**" means all Parcels within Phase #1 other than Non-Benefited Property and shown in the Phase #1 Assessment Roll against which an Assessment relating to the Phase #1 Projects is levied.

"**Phase #1 Assessment Revenues**" mean the actual revenues received by or on behalf of the City from the collection of Assessments levied against Phase #1 Assessed Property, or the Annual Installments thereof, for the Phase #1 Projects.

"Phase #1 Assessment Roll" means the document included in this Service and Assessment Plan as Appendix F, as updated, modified or amended from time to time in accordance with the procedures set forth herein and in the PID Act, including updates prepared in connection with any Annual Service Plan Update.

"**Phase #1 Projects**" mean (i) the pro rata portion of the Major Improvements allocable to Phase #1, and (ii) the Phase #1 Improvements.

"**Phase #1 Improvements**" mean the Authorized Improvements which only benefit Phase #1 Assessed Property, which are described in Section III.C.

"Phase #1 Reimbursement Agreement" means that certain Bel Air Village Public Improvement District Phase #1 Reimbursement Agreement expected to be dated by and between the City and

the Developer in which the Developer agrees to fund certain Actual Costs of Authorized Improvements and the City agrees to reimburse the Developer for a portion of such Actual Costs funded by the Developer with interest as permitted by the PID Act.

"PID" has the meaning set forth in Section I.A of this Service and Assessment Plan.

"PID Act" means Texas Local Government Code Chapter 372, Public Improvement District Assessment Act, Subchapter A, Public Improvement Districts, as amended.

"**Prepayment Costs**" mean interest and expenses to the date of prepayment, plus any additional expenses related to the prepayment, reasonably expected to be incurred by or imposed upon the City as a result of any prepayment of an Assessment.

"Public Property" means property within the boundaries of the PID that is owned by or irrevocably offered for dedication to the federal government, the State of Texas, Grayson County, the City, a school district or any other public agency, whether in fee simple or through an exclusive use easement.

"Service and Assessment Plan" means this Service and Assessment Plan prepared for the PID pursuant to the PID Act, as the same may be amended from time to time.

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II. PROPERTY INCLUDED IN THE PID

A. PROPERTY INCLUDED IN THE PID

The PID is presently located within the City and contains approximately 278.38 acres of land. A map of the property within the PID is shown on Appendix A to this Service and Assessment Plan.

At completion, the PID is expected to consist of approximately 945 single family residential units, landscaping, and infrastructure necessary to provide roadways, drainage, and utilities to the PID. The estimated number of units (945) is based upon the proposed development plan.

The property within the PID is proposed to be developed as follows:

Table II-A
Proposed Development

Lot Type	Phase #1	Future Phases[1]	Total
25 Ft	98	89	187
30 Ft	0	79	79
40 Ft	124	136	260
50 Ft	105	245	350
60 Ft	0	69	69
Total	**327**	**618**	**945**

[1]Proposed development for Future Phases. Subject to change as Future Phases are developed.

B. PROPERTY INCLUDED IN PHASE #1

Phase #1 consists of approximately 58.53 acres and is projected to consist of 327 single family residential units, to be developed as Phase #1, as further described in Section III. A map of the property within the PID is shown in Appendix A.

C. PROPERTY INCLUDED IN FUTURE PHASES

As Future Phases are developed, this Service and Assessment Plan will be updated to add additional details of each new Phase(s) as shown for Phase #1 in Section II.B. A map of the projected property within each Future Phase is shown in Appendix A. The Future Phases are shown for illustrative purposes only and are subject to adjustment. The current Parcels in the PID are shown on the Assessment Rolls included as Appendix E and Appendix F.

The estimated number of units at the build-out of the PID is based on the land use approvals for the property, the anticipated subdivision of property in the PID, and the Developer's estimate of the highest and best use of the property within the PID.

III. DESCRIPTION OF THE AUTHORIZED IMPROVEMENTS

A. AUTHORIZED IMPROVEMENT OVERVIEW

372.003. Authorized Improvements

(a) If the governing body of a municipality or county finds that it promotes the interests of the municipality or county, the governing body may undertake an improvement project that confers a special benefit on a definable part of the municipality or county or the municipality's extraterritorial jurisdiction. A project may be undertaken in the municipality or county or the municipality's extraterritorial jurisdiction.

(b) A public improvement may include:

(i) landscaping;

(ii) erection of fountains, distinctive lighting, and signs;

(iii) acquiring, constructing, improving, widening, narrowing, closing, or rerouting of sidewalks or of streets, any other roadways, or their rights-of way;

(iv) construction or improvement of pedestrian malls;

(v) acquisition and installation of pieces of art;

(vi) acquisition, construction, or improvement of libraries;

(vii) acquisition, construction, or improvement of off-street parking facilities;

(viii) acquisition, construction, improvement, or rerouting of mass transportation facilities;

(ix) acquisition, construction, or improvement of water, wastewater, or drainage facilities or improvements;

(x) the establishment or improvement of parks;

(xi) projects similar to those listed in Subdivisions (i)-(x);

(xii) acquisition, by purchase or otherwise, of real property in connection with an authorized improvement;

(xiii) special supplemental services for improvement and promotion of the district, including services relating to advertising, promotion, health and sanitation, water and wastewater, public safety, security, business recruitment, development, recreation, and cultural enhancement;

(xiv) payment of expenses incurred in the establishment, administration and operation of the district; and

(xv) the development, rehabilitation, or expansion of affordable housing

After analyzing the public improvement projects authorized by the PID Act, the City has determined at this time to undertake only Authorized Improvements listed in Section III.B and III.C below and shown in the opinion of probable costs included as Appendix B-1 and on the Diagrams shown in Appendix C for the benefit of the Assessed Property. Any change to the list of Authorized Improvements will require the approval of the City and an update to this Service and Assessment Plan.

B. DESCRIPTIONS AND COSTS OF MAJOR IMPROVEMENTS

The Major Improvements benefit the entire PID. The costs of the Major Improvements are allocated proportionally throughout the entire PID, excluding Non-Benefited Property, in a manner that anticipates planned development of the PID based on the type of development and anticipated number of lots. The costs of the Major improvements are shown in Table III-A.

The Major Improvements descriptions are presented below as provided by the project engineer. The costs shown in Table III-A are estimates and may be revised in Annual Service Plan Updates, including such other improvements as deemed necessary to further improve the properties within the PID.

A description of the Major Improvements follows:

Roadway Improvements

The roadway improvement portion of the Major Improvements consists of the construction of entrance road improvements, including related grading, paving, drainage, curbs, gutters, sidewalks, retaining walls, erosion control, signage, street lighting, and traffic control devices, which benefit the Assessed Property. All roadway projects will be designed and constructed in accordance with City standards and specifications and will be owned and operated by the City.

Water Improvements

The water improvement portion of the Major Improvements consists of construction and installation of waterlines, mains, pipes, valves, and appurtenances, necessary for the water distribution system that will service the Assessed Property. The water improvements will be designed and constructed according to City standards and specifications and will be owned and operated by the City.

Sanitary Sewer Improvements

The sanitary sewer improvement portion of the Major Improvements consists of construction and installation of pipes, service lines, manholes, encasements, and appurtenances necessary to provide sanitary sewer service to the Assessed Property. The sanitary sewer improvements will be designed and constructed according to City standards and specifications and will be owned and operated by the City.

Storm Drainage Improvements

The storm drainage improvement portion of the Major Improvements consist of reinforced concrete pipes, reinforced concrete boxes, and multi-reinforced box culverts, which benefit the Assessed Property. The storm drainage collection system improvements will be designed and constructed in accordance with City standards and specifications and will be owned and operated by the City.

Landscaping and Hardscaping

The landscaping improvement portion of the Major Improvements consists of landscaping, irrigation, and hardscaping.

Table III-A
Estimated Major Improvement Costs

Authorized Improvements	Total Major Improvement Costs	Phase #1 Allocated Amount[1]	Future Phases Allocated Amount [1]
Roadway Improvements	$294,648	$41,570	$253,078
Water Improvements	$337,501	$16,016	$321,485
Sanitary Sewer Improvements	$642,793	$158,699	$484,094
Storm Drainage Improvements	$744,938	$345,798	$399,140
Landscaping and Hardscaping	$452,500	$452,500	$0
Other Soft and Miscellaneous Costs	$1,399,460	$471,868	$927,592
Total Authorized Improvements	**$3,871,840**	**$1,486,451**	**$2,385,389**

Note: Costs provided by Kimley-Horn. The figures shown in Table III-A may be revised in Annual Service Plan Updates and may be reallocated between line items so long as the Total Authorized Improvements amount does not change.
1 - The Major Improvements are allocated between the property within Phase #1 and the Future Phases based on the engineering allocations described in Appendix B-2 as summarized in Table V-A.

C. DESCRIPTIONS AND COSTS OF PHASE #1 IMPROVEMENTS

The Phase #1 Improvements descriptions are presented below as provided by the project engineer. The Phase #1 Projects include Phase #1's share of the costs of the Major Improvements and the costs of the Phase #1 Improvements. The costs of the Phase #1 Projects are shown in Table III-B. The costs shown in Table III-B are estimates and may be revised in Annual Service Plan Updates, including such other improvements as deemed necessary to further improve the properties within the PID.

A description of the Phase #1 Improvements are as follows, and a description of the Major Improvements that are a portion of the Phase #1 Projects can be found in Section III-B above.

Road Improvements

The road improvement portion of the Phase #1 Improvements consists of the construction of road and thoroughfare improvements, including related grading, paving, drainage, curbs, gutters, sidewalks, retaining walls, erosion control, signage, street lighting, and traffic control devices, which benefit the Phase #1 Assessed Property. All roadway projects will be designed and constructed in accordance with City standards and specifications and will be owned and operated by the City.

Water Improvements

The water improvements portion of the Phase #1 Improvements consists of construction and installation of a looped water main network, waterlines, mains, pipes, valves and appurtenances, necessary for the portion of the water distribution system that will service the Phase #1 Assessed Property. The water improvements will be designed and constructed according to City standards and will be owned and operated by the City.

Sanitary Sewer Improvements

The sanitary sewer improvement portion of the Phase #1 Improvements consists of construction and installation of pipes, service lines, manholes, encasements, and appurtenances necessary to provide sanitary sewer service to Phase #1 Assessed Property. The sanitary sewer improvements will be designed and constructed according to City standards and specifications and will be owned and operated by the City.

Storm Drainage Improvements

The storm drainage improvement portion of the Phase #1 Improvements consist of reinforced concrete pipes, reinforced concrete boxes, and multi-reinforced box culverts, which benefit the Phase #1 Assessed Property. The storm drainage collection system improvements will be designed and constructed in accordance with City standards and specifications and will be owned and operated by the City.

Landscaping and Hardscaping

The landscaping improvement portion of the Phase #1 Improvements consists of landscaping, irrigation, and hardscaping.

Table III-B
Estimated Phase #1 Projects Costs

Authorized Improvements	Share of Major Improvements	Phase #1 Improvement Costs	Total
Roadway Improvements	$41,570	$2,126,609	$2,168,179
Water Improvements	$16,016	$713,377	$729,393
Sanitary Sewer Improvements	$158,699	$863,168	$1,021,867
Storm Drainage Improvements	$345,798	$2,076,534	$2,422,332
Landscaping and Hardscaping	$452,500	$188,947	$641,447
Other Soft and Miscellaneous Costs	$471,868	$1,604,968	$2,076,836
Total Authorized Improvements	**$1,486,451**	**$7,573,603**	**$9,060,054**

Note: Costs provided by Kimley-Horn. The figures shown in Table III-A may be revised in Annual Service Plan Updates and may be reallocated between line items so long as the Total Authorized Improvements amount does not change.
1 - The Major Improvements are allocated between the property within Phase #1 and the Future Phases based on the engineering allocations described in Appendix B-2 as summarized in Table V-A.

D. FUTURE PHASES

As Future Phases are developed, in association with execution of a reimbursement agreement and/or issuance of Bonds for such Future Phase, this SAP will be amended to identify the specific Authorized Improvements that confer a special benefit to the property inside each Future Phase (e.g., a Table III-C will be added to show the costs for the specific Authorized Improvements financed within the specific Future Phase being developed.)

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IV. SERVICE PLAN

A. SOURCES AND USES OF FUNDS

The PID Act requires the service plan to cover a period of at least five years. The service plan is required to define the annual projected costs and indebtedness for the Authorized Improvements undertaken within the PID during the five-year period. It is anticipated that it will take approximately 12 months to construct the Major Improvements and approximately 12 months for the Phase #1 Projects to be constructed.

The Actual Costs for Phase #1 Projects are $9,060,054 as shown in Table IV-A. The service plan shall be reviewed and updated at least annually for the purpose of determining the annual budget for Administrative Expenses, updating the estimated Authorized Improvement costs, and updating the Assessment Roll(s). Any update to this Service and Assessment Plan is herein referred to as an "Annual Service Plan Update."

As Future Phases are developed in connection with the execution of a reimbursement agreement and/or issuance of Bonds, this Service and Assessment Plan will be amended (e.g., Table IV-B will be added for phase #2, etc.).

The Phase #1 Reimbursement Agreement shown in Table IV-A is anticipated to be executed in 2021 and will be used to reimburse the Developer for a portion of the costs of the Phase #1 Projects.

Table IV-A
Estimated Sources and Uses – Phase #1

Sources of Funds	**Phase #1 Reimbursement Agreement**
Assessments	$7,168,000
Other funding sources	$1,892,054
Total Sources	**$9,060,054**
Uses of Funds	
Major Improvements:	
Roadway Improvements	$2,168,179
Water Improvements	$729,393
Sanitary Sewer Improvements	$1,021,867
Storm Drainage Improvements	$2,422,332
Landscaping and Hardscaping	$641,447
Other Soft and Miscellaneous Costs	$2,076,836
Subtotal	*$9,060,054*
Total Uses	**$9,060,054**

The annual projected costs and annual projected indebtedness is shown by Table IV-B. The annual projected costs and indebtedness is subject to revision and each shall be updated in the Annual Service Plan Update to reflect any changes in the costs or indebtedness expected for each year.

Table IV-B
Annual Projected Costs and Annual Projected Indebtedness

Year Ending September 1	Annual Projected Cost	Annual Projected Indebtedness	Other Funding Sources	Projected Phase #1 Annual Installments
2021	$9,060,054	$7,168,000	$1,892,054	$0
2022	$0	$0	$0	$634,069
2023	$0	$0	$0	$638,456
2024	$0	$0	$0	$642,242
2025	$0	$0	$0	$647,428
2026	$0	$0	$0	$652,860
Total	**$9,060,054**	**$7,168,000**	**$1,892,054**	**$3,215,054**

The annual projected costs shown in Table IV-B are the annual expenditures relating to the Phase #1 Projects shown in Table III-B. The difference between the total projected cost and the total projected indebtedness, if any, is the amount contributed by the Developer. As Future Phases are developed, in association with the execution of a reimbursement agreement and/or issuance of Bonds for each Future Phase, this Table IV-B will be updated to identify the Authorized Improvements of each new phase and the projected indebtedness resulting from each additional reimbursement agreement and/or issuance of Bonds.

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V. ASSESSMENT PLAN

A. INTRODUCTION

The PID Act requires the City Council to apportion the costs of the Authorized Improvements on the basis of special benefits conferred upon the property because of the Authorized Improvements. The PID Act provides that the costs of the Authorized Improvements may be assessed: (i) equally per front foot or square foot; (ii) according to the value of the property as determined by the governing body, with or without regard to improvements on the property; or (iii) in any other manner that results in imposing equal shares of the cost on property similarly benefited. The PID Act further provides that the governing body may establish by ordinance or order reasonable classifications and formulas for the apportionment of the cost between the municipality and the area to be assessed and the methods of assessing the special benefits for various classes of improvements.

For purposes of this Service and Assessment Plan, the City Council has determined that the costs of the Phase #1 Projects shall be allocated as described below:

1. The Major Improvement costs are proportionally allocated to the Phase #1 and the Future Phases based on allocation of costs provided by the project engineer and attached herein as Appendix B-2.

2. The costs of the Phase #1 Projects (including a proportional share of the Major Improvements) that only benefit Phase #1 shall be allocated on the basis of Equivalent Units calculated using the average home price of each Lot Type once such property is developed, and that such method of allocation will result in the imposition of equal shares of the costs of such Authorized Improvements of Phase #1 Assessed Property to Parcels similarly benefited.

3. As Future Phases are developed, the proportional share of the Major Improvements currently allocated to the Future Phases will further be reallocated to each individual Phase to be developed in the future in the same manner as the allocations to Phase #1 so that the method of reallocation will result in the imposition of equal shares of the costs of such Major Improvements to Parcels within each of the future phases similarly benefited.

Table V-A provides a summary of the allocation of costs of the Authorized Improvements constituting Major Improvements as provided by the project engineer.

At this time, it is impossible to determine with absolute certainty the amount of special benefit each Parcel within Future Phases will receive from the direct Authorized Improvements that will benefit each individual phase. Therefore, Parcels will only be assessed for the special benefits conferred upon the Parcel at this time because of the Major Improvements and Phase #1 Improvements, as applicable.

This section of this Service and Assessment Plan currently (i) describes the special benefit received by each Parcel within Phase #1 as a result of the Phase #1 Projects, as applicable, (ii) provides the basis and justification for the determination that this special benefit exceeds the amount of the Assessments to be levied on the Phase #1 Assessed Property for such improvements, and (iii) establishes the methodologies by which the City Council allocates and reallocates the special benefit of the Phase #1 Projects, as applicable, to Parcels in a manner that results in equal shares of the Actual Costs of such improvements being apportioned to Parcels similarly benefited. The determination by the City Council of the assessment methodologies set forth below is the result of the discretionary exercise by the City Council of its legislative authority and governmental powers and is conclusive and binding on the Developer and all future owners and developers of the Assessed Property.

As Future Phases are developed, in connection with execution of a reimbursement agreement and/or issuance of Bonds, this Service and Assessment Plan will be updated based on the City's determination of the assessment methodology for each Future Phase.

B. Special Benefit

Assessed Property must receive a direct and special benefit from the Authorized Improvements, and this benefit must be equal to or greater than the amount of the Assessments. The Authorized Improvements are provided specifically for the benefit of the Assessed Property. The Authorized Improvements (more particularly described in line-item format in Appendix B-1 to this Service and Assessment Plan) are authorized by the PID Act. These Authorized Improvements are provided specifically for the benefit of the Assessed Property.

Each owner of the Assessed Property has acknowledged that the Authorized Improvements confer a special benefit on the Assessed Property and has consented to the imposition of the Assessments to pay for the Actual Costs associated therewith. Each of the owners is acting in its interest in consenting to this apportionment and levying of the Assessments because the special benefit conferred upon the Assessed Property by the Authorized Improvements exceeds the amount of the Assessments.

The Authorized Improvements provide a special benefit to the Assessed Property as a result of the close proximity of these improvements to the Assessed Property and the specific purpose of these improvements of providing infrastructure for the Assessed Property. In other words, the Assessed Property could not be used in the manner proposed without the construction of the Authorized Improvements. The Authorized Improvements are being provided specifically to meet the needs of the Assessed Property as required for the proposed use of the property.

The Assessments are being levied to provide the Authorized Improvements that are required for the highest and best use of the Assessed Property (i.e., the use of the property that is most valuable, including any costs associated with that use). Highest and best use can be defined as "the reasonably probable and legal use of property, which is physically possible, appropriately supported, financially feasible, and that results in the highest value." (*Dictionary of Real Estate Appraisal, Third Edition.*) The Authorized Improvements are expected to be required for the

proposed use of the Assessed Property to be physically possible, appropriately supported, financially feasible, and maximally productive.

The Developer has evaluated the potential use of the property and has determined that the highest and best use of the property is the use intended and the legal use for the property as described in Section II of this Service and Assessment Plan. The use of the Assessed Property as described herein will require the construction of the Authorized Improvements.

Each owner of the Assessed Property will ratify, confirm, accept, agree to and approve: (i) the determinations and finding by the City Council as to the special benefits described in this Service and Assessment Plan and the Assessment Ordinance; (ii) the Service and Assessment Plan and the Assessment Ordinance, and (iii) the levying of Assessments on the Assessed Property. Use of the Assessed Property as described in this Service and Assessment Plan and as authorized by the PID Act requires that Authorized Improvements be acquired, constructed, installed, and/or improved. Funding the Actual Costs of the Authorized Improvements through the PID has been determined by the City Council to be the most beneficial means of doing so. As a result, the Authorized Improvements result in a special benefit to the Assessed Property, and this special benefit exceeds the amount of the Assessment. This conclusion is based on and supported by the evidence, information, and testimony provided to the City Council.

In summary, the Authorized Improvements result in a special benefit to the Assessed Property for the following reasons:

1. The Authorized Improvements are being provided specifically for the use of the Assessed Property, are necessary for the proposed best use of the property and provide a special benefit to the Assessed Property as a result;

2. The Developer has consented to the imposition of the Assessments for the purpose of providing the Authorized Improvements and the Developer is acting in its interest by consenting to this imposition;

3. The Authorized Improvements are required for the highest and best use of the property;

4. The highest and best use of the Assessed Property is the use of the Assessed Property that is most valuable (including any costs associated with the use of the Assessed Property);

5. Financing of the costs of the Authorized Improvement through the PID is determined to be the most beneficial means of providing for the Authorized Improvements; and,

6. As a result, the special benefits to the Assessed Property from the Authorized Improvements will be equal to or greater than the Assessments.

C. ALLOCATION OF COSTS TO ASSESSED PROPERTY

The Major Improvements will provide a special benefit to all property in the PID. Accordingly, the estimated Major Improvement costs must be allocated throughout all Assessed Property in the

PID. Table V-A summarizes the allocation of Actual Costs for each type of Major Improvement. The costs shown in Table V-A are estimates and may be revised in Annual Service Plan Updates, but the related Assessment may not be increased.

Table V-A
Allocation of Major Improvement Costs

Authorized Improvement	Major Improvement Costs	Phase #1 Percent Allocation	Major Improvements Allocated to Phase #1	Future Phases Percent Allocation	Major Improvements Allocated to Future Phases
Roadway Improvements	$294,648	14.11%	$41,570	85.89%	$253,078
Water Improvements	$337,501	4.75%	$16,016	95.25%	$321,485
Sanitary Sewer Improvements	$642,793	24.69%	$158,699	75.31%	$484,094
Storm Drainage Improvements	$744,938	46.42%	$345,798	53.58%	$399,140
Landscaping and Hardscaping	$452,500	100.00%	$452,500	0.00%	$0
Other Soft and Miscellaneous Costs	$1,399,460	33.72%	$471,868	66.28%	$927,592
Total Major Improvements	**$3,871,840**		**$1,486,451**		**$2,385,389**

See appendix B-2 for detailed descriptions and calculations of the allocations as provided by the project engineer.

D. Assessment Methodology

The costs of the Authorized Improvements may be assessed by the City Council against the Assessed Property so long as the special benefit conferred upon the Assessed Property by the Authorized Improvements equals or exceeds the Assessments. The costs of the Authorized Improvements may be assessed using any methodology that results in the imposition of equal shares of the Actual Costs on Assessed Property similarly benefited.

2. *Assessment Methodology for Phase #1*

For purpose of this Service and Assessment Plan, the City Council has determined that the Actual Costs of the Phase #1 Projects shall be allocated to the Phase #1 Assessed Property by spreading the entire Assessment across the Parcels based on the estimated number of units anticipated to be developed on each Parcel within Phase #1.

Based on the estimates of the costs of the Phase #1 Projects, as set forth in Table III-B, the City Council has determined that the benefit to Phase #1 Assessed Property of the Phase #1 Projects is at least equal to the Assessments levied on the Phase #1 Assessed Property.

Upon subsequent divisions of any Parcel, the Assessment applicable to it will then be apportioned pro rata based on the estimated equivalent units of each newly created Parcel. For residential Lots, when final residential building sites are platted, Assessments will be apportioned proportionately among each Parcel based on the ratio of the estimated number of units at the time residential Lots

are platted to the total estimated number of all Lots in the platted Parcel, as determined by the Administrator and confirmed by the City Council.

The Assessment and Annual Installments for each Parcel or Lot located within Phase #1 is shown on the Phase #1 Assessment Roll, attached as Appendix F, and no Assessment shall be changed except as authorized by this Service and Assessment Plan or the PID Act.

3. Assessment Methodology for Future Phases

When any given Future Phase is developed, and reimbursement agreement executed for that Future Phase and/or issuance of Bonds, this Service and Assessment Plan will be amended to determine the assessment methodology that results in the imposition of equal shares of the Actual Costs on Assessed Property similarly benefited within that Phase.

E. ASSESSMENTS

The Assessments for the Phase #1 Reimbursement Agreement will be levied on each Parcel or Lot according to the Phase #1 Assessment Roll, as applicable. The Annual Installments for the Phase #1 Reimbursement Agreement will be collected on the dates and in the amounts shown on the Phase #1 Assessment Roll, respectively, subject to revisions made during an Annual Service Plan Update. Non-Benefited Property will not be subject to any Assessments.

See Appendix D for Assessment per equivalent unit, leverage, and estimated tax rate equivalent calculation details.

F. ADMINISTRATIVE EXPENSES

The cost of administering the PID and collecting the Annual Installments shall be paid for on a pro rata basis by each Parcel based on the amount of Assessment levied against the Parcel. The Administrative Expenses shall be collected as part of and in the same manner as Annual Installments in the amounts shown on each Assessment Roll, which may be revised based on actual costs incurred in Annual Service Plan Updates.

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VI. TERMS OF THE ASSESSMENTS

A. AMOUNT OF ASSESSMENTS AND ANNUAL INSTALLMENTS FOR PARCELS LOCATED WITHIN PHASE #1

The Assessment and Annual Installments for each Assessed Property located within Phase #1 is shown on the Phase #1 Assessment Roll, attached as Appendix E, and no Assessment shall be changed except as authorized by this Service and Assessment Plan and the PID Act.

The Annual Installments shall be collected from Phase #1 Assessed Property in an amount sufficient to pay (i) principal and interest on the Phase #1 Reimbursement Agreement, and (ii) to pay Administrative Expenses related to the PID. The Annual Installment for each Parcel shall be calculated by taking into consideration any available funds to reduce the Annual Installments.

B. AMOUNT OF ASSESSMENTS AND ANNUAL INSTALLMENTS FOR PARCELS LOCATED WITHIN FUTURE PHASES

As Future Phases are developed, this Service and Assessment Plan will be amended to determine the Assessment and Annual Installments for each Assessed Property located within Future Phases (e.g., an Appendix will be added as the Assessment Roll for phase #2, etc.). The Assessments shall not exceed the benefit received by the Assessed Property.

C. REALLOCATION OF ASSESSMENTS

1. Subdivision

Upon the subdivision of any Parcel, the Assessment for the Parcel prior to the subdivision shall be reallocated among the new subdivided Parcels according to the following formula:

$$A = B \times (C \div D)$$

Where the terms have the following meanings:

A = the Assessment for each new subdivided Parcel
B = the Assessment for the Parcel prior to subdivision
C = the estimated Equivalent Units to be built on each new subdivided Parcel
D = the sum of the estimated Equivalent Units to be built on all of the new subdivided Parcels

The calculation of the estimated number of units to be built on a Parcel shall be performed by the Administrator and confirmed by the City Council based on the information available regarding the use of the Parcel. The estimate as confirmed shall be conclusive. The number of units to be built on a Parcel may be estimated by net land area and reasonable density ratios.

The sum of the Assessments for all newly subdivided Parcels shall equal the Assessment for the Parcel prior to subdivision. The calculation shall be made separately for each newly subdivided Parcel. The reallocation of an Assessment for a Parcel that is a homestead under Texas law may not exceed the Assessment prior to the reallocation and to the extent the reallocation would exceed such amount, it shall be prepaid by such amount by the party requesting the subdivision of the Parcels. Any reallocation pursuant to this section shall be reflected in an Annual Service Plan Update approved by the City Council.

2. Consolidation

Upon the consolidation of two or more Parcels, the Assessment for the consolidated Parcel shall be the sum of the Assessments for the Parcels prior to consolidation. The reallocation of an Assessment for a Parcel that is a homestead under Texas law may not exceed the Assessment prior to the reallocation and to the extent the reallocation would exceed such amount, it shall be prepaid by such amount by the party requesting the consolidation of the Parcels. Any reallocation pursuant to this section shall be reflected in an Annual Service Plan Update approved by the City Council.

D. MANDATORY PREPAYMENT OF ASSESSMENTS

1. If a Parcel subject to Assessments is transferred to a party that is exempt from the payment of the Assessment under applicable law, or if an owner causes a Parcel subject to Assessments to become Non-Benefited Property, the owner of such Parcel shall pay to the City the full amount of the principal portion of the Assessment on such Parcel, plus all Prepayment Costs, prior to any such transfer or act.

2. If at any time the Assessment per Unit on a Parcel exceeds the Assessment per Unit calculated in this Service and Assessment Plan as a result of any changes in land use, subdivision, consolidation or reallocation of the Assessment authorized by this Service and Assessment Plan and initiated by the owner of the Parcel, then such owner shall pay to the City prior to the recordation of the document subdividing the Parcel the amount calculated by the Administrator by which the Assessment per Unit for the Parcel exceeds the Assessment per Unit calculated in this Service and Assessment Plan.

3. The payments required above shall be treated the same as any Assessment that is due and owing under the PID Act, the Assessment Ordinance, and this Service and Assessment Plan, including the same lien priority, penalties, procedures, and foreclosure specified by the PID Act.

E. REDUCTION OF ASSESSMENTS

1. If after all Authorized Improvements to be funded with the reimbursement agreements have been completed, including any additional Authorized Improvements described herein, and Actual Costs for such Authorized Improvements are less than the Actual Costs used to calculate the Assessments securing such reimbursement obligations, then the Assessment securing such reimbursement obligations for each Parcel of Assessed Property shall be reduced by the City Council pro rata such that the sum of the resulting reduced Assessments for all Assessed Properties equals the actual reduced Actual Costs. The Assessments shall not be reduced to an amount less

than the outstanding reimbursement obligations. If all of the Authorized Improvements are not completed, the City may reduce the Assessments in another method if it determines such method would better reflect the benefit received by the Parcels from the Authorized Improvements completed.

2. If the Authorized Improvements to be funded with the respective reimbursement agreements, including any additional Authorized Improvements described herein, are not undertaken by the City, the Assessment securing such reimbursement obligations for each Assessed Property shall be reduced by the City Council to reflect only the Actual Costs that were expended. The City Council shall reduce such Assessments for each Assessed Property pro rata such that the sum of the resulting reduced Assessments equals the Actual Costs with respect to such Authorized Improvements that were undertaken. The Assessments shall not be reduced to an amount less than the related outstanding reimbursement obligations.

F. PAYMENT OF ASSESSMENTS

1. Payment in Full

(a) The Assessment for any Parcel may be paid in full at any time. Payment shall include all Prepayment Costs.

(b) If an Annual Installment has been billed prior to payment in full of an Assessment, the Annual Installment shall be due and payable and shall be credited against the payment-in-full amount.

(c) Upon payment in full of the Assessment and all Prepayment Costs, the City shall deposit the payment in accordance with the Trust Indenture; whereupon, the Assessment shall be reduced to zero, and the owner's obligation to pay the Assessment and Annual Installments thereof shall automatically terminate.

(d) At the option of the owner, the Assessment on any Parcel plus Prepayment Costs may be paid in part as determined by the Administrator. Upon the payment of such amounts for a Parcel, the Assessment for the Parcel shall be reduced, the Assessment Roll shall be updated to reflect such partial payment, and the obligation to pay the Annual Installment for such Parcel shall be reduced to the extent the partial payment is made.

2. Payment in Annual Installments

The Act provides that an Assessment for a Parcel may be paid in full at any time. If not paid in full, the Act authorizes the City to collect interest and collection costs on the outstanding Assessment. An Assessment for a Parcel that is not paid in full will be collected in Annual Installments each year in the amounts shown in the Phase #1 Assessment Roll, which includes interest on the outstanding Assessment and Administrative Expenses.

Each Assessment shall be paid with interest based on an interest rate of 7.66% per annum for years 1 through 5 and 4.66% per annum following the fifth Annual Installment. Each Assessment shall be paid at a rate not to exceed five hundred basis points above the highest average index rate for tax-exempt bond reported in a daily or weekly bond index approved by the City and reported in

the month prior to the establishment of the Assessments and continuing for a period of five years from such date. Such rate shall then adjust and shall not exceed two hundred basis points above the bond index rate described above and shall continue until the Assessments are paid in full. The index approved by the City is the Bond Buyer Index for which the highest average rate during April 2021 was 2.66%. The City has determined that the Assessments shall bear interest at the rate of 7.66% per annum for years 1 through 5 and 4.66% per annum following the fifth Annual Installment, which rate are equal to both the initial maximum allowable rate of interest of 7.66% as well as the maximum allowable rate of interest following the fifth Annual Installment, which would be 4.66%. Furthermore, the principal and interest component of the Annual Installments may not exceed the amounts shown on the Assessment Roll. The Assessment Rolls, updated with the actual interest rate on the respective reimbursement agreements, are shown in Appendix E and Appendix F.

The Annual Installments shall be reduced to equal the actual costs of repaying the reimbursement obligation under the applicable reimbursement agreement and actual Administrative Expenses (as provided for in the definition of such term), taking into consideration any other available funds for these costs, such as interest income on account balances.

G. COLLECTION OF ANNUAL INSTALLMENTS

No less frequently than annually, the Administrator shall prepare, and the City Council shall consider, an Annual Service Plan Update to allow for the billing and collection of Annual Installments. Each Annual Service Plan Update shall include updated Assessment Rolls and a calculation of the Annual Installment for each Parcel. Administrative Expenses shall be allocated among Parcels in proportion to the amount of the Annual Installments for the Parcels. Annual Installments shall be collected by the City in the same manner and at the same time as ad valorem taxes and shall be subject to the same penalties, procedures, and foreclosure sale in case of delinquencies as are provided for ad valorem taxes of the City. The City Council may provide for other means of collecting the Annual Installments to the extent permitted under the PID Act. The Assessments shall have lien priority as specified in the PID Act.

The collection of the first Annual Installment for a Phase #1 Lot or Parcel shall commence upon the earlier of: (i) with tax bills sent the first October following the issuance of the first building permit for each Lot within each Phase, such that Assessments are billed only for Lots for which a building permit has been issued, (ii) with tax bills sent the first October after issuance of any Bonds secured by the respective reimbursement agreement for Phase #1 Assessed Property, or (iii) with tax bills sent the first October following the second anniversary of the levy of Assessments on the Phase #1 Assessed Property such that all Assessments in the applicable Phase begin collection immediately after the expiration of such two year period. Such first Annual Installment for a Phase #1 Lot or Parcel for which collection has begun, shall be due by January 31st of the following calendar year.

Any sale of property for nonpayment of the Annual Installments shall be subject to the lien established for the remaining unpaid Annual Installments against such property and such property may again be sold at a judicial foreclosure sale if the purchaser thereof fails to make timely payment of the non-delinquent Annual Installments against such property as they become due and payable.

VII. THE ASSESSMENT ROLL

A. PHASE #1 ASSESSMENT ROLL

The City Council has evaluated each Parcel in Phase #1 (based on numerous factors such as the applicable zoning for developable area, the use of proposed Homeowner Association Property, the Public Property, the types of public improvements, and other development factors deemed relevant by the City Council) to determine the amount of Assessed Property within the Phase #1.

The Phase #1 Assessed Property has been assessed for the special benefits conferred upon the property resulting from the Phase #1 Projects. Table VII-B summarizes the $9,060,054 in special benefit received by the Phase #1 Assessed Property from the Phase #1 Projects. The Assessment amount of the Phase #1 Reimbursement Agreement is $7,168,000, which is equal to the benefit received by the Phase #1 Assessed Property. Accordingly, the total Assessment to be applied to all the Phase #1 Assessed Property is $7,168,000 plus annual Administrative Expenses. The Assessment for each Phase #1 Assessed Property is calculated based on the allocation methodologies described in Section V.D. The Phase #1 Assessment Roll is attached hereto as Appendix F.

Table VII-B
Special Benefit Summary - Phase #1

Special Benefit	**Total Cost**
Phase #1 Projects	
Total Authorized Improvements (a)	$9,060,054
Total Special Benefit	**$9,060,054**
Special Benefit	
Total Special Benefit	$9,060,054
Projected Phase #1 Assessment	$7,168,000
Excess Benefit	**$1,892,054**

(a) See Table III-B for details.

B. FUTURE PHASE ASSESSMENT ROLL

As Future Phases are developed, this SAP will be amended to determine the Assessment for each Parcel or Lot located within such Future Phase (e.g., an appendix will be added as the Assessment Roll for each Future Phase).

C. ANNUAL ASSESSMENT ROLL UPDATES

The Administrator shall prepare, and shall submit to the City Council for approval, annual updates to the Phase #1 Assessment Roll in conjunction with the Annual Service Plan Update to reflect

the following matters, together with any other changes helpful to the Administrator or the City and permitted by the PID Act: (i) the identification of each Parcel (ii) the Assessment for each Parcel of Assessed Property, including any adjustments authorized by this Service and Assessment Plan or in the PID Act; (iii) the Annual Installment for the Assessed Property for the year (if the Assessment is payable in installments); and (iv) payments of the Assessment, if any, as provided by Section VI.G of this Service and Assessment Plan.

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VIII. MISCELLANEOUS PROVISIONS

A. ADMINISTRATIVE REVIEW

The City may elect to designate a third party to serve as Administrator. The City shall notify Developer in writing at least thirty (30) days in advance before appointing a third party Administrator.

To the extent consistent with the PID Act, an owner of an Assessed Parcel claiming that a calculation error has been made in the Assessment Roll(s), including the calculation of the Annual Installment, shall send a written notice describing the error to the City not later than thirty (30) days after the date any amount which is alleged to be incorrect is due prior to seeking any other remedy. The Administrator shall promptly review the notice, and if necessary, meet with the Assessed Parcel owner, consider written and oral evidence regarding the alleged error, and decide whether, in fact, such a calculation error occurred.

If the Administrator determines that a calculation error has been made and the Assessment Roll should be modified or changed in favor of the Assessed Parcel owner, such change or modification shall be presented to the City Council for approval to the extent permitted by the PID Act: A cash refund may not be made for any amount previously paid by the Assessed Parcel owner (except for the final year during which the Annual Installment shall be collected or if it is determined there are sufficient funds to meet the expenses of the PID for the current year), but an adjustment may be made in the amount of the Annual Installment to be paid in the following year. The decision of the Administrator regarding a calculation error relating to the Assessment Roll may be appealed to the City Council. Any amendments made to the Assessment Roll(s) pursuant to calculation errors shall be made pursuant to the PID Act.

The decision of the Administrator, or if such decision is appealed to the City Council, the decision of the City Council shall be conclusive as long as there is a reasonable basis for such determination. This procedure shall be exclusive and its exhaustion by any property owner shall be a condition precedent to any other appeal or legal action by such owner.

B. TERMINATION OF ASSESSMENTS

Each Assessment shall be extinguished on the date the Assessment is paid in full, including unpaid Annual Installments and Delinquent Collection Costs, if any. After the extinguishment of an Assessment and the collection of any delinquent Annual Installments and Delinquent Collection Costs, the City shall provide the owner of the affected Parcel a recordable "Notice of the PID Assessment Termination".

C. AMENDMENTS

Amendments to the Service and Assessment Plan can be made as permitted or required by the PID Act and under Texas law.

The City Council reserves the right to the extent permitted by the PID Act to amend this Service and Assessment Plan without notice under the PID Act and without notice to property owners of Parcels: (i) to correct mistakes and clerical errors; (ii) to clarify ambiguities; and (iii) to provide procedures for the collection and enforcement of Assessments, Prepayment Costs, Collection Costs, and other charges imposed by the Service and Assessment Plan.

D. Administration and Interpretation of Provisions

The City Council shall administer the PID, this Service and Assessment Plan, and all Annual Service Plan Updates consistent with the PID Act and shall make all interpretations and determinations related to the application of this Service and Assessment Plan unless stated otherwise herein or in the Trust Indenture, such determination shall be conclusive.

E. Severability

If any provision, section, subsection, sentence, clause or phrase of this Service and Assessment Plan or the application of same to an Assessed Parcel or any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Service and Assessment Plan or the application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Service and Assessment Plan that no part hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other part hereof, and all provisions of this Service and Assessment Plan are declared to be severable for that purpose.

If any provision of this Service and Assessment Plan is determined by a court to be unenforceable, the unenforceable provision shall be deleted from this Service and Assessment Plan and the unenforceable provision shall, to the extent possible, be rewritten to be enforceable and to give effect to the intent of the City.

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APPENDIX A
PID MAP

PID BOUNDARY
EXHIBIT

BEL-AIR VILLAGE

SHERMAN TEXAS

PROJECT MGR	MJD
DESIGNED BY	MJD
DRAWN BY	CMT
SCALE	AS SHOWN
DATE	APRIL 2021
064916003	

Kimley»Horn

Texas Board of Professional Engineers and Land Surveyors
Kimley-Horn and Associates, Inc.
Registration No. F-928

© 2021 KIMLEY-HORN AND ASSOCIATES, INC.
201 EAST CAMPBELL STREET, SUITE 100, MCKINNEY, TX 75069
PHONE: 469-301-2636 FAX: 972-335-3779
FIRM # 10115823 - LICENSED LAND SURVEYING

NO.	REVISIONS	DATE	BY

Know what's below.
Call before you dig.

811

BENCH MARK LIST

TBM #11: X-CUT IN CONCRETE ON BRIDGE 16'+/- SOUTHEAST OF THE CENTERLINE OF F.M. HIGHWAY 1417 AND 50'+/- NORTHERN SANTA FE RAIL ROAD AND 75'+/- SOUTHEAST OF THE CENTERLINE OF F.M. HIGHWAY 1417
ELEV.: 765.31'

TBM #19: X-CUT IN CONCRETE CURB 78'+/- SOUTHEAST OF THE CENTERLINE OF F.M. HIGHWAY 1417 AND 100'+/- NORTHEAST OF NORTH DAKOTA DRIVE
ELEV.: 775.84'

DRCT NUMBER

CALLED 66.101 ACRES
ANN LAKE ALEMAN REVOCABLE TRUST
JUDY A. ALEMAN
VOL. 3793, PG. 255
O.P.R.C.C.T.
CALLED 70.00 ACRES
DKGT RAILWAY COMPANY
INST. NO. 20190000
O.P.R.C.C.T.
CALLED 370.73 ACRES
CHICKTAW CREEK RANCH, LLC
VOL. 3007, PG. 284
O.P.R.C.C.T.
CALLED 30.056 ACRES
TERRA PERPETUA, LLC
INST. NO. 20210000
O.P.R.C.C.T.
CALLED 30.056 ACRES
TERRA PERPETUA, LLC
INST. NO. 20210000
O.P.R.C.C.T.
CALLED 10.00 ACRES
TEXAS TRUCK STOP, LLC
INST. NO. 20190000
O.P.R.C.C.T.
CALLED 1

APPENDIX B-1
ESTIMATED COSTS OF AUTHORIZED IMPROVEMENTS

BEL AIR VILLAGE - SHERMAN, TX

BUDGET SUMMARY

4/16/2021

	PHASE 1				FUTURE PHASES				OVERALL PROJECT TOTALS			
NUMBER OF ACRES	58.5				153.5				212.0			
NUMBER OF LOTS	327				618				945			
	TOTAL	PID DIRECT	PID MI	NON-PID	TOTAL	PID DIRECT	PID MI	NON-PID	TOTAL	PID DIRECT	PID MI	NON-PID
ENGINEERING, CONSULTING, CITY FEES	1,339,464	916,459	336,736	86,269	2,782,955	2,072,216	710,739	0	4,122,419	2,988,675	1,047,475	86,269
EXCAVATION AND EROSION CONTROL	1,968,806	576,156	206,651	1,185,999	4,240,163	945,506	49,269	3,254,388	6,208,969	1,521,662	249,920	4,440,387
WATER SYSTEMS	729,393	713,377	16,016	0	1,632,722	1,311,238	321,485	0	2,362,115	2,024,614	337,501	0
SANITARY SEWER	1,021,866	863,168	158,699	0	2,052,577	1,427,124	484,095	141,358	3,074,443	2,290,291	642,793	141,358
STORM SEWER	1,662,616	1,501,598	139,147	0	2,659,119	2,227,529	358,871	72,719	4,321,735	3,729,127	498,018	72,719
PAVING	2,168,179	2,126,609	41,570	0	5,840,421	5,587,343	253,078	0	8,008,599	7,713,952	294,648	0
SITE FENCING / RETAINING WALLS / LANDSCAPE	1,079,065	188,947	452,500	437,618	1,126,309	356,000	0	770,309	2,205,374	544,947	452,500	1,207,927
DRY UTILITIES	89,400	0	0	89,400	27,000	0	0	27,000	116,400	0	0	116,400
SUB-TOTAL CONSTRUCTION COST	10,058,789	6,886,313	1,351,320	1,799,286	20,361,265	13,926,956	2,168,535	4,265,774	30,420,054	20,813,268	3,519,855	6,065,061
PER LOT COST	30,761	21,059	4,132	5,502	32,947	22,536	3,509	6,903	32,191	22,025	3,725	6,418
10% CONTINGENCY	1,005,879	688,631	135,132	179,929	2,036,127	1,392,696	216,854	426,577	3,042,005	2,081,327	351,985	606,506
SUB-TOTAL WITH CONTINGENCY	11,064,668	7,574,944	1,486,452	1,979,215	22,397,392	15,319,651	2,385,389	4,692,352	33,462,059	22,894,595	3,871,840	6,671,567
ROLLBACK TAXES	87,795	0	0	87,795	230,220	0	0	230,220	318,015	0	0	318,015
TOTAL CONSTRUCTION COST	11,152,463	7,574,944	1,486,452	2,067,010	22,627,612	15,319,651	2,385,389	4,922,572	33,780,074	22,894,595	3,871,840	6,989,582
PER LOT COST	34,105	23,165	4,546	6,321	36,614	24,789	3,860	7,965	35,746	24,227	4,097	7,396

BELAIR BLVD	
CITY	
PHASE 1	FUTURE PHASES
223,468	301,519
28,766	53,830
144,768	144,794
0	0
74,521	143,255
814,923	1,310,592
182,840	218,850
7,200	27,000
1,476,486	2,199,848
3,676,335	
$3,890	

NOTES

1. ROLLBACK TAXES ESTIMATED AT $1,500 PER ACRE
2. NO PARK DEDICATION FEES ARE REQUIRED
3. WATER METER IMPACT FEE TO THE BUILDER FOR A 3/4" METER IS $1,000.00 PER BUILDING PERMIT.
4. SEWER IMPACT FEE TO THE BUILDER AT $500.00 PER BUILDING PERMIT
5. ROADWAY IMPACT FEES AT $1,000.00 PER SINGLE FAMILY BUILDING PERMIT
6. BUILDING PERMIT / INSPECTION FEES - $0.30 PER SQUARE FOOT PLUS $25.00
7. CITY CONTRACTS AND PAYS FOR ALL PUBLIC INFRASTRUCTURE CMT
8. MOISTURE CONDITIONING (PADS) & CMT ASSUMED, NO GEOTECH AVAILABLE (PHASE I = $1,084,546)
9. UNCLASSIFIED EXCAVATION (FILL) TAKEN FROM FUTURE PHASES
10. CLEARING OF OFFSITE SANITARY MAIN 100% PID ELIGIBLE, VERIFY ACREAGE FOR BUDGET
11. SANITARY MANHOLES DO NOT REQUIRE REQUIRE COATING
12. DEVELOPER PAYS CITY FOR STREET SIGNS, CITY INSTALLS
13. STREETLIGHTS SHALL BE INSTALLED BY FRANCHISE PROVIDER AND APPROVED BY CITY (WILL REQUIRE PHOTOMETRIC PLAN)
14. VERIFY DETENTION POND BUILT IN PHASE 1, KEEP DRY IF POSSIBLE (2 BUBBLERS INCLUDED IN BUDGET)
15. INTERNAL PARK BUDGET NOT FINALIZED UNTIL EXTENT OF IMPROVEMENTS ARE KNOWN
16. WATER METERS ENGINEERED TOWARDS VALUE (300% INCREASE IN CITY WATER IMPACT FEES 2" VS. 1")
17. GRAND AVENUE - LANDSCAPE/IRRIGATION BUDGETED, NO OTHER COSTS INCLUDED [CITY PAYING FOR STREET VIA TIRZ]
18. GRAND AVENUE - 8" PAVEMENT UNIT PRICE TO INCLUDE 17' MEDIAN, NO MEDIAN NOSES BUDGETED (4 MAX)
19. IS TRAFFIC LIGHT & DECELERATION LANE TIRZ FUNDED?

LOT COUNTS

LOT SIZE	PHASE 1	FUTURE PHASES	TOTAL
25'S	98	89	187
30's	0	79	79
40'S	124	136	260
50's	105	245	350
60's	0	69	69
TOTAL LOTS	327	618	945
ACREAGE	58.530	153.500	212.030

BEL AIR VILLAGE - SHERMAN, TX
PHASE 1 - BUDGET

4/16/2021

ENGINEERING, CONSULTING, AND FEES

ITEM NO.	DESCREIPTION	UNIT	ESTIMATED QUANTITY	UNIT PRICE	TOTAL PRICE	PID DIRECT	PID MI	NON-PID
1	CIVIL ENGINEERING AND SURVEYING	LOT	327	$1,800.00	$588,600.00	$391,450.00	$147,150.00	$50,000.00
2	RECORD EASEMENT REVIEW	LS	0	$11,625.00	$0.00	$0.00	$0.00	$0.00
3	CONSTRUCTION MANAGEMENT	LOT	327	$1,500.00	$490,500.00	$367,875.00	$122,625.00	$0.00
4	INSPECTION FEES	%	4.0%	$3,908,634.56	$156,345.38	$117,259.04	$39,086.35	$0.00
5	CITY APPLICATION FEES	LS	1	$1,500.00	$1,500.00	$1,125.00	$375.00	$0.00
6	PRO-RATA	LS	0	$377,440.00	$0.00	$0.00	$0.00	$0.00
7	PARKLAND DEDICATION FEES	LOT	327	$0.00	$0.00	$0.00	$0.00	$0.00
8	FINAL SOILS REPORT	LOT	1	$30,000.00	$30,000.00	$22,500.00	$7,500.00	$0.00
9	CMT	%	0.80%	$3,908,634.56	$31,269.08	$0.00	$0.00	$31,269.08
10	TRAFFIC IMPACT ANALYSIS	LS	0	$0.00	$0.00	$0.00	$0.00	$0.00
11	PHOTOMETRIC & LIGHTING PLANS	LS	1	$1,250.00	$1,250.00	$1,250.00	$0.00	$0.00
12	LANDSCAPE ARCHITECT	LS	1	$40,000.00	$40,000.00	$15,000.00	$20,000.00	$5,000.00
	TOTAL - ENGINEERING, CONSULTING, AND FEES:				**$1,339,464.46**	$916,459.04	$336,736.35	$86,269.08
				PER LOT:	$4,096	$2,803	$1,030	$264

GRADING AND SITE PREPARATION

EXCAVATION

ITEM NO.	DESCRIPTION	UNIT	ESTIMATED QUANTITY	UNIT PRICE	TOTAL PRICE	PID DIRECT	PID MI	Regional D NON-PID
1	CONSTRUCTION ENTRANCE	EA	1	$2,000.00	$2,000.00	$2,000.00	$0.00	$0.00
2	CLEARING AND GRUBBING	AC	58.53	$2,000.00	$117,060.00	$117,060.00	$0.00	$0.00
3	DEMO EXISTING STRUCTURES	LS	1	$30,000.00	$30,000.00	$30,000.00	$0.00	$0.00
4	DRAIN & DEMUCK POND	EA	1	$25,000.00	$25,000.00	$25,000.00	$0.00	$0.00
5	CAP EXISTING WELL	EA	1	$4,500.00	$4,500.00	$4,500.00	$0.00	$0.00
6	CLEARING OF SANITARY SEWER MAIN EASEMENT (OFFSITE)	AC	5	$3,500.00	$17,500.00	$0.00	$17,500.00	$0.00
7	UNCLASSIFIED EXCAVATION (CUT)	CY	28,000	$2.30	$64,400.00	$64,400.00	$0.00	$0.00
8	UNCLASSIFIED EXCAVATION (FILL FROM FUTURE PHASES)	CY	144,000	$2.30	$331,200.00	$198,720.00	$132,480.00	$0.00
9	DETENTION POND UNCLASSIFIED EXCAVATION (CUT)	CY	34,863	$2.30	$80,184.90	$48,439.70	$27,992.55	$3,752.65
10	MOISTURE CONDITIONING 8' - OVER EXCAVATION	CY	406,371	$2.30	$934,653.30	$0.00	$0.00	$934,653.30
11	POLY SEAL LOTS	LOT	327	$400.00	$130,800.00	$0.00	$0.00	$130,800.00
12	CMT (MOISTURE CONDITIONING)	LS	2%	$934,653.30	$18,693.07	$0.00	$0.00	$18,693.07
13	ROUGH LOT BENCHING	LOT	327	$150.00	$49,050.00	$0.00	$0.00	$49,050.00
14	FINAL LOT BENCHING	LOT	327	$150.00	$49,050.00	$0.00	$0.00	$49,050.00
	TOTAL - EXCAVATION WITH NO MOISTURE CONDITIONING:				**$1,854,091.27**	$490,119.70	$177,972.55	$1,185,999.02
				PER LOT:	$5,670	$1,499	$544	$3,627

EROSION CONTROL

ITEM NO.		UNIT	ESTIMATED QUANTITY	UNIT PRICE	TOTAL PRICE	PID DIRECT	PID MI	NON-PID
1	SILT FENCE	LF	6,700	$1.45	$9,715.00	$7,286.25	$2,428.75	$0.00
2	INLET PROTECTION	EA	54	$300.00	$16,200.00	$12,150.00	$4,050.00	$0.00
3	SEED DISTURBED AREAS	AC	40.00	$400.00	$16,000.00	$12,000.00	$4,000.00	$0.00
4	4' CURLEX	LF	26,000	$1.30	$33,800.00	$25,350.00	$8,450.00	$0.00
5	SWPPP	LS	1	$3,000.00	$3,000.00	$2,250.00	$750.00	$0.00
6	SWPPP INSPECTIONS	EA	12	$3,000.00	$36,000.00	$27,000.00	$9,000.00	$0.00
	TOTAL - EROSION CONTROL:				**$114,715.00**	$86,036.25	$28,678.75	$0.00
				PER LOT:	$351	$263	$88	$0

WET UTILITIES

ITEM NO.	DESCRIPTION	UNIT	ESTIMATED QUANTITY	UNIT PRICE	TOTAL PRICE	PID DIRECT	PID MI	NON-PID
	UTILITIES - WATER SYSTEMS							
1	8" AWWA C900 PVC WATERLINE & FITTINGS	LF	10,845	$24.00	$260,280.00	$260,280.00	$0.00	$0.00
2	12" AWWA C900 PVC WATERLINE & FITTINGS	LF	0	$36.00	$0.00	$0.00	$0.00	$0.00
3	20" x 12" TEE	EA	0	$2,500.00	$0.00	$0.00	$0.00	$0.00
4	12" GATE VALVE & BOX	EA	0	$5,000.00	$0.00	$0.00	$0.00	$0.00
5	8" GATE VALVE & BOX	EA	44	$1,300.00	$57,200.00	$54,600.00	$2,600.00	$0.00
6	3/4" IRRIGATION SERVICES	EA	8	$800.00	$6,400.00	$5,600.00	$800.00	$0.00
7	3/4" SINGLE WATER SERVICE	EA	327	$800.00	$261,600.00	$261,600.00	$0.00	$0.00
8	FIRE HYDRANT ASSEMBLY	EA	23	$4,000.00	$92,000.00	$80,000.00	$12,000.00	$0.00
9	TRENCH SAFTEY	LF	10,845	$1.00	$10,845.00	$10,845.00	$0.00	$0.00
10	TESTING (CITY-REQUIRED)	LF	10,845	$1.20	$13,014.00	$13,014.00	$0.00	$0.00
11	PAYMENT, PERFORMANCE, &MAINTENANCE BOND	LF	4%	$701,339.00	$28,053.56	$27,437.56	$616.00	$0.00
	SUBTOTAL UTILITIES - WATER SYSTEMS:				$729,392.56	$713,376.56	$16,016.00	$0.00
				PER LOT:	$2,231	$2,182	$49	$0
	UTILITIES - SANITARY SEWER							
1	8" SDR-35 PVC PIPE	LF	10,156	$28.00	$284,368.00	$284,368.00	$0.00	$0.00
2	4.0' DIAMETER MANHOLE	EA	28	$4,600.00	$128,800.00	$128,800.00	$0.00	$0.00
3	8" SDR-35 PVC PIPE (TRUNK SEWER A)	LF	598	$28.00	$16,744.00	$6,697.60	$10,046.40	$0.00
4	10" SDR-26 PVC PIPE (TRUNK SEWER A)	LF	1,062	$36.00	$38,232.00	$15,292.80	$22,939.20	$0.00
5	12" SDR-26 PVC PIPE (TRUNK SEWER A)	LF	1,160	$50.00	$58,000.00	$23,200.00	$34,800.00	$0.00
6	15" SDR-26 PVC PIPE (TRUNK SEWER A)	LF	1,318	$60.00	$79,080.00	$31,632.00	$47,448.00	$0.00
7	4.0' DIAMETER MANHOLE (TRUNK SEWER A)	EA	7	$4,600.00	$32,200.00	$12,880.00	$19,320.00	$0.00
8	5.0' DIAMETER MANHOLE (TRUNK SEWER A)	EA	5	$6,500.00	$32,500.00	$13,000.00	$19,500.00	$0.00
9	CONNECT TO EXISTING MANHOLE (TRUNK SEWER A)	EA	1	$500.00	$500.00	$200.00	$300.00	$0.00
10	CONCRETE ENCASEMENT	LF	0	$100.00	$0.00	$0.00	$0.00	$0.00
11	4" SDR-35 SEWER SERVICES	EA	327	$875.00	$286,125.00	$286,125.00	$0.00	$0.00
12	END & 8" PLUG FOR FUTURE DEVELOPMENT	EA	2	$500.00	$1,000.00	$1,000.00	$0.00	$0.00
13	TRENCH SAFTEY	LF	10,156	$1.00	$10,156.00	$10,156.00	$0.00	$0.00
14	TESTING (CITY-REQUIRED)	LF	10,156	$0.75	$7,617.00	$7,617.00	$0.00	$0.00
15	TRENCH SAFTEY (TRUNK SEWER A)	LF	4,138	$1.00	$4,138.00	$1,655.20	$2,482.80	$0.00
16	TESTING (CITY-REQUIRED) (TRUNK SEWER A)	LF	4,138	$0.75	$3,103.50	$1,241.40	$1,862.10	$0.00
17	PAYMENT, PERFORMANCE, &MAINTENANCE BOND	LS	4%	982,563.50	$39,302.54	$39,302.54	$0.00	$0.00
	SUBTOTAL UTILITIES - SANITARY SEWER:				$1,021,866.04	$863,167.54	$158,698.50	$0
				PER LOT:	$3,125	$2,640	$485	$0
	UTILITIES - STORM SEWER - PID DIRECT							
1	4' x 4' R.C.B	LF	160	$275.00	$44,000.00	$44,000.00	$0.00	$0.00
2	5' x 4' R.C.B	LF	359	$300.00	$107,700.00	$107,700.00	$0.00	$0.00
3	48" Class III RCP	LF	897	$180.00	$161,460.00	$161,460.00	$0.00	$0.00
4	42" Class III RCP	LF	486	$150.00	$72,900.00	$72,900.00	$0.00	$0.00
5	36 " Class III RCP	LF	858	$110.00	$94,380.00	$94,380.00	$0.00	$0.00
6	30" Class III RCP	LF	700	$80.00	$56,000.00	$56,000.00	$0.00	$0.00
7	24" Class III RCP	LF	1,519	$60.00	$91,140.00	$91,140.00	$0.00	$0.00
8	18" Class III RCP	LF	2,269	$53.00	$120,257.00	$120,257.00	$0.00	$0.00
9	3' x 3' JUNCTION BOX	EA	1	$3,000.00	$3,000.00	$3,000.00	$0.00	$0.00
10	4' x 4' JUNCTION BOX	EA	4	$3,800.00	$15,200.00	$15,200.00	$0.00	$0.00
11	5' x 5' JUNCTION BOX	EA	1	$4,500.00	$4,500.00	$4,500.00	$0.00	$0.00
12	6' x 6' JUNCTION BOX	EA	3	$6,500.00	$19,500.00	$19,500.00	$0.00	$0.00
13	7' x 7' JUNCTION BOX	EA	1	$8,500.00	$8,500.00	$8,500.00	$0.00	$0.00
14	10' CURB INLET	EA	66	$3,750.00	$247,500.00	$247,500.00	$0.00	$0.00
15	TRENCH SAFETY	LF	7,248	$1.00	$7,248.00	$7,248.00	$0.00	$0.00
16	TESTING (CITY-REQUIRED)	LF	7,248	$1.00	$7,248.00	$7,248.00	$0.00	$0.00
17	PAYMENT, PERFORMANCE, &MAINTENANCE BOND	LS	4%	$1,060,533.00	$42,421.32	$42,421.32	$0.00	$0.00
	SUBTOTAL UTILITIES - STORM SEWER:				$1,102,954.32	$1,102,954.32	$0.00	$0.00
				PER LOT:	$3,373	$3,373	$0	$0
	UTILITIES - STORM SEWER - MASTER IMPROVEMENT - LINE B							
								Total Infi
1	5' x 5' R.C.B	LF	177	$350.00	$61,950.00	$51,362.75	$6,610.07	$3,977.19
2	(3) 8' x 4' R.C.B.	LF	50	$1,900.00	$95,000.00	$61,835.50	$33,164.50	$4,446.00
3	48" Class III RCP	LF	756	$180.00	$136,080.00	$96,439.90	$39,640.10	$23,841.22
4	36 " Class III RCP	LF	441	$110.00	$48,510.00	$34,379.04	$14,130.96	$8,498.95
5	24" Class III RCP	LF	804	$60.00	$48,240.00	$34,187.69	$14,052.31	$8,451.65
6	18" Class III RCP	LF	160	$53.00	$8,480.00	$6,009.78	$2,470.22	$1,485.70
7	4' x 4' JUNCTION BOX	EA	2	$3,800.00	$7,600.00	$5,386.12	$2,213.88	$0.00
8	6' x 6' JUNCTION BOX	EA	1	$6,500.00	$6,500.00	$4,606.55	$1,893.45	$0.00
9	7' x 7' JUNCTION BOX	EA	1	$8,500.00	$8,500.00	$7,593.05	$906.95	$545.70
10	10' x 10' CUSTOM DETENTION OUTFALL JUNCTION BOX	EA	1	$10,000.00	$10,000.00	$6,509.00	$3,491.00	$468.00
11	10' CURB INLET	EA	15	$3,750.00	$56,250.00	$33,750.00	$7,500.00	$15,000.00
12	RIP-RAP	SY	50	$85.00	$4,250.00	$3,523.68	$453.48	$272.85
13	5' x 5' HEADWALL	EA	1	$20,000.00	$20,000.00	$16,582.00	$2,134.00	$1,284.00
14	CUSTOM HEADWALL	EA	1	$22,000.00	$22,000.00	$13,290.20	$7,680.20	$1,029.60
15	TRENCH SAFETY	LF	2,388	$1.00	$2,388.00	$1,979.89	$254.80	$153.31
16	TESTING (CITY-REQUIRED)	LF	2,388	$1.00	$2,388.00	$1,979.89	$254.80	$153.31
17	PAYMENT, PERFORMANCE, &MAINTENANCE BOND	LS	4%	$538,136.00	$21,525.44	$19,228.68	$2,296.76	$1,381.93
	SUBTOTAL UTILITIES - STORM SEWER:				$559,661.44	$398,643.69	$139,147.49	$70,989.40
				PER LOT:	$1,712	$1,219	$426	$217
	TOTAL WET UTILITIES:				$3,413,874.36	$3,078,142.11	$313,861.99	$70,989.40
				PER LOT:	$10,440	$9,413	$960	$217

PAVING

ITEM NO.	DESCRIPTION	UNIT	ESTIMATED QUANTITY	UNIT PRICE	TOTAL PRICE	PID DIRECT	PID MI	NON-PID
1	LOCAL STREET (6" REINFORCED CONCRETE PVMT.)	SY	36,875	$35.00	$1,290,625.00	$1,290,625.00	$0.00	$0.00
2	ALLEY (6" REINFORCED CONCRETE PVMT.)	SY	4,273	$41.00	$175,193.00	$175,193.00	$0.00	$0.00
3	SLIP ROAD (6" REINFORCED CONCRETE PVMT.)	SY	936	$41.00	$38,376.00	$38,376.00	$0.00	$0.00
4	GRAND AVE (8" REINFORCED CONCRETE PVMT.)	SY	0	$55.00	$0.00	$0.00	$0.00	$0.00
5	8" SUBGRADE PREP (LOCAL STREET)	SY	36,875	$3.50	$129,062.50	$129,062.50	$0.00	$0.00
6	8" SUBGRADE PREP (ALLEY)	SY	4,273	$3.50	$14,955.50	$14,955.50	$0.00	$0.00
7	8" SUBGRADE PREP (SLIP ROAD)	SY	936	$3.50	$3,276.00	$3,276.00	$0.00	$0.00
8	8" SUBGRADE PREP (GRAND AVE)	SY	0	$3.50	$0.00	$0.00	$0.00	$0.00
9	HYDRATED LIME (36#/SY) (LOCAL STREET)	TON	1,328	$175.00	$232,312.50	$232,312.50	$0.00	$0.00
10	HYDRATED LIME (36#/SY) (ALLEY)	TON	154	$175.00	$26,919.90	$26,919.90	$0.00	$0.00
11	HYDRATED LIME (36#/SY) (SLIP ROAD)	TON	34	$175.00	$5,896.80	$5,896.80	$0.00	$0.00
12	HYDRATED LIME (36#/SY) (GRAND AVE)	TON	0	$175.00	$0.00	$0.00	$0.00	$0.00
13	5' CONCRETE SIDEWALK	SF	14,000	$5.60	$78,400.00	$67,760.00	$10,640.00	$0.00
14	6' CONCRETE SIDEWALK	LF	0	$32.00	$0.00	$0.00	$0.00	$0.00
15	REMOVE BARRICADE & CONNECT TO EXISTING	EA	2	$650.00	$1,300.00	$1,300.00	$0.00	$0.00
16	STREET BARRICADE	EA	3	$2,500.00	$7,500.00	$0.00	$7,500.00	$0.00
17	PAVEMENT HEADER	LF	90	$33.00	$2,970.00	$2,970.00	$0.00	$0.00
18	BARRIER FREE RAMP	EA	39	$2,000.00	$78,000.00	$74,000.00	$4,000.00	$0.00
19	PAYMENT, PERFORMANCE, &MAINTENANCE BOND	LS	495	$2,084,787.20	$83,391.49	$63,961.49	$19,430.00	$0.00
	TOTAL PAVING:				$2,168,178.69	$2,126,608.69	$41,570.00	$0.00
				PER LOT:	$6,631	$6,503	$127	$0

SITE FENCING / RETAINING WALLS / LANDSCAPE

ITEM NO.	DESCRIPTION	UNIT	ESTIMATED QUANTITY	UNIT PRICE	TOTAL PRICE	PID DIRECT	PID MI	NON-PID
1	1' - 2' RETAINING WALL (MINIMUM HEIGHT)	SF	2,000	$10.50	$21,000.00	$0.00	$0.00	$21,000.00
2	2' RETAINING WALL	SF	7,080	$10.50	$74,340.00	$0.00	$0.00	$74,340.00
3	3' RETAINING WALL	SF	2,670	$10.50	$28,035.00	$0.00	$0.00	$28,035.00
4	4' RETAINING WALL	SF	2,880	$10.50	$30,240.00	$0.00	$0.00	$30,240.00
5	5' RETAINING WALL	SF	3,150	$11.50	$36,225.00	$0.00	$0.00	$36,225.00
6	7' RETAINING WALL	SF	1,225	$12.50	$15,312.50	$0.00	$0.00	$15,312.50
7	8' RETAINING WALL	SF	720	$13.50	$9,720.00	$0.00	$0.00	$9,720.00
8	9' RETAINING WALL	SF	2,115	$14.50	$30,667.50	$0.00	$0.00	$30,667.50
9	14' RETAINING WALL	SF	2,800	$20.50	$57,400.00	$0.00	$0.00	$57,400.00
10	PERIMETER SCREENING WALL (6' Masonry)	LF	1,900	$100.00	$190,000.00	$0.00	$190,000.00	$0.00
11	MAIN ENTRY FEATURE	EA	1	$75,000.00	$75,000.00	$0.00	$75,000.00	$0.00
12	TREES	EA	100	$450.00	$45,000.00	$0.00	$45,000.00	$0.00
13	COMMON AREA LANDSCAPE/IRRIGATION	SF	75,000	$1.90	$142,500.00	$0.00	$142,500.00	$0.00
14	POND BUBBLER	EA	2	$15,000.00	$30,000.00	$0.00	$0.00	$30,000.00
15	6' WOOD FENCE (EAST PROPERTY LINE)	LF	1,600	$40.00	$64,000.00	$0.00	$0.00	$64,000.00
16	INTERNAL PARK (Landscape & Irrigation)	SF	39,649	$3.00	$118,947.00	$118,947.00	$0.00	$0.00
17	PARK FENCING (Wrought Iron)	LF	600	$40.00	$24,000.00	$24,000.00	$0.00	$0.00
18	ELECTRIC METER SET UP FEES	EA	8	$3,500.00	$28,000.00	$21,000.00	$0.00	$7,000.00
19	3/4" WATER METERS AND IMPACT FEES	EA	8	$1,000.00	$8,000.00	$6,000.00	$0.00	$2,000.00
20	MAILBOX CLUSTER	EA	20	$1,550.00	$31,678.13	$0.00	$0.00	$31,678.13
21	STREET SIGNS	EA	19	$1,000.00	$19,000.00	$19,000.00	$0.00	$0.00
	TOTAL - SITE FENCING / RETAINING WALLS / LANDSCAPE:				$1,079,065.13	$188,947.00	$452,500.00	$437,618.13
				PER LOT:	$3,300	$578	$1,384	$1,338

DRY UTILITIES

ITEM NO.	DESCRIPTION	UNIT	ESTIMATED QUANTITY	UNIT PRICE	TOTAL PRICE	PID DIRECT	PID MI	NON-PID
1	ELECTRIC SERVICE	LOT	327	$0.00	$0.00	$0.00	$0.00	$0.00
2	GAS SERVICE	LOT	327	$0.00	$0.00	$0.00	$0.00	$0.00
3	OVERHEAD POLE RELOCATION	LS	1	$75,000.00	$75,000.00	$0.00	$0.00	$75,000.00
4	STREET LIGHTS	EA	17	$0.00	$0.00	$0.00	$0.00	$0.00
5	STREET LIGHT CROSSINGS	LF	800	18.00	$14,400.00	$0.00	$0.00	$14,400.00
	TOTAL - DRY UTILITIES:				$89,400.00	$0.00	$0.00	$89,400.00
				PER LOT:	$273	$0	$0	$273

ROLLBACK TAXES

ITEM NO.	DESCRIPTION	UNIT	ESTIMATED QUANTITY	UNIT PRICE	TOTAL PRICE	PID DIRECT	PID MI	NON-PID
1	ROLLBACK TAXES	AC	58.5	$1,500.00	$87,795.00	$0.00	$0.00	$87,795.00
	TOTAL - ROLLBACK TAXES:				$87,795	$0	$0	$87,795
				PER LOT:	$268	$0	$0	$268
	GRAND TOTAL - PHASE 1				$10,146,583.90	$6,886,312.79	$1,351,319.63	$1,958,070.63

BEL AIR VILLAGE - SHERMAN, TX
FUTURE PHASES - BUDGET

4/16/2021

ENGINEERING, CONSULTING, AND FEES

ITEM NO.	DESCREIPTION	UNIT	ESTIMATED QUANTITY	UNIT PRICE	TOTAL PRICE	PID DIRECT	PID MI	NON-PID
1	CIVIL ENGINEERING AND SURVEYING	LOT	618	$1,800.00	$1,112,400.00	$834,300.00	$278,100.00	$0.00
2	RECORD EASEMENT REVIEW	LS	0	$11,625.00	$0.00	$0.00	$0.00	$0.00
3	CONSTRUCTION MANAGEMENT	LOT	618	$1,500.00	$927,000.00	$695,250.00	$231,750.00	$0.00
4	INSPECTION FEES	%	4.0%	$12,184,838.47	$487,393.54	$365,545.15	$121,848.38	$0.00
5	CITY APPLICATION FEES	LS	1	$3,000.00	$3,000.00	$2,250.00	$750.00	$0.00
6	PRO-RATA	LOT	0	$1,150.00	$0.00	$0.00	$0.00	$0.00
7	PARKLAND DEDICATION FEES	LOT	618	$0.00	$0.00	$0.00	$0.00	$0.00
8	FINAL SOILS REPORT	LOT	618	$100.00	$61,800.00	$46,350.00	$15,450.00	$0.00
9	CMT	%	0.83%	$16,263,926.47	$130,111.41	$97,583.56	$32,527.85	$0.00
10	TRAFFIC IMPACT ANALYSIS	LS	0	$0.00	$0.00	$0.00	$0.00	$0.00
11	PHOTOMETRIC & LIGHTING PLANS	LS	1	$1,250.00	$1,250.00	$937.50	$312.50	$0.00
12	LANDSCAPE ARCHITECT	LS	1	$60,000.00	$60,000.00	$30,000.00	$30,000.00	$0.00
	TOTAL - ENGINEERING, CONSULTING, AND FEES:				**$2,782,954.95**	$2,072,216.21	$710,738.74	$0.00
				PER LOT:	**$4,503.16**	**$3,353.10**	**$1,150.06**	**$0.00**

GRADING AND SITE PREPARATION

EXCAVATION

ITEM NO.	DESCRIPTION	UNIT	ESTIMATED QUANTITY	UNIT PRICE	TOTAL PRICE	PID DIRECT	PID MI	NON-PID
1	CONSTRUCTION ENTRANCE	EA	1	$2,000.00	$2,000.00	$2,000.00	$0.00	$0.00
2	CLEARING AND GRUBBING	AC	149.90	$2,000.00	$299,800.00	$299,800.00	$0.00	$0.00
3	DEMO EXISTING STRUCTURES	LS	1	$20,000.00	$20,000.00	$20,000.00	$0.00	$0.00
4	DRAIN & DEMUCK POND	EA	0	$25,000.00	$0.00	$0.00	$0.00	$0.00
5	CAP EXISTING WELL	EA	1	$4,500.00	$4,500.00	$4,500.00	$0.00	$0.00
6	CLEARING OF SANITARY SEWER MAIN EASEMENT (OFFSITE)	AC	2	$2,000.00	$4,000.00	$4,000.00	$0.00	$0.00
7	UNCLASSIFIED EXCAVATION (CUT)	LOT	618	$2,000.00	$1,236,000.00	$494,400.00	$0.00	$741,600.00
8	UNCLASSIFIED EXCAVATION (FILL)	LOT	618	$0.00	$0.00	$0.00	$0.00	$0.00
9	MOISTURE CONDITIONING 8' - OVER EXCAVATION	LOT	618	$3,300.00	$2,039,400.00	$0.00	$0.00	$2,039,400.00
10	POLY SEAL LOTS	LOT	618	$400.00	$247,200.00	$0.00	$0.00	$247,200.00
11	CMT (MOISTURE CONDITIONING)	LS	2%	$2,039,400.00	$40,788.00	$0.00	$0.00	$40,788.00
12	ROUGH LOT BENCHING	LOT	618	$150.00	$92,700.00	$0.00	$0.00	$92,700.00
13	FINAL LOT BENCHING	LOT	618	$150.00	$92,700.00	$0.00	$0.00	$92,700.00
	TOTAL - EXCAVATION WITH NO MOISTURE CONDITIONING:				**$4,079,088.00**	$824,700.00	$0.00	$3,254,388.00
				PER LOT:	$6,600.47	$1,334.47	$0.00	$5,266.00

EROSION CONTROL

ITEM NO.		UNIT	ESTIMATED QUANTITY	UNIT PRICE	TOTAL PRICE	PID DIRECT	PID MI	NON-PID
1	SILT FENCE	LF	23,000	$1.35	$31,050.00	$23,287.50	$7,762.50	$0.00
2	INLET PROTECTION	EA	54	$200.00	$10,800.00	$8,100.00	$2,700.00	$0.00
3	SEED DISTURBED AREAS	AC	40.00	$350.00	$14,000.00	$10,500.00	$3,500.00	$0.00
4	4' CURLEX	LF	40,000	$0.50	$20,000.00	$15,000.00	$5,000.00	$0.00
5	SWPPP	LS	1	$1,225.00	$1,225.00	$918.75	$306.25	$0.00
6	SWPPP INSPECTIONS	EA	12	$7,000.00	$84,000.00	$63,000.00	$21,000.00	$0.00
	TOTAL - EROSION CONTROL:				**$161,075.00**	$120,806.25	$40,268.75	$0.00
				PER LOT:	$260.64	$195.48	$65.16	$0.00

WET UTILITIES

ITEM NO.	DESCRIPTION	UNIT	ESTIMATED QUANTITY	UNIT PRICE	TOTAL PRICE	PID DIRECT	PID MI	NON-PID
	UTILITIES - WATER SYSTEMS							
1	8" AWWA C900 PVC WATERLINE & FITTINGS	LF	19,088	$24.00	$458,112.00	$458,112.00	$0.00	$0.00
2	12" AWWA C900 PVC WATERLINE & FITTINGS	LF	3,689	$36.00	$132,804.00	$0.00	$132,804.00	$0.00
3	12" GATE VALVE & BOX	EA	25	$5,000.00	$125,000.00	$0.00	$125,000.00	$0.00
4	8" GATE VALVE & BOX	EA	75	$1,300.00	$97,500.00	$97,500.00	$0.00	$0.00
5	3/4" IRRIGATION SERVICE	EA	5	$800.00	$4,000.00	$800.00	$3,200.00	$0.00
6	3/4" SINGLE WATER SERVICE	EA	618	$800.00	$494,400.00	$494,400.00	$0.00	$0.00
7	FIRE HYDRANT ASSEMBLY	EA	52	$4,000.00	$208,000.00	$168,000.00	$40,000.00	$0.00
8	TRENCH SAFTEY	LF	22,777	$1.00	$22,777.00	$19,088.00	$3,689.00	$0.00
9	TESTING (CITY-REQUIRED)	LF	22,777	$1.20	$27,332.40	$22,905.60	$4,426.80	$0.00
10	PAYMENT, PERFORMANCE, AND MAINTENANCE BOND	LF	4%	$1,569,925.40	$62,797.02	$50,432.22	$12,364.79	$0.00
	SUBTOTAL UTILITIES - WATER SYSTEMS:				**$1,632,722**	$1,311,238	$321,485	$0.00
				PER LOT:	$2,642	$2,122	$520	$0.00

UTILITIES - SANITARY SEWER

1	8" SDR-35 PVC PIPE	LF	19,373	$28.00	$542,444.00	$542,444.00	$0.00	$0.00
2	4.0' DIAMETER MANHOLE	EA	50	$4,600.00	$230,000.00	$230,000.00	$0.00	$0.00
3	8" SDR-35 PVC PIPE (TRUNK SEWER A)	EA	598	$28.00	$16,744.00	$0.00	$16,744.00	$0.00
4	10" SDR-26 PVC PIPE (TRUNK SEWER A)	LF	1,062	$36.00	$38,232.00	$0.00	$38,232.00	$0.00
5	12" SDR-26 PVC PIPE (TRUNK SEWER A)	LF	1,160	$50.00	$58,000.00	$0.00	$58,000.00	$0.00
6	15" SDR-26 PVC PIPE (TRUNK SEWER A)	LF	1,318	$60.00	$79,080.00	$0.00	$79,080.00	$0.00
7	4.0' DIAMETER MANHOLE (TRUNK SEWER A)	EA	7	$4,600.00	$32,200.00	$0.00	$32,200.00	$0.00
8	5.0' DIAMETER MANHOLE (TRUNK SEWER A)	EA	5	$6,500.00	$32,500.00	$0.00	$32,500.00	$0.00
9	CONNECT TO EXISTING MANHOLE (TRUNK SEWER A)	EA	1	$500.00	$500.00	$0.00	$500.00	$0.00
10	10" SDR-26 PVC PIPE (TRUNK SEWER B)	LF	519	$36.00	$18,684.00	$0.00	$2,802.60	$15,881.40
11	12" SDR-26 PVC PIPE (TRUNK SEWER B)	LF	804	$50.00	$40,200.00	$0.00	$6,030.00	$34,170.00
12	15" SDR-26 PVC PIPE (TRUNK SEWER B)	LF	1,042	$60.00	$62,520.00	$0.00	$9,378.00	$53,142.00
13	4.0' DIAMETER MANHOLE (TRUNK SEWER B)	EA	4	$4,600.00	$18,400.00	$0.00	$2,760.00	$15,640.00
14	5.0' DIAMETER MANHOLE (TRUNK SEWER B)	EA	4	$6,500.00	$26,000.00	$0.00	$3,900.00	$22,100.00
15	CONNECT TO EXISTING MANHOLE (TRUNK SEWER B)	EA	1	$500.00	$500.00	$0.00	$75.00	$425.00
16	5.0' DIAMETER DROP MANHOLE	EA	0	$7,500.00	$0.00	$0.00	$0.00	$0.00
17	CONCRETE ENCASEMENT	LF	0	$100.00	$0.00	$0.00	$0.00	$0.00
18	CONNECT TO EXISTING MANHOLE	EA	0	$500.00	$0.00	$0.00	$0.00	$0.00
19	4" SDR-35 SEWER SERVICES	EA	618	$875.00	$540,750.00	$540,750.00	$0.00	$0.00
20	END & 8" PLUG FOR FUTURE DEVELOPMENT	EA	0	$500.00	$0.00	$0.00	$0.00	$0.00
21	TRENCH SAFTEY	LF	19,991	$1.00	$19,991.00	$19,991.00	$0.00	$0.00
22	TESTING (CITY-REQUIRED)	LF	19,991	$0.75	$14,993.25	$14,993.25	$0.00	$0.00
23	TRENCH SAFTEY (TRUNK SEWER A)	LF	4,138	$0.64	$2,648.32	$0.00	$2,648.32	$0.00
24	TESTING (CITY-REQUIRED) (TRUNK SEWER A)	LF	4,138	$48.00	$198,624.00	$0.00	$198,624.00	$0.00
25	TRENCH SAFTEY (TRUNK SEWER B)	LF	2,365	$0.15	$354.75	$0.00	$354.75	$0.00
26	TESTING (CITY-REQUIRED) (TRUNK SEWER B)	LF	2,365	$0.11	$266.06	$0.00	$266.06	$0.00
27	PAYMENT, PERFORMANCE, AND MAINTENANCE BOND	LS	4%	1,973,631.38	$78,945.26	$78,945.26	$0.00	$0.00
	SUBTOTAL UTILITIES - SANITARY SEWER:				**$2,052,577**	$1,427,124	$484,095	$141,358.40
				PER LOT:	$3,321	$2,309	$783	$228.74

UTILITIES - STORM SEWER - PID DIRECT

1	4' x 4' R.C.B	LF	85	$275.00	$23,375.00	$23,375.00	$0.00	$0.00
2	42" Class III RCP	LF	2,189	$150.00	$328,350.00	$328,350.00	$0.00	$0.00
3	36 " Class III RCP	LF	1,117	$110.00	$122,870.00	$122,870.00	$0.00	$0.00
4	30" Class III RCP	LF	2,545	$80.00	$203,600.00	$203,600.00	$0.00	$0.00
5	24" Class III RCP	LF	6,757	$60.00	$405,420.00	$405,420.00	$0.00	$0.00
6	18" Class III RCP	LF	3,332	$53.00	$176,596.00	$176,596.00	$0.00	$0.00
7	3' x 3' JUNCTION BOX	EA	2	$3,000.00	$6,000.00	$6,000.00	$0.00	$0.00
8	4' x 4' JUNCTION BOX	EA	5	$3,800.00	$19,000.00	$19,000.00	$0.00	$0.00
9	5' x 5' JUNCTION BOX	EA	5	$4,500.00	$22,500.00	$22,500.00	$0.00	$0.00
10	10' CURB INLET	EA	108	$3,750.00	$405,000.00	$405,000.00	$0.00	$0.00
11	RIP-RAP	SY	50	$85.00	$4,250.00	$4,250.00	$0.00	$0.00
12	36" HEADWALL	EA	1	$4,400.00	$4,400.00	$4,400.00	$0.00	$0.00
13	42" HEADWALL	EA	3	$6,500.00	$19,500.00	$19,500.00	$0.00	$0.00
14	4' x 4' HEADWALL	EA	1	$18,750.00	$18,750.00	$18,750.00	$0.00	$0.00
15	TRENCH SAFETY	LF	16,025	$1.00	$16,025.00	$16,025.00	$0.00	$0.00
16	TESTING (CITY-REQUIRED)	LF	16,025	$1.00	$16,025.00	$16,025.00	$0.00	$0.00
17	PAYMENT, PERFORMANCE, AND MAINTENANCE BOND	LS	4%	$1,791,661.00	$71,666.44	$71,666.44	$0.00	$0.00
	SUBTOTAL UTILITIES - STORM SEWER:				**$1,863,327**	$1,863,327	$0	$0
				PER LOT:	$3,015	$3,015	$0	$0

UTILITIES - STORM SEWER - IMPORVEMENTS LINE C

1	24" Class III RCP	LF	88	$60.00	$5,280.00	$2,640.00	$2,640.00	$0.00
2	18" Class III RCP	LF	83	$53.00	$4,399.00	$0.00	$4,399.00	$0.00
3	3' x 3' JUNCTION BOX	EA	0	$3,000.00	$0.00	$0.00	$0.00	$0.00
4	10' CURB INLET	EA	0	$3,750.00	$0.00	$0.00	$0.00	$0.00
5	TRENCH SAFETY	LF	171	$1.00	$171.00	$0.00	$171.00	$0.00
6	TESTING (CITY-REQUIRED)	LF	171	$1.00	$171.00	$0.00	$171.00	$0.00
7	PAYMENT, PERFORMANCE, AND MAINTENANCE BOND	LS	4%	$10,021.00	$400.84	$0.00	$400.84	$0.00
	SUBTOTAL UTILITIES - STORM SEWER:				**$10,422**	$2,640	$7,782	$0
				PER LOT:	$17	$2,640	$7,782	$0

UTILITIES - STORM SEWER - IMPORVEMENTS LINE D

1	4' x 4' R.C.B	LF	105	$275.00	$28,875.00	$25,987.50	$2,887.50	$0.00
2	42" Class III RCP	LF	238	$150.00	$35,700.00	$32,130.00	$3,570.00	$0.00
3	36 " Class III RCP	LF	297	$110.00	$32,670.00	$29,403.00	$3,267.00	$0.00
4	18" Class III RCP	LF	232	$53.00	$12,296.00	$0.00	$12,296.00	$0.00
5	5' x 5' JUNCTION BOX	EA	0	$4,500.00	$0.00	$0.00	$0.00	$0.00
6	4' x 4' HEADWALL	EA	0	$18,750.00	$0.00	$0.00	$0.00	$0.00
7	10' CURB INLET	EA	3	$3,750.00	$11,250.00	$0.00	$11,250.00	$0.00
8	PAYMENT, PERFORMANCE, AND MAINTENANCE BOND	LS	4%	$120,791.00	$4,831.64	$4,348.48	$483.16	$0.00
	SUBTOTAL UTILITIES - STORM SEWER:				**$125,623**	$91,869	$33,754	$0
				PER LOT:	$203	$149	$55	$0

UTILITIES - STORM SEWER - IMPORVEMENTS LINE G

1	4' x 4' R.C.B	LF	165	$275.00	$45,375.00	$36,300.00	$9,075.00	$0.00
2	42" Class III RCP	LF	134	$150.00	$20,100.00	$16,080.00	$4,020.00	$0.00
3	30" Class III RCP	LF	606	$80.00	$48,480.00	$38,784.00	$9,696.00	$0.00
4	24" Class III RCP	LF	399	$60.00	$23,940.00	$0.00	$23,940.00	$0.00
5	18" Class III RCP	LF	112	$53.00	$5,936.00	$4,748.80	$1,187.20	$0.00
6	4' x 4' JUNCTION BOX	EA	0	$3,800.00	$0.00	$0.00	$0.00	$0.00
7	5' x 5' JUNCTION BOX	EA	0	$4,500.00	$0.00	$0.00	$0.00	$0.00
8	6' x 6' JUNCTION BOX	EA	0	$6,500.00	$0.00	$0.00	$0.00	$0.00
9	10' CURB INLET	EA	3	$3,750.00	$11,250.00	$0.00	$11,250.00	$0.00
10	RIP-RAP	SY	50	$85.00	$4,250.00	$3,400.00	$850.00	$0.00
11	4' x 4' HEADWALL	EA	0	$18,750.00	$0.00	$0.00	$0.00	$0.00
12	TRENCH SAFETY	LF	1,416	$1.00	$1,416.00	$1,132.80	$283.20	$0.00
13	TESTING (CITY-REQUIRED)	LF	1,416	$1.00	$1,416.00	$1,132.80	$283.20	$0.00
14	PAYMENT, PERFORMANCE, AND MAINTENANCE BOND	LS	4%	$162,163.00	$6,486.52	$5,189.22	$1,297.30	$0.00
	SUBTOTAL UTILITIES - STORM SEWER:				**$168,650**	$106,768	$61,882	$0
				PER LOT:	$273	$173	$100	$0

UTILITIES - STORM SEWER - IMPORVEMENTS LINE H

1	5' x 4' R.C.B	LF	223	$300.00	$66,900.00	$33,450.00	$33,450.00	$0.00
2	4' x 4' R.C.B	LF	71	$275.00	$19,525.00	$9,762.50	$9,762.50	$0.00
3	48" Class III RCP	LF	174	$180.00	$31,320.00	$0.00	$31,320.00	$0.00
4	42" Class III RCP	LF	97	$150.00	$14,550.00	$0.00	$14,550.00	$0.00
5	30" Class III RCP	LF	693	$80.00	$55,440.00	$0.00	$55,440.00	$0.00
6	18" Class III RCP	LF	643	$53.00	$34,079.00	$0.00	$34,079.00	$0.00
7	4' x 4' JUNCTION BOX	EA	1	$3,800.00	$3,800.00	$0.00	$3,800.00	$0.00
8	6' x 6' JUNCTION BOX	EA	1	$6,500.00	$6,500.00	$0.00	$6,500.00	$0.00
9	7' x 7' JUNCTION BOX	EA	1	$8,500.00	$8,500.00	$4,250.00	$4,250.00	$0.00
10	10' CURB INLET	EA	6	$3,750.00	$22,500.00	$0.00	$22,500.00	$0.00
11	RIP-RAP	SY	100	$85.00	$8,500.00	$4,250.00	$4,250.00	$0.00
12	5' x 4' HEADWALL	EA	1	$20,000.00	$20,000.00	$10,000.00	$10,000.00	$0.00
13	4' x 4' HEADWALL	EA	1	$18,750.00	$18,750.00	$9,375.00	$9,375.00	$0.00
14	TRENCH SAFETY	LF	1,901	$1.00	$1,901.00	$0.00	$1,901.00	$0.00
15	TESTING (CITY-REQUIRED)	LF	1,901	$1.00	$1,901.00	$0.00	$1,901.00	$0.00
16	PAYMENT, PERFORMANCE, AND MAINTENANCE BOND	LS	4%	$227,741.00	$9,109.64	$0.00	$9,109.64	$0.00
	SUBTOTAL UTILITIES - STORM SEWER:				**$236,851**	$27,875	$208,976	$0
				PER LOT:	$383	$45	$338	$0

UTILITIES - STORM SEWER -R IMPORVEMENTS LINE I

1	48" Class III RCP	LF	459	$180.00	$82,620.00	$53,703.00	$0.00	$28,917.00
2	42" Class III RCP	LF	369	$150.00	$55,350.00	$35,977.50	$0.00	$19,372.50
3	36 " Class III RCP	LF	421	$110.00	$46,310.00	$30,101.50	$0.00	$16,208.50
4	5' x 5' JUNCTION BOX	EA	1	$4,500.00	$4,500.00	$2,925.00	$0.00	$1,575.00
5	7' x 7' JUNCTION BOX	EA	1	$8,500.00	$8,500.00	$5,525.00	$0.00	$2,975.00
6	TRENCH SAFETY	LF	1,249	$1.00	$1,249.00	$811.85	$0.00	$437.15
7	TESTING (CITY-REQUIRED)	LF	1,249	$1.00	$1,249.00	$811.85	$0.00	$437.15
8	PAYMENT, PERFORMANCE, AND MAINTENANCE BOND	LS	4%	$199,778.00	$7,991.12	$5,194.23	$0.00	$2,796.89
	SUBTOTAL UTILITIES - STORM SEWER:				**$207,769**	$135,050	$0	$72,719
				PER LOT:	$336	$219	$0	$118

UTILITIES - STORM SEWER - MASTER IMPORVEMENTS LINE J

1	18" Class III RCP	LF	458	$53.00	$24,274.00	$0.00	$24,274.00	$0.00
2	10' CURB INLET	EA	4	$3,750.00	$15,000.00	$0.00	$15,000.00	$0.00
3	CONNECT TO EXISTING CULVERT	EA	1	$4,500.00	$4,500.00	$0.00	$4,500.00	$0.00
4	TRENCH SAFETY	LF	458	$1.00	$458.00	$0.00	$458.00	$0.00
5	TESTING (CITY-REQUIRED)	LF	458	$1.00	$458.00	$0.00	$458.00	$0.00
6	PAYMENT, PERFORMANCE, AND MAINTENANCE BOND	LS	4%	$44,690.00	$1,787.60	$0.00	$1,787.60	$0.00
	SUBTOTAL UTILITIES - STORM SEWER:				**$46,478**	$0	$46,478	$0
				PER LOT:	$75	$0	$75	$0

PAVING

ITEM NO.	DESCRIPTION	UNIT	ESTIMATED QUANTITY	UNIT PRICE	TOTAL PRICE	PID DIRECT	PID MI	NON-PID
1	LOCAL STREET (6" REINFORCED CONCRETE PVMT.)	SY	66,472	$36.00	$2,392,992.00	$2,392,992.00	$0.00	$0.00
2	ALLEY (6" REINFORCED CONCRETE PVMT.)	SY	5,866	$42.00	$246,372.00	$246,372.00	$0.00	$0.00
3	SLIP ROAD (6" REINFORCED CONCRETE PVMT.)	SY	562	$42.00	$23,604.00	$23,604.00	$0.00	$0.00
4	GRAND AVE PH. 2 (8" REINFORCED CONCRETE PVMT.)	SY	0	$45.00	$0.00	$0.00	$0.00	$0.00
5	LEGACY PARKWAY (8" REINFORCED CONCRETE PVMT.)	SY	15,971	$45.00	$718,695.00	$718,695.00	$0.00	$0.00
6	8" SUBGRADE PREP (LOCAL STREET)	SY	66,472	$3.25	$216,034.00	$216,034.00	$0.00	$0.00
7	8" SUBGRADE PREP (ALLEY)	SY	5,866	$3.25	$19,064.50	$19,064.50	$0.00	$0.00
8	8" SUBGRADE PREP (SLIP ROAD)	SY	562	$3.25	$1,826.50	$1,826.50	$0.00	$0.00
9	8" SUBGRADE PREP (GRAND AVE PH. 2)	SY	0	$3.25	$0.00	$0.00	$0.00	$0.00
10	8" SUBGRADE PREP (LEGACY PARKWAY)	SY	15,971	$3.25	$51,905.75	$51,905.75	$0.00	$0.00
11	HYDRATED LIME (36#/SY) (LOCAL STREET)	TON	2,393	$175.00	$418,773.60	$418,773.60	$0.00	$0.00
12	HYDRATED LIME (36#/SY) (ALLEY)	TON	211	$175.00	$36,955.80	$36,955.80	$0.00	$0.00
13	HYDRATED LIME (36#/SY) (SLIP ROAD)	TON	20	$175.00	$3,540.60	$3,540.60	$0.00	$0.00
14	HYDRATED LIME (36#/SY) (GRAND AVE PH. 2)	TON	0	$175.00	$0.00	$0.00	$0.00	$0.00
15	HYDRATED LIME (36#/SY) (LEGACY PARKWAY)	TON	575	$175.00	$100,617.30	$100,617.30	$0.00	$0.00
16	DECELERATION LANE	LS	0	$150,000.00	$0.00	$0.00	$0.00	$0.00
17	4' CONCRETE SIDEWALK	LF	0	$23.00	$0.00	$0.00	$0.00	$0.00
18	5' CONCRETE SIDEWALK	LF	37,663	$28.00	$1,054,564.00	$1,054,564.00	$0.00	$0.00
19	6' CONCRETE SIDEWALK	LF	4,979	$33.00	$164,307.00	$0.00	$164,307.00	$0.00
20	REMOVE BARRICADE & CONNECT TO EXISTING	EA	12	$650.00	$7,800.00	$0.00	$7,800.00	$0.00
21	STREET BARRICADE	EA	12	$2,500.00	$30,000.00	$0.00	$30,000.00	$0.00
22	PAVEMENT HEADER	LF	189	$33.00	$6,237.00	$0.00	$6,237.00	$0.00
23	BARRIER FREE RAMP	EA	70	$1,750.00	$122,500.00	$87,500.00	$35,000.00	$0.00
24	PAYMENT, PERFORMANCE, AND MAINTENANCE BOND	LS	4%	$5,615,789.05	$224,631.56	$214,897.80	$9,733.76	$0.00
	TOTAL PAVING:				$5,840,421	$5,587,343	$253,078	$0
				PER LOT:	$9,451	$9,041	$410	$0

SITE FENCING / RETAINING WALLS / LANDSCAPE

ITEM NO.	DESCRIPTION	UNIT	ESTIMATED QUANTITY	UNIT PRICE	TOTAL PRICE	PID DIRECT	PID MI	NON-PID
1	1' - 2' RETAINING WALL (MINIMUM HEIGHT)	SF	2,000	$10.50	$21,000.00	$0.00	$0.00	$21,000.00
2	2' RETAINING WALL	SF	7,080	$10.50	$74,340.00	$0.00	$0.00	$74,340.00
3	3' RETAINING WALL	SF	2,670	$10.50	$28,035.00	$0.00	$0.00	$28,035.00
4	4' RETAINING WALL	SF	2,880	$10.50	$30,240.00	$0.00	$0.00	$30,240.00
5	5' RETAINING WALL	SF	3,150	$11.50	$36,225.00	$0.00	$0.00	$36,225.00
6	7' RETAINING WALL	SF	1,225	$12.50	$15,312.50	$0.00	$0.00	$15,312.50
7	8' RETAINING WALL	SF	720	$13.50	$9,720.00	$0.00	$0.00	$9,720.00
8	9' RETAINING WALL	SF	2,115	$14.50	$30,667.50	$0.00	$0.00	$30,667.50
9	14' RETAINING WALL	SF	2,800	$20.50	$57,400.00	$0.00	$0.00	$57,400.00
10	PERIMETER SCREENING WALL (6' Masonry)	LF	3,000	$100.00	$300,000.00	$0.00	$0.00	$300,000.00
11	TREES	EA	200	$450.00	$90,000.00	$0.00	$0.00	$90,000.00
12	POND BUBBLER	EA	2	$15,000.00	$30,000.00	$30,000.00	$0.00	$0.00
13	6' WOOD FENCE (EAST PROPERTY LINE)	LF	1,600	$40.00	$64,000.00	$64,000.00	$0.00	$0.00
14	INTERNAL PARK	SF	80,000	$2.75	$220,000.00	$220,000.00	$0.00	$0.00
15	PARK FENCING (Wrought Iron)?	LF	600	$40.00	$24,000.00	$24,000.00	$0.00	$0.00
16	ELECTRIC METER SET UP FEES	EA	5	$3,500.00	$17,500.00	$0.00	$0.00	$17,500.00
17	3/4 WATER METERS AND IMPACT FEES	EA	5	$1,000.00	$5,000.00	$5,000.00	$0.00	$0.00
18	2" WATER METERS AND IMPACT FEES	EA	0	$23,868.00	$0.00	$0.00	$0.00	$0.00
19	TRAFFIC LIGHT (FM 1417 & GRAND AVE.)	EA	0	$350,000.00	$0.00	$0.00	$0.00	$0.00
20	MAILBOX CLUSTER	EA	39	$1,550.00	$59,868.75	$0.00	$0.00	$59,868.75
21	STREET SIGNS	EA	13	$1,000.00	$13,000.00	$13,000.00	$0.00	$0.00
	TOTAL - SITE FENCING / RETAINING WALLS / LANDSCAPE:				$1,126,309	$356,000	$0	$770,309
				PER LOT:	$1,823	$576	$0	$1,246

DRY UTILITIES

ITEM NO.	DESCRIPTION	UNIT	ESTIMATED QUANTITY	UNIT PRICE	TOTAL PRICE	PID DIRECT	PID MI	NON-PID
1	ELECTRIC SERVICE	LOT	618	$0.00	$0.00	$0.00	$0.00	$0.00
2	GAS SERVICE	LOT	618	$0.00	$0.00	$0.00	$0.00	$0.00
3	OVERHEAD POLE RELOACTION	LS	0	$75,000.00	$0.00	$0.00	$0.00	$0.00
4	STREET LIGHTS	EA	36	$0.00	$0.00	$0.00	$0.00	$0.00
5	STREET LIGHT CROSSINGS	LF	1500	18.00	$27,000.00	$0.00	$0.00	$27,000.00
	TOTAL - DRY UTILITIES:				$27,000	$0	$0	$27,000
				PER LOT:	$44	$0	$0	$44

ROLLBACK TAXES

ITEM NO.	DESCRIPTION	UNIT	ESTIMATED QUANTITY	UNIT PRICE	TOTAL PRICE	PID DIRECT	PID MI	NON-PID
1	ROLLBACK TAXES	AC	153.5	$1,500.00	$230,220.00	$0.00	$0.00	$230,220.00
	TOTAL - DRY UTILITIES:				$230,220	$0	$0	$230,220
				PER LOT:	$373	$0	$0	$373
					$20,591,485.17	$13,926,955.60	$2,168,535.22	$4,495,994.34

BEL AIR VILLAGE - SHERMAN, TX
BEL AIR BOULEVARD - PHASE 1 BUDGET

4/16/2021

ENGINEERING, CONSULTING, AND FEES

ITEM NO.	DESCREIPTION	UNIT	ESTIMATED QUANTITY	UNIT PRICE	TOTAL PRICE	PID DIRECT	PID MI	NON-PID
1	CIVIL ENGINEERING AND SURVEYING	%	10%	$1,253,018.49	$125,301.85	$0.00	$0.00	$125,301.85
2	CONSTRUCTION MANAGEMENT	%	3.5%	$1,253,018.49	$43,855.65	$0.00	$0.00	$43,855.65
3	INSPECTION FEES	%	0%	$1,253,018.49	$0.00	$0.00	$0.00	$0.00
4	FINAL SOILS REPORT	LS	1	$3,000.00	$3,000.00	$0.00	$0.00	$3,000.00
5	CMT	%	2%	$1,253,018.49	$25,060.37	$0.00	$0.00	$25,060.37
6	PHOTOMETRIC & LIGHTING PLANS	LS	1	$1,250.00	$1,250.00	$0.00	$0.00	$1,250.00
7	LANDSCAPE ARCHITECT	LS	1	$25,000.00	$25,000.00	$0.00	$0.00	$25,000.00
	TOTAL - ENGINEERING, CONSULTING, AND FEES:				**$223,468**	$0	$0	$223,468

GRADING AND SITE PREPARATION

EXCAVATION

ITEM NO.	DESCRIPTION	UNIT	ESTIMATED QUANTITY	UNIT PRICE	TOTAL PRICE	PID DIRECT	PID MI	NON-PID
1	CLEARING AND GRUBBING	AC	1.80	$2,000.00	$3,600.00	$0.00	$0.00	$3,600.00
2	UNCLASSIFIED EXCAVATION (CUT)	CY	4,835	$2.30	$11,120.50	$0.00	$0.00	$11,120.50
3	UNCLASSIFIED EXCAVATION (FILL)	CY	1,335	$2.30	$3,070.50	$0.00	$0.00	$3,070.50
	TOTAL - EXCAVATION WITH NO MOISTURE CONDITIONING:				**$17,791**	$0	$0	$17,791

EROSION CONTROL

ITEM NO.		UNIT	ESTIMATED QUANTITY	UNIT PRICE	TOTAL PRICE	PID DIRECT	PID MI	NON-PID
1	SILT FENCE	LF	1,000	$1.35	$1,350.00	$0.00	$0.00	$1,350.00
2	INLET PROTECTION	EA	1	$200.00	$200.00	$0.00	$0.00	$200.00
3	SEED DISTURBED AREAS	AC	0.00	$350.00	$0.00	$0.00	$0.00	$0.00
4	4' CURLEX	LF	2,000	$0.50	$1,000.00	$0.00	$0.00	$1,000.00
5	SWPPP	LS	1	$1,225.00	$1,225.00	$0.00	$0.00	$1,225.00
6	SWPPP INSPECTIONS	EA	12	$600.00	$7,200.00	$0.00	$0.00	$7,200.00
	TOTAL - EROSION CONTROL:				**$10,975**	$0	$0	$10,975

WET UTILITIES

ITEM NO.	DESCRIPTION	UNIT	ESTIMATED QUANTITY	UNIT PRICE	TOTAL PRICE	PID DIRECT	PID MI	NON-PID
UTILITIES - WATER SYSTEMS								
1	8" AWWA C900 PVC WATERLINE & FITTINGS	LF	60	$24.00	$1,440.00	$0.00	$0.00	$1,440.00
2	12" AWWA C900 PVC WATERLINE & FITTINGS	LF	1,288	$36.00	$46,368.00	$0.00	$0.00	$46,368.00
3	20" x 12" TEE	EA	1	$2,500.00	$10,000.00	$0.00	$0.00	$10,000.00
4	12" GATE VALVE & BOX	EA	9	$5,000.00	$45,000.00	$0.00	$0.00	$45,000.00
5	8" GATE VALVE & BOX	EA	2	$1,300.00	$2,600.00	$0.00	$0.00	$2,600.00
6	24" BUTTERFLY VALVE	EA	1	$10,000.00	$10,000.00	$0.00	$0.00	$10,000.00
7	3/4" IRRIGATION SERVICE	EA	3	$800.00	$2,400.00	$0.00	$0.00	$2,400.00
8	FIRE HYDRANT ASSEMBLY	EA	4	$4,000.00	$16,000.00	$0.00	$0.00	$16,000.00
9	TRENCH SAFTEY	LF	1,348	$2.00	$2,696.00	$0.00	$0.00	$2,696.00
10	TESTING (CITY-REQUIRED)	LF	1,348	$2.00	$2,696.00	$0.00	$0.00	$2,696.00
11	PAYMENT, PERFORMANCE, AND MAINTENANCE BOND	LF	4%	$139,200.00	$5,568.00	$0.00	$0.00	$5,568.00
	SUBTOTAL UTILITIES - WATER SYSTEMS:				**$144,768**	$0	$0	$144,768

UTILITIES - STORM SEWER - MASTER IMPROVEMENT - LINE B

Total Infr

1	5' x 5' R.C.B	LF	11	$350.00	$3,977.19	$0.00	$0.00	$3,977.19
2	(3) 8' x 4' R.C.B.	LF	3	$1,900.00	$6,099.00	$0.00	$0.00	$6,099.00
3	48" Class III RCP	LF	132	$180.00	$23,841.22	$0.00	$0.00	$23,841.22
4	36 " Class III RCP	LF	77	$110.00	$8,498.95	$0.00	$0.00	$8,498.95
5	24" Class III RCP	LF	141	$60.00	$8,451.65	$0.00	$0.00	$8,451.65
6	18" Class III RCP	LF	28	$53.00	$1,485.70	$0.00	$0.00	$1,485.70
7	4' x 4' JUNCTION BOX	EA	0	$3,800.00	$0.00	$0.00	$0.00	$0.00
8	6' x 6' JUNCTION BOX	EA	0	$6,500.00	$0.00	$0.00	$0.00	$0.00
9	7' x 7' JUNCTION BOX	EA	6%	$8,500.00	$545.70	$0.00	$0.00	$545.70
10	10' CURB INLET	EA	4	$3,750.00	$15,000.00	$0.00	$0.00	$15,000.00
11	RIP-RAP	SY	3	$85.00	$272.85	$0.00	$0.00	$272.85
12	5' x 5' HEADWALL	EA	6%	$20,000.00	$1,284.00	$0.00	$0.00	$1,284.00
13	CUSTOM HEADWALL	EA	6%	$22,000.00	$1,412.40	$0.00	$0.00	$1,412.40
14	TRENCH SAFETY	LF	393	$1.00	$393.18	$0.00	$0.00	$393.18
15	TESTING (CITY-REQUIRED)	LF	393	$1.00	$393.18	$0.00	$0.00	$393.18
16	PAYMENT, PERFORMANCE, AND MAINTENANCE BOND	LF	4%	$71,655.01	$2,866.20	$0.00	$0.00	$2,866.20
	SUBTOTAL UTILITIES - STORM SEWER:				**$74,521**	$0	$0	$74,521

PAVING

ITEM NO.	DESCRIPTION	UNIT	ESTIMATED QUANTITY	UNIT PRICE	TOTAL PRICE	PID DIRECT	PID MI	NON-PID
1	GRAND AVE (8" REINFORCED CONCRETE PVMT.)	SY	8,106	$57.00	$462,042.00	$0.00	$0.00	$462,042.00
2	8" SUBGRADE PREP (GRAND AVE)	SY	8,106	$3.25	$26,344.50	$0.00	$0.00	$26,344.50
3	HYDRATED LIME (36#/SY) (GRAND AVE)	TON	292	$175.00	$51,067.80	$0.00	$0.00	$51,067.80
4	6' CONCRETE SIDEWALK	LF	2,105	$33.00	$69,465.00	$0.00	$0.00	$69,465.00
5	STREET BARRICADE	EA	3	$2,500.00	$7,500.00	$0.00	$0.00	$7,500.00
6	PAVEMENT HEADER	LF	210	$33.00	$6,930.00	$0.00	$0.00	$6,930.00
7	BARRIER FREE RAMP	EA	8	$2,000.00	$16,000.00	$0.00	$0.00	$16,000.00
8	DECELERATION LANE ON FM 1417	LS	1	$150,000.00	$150,000.00	$0.00	$0.00	$150,000.00
9	TRAFFIC LIGHT (FM 1417 & GRAND AVE.)	EA	0	$350,000.00	$0.00	$0.00	$0.00	$0.00
10	PAYMENT, PERFORMANCE, AND MAINTENANCE BOND	LF	4%	$639,349.30	$25,573.97	$0.00	$0.00	$25,573.97
	TOTAL PAVING:				**$814,923.27**	$0.00	$0.00	$814,923.27

SITE FENCING / RETAINING WALLS / LANDSCAPE

ITEM NO.	DESCRIPTION	UNIT	ESTIMATED QUANTITY	UNIT PRICE	TOTAL PRICE	PID DIRECT	PID MI	NON-PID
1	TREES	EA	40	$450.00	$18,000.00	$0.00	$0.00	$18,000.00
2	COMMON AREA LANDSCAPE/IRRIGATION	SF	80,000	$1.87	$149,600.00	$0.00	$0.00	$149,600.00
3	ELECTRIC METER SET UP FEES	EA	3	$3,500.00	$10,500.00	$0.00	$0.00	$10,500.00
4	3/4" WATER METERS AND IMPACT FEES	EA	3	$1,000.00	$3,000.00	$0.00	$0.00	$3,000.00
5	STREET SIGNS	EA	4	$435.00	$1,740.00	$0.00	$0.00	$1,740.00
	TOTAL - SITE FENCING / RETAINING WALLS / LANDSCAPE:				**$182,840.00**	$0.00	$0.00	$1,740.00

DRY UTILITIES

ITEM NO.	DESCRIPTION	UNIT	ESTIMATED QUANTITY	UNIT PRICE	TOTAL PRICE	PID DIRECT	PID MI	NON-PID
1	STREET LIGHTS	EA	7	$0.00	$0.00	$0.00	$0.00	$0.00
2	STREET LIGHT CROSSINGS	LF	400	18.00	$7,200.00	$0.00	$0.00	$7,200.00
	TOTAL - DRY UTILITIES:				**$7,200.00**	$0.00	$0.00	$7,200.00

ROLLBACK TAXES

ITEM NO.	DESCRIPTION	UNIT	ESTIMATED QUANTITY	UNIT PRICE	TOTAL PRICE	PID DIRECT	PID MI	NON-PID
1	ROLLBACK TAXES	AC	58.5	$0.00	$0.00	$0.00	$0.00	$0.00
	TOTAL - ROLLBACK TAXES:				**$0**	$0	$0	$0
	GRAND TOTAL - PHASE 1				**$1,476,486.35**	$0.00	$0.00	$1,295,386.35
					$4,515.25			

BEL AIR VILLAGE - SHERMAN, TX
BEL AIR BOULEVARD - FUTURE PHASE BUDGET

4/16/2021

ENGINEERING, CONSULTING, AND FEES

ITEM NO.	DESCREIPTION	UNIT	ESTIMATED QUANTITY	UNIT PRICE	TOTAL PRICE	PID DIRECT	PID MI	NON-PID
1	CIVIL ENGINEERING AND SURVEYING	LS	10%	$1,652,479.54	$165,247.95	$0.00	$0.00	$165,247.95
2	CONSTRUCTION MANAGEMENT	LS	3.5%	$1,652,479.54	$57,836.78	$0.00	$0.00	$57,836.78
3	INSPECTION FEES	%	0.0%	$1,652,479.54	$0.00	$0.00	$0.00	$0.00
4	FINAL SOILS REPORT	LOT	1	$6,500.00	$6,500.00	$0.00	$0.00	$6,500.00
5	CMT	%	2%	$1,634,199.54	$32,683.99	$0.00	$0.00	$32,683.99
6	PHOTOMETRIC & LIGHTING PLANS	LS	1	$1,250.00	$1,250.00	$0.00	$0.00	$1,250.00
7	LANDSCAPE ARCHITECT	LS	1	$38,000.00	$38,000.00	$0.00	$0.00	$38,000.00
	TOTAL - ENGINEERING, CONSULTING, AND FEES:				**$301,518.73**	$0.00	$0.00	$301,518.73

GRADING AND SITE PREPARATION

EXCAVATION

ITEM NO.	DESCRIPTION	UNIT	ESTIMATED QUANTITY	UNIT PRICE	TOTAL PRICE	PID DIRECT	PID MI	NON-PID
1	CLEARING AND GRUBBING	AC	3.60	$2,000.00	$7,200.00	$0.00	$0.00	$7,200.00
2	UNCLASSIFIED EXCAVATION (CUT)	CY	9,665	$2.30	$22,229.50	$0.00	$0.00	$22,229.50
3	UNCLASSIFIED EXCAVATION (FILL)	CY	2,665	$2.30	$6,129.50	$0.00	$0.00	$6,129.50
	TOTAL - EXCAVATION WITH NO MOISTURE CONDITIONING:				**$35,559.00**	$0.00	$0.00	$35,559.00

EROSION CONTROL

ITEM NO.		UNIT	ESTIMATED QUANTITY	UNIT PRICE	TOTAL PRICE	PID DIRECT	PID MI	NON-PID
1	SILT FENCE	LF	1,300	$1.35	$1,755.00	$0.00	$0.00	$1,755.00
2	INLET PROTECTION	EA	4	$200.00	$800.00	$0.00	$0.00	$800.00
3	SEED DISTURBED AREAS	AC	0.00	$350.00	$0.00	$0.00	$0.00	$0.00
4	4' CURLEX	LF	5,000	$0.50	$2,500.00	$0.00	$0.00	$2,500.00
5	SWPPP	LS	1	$1,225.00	$1,225.00	$0.00	$0.00	$1,225.00
6	SWPPP INSPECTIONS	EA	12	$1,000.00	$12,000.00	$0.00	$0.00	$12,000.00
	TOTAL - EROSION CONTROL:				**$18,280.00**	$0.00	$0.00	$18,280.00

WET UTILITIES

ITEM NO.	DESCRIPTION	UNIT	ESTIMATED QUANTITY	UNIT PRICE	TOTAL PRICE	PID DIRECT	PID MI	NON-PID
	UTILITIES - WATER SYSTEMS							
1	8" AWWA C900 PVC WATERLINE & FITTINGS	LF	100	$24.00	$2,400.00	$0.00	$0.00	$2,400.00
2	12" AWWA C900 PVC WATERLINE & FITTINGS	LF	2,275	$36.00	$81,900.00	$0.00	$0.00	$81,900.00
3	12" GATE VALVE & BOX	EA	5	$5,000.00	$25,000.00	$0.00	$0.00	$25,000.00
4	8" GATE VALVE & BOX	EA	3	$1,300.00	$3,900.00	$0.00	$0.00	$3,900.00
5	3/4" IRRIGATION SERVICE	EA	6	$800.00	$4,800.00	$0.00	$0.00	$4,800.00
6	FIRE HYDRANT ASSEMBLY	EA	4	$4,000.00	$16,000.00	$0.00	$0.00	$16,000.00
7	TRENCH SAFTEY	LF	2,375	$1.00	$2,375.00	$0.00	$0.00	$2,375.00
8	TESTING (CITY-REQUIRED)	LF	2,375	$1.20	$2,850.00	$0.00	$0.00	$2,850.00
9	PAYMENT, PERFORMANCE, AND MAINTENANCE BOND	LF	4%	$139,225.00	$5,569.00	$0.00	$0.00	$5,569.00
	SUBTOTAL UTILITIES - WATER SYSTEMS:				**$144,794**	$0	$0	$144,794.00
	UTILITIES - STORM SEWER - MASTER IMPORVEMENTS LINE C							
1	24" Class III RCP	LF	89	$60.00	$5,310.00	$0.00	$0.00	$5,310.00
2	18" Class III RCP	LF	84	$53.00	$4,425.50	$0.00	$0.00	$4,425.50
3	3' x 3' JUNCTION BOX	EA	1	$3,000.00	$3,000.00	$0.00	$0.00	$3,000.00
4	10' CURB INLET	EA	2	$3,750.00	$7,500.00	$0.00	$0.00	$7,500.00
5	TRENCH SAFETY	LF	172	$1.00	$172.00	$0.00	$0.00	$172.00
6	TESTING (CITY-REQUIRED)	LF	172	$1.00	$172.00	$0.00	$0.00	$172.00
7	PAYMENT, PERFORMANCE, AND MAINTENANCE BOND	LF	4%	$20,579.50	$823.18	$0.00	$0.00	$823.18
	SUBTOTAL UTILITIES - STORM SEWER:				**$21,403**	$0	$0	$21,403
	UTILITIES - STORM SEWER - MASTER IMPORVEMENTS LINE D							
1	4' x 4' R.C.B	LF	12	$275.00	$3,217.50	$0.00	$0.00	$3,217.50
2	42" Class III RCP	LF	27	$150.00	$3,975.00	$0.00	$0.00	$3,975.00
3	36 " Class III RCP	LF	33	$110.00	$3,630.00	$0.00	$0.00	$3,630.00
4	18" Class III RCP	LF	26	$53.00	$1,367.40	$0.00	$0.00	$1,367.40
5	5' x 5' JUNCTION BOX	EA	1	$4,500.00	$4,500.00	$0.00	$0.00	$4,500.00
6	4' x 4' HEADWALL	EA	1	$18,750.00	$18,750.00	$0.00	$0.00	$18,750.00
7	10' CURB INLET	EA	1	$3,750.00	$3,750.00	$0.00	$0.00	$3,750.00
8	TRENCH SAFETY	LF	97	$1.00	$97.00	$0.00	$0.00	$97.00
9	TESTING (CITY-REQUIRED)	LF	97	$1.00	$97.00	$0.00	$0.00	$97.00
10	PAYMENT, PERFORMANCE, AND MAINTENANCE BOND	LF	4%	$28,561.40	$1,142.46	$0.00	$0.00	$1,142.46
	SUBTOTAL UTILITIES - STORM SEWER:				**$40,526**	$0	$0	$40,526
	UTILITIES - STORM SEWER - MASTER IMPORVEMENTS LINE G							
1	4' x 4' R.C.B	LF	41	$275.00	$11,330.00	$0.00	$0.00	$11,330.00
2	42" Class III RCP	LF	33	$150.00	$5,010.00	$0.00	$0.00	$5,010.00
3	30" Class III RCP	LF	152	$80.00	$12,128.00	$0.00	$0.00	$12,128.00
4	24" Class III RCP	LF	100	$60.00	$5,988.00	$0.00	$0.00	$5,988.00
5	18" Class III RCP	LF	28	$53.00	$1,484.00	$0.00	$0.00	$1,484.00
6	4' x 4' JUNCTION BOX	EA	1	$3,800.00	$3,800.00	$0.00	$0.00	$3,800.00
7	5' x 5' JUNCTION BOX	EA	1	$4,500.00	$4,500.00	$0.00	$0.00	$4,500.00
8	6' x 6' JUNCTION BOX	EA	1	$6,500.00	$6,500.00	$0.00	$0.00	$6,500.00
9	10' CURB INLET	EA	1	$3,750.00	$3,750.00	$0.00	$0.00	$3,750.00
10	RIP-RAP	SY	50	$85.00	$4,250.00	$0.00	$0.00	$4,250.00
11	4' x 4' HEADWALL	EA	1	$18,750.00	$18,750.00	$0.00	$0.00	$18,750.00
12	TRENCH SAFETY	LF	354	$1.00	$354.00	$0.00	$0.00	$354.00
13	TESTING (CITY-REQUIRED)	LF	354	$1.00	$354.00	$0.00	$0.00	$354.00
14	PAYMENT, PERFORMANCE, AND MAINTENANCE BOND	LF	4%	$78,198.00	$3,127.92	$0.00	$0.00	$3,127.92
	SUBTOTAL UTILITIES - STORM SEWER:				**$81,326**	$0	$0	$81,326

PAVING

ITEM NO.	DESCRIPTION	UNIT	ESTIMATED QUANTITY	UNIT PRICE	TOTAL PRICE	PID DIRECT	PID MI	NON-PID
1	GRAND AVE PH. 2 (8" REINFORCED CONCRETE PVMT.)	SY	14,065	$45.00	$632,925.00	$0.00	$0.00	$632,925.00
2	8" SUBGRADE PREP (GRAND AVE PH. 2)	SY	14,065	$3.25	$45,711.25	$0.00	$0.00	$45,711.25
3	HYDRATED LIME (36#/SY) (GRAND AVE PH. 2)	TON	506	$175.00	$88,609.50	$0.00	$0.00	$88,609.50
4	6' CONCRETE SIDEWALK	LF	4,500	$33.00	$148,500.00	$0.00	$0.00	$148,500.00
5	REMOVE BARRICADE & CONNECT TO EXISTING	EA	2	$650.00	$1,300.00	$0.00	$0.00	$1,300.00
6	STREET BARRICADE	EA	0	$2,500.00	$0.00	$0.00	$0.00	$0.00
7	PAVEMENT HEADER	LF	200	$33.00	$6,600.00	$0.00	$0.00	$6,600.00
8	BARRIER FREE RAMP	EA	0	$1,750.00	$0.00	$0.00	$0.00	$0.00
9	TRAFFIC LIGHT (FM 1417 & GRAND AVE.)	EA	1	$350,000.00	$350,000.00	$0.00	$0.00	$350,000.00
10	PAYMENT, PERFORMANCE, AND MAINTENANCE BOND	LF	4%	$923,645.75	$36,945.83	$0.00	$0.00	$36,945.83
	TOTAL PAVING:				**$1,310,592**	$0	$0	$1,310,592

SITE FENCING / RETAINING WALLS / LANDSCAPE

ITEM NO.	DESCRIPTION	UNIT	ESTIMATED QUANTITY	UNIT PRICE	TOTAL PRICE	PID DIRECT	PID MI	NON-PID
1	TREES	EA	50	$450.00	$22,500.00	$0.00	$0.00	$22,500.00
2	LANDSCAPE AND IRRIGATION	SF	60,000	$2.75	$165,000.00	$0.00	$0.00	$165,000.00
3	ELECTRIC METER SET UP FEES	EA	6	$3,500.00	$21,000.00	$0.00	$0.00	$21,000.00
4	3/4" WATER METERS AND IMPACT FEES	EA	6	$1,000.00	$6,000.00	$0.00	$0.00	$6,000.00
5	STREET SIGNS	EA	10	$435.00	$4,350.00	$0.00	$0.00	$4,350.00
	TOTAL - SITE FENCING / RETAINING WALLS / LANDSCAPE:				**$218,850**	$0	$0	$218,850

DRY UTILITIES

ITEM NO.	DESCRIPTION	UNIT	ESTIMATED QUANTITY	UNIT PRICE	TOTAL PRICE	PID DIRECT	PID MI	NON-PID
1	STREET LIGHTS	EA	15	$0.00	$0.00	$0.00	$0.00	$0.00
2	STREET LIGHT CROSSINGS	LF	1500	18.00	$27,000.00	$0.00	$0.00	$27,000.00
	TOTAL - DRY UTILITIES:				**$27,000**	$0	$0	$27,000

ROLLBACK TAXES

ITEM NO.	DESCRIPTION	UNIT	ESTIMATED QUANTITY	UNIT PRICE	TOTAL PRICE	PID DIRECT	PID MI	NON-PID
1	ROLLBACK TAXES	AC	0.0	$1,500.00	$0.00	$0.00	$0.00	$0.00
	TOTAL - DRY UTILITIES:				**$0**	$0	$0	$0

$2,199,848.26	**$0.00**	**$0.00**	**$2,199,848.26**
$3,559.63	$0.00		

APPENDIX B-2
ALLOCATION OF THE AUTHORIZED IMPROVEMENTS

Storm Drainage Improvements

Storm drainage pipes included in this PID were sized based on City of Sherman Drainage Ordinance to convey the 100 yr storm based on full flow capacity at 1% slope. The storm drainage area map is based on anticipated drainage basins at full buildout utilizing a C factor of 0.55 for residential use, and an antecedent factor of 1.25. All storm pipes included in phase 1 PID only collect drainage from phase 1 PID except for Line B as noted in the SAP. A portion of Bel-Air Boulevard drains to Line B which is not included in this PID since this is a city cost and noted as a non-PID cost in the PID OPC. The drainage basin of line B joins the entire phase 1 drainage system at a 7'x7' junction box and outfalls into a detention pond that ultimately discharges via (3) 8x4 drainage pipes from the detention pond to offsite drainage swale, noted phase 1 shared use below. The detention pond necessary for phase 1 construction is a regional detention pond utilized by future phases. These percentages of flow were utilized to calculate the shared cost between these uses. Costs referenced in this description derived from the OPC prepared by Lenart Development Company, LLC dated 03/29/2021.

LINE B SHARED USE		
	FLOW (CFS)	FLOW (%)
FUTURE PHASE (PID MI)	32.142	29.13%
BEL AIR BLVD (Non PID)	19.338	17.52%
PID DIRECT	58.872	53.35%
TOTAL LINE B	110.352	100.00%

PHASE 1 SHARED USE		
	FLOW (CFS)	FLOW (%)
FUTURE PHASE (PID MI)	32.142	10.67%
BEL AIR BLVD (Non PID)	19.338	6.42%
PID DIRECT	249.62	82.90%
TOTAL LINE	301.1	100.00%

DETENTION OUTFALL SHARED USE		
	FLOW (CFS)	FLOW (%)
FUTURE PHASE (PID MI)	144.276	34.91%
BEL AIR BLVD (Non PID)	19.338	4.68%
PID DIRECT	249.62	60.41%
TOTAL LINE	413.234	100.00%

PID direct costs include:

- 53.35% of cost from the following Line B storm sewer improvements:
  - 48" Class III RCP, 36" Class III RCP, 24" Class III RCP, 18" Class III RCP, 4'x4' Junction Box, 6'x6' Junction Box, (9) 10' Curb Inlets,
- 82.90% of cost from the following storm sewer improvements:
  - 5'x4' RCB, 7'X7' junction box, Rip Rap, 5'x5' headwall, trench safety, testing, and payment, performance, and maintenance bond.
- 60.41% of costs from the following storm sewer improvements related to regional detention pond outfall:
  - (3) 8'X4' RCB, Custom 10'x10' detention Junction Box, and Custom headwall

Total PID Direct Cost of shared storm drainage improvements: $398,643.69

Future phases (PID MI) costs include:

- 29.13% of cost from the following Line B storm sewer improvements:
  - 48" Class III RCP, 36" Class III RCP, 24" Class III RCP, 18" Class III RCP, 4'x4' Junction Box, 6'x6' Junction Box, (2) 10' Curb Inlets,
- 10.67% of cost from the following storm sewer improvements:
  - 5'x45' RCB, (3) 8'X4' RCB, 7'X7' junction box, Rip Rap, 5'x5' headwall, Custom headwall, trench safety, testing, and payment, performance, and maintenance bond.
- 34.91% of costs from the following storm sewer improvements related to regional detention pond outfall:
  - (3) 8'X4' RCB, Custom 10'x10' detention Junction Box, and Custom headwall

Total PID MI Cost of shared storm drainage improvements: $139,147.49

Bel-Air Blvd (Non-PID) costs include:

- 17.52% of cost from the following Line B storm sewer improvements:
  - 48" Class III RCP, 36" Class III RCP, 24" Class III RCP, 18" Class III RCP, 4'x4' Junction Box, 6'x6' Junction Box, (4) 10' Curb Inlets,
- 6.42% of cost from the following storm sewer improvements:
  - 5'x45' RCB, (3) 8'X4' RCB, 7'X7' junction box, Rip Rap, 5'x5' headwall, Custom headwall, trench safety, testing, and payment, performance, and maintenance bond.
- 4.68% of costs from the following storm sewer improvements related to regional detention pond outfall:
  - (3) 8'X4' RCB, Custom 10'x10' detention Junction Box, and Custom headwall

Total Non-PID Cost of shared storm drainage improvements: $70,989.40

Sanitary Sewer Improvements

The city of Sherman has no known published sanitary sewer sizing guide lines, therefore, a nearby established city's (Frisco) engineering standards were utilized in this design. The proposed land use (residential) was utilized to generate a peak sewer demand. Design factors include 3.5 persons/unit utilizing 102 gallons per person per day which totals 357 gallons per day/lot. A peaking factor of 4, per TCEQ requirements, was utilized to generate the peak demand of 1,224 gpd/lot. Phase 1 PID includes 327 lots and connects to a shared trunk line (Trunk Line A). This trunk line serves multiple phases, therefore should be shared based on usage of the line. Because only residential utilizes this trunk line, a percentage of lots sewering to the line should be utilized to calculate the shared demand of trunk line A. At buildout, there's a total anticipated 819 lots utilizing this sewer trunk line which makes Phase 1 PID area 40% of the trunk line. Costs referenced in this description derived from the OPC prepared by Lenart Development Company, LLC dated 03/29/2021.

PID Direct costs of Sewer Trunk Line A equates to 60% of the total trunk line costs of the following improvements related to sewer trunk line A.

- 8" SDR-35 PVC Pipe, 10" SDR-26 PVC Pipe, 12" SDR-26 PVC Pipe, 15" SDR-26 PVC Pipe, (7) 4' diameter manholes, (5) 5' diameter manholes, connecting to existing manhole, testing and trench safety of sewer line A pipes.

PID Direct costs of Sewer Trunk Line A: $105,799

PID MI costs of Sewer Trunk Line A equates to 60% of the total trunk line costs of the following improvements related to sewer trunk line A:

- 8" SDR-35 PVC Pipe, 10" SDR-26 PVC Pipe, 12" SDR-26 PVC Pipe, 15" SDR-26 PVC Pipe, (7) 4' diameter manholes, (5) 5' diameter manholes, connecting to existing manhole, testing and trench safety of sewer line A pipes.

PID MI costs of Sewer Trunk Line A: $168,698.50

Site Grading and Preparation

The limits of phase 1 grading is approximately 60 acres. The earthwork quantities shown in this PID OPC reflect raw bank yards of the grading activities associated with Phase 1. The detention pond yields a net cut of 34,860 CY to be utilized for fill in Phase 1. Phase 1 is anticipated to require approximately 90,000 CY of fill material from future phases. The PID MI cost for clearing and grubbing includes removing 90,000 CY of material from future phases. Based on preliminary grading, there's nearby cuts planned on future phases that equate to 90,000 CY to be utilized as fill for phase 1. This surface area equates to 15 acres to be cleared and grubbed. Since this earthwork movement benefits future phases, the fill material is considered a 40% shared cost in this PID OPC. Clearing and grubbing area of the offsite sewer easement was calculated by the total length of Sewer Line A and assuming 50' width for the limits of disturbance, this results in approximately 5 acres.

Water

Water infrastructure related to phase 1 PID is primarily a direct PID cost. The cost of 12" water service being constructed with Bel-Air Blvd and not included in this PID costs. Other items that are considered PID MI costs are 4 fire hydrants utilized for future phase and (4) 8" valves utilized to serve future phases.

Paving

Proposed pavement sections shown in this PID is per city of Sherman Engineering standards and details. Bel-Air Blvd pavement cost is considered a city cost and not included in this PID OPC. PID MI costs include concrete headers where pavement is extended to future phases at 4 intersections and barricades of those intersections. There's approximately 1900 SF of common area sidewalk that's been noted as a PID MI cost. All other pavement included in Phase 1 OPC is a direct PID cost.

Site Fencing / Retaining Walls / Landscape

Retaining walls due to lot grading criteria is considered a non-PID cost as this is an expense directly related to individual lots. Shared costs have been prorated to phase 1 direct PID cost and PID MI cost by lot count (35% of Lots in Phase 1). Shared costs include perimeter screen wall, main entry feature, main thoroughfare trees (100), common area landscape and irrigation, internal park landscape and irrigation, park fencing (wrought iron). There's also 2- ¾" irrigation meters and 2-electric meters allocated as a PID MI cost for common areas within the development.

APPENDIX C
DIAGRAMS OF THE AUTHORIZED IMPROVEMENTS

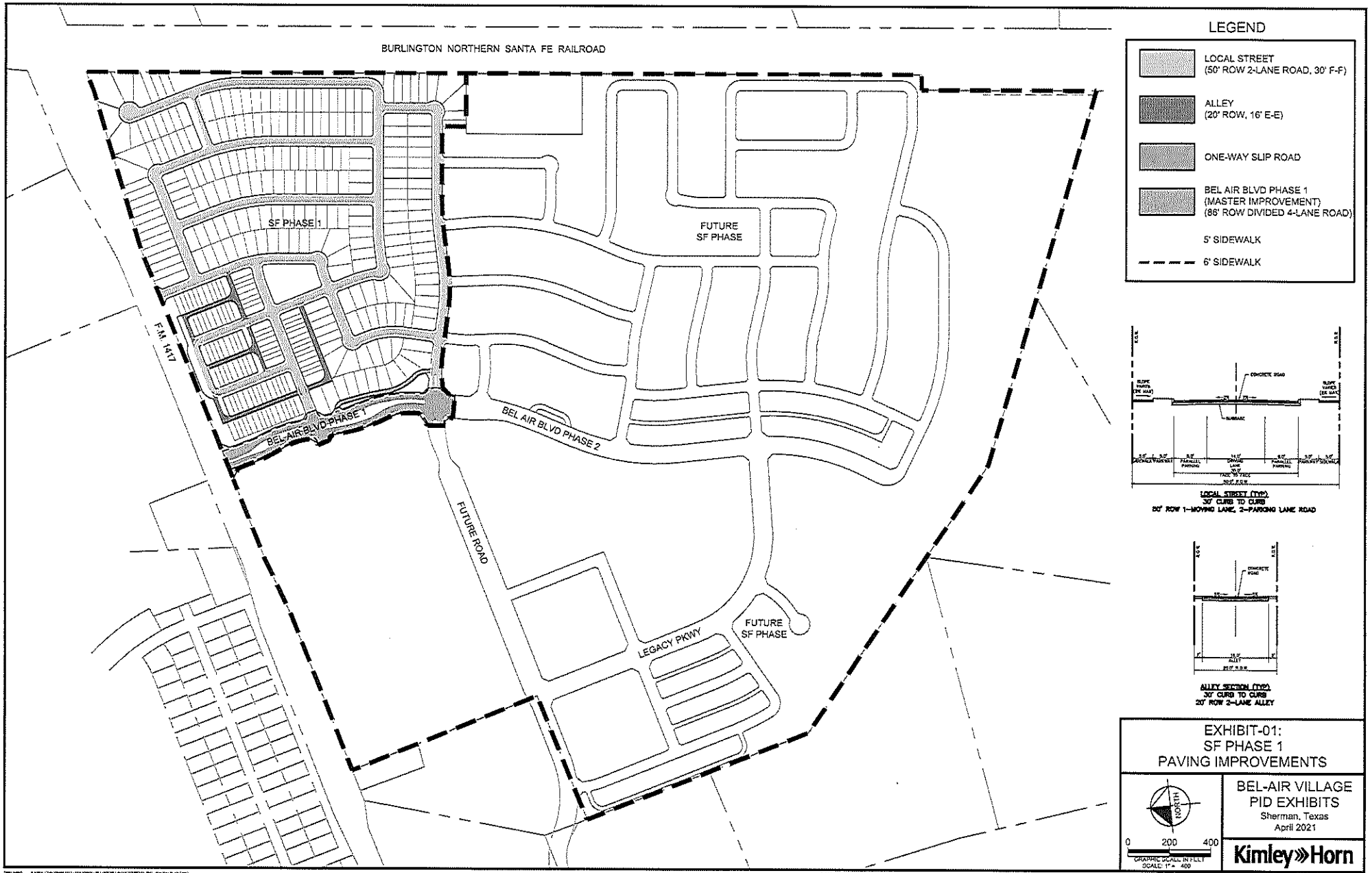
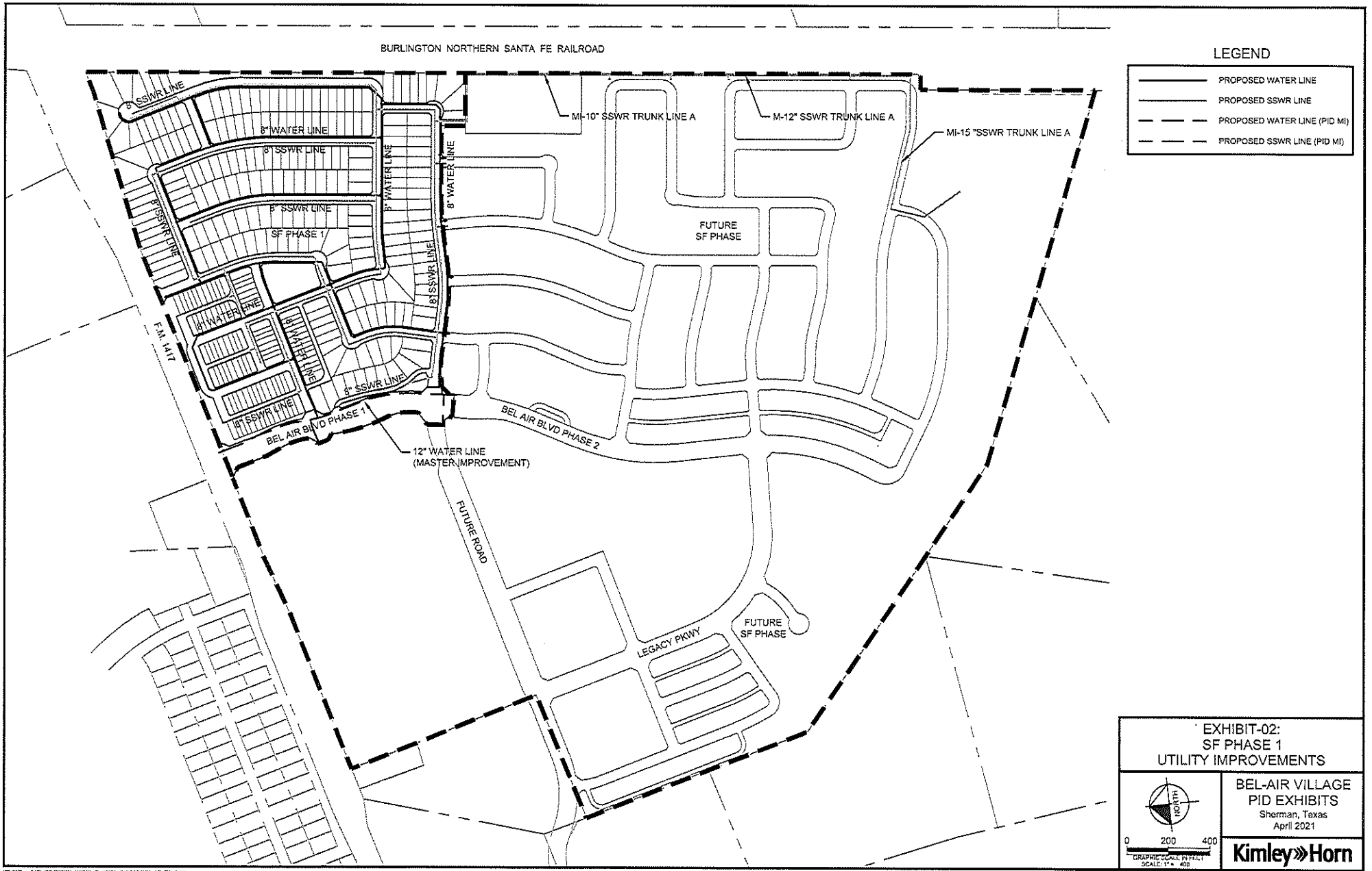


EXHIBIT-01: SF PHASE 1 PAVING IMPROVEMENTS

BEL-AIR VILLAGE PID EXHIBITS
Sherman, Texas
April 2021

Kimley»Horn

NOTE: THIS EXHIBIT IS CONCEPTUAL IN NATURE AND IS NOT INTENDED TO BE USED FOR CONSTRUCTION PURPOSES



NOTE: THIS EXHIBIT IS CONCEPTUAL IN NATURE AND IS NOT INTENDED TO BE USED FOR CONSTRUCTION PURPOSES

BURLINGTON NORTHERN SANTA FE RAILROAD

SF PHASE 1

FUTURE SF PHASE

F.M. 1417

BEL AIR BLVD PHASE 1

BEL AIR BLVD PHASE 2

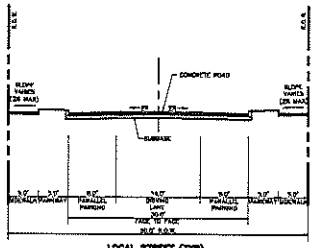
FUTURE ROAD

LEGACY PKWY

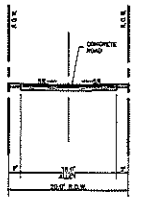
FUTURE SF PHASE

LEGEND

- LOCAL STREET (50' ROW 2-LANE ROAD, 30' F-F)
- ALLEY (20' ROW, 16' E-E)
- ONE-WAY SLIP ROAD
- BEL AIR BLVD PH 2 & LEGACY PARKWAY (MASTER IMPROVEMENT) (86' ROW DIVIDED 4-LANE ROAD)
- 5' SIDEWALK
- 6' SIDEWALK



LOCAL STREET (TYP)
30' CURB TO CURB
50' ROW 1-MOVING LANE, 2-PARKING LANE ROAD



ALLEY SECTION (TYP)
20' CURB TO CURB
20' ROW 2-LANE ALLEY

EXHIBIT-03: FUTURE PHASE PAVING IMPROVEMENTS

NORTH

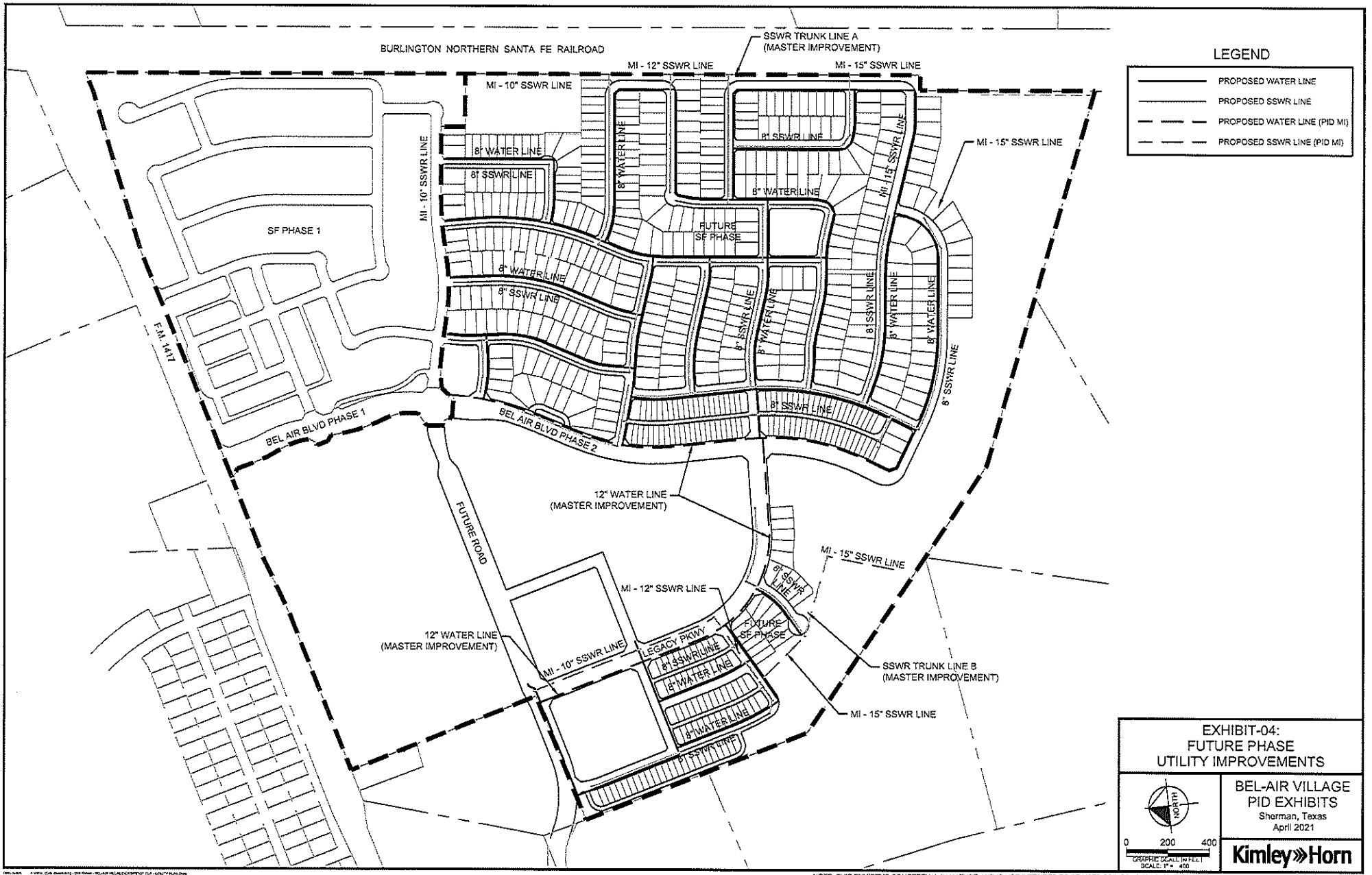
0 200 400

GRAPHIC SCALE IN FEET
SCALE: 1" = 400

BEL-AIR VILLAGE
PID EXHIBITS
Sherman, Texas
April 2021

Kimley»Horn

NOTE: THIS EXHIBIT IS CONCEPTUAL IN NATURE AND IS NOT INTENDED TO BE USED FOR CONSTRUCTION PURPOSES



NOTE: THIS EXHIBIT IS CONCEPTUAL IN NATURE AND IS NOT INTENDED TO BE USED FOR CONSTRUCTION PURPOSES

APPENDIX D
ASSESSMENT PER EQUIVALENT UNIT

Appendix D

For purposes of calculating and allocating the Assessments, the Phase #1 Assessed Property has been classified in one of three Lot Types.

"Lot Type 1" means lots identified as such on the Assessment Roll, being lots typically with a Lot width of approximately 50 feet.

"Lot Type 2" means lots identified as such on the Assessment Roll, being lots typically with a Lot width of approximately 40 feet.

"Lot Type 3" means lots identified as such on the Assessment Roll, being lots typically with a Lot width of approximately 25 feet.

Additional Lot Types will be added to as Future Phases are developed.

A) Proposed Development

The following table shows the projected residential units to be developed within the PID.

Table D-1
Projected Development within the PID

Description	Proposed Development	
60 Ft Lots	69	Units
50 Ft Lots	350	Units
40 Ft Lots	260	Units
30 Ft Lots	79	Units
25 Ft Lots	187	Units
	945	**Units**

Table D-2 below shows the proposed residential units within Phase #1.

Table D-2
Proposed Development – Phase #1

Description	Proposed Development	
50 Ft Lots	105	Units
40 Ft Lots	124	Units
25 Ft Lots	98	Units
	327	**Units**

Table D-3 on the following page shows the projected residential Lot Types anticipated to be built in the Future Phases.

Table D-3
Projected Development – Future Phases

Description	Proposed Development	
60 Ft Lots	69	Units
50 Ft Lots	245	Units
40 Ft Lots	136	Units
30 Ft Lots	79	Units
25 Ft Lots	89	Units
	618	**Units**

B) Calculation of Equivalent Units

As explained under Section IV.D, for purpose of this Service and Assessment Plan, the City Council has determined that the Actual Costs of the portion of the Phase #1 Projects to be financed with the Phase #1 Reimbursement Agreement shall be allocated to the Phase #1 Assessed Property by spreading the entire Assessment across the Parcels based on the estimated Equivalent Units.

For purposes of this Service and Assessment Plan, the City Council has determined that the Assessments shall be allocated to the Phase #1 Assessed Property on the basis of the average home value of each Lot Type, and that such method of allocation will result in the imposition of equal shares of the Assessments on Parcels similarly benefited. In determining the average home value of each Lot Type, the City Council has taken into consideration (i) the type of lots (i.e., 50 Ft, 40 Ft, etc.); (ii) current and projected home prices; (iii) the costs of the Authorized Improvements, and (iv) the ability of different property types to utilize and benefit from the Authorized Improvements.

Having taken into consideration the matters described above, the City Council has determined that allocating the Assessments among Parcels based on average home value is best accomplished by creating classifications of benefited Parcels based on the "Lot Types" defined above. These classifications (from Lot Type 1 (50 Ft Lots) representing the highest value to Lot Type 3 (25 Ft Lot) representing the lowest value for residential lots are set forth in Table D-4 on the following page. Assessments are allocated to each Lot Type on the basis of the average home value for each class of lots. This is accomplished by giving each Lot Type an Equivalent Unit factor. Equivalent Units are the ratio of the average value of lots within each assessment class, setting the Equivalent Unit factor for Lot Type 1 (50 Ft Lots) to 1.0.

Table D-4
Equivalent Unit Factors

Lot Type	Estimated Average Unit Value	Equivalent Unit Factor
Lot Type 1 (50 Ft Lot)	$300,000	1.00 per dwelling unit
Lot Type 2 (40 Ft Lot)	$250,000	0.83 per dwelling unit
Lot Type 3 (25 Ft Lot)	$185,000	0.62 per dwelling unit

The total estimated Equivalent Units for Phase #1 are shown in Table D-5 below as calculated based on the Equivalent Unit factors shown above, estimated Lot Types and number of units estimated to be built within Phase 1.

Table D-5
Estimated Equivalent Units - Phase #1

Lot Type	Planned No. of units	Equivalent Unit Factor	Total Equivalent Units
Lot Type 1 (50 Ft Lot)	105	1.00	105.00
Lot Type 2 (40 Ft Lot)	124	0.83	103.33
Lot Type 3 (25 Ft Lot)	98	0.62	60.43
Total Equivalent Units	**327**		**268.77**

C) Allocation of Assessments to Lots within Phase #1

As shown in Section IV of this Service and Assessment Plan, the total amount of the Phase #1 Reimbursement Agreement, which represents the total Assessment to be allocated on all Parcels within Phase #1, is $7,168,000. As shown in Table D-5, there are a total of 268.77 estimated Equivalent Units in Phase #1, resulting in an Assessment per Equivalent Unit of $26,669.97.

The Assessment per dwelling unit in Phase #1 ("Assessment er Unit") is calculated as the product of (i) $26,669.97 multiplied by (ii) the applicable Equivalent Unit value for each Lot Type. For example, the Assessment for a Lot Type 1 (50 Ft Lot) dwelling unit is $26,669.97 (i.e. $26,669.97 × 1.00). The Assessment for a Lot Type 2 (40 Ft Lot) dwelling unit is $22,224.98 (i.e. $26,669.97 × 0.83). The Assessment for a Lot Type 3 (25 Ft Lot) dwelling unit is $16,446.48 (i.e. $26,669.97 × 0.62). Table D-7 on the following page sets forth the Assessment per Unit for each Lot Type in Phase #1.

Table D-7
Assessment Per Unit – Phase #1

Type	Planned No. of Units	Assessment per Equivalent Unit	Equivalent Unit Factor	Assessment per Unit		Total Assessments
Lot Type 1(50 Ft Lot)	105	$26,669.97	1.00	$26,669.97	per dwelling unit	$2,800,347
Lot Type 2 (40 Ft Lot)	124	$26,669.97	0.83	$22,224.98	per dwelling unit	$2,755,897
Lot Type 3 (25 Ft Lot)	98	$26,669.97	0.62	$16,446.48	per dwelling unit	$1,611,755
Total	**327**					**$7,168,000**

APPENDIX E
PHASE #1 ASSESSMENT ROLL

Appendix E-1
Phase #1 Assessment Roll

Parcel	**All Parcels**
Equivalent Units	**$7,168,000**
Assessment	**268.77**

Year [1]	Principal	Interest	Administrative Expenses[2]	Total Annual Installment[3]
1	$55,000	$549,069	$30,000	$634,069
2	$63,000	$544,856	$30,600	$638,456
3	$71,000	$540,030	$31,212	$642,242
4	$81,000	$534,591	$31,836	$647,428
5	$92,000	$528,387	$32,473	$652,860
6	$103,000	$317,160	$33,122	$453,282
7	$117,000	$312,360	$33,785	$463,145
8	$127,000	$306,908	$34,461	$468,368
9	$136,000	$300,989	$35,150	$472,139
10	$147,000	$294,652	$35,853	$477,505
11	$158,000	$287,802	$36,570	$482,371
12	$169,000	$280,439	$37,301	$486,740
13	$181,000	$272,563	$38,047	$491,611
14	$194,000	$264,129	$38,808	$496,937
15	$207,000	$255,088	$39,584	$501,673
16	$221,000	$245,442	$40,376	$506,818
17	$235,000	$235,144	$41,184	$511,327
18	$243,000	$224,193	$42,007	$509,200
19	$259,000	$212,869	$42,847	$514,716
20	$276,000	$200,799	$43,704	$520,504
21	$293,000	$187,938	$44,578	$525,516
22	$312,000	$174,284	$45,470	$531,754
23	$331,000	$159,745	$46,379	$537,124
24	$351,000	$144,320	$47,307	$542,627
25	$373,000	$127,964	$48,253	$549,217
26	$395,000	$110,582	$49,218	$554,800
27	$418,000	$92,175	$50,203	$560,377
28	$443,000	$72,696	$51,207	$566,903
29	$469,000	$52,052	$52,231	$573,283
30	$648,000	$30,197	$53,275	$731,472
Total	**$7,168,000**	**$7,859,421**	**$1,217,042**	**$16,244,463**

1 – The 9/30/XX dates represent the fiscal year end for the Reimbursement Agreement.
2- Administrative Expenses are estimated and will be updated each year in the Annual Service Plan Updates. Assumes a 2% increase per year.
3- Annual Installments are calculated assuming a 7.66% interest rate for years 1 through 5 and 4.66% thereafter on the Phase #1 Reimbursement Agreement plus the Administrative Expenses.

Appendix E-2
Assessment Roll by Lot Type

Lot Type	Lot Type 1 (50 Ft)
Assessment	**$26,670**
Equivalent Unit	**1.00**

Year	Principal[1]	Interest[2]	Administrative Expenses[2]	Annual Installment[3]
1	$205	$2,043	$112	$2,359
2	$234	$2,027	$114	$2,376
3	$264	$2,009	$116	$2,390
4	$301	$1,989	$118	$2,409
5	$342	$1,966	$121	$2,429
6	$383	$1,180	$123	$1,687
7	$435	$1,162	$126	$1,723
8	$473	$1,142	$128	$1,743
9	$506	$1,120	$131	$1,757
10	$547	$1,096	$133	$1,777
11	$588	$1,071	$136	$1,795
12	$629	$1,043	$139	$1,811
13	$673	$1,014	$142	$1,829
14	$722	$983	$144	$1,849
15	$770	$949	$147	$1,867
16	$822	$913	$150	$1,886
17	$874	$875	$153	$1,902
18	$904	$834	$156	$1,895
19	$964	$792	$159	$1,915
20	$1,027	$747	$163	$1,937
21	$1,090	$699	$166	$1,955
22	$1,161	$648	$169	$1,978
23	$1,232	$594	$173	$1,998
24	$1,306	$537	$176	$2,019
25	$1,388	$476	$180	$2,043
26	$1,470	$411	$183	$2,064
27	$1,555	$343	$187	$2,085
28	$1,648	$270	$191	$2,109
29	$1,745	$194	$194	$2,133
30	$2,411	$112	$198	$2,722
Total	**$26,670**	**$29,243**	**$4,528**	**$60,441**

1 - The interest is calculated assuming a 7.66% interest rate for years 1 through 5 and 4.66% thereafter on the Phase #1 Reimbursement Agreement.
2 - The Administrative Expenses shown include the estimated PID administration and assessment collection costs.

Appendix E-3
Assessment Roll by Lot Type

Lot Type	Lot Type 2 (40 Ft)
Assessment	**$22,225**
Equivalent Unit	**0.83**

Year	Principal[1]	Interest[2]	Administrative Expenses[2]	Annual Installment[3]
1	$171	$1,702	$93	$1,966
2	$195	$1,689	$95	$1,980
3	$220	$1,674	$97	$1,991
4	$251	$1,658	$99	$2,007
5	$285	$1,638	$101	$2,024
6	$319	$983	$103	$1,405
7	$363	$968	$105	$1,436
8	$394	$952	$107	$1,452
9	$422	$933	$109	$1,464
10	$456	$914	$111	$1,481
11	$490	$892	$113	$1,496
12	$524	$870	$116	$1,509
13	$561	$845	$118	$1,524
14	$602	$819	$120	$1,541
15	$642	$791	$123	$1,555
16	$685	$761	$125	$1,571
17	$729	$729	$128	$1,585
18	$753	$695	$130	$1,579
19	$803	$660	$133	$1,596
20	$856	$623	$136	$1,614
21	$908	$583	$138	$1,629
22	$967	$540	$141	$1,649
23	$1,026	$495	$144	$1,665
24	$1,088	$447	$147	$1,682
25	$1,157	$397	$150	$1,703
26	$1,225	$343	$153	$1,720
27	$1,296	$286	$156	$1,737
28	$1,374	$225	$159	$1,758
29	$1,454	$161	$162	$1,778
30	$2,009	$94	$165	$2,268
Total	**$22,225**	**$24,369**	**$3,774**	**$50,367**

1 - The interest is calculated assuming a 7.66% interest rate for years 1 through 5 and 4.66% thereafter on the Phase #1 Reimbursement Agreement.
2 - The Administrative Expenses shown include the estimated PID administration and assessment collection costs.

Appendix E-4
Assessment Roll by Lot Type

Lot Type	Lot Type 3 (25 Ft)
Assessment	**$16,446**
Equivalent Unit	**0.62**

Year	Principal[1]	Interest[2]	Administrative Expenses[2]	Annual Installment[3]
1	$126	$1,260	$69	$1,455
2	$145	$1,250	$70	$1,465
3	$163	$1,239	$72	$1,474
4	$186	$1,227	$73	$1,485
5	$211	$1,212	$75	$1,498
6	$236	$728	$76	$1,040
7	$268	$717	$78	$1,063
8	$291	$704	$79	$1,075
9	$312	$691	$81	$1,083
10	$337	$676	$82	$1,096
11	$363	$660	$84	$1,107
12	$388	$643	$86	$1,117
13	$415	$625	$87	$1,128
14	$445	$606	$89	$1,140
15	$475	$585	$91	$1,151
16	$507	$563	$93	$1,163
17	$539	$540	$94	$1,173
18	$558	$514	$96	$1,168
19	$594	$488	$98	$1,181
20	$633	$461	$100	$1,194
21	$672	$431	$102	$1,206
22	$716	$400	$104	$1,220
23	$759	$367	$106	$1,232
24	$805	$331	$109	$1,245
25	$856	$294	$111	$1,260
26	$906	$254	$113	$1,273
27	$959	$211	$115	$1,286
28	$1,016	$167	$117	$1,301
29	$1,076	$119	$120	$1,315
30	$1,487	$69	$122	$1,678
Total	**$16,446**	**$18,033**	**$2,792**	**$37,272**

1 - The interest is calculated assuming a 7.66% interest rate for years 1 through 5 and 4.66% thereafter on the Phase #1 Reimbursement Agreement.
2 - The Administrative Expenses shown include the estimated PID administration and assessment collection costs.

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Legal Notices

Legal Notices

CITY OF SHERMAN, TEXAS
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT a public hearing will be conducted by the City Council of Sherman, Texas on May 3, 2021 at 5:00 p.m. at City Council Chambers, 220 W. Mulberry, Sherman, Texas 75090. In the event that the City Council will be unable to meet at the City Council Chambers on May 3, 2021, the City of Sherman will post on its website, www.ci.sherman.tx.us, information for persons to attend the meeting by telephone, videoconference, or other electronic means. The public hearing will be held to consider proposed assessments to be levied against the assessable property within phase 1 ("Phase 1") of the Bel Air Village Public Improvement District (the "District") pursuant to the provisions of Chapter 372 of the Texas Local Government Code, as amended (the "Act").

The general nature of the proposed improvements authorized by the Act to be undertaken and financed for the benefit of the property within the District (the "Authorized Improvements") include, but are not limited to, landscaping, entryway features, water, wastewater, sidewalks, streets, roadways, off-street parking, drainage system improvements, trails, parks and open space, special supplemental services for the improvement and promotion of the District, and payment of expenses incurred in the establishment, administration, and operation of the District. The proposed Authorized Improvements to be undertaken at this time include road improvements, water distribution system improvements, sanitary sewer collection system improvements, storm sewer collection system improvements, and costs related to the administration of the District and financing the Phase 1 Authorized Improvements.

The total expected cost of the Authorized Improvements that will benefit property within Phase 1 of the District is $9,060,054.

The boundaries of the District include approximately 278.38 acres of land located within the corporate limits of the City of Sherman, Grayson County, Texas, being composed of tracts generally located in the 300-1000 Blocks East FM 1417 (Vietnam Veterans Parkway). The boundaries of Phase 1 of the District include approximately 58.53 acres of land within the District, as more particularly described by a metes and bounds description available at Sherman City Hall, 220 W. Mulberry, Sherman, Texas 75090, and available for public inspection.

All written or oral objections on the proposed assessment within the District will be considered at the public hearing.

A copy of the proposed assessment roll relating to the Authorized Improvements to be undertaken at this time, which includes the assessments to be levied against certain assessable property in Phase 1 of the District, is available for public inspection at the office of the City Clerk, 220 W. Mulberry, Sherman, Texas 75090.

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Legal Notices

PUBLIC NOTICE
ORDINANCE NO. 5128

AN ORDINANCE OF THE CITY OF DENISON, TEXAS, AMENDING CHAPTER 28 OF THE CODE OF ORDINANCES OF THE CITY, THE SAME BEING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY BY CHANGING THE ZONING CLASSIFICATION ON A CERTAIN .115 ACRE TRACT OF LAND LEGALLY DESCRIBED AS LOT 2R, BLOCK 25, REPLAT OF THE SOUTH 100 FEET OF LOTS 1 & 2, BLOCK 25, ORIGINAL TOWN PLAT OF THE CITY OF DENISON, TEXAS, FILED IN THE PLAT RECORDS OF GRAYSON COUNTY, TEXAS, AND COMMONLY REFERRED TO AS 409 N. HOUSTON AVE., FROM ITS ZONING CLASSIFICATION OF COMMERCIAL DISTRICT TO SINGLE FAMILY-5 DISTRICT; PROVIDING THAT SUCH TRACT OF LAND SHALL BE USED IN ACCORDANCE WITH THE REQUIREMENTS OF THE COMPREHENSIVE ZONING ORDINANCE AND ALL OTHER APPLICABLE ORDINANCES OF THE CITY; PROVIDING THAT THE ZONING MAP SHALL REFLECT THE SINGLE FAMILY-5 DISTRICT FOR THE PROPERTY; PROVIDING A PENALTY; PROVIDING REPEALING, SEVERABILITY, AND SAVINGS CLAUSES; PROVIDING

Legal Notices

FOR PUBLICATION AND AN EFFECTIVE DATE.

SECTION 7. Penalty. Any person, firm, entity or corporation who violates any provision of this Ordinance or the Zoning Ordinance, as they exist or may be amended, 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 8. Publication and Effective Date. This Ordinance shall become effective immediately upon its adoption and its publication as required by law.

I, Christine M. Wallentine, City Clerk of the City of Denison, Texas, do hereby certify that the above and foregoing is a true and correct copy of the caption of Ordinance Number 5128, which was passed by the Denison City Council at its Regular Meeting held on April 19, 2021, and which has been

Advertising MARKETPLACE

ader Notice: This newspaper will never knowingly accept any advertisement that is illegal or considered fraudulent. If you have questions or doubts about any ads on these pages, we vise that before responding or sending money ahead of time, you check with the local Attorney General's Consumer Fraud Line and/or the Better Business Bureau. Also be advised that ne phone numbers published in these ads may require an extra charge. In all cases of questionable value, such as promises or guaranteed income from work-at-home programs, money loan, etc., if it sounds too good to be true -- it may in fact be exactly that. This newspaper cannot be held responsible for any negative consequences that occur as a result of you doing

SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **E. 3.**

Meeting Date: 12/05/2022

Prepared By: Rob Rae, Director of Development Services

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6549

Amending Section 8, Subsection (5)(A), Ordinance No. 2280 and Adopting Ordinance No. 6549 so as to Grant a Specific Use Permit to allow a Church, Wood Accessory Building and Pavilion in an R-1 (One-Family Residential) District/R-2 (Multi-Family Residential) District/O-1.1 (FM Highway 1417) Overlay District and Repeal Ordinance No. 4286, located at 601 North FM 1417 (Heritage Parkway), being 14.597 Acres, Nazarene 1st Addition, being a Re-Plat of Lots 1 and 2, Block 5 of Laurel Creek Addition in the J.B. McAnair Survey, Abstract No. 763 and the G.W. McGlothlin Survey, Abstract No. 828 (Heritage Nazarene Church, Owners; Mike Hastings; Representative; and Preston Trail Land Surveying, Surveyor); Providing That This Specific Use Permit Shall Be Granted Subject to Certain Conditions; Providing A Penalty Not to Exceed $2,000.00

Issue:

To consider a Church, Wood Accessory Building and Pavilion in an R-1 (One-Family Residential) District/R-2 (Multi-Family Residential) District/O-1.1 (FM Highway 1417) Overlay District and Repeal Ordinance No. 4286, located at 601 North FM 1417 (Heritage Parkway), being 14.597 Acres, Nazarene 1st Addition, being a Re-Plat of Lots 1 and 2, Block 5 of Laurel Creek Addition in the J.B. McAnair Survey, Abstract No. 763 and the G.W. McGlothlin Survey, Abstract No. 828 (Heritage Nazarene Church, Owners; Mike Hastings; Representative; and Preston Trail Land Surveying, Surveyor)

Background:

The property is located at 601 North FM 1417 (Heritage Parkway) between FM 1417 (Heritage Parkway) and Laurel Ridge Circle and is zoned R-1 (One Family Residential)/R-2 (Multi-Family Residential)/O-1.1 (FM Highway 1417) Overlay District .

The church will be building a new outdoor pavilion on the north side of the church. It will be located approximately 140' from the church, 66' from the end of the driveway, 240' from FM 1417, 320' from the north property line and 57' from the storage building. There will be a 5'x 66' sidewalk leading to the pavilion. All columns will be wrapped in 3/8" wood grain, vertical fiber cement siding. The trim will be 3/4" fiber cement boards. Siding will cover from the slab to the top of the purlin. The roof material will be a standing seam, metal roof with a neutral white colored trim to match.

The following has been approved for this location:

- April 13, 1993 - Specific Use Permit for a church facility and parking in R-2 (Multi-Family Residential) District
- April 20, 2021 - Variance to prebuilt wood accessory building in lieu of the required masonry in an R-1 (One-Family Residential) District/R-2 (Multi-Family Residential) District/O-1.1 (FM Highway 1417) Overlay District.

Origination:

Heritage Nazarene Church (Owners)
Mike Hastings (Representative)
Preston Trail Land Surveying (Surveyor)

Financial Consideration:

None

Staff Recommendation:

At the November, 2022 regular meeting, the Planning and Zoning Commission voted 6/0 to recommend to the City Council that the Specific Use Permit be approved subject to the Staff Review Letter and that Ordinance 4286 be repealed.**The proposed use is compatible with the City of Sherman Comprehensive Plan.**

Alternatives:

The City Council could deny the request.

Attachments

Ordinance No. 6549
Exhibit A - Survey
Exhibit B - Site Plan
Location Map
Zoning Map
Zoning Sign Photo
Future Land Use Map
Narrative
Elevations - Structure
Elevations - Poles
Ordinance 4286 to repeal
Staff Review Letter
P & Z Communication

ORDINANCE NO. 6549

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280 AND ADOPTING ORDINANCE NO. 6549 SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW A CHURCH, WOOD ACCESSORY BUILDING AND PAVILION IN AN R-1 (ONE-FAMILY RESIDENTIAL) DISTRICT/R-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT/O-1.1 (FM HIGHWAY 1417) OVERLAY DISTRICT AND REPEAL ORDINANCE NO. 4286, LOCATED AT 601 NORTH FM 1417 (HERITAGE PARKWAY), BEING 14.597 ACRES, NAZARENE 1ST ADDITION, BEING A RE-PLAT OF LOTS 1 AND 2, BLOCK 5 OF LAUREL CREEK ADDITION IN THE J.B. MCANAIR SURVEY, ABSTRACT NO. 763 AND THE G.W. MCGLOTHLIN SURVEY, ABSTRACT NO. 828 (HERITAGE NAZARENE CHURCH, OWNERS; MIKE HASTINGS; REPRESENTATIVE; AND PRESTON TRAIL LAND SURVEYING, SURVEYOR); PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED $2,000.00; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City Planning and Zoning Commission and the City Council, in accordance with the state law and the ordinances of the City of Sherman, have given the required notices and have held the required public hearings regarding this Specific Use Permit; and

WHEREAS, the City Council finds that this use will complement or be compatible with the surrounding uses and community facilities; contribute to, enhance, or promote the welfare of the area of request and adjacent properties; not be detrimental to the public health, safety, or general welfare; and conform in all other respects to all applicable zoning regulations and standards; and

WHEREAS, the City Council finds that it is in the public interest to grant this specific use permit, subject to certain conditions;

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

SECTION 1. That, from and after the effective date of this Ordinance, Heritage Nazarene Church (Owners), Mike Hastings (Representative) and Preston Trail Land Surveying (Surveyor) concerning the property located at 601 North FM 1417 (Heritage Parkway), being 14.597 Acres, Nazarene 1st Addition, being a Re-Plat of Lots 1 and 2, Block 5 of Laurel Creek Addition in the J.B. McAnair Survey, Abstract No. 763 and the G.W. McGlothlin Survey, Abstract No. 828 are granted a Specific Use Permit to allow a Church, Wood Accessory Building and Pavilion in an R-1 (One-Family Residential) District/R-2 (Multi-Family Residential) District/O-1.1 (FM Highway

1417) Overlay District and that Section 8, Subsection (5)(a), Ordinance No. 2280 is hereby amended so as to hereafter include property described as **Exhibit A – Survey**.

SECTION 2. That this Specific Use Permit is granted on the following conditions:

Zoning:

1. Compliance with applicable City ordinances, regulations, standards and rules and other laws, as they exist or may be amended, including but not limited to the City's General Zoning Ordinance, Ordinance No. 2280, the regulations applicable to the R-1 (One-Family Residential) District, R-2 (Multi-Family Residential) District, O-1.1 (FM Highway 1417) Overlay District, the Fence Ordinance, the Sign Ordinance and the Residential Tree and Landscaping Ordinance. (*Chapter 14, Exhibit A, Sec. 6.3; Sec. 6.4; Sec 6.13.2; Sec. 7(13); Sec. 7(14) and Sec. 17)*
2. Fire access, lanes and codes shall be coordinated with the Fire Marshal (903.892.7267).
3. Driveways and parking are permitted on paved surfaces only (concrete or asphalt). *(Chapter 14, Exhibit A, Section 7, Subsection 10(h))*
4. Parking shall be provided for one space per every seven seats; a parking space is considered to be 9' x 20'. *(Chapter 14, Exhibit A, Section 8 Subsection 5(a))*
5. All required off-street parking shall be on private property and shall not encroach into the right-of-way. *(Chapter 14, Exhibit A, Section 7, Subsection 10(b)*
6. The granting of a Specific Use Permit has no effect on the uses permitted as of right and does not waive the regulations of the underlying zoning district.
7. A specific use permit is an amendment to the district regulations of the zoning ordinance that permits the permanent establishment of a specific use within a zoning district in which such specific use may be established unless such use of land or structure discontinue or be abandoned for a period of sixty (60) consecutive days in which event such specific use permit shall be void and such use may not thereafter be resumed unless a new specific use permit granted. (Chapter 14, Exhibit A, Sec. 8 (5)(b))
8. The approval of the Specific Use Permit and site plan shall be effective for a period of (2) years from the date of approval and shall expire unless the applicant demonstrates to the Director of Development Services that progress has been made toward completion of the project for which the Specific Use Permit was approved.
9. Any changes made to the site plan prior to the final fulfillment of the conditions of the staff review letter must be considered minor by the staff, as to not require resubmission to the Planning & Zoning Commission.

Additional Conditions:

10. The property shall be developed and used in accordance with all City Ordinances and the Site Plan shown in **Exhibit B.**

SECTION 3. That this Ordinance shall be entered upon the official zoning map as provided in Section 2, Ordinance No. 2280.

SECTION 4. That it shall be unlawful for any person to make use of the Property in some manner other than as authorized by this Ordinance, and it shall be unlawful for any person to construct on the Property any building that is not in conformity with the permissible uses under

this Ordinance. Any person violating any provision of this Ordinance or the General Zoning Ordinance, as they exist or may be amended, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in an amount not exceeding TWO THOUSAND AND NO/100 DOLLARS ($2,000.00). A violation of any provision of this Ordinance shall constitute a separate violation for each calendar day in which it occurs. 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 5. That the General Zoning Ordinance shall remain in full force and effect, save and except as amended by this or any other ordinance. 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 6. That in the event any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional and/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 Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, regardless of whether any one or more sections, subsections, sentences, clauses or phrases is declared unconstitutional and/or invalid.

SECTION 7. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given all as required by law.

SECTION 8. That this Ordinance shall become effective from and after its adoption and publication as required by law and the City Charter.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS.

INTRODUCED on this the 5th day of December 2022.

ADOPTED on this the 5th day of December 2022.

EFFECTIVE DATE on this the 5th day of December 2022.

CITY OF SHERMAN, TEXAS

BY: _____

DAVID PLYLER, MAYOR

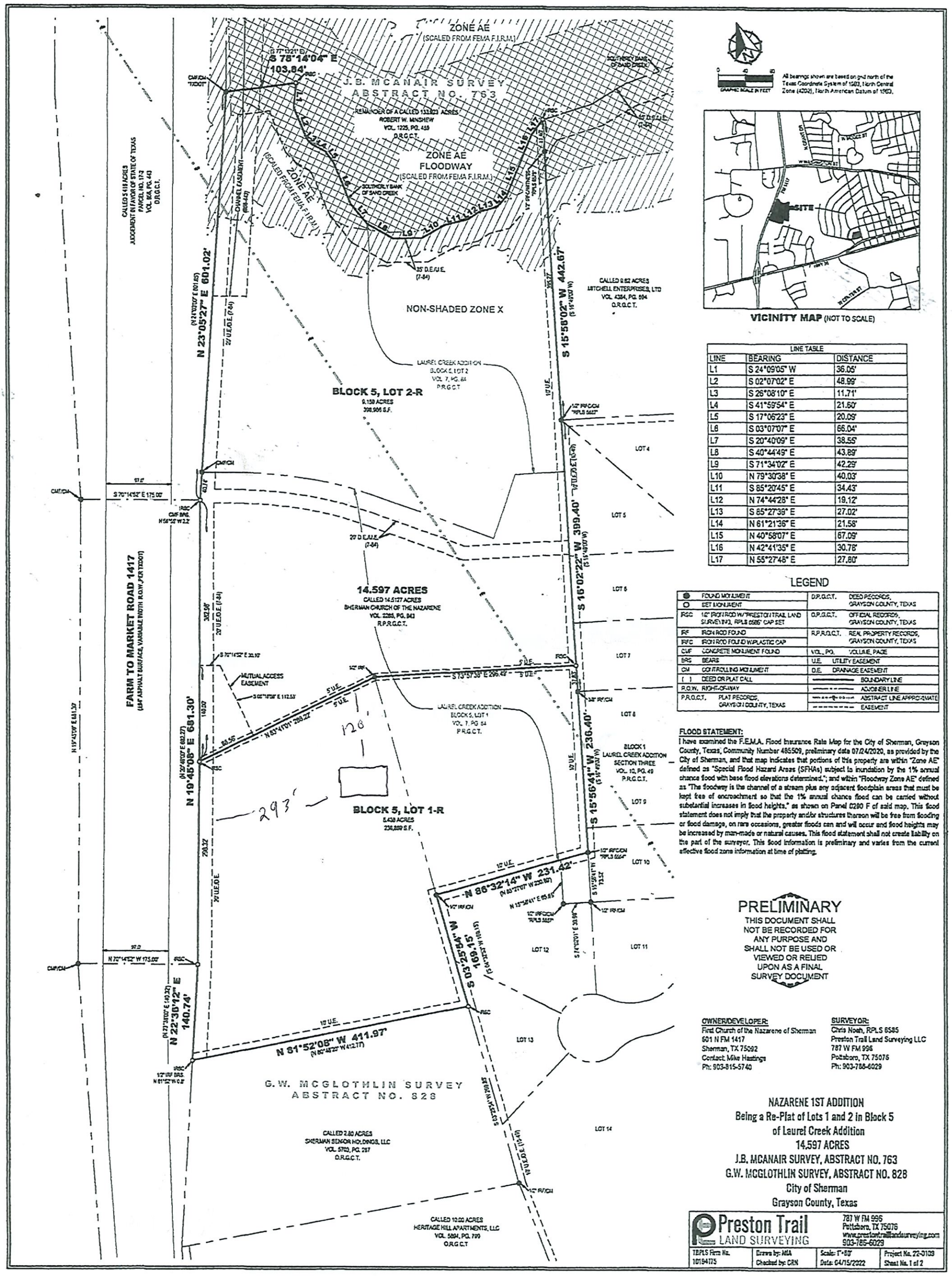
ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM
AND CONTENT:
THE LAW FIRM OF ABERNATHY,
ROEDER, BOYD & HULLETT, P.C.

BY: _____
RYAN D. PITTMAN, CITY ATTORNEY

EXHIBIT A



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 24°09'05" W	36.05'
L2	S 02°07'02" E	48.99'
L3	S 26°08'10" E	11.71'
L4	S 41°59'54" E	21.60'
L5	S 17°06'23" E	20.09'
L6	S 03°07'07" E	66.04'
L7	S 20°40'09" E	38.55'
L8	S 40°44'49" E	43.89'
L9	S 71°34'02" E	42.29'
L10	N 79°30'38" E	40.03'
L11	S 85°20'45" E	34.43'
L12	N 74°44'28" E	19.12'
L13	S 85°27'39" E	27.02'
L14	N 61°21'36" E	21.58'
L15	N 40°58'07" E	67.09'
L16	N 42°41'35" E	30.78'
L17	N 55°27'48" E	27.80'

LEGEND

●	FOUND MONUMENT	D.P.G.C.T.	DEED RECORDS, GRAYSON COUNTY, TEXAS
○	SET MONUMENT		
IRSC	1/2" IRON ROD W/"PRESTON TRAIL LAND SURVEYING, RPLS 6585" CAP SET	O.P.G.C.T.	OFFICIAL RECORDS, GRAYSON COUNTY, TEXAS
IRF	IRON ROD FOUND	R.P.R.G.C.T.	REAL PROPERTY RECORDS, GRAYSON COUNTY, TEXAS
IRFC	IRON ROD FOUND W/PLASTIC CAP		
CMF	CONCRETE MONUMENT FOUND	VOL., PG.	VOLUME, PAGE
BRS	BEARS	U.E.	UTILITY EASEMENT
CM	CONTROLLING MONUMENT	D.E.	DRAINAGE EASEMENT
( )	DEED OR PLAT CALL		BOUNDARY LINE
R.O.W.	RIGHT-OF-WAY		ADJOINER LINE
P.R.G.C.T.	PLAT RECORDS, GRAYSON COUNTY, TEXAS		ABSTRACT LINE APPROXIMATE
			EASEMENT

FLOOD STATEMENT:

I have examined the F.E.M.A. Flood Insurance Rate Map for the City of Sherman, Grayson County, Texas, Community Number 485509, preliminary date 07/24/2020, as provided by the City of Sherman, and that map indicates that portions of this property are within "Zone AE" defined as "Special Flood Hazard Areas (SFHAs) subject to inundation by the 1% annual chance flood with base flood elevations determined."; and within "Floodway Zone AE" defined as "The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increases in flood heights." as shown on Panel 0280 F of said map. This flood statement does not imply that the property and/or structures thereon will be free from flooding or flood damage, on rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes. This flood statement shall not create liability on the part of the surveyor. This flood information is preliminary and varies from the current effective flood zone information at time of platting.

PRELIMINARY
THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT

OWNER/DEVELOPER:
First Church of the Nazarene of Sherman
601 N FM 1417
Sherman, TX 75092
Contact: Mike Hastings
Ph: 903-815-5740

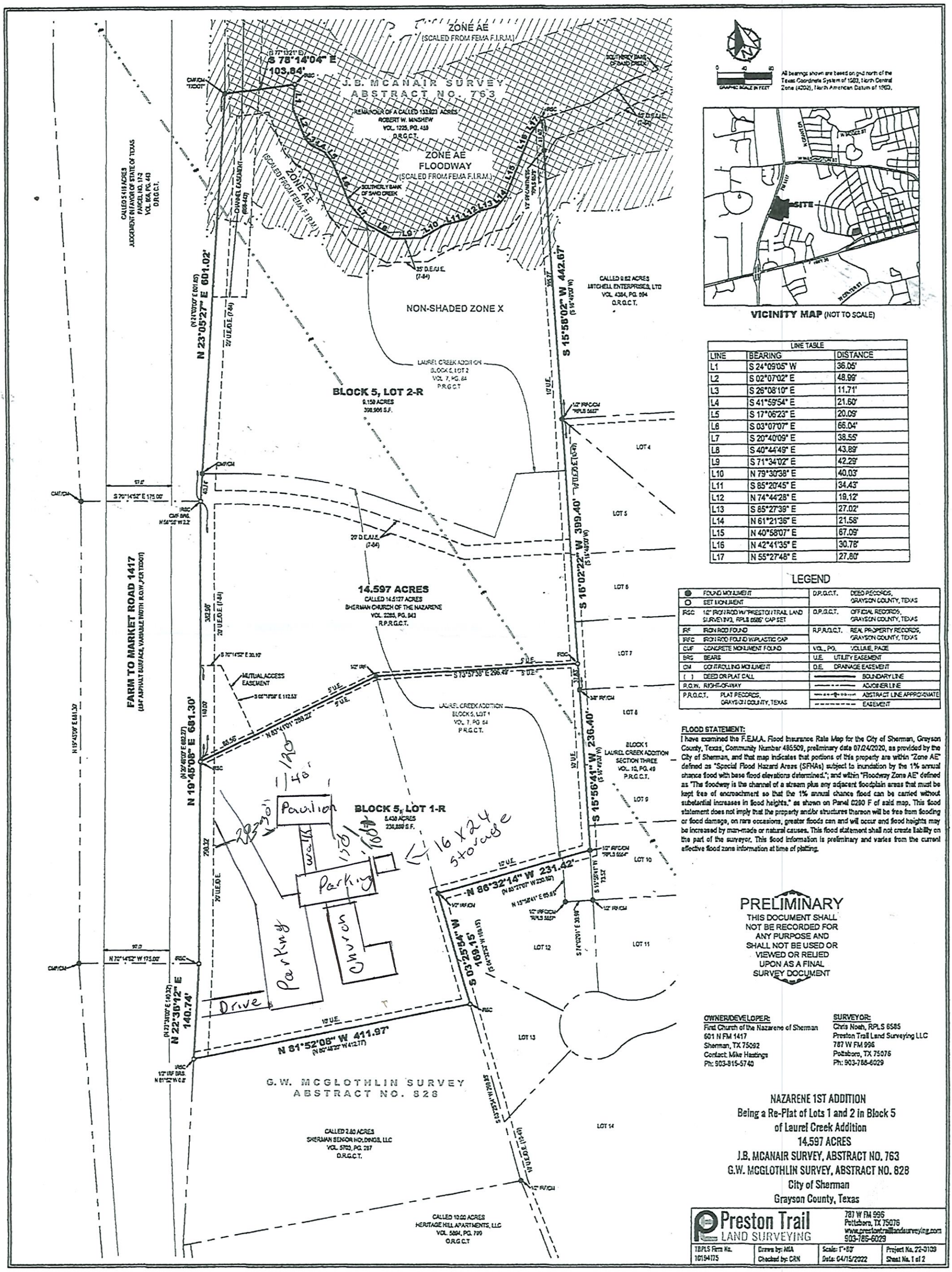
SURVEYOR:
Chris Noah, RPLS 6585
Preston Trail Land Surveying LLC
787 W FM 996
Pottsboro, TX 75076
Ph: 903-788-6029

NAZARENE 1ST ADDITION
Being a Re-Plat of Lots 1 and 2 in Block 5
of Laurel Creek Addition
14.597 ACRES
J.B. MCANAIR SURVEY, ABSTRACT NO. 763
G.W. MCGLOTHLIN SURVEY, ABSTRACT NO. 828
City of Sherman
Grayson County, Texas

Preston Trail LAND SURVEYING
787 W FM 996
Pottsboro, TX 75076
www.prestontrailandsurveying.com
903-786-6029

TBPLS Firm No. 10194175	Drawn by: MIA	Scale: 1"=80'	Project No. 22-0109
	Checked by: CRN	Date: 04/15/2022	Sheet No. 1 of 2

EXHIBIT B


ZONE AE
(SCALED FROM FEMA F.I.R.M.)
J.B. MCANAIR SURVEY
ABSTRACT NO. 763
REMAINDER OF A CALLED 133.823 ACRES
ROBERT W. MINSHEW
VOL. 1225, PG. 459
D.R.G.C.T.
ZONE AE
FLOODWAY
(SCALED FROM FEMA F.I.R.M.)
SOUTHERLY BANK OF SAND CREEK
NON-SHADED ZONE X
CALLED 5.118 ACRES
JUDGEMENT IN FAVOR OF STATE OF TEXAS
PARCEL NO. 17-2
VOL. 864, PG. 443
D.R.G.C.T.
FARM TO MARKET ROAD 1417
(LIAF ASPHALT SURFACE, VARIABLE WIDTH R.O.W., PER TXDOT)
CALLED 0.62 ACRES
MITCHELL ENTERPRISES, LTD
VOL. 4384, PG. 564
O.R.G.C.T.
LAUREL CREEK ADDITION
BLOCK 5, LOT 2
VOL. 7, PG. 64
P.R.G.C.T
BLOCK 5, LOT 2-R
9.159 ACRES
398,906 S.F.
LAUREL CREEK ADDITION
BLOCK 5, LOT 1
VOL. 7, PG. 64
P.R.G.C.T.
BLOCK 5, LOT 1-R
5.438 ACRES
236,899 S.F.
14.597 ACRES
CALLED 14.5127 ACRES
SHERMAN CHURCH OF THE NAZARENE
VOL. 2285, PG. 843
R.P.R.G.C.T.
BLOCK 1
LAUREL CREEK ADDITION
SECTION THREE
VOL. 10, PG. 49
P.R.G.C.T.
G.W. MCGLOTHLIN SURVEY
ABSTRACT NO. 828
CALLED 2.80 ACRES
SHERMAN SENIOR HOLDINGS, LLC
VOL. 5703, PG. 287
O.R.G.C.T.
CALLED 10.00 ACRES
HERITAGE HILL APARTMENTS, LLC
VOL. 5694, PG. 799
O.R.G.C.T
MUTUAL ACCESS EASEMENT
Pavilion
walk
Parking
Church
Drive
16 X 24 storage
S 78°14'04" E
103.84'
N 23°05'27" E 601.02'
N 19°45'08" E 681.30'
S 15°58'02" W 442.67'
S 16°02'22" W 399.40'
S 15°56'41" W 236.40'
N 86°32'14" W 231.42'
S 03°25'54" W 169.15'
N 22°36'12" E 140.74'
N 81°52'08" W 411.97'
S 70°14'52" E 175.00'
N 70°14'52" W 175.00'
S 73°57'38" E 296.49'
N 83°41'01" W 288.22'
S 07°17'58" E 112.53'
S 70°14'52" E 30.10'
N 15°45'08" E 681.30'
LINE TABLE
LINE | BEARING | DISTANCE
L1 | S 24°09'05" W | 36.05'
L2 | S 02°07'02" E | 48.99'
L3 | S 26°08'10" E | 11.71'
L4 | S 41°59'54" E | 21.60'
L5 | S 17°06'23" E | 20.09'
L6 | S 03°07'07" E | 66.04'
L7 | S 20°40'09" E | 38.55'
L8 | S 40°44'49" E | 43.89'
L9 | S 71°34'02" E | 42.29'
L10 | N 79°30'38" E | 40.03'
L11 | S 85°20'45" E | 34.43'
L12 | N 74°44'28" E | 19.12'
L13 | S 85°27'39" E | 27.02'
L14 | N 61°21'36" E | 21.58'
L15 | N 40°58'07" E | 67.09'
L16 | N 42°41'35" E | 30.78'
L17 | N 55°27'48" E | 27.80'
All bearings shown are based on grid north of the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983.
VICINITY MAP (NOT TO SCALE)
SITE
LEGEND
FOUND MONUMENT
SET MONUMENT
IRSC 1/2" IRON ROD W/"PRESTON TRAIL LAND SURVEYING, RPLS 6585" CAP SET
IRF IRON ROD FOUND
IRFC IRON ROD FOUND W/PLASTIC CAP
CMF CONCRETE MONUMENT FOUND
BRS BEARS
CM CONTROLLING MONUMENT
( ) DEED OR PLAT CALL
R.O.W. RIGHT-OF-WAY
P.R.G.C.T. PLAT RECORDS, GRAYSON COUNTY, TEXAS
D.R.G.C.T. DEED RECORDS, GRAYSON COUNTY, TEXAS
O.P.G.C.T. OFFICIAL RECORDS, GRAYSON COUNTY, TEXAS
R.P.R.G.C.T. REAL PROPERTY RECORDS, GRAYSON COUNTY, TEXAS
VOL., PG. VOLUME, PAGE
U.E. UTILITY EASEMENT
D.E. DRAINAGE EASEMENT
BOUNDARY LINE
ADJOINER LINE
ABSTRACT LINE APPROXIMATE
EASEMENT
FLOOD STATEMENT:
I have examined the F.E.M.A. Flood Insurance Rate Map for the City of Sherman, Grayson County, Texas, Community Number 485509, preliminary date 07/24/2020, as provided by the City of Sherman, and that map indicates that portions of this property are within "Zone AE" defined as "Special Flood Hazard Areas (SFHAs) subject to inundation by the 1% annual chance flood with base flood elevations determined."; and within "Floodway Zone AE" defined as "The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increases in flood heights." as shown on Panel 0280 F of said map. This flood statement does not imply that the property and/or structures thereon will be free from flooding or flood damage, on rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes. This flood statement shall not create liability on the part of the surveyor. This flood information is preliminary and varies from the current effective flood zone information at time of platting.
PRELIMINARY
THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT
OWNER/DEVELOPER:
First Church of the Nazarene of Sherman
601 N FM 1417
Sherman, TX 75092
Contact: Mike Hastings
Ph: 903-815-5740
SURVEYOR:
Chris Noah, RPLS 6585
Preston Trail Land Surveying LLC
787 W FM 996
Pottsboro, TX 75076
Ph: 903-786-6029
NAZARENE 1ST ADDITION
Being a Re-Plat of Lots 1 and 2 in Block 5
of Laurel Creek Addition
14.597 ACRES
J.B. MCANAIR SURVEY, ABSTRACT NO. 763
G.W. MCGLOTHLIN SURVEY, ABSTRACT NO. 828
City of Sherman
Grayson County, Texas
Preston Trail LAND SURVEYING
787 W FM 996
Pottsboro, TX 75076
www.prestontraillandsurveying.com
903-786-6029
TBPLS Firm No. 10194175
Drawn by: MIA
Checked by: CRN
Scale: 1"=50'
Date: 04/15/2022
Project No. 22-0109
Sheet No. 1 of 2

dlagrone H:\ENGINEER\GIS\ArcGIS Pro Projects\Planning\Public Notification.aprx

Sherman
CLASSIC TOWN. BROAD HORIZON.

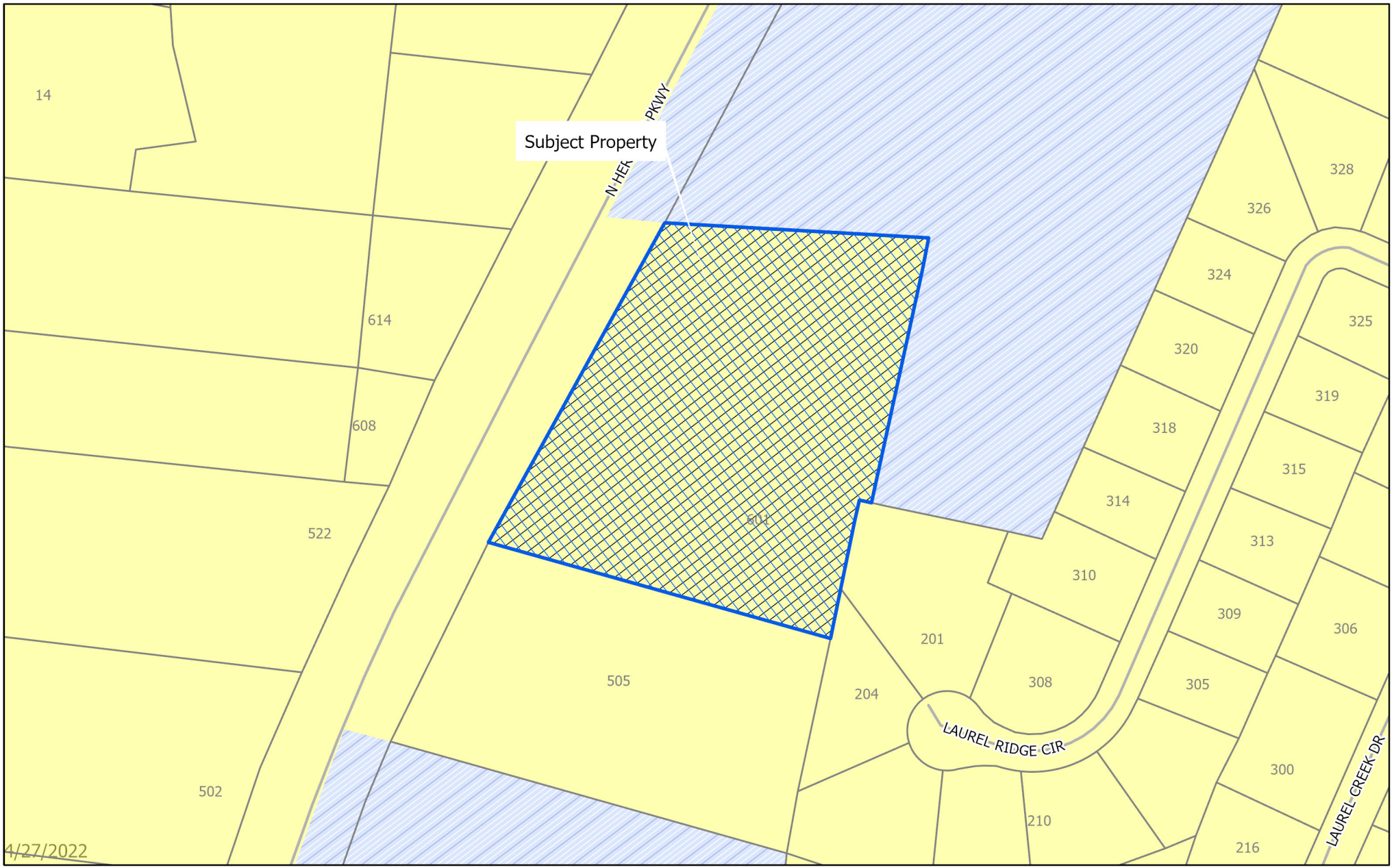
City of Sherman, Texas
Development Services Department

CITY OF SHERMAN
Location Map
(601 N FM 1417)

N
W E
S

Date: 4/27/2022 11:26 AM

Scale: 1:3,781



dlagrone H:\ENGINEER\GIS\ArcGIS Pro Projects\Planning\Public Notification.aprx

Sherman
CLASSIC TOWN. BROAD HORIZON.

City of Sherman, Texas
Development Services Department

- BIP Blalock Industrial Park
- C-1 Retail Business District
- C-2 General Commercial District
- CO Office District
- Lakes
- M-1 Light Manufacturing District
- M-1.5 Medium Manufacturing District
- M-2 Heavy Manufacturing District
- MH Manufacturing Housing Distgrict
- R-1 One Family Residential District
- R-2 Multi-Family Residential District
- R-A Single Family Agricultural District
- SF-1 Single Family Residential District
- PD Planned Development
- Subject Locations
- Parcels

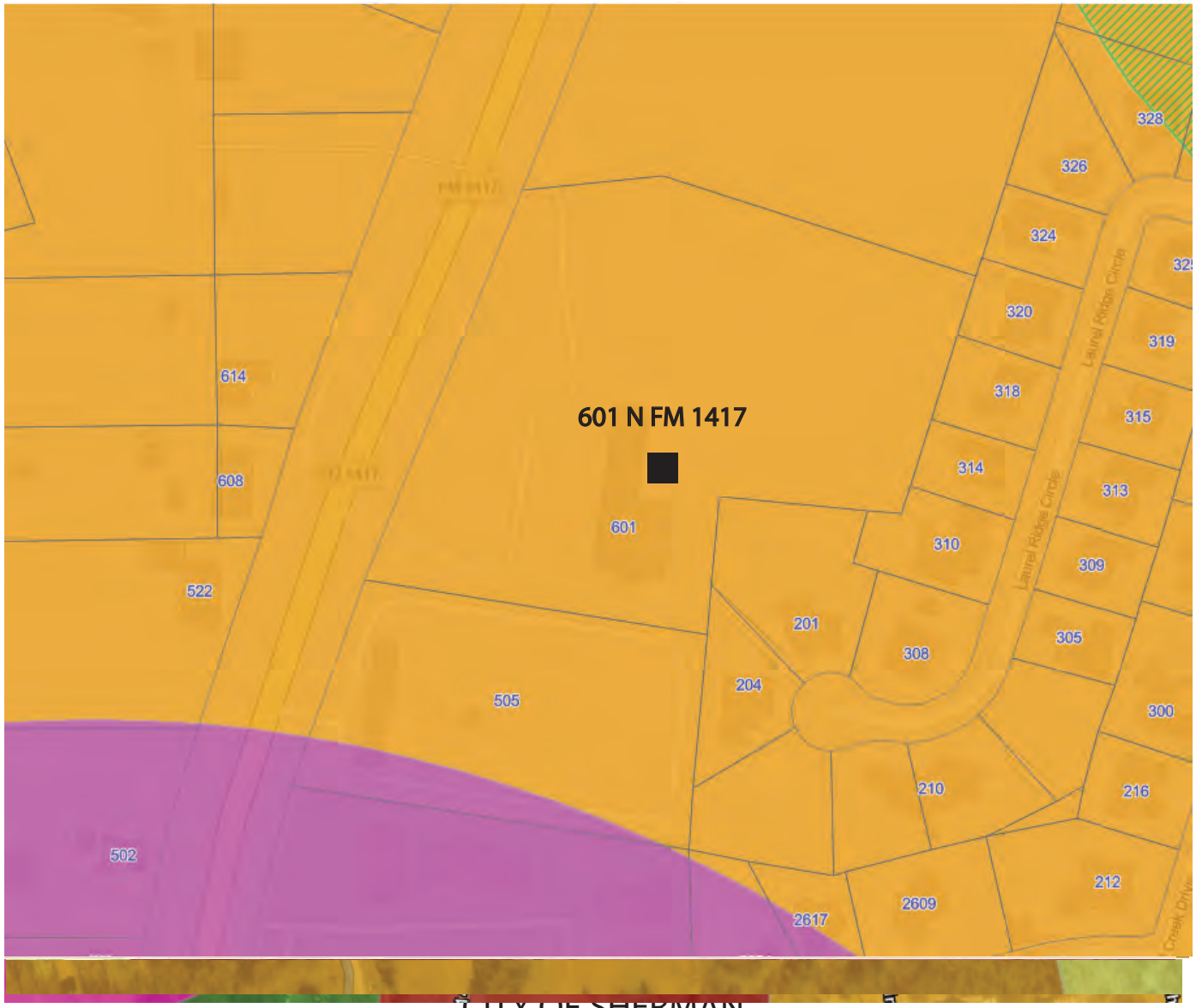
CITY OF SHERMAN
Zoning Location Map
(601 N FM 1417)

N W E S

Scale: 1:1,933

Date: 4/27/2022 11:26 AM

601 N FM 1417 (Heritage Pkwy)



CITY OF SHERMAN
Future Land Use Map
601 N FM 1417

- AGRICULTURE/RURAL
- COMMUNITY COMMERCIAL
- CORE NEIGHBORHOOD
- DOWNTOWN
- PARKS
- REGIONAL COMMERCIAL
- SUBURBAN NEIGHBORHOOD
- TECHNOLOGY HUB
- FLOODPLAIN & OPEN SPACE
- NTRA ZONING
- AIRPORT

CORE NEIGHBORHOOD

Intent & Character

The Core Neighborhood category is intended to protect and enhance the existing residential areas of Sherman. This area is generally located in the center of the city, east and west of US-75. A majority of the Core Neighborhood category encompasses what is known as east Sherman. This category encourages infill development that maintains the existing character, while increasing the aesthetic appeal of the community. In certain areas, an increase in density can be appropriate through the development of single-family attached products, like townhomes or quad-plexes.

Appropriate Land Use Types

- Single-family detached
- Single-family attached
- Local/neighborhood commercial and office
- Parks and open space
- Schools and civic uses

Compatible Zoning Districts

- Single-Family Residential (R-5, R-4, R-2F, and R-TH)
- Multi-Family Residential (MF-15 and MF-30)
- Manufactured Housing
- Retail Business
- Neighborhood Commercial

Considerations

- Infill that increases density should match the character of the surrounding structures.
- Small-scale commercial uses are appropriate along larger streets and should be compatible with the surrounding residential development.

Example of high density lofts in Sherman

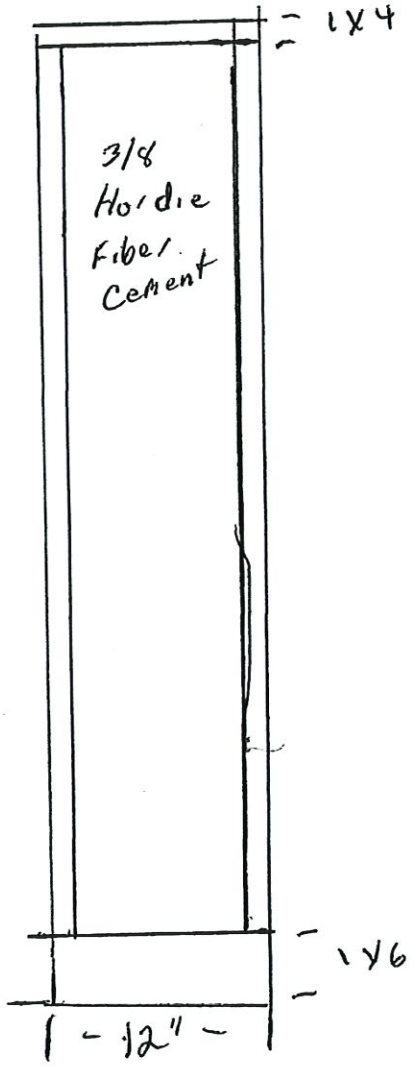
Specifications for new pavilion at Church of the Nazarene
Town of Sherman

We will be building a new outdoor pavilion on the north side of the church. It will be located approximately 140 feet off of the end of the church, 66' off of the end of the driveway. It will be 240 feet from FM 1417 and 320' from north property line. 57' from the storage mission.

It will be built on a 30'x 40'concrete slab poured 6 inches thick with number three rebar 18 inches on center. It will have a 5'x 66' foot sidewalk leading to it. The sidewalk will be poured to town specifications.

All columns will be wrapped in 3/8" wood grain, vertical fiber cement siding. Trim will be 3/4" fiber cement boards. Siding will cover from slab to top of purling.
Roof material will be standing seam, metal roof with neutral white color trim to match.

Church of Nazarene



SPECIFIC USE PERMIT
601 HWY 1417-NAZARENE CHURCH

93 016

ORDINANCE NO. 4286

AN ORDINANCE OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 2, SUBSECTION 1, ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO FIRST CHURCH OF THE NAZARENE FOR A CHURCH FACILITY AND OFF-STREET PARKING IN A R-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT, REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS:

Section 1. From and after the passage of this ordinance, First Church of the Nazarene is granted a Specific Use Permit for a church facility and off-street parking at 601 F.M. Highway 1417 North, and described as follows:

BEING situated in the G.W. McGlothlin Survey, Abstract No. 763, Grayson County, Texas and being part of Lot 1, and Lot 2, Block 5 of Laurel Creek Addition, Section One, an addition to the City of Sherman, Texas according to the plat thereof recorded in Volume 7, Page 84, Plat Records of Grayson County, Texas and part of a 133.923 acre tract conveyed from the Woodmen of the World Life Insurance Society to Robert W. Minshew, Trustee, by deed dated August 3, 1973, as recorded in Volume 1225, Page 459, Deed Records of Grayson County, Texas, and being more particularly described as follows:

BEGINNING at a point being the southerly corner of a right-of-way clip at the intersection of the northerly line of State Highway 56, (a variable width right-of-way);

THENCE, the following courses and distances with the easterly line of F.M. Highway 1417:

North 52 deg. 19 sec. west, a distance of 30.90 feet to a point;

North 00 deg. 27 min. west, a distance of 364.62 feet to a point being the beginning of a curve to the left with a central angle of 53 deg. 02 min., a radius of 110.0, a chord bearing of

North 26 deg. 58 min. west and a chord distance of 50.46 feet;

Northwesterly, along said curve, an arc distance of

102.00 feet to a point;

North 53 deg. 29 min. west, a distance of 120.00 feet to a point;

North 00 deg. 26 min. west, a distance of 313.34 feet to a point at the beginning of a curve to the right with a central angle of 16 deg. 28 min. a radius of 2,804.79, a chord bearing of North 07 deg. 48 min. east and chord distance of 803.32 feet;

Northeasterly, along said curve, an arc distance of 805.20 to a found concrete right-of-way monument at the point of tangency;
North 23 deg. 38 min. 00 sec. east, a distance of 275.00 feet to the point of beginning at a found 1/2 inch iron rod for corner;

THENCE, the following courses and distances with the easterly line of F.M. Highway 1417:

North 23 deg. 38 min. 00 sec. east, a distance of 140.32 feet to a found concrete right-of-way monument for an angle point;

North 20 deg. 46 min. 00 sec. east, passing the most westerly southwest corner of said Lot 1, Block 5, at a distance of 41.24 feet, continuing in all a distance of 601.65 feet to a set 1/2 inch iron rod for a corner, said point being the northwest corner of said Lot 2, Block 5, and said point being the southwest corner of the remnant tract of land of the said 133.923 acre tract;

THENCE, South 77 deg. 13 min. 21 sec. east, departing the easterly line of F.M. Highway 1417, and with the northerly line of said Lot 2, a distance of 44.01 feet to a point in the south bank of Sand Creek;

THENCE, the following courses and distances with the south bank of Sand Creek and the northerly line of said Lot 2:

South 12 deg. 46 min. 56 sec. east, a distance of 121.43 feet to a point for an angle point;

South 25 deg. 42 min. 22 sec. east, a distance of 98.58 feet to a point for an angle point;

South 13 deg. 00 min. 58 sec. east, a distance of 27.33 feet to a point for an angle point;

South 81 deg. 26 min. 38 sec. east, a distance of 21.95 feet to a point for an angle point;

South 48 deg. 02 min. 34 sec. east, a distance of 54.86 feet to a point for an angle point;

South 66 deg. 30 min. 42 sec. east, a distance of 62.00 feet to a point for an angle point;

North 89 deg. 59 min. 35 sec. east, a distance of 22.02 feet to a point for an angle point;

North 69 deg. 51 min. 23 sec. east, a distance of 33.05 feet to a point for an angle point;

North 46 deg. 18 min. 15 sec. east, a distance of 38.62 feet to a point for an angle point;

North 55 deg. 08 min. 41 sec. east, a distance of 118.12 feet to a point for an angle point;

North 45 deg. 54 min. 30 sec. east, a distance of 5.29 feet to a point for an angle point;

THENCE, South 16 deg. 49 min. 00 sec. west, departing the northerly line of said Lot 2, and the south bank of Sand Creek, a distance of 1078.68 feet to a set 1/2 inch iron rod for a corner in the southerly line of said Lot 1, Block 5;

THENCE, North 85 deg. 27 min. 07 sec. west, a distance of 230.89 feet to set 1/2 inch iron rod for a corner in the westerly line of said Laurel Creek Addition;

THENCE, South 04 deg. 32 min. 53 sec. west, with the westerly line of said Laurel Creek Addition, a distance of 169.15 feet to a found 1/2 iron rod for a corner, said point being the northeast corner of a 2.7993 acre tract conveyed to Sherman Health Care Group by deed recorded in Volume 1920, Page 795, Deed Records of Grayson County, Texas;

THENCE, North 80 deg. 48 min. 20 sec. west, with the northerly line of the said 2.7993 acre tract, a distance of 412.77 feet to the point of beginning and containing 632,172 square feet or 14.5127 acres of land more or less.

Section 2. This ordinance shall not become effective until entered upon the official zoning map as provided in Section 2, Subsection 3, of Ordinance No. 2280.

Section 3. That all ordinances and parts of ordinances

in conflict herewith are hereby repealed.

Section 4. That it is hereby officially found and determined that the meeting at which this ordinance is passed is open to the public as required by law, and that public notice of the date, time, and purpose of said meeting was given as required.

PASSED AND APPROVED:

1st reading 10TH day of MAY, 19 93.

2nd reading 24TH day of MAY, 19 93.

Effective Date: 31ST day of MAY, 19 93.

Harry Reynolds
MAYOR

ATTEST:

Helen J. Friend
CITY CLERK

APPROVED AS TO FORM & LEGALITY:

John S. Gilliam
CITY ATTORNEY

Sherman
CLASSIC TOWN. BROAD HORIZON.

Development Services

STAFF REVIEW LETTER

November 8, 2022

Mike Hastings
381 Red Barn Road
Bells, TX 75414

Heritage Nazarene Church
601 N FM 1417
Sherman, TX 75092

Preston Trail Land Surveying
787 W FM 996
Pottsboro, TX 75076

Dear Applicants,

The request to Adopt an ordinance granting a Specific Use Permit and Site Plan approval under Ordinance No. 2280, Section 8, Subsection (5)(a) to allow a Church, Wood Accessory Building and Pavilion in an R-1 (One-Family Residential) District/R-2 (Multi-Family Residential) District/O-1.1 (FM Highway 1417) Overlay District and repeal Ordinance No. 4286 located at 601 North FM 1417 (Heritage Parkway) has been scheduled to be heard by the Planning and Zoning Commission on Tuesday, November 15, 2022, at 5:00 P.M., in the City Council Chambers, City Hall at 220 W. Mulberry.

City staff has reviewed your request with regards to engineering and development guidelines and finds the following items need to be addressed:

Zoning:

1. Compliance with applicable City ordinances, regulations, standards and rules and other laws, as they exist or may be amended, including but not limited to the City's General Zoning Ordinance, Ordinance No. 2280, the regulations applicable to the R-1 (One-Family Residential) District, R-2 (Multi-Family Residential) District, O-1.1 (FM Highway 1417) Overlay District, the Fence Ordinance, the Sign Ordinance and the Residential Tree and Landscaping Ordinance. (*Chapter 14, Exhibit A, Sec. 6.3; Sec. 6.4; Sec 6.13.2; Sec. 7(13); Sec. 7(14) and Sec. 17)*
2. Fire access, lanes and codes shall be coordinated with the Fire Marshal (903.892.7267).
3. Driveways and parking are permitted on paved surfaces only (concrete or asphalt). *(Chapter 14, Exhibit A, Section 7, Subsection 10(h))*
4. Parking shall be provided for one space per every seven seats; a parking space is considered to be 9' x 20'. *(Chapter 14, Exhibit A, Section 8 Subsection 5(a))*
5. All required off-street parking shall be on private property and shall not encroach into the right-of-way. *(Chapter 14, Exhibit A, Section 7, Subsection 10(b)*
6. The granting of a Specific Use Permit has no effect on the uses permitted as of right and does not waive the regulations of the underlying zoning district.
7. A specific use permit is an amendment to the district regulations of the zoning ordinance that permits the permanent establishment of a specific use within a zoning district in which such specific use may be established unless such use of land or structure discontinue or be abandoned for a period of sixty (60) consecutive days in which event such specific use permit shall be void and such use may not thereafter be resumed unless a new specific use permit granted. (Chapter 14, Exhibit A, Sec. 8 (5)(b))
8. The approval of the Specific Use Permit and site plan shall be effective for a period of (2) years from the date of approval and shall expire unless the applicant demonstrates to the Director of

Development Services that progress has been made toward completion of the project for which the Specific Use Permit was approved.

9. Any changes made to the site plan prior to the final fulfillment of the conditions of the staff review letter must be considered minor by the staff, as to not require resubmission to the Planning & Zoning Commission.

It is the policy of the Planning and Zoning Commission not to consider a request unless the applicant or its representative attends the meeting at which the request is considered. You are hereby notified to present your case on the date and time stated above.

If additional information or clarification is needed, do not hesitate to contact Rob Rae at 903-892-7229 prior to the meeting.

Respectfully,

Rob Rae
Acting Secretary, Planning and Zoning Commission and Board of Adjustment

cc: Robby Hefton, City Manager
Clint Philpott, Asst. City Manager
Wayne Lee, P.E., Director of Engineering
Tom Pruitt, Utility Engineer
Billy Hartsfield, Fire Marshal
Amber Doan, Engineering Coordinator
Christopher Armstrong, Asst. City Engineer
The Law Firm of Abernathy, Roeder, Boyd, & Hughlett, P.C., City Attorney

Planning & Zoning Commission and Board of Adjustments

Agenda Item No. 19.

Meeting Date: 11/15/2022

Prepared by: Lauren Marlow, Administrative Assistant
Rob Rae, Director of Development Services

Clay Mahone, Chairman
David Downtain, Vice Chairman
Shawn Davis, Commissioner
Leigh Ann Sims, Commissioner
Paul Manley, Commissioner
Glenn Whitaker, Commissioner
Bryan Blagg, Commissioner

Requested Action/Proposed Use:

601 NORTH FM 1417 (HERITAGE PARKWAY)

Heritage Nazarene Church (Owners), Mike Hastings (Representative) and Preston Trail Land Surveying (Surveyor) concerning the property located at 601 North FM 1417 (Heritage Parkway), being 14.597 Acres, Nazarene 1 st Addition, being a Re-Plat of Lots 1 and 2, Block 5 of Laurel Creek Addition in the J.B. McAnair Survey, Abstract No. 763 and the G.W. McGlothlin Survey, Abstract No. 828, as follows:

Planning and Zoning Commission

Adopt an ordinance granting a Specific Use Permit and Site Plan approval under Ordinance No. 2280, Section 8, Subsection (5)(a) to allow a Church, Wood Accessory Building and Pavilion in an R-1 (One-Family Residential) District/R-2 (Multi-Family Residential) District/O-1.1 (FM Highway 1417) Overlay District and repeal Ordinance No. 4286.

Background:

The property is located at 601 North FM 1417 (Heritage Parkway) between FM 1417 (Heritage Parkway) and Laurel Ridge Circle and is zoned R-1 (One Family Residential)/R-2 (Multi-Family Residential)/O-1.1 (FM Highway 1417) Overlay District .

The church will be building a new outdoor pavilion on the north side of the church. It will be located approximately 140' from the church, 66' from the end of the driveway, 240' from FM 1417, 320' from the north property line and 57' from the storage building. There will be a 5'x 66' sidewalk leading to the pavilion. All columns will be wrapped in 3/8" wood grain, vertical fiber cement siding. The trim will be 3/4" fiber cement boards. Siding will cover from the slab to the top of the purlin. The roof material will be a standing seam, metal roof with a neutral white colored trim to match.

The following has been approved for this location:

- April 13, 1993 - Specific Use Permit for a church facility and parking in R-2 (Multi-Family Residential) District
- April 20, 2021 - Variance to prebuilt wood accessory building in lieu of the required masonry in an R-1 (One-Family Residential) District/R-2 (Multi-Family Residential) District/O-1.1 (FM Highway

1417) Overlay District.

Adjacent Zoning:

R-1 (One-Family Residential) District
R-2 (Multi-Family Residential) District

Origination:

Heritage Nazarene Church (Owners)
Mike Hastings (Representative)
Preston Trail Land Surveying (Surveyor)

Master Plan Designation:

Core Neighborhood category is intended to protect and enhance the existing residential areas of Sherman. This area is generally located in the center of the city, east and west of US-75. A majority of the Core Neighborhood category encompasses what is known as east Sherman. This category encourages infill development that maintains the existing character, while increasing the aesthetic appeal of the community. In certain areas, an increase in density can be appropriate through the development of single-family attached products, like townhomes or quad-plexes.

Number of notices mailed:

37

Objections Received:

0

Development Review Meeting:

No

Attachments

Location Map
Zoning Map
Zoning Sign Photo
Future Land Use Map
Survey
Site Plan
Elevations - Pavilion
Elevations - Pavilion Poles
Narrative
Ordinance 4286 to repeal
Staff Review Letter

SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **E. 4.**

Meeting Date: 12/05/2022

Prepared By: Rob Rae, Director of Development Services

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6550

Amending Section 12, Ordinance No. 2280, so as to Include Certain Property within the C-2 (General Commercial) District located in the 2300-2700 Blocks East Highway 82, being 22.705 acres in part of the Samuel McGlothlen Survey, Abstract No. 811 and the Ruben Hendrix Survey, Abstract No. 504 (Frostfire Hwy 82 LLC, Owners; Mathias Haubert, Bohler Engineering, Engineer; Lee Engineering, Traffic Engineer; and Copley Land Surveying, Surveyor); Providing for a Penalty not to Exceed $2,000.00; Providing A Repealing/Savings Clause, Severability Clause And An Effective Date

Issue:

To consider the request of Frostfire Hwy 82 LLC (Owners), Mathias Haubert, Bohler Engineering (Engineer), Lee Engineering (Traffic Engineer) and Copley Land Surveying (Surveyor) concerning the property located in the 2300-2700 Blocks East Highway 82, being 22.705 acres in part of the Samuel McGlothlen Survey, Abstract No. 811 and the Ruben Hendrix Survey, Abstract No. 504 for Zone Change approval under Ordinance No. 2280, Section 12, from an R-1 (One-Family Residential) District and M-1 (Light Manufacturing) District to a C-2 (General Commercial) District

Background:

The property is located at 2300-2700 Blocks East Highway 82 at the North East Corner of Frisco Road and Highway 82 and is zoned R-1 (One Family Residential) District/M-1 (Light Manufacturing) District/R-2 (Multi-Family Residential) District/O-1 (75 & 82) Overlay District.

The owner is requesting Zone Changes, Specific Use Permit and Site Plan to allow a mixed use development consisting of commercial uses, residential uses, and a mini-storage on approximately 74 acres.

February 6, 1984 - Zone Change from R-1 (One Family Residential) District to M-1 (Light Manufacturing) District & R-2 (Multi-Family Residential) District

Origination:

Frostfire Hwy 82 LLC (Owners)
Mathias Haubert
Bohler Engineering (Engineer)
Lee Engineering (Traffic Engineer)
Copley Land Surveying (Surveyor)

Financial Consideration:

None

Staff Recommendation:

At the November 15, 2022 regular meeting, the Planning and Zoning Commission voted 6/0 to recommend to the City Council that the Zone Change be approved subject to the Staff Review Letter. Three (3) letters of opposition and one (1) opposition letter with 99 signatures were received by City Staff in advance of the Planning and Zoning Commission meeting. **The proposed use is compatible with the City of Sherman Comprehensive Plan.**

Alternatives:

The City Council could deny the request.

Attachments

Ordinance No. 6550
Exhibit A - Survey
Exhibit B - Legal Description
Exhibit C - Legal Description (2)
Location Map
Zoning Map
Zoning Sign Photo
Future Land Use Map
Narrative
Site Plan
Site Data
Traffic Impact Analysis
Staff Review Letter
P & Z Communication
Letter (Email) Received - Sipe
Letter Received - 99 Signatures
Letter Received - Anderson
Letter Received - Sipe
Letter Received - Thompson

ORDINANCE NO. 6550

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 12, ORDINANCE NO. 2280, SO AS TO INCLUDE CERTAIN PROPERTY WITHIN THE C-2 (GENERAL COMMERCIAL) DISTRICT LOCATED IN THE 2300-2700 BLOCKS EAST HIGHWAY 82, BEING 22.705 ACRES IN PART OF THE SAMUEL MCGLOTHLEN SURVEY, ABSTRACT NO. 811 AND THE RUBEN HENDRIX SURVEY, ABSTRACT NO. 504 (FROSTFIRE HWY 82 LLC, OWNERS; MATHIAS HAUBERT, BOHLER ENGINEERING, ENGINEER; LEE ENGINEERING, TRAFFIC ENGINEER; AND COPLEY LAND SURVEYING, SURVEYOR); PROVIDING FOR A PENALTY NOT TO EXCEED $2,000.00; PROVIDING A REPEALING/SAVINGS CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW

WHEREAS, the City Planning and Zoning Commission and the City Council, in accordance with the state law and the ordinances of the City of Sherman, have given the required notices and have held the required public hearings regarding this proposed rezoning case; and

WHEREAS, the City Council finds that rezoning the property as described in this Ordinance is in accordance with the Comprehensive Plan and will complement or be compatible with the surrounding uses and community facilities; contribute to, enhance, or promote the welfare of the area of request and adjacent properties; not be detrimental to the public health, safety, or general welfare; and conform in all other respects to all applicable zoning regulations and standards; and

WHEREAS, the City Council finds that it is in the public interest to rezone the property as described in this Ordinance.

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

SECTION 1. That, from and after the effective date of this Ordinance, the property described in **Exhibit A – Survey; Exhibit B – Legal Description; and Exhibit C – Legal Description**, attached hereto, located in the 2300-2700 Blocks East Highway 82, shall be rezoned and placed in the C-2 (General Commercial) District, and that Section 12, Ordinance No. 2280 is hereby amended so as to hereafter include such property.

SECTION 2. That this ordinance shall be entered upon the official zoning map as provided in Section 2, Ordinance No. 2280.

SECTION 3. That no person shall acquire any vested interest in this ordinance or in any other specific regulations contained herein. Any portion of this ordinance may be repealed or amended by the City Council in the manner provided for by law.

SECTION 4. That it shall be unlawful for any person to make use of the Property in some manner other than as authorized by this Ordinance, and it shall be unlawful for any person to construct on the Property any building that is not in conformity with the permissible uses under this Ordinance. Any person violating any provision of this Ordinance or the General Zoning Ordinance, as they exist or may be amended, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in an amount not exceeding TWO THOUSAND AND NO/100 DOLLARS ($2,000.00). A violation of any provision of this Ordinance shall constitute a separate violation for each calendar day in which it occurs. 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 5. That the General Zoning Ordinance shall remain in full force and effect, save and except as amended by this or any other ordinance. 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 6. That in the event any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional and/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 Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, regardless of whether any one or more sections, subsections, sentences, clauses or phrases is declared unconstitutional and/or invalid.

SECTION 7. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given all as required by law.

SECTION 8. That this Ordinance shall become effective from and after its adoption and publication as required by law and the City Charter.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS.

INTRODUCED on this the 5th day of December 2022.

ADOPTED on this the 5th day of December 2022.

EFFECTIVE DATE on this the 5th day of December 2022.

CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM
AND CONTENT:
THE LAW FIRM OF ABERNATHY,
ROEDER, BOYD & HULLETT, P.C.

BY: _____
RYAN D. PITTMAN, CITY ATTORNEY

EXHIBIT A

~ PROPERTY ADDRESS ~
TBD, U.S. HWY 82
SHERMAN, TEXAS

Reuben Hendrix Survey
Abstract No. 504

19.949 AC
LLOYD PLYLER CONSTRUCTION, LLP
VOL. 4897, PG. 546
O.P.R.G.C.T.

Block 1
VILLAGE DRIVE
Cedar Park Village
Vol. 14, Pg. 11 P.R.G.C.T.
Block 2
25' ROADWAY DEDICATION

1/2" STEEL ROD FOUND O/S 25.1'
S 89°47'33" E 726.67'
RAILROAD SPIKE FOUND
N 89°28'30" E © 323.37'
1/2" STEEL ROD FOUND
S 89°13'15" E 288.82'
1/2" STEEL ROD FOUND
E. GRAYSTONE DRIVE

SURVEY LINE

~ BASIS OF BEARINGS ~
GRID NORTH, NAD 83
TEXAS STATE PLANE COORDINATE SYSTEM
NORTH CENTRAL ZONE (4202)

N
W E
S

20' UTILITY EASEMENT
CITY OF SHERMAN
VOL. 1626, PG. 461
D.R.G.C.T.

N 20°38'26" E 395.43'

1/2" STEEL ROD SET (RPLS 6720)

1/2" STEEL ROD SET (RPLS 6720)

N. FRISCO ROAD
BURLINGTON NORTHERN SANTA FE RAILROAD

1202.73'

50' WIDE STRIP
LUIS H. GUTIERREZ
VOL. 3778, PG. 292
O.P.R.G.C.T.

20' UTILITY EASEMENT
CITY OF SHERMAN
VOL. 1626, PG. 461
D.R.G.C.T.

20' UTILITY EASEMENT
CITY OF SHERMAN
VOL. 1626, PG. 438
D.R.G.C.T.

20' UTILITY EASEMENT
CITY OF SHERMAN
VOL. 1626, PG. 445
D.R.G.C.T.

S 20°38'26" W

DESCRIBED LOCATION OF
T.P.L.C. EASEMENT
VOL. 584, PG. 349
D.R.G.C.T.

CHANNEL EASEMENT
CITY OF SHERMAN
VOL. 1417, PG. 769
D.R.G.C.T.

T.P.&L. EASEMENT
VOL. 1144, PG. 714
D.R.G.C.T.

1/2" STEEL ROD SET (RPLS 6720)

L4 CONCRETE MONUMENT
N 70°19'34" W 704.00'---
CONCRETE MONUMENT
N 76°26'34" W 674.65' C1
CONCRETE MONUMENT

1034.50'
S 00°51'05" W

1.00 AC
DENNIS JAKE RICHARDSON
DOCUMENT NO. 2020-28584
O.P.R.G.C.T.

BAKER ROAD

RAILROAD SPIKE FOUND

227.333 AC
FORTERRA PIPE & PRECAST, LLC
DOCUMENT NO. 2018-2682
O.P.R.G.C.T.

1093.73'
S 00°36'23" W

CONCRETE MONUMENT
MAG NAIL SET (RPLS 6720)
L2 L1
CONCRETE MONUMENT
CONCRETE MONUMENT

Legend

- PP POWER POLE
- GUY ANCHOR
- FH FIRE HYDRANT
- G GAS MARKER
- GAS VALVE
- S SEWER MANHOLE
- C UNDERGROUND CABLE MARKER
- T TELEPHONE PEDESTAL
- BOUNDARY LINE
- PROPERTY LINE
- OHE OVERHEAD ELECTRIC LINE
- G GAS LINE
- x BARBWIRE FENCE

U.S. HIGHWAY NO. 82

1/2" STEEL ROD FOUND
S 82°34'34" E 413.63'
S 76°26'34" E 674.65' C2
CONCRETE MONUMENT
CONCRETE MONUMENT
L7 L8
CONCRETE MONUMENT
MAG NAIL SET (RPLS 6720)
1/2" STEEL ROD FOUND

20' UTILITY EASEMENT
CITY OF SHERMAN
VOL. 1626, PG. 461
D.R.G.C.T.

N 00°50'02" E 704.29'

12.37 AC
RPM xCONSTRUCTION, LLC
VOL. 5722, PG. 306
O.P.R.G.C.T.

Tract 1
74.424 Acres

Samuel McGlothlen Survey
Abstract No. 811

Tract 2
19.172 Acres

30' UTILITY EASEMENT
CITY OF SHERMAN
VOL. 1626, PG. 441
D.R.G.C.T.

WATER LINE EASEMENT
VOL. 3143, PG. 327
O.P.R.G.C.T.

329.30'
S 00°29'31" W

186.679 AC
POZA INVESTMENTS, L.P.
VOL. 4090, PG. 473
O.P.R.G.C.T.

RAILROAD SPIKE FOUND
L6
327.45'
N 89°20'30" W
P/K NAIL FOUND
1/2" STEEL ROD FOUND
N 89°28'12" W 930.50'
1/2" STEEL ROD FOUND
SURVEY LINE

Block 1 | Block 3 | Block 5
DUCHESS DRIVE
N. DUKE DRIVE
Castle Heights Addition
Vol. 2, Pg. 46 P.R.G.C.T.

George W. McGlothlen Survey
Abstract No. 827

7.063 AC
VULFRANO GALAN
DOCUMENT NO.
2020-22025
O.P.R.G.C.T.

SURVEY LINE

186.679 AC
POZA INVESTMENTS, L.P.
VOL. 4090, PG. 473
O.P.R.G.C.T.

Flemming Jennings Survey
Abstract No. 638

LINE	BEARING	DISTANCE
L1	S 77°55'50" W	28.22'
L2	S 73°12'26" W	143.20'
L3	N 70°19'34" W	198.22'
L4	N 76°26'34" W	232.60'
L5	N 00°30'53" E	211.86'
L6	N 89°06'33" W	204.01'
L7	S 43°23'34" E	144.20'
L8	S 74°20'58" E	22.44'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	11608.61'	172.22'	172.22'	N 76°01'05" W	0°51'00"
C2	11309.16'	276.28'	276.27'	S 75°44'34" E	1°23'59"

See Attached Legal Descriptions

I, John C. Copley, Registered Professional Land Surveyor, do hereby certify that a survey was made on the ground of the property legally described herein, and that the plat herewith is a true, correct and accurate representation of the property legally described hereinabove.

John C. Copley
Registered Professional
Land Surveyor No. 6720
Firm No. 10194429
DATE OF SURVEY: 1/4/2021

STATE OF TEXAS REGISTERED JOHN C. COPLEY 6720 PROFESSIONAL LAND SURVEYOR

0 200 400
SCALE ~ 1" = 200'

Copley Land Surveying
1702 Verdi Ln., Sherman, Texas 75076
TX 903-415-0643, OK 580-980-0181
john@copleylandsurveying.com

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Copley Land Surveying, Inc.
All rights reserved.

CLS Job# 20120474

EXHIBIT B

C-2 Zoning

BEING a tract of land situated in the City of Sherman in the County of Grayson, being part of the Samuel McGlothlen Survey, Abstract No. 811 and the Ruben Hendrix Survey, Abstract No. 504, being part of a called 74.424 acre tract of land described in a Special Warranty Deed to Frostfire Hwy 82, LLC, recorded in Instrument Number 2022-5245, Official Public Records, Grayson County, Texas and being more particularly described as follows:

COMMENCING at a five-eighths inch iron rod with a plastic cap stamped "Copley RPLS 6720" found at the southwest corner of said 74.424 acre tract of land, said capped iron rod being at the intersection of the north line of Highway 82(a variable width right-of-way) and the east line of the Burlington Northern Santa Fe Railroad;

THENCE along the south line of said 74.474 acre tract of land and the north line of said Highway 82, the following courses and distances:

THENCE South 76 degrees 25 minutes 54 seconds East, a distance of 232.60 feet to a point;

THENCE South 70 degrees 18 minutes 54 seconds East, a distance of 368.65 feet to the **POINT OF BEGINNING**;

THENCE over and across said 74.424 acre tract of land, the following courses and distances:

North 19 degrees 29 minutes 39 seconds East, a distance of 243.56 feet to a point for corner;

North 25 degrees 05 minutes 33 seconds East, a distance of 41.12 feet to a point for corner;

South 64 degrees 55 minutes 29 seconds East, a distance of 235.99 feet to a point for corner;

South 75 degrees 09 minutes 02 seconds East, a distance of 654.76 feet to a point for corner, said point being at the beginning of a non-tangent curve to the left;

In a southeasterly direction a distance of 235.73 feet, having a central angle of 18 degrees 50 minutes 54 seconds, a radius of 716.58 feet, a tangent length of 118.94 feet and whose chord bears South 82 degrees 24 minutes 09 seconds East a distance of 234.67 feet to a point for corner;

South 89 degrees 08 minutes 27 seconds East, a distance of 128.92 feet to a point for corner at the west right-of-way line of Baker Road;

THENCE South 00 degrees 51 minutes 45 seconds West, a distance of 231.85 feet to a point for corner;

THENCE along the north right-of-way line of Highway 82 the following courses and distances:

South 77 degrees 56 minutes 30 seconds West, a distance of 28.22 feet to a point for corner;

South 73 degrees 13 minutes 06 seconds West, a distance of 143.20 feet to point for corner, said point being at the beginning of a non-tangent curve to the left;

In a northwesterly direction, a distance of 172.25 feet, having a central angle of 00 degrees 51 minutes 01 seconds, a radius of 11,608.61 feet, a tangent length of 86.13 feet and whose chord bears North 75 degrees 58 minutes 01 seconds West a distance of 172.25 feet to a point for corner;

North 70 degrees 18 minutes 54 seconds West, a distance of 335.35 feet to a point for corner;

THENCE over and across said 74.424 acres tract of land the following courses and distances:
the **POINT OF BEGINNING** and containing 343,502 square feet or 7.886 acres of land.

EXHIBIT C

C-2 Zoning

BEING a tract of land situated in the City of Sherman in the County of Grayson, being part of the Samuel McGlothlen Survey, Abstract No. 811 and the Ruben Hendrix Survey, Abstract No. 504, being part of a called 74.424 acre tract of land described in a Special Warranty Deed to Frostfire Hwy 82, LLC, recorded in Instrument Number 2022-5245, Official Public Records, Grayson County, Texas and being more particularly described as follows:

COMMENCING at five-eighths inch iron with a plastic cap stamped "Copley RPLS 6720" found at an angle point of said 74.424 acre tract of land, said capped iron rod being in the west line of said 74.424 acre tract of land east line of the Burlington North Santa Fe Railroad;

THENCE South 00 degrees 31 minutes 33 seconds West, a distance of 211.86 feet to a point for corner;

THENCE South 20 degrees 39 minutes 06 seconds West, a distance of 436.63 feet to the **POINT OF BEGINNING;**

THENCE over and across said 74.424 acre tract of land, the following courses and distances:

South 89 degrees 24 minutes 15 seconds East, a distance of 645.61 feet to a point for corner;

South 75 degrees 57 minutes 22 seconds East, a distance of 158.36 feet to a point for corner;

South 15 degrees 02 minutes 29 seconds West, a distance of 707.90 feet to a point for corner;

North 64 degrees 55 minutes 29 seconds West, a distance of 235.99 feet to a point for corner;

South 25 degrees 05 minutes 33 seconds West, a distance of 41.12 feet to a point for corner;

South 19 degrees 29 minutes 39 seconds West, a distance of 243.56 feet to a point for corner, said point being in the south line of said 74.474 acre tract of land and the north line of Highway 82(a variable width right-of-way);

THENCE along the south line of said 74.424 acre tract of land and the north line of said Highway 82, the following courses and distances:

North 70 degrees 18 minutes 54 seconds West, a distance of 368.65 feet to point for corner;

North 76 degrees 25 minutes 54 seconds West, a distance of 232.60 feet to a one-half inch capped iron rod found;

North 20 degrees 39 minutes 06 seconds East, a distance of 766.10 feet to the **POINT OF BEGINNING** and containing 645,517 square feet or 14.819 acres of land.

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Sherman
CLASSIC TOWN. BROAD HORIZON.

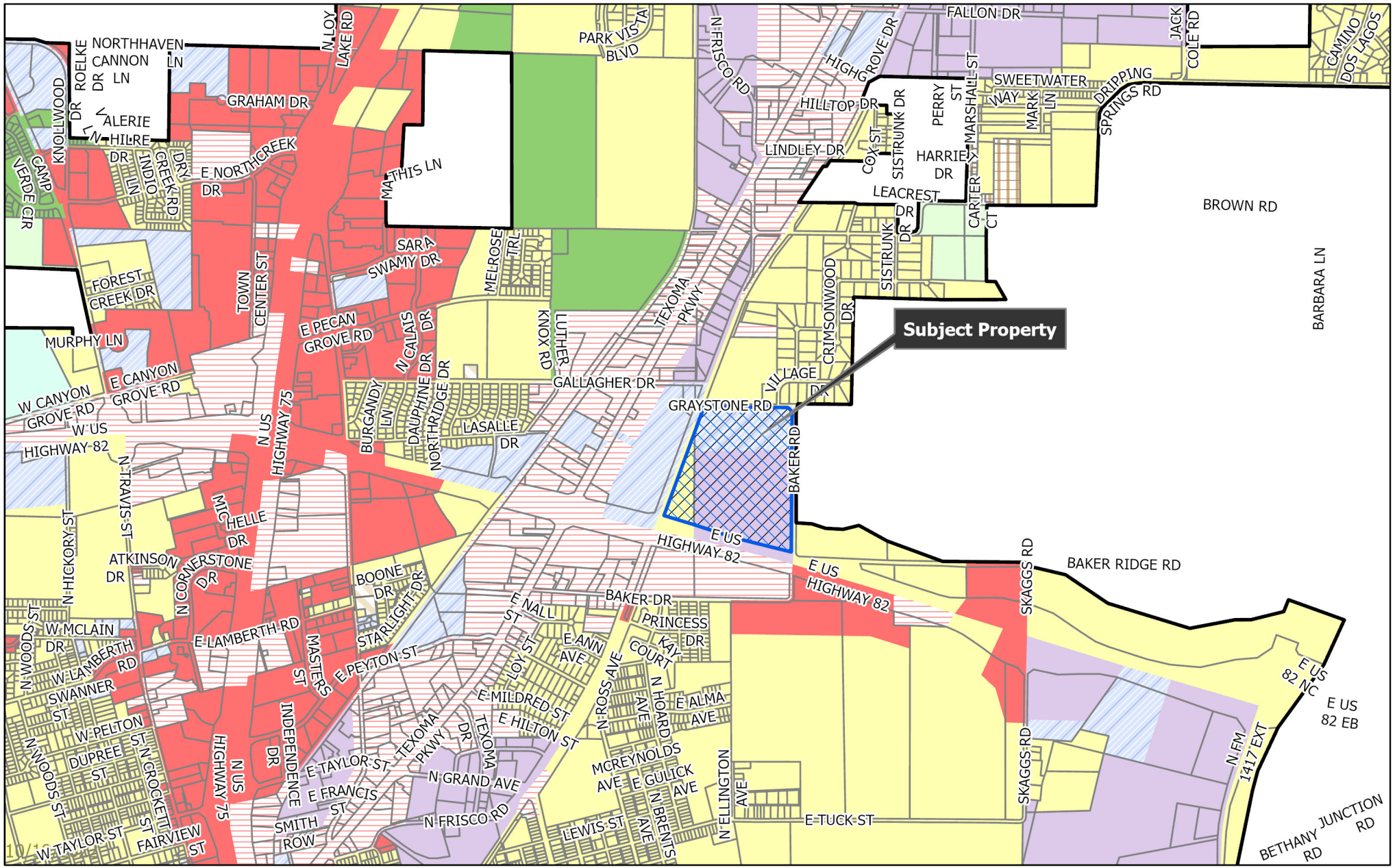
City of Sherman, Texas
Development Services Department

CITY OF SHERMAN

2300-2700 Hwy 82 East

N
W E
S

Date: 10/19/2022 10:27 AM Scale: 1:17,540



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Sherman
CLASSIC TOWN. BROAD HORIZON.

City of Sherman, Texas
Development Services Department

- BIP Blalock Industrial Park
- C-1 Retail Business District
- C-2 General Commercial District
- CO Office District
- Lakes
- M-1 Light Manufacturing District
- M-1.5 Medium Manufacturing District
- M-2 Heavy Manufacturing District
- MH Manufacturing Housing Distgrict
- R-1 One Family Residential District
- R-2 Multi-Family Residential District
- R-A Single Family Agricultural District
- SF-1 Single Family Residential District
- PD Planned Development
- Subject Locations
- Parcels
- City Limits

CITY OF SHERMAN
Zoning Location Map

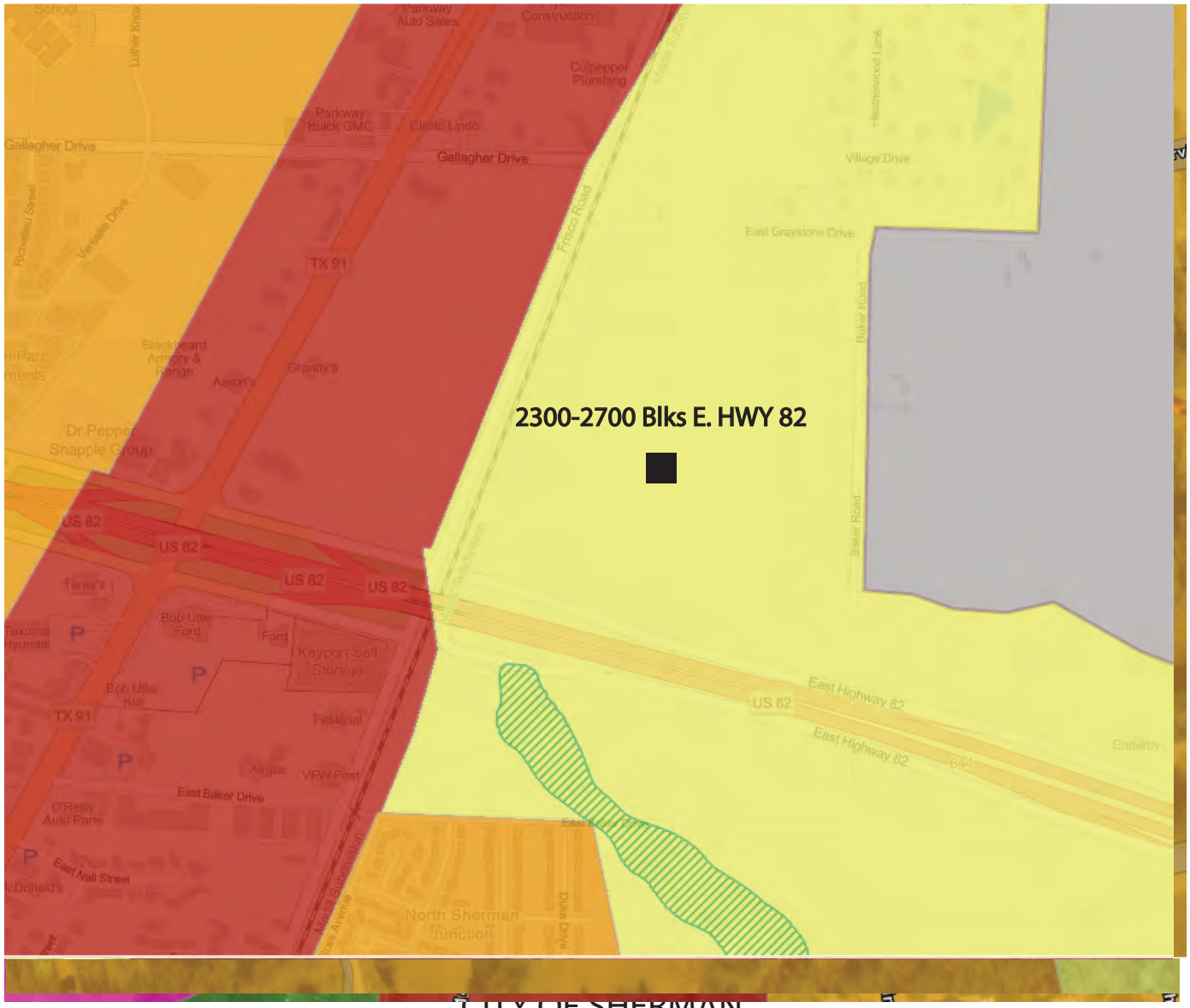
2300-2700 Hwy 82 East

N
W E
S

Scale: 1:23,880

Date: 10/19/2022 10:27 AM

2300-2700 E Hwy 82



CITY OF SHERMAN
Future Land Use Map
2300-2700 Blocks E. Highway 82

- AGRICULTURE/RURAL
- COMMUNITY COMMERCIAL
- CORE NEIGHBORHOOD
- DOWNTOWN
- PARKS
- REGIONAL COMMERCIAL
- SUBURBAN NEIGHBORHOOD
- TECHNOLOGY HUB
- FLOODPLAIN & OPEN SPACE
- NTRA ZONING
- AIRPORT

SUBURBAN NEIGHBORHOOD

Intent & Character

The Suburban Neighborhood category is intended to allow primarily single-family detached in a "complete neighborhood" setting. New subdivisions should include a mix of housing products and lot sizes. Areas of supporting local commercial should be integrated into the neighborhoods, primarily along major streets near the entrance of neighborhoods. Community amenities such as parks, trails, open spaces, and civic uses should also be included in the creation of new subdivisions. This category gives flexibility for the creation of master-planned neighborhoods that are compatible with the surrounding area.

Appropriate Land Use Types

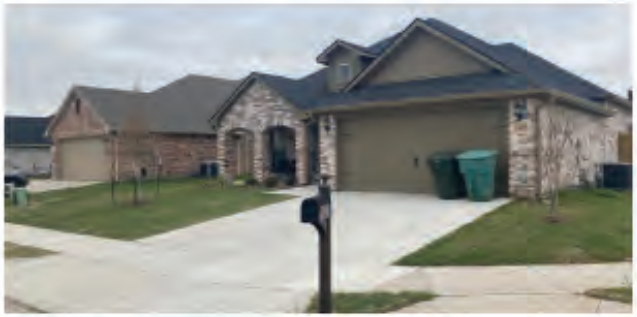
- Single-family detached (primary land use type)
- Single-family attached (duplexes and townhomes)
- Local/neighborhood commercial and office
- Parks and open space
- Schools and civic uses

Compatible Zoning Districts

- Estate Residential
- Single-Family Residential (R-12, R-6, R-5, and R-4)
- Multi-Family Residential (MF-15 and MF-30)
- Manufactured Housing
- Neighborhood Commercial
- Planned Development

Considerations

- Street connections to existing and future developments.
- Smaller lots and denser development can serve as a transition from the local commercial areas.



Example of existing suburban development in Sherman

6017 Main Street
Frisco, TX 75034
469.458.7300

Project Narrative
For a
Zoning Change Application

Submitted on behalf of:
Frostfire Hwy 82, LLC
12801 N Central Expwy, Suite 140
Dallas, TX 75243
Mr. Bhadresh Trivedi
Bhadresh.trivedi@yahoo.com

Submitted to:

The City of Sherman, Texas
Development Services
220 W Mulberry
PO Box 1106
Sherman, TX 75091

May 23, 2022

Frostfire Hwy 82, LLC is pleased to submit this Project Narrative statement along with our application to The City of Sherman to request a Zoning Change with our application. This application, if approved, will allow for the development of a mixed use development consisting of commercial uses, residential uses, and light manufacturing uses on approximately 74 acres, located northeast of the intersection of US-82 and Frisco Rd.

The project parcel is currently zoned with a mix of M-1, R-1, and R-2. Which allows Multi-family, Industrial, and Single family. The intended zoning being proposed consist of R-2 and C-2 with a Specific use Permit request to allow mini-storage which is close to the current zoning. Our desire is to create a development that allows for a more successful over all planned development that would include commercial/retail along US 82, Self-storage & flex office next to the railroad, and the remaining property to be residential/multi-family.

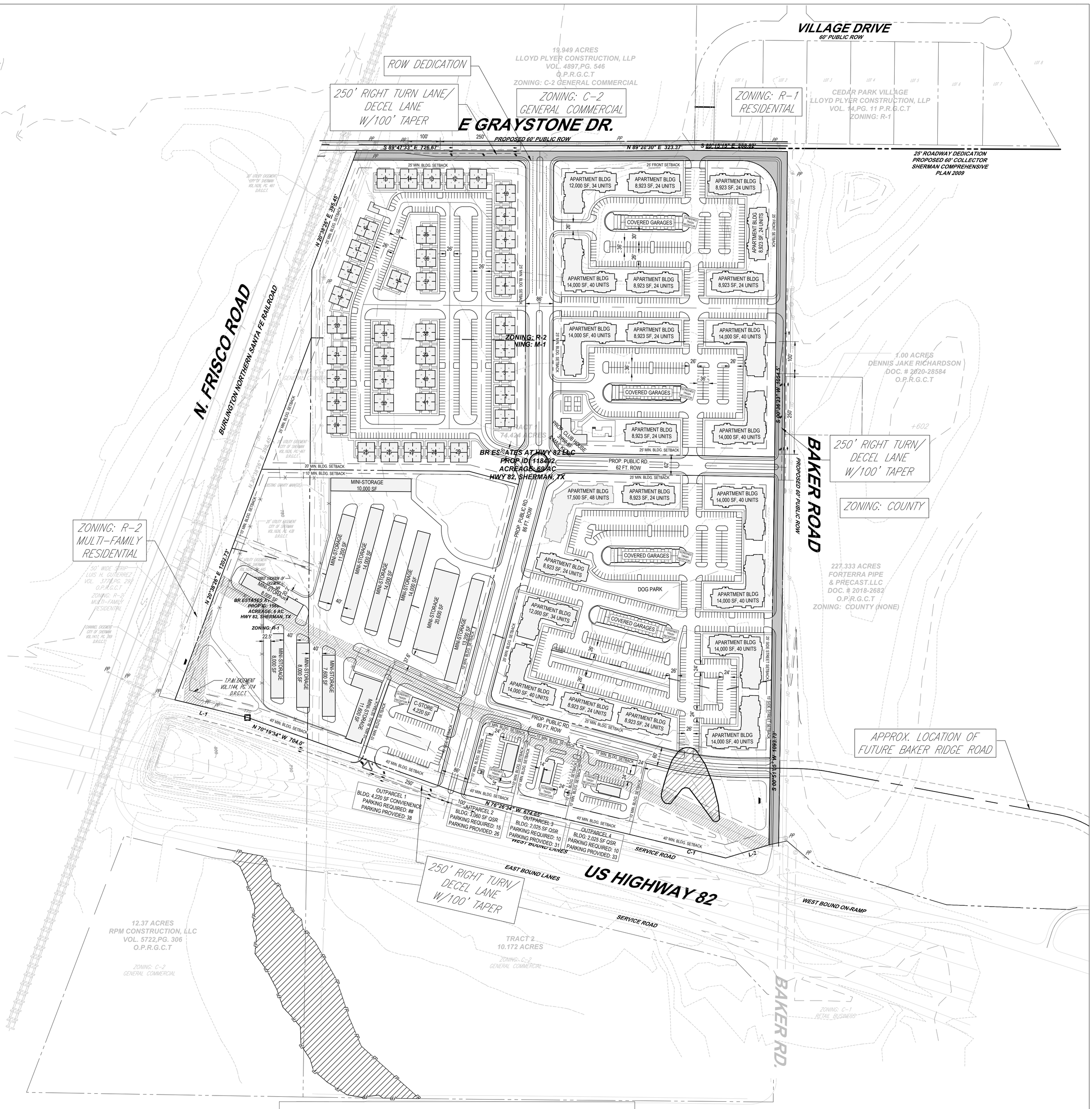
The commercial uses along US-82 and will allow Retail, Commercial, Fast Food, & Fuel station to capture business and continue the retail corridor spillover from Texoma Parkway. The proposed multifamily residential will offer people that prefer to rent a quality development that offers a pool, and clubhouse with amenity center.

With regards to traffic, a TIA was performed. Currently Baker Rd does not connect to US 82. This development is proposing and offering to construct a connection between Baker Rd & Baker Ridge Rd that would than allow traffic to directly connect onto US 82 from this development and neighborhoods to the North. Baker Rd would be widened between Grayson Dr & US 82 Westbound Frontage Rd to a two-lane undivided paved asphalt road with 12 feet wide lanes. Also, Grayson Dr is planned to be widened to a full two-lane road.

Our team strongly believes that the mixed-use zoning changes that are being requested will create better balance to the overall 74ac property. The entire development team looks forward to working with The City of Sherman to make this a successful project in the North West part of Sherman. We respectfully request your support for this of Zoning Change.

Respectfully,

Mathias Haubert, P.E.



SITE DATA

SHERMAN, TEXAS
MAY 23, 2022
PROJECT NUMBER: TXA220010

EXISTING PROPERTY INFORMATION
PIN: 156872 AND 118492
ADDRESS: HWY 82, SHERMAN, TEXAS
TOTAL ACREAGE: +/- 75 ACRES
EXISTING ZONING: M-1, C-2 AND R-2
PROPOSED ZONING: M-1, C-2, R-2
OVERLAY: O-1 (HIGHWAY 82), 500' FROM ROW

SETBACKS:
OVERLAY DISTRICT: O-1 (HIGHWAY 82)
HIGHWAY FRONTAGE: 40' OR 25; PLUS
HT. OF BLDG.
INTERNAL STREETS: 15'
REAR/SIDE: 5'
R-2, MULTI-FAMILY
FRONT: 25'
SIDE SETBACK/YARD: 23' (MIN. 7')
REAR SETBACK/YARD: 25'
C-2, COMMERCIAL
FRONT: 15'
SIDE SETBACK/YARD: 10'
REAR SETBACK/YARD: 0'

LAND USES:

COMMERCIAL:
ACREAGE: +/- 6.44 AC (280,526 SF)
COMMUNITY OPEN SPACE: 2.20 AC (96,036 SF)
PROPOSED ZONING: C-2

OUTPARCEL 1
PARCEL SF: +/- 1.42 AC (61,921 SF)
BUILDING SF: 4,228 SF
HARD SUFACE AREA: 33,151 SF
LANDSCAPE AREA: 24,542 SF
FLOOR/AREA RATIO: 0.01

OUTPARCEL 2
PARCEL SF: +/- 0.81 ac (35,077 SF)
BUILDING SF: 3,064 SF
HARD SUFACE AREA: 15,000 SF
LANDSCAPE AREA: 17,013 SF
FLOOR/AREA RATIO: 0.09

OUTPARCEL 3
PARCEL SF: +/- 0.93 AC (40,647 SF)
BUILDING SF: 2,025 SF
HARD SUFACE AREA: 22,927 SF
LANDSCAPE AREA: 15,695 SF
FLOOR/AREA RATIO: 0.05

OUTPARCEL 4
PARCEL SF: +/- 1.08 AC (47,182 SF)
BUILDING SF: 2,025 SF
HARD SUFACE AREA: 24,271 SF
LANDSCAPE AREA: 20,886 SF
FLOOR/AREA RATIO: 0.04

RIGHT-OF-WAY
EXISTING DEDICATION: +/- 1.48 AC (64,685 SF)
INTERNAL ROW: 6.57 AC (285,976 SF)
HARD SURFACE AREA: 3.39 AC (147,809 SF)
LANDSCAPE AREA: 3.17 AC (138,167 SF)

NOTES:
1. PARKING SHALL MEET STANDARDS OF CITY OF SHERMAN UDO
2. FIRE LANES SHALL MEET CITY OF SHERMAN STANDARDS
3. BUILDING DESIGN REQUIREMENTS SHALL BE MET PER ORDINANCE
4. SECTION 6.13.1 O-I (HWY 82) OVERLAY DISTRICT. 500 FT ON EITHER SIDE OF HWY 82

RESIDENTIAL:
ACREAGE: +/- 44.31 AC (1,930,178 SF)
PROPOSED ZONING: R-2

APARTMENTS
PARCEL SF: +/- 29.34 AC (1,278,056 SF)
BUILDING SF: 265,653 SF
AMENITY BLDG.: 3,750 SF
HARD SUFACE AREA: 684,881 SF
LANDSCAPE AREA: 323,772 SF
FLOOR/AREA RATIO: 0.62

TOWNHOMES
PARCEL SF: +/- 14.97 AC (652,122 SF
BUILDING SF: 128,000 SF
HARD SUFACE AREA: 175,590 SF
LANDSCAPE AREA: 348,532 SF
FLOOR/AREA RATIO: 0.20

MANUFACTURING:
ACREAGE: +/- 14.82 AC (645,559 SF)
PROPOSED ZONING: M-1

MINI-STORAGE
PARCEL SF: +/- 14.82 AC
TOTAL BUILDING SF: 140,200 SF
HARD SUFACE AREA: 272,703 SF
LANDSCAPE AREA: 232,656 SF
FLOOR/AREA RATIO: 0.22

SITE DATA

PARCEL 1
PROP ID: 156872
OWNER: BR ESTATES AT HWY 82 LLC
ACREAGE: 6 AC
ZONING: R-1

PARCEL 2
PROP ID: 118492
OWNER: BR ESTATES AT HWY 82 LLC
ACREAGE: 69 AC
ZONING: M-1, R-2

\\BOHLERENG.NET\SHARES\TX-PROJECTS\2022\TXA220010.00\CAD\DRAWINGS\XREFS\X - PROP3----->LAYOUT: VERTICAL

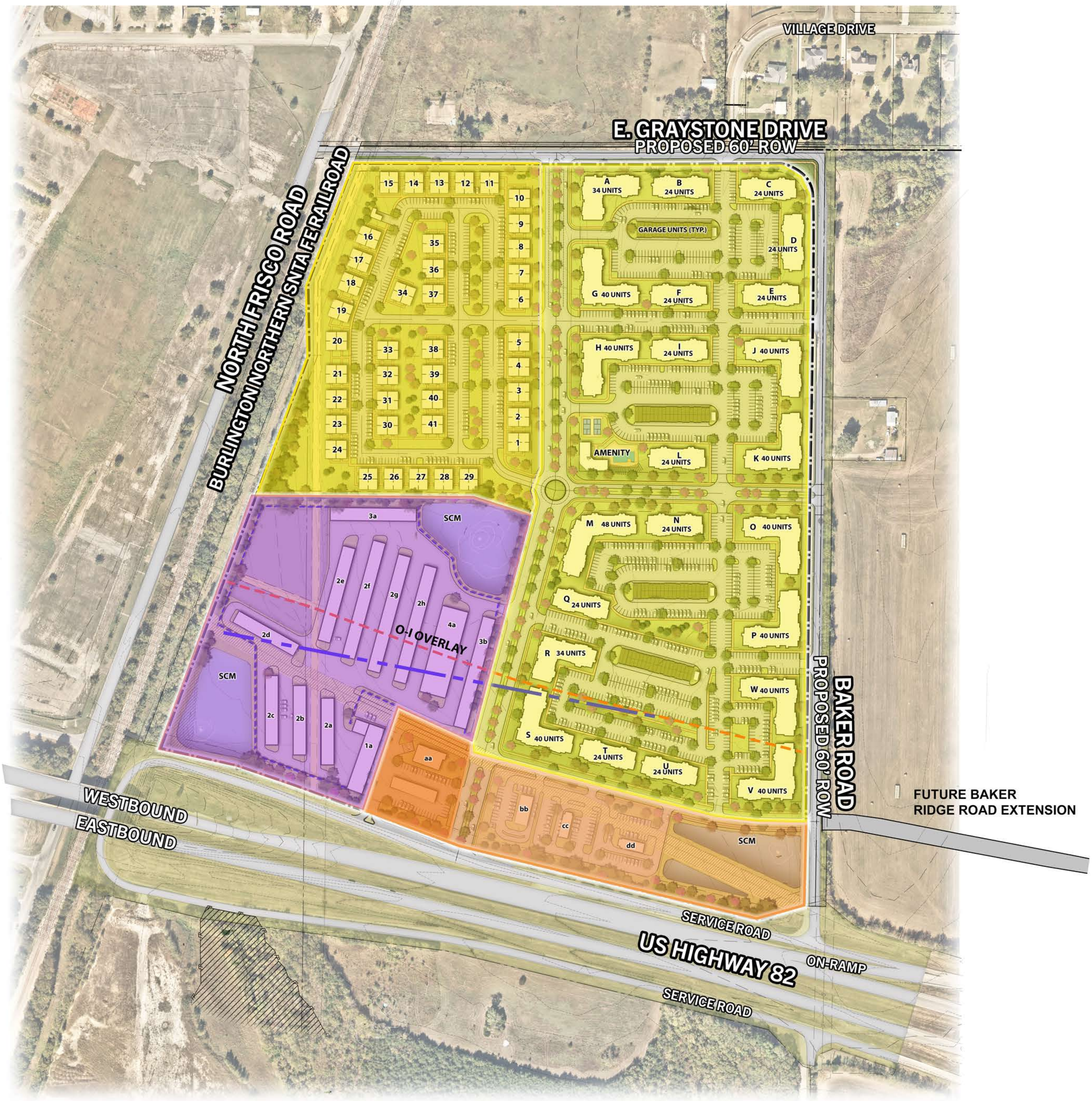
BOHLER
6017 MAIN STREET
FRISCO, TX 75034
Phone: (469) 458-7300
TX@BohlerEng.com
TBPE No. 18065 | TBPLS No. 10194413

HIGHWAY 82 MIXED USE

SHERMAN, TEXAS | PLAN REV.

May 23, 2022 | KM | Project#TXA220010 | Rev

150 75 37.5 0 150
1"=150'



SITE DATA

SHERMAN, TEXAS
MAY 23, 2022
PROJECT NUMBER: TXA220010

EXISTING PROPERTY INFORMATION
PIN: 156872 (6 AC), 118492 (69 AC)
ADDRESS: HWY 82 SHERMAN, TEXAS
TOTAL ACREAGE: +/-75 ACRES
EXISTING ZONING: M-1, R-1 AND R-2
PROPOSED ZONING: M-1, C-2 AND R-2
OVERLAY DISTRICT: O-1 (HIGHWAY 82); 500' FROM ROW

PROPOSED USES:

C-2 ZONING: COMMERCIAL: +/- 6.44 ACRES

USE	BLDG;	PARCEL
C-STORE aa:	4,228 SF	1.42 AC
OUT-PARCEL bb:	3,064 SF	0.81 AC
OUT-PARCEL cc:	2,025 SF	0.93 AC
OUT-PARCEL dd:	2.025 SF	1.08 AC
OPEN SPACE:		3.99 AC

M-1 ZONING: MINI-STORAGE +/- 14.82 AC

USE	AREA
MINI-STORAGE:	140,200 SF
HARD SURFACE:	272,703 SF
OPEN SPACE:	232,656 SF

R-2 ZONING: APARTMENTS +/- 29.39 AC AC

USE:	AREA	UNIT COUNT
APARTMENTS:	265,653 SF	740 UNITS
***3-STORY GARDEN STYLE		
PARKING:		1,500 SPACES
HARD SURFACE AREA:	684,881 SF	
OPEN SPACE:	323,772 SF	

R-2 ZONING: TOWNHOMES +/- 14.97 AC

USE:	AREA	UNIT COUNT
TOWNHOMES:	128,000 SF	164 UNITS / 41 BLDGS.
PARKING:		350 SPACES
PAVEMENT:	175,590 SF	
OPEN SPACE:	348,532 SF	

RIGHT-OF-WAY
EXISTING DEDICATION: +/- 1.48 AC (64,685 SF)
INTERNAL ROW: 6.57 AC (285,976 SF)
HARD SURFACE AREA: 3.39 AC (147,809)
LANDSCAPE AREA: 3.17 AC)138,167 SF)

MASTER PLAN | MIXED USE EXHIBIT | MAY 2022

SHERMAN HIGHWAY 82 MIXED USE

SHERMAN, TEXAS

N W E S

150 75 37.5 0 150
1"=150'

BOHLER

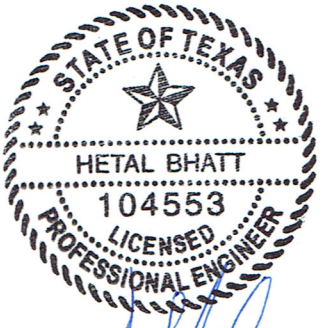
TRAFFIC IMPACT ANALYSIS FOR
MIXED-USE DEVELOPMENT ON GRAYSTONE DRIVE
SHERMAN, TEXAS

Prepared for:
Bohler Engineering
6017 Main Street
Frisco, TX 75034

Prepared by:

LEE ENGINEERING
3030 LBJ Freeway, Suite 1660
Dallas, Texas 75234
(972) 248-3006
TBPE Firm F-450

November 2022



11/04/2022

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INTRODUCTION

This traffic study was performed to analyze the potential traffic impacts of the proposed mixed-use development located to the southeast of the Graystone Drive and Frisco Road intersection in Sherman, Texas. A vicinity map of the study area is shown in **Figure 1,** and a site plan for the development is shown in **Figure 2**. The following elements were included in this study:

Data Collection

- Collected weekday AM and PM peak hour turning movement volumes at the following three (3) existing study intersections:
    - Frisco Road and Graystone Drive
    - Village Drive and Graystone Drive
    - Sistrunk Street and Dripping Spring Road
- Studied existing roadway configurations, surrounding land areas, and sight distance at the proposed access points.
- Obtained the proposed site plan, information related to planned roadway improvements, and other relevant information.

Traffic Analysis

- Assessed the general accessibility of the site.
- Estimated the number of trips that will be generated by the proposed development and other future development in the area.
- Estimated the directional distribution of traffic approaching / departing the proposed development during the AM and PM peak hours.
- Reviewed available historical and projected traffic volume data for the study area roadways.
- Determined the growth rate of traffic in the area and estimated non-site traffic volumes for the study area at site build-out.
- Assigned the estimated traffic to the street network.

Recommendations

- Determined if any roadway improvements are needed to accommodate projected traffic generated by the proposed development.

Documentation

- Prepared this report documenting the study procedures and results.

Figure 1: Vicinity Map of the Study Area

SITE DATA

SHERMAN, TEXAS
MAY 23, 2022
PROJECT NUMBER: TXA220010

EXISTING PROPERTY INFORMATION
PIN: 156872 AND 118492
ADDRESS: HWY 82, SHERMAN, TEXAS
TOTAL ACREAGE: +/- 75 ACRES
EXISTING ZONING: M-1, C-2 AND R-2
PROPOSED ZONING: M-1, C-2, R-2
OVERLAY: O-1 (HIGHWAY 82), 500' FROM ROW

SETBACKS:
OVERLAY DISTRICT: O-1 (HIGHWAY 82)
HIGHWAY FRONTAGE: 40' OR 25; PLUS
HT. OF BLDG.
INTERNAL STREETS: 15'
REAR/SIDE: 5'
R-2, MULTI-FAMILY
FRONT: 25'
SIDE SETBACK/YARD: 25' (MIN. 7')
REAR SETBACK/YARD: 25'
C-2, COMMERCIAL
FRONT: 15'
SIDE SETBACK/YARD: 10'
REAR SETBACK/YARD: 0'

LAND USES:

COMMERCIAL:
ACREAGE: +/- 6.44 AC (280,526 SF)
COMMUNITY OPEN SPACE: 2.20 AC (96,036 SF)
PROPOSED ZONING: C-2

OUTPARCEL 1
PARCEL SF: +/- 1.42 AC (61,921 SF)
BUILDING SF: 4,228 SF
HARD SUFACE AREA: 33,151 SF
LANDSCAPE AREA: 24,542 SF
FLOOR/AREA RATIO: 0.01

OUTPARCEL 2
PARCEL SF: +/- 0.81 ac (35,077 SF)
BUILDING SF: 3,064 SF
HARD SUFACE AREA: 15,000 SF
LANDSCAPE AREA: 17,013 SF
FLOOR/AREA RATIO: 0.09

OUTPARCEL 3
PARCEL SF: +/- 0.93 AC (40,647 SF)
BUILDING SF: 2,025 SF
HARD SUFACE AREA: 22,027 SF
LANDSCAPE AREA: 15,695 SF
FLOOR/AREA RATIO: 0.05

OUTPARCEL 4
PARCEL SF: +/- 1.08 AC (47,182 SF)
BUILDING SF: 2,025 SF
HARD SUFACE AREA: 24,271 SF
LANDSCAPE AREA: 20,886 SF
FLOOR/AREA RATIO: 0.04

RIGHT-OF-WAY
EXISTING DEDICATION: +/- 1.48 AC (64,685 SF)
INTERNAL ROW: 6.57 AC (285,976 SF)
HARD SURFACE AREA: 3.39 AC (147,809 SF)
LANDSCAPE AREA: 3.17 AC (138,167 SF)

RESIDENTIAL:
ACREAGE: +/- 44.31 AC (1,930,179 SF)
PROPOSED ZONING: R-2

APARTMENTS
PARCEL SF: +/- 29.34 AC (1,278,056 SF)
BUILDING SF: 265,653 SF
AMENITY BLDG.: 3,758 SF
HARD SUFACE AREA: 686,381 SF
LANDSCAPE AREA: 323,772 SF
FLOOR/AREA RATIO: 0.62

TOWNHOMES
PARCEL SF: +/- 14.97 AC (652,122 SF
BUILDING SF: 128,000 SF
HARD SUFACE AREA: 175,590 SF
LANDSCAPE AREA: 348,532 SF
FLOOR/AREA RATIO: 0.20

MANUFACTURING:
ACREAGE: +/- 14.82 AC (645,559 SF)
PROPOSED ZONING: M-1

MINI-STORAGE
PARCEL SF: +/- 14.82 AC
TOTAL BUILDING SF: 140,200 SF
HARD SUFACE AREA: 272,703 SF
LANDSCAPE AREA: 232,656 SF
FLOOR/AREA RATIO: 0.22

NOTES:
1. PARKING SHALL MEET STANDARDS OF CITY OF SHERMAN UDO
2. FIRE LANES SHALL MEET CITY OF SHERMAN STANDARDS
3. BUILDING DESIGN REQUIREMENTS SHALL BE MET PER ORDINANCE
4. SECTION 6.13.1 O-1 (HWY 82) OVERLAY DISTRICT, 500 FT ON EITHER SIDE OF HWY 82

MASTER PLAN | MAY 2022

SHERMAN HIGHWAY 82 MIXED USE

SHERMAN, TEXAS

BOHLER

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Proposed Site Plan

Figure 2

SITE ACCESSIBILITY

Site accessibility describes the ease with which vehicles can get to and from a development. A site's accessibility is affected by the geographical location of the development with respect to other activity areas, the roadway system, and physical restraints such as rivers or lakes.

The existing lane configurations for the adjacent roadways are provided in **Figure 3**. The following paragraphs provide a description of the study area roadways. Any reference to Thoroughfare Plan implies Map 4.2 of the Comprehensive Plan (2022 update).

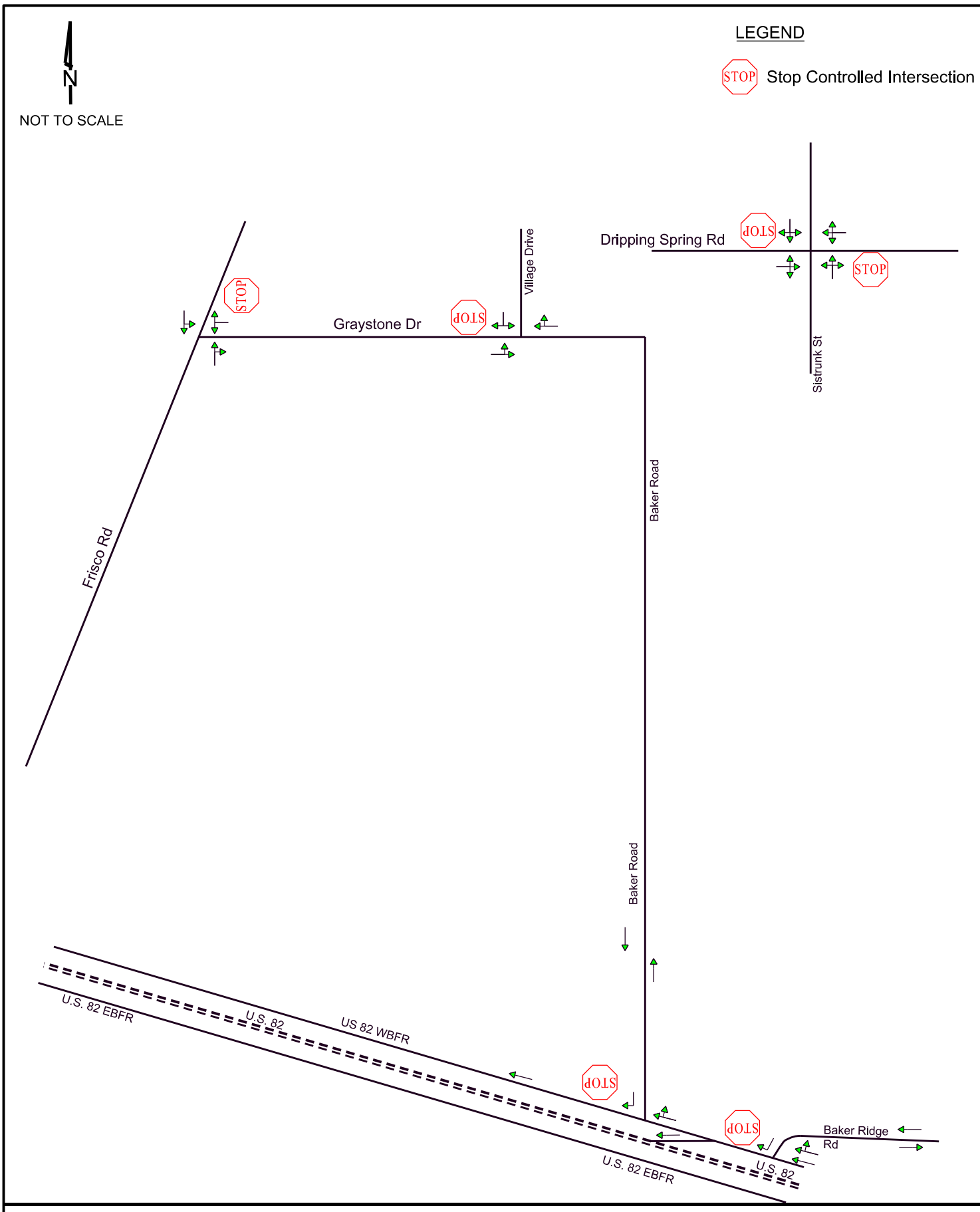
Graystone Drive – Graystone Drive is an east-west roadway north of the proposed development. Its assumed speed limit is 30 miles per hour (mph) since a posted speed limit was not observed during the site visit. During site observations, the width of the roadway was measured at 19 feet. Graystone Drive is a two-lane undivided roadway that is classified as a Collector Street in the City of Sherman Thoroughfare plan. Two access points to the proposed development will be located on Graystone Drive.

Based on the information provided by Bohler Engineering, the project will widen this roadway between Village Drive and Baker Road to a two-lane undivided asphalt roadway with 12 feet wide lanes. Based on the virtual meeting held between Lee Engineering, Bohler Engineering, and the City Staff, we understood that the proposed development to the north of Graystone Drive will widen this roadway to a two-lane divided roadway with 12 feet wide lanes between Frisco Road and Village Drive.

Frisco Road – Frisco Road is a north-south roadway west of the proposed development with a posted speed limit of 35 mph. Frisco Road is a two-lane undivided roadway that is classified as a Collector Street in the City of Sherman Thoroughfare plan. To the southwest of the site, Frisco Road connects to US 82, a major roadway in the area. However, due to a railroad line that parallels Frisco Road on its east side, the connection to US 82 is only directly to and from the west. Trips to and from US 82 to the east must U-turn at Texoma Parkway (SH 91) 0.25 miles to the west.

Village Drive – Village Drive is a short residential street northeast of the proposed development. It has an assumed speed limit of 30 mph since a posted speed limit was not observed during the site visit. Village Drive is a two-lane undivided roadway that is classified as a Local Street in the City of Sherman Thoroughfare plan.

Dripping Spring Road – Dripping Spring Road is an east-west roadway approximately a half mile north of the proposed development. It has an assumed speed limit of 30 mph since a posted speed limit was not observed during the site visit. Dripping Spring Road is a two-lane undivided roadway that is classified as a Minor Arterial in the City of Sherman Thoroughfare Plan.



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Existing Intersection Lane Configurations

Figure 3

Sistrunk Street – Sistrunk Street is a short north-south residential street located northeast of the proposed development. It has an assumed speed limit of 30 mph since a posted speed limit was not observed during the site visit. Sistrunk Street is a two-lane undivided roadway that is classified as a Local Street in the City of Sherman Thoroughfare Plan.

Baker Road – Baker Road is a north-south roadway east of the proposed development. It has an assumed speed limit of 30 mph since a posted speed limit was not observed during the site visit. Baker Road is a two-lane undivided roadway that is classified as a Local Street in the City of Sherman Thoroughfare plan. During site observations, the width of the roadway was measured at 19 feet. Based on the information provided by Bohler Engineering, the project will widen this roadway between Grayson Drive and US 82 Westbound Frontage Road to a two-lane undivided asphalt roadway with 12 feet wide lanes.

Baker Ridge Road – Baker Ridge Road is an east-west roadway southeast of the proposed development. It has an assumed speed limit of 30 mph since a posted speed limit was not observed during the site visit. Baker Ridge Road is a two-lane undivided roadway that is classified as a Local Street in the City of Sherman Thoroughfare plan. As per discussions with the developer, Baker Ridge Road is planned to be connected to Baker Road by a new two-way roadway link by the Build-Out Year (2028). The new connection will facilitate access from the development to the on-ramp for the westbound US 82 main lanes via the intersection of Baker Ridge Road and the US 82 Westbound Frontage Road (WBFR).

Based on the information provided by Bohler Engineering, the project will construct the proposed Baker Road connection to Baker Ridge Road. This connection will be a two-lane undivided asphalt roadway with 12 feet wide lanes.

US 82 Westbound Frontage Road – US 82 Westbound frontage road is an east-west roadway south of the proposed development. Based on the TxDOT statewide planning map, the speed limit on the frontage road is assumed to be 55 mph since a posted speed limit was not observed during the site visit. The US 82 westbound frontage road is a two-lane one-way roadway entering the study area from the east. The left-hand lane drops to the on-ramp for the US 82 main lanes just east of the Baker Road intersection.

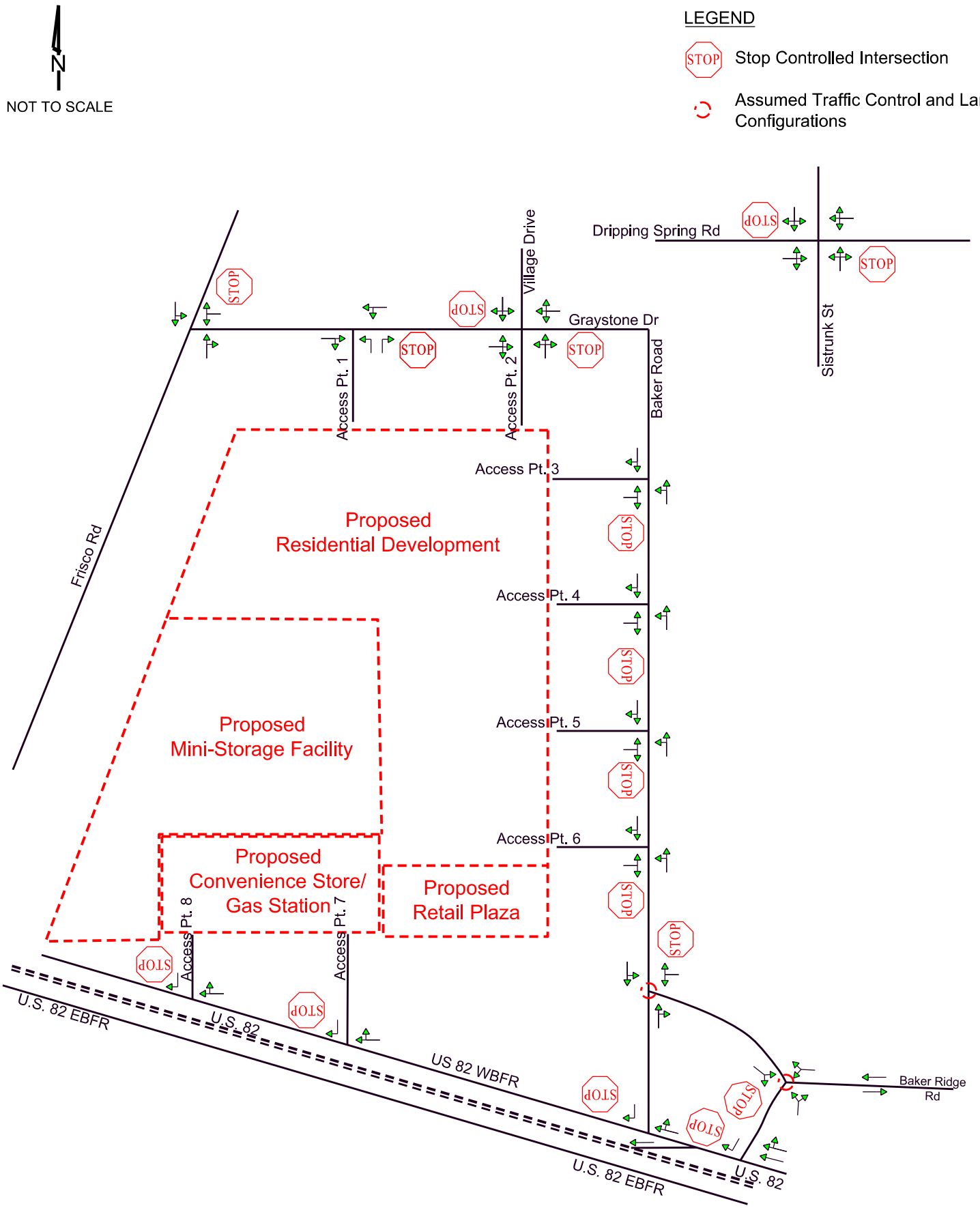
The westbound frontage road continues as a single-lane roadway to the west of the on-ramp and adjacent to the proposed site. The frontage road U-turns underneath the US 82 main lanes near the southwest corner of the proposed mixed-use development and before the rail lane parallel to Frisco Road. This requires all traffic on the westbound frontage road to travel via the US 82 eastbound frontage road before connecting to other routes.

The proposed lane configurations are shown in **Figure 4**.

Access to the proposed mixed-use development will be provided by two access points on Graystone Drive, four access points on Baker Road, and two access points on the US 82 WBFR:

- Access Point 1 will be located on Graystone Drive, about 660 feet east of Frisco Road.
- Access Point 2 will be opposite Village Drive, about 450 feet east of Access Point 1.
- Access Points 3, 4, 5, and 6 will be located on Baker Road, about 475 feet, 950 feet, 1,450 feet, and 1,900 feet south of Graystone Drive, respectively. Access Point 6 will be about 320 feet north of the US 82 WBFR.
- Access Point 7 will be located on the US 82 WBFR approximately 1,000 feet west of Baker Road.
- Access Point 8 will be located on US 82 WBFR, about 1,300 feet west of Baker Road.

The proposed site access point locations and lane configurations are shown in Figure 4.



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Proposed Intersection Lane Configurations

Figure 4

PROPOSED DEVELOPMENT

The proposed mixed-use development on Graystone Drive is planned to include 740 multifamily housing lots, 164 single-family attached townhomes, 7,110 square feet of Retail Plaza, 140,200 square feet of Mini-Storage/Warehouse, and a Gas Station with 10 Vehicle Fueling Positions (VFP's) and a 4,228 square-foot Convenience Store. Based on discussions with the developer's representative, the Build-Out Year for the proposed development is planned to occur in 2028.

The number of trips generated by the proposed development is a function of the type and quantity of land uses within the development. The number of vehicle trips generated by the proposed development was estimated based on the trip generation rates and equations provided in the publication entitled *Trip Generation Manual, 11th Edition*, by the Institute of Transportation Engineers (ITE). Estimates of the number of trips generated by the site were made for the AM and PM peak hours, as well as on a daily basis. The trip generation characteristics for the proposed mixed-use development under Build-Out are shown in **Table 1**.

Table 1: Trip Generation Characteristics for Proposed Mixed-Use Development on Graystone Drive

Land Use (ITE Land Use)	ITE Code	Variable (X)	Average Weekday			AM Peak Hour			PM Peak Hour		
Equation/Rates[1]											
Multifamily Housing (Low-Rise)	220	Number of Dwelling Units	T = 6.41(X) + 75.31			T = 0.31(X) + 22.85			T = 0.43(X) + 20.55		
Single Family Attached Housing (Townhomes)	215	Number of Dwelling Units	T = 7.62(X) - 50.48			T = 0.52(X) - 5.70			T = 0.60(X) - 3.93		
Retail Plaza	822	1000 Sq Ft GFA	T = 42.20(X) + 229.68			T = 2.36(X)			Ln(T) = 0.71Ln(Y) + 2.72		
Mini-Storage/Warehouse	151	1000 Sq Ft GFA	T = 1.45(X)			T = 0.09(X)			T = 0.15(X)		
Convenience Store/Gas Station	945	Number of Vehicle Fueling Positions	T = 257.13(X)			T = 27.04(X)			T = 22.76(X)		
Convenience Store/Gas Station	945	1000 Sq Ft GFA	T = 560.88(X) + 548.79			T = 56.52(X)			T = 54.52(X)		
Directional Splits[2]											
Multifamily Housing (Low-Rise)	220	Number of Dwelling Units	50/50			24/76			63/37		
Single Family Attached Housing (Townhomes)	215	Number of Dwelling Units	50/50			31/69			57/43		
Retail Plaza	822	1000 Sq Ft GFA	50/50			60/40			50/50		
Mini-Storage/Warehouse	151	1000 Sq Ft GFA	50/50			59/41			47/53		
Convenience Store/Gas Station	945	Number of Vehicle Fueling Positions	50/50			50/50			50/50		
Convenience Store/Gas Station	945	1000 Sq Ft GFA	50/50			50/50			50/50		
Trips Generated											
Land Use	Amount	Variable (X)	Total	Enter	Exit	Total	Enter	Exit	Total	Enter	Exit
Multifamily Housing (Low-Rise)	740	Number of Dwelling Units	4,820	2,410	2,410	252	60	192	339	213	126
Single Family Attached Housing (Townhomes)	164	Number of Dwelling Units	1,200	600	600	80	25	55	94	53	41
Retail Plaza	7.11	1000 Sq Ft GFA	530	265	265	17	10	7	62	31	31
Mini-Storage/Warehouse	140.20	1000 Sq Ft GFA	204	102	102	13	8	5	21	10	11
Convenience Store/Gas Station	10	Number of Vehicle Fueling Positions	2,572	1,286	1,286	270	135	135	228	114	114
Total Trips			9,326	4,663	4,663	632	238	394	744	421	323
Internal Capture						8	4	4	86	43	43
TOTAL NEW TRIPS			**9,326**	**4,663**	**4,663**	**624**	**234**	**390**	**658**	**378**	**280**

[1]T = Trips Ends; X = Number of Dwelling Units; [2]XX / YY = % entering vehicles / % exiting vehicles; [3]Number of Dwelling Units

TRAFFIC VOLUMES

Existing Traffic Volumes

Existing weekday peak period turning movement counts at the three (3) existing study intersections were collected on Tuesday, May 10, 2022. Twenty-four-hour turning movement counts were collected at the intersection of Graystone Drive and Frisco Road, while peak period counts were collected at the other two intersections. Twenty-four-hour machine counts were also collected on the Baker Road and Baker Ridge Road study area roadways on Wednesday, August 3, 2022. **Figure 5** shows the existing traffic volumes collected for this traffic study. The raw traffic count data is provided in the **Appendix**.

Background Traffic Volumes

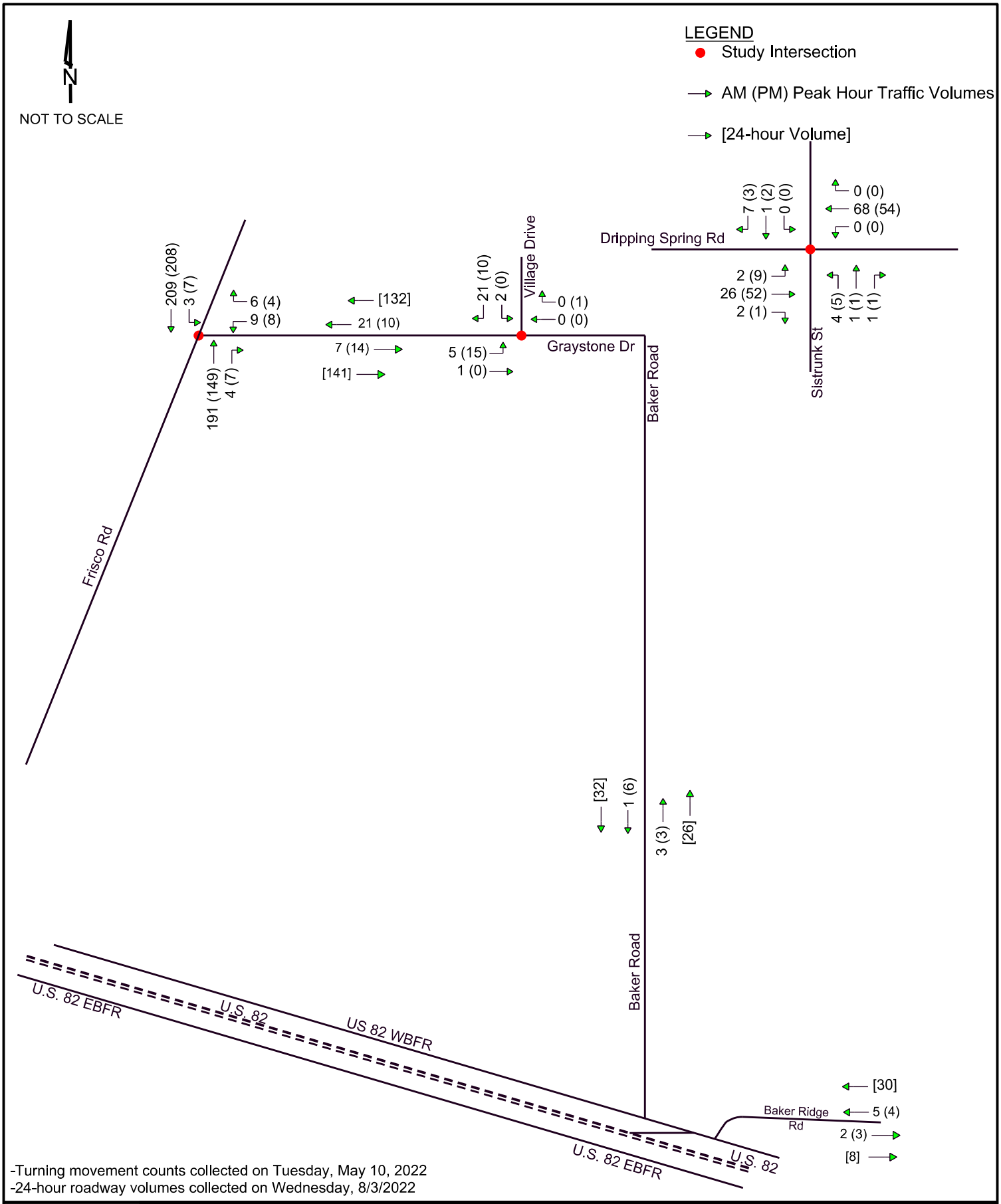
Historical average daily traffic (ADT) volumes in the study area were obtained from TxDOT's online Traffic Count Database System and are presented in **Table 2.**

Table 2: Historical Daily Traffic Counts

Year	Location	
	Frisco Road (S of Graystone Drive)	**Graystone Drive (E of Frisco Road)**
2008	3,630	380
2009	- - -	- - -
2010	- - -	- - -
2011	- - -	- - -
2012	- - -	- - -
2013	3,241	381
2014	- - -	- - -
2015	3,306	- - -
2016	- - -	- - -
2017	- - -	- - -
2018	3,026	322
2019	2,840	- - -
Average Annual Growth[1]	**-2% / -2%**	**-2% / -3%**

[1] Annual growth rate from 2008/2013 to 2019

The values in Table 2 show that traffic volumes on these area roadways have decreased over the past several years. However, for this traffic analysis, a conservative annual growth rate of 2% was used for determining background traffic volumes under Build-Out Year (2028) conditions. The existing traffic volumes on Baker Road are very low, and historical traffic volumes are not available, so the 2% growth rate rounds off to zero assumed growth along Baker Road. The resulting Build-Out Year (2028) Background traffic volumes are provided in **Figure 6**.



-Turning movement counts collected on Tuesday, May 10, 2022
-24-hour roadway volumes collected on Wednesday, 8/3/2022

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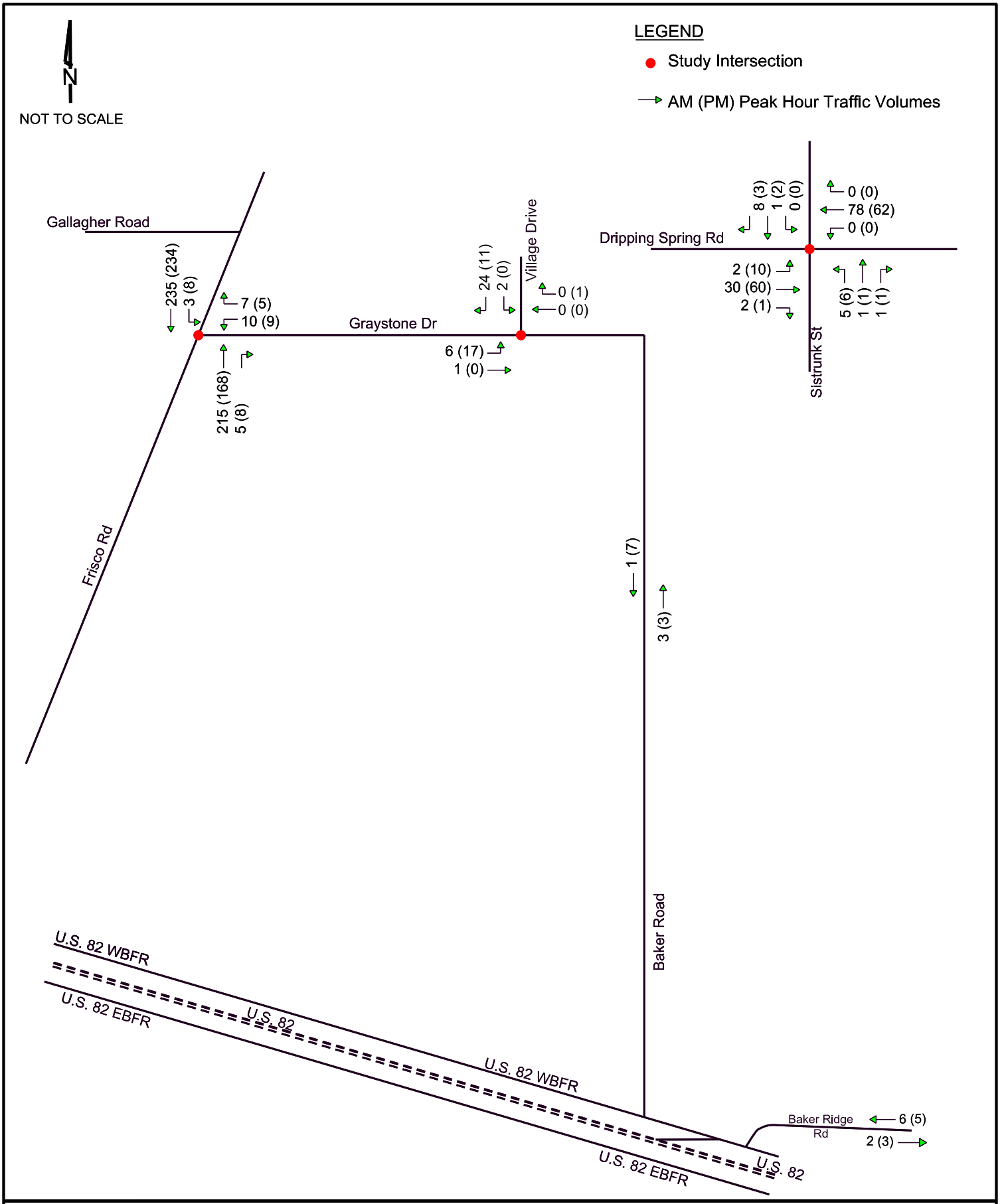
Existing (2022) Peak Hour Traffic Volumes

Figure 5



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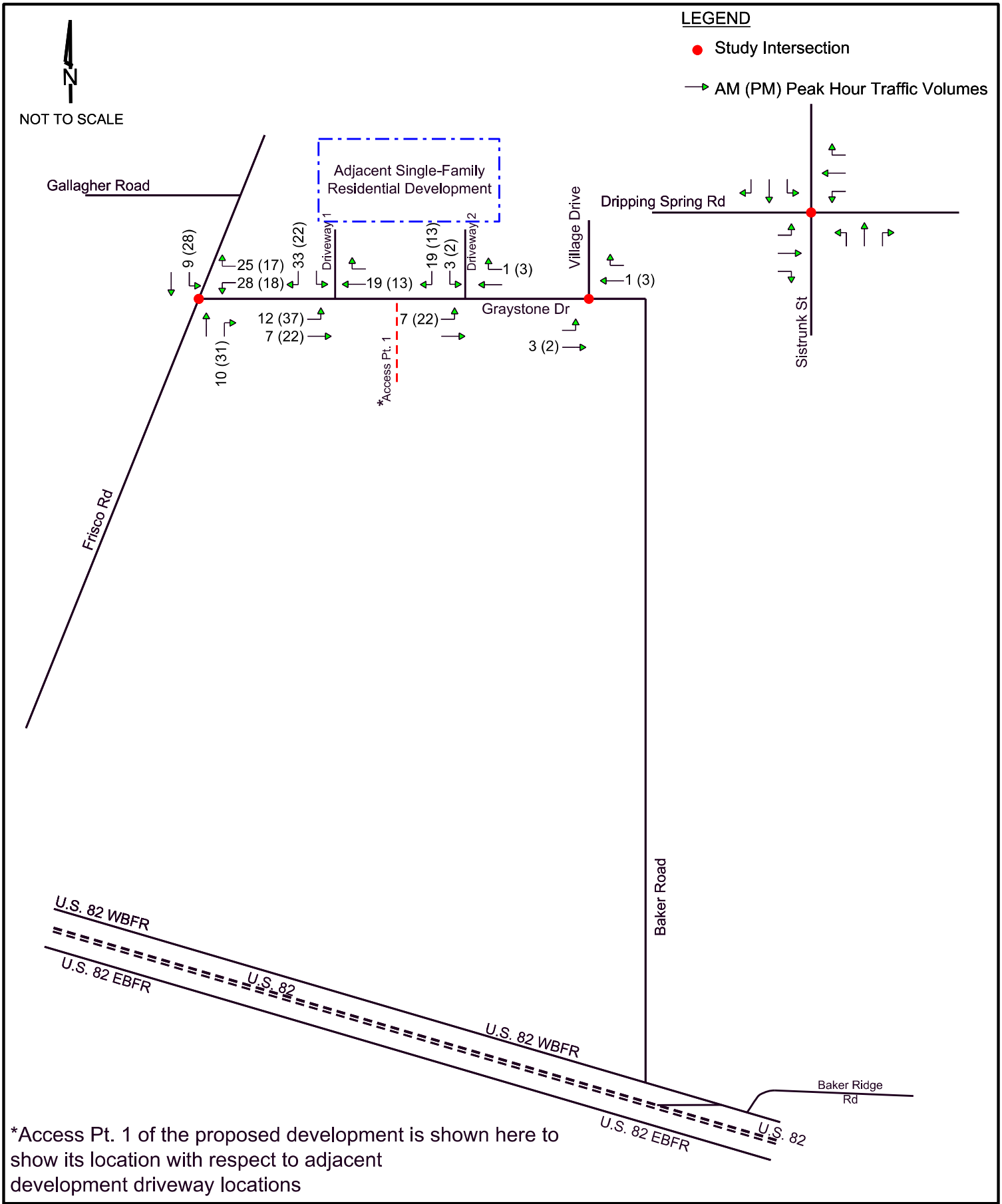
Build-Out Year (2028) Background Peak Hour Traffic Growth

Figure 6



*Access Pt. 1 of the proposed development is shown here to show its location with respect to adjacent development driveway locations

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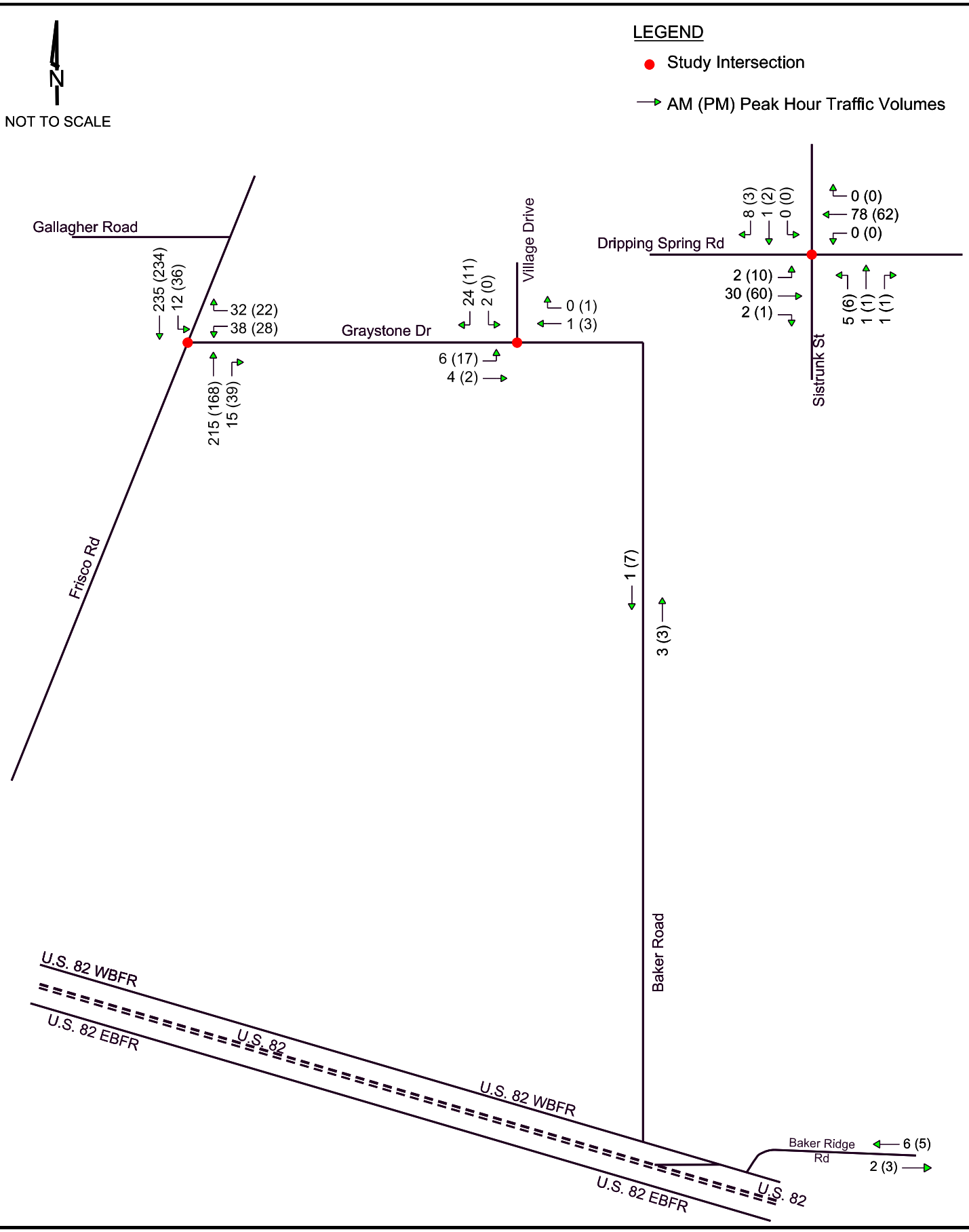
Build-Out Year (2028) Site Traffic
(Adjacent Single-Family Residential Development)

Figure 7



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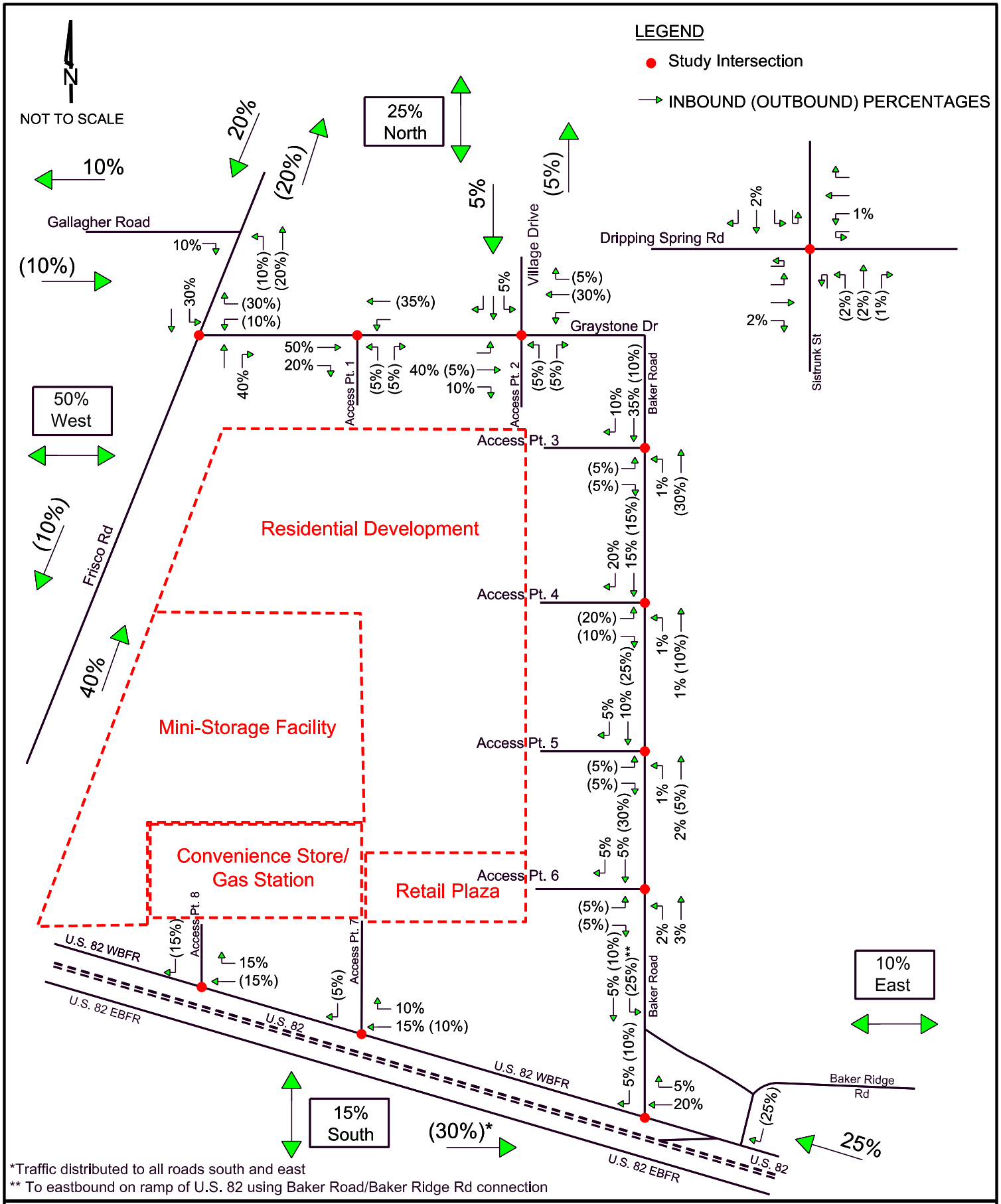
Build-Out Year (2028) Background Peak Hour Traffic Volumes
(Including Site Traffic from adjacent development)

Figure 8



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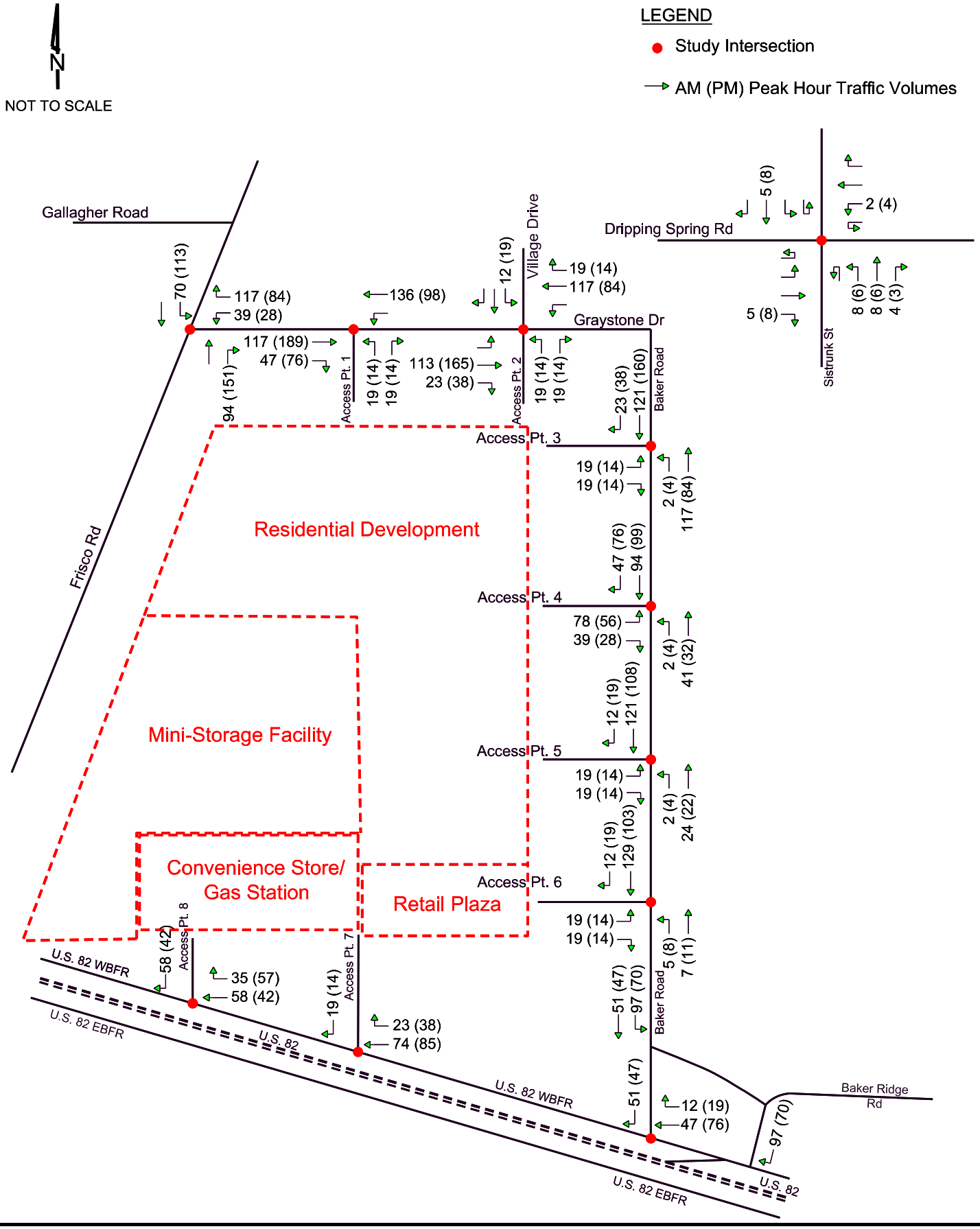
Assumed Directional Distributions
(Proposed Mixed-Use Development)

Figure 9



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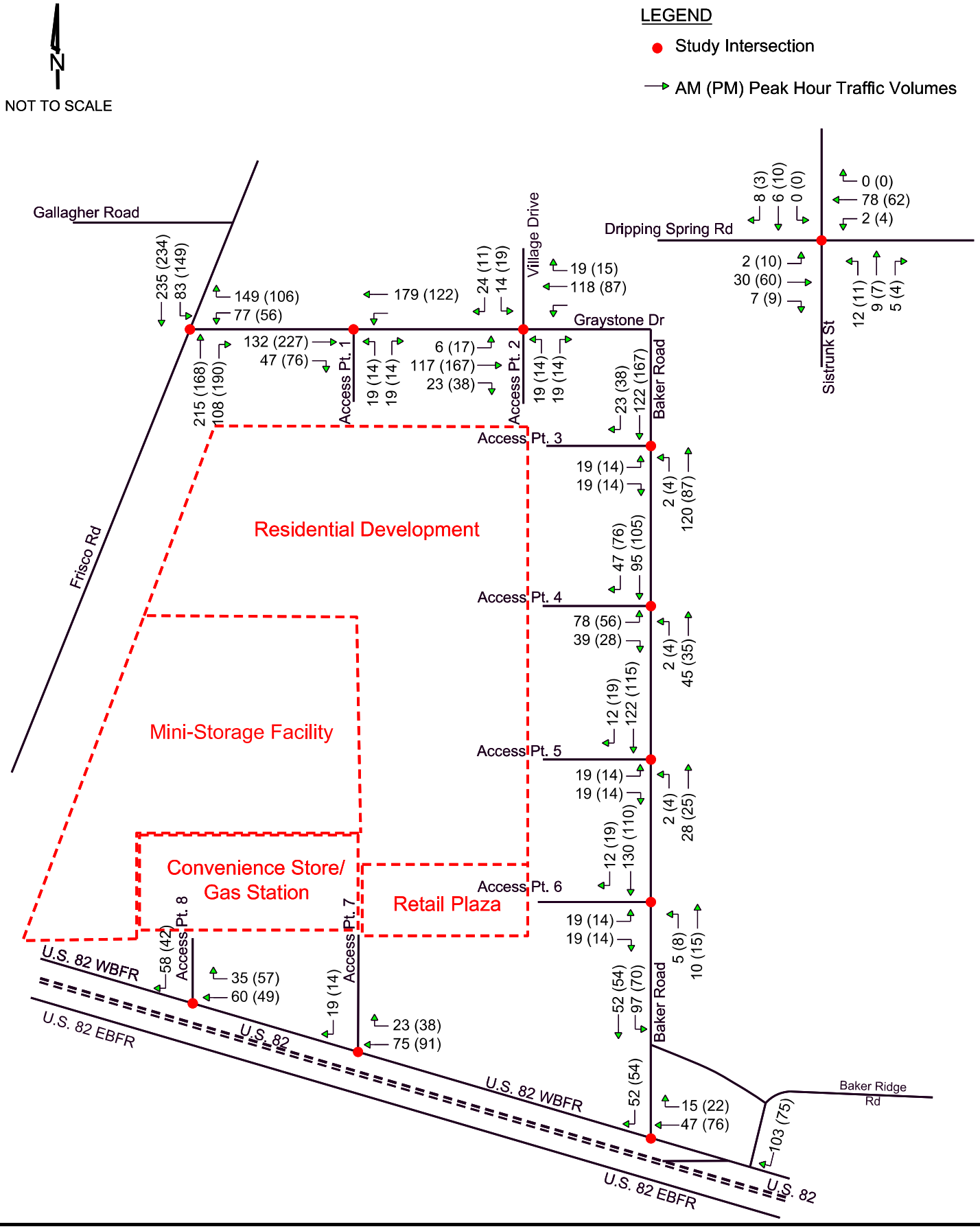
Site Generated Peak Hour Traffic Volumes

Figure 10



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Build-Out Year (2028) Peak Hour Traffic Volumes

Figure 11

TRIP DISTRIBUTION AND ASSIGNMENT

Trip Distribution

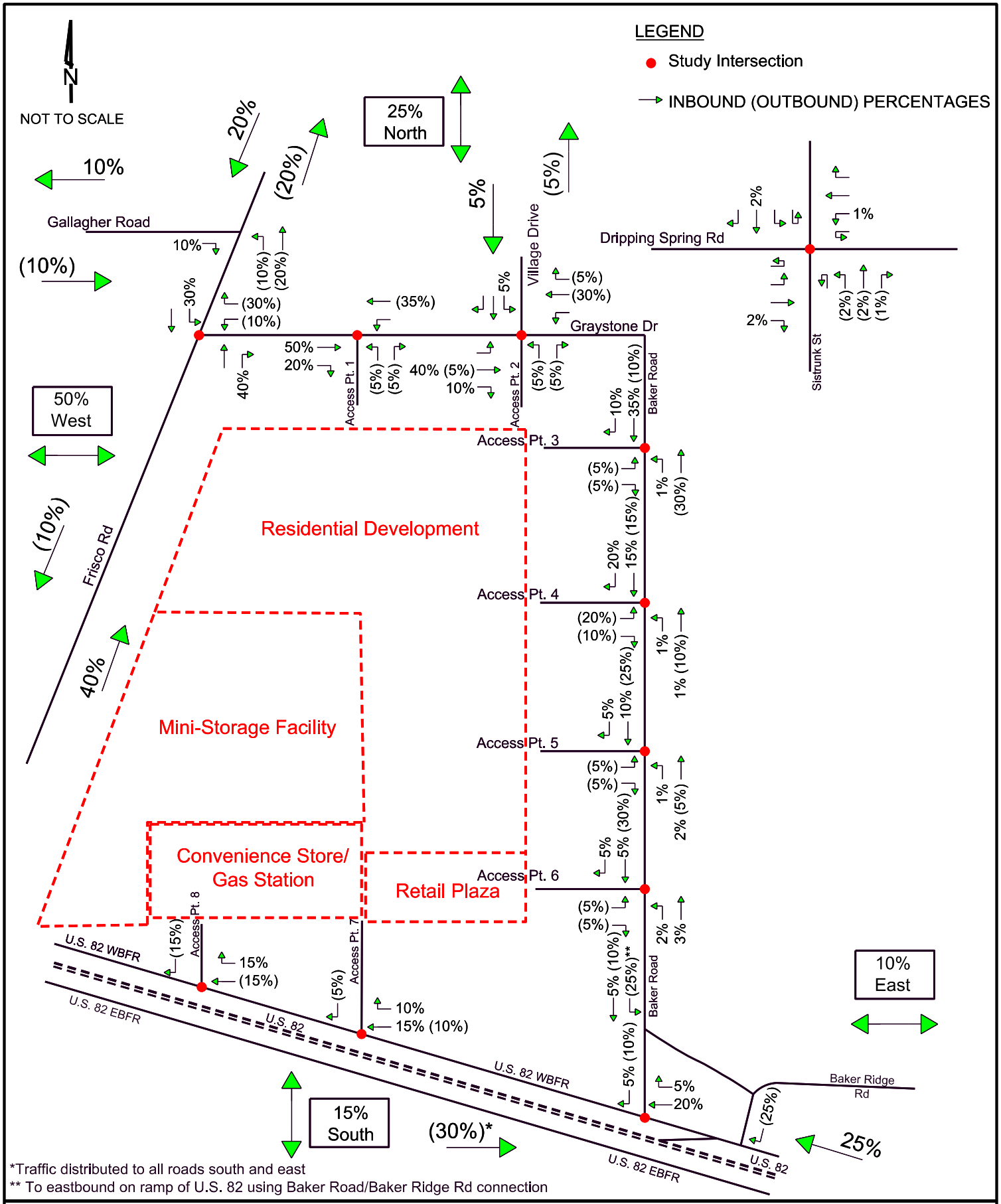
The existing traffic volumes and roadways in the area, along with the proposed site layout, were used to determine the directions from which traffic would approach and depart the proposed mixed-use development on Graystone Drive. The assumed directional distribution is provided in **Figure 9**.

Site Traffic Volumes

Traffic volumes expected to be generated by the proposed mixed-use development on Graystone Drive (Table 1) were assigned to the area roadways and site access points based on the directional distribution identified in Figure 9. The estimated site generated traffic volumes for the AM and PM peak hours are shown in **Figure 10**.

Total Traffic Conditions

Total (background + site) peak hour traffic conditions at Build-Out Year (2028) of the proposed mixed-use development were obtained by adding the proposed site generated traffic volumes (Figure 9) to the Build-Out Year (2028) Background traffic volumes (Figure 8), and are shown in **Figure 11**.



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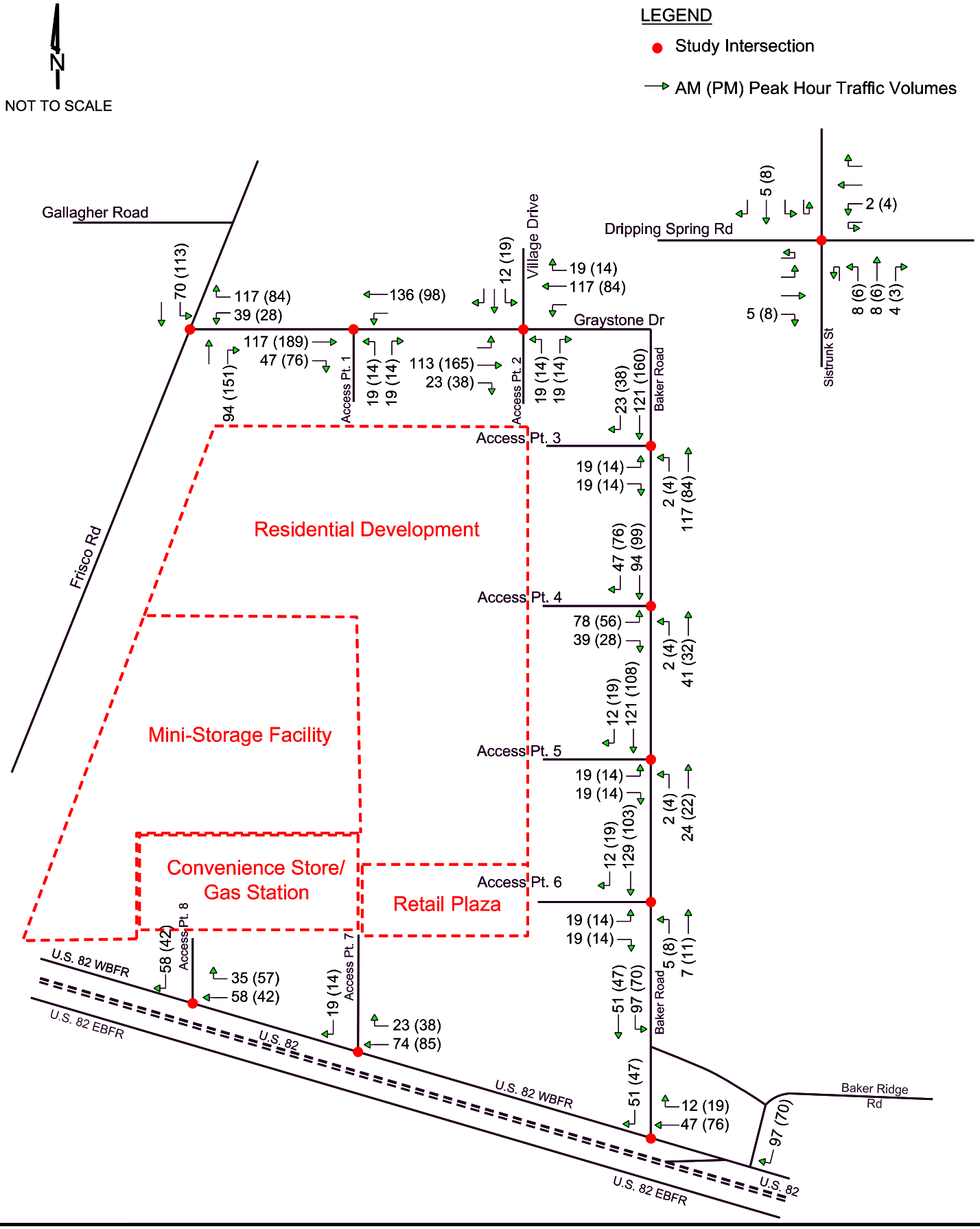
TBPE FIRM NO. F-450

Assumed Directional Distributions
(Proposed Mixed-Use Development)

Figure 9



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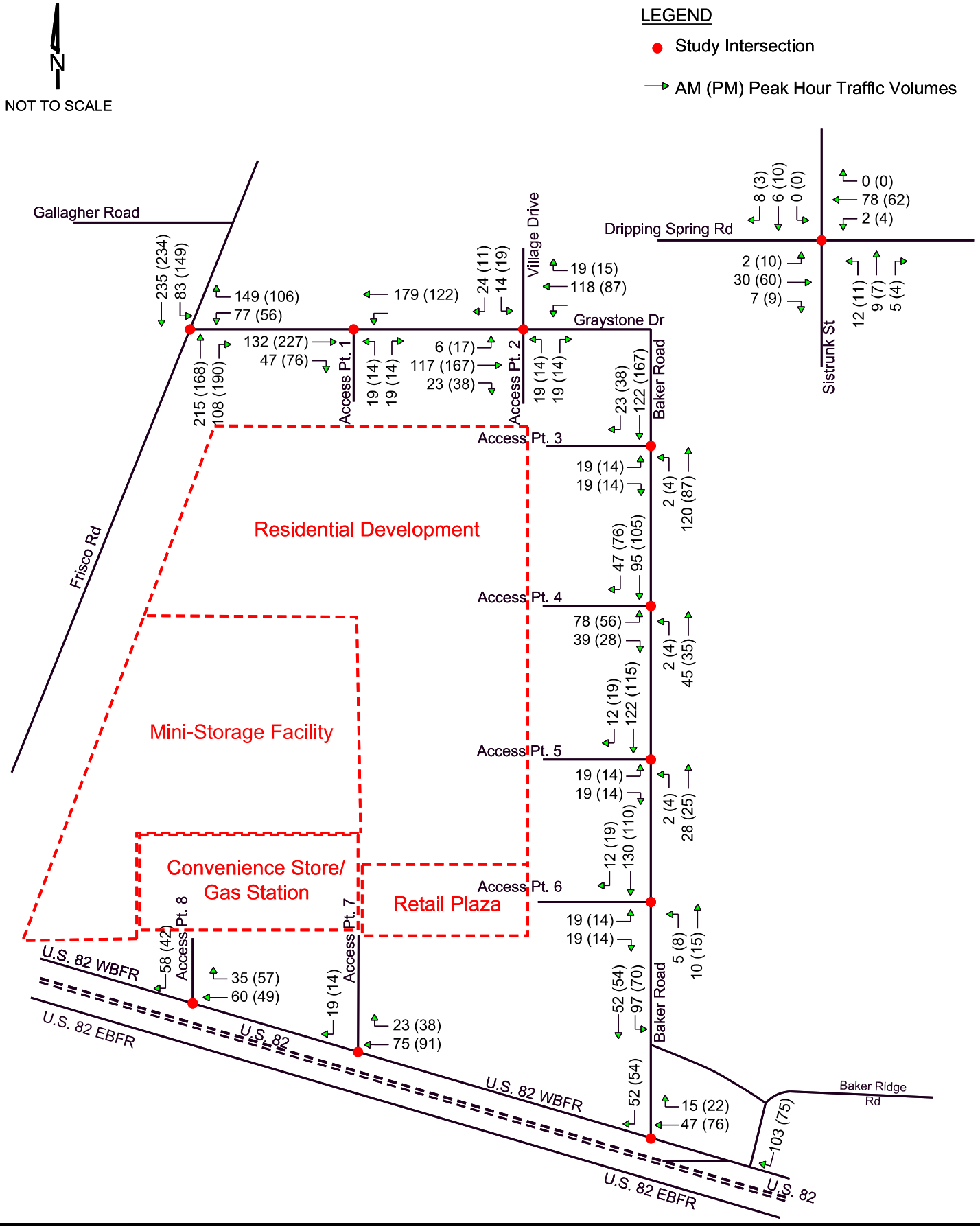
Site Generated Peak Hour Traffic Volumes

Figure 10



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DALLAS, TX 75234
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TBPE FIRM NO. F-450

Build-Out Year (2028) Peak Hour Traffic Volumes

Figure 11

INTERSECTION CAPACITY ANALYSES

The Level of Service (LOS) of an intersection is a qualitative measure of capacity and operating conditions and is directly related to vehicle delay. The LOS criteria for unsignalized intersections are shown in **Table 3**. LOS is given a letter designation from A to F, with LOS A representing very short delays and LOS F representing very long delays or over-capacity conditions. LOS D is typically considered the minimum acceptable condition.

Table 3: Level of Service Criteria for Intersections

Level-of-Service (LOS)	Average Delay (seconds/vehicle)
	Unsignalized
A	≤ 10.0
B	10.1 to 15.0
C	15.1 to 25.0
D	25.1 to 35.0
E	35.1 to 50.0
F	> 50.0 or Volume exceeds Capacity

SOURCE: *Highway Capacity Manual (HCM) 6th Edition*, Transportation Research Board, 2016

Capacity analyses were conducted for the study area intersections under the following analysis scenarios:

- Existing (2022) Traffic Conditions
- Build-Out Year (2028) Background Traffic Conditions
- Build-Out Year (2028) Total Traffic Conditions

The intersection capacity analyses were conducted using *Highway Capacity Manual (HCM) 6th Edition* methodologies in the *Synchro 11* traffic analysis software package. Printouts of the Synchro analysis results are provided in the **Appendix**.

Existing Traffic Conditions

The existing lane configurations shown in Figure 3 and the Existing (2022) traffic volumes shown in Figure 5 were used for the Existing (2022) analyses. **Table 4** presents the capacity analysis results for the study intersections under Existing (2022) conditions. The intersection of Village Drive and Graystone Drive is assumed to be a two-way stop controlled with southbound traffic on Village Drive required to stop (no stop sign was observed during the site visit).

Table 4: Capacity Analysis Results – Existing (2022) Traffic Conditions

1: Frisco Road and Graystone Drive (One-Way Stop-Controlled)						
Scenario	Peak Hour	Intersection[1]	NB	SB Left	WB	EB
Existing (2022) Conditions	AM	--	--	7.7 (A)[2]	11.3 (B)	--
	PM	--	--	7.6 (A)	11.1 (B)	--
2: Village Drive and Graystone Drive (One-Way Stop-Controlled)						
Scenario	Peak Hour	Intersection	NB	SB	WB	EB Left
Existing (2022) Conditions	AM	--	--	8.5 (A)	--	7.4 (A)
	PM	--	--	8.4 (A)	--	7.4 (A)
3: Sistrunk Street and Dripping Spring Road (Two-Way Stop-Controlled)						
Scenario	Peak Hour	Intersection	NB	SB	WB Left	EB Left
Existing (2022) Conditions	AM	--	9.4 (A)	9.0 (A)	0.0 (A)	7.8 (A)
	PM	--	9.6 (A)	9.6 (A)	0.0 (A)	7.8 (A)

[1]HCM methodology does not provide intersection-wide delay/LOS for One-Way/Two-Way Stop-Controlled Intersections
[2]Delay in seconds/vehicle (Level of Service)

The capacity analysis results for Existing (2022) traffic conditions shown in Table 4 indicate that the approaches and movements at the study intersections currently operate very well at LOS A during both the AM and PM peak hours.

Build-Out Year (2028) Traffic Conditions

The existing lane configurations shown in Figure 3 and the Build-Out Year (2028) Background traffic volumes shown in Figure 8 were used for the Build-Out Year (2028) Background analyses ***without*** the effects of the proposed mixed-use development. The proposed intersection lane configurations shown in Figure 4 and the Build-Out Year (2028) Total traffic volumes from Figure 11 were used for the Build-Out Year (2028) Total analyses ***with*** site trips from the new mixed-use development added. **Table 5** presents the capacity analysis results for the study intersections under Build-Out Year (2028) Background and Total conditions.

Table 5: Capacity Analysis Results – Build-Out Year (2028) Traffic Conditions

1: Frisco Road and Graystone Drive (One-Way Stop-Controlled)						
Scenario	Peak Hour	Intersection[1]	NB	SB Left	WB	EB
Build-Out (2028) Background	AM	--	--	7.8 (A)[2]	11.8 (B)	--
	PM	--	--	7.7 (A)	11.5 (B)	--
Build-Out (2028) Total	AM	--	--	8.5 (A)	25.0 (D)	--
	PM	--	--	9.0 (A)	25.4 (D)	--
2: Village Drive/Access Point 2 and Graystone Drive (One/Two-Way Stop-Controlled)						
Scenario	Peak Hour	Intersection	NB	SB	WB Left	EB Left
Build-Out (2028) Background	AM	--	--	8.5 (A)	--	7.4 (A)
	PM	--	--	8.4 (A)	--	7.4 (A)
Build-Out (2028) Total	AM	--	10.2 (B)	10.0 (B)	0.0 (A)	7.7 (A)
	PM	--	10.5 (B)	10.6 (B)	0.0 (A)	7.7 (A)
3: Sistrunk Street and Dripping Spring Road (Two-Way Stop-Controlled)						
Scenario	Peak Hour	Intersection	NB	SB	WB Left	EB Left
Build-Out (2028) Background	AM	--	9.5 (A)	9.0 (A)	0.0 (A)	7.9 (A)
	PM	--	9.7 (A)	9.7 (A)	0.0 (A)	7.8 (A)
Build-Out (2028) Total	AM	--	10.0 (B)	9.8 (A)	0.0 (A)	7.9 (A)
	PM	--	9.7 (A)	9.7 (A)	0.0 (A)	7.8 (A)
4: Access Point 1 and Graystone Drive (One-Way Stop-Controlled)						
Scenario	Peak Hour	Intersection	NB	SB	WB	EB Left
Build-Out (2028) Total	AM	--	10.3 (B)	--	--	--
	PM	--	11.0 (B)	--	--	--

[1]HCM methodology does not provide intersection-wide delay/LOS for One-Way/Two-Way Stop-Controlled Intersections
[2]Delay in seconds/vehicle (Level of Service)

Table 5 (Continued): Capacity Analysis Results – Build-Out Year (2028) Traffic Conditions

5: Access Point 3 and Baker Road (One-Way Stop-Controlled)						
Scenario	Peak Hour	Intersection[1]	NB (Left)[2]	SB	WB	EB
Build-Out (2028) Total	AM	--	7.5 (A)	--	--	9.8 (A)
	PM	--	7.7 (A)	--	--	10.0 (B)
6: Access Point 4 and Baker Road (One-Way Stop-Controlled)						
Scenario	Peak Hour	Intersection	NB (Left)	SB	WB	EB
Build-Out (2028) Total	AM	--	7.5 (A)	--	--	10.0 (B)
	PM	--	7.6 (A)	--	--	10.0 (B)
7: Access Point 5 and Baker Road (One-Way Stop-Controlled)						
Scenario	Peak Hour	Intersection	NB (Left)	SB	WB	EB
Build-Out (2028) Total	AM	--	7.5 (A)	--	--	9.4 (A)
	PM	--	7.5 (A)	--	--	9.3 (A)
8: Access Point 6 and Baker Road (One-Way Stop-Controlled)						
Scenario	Peak Hour	Intersection	NB (Left)	SB	WB	EB
Build-Out (2028) Total	AM	--	7.5 (A)	--	--	9.4 (A)
	PM	--	7.5 (A)	--	--	9.3 (A)
9: Access Point 7 and US 82 WBFR (One-Way Stop-Controlled)						
Scenario	Peak Hour	Intersection	NB (Left)	SB	WB	EB Left
Build-Out (2028) Total	AM	--	--	8.8 (A)	--	--
	PM	--	--	8.9 (A)	--	--
10: Access Point 8 and US 82 WBFR (One-Way Stop-Controlled)						
Scenario	Peak Hour	Intersection	NB (Left)	SB	WB	EB Left
Build-Out (2028) Total	AM	--	--	8.9 (A)	--	--
	PM	--	--	8.9 (A)	--	--

[1]HCM methodology does not provide intersection-wide delay/LOS for One-Way/Two-Way Stop-Controlled Intersections
[2]Delay in seconds/vehicle (Level of Service)

The analysis results for Build-Out Year (2028) Background conditions in Table 5 indicate that the approaches and movements at the study intersections are predicted to operate at a very good level of service (LOS A or B) during both peak hours.

With the addition of site traffic from the mixed-use development on Graystone Drive under Build-Out Year (2028) Total conditions, all approaches and movements at the study intersections are predicted to continue operating at acceptable levels of service (LOS D or better).

ACCESS MANAGEMENT ANALYSES

As part of this study, access management analyses were performed to consider the need for deceleration lanes and to determine if adequate driveway spacing and intersection sight distance will be provided for the proposed site access points.

Left Turn Deceleration Lane Analysis

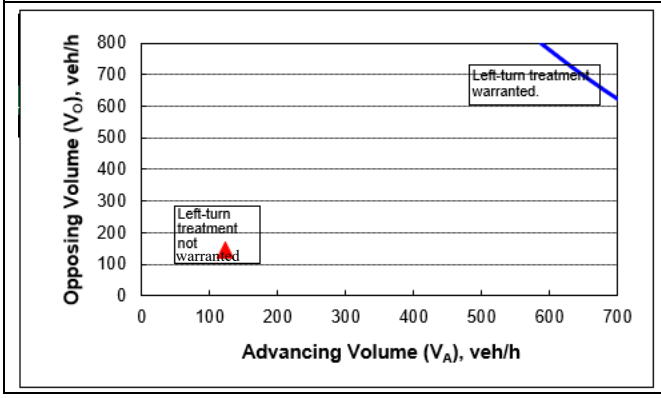
The site access points on Graystone Drive for the proposed mixed-use development were analyzed to determine the need for left turn deceleration lanes. For this analysis, information in *NCHRP Report 457* was used to determine the need for left turn deceleration lanes. This report provides a figure with a curve to determine the need for a left turn deceleration lane based on the number of through lanes, the speed limit, the number of advancing vehicles, the number of opposing vehicles, and the proportion of advancing vehicles making a left turn.

Traffic characteristics at the site access intersections were analyzed under Build-Out Year (2028) Total conditions to determine the potential need for eastbound left turn deceleration lanes along Graystone Drive and northbound left turn deceleration lanes along Baker Road. The results along Baker Road are presented in **Figure 10**. Figure 10 does not show left turn deceleration lane analysis results for Access Point 1 and Access Point 2, as no site generated traffic is expected to turn left into these access points from Graystone Drive. Based on the results in Figure 10, left turn deceleration lanes are not warranted at the site access points on Graystone Drive and Baker Road.

Figure 12: Left Turn Deceleration Lane Analysis Results

Site Access Point 3 @ Baker Road

AM Peak Hour



PM Peak Hour

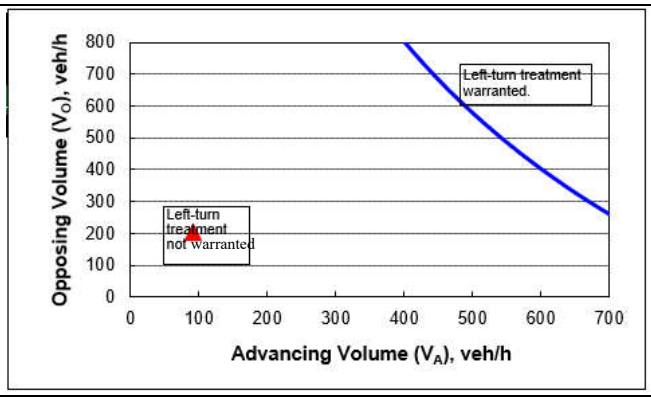
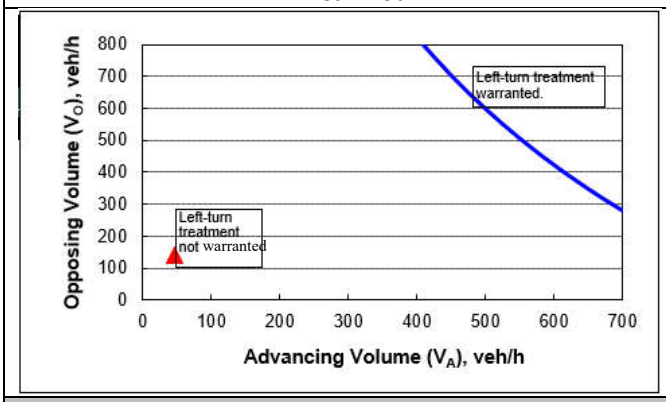


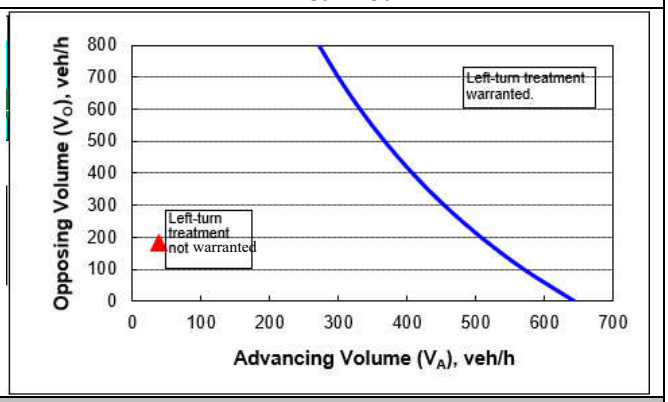
Figure 10 (Continued): Left Turn Deceleration Lane Analysis Results

Site Access Point 4 @ Baker Road

AM Peak Hour

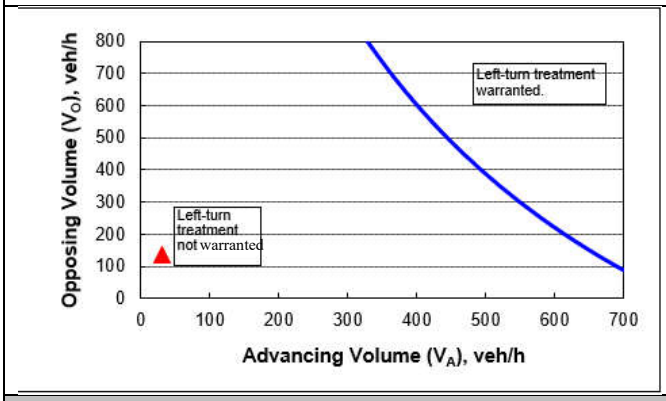


PM Peak Hour

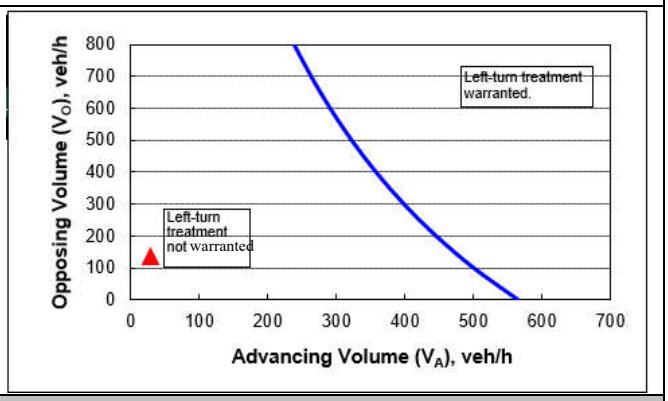


Site Access Point 5 @ Baker Road

AM Peak Hour

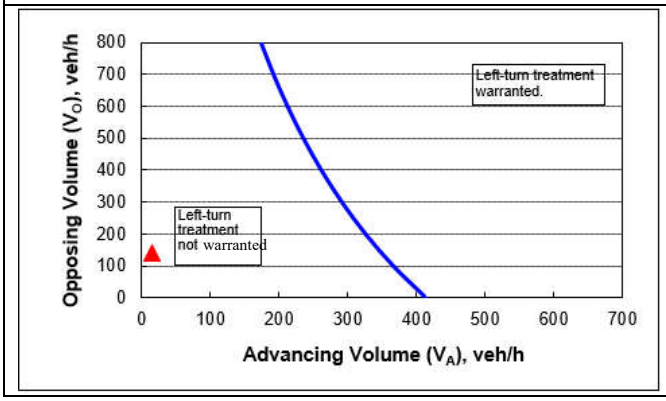


PM Peak Hour

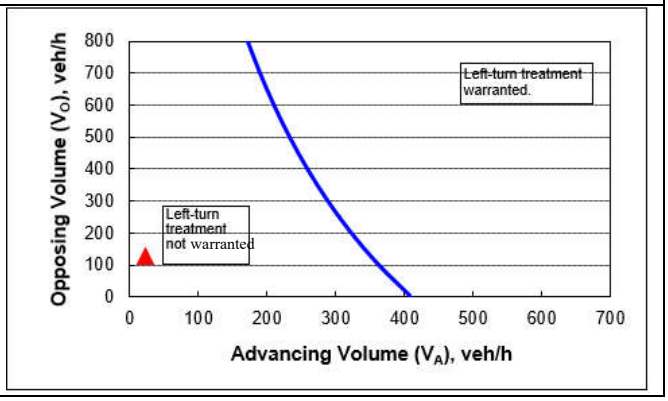


Site Access Point 6 @ Baker Road

AM Peak Hour



PM Peak Hour



Based on the results shown in Figure 10, the left turn deceleration lane is not warranted at the site access points on Graystone Drive and Baker Road.

Right Turn Deceleration Lane Analysis

The proposed site access points for the mixed-use development were analyzed to determine the

need for right turn deceleration lanes. Based on guidelines in TxDOT's *Access Management Manual,* right turn deceleration lanes are typically considered under the following conditions:

- For roadways with a posted speed limit greater than 45 mph, a right turn deceleration lane should be considered when peak right turn volumes are greater than 50 vehicles per hour.
- For roadways with a posted speed limit of 45 mph or less, a right turn deceleration lane should be considered when peak right turn volumes are greater than 60 vehicles per hour.

Table 6 summarizes the projected right turn volumes under Build-Out (2025) total traffic conditions.

Table 6: Right Turn Deceleration Lane Analysis Results

Intersection	Approach	Speed Limit (mph)	Right Turn Volume (vehicles/hour) AM (PM)	Threshold (vehicles/hour)	Exceeds Threshold? AM (PM)
Access Point 1 at Graystone Drive	EB	30	47 (76)	60	No (**Yes**)
Access Point 2 at Graystone Drive	EB	30	23 (38)	60	No (No)
Access Point 3 at Baker Road	SB	30	23 (38)	60	No (No)
Access Point 4 at Baker Road	SB	30	47 (76)	60	No (**Yes**)
Access Point 5 at Baker Road	SB	30	12 (19)	60	No (No)
Access Point 6 at Baker Road	SB	30	12 (19)	60	No (No)
Access Point 7 at US 82 WBFR	WB	50	23 (38)	50	No (No)
Access Point 8 at US 82 WBFR	WB	50	35 (57)	50	No (**Yes**)

Table 6 indicates that the right turning volumes at Access Point 1, Access Point 4, and Access Point 8 are expected to exceed the TxDOT's threshold during the PM peak hour. Therefore, right turn deceleration lanes are recommended on the US 82 westbound frontage road at Access Point 8, Baker Road at Access Point 4, and Graystone Drive at Access Point 1.

Sight Distance

As part of this traffic analysis, the available and recommended intersection sight distance for motorists accessing the adjacent roadway from the proposed site access points were analyzed. The sight distance recommended was estimated using the procedures developed by the

American Association of State Highway and Transportation Officials (AASHTO) and published in the 2018 edition of *A Policy on Geometric Design of Highways and Streets*. At these locations, the motorist should be able to see if and when adequate gaps exist to perform their desired maneuver. **Table 7** presents the recommended and assumed available sight distance for vehicles exiting at the proposed access points for the Graystone Drive mixed-use development.

Table 7: Sight Distance Analysis for Proposed Site Driveways

Major Roadway	Graystone Drive		Baker Road				US 82 Westbound Frontage Road	
Posted Speed Limit[1]	30 mph		30 mph				55 mph	
Minor Roadway	Access Point 1	Access Point 2	Access Point 3	Access Point 4	Access Point 5	Access Point 6	Access Point 7	Access Point 8
Design Vehicle	Passenger Car							
Recommended Intersection Sight Distance	335’	225’[2]	335’				610’	
Available Sight Distance to the Left	>500'	~365’	>400'	>400'	>400'	>400'	>650’	>650'
Available Sight Distance to the Right	~350'	~230'	>400'	>400'	>400'	>400'	N/A	N/A
Sight Distance Available > Recommended Intersection Sight Distance								
To the Left	YES	YES	YES	YES	YES	YES	YES	YES
To the Right	YES	YES[2]	YES	YES	YES	YES	--	--

[1] No posted speed limit was found on Graystone Drive, Baker Road or the US 82 Westbound Frontage Road. Therefore, a speed limit of 30 mph is assumed for Graystone Drive and Baker Road and 55 mph for the US 82 Westbound Frontage Road.
[2] 20 mph speed assumed looking right from Access Point 2 due to reduced turning speed from northbound Baker Road to westbound Graystone Drive.

Based on conditions that existed in the field when sight distance observations were performed, the recommended sight distance is predicted to be provided at all site access points. Note that while Graystone Drive currently curves into Baker Road, the proposed development will realign Baker Road to form a right-angle intersection with Graystone Drive, limiting the average westbound speed on Graystone Drive approaching Access Point 2 to about 20 mph. Therefore, at this location, 20 mph speed was used in the sight distance calculation rather than the assumed speed limit of 30 mph.

Existing dense vegetation near Access Point 2 at Graystone Drive and along Baker Road limits the available sight distance. The available sight distance measurements in Table 7 assume all such vegetation will have been cleared as appropriate. Therefore, it is recommended that the landscape plan for the site include the removal of this vegetation and keeping the location and height of plants, signs, and other site features outside the sight triangles necessary for clear intersection sight distance. To ensure available site distance is provided at each access point, site triangles should be kept clear of landscaping, parking, signs, canopies, or other structures.

Access Spacing

In the City of Sherman's *Subdivision Ordinance* [Article 10.05, Section 12(B)(6)(e)], the minimum centerline offset of adjacent intersections is identified as:

(1) Local–local, 150 feet
(2) Local–collector, 150 feet
(3) Collector–collector, 200 feet

Frisco Road, Village Drive, Baker Road, and Graystone Drive are identified as Local Streets in the City of Sherman Thoroughfare Plan. Therefore, the minimum distance between the centerline of adjacent streets is 150 feet. All site driveways are expected to meet the minimum access spacing criteria.

CONCLUSIONS & RECOMMENDATIONS

Based on the analysis of the proposed site plan and characteristics of the proposed mixed-use development, the following **conclusions** can be made:

- The proposed mixed-use development is predicted to generate 9,326 trips on a daily basis with 624 trips during the AM peak hour and 658 trips during the PM peak hour.

Intersection Capacity Analysis

- The approaches and movements at the study intersections currently operate at an acceptable LOS during the AM and PM peak hours under Existing (2022) conditions. The approaches and movements at these intersections are predicted to continue operating at similar, acceptable LOS under Build-Out Year (2028) Background and Total conditions. Traffic generated by the proposed development is predicted to have minimal impact on the intersections in the study area.

Access Management Analysis

- The traffic volume characteristics at the proposed access points do not exceed thresholds provided in *NCHRP Report 457* for left turn deceleration lanes. Left turn deceleration lanes are not recommended at any of the access points on Graystone Drive or Baker Road.
- Right turn deceleration lanes are recommended at Access Point 1 on Graystone Drive, Access Point 7 on Baker Road, and Access Point 8 on the US 82 Westbound Frontage Road.
- Based on observations of existing conditions in the field, recommended sight distance is predicted to be available for all access points provided that the dense existing vegetation along Graystone Drive and Baker Road is removed as part of the landscaping plan.
- The proposed access points will meet the City of Sherman spacing requirements.

Additionally, the following roadway improvements will be provided with the project:

- Graystone Drive will be widened between Village Drive and Baker Road to a two-lane undivided asphalt roadway with 12 feet wide lanes.
- Baker Road will be widened between Grayson Drive and US 82 Westbound Frontage Road to a two-lane undivided asphalt roadway with 12 feet wide lanes.
- The proposed Baker Road connection from Baker Road to Baker Ridge Road will be constructed as a two-lane undivided asphalt roadway with 12 feet wide lanes.

APPENDIX

GRAM Traffic NTX Inc.

1120 W. Lovers Lane

Arlington, Texas, United States 76013
817.265.8968

Count Name: GRAYSTONE DR @ FRISCO RD
Site Code:
Start Date: 05/10/2022

Turning Movement Data

Start Time	FRISCO RD Southbound					GRAYSTONE DR Westbound					FRISCO RD Northbound					Eastbound St. Eastbound					
	Left	Thru	Right	U-Turn	App. Total	Left	Thru	Right	U-Turn	App. Total	Left	Thru	Right	U-Turn	App. Total	Left	Thru	Right	U-Turn	App. Total	Int. Total
12:00 AM	0	4	0	0	4	0	0	0	0	0	0	3	0	0	3	0	0	0	0	0	7
12:15 AM	0	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
12:30 AM	0	3	0	0	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3
12:45 AM	0	1	0	0	1	0	0	0	0	0	0	2	0	0	2	0	0	0	0	0	3
Hourly Total	0	9	0	0	9	0	0	0	0	0	0	5	0	0	5	0	0	0	0	0	14
1:00 AM	1	3	0	0	4	0	0	0	0	0	0	1	0	0	1	0	0	0	0	0	5
1:15 AM	0	2	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2
1:30 AM	0	1	0	0	1	0	0	0	0	0	0	2	0	0	2	0	0	0	0	0	3
1:45 AM	0	2	0	0	2	0	0	0	0	0	0	1	1	0	2	0	0	0	0	0	4
Hourly Total	1	8	0	0	9	0	0	0	0	0	0	4	1	0	5	0	0	0	0	0	14
2:00 AM	0	0	0	0	0	0	0	0	0	0	0	2	0	0	2	0	0	0	0	0	2
2:15 AM	0	2	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2
2:30 AM	0	1	0	0	1	0	0	0	0	0	0	1	0	0	1	0	0	0	0	0	2
2:45 AM	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1	0	0	0	0	0	1
Hourly Total	0	3	0	0	3	0	0	0	0	0	0	4	0	0	4	0	0	0	0	0	7
3:00 AM	0	0	0	0	0	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1
3:15 AM	0	3	0	0	3	0	0	0	0	0	0	2	0	0	2	0	0	0	0	0	5
3:30 AM	0	0	0	0	0	0	0	0	0	0	0	4	0	0	4	0	0	0	0	0	4
3:45 AM	0	4	0	0	4	0	0	0	0	0	0	2	0	0	2	0	0	0	0	0	6
Hourly Total	0	7	0	0	7	1	0	0	0	1	0	8	0	0	8	0	0	0	0	0	16
4:00 AM	0	1	0	0	1	0	0	0	0	0	0	1	0	0	1	0	0	0	0	0	2
4:15 AM	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1	0	0	0	0	0	1
4:30 AM	0	0	0	0	0	0	0	1	0	1	0	1	0	0	1	0	0	0	0	0	2
4:45 AM	0	3	0	0	3	0	0	0	0	0	0	3	0	0	3	0	0	0	0	0	6
Hourly Total	0	4	0	0	4	0	0	1	0	1	0	6	0	0	6	0	0	0	0	0	11
5:00 AM	0	5	0	0	5	0	0	0	0	0	0	6	0	0	6	0	0	0	0	0	11
5:15 AM	0	2	0	0	2	0	0	0	0	0	0	4	0	0	4	0	0	0	0	0	6
5:30 AM	0	10	0	0	10	0	0	0	0	0	0	4	0	0	4	0	0	0	0	0	14
5:45 AM	0	8	0	0	8	0	0	0	0	0	0	11	0	0	11	0	0	0	0	0	19
Hourly Total	0	25	0	0	25	0	0	0	0	0	0	25	0	0	25	0	0	0	0	0	50
6:00 AM	0	5	0	0	5	1	0	2	0	3	0	9	1	0	10	0	0	0	0	0	18
6:15 AM	0	7	0	0	7	3	0	1	0	4	0	13	0	0	13	0	0	0	0	0	24
6:30 AM	0	12	0	0	12	1	0	0	0	1	0	19	1	0	20	0	0	0	0	0	33
6:45 AM	0	20	0	0	20	0	0	1	0	1	0	28	3	0	31	0	0	0	0	0	52
Hourly Total	0	44	0	0	44	5	0	4	0	9	0	69	5	0	74	0	0	0	0	0	127
7:00 AM	0	20	0	0	20	5	0	2	0	7	0	30	0	0	30	0	0	0	0	0	57
7:15 AM	1	48	0	0	49	3	0	2	0	5	0	52	0	0	52	0	0	0	0	0	106
7:30 AM	1	54	0	0	55	2	0	3	0	5	0	76	0	0	76	0	0	0	0	0	136
7:45 AM	1	71	0	0	72	3	0	1	0	4	0	39	1	0	40	0	0	0	0	0	116
Hourly Total	3	193	0	0	196	13	0	8	0	21	0	197	1	0	198	0	0	0	0	0	415
8:00 AM	0	36	0	0	36	1	0	0	0	1	0	24	3	0	27	0	0	0	0	0	64
8:15 AM	0	24	0	0	24	1	0	1	0	2	0	20	3	0	23	0	0	0	0	0	49
8:30 AM	2	15	0	0	17	5	0	0	0	5	0	22	1	0	23	0	0	0	0	0	45
8:45 AM	0	25	0	0	25	2	0	0	0	2	0	15	1	0	16	0	0	0	0	0	43
Hourly Total	2	100	0	0	102	9	0	1	0	10	0	81	8	0	89	0	0	0	0	0	201
9:00 AM	0	20	0	0	20	0	0	2	0	2	0	21	0	0	21	0	0	0	0	0	43
9:15 AM	0	24	0	0	24	2	0	0	0	2	0	19	2	0	21	0	0	0	0	0	47
9:30 AM	0	21	0	0	21	1	0	2	0	3	0	14	0	1	15	0	0	0	0	0	39
9:45 AM	1	29	0	0	30	1	0	1	0	2	0	31	1	0	32	0	0	0	0	0	64
Hourly Total	1	94	0	0	95	4	0	5	0	9	0	85	3	1	89	0	0	0	0	0	193
10:00 AM	0	24	0	0	24	3	0	0	0	3	0	24	1	0	25	0	0	0	0	0	52
10:15 AM	0	27	0	0	27	0	0	0	0	0	0	22	0	0	22	0	0	0	0	0	49
10:30 AM	1	28	0	0	29	1	0	1	0	2	0	18	2	0	20	0	0	0	0	0	51
10:45 AM	0	18	0	0	18	2	0	0	0	2	0	23	3	0	26	0	0	0	0	0	46
Hourly Total	1	97	0	0	98	6	0	1	0	7	0	87	6	0	93	0	0	0	0	0	198
11:00 AM	0	21	0	0	21	0	0	0	0	0	0	29	3	0	32	0	0	0	0	0	53
11:15 AM	0	27	0	0	27	2	0	1	0	3	0	16	0	0	16	0	0	0	0	0	46
11:30 AM	2	31	0	0	33	1	0	0	0	1	0	23	0	0	23	0	0	0	0	0	57
11:45 AM	0	31	0	0	31	0	0	0	0	0	0	32	1	0	33	0	0	0	0	0	64
Hourly Total	2	110	0	0	112	3	0	1	0	4	0	100	4	0	104	0	0	0	0	0	220
12:00 PM	0	26	0	0	26	0	0	1	0	1	0	34	2	0	36	0	0	0	0	0	63
12:15 PM	0	21	0	0	21	1	0	0	0	1	0	24	0	0	24	0	0	0	0	0	46

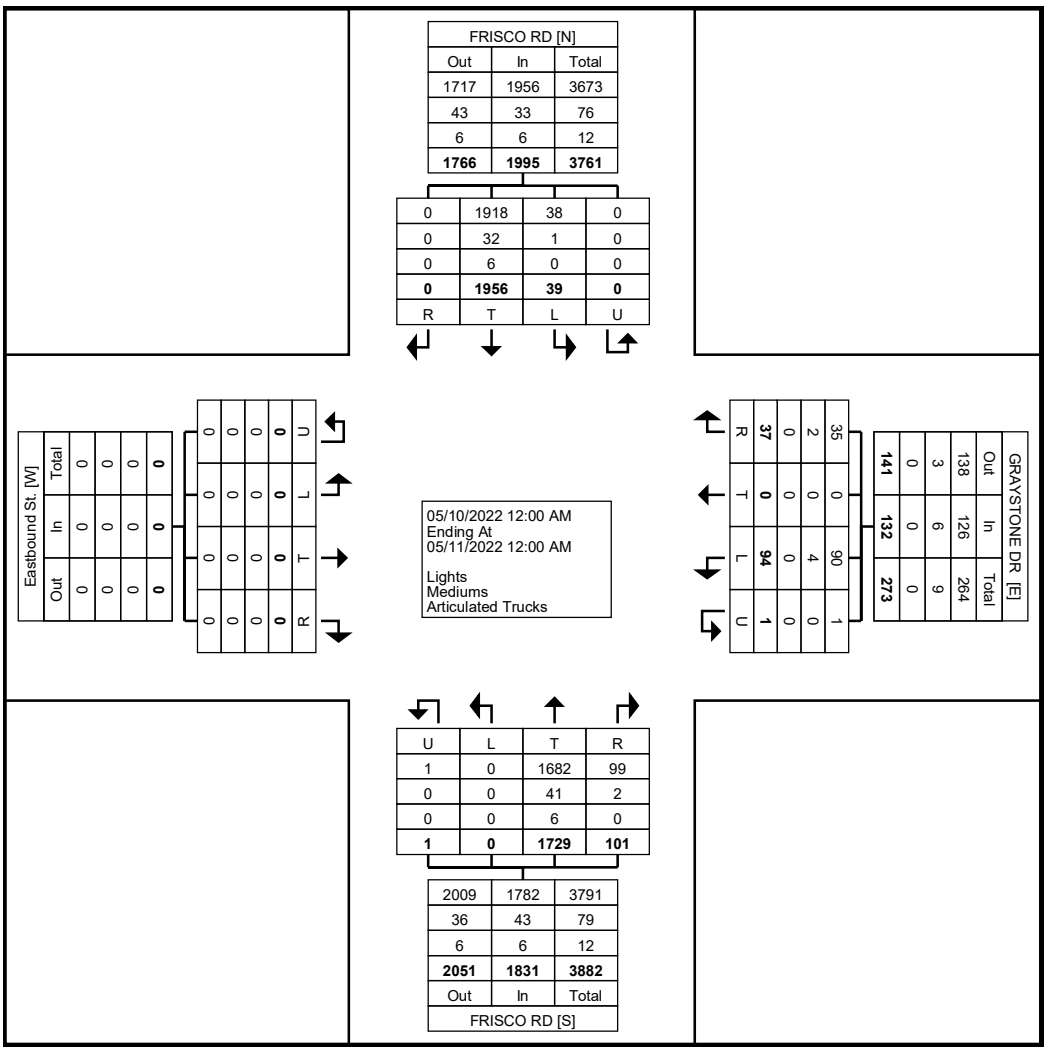
12:30 PM	0	45	0	0	45	1	0	0	0	1	0	26	1	0	27	0	0	0	0	0	73
12:45 PM	0	33	0	0	33	2	0	0	0	2	0	24	2	0	26	0	0	0	0	0	61
Hourly Total	0	125	0	0	125	4	0	1	0	5	0	108	5	0	113	0	0	0	0	0	243
1:00 PM	2	28	0	0	30	4	0	0	0	4	0	27	1	0	28	0	0	0	0	0	62
1:15 PM	0	31	0	0	31	0	0	0	1	1	0	23	3	0	26	0	0	0	0	0	58
1:30 PM	0	31	0	0	31	1	0	0	0	1	0	23	3	0	26	0	0	0	0	0	58
1:45 PM	0	25	0	0	25	0	0	1	0	1	0	25	0	0	25	0	0	0	0	0	51
Hourly Total	2	115	0	0	117	5	0	1	1	7	0	98	7	0	105	0	0	0	0	0	229
2:00 PM	2	25	0	0	27	0	0	0	0	0	0	34	4	0	38	0	0	0	0	0	65
2:15 PM	0	27	0	0	27	0	0	2	0	2	0	25	1	0	26	0	0	0	0	0	55
2:30 PM	2	49	0	0	51	2	0	0	0	2	0	27	0	0	27	0	0	0	0	0	80
2:45 PM	0	28	0	0	28	1	0	1	0	2	0	35	0	0	35	0	0	0	0	0	65
Hourly Total	4	129	0	0	133	3	0	3	0	6	0	121	5	0	126	0	0	0	0	0	265
3:00 PM	0	36	0	0	36	4	0	0	0	4	0	47	0	0	47	0	0	0	0	0	87
3:15 PM	3	56	0	0	59	1	0	2	0	3	0	47	1	0	48	0	0	0	0	0	110
3:30 PM	3	74	0	0	77	3	0	1	0	4	0	28	4	0	32	0	0	0	0	0	113
3:45 PM	1	42	0	0	43	0	0	1	0	1	0	27	2	0	29	0	0	0	0	0	73
Hourly Total	7	208	0	0	215	8	0	4	0	12	0	149	7	0	156	0	0	0	0	0	383
4:00 PM	1	41	0	0	42	4	0	0	0	4	0	33	0	0	33	0	0	0	0	0	79
4:15 PM	1	35	0	0	36	3	0	0	0	3	0	40	4	0	44	0	0	0	0	0	83
4:30 PM	0	32	0	0	32	0	0	0	0	0	0	37	4	0	41	0	0	0	0	0	73
4:45 PM	2	37	0	0	39	3	0	1	0	4	0	34	4	0	38	0	0	0	0	0	81
Hourly Total	4	145	0	0	149	10	0	1	0	11	0	144	12	0	156	0	0	0	0	0	316
5:00 PM	1	51	0	0	52	2	0	0	0	2	0	43	3	0	46	0	0	0	0	0	100
5:15 PM	0	41	0	0	41	1	0	0	0	1	0	44	4	0	48	0	0	0	0	0	90
5:30 PM	0	37	0	0	37	3	0	0	0	3	0	27	1	0	28	0	0	0	0	0	68
5:45 PM	1	37	0	0	38	2	0	0	0	2	0	26	2	0	28	0	0	0	0	0	68
Hourly Total	2	166	0	0	168	8	0	0	0	8	0	140	10	0	150	0	0	0	0	0	326
6:00 PM	2	32	0	0	34	1	0	1	0	2	0	30	4	0	34	0	0	0	0	0	70
6:15 PM	0	23	0	0	23	0	0	2	0	2	0	28	2	0	30	0	0	0	0	0	55
6:30 PM	0	24	0	0	24	5	0	0	0	5	0	13	4	0	17	0	0	0	0	0	46
6:45 PM	0	34	0	0	34	2	0	0	0	2	0	24	1	0	25	0	0	0	0	0	61
Hourly Total	2	113	0	0	115	8	0	3	0	11	0	95	11	0	106	0	0	0	0	0	232
7:00 PM	2	19	0	0	21	1	0	1	0	2	0	19	0	0	19	0	0	0	0	0	42
7:15 PM	0	19	0	0	19	1	0	0	0	1	0	12	3	0	15	0	0	0	0	0	35
7:30 PM	1	25	0	0	26	0	0	0	0	0	0	18	0	0	18	0	0	0	0	0	44
7:45 PM	0	16	0	0	16	0	0	1	0	1	0	16	2	0	18	0	0	0	0	0	35
Hourly Total	3	79	0	0	82	2	0	2	0	4	0	65	5	0	70	0	0	0	0	0	156
8:00 PM	1	25	0	0	26	1	0	0	0	1	0	17	2	0	19	0	0	0	0	0	46
8:15 PM	0	19	0	0	19	0	0	0	0	0	0	18	1	0	19	0	0	0	0	0	38
8:30 PM	0	22	0	0	22	0	0	0	0	0	0	5	1	0	6	0	0	0	0	0	28
8:45 PM	1	14	0	0	15	1	0	0	0	1	0	9	3	0	12	0	0	0	0	0	28
Hourly Total	2	80	0	0	82	2	0	0	0	2	0	49	7	0	56	0	0	0	0	0	140
9:00 PM	1	18	0	0	19	0	0	0	0	0	0	11	0	0	11	0	0	0	0	0	30
9:15 PM	0	8	0	0	8	0	0	1	0	1	0	11	1	0	12	0	0	0	0	0	21
9:30 PM	0	13	0	0	13	0	0	0	0	0	0	8	0	0	8	0	0	0	0	0	21
9:45 PM	0	10	0	0	10	0	0	0	0	0	0	13	0	0	13	0	0	0	0	0	23
Hourly Total	1	49	0	0	50	0	0	1	0	1	0	43	1	0	44	0	0	0	0	0	95
10:00 PM	0	8	0	0	8	0	0	0	0	0	0	16	0	0	16	0	0	0	0	0	24
10:15 PM	0	11	0	0	11	1	0	0	0	1	0	6	2	0	8	0	0	0	0	0	20
10:30 PM	0	6	0	0	6	1	0	0	0	1	0	5	0	0	5	0	0	0	0	0	12
10:45 PM	1	7	0	0	8	0	0	0	0	0	0	4	1	0	5	0	0	0	0	0	13
Hourly Total	1	32	0	0	33	2	0	0	0	2	0	31	3	0	34	0	0	0	0	0	69
11:00 PM	1	6	0	0	7	0	0	0	0	0	0	5	0	0	5	0	0	0	0	0	12
11:15 PM	0	7	0	0	7	0	0	0	0	0	0	4	0	0	4	0	0	0	0	0	11
11:30 PM	0	4	0	0	4	1	0	0	0	1	0	2	0	0	2	0	0	0	0	0	7
11:45 PM	0	4	0	0	4	0	0	0	0	0	0	4	0	0	4	0	0	0	0	0	8
Hourly Total	1	21	0	0	22	1	0	0	0	1	0	15	0	0	15	0	0	0	0	0	38
Grand Total	39	1956	0	0	1995	94	0	37	1	132	0	1729	101	1	1831	0	0	0	0	0	3958
Approach %	2.0	98.0	0.0	0.0	-	71.2	0.0	28.0	0.8	-	0.0	94.4	5.5	0.1	-	0.0	0.0	0.0	0.0	-	-
Total %	1.0	49.4	0.0	0.0	50.4	2.4	0.0	0.9	0.0	3.3	0.0	43.7	2.6	0.0	46.3	0.0	0.0	0.0	0.0	0.0	-
Lights	38	1918	0	0	1956	90	0	35	1	126	0	1682	99	1	1782	0	0	0	0	0	3864
% Lights	97.4	98.1	-	-	98.0	95.7	-	94.6	100.0	95.5	-	97.3	98.0	100.0	97.3	-	-	-	-	-	97.6
Mediums	1	32	0	0	33	4	0	2	0	6	0	41	2	0	43	0	0	0	0	0	82
% Mediums	2.6	1.6	-	-	1.7	4.3	-	5.4	0.0	4.5	-	2.4	2.0	0.0	2.3	-	-	-	-	-	2.1
Articulated Trucks	0	6	0	0	6	0	0	0	0	0	0	6	0	0	6	0	0	0	0	0	12
% Articulated Trucks	0.0	0.3	-	-	0.3	0.0	-	0.0	0.0	0.0	-	0.3	0.0	0.0	0.3	-	-	-	-	-	0.3

GRAM Traffic NTX Inc.

1120 W. Lovers Lane

Arlington, Texas, United States 76013
817.265.8968

Count Name: GRAYSTONE DR @ FRISCO RD
Site Code:
Start Date: 05/10/2022



Turning Movement Data Plot

GRAM Traffic NTX Inc.

1120 W. Lovers Lane

Arlington, Texas, United States 76013
817.265.8968

Count Name: GRAYSTONE DR @ FRISCO RD
Site Code:
Start Date: 05/10/2022

Turning Movement Peak Hour Data (7:15 AM)

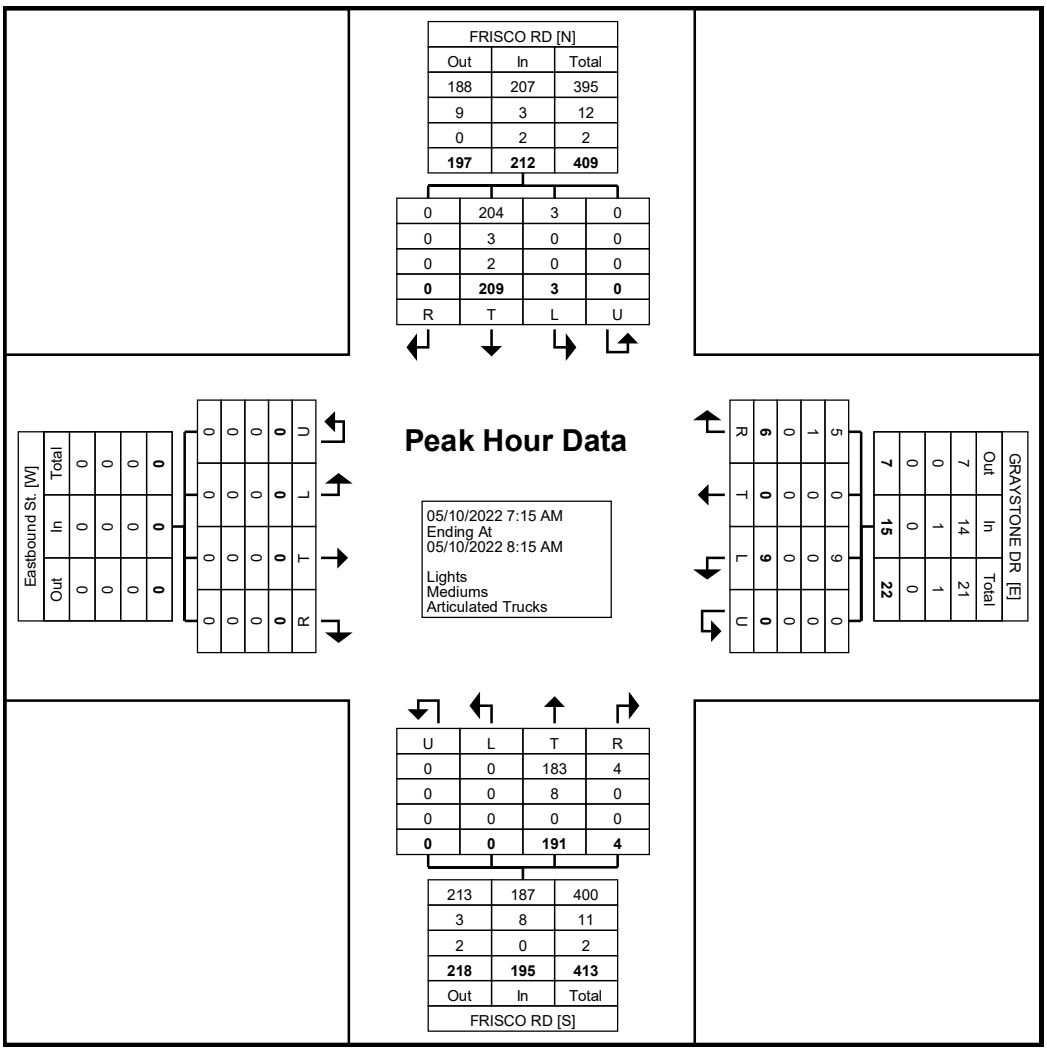
Start Time	FRISCO RD Southbound					GRAYSTONE DR Westbound					FRISCO RD Northbound					Eastbound St. Eastbound					Int. Total
	Left	Thru	Right	U-Turn	App. Total	Left	Thru	Right	U-Turn	App. Total	Left	Thru	Right	U-Turn	App. Total	Left	Thru	Right	U-Turn	App. Total	
7:15 AM	1	48	0	0	49	3	0	2	0	5	0	52	0	0	52	0	0	0	0	0	106
7:30 AM	1	54	0	0	55	2	0	3	0	5	0	76	0	0	76	0	0	0	0	0	136
7:45 AM	1	71	0	0	72	3	0	1	0	4	0	39	1	0	40	0	0	0	0	0	116
8:00 AM	0	36	0	0	36	1	0	0	0	1	0	24	3	0	27	0	0	0	0	0	64
Total	3	209	0	0	212	9	0	6	0	15	0	191	4	0	195	0	0	0	0	0	422
Approach %	1.4	98.6	0.0	0.0	-	60.0	0.0	40.0	0.0	-	0.0	97.9	2.1	0.0	-	0.0	0.0	0.0	0.0	-	-
Total %	0.7	49.5	0.0	0.0	50.2	2.1	0.0	1.4	0.0	3.6	0.0	45.3	0.9	0.0	46.2	0.0	0.0	0.0	0.0	0.0	-
PHF	0.750	0.736	0.000	0.000	0.736	0.750	0.000	0.500	0.000	0.750	0.000	0.628	0.333	0.000	0.641	0.000	0.000	0.000	0.000	0.000	0.776
Lights	3	204	0	0	207	9	0	5	0	14	0	183	4	0	187	0	0	0	0	0	408
% Lights	100.0	97.6	-	-	97.6	100.0	-	83.3	-	93.3	-	95.8	100.0	-	95.9	-	-	-	-	-	96.7
Mediums	0	3	0	0	3	0	0	1	0	1	0	8	0	0	8	0	0	0	0	0	12
% Mediums	0.0	1.4	-	-	1.4	0.0	-	16.7	-	6.7	-	4.2	0.0	-	4.1	-	-	-	-	-	2.8
Articulated Trucks	0	2	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2
% Articulated Trucks	0.0	1.0	-	-	0.9	0.0	-	0.0	-	0.0	-	0.0	0.0	-	0.0	-	-	-	-	-	0.5

GRAM Traffic NTX Inc.

1120 W. Lovers Lane

Arlington, Texas, United States 76013
817.265.8968

Count Name: GRAYSTONE DR @ FRISCO RD
Site Code:
Start Date: 05/10/2022



Turning Movement Peak Hour Data Plot (7:15 AM)

GRAM Traffic NTX Inc.

1120 W. Lovers Lane

Arlington, Texas, United States 76013
817.265.8968

Count Name: GRAYSTONE DR @ FRISCO RD
Site Code:
Start Date: 05/10/2022

Turning Movement Peak Hour Data (3:00 PM)

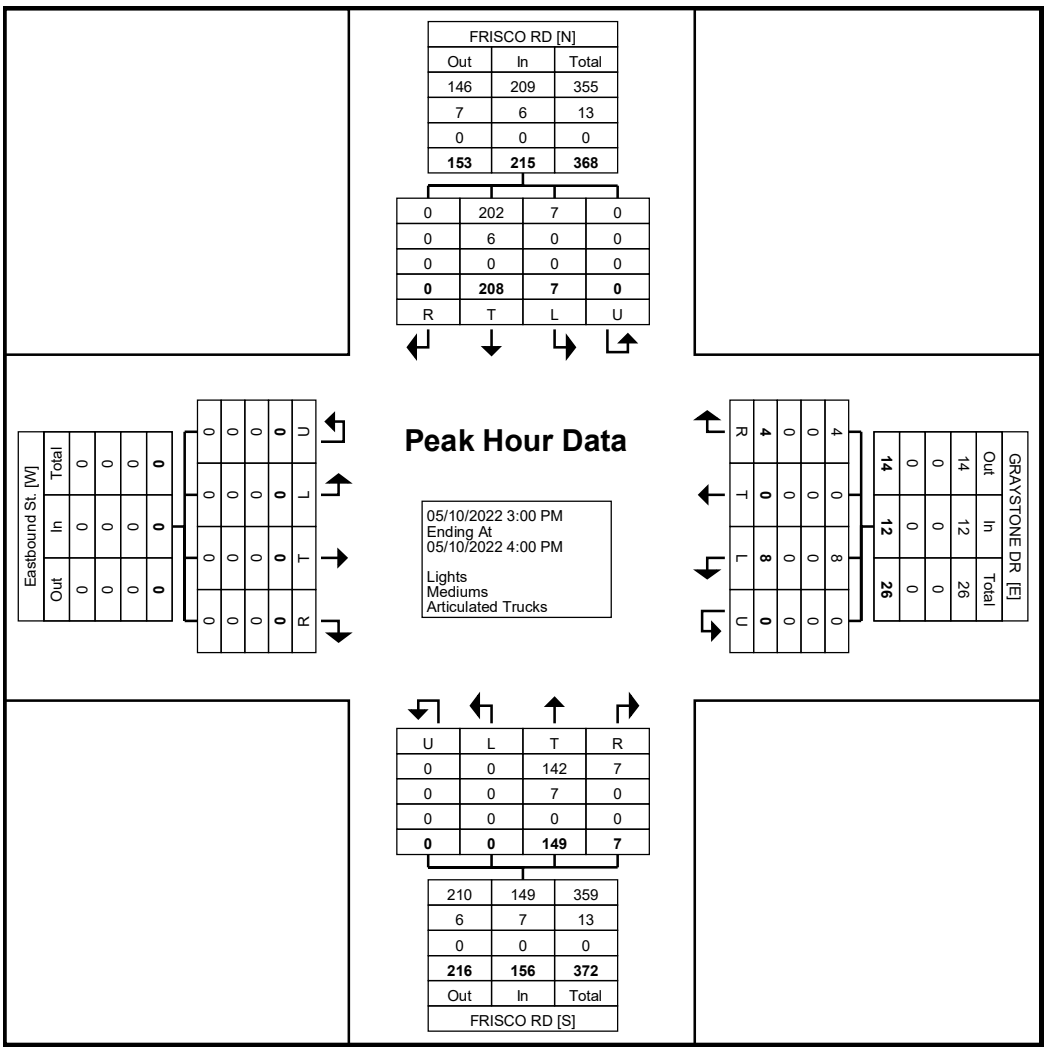
Start Time	FRISCO RD Southbound					GRAYSTONE DR Westbound					FRISCO RD Northbound					Eastbound St. Eastbound					
	Left	Thru	Right	U-Turn	App. Total	Left	Thru	Right	U-Turn	App. Total	Left	Thru	Right	U-Turn	App. Total	Left	Thru	Right	U-Turn	App. Total	Int. Total
3:00 PM	0	36	0	0	36	4	0	0	0	4	0	47	0	0	47	0	0	0	0	0	87
3:15 PM	3	56	0	0	59	1	0	2	0	3	0	47	1	0	48	0	0	0	0	0	110
3:30 PM	3	74	0	0	77	3	0	1	0	4	0	28	4	0	32	0	0	0	0	0	113
3:45 PM	1	42	0	0	43	0	0	1	0	1	0	27	2	0	29	0	0	0	0	0	73
Total	7	208	0	0	215	8	0	4	0	12	0	149	7	0	156	0	0	0	0	0	383
Approach %	3.3	96.7	0.0	0.0	-	66.7	0.0	33.3	0.0	-	0.0	95.5	4.5	0.0	-	0.0	0.0	0.0	0.0	-	-
Total %	1.8	54.3	0.0	0.0	56.1	2.1	0.0	1.0	0.0	3.1	0.0	38.9	1.8	0.0	40.7	0.0	0.0	0.0	0.0	0.0	-
PHF	0.583	0.703	0.000	0.000	0.698	0.500	0.000	0.500	0.000	0.750	0.000	0.793	0.438	0.000	0.813	0.000	0.000	0.000	0.000	0.000	0.847
Lights	7	202	0	0	209	8	0	4	0	12	0	142	7	0	149	0	0	0	0	0	370
% Lights	100.0	97.1	-	-	97.2	100.0	-	100.0	-	100.0	-	95.3	100.0	-	95.5	-	-	-	-	-	96.6
Mediums	0	6	0	0	6	0	0	0	0	0	0	7	0	0	7	0	0	0	0	0	13
% Mediums	0.0	2.9	-	-	2.8	0.0	-	0.0	-	0.0	-	4.7	0.0	-	4.5	-	-	-	-	-	3.4
Articulated Trucks	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
% Articulated Trucks	0.0	0.0	-	-	0.0	0.0	-	0.0	-	0.0	-	0.0	0.0	-	0.0	-	-	-	-	-	0.0

GRAM Traffic NTX Inc.

1120 W. Lovers Lane

Arlington, Texas, United States 76013
817.265.8968

Count Name: GRAYSTONE DR @ FRISCO RD
Site Code:
Start Date: 05/10/2022
Page No: 7



Turning Movement Peak Hour Data Plot (3:00 PM)

GRAM Traffic NTX Inc.

1120 W. Lovers Lane

Arlington, Texas, United States 76013
817.265.8968

Count Name: VILLAGE DR @ GRAYSTONE RD
Site Code:
Start Date: 05/10/2022

Turning Movement Data

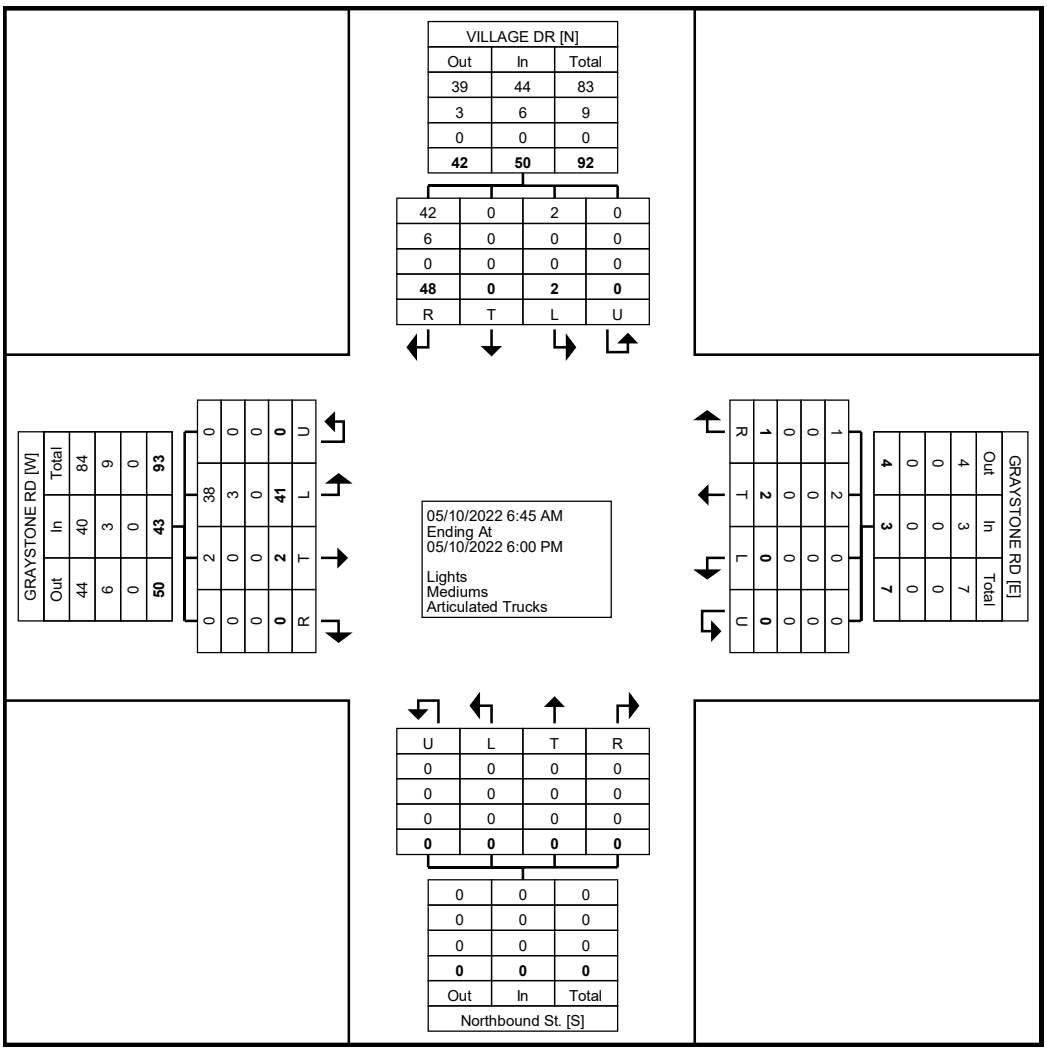
Start Time	VILLAGE DR Southbound					GRAYSTONE RD Westbound					Northbound St. Northbound					GRAYSTONE RD Eastbound					Int. Total
	Left	Thru	Right	U-Turn	App. Total	Left	Thru	Right	U-Turn	App. Total	Left	Thru	Right	U-Turn	App. Total	Left	Thru	Right	U-Turn	App. Total	
6:45 AM	0	0	2	0	2	0	0	0	0	0	0	0	0	0	0	3	0	0	0	3	5
Hourly Total	0	0	2	0	2	0	0	0	0	0	0	0	0	0	0	3	0	0	0	3	5
7:00 AM	0	0	7	0	7	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	7
7:15 AM	1	0	5	0	6	0	0	0	0	0	0	0	0	0	0	2	0	0	0	2	8
7:30 AM	1	0	5	0	6	0	0	0	0	0	0	0	0	0	0	1	0	0	0	1	7
7:45 AM	0	0	4	0	4	0	0	0	0	0	0	0	0	0	0	2	1	0	0	3	7
Hourly Total	2	0	21	0	23	0	0	0	0	0	0	0	0	0	0	5	1	0	0	6	29
8:00 AM	0	0	1	0	1	0	1	0	0	1	0	0	0	0	0	3	0	0	0	3	5
8:15 AM	0	0	2	0	2	0	0	0	0	0	0	0	0	0	0	2	0	0	0	2	4
8:30 AM	0	0	5	0	5	0	0	0	0	0	0	0	0	0	0	3	0	0	0	3	8
*** BREAK ***	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Hourly Total	0	0	8	0	8	0	1	0	0	1	0	0	0	0	0	8	0	0	0	8	17
4:00 PM	0	0	4	0	4	0	1	0	0	1	0	0	0	0	0	0	1	0	0	1	6
4:15 PM	0	0	2	0	2	0	0	0	0	0	0	0	0	0	0	4	0	0	0	4	6
4:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4	0	0	0	4	4
4:45 PM	0	0	3	0	3	0	0	0	0	0	0	0	0	0	0	6	0	0	0	6	9
Hourly Total	0	0	9	0	9	0	1	0	0	1	0	0	0	0	0	14	1	0	0	15	25
5:00 PM	0	0	2	0	2	0	0	0	0	0	0	0	0	0	0	4	0	0	0	4	6
5:15 PM	0	0	2	0	2	0	0	1	0	1	0	0	0	0	0	3	0	0	0	3	6
5:30 PM	0	0	3	0	3	0	0	0	0	0	0	0	0	0	0	2	0	0	0	2	5
5:45 PM	0	0	1	0	1	0	0	0	0	0	0	0	0	0	0	2	0	0	0	2	3
Hourly Total	0	0	8	0	8	0	0	1	0	1	0	0	0	0	0	11	0	0	0	11	20
Grand Total	2	0	48	0	50	0	2	1	0	3	0	0	0	0	0	41	2	0	0	43	96
Approach %	4.0	0.0	96.0	0.0	-	0.0	66.7	33.3	0.0	-	0.0	0.0	0.0	0.0	-	95.3	4.7	0.0	0.0	-	-
Total %	2.1	0.0	50.0	0.0	52.1	0.0	2.1	1.0	0.0	3.1	0.0	0.0	0.0	0.0	0.0	42.7	2.1	0.0	0.0	44.8	-
Lights	2	0	42	0	44	0	2	1	0	3	0	0	0	0	0	38	2	0	0	40	87
% Lights	100.0	-	87.5	-	88.0	-	100.0	100.0	-	100.0	-	-	-	-	-	92.7	100.0	-	-	93.0	90.6
Mediums	0	0	6	0	6	0	0	0	0	0	0	0	0	0	0	3	0	0	0	3	9
% Mediums	0.0	-	12.5	-	12.0	-	0.0	0.0	-	0.0	-	-	-	-	-	7.3	0.0	-	-	7.0	9.4
Articulated Trucks	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
% Articulated Trucks	0.0	-	0.0	-	0.0	-	0.0	0.0	-	0.0	-	-	-	-	-	0.0	0.0	-	-	0.0	0.0

GRAM Traffic NTX Inc.

1120 W. Lovers Lane

Arlington, Texas, United States 76013
817.265.8968

Count Name: VILLAGE DR @ GRAYSTONE RD
Site Code:
Start Date: 05/10/2022



Turning Movement Data Plot

GRAM Traffic NTX Inc.

1120 W. Lovers Lane

Arlington, Texas, United States 76013
817.265.8968

Count Name: VILLAGE DR @ GRAYSTONE RD
Site Code:
Start Date: 05/10/2022

Turning Movement Peak Hour Data (7:00 AM)

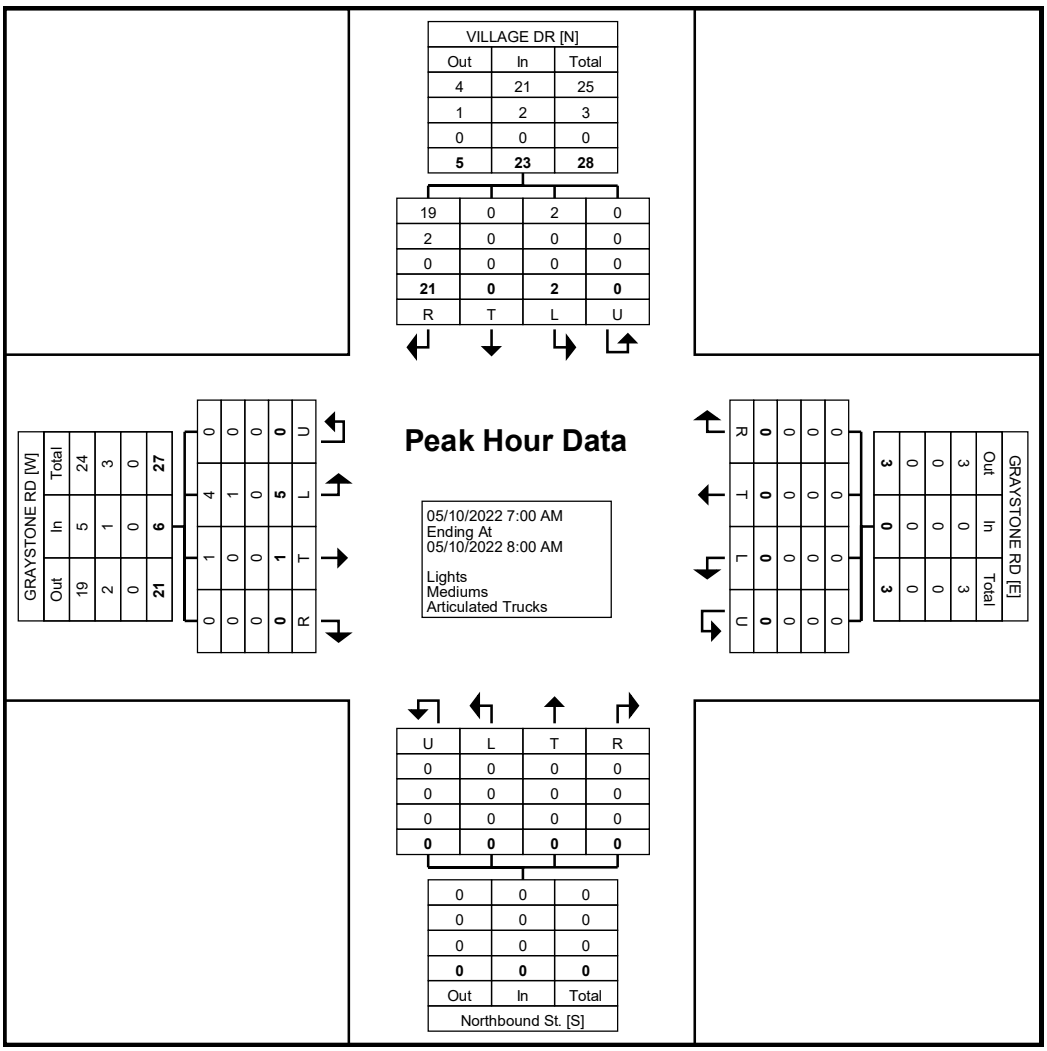
Start Time	VILLAGE DR Southbound					GRAYSTONE RD Westbound					Northbound St. Northbound					GRAYSTONE RD Eastbound					
	Left	Thru	Right	U-Turn	App. Total	Left	Thru	Right	U-Turn	App. Total	Left	Thru	Right	U-Turn	App. Total	Left	Thru	Right	U-Turn	App. Total	Int. Total
7:00 AM	0	0	7	0	7	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	7
7:15 AM	1	0	5	0	6	0	0	0	0	0	0	0	0	0	0	2	0	0	0	2	8
7:30 AM	1	0	5	0	6	0	0	0	0	0	0	0	0	0	0	1	0	0	0	1	7
7:45 AM	0	0	4	0	4	0	0	0	0	0	0	0	0	0	0	2	1	0	0	3	7
Total	2	0	21	0	23	0	0	0	0	0	0	0	0	0	0	5	1	0	0	6	29
Approach %	8.7	0.0	91.3	0.0	-	0.0	0.0	0.0	0.0	-	0.0	0.0	0.0	0.0	-	83.3	16.7	0.0	0.0	-	-
Total %	6.9	0.0	72.4	0.0	79.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	17.2	3.4	0.0	0.0	20.7	-
PHF	0.500	0.000	0.750	0.000	0.821	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.625	0.250	0.000	0.000	0.500	0.906
Lights	2	0	19	0	21	0	0	0	0	0	0	0	0	0	0	4	1	0	0	5	26
% Lights	100.0	-	90.5	-	91.3	-	-	-	-	-	-	-	-	-	-	80.0	100.0	-	-	83.3	89.7
Mediums	0	0	2	0	2	0	0	0	0	0	0	0	0	0	0	1	0	0	0	1	3
% Mediums	0.0	-	9.5	-	8.7	-	-	-	-	-	-	-	-	-	-	20.0	0.0	-	-	16.7	10.3
Articulated Trucks	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
% Articulated Trucks	0.0	-	0.0	-	0.0	-	-	-	-	-	-	-	-	-	-	0.0	0.0	-	-	0.0	0.0

GRAM Traffic NTX Inc.

1120 W. Lovers Lane

Arlington, Texas, United States 76013
817.265.8968

Count Name: VILLAGE DR @ GRAYSTONE RD
Site Code:
Start Date: 05/10/2022



Turning Movement Peak Hour Data Plot (7:00 AM)

GRAM Traffic NTX Inc.

1120 W. Lovers Lane

Arlington, Texas, United States 76013
817.265.8968

Count Name: VILLAGE DR @ GRAYSTONE RD
Site Code:
Start Date: 05/10/2022

Turning Movement Peak Hour Data (4:45 PM)

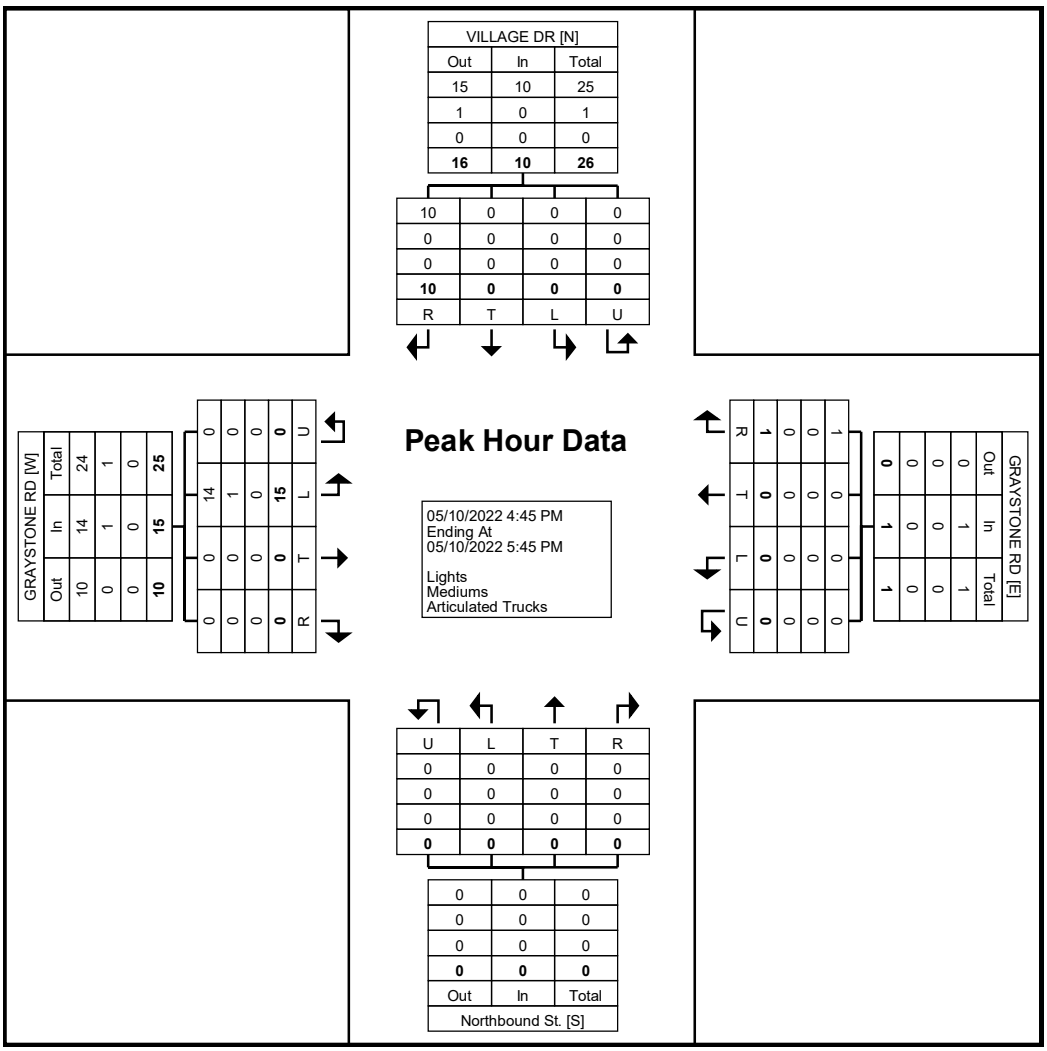
Start Time	VILLAGE DR Southbound					GRAYSTONE RD Westbound					Northbound St. Northbound					GRAYSTONE RD Eastbound					
	Left	Thru	Right	U-Turn	App. Total	Left	Thru	Right	U-Turn	App. Total	Left	Thru	Right	U-Turn	App. Total	Left	Thru	Right	U-Turn	App. Total	Int. Total
4:45 PM	0	0	3	0	3	0	0	0	0	0	0	0	0	0	0	6	0	0	0	6	9
5:00 PM	0	0	2	0	2	0	0	0	0	0	0	0	0	0	0	4	0	0	0	4	6
5:15 PM	0	0	2	0	2	0	0	1	0	1	0	0	0	0	0	3	0	0	0	3	6
5:30 PM	0	0	3	0	3	0	0	0	0	0	0	0	0	0	0	2	0	0	0	2	5
Total	0	0	10	0	10	0	0	1	0	1	0	0	0	0	0	15	0	0	0	15	26
Approach %	0.0	0.0	100.0	0.0	-	0.0	0.0	100.0	0.0	-	0.0	0.0	0.0	0.0	-	100.0	0.0	0.0	0.0	-	-
Total %	0.0	0.0	38.5	0.0	38.5	0.0	0.0	3.8	0.0	3.8	0.0	0.0	0.0	0.0	0.0	57.7	0.0	0.0	0.0	57.7	-
PHF	0.000	0.000	0.833	0.000	0.833	0.000	0.000	0.250	0.000	0.250	0.000	0.000	0.000	0.000	0.000	0.625	0.000	0.000	0.000	0.625	0.722
Lights	0	0	10	0	10	0	0	1	0	1	0	0	0	0	0	14	0	0	0	14	25
% Lights	-	-	100.0	-	100.0	-	-	100.0	-	100.0	-	-	-	-	-	93.3	-	-	-	93.3	96.2
Mediums	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	1	1
% Mediums	-	-	0.0	-	0.0	-	-	0.0	-	0.0	-	-	-	-	-	6.7	-	-	-	6.7	3.8
Articulated Trucks	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
% Articulated Trucks	-	-	0.0	-	0.0	-	-	0.0	-	0.0	-	-	-	-	-	0.0	-	-	-	0.0	0.0

GRAM Traffic NTX Inc.

1120 W. Lovers Lane

Arlington, Texas, United States 76013
817.265.8968

Count Name: VILLAGE DR @ GRAYSTONE RD
Site Code:
Start Date: 05/10/2022



Turning Movement Peak Hour Data Plot (4:45 PM)

GRAM Traffic NTX Inc.
1120 W. Lovers Lane

Arlington, Texas, United States 76013
817.265.8968 isaiah@gramntx.com

Count Name: SISTRUNK ST @ DRIPPING SPRING RD
Site Code:
Start Date: 05/10/2022

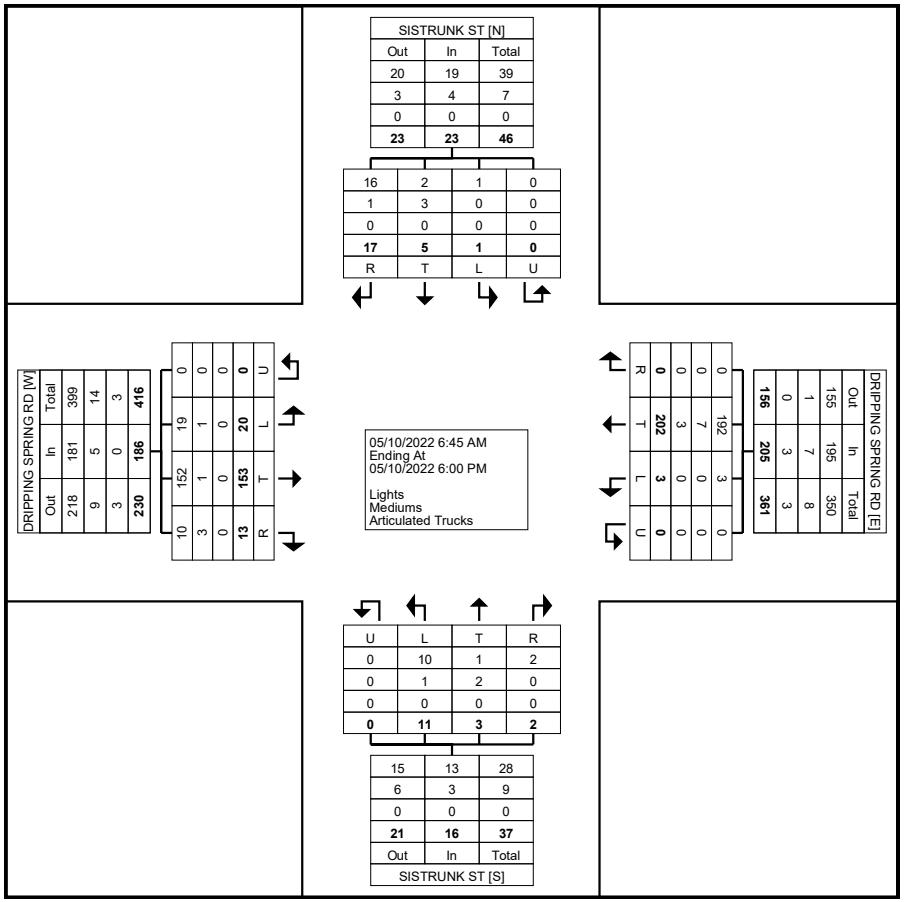
Turning Movement Data

Start Time	SISTRUNK ST Southbound					DRIPPING SPRING RD Westbound					SISTRUNK ST Northbound					DRIPPING SPRING RD Eastbound					
	Right	Thru	Left	U-Turn	App. Total	Right	Thru	Left	U-Turn	App. Total	Right	Thru	Left	U-Turn	App. Total	Right	Thru	Left	U-Turn	App. Total	Int. Total
6:45 AM	0	1	1	0	2	0	8	0	0	8	0	0	0	0	0	0	6	0	0	6	16
Hourly Total	0	1	1	0	2	0	8	0	0	8	0	0	0	0	0	0	6	0	0	6	16
7:00 AM	0	0	0	0	0	0	13	0	0	13	0	0	1	0	1	1	7	1	0	9	23
7:15 AM	1	0	0	0	1	0	19	0	0	19	0	0	1	0	1	0	5	1	0	6	27
7:30 AM	3	0	0	0	3	0	17	0	0	17	0	1	0	0	1	1	9	0	0	10	31
7:45 AM	3	1	0	0	4	0	19	0	0	19	1	0	2	0	3	0	5	0	0	5	31
Hourly Total	7	1	0	0	8	0	68	0	0	68	1	1	4	0	6	2	26	2	0	30	112
8:00 AM	0	0	0	0	0	0	15	0	0	15	0	0	0	0	0	0	6	0	0	6	21
8:15 AM	1	0	0	0	1	0	8	0	0	8	0	1	0	0	1	1	1	2	0	4	14
8:30 AM	0	0	0	0	0	0	9	0	0	9	0	0	2	0	2	1	7	2	0	10	21
*** BREAK ***	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Hourly Total	1	0	0	0	1	0	32	0	0	32	0	1	2	0	3	2	14	4	0	20	56
4:00 PM	1	1	0	0	2	0	9	1	0	10	0	0	0	0	0	4	12	1	0	17	29
4:15 PM	3	0	0	0	3	0	10	1	0	11	0	0	0	0	0	2	15	2	0	19	33
4:30 PM	1	0	0	0	1	0	15	0	0	15	1	0	1	0	2	0	13	0	0	13	31
4:45 PM	1	2	0	0	3	0	7	0	0	7	0	0	3	0	3	1	9	4	0	14	27
Hourly Total	6	3	0	0	9	0	41	2	0	43	1	0	4	0	5	7	49	7	0	63	120
5:00 PM	0	0	0	0	0	0	14	0	0	14	0	1	1	0	2	0	12	3	0	15	31
5:15 PM	1	0	0	0	1	0	18	0	0	18	0	0	0	0	0	0	18	2	0	20	39
5:30 PM	0	0	0	0	0	0	10	1	0	11	0	0	0	0	0	0	15	2	0	17	28
5:45 PM	2	0	0	0	2	0	11	0	0	11	0	0	0	0	0	2	13	0	0	15	28
Hourly Total	3	0	0	0	3	0	53	1	0	54	0	1	1	0	2	2	58	7	0	67	126
Grand Total	17	5	1	0	23	0	202	3	0	205	2	3	11	0	16	13	153	20	0	186	430
Approach %	73.9	21.7	4.3	0.0	-	0.0	98.5	1.5	0.0	-	12.5	18.8	68.8	0.0	-	7.0	82.3	10.8	0.0	-	-
Total %	4.0	1.2	0.2	0.0	5.3	0.0	47.0	0.7	0.0	47.7	0.5	0.7	2.6	0.0	3.7	3.0	35.6	4.7	0.0	43.3	-
Lights	16	2	1	0	19	0	192	3	0	195	2	1	10	0	13	10	152	19	0	181	408
% Lights	94.1	40.0	100.0	-	82.6	-	95.0	100.0	-	95.1	100.0	33.3	90.9	-	81.3	76.9	99.3	95.0	-	97.3	94.9
Mediums	1	3	0	0	4	0	7	0	0	7	0	2	1	0	3	3	1	1	0	5	19
% Mediums	5.9	60.0	0.0	-	17.4	-	3.5	0.0	-	3.4	0.0	66.7	9.1	-	18.8	23.1	0.7	5.0	-	2.7	4.4
Articulated Trucks	0	0	0	0	0	0	3	0	0	3	0	0	0	0	0	0	0	0	0	0	3
% Articulated Trucks	0.0	0.0	0.0	-	0.0	-	1.5	0.0	-	1.5	0.0	0.0	0.0	-	0.0	0.0	0.0	0.0	-	0.0	0.7

GRAM Traffic NTX Inc.
1120 W. Lovers Lane

Arlington, Texas, United States 76013
817.265.8968 isaiah@gramntx.com

Count Name: SISTRUNK ST @ DRIPPING SPRING RD
Site Code:
Start Date: 05/10/2022



Turning Movement Data Plot

GRAM Traffic NTX Inc.
1120 W. Lovers Lane

Arlington, Texas, United States 76013
817.265.8968 isaiah@gramntx.com

Count Name: SISTRUNK ST @ DRIPPING SPRING RD
Site Code:
Start Date: 05/10/2022

Turning Movement Peak Hour Data (7:00 AM)

Start Time	SISTRUNK ST Southbound					DRIPPING SPRING RD Westbound					SISTRUNK ST Northbound					DRIPPING SPRING RD Eastbound					
	Right	Thru	Left	U-Turn	App. Total	Right	Thru	Left	U-Turn	App. Total	Right	Thru	Left	U-Turn	App. Total	Right	Thru	Left	U-Turn	App. Total	Int. Total
7:00 AM	0	0	0	0	0	0	13	0	0	13	0	0	1	0	1	1	7	1	0	9	23
7:15 AM	1	0	0	0	1	0	19	0	0	19	0	0	1	0	1	0	5	1	0	6	27
7:30 AM	3	0	0	0	3	0	17	0	0	17	0	1	0	0	1	1	9	0	0	10	31
7:45 AM	3	1	0	0	4	0	19	0	0	19	1	0	2	0	3	0	5	0	0	5	31
Total	7	1	0	0	8	0	68	0	0	68	1	1	4	0	6	2	26	2	0	30	112
Approach %	87.5	12.5	0.0	0.0	-	0.0	100.0	0.0	0.0	-	16.7	16.7	66.7	0.0	-	6.7	86.7	6.7	0.0	-	-
Total %	6.3	0.9	0.0	0.0	7.1	0.0	60.7	0.0	0.0	60.7	0.9	0.9	3.6	0.0	5.4	1.8	23.2	1.8	0.0	26.8	-
PHF	0.583	0.250	0.000	0.000	0.500	0.000	0.895	0.000	0.000	0.895	0.250	0.250	0.500	0.000	0.500	0.500	0.722	0.500	0.000	0.750	0.903
Lights	7	0	0	0	7	0	64	0	0	64	1	0	4	0	5	1	26	1	0	28	104
% Lights	100.0	0.0	-	-	87.5	-	94.1	-	-	94.1	100.0	0.0	100.0	-	83.3	50.0	100.0	50.0	-	93.3	92.9
Mediums	0	1	0	0	1	0	2	0	0	2	0	1	0	0	1	1	0	1	0	2	6
% Mediums	0.0	100.0	-	-	12.5	-	2.9	-	-	2.9	0.0	100.0	0.0	-	16.7	50.0	0.0	50.0	-	6.7	5.4
Articulated Trucks	0	0	0	0	0	0	2	0	0	2	0	0	0	0	0	0	0	0	0	0	2
% Articulated Trucks	0.0	0.0	-	-	0.0	-	2.9	-	-	2.9	0.0	0.0	0.0	-	0.0	0.0	0.0	0.0	-	0.0	1.8

GRAM Traffic NTX Inc.
1120 W. Lovers Lane

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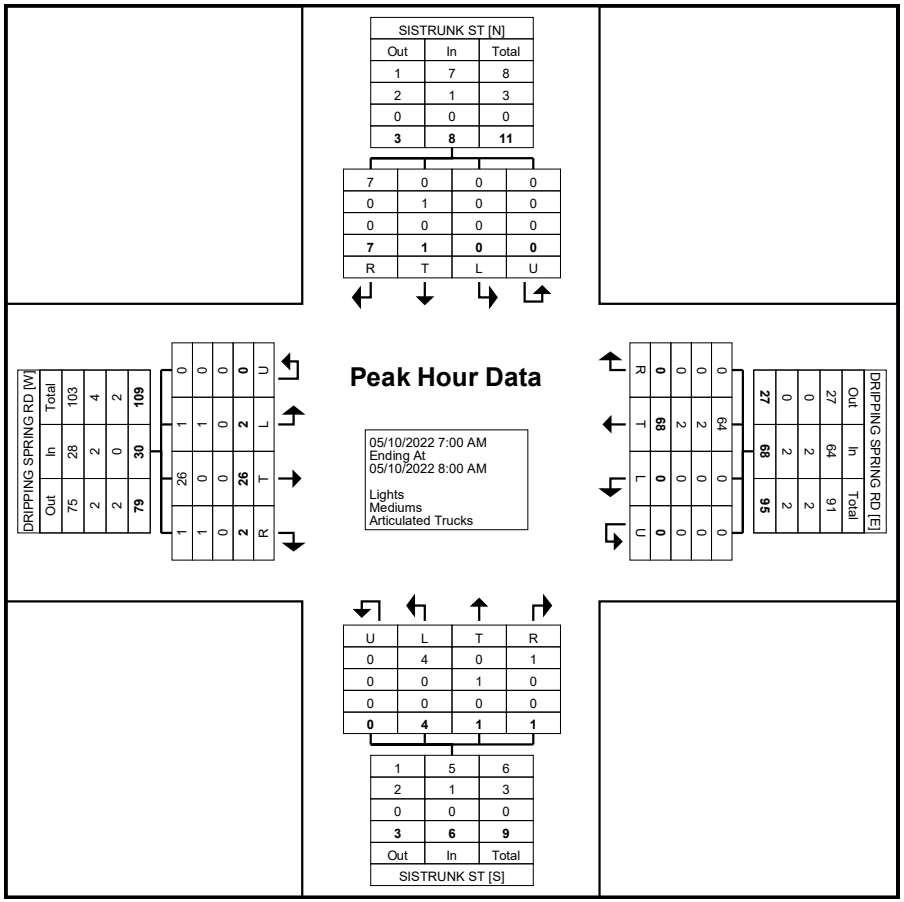
817.265.8968 isaiah@gramntx.com

Count Name: SISTRUNK ST @ DRIPPING SPRING RD
Site Code:
Start Date: 05/10/2022



Turning Movement Peak Hour Data Plot (7:00 AM)

GRAM Traffic NTX Inc.
1120 W. Lovers Lane

Arlington, Texas, United States 76013
817.265.8968 isaiah@gramntx.com

Count Name: SISTRUNK ST @ DRIPPING SPRING RD
Site Code:
Start Date: 05/10/2022

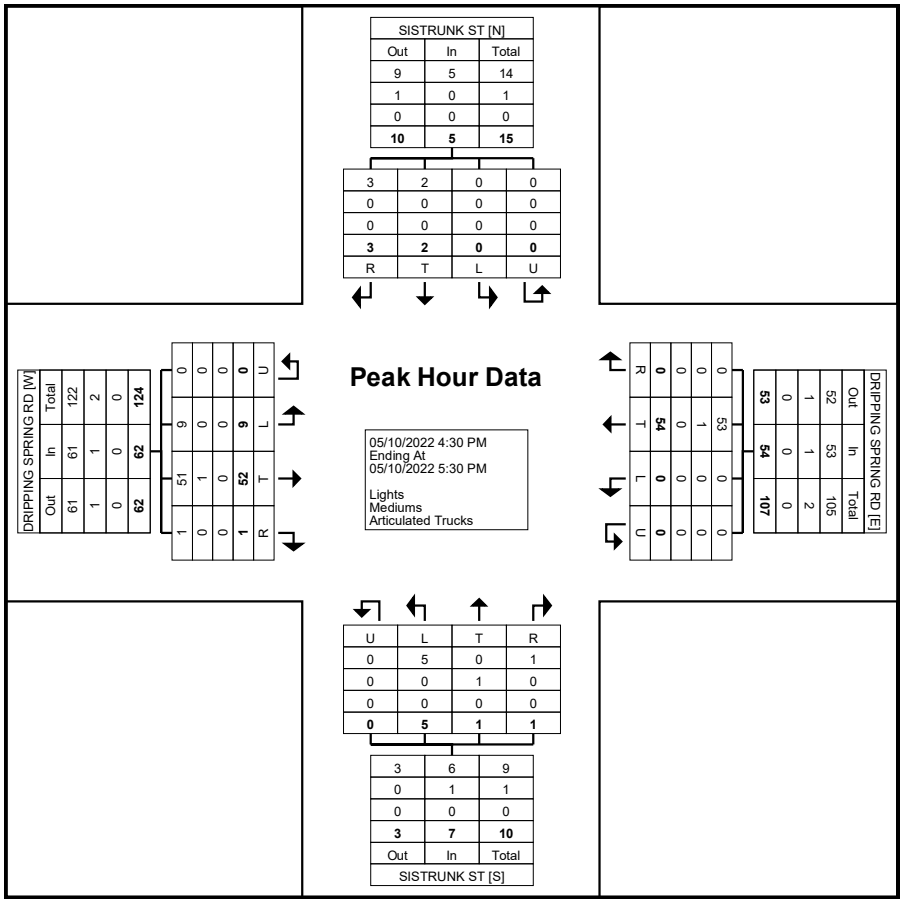
Turning Movement Peak Hour Data (4:30 PM)

Start Time	SISTRUNK ST Southbound					DRIPPING SPRING RD Westbound					SISTRUNK ST Northbound					DRIPPING SPRING RD Eastbound					
	Right	Thru	Left	U-Turn	App. Total	Right	Thru	Left	U-Turn	App. Total	Right	Thru	Left	U-Turn	App. Total	Right	Thru	Left	U-Turn	App. Total	Int. Total
4:30 PM	1	0	0	0	1	0	15	0	0	15	1	0	1	0	2	0	13	0	0	13	31
4:45 PM	1	2	0	0	3	0	7	0	0	7	0	0	3	0	3	1	9	4	0	14	27
5:00 PM	0	0	0	0	0	0	14	0	0	14	0	1	1	0	2	0	12	3	0	15	31
5:15 PM	1	0	0	0	1	0	18	0	0	18	0	0	0	0	0	0	18	2	0	20	39
Total	3	2	0	0	5	0	54	0	0	54	1	1	5	0	7	1	52	9	0	62	128
Approach %	60.0	40.0	0.0	0.0	-	0.0	100.0	0.0	0.0	-	14.3	14.3	71.4	0.0	-	1.6	83.9	14.5	0.0	-	-
Total %	2.3	1.6	0.0	0.0	3.9	0.0	42.2	0.0	0.0	42.2	0.8	0.8	3.9	0.0	5.5	0.8	40.6	7.0	0.0	48.4	-
PHF	0.750	0.250	0.000	0.000	0.417	0.000	0.750	0.000	0.000	0.750	0.250	0.250	0.417	0.000	0.583	0.250	0.722	0.563	0.000	0.775	0.821
Lights	3	2	0	0	5	0	53	0	0	53	1	0	5	0	6	1	51	9	0	61	125
% Lights	100.0	100.0	-	-	100.0	-	98.1	-	-	98.1	100.0	0.0	100.0	-	85.7	100.0	98.1	100.0	-	98.4	97.7
Mediums	0	0	0	0	0	0	1	0	0	1	0	1	0	0	1	0	1	0	0	1	3
% Mediums	0.0	0.0	-	-	0.0	-	1.9	-	-	1.9	0.0	100.0	0.0	-	14.3	0.0	1.9	0.0	-	1.6	2.3
Articulated Trucks	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
% Articulated Trucks	0.0	0.0	-	-	0.0	-	0.0	-	-	0.0	0.0	0.0	0.0	-	0.0	0.0	0.0	0.0	-	0.0	0.0

GRAM Traffic NTX Inc.
1120 W. Lovers Lane

Arlington, Texas, United States 76013
817.265.8968 isaiah@gramntx.com

Count Name: SISTRUNK ST @ DRIPPING SPRING RD
Site Code:
Start Date: 05/10/2022



Turning Movement Peak Hour Data Plot (4:30 PM)

Intersection	
Int Delay, s/veh	0.5

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	9	6	191	4	3	209
Future Vol, veh/h	9	6	191	4	3	209
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	78	78	78	78	78	78
Heavy Vehicles, %	2	17	4	2	2	2
Mvmt Flow	12	8	245	5	4	268

Major/Minor	Minor1		Major1		Major2	
Conflicting Flow All	524	248	0	0	250	0
Stage 1	248	-	-	-	-	-
Stage 2	276	-	-	-	-	-
Critical Hdwy	6.42	6.37	-	-	4.12	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.453	-	-	2.218	-
Pot Cap-1 Maneuver	514	755	-	-	1316	-
Stage 1	793	-	-	-	-	-
Stage 2	771	-	-	-	-	-
Platoon blocked, %			-	-		-
Mov Cap-1 Maneuver	512	755	-	-	1316	-
Mov Cap-2 Maneuver	512	-	-	-	-	-
Stage 1	793	-	-	-	-	-
Stage 2	768	-	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	11.3	0	0.1
HCM LOS	B		

Minor Lane/Major Mvmt	NBT	NBR	WBLn1	SBL	SBT
Capacity (veh/h)	-	-	588	1316	-
HCM Lane V/C Ratio	-	-	0.033	0.003	-
HCM Control Delay (s)	-	-	11.3	7.7	0
HCM Lane LOS	-	-	B	A	A
HCM 95th %tile Q(veh)	-	-	0.1	0	-

Intersection	
Int Delay, s/veh	7.8

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕			↕			↕			↕	
Traffic Vol, veh/h	5	1	0	0	0	0	0	0	0	2	0	21
Future Vol, veh/h	5	1	0	0	0	0	0	0	0	2	0	21
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	91	91	91	91	91	91	91	91	91	91	91	91
Heavy Vehicles, %	20	2	2	2	2	2	2	2	2	2	2	10
Mvmt Flow	5	1	0	0	0	0	0	0	0	2	0	23

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	1	0	0	1	0	0	24	12	1	12	12	1
Stage 1	-	-	-	-	-	-	11	11	-	1	1	-
Stage 2	-	-	-	-	-	-	13	1	-	11	11	-
Critical Hdwy	4.3	-	-	4.12	-	-	7.12	6.52	6.22	7.12	6.52	6.3
Critical Hdwy Stg 1	-	-	-	-	-	-	6.12	5.52	-	6.12	5.52	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.12	5.52	-	6.12	5.52	-
Follow-up Hdwy	2.38	-	-	2.218	-	-	3.518	4.018	3.318	3.518	4.018	3.39
Pot Cap-1 Maneuver	1511	-	-	1622	-	-	987	883	1084	1005	883	1061
Stage 1	-	-	-	-	-	-	1010	886	-	1022	895	-
Stage 2	-	-	-	-	-	-	1007	895	-	1010	886	-
Platoon blocked, %		-	-		-	-						
Mov Cap-1 Maneuver	1511	-	-	1622	-	-	963	880	1084	1003	880	1061
Mov Cap-2 Maneuver	-	-	-	-	-	-	963	880	-	1003	880	-
Stage 1	-	-	-	-	-	-	1007	883	-	1019	895	-
Stage 2	-	-	-	-	-	-	985	895	-	1007	883	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	6.2	0	0	8.5
HCM LOS			A	A

Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	-	1511	-	-	1622	-	-	1056
HCM Lane V/C Ratio	-	0.004	-	-	-	-	-	0.024
HCM Control Delay (s)	0	7.4	0	-	0	-	-	8.5
HCM Lane LOS	A	A	A	-	A	-	-	A
HCM 95th %tile Q(veh)	-	0	-	-	0	-	-	0.1

Intersection	
Int Delay, s/veh	1.3

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕			↕			↕			↕	
Traffic Vol, veh/h	2	26	2	0	68	0	4	1	1	0	1	7
Future Vol, veh/h	2	26	2	0	68	0	4	1	1	0	1	7
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	90	90	90	90	90	90	90	90	90	90	90	90
Heavy Vehicles, %	50	2	50	2	6	2	2	100	2	2	100	2
Mvmt Flow	2	29	2	0	76	0	4	1	1	0	1	8

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	76	0	0	31	0	0	115	110	30	111	111	76
Stage 1	-	-	-	-	-	-	34	34	-	76	76	-
Stage 2	-	-	-	-	-	-	81	76	-	35	35	-
Critical Hdwy	4.6	-	-	4.12	-	-	7.12	7.5	6.22	7.12	7.5	6.22
Critical Hdwy Stg 1	-	-	-	-	-	-	6.12	6.5	-	6.12	6.5	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.12	6.5	-	6.12	6.5	-
Follow-up Hdwy	2.65	-	-	2.218	-	-	3.518	4.9	3.318	3.518	4.9	3.318
Pot Cap-1 Maneuver	1268	-	-	1582	-	-	862	629	1044	867	628	985
Stage 1	-	-	-	-	-	-	982	707	-	933	674	-
Stage 2	-	-	-	-	-	-	927	674	-	981	706	-
Platoon blocked, %		-	-		-	-						
Mov Cap-1 Maneuver	1268	-	-	1582	-	-	853	628	1044	864	627	985
Mov Cap-2 Maneuver	-	-	-	-	-	-	853	628	-	864	627	-
Stage 1	-	-	-	-	-	-	980	706	-	931	674	-
Stage 2	-	-	-	-	-	-	918	674	-	976	705	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	0.5	0	9.4	9
HCM LOS			A	A

Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	829	1268	-	-	1582	-	-	919
HCM Lane V/C Ratio	0.008	0.002	-	-	-	-	-	0.01
HCM Control Delay (s)	9.4	7.8	0	-	0	-	-	9
HCM Lane LOS	A	A	A	-	A	-	-	A
HCM 95th %tile Q(veh)	0	0	-	-	0	-	-	0

Intersection	
Int Delay, s/veh	0.5

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	8	4	149	7	7	208
Future Vol, veh/h	8	4	149	7	7	208
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	78	78	78	78	78	78
Heavy Vehicles, %	2	17	4	2	2	2
Mvmt Flow	10	5	191	9	9	267

Major/Minor	Minor1		Major1		Major2	
Conflicting Flow All	481	196	0	0	200	0
Stage 1	196	-	-	-	-	-
Stage 2	285	-	-	-	-	-
Critical Hdwy	6.42	6.37	-	-	4.12	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.453	-	-	2.218	-
Pot Cap-1 Maneuver	544	808	-	-	1372	-
Stage 1	837	-	-	-	-	-
Stage 2	763	-	-	-	-	-
Platoon blocked, %			-	-		-
Mov Cap-1 Maneuver	540	808	-	-	1372	-
Mov Cap-2 Maneuver	540	-	-	-	-	-
Stage 1	837	-	-	-	-	-
Stage 2	757	-	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	11.1	0	0.2
HCM LOS	B		

Minor Lane/Major Mvmt	NBT	NBR	WBLn1	SBL	SBT
Capacity (veh/h)	-	-	607	1372	-
HCM Lane V/C Ratio	-	-	0.025	0.007	-
HCM Control Delay (s)	-	-	11.1	7.6	0
HCM Lane LOS	-	-	B	A	A
HCM 95th %tile Q(veh)	-	-	0.1	0	-

Intersection	
Int Delay, s/veh	4.3

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕			↕			↕			↕	
Traffic Vol, veh/h	15	0	0	0	0	1	0	0	0	0	0	10
Future Vol, veh/h	15	0	0	0	0	1	0	0	0	0	0	10
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	91	91	91	91	91	91	91	91	91	91	91	91
Heavy Vehicles, %	20	2	2	2	2	2	2	2	2	2	2	10
Mvmt Flow	16	0	0	0	0	1	0	0	0	0	0	11

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	1	0	0	0	0	0	38	33	0	33	33	1
Stage 1	-	-	-	-	-	-	32	32	-	1	1	-
Stage 2	-	-	-	-	-	-	6	1	-	32	32	-
Critical Hdwy	4.3	-	-	4.12	-	-	7.12	6.52	6.22	7.12	6.52	6.3
Critical Hdwy Stg 1	-	-	-	-	-	-	6.12	5.52	-	6.12	5.52	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.12	5.52	-	6.12	5.52	-
Follow-up Hdwy	2.38	-	-	2.218	-	-	3.518	4.018	3.318	3.518	4.018	3.39
Pot Cap-1 Maneuver	1511	-	-	-	-	-	967	860	-	974	860	1061
Stage 1	-	-	-	-	-	-	984	868	-	1022	895	-
Stage 2	-	-	-	-	-	-	1016	895	-	984	868	-
Platoon blocked, %		-	-		-	-						
Mov Cap-1 Maneuver	1511	-	-	-	-	-	949	851	-	-	851	1061
Mov Cap-2 Maneuver	-	-	-	-	-	-	949	851	-	-	851	-
Stage 1	-	-	-	-	-	-	973	858	-	1011	895	-
Stage 2	-	-	-	-	-	-	1005	895	-	973	858	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	7.4	0	0	
HCM LOS			A	-

Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	-	1511	-	-	-	-	-	-
HCM Lane V/C Ratio	-	0.011	-	-	-	-	-	-
HCM Control Delay (s)	0	7.4	0	-	0	-	-	-
HCM Lane LOS	A	A	A	-	A	-	-	-
HCM 95th %tile Q(veh)	-	0	-	-	-	-	-	-

Intersection	
Int Delay, s/veh	1.4

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕			↕			↕			↕	
Traffic Vol, veh/h	9	52	1	0	54	0	5	1	1	0	2	3
Future Vol, veh/h	9	52	1	0	54	0	5	1	1	0	2	3
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	90	90	90	90	90	90	90	90	90	90	90	90
Heavy Vehicles, %	50	2	50	2	6	2	2	100	2	2	100	2
Mvmt Flow	10	58	1	0	60	0	6	1	1	0	2	3

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	60	0	0	59	0	0	142	139	59	140	139	60
Stage 1	-	-	-	-	-	-	79	79	-	60	60	-
Stage 2	-	-	-	-	-	-	63	60	-	80	79	-
Critical Hdwy	4.6	-	-	4.12	-	-	7.12	7.5	6.22	7.12	7.5	6.22
Critical Hdwy Stg 1	-	-	-	-	-	-	6.12	6.5	-	6.12	6.5	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.12	6.5	-	6.12	6.5	-
Follow-up Hdwy	2.65	-	-	2.218	-	-	3.518	4.9	3.318	3.518	4.9	3.318
Pot Cap-1 Maneuver	1286	-	-	1545	-	-	828	604	1007	830	604	1005
Stage 1	-	-	-	-	-	-	930	672	-	951	687	-
Stage 2	-	-	-	-	-	-	948	687	-	929	672	-
Platoon blocked, %		-	-		-	-						
Mov Cap-1 Maneuver	1286	-	-	1545	-	-	818	599	1007	823	599	1005
Mov Cap-2 Maneuver	-	-	-	-	-	-	818	599	-	823	599	-
Stage 1	-	-	-	-	-	-	923	667	-	943	687	-
Stage 2	-	-	-	-	-	-	942	687	-	919	667	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	1.1	0	9.6	9.6
HCM LOS			A	A

Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	798	1286	-	-	1545	-	-	791
HCM Lane V/C Ratio	0.01	0.008	-	-	-	-	-	0.007
HCM Control Delay (s)	9.6	7.8	0	-	0	-	-	9.6
HCM Lane LOS	A	A	A	-	A	-	-	A
HCM 95th %tile Q(veh)	0	0	-	-	0	-	-	0

Intersection	
Int Delay, s/veh	0.5

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	10	7	215	5	3	235
Future Vol, veh/h	10	7	215	5	3	235
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	78	78	78	78	78	78
Heavy Vehicles, %	2	17	4	2	2	2
Mvmt Flow	13	9	276	6	4	301

Major/Minor	Minor1		Major1		Major2	
Conflicting Flow All	588	279	0	0	282	0
Stage 1	279	-	-	-	-	-
Stage 2	309	-	-	-	-	-
Critical Hdwy	6.42	6.37	-	-	4.12	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.453	-	-	2.218	-
Pot Cap-1 Maneuver	471	725	-	-	1280	-
Stage 1	768	-	-	-	-	-
Stage 2	745	-	-	-	-	-
Platoon blocked, %			-	-		-
Mov Cap-1 Maneuver	469	725	-	-	1280	-
Mov Cap-2 Maneuver	469	-	-	-	-	-
Stage 1	768	-	-	-	-	-
Stage 2	742	-	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	11.8	0	0.1
HCM LOS	B		

Minor Lane/Major Mvmt	NBT	NBR	WBLn1	SBL	SBT
Capacity (veh/h)	-	-	549	1280	-
HCM Lane V/C Ratio	-	-	0.04	0.003	-
HCM Control Delay (s)	-	-	11.8	7.8	0
HCM Lane LOS	-	-	B	A	A
HCM 95th %tile Q(veh)	-	-	0.1	0	-

Intersection	
Int Delay, s/veh	7.8

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕			↕			↕			↕	
Traffic Vol, veh/h	6	1	0	0	0	0	0	0	0	2	0	24
Future Vol, veh/h	6	1	0	0	0	0	0	0	0	2	0	24
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	91	91	91	91	91	91	91	91	91	91	91	91
Heavy Vehicles, %	20	2	2	2	2	2	2	2	2	2	2	10
Mvmt Flow	7	1	0	0	0	0	0	0	0	2	0	26

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	1	0	0	1	0	0	29	16	1	16	16	1
Stage 1	-	-	-	-	-	-	15	15	-	1	1	-
Stage 2	-	-	-	-	-	-	14	1	-	15	15	-
Critical Hdwy	4.3	-	-	4.12	-	-	7.12	6.52	6.22	7.12	6.52	6.3
Critical Hdwy Stg 1	-	-	-	-	-	-	6.12	5.52	-	6.12	5.52	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.12	5.52	-	6.12	5.52	-
Follow-up Hdwy	2.38	-	-	2.218	-	-	3.518	4.018	3.318	3.518	4.018	3.39
Pot Cap-1 Maneuver	1511	-	-	1622	-	-	980	878	1084	999	878	1061
Stage 1	-	-	-	-	-	-	1005	883	-	1022	895	-
Stage 2	-	-	-	-	-	-	1006	895	-	1005	883	-
Platoon blocked, %		-	-		-	-						
Mov Cap-1 Maneuver	1511	-	-	1622	-	-	952	874	1084	995	874	1061
Mov Cap-2 Maneuver	-	-	-	-	-	-	952	874	-	995	874	-
Stage 1	-	-	-	-	-	-	1000	879	-	1017	895	-
Stage 2	-	-	-	-	-	-	981	895	-	1000	879	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	6.3	0	0	8.5
HCM LOS			A	A

Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	-	1511	-	-	1622	-	-	1056
HCM Lane V/C Ratio	-	0.004	-	-	-	-	-	0.027
HCM Control Delay (s)	0	7.4	0	-	0	-	-	8.5
HCM Lane LOS	A	A	A	-	A	-	-	A
HCM 95th %tile Q(veh)	-	0	-	-	0	-	-	0.1

Intersection	
Int Delay, s/veh	1.3

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕			↕			↕			↕	
Traffic Vol, veh/h	2	30	2	0	78	0	5	1	1	0	1	8
Future Vol, veh/h	2	30	2	0	78	0	5	1	1	0	1	8
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	90	90	90	90	90	90	90	90	90	90	90	90
Heavy Vehicles, %	50	2	50	2	6	2	2	100	2	2	100	2
Mvmt Flow	2	33	2	0	87	0	6	1	1	0	1	9

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	87	0	0	35	0	0	130	125	34	126	126	87
Stage 1	-	-	-	-	-	-	38	38	-	87	87	-
Stage 2	-	-	-	-	-	-	92	87	-	39	39	-
Critical Hdwy	4.6	-	-	4.12	-	-	7.12	7.5	6.22	7.12	7.5	6.22
Critical Hdwy Stg 1	-	-	-	-	-	-	6.12	6.5	-	6.12	6.5	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.12	6.5	-	6.12	6.5	-
Follow-up Hdwy	2.65	-	-	2.218	-	-	3.518	4.9	3.318	3.518	4.9	3.318
Pot Cap-1 Maneuver	1255	-	-	1576	-	-	843	616	1039	848	615	971
Stage 1	-	-	-	-	-	-	977	704	-	921	666	-
Stage 2	-	-	-	-	-	-	915	666	-	976	703	-
Platoon blocked, %		-	-		-	-						
Mov Cap-1 Maneuver	1255	-	-	1576	-	-	833	615	1039	845	614	971
Mov Cap-2 Maneuver	-	-	-	-	-	-	833	615	-	845	614	-
Stage 1	-	-	-	-	-	-	975	703	-	919	666	-
Stage 2	-	-	-	-	-	-	905	666	-	971	702	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	0.5	0	9.5	9
HCM LOS			A	A

Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	815	1255	-	-	1576	-	-	912
HCM Lane V/C Ratio	0.01	0.002	-	-	-	-	-	0.011
HCM Control Delay (s)	9.5	7.9	0	-	0	-	-	9
HCM Lane LOS	A	A	A	-	A	-	-	A
HCM 95th %tile Q(veh)	0	0	-	-	0	-	-	0

Intersection	
Int Delay, s/veh	0.5

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	9	5	168	8	8	234
Future Vol, veh/h	9	5	168	8	8	234
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	78	78	78	78	78	78
Heavy Vehicles, %	2	17	4	2	2	2
Mvmt Flow	12	6	215	10	10	300

Major/Minor	Minor1		Major1		Major2	
Conflicting Flow All	540	220	0	0	225	0
Stage 1	220	-	-	-	-	-
Stage 2	320	-	-	-	-	-
Critical Hdwy	6.42	6.37	-	-	4.12	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.453	-	-	2.218	-
Pot Cap-1 Maneuver	503	784	-	-	1344	-
Stage 1	817	-	-	-	-	-
Stage 2	736	-	-	-	-	-
Platoon blocked, %			-	-		-
Mov Cap-1 Maneuver	498	784	-	-	1344	-
Mov Cap-2 Maneuver	498	-	-	-	-	-
Stage 1	817	-	-	-	-	-
Stage 2	729	-	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	11.5	0	0.3
HCM LOS	B		

Minor Lane/Major Mvmt	NBT	NBR	WBLn1	SBL	SBT
Capacity (veh/h)	-	-	573	1344	-
HCM Lane V/C Ratio	-	-	0.031	0.008	-
HCM Control Delay (s)	-	-	11.5	7.7	0
HCM Lane LOS	-	-	B	A	A
HCM 95th %tile Q(veh)	-	-	0.1	0	-

Intersection	
Int Delay, s/veh	4.3

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕			↕			↕			↕	
Traffic Vol, veh/h	17	0	0	0	0	1	0	0	0	0	0	11
Future Vol, veh/h	17	0	0	0	0	1	0	0	0	0	0	11
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	91	91	91	91	91	91	91	91	91	91	91	91
Heavy Vehicles, %	20	2	2	2	2	2	2	2	2	2	2	10
Mvmt Flow	19	0	0	0	0	1	0	0	0	0	0	12

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	1	0	0	0	0	0	45	39	0	39	39	1
Stage 1	-	-	-	-	-	-	38	38	-	1	1	-
Stage 2	-	-	-	-	-	-	7	1	-	38	38	-
Critical Hdwy	4.3	-	-	4.12	-	-	7.12	6.52	6.22	7.12	6.52	6.3
Critical Hdwy Stg 1	-	-	-	-	-	-	6.12	5.52	-	6.12	5.52	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.12	5.52	-	6.12	5.52	-
Follow-up Hdwy	2.38	-	-	2.218	-	-	3.518	4.018	3.318	3.518	4.018	3.39
Pot Cap-1 Maneuver	1511	-	-	-	-	-	957	853	-	966	853	1061
Stage 1	-	-	-	-	-	-	977	863	-	1022	895	-
Stage 2	-	-	-	-	-	-	1015	895	-	977	863	-
Platoon blocked, %		-	-		-	-						
Mov Cap-1 Maneuver	1511	-	-	-	-	-	937	842	-	-	842	1061
Mov Cap-2 Maneuver	-	-	-	-	-	-	937	842	-	-	842	-
Stage 1	-	-	-	-	-	-	964	852	-	1009	895	-
Stage 2	-	-	-	-	-	-	1003	895	-	964	852	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	7.4	0	0	
HCM LOS			A	-

Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	-	1511	-	-	-	-	-	-
HCM Lane V/C Ratio	-	0.012	-	-	-	-	-	-
HCM Control Delay (s)	0	7.4	0	-	0	-	-	-
HCM Lane LOS	A	A	A	-	A	-	-	-
HCM 95th %tile Q(veh)	-	0	-	-	-	-	-	-

Intersection	
Int Delay, s/veh	1.4

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕			↕			↕			↕	
Traffic Vol, veh/h	10	60	1	0	62	0	6	1	1	0	2	3
Future Vol, veh/h	10	60	1	0	62	0	6	1	1	0	2	3
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	90	90	90	90	90	90	90	90	90	90	90	90
Heavy Vehicles, %	50	2	50	2	6	2	2	100	2	2	100	2
Mvmt Flow	11	67	1	0	69	0	7	1	1	0	2	3

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	69	0	0	68	0	0	162	159	68	160	159	69
Stage 1	-	-	-	-	-	-	90	90	-	69	69	-
Stage 2	-	-	-	-	-	-	72	69	-	91	90	-
Critical Hdwy	4.6	-	-	4.12	-	-	7.12	7.5	6.22	7.12	7.5	6.22
Critical Hdwy Stg 1	-	-	-	-	-	-	6.12	6.5	-	6.12	6.5	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.12	6.5	-	6.12	6.5	-
Follow-up Hdwy	2.65	-	-	2.218	-	-	3.518	4.9	3.318	3.518	4.9	3.318
Pot Cap-1 Maneuver	1276	-	-	1533	-	-	803	587	995	806	587	994
Stage 1	-	-	-	-	-	-	917	664	-	941	680	-
Stage 2	-	-	-	-	-	-	938	680	-	916	664	-
Platoon blocked, %		-	-		-	-						
Mov Cap-1 Maneuver	1276	-	-	1533	-	-	793	582	995	799	582	994
Mov Cap-2 Maneuver	-	-	-	-	-	-	793	582	-	799	582	-
Stage 1	-	-	-	-	-	-	909	658	-	933	680	-
Stage 2	-	-	-	-	-	-	932	680	-	905	658	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	1.1	0	9.7	9.7
HCM LOS			A	A

Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	777	1276	-	-	1533	-	-	775
HCM Lane V/C Ratio	0.011	0.009	-	-	-	-	-	0.007
HCM Control Delay (s)	9.7	7.8	0	-	0	-	-	9.7
HCM Lane LOS	A	A	A	-	A	-	-	A
HCM 95th %tile Q(veh)	0	0	-	-	0	-	-	0

Intersection	
Int Delay, s/veh	7.3

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	77	149	215	108	83	235
Future Vol, veh/h	77	149	215	108	83	235
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	78	78	78	78	78	78
Heavy Vehicles, %	2	17	4	2	2	2
Mvmt Flow	99	191	276	138	106	301

Major/Minor	Minor1		Major1		Major2	
Conflicting Flow All	858	345	0	0	414	0
Stage 1	345	-	-	-	-	-
Stage 2	513	-	-	-	-	-
Critical Hdwy	6.42	6.37	-	-	4.12	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.453	-	-	2.218	-
Pot Cap-1 Maneuver	327	665	-	-	1145	-
Stage 1	717	-	-	-	-	-
Stage 2	601	-	-	-	-	-
Platoon blocked, %			-	-		-
Mov Cap-1 Maneuver	291	665	-	-	1145	-
Mov Cap-2 Maneuver	291	-	-	-	-	-
Stage 1	717	-	-	-	-	-
Stage 2	534	-	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	25	0	2.2
HCM LOS	D		

Minor Lane/Major Mvmt	NBT	NBR	WBLn1	SBL	SBT
Capacity (veh/h)	-	-	462	1145	-
HCM Lane V/C Ratio	-	-	0.627	0.093	-
HCM Control Delay (s)	-	-	25	8.5	0
HCM Lane LOS	-	-	D	A	A
HCM 95th %tile Q(veh)	-	-	4.2	0.3	-

Intersection	
Int Delay, s/veh	2.3

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		⇕			⇕			⇕			⇕	
Traffic Vol, veh/h	6	117	23	0	118	19	19	0	19	14	0	24
Future Vol, veh/h	6	117	23	0	118	19	19	0	19	14	0	24
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	91	91	91	91	91	91	91	91	91	91	91	91
Heavy Vehicles, %	20	2	2	2	2	2	2	2	2	2	2	10
Mvmt Flow	7	129	25	0	130	21	21	0	21	15	0	26

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	151	0	0	154	0	0	310	307	142	307	309	141
Stage 1	-	-	-	-	-	-	156	156	-	141	141	-
Stage 2	-	-	-	-	-	-	154	151	-	166	168	-
Critical Hdwy	4.3	-	-	4.12	-	-	7.12	6.52	6.22	7.12	6.52	6.3
Critical Hdwy Stg 1	-	-	-	-	-	-	6.12	5.52	-	6.12	5.52	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.12	5.52	-	6.12	5.52	-
Follow-up Hdwy	2.38	-	-	2.218	-	-	3.518	4.018	3.318	3.518	4.018	3.39
Pot Cap-1 Maneuver	1327	-	-	1426	-	-	642	607	906	645	605	886
Stage 1	-	-	-	-	-	-	846	769	-	862	780	-
Stage 2	-	-	-	-	-	-	848	772	-	836	759	-
Platoon blocked, %		-	-		-	-						
Mov Cap-1 Maneuver	1327	-	-	1426	-	-	620	603	906	627	601	886
Mov Cap-2 Maneuver	-	-	-	-	-	-	620	603	-	627	601	-
Stage 1	-	-	-	-	-	-	841	764	-	857	780	-
Stage 2	-	-	-	-	-	-	823	772	-	812	754	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	0.3	0	10.2	10
HCM LOS			B	B

Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	736	1327	-	-	1426	-	-	769
HCM Lane V/C Ratio	0.057	0.005	-	-	-	-	-	0.054
HCM Control Delay (s)	10.2	7.7	0	-	0	-	-	10
HCM Lane LOS	B	A	A	-	A	-	-	B
HCM 95th %tile Q(veh)	0.2	0	-	-	0	-	-	0.2

Intersection	
Int Delay, s/veh	2.7

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕			↕			↕			↕	
Traffic Vol, veh/h	2	30	7	2	78	0	12	9	5	0	6	8
Future Vol, veh/h	2	30	7	2	78	0	12	9	5	0	6	8
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	90	90	90	90	90	90	90	90	90	90	90	90
Heavy Vehicles, %	50	2	50	2	6	2	2	100	2	2	100	2
Mvmt Flow	2	33	8	2	87	0	13	10	6	0	7	9

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	87	0	0	41	0	0	140	132	37	140	136	87
Stage 1	-	-	-	-	-	-	41	41	-	91	91	-
Stage 2	-	-	-	-	-	-	99	91	-	49	45	-
Critical Hdwy	4.6	-	-	4.12	-	-	7.12	7.5	6.22	7.12	7.5	6.22
Critical Hdwy Stg 1	-	-	-	-	-	-	6.12	6.5	-	6.12	6.5	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.12	6.5	-	6.12	6.5	-
Follow-up Hdwy	2.65	-	-	2.218	-	-	3.518	4.9	3.318	3.518	4.9	3.318
Pot Cap-1 Maneuver	1255	-	-	1568	-	-	830	610	1035	830	606	971
Stage 1	-	-	-	-	-	-	974	701	-	916	663	-
Stage 2	-	-	-	-	-	-	907	663	-	964	698	-
Platoon blocked, %		-	-		-	-						
Mov Cap-1 Maneuver	1255	-	-	1568	-	-	813	608	1035	813	604	971
Mov Cap-2 Maneuver	-	-	-	-	-	-	813	608	-	813	604	-
Stage 1	-	-	-	-	-	-	972	700	-	914	662	-
Stage 2	-	-	-	-	-	-	889	662	-	943	697	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	0.4	0.2	10	9.8
HCM LOS			B	A

Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	756	1255	-	-	1568	-	-	770
HCM Lane V/C Ratio	0.038	0.002	-	-	0.001	-	-	0.02
HCM Control Delay (s)	10	7.9	0	-	7.3	0	-	9.8
HCM Lane LOS	B	A	A	-	A	A	-	A
HCM 95th %tile Q(veh)	0.1	0	-	-	0	-	-	0.1

Intersection	
Int Delay, s/veh	1

Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations						
Traffic Vol, veh/h	132	47	0	179	19	19
Future Vol, veh/h	132	47	0	179	19	19
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	0
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	143	51	0	195	21	21

Major/Minor	Major1		Major2		Minor1	
Conflicting Flow All	0	0	-	-	364	169
Stage 1	-	-	-	-	169	-
Stage 2	-	-	-	-	195	-
Critical Hdwy	-	-	-	-	6.42	6.22
Critical Hdwy Stg 1	-	-	-	-	5.42	-
Critical Hdwy Stg 2	-	-	-	-	5.42	-
Follow-up Hdwy	-	-	-	-	3.518	3.318
Pot Cap-1 Maneuver	-	-	0	-	635	875
Stage 1	-	-	0	-	861	-
Stage 2	-	-	0	-	838	-
Platoon blocked, %	-	-		-		
Mov Cap-1 Maneuver	-	-	-	-	635	875
Mov Cap-2 Maneuver	-	-	-	-	635	-
Stage 1	-	-	-	-	861	-
Stage 2	-	-	-	-	838	-

Approach	EB	WB	NB
HCM Control Delay, s	0	0	10.1
HCM LOS			B

Minor Lane/Major Mvmt	NBLn1	NBLn2	EBT	EBR	WBT
Capacity (veh/h)	635	875	-	-	-
HCM Lane V/C Ratio	0.033	0.024	-	-	-
HCM Control Delay (s)	10.9	9.2	-	-	-
HCM Lane LOS	B	A	-	-	-
HCM 95th %tile Q(veh)	0.1	0.1	-	-	-

Intersection	
Int Delay, s/veh	1.3

Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Traffic Vol, veh/h	19	19	2	120	122	23
Future Vol, veh/h	19	19	2	120	122	23
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	21	21	2	130	133	25

Major/Minor	Minor2		Major1		Major2	
Conflicting Flow All	280	146	158	0	-	0
Stage 1	146	-	-	-	-	-
Stage 2	134	-	-	-	-	-
Critical Hdwy	6.42	6.22	4.12	-	-	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.318	2.218	-	-	-
Pot Cap-1 Maneuver	710	901	1422	-	-	-
Stage 1	881	-	-	-	-	-
Stage 2	892	-	-	-	-	-
Platoon blocked, %				-	-	-
Mov Cap-1 Maneuver	709	901	1422	-	-	-
Mov Cap-2 Maneuver	709	-	-	-	-	-
Stage 1	879	-	-	-	-	-
Stage 2	892	-	-	-	-	-

Approach	EB	NB	SB
HCM Control Delay, s	9.8	0.1	0
HCM LOS	A		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR
Capacity (veh/h)	1422	-	794	-	-
HCM Lane V/C Ratio	0.002	-	0.052	-	-
HCM Control Delay (s)	7.5	0	9.8	-	-
HCM Lane LOS	A	A	A	-	-
HCM 95th %tile Q(veh)	0	-	0.2	-	-

Intersection	
Int Delay, s/veh	3.9

Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Traffic Vol, veh/h	78	39	2	45	95	47
Future Vol, veh/h	78	39	2	45	95	47
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	85	42	2	49	103	51

Major/Minor	Minor2		Major1		Major2	
Conflicting Flow All	182	129	154	0	-	0
Stage 1	129	-	-	-	-	-
Stage 2	53	-	-	-	-	-
Critical Hdwy	6.42	6.22	4.12	-	-	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.318	2.218	-	-	-
Pot Cap-1 Maneuver	807	921	1426	-	-	-
Stage 1	897	-	-	-	-	-
Stage 2	970	-	-	-	-	-
Platoon blocked, %				-	-	-
Mov Cap-1 Maneuver	806	921	1426	-	-	-
Mov Cap-2 Maneuver	806	-	-	-	-	-
Stage 1	896	-	-	-	-	-
Stage 2	970	-	-	-	-	-

Approach	EB	NB	SB
HCM Control Delay, s	10	0.3	0
HCM LOS	B		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR
Capacity (veh/h)	1426	-	841	-	-
HCM Lane V/C Ratio	0.002	-	0.151	-	-
HCM Control Delay (s)	7.5	0	10	-	-
HCM Lane LOS	A	A	B	-	-
HCM 95th %tile Q(veh)	0	-	0.5	-	-

Intersection	
Int Delay, s/veh	1.8

Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Traffic Vol, veh/h	19	19	2	28	122	12
Future Vol, veh/h	19	19	2	28	122	12
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	21	21	2	30	133	13

Major/Minor	Minor2		Major1		Major2	
Conflicting Flow All	174	140	146	0	-	0
Stage 1	140	-	-	-	-	-
Stage 2	34	-	-	-	-	-
Critical Hdwy	6.42	6.22	4.12	-	-	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.318	2.218	-	-	-
Pot Cap-1 Maneuver	816	908	1436	-	-	-
Stage 1	887	-	-	-	-	-
Stage 2	988	-	-	-	-	-
Platoon blocked, %				-	-	-
Mov Cap-1 Maneuver	815	908	1436	-	-	-
Mov Cap-2 Maneuver	815	-	-	-	-	-
Stage 1	886	-	-	-	-	-
Stage 2	988	-	-	-	-	-

Approach	EB	NB	SB
HCM Control Delay, s	9.4	0.5	0
HCM LOS	A		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR
Capacity (veh/h)	1436	-	859	-	-
HCM Lane V/C Ratio	0.002	-	0.048	-	-
HCM Control Delay (s)	7.5	0	9.4	-	-
HCM Lane LOS	A	A	A	-	-
HCM 95th %tile Q(veh)	0	-	0.2	-	-

Intersection	
Int Delay, s/veh	2

Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Traffic Vol, veh/h	19	19	5	10	130	12
Future Vol, veh/h	19	19	5	10	130	12
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	21	21	5	11	141	13

Major/Minor	Minor2		Major1		Major2	
Conflicting Flow All	169	148	154	0	-	0
Stage 1	148	-	-	-	-	-
Stage 2	21	-	-	-	-	-
Critical Hdwy	6.42	6.22	4.12	-	-	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.318	2.218	-	-	-
Pot Cap-1 Maneuver	821	899	1426	-	-	-
Stage 1	880	-	-	-	-	-
Stage 2	1002	-	-	-	-	-
Platoon blocked, %				-	-	-
Mov Cap-1 Maneuver	818	899	1426	-	-	-
Mov Cap-2 Maneuver	818	-	-	-	-	-
Stage 1	876	-	-	-	-	-
Stage 2	1002	-	-	-	-	-

Approach	EB	NB	SB
HCM Control Delay, s	9.4	2.5	0
HCM LOS	A		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR
Capacity (veh/h)	1426	-	857	-	-
HCM Lane V/C Ratio	0.004	-	0.048	-	-
HCM Control Delay (s)	7.5	0	9.4	-	-
HCM Lane LOS	A	A	A	-	-
HCM 95th %tile Q(veh)	0	-	0.2	-	-

Intersection	
Int Delay, s/veh	1.4

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	0	0	75	23	0	19
Future Vol, veh/h	0	0	75	23	0	19
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	-	0
Veh in Median Storage, #	-	1	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	0	0	82	25	0	21

Major/Minor	Major2		Minor2	
Conflicting Flow All	-	0	-	95
Stage 1	-	-	-	-
Stage 2	-	-	-	-
Critical Hdwy	-	-	-	6.22
Critical Hdwy Stg 1	-	-	-	-
Critical Hdwy Stg 2	-	-	-	-
Follow-up Hdwy	-	-	-	3.318
Pot Cap-1 Maneuver	-	-	0	962
Stage 1	-	-	0	-
Stage 2	-	-	0	-
Platoon blocked, %	-	-		
Mov Cap-1 Maneuver	-	-	-	962
Mov Cap-2 Maneuver	-	-	-	-
Stage 1	-	-	-	-
Stage 2	-	-	-	-

Approach	WB	SB
HCM Control Delay, s	0	8.8
HCM LOS		A

Minor Lane/Major Mvmt	WBT	WBR	SBLn1
Capacity (veh/h)	-	-	962
HCM Lane V/C Ratio	-	-	0.021
HCM Control Delay (s)	-	-	8.8
HCM Lane LOS	-	-	A
HCM 95th %tile Q(veh)	-	-	0.1

Intersection	
Int Delay, s/veh	3.4

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	0	0	60	35	0	58
Future Vol, veh/h	0	0	60	35	0	58
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	-	0
Veh in Median Storage, #	-	1	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	0	0	65	38	0	63

Major/Minor	Major2		Minor2	
Conflicting Flow All	-	0	-	84
Stage 1	-	-	-	-
Stage 2	-	-	-	-
Critical Hdwy	-	-	-	6.22
Critical Hdwy Stg 1	-	-	-	-
Critical Hdwy Stg 2	-	-	-	-
Follow-up Hdwy	-	-	-	3.318
Pot Cap-1 Maneuver	-	-	0	975
Stage 1	-	-	0	-
Stage 2	-	-	0	-
Platoon blocked, %	-	-		
Mov Cap-1 Maneuver	-	-	-	975
Mov Cap-2 Maneuver	-	-	-	-
Stage 1	-	-	-	-
Stage 2	-	-	-	-

Approach	WB	SB
HCM Control Delay, s	0	8.9
HCM LOS		A

Minor Lane/Major Mvmt	WBT	WBR	SBLn1
Capacity (veh/h)	-	-	975
HCM Lane V/C Ratio	-	-	0.065
HCM Control Delay (s)	-	-	8.9
HCM Lane LOS	-	-	A
HCM 95th %tile Q(veh)	-	-	0.2

Intersection	
Int Delay, s/veh	6

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	56	106	168	190	149	234
Future Vol, veh/h	56	106	168	190	149	234
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	78	78	78	78	78	78
Heavy Vehicles, %	2	17	4	2	2	2
Mvmt Flow	72	136	215	244	191	300

Major/Minor	Minor1		Major1		Major2	
Conflicting Flow All	1019	337	0	0	459	0
Stage 1	337	-	-	-	-	-
Stage 2	682	-	-	-	-	-
Critical Hdwy	6.42	6.37	-	-	4.12	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.453	-	-	2.218	-
Pot Cap-1 Maneuver	263	672	-	-	1102	-
Stage 1	723	-	-	-	-	-
Stage 2	502	-	-	-	-	-
Platoon blocked, %			-	-		-
Mov Cap-1 Maneuver	208	672	-	-	1102	-
Mov Cap-2 Maneuver	208	-	-	-	-	-
Stage 1	723	-	-	-	-	-
Stage 2	398	-	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	25.4	0	3.5
HCM LOS	D		

Minor Lane/Major Mvmt	NBT	NBR	WBLn1	SBL	SBT
Capacity (veh/h)	-	-	379	1102	-
HCM Lane V/C Ratio	-	-	0.548	0.173	-
HCM Control Delay (s)	-	-	25.4	9	0
HCM Lane LOS	-	-	D	A	A
HCM 95th %tile Q(veh)	-	-	3.2	0.6	-

Intersection	
Int Delay, s/veh	2

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		⇕			⇕			⇕			⇕	
Traffic Vol, veh/h	17	167	38	0	87	15	14	0	14	19	0	11
Future Vol, veh/h	17	167	38	0	87	15	14	0	14	19	0	11
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	91	91	91	91	91	91	91	91	91	91	91	91
Heavy Vehicles, %	20	2	2	2	2	2	2	2	2	2	2	10
Mvmt Flow	19	184	42	0	96	16	15	0	15	21	0	12

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	112	0	0	226	0	0	353	355	205	355	368	104
Stage 1	-	-	-	-	-	-	243	243	-	104	104	-
Stage 2	-	-	-	-	-	-	110	112	-	251	264	-
Critical Hdwy	4.3	-	-	4.12	-	-	7.12	6.52	6.22	7.12	6.52	6.3
Critical Hdwy Stg 1	-	-	-	-	-	-	6.12	5.52	-	6.12	5.52	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.12	5.52	-	6.12	5.52	-
Follow-up Hdwy	2.38	-	-	2.218	-	-	3.518	4.018	3.318	3.518	4.018	3.39
Pot Cap-1 Maneuver	1373	-	-	1342	-	-	602	571	836	600	561	929
Stage 1	-	-	-	-	-	-	761	705	-	902	809	-
Stage 2	-	-	-	-	-	-	895	803	-	753	690	-
Platoon blocked, %		-	-		-	-						
Mov Cap-1 Maneuver	1373	-	-	1342	-	-	587	562	836	582	552	929
Mov Cap-2 Maneuver	-	-	-	-	-	-	587	562	-	582	552	-
Stage 1	-	-	-	-	-	-	749	694	-	888	809	-
Stage 2	-	-	-	-	-	-	883	803	-	727	679	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	0.6	0	10.5	10.6
HCM LOS			B	B

Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	690	1373	-	-	1342	-	-	674
HCM Lane V/C Ratio	0.045	0.014	-	-	-	-	-	0.049
HCM Control Delay (s)	10.5	7.7	0	-	0	-	-	10.6
HCM Lane LOS	B	A	A	-	A	-	-	B
HCM 95th %tile Q(veh)	0.1	0	-	-	0	-	-	0.2

Intersection	
Int Delay, s/veh	2.8

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕			↕			↕			↕	
Traffic Vol, veh/h	10	60	9	4	62	0	11	7	4	0	10	8
Future Vol, veh/h	10	60	9	4	62	0	11	7	4	0	10	8
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	90	90	90	90	90	90	90	90	90	90	90	90
Heavy Vehicles, %	50	2	50	2	6	2	2	100	2	2	100	2
Mvmt Flow	11	67	10	4	69	0	12	8	4	0	11	9

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	69	0	0	77	0	0	181	171	72	177	176	69
Stage 1	-	-	-	-	-	-	94	94	-	77	77	-
Stage 2	-	-	-	-	-	-	87	77	-	100	99	-
Critical Hdwy	4.6	-	-	4.12	-	-	7.12	7.5	6.22	7.12	7.5	6.22
Critical Hdwy Stg 1	-	-	-	-	-	-	6.12	6.5	-	6.12	6.5	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.12	6.5	-	6.12	6.5	-
Follow-up Hdwy	2.65	-	-	2.218	-	-	3.518	4.9	3.318	3.518	4.9	3.318
Pot Cap-1 Maneuver	1276	-	-	1522	-	-	781	577	990	785	573	994
Stage 1	-	-	-	-	-	-	913	661	-	932	673	-
Stage 2	-	-	-	-	-	-	921	673	-	906	657	-
Platoon blocked, %		-	-		-	-						
Mov Cap-1 Maneuver	1276	-	-	1522	-	-	755	570	990	766	566	994
Mov Cap-2 Maneuver	-	-	-	-	-	-	755	570	-	766	566	-
Stage 1	-	-	-	-	-	-	905	655	-	924	671	-
Stage 2	-	-	-	-	-	-	895	671	-	883	651	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	1	0.4	10.2	10.3
HCM LOS			B	B

Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	712	1276	-	-	1522	-	-	700
HCM Lane V/C Ratio	0.034	0.009	-	-	0.003	-	-	0.029
HCM Control Delay (s)	10.2	7.8	0	-	7.4	0	-	10.3
HCM Lane LOS	B	A	A	-	A	A	-	B
HCM 95th %tile Q(veh)	0.1	0	-	-	0	-	-	0.1

Intersection	
Int Delay, s/veh	0.7

Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations						
Traffic Vol, veh/h	227	76	0	122	14	14
Future Vol, veh/h	227	76	0	122	14	14
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	0
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	247	83	0	133	15	15

Major/Minor	Major1		Major2		Minor1	
Conflicting Flow All	0	0	-	-	422	289
Stage 1	-	-	-	-	289	-
Stage 2	-	-	-	-	133	-
Critical Hdwy	-	-	-	-	6.42	6.22
Critical Hdwy Stg 1	-	-	-	-	5.42	-
Critical Hdwy Stg 2	-	-	-	-	5.42	-
Follow-up Hdwy	-	-	-	-	3.518	3.318
Pot Cap-1 Maneuver	-	-	0	-	588	750
Stage 1	-	-	0	-	760	-
Stage 2	-	-	0	-	893	-
Platoon blocked, %	-	-		-		
Mov Cap-1 Maneuver	-	-	-	-	588	750
Mov Cap-2 Maneuver	-	-	-	-	588	-
Stage 1	-	-	-	-	760	-
Stage 2	-	-	-	-	893	-

Approach	EB	WB	NB
HCM Control Delay, s	0	0	10.6
HCM LOS			B

Minor Lane/Major Mvmt	NBLn1	NBLn2	EBT	EBR	WBT
Capacity (veh/h)	588	750	-	-	-
HCM Lane V/C Ratio	0.026	0.02	-	-	-
HCM Control Delay (s)	11.3	9.9	-	-	-
HCM Lane LOS	B	A	-	-	-
HCM 95th %tile Q(veh)	0.1	0.1	-	-	-

Intersection	
Int Delay, s/veh	0.9

Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Traffic Vol, veh/h	14	14	4	87	167	38
Future Vol, veh/h	14	14	4	87	167	38
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	15	15	4	95	182	41

Major/Minor	Minor2		Major1		Major2	
Conflicting Flow All	306	203	223	0	-	0
Stage 1	203	-	-	-	-	-
Stage 2	103	-	-	-	-	-
Critical Hdwy	6.42	6.22	4.12	-	-	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.318	2.218	-	-	-
Pot Cap-1 Maneuver	686	838	1346	-	-	-
Stage 1	831	-	-	-	-	-
Stage 2	921	-	-	-	-	-
Platoon blocked, %				-	-	-
Mov Cap-1 Maneuver	684	838	1346	-	-	-
Mov Cap-2 Maneuver	684	-	-	-	-	-
Stage 1	829	-	-	-	-	-
Stage 2	921	-	-	-	-	-

Approach	EB	NB	SB
HCM Control Delay, s	10	0.3	0
HCM LOS	B		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR
Capacity (veh/h)	1346	-	753	-	-
HCM Lane V/C Ratio	0.003	-	0.04	-	-
HCM Control Delay (s)	7.7	0	10	-	-
HCM Lane LOS	A	A	B	-	-
HCM 95th %tile Q(veh)	0	-	0.1	-	-

Intersection	
Int Delay, s/veh	2.9

Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Traffic Vol, veh/h	56	28	4	35	105	76
Future Vol, veh/h	56	28	4	35	105	76
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	61	30	4	38	114	83

Major/Minor	Minor2		Major1		Major2	
Conflicting Flow All	202	156	197	0	-	0
Stage 1	156	-	-	-	-	-
Stage 2	46	-	-	-	-	-
Critical Hdwy	6.42	6.22	4.12	-	-	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.318	2.218	-	-	-
Pot Cap-1 Maneuver	787	890	1376	-	-	-
Stage 1	872	-	-	-	-	-
Stage 2	976	-	-	-	-	-
Platoon blocked, %				-	-	-
Mov Cap-1 Maneuver	785	890	1376	-	-	-
Mov Cap-2 Maneuver	785	-	-	-	-	-
Stage 1	869	-	-	-	-	-
Stage 2	976	-	-	-	-	-

Approach	EB	NB	SB
HCM Control Delay, s	10	0.8	0
HCM LOS	B		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR
Capacity (veh/h)	1376	-	817	-	-
HCM Lane V/C Ratio	0.003	-	0.112	-	-
HCM Control Delay (s)	7.6	0	10	-	-
HCM Lane LOS	A	A	B	-	-
HCM 95th %tile Q(veh)	0	-	0.4	-	-

Intersection	
Int Delay, s/veh	1.5

Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Traffic Vol, veh/h	14	14	4	25	115	19
Future Vol, veh/h	14	14	4	25	115	19
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	15	15	4	27	125	21

Major/Minor	Minor2		Major1		Major2	
Conflicting Flow All	171	136	146	0	-	0
Stage 1	136	-	-	-	-	-
Stage 2	35	-	-	-	-	-
Critical Hdwy	6.42	6.22	4.12	-	-	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.318	2.218	-	-	-
Pot Cap-1 Maneuver	819	913	1436	-	-	-
Stage 1	890	-	-	-	-	-
Stage 2	987	-	-	-	-	-
Platoon blocked, %				-	-	-
Mov Cap-1 Maneuver	817	913	1436	-	-	-
Mov Cap-2 Maneuver	817	-	-	-	-	-
Stage 1	887	-	-	-	-	-
Stage 2	987	-	-	-	-	-

Approach	EB	NB	SB
HCM Control Delay, s	9.3	1	0
HCM LOS	A		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR
Capacity (veh/h)	1436	-	862	-	-
HCM Lane V/C Ratio	0.003	-	0.035	-	-
HCM Control Delay (s)	7.5	0	9.3	-	-
HCM Lane LOS	A	A	A	-	-
HCM 95th %tile Q(veh)	0	-	0.1	-	-

Intersection	
Int Delay, s/veh	1.8

Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Traffic Vol, veh/h	14	14	8	15	110	19
Future Vol, veh/h	14	14	8	15	110	19
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	15	15	9	16	120	21

Major/Minor	Minor2		Major1		Major2	
Conflicting Flow All	165	131	141	0	-	0
Stage 1	131	-	-	-	-	-
Stage 2	34	-	-	-	-	-
Critical Hdwy	6.42	6.22	4.12	-	-	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.318	2.218	-	-	-
Pot Cap-1 Maneuver	826	919	1442	-	-	-
Stage 1	895	-	-	-	-	-
Stage 2	988	-	-	-	-	-
Platoon blocked, %				-	-	-
Mov Cap-1 Maneuver	821	919	1442	-	-	-
Mov Cap-2 Maneuver	821	-	-	-	-	-
Stage 1	890	-	-	-	-	-
Stage 2	988	-	-	-	-	-

Approach	EB	NB	SB
HCM Control Delay, s	9.3	2.6	0
HCM LOS	A		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR
Capacity (veh/h)	1442	-	867	-	-
HCM Lane V/C Ratio	0.006	-	0.035	-	-
HCM Control Delay (s)	7.5	0	9.3	-	-
HCM Lane LOS	A	A	A	-	-
HCM 95th %tile Q(veh)	0	-	0.1	-	-

Intersection	
Int Delay, s/veh	0.9

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	0	0	91	38	0	14
Future Vol, veh/h	0	0	91	38	0	14
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	-	0
Veh in Median Storage, #	-	1	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	0	0	99	41	0	15

Major/Minor	Major2		Minor2	
Conflicting Flow All	-	0	-	120
Stage 1	-	-	-	-
Stage 2	-	-	-	-
Critical Hdwy	-	-	-	6.22
Critical Hdwy Stg 1	-	-	-	-
Critical Hdwy Stg 2	-	-	-	-
Follow-up Hdwy	-	-	-	3.318
Pot Cap-1 Maneuver	-	-	0	931
Stage 1	-	-	0	-
Stage 2	-	-	0	-
Platoon blocked, %	-	-		
Mov Cap-1 Maneuver	-	-	-	931
Mov Cap-2 Maneuver	-	-	-	-
Stage 1	-	-	-	-
Stage 2	-	-	-	-

Approach	WB	SB
HCM Control Delay, s	0	8.9
HCM LOS		A

Minor Lane/Major Mvmt	WBT	WBR	SBLn1
Capacity (veh/h)	-	-	931
HCM Lane V/C Ratio	-	-	0.016
HCM Control Delay (s)	-	-	8.9
HCM Lane LOS	-	-	A
HCM 95th %tile Q(veh)	-	-	0.1

Intersection	
Int Delay, s/veh	2.5

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	0	0	49	57	0	42
Future Vol, veh/h	0	0	49	57	0	42
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	-	0
Veh in Median Storage, #	-	1	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	0	0	53	62	0	46

Major/Minor	Major2		Minor2	
Conflicting Flow All	-	0	-	84
Stage 1	-	-	-	-
Stage 2	-	-	-	-
Critical Hdwy	-	-	-	6.22
Critical Hdwy Stg 1	-	-	-	-
Critical Hdwy Stg 2	-	-	-	-
Follow-up Hdwy	-	-	-	3.318
Pot Cap-1 Maneuver	-	-	0	975
Stage 1	-	-	0	-
Stage 2	-	-	0	-
Platoon blocked, %	-	-		
Mov Cap-1 Maneuver	-	-	-	975
Mov Cap-2 Maneuver	-	-	-	-
Stage 1	-	-	-	-
Stage 2	-	-	-	-

Approach	WB	SB
HCM Control Delay, s	0	8.9
HCM LOS		A

Minor Lane/Major Mvmt	WBT	WBR	SBLn1
Capacity (veh/h)	-	-	975
HCM Lane V/C Ratio	-	-	0.047
HCM Control Delay (s)	-	-	8.9
HCM Lane LOS	-	-	A
HCM 95th %tile Q(veh)	-	-	0.1

Sherman
CLASSIC TOWN. BROAD HORIZON.

Development Services

STAFF REVIEW LETTER

November 8, 2022

Frostfire Hwy 82
12801 N Central Expwy, Suite 140
Dallas, TX 75243

Lee Engineering
3030 LBJ Freeway, Suite 1660
Dallas, TX 75234

Bohler Engineering
Mathias Haubert
6017 Main Street
Frisco, TX 75034

Copley Land Surveying
1702 Verdi Ln
Sherman, TX 75076

Dear Applicants,

The request for a Zone Change approval under Ordinance No. 2280, Section 12, from an R-1 (One-Family Residential) District and M-1 (Light Manufacturing) District to a C-2 (General Commercial) District; a Zone Change approval under Ordinance No. 2280, Section 12, from an R-1 (One-Family Residential) District and M-1 (Light Manufacturing) District to an R-2 (Multi-Family Residential) District; a Specific Use Permit approval under Ordinance No. 2280, Section 8, Subsection (5)(a) to allow a Mini-Warehouse in a C-2 (General Commercial) District; and Site Plan approval of Sherman Highway 82 Mixed Use in the 2300-2700 Blocks East Highway 82 has been scheduled to be heard by the Planning and Zoning Commission on Tuesday, November 15, 2022 at 5:00 P.M., in the City Council Chambers, City Hall at 220 W. Mulberry.

City staff has reviewed your request with regards to engineering and development guidelines and finds the following items need to be addressed:

Zoning:

1. Compliance with applicable City ordinances, regulations, standards and rules and other laws, as they exist or may be amended, including but not limited to the City's General Zoning Ordinance, Ordinance No. 2280, the regulations applicable to the R-2 (Multi-Family Residential) District, C-2 (General commercial) District, the O-1 (75 & 82) Overlay District, the Sign Ordinance, the Fence Ordinance and the Commercial Tree and Landscaping Ordinance. (*Chapter 14, Exhibit A, Sec. 6.4; Sec. 6.7; 6.13.1; Sec. 7(14), Sec. 7(13) and Sec. 17).*
2. Fire access, lanes and codes shall be coordinated with the Fire Marshal (903.892.7267).
3. All required off-street parking shall be on private property and shall not encroach into the right-of-way. *(Chapter 14, Exhibit A, Section 7, Subsection 10(b))*
4. Parking shall be provided for one space per 1,000 square feet for a Mini-warehouse; a parking space is considered to be 9' x 20'. (*Chapter 14, Exhibit A, Sec.8 (5)(a); Sec.7(10)(b)).*
5. Parking shall be provided in the R-2 (Multi-Family Residential) District, 1 space per bedroom (minimum of 2 spaces per unit) a parking space is considered to be 9' x 20' (*Chapter 14, Exhibit A, Sec. 6.4(4); Sec.7(10)(b)).*
6. The maximum height of the building shall not exceed 35' in the C-2 (General Commercial) District. (*Chapter 14, Exhibit A, Sec. 6.7(6)(c))*

7. The maximum height of the building shall not exceed 45' in R-2 (Multi-Family Residential) District. (*Chapter 14, Exhibit A, Sec. 6.4 (5))*
8. The trash dumpster will need to be located inside the main building area.
9. The use of the property must comply with all Federal and State Laws and regulations and with all ordinances, rules and regulations of the City of Sherman.
10. The property must be properly maintained in a state of good repair and neat appearance.
11. The granting of a Specific Use Permit has no effect on the uses permitted as of right and does not waive the regulations of the underlying zoning district.
12. A specific use permit is an amendment to the district regulations of the zoning ordinance that permits the permanent establishment of a specific use within a zoning district in which such specific use may be established unless such use of land or structure discontinue or be abandoned for a period of sixty (60) consecutive days in which event such specific use permit shall be void and such use may not thereafter be resumed unless a new specific use permit granted. (*Chapter 14, Exhibit A, Sec. 8 (5)(b))*
13. The approval of the Specific Use Permit and site plan shall be effective for a period of (2) years from the date of approval and shall expire unless the applicant demonstrates to the Director of Development Services that progress has been made toward completion of the project for which the Specific Use Permit was approved.
14. Any changes made to the site plan prior to the final fulfillment of the conditions of the staff review letter must be considered minor by the staff, as to not require resubmission to the Planning & Zoning Commission.

Engineering

15. Platting of the property is required. *Code of Ordinances Chapter 10, Section 10.02.021; Texas Local Government Code Title 1, Sec. 212.004*
16. Drive approaches and sidewalks must conform to City of Sherman and TxDOT standards and a permit with drawing showing dimensions is required from City of Sherman Engineering Department for review and approval prior to any work being done within public right of way. *Code of Ordinances Chapter 3, Division 5, Sec. 3.10.154*
17. Platting of the property is required. *Code of Ordinances Chapter 10, Section 10.02.021; Texas Local Government Code Title 1, Sec. 212.004*
18. Drive approaches and sidewalks must conform to City of Sherman and TxDOT standards and a permit with drawing showing dimensions is required from City of Sherman Engineering Department for review and approval prior to any work being done within public right of way. *Code of Ordinances Chapter 3, Division 5, Sec. 3.10.154*
19. Improvements to Baker Road and Graystone Drive may be required.
20. Multiple proposed mini-storage structures encroach over wastewater main. Permanent structures will not be permitted to encroach into any easements.
21. Verify fire requirements and code compliance with Fire Marshal. *Code of Ordinances Chapter 3.02(c)*
22. The location of the trash receptors must be approved by the Public Works Department.
23. Privately owned and maintained detention in accordance with City criteria may be required. Engineering documentation shall be provided to the City of Sherman Engineering Department for review and approval. If detention is required, Ownership and Maintenance information to be shown on plat. *Code of Ordinances Chapter 10, Exhibit A, Sec. 12(I)*
24. Water main must be extended in accordance with City criteria to serve proposed Lot. *Code of Ordinances Chapter 13, Sec. 13.07.282; Chapter 10, Exhibit A, Sec. 12(G)*
25. Civil Engineering plans shall be provided to the Engineering Department for review and approval. Plat to reflect changes upon Engineering review. *Code of Ordinances Chapter 10, Exhibit A, Sec. 12, Code of Ordinances Chapter 10, Exhibit A, Sec. 15.*
26. Three Party Agreement required for Public Infrastructure.

It is the policy of this Planning and Zoning Commission and the Board of Adjustment not to consider a request unless the applicant or its representative attends the meeting at which the request is considered. You are hereby notified to present your case on the date and time stated above.

If additional information or clarification is needed, do not hesitate to contact Rob Rae at 903-892-7229 prior to the meeting.

Respectfully,

Rob Rae
Acting Secretary, Planning and Zoning Commission and Board of Adjustments

cc: Robby Hefton, City Manager
Clint Philpott, Asst. City Manager
Wayne Lee, P.E., Director of Engineering
Tom Pruitt, Utility Engineer
Billy Hartsfield, Fire Marshal
Amber Doan, Engineering Coordinator
Christopher Armstrong, Asst. City Engineer
The Law Firm of Abernathy, Roeder, Boyd, & Hullett, P.C., City Attorney

Planning & Zoning Commission and Board of Adjustments

Agenda Item No. 18.

Meeting Date: 11/15/2022

Prepared by: Lauren Marlow, Administrative Assistant
Rob Rae, Director of Development Services

Clay Mahone, Chairman
David Downtain, Vice Chairman
Shawn Davis, Commissioner
Leigh Ann Sims, Commissioner
Paul Manley, Commissioner
Glenn Whitaker, Commissioner
Bryan Blagg, Commissioner

Requested Action/Proposed Use:

2300-2700 BLOCKS EAST HIGHWAY 82

The request of Frostfire Hwy 82 LLC (Owners), Mathias Haubert, Bohler Engineering (Engineer), Lee Engineering (Traffic Engineer) and Copley Land Surveying (Surveyor) concerning the property located in the 2300-2700 Blocks East Highway 82, being 74.424 acres in part of the Samuel McGlothlen Survey, Abstract No. 811 and the Ruben Hendrix Survey, Abstract No. 504, as follows:

Planning and Zoning Commission

A. Zone Change approval under Ordinance No. 2280, Section 12, from an R-1 (One-Family Residential) District and M-1 (Light Manufacturing) District to a C-2 (General Commercial) District, being 22.705 acres in part of the Samuel McGlothlen Survey, Abstract No. 811 and the Ruben Hendrix Survey, Abstract No. 504.
B. Zone Change approval under Ordinance No. 2280, Section 12, from an R-1 (One-Family Residential) District and M-1 (Light Manufacturing) District to an R-2 (Multi-Family Residential) District, being 51.718 acres in part of the Samuel McGlothlen Survey, Abstract No. 811 and the Ruben Hendrix Survey, Abstract No. 504.
C. Specific Use Permit approval under Ordinance No. 2280, Section 8, Subsection (5)(a) to allow a Mini-Warehouse in a C-2 (General Commercial) District, being 14.819 acres in part of the Samuel McGlothlen Survey, Abstract No. 811 and the Ruben Hendrix Survey, Abstract No. 504.
D. Site Plan approval of Sherman Highway 82 Mixed Use.

Background:

The property is located at 2300-2700 Blocks East Highway 82 at the North East Corner of Frisco Road and Highway 82 and is zoned R-1 (One Family Residential) District/M-1 (Light Manufacturing) District/R-2 (Multi-Family Residential) District/O-1 (75 & 82) Overlay District.

The owner is requesting Zone Changes, Specific Use Permit and Site Plan to allow a mixed use development consisting of commercial uses, residential uses, and a mini-storage on approximately 74 acres.

February 6, 1984 - Zone Change from R-1 (One Family Residential) District to M-1 (Light Manufacturing) District & R-2 (Multi-Family Residential) District

Adjacent Zoning:

C-2 (General Commercial) District
R-1 (One Family Residential) District
R-2 (Multi-Family Residential) District
ETJ (Extra Territorial Jurisdiction)

Origination:

Frostfire Hwy 82 LLC (Owners)
Mathias Haubert
Bohler Engineering (Engineer)
Lee Engineering (Traffic Engineer)
Copley Land Surveying (Surveyor)

Master Plan Designation:

Suburban Neighborhood category is intended to allow primarily single-family detached in a "complete neighborhood" setting. New subdivisions should include a mix of housing products and lot sizes. Areas of supporting local commercial should be integrated into the neighborhoods, primarily along major streets near the entrance of neighborhoods. Community amenities such as parks, trails, open spaces, and civic uses should also be included in the creation of new subdivisions. This category gives flexibility for the creation of master-planned neighborhoods that are compatible with the surrounding area.

Number of notices mailed:

7

Objections Received:

1

Development Review Meeting:

Yes

Attachments

Location Map
Zoning Map
Zoning Sign Photo
Future Land Use Map
Narrative
Survey
Zoning Legal Description C-2
Zoning Legal Description C-2.2
Zoning Legal Description R-2
Site Plan
Zoning Site Rendering
Elevations

#18

Turner, Kerri

From: Sherry Smith <[redacted]
Sent: Wednesday, November 9, 2022 7:52 PM
To: Turner, Kerri
Subject: Forthcoming Petition

EXTERNAL EMAIL: -- Avoid clicking on links or files -- Be safe!

Kerri,

Reference: The request for a zoning change on the property located in the 2300-2700 Blocks East Highway 82, being 74.424 acres in part of the Samuel McGlothlen Survey, Abstract No. 811 and the Ruben Hendrix Survey, Abstract No. 504.

In my first email to you, I wrote that our petition was to request a denial for a zoning change to the land in Paragraph B, consisting of 51.718 acres, but it was decided to include a request to deny all zoning changes within the 74.424 acres as described above.

As I wrote in a detailed letter and mailed Sunday, November 6, 2022, this land is not suitable for an influx of such a population (of both people and vehicles) that 700 apartments, in addition to 49 townhomes, would generate.

I sent copies to all Board Members, and one to the Development Services Coordinator, a position previously held by Patsy Reeves. At the time of my mailings I did not know who filled her position (you), and therefore your name was not part of the address. I apologize that I did not make a better attempt at identifying you.

Please notify me that my letters were received and distributed.

I would also like to take this opportunity, while thinking about it, to ask about the current zoning for the land in paragraph B , being zoned as R-1 (One Family Residential District and M-1 Light Manufacturing) to R-2(Multi Family) .This 51.718 acres currently has no homes and it has always been assumed that this was zoned as R-A, which I believe is agriculture. For the 16 years that I have resided here, that land has only been used for mowing and generating hay. Nonetheless, a small development of single-family homes, (which is apparently its current zoning code) similar to our own community, would be a great improvement over the possibility of 750 commercial units.

Would you please confirm that this land is indeed currently zoned as described in my notice of October 28, 2022.

Thank you,

Sherry Sipe

Rcvd 11/11/2022 p. 1
9:00 A.M. #18

We, the undersigned, being citizens of the city of Sherman and residents of Cedar Park Village, have concerns regarding the proposed change in zoning, on the property described as located in the 2300-2700 Blocks East Hwy 82, being 74.424 acres in part of the Samuel McGlothlen Survey, Abstract No. 811 and the Ruben Hendrix Survey, Abstract No. 54. These concerns are our peace, tranquility, safety, property value, way of life and our lives. Other concerns are crime, drugs, schools, and traffic congestion. These and other concerns will be voiced by members of the community at the hearing on November 15, 2022. These apprehensions have led us to petition the Planning and Zoning Commission to deny the requested changes of zoning regarding the above referenced property.

	PRINT NAME	SIGNATURE	ADDRESS	DATE
1.	Sherry Sipe	Sherry Sipe	2516 Village Dr.	11-7-22
2.	Karen Mosley	Karen Mosley	2602 Village DR.	11-7-22
3.	Margaret Fulks	Margaret Fulks	2602 Village Dr.	11-7-22
4.	Bobby Mosley	Bobby Mosley	2602 Village Dr.	11-7-22
5.	Betty Mosley	Betty Mosley	2602 Village Dr	11-7-22
6.	Doyle Mosley		2602 Village DR	11-7-22
7.	Andre Ostrowitz		2610 Village Dr	11/7/22
8.	Kristi Okray		2619 Village Dr	11/7/22
9.	Kimberly Willis	Kimberly Willis	2619 Village Dr.	11/7/22

We, the undersigned, being citizens of the city of Sherman and residents of Cedar Park Village, have concerns regarding the proposed change in zoning, on the property described as located in the 2300-2700 Blocks East Hwy 82, being 74.424 acres in part of the Samuel McGlothlen Survey, Abstract No. 811 and the Ruben Hendrix Survey, Abstract No. 54. These concerns are our peace, tranquility, safety, property value, way of life and our lives. Other concerns are crime, drugs, schools, and traffic congestion. These and other concerns will be voiced by members of the community at the hearing on November 15, 2022. These apprehensions have led us to petition the Planning and Zoning Commission to deny the requested changes of zoning regarding the above referenced property.

	PRINT NAME	SIGNATURE	ADDRESS	DATE
1.	Lucia Castillo		2611 Village Dr	11-7-22
2.	Vidoe McVey		2603 Village	11-7-22
3.	Bonnie Phifer		2624 Juniper	11-7-22
4.	Matthew Gritanovich		3709 Crimsonwood	11-7-22
5.	David Buechler		3801 Crimsonwood	11/7/22
6.	Joe Warren		3805 Crimsonwood	11/7/22
7.	Bonnie Marchand		3805 Crimsonwood	11-7-22
8.	Valerie Marr		2701 Cedar Park Dr	11-7-22
9.	Tommy Marr		2701 Cedar Park Dr	11/7/22

We, the undersigned, being citizens of the city of Sherman and residents of Cedar Park Village, have concerns regarding the proposed change in zoning, on the property described as located in the 2300-2700 Blocks East Hwy 82, being 74.424 acres in part of the Samuel McGlothlen Survey, Abstract No. 811 and the Ruben Hendrix Survey, Abstract No. 54. These concerns are our peace, tranquility, safety, property value, way of life and our lives. Other concerns are crime, drugs, schools, and traffic congestion. These and other concerns will be voiced by members of the community at the hearing on November 15, 2022. These apprehensions have led us to petition the Planning and Zoning Commission to deny the requested changes of zoning regarding the above referenced property.

	PRINT NAME	SIGNATURE	ADDRESS	DATE
1.	Leticia Cortinas	Leticia Cortinas	3808 Crimson Wood Dr.	11-7-2022
2.	Mary Anderson	Mary Anderson	2512 Village Dr.	11-7-2022
3.	Alec D. Anderson	Alec D. Anderson	2512 Village Dr.	11-7-2022
4.	[illegible]	[illegible]	3706 Hawthorne	11/8/22
5.	Charles Weems	[illegible]	2607 Village	11-8-22
6.	Brenda Ossewaarde	Brenda Ossewaarde	2610 Village Dr	11-8-22
7.	Larry Sims	[illegible]	3716 Heathercroft	11/7/22
8.	Jackie Armstrong	Jackie Armstrong	2607 Juniper Dr.	11/8/22
9.	Mark Armstrong	Mark Armstrong	2607 Juniper Dr	11/8/22

We, the undersigned, being citizens of the city of Sherman and residents of Cedar Park Village, have concerns regarding the proposed change in zoning, on the property described as located in the 2300-2700 Blocks East Hwy 82, being 74.424 acres in part of the Samuel McGlothlen Survey, Abstract No. 811 and the Ruben Hendrix Survey, Abstract No. 54. These concerns are our peace, tranquility, safety, property value, way of life and our lives. Other concerns are crime, drugs, schools, and traffic congestion. These and other concerns will be voiced by members of the community at the hearing on November 15, 2022. These apprehensions have led us to petition the Planning and Zoning Commission to deny the requested changes of zoning regarding the above referenced property.

	PRINT NAME	SIGNATURE	ADDRESS	DATE
1.	Jodi Buechler	Jodi Buechler	3801 Crimsonwood	11/8/22
2.	Michelle Hendrix	Michelle Hendrix	3704 Crimsonwood	11/8/22
3.	Odus Hendrix	Odus Hendrix	" "	11-18-22
4.	Linda ADAMS	Linda L Adams	2716 Cedar Park	11/8/22
5.	Cheryl Loftis	Cheryl Loftis	2812 Cedar Park	11/8/22
6.	Dennis Loftis	Dennis Loftis	2812 Cedar Park	11/8/22
7.	Young Joon Jang		3814 Sistrunk Dr	11/8/22
8.	Eun Jang	Eun Bae	"	"
9.	Steve Capelouto		3609 Big Sistrunk	11/8/22

We, the undersigned, being citizens of the city of Sherman and residents of Cedar Park Village, have concerns regarding the proposed change in zoning, on the property described as located in the 2300-2700 Blocks East Hwy 82, being 74.424 acres in part of the Samuel McGlothlen Survey, Abstract No. 811 and the Ruben Hendrix Survey, Abstract No. 54. These concerns are our peace, tranquility, safety, property value, way of life and our lives. Other concerns are crime, drugs, schools, and traffic congestion. These and other concerns will be voiced by members of the community at the hearing on November 15, 2022. These apprehensions have led us to petition the Planning and Zoning Commission to deny the requested changes of zoning regarding the above referenced property.

	PRINT NAME	SIGNATURE	ADDRESS	DATE
1.	Billy Kitchens	Billy R. Kitchens	4000 S. Sistrunk	11-8-22
2.	Larry Kitchens	Larry Kitchens	4000 Sistrunk	11-8-22
3.	Monica Estrada	Monica Estrada	4009 Cox St	11-8-22
4.	Nancy Morrison	Nancy Morrison	2712 Cedar Park	11-8-22
5.	~~Jane Clinton~~			~~11-8-22~~
6.	Linda J. Clinton	Jane Clinton	2816 Cedar Park	11-8-22
7.	Thomas Elliott	Thomas M Elliott	2816 Cedar Park	11-8-22
8.	RICHARD CHANCE	Richard L Chance	3714 Heathercrest	11.8.22
9.	Maria Alba		4013 Sistrunk	11-8-22

We, the undersigned, being citizens of the city of Sherman and residents of Cedar Park Village, have concerns regarding the proposed change in zoning, on the property described as located in the 2300-2700 Blocks East Hwy 82, being 74.424 acres in part of the Samuel McGlothlen Survey, Abstract No. 811 and the Ruben Hendrix Survey, Abstract No. 54. These concerns are our peace, tranquility, safety, property value, way of life and our lives. Other concerns are crime, drugs, schools, and traffic congestion. These and other concerns will be voiced by members of the community at the hearing on November 15, 2022. These apprehensions have led us to petition the Planning and Zoning Commission to deny the requested changes of zoning regarding the above referenced property.

	PRINT NAME	SIGNATURE	ADDRESS	DATE
1.	Victoria Alba		4013 Sistrunk St	11-8-22
2.	T. Dale Busbice		3907 SISTRUNK ST	11-8-22
3.	GINA BUSBICE		3907 SISTRUNK ST	11-8-22
4.	Cyndi Gutierrez		2613 Juniper Dr.	11-8-2022
5.	Honour Gutierrez		2613 Juniper Dr.	11-8-2022
6.	Miranda Juneau		2620 Juniper Dr	11-8-2022
7.	Nicholas Juneau		2620 Juniper Dr.	11/8/2022
8.	TOM		2619 JUNIPER DR	11-8-22
9.	John Darnell		3809 Crimson Wood	11-8-22

We, the undersigned, being citizens of the city of Sherman and residents of Cedar Park Village, have concerns regarding the proposed change in zoning, on the property described as located in the 2300-2700 Blocks East Hwy 82, being 74.424 acres in part of the Samuel McGlothlen Survey, Abstract No. 811 and the Ruben Hendrix Survey, Abstract No. 54. These concerns are our peace, tranquility, safety, property value, way of life and our lives. Other concerns are crime, drugs, schools, and traffic congestion. These and other concerns will be voiced by members of the community at the hearing on November 15, 2022. These apprehensions have led us to petition the Planning and Zoning Commission to deny the requested changes of zoning regarding the above referenced property.

	PRINT NAME	SIGNATURE	ADDRESS	DATE
1.	Omar Martinez		2625 Juniper Dr	11/08/22
2.			2625 Juniper Dr	11/8/22
3.	Wendy Darnell		3804 Crimson Wood	11/8/22
4.	A.W. Mitchell	A.W. Mitchell	2626 Juniper Dr.	8-Nov-22
5.	Alejandra Leon	Alejandra Leon	2618 Village Dr	8-Nov-22
6.	Jasmin Leon	Jasmin Leon	2618 Village Dr	8/NOV/22
7.	Luisa A Leon	Luisa a Leon	2618 Village Dr	11/08/22
8.	Veronica L Millhollon	Veronica L. Millhollon	2622 Village Dr.	11-9-22
9.	ISabel Castillo		2611 Village Dr.	11-9-22

We, the undersigned, being citizens of the city of Sherman and residents of Cedar Park Village, have concerns regarding the proposed change in zoning, on the property described as located in the 2300-2700 Blocks East Hwy 82, being 74.424 acres in part of the Samuel McGlothlen Survey, Abstract No. 811 and the Ruben Hendrix Survey, Abstract No. 54. These concerns are our peace, tranquility, safety, property value, way of life and our lives. Other concerns are crime, drugs, schools, and traffic congestion. These and other concerns will be voiced by members of the community at the hearing on November 15, 2022. These apprehensions have led us to petition the Planning and Zoning Commission to deny the requested changes of zoning regarding the above referenced property.

	PRINT NAME	SIGNATURE	ADDRESS	DATE
1.	GINA Bae	3814 Sistrunk	3814 Sistrunk	11/7/22
2.	Brenda Lingle	Brenda Lingle	2804 Cedar Pk	10-8-22
3.	Mark Lingle	Mark Lingle	2804 cedar PK	10.8.22
4.	PAM STINSON	Pam Stinson	2808 Cedar Park	10/11-8-22
5.	Sue Carter	Sue Carter	2801 Cedar Park	11-8-22
6.	Del Carter	Del Carter	2801 Cedar Park	11-8-22
7.	LARRY HAYNES	Larry Haynes	2800 CEDAR PARK	11-8-22
8.	ALAN BAUGUS	Alan Baugus	4006 Sistrunk	11-8-22
9.	Sharon Baugus	Sharon Baugus	4006 Sistrunk	11-8-22

We, the undersigned, being citizens of the city of Sherman and residents of Cedar Park Village, have concerns regarding the proposed change in zoning, on the property described as located in the 2300-2700 Blocks East Hwy 82, being 74.424 acres in part of the Samuel McGlothlen Survey, Abstract No. 811 and the Ruben Hendrix Survey, Abstract No. 54. These concerns are our peace, tranquility, safety, property value, way of life and our lives. Other concerns are crime, drugs, schools, and traffic congestion. These and other concerns will be voiced by members of the community at the hearing on November 15, 2022. These apprehensions have led us to petition the Planning and Zoning Commission to deny the requested changes of zoning regarding the above referenced property.

	PRINT NAME	SIGNATURE	ADDRESS	DATE
1.	Steve Whaley	Steve Whaley	3705 Crimsonwood	11/9/22
2.	Amy Whaley	Amy Whaley	3705 Crimsonwood	11/9/2022
3.	Lacey Shannon	Lacey Shannon	3809 Crimsonwood	11/9/2022
4.	Kevin Cundiff	Kevin Cundiff	309 Crimsonwood	11/9/2022
5.	Brenda Lee	Brenda Lee	2618 Village Dr.	11/9/2022
6.	Manuel Leon		2618 Village Dr	11/9/2022
7.	Michelle	Coffel	3707 Heatherwood	11/9/22
8.	Tracie	Coffel	3707 Heatherwood	11/9/22
9.	David Whaley	David Whaley	3710 Crimsonwood	11-9-22

We, the undersigned, being citizens of the city of Sherman and residents of Cedar Park Village, have concerns regarding the proposed change in zoning, on the property described as located in the 2300-2700 Blocks East Hwy 82, being 74.424 acres in part of the Samuel McGlothlen Survey, Abstract No. 811 and the Ruben Hendrix Survey, Abstract No. 54. These concerns are our peace, tranquility, safety, property value, way of life and our lives. Other concerns are crime, drugs, schools, and traffic congestion. These and other concerns will be voiced by members of the community at the hearing on November 15, 2022. These apprehensions have led us to petition the Planning and Zoning Commission to deny the requested changes of zoning regarding the above referenced property.

	PRINT NAME	SIGNATURE	ADDRESS	DATE
1.	Carlos Lopez	Carlos Lopez	2705 Driving Spring	11-9-22
2.	Granny	Granda	2702 Driving Pl	11-9-22
3.	Jack		4010 Cox.	11-9-22
4.	Colt T.		4105 Cox	11-9-22
5.	Carlos Rute	Carlos Rute	2761 HILLTOP DR	11-10-22
6.	Ron West	Ron West	2733 Hilltop Dr.	11-10-22
7.	DAN CUNEO		4521 COX ST.	11-10-22
8.	Ariana Rivera		4517 Cox St	11-10-22
9.	Sissy Clark	Sissy Clark	4407 Cox St.	11-10-22

We, the undersigned, being citizens of the city of Sherman and residents of Cedar Park Village, have concerns regarding the proposed change in zoning, on the property described as located in the 2300-2700 Blocks East Hwy 82, being 74.424 acres in part of the Samuel McGlothlen Survey, Abstract No. 811 and the Ruben Hendrix Survey, Abstract No. 54. These concerns are our peace, tranquility, safety, property value, way of life and our lives. Other concerns are crime, drugs, schools, and traffic congestion. These and other concerns will be voiced by members of the community at the hearing on November 15, 2022. These apprehensions have led us to petition the Planning and Zoning Commission to deny the requested changes of zoning regarding the above referenced property.

	PRINT NAME	SIGNATURE	ADDRESS	DATE
1.	Abraham	Abraham Alba	4013 Sistrik	11-8-22
2.	Debby Osbourn	Debby Osbourn	2716 Cedar Park	11-8-22
3.	Russell Maxwell	Russell Maxwell	2721 Cedar Park	11-9-22
4.	Kathy Williams	Kathy Williams	2721 Cedar Park	11-9-22
5.	Shauntae Fulk	Shauntae	2713 Cedar Park	11/9-22
6.	Joel Deleon	Joel	2713 Cedar Park	11/9-22
7.	Esmeralda Santiago	Esmeralda Santiago	2717 Dripping Springs	11/9/22
8.	Osric Angeles	Osric	2709 Dripping Springs RD	11/9/22
9.	~~Irma Gonzalez~~ Irma Gonzalez	Irma Gonzalez	2709 Dripping Spring Rd	11-9-22
	David Cortina	David Cortina	3808 Crimson Loop Dr	11/10/22

#18

Received
11/11/2022
@ 9:00 A.M

Sherman
CLASSIC TOWN. BROAD HORIZON.

Development Services

Mailing Address: P.O. Box 1106, Sherman, TX 75091
Phone Number: (903) 892-7229
Email: Planning@cityofsherman.com

ANDERSON ALEC D ETUX MARY
2512 VILLAGE DR
SHERMAN, TX 75090

October 28, 2022

The Planning and Zoning Commission and Board of Adjustment of the City of Sherman will hold a public hearing on the day of Tuesday, November 15, 2022, at 5:00 P.M. in the City Council Chambers, at 220 W. Mulberry, to hear the request of:

Frostfire Hwy 82 LLC (Owners), Mathias Haubert, Bohler Engineering (Engineer), Lee Engineering (Traffic Engineer) and Copley Land Surveying (Surveyor) concerning the property located in the 2300-2700 Blocks East Highway 82, being 74.424 acres in part of the Samuel McGlothlen Survey, Abstract No. 811 and the Ruben Hendrix Survey, Abstract No. 504

The request is as follows:
Planning and Zoning Commission

A. **Zone Change approval under Ordinance No. 2280, Section 12, from an R-1 (One-Family Residential) District and M-1 (Light Manufacturing) District to a C-2 (General Commercial) District, being 22.705 in part of the Samuel McGlothlen Survey, Abstract No. 811 and the Ruben Hendrix Survey, Abstract No. 504.**

B. **Zone Change approval under Ordinance No. 2280, Section 12, from an R-1 (One-Family Residential) District and M-1 (Light Manufacturing) District to an R-2 (Multi-Family Residential) District, being 51.718 acres in part of the Samuel McGlothlen Survey, Abstract No. 811 and the Ruben Hendrix Survey, Abstract No. 504.**

C. **Specific Use Permit approval under Ordinance No. 2280, Section 8, Subsection (5)(a) to allow a Mini-Warehouse in a C-2 (General Commercial) District, being 14.819 acres in part of the Samuel McGlothlen Survey, Abstract No. 811 and the Ruben Hendrix Survey, Abstract No. 504.**

D. **Site Plan approval of Sherman Highway 82 Mixed Use.**

As a property owner within two hundred feet (200') of this property, you are invited to attend. You are not required to be present, but all interested parties wishing to speak should appear at the time and place stated above. If you cannot attend the public hearing, but wish to have your views presented to the Planning and Zoning Commission or Board of Adjustment, you may do so by emailing planning@cityofsherman.com or comment in the space provided below and mail to:

Rob Rae
Acting Secretary, Planning and Zoning Commission
P.O. Box 1106
Sherman, Texas 75091-1106

Acting Secretary, Planning & Zoning Commission

See letter attached.

Unless this notice is delivered in an envelope that has the "City of Sherman" logo and is affixed with postage as required by the U.S. Postal Service, it is NOT an official notice sent to you by the City of Sherman.

To: Rob Rae, Acting Secretary, and Planning and Zoning

From: Alec and Mary Anderson 2512 Village Drive, Sherman, TX

Date: November 9, 2022

We are writing in response to the notice regarding the proposed zoning changes to the property located in the 2300-2700 blocks of East Hwy 82, being 74.424 acres.

We are asking you to vote "**No**" to the zoning change and the development proposed for the property listed above.

Our area can't handle the amount of traffic that would result from this proposal. Even with the improvements the developer plans to make on Baker Rd. and E. Graystone Rd., there is still the major issue of how to exit or enter this area.

Here are some of our reasons that this zoning change needs to be denied.

First, the railroad issue. During the ten years we have lived here the number of trains has increased to eight or more per day. They often stop, blocking traffic on E. Graystone Rd. due to the switching station south of here. Therefore, causing people to turn around and search for another exit. This often results in people going to either E. Baker Rd via Hwy 82 Service Rd. or Dripping Springs Rd. via Cedar Park Village. Often resulting in the train having those crossings blocked also. Recently, on two occasions we have witnessed the school bus having to back up on E. Graystone Rd. because the railroad crossing is blocked, and then going back through our subdivision to continue their route. This created a dangerous situation for both the driver and the children. So, what will happen when there are several more buses needing to come to our area due to the increased population?

Secondly, is the problem with the width of the street at the railroad crossing on E. Graystone Rd. It is barely wide enough for two small cars to cross at the same time. We see a major issue with the extreme number of vehicles needing to cross the tracks daily, and then having to stop for the traffic on N. Frisco Rd. to exit.

Finally, there is the issue of having good access to and from the proposed development. Having approximately 2,000 more vehicles from this development as well as those coming from the 99 Patio Homes approved to be built North of E. Graystone Rd. will cause great safety concerns. Our streets are not suitable for that amount of traffic! They are not wide enough, they have no street signs, curbs, or sidewalks. Currently on the development plan, one main exit is onto E. Graystone Rd. This will probably be the most chosen route because it is the most convenient. Another main exit is onto Baker Rd. This road will only filter the traffic onto E. Graystone Rd. or Hwy 82 Service Rd. The final main exit from the development is located on Hwy 82 Service Rd. Just in case you are not familiar with this service road, all traffic must go under Hwy 82 and then head East. They can then turn onto E. Baker Rd. or continue out to FM

1417 and come all the way back on Hwy 82 to enter the city. We ask that you study a map of our surrounding area so you can understand our concerns. Our thoughts are that this site is not sufficient for the proposed development.

When we moved to Sherman ten years ago, we chose to live in Cedar Park Village. The main reason was because of the beautiful, serene environment encompassed in this subdivision. We are asking you to be considerate of the established Cedar Park Village homeowners. We already have a development of 99 Patio Homes approved to be built north of E. Graystone Rd. This proposed development would add over 900 units when you combine the apartments and townhomes. We feel the proposed development is not comparable in any way to our homes on approximately one acre. In reference to the City of Sherman Master Plan Goal 1/Housing & Neighborhoods, Strategy 1.5: Protect and enhance existing neighborhoods and housing stock. Also, Goal 3/Mobility, Strategies 3.1 through 3.3. How would putting that many housing units in an area with poor accessibility respect community character, connectivity, and safety? In reference to the Planning and Zoning website under Development Services and Department Goal, we would like to quote the following paragraph: "It is our goal to encourage and promote **responsible** development to meet the opportunities of Sherman's future and to collaboratively work with city leaders, citizens and developers to create a place where people live, work and play in a safe environment." It is our opinion that this development will not fulfill these goals.

We currently have a lot of approved housing and construction around our area. There is 300+ homes being built on and around Dripping Springs Rd., an apartment complex of approximately 300 units being built on E. Gallagher Dr., a development that was approved off N. Frisco Rd. which we were informed will be other multi-family units along with businesses, and the 99 Patio Homes that you approved north of E. Graystone Rd. Are any new apartments or other multi-family units being built in the new developments on FM 1417 or Hwy 75 South, or are the majority being approved mainly for the East Side of Sherman?

We feel this property will be best suited for R-1 family homes and or a Super Storage facility for RVs, Boats, Autos as well as regular storage units and climate-controlled units. With the thousands of people moving to Sherman, we believe that there will be great demand for storage for boats and RVs because most developments don't allow them to be parked on the homeowner's property. This property could also contain homes on 1/3 acre lots which will help increase the tax revenue the city is truly seeking. These suggestions would pleasingly blend this property with the existing Cedar Park Village Subdivision and the 99 Patio Homes that are going to be built.

Please say "**No**" to this proposal. Thank you for your time. Respectfully,

Alec Anderson and Mary Anderson

Alec Anderson Mary Anderson

#18

Rcvd 11-9-2022
3:00pm

November 6, 2022

Rob Rae, Acting Secretary, Planning and Zoning

P.O. Box 1106

Sherman, Texas 75091

Copy for Development Services Coordinator

Dear Mr. Rae and members of the Board,

I am writing in response to the notice regarding the zone changes to the property located in the 2300-2700 Blocs East Highway 82, being 74.424 acres in part of the Samuel McGlothlen Survey.

These zoning changes were requested for the development of a 700 unit apartment complex, in addition to townhomes, storage units, and retail businesses.

The approval of the 700 apartments would bring another 1400 vehicles within this small area, in addition to another 100 for the townhomes as indicated on the plan. This is not a development, it is a small town, and will present the same problems as cited by Cedar Park Village residents in two other previous proposals with the main problem being traffic congestion on Graystone Road and the RR Crossing as it currently exists.

Additionally, the construction of 100 "patio homes" was recently approved for the property on the north side of Graystone, which adds another 200 vehicles (approximately). And with the traffic population of our established community within Cedar Park Village, the estimation of vehicles will be approaching 2,000. This is an absurd amount of traffic for Graystone Road, even considering that the new plan indicates the improvement and use of Baker Road, as well.

I met the very polite gentleman, Mr. Jon Kendall with Bohler Engineering. Our conversation, in part, included my informing him about the history and problems associated with additional use of Graystone Road, and the complications at the RR Crossing; Mr. Kendall seemed unaware of the protests and problems associated with Graystone and the RR Crossing. I spoke to him again, two days later and he told me that after hearing what I had to say about Graystone and the Crossing, he went to City Hall and was told that Graystone would have to be improved to a standard 2-lane road with a yellow stripe. This does no good, whatsoever. Even if the road were widened, there remain the very risky and real difficulties that would arise from so much traffic at the rail road crossing.

Even now, residents are often delayed when the train not only blocks the Graystone entrance/ exit to/from Frisco Road, but simultaneously blocks the Dripping Springs exit to/from Frisco. Furthermore, problems with the safety apparatus blocking exits when no trains were on the track were a problem with just the current population of vehicles. School buses had to back up all the way down Graystone Road to Village Drive, turn around, and try to exit via Dripping Springs.

Please consider: Whether blocked by train or malfunctioning safety arms, this combination of a narrow country road and an even narrower rail road crossing is a hazard to the people of this area.

As Planning and Zoning well knows, this is not a new issue and was one of the main topics for our argument against the installation of a trailer park, and again, the main grievance for the development of the patio homes, on the north side of Graystone, which to my knowledge, was approved and will go forward at some point.

If this highly populated development is approved, and is the cause of chaos and injuries in the future, I would think that the members would feel at least partially at fault for having approved such a ludicrous plan (under the conditions that now exist).

There is also the issue of the devaluation of our single family homes situated on one acre. Somewhere in your building codes (from previous experience), I recall that new construction must be compatible with existing homes. Apartments are not compatible with single family, homes with one acre lots, the values of which range from the 300 thousand to 500 thousand, or more.

This brings me to another issue, which admittedly is on a more personal note, and that is of the privacy lost with a 3-story apartment building at the corner of Graystone, adjacent to my back yard. The space and privacy of these lots were the main attraction for our purchase. There is no privacy whatsoever with a 3-story apartment building with some of those apartments having a bird's eye view of my home and surroundings.

And please note that the Master Plan at issue has the property north of Graystone still listed as commercial. It is hard to believe that Bohler Engineering was not aware that the zoning for that property was changed to residential, and is where the patio home development will be located.

In addition to all of my complaints, the abundance of construction will create ten years of noise, dust, dirt, supply trucks, and construction worker traffic, not to mention the dislocation of wildlife, whose natural habitats are rapidly disappearing.

This acreage does not seem to attract developers willing to construct a nice single-family home, community that would blend harmoniously with our own.

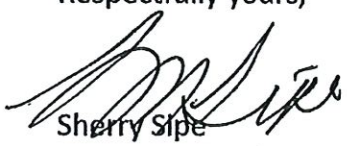
Commercial housing is not the same as single-family ownership. It is not the same value and it is not the same aesthetics. Simply classified as "Class A" apartments, does not mean upscale. It can mean, "new." The estimated rent for these apartments quoted by Mr. Kendall, was from $1,200 to $1,700.00. That is not the amount of rent that would be charged for upscale apartments. And if Mr. Kendall is correct on his estimation of when Phase 1 of 200 apartments

would be completed (3 years), the amounts estimated will likely be more, but not because of the class, but due to inflation.

For all the reasons cited within this letter, I ask the Board not to approve zoning changes for the use of commercial housing. However, I find no fault with retail facing Hwy 82 and accessed by Hwy 82, nor the construction of storage buildings, or warehouses, accessed by Hwy 82, and I find no fault for the approval for a fraction of the 74.424 acres for these purposes.

I thank you for your time and consideration.

Respectfully yours,



Sherry Sipe

2516 Village Drive

Sherman, TX 75090

#18
Rcvd 11/14/22
@ 3:00 P.M.

November 8, 2022

Planning and Zoning Board

City of Sherman

Subject: Property located in the 2300-2700 Blocks East Highway 82, being 74.424 acres in part of the Samuel McGlothlen Survey, Abstract No. 811, and the Ruben Hendrix Survey, Abstract No. 504.

From: Thad Thompson

3706 Heatherwood Ln.

Hi,

In my business career, I was a Certified Real Property Appraiser. I have appraised properties for specific use, such as this project.

I will state my conclusion before giving you my observations, findings and facts.

The property suffers from a fatal flaw: **THE LACK OF ACESSABILITY.**

It is my conclusion that due to the conditions surrounding the property that it would not be possible to move these large traffic flows this project would produce.

The following is my observations and findings:

WEST SIDE of the property - railroad track-no entry/exit

SOUTH SIDE- One lane, one way, road condition (very poor)

FRONTAGE ROAD - East to Hwy 1417; entry from 1417 to Frontage Rd. west. The distance from south gate to 1417 is approximately one mile. The east gate of this property is actually the intersection of Hwy 1417.

EAST SIDE - Baker Rd; A dirt gravel road. This gate is marked as main gate, full movement on the proposed site plan. This is inaccurate in that Baker Rd. empties into either the west bound frontage road to the south or into E. Graystone Dr. to the north.

NORTH SIDE- East Graystone Drive 400 yard paved road which crosses the railroad and empties into Frisco Rd. There is a culvert and ditch on the east side of the railroad. The east end of this culvert is only 21 feet wide which narrows the road to one lane.

The project would have an estimated population of 2,960 – 1,480 vehicles, 1,480 children, and 740 school age children necessitating at least 16 – 20 school buses.

Railroad – per the U.S. Dept. of Transportation Data Base there are 8 crossings at Grayston Dr. each day. There are two to three crossings each morning between 6:30 a.m. and 9:00 a.m.., blocking E. Graystone Dr. from five to ten minutes per crossing.

NORTH PARCEL – 99 Patio homes, 99 units, 400 people, 200 vehicles, 200 children, 100 school age necessitating 4-5 buses.

CEDAR PARK VILLAGE – 50 homes-200 people, 100 vehicles, 100 children, 50 school age, 2-3 buses.

All of the above referenced traffic would utilize E. Graystone Dr., cross the railroad and empty into Frisco Rd.

From my observations, findings, and facts, it is my conclusion that the proposed project would generate vehicular traffic which would not flow efficiently due to lack of accessibility.

P.S.

In the information that I have, I find the mention of the name Lee Engineering (Traffic Engineering), was there a traffic survey prepared?

Sincerely,

Thad Thompson

SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **E. 5.**

Meeting Date: 12/05/2022

Prepared By: Rob Rae, Director of Development Services

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6551

Amending Section 12, Ordinance No. 2280, so as to Include Certain Property within the R-2 (Multi-Family Residential) District located in the 2300-2700 Blocks East Highway 82, being 51.718 acres in part of the Samuel McGlothlen Survey, Abstract No. 811 and the Ruben Hendrix Survey, Abstract No. 504 (Frostfire Hwy 82 LLC, Owners; Mathias Haubert, Bohler Engineering, Engineer; Lee Engineering, Traffic Engineer; and Copley Land Surveying, Surveyor); Providing for a Penalty not to Exceed $2,000.00; Providing A Repealing/Savings Clause, Severability Clause And An Effective Date; Finding And Determining That The Meeting At Which This Ordinance Is Passed Was Noticed And Is Open To The Public As Required By Law

Issue:

To consider the request of Frostfire Hwy 82 LLC (Owners), Mathias Haubert, Bohler Engineering (Engineer), Lee Engineering (Traffic Engineer) and Copley Land Surveying (Surveyor) concerning the property located in the 2300-2700 Blocks East Highway 82, being 51.718 acres in part of the Samuel McGlothlen Survey, Abstract No. 811 and the Ruben Hendrix Survey, Abstract No. 504 for Zone Change approval under Ordinance No. 2280, Section 12, from an R-1 (One-Family Residential) District and M-1 (Light Manufacturing) District to an R-2 (Multi-Family Residential) District

Background:

The property is located at 2300-2700 Blocks East Highway 82 at the North East Corner of Frisco Road and Highway 82 and is zoned R-1 (One Family Residential) District/M-1 (Light Manufacturing) District/R-2 (Multi-Family Residential) District/O-1 (75 & 82) Overlay District.

The owner is requesting Zone Changes, Specific Use Permit and Site Plan to allow a mixed use development consisting of commercial uses, residential uses, and a mini-storage on approximately 74 acres.

February 6, 1984 - Zone Change from R-1 (One Family Residential) District to M-1 (Light Manufacturing) District & R-2 (Multi-Family Residential) District

Origination:

Frostfire Hwy 82 LLC (Owners)
Mathias Haubert
Bohler Engineering (Engineer)
Lee Engineering (Traffic Engineer)
Copley Land Surveying (Surveyor)

Financial Consideration:

None

Staff Recommendation:

At the November 15, 2022 regular meeting, the Planning and Zoning Commission voted 6/0 to recommend to the City Council that the Zone Change be approved subject to the Staff Review Letter. Three (3) letters of opposition and one (1) opposition letter with 99 signatures were received by City Staff in advance of the Planning and Zoning Commission meeting.**The proposed use is compatible with the City of Sherman Comprehensive Plan.**

Alternatives:

The City Council could deny the request.

Attachments

Ordinance No. 6551
Exhibit A - Survey
Exhibit B - Legal Description
Location Map
Zoning Map
Zoning Sign Photo
Future Land Use Map
Narrative
Site Plan
Site Data
Elevations - Multi-Family
Traffic Impact Analysis
Staff Review Letter
P & Z Communication
Letter (Email) Received - Sipe
Letter Received - 99 Signatures
Letter Received - Anderson
Letter Received - Sipe
Letter Received - Thompson

ORDINANCE NO. 6551

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 12, ORDINANCE NO. 2280, SO AS TO INCLUDE CERTAIN PROPERTY WITHIN THE R-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT LOCATED IN THE 2300-2700 BLOCKS EAST HIGHWAY 82, BEING 51.718 ACRES IN PART OF THE SAMUEL MCGLOTHLEN SURVEY, ABSTRACT NO. 811 AND THE RUBEN HENDRIX SURVEY, ABSTRACT NO. 504 (FROSTFIRE HWY 82 LLC, OWNERS; MATHIAS HAUBERT, BOHLER ENGINEERING, ENGINEER; LEE ENGINEERING, TRAFFIC ENGINEER; AND COPLEY LAND SURVEYING, SURVEYOR); PROVIDING FOR A PENALTY NOT TO EXCEED $2,000.00; PROVIDING A REPEALING/SAVINGS CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW

WHEREAS, the City Planning and Zoning Commission and the City Council, in accordance with the state law and the ordinances of the City of Sherman, have given the required notices and have held the required public hearings regarding this proposed rezoning case; and

WHEREAS, the City Council finds that rezoning the property as described in this Ordinance is in accordance with the Comprehensive Plan and will complement or be compatible with the surrounding uses and community facilities; contribute to, enhance, or promote the welfare of the area of request and adjacent properties; not be detrimental to the public health, safety, or general welfare; and conform in all other respects to all applicable zoning regulations and standards; and

WHEREAS, the City Council finds that it is in the public interest to rezone the property as described in this Ordinance.

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

SECTION 1. That, from and after the effective date of this Ordinance, the property described in **Exhibit A – Survey and Exhibit B – Legal Description**, attached hereto, located in the 2300-2700 Blocks East Highway 82, shall be rezoned and placed in the R-2 (Multi-Family Residential) District, and that Section 12, Ordinance No. 2280 is hereby amended so as to hereafter include such property.

SECTION 2. That this ordinance shall be entered upon the official zoning map as provided in Section 2, Ordinance No. 2280.

SECTION 3. That no person shall acquire any vested interest in this ordinance or in any other specific regulations contained herein. Any portion of this ordinance may be repealed or amended by the City Council in the manner provided for by law.

SECTION 4. That it shall be unlawful for any person to make use of the Property in some manner other than as authorized by this Ordinance, and it shall be unlawful for any person to construct on the Property any building that is not in conformity with the permissible uses under this Ordinance. Any person violating any provision of this Ordinance or the General Zoning Ordinance, as they exist or may be amended, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in an amount not exceeding TWO THOUSAND AND NO/100 DOLLARS ($2,000.00). A violation of any provision of this Ordinance shall constitute a separate violation for each calendar day in which it occurs. 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 5. That the General Zoning Ordinance shall remain in full force and effect, save and except as amended by this or any other ordinance. 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 6. That in the event any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional and/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 Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, regardless of whether any one or more sections, subsections, sentences, clauses or phrases is declared unconstitutional and/or invalid.

SECTION 7. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given all as required by law.

SECTION 8. That this Ordinance shall become effective from and after its adoption and publication as required by law and the City Charter.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS.

INTRODUCED on this the 5th day of December 2022.

ADOPTED on this the 5th day of December 2022.

EFFECTIVE DATE on this the 5th day of December 2022.

CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM
AND CONTENT:
THE LAW FIRM OF ABERNATHY,
ROEDER, BOYD & HULLETT, P.C.

BY: _____
RYAN PITTMAN, CITY ATTORNEY

EXHIBIT A

~ PROPERTY ADDRESS ~
TBD, U.S. HWY 82
SHERMAN, TEXAS

Reuben Hendrix Survey
Abstract No. 504

19.949 AC
LLOYD PLYLER CONSTRUCTION, LLP
VOL. 4897, PG. 546
O.P.R.G.C.T.

Block 1
VILLAGE DRIVE
Cedar Park Village
Vol. 14, Pg. 11 P.R.G.C.T.
Block 2
25' ROADWAY DEDICATION

1/2" STEEL ROD FOUND O/S 25.1'
S 89°47'33" E 726.67'
RAILROAD SPIKE FOUND
N 89°28'30" E © 323.37'
1/2" STEEL ROD FOUND
S 89°13'15" E 288.82'
1/2" STEEL ROD FOUND
E. GRAYSTONE DRIVE

SURVEY LINE

~ BASIS OF BEARINGS ~
GRID NORTH, NAD 83
TEXAS STATE PLANE COORDINATE SYSTEM
NORTH CENTRAL ZONE (4202)

N
W E
S

20' UTILITY EASEMENT
CITY OF SHERMAN
VOL. 1626, PG. 461
D.R.G.C.T.

N 20°38'26" E 395.43'

1/2" STEEL ROD SET (RPLS 6720)

1/2" STEEL ROD SET (RPLS 6720)

N. FRISCO ROAD
BURLINGTON NORTHERN SANTA FE RAILROAD

1202.73'

50' WIDE STRIP
LUIS H. GUTIERREZ
VOL. 3778, PG. 292
O.P.R.G.C.T.

20' UTILITY EASEMENT
CITY OF SHERMAN
VOL. 1626, PG. 461
D.R.G.C.T.

20' UTILITY EASEMENT
CITY OF SHERMAN
VOL. 1626, PG. 438
D.R.G.C.T.

20' UTILITY EASEMENT
CITY OF SHERMAN
VOL. 1626, PG. 445
D.R.G.C.T.

S 20°38'26" W

DESCRIBED LOCATION OF
T.P.L.C. EASEMENT
VOL. 584, PG. 349
D.R.G.C.T.

CHANNEL EASEMENT
CITY OF SHERMAN
VOL. 1417, PG. 769
D.R.G.C.T.

T.P.&L. EASEMENT
VOL. 1144, PG. 714
D.R.G.C.T.

1/2" STEEL ROD SET (RPLS 6720)

L4 CONCRETE MONUMENT
N 70°19'34" W 704.00'---
CONCRETE MONUMENT
N 76°26'34" W 674.65' C1
CONCRETE MONUMENT

1034.50'
S 00°51'05" W

1.00 AC
DENNIS JAKE RICHARDSON
DOCUMENT NO. 2020-28584
O.P.R.G.C.T.

BAKER ROAD

RAILROAD SPIKE FOUND

227.333 AC
FORTERRA PIPE & PRECAST, LLC
DOCUMENT NO. 2018-2682
O.P.R.G.C.T.

1093.73'
S 00°36'23" W

CONCRETE MONUMENT
MAG NAIL SET (RPLS 6720)
L2 L1
CONCRETE MONUMENT
CONCRETE MONUMENT

Legend

- PP POWER POLE
- GUY ANCHOR
- FH FIRE HYDRANT
- G GAS MARKER
- GAS VALVE
- S SEWER MANHOLE
- C UNDERGROUND CABLE MARKER
- T TELEPHONE PEDESTAL
- BOUNDARY LINE
- PROPERTY LINE
- OHE OVERHEAD ELECTRIC LINE
- G GAS LINE
- x BARBWIRE FENCE

U.S. HIGHWAY NO. 82

1/2" STEEL ROD FOUND
S 82°34'34" E 413.63'
S 76°26'34" E 674.65' C2
CONCRETE MONUMENT
CONCRETE MONUMENT
L7 L8
CONCRETE MONUMENT
MAG NAIL SET (RPLS 6720)
1/2" STEEL ROD FOUND

20' UTILITY EASEMENT
CITY OF SHERMAN
VOL. 1626, PG. 461
D.R.G.C.T.

N 00°50'02" E 704.29'

12.37 AC
RPM xCONSTRUCTION, LLC
VOL. 5722, PG. 306
O.P.R.G.C.T.

Tract 1
74.424 Acres

Samuel McGlothlen Survey
Abstract No. 811

Tract 2
19.172 Acres

30' UTILITY EASEMENT
CITY OF SHERMAN
VOL. 1626, PG. 441
D.R.G.C.T.

WATER LINE EASEMENT
VOL. 3143, PG. 327
O.P.R.G.C.T.

329.30'
S 00°29'31" W

186.679 AC
POZA INVESTMENTS, L.P.
VOL. 4090, PG. 473
O.P.R.G.C.T.

RAILROAD SPIKE FOUND
L6
327.45'
N 89°20'30" W
P/K NAIL FOUND
1/2" STEEL ROD FOUND
N 89°28'12" W 930.50'
1/2" STEEL ROD FOUND
SURVEY LINE

Block 1 | Block 3 | Block 5
DUCHESS DRIVE
N. DUKE DRIVE
Castle Heights Addition
Vol. 2, Pg. 46 P.R.G.C.T.

George W. McGlothlen Survey
Abstract No. 827

7.063 AC
VULFRANO GALAN
DOCUMENT NO.
2020-22025
O.P.R.G.C.T.

SURVEY LINE

186.679 AC
POZA INVESTMENTS, L.P.
VOL. 4090, PG. 473
O.P.R.G.C.T.

Flemming Jennings Survey
Abstract No. 638

LINE	BEARING	DISTANCE
L1	S 77°55'50" W	28.22'
L2	S 73°12'26" W	143.20'
L3	N 70°19'34" W	198.22'
L4	N 76°26'34" W	232.60'
L5	N 00°30'53" E	211.86'
L6	N 89°06'33" W	204.01'
L7	S 43°23'34" E	144.20'
L8	S 74°20'58" E	22.44'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	11608.61'	172.22'	172.22'	N 76°01'05" W	0°51'00"
C2	11309.16'	276.28'	276.27'	S 75°44'34" E	1°23'59"

See Attached Legal Descriptions

I, John C. Copley, Registered Professional Land Surveyor, do hereby certify that a survey was made on the ground of the property legally described herein, and that the plat herewith is a true, correct and accurate representation of the property legally described hereinabove.

John C. Copley
Registered Professional
Land Surveyor No. 6720
Firm No. 10194429
DATE OF SURVEY: 1/4/2021

STATE OF TEXAS REGISTERED JOHN C. COPLEY 6720 PROFESSIONAL LAND SURVEYOR

0 200 400
SCALE ~ 1" = 200'

Copley Land Surveying
1702 Verdi Ln., Sherman, Texas 75076
TX 903-415-0643, OK 580-980-0181
john@copleylandsurveying.com

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Copley Land Surveying, Inc.
All rights reserved.

CLS Job# 20120474

EXHIBIT B

R-2 Zoning

BEING a tract of land situated in the City of Sherman in the County of Grayson, being part of the Samuel McGlothlen Survey, Abstract No. 811 and the Ruben Hendrix Survey, Abstract No. 504, being part of a called 74.424 acre tract of land described in a Special Warranty Deed to Frostfire Hwy 82, LLC, recorded in Instrument Number 2022-5245, Official Public Records, Grayson County, Texas and being more particularly described as follows:

BEGINNING at five-eighths inch iron with a plastic cap stamped "Copley RPLS 6720" found at an angle point of said 74.424 acre tract of land, said capped iron rod being in the west line of said 74.424 acre tract of land east line of the Burlington North Santa Fe Railroad;

THENCE North 20 degrees 39 minutes 06 seconds East, a distance of 395.45 feet along the west line of said 74.424 acre tract of land east line of the Burlington North Santa Fe Railroad to a point for corner at the northwest corner of said 74.424 acre tract of land, said capped iron rod being in or near centerline of E. Grayson Road

THENCE along or near the centerline of said E. Grayson Road, the following courses and distances:

South 89 degrees 46 minutes 20 seconds East, a distance of 726.67 feet to a point for corner;

North 89 degrees 29 minutes 10 seconds East, a distance of 323.37 feet to a point for corner;

South 89 degrees 14 minutes 35 seconds East, a distance of 288.83 feet to a point for corner at the northeast corner of said 74.424 acre tract of land;

THENCE in or near the centerline of Baker Road (a variable width right-of-way), the following courses and distances:

South 00 degrees 37 minutes 03 seconds West, a distance of 1054.50 feet to a point for corner;

South 00 degrees 51 minutes 45 seconds West, a distance of 861.88 feet to a point for corner;

THENCE over and across said 74.424 acre tract of land, the following courses and distances:

North 89 degrees 08 minutes 27 seconds West, a distance of 128.92 feet to the beginning of a non-tangent curve to the right;

In a northwesterly direction, a distance of 235.73 feet, having a central angle of 18 degrees 50 minutes 54 seconds, a radius of 716.58 feet, a tangent length of 118.94 feet, whose chord bears North 82 degrees 24 minutes 09 seconds West a distance of 234.67 feet to a point for corner;

North 75 degrees 09 minutes 02 seconds West, a distance of 654.76 feet to a point for corner;

North 15 degrees 02 minutes 29 seconds East, a distance of 707.90 feet to a point for corner;

North 75 degrees 57 minutes 22 seconds West, a distance of 158.36 feet to a point for corner;

North 89 degrees 24 minutes 15 seconds West, a distance of 645.61 feet to a point for corner, said point being in the west line of said 74.424 acre tract of land and the east line of said Burlington Railroad;

THENCE along the west line of said 74.424 acre tract of land and the east line of said Burlington Railroad, the following courses and distances:

North 20 degrees 39 minutes 06 seconds East, a distance of 436.63 feet to a point for corner;

North 00 degrees 31 minutes 33 seconds East, a distance of 211.86 feet to a point for corner;

the **POINT OF BEGINNING** and containing 2,252,823 square feet or 51.718 acres of land.

dlagrone H:\ENGINEER\GIS\ArcGIS Pro Projects\Planning\Public Notification.aprx

Sherman
CLASSIC TOWN. BROAD HORIZON.

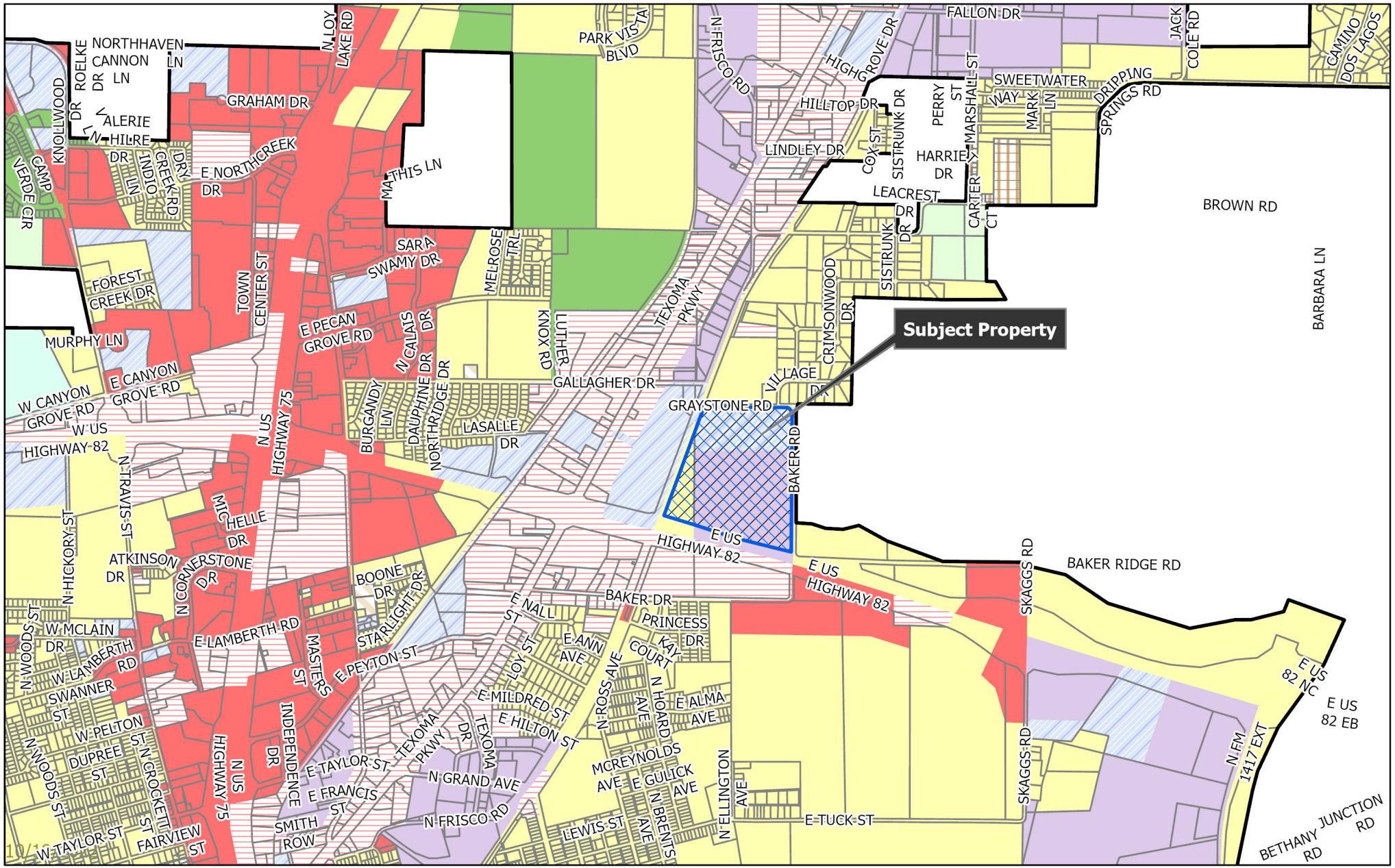
City of Sherman, Texas
Development Services Department

CITY OF SHERMAN

2300-2700 Hwy 82 East

N
W E
S

Date: 10/19/2022 10:27 AM Scale: 1:17,540



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Sherman
CLASSIC TOWN. BROAD HORIZON.

City of Sherman, Texas
Development Services Department

- BIP Blalock Industrial Park
- C-1 Retail Business District
- C-2 General Commercial District
- CO Office District
- Lakes
- M-1 Light Manufacturing District
- M-1.5 Medium Manufacturing District
- M-2 Heavy Manufacturing District
- MH Manufacturing Housing Distgrict
- R-1 One Family Residential District
- R-2 Multi-Family Residential District
- R-A Single Family Agricultural District
- SF-1 Single Family Residential District
- PD Planned Development
- Subject Locations
- Parcels
- City Limits

CITY OF SHERMAN
Zoning Location Map

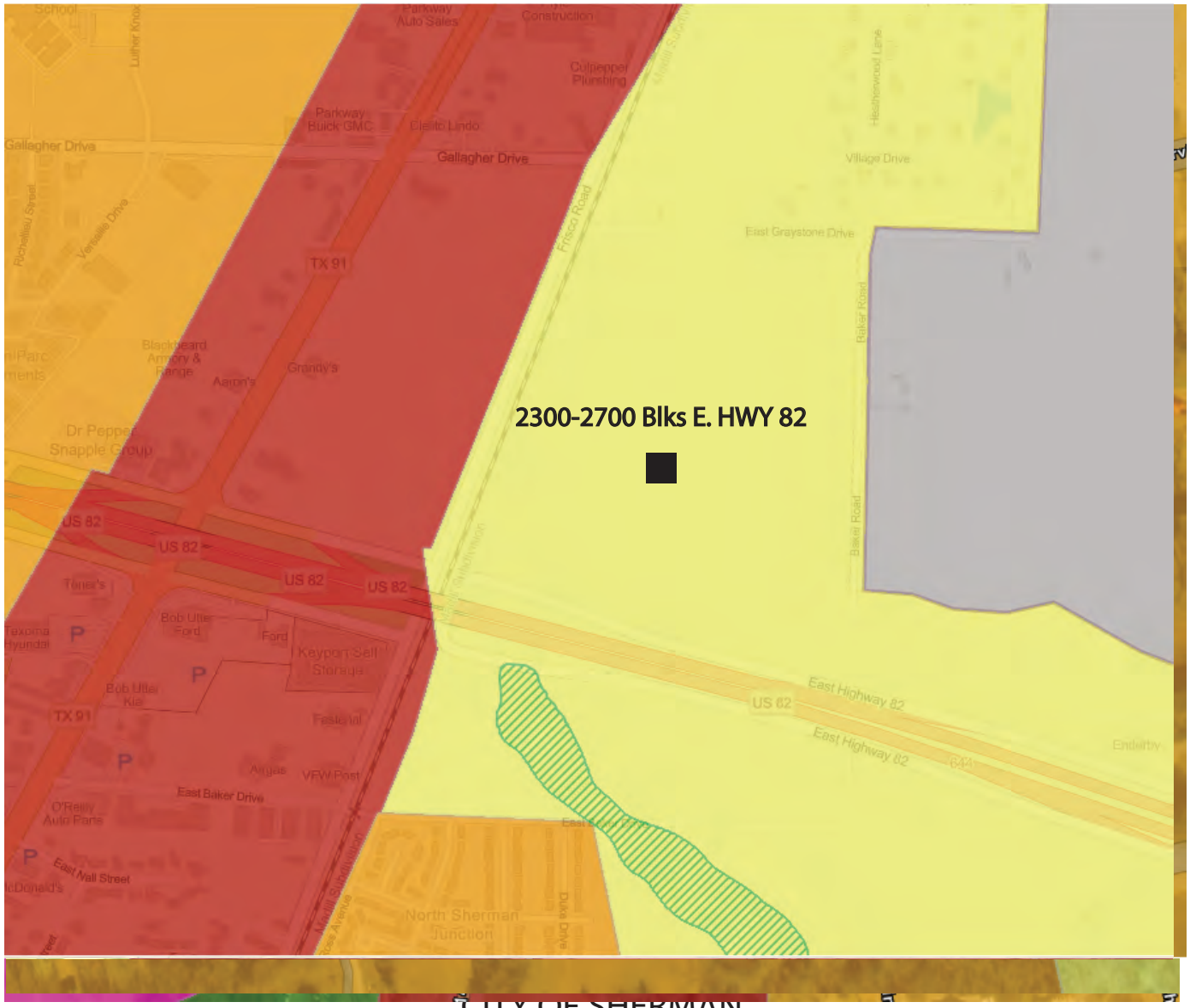
2300-2700 Hwy 82 East

N
W E
S

Scale: 1:23,880

Date: 10/19/2022 10:27 AM

2300-2700 E Hwy 82



CITY OF SHERMAN
Future Land Use Map
2300-2700 Blocks E. Highway 82

- AGRICULTURE/RURAL
- COMMUNITY COMMERCIAL
- CORE NEIGHBORHOOD
- DOWNTOWN
- PARKS
- REGIONAL COMMERCIAL
- SUBURBAN NEIGHBORHOOD
- TECHNOLOGY HUB
- FLOODPLAIN & OPEN SPACE
- NTRA ZONING
- AIRPORT

SUBURBAN NEIGHBORHOOD

Intent & Character

The Suburban Neighborhood category is intended to allow primarily single-family detached in a "complete neighborhood" setting. New subdivisions should include a mix of housing products and lot sizes. Areas of supporting local commercial should be integrated into the neighborhoods, primarily along major streets near the entrance of neighborhoods. Community amenities such as parks, trails, open spaces, and civic uses should also be included in the creation of new subdivisions. This category gives flexibility for the creation of master-planned neighborhoods that are compatible with the surrounding area.

Appropriate Land Use Types

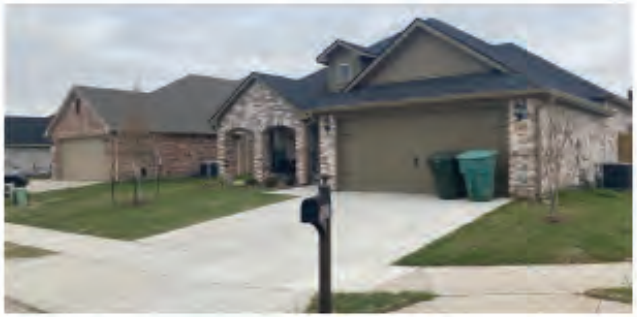
- Single-family detached (primary land use type)
- Single-family attached (duplexes and townhomes)
- Local/neighborhood commercial and office
- Parks and open space
- Schools and civic uses

Compatible Zoning Districts

- Estate Residential
- Single-Family Residential (R-12, R-6, R-5, and R-4)
- Multi-Family Residential (MF-15 and MF-30)
- Manufactured Housing
- Neighborhood Commercial
- Planned Development

Considerations

- Street connections to existing and future developments.
- Smaller lots and denser development can serve as a transition from the local commercial areas.



Example of existing suburban development in Sherman

6017 Main Street
Frisco, TX 75034
469.458.7300

Project Narrative
For a
Zoning Change Application

Submitted on behalf of:
Frostfire Hwy 82, LLC
12801 N Central Expwy, Suite 140
Dallas, TX 75243
Mr. Bhadresh Trivedi
Bhadresh.trivedi@yahoo.com

Submitted to:

The City of Sherman, Texas
Development Services
220 W Mulberry
PO Box 1106
Sherman, TX 75091

May 23, 2022

Frostfire Hwy 82, LLC is pleased to submit this Project Narrative statement along with our application to The City of Sherman to request a Zoning Change with our application. This application, if approved, will allow for the development of a mixed use development consisting of commercial uses, residential uses, and light manufacturing uses on approximately 74 acres, located northeast of the intersection of US-82 and Frisco Rd.

The project parcel is currently zoned with a mix of M-1, R-1, and R-2. Which allows Multi-family, Industrial, and Single family. The intended zoning being proposed consist of R-2 and C-2 with a Specific use Permit request to allow mini-storage which is close to the current zoning. Our desire is to create a development that allows for a more successful over all planned development that would include commercial/retail along US 82, Self-storage & flex office next to the railroad, and the remaining property to be residential/multi-family.

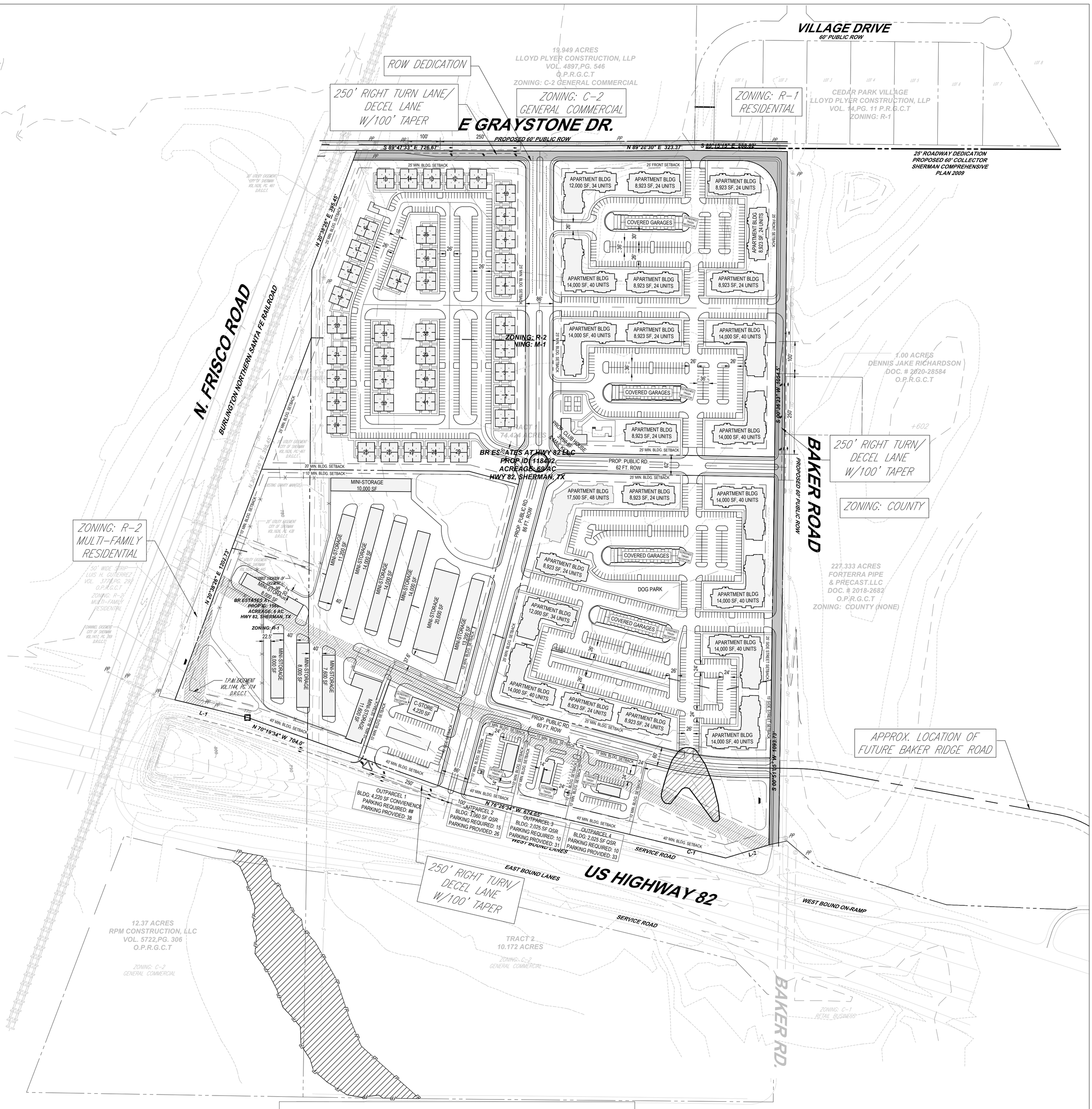
The commercial uses along US-82 and will allow Retail, Commercial, Fast Food, & Fuel station to capture business and continue the retail corridor spillover from Texoma Parkway. The proposed multifamily residential will offer people that prefer to rent a quality development that offers a pool, and clubhouse with amenity center.

With regards to traffic, a TIA was performed. Currently Baker Rd does not connect to US 82. This development is proposing and offering to construct a connection between Baker Rd & Baker Ridge Rd that would than allow traffic to directly connect onto US 82 from this development and neighborhoods to the North. Baker Rd would be widened between Grayson Dr & US 82 Westbound Frontage Rd to a two-lane undivided paved asphalt road with 12 feet wide lanes. Also, Grayson Dr is planned to be widened to a full two-lane road.

Our team strongly believes that the mixed-use zoning changes that are being requested will create better balance to the overall 74ac property. The entire development team looks forward to working with The City of Sherman to make this a successful project in the North West part of Sherman. We respectfully request your support for this of Zoning Change.

Respectfully,

Mathias Haubert, P.E.



SITE DATA

SHERMAN, TEXAS
MAY 23, 2022
PROJECT NUMBER: TXA220010

EXISTING PROPERTY INFORMATION
PIN: 156872 AND 118492
ADDRESS: HWY 82, SHERMAN, TEXAS
TOTAL ACREAGE: +/- 75 ACRES
EXISTING ZONING: M-1, C-2 AND R-2
PROPOSED ZONING: M-1, C-2, R-2
OVERLAY: O-1 (HIGHWAY 82), 500' FROM ROW

SETBACKS:
OVERLAY DISTRICT: O-1 (HIGHWAY 82)
HIGHWAY FRONTAGE: 40' OR 25; PLUS
HT. OF BLDG.
INTERNAL STREETS: 15'
REAR/SIDE: 5'
R-2, MULTI-FAMILY
FRONT: 25'
SIDE SETBACK/YARD: 23' (MIN. 7')
REAR SETBACK/YARD: 25'
C-2, COMMERCIAL
FRONT: 15'
SIDE SETBACK/YARD: 10'
REAR SETBACK/YARD: 0'

LAND USES:

COMMERCIAL:
ACREAGE: +/- 6.44 AC (280,526 SF)
COMMUNITY OPEN SPACE: 2.20 AC (96,036 SF)
PROPOSED ZONING: C-2

OUTPARCEL 1
PARCEL SF: +/- 1.42 AC (61,921 SF)
BUILDING SF: 4,228 SF
HARD SUFACE AREA: 33,151 SF
LANDSCAPE AREA: 24,542 SF
FLOOR/AREA RATIO: 0.01

OUTPARCEL 2
PARCEL SF: +/- 0.81 ac (35,077 SF)
BUILDING SF: 3,064 SF
HARD SUFACE AREA: 15,000 SF
LANDSCAPE AREA: 17,013 SF
FLOOR/AREA RATIO: 0.09

OUTPARCEL 3
PARCEL SF: +/- 0.93 AC (40,647 SF)
BUILDING SF: 2,025 SF
HARD SUFACE AREA: 22,927 SF
LANDSCAPE AREA: 15,695 SF
FLOOR/AREA RATIO: 0.05

OUTPARCEL 4
PARCEL SF: +/- 1.08 AC (47,182 SF)
BUILDING SF: 2,025 SF
HARD SUFACE AREA: 24,271 SF
LANDSCAPE AREA: 20,886 SF
FLOOR/AREA RATIO: 0.04

RIGHT-OF-WAY
EXISTING DEDICATION: +/- 1.48 AC (64,685 SF)
INTERNAL ROW: 6.57 AC (285,976 SF)
HARD SURFACE AREA: 3.39 AC (147,809 SF)
LANDSCAPE AREA: 3.17 AC (138,167 SF)

NOTES:
1. PARKING SHALL MEET STANDARDS OF CITY OF SHERMAN UDO
2. FIRE LANES SHALL MEET CITY OF SHERMAN STANDARDS
3. BUILDING DESIGN REQUIREMENTS SHALL BE MET PER ORDINANCE
4. SECTION 6.13.1 O-I (HWY 82) OVERLAY DISTRICT. 500 FT ON EITHER SIDE OF HWY 82

RESIDENTIAL:
ACREAGE: +/- 44.31 AC (1,930,178 SF)
PROPOSED ZONING: R-2

APARTMENTS
PARCEL SF: +/- 29.34 AC (1,278,056 SF)
BUILDING SF: 265,653 SF
AMENITY BLDG.: 3,750 SF
HARD SUFACE AREA: 684,881 SF
LANDSCAPE AREA: 323,772 SF
FLOOR/AREA RATIO: 0.62

TOWNHOMES
PARCEL SF: +/- 14.97 AC (652,122 SF
BUILDING SF: 128,000 SF
HARD SUFACE AREA: 175,590 SF
LANDSCAPE AREA: 348,532 SF
FLOOR/AREA RATIO: 0.20

MANUFACTURING:
ACREAGE: +/- 14.82 AC (645,559 SF)
PROPOSED ZONING: M-1

MINI-STORAGE
PARCEL SF: +/- 14.82 AC
TOTAL BUILDING SF: 140,200 SF
HARD SUFACE AREA: 272,703 SF
LANDSCAPE AREA: 232,656 SF
FLOOR/AREA RATIO: 0.22

SITE DATA

PARCEL 1
PROP ID: 156872
OWNER: BR ESTATES AT HWY 82 LLC
ACREAGE: 6 AC
ZONING: R-1

PARCEL 2
PROP ID: 118492
OWNER: BR ESTATES AT HWY 82 LLC
ACREAGE: 69 AC
ZONING: M-1, R-2

\\BOHLERENG.NET\SHARES\TX-PROJECTS\2022\TXA220010.00\CAD\DRAWINGS\XREFS\X - PROP3----->LAYOUT: VERTICAL

BOHLER
6017 MAIN STREET
FRISCO, TX 75034
Phone: (469) 458-7300
TX@BohlerEng.com
TBPE No. 18065 | TBPLS No. 10194413

HIGHWAY 82 MIXED USE

SHERMAN, TEXAS | PLAN REV.

May 23, 2022 | KM | Project#TXA220010 | Rev

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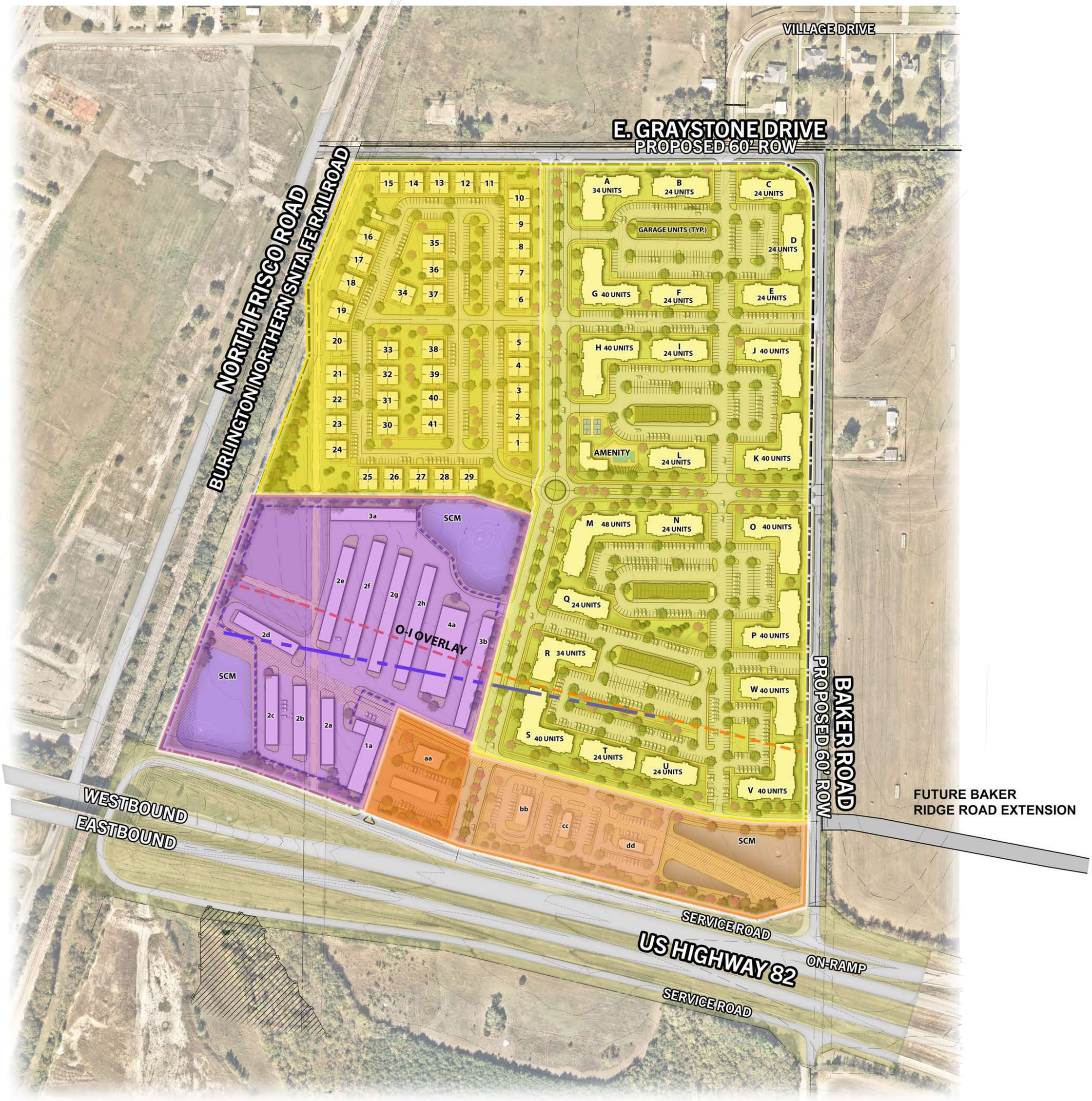
1"=150'



SITE DATA

SHERMAN, TEXAS
MAY 23, 2022
PROJECT NUMBER: TXA220010

EXISTING PROPERTY INFORMATION
PIN: 156872 (6 AC), 118492 (69 AC)
ADDRESS: HWY 82 SHERMAN, TEXAS
TOTAL ACREAGE: +/-75 ACRES
EXISTING ZONING: M-1, R-1 AND R-2
PROPOSED ZONING: M-1, C-2 AND R-2
OVERLAY DISTRICT: O-1 (HIGHWAY 82); 500' FROM ROW

PROPOSED USES:

C-2 ZONING: COMMERCIAL: +/- 6.44 ACRES

USE	BLDG;	PARCEL
C-STORE aa:	4,228 SF	1.42 AC
OUT-PARCEL bb:	3,064 SF	0.81 AC
OUT-PARCEL cc:	2,025 SF	0.93 AC
OUT-PARCEL dd:	2.025 SF	1.08 AC
OPEN SPACE:		3.99 AC

M-1 ZONING: MINI-STORAGE +/- 14.82 AC

USE	AREA
MINI-STORAGE:	140,200 SF
HARD SURFACE:	272,703 SF
OPEN SPACE:	232,656 SF

R-2 ZONING: APARTMENTS +/- 29.39 AC AC

USE:	AREA	UNIT COUNT
APARTMENTS:	265,653 SF	740 UNITS
***3-STORY GARDEN STYLE		
PARKING:		1,500 SPACES
HARD SURFACE AREA:	684,881 SF	
OPEN SPACE:	323,772 SF	

R-2 ZONING: TOWNHOMES +/- 14.97 AC

USE:	AREA	UNIT COUNT
TOWNHOMES:	128,000 SF	164 UNITS / 41 BLDGS.
PARKING:		350 SPACES
PAVEMENT:	175,590 SF	
OPEN SPACE:	348,532 SF	

RIGHT-OF-WAY
EXISTING DEDICATION: +/- 1.48 AC (64,685 SF)
INTERNAL ROW: 6.57 AC (285,976 SF)
HARD SURFACE AREA: 3.39 AC (147,809)
LANDSCAPE AREA: 3.17 AC)138,167 SF)

MASTER PLAN | MIXED USE EXHIBIT | MAY 2022

SHERMAN HIGHWAY 82 MIXED USE

SHERMAN, TEXAS

N W E S

150 75 37.5 0 150
1"=150'

BOHLER

SAMPLE MULTIFAMILY ELEVATIONS

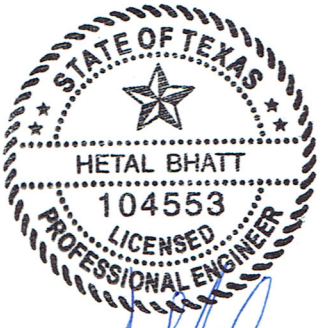
TRAFFIC IMPACT ANALYSIS FOR
MIXED-USE DEVELOPMENT ON GRAYSTONE DRIVE
SHERMAN, TEXAS

Prepared for:
Bohler Engineering
6017 Main Street
Frisco, TX 75034

Prepared by:

LEE ENGINEERING
3030 LBJ Freeway, Suite 1660
Dallas, Texas 75234
(972) 248-3006
TBPE Firm F-450

November 2022



11/04/2022

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INTRODUCTION

This traffic study was performed to analyze the potential traffic impacts of the proposed mixed-use development located to the southeast of the Graystone Drive and Frisco Road intersection in Sherman, Texas. A vicinity map of the study area is shown in **Figure 1,** and a site plan for the development is shown in **Figure 2**. The following elements were included in this study:

Data Collection

- Collected weekday AM and PM peak hour turning movement volumes at the following three (3) existing study intersections:
    - Frisco Road and Graystone Drive
    - Village Drive and Graystone Drive
    - Sistrunk Street and Dripping Spring Road
- Studied existing roadway configurations, surrounding land areas, and sight distance at the proposed access points.
- Obtained the proposed site plan, information related to planned roadway improvements, and other relevant information.

Traffic Analysis

- Assessed the general accessibility of the site.
- Estimated the number of trips that will be generated by the proposed development and other future development in the area.
- Estimated the directional distribution of traffic approaching / departing the proposed development during the AM and PM peak hours.
- Reviewed available historical and projected traffic volume data for the study area roadways.
- Determined the growth rate of traffic in the area and estimated non-site traffic volumes for the study area at site build-out.
- Assigned the estimated traffic to the street network.

Recommendations

- Determined if any roadway improvements are needed to accommodate projected traffic generated by the proposed development.

Documentation

- Prepared this report documenting the study procedures and results.

Figure 1: Vicinity Map of the Study Area

SITE DATA

SHERMAN, TEXAS
MAY 23, 2022
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SETBACKS:
OVERLAY DISTRICT: O-1 (HIGHWAY 82)
HIGHWAY FRONTAGE: 40' OR 25; PLUS
HT. OF BLDG.
INTERNAL STREETS: 15'
REAR/SIDE: 5'
R-2, MULTI-FAMILY
FRONT: 25'
SIDE SETBACK/YARD: 25' (MIN. 7')
REAR SETBACK/YARD: 25'
C-2, COMMERCIAL
FRONT: 15'
SIDE SETBACK/YARD: 10'
REAR SETBACK/YARD: 0'

LAND USES:

COMMERCIAL:
ACREAGE: +/- 6.44 AC (280,526 SF)
COMMUNITY OPEN SPACE: 2.20 AC (96,036 SF)
PROPOSED ZONING: C-2

OUTPARCEL 1
PARCEL SF: +/- 1.42 AC (61,921 SF)
BUILDING SF: 4,228 SF
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PARCEL SF: +/- 0.81 ac (35,077 SF)
BUILDING SF: 3,064 SF
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FLOOR/AREA RATIO: 0.09

OUTPARCEL 3
PARCEL SF: +/- 0.93 AC (40,647 SF)
BUILDING SF: 2,025 SF
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LANDSCAPE AREA: 15,695 SF
FLOOR/AREA RATIO: 0.05

OUTPARCEL 4
PARCEL SF: +/- 1.08 AC (47,182 SF)
BUILDING SF: 2,025 SF
HARD SUFACE AREA: 24,271 SF
LANDSCAPE AREA: 20,886 SF
FLOOR/AREA RATIO: 0.04

RIGHT-OF-WAY
EXISTING DEDICATION: +/- 1.48 AC (64,685 SF)
INTERNAL ROW: 6.57 AC (285,976 SF)
HARD SURFACE AREA: 3.39 AC (147,809 SF)
LANDSCAPE AREA: 3.17 AC (138,167 SF)

RESIDENTIAL:
ACREAGE: +/- 44.31 AC (1,930,179 SF)
PROPOSED ZONING: R-2

APARTMENTS
PARCEL SF: +/- 29.34 AC (1,278,056 SF)
BUILDING SF: 265,653 SF
AMENITY BLDG.: 3,758 SF
HARD SUFACE AREA: 686,381 SF
LANDSCAPE AREA: 323,772 SF
FLOOR/AREA RATIO: 0.62

TOWNHOMES
PARCEL SF: +/- 14.97 AC (652,122 SF
BUILDING SF: 128,000 SF
HARD SUFACE AREA: 175,590 SF
LANDSCAPE AREA: 348,532 SF
FLOOR/AREA RATIO: 0.20

MANUFACTURING:
ACREAGE: +/- 14.82 AC (645,559 SF)
PROPOSED ZONING: M-1

MINI-STORAGE
PARCEL SF: +/- 14.82 AC
TOTAL BUILDING SF: 140,200 SF
HARD SUFACE AREA: 272,703 SF
LANDSCAPE AREA: 232,656 SF
FLOOR/AREA RATIO: 0.22

NOTES:
1. PARKING SHALL MEET STANDARDS OF CITY OF SHERMAN UDO
2. FIRE LANES SHALL MEET CITY OF SHERMAN STANDARDS
3. BUILDING DESIGN REQUIREMENTS SHALL BE MET PER ORDINANCE
4. SECTION 6.13.1 O-1 (HWY 82) OVERLAY DISTRICT, 500 FT ON EITHER SIDE OF HWY 82

MASTER PLAN | MAY 2022

SHERMAN HIGHWAY 82 MIXED USE

SHERMAN, TEXAS

BOHLER

LEE ENGINEERING
3030 LBJ FREEWAY, SUITE 1660
DALLAS, TX 75234
PHONE: 972-248-3006
TBPE FIRM NO. F-450

Proposed Site Plan

Figure 2

SITE ACCESSIBILITY

Site accessibility describes the ease with which vehicles can get to and from a development. A site's accessibility is affected by the geographical location of the development with respect to other activity areas, the roadway system, and physical restraints such as rivers or lakes.

The existing lane configurations for the adjacent roadways are provided in **Figure 3**. The following paragraphs provide a description of the study area roadways. Any reference to Thoroughfare Plan implies Map 4.2 of the Comprehensive Plan (2022 update).

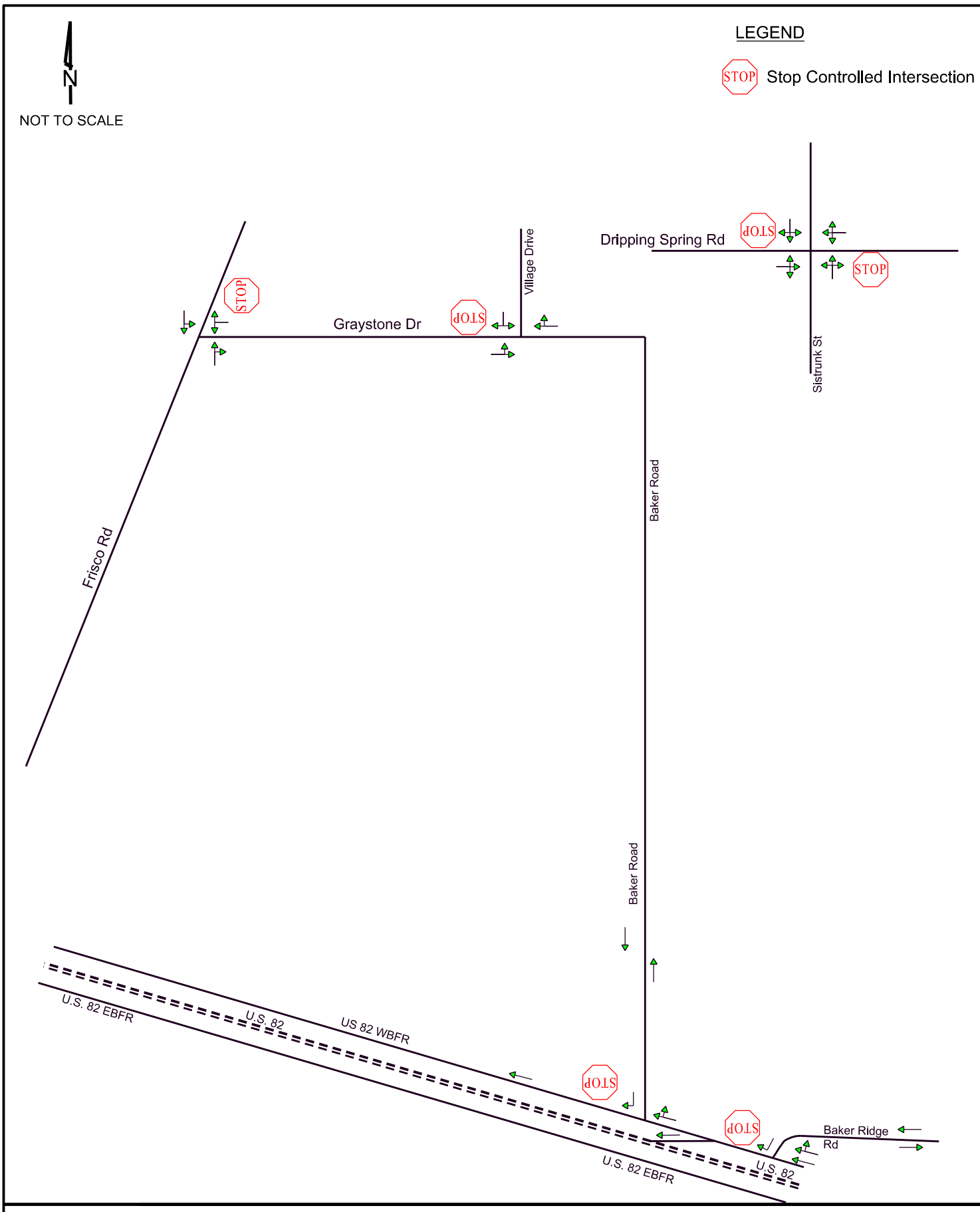
Graystone Drive – Graystone Drive is an east-west roadway north of the proposed development. Its assumed speed limit is 30 miles per hour (mph) since a posted speed limit was not observed during the site visit. During site observations, the width of the roadway was measured at 19 feet. Graystone Drive is a two-lane undivided roadway that is classified as a Collector Street in the City of Sherman Thoroughfare plan. Two access points to the proposed development will be located on Graystone Drive.

Based on the information provided by Bohler Engineering, the project will widen this roadway between Village Drive and Baker Road to a two-lane undivided asphalt roadway with 12 feet wide lanes. Based on the virtual meeting held between Lee Engineering, Bohler Engineering, and the City Staff, we understood that the proposed development to the north of Graystone Drive will widen this roadway to a two-lane divided roadway with 12 feet wide lanes between Frisco Road and Village Drive.

Frisco Road – Frisco Road is a north-south roadway west of the proposed development with a posted speed limit of 35 mph. Frisco Road is a two-lane undivided roadway that is classified as a Collector Street in the City of Sherman Thoroughfare plan. To the southwest of the site, Frisco Road connects to US 82, a major roadway in the area. However, due to a railroad line that parallels Frisco Road on its east side, the connection to US 82 is only directly to and from the west. Trips to and from US 82 to the east must U-turn at Texoma Parkway (SH 91) 0.25 miles to the west.

Village Drive – Village Drive is a short residential street northeast of the proposed development. It has an assumed speed limit of 30 mph since a posted speed limit was not observed during the site visit. Village Drive is a two-lane undivided roadway that is classified as a Local Street in the City of Sherman Thoroughfare plan.

Dripping Spring Road – Dripping Spring Road is an east-west roadway approximately a half mile north of the proposed development. It has an assumed speed limit of 30 mph since a posted speed limit was not observed during the site visit. Dripping Spring Road is a two-lane undivided roadway that is classified as a Minor Arterial in the City of Sherman Thoroughfare Plan.



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DALLAS, TX 75234
PHONE: 972-248-3006
TBPE FIRM NO. F-450

Existing Intersection Lane Configurations

Figure 3

Sistrunk Street – Sistrunk Street is a short north-south residential street located northeast of the proposed development. It has an assumed speed limit of 30 mph since a posted speed limit was not observed during the site visit. Sistrunk Street is a two-lane undivided roadway that is classified as a Local Street in the City of Sherman Thoroughfare Plan.

Baker Road – Baker Road is a north-south roadway east of the proposed development. It has an assumed speed limit of 30 mph since a posted speed limit was not observed during the site visit. Baker Road is a two-lane undivided roadway that is classified as a Local Street in the City of Sherman Thoroughfare plan. During site observations, the width of the roadway was measured at 19 feet. Based on the information provided by Bohler Engineering, the project will widen this roadway between Grayson Drive and US 82 Westbound Frontage Road to a two-lane undivided asphalt roadway with 12 feet wide lanes.

Baker Ridge Road – Baker Ridge Road is an east-west roadway southeast of the proposed development. It has an assumed speed limit of 30 mph since a posted speed limit was not observed during the site visit. Baker Ridge Road is a two-lane undivided roadway that is classified as a Local Street in the City of Sherman Thoroughfare plan. As per discussions with the developer, Baker Ridge Road is planned to be connected to Baker Road by a new two-way roadway link by the Build-Out Year (2028). The new connection will facilitate access from the development to the on-ramp for the westbound US 82 main lanes via the intersection of Baker Ridge Road and the US 82 Westbound Frontage Road (WBFR).

Based on the information provided by Bohler Engineering, the project will construct the proposed Baker Road connection to Baker Ridge Road. This connection will be a two-lane undivided asphalt roadway with 12 feet wide lanes.

US 82 Westbound Frontage Road – US 82 Westbound frontage road is an east-west roadway south of the proposed development. Based on the TxDOT statewide planning map, the speed limit on the frontage road is assumed to be 55 mph since a posted speed limit was not observed during the site visit. The US 82 westbound frontage road is a two-lane one-way roadway entering the study area from the east. The left-hand lane drops to the on-ramp for the US 82 main lanes just east of the Baker Road intersection.

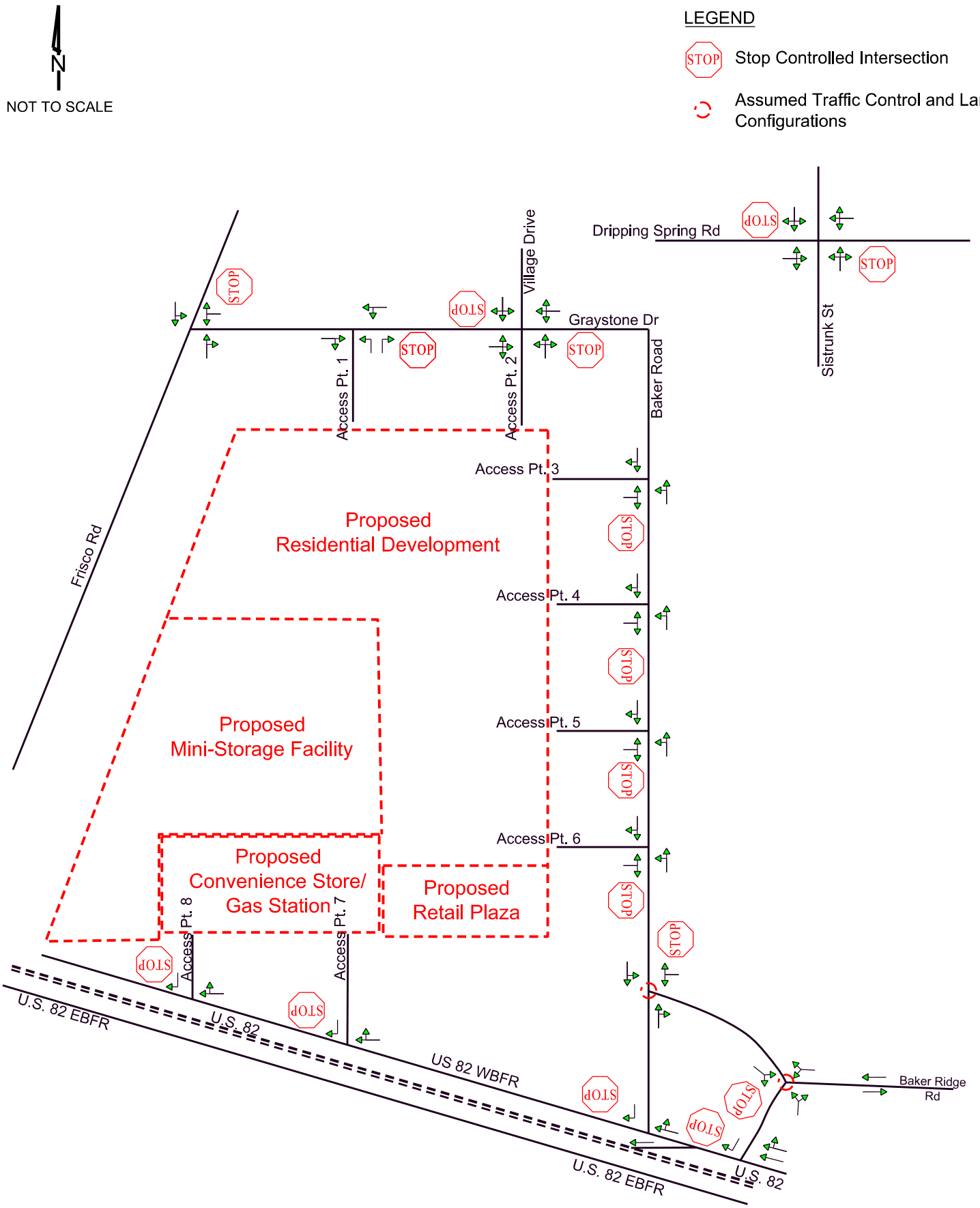
The westbound frontage road continues as a single-lane roadway to the west of the on-ramp and adjacent to the proposed site. The frontage road U-turns underneath the US 82 main lanes near the southwest corner of the proposed mixed-use development and before the rail lane parallel to Frisco Road. This requires all traffic on the westbound frontage road to travel via the US 82 eastbound frontage road before connecting to other routes.

The proposed lane configurations are shown in **Figure 4**.

Access to the proposed mixed-use development will be provided by two access points on Graystone Drive, four access points on Baker Road, and two access points on the US 82 WBFR:

- Access Point 1 will be located on Graystone Drive, about 660 feet east of Frisco Road.
- Access Point 2 will be opposite Village Drive, about 450 feet east of Access Point 1.
- Access Points 3, 4, 5, and 6 will be located on Baker Road, about 475 feet, 950 feet, 1,450 feet, and 1,900 feet south of Graystone Drive, respectively. Access Point 6 will be about 320 feet north of the US 82 WBFR.
- Access Point 7 will be located on the US 82 WBFR approximately 1,000 feet west of Baker Road.
- Access Point 8 will be located on US 82 WBFR, about 1,300 feet west of Baker Road.

The proposed site access point locations and lane configurations are shown in Figure 4.



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DALLAS, TX 75234
PHONE: 972-248-3006
TBPE FIRM NO. F-450

Proposed Intersection Lane Configurations

Figure 4

PROPOSED DEVELOPMENT

The proposed mixed-use development on Graystone Drive is planned to include 740 multifamily housing lots, 164 single-family attached townhomes, 7,110 square feet of Retail Plaza, 140,200 square feet of Mini-Storage/Warehouse, and a Gas Station with 10 Vehicle Fueling Positions (VFP's) and a 4,228 square-foot Convenience Store. Based on discussions with the developer's representative, the Build-Out Year for the proposed development is planned to occur in 2028.

The number of trips generated by the proposed development is a function of the type and quantity of land uses within the development. The number of vehicle trips generated by the proposed development was estimated based on the trip generation rates and equations provided in the publication entitled *Trip Generation Manual, 11th Edition*, by the Institute of Transportation Engineers (ITE). Estimates of the number of trips generated by the site were made for the AM and PM peak hours, as well as on a daily basis. The trip generation characteristics for the proposed mixed-use development under Build-Out are shown in **Table 1**.

Table 1: Trip Generation Characteristics for Proposed Mixed-Use Development on Graystone Drive

Land Use (ITE Land Use)	ITE Code	Variable (X)	Average Weekday			AM Peak Hour			PM Peak Hour		
Equation/Rates[1]											
Multifamily Housing (Low-Rise)	220	Number of Dwelling Units	T = 6.41(X) + 75.31			T = 0.31(X) + 22.85			T = 0.43(X) + 20.55		
Single Family Attached Housing (Townhomes)	215	Number of Dwelling Units	T = 7.62(X) - 50.48			T = 0.52(X) - 5.70			T = 0.60(X) - 3.93		
Retail Plaza	822	1000 Sq Ft GFA	T = 42.20(X) + 229.68			T = 2.36(X)			Ln(T) = 0.71Ln(Y) + 2.72		
Mini-Storage/Warehouse	151	1000 Sq Ft GFA	T = 1.45(X)			T = 0.09(X)			T = 0.15(X)		
Convenience Store/Gas Station	945	Number of Vehicle Fueling Positions	T = 257.13(X)			T = 27.04(X)			T = 22.76(X)		
Convenience Store/Gas Station	945	1000 Sq Ft GFA	T = 560.88(X) + 548.79			T = 56.52(X)			T = 54.52(X)		
Directional Splits[2]											
Multifamily Housing (Low-Rise)	220	Number of Dwelling Units	50/50			24/76			63/37		
Single Family Attached Housing (Townhomes)	215	Number of Dwelling Units	50/50			31/69			57/43		
Retail Plaza	822	1000 Sq Ft GFA	50/50			60/40			50/50		
Mini-Storage/Warehouse	151	1000 Sq Ft GFA	50/50			59/41			47/53		
Convenience Store/Gas Station	945	Number of Vehicle Fueling Positions	50/50			50/50			50/50		
Convenience Store/Gas Station	945	1000 Sq Ft GFA	50/50			50/50			50/50		
Trips Generated											
Land Use	Amount	Variable (X)	Total	Enter	Exit	Total	Enter	Exit	Total	Enter	Exit
Multifamily Housing (Low-Rise)	740	Number of Dwelling Units	4,820	2,410	2,410	252	60	192	339	213	126
Single Family Attached Housing (Townhomes)	164	Number of Dwelling Units	1,200	600	600	80	25	55	94	53	41
Retail Plaza	7.11	1000 Sq Ft GFA	530	265	265	17	10	7	62	31	31
Mini-Storage/Warehouse	140.20	1000 Sq Ft GFA	204	102	102	13	8	5	21	10	11
Convenience Store/Gas Station	10	Number of Vehicle Fueling Positions	2,572	1,286	1,286	270	135	135	228	114	114
Total Trips			9,326	4,663	4,663	632	238	394	744	421	323
Internal Capture						8	4	4	86	43	43
TOTAL NEW TRIPS			**9,326**	**4,663**	**4,663**	**624**	**234**	**390**	**658**	**378**	**280**

[1]T = Trips Ends; X = Number of Dwelling Units; [2]XX / YY = % entering vehicles / % exiting vehicles; [3]Number of Dwelling Units

TRAFFIC VOLUMES

Existing Traffic Volumes

Existing weekday peak period turning movement counts at the three (3) existing study intersections were collected on Tuesday, May 10, 2022. Twenty-four-hour turning movement counts were collected at the intersection of Graystone Drive and Frisco Road, while peak period counts were collected at the other two intersections. Twenty-four-hour machine counts were also collected on the Baker Road and Baker Ridge Road study area roadways on Wednesday, August 3, 2022. **Figure 5** shows the existing traffic volumes collected for this traffic study. The raw traffic count data is provided in the **Appendix**.

Background Traffic Volumes

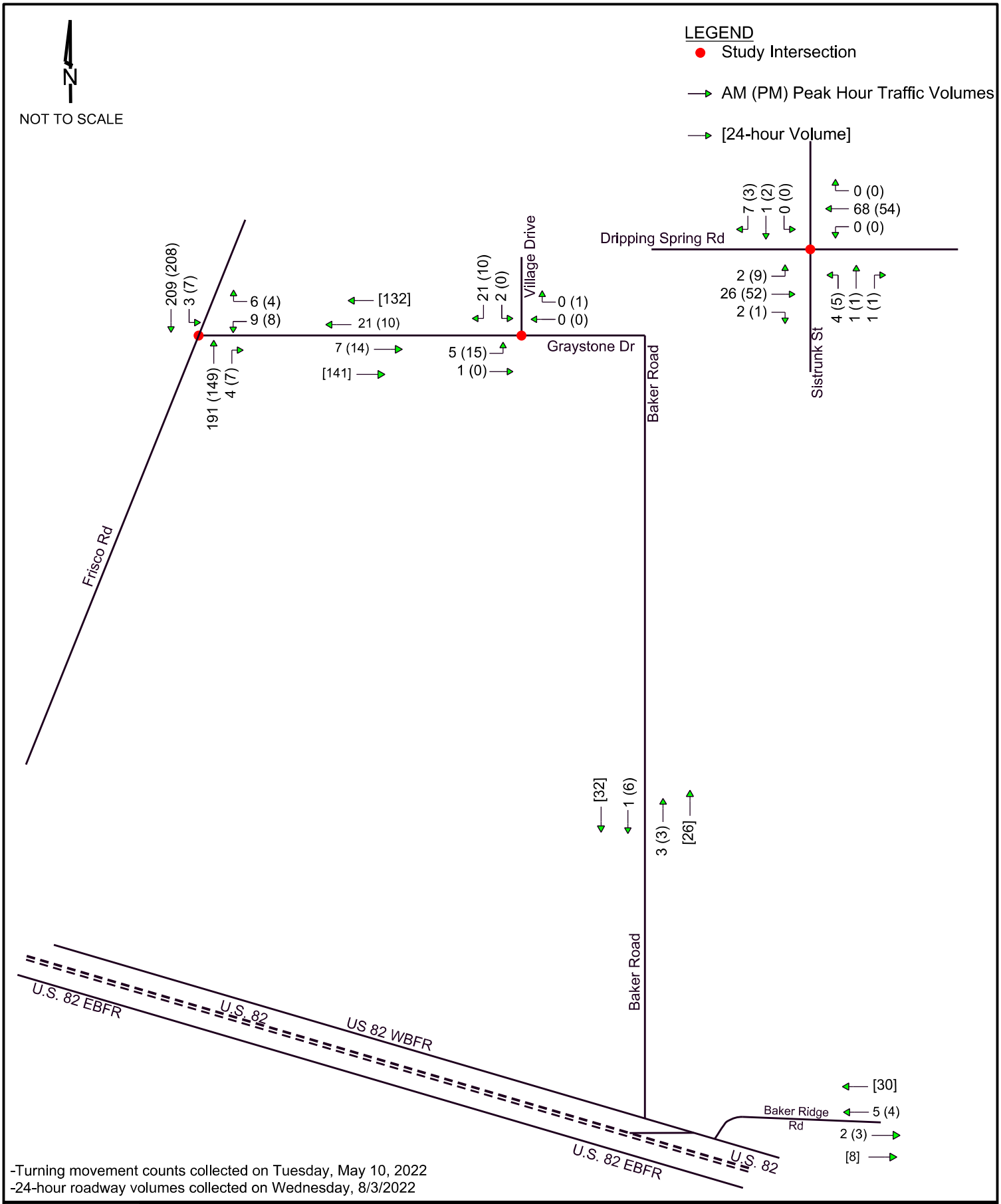
Historical average daily traffic (ADT) volumes in the study area were obtained from TxDOT's online Traffic Count Database System and are presented in **Table 2.**

Table 2: Historical Daily Traffic Counts

Year	Location	
	Frisco Road (S of Graystone Drive)	**Graystone Drive (E of Frisco Road)**
2008	3,630	380
2009	- - -	- - -
2010	- - -	- - -
2011	- - -	- - -
2012	- - -	- - -
2013	3,241	381
2014	- - -	- - -
2015	3,306	- - -
2016	- - -	- - -
2017	- - -	- - -
2018	3,026	322
2019	2,840	- - -
Average Annual Growth[1]	**-2% / -2%**	**-2% / -3%**

[1] Annual growth rate from 2008/2013 to 2019

The values in Table 2 show that traffic volumes on these area roadways have decreased over the past several years. However, for this traffic analysis, a conservative annual growth rate of 2% was used for determining background traffic volumes under Build-Out Year (2028) conditions. The existing traffic volumes on Baker Road are very low, and historical traffic volumes are not available, so the 2% growth rate rounds off to zero assumed growth along Baker Road. The resulting Build-Out Year (2028) Background traffic volumes are provided in **Figure 6**.



-Turning movement counts collected on Tuesday, May 10, 2022
-24-hour roadway volumes collected on Wednesday, 8/3/2022

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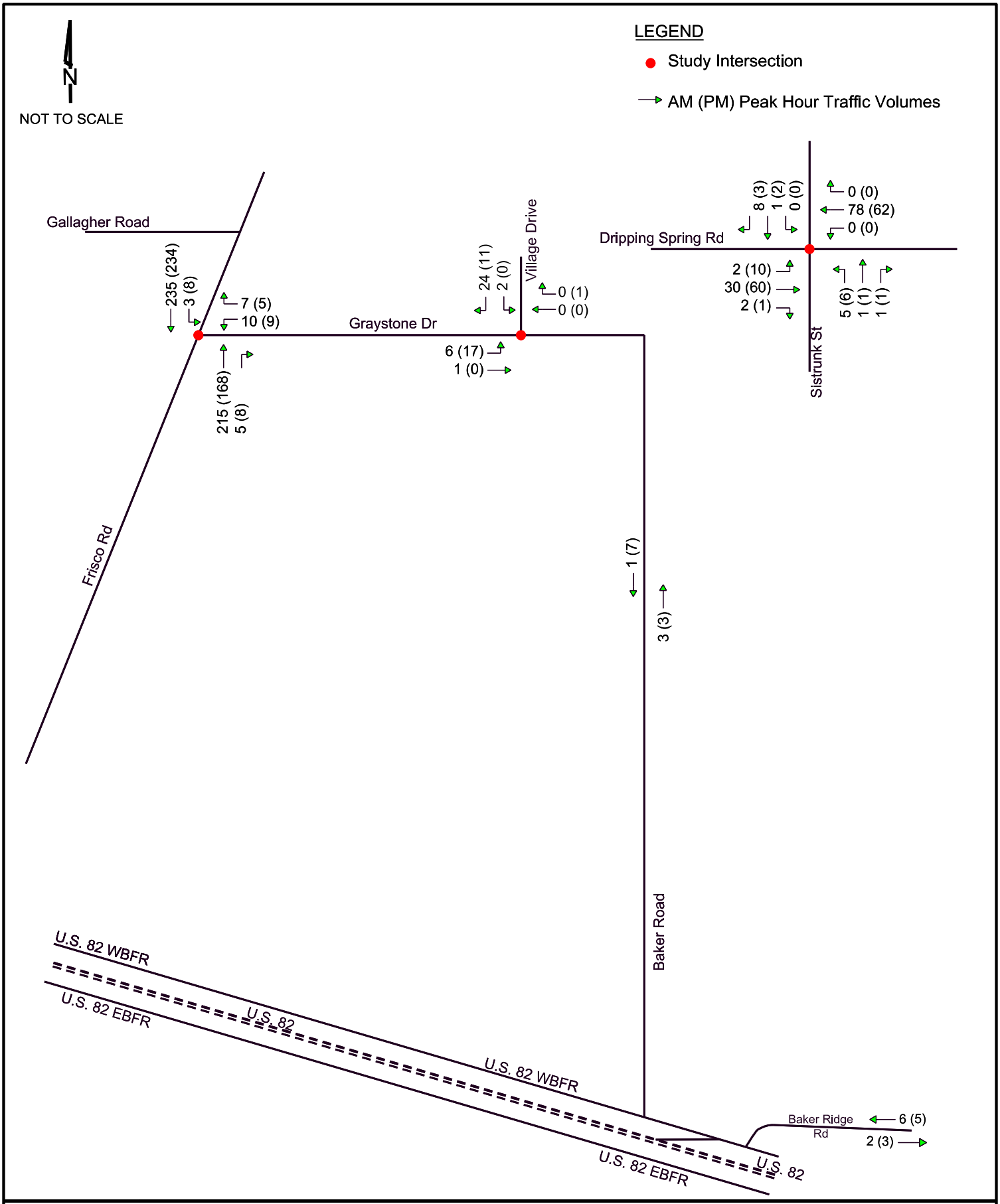
Existing (2022) Peak Hour Traffic Volumes

Figure 5



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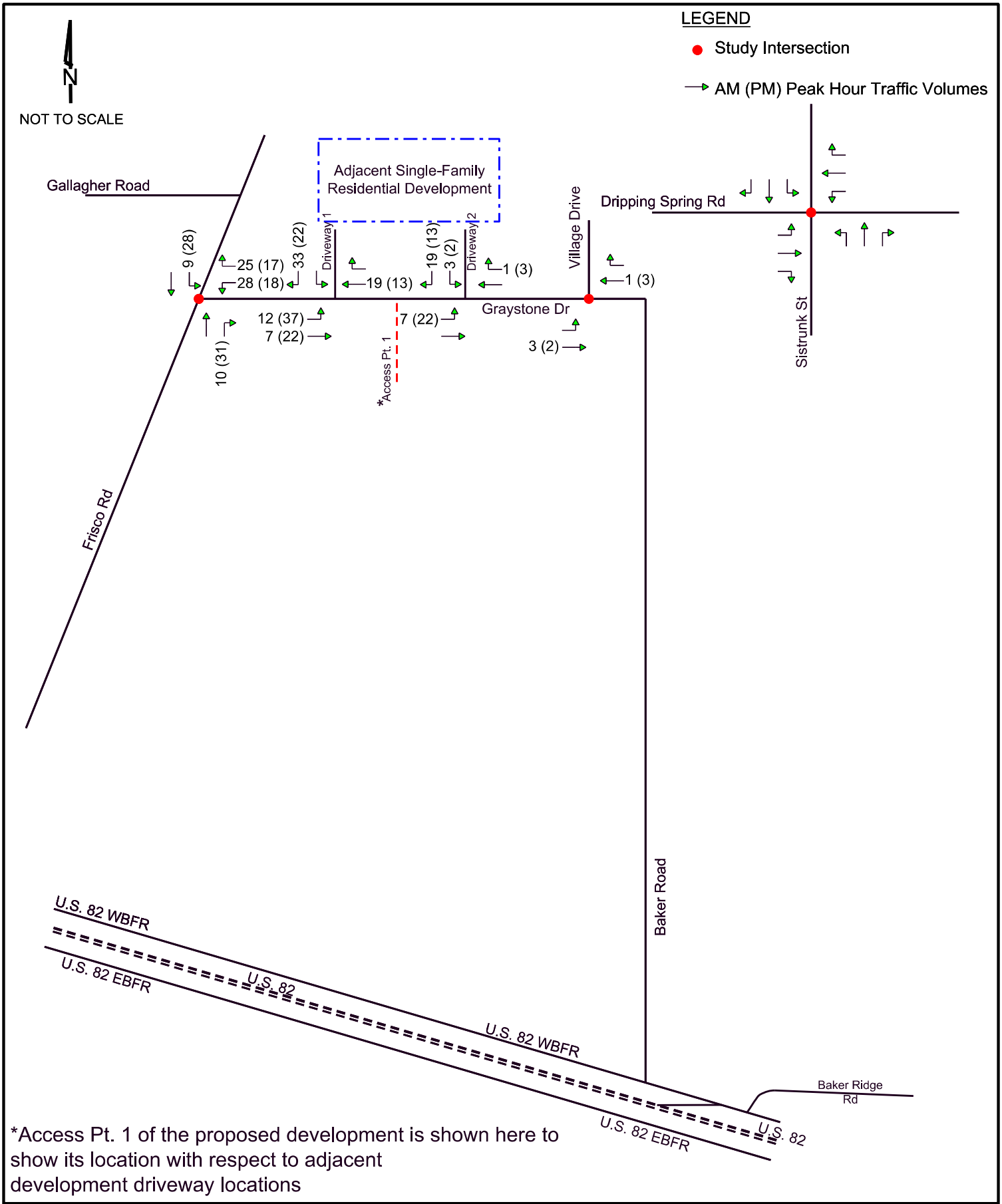
Build-Out Year (2028) Background Peak Hour Traffic Growth

Figure 6



*Access Pt. 1 of the proposed development is shown here to show its location with respect to adjacent development driveway locations

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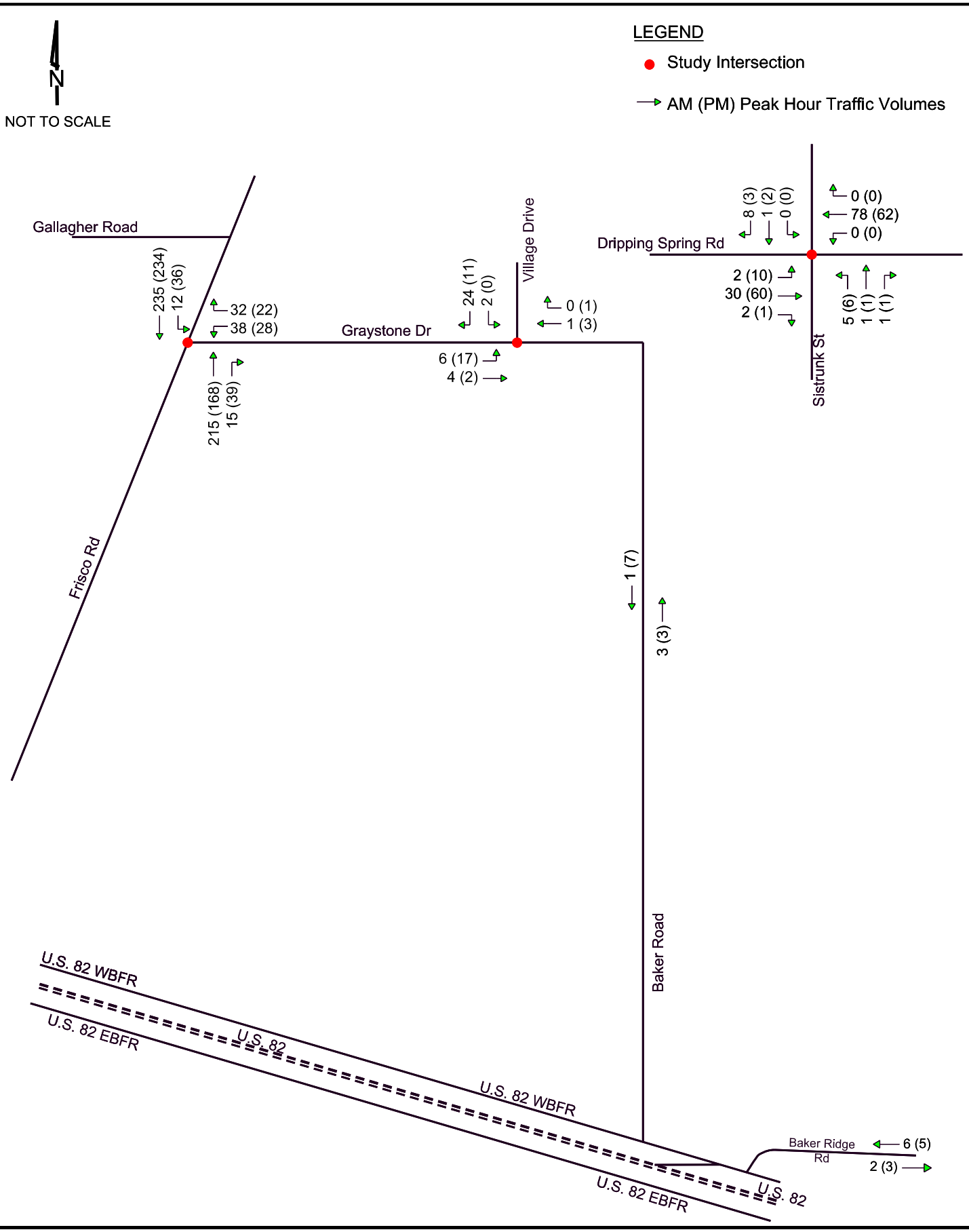
Build-Out Year (2028) Site Traffic
(Adjacent Single-Family Residential Development)

Figure 7



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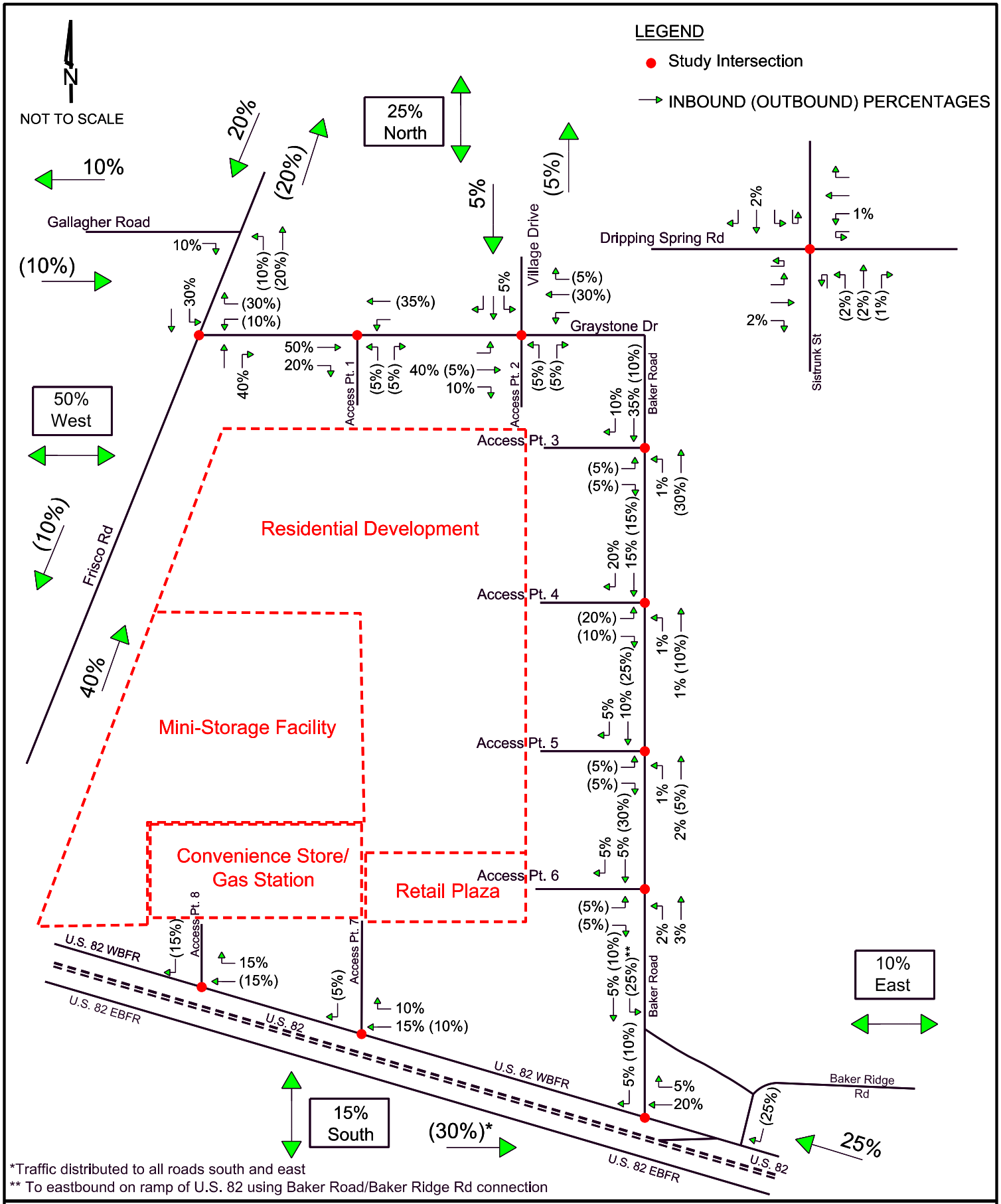
Build-Out Year (2028) Background Peak Hour Traffic Volumes
(Including Site Traffic from adjacent development)

Figure 8



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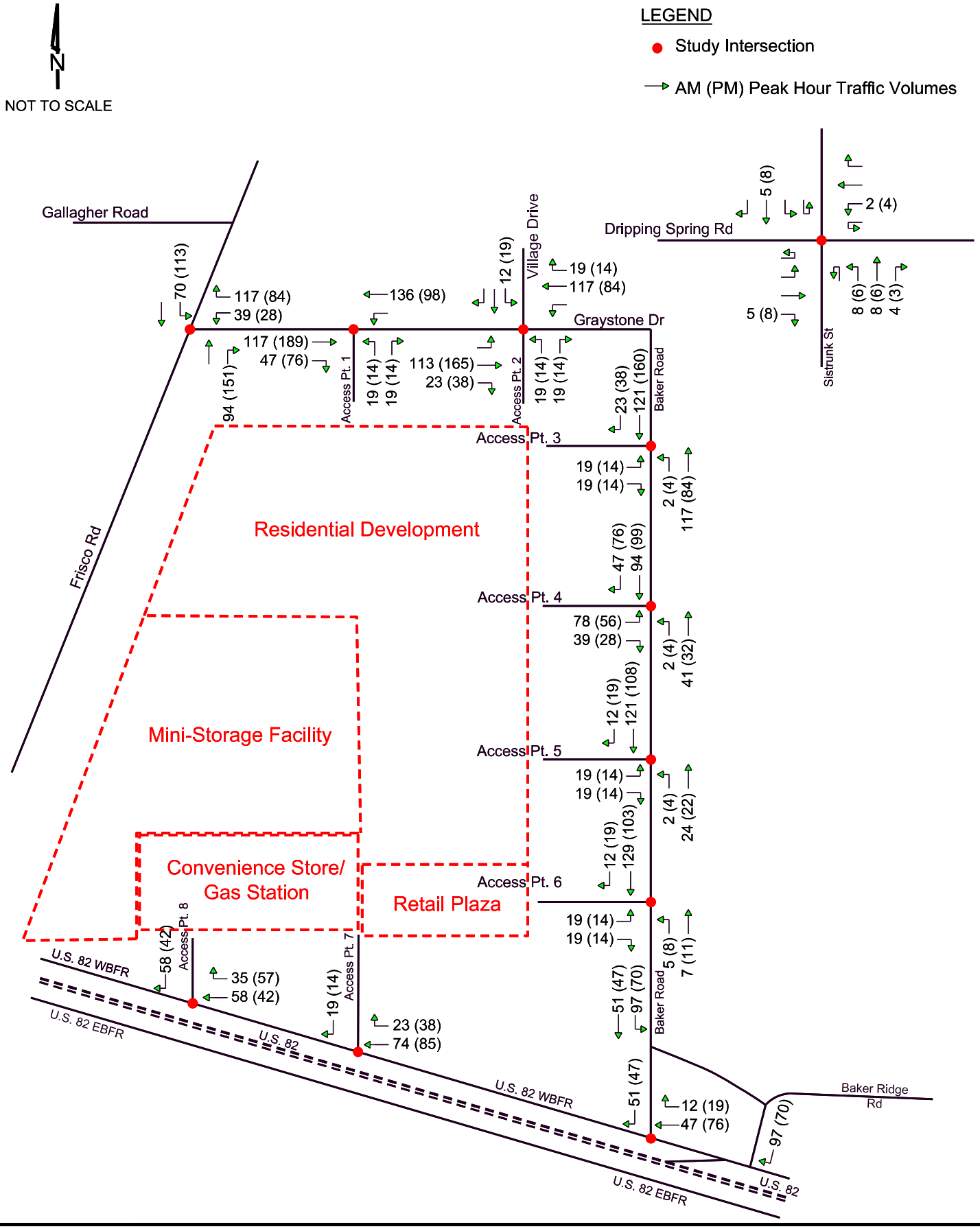
Assumed Directional Distributions
(Proposed Mixed-Use Development)

Figure 9



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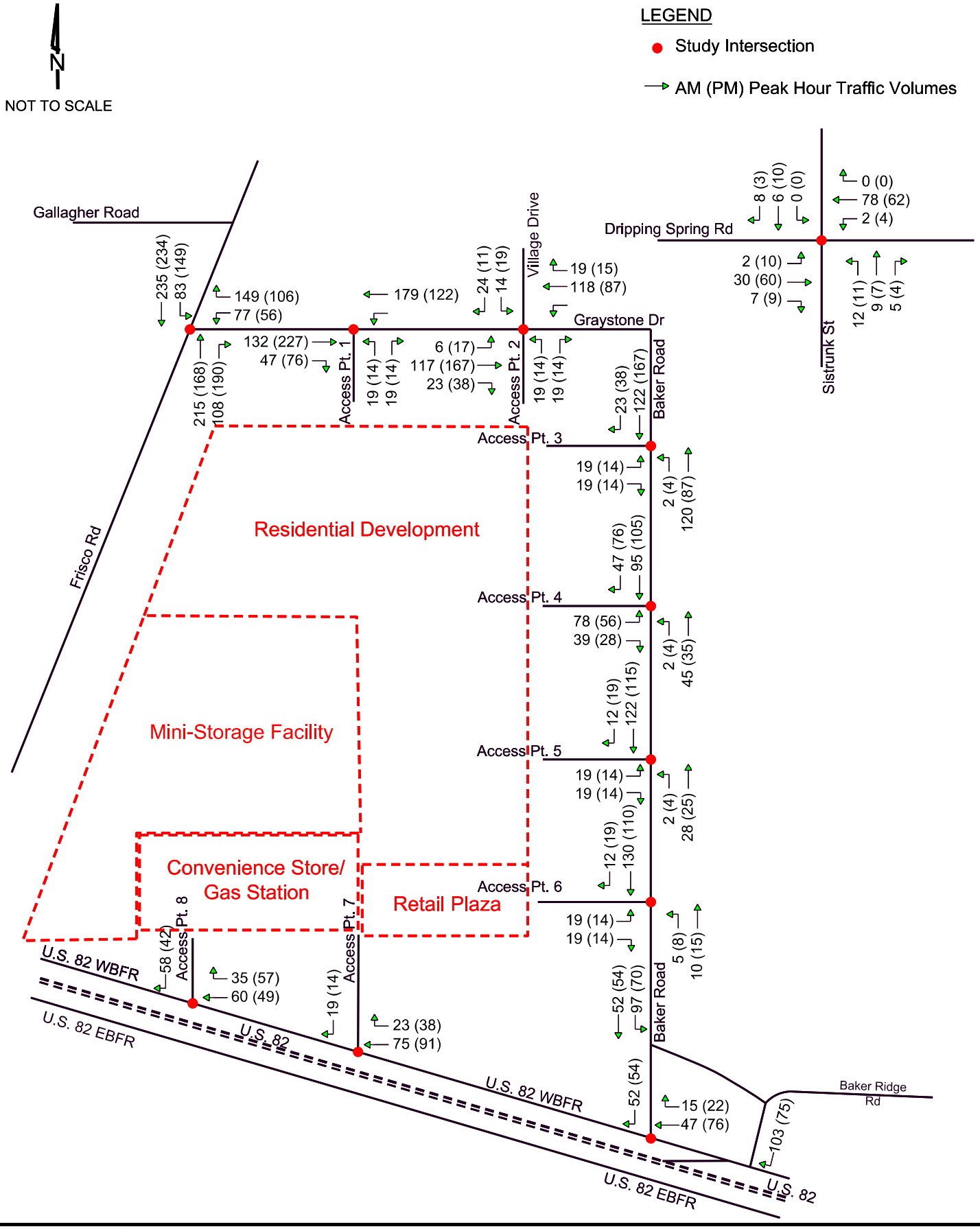
Site Generated Peak Hour Traffic Volumes

Figure 10



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Build-Out Year (2028) Peak Hour Traffic Volumes

Figure 11

TRIP DISTRIBUTION AND ASSIGNMENT

Trip Distribution

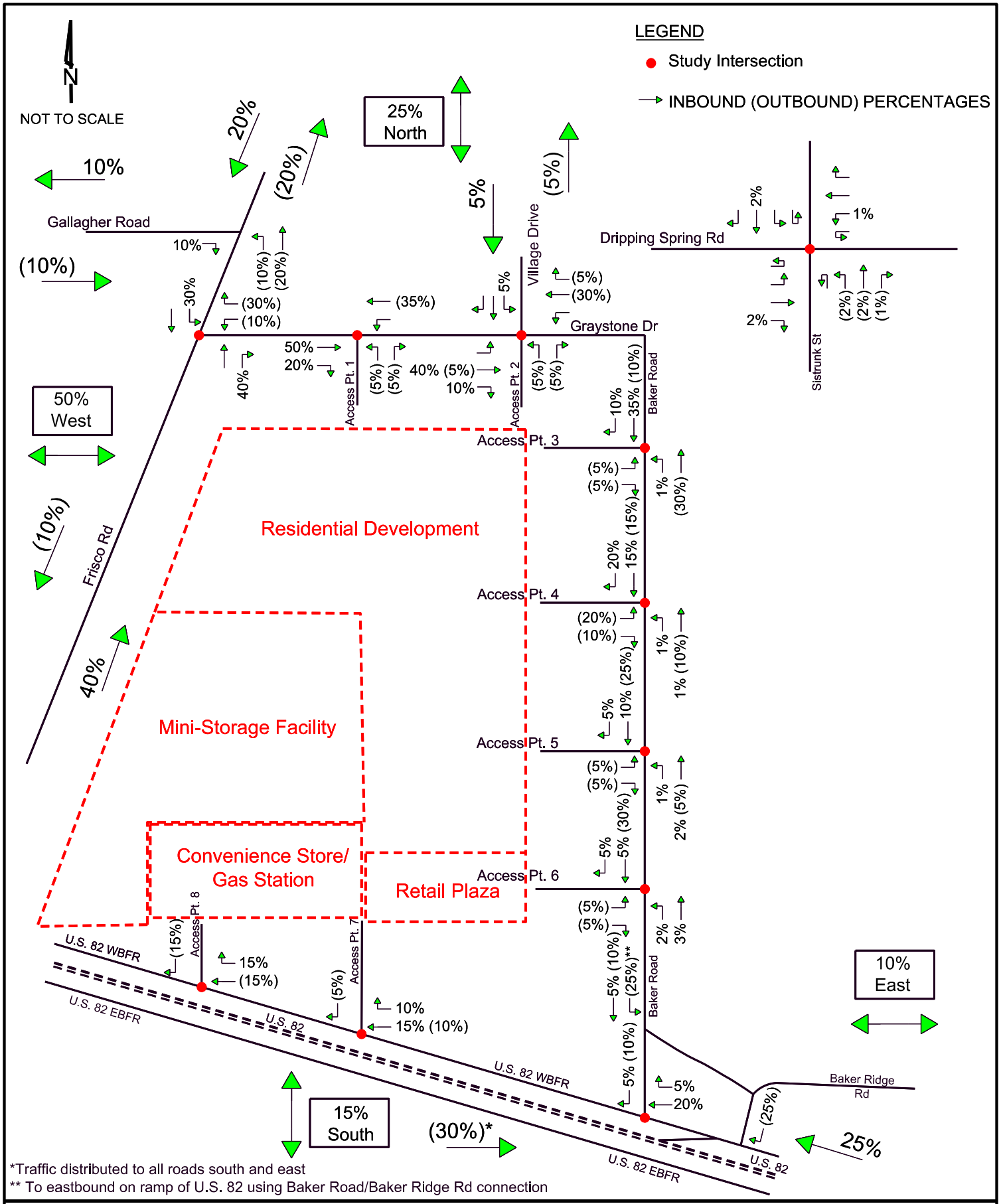
The existing traffic volumes and roadways in the area, along with the proposed site layout, were used to determine the directions from which traffic would approach and depart the proposed mixed-use development on Graystone Drive. The assumed directional distribution is provided in **Figure 9**.

Site Traffic Volumes

Traffic volumes expected to be generated by the proposed mixed-use development on Graystone Drive (Table 1) were assigned to the area roadways and site access points based on the directional distribution identified in Figure 9. The estimated site generated traffic volumes for the AM and PM peak hours are shown in **Figure 10**.

Total Traffic Conditions

Total (background + site) peak hour traffic conditions at Build-Out Year (2028) of the proposed mixed-use development were obtained by adding the proposed site generated traffic volumes (Figure 9) to the Build-Out Year (2028) Background traffic volumes (Figure 8), and are shown in **Figure 11**.



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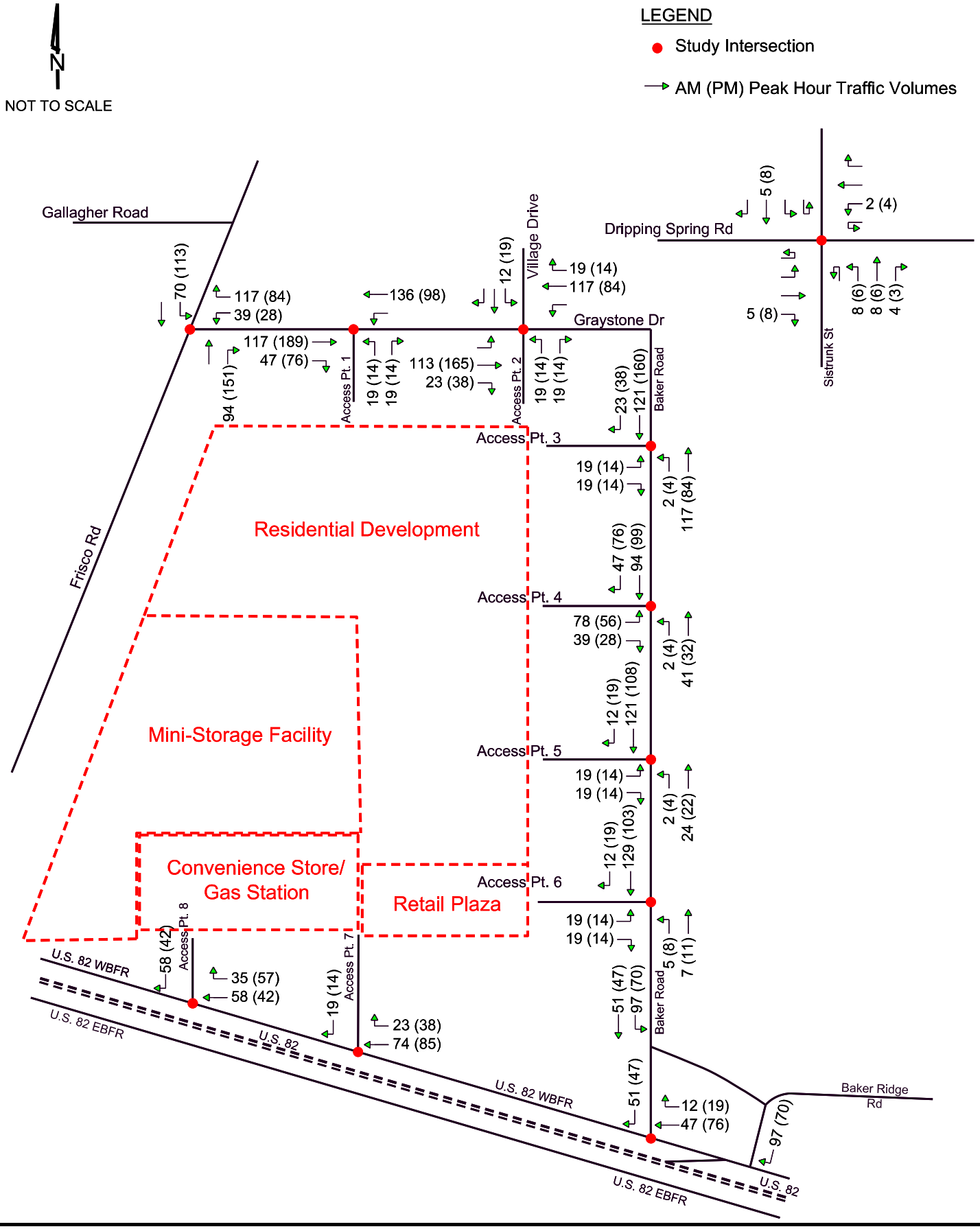
Assumed Directional Distributions
(Proposed Mixed-Use Development)

Figure 9



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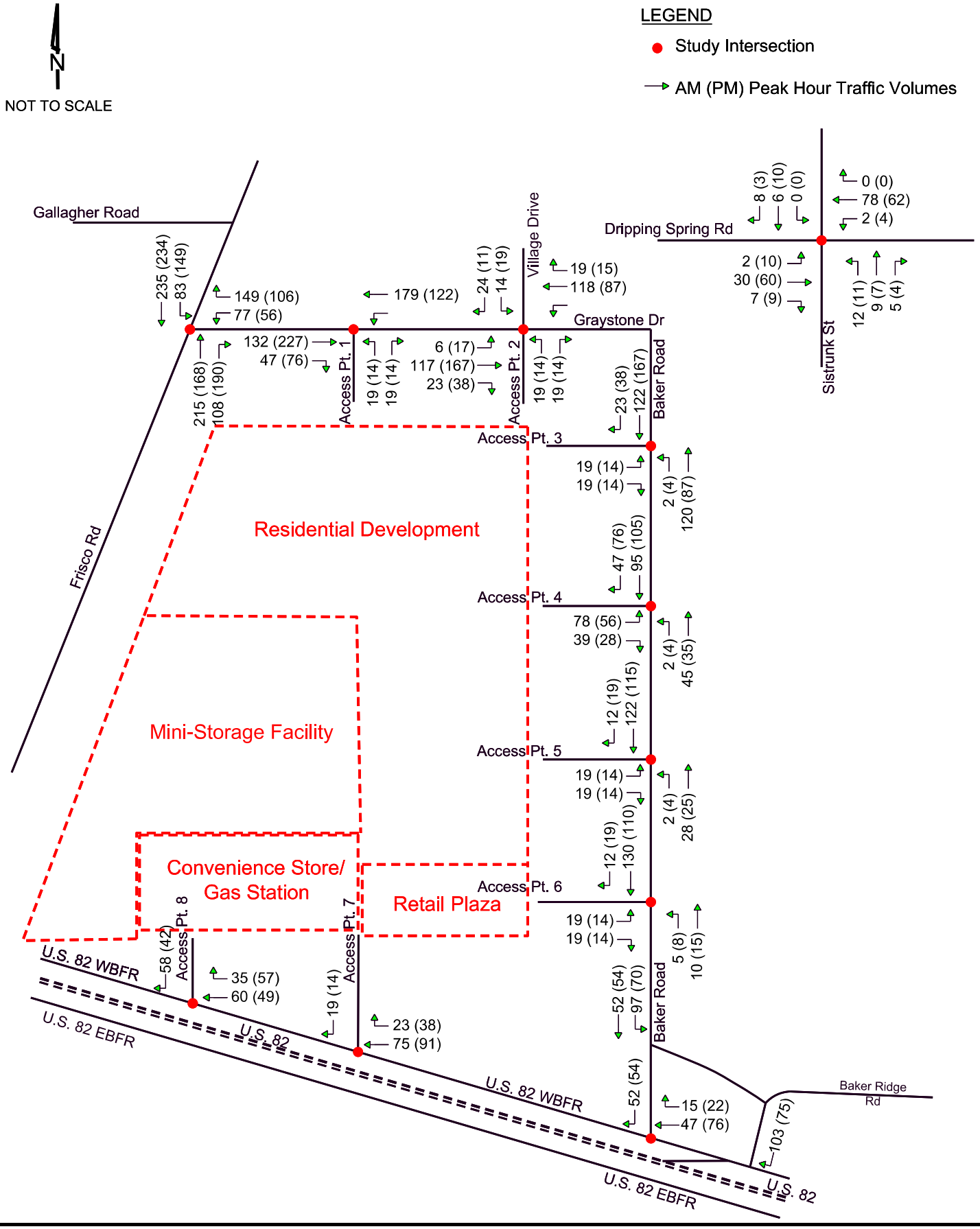
Site Generated Peak Hour Traffic Volumes

Figure 10



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Build-Out Year (2028) Peak Hour Traffic Volumes

Figure 11

INTERSECTION CAPACITY ANALYSES

The Level of Service (LOS) of an intersection is a qualitative measure of capacity and operating conditions and is directly related to vehicle delay. The LOS criteria for unsignalized intersections are shown in **Table 3**. LOS is given a letter designation from A to F, with LOS A representing very short delays and LOS F representing very long delays or over-capacity conditions. LOS D is typically considered the minimum acceptable condition.

Table 3: Level of Service Criteria for Intersections

Level-of-Service (LOS)	Average Delay (seconds/vehicle)
	Unsignalized
A	≤ 10.0
B	10.1 to 15.0
C	15.1 to 25.0
D	25.1 to 35.0
E	35.1 to 50.0
F	> 50.0 or Volume exceeds Capacity

SOURCE: *Highway Capacity Manual (HCM) 6th Edition*, Transportation Research Board, 2016

Capacity analyses were conducted for the study area intersections under the following analysis scenarios:

- Existing (2022) Traffic Conditions
- Build-Out Year (2028) Background Traffic Conditions
- Build-Out Year (2028) Total Traffic Conditions

The intersection capacity analyses were conducted using *Highway Capacity Manual (HCM) 6th Edition* methodologies in the *Synchro 11* traffic analysis software package. Printouts of the Synchro analysis results are provided in the **Appendix**.

Existing Traffic Conditions

The existing lane configurations shown in Figure 3 and the Existing (2022) traffic volumes shown in Figure 5 were used for the Existing (2022) analyses. **Table 4** presents the capacity analysis results for the study intersections under Existing (2022) conditions. The intersection of Village Drive and Graystone Drive is assumed to be a two-way stop controlled with southbound traffic on Village Drive required to stop (no stop sign was observed during the site visit).

Table 4: Capacity Analysis Results – Existing (2022) Traffic Conditions

1: Frisco Road and Graystone Drive (One-Way Stop-Controlled)						
Scenario	Peak Hour	Intersection[1]	NB	SB Left	WB	EB
Existing (2022) Conditions	AM	--	--	7.7 (A)[2]	11.3 (B)	--
	PM	--	--	7.6 (A)	11.1 (B)	--
2: Village Drive and Graystone Drive (One-Way Stop-Controlled)						
Scenario	Peak Hour	Intersection	NB	SB	WB	EB Left
Existing (2022) Conditions	AM	--	--	8.5 (A)	--	7.4 (A)
	PM	--	--	8.4 (A)	--	7.4 (A)
3: Sistrunk Street and Dripping Spring Road (Two-Way Stop-Controlled)						
Scenario	Peak Hour	Intersection	NB	SB	WB Left	EB Left
Existing (2022) Conditions	AM	--	9.4 (A)	9.0 (A)	0.0 (A)	7.8 (A)
	PM	--	9.6 (A)	9.6 (A)	0.0 (A)	7.8 (A)

[1]HCM methodology does not provide intersection-wide delay/LOS for One-Way/Two-Way Stop-Controlled Intersections
[2]Delay in seconds/vehicle (Level of Service)

The capacity analysis results for Existing (2022) traffic conditions shown in Table 4 indicate that the approaches and movements at the study intersections currently operate very well at LOS A during both the AM and PM peak hours.

Build-Out Year (2028) Traffic Conditions

The existing lane configurations shown in Figure 3 and the Build-Out Year (2028) Background traffic volumes shown in Figure 8 were used for the Build-Out Year (2028) Background analyses ***without*** the effects of the proposed mixed-use development. The proposed intersection lane configurations shown in Figure 4 and the Build-Out Year (2028) Total traffic volumes from Figure 11 were used for the Build-Out Year (2028) Total analyses ***with*** site trips from the new mixed-use development added. **Table 5** presents the capacity analysis results for the study intersections under Build-Out Year (2028) Background and Total conditions.

Table 5: Capacity Analysis Results – Build-Out Year (2028) Traffic Conditions

1: Frisco Road and Graystone Drive (One-Way Stop-Controlled)						
Scenario	Peak Hour	Intersection[1]	NB	SB Left	WB	EB
Build-Out (2028) Background	AM	--	--	7.8 (A)[2]	11.8 (B)	--
	PM	--	--	7.7 (A)	11.5 (B)	--
Build-Out (2028) Total	AM	--	--	8.5 (A)	25.0 (D)	--
	PM	--	--	9.0 (A)	25.4 (D)	--
2: Village Drive/Access Point 2 and Graystone Drive (One/Two-Way Stop-Controlled)						
Scenario	Peak Hour	Intersection	NB	SB	WB Left	EB Left
Build-Out (2028) Background	AM	--	--	8.5 (A)	--	7.4 (A)
	PM	--	--	8.4 (A)	--	7.4 (A)
Build-Out (2028) Total	AM	--	10.2 (B)	10.0 (B)	0.0 (A)	7.7 (A)
	PM	--	10.5 (B)	10.6 (B)	0.0 (A)	7.7 (A)
3: Sistrunk Street and Dripping Spring Road (Two-Way Stop-Controlled)						
Scenario	Peak Hour	Intersection	NB	SB	WB Left	EB Left
Build-Out (2028) Background	AM	--	9.5 (A)	9.0 (A)	0.0 (A)	7.9 (A)
	PM	--	9.7 (A)	9.7 (A)	0.0 (A)	7.8 (A)
Build-Out (2028) Total	AM	--	10.0 (B)	9.8 (A)	0.0 (A)	7.9 (A)
	PM	--	9.7 (A)	9.7 (A)	0.0 (A)	7.8 (A)
4: Access Point 1 and Graystone Drive (One-Way Stop-Controlled)						
Scenario	Peak Hour	Intersection	NB	SB	WB	EB Left
Build-Out (2028) Total	AM	--	10.3 (B)	--	--	--
	PM	--	11.0 (B)	--	--	--

[1]HCM methodology does not provide intersection-wide delay/LOS for One-Way/Two-Way Stop-Controlled Intersections
[2]Delay in seconds/vehicle (Level of Service)

Table 5 (Continued): Capacity Analysis Results – Build-Out Year (2028) Traffic Conditions

5: Access Point 3 and Baker Road (One-Way Stop-Controlled)						
Scenario	Peak Hour	Intersection[1]	NB (Left)[2]	SB	WB	EB
Build-Out (2028) Total	AM	--	7.5 (A)	--	--	9.8 (A)
	PM	--	7.7 (A)	--	--	10.0 (B)
6: Access Point 4 and Baker Road (One-Way Stop-Controlled)						
Scenario	Peak Hour	Intersection	NB (Left)	SB	WB	EB
Build-Out (2028) Total	AM	--	7.5 (A)	--	--	10.0 (B)
	PM	--	7.6 (A)	--	--	10.0 (B)
7: Access Point 5 and Baker Road (One-Way Stop-Controlled)						
Scenario	Peak Hour	Intersection	NB (Left)	SB	WB	EB
Build-Out (2028) Total	AM	--	7.5 (A)	--	--	9.4 (A)
	PM	--	7.5 (A)	--	--	9.3 (A)
8: Access Point 6 and Baker Road (One-Way Stop-Controlled)						
Scenario	Peak Hour	Intersection	NB (Left)	SB	WB	EB
Build-Out (2028) Total	AM	--	7.5 (A)	--	--	9.4 (A)
	PM	--	7.5 (A)	--	--	9.3 (A)
9: Access Point 7 and US 82 WBFR (One-Way Stop-Controlled)						
Scenario	Peak Hour	Intersection	NB (Left)	SB	WB	EB Left
Build-Out (2028) Total	AM	--	--	8.8 (A)	--	--
	PM	--	--	8.9 (A)	--	--
10: Access Point 8 and US 82 WBFR (One-Way Stop-Controlled)						
Scenario	Peak Hour	Intersection	NB (Left)	SB	WB	EB Left
Build-Out (2028) Total	AM	--	--	8.9 (A)	--	--
	PM	--	--	8.9 (A)	--	--

[1]HCM methodology does not provide intersection-wide delay/LOS for One-Way/Two-Way Stop-Controlled Intersections
[2]Delay in seconds/vehicle (Level of Service)

The analysis results for Build-Out Year (2028) Background conditions in Table 5 indicate that the approaches and movements at the study intersections are predicted to operate at a very good level of service (LOS A or B) during both peak hours.

With the addition of site traffic from the mixed-use development on Graystone Drive under Build-Out Year (2028) Total conditions, all approaches and movements at the study intersections are predicted to continue operating at acceptable levels of service (LOS D or better).

ACCESS MANAGEMENT ANALYSES

As part of this study, access management analyses were performed to consider the need for deceleration lanes and to determine if adequate driveway spacing and intersection sight distance will be provided for the proposed site access points.

Left Turn Deceleration Lane Analysis

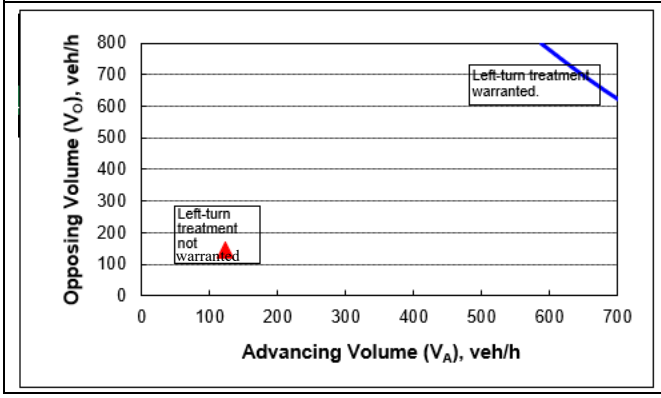
The site access points on Graystone Drive for the proposed mixed-use development were analyzed to determine the need for left turn deceleration lanes. For this analysis, information in *NCHRP Report 457* was used to determine the need for left turn deceleration lanes. This report provides a figure with a curve to determine the need for a left turn deceleration lane based on the number of through lanes, the speed limit, the number of advancing vehicles, the number of opposing vehicles, and the proportion of advancing vehicles making a left turn.

Traffic characteristics at the site access intersections were analyzed under Build-Out Year (2028) Total conditions to determine the potential need for eastbound left turn deceleration lanes along Graystone Drive and northbound left turn deceleration lanes along Baker Road. The results along Baker Road are presented in **Figure 10**. Figure 10 does not show left turn deceleration lane analysis results for Access Point 1 and Access Point 2, as no site generated traffic is expected to turn left into these access points from Graystone Drive. Based on the results in Figure 10, left turn deceleration lanes are not warranted at the site access points on Graystone Drive and Baker Road.

Figure 12: Left Turn Deceleration Lane Analysis Results

Site Access Point 3 @ Baker Road

AM Peak Hour



PM Peak Hour

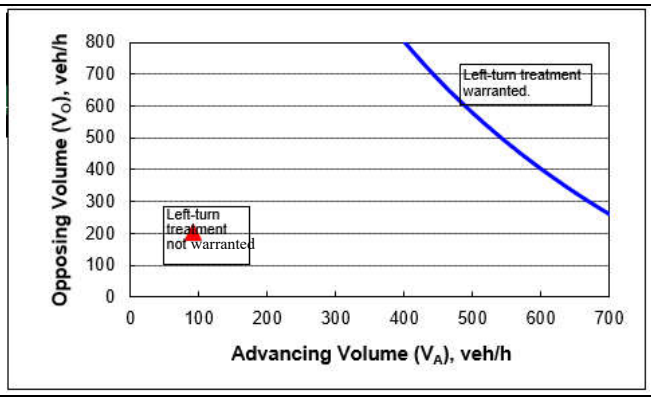
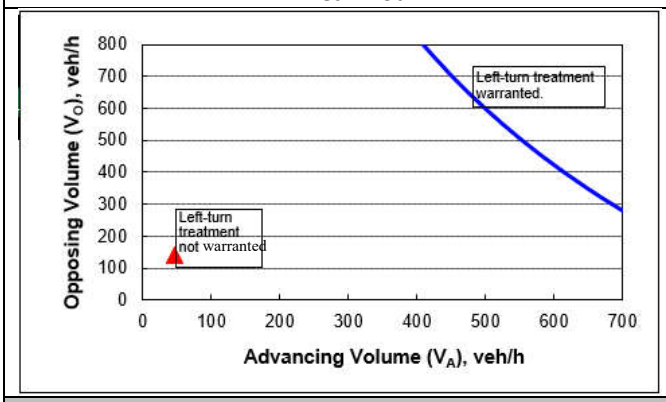


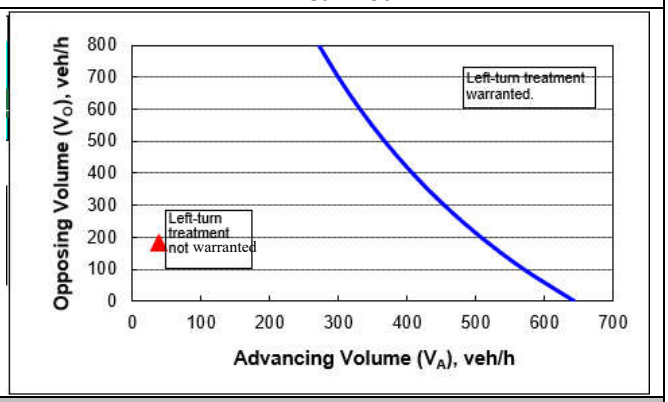
Figure 10 (Continued): Left Turn Deceleration Lane Analysis Results

Site Access Point 4 @ Baker Road

AM Peak Hour

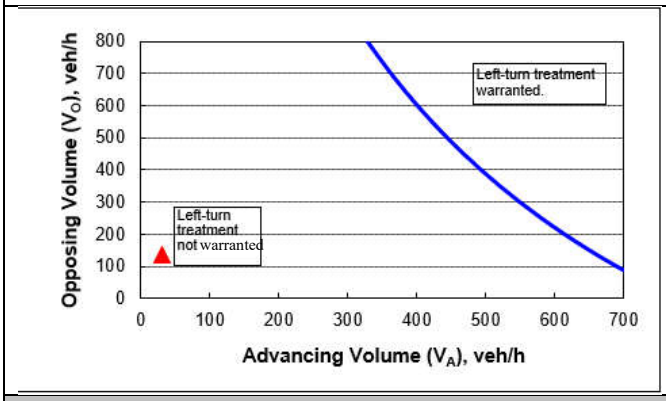


PM Peak Hour

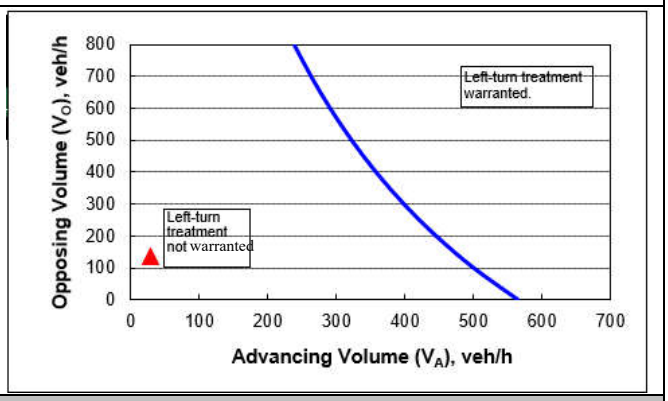


Site Access Point 5 @ Baker Road

AM Peak Hour

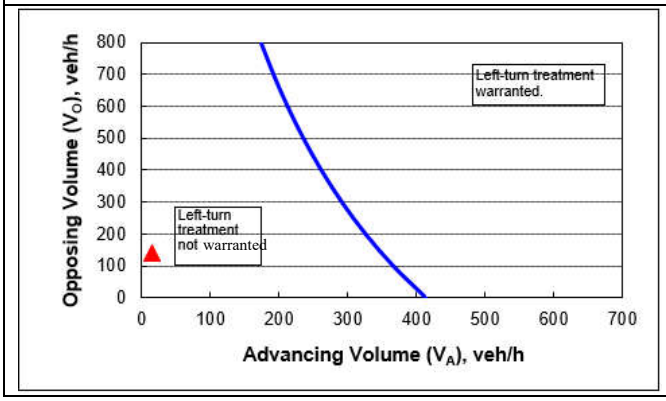


PM Peak Hour

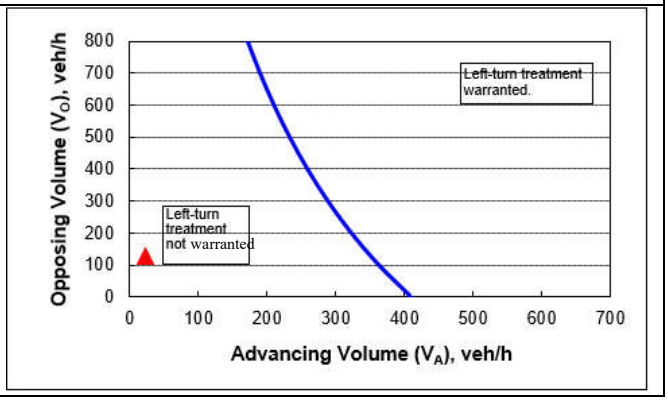


Site Access Point 6 @ Baker Road

AM Peak Hour



PM Peak Hour



Based on the results shown in Figure 10, the left turn deceleration lane is not warranted at the site access points on Graystone Drive and Baker Road.

Right Turn Deceleration Lane Analysis

The proposed site access points for the mixed-use development were analyzed to determine the

need for right turn deceleration lanes. Based on guidelines in TxDOT's *Access Management Manual,* right turn deceleration lanes are typically considered under the following conditions:

- For roadways with a posted speed limit greater than 45 mph, a right turn deceleration lane should be considered when peak right turn volumes are greater than 50 vehicles per hour.
- For roadways with a posted speed limit of 45 mph or less, a right turn deceleration lane should be considered when peak right turn volumes are greater than 60 vehicles per hour.

Table 6 summarizes the projected right turn volumes under Build-Out (2025) total traffic conditions.

Table 6: Right Turn Deceleration Lane Analysis Results

Intersection	Approach	Speed Limit (mph)	Right Turn Volume (vehicles/hour) AM (PM)	Threshold (vehicles/hour)	Exceeds Threshold? AM (PM)
Access Point 1 at Graystone Drive	EB	30	47 (76)	60	No (**Yes**)
Access Point 2 at Graystone Drive	EB	30	23 (38)	60	No (No)
Access Point 3 at Baker Road	SB	30	23 (38)	60	No (No)
Access Point 4 at Baker Road	SB	30	47 (76)	60	No (**Yes**)
Access Point 5 at Baker Road	SB	30	12 (19)	60	No (No)
Access Point 6 at Baker Road	SB	30	12 (19)	60	No (No)
Access Point 7 at US 82 WBFR	WB	50	23 (38)	50	No (No)
Access Point 8 at US 82 WBFR	WB	50	35 (57)	50	No (**Yes**)

Table 6 indicates that the right turning volumes at Access Point 1, Access Point 4, and Access Point 8 are expected to exceed the TxDOT's threshold during the PM peak hour. Therefore, right turn deceleration lanes are recommended on the US 82 westbound frontage road at Access Point 8, Baker Road at Access Point 4, and Graystone Drive at Access Point 1.

Sight Distance

As part of this traffic analysis, the available and recommended intersection sight distance for motorists accessing the adjacent roadway from the proposed site access points were analyzed. The sight distance recommended was estimated using the procedures developed by the

American Association of State Highway and Transportation Officials (AASHTO) and published in the 2018 edition of *A Policy on Geometric Design of Highways and Streets*. At these locations, the motorist should be able to see if and when adequate gaps exist to perform their desired maneuver. **Table 7** presents the recommended and assumed available sight distance for vehicles exiting at the proposed access points for the Graystone Drive mixed-use development.

Table 7: Sight Distance Analysis for Proposed Site Driveways

Major Roadway	Graystone Drive		Baker Road				US 82 Westbound Frontage Road	
Posted Speed Limit[1]	30 mph		30 mph				55 mph	
Minor Roadway	Access Point 1	Access Point 2	Access Point 3	Access Point 4	Access Point 5	Access Point 6	Access Point 7	Access Point 8
Design Vehicle	Passenger Car							
Recommended Intersection Sight Distance	335’	225’[2]	335’				610’	
Available Sight Distance to the Left	>500'	~365’	>400'	>400'	>400'	>400'	>650’	>650'
Available Sight Distance to the Right	~350'	~230'	>400'	>400'	>400'	>400'	N/A	N/A
Sight Distance Available > Recommended Intersection Sight Distance								
To the Left	YES	YES	YES	YES	YES	YES	YES	YES
To the Right	YES	YES[2]	YES	YES	YES	YES	--	--

[1] No posted speed limit was found on Graystone Drive, Baker Road or the US 82 Westbound Frontage Road. Therefore, a speed limit of 30 mph is assumed for Graystone Drive and Baker Road and 55 mph for the US 82 Westbound Frontage Road.
[2] 20 mph speed assumed looking right from Access Point 2 due to reduced turning speed from northbound Baker Road to westbound Graystone Drive.

Based on conditions that existed in the field when sight distance observations were performed, the recommended sight distance is predicted to be provided at all site access points. Note that while Graystone Drive currently curves into Baker Road, the proposed development will realign Baker Road to form a right-angle intersection with Graystone Drive, limiting the average westbound speed on Graystone Drive approaching Access Point 2 to about 20 mph. Therefore, at this location, 20 mph speed was used in the sight distance calculation rather than the assumed speed limit of 30 mph.

Existing dense vegetation near Access Point 2 at Graystone Drive and along Baker Road limits the available sight distance. The available sight distance measurements in Table 7 assume all such vegetation will have been cleared as appropriate. Therefore, it is recommended that the landscape plan for the site include the removal of this vegetation and keeping the location and height of plants, signs, and other site features outside the sight triangles necessary for clear intersection sight distance. To ensure available site distance is provided at each access point, site triangles should be kept clear of landscaping, parking, signs, canopies, or other structures.

Access Spacing

In the City of Sherman's *Subdivision Ordinance* [Article 10.05, Section 12(B)(6)(e)], the minimum centerline offset of adjacent intersections is identified as:

(1) Local–local, 150 feet
(2) Local–collector, 150 feet
(3) Collector–collector, 200 feet

Frisco Road, Village Drive, Baker Road, and Graystone Drive are identified as Local Streets in the City of Sherman Thoroughfare Plan. Therefore, the minimum distance between the centerline of adjacent streets is 150 feet. All site driveways are expected to meet the minimum access spacing criteria.

CONCLUSIONS & RECOMMENDATIONS

Based on the analysis of the proposed site plan and characteristics of the proposed mixed-use development, the following **conclusions** can be made:

- The proposed mixed-use development is predicted to generate 9,326 trips on a daily basis with 624 trips during the AM peak hour and 658 trips during the PM peak hour.

Intersection Capacity Analysis

- The approaches and movements at the study intersections currently operate at an acceptable LOS during the AM and PM peak hours under Existing (2022) conditions. The approaches and movements at these intersections are predicted to continue operating at similar, acceptable LOS under Build-Out Year (2028) Background and Total conditions. Traffic generated by the proposed development is predicted to have minimal impact on the intersections in the study area.

Access Management Analysis

- The traffic volume characteristics at the proposed access points do not exceed thresholds provided in *NCHRP Report 457* for left turn deceleration lanes. Left turn deceleration lanes are not recommended at any of the access points on Graystone Drive or Baker Road.
- Right turn deceleration lanes are recommended at Access Point 1 on Graystone Drive, Access Point 7 on Baker Road, and Access Point 8 on the US 82 Westbound Frontage Road.
- Based on observations of existing conditions in the field, recommended sight distance is predicted to be available for all access points provided that the dense existing vegetation along Graystone Drive and Baker Road is removed as part of the landscaping plan.
- The proposed access points will meet the City of Sherman spacing requirements.

Additionally, the following roadway improvements will be provided with the project:

- Graystone Drive will be widened between Village Drive and Baker Road to a two-lane undivided asphalt roadway with 12 feet wide lanes.
- Baker Road will be widened between Grayson Drive and US 82 Westbound Frontage Road to a two-lane undivided asphalt roadway with 12 feet wide lanes.
- The proposed Baker Road connection from Baker Road to Baker Ridge Road will be constructed as a two-lane undivided asphalt roadway with 12 feet wide lanes.

APPENDIX

GRAM Traffic NTX Inc.

1120 W. Lovers Lane

Arlington, Texas, United States 76013
817.265.8968

Count Name: GRAYSTONE DR @ FRISCO RD
Site Code:
Start Date: 05/10/2022

Turning Movement Data

Start Time	FRISCO RD Southbound					GRAYSTONE DR Westbound					FRISCO RD Northbound					Eastbound St. Eastbound					
	Left	Thru	Right	U-Turn	App. Total	Left	Thru	Right	U-Turn	App. Total	Left	Thru	Right	U-Turn	App. Total	Left	Thru	Right	U-Turn	App. Total	Int. Total
12:00 AM	0	4	0	0	4	0	0	0	0	0	0	3	0	0	3	0	0	0	0	0	7
12:15 AM	0	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
12:30 AM	0	3	0	0	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3
12:45 AM	0	1	0	0	1	0	0	0	0	0	0	2	0	0	2	0	0	0	0	0	3
Hourly Total	0	9	0	0	9	0	0	0	0	0	0	5	0	0	5	0	0	0	0	0	14
1:00 AM	1	3	0	0	4	0	0	0	0	0	0	1	0	0	1	0	0	0	0	0	5
1:15 AM	0	2	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2
1:30 AM	0	1	0	0	1	0	0	0	0	0	0	2	0	0	2	0	0	0	0	0	3
1:45 AM	0	2	0	0	2	0	0	0	0	0	0	1	1	0	2	0	0	0	0	0	4
Hourly Total	1	8	0	0	9	0	0	0	0	0	0	4	1	0	5	0	0	0	0	0	14
2:00 AM	0	0	0	0	0	0	0	0	0	0	0	2	0	0	2	0	0	0	0	0	2
2:15 AM	0	2	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2
2:30 AM	0	1	0	0	1	0	0	0	0	0	0	1	0	0	1	0	0	0	0	0	2
2:45 AM	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1	0	0	0	0	0	1
Hourly Total	0	3	0	0	3	0	0	0	0	0	0	4	0	0	4	0	0	0	0	0	7
3:00 AM	0	0	0	0	0	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1
3:15 AM	0	3	0	0	3	0	0	0	0	0	0	2	0	0	2	0	0	0	0	0	5
3:30 AM	0	0	0	0	0	0	0	0	0	0	0	4	0	0	4	0	0	0	0	0	4
3:45 AM	0	4	0	0	4	0	0	0	0	0	0	2	0	0	2	0	0	0	0	0	6
Hourly Total	0	7	0	0	7	1	0	0	0	1	0	8	0	0	8	0	0	0	0	0	16
4:00 AM	0	1	0	0	1	0	0	0	0	0	0	1	0	0	1	0	0	0	0	0	2
4:15 AM	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1	0	0	0	0	0	1
4:30 AM	0	0	0	0	0	0	0	1	0	1	0	1	0	0	1	0	0	0	0	0	2
4:45 AM	0	3	0	0	3	0	0	0	0	0	0	3	0	0	3	0	0	0	0	0	6
Hourly Total	0	4	0	0	4	0	0	1	0	1	0	6	0	0	6	0	0	0	0	0	11
5:00 AM	0	5	0	0	5	0	0	0	0	0	0	6	0	0	6	0	0	0	0	0	11
5:15 AM	0	2	0	0	2	0	0	0	0	0	0	4	0	0	4	0	0	0	0	0	6
5:30 AM	0	10	0	0	10	0	0	0	0	0	0	4	0	0	4	0	0	0	0	0	14
5:45 AM	0	8	0	0	8	0	0	0	0	0	0	11	0	0	11	0	0	0	0	0	19
Hourly Total	0	25	0	0	25	0	0	0	0	0	0	25	0	0	25	0	0	0	0	0	50
6:00 AM	0	5	0	0	5	1	0	2	0	3	0	9	1	0	10	0	0	0	0	0	18
6:15 AM	0	7	0	0	7	3	0	1	0	4	0	13	0	0	13	0	0	0	0	0	24
6:30 AM	0	12	0	0	12	1	0	0	0	1	0	19	1	0	20	0	0	0	0	0	33
6:45 AM	0	20	0	0	20	0	0	1	0	1	0	28	3	0	31	0	0	0	0	0	52
Hourly Total	0	44	0	0	44	5	0	4	0	9	0	69	5	0	74	0	0	0	0	0	127
7:00 AM	0	20	0	0	20	5	0	2	0	7	0	30	0	0	30	0	0	0	0	0	57
7:15 AM	1	48	0	0	49	3	0	2	0	5	0	52	0	0	52	0	0	0	0	0	106
7:30 AM	1	54	0	0	55	2	0	3	0	5	0	76	0	0	76	0	0	0	0	0	136
7:45 AM	1	71	0	0	72	3	0	1	0	4	0	39	1	0	40	0	0	0	0	0	116
Hourly Total	3	193	0	0	196	13	0	8	0	21	0	197	1	0	198	0	0	0	0	0	415
8:00 AM	0	36	0	0	36	1	0	0	0	1	0	24	3	0	27	0	0	0	0	0	64
8:15 AM	0	24	0	0	24	1	0	1	0	2	0	20	3	0	23	0	0	0	0	0	49
8:30 AM	2	15	0	0	17	5	0	0	0	5	0	22	1	0	23	0	0	0	0	0	45
8:45 AM	0	25	0	0	25	2	0	0	0	2	0	15	1	0	16	0	0	0	0	0	43
Hourly Total	2	100	0	0	102	9	0	1	0	10	0	81	8	0	89	0	0	0	0	0	201
9:00 AM	0	20	0	0	20	0	0	2	0	2	0	21	0	0	21	0	0	0	0	0	43
9:15 AM	0	24	0	0	24	2	0	0	0	2	0	19	2	0	21	0	0	0	0	0	47
9:30 AM	0	21	0	0	21	1	0	2	0	3	0	14	0	1	15	0	0	0	0	0	39
9:45 AM	1	29	0	0	30	1	0	1	0	2	0	31	1	0	32	0	0	0	0	0	64
Hourly Total	1	94	0	0	95	4	0	5	0	9	0	85	3	1	89	0	0	0	0	0	193
10:00 AM	0	24	0	0	24	3	0	0	0	3	0	24	1	0	25	0	0	0	0	0	52
10:15 AM	0	27	0	0	27	0	0	0	0	0	0	22	0	0	22	0	0	0	0	0	49
10:30 AM	1	28	0	0	29	1	0	1	0	2	0	18	2	0	20	0	0	0	0	0	51
10:45 AM	0	18	0	0	18	2	0	0	0	2	0	23	3	0	26	0	0	0	0	0	46
Hourly Total	1	97	0	0	98	6	0	1	0	7	0	87	6	0	93	0	0	0	0	0	198
11:00 AM	0	21	0	0	21	0	0	0	0	0	0	29	3	0	32	0	0	0	0	0	53
11:15 AM	0	27	0	0	27	2	0	1	0	3	0	16	0	0	16	0	0	0	0	0	46
11:30 AM	2	31	0	0	33	1	0	0	0	1	0	23	0	0	23	0	0	0	0	0	57
11:45 AM	0	31	0	0	31	0	0	0	0	0	0	32	1	0	33	0	0	0	0	0	64
Hourly Total	2	110	0	0	112	3	0	1	0	4	0	100	4	0	104	0	0	0	0	0	220
12:00 PM	0	26	0	0	26	0	0	1	0	1	0	34	2	0	36	0	0	0	0	0	63
12:15 PM	0	21	0	0	21	1	0	0	0	1	0	24	0	0	24	0	0	0	0	0	46

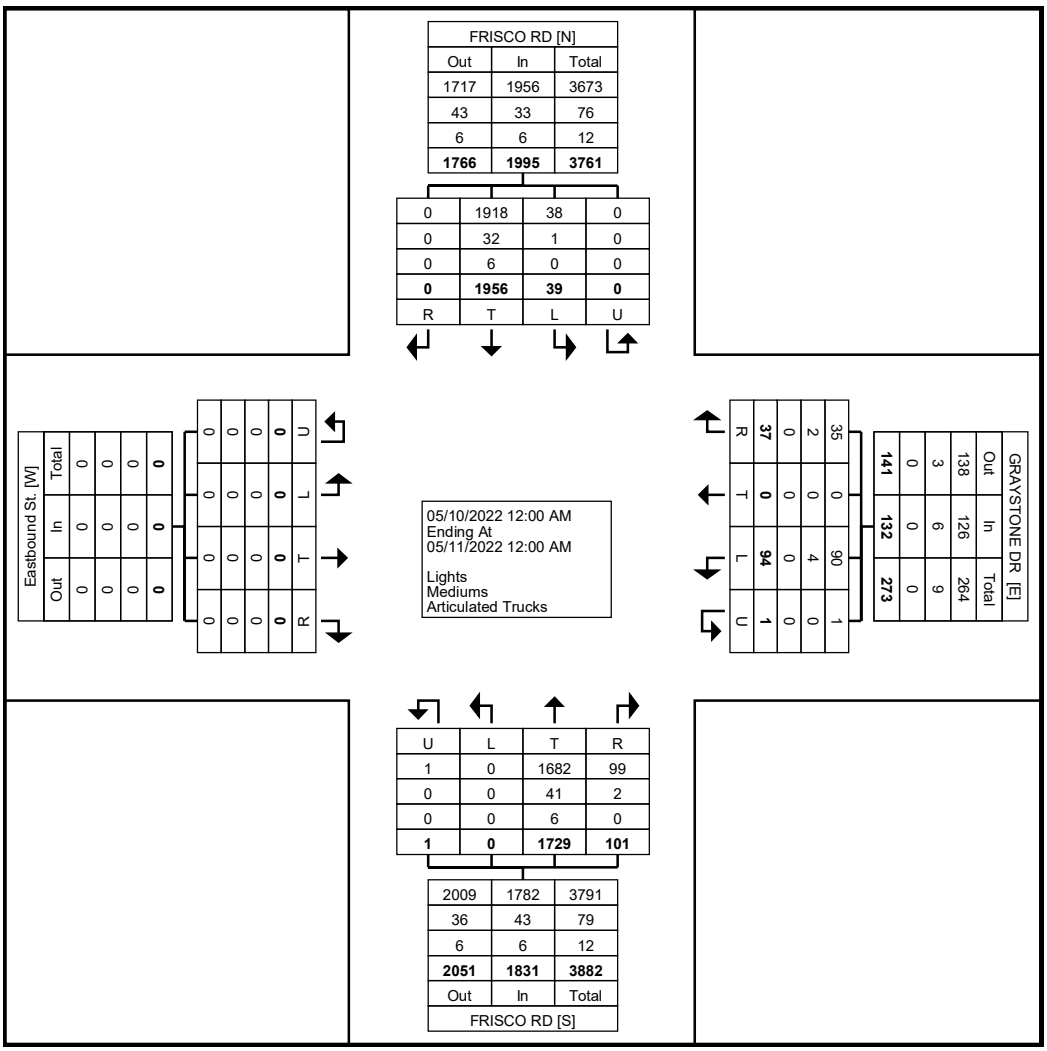
12:30 PM	0	45	0	0	45	1	0	0	0	1	0	26	1	0	27	0	0	0	0	0	73
12:45 PM	0	33	0	0	33	2	0	0	0	2	0	24	2	0	26	0	0	0	0	0	61
Hourly Total	0	125	0	0	125	4	0	1	0	5	0	108	5	0	113	0	0	0	0	0	243
1:00 PM	2	28	0	0	30	4	0	0	0	4	0	27	1	0	28	0	0	0	0	0	62
1:15 PM	0	31	0	0	31	0	0	0	1	1	0	23	3	0	26	0	0	0	0	0	58
1:30 PM	0	31	0	0	31	1	0	0	0	1	0	23	3	0	26	0	0	0	0	0	58
1:45 PM	0	25	0	0	25	0	0	1	0	1	0	25	0	0	25	0	0	0	0	0	51
Hourly Total	2	115	0	0	117	5	0	1	1	7	0	98	7	0	105	0	0	0	0	0	229
2:00 PM	2	25	0	0	27	0	0	0	0	0	0	34	4	0	38	0	0	0	0	0	65
2:15 PM	0	27	0	0	27	0	0	2	0	2	0	25	1	0	26	0	0	0	0	0	55
2:30 PM	2	49	0	0	51	2	0	0	0	2	0	27	0	0	27	0	0	0	0	0	80
2:45 PM	0	28	0	0	28	1	0	1	0	2	0	35	0	0	35	0	0	0	0	0	65
Hourly Total	4	129	0	0	133	3	0	3	0	6	0	121	5	0	126	0	0	0	0	0	265
3:00 PM	0	36	0	0	36	4	0	0	0	4	0	47	0	0	47	0	0	0	0	0	87
3:15 PM	3	56	0	0	59	1	0	2	0	3	0	47	1	0	48	0	0	0	0	0	110
3:30 PM	3	74	0	0	77	3	0	1	0	4	0	28	4	0	32	0	0	0	0	0	113
3:45 PM	1	42	0	0	43	0	0	1	0	1	0	27	2	0	29	0	0	0	0	0	73
Hourly Total	7	208	0	0	215	8	0	4	0	12	0	149	7	0	156	0	0	0	0	0	383
4:00 PM	1	41	0	0	42	4	0	0	0	4	0	33	0	0	33	0	0	0	0	0	79
4:15 PM	1	35	0	0	36	3	0	0	0	3	0	40	4	0	44	0	0	0	0	0	83
4:30 PM	0	32	0	0	32	0	0	0	0	0	0	37	4	0	41	0	0	0	0	0	73
4:45 PM	2	37	0	0	39	3	0	1	0	4	0	34	4	0	38	0	0	0	0	0	81
Hourly Total	4	145	0	0	149	10	0	1	0	11	0	144	12	0	156	0	0	0	0	0	316
5:00 PM	1	51	0	0	52	2	0	0	0	2	0	43	3	0	46	0	0	0	0	0	100
5:15 PM	0	41	0	0	41	1	0	0	0	1	0	44	4	0	48	0	0	0	0	0	90
5:30 PM	0	37	0	0	37	3	0	0	0	3	0	27	1	0	28	0	0	0	0	0	68
5:45 PM	1	37	0	0	38	2	0	0	0	2	0	26	2	0	28	0	0	0	0	0	68
Hourly Total	2	166	0	0	168	8	0	0	0	8	0	140	10	0	150	0	0	0	0	0	326
6:00 PM	2	32	0	0	34	1	0	1	0	2	0	30	4	0	34	0	0	0	0	0	70
6:15 PM	0	23	0	0	23	0	0	2	0	2	0	28	2	0	30	0	0	0	0	0	55
6:30 PM	0	24	0	0	24	5	0	0	0	5	0	13	4	0	17	0	0	0	0	0	46
6:45 PM	0	34	0	0	34	2	0	0	0	2	0	24	1	0	25	0	0	0	0	0	61
Hourly Total	2	113	0	0	115	8	0	3	0	11	0	95	11	0	106	0	0	0	0	0	232
7:00 PM	2	19	0	0	21	1	0	1	0	2	0	19	0	0	19	0	0	0	0	0	42
7:15 PM	0	19	0	0	19	1	0	0	0	1	0	12	3	0	15	0	0	0	0	0	35
7:30 PM	1	25	0	0	26	0	0	0	0	0	0	18	0	0	18	0	0	0	0	0	44
7:45 PM	0	16	0	0	16	0	0	1	0	1	0	16	2	0	18	0	0	0	0	0	35
Hourly Total	3	79	0	0	82	2	0	2	0	4	0	65	5	0	70	0	0	0	0	0	156
8:00 PM	1	25	0	0	26	1	0	0	0	1	0	17	2	0	19	0	0	0	0	0	46
8:15 PM	0	19	0	0	19	0	0	0	0	0	0	18	1	0	19	0	0	0	0	0	38
8:30 PM	0	22	0	0	22	0	0	0	0	0	0	5	1	0	6	0	0	0	0	0	28
8:45 PM	1	14	0	0	15	1	0	0	0	1	0	9	3	0	12	0	0	0	0	0	28
Hourly Total	2	80	0	0	82	2	0	0	0	2	0	49	7	0	56	0	0	0	0	0	140
9:00 PM	1	18	0	0	19	0	0	0	0	0	0	11	0	0	11	0	0	0	0	0	30
9:15 PM	0	8	0	0	8	0	0	1	0	1	0	11	1	0	12	0	0	0	0	0	21
9:30 PM	0	13	0	0	13	0	0	0	0	0	0	8	0	0	8	0	0	0	0	0	21
9:45 PM	0	10	0	0	10	0	0	0	0	0	0	13	0	0	13	0	0	0	0	0	23
Hourly Total	1	49	0	0	50	0	0	1	0	1	0	43	1	0	44	0	0	0	0	0	95
10:00 PM	0	8	0	0	8	0	0	0	0	0	0	16	0	0	16	0	0	0	0	0	24
10:15 PM	0	11	0	0	11	1	0	0	0	1	0	6	2	0	8	0	0	0	0	0	20
10:30 PM	0	6	0	0	6	1	0	0	0	1	0	5	0	0	5	0	0	0	0	0	12
10:45 PM	1	7	0	0	8	0	0	0	0	0	0	4	1	0	5	0	0	0	0	0	13
Hourly Total	1	32	0	0	33	2	0	0	0	2	0	31	3	0	34	0	0	0	0	0	69
11:00 PM	1	6	0	0	7	0	0	0	0	0	0	5	0	0	5	0	0	0	0	0	12
11:15 PM	0	7	0	0	7	0	0	0	0	0	0	4	0	0	4	0	0	0	0	0	11
11:30 PM	0	4	0	0	4	1	0	0	0	1	0	2	0	0	2	0	0	0	0	0	7
11:45 PM	0	4	0	0	4	0	0	0	0	0	0	4	0	0	4	0	0	0	0	0	8
Hourly Total	1	21	0	0	22	1	0	0	0	1	0	15	0	0	15	0	0	0	0	0	38
Grand Total	39	1956	0	0	1995	94	0	37	1	132	0	1729	101	1	1831	0	0	0	0	0	3958
Approach %	2.0	98.0	0.0	0.0	-	71.2	0.0	28.0	0.8	-	0.0	94.4	5.5	0.1	-	0.0	0.0	0.0	0.0	-	-
Total %	1.0	49.4	0.0	0.0	50.4	2.4	0.0	0.9	0.0	3.3	0.0	43.7	2.6	0.0	46.3	0.0	0.0	0.0	0.0	0.0	-
Lights	38	1918	0	0	1956	90	0	35	1	126	0	1682	99	1	1782	0	0	0	0	0	3864
% Lights	97.4	98.1	-	-	98.0	95.7	-	94.6	100.0	95.5	-	97.3	98.0	100.0	97.3	-	-	-	-	-	97.6
Mediums	1	32	0	0	33	4	0	2	0	6	0	41	2	0	43	0	0	0	0	0	82
% Mediums	2.6	1.6	-	-	1.7	4.3	-	5.4	0.0	4.5	-	2.4	2.0	0.0	2.3	-	-	-	-	-	2.1
Articulated Trucks	0	6	0	0	6	0	0	0	0	0	0	6	0	0	6	0	0	0	0	0	12
% Articulated Trucks	0.0	0.3	-	-	0.3	0.0	-	0.0	0.0	0.0	-	0.3	0.0	0.0	0.3	-	-	-	-	-	0.3

GRAM Traffic NTX Inc.

1120 W. Lovers Lane

Arlington, Texas, United States 76013
817.265.8968

Count Name: GRAYSTONE DR @ FRISCO RD
Site Code:
Start Date: 05/10/2022



Turning Movement Data Plot

GRAM Traffic NTX Inc.

1120 W. Lovers Lane

Arlington, Texas, United States 76013
817.265.8968

Count Name: GRAYSTONE DR @ FRISCO RD
Site Code:
Start Date: 05/10/2022

Turning Movement Peak Hour Data (7:15 AM)

Start Time	FRISCO RD Southbound					GRAYSTONE DR Westbound					FRISCO RD Northbound					Eastbound St. Eastbound					Int. Total
	Left	Thru	Right	U-Turn	App. Total	Left	Thru	Right	U-Turn	App. Total	Left	Thru	Right	U-Turn	App. Total	Left	Thru	Right	U-Turn	App. Total	
7:15 AM	1	48	0	0	49	3	0	2	0	5	0	52	0	0	52	0	0	0	0	0	106
7:30 AM	1	54	0	0	55	2	0	3	0	5	0	76	0	0	76	0	0	0	0	0	136
7:45 AM	1	71	0	0	72	3	0	1	0	4	0	39	1	0	40	0	0	0	0	0	116
8:00 AM	0	36	0	0	36	1	0	0	0	1	0	24	3	0	27	0	0	0	0	0	64
Total	3	209	0	0	212	9	0	6	0	15	0	191	4	0	195	0	0	0	0	0	422
Approach %	1.4	98.6	0.0	0.0	-	60.0	0.0	40.0	0.0	-	0.0	97.9	2.1	0.0	-	0.0	0.0	0.0	0.0	-	-
Total %	0.7	49.5	0.0	0.0	50.2	2.1	0.0	1.4	0.0	3.6	0.0	45.3	0.9	0.0	46.2	0.0	0.0	0.0	0.0	0.0	-
PHF	0.750	0.736	0.000	0.000	0.736	0.750	0.000	0.500	0.000	0.750	0.000	0.628	0.333	0.000	0.641	0.000	0.000	0.000	0.000	0.000	0.776
Lights	3	204	0	0	207	9	0	5	0	14	0	183	4	0	187	0	0	0	0	0	408
% Lights	100.0	97.6	-	-	97.6	100.0	-	83.3	-	93.3	-	95.8	100.0	-	95.9	-	-	-	-	-	96.7
Mediums	0	3	0	0	3	0	0	1	0	1	0	8	0	0	8	0	0	0	0	0	12
% Mediums	0.0	1.4	-	-	1.4	0.0	-	16.7	-	6.7	-	4.2	0.0	-	4.1	-	-	-	-	-	2.8
Articulated Trucks	0	2	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2
% Articulated Trucks	0.0	1.0	-	-	0.9	0.0	-	0.0	-	0.0	-	0.0	0.0	-	0.0	-	-	-	-	-	0.5

GRAM Traffic NTX Inc.

1120 W. Lovers Lane

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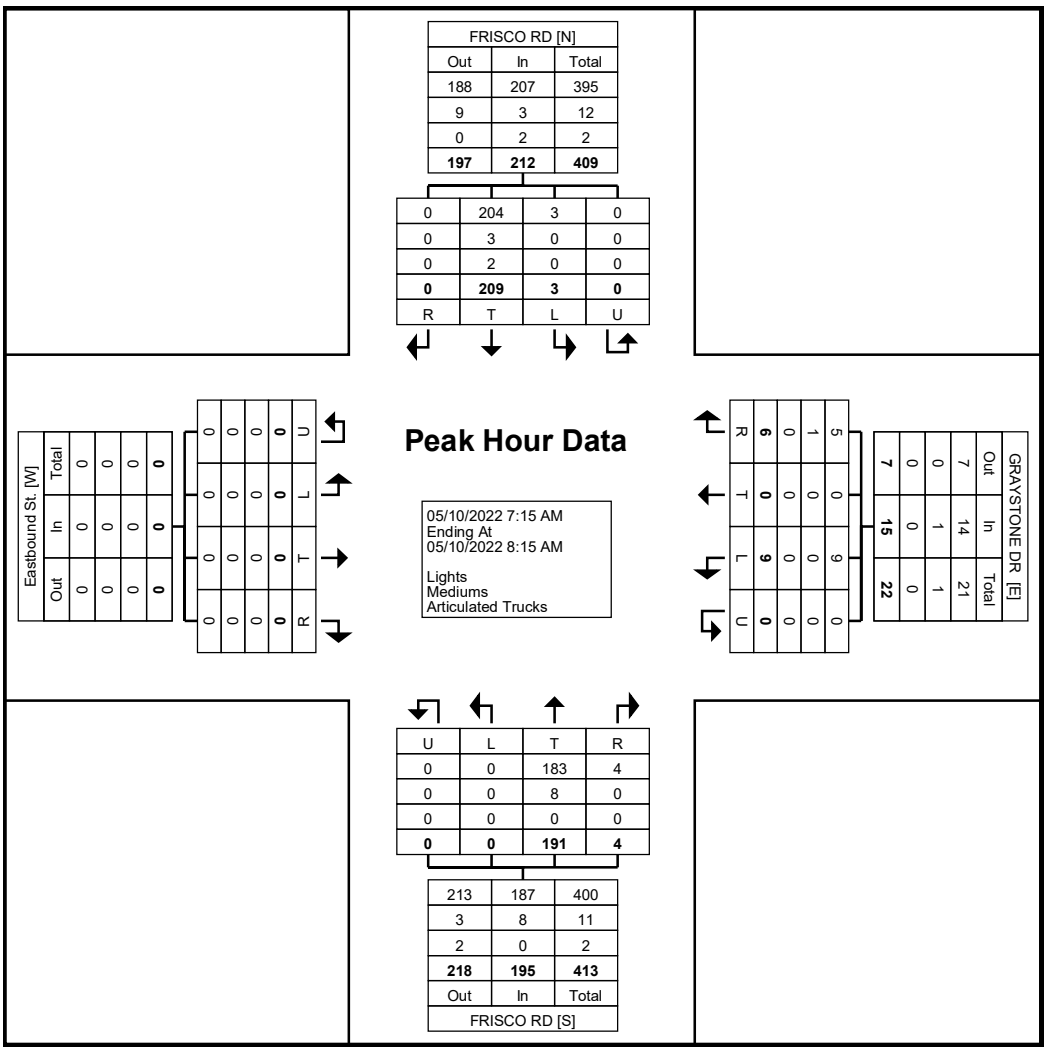
Count Name: GRAYSTONE DR @ FRISCO RD
Site Code:
Start Date: 05/10/2022



Turning Movement Peak Hour Data Plot (7:15 AM)

GRAM Traffic NTX Inc.

1120 W. Lovers Lane

Arlington, Texas, United States 76013
817.265.8968

Count Name: GRAYSTONE DR @ FRISCO RD
Site Code:
Start Date: 05/10/2022

Turning Movement Peak Hour Data (3:00 PM)

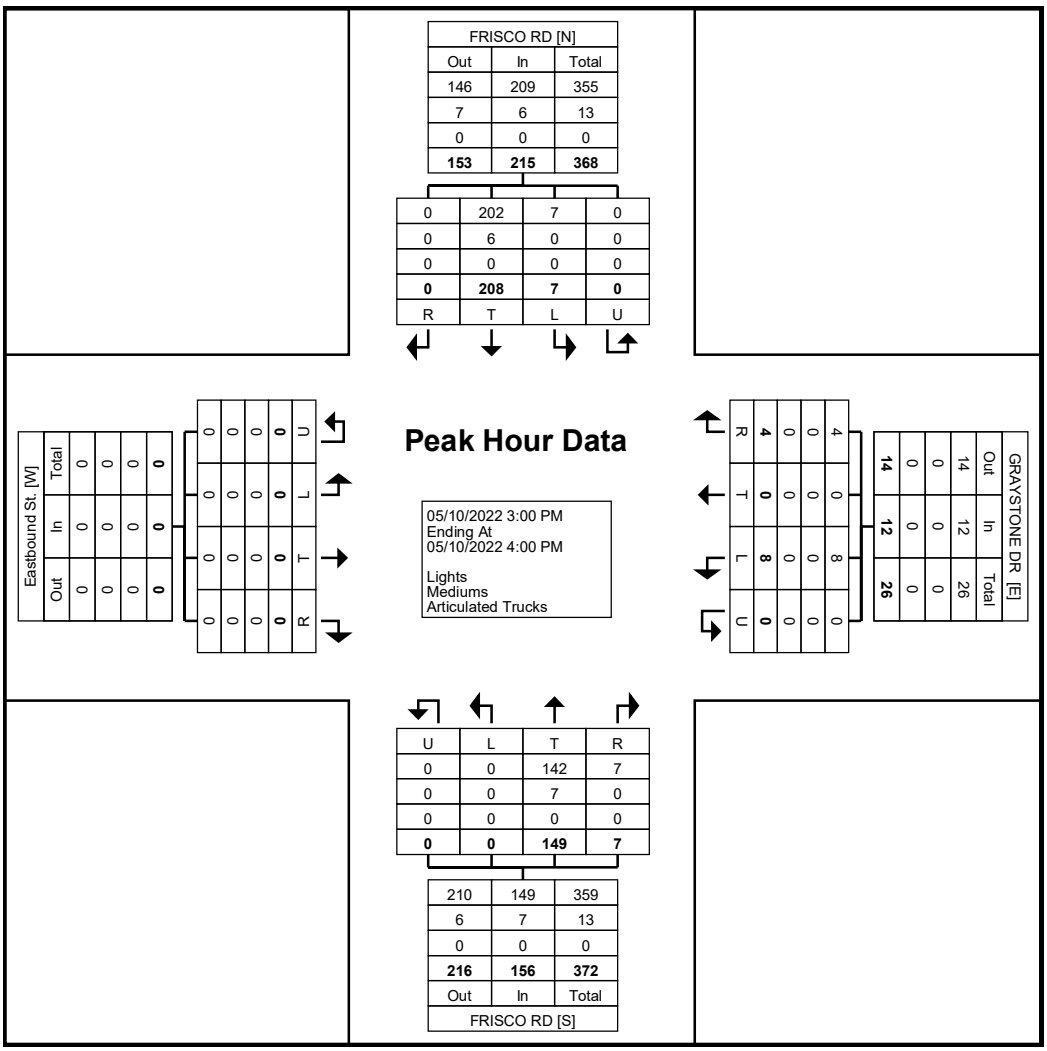
Start Time	FRISCO RD Southbound					GRAYSTONE DR Westbound					FRISCO RD Northbound					Eastbound St. Eastbound					
	Left	Thru	Right	U-Turn	App. Total	Left	Thru	Right	U-Turn	App. Total	Left	Thru	Right	U-Turn	App. Total	Left	Thru	Right	U-Turn	App. Total	Int. Total
3:00 PM	0	36	0	0	36	4	0	0	0	4	0	47	0	0	47	0	0	0	0	0	87
3:15 PM	3	56	0	0	59	1	0	2	0	3	0	47	1	0	48	0	0	0	0	0	110
3:30 PM	3	74	0	0	77	3	0	1	0	4	0	28	4	0	32	0	0	0	0	0	113
3:45 PM	1	42	0	0	43	0	0	1	0	1	0	27	2	0	29	0	0	0	0	0	73
Total	7	208	0	0	215	8	0	4	0	12	0	149	7	0	156	0	0	0	0	0	383
Approach %	3.3	96.7	0.0	0.0	-	66.7	0.0	33.3	0.0	-	0.0	95.5	4.5	0.0	-	0.0	0.0	0.0	0.0	-	-
Total %	1.8	54.3	0.0	0.0	56.1	2.1	0.0	1.0	0.0	3.1	0.0	38.9	1.8	0.0	40.7	0.0	0.0	0.0	0.0	0.0	-
PHF	0.583	0.703	0.000	0.000	0.698	0.500	0.000	0.500	0.000	0.750	0.000	0.793	0.438	0.000	0.813	0.000	0.000	0.000	0.000	0.000	0.847
Lights	7	202	0	0	209	8	0	4	0	12	0	142	7	0	149	0	0	0	0	0	370
% Lights	100.0	97.1	-	-	97.2	100.0	-	100.0	-	100.0	-	95.3	100.0	-	95.5	-	-	-	-	-	96.6
Mediums	0	6	0	0	6	0	0	0	0	0	0	7	0	0	7	0	0	0	0	0	13
% Mediums	0.0	2.9	-	-	2.8	0.0	-	0.0	-	0.0	-	4.7	0.0	-	4.5	-	-	-	-	-	3.4
Articulated Trucks	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
% Articulated Trucks	0.0	0.0	-	-	0.0	0.0	-	0.0	-	0.0	-	0.0	0.0	-	0.0	-	-	-	-	-	0.0

GRAM Traffic NTX Inc.

1120 W. Lovers Lane

Arlington, Texas, United States 76013
817.265.8968

Count Name: GRAYSTONE DR @ FRISCO RD
Site Code:
Start Date: 05/10/2022
Page No: 7



Turning Movement Peak Hour Data Plot (3:00 PM)

GRAM Traffic NTX Inc.

1120 W. Lovers Lane

Arlington, Texas, United States 76013
817.265.8968

Count Name: VILLAGE DR @ GRAYSTONE RD
Site Code:
Start Date: 05/10/2022

Turning Movement Data

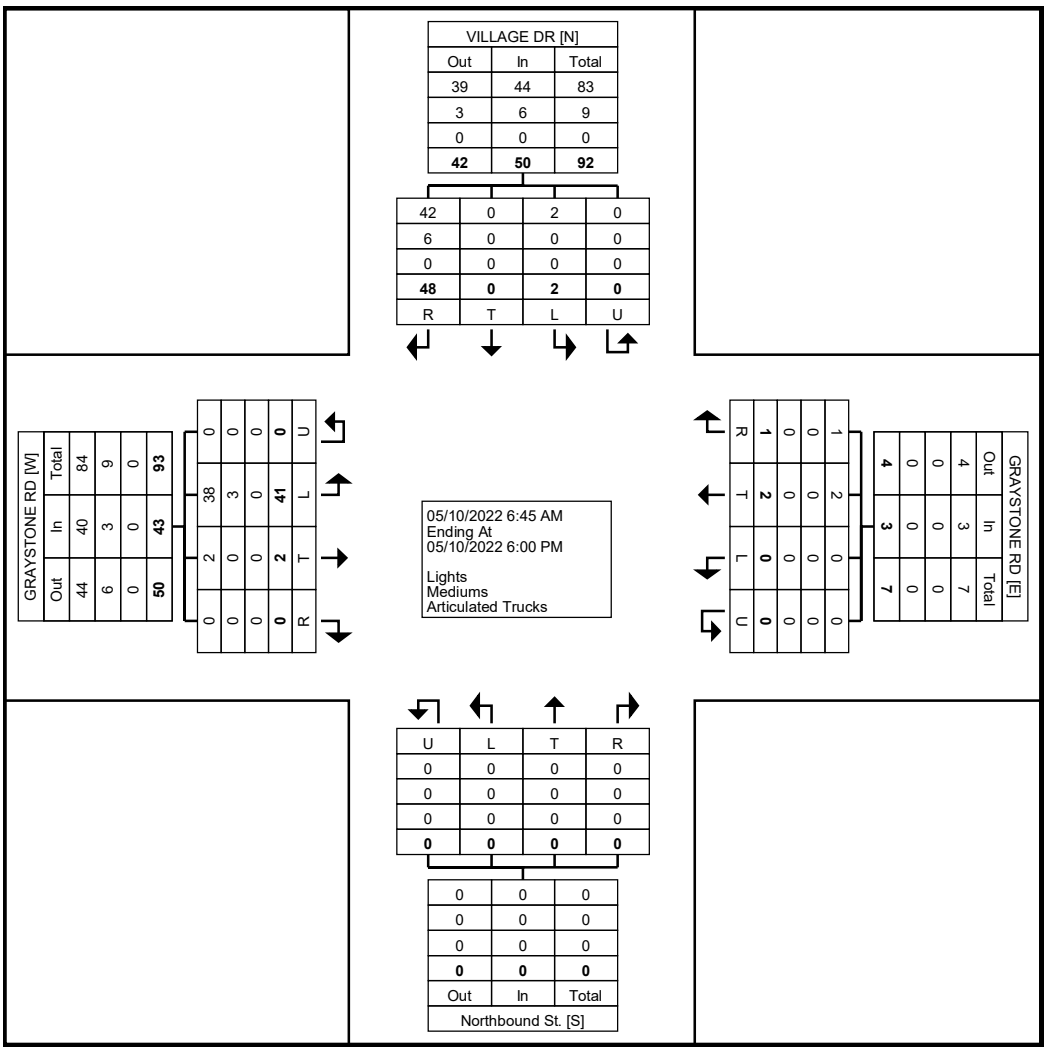
Start Time	VILLAGE DR Southbound					GRAYSTONE RD Westbound					Northbound St. Northbound					GRAYSTONE RD Eastbound					Int. Total
	Left	Thru	Right	U-Turn	App. Total	Left	Thru	Right	U-Turn	App. Total	Left	Thru	Right	U-Turn	App. Total	Left	Thru	Right	U-Turn	App. Total	
6:45 AM	0	0	2	0	2	0	0	0	0	0	0	0	0	0	0	3	0	0	0	3	5
Hourly Total	0	0	2	0	2	0	0	0	0	0	0	0	0	0	0	3	0	0	0	3	5
7:00 AM	0	0	7	0	7	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	7
7:15 AM	1	0	5	0	6	0	0	0	0	0	0	0	0	0	0	2	0	0	0	2	8
7:30 AM	1	0	5	0	6	0	0	0	0	0	0	0	0	0	0	1	0	0	0	1	7
7:45 AM	0	0	4	0	4	0	0	0	0	0	0	0	0	0	0	2	1	0	0	3	7
Hourly Total	2	0	21	0	23	0	0	0	0	0	0	0	0	0	0	5	1	0	0	6	29
8:00 AM	0	0	1	0	1	0	1	0	0	1	0	0	0	0	0	3	0	0	0	3	5
8:15 AM	0	0	2	0	2	0	0	0	0	0	0	0	0	0	0	2	0	0	0	2	4
8:30 AM	0	0	5	0	5	0	0	0	0	0	0	0	0	0	0	3	0	0	0	3	8
*** BREAK ***	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Hourly Total	0	0	8	0	8	0	1	0	0	1	0	0	0	0	0	8	0	0	0	8	17
4:00 PM	0	0	4	0	4	0	1	0	0	1	0	0	0	0	0	0	1	0	0	1	6
4:15 PM	0	0	2	0	2	0	0	0	0	0	0	0	0	0	0	4	0	0	0	4	6
4:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4	0	0	0	4	4
4:45 PM	0	0	3	0	3	0	0	0	0	0	0	0	0	0	0	6	0	0	0	6	9
Hourly Total	0	0	9	0	9	0	1	0	0	1	0	0	0	0	0	14	1	0	0	15	25
5:00 PM	0	0	2	0	2	0	0	0	0	0	0	0	0	0	0	4	0	0	0	4	6
5:15 PM	0	0	2	0	2	0	0	1	0	1	0	0	0	0	0	3	0	0	0	3	6
5:30 PM	0	0	3	0	3	0	0	0	0	0	0	0	0	0	0	2	0	0	0	2	5
5:45 PM	0	0	1	0	1	0	0	0	0	0	0	0	0	0	0	2	0	0	0	2	3
Hourly Total	0	0	8	0	8	0	0	1	0	1	0	0	0	0	0	11	0	0	0	11	20
Grand Total	2	0	48	0	50	0	2	1	0	3	0	0	0	0	0	41	2	0	0	43	96
Approach %	4.0	0.0	96.0	0.0	-	0.0	66.7	33.3	0.0	-	0.0	0.0	0.0	0.0	-	95.3	4.7	0.0	0.0	-	-
Total %	2.1	0.0	50.0	0.0	52.1	0.0	2.1	1.0	0.0	3.1	0.0	0.0	0.0	0.0	0.0	42.7	2.1	0.0	0.0	44.8	-
Lights	2	0	42	0	44	0	2	1	0	3	0	0	0	0	0	38	2	0	0	40	87
% Lights	100.0	-	87.5	-	88.0	-	100.0	100.0	-	100.0	-	-	-	-	-	92.7	100.0	-	-	93.0	90.6
Mediums	0	0	6	0	6	0	0	0	0	0	0	0	0	0	0	3	0	0	0	3	9
% Mediums	0.0	-	12.5	-	12.0	-	0.0	0.0	-	0.0	-	-	-	-	-	7.3	0.0	-	-	7.0	9.4
Articulated Trucks	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
% Articulated Trucks	0.0	-	0.0	-	0.0	-	0.0	0.0	-	0.0	-	-	-	-	-	0.0	0.0	-	-	0.0	0.0

GRAM Traffic NTX Inc.

1120 W. Lovers Lane

Arlington, Texas, United States 76013
817.265.8968

Count Name: VILLAGE DR @ GRAYSTONE RD
Site Code:
Start Date: 05/10/2022



Turning Movement Data Plot

GRAM Traffic NTX Inc.

1120 W. Lovers Lane

Arlington, Texas, United States 76013
817.265.8968

Count Name: VILLAGE DR @ GRAYSTONE RD
Site Code:
Start Date: 05/10/2022

Turning Movement Peak Hour Data (7:00 AM)

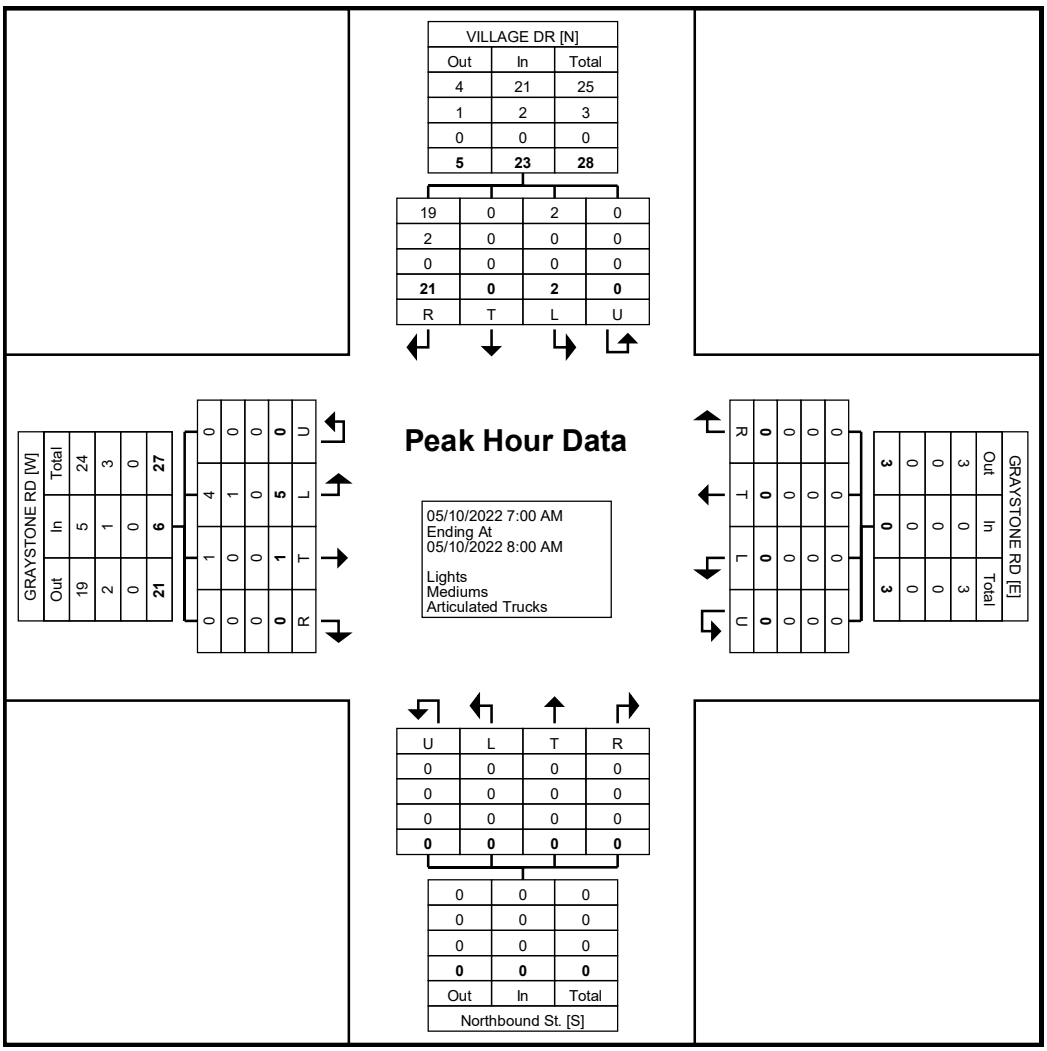
Start Time	VILLAGE DR Southbound					GRAYSTONE RD Westbound					Northbound St. Northbound					GRAYSTONE RD Eastbound					
	Left	Thru	Right	U-Turn	App. Total	Left	Thru	Right	U-Turn	App. Total	Left	Thru	Right	U-Turn	App. Total	Left	Thru	Right	U-Turn	App. Total	Int. Total
7:00 AM	0	0	7	0	7	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	7
7:15 AM	1	0	5	0	6	0	0	0	0	0	0	0	0	0	0	2	0	0	0	2	8
7:30 AM	1	0	5	0	6	0	0	0	0	0	0	0	0	0	0	1	0	0	0	1	7
7:45 AM	0	0	4	0	4	0	0	0	0	0	0	0	0	0	0	2	1	0	0	3	7
Total	2	0	21	0	23	0	0	0	0	0	0	0	0	0	0	5	1	0	0	6	29
Approach %	8.7	0.0	91.3	0.0	-	0.0	0.0	0.0	0.0	-	0.0	0.0	0.0	0.0	-	83.3	16.7	0.0	0.0	-	-
Total %	6.9	0.0	72.4	0.0	79.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	17.2	3.4	0.0	0.0	20.7	-
PHF	0.500	0.000	0.750	0.000	0.821	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.625	0.250	0.000	0.000	0.500	0.906
Lights	2	0	19	0	21	0	0	0	0	0	0	0	0	0	0	4	1	0	0	5	26
% Lights	100.0	-	90.5	-	91.3	-	-	-	-	-	-	-	-	-	-	80.0	100.0	-	-	83.3	89.7
Mediums	0	0	2	0	2	0	0	0	0	0	0	0	0	0	0	1	0	0	0	1	3
% Mediums	0.0	-	9.5	-	8.7	-	-	-	-	-	-	-	-	-	-	20.0	0.0	-	-	16.7	10.3
Articulated Trucks	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
% Articulated Trucks	0.0	-	0.0	-	0.0	-	-	-	-	-	-	-	-	-	-	0.0	0.0	-	-	0.0	0.0

GRAM Traffic NTX Inc.

1120 W. Lovers Lane

Arlington, Texas, United States 76013
817.265.8968

Count Name: VILLAGE DR @ GRAYSTONE RD
Site Code:
Start Date: 05/10/2022



Turning Movement Peak Hour Data Plot (7:00 AM)

GRAM Traffic NTX Inc.

1120 W. Lovers Lane

Arlington, Texas, United States 76013
817.265.8968

Count Name: VILLAGE DR @ GRAYSTONE RD
Site Code:
Start Date: 05/10/2022

Turning Movement Peak Hour Data (4:45 PM)

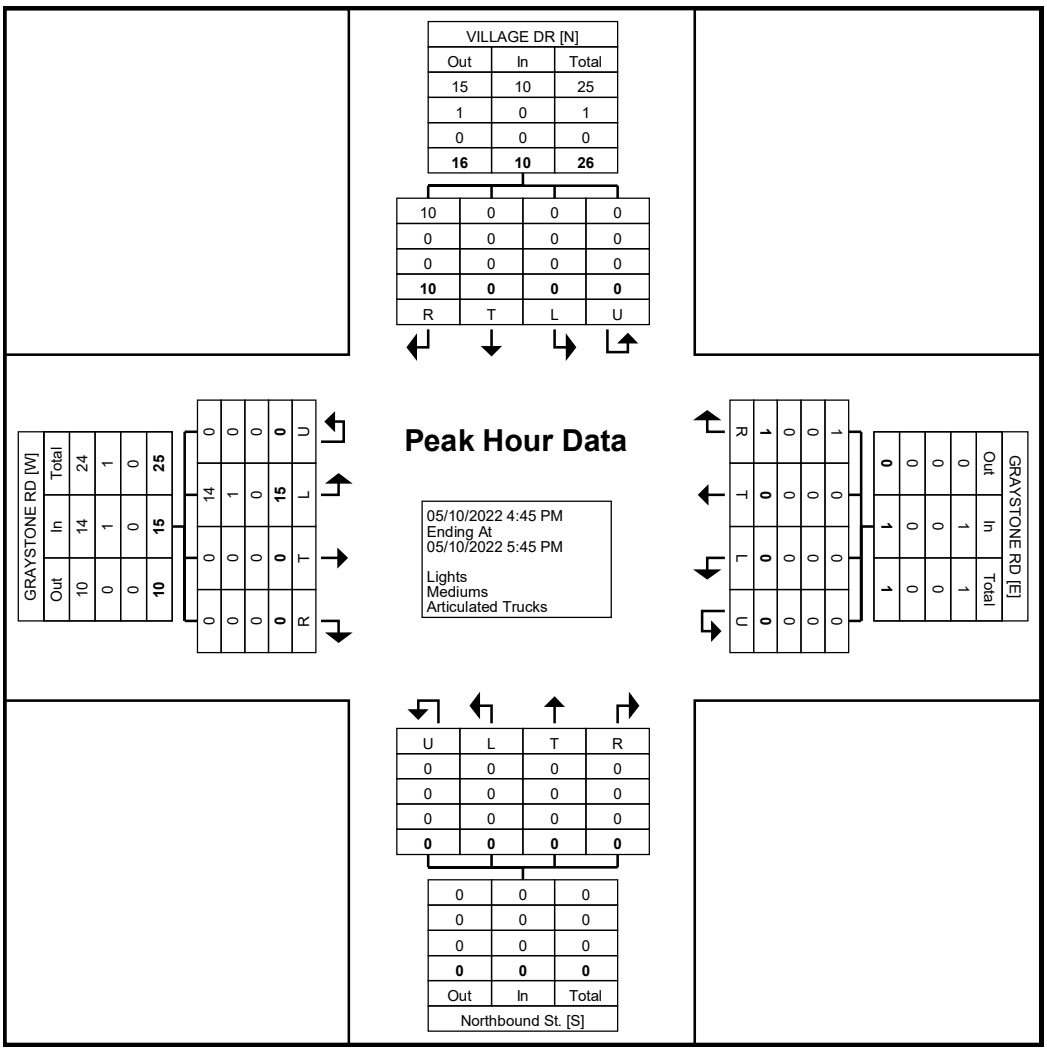
Start Time	VILLAGE DR Southbound					GRAYSTONE RD Westbound					Northbound St. Northbound					GRAYSTONE RD Eastbound					
	Left	Thru	Right	U-Turn	App. Total	Left	Thru	Right	U-Turn	App. Total	Left	Thru	Right	U-Turn	App. Total	Left	Thru	Right	U-Turn	App. Total	Int. Total
4:45 PM	0	0	3	0	3	0	0	0	0	0	0	0	0	0	0	6	0	0	0	6	9
5:00 PM	0	0	2	0	2	0	0	0	0	0	0	0	0	0	0	4	0	0	0	4	6
5:15 PM	0	0	2	0	2	0	0	1	0	1	0	0	0	0	0	3	0	0	0	3	6
5:30 PM	0	0	3	0	3	0	0	0	0	0	0	0	0	0	0	2	0	0	0	2	5
Total	0	0	10	0	10	0	0	1	0	1	0	0	0	0	0	15	0	0	0	15	26
Approach %	0.0	0.0	100.0	0.0	-	0.0	0.0	100.0	0.0	-	0.0	0.0	0.0	0.0	-	100.0	0.0	0.0	0.0	-	-
Total %	0.0	0.0	38.5	0.0	38.5	0.0	0.0	3.8	0.0	3.8	0.0	0.0	0.0	0.0	0.0	57.7	0.0	0.0	0.0	57.7	-
PHF	0.000	0.000	0.833	0.000	0.833	0.000	0.000	0.250	0.000	0.250	0.000	0.000	0.000	0.000	0.000	0.625	0.000	0.000	0.000	0.625	0.722
Lights	0	0	10	0	10	0	0	1	0	1	0	0	0	0	0	14	0	0	0	14	25
% Lights	-	-	100.0	-	100.0	-	-	100.0	-	100.0	-	-	-	-	-	93.3	-	-	-	93.3	96.2
Mediums	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	1	1
% Mediums	-	-	0.0	-	0.0	-	-	0.0	-	0.0	-	-	-	-	-	6.7	-	-	-	6.7	3.8
Articulated Trucks	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
% Articulated Trucks	-	-	0.0	-	0.0	-	-	0.0	-	0.0	-	-	-	-	-	0.0	-	-	-	0.0	0.0

GRAM Traffic NTX Inc.

1120 W. Lovers Lane

Arlington, Texas, United States 76013
817.265.8968

Count Name: VILLAGE DR @ GRAYSTONE RD
Site Code:
Start Date: 05/10/2022



Turning Movement Peak Hour Data Plot (4:45 PM)

GRAM Traffic NTX Inc.
1120 W. Lovers Lane

Arlington, Texas, United States 76013
817.265.8968 isaiah@gramntx.com

Count Name: SISTRUNK ST @ DRIPPING SPRING RD
Site Code:
Start Date: 05/10/2022

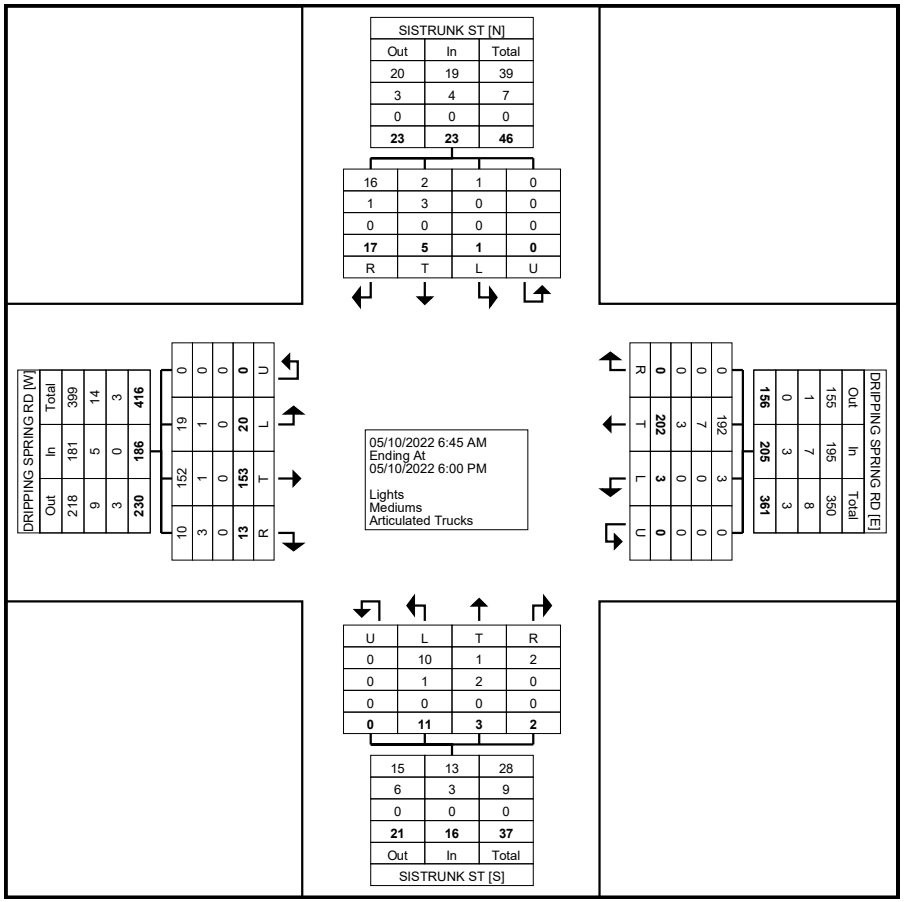
Turning Movement Data

Start Time	SISTRUNK ST Southbound					DRIPPING SPRING RD Westbound					SISTRUNK ST Northbound					DRIPPING SPRING RD Eastbound					
	Right	Thru	Left	U-Turn	App. Total	Right	Thru	Left	U-Turn	App. Total	Right	Thru	Left	U-Turn	App. Total	Right	Thru	Left	U-Turn	App. Total	Int. Total
6:45 AM	0	1	1	0	2	0	8	0	0	8	0	0	0	0	0	0	6	0	0	6	16
Hourly Total	0	1	1	0	2	0	8	0	0	8	0	0	0	0	0	0	6	0	0	6	16
7:00 AM	0	0	0	0	0	0	13	0	0	13	0	0	1	0	1	1	7	1	0	9	23
7:15 AM	1	0	0	0	1	0	19	0	0	19	0	0	1	0	1	0	5	1	0	6	27
7:30 AM	3	0	0	0	3	0	17	0	0	17	0	1	0	0	1	1	9	0	0	10	31
7:45 AM	3	1	0	0	4	0	19	0	0	19	1	0	2	0	3	0	5	0	0	5	31
Hourly Total	7	1	0	0	8	0	68	0	0	68	1	1	4	0	6	2	26	2	0	30	112
8:00 AM	0	0	0	0	0	0	15	0	0	15	0	0	0	0	0	0	6	0	0	6	21
8:15 AM	1	0	0	0	1	0	8	0	0	8	0	1	0	0	1	1	1	2	0	4	14
8:30 AM	0	0	0	0	0	0	9	0	0	9	0	0	2	0	2	1	7	2	0	10	21
*** BREAK ***	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Hourly Total	1	0	0	0	1	0	32	0	0	32	0	1	2	0	3	2	14	4	0	20	56
4:00 PM	1	1	0	0	2	0	9	1	0	10	0	0	0	0	0	4	12	1	0	17	29
4:15 PM	3	0	0	0	3	0	10	1	0	11	0	0	0	0	0	2	15	2	0	19	33
4:30 PM	1	0	0	0	1	0	15	0	0	15	1	0	1	0	2	0	13	0	0	13	31
4:45 PM	1	2	0	0	3	0	7	0	0	7	0	0	3	0	3	1	9	4	0	14	27
Hourly Total	6	3	0	0	9	0	41	2	0	43	1	0	4	0	5	7	49	7	0	63	120
5:00 PM	0	0	0	0	0	0	14	0	0	14	0	1	1	0	2	0	12	3	0	15	31
5:15 PM	1	0	0	0	1	0	18	0	0	18	0	0	0	0	0	0	18	2	0	20	39
5:30 PM	0	0	0	0	0	0	10	1	0	11	0	0	0	0	0	0	15	2	0	17	28
5:45 PM	2	0	0	0	2	0	11	0	0	11	0	0	0	0	0	2	13	0	0	15	28
Hourly Total	3	0	0	0	3	0	53	1	0	54	0	1	1	0	2	2	58	7	0	67	126
Grand Total	17	5	1	0	23	0	202	3	0	205	2	3	11	0	16	13	153	20	0	186	430
Approach %	73.9	21.7	4.3	0.0	-	0.0	98.5	1.5	0.0	-	12.5	18.8	68.8	0.0	-	7.0	82.3	10.8	0.0	-	-
Total %	4.0	1.2	0.2	0.0	5.3	0.0	47.0	0.7	0.0	47.7	0.5	0.7	2.6	0.0	3.7	3.0	35.6	4.7	0.0	43.3	-
Lights	16	2	1	0	19	0	192	3	0	195	2	1	10	0	13	10	152	19	0	181	408
% Lights	94.1	40.0	100.0	-	82.6	-	95.0	100.0	-	95.1	100.0	33.3	90.9	-	81.3	76.9	99.3	95.0	-	97.3	94.9
Mediums	1	3	0	0	4	0	7	0	0	7	0	2	1	0	3	3	1	1	0	5	19
% Mediums	5.9	60.0	0.0	-	17.4	-	3.5	0.0	-	3.4	0.0	66.7	9.1	-	18.8	23.1	0.7	5.0	-	2.7	4.4
Articulated Trucks	0	0	0	0	0	0	3	0	0	3	0	0	0	0	0	0	0	0	0	0	3
% Articulated Trucks	0.0	0.0	0.0	-	0.0	-	1.5	0.0	-	1.5	0.0	0.0	0.0	-	0.0	0.0	0.0	0.0	-	0.0	0.7

GRAM Traffic NTX Inc.
1120 W. Lovers Lane

Arlington, Texas, United States 76013
817.265.8968 isaiah@gramntx.com

Count Name: SISTRUNK ST @ DRIPPING SPRING RD
Site Code:
Start Date: 05/10/2022



Turning Movement Data Plot

GRAM Traffic NTX Inc.
1120 W. Lovers Lane

Arlington, Texas, United States 76013
817.265.8968 isaiah@gramntx.com

Count Name: SISTRUNK ST @ DRIPPING SPRING RD
Site Code:
Start Date: 05/10/2022

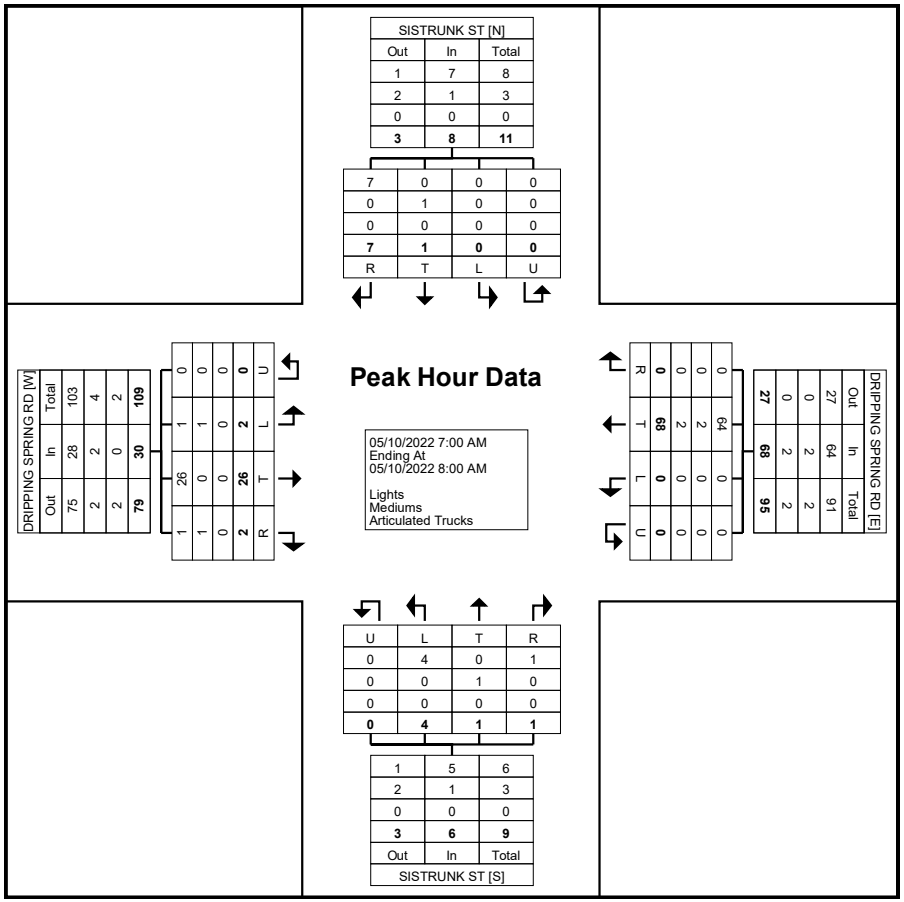
Turning Movement Peak Hour Data (7:00 AM)

Start Time	SISTRUNK ST Southbound					DRIPPING SPRING RD Westbound					SISTRUNK ST Northbound					DRIPPING SPRING RD Eastbound					
	Right	Thru	Left	U-Turn	App. Total	Right	Thru	Left	U-Turn	App. Total	Right	Thru	Left	U-Turn	App. Total	Right	Thru	Left	U-Turn	App. Total	Int. Total
7:00 AM	0	0	0	0	0	0	13	0	0	13	0	0	1	0	1	1	7	1	0	9	23
7:15 AM	1	0	0	0	1	0	19	0	0	19	0	0	1	0	1	0	5	1	0	6	27
7:30 AM	3	0	0	0	3	0	17	0	0	17	0	1	0	0	1	1	9	0	0	10	31
7:45 AM	3	1	0	0	4	0	19	0	0	19	1	0	2	0	3	0	5	0	0	5	31
Total	7	1	0	0	8	0	68	0	0	68	1	1	4	0	6	2	26	2	0	30	112
Approach %	87.5	12.5	0.0	0.0	-	0.0	100.0	0.0	0.0	-	16.7	16.7	66.7	0.0	-	6.7	86.7	6.7	0.0	-	-
Total %	6.3	0.9	0.0	0.0	7.1	0.0	60.7	0.0	0.0	60.7	0.9	0.9	3.6	0.0	5.4	1.8	23.2	1.8	0.0	26.8	-
PHF	0.583	0.250	0.000	0.000	0.500	0.000	0.895	0.000	0.000	0.895	0.250	0.250	0.500	0.000	0.500	0.500	0.722	0.500	0.000	0.750	0.903
Lights	7	0	0	0	7	0	64	0	0	64	1	0	4	0	5	1	26	1	0	28	104
% Lights	100.0	0.0	-	-	87.5	-	94.1	-	-	94.1	100.0	0.0	100.0	-	83.3	50.0	100.0	50.0	-	93.3	92.9
Mediums	0	1	0	0	1	0	2	0	0	2	0	1	0	0	1	1	0	1	0	2	6
% Mediums	0.0	100.0	-	-	12.5	-	2.9	-	-	2.9	0.0	100.0	0.0	-	16.7	50.0	0.0	50.0	-	6.7	5.4
Articulated Trucks	0	0	0	0	0	0	2	0	0	2	0	0	0	0	0	0	0	0	0	0	2
% Articulated Trucks	0.0	0.0	-	-	0.0	-	2.9	-	-	2.9	0.0	0.0	0.0	-	0.0	0.0	0.0	0.0	-	0.0	1.8

GRAM Traffic NTX Inc.
1120 W. Lovers Lane

Arlington, Texas, United States 76013
817.265.8968 isaiah@gramntx.com

Count Name: SISTRUNK ST @ DRIPPING SPRING RD
Site Code:
Start Date: 05/10/2022



Turning Movement Peak Hour Data Plot (7:00 AM)

GRAM Traffic NTX Inc.
1120 W. Lovers Lane

Arlington, Texas, United States 76013
817.265.8968 isaiah@gramntx.com

Count Name: SISTRUNK ST @ DRIPPING SPRING RD
Site Code:
Start Date: 05/10/2022

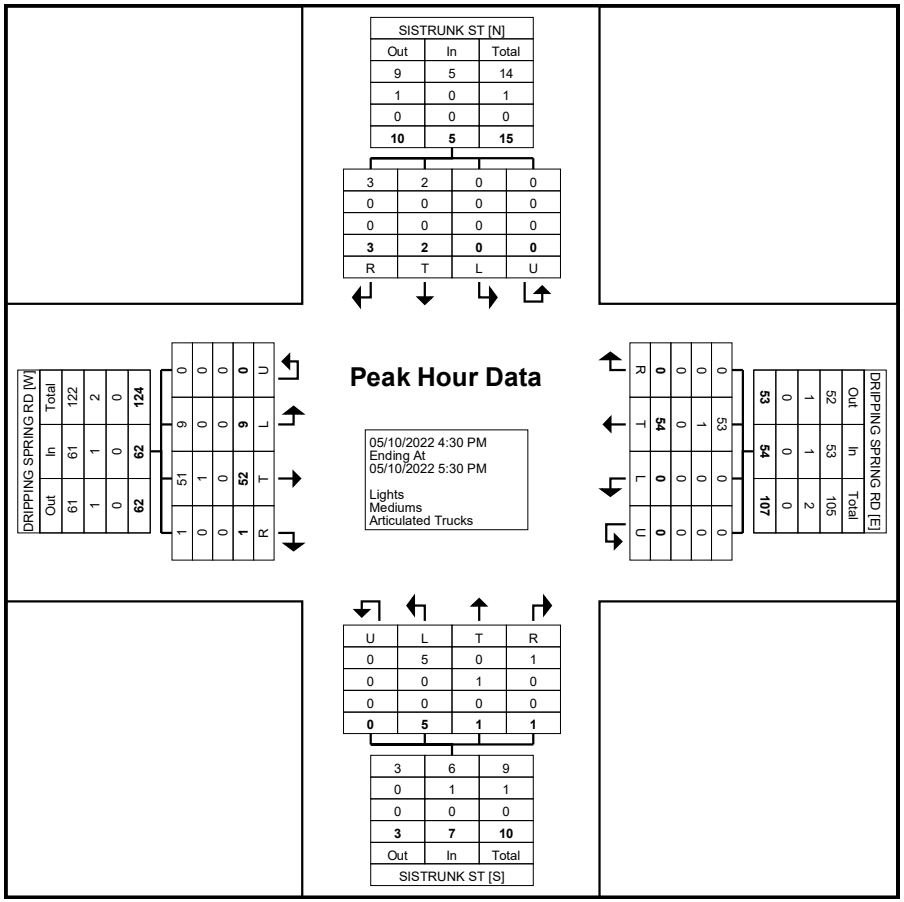
Turning Movement Peak Hour Data (4:30 PM)

Start Time	SISTRUNK ST Southbound					DRIPPING SPRING RD Westbound					SISTRUNK ST Northbound					DRIPPING SPRING RD Eastbound					
	Right	Thru	Left	U-Turn	App. Total	Right	Thru	Left	U-Turn	App. Total	Right	Thru	Left	U-Turn	App. Total	Right	Thru	Left	U-Turn	App. Total	Int. Total
4:30 PM	1	0	0	0	1	0	15	0	0	15	1	0	1	0	2	0	13	0	0	13	31
4:45 PM	1	2	0	0	3	0	7	0	0	7	0	0	3	0	3	1	9	4	0	14	27
5:00 PM	0	0	0	0	0	0	14	0	0	14	0	1	1	0	2	0	12	3	0	15	31
5:15 PM	1	0	0	0	1	0	18	0	0	18	0	0	0	0	0	0	18	2	0	20	39
Total	3	2	0	0	5	0	54	0	0	54	1	1	5	0	7	1	52	9	0	62	128
Approach %	60.0	40.0	0.0	0.0	-	0.0	100.0	0.0	0.0	-	14.3	14.3	71.4	0.0	-	1.6	83.9	14.5	0.0	-	-
Total %	2.3	1.6	0.0	0.0	3.9	0.0	42.2	0.0	0.0	42.2	0.8	0.8	3.9	0.0	5.5	0.8	40.6	7.0	0.0	48.4	-
PHF	0.750	0.250	0.000	0.000	0.417	0.000	0.750	0.000	0.000	0.750	0.250	0.250	0.417	0.000	0.583	0.250	0.722	0.563	0.000	0.775	0.821
Lights	3	2	0	0	5	0	53	0	0	53	1	0	5	0	6	1	51	9	0	61	125
% Lights	100.0	100.0	-	-	100.0	-	98.1	-	-	98.1	100.0	0.0	100.0	-	85.7	100.0	98.1	100.0	-	98.4	97.7
Mediums	0	0	0	0	0	0	1	0	0	1	0	1	0	0	1	0	1	0	0	1	3
% Mediums	0.0	0.0	-	-	0.0	-	1.9	-	-	1.9	0.0	100.0	0.0	-	14.3	0.0	1.9	0.0	-	1.6	2.3
Articulated Trucks	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
% Articulated Trucks	0.0	0.0	-	-	0.0	-	0.0	-	-	0.0	0.0	0.0	0.0	-	0.0	0.0	0.0	0.0	-	0.0	0.0

GRAM Traffic NTX Inc.
1120 W. Lovers Lane

Arlington, Texas, United States 76013
817.265.8968 isaiah@gramntx.com

Count Name: SISTRUNK ST @ DRIPPING SPRING RD
Site Code:
Start Date: 05/10/2022



Turning Movement Peak Hour Data Plot (4:30 PM)

Intersection	
Int Delay, s/veh	0.5

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	9	6	191	4	3	209
Future Vol, veh/h	9	6	191	4	3	209
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	78	78	78	78	78	78
Heavy Vehicles, %	2	17	4	2	2	2
Mvmt Flow	12	8	245	5	4	268

Major/Minor	Minor1		Major1		Major2	
Conflicting Flow All	524	248	0	0	250	0
Stage 1	248	-	-	-	-	-
Stage 2	276	-	-	-	-	-
Critical Hdwy	6.42	6.37	-	-	4.12	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.453	-	-	2.218	-
Pot Cap-1 Maneuver	514	755	-	-	1316	-
Stage 1	793	-	-	-	-	-
Stage 2	771	-	-	-	-	-
Platoon blocked, %			-	-		-
Mov Cap-1 Maneuver	512	755	-	-	1316	-
Mov Cap-2 Maneuver	512	-	-	-	-	-
Stage 1	793	-	-	-	-	-
Stage 2	768	-	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	11.3	0	0.1
HCM LOS	B		

Minor Lane/Major Mvmt	NBT	NBR	WBLn1	SBL	SBT
Capacity (veh/h)	-	-	588	1316	-
HCM Lane V/C Ratio	-	-	0.033	0.003	-
HCM Control Delay (s)	-	-	11.3	7.7	0
HCM Lane LOS	-	-	B	A	A
HCM 95th %tile Q(veh)	-	-	0.1	0	-

Intersection	
Int Delay, s/veh	7.8

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕			↕			↕			↕	
Traffic Vol, veh/h	5	1	0	0	0	0	0	0	0	2	0	21
Future Vol, veh/h	5	1	0	0	0	0	0	0	0	2	0	21
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	91	91	91	91	91	91	91	91	91	91	91	91
Heavy Vehicles, %	20	2	2	2	2	2	2	2	2	2	2	10
Mvmt Flow	5	1	0	0	0	0	0	0	0	2	0	23

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	1	0	0	1	0	0	24	12	1	12	12	1
Stage 1	-	-	-	-	-	-	11	11	-	1	1	-
Stage 2	-	-	-	-	-	-	13	1	-	11	11	-
Critical Hdwy	4.3	-	-	4.12	-	-	7.12	6.52	6.22	7.12	6.52	6.3
Critical Hdwy Stg 1	-	-	-	-	-	-	6.12	5.52	-	6.12	5.52	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.12	5.52	-	6.12	5.52	-
Follow-up Hdwy	2.38	-	-	2.218	-	-	3.518	4.018	3.318	3.518	4.018	3.39
Pot Cap-1 Maneuver	1511	-	-	1622	-	-	987	883	1084	1005	883	1061
Stage 1	-	-	-	-	-	-	1010	886	-	1022	895	-
Stage 2	-	-	-	-	-	-	1007	895	-	1010	886	-
Platoon blocked, %		-	-		-	-						
Mov Cap-1 Maneuver	1511	-	-	1622	-	-	963	880	1084	1003	880	1061
Mov Cap-2 Maneuver	-	-	-	-	-	-	963	880	-	1003	880	-
Stage 1	-	-	-	-	-	-	1007	883	-	1019	895	-
Stage 2	-	-	-	-	-	-	985	895	-	1007	883	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	6.2	0	0	8.5
HCM LOS			A	A

Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	-	1511	-	-	1622	-	-	1056
HCM Lane V/C Ratio	-	0.004	-	-	-	-	-	0.024
HCM Control Delay (s)	0	7.4	0	-	0	-	-	8.5
HCM Lane LOS	A	A	A	-	A	-	-	A
HCM 95th %tile Q(veh)	-	0	-	-	0	-	-	0.1

Intersection	
Int Delay, s/veh	1.3

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕			↕			↕			↕	
Traffic Vol, veh/h	2	26	2	0	68	0	4	1	1	0	1	7
Future Vol, veh/h	2	26	2	0	68	0	4	1	1	0	1	7
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	90	90	90	90	90	90	90	90	90	90	90	90
Heavy Vehicles, %	50	2	50	2	6	2	2	100	2	2	100	2
Mvmt Flow	2	29	2	0	76	0	4	1	1	0	1	8

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	76	0	0	31	0	0	115	110	30	111	111	76
Stage 1	-	-	-	-	-	-	34	34	-	76	76	-
Stage 2	-	-	-	-	-	-	81	76	-	35	35	-
Critical Hdwy	4.6	-	-	4.12	-	-	7.12	7.5	6.22	7.12	7.5	6.22
Critical Hdwy Stg 1	-	-	-	-	-	-	6.12	6.5	-	6.12	6.5	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.12	6.5	-	6.12	6.5	-
Follow-up Hdwy	2.65	-	-	2.218	-	-	3.518	4.9	3.318	3.518	4.9	3.318
Pot Cap-1 Maneuver	1268	-	-	1582	-	-	862	629	1044	867	628	985
Stage 1	-	-	-	-	-	-	982	707	-	933	674	-
Stage 2	-	-	-	-	-	-	927	674	-	981	706	-
Platoon blocked, %		-	-		-	-						
Mov Cap-1 Maneuver	1268	-	-	1582	-	-	853	628	1044	864	627	985
Mov Cap-2 Maneuver	-	-	-	-	-	-	853	628	-	864	627	-
Stage 1	-	-	-	-	-	-	980	706	-	931	674	-
Stage 2	-	-	-	-	-	-	918	674	-	976	705	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	0.5	0	9.4	9
HCM LOS			A	A

Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	829	1268	-	-	1582	-	-	919
HCM Lane V/C Ratio	0.008	0.002	-	-	-	-	-	0.01
HCM Control Delay (s)	9.4	7.8	0	-	0	-	-	9
HCM Lane LOS	A	A	A	-	A	-	-	A
HCM 95th %tile Q(veh)	0	0	-	-	0	-	-	0

Intersection	
Int Delay, s/veh	0.5

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	8	4	149	7	7	208
Future Vol, veh/h	8	4	149	7	7	208
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	78	78	78	78	78	78
Heavy Vehicles, %	2	17	4	2	2	2
Mvmt Flow	10	5	191	9	9	267

Major/Minor	Minor1		Major1		Major2	
Conflicting Flow All	481	196	0	0	200	0
Stage 1	196	-	-	-	-	-
Stage 2	285	-	-	-	-	-
Critical Hdwy	6.42	6.37	-	-	4.12	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.453	-	-	2.218	-
Pot Cap-1 Maneuver	544	808	-	-	1372	-
Stage 1	837	-	-	-	-	-
Stage 2	763	-	-	-	-	-
Platoon blocked, %			-	-		-
Mov Cap-1 Maneuver	540	808	-	-	1372	-
Mov Cap-2 Maneuver	540	-	-	-	-	-
Stage 1	837	-	-	-	-	-
Stage 2	757	-	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	11.1	0	0.2
HCM LOS	B		

Minor Lane/Major Mvmt	NBT	NBR	WBLn1	SBL	SBT
Capacity (veh/h)	-	-	607	1372	-
HCM Lane V/C Ratio	-	-	0.025	0.007	-
HCM Control Delay (s)	-	-	11.1	7.6	0
HCM Lane LOS	-	-	B	A	A
HCM 95th %tile Q(veh)	-	-	0.1	0	-

Intersection	
Int Delay, s/veh	4.3

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕			↕			↕			↕	
Traffic Vol, veh/h	15	0	0	0	0	1	0	0	0	0	0	10
Future Vol, veh/h	15	0	0	0	0	1	0	0	0	0	0	10
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	91	91	91	91	91	91	91	91	91	91	91	91
Heavy Vehicles, %	20	2	2	2	2	2	2	2	2	2	2	10
Mvmt Flow	16	0	0	0	0	1	0	0	0	0	0	11

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	1	0	0	0	0	0	38	33	0	33	33	1
Stage 1	-	-	-	-	-	-	32	32	-	1	1	-
Stage 2	-	-	-	-	-	-	6	1	-	32	32	-
Critical Hdwy	4.3	-	-	4.12	-	-	7.12	6.52	6.22	7.12	6.52	6.3
Critical Hdwy Stg 1	-	-	-	-	-	-	6.12	5.52	-	6.12	5.52	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.12	5.52	-	6.12	5.52	-
Follow-up Hdwy	2.38	-	-	2.218	-	-	3.518	4.018	3.318	3.518	4.018	3.39
Pot Cap-1 Maneuver	1511	-	-	-	-	-	967	860	-	974	860	1061
Stage 1	-	-	-	-	-	-	984	868	-	1022	895	-
Stage 2	-	-	-	-	-	-	1016	895	-	984	868	-
Platoon blocked, %		-	-		-	-						
Mov Cap-1 Maneuver	1511	-	-	-	-	-	949	851	-	-	851	1061
Mov Cap-2 Maneuver	-	-	-	-	-	-	949	851	-	-	851	-
Stage 1	-	-	-	-	-	-	973	858	-	1011	895	-
Stage 2	-	-	-	-	-	-	1005	895	-	973	858	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	7.4	0	0	
HCM LOS			A	-

Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	-	1511	-	-	-	-	-	-
HCM Lane V/C Ratio	-	0.011	-	-	-	-	-	-
HCM Control Delay (s)	0	7.4	0	-	0	-	-	-
HCM Lane LOS	A	A	A	-	A	-	-	-
HCM 95th %tile Q(veh)	-	0	-	-	-	-	-	-

Intersection	
Int Delay, s/veh	1.4

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕			↕			↕			↕	
Traffic Vol, veh/h	9	52	1	0	54	0	5	1	1	0	2	3
Future Vol, veh/h	9	52	1	0	54	0	5	1	1	0	2	3
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	90	90	90	90	90	90	90	90	90	90	90	90
Heavy Vehicles, %	50	2	50	2	6	2	2	100	2	2	100	2
Mvmt Flow	10	58	1	0	60	0	6	1	1	0	2	3

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	60	0	0	59	0	0	142	139	59	140	139	60
Stage 1	-	-	-	-	-	-	79	79	-	60	60	-
Stage 2	-	-	-	-	-	-	63	60	-	80	79	-
Critical Hdwy	4.6	-	-	4.12	-	-	7.12	7.5	6.22	7.12	7.5	6.22
Critical Hdwy Stg 1	-	-	-	-	-	-	6.12	6.5	-	6.12	6.5	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.12	6.5	-	6.12	6.5	-
Follow-up Hdwy	2.65	-	-	2.218	-	-	3.518	4.9	3.318	3.518	4.9	3.318
Pot Cap-1 Maneuver	1286	-	-	1545	-	-	828	604	1007	830	604	1005
Stage 1	-	-	-	-	-	-	930	672	-	951	687	-
Stage 2	-	-	-	-	-	-	948	687	-	929	672	-
Platoon blocked, %		-	-		-	-						
Mov Cap-1 Maneuver	1286	-	-	1545	-	-	818	599	1007	823	599	1005
Mov Cap-2 Maneuver	-	-	-	-	-	-	818	599	-	823	599	-
Stage 1	-	-	-	-	-	-	923	667	-	943	687	-
Stage 2	-	-	-	-	-	-	942	687	-	919	667	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	1.1	0	9.6	9.6
HCM LOS			A	A

Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	798	1286	-	-	1545	-	-	791
HCM Lane V/C Ratio	0.01	0.008	-	-	-	-	-	0.007
HCM Control Delay (s)	9.6	7.8	0	-	0	-	-	9.6
HCM Lane LOS	A	A	A	-	A	-	-	A
HCM 95th %tile Q(veh)	0	0	-	-	0	-	-	0

Intersection	
Int Delay, s/veh	0.5

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	10	7	215	5	3	235
Future Vol, veh/h	10	7	215	5	3	235
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	78	78	78	78	78	78
Heavy Vehicles, %	2	17	4	2	2	2
Mvmt Flow	13	9	276	6	4	301

Major/Minor	Minor1		Major1		Major2	
Conflicting Flow All	588	279	0	0	282	0
Stage 1	279	-	-	-	-	-
Stage 2	309	-	-	-	-	-
Critical Hdwy	6.42	6.37	-	-	4.12	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.453	-	-	2.218	-
Pot Cap-1 Maneuver	471	725	-	-	1280	-
Stage 1	768	-	-	-	-	-
Stage 2	745	-	-	-	-	-
Platoon blocked, %			-	-		-
Mov Cap-1 Maneuver	469	725	-	-	1280	-
Mov Cap-2 Maneuver	469	-	-	-	-	-
Stage 1	768	-	-	-	-	-
Stage 2	742	-	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	11.8	0	0.1
HCM LOS	B		

Minor Lane/Major Mvmt	NBT	NBR	WBLn1	SBL	SBT
Capacity (veh/h)	-	-	549	1280	-
HCM Lane V/C Ratio	-	-	0.04	0.003	-
HCM Control Delay (s)	-	-	11.8	7.8	0
HCM Lane LOS	-	-	B	A	A
HCM 95th %tile Q(veh)	-	-	0.1	0	-

Intersection	
Int Delay, s/veh	7.8

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕			↕			↕			↕	
Traffic Vol, veh/h	6	1	0	0	0	0	0	0	0	2	0	24
Future Vol, veh/h	6	1	0	0	0	0	0	0	0	2	0	24
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	91	91	91	91	91	91	91	91	91	91	91	91
Heavy Vehicles, %	20	2	2	2	2	2	2	2	2	2	2	10
Mvmt Flow	7	1	0	0	0	0	0	0	0	2	0	26

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	1	0	0	1	0	0	29	16	1	16	16	1
Stage 1	-	-	-	-	-	-	15	15	-	1	1	-
Stage 2	-	-	-	-	-	-	14	1	-	15	15	-
Critical Hdwy	4.3	-	-	4.12	-	-	7.12	6.52	6.22	7.12	6.52	6.3
Critical Hdwy Stg 1	-	-	-	-	-	-	6.12	5.52	-	6.12	5.52	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.12	5.52	-	6.12	5.52	-
Follow-up Hdwy	2.38	-	-	2.218	-	-	3.518	4.018	3.318	3.518	4.018	3.39
Pot Cap-1 Maneuver	1511	-	-	1622	-	-	980	878	1084	999	878	1061
Stage 1	-	-	-	-	-	-	1005	883	-	1022	895	-
Stage 2	-	-	-	-	-	-	1006	895	-	1005	883	-
Platoon blocked, %		-	-		-	-						
Mov Cap-1 Maneuver	1511	-	-	1622	-	-	952	874	1084	995	874	1061
Mov Cap-2 Maneuver	-	-	-	-	-	-	952	874	-	995	874	-
Stage 1	-	-	-	-	-	-	1000	879	-	1017	895	-
Stage 2	-	-	-	-	-	-	981	895	-	1000	879	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	6.3	0	0	8.5
HCM LOS			A	A

Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	-	1511	-	-	1622	-	-	1056
HCM Lane V/C Ratio	-	0.004	-	-	-	-	-	0.027
HCM Control Delay (s)	0	7.4	0	-	0	-	-	8.5
HCM Lane LOS	A	A	A	-	A	-	-	A
HCM 95th %tile Q(veh)	-	0	-	-	0	-	-	0.1

Intersection	
Int Delay, s/veh	1.3

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕			↕			↕			↕	
Traffic Vol, veh/h	2	30	2	0	78	0	5	1	1	0	1	8
Future Vol, veh/h	2	30	2	0	78	0	5	1	1	0	1	8
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	90	90	90	90	90	90	90	90	90	90	90	90
Heavy Vehicles, %	50	2	50	2	6	2	2	100	2	2	100	2
Mvmt Flow	2	33	2	0	87	0	6	1	1	0	1	9

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	87	0	0	35	0	0	130	125	34	126	126	87
Stage 1	-	-	-	-	-	-	38	38	-	87	87	-
Stage 2	-	-	-	-	-	-	92	87	-	39	39	-
Critical Hdwy	4.6	-	-	4.12	-	-	7.12	7.5	6.22	7.12	7.5	6.22
Critical Hdwy Stg 1	-	-	-	-	-	-	6.12	6.5	-	6.12	6.5	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.12	6.5	-	6.12	6.5	-
Follow-up Hdwy	2.65	-	-	2.218	-	-	3.518	4.9	3.318	3.518	4.9	3.318
Pot Cap-1 Maneuver	1255	-	-	1576	-	-	843	616	1039	848	615	971
Stage 1	-	-	-	-	-	-	977	704	-	921	666	-
Stage 2	-	-	-	-	-	-	915	666	-	976	703	-
Platoon blocked, %		-	-		-	-						
Mov Cap-1 Maneuver	1255	-	-	1576	-	-	833	615	1039	845	614	971
Mov Cap-2 Maneuver	-	-	-	-	-	-	833	615	-	845	614	-
Stage 1	-	-	-	-	-	-	975	703	-	919	666	-
Stage 2	-	-	-	-	-	-	905	666	-	971	702	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	0.5	0	9.5	9
HCM LOS			A	A

Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	815	1255	-	-	1576	-	-	912
HCM Lane V/C Ratio	0.01	0.002	-	-	-	-	-	0.011
HCM Control Delay (s)	9.5	7.9	0	-	0	-	-	9
HCM Lane LOS	A	A	A	-	A	-	-	A
HCM 95th %tile Q(veh)	0	0	-	-	0	-	-	0

Intersection	
Int Delay, s/veh	0.5

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	9	5	168	8	8	234
Future Vol, veh/h	9	5	168	8	8	234
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	78	78	78	78	78	78
Heavy Vehicles, %	2	17	4	2	2	2
Mvmt Flow	12	6	215	10	10	300

Major/Minor	Minor1		Major1		Major2	
Conflicting Flow All	540	220	0	0	225	0
Stage 1	220	-	-	-	-	-
Stage 2	320	-	-	-	-	-
Critical Hdwy	6.42	6.37	-	-	4.12	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.453	-	-	2.218	-
Pot Cap-1 Maneuver	503	784	-	-	1344	-
Stage 1	817	-	-	-	-	-
Stage 2	736	-	-	-	-	-
Platoon blocked, %			-	-		-
Mov Cap-1 Maneuver	498	784	-	-	1344	-
Mov Cap-2 Maneuver	498	-	-	-	-	-
Stage 1	817	-	-	-	-	-
Stage 2	729	-	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	11.5	0	0.3
HCM LOS	B		

Minor Lane/Major Mvmt	NBT	NBR	WBLn1	SBL	SBT
Capacity (veh/h)	-	-	573	1344	-
HCM Lane V/C Ratio	-	-	0.031	0.008	-
HCM Control Delay (s)	-	-	11.5	7.7	0
HCM Lane LOS	-	-	B	A	A
HCM 95th %tile Q(veh)	-	-	0.1	0	-

Intersection	
Int Delay, s/veh	4.3

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕			↕			↕			↕	
Traffic Vol, veh/h	17	0	0	0	0	1	0	0	0	0	0	11
Future Vol, veh/h	17	0	0	0	0	1	0	0	0	0	0	11
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	91	91	91	91	91	91	91	91	91	91	91	91
Heavy Vehicles, %	20	2	2	2	2	2	2	2	2	2	2	10
Mvmt Flow	19	0	0	0	0	1	0	0	0	0	0	12

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	1	0	0	0	0	0	45	39	0	39	39	1
Stage 1	-	-	-	-	-	-	38	38	-	1	1	-
Stage 2	-	-	-	-	-	-	7	1	-	38	38	-
Critical Hdwy	4.3	-	-	4.12	-	-	7.12	6.52	6.22	7.12	6.52	6.3
Critical Hdwy Stg 1	-	-	-	-	-	-	6.12	5.52	-	6.12	5.52	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.12	5.52	-	6.12	5.52	-
Follow-up Hdwy	2.38	-	-	2.218	-	-	3.518	4.018	3.318	3.518	4.018	3.39
Pot Cap-1 Maneuver	1511	-	-	-	-	-	957	853	-	966	853	1061
Stage 1	-	-	-	-	-	-	977	863	-	1022	895	-
Stage 2	-	-	-	-	-	-	1015	895	-	977	863	-
Platoon blocked, %		-	-		-	-						
Mov Cap-1 Maneuver	1511	-	-	-	-	-	937	842	-	-	842	1061
Mov Cap-2 Maneuver	-	-	-	-	-	-	937	842	-	-	842	-
Stage 1	-	-	-	-	-	-	964	852	-	1009	895	-
Stage 2	-	-	-	-	-	-	1003	895	-	964	852	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	7.4	0	0	
HCM LOS			A	-

Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	-	1511	-	-	-	-	-	-
HCM Lane V/C Ratio	-	0.012	-	-	-	-	-	-
HCM Control Delay (s)	0	7.4	0	-	0	-	-	-
HCM Lane LOS	A	A	A	-	A	-	-	-
HCM 95th %tile Q(veh)	-	0	-	-	-	-	-	-

Intersection	
Int Delay, s/veh	1.4

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕			↕			↕			↕	
Traffic Vol, veh/h	10	60	1	0	62	0	6	1	1	0	2	3
Future Vol, veh/h	10	60	1	0	62	0	6	1	1	0	2	3
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	90	90	90	90	90	90	90	90	90	90	90	90
Heavy Vehicles, %	50	2	50	2	6	2	2	100	2	2	100	2
Mvmt Flow	11	67	1	0	69	0	7	1	1	0	2	3

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	69	0	0	68	0	0	162	159	68	160	159	69
Stage 1	-	-	-	-	-	-	90	90	-	69	69	-
Stage 2	-	-	-	-	-	-	72	69	-	91	90	-
Critical Hdwy	4.6	-	-	4.12	-	-	7.12	7.5	6.22	7.12	7.5	6.22
Critical Hdwy Stg 1	-	-	-	-	-	-	6.12	6.5	-	6.12	6.5	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.12	6.5	-	6.12	6.5	-
Follow-up Hdwy	2.65	-	-	2.218	-	-	3.518	4.9	3.318	3.518	4.9	3.318
Pot Cap-1 Maneuver	1276	-	-	1533	-	-	803	587	995	806	587	994
Stage 1	-	-	-	-	-	-	917	664	-	941	680	-
Stage 2	-	-	-	-	-	-	938	680	-	916	664	-
Platoon blocked, %		-	-		-	-						
Mov Cap-1 Maneuver	1276	-	-	1533	-	-	793	582	995	799	582	994
Mov Cap-2 Maneuver	-	-	-	-	-	-	793	582	-	799	582	-
Stage 1	-	-	-	-	-	-	909	658	-	933	680	-
Stage 2	-	-	-	-	-	-	932	680	-	905	658	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	1.1	0	9.7	9.7
HCM LOS			A	A

Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	777	1276	-	-	1533	-	-	775
HCM Lane V/C Ratio	0.011	0.009	-	-	-	-	-	0.007
HCM Control Delay (s)	9.7	7.8	0	-	0	-	-	9.7
HCM Lane LOS	A	A	A	-	A	-	-	A
HCM 95th %tile Q(veh)	0	0	-	-	0	-	-	0

Intersection	
Int Delay, s/veh	7.3

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	77	149	215	108	83	235
Future Vol, veh/h	77	149	215	108	83	235
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	78	78	78	78	78	78
Heavy Vehicles, %	2	17	4	2	2	2
Mvmt Flow	99	191	276	138	106	301

Major/Minor	Minor1		Major1		Major2	
Conflicting Flow All	858	345	0	0	414	0
Stage 1	345	-	-	-	-	-
Stage 2	513	-	-	-	-	-
Critical Hdwy	6.42	6.37	-	-	4.12	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.453	-	-	2.218	-
Pot Cap-1 Maneuver	327	665	-	-	1145	-
Stage 1	717	-	-	-	-	-
Stage 2	601	-	-	-	-	-
Platoon blocked, %			-	-		-
Mov Cap-1 Maneuver	291	665	-	-	1145	-
Mov Cap-2 Maneuver	291	-	-	-	-	-
Stage 1	717	-	-	-	-	-
Stage 2	534	-	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	25	0	2.2
HCM LOS	D		

Minor Lane/Major Mvmt	NBT	NBR	WBLn1	SBL	SBT
Capacity (veh/h)	-	-	462	1145	-
HCM Lane V/C Ratio	-	-	0.627	0.093	-
HCM Control Delay (s)	-	-	25	8.5	0
HCM Lane LOS	-	-	D	A	A
HCM 95th %tile Q(veh)	-	-	4.2	0.3	-

Intersection	
Int Delay, s/veh	2.3

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		⇕			⇕			⇕			⇕	
Traffic Vol, veh/h	6	117	23	0	118	19	19	0	19	14	0	24
Future Vol, veh/h	6	117	23	0	118	19	19	0	19	14	0	24
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	91	91	91	91	91	91	91	91	91	91	91	91
Heavy Vehicles, %	20	2	2	2	2	2	2	2	2	2	2	10
Mvmt Flow	7	129	25	0	130	21	21	0	21	15	0	26

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	151	0	0	154	0	0	310	307	142	307	309	141
Stage 1	-	-	-	-	-	-	156	156	-	141	141	-
Stage 2	-	-	-	-	-	-	154	151	-	166	168	-
Critical Hdwy	4.3	-	-	4.12	-	-	7.12	6.52	6.22	7.12	6.52	6.3
Critical Hdwy Stg 1	-	-	-	-	-	-	6.12	5.52	-	6.12	5.52	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.12	5.52	-	6.12	5.52	-
Follow-up Hdwy	2.38	-	-	2.218	-	-	3.518	4.018	3.318	3.518	4.018	3.39
Pot Cap-1 Maneuver	1327	-	-	1426	-	-	642	607	906	645	605	886
Stage 1	-	-	-	-	-	-	846	769	-	862	780	-
Stage 2	-	-	-	-	-	-	848	772	-	836	759	-
Platoon blocked, %		-	-		-	-						
Mov Cap-1 Maneuver	1327	-	-	1426	-	-	620	603	906	627	601	886
Mov Cap-2 Maneuver	-	-	-	-	-	-	620	603	-	627	601	-
Stage 1	-	-	-	-	-	-	841	764	-	857	780	-
Stage 2	-	-	-	-	-	-	823	772	-	812	754	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	0.3	0	10.2	10
HCM LOS			B	B

Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	736	1327	-	-	1426	-	-	769
HCM Lane V/C Ratio	0.057	0.005	-	-	-	-	-	0.054
HCM Control Delay (s)	10.2	7.7	0	-	0	-	-	10
HCM Lane LOS	B	A	A	-	A	-	-	B
HCM 95th %tile Q(veh)	0.2	0	-	-	0	-	-	0.2

Intersection	
Int Delay, s/veh	2.7

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕			↕			↕			↕	
Traffic Vol, veh/h	2	30	7	2	78	0	12	9	5	0	6	8
Future Vol, veh/h	2	30	7	2	78	0	12	9	5	0	6	8
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	90	90	90	90	90	90	90	90	90	90	90	90
Heavy Vehicles, %	50	2	50	2	6	2	2	100	2	2	100	2
Mvmt Flow	2	33	8	2	87	0	13	10	6	0	7	9

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	87	0	0	41	0	0	140	132	37	140	136	87
Stage 1	-	-	-	-	-	-	41	41	-	91	91	-
Stage 2	-	-	-	-	-	-	99	91	-	49	45	-
Critical Hdwy	4.6	-	-	4.12	-	-	7.12	7.5	6.22	7.12	7.5	6.22
Critical Hdwy Stg 1	-	-	-	-	-	-	6.12	6.5	-	6.12	6.5	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.12	6.5	-	6.12	6.5	-
Follow-up Hdwy	2.65	-	-	2.218	-	-	3.518	4.9	3.318	3.518	4.9	3.318
Pot Cap-1 Maneuver	1255	-	-	1568	-	-	830	610	1035	830	606	971
Stage 1	-	-	-	-	-	-	974	701	-	916	663	-
Stage 2	-	-	-	-	-	-	907	663	-	964	698	-
Platoon blocked, %		-	-		-	-						
Mov Cap-1 Maneuver	1255	-	-	1568	-	-	813	608	1035	813	604	971
Mov Cap-2 Maneuver	-	-	-	-	-	-	813	608	-	813	604	-
Stage 1	-	-	-	-	-	-	972	700	-	914	662	-
Stage 2	-	-	-	-	-	-	889	662	-	943	697	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	0.4	0.2	10	9.8
HCM LOS			B	A

Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	756	1255	-	-	1568	-	-	770
HCM Lane V/C Ratio	0.038	0.002	-	-	0.001	-	-	0.02
HCM Control Delay (s)	10	7.9	0	-	7.3	0	-	9.8
HCM Lane LOS	B	A	A	-	A	A	-	A
HCM 95th %tile Q(veh)	0.1	0	-	-	0	-	-	0.1

Intersection	
Int Delay, s/veh	1

Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations						
Traffic Vol, veh/h	132	47	0	179	19	19
Future Vol, veh/h	132	47	0	179	19	19
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	0
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	143	51	0	195	21	21

Major/Minor	Major1		Major2		Minor1	
Conflicting Flow All	0	0	-	-	364	169
Stage 1	-	-	-	-	169	-
Stage 2	-	-	-	-	195	-
Critical Hdwy	-	-	-	-	6.42	6.22
Critical Hdwy Stg 1	-	-	-	-	5.42	-
Critical Hdwy Stg 2	-	-	-	-	5.42	-
Follow-up Hdwy	-	-	-	-	3.518	3.318
Pot Cap-1 Maneuver	-	-	0	-	635	875
Stage 1	-	-	0	-	861	-
Stage 2	-	-	0	-	838	-
Platoon blocked, %	-	-		-		
Mov Cap-1 Maneuver	-	-	-	-	635	875
Mov Cap-2 Maneuver	-	-	-	-	635	-
Stage 1	-	-	-	-	861	-
Stage 2	-	-	-	-	838	-

Approach	EB	WB	NB
HCM Control Delay, s	0	0	10.1
HCM LOS			B

Minor Lane/Major Mvmt	NBLn1	NBLn2	EBT	EBR	WBT
Capacity (veh/h)	635	875	-	-	-
HCM Lane V/C Ratio	0.033	0.024	-	-	-
HCM Control Delay (s)	10.9	9.2	-	-	-
HCM Lane LOS	B	A	-	-	-
HCM 95th %tile Q(veh)	0.1	0.1	-	-	-

Intersection	
Int Delay, s/veh	1.3

Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Traffic Vol, veh/h	19	19	2	120	122	23
Future Vol, veh/h	19	19	2	120	122	23
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	21	21	2	130	133	25

Major/Minor	Minor2		Major1		Major2	
Conflicting Flow All	280	146	158	0	-	0
Stage 1	146	-	-	-	-	-
Stage 2	134	-	-	-	-	-
Critical Hdwy	6.42	6.22	4.12	-	-	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.318	2.218	-	-	-
Pot Cap-1 Maneuver	710	901	1422	-	-	-
Stage 1	881	-	-	-	-	-
Stage 2	892	-	-	-	-	-
Platoon blocked, %				-	-	-
Mov Cap-1 Maneuver	709	901	1422	-	-	-
Mov Cap-2 Maneuver	709	-	-	-	-	-
Stage 1	879	-	-	-	-	-
Stage 2	892	-	-	-	-	-

Approach	EB	NB	SB
HCM Control Delay, s	9.8	0.1	0
HCM LOS	A		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR
Capacity (veh/h)	1422	-	794	-	-
HCM Lane V/C Ratio	0.002	-	0.052	-	-
HCM Control Delay (s)	7.5	0	9.8	-	-
HCM Lane LOS	A	A	A	-	-
HCM 95th %tile Q(veh)	0	-	0.2	-	-

Intersection	
Int Delay, s/veh	3.9

Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Traffic Vol, veh/h	78	39	2	45	95	47
Future Vol, veh/h	78	39	2	45	95	47
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	85	42	2	49	103	51

Major/Minor	Minor2		Major1		Major2	
Conflicting Flow All	182	129	154	0	-	0
Stage 1	129	-	-	-	-	-
Stage 2	53	-	-	-	-	-
Critical Hdwy	6.42	6.22	4.12	-	-	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.318	2.218	-	-	-
Pot Cap-1 Maneuver	807	921	1426	-	-	-
Stage 1	897	-	-	-	-	-
Stage 2	970	-	-	-	-	-
Platoon blocked, %				-	-	-
Mov Cap-1 Maneuver	806	921	1426	-	-	-
Mov Cap-2 Maneuver	806	-	-	-	-	-
Stage 1	896	-	-	-	-	-
Stage 2	970	-	-	-	-	-

Approach	EB	NB	SB
HCM Control Delay, s	10	0.3	0
HCM LOS	B		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR
Capacity (veh/h)	1426	-	841	-	-
HCM Lane V/C Ratio	0.002	-	0.151	-	-
HCM Control Delay (s)	7.5	0	10	-	-
HCM Lane LOS	A	A	B	-	-
HCM 95th %tile Q(veh)	0	-	0.5	-	-

Intersection	
Int Delay, s/veh	1.8

Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Traffic Vol, veh/h	19	19	2	28	122	12
Future Vol, veh/h	19	19	2	28	122	12
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	21	21	2	30	133	13

Major/Minor	Minor2		Major1		Major2	
Conflicting Flow All	174	140	146	0	-	0
Stage 1	140	-	-	-	-	-
Stage 2	34	-	-	-	-	-
Critical Hdwy	6.42	6.22	4.12	-	-	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.318	2.218	-	-	-
Pot Cap-1 Maneuver	816	908	1436	-	-	-
Stage 1	887	-	-	-	-	-
Stage 2	988	-	-	-	-	-
Platoon blocked, %				-	-	-
Mov Cap-1 Maneuver	815	908	1436	-	-	-
Mov Cap-2 Maneuver	815	-	-	-	-	-
Stage 1	886	-	-	-	-	-
Stage 2	988	-	-	-	-	-

Approach	EB	NB	SB
HCM Control Delay, s	9.4	0.5	0
HCM LOS	A		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR
Capacity (veh/h)	1436	-	859	-	-
HCM Lane V/C Ratio	0.002	-	0.048	-	-
HCM Control Delay (s)	7.5	0	9.4	-	-
HCM Lane LOS	A	A	A	-	-
HCM 95th %tile Q(veh)	0	-	0.2	-	-

Intersection	
Int Delay, s/veh	2

Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Traffic Vol, veh/h	19	19	5	10	130	12
Future Vol, veh/h	19	19	5	10	130	12
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	21	21	5	11	141	13

Major/Minor	Minor2		Major1		Major2	
Conflicting Flow All	169	148	154	0	-	0
Stage 1	148	-	-	-	-	-
Stage 2	21	-	-	-	-	-
Critical Hdwy	6.42	6.22	4.12	-	-	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.318	2.218	-	-	-
Pot Cap-1 Maneuver	821	899	1426	-	-	-
Stage 1	880	-	-	-	-	-
Stage 2	1002	-	-	-	-	-
Platoon blocked, %				-	-	-
Mov Cap-1 Maneuver	818	899	1426	-	-	-
Mov Cap-2 Maneuver	818	-	-	-	-	-
Stage 1	876	-	-	-	-	-
Stage 2	1002	-	-	-	-	-

Approach	EB	NB	SB
HCM Control Delay, s	9.4	2.5	0
HCM LOS	A		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR
Capacity (veh/h)	1426	-	857	-	-
HCM Lane V/C Ratio	0.004	-	0.048	-	-
HCM Control Delay (s)	7.5	0	9.4	-	-
HCM Lane LOS	A	A	A	-	-
HCM 95th %tile Q(veh)	0	-	0.2	-	-

Intersection	
Int Delay, s/veh	1.4

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	0	0	75	23	0	19
Future Vol, veh/h	0	0	75	23	0	19
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	-	0
Veh in Median Storage, #	-	1	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	0	0	82	25	0	21

Major/Minor	Major2		Minor2	
Conflicting Flow All	-	0	-	95
Stage 1	-	-	-	-
Stage 2	-	-	-	-
Critical Hdwy	-	-	-	6.22
Critical Hdwy Stg 1	-	-	-	-
Critical Hdwy Stg 2	-	-	-	-
Follow-up Hdwy	-	-	-	3.318
Pot Cap-1 Maneuver	-	-	0	962
Stage 1	-	-	0	-
Stage 2	-	-	0	-
Platoon blocked, %	-	-		
Mov Cap-1 Maneuver	-	-	-	962
Mov Cap-2 Maneuver	-	-	-	-
Stage 1	-	-	-	-
Stage 2	-	-	-	-

Approach	WB	SB
HCM Control Delay, s	0	8.8
HCM LOS		A

Minor Lane/Major Mvmt	WBT	WBR	SBLn1
Capacity (veh/h)	-	-	962
HCM Lane V/C Ratio	-	-	0.021
HCM Control Delay (s)	-	-	8.8
HCM Lane LOS	-	-	A
HCM 95th %tile Q(veh)	-	-	0.1

Intersection	
Int Delay, s/veh	3.4

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	0	0	60	35	0	58
Future Vol, veh/h	0	0	60	35	0	58
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	-	0
Veh in Median Storage, #	-	1	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	0	0	65	38	0	63

Major/Minor	Major2		Minor2	
Conflicting Flow All	-	0	-	84
Stage 1	-	-	-	-
Stage 2	-	-	-	-
Critical Hdwy	-	-	-	6.22
Critical Hdwy Stg 1	-	-	-	-
Critical Hdwy Stg 2	-	-	-	-
Follow-up Hdwy	-	-	-	3.318
Pot Cap-1 Maneuver	-	-	0	975
Stage 1	-	-	0	-
Stage 2	-	-	0	-
Platoon blocked, %	-	-		
Mov Cap-1 Maneuver	-	-	-	975
Mov Cap-2 Maneuver	-	-	-	-
Stage 1	-	-	-	-
Stage 2	-	-	-	-

Approach	WB	SB
HCM Control Delay, s	0	8.9
HCM LOS		A

Minor Lane/Major Mvmt	WBT	WBR	SBLn1
Capacity (veh/h)	-	-	975
HCM Lane V/C Ratio	-	-	0.065
HCM Control Delay (s)	-	-	8.9
HCM Lane LOS	-	-	A
HCM 95th %tile Q(veh)	-	-	0.2

Intersection	
Int Delay, s/veh	6

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	56	106	168	190	149	234
Future Vol, veh/h	56	106	168	190	149	234
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	78	78	78	78	78	78
Heavy Vehicles, %	2	17	4	2	2	2
Mvmt Flow	72	136	215	244	191	300

Major/Minor	Minor1		Major1		Major2	
Conflicting Flow All	1019	337	0	0	459	0
Stage 1	337	-	-	-	-	-
Stage 2	682	-	-	-	-	-
Critical Hdwy	6.42	6.37	-	-	4.12	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.453	-	-	2.218	-
Pot Cap-1 Maneuver	263	672	-	-	1102	-
Stage 1	723	-	-	-	-	-
Stage 2	502	-	-	-	-	-
Platoon blocked, %			-	-		-
Mov Cap-1 Maneuver	208	672	-	-	1102	-
Mov Cap-2 Maneuver	208	-	-	-	-	-
Stage 1	723	-	-	-	-	-
Stage 2	398	-	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	25.4	0	3.5
HCM LOS	D		

Minor Lane/Major Mvmt	NBT	NBR	WBLn1	SBL	SBT
Capacity (veh/h)	-	-	379	1102	-
HCM Lane V/C Ratio	-	-	0.548	0.173	-
HCM Control Delay (s)	-	-	25.4	9	0
HCM Lane LOS	-	-	D	A	A
HCM 95th %tile Q(veh)	-	-	3.2	0.6	-

Intersection	
Int Delay, s/veh	2

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		⇕			⇕			⇕			⇕	
Traffic Vol, veh/h	17	167	38	0	87	15	14	0	14	19	0	11
Future Vol, veh/h	17	167	38	0	87	15	14	0	14	19	0	11
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	91	91	91	91	91	91	91	91	91	91	91	91
Heavy Vehicles, %	20	2	2	2	2	2	2	2	2	2	2	10
Mvmt Flow	19	184	42	0	96	16	15	0	15	21	0	12

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	112	0	0	226	0	0	353	355	205	355	368	104
Stage 1	-	-	-	-	-	-	243	243	-	104	104	-
Stage 2	-	-	-	-	-	-	110	112	-	251	264	-
Critical Hdwy	4.3	-	-	4.12	-	-	7.12	6.52	6.22	7.12	6.52	6.3
Critical Hdwy Stg 1	-	-	-	-	-	-	6.12	5.52	-	6.12	5.52	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.12	5.52	-	6.12	5.52	-
Follow-up Hdwy	2.38	-	-	2.218	-	-	3.518	4.018	3.318	3.518	4.018	3.39
Pot Cap-1 Maneuver	1373	-	-	1342	-	-	602	571	836	600	561	929
Stage 1	-	-	-	-	-	-	761	705	-	902	809	-
Stage 2	-	-	-	-	-	-	895	803	-	753	690	-
Platoon blocked, %		-	-		-	-						
Mov Cap-1 Maneuver	1373	-	-	1342	-	-	587	562	836	582	552	929
Mov Cap-2 Maneuver	-	-	-	-	-	-	587	562	-	582	552	-
Stage 1	-	-	-	-	-	-	749	694	-	888	809	-
Stage 2	-	-	-	-	-	-	883	803	-	727	679	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	0.6	0	10.5	10.6
HCM LOS			B	B

Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	690	1373	-	-	1342	-	-	674
HCM Lane V/C Ratio	0.045	0.014	-	-	-	-	-	0.049
HCM Control Delay (s)	10.5	7.7	0	-	0	-	-	10.6
HCM Lane LOS	B	A	A	-	A	-	-	B
HCM 95th %tile Q(veh)	0.1	0	-	-	0	-	-	0.2

Intersection	
Int Delay, s/veh	2.8

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕			↕			↕			↕	
Traffic Vol, veh/h	10	60	9	4	62	0	11	7	4	0	10	8
Future Vol, veh/h	10	60	9	4	62	0	11	7	4	0	10	8
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	90	90	90	90	90	90	90	90	90	90	90	90
Heavy Vehicles, %	50	2	50	2	6	2	2	100	2	2	100	2
Mvmt Flow	11	67	10	4	69	0	12	8	4	0	11	9

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	69	0	0	77	0	0	181	171	72	177	176	69
Stage 1	-	-	-	-	-	-	94	94	-	77	77	-
Stage 2	-	-	-	-	-	-	87	77	-	100	99	-
Critical Hdwy	4.6	-	-	4.12	-	-	7.12	7.5	6.22	7.12	7.5	6.22
Critical Hdwy Stg 1	-	-	-	-	-	-	6.12	6.5	-	6.12	6.5	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.12	6.5	-	6.12	6.5	-
Follow-up Hdwy	2.65	-	-	2.218	-	-	3.518	4.9	3.318	3.518	4.9	3.318
Pot Cap-1 Maneuver	1276	-	-	1522	-	-	781	577	990	785	573	994
Stage 1	-	-	-	-	-	-	913	661	-	932	673	-
Stage 2	-	-	-	-	-	-	921	673	-	906	657	-
Platoon blocked, %		-	-		-	-						
Mov Cap-1 Maneuver	1276	-	-	1522	-	-	755	570	990	766	566	994
Mov Cap-2 Maneuver	-	-	-	-	-	-	755	570	-	766	566	-
Stage 1	-	-	-	-	-	-	905	655	-	924	671	-
Stage 2	-	-	-	-	-	-	895	671	-	883	651	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	1	0.4	10.2	10.3
HCM LOS			B	B

Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	712	1276	-	-	1522	-	-	700
HCM Lane V/C Ratio	0.034	0.009	-	-	0.003	-	-	0.029
HCM Control Delay (s)	10.2	7.8	0	-	7.4	0	-	10.3
HCM Lane LOS	B	A	A	-	A	A	-	B
HCM 95th %tile Q(veh)	0.1	0	-	-	0	-	-	0.1

Intersection	
Int Delay, s/veh	0.7

Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations						
Traffic Vol, veh/h	227	76	0	122	14	14
Future Vol, veh/h	227	76	0	122	14	14
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	0
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	247	83	0	133	15	15

Major/Minor	Major1		Major2		Minor1	
Conflicting Flow All	0	0	-	-	422	289
Stage 1	-	-	-	-	289	-
Stage 2	-	-	-	-	133	-
Critical Hdwy	-	-	-	-	6.42	6.22
Critical Hdwy Stg 1	-	-	-	-	5.42	-
Critical Hdwy Stg 2	-	-	-	-	5.42	-
Follow-up Hdwy	-	-	-	-	3.518	3.318
Pot Cap-1 Maneuver	-	-	0	-	588	750
Stage 1	-	-	0	-	760	-
Stage 2	-	-	0	-	893	-
Platoon blocked, %	-	-		-		
Mov Cap-1 Maneuver	-	-	-	-	588	750
Mov Cap-2 Maneuver	-	-	-	-	588	-
Stage 1	-	-	-	-	760	-
Stage 2	-	-	-	-	893	-

Approach	EB	WB	NB
HCM Control Delay, s	0	0	10.6
HCM LOS			B

Minor Lane/Major Mvmt	NBLn1	NBLn2	EBT	EBR	WBT
Capacity (veh/h)	588	750	-	-	-
HCM Lane V/C Ratio	0.026	0.02	-	-	-
HCM Control Delay (s)	11.3	9.9	-	-	-
HCM Lane LOS	B	A	-	-	-
HCM 95th %tile Q(veh)	0.1	0.1	-	-	-

Intersection	
Int Delay, s/veh	0.9

Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Traffic Vol, veh/h	14	14	4	87	167	38
Future Vol, veh/h	14	14	4	87	167	38
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	15	15	4	95	182	41

Major/Minor	Minor2		Major1		Major2	
Conflicting Flow All	306	203	223	0	-	0
Stage 1	203	-	-	-	-	-
Stage 2	103	-	-	-	-	-
Critical Hdwy	6.42	6.22	4.12	-	-	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.318	2.218	-	-	-
Pot Cap-1 Maneuver	686	838	1346	-	-	-
Stage 1	831	-	-	-	-	-
Stage 2	921	-	-	-	-	-
Platoon blocked, %				-	-	-
Mov Cap-1 Maneuver	684	838	1346	-	-	-
Mov Cap-2 Maneuver	684	-	-	-	-	-
Stage 1	829	-	-	-	-	-
Stage 2	921	-	-	-	-	-

Approach	EB	NB	SB
HCM Control Delay, s	10	0.3	0
HCM LOS	B		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR
Capacity (veh/h)	1346	-	753	-	-
HCM Lane V/C Ratio	0.003	-	0.04	-	-
HCM Control Delay (s)	7.7	0	10	-	-
HCM Lane LOS	A	A	B	-	-
HCM 95th %tile Q(veh)	0	-	0.1	-	-

Intersection	
Int Delay, s/veh	2.9

Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Traffic Vol, veh/h	56	28	4	35	105	76
Future Vol, veh/h	56	28	4	35	105	76
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	61	30	4	38	114	83

Major/Minor	Minor2		Major1		Major2	
Conflicting Flow All	202	156	197	0	-	0
Stage 1	156	-	-	-	-	-
Stage 2	46	-	-	-	-	-
Critical Hdwy	6.42	6.22	4.12	-	-	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.318	2.218	-	-	-
Pot Cap-1 Maneuver	787	890	1376	-	-	-
Stage 1	872	-	-	-	-	-
Stage 2	976	-	-	-	-	-
Platoon blocked, %				-	-	-
Mov Cap-1 Maneuver	785	890	1376	-	-	-
Mov Cap-2 Maneuver	785	-	-	-	-	-
Stage 1	869	-	-	-	-	-
Stage 2	976	-	-	-	-	-

Approach	EB	NB	SB
HCM Control Delay, s	10	0.8	0
HCM LOS	B		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR
Capacity (veh/h)	1376	-	817	-	-
HCM Lane V/C Ratio	0.003	-	0.112	-	-
HCM Control Delay (s)	7.6	0	10	-	-
HCM Lane LOS	A	A	B	-	-
HCM 95th %tile Q(veh)	0	-	0.4	-	-

Intersection	
Int Delay, s/veh	1.5

Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Traffic Vol, veh/h	14	14	4	25	115	19
Future Vol, veh/h	14	14	4	25	115	19
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	15	15	4	27	125	21

Major/Minor	Minor2		Major1		Major2	
Conflicting Flow All	171	136	146	0	-	0
Stage 1	136	-	-	-	-	-
Stage 2	35	-	-	-	-	-
Critical Hdwy	6.42	6.22	4.12	-	-	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.318	2.218	-	-	-
Pot Cap-1 Maneuver	819	913	1436	-	-	-
Stage 1	890	-	-	-	-	-
Stage 2	987	-	-	-	-	-
Platoon blocked, %				-	-	-
Mov Cap-1 Maneuver	817	913	1436	-	-	-
Mov Cap-2 Maneuver	817	-	-	-	-	-
Stage 1	887	-	-	-	-	-
Stage 2	987	-	-	-	-	-

Approach	EB	NB	SB
HCM Control Delay, s	9.3	1	0
HCM LOS	A		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR
Capacity (veh/h)	1436	-	862	-	-
HCM Lane V/C Ratio	0.003	-	0.035	-	-
HCM Control Delay (s)	7.5	0	9.3	-	-
HCM Lane LOS	A	A	A	-	-
HCM 95th %tile Q(veh)	0	-	0.1	-	-

Intersection	
Int Delay, s/veh	1.8

Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Traffic Vol, veh/h	14	14	8	15	110	19
Future Vol, veh/h	14	14	8	15	110	19
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	15	15	9	16	120	21

Major/Minor	Minor2		Major1		Major2	
Conflicting Flow All	165	131	141	0	-	0
Stage 1	131	-	-	-	-	-
Stage 2	34	-	-	-	-	-
Critical Hdwy	6.42	6.22	4.12	-	-	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.318	2.218	-	-	-
Pot Cap-1 Maneuver	826	919	1442	-	-	-
Stage 1	895	-	-	-	-	-
Stage 2	988	-	-	-	-	-
Platoon blocked, %				-	-	-
Mov Cap-1 Maneuver	821	919	1442	-	-	-
Mov Cap-2 Maneuver	821	-	-	-	-	-
Stage 1	890	-	-	-	-	-
Stage 2	988	-	-	-	-	-

Approach	EB	NB	SB
HCM Control Delay, s	9.3	2.6	0
HCM LOS	A		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR
Capacity (veh/h)	1442	-	867	-	-
HCM Lane V/C Ratio	0.006	-	0.035	-	-
HCM Control Delay (s)	7.5	0	9.3	-	-
HCM Lane LOS	A	A	A	-	-
HCM 95th %tile Q(veh)	0	-	0.1	-	-

Intersection	
Int Delay, s/veh	0.9

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	0	0	91	38	0	14
Future Vol, veh/h	0	0	91	38	0	14
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	-	0
Veh in Median Storage, #	-	1	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	0	0	99	41	0	15

Major/Minor	Major2		Minor2	
Conflicting Flow All	-	0	-	120
Stage 1	-	-	-	-
Stage 2	-	-	-	-
Critical Hdwy	-	-	-	6.22
Critical Hdwy Stg 1	-	-	-	-
Critical Hdwy Stg 2	-	-	-	-
Follow-up Hdwy	-	-	-	3.318
Pot Cap-1 Maneuver	-	-	0	931
Stage 1	-	-	0	-
Stage 2	-	-	0	-
Platoon blocked, %	-	-		
Mov Cap-1 Maneuver	-	-	-	931
Mov Cap-2 Maneuver	-	-	-	-
Stage 1	-	-	-	-
Stage 2	-	-	-	-

Approach	WB	SB
HCM Control Delay, s	0	8.9
HCM LOS		A

Minor Lane/Major Mvmt	WBT	WBR	SBLn1
Capacity (veh/h)	-	-	931
HCM Lane V/C Ratio	-	-	0.016
HCM Control Delay (s)	-	-	8.9
HCM Lane LOS	-	-	A
HCM 95th %tile Q(veh)	-	-	0.1

Intersection	
Int Delay, s/veh	2.5

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	0	0	49	57	0	42
Future Vol, veh/h	0	0	49	57	0	42
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	-	0
Veh in Median Storage, #	-	1	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	0	0	53	62	0	46

Major/Minor	Major2		Minor2	
Conflicting Flow All	-	0	-	84
Stage 1	-	-	-	-
Stage 2	-	-	-	-
Critical Hdwy	-	-	-	6.22
Critical Hdwy Stg 1	-	-	-	-
Critical Hdwy Stg 2	-	-	-	-
Follow-up Hdwy	-	-	-	3.318
Pot Cap-1 Maneuver	-	-	0	975
Stage 1	-	-	0	-
Stage 2	-	-	0	-
Platoon blocked, %	-	-		
Mov Cap-1 Maneuver	-	-	-	975
Mov Cap-2 Maneuver	-	-	-	-
Stage 1	-	-	-	-
Stage 2	-	-	-	-

Approach	WB	SB
HCM Control Delay, s	0	8.9
HCM LOS		A

Minor Lane/Major Mvmt	WBT	WBR	SBLn1
Capacity (veh/h)	-	-	975
HCM Lane V/C Ratio	-	-	0.047
HCM Control Delay (s)	-	-	8.9
HCM Lane LOS	-	-	A
HCM 95th %tile Q(veh)	-	-	0.1

Sherman
CLASSIC TOWN. BROAD HORIZON.

Development Services

STAFF REVIEW LETTER

November 8, 2022

Frostfire Hwy 82
12801 N Central Expwy, Suite 140
Dallas, TX 75243

Lee Engineering
3030 LBJ Freeway, Suite 1660
Dallas, TX 75234

Bohler Engineering
Mathias Haubert
6017 Main Street
Frisco, TX 75034

Copley Land Surveying
1702 Verdi Ln
Sherman, TX 75076

Dear Applicants,

The request for a Zone Change approval under Ordinance No. 2280, Section 12, from an R-1 (One-Family Residential) District and M-1 (Light Manufacturing) District to a C-2 (General Commercial) District; a Zone Change approval under Ordinance No. 2280, Section 12, from an R-1 (One-Family Residential) District and M-1 (Light Manufacturing) District to an R-2 (Multi-Family Residential) District; a Specific Use Permit approval under Ordinance No. 2280, Section 8, Subsection (5)(a) to allow a Mini-Warehouse in a C-2 (General Commercial) District; and Site Plan approval of Sherman Highway 82 Mixed Use in the 2300-2700 Blocks East Highway 82 has been scheduled to be heard by the Planning and Zoning Commission on Tuesday, November 15, 2022 at 5:00 P.M., in the City Council Chambers, City Hall at 220 W. Mulberry.

City staff has reviewed your request with regards to engineering and development guidelines and finds the following items need to be addressed:

Zoning:

1. Compliance with applicable City ordinances, regulations, standards and rules and other laws, as they exist or may be amended, including but not limited to the City's General Zoning Ordinance, Ordinance No. 2280, the regulations applicable to the R-2 (Multi-Family Residential) District, C-2 (General commercial) District, the O-1 (75 & 82) Overlay District, the Sign Ordinance, the Fence Ordinance and the Commercial Tree and Landscaping Ordinance. (*Chapter 14, Exhibit A, Sec. 6.4; Sec. 6.7; 6.13.1; Sec. 7(14), Sec. 7(13) and Sec. 17).*
2. Fire access, lanes and codes shall be coordinated with the Fire Marshal (903.892.7267).
3. All required off-street parking shall be on private property and shall not encroach into the right-of-way. *(Chapter 14, Exhibit A, Section 7, Subsection 10(b))*
4. Parking shall be provided for one space per 1,000 square feet for a Mini-warehouse; a parking space is considered to be 9' x 20'. (*Chapter 14, Exhibit A, Sec.8 (5)(a); Sec.7(10)(b)).*
5. Parking shall be provided in the R-2 (Multi-Family Residential) District, 1 space per bedroom (minimum of 2 spaces per unit) a parking space is considered to be 9' x 20' (*Chapter 14, Exhibit A, Sec. 6.4(4); Sec.7(10)(b)).*
6. The maximum height of the building shall not exceed 35' in the C-2 (General Commercial) District. (*Chapter 14, Exhibit A, Sec. 6.7(6)(c))*

7. The maximum height of the building shall not exceed 45' in R-2 (Multi-Family Residential) District. (*Chapter 14, Exhibit A, Sec. 6.4 (5))*
8. The trash dumpster will need to be located inside the main building area.
9. The use of the property must comply with all Federal and State Laws and regulations and with all ordinances, rules and regulations of the City of Sherman.
10. The property must be properly maintained in a state of good repair and neat appearance.
11. The granting of a Specific Use Permit has no effect on the uses permitted as of right and does not waive the regulations of the underlying zoning district.
12. A specific use permit is an amendment to the district regulations of the zoning ordinance that permits the permanent establishment of a specific use within a zoning district in which such specific use may be established unless such use of land or structure discontinue or be abandoned for a period of sixty (60) consecutive days in which event such specific use permit shall be void and such use may not thereafter be resumed unless a new specific use permit granted. (*Chapter 14, Exhibit A, Sec. 8 (5)(b))*
13. The approval of the Specific Use Permit and site plan shall be effective for a period of (2) years from the date of approval and shall expire unless the applicant demonstrates to the Director of Development Services that progress has been made toward completion of the project for which the Specific Use Permit was approved.
14. Any changes made to the site plan prior to the final fulfillment of the conditions of the staff review letter must be considered minor by the staff, as to not require resubmission to the Planning & Zoning Commission.

Engineering

15. Platting of the property is required. *Code of Ordinances Chapter 10, Section 10.02.021; Texas Local Government Code Title 1, Sec. 212.004*
16. Drive approaches and sidewalks must conform to City of Sherman and TxDOT standards and a permit with drawing showing dimensions is required from City of Sherman Engineering Department for review and approval prior to any work being done within public right of way. *Code of Ordinances Chapter 3, Division 5, Sec. 3.10.154*
17. Platting of the property is required. *Code of Ordinances Chapter 10, Section 10.02.021; Texas Local Government Code Title 1, Sec. 212.004*
18. Drive approaches and sidewalks must conform to City of Sherman and TxDOT standards and a permit with drawing showing dimensions is required from City of Sherman Engineering Department for review and approval prior to any work being done within public right of way. *Code of Ordinances Chapter 3, Division 5, Sec. 3.10.154*
19. Improvements to Baker Road and Graystone Drive may be required.
20. Multiple proposed mini-storage structures encroach over wastewater main. Permanent structures will not be permitted to encroach into any easements.
21. Verify fire requirements and code compliance with Fire Marshal. *Code of Ordinances Chapter 3.02(c)*
22. The location of the trash receptors must be approved by the Public Works Department.
23. Privately owned and maintained detention in accordance with City criteria may be required. Engineering documentation shall be provided to the City of Sherman Engineering Department for review and approval. If detention is required, Ownership and Maintenance information to be shown on plat. *Code of Ordinances Chapter 10, Exhibit A, Sec. 12(I)*
24. Water main must be extended in accordance with City criteria to serve proposed Lot. *Code of Ordinances Chapter 13, Sec. 13.07.282; Chapter 10, Exhibit A, Sec. 12(G)*
25. Civil Engineering plans shall be provided to the Engineering Department for review and approval. Plat to reflect changes upon Engineering review. *Code of Ordinances Chapter 10, Exhibit A, Sec. 12, Code of Ordinances Chapter 10, Exhibit A, Sec. 15.*
26. Three Party Agreement required for Public Infrastructure.

It is the policy of this Planning and Zoning Commission and the Board of Adjustment not to consider a request unless the applicant or its representative attends the meeting at which the request is considered. You are hereby notified to present your case on the date and time stated above.

If additional information or clarification is needed, do not hesitate to contact Rob Rae at 903-892-7229 prior to the meeting.

Respectfully,

Rob Rae
Acting Secretary, Planning and Zoning Commission and Board of Adjustments

cc: Robby Hefton, City Manager
Clint Philpott, Asst. City Manager
Wayne Lee, P.E., Director of Engineering
Tom Pruitt, Utility Engineer
Billy Hartsfield, Fire Marshal
Amber Doan, Engineering Coordinator
Christopher Armstrong, Asst. City Engineer
The Law Firm of Abernathy, Roeder, Boyd, & Hullett, P.C., City Attorney

Planning & Zoning Commission and Board of Adjustments

Agenda Item No. 18.

Meeting Date: 11/15/2022

Prepared by: Lauren Marlow, Administrative Assistant
Rob Rae, Director of Development Services

Clay Mahone, Chairman
David Downtain, Vice Chairman
Shawn Davis, Commissioner
Leigh Ann Sims, Commissioner
Paul Manley, Commissioner
Glenn Whitaker, Commissioner
Bryan Blagg, Commissioner

Requested Action/Proposed Use:

2300-2700 BLOCKS EAST HIGHWAY 82

The request of Frostfire Hwy 82 LLC (Owners), Mathias Haubert, Bohler Engineering (Engineer), Lee Engineering (Traffic Engineer) and Copley Land Surveying (Surveyor) concerning the property located in the 2300-2700 Blocks East Highway 82, being 74.424 acres in part of the Samuel McGlothlen Survey, Abstract No. 811 and the Ruben Hendrix Survey, Abstract No. 504, as follows:

Planning and Zoning Commission

A. Zone Change approval under Ordinance No. 2280, Section 12, from an R-1 (One-Family Residential) District and M-1 (Light Manufacturing) District to a C-2 (General Commercial) District, being 22.705 acres in part of the Samuel McGlothlen Survey, Abstract No. 811 and the Ruben Hendrix Survey, Abstract No. 504.
B. Zone Change approval under Ordinance No. 2280, Section 12, from an R-1 (One-Family Residential) District and M-1 (Light Manufacturing) District to an R-2 (Multi-Family Residential) District, being 51.718 acres in part of the Samuel McGlothlen Survey, Abstract No. 811 and the Ruben Hendrix Survey, Abstract No. 504.
C. Specific Use Permit approval under Ordinance No. 2280, Section 8, Subsection (5)(a) to allow a Mini-Warehouse in a C-2 (General Commercial) District, being 14.819 acres in part of the Samuel McGlothlen Survey, Abstract No. 811 and the Ruben Hendrix Survey, Abstract No. 504.
D. Site Plan approval of Sherman Highway 82 Mixed Use.

Background:

The property is located at 2300-2700 Blocks East Highway 82 at the North East Corner of Frisco Road and Highway 82 and is zoned R-1 (One Family Residential) District/M-1 (Light Manufacturing) District/R-2 (Multi-Family Residential) District/O-1 (75 & 82) Overlay District.

The owner is requesting Zone Changes, Specific Use Permit and Site Plan to allow a mixed use development consisting of commercial uses, residential uses, and a mini-storage on approximately 74 acres.

February 6, 1984 - Zone Change from R-1 (One Family Residential) District to M-1 (Light Manufacturing) District & R-2 (Multi-Family Residential) District

Adjacent Zoning:

C-2 (General Commercial) District
R-1 (One Family Residential) District
R-2 (Multi-Family Residential) District
ETJ (Extra Territorial Jurisdiction)

Origination:

Frostfire Hwy 82 LLC (Owners)
Mathias Haubert
Bohler Engineering (Engineer)
Lee Engineering (Traffic Engineer)
Copley Land Surveying (Surveyor)

Master Plan Designation:

Suburban Neighborhood category is intended to allow primarily single-family detached in a "complete neighborhood" setting. New subdivisions should include a mix of housing products and lot sizes. Areas of supporting local commercial should be integrated into the neighborhoods, primarily along major streets near the entrance of neighborhoods. Community amenities such as parks, trails, open spaces, and civic uses should also be included in the creation of new subdivisions. This category gives flexibility for the creation of master-planned neighborhoods that are compatible with the surrounding area.

Number of notices mailed:

7

Objections Received:

1

Development Review Meeting:

Yes

Attachments

Location Map
Zoning Map
Zoning Sign Photo
Future Land Use Map
Narrative
Survey
Zoning Legal Description C-2
Zoning Legal Description C-2.2
Zoning Legal Description R-2
Site Plan
Zoning Site Rendering
Elevations

#18

Turner, Kerri

From: Sherry Smith <[redacted]
Sent: Wednesday, November 9, 2022 7:52 PM
To: Turner, Kerri
Subject: Forthcoming Petition

EXTERNAL EMAIL: -- Avoid clicking on links or files -- Be safe!

Kerri,

Reference: The request for a zoning change on the property located in the 2300-2700 Blocks East Highway 82, being 74.424 acres in part of the Samuel McGlothlen Survey, Abstract No. 811 and the Ruben Hendrix Survey, Abstract No. 504.

In my first email to you, I wrote that our petition was to request a denial for a zoning change to the land in Paragraph B, consisting of 51.718 acres, but it was decided to include a request to deny all zoning changes within the 74.424 acres as described above.

As I wrote in a detailed letter and mailed Sunday, November 6, 2022, this land is not suitable for an influx of such a population (of both people and vehicles) that 700 apartments, in addition to 49 townhomes, would generate.

I sent copies to all Board Members, and one to the Development Services Coordinator, a position previously held by Patsy Reeves. At the time of my mailings I did not know who filled her position (you), and therefore your name was not part of the address. I apologize that I did not make a better attempt at identifying you.

Please notify me that my letters were received and distributed.

I would also like to take this opportunity, while thinking about it, to ask about the current zoning for the land in paragraph B , being zoned as R-1 (One Family Residential District and M-1 Light Manufacturing) to R-2(Multi Family) .This 51.718 acres currently has no homes and it has always been assumed that this was zoned as R-A, which I believe is agriculture. For the 16 years that I have resided here, that land has only been used for mowing and generating hay. Nonetheless, a small development of single-family homes, (which is apparently its current zoning code) similar to our own community, would be a great improvement over the possibility of 750 commercial units.

Would you please confirm that this land is indeed currently zoned as described in my notice of October 28, 2022.

Thank you,

Sherry Sipe

Rcvd 11/11/2022 p. 1
9:00 A.M. #18

We, the undersigned, being citizens of the city of Sherman and residents of Cedar Park Village, have concerns regarding the proposed change in zoning, on the property described as located in the 2300-2700 Blocks East Hwy 82, being 74.424 acres in part of the Samuel McGlothlen Survey, Abstract No. 811 and the Ruben Hendrix Survey, Abstract No. 54. These concerns are our peace, tranquility, safety, property value, way of life and our lives. Other concerns are crime, drugs, schools, and traffic congestion. These and other concerns will be voiced by members of the community at the hearing on November 15, 2022. These apprehensions have led us to petition the Planning and Zoning Commission to deny the requested changes of zoning regarding the above referenced property.

	PRINT NAME	SIGNATURE	ADDRESS	DATE
1.	Sherry Sipe	Sherry Sipe	2516 Village Dr.	11-7-22
2.	Karen Mosley	Karen Mosley	2602 Village DR.	11-7-22
3.	Margaret Fulks	Margaret Fulks	2602 Village Dr.	11-7-22
4.	Bobby Mosley	Bobby Mosley	2602 Village Dr.	11-7-22
5.	Betty Mosley	Betty Mosley	2602 Village Dr	11-7-22
6.	Doyle Mosley		2602 Village DR	11-7-22
7.	Andre Ostrowitz		2610 Village Dr	11/7/22
8.	Kristi Okray		2619 Village Dr	11/7/22
9.	Kimberly Willis	Kimberly Willis	2619 Village Dr.	11/7/22

We, the undersigned, being citizens of the city of Sherman and residents of Cedar Park Village, have concerns regarding the proposed change in zoning, on the property described as located in the 2300-2700 Blocks East Hwy 82, being 74.424 acres in part of the Samuel McGlothlen Survey, Abstract No. 811 and the Ruben Hendrix Survey, Abstract No. 54. These concerns are our peace, tranquility, safety, property value, way of life and our lives. Other concerns are crime, drugs, schools, and traffic congestion. These and other concerns will be voiced by members of the community at the hearing on November 15, 2022. These apprehensions have led us to petition the Planning and Zoning Commission to deny the requested changes of zoning regarding the above referenced property.

	PRINT NAME	SIGNATURE	ADDRESS	DATE
1.	Lucia Castillo		2611 Village Dr	11-7-22
2.	Vidoe McVey		2603 Village	11-7-22
3.	Bonnie Phifer		2624 Juniper	11-7-22
4.	Matthew Gritanovich		3709 Crimsonwood	11-7-22
5.	David Buechler		3801 Crimsonwood	11/7/22
6.	Joe Warren		3805 Crimsonwood	11/7/22
7.	Bonnie Marchand		3805 Crimsonwood	11-7-22
8.	Valerie Marr		2701 Cedar Park Dr	11-7-22
9.	Tommy Marr		2701 Cedar Park Dr	11/7/22

We, the undersigned, being citizens of the city of Sherman and residents of Cedar Park Village, have concerns regarding the proposed change in zoning, on the property described as located in the 2300-2700 Blocks East Hwy 82, being 74.424 acres in part of the Samuel McGlothlen Survey, Abstract No. 811 and the Ruben Hendrix Survey, Abstract No. 54. These concerns are our peace, tranquility, safety, property value, way of life and our lives. Other concerns are crime, drugs, schools, and traffic congestion. These and other concerns will be voiced by members of the community at the hearing on November 15, 2022. These apprehensions have led us to petition the Planning and Zoning Commission to deny the requested changes of zoning regarding the above referenced property.

	PRINT NAME	SIGNATURE	ADDRESS	DATE
1.	Leticia Cortinas	Leticia Cortinas	3808 Crimson Wood Dr.	11-7-2022
2.	Mary Anderson	Mary Anderson	2512 Village Dr.	11-7-2022
3.	Alec D. Anderson	Alec D. Anderson	2512 Village Dr.	11-7-2022
4.	[illegible]	[illegible]	3706 Hawthorne	11/8/22
5.	Charles Weems	[illegible]	2607 Village	11-8-22
6.	Brenda Ossewaarde	Brenda Ossewaarde	2610 Village Dr	11-8-22
7.	Larry Sims	[illegible]	3716 Heathercroft	11/7/22
8.	Jackie Armstrong	Jackie Armstrong	2607 Juniper Dr.	11/8/22
9.	Mark Armstrong	Mark Armstrong	2607 Juniper Dr	11/8/22

We, the undersigned, being citizens of the city of Sherman and residents of Cedar Park Village, have concerns regarding the proposed change in zoning, on the property described as located in the 2300-2700 Blocks East Hwy 82, being 74.424 acres in part of the Samuel McGlothlen Survey, Abstract No. 811 and the Ruben Hendrix Survey, Abstract No. 54. These concerns are our peace, tranquility, safety, property value, way of life and our lives. Other concerns are crime, drugs, schools, and traffic congestion. These and other concerns will be voiced by members of the community at the hearing on November 15, 2022. These apprehensions have led us to petition the Planning and Zoning Commission to deny the requested changes of zoning regarding the above referenced property.

	PRINT NAME	SIGNATURE	ADDRESS	DATE
1.	Jodi Buechler	Jodi Buechler	3801 Crimsonwood	11/8/22
2.	Michelle Hendrix	Michelle Hendrix	3704 Crimsonwood	11/8/22
3.	Odus Hendrix	Odus Hendrix	" "	11-18-22
4.	Linda ADAMS	Linda L Adams	2716 Cedar Park	11/8/22
5.	Cheryl Loftis	Cheryl Loftis	2812 Cedar Park	11/8/22
6.	Dennis Loftis	Dennis Loftis	2812 Cedar Park	11/8/22
7.	Young Joon Jang		3814 Sistrunk Dr	11/8/22
8.	Eun Jang	Eun Bae	"	"
9.	Steve Capelouto		3609 Big Sistrunk	11/8/22

We, the undersigned, being citizens of the city of Sherman and residents of Cedar Park Village, have concerns regarding the proposed change in zoning, on the property described as located in the 2300-2700 Blocks East Hwy 82, being 74.424 acres in part of the Samuel McGlothlen Survey, Abstract No. 811 and the Ruben Hendrix Survey, Abstract No. 54. These concerns are our peace, tranquility, safety, property value, way of life and our lives. Other concerns are crime, drugs, schools, and traffic congestion. These and other concerns will be voiced by members of the community at the hearing on November 15, 2022. These apprehensions have led us to petition the Planning and Zoning Commission to deny the requested changes of zoning regarding the above referenced property.

	PRINT NAME	SIGNATURE	ADDRESS	DATE
1.	Billy Kitchens	Billy R. Kitchens	4000 S. Sistrunk	11-8-22
2.	Larry Kitchens	Larry Kitchens	4000 Sistrunk	11-8-22
3.	Monica Estrada	Monica Estrada	4009 Cox St	11-8-22
4.	Nancy Morrison	Nancy Morrison	2712 Cedar Park	11-8-22
5.	~~Jane Clinton~~			~~11-8-22~~
6.	Linda J. Clinton	Jane Clinton	2816 Cedar Park	11-8-22
7.	Thomas Elliott	Thomas M Elliott	2816 Cedar Park	11-8-22
8.	RICHARD CHANCE	Richard L Chance	3714 Heathercrest	11.8.22
9.	Maria Alba		4013 Sistrunk	11-8-22

We, the undersigned, being citizens of the city of Sherman and residents of Cedar Park Village, have concerns regarding the proposed change in zoning, on the property described as located in the 2300-2700 Blocks East Hwy 82, being 74.424 acres in part of the Samuel McGlothlen Survey, Abstract No. 811 and the Ruben Hendrix Survey, Abstract No. 54. These concerns are our peace, tranquility, safety, property value, way of life and our lives. Other concerns are crime, drugs, schools, and traffic congestion. These and other concerns will be voiced by members of the community at the hearing on November 15, 2022. These apprehensions have led us to petition the Planning and Zoning Commission to deny the requested changes of zoning regarding the above referenced property.

	PRINT NAME	SIGNATURE	ADDRESS	DATE
1.	Victoria Alba		4013 Sistrunk St	11-8-22
2.	T. Dale Busbice		3907 SISTRUNK ST	11-8-22
3.	GINA BUSBICE		3907 SISTRUNK ST	11-8-22
4.	Cyndi Gutierrez		2613 Juniper Dr.	11-8-2022
5.	Honour Gutierrez		2613 Juniper Dr.	11-8-2022
6.	Miranda Juneau		2620 Juniper Dr	11-8-2022
7.	Nicholas Juneau		2620 Juniper Dr.	11/8/2022
8.	TOM		2619 JUNIPER DR	11-8-22
9.	John Darnell		3809 Crimson Wood	11-8-22

We, the undersigned, being citizens of the city of Sherman and residents of Cedar Park Village, have concerns regarding the proposed change in zoning, on the property described as located in the 2300-2700 Blocks East Hwy 82, being 74.424 acres in part of the Samuel McGlothlen Survey, Abstract No. 811 and the Ruben Hendrix Survey, Abstract No. 54. These concerns are our peace, tranquility, safety, property value, way of life and our lives. Other concerns are crime, drugs, schools, and traffic congestion. These and other concerns will be voiced by members of the community at the hearing on November 15, 2022. These apprehensions have led us to petition the Planning and Zoning Commission to deny the requested changes of zoning regarding the above referenced property.

	PRINT NAME	SIGNATURE	ADDRESS	DATE
1.	Omar Martinez		2625 Juniper Dr	11/08/22
2.			2625 Juniper Dr	11/8/22
3.	Wendy Darnell		3804 Crimson Wood	11/8/22
4.	A.W. Mitchell	A.W. Mitchell	2626 Juniper Dr.	8-Nov-22
5.	Alejandra Leon	Alejandra Leon	2618 Village Dr	8-Nov-22
6.	Jasmin Leon	Jasmin Leon	2618 Village Dr	8/NOV/22
7.	Luisa A Leon	Luisa a Leon	2618 Village Dr	11/08/22
8.	Veronica L Millhollon	Veronica L. Millhollon	2622 Village Dr.	11-9-22
9.	ISabel Castillo		2611 Village Dr.	11-9-22

We, the undersigned, being citizens of the city of Sherman and residents of Cedar Park Village, have concerns regarding the proposed change in zoning, on the property described as located in the 2300-2700 Blocks East Hwy 82, being 74.424 acres in part of the Samuel McGlothlen Survey, Abstract No. 811 and the Ruben Hendrix Survey, Abstract No. 54. These concerns are our peace, tranquility, safety, property value, way of life and our lives. Other concerns are crime, drugs, schools, and traffic congestion. These and other concerns will be voiced by members of the community at the hearing on November 15, 2022. These apprehensions have led us to petition the Planning and Zoning Commission to deny the requested changes of zoning regarding the above referenced property.

	PRINT NAME	SIGNATURE	ADDRESS	DATE
1.	GINA Bae	3814 Sistrunk	3814 Sistrunk	11/7/22
2.	Brenda Lingle	Brenda Lingle	2804 Cedar Pk	10-8-22
3.	Mark Lingle	Mark Lingle	2804 cedar PK	10.8.22
4.	PAM STINSON	Pam Stinson	2808 Cedar Park	10/11-8-22
5.	Sue Carter	Sue Carter	2801 Cedar Park	11-8-22
6.	Del Carter	Del Carter	2801 Cedar Park	11-8-22
7.	LARRY HAYNES	Larry Haynes	2800 CEDAR PARK	11-8-22
8.	ALAN BAUGUS	Alan Baugus	4006 Sistrunk	11-8-22
9.	Sharon Baugus	Sharon Baugus	4006 Sistrunk	11-8-22

We, the undersigned, being citizens of the city of Sherman and residents of Cedar Park Village, have concerns regarding the proposed change in zoning, on the property described as located in the 2300-2700 Blocks East Hwy 82, being 74.424 acres in part of the Samuel McGlothlen Survey, Abstract No. 811 and the Ruben Hendrix Survey, Abstract No. 54. These concerns are our peace, tranquility, safety, property value, way of life and our lives. Other concerns are crime, drugs, schools, and traffic congestion. These and other concerns will be voiced by members of the community at the hearing on November 15, 2022. These apprehensions have led us to petition the Planning and Zoning Commission to deny the requested changes of zoning regarding the above referenced property.

	PRINT NAME	SIGNATURE	ADDRESS	DATE
1.	Steve Whaley	Steve Whaley	3705 Crimsonwood	11/9/22
2.	Amy Whaley	Amy Whaley	3705 Crimsonwood	11/9/2022
3.	Lacey Shannon	Lacey Shannon	3809 Crimsonwood	11/9/2022
4.	Kevin Cundiff	Kevin Cundiff	309 Crimsonwood	11/9/2022
5.	Brenda Lee	Brenda Lee	2618 Village Dr.	11/9/2022
6.	Manuel Leon		2618 Village Dr	11/9/2022
7.	Michelle	Coffel	3707 Heatherwood	11/9/22
8.	Tracie	Coffel	3707 Heatherwood	11/9/22
9.	David Whaley	David Whaley	3710 Crimsonwood	11-9-22

We, the undersigned, being citizens of the city of Sherman and residents of Cedar Park Village, have concerns regarding the proposed change in zoning, on the property described as located in the 2300-2700 Blocks East Hwy 82, being 74.424 acres in part of the Samuel McGlothlen Survey, Abstract No. 811 and the Ruben Hendrix Survey, Abstract No. 54. These concerns are our peace, tranquility, safety, property value, way of life and our lives. Other concerns are crime, drugs, schools, and traffic congestion. These and other concerns will be voiced by members of the community at the hearing on November 15, 2022. These apprehensions have led us to petition the Planning and Zoning Commission to deny the requested changes of zoning regarding the above referenced property.

	PRINT NAME	SIGNATURE	ADDRESS	DATE
1.	Carlos Lopez	Carlos Lopez	2705 Driving Spring	11-9-22
2.	Granny	Granda	2702 Driving Pl	11-9-22
3.	Jack		4010 Cox.	11-9-22
4.	Colt T.		4105 Cox	11-9-22
5.	Carlos Rute	Carlos Rute	2761 HILLTOP DR	11-10-22
6.	Ron West	Ron West	2733 Hilltop Dr.	11-10-22
7.	DAN CUNEO		4521 COX ST.	11-10-22
8.	Ariana Rivera		4517 Cox St	11-10-22
9.	Sissy Clark	Sissy Clark	4407 Cox St.	11-10-22

We, the undersigned, being citizens of the city of Sherman and residents of Cedar Park Village, have concerns regarding the proposed change in zoning, on the property described as located in the 2300-2700 Blocks East Hwy 82, being 74.424 acres in part of the Samuel McGlothlen Survey, Abstract No. 811 and the Ruben Hendrix Survey, Abstract No. 54. These concerns are our peace, tranquility, safety, property value, way of life and our lives. Other concerns are crime, drugs, schools, and traffic congestion. These and other concerns will be voiced by members of the community at the hearing on November 15, 2022. These apprehensions have led us to petition the Planning and Zoning Commission to deny the requested changes of zoning regarding the above referenced property.

	PRINT NAME	SIGNATURE	ADDRESS	DATE
1.	Abraham	Abraham Alba	4013 Sistrik	11-8-22
2.	Debby Osbourn	Debby Osbourn	2716 Cedar Park	11-8-22
3.	Russell Maxwell	Russell Maxwell	2721 Cedar Park	11-9-22
4.	Kathy Williams	Kathy Williams	2721 Cedar Park	11-9-22
5.	Shauntae Fulk	Shauntae	2713 Cedar Park	11/9-22
6.	Joel Deleon	Joel	2713 Cedar Park	11/9-22
7.	Esmeralda Santiago	Esmeralda Santiago	2717 Dripping Springs	11/9/22
8.	Osric Angeles	Osric	2709 Dripping Springs RD	11/9/22
9.	~~Irma Gonzalez~~ Irma Gonzalez	Irma Gonzalez	2709 Dripping Spring Rd	11-9-22
	David Cortina	David Cortina	3808 Crimson Loop Dr	11/10/22

#18

Received
11/11/2022
@ 9:00 A.M

Sherman
CLASSIC TOWN. BROAD HORIZON.

Development Services

Mailing Address: P.O. Box 1106, Sherman, TX 75091
Phone Number: (903) 892-7229
Email: Planning@cityofsherman.com

ANDERSON ALEC D ETUX MARY
2512 VILLAGE DR
SHERMAN, TX 75090

October 28, 2022

The Planning and Zoning Commission and Board of Adjustment of the City of Sherman will hold a public hearing on the day of Tuesday, November 15, 2022, at 5:00 P.M. in the City Council Chambers, at 220 W. Mulberry, to hear the request of:

Frostfire Hwy 82 LLC (Owners), Mathias Haubert, Bohler Engineering (Engineer), Lee Engineering (Traffic Engineer) and Copley Land Surveying (Surveyor) concerning the property located in the 2300-2700 Blocks East Highway 82, being 74.424 acres in part of the Samuel McGlothlen Survey, Abstract No. 811 and the Ruben Hendrix Survey, Abstract No. 504

The request is as follows:
Planning and Zoning Commission

A. **Zone Change approval under Ordinance No. 2280, Section 12, from an R-1 (One-Family Residential) District and M-1 (Light Manufacturing) District to a C-2 (General Commercial) District, being 22.705 in part of the Samuel McGlothlen Survey, Abstract No. 811 and the Ruben Hendrix Survey, Abstract No. 504.**

B. **Zone Change approval under Ordinance No. 2280, Section 12, from an R-1 (One-Family Residential) District and M-1 (Light Manufacturing) District to an R-2 (Multi-Family Residential) District, being 51.718 acres in part of the Samuel McGlothlen Survey, Abstract No. 811 and the Ruben Hendrix Survey, Abstract No. 504.**

C. **Specific Use Permit approval under Ordinance No. 2280, Section 8, Subsection (5)(a) to allow a Mini-Warehouse in a C-2 (General Commercial) District, being 14.819 acres in part of the Samuel McGlothlen Survey, Abstract No. 811 and the Ruben Hendrix Survey, Abstract No. 504.**

D. **Site Plan approval of Sherman Highway 82 Mixed Use.**

As a property owner within two hundred feet (200') of this property, you are invited to attend. You are not required to be present, but all interested parties wishing to speak should appear at the time and place stated above. If you cannot attend the public hearing, but wish to have your views presented to the Planning and Zoning Commission or Board of Adjustment, you may do so by emailing planning@cityofsherman.com or comment in the space provided below and mail to:

Rob Rae
Acting Secretary, Planning and Zoning Commission
P.O. Box 1106
Sherman, Texas 75091-1106

Acting Secretary, Planning & Zoning Commission

See letter attached.

Unless this notice is delivered in an envelope that has the "City of Sherman" logo and is affixed with postage as required by the U.S. Postal Service, it is NOT an official notice sent to you by the City of Sherman.

To: Rob Rae, Acting Secretary, and Planning and Zoning

From: Alec and Mary Anderson 2512 Village Drive, Sherman, TX

Date: November 9, 2022

We are writing in response to the notice regarding the proposed zoning changes to the property located in the 2300-2700 blocks of East Hwy 82, being 74.424 acres.

We are asking you to vote "**No**" to the zoning change and the development proposed for the property listed above.

Our area can't handle the amount of traffic that would result from this proposal. Even with the improvements the developer plans to make on Baker Rd. and E. Graystone Rd., there is still the major issue of how to exit or enter this area.

Here are some of our reasons that this zoning change needs to be denied.

First, the railroad issue. During the ten years we have lived here the number of trains has increased to eight or more per day. They often stop, blocking traffic on E. Graystone Rd. due to the switching station south of here. Therefore, causing people to turn around and search for another exit. This often results in people going to either E. Baker Rd via Hwy 82 Service Rd. or Dripping Springs Rd. via Cedar Park Village. Often resulting in the train having those crossings blocked also. Recently, on two occasions we have witnessed the school bus having to back up on E. Graystone Rd. because the railroad crossing is blocked, and then going back through our subdivision to continue their route. This created a dangerous situation for both the driver and the children. So, what will happen when there are several more buses needing to come to our area due to the increased population?

Secondly, is the problem with the width of the street at the railroad crossing on E. Graystone Rd. It is barely wide enough for two small cars to cross at the same time. We see a major issue with the extreme number of vehicles needing to cross the tracks daily, and then having to stop for the traffic on N. Frisco Rd. to exit.

Finally, there is the issue of having good access to and from the proposed development. Having approximately 2,000 more vehicles from this development as well as those coming from the 99 Patio Homes approved to be built North of E. Graystone Rd. will cause great safety concerns. Our streets are not suitable for that amount of traffic! They are not wide enough, they have no street signs, curbs, or sidewalks. Currently on the development plan, one main exit is onto E. Graystone Rd. This will probably be the most chosen route because it is the most convenient. Another main exit is onto Baker Rd. This road will only filter the traffic onto E. Graystone Rd. or Hwy 82 Service Rd. The final main exit from the development is located on Hwy 82 Service Rd. Just in case you are not familiar with this service road, all traffic must go under Hwy 82 and then head East. They can then turn onto E. Baker Rd. or continue out to FM

1417 and come all the way back on Hwy 82 to enter the city. We ask that you study a map of our surrounding area so you can understand our concerns. Our thoughts are that this site is not sufficient for the proposed development.

When we moved to Sherman ten years ago, we chose to live in Cedar Park Village. The main reason was because of the beautiful, serene environment encompassed in this subdivision. We are asking you to be considerate of the established Cedar Park Village homeowners. We already have a development of 99 Patio Homes approved to be built north of E. Graystone Rd. This proposed development would add over 900 units when you combine the apartments and townhomes. We feel the proposed development is not comparable in any way to our homes on approximately one acre. In reference to the City of Sherman Master Plan Goal 1/Housing & Neighborhoods, Strategy 1.5: Protect and enhance existing neighborhoods and housing stock. Also, Goal 3/Mobility, Strategies 3.1 through 3.3. How would putting that many housing units in an area with poor accessibility respect community character, connectivity, and safety? In reference to the Planning and Zoning website under Development Services and Department Goal, we would like to quote the following paragraph: "It is our goal to encourage and promote **responsible** development to meet the opportunities of Sherman's future and to collaboratively work with city leaders, citizens and developers to create a place where people live, work and play in a safe environment." It is our opinion that this development will not fulfill these goals.

We currently have a lot of approved housing and construction around our area. There is 300+ homes being built on and around Dripping Springs Rd., an apartment complex of approximately 300 units being built on E. Gallagher Dr., a development that was approved off N. Frisco Rd. which we were informed will be other multi-family units along with businesses, and the 99 Patio Homes that you approved north of E. Graystone Rd. Are any new apartments or other multi-family units being built in the new developments on FM 1417 or Hwy 75 South, or are the majority being approved mainly for the East Side of Sherman?

We feel this property will be best suited for R-1 family homes and or a Super Storage facility for RVs, Boats, Autos as well as regular storage units and climate-controlled units. With the thousands of people moving to Sherman, we believe that there will be great demand for storage for boats and RVs because most developments don't allow them to be parked on the homeowner's property. This property could also contain homes on 1/3 acre lots which will help increase the tax revenue the city is truly seeking. These suggestions would pleasingly blend this property with the existing Cedar Park Village Subdivision and the 99 Patio Homes that are going to be built.

Please say "**No**" to this proposal. Thank you for your time. Respectfully,

Alec Anderson and Mary Anderson

Alec Anderson Mary Anderson

#18

Rcvd 11-9-2022
3:00pm

November 6, 2022

Rob Rae, Acting Secretary, Planning and Zoning

P.O. Box 1106

Sherman, Texas 75091

Copy for Development Services Coordinator

Dear Mr. Rae and members of the Board,

I am writing in response to the notice regarding the zone changes to the property located in the 2300-2700 Blocs East Highway 82, being 74.424 acres in part of the Samuel McGlothlen Survey.

These zoning changes were requested for the development of a 700 unit apartment complex, in addition to townhomes, storage units, and retail businesses.

The approval of the 700 apartments would bring another 1400 vehicles within this small area, in addition to another 100 for the townhomes as indicated on the plan. This is not a development, it is a small town, and will present the same problems as cited by Cedar Park Village residents in two other previous proposals with the main problem being traffic congestion on Graystone Road and the RR Crossing as it currently exists.

Additionally, the construction of 100 "patio homes" was recently approved for the property on the north side of Graystone, which adds another 200 vehicles (approximately). And with the traffic population of our established community within Cedar Park Village, the estimation of vehicles will be approaching 2,000. This is an absurd amount of traffic for Graystone Road, even considering that the new plan indicates the improvement and use of Baker Road, as well.

I met the very polite gentleman, Mr. Jon Kendall with Bohler Engineering. Our conversation, in part, included my informing him about the history and problems associated with additional use of Graystone Road, and the complications at the RR Crossing; Mr. Kendall seemed unaware of the protests and problems associated with Graystone and the RR Crossing. I spoke to him again, two days later and he told me that after hearing what I had to say about Graystone and the Crossing, he went to City Hall and was told that Graystone would have to be improved to a standard 2-lane road with a yellow stripe. This does no good, whatsoever. Even if the road were widened, there remain the very risky and real difficulties that would arise from so much traffic at the rail road crossing.

Even now, residents are often delayed when the train not only blocks the Graystone entrance/ exit to/from Frisco Road, but simultaneously blocks the Dripping Springs exit to/from Frisco. Furthermore, problems with the safety apparatus blocking exits when no trains were on the track were a problem with just the current population of vehicles. School buses had to back up all the way down Graystone Road to Village Drive, turn around, and try to exit via Dripping Springs.

Please consider: Whether blocked by train or malfunctioning safety arms, this combination of a narrow country road and an even narrower rail road crossing is a hazard to the people of this area.

As Planning and Zoning well knows, this is not a new issue and was one of the main topics for our argument against the installation of a trailer park, and again, the main grievance for the development of the patio homes, on the north side of Graystone, which to my knowledge, was approved and will go forward at some point.

If this highly populated development is approved, and is the cause of chaos and injuries in the future, I would think that the members would feel at least partially at fault for having approved such a ludicrous plan (under the conditions that now exist).

There is also the issue of the devaluation of our single family homes situated on one acre. Somewhere in your building codes (from previous experience), I recall that new construction must be compatible with existing homes. Apartments are not compatible with single family, homes with one acre lots, the values of which range from the 300 thousand to 500 thousand, or more.

This brings me to another issue, which admittedly is on a more personal note, and that is of the privacy lost with a 3-story apartment building at the corner of Graystone, adjacent to my back yard. The space and privacy of these lots were the main attraction for our purchase. There is no privacy whatsoever with a 3-story apartment building with some of those apartments having a bird's eye view of my home and surroundings.

And please note that the Master Plan at issue has the property north of Graystone still listed as commercial. It is hard to believe that Bohler Engineering was not aware that the zoning for that property was changed to residential, and is where the patio home development will be located.

In addition to all of my complaints, the abundance of construction will create ten years of noise, dust, dirt, supply trucks, and construction worker traffic, not to mention the dislocation of wildlife, whose natural habitats are rapidly disappearing.

This acreage does not seem to attract developers willing to construct a nice single-family home, community that would blend harmoniously with our own.

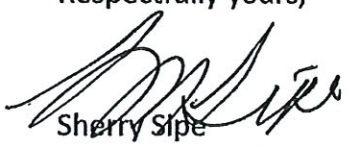
Commercial housing is not the same as single-family ownership. It is not the same value and it is not the same aesthetics. Simply classified as "Class A" apartments, does not mean upscale. It can mean, "new." The estimated rent for these apartments quoted by Mr. Kendall, was from $1,200 to $1,700.00. That is not the amount of rent that would be charged for upscale apartments. And if Mr. Kendall is correct on his estimation of when Phase 1 of 200 apartments

would be completed (3 years), the amounts estimated will likely be more, but not because of the class, but due to inflation.

For all the reasons cited within this letter, I ask the Board not to approve zoning changes for the use of commercial housing. However, I find no fault with retail facing Hwy 82 and accessed by Hwy 82, nor the construction of storage buildings, or warehouses, accessed by Hwy 82, and I find no fault for the approval for a fraction of the 74.424 acres for these purposes.

I thank you for your time and consideration.

Respectfully yours,



Sherry Sipe

2516 Village Drive

Sherman, TX 75090

#18
Rcvd 11/14/22
@ 3:00 P.M.

November 8, 2022

Planning and Zoning Board

City of Sherman

Subject: Property located in the 2300-2700 Blocks East Highway 82, being 74.424 acres in part of the Samuel McGlothlen Survey, Abstract No. 811, and the Ruben Hendrix Survey, Abstract No. 504.

From: Thad Thompson

3706 Heatherwood Ln.

Hi,

In my business career, I was a Certified Real Property Appraiser. I have appraised properties for specific use, such as this project.

I will state my conclusion before giving you my observations, findings and facts.

The property suffers from a fatal flaw: **THE LACK OF ACESSABILITY.**

It is my conclusion that due to the conditions surrounding the property that it would not be possible to move these large traffic flows this project would produce.

The following is my observations and findings:

WEST SIDE of the property - railroad track-no entry/exit

SOUTH SIDE- One lane, one way, road condition (very poor)

FRONTAGE ROAD - East to Hwy 1417; entry from 1417 to Frontage Rd. west. The distance from south gate to 1417 is approximately one mile. The east gate of this property is actually the intersection of Hwy 1417.

EAST SIDE - Baker Rd; A dirt gravel road. This gate is marked as main gate, full movement on the proposed site plan. This is inaccurate in that Baker Rd. empties into either the west bound frontage road to the south or into E. Graystone Dr. to the north.

NORTH SIDE- East Graystone Drive 400 yard paved road which crosses the railroad and empties into Frisco Rd. There is a culvert and ditch on the east side of the railroad. The east end of this culvert is only 21 feet wide which narrows the road to one lane.

The project would have an estimated population of 2,960 – 1,480 vehicles, 1,480 children, and 740 school age children necessitating at least 16 – 20 school buses.

Railroad – per the U.S. Dept. of Transportation Data Base there are 8 crossings at Grayston Dr. each day. There are two to three crossings each morning between 6:30 a.m. and 9:00 a.m.., blocking E. Graystone Dr. from five to ten minutes per crossing.

NORTH PARCEL – 99 Patio homes, 99 units, 400 people, 200 vehicles, 200 children, 100 school age necessitating 4-5 buses.

CEDAR PARK VILLAGE – 50 homes-200 people, 100 vehicles, 100 children, 50 school age, 2-3 buses.

All of the above referenced traffic would utilize E. Graystone Dr., cross the railroad and empty into Frisco Rd.

From my observations, findings, and facts, it is my conclusion that the proposed project would generate vehicular traffic which would not flow efficiently due to lack of accessibility.

P.S.

In the information that I have, I find the mention of the name Lee Engineering (Traffic Engineering), was there a traffic survey prepared?

Sincerely,

Thad Thompson

SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **E. 6.**

Meeting Date: 12/05/2022

Prepared By: Rob Rae, Director of Development Services

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6552

Amending Section 8, Subsection (5)(A), Ordinance No. 2280, So As to Grant a Specific Use Permit to Allow a Mini-Warehouse in a C-2 (General Commercial) District in the 2300-2700 Blocks East Highway 82, being 14.819 acres in part of the Samuel McGlothlen Survey, Abstract No. 811 and the Ruben Hendrix Survey, Abstract No. 504 (Frostfire Hwy 82 LLC, Owners; Mathias Haubert, Bohler Engineering, Engineer; Lee Engineering, Traffic Engineer; and Copley Land Surveying, Surveyor); Providing That This Specific Use Permit Shall Be Granted Subject to Certain Conditions; Providing A Penalty Not to Exceed $2,000.00

Issue:

To consider a Mini-Warehouse in a C-2 (General Commercial) District located in the 2300-2700 Blocks East Highway 82, being 14.819 acres in part of the Samuel McGlothlen Survey, Abstract No. 811 and the Ruben Hendrix Survey, Abstract No. 504 (Frostfire Hwy 82 LLC, Owners; Mathias Haubert, Bohler Engineering, Engineer; Lee Engineering, Traffic Engineer; and Copley Land Surveying, Surveyor)

Background:

The property is located at 2300-2700 Blocks East Highway 82 at the North East Corner of Frisco Road and Highway 82 and is zoned R-1 (One Family Residential) District/M-1 (Light Manufacturing) District/R-2 (Multi-Family Residential) District/O-1 (75 & 82) Overlay District.

The owner is requesting Zone Changes, Specific Use Permit and Site Plan to allow a mixed use development consisting of commercial uses, residential uses, and a mini-storage on approximately 74 acres.

February 6, 1984 - Zone Change from R-1 (One Family Residential) District to M-1 (Light Manufacturing) District & R-2 (Multi-Family Residential) District

Origination:

Frostfire Hwy 82 LLC (Owners)
Mathias Haubert
Bohler Engineering (Engineer)
Lee Engineering (Traffic Engineer)
Copley Land Surveying (Surveyor)

Financial Consideration:

None

Staff Recommendation:

At the November 15, 2022 regular meeting, the Planning and Zoning Commission voted 6/0 to recommend to the City Council that the Specific Use Permit be approved subject to the Staff Review Letter. Three (3) letters of opposition and one (1) opposition letter with 99 signatures were received by City Staff in advance of the Planning and Zoning Commission meeting. **The proposed use is compatible with the City of Sherman Comprehensive Plan.**

Alternatives:

The City Council could deny the request.

Attachments

Ordinance No. 6552
Exhibit A - Survey
Exhibit B - Legal Description
Exhibit C - Site Plan
Exhibit D - Site Data
Location Map
Zoning Map
Zoning Sign Photo
Future Land Use Map
Narrative
Site Plan
Site Data
Traffic Impact Analysis
Staff Review Letter
P & Z Communication
Letter (Email) Received - Sipe
Letter Recieved - 99 Signatures
Letter Received - Anderson
Letter Recieved - Sipe
Letter Recieved - Thompson

ORDINANCE NO. 6552

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW A MINI-WAREHOUSE IN A C-2 (GENERAL COMMERCIAL) DISTRICT IN THE 2300-2700 BLOCKS EAST HIGHWAY 82, BEING 14.819 ACRES IN PART OF THE SAMUEL MCGLOTHLEN SURVEY, ABSTRACT NO. 811 AND THE RUBEN HENDRIX SURVEY, ABSTRACT NO. 504 (FROSTFIRE HWY 82 LLC, OWNERS; MATHIAS HAUBERT, BOHLER ENGINEERING, ENGINEER; LEE ENGINEERING, TRAFFIC ENGINEER; AND COPLEY LAND SURVEYING, SURVEYOR); PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED $2,000.00; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City Planning and Zoning Commission and the City Council, in accordance with the state law and the ordinances of the City of Sherman, have given the required notices and have held the required public hearings regarding this Specific Use Permit; and

WHEREAS, the City Council finds that this use will complement or be compatible with the surrounding uses and community facilities; contribute to, enhance, or promote the welfare of the area of request and adjacent properties; not be detrimental to the public health, safety, or general welfare; and conform in all other respects to all applicable zoning regulations and standards; and

WHEREAS, the City Council finds that it is in the public interest to grant this specific use permit, subject to certain conditions;

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

SECTION 1. That, from and after the effective date of this Ordinance, Frostfire Hwy 82 LLC (Owners), Mathias Haubert, Bohler Engineering (Engineer), Lee Engineering (Traffic Engineer) and Copley Land Surveying (Surveyor) concerning the property located in the 2300-2700 Blocks East Highway 82, being 14.819 acres in part of the Samuel McGlothlen Survey, Abstract No. 811 and the Ruben Hendrix Survey, Abstract No. 504 are granted a Specific Use Permit to allow a Mini-Warehouse in a C-2 (General Commercial) District and that Section 8, Subsection (5)(a), Ordinance No. 2280 is hereby amended so as to hereafter include property described as **Exhibit A – Survey and Exhibit B Legal Description**.

SECTION 2. That this Specific Use Permit is granted on the following conditions:

Zoning:

1. Compliance with applicable City ordinances, regulations, standards and rules and other laws, as they exist or may be amended, including but not limited to the City's General Zoning Ordinance, Ordinance No. 2280, the regulations applicable to the R-2 (Multi-Family Residential) District, C-2 (General commercial) District, the O-1 (75 & 82) Overlay District, the Sign Ordinance, the Fence Ordinance and the Commercial Tree and Landscaping Ordinance. (*Chapter 14, Exhibit A, Sec. 6.4; Sec. 6.7; 6.13.1; Sec. 7(14), Sec. 7(13) and Sec. 17).*
2. Fire access, lanes and codes shall be coordinated with the Fire Marshal (903.892.7267).
3. All required off-street parking shall be on private property and shall not encroach into the right-of-way. *(Chapter 14, Exhibit A, Section 7, Subsection 10(b))*
4. Parking shall be provided for one space per 1,000 square feet for a Mini-warehouse; a parking space is considered to be 9' x 20'. (*Chapter 14, Exhibit A, Sec.8 (5)(a); Sec.7(10)(b)).*
5. Parking shall be provided in the R-2 (Multi-Family Residential) District, 1 space per bedroom (minimum of 2 spaces per unit) a parking space is considered to be 9' x 20' (*Chapter 14, Exhibit A, Sec. 6.4(4); Sec.7(10)(b)).*
6. The maximum height of the building shall not exceed 35' in the C-2 (General Commercial) District. (*Chapter 14, Exhibit A, Sec. 6.7(6)(c))*
7. The maximum height of the building shall not exceed 45' in R-2 (Multi-Family Residential) District. (*Chapter 14, Exhibit A, Sec. 6.4 (5))*
8. The trash dumpster will need to be located inside the main building area.
9. The use of the property must comply with all Federal and State Laws and regulations and with all ordinances, rules and regulations of the City of Sherman.
10. The property must be properly maintained in a state of good repair and neat appearance.
11. The granting of a Specific Use Permit has no effect on the uses permitted as of right and does not waive the regulations of the underlying zoning district.
12. A specific use permit is an amendment to the district regulations of the zoning ordinance that permits the permanent establishment of a specific use within a zoning district in which such specific use may be established unless such use of land or structure discontinue or be abandoned for a period of sixty (60) consecutive days in which event such specific use permit shall be void and such use may not thereafter be resumed unless a new specific use permit granted. (*Chapter 14, Exhibit A, Sec. 8 (5)(b))*
13. The approval of the Specific Use Permit and site plan shall be effective for a period of (2) years from the date of approval and shall expire unless the applicant demonstrates to the Director of Development Services that progress has been made toward completion of the project for which the Specific Use Permit was approved.
14. Any changes made to the site plan prior to the final fulfillment of the conditions of the staff review letter must be considered minor by the staff, as to not require resubmission to the Planning & Zoning Commission.

Engineering

15. Platting of the property is required. *Code of Ordinances Chapter 10, Section 10.02.021; Texas Local Government Code Title 1, Sec. 212.004*
16. Drive approaches and sidewalks must conform to City of Sherman and TxDOT standards and a permit with drawing showing dimensions is required from City of Sherman

Engineering Department for review and approval prior to any work being done within public right of way. *Code of Ordinances Chapter 3, Division 5, Sec. 3.10.154*

17. Platting of the property is required. *Code of Ordinances Chapter 10, Section 10.02.021; Texas Local Government Code Title 1, Sec. 212.004*
18. Drive approaches and sidewalks must conform to City of Sherman and TxDOT standards and a permit with drawing showing dimensions is required from City of Sherman Engineering Department for review and approval prior to any work being done within public right of way. *Code of Ordinances Chapter 3, Division 5, Sec. 3.10.154*
19. Improvements to Baker Road and Graystone Drive may be required.
20. Multiple proposed mini-storage structures encroach over wastewater main. Permanent structures will not be permitted to encroach into any easements.
21. Verify fire requirements and code compliance with Fire Marshal. *Code of Ordinances Chapter 3.02(c)*
22. The location of the trash receptors must be approved by the Public Works Department.
23. Privately owned and maintained detention in accordance with City criteria may be required. Engineering documentation shall be provided to the City of Sherman Engineering Department for review and approval. If detention is required, Ownership and Maintenance information to be shown on plat. *Code of Ordinances Chapter 10, Exhibit A, Sec. 12(I)*
24. Water main must be extended in accordance with City criteria to serve proposed Lot. *Code of Ordinances Chapter 13, Sec. 13.07.282; Chapter 10, Exhibit A, Sec. 12(G)*
25. Civil Engineering plans shall be provided to the Engineering Department for review and approval. Plat to reflect changes upon Engineering review. *Code of Ordinances Chapter 10, Exhibit A, Sec. 12, Code of Ordinances Chapter 10, Exhibit A, Sec. 15.*
26. Three Party Agreement required for Public Infrastructure.

Additional Conditions:

1. The property shall be developed and used in accordance with all City Ordinances and the Site Plan shown in **Exhibit C – Site Plan.**
2. The property shall be developed and used in accordance with the Landscape Plan show in **Exhibit D – Site Data.**

SECTION 3. That this Ordinance shall be entered upon the official zoning map as provided in Section 2, Ordinance No. 2280.

SECTION 4. That it shall be unlawful for any person to make use of the Property in some manner other than as authorized by this Ordinance, and it shall be unlawful for any person to construct on the Property any building that is not in conformity with the permissible uses under this Ordinance. Any person violating any provision of this Ordinance or the General Zoning Ordinance, as they exist or may be amended, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in an amount not exceeding TWO THOUSAND AND NO/100 DOLLARS ($2,000.00). A violation of any provision of this Ordinance shall constitute a separate violation for each calendar day in which it occurs. 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 5. That the General Zoning Ordinance shall remain in full force and effect, save and except as amended by this or any other ordinance. 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 6. That in the event any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional and/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 Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, regardless of whether any one or more sections, subsections, sentences, clauses or phrases is declared unconstitutional and/or invalid.

SECTION 7. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given all as required by law.

SECTION 8. That this Ordinance shall become effective from and after its adoption and publication as required by law and the City Charter.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS.

INTRODUCED on this the 5th day of December 2022.

ADOPTED on this the 5th day of December 2022.

EFFECTIVE DATE on this the 5th day of December 2022.

CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM
AND CONTENT:
THE LAW FIRM OF ABERNATHY,
ROEDER, BOYD & HULLETT, P.C.

BY: _____
RYAN D. PITTMAN, CITY ATTORNEY

EXHIBIT A

~ PROPERTY ADDRESS ~
TBD, U.S. HWY 82
SHERMAN, TEXAS

Reuben Hendrix Survey
Abstract No. 504

19.949 AC
LLOYD PLYLER CONSTRUCTION, LLP
VOL. 4897, PG. 546
O.P.R.G.C.T.

Block 1
VILLAGE DRIVE
Cedar Park Village
Vol. 14, Pg. 11 P.R.G.C.T.
Block 2
25' ROADWAY DEDICATION

1/2" STEEL ROD FOUND O/S 25.1'
S 89°47'33" E 726.67'
RAILROAD SPIKE FOUND
N 89°28'30" E © 323.37'
1/2" STEEL ROD FOUND
S 89°13'15" E 288.82'
1/2" STEEL ROD FOUND
E. GRAYSTONE DRIVE

SURVEY LINE

~ BASIS OF BEARINGS ~
GRID NORTH, NAD 83
TEXAS STATE PLANE COORDINATE SYSTEM
NORTH CENTRAL ZONE (4202)

N
W E
S

20' UTILITY EASEMENT
CITY OF SHERMAN
VOL. 1626, PG. 461
D.R.G.C.T.

N 20°38'26" E 395.43'

1/2" STEEL ROD SET (RPLS 6720)

1/2" STEEL ROD SET (RPLS 6720)

N. FRISCO ROAD
BURLINGTON NORTHERN SANTA FE RAILROAD

1202.73'

50' WIDE STRIP
LUIS H. GUTIERREZ
VOL. 3778, PG. 292
O.P.R.G.C.T.

20' UTILITY EASEMENT
CITY OF SHERMAN
VOL. 1626, PG. 461
D.R.G.C.T.

20' UTILITY EASEMENT
CITY OF SHERMAN
VOL. 1626, PG. 438
D.R.G.C.T.

20' UTILITY EASEMENT
CITY OF SHERMAN
VOL. 1626, PG. 445
D.R.G.C.T.

S 20°38'26" W

DESCRIBED LOCATION OF
T.P.L.C. EASEMENT
VOL. 584, PG. 349
D.R.G.C.T.

CHANNEL EASEMENT
CITY OF SHERMAN
VOL. 1417, PG. 769
D.R.G.C.T.

T.P.&L. EASEMENT
VOL. 1144, PG. 714
D.R.G.C.T.

1/2" STEEL ROD SET (RPLS 6720)

L4 CONCRETE MONUMENT
N 70°19'34" W 704.00'---
CONCRETE MONUMENT
N 76°26'34" W 674.65' C1
CONCRETE MONUMENT

1034.50'
S 00°51'05" W

1.00 AC
DENNIS JAKE RICHARDSON
DOCUMENT NO. 2020-28584
O.P.R.G.C.T.

BAKER ROAD

RAILROAD SPIKE FOUND

227.333 AC
FORTERRA PIPE & PRECAST, LLC
DOCUMENT NO. 2018-2682
O.P.R.G.C.T.

1093.73'
S 00°36'23" W

CONCRETE MONUMENT
MAG NAIL SET (RPLS 6720)
L2 L1
CONCRETE MONUMENT
CONCRETE MONUMENT

Legend

- PP POWER POLE
- GUY ANCHOR
- FH FIRE HYDRANT
- G GAS MARKER
- GAS VALVE
- S SEWER MANHOLE
- C UNDERGROUND CABLE MARKER
- T TELEPHONE PEDESTAL
- BOUNDARY LINE
- PROPERTY LINE
- OHE OVERHEAD ELECTRIC LINE
- G GAS LINE
- x BARBWIRE FENCE

U.S. HIGHWAY NO. 82

1/2" STEEL ROD FOUND
S 82°34'34" E 413.63'
S 76°26'34" E 674.65' C2
CONCRETE MONUMENT
CONCRETE MONUMENT
L7 L8
CONCRETE MONUMENT
MAG NAIL SET (RPLS 6720)
1/2" STEEL ROD FOUND

20' UTILITY EASEMENT
CITY OF SHERMAN
VOL. 1626, PG. 461
D.R.G.C.T.

N 00°50'02" E 704.29'

12.37 AC
RPM xCONSTRUCTION, LLC
VOL. 5722, PG. 306
O.P.R.G.C.T.

Tract 1
74.424 Acres

Samuel McGlothlen Survey
Abstract No. 811

Tract 2
19.172 Acres

30' UTILITY EASEMENT
CITY OF SHERMAN
VOL. 1626, PG. 441
D.R.G.C.T.

WATER LINE EASEMENT
VOL. 3143, PG. 327
O.P.R.G.C.T.

329.30'
S 00°29'31" W

186.679 AC
POZA INVESTMENTS, L.P.
VOL. 4090, PG. 473
O.P.R.G.C.T.

RAILROAD SPIKE FOUND
L6
327.45'
N 89°20'30" W
P/K NAIL FOUND
1/2" STEEL ROD FOUND
N 89°28'12" W 930.50'
1/2" STEEL ROD FOUND
SURVEY LINE

Block 1 | Block 3 | Block 5
DUCHESS DRIVE
N. DUKE DRIVE
Castle Heights Addition
Vol. 2, Pg. 46 P.R.G.C.T.

George W. McGlothlen Survey
Abstract No. 827

7.063 AC
VULFRANO GALAN
DOCUMENT NO.
2020-22025
O.P.R.G.C.T.

SURVEY LINE

186.679 AC
POZA INVESTMENTS, L.P.
VOL. 4090, PG. 473
O.P.R.G.C.T.

Flemming Jennings Survey
Abstract No. 638

LINE	BEARING	DISTANCE
L1	S 77°55'50" W	28.22'
L2	S 73°12'26" W	143.20'
L3	N 70°19'34" W	198.22'
L4	N 76°26'34" W	232.60'
L5	N 00°30'53" E	211.86'
L6	N 89°06'33" W	204.01'
L7	S 43°23'34" E	144.20'
L8	S 74°20'58" E	22.44'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	11608.61'	172.22'	172.22'	N 76°01'05" W	0°51'00"
C2	11309.16'	276.28'	276.27'	S 75°44'34" E	1°23'59"

See Attached Legal Descriptions

I, John C. Copley, Registered Professional Land Surveyor, do hereby certify that a survey was made on the ground of the property legally described herein, and that the plat herewith is a true, correct and accurate representation of the property legally described hereinabove.

John C. Copley
Registered Professional
Land Surveyor No. 6720
Firm No. 10194429
DATE OF SURVEY: 1/4/2021

STATE OF TEXAS REGISTERED JOHN C. COPLEY 6720 PROFESSIONAL LAND SURVEYOR

0 200 400
SCALE ~ 1" = 200'

Copley Land Surveying
1702 Verdi Ln., Sherman, Texas 75076
TX 903-415-0643, OK 580-980-0181
john@copleylandsurveying.com

Copyright © 2021
Copley Land Surveying, Inc.
All rights reserved.

CLS Job# 20120474

EXHIBIT B

C-2 Zoning

BEING a tract of land situated in the City of Sherman in the County of Grayson, being part of the Samuel McGlothlen Survey, Abstract No. 811 and the Ruben Hendrix Survey, Abstract No. 504, being part of a called 74.424 acre tract of land described in a Special Warranty Deed to Frostfire Hwy 82, LLC, recorded in Instrument Number 2022-5245, Official Public Records, Grayson County, Texas and being more particularly described as follows:

COMMENCING at five-eighths inch iron with a plastic cap stamped "Copley RPLS 6720" found at an angle point of said 74.424 acre tract of land, said capped iron rod being in the west line of said 74.424 acre tract of land east line of the Burlington North Santa Fe Railroad;

THENCE South 00 degrees 31 minutes 33 seconds West, a distance of 211.86 feet to a point for corner;

THENCE South 20 degrees 39 minutes 06 seconds West, a distance of 436.63 feet to the **POINT OF BEGINNING;**

THENCE over and across said 74.424 acre tract of land, the following courses and distances:

South 89 degrees 24 minutes 15 seconds East, a distance of 645.61 feet to a point for corner;

South 75 degrees 57 minutes 22 seconds East, a distance of 158.36 feet to a point for corner;

South 15 degrees 02 minutes 29 seconds West, a distance of 707.90 feet to a point for corner;

North 64 degrees 55 minutes 29 seconds West, a distance of 235.99 feet to a point for corner;

South 25 degrees 05 minutes 33 seconds West, a distance of 41.12 feet to a point for corner;

South 19 degrees 29 minutes 39 seconds West, a distance of 243.56 feet to a point for corner, said point being in the south line of said 74.474 acre tract of land and the north line of Highway 82(a variable width right-of-way);

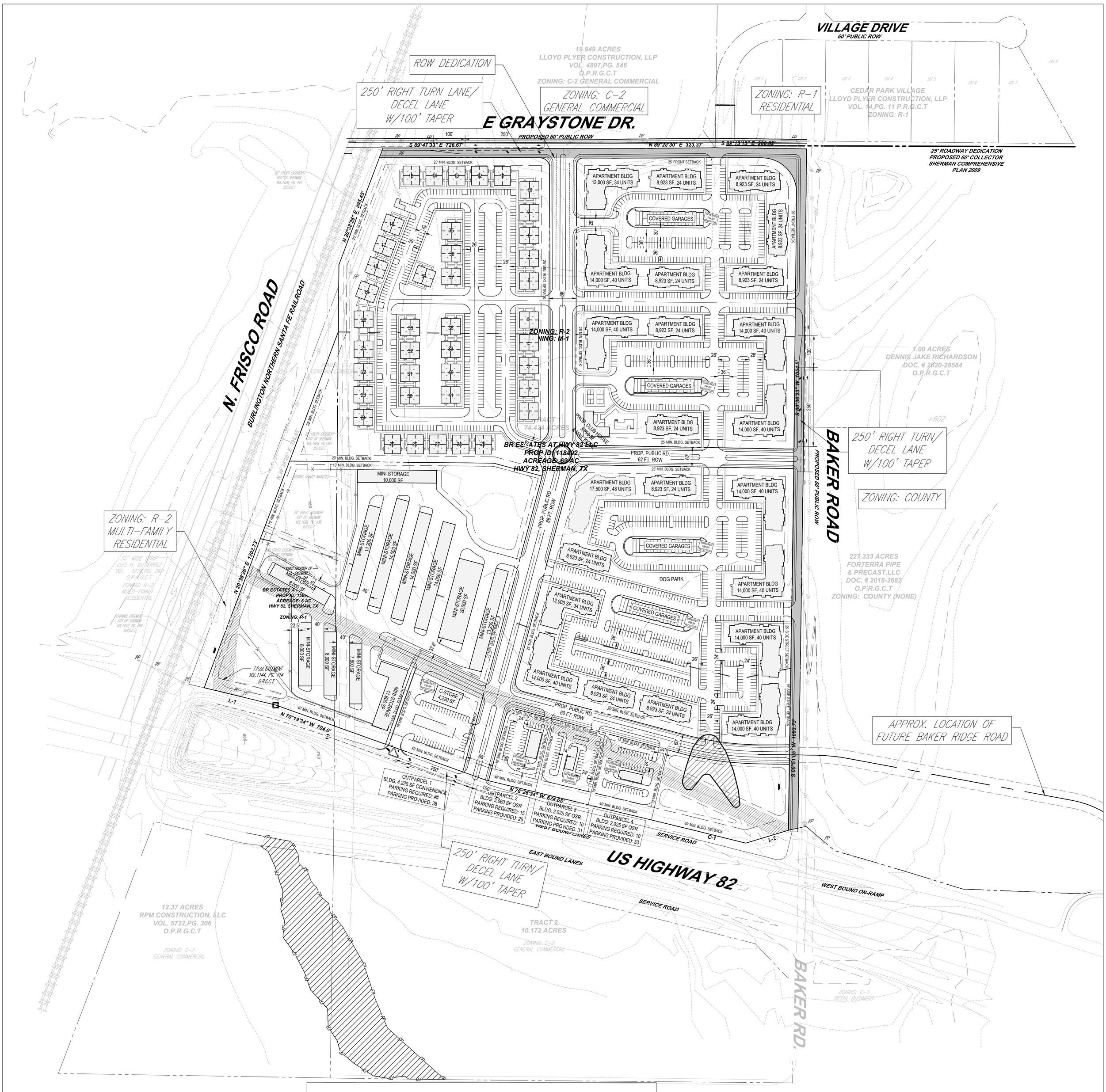
THENCE along the south line of said 74.424 acre tract of land and the north line of said Highway 82, the following courses and distances:

North 70 degrees 18 minutes 54 seconds West, a distance of 368.65 feet to point for corner;

North 76 degrees 25 minutes 54 seconds West, a distance of 232.60 feet to a one-half inch capped iron rod found;

North 20 degrees 39 minutes 06 seconds East, a distance of 766.10 feet to the **POINT OF BEGINNING** and containing 645,517 square feet or 14.819 acres of land.

EXHIBIT C



SITE DATA

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MAY 23, 2022
PROJECT NUMBER: TXA220010

EXISTING PROPERTY INFORMATION
PIN: 156872 AND 118492
ADDRESS: HWY 82, SHERMAN, TEXAS
TOTAL ACREAGE: +/- 75 ACRES
EXISTING ZONING: M-1, C-2 AND R-2
PROPOSED ZONING: M-1, C-2, R-2
OVERLAY: O-1 (HIGHWAY 82), 500' FROM ROW

SETBACKS:
OVERLAY DISTRICT: O-1 (HIGHWAY 82)
HIGHWAY FRONTAGE: 40' OR 25; PLUS
HT. OF BLDG.
INTERNAL STREETS: 15'
REAR/SIDE: 5'
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FRONT: 25'
SIDE SETBACK/YARD: 23' (MIN. 7')
REAR SETBACK/YARD: 25'
C-2, COMMERCIAL
FRONT: 15'
SIDE SETBACK/YARD: 10'
REAR SETBACK/YARD: 0'

LAND USES:

COMMERCIAL:
ACREAGE: +/- 6.44 AC (280,526 SF)
COMMUNITY OPEN SPACE: 2.20 AC (96,036 SF)
PROPOSED ZONING: C-2

OUTPARCEL 1
PARCEL SF: +/- 1.42 AC (61,921 SF)
BUILDING SF: 4,228 SF
HARD SUFACE AREA: 33,151 SF
LANDSCAPE AREA: 24,542 SF
FLOOR/AREA RATIO: 0.01

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PARCEL SF: +/- 0.81 ac (35,077 SF)
BUILDING SF: 3,064 SF
HARD SUFACE AREA: 15,000 SF
LANDSCAPE AREA: 17,013 SF
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OUTPARCEL 3
PARCEL SF: +/- 0.93 AC (40,647 SF)
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LANDSCAPE AREA: 15,695 SF
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PARCEL SF: +/- 14.97 AC (652,122 SF
BUILDING SF: 128,000 SF
HARD SUFACE AREA: 175,590 SF
LANDSCAPE AREA: 348,532 SF
FLOOR/AREA RATIO: 0.20

MANUFACTURING:
ACREAGE: +/- 14.82 AC (645,559 SF)
PROPOSED ZONING: M-1

MINI-STORAGE
PARCEL SF: +/- 14.82 AC
TOTAL BUILDING SF: 140,200 SF
HARD SUFACE AREA: 272,703 SF
LANDSCAPE AREA: 232,656 SF
FLOOR/AREA RATIO: 0.22

NOTES:
1. PARKING SHALL MEET STANDARDS OF CITY OF SHERMAN UDO
2. FIRE LANES SHALL MEET CITY OF SHERMAN STANDARDS
3. BUILDING DESIGN REQUIREMENTS SHALL BE MET PER ORDINANCE
4. SECTION 6.13.1 O-I (HWY 82) OVERLAY DISTRICT. 500 FT ON EITHER SIDE OF HWY 82

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PROP ID: 156872
OWNER: BR ESTATES AT HWY 82 LLC
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ZONING: R-1

PARCEL 2
PROP ID: 118492
OWNER: BR ESTATES AT HWY 82 LLC
ACREAGE: 69 AC
ZONING: M-1, R-2

\\BOHLERENG.NET\SHARES\TX-PROJECTS\2022\TXA220010.00\CAD\DRAWINGS\XREFS\X - PROP3----->LAYOUT: VERTICAL

BOHLER //
6017 MAIN STREET
FRISCO, TX 75034
Phone: (469) 458-7300
TX@BohlerEng.com
TBPE No. 18065 | TBPLS No. 10194413

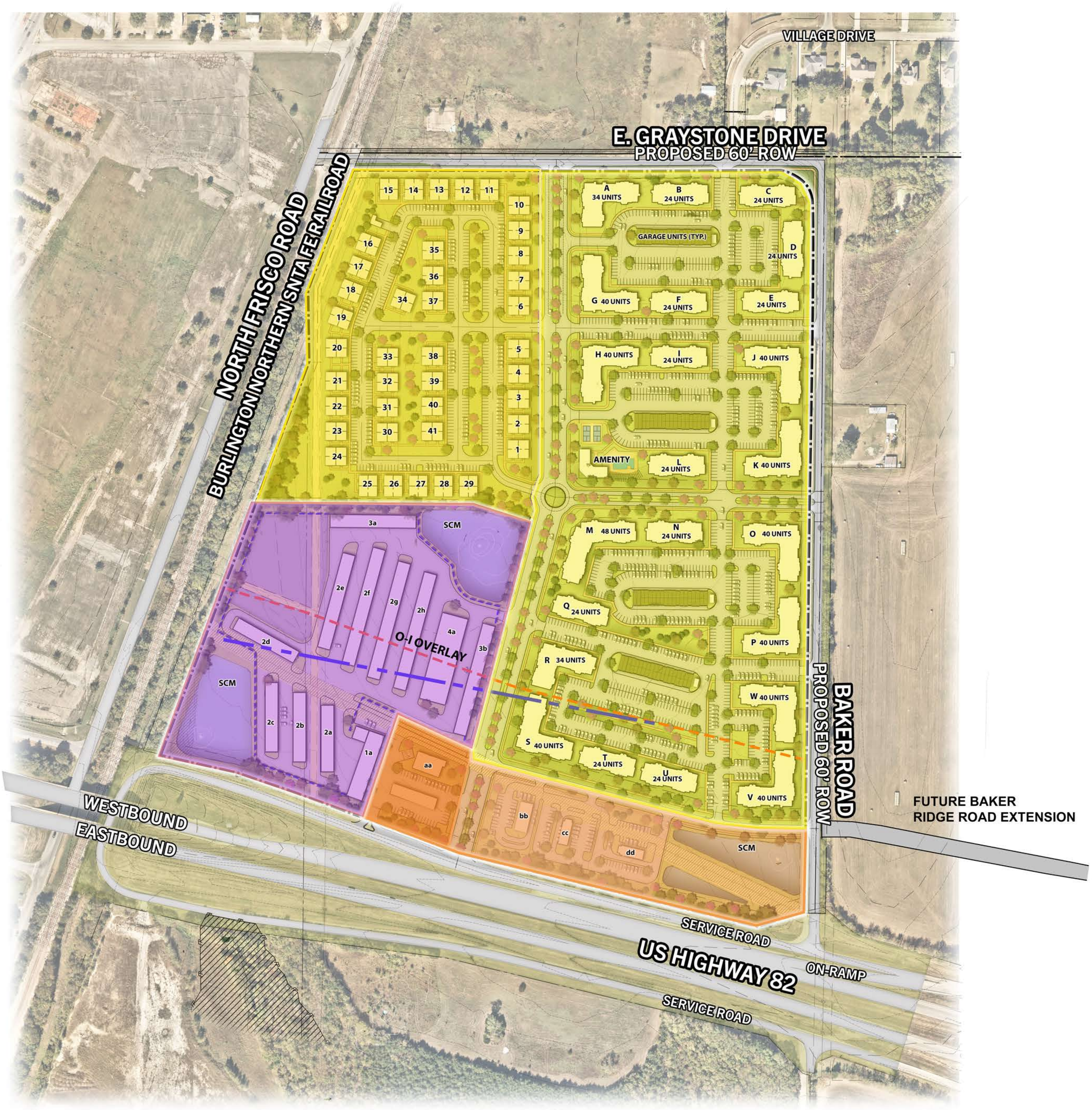
HIGHWAY 82 MIXED USE

SHERMAN, TEXAS | PLAN REV.

May 23, 2022 | KM | Project#TXA220010 | Rev

150 75 37.5 0 150
1"=150'

EXHIBIT D



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PROPOSED ZONING: M-1, C-2 AND R-2
OVERLAY DISTRICT: O-1 (HIGHWAY 82); 500' FROM ROW

PROPOSED USES:

C-2 ZONING: COMMERCIAL: +/- 6.44 ACRES

USE	BLDG;	PARCEL
C-STORE aa:	4,228 SF	1.42 AC
OUT-PARCEL bb:	3,064 SF	0.81 AC
OUT-PARCEL cc:	2,025 SF	0.93 AC
OUT-PARCEL dd:	2.025 SF	1.08 AC
OPEN SPACE:		3.99 AC

M-1 ZONING: MINI-STORAGE +/- 14.82 AC

USE	AREA
MINI-STORAGE:	140,200 SF
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OPEN SPACE:	232,656 SF

R-2 ZONING: APARTMENTS +/- 29.39 AC AC

USE:	AREA	UNIT COUNT
APARTMENTS:	265,653 SF	740 UNITS
***3-STORY GARDEN STYLE		
PARKING:		1,500 SPACES
HARD SURFACE AREA:	684,881 SF	
OPEN SPACE:	323,772 SF	

R-2 ZONING: TOWNHOMES +/- 14.97 AC

USE:	AREA	UNIT COUNT
TOWNHOMES:	128,000 SF	164 UNITS / 41 BLDGS.
PARKING:		350 SPACES
PAVEMENT:	175,590 SF	
OPEN SPACE:	348,532 SF	

RIGHT-OF-WAY
EXISTING DEDICATION: +/- 1.48 AC (64,685 SF)
INTERNAL ROW: 6.57 AC (285,976 SF)
HARD SURFACE AREA: 3.39 AC (147,809)
LANDSCAPE AREA: 3.17 AC)138,167 SF)

MASTER PLAN | MIXED USE EXHIBIT | MAY 2022

SHERMAN HIGHWAY 82 MIXED USE

SHERMAN, TEXAS

N W E S

150 75 37.5 0 150
1"=150'

BOHLER

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Sherman
CLASSIC TOWN. BROAD HORIZON.

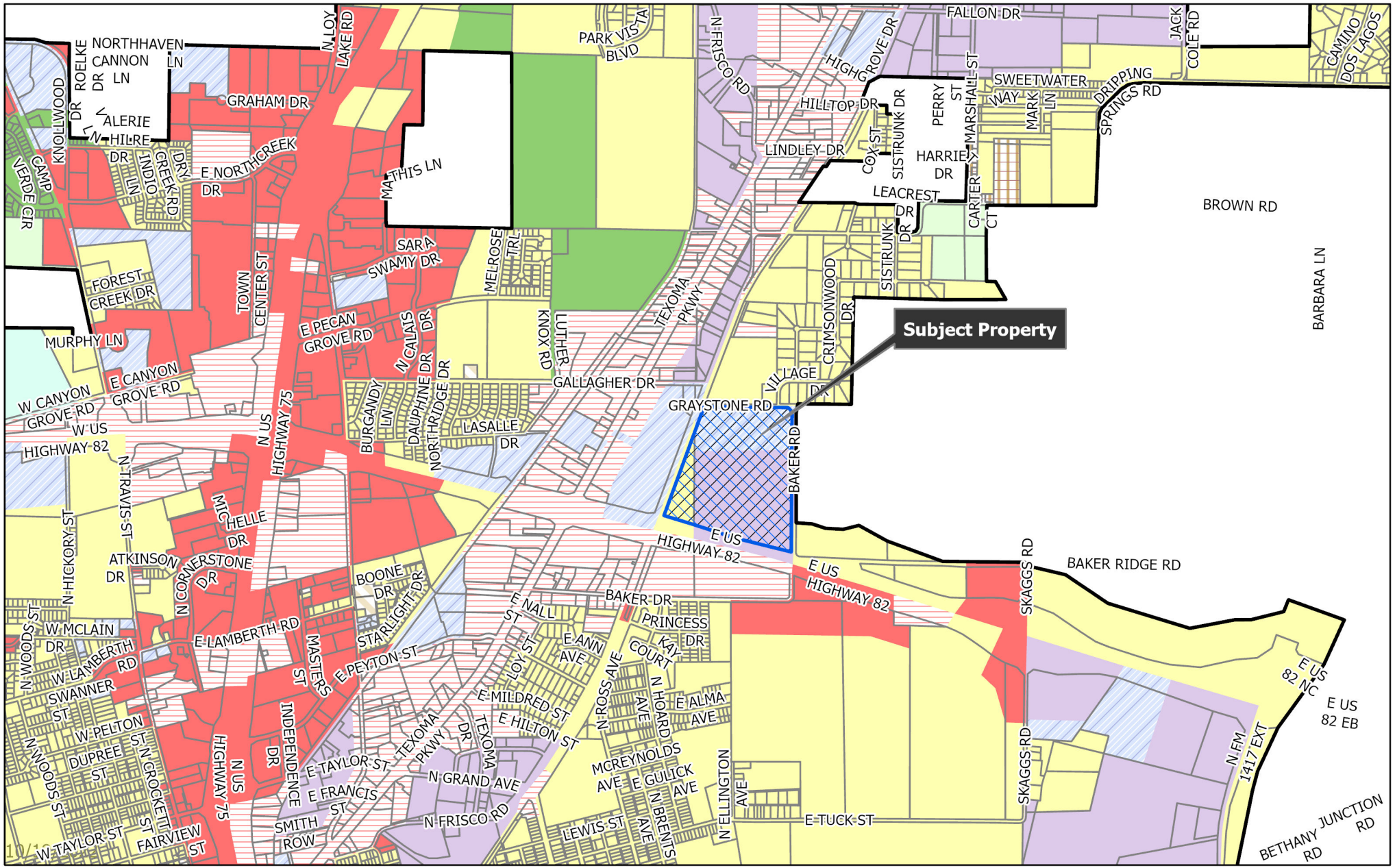
City of Sherman, Texas
Development Services Department

CITY OF SHERMAN

2300-2700 Hwy 82 East

N
W E
S

Date: 10/19/2022 10:27 AM Scale: 1:17,540



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Sherman
CLASSIC TOWN. BROAD HORIZON.

City of Sherman, Texas
Development Services Department

- BIP Blalock Industrial Park
- C-1 Retail Business District
- C-2 General Commercial District
- CO Office District
- Lakes
- M-1 Light Manufacturing District
- M-1.5 Medium Manufacturing District
- M-2 Heavy Manufacturing District
- MH Manufacturing Housing Distgrict
- R-1 One Family Residential District
- R-2 Multi-Family Residential District
- R-A Single Family Agricultural District
- SF-1 Single Family Residential District
- PD Planned Development
- Subject Locations
- Parcels
- City Limits

CITY OF SHERMAN
Zoning Location Map

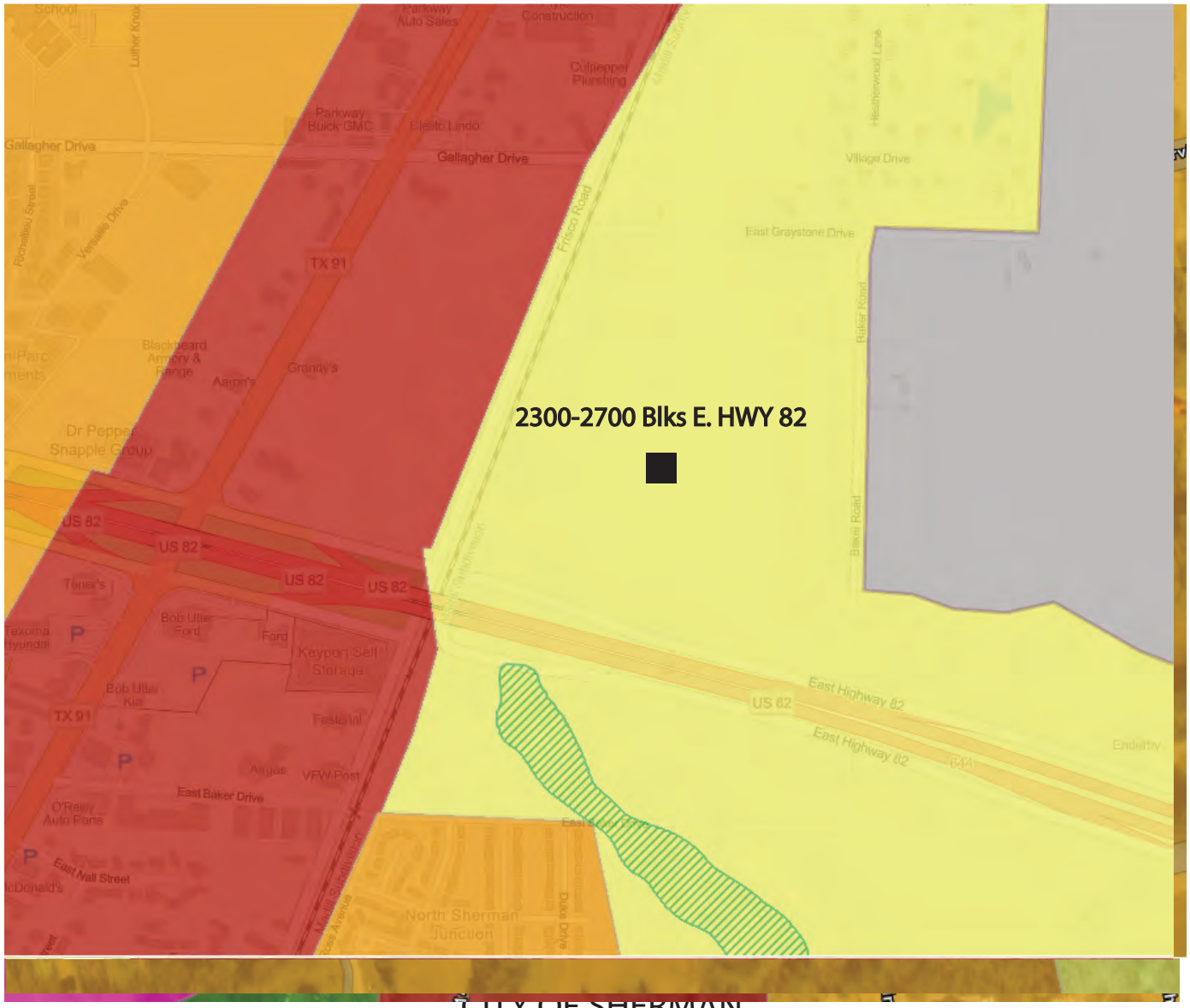
2300-2700 Hwy 82 East

N
W E
S

Scale: 1:23,880

Date: 10/19/2022 10:27 AM

2300-2700 E Hwy 82



CITY OF SHERMAN
Future Land Use Map
2300-2700 Blocks E. Highway 82

- AGRICULTURE/RURAL
- COMMUNITY COMMERCIAL
- CORE NEIGHBORHOOD
- DOWNTOWN
- PARKS
- REGIONAL COMMERCIAL
- SUBURBAN NEIGHBORHOOD
- TECHNOLOGY HUB
- FLOODPLAIN & OPEN SPACE
- NTRA ZONING
- AIRPORT

SUBURBAN NEIGHBORHOOD

Intent & Character

The Suburban Neighborhood category is intended to allow primarily single-family detached in a "complete neighborhood" setting. New subdivisions should include a mix of housing products and lot sizes. Areas of supporting local commercial should be integrated into the neighborhoods, primarily along major streets near the entrance of neighborhoods. Community amenities such as parks, trails, open spaces, and civic uses should also be included in the creation of new subdivisions. This category gives flexibility for the creation of master-planned neighborhoods that are compatible with the surrounding area.

Appropriate Land Use Types

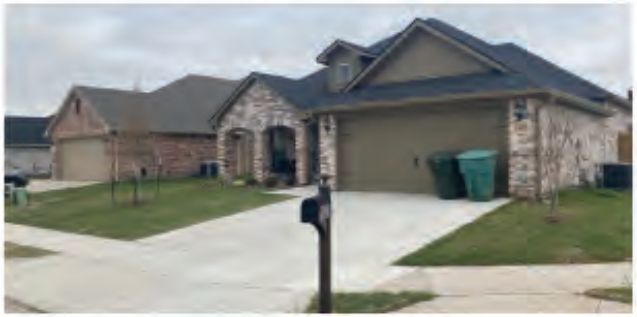
- Single-family detached (primary land use type)
- Single-family attached (duplexes and townhomes)
- Local/neighborhood commercial and office
- Parks and open space
- Schools and civic uses

Compatible Zoning Districts

- Estate Residential
- Single-Family Residential (R-12, R-6, R-5, and R-4)
- Multi-Family Residential (MF-15 and MF-30)
- Manufactured Housing
- Neighborhood Commercial
- Planned Development

Considerations

- Street connections to existing and future developments.
- Smaller lots and denser development can serve as a transition from the local commercial areas.



Example of existing suburban development in Sherman

6017 Main Street
Frisco, TX 75034
469.458.7300

Project Narrative
For a
Zoning Change Application

Submitted on behalf of:
Frostfire Hwy 82, LLC
12801 N Central Expwy, Suite 140
Dallas, TX 75243
Mr. Bhadresh Trivedi
Bhadresh.trivedi@yahoo.com

Submitted to:

The City of Sherman, Texas
Development Services
220 W Mulberry
PO Box 1106
Sherman, TX 75091

May 23, 2022

Frostfire Hwy 82, LLC is pleased to submit this Project Narrative statement along with our application to The City of Sherman to request a Zoning Change with our application. This application, if approved, will allow for the development of a mixed use development consisting of commercial uses, residential uses, and light manufacturing uses on approximately 74 acres, located northeast of the intersection of US-82 and Frisco Rd.

The project parcel is currently zoned with a mix of M-1, R-1, and R-2. Which allows Multi-family, Industrial, and Single family. The intended zoning being proposed consist of R-2 and C-2 with a Specific use Permit request to allow mini-storage which is close to the current zoning. Our desire is to create a development that allows for a more successful over all planned development that would include commercial/retail along US 82, Self-storage & flex office next to the railroad, and the remaining property to be residential/multi-family.

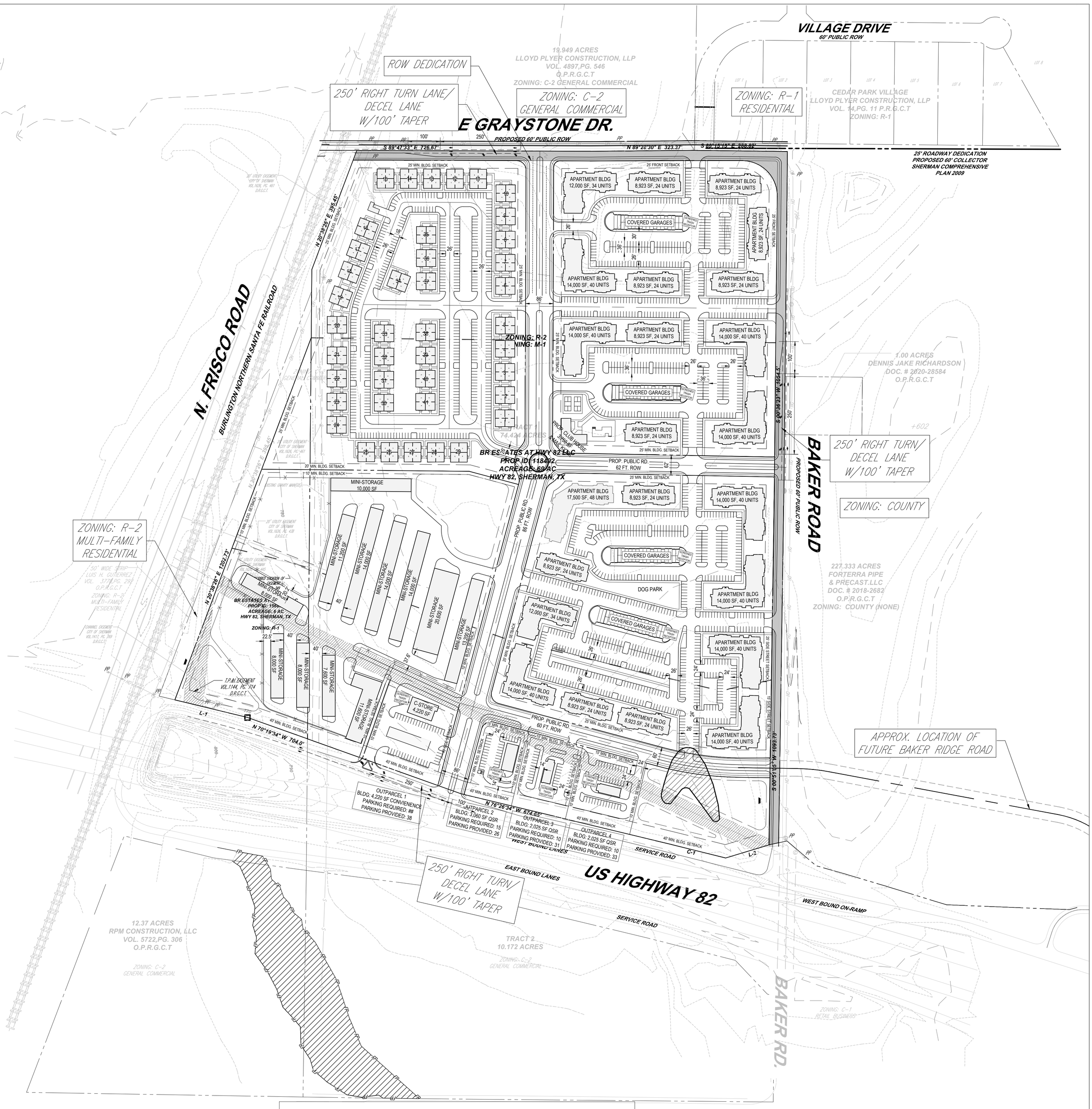
The commercial uses along US-82 and will allow Retail, Commercial, Fast Food, & Fuel station to capture business and continue the retail corridor spillover from Texoma Parkway. The proposed multifamily residential will offer people that prefer to rent a quality development that offers a pool, and clubhouse with amenity center.

With regards to traffic, a TIA was performed. Currently Baker Rd does not connect to US 82. This development is proposing and offering to construct a connection between Baker Rd & Baker Ridge Rd that would than allow traffic to directly connect onto US 82 from this development and neighborhoods to the North. Baker Rd would be widened between Grayson Dr & US 82 Westbound Frontage Rd to a two-lane undivided paved asphalt road with 12 feet wide lanes. Also, Grayson Dr is planned to be widened to a full two-lane road.

Our team strongly believes that the mixed-use zoning changes that are being requested will create better balance to the overall 74ac property. The entire development team looks forward to working with The City of Sherman to make this a successful project in the North West part of Sherman. We respectfully request your support for this of Zoning Change.

Respectfully,

Mathias Haubert, P.E.



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\\BOHLERENG.NET\SHARES\TX-PROJECTS\2022\TXA220010.00\CAD\DRAWINGS\XREFS\X - PROP3----->LAYOUT: VERTICAL

BOHLER
6017 MAIN STREET
FRISCO, TX 75034
Phone: (469) 458-7300
TX@BohlerEng.com
TBPE No. 18065 | TBPLS No. 10194413

HIGHWAY 82 MIXED USE

SHERMAN, TEXAS | PLAN REV.

May 23, 2022 | KM | Project#TXA220010 | Rev

150 75 37.5 0 150
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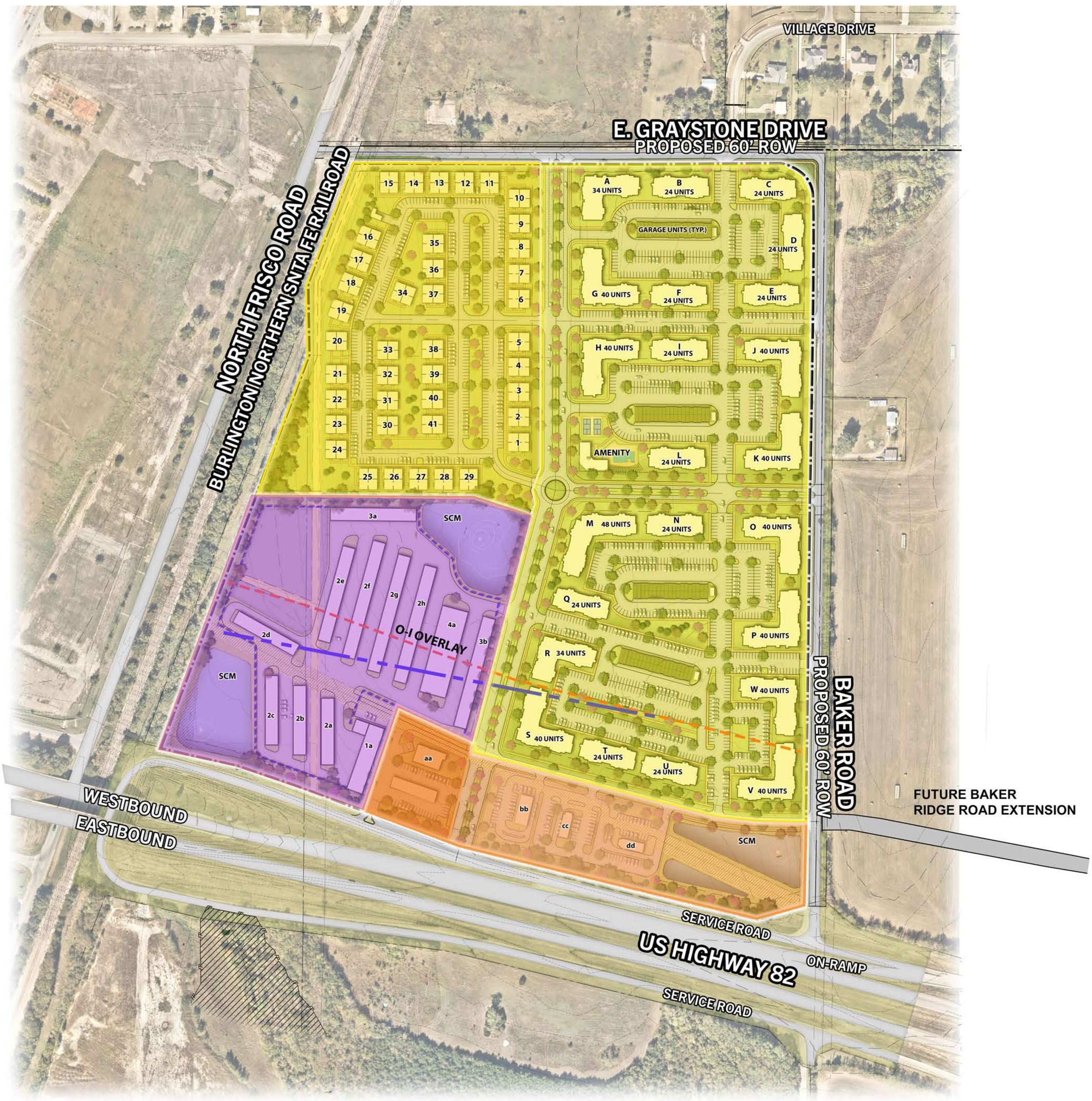

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MASTER PLAN | MIXED USE EXHIBIT | MAY 2022

SHERMAN HIGHWAY 82 MIXED USE

SHERMAN, TEXAS

N W E S

150 75 37.5 0 150
1"=150'

BOHLER

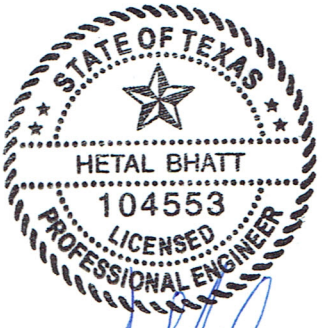
TRAFFIC IMPACT ANALYSIS FOR
MIXED-USE DEVELOPMENT ON GRAYSTONE DRIVE
SHERMAN, TEXAS

Prepared for:
Bohler Engineering
6017 Main Street
Frisco, TX 75034

Prepared by:

LEE ENGINEERING
3030 LBJ Freeway, Suite 1660
Dallas, Texas 75234
(972) 248-3006
TBPE Firm F-450

November 2022



11/04/2022

T1846.13

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INTRODUCTION

This traffic study was performed to analyze the potential traffic impacts of the proposed mixed-use development located to the southeast of the Graystone Drive and Frisco Road intersection in Sherman, Texas. A vicinity map of the study area is shown in **Figure 1,** and a site plan for the development is shown in **Figure 2**. The following elements were included in this study:

Data Collection

- Collected weekday AM and PM peak hour turning movement volumes at the following three (3) existing study intersections:
    - Frisco Road and Graystone Drive
    - Village Drive and Graystone Drive
    - Sistrunk Street and Dripping Spring Road
- Studied existing roadway configurations, surrounding land areas, and sight distance at the proposed access points.
- Obtained the proposed site plan, information related to planned roadway improvements, and other relevant information.

Traffic Analysis

- Assessed the general accessibility of the site.
- Estimated the number of trips that will be generated by the proposed development and other future development in the area.
- Estimated the directional distribution of traffic approaching / departing the proposed development during the AM and PM peak hours.
- Reviewed available historical and projected traffic volume data for the study area roadways.
- Determined the growth rate of traffic in the area and estimated non-site traffic volumes for the study area at site build-out.
- Assigned the estimated traffic to the street network.

Recommendations

- Determined if any roadway improvements are needed to accommodate projected traffic generated by the proposed development.

Documentation

- Prepared this report documenting the study procedures and results.

Figure 1: Vicinity Map of the Study Area

SITE DATA

SHERMAN, TEXAS
MAY 23, 2022
PROJECT NUMBER: TXA220010

EXISTING PROPERTY INFORMATION
PIN: 156872 AND 118492
ADDRESS: HWY 82, SHERMAN, TEXAS
TOTAL ACREAGE: +/- 75 ACRES
EXISTING ZONING: M-1, C-2 AND R-2
PROPOSED ZONING: M-1, C-2, R-2
OVERLAY: O-1 (HIGHWAY 82), 500' FROM ROW

SETBACKS:
OVERLAY DISTRICT: O-1 (HIGHWAY 82)
HIGHWAY FRONTAGE: 40' OR 25; PLUS
HT. OF BLDG.
INTERNAL STREETS: 15'
REAR/SIDE: 5'
R-2, MULTI-FAMILY
FRONT: 25'
SIDE SETBACK/YARD: 25' (MIN. 7')
REAR SETBACK/YARD: 25'
C-2, COMMERCIAL
FRONT: 15'
SIDE SETBACK/YARD: 10'
REAR SETBACK/YARD: 0'

LAND USES:

COMMERCIAL:
ACREAGE: +/- 6.44 AC (280,526 SF)
COMMUNITY OPEN SPACE: 2.20 AC (96,036 SF)
PROPOSED ZONING: C-2

OUTPARCEL 1
PARCEL SF: +/- 1.42 AC (61,921 SF)
BUILDING SF: 4,228 SF
HARD SUFACE AREA: 33,151 SF
LANDSCAPE AREA: 24,542 SF
FLOOR/AREA RATIO: 0.01

OUTPARCEL 2
PARCEL SF: +/- 0.81 ac (35,077 SF)
BUILDING SF: 3,064 SF
HARD SUFACE AREA: 15,000 SF
LANDSCAPE AREA: 17,013 SF
FLOOR/AREA RATIO: 0.09

OUTPARCEL 3
PARCEL SF: +/- 0.93 AC (40,647 SF)
BUILDING SF: 2,025 SF
HARD SUFACE AREA: 22,027 SF
LANDSCAPE AREA: 15,695 SF
FLOOR/AREA RATIO: 0.05

OUTPARCEL 4
PARCEL SF: +/- 1.08 AC (47,182 SF)
BUILDING SF: 2,025 SF
HARD SUFACE AREA: 24,271 SF
LANDSCAPE AREA: 20,886 SF
FLOOR/AREA RATIO: 0.04

RIGHT-OF-WAY
EXISTING DEDICATION: +/- 1.48 AC (64,685 SF)
INTERNAL ROW: 6.57 AC (285,976 SF)
HARD SURFACE AREA: 3.39 AC (147,809 SF)
LANDSCAPE AREA: 3.17 AC (138,167 SF)

RESIDENTIAL:
ACREAGE: +/- 44.31 AC (1,930,179 SF)
PROPOSED ZONING: R-2

APARTMENTS
PARCEL SF: +/- 29.34 AC (1,278,056 SF)
BUILDING SF: 265,653 SF
AMENITY BLDG.: 3,758 SF
HARD SUFACE AREA: 686,381 SF
LANDSCAPE AREA: 323,772 SF
FLOOR/AREA RATIO: 0.62

TOWNHOMES
PARCEL SF: +/- 14.97 AC (652,122 SF
BUILDING SF: 128,000 SF
HARD SUFACE AREA: 175,590 SF
LANDSCAPE AREA: 348,532 SF
FLOOR/AREA RATIO: 0.20

MANUFACTURING:
ACREAGE: +/- 14.82 AC (645,559 SF)
PROPOSED ZONING: M-1

MINI-STORAGE
PARCEL SF: +/- 14.82 AC
TOTAL BUILDING SF: 140,200 SF
HARD SUFACE AREA: 272,703 SF
LANDSCAPE AREA: 232,656 SF
FLOOR/AREA RATIO: 0.22

NOTES:
1. PARKING SHALL MEET STANDARDS OF CITY OF SHERMAN UDO
2. FIRE LANES SHALL MEET CITY OF SHERMAN STANDARDS
3. BUILDING DESIGN REQUIREMENTS SHALL BE MET PER ORDINANCE
4. SECTION 6.13.1 O-1 (HWY 82) OVERLAY DISTRICT, 500 FT ON EITHER SIDE OF HWY 82

MASTER PLAN | MAY 2022

SHERMAN HIGHWAY 82 MIXED USE

SHERMAN, TEXAS

BOHLER

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Proposed Site Plan

Figure 2

SITE ACCESSIBILITY

Site accessibility describes the ease with which vehicles can get to and from a development. A site's accessibility is affected by the geographical location of the development with respect to other activity areas, the roadway system, and physical restraints such as rivers or lakes.

The existing lane configurations for the adjacent roadways are provided in **Figure 3**. The following paragraphs provide a description of the study area roadways. Any reference to Thoroughfare Plan implies Map 4.2 of the Comprehensive Plan (2022 update).

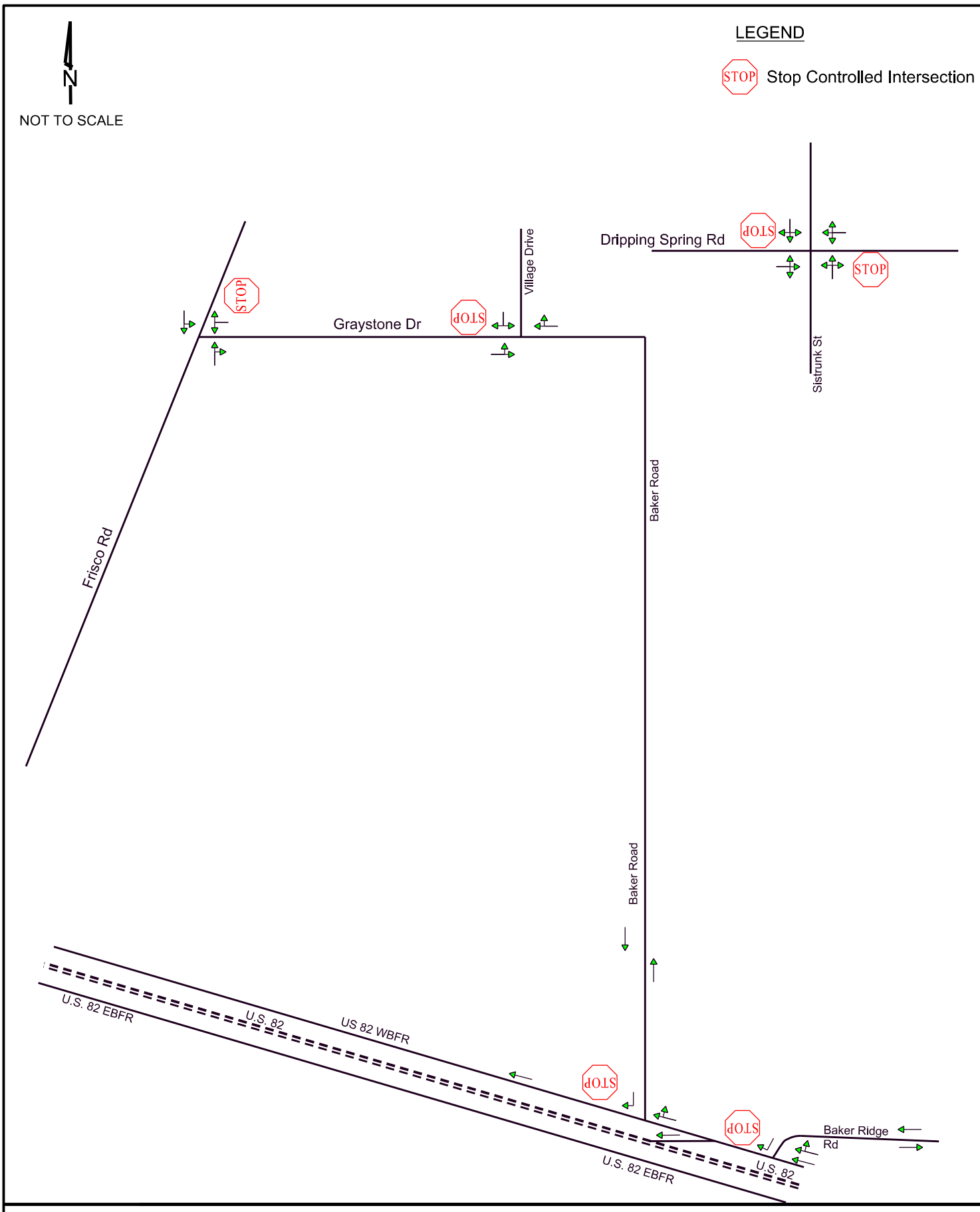
Graystone Drive – Graystone Drive is an east-west roadway north of the proposed development. Its assumed speed limit is 30 miles per hour (mph) since a posted speed limit was not observed during the site visit. During site observations, the width of the roadway was measured at 19 feet. Graystone Drive is a two-lane undivided roadway that is classified as a Collector Street in the City of Sherman Thoroughfare plan. Two access points to the proposed development will be located on Graystone Drive.

Based on the information provided by Bohler Engineering, the project will widen this roadway between Village Drive and Baker Road to a two-lane undivided asphalt roadway with 12 feet wide lanes. Based on the virtual meeting held between Lee Engineering, Bohler Engineering, and the City Staff, we understood that the proposed development to the north of Graystone Drive will widen this roadway to a two-lane divided roadway with 12 feet wide lanes between Frisco Road and Village Drive.

Frisco Road – Frisco Road is a north-south roadway west of the proposed development with a posted speed limit of 35 mph. Frisco Road is a two-lane undivided roadway that is classified as a Collector Street in the City of Sherman Thoroughfare plan. To the southwest of the site, Frisco Road connects to US 82, a major roadway in the area. However, due to a railroad line that parallels Frisco Road on its east side, the connection to US 82 is only directly to and from the west. Trips to and from US 82 to the east must U-turn at Texoma Parkway (SH 91) 0.25 miles to the west.

Village Drive – Village Drive is a short residential street northeast of the proposed development. It has an assumed speed limit of 30 mph since a posted speed limit was not observed during the site visit. Village Drive is a two-lane undivided roadway that is classified as a Local Street in the City of Sherman Thoroughfare plan.

Dripping Spring Road – Dripping Spring Road is an east-west roadway approximately a half mile north of the proposed development. It has an assumed speed limit of 30 mph since a posted speed limit was not observed during the site visit. Dripping Spring Road is a two-lane undivided roadway that is classified as a Minor Arterial in the City of Sherman Thoroughfare Plan.



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Existing Intersection Lane Configurations

Figure 3

Sistrunk Street – Sistrunk Street is a short north-south residential street located northeast of the proposed development. It has an assumed speed limit of 30 mph since a posted speed limit was not observed during the site visit. Sistrunk Street is a two-lane undivided roadway that is classified as a Local Street in the City of Sherman Thoroughfare Plan.

Baker Road – Baker Road is a north-south roadway east of the proposed development. It has an assumed speed limit of 30 mph since a posted speed limit was not observed during the site visit. Baker Road is a two-lane undivided roadway that is classified as a Local Street in the City of Sherman Thoroughfare plan. During site observations, the width of the roadway was measured at 19 feet. Based on the information provided by Bohler Engineering, the project will widen this roadway between Grayson Drive and US 82 Westbound Frontage Road to a two-lane undivided asphalt roadway with 12 feet wide lanes.

Baker Ridge Road – Baker Ridge Road is an east-west roadway southeast of the proposed development. It has an assumed speed limit of 30 mph since a posted speed limit was not observed during the site visit. Baker Ridge Road is a two-lane undivided roadway that is classified as a Local Street in the City of Sherman Thoroughfare plan. As per discussions with the developer, Baker Ridge Road is planned to be connected to Baker Road by a new two-way roadway link by the Build-Out Year (2028). The new connection will facilitate access from the development to the on-ramp for the westbound US 82 main lanes via the intersection of Baker Ridge Road and the US 82 Westbound Frontage Road (WBFR).

Based on the information provided by Bohler Engineering, the project will construct the proposed Baker Road connection to Baker Ridge Road. This connection will be a two-lane undivided asphalt roadway with 12 feet wide lanes.

US 82 Westbound Frontage Road – US 82 Westbound frontage road is an east-west roadway south of the proposed development. Based on the TxDOT statewide planning map, the speed limit on the frontage road is assumed to be 55 mph since a posted speed limit was not observed during the site visit. The US 82 westbound frontage road is a two-lane one-way roadway entering the study area from the east. The left-hand lane drops to the on-ramp for the US 82 main lanes just east of the Baker Road intersection.

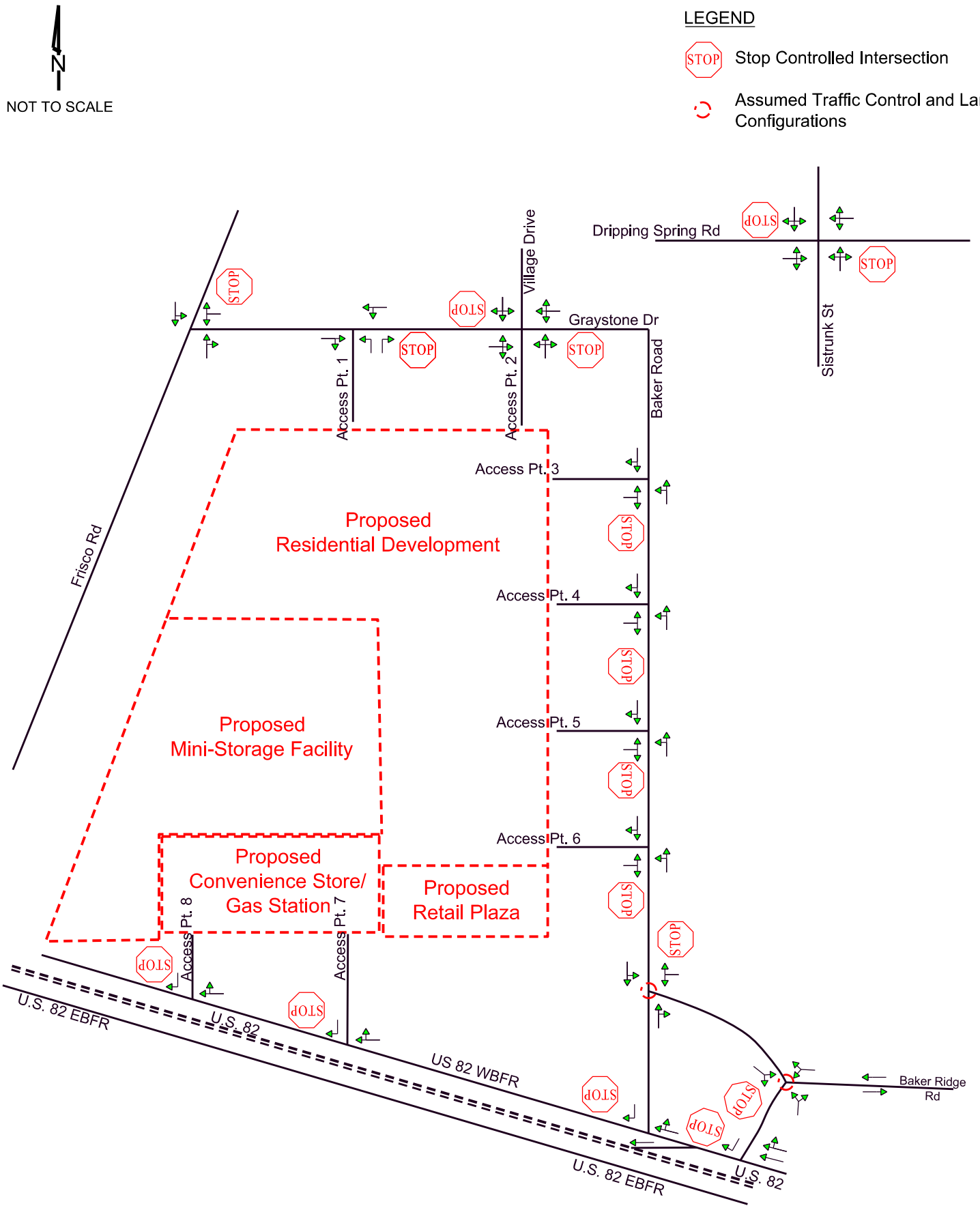
The westbound frontage road continues as a single-lane roadway to the west of the on-ramp and adjacent to the proposed site. The frontage road U-turns underneath the US 82 main lanes near the southwest corner of the proposed mixed-use development and before the rail lane parallel to Frisco Road. This requires all traffic on the westbound frontage road to travel via the US 82 eastbound frontage road before connecting to other routes.

The proposed lane configurations are shown in **Figure 4**.

Access to the proposed mixed-use development will be provided by two access points on Graystone Drive, four access points on Baker Road, and two access points on the US 82 WBFR:

- Access Point 1 will be located on Graystone Drive, about 660 feet east of Frisco Road.
- Access Point 2 will be opposite Village Drive, about 450 feet east of Access Point 1.
- Access Points 3, 4, 5, and 6 will be located on Baker Road, about 475 feet, 950 feet, 1,450 feet, and 1,900 feet south of Graystone Drive, respectively. Access Point 6 will be about 320 feet north of the US 82 WBFR.
- Access Point 7 will be located on the US 82 WBFR approximately 1,000 feet west of Baker Road.
- Access Point 8 will be located on US 82 WBFR, about 1,300 feet west of Baker Road.

The proposed site access point locations and lane configurations are shown in Figure 4.



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Proposed Intersection Lane Configurations

Figure 4

PROPOSED DEVELOPMENT

The proposed mixed-use development on Graystone Drive is planned to include 740 multifamily housing lots, 164 single-family attached townhomes, 7,110 square feet of Retail Plaza, 140,200 square feet of Mini-Storage/Warehouse, and a Gas Station with 10 Vehicle Fueling Positions (VFP's) and a 4,228 square-foot Convenience Store. Based on discussions with the developer's representative, the Build-Out Year for the proposed development is planned to occur in 2028.

The number of trips generated by the proposed development is a function of the type and quantity of land uses within the development. The number of vehicle trips generated by the proposed development was estimated based on the trip generation rates and equations provided in the publication entitled *Trip Generation Manual, 11th Edition*, by the Institute of Transportation Engineers (ITE). Estimates of the number of trips generated by the site were made for the AM and PM peak hours, as well as on a daily basis. The trip generation characteristics for the proposed mixed-use development under Build-Out are shown in **Table 1**.

Table 1: Trip Generation Characteristics for Proposed Mixed-Use Development on Graystone Drive

Land Use (ITE Land Use)	ITE Code	Variable (X)	Average Weekday			AM Peak Hour			PM Peak Hour		
Equation/Rates[1]											
Multifamily Housing (Low-Rise)	220	Number of Dwelling Units	T = 6.41(X) + 75.31			T = 0.31(X) + 22.85			T = 0.43(X) + 20.55		
Single Family Attached Housing (Townhomes)	215	Number of Dwelling Units	T = 7.62(X) - 50.48			T = 0.52(X) - 5.70			T = 0.60(X) - 3.93		
Retail Plaza	822	1000 Sq Ft GFA	T = 42.20(X) + 229.68			T = 2.36(X)			Ln(T) = 0.71Ln(Y) + 2.72		
Mini-Storage/Warehouse	151	1000 Sq Ft GFA	T = 1.45(X)			T = 0.09(X)			T = 0.15(X)		
Convenience Store/Gas Station	945	Number of Vehicle Fueling Positions	T = 257.13(X)			T = 27.04(X)			T = 22.76(X)		
Convenience Store/Gas Station	945	1000 Sq Ft GFA	T = 560.88(X) + 548.79			T = 56.52(X)			T = 54.52(X)		
Directional Splits[2]											
Multifamily Housing (Low-Rise)	220	Number of Dwelling Units	50/50			24/76			63/37		
Single Family Attached Housing (Townhomes)	215	Number of Dwelling Units	50/50			31/69			57/43		
Retail Plaza	822	1000 Sq Ft GFA	50/50			60/40			50/50		
Mini-Storage/Warehouse	151	1000 Sq Ft GFA	50/50			59/41			47/53		
Convenience Store/Gas Station	945	Number of Vehicle Fueling Positions	50/50			50/50			50/50		
Convenience Store/Gas Station	945	1000 Sq Ft GFA	50/50			50/50			50/50		
Trips Generated											
Land Use	Amount	Variable (X)	Total	Enter	Exit	Total	Enter	Exit	Total	Enter	Exit
Multifamily Housing (Low-Rise)	740	Number of Dwelling Units	4,820	2,410	2,410	252	60	192	339	213	126
Single Family Attached Housing (Townhomes)	164	Number of Dwelling Units	1,200	600	600	80	25	55	94	53	41
Retail Plaza	7.11	1000 Sq Ft GFA	530	265	265	17	10	7	62	31	31
Mini-Storage/Warehouse	140.20	1000 Sq Ft GFA	204	102	102	13	8	5	21	10	11
Convenience Store/Gas Station	10	Number of Vehicle Fueling Positions	2,572	1,286	1,286	270	135	135	228	114	114
Total Trips			9,326	4,663	4,663	632	238	394	744	421	323
Internal Capture						8	4	4	86	43	43
TOTAL NEW TRIPS			**9,326**	**4,663**	**4,663**	**624**	**234**	**390**	**658**	**378**	**280**

[1]T = Trips Ends; X = Number of Dwelling Units; [2]XX / YY = % entering vehicles / % exiting vehicles; [3]Number of Dwelling Units

TRAFFIC VOLUMES

Existing Traffic Volumes

Existing weekday peak period turning movement counts at the three (3) existing study intersections were collected on Tuesday, May 10, 2022. Twenty-four-hour turning movement counts were collected at the intersection of Graystone Drive and Frisco Road, while peak period counts were collected at the other two intersections. Twenty-four-hour machine counts were also collected on the Baker Road and Baker Ridge Road study area roadways on Wednesday, August 3, 2022. **Figure 5** shows the existing traffic volumes collected for this traffic study. The raw traffic count data is provided in the **Appendix**.

Background Traffic Volumes

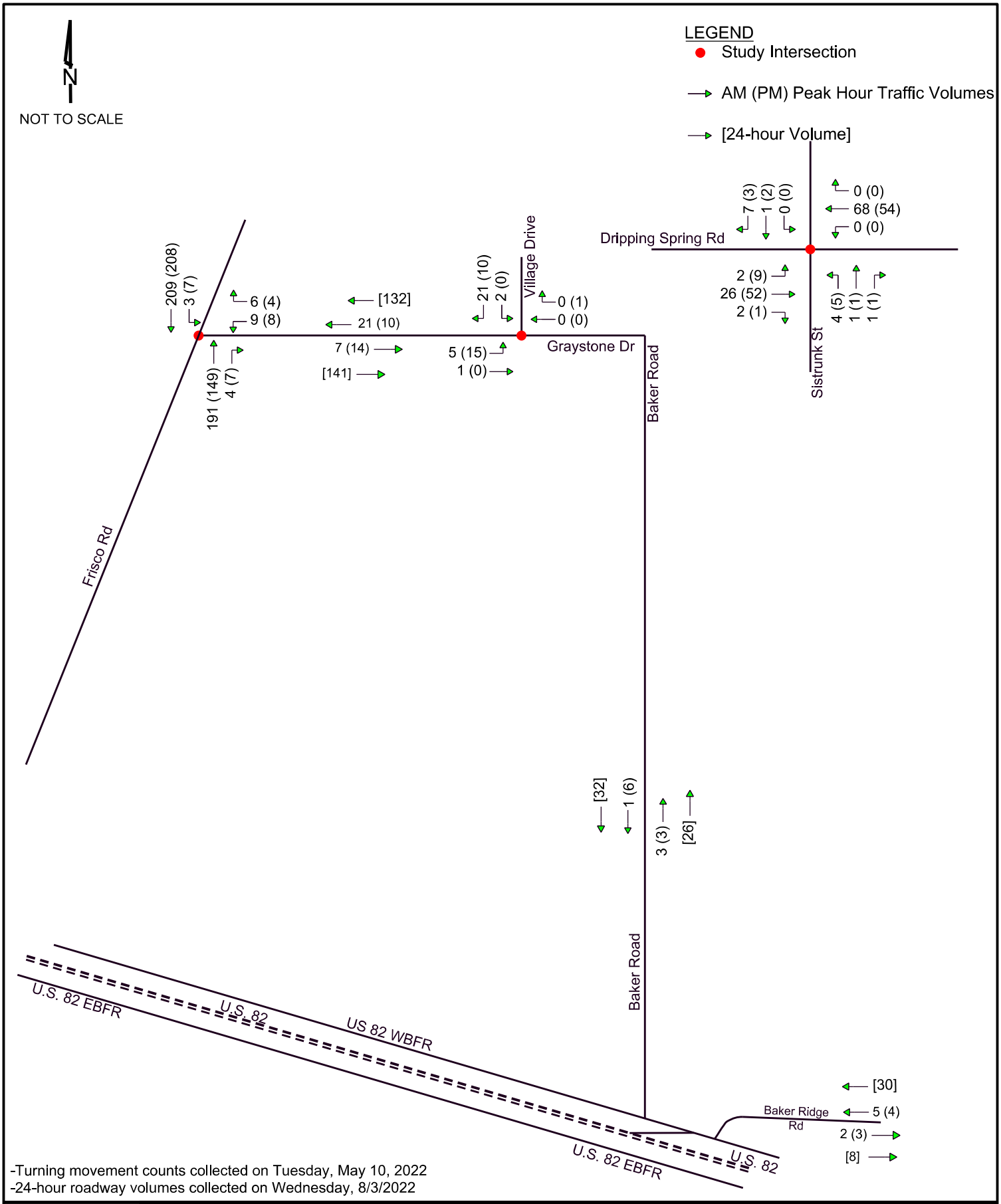
Historical average daily traffic (ADT) volumes in the study area were obtained from TxDOT's online Traffic Count Database System and are presented in **Table 2.**

Table 2: Historical Daily Traffic Counts

Year	Location	
	Frisco Road (S of Graystone Drive)	**Graystone Drive (E of Frisco Road)**
2008	3,630	380
2009	- - -	- - -
2010	- - -	- - -
2011	- - -	- - -
2012	- - -	- - -
2013	3,241	381
2014	- - -	- - -
2015	3,306	- - -
2016	- - -	- - -
2017	- - -	- - -
2018	3,026	322
2019	2,840	- - -
Average Annual Growth[1]	**-2% / -2%**	**-2% / -3%**

[1] Annual growth rate from 2008/2013 to 2019

The values in Table 2 show that traffic volumes on these area roadways have decreased over the past several years. However, for this traffic analysis, a conservative annual growth rate of 2% was used for determining background traffic volumes under Build-Out Year (2028) conditions. The existing traffic volumes on Baker Road are very low, and historical traffic volumes are not available, so the 2% growth rate rounds off to zero assumed growth along Baker Road. The resulting Build-Out Year (2028) Background traffic volumes are provided in **Figure 6**.



-Turning movement counts collected on Tuesday, May 10, 2022
-24-hour roadway volumes collected on Wednesday, 8/3/2022

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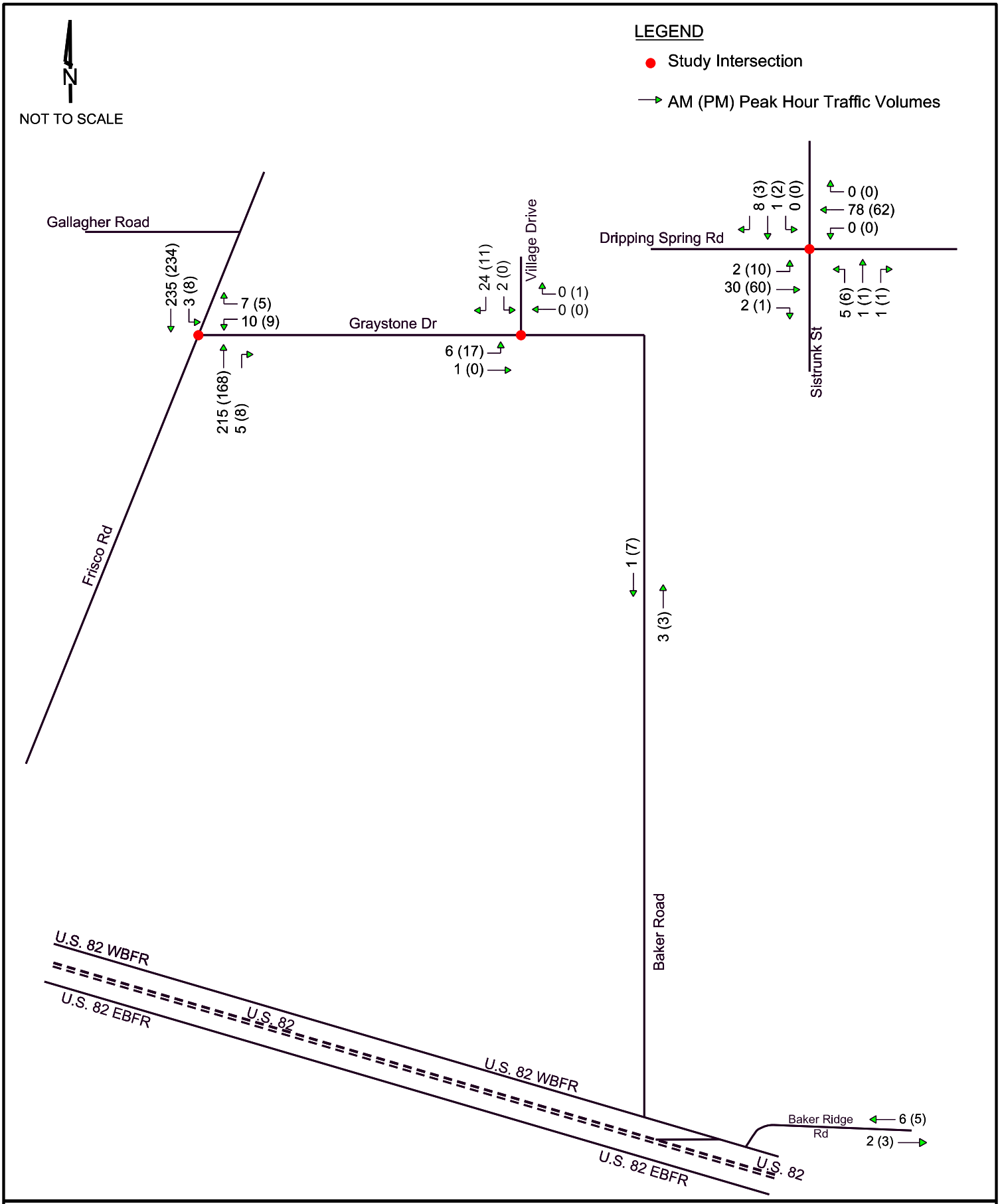
Existing (2022) Peak Hour Traffic Volumes

Figure 5



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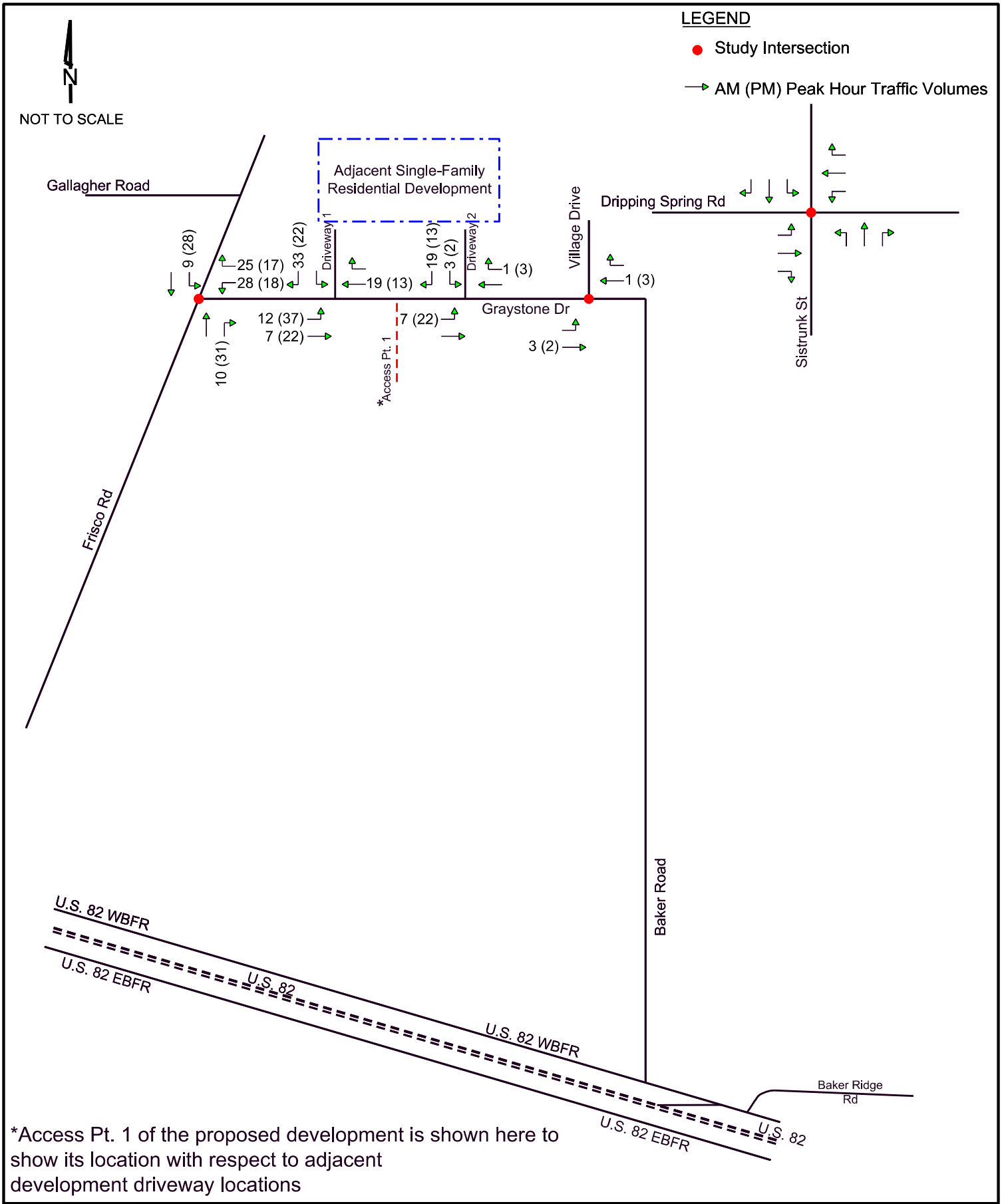
Build-Out Year (2028) Background Peak Hour Traffic Growth

Figure 6



*Access Pt. 1 of the proposed development is shown here to show its location with respect to adjacent development driveway locations

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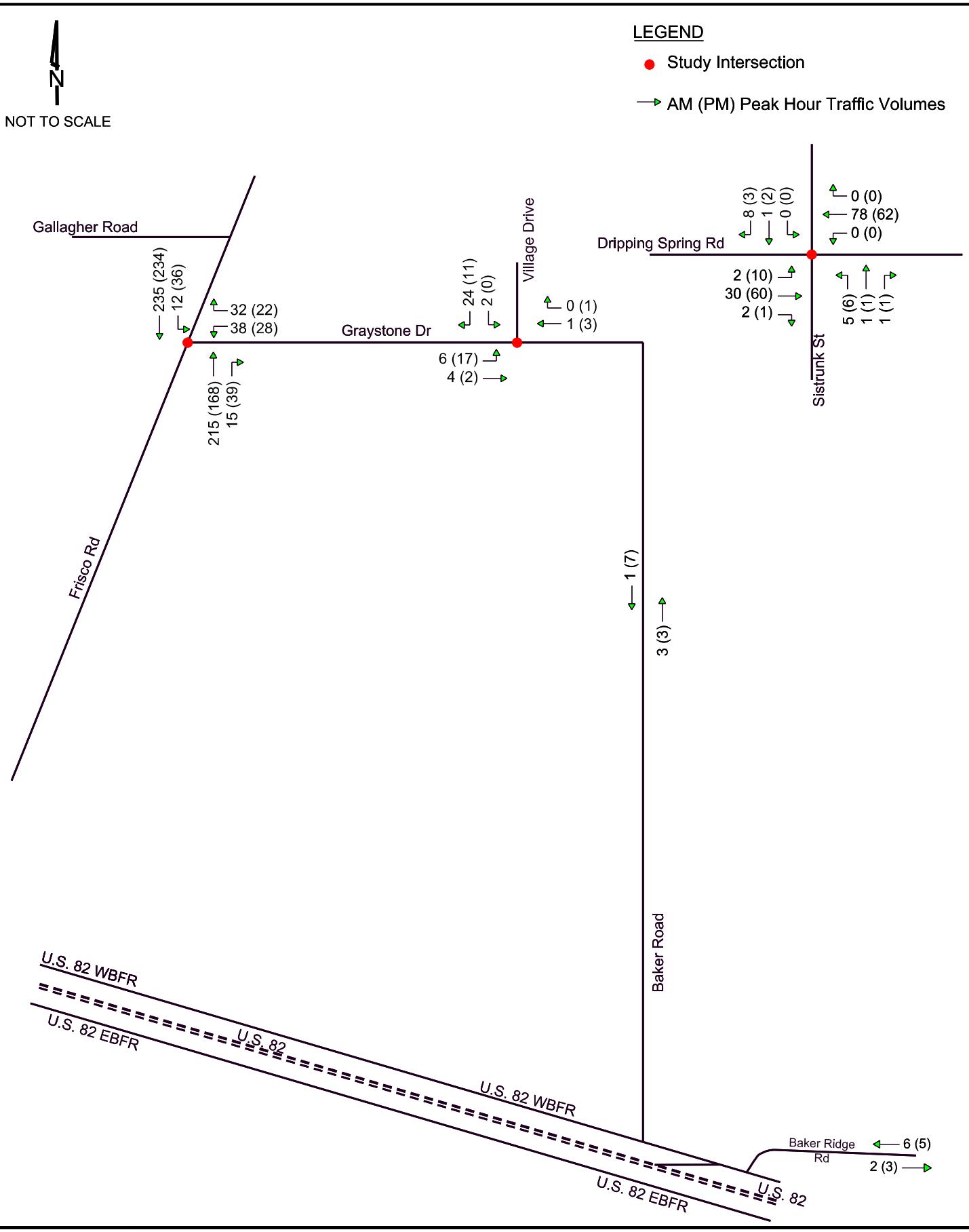
Build-Out Year (2028) Site Traffic
(Adjacent Single-Family Residential Development)

Figure 7



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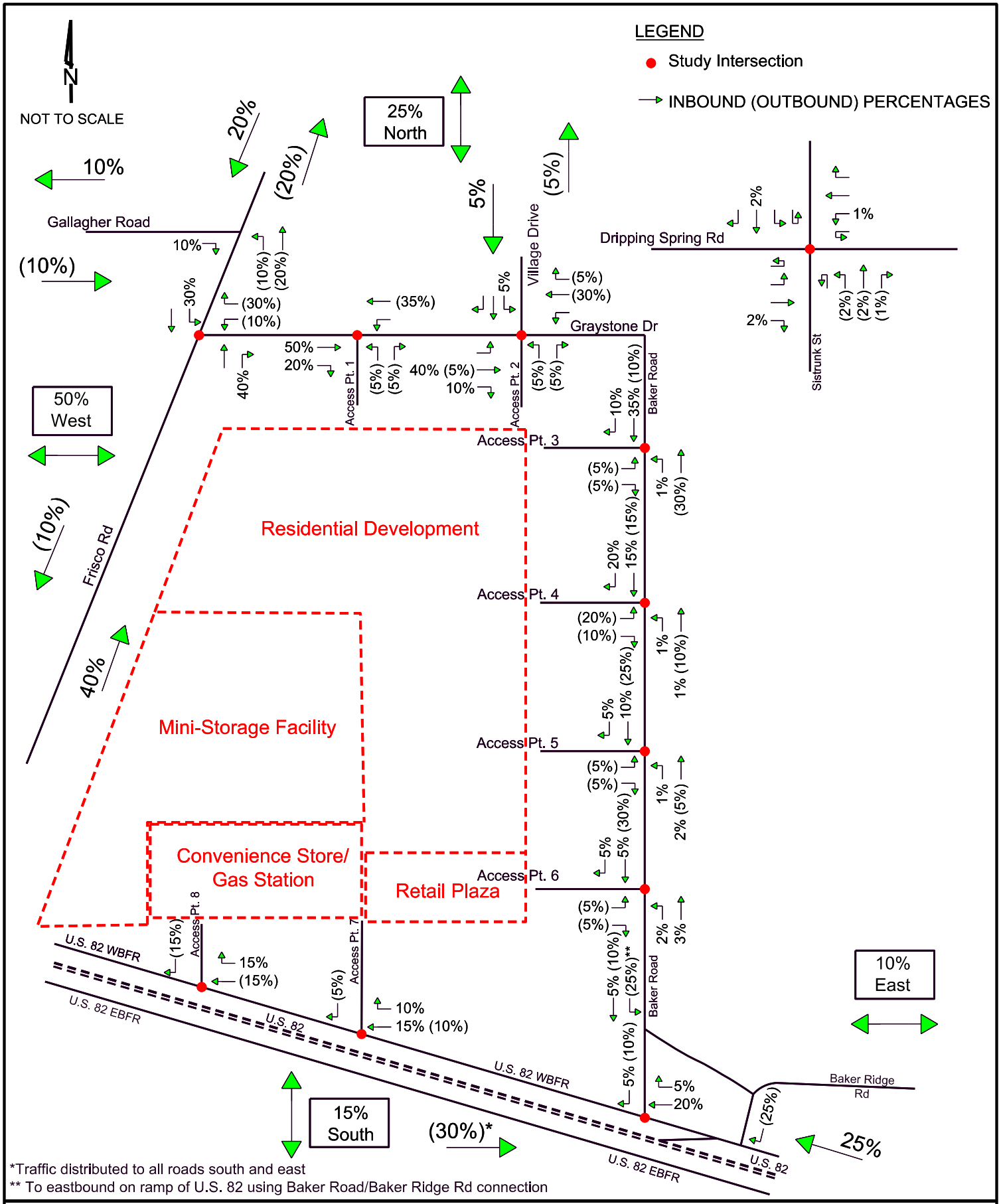
Build-Out Year (2028) Background Peak Hour Traffic Volumes
(Including Site Traffic from adjacent development)

Figure 8



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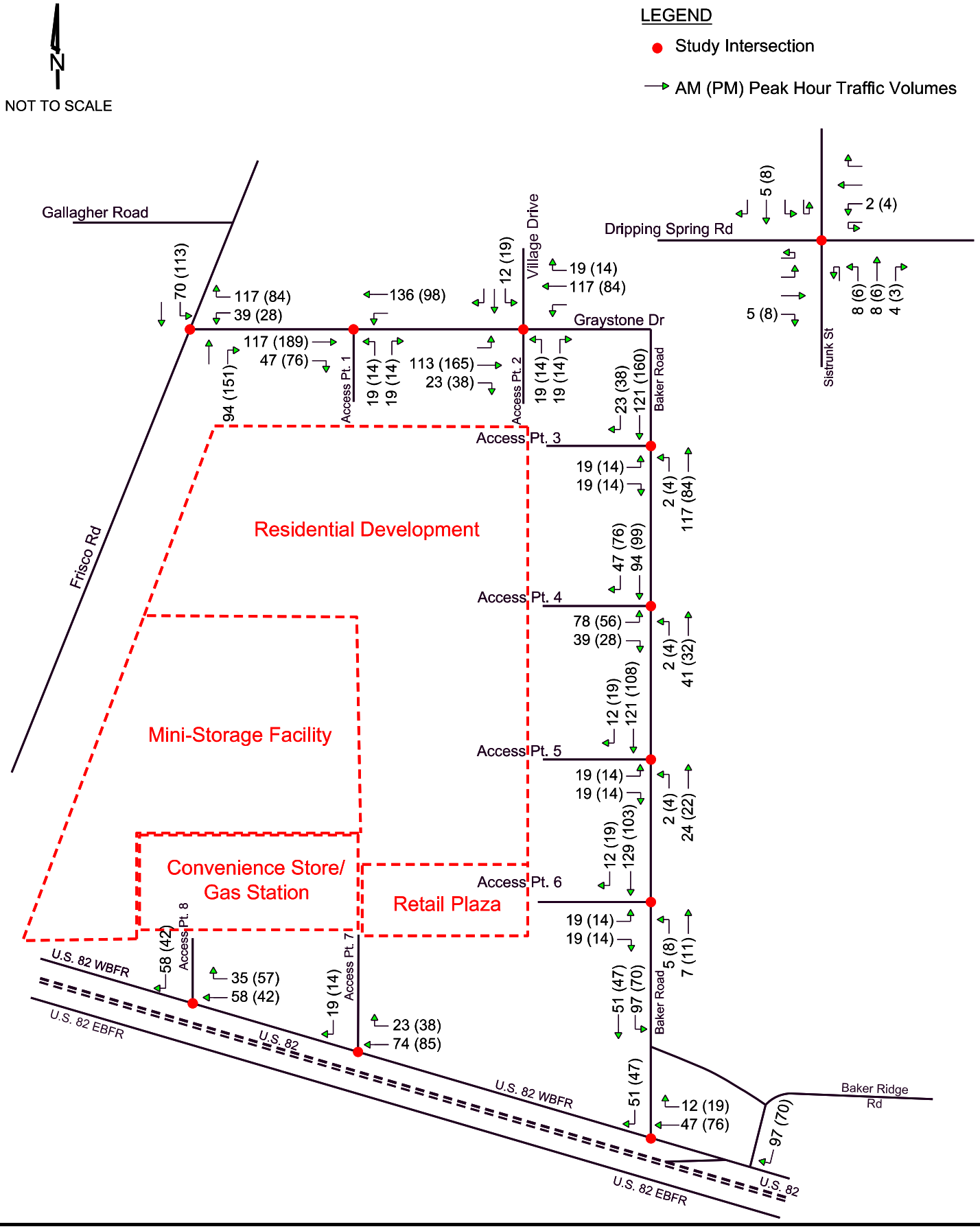
Assumed Directional Distributions
(Proposed Mixed-Use Development)

Figure 9



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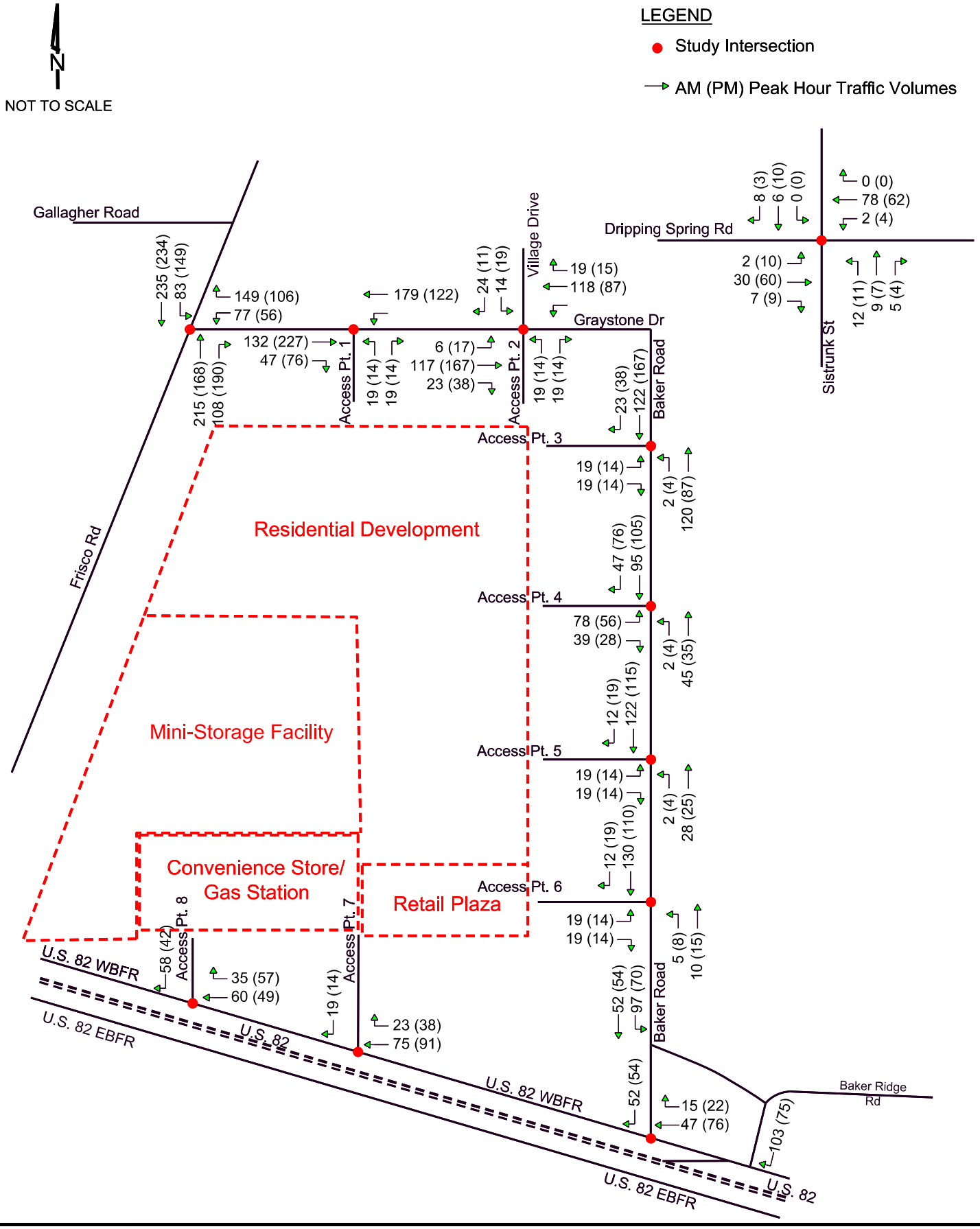
Site Generated Peak Hour Traffic Volumes

Figure 10



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Build-Out Year (2028) Peak Hour Traffic Volumes

Figure 11

TRIP DISTRIBUTION AND ASSIGNMENT

Trip Distribution

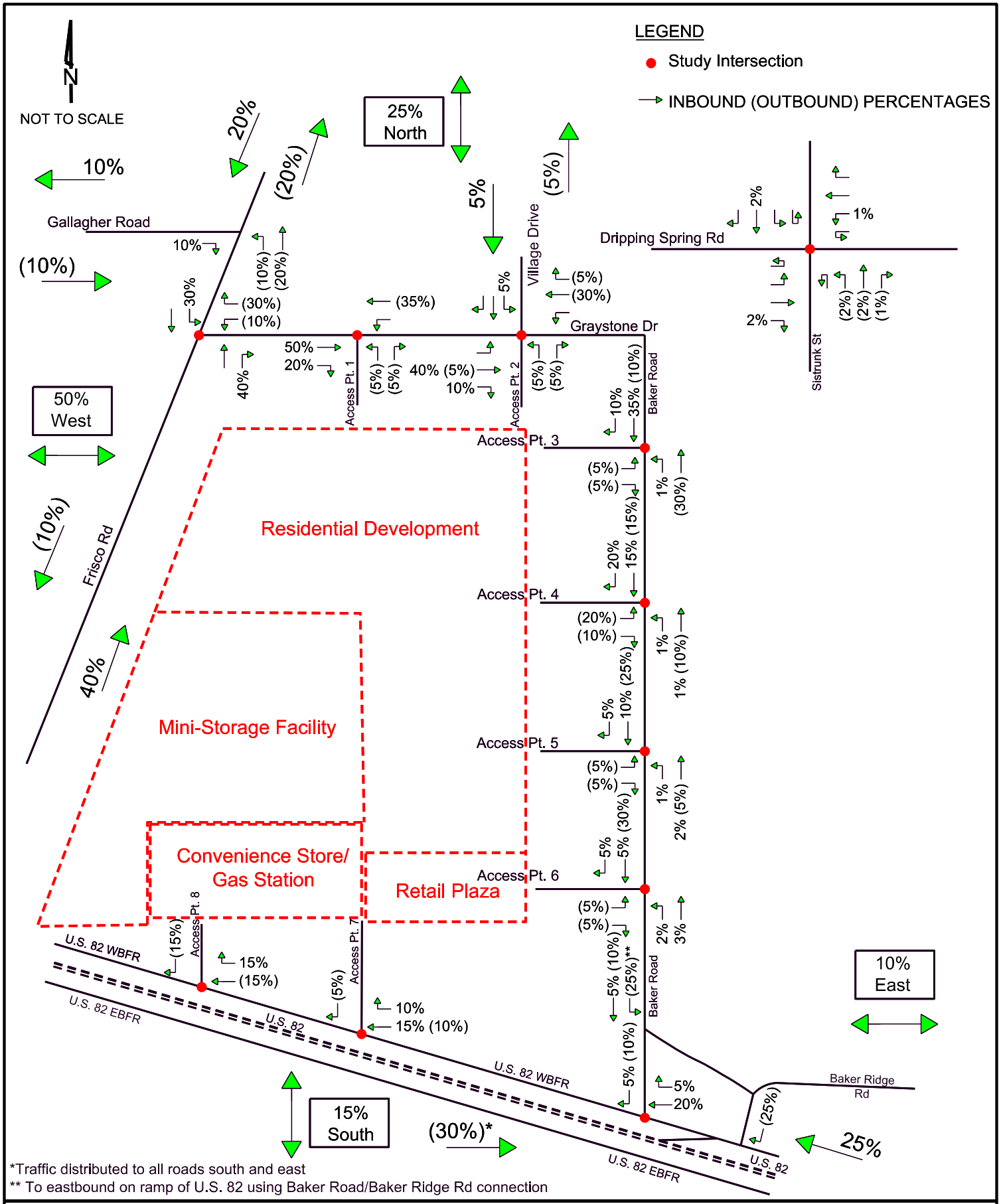
The existing traffic volumes and roadways in the area, along with the proposed site layout, were used to determine the directions from which traffic would approach and depart the proposed mixed-use development on Graystone Drive. The assumed directional distribution is provided in **Figure 9**.

Site Traffic Volumes

Traffic volumes expected to be generated by the proposed mixed-use development on Graystone Drive (Table 1) were assigned to the area roadways and site access points based on the directional distribution identified in Figure 9. The estimated site generated traffic volumes for the AM and PM peak hours are shown in **Figure 10**.

Total Traffic Conditions

Total (background + site) peak hour traffic conditions at Build-Out Year (2028) of the proposed mixed-use development were obtained by adding the proposed site generated traffic volumes (Figure 9) to the Build-Out Year (2028) Background traffic volumes (Figure 8), and are shown in **Figure 11**.



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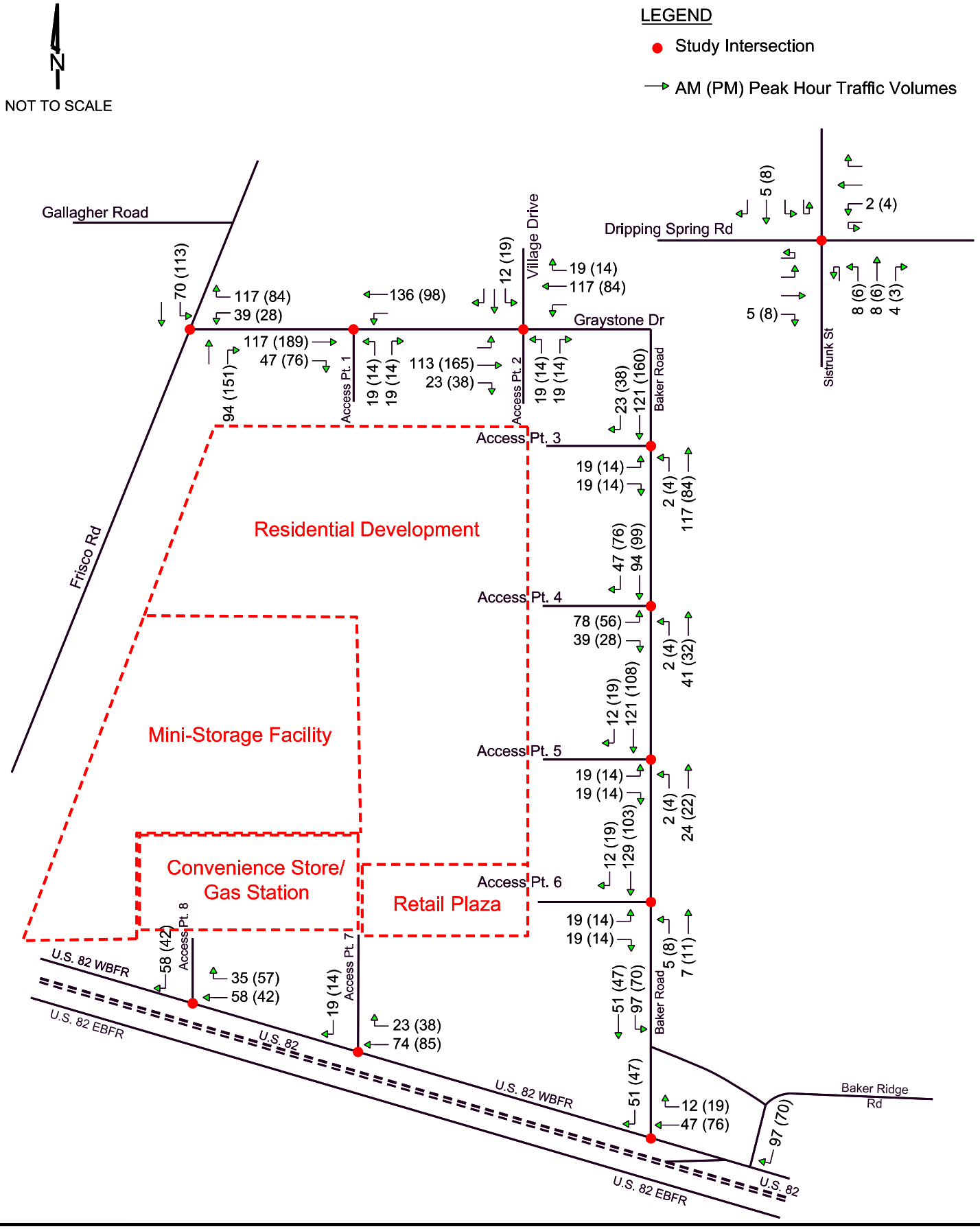
Assumed Directional Distributions
(Proposed Mixed-Use Development)

Figure 9



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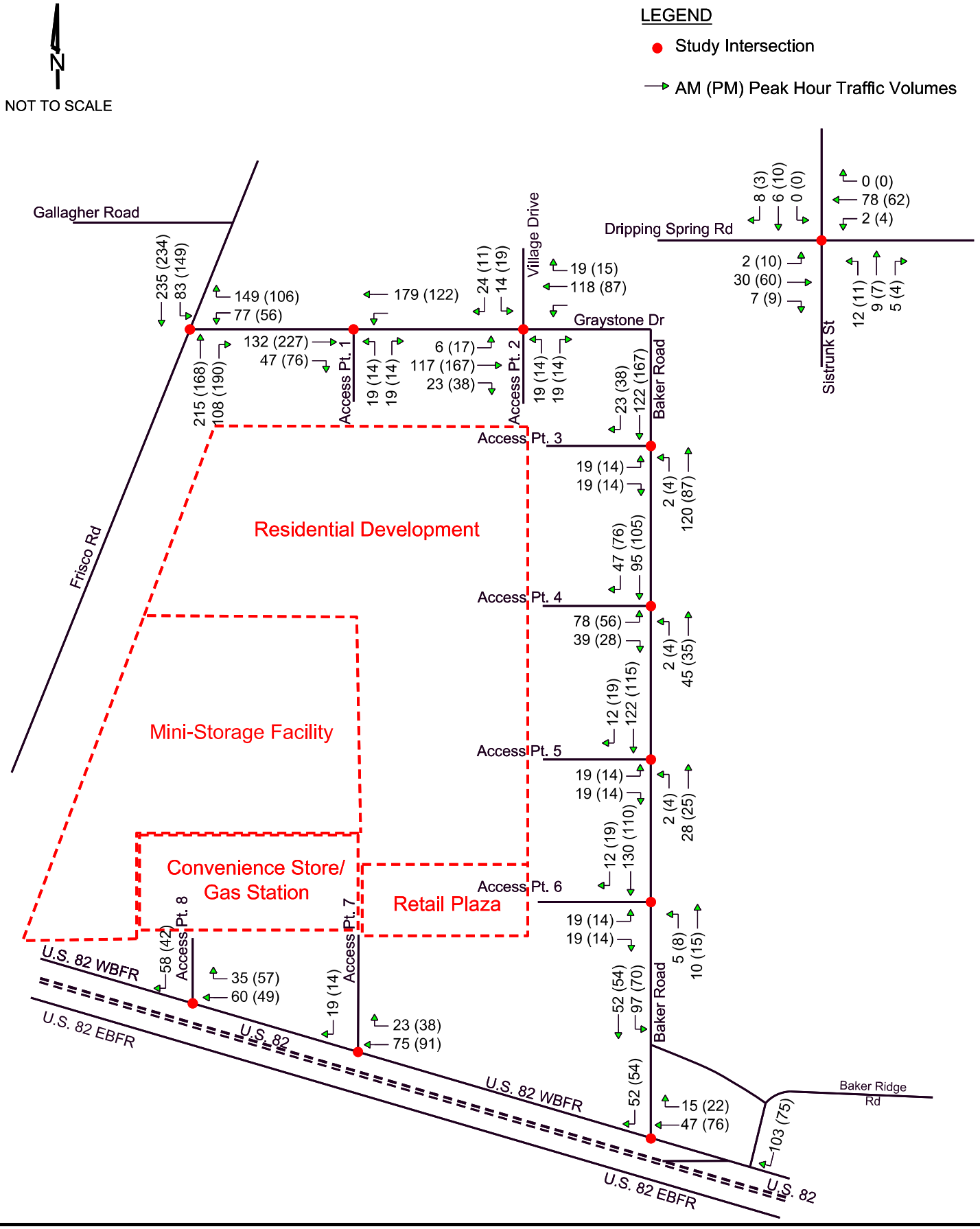
Site Generated Peak Hour Traffic Volumes

Figure 10



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Build-Out Year (2028) Peak Hour Traffic Volumes

Figure 11

INTERSECTION CAPACITY ANALYSES

The Level of Service (LOS) of an intersection is a qualitative measure of capacity and operating conditions and is directly related to vehicle delay. The LOS criteria for unsignalized intersections are shown in **Table 3**. LOS is given a letter designation from A to F, with LOS A representing very short delays and LOS F representing very long delays or over-capacity conditions. LOS D is typically considered the minimum acceptable condition.

Table 3: Level of Service Criteria for Intersections

Level-of-Service (LOS)	Average Delay (seconds/vehicle)
	Unsignalized
A	≤ 10.0
B	10.1 to 15.0
C	15.1 to 25.0
D	25.1 to 35.0
E	35.1 to 50.0
F	> 50.0 or Volume exceeds Capacity

SOURCE: *Highway Capacity Manual (HCM) 6th Edition*, Transportation Research Board, 2016

Capacity analyses were conducted for the study area intersections under the following analysis scenarios:

- Existing (2022) Traffic Conditions
- Build-Out Year (2028) Background Traffic Conditions
- Build-Out Year (2028) Total Traffic Conditions

The intersection capacity analyses were conducted using *Highway Capacity Manual (HCM) 6th Edition* methodologies in the *Synchro 11* traffic analysis software package. Printouts of the Synchro analysis results are provided in the **Appendix**.

Existing Traffic Conditions

The existing lane configurations shown in Figure 3 and the Existing (2022) traffic volumes shown in Figure 5 were used for the Existing (2022) analyses. **Table 4** presents the capacity analysis results for the study intersections under Existing (2022) conditions. The intersection of Village Drive and Graystone Drive is assumed to be a two-way stop controlled with southbound traffic on Village Drive required to stop (no stop sign was observed during the site visit).

Table 4: Capacity Analysis Results – Existing (2022) Traffic Conditions

1: Frisco Road and Graystone Drive (One-Way Stop-Controlled)						
Scenario	Peak Hour	Intersection[1]	NB	SB Left	WB	EB
Existing (2022) Conditions	AM	--	--	7.7 (A)[2]	11.3 (B)	--
	PM	--	--	7.6 (A)	11.1 (B)	--
2: Village Drive and Graystone Drive (One-Way Stop-Controlled)						
Scenario	Peak Hour	Intersection	NB	SB	WB	EB Left
Existing (2022) Conditions	AM	--	--	8.5 (A)	--	7.4 (A)
	PM	--	--	8.4 (A)	--	7.4 (A)
3: Sistrunk Street and Dripping Spring Road (Two-Way Stop-Controlled)						
Scenario	Peak Hour	Intersection	NB	SB	WB Left	EB Left
Existing (2022) Conditions	AM	--	9.4 (A)	9.0 (A)	0.0 (A)	7.8 (A)
	PM	--	9.6 (A)	9.6 (A)	0.0 (A)	7.8 (A)

[1]HCM methodology does not provide intersection-wide delay/LOS for One-Way/Two-Way Stop-Controlled Intersections
[2]Delay in seconds/vehicle (Level of Service)

The capacity analysis results for Existing (2022) traffic conditions shown in Table 4 indicate that the approaches and movements at the study intersections currently operate very well at LOS A during both the AM and PM peak hours.

Build-Out Year (2028) Traffic Conditions

The existing lane configurations shown in Figure 3 and the Build-Out Year (2028) Background traffic volumes shown in Figure 8 were used for the Build-Out Year (2028) Background analyses ***without*** the effects of the proposed mixed-use development. The proposed intersection lane configurations shown in Figure 4 and the Build-Out Year (2028) Total traffic volumes from Figure 11 were used for the Build-Out Year (2028) Total analyses ***with*** site trips from the new mixed-use development added. **Table 5** presents the capacity analysis results for the study intersections under Build-Out Year (2028) Background and Total conditions.

Table 5: Capacity Analysis Results – Build-Out Year (2028) Traffic Conditions

1: Frisco Road and Graystone Drive (One-Way Stop-Controlled)						
Scenario	Peak Hour	Intersection[1]	NB	SB Left	WB	EB
Build-Out (2028) Background	AM	--	--	7.8 (A)[2]	11.8 (B)	--
	PM	--	--	7.7 (A)	11.5 (B)	--
Build-Out (2028) Total	AM	--	--	8.5 (A)	25.0 (D)	--
	PM	--	--	9.0 (A)	25.4 (D)	--
2: Village Drive/Access Point 2 and Graystone Drive (One/Two-Way Stop-Controlled)						
Scenario	Peak Hour	Intersection	NB	SB	WB Left	EB Left
Build-Out (2028) Background	AM	--	--	8.5 (A)	--	7.4 (A)
	PM	--	--	8.4 (A)	--	7.4 (A)
Build-Out (2028) Total	AM	--	10.2 (B)	10.0 (B)	0.0 (A)	7.7 (A)
	PM	--	10.5 (B)	10.6 (B)	0.0 (A)	7.7 (A)
3: Sistrunk Street and Dripping Spring Road (Two-Way Stop-Controlled)						
Scenario	Peak Hour	Intersection	NB	SB	WB Left	EB Left
Build-Out (2028) Background	AM	--	9.5 (A)	9.0 (A)	0.0 (A)	7.9 (A)
	PM	--	9.7 (A)	9.7 (A)	0.0 (A)	7.8 (A)
Build-Out (2028) Total	AM	--	10.0 (B)	9.8 (A)	0.0 (A)	7.9 (A)
	PM	--	9.7 (A)	9.7 (A)	0.0 (A)	7.8 (A)
4: Access Point 1 and Graystone Drive (One-Way Stop-Controlled)						
Scenario	Peak Hour	Intersection	NB	SB	WB	EB Left
Build-Out (2028) Total	AM	--	10.3 (B)	--	--	--
	PM	--	11.0 (B)	--	--	--

[1]HCM methodology does not provide intersection-wide delay/LOS for One-Way/Two-Way Stop-Controlled Intersections
[2]Delay in seconds/vehicle (Level of Service)

Table 5 (Continued): Capacity Analysis Results – Build-Out Year (2028) Traffic Conditions

5: Access Point 3 and Baker Road (One-Way Stop-Controlled)						
Scenario	Peak Hour	Intersection[1]	NB (Left)[2]	SB	WB	EB
Build-Out (2028) Total	AM	--	7.5 (A)	--	--	9.8 (A)
	PM	--	7.7 (A)	--	--	10.0 (B)
6: Access Point 4 and Baker Road (One-Way Stop-Controlled)						
Scenario	Peak Hour	Intersection	NB (Left)	SB	WB	EB
Build-Out (2028) Total	AM	--	7.5 (A)	--	--	10.0 (B)
	PM	--	7.6 (A)	--	--	10.0 (B)
7: Access Point 5 and Baker Road (One-Way Stop-Controlled)						
Scenario	Peak Hour	Intersection	NB (Left)	SB	WB	EB
Build-Out (2028) Total	AM	--	7.5 (A)	--	--	9.4 (A)
	PM	--	7.5 (A)	--	--	9.3 (A)
8: Access Point 6 and Baker Road (One-Way Stop-Controlled)						
Scenario	Peak Hour	Intersection	NB (Left)	SB	WB	EB
Build-Out (2028) Total	AM	--	7.5 (A)	--	--	9.4 (A)
	PM	--	7.5 (A)	--	--	9.3 (A)
9: Access Point 7 and US 82 WBFR (One-Way Stop-Controlled)						
Scenario	Peak Hour	Intersection	NB (Left)	SB	WB	EB Left
Build-Out (2028) Total	AM	--	--	8.8 (A)	--	--
	PM	--	--	8.9 (A)	--	--
10: Access Point 8 and US 82 WBFR (One-Way Stop-Controlled)						
Scenario	Peak Hour	Intersection	NB (Left)	SB	WB	EB Left
Build-Out (2028) Total	AM	--	--	8.9 (A)	--	--
	PM	--	--	8.9 (A)	--	--

[1]HCM methodology does not provide intersection-wide delay/LOS for One-Way/Two-Way Stop-Controlled Intersections
[2]Delay in seconds/vehicle (Level of Service)

The analysis results for Build-Out Year (2028) Background conditions in Table 5 indicate that the approaches and movements at the study intersections are predicted to operate at a very good level of service (LOS A or B) during both peak hours.

With the addition of site traffic from the mixed-use development on Graystone Drive under Build-Out Year (2028) Total conditions, all approaches and movements at the study intersections are predicted to continue operating at acceptable levels of service (LOS D or better).

ACCESS MANAGEMENT ANALYSES

As part of this study, access management analyses were performed to consider the need for deceleration lanes and to determine if adequate driveway spacing and intersection sight distance will be provided for the proposed site access points.

Left Turn Deceleration Lane Analysis

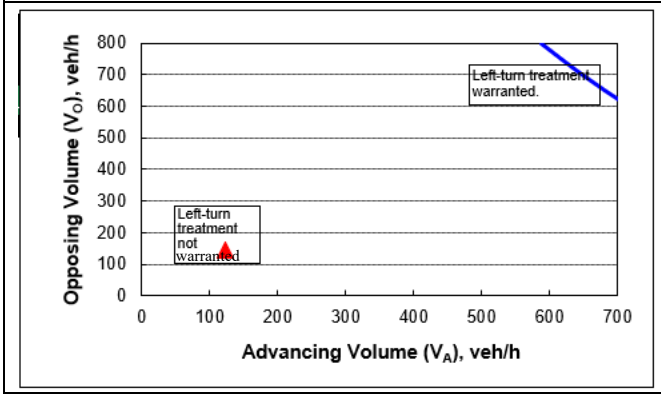
The site access points on Graystone Drive for the proposed mixed-use development were analyzed to determine the need for left turn deceleration lanes. For this analysis, information in *NCHRP Report 457* was used to determine the need for left turn deceleration lanes. This report provides a figure with a curve to determine the need for a left turn deceleration lane based on the number of through lanes, the speed limit, the number of advancing vehicles, the number of opposing vehicles, and the proportion of advancing vehicles making a left turn.

Traffic characteristics at the site access intersections were analyzed under Build-Out Year (2028) Total conditions to determine the potential need for eastbound left turn deceleration lanes along Graystone Drive and northbound left turn deceleration lanes along Baker Road. The results along Baker Road are presented in **Figure 10**. Figure 10 does not show left turn deceleration lane analysis results for Access Point 1 and Access Point 2, as no site generated traffic is expected to turn left into these access points from Graystone Drive. Based on the results in Figure 10, left turn deceleration lanes are not warranted at the site access points on Graystone Drive and Baker Road.

Figure 12: Left Turn Deceleration Lane Analysis Results

Site Access Point 3 @ Baker Road

AM Peak Hour



PM Peak Hour

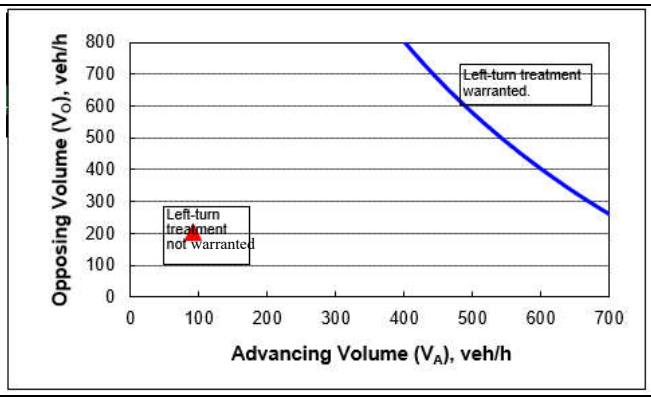
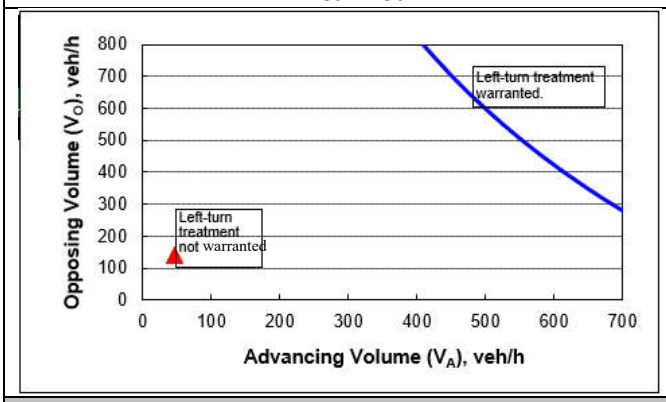


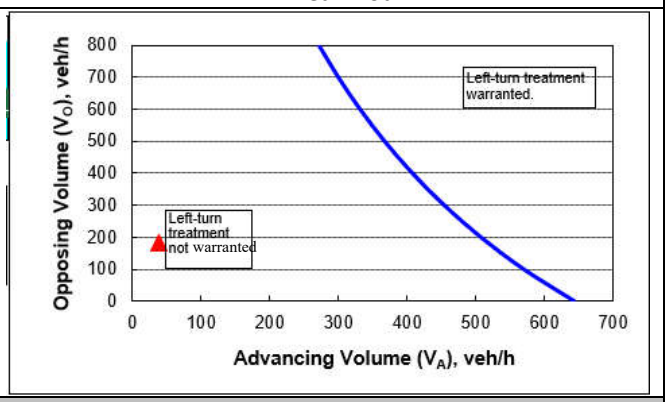
Figure 10 (Continued): Left Turn Deceleration Lane Analysis Results

Site Access Point 4 @ Baker Road

AM Peak Hour

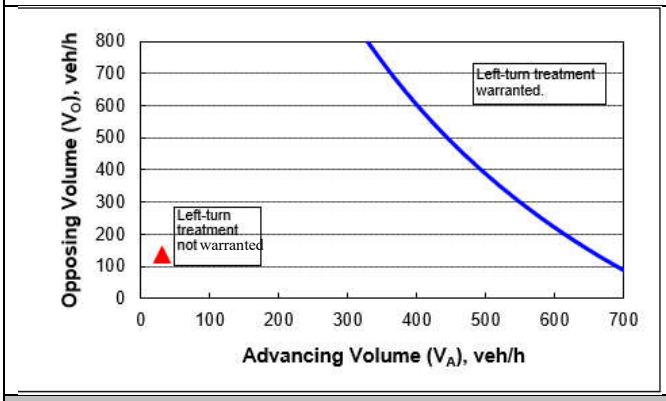


PM Peak Hour

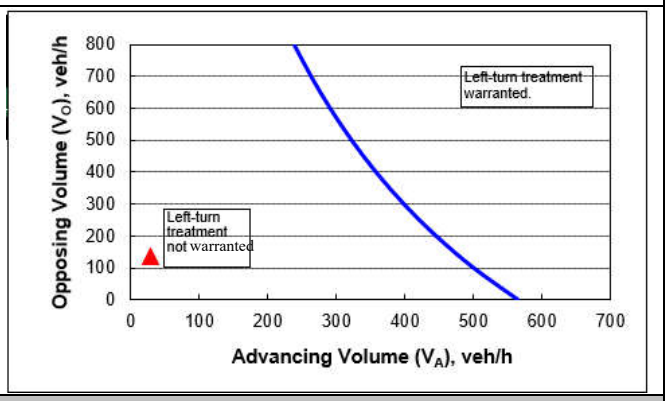


Site Access Point 5 @ Baker Road

AM Peak Hour

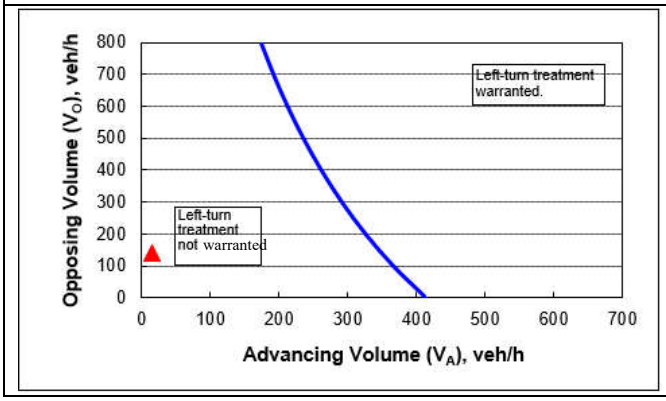


PM Peak Hour

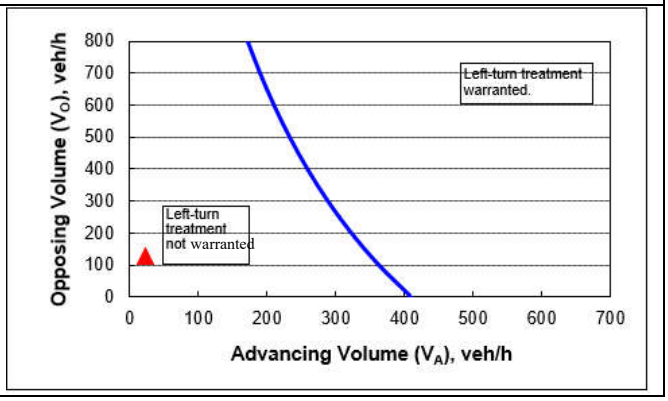


Site Access Point 6 @ Baker Road

AM Peak Hour



PM Peak Hour



Based on the results shown in Figure 10, the left turn deceleration lane is not warranted at the site access points on Graystone Drive and Baker Road.

Right Turn Deceleration Lane Analysis

The proposed site access points for the mixed-use development were analyzed to determine the

need for right turn deceleration lanes. Based on guidelines in TxDOT's *Access Management Manual,* right turn deceleration lanes are typically considered under the following conditions:

- For roadways with a posted speed limit greater than 45 mph, a right turn deceleration lane should be considered when peak right turn volumes are greater than 50 vehicles per hour.
- For roadways with a posted speed limit of 45 mph or less, a right turn deceleration lane should be considered when peak right turn volumes are greater than 60 vehicles per hour.

Table 6 summarizes the projected right turn volumes under Build-Out (2025) total traffic conditions.

Table 6: Right Turn Deceleration Lane Analysis Results

Intersection	Approach	Speed Limit (mph)	Right Turn Volume (vehicles/hour) AM (PM)	Threshold (vehicles/hour)	Exceeds Threshold? AM (PM)
Access Point 1 at Graystone Drive	EB	30	47 (76)	60	No (**Yes**)
Access Point 2 at Graystone Drive	EB	30	23 (38)	60	No (No)
Access Point 3 at Baker Road	SB	30	23 (38)	60	No (No)
Access Point 4 at Baker Road	SB	30	47 (76)	60	No (**Yes**)
Access Point 5 at Baker Road	SB	30	12 (19)	60	No (No)
Access Point 6 at Baker Road	SB	30	12 (19)	60	No (No)
Access Point 7 at US 82 WBFR	WB	50	23 (38)	50	No (No)
Access Point 8 at US 82 WBFR	WB	50	35 (57)	50	No (**Yes**)

Table 6 indicates that the right turning volumes at Access Point 1, Access Point 4, and Access Point 8 are expected to exceed the TxDOT's threshold during the PM peak hour. Therefore, right turn deceleration lanes are recommended on the US 82 westbound frontage road at Access Point 8, Baker Road at Access Point 4, and Graystone Drive at Access Point 1.

Sight Distance

As part of this traffic analysis, the available and recommended intersection sight distance for motorists accessing the adjacent roadway from the proposed site access points were analyzed. The sight distance recommended was estimated using the procedures developed by the

American Association of State Highway and Transportation Officials (AASHTO) and published in the 2018 edition of *A Policy on Geometric Design of Highways and Streets*. At these locations, the motorist should be able to see if and when adequate gaps exist to perform their desired maneuver. **Table 7** presents the recommended and assumed available sight distance for vehicles exiting at the proposed access points for the Graystone Drive mixed-use development.

Table 7: Sight Distance Analysis for Proposed Site Driveways

Major Roadway	Graystone Drive		Baker Road				US 82 Westbound Frontage Road	
Posted Speed Limit[1]	30 mph		30 mph				55 mph	
Minor Roadway	Access Point 1	Access Point 2	Access Point 3	Access Point 4	Access Point 5	Access Point 6	Access Point 7	Access Point 8
Design Vehicle	Passenger Car							
Recommended Intersection Sight Distance	335’	225’[2]	335’				610’	
Available Sight Distance to the Left	>500'	~365’	>400'	>400'	>400'	>400'	>650’	>650'
Available Sight Distance to the Right	~350'	~230'	>400'	>400'	>400'	>400'	N/A	N/A
Sight Distance Available > Recommended Intersection Sight Distance								
To the Left	YES	YES	YES	YES	YES	YES	YES	YES
To the Right	YES	YES[2]	YES	YES	YES	YES	--	--

[1] No posted speed limit was found on Graystone Drive, Baker Road or the US 82 Westbound Frontage Road. Therefore, a speed limit of 30 mph is assumed for Graystone Drive and Baker Road and 55 mph for the US 82 Westbound Frontage Road.
[2] 20 mph speed assumed looking right from Access Point 2 due to reduced turning speed from northbound Baker Road to westbound Graystone Drive.

Based on conditions that existed in the field when sight distance observations were performed, the recommended sight distance is predicted to be provided at all site access points. Note that while Graystone Drive currently curves into Baker Road, the proposed development will realign Baker Road to form a right-angle intersection with Graystone Drive, limiting the average westbound speed on Graystone Drive approaching Access Point 2 to about 20 mph. Therefore, at this location, 20 mph speed was used in the sight distance calculation rather than the assumed speed limit of 30 mph.

Existing dense vegetation near Access Point 2 at Graystone Drive and along Baker Road limits the available sight distance. The available sight distance measurements in Table 7 assume all such vegetation will have been cleared as appropriate. Therefore, it is recommended that the landscape plan for the site include the removal of this vegetation and keeping the location and height of plants, signs, and other site features outside the sight triangles necessary for clear intersection sight distance. To ensure available site distance is provided at each access point, site triangles should be kept clear of landscaping, parking, signs, canopies, or other structures.

Access Spacing

In the City of Sherman's *Subdivision Ordinance* [Article 10.05, Section 12(B)(6)(e)], the minimum centerline offset of adjacent intersections is identified as:

(1) Local–local, 150 feet
(2) Local–collector, 150 feet
(3) Collector–collector, 200 feet

Frisco Road, Village Drive, Baker Road, and Graystone Drive are identified as Local Streets in the City of Sherman Thoroughfare Plan. Therefore, the minimum distance between the centerline of adjacent streets is 150 feet. All site driveways are expected to meet the minimum access spacing criteria.

CONCLUSIONS & RECOMMENDATIONS

Based on the analysis of the proposed site plan and characteristics of the proposed mixed-use development, the following **conclusions** can be made:

- The proposed mixed-use development is predicted to generate 9,326 trips on a daily basis with 624 trips during the AM peak hour and 658 trips during the PM peak hour.

Intersection Capacity Analysis

- The approaches and movements at the study intersections currently operate at an acceptable LOS during the AM and PM peak hours under Existing (2022) conditions. The approaches and movements at these intersections are predicted to continue operating at similar, acceptable LOS under Build-Out Year (2028) Background and Total conditions. Traffic generated by the proposed development is predicted to have minimal impact on the intersections in the study area.

Access Management Analysis

- The traffic volume characteristics at the proposed access points do not exceed thresholds provided in *NCHRP Report 457* for left turn deceleration lanes. Left turn deceleration lanes are not recommended at any of the access points on Graystone Drive or Baker Road.
- Right turn deceleration lanes are recommended at Access Point 1 on Graystone Drive, Access Point 7 on Baker Road, and Access Point 8 on the US 82 Westbound Frontage Road.
- Based on observations of existing conditions in the field, recommended sight distance is predicted to be available for all access points provided that the dense existing vegetation along Graystone Drive and Baker Road is removed as part of the landscaping plan.
- The proposed access points will meet the City of Sherman spacing requirements.

Additionally, the following roadway improvements will be provided with the project:

- Graystone Drive will be widened between Village Drive and Baker Road to a two-lane undivided asphalt roadway with 12 feet wide lanes.
- Baker Road will be widened between Grayson Drive and US 82 Westbound Frontage Road to a two-lane undivided asphalt roadway with 12 feet wide lanes.
- The proposed Baker Road connection from Baker Road to Baker Ridge Road will be constructed as a two-lane undivided asphalt roadway with 12 feet wide lanes.

APPENDIX

GRAM Traffic NTX Inc.

1120 W. Lovers Lane

Arlington, Texas, United States 76013
817.265.8968

Count Name: GRAYSTONE DR @ FRISCO RD
Site Code:
Start Date: 05/10/2022

Turning Movement Data

Start Time	FRISCO RD Southbound					GRAYSTONE DR Westbound					FRISCO RD Northbound					Eastbound St. Eastbound					
	Left	Thru	Right	U-Turn	App. Total	Left	Thru	Right	U-Turn	App. Total	Left	Thru	Right	U-Turn	App. Total	Left	Thru	Right	U-Turn	App. Total	Int. Total
12:00 AM	0	4	0	0	4	0	0	0	0	0	0	3	0	0	3	0	0	0	0	0	7
12:15 AM	0	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
12:30 AM	0	3	0	0	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3
12:45 AM	0	1	0	0	1	0	0	0	0	0	0	2	0	0	2	0	0	0	0	0	3
Hourly Total	0	9	0	0	9	0	0	0	0	0	0	5	0	0	5	0	0	0	0	0	14
1:00 AM	1	3	0	0	4	0	0	0	0	0	0	1	0	0	1	0	0	0	0	0	5
1:15 AM	0	2	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2
1:30 AM	0	1	0	0	1	0	0	0	0	0	0	2	0	0	2	0	0	0	0	0	3
1:45 AM	0	2	0	0	2	0	0	0	0	0	0	1	1	0	2	0	0	0	0	0	4
Hourly Total	1	8	0	0	9	0	0	0	0	0	0	4	1	0	5	0	0	0	0	0	14
2:00 AM	0	0	0	0	0	0	0	0	0	0	0	2	0	0	2	0	0	0	0	0	2
2:15 AM	0	2	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2
2:30 AM	0	1	0	0	1	0	0	0	0	0	0	1	0	0	1	0	0	0	0	0	2
2:45 AM	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1	0	0	0	0	0	1
Hourly Total	0	3	0	0	3	0	0	0	0	0	0	4	0	0	4	0	0	0	0	0	7
3:00 AM	0	0	0	0	0	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1
3:15 AM	0	3	0	0	3	0	0	0	0	0	0	2	0	0	2	0	0	0	0	0	5
3:30 AM	0	0	0	0	0	0	0	0	0	0	0	4	0	0	4	0	0	0	0	0	4
3:45 AM	0	4	0	0	4	0	0	0	0	0	0	2	0	0	2	0	0	0	0	0	6
Hourly Total	0	7	0	0	7	1	0	0	0	1	0	8	0	0	8	0	0	0	0	0	16
4:00 AM	0	1	0	0	1	0	0	0	0	0	0	1	0	0	1	0	0	0	0	0	2
4:15 AM	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1	0	0	0	0	0	1
4:30 AM	0	0	0	0	0	0	0	1	0	1	0	1	0	0	1	0	0	0	0	0	2
4:45 AM	0	3	0	0	3	0	0	0	0	0	0	3	0	0	3	0	0	0	0	0	6
Hourly Total	0	4	0	0	4	0	0	1	0	1	0	6	0	0	6	0	0	0	0	0	11
5:00 AM	0	5	0	0	5	0	0	0	0	0	0	6	0	0	6	0	0	0	0	0	11
5:15 AM	0	2	0	0	2	0	0	0	0	0	0	4	0	0	4	0	0	0	0	0	6
5:30 AM	0	10	0	0	10	0	0	0	0	0	0	4	0	0	4	0	0	0	0	0	14
5:45 AM	0	8	0	0	8	0	0	0	0	0	0	11	0	0	11	0	0	0	0	0	19
Hourly Total	0	25	0	0	25	0	0	0	0	0	0	25	0	0	25	0	0	0	0	0	50
6:00 AM	0	5	0	0	5	1	0	2	0	3	0	9	1	0	10	0	0	0	0	0	18
6:15 AM	0	7	0	0	7	3	0	1	0	4	0	13	0	0	13	0	0	0	0	0	24
6:30 AM	0	12	0	0	12	1	0	0	0	1	0	19	1	0	20	0	0	0	0	0	33
6:45 AM	0	20	0	0	20	0	0	1	0	1	0	28	3	0	31	0	0	0	0	0	52
Hourly Total	0	44	0	0	44	5	0	4	0	9	0	69	5	0	74	0	0	0	0	0	127
7:00 AM	0	20	0	0	20	5	0	2	0	7	0	30	0	0	30	0	0	0	0	0	57
7:15 AM	1	48	0	0	49	3	0	2	0	5	0	52	0	0	52	0	0	0	0	0	106
7:30 AM	1	54	0	0	55	2	0	3	0	5	0	76	0	0	76	0	0	0	0	0	136
7:45 AM	1	71	0	0	72	3	0	1	0	4	0	39	1	0	40	0	0	0	0	0	116
Hourly Total	3	193	0	0	196	13	0	8	0	21	0	197	1	0	198	0	0	0	0	0	415
8:00 AM	0	36	0	0	36	1	0	0	0	1	0	24	3	0	27	0	0	0	0	0	64
8:15 AM	0	24	0	0	24	1	0	1	0	2	0	20	3	0	23	0	0	0	0	0	49
8:30 AM	2	15	0	0	17	5	0	0	0	5	0	22	1	0	23	0	0	0	0	0	45
8:45 AM	0	25	0	0	25	2	0	0	0	2	0	15	1	0	16	0	0	0	0	0	43
Hourly Total	2	100	0	0	102	9	0	1	0	10	0	81	8	0	89	0	0	0	0	0	201
9:00 AM	0	20	0	0	20	0	0	2	0	2	0	21	0	0	21	0	0	0	0	0	43
9:15 AM	0	24	0	0	24	2	0	0	0	2	0	19	2	0	21	0	0	0	0	0	47
9:30 AM	0	21	0	0	21	1	0	2	0	3	0	14	0	1	15	0	0	0	0	0	39
9:45 AM	1	29	0	0	30	1	0	1	0	2	0	31	1	0	32	0	0	0	0	0	64
Hourly Total	1	94	0	0	95	4	0	5	0	9	0	85	3	1	89	0	0	0	0	0	193
10:00 AM	0	24	0	0	24	3	0	0	0	3	0	24	1	0	25	0	0	0	0	0	52
10:15 AM	0	27	0	0	27	0	0	0	0	0	0	22	0	0	22	0	0	0	0	0	49
10:30 AM	1	28	0	0	29	1	0	1	0	2	0	18	2	0	20	0	0	0	0	0	51
10:45 AM	0	18	0	0	18	2	0	0	0	2	0	23	3	0	26	0	0	0	0	0	46
Hourly Total	1	97	0	0	98	6	0	1	0	7	0	87	6	0	93	0	0	0	0	0	198
11:00 AM	0	21	0	0	21	0	0	0	0	0	0	29	3	0	32	0	0	0	0	0	53
11:15 AM	0	27	0	0	27	2	0	1	0	3	0	16	0	0	16	0	0	0	0	0	46
11:30 AM	2	31	0	0	33	1	0	0	0	1	0	23	0	0	23	0	0	0	0	0	57
11:45 AM	0	31	0	0	31	0	0	0	0	0	0	32	1	0	33	0	0	0	0	0	64
Hourly Total	2	110	0	0	112	3	0	1	0	4	0	100	4	0	104	0	0	0	0	0	220
12:00 PM	0	26	0	0	26	0	0	1	0	1	0	34	2	0	36	0	0	0	0	0	63
12:15 PM	0	21	0	0	21	1	0	0	0	1	0	24	0	0	24	0	0	0	0	0	46

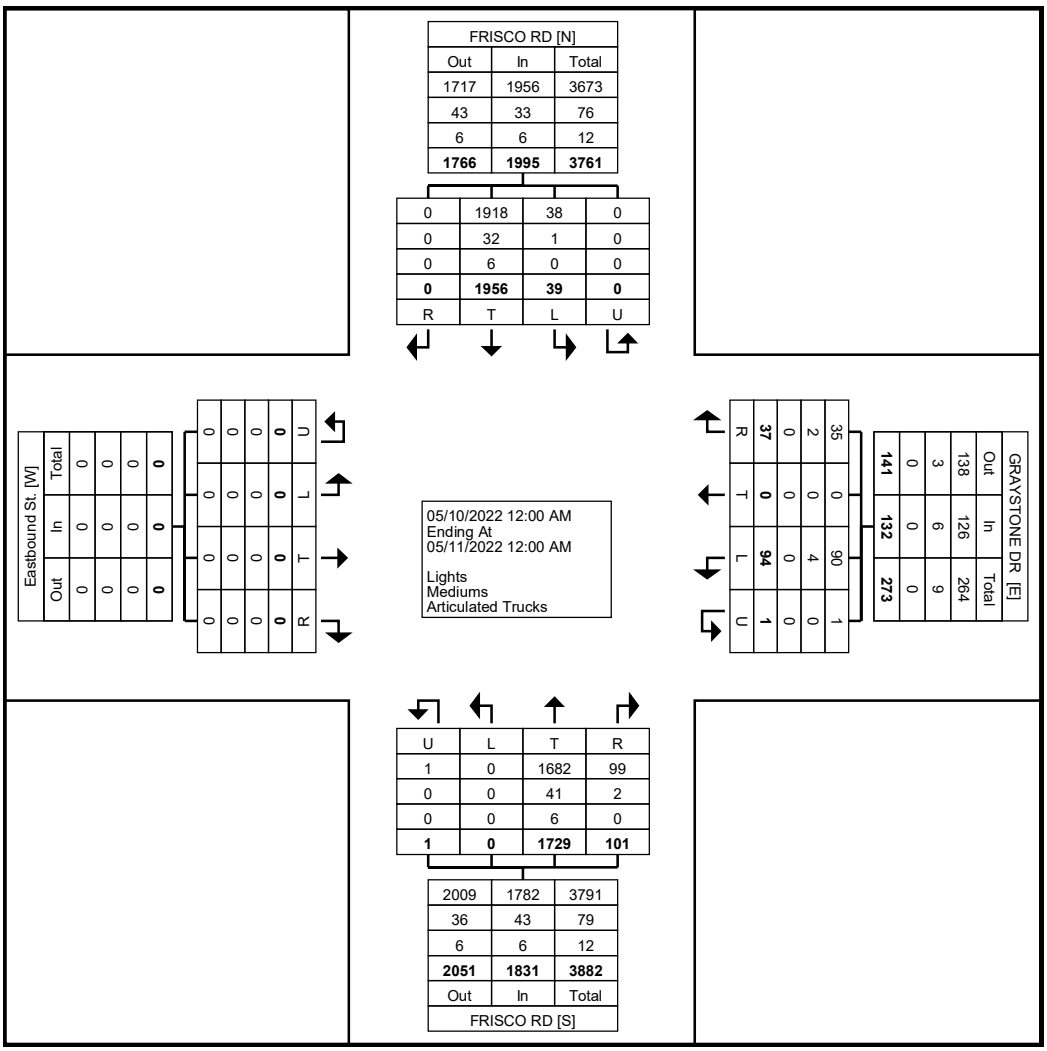
12:30 PM	0	45	0	0	45	1	0	0	0	1	0	26	1	0	27	0	0	0	0	0	73
12:45 PM	0	33	0	0	33	2	0	0	0	2	0	24	2	0	26	0	0	0	0	0	61
Hourly Total	0	125	0	0	125	4	0	1	0	5	0	108	5	0	113	0	0	0	0	0	243
1:00 PM	2	28	0	0	30	4	0	0	0	4	0	27	1	0	28	0	0	0	0	0	62
1:15 PM	0	31	0	0	31	0	0	0	1	1	0	23	3	0	26	0	0	0	0	0	58
1:30 PM	0	31	0	0	31	1	0	0	0	1	0	23	3	0	26	0	0	0	0	0	58
1:45 PM	0	25	0	0	25	0	0	1	0	1	0	25	0	0	25	0	0	0	0	0	51
Hourly Total	2	115	0	0	117	5	0	1	1	7	0	98	7	0	105	0	0	0	0	0	229
2:00 PM	2	25	0	0	27	0	0	0	0	0	0	34	4	0	38	0	0	0	0	0	65
2:15 PM	0	27	0	0	27	0	0	2	0	2	0	25	1	0	26	0	0	0	0	0	55
2:30 PM	2	49	0	0	51	2	0	0	0	2	0	27	0	0	27	0	0	0	0	0	80
2:45 PM	0	28	0	0	28	1	0	1	0	2	0	35	0	0	35	0	0	0	0	0	65
Hourly Total	4	129	0	0	133	3	0	3	0	6	0	121	5	0	126	0	0	0	0	0	265
3:00 PM	0	36	0	0	36	4	0	0	0	4	0	47	0	0	47	0	0	0	0	0	87
3:15 PM	3	56	0	0	59	1	0	2	0	3	0	47	1	0	48	0	0	0	0	0	110
3:30 PM	3	74	0	0	77	3	0	1	0	4	0	28	4	0	32	0	0	0	0	0	113
3:45 PM	1	42	0	0	43	0	0	1	0	1	0	27	2	0	29	0	0	0	0	0	73
Hourly Total	7	208	0	0	215	8	0	4	0	12	0	149	7	0	156	0	0	0	0	0	383
4:00 PM	1	41	0	0	42	4	0	0	0	4	0	33	0	0	33	0	0	0	0	0	79
4:15 PM	1	35	0	0	36	3	0	0	0	3	0	40	4	0	44	0	0	0	0	0	83
4:30 PM	0	32	0	0	32	0	0	0	0	0	0	37	4	0	41	0	0	0	0	0	73
4:45 PM	2	37	0	0	39	3	0	1	0	4	0	34	4	0	38	0	0	0	0	0	81
Hourly Total	4	145	0	0	149	10	0	1	0	11	0	144	12	0	156	0	0	0	0	0	316
5:00 PM	1	51	0	0	52	2	0	0	0	2	0	43	3	0	46	0	0	0	0	0	100
5:15 PM	0	41	0	0	41	1	0	0	0	1	0	44	4	0	48	0	0	0	0	0	90
5:30 PM	0	37	0	0	37	3	0	0	0	3	0	27	1	0	28	0	0	0	0	0	68
5:45 PM	1	37	0	0	38	2	0	0	0	2	0	26	2	0	28	0	0	0	0	0	68
Hourly Total	2	166	0	0	168	8	0	0	0	8	0	140	10	0	150	0	0	0	0	0	326
6:00 PM	2	32	0	0	34	1	0	1	0	2	0	30	4	0	34	0	0	0	0	0	70
6:15 PM	0	23	0	0	23	0	0	2	0	2	0	28	2	0	30	0	0	0	0	0	55
6:30 PM	0	24	0	0	24	5	0	0	0	5	0	13	4	0	17	0	0	0	0	0	46
6:45 PM	0	34	0	0	34	2	0	0	0	2	0	24	1	0	25	0	0	0	0	0	61
Hourly Total	2	113	0	0	115	8	0	3	0	11	0	95	11	0	106	0	0	0	0	0	232
7:00 PM	2	19	0	0	21	1	0	1	0	2	0	19	0	0	19	0	0	0	0	0	42
7:15 PM	0	19	0	0	19	1	0	0	0	1	0	12	3	0	15	0	0	0	0	0	35
7:30 PM	1	25	0	0	26	0	0	0	0	0	0	18	0	0	18	0	0	0	0	0	44
7:45 PM	0	16	0	0	16	0	0	1	0	1	0	16	2	0	18	0	0	0	0	0	35
Hourly Total	3	79	0	0	82	2	0	2	0	4	0	65	5	0	70	0	0	0	0	0	156
8:00 PM	1	25	0	0	26	1	0	0	0	1	0	17	2	0	19	0	0	0	0	0	46
8:15 PM	0	19	0	0	19	0	0	0	0	0	0	18	1	0	19	0	0	0	0	0	38
8:30 PM	0	22	0	0	22	0	0	0	0	0	0	5	1	0	6	0	0	0	0	0	28
8:45 PM	1	14	0	0	15	1	0	0	0	1	0	9	3	0	12	0	0	0	0	0	28
Hourly Total	2	80	0	0	82	2	0	0	0	2	0	49	7	0	56	0	0	0	0	0	140
9:00 PM	1	18	0	0	19	0	0	0	0	0	0	11	0	0	11	0	0	0	0	0	30
9:15 PM	0	8	0	0	8	0	0	1	0	1	0	11	1	0	12	0	0	0	0	0	21
9:30 PM	0	13	0	0	13	0	0	0	0	0	0	8	0	0	8	0	0	0	0	0	21
9:45 PM	0	10	0	0	10	0	0	0	0	0	0	13	0	0	13	0	0	0	0	0	23
Hourly Total	1	49	0	0	50	0	0	1	0	1	0	43	1	0	44	0	0	0	0	0	95
10:00 PM	0	8	0	0	8	0	0	0	0	0	0	16	0	0	16	0	0	0	0	0	24
10:15 PM	0	11	0	0	11	1	0	0	0	1	0	6	2	0	8	0	0	0	0	0	20
10:30 PM	0	6	0	0	6	1	0	0	0	1	0	5	0	0	5	0	0	0	0	0	12
10:45 PM	1	7	0	0	8	0	0	0	0	0	0	4	1	0	5	0	0	0	0	0	13
Hourly Total	1	32	0	0	33	2	0	0	0	2	0	31	3	0	34	0	0	0	0	0	69
11:00 PM	1	6	0	0	7	0	0	0	0	0	0	5	0	0	5	0	0	0	0	0	12
11:15 PM	0	7	0	0	7	0	0	0	0	0	0	4	0	0	4	0	0	0	0	0	11
11:30 PM	0	4	0	0	4	1	0	0	0	1	0	2	0	0	2	0	0	0	0	0	7
11:45 PM	0	4	0	0	4	0	0	0	0	0	0	4	0	0	4	0	0	0	0	0	8
Hourly Total	1	21	0	0	22	1	0	0	0	1	0	15	0	0	15	0	0	0	0	0	38
Grand Total	39	1956	0	0	1995	94	0	37	1	132	0	1729	101	1	1831	0	0	0	0	0	3958
Approach %	2.0	98.0	0.0	0.0	-	71.2	0.0	28.0	0.8	-	0.0	94.4	5.5	0.1	-	0.0	0.0	0.0	0.0	-	-
Total %	1.0	49.4	0.0	0.0	50.4	2.4	0.0	0.9	0.0	3.3	0.0	43.7	2.6	0.0	46.3	0.0	0.0	0.0	0.0	0.0	-
Lights	38	1918	0	0	1956	90	0	35	1	126	0	1682	99	1	1782	0	0	0	0	0	3864
% Lights	97.4	98.1	-	-	98.0	95.7	-	94.6	100.0	95.5	-	97.3	98.0	100.0	97.3	-	-	-	-	-	97.6
Mediums	1	32	0	0	33	4	0	2	0	6	0	41	2	0	43	0	0	0	0	0	82
% Mediums	2.6	1.6	-	-	1.7	4.3	-	5.4	0.0	4.5	-	2.4	2.0	0.0	2.3	-	-	-	-	-	2.1
Articulated Trucks	0	6	0	0	6	0	0	0	0	0	0	6	0	0	6	0	0	0	0	0	12
% Articulated Trucks	0.0	0.3	-	-	0.3	0.0	-	0.0	0.0	0.0	-	0.3	0.0	0.0	0.3	-	-	-	-	-	0.3

GRAM Traffic NTX Inc.

1120 W. Lovers Lane

Arlington, Texas, United States 76013
817.265.8968

Count Name: GRAYSTONE DR @ FRISCO RD
Site Code:
Start Date: 05/10/2022



Turning Movement Data Plot

GRAM Traffic NTX Inc.

1120 W. Lovers Lane

Arlington, Texas, United States 76013
817.265.8968

Count Name: GRAYSTONE DR @ FRISCO RD
Site Code:
Start Date: 05/10/2022

Turning Movement Peak Hour Data (7:15 AM)

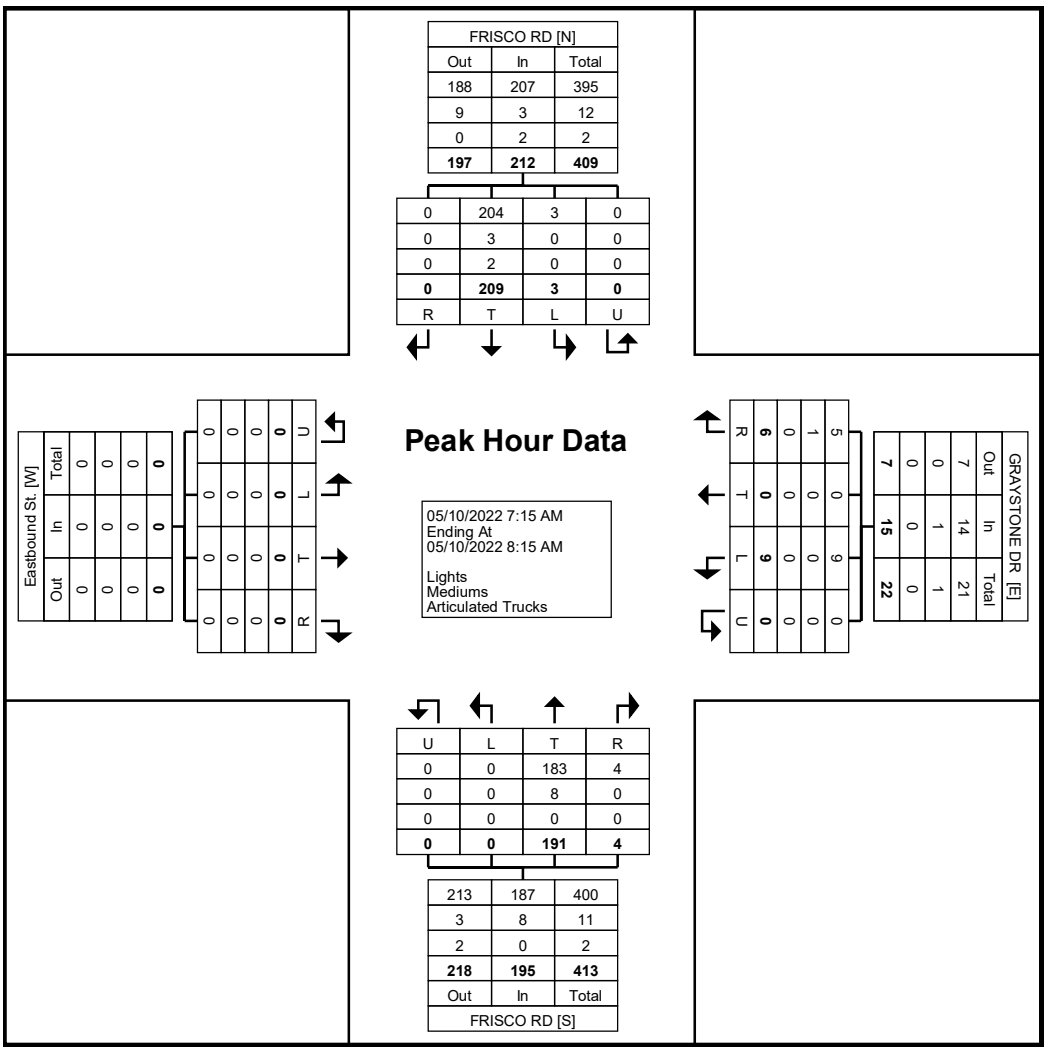
Start Time	FRISCO RD Southbound					GRAYSTONE DR Westbound					FRISCO RD Northbound					Eastbound St. Eastbound					Int. Total
	Left	Thru	Right	U-Turn	App. Total	Left	Thru	Right	U-Turn	App. Total	Left	Thru	Right	U-Turn	App. Total	Left	Thru	Right	U-Turn	App. Total	
7:15 AM	1	48	0	0	49	3	0	2	0	5	0	52	0	0	52	0	0	0	0	0	106
7:30 AM	1	54	0	0	55	2	0	3	0	5	0	76	0	0	76	0	0	0	0	0	136
7:45 AM	1	71	0	0	72	3	0	1	0	4	0	39	1	0	40	0	0	0	0	0	116
8:00 AM	0	36	0	0	36	1	0	0	0	1	0	24	3	0	27	0	0	0	0	0	64
Total	3	209	0	0	212	9	0	6	0	15	0	191	4	0	195	0	0	0	0	0	422
Approach %	1.4	98.6	0.0	0.0	-	60.0	0.0	40.0	0.0	-	0.0	97.9	2.1	0.0	-	0.0	0.0	0.0	0.0	-	-
Total %	0.7	49.5	0.0	0.0	50.2	2.1	0.0	1.4	0.0	3.6	0.0	45.3	0.9	0.0	46.2	0.0	0.0	0.0	0.0	0.0	-
PHF	0.750	0.736	0.000	0.000	0.736	0.750	0.000	0.500	0.000	0.750	0.000	0.628	0.333	0.000	0.641	0.000	0.000	0.000	0.000	0.000	0.776
Lights	3	204	0	0	207	9	0	5	0	14	0	183	4	0	187	0	0	0	0	0	408
% Lights	100.0	97.6	-	-	97.6	100.0	-	83.3	-	93.3	-	95.8	100.0	-	95.9	-	-	-	-	-	96.7
Mediums	0	3	0	0	3	0	0	1	0	1	0	8	0	0	8	0	0	0	0	0	12
% Mediums	0.0	1.4	-	-	1.4	0.0	-	16.7	-	6.7	-	4.2	0.0	-	4.1	-	-	-	-	-	2.8
Articulated Trucks	0	2	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2
% Articulated Trucks	0.0	1.0	-	-	0.9	0.0	-	0.0	-	0.0	-	0.0	0.0	-	0.0	-	-	-	-	-	0.5

GRAM Traffic NTX Inc.

1120 W. Lovers Lane

Arlington, Texas, United States 76013
817.265.8968

Count Name: GRAYSTONE DR @ FRISCO RD
Site Code:
Start Date: 05/10/2022



Turning Movement Peak Hour Data Plot (7:15 AM)

GRAM Traffic NTX Inc.

1120 W. Lovers Lane

Arlington, Texas, United States 76013
817.265.8968

Count Name: GRAYSTONE DR @ FRISCO RD
Site Code:
Start Date: 05/10/2022

Turning Movement Peak Hour Data (3:00 PM)

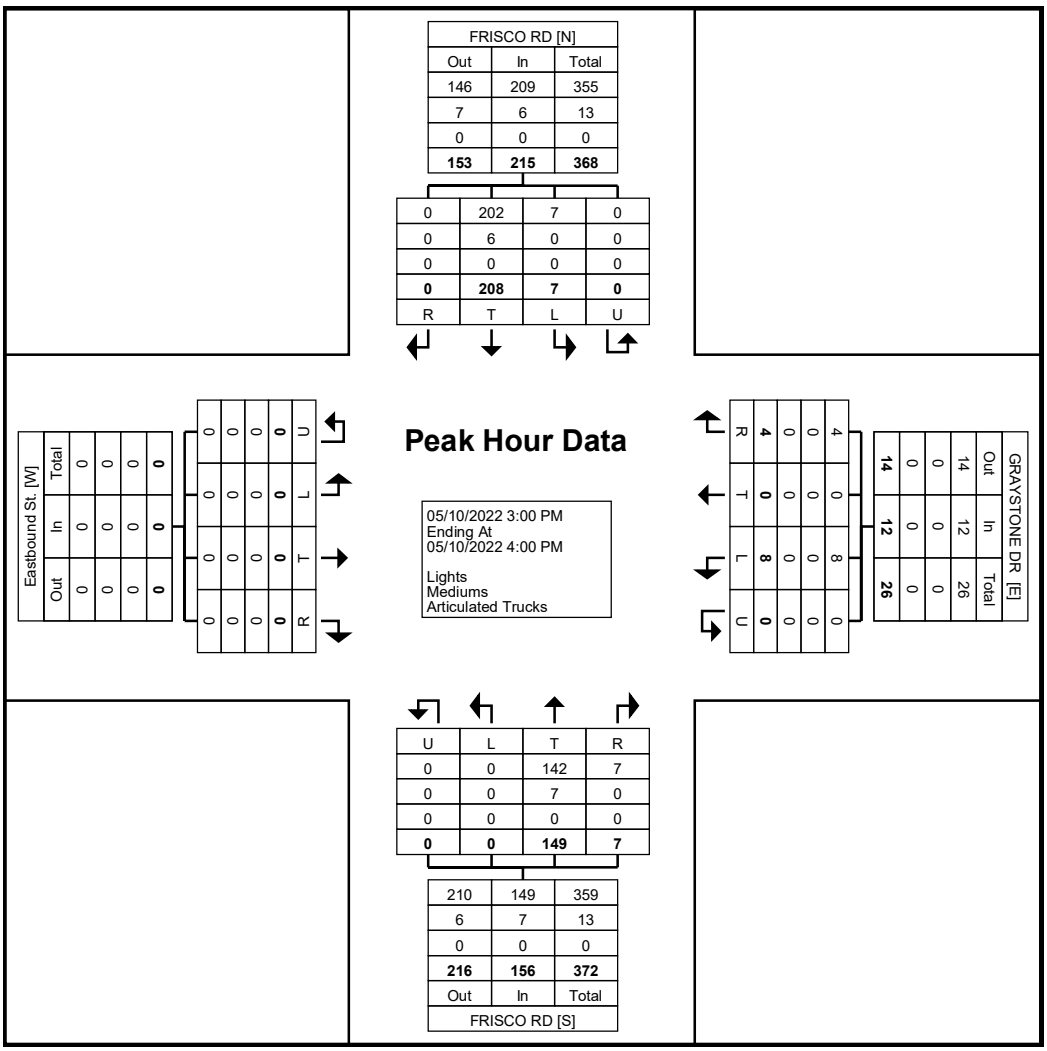
Start Time	FRISCO RD Southbound					GRAYSTONE DR Westbound					FRISCO RD Northbound					Eastbound St. Eastbound					
	Left	Thru	Right	U-Turn	App. Total	Left	Thru	Right	U-Turn	App. Total	Left	Thru	Right	U-Turn	App. Total	Left	Thru	Right	U-Turn	App. Total	Int. Total
3:00 PM	0	36	0	0	36	4	0	0	0	4	0	47	0	0	47	0	0	0	0	0	87
3:15 PM	3	56	0	0	59	1	0	2	0	3	0	47	1	0	48	0	0	0	0	0	110
3:30 PM	3	74	0	0	77	3	0	1	0	4	0	28	4	0	32	0	0	0	0	0	113
3:45 PM	1	42	0	0	43	0	0	1	0	1	0	27	2	0	29	0	0	0	0	0	73
Total	7	208	0	0	215	8	0	4	0	12	0	149	7	0	156	0	0	0	0	0	383
Approach %	3.3	96.7	0.0	0.0	-	66.7	0.0	33.3	0.0	-	0.0	95.5	4.5	0.0	-	0.0	0.0	0.0	0.0	-	-
Total %	1.8	54.3	0.0	0.0	56.1	2.1	0.0	1.0	0.0	3.1	0.0	38.9	1.8	0.0	40.7	0.0	0.0	0.0	0.0	0.0	-
PHF	0.583	0.703	0.000	0.000	0.698	0.500	0.000	0.500	0.000	0.750	0.000	0.793	0.438	0.000	0.813	0.000	0.000	0.000	0.000	0.000	0.847
Lights	7	202	0	0	209	8	0	4	0	12	0	142	7	0	149	0	0	0	0	0	370
% Lights	100.0	97.1	-	-	97.2	100.0	-	100.0	-	100.0	-	95.3	100.0	-	95.5	-	-	-	-	-	96.6
Mediums	0	6	0	0	6	0	0	0	0	0	0	7	0	0	7	0	0	0	0	0	13
% Mediums	0.0	2.9	-	-	2.8	0.0	-	0.0	-	0.0	-	4.7	0.0	-	4.5	-	-	-	-	-	3.4
Articulated Trucks	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
% Articulated Trucks	0.0	0.0	-	-	0.0	0.0	-	0.0	-	0.0	-	0.0	0.0	-	0.0	-	-	-	-	-	0.0

GRAM Traffic NTX Inc.

1120 W. Lovers Lane

Arlington, Texas, United States 76013
817.265.8968

Count Name: GRAYSTONE DR @ FRISCO RD
Site Code:
Start Date: 05/10/2022
Page No: 7



Turning Movement Peak Hour Data Plot (3:00 PM)

GRAM Traffic NTX Inc.

1120 W. Lovers Lane

Arlington, Texas, United States 76013
817.265.8968

Count Name: VILLAGE DR @ GRAYSTONE RD
Site Code:
Start Date: 05/10/2022

Turning Movement Data

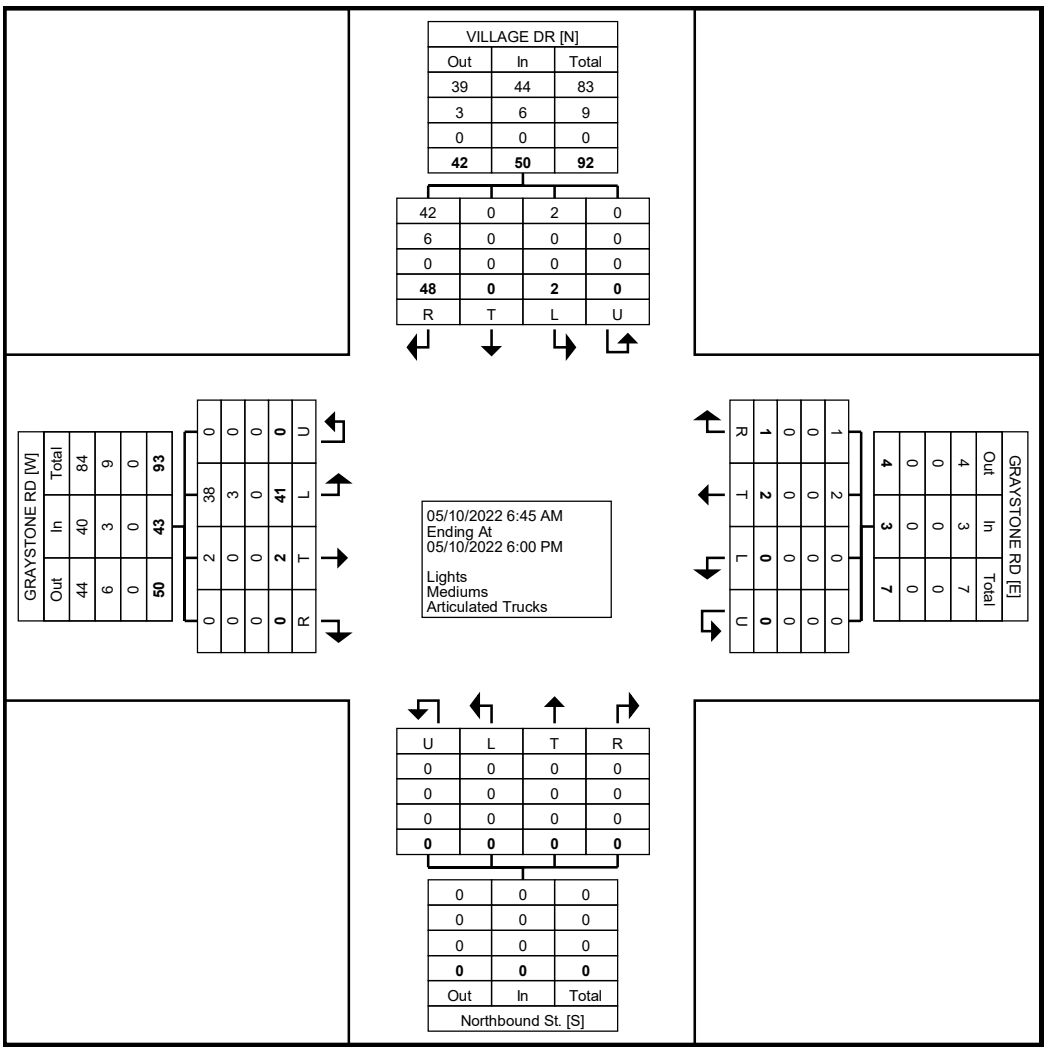
Start Time	VILLAGE DR Southbound					GRAYSTONE RD Westbound					Northbound St. Northbound					GRAYSTONE RD Eastbound					Int. Total
	Left	Thru	Right	U-Turn	App. Total	Left	Thru	Right	U-Turn	App. Total	Left	Thru	Right	U-Turn	App. Total	Left	Thru	Right	U-Turn	App. Total	
6:45 AM	0	0	2	0	2	0	0	0	0	0	0	0	0	0	0	3	0	0	0	3	5
Hourly Total	0	0	2	0	2	0	0	0	0	0	0	0	0	0	0	3	0	0	0	3	5
7:00 AM	0	0	7	0	7	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	7
7:15 AM	1	0	5	0	6	0	0	0	0	0	0	0	0	0	0	2	0	0	0	2	8
7:30 AM	1	0	5	0	6	0	0	0	0	0	0	0	0	0	0	1	0	0	0	1	7
7:45 AM	0	0	4	0	4	0	0	0	0	0	0	0	0	0	0	2	1	0	0	3	7
Hourly Total	2	0	21	0	23	0	0	0	0	0	0	0	0	0	0	5	1	0	0	6	29
8:00 AM	0	0	1	0	1	0	1	0	0	1	0	0	0	0	0	3	0	0	0	3	5
8:15 AM	0	0	2	0	2	0	0	0	0	0	0	0	0	0	0	2	0	0	0	2	4
8:30 AM	0	0	5	0	5	0	0	0	0	0	0	0	0	0	0	3	0	0	0	3	8
*** BREAK ***	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Hourly Total	0	0	8	0	8	0	1	0	0	1	0	0	0	0	0	8	0	0	0	8	17
4:00 PM	0	0	4	0	4	0	1	0	0	1	0	0	0	0	0	0	1	0	0	1	6
4:15 PM	0	0	2	0	2	0	0	0	0	0	0	0	0	0	0	4	0	0	0	4	6
4:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4	0	0	0	4	4
4:45 PM	0	0	3	0	3	0	0	0	0	0	0	0	0	0	0	6	0	0	0	6	9
Hourly Total	0	0	9	0	9	0	1	0	0	1	0	0	0	0	0	14	1	0	0	15	25
5:00 PM	0	0	2	0	2	0	0	0	0	0	0	0	0	0	0	4	0	0	0	4	6
5:15 PM	0	0	2	0	2	0	0	1	0	1	0	0	0	0	0	3	0	0	0	3	6
5:30 PM	0	0	3	0	3	0	0	0	0	0	0	0	0	0	0	2	0	0	0	2	5
5:45 PM	0	0	1	0	1	0	0	0	0	0	0	0	0	0	0	2	0	0	0	2	3
Hourly Total	0	0	8	0	8	0	0	1	0	1	0	0	0	0	0	11	0	0	0	11	20
Grand Total	2	0	48	0	50	0	2	1	0	3	0	0	0	0	0	41	2	0	0	43	96
Approach %	4.0	0.0	96.0	0.0	-	0.0	66.7	33.3	0.0	-	0.0	0.0	0.0	0.0	-	95.3	4.7	0.0	0.0	-	-
Total %	2.1	0.0	50.0	0.0	52.1	0.0	2.1	1.0	0.0	3.1	0.0	0.0	0.0	0.0	0.0	42.7	2.1	0.0	0.0	44.8	-
Lights	2	0	42	0	44	0	2	1	0	3	0	0	0	0	0	38	2	0	0	40	87
% Lights	100.0	-	87.5	-	88.0	-	100.0	100.0	-	100.0	-	-	-	-	-	92.7	100.0	-	-	93.0	90.6
Mediums	0	0	6	0	6	0	0	0	0	0	0	0	0	0	0	3	0	0	0	3	9
% Mediums	0.0	-	12.5	-	12.0	-	0.0	0.0	-	0.0	-	-	-	-	-	7.3	0.0	-	-	7.0	9.4
Articulated Trucks	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
% Articulated Trucks	0.0	-	0.0	-	0.0	-	0.0	0.0	-	0.0	-	-	-	-	-	0.0	0.0	-	-	0.0	0.0

GRAM Traffic NTX Inc.

1120 W. Lovers Lane

Arlington, Texas, United States 76013
817.265.8968

Count Name: VILLAGE DR @ GRAYSTONE RD
Site Code:
Start Date: 05/10/2022



Turning Movement Data Plot

GRAM Traffic NTX Inc.

1120 W. Lovers Lane

Arlington, Texas, United States 76013
817.265.8968

Count Name: VILLAGE DR @ GRAYSTONE RD
Site Code:
Start Date: 05/10/2022

Turning Movement Peak Hour Data (7:00 AM)

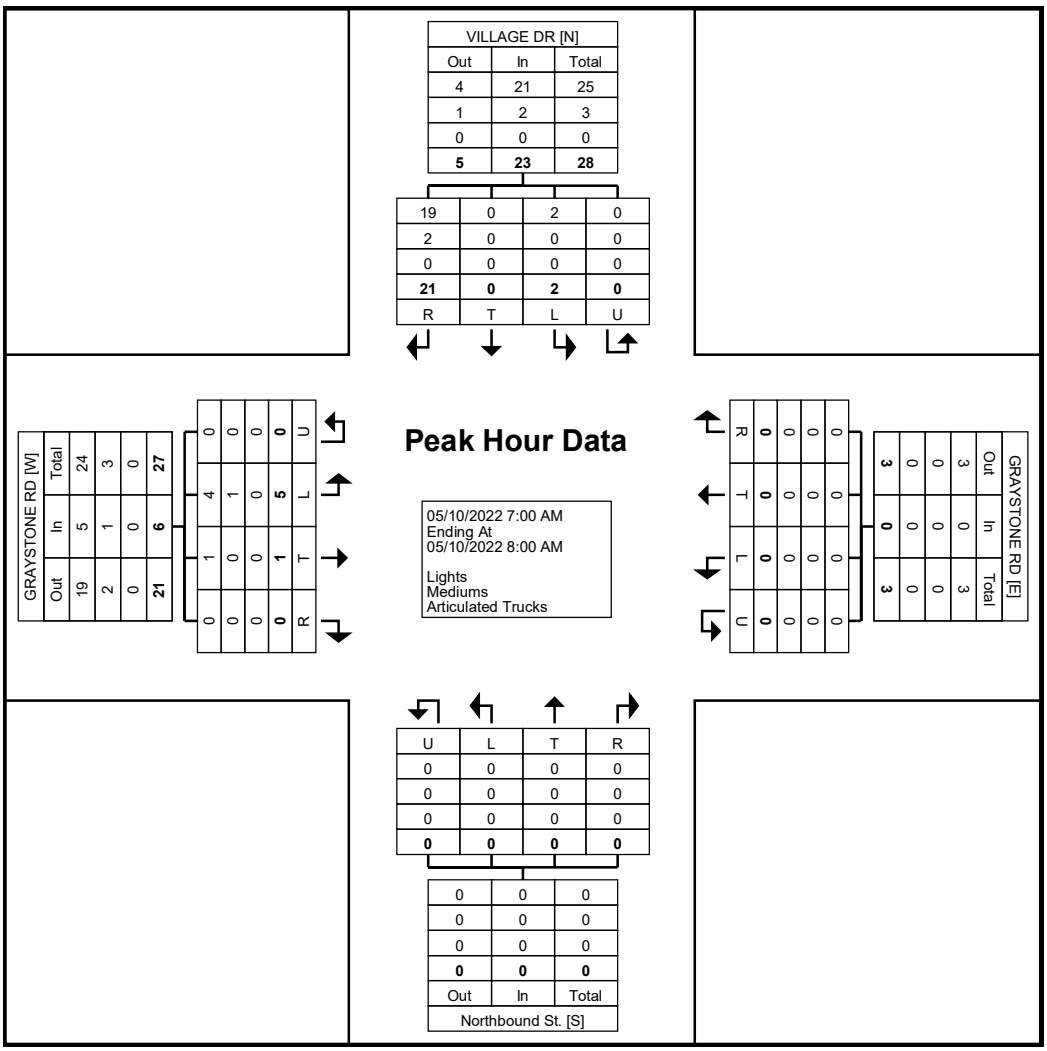
Start Time	VILLAGE DR Southbound					GRAYSTONE RD Westbound					Northbound St. Northbound					GRAYSTONE RD Eastbound					
	Left	Thru	Right	U-Turn	App. Total	Left	Thru	Right	U-Turn	App. Total	Left	Thru	Right	U-Turn	App. Total	Left	Thru	Right	U-Turn	App. Total	Int. Total
7:00 AM	0	0	7	0	7	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	7
7:15 AM	1	0	5	0	6	0	0	0	0	0	0	0	0	0	0	2	0	0	0	2	8
7:30 AM	1	0	5	0	6	0	0	0	0	0	0	0	0	0	0	1	0	0	0	1	7
7:45 AM	0	0	4	0	4	0	0	0	0	0	0	0	0	0	0	2	1	0	0	3	7
Total	2	0	21	0	23	0	0	0	0	0	0	0	0	0	0	5	1	0	0	6	29
Approach %	8.7	0.0	91.3	0.0	-	0.0	0.0	0.0	0.0	-	0.0	0.0	0.0	0.0	-	83.3	16.7	0.0	0.0	-	-
Total %	6.9	0.0	72.4	0.0	79.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	17.2	3.4	0.0	0.0	20.7	-
PHF	0.500	0.000	0.750	0.000	0.821	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.625	0.250	0.000	0.000	0.500	0.906
Lights	2	0	19	0	21	0	0	0	0	0	0	0	0	0	0	4	1	0	0	5	26
% Lights	100.0	-	90.5	-	91.3	-	-	-	-	-	-	-	-	-	-	80.0	100.0	-	-	83.3	89.7
Mediums	0	0	2	0	2	0	0	0	0	0	0	0	0	0	0	1	0	0	0	1	3
% Mediums	0.0	-	9.5	-	8.7	-	-	-	-	-	-	-	-	-	-	20.0	0.0	-	-	16.7	10.3
Articulated Trucks	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
% Articulated Trucks	0.0	-	0.0	-	0.0	-	-	-	-	-	-	-	-	-	-	0.0	0.0	-	-	0.0	0.0

GRAM Traffic NTX Inc.

1120 W. Lovers Lane

Arlington, Texas, United States 76013
817.265.8968

Count Name: VILLAGE DR @ GRAYSTONE RD
Site Code:
Start Date: 05/10/2022



Turning Movement Peak Hour Data Plot (7:00 AM)

GRAM Traffic NTX Inc.

1120 W. Lovers Lane

Arlington, Texas, United States 76013
817.265.8968

Count Name: VILLAGE DR @ GRAYSTONE RD
Site Code:
Start Date: 05/10/2022

Turning Movement Peak Hour Data (4:45 PM)

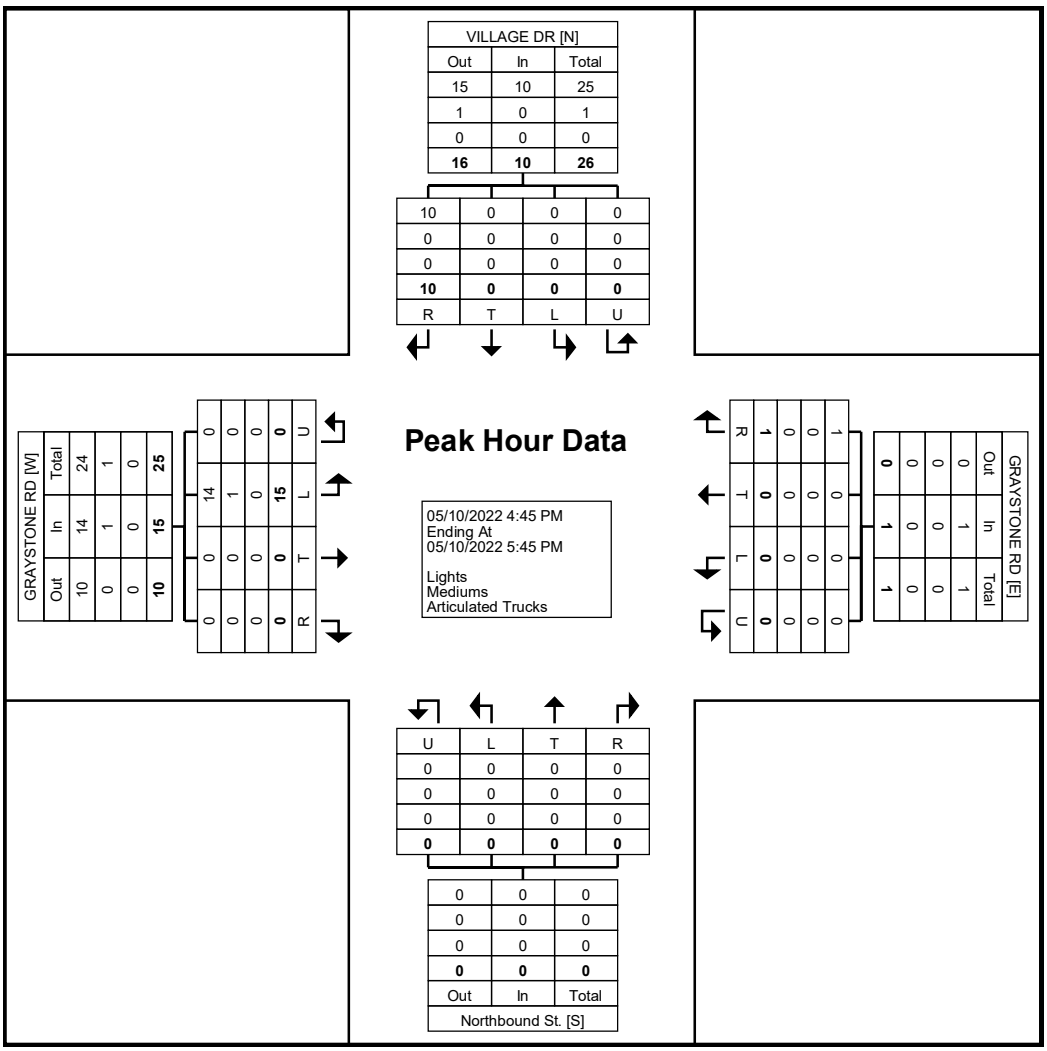
Start Time	VILLAGE DR Southbound					GRAYSTONE RD Westbound					Northbound St. Northbound					GRAYSTONE RD Eastbound					
	Left	Thru	Right	U-Turn	App. Total	Left	Thru	Right	U-Turn	App. Total	Left	Thru	Right	U-Turn	App. Total	Left	Thru	Right	U-Turn	App. Total	Int. Total
4:45 PM	0	0	3	0	3	0	0	0	0	0	0	0	0	0	0	6	0	0	0	6	9
5:00 PM	0	0	2	0	2	0	0	0	0	0	0	0	0	0	0	4	0	0	0	4	6
5:15 PM	0	0	2	0	2	0	0	1	0	1	0	0	0	0	0	3	0	0	0	3	6
5:30 PM	0	0	3	0	3	0	0	0	0	0	0	0	0	0	0	2	0	0	0	2	5
Total	0	0	10	0	10	0	0	1	0	1	0	0	0	0	0	15	0	0	0	15	26
Approach %	0.0	0.0	100.0	0.0	-	0.0	0.0	100.0	0.0	-	0.0	0.0	0.0	0.0	-	100.0	0.0	0.0	0.0	-	-
Total %	0.0	0.0	38.5	0.0	38.5	0.0	0.0	3.8	0.0	3.8	0.0	0.0	0.0	0.0	0.0	57.7	0.0	0.0	0.0	57.7	-
PHF	0.000	0.000	0.833	0.000	0.833	0.000	0.000	0.250	0.000	0.250	0.000	0.000	0.000	0.000	0.000	0.625	0.000	0.000	0.000	0.625	0.722
Lights	0	0	10	0	10	0	0	1	0	1	0	0	0	0	0	14	0	0	0	14	25
% Lights	-	-	100.0	-	100.0	-	-	100.0	-	100.0	-	-	-	-	-	93.3	-	-	-	93.3	96.2
Mediums	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	1	1
% Mediums	-	-	0.0	-	0.0	-	-	0.0	-	0.0	-	-	-	-	-	6.7	-	-	-	6.7	3.8
Articulated Trucks	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
% Articulated Trucks	-	-	0.0	-	0.0	-	-	0.0	-	0.0	-	-	-	-	-	0.0	-	-	-	0.0	0.0

GRAM Traffic NTX Inc.

1120 W. Lovers Lane

Arlington, Texas, United States 76013
817.265.8968

Count Name: VILLAGE DR @ GRAYSTONE RD
Site Code:
Start Date: 05/10/2022



Turning Movement Peak Hour Data Plot (4:45 PM)

GRAM Traffic NTX Inc.
1120 W. Lovers Lane

Arlington, Texas, United States 76013
817.265.8968 isaiah@gramntx.com

Count Name: SISTRUNK ST @ DRIPPING SPRING RD
Site Code:
Start Date: 05/10/2022

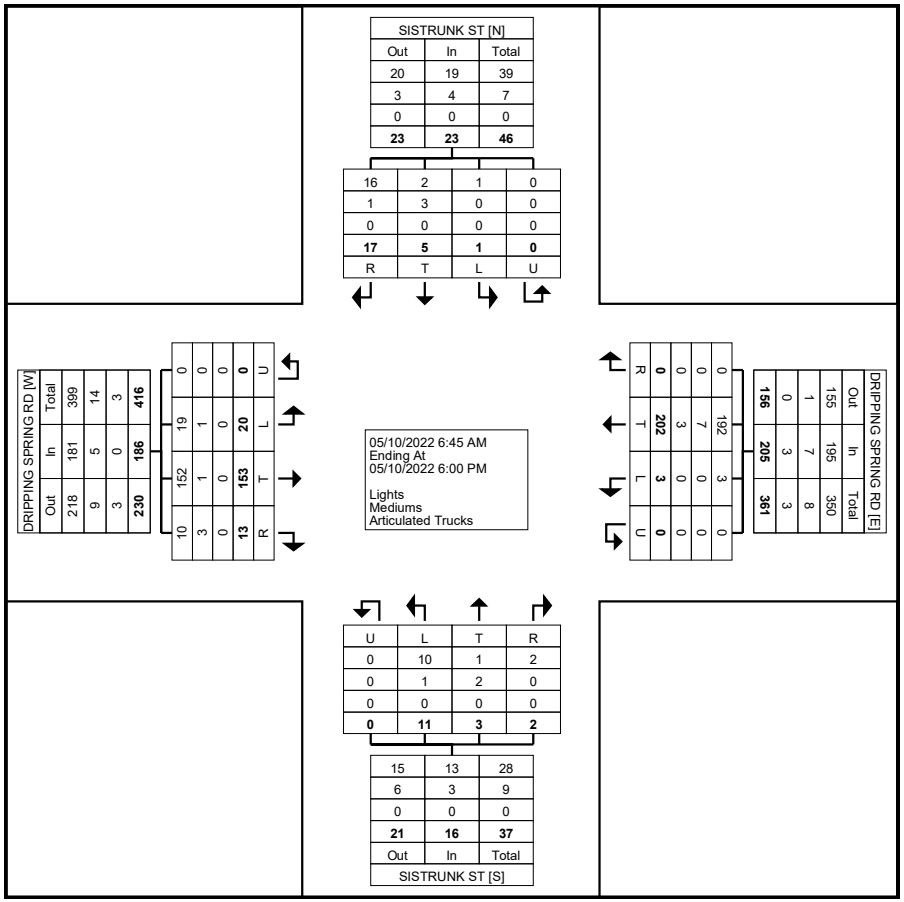
Turning Movement Data

Start Time	SISTRUNK ST Southbound					DRIPPING SPRING RD Westbound					SISTRUNK ST Northbound					DRIPPING SPRING RD Eastbound					
	Right	Thru	Left	U-Turn	App. Total	Right	Thru	Left	U-Turn	App. Total	Right	Thru	Left	U-Turn	App. Total	Right	Thru	Left	U-Turn	App. Total	Int. Total
6:45 AM	0	1	1	0	2	0	8	0	0	8	0	0	0	0	0	0	6	0	0	6	16
Hourly Total	0	1	1	0	2	0	8	0	0	8	0	0	0	0	0	0	6	0	0	6	16
7:00 AM	0	0	0	0	0	0	13	0	0	13	0	0	1	0	1	1	7	1	0	9	23
7:15 AM	1	0	0	0	1	0	19	0	0	19	0	0	1	0	1	0	5	1	0	6	27
7:30 AM	3	0	0	0	3	0	17	0	0	17	0	1	0	0	1	1	9	0	0	10	31
7:45 AM	3	1	0	0	4	0	19	0	0	19	1	0	2	0	3	0	5	0	0	5	31
Hourly Total	7	1	0	0	8	0	68	0	0	68	1	1	4	0	6	2	26	2	0	30	112
8:00 AM	0	0	0	0	0	0	15	0	0	15	0	0	0	0	0	0	6	0	0	6	21
8:15 AM	1	0	0	0	1	0	8	0	0	8	0	1	0	0	1	1	1	2	0	4	14
8:30 AM	0	0	0	0	0	0	9	0	0	9	0	0	2	0	2	1	7	2	0	10	21
*** BREAK ***	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Hourly Total	1	0	0	0	1	0	32	0	0	32	0	1	2	0	3	2	14	4	0	20	56
4:00 PM	1	1	0	0	2	0	9	1	0	10	0	0	0	0	0	4	12	1	0	17	29
4:15 PM	3	0	0	0	3	0	10	1	0	11	0	0	0	0	0	2	15	2	0	19	33
4:30 PM	1	0	0	0	1	0	15	0	0	15	1	0	1	0	2	0	13	0	0	13	31
4:45 PM	1	2	0	0	3	0	7	0	0	7	0	0	3	0	3	1	9	4	0	14	27
Hourly Total	6	3	0	0	9	0	41	2	0	43	1	0	4	0	5	7	49	7	0	63	120
5:00 PM	0	0	0	0	0	0	14	0	0	14	0	1	1	0	2	0	12	3	0	15	31
5:15 PM	1	0	0	0	1	0	18	0	0	18	0	0	0	0	0	0	18	2	0	20	39
5:30 PM	0	0	0	0	0	0	10	1	0	11	0	0	0	0	0	0	15	2	0	17	28
5:45 PM	2	0	0	0	2	0	11	0	0	11	0	0	0	0	0	2	13	0	0	15	28
Hourly Total	3	0	0	0	3	0	53	1	0	54	0	1	1	0	2	2	58	7	0	67	126
Grand Total	17	5	1	0	23	0	202	3	0	205	2	3	11	0	16	13	153	20	0	186	430
Approach %	73.9	21.7	4.3	0.0	-	0.0	98.5	1.5	0.0	-	12.5	18.8	68.8	0.0	-	7.0	82.3	10.8	0.0	-	-
Total %	4.0	1.2	0.2	0.0	5.3	0.0	47.0	0.7	0.0	47.7	0.5	0.7	2.6	0.0	3.7	3.0	35.6	4.7	0.0	43.3	-
Lights	16	2	1	0	19	0	192	3	0	195	2	1	10	0	13	10	152	19	0	181	408
% Lights	94.1	40.0	100.0	-	82.6	-	95.0	100.0	-	95.1	100.0	33.3	90.9	-	81.3	76.9	99.3	95.0	-	97.3	94.9
Mediums	1	3	0	0	4	0	7	0	0	7	0	2	1	0	3	3	1	1	0	5	19
% Mediums	5.9	60.0	0.0	-	17.4	-	3.5	0.0	-	3.4	0.0	66.7	9.1	-	18.8	23.1	0.7	5.0	-	2.7	4.4
Articulated Trucks	0	0	0	0	0	0	3	0	0	3	0	0	0	0	0	0	0	0	0	0	3
% Articulated Trucks	0.0	0.0	0.0	-	0.0	-	1.5	0.0	-	1.5	0.0	0.0	0.0	-	0.0	0.0	0.0	0.0	-	0.0	0.7

GRAM Traffic NTX Inc.
1120 W. Lovers Lane

Arlington, Texas, United States 76013
817.265.8968 isaiah@gramntx.com

Count Name: SISTRUNK ST @ DRIPPING SPRING RD
Site Code:
Start Date: 05/10/2022



Turning Movement Data Plot

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1120 W. Lovers Lane

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Count Name: SISTRUNK ST @ DRIPPING SPRING RD
Site Code:
Start Date: 05/10/2022

Turning Movement Peak Hour Data (7:00 AM)

Start Time	SISTRUNK ST Southbound					DRIPPING SPRING RD Westbound					SISTRUNK ST Northbound					DRIPPING SPRING RD Eastbound					
	Right	Thru	Left	U-Turn	App. Total	Right	Thru	Left	U-Turn	App. Total	Right	Thru	Left	U-Turn	App. Total	Right	Thru	Left	U-Turn	App. Total	Int. Total
7:00 AM	0	0	0	0	0	0	13	0	0	13	0	0	1	0	1	1	7	1	0	9	23
7:15 AM	1	0	0	0	1	0	19	0	0	19	0	0	1	0	1	0	5	1	0	6	27
7:30 AM	3	0	0	0	3	0	17	0	0	17	0	1	0	0	1	1	9	0	0	10	31
7:45 AM	3	1	0	0	4	0	19	0	0	19	1	0	2	0	3	0	5	0	0	5	31
Total	7	1	0	0	8	0	68	0	0	68	1	1	4	0	6	2	26	2	0	30	112
Approach %	87.5	12.5	0.0	0.0	-	0.0	100.0	0.0	0.0	-	16.7	16.7	66.7	0.0	-	6.7	86.7	6.7	0.0	-	-
Total %	6.3	0.9	0.0	0.0	7.1	0.0	60.7	0.0	0.0	60.7	0.9	0.9	3.6	0.0	5.4	1.8	23.2	1.8	0.0	26.8	-
PHF	0.583	0.250	0.000	0.000	0.500	0.000	0.895	0.000	0.000	0.895	0.250	0.250	0.500	0.000	0.500	0.500	0.722	0.500	0.000	0.750	0.903
Lights	7	0	0	0	7	0	64	0	0	64	1	0	4	0	5	1	26	1	0	28	104
% Lights	100.0	0.0	-	-	87.5	-	94.1	-	-	94.1	100.0	0.0	100.0	-	83.3	50.0	100.0	50.0	-	93.3	92.9
Mediums	0	1	0	0	1	0	2	0	0	2	0	1	0	0	1	1	0	1	0	2	6
% Mediums	0.0	100.0	-	-	12.5	-	2.9	-	-	2.9	0.0	100.0	0.0	-	16.7	50.0	0.0	50.0	-	6.7	5.4
Articulated Trucks	0	0	0	0	0	0	2	0	0	2	0	0	0	0	0	0	0	0	0	0	2
% Articulated Trucks	0.0	0.0	-	-	0.0	-	2.9	-	-	2.9	0.0	0.0	0.0	-	0.0	0.0	0.0	0.0	-	0.0	1.8

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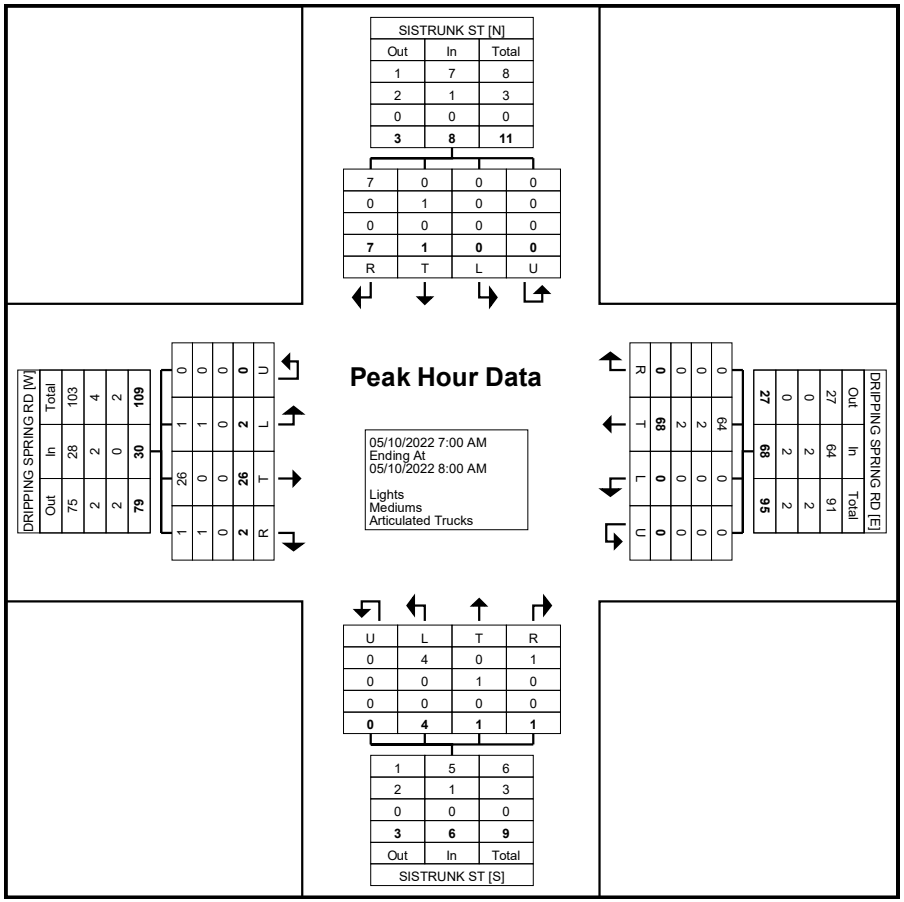
Start Date: 05/10/2022



Turning Movement Peak Hour Data Plot (7:00 AM)

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1120 W. Lovers Lane

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Count Name: SISTRUNK ST @ DRIPPING SPRING RD
Site Code:
Start Date: 05/10/2022

Turning Movement Peak Hour Data (4:30 PM)

Start Time	SISTRUNK ST Southbound					DRIPPING SPRING RD Westbound					SISTRUNK ST Northbound					DRIPPING SPRING RD Eastbound					
	Right	Thru	Left	U-Turn	App. Total	Right	Thru	Left	U-Turn	App. Total	Right	Thru	Left	U-Turn	App. Total	Right	Thru	Left	U-Turn	App. Total	Int. Total
4:30 PM	1	0	0	0	1	0	15	0	0	15	1	0	1	0	2	0	13	0	0	13	31
4:45 PM	1	2	0	0	3	0	7	0	0	7	0	0	3	0	3	1	9	4	0	14	27
5:00 PM	0	0	0	0	0	0	14	0	0	14	0	1	1	0	2	0	12	3	0	15	31
5:15 PM	1	0	0	0	1	0	18	0	0	18	0	0	0	0	0	0	18	2	0	20	39
Total	3	2	0	0	5	0	54	0	0	54	1	1	5	0	7	1	52	9	0	62	128
Approach %	60.0	40.0	0.0	0.0	-	0.0	100.0	0.0	0.0	-	14.3	14.3	71.4	0.0	-	1.6	83.9	14.5	0.0	-	-
Total %	2.3	1.6	0.0	0.0	3.9	0.0	42.2	0.0	0.0	42.2	0.8	0.8	3.9	0.0	5.5	0.8	40.6	7.0	0.0	48.4	-
PHF	0.750	0.250	0.000	0.000	0.417	0.000	0.750	0.000	0.000	0.750	0.250	0.250	0.417	0.000	0.583	0.250	0.722	0.563	0.000	0.775	0.821
Lights	3	2	0	0	5	0	53	0	0	53	1	0	5	0	6	1	51	9	0	61	125
% Lights	100.0	100.0	-	-	100.0	-	98.1	-	-	98.1	100.0	0.0	100.0	-	85.7	100.0	98.1	100.0	-	98.4	97.7
Mediums	0	0	0	0	0	0	1	0	0	1	0	1	0	0	1	0	1	0	0	1	3
% Mediums	0.0	0.0	-	-	0.0	-	1.9	-	-	1.9	0.0	100.0	0.0	-	14.3	0.0	1.9	0.0	-	1.6	2.3
Articulated Trucks	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
% Articulated Trucks	0.0	0.0	-	-	0.0	-	0.0	-	-	0.0	0.0	0.0	0.0	-	0.0	0.0	0.0	0.0	-	0.0	0.0

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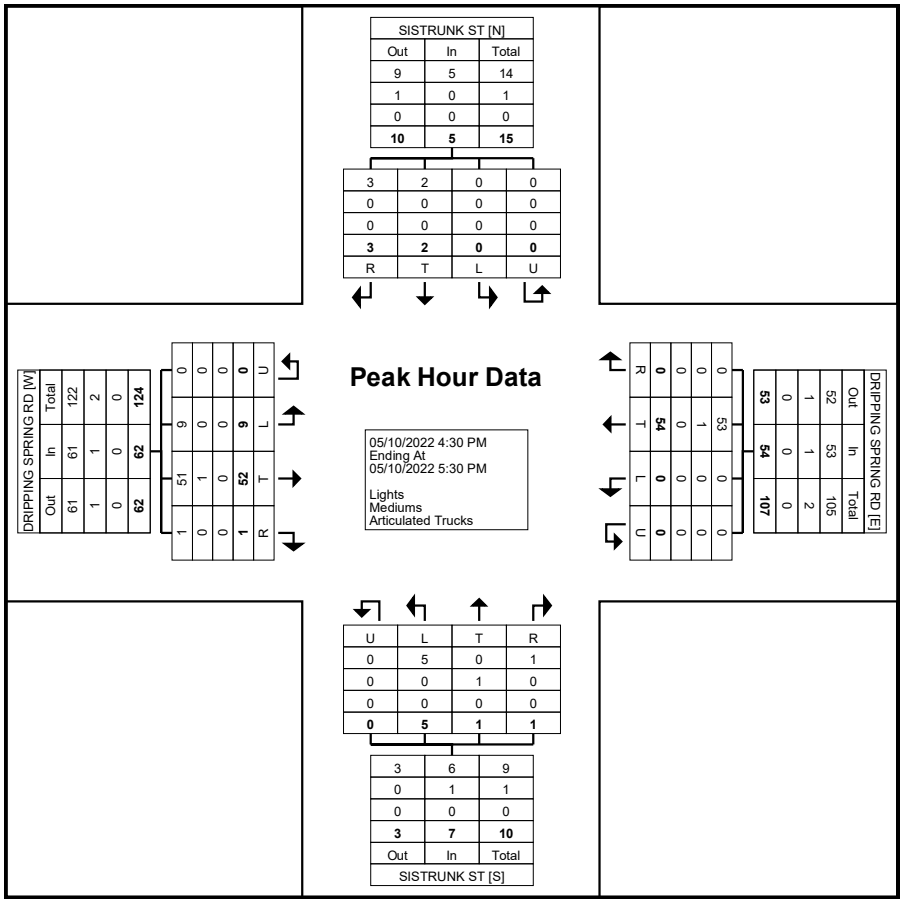


Turning Movement Peak Hour Data Plot (4:30 PM)

Intersection	
Int Delay, s/veh	0.5

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	9	6	191	4	3	209
Future Vol, veh/h	9	6	191	4	3	209
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	78	78	78	78	78	78
Heavy Vehicles, %	2	17	4	2	2	2
Mvmt Flow	12	8	245	5	4	268

Major/Minor	Minor1		Major1		Major2	
Conflicting Flow All	524	248	0	0	250	0
Stage 1	248	-	-	-	-	-
Stage 2	276	-	-	-	-	-
Critical Hdwy	6.42	6.37	-	-	4.12	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.453	-	-	2.218	-
Pot Cap-1 Maneuver	514	755	-	-	1316	-
Stage 1	793	-	-	-	-	-
Stage 2	771	-	-	-	-	-
Platoon blocked, %			-	-		-
Mov Cap-1 Maneuver	512	755	-	-	1316	-
Mov Cap-2 Maneuver	512	-	-	-	-	-
Stage 1	793	-	-	-	-	-
Stage 2	768	-	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	11.3	0	0.1
HCM LOS	B		

Minor Lane/Major Mvmt	NBT	NBR	WBLn1	SBL	SBT
Capacity (veh/h)	-	-	588	1316	-
HCM Lane V/C Ratio	-	-	0.033	0.003	-
HCM Control Delay (s)	-	-	11.3	7.7	0
HCM Lane LOS	-	-	B	A	A
HCM 95th %tile Q(veh)	-	-	0.1	0	-

Intersection	
Int Delay, s/veh	7.8

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕			↕			↕			↕	
Traffic Vol, veh/h	5	1	0	0	0	0	0	0	0	2	0	21
Future Vol, veh/h	5	1	0	0	0	0	0	0	0	2	0	21
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	91	91	91	91	91	91	91	91	91	91	91	91
Heavy Vehicles, %	20	2	2	2	2	2	2	2	2	2	2	10
Mvmt Flow	5	1	0	0	0	0	0	0	0	2	0	23

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	1	0	0	1	0	0	24	12	1	12	12	1
Stage 1	-	-	-	-	-	-	11	11	-	1	1	-
Stage 2	-	-	-	-	-	-	13	1	-	11	11	-
Critical Hdwy	4.3	-	-	4.12	-	-	7.12	6.52	6.22	7.12	6.52	6.3
Critical Hdwy Stg 1	-	-	-	-	-	-	6.12	5.52	-	6.12	5.52	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.12	5.52	-	6.12	5.52	-
Follow-up Hdwy	2.38	-	-	2.218	-	-	3.518	4.018	3.318	3.518	4.018	3.39
Pot Cap-1 Maneuver	1511	-	-	1622	-	-	987	883	1084	1005	883	1061
Stage 1	-	-	-	-	-	-	1010	886	-	1022	895	-
Stage 2	-	-	-	-	-	-	1007	895	-	1010	886	-
Platoon blocked, %		-	-		-	-						
Mov Cap-1 Maneuver	1511	-	-	1622	-	-	963	880	1084	1003	880	1061
Mov Cap-2 Maneuver	-	-	-	-	-	-	963	880	-	1003	880	-
Stage 1	-	-	-	-	-	-	1007	883	-	1019	895	-
Stage 2	-	-	-	-	-	-	985	895	-	1007	883	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	6.2	0	0	8.5
HCM LOS			A	A

Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	-	1511	-	-	1622	-	-	1056
HCM Lane V/C Ratio	-	0.004	-	-	-	-	-	0.024
HCM Control Delay (s)	0	7.4	0	-	0	-	-	8.5
HCM Lane LOS	A	A	A	-	A	-	-	A
HCM 95th %tile Q(veh)	-	0	-	-	0	-	-	0.1

Intersection	
Int Delay, s/veh	1.3

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕			↕			↕			↕	
Traffic Vol, veh/h	2	26	2	0	68	0	4	1	1	0	1	7
Future Vol, veh/h	2	26	2	0	68	0	4	1	1	0	1	7
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	90	90	90	90	90	90	90	90	90	90	90	90
Heavy Vehicles, %	50	2	50	2	6	2	2	100	2	2	100	2
Mvmt Flow	2	29	2	0	76	0	4	1	1	0	1	8

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	76	0	0	31	0	0	115	110	30	111	111	76
Stage 1	-	-	-	-	-	-	34	34	-	76	76	-
Stage 2	-	-	-	-	-	-	81	76	-	35	35	-
Critical Hdwy	4.6	-	-	4.12	-	-	7.12	7.5	6.22	7.12	7.5	6.22
Critical Hdwy Stg 1	-	-	-	-	-	-	6.12	6.5	-	6.12	6.5	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.12	6.5	-	6.12	6.5	-
Follow-up Hdwy	2.65	-	-	2.218	-	-	3.518	4.9	3.318	3.518	4.9	3.318
Pot Cap-1 Maneuver	1268	-	-	1582	-	-	862	629	1044	867	628	985
Stage 1	-	-	-	-	-	-	982	707	-	933	674	-
Stage 2	-	-	-	-	-	-	927	674	-	981	706	-
Platoon blocked, %		-	-		-	-						
Mov Cap-1 Maneuver	1268	-	-	1582	-	-	853	628	1044	864	627	985
Mov Cap-2 Maneuver	-	-	-	-	-	-	853	628	-	864	627	-
Stage 1	-	-	-	-	-	-	980	706	-	931	674	-
Stage 2	-	-	-	-	-	-	918	674	-	976	705	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	0.5	0	9.4	9
HCM LOS			A	A

Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	829	1268	-	-	1582	-	-	919
HCM Lane V/C Ratio	0.008	0.002	-	-	-	-	-	0.01
HCM Control Delay (s)	9.4	7.8	0	-	0	-	-	9
HCM Lane LOS	A	A	A	-	A	-	-	A
HCM 95th %tile Q(veh)	0	0	-	-	0	-	-	0

Intersection	
Int Delay, s/veh	0.5

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	8	4	149	7	7	208
Future Vol, veh/h	8	4	149	7	7	208
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	78	78	78	78	78	78
Heavy Vehicles, %	2	17	4	2	2	2
Mvmt Flow	10	5	191	9	9	267

Major/Minor	Minor1		Major1		Major2	
Conflicting Flow All	481	196	0	0	200	0
Stage 1	196	-	-	-	-	-
Stage 2	285	-	-	-	-	-
Critical Hdwy	6.42	6.37	-	-	4.12	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.453	-	-	2.218	-
Pot Cap-1 Maneuver	544	808	-	-	1372	-
Stage 1	837	-	-	-	-	-
Stage 2	763	-	-	-	-	-
Platoon blocked, %			-	-		-
Mov Cap-1 Maneuver	540	808	-	-	1372	-
Mov Cap-2 Maneuver	540	-	-	-	-	-
Stage 1	837	-	-	-	-	-
Stage 2	757	-	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	11.1	0	0.2
HCM LOS	B		

Minor Lane/Major Mvmt	NBT	NBR	WBLn1	SBL	SBT
Capacity (veh/h)	-	-	607	1372	-
HCM Lane V/C Ratio	-	-	0.025	0.007	-
HCM Control Delay (s)	-	-	11.1	7.6	0
HCM Lane LOS	-	-	B	A	A
HCM 95th %tile Q(veh)	-	-	0.1	0	-

Intersection	
Int Delay, s/veh	4.3

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕			↕			↕			↕	
Traffic Vol, veh/h	15	0	0	0	0	1	0	0	0	0	0	10
Future Vol, veh/h	15	0	0	0	0	1	0	0	0	0	0	10
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	91	91	91	91	91	91	91	91	91	91	91	91
Heavy Vehicles, %	20	2	2	2	2	2	2	2	2	2	2	10
Mvmt Flow	16	0	0	0	0	1	0	0	0	0	0	11

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	1	0	0	0	0	0	38	33	0	33	33	1
Stage 1	-	-	-	-	-	-	32	32	-	1	1	-
Stage 2	-	-	-	-	-	-	6	1	-	32	32	-
Critical Hdwy	4.3	-	-	4.12	-	-	7.12	6.52	6.22	7.12	6.52	6.3
Critical Hdwy Stg 1	-	-	-	-	-	-	6.12	5.52	-	6.12	5.52	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.12	5.52	-	6.12	5.52	-
Follow-up Hdwy	2.38	-	-	2.218	-	-	3.518	4.018	3.318	3.518	4.018	3.39
Pot Cap-1 Maneuver	1511	-	-	-	-	-	967	860	-	974	860	1061
Stage 1	-	-	-	-	-	-	984	868	-	1022	895	-
Stage 2	-	-	-	-	-	-	1016	895	-	984	868	-
Platoon blocked, %		-	-		-	-						
Mov Cap-1 Maneuver	1511	-	-	-	-	-	949	851	-	-	851	1061
Mov Cap-2 Maneuver	-	-	-	-	-	-	949	851	-	-	851	-
Stage 1	-	-	-	-	-	-	973	858	-	1011	895	-
Stage 2	-	-	-	-	-	-	1005	895	-	973	858	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	7.4	0	0	
HCM LOS			A	-

Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	-	1511	-	-	-	-	-	-
HCM Lane V/C Ratio	-	0.011	-	-	-	-	-	-
HCM Control Delay (s)	0	7.4	0	-	0	-	-	-
HCM Lane LOS	A	A	A	-	A	-	-	-
HCM 95th %tile Q(veh)	-	0	-	-	-	-	-	-

Intersection	
Int Delay, s/veh	1.4

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕			↕			↕			↕	
Traffic Vol, veh/h	9	52	1	0	54	0	5	1	1	0	2	3
Future Vol, veh/h	9	52	1	0	54	0	5	1	1	0	2	3
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	90	90	90	90	90	90	90	90	90	90	90	90
Heavy Vehicles, %	50	2	50	2	6	2	2	100	2	2	100	2
Mvmt Flow	10	58	1	0	60	0	6	1	1	0	2	3

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	60	0	0	59	0	0	142	139	59	140	139	60
Stage 1	-	-	-	-	-	-	79	79	-	60	60	-
Stage 2	-	-	-	-	-	-	63	60	-	80	79	-
Critical Hdwy	4.6	-	-	4.12	-	-	7.12	7.5	6.22	7.12	7.5	6.22
Critical Hdwy Stg 1	-	-	-	-	-	-	6.12	6.5	-	6.12	6.5	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.12	6.5	-	6.12	6.5	-
Follow-up Hdwy	2.65	-	-	2.218	-	-	3.518	4.9	3.318	3.518	4.9	3.318
Pot Cap-1 Maneuver	1286	-	-	1545	-	-	828	604	1007	830	604	1005
Stage 1	-	-	-	-	-	-	930	672	-	951	687	-
Stage 2	-	-	-	-	-	-	948	687	-	929	672	-
Platoon blocked, %		-	-		-	-						
Mov Cap-1 Maneuver	1286	-	-	1545	-	-	818	599	1007	823	599	1005
Mov Cap-2 Maneuver	-	-	-	-	-	-	818	599	-	823	599	-
Stage 1	-	-	-	-	-	-	923	667	-	943	687	-
Stage 2	-	-	-	-	-	-	942	687	-	919	667	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	1.1	0	9.6	9.6
HCM LOS			A	A

Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	798	1286	-	-	1545	-	-	791
HCM Lane V/C Ratio	0.01	0.008	-	-	-	-	-	0.007
HCM Control Delay (s)	9.6	7.8	0	-	0	-	-	9.6
HCM Lane LOS	A	A	A	-	A	-	-	A
HCM 95th %tile Q(veh)	0	0	-	-	0	-	-	0

Intersection	
Int Delay, s/veh	0.5

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	10	7	215	5	3	235
Future Vol, veh/h	10	7	215	5	3	235
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	78	78	78	78	78	78
Heavy Vehicles, %	2	17	4	2	2	2
Mvmt Flow	13	9	276	6	4	301

Major/Minor	Minor1		Major1		Major2	
Conflicting Flow All	588	279	0	0	282	0
Stage 1	279	-	-	-	-	-
Stage 2	309	-	-	-	-	-
Critical Hdwy	6.42	6.37	-	-	4.12	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.453	-	-	2.218	-
Pot Cap-1 Maneuver	471	725	-	-	1280	-
Stage 1	768	-	-	-	-	-
Stage 2	745	-	-	-	-	-
Platoon blocked, %			-	-		-
Mov Cap-1 Maneuver	469	725	-	-	1280	-
Mov Cap-2 Maneuver	469	-	-	-	-	-
Stage 1	768	-	-	-	-	-
Stage 2	742	-	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	11.8	0	0.1
HCM LOS	B		

Minor Lane/Major Mvmt	NBT	NBR	WBLn1	SBL	SBT
Capacity (veh/h)	-	-	549	1280	-
HCM Lane V/C Ratio	-	-	0.04	0.003	-
HCM Control Delay (s)	-	-	11.8	7.8	0
HCM Lane LOS	-	-	B	A	A
HCM 95th %tile Q(veh)	-	-	0.1	0	-

Intersection	
Int Delay, s/veh	7.8

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕			↕			↕			↕	
Traffic Vol, veh/h	6	1	0	0	0	0	0	0	0	2	0	24
Future Vol, veh/h	6	1	0	0	0	0	0	0	0	2	0	24
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	91	91	91	91	91	91	91	91	91	91	91	91
Heavy Vehicles, %	20	2	2	2	2	2	2	2	2	2	2	10
Mvmt Flow	7	1	0	0	0	0	0	0	0	2	0	26

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	1	0	0	1	0	0	29	16	1	16	16	1
Stage 1	-	-	-	-	-	-	15	15	-	1	1	-
Stage 2	-	-	-	-	-	-	14	1	-	15	15	-
Critical Hdwy	4.3	-	-	4.12	-	-	7.12	6.52	6.22	7.12	6.52	6.3
Critical Hdwy Stg 1	-	-	-	-	-	-	6.12	5.52	-	6.12	5.52	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.12	5.52	-	6.12	5.52	-
Follow-up Hdwy	2.38	-	-	2.218	-	-	3.518	4.018	3.318	3.518	4.018	3.39
Pot Cap-1 Maneuver	1511	-	-	1622	-	-	980	878	1084	999	878	1061
Stage 1	-	-	-	-	-	-	1005	883	-	1022	895	-
Stage 2	-	-	-	-	-	-	1006	895	-	1005	883	-
Platoon blocked, %		-	-		-	-						
Mov Cap-1 Maneuver	1511	-	-	1622	-	-	952	874	1084	995	874	1061
Mov Cap-2 Maneuver	-	-	-	-	-	-	952	874	-	995	874	-
Stage 1	-	-	-	-	-	-	1000	879	-	1017	895	-
Stage 2	-	-	-	-	-	-	981	895	-	1000	879	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	6.3	0	0	8.5
HCM LOS			A	A

Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	-	1511	-	-	1622	-	-	1056
HCM Lane V/C Ratio	-	0.004	-	-	-	-	-	0.027
HCM Control Delay (s)	0	7.4	0	-	0	-	-	8.5
HCM Lane LOS	A	A	A	-	A	-	-	A
HCM 95th %tile Q(veh)	-	0	-	-	0	-	-	0.1

Intersection	
Int Delay, s/veh	1.3

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕			↕			↕			↕	
Traffic Vol, veh/h	2	30	2	0	78	0	5	1	1	0	1	8
Future Vol, veh/h	2	30	2	0	78	0	5	1	1	0	1	8
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	90	90	90	90	90	90	90	90	90	90	90	90
Heavy Vehicles, %	50	2	50	2	6	2	2	100	2	2	100	2
Mvmt Flow	2	33	2	0	87	0	6	1	1	0	1	9

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	87	0	0	35	0	0	130	125	34	126	126	87
Stage 1	-	-	-	-	-	-	38	38	-	87	87	-
Stage 2	-	-	-	-	-	-	92	87	-	39	39	-
Critical Hdwy	4.6	-	-	4.12	-	-	7.12	7.5	6.22	7.12	7.5	6.22
Critical Hdwy Stg 1	-	-	-	-	-	-	6.12	6.5	-	6.12	6.5	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.12	6.5	-	6.12	6.5	-
Follow-up Hdwy	2.65	-	-	2.218	-	-	3.518	4.9	3.318	3.518	4.9	3.318
Pot Cap-1 Maneuver	1255	-	-	1576	-	-	843	616	1039	848	615	971
Stage 1	-	-	-	-	-	-	977	704	-	921	666	-
Stage 2	-	-	-	-	-	-	915	666	-	976	703	-
Platoon blocked, %		-	-		-	-						
Mov Cap-1 Maneuver	1255	-	-	1576	-	-	833	615	1039	845	614	971
Mov Cap-2 Maneuver	-	-	-	-	-	-	833	615	-	845	614	-
Stage 1	-	-	-	-	-	-	975	703	-	919	666	-
Stage 2	-	-	-	-	-	-	905	666	-	971	702	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	0.5	0	9.5	9
HCM LOS			A	A

Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	815	1255	-	-	1576	-	-	912
HCM Lane V/C Ratio	0.01	0.002	-	-	-	-	-	0.011
HCM Control Delay (s)	9.5	7.9	0	-	0	-	-	9
HCM Lane LOS	A	A	A	-	A	-	-	A
HCM 95th %tile Q(veh)	0	0	-	-	0	-	-	0

Intersection	
Int Delay, s/veh	0.5

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	9	5	168	8	8	234
Future Vol, veh/h	9	5	168	8	8	234
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	78	78	78	78	78	78
Heavy Vehicles, %	2	17	4	2	2	2
Mvmt Flow	12	6	215	10	10	300

Major/Minor	Minor1		Major1		Major2	
Conflicting Flow All	540	220	0	0	225	0
Stage 1	220	-	-	-	-	-
Stage 2	320	-	-	-	-	-
Critical Hdwy	6.42	6.37	-	-	4.12	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.453	-	-	2.218	-
Pot Cap-1 Maneuver	503	784	-	-	1344	-
Stage 1	817	-	-	-	-	-
Stage 2	736	-	-	-	-	-
Platoon blocked, %			-	-		-
Mov Cap-1 Maneuver	498	784	-	-	1344	-
Mov Cap-2 Maneuver	498	-	-	-	-	-
Stage 1	817	-	-	-	-	-
Stage 2	729	-	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	11.5	0	0.3
HCM LOS	B		

Minor Lane/Major Mvmt	NBT	NBR	WBLn1	SBL	SBT
Capacity (veh/h)	-	-	573	1344	-
HCM Lane V/C Ratio	-	-	0.031	0.008	-
HCM Control Delay (s)	-	-	11.5	7.7	0
HCM Lane LOS	-	-	B	A	A
HCM 95th %tile Q(veh)	-	-	0.1	0	-

Intersection	
Int Delay, s/veh	4.3

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕			↕			↕			↕	
Traffic Vol, veh/h	17	0	0	0	0	1	0	0	0	0	0	11
Future Vol, veh/h	17	0	0	0	0	1	0	0	0	0	0	11
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	91	91	91	91	91	91	91	91	91	91	91	91
Heavy Vehicles, %	20	2	2	2	2	2	2	2	2	2	2	10
Mvmt Flow	19	0	0	0	0	1	0	0	0	0	0	12

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	1	0	0	0	0	0	45	39	0	39	39	1
Stage 1	-	-	-	-	-	-	38	38	-	1	1	-
Stage 2	-	-	-	-	-	-	7	1	-	38	38	-
Critical Hdwy	4.3	-	-	4.12	-	-	7.12	6.52	6.22	7.12	6.52	6.3
Critical Hdwy Stg 1	-	-	-	-	-	-	6.12	5.52	-	6.12	5.52	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.12	5.52	-	6.12	5.52	-
Follow-up Hdwy	2.38	-	-	2.218	-	-	3.518	4.018	3.318	3.518	4.018	3.39
Pot Cap-1 Maneuver	1511	-	-	-	-	-	957	853	-	966	853	1061
Stage 1	-	-	-	-	-	-	977	863	-	1022	895	-
Stage 2	-	-	-	-	-	-	1015	895	-	977	863	-
Platoon blocked, %		-	-		-	-						
Mov Cap-1 Maneuver	1511	-	-	-	-	-	937	842	-	-	842	1061
Mov Cap-2 Maneuver	-	-	-	-	-	-	937	842	-	-	842	-
Stage 1	-	-	-	-	-	-	964	852	-	1009	895	-
Stage 2	-	-	-	-	-	-	1003	895	-	964	852	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	7.4	0	0	
HCM LOS			A	-

Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	-	1511	-	-	-	-	-	-
HCM Lane V/C Ratio	-	0.012	-	-	-	-	-	-
HCM Control Delay (s)	0	7.4	0	-	0	-	-	-
HCM Lane LOS	A	A	A	-	A	-	-	-
HCM 95th %tile Q(veh)	-	0	-	-	-	-	-	-

Intersection	
Int Delay, s/veh	1.4

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕			↕			↕			↕	
Traffic Vol, veh/h	10	60	1	0	62	0	6	1	1	0	2	3
Future Vol, veh/h	10	60	1	0	62	0	6	1	1	0	2	3
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	90	90	90	90	90	90	90	90	90	90	90	90
Heavy Vehicles, %	50	2	50	2	6	2	2	100	2	2	100	2
Mvmt Flow	11	67	1	0	69	0	7	1	1	0	2	3

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	69	0	0	68	0	0	162	159	68	160	159	69
Stage 1	-	-	-	-	-	-	90	90	-	69	69	-
Stage 2	-	-	-	-	-	-	72	69	-	91	90	-
Critical Hdwy	4.6	-	-	4.12	-	-	7.12	7.5	6.22	7.12	7.5	6.22
Critical Hdwy Stg 1	-	-	-	-	-	-	6.12	6.5	-	6.12	6.5	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.12	6.5	-	6.12	6.5	-
Follow-up Hdwy	2.65	-	-	2.218	-	-	3.518	4.9	3.318	3.518	4.9	3.318
Pot Cap-1 Maneuver	1276	-	-	1533	-	-	803	587	995	806	587	994
Stage 1	-	-	-	-	-	-	917	664	-	941	680	-
Stage 2	-	-	-	-	-	-	938	680	-	916	664	-
Platoon blocked, %		-	-		-	-						
Mov Cap-1 Maneuver	1276	-	-	1533	-	-	793	582	995	799	582	994
Mov Cap-2 Maneuver	-	-	-	-	-	-	793	582	-	799	582	-
Stage 1	-	-	-	-	-	-	909	658	-	933	680	-
Stage 2	-	-	-	-	-	-	932	680	-	905	658	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	1.1	0	9.7	9.7
HCM LOS			A	A

Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	777	1276	-	-	1533	-	-	775
HCM Lane V/C Ratio	0.011	0.009	-	-	-	-	-	0.007
HCM Control Delay (s)	9.7	7.8	0	-	0	-	-	9.7
HCM Lane LOS	A	A	A	-	A	-	-	A
HCM 95th %tile Q(veh)	0	0	-	-	0	-	-	0

Intersection	
Int Delay, s/veh	7.3

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	77	149	215	108	83	235
Future Vol, veh/h	77	149	215	108	83	235
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	78	78	78	78	78	78
Heavy Vehicles, %	2	17	4	2	2	2
Mvmt Flow	99	191	276	138	106	301

Major/Minor	Minor1		Major1		Major2	
Conflicting Flow All	858	345	0	0	414	0
Stage 1	345	-	-	-	-	-
Stage 2	513	-	-	-	-	-
Critical Hdwy	6.42	6.37	-	-	4.12	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.453	-	-	2.218	-
Pot Cap-1 Maneuver	327	665	-	-	1145	-
Stage 1	717	-	-	-	-	-
Stage 2	601	-	-	-	-	-
Platoon blocked, %			-	-		-
Mov Cap-1 Maneuver	291	665	-	-	1145	-
Mov Cap-2 Maneuver	291	-	-	-	-	-
Stage 1	717	-	-	-	-	-
Stage 2	534	-	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	25	0	2.2
HCM LOS	D		

Minor Lane/Major Mvmt	NBT	NBR	WBLn1	SBL	SBT
Capacity (veh/h)	-	-	462	1145	-
HCM Lane V/C Ratio	-	-	0.627	0.093	-
HCM Control Delay (s)	-	-	25	8.5	0
HCM Lane LOS	-	-	D	A	A
HCM 95th %tile Q(veh)	-	-	4.2	0.3	-

Intersection	
Int Delay, s/veh	2.3

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		⇕			⇕			⇕			⇕	
Traffic Vol, veh/h	6	117	23	0	118	19	19	0	19	14	0	24
Future Vol, veh/h	6	117	23	0	118	19	19	0	19	14	0	24
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	91	91	91	91	91	91	91	91	91	91	91	91
Heavy Vehicles, %	20	2	2	2	2	2	2	2	2	2	2	10
Mvmt Flow	7	129	25	0	130	21	21	0	21	15	0	26

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	151	0	0	154	0	0	310	307	142	307	309	141
Stage 1	-	-	-	-	-	-	156	156	-	141	141	-
Stage 2	-	-	-	-	-	-	154	151	-	166	168	-
Critical Hdwy	4.3	-	-	4.12	-	-	7.12	6.52	6.22	7.12	6.52	6.3
Critical Hdwy Stg 1	-	-	-	-	-	-	6.12	5.52	-	6.12	5.52	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.12	5.52	-	6.12	5.52	-
Follow-up Hdwy	2.38	-	-	2.218	-	-	3.518	4.018	3.318	3.518	4.018	3.39
Pot Cap-1 Maneuver	1327	-	-	1426	-	-	642	607	906	645	605	886
Stage 1	-	-	-	-	-	-	846	769	-	862	780	-
Stage 2	-	-	-	-	-	-	848	772	-	836	759	-
Platoon blocked, %		-	-		-	-						
Mov Cap-1 Maneuver	1327	-	-	1426	-	-	620	603	906	627	601	886
Mov Cap-2 Maneuver	-	-	-	-	-	-	620	603	-	627	601	-
Stage 1	-	-	-	-	-	-	841	764	-	857	780	-
Stage 2	-	-	-	-	-	-	823	772	-	812	754	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	0.3	0	10.2	10
HCM LOS			B	B

Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	736	1327	-	-	1426	-	-	769
HCM Lane V/C Ratio	0.057	0.005	-	-	-	-	-	0.054
HCM Control Delay (s)	10.2	7.7	0	-	0	-	-	10
HCM Lane LOS	B	A	A	-	A	-	-	B
HCM 95th %tile Q(veh)	0.2	0	-	-	0	-	-	0.2

Intersection	
Int Delay, s/veh	2.7

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕			↕			↕			↕	
Traffic Vol, veh/h	2	30	7	2	78	0	12	9	5	0	6	8
Future Vol, veh/h	2	30	7	2	78	0	12	9	5	0	6	8
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	90	90	90	90	90	90	90	90	90	90	90	90
Heavy Vehicles, %	50	2	50	2	6	2	2	100	2	2	100	2
Mvmt Flow	2	33	8	2	87	0	13	10	6	0	7	9

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	87	0	0	41	0	0	140	132	37	140	136	87
Stage 1	-	-	-	-	-	-	41	41	-	91	91	-
Stage 2	-	-	-	-	-	-	99	91	-	49	45	-
Critical Hdwy	4.6	-	-	4.12	-	-	7.12	7.5	6.22	7.12	7.5	6.22
Critical Hdwy Stg 1	-	-	-	-	-	-	6.12	6.5	-	6.12	6.5	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.12	6.5	-	6.12	6.5	-
Follow-up Hdwy	2.65	-	-	2.218	-	-	3.518	4.9	3.318	3.518	4.9	3.318
Pot Cap-1 Maneuver	1255	-	-	1568	-	-	830	610	1035	830	606	971
Stage 1	-	-	-	-	-	-	974	701	-	916	663	-
Stage 2	-	-	-	-	-	-	907	663	-	964	698	-
Platoon blocked, %		-	-		-	-						
Mov Cap-1 Maneuver	1255	-	-	1568	-	-	813	608	1035	813	604	971
Mov Cap-2 Maneuver	-	-	-	-	-	-	813	608	-	813	604	-
Stage 1	-	-	-	-	-	-	972	700	-	914	662	-
Stage 2	-	-	-	-	-	-	889	662	-	943	697	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	0.4	0.2	10	9.8
HCM LOS			B	A

Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	756	1255	-	-	1568	-	-	770
HCM Lane V/C Ratio	0.038	0.002	-	-	0.001	-	-	0.02
HCM Control Delay (s)	10	7.9	0	-	7.3	0	-	9.8
HCM Lane LOS	B	A	A	-	A	A	-	A
HCM 95th %tile Q(veh)	0.1	0	-	-	0	-	-	0.1

Intersection	
Int Delay, s/veh	1

Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations						
Traffic Vol, veh/h	132	47	0	179	19	19
Future Vol, veh/h	132	47	0	179	19	19
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	0
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	143	51	0	195	21	21

Major/Minor	Major1		Major2		Minor1	
Conflicting Flow All	0	0	-	-	364	169
Stage 1	-	-	-	-	169	-
Stage 2	-	-	-	-	195	-
Critical Hdwy	-	-	-	-	6.42	6.22
Critical Hdwy Stg 1	-	-	-	-	5.42	-
Critical Hdwy Stg 2	-	-	-	-	5.42	-
Follow-up Hdwy	-	-	-	-	3.518	3.318
Pot Cap-1 Maneuver	-	-	0	-	635	875
Stage 1	-	-	0	-	861	-
Stage 2	-	-	0	-	838	-
Platoon blocked, %	-	-		-		
Mov Cap-1 Maneuver	-	-	-	-	635	875
Mov Cap-2 Maneuver	-	-	-	-	635	-
Stage 1	-	-	-	-	861	-
Stage 2	-	-	-	-	838	-

Approach	EB	WB	NB
HCM Control Delay, s	0	0	10.1
HCM LOS			B

Minor Lane/Major Mvmt	NBLn1	NBLn2	EBT	EBR	WBT
Capacity (veh/h)	635	875	-	-	-
HCM Lane V/C Ratio	0.033	0.024	-	-	-
HCM Control Delay (s)	10.9	9.2	-	-	-
HCM Lane LOS	B	A	-	-	-
HCM 95th %tile Q(veh)	0.1	0.1	-	-	-

Intersection	
Int Delay, s/veh	1.3

Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Traffic Vol, veh/h	19	19	2	120	122	23
Future Vol, veh/h	19	19	2	120	122	23
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	21	21	2	130	133	25

Major/Minor	Minor2		Major1		Major2	
Conflicting Flow All	280	146	158	0	-	0
Stage 1	146	-	-	-	-	-
Stage 2	134	-	-	-	-	-
Critical Hdwy	6.42	6.22	4.12	-	-	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.318	2.218	-	-	-
Pot Cap-1 Maneuver	710	901	1422	-	-	-
Stage 1	881	-	-	-	-	-
Stage 2	892	-	-	-	-	-
Platoon blocked, %				-	-	-
Mov Cap-1 Maneuver	709	901	1422	-	-	-
Mov Cap-2 Maneuver	709	-	-	-	-	-
Stage 1	879	-	-	-	-	-
Stage 2	892	-	-	-	-	-

Approach	EB	NB	SB
HCM Control Delay, s	9.8	0.1	0
HCM LOS	A		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR
Capacity (veh/h)	1422	-	794	-	-
HCM Lane V/C Ratio	0.002	-	0.052	-	-
HCM Control Delay (s)	7.5	0	9.8	-	-
HCM Lane LOS	A	A	A	-	-
HCM 95th %tile Q(veh)	0	-	0.2	-	-

Intersection	
Int Delay, s/veh	3.9

Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Traffic Vol, veh/h	78	39	2	45	95	47
Future Vol, veh/h	78	39	2	45	95	47
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	85	42	2	49	103	51

Major/Minor	Minor2		Major1		Major2	
Conflicting Flow All	182	129	154	0	-	0
Stage 1	129	-	-	-	-	-
Stage 2	53	-	-	-	-	-
Critical Hdwy	6.42	6.22	4.12	-	-	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.318	2.218	-	-	-
Pot Cap-1 Maneuver	807	921	1426	-	-	-
Stage 1	897	-	-	-	-	-
Stage 2	970	-	-	-	-	-
Platoon blocked, %				-	-	-
Mov Cap-1 Maneuver	806	921	1426	-	-	-
Mov Cap-2 Maneuver	806	-	-	-	-	-
Stage 1	896	-	-	-	-	-
Stage 2	970	-	-	-	-	-

Approach	EB	NB	SB
HCM Control Delay, s	10	0.3	0
HCM LOS	B		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR
Capacity (veh/h)	1426	-	841	-	-
HCM Lane V/C Ratio	0.002	-	0.151	-	-
HCM Control Delay (s)	7.5	0	10	-	-
HCM Lane LOS	A	A	B	-	-
HCM 95th %tile Q(veh)	0	-	0.5	-	-

Intersection	
Int Delay, s/veh	1.8

Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Traffic Vol, veh/h	19	19	2	28	122	12
Future Vol, veh/h	19	19	2	28	122	12
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	21	21	2	30	133	13

Major/Minor	Minor2		Major1		Major2	
Conflicting Flow All	174	140	146	0	-	0
Stage 1	140	-	-	-	-	-
Stage 2	34	-	-	-	-	-
Critical Hdwy	6.42	6.22	4.12	-	-	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.318	2.218	-	-	-
Pot Cap-1 Maneuver	816	908	1436	-	-	-
Stage 1	887	-	-	-	-	-
Stage 2	988	-	-	-	-	-
Platoon blocked, %				-	-	-
Mov Cap-1 Maneuver	815	908	1436	-	-	-
Mov Cap-2 Maneuver	815	-	-	-	-	-
Stage 1	886	-	-	-	-	-
Stage 2	988	-	-	-	-	-

Approach	EB	NB	SB
HCM Control Delay, s	9.4	0.5	0
HCM LOS	A		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR
Capacity (veh/h)	1436	-	859	-	-
HCM Lane V/C Ratio	0.002	-	0.048	-	-
HCM Control Delay (s)	7.5	0	9.4	-	-
HCM Lane LOS	A	A	A	-	-
HCM 95th %tile Q(veh)	0	-	0.2	-	-

Intersection	
Int Delay, s/veh	2

Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Traffic Vol, veh/h	19	19	5	10	130	12
Future Vol, veh/h	19	19	5	10	130	12
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	21	21	5	11	141	13

Major/Minor	Minor2		Major1		Major2	
Conflicting Flow All	169	148	154	0	-	0
Stage 1	148	-	-	-	-	-
Stage 2	21	-	-	-	-	-
Critical Hdwy	6.42	6.22	4.12	-	-	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.318	2.218	-	-	-
Pot Cap-1 Maneuver	821	899	1426	-	-	-
Stage 1	880	-	-	-	-	-
Stage 2	1002	-	-	-	-	-
Platoon blocked, %				-	-	-
Mov Cap-1 Maneuver	818	899	1426	-	-	-
Mov Cap-2 Maneuver	818	-	-	-	-	-
Stage 1	876	-	-	-	-	-
Stage 2	1002	-	-	-	-	-

Approach	EB	NB	SB
HCM Control Delay, s	9.4	2.5	0
HCM LOS	A		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR
Capacity (veh/h)	1426	-	857	-	-
HCM Lane V/C Ratio	0.004	-	0.048	-	-
HCM Control Delay (s)	7.5	0	9.4	-	-
HCM Lane LOS	A	A	A	-	-
HCM 95th %tile Q(veh)	0	-	0.2	-	-

Intersection	
Int Delay, s/veh	1.4

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	0	0	75	23	0	19
Future Vol, veh/h	0	0	75	23	0	19
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	-	0
Veh in Median Storage, #	-	1	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	0	0	82	25	0	21

Major/Minor	Major2		Minor2	
Conflicting Flow All	-	0	-	95
Stage 1	-	-	-	-
Stage 2	-	-	-	-
Critical Hdwy	-	-	-	6.22
Critical Hdwy Stg 1	-	-	-	-
Critical Hdwy Stg 2	-	-	-	-
Follow-up Hdwy	-	-	-	3.318
Pot Cap-1 Maneuver	-	-	0	962
Stage 1	-	-	0	-
Stage 2	-	-	0	-
Platoon blocked, %	-	-		
Mov Cap-1 Maneuver	-	-	-	962
Mov Cap-2 Maneuver	-	-	-	-
Stage 1	-	-	-	-
Stage 2	-	-	-	-

Approach	WB	SB
HCM Control Delay, s	0	8.8
HCM LOS		A

Minor Lane/Major Mvmt	WBT	WBR	SBLn1
Capacity (veh/h)	-	-	962
HCM Lane V/C Ratio	-	-	0.021
HCM Control Delay (s)	-	-	8.8
HCM Lane LOS	-	-	A
HCM 95th %tile Q(veh)	-	-	0.1

Intersection	
Int Delay, s/veh	3.4

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	0	0	60	35	0	58
Future Vol, veh/h	0	0	60	35	0	58
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	-	0
Veh in Median Storage, #	-	1	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	0	0	65	38	0	63

Major/Minor	Major2		Minor2	
Conflicting Flow All	-	0	-	84
Stage 1	-	-	-	-
Stage 2	-	-	-	-
Critical Hdwy	-	-	-	6.22
Critical Hdwy Stg 1	-	-	-	-
Critical Hdwy Stg 2	-	-	-	-
Follow-up Hdwy	-	-	-	3.318
Pot Cap-1 Maneuver	-	-	0	975
Stage 1	-	-	0	-
Stage 2	-	-	0	-
Platoon blocked, %	-	-		
Mov Cap-1 Maneuver	-	-	-	975
Mov Cap-2 Maneuver	-	-	-	-
Stage 1	-	-	-	-
Stage 2	-	-	-	-

Approach	WB	SB
HCM Control Delay, s	0	8.9
HCM LOS		A

Minor Lane/Major Mvmt	WBT	WBR	SBLn1
Capacity (veh/h)	-	-	975
HCM Lane V/C Ratio	-	-	0.065
HCM Control Delay (s)	-	-	8.9
HCM Lane LOS	-	-	A
HCM 95th %tile Q(veh)	-	-	0.2

Intersection	
Int Delay, s/veh	6

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	56	106	168	190	149	234
Future Vol, veh/h	56	106	168	190	149	234
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	78	78	78	78	78	78
Heavy Vehicles, %	2	17	4	2	2	2
Mvmt Flow	72	136	215	244	191	300

Major/Minor	Minor1		Major1		Major2	
Conflicting Flow All	1019	337	0	0	459	0
Stage 1	337	-	-	-	-	-
Stage 2	682	-	-	-	-	-
Critical Hdwy	6.42	6.37	-	-	4.12	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.453	-	-	2.218	-
Pot Cap-1 Maneuver	263	672	-	-	1102	-
Stage 1	723	-	-	-	-	-
Stage 2	502	-	-	-	-	-
Platoon blocked, %			-	-		-
Mov Cap-1 Maneuver	208	672	-	-	1102	-
Mov Cap-2 Maneuver	208	-	-	-	-	-
Stage 1	723	-	-	-	-	-
Stage 2	398	-	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	25.4	0	3.5
HCM LOS	D		

Minor Lane/Major Mvmt	NBT	NBR	WBLn1	SBL	SBT
Capacity (veh/h)	-	-	379	1102	-
HCM Lane V/C Ratio	-	-	0.548	0.173	-
HCM Control Delay (s)	-	-	25.4	9	0
HCM Lane LOS	-	-	D	A	A
HCM 95th %tile Q(veh)	-	-	3.2	0.6	-

Intersection	
Int Delay, s/veh	2

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		⇕			⇕			⇕			⇕	
Traffic Vol, veh/h	17	167	38	0	87	15	14	0	14	19	0	11
Future Vol, veh/h	17	167	38	0	87	15	14	0	14	19	0	11
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	91	91	91	91	91	91	91	91	91	91	91	91
Heavy Vehicles, %	20	2	2	2	2	2	2	2	2	2	2	10
Mvmt Flow	19	184	42	0	96	16	15	0	15	21	0	12

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	112	0	0	226	0	0	353	355	205	355	368	104
Stage 1	-	-	-	-	-	-	243	243	-	104	104	-
Stage 2	-	-	-	-	-	-	110	112	-	251	264	-
Critical Hdwy	4.3	-	-	4.12	-	-	7.12	6.52	6.22	7.12	6.52	6.3
Critical Hdwy Stg 1	-	-	-	-	-	-	6.12	5.52	-	6.12	5.52	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.12	5.52	-	6.12	5.52	-
Follow-up Hdwy	2.38	-	-	2.218	-	-	3.518	4.018	3.318	3.518	4.018	3.39
Pot Cap-1 Maneuver	1373	-	-	1342	-	-	602	571	836	600	561	929
Stage 1	-	-	-	-	-	-	761	705	-	902	809	-
Stage 2	-	-	-	-	-	-	895	803	-	753	690	-
Platoon blocked, %		-	-		-	-						
Mov Cap-1 Maneuver	1373	-	-	1342	-	-	587	562	836	582	552	929
Mov Cap-2 Maneuver	-	-	-	-	-	-	587	562	-	582	552	-
Stage 1	-	-	-	-	-	-	749	694	-	888	809	-
Stage 2	-	-	-	-	-	-	883	803	-	727	679	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	0.6	0	10.5	10.6
HCM LOS			B	B

Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	690	1373	-	-	1342	-	-	674
HCM Lane V/C Ratio	0.045	0.014	-	-	-	-	-	0.049
HCM Control Delay (s)	10.5	7.7	0	-	0	-	-	10.6
HCM Lane LOS	B	A	A	-	A	-	-	B
HCM 95th %tile Q(veh)	0.1	0	-	-	0	-	-	0.2

Intersection	
Int Delay, s/veh	2.8

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕			↕			↕			↕	
Traffic Vol, veh/h	10	60	9	4	62	0	11	7	4	0	10	8
Future Vol, veh/h	10	60	9	4	62	0	11	7	4	0	10	8
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	90	90	90	90	90	90	90	90	90	90	90	90
Heavy Vehicles, %	50	2	50	2	6	2	2	100	2	2	100	2
Mvmt Flow	11	67	10	4	69	0	12	8	4	0	11	9

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	69	0	0	77	0	0	181	171	72	177	176	69
Stage 1	-	-	-	-	-	-	94	94	-	77	77	-
Stage 2	-	-	-	-	-	-	87	77	-	100	99	-
Critical Hdwy	4.6	-	-	4.12	-	-	7.12	7.5	6.22	7.12	7.5	6.22
Critical Hdwy Stg 1	-	-	-	-	-	-	6.12	6.5	-	6.12	6.5	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.12	6.5	-	6.12	6.5	-
Follow-up Hdwy	2.65	-	-	2.218	-	-	3.518	4.9	3.318	3.518	4.9	3.318
Pot Cap-1 Maneuver	1276	-	-	1522	-	-	781	577	990	785	573	994
Stage 1	-	-	-	-	-	-	913	661	-	932	673	-
Stage 2	-	-	-	-	-	-	921	673	-	906	657	-
Platoon blocked, %		-	-		-	-						
Mov Cap-1 Maneuver	1276	-	-	1522	-	-	755	570	990	766	566	994
Mov Cap-2 Maneuver	-	-	-	-	-	-	755	570	-	766	566	-
Stage 1	-	-	-	-	-	-	905	655	-	924	671	-
Stage 2	-	-	-	-	-	-	895	671	-	883	651	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	1	0.4	10.2	10.3
HCM LOS			B	B

Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	712	1276	-	-	1522	-	-	700
HCM Lane V/C Ratio	0.034	0.009	-	-	0.003	-	-	0.029
HCM Control Delay (s)	10.2	7.8	0	-	7.4	0	-	10.3
HCM Lane LOS	B	A	A	-	A	A	-	B
HCM 95th %tile Q(veh)	0.1	0	-	-	0	-	-	0.1

Intersection	
Int Delay, s/veh	0.7

Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations						
Traffic Vol, veh/h	227	76	0	122	14	14
Future Vol, veh/h	227	76	0	122	14	14
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	0
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	247	83	0	133	15	15

Major/Minor	Major1		Major2		Minor1	
Conflicting Flow All	0	0	-	-	422	289
Stage 1	-	-	-	-	289	-
Stage 2	-	-	-	-	133	-
Critical Hdwy	-	-	-	-	6.42	6.22
Critical Hdwy Stg 1	-	-	-	-	5.42	-
Critical Hdwy Stg 2	-	-	-	-	5.42	-
Follow-up Hdwy	-	-	-	-	3.518	3.318
Pot Cap-1 Maneuver	-	-	0	-	588	750
Stage 1	-	-	0	-	760	-
Stage 2	-	-	0	-	893	-
Platoon blocked, %	-	-		-		
Mov Cap-1 Maneuver	-	-	-	-	588	750
Mov Cap-2 Maneuver	-	-	-	-	588	-
Stage 1	-	-	-	-	760	-
Stage 2	-	-	-	-	893	-

Approach	EB	WB	NB
HCM Control Delay, s	0	0	10.6
HCM LOS			B

Minor Lane/Major Mvmt	NBLn1	NBLn2	EBT	EBR	WBT
Capacity (veh/h)	588	750	-	-	-
HCM Lane V/C Ratio	0.026	0.02	-	-	-
HCM Control Delay (s)	11.3	9.9	-	-	-
HCM Lane LOS	B	A	-	-	-
HCM 95th %tile Q(veh)	0.1	0.1	-	-	-

Intersection	
Int Delay, s/veh	0.9

Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Traffic Vol, veh/h	14	14	4	87	167	38
Future Vol, veh/h	14	14	4	87	167	38
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	15	15	4	95	182	41

Major/Minor	Minor2		Major1		Major2	
Conflicting Flow All	306	203	223	0	-	0
Stage 1	203	-	-	-	-	-
Stage 2	103	-	-	-	-	-
Critical Hdwy	6.42	6.22	4.12	-	-	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.318	2.218	-	-	-
Pot Cap-1 Maneuver	686	838	1346	-	-	-
Stage 1	831	-	-	-	-	-
Stage 2	921	-	-	-	-	-
Platoon blocked, %				-	-	-
Mov Cap-1 Maneuver	684	838	1346	-	-	-
Mov Cap-2 Maneuver	684	-	-	-	-	-
Stage 1	829	-	-	-	-	-
Stage 2	921	-	-	-	-	-

Approach	EB	NB	SB
HCM Control Delay, s	10	0.3	0
HCM LOS	B		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR
Capacity (veh/h)	1346	-	753	-	-
HCM Lane V/C Ratio	0.003	-	0.04	-	-
HCM Control Delay (s)	7.7	0	10	-	-
HCM Lane LOS	A	A	B	-	-
HCM 95th %tile Q(veh)	0	-	0.1	-	-

Intersection	
Int Delay, s/veh	2.9

Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Traffic Vol, veh/h	56	28	4	35	105	76
Future Vol, veh/h	56	28	4	35	105	76
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	61	30	4	38	114	83

Major/Minor	Minor2		Major1		Major2	
Conflicting Flow All	202	156	197	0	-	0
Stage 1	156	-	-	-	-	-
Stage 2	46	-	-	-	-	-
Critical Hdwy	6.42	6.22	4.12	-	-	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.318	2.218	-	-	-
Pot Cap-1 Maneuver	787	890	1376	-	-	-
Stage 1	872	-	-	-	-	-
Stage 2	976	-	-	-	-	-
Platoon blocked, %				-	-	-
Mov Cap-1 Maneuver	785	890	1376	-	-	-
Mov Cap-2 Maneuver	785	-	-	-	-	-
Stage 1	869	-	-	-	-	-
Stage 2	976	-	-	-	-	-

Approach	EB	NB	SB
HCM Control Delay, s	10	0.8	0
HCM LOS	B		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR
Capacity (veh/h)	1376	-	817	-	-
HCM Lane V/C Ratio	0.003	-	0.112	-	-
HCM Control Delay (s)	7.6	0	10	-	-
HCM Lane LOS	A	A	B	-	-
HCM 95th %tile Q(veh)	0	-	0.4	-	-

Intersection	
Int Delay, s/veh	1.5

Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Traffic Vol, veh/h	14	14	4	25	115	19
Future Vol, veh/h	14	14	4	25	115	19
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	15	15	4	27	125	21

Major/Minor	Minor2		Major1		Major2	
Conflicting Flow All	171	136	146	0	-	0
Stage 1	136	-	-	-	-	-
Stage 2	35	-	-	-	-	-
Critical Hdwy	6.42	6.22	4.12	-	-	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.318	2.218	-	-	-
Pot Cap-1 Maneuver	819	913	1436	-	-	-
Stage 1	890	-	-	-	-	-
Stage 2	987	-	-	-	-	-
Platoon blocked, %				-	-	-
Mov Cap-1 Maneuver	817	913	1436	-	-	-
Mov Cap-2 Maneuver	817	-	-	-	-	-
Stage 1	887	-	-	-	-	-
Stage 2	987	-	-	-	-	-

Approach	EB	NB	SB
HCM Control Delay, s	9.3	1	0
HCM LOS	A		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR
Capacity (veh/h)	1436	-	862	-	-
HCM Lane V/C Ratio	0.003	-	0.035	-	-
HCM Control Delay (s)	7.5	0	9.3	-	-
HCM Lane LOS	A	A	A	-	-
HCM 95th %tile Q(veh)	0	-	0.1	-	-

Intersection	
Int Delay, s/veh	1.8

Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Traffic Vol, veh/h	14	14	8	15	110	19
Future Vol, veh/h	14	14	8	15	110	19
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	15	15	9	16	120	21

Major/Minor	Minor2		Major1		Major2	
Conflicting Flow All	165	131	141	0	-	0
Stage 1	131	-	-	-	-	-
Stage 2	34	-	-	-	-	-
Critical Hdwy	6.42	6.22	4.12	-	-	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.318	2.218	-	-	-
Pot Cap-1 Maneuver	826	919	1442	-	-	-
Stage 1	895	-	-	-	-	-
Stage 2	988	-	-	-	-	-
Platoon blocked, %				-	-	-
Mov Cap-1 Maneuver	821	919	1442	-	-	-
Mov Cap-2 Maneuver	821	-	-	-	-	-
Stage 1	890	-	-	-	-	-
Stage 2	988	-	-	-	-	-

Approach	EB	NB	SB
HCM Control Delay, s	9.3	2.6	0
HCM LOS	A		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR
Capacity (veh/h)	1442	-	867	-	-
HCM Lane V/C Ratio	0.006	-	0.035	-	-
HCM Control Delay (s)	7.5	0	9.3	-	-
HCM Lane LOS	A	A	A	-	-
HCM 95th %tile Q(veh)	0	-	0.1	-	-

Intersection	
Int Delay, s/veh	0.9

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	0	0	91	38	0	14
Future Vol, veh/h	0	0	91	38	0	14
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	-	0
Veh in Median Storage, #	-	1	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	0	0	99	41	0	15

Major/Minor	Major2		Minor2	
Conflicting Flow All	-	0	-	120
Stage 1	-	-	-	-
Stage 2	-	-	-	-
Critical Hdwy	-	-	-	6.22
Critical Hdwy Stg 1	-	-	-	-
Critical Hdwy Stg 2	-	-	-	-
Follow-up Hdwy	-	-	-	3.318
Pot Cap-1 Maneuver	-	-	0	931
Stage 1	-	-	0	-
Stage 2	-	-	0	-
Platoon blocked, %	-	-		
Mov Cap-1 Maneuver	-	-	-	931
Mov Cap-2 Maneuver	-	-	-	-
Stage 1	-	-	-	-
Stage 2	-	-	-	-

Approach	WB	SB
HCM Control Delay, s	0	8.9
HCM LOS		A

Minor Lane/Major Mvmt	WBT	WBR	SBLn1
Capacity (veh/h)	-	-	931
HCM Lane V/C Ratio	-	-	0.016
HCM Control Delay (s)	-	-	8.9
HCM Lane LOS	-	-	A
HCM 95th %tile Q(veh)	-	-	0.1

Intersection	
Int Delay, s/veh	2.5

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	0	0	49	57	0	42
Future Vol, veh/h	0	0	49	57	0	42
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	-	0
Veh in Median Storage, #	-	1	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	0	0	53	62	0	46

Major/Minor	Major2		Minor2	
Conflicting Flow All	-	0	-	84
Stage 1	-	-	-	-
Stage 2	-	-	-	-
Critical Hdwy	-	-	-	6.22
Critical Hdwy Stg 1	-	-	-	-
Critical Hdwy Stg 2	-	-	-	-
Follow-up Hdwy	-	-	-	3.318
Pot Cap-1 Maneuver	-	-	0	975
Stage 1	-	-	0	-
Stage 2	-	-	0	-
Platoon blocked, %	-	-		
Mov Cap-1 Maneuver	-	-	-	975
Mov Cap-2 Maneuver	-	-	-	-
Stage 1	-	-	-	-
Stage 2	-	-	-	-

Approach	WB	SB
HCM Control Delay, s	0	8.9
HCM LOS		A

Minor Lane/Major Mvmt	WBT	WBR	SBLn1
Capacity (veh/h)	-	-	975
HCM Lane V/C Ratio	-	-	0.047
HCM Control Delay (s)	-	-	8.9
HCM Lane LOS	-	-	A
HCM 95th %tile Q(veh)	-	-	0.1

Sherman
CLASSIC TOWN. BROAD HORIZON.

Development Services

STAFF REVIEW LETTER

November 8, 2022

Frostfire Hwy 82
12801 N Central Expwy, Suite 140
Dallas, TX 75243

Lee Engineering
3030 LBJ Freeway, Suite 1660
Dallas, TX 75234

Bohler Engineering
Mathias Haubert
6017 Main Street
Frisco, TX 75034

Copley Land Surveying
1702 Verdi Ln
Sherman, TX 75076

Dear Applicants,

The request for a Zone Change approval under Ordinance No. 2280, Section 12, from an R-1 (One-Family Residential) District and M-1 (Light Manufacturing) District to a C-2 (General Commercial) District; a Zone Change approval under Ordinance No. 2280, Section 12, from an R-1 (One-Family Residential) District and M-1 (Light Manufacturing) District to an R-2 (Multi-Family Residential) District; a Specific Use Permit approval under Ordinance No. 2280, Section 8, Subsection (5)(a) to allow a Mini-Warehouse in a C-2 (General Commercial) District; and Site Plan approval of Sherman Highway 82 Mixed Use in the 2300-2700 Blocks East Highway 82 has been scheduled to be heard by the Planning and Zoning Commission on Tuesday, November 15, 2022 at 5:00 P.M., in the City Council Chambers, City Hall at 220 W. Mulberry.

City staff has reviewed your request with regards to engineering and development guidelines and finds the following items need to be addressed:

Zoning:

1. Compliance with applicable City ordinances, regulations, standards and rules and other laws, as they exist or may be amended, including but not limited to the City's General Zoning Ordinance, Ordinance No. 2280, the regulations applicable to the R-2 (Multi-Family Residential) District, C-2 (General commercial) District, the O-1 (75 & 82) Overlay District, the Sign Ordinance, the Fence Ordinance and the Commercial Tree and Landscaping Ordinance. (*Chapter 14, Exhibit A, Sec. 6.4; Sec. 6.7; 6.13.1; Sec. 7(14), Sec. 7(13) and Sec. 17).*
2. Fire access, lanes and codes shall be coordinated with the Fire Marshal (903.892.7267).
3. All required off-street parking shall be on private property and shall not encroach into the right-of-way. *(Chapter 14, Exhibit A, Section 7, Subsection 10(b))*
4. Parking shall be provided for one space per 1,000 square feet for a Mini-warehouse; a parking space is considered to be 9' x 20'. (*Chapter 14, Exhibit A, Sec.8 (5)(a); Sec.7(10)(b)).*
5. Parking shall be provided in the R-2 (Multi-Family Residential) District, 1 space per bedroom (minimum of 2 spaces per unit) a parking space is considered to be 9' x 20' (*Chapter 14, Exhibit A, Sec. 6.4(4); Sec.7(10)(b)).*
6. The maximum height of the building shall not exceed 35' in the C-2 (General Commercial) District. (*Chapter 14, Exhibit A, Sec. 6.7(6)(c))*

7. The maximum height of the building shall not exceed 45' in R-2 (Multi-Family Residential) District. (*Chapter 14, Exhibit A, Sec. 6.4 (5))*
8. The trash dumpster will need to be located inside the main building area.
9. The use of the property must comply with all Federal and State Laws and regulations and with all ordinances, rules and regulations of the City of Sherman.
10. The property must be properly maintained in a state of good repair and neat appearance.
11. The granting of a Specific Use Permit has no effect on the uses permitted as of right and does not waive the regulations of the underlying zoning district.
12. A specific use permit is an amendment to the district regulations of the zoning ordinance that permits the permanent establishment of a specific use within a zoning district in which such specific use may be established unless such use of land or structure discontinue or be abandoned for a period of sixty (60) consecutive days in which event such specific use permit shall be void and such use may not thereafter be resumed unless a new specific use permit granted. (*Chapter 14, Exhibit A, Sec. 8 (5)(b))*
13. The approval of the Specific Use Permit and site plan shall be effective for a period of (2) years from the date of approval and shall expire unless the applicant demonstrates to the Director of Development Services that progress has been made toward completion of the project for which the Specific Use Permit was approved.
14. Any changes made to the site plan prior to the final fulfillment of the conditions of the staff review letter must be considered minor by the staff, as to not require resubmission to the Planning & Zoning Commission.

Engineering

15. Platting of the property is required. *Code of Ordinances Chapter 10, Section 10.02.021; Texas Local Government Code Title 1, Sec. 212.004*
16. Drive approaches and sidewalks must conform to City of Sherman and TxDOT standards and a permit with drawing showing dimensions is required from City of Sherman Engineering Department for review and approval prior to any work being done within public right of way. *Code of Ordinances Chapter 3, Division 5, Sec. 3.10.154*
17. Platting of the property is required. *Code of Ordinances Chapter 10, Section 10.02.021; Texas Local Government Code Title 1, Sec. 212.004*
18. Drive approaches and sidewalks must conform to City of Sherman and TxDOT standards and a permit with drawing showing dimensions is required from City of Sherman Engineering Department for review and approval prior to any work being done within public right of way. *Code of Ordinances Chapter 3, Division 5, Sec. 3.10.154*
19. Improvements to Baker Road and Graystone Drive may be required.
20. Multiple proposed mini-storage structures encroach over wastewater main. Permanent structures will not be permitted to encroach into any easements.
21. Verify fire requirements and code compliance with Fire Marshal. *Code of Ordinances Chapter 3.02(c)*
22. The location of the trash receptors must be approved by the Public Works Department.
23. Privately owned and maintained detention in accordance with City criteria may be required. Engineering documentation shall be provided to the City of Sherman Engineering Department for review and approval. If detention is required, Ownership and Maintenance information to be shown on plat. *Code of Ordinances Chapter 10, Exhibit A, Sec. 12(I)*
24. Water main must be extended in accordance with City criteria to serve proposed Lot. *Code of Ordinances Chapter 13, Sec. 13.07.282; Chapter 10, Exhibit A, Sec. 12(G)*
25. Civil Engineering plans shall be provided to the Engineering Department for review and approval. Plat to reflect changes upon Engineering review. *Code of Ordinances Chapter 10, Exhibit A, Sec. 12, Code of Ordinances Chapter 10, Exhibit A, Sec. 15.*
26. Three Party Agreement required for Public Infrastructure.

It is the policy of this Planning and Zoning Commission and the Board of Adjustment not to consider a request unless the applicant or its representative attends the meeting at which the request is considered. You are hereby notified to present your case on the date and time stated above.

If additional information or clarification is needed, do not hesitate to contact Rob Rae at 903-892-7229 prior to the meeting.

Respectfully,

Rob Rae
Acting Secretary, Planning and Zoning Commission and Board of Adjustments

cc: Robby Hefton, City Manager
Clint Philpott, Asst. City Manager
Wayne Lee, P.E., Director of Engineering
Tom Pruitt, Utility Engineer
Billy Hartsfield, Fire Marshal
Amber Doan, Engineering Coordinator
Christopher Armstrong, Asst. City Engineer
The Law Firm of Abernathy, Roeder, Boyd, & Hullett, P.C., City Attorney

Planning & Zoning Commission and Board of Adjustments

Agenda Item No. 18.

Meeting Date: 11/15/2022

Prepared by: Lauren Marlow, Administrative Assistant
Rob Rae, Director of Development Services

Clay Mahone, Chairman
David Downtain, Vice Chairman
Shawn Davis, Commissioner
Leigh Ann Sims, Commissioner
Paul Manley, Commissioner
Glenn Whitaker, Commissioner
Bryan Blagg, Commissioner

Requested Action/Proposed Use:

2300-2700 BLOCKS EAST HIGHWAY 82

The request of Frostfire Hwy 82 LLC (Owners), Mathias Haubert, Bohler Engineering (Engineer), Lee Engineering (Traffic Engineer) and Copley Land Surveying (Surveyor) concerning the property located in the 2300-2700 Blocks East Highway 82, being 74.424 acres in part of the Samuel McGlothlen Survey, Abstract No. 811 and the Ruben Hendrix Survey, Abstract No. 504, as follows:

Planning and Zoning Commission

A. Zone Change approval under Ordinance No. 2280, Section 12, from an R-1 (One-Family Residential) District and M-1 (Light Manufacturing) District to a C-2 (General Commercial) District, being 22.705 acres in part of the Samuel McGlothlen Survey, Abstract No. 811 and the Ruben Hendrix Survey, Abstract No. 504.
B. Zone Change approval under Ordinance No. 2280, Section 12, from an R-1 (One-Family Residential) District and M-1 (Light Manufacturing) District to an R-2 (Multi-Family Residential) District, being 51.718 acres in part of the Samuel McGlothlen Survey, Abstract No. 811 and the Ruben Hendrix Survey, Abstract No. 504.
C. Specific Use Permit approval under Ordinance No. 2280, Section 8, Subsection (5)(a) to allow a Mini-Warehouse in a C-2 (General Commercial) District, being 14.819 acres in part of the Samuel McGlothlen Survey, Abstract No. 811 and the Ruben Hendrix Survey, Abstract No. 504.
D. Site Plan approval of Sherman Highway 82 Mixed Use.

Background:

The property is located at 2300-2700 Blocks East Highway 82 at the North East Corner of Frisco Road and Highway 82 and is zoned R-1 (One Family Residential) District/M-1 (Light Manufacturing) District/R-2 (Multi-Family Residential) District/O-1 (75 & 82) Overlay District.

The owner is requesting Zone Changes, Specific Use Permit and Site Plan to allow a mixed use development consisting of commercial uses, residential uses, and a mini-storage on approximately 74 acres.

February 6, 1984 - Zone Change from R-1 (One Family Residential) District to M-1 (Light Manufacturing) District & R-2 (Multi-Family Residential) District

Adjacent Zoning:

C-2 (General Commercial) District
R-1 (One Family Residential) District
R-2 (Multi-Family Residential) District
ETJ (Extra Territorial Jurisdiction)

Origination:

Frostfire Hwy 82 LLC (Owners)
Mathias Haubert
Bohler Engineering (Engineer)
Lee Engineering (Traffic Engineer)
Copley Land Surveying (Surveyor)

Master Plan Designation:

Suburban Neighborhood category is intended to allow primarily single-family detached in a "complete neighborhood" setting. New subdivisions should include a mix of housing products and lot sizes. Areas of supporting local commercial should be integrated into the neighborhoods, primarily along major streets near the entrance of neighborhoods. Community amenities such as parks, trails, open spaces, and civic uses should also be included in the creation of new subdivisions. This category gives flexibility for the creation of master-planned neighborhoods that are compatible with the surrounding area.

Number of notices mailed:

7

Objections Received:

1

Development Review Meeting:

Yes

Attachments

Location Map
Zoning Map
Zoning Sign Photo
Future Land Use Map
Narrative
Survey
Zoning Legal Description C-2
Zoning Legal Description C-2.2
Zoning Legal Description R-2
Site Plan
Zoning Site Rendering
Elevations

#18

Turner, Kerri

From: Sherry Smith <[redacted]
Sent: Wednesday, November 9, 2022 7:52 PM
To: Turner, Kerri
Subject: Forthcoming Petition

EXTERNAL EMAIL: -- Avoid clicking on links or files -- Be safe!

Kerri,

Reference: The request for a zoning change on the property located in the 2300-2700 Blocks East Highway 82, being 74.424 acres in part of the Samuel McGlothlen Survey, Abstract No. 811 and the Ruben Hendrix Survey, Abstract No. 504.

In my first email to you, I wrote that our petition was to request a denial for a zoning change to the land in Paragraph B, consisting of 51.718 acres, but it was decided to include a request to deny all zoning changes within the 74.424 acres as described above.

As I wrote in a detailed letter and mailed Sunday, November 6, 2022, this land is not suitable for an influx of such a population (of both people and vehicles) that 700 apartments, in addition to 49 townhomes, would generate.

I sent copies to all Board Members, and one to the Development Services Coordinator, a position previously held by Patsy Reeves. At the time of my mailings I did not know who filled her position (you), and therefore your name was not part of the address. I apologize that I did not make a better attempt at identifying you.

Please notify me that my letters were received and distributed.

I would also like to take this opportunity, while thinking about it, to ask about the current zoning for the land in paragraph B , being zoned as R-1 (One Family Residential District and M-1 Light Manufacturing) to R-2(Multi Family) .This 51.718 acres currently has no homes and it has always been assumed that this was zoned as R-A, which I believe is agriculture. For the 16 years that I have resided here, that land has only been used for mowing and generating hay. Nonetheless, a small development of single-family homes, (which is apparently its current zoning code) similar to our own community, would be a great improvement over the possibility of 750 commercial units.

Would you please confirm that this land is indeed currently zoned as described in my notice of October 28, 2022.

Thank you,

Sherry Sipe

Rcvd 11/11/2022 p. 1
9:00 A.M. #18

We, the undersigned, being citizens of the city of Sherman and residents of Cedar Park Village, have concerns regarding the proposed change in zoning, on the property described as located in the 2300-2700 Blocks East Hwy 82, being 74.424 acres in part of the Samuel McGlothlen Survey, Abstract No. 811 and the Ruben Hendrix Survey, Abstract No. 54. These concerns are our peace, tranquility, safety, property value, way of life and our lives. Other concerns are crime, drugs, schools, and traffic congestion. These and other concerns will be voiced by members of the community at the hearing on November 15, 2022. These apprehensions have led us to petition the Planning and Zoning Commission to deny the requested changes of zoning regarding the above referenced property.

	PRINT NAME	SIGNATURE	ADDRESS	DATE
1.	Sherry Sipe	Sherry Sipe	2516 Village Dr.	11-7-22
2.	Karen Mosley	Karen Mosley	2602 Village DR.	11-7-22
3.	Margaret Fulks	Margaret Fulks	2602 Village Dr.	11-7-22
4.	Bobby Mosley	Bobby Mosley	2602 Village Dr.	11-7-22
5.	Betty Mosley	Betty Mosley	2602 Village Dr	11-7-22
6.	Doyle Mosley		2602 Village DR	11-7-22
7.	Andre Ostrowitz		2610 Village Dr	11/7/22
8.	Kristi Okray		2619 Village Dr	11/7/22
9.	Kimberly Willis	Kimberly Willis	2619 Village Dr.	11/7/22

We, the undersigned, being citizens of the city of Sherman and residents of Cedar Park Village, have concerns regarding the proposed change in zoning, on the property described as located in the 2300-2700 Blocks East Hwy 82, being 74.424 acres in part of the Samuel McGlothlen Survey, Abstract No. 811 and the Ruben Hendrix Survey, Abstract No. 54. These concerns are our peace, tranquility, safety, property value, way of life and our lives. Other concerns are crime, drugs, schools, and traffic congestion. These and other concerns will be voiced by members of the community at the hearing on November 15, 2022. These apprehensions have led us to petition the Planning and Zoning Commission to deny the requested changes of zoning regarding the above referenced property.

	PRINT NAME	SIGNATURE	ADDRESS	DATE
1.	Lucia Castillo		2611 Village Dr	11-7-22
2.	Vidoe McVey		2603 Village	11-7-22
3.	Bonnie Phifer		2624 Juniper	11-7-22
4.	Matthew Gritanovich		3709 Crimsonwood	11-7-22
5.	David Buechler		3801 Crimsonwood	11/7/22
6.	Joe Warren		3805 Crimsonwood	11/7/22
7.	Bonnie Marchand		3805 Crimsonwood	11-7-22
8.	Valerie Marr		2701 Cedar Park Dr	11-7-22
9.	Tommy Marr		2701 Cedar Park Dr	11/7/22

We, the undersigned, being citizens of the city of Sherman and residents of Cedar Park Village, have concerns regarding the proposed change in zoning, on the property described as located in the 2300-2700 Blocks East Hwy 82, being 74.424 acres in part of the Samuel McGlothlen Survey, Abstract No. 811 and the Ruben Hendrix Survey, Abstract No. 54. These concerns are our peace, tranquility, safety, property value, way of life and our lives. Other concerns are crime, drugs, schools, and traffic congestion. These and other concerns will be voiced by members of the community at the hearing on November 15, 2022. These apprehensions have led us to petition the Planning and Zoning Commission to deny the requested changes of zoning regarding the above referenced property.

	PRINT NAME	SIGNATURE	ADDRESS	DATE
1.	Leticia Cortinas	Leticia Cortinas	3808 Crimson Wood Dr.	11-7-2022
2.	Mary Anderson	Mary Anderson	2512 Village Dr.	11-7-2022
3.	Alec D. Anderson	Alec D. Anderson	2512 Village Dr.	11-7-2022
4.	[illegible]	[illegible]	3706 Hawthorne	11/8/22
5.	Charles Weems	[illegible]	2607 Village	11-8-22
6.	Brenda Ossewaarde	Brenda Ossewaarde	2610 Village Dr	11-8-22
7.	Larry Sims	[illegible]	3716 Heathercroft	11/7/22
8.	Jackie Armstrong	Jackie Armstrong	2607 Juniper Dr.	11/8/22
9.	Mark Armstrong	Mark Armstrong	2607 Juniper Dr	11/8/22

We, the undersigned, being citizens of the city of Sherman and residents of Cedar Park Village, have concerns regarding the proposed change in zoning, on the property described as located in the 2300-2700 Blocks East Hwy 82, being 74.424 acres in part of the Samuel McGlothlen Survey, Abstract No. 811 and the Ruben Hendrix Survey, Abstract No. 54. These concerns are our peace, tranquility, safety, property value, way of life and our lives. Other concerns are crime, drugs, schools, and traffic congestion. These and other concerns will be voiced by members of the community at the hearing on November 15, 2022. These apprehensions have led us to petition the Planning and Zoning Commission to deny the requested changes of zoning regarding the above referenced property.

	PRINT NAME	SIGNATURE	ADDRESS	DATE
1.	Jodi Buechler	Jodi Buechler	3801 Crimsonwood	11/8/22
2.	Michelle Hendrix	Michelle Hendrix	3704 Crimsonwood	11/8/22
3.	Odus Hendrix	Odus Hendrix	" "	11-18-22
4.	Linda ADAMS	Linda L Adams	2716 Cedar Park	11/8/22
5.	Cheryl Loftis	Cheryl Loftis	2812 Cedar Park	11/8/22
6.	Dennis Loftis	Dennis Loftis	2812 Cedar Park	11/8/22
7.	Young Joon Jang		3814 Sistrunk Dr	11/8/22
8.	Eun Jang	Eun Bae	"	"
9.	Steve Capelouto		3609 Big Sistrunk	11/8/22

We, the undersigned, being citizens of the city of Sherman and residents of Cedar Park Village, have concerns regarding the proposed change in zoning, on the property described as located in the 2300-2700 Blocks East Hwy 82, being 74.424 acres in part of the Samuel McGlothlen Survey, Abstract No. 811 and the Ruben Hendrix Survey, Abstract No. 54. These concerns are our peace, tranquility, safety, property value, way of life and our lives. Other concerns are crime, drugs, schools, and traffic congestion. These and other concerns will be voiced by members of the community at the hearing on November 15, 2022. These apprehensions have led us to petition the Planning and Zoning Commission to deny the requested changes of zoning regarding the above referenced property.

	PRINT NAME	SIGNATURE	ADDRESS	DATE
1.	Billy Kitchens	Billy R. Kitchens	4000 S. Sistrunk	11-8-22
2.	Larry Kitchens	Larry Kitchens	4000 Sistrunk	11-8-22
3.	Monica Estrada	Monica Estrada	4009 Cox St	11-8-22
4.	Nancy Morrison	Nancy Morrison	2712 Cedar Park	11-8-22
5.	~~Jane Clinton~~			~~11-8-22~~
6.	Linda J. Clinton	Jane Clinton	2816 Cedar Park	11-8-22
7.	Thomas Elliott	Thomas M Elliott	2816 Cedar Park	11-8-22
8.	RICHARD CHANCE	Richard L Chance	3714 Heathercrest	11.8.22
9.	Maria Alba		4013 Sistrunk	11-8-22

We, the undersigned, being citizens of the city of Sherman and residents of Cedar Park Village, have concerns regarding the proposed change in zoning, on the property described as located in the 2300-2700 Blocks East Hwy 82, being 74.424 acres in part of the Samuel McGlothlen Survey, Abstract No. 811 and the Ruben Hendrix Survey, Abstract No. 54. These concerns are our peace, tranquility, safety, property value, way of life and our lives. Other concerns are crime, drugs, schools, and traffic congestion. These and other concerns will be voiced by members of the community at the hearing on November 15, 2022. These apprehensions have led us to petition the Planning and Zoning Commission to deny the requested changes of zoning regarding the above referenced property.

	PRINT NAME	SIGNATURE	ADDRESS	DATE
1.	Victoria Alba		4013 Sistrunk St	11-8-22
2.	T. Dale Busbice		3907 SISTRUNK ST	11-8-22
3.	GINA BUSBICE		3907 SISTRUNK ST	11-8-22
4.	Cyndi Gutierrez		2613 Juniper Dr.	11-8-2022
5.	Honour Gutierrez		2613 Juniper Dr.	11-8-2022
6.	Miranda Juneau		2620 Juniper Dr	11-8-2022
7.	Nicholas Juneau		2620 Juniper Dr.	11/8/2022
8.	TOM		2619 JUNIPER DR	11-8-22
9.	John Darnell		3809 Crimson Wood	11-8-22

We, the undersigned, being citizens of the city of Sherman and residents of Cedar Park Village, have concerns regarding the proposed change in zoning, on the property described as located in the 2300-2700 Blocks East Hwy 82, being 74.424 acres in part of the Samuel McGlothlen Survey, Abstract No. 811 and the Ruben Hendrix Survey, Abstract No. 54. These concerns are our peace, tranquility, safety, property value, way of life and our lives. Other concerns are crime, drugs, schools, and traffic congestion. These and other concerns will be voiced by members of the community at the hearing on November 15, 2022. These apprehensions have led us to petition the Planning and Zoning Commission to deny the requested changes of zoning regarding the above referenced property.

	PRINT NAME	SIGNATURE	ADDRESS	DATE
1.	Omar Martinez		2625 Juniper Dr	11/08/22
2.			2625 Juniper Dr	11/8/22
3.	Wendy Darnell		3804 Crimson Wood	11/8/22
4.	A.W. Mitchell	A.W. Mitchell	2626 Juniper Dr.	8-Nov-22
5.	Alejandra Leon	Alejandra Leon	2618 Village Dr	8-Nov-22
6.	Jasmin Leon	Jasmin Leon	2618 Village Dr	8/NOV/22
7.	Luisa A Leon	Luisa a Leon	2618 Village Dr	11/08/22
8.	Veronica L Millhollon	Veronica L. Millhollon	2622 Village Dr.	11-9-22
9.	ISabel Castillo		2611 Village Dr.	11-9-22

We, the undersigned, being citizens of the city of Sherman and residents of Cedar Park Village, have concerns regarding the proposed change in zoning, on the property described as located in the 2300-2700 Blocks East Hwy 82, being 74.424 acres in part of the Samuel McGlothlen Survey, Abstract No. 811 and the Ruben Hendrix Survey, Abstract No. 54. These concerns are our peace, tranquility, safety, property value, way of life and our lives. Other concerns are crime, drugs, schools, and traffic congestion. These and other concerns will be voiced by members of the community at the hearing on November 15, 2022. These apprehensions have led us to petition the Planning and Zoning Commission to deny the requested changes of zoning regarding the above referenced property.

	PRINT NAME	SIGNATURE	ADDRESS	DATE
1.	GINA Bae	3814 Sistrunk	3814 Sistrunk	11/7/22
2.	Brenda Lingle	Brenda Lingle	2804 Cedar Pk	10-8-22
3.	Mark Lingle	Mark Lingle	2804 cedar PK	10.8.22
4.	PAM STINSON	Pam Stinson	2808 Cedar Park	10/11-8-22
5.	Sue Carter	Sue Carter	2801 Cedar Park	11-8-22
6.	Del Carter	Del Carter	2801 Cedar Park	11-8-22
7.	LARRY HAYNES	Larry Haynes	2800 CEDAR PARK	11-8-22
8.	ALAN BAUGUS	Alan Baugus	4006 Sistrunk	11-8-22
9.	Sharon Baugus	Sharon Baugus	4006 Sistrunk	11-8-22

We, the undersigned, being citizens of the city of Sherman and residents of Cedar Park Village, have concerns regarding the proposed change in zoning, on the property described as located in the 2300-2700 Blocks East Hwy 82, being 74.424 acres in part of the Samuel McGlothlen Survey, Abstract No. 811 and the Ruben Hendrix Survey, Abstract No. 54. These concerns are our peace, tranquility, safety, property value, way of life and our lives. Other concerns are crime, drugs, schools, and traffic congestion. These and other concerns will be voiced by members of the community at the hearing on November 15, 2022. These apprehensions have led us to petition the Planning and Zoning Commission to deny the requested changes of zoning regarding the above referenced property.

	PRINT NAME	SIGNATURE	ADDRESS	DATE
1.	Steve Whaley	Steve Whaley	3705 Crimsonwood	11/9/22
2.	Amy Whaley	Amy Whaley	3705 Crimsonwood	11/9/2022
3.	Lacey Shannon	Lacey Shannon	3809 Crimsonwood	11/9/2022
4.	Kevin Cundiff	Kevin Cundiff	309 Crimsonwood	11/9/2022
5.	Brenda Lee	Brenda Lee	2618 Village Dr.	11/9/2022
6.	Manuel Leon		2618 Village Dr	11/9/2022
7.	Michelle	Coffel	3707 Heatherwood	11/9/22
8.	Tracie	Coffel	3707 Heatherwood	11/9/22
9.	David Whaley	David Whaley	3710 Crimsonwood	11-9-22

We, the undersigned, being citizens of the city of Sherman and residents of Cedar Park Village, have concerns regarding the proposed change in zoning, on the property described as located in the 2300-2700 Blocks East Hwy 82, being 74.424 acres in part of the Samuel McGlothlen Survey, Abstract No. 811 and the Ruben Hendrix Survey, Abstract No. 54. These concerns are our peace, tranquility, safety, property value, way of life and our lives. Other concerns are crime, drugs, schools, and traffic congestion. These and other concerns will be voiced by members of the community at the hearing on November 15, 2022. These apprehensions have led us to petition the Planning and Zoning Commission to deny the requested changes of zoning regarding the above referenced property.

	PRINT NAME	SIGNATURE	ADDRESS	DATE
1.	Carlos Lopez	Carlos Lopez	2705 Driving Spring	11-9-22
2.	Granny	Granda	2702 Driving Pl	11-9-22
3.	Jack		4010 Cox.	11-9-22
4.	Colt T.		4105 Cox	11-9-22
5.	Carlos Rute	Carlos Rute	2761 HILLTOP DR	11-10-22
6.	Ron West	Ron West	2733 Hilltop Dr.	11-10-22
7.	DAN CUNEO		4521 COX ST.	11-10-22
8.	Ariana Rivera		4517 Cox St	11-10-22
9.	Sissy Clark	Sissy Clark	4407 Cox St.	11-10-22

We, the undersigned, being citizens of the city of Sherman and residents of Cedar Park Village, have concerns regarding the proposed change in zoning, on the property described as located in the 2300-2700 Blocks East Hwy 82, being 74.424 acres in part of the Samuel McGlothlen Survey, Abstract No. 811 and the Ruben Hendrix Survey, Abstract No. 54. These concerns are our peace, tranquility, safety, property value, way of life and our lives. Other concerns are crime, drugs, schools, and traffic congestion. These and other concerns will be voiced by members of the community at the hearing on November 15, 2022. These apprehensions have led us to petition the Planning and Zoning Commission to deny the requested changes of zoning regarding the above referenced property.

	PRINT NAME	SIGNATURE	ADDRESS	DATE
1.	Abraham	Abraham Alba	4013 Sistrik	11-8-22
2.	Debby Osbourn	Debby Osbourn	2716 Cedar Park	11-8-22
3.	Russell Maxwell	Russell Maxwell	2721 Cedar Park	11-9-22
4.	Kathy Williams	Kathy Williams	2721 Cedar Park	11-9-22
5.	Shauntae Fulk	Shauntae	2713 Cedar Park	11/9-22
6.	Joel Deleon	Joel	2713 Cedar Park	11/9-22
7.	Esmeralda Santiago	Esmeralda Santiago	2717 Dripping Springs	11/9/22
8.	Osric Angeles	Osric	2709 Dripping Springs RD	11/9/22
9.	~~Irma Gonzalez~~ Irma Gonzalez	Irma Gonzalez	2709 Dripping Spring Rd	11-9-22
	David Cortina	David Cortina	3808 Crimson Loop Dr	11/10/22

#18

Received
11/11/2022
@ 9:00 A.M

Sherman
CLASSIC TOWN. BROAD HORIZON.

Development Services

Mailing Address: P.O. Box 1106, Sherman, TX 75091
Phone Number: (903) 892-7229
Email: Planning@cityofsherman.com

ANDERSON ALEC D ETUX MARY
2512 VILLAGE DR
SHERMAN, TX 75090

October 28, 2022

The Planning and Zoning Commission and Board of Adjustment of the City of Sherman will hold a public hearing on the day of Tuesday, November 15, 2022, at 5:00 P.M. in the City Council Chambers, at 220 W. Mulberry, to hear the request of:

Frostfire Hwy 82 LLC (Owners), Mathias Haubert, Bohler Engineering (Engineer), Lee Engineering (Traffic Engineer) and Copley Land Surveying (Surveyor) concerning the property located in the 2300-2700 Blocks East Highway 82, being 74.424 acres in part of the Samuel McGlothlen Survey, Abstract No. 811 and the Ruben Hendrix Survey, Abstract No. 504

The request is as follows:
Planning and Zoning Commission

A. **Zone Change approval under Ordinance No. 2280, Section 12, from an R-1 (One-Family Residential) District and M-1 (Light Manufacturing) District to a C-2 (General Commercial) District, being 22.705 in part of the Samuel McGlothlen Survey, Abstract No. 811 and the Ruben Hendrix Survey, Abstract No. 504.**

B. **Zone Change approval under Ordinance No. 2280, Section 12, from an R-1 (One-Family Residential) District and M-1 (Light Manufacturing) District to an R-2 (Multi-Family Residential) District, being 51.718 acres in part of the Samuel McGlothlen Survey, Abstract No. 811 and the Ruben Hendrix Survey, Abstract No. 504.**

C. **Specific Use Permit approval under Ordinance No. 2280, Section 8, Subsection (5)(a) to allow a Mini-Warehouse in a C-2 (General Commercial) District, being 14.819 acres in part of the Samuel McGlothlen Survey, Abstract No. 811 and the Ruben Hendrix Survey, Abstract No. 504.**

D. **Site Plan approval of Sherman Highway 82 Mixed Use.**

As a property owner within two hundred feet (200') of this property, you are invited to attend. You are not required to be present, but all interested parties wishing to speak should appear at the time and place stated above. If you cannot attend the public hearing, but wish to have your views presented to the Planning and Zoning Commission or Board of Adjustment, you may do so by emailing planning@cityofsherman.com or comment in the space provided below and mail to:

Rob Rae
Acting Secretary, Planning and Zoning Commission
P.O. Box 1106
Sherman, Texas 75091-1106

Acting Secretary, Planning & Zoning Commission

See letter attached.

Unless this notice is delivered in an envelope that has the "City of Sherman" logo and is affixed with postage as required by the U.S. Postal Service, it is NOT an official notice sent to you by the City of Sherman.

To: Rob Rae, Acting Secretary, and Planning and Zoning

From: Alec and Mary Anderson 2512 Village Drive, Sherman, TX

Date: November 9, 2022

We are writing in response to the notice regarding the proposed zoning changes to the property located in the 2300-2700 blocks of East Hwy 82, being 74.424 acres.

We are asking you to vote "**No**" to the zoning change and the development proposed for the property listed above.

Our area can't handle the amount of traffic that would result from this proposal. Even with the improvements the developer plans to make on Baker Rd. and E. Graystone Rd., there is still the major issue of how to exit or enter this area.

Here are some of our reasons that this zoning change needs to be denied.

First, the railroad issue. During the ten years we have lived here the number of trains has increased to eight or more per day. They often stop, blocking traffic on E. Graystone Rd. due to the switching station south of here. Therefore, causing people to turn around and search for another exit. This often results in people going to either E. Baker Rd via Hwy 82 Service Rd. or Dripping Springs Rd. via Cedar Park Village. Often resulting in the train having those crossings blocked also. Recently, on two occasions we have witnessed the school bus having to back up on E. Graystone Rd. because the railroad crossing is blocked, and then going back through our subdivision to continue their route. This created a dangerous situation for both the driver and the children. So, what will happen when there are several more buses needing to come to our area due to the increased population?

Secondly, is the problem with the width of the street at the railroad crossing on E. Graystone Rd. It is barely wide enough for two small cars to cross at the same time. We see a major issue with the extreme number of vehicles needing to cross the tracks daily, and then having to stop for the traffic on N. Frisco Rd. to exit.

Finally, there is the issue of having good access to and from the proposed development. Having approximately 2,000 more vehicles from this development as well as those coming from the 99 Patio Homes approved to be built North of E. Graystone Rd. will cause great safety concerns. Our streets are not suitable for that amount of traffic! They are not wide enough, they have no street signs, curbs, or sidewalks. Currently on the development plan, one main exit is onto E. Graystone Rd. This will probably be the most chosen route because it is the most convenient. Another main exit is onto Baker Rd. This road will only filter the traffic onto E. Graystone Rd. or Hwy 82 Service Rd. The final main exit from the development is located on Hwy 82 Service Rd. Just in case you are not familiar with this service road, all traffic must go under Hwy 82 and then head East. They can then turn onto E. Baker Rd. or continue out to FM

1417 and come all the way back on Hwy 82 to enter the city. We ask that you study a map of our surrounding area so you can understand our concerns. Our thoughts are that this site is not sufficient for the proposed development.

When we moved to Sherman ten years ago, we chose to live in Cedar Park Village. The main reason was because of the beautiful, serene environment encompassed in this subdivision. We are asking you to be considerate of the established Cedar Park Village homeowners. We already have a development of 99 Patio Homes approved to be built north of E. Graystone Rd. This proposed development would add over 900 units when you combine the apartments and townhomes. We feel the proposed development is not comparable in any way to our homes on approximately one acre. In reference to the City of Sherman Master Plan Goal 1/Housing & Neighborhoods, Strategy 1.5: Protect and enhance existing neighborhoods and housing stock. Also, Goal 3/Mobility, Strategies 3.1 through 3.3. How would putting that many housing units in an area with poor accessibility respect community character, connectivity, and safety? In reference to the Planning and Zoning website under Development Services and Department Goal, we would like to quote the following paragraph: "It is our goal to encourage and promote **responsible** development to meet the opportunities of Sherman's future and to collaboratively work with city leaders, citizens and developers to create a place where people live, work and play in a safe environment." It is our opinion that this development will not fulfill these goals.

We currently have a lot of approved housing and construction around our area. There is 300+ homes being built on and around Dripping Springs Rd., an apartment complex of approximately 300 units being built on E. Gallagher Dr., a development that was approved off N. Frisco Rd. which we were informed will be other multi-family units along with businesses, and the 99 Patio Homes that you approved north of E. Graystone Rd. Are any new apartments or other multi-family units being built in the new developments on FM 1417 or Hwy 75 South, or are the majority being approved mainly for the East Side of Sherman?

We feel this property will be best suited for R-1 family homes and or a Super Storage facility for RVs, Boats, Autos as well as regular storage units and climate-controlled units. With the thousands of people moving to Sherman, we believe that there will be great demand for storage for boats and RVs because most developments don't allow them to be parked on the homeowner's property. This property could also contain homes on 1/3 acre lots which will help increase the tax revenue the city is truly seeking. These suggestions would pleasingly blend this property with the existing Cedar Park Village Subdivision and the 99 Patio Homes that are going to be built.

Please say "**No**" to this proposal. Thank you for your time. Respectfully,

Alec Anderson and Mary Anderson

Alec Anderson Mary Anderson

#18

Rcvd 11-9-2022
3:00pm

November 6, 2022

Rob Rae, Acting Secretary, Planning and Zoning

P.O. Box 1106

Sherman, Texas 75091

Copy for Development Services Coordinator

Dear Mr. Rae and members of the Board,

I am writing in response to the notice regarding the zone changes to the property located in the 2300-2700 Blocs East Highway 82, being 74.424 acres in part of the Samuel McGlothlen Survey.

These zoning changes were requested for the development of a 700 unit apartment complex, in addition to townhomes, storage units, and retail businesses.

The approval of the 700 apartments would bring another 1400 vehicles within this small area, in addition to another 100 for the townhomes as indicated on the plan. This is not a development, it is a small town, and will present the same problems as cited by Cedar Park Village residents in two other previous proposals with the main problem being traffic congestion on Graystone Road and the RR Crossing as it currently exists.

Additionally, the construction of 100 "patio homes" was recently approved for the property on the north side of Graystone, which adds another 200 vehicles (approximately). And with the traffic population of our established community within Cedar Park Village, the estimation of vehicles will be approaching 2,000. This is an absurd amount of traffic for Graystone Road, even considering that the new plan indicates the improvement and use of Baker Road, as well.

I met the very polite gentleman, Mr. Jon Kendall with Bohler Engineering. Our conversation, in part, included my informing him about the history and problems associated with additional use of Graystone Road, and the complications at the RR Crossing; Mr. Kendall seemed unaware of the protests and problems associated with Graystone and the RR Crossing. I spoke to him again, two days later and he told me that after hearing what I had to say about Graystone and the Crossing, he went to City Hall and was told that Graystone would have to be improved to a standard 2-lane road with a yellow stripe. This does no good, whatsoever. Even if the road were widened, there remain the very risky and real difficulties that would arise from so much traffic at the rail road crossing.

Even now, residents are often delayed when the train not only blocks the Graystone entrance/ exit to/from Frisco Road, but simultaneously blocks the Dripping Springs exit to/from Frisco. Furthermore, problems with the safety apparatus blocking exits when no trains were on the track were a problem with just the current population of vehicles. School buses had to back up all the way down Graystone Road to Village Drive, turn around, and try to exit via Dripping Springs.

Please consider: Whether blocked by train or malfunctioning safety arms, this combination of a narrow country road and an even narrower rail road crossing is a hazard to the people of this area.

As Planning and Zoning well knows, this is not a new issue and was one of the main topics for our argument against the installation of a trailer park, and again, the main grievance for the development of the patio homes, on the north side of Graystone, which to my knowledge, was approved and will go forward at some point.

If this highly populated development is approved, and is the cause of chaos and injuries in the future, I would think that the members would feel at least partially at fault for having approved such a ludicrous plan (under the conditions that now exist).

There is also the issue of the devaluation of our single family homes situated on one acre. Somewhere in your building codes (from previous experience), I recall that new construction must be compatible with existing homes. Apartments are not compatible with single family, homes with one acre lots, the values of which range from the 300 thousand to 500 thousand, or more.

This brings me to another issue, which admittedly is on a more personal note, and that is of the privacy lost with a 3-story apartment building at the corner of Graystone, adjacent to my back yard. The space and privacy of these lots were the main attraction for our purchase. There is no privacy whatsoever with a 3-story apartment building with some of those apartments having a bird's eye view of my home and surroundings.

And please note that the Master Plan at issue has the property north of Graystone still listed as commercial. It is hard to believe that Bohler Engineering was not aware that the zoning for that property was changed to residential, and is where the patio home development will be located.

In addition to all of my complaints, the abundance of construction will create ten years of noise, dust, dirt, supply trucks, and construction worker traffic, not to mention the dislocation of wildlife, whose natural habitats are rapidly disappearing.

This acreage does not seem to attract developers willing to construct a nice single-family home, community that would blend harmoniously with our own.

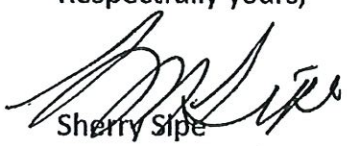
Commercial housing is not the same as single-family ownership. It is not the same value and it is not the same aesthetics. Simply classified as "Class A" apartments, does not mean upscale. It can mean, "new." The estimated rent for these apartments quoted by Mr. Kendall, was from $1,200 to $1,700.00. That is not the amount of rent that would be charged for upscale apartments. And if Mr. Kendall is correct on his estimation of when Phase 1 of 200 apartments

would be completed (3 years), the amounts estimated will likely be more, but not because of the class, but due to inflation.

For all the reasons cited within this letter, I ask the Board not to approve zoning changes for the use of commercial housing. However, I find no fault with retail facing Hwy 82 and accessed by Hwy 82, nor the construction of storage buildings, or warehouses, accessed by Hwy 82, and I find no fault for the approval for a fraction of the 74.424 acres for these purposes.

I thank you for your time and consideration.

Respectfully yours,



Sherry Sipe

2516 Village Drive

Sherman, TX 75090

#18
Rcvd 11/14/22
@ 3:00 P.M.

November 8, 2022

Planning and Zoning Board

City of Sherman

Subject: Property located in the 2300-2700 Blocks East Highway 82, being 74.424 acres in part of the Samuel McGlothlen Survey, Abstract No. 811, and the Ruben Hendrix Survey, Abstract No. 504.

From: Thad Thompson

3706 Heatherwood Ln.

Hi,

In my business career, I was a Certified Real Property Appraiser. I have appraised properties for specific use, such as this project.

I will state my conclusion before giving you my observations, findings and facts.

The property suffers from a fatal flaw: **THE LACK OF ACESSABILITY.**

It is my conclusion that due to the conditions surrounding the property that it would not be possible to move these large traffic flows this project would produce.

The following is my observations and findings:

WEST SIDE of the property - railroad track-no entry/exit

SOUTH SIDE- One lane, one way, road condition (very poor)

FRONTAGE ROAD - East to Hwy 1417; entry from 1417 to Frontage Rd. west. The distance from south gate to 1417 is approximately one mile. The east gate of this property is actually the intersection of Hwy 1417.

EAST SIDE - Baker Rd; A dirt gravel road. This gate is marked as main gate, full movement on the proposed site plan. This is inaccurate in that Baker Rd. empties into either the west bound frontage road to the south or into E. Graystone Dr. to the north.

NORTH SIDE- East Graystone Drive 400 yard paved road which crosses the railroad and empties into Frisco Rd. There is a culvert and ditch on the east side of the railroad. The east end of this culvert is only 21 feet wide which narrows the road to one lane.

The project would have an estimated population of 2,960 – 1,480 vehicles, 1,480 children, and 740 school age children necessitating at least 16 – 20 school buses.

Railroad – per the U.S. Dept. of Transportation Data Base there are 8 crossings at Grayston Dr. each day. There are two to three crossings each morning between 6:30 a.m. and 9:00 a.m.., blocking E. Graystone Dr. from five to ten minutes per crossing.

NORTH PARCEL – 99 Patio homes, 99 units, 400 people, 200 vehicles, 200 children, 100 school age necessitating 4-5 buses.

CEDAR PARK VILLAGE – 50 homes-200 people, 100 vehicles, 100 children, 50 school age, 2-3 buses.

All of the above referenced traffic would utilize E. Graystone Dr., cross the railroad and empty into Frisco Rd.

From my observations, findings, and facts, it is my conclusion that the proposed project would generate vehicular traffic which would not flow efficiently due to lack of accessibility.

P.S.

In the information that I have, I find the mention of the name Lee Engineering (Traffic Engineering), was there a traffic survey prepared?

Sincerely,

Thad Thompson

SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **E. 7.**

Meeting Date: 12/05/2022

Prepared By: Rob Rae, Director of Development Services

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6553

Amending Section 8, Subsection (5)(A), Ordinance No. 2280, So As to Grant a Specific Use Permit to Allow Batting Cages in a C-2 (General Commercial) District at 3400 Texoma Parkway, being 3.61 Acres in part of the Hillard Jennings Survey, Abstract No. 639, being part of Lots 10, 12, 13, and 14, and all of Lot 11, Block 1, of Redick Addition (TADLA, Owner; Dax Powell, Tenant; and Helvey-Wagner Surveying, Surveyor); Providing That This Specific Use Permit Shall Be Granted Subject to Certain Conditions; Providing A Penalty Not to Exceed $2,000.00

Issue:

To consider Batting Cages in a C-2 (General Commercial) District at 3400 Texoma Parkway, being 3.61 acres in part of the Hillard Jennings Survey, Abstract No. 639, being part of Lots 10, 12, 13, and 14, and all of Lot 11, Block 1, of Redick Addition (TADLA, Owner; Dax Powell, Tenant; and Helvey-Wagner Surveying, Surveyor)

Background:

The property is located at 3400 Texoma Parkway near the northeast corner of Gallagher Drive and Texoma Parkway and is zoned C-2 (General Commercial) District. The owner is requesting a Specific Use Permit and Site Plan approval for batting cages.

Origination:

TADLA (Owner)
Dax Powell (Tenant)
Helvey-Wagner Surveying (Surveyor)

Financial Consideration:

None

Staff Recommendation:

At the November 15, 2022 regular meeting, the Planning and Zoning Commission voted 6/0 to recommend to the City Council that the Specific Use Permit be approved subject to the Staff Review Letter.**The proposed use is compatible with the City of Sherman Comprehensive Plan.**

Alternatives:

The City Council could deny the request.

Attachments

Ordinance No. 6553
Exhibit A - Survey/Legal Desc./Site Plan
Location Map
Zoning Map
Zoning Sign Photo
Future Land Use Map
Photos / Elevations
Staff Review Letter
P & Z Communication

ORDINANCE NO. 6553

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW BATTING CAGES IN A C-2 (GENERAL COMMERCIAL) DISTRICT AT 3400 TEXOMA PARKWAY, BEING 3.61 ACRES IN PART OF THE HILLARD JENNINGS SURVEY, ABSTRACT NO. 639, BEING PART OF LOTS 10, 12, 13, AND 14, AND ALL OF LOT 11, BLOCK 1, OF REDICK ADDITION (TADLA, OWNER; DAX POWELL, TENANT; AND HELVEY-WAGNER SURVEYING, SURVEYOR); PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED $2,000.00; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City Planning and Zoning Commission and the City Council, in accordance with the state law and the ordinances of the City of Sherman, have given the required notices and have held the required public hearings regarding this Specific Use Permit; and

WHEREAS, the City Council finds that this use will complement or be compatible with the surrounding uses and community facilities; contribute to, enhance, or promote the welfare of the area of request and adjacent properties; not be detrimental to the public health, safety, or general welfare; and conform in all other respects to all applicable zoning regulations and standards; and

WHEREAS, the City Council finds that it is in the public interest to grant this specific use permit, subject to certain conditions;

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

SECTION 1. That, from and after the effective date of this Ordinance, TADLA (Owner), Dax Powell (Tenant) and Helvey-Wagner Surveying (Surveyor) concerning the property located at 3400 Texoma Parkway, being 3.61 acres in part of the Hillard Jennings Survey, Abstract No. 639, being part of Lots 10, 12, 13, and 14, and all of Lot 11, Block 1, of Redick Addition are granted a Specific Use Permit to allow to allow Batting Cages in a C-2 (General Commercial) District and that Section 8, Subsection (5)(a), Ordinance No. 2280 is hereby amended so as to hereafter include property described as **Exhibit A – Survey and Legal Description/Site Plan**.

SECTION 2. That this Specific Use Permit is granted on the following conditions:

Zoning:

1. Compliance with applicable City ordinances, regulations, standards and rules and other laws, as they exist or may be amended, including but not limited to the City's General Zoning Ordinance, Ordinance No. 2280, the regulations applicable to the C-2 (General commercial) District, the Sign Ordinance, the Fence Ordinance and the Commercial Tree

and Landscaping Ordinance. (*Chapter 14, Exhibit A, Sec. 6.7; Sec. 7(14), Sec. 7(13) and Sec. 17).*

2. Fire access, lanes and codes shall be coordinated with the Fire Marshal (903.892.7267).
3. All required off-street parking shall be on private property and shall not encroach into the right-of-way. *(Chapter 14, Exhibit A, Section 7, Subsection 10(b))*
4. Parking shall be provided for one space per 200 square feet; a parking space is considered to be 9' x 20'. (*Chapter 14, Exhibit A, Sec.8 (5)(a); Sec.7(10)(b)).*
5. The trash dumpster will need to be located inside the main building area.
6. The use of the property must comply with all Federal and State Laws and regulations and with all ordinances, rules and regulations of the City of Sherman.
7. The property must be properly maintained in a state of good repair and neat appearance.
8. The granting of a Specific Use Permit has no effect on the uses permitted as of right and does not waive the regulations of the underlying zoning district.
9. A specific use permit is an amendment to the district regulations of the zoning ordinance that permits the permanent establishment of a specific use within a zoning district in which such specific use may be established unless such use of land or structure discontinue or be abandoned for a period of sixty (60) consecutive days in which event such specific use permit shall be void and such use may not thereafter be resumed unless a new specific use permit granted. (*Chapter 14, Exhibit A, Sec. 8 (5)(b))*
10. The approval of the Specific Use Permit and site plan shall be effective for a period of (2) years from the date of approval and shall expire unless the applicant demonstrates to the Director of Development Services that progress has been made toward completion of the project for which the Specific Use Permit was approved.
11. Any changes made to the site plan prior to the final fulfillment of the conditions of the staff review letter must be considered minor by the staff, as to not require resubmission to the Planning & Zoning Commission.

Engineering

12. Drive approaches and sidewalks must conform to City of Sherman standards and a permit with drawing showing dimensions is required from City of Sherman Engineering Department for review and approval prior to any work being done within public right of way. *Code of Ordinances Chapter 3, Division 5, Sec. 3.10.154*

Additional Conditions:

1. The property shall be developed and used in accordance with all City Ordinances and the Survey and Legal Description/Site Plan shown in **Exhibit A.**

SECTION 3. That this Ordinance shall be entered upon the official zoning map as provided in Section 2, Ordinance No. 2280.

SECTION 4. That it shall be unlawful for any person to make use of the Property in some manner other than as authorized by this Ordinance, and it shall be unlawful for any person to construct on the Property any building that is not in conformity with the permissible uses under this Ordinance. Any person violating any provision of this Ordinance or the General Zoning Ordinance, as they exist or may be amended, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in an amount not exceeding TWO THOUSAND AND NO/100 DOLLARS ($2,000.00). A violation of any provision of this Ordinance shall constitute a separate violation for each calendar day in which it occurs. 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 5. That the General Zoning Ordinance shall remain in full force and effect, save and except as amended by this or any other ordinance. 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 6. That in the event any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional and/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 Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, regardless of whether any one or more sections, subsections, sentences, clauses or phrases is declared unconstitutional and/or invalid.

SECTION 7. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given all as required by law.

SECTION 8. That this Ordinance shall become effective from and after its adoption and publication as required by law and the City Charter.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS.

INTRODUCED on this the 5th day of December 2022.

ADOPTED on this the 5th day of December 2022.

EFFECTIVE DATE on this the 5th day of December 2022.

CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

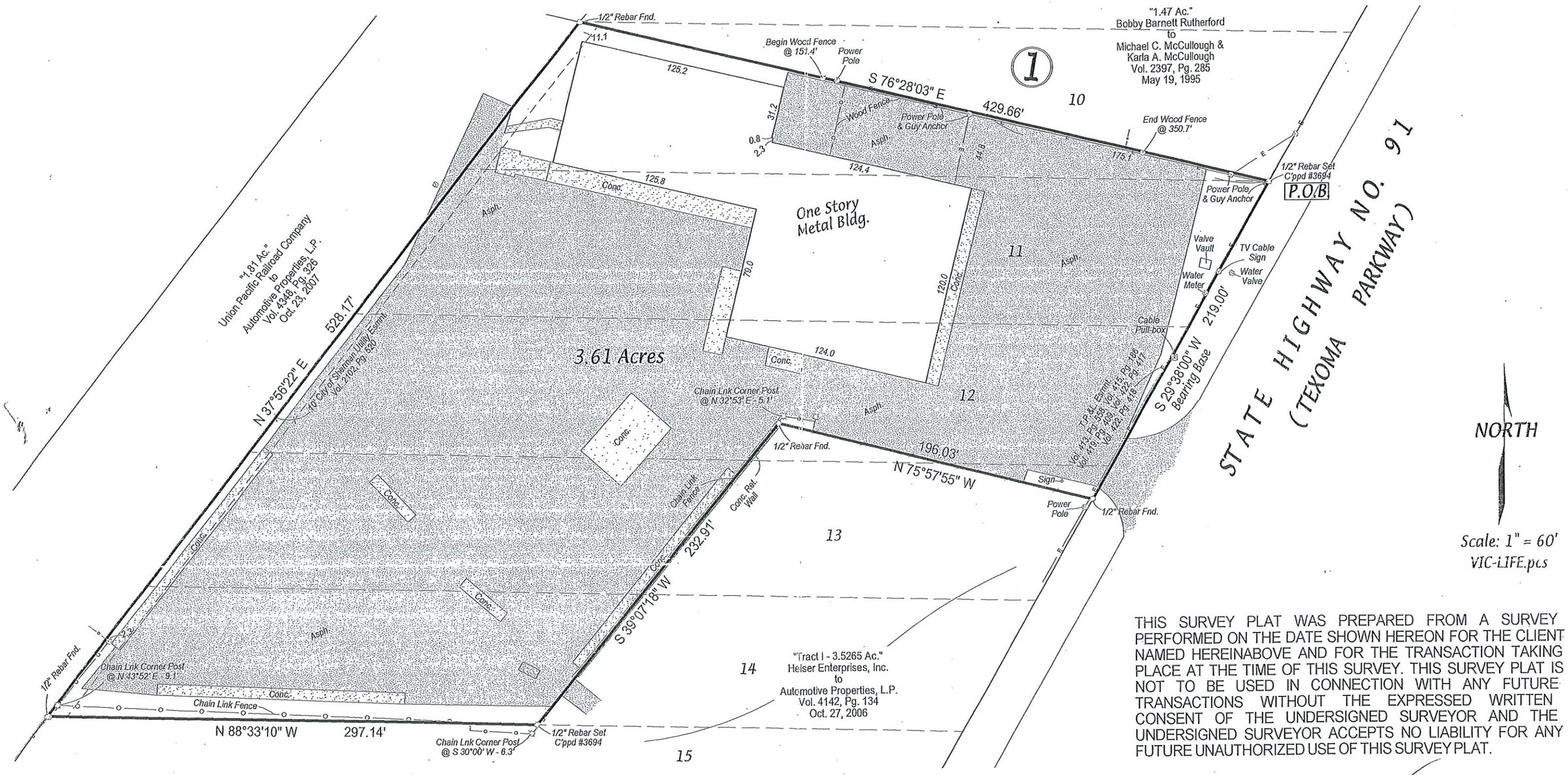
ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM
AND CONTENT:
THE LAW FIRM OF ABERNATHY,
ROEDER, BOYD & HULLETT, P.C.

BY: _____
RYAN D. PITTMAN, CITY ATTORNEY

EXHIBIT A



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VIC-LIFE.pcs

THIS SURVEY PLAT WAS PREPARED FROM A SURVEY PERFORMED ON THE DATE SHOWN HEREON FOR THE CLIENT NAMED HEREINABOVE AND FOR THE TRANSACTION TAKING PLACE AT THE TIME OF THIS SURVEY. THIS SURVEY PLAT IS NOT TO BE USED IN CONNECTION WITH ANY FUTURE TRANSACTIONS WITHOUT THE EXPRESSED WRITTEN CONSENT OF THE UNDERSIGNED SURVEYOR AND THE UNDERSIGNED SURVEYOR ACCEPTS NO LIABILITY FOR ANY FUTURE UNAUTHORIZED USE OF THIS SURVEY PLAT.

SURVEY FOR: VICTORY LIFE CHURCH

I, Marshall Sartin, Registered Professional Land Surveyor, hereby certify that a survey of the property shown hereon was made on the ground on the 7th day of October, 2009 of the following described property:

(LEGAL DESCRIPTION ATTACHED)

That the improvements on said property are known as **3400 TEXOMA PARKWAY, SHERMAN, TEXAS** and that this survey substantially complies with the current Minimum Standards for Professional Land Surveyors as adopted by the Texas Board of Professional Land Surveying, and is subject to all easements of record or as shown on recorded plat that may affect said property.

STATE OF TEXAS
REGISTERED
MARSHALL SARTIN
3694
PROFESSIONAL
LAND SURVEYOR

Marshall Sartin R.P.L.S. # 3694

SARTIN & ASSOCIATES, INC.
Registered Professional Land Surveyors
*109 S. Travis, P. O. Box 1843 * Sherman, Texas 75091 - 1843*
*Ph.: (903) 892-8003 * Fax: (903) 868-2970*
Email - msartin@acecisp.com

Kerri to cityofsherman.com

SARTIN & ASSOCIATES, INC.

REGISTERED PROFESSIONAL LAND SURVEYORS

Phone (903) 892-8003 * Fax (903) 868-2970 * Email – msartin@gcecisp.com

P.O. Box 1843 * 109 S. Travis * Sherman, Texas 75091-1843

SITUATED in the County of Grayson, State of Texas, being a part of the Hillard Jennings Survey, Abstract No. 639, being a part of Lots TEN (10), TWELVE (12), THIRTEEN (13) and FOURTEEN (14) and all of Lot ELEVEN (11) in Block ONE (1) of REDICK ADDITION to the City of Sherman, Texas as shown by plat of record in Volume 405, Page 87, Deed Records, Grayson County, Texas, being the same property conveyed by McCoy Realty Corporation to Zoe Life Outreach, Inc. by deed dated April 18, 2002, recorded in Volume 3238, Page 502, Official Public Records, Grayson County, Texas and being more particularly described by metes and bounds as follows to-wit:

BEGINNING at a set ½ inch capped rebar stamped SARTIN-3694 for the Southeast corner of said Lot Ten, the Northeast corner of both said Lot Eleven and Zoe Life Outreach tract, on the East line of said Block One, the West right-of-way line of State Highway No. 91, also known as Texoma Parkway;

THENCE South 29 deg. 38 min. 00 sec. West, with the West right-of-way line of said Texoma Parkway, the East line of said Lots Eleven, Twelve and Thirteen, a distance of 219.00 feet to a found ½ inch rebar maintaining the Northeast corner of a 3.5265 acre tract of land described in Tract I in deed from Heiser Enterprises, Inc. to Automotive Properties, L.P. by deed dated October 27, 2006, recorded in Volume 4142, Page 134, Official Public Records, Grayson County, Texas, on the East line of said Lot Thirteen;

THENCE North 75 deg. 57 min. 55 sec. West, with the Northerly North line of said 3.5265 acre tract, a distance of 196.03 feet to a found ½ inch rebar maintaining its Northerly Northwest corner, from which a chain link fence corner post bears North 32 deg. 53 min. East, a distance of 5.1 feet;

THENCE South 39 deg. 07 min. 18 sec. West, with the Northerly West line of said 3.5265 acre tract, a distance of 232.91 feet to a set ½ inch capped rebar stamp SARTIN-3694 maintaining an ell corner of said tract, on the South line of said Lot Fourteen, the North line of Lot Fifteen in said Block One of Redick Addition,, from which a chain link fence corner post bears South 30 deg. 00 min. West, a distance of 6.3 feet;

THENCE North 88 deg. 33 min. 10 sec. West, with the South line of said Lot Fourteen, the North line of said Lot Fifteen, the Westerly North line of aid 3.5265 acre tract, a distance of 297.14 feet to a found ½ inch rebar maintaining the Southwest corner of said Lot Fourteen, the Northwest corner of said Lot Fifteen, the Westerly Northwest corner of said 3.5265 acre tract, on the West line of said Block One, the East right-of-way line of the old M.K. & T. Railroad, the East line of a 1.81 acre tract of land conveyed by the Union Pacific Railroad Company to Automotive Properties, L.P. by deed dated October 23, 2007, recorded in Volume 4348, Page 326, Official Public Records, Grayson County, Texas;

THENCE North 37 deg. 56 min. 22 sec. East, with the West line of said Block One, the East line of said 1.81 acre tract, a distance of 528.17 feet to a found ½ inch rebar maintaining the Northwest corner of said Lot Ten, the Northeast corner of said 1.81 acre tract, the Southwest corner of the above mentioned McCullough 1.47 acre tract;

THENCE South 76 deg. 28 min. 03 sec. East, with the South line of said 1.47 acre tract, at a distance of 151.4 feet with the general line of a wood fence, at a distance of 350.7 feet passing the end of said fence and continuing for a total distance of 429.66 feet to the **PLACE OF BEGINNING** and containing **3.61 ACRES OF LAND** more or less.....

I, Marshall Sartin, Registered Professional Land Surveyor, hereby certify that a survey of the property legally described hereon was made on the ground on the 7 th day of October, 2009, that the improvements located on said property are known as **3400 TEXOMA PARKWAY, SHERMAN, TEXAS**, that this survey substantially complies with the current Minimum Standards for Professional

Sherman
CLASSIC TOWN. BROAD HORIZON.

City of Sherman, Texas
Development Services Department

CITY OF SHERMAN

3400 Texoma Parkway

N
W E
S

Date: 10/19/2022 11:23 AM Scale: 1:7,185

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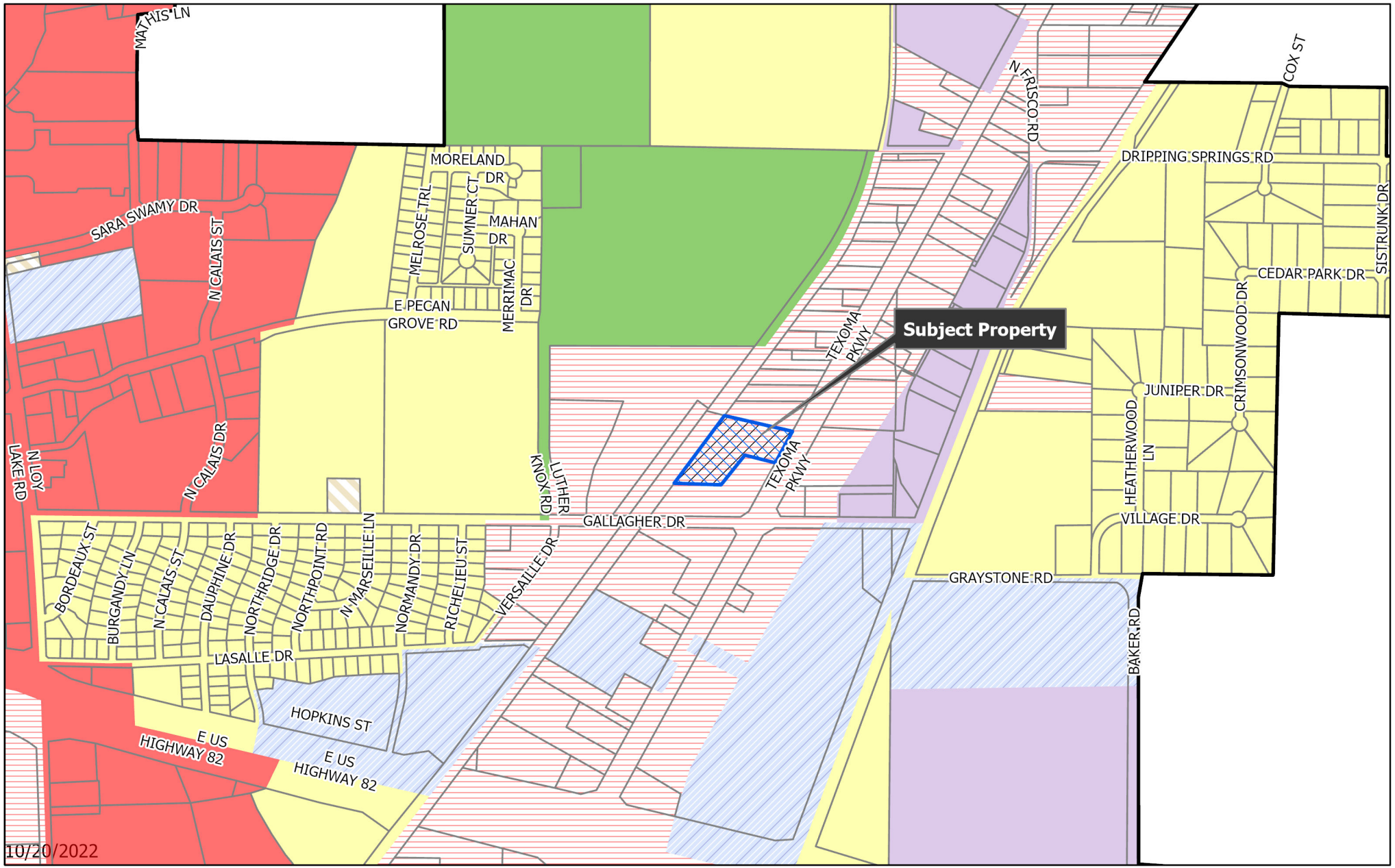

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Sherman
CLASSIC TOWN. BROAD HORIZON.

City of Sherman, Texas
Development Services Department

- BIP Blalock Industrial Park
- C-1 Retail Business District
- C-2 General Commercial District
- CO Office District
- Lakes
- M-1 Light Manufacturing District
- M-1.5 Medium Manufacturing District
- M-2 Heavy Manufacturing District
- MH Manufacturing Housing Distgrict
- R-1 One Family Residential District
- R-2 Multi-Family Residential District
- R-A Single Family Agricultural District
- SF-1 Single Family Residential District
- PD Planned Development
- Subject Locations
- Parcels
- City Limits

CITY OF SHERMAN
Zoning Location Map

3400 Texoma Parkway

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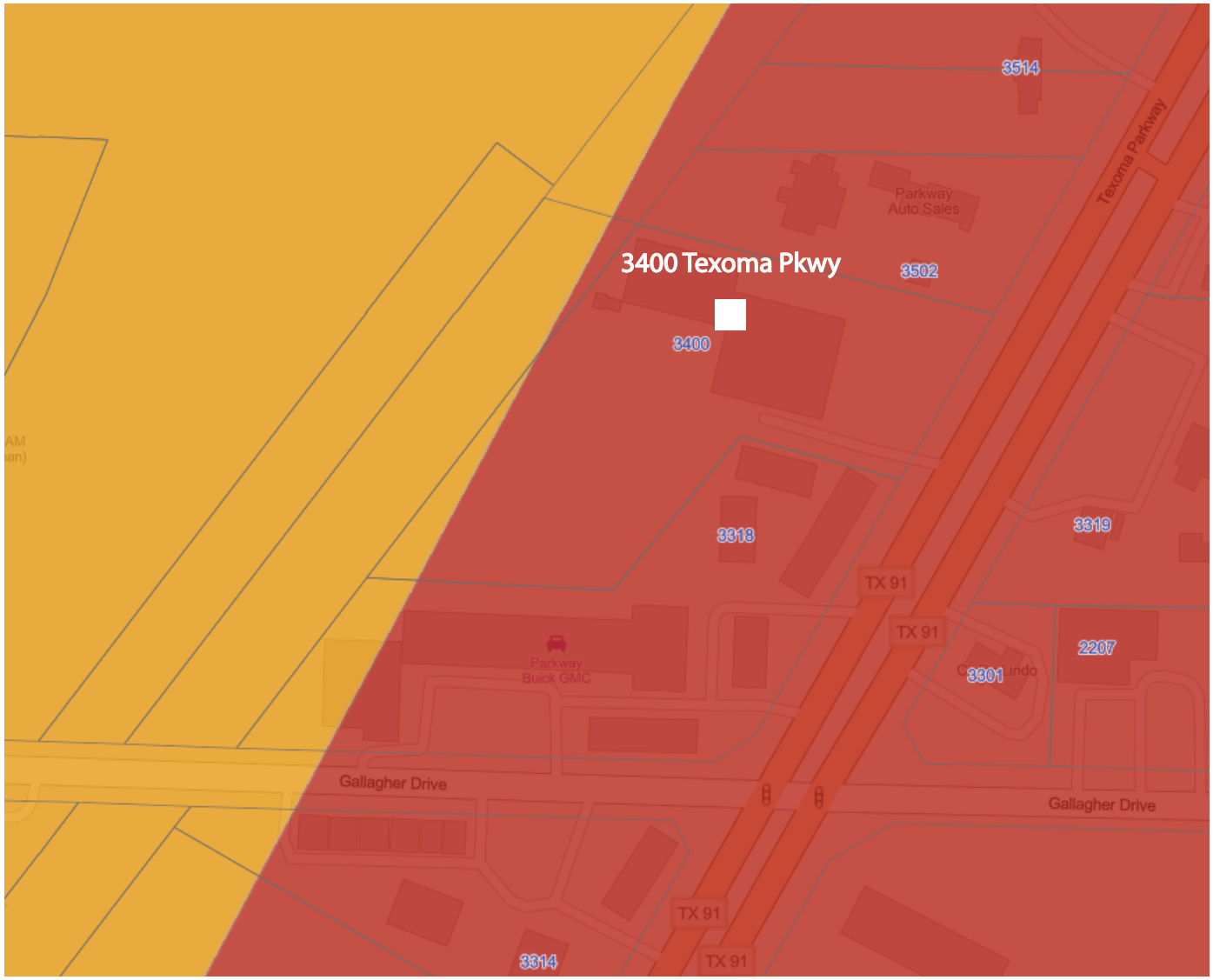
Scale: 1:9,781

Date: 10/19/2022 11:23 AM

3400 Texoma Pkwy



CITY OF SHERMAN
Future Land Use Map
3400 Texoma Pkwy

- AGRICULTURE/RURAL
- COMMUNITY COMMERCIAL
- CORE NEIGHBORHOOD
- DOWNTOWN
- PARKS
- REGIONAL COMMERCIAL
- SUBURBAN NEIGHBORHOOD
- TECHNOLOGY HUB
- FLOODPLAIN & OPEN SPACE
- NTRA ZONING
- AIRPORT

REGIONAL COMMERCIAL

Intent & Character

The Regional Commercial category is intended to promote large-scale commercial development along US-75, while promoting community character through design. US-75 serves as the major gateway to and through the community; therefore, aesthetics and design should be promoted in this corridor. This category should allow large-scale commercial uses that serve the region and the community alike. A mix of uses and inter-connectivity between parcels should be encouraged.

Appropriate Land Use Types

- Retail and Restaurants
- Multi-Family Living
- Office Complex
- Medical
- Mixed Use
- Indoor Entertainment

Compatible Zoning Districts

- Retail Business
- General Commercial
- Office
- Multi-Family Residential (MF-15 and MF-30)
- Planned Development (for larger tracts)

Considerations

- Site design considerations should be given to parking, landscaping, and building articulation.
- Where possible, parking should be screened from view or well-landscaped with native, drought-tolerant plants.
- All buildings facades fronting a public street or within significant public view should have aesthetically-pleasing horizontal and vertical articulation.
- Signage should be multi-tenant, where possible, and should match the character of the primary structure.
- High density residential should be included in mixed use developments.
- High density residential is appropriate behind commercial areas, with inter-connectivity.
- If high density is stand alone, the surrounding uses and connectivity should be considered to avoid an "island."

Sherman
CLASSIC TOWN. BROAD HORIZON.

Development Services

STAFF REVIEW LETTER

November 8, 2022

Dax Powell
27 Sam Roy Lane
Pottsboro, TX 75076

Helvey-Wagner Surveying
222 W Main St
Denison, TX 75021

TADLA
PO Box 1689
Sherman, TX 75091

Dear Applicants,

The request for a Specific Use Permit and Site Plan approval under Ordinance No. 2280, Section 8, Subsection (5)(a) to allow Batting Cages in a C-2 (General Commercial) District at 3400 Texoma Parkway has been scheduled to be heard by the Planning and Zoning Commission on Tuesday, November 15, 2022 at 5:00 P.M., in the City Council Chambers, City Hall at 220 W. Mulberry.

City staff has reviewed your request with regards to engineering and development guidelines and finds the following items need to be addressed:

Zoning:

1. Compliance with applicable City ordinances, regulations, standards and rules and other laws, as they exist or may be amended, including but not limited to the City's General Zoning Ordinance, Ordinance No. 2280, the regulations applicable to the C-2 (General commercial) District, the Sign Ordinance, the Fence Ordinance and the Commercial Tree and Landscaping Ordinance. (*Chapter 14, Exhibit A, Sec. 6.7; Sec. 7(14), Sec. 7(13) and Sec. 17).*
2. Fire access, lanes and codes shall be coordinated with the Fire Marshal (903.892.7267).
3. All required off-street parking shall be on private property and shall not encroach into the right-of-way. *(Chapter 14, Exhibit A, Section 7, Subsection 10(b))*
4. Parking shall be provided for one space per 200 square feet; a parking space is considered to be 9' x 20'. (*Chapter 14, Exhibit A, Sec.8 (5)(a); Sec.7(10)(b)).*
5. The trash dumpster will need to be located inside the main building area.
6. The use of the property must comply with all Federal and State Laws and regulations and with all ordinances, rules and regulations of the City of Sherman.
7. The property must be properly maintained in a state of good repair and neat appearance.
8. The granting of a Specific Use Permit has no effect on the uses permitted as of right and does not waive the regulations of the underlying zoning district.
9. A specific use permit is an amendment to the district regulations of the zoning ordinance that permits the permanent establishment of a specific use within a zoning district in which such specific use may be established unless such use of land or structure discontinue or be abandoned for a period of sixty (60) consecutive days in which event such specific use permit shall be void and such use may not thereafter be resumed unless a new specific use permit granted. (*Chapter 14, Exhibit A, Sec. 8 (5)(b))*
10. The approval of the Specific Use Permit and site plan shall be effective for a period of (2) years

from the date of approval and shall expire unless the applicant demonstrates to the Director of Development Services that progress has been made toward completion of the project for which the Specific Use Permit was approved.

11. Any changes made to the site plan prior to the final fulfillment of the conditions of the staff review letter must be considered minor by the staff, as to not require resubmission to the Planning & Zoning Commission.

Engineering

12. Drive approaches and sidewalks must conform to City of Sherman standards and a permit with drawing showing dimensions is required from City of Sherman Engineering Department for review and approval prior to any work being done within public right of way. *Code of Ordinances Chapter 3, Division 5, Sec. 3.10.154*

It is the policy of this Planning and Zoning Commission and the Board of Adjustment not to consider a request unless the applicant or its representative attends the meeting at which the request is considered. You are hereby notified to present your case on the date and time stated above.

If additional information or clarification is needed, do not hesitate to contact Rob Rae at 903-892-7229 prior to the meeting.

Respectfully,

Rob Rae
Acting Secretary, Planning and Zoning Commission and Board of Adjustments

cc: Robby Hefton, City Manager
Clint Philpott, Asst. City Manager
Wayne Lee, P.E., Director of Engineering
Tom Pruitt, Utility Engineer
Billy Hartsfield, Fire Marshal
Amber Doan, Engineering Coordinator
Christopher Armstrong, Asst. City Engineer
The Law Firm of Abernathy, Roeder, Boyd, & Hullett, P.C., City Attorney

Planning & Zoning Commission and Board of Adjustments

Agenda Item No. 20.

Meeting Date: 11/15/2022

Prepared by: Lauren Marlow, Administrative Assistant
Rob Rae, Director of Development Services

Clay Mahone, Chairman
David Downtain, Vice Chairman
Shawn Davis, Commissioner
Leigh Ann Sims, Commissioner
Paul Manley, Commissioner
Glenn Whitaker, Commissioner
Bryan Blagg, Commissioner

Requested Action/Proposed Use:

3400 TEXOMA PARKWAY

The request of TADLA (Owner), Dax Powell (Tenant) and Helvey-Wagner Surveying (Surveyor) concerning the property located at 3400 Texoma Parkway, being 3.61 acres in part of the Hillard Jennings Survey, Abstract No. 639, being part of Lots 10, 12, 13, and 14, and all of Lot 11, Block 1, of Redick Addition, as follows:

Planning and Zoning Commission

Specific Use Permit and Site Plan approval under Ordinance No. 2280, Section 8, Subsection (5)(a) to allow Batting Cages in a C-2 (General Commercial) District.

Background:

The property is located at 3400 Texoma Parkway near the northeast corner of Gallagher Drive and Texoma Parkway and is zoned C-2 (General Commercial) District. The owner is requesting a Specific Use Permit and Site Plan approval for batting cages.

Adjacent Zoning:

C-2 (General Commercial) District

Origination:

TADLA (Owner)
Dax Powell (Tenant)
Helvey-Wagner Surveying (Surveyor)

Master Plan Designation:

Not Applicable.

Number of notices mailed:

9

Objections Received:
0

Development Review Meeting:
No

Attachments

Location Map
Zoning Map
Zoning Sign Photo
Future Land Use Map
Survey & Legal Description
Elevations / Photos
Staff Review Letter

SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **E. 8.**

Meeting Date: 12/05/2022

Prepared By: Rob Rae, Director of Development Services

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6554

Amending The Code Of Ordinances Of The City Of Sherman, Texas, Chapter 14 (Zoning Ordinance), To Rezone Real Property Consisting Of 1,495.57± Acres, Situated In The Preston Kitchens Survey, Abstract No. 667, Sherrod Dunman Survey, Abstract No. 329, Elizabeth Jones Survey, Abstract No. 625, And William Martin Survey, Abstract No. 765, In The City Of Sherman, Grayson County, Texas; Providing That The Real Property Is Rezoned And Placed In The Planned Development District / Light Manufacturing (M-1) District (Pd/M-1) Zoning Classification; Describing The Tract To Be Rezoned; Providing A Penalty Clause With A Maximum Fine Of $2,000, Savings/Repealing Clause, Severability Clause And An Effective Date; And Providing For The Publication Of The Caption Hereof

Issue:

To consider an Ordinance of the City Council of the City of Sherman, Texas, Amending the Code of Ordinances of the City of Sherman, Texas, Chapter 14 (Zoning Ordinance), To Rezone Real Property Consisting of 1,495.57± Acres, Situated In The Preston Kitchens Survey, Abstract No. 667, Sherrod Dunman Survey, Abstract No. 329, Elizabeth Jones Survey, Abstract No. 625, And William Martin Survey, Abstract No. 765, In The City Of Sherman, Grayson County, Texas; Providing That The Real Property Is Rezoned And Placed In The Planned Development District / Light Manufacturing (M-1) District (PD/M-1) Zoning Classification

Background:

The Blalock Industrial Park was originally created in 1962 under Ordinance No. 2252 with the purpose of creating an industrial district that provides compatible regulations for the construction and use of buildings in the district. In 2001, a minor update was adopted by City Council in Ordinance No. 4967. This Blalock Industrial Park Development Plan replaces those previously adopted ordinances to create a Planned Development (PD) District called the “Blalock Industrial Park."

The purpose of the Blalock Industrial Park PD is to achieve a quality, cohesive, and compatible industrial and manufacturing district to a climate and location for the orderly development of light industry in the southern gateway of Sherman, Texas.

Origination:
City of Sherman

Financial Consideration:
None

Staff Recommendation:
At the November 15, 2022 regular meeting, the Planning and Zoning Commission voted 6/0 to recommend to the City Council that the Zone Change be approved. **The proposed use is compatible with the City of Sherman Comprehensive Plan.**

Alternatives:
The City Council could deny the request.

Attachments

Ordinance No. 6554
Exhibit A - Legal Description
Exhibit B - Development Standards
Location Map
Zoning Map
Zoning Sign Photos
Future Land Use Map
P & Z Communication

ORDINANCE NO. 6554

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF SHERMAN, TEXAS, CHAPTER 14 (ZONING ORDINANCE), TO REZONE REAL PROPERTY CONSISTING OF 1,495.57± ACRES, SITUATED IN THE PRESTON KITCHENS SURVEY, ABSTRACT NO. 667, SHERROD DUNMAN SURVEY, ABSTRACT NO. 329, ELIZABETH JONES SURVEY, ABSTRACT NO. 625, AND WILLIAM MARTIN SURVEY, ABSTRACT NO. 765, IN THE CITY OF SHERMAN, GRAYSON COUNTY, TEXAS; PROVIDING THAT THE REAL PROPERTY IS REZONED AND PLACED IN THE PLANNED DEVELOPMENT DISTRICT / LIGHT MANUFACTURING (M-1) DISTRICT (PD/M-1) ZONING CLASSIFICATION; DESCRIBING THE TRACT TO BE REZONED; PROVIDING A PENALTY CLAUSE WITH A MAXIMUM FINE OF $2,000, SAVINGS/REPEALING CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW

WHEREAS, the City Council of the City of Sherman, Texas ("City Council") finds that the Code of Ordinances of the City of Sherman, Texas ("Code of Ordinances"), Chapter 14 (Zoning Ordinance) ("Zoning Ordinance") should be amended as provided herein; and

WHEREAS, the City of Sherman, Texas ("City" or "Sherman") initiated a request to rezone real property consisting of 1,495.57± acres, situated in the Preston Kitchens Survey, Abstract No. 667, Sherrod Dunman Survey, Abstract No. 329, Elizabeth Jones Survey, Abstract No. 625, and William Martin Survey, Abstract No. 765, City of Sherman, Grayson County, Texas, more particularly described in Exhibit A, attached hereto and incorporated herein for all purposes (the "Property"); and

WHEREAS, Sherman has requested that the Zoning Ordinance be amended to rezone the Property by placing it in the Planned Development District / Light Manufacturing (M-1) District (PD/M-1) zoning classification; and

WHEREAS, the City Council finds that the owners of the Property shall comply with all provisions of the ordinances of Sherman, as they exist, may be amended or in the future arising, including, but not limited to, this Ordinance and the Zoning Ordinance, and the additional restrictions and conditions set forth herein, and in the Development Standards, attached hereto as Exhibit B and incorporated herein for all purposes (collectively, "Additional Conditions"); and

WHEREAS, all legal notices required for rezoning have been given in the manner and form required by law; public hearings have been held on the proposed rezoning; and all other requirements of notice and completion of such zoning procedures have been fulfilled; and

WHEREAS, the City Council finds that it will be advantageous and beneficial to Sherman and its citizens to rezone the Property as set forth below.

.

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

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2: Amendment to the Zoning Ordinance. The Zoning Ordinance is hereby amended as follows: The zoning designation of the Property, and all streets, roads and alleyways contiguous and adjacent thereto, is hereby rezoned to place the Property within the Planned Development District / Light Manufacturing (M-1) District (PD/M-1) zoning classification.

The development plans, standards and uses for the Property shall conform to and comply with the standards, rules and regulations for the development and uses of land within the Planned Development District / Light Manufacturing (M-1) District (PD/M-1) zoning classification, the Development Standards as set forth in Exhibit B and all other Additional Conditions. The development and use of the Property also must comply with the requirements of all applicable ordinances, rules and regulations of Sherman, as they currently exist, may be amended or in the future arising. To the extent that any of the exhibits attached hereto are in conflict with the provisions of this Ordinance or one another, the provisions of this Ordinance, then the provisions of Exhibit B, shall prevail in that order.

SECTION 3: Future Amendments to this Ordinance; Protests. A request for an amendment to any provision of this Ordinance or Planned Development District may be initiated by one or more of the owners of the Property, by the Planning and Zoning Commission or by the City Council; consent from the other owners of the Property shall not be required. For purposes of providing the notice of a public hearing on a proposed amendment to this Ordinance or Planned Development District as required by Section 211.007 of the Texas Local Government Code, the noticing area shall be measured using the boundaries of the Property, not the tract within the Property that is the subject of the request.

SECTION 4: No Vested Interest/Repeal. No developer or property owner shall acquire any vested interest in this Ordinance or in any specific regulations contained herein. Any portion of this Ordinance may be repealed by the City Council in the manner provided for by law.

SECTION 5: Unlawful Use of Property. It shall be unlawful for any person, firm, entity or corporation to use of the Property in some manner other than as authorized by this Ordinance, and it shall be unlawful for any person, firm, entity or corporation to construct on the Property any building that is not in conformity with the permissible uses under this Ordinance.

SECTION 6: Penalty. Any person, firm, corporation or entity violating any provision of this Ordinance, or the Zoning Ordinance, as they exist or may be amended, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in an amount not exceeding Two Thousand and No/100 Dollars ($2,000.00). A violation of any provision of this Ordinance shall constitute a separate violation for each calendar day in which it occurs. The penal provisions imposed under this Ordinance shall not preclude Sherman from filing suit to enjoin the violation. Sherman retains all legal rights and remedies available to it pursuant to local,

state and federal law.

SECTION 7: Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional and/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 Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, regardless of whether any one or more sections, subsections, sentences, clauses or phrases is declared unconstitutional and/or invalid.

SECTION 8: Repealing/Savings. The Zoning Ordinance shall remain in full force and effect, save and except as amended by this or any other Ordinance. 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 9: Open Meeting. The meeting at which this Ordinance was introduced and passed was open to the public and that public notice of the time, place and purpose of said meeting was given all as required by law.

SECTION 10: Effective Date; Publication. This Ordinance shall become effective from and after its adoption and publication as required by law. The City Clerk is directed to publish the caption of this Ordinance as required by law.

[*The remainder of this page intentionally left blank*.]

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS on this 5th day of December 2022.

CITY OF SHERMAN, TEXAS

BY:_____
DAVID PLYLER, MAYOR

ATTEST:

BY:_____
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM:
ABERNATHY, ROEDER,
BOYD & HULLETT, P.C.

BY:_____
RYAN D. PITTMAN, CITY ATTORNEY

Exhibit A
Legal Description of the Property

Situated in the County of Grayson, State of Texas, being a part of The William Martin Survey, Abstract No. 765, The Sherrod Dunman Survey, Abstract No. 329, The Preston Kitchen Survey, Abstract No. 667, and the Elizabeth Jones Survey, Abstract No. 625 and being described by metes and bounds as follows:

Beginning at the Northwest Corner of a 121.99 acre tract of land conveyed to Sherman Economic Development Corporation, Recorded in Volume 2660, Page 656 Official Public Records, Grayson County Texas(O.P.R.G.C.T.);

Thence the Following calls and distances with the South line of Tract 1, being 781.14 acres recorded in Volume 5232, Page 220 O.P.R.G.C.T.;

North 73°39'18" East, a distance of 3613.16 feet to a point;
North 15°28'18" West a distance of 468.80 feet to a point;
North 74°34'58" East a distance of 1377.13 feet to a point in the West Right-of-Way of State Highway 75;

Thence the following calls and distances with said West Right-of-Way of State Highway 75;

With a curve to the left having a radius of 2479.76 feet, (chord bears South 11°05'38" East, with a chord length of1495.26 feet) an arc length of 1518.89 feet to a point;
South 28°38'29" East a distance of 306.10 feet to a point;
South 28°38'29" East a distance of 508.20 feet to a point;
South 28°38'29" East a distance of 61.80 feet to a point;
South 28°38'29" East a distance of 603.10 feet to a point;
South 28°38'29" East a distance of 156.70 feet to a point;
South 24°20'29" East a distance of 280.60 feet to a point;
South 15°35'29" East a distance of 290.50 feet to a point;
South 11°08'29" East a distance of 310.50 feet to a point;
South 07°54'31" West a distance of 187.35 feet to a point in the middle of F.M. 1417;

Thence North 75°07'46" East with the center of said F.M. 1417 a distance of 1022.36 feet to a point;

Thence South 14°39'28" East over and across a 8.07 acre tract of Land conveyed to MKT Real Estate Holdings LLC Recorded in Document Number 2018-10228 O.P.R.G.C.T. and continuing with the west line of a 9.12 Acre tract of land conveyed to the Sherman Economic Development Corporation, Recorded in Volume 5680, Page 685 O.P.R.G.C.T., then with the west line of a 96.76 acre tract of land conveyed to Terra Perpetua LLC, Recorded in Document Number 2018-3686 O.P.R.G.C.T a distance of 2190.10 feet to a point;

Thence South 49°31'48" East with the west line of said Terra Perpetua LLC tract and the west line of a 119.38 acre tract of land conveyed to Bel Air Village SFR LLC, Recorded in Document Number 2021-15093, O.P.R.G.C.T. a distance of 1553.48 feet to a point;

Thence South 67°19'54" East with said West line of the Bel Air Village Tract a distance of 1878.93 feet to a point in the westerly Right-of-Way of the Burlington Northern Santa Fe;

Thence the following calls and distances with said Burlington Northern Santa Fe Right-of-Way;

South 06°06'21" West a distance of 453.34 feet to a point;
South 84°47'28" East a distance of 72.49 feet to a point;

With a curve to the right having a radius of 2247.65 feet, (chord bears South 33°58'49" West, with a chord length of2165.45 feet) an arc length of 2259.38 feet to a point;

South 63°20'11" West a distance of 272.27 feet to a point;

South 63°20'11" West a distance of 1512.47 feet to a point in the East Right-of-Way of State Highway 75;

Thence South 10°49'10" East with said State Highway 75 Right-of-Way a distance of 45.79 feet to a point in the center of the Railroad Tracks;

Thence South 63°24'24" West with the center of said Railroad tracks a distance of 1616.35 feet to a point;

Thence South 14°29'26" East with the East Line of a 208.80 acre tract of land Conveyed to Panda Sherman Power LLC, Recorded in Volume 5132, Page 122, O.P.R.G.C.T. a distance of 1093.66 feet to a point in the center of Choctaw Creek;

Thence the following calls and distances with said Choctaw Creek;

North 89°08'07" West a distance of 50.63 feet to a point;
South 61°50'06" West a distance of 129.18 feet to a point;
North 65°31'21" West a distance of 213.45 feet to a point;
South 43°38'09" West a distance of 143.38 feet to a point;
North 76°35'12" West a distance of 305.86 feet to a point;
South 82°00'24" West a distance of 199.24 feet to a point;
South 07°28'29" West a distance of 447.48 feet to a point;
South 28°46'19" West a distance of 60.92 feet to a point;
South 78°00'17" West a distance of 242.38 feet to a point;
South 53°19'01" West a distance of 279.39 feet to a point;
North 81°47'10" West a distance of 158.75 feet to a point;

Thence North 15°37'07" West leaving said Creek and over and across said Panda Sherman Power LLC tract, a distance of 2975.00 feet to a point;

Thence North 74°22'08" East a distance of 407.29 feet to a point in a Creek being in the East Line of said Panda Sherman Power LLC.;

Thence the following calls and distances with the center of said Creek;

North 01°41'19" East a distance of 20.59 feet to a point;
North 63°16'29" East a distance of 43.88 feet to a point;
South 57°22'55" East a distance of 45.78 feet to a point;
North 50°16'00" East a distance of 96.84 feet to a point;
North 01°40'43" East a distance of 79.46 feet to a point;
North 84°38'12" West a distance of 66.34 feet to a point;
South 30°10'37" West a distance of 76.03 feet to a point;
North 47°26'23" West a distance of 85.74 feet to a point;
North 00°09'28" East a distance of 64.41 feet to a point;
North 31°03'16" East a distance of 100.18 feet to a point;
North 73°22'59" West a distance of 114.31 feet to a point;
North 36°21'36" West a distance of 35.59 feet to a point;
North 11°39'13" West a distance of 48.15 feet to a point;
North 54°32'17" West a distance of 121.04 feet to a point;
South 23°22'22" West a distance of 64.09 feet to a point;

South 77°12'24" West a distance of 66.96 feet to a point;
North 19°26'00" West a distance of 72.45 feet to a point;
North 38°21'11" West a distance of 176.74 feet to a point;
North 07°06'09" West a distance of 138.44 feet to a point;
North 18°07'17" East a distance of 38.00 feet to a point;
North 49°20'09" West a distance of 53.50 feet to a point;
South 55°32'33" West a distance of 98.57 feet to a point;
North 43°02'42" West a distance of 117.84 feet to a point;
North 10°23'40" West a distance of 190.86 feet to a point;
North 07°41'27" East a distance of 50.96 feet to a point;
North 29°38'08" West a distance of 52.72 feet to a point in the South Right-of-Way of Progress Drive;

Thence South 75°08'34" West with said South Right-of-Way of Progress Drive a distance of 1405.79 feet to a point being the Northwest Corner of said Panda Sherman Power LLC, and being a point in the East Line of a 63.6 acre tract of land Conveyed to Sherman Economic Development Corporation, Recorded in Document Number 2017-24319 O.P.R.G.C.T.;

Thence North 15°10'02" West with the East line of said 63.6 acre tract of land a distance of 307.12 feet to a found ½" Steel rod;

Thence South 73°16'52" West with the North Line of said 63.6 acre tract a distance of 270.55 feet to a Found ½" Steel rod;

Thence North 10°39'01" West with the West line of a 47.11 acre tract of land conveyed to Progress Rail Services Corporation a distance of 1542.66 feet to a Found ½" Steel rod;

Thence North 75°19'46" East with the North Line of said 47.11 acre tract of land a distance of 149.87 feet to a point;

Thence North 14°38'25" West with the West line of a 119.17 acre tract of land, Conveyed to Sherman Economic Development Corporation, Recorded in Volume 4895, Page 876, O.P.R.G.C.T., a distance of 2330.05 feet to a point in the South Right-of-Way of F.M. 1417;

Thence South 73°54'02" West with said South Right-of-Way a distance of 395.19 feet to a point;

Thence North 16°13'26" West crossing over said F.M. 1417 and continuing with the West Line of said 121.99 acre tract of Land Conveyed to Sherman Economic Development Corporation a distance of 3397.73 feet to a Found ½" steel rod;

Thence North 83°30'56" East a distance of 64.55 feet to a point;

Thence North 06°22'05" West a distance of 348.30 feet to the Point of Beginning and containing 1495.57 acres of land.

Exhibit B
Development Standards

The design, development and use of the Property shall comply with this Ordinance, Sherman's Zoning Ordinance and the following development standards:

Blalock Industrial Park Development Plan

1 INTRODUCTION

1.1 BACKGROUND & PURPOSE

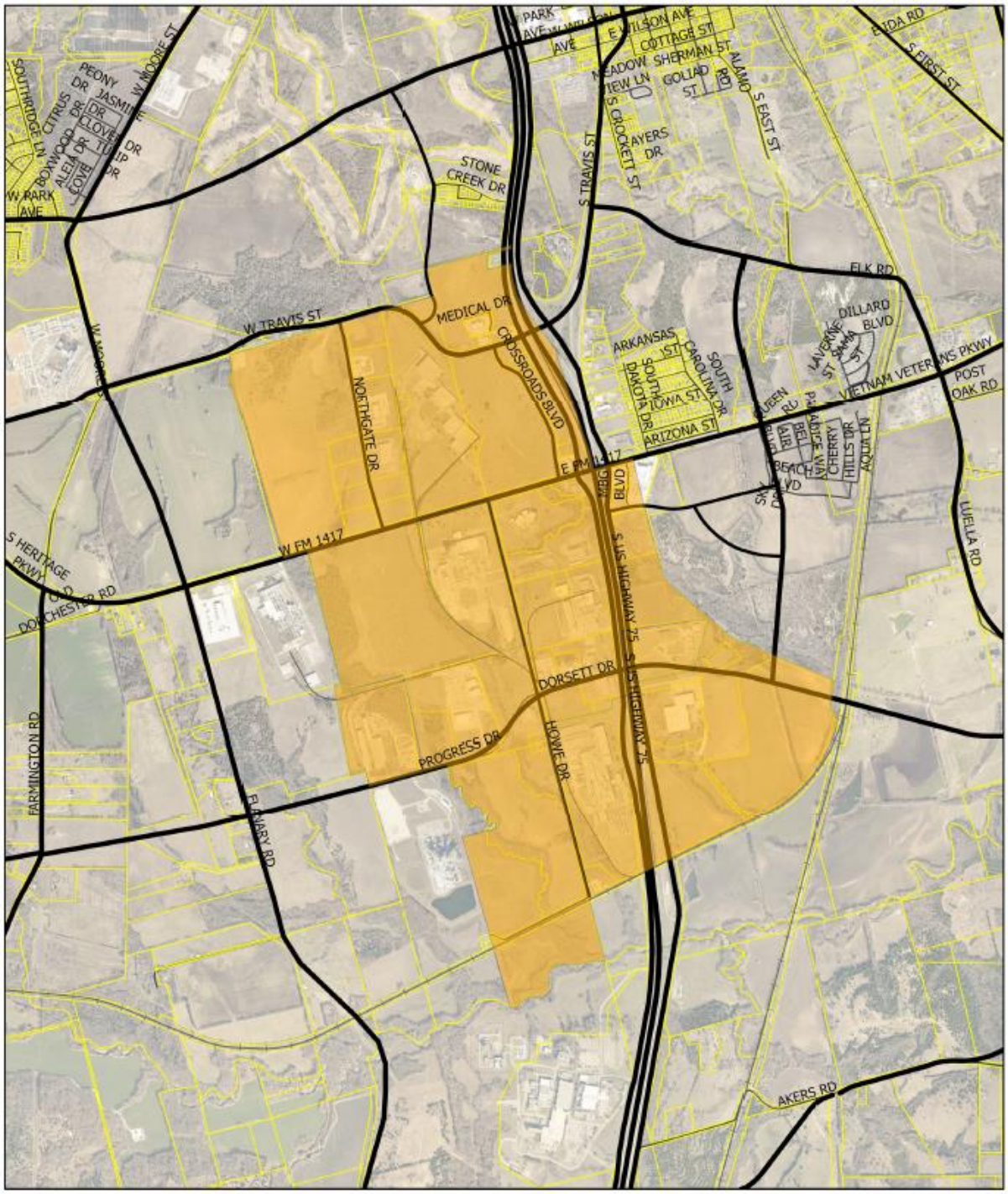
The Blalock Industrial Park was originally created in 1962 under Ordinance No. 2252 with the purpose of creating an industrial district that provides compatible regulations for the construction and use of buildings in the district. In 2001, a minor update was adopted by Council in Ordinance No. 4967. This Blalock Industrial Park Development Plan replaces those previously adopted ordinances to create a Planned Development (PD) District called the "Blalock Industrial Park."

The purpose of the Blalock Industrial Park PD is to achieve a quality, cohesive, and compatible industrial and manufacturing district to a climate and location for the orderly development of light industry in the southern gateway of Sherman, Texas.

1.2 ESTABLISHMENT OF THE DISTRICT AND DISTRICT BOUNDARIES

The Blalock Industrial Park PD consists of approximately 1,495 Acres located within the City of Sherman. In general, the majority of the District is located on the west side of U.S. Highway 75 South of West Travis and proceeds down to the BNSF railroad crossing and Choctaw Creek and proceeds to the west approximately 1 mile along FM Highway 1417. A smaller portion of the District is located on the west side of U.S. Highway 75 from FM Highway 1417 south to the BNSF railroad. See the map below.

Where uncertainty exists with respect to the boundaries of the PD, Exhibit A (Legal Description of the Property) will control.



1.3 Application of Regulations

In the event of a conflict between the City of Sherman Code of Ordinances and the regulations and standards contained in this document, this document shall control, with the exception of the Overlay Districts that have boundaries within the Blalock Industrial Park. Whenever this document is silent upon a regulation or design standard, the City of Sherman Code of Ordinances shall control. Words shown in all CAPITAL LETTERS are defined in Section 5 Definitions.

The development and use of property within the Blalock Industrial Park must comply with the requirements of this document and the requirements of all applicable ordinances, rules and regulations of Sherman, as they currently exist, may be amended or in the future arising.

2 SITE AND BUILDING STANDARDS

2.1 GENERAL STANDARDS

2.1.1 Except as hereinafter specified, all buildings and structures hereinafter erected within "Blalock Industrial Park" shall conform to the construction standards specified in the building code and all other applicable ordinances of the City of Sherman, including Chapter 14 Zoning Ordinance.

2.1.2 No building or land shall hereafter be used or occupied, and the building or part thereof shall be erected, moved, or altered unless in conformity with the regulations herein specified for the district in which it is located.

2.1.3 No building shall hereafter be erected or altered in any tract:

(a) To exceed the applicable height.

(b) To occupy a greater percentage of lot area applicable to such tract and building.

(c) To have narrower or smaller front yards or in any wise infringe upon the setback line, side yards, or come closer to the side lot lines than is herein specified for the tract in which said building is located.

2.1.4 No part of a yard or other open space about any building required for the purpose of complying with the provisions of this ordinance shall be included as a part of a yard or other open space similarly required for another building.

2.2 PERMITTED USES.

2.2.1 Those uses indicated as being permitted in the "M-1 (Light Manufacturing) District" in the Sherman Zoning Ordinance, Subsection 14.10 (Use Chart).

2.2.2 The permitted uses indicated in the "Blalock Commercial Overlay District" (Sherman Zoning Ordinance, Section 14.03.007) are permitted within the Blalock Industrial Park that overlap with the boundaries of the Blalock Commercial Overlay District.

2.2.3 A Specific Use Permit (SUP) may be considered for uses described in Sherman Zoning Ordinance, Subsection 14.10 (Use Chart) that allows for a SUP in an M-1 (Light Manufacturing) District, subject to requirements set forth in Sherman Zoning Ordinance, Subsection 14.06.009.

2.3 SITE REGULATIONS

2.3.1 Building height limit:

(a) No building shall be erected to a height in excess of 100 feet;

(b) The Director of Development Services may approve a height exception for water towers or tanks, standpipes, elevator housing, air-conditioning equipment, stairways, ventilation fans, and similar equipment that exceed 100 feet in height but no more than 150 feet.

2.3.2 Minimum lot area: 5 acres.

2.3.3 Maximum lot coverage: 50% of the lot.

2.3.4 Maximum Impervious Cover:

(a) 80% of the lot.

(b) Impervious cover shall include all roads, driveways, parking areas, buildings, concrete walkways and other impermeable construction covering the natural land surface on the lot.

2.3.5 Minimum Yards and setback required.

(a) Setback, front lines and yards adjacent to public roadways. Such setback areas between the building lines and the roads right-of-way shall be used for lawns, open landscaping and green areas. Infield area is to be landscaped; it shall be done attractively with lawns, trees, etc., and thereafter properly maintained in a sightly and well-kept condition.

(b) Setbacks shall be as follows:

(1) 200 feet from U.S. Highway 75, with the exception of the defined setbacks in the Blalock Commercial Overlay District, which such setbacks shall govern properties within that overlay district.

(2) 100 feet from F.M. 1417, with the exception of the defined setbacks in the Blalock Commercial Overlay District, which such setbacks shall govern properties within that overlay district.

(3) For property located within the FM1417 overlay district the setbacks set forth herein shall govern.

(4) 50 feet from all other roadways.

(5) Side and rear lines and yards. No structures or buildings, including accessory buildings, shall be located closer than 25 feet to any side or rear building site line.

3 ARCHITECTURAL STANDARDS

3.1.1 Building facing and construction.

(a) All buildings erected on any tract shall be faced with masonry, concrete, stone, glass, cement plaster, exterior insulation facing system (EIFS), or factory finished metal panels. Factory finished metal panels shall not include standard galvanized or painted corrugated or “R” type panels, aluminum, asbestos, or iron or steel or corrugated aluminum, asbestos, iron or steel.

(b) No building shall be constructed with a wooden frame. Should any building be constructed of light weight aggregate, concrete blocks, tile blocks or tile bricks, the front of such building must be finished with face brick, common brick painted, limestone or their equivalent.

(c) Where the exterior (except the front wall) is constructed of light weight aggregate or concrete blocks, unless such exterior walls are finished in stucco, or gunite, or their equal, the building shall be tooled or painted and such exterior walls shall be rubbed down and covered sufficiently with standard waterproofing paint.

4 ADDITIONAL STANDARDS

4.1.1 Screening.

(a) Refer to Sherman Zoning Ordinance, Section 14.04.004 for fences and screening regulations, except as herein specified.

(b) No fences are allowed within the front, side, or rear yard that is adjacent to any road, street, or highway.

(c) Chain link fences or fences with barbed wire shall not be visible from any public roadway.

(d) Mechanical, utility, and service facilities shall be screened on three sides so as not to be visible from public roadways.

(e) Freight docks, service bays, loading docks, truck berths and heavy storage areas shall be screened from all abutting uses, except when the abutting use is determined to be of equal or greater intensity.

(f) The aforementioned areas shall be screened from all public roadways.

4.1.2 Parking.

(a) Parking shall be provided at the following rates:

(1) 1 parking space for every 400 square feet for office floor area

(2) 1 parking space for every 1000 square feet for manufacturing or industrial floor area up to 20,000 square feet.

(3) 1 parking space for every 2000 square feet for manufacturing or industrial floor area over 20,000 square feet.

(b) A Parking Study may be conducted from a licensed traffic engineer to justify lower parking rates for a particular development. The traffic engineer must be approved by the City of Sherman in advance. A variance to the required parking may be granted by the Director of Development Services following the completion of the Parking Study.

(c) Any off-street parking areas, service drives, or driveways shall be surfaced with asphalt or concrete paving.

(d) Parking areas shall not be used for any purpose other than the accessory parking of automobiles or other vehicles. In no case shall any storage, servicing, or dismantling of automobiles or other vehicles nor shall unloading or loading be permitted in the parking areas.

4.1.3 Outdoor storage.

(a) Outdoor storage or merchandise, equipment or materials, which is essential or incidental to the use shall be screened from all public roadways and abutting uses. Stored merchandise shall not exceed the height of the screening device.

(b) The area used for outdoor storage shall be located to the rear ½ of the property and shall not be located within the front, side, or rear yard that is adjacent to any road, street, or highway.

(c) Storage of all bulk liquids and gases, including oil, gasoline, petroleum products, acid waste neutralization, deionized water, as well as nitrogen and other gases shall be screened from public view, and shall be located at the back of the facility.

4.1.4 Landscaping.

The regulations in Sherman Zoning Ordinance, Section 14.04.006, Residential and Commercial Landscaping shall guide development in the Blalock Industrial Park.

4.1.5 Signs.

(a) Refer to Sherman Zoning Ordinance, Section 14.07 for sign regulations, except as herein specified.

(b) Freestanding (Monument) Signs – One (1) freestanding monument sign is permitted per lot. The sign shall not exceed 300 square feet in sign face area, 15 feet in height, and 50 feet minimum setback for lots larger than 10 acres. If the lot is less than 10 acres, the sign shall not exceed 150 square feet in sign face area, 10 feet in height, and 25 feet minimum setback. A sign permit is required for Freestanding Signs

(c) Directional Signs – One (1) directional sign is permitted per driveway entrance. Sign face area shall not exceed 32 square feet and must be setback 15 feet from the property line. A sign permit is required for Directional Signs.

(d) Wall Signs – One (1) wall sign is permitted for each wall face. The maximum area of the sign face area shall not exceed 600 square feet and shall not exceed 20% of any single wall face.

(e) Temporary Signs – One (1) temporary sign per lot may be allowed for a period of 30 days in one calendar year. Temporary signs shall not exceed 64 square feet in sign face area. A sign permit is not required for temporary signs.

(f) Refer to Sherman Zoning Ordinance, Section 14.03 for sign regulations for properties within any Overlay Zoning District.

4.1.6 Refuse and sewage.

(a) Hazardous production materials (HPM's) stored and dispensed on-site shall be screened from public view and shall be stored in areas with containment and spill protection, as required by the applicable building code and fire code requirements.

4.1.7 Performance standards.

Unless otherwise permitted under other provisions of this ordinance, there shall be no occupancy or use within the area covered by this ordinance which does not comply with the following performance standards:

(a) Smoke. No smoke shall be permitted within the area which possesses a greater density than that equal to Ringelmann Number Two or greater, according to the Ringelmann Classification.

(b) Odor. No industry or use shall be permitted which commits or results in an odor nuisance and any applicant may be required to present detailed plans for the elimination of any odors.

(c) Dust and dirt. No industry or use shall be permitted which emits or gives off fly ash of 0.3 grains per cubic foot of flue gas at a stack temperature of 500° Fahrenheit. Any applicant may be required to furnish satisfactory proof that it will be able to keep all dust and dirt confined within the walls of STRUCTURES on its premises.

d) Noxious gases. The release of gases of noxious or toxic nature shall meet the concentration levels and requirements set forth by TNRCC air quality standards.

(e) Glare and heat. Any operations involving arc welding, or acetylene torch or emitting glare and heat shall be so conducted that it cannot be seen, felt, or observed from outside the property upon which same is being conducted, save and except during building construction or remodeling.

(f) Fire hazards. All ordinances of the City of Sherman relative to fire and fire hazards shall be observed in said area covered by this ordinance.

(g) Noise. Except for noise from a transportation facility or from construction

work, noise may not exceed 55 decibels LDN during daylight hours and 45 decibels LDN during nighttime hours, as measured from any property line. Earth borne vibrations may not exceed limits in Column I below:

Frequency Cycles Per Second	Column I Displacement (inches)
0 to 1	0.0020
1.1 to 10	0.0010
10.1 to 20	0.0008
20.1 to 30	0.0005
30.1 to 40	0.0004
40.1 and over	0.0003

No industry or use shall be permitted within the area covered by this ordinance which shall permit or cause to be emanated objectionable noise, and any applicant may be required to furnish satisfactory proof for the elimination or muffling of any noise.

5 DEFINITIONS

Except where specifically defined herein or in Section 14.08 of the Zoning Ordinance, all words used in this ordinance shall carry their customary meanings.

(Ldn): (Ldn) stands for Day-Night Average Sound Level and is used to describe the cumulative noise exposure during an average annual day. Ldn does not represent the sound level heard at any particular time, but rather the total sound exposure.

EXHIBIT A

UNDERWOOD

DRAFTING & SURVEYING, INC.

Situated in the County of Grayson, State of Texas, being a part of The William Martin Survey, Abstract No. 765, The Sherrod Dunman Survey, Abstract No. 329, The Preston Kitchen Survey, Abstract No. 667, and the Elizabeth Jones Survey, Abstract No. 625 and being described by metes and bounds as follows:

Beginning at the Northwest Corner of a 121.99 acre tract of land conveyed to Sherman Economic Development Corporation, Recorded in Volume 2660, Page 656 Official Public Records, Grayson County Texas(O.P.R.G.C.T.);

Thence the Following calls and distances with the South line of Tract 1, being 781.14 acres recorded in Volume 5232, Page 220 O.P.R.G.C.T.;

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North 15°28'18" West a distance of 468.80 feet to a point;
North 74°34'58" East a distance of 1377.13 feet to a point in the West Right-of-Way of State Highway 75;

Thence the following calls and distances with said West Right-of-Way of State Highway 75;

With a curve to the left having a radius of 2479.76 feet, (chord bears South 11°05'38" East, with a chord length of1495.26 feet) an arc length of 1518.89 feet to a point;
South 28°38'29" East a distance of 306.10 feet to a point;
South 28°38'29" East a distance of 508.20 feet to a point;
South 28°38'29" East a distance of 61.80 feet to a point;
South 28°38'29" East a distance of 603.10 feet to a point;
South 28°38'29" East a distance of 156.70 feet to a point;
South 24°20'29" East a distance of 280.60 feet to a point;
South 15°35'29" East a distance of 290.50 feet to a point;
South 11°08'29" East a distance of 310.50 feet to a point;
South 07°54'31" West a distance of 187.35 feet to a point in the middle of F.M. 1417;

Thence North 75°07'46" East with the center of said F.M. 1417 a distance of 1022.36 feet to a point;

Thence South 14°39'28" East over and across a 8.07 acre tract of Land conveyed to MKT Real Estate Holdings LLC Recorded in Document Number 2018-10228 O.P.R.G.C.T. and continuing with the west line of a 9.12 Acre tract of land conveyed to the Sherman Economic Development Corporation, Recorded in Volume 5680, Page 685 O.P.R.G.C.T., then with the west line of a 96.76 acre tract of land conveyed to Terra Perpetua LLC, Recorded in Document Number 2018-3686 O.P.R.G.C.T a distance of 2190.10 feet to a point;

Thence South 49°31'48" East with the west line of said Terra Perpetua LLC tract and the west line of a 119.38 acre tract of land conveyed to Bel Air Village SFR LLC, Recorded in Document Number 2021-15093, O.P.R.G.C.T. a distance of 1553.48 feet to a point;

Thence South 67°19'54" East with said West line of the Bel Air Village Tract a distance of 1878.93 feet to a point in the westerly Right-of-Way of the Burlington Northern Santa Fe;

Thence the following calls and distances with said Burlington Northern Santa Fe Right-of-Way;

South 06°06'21" West a distance of 453.34 feet to a point;

South 84°47'28" East a distance of 72.49 feet to a point;

With a curve to the right having a radius of 2247.65 feet, (chord bears South 33°58'49" West, with a chord length of2165.45 feet) an arc length of 2259.38 feet to a point;

South 63°20'11" West a distance of 272.27 feet to a point;

South 63°20'11" West a distance of 1512.47 feet to a point in the East Right-of-Way of State Highway 75;

Thence South 10°49'10" East with said State Highway 75 Right-of-Way a distance of 45.79 feet to a point in the center of the Railroad Tracks;

Thence South 63°24'24" West with the center of said Railroad tracks a distance of 1616.35 feet to a point;

Thence South 14°29'26" East with the East Line of a 208.80 acre tract of land Conveyed to Panda Sherman Power LLC, Recorded in Volume 5132, Page 122, O.P.R.G.C.T. a distance of 1093.66 feet to a point in the center of Choctaw Creek;

Thence the following calls and distances with said Choctaw Creek;

North 89°08'07" West a distance of 50.63 feet to a point;

South 61°50'06" West a distance of 129.18 feet to a point;

North 65°31'21" West a distance of 213.45 feet to a point;

South 43°38'09" West a distance of 143.38 feet to a point;

North 76°35'12" West a distance of 305.86 feet to a point;

South 82°00'24" West a distance of 199.24 feet to a point;

South 07°28'29" West a distance of 447.48 feet to a point;

South 28°46'19" West a distance of 60.92 feet to a point;

South 78°00'17" West a distance of 242.38 feet to a point;

South 53°19'01" West a distance of 279.39 feet to a point;

North 81°47'10" West a distance of 158.75 feet to a point;

Thence North 15°37'07" West leaving said Creek and over and across said Panda Sherman Power LLC tract, a distance of 2975.00 feet to a point;

Thence North 74°22'08" East a distance of 407.29 feet to a point in a Creek being in the East Line of said Panda Sherman Power LLC.;

Thence the following calls and distances with the center of said Creek;

North 01°41'19" East a distance of 20.59 feet to a point;

North 63°16'29" East a distance of 43.88 feet to a point;

South 57°22'55" East a distance of 45.78 feet to a point;

North 50°16'00" East a distance of 96.84 feet to a point;

North 01°40'43" East a distance of 79.46 feet to a point;
North 84°38'12" West a distance of 66.34 feet to a point;
South 30°10'37" West a distance of 76.03 feet to a point;
North 47°26'23" West a distance of 85.74 feet to a point;
North 00°09'28" East a distance of 64.41 feet to a point;
North 31°03'16" East a distance of 100.18 feet to a point;
North 73°22'59" West a distance of 114.31 feet to a point;
North 36°21'36" West a distance of 35.59 feet to a point;
North 11°39'13" West a distance of 48.15 feet to a point;
North 54°32'17" West a distance of 121.04 feet to a point;
South 23°22'22" West a distance of 64.09 feet to a point;
South 77°12'24" West a distance of 66.96 feet to a point;
North 19°26'00" West a distance of 72.45 feet to a point;
North 38°21'11" West a distance of 176.74 feet to a point;
North 07°06'09" West a distance of 138.44 feet to a point;
North 18°07'17" East a distance of 38.00 feet to a point;
North 49°20'09" West a distance of 53.50 feet to a point;
South 55°32'33" West a distance of 98.57 feet to a point;
North 43°02'42" West a distance of 117.84 feet to a point;
North 10°23'40" West a distance of 190.86 feet to a point;
North 07°41'27" East a distance of 50.96 feet to a point;
North 29°38'08" West a distance of 52.72 feet to a point in the South Right-of-Way of Progress Drive;

Thence South 75°08'34" West with said South Right-of-Way of Progress Drive a distance of 1405.79 feet to a point being the Northwest Corner of said Panda Sherman Power LLC, and being a point in the East Line of a 63.6 acre tract of land Conveyed to Sherman Economic Development Corporation, Recorded in Document Number 2017-24319 O.P.R.G.C.T.;

Thence North 15°10'02" West with the East line of said 63.6 acre tract of land a distance of 307.12 feet to a found ½" Steel rod;

Thence South 73°16'52" West with the North Line of said 63.6 acre tract a distance of 270.55 feet to a Found ½" Steel rod;

Thence North 10°39'01" West with the West line of a 47.11 acre tract of land conveyed to Progress Rail Services Corporation a distance of 1542.66 feet to a Found ½" Steel rod;

Thence North 75°19'46" East with the North Line of said 47.11 acre tract of land a distance of 149.87 feet to a point;

Thence North 14°38'25" West with the West line of a 119.17 acre tract of land, Conveyed to Sherman Economic Development Corporation, Recorded in Volume 4895, Page 876, O.P.R.G.C.T., a distance of 2330.05 feet to a point in the South Right-of-Way of F.M. 1417;

Thence South 73°54'02" West with said South Right-of-Way a distance of 395.19 feet to a point;

Thence North 16°13'26" West crossing over said F.M. 1417 and continuing with the West Line of said 121.99 acre tract of Land Conveyed to Sherman Economic Development Corporation a distance of 3397.73 feet to a Found ½" steel rod;

Thence North 83°30'56" East a distance of 64.55 feet to a point;

Thence North 06°22'05" West a distance of 348.30 feet to the Point of Beginning and containing 1495.57 acres of land.

Exhibit B
Development Standards

The design, development and use of the Property shall comply with this Ordinance, Sherman's Zoning Ordinance and the following development standards:

Blalock Industrial Park Development Plan

1 INTRODUCTION

1.1 BACKGROUND & PURPOSE

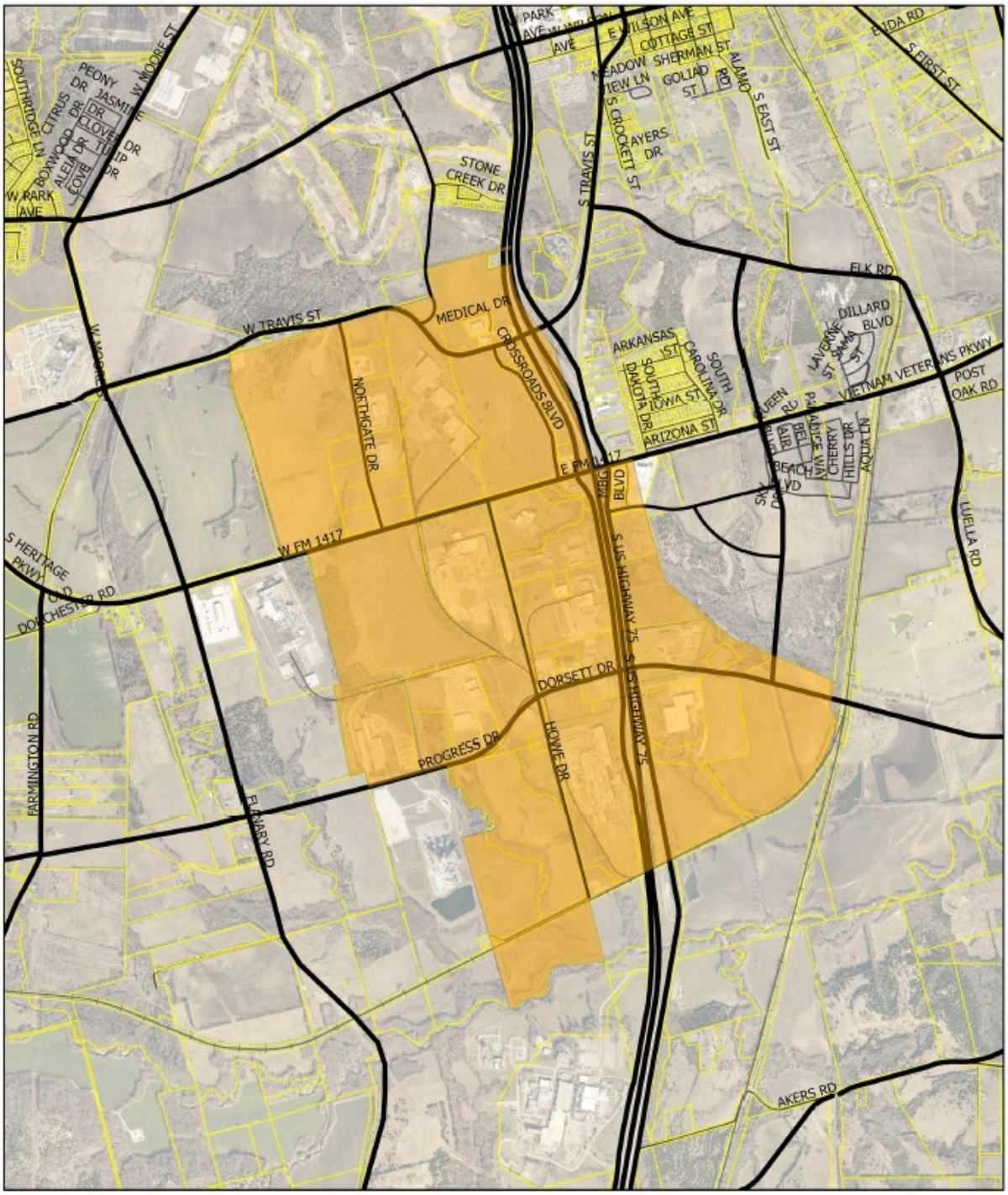
The Blalock Industrial Park was originally created in 1962 under Ordinance No. 2252 with the purpose of creating an industrial district that provides compatible regulations for the construction and use of buildings in the district. In 2001, a minor update was adopted by Council in Ordinance No. 4967. This Blalock Industrial Park Development Plan replaces those previously adopted ordinances to create a Planned Development (PD) District called the "Blalock Industrial Park."

The purpose of the Blalock Industrial Park PD is to achieve a quality, cohesive, and compatible industrial and manufacturing district to a climate and location for the orderly development of light industry in the southern gateway of Sherman, Texas.

1.2 ESTABLISHMENT OF THE DISTRICT AND DISTRICT BOUNDARIES

The Blalock Industrial Park PD consists of approximately 1,495 Acres located within the City of Sherman. In general, the majority of the District is located on the west side of U.S. Highway 75 South of West Travis and proceeds down to the BNSF railroad crossing and Choctaw Creek and proceeds to the west approximately 1 mile along FM Highway 1417. A smaller portion of the District is located on the west side of U.S. Highway 75 from FM Highway 1417 south to the BNSF railroad. See the map below.

Where uncertainty exists with respect to the boundaries of the PD, Exhibit A (Legal Description of the Property) will control.



1.3 Application of Regulations

In the event of a conflict between the City of Sherman Code of Ordinances and the regulations and standards contained in this document, this document shall control, with the exception of the Overlay Districts that have boundaries within the Blalock Industrial Park. Whenever this document is silent upon a regulation or design standard, the City of Sherman Code of Ordinances shall control. Words shown in all CAPITAL LETTERS are defined in Section 5 Definitions.

The development and use of property within the Blalock Industrial Park must comply with the requirements of this document and the requirements of all applicable ordinances, rules and regulations of Sherman, as they currently exist, may be amended or in the future arising.

2 SITE AND BUILDING STANDARDS

2.1 GENERAL STANDARDS

2.1.1 Except as hereinafter specified, all buildings and structures hereinafter erected within "Blalock Industrial Park" shall conform to the construction standards specified in the building code and all other applicable ordinances of the City of Sherman, including Chapter 14 Zoning Ordinance.

2.1.2 No building or land shall hereafter be used or occupied, and the building or part thereof shall be erected, moved, or altered unless in conformity with the regulations herein specified for the district in which it is located.

2.1.3 No building shall hereafter be erected or altered in any tract:

(a) To exceed the applicable height.

(b) To occupy a greater percentage of lot area applicable to such tract and building.

(c) To have narrower or smaller front yards or in any wise infringe upon the setback line, side yards, or come closer to the side lot lines than is herein specified for the tract in which said building is located.

2.1.4 No part of a yard or other open space about any building required for the purpose of complying with the provisions of this ordinance shall be included as a part of a yard or other open space similarly required for another building.

2.2 PERMITTED USES.

2.2.1 Those uses indicated as being permitted in the "M-1 (Light Manufacturing) District" in the Sherman Zoning Ordinance, Subsection 14.10 (Use Chart).

2.2.2 The permitted uses indicated in the "Blalock Commercial Overlay District" (Sherman Zoning Ordinance, Section 14.03.007) are permitted within the Blalock Industrial Park that overlap with the boundaries of the Blalock Commercial Overlay District.

2.2.3 A Specific Use Permit (SUP) may be considered for uses described in Sherman Zoning Ordinance, Subsection 14.10 (Use Chart) that allows for a SUP in an M-1 (Light Manufacturing) District, subject to requirements set forth in Sherman Zoning Ordinance, Subsection 14.06.009.

2.3 SITE REGULATIONS

2.3.1 Building height limit:

(a) No building shall be erected to a height in excess of 100 feet;

(b) The Director of Development Services may approve a height exception for water towers or tanks, standpipes, elevator housing, air-conditioning equipment, stairways, ventilation fans, and similar equipment that exceed 100 feet in height but no more than 150 feet.

2.3.2 Minimum lot area: 5 acres.

2.3.3 Maximum lot coverage: 50% of the lot.

2.3.4 Maximum Impervious Cover:

(a) 80% of the lot.

(b) Impervious cover shall include all roads, driveways, parking areas, buildings, concrete walkways and other impermeable construction covering the natural land surface on the lot.

2.3.5 Minimum Yards and setback required.

(a) Setback, front lines and yards adjacent to public roadways. Such setback areas between the building lines and the roads right-of-way shall be used for lawns, open landscaping and green areas. Infield area is to be landscaped; it shall be done attractively with lawns, trees, etc., and thereafter properly maintained in a sightly and well-kept condition.

(b) Setbacks shall be as follows:

(1) 200 feet from U.S. Highway 75, with the exception of the defined setbacks in the Blalock Commercial Overlay District, which such setbacks shall govern properties within that overlay district.

(2) 100 feet from F.M. 1417, with the exception of the defined setbacks in the Blalock Commercial Overlay District, which such setbacks shall govern properties within that overlay district.

(3) For property located within the FM1417 overlay district the setbacks set forth herein shall govern.

(4) 50 feet from all other roadways.

(5) Side and rear lines and yards. No structures or buildings, including accessory buildings, shall be located closer than 25 feet to any side or rear building site line.

3 ARCHITECTURAL STANDARDS

3.1.1 Building facing and construction.

(a) All buildings erected on any tract shall be faced with masonry, concrete, stone, glass, cement plaster, exterior insulation facing system (EIFS), or factory finished metal panels. Factory finished metal panels shall not include standard galvanized or painted corrugated or “R” type panels, aluminum, asbestos, or iron or steel or corrugated aluminum, asbestos, iron or steel.

(b) No building shall be constructed with a wooden frame. Should any building be constructed of light weight aggregate, concrete blocks, tile blocks or tile bricks, the front of such building must be finished with face brick, common brick painted, limestone or their equivalent.

(c) Where the exterior (except the front wall) is constructed of light weight aggregate or concrete blocks, unless such exterior walls are finished in stucco, or gunite, or their equal, the building shall be tooled or painted and such exterior walls shall be rubbed down and covered sufficiently with standard waterproofing paint.

4 ADDITIONAL STANDARDS

4.1.1 Screening.

(a) Refer to Sherman Zoning Ordinance, Section 14.04.004 for fences and screening regulations, except as herein specified.

(b) No fences are allowed within the front, side, or rear yard that is adjacent to any road, street, or highway.

(c) Chain link fences or fences with barbed wire shall not be visible from any public roadway.

(d) Mechanical, utility, and service facilities shall be screened on three sides so as not to be visible from public roadways.

(e) Freight docks, service bays, loading docks, truck berths and heavy storage areas shall be screened from all abutting uses, except when the abutting use is determined to be of equal or greater intensity.

(f) The aforementioned areas shall be screened from all public roadways.

4.1.2 Parking.

(a) Parking shall be provided at the following rates:

(1) 1 parking space for every 400 square feet for office floor area

(2) 1 parking space for every 1000 square feet for manufacturing or industrial floor area up to 20,000 square feet.

(3) 1 parking space for every 2000 square feet for manufacturing or industrial floor area over 20,000 square feet.

(b) A Parking Study may be conducted from a licensed traffic engineer to justify lower parking rates for a particular development. The traffic engineer must be approved by the City of Sherman in advance. A variance to the required parking may be granted by the Director of Development Services following the completion of the Parking Study.

(c) Any off-street parking areas, service drives, or driveways shall be surfaced with asphalt or concrete paving.

(d) Parking areas shall not be used for any purpose other than the accessory parking of automobiles or other vehicles. In no case shall any storage, servicing, or dismantling of automobiles or other vehicles nor shall unloading or loading be permitted in the parking areas.

4.1.3 Outdoor storage.

(a) Outdoor storage or merchandise, equipment or materials, which is essential or incidental to the use shall be screened from all public roadways and abutting uses. Stored merchandise shall not exceed the height of the screening device.

(b) The area used for outdoor storage shall be located to the rear ½ of the property and shall not be located within the front, side, or rear yard that is adjacent to any road, street, or highway.

(c) Storage of all bulk liquids and gases, including oil, gasoline, petroleum products, acid waste neutralization, deionized water, as well as nitrogen and other gases shall be screened from public view, and shall be located at the back of the facility.

4.1.4 Landscaping.

The regulations in Sherman Zoning Ordinance, Section 14.04.006, Residential and Commercial Landscaping shall guide development in the Blalock Industrial Park.

4.1.5 Signs.

(a) Refer to Sherman Zoning Ordinance, Section 14.07 for sign regulations, except as herein specified.

(b) Freestanding (Monument) Signs – One (1) freestanding monument sign is permitted per lot. The sign shall not exceed 300 square feet in sign face area, 15 feet in height, and 50 feet minimum setback for lots larger than 10 acres. If the lot is less than 10 acres, the sign shall not exceed 150 square feet in sign face area, 10 feet in height, and 25 feet minimum setback. A sign permit is required for Freestanding Signs

(c) Directional Signs – One (1) directional sign is permitted per driveway entrance. Sign face area shall not exceed 32 square feet and must be setback 15 feet from the property line. A sign permit is required for Directional Signs.

(d) Wall Signs – One (1) wall sign is permitted for each wall face. The maximum area of the sign face area shall not exceed 600 square feet and shall not exceed 20% of any single wall face.

(e) Temporary Signs – One (1) temporary sign per lot may be allowed for a period of 30 days in one calendar year. Temporary signs shall not exceed 64 square feet in sign face area. A sign permit is not required for temporary signs.

(f) Refer to Sherman Zoning Ordinance, Section 14.03 for sign regulations for properties within any Overlay Zoning District.

4.1.6 Refuse and sewage.

(a) Hazardous production materials (HPM's) stored and dispensed on-site shall be screened from public view and shall be stored in areas with containment and spill protection, as required by the applicable building code and fire code requirements.

4.1.7 Performance standards.

Unless otherwise permitted under other provisions of this ordinance, there shall be no occupancy or use within the area covered by this ordinance which does not comply with the following performance standards:

(a) Smoke. No smoke shall be permitted within the area which possesses a greater density than that equal to Ringelmann Number Two or greater, according to the Ringelmann Classification.

(b) Odor. No industry or use shall be permitted which commits or results in an odor nuisance and any applicant may be required to present detailed plans for the elimination of any odors.

(c) Dust and dirt. No industry or use shall be permitted which emits or gives off fly ash of 0.3 grains per cubic foot of flue gas at a stack temperature of 500° Fahrenheit. Any applicant may be required to furnish satisfactory proof that it will be able to keep all dust and dirt confined within the walls of STRUCTURES on its premises.

d) Noxious gases. The release of gases of noxious or toxic nature shall meet the concentration levels and requirements set forth by TNRCC air quality standards.

(e) Glare and heat. Any operations involving arc welding, or acetylene torch or emitting glare and heat shall be so conducted that it cannot be seen, felt, or observed from outside the property upon which same is being conducted, save and except during building construction or remodeling.

(f) Fire hazards. All ordinances of the City of Sherman relative to fire and fire hazards shall be observed in said area covered by this ordinance.

(g) Noise. Except for noise from a transportation facility or from construction

work, noise may not exceed 55 decibels LDN during daylight hours and 45 decibels LDN during nighttime hours, as measured from any property line. Earth borne vibrations may not exceed limits in Column I below:

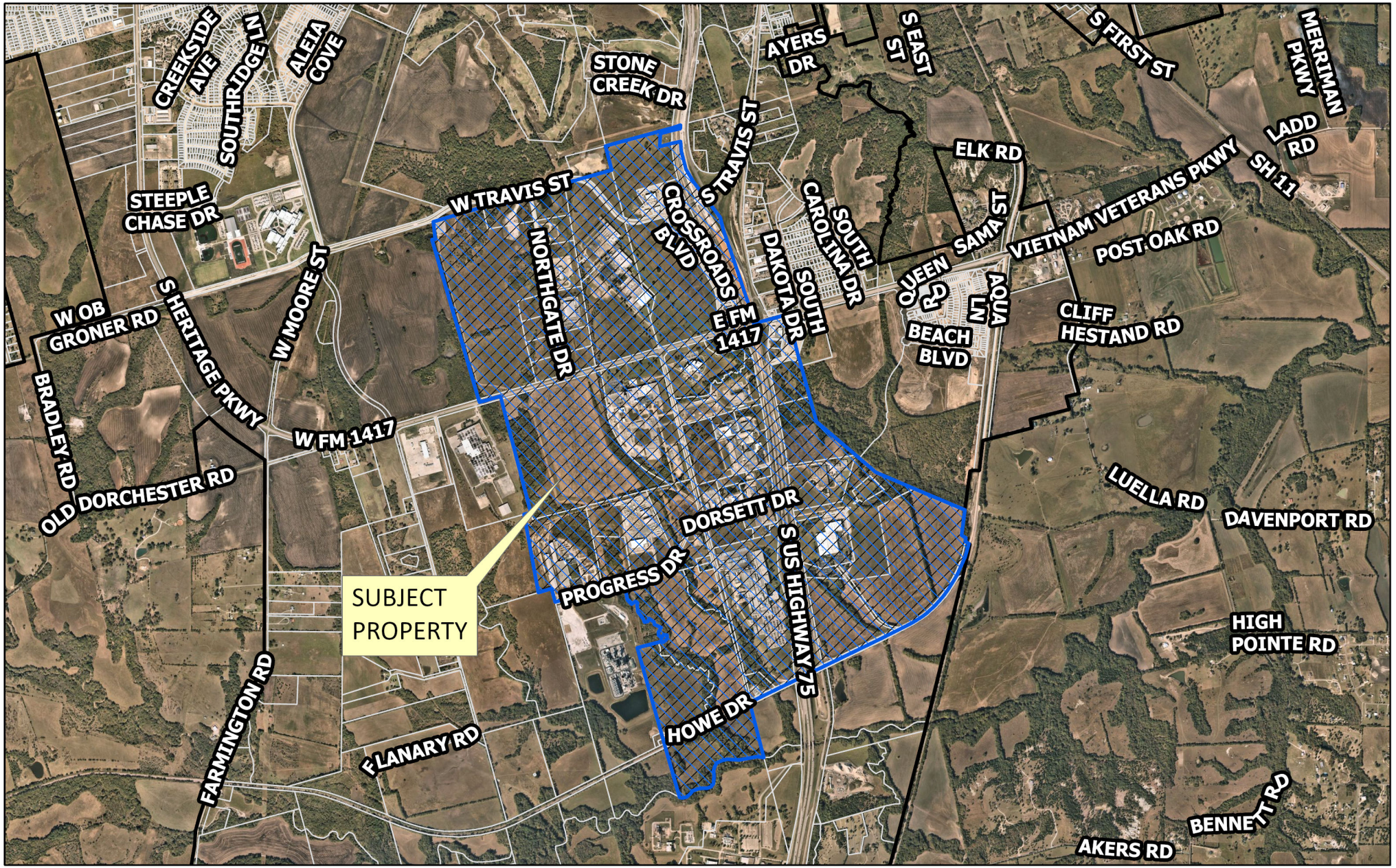
Frequency Cycles Per Second	Column I Displacement (inches)
0 to 1	0.0020
1.1 to 10	0.0010
10.1 to 20	0.0008
20.1 to 30	0.0005
30.1 to 40	0.0004
40.1 and over	0.0003

No industry or use shall be permitted within the area covered by this ordinance which shall permit or cause to be emanated objectionable noise, and any applicant may be required to furnish satisfactory proof for the elimination or muffling of any noise.

5 DEFINITIONS

Except where specifically defined herein or in Section 14.08 of the Zoning Ordinance, all words used in this ordinance shall carry their customary meanings.

(Ldn): (Ldn) stands for Day-Night Average Sound Level and is used to describe the cumulative noise exposure during an average annual day. Ldn does not represent the sound level heard at any particular time, but rather the total sound exposure.



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Sherman
CLASSIC TOWN. BROAD HORIZON.

City of Sherman, Texas
Development Services Department

CITY OF SHERMAN

Blalock Industrial Park

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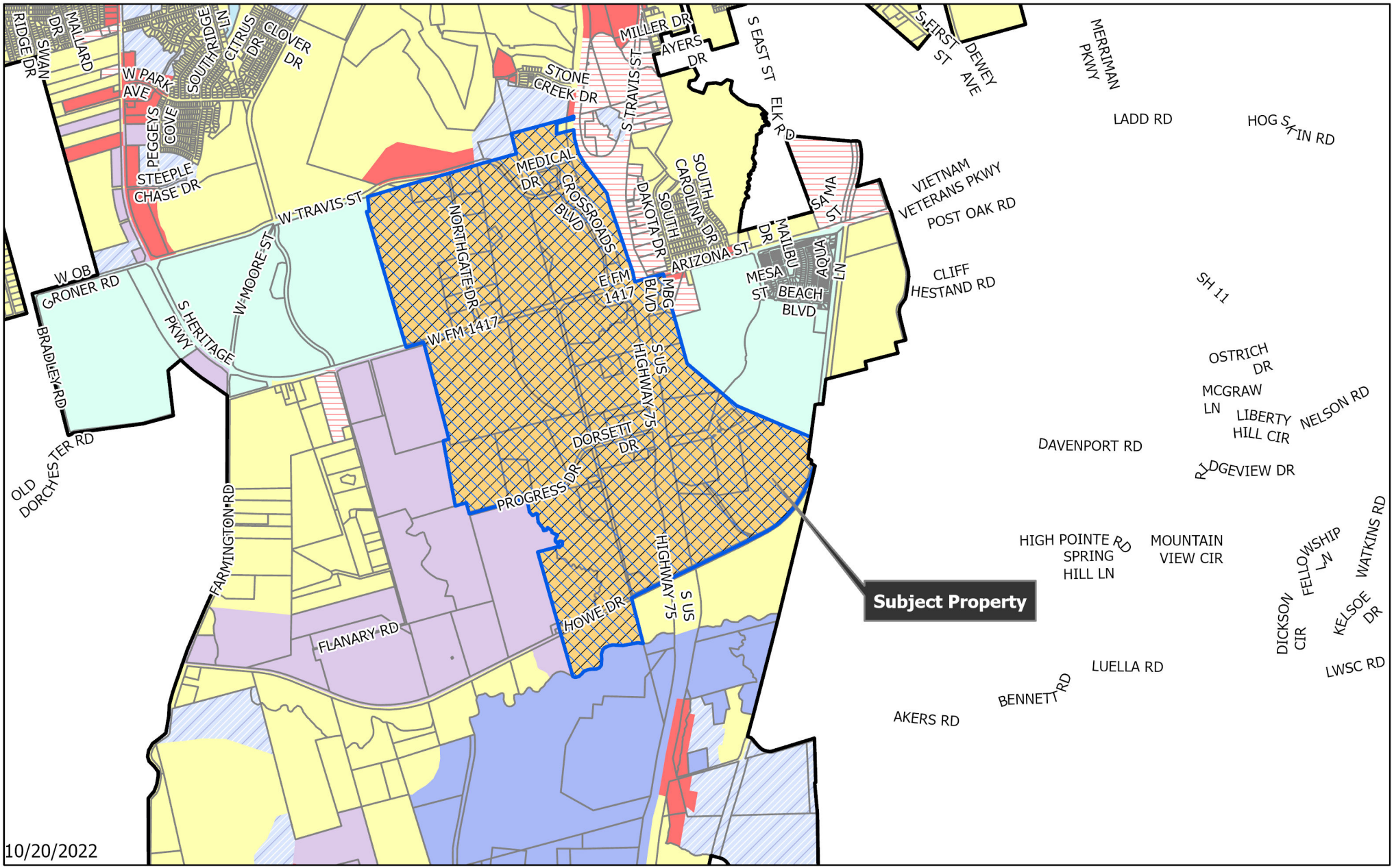

BIP Blalock Industrial Park
C-1 Retail Business District
C-2 General Commercial District
CO Office District
Lakes
M-1 Light Manufacturing District
M-1.5 Medium Manufacturing District
M-2 Heavy Manufacturing District
MH Manufacturing Housing Distgrict
R-1 One Family Residential District
R-2 Multi-Family Residential District
R-A Single Family Agricultural District
SF-1 Single Family Residential District
PD Planned Development
Subject Locations
Parcels
City Limits

Sherman
CLASSIC TOWN. BROAD HORIZON.

City of Sherman, Texas
Development Services Department

CITY OF SHERMAN
Zoning Location Map
Blalock Industrial Park

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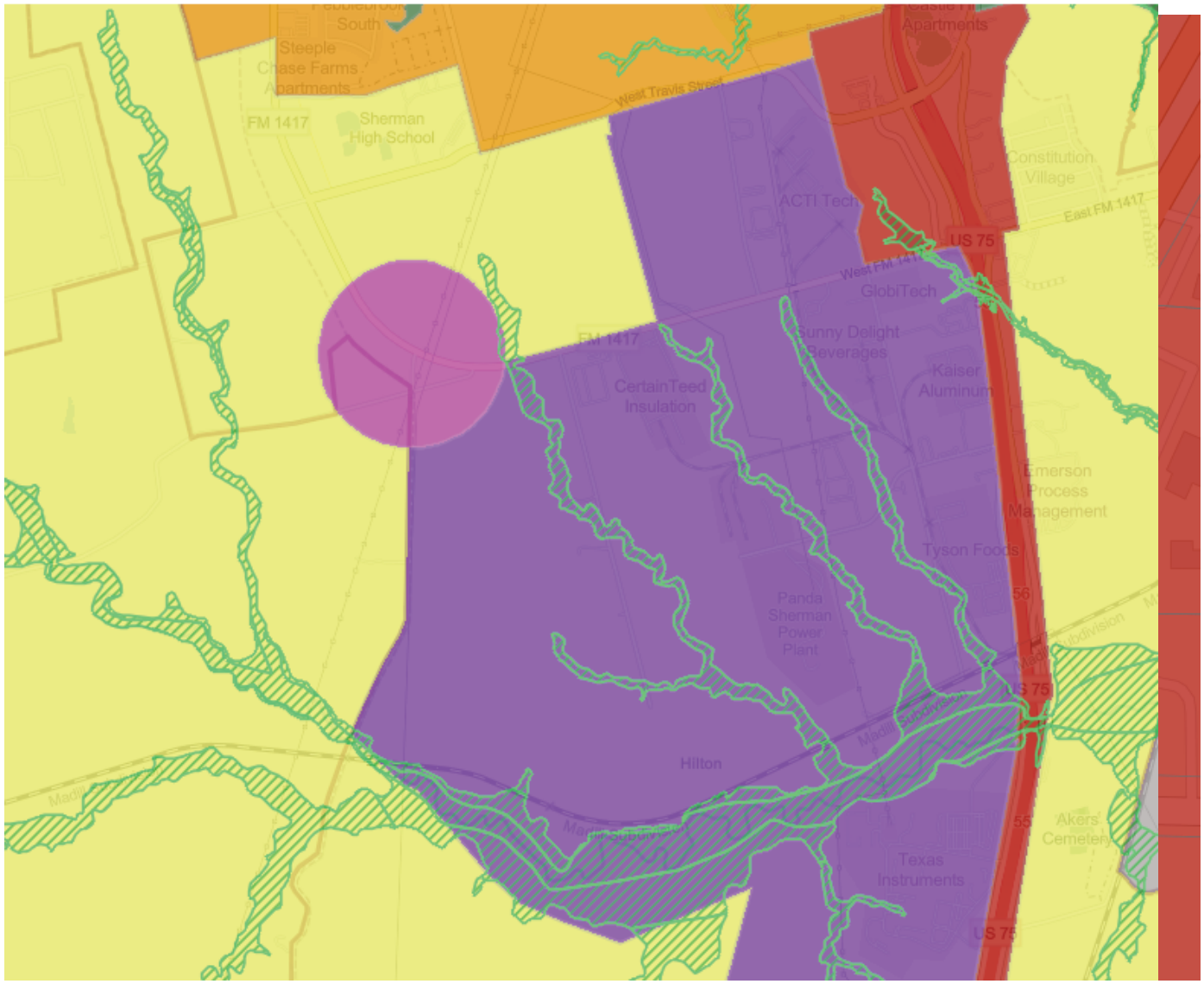
Blalock Industrial Park

Blalock Industrial Park



TECHNOLOGY HUB

Intent & Character

The Technology Hub category is intended for areas of the community that are dedicated to large-scale employment uses. These areas are generally located north and south, anchored by the airport and Texas Instruments, respectively. These areas contribute to the community by providing a tax base and employment opportunities.

Appropriate Land Use Types

- Manufacturing
- Research and Development
- Warehousing and Distribution
- Multi-Family

Compatible Zoning Districts

- Light Manufacturing
- Heavy Manufacturing
- Multi-Family Residential (MF-15 and MF-30)

Considerations

- Multi-family uses can support employment uses and provide housing variety in the community. These uses should be integrated into planned developments.
- Industrial uses should be ones that are primarily operated inside.
- Outdoor storage should be limited and screened from public view.

CITY OF SHERMAN
Future Land Use Map
2700-5100 Blks S HWY 75, 100 Blk E FM 1417, 100-1300 Blks W FM1417

- AGRICULTURE/RURAL
- COMMUNITY COMMERCIAL
- CORE NEIGHBORHOOD
- DOWNTOWN
- PARKS
- REGIONAL COMMERCIAL
- SUBURBAN NEIGHBORHOOD
- TECHNOLOGY HUB
- FLOODPLAIN & OPEN SPACE
- NTRA ZONING
- AIRPORT

Planning & Zoning Commission and Board of Adjustments

Agenda Item No. 24.

Meeting Date: 11/15/2022

Prepared by: Lauren Marlow, Administrative Assistant
Rob Rae, Director of Development Services

Clay Mahone, Chairman	
David Downtain, Vice Chairman	Paul Manley, Commissioner
Shawn Davis, Commissioner	Glenn Whitaker, Commissioner
Leigh Ann Sims, Commissioner	Bryan Blagg, Commissioner

Requested Action/Proposed Use:

2700-5100 BLOCKS SOUTH HIGHWAY 75, 100 BLOCK EAST FM 1417 AND 100-1300 BLOCKS WEST FM 1417

The request of the City of Sherman concerning the property located in the 2700-5100 Blocks South Highway 75, 100 Block East FM 1417 and 100-1300 Blocks West FM 1417, being approximately 1587.892 acres in part of the Preston Kitchens Survey, Abstract No. 667, Sherrod Dunman Survey, Abstract No. 329, Elizabeth Jones Survey, Abstract No. 625 and William Martin Survey, Abstract 765, as follows:

Planning and Zoning Commission

Public Hearing and consideration of Zone Change for Blalock Industrial Park (BIP) Planned Development through amendment to the Zoning Ordinance to rezone Blalock Industrial Park (BIP) to a PD (Planned Development) District with Light Manufacturing (M-1) as the base zoning district.

Background:

The Blalock Industrial Park was originally created in 1962 under Ordinance No. 2252 with the purpose of creating an industrial district that provides compatible regulations for the construction and use of buildings in the district. In 2001, a minor update was adopted by City Council in Ordinance No. 4967. This Blalock Industrial Park Development Plan replaces those previously adopted ordinances to create a Planned Development (PD) District called the “Blalock Industrial Park."

The purpose of the Blalock Industrial Park PD is to achieve a quality, cohesive, and compatible industrial and manufacturing district to a climate and location for the orderly development of light industry in the southern gateway of Sherman, Texas.

Adjacent Zoning:

C-1 (Retail Business) District
C-2 (General Commercial) District
R-1 (One Family Residential) District
R-2 (Multi-Family Residential) District
Extra Territorial Jurisdiction (ETJ)
M-1 (Light Manufacturing)
M-1.5 (Medium Manufacturing)
PD (Planned Development)

Origination:

City of Sherman

Master Plan Designation:

Technology Hub category is intended for areas of the community that are dedicated to large-scale employment uses. These areas are generally located north and south, anchored by the airport and Texas Instruments, respectively. These areas contribute to the community by providing a tax base and employment opportunities.

Number of notices mailed:

57

Objections Received:

0

Attachments

Location Map
Zoning Map
Zoning Sign Photos
Future Land Use Map
Legal Description
Development Standards

SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **E. 9.**

Meeting Date: 12/05/2022

Prepared By: Rob Rae, Director of Development Services

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6555

Repealing Exhibit A (General Zoning Ordinance), Exhibit A-1 (Matrix Of Permitted Uses) And Exhibit B (Zoning – Blalock Industrial Park) Of Chapter 14 (Zoning Ordinance) Of The Code Of Ordinances, City Of Sherman, Texas; Adopting A New Comprehensive Zoning Ordinance To Be Codified At Article 14.01 (General Provisions) Through Article 14.11 (Sherman Municipal Airport Hazard Zoning Ordinance) Of Chapter 14 Of The Code Of Ordinances; Establishing New Zoning Regulations Within The City Of Sherman, Texas In Accordance With Chapter 211 Of The Texas Local Government Code, The Home Rule Charter Of The City Of Sherman, Texas And Other Law; Regulating And Restricting The Height, Number Of Stories And Size Of Buildings And Other Structures, The Percentage Of Lots That May Be Occupied, The Size Of The Yards, Courts And Other Open Spaces, The Density Of Population, The Location And Use Of Buildings, Structures And Land For Trade, Industry, Residence Or Other Purpose; And, In The Case Of Designated Places And Areas Of Historic And Cultural Importance, To Regulate And Restrict The Construction, Alteration, Reconstruction Or Razing Of Buildings And Other Structures; Defining Terms; Providing For Variances And Appeals; Amending Chapter 14 (Zoning Ordinance), Article 14.01 (General Provisions), Article 14.02 (Sherman Municipal Airport Hazard Zoning Ordinance), Article 14.03 (Planning And Zoning Board), Article 14.04 (General Zoning Ordinance) And Article 14.05 (Zoning – Blalock Industrial Park); Providing For Inclusion In The Code Of Ordinances;Providing Repealing And Severability Clauses; Providing A Penalty With A Maximum Fine Of $2,000

Issue:

To consider an Ordinance of the City Council of the City Of Sherman, Texas, Repealing Exhibit A (General Zoning Ordinance), Exhibit A-1 (Matrix Of Permitted Uses) And Exhibit B (Zoning – Blalock Industrial Park) of Chapter 14 (Zoning Ordinance) of the Code of Ordinances, City of Sherman, Texas; Adopting a New Comprehensive Zoning Ordinance To Be Codified At Article 14.01 (General Provisions) Through Article 14.11 (Sherman Municipal Airport Hazard Zoning Ordinance) Of Chapter 14 of the Code of Ordinances; Establishing New Zoning Regulations Within the City Of Sherman, Texas In Accordance With Chapter 211 of the Texas Local Government Code, The Home Rule Charter Of The City Of Sherman, Texas And Other Law; Regulating And Restricting The Height, Number Of Stories And Size Of Buildings And Other Structures, The Percentage Of Lots That May Be Occupied, The Size Of The Yards, Courts And Other Open Spaces, The Density Of Population, The Location And Use Of Buildings, Structures And Land For Trade, Industry, Residence Or Other Purpose; And, In The Case Of Designated Places And Areas Of Historic And Cultural Importance, To Regulate And Restrict The Construction, Alteration, Reconstruction Or Razing Of Buildings And Other Structures; Defining Terms;

Providing For Variances And Appeals; Amending Chapter 14 (Zoning Ordinance), Article 14.01 (General Provisions), Article 14.02 (Sherman Municipal Airport Hazard Zoning Ordinance), Article 14.03 (Planning And Zoning Board), Article 14.04 (General Zoning Ordinance) And Article 14.05 (Zoning – Blalock Industrial Park); Providing For Inclusion In The Code Of Ordinances; Providing Repealing And Severability Clauses

Background:

In 2022, the City of Sherman began the process of updating the Zoning Ordinance in response to the request for additional flexibility in zoning districts, particularly with residential uses.

A Planning and Zoning Subcommittee was established on February 22, 2022 to review the current zoning ordinance and to recommend changes. This committee had meetings on March 8, April 12, May 10, June 14, and July 12, 2022. In addition, a presentation of proposed changes were given to the Planning and Zoning Commission on June 21 and July 19, 2022 and to City Council on September 22, 2022 to review the draft zoning ordinance recommendations.

Origination:

City of Sherman

Financial Consideration:

None

Staff Recommendation:

At the November 15, 2022 regular meeting, the Planning and Zoning Commission voted 6/0 to recommend to the City Council that the Zoning Ordinance Update be approved.

Alternatives:

The City Council could deny the request.

Attachments

Ordinance No. 6555

P & Z Communication

ORDINANCE NO. 6555

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, REPEALING EXHIBIT A (GENERAL ZONING ORDINANCE), EXHIBIT A-1 (MATRIX OF PERMITTED USES) AND EXHIBIT B (ZONING – BLALOCK INDUSTRIAL PARK) OF CHAPTER 14 (ZONING ORDINANCE) OF THE CODE OF ORDINANCES, CITY OF SHERMAN, TEXAS; ADOPTING A NEW COMPREHENSIVE ZONING ORDINANCE TO BE CODIFIED AT ARTICLE 14.01 (GENERAL PROVISIONS) THROUGH ARTICLE 14.11 (SHERMAN MUNICIPAL AIRPORT HAZARD ZONING ORDINANCE) OF CHAPTER 14 OF THE CODE OF ORDINANCES; ESTABLISHING NEW ZONING REGULATIONS WITHIN THE CITY OF SHERMAN, TEXAS IN ACCORDANCE WITH CHAPTER 211 OF THE TEXAS LOCAL GOVERNMENT CODE, THE HOME RULE CHARTER OF THE CITY OF SHERMAN, TEXAS AND OTHER LAW; REGULATING AND RESTRICTING THE HEIGHT, NUMBER OF STORIES AND SIZE OF BUILDINGS AND OTHER STRUCTURES, THE PERCENTAGE OF LOTS THAT MAY BE OCCUPIED, THE SIZE OF THE YARDS, COURTS AND OTHER OPEN SPACES, THE DENSITY OF POPULATION, THE LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND FOR TRADE, INDUSTRY, RESIDENCE OR OTHER PURPOSE; AND, IN THE CASE OF DESIGNATED PLACES AND AREAS OF HISTORIC AND CULTURAL IMPORTANCE, TO REGULATE AND RESTRICT THE CONSTRUCTION, ALTERATION, RECONSTRUCTION OR RAZING OF BUILDINGS AND OTHER STRUCTURES; DEFINING TERMS; PROVIDING FOR VARIANCES AND APPEALS; AMENDING CHAPTER 14 (ZONING ORDINANCE), ARTICLE 14.01 (GENERAL PROVISIONS), ARTICLE 14.02 (SHERMAN MUNICIPAL AIRPORT HAZARD ZONING ORDINANCE), ARTICLE 14.03 (PLANNING AND ZONING BOARD), ARTICLE 14.04 (GENERAL ZONING ORDINANCE) AND ARTICLE 14.05 (ZONING – BLALOCK INDUSTRIAL PARK); PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING REPEALING AND SEVERABILITY CLAUSES; PROVIDING A PENALTY WITH A MAXIMUM FINE OF $2,000; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City Council of the City of Sherman, Texas ("City Council") has found that it is necessary to establish new zoning regulations to promote the health, safety and morals of the City of Sherman, Texas ("City" or "Sherman"); to lessen the congestion in the streets; to secure safety from fire, panic and other dangers; to ensure adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; and to protect and preserve places and areas of historical and cultural importance and significance and the general welfare of the community; and

WHEREAS, the City Council is authorized under Chapter 211 of the Texas Local Government Code, the Home Rule Charter of the City and other law to adopt and enforce this Ordinance; and

WHEREAS, the City Council desires to repeal Exhibit A (General Zoning Ordinance), Exhibit A-1 (Matrix of Permitted Uses) and Exhibit B (Zoning – Blalock Industrial Park) of Chapter 14 (Zoning Ordinance) of the Code of Ordinances, City of Sherman, Texas ("Code of Ordinance") and replace it and Article 14.01 (General Provisions), Article 14.02 (Sherman Municipal Airport Hazard Zoning Ordinance), Article 14.03 (Planning and Zoning Board), Article 14.04 (General Zoning Ordinance) and Article 14.05 (Zoning – Blalock Industrial Park) with this Ordinance, which shall be known as the Zoning Ordinance; and

WHEREAS, this Ordinance shall be codified at Article 14.01 through Article 14.11 of the Code of Ordinances; and

WHEREAS, Sherman has complied with all legal notices and public hearings as required by law; and

WHEREAS, the City Council finds that it will be advantageous, beneficial and in the best interest of the citizens of Sherman to amend the Code of Ordinances as set forth below.

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

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2: Repeal of Exhibit A (General Zoning Ordinance), Exhibit A-1 (Matrix of Permitted Uses) and Exhibit B (Zoning – Blalock Industrial Park) of Chapter 14 (Zoning Ordinance) of the Code of Ordinances. The City Council hereby repeals each of Exhibit A (General Zoning Ordinance), Exhibit A-1 (Matrix of Permitted Uses) and Exhibit B (Zoning – Blalock Industrial Park) of Chapter 14 (Zoning Ordinance) of the Code of Ordinances in their entirety. The effective date of such repeal shall not occur until the effective date of this Ordinance, at which time Exhibit A (General Zoning Ordinance), Exhibit A-1 (Matrix of Permitted Uses) and Exhibit B (Zoning – Blalock Industrial Park) of Chapter 14 (Zoning Ordinance) shall be repealed. Such repeal shall not abate any pending prosecution or lawsuit or prevent any prosecution or lawsuit from being commenced for any violation of any provision of Exhibit A (General Zoning Ordinance), Exhibit A-1 (Matrix of Permitted Uses) and/or Exhibit B (Zoning – Blalock Industrial Park) occurring before the effective date of this Ordinance.

SECTION 3: New Zoning Regulations Adopted; Amendment to Chapter 14 (Zoning Ordinance), Article 14.01 (General Provisions), Article 14.02 (Sherman Municipal Airport Hazard Zoning Ordinance), Article 14.03 (Planning and Zoning Board), Article 14.04 (General Zoning Ordinance) and Article 14.05 (Zoning – Blalock Industrial Park) of the Code of Ordinances. Chapter 14 (Zoning Ordinance), Article 14.01 (General Provisions), Article 14.02 (Sherman Municipal Airport Hazard Zoning Ordinance), Article 14.03 (Planning and Zoning Board), Article 14.04 (General Zoning Ordinance) and Article 14.05 (Zoning – Blalock

Industrial Park) of the Code of Ordinances are hereby amended as follows[1]:

"**ARTICLE 14.01 GENERAL PROVISIONS**

Sec. 14.01.001 Purpose

(1) Zoning Ordinance Guiding Principles. The zoning regulations and districts as herein established have been made in accordance with the Comprehensive Plan for the purpose of promoting the health, safety, morals and the general welfare of the City.

(2) Zoning Ordinance Intent. The zoning regulations and districts have been designed to lessen the congestion in the streets; to secure safety from fire, panic and other dangers; to ensure adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; and to protect and preserve places and areas of historical and cultural importance and significance and the general welfare of the community.

(3) Zoning Ordinance Considerations. The zoning regulations and districts have been made with reasonable consideration, among other things, for the character of the district, and its peculiar uses specified; and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the City consistent with the Comprehensive Plan. The Comprehensive Plan has been used as a guide to develop the regulations within this Zoning Ordinance.

(4) Zoning Ordinance Reference Documents. The City Council hereby delegates all future authority to draft, amend, approve and adopt any and all Zoning Ordinance Reference Documents to the City Manager. For the purposes of this section, the term "Zoning Ordinance Reference Documents" shall refer to the Development Application Checklist referenced herein. Zoning Ordinance Reference Documents may be drafted, amended, approved or adopted, from time to time, at the discretion and determination of the City Manager. As the Zoning Ordinance Reference Documents are drafted, amended, approved or adopted by the City Manager, said standards shall thereafter have the same force of law and effect as if originally adopted hereby.

(5) Short Title. This chapter shall be known and may be cited as the City's "Zoning Ordinance."

(6) Compliance with City Plans and Ordinances Required. Compliance with all City ordinances pertaining to the subdivision and development of land, and the Comprehensive Plan (where applicable), shall be required prior to approval of any application pursuant to this Zoning Ordinance. All such ordinances and the Comprehensive Plan shall be construed to mean those documents as they exist or may be amended. It is the property owner's responsibility to be familiar with, and to comply with, City ordinances, the Comprehensive Plan and the provisions of this Zoning Ordinance. Applicable City ordinances and plans with which all applications must comply include, but are not limited to, the following:

(a) Comprehensive Plan (including all associated maps and plans);
(b) Subdivision Ordinance;
(c) Building Codes, including the International Fire Code;
(d) Other applicable portions of the Code of Ordinances;
(e) Impact Fee Ordinance;
(f) Engineering Documents, including the Engineering Design Manual;
(g) Federal, state and local regulations.

[1] Deletions are evidenced by ~~strikethrough~~; all other text is additions.

Sec. 14.01.002 Official Zoning Map

(1) Zoning Districts Shown on the Official Zoning Map. The boundaries of zoning districts set out herein are delineated on the Official Zoning Map of the City, adopted as part of this Zoning Ordinance as fully as if the same were forth herein in detail.

(2) Official Zoning Map.

(a) Official Zoning Map Filing. One original of the Official Zoning Map shall be filed in the office of the City Clerk. This document shall be the "Official Zoning Map" and shall bear the signature of the Mayor and attestation of the City Clerk.

(b) Official Zoning Map Management. The Official Zoning Map shall not be changed in any manner except through amendment by the City Council. In case of any questions, the Official Zoning Map, together with amending ordinances, shall be controlling.

(3) Current Zoning District Map.

(a) The Development Services Director maintains the current Zoning District Map. An additional copy of the original Zoning District Map shall be placed in the office of Development Services. The copy shall be used for reference and shall be maintained up-to-date by posting thereon all subsequent amendments and shall be identified as the Current Zoning Map.

(b) In order to provide and maintain a current-to-date and accurate map of all zoning district boundaries, the City shall maintain electronic mapping files or other similar Geographic Information System (GIS) files of the Official Zoning Map with all approved zoning amendments.

(c) In case of any question involving a district designation within the City, the updated copy of the Official Zoning Map on file in the Development Services office is presumed correct, and the person challenging the accuracy of that copy has the burden of presenting the Official Zoning Map, together with the ordinances amending the Map, to prove the inaccuracy of the updated copy.

(d) Reproductions for informational purposes may be made of the Official or Current Zoning Map.

Sec. 14.01.003 Zoning District Boundaries

The district boundary lines shown on the Official Zoning Map are usually along streets, alleys, property lines, or extensions thereof. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following shall apply.

(1) Centerlines. Boundaries indicated as approximately following the centerline of streets, highways or alleys shall be construed to follow such centerline.

(2) Platted Lot Lines. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

(3) City Limits. Boundaries indicated as approximately following City limits shall be construed as following City limits.

(4) Railroad Lines. Boundaries indicated as following railroad lines shall be construed to be midway between the right-of-way lines.

(5) Shore Lines. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the centerline of streams, lakes, or other bodies of water shall be construed to follow such centerline, and in the event of change in the centerline, shall be construed to move with such centerline.

(6) Parallel to or Extensions of Features. Boundaries indicated as a parallel to or extensions of features indicated in Subsections (1) through (5) above shall be so construed. Distances not specifically indicated on the original zoning maps shall be determined by the scale of the map.

(7) Vacated Public Way. Whenever any street, alley, or other public way is vacated by official action of the City Council or whenever such area franchised for building purposes, the vacated area shall be rezoned according to Subsection 14.06.005 (Amendments to the Zoning Ordinance/District and Administrative Procedures).

(8) Boundary as a Condition of Zoning Approval. The zoning classification applied to a tract of land adjacent to a street shall extend to the centerline of the street, unless as a condition of zoning approval, it is stated that the zoning classification shall not apply to the street.

(9) Zoning Ambiguity. Where physical features on the ground conflict with information shown on the Official Zoning Map, or when there arises a question as to how or whether a parcel of property is zoned and such question cannot be resolved by the application of Subsections (1) through (8) above, the property shall be considered as classified, R-A (Residential Agricultural) District, in the same manner as provided for newly annexed territory and the issuance of a building permit and the determination of permanent zoning shall be in accordance with the provisions provided in Subsection 14.01.006 (Zoning Upon Annexation) for temporarily zoned areas.

Sec. 14.01.004 Application of District Regulations

The regulations set by this Zoning Ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided:

(1) No building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.

(2) No building or other structure shall hereafter be erected or altered:
   (a) To exceed the height;
   (b) To accommodate or house a greater number of families;
   (c) To occupy a greater percentage of lot area;
   (d) To have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required; or in any other manner contrary to the provisions of this Zoning Ordinance.

(3) No part of a yard or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Zoning Ordinance shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.

(4) No yard or lot existing at the time of passage of this Zoning Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Zoning Ordinance shall meet at least the minimum requirements established by this Zoning Ordinance.

Sec. 14.01.005 Compliance Required, Interpretation and Rules of Construction

(1) Compliance Required.
   (a) Applicability. Compliance with this Zoning Ordinance shall apply to all land, buildings, structures or appurtenances located within the City which are

hereafter:

1. Occupied,
2. Used,
3. Erected,
4. Altered,
5. Removed,
6. Placed,
7. Demolished, or
8. Converted.

(b) Compliance with Zoning District. The land, buildings, structures, or appurtenances described in Subsection (a) above shall be in conformance with the zoning regulations prescribed for the zoning district in which such land or building is located as hereinafter provided or subject to penalties as per Subsection 14.09.003 (Penalties for Violations).

(2) Interpretation.

(a) Restrictiveness. Where the regulations imposed herein are either more restrictive than comparable conditions imposed by any other provision of any other applicable law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive and impose higher standards are the requirements that shall govern.

(b) Abrogation. The provisions of these regulations are not intended to abrogate any easement, covenant or other private agreement, provided that where the requirements of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant or other private agreement, the requirements of these regulations shall govern.

(c) Cumulative Effect. The provisions of these regulations are cumulative and additional limitations upon all other laws and ordinances heretofore passed or which may be passed hereafter governing any subject matter set forth in the provisions of these regulations.

(d) Error Correction. In the event that any property or Zoning District set forth on the Official Zoning Map as provided in Subsection 14.01.002 **(**Official Zoning Map) is misnamed, designated incorrectly, the boundaries are incorrect or the property is omitted, in part or in whole, the Official Zoning Map may be amended and/or supplemented according to the following:

1. Applicants. The property owner of said tract, the City Council, or the Planning and Zoning Commission may submit an application to the Director of Development Services to initiate the error correction process.
2. Process. The error correction shall be processed as a zoning map or text amendment according to Subsection 14.06.005 (Amendments to the Zoning Ordinance/District and Administrative Procedures).

(e) Director Authority to Interpret the Zoning Ordinance.

1. Unless specified within a section, the Director of Development Services shall have the authority to interpret and enforce this Zoning Ordinance.
2. A person aggrieved by the Director of Development Services interpretation may appeal the interpretation to the Board of Adjustment pursuant to Subsection 14.06.010 (Appeals and the Appeal Process).

(3) Rules of Construction. The language set forth in these regulations shall be interpreted in accordance with the following rules of construction.

(a) Number. The singular number includes the plural and the plural the singular.
(b) Tense. The present tense includes the past and future tenses and the future the present.
(c) Mandatory and Permissive Language. The word "shall" and "must" are mandatory while the word "may" is permissive.
(d) Gender Terms. The masculine gender includes the feminine and neuter.
(e) Parentheses. Any word appearing in parentheses directly after a word herein defined shall be construed in the same sense as that word.
(f) Conflicts. If there is an expressed conflict:
    1. The text of this Zoning Ordinance controls over the charts or any other graphic display in this Zoning Ordinance; and
    2. The use regulations control over the district regulations in this Zoning Ordinance.

Sec. 14.01.006 Zoning Upon Annexation

All territory hereinafter annexed to the City shall be classified as R-A (Residential Agricultural). The procedure for establishing permanent zoning on annexed territory shall conform to the procedure set forth in Subsection 14.06.005 (Amendments to the Zoning Ordinance/District and Administrative Procedures).

(1) Rules of Newly Annexed Territory Classified as the Residential Agricultural District. In an area classified as R-A (Residential Agricultural) District:
    (a) Building Permit or Certificate of Occupancy Required. No person shall erect, construct, proceed or continue with the erection or construction of any building or structure or cause the same to be done in any newly annexed territory to the City without first applying for and obtaining a Building Permit or Certificate of Occupancy from the Chief Building Official.
    (b) Limited Permits within Newly Annexed Land. No permit for the construction of a building or use of land shall be issued by the Chief Building Official other than a permit which will allow the construction of a building or use permitted in the R-A (Residential Agricultural) District, unless and until such territory has been classified in a zoning district other than the R-A (Residential Agricultural) District, by the City Council in the manner prescribed by law except as provided in Subsection (c) below.
    (c) Application for a Building Permit or Certificate of Occupancy within Newly Annexed Land.
        1. Except as provided in Subsection (c)(2) below, a building permit shall be approved if the applicant shows the following:
            a) The use was already legally operating on the date the annexation proceedings were initiated for the property; or
            b) The use was not already operating on the effective date of annexation, but was planned for the property before the 90th day before the effective date of annexation, and:
                i) One or more licenses, certificates, permits, approvals, or other form of authorization by a governmental entity were required by law for the planned land use; and
                ii) A completed application for the initial authorization was filed with the governmental entity before the date the annexation proceedings were instituted. For the purpose of this section, a completed application is filed if the

application includes all documents and other information designated as required by the governmental entity in a written notice to the applicant. For the purposes of this section, the date the annexation proceedings were instituted means the date the City Council approves the ordinance annexing the property.

2. Notwithstanding anything to the contrary in this Zoning Ordinance, a building permit shall not be issued if the use in the annexed area falls under one of the categories set forth in Section 43.002(c) of the Texas Local Government Code and such use is prohibited by City ordinance or by the City Charter.
3. If a use described in Subsection 1 above does not comply with the zoning for the property, such uses shall be allowed to continue as a nonconforming use. Nothing shall prevent the City from amortizing a nonconforming use even if it existing or was planned for the property prior to the institution of annexation proceedings. The Board of Adjustment amortizes a nonconforming use only if they first determine the nonconforming use is a nuisance and/or that the nonconforming use presents a risk of imminent destruction of property or injury to persons. Pursuant to Section 43.002(c) of the Texas Local Government Code, such regulations are expressly enforceable against a use even if it existed or was planned prior to the institution of annexation proceedings.
4. The property owner has a right to appeal the Planning and Zoning Commission's decision to City Council, if an appeal is submitted to the Director of Development Services in writing within ten (10) calendar days after the Planning and Zoning Commission voted and made their determination in open session. After receiving and reviewing the appeal application of the Planning and Zoning Commission decision, the City Council may, by majority vote, authorize the issuance of a Building Permit or Certificate of Occupancy or may disapprove the application pending permanent zoning.

Sec. 14.01.007 Nonconforming Uses and Structures

(1) Purpose. It is the declared purpose of this section that nonconforming uses, lots and structures be eliminated and be required to comply with the regulations of the Zoning Ordinance of the City, having due regard for the property rights of the persons affected, the public welfare and the character of the surrounding area. This section also establishes certain regulations respecting private property rights for the allowance and alteration of uses, lots and/or structures that do not conform to currently applicable regulations, but which have been in continuous use and were in conformance with the regulations in place at the time of their inception and have been rendered nonconforming due to a change in the applicable regulations.

(2) Nonconforming Status. A nonconforming status shall exist under the following provisions of this chapter:

(a) When a use, lot or structure, which does not conform to the current regulations of this chapter, was in existence and lawfully operating prior to December 5, 2022, and has been operating since without discontinuance.

(b) When a use, lot or structure does not conform to the current regulations of this chapter, but was legally established at a prior date when the use, lot or structure

was in conformance with applicable regulations and such use, lot or structure has been in continuous use or operation since its establishment.

(c) When a use, lot or structure, which does not conform to the current regulations of this chapter, was legally established prior to and in existence at the time of annexation to the City, and has been operating since without discontinuance.

(3) Burden to establish legal nonconformity. The burden of demonstrating that any use, lot or structure is a legal nonconformity as defined by this section shall lie with the owner(s) or the proponent of such purported nonconformity.

(4) Continuing lawful use of property and structures. Any nonconforming use, lot or structure may be continued for definite periods of time as indicated hereinbelow subject to the Board of Adjustment's power of amortization:

(a) Uses.

1. Nonconforming uses may continue to operate indefinitely unless the use ceases to operate for a period longer than 60 days. If a nonconforming use ceases to operate for a period longer than 60 days, the nonconforming use shall be deemed permanently abandoned. The nonconforming use shall not thereafter be renewed or instituted on that property or another property in any district which does not permit the abandoned use, unless otherwise approved by the board of adjustment. For the purposes of this paragraph, the phrase "ceases to operate" shall mean to intentionally terminate operations of the nonconforming use. Any nonconforming use that does not involve a permanent type of structure and which is moved from the property shall be deemed permanently abandoned.
2. A nonconforming use may not be replaced by or changed to another nonconforming use.
3. The Board of Adjustment shall have the authority to reinstate the nonconforming status of a use if the board finds there was clear intent not to abandon the use even though the use was discontinued for more than 60 days. The failure of the owner and/or operator to remove on-premise signs related to the nonconforming use shall not be sufficient, as the sole evidence presented by the applicant, to establish a clear intent or an exigent circumstance not to abandon the use.

(b) Structures.

1. Nonconforming structures may be occupied by conforming uses and may be repaired and maintained to preserve or extend their usability.
2. Structures conforming to all currently applicable regulations may be constructed on nonconforming lots provided that all setbacks and yard areas are observed.
3. Nonconforming structures may be relocated within the same lot so long as no existing nonconformity is exacerbated.

(c) Lots.

1. Any nonconforming lot may be replatted so long as the existing nonconformities of the lot are not exacerbated by the replat and the size of the nonconforming lot, including its various dimensional components other than lot coverage, is not reduced.
2. Lots containing nonconforming structures may be replatted so long as the nonconformities of the structure are not exacerbated by the replat and the size of the nonconforming lot, including its various dimensional

components other than lot coverage, is not reduced.

(d) Certain uses and lots in non-residential zoning districts existing on or before December 5, 2022.

1. This Subsection (4)(d) shall apply only to certain uses and lots in existence on or before December 5, 2022.
2. Single-family or two-family residential uses located in non-residential districts may be improved, maintained or rebuilt.
3. Single-family or two-family dwellings may be constructed on any vacant lot(s) located within a residential subdivision for which such vacant lot was originally platted solely for single-family or two-family dwellings.
4. Any limitation on the construction or reconstruction of a single-family or two-family residential use pursuant to Subsection (6) shall not apply to single-family or two-family residential uses which meet the criteria in Subsections (4)(d)(1)-(4)(d)(3) above.

(5) Expansion of nonconforming uses or structures. A nonconforming use or structure shall not be expanded or increased, except as follows:

(a) A nonconforming use located within a building may be expanded throughout the existing building, provided:
1. No alterations to the building are required by ordinance to accommodate the expansion of the nonconforming use; and
2. The number of dwelling units in said building is not increased.

(b) The minimum single family residential lot width, depth, and/or area for the various residential zoning districts shall be in accordance with their respective district's standards, except that a lot having less width, depth, and/or area than herein required, and which lot was a lot of record prior to the adoption of this chapter, may be used for a single-family residential use.

(c) In the Central Business District, a nonconforming structure may be altered or enlarged, provided that such alteration or enlargement shall neither create any new nonconformity nor shall increase the degree of the existing nonconformity of all or any part of such structure. An alteration for a non-air-conditioned space (e.g. patio, porch, roof terrace, balcony, arcade) shall be allowed under any circumstance.

(6) Destruction of structure by fire, the elements, or other cause. Subject to the provisions of Subsection (4)(d) above, if a nonconforming structure is destroyed by fire, the elements, or other cause, it may not be rebuilt except to conform to the provisions of this chapter. A restoration or reconstruction in violation of this subsection immediately terminates the right to occupy the nonconforming structure except as specifically provided otherwise herein-below.

(a) Partial destruction.
1. In the case of partial destruction of a nonconforming structure where the damage to the structure represents less than 50 percent of its total appraised value as determined by reference to the Grayson County Appraisal District's valuation of the structure in question for the tax-year of such destruction ("appraisal"), reconstruction will be permitted to restore the nonconforming structure to its previously existing condition.
2. The nonconforming structure may only be restored or reconstructed so as to have the same, but not greater, height, shape, and floor area that it

had immediately prior to the damage or destruction. In addition, a nonconforming structure that is located in a historically significant area or which is a significantly important building may also only be restored or reconstructed so as to have the same appearance that it had immediately prior to the damage or destruction. The Building Official shall estimate the height, shape, floor area, and when applicable the appearance of the structure immediately prior to the damage or destruction, and shall consult with the property owner, if necessary, to make a determination. Should the property owner not agree with the determination of the Building Official, the property owner may appeal the determination of the Building Official to the Board of Adjustment, in accordance with this chapter.

(b) Total destruction. If a nonconforming structure is totally destroyed by fire, the elements, or other cause, it may not be rebuilt unless it adheres to all then applicable regulations. Total destruction for the purposes of this section shall mean destruction of 50 percent or more of the structure's total appraised value as determined by reference to the Grayson County Appraisal District's Appraisal.

(c) Multi-family residential destruction. In the case of the destruction of a multi-family residential structure or development that is nonconforming, the following shall apply:

1. The nonconforming structure(s) may be restored or reconstructed so as to have the same, but not greater, height, shape and floor area than it had immediately prior to the damage or destruction if the damage to the structure(s) represents less than 50 percent of its appraised value, as determined by reference to the Grayson County Appraisal District's Appraisal. In addition, a nonconforming structure that is located in a historically significant area or which is a significantly important building may also only be restored or reconstructed so as to have the same appearance that it had immediately prior to the damage or destruction if the damage to the structure(s) represents less than 50 percent of its appraised value, as determined by the Grayson County Central Appraisal District's Appraisal.
2. The nonconforming structure(s) may be restored or reconstructed so as to have the same, but not greater, height, shape, and floor area than it had immediately prior to the damage or destruction if the damage to the structure(s) equals or exceeds 50 percent of its appraised value, as determined by the Grayson County Appraisal District's Appraisal, but the damage to the structure(s) represents less than 50 percent of the appraised value of the overall development, as determined by the Grayson County Appraisal District's Appraisal. In addition, a nonconforming structure that is located in a historically significant area or which is a significantly important building may also only be restored or reconstructed so as to have the same appearance that it had immediately prior to the damage or destruction if the damage to the structure(s) equals or exceeds 50 percent of its appraised value, as determined by the Grayson County Appraisal District's Appraisal, but the damage to the structure(s) represents less than 50 percent of the appraised value of the overall development, as determined by the

Grayson County Appraisal District's Appraisal.

3. The nonconforming structure(s) must be rebuilt to all currently applicable regulations if the damage to the structure(s) equals or exceeds 50 percent of its appraised value, as determined by the Grayson County Appraisal District's Appraisal, and the damage to the structure(s) equals or exceeds 50 percent of the appraised value of the overall development, as determined by the Grayson County Appraisal District's Appraisal.
4. The Building Official shall estimate the height, shape and floor area and, when applicable, the appearance of the structure immediately prior to the damage or destruction, and shall consult with the property owner, if necessary, to make a determination. Should the property owner not agree with the determination of the Building Official, the property owner may appeal the determination of the Building Official to the Board of Adjustment, in accordance with this chapter.

(7) Amortization of nonconforming uses.

(a) Request to establish compliance date. The City Council, by a simple majority vote, may request that the Board of Adjustment consider establishing a compliance date for a nonconforming use. Upon receiving such a request, the Board shall hold a public hearing to determine whether continued operation of the nonconforming use will have an adverse effect on nearby properties or the community welfare. Notice of the public hearing shall be in the manner established in Subsection 14.06.006(1)(f). If, based on the evidence presented at the public hearing, the Board determines that continued operation of the nonconforming use will have an adverse impact on nearby properties, it shall call for a second public hearing to establish a compliance date for the nonconforming use.

(b) Factors to be considered. The board of adjustment shall consider the following factors when determining whether continued operation of the nonconforming use will have an adverse effect on nearby properties or the community welfare:

1. The Comprehensive Plan;
2. The character of the surrounding or nearby properties;
3. The degree of incompatibility of the use with the zoning district in which it is located;
4. The manner in which the nonconforming use is being conducted;
5. The hours of operation of the use;
6. The extent to which continued operation of the use may threaten public health or safety;
7. The environmental impacts of the use's operation, including, but not limited to, the impacts of noise, glare, dust, and odor;
8. The extent to which public disturbances and nuisances may be created or perpetuated by continued operation of the use;
9. The extent to which traffic or parking problems may be created or perpetuated by continued operation of the use; and
10. Any other factors relevant to the issue of whether continued operation of the use will adversely effect nearby properties.

(c) Determination of amortization period.

1. If the Board of Adjustment determines that continued operation of the nonconforming use has an adverse effect on nearby properties or the community welfare, it shall hold a second public hearing, in accordance

with the law, to set a compliance date for the nonconforming use under a plan whereby the owner's actual investment in the use before the time that the use became nonconforming can be amortized within a definite time period. Notice of the second public hearing shall be in the manner established in Subsection 14.06.006(1)(f).

2. The Board of Adjustment shall request and shall have the authority to require, through the issuance of a subpoena, the owner to produce the financial documentation and records within its possession, custody or control (collectively, "documents") relating to the factors listed in Subsection (c)(5) below. The owner shall provide to the Board such documents at least 30 days before the second public hearing.

3. The Board of Adjustment shall also have the authority to request that the owner allow the City and its representatives or experts reasonable access to, upon and about the property on which the nonconforming use in question is situated together with a reasonable amount of time to examine, photograph, videotape and inspect all aspects of the nonconforming use including, but not limited to, the property, structure, fixtures, assets, records, architectural drawings and all appurtenances thereto relating to the factors listed in Subsection (c)(5), below (collectively, the "physical inspection"). The owner shall cooperate with the City to schedule a date and time period that is acceptable to both the owner and the City to provide the City such reasonable access together with a reasonable amount of time to allow for the physical inspection at least 30 days before the second public hearing.

4. If the owner does not provide the Board any requested documents or fails to cooperate with the Board in allowing the City the ability to perform the physical inspection, the Board of Adjustment is authorized to make its determination of a compliance date based upon any reasonably available public records, comparisons to physical inspection of one or more other similar uses, as well as public or expert testimony at the hearing. Failure or refusal by owner to provide any requested documents or to provide reasonable accommodation to perform a physical inspection shall not prevent the Board of Adjustment from setting a compliance date. In addition, owner's failure or refusal to provide any requested documents or to provide reasonable accommodation to perform a physical inspection shall constitute the owner's waiver of any and all rights to challenge the qualifications of any witness providing testimony, opinions or evidence of any kind or nature to the Board submitted to the Board for its consideration in establishing a compliance date. Owner's failure or refusal to provide any requested documents or to provide reasonable accommodation to perform a physical inspection shall also result in the owner's waiver of any and all rights to challenge any evidence, information, testimony, theories, conclusions, analysis, opinions and results submitted to the board for its consideration in establishing a compliance date.

5. The Board of Adjustment shall provide a compliance date for the nonconforming use under a plan whereby the owner's actual investment in the use before the time that the use became nonconforming can be amortized within a definite time period. The following factors shall be

considered by the Board in determining a reasonable amortization period:

a) The owner's capital investment in structures, fixed equipment and other assets (excluding inventory and other assets that may be feasibly transferred to another site) on the property before the time the use became nonconforming;

b) Any costs that are directly attributable to the establishment of a compliance date, including demolition expenses, relocation expenses, termination of leases and discharge of mortgages;

c) Any return on investment since inception of the use, including net income and depreciation;

d) The anticipated annual recovery of investment, including net income and depreciation; and/or

e) A reasonable wind-up period for the nonconforming use.

(d) Compliance requirement. If the Board establishes a compliance date for a nonconforming use, the use must cease operations on that date and it may not operate thereafter unless such operations constitute a conforming use.

(e) For the purposes of this section, "owner" means the owner of the nonconforming use at the time of the Board of Adjustment's determination of a compliance date for the nonconforming use.

(8) Decisions that cannot be immediately appealed.

(a) A decision by the Board of Adjustment to establish a compliance date is not a final decision and cannot be immediately appealed.

(b) A decision by the Board of Adjustment that the continuing operation of a nonconforming use will have an adverse effect on neighboring property or the community welfare and a Board of Adjustment's decision to schedule a second public hearing to establish a compliance date are not final decisions and cannot be immediately appealed.

(9) Decision to deny a request for a compliance date. A decision by the Board to deny a request to establish a compliance date is final unless appealed to state court within ten calendar days in accordance with Chapter 211 of the Texas Local Government Code.

(10) Decision setting a compliance date. A decision by the Board of Adjustment setting a compliance date is final unless appealed to state court within ten calendar days in accordance with Chapter 211 of the Texas Local Government Code.

(11) Setting compliance date by agreement. Nothing in this section shall prohibit the City and the owner(s) of such nonconforming use from mutually agreeing upon a compliance date. Any such agreement shall be in writing, approved by the City Council and said owner(s), fully executed and attested by all parties, and filed in the real property records of Grayson County, Texas.

(12) Completion of structures. Nothing contained herein shall require any change in the plans, construction, or designated use of a structure for which a building permit has been issued or a site plan approved prior to the effective date of this section, nor shall any changes be required in the plans, construction, or designated use of a structure for which a substantially complete application for a building permit was accepted by the chief building official on or before the effective date of this section, provided that the building permit shall comply with all applicable regulations on the date that the application was filed and the building permit is issued within 30 days of the effective date of these regulations.

Secs. 14.01.008 – 14.01.999 Reserved

ARTICLE 14.02 ZONING DISTRICTS

Sec. 14.02.001 Zoning Districts Established

The City is hereby divided into the following zoning districts. The use, height, area and other regulations as set out herein apply to each district. Additional regulations pertaining to each zoning district is located in Article 14.04 (Supplementary District Regulations). The districts established herein shall be known as the following:

(1) Residential Zoning Districts. The purpose of the Residential Zoning Districts is to provide for a suitable residential environment for family life on parcels of land smaller and more compact in size for single-family uses and on larger parcels of land for multi-family uses. Along with single-family and multi-family uses, supporting community services and facilities may be permitted that compliment residential uses within these zoning districts. The districts should be established to protect and enhance certain specific lands and structures which have characteristics which are distinct from lands and structures outside these Residential Districts. The several Residential Zoning Districts hereby established and into which the City is divided are designated as set forth below:

- (a) R-A District: Residential Agricultural District.
- (b) R-E District: Estate Residential District.
- (c) R-12 District: Single-Family Residential District.
- (d) R-6 District: Single-Family Residential District.
- (e) R-5 District: Single-Family Residential District.
- (f) R-4 District: Patio Home Residential District.
- (g) R-2F District: Duplex Residential District.
- (h) R-TH District: Townhome Residential District.
- (i) MF-15 District: Multi-Family Residential District.
- (j) MF-30 District: Multi-Family Residential District.
- (k) MH District: Manufactured Housing District.

(2) Commercial Zoning Districts. The purpose of the Commercial Zoning Districts is to provide for suitable locations to promote the use or other activity involving the sale of goods or services for financial gain. These zoning districts allow for specific commercial activities and uses including tourism, neighborhood commercial, general commercial and office commercial. The districts should be established to protect and enhance certain specific lands and structures which have characteristics which are distinct from lands and structures outside these Commercial Districts. The several Commercial Zoning Districts hereby established and into which the City is divided are designated as set forth below:

- (a) C-N District: Neighborhood Commercial District.
- (b) C-O District: Office District.
- (d) C-1 District: Retail Business District.
- (e) C-2 District: General Commercial District.

(3) Manufacturing Zoning Districts. The purpose of the Manufacturing Zoning Districts is to provide for suitable locations to promote uses or other activities involving the production, manufacturing, distribution or fabrication of goods and/or materials. These zoning districts allow for specific manufacturing activities and uses including manufacturing, assembly, fabrication, packaging or other industrial processing of products including incidental storage, sales and distribution of such products. The

districts should be established to protect and enhance certain specific lands and structures which have characteristics which are distinct from lands and structures outside these Manufacturing Districts. The several Manufacturing Zoning Districts hereby established and into which the City is divided are designated as follows:

(a) M-1 District: Light Manufacturing District.
(b) M-1.5 District: Medium Manufacturing District.
(c) M-2 District: Heavy Manufacturing District.

(4) PD District: Planned Development District.

(5) Overlay Districts.
(a) 75 & 82 Overlay District.
(b) F.M. Highway 1417 Overlay District.
(c) Sam Rayburn Overlay District.
(d) F.M. Highway 691 Overlay District.
(e) State Highway 289 Overlay District.
(f) College Park Overlay District.
(g) Blalock Commercial Overlay District.
(h) Arts and Cultural Overlay District.
(i) Central Business District Overlay.
(j) Heritage Row Historical District.

Sec. 14.02.002 Equivalency Table

The following table identifies zoning districts adopted in previous ordinances and the District that now applies in this Chapter to those Districts.

Prior Zoning District	**Current Zoning District**
R-A – (Single-Family Agricultural) District	R-A - Residential Agricultural District
	R-E - Estate Residential District
	R-12 - Single-Family Residential District
R-1 (One-Family Residential) District SF-1 (Single-Family Residential) District	R-6 - Single-Family Residential District
	R-5 - Single-Family Residential District
	R-4 - Patio Home Residential District
	R-2F - Duplex Residential District
	R-TH - Townhome Residential District
	MF-15 - Multi-Family Residential District
R-2 (Multi-Family Residential) District	MF-30 - Multi-Family Residential District
MH (Manufactured Housing) District	MH - Manufactured Housing District
	C-N - Neighborhood Commercial District
C-O (Office) District	C-O - Office District
C-1 (Retail Business) District	C-1 - Retail Business District
C-2 (General Commercial) District	C-2 - General Commercial District
M-1 (Light Manufacturing) District	M-1 - Light Manufacturing District
M-1.5 (Medium Manufacturing District)	M-1.5 - Medium Manufacturing District
M-2 (Heavy Manufacturing) District	M-2 - Heavy Manufacturing District
PD (Planned Development) District	PD (Planned Development) District
O-1 (75 & 82) Overlay District	75 & 82 Overlay District
O-1.1 (F.M. Highway 1417) Overlay District	F.M. Highway 1417 Overlay District
O-1.2 (Sam Rayburn) Overlay District	Sam Rayburn Overlay District
O-1.3 (F.M. Highway 691) Overlay District	F.M. Highway 691 Overlay District
O-1.4 (State Highway 289) Overlay District	State Highway 289 Overlay District

College Park Overlay District	College Park Overlay District
Blalock Commercial Overlay District	Blalock Commercial Overlay District
A&C (Arts and Cultural) Overlay District	Arts and Cultural Overlay District
Central Business District Overlay	Central Business District Overlay

Sec. 14.02.003 R-A (Residential Agricultural) District

The R-A (Residential Agricultural) District is intended to provide a location for principally undeveloped or vacant land situated on the fringe of an urban area and used for agricultural purposes but may become an urban area in the future. The types of uses and the area and intensity of uses permitted in this District shall encourage and protect agricultural uses until urbanization is warranted and the appropriate change in district classification is made. This district is generally appropriate with the Agricultural/Rural Future Land Use category.

(1) Minimum Requirements for Lot Area, Width and Setback.
Lot area: 2 acres
Lot width: 200'
Lot depth: 200'
Front setback: 40'
Rear setback: 25'
Side setback (of corner lot): 20' (25')
   (a) Thoroughfare Street Setback. No building, structures, awnings, canopies, porches or other improvements shall be built or installed within twenty-five (25) feet of the property line facing any thoroughfare street defined as a Highway, Major Arterial, Minor Arterial or Collector as set forth in the City's adopted Thoroughfare Plan.

(2) See Section 14.04.001 (Setback Encroachments) for encroachment allowances into the required setbacks.

(3) Permitted uses. Those uses indicated as being permitted in the "R-A (Single-Family Agricultural) District" in Subsection 14.10 (Use Chart).

(4) Other Regulations.
   (a) Site plan. A site plan shall be submitted to and must be approved by the Development Services Director or their designee prior to the issuance of a building permit for new construction or additions to an existing building, structure or changes to the site for residential uses in the R-A District.
   (b) Floor area. The total floor area of the main building shall not be less than 1,000 square feet.
   (c) Building area. The maximum allowable building area in the R-A District shall not exceed 40 percent of the gross area of the lot or tract of land.
   (d) Height regulations. No building shall exceed 45 feet.
   (e) Parking regulations. Refer to Subsection 14.04.003 for parking regulations.
   (f) Landscaping requirements. Refer to Subsection 14.04.006 for landscaping requirements.
   (g) Screening regulations. Refer to Subsection 14.04.004 for fences and screening regulations.

Sec. 14.02.004 R-E (Estate Residential) District

The R-E (Estate Residential) District is designed to provide for a suitable residential environment for family life on parcels of land with larger lots consisting of a minimum lot area of one (1) acre, while limiting the uses to single-family residences and their community services and facilities. This district is generally appropriate with the Agricultural/Rural and

Suburban Neighborhood Future Land Use categories.

(1) Minimum Requirements for Lot Area, Width and Setback.
Lot area: 1 acre
Lot width: 150’
Lot depth: 150’
Front setback: 40’
Rear setback: 40’
Side setback (of corner lot): 20’ (25’)
(a) Thoroughfare Street Setback. No building, structures, awnings, canopies, porches or other improvements shall be built or installed within twenty-five (25) feet of the property line facing any thoroughfare street defined as a Highway, Major Arterial, Minor Arterial or Collector as set forth in the City’s adopted Thoroughfare Plan.

(2) See Section 14.04.001 (Setback Encroachments) for encroachment allowances into the required setbacks.

(3) Permitted Uses. Those uses indicated as being permitted in the “R-E (Estate Residential) District” in Subsection 14.10 (Use Chart).

(4) Other Regulations.
(a) Site Plan. A site plan shall be submitted to and must be approved by the Development Services Director or their designee prior to the issuance of a building permit for new construction or additions to an existing building, structure, or changes to the site for residential uses in the R-E District.
(b) Floor Area. The total floor area of the main building shall not be less than 1,500 square feet.
(c) Building Area. The maximum allowable building area shall not exceed 20 percent of the gross area of the lot or tract of land.
(d) Height Regulations. No building shall exceed 45 feet.
(e) Parking Regulations. Refer to Subsection 14.04.003 for parking regulations.
(f) Landscaping Requirements. Refer to Subsection 14.04.006 for landscaping requirements.
(g) Screening Regulations. Refer to Subsection 14.04.004 for fences and screening regulations.

Sec. 14.02.005 R-12 (Single-Family Residential) District

The R-12 (Single-Family Residential) District is designed to provide for a suitable residential environment for family life on parcels of land with larger lots consisting of a minimum lot area of twelve thousand (12,000) square feet, while limiting the uses to single-family residences and their community services and facilities. This district is generally appropriate with the Suburban Neighborhood Future Land Use category.

(1) Minimum Requirements for Lot Area, Width and Setback.
Lot area: 12,000 sq. ft.
Lot width: 80’
Lot depth: 100’
Front setback: 25’
Rear setback: 25’
Side setback (of corner lot): 10’ (15’)
(a) Thoroughfare Street Setback. No building, structures, awnings, canopies, porches or other improvements shall be built or installed within twenty-five (25) feet of the property line facing any thoroughfare street defined as a Highway,

Major Arterial, Minor Arterial or Collector as set forth in the City's adopted Thoroughfare Plan.

(2) See Section 14.04.001 (Setback Encroachments) for encroachment allowances into the required setbacks.

(3) Permitted Uses. Those uses indicated as being permitted in the "R-12 (Single-Family Residential) District" in Subsection 14.10 (Use Chart).

(4) Other Regulations.

(a) Site Plan. A site plan shall be submitted to and must be approved by the Development Services Director or their designee prior to the issuance of a building permit for new construction or additions to an existing building, structure, or changes to the site for residential uses in the R-12 District.

(b) Floor Area. The total floor area of the main building shall not be less than 1,500 square feet.

(c) Building Area. The maximum allowable building area shall not exceed 40 percent of the gross area of the lot or tract of land.

(d) Height Regulations. No building shall exceed 40 feet.

(e) Parking Regulations. Refer to Subsection 14.04.003 for parking regulations.

(f) Landscaping Requirements. Refer to Subsection 14.04.006 for landscaping requirements.

(g) Screening Regulations. Refer to Subsection 14.04.004 for fences and screening regulations.

Sec. 14.02.006 R-6 (Single-Family Residential) District

The R-6 (Single-Family Residential) District is designed to provide for a low density, residential environment for family life on parcels of land smaller and more compact in size, having a minimum lot area of six thousand (6,000) square feet, while limiting the uses to single-family residences and their community services and facilities. This district is generally appropriate with the Suburban Neighborhood Future Land Use category.

(1) Minimum Requirements for Lot Area, Width and Setback.

Lot area: 6,000 sq. ft.
Lot width: 60'
Lot depth: 100'
Front setback: 20'
Rear setback: 20'
Side setback (of corner lot): 6' (15')

(a) Thoroughfare Street Setback. No building, structures, awnings, canopies, porches or other improvements shall be built or installed within twenty-five (25) feet of the property line facing any thoroughfare street defined as a Highway, Major Arterial, Minor Arterial or Collector as set forth in the City's adopted Thoroughfare Plan.

(2) See Section 14.04.001 (Setback Encroachments) for encroachment allowances into the required setbacks.

(3) Permitted Uses. Those uses indicated as being permitted in the "R-6 (Single-Family Residential district" in the Subsection 14.10 (Use Chart).

(4) Other Regulations.

(a) Site plan. A site plan shall be submitted to and must be approved by the Development Services Director or their designee prior to the issuance of a building permit for new construction or additions to an existing building, structure, or changes to the site for residential uses in the R-6 District.

(b) Floor Area. The total floor area of the main building shall not be less than 1,000 square feet.
(c) Building Area. The maximum allowable building area in the R-6 District shall not exceed 45 percent of the gross area of the lot or tract of land.
(d) Height Regulations. No building shall exceed 35 feet.
(e) Parking Regulations. Refer to Subsection 14.04.003 for parking regulations.
(f) Landscaping Requirements. Refer to Subsection 14.04.006 for landscaping requirements.
(g) Screening regulations. Refer to Subsection 14.04.004 for fences and screening regulations.

Sec. 14.02.007 R-5 (Single-Family Residential) District

The R-5 (Single-Family Residential) District is designed to provide for a low density, residential environment for family life on parcels of land smaller and more compact in size, having a minimum lot area of five thousand (5,000) square feet, while limiting the uses to single-family residences and their community services and facilities. This district is generally appropriate with the Suburban Neighborhood or Core Neighborhood Future Land Use categories.

(1) Minimum Requirements for Lot Area, Width and Setback.
Lot area: 5,000 sq. ft.
Lot width: 50'
Lot depth: 100'
Front setback: 20'
Rear setback: 15'
Side setback (of corner lot): 5' (15')
(a) Thoroughfare Street Setback. No building, structures, awnings, canopies, porches or other improvements shall be built or installed within twenty-five (25) feet of the property line facing any thoroughfare street defined as a Highway, Major Arterial, Minor Arterial or Collector as set forth in the City's adopted Thoroughfare Plan.
(2) See Section 14.04.001 (Setback Encroachments) for encroachment allowances into the required setbacks.
(3) Permitted Uses. Those uses indicated as being permitted in the "R-5 (Single-Family Residential) District" in Subsection 14.10 (Use Chart).
(4) Other Regulations.
(a) Site plan. A site plan shall be submitted to and must be approved by the Development Services Director or their designee prior to the issuance of a building permit for new construction or additions to an existing building, structure, or changes to the site for residential uses in the R-5 District.
(b) Floor Area. The total floor area of the main building shall not be less than 800 square feet or greater than 3,000 square feet.
(c) Building Area. The maximum allowable building area shall not exceed 50 percent of the gross area of the lot or tract of land.
(d) Height Regulations. No building shall exceed 35 feet.
(e) Parking Regulations. Refer to Subsection 14.04.003 for parking regulations.
(f) Landscaping Requirements. Refer to Subsection 14.04.006 for landscaping requirements.
(g) Screening Regulations. Refer to Subsection 14.04.004 for fences and screening regulations.

(h) Usable Open Space Requirements. Any contiguous subdivision, including multiple phases, developed with twenty-five (25) or more lots shall provide usable open space. Developments with twenty-five (25) to forty-nine (49) lots shall provide usable open space which equals or exceeds five (5) percent of the gross platted area, excluding rights-of-way for major thoroughfares. Developments with fifty (50) or more lots shall provide usable open space which equals or exceeds ten (10) percent of the gross platted area, excluding rights-of-way for major thoroughfares. A contiguous subdivision is defined as: abutting or separated only by a local or collector street to the subdivision. Subdivisions separated by rights-of-way, drainage or utility easements in excess of sixty (60) feet in width shall not be considered as contiguous.

Sec. 14.02.008 R-4 (Patio Home Residential) District

The R-4 (Patio Home Residential) District is designed to provide for a medium density, residential environment for family life on parcels of land smaller and more compact in size, having a minimum lot area of four thousand (4,000) square feet, while limiting the uses to single-family residences and their community services and facilities. This district is generally appropriate with the Suburban Neighborhood or Core Neighborhood Future Land Use categories.

(1) Minimum Requirements for Lot Area, Width and Setback.

Lot area: 4,000 sq. ft.
Lot width: 40’
Lot depth: 90’
Front setback (front-loaded garage): 20’
Front setback (rear-loaded garage): 10’
Rear setback (front-loaded garage): 15’
Rear setback (rear-loaded garage): 20’
Side setback (of corner lot): 5’ (15’)

(a) Thoroughfare Street Setback. No building, structures, awnings, canopies, porches or other improvements shall be built or installed within twenty-five (25) feet of the property line facing any thoroughfare street defined as a Highway, Major Arterial, Minor Arterial or Collector as set forth in the City’s adopted Thoroughfare Plan.

(b) For lot widths less than 45 feet measured along the front property line, civil plans shall be approved by the Engineering Department prior to final plat submittal to ensure that driveways and curb inlets meet engineering requirements.

(2) See Section 14.04.001 (Setback Encroachments) for encroachment allowances into the required setbacks.

(3) Permitted Uses. Those uses indicated as being permitted in the “R-4 (Patio Home Residential) District” in Subsection 14.10 (Use Chart).

(4) Other Regulations.

(a) Site Plan. A site plan shall be submitted to and must be approved by the Development Services Director or their designee prior to the issuance of a building permit for new construction or additions to an existing building, structure, or changes to the site for residential uses in the R-4 District.

(b) Floor Area. The total floor area of the main building shall not be less than 800 square feet or greater than 2,500 square feet.

1. A Special Exception may be granted by the Board of Adjustment for

main buildings exceeding 2,500 square feet, but not exceeding 3,000 square feet. The Special Exception may be granted only if the Board of Adjustment finds that the Special Exception request is not contrary to the public interest, the request does not violate the intent of this subsection or the Comprehensive Plan, and the requested Special Exception would not cause injury to or restrict development on any other parcel of land. In no event shall the number of lots exceeding 2,500 square feet for the main building floor area allowed with a Special Exception exceed 25 percent of the subdivision.

(c) Building Area. The maximum allowable building area shall not exceed fifty-five (55) percent of the gross area of the lot or tract of land.

(d) Height Regulations. No building shall exceed thirty-five (35) feet.

(e) Parking Regulations. Refer to Subsection 14.04.003 for parking regulations.

(f) Landscaping Requirements. Refer to Subsection 14.04.006 for landscaping requirements.

(g) Screening Regulations. Refer to Subsection 14.04.004 for fences and screening regulations.

(h) Usable Open Space Requirements. Any contiguous subdivision, including multiple phases, developed with twenty-five (25) or more lots shall provide usable open space. Developments with twenty-five (25) to forty-nine (49) lots shall provide usable open space which equals or exceeds five (5) percent of the gross platted area, excluding rights-of-way for major thoroughfares. Developments with fifty (50) or more patio homes shall provide usable open space which equals or exceeds ten (10) percent of the gross platted area, excluding rights-of-way for major thoroughfares. A contiguous subdivision is defined as: abutting or separated only by a local or collector street to the subdivision. Subdivisions separated by rights-of-way, drainage or utility easements in excess of sixty (60) feet in width shall not be considered as contiguous.

Sec. 14.02.009 R-2F (Duplex Residential) District

The R-2F (Duplex Residential) District is designed to provide for a medium density, duplex residential environment for family life on individual parcels of land smaller and more compact in size, having a minimum lot area of six thousand (6,000) square feet, while limiting the uses to single-family residences and their community services and facilities. Duplex building types are permitted in this district. This district is generally appropriate with the Core Neighborhood Future Land Use category.

(1) Minimum Requirements for Lot Area, Width and Setback.

Lot area: 6,000 sq. ft.
Lot width: 60’
Lot depth: 100’
Front setback: 20’
Rear setback: 20’
Side setback (of corner lot): 6’ (15’)

(a) Thoroughfare Street Setback. No building, structures, awnings, canopies, porches or other improvements shall be built or installed within twenty-five (25) feet of the property line facing any thoroughfare street defined as a Highway, Major Arterial, Minor Arterial or Collector as set forth in the City’s adopted Thoroughfare Plan.

(2) See Section 14.04.001 (Setback Encroachments) for encroachment allowances into the required setbacks.

(3) Permitted Uses. Those uses indicated as being permitted in the "R-2F (Duplex Residential) district" in Subsection 14.10 (Use Chart).

(4) Other Regulations.

(a) Site Plan. A site plan shall be submitted to and must be approved by the Development Services Director or their designee prior to the issuance of a building permit for new construction or additions to an existing building or structure or changes to the site for residential uses in the R-2F District.

(b) Floor Area. The total floor area of each dwelling unit shall not be less than 800 square feet.

(c) Building Area. The maximum allowable building area shall not exceed fifty-five (55) percent of the gross area of the lot or tract of land.

(d) Height Regulations. No building shall exceed 35 feet.

(e) Parking Regulations. Refer to Subsection 14.04.003 for parking regulations.

(f) Landscaping Requirements. Refer to Subsection 14.04.006 for landscaping requirements.

(g) Screening regulations. Refer to Subsection 14.04.004 for fences and screening regulations.

(h) Usable Open Space Requirements. Any contiguous subdivision, including multiple phases, developed with twenty-five (25) or more lots shall provide usable open space. Developments with twenty-five (25) to forty-nine (49) lots shall provide usable open space which equals or exceeds five (5) percent of the gross platted area, excluding rights-of-way for major thoroughfares. Developments with fifty (50) or more lots shall provide usable open space which equals or exceeds ten (10) percent of the gross platted area, excluding rights-of-way for major thoroughfares. A contiguous subdivision is defined as: abutting or separated only by a local or collector street to the subdivision. Subdivisions separated by rights-of-way, drainage or utility easements in excess of sixty (60) feet in width shall not be considered as contiguous.

Sec. 14.02.010 R-TH (Townhome Residential) District

The R-TH (Townhome Residential) District is designed to provide for a medium density, attached residential environment for family life on individual parcels of land smaller and more compact in size, having a minimum lot area of two thousand five hundred (2,500) square feet, while limiting the uses to single-family residences and their community services and facilities. Townhome building types are permitted in this district. This district is generally appropriate with the Core Neighborhood Future Land Use category.

(1) Minimum Requirements for Lot Area, Width and Setback.

Lot area: 2,500 sq. ft.
Lot width: 25'
Lot depth: 100'
Front setback (front-loaded garage): 20'
Front setback (rear-loaded garage): 10'
Rear setback (front-loaded garage): 15'
Rear setback (rear-loaded garage): 20'
Street side setback: 15'
Interior side setback: 15'

(a) Thoroughfare Street Setback. No building, structures, awnings, canopies,

porches or other improvements shall be built or installed within twenty-five (25) feet of the property line facing any thoroughfare street defined as a Highway, Major Arterial, Minor Arterial or Collector as set forth in the City's adopted Thoroughfare Plan.

(2) See Section 14.04.001 (Setback Encroachments) for encroachment allowances into the required setbacks.

(3) Permitted Uses. Those uses indicated as being permitted in the "R-TH (Townhome Residential) District" in Subsection 14.10 (Use Chart).

(4) Other Regulations.

(a) Site Plan. A site plan shall be submitted to and approved by the Development Services Director or their designee prior to the issuance of a building permit for new construction or additions to an existing building, structure, or changes to the site for residential uses in the R-TH District.

(b) Floor Area. The total floor area of each dwelling unit shall not be less than 800 square feet.

(c) Building Area. The maximum allowable building area shall not exceed sixty-five (65) percent of the gross area of the lot or tract of land.

(d) Height Regulations. No building shall exceed 40 feet.

(e) Parking Regulations. Refer to Subsection 14.04.003 for parking regulations.

(f) Landscaping Requirements. Refer to Subsection 14.04.006 for landscaping requirements.

(g) Screening Regulations. Refer to Subsection 14.04.004 for fences and screening regulations.

(h) Usable Open Space Requirements. Any contiguous subdivision, including multiple phases, developed with twenty-five (25) or more lots shall provide usable open space. Developments with twenty-five (25) to forty-nine (49) lots shall provide usable open space which equals or exceeds five (5) percent of the gross platted area, excluding rights-of-way for major thoroughfares. Developments with fifty (50) or more lots shall provide usable open space which equals or exceeds ten (10) percent of the gross platted area, excluding rights-of-way for major thoroughfares. A contiguous subdivision is defined as: abutting or separated only by a local or collector street to the subdivision. Subdivisions separated by rights-of-way, drainage or utility easements in excess of sixty (60) feet in width shall not be considered as contiguous.

Sec. 14.02.011 MF-15 (Multi-Family Residential) District

The MF-15 (Multi-Family Residential) District is designed to provide for a variety of low intensity multi-family residential including duplexes, townhomes and single-family-for-rent that have multiple dwelling units on one lot. This district is generally appropriate with the Suburban Neighborhood, Core Neighborhood or Technology Hub Future Land Use categories.

(1) Minimum Requirements for Lot Area, Width and Setback.

Lot area: 2 acres
Lot width: 85'
Lot depth: 100'
Front setback: 25'
Rear setback: 25'
Side setback: 25'

(a) Thoroughfare Street Setback. No building, structures, awnings, canopies, porches or other improvements shall be built or installed within twenty-five (25)

feet of the property line facing any thoroughfare street defined as a Highway, Major Arterial, Minor Arterial or Collector as set forth in the City's adopted Thoroughfare Plan.

(2) See Section 14.04.001 (Setback Encroachments) for encroachment allowances into the required setbacks.

(3) Permitted Uses. Those uses indicated as being permitted in the "MF-15 (Multi-Family Residential) District" in Subsection 14.10 (Use Chart).

(4) Other Regulations.

(a) Site Plan. A site plan shall be submitted to and must be approved by the Planning and Zoning Commission prior to the issuance of a building permit for new construction or additions to an existing building, structure, or changes to the site for multi-family residential use in the MF-15 District.

(b) Floor Area. The total floor area of any dwelling unit shall not be less than 800 square feet.

(c) Building Area. The maximum allowable building area shall not exceed fifty (50) percent of the gross area of the lot or tract of land.

(d) Height Regulations. No building shall exceed 35 feet.

(e) Parking Regulations. Refer to Subsection 14.04.003 for parking regulations.

(f) Landscaping Requirements. Refer to Subsection 14.04.006 for landscaping requirements.

(g) Screening Regulations. Refer to Subsection 14.04.004 for fences and screening regulations.

(h) Maximum Density. Fifteen (15) dwelling units per net acre.

(i) Minimum Building Separation. A minimum building separation between all buildings on the lot shall be ten (10) feet.

Sec. 14.02.012 MF-30 (Multi-Family Residential) District

The MF-30 (Multi-Family Residential) District is designed to provide for a variety of medium to high intensity multi-family residential. In addition to the general purposes applying to all residential districts, the regulations of this district are designed to encourage the provision of conveniently located, centrally maintained rental accommodations. This district is generally appropriate with the Suburban Neighborhood, Core Neighborhood Future or Technology Hub Land Use categories.

(1) Minimum Requirements for Lot Area, Width and Setback.

Lot area: 5 acres
Lot width: 85'
Lot depth: 100'
Front setback: 25'
Rear setback: 25'
Side setback: 25'

(a) Thoroughfare Street Setback. No building, structures, awnings, canopies, porches or other improvements shall be built or installed within twenty-five (25) feet of the property line facing any thoroughfare street defined as a Highway, Major Arterial, Minor Arterial or Collector as set forth in the City's adopted Thoroughfare Plan.

(2) See Section 14.04.001 (Setback Encroachments) for encroachment allowances into the required setbacks.

(3) Permitted Uses. Those uses indicated as being permitted in the "MF-30 (Multi-Family Residential) District" in Subsection 14.10 (Use Chart).

(4) Other Regulations.

(a) Site Plan. A site plan shall be submitted to and must be approved by the Planning and Zoning Commission prior to the issuance of a building permit for new construction or additions to an existing building or structure or changes to the site for multi-family residential use in the MF-30 District.

(b) Residential Building Setback. Forty (40) feet from any R (residential) zoned property.

(c) Building Area. The maximum allowable building area in the MF-30 District shall not exceed fifty (50) percent of the gross area of the lot or tract of land.

(d) Height Regulations. No building shall exceed 50 feet.

(e) Parking regulations. Refer to Subsection 14.04.003 for parking regulations.

(f) Landscaping requirements. Refer to Subsection 14.04.006 for landscaping requirements.

(g) Screening regulations. Refer to Subsection 14.04.004 for fences and screening regulations.

(h) Maximum Density. Thirty (30) dwelling units per net acre.

(i) Minimum Building Separation. A minimum building separation between all buildings on the lot shall be ten (15) feet.

Sec. 14.02.013 MH (Manufactured Housing) District

The MH (Manufactured Housing) district is intended to provide for accommodations for a specific form of housing, the manufactured home. To provide appropriate standards for density, spacing and use, a separate district is created and designated for the specific purpose of providing, at appropriate locations, areas for the development of manufactured home parks and subdivisions. This district is generally appropriate with the Suburban Neighborhood or Core Neighborhood Future Land Use categories.

(1) Minimum Requirements for Lot Area, Width and Setback.

Lot area: 3,600 sq. ft.
Lot width: 60’
Lot depth: 60’
Front setback: 25’
Rear setback: 10’
Side setback: 10’

(a) Thoroughfare Street Setback. No building, structures, awnings, canopies, porches or other improvements shall be built or installed within twenty-five (25) feet of the property line facing any thoroughfare street defined as a Highway, Major Arterial, Minor Arterial or Collector as set forth in the City’s adopted Thoroughfare Plan.

(2) See Section 14.04.001 (Setback Encroachments) for encroachment allowances into the required setbacks.

(3) Permitted Uses. Those uses indicated as being permitted in the “MH (Manufactured Housing) District” in Subsection 14.10 (Use Chart).

(4) Other Regulations.

(a) Site Plan. A site plan for a new manufactured home park or manufactured home subdivision shall be submitted to and must be approved by the Planning and Zoning Commission prior to the issuance of a building permit for new construction for residential use in the MH District.

(b) Addition Setback Regulation. No buildings or structures shall be permitted within twenty-five (25) feet of a boundary of a Manufactured Home Park or

Manufactured Home Subdivision.

(c) Area Regulation. The minimum site area which may be developed or used for a manufactured home park or subdivision shall be ten (10) acres.

(d) Height regulations. No building shall exceed 35 feet.

(e) Parking regulations. Refer to Subsection 14.04.003 for parking regulations.

(f) Landscaping requirements. Refer to Subsection 14.04.006 for landscaping requirements.

(g) Screening Regulations. Refer to Subsection 14.04.004 for fences and screening regulations.

(h) Utility Regulations. Water and sewer service shall be provided for each lot or manufactured home within the district.

(i) Usable Open Space Requirements. Any development with twenty-five (25) or more lots/units shall provide usable open space. Developments with twenty-five (25) to forty-nine (49) lots/units shall provide usable open space which equals or exceeds five (5) percent of the gross platted area, excluding rights-of-way for major thoroughfares. Developments with fifty (50) or more lots/units shall provide usable open space which equals or exceeds ten (10) percent of the gross platted area, excluding rights-of-way for major thoroughfares.

Sec. 14.02.014 C-N (Neighborhood Commercial) District

The C-N (Neighborhood Commercial) district is designed for a limited range of service and light retail land uses and is located at intersections of thoroughfares in the vicinity of residential neighborhoods. This district is generally appropriate with the Suburban Neighborhood, Core Neighborhood, Community Commercial or Downtown Future Land Use categories.

(1) Minimum Requirements for Lot Area, Width and Setback.

Lot area: 10,000 SF
Lot width: 50’
Front setback: 25’
Rear setback: 25’
Side setback: 0’

(a) Thoroughfare Street Setback. No building, structures, awnings, canopies, porches or other improvements shall be built or installed within twenty-five (25) feet of the property line facing any thoroughfare street defined as a Highway, Major Arterial, Minor Arterial or Collector as set forth in the City’s adopted Thoroughfare Plan.

(b) Where lots in the C-N District are abutting a residential district, the side or rear setback shall not be less than twenty-five (25) feet.

(2) See Section 14.04.001 (Setback Encroachments) for encroachment allowances into the required setbacks.

(3) Permitted Uses. Those uses indicated as being permitted in the “C-N (Neighborhood Commercial) District” in Subsection 14.10 (Use Chart).

(4) Other Regulations.

(a) Site Plan. A site plan shall be submitted to and must be approved by the Planning and Zoning Commission prior to the issuance of a building permit for new construction or additions to an existing building or structure or changes to the site for commercial use in the C-N District.

(b) Floor Area. The total floor area of any building or buildings on a lot in the C-N District shall not exceed two-fifths of the total number of square feet in the lot (FAR to not exceed 0.4).

(c) Building Area. The maximum allowable building area in the C-N District shall not exceed 40 percent of the gross area of the lot or tract of land.
(d) Height Regulations. No building shall exceed 35 feet.
(e) Parking Regulations. Refer to Subsection 14.04.003 for parking regulations.
(f) Landscaping Requirements. Refer to Subsection 14.04.006 for landscaping requirements.
(g) Screening Regulations: Refer to Subsection 14.04.004 for fences and screening regulations.
(h) Loading docks. Freight docks, service bays, loading docks, truck berths and heavy storage areas shall be screened from all abutting uses, except when the abutting use is determined to be of equal or greater intensity. The aforementioned areas shall be screened from all thoroughfares.

Sec. 14.02.015 C-O (Office) District

The C-O (Office) district consists of land occupied by or suitable for a wide range of general office activities. This district is generally appropriate with the Regional Commercial, Community Commercial or Downtown Future Land Use categories.

(1) Minimum Requirements for Lot Area, Width and Setback.
Lot area: 10,000 SF
Lot width: 50'
Front setback: 25'
Rear setback: 25'
Side setback: 15'
(a) Thoroughfare Street Setback. No building, structures, awnings, canopies, porches or other improvements shall be built or installed within twenty-five (25) feet of the property line facing any thoroughfare street defined as a Highway, Major Arterial, Minor Arterial, or Collector as set forth in the City's adopted Thoroughfare Plan.
(b) Where lots in the C-O District abut a residential district, the side or rear yard setback shall not be less than forty (40) feet.
(2) See Section 14.04.001 (Setback Encroachments) for encroachment allowances into the required setbacks.
(3) Permitted Uses. Those uses indicated as being permitted in the "C-O (Office) District" in Subsection 14.10 (Use Chart).
(4) Other required conditions.
(a) Site Plan. A site plan shall be submitted to and must be approved by the Planning and Zoning Commission prior to the issuance of a building permit for new construction or additions to an existing building or structure or changes to the site for office uses in the C-O District.
(b) Floor Area. The total floor area of any building or buildings on a lot in the C-O District shall not exceed the total number of square feet in the lot (FAR to not exceed 1.0).
(c) Building Area. The maximum allowable building area in the C-O District shall not exceed 50 percent of the gross area of the lot or tract of land.
(d) Height regulations. No building shall exceed 50 feet.
(e) Parking regulations. Refer to Subsection 14.04.003 for parking regulations.
(f) Landscaping requirements. Refer to Subsection 14.04.006 for landscaping requirements.
(g) Screening regulations. Refer to Subsection 14.04.004 for fences and screening

regulations.

(h) Loading docks. Freight docks, service bays, loading docks, truck berths and heavy storage areas shall be screened from all abutting uses, except when the abutting use is determined to be of equal or greater intensity. The aforementioned areas shall be screened from all thoroughfares.

Sec. 14.02.016 C-1 (Retail Business) District

The C-1 (Retail Business) district consists of land occupied by or suitable for neighborhood shopping facilities for the retailing of "convenience goods" and the furnishing of certain personal services to satisfy most of the daily needs of the adjacent residential neighborhood. This district is generally appropriate with the Core Neighborhood, Regional Commercial, Community Commercial or Downtown Future Land Use categories.

(1) Minimum Requirements for Lot Area, Width and Setback.

Lot area: 10,000 SF
Lot width: 50'
Front setback: 25'
Rear setback: 25'
Side setback: 15'

(a) Thoroughfare Street Setback. No building, structures, awnings, canopies, porches or other improvements shall be built or installed within twenty-five (25) feet of the property line facing any thoroughfare street defined as a Highway, Major Arterial, Minor Arterial or Collector as set forth in the City's adopted Thoroughfare Plan.

(b) Where lots in the C-1 District abut a residential district, the side or rear yard setback shall not be less than forty (40) feet.

(2) See Section 14.04.001 (Setback Encroachments) for encroachment allowances into the required setbacks.

(3) Permitted Uses. Those uses indicated as being permitted in the "C-1 (Retail Business) District" in Subsection 14.10 (Use Chart).

(4) Other Regulations.

(a) Site Plan. A site plan shall be submitted to and must be approved by the Planning and Zoning Commission prior to the issuance of a building permit for new construction or additions to an existing building or structure or changes to the site for commercial uses within the C-1 District.

(b) Floor Area. The total floor area of any building or buildings on a lot in the C-1 District shall not exceed one-half of the total number of square feet in the lot (FAR to not exceed 0.5).

(c) Building Area. The maximum allowable building area in the C-1 District shall not exceed 50 percent of the gross area of the lot or tract of land.

(d) Height Regulations. No building shall exceed 50 feet.

(e) Parking Regulations. Refer to Subsection 14.04.003 for parking regulations.

(f) Landscaping Requirements. Refer to Subsection 14.04.006 for landscaping requirements.

(g) Screening Regulations. Refer to Subsection 14.04.004 for fences and screening regulations.

(h) Loading docks. Freight docks, service bays, loading docks, truck berths and heavy storage areas shall be screened from all abutting uses, except when the abutting use is determined to be of equal or greater intensity. The aforementioned areas shall be screened from all thoroughfares.

Sec. 14.02.017 C-2 (General Commercial) District

The C-2 (General Commercial) district consists of land occupied by or suitable for a wide range of retail and wholesale activities. Land in this district is located along major highways and in the vicinity of industrial areas. The C-2 District regulations are designed to permit development of the enumerated functions and to provide space for commercial uses which are generally not appropriate for retail business districts. This district is generally appropriate with the Regional Commercial Future Land Use category.

(1) Minimum Requirements for Lot Area, Width and Setback.
Lot area: 10,000 SF
Lot width: 50'
Front setback: 25'
Rear setback: 25'
Side setback: 15'

(a) Thoroughfare Street Setback. No building, structures, awnings, canopies, porches or other improvements shall be built or installed within twenty-five (25) feet of the property line facing any thoroughfare street defined as a Highway, Major Arterial, Minor Arterial or Collector as set forth in the City's adopted Thoroughfare Plan.

(b) Where lots in the C-2 District abut a residential district, the side or rear yard setback shall not be less than sixty (60) feet.

(2) See Section 14.04.001 (Setback Encroachments) for encroachment allowances into the required setbacks.

(3) Permitted Uses. Those uses indicated as being permitted in the "C-2 (General Commercial) District" in Subsection 14.10 (Use Chart).

(4) Other Regulations.

(a) Site Plan. A site plan shall be submitted to and must be approved by the Planning and Zoning Commission prior to the issuance of a building permit for new construction or additions to an existing building or structure or changes to the site for commercial uses within the C-2 District.

(b) Floor Area. The total floor area of any building or buildings on a lot in the C-2 District shall not exceed one-half of the total number of square feet in the lot (FAR to not exceed 0.5).

(c) Building Area. The maximum allowable building area in the C-2 District shall not exceed 50 percent of the gross area of the lot or tract of land.

(d) Height Regulations. No building shall exceed 35 feet.

(e) Parking Regulations. Refer to Subsection 14.04.003 for parking regulations.

(f) Landscaping Requirements. Refer to Subsection 14.04.006 for landscaping requirements.

(g) Screening Regulations. Refer to Subsection 14.04.004 for fences and screening regulations.

(h) Loading docks. Freight docks, service bays, loading docks, truck berths and heavy storage areas shall be screened from all abutting uses, except when the abutting use is determined to be of equal or greater intensity. The aforementioned areas shall be screened from all thoroughfares.

Sec. 14.02.018 M-1 (Light Manufacturing) District

The M-1 (Light Manufacturing) district is designed to provide land for manufacturing and industrial activities subject to limitations intended to protect nearby residential and commercial

districts and to protect the permitted uses from one another. Manufacturing District M-1 consists of areas occupied by or suitable for manufacturing, wholesale and other industrial activities, all of a non-nuisance type. This district is generally appropriate with the Technology Hub Future Land Use category.

(1) Minimum Requirements for Lot Area, Width and Setback.
Lot area: 1/2 acre
Lot width: 85'
Front setback: 40'
Rear setback: 25'
Side setback: 25'
   (a) Thoroughfare Street Setback. No building, structures, awnings, canopies, porches or other improvements shall be built or installed within twenty-five (25) feet of the property line facing any thoroughfare street defined as a Highway, Major Arterial, Minor Arterial or Collector as set forth in the City's adopted Thoroughfare Plan.
   (b) When abutting a residential district, the side or rear setback shall be not less than sixty (60) feet.

(2) See Section 14.04.001 (Setback Encroachments) for encroachment allowances into the required setbacks.

(3) Permitted uses. Those uses indicated as being permitted in the "M-1 (Light manufacturing) district" in Subsection 14.10 (Use Chart).

(4) Other Regulations.
   (a) Site Plan. A site plan shall be submitted to and must be approved by the Planning and Zoning Commission prior to the issuance of a building permit for new construction or additions to an existing building or structure or changes to the site for manufacturing use in the M-1 District.
   (b) Floor Area. The floor area of any building or buildings on a lot in an M-1 District shall not exceed one and one-half times the number of square feet in the lot (FAR to not exceed 1.5).
   (c) Impervious Cover. The maximum allowable impervious cover shall not exceed 80 percent of the total lot. Impervious cover shall include all roads, driveways, parking areas, buildings, concrete walkways and other impermeable construction covering the natural land surface on the lot.
   (d) Height Regulation. No building or structure shall exceed 100 feet.
   (e) Parking Regulations. Refer to Subsection 14.04.003 for parking regulations.
   (f) Landscaping Requirements. Refer to Subsection 14.04.006 for landscaping requirements.
   (g) Screening Regulations. Refer to Subsection 14.04.004 for fences and screening regulations.
   (h) Loading docks. Freight docks, service bays, loading docks, truck berths and heavy storage areas shall be screened from all abutting uses, except when the abutting use is determined to be of equal or greater intensity. The aforementioned areas shall be screened from all thoroughfares.

Sec. 14.02.019 M-1.5 (Medium Manufacturing) District

The M-1.5 (Medium Manufacturing) district consists of areas occupied by or suitable for manufacturing and industrial activities whose generator of nuisance effects is ordinarily greater than that of industries permitted in the M-1 District. Zoning or rezoning to this classification will not be permitted after December 5, 2022.

(1) Minimum Requirements for Lot Area, Width and Setback.
Lot area: 1/2 acre
Lot width: 85’
Front setback: 40’
Rear setback: 25’
Side setback: 25’

(a) Thoroughfare Street Setback. No building, structures, awnings, canopies, porches or other improvements shall be built or installed within twenty-five (25) feet of the property line facing any thoroughfare street defined as a Highway, Major Arterial, Minor Arterial or Collector as set forth in the City’s adopted Thoroughfare Plan.

(b) When abutting a residential district, the side or rear yard shall be not less than sixty (60) feet.

(2) See Section 14.04.001 (Setback Encroachments) for encroachment allowances into the required setbacks.

(3) Permitted Uses. Those uses indicated as being permitted in the “M-1.5 (Medium Manufacturing) District” in Subsection 14.10 (Use Chart).

(4) Other Regulations.

(a) Site Plan. A site plan shall be submitted to and must be approved by the Planning and Zoning Commission prior to the issuance of a building permit for new construction or additions to an existing building or structure or changes to the site for manufacturing use in the M-1 District.

(b) Floor area. The floor area of any building or buildings on a lot in an M-1.5 District shall not exceed one and one-half times the number of square feet in the lot (FAR to not exceed 1.5).

(c) Impervious Cover. The maximum allowable impervious cover shall not exceed 80 percent of the total lot. Impervious cover shall include all roads, driveways, parking areas, buildings, concrete walkways and other impermeable construction covering the natural land surface on the lot.

(d) Height Regulation. No building or structure shall exceed 150 feet.

(e) Parking Regulations. Refer to Subsection 14.04.003 for parking regulations.

(f) Landscaping Requirements. Refer to Subsection 14.04.006 for landscaping requirements.

(g) Screening Regulations. Refer to Subsection 14.04.004 for fences and screening regulations.

(h) Loading docks. Freight docks, service bays, loading docks, truck berths and heavy storage areas shall be screened from all abutting uses, except when the abutting use is determined to be of equal or greater intensity. The aforementioned areas shall be screened from all thoroughfares.

Sec. 14.02.020 M-2 (Heavy Manufacturing) District

Manufacturing District M-2 consists of areas occupied by or suitable for manufacturing and industrial activities whose generator of nuisance effects is ordinarily greater than that of industries permitted in the M-1 District. This district is generally appropriate with the Technology Hub Future Land Use category.

(1) Minimum Requirements for Lot Area, Width and Setback.
Lot area: 1 acre
Lot width: 150’
Front setback: 40’

Rear setback: 25’
Side setback: 25’

(a) Thoroughfare Street Setback. No building, structures, awnings, canopies, porches or other improvements shall be built or installed within twenty-five (25) feet of the property line facing any thoroughfare street defined as a Highway, Major Arterial, Minor Arterial or Collector as set forth in the City’s adopted Thoroughfare Plan.

(b) When abutting a residential district, the side or rear yard shall be not less than seventy-five (75) feet.

(2) See Section 14.04.001 (Setback Encroachments) for encroachment allowances into the required setbacks.

(3) Permitted Uses. Those uses indicated as being permitted in the “M-2 (Heavy Manufacturing) District” in Subsection 14.10 (Use Chart).

(4) Other Regulations.

(a) Site Plan. A site plan shall be submitted to and must be approved by the Planning and Zoning Commission prior to the issuance of a building permit for new construction or additions to an existing building or structure or changes to the site for manufacturing use in the M-2 District.

(b) Floor Area. The floor area of any building or buildings on a lot in an M-2 District shall not exceed one and one-half times the number of square feet in the lot (FAR to not exceed 1.5).

(c) Impervious Cover. The maximum allowable impervious cover shall not exceed 80 percent of the total lot. Impervious cover shall include all roads, driveways, parking areas, buildings, concrete walkways and other impermeable construction covering the natural land surface on the lot.

(d) Height Regulation. No building or structure shall exceed 150 feet.

(e) Parking Regulations. Refer to Subsection 14.04.003 for parking regulations.

(f) Landscaping Requirements. Refer to Subsection 14.04.006 for landscaping requirements.

(g) Screening Regulations. Refer to Subsection 14.04.004 for fences and screening regulations.

(h) Loading docks. Freight docks, service bays, loading docks, truck berths and heavy storage areas shall be screened from all abutting uses, except when the abutting use is determined to be of equal or greater intensity. The aforementioned areas shall be screened from all thoroughfares.

Sec. 14.02.021 PD (Planned Development) District

(1) Introduction. The Planned Development (PD) district is intended to facilitate the planning, design and development of integrated land uses on large tracts of land that cannot be adequately accommodated in other zoning districts. A PD shall further the goals of the comprehensive plan, demonstrate enhanced and contextual design standards, present a well-organized and cohesive land plan and contain clear and concise development regulations.

(2) Intent and Purpose.

(a) A PD district may be used to permit innovative and superior land utilization concepts not permitted by other zoning districts in this ordinance. A PD district can permit greater flexibility and creativity to encourage design plans unique to individual projects that are responsive to changing market conditions. The PD district also provides assurance of high-quality standards and a consistent vision

across the scope, scale and term of the project.

(b) To ensure that each PD is established to achieve specific, unique planning and design objectives, and to guard against its misuse simply to obtain variances and exceptions for an otherwise conventional development project, PD submittal and approval criteria are provided herein to establish minimum requirements, standards, and procedures.

(3) Establishment of a PD District. The City Council may create a PD district by ordinance pursuant to the procedures established therein. The PD ordinance shall establish the boundaries of the district and assign a project name and number. Any overlay districts that apply to land within the PD project boundaries shall be integrated into the PD district. Unless otherwise specified in the ordinance governing a PD district, all buildings and uses shall comply with all City development requirements. The PD district standards shall conform to all other provisions of the Zoning Ordinance and Code of Ordinances unless specifically excluded or modified in the ordinance governing the PD district. If the standards of a base zoning district are amended, then the most recently amended standards shall apply to a PD district that incorporates base zoning district standards unless the standards have been individually listed within the ordinance governing the PD district as being different from the base zoning district. Base zoning district amendments are applicable to PD districts and do not require special notice to be provided to the properties within a PD district.

(4) Minimum Qualification of a Proposed PD District. To be eligible for consideration, a proposed PD district shall adhere to the following:

(a) Minimum Size. A PD district shall be established with a minimum of 200 contiguous acres, sufficient to accommodate a large master-planned community. The City Council may consider requests for a PD smaller than 200 contiguous acres if it is demonstrated that the project satisfies all other eligibility and approval criteria except for the minimum size; however, in no case shall the development area of a new PD district be less than 100 acres.

(b) Mix of Land Uses. To ensure a mix of supporting and integrated land uses, a PD district should contain a mixture of the following:

- two housing types (single-family, attached housing/townhouse, or multifamily);
- retail, office, business/employment; and/or
- a public destination (large park, public plaza, town center, school/library, or similar community gathering place).

Each of the above uses shall be of large enough area to demonstrate capacity as an integral component of the overall land-use mix within the project. At the discretion of the City, the area, density, and intensity of each proposed land use shall be evaluated by staff for overall compliance with existing plans and PD requirements.

(5) Planned Development Components. The Director shall ensure that a completed application related to a PD district has been submitted by the applicant that includes the information and materials necessary to render an informed decision. The applicant shall prepare a Statement of Justification for the PD district to explain why the proposed project should be accommodated with a PD in lieu of conventional base zoning. The Director shall clearly describe and publish required information for each component. During review, the Director, Planning and Zoning Commission and/or the City Council may require the submission of additional information as needed to meet the objectives of these requirements.

(a) The PD ordinance shall comprise the following components:

1. Development Plan. The Development Plan contains the written terms and standards necessary to ensure compliance with the PD objectives and approved plans. The Development Plan shall include the following:

a) Introduction. A narrative of PD purpose, intent, and guiding principles.

b) Site and Building Standards. A list or table of permitted land uses and associated special development standards within the district, including, but not limited to, intensity, density, lot dimensions and coverage, setbacks, building height, and floor-to-area ratio.

c) Architectural Standards. To regulate residential and commercial architectural elements and treatments related to the façade materials, roofs, service areas and other elements and standards.

c) Landscaping Standards. To guide development of private and public areas of green space and landscape elements such as signage, lighting, screening, and parking.

e) Parks and Open Space Standards. To demonstrate open space and park standards including types of amenities, trail connections, and the responsibility of management of parks and open space within the Planned Development.

f) Zoning Exhibit Map. See Subsection (5)(a)(2) below.

g) Transportation Master Plan Map. To exhibit thoroughfare connections and street circulation.

h) Parks & Open Space Map. To exhibit the location of planned parks and open space. This shall include the location of the parks and open space and a table demonstrating the number of acres that will be used for parks and open space.

i) Proposed Deviations (if any). To identify deviations from specific City standards for public improvements (e.g., streets, sidewalks, utility easements, etc.).

2) Zoning Exhibit. The Zoning Exhibit shall graphically demonstrate the applicant's intent for the development of the proposed Planned Development. The Zoning Exhibit shall show land use areas, acreages and maximum densities, primary street circulation and access points, floodplains, open space and parkland, pedestrian and trail circulation, and location of amenities and other programming, if applicable.

(b) Detailed Site Plan. A Detailed Site Plan shall refine the Zoning Exhibit to show precise locations of land uses, building envelopes and architectural elevations, local street circulation and access points, parking areas, final locations and alignments of pedestrian and trail circulation, park and amenity details, buffering, screening and landscape areas, drainage facility locations, and other details as applicable to the project. For phased PD projects, multiple Detailed Site Plans may be submitted within the project boundaries, but no development shall occur on a site without approval of a Detailed Site Plan. A Traffic Impact Analysis (TIA) may be required from the developer prior to any approvals for the detailed site plan. The traffic consultant must be approved by the City.

(c) The Development Plan and/or Zoning Exhibit shall in no way establish vested rights for the property.

(6) Development Criteria. As part of the application review process, the Director, Planning

and Zoning Commission and City Council shall determine whether the proposed PD provides an adequate framework for enhanced land design and integration of uses, and whether the proposal exceeds the minimum standards of the zoning regulations. The Commission and Council may elect to impose supplemental conditions to the Zoning Exhibit, Detailed Site Plan and/or Development Plan to ensure justification for approval of the PD. Approval of a PD and subsequent development within the boundaries thereof shall adhere to the following:

(a) Consistency with the Comprehensive Plan. As the intent of the PD district is to provide for use and design flexibility, any combination of uses may be considered for the district provided that each use is specifically identified along with any appropriate conditions or limitations. The elements of the proposed PD shall be consistent with and promote the goals of the comprehensive plan.

(b) Enhanced Project Design. It is the intent of these regulations to encourage excellence in project design for PD districts to further implement the policies contained in the comprehensive plan. In exchange for greater design flexibility, PD districts are expected to exceed the minimum regulatory standards applicable to non-PD districts. The following criteria will be used to evaluate PD project design:

1. The project should be appropriately compatible with surrounding neighborhoods relative to architectural design; scale, massing, and building height; historical character; and disposition and orientation of buildings. Transitions to surrounding development shall be made when the proposed project contains differing use and scale.
2. Land uses, buildings, streets, open space, pedestrian circulation, and landscape should be arranged to produce a cohesive, orderly and creative layout that is complementary and supportive of the mix of uses.
3. The project should preserve the natural resources and historical aesthetic character of the site to the greatest extent practicable. Floodplains and riparian areas including wetlands and stream channels, existing specimen trees, other native woody vegetation, and natural topographical features should be identified, demarcated, and preserved as open areas.
4. A variety of housing product types should be included and integrated in an appropriate manner to provide market options within the development.
5. Streets shall be designed with enhancements to the pedestrian realm including sidewalks and shared-use paths separated from vehicular movement with a vegetated parkway buffer and street trees.
6. The street network shall comprise a hierarchy of street types and demonstrate principles supportive of multi-modal users and enhanced connectivity. Streets shall be designed to accommodate expected users, taking into consideration the characteristics of the site and vicinity, such as connections to the existing street network and pedestrian system improvements, existing structures, and natural features.
7. Residential and non-residential building design should demonstrate enhanced architectural elements such as masonry and finishes. Primary building facades should be oriented towards pedestrians to enhance and activate streetscapes.
8. The project shall include a network of connected, common open spaces

for use as community gathering places and recreational resources. The open space network should incorporate amenities such as trails, seating, shade, lighting, and wayfinding sufficient to accommodate all expected users in compliance with all federal, state, and local jurisdictions. Wherever possible, the open-space network should connect to trails and parks outside of the project.

(7) Planned Development Approval Authority. The components of a PD district, described in Subsection (5) (Planned Development Components), shall be considered by the Planning and Zoning Commission and City Council in the manner described below:

(a) Zoning Exhibit. The Zoning Exhibit shall be considered for approval by the City Council along with a Development Plan to establish the PD district, with a recommendation from the Planning and Zoning Commission. In certain cases, following a thorough analysis of the submittal, the Director may recommend to the Planning and Zoning Commission that the project proceed directly to Detailed Site Plan for initial PD establishment. In such instance, the applicant shall submit both a Zoning Exhibit and Detailed Site Plan, along with a Development Plan, to the Planning and Zoning Commission for consideration and recommendation to the City Council.

(b) Detailed Site Plan. A Detailed Site Plan shall be considered for approval either by the Planning and Zoning Commission for a PD District initially established with a Zoning Exhibit.

(c) Development Plan. The Development Plan shall be considered for approval by the Planning and Zoning Commission and City Council accompanied by either a Zoning Exhibit or Detailed Site Plan, as established in this section. Certain amendments to an approved Development Plan may be approved by the Director in accordance with Subsection (9)

(8) Development within a Planned Development District.

(a) An approved PD district shall regulate the use and development of property within the district boundaries per the Development Plan. All building permits and development requests shall be in accordance with the plan.

(b) The PD district shall not modify the procedures of the application or approval process for development or building within the PD district. Such processes shall follow and adhere to the normal procedures and requirements established by these regulations.

(9) Modifications and Amendments to PD Districts. Modifications to adopted regulating documents of a PD district shall be as follows:

(a) Initiating Request for PD Modifications. Consideration of a modification in any PD district boundary or other PD regulation may be initiated only with the written consent of all owners of property within the PD district boundaries or by the Planning and Zoning Commission or City Council on its own motion when it finds that the public will benefit from consideration of the proposed modification.

(b) Development Plans. Major Modifications, as defined in Subsection (e), to an approved Development Plan shall be considered for approval by City Council following recommendation of the Planning and Zoning Commission. Minor Modifications, as defined in Subsection (f), may be approved by the Director. Minor modifications approved by the Director shall be memorialized in the City's records and incorporated into the Development Plan approved by ordinance following any amendment approved by the City Council.

(c) Zoning Exhibits. Major Modifications, as defined in Subsection (e), to an approved Zoning Exhibit shall be considered for approval by City Council following recommendation of the Planning and Zoning Commission. All other modifications shall be approved by the Planning and Zoning Commission at the time of Detailed Site Plan or subsequent requests following approval.

(d) Detailed Site Plan. All modifications to an approved Detailed Site Plan shall be approved by the Planning and Zoning Commission.

(e) Major Modifications. A major modification is described as a change that increases the number of dwelling units/lots or residential density by more than 10 percent, building heights, or lot coverages; a change to primary street connection location; reduction in parkland or open space (without corresponding reduction in dwelling units); a change that alters access, circulation, or infrastructure in a way that would impact surrounding properties; a change to a zoning regulation, PD district boundary, or land uses; a change that does not meet the criteria of a minor modification, as defined in Subsection (f); and other changes deemed by the Director to be substantially different than the vision and principles established in the approved PD Development Plan.

(f) Minor Modifications. A minor modification is described as a change that only affects aesthetic elements of the Development Plan, including but not limited to, architectural standards, landscaping standards, and parks and open space standards that do not include reductions in parkland and open space as defined in Subsection (e). Minor modifications do not include a major modification as defined in Subsection (e).

(g) Protest and Notice Requirements. Protests against proposed modifications shall be filed at least seven (7) days before the date of the public hearing. In computing the percentage of land area subject to a protest under Section 211.006(d) of the Texas Local Government Code, the area of the lots or land covered by the specific proposed modification, which may be less than the entire area of land within the PD district boundaries, or the lots or land immediately adjoining that area and extending 200 feet from that area, shall be included.

(h) Appeals. Any person aggrieved or any official or department of the City affected by any decision or judgment of the Director concerning the interpretation or administration of this Subsection (9) may appeal such decision or judgment to the Planning and Zoning Commission. Such appeal shall be taken within a reasonable time, not to exceed ten (10) days of the date of the decision, by filing with the Director and with the Planning and Zoning Commission a notice of appeal specifying the grounds thereof and accompanied by a fee as established by City Council. The Director shall promptly transmit to the Planning and Zoning Commission all papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action taken from, unless the Director from whom the appeal is taken certifies to the Planning and Zoning Commission after the notice of appeal is filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Planning and Zoning Commission, on notice to the Director from whom the appeal is taken and on due cause shown. The Planning and Zoning Commission's decision on the appeal shall be final.

(10) Expiration of Approved PD District. A Detailed Site Plan shall be submitted for

approval within two (2) years from the approval of the Zoning Exhibit for a minimum of 20 percent of the project area.

Secs. 14.02.022 – 14.02.999 Reserved

ARTICLE 14.03 OVERLAY ZONING DISTRICTS

Sec. 14.03.001 75 & 82 Overlay District

(1) Introduction.

(a) The development of new and existing highways offers significant economic opportunities for the City and its citizens. Local highways provide easy access linkages within the City to nearby communities and to the entire U.S. highway system. The development standards will make the City a more desirable place to live and conduct business.

(b) It is important that the development of our highways be controlled through careful planning and foresight to achieve the greatest positive benefits for the City. The intent of the overlay district development area standards is to ensure that highway development occurs in a manner which promotes safety while presenting an attractive appearance and assures compatible land uses according to consistent design guidelines.

(2) Intent and purpose.

(a) Design elements. Regulation of land use patterns has traditionally been the major tool used to shape the urban environment. The particular use that takes place at a certain location affects the design and specific development of land uses. In many cases, a particular use can be incompatible and offensive to its neighbors and the City as a whole, or, if carefully and properly designed, that same use can be an attractive and welcome activity. This emphasis on how uses are designed and developed is the focus of the overlay district development standards. The following design elements are addressed by the standards. A statement of intent accompanies each element, the Planning and Zoning Commission may from time to time, when justified by certain circumstances or specific conditions, grant variances to these design elements.

(b) Building design, non-residential. Design standards for non-residential buildings shall ensure that the design, color, materials and basis for proportion of structures within the overlay district development area are harmonious with the intent of the ordinance.

(c) Building placement. Non-residential. Visual continuity and compatibility shall be achieved through the appropriate placement of buildings and related site features, such as parking and loading areas.

(d) Landscaping. Landscaping standards are used to promote a flexible framework of planting and green areas that enhance and safeguard property values while aiding in erosion control, noise abatement, glare and reflection control, buffering between land uses of different character and atmospheric purification.

(e) Screening. Required screening shall accomplish visual screening of the site, noise attenuation, and a barrier to vehicular traffic between non-residential and residential uses, and serve as a psychological separation between uses which encourages the peace and repose of residents. Toward this goal, landscaping shall be used to break up the view and to aesthetically enhance screening devices.

(f) Glare and illumination. Site lighting is to provide safety and security and

enhance the architectural and natural features of this site. Glare and illumination standards shall ensure that the mechanisms providing light do not negatively impact on the appearance of the site and ensure that light is contained to the extent that adjacent areas are not detrimentally affected.

(3) Boundary areas.

(a) Area boundaries. Overlay district development areas are those areas adjacent to U.S. Highway 75 and being five hundred (500) feet on either side of said right-of-way, from the intersection of U.S. Highway 75 with Highway 91 north to F.M. 691, and from the south City limits, north to the south boundary of Tract 1 and Tract 2 of the Blalock Industrial Park and along and adjacent to U.S. Highway 82 and being five hundred (500) feet on either side of said right-of-way.

(b) Compliance required. All property within the boundaries of the overlay district development areas shall adhere to the overlay district development standards and shall be subject to site plan approval by the Planning and Zoning Commission.

(c) Action on application. Upon receipt of a request for building permit, zoning change or subdivision plat within the designated overlay district development area, the applicant will receive a copy of the overlay district development standards and counseling as to their applicability and the review process. The Planning and Zoning Commission shall review the plans for compliance with the development standards and make a determination of approval or disapproval as submitted.

(4) Non-residential and multifamily building design.

(a) General provisions. All non-residential buildings shall comply with the Zoning Ordinance, building code and related construction codes of the City.

(b) Exterior walls. Building materials must be specified and consistent with the intent of these standards. Wall finishes shall be masonry, or masonry veneer, or concrete siding. A complete set of elevation plans and schedule of materials used on every freestanding building shall be submitted to the Planning and Zoning Commission.

(c) Windows. Reflective glass with an exterior reflectance percentage in excess of twenty-seven (27) percent, as certified through the manufacturer's specifications, shall not be used as an exterior building material on any building or structure. Windows and window walls shall not be glazed or reglazed with mirrored glass.

(d) Fire escapes. Exterior fire escapes shall not be permitted on the front side of a building.

(e) Mechanical Equipment. Exposed duct shall not be permitted on any side of the building visible from the highway.

(f) All buildings shall have at least four architectural features from the following list.

- Canopies, awnings, or porticos
- Recesses/projections
- Arcades (recessed porches)
- Peaked roof forms
- Arches
- Outdoor patios
- Display windows

- Architectural details (such as tile work and moldings) integrated into the building facade
- Articulated cornice line
- Integrated planters or wing walls that incorporate landscape and sitting areas
- Offsets, reveals or projecting rib used to express architectural or structural bays
- Accent materials, such as stone, stucco, etc. (minimum 15% of exterior facade)
- Varied roof heights

(g) Retaining wall. Visible portions of retaining walls shall be constructed of brick, stone, marble or the built-up panels of these materials designed for exterior use. Retaining walls shall be shown on the site plan and elevations shall be provided. Exposed basket type retaining walls shall not be permitted.

(5) Non-residential and multifamily building placement.

(a) Setbacks from property lines adjacent to streets. No structure of any kind or any part thereof shall be placed within the following setback lines, except with approval by variance where parcels are of an irregular shape such that development in accordance with these setbacks is not feasible.

1. Forty (40) feet from the highway right-of-way or twenty-five (25) feet plus the height of the building, whichever is greater;
2. Fifteen (15) feet from right-of-way of all other streets intersecting with the highway.

(b) Setbacks from property lines not adjacent to streets. No structure of any kind or any part thereof shall be placed within the following setback lines:

1. Five (5) feet from rear and side property lines;
2. Forty (40) feet from any residential dwelling that is zoned Residential for single-story buildings not exceeding thirty (30) feet in height;
3. All other buildings shall be set back from residential district lines not less than twice the height of the highest point on the building above grade. No setback shall be required in excess of one hundred (100) feet.

(c) Loading docks. Loading docks, overhead doors and service bays shall not be located on the parkway side of any building.

(d) Parking areas. Parking areas and driveways shall be concrete and with curb and gutter along state highways adjacent to open drainage areas. Alternative parking materials may be used to reduce impervious cover when parking is provided that exceeds City requirements and approved by the Planning and Zoning Commission. Cross access driveways are required adjacent to commercial zoned tracts.

(6) Landscaping.

(a) Landscaping definition. Landscaping shall be defined, for the purposes of these requirements, as plant material including, but not limited to, grass, trees, shrubs, flowers, vines and other ground cover, natural land forms, water forms, planters, walks and plaza areas.

(b) Site definition. Site shall be defined, for the purposes of these guidelines, as any plot, tract or parcel of land or combination of contiguous lots, tracts or parcels of land which is developed (or intended for development) according to an overall site plan. A site shall be exclusive of any land dedicated for public use through the platting process.

(c) Compliance. Landscaping shall conform to the following:

1. Landscaping shall be required on all developments and shall be completed prior to the issuance of the certificate of occupancy;
2. Every site adjacent to the highway right-of-way shall include a buffer strip, landscaped and irrigated, being ten (10) feet in depth adjacent to the highway right-of-way;
3. All landscaping shall be installed so as to avoid hazards;
4. An effort shall be made to preserve existing trees.

(7) Screening.

(a) Screening of non-residential uses from residential uses. Side yards, rear yards and service sides of non-residential uses abutting residential uses shall be screened.

(b) Screening height. Screening height shall be a minimum of six (6) feet above the grade at the property line of abutting residential uses.

1. In cases of extreme height differential, the following guidelines apply: Adjust screening height requirements or alter material requirement (e.g., including, but not limited to, the use of canopy-forming trees where the non-residential use is at a much lower grade than the residential use).
2. All landscaping shall be installed so as to avoid hazards.

(c) Materials and methods. The materials and methods used in screening under this section shall conform to the following:

1. Masonry walls shall be defined as an exterior wall consisting of brick, stone, rock, marble or the built-up panels of these materials designed for exterior use.
2. Earthen berms shall have a maximum side slope of 3:1 and shall be entirely vegetated with turf or ground cover.
3. Evergreen shrubs of sufficient height when used alone, or in conjunction with other material, shall meet the minimum height requirements of this section.
4. Privacy fences shall consist of wood or masonry fence material. Line fences used for screening within an O-1 District shall not be less than six (6) feet in height; constructed of wood, stone, brick, concrete block or other suitable material customarily used in residential landscaping; installed in a neat and workmanlike manner; having a completely solid area with no openings; and permanently maintained. The screening device shall not exceed four (4) feet in height within twenty-five (25) feet of a front street right-of-way.
5. To meet requirements of this section, the developer may use a combination of any two (2) materials allowed in this section to meet minimum height requirements.

(d) Screening of site features. Site features hereinafter shall be screened in accordance with (c) above.

1. Rear yards and service yards. Where the rear yard, side yard or service side of a non-residential use is adjacent to a public thoroughfare and screening of the use is not specifically addressed elsewhere in this section, it shall be screened according to (c) above.
2. Loading docks. Freight docks, service bays, loading docks, truck berths and heavy storage areas shall be screened from all abutting uses, except when the abutting use is determined to be of equal or greater intensity.

The aforementioned areas shall be screened from all thoroughfares.

3. Outdoor storage area. Outdoor storage of merchandise, equipment or materials, which is essential or incidental to the use and which is not on temporary display for the purpose of being immediately available for sale to the public at large, shall be screened from all public thoroughfares and abutting uses. Stored merchandise shall not exceed the height of the screening device.
4. Refuse areas. All refuse areas shall be screened on three sides. Gates are not required.
5. Ground-mounted equipment. All ground-mounted equipment including, but not limited to, pad-mounted transformers, telephone switch boxes and gas meters, shall be reasonably screened or located away from the view of public thoroughfares and from the view of adjacent properties. Whenever possible, appurtenances for utility services shall be installed at the rear of the structure which they service.

(8) Glare and illumination.

(a) Parking area lighting. Standard, poles and fixtures shall be of a single color, compatible with the architecture of the building. All lighting fixtures shall be restricted to down-lighting or cut-off types.

(b) Walkway lighting. Walkway lighting with standard, pole, bollard and wall-mounted fixtures are allowed.

(c) Accent lighting. Floodlighting and spotlighting of architecture, graphics or natural features shall not create spillage of light onto adjacent properties.

(9) Utilities. No building shall have service wires or cable of any kind attached to the front fifty (50) percent of a building facing the highway and adjacent to the required front yard.

(10) Procedures and notice.

(a) The Planning and Zoning Commission shall review the specific elements of site and building plans for development within the overlay district development area for compliance with these standards and shall make a determination of approval or disapproval of the site plan as submitted.

(b) The Planning and Zoning Commission shall review all exceptions and requests for variations to the development standards to determine compliance with the intent of the standards or to determine the necessity and appropriateness of the required exception or variation.

(c) If the Planning and Zoning Commission denies any site plan, the same application may not be filed for a period of six (6) months from the date of such denial.

(d) Any applicant aggrieved by a decision of the Planning and Zoning Commission may appeal the Commission's action to the City Council by filing a request for appeal with the City Clerk within ten (10) days of the Commission's decision. Such appeal shall be heard at a time convenient to the City Council and to its procedures and practices for the scheduling of business before the Council.

Sec. 14.03.002 F.M. Highway 1417 Overlay District

(1) Introduction.

(a) The development of new and existing highways offers significant economic opportunities for the City and its citizens. Local highways provide easy access linkages within the City to nearby communities and to the entire U.S. highway

system. The development standards will make the City a more desirable place to live and conduct business.

(b) It is important that the development of our highways be controlled through careful planning and foresight to achieve the greatest positive benefits for the City. The intent of the overlay district development area standards is to ensure that highway development occurs in a manner which promotes safety while presenting an attractive appearance and assures compatible land uses according to consistent design guidelines.

(2) Intent and purpose.

(a) Design elements. Regulation of land use patterns has traditionally been the major tool used to shape the urban environment. The particular use that takes place at a certain location affects the design and specific development of land uses. In many cases, a particular use can be incompatible and offensive to its neighbors and the City as a whole, or, if carefully and properly designed, that same use can be an attractive and welcome activity. This emphasis on how uses are designed and developed is the focus of the overlay district development standards. The following design elements statement of intent accompanies each element, the Planning and Zoning Commission may from time to time, when justified by certain circumstances or specific conditions, grant variances to these design elements.

(b) Building design: Non-residential. Design standards for non-residential buildings shall ensure that the design, color, materials and basis for proportion of structures within the overlay district development area are harmonious with the intent of the ordinance.

(c) Building placement: Non-residential. Visual continuity and compatibility shall be achieved through the appropriate placement of buildings and related site features, such as parking and loading areas.

(d) Landscaping. Landscaping standards are used to promote a flexible framework of planting and green areas that enhance and safeguard property values while aiding in erosion control, noise abatement, glare and reflection control, buffering between land uses of different character and atmospheric purification.

(e) Screening. Required screening shall accomplish visual screening of the site, noise attenuation, and a barrier to vehicular traffic between non-residential and residential uses, and service as a psychological separation between uses which encourages the peace and repose of residents. Toward this goal, landscaping shall be used to break up the view and to aesthetically enhance screening devices.

(f) Glare and illumination. Site lighting is to provide safety and security and enhance the architectural and natural features of this site. Glare and illumination standards shall ensure that the mechanisms providing light do not negatively impact on the appearance of the site and ensure that light is contained to the extent that adjacent areas are not detrimentally affected.

(3) Boundary areas.

(a) Area boundaries. Overlay district development areas are those areas inside the City limits and adjacent to F.M. Highway 1417 and being five hundred (500) feet on either side of said right-of-way F.M. 1417. The overlay applies to commercial and multifamily developments only.

(b) Compliance required. All commercial and multifamily property within the boundaries of the overlay district development areas shall adhere to the overlay

district development standards and shall be subject to site plan approval by the Planning and Zoning Commission.

(c) Action on application. Upon receipt of a request for building permit, zoning change or subdivision plat within the designated overlay district development area, the applicant will receive a copy of the overlay district development standards and counseling as to their applicability and the review process. The Planning and Zoning Commission shall review the plans for compliance with the development standards and make a determination of approval or disapproval as submitted.

(4) Non-residential and multifamily building design.

(a) General provisions. All non-residential and multifamily buildings shall comply with the Zoning Ordinance, building code and related construction codes of the City.

(b) Exterior walls. Building materials must be specified and consistent with the intent of these standards. Wall finishes shall be masonry, or masonry veneer, or concrete siding. A complete set of elevation plans and schedule of materials used on every freestanding building shall be submitted to the Planning and Zoning Commission.

1. Exterior walls.

a) All buildings and structures shall have at least 85% of the total exterior walls, excluding doors and windows, constructed of masonry or glass wall construction, in accordance with the City Building Regulations Code and Fire Prevention and Protection Code. No blank walls shall face public streets.

b) The following primary material list shall apply:

i) Masonry consisting of stone, cultured or cast stone
ii) Brick or brick veneer
iii) Tile
iv) Stucco
v) Architecturally finished block
vi) Architectural glass (less than 27% reflectance)

c) A maximum of 15% of the facade may include accent materials not listed on the approved primary material list. All requests for alternative exterior building materials shall be noted and described on a Site Plan with elevation drawings to be submitted to the Planning and Zoning Commission for approval.

2. Exterior colors. These guideline recommendations are consistent with other example corridors with the intent of creating complementary building design.

a) A minimum of 80 percent of all building elevations shall be finished with complimentary neutral, cream, or deep, rich, nonreflective earth tone colors.

b) No more than 20 percent of any building elevation may be finished with bright, pure tone primary or secondary colors. These colors shall be limited to use on accent features including, but not limited to window and door frames, moldings, cornices, canopies, and awnings.

3. All non-residential and multifamily buildings shall be architecturally finished on all sides with the same materials and detailing. The rear

facade of a building, which is not visible to a public right-of-way, park or residential district, shall not be required to comply with this requirement.

4. Additional architectural features (minimum 4 features). All buildings shall have at least four architectural features from the following list:
   * Canopies, awnings, or porticos
   * Recesses/projections
   * Arcades (recessed porches)
   * Peaked roof forms
   * Arches
   * Outdoor patios
   * Display windows
   * Architectural details (such as tile work and moldings) integrated into the building facade
   * Articulated cornice line
   * Integrated planters or wing walls that incorporate landscape and sitting areas
   * Offsets, reveals or projecting rib used to express architectural or structural bays
   * Accent materials, such as stone, stucco, etc. (minimum 15% of exterior facade)
   * Varied roof heights
5. Other required or optional features may include:
   a) Entryway features.
      i) All ground floor entrances shall be covered or inset and shall not apply to loading areas. Primary building entrances are to be defined and articulated with architectural elements such as arcades, roofs, alcoves, columns, porticos, porches, and overhangs.
   b) Building articulation.
      i) All buildings shall utilize facade offsets and appropriate fenestration to add architectural variation and visual interest to an elevation and to break up long uninterrupted walls or elevations.
      ii) At a minimum, elevations that are 50 feet or longer in horizontal length shall be interrupted by at least two offsets (projection or recess) from the primary facade plane of at least 18 inches in depth.
   c) Roof treatment.
      i) Long uninterrupted rooflines and planes that are visible from the public right-of-way or are oriented to properties zoned or used for residential purposes shall be broken into smaller segments through the use of appropriately scaled gables and/or dormers, changes in height, changes in roof form, type, or planes which typically correspond to offsets in the building's facade, or other appropriate architectural elements.
      ii) The following materials are allowed for sloping roofs:
         (1) Asphalt shingles

(2) Industry approved synthetic shingles
(3) Standing seam metal
(4) Tile roofs
(5) Flat roofs shall require parapet screening which adheres to the vertical articulation requirements for the main face of the structure. Parapet rooflines shall feature a well-defined cornice treatment or another similar architectural element to visually cap each building elevation.

iii) The following materials are prohibited as primary cladding or roofing materials: aluminum siding or cladding, galvanized steel or other bright metal, wood or plastic siding, cementitious fiberboard, unfinished concrete block, exposed aggregate, wood roof shingles, and reflective glass.

(c) Fire escapes. Exterior fire escapes shall not be permitted on the front side of a building.

(d) Mechanical Equipment. Exposed duct shall not be permitted on any side of the building visible from the highway.

(e) Retaining wall. Visible portions of retaining walls shall be constructed of brick, stone, marble or the built-up panels of these materials designed for exterior use. Retaining walls shall be shown on the site plan and elevations shall be provided. Exposed basket type retaining walls shall not be permitted.

(5) Non-residential and multifamily building placement.

(a) Setbacks from property lines adjacent to streets. No structure of any kind or any part thereof shall be placed within the following setback lines, except with approval by variance where parcels are of an irregular shape such that development in accordance with these setbacks is not feasible.

1. Forty (40) feet from the highway right-of-way.
2. Fifteen (15) feet from right-of-way of all other streets intersecting with the highway.
3. On-premises signs that are 12 feet or less in height may have a 25' setback from Highway 1417. (See Subsection 10.)

(b) Setbacks from property lines not adjacent to streets. No structure of any kind or any part thereof shall be placed within the following setback lines:

1. Five (5) feet from rear and side property lines.
2. Forty (40) feet from any R (residential) zoned property for single-story buildings not exceeding thirty (30) feet in height;
3. All other buildings shall be set back from residential district lines not less than twice the height of the highest point on the building above grade. No setback shall he required in excess of one hundred (100) feet.

(c) Parking areas. Parking areas and driveways shall be concrete and with curb and gutter along state highways adjacent to open drainage areas. Alternative parking materials may be used to reduce impervious cover when parking is provided that exceeds City requirements and approved by the Planning and Zoning Commission. Cross access driveways are required adjacent to commercial zoned tracts.

(6) Landscaping.

a) Landscaping definition. Landscaping shall be defined, for the purposes of these

requirements, as plant material including, but not limited to, grass, trees, shrubs, flowers, vines and other ground cover, natural land forms, water forms, planters, walks and plaza areas.

(b) Site definition. Site shall be defined, for the purposes of these guidelines, as any plot, tract or parcel of land or combination of contiguous lots, tracts or parcels of land which is developed (or intended for development) according to an overall site plan. A site shall be exclusive of any land dedicated for public use through the platting process.

(c) Compliance. Landscaping shall conform to the following:

1. Landscaping shall be required on all developments and shall be completed prior to the issuance of the certificate of occupancy. All detention ponds shall be landscaped.
2. Every site adjacent to the highway right-of-way shall include a buffer strip, landscaped and irrigated, being ten (10) feet in depth adjacent to the highway right-of-way.
   a) All landscaping shall be installed so as to avoid hazards.
   b) An effort shall be made to preserve existing trees.

(7) Screening.

(a) Screening of Site Features.

1. Detention areas and drainage channels. A visual screen shall separate and screen all stormwater detention or retention facilities from view from any adjacent street and any adjoining or contiguous property, except for penetrations for required access. The visual screen shall comply with the following standards:
   a) Minimum required screening. Minimum required screening shall achieve an opaque visual screen to a height of no less than six (6) feet nor greater than eight (8) feet using the materials listed below.
   b) Materials. The visual screen may be formed through the retention of existing vegetation, the planting of new vegetation, the creation of planted hedge, the construction of a fence or wall or earthen berm, or any combination of these approaches.
      i) Fencing or masonry walls-Fences and masonry walls shall present a finished and decorative appearances. Shrubs, ground covers, or other vegetation shall be provided in front of the fence or wall so as to provide a decorative effect, in accordance and with the adopted landscaping standards for spacing, location and design. Wooden and woven-wire fences shall not be used.
      ii) Planted materials or natural vegetation-Any combination of existing and newly planted vegetation may be used that can reasonably be expected to create an opaque evergreen visual screen 4 feet high within two growing seasons.
      iii) Earthen berms-When using an earthen berm, the maximum side slope shall not exceed 50% (1 foot of vertical rise to 2 feet of horizontal run) with a minimum crown width of two feet. The berm shall be planted with ground cover, shrubs, trees or other landscaping

materials to achieve a total screening height of 4 feet.

(b) Screening of non-residential uses from residential uses. Side yards, rear yards and service sides of non-residential uses abutting residential uses shall be screened. Mechanical, utility, and service facilities shall be screened on three sides. Gates are not required.

(c) Screening height. Screening height shall be a minimum of four (4) feet above the grade at the property line of abutting residential uses.

1. In cases of extreme height differential, the following guidelines apply: Adjust screening height requirements or alter material requirement (e.g., including, but not limited to, the use of canopy forming trees where the non-residential use is at a much lower grade than the residential use).
2. All landscaping shall be installed so as to avoid hazards.

(d) Materials and methods. The materials and methods used in screening under this section shall conform to the following:

1. Masonry walls shall be defined as an exterior wall consisting of brick, stone, rock, marble, or the built-up panels of these materials designed for exterior use.
2. Earthen berms shall have a maximum side slope of 3:1 and shall be entirely vegetated with turf or ground cover.
3. Evergreen shrubs of sufficient height when used alone, or in conjunction with other material, shall meet the minimum height requirements of this section.
4. Privacy fences shall consist of wood or masonry fence material. Line fences used for screening within an O-1 District shall not be less than four (4) feet in height; constructed of wood, stone, brick, concrete block or other suitable material customarily used in residential landscaping; installed in a neat and workmanlike manner; having a completely solid area with no openings; and permanently maintained. The screening device shall not exceed four (4) feet in height within twenty-five (25) feet of a front street right-of-way.
5. To meet requirements of this section, the developer may use a combination of any two (2) materials allowed in this section to meet minimum height requirements.

(e) Screening of site features. Site features hereinafter shall be screened in accordance with (c) above.

1. Rear yards and service yards. Where the rear yard, side yard or service side of a non-residential use is adjacent to a public thoroughfare and screening of the use is not specifically addressed elsewhere in this section, it shall be screened according to subsection (c) above.
2. Loading docks. Freight docks, service bays, loading docks, truck berths and heavy storage areas shall be screened from all abutting uses, except when the abutting use is determined to be of equal or greater intensity. The aforementioned areas shall be screened from all thoroughfares.
3. Outdoor storage area. Outdoor storage of merchandise, equipment or materials, which is essential or incidental to the use and which is not on temporary display for the purpose of being immediately available for sale to the public at large, shall be screened from all public thoroughfares and abutting uses. Stored merchandise shall not exceed the height of the screening device.

4. Refuse areas. All refuse areas shall be screened on three sides. Gates are not required.
5. Ground-mounted equipment. All ground-mounted equipment including, but not limited to, pad-mounted transformers, telephone switch boxes and gas meters, shall be reasonably screened or located away from the view of public thoroughfares and from the view of adjacent properties. Whenever possible, appurtenances for utility services shall be installed at the rear of the structure which they service.

(8) Glare and illumination.

(a) Parking area lighting. Standard, poles and fixtures shall be of a single color, compatible with the architecture of the building. All lighting fixtures shall be restricted to down-lighting or cut-off types.

(b) Walkway lighting. Walkway lighting with standard, pole, bollard and wall-mounted fixtures are allowed.

(c) Accent lighting. Floodlighting and spotlighting of architecture, features shall not create spillage of light onto adjacent properties.

(9) Utilities. No building shall have service wires or cable of any kind attached to the front fifty (50) percent of a building facing the highway and adjacent to the required front yard.

(10) Signs.

(a) The total area of building signage shall not exceed the following:
For each one linear foot of primary building face (facade facing public street), three (3) square feet of wall sign is allowed up to a maximum. This maximum depends on the building footprint identified in the table below. A minimum of 100 square feet for small freestanding building is allowed. This means that a small building that does not have enough frontage to get to 100 square feet may go to 100 square feet of building signage if desired. These signs can go on any wall but may not exceed the cumulative maximum square footage. If the lot on which the building is located has multiple right-of-way frontage, each street frontage shall be counted for purposes of determining attached sign allowance. The following of the defines the maximum sign area allowed based on the square footage of the building footprint:

Building Footprint (sq ft)	**Maximum Sign Area (sq ft)**
Less than 12,000	150
12,000–49,999	300
50,000 or more	600

(b) For each one linear foot of lease space facade, two (2) square feet of building sign is allowed with maximum of 200 sq. ft.

(c) To ensure separation between building signs, wall signage for lease spaces may not exceed 75% of the linear lease space facade width.

(11) Monument/ground signs.

(a) Signs may have a maximum 65 square foot face area and shall not exceed twelve feet in height. Minimum setback for signs shall be 25 feet from the highway right-of-way.

(b) Monument signs must include a landscaped, stone-base feature. All monument sign bases shall be constructed of the same material as the front building facade on the same site or shall be compatible in design with stone or brick.

(12) Illuminated/electronic signs.

(a) Signs may be illuminated, but the source of light shall not be visible to traveled ways and the entire image or displayed text shall not be animated, intermittent, or flashing.

(b) A sign shall display static images for a period of at least eight seconds.

(c) Variable message signs shall not be animated, flash, travel, blink, fade, or scroll. Variable message signs shall transition instantaneously to another static image.

(d) A maximum of 55% of the overall sign area may be devoted to an electronic message sign.

(e) Revolving signs shall not be permitted.

(f) A fuel pricing sign shall only reflect the most current price of fuel available for purchase at that location and must be a ground/monument sign. Only one pricing display is allowed per site.

(13) Connectivity. Access drives/aisles/access easements should be extended to the development's property boundary in order to provide for connectivity with future development(s).

(14) Procedures and notice.

(a) The Planning and Zoning Commission shall review the specific elements of site and building plans for development within the overlay district development area for compliance with these standards and shall make a determination of approval or disapproval of the site plan as submitted.

(b) The Planning and Zoning Commission shall review all exceptions and requests for variations to the development standards to determine compliance with the intent of the standards or to determine the necessity and appropriateness of the required exception or variation.

(c) If the Planning and Zoning Commission denies any site plan, the same application may not be filed for a period of six (6) months from the date of such denial.

(d) Any applicant aggrieved by a decision of the Planning and Zoning Commission may appeal the Commission's action to the City Council by filing a request for appeal with the City Clerk within ten (10) days of the Commission's decision. Such appeal shall be heard at a time convenient to the City Council and to its procedures and practices for the scheduling of business before the Council.

Sec. 14.03.003 Sam Rayburn Overlay District

(1) Introduction.

(a) The development of existing highways offers significant economic opportunities for the City and its citizens. Local highways provide easy access linkages within the City to nearby communities and to the entire U.S. highway system. The Sam Rayburn Overlay District development standards will make the City a more desirable place to live and conduct business.

(b) It is important that the development of our highways be controlled through careful planning and foresight to achieve the greatest positive benefits for the City. The intent of the Sam Rayburn Overlay District development area standards is to ensure that the development occurs in a manner which promotes safety while presenting an attractive appearance and assures compatible land uses according to consistent design guidelines.

(2) Intent and purpose.

(a) Design elements. Regulation of land use patterns has traditionally been the

major tool used to shape the urban environment. The particular use that takes place at a certain location affects the design and specific development of land uses. In many cases, a particular use can be incompatible and offensive to its neighbors and the City as a whole, or, if carefully and properly designed, that same use can be an attractive and welcome activity. This emphasis on how uses are designed and developed is the focus of the Sam Rayburn Overlay District development standards. The following design elements are addressed by the standards. A statement of intent accompanies each element, the Planning and Zoning Commission may from time to time, when justified by certain circumstances or specific conditions, grant variances to these design elements.

(b) Building design: Non-residential. Design standards for non-residential buildings shall ensure that the design, color, materials, and basis for proportion of structures within the Sam Rayburn Overlay District development area are harmonious with the intent of the ordinance.

(c) Building placement: Non-residential. Visual continuity and compatibility shall be achieved through the appropriate placement of buildings and related site features, such as parking and loading areas.

(d) Landscaping standards are used to promote a flexible framework of planting and green areas that enhance and safeguard property values while aiding in erosion control, noise abatement, glare and reflection control, buffering between land uses of different character and atmospheric purification.

(e) Screening. Required screening shall accomplish visual screening of the site, noise attenuation, and a barrier to vehicular traffic between non-residential and residential uses, and serve as a psychological separation between uses which encourages the peace and repose of residents. Toward this goal, landscaping shall be used to break up the view and to aesthetically enhance screening devices.

(f) Glare and illumination. Site lighting is to provide safety and security and enhance the architectural and natural features of the site. Glare and illumination standards shall ensure that the mechanisms providing light do not negatively impact on the appearance of the site and ensure that light is contained to the extent that adjacent properties are not detrimentally affected.

(3) Boundary areas.

(a) Area boundaries. Sam Rayburn Overlay District development areas are those areas adjacent to and within 200 feet of Sam Rayburn Freeway from the intersection of U.S. Highway 75 with Highway 91 south extending to the Blalock Industrial Park District.

(b) Compliance required. All property within the boundaries of the Sam Rayburn Overlay District development areas shall adhere to the overlay district development standards and shall be subject to site plan approval by the Planning and Zoning Commission.

(c) Action on application. Upon receipt of a request for building permit, zoning change or subdivision plat within the Sam Rayburn Overlay District development area, the applicant will receive a copy of the overlay district development standards and counseling as to their applicability and the review process. The Planning and Zoning Commission shall review the plans for compliance with the development standards and make a determination of approval or disapproval as submitted.

(4) Non-residential and multifamily building design.

(a) General provisions. All non-residential buildings shall comply with the Zoning Ordinance, building code and related construction codes of the City.

(b) Exterior walls. Building materials must be specified and consistent with the intent of these standards. Wall finishes shall be masonry, or masonry veneer, or concrete siding. A complete set of elevation plans and schedule of materials used on every freestanding building shall be submitted to the Planning and Zoning Commission.

(c) Windows and Glass. Reflective glass with an exterior reflectance percentage in excess of twenty-seven (27) percent, as certified through the manufacturer's specifications, shall not be used as an exterior building material on any building or structure. Windows and window wall shall not be glazed or reglazed with mirrored glass.

(d) Fire escapes. Exterior fire escapes shall not be permitted on the front side of a building.

(e) Mechanical Equipment. Exposed duct shall not be permitted on any side of the building visible from the highway.

(f) All buildings shall have at least four architectural features from the following list.

- Canopies, awnings, or porticos
- Recesses/projections
- Arcades (recessed porches)
- Peaked roof forms
- Arches
- Outdoor patios
- Display windows
- Architectural details (such as tile work and moldings) integrated into the building facade
- Articulated cornice line
- Integrated planters or wing walls that incorporate landscape and sitting areas
- Offsets, reveals or projecting rib used to express architectural or structural bays
- Accent materials, such as stone, stucco, etc. (minimum 15% of exterior facade)
- Varied roof heights

(g) Retaining wall. Visible portions of retaining walls shall be constructed of brick, stone, marble or the built-up panels of these materials designed for exterior use. Retaining walls shall be shown on the site plan and elevations shall be provided. Exposed basket type retaining walls shall not be permitted.

(5) Non-residential and multifamily building placement.

(a) Setbacks from property lines adjacent to streets. No structure of any kind or any part thereof shall be placed within the following setback lines, except with approval by variance where parcels are of an irregular shape such that development in accordance with these setbacks is not feasible.

1. Forty (40) feet from the highway right-of-way.
2. Fifteen (15) feet from right-of-way of all other streets intersecting with the highway.

(b) Setbacks from property lines not adjacent to streets. No structure of any kind or any part thereof shall be placed within the following setback lines:

1. Five (5) feet from rear and side property lines.
2. Single-story structures up to thirty (30) feet in height shall have a minimum fifteen (15) foot setback from any R (residential) district lines.
3. All other buildings and structures shall be setback from residential district lines no less than a distance equal to the height of the highest point on the building above grade. No setback shall be required in excess of fifty (50) feet.

(c) Loading docks. Loading docks, overhead doors, service bays and trash receptacles shall be screened by earthen berms and/or landscape when located on the parkway side of any building.

(d) Parking areas. Parking areas and service drives areas shall be concrete and shall be buffered by minimum two (2) foot tall landscape adjacent to the highway.

(6) Landscaping.

(a) Landscaping definition. Landscaping shall be defined, for the purposes of these requirements, as plant material including, but not limited to, grass, trees, shrubs, flowers, vines and other ground cover, natural land forms, water forms, planters, walks and plaza areas.

(b) Site definition. Site shall be defined, for the purposes of these guidelines, as any plot, tract or parcel of land or combination of contiguous lots, tracts or parcels of land which is developed (or intended for development) according to an overall site plan. A site shall be exclusive of any land dedicated for public use through the platting process.

(c) Compliance. Landscaping shall conform to the following:

1. Landscaping shall be required on all developments and shall be completed prior to the issuance of the certificate of occupancy.
2. Every site adjacent to the highway right-of-way shall include a buffer strip, landscaped and irrigated, being ten (10) feet in depth adjacent to the highway right of way.
3. All landscaping shall be installed so as to avoid hazards.
4. An effort shall be made to preserve existing trees.

(7) Screening.

(a) Screening of non-residential uses from residential uses. Side yards, rear yards and service sides of non-residential uses abutting residential uses shall be screened.

(b) Screening height. Screening height shall be a minimum of four (4) feet above the grade at the property line of abutting residential uses.

1. In cases of extreme height differential, the following guidelines apply: Adjust screening height requirements or alter material requirement (e.g., including, but not limited to, the use of canopy-forming trees where the non-residential use is at a much lower grade than the residential use).
2. All landscaping shall be installed so as to avoid hazards.

(c) Materials and methods. The materials and methods used in screening under this section shall conform to the following:

1. Masonry walls shall be defined as an exterior wall consisting of brick, stone, rock, marble or the built-up panels of these materials designed for exterior use.
2. Earthen berms shall have a maximum side slope of 3:1 and shall be entirely vegetated with turf or ground cover.
3. Evergreen shrubs of sufficient height when used alone, or in conjunction

with other material, shall meet the minimum height requirements of this section.

4. Privacy fences shall consist of wood or masonry fence material. Line fences used for screening within an O-1 District shall not be less than four (4) feet in height; constructed of wood, stone, brick, concrete block or other suitable material customarily used in residential landscaping; installed in a neat and workmanlike manner; having a completely solid area with no openings; and permanently maintained. The screening device shall not exceed four (4) feet in height within twenty-five (25) feet of a front street right-of-way.
5. To meet requirements of this section, the developer may use a combination of any two (2) materials allowed in this section to meet minimum height requirements.

(d) Screening of site features. Site features hereinafter shall be screened in accordance with (c) above.

1. Rear yards and service yards. Where the rear yard, side yard or service side of a non-residential use is adjacent to a public thoroughfare and screening of the use is not specifically addressed elsewhere in this section, it shall be screened according to (c) above.
2. Loading docks. Freight docks, service bays, loading docks, truck berths and heavy storage areas shall be screened from all abutting uses, except when the abutting use is determined to be of equal or greater intensity. The aforementioned areas shall be screened from all thoroughfares.
3. Outdoor storage area. Outdoor storage of merchandise, equipment or materials which is essential or incidental to the use and which is not on temporary display for the purpose of being immediately available for sale to the public at large, shall be screened from all public thoroughfares and abutting uses. Stored merchandise shall not exceed the height of the screening device.
4. Refuses areas. All refuse areas shall be screened on three sides. Gates are not required.
5. Ground-mounted equipment. All ground mounted equipment including, but not limited to, pad-mounted transformers, telephone switch boxes and gas meters, shall be reasonably screened or located away from the view of public thoroughfares and from the view of adjacent properties. Whenever possible, appurtenances for utility services shall be installed at the rear of the structure which they service.

(8) Glare and illumination.

(a) Parking area lighting. Standards, poles and fixtures shall be of a single color, compatible with the architecture of the building. All lighting fixtures shall be restricted to down-lighting or cut-off types.

(b) Walkway lighting. Walkway lighting with standard, pole, bollard and wall-mounted fixtures are allowed.

(c) Accent lighting. Floodlighting and spotlighting of architecture, graphics or natural features shall not create spillage of light onto adjacent properties.

(9) Utilities. No building shall have service wires or cable or any kind attached to the front fifty (50) percent of a building facing the highway and adjacent to the required front yard.

(10) Paving. Any off-street parking area, service drive or driveway shall be concrete

pavement so as to provide a durable and dustless surface.

(11) Procedures and notice.

(a) The Planning and Zoning Commission shall review the specific elements of site and building plans for development within the Sam Rayburn Overlay District development area for compliance with these standards and shall make a determination of approval or disapproval of the site plan as submitted.

(b) The Planning and Zoning Commission shall review all exceptions and requests for variations to the development standards to determine compliance with the intent of the standards or to determine the necessity and appropriateness of the required exception or variation.

(c) If the Planning and Zoning Commission denies any site plan, the same application may not be filed for a period of six (6) months from the date of such denial.

(d) Any applicant aggrieved by a decision of the Planning and Zoning Commission may appeal the Commission's action to the City Council by filing a request for appeal with the City Clerk within ten (10) days of the Commission's decision. Such appeal shall be heard at a time convenient to the City Council and to its procedures and practices for the scheduling of business before the Council.

Sec. 14.03.004 F.M. Highway 691 Overlay District

(1) Introduction.

(a) The development of new and existing highways offers significant economic opportunities for the City and its citizens. Local highways provide easy access linkages within the City to nearby communities and to the entire U.S. highway system. The development standards will make the City a more desirable place to live and conduct business.

(b) It is important that the development of our highways be controlled through careful planning and foresight to achieve the greatest positive benefits for the City. The intent of the overlay district development area standards is to ensure that highway development occurs in a manner which promotes safety while presenting an attractive appearance and assures compatible land uses according to consistent design guidelines.

(2) Intent and purpose.

(a) Design elements. Regulation of land use patterns has traditionally been the major tool used to shape the urban environment. The particular use that takes place at a certain location affects the design and specific development of land uses. In many cases, a particular use can be incompatible and offensive to its neighbors and the City as a whole, or, if carefully and properly designed, that same use can be an attractive and welcome activity. This emphasis on how uses are designed and developed is the focus of the overlay district development standards. The following design elements statement of intent accompanies each element, the Planning and Zoning Commission may from time to time, when justified by certain circumstances or specific conditions, grant variances to these design elements.

(b) Building design: Non-residential. Design standards for non-residential buildings shall ensure that the design, color, materials and basis for proportion of structures within the overlay district development area are harmonious with the intent of the ordinance.

(c) Building placement: Non-residential. Visual continuity and compatibility shall

be achieved through the appropriate placement of buildings and related site features, such as parking and loading areas.

(d) Landscaping. Landscaping standards are used to promote a flexible framework of planting and green areas that enhance and safeguard property values while aiding in erosion control, noise abatement, glare and reflection control, buffering between land uses of different character and atmospheric purification.

(e) Screening. Required screening shall accomplish visual screening of the site, noise attenuation, and a barrier to vehicular traffic between non-residential and residential uses, and service as a psychological separation between uses which encourages the peace and repose of residents. Toward this goal, landscaping shall be used to break up the view and to aesthetically enhance screening devices.

(f) Glare and illumination. Site lighting is to provide safety and security and enhance the architectural and natural features of this site. Glare and illumination standards shall ensure that the mechanisms providing light do not negatively impact on the appearance of the site and ensure that light is contained to the extent that adjacent areas are not detrimentally affected.

(3) Boundary areas.

(a) Area boundaries. Overlay district development areas are those areas inside the City limits and adjacent to F.M. Highway 691 and being five hundred (500) feet on the south side of said right-of-way of F.M. Highway 691. The overlay applies to commercial and multifamily developments only.

(b) Compliance required. All commercial and multifamily property within the boundaries of the overlay district development areas shall adhere to the overlay district development standards and shall be subject to site plan approval by the Planning and Zoning Commission.

(c) Action on application. Upon receipt of a request for building permit, zoning change or subdivision plat within the designated overlay district development area, the applicant will receive a copy of the overlay district development standards and counseling as to their applicability and the review process. The Planning and Zoning Commission shall review the plans for compliance with the development standards and make a determination of approval or disapproval as submitted.

(4) Non-residential and multifamily building design.

(a) General provisions. All non-residential buildings shall comply with the Zoning Ordinance, building code and related construction codes of the City.

(b) Exterior walls. Building materials must be specified and consistent with the intent of these standards. Wall finishes shall be masonry, or masonry veneer, or concrete siding. A complete set of elevation plans and schedule of materials used on every freestanding building shall be submitted to the Planning and Zoning Commission.

1. Exterior walls.

a) All buildings and structures shall have at least 85% of the total exterior walls, excluding doors and windows, constructed of masonry or glass wall construction, in accordance with the City Building Regulations Code and Fire Prevention and Protection Code. No blank walls shall face public streets.

b) The following primary material list shall apply:

i) Masonry consisting of stone, cultured or cast stone

ii) Brick or brick veneer
iii) Tile
iv) Stucco
v) Architecturally finished block
vi) Architectural glass (less than 27% reflectance)

c) A maximum of 15% of the facade may include accent materials not listed on the approved primary material list. All requests for alternative exterior building materials shall be noted and described on a Site Plan with elevation drawings to be submitted to the Planning and Zoning Commission for approval.

2. Exterior colors. These guideline recommendations are consistent with other example corridors with the intent of creating complementary building design.
   a) A minimum of 80 percent of all building elevations shall be finished with complimentary neutral, cream, or deep, rich, non-reflective earth tone colors.
   b) No more than 20 percent of any building elevation may be finished with bright, pure tone primary or secondary colors. These colors shall be limited to use on accent features including, but not limited to window and doorframes, moldings, cornices, canopies, and awnings.
3. All non-residential buildings shall be architecturally finished on all sides with the same materials and detailing. The rear facade of a building, which is not visible to a public right-of-way, park or residential district, shall not be required to comply with this requirement.
4. Additional architectural features (minimum 4 features). All buildings shall have at least four architectural features from the following list:
   * Canopies, awnings, or porticos
   * Recesses/projections
   * Arcades (recessed porches)
   * Peaked roof forms
   * Arches
   * Outdoor patios
   * Display windows
   * Architectural details (such as tile work and moldings) integrated into the building facade
   * Articulated cornice line
   * Integrated planters or wing walls that incorporate landscape and sitting areas
   * Offsets, reveals or projecting rib used to express architectural or structural bays
   * Accent materials, such as stone, stucco, etc. (minimum 15% of exterior facade)
   * Varied roof heights
5. Other required or optional features may include:
   a) Entryway features.
      i) All ground floor entrances shall be covered or inset and shall not apply to loading areas. Primary building

entrances are to be defined and articulated with architectural elements such as arcades, roofs, alcoves, columns, porticos, porches, and overhangs.

b) Building articulation.

i) All buildings shall utilize facade offsets and appropriate fenestration to add architectural variation and visual interest to an elevation and to break up long uninterrupted walls or elevations.

ii) At a minimum, elevations that are 50 feet or longer in horizontal length shall be interrupted by at least two offsets (projection or recess) from the primary facade plane of at least 18 inches in depth.

c) Roof treatment.

i) Long uninterrupted rooflines and planes that are visible from the public right-of-way or are oriented to properties zoned or used for residential purposes shall be broken into smaller segments through the use of appropriately scaled gables and/or dormers, changes in height, changes in roof form, type, or planes which typically correspond to offsets in the building's facade, or other appropriate architectural elements.

ii) The following materials are allowed for sloping roofs:

(1) Asphalt shingles
(2) Industry approved synthetic shingles
(3) Standing seam metal
(4) Tile roofs
(5) Flat roofs shall require parapet screening which adheres to the vertical articulation requirements for the main face of the structure. Parapet rooflines shall feature a well-defined cornice treatment or another similar architectural element to visually cap each building elevation.

iii) The following materials are prohibited as primary cladding or roofing materials: aluminum siding or cladding, galvanized steel or other bright metal, wood or plastic siding, cementitious fiberboard, unfinished concrete block, exposed aggregate, wood roof shingles, and reflective glass.

(c) Fire escapes. Exterior fire escapes shall not be permitted on the front side of a building.

(d) Mechanical equipment. Exposed duct shall not be permitted on any side of the building visible from the highway.

(e) Retaining wall. Visible portions of retaining walls shall be constructed of brick, stone, marble or the built-up panels of these materials designed for exterior use. Retaining walls shall be shown on the site plan and elevations shall be provided. Exposed basket type retaining walls shall not be permitted.

(5) Non-residential and multifamily building placement.

(a) Setbacks from property lines adjacent to streets. No structure of any kind or any part thereof shall be placed within the following setback lines, except with

approval by variance where parcels are of an irregular shape such that development in accordance with these setbacks is not feasible.

1. Forty (40) feet, from the highway right-of-way.
2. Fifteen (15) feet from right-of-way of all other streets intersecting with the highway.
3. On-premises signs that are 12 feet or less in height may have a 25' setback from FM 691. (See subsection 10.)

(b) Setbacks from property lines not adjacent to streets. No structure of any kind or any part thereof shall be placed within the following setback lines:

1. Five (5) feet from rear and side property lines.
2. Forty (40) feet from any R (residential) zoned property for single-story buildings not exceeding thirty (30) feet in height;
3. All other buildings shall be set back from residential district lines not less than twice the height of the highest point on the building above grade. No setback shall be required in excess of one hundred (100) feet.

(c) Parking areas. Parking areas and driveways shall be concrete and with curb and gutter along state highways adjacent to open drainage areas. Alternative parking materials may be used to reduce impervious cover when parking is provided that exceeds City requirements and approved by the Planning and Zoning Commission. Cross access driveways are required adjacent to commercial zoned tracts.

(6) Landscaping.

(a) Landscaping definition. Landscaping shall be defined, for the purposes of these requirements, as plant material including, but not limited to, grass, trees, shrubs, flowers, vines and other ground cover, natural land forms, water forms, planters, walks and plaza areas.

(b) Site definition. Site shall be defined, for the purposes of these guidelines, as any plot, tract or parcel of land or combination of contiguous lots, tracts or parcels of land which is developed (or intended for development) according to an overall site plan. A site shall be exclusive of any land dedicated for public use through the platting process.

(c) Compliance. Landscaping shall conform to the following:

1. Landscaping shall be required on all developments and shall be completed prior to the issuance of the certificate of occupancy. All detention ponds shall be landscaped.
2. Every site adjacent to the highway right-of-way shall include a buffer strip, landscaped and irrigated, being ten (10) feet in depth adjacent to the highway right-of-way.
3. All landscaping shall be installed so as to avoid hazards.
4. An effort shall be made to preserve existing trees.

(7) Screening. Screening of site features:

(a) Detention areas and drainage channels. A visual screen shall separate and screen all stormwater detention or retention facilities from view from any adjacent street and any adjoining or contiguous property, except for penetrations for required access. The visual screen shall comply with the following standards:

1. Minimum required screening. Minimum required screening shall achieve an opaque visual screen to a height of no less than 4 feet nor greater than 6 feet using the materials listed below.

2. Materials. The visual screen may be formed through the retention of existing vegetation, the planting of new vegetation, the creation of planted hedge, the construction of a fence or wall or earthen berm, or any combination of these approaches.
    a) Fencing or masonry walls-Fences and masonry walls shall present a finished and decorative appearance. Shrubs, ground covers, or other vegetation shall be provided in front of the fence or wall so as to provide a decorative effect, in accordance and with the adopted landscaping standards for spacing, location and design. Wooden and woven-wire fences shall not be used.
    b) Planted materials or natural vegetation-Any combination of existing and newly planted vegetation may be used that can reasonably be expected to create an opaque evergreen visual screen 4 feet high within two growing seasons.
    c) Earthen berms-When using an earthen berm, the maximum side slope shall not exceed 50% (1 foot of vertical rise to 2 feet of horizontal run) with a minimum crown width of two feet. The berm shall be planted with ground cover, shrubs, trees or other landscaping materials to achieve a total screening height of 4 feet.

(b) Screening of non-residential uses from residential uses. Side yards, rear yards and service sides of non-residential uses abutting residential uses shall be screened. Mechanical, utility, and service facilities shall be screened on three sides. Gates are not required.

(c) Screening height. Screening height shall be a minimum of four (4) feet above the grade at the property line of abutting residential uses.
1. In cases of extreme height differential, the following guidelines apply: Adjust screening height requirements or alter material requirement (e.g., including, but not limited to, the use of canopy forming trees where the non-residential use is at a much lower grade than the residential use).
2. All landscaping shall be installed so as to avoid hazards.

(d) Materials and methods. The materials and methods used in screening under this section shall conform to the following:
1. Masonry walls shall be defined as an exterior wall consisting of brick, stone, rock, marble, or the built-up panels of these materials designed for exterior use.
2. Earthen berms shall have a maximum side slope of 3:1 and shall be entirely vegetated with turf or ground cover.
3. Evergreen shrubs of sufficient height when used alone, or in conjunction with other material, shall meet the minimum height requirements of this section.
4. Privacy fences shall consist of wood or masonry fence material. Line fences used for screening within an O-1 District shall not be less than four (4) feet in height: constructed of wood, stone, brick, concrete block or other suitable material customarily used in residential landscaping; installed in a neat and workmanlike manner; having a completely solid area with no openings; and permanently maintained. The screening device shall not exceed four (4) feet in height within twenty-five (25) feet of a front street right-of-way.

5. To meet requirements of this section, the developer may use a combination of any two (2) materials allowed in this section to meet minimum height requirements.

(e) Screening of site features. Site features hereinafter shall be screened in accordance with (c) above.

1. Rear yards and service yards. Where the rear yard, side yard or service side of a non-residential use is adjacent to a public thoroughfare and screening of the use is not specifically addressed elsewhere in this section, it shall be screened according to subsection (c) above.
2. Loading docks. Freight docks, service bays, loading docks, truck berths and heavy storage areas shall be screened from all abutting uses, except when the abutting use is determined to be of equal or greater intensity. The aforementioned areas shall be screened from all thoroughfares.
3. Outdoor storage area. Outdoor storage of merchandise, equipment or materials, which is essential or incidental to the use and which is not on temporary display for the purpose of being immediately available for sale to the public at large, shall be screened from all public thoroughfares and abutting uses. Stored merchandise shall not exceed the height of the screening device.
4. Refuse areas. All refuse areas shall be screened on three sides. Gates are not required.
5. Ground-mounted equipment. All ground-mounted equipment including, but not limited to, pad-mounted transformers, telephone switch boxes and gas meters, shall be reasonably screened or located away from the view of public thoroughfares and from the view of adjacent properties. Whenever possible, appurtenances for utility services shall be installed at the rear of the structure which they service.

(8) Glare and illumination.

(a) Parking area lighting. Standard, poles and fixtures shall be of a single color, compatible with the architecture of the building. All lighting fixtures shall be restricted to down-lighting or cut-off types.

(b) Walkway lighting. Walkway lighting with standard, pole, bollard and wall-mounted fixtures are allowed.

(c) Accent lighting. Floodlighting and spotlighting of architecture, features shall not create spillage of light onto adjacent properties.

(9) Utilities. No building shall have service wires or cable of any kind attached to the front fifty (50) percent of a building facing the highway and adjacent to the required front yard.

(10) Signs.

(a) The total area of building signage shall not exceed the following: For each one linear foot of primary building face (facade facing public street), three (3) square feet of wall sign is allowed up to a maximum. This maximum depends on the building footprint identified in the table below. A minimum of 100 square feet for small freestanding building is allowed. This means that a small building that does not have enough frontage to get to 100 square feet may go to 100 square feet of building signage if desired. These signs can go on any wall but may not exceed the cumulative maximum square footage. If the lot on which the building is located has multiple right-of-way frontages, each street frontage shall be counted for purposes of determining attached sign allowance. The

following defines the maximum sign area allowed based on the square footage of the building footprint:

Building Footprint (sq ft)	Maximum Sign Area (sq ft)
Less than 12,000	150
12,000–49,999	300
50,000 or more	600

(b) For each one linear foot of lease space facade, two (2) square feet of building sign is allowed with maximum of 200 sq. ft.

(c) To ensure separation between building signs, wall signage for lease spaces may not exceed 75% of the linear lease space facade width.

(11) Monument/ground signs.

(a) Signs may have a maximum 65 square foot face area and shall not exceed twelve feet in height. Minimum setback for signs shall be 25 feet from the highway right-of-way.

(b) Monument signs must include a landscaped, stone-base feature. All monument sign bases shall be constructed of the same material as the front building facade on the same site or shall be compatible in design with stone or brick.

(12) Illuminated/electronic signs.

(a) Signs may be illuminated, but the source of light shall not be visible to traveled ways and the entire image or displayed text shall not be animated, intermittent, or flashing.

(b) A sign shall display static images for a period of at least eight seconds.

(c) Variable message signs shall not be animated, flash, travel, blink, fade, or scroll. Variable message signs shall transition instantaneously to another static image.

(d) A maximum of 55% of the overall sign area may be devoted to an electronic message sign.

(e) Revolving signs shall not be permitted.

(f) A fuel pricing sign shall only reflect the most current price of fuel available for purchase at that location and must be a ground/monument sign. Only one pricing display is allowed per site.

(13) Connectivity. Access drives/aisles/access easements should be extended to the development's property boundary in order to provide for connectivity with future development(s).

(14) Procedures and notice.

(a) The Planning and Zoning Commission shall review the specific elements of site and building plans for development within the overlay district development area for compliance with these standards and shall make a determination of approval or disapproval of the site plan as submitted.

(b) The Planning and Zoning Commission shall review all exceptions and requests for variations to the development standards to determine compliance with the intent of the standards or to determine the necessity and appropriateness of the required exception or variation.

(c) If the Planning and Zoning Commission denies any site plan, the same application may not be filed for a period of six (6) months from the date of such denial.

(d) Any applicant aggrieved by a decision of the Planning and Zoning Commission may appeal the Commission's action to the City Council by filing a request for appeal with the City Clerk within ten (10) days of the Commission's decision. Such appeal shall be heard at a time convenient to the City Council and to its procedures and practices for the scheduling of business before the Council.

Sec. 14.03.005 State Highway 289 Overlay District

(1) Introduction.

(a) The development of new and existing highways offers significant economic opportunities for the City and its citizens. Local highways provide easy access linkages within the City to nearby communities and to the entire U.S. highway system. The development standards will make the City a more desirable place to live and conduct business.

(b) It is important that the development of our highways be controlled through careful planning and foresight to achieve the greatest positive benefits for the City. The intent of the overlay district development area standards is to ensure that highway development occurs in a manner which promotes safety while presenting an attractive appearance and assures compatible land uses according to consistent design guidelines.

(2) Intent and purpose.

(a) Design elements. Regulation of land use patterns has traditionally been the major tool used to shape the urban environment. The particular use that takes place at a certain location affects the design and specific development of land uses. In many cases, a particular use can be incompatible and offensive to its neighbors and the City as a whole, or, if carefully and properly designed, that same use can be an attractive and welcome activity. This emphasis on how uses are designed and developed is the focus of the overlay district development standards. The following design elements statement of intent accompanies each element, the Planning and Zoning Commission may from time to time, when justified by certain circumstances or specific conditions, grant variances to these design elements.

(b) Building design: Non-residential. Design standards for non-residential buildings shall ensure that the design, color, materials and basis for proportion of structures within the overlay district development area are harmonious with the intent of the ordinance.

(c) Building placement: Non-residential. Visual continuity and compatibility shall be achieved through the appropriate placement of buildings and related site features, such as parking and loading areas.

(d) Landscaping. Landscaping standards are used to promote a flexible framework of planting and green areas that enhance and safeguard property values while aiding in erosion control, noise abatement, glare and reflection control, buffering between land uses of different character and atmospheric purification.

(e) Screening. Required screening shall accomplish visual screening of the site, noise attenuation, and a barrier to vehicular traffic between non-residential and residential uses, and service as a psychological separation between uses which encourages the peace and repose of residents. Toward this goal, landscaping shall be used to break up the view and to aesthetically enhance screening devices.

(f) Glare and illumination. Site lighting is to provide safety and security and

enhance the architectural and natural features of this site. Glare and illumination standards shall ensure that the mechanisms providing light do not negatively impact on the appearance of the site and ensure that light is contained to the extent that adjacent areas are not detrimentally affected.

(3) Boundary areas.

(a) Area boundaries. Overlay district development areas are those areas inside the City limits and adjacent to State Highway 289 and being five hundred (500) feet on either side of said right-of-way of State Highway 289. The overlay applies to commercial and multifamily developments only.

(b) Compliance required. All commercial and multifamily property within the boundaries of the overlay district development areas shall adhere to the overlay district development standards and shall be subject to site plan approval by the Planning and Zoning Commission.

(c) Action on application. Upon receipt of a request for building permit, zoning change or subdivision plat within the designated overlay district development area, the applicant will receive a copy of the overlay district development standards and counseling as to their applicability and the review process. The Planning and Zoning Commission shall review the plans for compliance with the development standards and make a determination of approval or disapproval as submitted.

(4) Non-residential and multifamily building design.

(a) General provisions. All non-residential buildings shall comply with the Zoning Ordinance, building code and related construction codes of the City.

(b) Exterior walls. Building materials must be specified and consistent with the intent of these standards. Wall finishes shall be masonry, or masonry veneer, or concrete siding. A complete set of elevation plans and schedule of materials used on every freestanding building shall be submitted to the Planning and Zoning Commission.

1. Exterior walls.

a) All buildings and structures shall have at least 85% of the total exterior walls, excluding doors and windows, constructed of masonry or glass wall construction, in accordance with the City Building Regulations Code and Fire Prevention and Protection Code. No blank walls shall face public streets.

b) The following primary material list shall apply:

i) Masonry consisting of stone, cultured or cast stone
ii) Brick or brick veneer
iii) Tile
iv) Stucco
v) Architecturally finished block
vi) Architectural glass (less than 27% reflectance)

c) A maximum of 15% of the facade may include accent materials not listed on the approved primary material list. All requests for alternative exterior building materials shall be noted and described on a Site Plan with elevation drawings to be submitted to the Planning and Zoning Commission for approval.

2. Exterior colors. These guideline recommendations are consistent with other example corridors with the intent of creating complementary building design.

a) A minimum of 80 percent of all building elevations shall be finished with complimentary neutral, cream, or deep, rich, non-reflective earth tone colors.

b) No more than 20 percent of any building elevation may be finished with bright, pure tone primary or secondary colors. These colors shall be limited to use on accent features including, but not limited to window and door frames, moldings, cornices, canopies, and awnings.

3. All non-residential buildings shall be architecturally finished on all sides with the same materials and detailing. The rear facade of a building, which is not visible to a public right-of-way, park or residential district, shall not be required to comply with this requirement.

4. Additional architectural features (minimum 4 features). All buildings shall have at least four architectural features from the following list:
   * Canopies, awnings, or porticos
   * Recesses/projections
   * Arcades (recessed porches)
   * Peaked roof forms
   * Arches
   * Outdoor patios
   * Display windows
   * Architectural details (such as tile work and moldings) integrated into the building facade
   * Articulated cornice line
   * Integrated planters or wing walls that incorporate landscape and sitting areas
   * Offsets, reveals or projecting rib used to express architectural or structural bays
   * Accent materials, such as stone, stucco, etc. (minimum 15% of exterior facade)
   * Varied roof heights

5. Other required or optional features may include:
   a) Entryway features.
      i) All ground floor entrances shall be covered or inset and shall not apply to loading areas. Primary building entrances are to be defined and articulated with architectural elements such as arcades, roofs, alcoves, columns, porticos, porches, and overhangs.
   b) Building articulation.
      i) All buildings shall utilize facade offsets and appropriate fenestration to add architectural variation and visual interest to an elevation and to break up long uninterrupted walls or elevations.
      ii) At a minimum, elevations that are 50 feet or longer in horizontal length shall be interrupted by at least two offsets (projection or recess) from the primary facade plane of at least 18 inches in depth.
   c) Roof treatment.

i) Long uninterrupted rooflines and planes that are visible from the public right-of-way or are oriented to properties zoned or used for residential purposes shall be broken into smaller segments through the use of appropriately scaled gables and/or dormers, changes in height, changes in roof form, type, or planes which typically correspond to offsets in the building's facade, or other appropriate architectural elements.

ii) The following materials are allowed for sloping roofs:
   (1) Asphalt shingles
   (2) Industry approved synthetic shingles
   (3) Standing seam metal
   (4) Tile roofs
   (5) Flat roofs shall require parapet screening which adheres to the vertical articulation requirements for the main face of the structure. Parapet rooflines shall feature a well-defined cornice treatment or another similar architectural element to visually cap each building elevation.

iii) The following materials are prohibited as primary cladding or roofing materials: aluminum siding or cladding, galvanized steel or other bright metal, wood or plastic siding, cementitious fiberboard, unfinished concrete block, exposed aggregate, wood roof shingles, and reflective glass.

(c) Fire escapes. Exterior fire escapes shall not be permitted on the front side of a building.

(d) Mechanical equipment. Exposed duct shall not be permitted on any side of the building visible from the highway.

(e) Retaining wall. Visible portions of retaining walls shall be constructed of brick, stone, marble or the built-up panels of these materials designed for exterior use. Retaining walls shall be shown on the site plan and elevations shall be provided. Exposed basket type retaining walls shall not be permitted.

(5) Non-residential and multifamily building placement.

(a) Setbacks from property lines adjacent to streets. No structure of any kind or any part thereof shall be placed within the following setback lines, except with approval by variance where parcels are of an irregular shape such that development in accordance with these setbacks is not feasible.
   1. Forty (40) feet from the highway right-of-way.
   2. Fifteen (15) feet from right-of-way of all other streets intersecting with the highway.
   3. On premises signs that are 12 feet or less in height may have a 25' setback from S.H. 289. (See Subsection 10.)

(b) Setbacks from property lines not adjacent to streets. No structure of any kind or any part thereof shall be placed within the following setback lines:
   1. Five (5) feet from rear and side property lines.
   2. Forty (40) feet from any R (residential) zoned property for single-story buildings not exceeding thirty (30) feet in height;
   3. All other buildings shall be set back from residential district lines not

less than twice the height of the highest point on the building above grade. No setback shall be required in excess of one hundred (100) feet.

(c) Parking areas. Parking areas and driveways shall be concrete and with curb and gutter along state highways adjacent to open drainage areas. Alternative parking materials may be used to reduce impervious cover when parking is provided that exceeds City requirements and approved by the Planning and Zoning Commission. Cross access driveways are required adjacent to commercial zoned tracts.

(6) Landscaping.

(a) Landscaping definition. Landscaping shall be defined, for the purposes of these requirements, as plant material including, but not limited to, grass, trees, shrubs, flowers, vines and other ground cover, natural land forms, water forms, planters, walks and plaza areas.

(b) Site definition. Site shall be defined, for the purposes of these guidelines, as any plot, tract or parcel of land or combination of contiguous lots, tracts or parcels of land which is developed (or intended for development) according to an overall site plan. A site shall be exclusive of any land dedicated for public use through the platting process.

(c) Compliance. Landscaping shall conform to the following:

1. Landscaping shall be required on all developments and shall be completed prior to the issuance of the certificate of occupancy. All detention ponds shall be landscaped.
2. Every site adjacent to the highway right-of-way shall include a buffer strip, landscaped and irrigated, being ten (10) feet in depth adjacent to the highway right-of-way.
3. All landscaping shall be installed so as to avoid hazards.
4. An effort shall be made to preserve existing trees.

(7) Screening. Screening of site features:

(a) Detention areas and drainage channels. A visual screen shall separate and screen all stormwater detention or retention facilities from view from any adjacent street and any adjoining or contiguous property, except for penetrations for required access. The visual screen shall comply with the following standards:

1. Minimum required screening. Minimum required screening shall achieve an opaque visual screen to a height of no less than 4 feet nor greater than 6 feet using the materials listed below.
2. Materials. The visual screen may be formed through the retention of existing vegetation, the planting of new vegetation, the creation of planted hedge, the construction of a fence or wall or earthen berm, or any combination of these approaches.
   a) Fencing or masonry walls-Fences and masonry walls shall present a finished and decorative appearance. Shrubs, ground covers, or other vegetation shall be provided in front of the fence or wall so as to provide a decorative effect, in accordance and with the adopted landscaping standards for spacing, location and design. Wooden and woven-wire fences shall not be used.
   b) Planted materials or natural vegetation-Any combination of existing and newly planted vegetation may be used that can reasonably be expected to create an opaque evergreen visual

screen 4 feet high within two growing seasons.

c) Earthen berms- When using an earthen berm, the maximum side slope shall not exceed 50% (1 foot of vertical rise to 2 feet of horizontal run) with a minimum crown width of two feet. The berm shall be planted with ground cover, shrubs, trees or other landscaping materials to achieve a total screening height of 4 feet.

(b) Screening of non-residential uses from residential uses. Side yards, rear yards and service sides of non-residential uses abutting residential uses shall be screened. Mechanical, utility, and service facilities shall be screened on three sides. Gates are not required.

(c) Screening height. Screening height shall be a minimum of four (4) feet above the grade at the property line of abutting residential uses.

1. In cases of extreme height differential, the following guidelines apply: Adjust screening height requirements or alter material requirement (e.g., including, but not limited to, the use of canopy forming trees where the non-residential use is at a much lower grade than the residential use).
2. All landscaping shall be installed so as to avoid hazards.

(d) Materials and methods. The materials and methods used in screening under this section shall conform to the following:

1. Masonry walls shall be defined as an exterior wall consisting of brick, stone, rock, marble, or the built-up panels of these materials designed for exterior use.
2. Earthen berms shall have a maximum side slope of 3:1 and shall be entirely vegetated with turf or ground cover.
3. Evergreen shrubs of sufficient height when used alone, or in conjunction with other material, shall meet the minimum height requirements of this section.
4. Privacy fences shall consist of wood or masonry fence material. Line fences used for screening within an O-1 District shall not be less than four (4) feet in height; constructed of wood, stone, brick, concrete block or other suitable material customarily used in residential landscaping; installed in a neat and workmanlike manner; having a completely solid area with no openings; and permanently maintained. The screening device shall not exceed four (4) feet in height within twenty-five (25) feet of a front street right-of-way.
5. To meet requirements of this section, the developer may use a combination of any two (2) materials allowed in this section to meet minimum height requirements.

(e) Screening of site features. Site features hereinafter shall be screened in accordance with subsection (c) above.

1. Rear yards and service yards. Where the rear yard, side yard or service side of a non-residential use is adjacent to a public thoroughfare and screening of the use is not specifically addressed elsewhere in this section, it shall be screened according to subsection (c) above.
2. Loading docks. Freight docks, service bays, loading docks, truck berths and heavy storage areas shall be screened from all abutting uses, except when the abutting use is determined to be of equal or greater intensity. The aforementioned areas shall be screened from all thoroughfares.

3. Outdoor storage area. Outdoor storage of merchandise, equipment or materials, which is essential or incidental to the use and which is not on temporary display for the purpose of being immediately available for sale to the public at large, shall be screened from all public thoroughfares and abutting uses. Stored merchandise shall not exceed the height of the screening device.
4. Refuse areas. All refuse areas shall be screened on three sides. Gates are not required.
5. Ground-mounted equipment. All ground-mounted equipment including, but not limited to, pad-mounted transformers, telephone switch boxes and gas meters, shall be reasonably screened or located away from the view of public thoroughfares and from the view of adjacent properties. Whenever possible, appurtenances for utility services shall be installed at the rear of the structure which they service.

(8) Glare and illumination.

(a) Parking area lighting. Standard, poles and fixtures shall be of a single color, compatible with the architecture of the building. All lighting fixtures shall be restricted to down-lighting or cut-off types.

(b) Walkway lighting. Walkway lighting with standard, pole, bollard and wall-mounted fixtures are allowed.

1. Accent lighting. Floodlighting and spotlighting of architecture, features shall not create spillage of light onto adjacent properties.

(9) Utilities. No building shall have service wires or cable of any kind attached to the front fifty (50) percent of a building facing the highway and adjacent to the required front yard.

(10) Signs.

(a) The total area of building signage shall not exceed the following:

For each one linear foot of primary building face (facade facing public street), three (3) square feet of wall sign is allowed up to a maximum. This maximum depends on the building footprint identified in the table below. A minimum of 100 square feet for small freestanding building is allowed. This means that a small building that does not have enough frontage to get to 100 square feet may go to 100 square feet of building signage if desired. These signs can go on any wall but may not exceed the cumulative maximum square footage. If the lot on which the building is located has multiple right-of-way frontages, each street frontage shall be counted for purposes of determining attached sign allowance. The following defines the maximum sign area allowed based on the square footage of the building footprint:

Building Footprint (sq ft)	Maximum Sign Area (sq ft)
Less than 12,000	150
12,000–49, 499	300
50,000 or more	600

(b) For each one linear foot of lease space facade, two (2) square feet of building sign is allowed with maximum of 200 sq. ft.

(c) To ensure separation between building signs, wall signage for lease spaces may

not exceed 75% of the linear lease space facade width.

(11) Monument/ground signs.

(a) Signs may have a maximum 65 square foot face area and shall not exceed twelve feet in height. Minimum setback for signs shall be 25 feet from the highway right-of-way.

(b) Monument signs must include a landscaped, stone-base feature. All monument sign bases shall be constructed of the same material as the front building facade on the same site or shall be compatible in design with stone or brick.

(12) Illuminated/electronic signs.

(a) Signs may be illuminated, but the source of light shall not be visible to traveled ways and the entire image or displayed text shall not be animated, intermittent, or flashing.

(b) A sign shall display static images for a period of at least eight seconds.

(c) Variable message signs shall not be animated, flash, travel, blink, fade, or scroll. Variable message signs shall transition instantaneously to another static image.

(d) A maximum of 55% of the overall sign area may be devoted to an electronic message sign.

(e) Revolving signs shall not be permitted.

(f) A fuel pricing sign shall only reflect the most current price of fuel available for purchase at that location and must be a ground/monument sign. Only one pricing display is allowed per site.

(13) Connectivity. Access drives/aisles/access easements should be extended to the development's property boundary in order to provide for connectivity with future development(s).

(14) Procedures and notice.

(a) The Planning and Zoning Commission shall review the specific elements of site and building plans for development within the overlay district development area for compliance with these standards and shall make a determination of approval or disapproval of the site plan as submitted.

(b) The Planning and Zoning Commission shall review all exceptions and requests for variations to the development standards to determine compliance with the intent of the standards or to determine the necessity and appropriateness of the required exception or variation.

(c) If the Planning and Zoning Commission denies any site plan, the same application may not be filed for a period of six (6) months from the date of such denial.

(d) Any applicant aggrieved by a decision of the Planning and Zoning Commission may appeal the Commission's action to the City Council by filing a request for appeal with the City Clerk within ten (10) days of the Commission's decision. Such appeal shall be heard at a time convenient to the City Council and to its procedures and practices for the scheduling of business before the Council.

Sec. 14.03.006 College Park Overlay District

(1) Introduction.

(a) The College Park Overlay District, at the request of Austin College, contains minimum standards for new construction in the Austin College Community. The College Park Overlay District recognizes the special location, architectural character and land-use mix of the college park neighborhood and establishes appropriate standards for uses with the district. The overlay district is designed

to help protect the private property values and public investments in and near the college park neighborhood, to reduce conflicts between new construction and existing development in the existing neighborhood, and to preserve the area's special character. The district promotes mixing of land use to foster a livable community of residential, commercial and cultural uses and encourages pedestrian access within the College Park Neighborhood and provides connectivity to adjacent neighborhoods and the Central Business District. The district also respects socioeconomic diversity by encouraging a variety of home styles and sizes that are sympathetic to the neighborhood's historical diversity of design and fosters a cooperative atmosphere in the college park neighborhood between the City, Austin College and private landowners to jointly realize the potential of the district. The College Park Overlay District development standards will make the City a more desirable place to live and conduct business.

(b) It is important that the development of the College Park Area supports careful planning and foresight to achieve the greatest positive benefits for the City. The intent of the College Park Overlay District development area standards is to ensure that the development occurs in a manner which promotes safety while presenting an attractive appearance and assures compatible land uses according to consistent design guidelines.

(2) Intent and purpose.

(a) Design elements. Regulation of land use patterns has traditionally been the major tool used to shape the urban environment. The particular use that takes place at a certain location affects the design and specific development of land uses. In many cases, a particular use can be incompatible and offensive to its neighbors and the City as a whole, or, if carefully and properly designed that same use can be an attractive and welcome activity. This emphasis on how uses are designed and developed is the focus of the College Park Overlay District development standards. The following design elements are addressed by the standards. A statement of intent accompanies each element, the Planning and Zoning Commission may from time to time, when justified by certain circumstances or specific conditions, grant variances to these design elements.

(b) Building design. Design standards for buildings should ensure that the design, color, materials, and basis for proportion of structures within the College Park Overlay District development area are harmonious with the intent of the ordinance.

(c) Screening. Required screening should accomplish visual screening of the site, noise attenuation, and a barrier to vehicular traffic between non-residential and residential uses and serve as a psychological separation between uses which encourages the peace and repose of residents.

(d) Glare and illumination. Site lighting is to provide safety and security and enhance the architectural and natural features of the site. Glare and illumination standards should ensure that the mechanisms providing light do not negatively impact the appearance of the site and ensure that light is contained to the extent that adjacent areas are not detrimentally affected.

(3) Boundary areas.

(a) Area boundaries. College Park Overlay District development areas are those areas bounded as follows:

East: Harrison Street (from Pecan Street to Old Settlers Park)

North: Along the Railroad Tracks to the back of Old Settlers Park creating a natural boundary curving down to College Street.
West: Montgomery Street (from College to Pacific Street).
South: Pacific Street from Montgomery to Lee, south to Pecan, east on Pecan to Harrison Street.

(b) Compliance required. All property within the boundaries of the College Park Overlay District development areas shall adhere to the overlay district development standards.

(c) Action on application. Upon receipt of a request for building permit, zoning change or subdivision plat within the College Park Overlay District development area, the applicant will receive a copy of the overlay district development standards and counseling as to their applicability and the review process.

(4) Building design.

(a) General provisions. All buildings shall comply with the Zoning Ordinance, building code and related construction codes of the City.

(b) Exterior walls. On new construction, building materials must be specified and may be permitted when such materials are 60% masonry, hardy board or concrete fiber board and consistent with the intent of these standards. A complete set of elevation plans and schedule of wall and roof colors and finishes used on every freestanding building shall be submitted to the Director of Development Services. (Not required for maintenance of or additions to existing nonconforming structures.)

(c) All new residential structures shall have a minimum 1,200 square foot living area, except patio homes authorized by a specific use permit.

(d) Carports are prohibited.

(e) Detached garages are permitted when architecturally designed to be compatible with historically significant and period style homes.

(5) Screening, Privacy Fences.

(a) Screening of non-residential uses from residential uses. Side yards, rear yards and service sides of non-residential uses abutting residential uses shall be screened.

(b) Screening height. Screening height shall be a minimum of four (4) feet above the grade at the property line of abutting residential uses.

1. In cases of extreme height differential, the following guidelines apply: Adjust screening height requirements or alter material requirement (e.g., including, but not limited to, the use of canopy-forming trees where the non-residential use is at a much lower grade than the residential use).
2. All landscaping shall be installed so as to avoid hazards.

(c) Materials and methods. The materials and methods used in screening under this section shall conform to the following:

1. Masonry walls shall be defined as an exterior wall consisting of brick, stone, rock, marble or the built-up panels of these materials designed for exterior use.
2. Earthen berms shall have a maximum side slope of 3:1 and shall be entirely vegetated with turf or ground cover.
3. Evergreen shrubs of sufficient height when used alone, or in conjunction with other material, shall meet the minimum height requirements of this section.

4. Privacy fences shall consist of wood or masonry fence material. Line fences used for screening within an O-1 District shall not be less than four (4) feet in height; constructed of wood, stone, brick, concrete block or other suitable material customarily used in residential landscaping; installed in a neat and workmanlike manner; having a completely solid area with no openings; and permanently maintained. The screening device shall not exceed four (4) feet in height within twenty-five (25) feet of a front street right-of-way. Wire, chain link and corrugated fencing materials are not allowed.
5. To meet requirements of this section, the developer may use a combination of any two (2) materials allowed in this section to meet minimum height requirements.

(6) Glare and illumination.
(a) Parking area lighting. Standards, poles and fixtures shall be of a single color, compatible with the architecture of the building. All lighting fixtures shall be restricted to down-lighting or cut-off types.
(b) Walkway lighting. Walkway lighting with standard pole, bollard and wall-mounted fixtures are allowed.
(c) Accent lighting. Floodlighting and spotlighting of architecture, graphics or natural features shall not create spillage of light onto adjacent properties.

(7) Signage.
(a) Maximum face area is 16 square foot.
(b) Maximum height is 4 foot.
(c) Off-premises signs are prohibited

(8) Permitted and Specific Uses.
(a) Uses.
1. No permitted or specific use in the College Park Overlay District may include drive-through facilities, gas pumps or canopies.
2. Permitted Uses. Within the College Park Overlay District, the following uses are permitted in any zoning district.
a) Residential & Educational:
Single-family dwellings
Colleges and Universities
3. Specific Uses. With the College Park Overlay District, the following uses are permitted as Specific Use Permits in residential zones under the provisions of this article. Limitations on the size of certain uses are as stated below:
a) Neighborhood & Community Service.
Arts/cultural center or exhibit hall
Bed and breakfast/historic inn
Charitable/religious institutions
Community center/house
Dance studio
Health care hospitality
Health club/fitness center
Parks
Patio Homes
Place of worship
Preschool & Day care centers, small and large

b) Medical/General Offices.
General offices
Medical and dental offices/services
Medical and other records storage
Medical offices

c) Ancillary/Retail/Neighborhood Uses allowed only on the first floor and up to a maximum of 3500 square feet of gross floor area per use:
Food store/convenience store excluding the sale of gasoline
General retail
Pharmacy
Research and development facilities
Restaurant/bakery/café
Retail bank/ATMs
Scientific and medical research labs
Technical and medical equipment development and/or services

(9) Procedures and notice.

(a) The Planning and Zoning Commission shall review the specific elements of site and building plans for all commercial development within the College Park Overlay District development area for compliance with these standards and shall make a determination of approval or disapproval of the site plan as submitted.

(b) The Planning and Zoning Commission shall review all exceptions and requests for variations to the development standards to determine compliance with the intent of the standards or to determine the necessity and appropriateness of the required exception or variation.

(c) If the Planning and Zoning Commission denies any site plan, the same application may not be filed for a period of six (6) months from the date of such denial.

(d) Any applicant aggrieved by a decision of the Planning and Zoning Commission may appeal the Commission's action to the City Council by filing a request for appeal with the City Clerk within ten (10) days of the Commission's decision. Such appeal shall be heard at a time convenient to the City Council and to its procedures and practices for the scheduling of business before the Council.

Sec. 14.03.007 Blalock Commercial Overlay District

(1) Introduction.

(a) The development of the Blalock Commercial Overlay District offers significant economic opportunities for the City and its citizens. It is imperative that this unique entry to the City be protected by quality development standards. This district is in compliance with the Comprehensive Master Plan Future Land Use Map and the Implementation Section: Prudent use of Development Regulations.

(b) Careful planning and foresight is important to achieve and provide the greatest benefits for the City. The intent of the Blalock Commercial Overlay District Standards is to insure the area develops in a manner that provides an attractive appearance and assures compatible land uses within consistent design guidelines.

(c) The Blalock Commercial Overlay District will consist of highway frontage in the Blalock Industrial Park at Heritage Parkway and nearby tracts that form the

south gateway to the City.

(2) Intent. To create a regional image for retail/commercial developments within and around the Blalock Commercial Overlay District. These guidelines are to help owners, developers, designers, architects, and builders by providing design criteria that will coordinate the image, character and quality of the entire development and ensure the aesthetic value and visual appeal of non-residential land uses in the overlay district.

(a) Multiple buildings in commercial centers: To achieve unity between buildings in a commercial development of more than one building, all buildings in such a development shall employ a similar theme, and color palette.

(3) Applicability. These provisions shall apply to all retail and commercial development within Blalock Commercial Overlay District.

(4) Establishment of Blalock Commercial Overlay District. For the purpose of promoting the public health, safety, morals and general welfare in the City, there is hereby, for the purposes of convenience, denominated "Blalock Commercial Overlay District" the following area described by metes and bounds as follows:

SITUATED in the City of Sherman, County of Grayson, State of Texas, being a part of the PRESTON KITCHENS SURVEY, Abstract No. 667, the SHERROD DUNMAN SURVEY, Abstract No. 329 and the ELIZABETH JONES SURVEY, Abstract No. 625 and being more particularly described by metes and bounds as follows to-wit:

BEGINNING at the Southeast corner of a 97.64 acre tract of land described in Tract One in deed from Rabin Worldwide, Inc., et al to Actichem L.P., dated June 21, 2005, recorded in Volume 3880, Page 138, Official Public Records, Grayson County, Texas, the Southwest corner of a 130.48 acre tract of land described in deed form [from] Rabin Worldwide, Inc., et al to Shafer Plaza XLII, Ltd., dated March 28, 2005, recorded in Volume 3842, Page 40, Official Public Records, Grayson County, Texas, on the North right-of-way line of F.M. Highway No. 1417;

THENCE in a Northerly direction with the East line of said Actichem 97.64 acre tract, the West line of said Shafer 130.48 acre tract, the following calls and distances:

North 17 deg. 57 min. 51 sec. West, a distance of 541.99 feet;
North 11 deg. 37 min. 37 sec. East, a distance of 541.99 feet;
North 44 deg. 54 min. 41 sec. West, a distance of 493.45 feet;

North 13 deg. 29 min. 05 sec. West, a distance of 2190.59 feet to the Northeast corner of said 97.64 acre tract, a Southeast corner of a 1140.06 acre tract of land described in Tract One in deed from W. C. Pickens, Jr. to Sherman Hills County Club, Ltd., dated May 17, 2002, recorded in Volume 3265, Page 890, Official Public Records, Grayson County, Texas;

THENCE North 14 deg. 26 min. 23 sec. West, continuing with the West line of said Shafer 130.48 acre tract, an East line of said 1140.06 acre tract, a distance of 468.97 feet to the Northwest corner of said 130.48 acre tract, an ell corner of said 1140.06 acre tract;

THENCE North 75 deg. 38 min. 03 sec. East, with a North line of said 130.48 acre tract, a South line of said 1140.06 acre tract, a distance of 867.16 feet to an ell corner of the herein described tract, at a point 500 feet West of and perpendicular to the West right-of-way line of U.S. Highway No. 75;
THENCE in a Northerly direction 500 feet West of and parallel with the West right-of-way line of said U.S. Highway No. 75, the following calls and distances:

With a curve to the right having a radius of 3945.71 feet, (chord bears North 04 deg. 35 min. 05 sec. East, 566.30 ft.), a distance of 566.79 feet to the end of said curve;

North 08 deg. 42 min. 00 sec. East, crossing a South line of Sherman Hills Country Club Addition, Golf Course Tracts to the City of Sherman, Texas as shown by plat of record in Volume 17, Pages 71 & 72, Plat Records, Grayson County, Texas and continuing for a total distance of 1199.86 feet to a point;

North 02 deg. 29 min. 14 sec. East, a distance of 166.77 feet to a point;
With a curve to the left having a radius of 3154.72 feet, (chord bears North 02 deg. 14 min. 29 sec. East, 433.48 ft.), a distance of 433.82 feet to the end of said curve;

North 17 deg. 36 min. 44 sec. West, a distance of 154.38 feet to a point; North 02 deg. 50 min. 00 sec. West, a distance of 168.45 feet to a point;

THENCE North 87 deg. 10 min. 00 sec. East, crossing a North line of said Sherman Hills Country Club Addition, Golf Course Tracts, the South line of an 0.981 acre triangular tract of land described as Tract No. 2 in deed from William P. Lee, et ux to William P. Lee and Betty Lou Lee, Trustees of the William P. Lee and Betty Lou Lee Revocable Living Trust by deed dated May 8, 1997, recorded in Volume 2548, Page 19, Official Public Records, Grayson County, Texas and continuing for a total distance of 500.00 feet to an angle point on the East line of said 0.981 acre tract, the West right-of-way line of said U.S. Highway No. 75, at highway station 817+38.7;

THENCE North 79 deg. 29 min. 51 sec. East, crossing said highway, a distance of 383.43 feet to an angle point in the East right-of-way line of said U.S. Highway No. 75, the West line of a 26.318 acre tract of land described in Tract No. 1 in said deed recorded in Volume 2548, Page 19, at highway station 817+89.87;

THENCE North 87 deg. 10 min. 00 sec. East, a distance of 500.00 feet to a point 500 feet East of and perpendicular to the East right-of-way line of said U.S. Highway No. 75;

THENCE in a Southerly direction 500 feet East of and parallel with the East right-of-way line of said U.S. Highway No. 75, the following calls and distances:

South 13 deg. 38 min. 47 sec. East, a distance of 159.91 feet to a point;
South 02 deg. 50 min. 00 sec. East, a distance of 149.32 feet to the beginning of a curve;

With a curve to the right having a radius of 4524.72 feet, (chord bears South 00 deg. 0 1 min. 04 sec. West, 450.15 ft.), a distance of 450.33 feet to a point in the center of Post Oak Creek and on the Southerly line of said Lee 26.318 acre tract;

THENCE in a Southeasterly direction with the center of said Post Oak Creek, the Southerly line of said 26.318 acre tract, the following calls and distances:

South 17 deg. 55 min. 00 sec. East, a distance of 113.24 feet to a point;
South 44 deg. 10 min. 00 sec. East, a distance of 232.88 feet to a point;
South 20 deg. 59 min. 00 sec. East, a distance of 279.56 feet to a point;
South 41 deg. 03 min. 00 sec. East, a distance of 105.88 feet to a point;
South 27 deg. 54 min. 00 sec. East, a distance of 173.45 feet to an angle point and a jog to the West in the West right-of-way line of old U.S. Highway No. 75, at highway station 800+00;
South 78 deg. 32 min. 13 sec. East, crossing said old highway 75 and continuing for a total distance of 127.19 feet to a point;
North 74 deg. 16 min. 00 sec. East, a distance of 52.20 feet to a point;
North 31 deg. 15 min. 00 sec. East, a distance of 275.80 feet to a point;
South 71 deg. 38 min. 00 sec. East, a distance of 103.00 feet to a point;
South 27 deg. 54 min. 00 sec. East, a distance of 458.30 feet to a point;
South 64 deg. 26 min. 00 sec. East, a distance of 22.79 feet to a point on a West line of a West line of a 221.867 acre tract of land conveyed by Stephen B. Gremmels to Pylon Farms, Inc. by deed dated October 11, 1965, recorded in Volume 1040, Page 518, Deed Records, Grayson County, Texas;

THENCE South 13 deg. 41 min. 11 sec. East, with a West line of said 221.867 acre tract, a distance of 1098.90 feet to an ell corner of said tract;

THENCE South 29 deg. 21 min. 33 sec. West, through said 221.867 acre tract, a distance of 1443.79 feet to the Northeast corner of an 0.939 acre tract of land conveyed by Windle Lee Golden, et ux to Richard J. Kalb, et ux by deed dated July 24, 1989, recorded in Volume 2049, Page 131, Real Property Records, Grayson County, Texas, the Southeast corner of a 4.256 acre tract of land conveyed by Leon H. Bloomer, et ux to Pylon Farms, Inc. by deed dated December 21, 1965, recorded in Volume 1054, Page 67, Deed Records, Grayson County, Texas, on a West line of said 221.867 acre tract;

THENCE South 14 deg. 08 min. 33 sec. East, with a West line of said 221.867 acre tract, the East line of said 0.939 acre tract, passing the Northwest corner of Constitution Village Addition, Section Two to the City of Sherman, Texas as shown by plat of record in Volume 4, Page 22, Plat Records, Grayson County, Texas and continuing for a total distance of 246.07 feet to the Southeast corner of said 0.939 acre tract;

THENCE South 14 deg. 37 min. 30 sec. East, continuing with a West line of said 221.867 acre tract, the West line of said Constitution Village Addition, Section Two, a distance of 443.34 feet to a point;
THENCE South 13 deg. 42 min. 08 sec. East, continuing with a West line of said 221.867 acre tract, the West line of said Constitution Village Addition, Section Two, passing its Southwest corner, the Northwest corner of Constitution Village Addition to the City of Sherman, Texas as shown by plat of record in Volume 3, Page 73, Plat Records, Grayson County, Texas and continuing with the West line of said Constitution Village Addition, passing its Southwest corner on the North right-of-way line of F.M. Highway No. 1417 and continuing for a total distance of 1698.56 feet to a point on the South right-of-way line of said F.M. Highway No. 1417, the North line of a 13.40 acre tract of land described in Correction Trustee's Deed from Robert W. Minshew, Trustee to Kennedy & Minshew Professional Corporation, dated September 2, 2003, recorded in Volume 3534, Page 461, Official Public Records, Grayson County, Texas;

THENCE South 75 deg. 46 min. 49 sec. West, with the South right-of-way line of said F.M. Highway No. 1417, the North line of said 13.40 acre tract, a distance of 120.40 feet to its Northwest corner;

THENCE South 13 deg. 46 min. 49 sec. East, with the West line of said 13.40 acre tract, a distance of 776.73 feet to a point;

THENCE South 13 deg. 30 min. 32 sec. East, continuing with the West line of said 13.40 acre tract, passing its Southwest corner, the Westerly Northwest corner of a 214.134 acre tract of land conveyed by Edward C. Greene, Trustee to Rolling Meadows Associates by deed dated September 28, 1984, recorded in Volume 1716, Page 384, Deed Records, Grayson County, Texas and continuing with the Westerly West line of said 214.134 acre tract for a total distance of 849.43 feet to the Northeast corner of a 25.229 acre tract of land described in Tract 2 indeed from Sherman Development Limited Partnership No. 1 to Sam H. Berry by deed dated October 1, 1993, recorded in Volume 2298, Page 258, Real Property Records, Grayson County, Texas;

THENCE South 74 deg. 56 min. 00 sec. West, with the North line of said 25.229 acre tract, a distance of 667.02 feet to its Northwest corner, on the East right-of-way line of said U.S. Highway 75;

THENCE in a Northerly direction with the East right-of-way line of said U.S. Highway 75, the following calls and distances:
North 09 deg. 47 min. 31 sec. West, a distance of 423.53 feet to highway station 737+00"R"
North 05 deg. 50 min. 32 sec. East, a distance of 155.77 feet to highway station 738+50"R";
North 09 deg. 48 min. 00 sec. West, a distance of 200.00 feet to highway station 740+50"R";
North 14 deg. 25 min. 28 sec. West, a distance of 293.96 feet to highway station

743+43”R”;

THENCE South 74 deg. 29 min. 41 sec. West, crossing said U.S. Highway 75, a distance of 319.88 feet to the Southeast corner of an 0.7688 acre tract of land conveyed by Greater Sherman, Inc. to the City of Sherman, Texas by deed dated November 8, 1978, recorded in Volume 1455, Page 265, Deed Records, Grayson County, Texas, the Northeast corner of a 24.05 acre tract of land conveyed by Sherman Economic Development Corporation to the State of Texas by deed dated January 17, 2003 recorded in Volume 3454, Page 609, Official Public Records, Grayson County, Texas.

THENCE South 80 deg. 12 min. 00 sec. West, with the South line of said 0.7688 acre tract, a North line of said 24.05 acre tract, a distance of 184.80 feet to the Southwest corner of said 0.7688 acre tract, a Northwest corner of said 24.05 acre tract, on an East line of Northgate Technology Park Addition to the City of Sherman, Texas as shown by plat of record in Volume 12, Page 43, Plat Records, Grayson County, Texas;

THENCE in a Northerly direction with the West line of said 0.76887 acre tract, an East line of said Northgate Technology Park Addition, the following calls and distances:

North, a distance of 48.43 feet to a point;
North 06 deg. 48 min. 00 sec. East, a distance of 59.50 feet to a point;
North 06 deg. 00 min. 00 sec. West, a distance of 53.00 feet to a point;
North 57 deg. 37 min. 00 sec. West, a distance of 71.12 feet to the Northwest corner of said 0.7688 acre tract, the Easterly Northeast corner of said Northgate Technology Park Addition, on the South line of 75 and 1417 Addition to the City of Sherman, Texas as shown by plat of record in Volume 12, Page 92, Plat Records, Grayson County, Texas.

THENCE South 76 deg. 23 min. 44 sec. West, with the South line of said 75 and 1417 Addition, a North line of said Northgate Technology Park Addition, a distance of 38.20 feet to the Southwest corner of Lot Two, the Southeast corner of Lot One of said 75 and 1417 Addition;

THENCE in a Northerly direction with the East line of said Lot One, the West line of said Lot Two of 75 and 1417 Addition, the following calls and distances:

North 53 deg. 38 min. 37 sec. West, a distance of 60.71 feet;
North 43 deg. 07 min. 10 sec. West, a distance of 33.15 feet;
South 77 deg. 01 min. 50 sec. West, a distance of 119.26 feet;
North 57 deg. 03 min. 29 sec. West, a distance of 63.21 feet;
South 59 deg. 49 min. 33 sec. West, a distance of 59.56 feet;
North 69 deg. 45 min. 10 sec. West, a distance of 42.46 feet;
North 06 deg. 31 min. 27 sec. East, a distance of 32.18 feet;
North 32 deg. 52 min. 33 sec. West, a distance of 54.38 feet;
North 64 deg. 39 min. 19 sec. West, a distance of 110.97 feet;
North 45 deg. 30 min. 11 sec. West, a distance of 48.34 feet to the Northeast

corner of said Lot One, the Northwest corner of said Lot Two on the North line of said 75 and 1417 Addition, the South right-of-way line of F.M. Highway 1417;

THENCE North 49 deg. 46 min. 52 sec. West, crossing said F.M. Highway 1417, a distance of 194.80 feet to a point on the North right-of-way line of said F.M. Highway 1417, the South line of the above mentioned Shafer 130.48 acre tract;

THENCE in a Westerly direction with the North right-of-way line of said F.M. Highway 1417, the South line of said 130.48 acre tract, the following calls and distances:

South 70 deg. 42 min. 26 sec. West, a distance of 200.49 feet;
South 74 deg. 58 min. 59 sec. West, a distance of 499.93 feet;
South 73 deg. 49 min. 20 sec. West, a distance of 207.88 feet to the PLACE OF

BEGINNING and containing 428.74 ACRES OF LAND more or less.

(5) Permitted Uses. The uses listed below are permitted within the Blalock Commercial Overlay District in addition to the permitted uses of each specific zoning district.

Educational, Institutional, Public and Special Uses
Helistop
Household Care Facility Museum/Art Gallery
Transportation, Utility and Communication Uses
Stealth Antenna, Commercial Telephone Exchange
Office and Professional Uses
Administrative, Medical or Professional Office Government Office
Insurance Office
Research and Development Center
Retail Uses Over 50,000 sq. ft.
Retail uses over 50,000 sq. ft. are permitted when authorized by a Specific Use Permit.
Retail Uses 50,000 sq. ft. and under
Alcoholic Beverage Establishment Antique Shop and Used Furniture
Building Material and Hardware Sales, Major Building Material and Hardware Sales, Minor Convenience Store with Gas Pumps Convenience Store without Gas Pumps
Equipment and Machinery Sales and Rental, Major Equipment and Machinery Sales and Rental, Minor Feed Store
Furniture, Home Furnishings and Appliance Store Retail Stores and Shops
Restaurant or Cafeteria
Service Uses
Artisan's Workshop
Bank, Savings and Loan or Credit Union Beauty Salon/Barber Shop
Business Service Cabinet/Upholstery Shop
Contractor's Shop and/or Storage Yard (Inside)
Dry Cleaning, Major Dry Cleaning, Minor Furniture Restoration Gunsmith
Gymnastics/Dance Studio Health/Fitness Center
Household Appliance Service and Repair Indoor Gun Range

Locksmith/Security System Company Mortuary/Funeral Parlor
Print Shop Minor Restaurant or Cafeteria Restaurant, Drive-In Small Engine Repair Shop
Veterinarian Clinic with Indoor Soundproof Kennels

Automobile and Related Uses

Auto Parts Sales, Inside Automobile parking Lot/Garage
Automobile Repair, Major–No Outside Storage Automobile Repair, Minor–No Outside Storage Automobile Sales/Leasing, New
Automobile Sales, Used Carwash
Motorcycle Sales/Service

Wholesale Uses

Bottling Works
Mini-Warehouse/Public Storage Office/Showroom Office/Warehouse/Distribution Center Storage or Wholesale Warehouse

(6) Prohibited Uses.

Bulk Chemical & Petroleum Storage Terminals
Sexually Oriented Business

(7) Non-residential Building Placement.

(a) 55.7’ from ROW of Hwy 75 and Heritage Parkway
(b) 55.7” from ROW of other streets
(c) 55.7’ from interior and rear property lines

(8) Signs. One freestanding sign per lot. Signs may have a maximum 65 square foot face area and shall not exceed twelve feet in height. Minimum setback for signs shall be 25 feet from the highway right-of-way.

(9) Parking Areas. Parking areas and driveways shall be concrete and with curb and gutter along state highways adjacent to open drainage areas. Alternative parking materials may be used to reduce impervious cover when parking is provided that exceeds City requirements and approved by the Planning and Zoning Commission. Cross access driveways are required adjacent to commercial zoned tracts. The number of parking spaces required for each use is determined by similar uses in Commercial and Manufacturing Districts.

(10) Landscaping.

(a) Landscaping definition. Landscaping shall be defined, for the purposes of these requirements, as plant material including, but not limited to, grass, trees, shrubs, flowers, vines and other ground cover, natural land forms, water forms, planters, walks and plaza areas.

(b) Site definition. Site shall be defined, for the purposes of these guidelines, as any plot, tract or parcel of land or combination of contiguous lots, tracts or parcels of land which is developed (or intended for development) according to an overall site plan. A site shall be exclusive of any land dedicated for public use through the platting process.

(c) Compliance. Landscaping shall conform to the following:

1. Landscaping shall be required on all developments and shall be completed prior to the issuance of the certificate of occupancy. All detention ponds shall be landscaped.
2. Every site adjacent to the highway right-of-way shall include a buffer strip, landscaped and irrigated, being ten (10) feet in depth adjacent to the highway right-of-way.
3. All landscaping shall be installed so as to avoid hazards.

4. An effort shall be made to preserve existing trees.

ARCHITECTURAL DESIGN GUIDELINES

(11) Mandatory Site and Structure Provisions.

(a) Specific materials and color palette. To achieve unity between buildings in a commercial development of more than one building, all buildings in the subject development shall use a minimum of 10% of stone or faux stone for all street facing or publicly visible facades. All other building materials and colors should coordinate with and compliment this stone.

(b) Masonry requirements. All buildings shall be constructed with a minimum 60% masonry, exclusive of doors and windows. Masonry shall consist of brick, stone, stucco, simulated stone, or architecturally detailed & painted concrete tilt wall. Unpainted, integral color concrete masonry units are allowed as masonry, but are limited to maximum 50% of a street facing facade.

(c) Secondary materials. Secondary materials (maximum 40%) may be EIFS, stucco, wood, metal, or other approved material. Wood or vertical metal shall be limited to a maximum 15% of any building facade per material.

(d) Earth-Toned Colors. At least 80% of facade is neutral, crème, or deep, rich, non-reflective natural or earth-toned colors, and no more than 1 color is used for visible roof surfaces.

(e) EIFS. the use of Exterior Insulated Finishing System (EIFS) is not allowed below eight (8) feet above finished grade.

(f) Glass. Windows shall have a maximum reflectivity of 20%. Pink and gold glass is not permitted.

(g) Mechanical unit screening. All mechanical equipment shall be screened from all public view. Screening must match building color and material. Ground-mounted mechanical units may be screened with an evergreen landscape screen.

(h) Exposed conduit, ladders, utility boxes, and drain spouts shall be painted to match the color of the building or an accent color.

(i) Trash and Recycling Collection Areas.

1. Trash and recycling collection areas shall be located to minimize visibility.
2. Trash, recycling receptacles, and trash compactors shall be screened with an eight foot masonry wall of a consistent color and material of the primary building.
3. Enclosures shall be oriented so that the service opening does not face any public right-of-way or residentially zoned property where possible. The opening shall incorporate a metal gate to visually screen the dumpster or compactor. Concrete-filled steel bollards are required at the rear of the enclosure and in front of the enclosure to protect the gate hinges.
4. Enclosures located in public areas must be screened with landscaping.
5. All metal gates must not be allowed to swing into the drive aisle or fire lane.

(j) Loading Areas. All loading and service areas shall be screened from view from adjacent public streets and adjacent residential when possible. Screening shall be by walls compatible to the project design and landscaping.

(12) Design Elements. Each development must score a minimum of 6 points for buildings under 10,000 sf, 8 points for buildings 10,001-50,000 sf, and 10 points for buildings/developments 50,001 sf or above by implementing a choice/ combination of

the following design elements: (see Appendix A of this subsection for illustrations)

*Additions to existing buildings must be of similar design, and must meet the point score required for the building size of the addition.

**Applicant must submit a table with the architectural drawings enumerating the proposed points acquired for the development.

Points	Element	Description (if necessary)
4	Four-Sided Architecture	Building to be equally finished with a “front door” appearance on all four sides. Required masonry percentages to be met on each elevation.
3	Building Articulation	Building facades over 100’ in length must have building offsets of at least 4’ for a minimum of 25% of the facade. No wall plane may extend more than 100’ without horizontal and vertical articulation. Building facades between 40-100’ in length may have either horizontal or vertical articulation. Facade articulations/offsets shall be shown on the elevation drawings along with dimensions verifying that the elevations have met the above requirements as part of site plan submittal.
2	Porches	Covered areas with columns and sloped roof attached to the main facade of the structure. Must extend at least 6 feet beyond the main facade and across at least 15% of the facade.
1	Trellises	Trellis used to enhance an entry feature or as a shaded walkway.
2	Covered Walkways	An exterior walkway at least 6’ in depth protected by the roof of the main structure, and across at least 15% of the facade.
3	Canopies/Awnings	Coverings of canvas, metal, or other material hung from the building facade to protect windows or door openings.
3	Roof Overhangs	Buildings that feature a pitched roof or partially pitched roof with overhang at least 4 feet beyond the primary facade.
4	Natural Materials	Use stone, simulated stone, stucco and/or brick, for at least 60% of facade (exclusive of doors and windows).
4	Pitched roof	Pitched roof covering 100% of the total roof area with a pitch of at least 3:12 and no visible flat roofline.
2	Gabled Elements	If a flat roof is used, gabled parapet walls are used to break up long facades.
3	Varied Roof Heights	Within a pitched roof, varied roof heights or dormers to break up the line of the roof.
2	Architectural Details in the building facade	i.e. ornamental brickwork, limestone window/door lintels, etc.
1	Decorative Paving at sidewalks	Pavers or decorative concrete for min. 10% of total walkways.
1	Site Amenities	Outdoor seating, patio areas, fountains, or decorative light fixtures.
1	Public sculpture/artwork	Point validity to be determined by the Planning and Zoning Commission.
2	Enhanced Landscape	Provide a minimum increase of 25% in the number of trees, shrubs, and ornamental plantings required by City ordinance.

Appendix A

Porch

Trellis

Covered Walkway

Canopies/Awnings

Roof Overhang

Gabled Elements

Varied Roof Heights

Architectural Details

Appendix B Architectural Examples

PORCHES
Covered areas with columns and sloped roof attached to the main façade of the structure. Must extend at least 6 feet beyond the main facade and across at least 15% of the facade.

Four-Sided Architecture Building to be equally finished with a "quality" appearance on all four sides. Required masonry percentages to be met on each elevation.

BUILDING ARTICULATION

Building facades over 100' in length must have building offsets of at least 4' for a minimum of 25% of the façade. No wall plane may extend more than 100' without horizontal and vertical articulation. Building facades between 40-100' in length may have either horizontal or vertical articulation.

Facade articulations/offsets shall be shown on the elevation drawings along with dimensions verifying that the elevations have met the above requirements as part of Architectural Review submittal.

ROOF OVERHANGS
Buildings that feature a pitched roof or partially pitched roof with overhang at least 4 feet beyond the primary facade.

NATURAL MATERIALS
Use stone, simulated stone, and/or brick, for at least 60% of facade (exclusive of doors and windows).

PITCHED ROOF
Pitched roof covering 100% of the total roof area with a pitch of at least 3:12 and no visible flat rooflines.

GABLED ELEMENTS If a flat roof is used, gabled parapet walls are used to break up long facades.

VARIED ROOF HEIGHTS
Within a pitched roof, varied roof heights or dormers to break up the line of the roof.

DECORATIVE PAVING
Pavers or decorative concrete for min. 10% of total walkways.

SITE AMENITIES
Outdoor seating, patio areas, fountains, or decorative light fixtures.

Sec. 14.03.008 Arts and Cultural Overlay District

The A&C (Arts and cultural overlay) District is primarily to promote the arts and cultural uses in the City. This district includes all lands as described herein: A point of beginning at the railroad right-of-way and Walnut Street, South on Walnut to Pecan Street, West on Pecan to Elm Street, South on Elm to Laurel, West on Laurel to Rusk Street, North on Rusk to Washington Street, West on Washington to Sam Rayburn Freeway, North on Sam Rayburn Freeway to the railroad right-of-way, and east along the railroad right-of- way to Walnut Street.

(1) Purpose. The development of the Arts and Cultural Overlay District offers significant economic and recreational opportunities for the City and its citizens. Businesses of art and cultural significance and compatible uses may be consolidated in this district to enhance and complement each other. The development standards will make the City a more desirable place to live and conduct business.

(2) Permitted uses. Permitted uses are limited to the following list, however any other use and/or sign may be permitted in the Arts and Cultural Overlay District if it is compatible with the district and is approved by exception by the Planning and Zoning Commission.

Aesthetic garden Arts studio
Accessory residential (One off-street parking space per unit required) Bank and lending

institution
Church Community center Dance studio
Farmers market, indoor or outdoor Movie and cinema
Museum Music shop Office
Office, government Parking structure and lot
Restaurants, indoor and outdoor seating Retail use, indoor
Stage, outdoor
Storage of goods or merchandise used in, produced by, or normally carried in stock in conjunction with any permitted use in the district
Theater and playhouse Trolley and taxi stop
Other uses approved by the planning and Zoning Commission.

(3) Parking regulations. Parking is not required in the Arts and Cultural Overlay District except for residential uses.

(4) Area regulations. Lot size and coverage shall be in conformance with the primary designated zoning district.

Sec. 14.03.009 Central Business District Overlay District

(1) Boundary areas.

(a) Area boundaries. The Central Business Area is designated on the official zoning map attached to this ordinance by a heavy solid black line.

(2) Minimum Requirements for Lot Area, Width and Setback:

(a) C-O (Office District):
Lot Area: 2,000 sq. ft.
Lot width: 20’
Front setback: 0’
Rear setback: 0’
Side setback: 0’

(b) C-1 (Retail Business) District:
Lot Area: 2,000 sq. ft.
Lot width: 20’
Front setback: 0’
Rear setback: 0’
Side setback: 0’

(3) Height regulation exception. Structures, buildings and signs within the Central Business Area, delimited on the official zoning map, may exceed 35 feet or 2 stories but shall not exceed a maximum of 80 feet or 6 stories.

(4) The total floor area of any building or buildings on a lot in the C-O or C-1 District within the Central Business Area shall not exceed two and one-half times the number of square feet in the lot (FAR to not exceed 2.5).

(5) Masonry or equivalent shall be required on the sides of all commercial buildings in C-O (Office) District, C-1 (Retail Business) District, and C-2 (General Commercial) District visible from the front street right-of-way in the Central Business District. Masonry shall be brick, stone, EFIS (Exterior Finish Insulation System) or concrete lap siding.

(6) Central business district parking exception. Off-street parking shall not be required for buildings and structures erected or altered within the Central Business District as defined in section (1) above.

(7) One- to four-family occupancies in the Central Business District: One- to four- family occupancies shall be allowed in the Central Business District, with the following

restrictions:

(a) Residential occupancies shall not be allowed in the first half of the first floor of any building facing a front street;
(b) Residential occupancies shall have two (2) fire-safe exits;
(c) Any room used as a bedroom shall have a window or door to the outside for emergency egress;
(d) Residential occupancies shall conform to the construction codes regulating the same;
(e) Residential occupancies shall have one-hour fire separation as required by the construction codes or shall be equipped with fire sprinkler equipment;
(f) Five (5) or more family occupancies shall be reviewed by the Planning and Zoning Commission and approved by the city council by special permit; and
(g) Building owners shall be required to provide one (1) off-street parking space for each residential apartment beginning with the fifth apartment in each building.

(8) The Thoroughfare Streets special setback described in Section 14.04.002(2**)** shall not apply in the Central Business District Overlay.
(9) Billboards shall not be permitted within the Central Business District as designated on the official zoning map.
(10) On-premises signs in the Central Business District shall not exceed the height of the building on the lot. No pole signs shall be allowed in the Central Business District. When a sign is erected or placed before a permit is obtained, the permit fee shall be double.

Sec. 14.03.010 Heritage Row Historical District

See Article 1.10 in the City of Sherman Code of Ordinances for regulations for the Heritage Row Historical District.

Secs. 14.03.011 – 14.03.999 Reserved

ARTICLE 14.04 SUPPLEMENTARY DISTRICT REGULATIONS

Sec. 14.04.001 Setback Encroachments

(1) Purpose. The purpose of these standards is to provide reasonable regulations for the building of structures within the setbacks of lots in the City of Sherman.
(2) Projections into required yards.

(a) Open and unenclosed building projections such as outside stairways and fire escapes, balconies, terraces or porches, awnings, eave and roof extensions, and ornamental features may project into the required yards for a distance not to exceed 4 feet and located not closer than 3-1/2 feet from any lot line. Additionally, no supporting structures for such extensions may be located within the required yard, with the exception of supporting members for stairways and fire escapes.
(b) Projecting Signs in the Central Business District Overlay shall have a minimum clearance from the sidewalk of 8.5 feet and shall not project more than five feet from the building or more than 50 percent of the width of the sidewalk adjacent to the building, whichever is less. No supporting structures for said signs is permitted within the public right-of-way.
(c) Handicap access ramps in residential zoned properties may be permitted in the

front yard with approval from the Building Official.

Sec. 14.04.002 Accessory Buildings and Structures

(1) Purpose. The purpose of these standards is to provide reasonable regulations for the appearance, location, type and maintenance of accessory buildings and structures to ensure safety and the high-quality character and appearance of the City. The following regulations shall be observed for all accessory buildings and structures in all residential zoning districts. Accessory buildings and structures in non-residential zoning districts shall adhere to the standards of the applicable district.

(2) General Standards.

(a) No accessory building or structure shall be permitted in the front yard. Accessory building or structures shall not be permitted in the required side yard unless specified herein.

(b) Accessory buildings or structures must be separated from the main building or other structures by a distance of not less than 5 feet.

(c) Accessory buildings and structures must have a rear and an interior side yard setback of not less than five (5) feet.

(d) Where the accessory building is adjacent to a side street, the minimum side yard setback from said street shall be fifteen (15) feet, with the exception of garages or carports.

(e) Detached garages or carports facing an alley or side street must be setback twenty (20) feet.

(f) Accessory buildings or structures shall not be located in drainage or utility easements.

(g) A portable storage shed is considered an accessory structure; however, it is not subject to a building permit nor the side or rear yard setback requirements provided that it meets the following:

1. It is less than or equal to 100 square feet in floor area and less than eight (8) feet in height;
2. It is freestanding, moveable, and has no permanent foundation;
3. It is set back at least two (2) feet from side or rear lot lines; and
4. it does not contain plumbing or electrical installations.

(3) Accessory Buildings.

(a) Examples of accessory buildings include, but are not limited to, detached garages and sheds and other enclosures that extend vertically above grade.

(b) Accessory buildings attached to the primary building are considered an extension of the primary building and shall be subject to the regulations that apply to the primary building including, but not limited to, building setbacks.

(c) Accessory buildings may be permitted within the allowable building area of any lot defined by the required front, side, and rear building lines.

(d) No accessory building shall be rented or leased.

(e) An accessory building that serves as an Accessory Dwelling may not be located on a lot less than 12,000 square feet in area and shall be zoned R-A, R-E or R-12.

(f) No accessory building shall be used for commercial purposes.

(g) Accessory buildings of less than 500 square feet may be located within the required rear yard subject to the accessory building setback requirements described in Subsection (2).

(h) Accessory buildings of 500 square feet or greater shall be located in the building

area.

(i) The accessory building footprint shall be included in the calculation of the building area of the lot.

(4) Accessory Structures.

(a) Accessory structures attached to the primary building are considered an extension of the primary building and shall be subject to the regulations that apply to the primary building including, but not limited to, building setbacks.

(b) Accessory structures may be permitted within the allowable building area of any lot defined by the required front, side, and rear building lines.

(c) Accessory structures of less than 500 square feet may be located within the required rear yard subject to the accessory building setback requirements described in Subsection (2).

(d) Accessory structures of 500 square feet and greater shall be located within the zoning district setbacks.

(5) Swimming Pools and other at-grade or below-grade structures.

(a) Above-ground or in-ground swimming pools and other at-grade or below-grade structures may be permitted within the allowable building area of any lot defined by the required front, side, and rear building lines.

(b) In-ground swimming pools are structures that are built below-grade constructed of concrete, fiberglass or other similar construction and require pool equipment such as pumps and filters to operate.

(c) Above-ground swimming pools are structures that are permanently constructed that require pool equipment such as pumps and filters to operate. Play pools and other seasonal pools that do not require pool equipment are not applicable to the regulations in this section.

(d) Above-ground swimming pools and other at-grade or below grade structures are permitted in the rear yard of any residential district so long as they are not constructed or installed within five (5) feet of the main structure and must have a rear and interior side yard setback of not less than five (5) feet.

(6) Permit required. An accessory building or structure as defined above shall be required to have a building permit, be inspected by the City and meet the requirements of this article. Above-ground and in-ground pools require building permits.

Sec. 14.04.003 Parking and Off-Street Loading Areas

(1) Purpose. The purpose of these regulations is to secure the health and safety of the general public; to lessen congestion on public streets; to facilitate the adequate provision of transportation; to conserve the value of buildings; and to encourage the most appropriate use of land. Minimum off-street parking and stacking shall be provided as set forth in the following provisions. The stated goals are supported by the regulations which follow.

(2) General Standards.

(a) Off-street parking shall be prohibited from encroaching into the public right-of-way in any case.

(b) All vehicle maneuvering shall take place on-site.

(c) Handicap parking is required subject to the State of Texas Program for the Elimination of Architectural Barriers and shall conform to the Americans with Disability Act (ADA).

(d) Parking of recreational vehicles (RVs), travel trailers, boat trailers, or other trailers are not permitted in the front yard of any zoning district unless

specifically permitted by use such as RV, Boat or Trailer Sales.

(e) Adequate ingress and egress to all parking spaces shall be provided.

(f) Any lighting used to illuminate any off-street parking area shall be so arranged as to direct the light away from the adjoining premises of any Residential Districts.

(3) Single-Family Residential Parking Standards.

(a) Required parking or driveways in R-A, R-E, R-12, R-6, R-5, R-4, R-2F, and R-TH must be paved concrete or asphalt. An exception to this requirement may be considered by the Director of Development Services for properties zoned R-A (Residential Agricultural) or R-E (Estate Residential) provided that the portion of the driveway located within the public right-of-way is paved with concrete or asphalt.

(b) Minimum Parking Requirements.

1. There shall be a minimum of one (1) enclosed garage parking space in all residential zoned properties.
2. There shall be one (1) parking space per bedroom up to four (4) parking spaces provided behind the front property line, including garage parking.
3. Each required enclosed parking space and driveway parking spaces shall be a minimum of nine (9) feet wide and twenty (20) feet long.

(c) Residential lots with front line lot widths of sixty (60) feet or greater are eligible for circular driveways but subject to approval from the Director of Engineering to ensure that health and safety of the general public is maintained.

(d) Driveways shall not be constructed with a slope greater than 10%.

(4) Non-residential, Multi-family and Manufactured Housing Parking Standards.

(a) Required parking or driveways must be paved concrete or asphalt. Additional parking above the required parking may be constructed with a pervious material as approved by the Director of Engineering.

(b) Parking spaces shall be permanently and clearly identified by stripes or other approved methods. Non-permanent type marking, such as paint, shall be regularly maintained to ensure continuous clear identification of the space.

(c) Minimum Parking Requirements.

1. Required parking spaces shall be a minimum of nine (9) feet wide and twenty (20) feet long.
2. A required parking space may be a minimum of nine (9) feet wide and eighteen (18) feet long when possible for a vehicle to overhang the front of a parking space that is landscaped with grass, mulch, or similar landscaping material, not including sidewalks.
3. Parallel off-street parking spaces must be a minimum of eight (8) feet wide and twenty-two (22) feet long.

(d) Parking Aisle Design.

1. Drive aisles that are also fire lanes shall be constructed to the adopted fire codes and amendments identified in Chapter 3 (Building Regulations).
2. Two-way drive aisles with 90 degree head-in parking shall be constructed with a minimum drive aisle width of twenty (20) feet.
3. One-way drive aisles with angled parking shall be constructed with a minimum drive aisle width of fifteen (15) feet.

(e) Off-Street Loading Areas.

1. All non-residential uses having a gross floor area of 30,000 or more shall provide and maintain an off-street area for the loading and unloading of merchandise and goods.
2. Each site shall provide a designated maneuvering area for trucks.
3. No maneuvering shall take place in the right-of-way.

(f) Driveways and drive aisles shall not be constructed with a slope greater than 8%.

(5) Parking Requirements by Use.

(a) Off-street Parking Requirements. In all zoning districts, off-street parking shall be provided for each of the uses identified herein-below at the ratios specified herein at the time any building or structure is erected, structurally altered, or at such other time when the use of the existing building is changed. The ratios specified herein shall be considered the minimum number of on-site vehicle parking spaces required.

Agricultural Uses	
General Agricultural Parking	Unless specified below, agricultural uses shall have 1 space for every employee plus parking to accommodate all vehicles, but not less than 1 parking space for every 1,000 square feet for gross floor area.
Residential Uses	
Bed and Breakfast Establishments	1 parking space for every guest room in addition to the parking requirements for a single-family dwelling.
Dormitories	1 parking space for every 2 beds.
Dwelling, Multi-family	Efficiency Unit: 1 parking space per unit 1 Bedroom Unit: 1.5 parking spaces per unit 2 Bedroom Unit: 2 parking spaces per unit 3 Bedroom Unit: 2.5 parking spaces per unit 4 Bedroom Unit: 3 parking spaces per unit
Dwelling, Single-family	1 enclosed garage parking space and 1 parking space per bedroom up to 4 parking spaces including garage parking
Dwelling, Two-family (Duplex)	1 enclosed garage parking space and 1 parking space per bedroom up to 4 parking spaces including garage parking
Dwelling, Townhome	1 enclosed garage parking space and 1 parking space per bedroom up to 4 parking spaces including garage parking
Manufactured Home	2 parking spaces per unit
Rooming, Boarding House	1 parking space for every sleeping room
Educational and Institutional Uses	
Assisted living facility, nursing home, or institution	1 parking space for every 4 beds
Church or other place of worship	1 parking space for every 100 square feet of gross floor area in the main sanctuary.
Civic Club, Fraternal Organization, or Lodge	1 parking space for every 400 square feet of gross floor area.
Clinic, medical or dental	1 parking space for every 200 square feet of gross floor area

Halfway House	1 parking space for every 200 square feet of gross floor area
Hospital	1 parking space for every bed
Museum, Library, or Art Gallery	10 parking spaces plus 1 parking space for every 300 square feet of gross floor area in excess of 2,000 square feet.
Nursery, Kindergarten, or Daycare for Children	1 parking space for every 8 pupils
Schools; Elementary, High, College and Universities, Public, Private, or Denominational	Elementary, junior high, and middle schools: 2.5 parking spaces for every classroom and a minimum of 10 stacking spaces in 1 pick-up/drop-off lane. High school: 8 parking spaces per classroom College: 10 parking spaces per classroom.
Utility and Transportation Uses	
General Utility and Transportation Parking	Unless specified below, utility and transportation uses shall have 1 space for every employee plus parking to accommodate all vehicles, but not less than 1 parking space for every 1,000 square feet for gross floor area
Recreation and Entertainment Uses	
Auditorium, Sporting Arenas, Coliseum, Theater, or Amphitheater	1 parking space for every 3 seats
Commercial Amusement Centers, Indoor	1 parking space for every 200 square feet of gross floor area unless listed below: Bingo centers: 1 parking space for every 100 square feet of gross floor area Bowling alley: 5 parking spaces for every alley Indoor sporting courts: 5 parking spaces per court Indoor shooting range: 2 parking spaces for every firing lane and 10 parking spaces for every classroom Indoor swimming pool: 1 parking space for every 100 square feet of water surface and pool deck area
Commercial Amusement Centers, Outdoor	1 parking space for every 100 square feet of gross floor area unless listed below: Golf course: 5 parking spaces for every green, plus the required parking for retail, office, and other uses as applicable. Golf driving range or miniature golf: 1.5 parking spaces for every tee Outdoor shooting range: 2 parking spaces for every firing lane and 10 parking spaces for every classroom Outdoor swimming pool: 1 parking space for every 100 square feet of water surface and pool deck area Sports fields: 50 parking spaces for every field Sports courts: 5 parking spaces per court
Community Center	10 parking spaces plus 1 parking space for every 300 square feet of gross floor area in excess of 2,000 square feet.
Health Club or Studio	1 parking space for every 200 square feet of gross floor

	area
Commercial, Retail, and Service Uses	
Automobile Car Wash	1 parking space for every employee not including parking provided for vacuum stalls. 8 stacking spaces for every car wash bay required for full service and 2 stacking spaces for every car wash bay required for self-service.
Automobile, Motorcycle, Boat, or Trailer Sales, New or Used	1 parking space for every 500 square feet of sales floor area
Automobile or Vehicle Repair	2 parking spaces for every service bay with a minimum of 5 parking spaces. Quick service requires 3 stacking spaces for each service bay.
Automobile Service Station (Fueling Station)	1 space for every 200 square feet of gross floor area. A minimum of 6 parking spaces shall be provided adjacent to the main building.
Bank, credit unions, and financial institutions; including Credit Access Business	1 parking space for every 400 square feet of gross floor area plus 5 stacking spaces for every drive-thru teller or ATM station.
Contractors, Construction Offices, or Contractors Yard	Contractors Office: 1 parking space for every 400 square feet of gross floor area. Contractors Yard: 1 parking space for every 5,000 square feet of outdoor storage area.
Food Truck Lot	1 parking space for every 100 square feet of net food truck court area. Area does not include non-occupiable areas.
Funeral Home, Mortuary, or Crematory	1 parking space for every 200 square feet of gross floor area
Hotel or Motel	1 parking space for every unit plus the required parking for retail, office, and other uses as applicable.
Laundry, Pick-up or Self-service	1 parking space for every 200 square feet of gross floor area plus 3 stacking spaces for drive-thru.
Mini-warehouse	6 parking space for every development. Parking must be located outside of the security gates and accessible to the public.
Office, any type, unless specified herein	1 parking space for every 400 square feet of gross floor area
Restaurant	1 parking space for every 150 square feet of gross floor area plus 8 stacking spaces for drive-thru service.
Retail, any type, unless specified herein	1 parking space for every 250 square feet of gross floor area
Veterinarian, Animal Hospital, Pound or Shelter	1 parking space for every 400 square feet of gross floor area
Manufacturing and Industrial Uses	
Manufacturing and Industrial Parking	1 parking space for every 400 square feet of office floor area 1 parking space for every 1000 square feet for manufacturing or industrial floor area up to 20,000 square feet 1 parking space for every 2000 square feet for

	manufacturing or industrial floor area over 20,000 square feet
Machine Tools, Sales, Service, Rental, and Repair	1 parking space for every 400 square feet of gross floor area.

(b) Rules for Calculating Parking Space Requirements.

1. Where fractional parking spaces result, the parking spaces required shall be rounded up to the nearest whole number
2. For uses shown in subsection (a) that have atypical standards or single uses which have varying parking needs depending on the function of that specific single use, an applicant may submit a proposed parking ratio exception based on best/current planning and transportation practices under the following standards.
   a) Parking Ratio Application Exception.
      i) An applicant may submit an application for a Parking Ratio Exception
      ii) An applicant shall fully cite the sources used to derive the applicant-submitted parking ratio, possible resources include parking standards materials from the Institute of Transportation Engineers (ITE) or the American Planning Association (APA).
      iii) The Director of Development Services shall approve, modify or deny the applicant submitted parking ratio.
      iv) See Subsection 14.06.010 (Appeals and the Appeal Process) for the process to appeal a decision made by the Director of Development Services.

Sec. 14.04.004 Fences and Screening Devices

(1) Purpose. The purpose of these standards is to provide reasonable regulations for the appearance, location, type, and maintenance of fences and screening devices to ensure safety and the high-quality character and appearance of the City.

(2) General Standards. The following criteria shall apply to the installation of all fences and screening devices:

(a) No fence or screening device shall be placed within the following triangular areas at the intersections of streets and alleys due to sight distance requirements:

1. At all street intersections, the triangular area formed by the street right-of-way lines and a line connecting them at points twenty-five (25) feet from the intersection of the right-of-way lines. Depending on the curvature of intersecting roads, the City Engineer may require a larger triangular area.
2. At all intersections of streets with alleys, the triangular area formed by the street right-of-way line and the alley right-of-way line or the street right-of-way line and the property line connecting them at points ten (10) feet from their intersection.
3. Variances to the sight distance requirements may be approved by the Director of Engineering, subject to specific engineering criteria such as design speed, traffic control, and other site conditions.

(b) An irrigated landscaped strip, or an earthen berm, planted with trees or shrubs including a minimum of sixty (60) percent non-deciduous trees or shrubs that will achieve sight and noise obstruction, may be provided as a screening device

as approved as a special exception by the Planning and Zoning Commission.

(c) Backstops and safety fences may be erected in parks and recreational areas with the approval of the Director of Engineering and the Director of Development Services to a height in keeping with standard practices for such uses, so long as such fence or backstop is not otherwise detrimental to public safety.

(d) Electric fences or wires are prohibited along and adjoining any public street, alley or public grounds and any common property line. Such fences or wires shall not be erected, maintained, re-erected or repaired.

(e) Patio screens and/or walls used for other purposes than line fencing may exceed a height of six (6) feet when located within the allowable main building area of any lot as defined by the required front, side and rear building lines, but shall not exceed a height of ten (10) feet.

(f) A detailed site plan for a fence or screening device shall be submitted to the Development Services Department for review.

(g) Prohibited Materials. Metal panel fences are not permitted in any district.

(3) Single-family Residential Districts.

(a) A minimum six (6) foot masonry fence shall be constructed adjacent to major or minor arterials, as defined on the Thoroughfare Plan, to a single-family development. The perimeter fence may extend along the front property line long so long as it does not impact sight distance at intersecting streets, alleys, and driveways as defined in Subsection (2)(a).

(b) No fence, hedge or screening device shall exceed a height of four (4) feet within a front yard in a residential district. Fences, within the front yard must be decorative with openings not less than fifty (50) percent of the fence area. Chain link, woven wire mesh or similar materials are not considered decorative fencing and are prohibited.

(c) Fences used for screening shall not exceed a height of eight (8) feet in or along a required side or rear yard property line in a residential district. Such fences shall be constructed of wood, stone, brick, concrete block or other suitable material customarily used in residential landscaping; installed in a neat and workmanlike manner; having a completely solid area with no openings; and permanently maintained.

(4) Multi-family, Manufactured Housing, and Non-residential Districts.

(a) A minimum six (6) foot masonry or wrought iron, with masonry columns, perimeter fence shall be provided adjacent to public streets to surround a multi-family development or manufactured housing community. The masonry columns along a public street shall be separated at 24 feet on center. The perimeter fence may extend along the front property line long so long as it does not impact sight distance at intersecting streets, alleys, and driveways as defined in Subsection (2)(a). Perimeter fencings for multi-family or manufactured housing communities are not required along property lines that have a natural buffer, such as a water body, flood plain or similar that is greater that sixty (60) feet in width from the adjacent property.

(b) A minimum six (6) foot solid screening device shall be provided where a multi-family development (MF-15 or MF-30), commercial development (C-N, C-0, C-1, or C-2), or a manufacturing development (M-1, M-1.5, M-2) is adjacent to a single-family district (R-A, R-E, R-12, R-6, R-5, R-4, R-2F or R-TH).

(c) No fence or screening device shall exceed a height of four (4) feet within a front yard in a non-residential district. Fence within the front yard must be decorative

with openings in not less than fifty (50) percent of the fence area. Chain link, woven wire mesh or similar materials are prohibited.

(d) All uses within an MF-15, MF-30, C-N, C-O, C-1, C-2, M-1, M-1.5 or M-2 district shall provide a screening device as an enclosure for garbage and trash containers.

1. Such enclosure shall be located within the building area of the lot.
2. The container shall be positioned or screened in such a way so that it is not visible from any street, highway or major thoroughfare.
3. Enclosures shall be constructed of masonry or similar durable material.
4. Trash enclosures may be permitted in the required rear or side yards when adjacent to other multi-family or non-residential zoning districts.

(e) Security fences may be erected to a height of ten (10) feet in commercial and manufacturing districts within the required building area.

(f) It shall be unlawful for any person to build or erect any barbed wire fence consisting of one (1) or more wires with barbs on them on, along or adjoining any public street, alley, or grounds within the City, or to lay any such wire or barbs on or along the top of any wooden or other fence adjoining any such street, alley, or grounds in the City, such fences being regarded as dangerous to the traveling public. The Director of Development Services may approve such fences for the protection of factories and manufacturing establishments, for the husbandry of livestock, or where it is necessary for protection of public utilities or other facilities in time of war or emergency (See Subsection 8.02.003 of the Code of Ordinances).

(5) Agricultural Areas.

(a) Line fences used for control of farm animals or to identify property boundaries may be constructed on a property greater than two (2) acres with active agricultural use. Such fences may be constructed of materials customarily used in agricultural landscaping. Poultry netting or welded wire on t-posts is not permitted for the use of line fences.

(b) Approval by the Development Services Director may be granted for the erection of electric fences or wires in agricultural areas described in Subsection (2)(d) for control of farm animals and in other areas to control dogs or other small animals provided the electric fences or wires are within a fenced area that will provide a protective enclosure.

(c) Gates designed for vehicle access shall be set back at least 20 feet from the property line.

(6) Permit required. Fences and screening devices as defined above shall be required to have a building permit, be inspected by the City and meet the requirements of this article.

Sec. 14.04.005 Telecommunication Antennas and Towers

(1) Purpose; Goals. The purpose of this section is to provide the citizens of the City with the best services possible while minimizing the detrimental visual effect of antennas and structures. This ordinance does not regulate or apply to existing private communication equipment, towers or antennae solely for internal communication and used by a utility company with a franchise agreement with the City, which are not available for use by the general public.

(2) Definitions. Refer to Subsection 14.08 (Definitions).

(3) Regulations.

(a) Locations requiring building permit only. Permitted locations for antennas on monopole, light standards, flagpoles, and colocations are as follows:

1. An antenna may be located on any existing structure (buildings, signs, water towers, etc.) in any zoning district. The antenna only may extend up to ten (10) feet above the main structure. The allowance of an additional ten (10) feet in height does not apply to existing towers and/or poles. Installations on existing structures shall comply with load requirements of the City Building Code.
2. Colocation on water towers and existing towers.
3. Monopole towers only in the following districts with the maximum heights and conditions as listed:

C-O	40 feet
C-1	50 feet
C-2	70 feet
M-Districts	100 feet

a) Towers shall maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted sky blue or gray, so as to reduce visual obtrusiveness. At the lower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the lower facilities to the natural setting and built environment.

b) Towers over seventy (70) feet shall have a minimum setback from residential zones of four hundred (400) feet.

c) A minimum setback of two hundred (200) feet or one and one-half (1½) times the height of the monopole from any residential zoning district, whichever is greater.

d) A minimum setback equal to the tower height from any property line.

e) A minimum separation of one thousand (1,000) feet from any other monopole or antenna tower, except for colocations on the same tower or monopole.

(b) Locations requiring Planning and Zoning Commission approval.

1. A specific use permit is required for any towers proposed to be located in the Overlay District, the Historical District, the Central Business District, and all other types of towers and sites not listed above. The applicant shall provide the following as part of a SUP application:

a) Proof of attempt to collocate on existing structures or towers. An affidavit that applicant has contacted all other providers and tower owners in applicant's target ring and that applicant was unable to collocate. Information to be provided includes date of contract, contact name, phone number, tower location, and reason colocation was not feasible.

b) Coverage map for proposed antenna. Disclosure of target ring, lower coverage area, identification of all existing towers in the target ring and their owners, and applicant's propagation studies for the target ring.

c) Verification list of all property owners notified of the proposed

tower within a three hundred foot (300) radius or three (3) times the height of the tower, whichever is greater. Verification shall be return receipts from the U.S. Postal Service. Proof of notification by U.S. Mail, within twenty-one (21) days before application, of proposed tower location and height to all property owners within a three hundred (300) foot radius from the tower or three (3) times the height of the tower, whichever is greater.

d) A plan to minimize the visual impact of the tower. A detailed plan to minimize the visual impact of the tower and associated buildings and to maintain the aesthetic quality of the surrounding neighborhood by use of appropriate architectural concepts, camouflaging, colors, landscaping, textures of materials and screening, drawn to scale, to include the method of maintaining and replacing any dead or dying vegetation.

e) Visual elevations to scale of the proposed tower or antenna and surrounding area. Visual elevations drawn to scale of the proposed tower or antenna and the surrounding three (3) mile radius area, depicting where any portion of the proposed tower could be seen by pedestrians.

(c) Additional items.

1. All towers, supporting facilities, buildings, antennas, and below-ground structures located within the City limits of the City, including such structures located on real property subsequently annexed into the City, and new towers, supporting facilities, buildings, antennas, and all below-ground structures, shall be removed by the tower or antenna owner after each tower or antenna ceases operations for ninety (90) days, and such owners are required to provide the City with a copy of the notice to the FCC of the intent to cease operations, required to immediately revegetate the tower site in order to blend in with the surrounding area, and required to pay a penalty of fifty dollars ($50.00) per day until removal and revegetation is complete.
2. All towers shall be built three (3) times the capacity of their intended use in order that secondary users could lease the balance of the tower capacity at reasonable rates.
3. Applicants shall send, by certified mail, notice to all other tower users in the area, stating their siting needs and/or sharing capabilities. Applicants cannot be denied space on a lower tower unless mechanical, structural or regulatory factors prevent sharing.
4. A sign having two-inch high letters shall identify all users of the tower.
5. Each tower, supporting facilities, buildings, and antennas located on real property annexed into the City, shall, within one hundred eighty (180) days of such annexation, be modified to minimize the visual impact of these structures and to maintain the aesthetic quality of the surrounding neighborhood by use of appropriate architectural concepts, camouflaging, colors, painting, landscaping, textures of materials, and other screening devices.

(d) Federal requirement. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If such

standards and regulations are changed, then the owners of the towers and antennas governed by this section shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations.

(e) Building codes; safety standards. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the tower fails to comply with such codes and standards and constitutes a danger to persons and property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such codes and standards. If the owner fails to bring such tower into compliance within the said thirty (30) days, the City may remove such tower or cause such tower to be removed at the owner's expense.

(4) Removal of abandoned antennas and towers. Any antenna or tower that is not operated for a continuous period of six (6) months shall be considered abandoned, and the owner of such antenna or tower shall remove same within ninety (90) days of receipt of notice from the Development Services Director notifying the owner of such abandonment. If such antenna or tower is not removed within said ninety (90) days, the Development Services Director may cause such antenna or tower to be removed at the owner's expense. If there are two (2) or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

(5) Refusal to grant request. Rejection of an application for a permitted use request for an antenna, tower or alternative tower structure by the Director of Development Services shall require the proponent to submit a zone case for a specific use permit in accordance with Subsection 14.06.009.

Sec. 14.04.006 Residential and Commercial Landscaping Requirements

(1) Residential Tree and Landscaping.

(a) The City finds that the planting of trees aids in the stabilization of soil by preventing erosion and sedimentation, generates oxygen, provides a buffer and screen against pollution, provides a haven for birds, protects and enhances property values and enhances the City's physical and aesthetic appearance.

(b) Scope. This section shall apply to all new residential construction. These regulations do not apply to additions to existing dwellings.

(c) Definitions. Refer to Subsection (3) below for the approved list of trees to choose from for planting.

(d) Caliper. The term "caliper" means the diameter of the trunk of the tree measured twelve (12) inches above grade.

(e) Applicability. The terms and provisions of this section shall apply to all property as follows:

1. New single-family residential construction. Two, two (2) inch caliper trees from the approved tree list set forth herein are required prior to the certificate of occupancy being issued.

(f) Variances. The Board of Adjustment after a public hearing shall hear appeals for variances to this section.

(2) Commercial Tree and Landscaping.

(a) All areas that are used for off-street parking shall conform to the minimum

landscaping requirements of this section. Parking lots with twenty-five (25) parking spaces or more shall have open landscaped areas that are equal to but not less than ten (10) percent of the parking areas and drives in the parking areas. The required area may be used as island, perimeter landscaping, or in any combination. A minimum of forty (40) percent of the required landscaped area must be used as islands.

(b) Landscaping shall consist of a combination of such materials as grasses, ground cover, shrubs, vines, hedges, trees or other such materials. Grasses and ground cover alone shall not constitute adequate landscaping.

(c) Definitions. Refer to Subsection (3) below for the approved list of trees to choose from for planting.

(d) Visibility at intersections. On a corner lot, no vegetation shall be planted and allowed to grow, in such a manner as to impede vision between a height of two (2) feet and eight (8) feet above the centerline grades of the intersecting streets, subject to the sight distance regulations in Section 14.04.004(2)(a).

(3) Approved Tree List.

Common Name	**Scientific Name**
Bigtooth maple	Acer grandidentatum
Chalk maple	Acer leucoderme
Caddo maple	Acer saccharum 'Caddo' (Acer barbatum)
Chittamwood	Bumelia lanuginosa
Pecan	Carya illinoensis
Black hickory	Carya texana
Redbud	Cercis canadensis
Desert willow	Chilopsis linearis
Arizona cypress	Cupressus arizonica
Texas persimmon	Diospyros texana
Eastern persimmon	Diospyros virginiana
White ash	Fraxinus americana
Green ash	Fraxinus pennsylvanica
Ginkgo	Ginkgo biloba
Deciduous holly	Ilex decidua
Yaupon holly	Ilex vomitoria
Texas walnut	Juglans microcarpa
Walnut	Juglans nigra
Eastern red cedar	Juniperus virginiana
Golden rain tree	Koelreuteria paniculata
Crepe myrtle	Lagerstroemia indica

Sweetgum	Liquidambar styraciflua
Bois d’arc	Maclura pomifera
Southern magnolia	Magnolia grandiflora
Dawn redwood	Metasequoia glyptostroboides
Texas mulberry	Morus microphylla
Red mulberry	Morus rubra
Afghan or Eldarica pine	Pinus eldarica
Chinese pistachio	Pistacia chinensis
Mexican plum	Prunus mexicana
Ornamental pear	Pyrus calleryana
Texas oak	Quercus buckleyi
Escarpment live oak	Quercus fusiformis
Havard shin oak	Quercus havardii
Bluejack oak	Quercus incana
Lacey oak	Quercus laceyi
Bur oak	Quercus macrocarpa
Blackjack oak	Quercus marilandica
Chinkapin oak	Quercus muehlenbergii
Water oak	Quercus nigra
Shumard red oak	Quercus shumardii
White shin oak	Quercus sinuata var. breviloba
Post oak	Quercus stellata
Live oak	Quercus virginiana
Western soapberry	Sapindus drummondii
Eve’s-necklace	Sophora affinis
Bald-cypress	Taxodium distichum
Winged elm	Ulmus alata
American elm	Ulmus americana
Cedar elm	Ulmus crassifolia
Lacebark elm	Ulmus parvifolia
Drake elm	Ulmus parvifolia ‘Drake’
Slippery elm	Ulmus rubra

Mexican buckeye	Ungnadia speciosa
Texas ash	Fraxinus texensis
Tickle-tongue	Zanthoxylum hirsutum

Secs. 14.04.007 – 14.04.999 Reserved

ARTICLE 14.05 ADMINISTRATIVE AUTHORITY

Sec. 14.05.001 Director of Development Services

(1) The Director of Development Services shall administer and enforce this chapter.

(2) If the Director of Development Services finds that any of the provisions of this chapter are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of additions, alterations, or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this chapter to ensure compliance with or to prevent violation of its provisions.

(3) All questions of interpretation and enforcement of this chapter shall be presented to the Director of Development Service, who is responsible for such interpretation and enforcement, and his decisions thereon shall be final unless appealed to the Board of Adjustment pursuant to the procedure described in Subsection 14.06.010 (Appeals and the Appeal Process).

Sec. 14.05.002 Planning and Zoning Commission

The Planning and Zoning Commission shall have the authority and responsibilities outlined in this Chapter and as prescribed by state law and the City Charter.

Sec. 14.05.003 City Council

The City Council may from time to time amend, supplement or change by ordinance the text of this chapter on its own initiative or upon petition for a text amendment.

Sec. 14.05.004 Board of Adjustment

(1) Establishment.
- (a) There is hereby established a Board of Adjustment.
- (b) All rules and regulations adopted by the Board of Adjustment shall be reviewed and approved by the City Council.
  1. The rules and regulations shall be consistent with and not in conflict with state law, this chapter, the City Charter or other rules and regulations prescribed by the City Council.
- (c) The Board of Adjustment shall function according to the laws of the State of Texas, the City Charter and the provisions of this chapter.

(2) Membership.
- (a) The City Council shall appoint a Board of Adjustment of five (5) members from its own body to serve as provided by Texas Local Government Code Section 211.008. The two (2) remaining members of the Planning and Zoning Commission shall serve as alternate members of the Board of Adjustment.
- (b) The chairman of the Board of Adjustment shall be designated by the Planning and Zoning Commission. The Board of Adjustment shall select its own vice-

chairman, secretary, and acting secretaries and such other officers as it may deem expedient.

(3) Duties and Responsibilities.

(a) Appeal of an Administrative Decision. The Board of Adjustment is authorized in specific cases to consider appeals from administrative decisions pursuant to Subsection 14.06.010 (Appeals and the Appeal Process).

(b) Nonconforming Use Reconstruction, Extension or Enlargement. The Board of Adjustment may permit the reconstruction, extension or enlargement of a structure occupied by nonconforming uses, on the lot or tract occupied by such building, provided such reconstruction does not prevent the return of such property to a conforming use.

(c) Amortization of a Nonconforming Use. The Board of Adjustment is authorized in specific cases to amortize nonconforming uses pursuant to Subsection 14.01.007(7) (Amortization of Nonconforming Uses).

(d) Variance. The Board of Adjustment is authorized in specific cases to grant a variance from the Zoning Ordinance terms, standards and criteria pursuant to Subsection 14.06.006 (Variance Procedures).

(e) Special Exception. The Board of Adjustment is authorized in specific cases to grant a special exception from the General Zoning Ordinance terms, standards and criteria pursuant to Subsection 14.06.007 (Special Exceptions).

(f) Reinstatement of Nonconforming Rights. The Board of Adjustment is authorized in specific cases to reinstate nonconforming rights pursuant to Subsection 14.01.007(4)(a)(3) (Reinstatement of Nonconforming Rights).

(4) Public Hearing Required. Before taking action on an application or appeal under Subsection (3), the Board of Adjustment shall hold a public hearing and shall provide the notice of public hearing required by this Chapter for a zoning district change under Subsection 14.06.005 (Amendments to the Zoning Ordinance/District and Administrative Procedures). At the public hearing, the Board of Adjustment shall consider public comments, the Director's recommendation and other applicable information.

(5) Quorum. Each case before the Board of Adjustment must be heard by at least four (4) members.

(6) Concurring Vote Required.

The concurring vote of four (4) members of the Board of Adjustment is necessary for the following:

(a) Appeal of an Administrative Decision. Reverse or affirm an order, requirement, decision, or determination of an administrative official.

(b) Special Exception or Nonconforming Use Decision. Decide in favor of an applicant on a matter on which the Board of Adjustment is required to pass under a zoning ordinance.

(c) Variance Decision. Authorize a variation from the terms of a zoning ordinance.

(7) Appeal of a Board of Adjustment Decision.

The Board of Adjustment's decision is final unless appealed to district court within ten (10) days after the Board of Adjustment's decision is filed in the Office of the Board. Such appeal must be made in accordance with Chapter 211 of the Texas Local Government Code. The Board of Adjustment's decision is filed in the Office of the Board when the Board votes and makes its decision in open session.

(8) Power to Obligate and Finance.

The Board of Adjustment shall have no power to obligate the City in any manner

whatsoever. The Board of Adjustment's finances shall be handled in the same manner as any division of the City Government.

(9) Ex Parte Communication.

No member of the Board of Adjustment shall hold a meeting or communicate with an applicant or member of the public regarding a pending application or appeal outside of a public hearing.

Secs. 14.05.005 – 14.05.999 Reserved

ARTICLE 14.06 DEVELOPMENT PROCEDURES

Sec. 14.06.001 Building Permits Required

(1) No building or other structure shall be erected, moved, added to or structurally altered without a permit therefor, issued by the Building Official. No building permit shall be issued except in conformity with the provisions of this ordinance, except after written order from the Board of Adjustment.

(2) Application for Building Permit.

(a) All applications for building permits shall be accompanied by plans, drawn to scale showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the Building Official, including existing or proposed building or alteration; existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of this ordinance.

(b) One (1) copy, hardcopy or digital, of the plans shall be returned to the applicant by the Building Official, after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. The copy of the plans, similarly marked, shall be retained by the Building Official.

(3) Building Permit Expiration.

(a) If the work described in any building permit has not begun within ninety (90) days from the date of issuance thereof, said permit shall expire; it shall be cancelled by the building official; and written notice thereof shall be given to the persons affected.

(b) If the work described in any building permit has not been substantially completed within two (2) years of the date of issuance thereof, said permit shall expire and be cancelled by the Building Official, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new building permit has been obtained.

Sec. 14.06.002 Creation of the Building Site

(1) No permit for the construction of a building or buildings upon any tract or plot shall be issued until a building site, building tract or building lot has been created by compliance with one of the following conditions:

(a) Approved Plat of Record. The lot or tract is part of a plat of record, properly approved by the City Council, and filed in the Plat Records of Grayson County,

Texas.

(b) Annexation. The plat, tract or lot faces upon a dedicated street and was separately owned prior to annexation to the City, in which event a building permit for only one main building conforming to all the requirements of this chapter may be issued on each such original separately owned parcel without first complying with Subsection (1)(a) above.

(c) Approved Site Plan. The plat or tract is all or part of a Site Plan officially approved by the Planning and Zoning Commission, and compliance has been made with provisions and improvements approved on such Site Plan for all utility and drainage easements, dedication of streets, alleys and other public improvements required to meet the standards established for the platting of land.

(2) Building Permit Issuance Requires a Plat of Record. A plat of record shall be created prior to the issuance of a Building Permit.

Sec. 14.06.003 Certificates of Occupancy and Compliance

(1) Certificates of Occupancy Required.

(a) Certificates of Occupancy shall be required for any of the following:

1. Occupancy and use of a building hereafter erected or structurally altered;
2. Change in use of an existing building to a use of a different classification;
3. Change in ownership or change in lessee for a non-residential use.
4. Occupancy and use of vacant land, except agricultural use;
5. Change in the use of land to a use of a difference classification;
6. Any change in the use of a nonconforming use; and
7. Any use in existence with an annexation request.

(b) Certificate of Occupancy Required from Building Official. No such use, or change of use, shall take place until a Certificate of Occupancy therefore shall have been issued by the Building Official.

(2) Procedure for New or Altered Buildings.

(a) Written Application. Written application for a Certificate of Occupancy for a new building or for an existing building which is to be altered shall be made at the same time as the application for the Building Permit for such building.

(b) Timing of Certificate Issuance. Said Certificate shall be issued within fourteen (14) calendar days after a written request for the same has been made to said Building Official or his agent after the erection or alteration of such building or part thereof has been completed in conformity with the provisions of this chapter.

(3) Procedure for Vacant Land or a Change in Building Use.

(a) Written Application. Written application for a Certificate of Occupancy shall be made to the Building Official for review according to Subsection 14.06.002 (Creation of Building Site) for the following:

1. The use of vacant land,
2. For a change in the use of land or a building, or
3. For a change in a nonconforming use to a conforming use.

(b) Timing of Certificate Issuance. If the proposed use is in conformity with the provisions of this chapter, the Certificate of Occupancy therefore shall be issued within fourteen (14) calendar days after the completed application for same has been made. The City shall not issue the Certificate of Occupancy where City taxes are delinquent.

(4) Contents of a Certificate of Occupancy.

(a) Building and Proposed Use. Every Certificate of Occupancy shall state that the building or the proposed use of a building or land complies with all provisions of the building and fire laws and Ordinances.

(b) Record of Certificates of Occupancy. A record of all Certificates of Occupancy shall be kept in file on the office of the Building Official or his agent and copies shall be furnished upon request to any person having proprietary or tenancy interest in the building or land affected.

Sec. 14.06.004 Site Plan Requirements

(1) Purpose. The purpose of site plan approval is to determine compliance with this ordinance and to promote the orderly and harmonious development of the City.

(2) General Standards.

(a) A site plan is a plan of development drawn to scale indicating:

1. The location and arrangement of buildings on the subject property.
2. Building setbacks and yards.
3. Landscaping and/or walls and fences for screening purposes.
4. Off-street parking and loading areas and design of ingress and egress to and from abutting streets.
5. Zoning of adjacent property.
6. The location of screened trash receptors.
7. Fire lanes.
8. When required, a site tabulation table including:
   a) Gross square feet of each structure.
   b) Gross square feet of property.
   c) Required parking.
   d) Parking provided.
   e) Current zoning.
   f) Proposed zoning.
   g) Hard surface/impervious area (square feet).
   h) Landscaped area (square feet).
   i) Floor-to-Area Ratio (FAR).

(b) Site plans for new commercial projects shall be prepared by a design professional (architect, engineer, surveyor, etc.) except as listed below:

1. Temporary Use Permits.
2. Additions to existing buildings under one thousand (1,000) square feet

(c) For any specific use permit application or whenever two or more main buildings, or portions thereof, are placed upon a single lot or tract and such buildings will not face upon a street or officially approved place, a site plan shall be submitted to and approved by the Planning and Zoning Commission.

(d) For any temporary use permit application, a site plan shall be submitted to and approved by the Planning and Zoning Commission.

(3) Site Plan Application Procedure:

(a) Preapplication Meeting.

1. It is recommended that the applicant meet with an authorized representative of the Development Services Department to allow the applicant to learn the general procedures for approval, and to review the general plan of the proposed development, but the development / project shall not be discussed in sufficient detail to provide the City with fair

notice of the project.

2. No applications may be submitted to or accepted for filing with representatives of the Development Services Department during the meeting.

(b) Application Contents Generally. All applications and filings shall meet the requirements as defined by the Development Application Checklist and Engineering Standards, as they exist or may be amended, which shall be established and maintained by the Director of Development Services and the Director of Engineering Services, respectively. Incomplete applications shall not be accepted for filing and shall not be considered officially filed.

1. Filing Procedure.

a) All applications and filings for approval required by this Ordinance shall be filed with the Development Services Department.

b) The Development Application Checklist, as it exists or may be amended, shall prescribe the procedures for filing.

c) All applications and filings shall occur only on official Development Services Schedule Dates, published as part of the Development Application Checklist.

d) If an application or filing is rejected by the Development Services Department, then it is not considered filed under this Ordinance or the law or regulation governing the application or filing, including Chapter 212 of the Texas Local Government Code, if applicable.

e) Any application submitted on a date other than an official Development Services Schedule Date shall be rejected and shall not be considered filed under this Ordinance and the law or regulation governing the application or filing, including Chapter 212 of the Texas Local Government Code, if applicable.

f) An application must be considered complete and officially filed in accordance with this Section prior to being processed for review and consideration.

2. Development Review Schedule Dates. The Director of Development Services shall publish schedules of the official Development Review Processing Dates as follows:

a) A Development Services Schedule for all land development applications and filings for the period January 1 to December 31 of each year shall be set by the Planning and Zoning commission on or before December 1 of the year before such period and shall be published as part of the Development Application Checklist. Any changes or amendments to the approved schedule require Planning and Zoning Commission approval.

b) A Disapproval Development Services Schedule for the period January 1 to December 31 of each year shall be set by the Planning and Zoning Commission on or before December 1 of the year before such period and shall be published as part of the Development Application Checklist. Any changes or amendments to the schedule require Planning and Zoning Commission approval. The Disapproval Development Services

Schedule shall govern an applicant's response to the conditional approval or disapproval of a plan or plat subject to Section 212.0093 of the Texas Local Government Code. Any such response submitted on a date other than an official Disapproval Development Services Schedule Date shall be rejected and shall not be considered filed under this Ordinance and the law or regulation governing the application or filing, including Chapter 212 of the Texas Local Government Code, if applicable.

3. Fees Required. Every application shall be accompanied by the prescribed fees set forth in the City's fee schedule, as approved by City Council and as may be amended from time to time. The prescribed fee is not refundable.
4. Delinquent City Taxes on Property. An application shall not be deemed complete, nor shall it be approved, if there are delinquent City taxes on the subject property.

(c) Modification of Applications Prior to Approval. The applicant may modify a complete application following its filing and prior to the expiration of the period during which the City is required to act on the application only in accordance with the following conditions.

1. If the modification is for revisions requested by the City, and the modification is received at least fourteen (14) calendar days prior to the time scheduled for decision on the application, the application shall be decided within the original period for decision (from the original official filing date) prescribed by this Zoning Ordinance.
2. Any other modifications to an application will not be accepted.

(d) Initiation, Complete Application and Expiration.

1. Initiation by Owner. An application required under this Zoning Ordinance may be initiated only by the owner of the land subject to the application, or by the owner's duly authorized representative. If the applicant is a representative of the property owner, the application shall include a written and notarized statement from the property owner, such as a duly executed "Power of Attorney," authorizing the representative to file the application on the owner's behalf.
2. Applicability. The procedures within this Section shall apply to all applications that are required by the City and submitted in accordance with this Zoning Ordinance.
3. Determination of Completeness. Every application shall be subject to a determination of completeness by the responsible official for processing the application. An application must be complete in order to be accepted for review by the City.
    a) The application shall only be accepted by the responsible official for processing when it is accompanied by all documents required by, and prepared in accordance with, the requirements of this Zoning Ordinance. A typographical error shall not, by itself, constitute an incomplete application.
    b) A determination of completeness shall not constitute a determination of compliance with the substantive requirements of this Zoning Ordinance.
    c) A determination of completeness shall be conducted in

accordance with the following procedures:

i) If the application does not contain all information, as defined by the Development Application Checklist, as it exists or may be amended, and/or does not conform to all standards required by any ordinance, law, or regulation governing the application, then it shall be considered incomplete. The applicant shall be notified in writing within ten (10) business days if the submitted application is incomplete.

ii) The City shall reject all incomplete applications and provide written notice of the rejection to the applicant by one of the following methods:

- Mail;
- Email;
- Delivery service; or
- Hand delivery or other delivery method of written notice approved by the Director of Development Services. The written notice need not identify all reasons why the application was deemed incomplete. If the notice contains one or more reasons why the application was deemed incomplete, addressing the reason(s) identified in the notice does not guarantee acceptance of a subsequent application.

iii) If the application is determined to be complete, the application shall be processed as prescribed by this Zoning Ordinance.

d) It is not guaranteed that an accepted, complete application will be approved, if after the application is deemed complete, it is determined that the application does not comply with this Zoning Ordinance and all other applicable laws or regulations.

e) No Accrual of Vested rights from Specific Applications: No rights derived from Chapter 245 of the Texas Local Government Code, as amended, shall accrue from an application for a permit that expires, from an application for a permit that is denied or from an application that does not provide fair notice.

f) 30-Day Action Extension Request:

i) Request. An applicant may submit in writing a request to extend the 30-day action in relation to the decision time for site plans of thirty (30) days, as mandated by State law.

ii) Received. If the applicant requests an extension, such request must be received by the municipal authority on or before the eleventh (11th) calendar day prior to the municipal authority's deadline to act.

Sec. 14.06.005 Amendments to the Zoning Ordinance/District and Administrative Procedures

(1) Authority to Amend Ordinance.

(a) Authority. The City Council may from time to time, after receiving a final report thereon by the Planning and Zoning Commission and after public hearings required by law, amend, supplement or change the regulations herein provided or the boundaries of the zoning districts specified on the Zoning Map.

(b) Ordering Changes or Amendments.

1. The Planning and Zoning Commission or City Council may order the consideration of any changes or amendments to this chapter.
2. Any zoning district boundary amendment may be ordered for consideration by the:
   a) City Council;
   b) Planning and Zoning Commission; or
   c) The owner of the real property (or the authorized representative of an owner of real property).

(c) Planning and Zoning Commission Report Required. In no case shall the City Council act upon any zoning request prior to receiving a report on the case from the Planning and Zoning Commission.

(d) Zoning Amendment Application Submittal.

1. Each applicant for zoning or for an amendment or change to the existing provisions of this chapter shall submit a zoning application to the Director of Development Services on official Development Services Schedule Dates and shall be accompanied by payment of the appropriate fee as established by the City.
2. All applications received on a date other than during the Development Services Schedule Dates will not be accepted.
3. Applications must be complete for acceptance, subject to the requirements included in the Development Application Checklist.

(e) Zoning Application Details.

1. To ensure the submission of adequate information, the Director of Development Services is hereby empowered to maintain and distribute a list of specific requirements for zoning applications and update, modify such requirements as deemed necessary.
2. Upon periodic review, the Development Services staff shall have the authority to update such requirements for zoning application details.

(2) Zoning Amendments Process, Public Hearing and Notice.

(a) Zoning District Change.

1. Planning and Zoning Commission Public Hearing Required. Prior to making its report to the City Council, the Planning and Zoning Commission shall hold at least one public hearing on each application.
2. Written Notice of the Planning and Zoning Commission Public Hearing. Before the tenth (10^{th}) calendar day before the hearing date before the Planning and Zoning Commission, written notice of each public hearing before the Planning and Zoning Commission on a proposed change in a zoning classification shall be sent to each owner, as indicated by the most recently approved City Tax Roll, of property within two hundred (200) feet of the property in which the change in classification is proposed. This notice is served by deposit in the United States Postal Service.
3. Published Notice of the City Council Public Hearing. Notice of the City Council public hearing shall be given by publication in the official

newspaper of the City, stating the time and place of such public hearing, a minimum of fifteen (15) calendar days prior to the date of the public hearing.

(b) Zoning Text Amendment.

1. Published Notice Prior to Public Hearing. Notice of public hearings on proposed changes in the text of this chapter shall be accomplished by one publication not less than (15) calendar days prior to both the Planning and Zoning Commission and City Council meetings thereto in the official newspaper of the City.
2. Exemption. Changes in the ordinance text that do not change zoning district boundaries do not require written notification to individual property owners.

(3) Failure to Appear before the Commission. The Planning and Zoning Commission may deny a zoning application if the applicant or representative fails to appear at one (1) or more hearings before the Planning and Zoning Commission.

(4) Planning and Zoning Commission Consideration and Report.

(a) Planning and Zoning Commission Vote. The Planning and Zoning Commission, after the public hearing is closed, may vote to approve, approve with amendments and conditions, table or deny in whole or in part the application.

(b) Planning and Zoning Commission Table. The Planning and Zoning Commission may table for not more than ninety (90) calendar days from the time it is posted on the agenda until it has had opportunity to consider other proposed changes which may have a direct bearing thereon.

(c) Planning and Zoning Commission Consideration. In making their determination, the Planning and Zoning Commission shall consider, among other things, the following factors:

1. Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned and their relationship to the general area and the City as a whole.
2. Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area, and shall note the findings.
3. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances that may make a substantial part of such vacant land unavailable for development.
4. The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change.
5. How other areas designated for similar development will be, or are unlikely to be, affected if the proposed amendment is approved, and whether such designation for other areas should be modified also.
6. The impact on the environment regarding the floodplain, riparian areas, topography, and vegetation.
7. Whether the request is consistent with the Comprehensive Plan and other master plans.
8. Any other factors which will substantially affect the health, safety, morals, or general welfare.
9. Findings of a Traffic Impact Analysis (TIA), if required.

(d) Planning and Zoning Commission Justification for Denial. If the Planning and Zoning Commission denies the zoning request, it may offer reasons to the applicant for the denial.

(e) Appeals. See Subsection 14.06.010 (Appeals and the Appeal Process).

(5) City Council Consideration.

(a) Proposal Recommended for Approval by the Planning and Zoning Commission.

1. Every proposal which is recommended for approval by the Planning and Zoning Commission shall be automatically forwarded to the City Council for setting and holding of public hearing thereon or as amended by the City Charter.
2. No change, however, shall become effective until after the adoption of an ordinance for same and its publication as required by law.

(b) City Council Consideration and Action. The City Council, after the public hearing is closed, may vote to approve, approve with amendments and conditions, table or deny in whole or in part the application.

(c) Protested Amendments.

1. Documented Protest Requirements. The following requirements apply to documented protests of a proposed change to a regulation or boundary in accordance with Section 211.006(d) of the Texas Local Government Code:
   a) Documented Protest Filing. Protests shall be filed with the Director of Development Services no later than noon of the business day immediately before the date of the first public hearing. Withdrawals of protests must be in writing and filed with the Director of Development Services before the filing deadline. The provisions of this section governing the form and filing of protests apply equally to withdrawals.
   b) Documented Protest Participant Requirements.
      i) Interior Protester: The owners, duly signed and acknowledged, of twenty (20) percent or more of the lots or land area included within a proposed boundary may participate in a documented protest for a specific case.
      ii) Exterior Protester: The owners, duly signed and acknowledged, of twenty (20) percent or more of the lots or land area within a two hundred (200) foot radius of the exterior boundary of the area may participate in a documented protest for a specific case.
2. Documented Protest Effect. If a documented protest, as defined in Subsection (5)(c)(1) above, has been filed with the Director of Development Services, then such proposed change shall not become effective except by the affirmative vote of three-fourths (3/4) of all members of the City Council.

(d) Denial by City Council.

1. The City Council may deny any request with prejudice.
2. If a request has been denied with prejudice, the same or similar request may not be resubmitted to the City for twelve (12) months from the original date of denial.

(e) Final Approval and Ordinance Adoption.

1. Approval of any zoning change or amendment by the City Council at

the scheduled public hearing shall constitute instruction to City staff to prepare the appropriate ordinance for final formal passage at a subsequent time.

2. If finally approved by the required number of votes, the ordinance shall be executed by the Mayor.
3. The Ordinance shall become effective from and after its adoption and publication as required by law and the City Charter.

Sec. 14.06.006 Variance Procedures

(1) Purpose and Applicability.

(a) Cases for which a Variance may be Granted. The Board of Adjustment may authorize, in specific cases, a variance of from the terms of a zoning ordinance for the following:

1. Height,
2. Yard,
3. Lot Area,
4. Exterior Structure,
5. Lot Coverage,
6. Off-street parking, and
7. Loading requirements.

(b) Variance Criteria. A variance may be granted only if the Board finds that:

1. The requested variance is not contrary to the public interest; and
2. The requested variance does not violate the intent of the Zoning Ordinance, as amended; and
3. The requested variance allows the spirit of the Zoning Ordinance to be observed and substantial justice done; and
4. The requested variance would not cause injury to or restrict development on any other parcel of land; and
5. The requested variance is not needed merely to promote economic gain or to prevent economic loss; and
6. A literal enforcement of the Zoning Ordinance would result in an unnecessary hardship. An unnecessary hardship only exists when a variance is needed to permit development of a specific parcel of land that differs from other parcels of land by being of such a restrictive area, shape, or slope that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and
7. The unnecessary hardship, if any, is neither self-created nor personal to the owner of the parcel of land.

(c) Variance Application Submittal.

1. Each applicant for a variance request shall submit a zoning application to the Director of Development Services on official Development Services Schedule Dates and shall be accompanied by payment of the appropriate fee as established by the City.
2. All applications received on a date other than during the Development Services Schedule Dates will not be accepted.
3. Applications must be complete for acceptance, subject to the requirements included in the Development Application Checklist.

(d) Variance Application Details.

1. To ensure the submission of adequate information, the Director of Development Services is hereby empowered to maintain and distribute a list of specific requirements for variance applications and update, modify such requirements as deemed necessary.
2. Upon periodic review, the Development Services staff shall have the authority to update such requirements for variance application details.

(e) Variance Limitations.

1. Completed Action Required Before a Variance. An application or request for a variance shall not be heard or granted with regard to any parcel of property or portion thereof upon which a Site Plan, Preliminary Plat or Final Plat, when required by this chapter or the Subdivision Ordinance for any parcel of property or portion thereof, has not been finally acted upon by both the Planning and Zoning Commission and, where required, by the City Council.
2. Exhausted all Other Options. The administrative procedures and requirements of the Zoning Ordinance, and any amendments thereto, with regard to both the Planning and Zoning Commission and City Council consideration and action, on Site Plans, Preliminary Plats, and Final Plats, must be exhausted prior to requesting a variance.

(f) Public Hearing Required.

1. The Board of Adjustment shall hold a public hearing for each variance application and shall provide the notice and public hearing required by this article.
2. At the public hearing, the Board of Adjustment shall consider public comments, the Director of Development Services recommendation, and other applicable information and shall approve, approve with conditions or deny the variance application.
3. Written Notice of the Board of Adjustment Public Hearing. Before the tenth (10^{th}) calendar day before the public hearing date, written notice of each public hearing before the Board of Adjustment on a variance request shall be sent to each owner, as indicated by the most recently approved City Tax Roll, of property within two hundred (200) feet of the property in which the change in classification is proposed. This notice is served by deposit in the United States Postal Service.

Sec. 14.06.007 Special Exceptions

(1) Purpose and Applicability.

(a) Cases for which a Special Exception may be Granted. The Board of Adjustment may authorize, in specific cases, a Special Exception when such Special Exception is clearly indicated as an alternative within this chapter.

(b) Special Exception Criteria. A Special Exception may be granted only if the Board finds that:

1. The requested special exception is not contrary to the public interest; and
2. The requested special exception does not violate the intent of this chapter; and
3. The requested special exception allows the spirit of this chapter to be observed and substantial justice done; and
4. The requested special exception would not cause injury to or restrict

development on any other parcel of land.

(c) Special Exception Application Submittal.

1. Each applicant for a Special Exception request shall submit a zoning application to the Director of Development Services on official Development Services Schedule Dates and shall be accompanied by payment of the appropriate fee as established by the City.
2. All applications received on a date other than during the Development Services Schedule Dates will not be accepted.
3. Applications must be complete for acceptance, subject to the requirements included in the Development Application Checklist.

(d) Special Exception Application Details.

1. To ensure the submission of adequate information, the Director of Development Services is hereby empowered to maintain and distribute a list of specific requirements for Special Exception applications and update, modify such requirements as deemed necessary.
2. Upon periodic review, the Development Services staff shall have the authority to update such requirements for Special Exception application details.

(e) Public Hearing Required.

1. The Board of Adjustment shall hold a public hearing for each Special Exception applicant and shall provide the notice and public hearing required by this article.
2. At the public hearing, the Board of Adjustment shall consider public comments, the Director of Development Services recommendation, and other applicable information and shall approve, approve with conditions, or deny the Special Exception application.
3. Written Notice of the Board of Adjustment Public Hearing. Before the tenth (10^{th}) calendar day before the hearing date, written notice of each public hearing before the Board of Adjustment on a special exception request shall be sent to each owner, as indicated by the most recently approved City Tax Roll, of property within two hundred (200) feet of the property in which the change in classification is proposed. This notice is served by deposit in the United States Postal Service.

Sec. 14.06.008 Temporary Use Permit (TUP) Application and Review

(1) Purpose and Applicability.

(a) Cases for which a TUP may be Granted. The Planning and Zoning Commission may authorize, in specific cases, a TUP when indicated in the Subsection 14.10 (Use Chart) listed as "TUP".

(b) TUP Criteria. A TUP may be granted only if the Board finds that:

1. The requested TUP is not contrary to the public interest; and
2. The requested TUP does not violate the intent of this chapter; and
3. The requested TUP allows the spirit of this chapter to be observed and substantial justice done; and
4. The requested TUP would not cause injury to or restrict development on any other parcel of land.

(c) TUP Application Submittal.

1. Each applicant for a TUP request shall submit a zoning application to the Director of Development Services on official Development Services

Schedule Dates and shall be accompanied by payment of the appropriate fee as established by the City.

2. All applications received on a date other than during the Development Services Schedule Dates will not be accepted.
3. Applications must be complete for acceptance, subject to the requirements included in the Development Application Checklist.

(d) TUP Application Details.

1. To ensure the submission of adequate information, the Director of Development Services is hereby empowered to maintain and distribute a list of specific requirements for TUP applications and update, modify such requirements as deemed necessary.
2. Upon periodic review, the Development Services staff shall have the authority to update such requirements for TUP application details.

(e) Other Regulations.

1. TUPs may be granted for a time period between 2 weeks and 6 months with the exception of a Concrete Batch Plant, which may request a time period of up to 2 years.
2. The Planning and Zoning Commission may impose such requirements and conditions with respect to location, construction, maintenance and operation, in addition to those expressly stipulated in this chapter for the particular use, as they deem necessary for the protection of adjacent properties, and the public interest.

(f) Public Hearing Required.

1. The Planning and Zoning Commission shall hold a public hearing for each TUP application and shall provide the notice and public hearing required by this ordinance.
2. At the public hearing, the Planning and Zoning Commission shall consider public comments, the Director of Development Services recommendation, and other applicable information and shall approve, approve with conditions, or deny the TUP application.
3. Written Notice of the Board of Adjustment Public Hearing. Before the tenth (10^{th}) calendar day before the public hearing date, written notice of each public hearing before the Planning and Zoning Commission on a TUP request shall be sent to each owner, as indicated by the most recently approved City Tax Roll, of property within two hundred (200) feet of the property in which the change in classification is proposed. This notice is served by deposit in the United States Postal Service.

Sec. 14.06.009 Specific Use Permit (SUP) Application and Review

(1) Purpose and Applicability.

(a) General Standards.

1. The City Council and the Planning and Zoning Commission, in considering any request for Specific Use Permit, shall only approve such request after they have determined that the use or uses allowed will not be detrimental to the adjacent properties or to the City as a whole.
2. The City Council may grant, in specific cases, an SUP only where an SUP is permitted for the proposed use and in the applicable zoning district as indicated in the Use Chart set forth in Subsection 14.10 (Use Chart). The City Council shall grant an SUP in a duly adopted ordinance.

3. A SUP is an amendment to the district regulations of the Zoning Ordinance that permits the establishment of a specific use within a zoning district in which such specific use may be established unless such use of land or structure is discontinue or abandoned for a period of thirty (30) consecutive days in which event such specific use permit shall be void and such use may not thereafter be resumed unless a new SUP is granted in accordance with this section.
4. A building, premise or land use requiring an SUP shall not be hereafter created, changed, converted or enlarged, either wholly or in part, until a specific use permit has been obtained in accordance with the regulations in this section.
5. The Director, City Council and the Planning and Zoning Commission may require from the applicant any plans, information, operational data, and expert evaluation concerning the location, function, and characteristics of the proposed use or buildings. The City Council when establishing a Specific Use Permit, and the Planning and Zoning Commission when making a recommendation concerning a Specific Use Permit, shall establish conditions and regulations, in addition to those of the base zoning district, necessary to protect the health, safety, morals, and general welfare of the neighborhood and/or the City. In addition, the use shall be in general conformance with the Comprehensive Plan and general objectives of the City. These conditions may include but are not limited to:
    a) Paving of streets, alleys, and sidewalks,
    b) Means of ingress and egress to public streets,
    c) Provisions for drainage,
    d) Adequate off-street parking,
    e) Protective screening, landscaping, and open space,
    f) Area or security lighting,
    g) The locations and heights of structures,
    h) Architectural compatibility of buildings,
    i) Intensity of the use, and
    j) Adequate traffic circulation required to contain all stacking activity on the site.

(b) SUP Criteria. An SUP may be granted only if the Planning and Zoning Commission and the City Council finds that:
1. The requested SUP is not contrary to the public interest; and
2. The requested SUP does not violate the intent of this chapter; and
3. The requested SUP allows the spirit of this chapter to be observed and substantial justice done; and
4. The requested SUP does not violate the intent of the Comprehensive Plan; and
5. The requested SUP would not cause injury to or restrict development on any other parcel of land.

(c) SUP Application Submittal.
1. Each applicant for an SUP shall submit a zoning application to the Director of Development Services on an official Development Services Schedule Date and shall be accompanied by payment of the appropriate fee as established by the City.

2. All applications received on a date other than during the Development Services Schedule Dates will not be accepted.
3. Applications must be complete for acceptance, subject to the requirements included in the Development Application Checklist.
4. Application for a specific use permit may be submitted by an applicant with approval from the property owner.

(d) SUP Application Details.

1. To ensure the submission of adequate information, the Director of Development Services is hereby empowered to maintain and distribute a list of specific requirements for SUP applications and update, modify such requirements as deemed necessary.
2. Upon periodic review, the Development Services staff shall have the authority to update such requirements for SUP application details.

(e) Public Hearing Required.

1. The City Council and the Planning and Zoning Commission shall hold a public hearing for each SUP application and shall provide the notice and public hearing required by this section.
2. At the public hearing, the City Council and the Planning and Zoning Commission shall consider public comments, the Director of Development Services recommendation, and other applicable information and shall approve, approve with conditions or deny the SUP application.
3. Written Notice of the Public Hearing. Before the tenth (10^{th}) calendar day before the hearing date, written notice of each public hearing before the Planning and Zoning Commission on an SUP request shall be sent to each owner, as indicated by the most recently approved City Tax Roll, of property within two hundred (200) feet of the property in which the change in classification is proposed. This notice is served by deposit in the United States Postal Service.

(f) Board of Adjustment Exclusion. The Board of Adjustment shall not have jurisdiction to hear, review, reverse or modify any decision, determination or ruling with respect to the specific land use designated by any Specific Use Permit.

(g) Amend, Change, or Rescind a Specific Use Permit. Upon holding a properly notified public hearing, the City Council may amend, change, or rescind a Specific Use Permit after recommendation by the Planning and Zoning Commission if:

1. There is a violation and conviction of any of the provisions of this ordinance or any ordinance of the City that occurs on the property for which the Specific Use Permit is granted;
2. The building, premise, or land uses under a Specific Use Permit is enlarged, modified, structurally altered, or otherwise significantly changed without approval of a separate Specific Use Permit for such enlargement, modification, structural alteration, or change;
3. Violation of any provision of the terms or conditions of a Specific Use Permit;
4. Ad valorem taxes on the property are delinquent by more than six (6) months;
5. The Specific Use Permit was obtained by fraud or with deception; or

6. The advertisement of a zoning change or Specific Use Permit shall be initiated by staff upon receipt of applicant's written response to staff's recommendation. The response shall indicate whether the applicant agrees or disagrees with the staff recommendation. Where the applicant disagrees with any portion of the recommendation, the applicant shall cite the reasons for the disagreement.

Sec. 14.06.010 Appeals and the Appeal Process

(1) Purpose and Applicability. This section establishes the appeal process for different applicants. All appeals are not processed in the same manner. Appeals are based on an applicant's judgment that the person or body rendering a decision under this chapter may be incorrect in either the process to reach a decision or in the decision itself.

(a) Appeal of an Administrative Decision.

1. The Board of Adjustment may hear and decide an appeal that alleges error in an order, requirement, decision or determination made by an administrative official in the enforcement of this ordinance or Section 211.007 of the Texas Local Government Code.
2. In exercising the Board's authority herein, the Board may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision or determination from which an appeal is taken and make the correct order, requirement, decision or determination, and for that purpose the Board has the same authority as the administrative official.

(b) Appeal of a Site Plan.

1. The applicant, Director of Development Services or four (4) members of the City Council may appeal the decision regarding a Site Plan by submitting a written notice of appeal to the Director of Development Services.
    a) The applicant or Director of Development Services must submit said written notice of appeal no later than fourteen (14) calendar days from the date of such decision.
    b) The City Council shall consider an act on whether it will appeal the Planning and Zoning Commission's decision no later than fourteen (14) calendar days from the date of such decision or at its first regular meeting (for which there is time to post an agenda as required by law) that occurs after the Planning and Zoning Commission meeting at which the decision was made, whichever is later.
    c) Written notice of the City Council's vote to appeal shall be submitted to the Development Services Department within seven (7) calendar days of the City Council's vote.
2. The City Council shall consider the appeal at a public meeting no later than forty-five (45) calendar days after the date on which the notice of appeal is submitted to the Development Services Department.
3. The City Council may affirm, modify or reverse the decision of the Planning and Zoning Commission.

(c) Appeal of a Planning and Zoning Commission Decision to Deny a Zoning Amendment.

1. When the Planning and Zoning Commission determines that a proposed

zoning amendment, supplement or change should be denied, it shall so report and recommend to the City Council and Development Services staff shall notify the applicant.

2. If the proposal is denied by the Planning and Zoning Commission, the request shall not be forwarded to the City Council unless the applicant requests an appeal to the City Council or the request is sent for review by the Planning and Zoning Commission by simple majority vote.
3. Upon denial of a proposed zoning amendment, supplement or change by the Planning and Zoning Commission, the applicant may, upon his own motion within fourteen (14) calendar days, file with the Director of Development Services a written request that a public hearing be scheduled and held before the City Council regarding the application. The applicant's written request for appeal shall state why the appeal is being made and provide all necessary documentation to support the request.
4. The applicant shall be responsible for the costs of re-notification, including postage.
5. The affirmative vote of at least three-fourths (3/4ths) of all the members of the City Council is required to overrule a recommendation of the Planning and Zoning Commission that a proposed zoning amendment, supplement, or change be denied.
6. The City shall not take action on a property where City taxes are delinquent.
7. In case an application for a proposed zoning amendment, supplement or change is denied by the City Council, said application shall not be eligible for reconsideration for twelve (12) months subsequent to such denial. A new application affecting or including all or part of the same property must be substantially different from the application denied, in the opinion of the Planning and Zoning Commission to be eligible for consideration, within twelve (12) months of the denial of the original application.

Secs. 14.06.011 – 14.06.999 Reserved

ARTICLE 14.07 SIGNS

Sec. 14.07.001 Purpose

(1) The purpose of this article is to promote health, safety, comfort, convenience and general welfare of the City and its citizens; to allow growth which conforms to a comprehensive plan of the City; to provide uniform sign standards which promote a positive City image reflecting order, harmony and pride and thereby strengthening the economic stability of the City's business, cultural and residential areas. Objectives to be pursued in applying specific standards are as follows:

(a) To identify individual business, residential, and public uses without creating confusion, unsightliness, or visual obscurity of adjacent businesses.

(b) To assure that all signs in terms of size, height, and location are properly related to the overall adjacent land use.

(c) To assure that off-premises advertising is compatible with adjacent land uses.

Sec. 14.07.002 General Provisions

(1) All signs shall pertain to the identification of the primary uses and/or primary services provided or primary products sold on the premises, except for billboards, auxiliary, governmental or community service signs as provided.

(2) All signs, where applicable, shall meet the standards of the City building code.

(3) Except as herein provided, no person or firm, acting either as principal or agent, shall erect any sign or sign structure until a sign permit for such work has been issued by the Development Services Director to a bonded contractor or the owner or occupant of the premises where the work is to be done. No permit shall be required for nonilluminated signs otherwise permitted in Subsection 14.07.007(1), Subsection 14.07.007(2), Subsection 14.07.010, or Subsection 14.07.011.

(4) Not more than two sides of a sign structure may be used for display except pylon signs especially designed for more than two side viewing.

(5) No sign, sign structure, or sign support shall project over any property line, except that a sign placed flat against the wall of a building, which is on the property line may project eighteen (18) inches over the public property line.

(6) Trees, rocks, bridges, fences, windmill towers and dilapidated buildings shall not be used as sign supports.

(7) All business locations shall be identified by a street address sign which is clearly visible from the street.

(8) Signs with flashing, blinking or traveling lights shall have lightbulbs which do not exceed sixty (60) watts each. Such lightbulbs shall be frosted.

(9) In the event that more than one sign-related definition applies to a nonprohibited proposed sign, resulting in conflicting regulations thereon, the sign applicant may choose the definition that is to apply, with qualification that any regulations related to that definition must be adopted. Where the proposed sign is of a type that is prohibited, it shall remain prohibited notwithstanding that it may also come within the definition of an approved type of sign.

(10) Digital/LED signs shall have a maximum transition time between messages of two (2) seconds. The minimum duration of the message display shall be eight (8) seconds. Brightness shall be no more than 0.3 footcandles over ambient light. Automatic dimming is required. The brightness measurement shall be taken utilizing a Footcandle meter at 200' measured perpendicular to the face of the digital sign.

(11) No off-premises advertising is allowed.

Sec. 14.07.003 Prohibited Signs

The following signs shall be prohibited in all districts:

(1) Any signs and supports, other than those signs and supports required by governmental authority, or for which a street use license has been issued, which are located on the public right-of-way, including on public streets, alleys, and parkways. This section shall not apply to signs on commercial vehicles or commercial trailers lawfully operated or parked in such areas, except that this exception shall not otherwise be used to legitimate the use of advertising vehicles and trailers prohibited in Subsection 14.07.005.

(2) Any signs which resemble an official traffic sign or signal or which bear the words "Stop," "Go Slow," "Caution," "Danger," "Warning" or similar words.

(3) Signs which, by reason of their size, location, movement, content, coloring, or manner of illumination, may be confused with or construed as a traffic control sign, signal or

device, or the light of an emergency or road equipment vehicle, or which hide from view any traffic or street sign or signal or device.

(4) Any sign which emits sound, odor or visible matter which serves as a distraction to persons within the public right-of-way.

(5) Any sign, billboard or outdoor advertising, as those terms are defined in Section 108.51 of the Texas Alcoholic Beverage Code, which advertises an alcoholic beverage or the manufacture, sale or distribution of an alcoholic beverage, except as allowed by state law.

Sec. 14.07.004 Abandoned or Damaged Signs

(1) All abandoned signs and their supports shall be removed within ninety (90) days from the date of abandonment. All damaged signs shall be repaired or removed within ninety (90) days. The zoning officer shall have the authority to grant a time extension not exceeding an additional ninety (90) days from an abandoned, non-damaged sign.

(2) All advertising signs shall be removed within ninety (90) days of closing or moving of a business. Faces of signs may be painted or blanked in lieu of removal.

(3) Should the responsible party or parties, after due notice, fail to correct a violation of this section, the Development Services Director shall cause such signs and their supports to be demolished and removed.

Sec. 14.07.005 Parking of Advertising Vehicles

No person shall park an advertising vehicle or trailer on a public right-of-way, on public property or on private property so as to be visible from a public right-of-way.

Sec. 14.07.006 Nonconforming Sign Abatement

(1) The following signs and/or advertising items shall become nonconforming on the effective date of this ordinance.

(2) Any sign which is affixed to sign supports prohibited in Subsection 14.07.002(6).

(3) Banners, pennants, searchlights, sandwich or “A” frame signs, or wind-driven signs.

(4) Any signs which resemble an official traffic sign or signal or which bear the words “Stop”, “Caution”, “Go Slow”, “Danger”, “Warning” or similar words.

(5) Signs which, by reason of their size, location, movement, content, coloring or manner of illumination may be confused with or construed as a traffic control sign, signal, or device, or the light of an emergency or road equipment vehicle, or which hide from view any traffic or street sign or signal or device.

(6) Any sign which emits sound, odor or visible matter or which serves as a distraction to persons within the public right-of-way.

(7) Any signs and their supports in violation of Subsection 14.07.003(1) are hereby deemed to be in trespass on public property and shall be immediately removed by the owner or his agent. If the owner fails to remove such signs, the owner shall be in violation of this ordinance and may be cited as such. If the owner is not known, the City administration shall cause the signs and supports to be removed.

(8) The manner of notice where required by this ordinance shall be by regular mail. Refusal of mail, which has been properly addressed and posted, shall not void the notice. Publication may be used when the addressee or his whereabouts are unknown and said publication shall be done in the same manner as prescribed in state law for service of process by publication. Notice by publication shall be deemed sufficient regardless of its effect as actual notice. With the exception of signs made of paper or cardboard and their supports which may be disposed of immediately, removed signs and supports

shall be stored a period not to exceed fourteen (14) days beginning the first day of effective notice, whether actual or constructive. A storage charge of five dollars ($5.00) per day will be levied beginning the fourth day of that fourteen (14) day period. Before the expiration of the storage period, the owner of the sign and supports may reclaim his property upon payment of any storage charges and the cost of removal. If said sign and support have not been reclaimed by the expiration of the storage period, they may be disposed of in the manner hereafter provided. If the sign and supports are not capable of being sold, they may be discarded, but if sold, the proceeds therefrom shall be first applied to the storage charge and removal charge, then to the general fund of the City.

(9) All signs which are in violation of the provisions of this ordinance shall become nonconforming. Such signs may be maintained, repaired and may be continued so long as their nonconformity is not increased. Nonconforming signs shall not be enlarged in area or increased in height. No nonconforming sign shall be continued when abandoned. Abandonment means when a business vacates a premises. The new business's sign shall comply with this ordinance as a new sign.

Sec. 14.07.007 Single-Family Residential Signs

The following signs shall be permitted in Single-Family Residential Zoning Districts:

(1) One (1) sign not exceeding one and one-half (1½) square feet in area, indicating only the name and address of the occupant, for each residential unit.

(2) One (1) unlighted sign not exceeding sixteen (16) square feet in area on each development lot pertaining to the prospective sale or rental of the property on which it is located.

(3) Conditional uses. Sign requirements for all conditional uses shall be set by the Board of Adjustment, and in no case shall the requirements exceed the requirements for that use or similar type uses in the district in which the use is ordinarily permitted.

Sec. 14.07.008 Multi-Family Residential Signs

The following signs shall be permitted in the Multi-Family Residential Zoning Districts:

(1) Primary identification signs, each having an area not exceeding ten (10) percent of the area of one (1) wall or five (5) percent of the area of two (2) walls, where applicable, or fifty (50) square feet, whichever is less.

(2) Informational type signs, each not exceeding ten (10) square feet in area per building.

(3) All signs shall be placed flat against the wall of a building and shall not project above the parapet wall or side wall of the building.

(4) All signs, except for the informational signs, shall identify the development by name and address only. Signs may be back lighted, indirect lighted, internal lighted or lighted by spots.

Sec. 14.07.009 Freestanding Signs

(1) One (1) freestanding sign for each freestanding building, not to exceed one (1) freestanding sign per development lot, except as indicated below.

(2) C-N, C-O, C-1, C-2, M-l, M-1.5, and M-2 Districts with frontage on a thoroughfare.

(3) Area. The area of a freestanding sign shall not exceed three hundred (300) square feet.

(4) Height. Sign height shall not exceed fifty (50) feet above the centerline of the thoroughfare, access road or facing street.

(5) Signs at commercial locations that are not on a highway or major thoroughfare may have a maximum height of twelve (12) feet and a maximum face area of thirty-two (32)

square feet.

(6) Nonconforming signs. Where a lawful sign exists at the effective date of adoption or amendment of this article that could not be erected under the terms of this ordinance, as amended, such sign may be continued so long as it remains otherwise lawful, subject to the following provisions:

(a) No such sign may be enlarged or altered in any way which increases its nonconformity; and

(b) Should such sign be moved for any reason for any distance whatever, it shall thereafter conform to the regulations as set forth in Subsection 14.07.009(1) through (5) above.

(7) Temporary banners may be placed on existing conforming freestanding signs. Total face are of the existing sign and the banner combined shall not exceed three hundred (300) square feet. Banners shall be securely fastened at all times to the structure.

Sec. 14.07.010 Governmental Signs

Governmental signs not exceeding thirty-two (32) square feet in area and not exceeding ten (10) feet in height, shall be permitted. Such standards shall not apply where state or federal regulations are in conflict with these standards.

Sec. 14.07.011 Community Service Signs

Any community service signs for seasonal celebration shall have no size limitation if placed in or on windows. Any community service signs, not of a seasonal celebration nature, shall be placed in or on windows and shall have a combined area not exceeding ten (10) percent of the area of all the windows on the same wall. Such sign area shall not be counted against permitted wall sign area.

Sec. 14.07.012 Billboards

Billboards consisting of off-premises poster panels or bulletins, digital signs or painted or printed bulletins shall be permitted in the C-1, C-2, M-1, M-1.5, and M-2 Districts with a Specific Use Permit and subject to the following conditions:

(1) Billboards shall be constructed to meet the construction standards of the International Building Code. Billboards may have one sign face per side for a maximum of two sides. Only one side face may be visible from one direction of traffic. The back side of the billboard structure shall be boxed in to create a smooth finish. All framework and boxing shall be painted to blend with the surrounding area; ex: sky blue or light grey in open areas and brown or forest green in areas with trees.

(2) Billboards shall be a minimum of thirty-five (35) feet from any residentially zoned property line.

(3) The maximum area of any billboard sign face shall be three hundred (300) square feet. The maximum width of any billboard shall be thirty-five (35) feet.

(4) Billboards shall be within seventy-five (75) feet and on the inbound side of highways 75 or 82 frontage. All billboards shall have one face visible to inbound traffic. The inbound traffic side of highways shall be defined as the side of the highway for traffic coming into the City beginning at the City Limits and ending at North Travis Street for southbound Highway 75, at Highway 82 for northbound Highway 75, at North Travis for westbound Highway 82 and at Texoma Parkway (Hwy 91) for eastbound Highway 82.

(5) There shall be a minimum radial separation of two thousand (2,000) feet between all billboards.

(6) Billboards shall have a setback of not less than thirty-five (35) feet. Setbacks from side lines shall be not less than thirty-five (35) feet.

(7) Billboards shall have a maximum height of forty-two and a half (42.5) feet above the center of the facing street, access road, or thoroughfare. Provided, however, no billboard sign shall be higher than fifty (50) feet measured from its base.

(8) All lighting of billboards shall be so shielded as not to produce intensive or excessive light or glare on adjacent property.

(9) Billboards shall not be permitted within the Central Business District as designated on the official zoning map.

(10) In addition to the above conditions, digital billboards shall have a maximum transition time between messages of two (2) seconds. The minimum duration of the message display shall be eight (8) seconds. Brightness shall be no more than 0.3 footcandles over ambient light. Automatic dimming is required. The brightness measurement shall be taken utilizing a Footcandle meter at 200' measured perpendicular to the face of the digital billboard.

Sec. 14.07.013 Wall Signs

(1) The maximum area of any wall sign shall be three hundred (300) square feet. In no case shall a wall sign exceed 20% of any single wall.

(2) Temporary banners may be placed on existing buildings. Total area of the banner and existing sign shall not exceed three hundred (300) square feet. Banners shall be securely fastened at all times flat against the structure.

Sec. 14.07.014 Political Signs

(1) It is the intent of this section to provide minimum regulations regarding the posting, maintenance and removal of political signs. Political signs are permitted in all zoning districts, subject to the restrictive provisions of this section. Although political signs are temporary signs, temporary sign permits do not have to be obtained. The provisions of this section do not apply to billboards which are subject to Subsection 14.07.012 or to political signs inside of a building, even if visible outside the building.

(2) For the limited purposes of this section, a political sign is a temporary sign announcing, supporting or opposing a candidate or issue in connection with any national, state or local election.

(3) Political signs are prohibited on all public property (real and personal), which shall include, but not be limited to, public right-of-way, buildings, fences surrounding public property, sidewalks, crosswalks, curbs, curbstones, fences, walls, playground equipment and/or facilities, street lamp posts, traffic light poles, guy lines, horizontal struts, City barricades, hydrants, trees, shrubs, tree stakes or guards, railroad trestles, poles for electric light or power or telephone or telegraph or trolley wire or upon any fixture of the fire alarm or police telegraph system, bridges, drinking fountains, street signs or traffic signs, planter strips and in City facilities such as parks, City Hall, library, fire stations and corporation yards.

(4) Political signs may be placed on private property with the consent of the property owner (or person entitled to possession) or their authorized agent, subject to the following:

(a) Political signs shall not be placed in a manner that creates a hazardous condition to or obstructs either vehicular or pedestrian traffic or obstructs or restricts safe visibility of a vehicle driver or pedestrian.

(b) Political signs located on corner lots at street intersections shall not be over three (3) feet high if located within fifteen (15) feet from the lot corner at the street

intersection and extending fifteen (15) feet in all directions, except if placed upon the signage portion of a lawful billboard or lawful business sign.

(c) Except for lawful billboards and the political signs described in paragraph (b) hereinabove, no political sign shall exceed a total of thirty-six (36) square feet, be more than eight (8) feet in height, be illuminated, or have any moving elements.

(d) Political signs shall be removed within ten (10) days after the election. In the event that the election is a primary election, or similar preliminary election, the successful candidates for the later election, including a run-off election, may leave their signs in place to be removed within ten (10) days after the general or run-off election.

(e) Should a political sign be erected in a manner or location in violation of this ordinance or exceed the size limitations or be permitted to remain longer than the time period provided for herein, the City may, either at the expense of the advertised candidate or at the expense of the property owner, or both, immediately cause such signs to be removed. If a candidate is to be charged a removal fee, the City shall provide the candidate three (3) days prior notice before removal by the City.

Secs. 14.07.016 – 14.07.999 Reserved

ARTICLE 14.08 DEFINITIONS

For the purpose of this chapter, certain terms and words are to be used and interpreted as defined hereinafter. Words used in the present tense shall include the future tense; words in the singular number include the plural and words in the plural number include the singular, except where the natural construction of the writing indicates otherwise. The word shall is mandatory and not discretionary.

Accessory building: (a) In a residential district, a subordinate building, attached to or detached from the main building, without separate utilities, not used for commercial purposes, and not rented. (b) In other districts, a subordinate building, the use of which is incidental to and used only in conjunction with the main building.

Accessory dwelling: A secondary dwelling unit established in conjunction with and clearly subordinate to a primary dwelling unit, whether a part of the same structure as the primary dwelling unit or a detached dwelling unit on the same lot.

Accessory structure: A secondary structure that is open on at least two sides. Examples of accessory structures include, but are not limited to, detached carports, patio covers, arbors, gazebos, cabanas, garbage and trash enclosures, and other structures that extend vertically above grade.

Accessory use: A use subordinate to the principal use of a building or lot and serving a purpose customarily incidental to the principal use.

Agent of owner: Any person who can show certified written proof that he is acting for the property owner.

Aircraft hangar: A hanger for the storage of four (4) or fewer single-motor aircraft and in which

no volatile of flammable oil is handled, stored, or kept other than that contained in the fuel storage tank of the aircraft.

Airport or landing field: Any area of land or water designed and set aside for the landing and take-off of aircraft, including all necessary facilities for the housing and maintenance of aircraft.

Alcoholic beverage establishment: Any establishment that derives seventy-five (75) percent or more of its gross revenue on a quarterly basis from the sale or service of alcoholic beverages, as defined in the Texas Alcoholic Beverage Code, as amended, for on-premise consumption.

Alley: An unnamed public or private right-of-way that is primarily designed to serve as secondary access to the rear or side of those properties whose principal frontage is on some other street.

Animal and poultry husbandry, dairying and pasturage: The use of land for dairying, animal raising and pasturage and the necessary accessory uses; provided, however, that such accessory uses shall be secondary to that of normal animal husbandry activities. The above uses shall not include the commercial feeding of garbage or offal to swine or other animals.

Animal hospital: An establishment for the care and treatment of small animals, including household pets.

Animal pound or shelter: Any premise designated by the City for the purpose of boarding and caring for any animal impounded under the provisions of this title or any other ordinance of the City or law of the state.

Apartment: A room or suite of rooms in an apartment house arranged, designed or occupied as a residence by a single family, individual or group of individuals.

Apartment house: Any multi-family dwelling or building or portion thereof, which is designed, built, rented, leased, let or hired out to be occupied as three or more apartments or which is occupied as the home or residence of three or more families living independently of each other and maintaining separate cooking facilities.

Arena, coliseum or stadium: A commercial structure with tiers of seats rising around a field or court, intended to be used primarily for the viewing of athletic events. Sports arena may also be used for entertainment and other public gathering purposes, such as conventions, circuses, or concerts.

Art gallery: An establishment engaged in the sale, loan, or display of art books, paintings, sculpture, or other works of art. This clarification does not include libraries, museums, or non-commercial art galleries.

Asphalt or asphalt products: The manufacture or storage of asphalt or asphalt products

Assisted living quarters: See nursing home.

Auditorium, or amphitheater: An open, partially enclosed, or fully enclosed facility used or intended to be used primarily for spectator sports, entertainment events, expositions, and other public gatherings. Typical uses include convention and exhibition halls, sports arenas, and

amphitheaters.

Automobile accessory and supply store: Stores selling new automobile parts, tires, and accessories. Does not include the installation of automobile parts, or automobile repair.

Automobile laundry, carwash: The use of a site for washing and cleaning of passenger vehicles, recreational vehicles, or other light duty equipment.

Automobile, motorcycle, boat, or trailer sales, new or used: Any business establishment that sells or leases new or used automobiles, trucks, vans, trailers, recreational vehicles, boats, or motorcycles or other similar motorized transportation vehicles. An automobile dealership may maintain an inventory of the vehicles for sale or lease either on-site or at a nearby location and may provide on-site facilities for the repair and service of the vehicles sold or leased by the dealership.

Automobile parking lot or structured parking: An authorized area not within a building where motor vehicles are stored for the purpose of temporary, daily, or overnight off-street parking.

Automobile rental or taxi storage and repair: Any building, structure, improvements, or land used for the repair and maintenance of automobiles, motorcycles, trucks, trailers, or similar vehicles including but not limited to body, fender, muffler, or upholstery work, oil change and lubrication, painting, tire ser vice and sales, or installation of CB radios, car alarms, stereo equipment, or cellular telephones.

Automobile repair, body work, or painting: Any building, structure, improvements, or land used for the repair and maintenance of automobiles, motorcycles, trucks, trailers, or similar vehicles including but not limited to body, fender, muffler, or upholstery work, oil change and lubrication, painting, tire ser vice and sales, or installation of after market accessories.

Automobile service station: Any building, structure, or area of land used for the retail sale of automobile fuels, oils, and accessories. May include the sale of propane or kerosene as accessory uses.

Bait store: Any building, structure, or area of land used for the sale of live and dead bait and fishing tackle to the public as a principal or incidental operation.

Baseball park, commercial: See Arena, Coliseum or Stadium.

Bakery, confectionery, or similar (retail): An establishment primarily engaged in the retail sale of baked products for consumption off site. The products may be prepared either on or off site. Such use may include incidental food service. A bakery shall be considered a general retail use.

Bakery, wholesale: A bakery in which there is permitted the production and/or wholesaling of baked goods, but where over-the-counter or other retail dispensing of baked goods shall be prohibited.

Bank, credit unions, and financial institutions: A freestanding building, with or without a drive-up window, for the custody, loan, or exchange of money; for the extension of credit; and for facilitating the transmission of funds.

Barbershop: Any establishment or place of business within which the practice of barbering is

engaged in or carried on by one or more barbers.

Basement: A story whose floor is more than 12 inches, but not more than half of its story height below the average level of the adjoining ground (as distinguished from a "cellar" which is a story more than one-half below such level). A basement or cellar, when used as a dwelling, shall be counted as a story for purposes of height measurement.

Batching or mixing plant, concrete or asphalt: A plant for the manufacture or mixing of asphalt, concrete, cement, and concrete and cement products, including any apparatus and uses incident to such manufacturing and mixing.

Battery manufacturing: The process of manufacturing for batteries or battery parts.

Beauty parlor: Any commercial establishment, residence, vehicle, or other establishment, place, or event wherein cosmetology is offered or practiced on a regular basis for compensation; may include the training of apprentices under regulations of the board.

Bed and breakfast establishments: A transient lodging establishment, generally in a single-family dwelling or detached guesthouses, primarily engaged in providing overnight or otherwise temporary lodging for the general public and may provide meals for compensation.

Beginning of construction: The incorporation of labor and materials within the foundation of the building or buildings.

Boarding house: A building other than a hotel, where lodging and meals for five (5) or more persons are served for compensation. Also referred to as rooming house.

Boat/Recreational Vehicle (RV) rental, storage, and repair: On-site rental, storage, or repair of any recreational vehicles, boats, trailers, or similar.

Boiler manufacturing: The process of manufacturing for boilers or boiler parts.

Bowling alley: An establishment that devotes more than 50 percent of its gross floor area to bowling lanes, equipment, and playing area.

Building: Any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals or property. When such a structure is divided into separate parts by one (1) or more unpierced walls extending from the ground up, each part is deemed a separate building.

Building area: The building area is the inner edge of any required yard or required setback, and the corresponding outer edge of the buildable area. No portion of the main building or structure may be extended to occupy any portion of the lot outside its building area.

Building height: The vertical dimension from the lowest point of the building, structure, or wall exposed above the ground surface to the highest point of the roof, parapet wall, or uppermost part. Chimneys, vents, or utility service structures shall not be included in the measurement of vertical dimensions.

Building line: A line parallel or approximately parallel to a lot line or street line and beyond which buildings may not be erected.

Building, main: A building in which is conducted the principal use of the site on which it is located. In any residential district any and all dwellings shall be deemed to be main buildings on the site on which they are located.

Building material sales or monument sales: Any retail trade use characterized by the sale of bulky items, outside display or storage of merchandise or equipment, such as farm and garden supplies, ice storage houses, lumber and building materials, and stone monument sales.

Building official: Is the officer or other designated authority charged with the administration and enforcement of the City Building Code, or duly authorized representative.

Bus station: A location on private property where buses arrive and depart.

Carnival or circus: A traveling or transportable group or aggregation of rides, shows, games, or concessions or any combination thereof.

Carpet, manufacture or cleaning: The process of manufacturing carpet or the location of a carpet cleaning service.

Carport: An accessory structure made of canvas, aluminum, or similar materials, or any combination thereof, on movable framing for the shade and shelter of one (1) or more private passenger vehicles.

Caterer: An establishment that serves and supplies food to be consumed off premises.

Cemetery or mausoleum: Land used or dedicated to the burial of the dead, including crematoriums, mausoleums, necessary sales, and maintenance facilities. Mortuaries may be included when operated within the boundary of such cemetery.

Central Business District (CBD): The major commercial downtown center of the City, defined as the area designated on the official zoning map being: Montgomery Street from the Railroad Tracks south to Jones Street, Jones Street west to U.S. Highway 75, U.S. Highway 75 north to the Railroad Tracks, Railroad Tracks east to Montgomery Street.

Christmas tree sales: A retail sales operation, generally conducted wholly out-of-doors, that offers for sale on a temporary, limited basis Christmas trees and related holiday items such as wreaths and Christmas tree stands. The allowable sales period extends generally from the Thanksgiving holiday through December 25.

Church or place of worship: A building used primarily for religious assembly and worship and those accessory activities which are customarily associated therewith, and the place of residence for ministers, priests, nuns, rabbis, or other religious personnel on the premises (tax exempt as defined by State law). For the purposes of this ordinance, Bible study and other similar activities that occur in a person's primary residence shall not apply to this definition.

City: References to the “City” shall mean the City of Sherman, Texas.

City Council: The governing body of the City.

Civic club, fraternal organization or lodge: A group of people formally organized for a common interest, usually cultural, religious, or entertainment, with regular meetings and formal

written membership requirements.

Clinic, medical or dental: An institution or station for the examination and treatment of ill and afflicted out-patients.

Colocation: Installation of an additional antenna on an existing tower or pole.

Commercial amusement centers: An establishment providing indoor or outdoor recreation activities. Accessory uses may include the preparation and serving of food or the sale of equipment related to the enclosed uses. Included in this definition shall be bowling, rollerskating or ice-skating, billiards, pool, shooting ranges, and related amusements.

Community center: A building to be used as a place of meeting, recreation, or social activity and not operated for profit and in which neither alcoholic beverages or meals are normally dispensed or consumed.

Concession stand: A structure devoted to the sale of confections, snacks, or other light meals and providing no inside seating nor drive-in service for the customers.

Contractors or construction offices, equipment sales, service, rental and repair: An establishment used for the indoor repair, maintenance, or storage of a contractor's vehicles, equipment, or materials, and may include the contractor's business office.

Convalescent home: Any structure used for or occupied by more than three persons recovering from illness or suffering from the infirmities of old age.

Correctional or detention facility or jail: Publicly or privately operated facility housing persons awaiting trial or persons serving a sentence after being found guilty of a criminal offense.

Country club: A club with recreation facilities for members, their families and invited guests.

Court: An open, unoccupied and unobstructed space, other than a yard, on the same lot with a building or group of buildings.

Coverage of a lot or maximum allowable building area: The ratio of gross floor area of the first floor of a building or of a group of buildings on the same lot to the area of the lot, expressed as a percentage.

Credit access bureau (loan office): Credit access businesses obtain credit for a consumer from an independent third-party lender in the form of a deferred presentment transaction or a motor vehicle title loan, more commonly referred to as "payday loans" or "title loans."

Dance hall: Establishments in which more than ten (10) percent of the total floor area is designed or used as a dance floor, or where an admission fee is directly collected, or some other form of compensation is obtained for dancing.

Density: The maximum number of residential units permitted on a lot.

Department store: A business which is conducted under a single owner's name wherein a variety of unrelated merchandise and services are housed enclosed and are exhibited and sold directly to the customer for whom the goods and services are furnished.

Detached structure: Any building, accessory building or structure that is not physically attached to any other building or structure by any means.

District or zoning district: A portion of the territory of the City within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this ordinance.

Dormitories: A building intended or used principally for sleeping accommodations where such building is related to an educational or public institution, including religious institutions.

Drug-store or pharmacy: An establishment engaged in the retail sale of prescription drugs, nonprescription medicines, cosmetics, and related supplies.

Dwelling: Any building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons, but not including a tent, trailer or mobile home.

Dwelling, single-family: A building designed for or used exclusively for residence purposes by one family or housekeeping unit.

Dwelling, duplex or two-family: A building designed for or used exclusively for residence purposes by two families or two housekeeping units.

Dwelling, multi-family efficiency unit: A dwelling unit that consists of one (1) principal room, exclusive of a bathroom and a kitchen.

Dwelling, multi-family: A building or portion thereof designed for or used by three or more families or housekeeping units.

Dwelling, townhome: A one-family dwelling unit, with a private entrance, which is part of a structure whose dwelling units are attached horizontally in a linear arrangement, and having a totally exposed front and rear wall to be used for access, light, and ventilation.

Dwelling unit or unit: One (1) room, or a suite of two (2) or more rooms, designed for or used by one (1) family for living and sleeping purposes and having only one (1) kitchen or kitchenette.

Electric power substation or generating including ground-mounted solar and wind: A facility that converts electrical power, including but not limited to water power, fossil fuels, nuclear power, or solar power, into electrical energy or steam. A power generation plant may also perform either or both of the following: (a) operation of a transmission system that conveys the energy or steam from the generation facility to a power distribution system; (b) operation of a distribution system that conveys energy or steam from the generation facility or the transmission system to final consumers.

Exterminator: A business establishment specializing in the elimination of vermin, insects, or similar.

FAA: The Federal Aviation Administration.

Fairgrounds or rodeo: An area of land use including but not limited to: agricultural related office buildings, animal shows and judging, carnivals, circuses, community meeting or

recreational buildings and uses, concerts, food booths and stands, games, rides, rodeos, sales and auctions, storage, theaters. Such county fairs, exhibitions, and shows do not include racetracks or motorized contests of speed.

Family: A person living alone, or two (2) or more persons living together as a single housekeeping unit in a dwelling unit, and in which not more than four individuals are unrelated by blood.

Farm equipment sales, service, repairs, feed store: Establishments selling, renting, or repairing agricultural machinery, equipment, and supplies for use in soil preparation and maintenance, the planting and harvesting of crops, and other operations and processes pertaining to farming and ranching.

FCC: The Federal Communications Commission.

Fence: An artificially constructed barrier of wood, masonry, stone, wire, metal, or other manufactured material or combination of materials erected to enclose, screen, or separate areas.

Field crops, horticulture, nursery, and truck gardening: The process of growing crops, plants, or flowers for the purpose of personal use.

Floor area of a building: The sum of the gross horizontal areas of the several floors of a building or buildings, measured from the center lines of exterior walls or from the center line of walls separating two (2) buildings in square feet. The floor area measurement is exclusive of areas of unfinished attics, attached garages or space used for off-street parking or loading, breezeways, enclosed or unenclosed porches, elevator or stair bulkheads, and accessory structures.

Floor area ratio (FAR) of a building: The floor area of a building or buildings on a lot divided by the lot area.

Florist shop: Retail business whose principal activity is the selling of plants which are not grown on the site and conducting business within an enclosed building.

Food or grocery store, retail: Stores where most of the floor area is devoted to the sale of food products for home preparation and consumption, which typically also offer other home care and personal care products, and which are substantially larger and carry a broader range of merchandise than convenience stores.

Food products, manufacturing, processing or storage: Manufacturing establishments producing or processing foods for human consumption and certain related products. Includes: (1) bakery products, sugar and confectionery products (except facilities that produce goods only for on-site sales with no wider distribution; (2) dairy products processing; (3) fats and oil products (not including rendering plants); (4) fruit and vegetable canning, preserving, and related processing; (5) grain mill products and by-products; (6) meat, poultry, and seafood canning, curing, and byproduct processing (not including facilities that also slaughter animals); and (7) miscellaneous food preparation from raw products, including catering services that are independent from food stores or restaurants.

Food truck lot: A location in which three (3) or more mobile food businesses that congregate at an established private property to offer food or beverages for sale to the public.

Forge plant: A business in which the manufacturing process involves the shaping of metal using localized compressive forces.

Freight Container/Portable Storage Container: A standardized, reusable shipping vessel used in the transportation of freight and capable of being mounted and moved on a rail car, or mounted on a chassis or bogie for movement by truck trailer or loaded on a ship.

Freight depot or terminal, railroad and/or truck: A heavy rail or truck facility for freight pick-up or distribution; may include intermodal distribution facilities for truck or shipping transport.

Funeral home, mortuary, or crematory: A building used for the preparation of the deceased for burial and display of the deceased and rituals connected therewith before burial or cremation. A funeral home, as defined for purposes of this code, includes a funeral chapel.

Furniture and appliances sales; custom upholstery: A building used for the sale of furniture and home appliances.

Furniture and upholstery manufacturing: A business that manufactures furniture and upholstery.

Garage or maintenance yard, government: The servicing, repairing, storing or altering of any vehicles, apparatus, or equipment to perpetuate the use or purpose for which such vehicles, apparatus, or equipment was originally intended.

Golf course: A tract of land laid out with at least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course includes a clubhouse and shelters as accessory uses.

Golf driving range: An area equipped with distance markers, clubs, balls, and tees for practicing golf drives and putting, and which may include a snack-bar and proshop, but excludes miniature golf courses and "putt-putt" courses.

Governmental office: A building used for the provision of governmental executive, management, administrative, and/or postal services. Governmental offices include those facilities owned and/or operated by city, special district, county, state, and federal agencies.

Grade, existing: The average level of the original surface of the ground adjacent to the exterior walls of the building.

Grain, milling or processing, elevators: The processing of crops after harvest, to prepare them for on-site marketing or processing and packaging elsewhere. Includes the following: alfalfa cubing; corn shelling; cotton ginning; custom grist mills; custom milling of flour, feed and grain; dairies (but not feedlots); drying of corn, rice, hay, fruits, and vegetables; grain leaning and custom grinding; hay baling and cubing; pre-cooling and packaging of fresh or farm-dried fruits and vegetables; sorting, grading, and packing of fruits and vegetables, tree nut hulling and shelling.

Greenhouse, plant nursery, or garden center: Retail business whose principal activity is the selling of plants grown on the site and having outside storage, growing, or display.

Halfway house: A place where persons are aided in readjusting to society following a period

of imprisonment, hospitalization, or institutionalized treatment.

Hardware store and small tool rental: A facility primarily engaged in the retail sale of various basic hardware lines, such as tools, builders' hardware, plumbing and electrical supplies, paint and glass, housewares and household appliances, garden supplies, and cutlery.

Hatchery: Establishments devoted to hatching, raising or rearing fish.

Health club or studio: A facility where members or nonmembers use equipment or space for the purpose of physical exercise.

Heavy equipment storage, repair and sales, earth moving: See Transit vehicle, bus and truck storage, servicing repairs, and sales

Height: When referring to an antenna or other structure, the distance measured from the ground level to the highest point on the structure, even if the highest point is an antenna.

Heliport or helistop: An area designed to be used for the landing or takeoff of helicopters including operations facilities, such as maintenance, loading and unloading, storage, fueling, or terminal facilities.

Home occupations: A business, profession, occupation or trade conducted within a dwelling unit or elsewhere on a lot primarily used for dwelling purposes for compensation or gain by a resident of the dwelling unit.

Hookah bar: See smoke shop.

Hospital: An institution providing health services primarily for human inpatient or medical or surgical care for the sick or injured, and including the related facilities such laboratories, outpatient departments, training facilities, central service facilities, and staff offices which are integral parts of the facilities.

Hotel: A building in which lodging is provided and offered to the public for compensation, and which is open to transient guests and is not a rooming or boarding house as herein defined.

HUD-code manufactured home: A structure constructed on or after 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems. The term does not include a recreational vehicle as that term is defined by 24 C.F.R. Section 3282.8(g).

Ice vending establishment: Any unattended self-service device that, upon insertion of a coin, coins, or token, or by similar means, dispenses anything of value including food, beverage, goods, wares, merchandise, or services.

Incineration, distillation or reduction of garbage, offal, or dead animals, fat rendering: A facility in which the Incineration of waste is completed at temperatures high enough to destroy contaminants. No outside processing is allowed.

Industrial and manufacturing plants (apparel, drugs and pharmaceuticals, electronic, plastic): The manufacturing of apparel, drugs and pharmaceuticals, electronic equipment or parts, plastic items, or similar.

Industrial and manufacturing plants (acid, cement, chemicals, fertilizer, gypsum, lime, paper or pulp): The manufacturing of acid, cement, chemicals, fertilizer, gypsum, lime, paper or pulp, or similar.

Industrial and manufacturing plants (automobiles, motorcycles, trucks or trailers, boats, vehicle parts): The manufacturing of automobiles, motorcycles, trucks or trailers, boats, or similar.

Industrialized housing: An off-site modularly constructed single-family or duplex to be used as a permanent residential structure in accordance with the laws of the State of Texas and have all local permits and licenses applicable to other single-family or duplex residences and shall (1) have a value equal to or greater than the median taxable value for each single-family dwelling located within 500 feet of the lot on which the industrialized housing is proposed to be located; (2) have exterior siding, roofing, roof pitch, foundation fascia, and fenestration compatible with the single-family dwellings located within 500 feet of the lot on which the industrialized housing is proposed to be located; (3) comply with municipal aesthetic standards, building setbacks, side and rear yard offsets, subdivision control, architectural landscaping, square footage, and other site requirements applicable to single-family dwellings; and (4) be securely fixed to a permanent foundation.

Industrialized housing value: The taxable value of the industrialized housing and the lot after installation of the housing. Such housing and lot value shall be accurately estimated by the tax appraiser for the Grayson County Tax Appraisal District before installation upon the lot.

Institution for alcoholic, narcotic, or psychiatric patients: Structures and land used for the treatment of alcohol or other drug abuse, or psychiatric conditions where one (1) or more patients are provided with care, meals, and lodging.

Junk, salvage yard, or wrecking service: A tract of land, including any accessory structure thereon, that is used for buying, selling, storing, baling, packing, disassembling, or handling waste or scrap materials. Such scrap materials include vehicles, machinery, and equipment not in operable condition, and metals, glass, paper, plastics, rags, and rubber tires. A lot on which three or more inoperable vehicles are stored shall be deemed a junkyard. A junkyard includes an automobile wrecking yard.

Laboratory, medical or dental: A facility offering diagnostic or pathological testing and analysis of blood, blood fluids, pathological specimens, DNA sampling and analysis, and any other diagnostic test generally recognized in the healthcare industry.

Laboratory, research or testing: A building or group of buildings in which are located facilities for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

Laundry cleaning plant: A building, portion of a building, or premises used or intended to be used for cleaning fabrics, textiles, wearing apparel, or articles of any sort by immersion and agitation, or by immersions only, in volatile solvents including, but not by way of limitation, solvents of the petroleum distillate type, and/or the chlorinated hydrocarbon type, and the

processes incidental thereto.

Laundry, pickup station: An establishment or business maintained for the pickup and delivery of dry cleaning and/or laundry without the maintenance or operation of any laundry or dry-cleaning equipment or machinery on the premises.

Laundry, self-service: A business that provides washing, drying, and/or ironing machines for hire to be used by customers on the premises.

Library: A public facility for the use, but not sale, of literary, musical, artistic, or reference materials.

Linen or uniform supply, or diaper service: An establishment that provides customers with a supply of clean linen, towels, uniforms, gowns, protective apparel, clean room apparel, mats, rugs, and/or similar items whether ownership of the item is in the person operating the linen and uniform supply service or in the customer.

Livestock auction sales, feeding yards, pens with barns: A structure or enclosure where goods or livestock are sold by auction. This use also allows for areas for livestock feeding and storage.

Lot: One piece, parcel or tract of land which collectively meets all of the following requirements at the time of filing for a building permit:

(1) Is located within a single block.

(2) Has frontage on an accepted and improved public street.

(3) Is occupied or utilized or designated by its owner, owners or developer to be occupied, developed or utilized as a unit for a principal use and uses accessory thereto, together with such open spaces as are required by this ordinance.

(4) And of which a plat has been recorded in the office of the County Clerk.

The word “lot” includes the words “plot” or “parcel.”

Lot, area of: The area of the lot shall be the net area of the lot and shall not include portions of streets and alleys.

Lot, Coverage: That percentage of the lot area covered by the building area.

Lot depth: The mean horizontal distance between the front lot line and rear lot line of a zoning lot.

Lot line: A boundary of a lot.

Lot line, front: The street right-of-way line at the front of a lot.

Lot line, rear: The lot line opposite and most distant from the front.

Lot line, side: A lot line which is not a front lot line or rear lot line. A side lot line separating a lot from a thoroughfare other than an alley is an exterior side lot line as opposed to an interior side lot line.

Lot width: The mean horizontal distance between the side lot lines of a lot.

Machine shop or welding: Shops where lathes, presses, grinders, shapers, and other wood- and metal-working machines are used such as blacksmith, tinsmith, welding, and sheet metal shops; plumbing, heating, and electrical repair shops; and overhaul shops.

Machine tools, sales, service, rental, and repair: A business that

Manufactured housing or manufactured home: A HUD-code manufactured home or a mobile home and collectively means and refers to both.

Manufactured home park: A contiguous parcel of land which has been developed for the placement of manufactured homes and is owned by an individual, firm, trust, partnership, public or private association, or corporation.

Manufactured home subdivisions: Include individually platted lots, for sale within the subdivision, for the placement of manufactured home units.

Meat or fish products, including slaughtering of meat or preparation of fish for packing: A building where live animals are killed and processed; and/or a building where meat, poultry, or eggs are cooked, smoked, or otherwise processed or packed but does not include a butcher shop or rendering plant.

Meeting halls: A meeting place at which the public or membership groups are assembled regularly or occasionally, including but not limited to schools, churches, theaters, auditoriums, funeral homes, stadiums, and similar places of assembly.

Metal fabrication: The assembly of metal parts, including blacksmith and welding shops, sheet metal shops, machine shops, and boiler shops, that produce metal duct work, tanks, towers, cabinets and enclosures, metal doors and gates, and similar products.

Mining, processing or storage of construction materials (clay, gravel, sand, lumber, quarrying of rock or stones, ceramics, stone, glass, marble, porcelain, brick, stone, tile): An area of land upon which operations to extract valuable mineral deposits or other materials—typically, but not limited to, clay, gravel, sand, lumber, ceramics, stone, glass, marble, porcelain, brick, stone, tile—have been conducted, are being conducted, or are planned to be conducted or stored.

Mini-warehouse: A building or group of buildings divided into separate compartments used to meet the temporary storage needs of small businesses, apartment dwellers, and other residential uses; and may include refrigerated facilities.

Mobile home: A structure that was constructed before June 15, 1976, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems.

Mobile home/manufactured home sales with distribution: A site dedicated to the sales and storage of mobile homes or manufactured homes.

Model home: A dwelling unit temporarily used for display purposes as an example of dwelling units available or to be available for sale or rental in a particular subdivision or other residential development approved by the City. Model homes may also incorporate sales or rental offices for dwellings within the development.

Monopole: A freestanding single pole tower engineered to support communications antenna(s), which is self-supporting and without guy wires or additional support.

Motel: Abuilding or group of buildings in which lodging is provided to transient guests, offered to the public for compensation, and in which access to and from each room or unit is through an exterior door.

Motor freight terminal: See Freight depot or terminal, railroad and/or truck

Municipal uses operated by the City: Any area, land, building, structure, and/or facility owned, used, leased, or operated by the City, including, but not limited to, administrative office, maintenance facility, fire station, library, sewage treatment plant, police station, water tower, service center, park, heliport, helistop, and golf course.

Museum: An institution devoted to the procurement, care, study, and display of objects of lasting interest or value.

Nursery, kindergarten, or daycare for children: A place where more than four (4) children (unrelated) are left for care between the hours of 7 a.m. and 12 a.m. in a place other than the child's own dwelling unit.

Nursing home: Any premises where more than three (3) persons are lodged and furnished with meals and nursing care.

Office: Administrative, executive, professional, research, or similar organizations, having only limited contact with public, provided that no merchandise or merchandising services are sold on the premises, except such as are incidental or accessory to the principal permissible use.

Open space: Area included in any side, rear or front yard or any other unoccupied space on a lot that is open and unobstructed to the sky.

Open space, usable: Open space that may be improved and set aside, dedicated, designated, or reserved for recreational facilities such as swimming pools, play equipment for children, ball fields, court games, picnic tables, or similar. Natural areas may be included as usable open space if improved with a minimum eight (8) feet wide concrete walking trail. Areas occupied by enclosed buildings (except gazebos and pavilions), drives, parking, overhead electrical transmission lines, drainage channels and antennas may not be included in calculating usable open space. Usable open space areas must be easily viewed from adjacent streets and homes.

Outdoor storage: The keeping of personal or business property or motor vehicles in a required open parking space or any other area outside of a building for a period of time exceeding 72 consecutive hours.

Pawn shop: Any business that loans money on deposit of personal property or deals in the purchase or possession of personal property on condition of selling the same back again to the pledger or depositor, or loans or advances money on personal property by taking chattel

mortgage security thereon, and takes or receives such personal property.

Permanent makeup: Permanent makeup, also called a cosmetic tattoo or micropigmentation, is done with the use of a pen containing iron oxide that tattoos the skin and to create the look of makeup. A tattoo can mimic eyeliner or lipstick, or it can darken and create the look of thicker eyebrows.

Person: Includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.

Personal service: A service based on the intellectual or manual efforts of an individual (as for salary or wages).

Pet shop: A retail sales establishment primarily involved in the sale of domestic animals, such as dogs, cats, fish, birds, and reptiles, excluding exotic animals and farm animals such as horses, goats, sheep, and poultry.

Portable offices and construction buildings: A mobile home, travel trailer, truck trailer, or other structure used as an office in conjunction with a construction project. Only one (1) construction or field office shall be allowed per construction site.

Portable storage containers: A standardized, reusable shipping vessel used in the transportation of freight and capable of being mounted and moved on a rail car, or mounted on a chassis or bogie for movement by truck trailer or loaded on a ship.

Printing, publishing, or reprographics, including engraving or photoengraving: An establishment in which the principal business consists of duplicating and printing services using photocopy, blueprint, or offset printing equipment, including publishing, binding, and engraving.

Private clubs: A commercial enterprise whose primary activity is the sale of alcoholic beverages to be consumed on the premises. Private clubs include taverns, night clubs, private clubs, bottle clubs, and similar facilities serving alcoholic liquor.

Psychic/paranormal readings: A use involving the foretelling of the future in exchange for financial or other valuable consideration. Fortune telling shall be limited to uses where the fortune is told through astrology, augury, card or tea reading, cartomancy, clairvoyance, clairaudience, crystal gazing, divination, magic mediumship, necromancy, palmistry, psychometry, phrenology, prophecy, spiritual reading or any similar means. Fortune telling does not include forecasting based on historical trends or patterns, religious dogma, or any of the previously listed arts when presented in an assembly of people who purchase tickets or means in exchange for the presentation at a site licensed for such purpose.

Public park, playground or playfield: A natural or landscaped area, buildings, or structures, provided by a unit of government, to meet the active or passive recreational needs of people.

Radio or television broadcasting transmitter or tower, microwave relay tower: A structure designed to support one (1) or more reception/transmissions systems. This term includes but is not limited to a radio tower, television tower, telephone exchange/microwave relay tower, or cellular telephone transmission/personal communications systems tower.

Railroad freight station: A heavy rail facility for freight pick-up or distribution; may include intermodal distribution facilities for truck or shipping transport.

Railroad rights-of-way: A public or private right-of-way, for the purpose of allowing rail travel.

Railroad yards, shops, or equipment: An area of land, a portion of which is covered by a system of tracks, that provides for the making up of trains by one or more railroads or private industry concerns. Necessary functions of a railyard include but are not limited to the classifying, switching, storing, assembling, distributing, consolidating, moving, repairing, weighing, or transferring of cars, trains, engines, locomotives, and rolling stock.

Receive-only antennas/amateur radio antenna: Any tower or antenna that is under seventy (70) feet in height and is owned or operated by a federally licensed amateur radio station operator or is used exclusively for reception only, including local television broadcast reception antennas, direct broadcast satellite antennas or multichannel multipoint distribution services. Receive only/amateur radio antennas are not subject to regulation under Section 14.04.005.

Recycling center: A building in which recyclable material only is collected, processed, and/or baled in preparation for shipment to others who will use those materials to manufacture new products.

Refining, retail or storage (petroleum products, gas, butane, propane): A facility for the refining, wholesale retail, and/or storage of fuels or other volatile products and for their distribution to retail sales facilities or other bulk purchasers, regardless of ownership.

Rehabilitation facility: A facility or institution, whether public or private, principally engaged in providing services for health maintenance, diagnosis or treatment of human diseases, pain, injury, deformity, or physical condition.

Restaurant: A commercial establishment where food and beverages are prepared, served, and consumed primarily within the principal building and where food sales constitute more than 80 percent of the gross sales receipts for food and beverages.

Retail store: Establishments engaged in selling commodities or goods in small quantities to ultimate customers or consumers.

Sales of alcoholic beverages: The revenue derived or provided from the sale or service of alcoholic beverages.

Sanitary landfill: Establishment for the disposition of unwanted or discarded material, including garbage with insufficient liquid content to be free flowing.

School, commercial or trade: A specialized instructional establishment that provides on-site training of business, commercial, and/or trade skills such as accounting, data processing, and computer repair. This classification excludes establishments providing training in an activity that is not otherwise permitted in the zone. Incidental instructional services in conjunction with another primary use shall not be considered a business and trade school.

Schools; elementary, high, college and universities, public, private, or denominational: Any public, parochial, private, charitable, or nonprofit school, junior college, or university, other than trade or business schools, including instructional and recreational uses, with or without

living quarters, dining rooms, restaurants, heating plants, and other incidental facilities for students, teachers and employees.

School district bus yard: Any premises owned and/or operated by an independent school district used for the parking and storage of motor-driven buses.

Secondhand store or rummage shop: Retail sales of previously used merchandise, such as clothing, household furnishings or appliances, sports/recreational equipment. This classification does not include secondhand motor vehicles, parts, or accessories.

Setback line: That line which is parallel to and the minimum allowable horizontal distance from a given point or line of reference, such as a lot line, to the minimum required building line.

Sewage treatment plant: The facility or group of units used for the treatment of industrial or domestic wastewater for sewer systems and for the reduction and handling of solids and gases removed from such wastes, whether or not such facility or group of units is discharging into state waters. "Wastewater treatment plant" specifically excludes any facility or group of units used for pretreatment, treatment, or handling of industrial water, wastewaters, reuse waters, and wastes which are not discharged into state waters.

Sexually oriented business: See Section 4.02.002 of the Code of Ordinances for definitions and regulations related to sexually oriented businesses.

Sign: Any structure or part thereof, or any device attached to, painted on or represented on a building or other structure, upon which is displayed or included any letter, word, model, banner, decoration, device, or representation used as, or which is in the nature of, an announcement, direction, advertisement, or other attention-directing device.

Sign, area of: The total exterior surface computed in square feet of a sign having but one exposed exterior surface; the aggregate exposed exterior surface computed in square feet of a sign having more than one such surface.

Sign, banner: A sign with or without characters, letters, illustrations, or ornamentations applied to cloth, paper, flexible plastic, or fabric of any kind with only such material for backing.

Sign, freestanding: Any sign which is not attached to a building or other structure, including portable signs.

Sign, monument: A freestanding sign supported primarily by an internal structural framework or integrated into landscaping or other solid structural features other than support poles. The calculation of the sign area consists of the entire monument sign structure.

Sign, pennant: A sign, with or without a logo, made of flexible materials suspended from one or two corners, used in combination with other such signs to create the impression of a line.

Sign, projecting: A sign attached to a building or other structure and extending in whole or in part more than 14 inches beyond the building.

Sign, "A" frame: An advertising or business ground sign constructed in such a manner as to form an "A" or a tent-like shape, hinged or not hinged at the top; each angular face held at an appropriate distance by a supporting member.

Sign, searchlight: Searchlights shall be considered signs that are used to announce, direct attention to, or advertise businesses.

Sign, wind-driven: Any display or series of displays, banners, flags, balloons, or other objects designed and fashioned in such a manner as to move when subjected to wind pressure.

Skating rink: An establishment that provides facilities for participant skating, including but not limited to roller skating, inline skating, ice skating, or skateboarding.

Slaughtering or packing of animals or poultry: A facility for the slaughtering and processing of animals and the refining of their byproducts.

Smelting or ores of metals: The process of extractive metallurgy to produce a metal from its ore. Smelting uses heat and a chemical reducing agent to decompose the ore, driving off other elements as gasses or slag and leaving just the metal behind. The reducing agent is commonly a source of carbon such as coke, charcoal, and coal.

Smoke shop: A retail establishment that is dedicated, in whole or in part, to the smoking of tobacco, electronic vaping devices or other similar substances and includes any establishment that allows either the payment of consideration by a customer to the establishment for on-site delivery of tobacco, tobacco accessories, electronic vaping devices, vapor accessories or similar substances and products to the customer; and, the onsite smoking of such. This definition shall be construed to include establishments known variously as retail tobacco stores, tobacco product shops, vapor shops, and similar establishments, but shall not include an establishment which derives more than 50 percent of its gross revenue from food, beverage or gasoline fuel sales.

Smoking lounge: Any facility, building, structure or location, where customers consume tobacco or a similar smoking product, or where customers use an electronic smoking device or other apparatus to deliver an inhaled dose of nicotine or other substance within the establishment. This includes cigar lounge, hookah lounge, vapor bar, and similar establishments.

Snow cone stand: A temporary or permanent business that is located in a structure that is used to sell snow cones.

Stable, commercial: A building in which domestic animals are sheltered and fed for profit and not personal uses; such a building having stalls or compartments a horse stable.

Stable, private: A building in which domestic animals are sheltered and fed for personal uses; such a building having stalls or compartments a horse stable.

Stockyards: Services involving the temporary keeping of livestock for slaughter, market, or shipping. Typical uses include stockyards and animal sales in auction yards.

Story: That portion of a building included between the surface of any floor and the ceiling next above it.

Street: A public or private way which affords the principal means of access to abutting properties.

Street line: A dividing line between a street right-of-way line and an abutting lot, tract or parcel of land.

Structure: Anything constructed, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground.

Structural alteration: Any change in the structural members of a building, such as walls, columns, beams or girders.

Studio for professional work or teaching (fine arts, photography, music, drama, radio, television, or recording: An establishment for the purpose of professional work or teaching related to fine arts, photography, music, drama, radio, and television. This use does not include any sexually oriented businesses, tattoo or piercing or health-related studios or teaching.

Swimming pool, commercial: A recreation facility designed and intended for water contact activities that is operated as a business or as a club unless such club is associated with a neighborhood club or similar organization.

Swimming pool, private: A swimming pool built accessory to a dwelling unit and used for the enjoyment of the family living therein.

Tailor shop, seamstress, altering, and repairing of apparel: The process of altering new or used clothing.

Tattoo studio: An establishment whose principal business activity, either in terms of operation or as held out to the public, is the practice of one or more of the following: (1) placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin; (2) creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.

Taxidermist: The business of preparing, stuffing, and mounting the skins of animals.

Telephone exchange, garage, shop, or service: A building used exclusively for the transmission and exchange of telephone messages, but the term shall not include wireless service towers.

Tents, seasonal retail: Tents installed in retail parking lots for the purpose of selling seasons goods.

Theater: A building or part of a building devoted to showing motion pictures, or for dramatic, dance, musical, or other live performances.

Theater, drive-in: An establishment devoted to showing motion pictures in an outdoor location.

Tower: Any structure that is designed and constructed primarily for the purpose of supporting one (1) or more antennas, including self-supporting lattice towers, guy towers, or monopole towers.

Transit vehicle, bus and truck storage, servicing repairs, and sales: Storage, repair, and sales of construction equipment, commercial trucks, agricultural implements, transit vehicles and similar heavy equipment, where major engine and transmission repairs are conducted.

Trucking, carting, crating, express handling, and storage: A facility for the receipt, transfer, short-term storage, and dispatching of goods transported by truck. Included in the use type would be express and other mail and package distribution facilities, including such facilities operated by the U.S. Post Office.

Used: The words "used" or "occupied" include the words "intended," "designed" or "arranged" to be used or occupied.

Utility distribution lines: Transmission lines for sewer, water, or other utilities.

Vape Shop: See smoke shop.

Veterinarian: See animal hospital.

Warehousing: A use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment, excluding bulk storage of materials that are inflammable or explosive or that present hazards or conditions commonly recognized as offensive.

Watchman or caretaker quarters: A residence located on a premises with a main non-residential use and occupied only by a caretaker or guard employed on the premises.

Water storage tank: A structure used to store water for fire protection and potable drinking water within a designated area or community. Elevated tanks allow the natural force of gravity to produce consistent water pressure throughout the system. Ground or underground storage tanks use pumps to produce consistent water pressure.

Water treatment plant: The facility or facilities within the water supply system which can alter the physical, chemical, or bacteriological quality of the water.

Wholesale establishment: An establishment or place of business primarily engaged in selling and/or distributing merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. This is not considered a general commercial use.

Wrecked or damaged automobiles: Vehicles with visible damage or that are incapable of highway operation. Wrecking and salvaging include, but are not limited to, dismantling or assembling of parts for sale, reuse, or reassembly to undamaged vehicles and offered for sale.

Yard: An open, unoccupied space other than a court, on the lot in which a building is situated and which is unobstructed from the ground to the sky.

Yard, front: An open, unoccupied space on a lot facing a street and extending across the front of a lot between the side yard lines and being the minimum horizontal distance between the street line and the main building.

Yard, required front: An open space extending the full width of a lot between the front lot line and the front setback line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this ordinance.

Yard, rear: An open space unoccupied and unobstructed extending across the rear of a lot from

one side lot line to the other side lot line and being the minimum horizontal distance between the rear lot line and the main building.

Yard, required rear: An open space extending the full width of the lot between the rear lot line and the rear setback line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this ordinance.

Yard, side: An open, unoccupied space on the same lot with a building, situated between the building and side line of the lot and extending through from the front yard to the required rear yard. Any lot line not the rear line or a front line shall be deemed a side line.

Yard, required side: An open space extending from the minimum front yard setback line to the minimum rear yard setback line between the side yard setback line and the nearest side lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this ordinance.

Zoning map, official: The zoning map or maps of the City attested together with all amendments subsequently adopted.

Secs. 14.08.002 – 14.08.999 Reserved

ARTICLE 14.09 ADMINISTRATIVE PROVISIONS

Sec. 14.09.001 Savings/Repealing

(1) Illegal Uses. By the passage of this Ordinance, no presently illegal use shall be deemed to have been legalized unless such use falls within a use district where the actual use is a conforming use. Otherwise, such uses shall remain nonconforming uses where recognized, or an illegal use, as the case may be.

(2) Repealing. All provisions of any ordinance in conflict with this chapter 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.

Sec. 14.09.002 Schedule of Fees, Charges and Expenses

(1) The City Council shall establish a schedule of fees, charges and expenses, and a collection procedure for building permits, amendment applications, appeals and other matters pertaining to this chapter. The schedule of fees are set forth in Appendix C, Comprehensive Fee Schedule of the Sherman Code of Ordinances, which may be altered or amended only by the City Council.

(2) No permit, amendment, special exception or variance shall be issued unless or until all applicable costs, charges, fees or expenses have been paid in full, nor shall any action be taken or public hearing be held unless or until preliminary charges and fees have been paid in full.

Sec. 14.09.003 Penalty for Violations

(1) A violation of any of the provisions of this Ordinance or failure to comply with any of its requirements shall constitute a Class C misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction

thereof, be fined not more than two thousand dollars ($2,000.00) and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

(2) A violation of any of the provisions of this Ordinance by the owner, tenant, occupant or manager of any building, structure, premises or part thereof, and any architect, builder, contractor, agent or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a Class C misdemeanor with a fine of not more than two thousand dollars ($2,000.00) per day and each day the violation occurs is a separate offense.

(3) Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation including temporary restraining orders and temporary and permanent injunctions.

(4) An owner, occupant, tenant, manager or other person who violates any provision of this Ordinance or who participates in, assists in or maintains a violation of this Ordinance is subject to a civil penalty of up to one thousand dollars ($1,000.00) per day for each violation and each day the violation occurs shall be a separate offense.

Sec. 14.09.004 Severability

(1) Unconstitutional or Invalid Section. Should any section, subsection, sentence, clause or phrase of this chapter be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this chapter shall remain in full force and effect.

(2) Independent Sections. The City hereby declares that it would have passed this chapter, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more section, subsections, sentences, clauses and/or phrases be declared unconstitutional or invalid.

Sec. 14.09.005 Estoppel/Waiver

The failure of the City to enforce any term or condition of this chapter shall not constitute a waiver or estoppel or any subsequent violation of this chapter.

Secs. 14.09.006 – 14.09.999 Reserved

ARTICLE 14.10 USE CHART

Sec. 14.10.001

(1) Uses Permitted by District. Land and buildings in each of the zoning districts may be used for any of the indicated uses, but no land shall hereafter be used, and no building or structure shall hereafter be erected, altered or converted, which is arranged or designed or used for other than those uses specified as permitted uses in the district in which it is located, according to the Use Chart and in accordance with Subsection 14.01.005 (Compliance Required, Interpretation and Rules of Construction) and the provisions of this Zoning Ordinance.

(2) Classification of New and Unlisted Uses. It is recognized that new types of land use will develop and forms of land use not presently anticipated may seek to locate in the City. If the Director is unable to classify the use under one of the existing listed uses, then the Director shall initiate a zoning text amendment pursuant to procedures set forth in this Zoning Ordinance.

(3) Legend for Use Chart

P – Use is permitted by right in district indicated
[Blank] – Use is prohibited in district indicated
SUP – Use is permitted in district only upon approval of a Specific Use Permit
TUP – Use is permitted in district only upon approval of a Temporary Use Permit
[#] – Use is permitted in the district only upon the conditions specified herein

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(4) Use Chart. The use of land or buildings shall be in accordance with those listed in the following Use Chart. No land or building shall hereafter be used and no building or structure shall be erected, altered or converted other than for those uses specified in the zoning district in which it is located.

Use Type	R-A	R-E	R-12	R-6	R-5	R-4	R-TH	R-2F	MF-15	MF-30	MH	C-N	C-O	C-1	C-2	M-1	M-1.5	M-2
Agricultural Uses																		
Accessory buildings for agricultural storage	**P**																	**P**
Animal and poultry husbandry, dairying, and pasturage	**P**																	**P**
Fairgrounds or rodeo	**SUP**																	
Farm equipment sales, service, repairs, feed store	**P**														**SUP**			**P**
Field crops, horticulture, nursery, and truck gardening	**P**																	**P**
Grain, milling or processing, elevators	**SUP**																	**P**
Hatchery (fish)	**SUP**																	**P**
Livestock auction sales, feeding yards, pens with barns	**SUP**																	**P**
Meat or fish products, including slaughtering of meat or preparation of fish for packing	**SUP**																	**P**
Slaughtering or packing of animals or poultry	**SUP**																	**P**
Stable, commercial	**P**																	
Stable, private	**P**	**P**																
Stockyards	**SUP**																	**P**
Residential Uses																		

Use Type	R-A	R-E	R-12	R-6	R-5	R-4	R-TH	R-2F	MF-15	MF-30	MH	C-N	C-O	C-1	C-2	M-1	M-1.5	M-2
Accessory building; garage or carport, domestic storage	[1]	[1]	[1]	[1]	[1]	[1]	[1]	[1]										
Bed and breakfast establishments	SUP	SUP	SUP	SUP									P	P				
Dormitories										P								
Dwelling, multi-family									P	P								
Dwelling, single-family	P	P	P	P	P	P	P	P										
Dwelling, two-family (duplex)								P	P	P								
Dwelling, townhome							P		P	P								
Home occupations	[2]	[2]	[2]	[2]	[2]	[2]	[2]	[2]	[2]	[2]								
Mobile or manufactured home park/subdivision											SUP							
Model home real estate sales office, temporary	[3]	[3]	[3]	[3]	[3]	[3]	[3]	[3]										
Rooming, boarding house									P	P								
Watchman or caretaker quarters																P	P	P
Educational and Institutional Uses																		
Assisted living facility or nursing home												SUP	SUP	SUP	SUP			
Cemetery or mausoleum	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP								
Church or other place of worship	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP			
Civic club, fraternal organization, or lodge												SUP	SUP	SUP	SUP			
Clinic, medical or dental	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP		P	P	P	P			
Correctional or Detention Facility or Jail																		SUP
Garage or Maintenance Yard, Government															SUP	SUP	P	P

Use Type	R-A	R-E	R-12	R-6	R-5	R-4	R-TH	R-2F	MF-15	MF-30	MH	C-N	C-O	C-1	C-2	M-1	M-1.5	M-2
Governmental Office	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Halfway house	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP			SUP	SUP	SUP			
Hospital													SUP	SUP	SUP			
Institution for alcoholic, narcotic, or psychiatric patients													SUP	SUP	SUP			
Municipal Uses Operated by the City	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Museum, library, art gallery	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP		P	P	P	P			
Nursery, kindergarten, or daycare for children	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP		P	P	P	P			
Rehabilitation facility, inpatient or outpatient													SUP	SUP	SUP			
Rehabilitation facility, outpatient only														P	P			
School, commercial or trade																SUP	SUP	SUP
Schools; elementary, high, college and universities, public, private, or denominational	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP			
School District Bus Yard															SUP	SUP	SUP	SUP
Utility and Transportation Uses																		
Airport or landing field, and aircraft hangar	SUP	SUP														SUP		
Bus station														SUP	SUP			
Electric power substation or generating including ground-mounted solar and wind	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	P	P	P

Use Type	R-A	R-E	R-12	R-6	R-5	R-4	R-TH	R-2F	MF-15	MF-30	MH	C-N	C-O	C-1	C-2	M-1	M-1.5	M-2
Freight depot or terminal, railroad and/or truck															SUP			
Heliport or helistop	SUP														SUP			
Motor freight terminal																P	P	P
Radio or television broadcasting transmitter or tower, microwave relay tower	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP
Railroad freight station																P	P	P
Railroad rights-of-way	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Railroad yards, shops, or equipment																	P	P
Recycling center															SUP			
Sanitary landfill																		SUP
Sewage treatment plant																		SUP
Telephone exchange, garage, shop, or service													SUP	SUP	SUP			
Utility distribution lines	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Water storage tank	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Water treatment plant	P																P	P
Recreation and Entertainment Uses																		
Auditorium, arena, coliseum, theater, or amphitheater														SUP	SUP			
Baseball park, commercial															P			
Carnival or circus													TUP	TUP	TUP			
Commercial amusement centers, indoor only												SUP	SUP	SUP	SUP			

Use Type	R-A	R-E	R-12	R-6	R-5	R-4	R-TH	R-2F	MF-15	MF-30	MH	C-N	C-O	C-1	C-2	M-1	M-1.5	M-2
Commercial amusement centers, indoor or outdoor															SUP			
Community Center	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP							
Concession stand within a park, playground, or playfield	P	P	P	P	P	P	P	P	P	P								
Country club	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP								
Dance hall, commercial															SUP			
Golf course	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP								
Golf driving ranges, commercially operated														P	P			
Health club or studio												P	P	P	P			
Private clubs when required to obtain a permit from the Texas Alcoholic Beverage Commission													SUP	SUP	SUP			
Public park, playground or playfield	P	P	P	P	P	P	P	P	P	P	P							
Sexually oriented businesses															SUP	SUP		
Skating rink, commercial															P			
Swimming pool, commercial														P	P			
Swimming pool, private	P	P	P	P	P	P	P	P	P	P	P							
Theater, drive-in															SUP			
Commercial, Retail, and Service Uses																		
Alcoholic Beverage Establishments														SUP	SUP			
Automobile accessory and supply store														P	P			

Use Type	R-A	R-E	R-12	R-6	R-5	R-4	R-TH	R-2F	MF-15	MF-30	MH	C-N	C-O	C-1	C-2	M-1	M-1.5	M-2
Automobile laundry, carwash														SUP	SUP			
Automobile, motorcycle, boat, or trailer sales, new or used														SUP	SUP			
Automobile parking lot or structured parking	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP								
Automobile parking lot; for a special event	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP								
Automobile rental or taxi storage and repair														P	P			
Automobile repair, body work, or painting															SUP			
Automobile service station												P		P	P	P	P	P
Bait store															P			
Bakery, confectionery, or similar (retail)												P	P	P	P			
Bakery, wholesale															P			
Bank, credit unions, and financial institutions												SUP		P	P			
Barbershop, beauty parlor or permanent makeup												P		P	P			
Billboard														SUP	SUP	SUP	SUP	SUP
Boat/Recreational Vehicle (RV) rental, storage, and repair															SUP			
Building material sales or monument sales															P			
Caterer														P	P			
Christmas tree sales (temporary)	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP				P	P			

Use Type	R-A	R-E	R-12	R-6	R-5	R-4	R-TH	R-2F	MF-15	MF-30	MH	C-N	C-O	C-1	C-2	M-1	M-1.5	M-2
Contractors or construction offices, equipment sales, service, rental and repair, without outdoor storage														P	P			
Contractors or construction offices, equipment sales, service, rental and repair, with outdoor storage															SUP			
Credit Access Business (loan office)														SUP	SUP			
Department store														P	P			
Drug-store or pharmacy												P		P	P			
Exterminator															P			
Florist shop												P		P	P			
Food or grocery store, retail												SUP		P	P			
Food truck lot													SUP	SUP	SUP			
Funeral home, mortuary, or crematory														P	P			
Furniture and appliances sales; custom upholstery, not automobile related														P	P			
Greenhouse, plant nursery, or garden center															P			
Hardware store and small tool rental, but not including sales or lumber or industrial hardware														P	P			
Hookah bar, smoking lounge, smoke shop, or vape shop														SUP	SUP			

Use Type	R-A	R-E	R-12	R-6	R-5	R-4	R-TH	R-2F	MF-15	MF-30	MH	C-N	C-O	C-1	C-2	M-1	M-1.5	M-2
Hotel or motel														SUP				
Ice vending establishment														P	P			
Laboratory, medical or dental														P	P			
Laboratory, research or testing															P	P	P	P
Laundry, pickup station or self-service												P		P	P			
Meeting halls													SUP	SUP	SUP			
Mini-warehouse														SUP	SUP			
Mobile home/manufactured home sales with distribution															SUP			
Office, any type											[4]	P	P	P	P	P	P	P
Pawn shop															P			
Personal service (accounting, travel, attorney, or similar)												P	P	P	P			
Pet shop (indoor only)														P	P			
Printing, publishing, or reprographics, including engraving or photoengraving												P		P	P			
Psychic/paranormal readings															SUP			
Restaurant (inside and outside service)												P		P	P			
Restaurant (inside service only)												P		P	P			
Restaurant (outside service only)												P		P	P			

Use Type	R-A	R-E	R-12	R-6	R-5	R-4	R-TH	R-2F	MF-15	MF-30	MH	C-N	C-O	C-1	C-2	M-1	M-1.5	M-2
Retail store (indoor)												P		P	P			
Secondhand store or rummage shop														SUP	SUP			
Snow cone stand	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	P		P	P			
Studio for professional work or teaching (fine arts, photography, music, drama, radio, television, or recording)												P	P	P	P			
Tailor shop, seamstress, altering, and repairing of apparel												P		P	P			
Tattoo studio															SUP			
Taxidermist														SUP	SUP			
Tents, seasonal retail (temporary)												TUP		TUP	TUP			
Transit vehicle, bus and truck storage, servicing repairs, and sales															SUP			
Veterinarian, animal hospital, pound or shelter, indoor soundproof kennels only												P		P	P			
Veterinarian, animal hospital, pound or shelter, indoor or outdoor kennels															SUP			
Wholesale establishment including storage															SUP	P	P	P
Wholesale establishment with storage limited to samples														P	P	P	P	P

Use Type	R-A	R-E	R-12	R-6	R-5	R-4	R-TH	R-2F	MF-15	MF-30	MH	C-N	C-O	C-1	C-2	M-1	M-1.5	M-2
Manufacturing and Industrial Uses																		
Asphalt or asphalt products																		P
Batching plant, Portland cement, concrete, noncommercial	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	
Batching or mixing plant, asphalt, or concrete																		P
Battery manufacturing																P	P	P
Boiler manufacturing																		P
Carpets, manufacture and cleaning																P	P	P
Food products, manufacturing, processing, or storage																P	P	P
Forge plant																		P
Furniture and upholstery manufacturing																P	P	P
Heavy equipment, storage, repair and sales, earth moving																P	P	P
Incineration, distillation or reduction of garbage, offal, or dead animals, fat rendering																		P
Industrial and manufacturing plants (apparel, drugs and pharmaceuticals, electronic, plastic, or similar products manufacture)																P	P	P

Use Type	R-A	R-E	R-12	R-6	R-5	R-4	R-TH	R-2F	MF-15	MF-30	MH	C-N	C-O	C-1	C-2	M-1	M-1.5	M-2
Industrial and manufacturing plants (acid, cement, chemicals, fertilizer, gypsum, lime, paper or pulp, or similar products manufacture)																	**P**	**P**
Industrial and manufacturing plants (Automobiles, motorcycles, trucks or trailers, boats, vehicle parts or similar products manufacture)																**P**	**P**	**P**
Junk, salvage yard, or wrecking service																**SUP**	**SUP**	**SUP**
Laundry cleaning plant																**P**	**P**	**P**
Linen or uniform supply, or diaper service															**P**	**P**	**P**	**P**
Machine shop or welding																**P**	**P**	**P**
Machine tools, sales, service, rental, and repair															**P**	**P**	**P**	**P**
Metal fabrication																	**P**	**P**
Mining, processing, or storage of construction materials (clay, gravel, sand, lumber, quarrying of rock or stones, ceramics, stone, glass, marble, porcelain, brick, stone, tile or similar products)	**SUP**														**SUP**	**SUP**	**SUP**	**SUP**
Outdoor storage														**[5]**	**[5]**	**[5]**	**[5]**	**[5]**

Use Type	R-A	R-E	R-12	R-6	R-5	R-4	R-TH	R-2F	MF-15	MF-30	MH	C-N	C-O	C-1	C-2	M-1	M-1.5	M-2
Portable offices and construction buildings which shall be removed upon completion or abandonment of construction work	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Portable storage containers	[6]	[6]	[6]	[6]	[6]	[6]	[6]	[6]	[6]	[6]	[6]	[6]	[6]	[6]	[6]	[6]	[6]	[6]
Refining, retail or storage (petroleum products, gas, butane, propane)																		SUP
Smelting or ores of metals																		P
Trucking, carting, crating, express handling, and storage															SUP	P	P	P
Warehousing															SUP	P	P	P

Legend for Use Chart
P – Use is permitted by right in district indicated
[Blank] – Use is prohibited in district indicated
SUP – Use is permitted in district only upon approval of a Specific Use Permit
TUP – Use is permitted in district only upon approval of a Temporary Use Permit

[1] Accessory Buildings: For accessory buildings requirements in residential district, see Subsection 14.04.002.
[2] Home Occupations:
(a) A home occupation shall be permitted in the zoning districts as indicated in the Use Chart and only when it is an accessory use to a detached single-family dwelling unit.
(b) No external evidence of the home occupation shall be detectable at any lot line, including advertising, signs, smoke, dust, noise, fumes, glare, vibration or electrical disturbance beyond the property line.
(c) A home occupation shall be conducted wholly within the main building, and not in any accessory building. The total floor area to be used for a home occupation shall not exceed 20 percent of the total floor area of the main building, including

garages. Notwithstanding the above, instructional classes may be held outside of the main building, providing a maximum of six students may be allowed in each session and other stipulations of this section are met.

(d) Only one employee other than occupants of the residence may be employed in the home occupation. A person who receives a wage, salary or percentage of the profits directly related to the home occupation shall be considered an employee for the purposes of this section, provided that this definition shall not include the coordination or supervision of employees who do not regularly visit the dwelling for purposes related to the business.

(e) No exterior storage of materials, goods, supplies, vehicles or equipment shall be allowed.

(f) A home occupation shall not involve more than four patrons on the premises at one time.

(g) Any outdoor activities associated with a home occupation shall be screened from the neighboring property and public rights-of-way by a solid fence of at least six feet in height.

(h) A home occupation may include the sale of products on the premises, provided that compliance is maintained with all other conditions specified in this section.

(i) A home occupation shall produce no offensive noise, vibration, smoke, electrical interference, odors or heat in excess of those normally found in residential areas. No toxic, explosive, flammable, combustible, corrosive, radioactive or other hazardous materials shall be used or stored on the site for business purposes.

(j) No traffic shall be generated by a home occupation in greater volumes than normally expected in a residential neighborhood, and any need for parking must be accommodated within the off-street parking provided for the residence (i.e. the driveway or garage) and along the street frontage of the lot

(k) Uses prohibited as a home occupation shall include the physical or medical treatment of persons or animals, beauty shops, rooming/boarding houses, restaurants, mortuary or funeral homes, dance studios, carpenter shops, electrical shops, massage establishments, plumber shops, heating and air conditioning shops, radio shops, auto repairing or painting, furniture repairing, sign painting or similar activities.

[3] Model Homes: A model home is permitted for a period of 12 months following the issuance of a Certificate of Occupancy. The garage may be converted to a sales office during that time, but shall be converted back to a garage at the time that the home is transferred to the residential homeowner for occupancy.

[4] Offices, Any Type: None are permitted except an incidental office for management of the manufactured home park

[5] Outdoor Storage: The storing of business property may be permitted in the side and rear yard of a lot so long as it is fully screened from adjacent properties and not visible for any street right-of-way.

[6] Portable Storage Containers: May be allowed on lots that have an active building permit, subject to approval from the Director of Development Services.

Secs. 14.10.002 – 14.10.999 Reserved

ARTICLE 14.11 SHERMAN MUNICIPAL AIRPORT HAZARD ZONING ORDINANCE

Sec. 14.11.001 Purpose; Findings

(1) The City Council finds that an airport hazard has the potential for endangering the lives and property of users of the City's municipal airport and property or occupants of land in its vicinity, that an obstruction may affect existing and/or future instrument approach minimums at the City's municipal airport, and that an obstruction may reduce the size of areas available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of the City's municipal airport and the public investment therein. Accordingly, the City Council declares that:
   (a) The City's municipal airport fulfills an essential community purpose;
   (b) The creation or establishment of an airport hazard is a public nuisance and injures the region served by the City's municipal airport;
   (c) It is necessary in the interest of the public health, safety, and general welfare to prevent the creation or establishment of airport hazards; and
   (d) The prevention of these airport hazards should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.

(2) The City Council further declares that the prevention of the creation or establishment of airport hazards; the elimination, removal, alteration, or mitigation of airport hazards; and the marking and lighting of obstructions are public purposes for which a political subdivision may raise and expend public funds and acquire land or interests in land.

(3) The City Council further finds that the City's municipal airport is used in the interest of the public because the City, by contract, license, or otherwise, permits the airport to be used by the public to an extent that the airport fulfills an essential community purpose.

Sec. 14.11.002 Short Title

This article shall be known and may be cited as the "Sherman Municipal Airport Hazard Zoning Ordinance."

Sec. 14.11.003 Definitions

As used in this article, the following words have the meanings set forth below unless the context otherwise requires:

Airport: Sherman Municipal Airport, Sherman, Texas, including the ultimate development of that facility.

Airport elevation: The established elevation of the highest point on the usable landing area measured in feet above mean sea level (MSL). The airport elevation of the City's municipal airport is seven hundred forty-six and one-tenth (746.1) feet above mean sea level (MSL).

Airport hazard: Any structure, object of natural growth, or use of land that obstructs the airspace required for the flight of aircraft or obstructs or interferes with the control, tracking, and/or data acquisition in the landing, takeoff, or flight at an airport or any installation or facility relating to flight, tracking, and/or data acquisition of the flight craft; that is hazardous to, interferes with, or obstructs such landing, takeoff, or flight of aircraft; or that is hazardous

to or interferes with tracking and/or data acquisition pertaining to flight and flight vehicles.

Airport hazard area: Any area of land or water upon which an airport hazard might be established if not prevented as provided by this article.

Approach surface: A surface longitudinally centered on the extended runway centerline, extending outward and upward from each end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Subsection 14.11.004 of this article. In plan the perimeter of the approach surfaces coincide with the perimeter of the approach zones.

Board of Adjustment: A board appointed by the City Council as provided by Section 211.008 of Texas Local Government Code.

Conical surface: A surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty (20) feet horizontally for each one (1) foot vertically for a horizontal distance of four thousand (4,000) feet.

Hazard to air navigation: An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of navigable airspace.

Height: For the purpose of determining the height limits in all zones set forth in this article and shown on the hazard zoning map, the datum shall be height above mean sea level (MSL) elevation as measured in feet.

Horizontal surface: A horizontal plane one hundred fifty (150) feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

Nonconforming use: Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this article on the effective date of this article or the effective date of an amendment thereto.

Non-precision instrument (NPI) runway: A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance or area type navigation equipment, or a runway for which a straight-in non-precision instrument approach procedure has been approved or planned.

Obstruction: Any structure, tree, or other object, including a mobile object, which exceeds Federal Aviation Regulations (FAR) part 77 imaginary surfaces.

Permit: A document issued by development services to erect, replace, or increase the height of any structure, or the construction of a new structure on property, which may include an airspace determination, Form 7460-1, from the FAA.

Person: An individual, firm, partnership, coloration, company, association, joint stock association, or body politic and includes a trustee, receiver, assignee, administrator, executor, guardian, or other representative.

Primary surface: A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two hundred (200) feet beyond each end of that runway. The width of the primary surface of a runway will be that width

prescribed in part 77 of the Federal Aviation Regulations (FAR) for the most precise approach, existing or planned, for either end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline or crown. The width of the primary surface is five-hundred (500) feet for a utility runway having a non-precision instrument approach to either or both ends of that runway.

Runway: A defined area on an airport prepared for the landing and taking off of aircraft along its length. The zoned length of runway 16-34 at the City's municipal airport is four thousand (4,000) feet.

Structure: An object, including a mobile object, constructed or installed by man including, but not limited to: buildings, towers, cranes, smokestacks, earth formations, and overhead transmission or power lines.

Transitional surfaces: Surfaces extending outward at ninety (90) degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each one (1) foot vertically from the sides of the primary surface and the approach surfaces to where they intersect the horizontal surface.

Tree: Any object of natural growth.

Utility runway: A runway constructed for and intended to be used by propeller driven aircraft of twelve thousand five hundred (12,500) pounds maximum gross weight or less.

Visual runway: A runway intended solely for the operation of aircraft using visual approach procedures.

Sec. 14.11.004 Airport Overlay Height Zones

In order to carry out the provisions of this article, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surface, and conical surface as they apply to the City's municipal airport, as shown in Attachment A to Ordinance No. 6413 "airport airspace drawing," and made a part hereof. These zones are created and established for the purposes of regulating and developing uses of land within each zone that do not endanger the health, safety, and general welfare of the owners, occupants, or users of the land because of noise or vibrations or the risk of personal injury or property damage created by the operations of the City's municipal airport, including the taking off and landing of aircraft. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

(1) Approach zones.

(a) An approach zone is hereby established beneath the approach surface at the end of runway 34 at the City's municipal airport for a utility runway with non-precision instrument landings and takeoffs. The approach zone shall have an inner edge width of five hundred (500) feet which coincides with the width of the primary surface at a distance of two hundred (200) feet beyond the runway end, widening thereafter uniformly to a width of three thousand five hundred (3,500) feet at a horizontal distance of ten-thousand (10,000) feet beyond the end of the primary surface. Its centerline being the continuation of the centerline of the runway.

(b) An approach zone is hereby established beneath the approach surface at the end

of runway 16 at the City's municipal airport for a utility runway with visual landings and takeoffs. The approach zone shall have an inner edge width of five hundred (500) feet which coincides with the width of the primary surface at a distance of two hundred (200) feet beyond the runway end, widening thereafter uniformly to a width of three thousand five hundred (3,500) feet at a horizontal distance of ten thousand (10,000) feet beyond the end of the primary surface. Its centerline being the continuation of the centerline of the runway.

(2) Transitional zones. Transitional zones are hereby established beneath the transitional surfaces for the runway as indicated on the hazard zoning map. Transitional surfaces, symmetrically located on either side of the runway, have variable widths as shown on the hazard zoning map. Transitional surfaces extend outward at right angles to the runway centerline and the runway centerline extended from the periphery of the primary surface and the approach surfaces to where they intersect the horizontal surface.

(3) Horizontal zone. A horizontal zone is hereby established beneath the horizontal surface which is a plane one hundred fifty (150) feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of ten thousand (10,000) feet radii from the center of each end of the primary surface and connecting the adjacent arcs by lines tangent to those arcs.

(4) Conical zone. A conical zone is hereby established beneath the conical surface which extends outward from the periphery of the horizontal surface for a horizontal distance of four thousand (4,000) feet.

Sec. 14.11.005 Height Limitations

Except as otherwise provided in this article, no structure shall be erected, altered, or maintained and no tree shall be allowed to grow in any zone created by this article to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

(1) Approach zones. Slope one (1) foot in height for each twenty (20) feet in horizontal distance beginning at the ends of and at the same elevation as the primary surface and extending to points ten thousand (10,000) feet from the ends of primary surface. The City's engineering department will review the airspace determination, as issued by the FAA, resulting from the submission of the FAA notice of proposed construction or alteration to determine if any remediation is required as part of the development.

(2) Transitional zones. Slope one (1) foot in height for each seven (7) feet in horizontal distance beginning at the sides of and at the same elevation as the primary surface and the approach surfaces and extending to a height of one hundred fifty (150) feet above the airport elevation, or to a height of eight hundred ninety-six (896) feet above mean sea level. The City's engineering department will review the airspace determination, as issued by the FAA, resulting from the submission of the FAA notice of proposed construction or alteration to determine if any remediation is required as part of the development.

(3) Horizontal zone. Established at one hundred fifty (150) feet above the airport elevation, or at a height of eight hundred ninety-six (896) feet above mean sea level. The City's engineering department will review and determine if the development has the potential to be a hazard to the navigable airspace, and may require the filing of an FAA Form 7460-1 to receive an airspace determination as part of the development. The development will adhere to the requirements of the airspace determination.

(4) Conical zone. Slopes one (1) foot in height for each twenty (20) feet in horizontal

distance beginning at the periphery of the horizontal zone and at one hundred fifty (150) feet above the airport elevation and extending to a height of three hundred fifty (350) above the airport elevation, or to a height of one thousand ninety-five (1,095) feet above mean sea level. The City's engineering department will review and determine if the development has the potential to be a hazard to the navigable airspace, and may require the filing of an FAA Form 7460-1 to receive an airspace determination as part of the development. The development will adhere to the requirements of the airspace determination.

Sec. 14.11.006 Land Use Restrictions

(1) Unlawful interference. Notwithstanding any other provision of this article, no use may be made of land or water within any zone established by this article in such a manner as to create electrical interference with navigational signals or radio communications between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, taking off, or maneuvering of aircraft intending to use the airport.

(2) Permitted uses. All uses are permitted within each applicable zone established by this article that are permitted by other existing zoning ordinances except as prohibited or regulated by these zoning regulations. Where there is a conflict between the zone restrictions and other zoning regulations, the provisions of the zone shall prevail. Uses within the zones that are not permitted and uses that are hereby regulated are shown in attachment A to Ordinance 6413 "airport airspace drawing," which is attached to and made a part of these zoning regulations.

Sec. 14.11.007 Nonconforming Uses and Structures

(1) Regulations not retroactive. Except as provided by Section 241.035 of the Local Government Code, the provisions of this article do not require:
   (a) Changes in nonconforming land use existing on the date of the adoption of the regulations;
   (b) The removal, lowering, or other change of a structure that does not conform to the regulations on the date of their adoption, including all phases or elements of a multiphase structure, regardless of whether actual construction has commenced, that received a determination of no hazard by the Federal Aviation Administration under 14 C.F.R., part 77, before the regulations were adopted;
   (c) The removal, lowering, or other change of an object of natural growth that does not conform to the regulations on the date of their adoption; or
   (d) Any other interference in the continuation of a use that does not conform to the regulations on the date of their adoption.
   (e) Nothing herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alternation of which was begun prior to the effective date of this article and is diligently prosecuted. Trees are not a permitted nonconforming use.

(2) Lighting and marking. Notwithstanding subsection (a) of this section, the owner of any nonconforming structure is required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the City Manager or their designated representative to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport hazards. Such markers and

lights, if installed by the City, shall be operated, and maintained at the expense of the City.

Sec. 14.11.008 Permits

(1) Future uses. Except as specifically provided hereunder, no structure shall be erected or otherwise established and no tree shall be permitted to grow in any zone hereby created in excess of the excepted height limitation of the zone, and no material change shall be made in the use of land that would create a hazardous condition as described in Subsection 14.11.005, unless a permit therefor shall have been applied for and granted by the City Manager or their designated representative. Each application for a permit shall indicate the purpose for which the permit is desired with sufficient particularity to permit it to be determined whether the resulting structure, tree, or use would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit allowing inconsistency with the provisions of this article shall be granted unless a variance has been approved in accordance with subsection (d) of this section.

(2) Existing uses. No permit shall be granted that would allow the establishment or creation of any airport hazard or permit a nonconforming use, structure, or tree to be made or become higher or become a greater hazard to air navigation.

(3) Nonconforming uses abandoned or destroyed. Whenever the City Manager or their designated representative determines that a nonconforming use or structure has been abandoned, physically deteriorated, or decayed, as defined in Subsection 14.01.007 (Nonconforming Uses and Structures), no permit shall be granted that would allow such structure to exceed the applicable height limit or otherwise deviate from the zoning regulations.

(4) Variances. Any person desiring to erect, replace, or increase the height of any structure, permit the growth of any tree, or use his property in violation of the regulations prescribed in this article must apply to the Board of Adjustments for a variance from such regulations in question. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities (FORM 7460-1 or approved equal form) and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and the relief granted would not be contrary to the public interest, but do substantial justice, and be in accordance with the spirit of this article.

(5) Obstruction, marking and lighting. Any permit granted under these regulations may require the owner of the structure, tree or installation in question to install, operate, and maintain thereon such markers and lights as the board of adjustments may find necessary to indicate the presence of the airport hazard. The owner will install, operate and maintain the marking and/or lighting. If the owner does not maintain the marking and/or lighting, the City has the right to enter, make repair and bill the owner for the cost of the repair.

Sec. 14.11.009 Enforcement

It shall be the duty of the City Manager or a representative designated by Development Services to administer and enforce the regulations prescribed herein. Applications for permits shall be made to the office of development services or the designated representative and shall be promptly considered and granted or denied. Applications for variances shall be made to the board of adjustments by first filing said application for variance with development services or

the designated representative who shall forthwith transmit said application to the board of adjustments for determination.

Sec. 14.11.010 Board of Adjustment

(1) The Board of Adjustment appointed by the City Council as provided by section 211.008 of Texas Local Government Code is designated as the board of adjustment under this article.

(2) The Board of Adjustment has the following powers:

(a) To hear and decide an appeal, as provided by Section 241.036 of the Texas Local Government Code, from any requirement, decision or determination made by the City Manager or the designated representative in the enforcement of this article;

(b) To hear and decide special exceptions to the terms of this article upon which such board of adjustments under such regulations may be required to pass; and

(c) To hear and decide specific variances under Section 241.034 of the Texas Local Government Code.

(3) The schedule of meetings of the Board of Adjustment are published annually and are available as part of the development application checklist. The Board of Adjustment shall comply with Section 241.032 of the Texas Local Government Code.

(4) The concurring vote of four (4) members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision or determination of the City Manager or their designated representative, to decide in favor of the applicant on any matter upon which it is required to pass under this article, or to effect any variation in this article as provided in Section 241.032(d) of the Texas Local Government Code.

Sec. 14.11.011 Appeals

A decision of the City Manager or their designated representative made in the administration of this article may be appealed to the Board of Adjustment in accordance with Section 241.036 of the Texas Local Government Code.

Sec. 14.11.012 Judicial Review

A person who is aggrieved or a taxpayer who is affected by a decision made under this article by the Board of Adjustment, or the City Council, may appeal to a court of competent jurisdiction as provided by Subchapter D of Chapter 241 of the Texas Local Government Code.

Sec. 14.11.013 Conflicting Regulations

Where there exists a conflict between any of the regulations or limitations prescribed in this article and any other regulation applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail as provided by Section 241.901 of the Texas Local Government Code.

Secs. 14.11.014 – 14.11.999 Reserved"

~~**CHAPTER 14 ZONING ORDINANCE**~~

~~**ARTICLE 14.01 GENERAL PROVISIONS**~~

~~(Reserved)~~

ARTICLE 14.02 SHERMAN MUNICIPAL AIRPORT HAZARD ZONING ORDINANCE*

Sec. 14.02.001 Purpose; findings

(a) The city council finds that an airport hazard has the potential for endangering the lives and property of users of the city's municipal airport and property or occupants of land in its vicinity, that an obstruction may affect existing and/or future instrument approach minimums at the city's municipal airport, and that an obstruction may reduce the size of areas available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of the city's municipal airport and the public investment therein. Accordingly, the city council declares that:

(1) The city's municipal airport fulfills an essential community purpose;

(2) The creation or establishment of an airport hazard is a public nuisance and injures the region served by the city's municipal airport;

(3) It is necessary in the interest of the public health, safety, and general welfare to prevent the creation or establishment of airport hazards; and

(4) The prevention of these airport hazards should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.

(b) The city council further declares that the prevention of the creation or establishment of airport hazards; the elimination, removal, alteration, or mitigation of airport hazards; and the marking and lighting of obstructions are public purposes for which a political subdivision may raise and expend public funds and acquire land or interests in land.

(c) The city council further finds that the city's municipal airport is used in the interest of the public because the city, by contract, license, or otherwise, permits the airport to be used by the public to an extent that the airport fulfills an essential community purpose.

Sec. 14.02.002 Short title

This article shall be known and may be cited as the "Sherman Municipal Airport Hazard Zoning Ordinance."

Sec. 14.02.003 Definitions

As used in this article, the following words have the meanings set forth below unless the context otherwise requires:

Airport. Sherman Municipal Airport, Sherman, Texas, including the ultimate development of that facility.

Airport elevation. The established elevation of the highest point on the usable landing area measured in feet above mean sea level (MSL). The airport elevation of the city's municipal airport is seven hundred forty-six and one-tenth (746.1) feet above mean sea level (MSL).

Airport hazard. Any structure, object of natural growth, or use of land that obstructs the airspace required for the flight of aircraft or obstructs or interferes with the control, tracking, and/or data acquisition in the landing, takeoff, or flight at an airport or any installation or facility relating to flight, tracking, and/or data acquisition of the flight craft; that is hazardous to, interferes with, or obstructs such landing, takeoff, or flight of aircraft; or that is hazardous to or interferes with tracking and/or data acquisition pertaining to flight and flight vehicles.

Airport hazard area. Any area of land or water upon which an airport hazard might be established if not prevented as provided by this article.

Approach surface. A surface longitudinally centered on the extended runway centerline, extending outward and upward from each end of the primary surface and at the same slope as the approach zone height limitation slope set forth in section 14.02.004 of this article. In plan the perimeter of the approach surfaces coincide with the perimeter of the approach zones.

~~*Board of adjustments*. A board appointed by the city council as provided by section 211.008 of Texas Local Government Code.~~

~~*Conical surface*. A surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty (20) feet horizontally for each one (1) foot vertically for a horizontal distance of four thousand (4,000) feet.~~

~~*Hazard to air navigation*. An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of navigable airspace.~~

~~*Height*. For the purpose of determining the height limits in all zones set forth in this article and shown on the hazard zoning map, the datum shall be height above mean sea level (MSL) elevation as measured in feet.~~

~~*Horizontal surface*. A horizontal plane one hundred fifty (150) feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.~~

~~*Nonconforming use*. Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this article on the effective date of this article or the effective date of an amendment thereto.~~

~~*Non-precision instrument (NPI) runway*. A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance or area type navigation equipment, or a runway for which a straight in non-precision instrument approach procedure has been approved or planned.~~

~~*Obstruction*. Any structure, tree, or other object, including a mobile object, which exceeds Federal Aviation Regulations (FAR) part 77 imaginary surfaces.~~

~~*Permit*. A document issued by development services to erect, replace, or increase the height of any structure, or the construction of a new structure on property, which may include an airspace determination, Form 7460-1, from the FAA.~~

~~*Person*. An individual, firm, partnership, coloration, company, association, joint stock association, or body politic and includes a trustee, receiver, assignee, administrator, executor, guardian, or other representative.~~

~~*Primary surface*. A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two hundred (200) feet beyond each end of that runway. The width of the primary surface of a runway will be that width prescribed in part 77 of the Federal Aviation Regulations (FAR) for the most precise approach, existing or planned, for either end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline or crown. The width of the primary surface is five hundred (500) feet for a utility runway having a non-precision instrument approach to either or both ends of that runway.~~

~~*Runway*. A defined area on an airport prepared for the landing and taking off of aircraft along its length. The zoned length of runway 16-34 at the city's municipal airport is four thousand (4,000) feet.~~

~~*Structure*. An object, including a mobile object, constructed or installed by man including, but not limited to: buildings, towers, cranes, smokestacks, earth formations, and overhead transmission or power lines.~~

~~*Transitional surfaces*. Surfaces extending outward at ninety (90) degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each one (1) foot vertically from the sides of the primary surface and the approach surfaces to where they intersect the horizontal surface.~~

~~*Tree*. Any object of natural growth.~~

~~*Utility runway*. A runway constructed for and intended to be used by propeller driven aircraft of twelve thousand five hundred (12,500) pounds maximum gross weight or less.~~

Visual runway. A runway intended solely for the operation of aircraft using visual approach procedures.

Sec. 14.02.004 Airport overlay height zones

In order to carry out the provisions of this article, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surface, and conical surface as they apply to the city's municipal airport, as shown in attachment A to Ordinance 6413 "airport airspace drawing," and made a part hereof. These zones are created and established for the purposes of regulating and developing uses of land within each zone that do not endanger the health, safety, and general welfare of the owners, occupants, or users of the land because of noise or vibrations or the risk of personal injury or property damage created by the operations of the city's municipal airport, including the taking off and landing of aircraft. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

(1) Approach zones.

(A) An approach zone is hereby established beneath the approach surface at the end of runway 34 at the city's municipal airport for a utility runway with non-precision instrument landings and takeoffs. The approach zone shall have an inner edge width of five hundred (500) feet which coincides with the width of the primary surface at a distance of two hundred (200) feet beyond the runway end, widening thereafter uniformly to a width of three thousand five hundred (3,500) feet at a horizontal distance of ten thousand (10,000) feet beyond the end of the primary surface. Its centerline being the continuation of the centerline of the runway.

(B) An approach zone is hereby established beneath the approach surface at the end of runway 16 at the city's municipal airport for a utility runway with visual landings and takeoffs. The approach zone shall have an inner edge width of five hundred (500) feet which coincides with the width of the primary surface at a distance of two hundred (200) feet beyond the runway end, widening thereafter uniformly to a width of three thousand five hundred (3,500) feet at a horizontal distance of ten thousand (10,000) feet beyond the end of the primary surface. Its centerline being the continuation of the centerline of the runway.

(2) Transitional zones. Transitional zones are hereby established beneath the transitional surfaces for the runway as indicated on the hazard zoning map. Transitional surfaces, symmetrically located on either side of the runway, have variable widths as shown on the hazard zoning map. Transitional surfaces extend outward at right angles to the runway centerline and the runway centerline extended from the periphery of the primary surface and the approach surfaces to where they intersect the horizontal surface.

(3) Horizontal zone. A horizontal zone is hereby established beneath the horizontal surface which is a plane one hundred fifty (150) feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of ten thousand (10,000) feet radii from the center of each end of the primary surface and connecting the adjacent arcs by lines tangent to those arcs.

(4) Conical zone. A conical zone is hereby established beneath the conical surface which extends outward from the periphery of the horizontal surface for a horizontal distance of four thousand (4,000) feet.

Sec. 14.02.005 Height limitations

Except as otherwise provided in this article, no structure shall be erected, altered, or maintained and no tree shall be allowed to grow in any zone created by this article to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

(1) Approach zones. Slope one (1) foot in height for each twenty (20) feet in horizontal distance beginning at the ends of and at the same elevation as the primary surface and extending to points

ten thousand (10,000) feet from the ends of primary surface. The city's engineering department will review the airspace determination, as issued by the FAA, resulting from the submission of the FAA notice of proposed construction or alteration to determine if any remediation is required as part of the development.

(2) Transitional zones. Slope one (1) foot in height for each seven (7) feet in horizontal distance beginning at the sides of and at the same elevation as the primary surface and the approach surfaces and extending to a height of one hundred fifty (150) feet above the airport elevation, or to a height of eight hundred ninety-six (896) feet above mean sea level. The city's engineering department will review the airspace determination, as issued by the FAA, resulting from the submission of the FAA notice of proposed construction or alteration to determine if any remediation is required as part of the development.

(3) Horizontal zone. Established at one hundred fifty (150) feet above the airport elevation, or at a height of eight hundred ninety-six (896) feet above mean sea level. The city's engineering department will review and determine if the development has the potential to be a hazard to the navigable airspace, and may require the filing of an FAA Form 7460-1 to receive an airspace determination as part of the development. The development will adhere to the requirements of the airspace determination.

(4) Conical zone. Slopes one (1) foot in height for each twenty (20) feet in horizontal distance beginning at the periphery of the horizontal zone and at one hundred fifty (150) feet above the airport elevation and extending to a height of three hundred fifty (350) above the airport elevation, or to a height of one thousand ninety-five (1,095) feet above mean sea level. The city's engineering department will review and determine if the development has the potential to be a hazard to the navigable airspace, and may require the filing of an FAA Form 7460-1 to receive an airspace determination as part of the development. The development will adhere to the requirements of the airspace determination.

Sec. 14.02.006 Land use restrictions

(a) Unlawful interference. Notwithstanding any other provision of this article, no use may be made of land or water within any zone established by this article in such a manner as to create electrical interference with navigational signals or radio communications between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, taking off, or maneuvering of aircraft intending to use the airport.

(b) Permitted uses. All uses are permitted within each applicable zone established by this article that are permitted by other existing zoning ordinances except as prohibited or regulated by these zoning regulations. Where there is a conflict between the zone restrictions and other zoning regulations, the provisions of the zone shall prevail. Uses within the zones that are not permitted and uses that are hereby regulated are shown in attachment A to Ordinance 6413 "airport airspace drawing," which is attached to and made a part of these zoning regulations.

Sec. 14.02.007 Nonconforming uses and structures

(a) Regulations not retroactive. Except as provided by section 241.035 of the Local Government Code, the provisions of this article do not require:

(1) Changes in nonconforming land use existing on the date of the adoption of the regulations;

(2) The removal, lowering, or other change of a structure that does not conform to the regulations on the date of their adoption, including all phases or elements of a multiphase structure, regardless of whether actual construction has commenced, that received a determination of no hazard by the Federal Aviation Administration under 14 C.F.R., part 77, before the regulations were adopted;

(3) The removal, lowering, or other change of an object of natural growth that does not

conform to the regulations on the date of their adoption; or

(4) Any other interference in the continuation of a use that does not conform to the regulations on the date of their adoption.

(5) Nothing herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alternation of which was begun prior to the effective date of this article and is diligently prosecuted. Trees are not a permitted nonconforming use.

(b) Lighting and marking. Notwithstanding subsection (a) of this section, the owner of any nonconforming structure is required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the city manager or their designated representative to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport hazards. Such markers and lights, if installed by the city, shall be operated, and maintained at the expense of the city.

Sec. 14.02.008 Permits

(a) Future uses. Except as specifically provided hereunder, no structure shall be erected or otherwise established and no tree shall be permitted to grow in any zone hereby created in excess of the excepted height limitation of the zone, and no material change shall be made in the use of land that would create a hazardous condition as described in section 14.02.005, unless a permit therefor shall have been applied for and granted by the city manager or their designated representative. Each application for a permit shall indicate the purpose for which the permit is desired with sufficient particularity to permit it to be determined whether the resulting structure, tree, or use would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit allowing inconsistency with the provisions of this article shall be granted unless a variance has been approved in accordance with subsection (d) of this section.

(b) Existing uses. No permit shall be granted that would allow the establishment or creation of any airport hazard or permit a nonconforming use, structure, or tree to be made or become higher or become a greater hazard to air navigation.

(c) Nonconforming uses abandoned or destroyed. Whenever the city manager or their designated representative determines that a nonconforming use or structure has been abandoned, physically deteriorated, or decayed, as defined in chapter 14, zoning ordinance, section 5, "nonconforming lots, uses of land, structures and uses of structures and premises," no permit shall be granted that would allow such structure to exceed the applicable height limit or otherwise deviate from the zoning regulations.

(d) Variances. Any person desiring to erect, replace, or increase the height of any structure, permit the growth of any tree, or use his property in violation of the regulations prescribed in this article must apply to the Board of Adjustments for a variance from such regulations in question. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities (FORM 7460-1 or approved equal form) and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and the relief granted would not be contrary to the public interest, but do substantial justice, and be in accordance with the spirit of this article.

(e) Obstruction, marking and lighting. Any permit granted under these regulations may require the owner of the structure, tree or installation in question to install, operate, and maintain thereon such markers and lights as the board of adjustments may find necessary to indicate the presence of the airport hazard. The owner will install, operate and maintain the marking and/or lighting. If the owner does not maintain the marking and/or lighting, the city has the right to enter, make repair and bill the owner for the cost of the repair.

Sec. 14.02.009 Enforcement

It shall be the duty of city manager or a representative designated by development services to administer and enforce the regulations prescribed herein. Applications for permits shall be made to the office of development services or the designated representative and shall be promptly considered and granted or denied. Applications for variances shall be made to the board of adjustments by first filing said application for variance with development services or the designated representative who shall forthwith transmit said application to the board of adjustments for determination.

Sec. 14.02.010 Board of adjustments

(a) The board of adjustments appointed by the city council as provided by section 211.008 of Texas Local Government Code is designated as the board of adjustments under this article.

(b) The board of adjustments has the following powers:

(1) To hear and decide an appeal, as provided by section 241.036 of the Texas Local Government Code, from any requirement, decision, or determination made by the city manager or the designated representative in the enforcement of this article;

(2) To hear and decide special exceptions to the terms of this article upon which such board of adjustments under such regulations may be required to pass; and

(3) To hear and decide specific variances under section 241.034 of the Texas Local Government Code.

(c) The schedule of meetings of the board of adjustments are published annually and are available as part of the development application checklist. The board of adjustments shall comply with section 241.032 of the Texas Local Government Code.

(d) The concurring vote of four (4) members of the board of adjustments shall be necessary to reverse any order, requirement, decision, or determination of the city manager or their designated representative, to decide in favor of the applicant on any matter upon which it is required to pass under this article, or to effect any variation in this article as provided in section 241.032(d) of the Texas Local Government Code.

Sec. 14.02.011 Appeals

A decision of the city manager or their designated representative made in the administration of this article may be appealed to the board of adjustments in accordance with section 241.036 of the Texas Local Government Code.

Sec. 14.02.012 Judicial review

A person who is aggrieved or a taxpayer who is affected by a decision of the board of adjustments, or the city council, may appeal to a court of competent jurisdiction as provided by subchapter D chapter 241 of the Texas Local Government Code.

Sec. 14.02.013 Enforcement and remedies

The city attorney may institute in a court of competent jurisdiction an action to prevent, restrain, correct, or abate any violation of this article or of any order or ruling made in connection with its administration or enforcement, including, but not limited to, an action for injunctive relief as provided by section 241.044 of the Texas Local Government Code.

Sec. 14.02.014 Penalties

Each violation of this article or of any regulation, order, or ruling promulgated hereunder shall constitute a misdemeanor and upon conviction shall be punishable by a fine of not more than $2,000.00. A violation of any provision of this article shall constitute a separate violation for each calendar day in which it occurs. The penal provisions imposed under this article 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. There shall be no requirement of a culpable mental state for an offense under this article.

Sec. 14.02.015 Conflicting regulations

Where there exists a conflict between any of the regulations or limitations prescribed in this article and any other regulation applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail as provided by section 241.901 of the Texas Local Government Code.

(Ordinance 6413 adopted 9/7/21)

ARTICLE 14.03 PLANNING AND ZONING BOARD

Sec. 14.03.001 Terms of members; forfeiture of office

Each member of the planning and zoning board shall hold office until his successor has been named and enters into the duties of his office; provided, however, a member shall automatically forfeit his position on the planning and zoning board in the event he shall fail to attend three (3) consecutive meetings of the board without good cause as to be determined by the membership of the planning and zoning board. In that event, the chairman of the planning and zoning board shall immediately notify the city council of such forfeiture and petition the council to appoint a replacement at the council's earliest convenience. (1991 Code, sec. 25-26)

Sec. 14.03.002 Officers

The chairman of the planning and zoning board shall be designated by the city council. The board shall elect its own vice-chairman, secretary, acting secretary and such other officers as it may deem expedient. It shall be the duty of the chairman to call all meetings of such board and to preside at the meeting. It shall be the duty of the vice-chairman to preside over meetings and to call meetings as may be necessary in the absence of the chairman. It shall be the duty of the secretary to keep a record of all meetings and the business transacted at such meetings. (1991 Code, sec. 25-27)

Sec. 14.03.003 Quorum

A majority of the members of the planning and zoning board shall constitute a quorum for the transaction of business. (1991 Code, sec. 25-28)

Sec. 14.03.004 Rules and regulations; Robert's Rules of Order

(a) The members of the planning and zoning board shall adopt such rules and regulations as they deem best for the government of their actions, proceedings, and time and place of meetings. However, such rules and regulations shall not be in contravention of any of the laws of the state or of any provision of this code or other ordinance of the city.

(b) The planning and zoning board shall adopt Robert's Rules of Order as the order of decision.

(1991 Code, sec. 25-29)

Sec. 14.03.005 General powers and duties

(a) It shall be the duty of the planning and zoning board to act as an advisory board to the city council or any other commission, board or department of the city. It shall be its duty to make recommendations to the city council and other commissions, boards and departments relating to all nature of public improvements, civic improvements, city planning, opening, widening and changing the streets, routing of public utilities, controlling and regulating traffic upon the public streets and ways of the city and such other matters relating to city improvements as the planning and zoning board may deem beneficial to the city.

(b) The planning and zoning board is hereby vested with proper power to submit to the city council plans, together with recommendations, governing public improvements for the establishment and location of additional streets, alleys and byways, schools, parks, playgrounds, recreation centers, public amusements, outdoor theatres, swimming pools, the creation of new zones or the changing of present zones or any other recommendations deemed by the board to come under the heading of civic improvements or city planning. The city council may thereafter adopt the recommendations made by the board on any other plans or methods which may be deemed

most advisable by the city council.

(c) The planning and zoning board, in addition to the powers and authority granted by this article, shall be and is hereby vested with all of the powers and authority conferred upon city planning and zoning boards by the laws of the state and such board shall, in addition to the duties set forth in this article, perform all of the duties provided by the laws of the state for city planning and zoning boards, as well as the duties provided by this code and other ordinances of the city.

(1991 Code, sec. 25-30)

Sec. 14.03.006 Powers and duties relative to divisions of land

(a) It shall be the duty of the planning and zoning board to examine every proposed division of lands, which is hereby defined as plans, plats, replats, additions, subdivisions and resubdivisions for subdividing lands, located in the corporate limits of or within five (5) miles of the corporate limits of the city, to determine if such division of lands conforms to the general plan of the city, its streets, alleys, parks, playgrounds, public utility facilities, sanitary facilities, drainage facilities and all other facilities or the extension of any of such facilities which have been or may be laid out, and to determine if such division of land conforms to such general rules, regulations, ordinances or laws, if any, governing the division of land falling within the jurisdiction of the city, its city council or the planning and zoning board, which rules, regulations, ordinances or laws are or have been adopted or promulgated to promote the health, safety, morals or general welfare of the community and the safe, orderly and healthful development of the community.

(b) The planning and zoning board is authorized to set up such standards to cover the presentation of such division of land, and to establish such procedures for acting upon such presentations as it may deem advisable; provided, that such standards and procedures shall not be inconsistent with the provisions of this code or other ordinances of the city, the laws of the state and the Constitution of the United States.

(1991 Code, sec. 25-31)

Sec. 14.03.007 Appointment, etc., of board of adjustment

(a) The planning and zoning board shall appoint a board of adjustment of five (5) members from its own body to serve as provided by V.T.C.A., Local Government Code sec. 211.008. The two (2) remaining members of the planning and zoning board shall serve as alternate members of the board of adjustment.

(b) The chairman of the board of adjustment shall be designated by the planning and zoning board. The board of adjustment shall select its own vice-chairman, secretary, and acting secretaries, and such other officers as it may deem expedient.

(c) The board of adjustment shall adopt Robert's Rules of Order as the order of decision.

(1991 Code, sec. 25-32)

Sec. 14.03.008 Public hearings on recommendations

The planning and zoning board shall hold a public hearing on each of its recommendations before such recommendations are submitted to the city council for action. (1991 Code, sec. 25-33)

Sec. 14.03.009 Records

The planning and zoning board shall maintain records of its proceedings, which records shall be open for inspection by the public, provided that the record of any executive session shall not be open for inspection by the public until such times as the matters covered in such executive session shall have been passed on by the board in regular session. (1991 Code, sec. 25-34)

Sec. 14.03.010 Reports to city council

The planning and zoning board shall report to the city council, either through its officers in person or in writing, at each regular session of the city council. The planning and zoning board may report to or

confer with the city council at any time that the board deems advisable or that the council may direct at a special meeting of the council called for such purpose. (1991 Code, sec. 25-35)

Sec. 14.03.011 Removal of members; filling of vacancies

The members of the planning and zoning board shall be subject to removal from office by the city council for any cause deemed by the city council sufficient for their removal in the interest of public service. Any vacancy occurring upon the planning and zoning board by death, resignation, removal or otherwise shall be filled by the city council appointing a suitable person to fill such vacancy for the unexpired term. (1991 Code, sec. 25-36)

Sec. 14.03.012 Action not necessary to validity of improvements

Any public improvements undertaken under the provisions of this article or otherwise by the city council shall never be deemed invalid because the planning and zoning board has not been consulted or has not furnished any advice or recommendations thereon or because the city council has failed to submit to the board its plans thereon. (1991 Code, sec. 25-37)

ARTICLE 14.04 GENERAL ZONING ORDINANCE

(a) Ordinance 2280, adopted by the city on October 21, 1963, and as amended, is attached to this chapter as exhibit A. The original arrangement, section catchlines and subsection catchlines, capitalization, punctuation and grammar have been retained. Amendments to the ordinance are indicated by a history note following amended sections. If there is no history note, the material is unchanged from the original ordinance. Obvious misspellings have been corrected. Material enclosed in brackets has been added for clarification. Ordinances zoning or rezoning property are not included, but are on file in the city clerk's office.

(b) Changes made by city. Certain changes have been made to the zoning ordinance at the request of the city. Because these changes have not been made in accordance with the amendment procedures as mandated in V.T.C.A., Local Government Code sec. 211.006 and other applicable sections of the Local Government Code, Franklin Legal Publishing, Inc., assumes no responsibility or liability for such changes being made. Every change made at the city's request is denoted by an editor's note specifying the change.

(Ordinance adopting Code)

ARTICLE 14.05 ZONING–BLALOCK INDUSTRIAL PARK

Ordinance 2252, adopted by the city on December 17, 1962, as amended, is attached to this chapter as exhibit B. The original arrangement, headings, section catchlines, capitalization, punctuation, grammar, etc., have been retained. Amendments to the ordinance are indicated by the history notes following amended sections. If there is no history note, the material is unchanged from the original ordinance. Obvious misspellings have been corrected. Material enclosed in brackets has been added for clarity.

EXHIBIT A*

GENERAL ZONING ORDINANCE

ORDINANCE NO. 2280

AN ORDINANCE OF THE CITY OF SHERMAN ADOPTING A COMPREHENSIVE ZONING PLAN AND ZONING MAP, AND DIVIDING THE CITY INTO SEVERAL DISTRICTS, ESTABLISHING THE USES AUTHORIZED IN SAID DISTRICTS, PROVIDING FOR PERMITS, AND USE PERMITS, AND CERTIFICATES OF OCCUPANCY AND COMPLIANCE, AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF, AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHERMAN:

Sec. 1. Purpose of zoning ordinance.

The zoning regulations and districts as herein established have been made in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals and the general welfare of the City of Sherman. They have been designed to lessen the congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. They have been made with reasonable consideration, among other things, for the character of the district and its peculiar suitability for particular uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the City of Sherman.

Sec. 2. Establishment of districts; provision for official zoning map.

(1) The city is hereby divided into zones, or districts, as shown on the official zoning map, which, together with all explanatory matter thereon, is adopted by reference and declared to be a part of this ordinance.

(2) The official zoning map shall be identified by the signature of the mayor attested by the city secretary [clerk], and bearing the seal of the city under the following words:

"This is to certify that this is the Official Zoning Map referred to in Section 2 of Ordinance Number 2280 of the City of Sherman, Texas, adopted Jan. 22, 2002."

(3) If in accordance with the provisions of this ordinance, changes are made in district boundaries or other matters portrayed on the official zoning map, such changes shall be made on the official zoning map promptly after the amendment has been approved by the city council. The amending ordinance shall provide that such changes or amendments shall not become effective until they have been duly entered upon this official zoning map. The entry shall be signed by the mayor and attested by the city secretary [clerk].

(4) No changes of any nature shall be made in the official zoning map or matter shown thereon except in conformity with the procedures set forth in this ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this ordinance and punishable as provided under section 15 of this ordinance.

(5) Regardless of the existence of purported copies of the official zoning map which may from time to time be made or published, the official zoning map which shall be located in the office of the city secretary [clerk] shall be the final authority as the current zoning status of land and water areas, buildings and other structures in the city.

(6) In the event that the official zoning map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the city council may, by resolution, adopt a new official zoning map which shall supersede the prior official zoning map. The new official zoning map may correct drafting or other errors or omissions in the prior official zoning map, but no such correction shall have the effect of amending the original zoning ordinance or any subsequent amendment thereof. The new official zoning map shall be identified by the signature of the mayor attested by the city secretary [clerk], and bearing the seal of the city under the following words:

"This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted _____, ___ as part of Ordinance No. _____ of the City of Sherman, Texas."

(7) The first and second tracts described in Ordinance 2275 shall be in the C-2 (General Commercial) District. Tract[s] 3 through 10 of said ordinance shall be in R-A (Single-Family Agricultural) District.

(Ordinance 4988, sec. 1, adopted 1/22/02)

Sec. 3. Rules for interpretation of district boundaries.

Where uncertainty exists as to the boundaries of districts as shown on the official zoning map, the following shall apply:

(1) Boundaries indicated as approximately following the center lines of streets, highways or alleys; platted lot lines; city limits, railroad center lines; banks or center lines of banks, streams, rivers, canals, lakes or other bodies of water; shall be construed to follow such lines.

(2) Boundaries indicated as parallel to or extensions of features indicated in subsection (1) above shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.

(3) Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by subsections (1) and (2) above, the board of adjustment shall interpret the district boundaries.

Sec. 4. Application of district regulations.

The regulations set by this ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided:

(1) No building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.

(2) No building or other structure shall hereafter be erected or altered:

(a) To exceed the height;

(b) To accommodate or house a greater number of families;

(c) To occupy a greater percentage of lot area;

(d) To have narrower or smaller rear yards, front yards, side yards, or other open spaces;

than herein required; or in any other manner contrary to the provisions of this ordinance.

(3) No part of a yard or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this ordinance shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.

(4) No yard or lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance.

(5) All territory which may hereafter be annexed to the city shall be considered to be zoned R-A (Single-Family Agricultural) District. Application for building permits for uses other than agricultural and residential in newly annexed areas shall be referred to the zoning board by the building official. The zoning board may recommend denial, or in recommending approval of such building permit, the zoning board may impose such requirements and conditions with respect to location, construction, maintenance and operation in addition to those expressly stipulated in this ordinance for the particular use, as they may deem necessary for the protection of adjacent properties and the public interest. The application, together with the recommendations of the zoning board, shall then be forwarded to the city council for final authorization before issuance of a building permit.

(Ordinance 5153, sec. 1, adopted 8/18/03; Ordinance 5589 adopted 2/16/09)

Sec. 5. Nonconforming lots, uses of land, structures, and uses of structures and premises.

(1) *Intent.*

(a) Within the district established by this ordinance or amendments that may later be adopted

there exist lots, structures, and uses of land and structures which were lawful before this ordinance was passed or amended, but which would be prohibited, regulated or restricted under the terms of this ordinance or future amendment.

(b) It is the intent of this ordinance to permit these nonconformities to continue until they are removed, but not to encourage their survival. Such uses are declared by this ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

(c) A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged after passage of this ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved.

(d) To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

(2) *Nonconforming lots of record*. Lots in platted additions at the time of the passage of this ordinance may be improved and used for any lawful use without regard to area requirements except reasonable front, side and back yards shall be provided to be determined by the building inspector with the right of appeal to the board of adjustment from his decision.

(3) *Nonconforming uses of land*. Where, at the effective date of adoption or amendment of this ordinance, lawful use of land exists that is made no longer permissible under the terms of this ordinance as enacted or amended, such use may be continued so long as it remains otherwise lawful, subject to the following provisions:

(a) No such nonconforming use shall be enlarged or increased, nor shall [it] be extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance.

(b) No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this ordinance.

(c) If any such nonconforming use of land ceases for any reason for a period of more than 30 days, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located.

(4) *Nonconforming structures*. Where a lawful structure exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

(a) No such structure may be enlarged or altered in any way which increases its nonconformity.

(b) A lot separately owned at the time of the passage of this chapter [ordinance] on which

valuable improvements have been erected and in lawful use at the time of the passage of this chapter [ordinance], shall continue to be a lawful use and a lawful lot, and said lot and the use thereof and the structure thereon situated may be repaired, maintained and enlarged without regard to the area requirements required by this ordinance so long as the increase in the structure and the use thereof is in conformity with the general neighborhood within 200 feet of the premises.

(c) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

(5) *Nonconforming uses of structures*. If a lawful use of a structure, or of structure and premises in combination, exists at the effective date of adoption or amendment of this ordinance, that would not be allowed in the district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

(a) No existing structure devoted to a use not permitted by this ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.

(b) Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy any land outside such building.

(c) If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may be changed to another nonconforming use provided that the board of adjustment, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the board of adjustment may require appropriate conditions and safeguards in accordance with the provisions of this ordinance.

(d) Any structure or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.

(e) When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for 6 consecutive months or for 18 months during any three-year period, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located.

(f) Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

(6) *Repairs and maintenance*.

(a) Any building devoted in whole or in part to any nonconforming use may be maintained and repaired, provided that the cubic content of the building as it existed at the time of passage or amendment of this ordinance shall not be increased.

(7) *Uses under exception provisions not nonconforming uses*. Any use for which an exception is permitted as provided in this ordinance shall not be deemed a nonconforming use, but shall without further action be deemed a conforming use in such district.

(Ordinance 2545, sec. 1, adopted 1/23/67; Ordinance 4583, sec. 1, adopted 2/10/97)

Sec. 6. Schedule of district regulations adopted.

District regulations shall be as set forth in the Schedule of District Regulations, and in section 7 of this ordinance, entitled "Supplementary District Regulations." The several districts hereby established and into which the City is divided are designated as follows:

6.1. R-A District: Single-family Agricultural District.

6.2 SF-1 District: Single-family Residential District.

6.3. R-1 District: One-family Residential District.

6.4. R-2 District: Multifamily Residential District.

6.5. C-O District: Office District.

6.6. C-1 District: Retail Business District.

6.7. C-2 District: General Commercial District.

6.8. M-1 District: Light Manufacturing District.

6.9. M-1.5 District: Medium Manufacturing District.

6.10. M-2 District: Heavy Manufacturing District.

6.11 MH District: Manufactured Housing District.

6.12 PD District: Planned Development District.

6.13 Overlay District.

6.13.1 O-1 (75 & 82) Overlay District.

6.13.2 O-1.1 (F.M. Highway 1417).

6.13.3 O-1.2 (Sam Rayburn) Overlay District.

6.13.4 O-1.3 (F.M. Highway 691) Overlay District.

6.13.5 O-1.4 (State Highway 289) Overlay District.

6.13.6 College Park Overlay District.

6.13.7 Blalock Commercial Overlay District.

6.13.8 A&C (Arts and Cultural) Overlay District.

(Ordinance 6385 adopted 5/17/21)

Sec. 6.1. R-A (Single-family agricultural) district.

Purpose. This district consists mainly of unsubdivided land that is mainly vacant or being used for agricultural purposes with some dwellings, and accessory uses. In addition to the general purposes applying to all residential districts, the regulations are designed to prevent intensive residential development until such time as major streets, utilities and other facilities can be economically provided by the municipality. (Ordinance 2732, sec. 1, adopted 10/6/69; Ordinance 5113, sec. 1, adopted 3/3/03)

(1) Minimum requirements for lot area, width, and setback:

Lot area: 2 acres

Lot width: 200'

Front: 30'

Rear: 25'

Side yards: 15' with sum of both side yards not less than 50'.

(Ordinance 6385 adopted 5/17/21)

(2) See section 7 for supplementary district regulations and exceptions and parking requirements applying to the R-A District. (Ordinance 2732, sec. 1, adopted 10/6/69; Ordinance 5113, sec. 1, adopted 3/3/03)

(3) See sections 8.4 and 8.5 for temporary use permits that may be granted by the Board of Adjustments, and specific use permits that may be recommended by the Planning and Zoning Commission within the R-A District under certain circumstances and conditions. (Ordinance 6385 adopted 5/17/21)

(4) Permitted uses and parking requirements:

Permitted Use	**Parking Ratio**
Any use permitted in R-1 District.	
Accessory building for agricultural storage	none
Animal and poultry husbandry, dairying and pasturage, but not including the feeding of garbage	none

(5) Height regulations: No building shall exceed thirty-five (35) feet or two (2) stories in height.

(Ordinance 2732, sec. 1, adopted 10/6/69; Ordinance 5113, sec. 1, adopted 3/3/03)

(6) Screening Devices: Refer to Section 7(13) for fences, hedges and screening regulations. (Ordinance 6385 adopted 5/17/21)

Sec. 6.2. SF-1 (Single-Family Residential) District.

(1) *Minimum requirements for lot area, width, and setback*:

Lot area: 6,000 S.F.

Lot width: 60'

Front: 25'

Rear: 25'

Side yards: There shall be a side yard on each side of the main building not less than ten (10) percent of the mean horizontal distance between the side lines of the lot; except that such side yard shall be not less than six (6) feet; and need not be more than fifteen (15) feet. A building on a corner lot shall have a side street of not less than ten (10) feet.

(2) See section 7 for supplementary district regulations, exceptions and parking regulations applying to the R-1 District.

(Ordinance 5425 adopted 11/6/06)

(3) See sections 8.4 and 8.5 for temporary use permits that may be granted by the Board of Adjustments and specific use permits that may be recommended by the Planning and Zoning Commission within the SF-1 District under certain circumstances and conditions.

(4) Permitted uses and parking requirements:

Permitted Uses	**Parking Ratio**
Accessory building; garage or carport, domestic storage.	None
Bedrooms-two bedrooms may be rented to not more than four people.	1/Unit
Dwelling, Single-family	1/bedroom (min. 2/unit)

Field crops, horticulture, nursery, truck gardening, but not including retail sales on the premises.	None
Public park, playground or playfield.	None
Swimming pool, private.	None
Railroad rights-of-way but not including shops and yards.	None
Portable offices and construction buildings which shall be removed upon completion or abandonment of construction work.	None
Home Occupations: Any occupation that is customarily carried on at home that does not involve a structural change in the dwelling unit, that does not require the employment of help other than members of the immediate family, provided, however that the following uses shall not be permitted as home occupations. Any office in which services are rendered, or in which chattels or goods, wares or merchandise are commercially created, exchanged or sold; barber or beauty shops, beauty culture schools; commercial stables or kennels; doctor's office for the treatment of patients; and/or the display of goods.	

(Ordinance 6385 adopted 5/17/21)

(5) Height regulations: No building shall exceed 35 feet or 2 stories in height. (Ordinance 5425 adopted 11/6/06)

(6) Screening Devices: Refer to Section 7(13) for fences, hedges and screening regulations. (Ordinance 6385 adopted 5/17/21)

Sec. 6.3. R-1 (One family residential) district.

(1) Minimum requirements for lot area, width, and setback:

Lot area: 6,000 SF

Lot width: 60'

Front: 25'

Rear: 25'

Side yards: There shall be a side yard on each side of the main building not less than ten (10) percent of the mean horizontal distance between the side lines of the lot; except that such side yard shall be not less than six (6) feet; and need not be more than fifteen (15) feet. A building on a corner lot shall have a side yard adjacent to its side street of not less than ten (10) feet.

(2) See section 7 for supplementary district regulations, exceptions and parking regulations applying to the R-1 District.

(Ordinance 5501 adopted 12/3/07)

(3) See sections 8.4 and 8.5 for temporary use permits that may be granted by the Board of Adjustments and specific use permits that may be recommended by the Planning and Zoning Commission within the R-1 District under certain circumstances and conditions.

(4) Permitted uses and parking requirements:

Permitted Uses	**Parking Ratio**

Accessory building; garage or carport, domestic storage.	none
Bedrooms-two bedrooms may be rented to not more than four people.	1/unit
Dwelling, Single-family	1/bedroom (min. 2/unit)
Field crops, horticulture, nursery, truck gardening, but not including retail sales on the premises.	none
Public park, playground or playfield.	none
Swimming pool, private.	none
Railroad rights-of-way but not including shops and yards.	none
Portable offices and construction buildings which shall be removed upon completion or abandonment of construction work.	none
Home occupations: Any occupation that is customarily carried on at home that does not involve a structural change in the dwelling unit, that does not require the employment of help other than members of the immediate family, provided, however that the following uses shall not be permitted as home occupations: Any office in which services are rendered, or in which chattels or goods, wares or merchandise are commercially created, exchanged or sold; barber or beauty shops, beauty culture schools; commercial stables or kennels; doctor's office for the treatment of patients; and/or the display of goods.	

(Ordinance 6385 adopted 5/17/21)

(5) Height regulations: No building shall exceed 35 feet or 2 stories in height. (Ordinance 5501 adopted 12/3/07)

(6) Screening Devices: Refer to Section 7(13) for fences, hedges and screening regulations. (Ordinance 6385 adopted 5/17/21)

Sec. 6.4. R-2 (Multi-family residential) district.

Purpose. This district consists mainly of areas which contain some two-family or multiple-family development or which are centrally located or suitable for ultimate two-family or multiple-family development. In addition to the general purposes applying to all residential districts, the regulations of District R-2 are designed to encourage the provision of conveniently located, centrally maintained rental accommodations.

(1) Minimum requirements for lot area, width and setback:

	Lot Area	Lot Width	Setback			Sum of Both
			Front	Rear	Side One	
Duplex or two-family	6,000 SF	60'	25'	25'	See Section 6.2(1) Side	

dwelling					Yard Requirements	
Multi-family dwelling	12,000 SF	85'	25'	25'	7'	23'

(2) See section 7 for supplementary district regulations, exceptions and parking requirements applying to the R-2 District.

(Ordinance 5425 adopted 11/6/06)

(3) See sections 8.4 and 8.5 for temporary use permits that may be granted by the Board of Adjustments and specific use permits that may be recommended by the Planning and Zoning Commission within the R-2 District under certain circumstances and conditions.

(4) Permitted Uses and Parking Requirements:

Permitted Uses	**Parking Ratio**
Any use permitted in the R-1 District	
Dwelling, Multifamily	1/bedroom (min. 2/unit)
Dwelling, Two-family (Duplex)	1/bedroom (min. 2/unit)
Rooming, boarding house	1/bedroom (min. 2/unit)

(Ordinance 6385 adopted 5/17/21)

(5) Height Regulations: No building shall exceed 45 feet or 3 stories in height.

(6) Building Design: All wall finishes shall be masonry or masonry veneer.

(Ordinance 5425 adopted 11/6/06)

(7) Screening Devices: Refer to Section 7(13) for fences, hedges and screening regulations.

(8) Other Required Conditions:

(a) Site plan. Where new dwelling construction or additions to an existing building in any district provide dwelling units for more than two (2) families on a single lot or tract of land, a site plan shall be submitted to and approved by the Development Services Director prior to the issuance of a zoning permit. No building or structure subject to the special setback requirements indicated in Section 7(5) shall be erected nor shall a building permit be issued until the Planning and Zoning Commission shall have reviewed and approved the site plan.

(Ordinance 6385 adopted 5/17/21)

(b) The total floor area of any main building or buildings on a lot in the R-2 District shall not exceed ninety (90) percent of the total number of square feet in the lot.

(c) Building area. The maximum allowable main building area in the R-2 District shall not exceed thirty (30) percent of the gross area of the lot or tract of land.

(d) Density. In the R-2 District, multiple-family dwellings may be constructed on any lot provided that: The minimum land area per family unit is not less than one thousand two hundred fifty (1,250) square feet. The maximum number of dwelling units allowable on any lot where multiple-family dwelling units are permitted shall be determined by dividing the total number of square feet in the lot by one thousand two hundred fifty (1,250).

(Ordinance 5425 adopted 11/6/06)

Sec. 6.5. C-O (Office) district.

Purpose. This district consists mainly of land occupied by or suitable for a wide range of general office activities.

(1) Minimum requirements for lot area, width and setback:

	Lot Area	Lot	Setback		
			Front	Rear	Side
C-O District	5,000 SF	50'	25'	10'	0'
Exceptions, Central Business Area	2,000 SF	20'	0'	0'	0'

(a) Where the yards of lots in the C-O District are abutting a residential district, the side yard setback shall not be less than fifteen (15) feet. The rear yard setback shall not be less than fifteen (15) feet.

(b) Residential development within the C-O District. The lot area, lot width, density and setback regulations for residential structures within the C-O District shall be the same as those in the R-2 District, when authorized by a specific use permit.

(2) All supplementary district regulations, exceptions, and parking requirements applying to the C-1 District in Section 7 shall apply to the C-O District.

(Ordinance 3890, sec. 1, adopted 12/9/85)

(3) See sections 8.4 and 8.5 for temporary use permits that may be granted by the Board of Adjustments and specific use permits that may be recommended by the Planning and Zoning Commission within the C-O District under certain circumstances and conditions.

(4) Permitted uses and parking requirements:

Permitted Uses	Parking Ratio
Automobile parking lot or structured parking	None
Clinic or office, medical	1/200
Office, any type	1/400

(5) Screening Devices: Refer to Section 7(13) for fences, hedges and screening regulations.

(6) Other required conditions:

(a) A site plan shall be submitted to and approved by the Development Services Director prior to the issuance of a zoning permit for new construction or addition to an existing building or structure for office use in the C-O District and for multiple family uses when a specific use permit has been obtained. No building or structure subject to the special setback requirements indicated in Section 7(5) shall be erected nor shall a

building permit be issued until the Planning and Zoning Commission shall have reviewed and approved the site plan.

(b) The total floor area of any building or buildings on a lot in the C-O District shall not exceed one-half of the total number of square feet in the lot (FAR to not exceed 0.5). The total floor area of any building or buildings on a lot in the C-O District within the Central Business Area shall not exceed two and one-half times the number of square feet in the lot (FAR to not exceed 2.5).

(Ordinance 6385 adopted 5/17/21)

(c) Height regulations. No building shall exceed 35 feet or 2 stories in height.

(d) Height regulation exception. Structures, buildings and signs within the Central Business Area, delimited on the official zoning map, may exceed 35 feet or 2 stories but shall not exceed a maximum of 80 feet or 6 stories.

(Ordinance 3890, sec. 1, adopted 12/9/85)

Sec. 6.6. C-1 (Retail business) district.

Purpose. This district consists mainly of land occupied by or suitable for neighborhood shopping facilities for the retailing of "convenience goods" and the furnishing of certain personal services to satisfy most of the daily needs of the adjacent residential neighborhood. The district also provides space and facilities for financial, administrative, government and business services within the downtown Central Business Area.

(1) Minimum requirements for lot area, width and setback:

	Lot Area	**Lot Width**	**Setback**		
			Front	**Rear**	**Side**
C-1 District	5,000 SF	50'	25'	10'	0'
Exceptions, Central Business Area	2,000 SF	20'	0'	0'	0'

(a) Where the yard of lots in the C-1 District are abutting a residential District, the side yard setback shall not be less than 15 feet. The rear yard setback shall not be less than 15 feet.

(b) Residential development within the C-1 District. The lot area, lot width, density and setback regulations for residential structures within the C-1 District shall be the same as those in the R-2 District, when authorized by a specific use permit.

(2) See section 7 for supplementary district regulations, exceptions and parking requirements applying to the C-1 District.

(Ordinance 5935 adopted 3/7/16)

(3) See sections 8.4 and 8.5 for temporary use permits that may be granted by the Board of Adjustments and specific use permits that may be recommended by the Planning and Zoning Commission within the C-1 District under certain circumstances and conditions.

(4) Permitted uses and parking requirements:

Permitted Uses	**Parking Ratio**

~~Art, supply store, antiques, gallery or museum~~	~~1/200~~
~~Automobile accessory and supply store~~	~~1/200~~
~~Automobile service station~~	~~none~~
~~Automobile parking lot or structured parking~~	~~none~~
~~Automobile rental or taxi storage and repair~~	~~None~~
~~Bakery, retail~~	~~1/200~~
~~Bank, Company and Credit Unions~~	~~1/200~~
~~Barbershop or beauty parlor~~	~~1/200~~
~~Blueprinting and similar reproduction processes~~	~~1/200~~
~~Bookstore or lending library, commercial~~	~~1/200~~
~~Business machines, sales/service~~	~~1/400~~
~~Bus station~~	~~None~~
~~Camera or photographic supplies store~~	~~1/200~~
~~Candy, nut, confectionery store~~	~~1/200~~
~~Caterer~~	~~1/200~~
~~Christmas trees and wreaths~~	~~none~~
~~Clinic or office, medical~~	~~1/200~~
~~Clothing retailer including formal wear and costumes~~	~~1/200~~
~~Department store~~	~~1/200~~
~~Drugstores~~	~~1/200~~
~~Dry cleaning pickup station~~	~~1/200~~
~~Eating place (inside service only)~~	~~1/4 seats in main dining rooms (includes counter stools; does not include banquet rooms)~~

~~Eating place (inside and outside service)~~	~~2/4 seats in main dining rooms (includes counter stools; does not include banquet rooms)~~
~~Eating place (outside service only)~~	~~1/100 (minimum 8 spaces)~~
~~Floor covering sales retail~~	~~1/400~~
~~Florist shop, greenhouse (parking requirement does not include greenhouse or open stock)~~	~~1/200~~
~~Food or grocery store, retail~~	~~1/200~~
~~Funeral home or mortuary~~	~~1/3 seats~~
~~Furniture and appliance sales; custom upholstery, not automobile related~~	~~1/400~~
~~Gift, novelty shop~~	~~1/200~~
~~Glass and cutting shop~~	~~1/400~~
~~Commercially operated golf driving ranges~~	~~1/2,000 sq. ft. of space utilized of total operation~~
~~Hardware store and small tool rental, but not including sales of lumber or industrial hardware~~	~~1/200~~
~~Health Club or Studio~~	~~1/200~~
~~Hobby shop or craft supply store~~	~~1/200~~
~~Ice vending establishment~~	~~none~~
~~Jewelry store~~	~~1/200~~
~~Laboratory, medical or dental~~	~~1/400~~
~~Laundry, pickup station or self-service~~	~~1/200~~
~~Locksmith or key shop~~	~~1/200~~
~~Manufacturing of baked goods, candy, delicatessen foods and ice cream~~	~~1/400~~
~~Music store~~	~~1/400~~

~~Newspaper distribution station~~	~~none~~
~~Office, any type~~	~~1/400~~
~~Optical goods, optician, optometrist~~	~~1/200~~
~~Orthopedic or medical shoe or appliance store and repair~~	~~1/400~~
~~Paint and wallpaper store or decorators shop~~	~~1/200~~
~~Pet shop~~	~~1/200~~
~~Photographic, studio or store and photo processing~~	~~1/200~~
~~Plumbing fixture sales, retail~~	~~1/400~~
~~Post office~~	~~1/200~~
~~Radio, television or recording studio~~	~~1/200~~
~~Rehabilitation center for handicapped persons~~	~~1/1.5 emp.~~
~~Rental, repair, or servicing of articles whose sale is permitted in the same district, unless more specifically listed elsewhere~~	~~1/200~~
~~School, commercial or trade, when not involving any danger of fire or explosion, of offensive noise, vibration, dust, odor, glare, heat or other objectionable influences~~	~~1/400~~
~~Sewing machine sales, retail~~	~~1/200~~
~~Shoe repair shop or store~~	~~1/200~~
~~Sporting goods store~~	~~1/200~~
~~Stationery store~~	~~1/200~~
~~Storage of goods or merchandise, used in, produced by or normally carried in stock in conjunction with permitted uses in the applicable district regulations~~	~~1/1,000~~
~~Studio for professional work or for teaching any form of fine arts, photography, music, drama, etc.~~	~~1/400~~
~~Swimming pool, commercial~~	~~1/200~~

Tailor shop seamstress, altering and repairing of wearing apparel	1/400
Telephone answering service	1/200
Toy stores	1/200
Veterinarian, indoor soundproof kennels only	1/400
Watch repair	1/200
Wholesale office with storage limited to samples	1/400

(5) Screening Devices: Refer to Section 7(13) for fences, hedges and screening regulations.

(6) Other required conditions:

(a) A site plan shall be submitted to and approved by the Development Services Director prior to the issuance of a zoning permit for new construction or additions to an existing building or structure for multiple-family or commercial uses within the C-1 District. No building or structure subject to the special setback requirements indicated in Section 7(5) shall be erected nor shall a building permit be issued until the Planning and Zoning Commission shall have reviewed and approved the site plan.

(b) The total floor area of any building or buildings on a lot in the C-1 District shall not exceed one-half of the total number of square feet in the lot (FAR to not exceed 0.5). The total floor area of any building or buildings on a lot in the C-1 District within the Central Business Area shall not exceed two and one-half times the number of square feet in the lot (FAR to not exceed 2.5).

(Ordinance 6385 adopted 5/17/21)

(c) Height regulations. No building shall exceed 45 feet or 3 stories in height.

(d) Height regulation exception. Structures, buildings and signs within the Central Business Area, delimited on the official zoning map, may exceed 50 feet or 3 stories but shall not exceed a maximum of 80 feet or 6 stories.

(Ordinance 5935 adopted 3/7/16)

Sec. 6.7. C-2 (General commercial) district

Purpose. This district consists mainly of land occupied by or suitable for a wide range of retail and wholesale activities. Land in this district is located mainly along major highways and in the vicinity of industrial areas. The C-2 District regulations are designed to permit development of the enumerated functions and to provide space for commercial uses which are generally not appropriate for retail business districts.

(1) Minimum requirements for lot area, width and setback:

Lot Area	**Lot Width**	**Setback**		
		Front	**Rear**	**Side**
5,000 SF	50'	15'	10'	0'

(a) Where the side yards of lots in the C-2 District are abutting a residential district, the side

yard setback shall not be less than 15 feet.

(b) *Rear yard*. Where the rear yards of lots in the C-2 District are abutting a Residential or C-1 District, the rear yard setback shall not be less than 15 feet.

(c) *Residential development within the C-2 District*. The lot area, lot width, density and setback regulations for residential structures within the C-2 District shall be the same as those in the R-2 District, when authorized by a specific use permit.

(2) See section 7 for supplementary district regulations, exceptions and parking requirements applying to the C-2 District.

(Ordinance 6195 adopted 3/18/19)

(3) See sections 8.4 and 8.5 for temporary use permits that may be granted by the Board of Adjustments and specific use permits that may be recommended by the Planning and Zoning Commission within the C-2 District under certain circumstances and conditions.

(4) Permitted Uses and Parking Requirements:

Permitted Uses	**Parking Ratio**
Any use permitted in the C-1 District.	
Animal hospital, pound or shelter (parking requirement does not include outdoor kennels)	1/200
Bait store	1/200
Bakery, wholesale	1/1,000
Barber and beauty shop equipment and specialties; sales	1/400
Baseball park, commercial	1/3 seats
Bookbinding	1/1,000
Bowling alley	5/alley
Carpet cleaning, enclosed nonflammable solvents	1/400
Contractors or construction offices, without outside storage	1/400
Exterminator	1/400
Food locker plant for consumer use	1/200
Hardware industrial sales	1/400
Laboratory, research or testing	1/400

Linen or uniform supply, or diaper service	1/400
Machine tools, sales, service, rental and repair	1/400
Mirror silvering	1/1,000
Monument sales and incidental processing	1/1,000
Pawn shops	1/200
Printing or publishing, including engraving or photo-engraving	1/400
Sign shop	1/400
Skating rink, commercial	1/400
Water distillation	1/1.5 emp.
Wholesale establishment including storage	1/400

(5) Screening Devices: Refer to Section 7(13) for fences, hedges and screening regulations.

(6) Other Required Conditions:

(a) Site plan. A site plan shall be submitted to and approved by the Development Services Director for any commercial or multiple-family use of structure within the C-2 District prior to the issuance of a zoning permit. No building or structure subject to the special setback requirements indicated in Section 7(5) shall be erected nor shall a building permit be issued until the Planning and Zoning Commission shall have reviewed and approved the site plan.

(b) Floor area. The total floor area of any building or buildings on a lot in the C-2 District shall not exceed the number of square feet in the lot (FAR to not exceed 1.0).

(Ordinance 6385 adopted 5/17/21)

(c) Height regulations. No building shall exceed 35 feet or 2 stories in height.

(d) Exterior Facade. Masonry or equivalent shall be required on the sides of all buildings visible from front street right-of-way.

(e) Freight containers shall not be located so as to be visible from front street right-of-way.

(Ordinance 6195 adopted 3/18/19)

Sec. 6.8. M-1 (Light manufacturing) district.

Purpose. The manufacturing use districts are designed to provide land for a wide range of commercial and industrial activities subject to limitations intended to protect nearby residential and commercial districts and to protect the permitted uses from one another.

Manufacturing District M-1 consists mainly of areas occupied by or suitable for manufacturing, wholesale and other industrial activities, all of a nonnuisance type.

(1) Minimum requirements for lot area, width and setback:

Setback		
Front	Rear	Side
15'	10'	10'

(a) When abutting a residential district, the side yard shall be 15 feet.

(b) In all cases where the side yard is adjacent to a side street, the side yard shall not be less than 10 feet.

(2) See section 7 for supplementary district regulations and exceptions and parking requirements applying to the M-1 District.

(Ordinance 5937 adopted 3/7/16)

(3) See sections 8.4 and 8.5 for temporary use permits that may be granted by the Board of Adjustments, and specific use permits that may be recommended by the Planning and Zoning Commission within the M-1 District under certain circumstances and conditions. (Ordinance 6385 adopted 5/17/21)

(4) Parking regulations and permitted uses:

(a) If a use that is permitted in the Residential, C-1, C-2 Districts is established in the M-1 District, the parking requirements for that use shall be the same as required for that particular use in the district in which the use is specifically permitted.

(b) In the M-1 District, manufacturing, industrial, and processing establishments, repair shops, warehouses, and storage buildings, in addition to providing off-street facilities for the loading and unloading of merchandise and goods, shall provide one off-street parking space for each 1,000 square feet of general floor space, and one off-street parking space for each 400 square feet of office floor space.

(Ordinance 5937 adopted 3/7/16)

(c) In the M-1 District, no land shall be used and no building shall be erected for or converted to any use other than:

Permitted Uses: Any use permitted in the R-A, R-1, R-2, C-1 and C-2 Districts except that no building shall be erected or converted for dwelling purposes; provided, however, that dwelling quarters may be established in connection with any industrial plant for watchmen and caretakers employed on the premises and provided further that any existing dwelling within the M-1 District may be repaired or altered.

Manufacturing of the following:

Advertising displays manufactured.

Automobiles, motorcycles, trucks or trailers, including parts, or rebuilding of engines.

Battery manufacturing.

Boats, building or repair.

Books, binding, other than hand binding.

Bottling works, for all beverages not including alcoholic.

Brooms or brushes.

Cameras or other photographic equipment and film.

Carpets, manufacture and cleaning.

Ceramics, stone, glass, marble, and porcelain products.

Electrical appliances, equipment assembly, supplies, or similar products, including electrical machinery.

Electric power substation or generating including ground-mounted solar and wind.

Food products.

Furniture and upholstery manufacturing

Heavy equipment, storage, repair and sales, earth moving.

Ice, dry or natural.

Laundry plant (steam).

Machines, business, including typewriters, accounting machines, calculators, card-counting equipment, or similar products.

Machinery, miscellaneous, including repairs.

Machine tools, including metal lathes, metal presses, metal stamping machines, woodworking machines, or similar products.

Mattresses, including rebuilding or renovating.

Musical instruments, including pianos or organs.

Orthopedic or medical appliances, including artificial limbs, braces, supports, stretchers or similar products.

Paper products, including envelopes, stationery, bags, boxes, shipping containers, bulk goods, tubes, wallpaper printing, or similar products.

Pharmaceutical products.

School, commercial or trade.

Sporting or athletic equipment.

Steel products, miscellaneous fabrication or assembly.

Textiles, spinning, weaving, manufacturing, dyeing, bleaching, printing, knit goods, yard thread or cordage.

Tires, recapping or vulcanizing shop.

Tools or hardware, including bolts, nuts, screws, doorknobs, drills, handtools or cutlery, hinges, house hardware, locks nonferrous metal castings, plumbing appliances, or similar products.

Toys.

Vehicles, children's, including bicycles, scooters, wagons, baby carriages or similar vehicles.

Venetian blinds, window shades or awnings.

(5) Screening Devices: Refer to Section 7(13) for fences, hedges and screening regulations.

(6) Other required conditions:

(a) Site plan. A site plan shall be submitted to and approved by the Development Services Director prior to the issuance of a zoning permit. No building or structure subject to the special setback requirements indicated in Section 7(5) shall be erected nor shall a building permit be issued until the Planning and Zoning Commission shall have reviewed and approved the site plan.

(b) Floor area. The floor area of any building or buildings on a lot in an M-1 District shall not exceed one and one-half times the number of square feet in the lot (FAR to not exceed 1.5).

(Ordinance 6385 adopted 5/17/21)

(c) Building area. The maximum allowable building area in the M-1 District shall not exceed 75 percent of the gross area of the lot or tract of land.

(d) Height regulation. No building or structure shall exceed 100 feet in height unless set back from the required yard lines an additional foot for each 4 feet in height above 100 feet.

(Ordinance 5937 adopted 3/7/16)

Sec. 6.9. M-1.5 (Medium manufacturing) district.

Purpose. Manufacturing District M-1.5 consists mainly of areas occupied by or suitable for manufacturing and industrial activities whose generator of nuisance effects is ordinarily greater than that of industries permitted in the M-1 District.

(1) Minimum requirements for lot area, width and setback:

Setback		
Front	**Rear**	**Side**
15'	10'	10'

(a) When abutting a residential district, the side yard shall be 15 feet.

(b) In all cases where the side yard is adjacent to a side street, the side yard shall not be less than 10 feet.

(2) See section 7 for supplementary district regulations and exceptions and parking requirements applying to the M-1.5 District.

(Ordinance 2545, sec. 2, adopted 1/23/67)

(3) See sections 8.4 and 8.5 for temporary use permits that may be granted by the Board of Adjustments and specific use permits that may be recommended by the Planning and Zoning Commission within the M-1.5 District under certain circumstances and conditions. (Ordinance 6385 adopted 5/17/21)

(4) Parking regulations and permitted uses:

(a) If a use that is permitted in the Residential, C-1, C-2, or M-1 District is established in the M-1.5 District, the parking requirements for that use shall be the same as required for that particular use in the district in which the use is specifically permitted. (Ordinance 2545, sec. 2, adopted 1/23/67)

(b) In the M-1.5 District, manufacturing, industrial, and processing establishments, repair shops, warehouses, and storage buildings, in addition to providing off-street facilities for the loading, and unloading of merchandise and goods, shall provide one off-street parking space for each 1,000 square feet of general floor space, and one off-street parking space for each 400 square feet of office floor space.

(c) In the M-1.5 District no land shall be used and no building shall be erected for or converted to any use other than:

Permitted uses.

Any use permitted in the R-A, R-1, C-1, C-2, and M-1 Districts except that no building shall be erected or converted for dwelling purposes; provided however, that dwelling quarters may be established in connection with any industrial plant for watchmen and caretakers employed on the premises and provided further that any existing dwelling within the M-1.5 District may be repaired or altered.

Manufacturing of the following:

Chemicals, including acids, acetylene, aniline dyes, ammonia, bleaching compounds, carbide, caustic soda, cellulose, chlorine, cleaning or polishing preparations, creosoting, exterminating agents, hydrogen or oxygen, industrial alcohol, solvents, sugar, potash, plastic materials, or synthetic rosins, or rayon yarns.

Coal, coke, charcoal or tar products, including gas.

Electrical equipment and components.

Excelsior or packing materials.

Explosives.

Gas or flammable liquids, storage or products.

Graphite or graphite products.

Metal or metal ores, reduction, refining, smelting or alloying.

Metal alloys of foil, miscellaneous, including solder, pewter, brass, bronze, or tin, lead or gold foil, or similar products.

Metal or metal products, stamping or extrusion, treatment, bonding, finishing or processing, including enameling, japanning, lacquering, galvanizing, plating, or similar processes.

Metal welding, casting or foundry products, including ornamental iron work, or similar products.

Paint, enamel, lacquer, turpentine or varnish.

Plastic and rubber products.

Soaps or detergents, perfumes.

(5) Screening Devices: Refer to Section 7(13) for fences, hedges and screening regulations.

(6) Other required conditions:

(a) Site plan. A site plan shall be submitted to and approved by the Development Services Director prior to the issuance of a zoning permit. No building or structure subject to the special setback requirements indicated in Section 7(5) shall be erected nor shall a building permit be issued until the Planning and Zoning Commission shall have reviewed and approved the site plan.

(b) Floor area. The floor area of any building or buildings on a lot in an M-1.5 District shall not exceed one and one-half times the number of square feet in the lot (FAR to not exceed 1.5).

(Ordinance 6385 adopted 5/17/21)

(c) Building area. The maximum allowable building area in the M-1.5 District shall not exceed 75 percent of the gross area of the lot or tract of land.

(d) Height regulation. No building or structure shall exceed 200 feet in height unless set back from the required yard lines an additional foot for each 4 feet in height above 200 feet.

(Ordinance 2545, sec. 2, adopted 1/23/67)

Sec. 6.10. M-2 (Heavy manufacturing) district.

Purpose. Manufacturing District M-2 consists mainly of areas occupied by or suitable for manufacturing and industrial activities whose generator of nuisance effects is ordinarily greater than that of industries permitted in the M-1 District.

(1) Minimum requirements for lot area, width and setback:

Setback

Front	Rear	Side
15'	10'	10'

(a) When abutting a residential district, the side yard shall be 15 feet.

(b) In all cases where the side yard is adjacent to a side street, the side yard shall not be less than 10 feet.

(2) See section 7 for supplementary district regulations and exceptions and parking requirements applying to the M-2 District.

(Ordinance 3616, sec. 2, adopted 10/18/82; Ordinance 3706, sec. 1, adopted 11/14/83)

(3) See sections 8.4 and 8.5 for temporary use permits that may be granted by the Board of Adjustments, and specific use permits that may be recommended by the Planning and Zoning Commission within the M-2 District under certain circumstances and conditions. (Ordinance 6385 adoopted 5/17/21)

(4) Parking regulations and permitted uses:

(a) If a use that is permitted in the Residential C-1, C-2, or M-1 District is established in the M-2 District, the parking requirements for that use shall be the same as required for that particular use in the district in which the use is specifically permitted.

(b) In the M-2 District, manufacturing, industrial, and processing establishments, repair shops, warehouses, and storage buildings, in addition to providing off-street facilities for the loading and unloading of merchandise and goods, shall provide one off-street parking space for each 1,000 square feet of general floor space, and one off-street, parking space for each 400 square feet of office floor space.

(Ordinance 3616, sec. 2, adopted 10/18/82; Ordinance 3706, sec. 1, adopted 11/14/83)

(c) In the M-2 District no land shall be used and no building shall be erected for or converted to any use other than:

Any use permitted in the R-A, R-1, R-2, C-1, C-2, M-1.5 and M-1 Districts except that no building shall be erected or converted for dwelling purposes; provided, however, that dwelling quarters may be established in connection with any industrial plant for watchmen and caretakers employed on the premises and provided further that any existing dwelling within the M-2 District may be repaired or altered.

Manufacturing of the following:

Asphalt or asphalt products.

Batching or mixing plant, asphalt or concrete.

Boiler manufacture.

Bottling works, for all beverages, including alcoholic.

Brick, stone, tile or clay products.

Cement, lime, or plaster of paris.

Cotton ginning, cotton wadding or linters, cottonseed products manufacture, cotton baling or compress.

Explosives or fireworks.

Fertilizers.

Gelatin, glue or size.

Grain, milling or processing, elevators.

Gypsum.

Hair, felt or feathers, bulk processing, washing, curing or dyeing.

Hatchery.

Incineration, distillation or reduction of garbage, offal, or dead animals, fat rendering.

Insecticides, fungicides, disinfectants, or related industrial or household chemical compounds.

Junk handling or storage, and assembling of iron, rags, and similar materials enclosed by an opaque wall or fence 6 feet in height.

Jute, hemp, sisal or oakum products.

Leather, hair, or fur tanning, curing, finishing or dyeing and products.

Livestock auction sales, feeding yards, pens with barns and temporary unloading, concentration loading and shipping.

Meat or fish products, including slaughtering of meat or preparation of fish for packing.

Petroleum or petroleum products, refining, including gasoline or other petroleum products.

Railroad yards, shops or equipment.

Slaughtering or packing of animals or poultry.

Wood products, pulp, fiber, or lumber processing, or reduction including paper mill operations.

Wood scouring or pulling.

(5) Screening Devices: Refer to Section 7(13) for fences, hedges and screening regulations.

(6) Other required conditions:

(a) Site plan. A site plan shall be submitted to and approved by the Development Services Director prior to the issuance of a zoning permit. No building or structure subject to the special setback requirements indicated in Section 7(5) shall be erected nor shall a building permit be issued until the Planning and Zoning Commission shall have reviewed and approved the site plan.

(b) Floor area. The floor area of any building or buildings on a lot in an M-2 District shall not exceed one and one-half times the number of square feet in the lot (FAR to not exceed 1.5).

(Ordinance 6385 adopted 5/17/21)

(c) Building area. The maximum allowable building area in the M-2 District shall not exceed 75 percent of the gross area of the lot or tract of land.

(d) Height regulation. No building or structure shall exceed 150 feet in height unless set back from the required yard lines an additional foot for each 4 feet in height above 150 feet.

(Ordinance 3616, sec. 2, adopted 10/18/82; Ordinance 3706, sec. 1, adopted 11/14/83)

Sec. 6.11. MH (Manufactured housing) district.

Purpose and intent. The "MH" district is intended to provide for accommodations for a specific form of housing, the manufactured home. To provide appropriate standards for density, spacing, and use, a separate district is created and designated for the specific purpose of providing, at appropriate locations, areas for the development of manufactured home parks, courts and subdivisions. The standards for trailer camps for transient occupancy differ from those of a manufactured home subdivision, where more or less permanent occupancy is anticipated.

(1) Definitions.

HUD-code manufactured home: A structure constructed on or after 1976, according to the rules of the

United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems. The term does not include a recreational vehicle as that term is defined by 24 C.F.R. section 3282.8(g).

Manufactured housing or manufactured home: A HUD-code manufactured home or a mobile home and collectively means and refers to both.

Mobile home: A structure that was constructed before June 15, 1976, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems.

(2) Permitted uses. Land in the "MH" district shall be used for the following purposes in accordance with these regulations and any special standards as provided below.

Legend.

[C] use is permitted with conditions

[SUP] use is permitted with specific use permit

a. *Agricultural/animal related uses*. Crop production is a permitted use.

b. *Institutional uses*. Governmental facilities other than listed are permitted uses.

c. *Office uses*. None are permitted except an incidental office for management of the manufactured home park.

(Ordinance 4711, sec. 1, adopted 9/21/98)

d. Residential and lodging uses. [C] Manufactured homes are permitted as part of either:

i. A manufactured home park with a [SUP]; or

ii. A manufactured home subdivision shown on a subdivision plat approved by the Planning and Zoning Commission and filed for record or signed specifically for and restricted to manufactured home development.

(Ordinance 6385 adopted 5/17/21)

e. Utilities/communications/transportation uses. Utility lines, towers, or metering stations are permitted uses.

f. Accessory uses.

i. Accessory community center (private).

ii. Accessory swimming pool (private).

(3) Building setback requirements.

a. The minimum street frontage setback shall be twenty-five (25) feet.

b. The minimum side setback shall be ten (10) feet.

c. There shall be a minimum space separation of twenty (20) feet between manufactured homes.

d. The minimum rear setback shall be ten (10) feet.

e. No manufactured home shall be permitted within twenty-five (25) feet of a boundary of an "MH" district.

(4) Area regulations.

a. The minimum site area which may be developed or used for manufactured home purposes shall be ten (10) acres.

b. The minimum lot or site area per unit or stand shall be three thousand six hundred (3,600) square feet.

c. The minimum lot width per unit or stand shall be sixty (60) feet.

d. The minimum lot depth per unit or stand shall be sixty (60) feet.

(Ordinance 4711, sec. 1, adopted 9/21/98)

e. Platting is required for each individual lot. (Ordinance 6385 adopted 5/17/21)

(5) Height regulations. The maximum height of any building or structure shall be thirty-five (35) feet.

(6) Fencing regulations.

a. There shall be constructed and maintained a permanent screening device, not less than six (6) feet in height, on all sides of a manufactured home park or subdivision not directly abutting a dedicated public street within the park or subdivision. The screen shall comply with the city's fence and screen regulations.

b. Also see section 7(13) of the general zoning ordinance.

(7) Off-street parking and loading.

a. Each manufactured home shall be provided with two (2) parking spaces of not less than one hundred eighty (180) square feet (9' x 20') each.

(Ordinance 4711, sec. 1, adopted 9/21/98)

(8) Special standards.

a. Prior to issuance by the Development Services Director of any permit for a manufactured home park, a site plan shall be approved by the Planning and Zoning Commission. No building or structure subject to the special setback requirements indicated in Section 7(5) shall be erected nor shall a building permit be issued until the Planning and Zoning Commission shall have reviewed and approved the site plan. (Ordinance 6385 adopted 5/17/21)

b. Sanitation, fire protection and utility service shall be provided to each lot, tract, plat or stand in accordance with health department requirements or any ordinance of the city regulating same.

c. A plan of ingress and egress to the property shall be approved by the transportation engineer of the city.

d. There shall be provided with the park or subdivision open playground space at a ratio of five hundred (500) square feet for each of the first twenty (20) units and two hundred fifty (250) square feet per unit for all additional unit spaces provided located at the entrance to the park or subdivision.

e. There shall be provided on the park or subdivision property street and drive surfacing, drainage and garbage collection rights-of-way, fire lanes and utility easements as required by the city.

(Ordinance 4711, sec. 1, adopted 9/21/98)

Sec. 6.12. PD (Planned Development) District.

(1) Introduction. The Planned Development (PD) district is a tool intended to facilitate the planning, design, and development of integrated land uses on large tracts of land that cannot be adequately accommodated in other zoning districts. A PD shall further the goals of the comprehensive plan, demonstrate enhanced and contextual design standards, present a well-organized and cohesive

land plan, and contain clear and concise development regulations.

(2) Intent and Purpose.

(a) A PD district may be used to permit innovative and superior land utilization concepts not permitted by other zoning districts in this ordinance. A PD district can permit greater flexibility and creativity to encourage design plans unique to individual projects that are responsive to changing market conditions. The PD district also provides assurance of high quality standards and a consistent vision across the scope, scale, and term of the project.

(b) To ensure that each PD is established to achieve specific, unique planning and design objectives, and to guard against its misuse simply to obtain variances and exceptions for an otherwise conventional development project, PD submittal and approval criteria are provided herein to establish minimum requirements, standards, and procedures.

(3) Establishment of a PD District. The governing body may create a PD district by ordinance through an amendment to the zoning map, pursuant to Section 12 and the procedures established therein. The PD ordinance shall establish the boundaries of the district and assign a project name and number. Any overlay districts that apply to land within the PD project boundaries shall be integrated into the PD district. Unless specified in the ordinance governing a PD district, all buildings and uses shall comply with all City development requirements. The PD district standards shall conform to all other provisions of the Zoning Ordinance and Code of Ordinances unless specifically excluded or modified in the ordinance governing the PD district. If the standards of a base zoning district are amended, then the most recently amended standards shall apply to a PD district that incorporates base zoning district standards unless the standards have been individually listed within the ordinance governing the PD district as being different from the base zoning district. Base zoning district amendments are applicable to PD districts and do not require special notice to be provided to the properties within a PD district.

(4) Minimum Qualification of a Proposed PD District. To be eligible for consideration, a proposed PD district shall adhere to the following:

(a) Minimum Size. A PD district shall be established with a minimum of 200 contiguous acres, sufficient to accommodate a large master planned community. The City Council may consider requests for a PD smaller than 200 contiguous acres if it is demonstrated that the project satisfies all other eligibility and approval criteria except for the minimum size. In no case shall the development area of a new PD district be less than 100 acres.

(b) Mix of Land Uses. To ensure a mix of supporting and integrated land uses, a PD district should contain a mixture of the following:

* two housing types (single-family, attached housing/townhouse, or multifamily);

* retail, office, business/employment; and/or

* a public destination (large park, public plaza, town center, school/library, or similar community gathering place).

Each of the above uses shall be of large enough area to demonstrate capacity as an integral component of the overall land use mix within the project. At the discretion of the City, the area, density, and intensity of each proposed land use shall be evaluated by staff for overall compliance with existing plans and PD requirements.

(5) Planned Development Components. The Director shall ensure that a completed application related to a PD district has been submitted by the applicant that includes the information and materials necessary to render an informed decision. The applicant shall prepare a Statement of Justification for the PD district to explain why the proposed project should be accommodated with a PD in lieu of conventional base zoning. The Director shall clearly describe and publish required information for each component. During review, the Director, Planning and Zoning

Commission and/or the City Council may require the submission of additional information as needed to meet the objectives of these requirements.

(a) The PD ordinance shall comprise the following components:

(1) Development Plan. The Development Plan contains the written terms and standards necessary to ensure compliance with the PD objectives and approved plans. The Development Plan shall include the following:

(i) Introduction - A narrative of PD purpose, intent, and guiding principles.

(ii) Site and Building Standards - A list or table of permitted land uses and associated special development standards within the district, including, but not limited to, intensity, density, lot dimensions and coverage, setbacks, building height, and floor-to-area ratio.

(iii) Architectural Standards - To regulate residential and commercial architectural elements and treatments related to the façade materials, roofs, service areas and other elements and standards.

(iv) Landscaping Standards - To guide development of private and public areas of green space and landscape elements such as signage, lighting, screening, and parking.

(v) Parks and Open Space Standards - To demonstrate open space and park standards including types of amenities, trail connections, and the responsibility of management of parks and open space within the Planned Development.

(vi) Conceptual Plan Map - See Subsection (5)(a)(2) below.

(vii) Transportation Master Plan Map - To exhibit thoroughfare connections and street circulation.

(viii) Parks & Open Space Map - To exhibit the location of planned parks and open space. This shall include the location of the parks and open space and a table demonstrating the number of acres that will be used for parks and open space.

Proposed Deviations (if any) - To identify deviations from specific City standards for public improvements (e.g., streets, sidewalks, utility easements, etc.).

(2) Conceptual Plan. The Conceptual Plan shall graphically demonstrate the applicant's intent for the development of the proposed Planned Development. The plan exhibit shall show general land use areas, acreages and maximum densities, primary street circulation and access points, floodplains, open space and parkland, pedestrian and trail circulation, and general location of amenities and other programming, if applicable. This plan stage is intended to be neither exhaustive nor absolute and is expected to be refined further in the Detailed Site Plan.

(b) Detailed Site Plan. The Detailed Site Plan shall refine the Conceptual Plan to show precise locations of land uses, building envelopes and architectural elevations, local street circulation and access points, parking areas, final locations and alignments of pedestrian and trail circulation, park and amenity details, buffering, screening and landscape areas, drainage facility locations, and other details as applicable to the project. For phased PD projects, multiple Detailed Site Plans may be submitted within the project boundaries, but no development shall occur on a site without approval of a Detailed Site Plan. A Traffic Impact Analysis (TIA) may be required from the developer prior to any approvals for the detailed site plan. The traffic consultant must be approved by the City of Sherman.

(c) The Development Plan and/or Conceptual Plan shall in no way establish vested rights for the property.

(6) Development Criteria. As part of the application review process, the Director, Planning and Zoning Commission, and City Council shall determine whether the proposed PD provides an adequate framework for enhanced land design and integration of uses, and whether the proposal exceeds the minimum standards of the zoning regulations. The Commission and Council may elect to impose supplemental conditions to the Conceptual/Detailed Site Plan and/or Development Plan to ensure justification for approval of the PD. Approval of a PD and subsequent development within the boundaries thereof shall adhere to the following:

(a) Consistency with the Comprehensive Plan. As the intent of the PD district is to provide for use and design flexibility, any combination of uses may be considered for the district provided that each use is specifically identified along with any appropriate conditions or limitations. The elements of the proposed PD shall be consistent with and promote the goals of the comprehensive plan.

(b) Enhanced Project Design. It is the intent of these regulations to encourage excellence in project design for PD districts to further implement the policies contained in the comprehensive plan. In exchange for greater design flexibility, PD districts are expected to exceed the minimum regulatory standards applicable to non-PD districts. The following criteria will be used to evaluate PD project design:

(1) The project should be appropriately compatible with surrounding neighborhoods relative to architectural design; scale, massing, and building height; historical character; and disposition and orientation of buildings. Transitions to surrounding development shall be made when the proposed project contains differing use and scale.

(2) Land uses, buildings, streets, open space, pedestrian circulation, and landscape should be arranged to produce a cohesive, orderly and creative layout that is complementary and supportive of the mix of uses.

(3) The project should preserve the natural resources and historical aesthetic character of the site to the greatest extent practicable. Floodplains and riparian areas including wetlands and stream channels, existing specimen trees, other native woody vegetation, and natural topographical features should be identified, demarcated, and preserved as open areas.

(4) A variety of housing product types should be included and integrated in an appropriate manner to provide market options within the development.

(5) Streets shall be designed with enhancements to the pedestrian realm including sidewalks and shared-use paths separated from vehicular movement with a vegetated parkway buffer and street trees.

(6) The street network shall comprise a hierarchy of street types and demonstrate principles supportive of multi-modal users and enhanced connectivity. Streets shall be designed to accommodate expected users, taking into consideration the characteristics of the site and vicinity, such as connections to the existing street network and pedestrian system improvements, existing structures, and natural features.

(7) Residential and non-residential building design should demonstrate enhanced architectural elements such as masonry and finishes. Primary building facades should be oriented towards pedestrians to enhance and activate streetscapes.

(8) The project shall include a network of connected, common open spaces for use as community gathering places and recreational resources. The open space network should incorporate amenities such as trails, seating, shade, lighting,

and wayfinding sufficient to accommodate all expected users in compliance with all federal, state, and local jurisdictions. Wherever possible, the open-space network should connect to trails and parks outside of the project.

(7) Planned Development Approval Authority. The components of a PD district, described in Subsection (5) Planned Development Components, shall be considered by the Planning and Zoning Commission and City Council in the manner described below:

(a) Conceptual Plan. The Conceptual Plan shall be considered for approval by the City Council along with a Development Plan to establish the PD district, with a recommendation from the Planning and Zoning Commission. In certain cases, following a thorough analysis of the submittal, the Director may recommend to the Planning and Zoning Commission that the project proceed directly to Detailed Site Plan for initial PD establishment. In such instance, the applicant shall submit both a Conceptual Plan and Detailed Site Plan, along with a Development Plan, to the Planning and Zoning Commission for consideration and recommendation to the City Council.

(b) Detailed Site Plan. A Detailed Site Plan shall be considered for approval either by the Planning and Zoning Commission for a PD District initially established with a Conceptual Plan.

(c) Development Plan. The Development Plan shall be considered for approval by the Planning and Zoning Commission and City Council accompanied by either a Conceptual Plan or Detailed Site Plan, as established in this section. Certain amendments to an approved Development Plan may be approved by the Director in accordance with Subsection 6.12(9)

(8) Development within a Planned Development District.

(a) An approved PD district shall regulate the use and development of property within the district boundaries per the Development Plan. All building permits and development requests shall be in accordance with the plan.

(b) The PD district shall not modify the procedures of the application or approval process for development or building within the PD district. Such processes shall follow and adhere to the normal procedures and requirements established by these regulations.

(9) Modifications and Amendments to PD Districts. Modifications to adopted regulating documents of a PD district shall be as follows:

(a) Initiating Request for PD Modifications. Consideration of a modification in any PD district boundary or other PD regulation may be initiated only with the written consent of all owners of property within the PD district boundaries or by the Planning and Zoning Commission or City Council on its own motion when it finds that the public will benefit from consideration of the proposed modification.

(b) Development Plans. Major Modifications, as defined in subsection (e), to an approved Development Plan shall be considered for approval by City Council following recommendation of the Planning and Zoning Commission. Minor Modifications, as defined in subsection (f), may be approved by the Director. Minor modifications approved by the Director shall be memorialized in the City's records and incorporated into the Development Plan approved by ordinance following any amendment approved by the City Council.

(c) Conceptual Plans. Major Modifications, as defined in subsection (e), to an approved Conceptual Plan shall be considered for approval by City Council following recommendation of the Planning and Zoning Commission. All other modifications shall be approved by the Planning and Zoning Commission at the time of Detailed Site Plan or subsequent requests following approval.

(d) Detailed Site Plan. All modifications to an approved Detailed Site Plan shall be approved by the Planning and Zoning Commission.

(e) Major Modifications. A major modification is described as a change that increases the number of dwelling units/lots or residential density by more than 10 percent, building heights, or lot coverages; a change to primary street connection location; reduction in parkland or open space (without corresponding reduction in dwelling units); a change that alters access, circulation, or infrastructure in a way that would impact surrounding properties; a change to a zoning regulation, PD district boundary, or land uses; a change that does not meet the criteria of a minor modification, as defined in subsection (f); and other changes deemed by the Director to be substantially different than the vision and principles established in the approved PD Development Plan.

(f) Minor Modifications. A minor modification is described as a change that only affects aesthetic elements of the Development Plan, including but not limited to, architectural standards, landscaping standards, and parks and open space standards that do not include reductions in parkland and open space as defined in subsection (e). Minor modifications do not include a major modification as defined in subsection (e).

(g) Protest and Notice Requirements. Protests against proposed modifications shall be filed at least seven (7) days before the date of the public hearing. In computing the percentage of land area subject to a protest under Section 211.006(d) of the Texas Local Government Code, the area of the lots or land covered by the specific proposed modification, which may be less than the entire area of land within the PD district boundaries, or the lots or land immediately adjoining that area and extending 200 feet from that area, shall be included.

(h) Appeals. Any person aggrieved or any official or department of the City affected by any decision or judgment of the Director concerning the interpretation or administration of this subsection (9) may appeal such decision or judgment to the Planning and Zoning Commission. Such appeal shall be taken within a reasonable time, not to exceed ten (10) days of the date of the decision, by filing with the Director and with the Planning and Zoning Commission a notice of appeal specifying the grounds thereof and accompanied by a fee as established by City Council. The Director shall promptly transmit to the Planning and Zoning Commission all papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action taken from, unless the Director from whom the appeal is taken certifies to the Planning and Zoning Commission after the notice of appeal is filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Planning and Zoning Commission, on notice to the Director from whom the appeal is taken and on due cause shown. The Planning and Zoning Commission's decision on the appeal shall be final.

(10) Expiration of Approved PD District. A Detailed Site Plan shall be submitted for approval within two (2) years from the approval of the Conceptual Plan for a minimum of 20 percent of the project area.

(Ordinance 6457 adopted 2/7/22)

Sec. 6.13. Overlay District.

The purpose of the following Overlay Districts is to allow the creation of development that occurs in a manner which promotes safety while presenting an attractive appearance and assures compatible land uses. The districts should be established to protect and enhance certain specific lands and structures which have characteristics which are distinct from lands and structures outside these Overlay Districts. The several Overlay Districts hereby established and into which the City is divided are designated as follows: (Ordinance 6385 adopted 5/17/21)

Sec. 6.13.1. O-1 (75 & 82) Overlay District.

(1) Introduction.

(a) The development of new and existing highways offers significant economic opportunities for the city and its citizens. Local highways provide easy access linkages within the city to nearby communities and to the entire U.S. highway system. The development standards will make the city a more desirable place to live and conduct business. (Ordinance 6129 adopted 7/16/18)

(b) It is important that the development of our highways be controlled through careful planning and foresight to achieve the greatest positive benefits for the city. The intent of the overlay district development area standards is to ensure that highway development occurs in a manner which promotes safety while presenting an attractive appearance and assures compatible land uses according to consistent design guidelines. (Ordinance 6385 adopted 5/17/21)

(2) Intent and purpose.

(a) Design elements. Regulation of land use patterns has traditionally been the major tool used to shape the urban environment. The particular use that takes place at a certain location affects the design and specific development of land uses. In many cases, a particular use can be incompatible and offensive to its neighbors and the city as a whole, or, if carefully and properly designed, that same use can be an attractive and welcome activity. This emphasis on how uses are designed and developed is the focus of the overlay district development standards. The following design elements are addressed by the standards. A statement of intent accompanies each element, the planning and zoning commission may from time to time, when justified by certain circumstances or specific conditions, grant variances to these design elements.

(b) Building design: Nonresidential. Design standards for nonresidential buildings shall ensure that the design, color, materials and basis for proportion of structures within the overlay district development area are harmonious with the intent of the ordinance.

(c) Building placement: Nonresidential. Visual continuity and compatibility shall be achieved through the appropriate placement of buildings and related site features, such as parking and loading areas.

(d) Landscaping. Landscaping standards are used to promote a flexible framework of planting and green areas that enhance and safeguard property values while aiding in erosion control, noise abatement, glare and reflection control, buffering between land uses of different character and atmospheric purification.

(e) Screening. Required screening shall accomplish visual screening of the site, noise attenuation, and a barrier to vehicular traffic between nonresidential and residential uses, and serve as a psychological separation between uses which encourages the peace and repose of residents. Toward this goal, landscaping shall be used to break up the view and to aesthetically enhance screening devices.

(f) Glare and illumination. Site lighting is to provide safety and security and enhance the architectural and natural features of this site. Glare and illumination standards shall ensure that the mechanisms providing light do not negatively impact on the appearance of the site and ensure that light is contained to the extent that adjacent areas are not detrimentally affected.

(3) Boundary areas.

(a) Area boundaries. Overlay district development areas are those areas adjacent to U.S. Highway 75 and being five hundred (500) feet on either side of said right-ofway, from the intersection of U.S. Highway 75 with Highway 91 north to F.M. 691, and from the south city limits, north to the south boundary of Tract 1 and Tract 2 of the Blalock

Industrial Park and along and adjacent to U.S. Highway 82 and being five hundred (500) feet on either side of said right-of-way.

(Ordinance 6129 adopted 7/16/18)

(b) Compliance required. All property within the boundaries of the overlay district development areas shall adhere to the overlay district development standards and shall be subject to site plan approval by the Planning and Zoning Commission.

(c) Action on application. Upon receipt of a request for building permit, zoning change or subdivision plat within the designated overlay district development area, the applicant will receive a copy of the overlay district development standards and counseling as to their applicability and the review process. The Planning and Zoning Commission shall review the plans for compliance with the development standards and make a determination of approval or disapproval as submitted.

(4) Nonresidential and multifamily building design.

(Ordinance 6385 adopted 5/17/21)

(a) General provisions. All nonresidential buildings shall comply with the zoning ordinance, building code and related construction codes of the city. (Ordinance 6129 adopted 7/16/18)

(b) Exterior walls. Building materials must be specified and consistent with the intent of these standards. Wall finishes shall be masonry, or masonry veneer, or concrete siding. A complete set of elevation plans and schedule of materials used on every freestanding building shall be submitted to the Planning and Zoning Commission. (Ordinance 6385 adopted 5/17/21)

(c) Windows. Reflective glass with an exterior reflectance percentage in excess of twenty-seven (27) percent, as certified through the manufacturer's specifications, shall not be used as an exterior building material on any building or structure. Windows and window walls shall not be glazed or reglazed with mirrored glass.

(d) Fire escapes. Exterior fire escapes shall not be permitted on the front side of a building.

(e) Mechanical Equipment. Exposed duct shall not be permitted on any side of the building visible from the highway.

(f) All buildings shall have at least four architectural features from the following list.

- Canopies, awnings, or porticos
- Recesses/projections
- Arcades (recessed porches)
- Peaked roof forms
- Arches
- Outdoor patios
- Display windows
- Architectural details (such as tile work and moldings) integrated into the building facade
- Articulated cornice line
- Integrated planters or wing walls that incorporate landscape and sitting areas
- Offsets, reveals or projecting rib used to express architectural or structural bays
- Accent materials, such as stone, stucco, etc. (minimum 15% of exterior facade)
- Varied roof heights

(g) Retaining wall. Visible portions of retaining walls shall be constructed of brick, stone, marble or the built-up panels of these materials designed for exterior use. Retaining walls shall be shown on the site plan and elevations shall be provided. Exposed basket type retaining walls shall not be permitted.

(5) Nonresidential and multifamily building placement.

(a) Setbacks from property lines adjacent to streets. No structure of any kind or any part thereof shall be placed within the following setback lines, except with approval by variance where parcels are of an irregular shape such that development in accordance with these setbacks is not feasible.

(1) Forty (40) feet from the highway right-of-way or twenty-five (25) feet plus the height of the building, whichever is greater;

(2) Fifteen (15) feet from right-of-way of all other streets intersecting with the highway.

(b) Setbacks from property lines not adjacent to streets. No structure of any kind or any part thereof shall be placed within the following setback lines:

(1) Five (5) feet from rear and side property lines;

(Ordinance 6129 adopted 7/16/18)

(2) Forty (40) feet from any residential dwelling that is zoned Residential for single-story buildings not exceeding thirty (30) feet in height; (Ordinance 6385 adopted 5/17/21)

(3) All other buildings shall be set back from residential district lines not less than twice the height of the highest point on the building above grade. No setback shall be required in excess of one hundred (100) feet.

(c) Loading docks. Loading docks, overhead doors and service bays shall not be located on the parkway side of any building.

(Ordinance 6129 adopted 7/16/18)

(d) Parking areas. Parking areas and driveways shall be concrete and with curb and gutter along state highways adjacent to open drainage areas. Alternative parking materials may be used to reduce impervious cover when parking is provided that exceeds city requirements and approved by the Planning and Zoning Commission. Cross access driveways are required adjacent to commercial zoned tracts. (Ordinance 6385 adopted 5/17/21)

(6) Landscaping.

(a) Landscaping definition. Landscaping shall be defined, for the purposes of these requirements, as plant material including, but not limited to, grass, trees, shrubs, flowers, vines and other ground cover, natural land forms, water forms, planters, walks and plaza areas.

(b) Site definition. Site shall be defined, for the purposes of these guidelines, as any plot, tract or parcel of land or combination of contiguous lots, tracts or parcels of land which is developed (or intended for development) according to an overall site plan. A site shall be exclusive of any land dedicated for public use through the platting process.

(c) Compliance. Landscaping shall conform to the following:

(1) Landscaping shall be required on all developments and shall be completed prior to the issuance of the certificate of occupancy;

(2) Every site adjacent to the highway right-of-way shall include a buffer strip, landscaped and irrigated, being ten (10) feet in depth adjacent to the highway right-of-way;

(3) All landscaping shall be installed so as to avoid hazards;

(4) An effort shall be made to preserve existing trees.

(7) Screening.

(a) Screening of nonresidential uses from residential uses. Side yards, rear yards and service sides of nonresidential uses abutting residential uses shall be screened.

(Ordinance 6129 adopted 7/16/18)

(b) Screening height. Screening height shall be a minimum of six (6) feet above the grade at the property line of abutting residential uses. (Ordinance 6385 adopted 5/17/21)

(1) In cases of extreme height differential, the following guidelines apply: Adjust screening height requirements or alter material requirement (e.g., including, but not limited to, the use of canopy-forming trees where the nonresidential use is at a much lower grade than the residential use). (Ordinance 6129 adopted 7/16/18)

(2) All landscaping shall be installed so as to avoid hazards. (Ordinance 6385 adopted 5/17/21)

(c) Materials and methods. The materials and methods used in screening under this section shall conform to the following:

(1) Masonry walls shall be defined as an exterior wall consisting of brick, stone, rock, marble or the built-up panels of these materials designed for exterior use.

(2) Earthen berms shall have a maximum side slope of 3:1 and shall be entirely vegetated with turf or ground cover.

(3) Evergreen shrubs of sufficient height when used alone, or in conjunction with other material, shall meet the minimum height requirements of this section.

(Ordinance 6129 adopted 7/16/18)

(4) Privacy fences shall consist of wood or masonry fence material. Line fences used for screening within an O-1 District shall not be less than six (6) feet in height; constructed of wood, stone, brick, concrete block or other suitable material customarily used in residential landscaping; installed in a neat and workmanlike manner; having a completely solid area with no openings; and permanently maintained. The screening device shall not exceed four (4) feet in height within twenty-five (25) feet of a front street right-of-way. (Ordinance 6385 adopted 5/17/21)

(5) To meet requirements of this section, the developer may use a combination of any two (2) materials allowed in this section to meet minimum height requirements.

(d) Screening of site features. Site features hereinafter shall be screened in accordance with (c) above.

(1) Rear yards and service yards. Where the rear yard, side yard or service side of a nonresidential use is adjacent to a public thoroughfare and screening of the use is not specifically addressed elsewhere in this section, it shall be screened according to (c) above.

(2) Loading docks. Freight docks, service bays, loading docks, truck berths and heavy storage areas shall be screened from all abutting uses, except when the abutting use is determined to be of equal or greater intensity. The aforementioned areas shall be screened from all thoroughfares.

(3) Outdoor storage area. Outdoor storage of merchandise, equipment or materials, which is essential or incidental to the use and which is not on temporary display

for the purpose of being immediately available for sale to the public at large, shall be screened from all public thoroughfares and abutting uses. Stored merchandise shall not exceed the height of the screening device.

(4) Refuse areas. All refuse areas shall be screened on three sides. Gates are not required.

(5) Ground-mounted equipment. All ground-mounted equipment including, but not limited to, pad-mounted transformers, telephone switch boxes and gas meters, shall be reasonably screened or located away from the view of public thoroughfares and from the view of adjacent properties. Whenever possible, appurtenances for utility services shall be installed at the rear of the structure which they service.

(8) Glare and illumination.

(a) Parking area lighting. Standard, poles and fixtures shall be of a single color, compatible with the architecture of the building. All lighting fixtures shall be restricted to down-lighting or cut-off types.

(b) Walkway lighting. Walkway lighting with standard, pole, bollard and wallmounted fixtures are allowed.

(c) Accent lighting. Floodlighting and spotlighting of architecture, graphics or natural features shall not create spillage of light onto adjacent properties.

(9) Utilities. No building shall have service wires or cable of any kind attached to the front fifty (50) percent of a building facing the highway and adjacent to the required front yard.

(Ordinance 6129 adopted 7/16/18)

(10) Procedures and notice.

(a) The Planning and Zoning Commission shall review the specific elements of site and building plans for development within the overlay district development area for compliance with these standards and shall make a determination of approval or disapproval of the site plan as submitted.

(b) The Planning and Zoning Commission shall review all exceptions and requests for variations to the development standards to determine compliance with the intent of the standards or to determine the necessity and appropriateness of the required exception or variation.

(c) If the Planning and Zoning Commission denies any site plan, the same application may not be filed for a period of six (6) months from the date of such denial.

(d) Any applicant aggrieved by a decision of the Planning and Zoning Commission may appeal the commission's action to the city council by filing a request for appeal with the city clerk within ten (10) days of the commission's decision. Such appeal shall be heard at a time convenient to the city council and to its procedures and practices for the scheduling of business before the council.

(Ordinance 6385 adopted 5/17/21)

Sec. 6.13.2. O-1.1 (F.M. Highway 1417) Overlay District.

(1) Introduction.

(a) The development of new and existing highways offers significant economic opportunities for the city and its citizens. Local highways provide easy access linkages within the city to nearby communities and to the entire U.S. highway system. The development standards will make the city a more desirable place to live and conduct business.

(b) It is important that the development of our highways be controlled through careful planning and foresight to achieve the greatest positive benefits for the city. The intent

of the overlay district development area standards is to ensure that highway development occurs in a manner which promotes safety while presenting an attractive appearance and assures compatible land uses according to consistent design guidelines.

(Ordinance 5938 adopted 3/7/16)

(2) Intent and purpose.

(a) Design elements. Regulation of land use patterns has traditionally been the major tool used to shape the urban environment. The particular use that takes place at a certain location affects the design and specific development of land uses. In many cases, a particular use can be incompatible and offensive to its neighbors and the city as a whole, or, if carefully and properly designed, that same use can be an attractive and welcome activity.

This emphasis on how uses are designed and developed is the focus of the overlay district development standards. The following design elements statement of intent accompanies each element, the Planning and Zoning Commission may from time to time, when justified by certain circumstances or specific conditions, grant variances to these design elements.

(Ordinance 6385 adopted 5/17/21)

(b) Building design: Nonresidential. Design standards for nonresidential buildings shall ensure that the design, color, materials and basis for proportion of structures within the overlay district development area are harmonious with the intent of the ordinance.

(c) Building placement: Nonresidential. Visual continuity and compatibility shall be achieved through the appropriate placement of buildings and related site features, such as parking and loading areas.

(d) Landscaping. Landscaping standards are used to promote a flexible framework of planting and green areas that enhance and safeguard property values while aiding in erosion control, noise abatement, glare and reflection control, buffering between land uses of different character and atmospheric purification.

(e) Screening. Required screening shall accomplish visual screening of the site, noise attenuation, and a barrier to vehicular traffic between nonresidential and residential uses, and service as a psychological separation between uses which encourages the peace and repose of residents. Toward this goal, landscaping shall be used to break up the view and to aesthetically enhance screening devices.

(f) Glare and illumination. Site lighting is to provide safety and security and enhance the architectural and natural features of this site. Glare and illumination standards shall ensure that the mechanisms providing light do not negatively impact on the appearance of the site and ensure that light is contained to the extent that adjacent areas are not detrimentally affected.

(3) Boundary areas.

(a) Area boundaries. Overlay district development areas are those areas inside the city limits and adjacent to F.M. Highway 1417 and being five hundred (500) feet on either side of said right-of-way F.M. 1417. The overlay applies to commercial and multifamily developments only.

(Ordinance 5938 adopted 3/7/16)

(b) Compliance required. All commercial and multifamily property within the boundaries of the overlay district development areas shall adhere to the overlay district development standards and shall be subject to site plan approval by the Planning and Zoning Commission.

(c) Action on application. Upon receipt of a request for building permit, zoning change or

subdivision plat within the designated overlay district development area, the applicant will receive a copy of the overlay district development standards and counseling as to their applicability and the review process. The Planning and Zoning Commission shall review the plans for compliance with the development standards and make a determination of approval or disapproval as submitted.

(4) Nonresidential and multifamily building design.

(a) General provisions. All nonresidential and multifamily buildings shall comply with the zoning ordinance, building code and related construction codes of the city.

(b) Exterior walls. Building materials must be specified and consistent with the intent of these standards. Wall finishes shall be masonry, or masonry veneer, or concrete siding. A complete set of elevation plans and schedule of materials used on every freestanding building shall be submitted to the Planning and Zoning Commission.

(Ordinance 6385 adopted 5/17/21)

1) Exterior walls.

a) All buildings and structures shall have at least 85% of the total exterior walls, excluding doors and windows, constructed of masonry or glass wall construction, in accordance with the City Building Regulations Code and Fire Prevention and Protection Code. No blank walls shall face public streets.

b) The following primary material list shall apply:

i) Masonry consisting of stone, cultured or cast stone

ii) Brick or brick veneer

iii) Tile

iv) Stucco

v) Architecturally finished block

vi) Architectural glass (less than 27% reflectance)

c) A maximum of 15% of the facade may include accent materials not listed on the approved primary material list. All requests for alternative exterior building materials shall be noted and described on a Site Plan with elevation drawings to be submitted to the Planning and Zoning Commission for approval.

(Ordinance 5938 adopted 3/7/16)

2) Exterior colors. These guideline recommendations are consistent with other example corridors with the intent of creating complementary building design. (Ordinance 6385 adopted 5/17/21)

a) A minimum of 80 percent of all building elevations shall be finished with complimentary neutral, cream, or deep, rich, nonreflective earth tone colors.

b) No more than 20 percent of any building elevation may be finished with bright, pure tone primary or secondary colors. These colors shall be limited to use on accent features including, but not limited to window and door frames, moldings, cornices, canopies, and awnings.

(Ordinance 5938 adopted 3/7/16)

3) All nonresidential and multifamily buildings shall be architecturally finished on all sides with the same materials and detailing. The rear facade of a building, which is not visible to a public right-of-way, park or residential district, shall

not be required to comply with this requirement. (Ordinance 6385 adopted 5/17/21)

4) Additional architectural features (minimum 4 features). All buildings shall have at least four architectural features from the following list:

* Canopies, awnings, or porticos
* Recesses/projections
* Arcades (recessed porches)
* Peaked roof forms
* Arches
* Outdoor patios
* Display windows
* Architectural details (such as tile work and moldings) integrated into the building facade
* Articulated cornice line
* Integrated planters or wing walls that incorporate landscape and sitting areas
* Offsets, reveals or projecting rib used to express architectural or structural bays
* Accent materials, such as stone, stucco, etc. (minimum 15% of exterior facade)
* Varied roof heights

5) Other required or optional features may include:

a) Entryway features.

i) All ground floor entrances shall be covered or inset and shall not apply to loading areas. Primary building entrances are to be defined and articulated with architectural elements such as arcades, roofs, alcoves, columns, porticos, porches, and overhangs.

b) Building articulation.

i) All buildings shall utilize facade offsets and appropriate fenestration to add architectural variation and visual interest to an elevation and to break up long uninterrupted walls or elevations.

ii) At a minimum, elevations that are 50 feet or longer in horizontal length shall be interrupted by at least two offsets (projection or recess) from the primary facade plane of at least 18 inches in depth.

c) Roof treatment.

i) Long uninterrupted rooflines and planes that are visible from the public right-of-way or are oriented to properties zoned or used for residential purposes shall be broken into smaller segments through the use of appropriately scaled gables and/or dormers, changes in height, changes in roof form, type, or planes which typically correspond to offsets in the building's facade, or other appropriate architectural elements.

ii) The following materials are allowed for sloping roofs:

(1) Asphalt shingles

(2) Industry approved synthetic shingles

(3) Standing seam metal

(4) Tile roofs

(5) Flat roofs shall require parapet screening which adheres to the vertical articulation requirements for the main face of the structure. Parapet rooflines shall feature a well-defined cornice treatment or another similar architectural element to visually cap each building elevation.

iii) The following materials are prohibited as primary cladding or roofing materials: aluminum siding or cladding, galvanized steel or other bright metal, wood or plastic siding, cementitious fiberboard, unfinished concrete block, exposed aggregate, wood roof shingles, and reflective glass.

(c) Fire escapes. Exterior fire escapes shall not be permitted on the front side of a building.

(d) Mechanical Equipment. Exposed duct shall not be permitted on any side of the building visible from the highway.

(e) Retaining wall. Visible portions of retaining walls shall be constructed of brick, stone, marble or the built-up panels of these materials designed for exterior use. Retaining walls shall be shown on the site plan and elevations shall be provided. Exposed basket type retaining walls shall not be permitted.

(5) Nonresidential and multifamily building placement.

(a) Setbacks from property lines adjacent to streets. No structure of any kind or any part thereof shall be placed within the following setback lines, except with approval by variance where parcels are of an irregular shape such that development in accordance with these setbacks is not feasible.

(i) Forty (40) feet from the highway right-of-way.

(ii) Fifteen (15) feet from right-of-way of all other streets intersecting with the highway.

(iii) On-premises signs that are 12 feet or less in height may have a 25' setback from Highway 1417. (see Subsection 10)

(b) Setbacks from property lines not adjacent to streets. No structure of any kind or any part thereof shall be placed within the following setback lines:

(i) Five (5) feet from rear and side property lines.

(ii) Forty (40) feet from any R (residential) zoned property for single-story buildings not exceeding thirty (30) feet in height;

(iii) All other buildings shall be set back from residential district lines not less than twice the height of the highest point on the building above grade. No setback shall he required in excess of one hundred (100) feet.

(Ordinance 5938 adopted 3/7/16)

(c) Parking areas. Parking areas and driveways shall be concrete and with curb and gutter along state highways adjacent to open drainage areas. Alternative parking materials may be used to reduce impervious cover when parking is provided that exceeds city requirements and approved by the Planning and Zoning Commission. Cross access

driveways are required adjacent to commercial zoned tracts. (Ordinance 6385 adopted 5/17/21)

(6) Landscaping.

(a) Landscaping definition. Landscaping shall be defined, for the purposes of these requirements, as plant material including, but not limited to, grass, trees, shrubs, flowers, vines and other ground cover, natural land forms, water forms, planters, walks and plaza areas.

(b) Site definition. Site shall be defined, for the purposes of these guidelines, as any plot, tract or parcel of land or combination of contiguous lots, tracts or parcels of land which is developed (or intended for development) according to an overall site plan. A site shall be exclusive of any land dedicated for public use through the platting process.

(c) Compliance. Landscaping shall conform to the following:

(i) Landscaping shall be required on all developments and shall be completed prior to the issuance of the certificate of occupancy. All detention ponds shall be landscaped.

(ii) Every site adjacent to the highway right-of-way shall include a buffer strip, landscaped and irrigated, being ten (10) feet in depth adjacent to the highway right-of-way.

(iii) All landscaping shall be installed so as to avoid hazards.

(iv) An effort shall be made to preserve existing trees.

(7) Screening.

(a) Screening of Site Features.

1) Detention areas and drainage channels. A visual screen shall separate and screen all stormwater detention or retention facilities from view from any adjacent street and any adjoining or contiguous property, except for penetrations for required access. The visual screen shall comply with the following standards:

(Ordinance 5938 adopted 3/7/16)

a) Minimum required screening. Minimum required screening shall achieve an opaque visual screen to a height of no less than six (6) feet nor greater than eight (8) feet using the materials listed below. (Ordinance 6385 adopted 5/17/21)

b) Materials. The visual screen may be formed through the retention of existing vegetation, the planting of new vegetation, the creation of planted hedge, the construction of a fence or wall or earthen berm, or any combination of these approaches.

i) Fencing or masonry walls - Fences and masonry walls shall present a finished and decorative appearances. Shrubs, ground covers, or other vegetation shall be provided in front of the fence or wall so as to provide a decorative effect, in accordance and with the adopted landscaping standards for spacing, location and design. Wooden and woven wire fences shall not be used.

ii) Planted materials or natural vegetation - Any combination of existing and newly planted vegetation may be used that can reasonably be expected to create an opaque evergreen visual screen 4 feet high within two growing seasons.

iii) Earthen berms - When using an earthen berm, the maximum side slope shall not exceed 50% (1 foot of vertical rise to 2 feet of horizontal run)

with a minimum crown width of two feet. The berm shall be planted with ground cover, shrubs, trees or other landscaping materials to achieve a total screening height of 4 feet.

(a) Screening of nonresidential uses from residential uses. Side yards, rear yards and service sides of nonresidential uses abutting residential uses shall be screened. Mechanical, utility, and service facilities shall be screened on three sides. Gates are not required.

(b) Screening height. Screening height shall be a minimum of four (4) feet above the grade at the property line of abutting residential uses.

(i) In cases of extreme height differential, the following guidelines apply: Adjust screening height requirements or alter material requirement (e.g., including, but not limited to, the use of canopy forming trees where the nonresidential use is at a much lower grade than the residential use).

(ii) All landscaping shall be installed so as to avoid hazards.

(c) Materials and methods. The materials and methods used in screening under this section shall conform to the following:

(i) Masonry walls shall be defined as an exterior wall consisting of brick, stone, rock, marble, or the built-up panels of these materials designed for exterior use.

(ii) Earthen berms shall have a maximum side slope of 3:1 and shall be entirely vegetated with turf or ground cover.

(iii) Evergreen shrubs of sufficient height when used alone, or in conjunction with other material, shall meet the minimum height requirements of this section.

(iv) Privacy fences shall consist of wood or masonry fence material. Line fences used for screening within an O-1 District shall not be less than four (4) feet in height; constructed of wood, stone, brick, concrete block or other suitable material customarily used in residential landscaping; installed in a neat and workmanlike manner; having a completely solid area with no openings; and permanently maintained. The screening device shall not exceed four (4) feet in height within twenty-five (25) feet of a front street right-of-way.

(v) To meet requirements of this section, the developer may use a combination of any two (2) materials allowed in this section to meet minimum height requirements.

(d) Screening of site features. Site features hereinafter shall be screened in accordance with (c) above.

(i) Rear yards and service yards. Where the rear yard, side yard or service side of a nonresidential use is adjacent to a public thoroughfare and screening of the use is not specifically addressed elsewhere in this section, it shall be screened according to subsection (c) above.

(ii) Loading docks. Freight docks, service bays, loading docks, truck berths and heavy storage areas shall be screened from all abutting uses, except when the abutting use is determined to be of equal or greater intensity. The aforementioned areas shall be screened from all thoroughfares.

(iii) Outdoor storage area. Outdoor storage of merchandise, equipment or materials, which is essential or incidental to the use and which is not on temporary display for the purpose of being immediately available for sale to the public at large, shall be screened from all public thoroughfares and abutting uses. Stored merchandise shall not exceed the height of the screening device.

(iv) Refuse areas. All refuse areas shall be screened on three sides. Gates are not required.

(v) Ground-mounted equipment. All ground-mounted equipment including, but not limited to, pad-mounted transformers, telephone switch boxes and gas meters, shall be reasonably screened or located away from the view of public thoroughfares and from the view of adjacent properties. Whenever possible, appurtenances for utility services shall be installed at the rear of the structure which they service.

(8) Glare and illumination.

(a) Parking area lighting. Standard, poles and fixtures shall be of a single color, compatible with the architecture of the building. All lighting fixtures shall be restricted to down-lighting or cut-off types.

(b) Walkway lighting. Walkway lighting with standard, pole, bollard and wall-mounted fixtures are allowed.

(c) Accent lighting. Floodlighting and spotlighting of architecture, features shall not create spillage of light onto adjacent properties.

(9) Utilities. No building shall have service wires or cable of any kind attached to the front fifty (50) percent of a building facing the highway and adjacent to the required front yard.

(10) Signs.

a) The total area of building signage shall not exceed the following:

For each one linear foot of primary building face (facade facing public street), three (3) square feet of wall sign is allowed up to a maximum. This maximum depends on the building footprint identified in the table below. A minimum of 100 square feet for small freestanding building is allowed. This means that a small building that does not have enough frontage to get to 100 square feet may go to 100 square feet of building signage if desired. These signs can go on any wall but may not exceed the cumulative maximum square footage. If the lot on which the building is located has multiple right-of-way frontage, each street frontage shall be counted for purposes of determining attached sign allowance. The following of the defines the maximum sign area allowed based on the square footage of the building footprint:

Building Footprint (sq ft)	**Maximum Sign Area (sq ft)**
Less than 12,000	150
12,000–49,999	300
50,000 or more	600

b) For each one linear foot of lease space facade, two (2) square feet of building sign is allowed with maximum of 200 sq. ft.

c) To ensure separation between building signs, wall signage for lease spaces may not exceed 75% of the linear lease space facade width.

(11) Monument/ground signs.

a) Signs may have a maximum 65 square foot face area and shall not exceed twelve feet in height. Minimum setback for signs shall be 25 feet from the highway right-of-way.

b) Monument signs must include a landscaped, stone base feature. All monument sign bases shall be constructed of the same material as the front building facade on the same site or shall be compatible in design with stone or brick.

(12) Illuminated/electronic signs.

a) Signs may be illuminated, but the source of light shall not be visible to traveled ways and the entire image or displayed text shall not be animated, intermittent, or flashing.

b) A sign shall display static images for a period of at least eight seconds.

c) Variable message signs shall not be animated, flash, travel, blink, fade, or scroll. Variable message signs shall transition instantaneously to another static image.

d) A maximum of 55% of the overall sign area may be devoted to an electronic message sign.

e) Revolving signs shall not be permitted.

f) A fuel pricing sign shall only reflect the most current price of fuel available for purchase at that location and must be a ground/monument sign. Only one pricing display is allowed per site.

(13) Connectivity. Access drives/aisles/access easements should be extended to the development's property boundary in order to provide for connectivity with future development(s).

(Ordinance 5938 adopted 3/7/16)

(14) Procedures and notice.

(a) The Planning and Zoning Commission shall review the specific elements of site and building plans for development within the overlay district development area for compliance with these standards and shall make a determination of approval or disapproval of the site plan as submitted.

(b) The Planning and Zoning Commission shall review all exceptions and requests for variations to the development standards to determine compliance with the intent of the standards or to determine the necessity and appropriateness of the required exception or variation.

(c) If the Planning and Zoning Commission denies any site plan, the same application may not be filed for a period of six (6) months from the date of such denial.

(d) Any applicant aggrieved by a decision of the Planning and Zoning Commission may appeal the commission's action to the city council by filing a request for appeal with the city clerk within ten (10) days of the commission's decision. Such appeal shall be heard at a time convenient to the city council and to its procedures and practices for the scheduling of business before the council.

(Ordinance 6385 adopted 5/17/21)

Sec. 6.13.3. O-1.2 (Sam Rayburn) Overlay District.

(1) Introduction.

(a) The development of existing highways offers significant economic opportunities for the city and its citizens. Local highways provide easy access linkages within the city to nearby communities and to the entire U.S. highway system. The Sam Rayburn Overlay District development standards will make the city a more desirable place to live and conduct business.

(b) It is important that the development of our highways be controlled through careful planning and foresight to achieve the greatest positive benefits for the city. The intent of the Sam Rayburn Overlay District development area standards is to ensure that the development occurs in a manner which promotes safety while presenting an attractive appearance and assures compatible land uses according to consistent design guidelines.

(Ordinance 5513 adopted 2/4/08)

(2) Intent and purpose.

(a) Design elements. Regulation of land use patterns has traditionally been the major tool used to shape the urban environment. The particular use that takes place at a certain location affects the design and specific development of land uses. In many cases, a particular use can be incompatible and offensive to its neighbors and the city as a whole, or, if carefully and properly designed, that same use can be an attractive and welcome activity. This emphasis on how uses are designed and developed is the focus of the Sam Rayburn Overlay District development standards. The following design elements are addressed by the standards. A statement of intent accompanies each element, the Planning and Zoning Commission may from time to time, when justified by certain circumstances or specific conditions, grant variances to these design elements. (Ordinance 6385 adopted 5/17/21)

(b) Building design: Nonresidential. Design standards for nonresidential buildings shall ensure that the design, color, materials, and basis for proportion of structures within the Sam Rayburn Overlay District development area are harmonious with the intent of the ordinance.

(c) Building placement: Nonresidential. Visual continuity and compatibility shall be achieved through the appropriate placement of buildings and related site features, such as parking and loading areas.

(d) Landscaping standards are used to promote a flexible framework of planting and green areas that enhance and safeguard property values while aiding in erosion control, noise abatement, glare and reflection control, buffering between land uses of different character and atmospheric purification.

(e) Screening. Required screening shall accomplish visual screening of the site, noise attenuation, and a barrier to vehicular traffic between nonresidential and residential uses, and serve as a psychological separation between uses which encourages the peace and repose of residents. Toward this goal, landscaping shall be used to break up the view and to aesthetically enhance screening devices.

(Ordinance 5513 adopted 2/4/08)

(f) Glare and illumination. Site lighting is to provide safety and security and enhance the architectural and natural features of the site. Glare and illumination standards shall ensure that the mechanisms providing light do not negatively impact on the appearance of the site and ensure that light is contained to the extent that adjacent properties are not detrimentally affected. (Ordinance 6385 adopted 5/17/21)

(3) Boundary areas.

(a) Area boundaries. Sam Rayburn Overlay District development areas are those areas adjacent to and within 200 feet of Sam Rayburn Freeway from the intersection of U.S. Highway 75 with Highway 91 south extending to the Blalock Industrial Park District.

(Ordinance 5513 adopted 2/4/08)

(b) Compliance required. All property within the boundaries of the Sam Rayburn Overlay District development areas shall adhere to the overlay district development standards and shall be subject to site plan approval by the Planning and Zoning Commission.

(c) Action on application. Upon receipt of a request for building permit, zoning change or subdivision plat within the Sam Rayburn Overlay District development area, the applicant will receive a copy of the overlay district development standards and counseling as to their applicability and the review process. The Planning and Zoning Commission shall review the plans for compliance with the development standards and make a determination of approval or disapproval as submitted.

(4) Nonresidential and multifamily building design.

(Ordinance 6385 adopted 5/17/21)

(a) General provisions. All nonresidential buildings shall comply with the zoning ordinance, building code and related construction codes of the city. (Ordinance 5513 adopted 2/4/08)

(b) Exterior walls. Building materials must be specified and consistent with the intent of these standards. Wall finishes shall be masonry, or masonry veneer, or concrete siding. A complete set of elevation plans and schedule of materials used on every freestanding building shall be submitted to the Planning and Zoning Commission. (Ordinance 6385 adopted 5/17/21)

(c) Windows and Glass. Reflective glass with an exterior reflectance percentage in excess of twenty-seven (27) percent, as certified through the manufacturer's specifications, shall not be used as an exterior building material on any building or structure. Windows and window wall shall not be glazed or reglazed with mirrored glass. (Ordinance 5513 adopted 2/4/08)

(d) Fire escapes. Exterior fire escapes shall not be permitted on the front side of a building. (Ordinance 6385 adopted 5/17/21)

(e) Mechanical Equipment. Exposed duct shall not be permitted on any side of the building visible from the highway.

(f) All buildings shall have at least four architectural features from the following list.

- Canopies, awnings, or porticos
- Recesses/projections
- Arcades (recessed porches)
- Peaked roof forms
- Arches
- Outdoor patios
- Display windows
- Architectural details (such as tile work and moldings) integrated into the building facade
- Articulated cornice line
- Integrated planters or wing walls that incorporate landscape and sitting areas
- Offsets, reveals or projecting rib used to express architectural or structural bays
- Accent materials, such as stone, stucco, etc. (minimum 15% of exterior facade)
- Varied roof heights

(g) Retaining wall. Visible portions of retaining walls shall be constructed of brick, stone, marble or the built-up panels of these materials designed for exterior use. Retaining walls shall be shown on the site plan and elevations shall be provided. Exposed basket type retaining walls shall not be permitted.

(5) Nonresidential and multifamily building placement.

(a) Setbacks from property lines adjacent to streets. No structure of any kind or any part thereof shall be placed within the following setback lines, except with approval by variance where parcels are of an irregular shape such that development in accordance with these setbacks is not feasible.

(1) Forty (40) feet from the highway right-of-way.

(2) Fifteen (15) feet from right-of-way of all other streets intersecting with the highway.

(b) Setbacks from property lines not adjacent to streets. No structure of any kind or any part

thereof shall be placed within the following setback lines:

(1) Five (5) feet from rear and side property lines.

(Ordinance 5513 adopted 2/4/08)

(2) Single-story structures up to thirty (30) feet in height shall have a minimum fifteen (15) foot setback from any R (residential) district lines. (Ordinance 6385 adopted 5/17/21)

(3) All other buildings and structures shall be setback from residential district lines no less than a distance equal to the height of the highest point on the building above grade. No setback shall be required in excess of fifty (50) feet.

(c) Loading docks. Loading docks, overhead doors, service bays and trash receptacles shall be screened by earthen berms and/or landscape when located on the parkway side of any building.

(d) Parking areas. Parking areas and service drives areas shall be concrete and shall be buffered by minimum two (2) foot tall landscape adjacent to the highway.

(6) Landscaping.

(a) Landscaping definition. Landscaping shall be defined, for the purposes of these requirements, as plant material including, but not limited to, grass, trees, shrubs, flowers, vines and other ground cover, natural land forms, water forms, planters, walks and plaza areas.

(b) Site definition. Site shall be defined, for the purposes of these guidelines, as any plot, tract or parcel of land or combination of contiguous lots, tracts or parcels of land which is developed (or intended for development) according to an overall site plan. A site shall be exclusive of any land dedicated for public use through the platting process.

(c) Compliance. Landscaping shall conform to the following:

(1) Landscaping shall be required on all developments and shall be completed prior to the issuance of the certificate of occupancy.

(2) Every site adjacent to the highway right-of-way shall include a buffer strip, landscaped and irrigated, being ten (10) feet in depth adjacent to the highway right of way.

(3) All landscaping shall be installed so as to avoid hazards.

(4) An effort shall be made to preserve existing trees.

(7) Screening.

(a) Screening of nonresidential uses from residential uses. Side yards, rear yards and service sides of nonresidential uses abutting residential uses shall be screened.

(b) Screening height. Screening height shall be a minimum of four (4) feet above the grade at the property line of abutting residential uses.

(1) In cases of extreme height differential, the following guidelines apply: Adjust screening height requirements or alter material requirement (e.g., including, but not limited to, the use of canopy-forming trees where the nonresidential use is at a much lower grade than the residential use).

(2) All landscaping shall be installed so as to avoid hazards.

(c) Materials and methods. The materials and methods used in screening under this section shall conform to the following:

(1) Masonry walls shall be defined as an exterior wall consisting of brick, stone, rock, marble or the built-up panels of these materials designed for exterior use.

(2) Earthen berms shall have a maximum side slope of 3:1 and shall be entirely vegetated with turf or ground cover.

(3) Evergreen shrubs of sufficient height when used alone, or in conjunction with other material, shall meet the minimum height requirements of this section.

(Ordinance 5513 adopted 2/4/08)

(4) Privacy fences shall consist of wood or masonry fence material. Line fences used for screening within an O-1 District shall not be less than four (4) feet in height; constructed of wood, stone, brick, concrete block or other suitable material customarily used in residential landscaping; installed in a neat and workmanlike manner; having a completely solid area with no openings; and permanently maintained. The screening device shall not exceed four (4) feet in height within twenty-five (25) feet of a front street right-of-way. (Ordinance 6385 adopted 5/17/21)

(5) To meet requirements of this section, the developer may use a combination of any two (2) materials allowed in this section to meet minimum height requirements.

(d) Screening of site features. Site features hereinafter shall be screened in accordance with (c) above.

(1) Rear yards and service yards. Where the rear yard, side yard or service side of a nonresidential use is adjacent to a public thoroughfare and screening of the use is not specifically addressed elsewhere in this section, it shall be screened according to (c) above.

(2) Loading docks. Freight docks, service bays, loading docks, truck berths and heavy storage areas shall be screened from all abutting uses, except when the abutting use is determined to be of equal or greater intensity. The aforementioned areas shall be screened from all thoroughfares.

(3) Outdoor storage area. Outdoor storage of merchandise, equipment or materials which is essential or incidental to the use and which is not on temporary display for the purpose of being immediately available for sale to the public at large, shall be screened from all public thoroughfares and abutting uses. Stored merchandise shall not exceed the height of the screening device.

(4) Refuses areas. All refuse areas shall be screened on three sides. Gates are not required.

(5) Ground-mounted equipment. All ground mounted equipment including, but not limited to, pad-mounted transformers, telephone switch boxes and gas meters, shall be reasonably screened or located away from the view of public thoroughfares and from the view of adjacent properties. Whenever possible, appurtenances for utility services shall be installed at the rear of the structure which they service.

(8) Glare and illumination.

(a) Parking area lighting. Standards, poles and fixtures shall be of a single color, compatible with the architecture of the building. All lighting fixtures shall be restricted to down-lighting or cut-off types.

(b) Walkway lighting. Walkway lighting with standard, pole, bollard and wall-mounted fixtures are allowed.

(c) Accent lighting. Floodlighting and spotlighting of architecture, graphics or natural features shall not create spillage of light onto adjacent properties.

(9) Utilities. No building shall have service wires or cable or any kind attached to the front fifty (50)

percent of a building facing the highway and adjacent to the required front yard.

(10) Paving. Any off-street parking area, service drive or driveway shall be concrete pavement so as to provide a durable and dustless surface.

(Ordinance 5513 adopted 2/4/08)

(11) Procedures and notice.

(a) The Planning and Zoning Commission shall review the specific elements of site and building plans for development within the Sam Rayburn Overlay District development area for compliance with these standards and shall make a determination of approval or disapproval of the site plan as submitted.

(b) The Planning and Zoning Commission shall review all exceptions and requests for variations to the development standards to determine compliance with the intent of the standards or to determine the necessity and appropriateness of the required exception or variation.

(c) If the Planning and Zoning Commission denies any site plan, the same application may not be filed for a period of six (6) months from the date of such denial.

(d) Any applicant aggrieved by a decision of the Planning and Zoning Commission may appeal the commission's action to the city council by filing a request for appeal with the city clerk within ten (10) days of the commission's decision. Such appeal shall be heard at a time convenient to the city council and to its procedures and practices for the scheduling of business before the council.

(Ordinance 6385 adopted 5/17/21)

Sec. 6.13.4. O-1.3 (F.M. Highway 691) Overlay District.

(1) Introduction.

(a) The development of new and existing highways offers significant economic opportunities for the city and its citizens. Local highways provide easy access linkages within the city to nearby communities and to the entire U.S. highway system. The development standards will make the city a more desirable place to live and conduct business.

(b) It is important that the development of our highways be controlled through careful planning and foresight to achieve the greatest positive benefits for the city. The intent of the overlay district development area standards is to ensure that highway development occurs in a manner which promotes safety while presenting an attractive appearance and assures compatible land uses according to consistent design guidelines.

(Ordinance 5983 adopted 9/6/16)

(2) Intent and purpose.

(a) Design elements. Regulation of land use patterns has traditionally been the major tool used to shape the urban environment. The particular use that takes place at a certain location affects the design and specific development of land uses. In many cases, a particular use can be incompatible and offensive to its neighbors and the city as a whole, or, if carefully and properly designed, that same use can be an attractive and welcome activity.

This emphasis on how uses are designed and developed is the focus of the overlay district development standards. The following design elements statement of intent accompanies each element, the Planning and Zoning Commission may from time to time, when justified by certain circumstances or specific conditions, grant variances to these design elements.

(Ordinance 6385 adopted 5/17/21)

(b) Building design: Nonresidential. Design standards for nonresidential buildings shall

ensure that the design, color, materials and basis for proportion of structures within the overlay district development area are harmonious with the intent of the ordinance.

(c) Building placement: Nonresidential. Visual continuity and compatibility shall be achieved through the appropriate placement of buildings and related site features, such as parking and loading areas.

(d) Landscaping. Landscaping standards are used to promote a flexible framework of planting and green areas that enhance and safeguard property values while aiding in erosion control, noise abatement, glare and reflection control, buffering between land uses of different character and atmospheric purification.

(e) Screening. Required screening shall accomplish visual screening of the site, noise attenuation, and a barrier to vehicular traffic between nonresidential and residential uses, and service as a psychological separation between uses which encourages the peace and repose of residents. Toward this goal, landscaping shall be used to break up the view and to aesthetically enhance screening devices.

(f) Glare and illumination. Site lighting is to provide safety and security and enhance the architectural and natural features of this site. Glare and illumination standards shall ensure that the mechanisms providing light do not negatively impact on the appearance of the site and ensure that light is contained to the extent that adjacent areas are not detrimentally affected.

(3) Boundary areas.

(a) Area boundaries. Overlay district development areas are those areas inside the city limits and adjacent to F.M. Highway 691 and being five hundred (500) feet on the south side of said right-of-way of F.M. Highway 691. The overlay applies to commercial and multifamily developments only.

(Ordinance 5983 adopted 9/6/16)

(b) Compliance required. All commercial and multifamily property within the boundaries of the overlay district development areas shall adhere to the overlay district development standards and shall be subject to site plan approval by the Planning and Zoning Commission.

(c) Action on application. Upon receipt of a request for building permit, zoning change or subdivision plat within the designated overlay district development area, the applicant will receive a copy of the overlay district development standards and counseling as to their applicability and the review process. The Planning and Zoning Commission shall review the plans for compliance with the development standards and make a determination of approval or disapproval as submitted.

(4) Nonresidential and multifamily building design.

(Ordinance 6385 adopted 5/17/21)

(a) General provisions. All nonresidential buildings shall comply with the zoning ordinance, building code and related construction codes of the city. (Ordinance 5983 adopted 9/6/16)

(b) Exterior walls. Building materials must be specified and consistent with the intent of these standards. Wall finishes shall be masonry, or masonry veneer, or concrete siding. A complete set of elevation plans and schedule of materials used on every freestanding building shall be submitted to the Planning and Zoning Commission. (Ordinance 6385 adopted 5/17/21)

1) Exterior walls.

a) All buildings and structures shall have at least 85% of the total exterior walls, excluding doors and windows, constructed of masonry or glass

wall construction, in accordance with the City Building Regulations Code and Fire Prevention and Protection Code. No blank walls shall face public streets.

b) The following primary material list shall apply:

i) Masonry consisting of stone, cultured or cast stone

ii) Brick or brick veneer

iii) Tile

iv) Stucco

v) Architecturally finished block

vi) Architectural glass (less than 27% reflectance)

c) A maximum of 15% of the facade may include accent materials not listed on the approved primary material list. All requests for alternative exterior building materials shall be noted and described on a Site Plan with elevation drawings to be submitted to the Planning and Zoning Commission for approval.

2) Exterior colors. These guideline recommendations are consistent with other example corridors with the intent of creating complementary building design.

a) A minimum of 80 percent of all building elevations shall be finished with complimentary neutral, cream, or deep, rich, non-reflective earth tone colors.

b) No more than 20 percent of any building elevation may be finished with bright, pure tone primary or secondary colors. These colors shall be limited to use on accent features including, but not limited to window and doorframes, moldings, cornices, canopies, and awnings.

3) All nonresidential buildings shall be architecturally finished on all sides with the same materials and detailing. The rear facade of a building, which is not visible to a public right-of-way, park or residential district, shall not be required to comply with this requirement.

4) Additional architectural features (minimum 4 features). All buildings shall have at least four architectural features from the following list:

* Canopies, awnings, or porticos

* Recesses/projections

* Arcades (recessed porches)

* Peaked roof forms

* Arches

* Outdoor patios

* Display windows

* Architectural details (such as tile work and moldings) integrated into the building facade

* Articulated cornice line

* Integrated planters or wing walls that incorporate landscape and sitting areas

* Offsets, reveals or projecting rib used to express architectural or structural bays

~~* Accent materials, such as stone, stucco, etc. (minimum 15% of exterior facade)~~

~~* Varied roof heights~~

~~5) Other required or optional features may include:~~

~~a) Entryway features.~~

~~i) All ground floor entrances shall be covered or inset and shall not apply to loading areas. Primary building entrances are to be defined and articulated with architectural elements such as arcades, roofs, alcoves, columns, porticos, porches, and overhangs.~~

~~b) Building articulation.~~

~~i) All buildings shall utilize facade offsets and appropriate fenestration to add architectural variation and visual interest to an elevation and to break up long uninterrupted walls or elevations.~~

~~ii) At a minimum, elevations that are 50 feet or longer in horizontal length shall be interrupted by at least two offsets (projection or recess) from the primary facade plane of at least 18 inches in depth.~~

~~c) Roof treatment.~~

~~i) Long uninterrupted rooflines and planes that are visible from the public right-of-way or are oriented to properties zoned or used for residential purposes shall be broken into smaller segments through the use of appropriately scaled gables and/or dormers, changes in height, changes in roof form, type, or planes which typically correspond to offsets in the building's facade, or other appropriate architectural elements.~~

~~ii) The following materials are allowed for sloping roofs:~~

~~(1) Asphalt shingles~~

~~(2) Industry approved synthetic shingles~~

~~(3) Standing seam metal~~

~~(4) Tile roofs~~

~~(5) Flat roofs shall require parapet screening which adheres to the vertical articulation requirements for the main face of the structure. Parapet rooflines shall feature a well-defined cornice treatment or another similar architectural element to visually cap each building elevation.~~

~~iii) The following materials are prohibited as primary cladding or roofing materials: aluminum siding or cladding, galvanized steel or other bright metal, wood or plastic siding, cementitious fiberboard, unfinished concrete block, exposed aggregate, wood roof shingles, and reflective glass.~~

~~(c) Fire escapes. Exterior fire escapes shall not be permitted on the front side of a building.~~

~~(d) Mechanical equipment. Exposed duct shall not be permitted on any side of the building visible from the highway.~~

(c) Retaining wall. Visible portions of retaining walls shall be constructed of brick, stone, marble or the built-up panels of these materials designed for exterior use. Retaining walls shall be shown on the site plan and elevations shall be provided. Exposed basket type retaining walls shall not be permitted.

(5) Nonresidential and multifaily building placement.

(a) Setbacks from property lines adjacent to streets. No structure of any kind or any part thereof shall be placed within the following setback lines, except with approval by variance where parcels are of an irregular shape such that development in accordance with these setbacks is not feasible.

(i) Forty (40) feet, from the highway right-of-way.

(ii) Fifteen (15) feet from right-of-way of all other streets intersecting with the highway.

(Ordinance 5983 adopted 9/6/16)

(iii) On-premises signs that are 12 feet or less in height may have a 25' setback from FM 691. (see subsection 10) (Ordinance 6385 adopted 5/17/21)

(b) Setbacks from property lines not adjacent to streets. No structure of any kind or any part thereof shall be placed within the following setback lines:

(i) Five (5) feet from rear and side property lines.

(ii) Forty (40) feet from any R (residential) zoned property for single-story buildings not exceeding thirty (30) feet in height;

(iii) All other buildings shall be set back from residential district lines not less than twice the height of the highest point on the building above grade. No setback shall be required in excess of one hundred (100) feet.

(Ordinance 5983 adopted 9/6/16)

(c) Parking areas. Parking areas and driveways shall be concrete and with curb and gutter along state highways adjacent to open drainage areas. Alternative parking materials may be used to reduce impervious cover when parking is provided that exceeds city requirements and approved by the Planning and Zoning Commission. Cross access driveways are required adjacent to commercial zoned tracts. (Ordinance 6385 adopted 5/17/21)

(6) Landscaping.

(a) Landscaping definition. Landscaping shall be defined, for the purposes of these requirements, as plant material including, but not limited to, grass, trees, shrubs, flowers, vines and other ground cover, natural land forms, water forms, planters, walks and plaza areas.

(b) Site definition. Site shall be defined, for the purposes of these guidelines, as any plot, tract or parcel of land or combination of contiguous lots, tracts or parcels of land which is developed (or intended for development) according to an overall site plan. A site shall be exclusive of any land dedicated for public use through the platting process.

(c) Compliance. Landscaping shall conform to the following:

(i) Landscaping shall be required on all developments and shall be completed prior to the issuance of the certificate of occupancy. All detention ponds shall be landscaped.

(ii) Every site adjacent to the highway right-of-way shall include a buffer strip, landscaped and irrigated, being ten (10) feet in depth adjacent to the highway right-of-way.

(iii) All landscaping shall be installed so as to avoid hazards.

(iv) An effort shall be made to preserve existing trees.

(7) Screening. Screening of site features:

(a) Detention areas and drainage channels. A visual screen shall separate and screen all stormwater detention or retention facilities from view from any adjacent street and any adjoining or contiguous property, except for penetrations for required access. The visual screen shall comply with the following standards:

1) Minimum required screening. Minimum required screening shall achieve an opaque visual screen to a height of no less than 4 feet nor greater than 6 feet using the materials listed below.

2) Materials. The visual screen may be formed through the retention of existing vegetation, the planting of new vegetation, the creation of planted hedge, the construction of a fence or wall or earthen berm, or any combination of these approaches.

a) Fencing or masonry walls - Fences and masonry walls shall present a finished and decorative appearance. Shrubs, ground covers, or other vegetation shall be provided in front of the fence or wall so as to provide a decorative effect, in accordance and with the adopted landscaping standards for spacing, location and design. Wooden and woven wire fences shall not be used.

b) Planted materials or natural vegetation - Any combination of existing and newly planted vegetation may be used that can reasonably be expected to create an opaque evergreen visual screen 4 feet high within two growing seasons.

c) Earthen berms - When using an earthen berm, the maximum side slope shall not exceed 50% (1 foot of vertical rise to 2 feet of horizontal run) with a minimum crown width of two feet. The berm shall be planted with ground cover, shrubs, trees or other landscaping materials to achieve a total screening height of 4 feet.

(b) Screening of nonresidential uses from residential uses. Side yards, rear yards and service sides of nonresidential uses abutting residential uses shall be screened. Mechanical, utility, and service facilities shall be screened on three sides. Gates are not required.

(c) Screening height. Screening height shall be a minimum of four (4) feet above the grade at the property line of abutting residential uses.

1) In cases of extreme height differential, the following guidelines apply: Adjust screening height requirements or alter material requirement (e.g., including, but not limited to, the use of canopy forming trees where the nonresidential use is at a much lower grade than the residential use).

2) All landscaping shall be installed so as to avoid hazards.

(d) Materials and methods. The materials and methods used in screening under this section shall conform to the following:

1) Masonry walls shall be defined as an exterior wall consisting of brick, stone, rock, marble, or the built-up panels of these materials designed for exterior use.

2) Earthen berms shall have a maximum side slope of 3:1 and shall be entirely vegetated with turf or ground cover.

3) Evergreen shrubs of sufficient height when used alone, or in conjunction with other material, shall meet the minimum height requirements of this section.

4) Privacy fences shall consist of wood or masonry fence material. Line fences used for screening within an O-1 District shall not be less than four (4) feet in height: constructed of wood, stone, brick, concrete block or other suitable material customarily used in residential landscaping; installed in a neat and workmanlike manner; having a completely solid area with no openings; and permanently maintained. The screening device shall not exceed four (4) feet in height within twenty-five (25) feet of a front street right-of-way.

5) To meet requirements of this section, the developer may use a combination of any two (2) materials allowed in this section to meet minimum height requirements.

(c) Screening of site features. Site features hereinafter shall be screened in accordance with (c) above.

1) Rear yards and service yards. Where the rear yard, side yard or service side of a nonresidential use is adjacent to a public thoroughfare and screening of the use is not specifically addressed elsewhere in this section, it shall be screened according to subsection (c) above.

2) Loading docks. Freight docks, service bays, loading docks, truck berths and heavy storage areas shall be screened from all abutting uses, except when the abutting use is determined to be of equal or greater intensity. The aforementioned areas shall be screened from all thoroughfares.

3) Outdoor storage area. Outdoor storage of merchandise, equipment or materials, which is essential or incidental to the use and which is not on temporary display for the purpose of being immediately available for sale to the public at large, shall be screened from all public thoroughfares and abutting uses. Stored merchandise shall not exceed the height of the screening device.

4) Refuse areas. All refuse areas shall be screened on three sides. Gates are not required.

5) Ground-mounted equipment. All ground-mounted equipment including, but not limited to, pad-mounted transformers, telephone switch boxes and gas meters, shall be reasonably screened or located away from the view of public thoroughfares and from the view of adjacent properties. Whenever possible, appurtenances for utility services shall be installed at the rear of the structure which they service.

(8) Glare and illumination.

(a) Parking area lighting. Standard, poles and fixtures shall be of a single color, compatible with the architecture of the building. All lighting fixtures shall be restricted to down-lighting or cut-off types.

(b) Walkway lighting. Walkway lighting with standard, pole, bollard and wall-mounted fixtures are allowed.

(c) Accent lighting. Floodlighting and spotlighting of architecture, features shall not create spillage of light onto adjacent properties.

(9) Utilities. No building shall have service wires or cable of any kind attached to the front fifty (50) percent of a building facing the highway and adjacent to the required front yard.

(10) Signs.

(a) The total area of building signage shall not exceed the following: For each one linear foot of primary building face (facade facing public street), three (3) square feet of wall sign is allowed up to a maximum. This maximum depends on the building footprint identified in the table below. A minimum of 100 square feet for small freestanding building is allowed. This means that a small building that does not have enough

frontage to get to 100 square feet may go to 100 square feet of building signage if desired. These signs can go on any wall but may not exceed the cumulative maximum square footage. If the lot on which the building is located has multiple right-of-way frontages, each street frontage shall be counted for purposes of determining attached sign allowance. The following defines the maximum sign area allowed based on the square footage of the building footprint:

Building Footprint (sq ft)	**Maximum Sign Area (sq ft)**
Less than 12,000	150
12,000–49,999	300
50,000 or more	600

(b) For each one linear foot of lease space facade, two (2) square feet of building sign is allowed with maximum of 200 sq. ft.

(c) To ensure separation between building signs, wall signage for lease spaces may not exceed 75% of the linear lease space facade width.

(11) Monument/ground signs.

(a) Signs may have a maximum 65 square foot face area and shall not exceed twelve feet in height. Minimum setback for signs shall be 25 feet from the highway right-of-way.

(b) Monument signs must include a landscaped, stone base feature. All monument sign bases shall be constructed of the same material as the front building facade on the same site or shall be compatible in design with stone or brick.

(12) Illuminated/electronic signs.

(a) Signs may be illuminated, but the source of light shall not be visible to traveled ways and the entire image or displayed text shall not be animated, intermittent, or flashing.

(b) A sign shall display static images for a period of at least eight seconds.

(c) Variable message signs shall not be animated, flash, travel, blink, fade, or scroll. Variable message signs shall transition instantaneously to another static image.

(d) A maximum of 55% of the overall sign area may be devoted to an electronic message sign.

(Ordinance 5983 adopted 9/6/16)

(e) Revolving signs shall not be permitted. (Ordinance 6385 adopted 5/17/21)

(f) A fuel pricing sign shall only reflect the most current price of fuel available for purchase at that location and must be a ground/monument sign. Only one pricing display is allowed per site.

(13) Connectivity. Access drives/aisles/access easements should be extended to the development's property boundary in order to provide for connectivity with future development(s).

(14) Procedures and notice.

(a) The Planning and Zoning commission shall review the specific elements of site and building plans for development within the overlay district development area for compliance with these standards and shall make a determination of approval or disapproval of the site plan as submitted.

(b) The Planning and Zoning commission shall review all exceptions and requests for variations to the development standards to determine compliance with the intent of the standards or to determine the necessity and appropriateness of the required exception or variation.

(c) If the Planning and Zoning commission denies any site plan, the same application may not be filed for a period of six (6) months from the date of such denial.

(d) Any applicant aggrieved by a decision of the Planning and Zoning commission may appeal the commission's action to the city council by filing a request for appeal with the city clerk within ten (10) days of the commission's decision. Such appeal shall be heard at a time convenient to the city council and to its procedures and practices for the scheduling of business before the council.

(Ordinance 5983 adopted 9/6/16)

Sec. 6.13.5. O-1.4 (State Highway 289) Overlay District.

(1) Introduction.

(a) The development of new and existing highways offers significant economic opportunities for the city and its citizens. Local highways provide easy access linkages within the city to nearby communities and to the entire U.S. highway system. The development standards will make the city a more desirable place to live and conduct business.

(b) It is important that the development of our highways be controlled through careful planning and foresight to achieve the greatest positive benefits for the city. The intent of the overlay district development area standards is to ensure that highway development occurs in a manner which promotes safety while presenting an attractive appearance and assures compatible land uses according to consistent design guidelines.

(Ordinance 5984 adopted 9/6/16)

(2) Intent and purpose.

(a) Design elements. Regulation of land use patterns has traditionally been the major tool used to shape the urban environment. The particular use that takes place at a certain location affects the design and specific development of land uses. In many cases, a particular use can be incompatible and offensive to its neighbors and the city as a whole, or, if carefully and properly designed, that same use can be an attractive and welcome activity.

This emphasis on how uses are designed and developed is the focus of the overlay district development standards. The following design elements statement of intent accompanies each element, the Planning and Zoning Commission may from time to time, when justified by certain circumstances or specific conditions, grant variances to these design elements.

(Ordinance 6385 adopted 5/17/21)

(b) Building design: Nonresidential. Design standards for nonresidential buildings shall ensure that the design, color, materials and basis for proportion of structures within the overlay district development area are harmonious with the intent of the ordinance.

(c) Building placement: Nonresidential. Visual continuity and compatibility shall be achieved through the appropriate placement of buildings and related site features, such as parking and loading areas.

(d) Landscaping. Landscaping standards are used to promote a flexible framework of planting and green areas that enhance and safeguard property values while aiding in erosion control, noise abatement, glare and reflection control, buffering between land uses of different character and atmospheric purification.

(e) Screening. Required screening shall accomplish visual screening of the site, noise attenuation, and a barrier to vehicular traffic between nonresidential and residential uses, and service as a psychological separation between uses which encourages the peace and repose of residents. Toward this goal, landscaping shall be used to break up the view and to aesthetically enhance screening devices.

(f) Glare and illumination. Site lighting is to provide safety and security and enhance the architectural and natural features of this site. Glare and illumination standards shall ensure that the mechanisms providing light do not negatively impact on the appearance of the site and ensure that light is contained to the extent that adjacent areas are not detrimentally affected.

(3) Boundary areas.

(a) Area boundaries. Overlay district development areas are those areas inside the city limits and adjacent to State Highway 289 and being five hundred (500) feet on either side of said right-of-way of State Highway 289. The overlay applies to commercial and multifamily developments only.

(Ordinance 5984 adopted 9/6/16)

(b) Compliance required. All commercial and multifamily property within the boundaries of the overlay district development areas shall adhere to the overlay district development standards and shall be subject to site plan approval by the Planning and Zoning Commission.

(c) Action on application. Upon receipt of a request for building permit, zoning change or subdivision plat within the designated overlay district development area, the applicant will receive a copy of the overlay district development standards and counseling as to their applicability and the review process. The Planning and Zoning Commission shall review the plans for compliance with the development standards and make a determination of approval or disapproval as submitted.

(4) Nonresidential and multifamily building design.

(Ordinance 6385 adopted 5/17/21)

(a) General provisions. All nonresidential buildings shall comply with the zoning ordinance, building code and related construction codes of the city. (Ordinance 5984 adopted 9/6/16)

(b) Exterior walls. Building materials must be specified and consistent with the intent of these standards. Wall finishes shall be masonry, or masonry veneer, or concrete siding. A complete set of elevation plans and schedule of materials used on every freestanding building shall be submitted to the Planning and Zoning Commission. (Ordinance 6385 adopted 5/17/21)

1) Exterior walls.

a) All buildings and structures shall have at least 85% of the total exterior walls, excluding doors and windows, constructed of masonry or glass wall construction, in accordance with the City Building Regulations Code and Fire Prevention and Protection Code. No blank walls shall face public streets.

b) The following primary material list shall apply:

i) Masonry consisting of stone, cultured or cast stone

ii) Brick or brick veneer

iii) Tile

iv) Stucco

v) Architecturally finished block

vi) Architectural glass (less than 27% reflectance)

c) A maximum of 15% of the facade may include accent materials not listed on the approved primary material list. All requests for alternative exterior building materials shall be noted and described on a Site Plan with elevation drawings to be submitted to the Planning and Zoning Commission for approval.

2) Exterior colors. These guideline recommendations are consistent with other example corridors with the intent of creating complementary building design.

a) A minimum of 80 percent of all building elevations shall be finished with complimentary neutral, cream, or deep, rich, non-reflective earth tone colors.

b) No more than 20 percent of any building elevation may be finished with bright, pure tone primary or secondary colors. These colors shall be limited to use on accent features including, but not limited to window and door frames, moldings, cornices, canopies, and awnings.

3) All nonresidential buildings shall be architecturally finished on all sides with the same materials and detailing. The rear facade of a building, which is not visible to a public right-of-way, park or residential district, shall not be required to comply with this requirement.

4) Additional architectural features (minimum 4 features). All buildings shall have at least four architectural features from the following list:

* Canopies, awnings, or porticos

* Recesses/projections

* Arcades (recessed porches)

* Peaked roof forms

* Arches

* Outdoor patios

* Display windows

* Architectural details (such as tile work and moldings) integrated into the building facade

* Articulated cornice line

* Integrated planters or wing walls that incorporate landscape and sitting areas

* Offsets, reveals or projecting rib used to express architectural or structural bays

* Accent materials, such as stone, stucco, etc. (minimum 15% of exterior facade)

* Varied roof heights

5) Other required or optional features may include:

a) Entryway features.

i) All ground floor entrances shall be covered or inset and shall not apply to loading areas. Primary building entrances are to be defined and articulated with architectural elements such as arcades, roofs, alcoves, columns, porticos, porches, and overhangs.

b) Building articulation.

i) All buildings shall utilize facade offsets and appropriate fenestration to add architectural variation and visual interest to an elevation and to break up long uninterrupted walls or elevations.

ii) At a minimum, elevations that are 50 feet or longer in horizontal length shall be interrupted by at least two offsets (projection or recess) from the primary facade plane of at least 18 inches in depth.

c) Roof treatment.

i) Long uninterrupted rooflines and planes that are visible from the public right-of-way or are oriented to properties zoned or used for residential purposes shall be broken into smaller segments through the use of appropriately scaled gables and/or dormers, changes in height, changes in roof form, type, or planes which typically correspond to offsets in the building's facade, or other appropriate architectural elements.

ii) The following materials are allowed for sloping roofs:

(1) Asphalt shingles

(2) Industry approved synthetic shingles

(3) Standing seam metal

(4) Tile roofs

(5) Flat roofs shall require parapet screening which adheres to the vertical articulation requirements for the main face of the structure. Parapet rooflines shall feature a well-defined cornice treatment or another similar architectural element to visually cap each building elevation.

iii) The following materials are prohibited as primary cladding or roofing materials: aluminum siding or cladding, galvanized steel or other bright metal, wood or plastic siding, cementitious fiberboard, unfinished concrete block, exposed aggregate, wood roof shingles, and reflective glass.

(c) Fire escapes. Exterior fire escapes shall not be permitted on the front side of a building.

(d) Mechanical equipment. Exposed duct shall not be permitted on any side of the building visible from the highway.

(e) Retaining wall. Visible portions of retaining walls shall be constructed of brick, stone, marble or the built-up panels of these materials designed for exterior use. Retaining walls shall be shown on the site plan and elevations shall be provided. Exposed basket type retaining walls shall not be permitted.

(5) Nonresidential and multifamily building placement.

(a) Setbacks from property lines adjacent to streets. No structure of any kind or any part thereof shall be placed within the following setback lines, except with approval by variance where parcels are of an irregular shape such that development in accordance with these setbacks is not feasible.

1) Forty (40) feet from the highway right-of-way.

2) Fifteen (15) feet from right-of-way of all other streets intersecting with the highway.

3) On premises signs that are 12 feet or less in height may have a 25' setback from

S.H. 289. (see Subsection 10)

(b) Setbacks from property lines not adjacent to streets. No structure of any kind or any part thereof shall be placed within the following setback lines:

1) Five (5) feet from rear and side property lines.

2) Forty (40) feet from any R (residential) zoned property for single-story buildings not exceeding thirty (30) feet in height;

3) All other buildings shall be set back from residential district lines not less than twice the height of the highest point on the building above grade. No setback shall be required in excess of one hundred (100) feet.

(Ordinance 5984 adopted 9/6/16)

(c) Parking areas. Parking areas and driveways shall be concrete and with curb and gutter along state highways adjacent to open drainage areas. Alternative parking materials may be used to reduce impervious cover when parking is provided that exceeds city requirements and approved by the Planning and Zoning Commission. Cross access driveways are required adjacent to commercial zoned tracts. (Ordinance 6385 adopted 5/17/21)

(6) Landscaping.

(a) Landscaping definition. Landscaping shall be defined, for the purposes of these requirements, as plant material including, but not limited to, grass, trees, shrubs, flowers, vines and other ground cover, natural land forms, water forms, planters, walks and plaza areas.

(b) Site definition. Site shall be defined, for the purposes of these guidelines, as any plot, tract or parcel of land or combination of contiguous lots, tracts or parcels of land which is developed (or intended for development) according to an overall site plan. A site shall be exclusive of any land dedicated for public use through the platting process.

(c) Compliance. Landscaping shall conform to the following:

1) Landscaping shall be required on all developments and shall be completed prior to the issuance of the certificate of occupancy. All detention ponds shall be landscaped.

2) Every site adjacent to the highway right-of-way shall include a buffer strip, landscaped and irrigated, being ten (10) feet in depth adjacent to the highway right-of-way.

3) All landscaping shall be installed so as to avoid hazards.

4) An effort shall be made to preserve existing trees.

(7) Screening. Screening of site features:

(a) Detention areas and drainage channels. A visual screen shall separate and screen all stormwater detention or retention facilities from view from any adjacent street and any adjoining or contiguous property, except for penetrations for required access. The visual screen shall comply with the following standards:

1) Minimum required screening. Minimum required screening shall achieve an opaque visual screen to a height of no less than 4 feet nor greater than 6 feet using the materials listed below.

2) Materials. The visual screen may be formed through the retention of existing vegetation, the planting of new vegetation, the creation of planted hedge, the construction of a fence or wall or earthen berm, or any combination of these approaches.

a) Fencing or masonry walls - Fences and masonry walls shall present a finished and decorative appearance. Shrubs, ground covers, or other vegetation shall be provided in front of the fence or wall so as to provide a decorative effect, in accordance and with the adopted landscaping standards for spacing, location and design. Wooden and woven wire fences shall not be used.

b) Planted materials or natural vegetation - Any combination of existing and newly planted vegetation may be used that can reasonably be expected to create an opaque evergreen visual screen 4 feet high within two growing seasons.

c) Earthen berms - When using an earthen berm, the maximum side slope shall not exceed 50% (1 foot of vertical rise to 2 feet of horizontal run) with a minimum crown width of two feet. The berm shall be planted with ground cover, shrubs, trees or other landscaping materials to achieve a total screening height of 4 feet.

(b) Screening of nonresidential uses from residential uses. Side yards, rear yards and service sides of nonresidential uses abutting residential uses shall be screened. Mechanical, utility, and service facilities shall be screened on three sides. Gates are not required.

(c) Screening height. Screening height shall be a minimum of four (4) feet above the grade at the property line of abutting residential uses.

1) In cases of extreme height differential, the following guidelines apply: Adjust screening height requirements or alter material requirement (e.g., including, but not limited to, the use of canopy forming trees where the nonresidential use is at a much lower grade than the residential use).

2) All landscaping shall be installed so as to avoid hazards.

(d) Materials and methods. The materials and methods used in screening under this section shall conform to the following:

1) Masonry walls shall be defined as an exterior wall consisting of brick, stone, rock, marble, or the built-up panels of these materials designed for exterior use.

2) Earthen berms shall have a maximum side slope of 3:1 and shall be entirely vegetated with turf or ground cover.

3) Evergreen shrubs of sufficient height when used alone, or in conjunction with other material, shall meet the minimum height requirements of this section.

4) Privacy fences shall consist of wood or masonry fence material. Line fences used for screening within an O-1 District shall not be less than four (4) feet in height; constructed of wood, stone, brick, concrete block or other suitable material customarily used in residential landscaping; installed in a neat and workmanlike manner; having a completely solid area with no openings; and permanently maintained. The screening device shall not exceed four (4) feet in height within twenty-five (25) feet of a front street right-of-way.

5) To meet requirements of this section, the developer may use a combination of any two (2) materials allowed in this section to meet minimum height requirements.

(e) Screening of site features. Site features hereinafter shall be screened in accordance with subsection (c) above.

1) Rear yards and service yards. Where the rear yard, side yard or service side of a nonresidential use is adjacent to a public thoroughfare and screening of the use is not specifically addressed elsewhere in this section, it shall be screened according to subsection (c) above.

2) Loading docks. Freight docks, service bays, loading docks, truck berths and heavy storage areas shall be screened from all abutting uses, except when the abutting use is determined to be of equal or greater intensity. The aforementioned areas shall be screened from all thoroughfares.

3) Outdoor storage area. Outdoor storage of merchandise, equipment or materials, which is essential or incidental to the use and which is not on temporary display for the purpose of being immediately available for sale to the public at large, shall be screened from all public thoroughfares and abutting uses. Stored merchandise shall not exceed the height of the screening device.

4) Refuse areas. All refuse areas shall be screened on three sides. Gates are not required.

5) Ground-mounted equipment. All ground mounted equipment including, but not limited to, pad-mounted transformers, telephone switch boxes and gas meters, shall be reasonably screened or located away from the view of public thoroughfares and from the view of adjacent properties. Whenever possible, appurtenances for utility services shall be installed at the rear of the structure which they service.

(8) Glare and illumination.

(a) Parking area lighting. Standard, poles and fixtures shall be of a single color, compatible with the architecture of the building. All lighting fixtures shall be restricted to down-lighting or cut-off types.

(b) Walkway lighting. Walkway lighting with standard, pole, bollard and wall-mounted fixtures are allowed.

(i) Accent lighting. Floodlighting and spotlighting of architecture, features shall not create spillage of light onto adjacent properties.

(9) Utilities. No building shall have service wires or cable of any kind attached to the front fifty (50) percent of a building facing the highway and adjacent to the required front yard.

(10) Signs.

(a) The total area of building signage shall not exceed the following:

For each one linear foot of primary building face (facade facing public street), three (3) square feet of wall sign is allowed up to a maximum. This maximum depends on the building footprint identified in the table below. A minimum of 100 square feet for small freestanding building is allowed. This means that a small building that does not have enough frontage to get to 100 square feet may go to 100 square feet of building signage if desired. These signs can go on any wall but may not exceed the cumulative maximum square footage. If the lot on which the building is located has multiple right-of-way frontages, each street frontage shall be counted for purposes of determining attached sign allowance. The following defines the maximum sign area allowed based on the square footage of the building footprint:

Building Footprint (sq ft)	**Maximum Sign Area (sq ft)**
Less than 12,000	150
12,000–49, 999	300

50,000 or more	600

(b) For each one linear foot of lease space facade, two (2) square feet of building sign is allowed with maximum of 200 sq. ft.

(c) To ensure separation between building signs, wall signage for lease spaces may not exceed 75% of the linear lease space facade width.

(11) Monument/ground signs.

(a) Signs may have a maximum 65 square foot face area and shall not exceed twelve feet in height. Minimum setback for signs shall be 25 feet from the highway right-of-way.

(b) Monument signs must include a landscaped, stone-base feature. All monument sign bases shall be constructed of the same material as the front building facade on the same site or shall be compatible in design with stone or brick.

(12) Illuminated/electronic signs.

(a) Signs may be illuminated, but the source of light shall not be visible to traveled ways and the entire image or displayed text shall not be animated, intermittent, or flashing.

(b) A sign shall display static images for a period of at least eight seconds.

(c) Variable message signs shall not be animated, flash, travel, blink, fade, or scroll. Variable message signs shall transition instantaneously to another static image.

(d) A maximum of 55% of the overall sign area may be devoted to an electronic message sign.

(e) Revolving signs shall not be permitted.

(f) A fuel pricing sign shall only reflect the most current price of fuel available for purchase at that location and must be a ground/monument sign. Only one pricing display is allowed per site.

(13) Connectivity. Access drives/aisles/access easements should be extended to the development's property boundary in order to provide for connectivity with future development(s).

(Ordinance 5984 adopted 9/6/16)

(14) Procedures and notice.

(a) The Planning and Zoning Commission shall review the specific elements of site and building plans for development within the overlay district development area for compliance with these standards and shall make a determination of approval or disapproval of the site plan as submitted.

(b) The Planning and Zoning Commission shall review all exceptions and requests for variations to the development standards to determine compliance with the intent of the standards or to determine the necessity and appropriateness of the required exception or variation.

(c) If the Planning and Zoning Commission denies any site plan, the same application may not be filed for a period of six (6) months from the date of such denial.

(d) Any applicant aggrieved by a decision of the Planning and Zoning Commission may appeal the commission's action to the city council by filing a request for appeal with the city clerk within ten (10) days of the commission's decision. Such appeal shall be heard at a time convenient to the city council and to its procedures and practices for the scheduling of business before the council.

(Ordinance 6385 adopted 5/17/21)

Sec. 6.13.6. College Park Overlay District

(1) Introduction.

(a) The College Park Overlay District, at the request of Austin College, contains minimum standards for new construction in the Austin College Community. The College Park Overlay District recognizes the special location, architectural character and land use mix of the college park neighborhood and establishes appropriate standards for uses with the district. The overlay district is designed to help protect the private property values and public investments in and near the college park neighborhood, to reduce conflicts between new construction and existing development in the existing neighborhood, and to preserve the area's special character. The district promotes mixing of land use to foster a livable community of residential, commercial and cultural uses and encourages pedestrian access within the college park neighborhood and provides connectivity to adjacent neighborhoods and the Central Business District. The district also respects socioeconomic diversity by encouraging a variety of home styles and sizes that are sympathetic to the neighborhood's historical diversity of design and fosters a cooperative atmosphere in the college park neighborhood between the City of Sherman, Austin College and private landowners to jointly realize the potential of the district. The College Park Overlay District development standards will make the city a more desirable place to live and conduct business.

(b) It is important that the development of the College Park Area supports careful planning and foresight to achieve the greatest positive benefits for the city. The intent of the College Park Overlay District development area standards is to ensure that the development occurs in a manner which promotes safety while presenting an attractive appearance and assures compatible land uses according to consistent design guidelines.

(Ordinance 6193 adopted 3/18/19)

(2) Intent and purpose.

(a) Design elements. Regulation of land use patterns has traditionally been the major tool used to shape the urban environment. The particular use that takes place at a certain location affects the design and specific development of land uses. In many cases, a particular use can be incompatible and offensive to its neighbors and the city as a whole, or, if carefully and properly designed that same use can be an attractive and welcome activity. This emphasis on how uses are designed and developed is the focus of the College Park Overlay District development standards. The following design elements are addressed by the standards. A statement of intent accompanies each element, the Planning and Zoning Commission may from time to time, when justified by certain circumstances or specific conditions, grant variances to these design elements. (Ordinance 6385 adopted 5/17/21)

(b) Building design. Design standards for buildings should ensure that the design, color, materials, and basis for proportion of structures within the College Park Overlay District development area are harmonious with the intent of the ordinance.

(c) Screening. Required screening should accomplish visual screening of the site, noise attenuation, and a barrier to vehicular traffic between nonresidential and residential uses, and serve as a psychological separation between uses which encourages the peace and repose of residents.

(d) Glare and illumination. Site lighting is to provide safety and security and enhance the architectural and natural features of the site. Glare and illumination standards should ensure that the mechanisms providing light do not negatively impact the appearance of the site and ensure that light is contained to the extent that adjacent areas are not detrimentally affected.

(3) Boundary areas.

(a) Area boundaries. College Park Overlay District development areas are those areas

bounded as follows:

East: Harrison Street (from Pecan Street to Old Settlers Park)

North: Along the Railroad Tracks to the back of Old Settlers Park creating a natural boundary curving down to College Street.

West: Montgomery Street (from College to Pacific Street).

South: Pacific Street from Montgomery to Lee, south to Pecan, east on Pecan to Harrison Street.

(b) Compliance required. All property within the boundaries of the College Park Overlay District development areas shall adhere to the overlay district development standards.

(c) Action on application. Upon receipt of a request for building permit, zoning change or subdivision plat within the College Park Overlay District development area, the applicant will receive a copy of the overlay district development standards and counseling as to their applicability and the review process.

(4) Building design.

(a) General provisions. All buildings shall comply with the zoning ordinance, building code and related construction codes of the city.

(Ordinance 6193 adopted 3/18/19)

(b) Exterior walls. On new construction, building materials must be specified and may be permitted when such materials are 60% masonry, hardy board or concrete fiber board and consistent with the intent of these standards. A complete set of elevation plans and schedule of wall and roof colors and finishes used on every freestanding building shall be submitted to the Director of Development Services. (Not required for maintenance of or additions to existing nonconforming structures.) (Ordinance 6385 adopted 5/17/21)

(c) All new residential structures shall have a minimum 1,200 square foot living area, except patio homes authorized by a specific use permit.

(d) Carports are prohibited.

(e) Detached garages are permitted when architecturally designed to be compatible with historically significant and period style homes.

(5) Screening, Privacy Fences.

(a) Screening of nonresidential uses from residential uses. Side yards, rear yards and service sides of nonresidential uses abutting residential uses shall be screened.

(b) Screening height. Screening height shall be a minimum of four (4) feet above the grade at the property line of abutting residential uses.

(A) In cases of extreme height differential, the following guidelines apply: Adjust screening height requirements or alter material requirement (e.g., including, but not limited to, the use of canopy forming trees where the nonresidential use is at a much lower grade than the residential use).

(B) All landscaping shall be installed so as to avoid hazards.

(c) Materials and methods. The materials and methods used in screening under this section shall conform to the following:

(A) Masonry walls shall be defined as an exterior wall consisting of brick, stone, rock, marble or the built-up panels of these materials designed for exterior use.

(B) Earthen berms shall have a maximum side slope of 3:1 and shall be entirely vegetated with turf or ground cover.

(C) Evergreen shrubs of sufficient height when used alone, or in conjunction with

other material, shall meet the minimum height requirements of this section.

(Ordinance 6193 adopted 3/18/19)

(D) Privacy fences shall consist of wood or masonry fence material. Line fences used for screening within an O-1 District shall not be less than four (4) feet in height; constructed of wood, stone, brick, concrete block or other suitable material customarily used in residential landscaping; installed in a neat and workmanlike manner; having a completely solid area with no openings; and permanently maintained. The screening device shall not exceed four (4) feet in height within twenty-five (25) feet of a front street right-of-way. Wire, chain link and corrugated fencing materials are not allowed. (Ordinance 6385 adopted 5/17/21)

(E) To meet requirements of this section, the developer may use a combination of any two (2) materials allowed in this section to meet minimum height requirements.

(6) Glare and illumination.

(a) Parking area lighting. Standards, poles and fixtures shall be of a single color, compatible with the architecture of the building. All lighting fixtures shall be restricted to down-lighting or cut-off types.

(b) Walkway lighting. Walkway lighting with standard pole, bollard and wallmounted fixtures are allowed.

(c) Accent lighting. Floodlighting and spotlighting of architecture, graphics or natural features shall not create spillage of light onto adjacent properties.

(7) Signage.

(a) Maximum face area is 16 square foot.

(b) Maximum height is 4 foot.

(c) Off-premises signs are prohibited

(8) Permitted and Specific Uses.

(a) Uses:

(A) No permitted or specific use in the College Park Overlay District may include drive-through facilities, gas pumps or canopies.

(B) Permitted Uses. Within the College Park Overlay District, the following uses are permitted in any zoning district.

(i) Residential & Educational:

Single-family dwellings

Colleges and Universities

(C) Specific Uses. With the College Park Overlay District, the following uses are permitted as Specific Use Permits in residential zones under the provisions of this article. Limitations on the size of certain uses are as stated below:

(i) Neighborhood & Community Service.

Arts/cultural center or exhibit hall

Bed and breakfast/historic inn

Charitable/religious institutions

Community center/house

Dance studio

Health care hospitality

Health club/fitness center

Parks

Patio Homes

Place of worship

Preschool & Day care centers, small and large

(ii) Medical/General Offices:

General offices

Medical and dental offices/services

Medical and other records storage

Medical offices

(iii) Ancillary/Retail/Neighborhood Uses allowed only on the first floor and up to a maximum of 3500 square feet of gross floor area per use:

Food store/convenience store excluding the sale of gasoline

General retail

Pharmacy

Research and development facilities

Restaurant/bakery/cafe

Retail bank/ATMs

Scientific and medical research labs

Technical and medical equipment development and/or services

(Ordinance 6193 adopted 3/18/19)

(9) Procedures and notice.

(a) The Planning and Zoning Commission shall review the specific elements of site and building plans for all commercial development within the College Park Overlay District development area for compliance with these standards and shall make a determination of approval or disapproval of the site plan as submitted.

(b) The Planning and Zoning Commission shall review all exceptions and requests for variations to the development standards to determine compliance with the intent of the standards or to determine the necessity and appropriateness of the required exception or variation.

(c) If the Planning and Zoning Commission denies any site plan, the same application may not be filed for a period of six (6) months from the date of such denial.

(d) Any applicant aggrieved by a decision of the Planning and Zoning Commission may appeal the commission's action to the city council by filing a request for appeal with the city clerk within ten (10) days of the commission's decision. Such appeal shall be heard at a time convenient to the city council and to its procedures and practices for the scheduling of business before the council.

(Ordinance 6385 adopted 5/17/21)

Sec. 6.13.7. Blalock Commercial Overlay District

(1) Introduction.

(A) The development of the Blalock Commercial Overlay District offers significant

economic opportunities for the City of Sherman and its citizens. It is imperative that this unique entry to the city be protected by quality development standards. This district is in compliance with the Comprehensive Master Plan Future Land Use Map and the Implementation Section: Prudent use of Development Regulations.

(B) Careful planning and foresight is important to achieve and provide the greatest benefits for the City of Sherman. The intent of the Blalock Commercial Overlay District Standards is to insure the area develops in a manner that provides an attractive appearance and assures compatible land uses within consistent design guidelines.

(C) The Blalock Commercial Overlay District will consist of highway frontage in the Blalock Industrial Park at Heritage Parkway and nearby tracts that form the south gateway to the city.

(Ordinance 5638 adopted 2/15/10)

(2) Intent. To create a regional image for retail/commercial developments within and around the Blalock Commercial Overlay District. These guidelines are to help owners, developers, designers, architects, and builders by providing design criteria that will coordinate the image, character and quality of the entire development and ensure the aesthetic value and visual appeal of nonresidential land uses in the overlay district. (Ordinance 6385 adopted 5/17/21)

(A) Multiple buildings in commercial centers: To achieve unity between buildings in a commercial development of more than one building, all buildings in such a development shall employ a similar theme, and color palette.

(3) *Applicability*. These provisions shall apply to all retail and commercial development within Blalock Commercial Overlay District.

(4) *Establishment of Blalock Commercial Overlay District*.

(A) For the purpose of promoting the public health, safety, morals, and general welfare in the City of Sherman:

(B) There is hereby, for the purposes of convenience, denominated "Blalock Commercial Overlay District" the following area described by metes and bounds as follows:

SITUATED in the City of Sherman, County of Grayson, State of Texas, being a part of the PRESTON KITCHENS SURVEY, Abstract No. 667, the SHERROD DUNMAN SURVEY, Abstract No. 329 and the ELIZABETH JONES SURVEY, Abstract No. 625 and being more particularly described by metes and bounds as follows to wit:

BEGINNING at the Southeast corner of a 97.64 acre tract of land described in Tract One in deed from Rabin Worldwide, Inc., et al to Actichem L.P., dated June 21, 2005, recorded in Volume 3880, Page 138, Official Public Records, Grayson County, Texas, the Southwest corner of a 130.48 acre tract of land described in deed form [from] Rabin Worldwide, Inc., et al to Shafer Plaza XLII, Ltd., dated March 28, 2005, recorded in Volume 3842, Page 40, Official Public Records, Grayson County, Texas, on the North right-of-way line of F.M. Highway No. 1417;

THENCE in a Northerly direction with the East line of said Actichem 97.64 acre tract, the West line of said Shafer 130.48 acre tract, the following calls and distances:

North 17 deg. 57 min. 51 sec. West, a distance of 541.99 feet;

North 11 deg. 37 min. 37 sec. East, a distance of 541.99 feet;

North 44 deg. 54 min. 41 sec. West, a distance of 493.45 feet;

North 13 deg. 29 min. 05 sec. West, a distance of 2190.59 feet to the Northeast corner of said 97.64 acre tract, a Southeast corner of a 1140.06 acre tract of land described in Tract One in deed from W. C. Pickens, Jr. to Sherman Hills County Club, Ltd., dated May 17, 2002, recorded in Volume 3265, Page 890, Official Public Records, Grayson

~~County, Texas;~~

~~THENCE North 14 deg. 26 min. 23 sec. West, continuing with the West line of said Shafer 130.48 acre tract, an East line of said 1140.06 acre tract, a distance of 468.97 feet to the Northwest corner of said 130.48 acre tract, an ell corner of said 1140.06 acre tract;~~

~~THENCE North 75 deg. 38 min. 03 sec. East, with a North line of said 130.48 acre tract, a South line of said 1140.06 acre tract, a distance of 867.16 feet to an ell corner of the herein described tract, at a point 500 feet West of and perpendicular to the West right-of-way line of U.S. Highway No. 75;~~

~~THENCE in a Northerly direction 500 feet West of and parallel with the West right-of-way line of said U.S. Highway No. 75, the following calls and distances:~~

~~With a curve to the right having a radius of 3945.71 feet, (chord bears North 04 deg. 35 min. 05 sec. East, 566.30 ft.), a distance of 566.79 feet to the end of said curve;~~

~~North 08 deg. 42 min. 00 sec. East, crossing a South line of Sherman Hills Country Club Addition, Golf Course Tracts to the City of Sherman, Texas as shown by plat of record in Volume 17, Pages 71 & 72, Plat Records, Grayson County, Texas and continuing for a total distance of 1199.86 feet to a point;~~

~~North 02 deg. 29 min. 14 sec. East, a distance of 166.77 feet to a point;~~

~~With a curve to the left having a radius of 3154.72 feet, (chord bears North 02 deg. 14 min. 29 sec. East, 433.48 ft.), a distance of 433.82 feet to the end of said curve;~~

~~North 17 deg. 36 min. 44 sec. West, a distance of 154.38 feet to a point;~~

~~North 02 deg. 50 min. 00 sec. West, a distance of 168.45 feet to a point;~~

~~THENCE North 87 deg. 10 min. 00 sec. East, crossing a North line of said Sherman Hills Country Club Addition, Golf Course Tracts, the South line of an 0.981 acre triangular tract of land described as Tract No. 2 in deed from William P. Lee, et ux to William P. Lee and Betty Lou Lee, Trustees of the William P. Lee and Betty Lou Lee Revocable Living Trust by deed dated May 8, 1997, recorded in Volume 2548, Page 19, Official Public Records, Grayson County, Texas and continuing for a total distance of 500.00 feet to an angle point on the East line of said 0.981 acre tract, the West right-of-way line of said U.S. Highway No. 75, at highway station 817+38.7;~~

~~THENCE North 79 deg. 29 min. 51 sec. East, crossing said highway, a distance of 383.43 feet to an angle point in the East right-of-way line of said U.S. Highway No. 75, the West line of a 26.318 acre tract of land described in Tract No. 1 in said deed recorded in Volume 2548, Page 19, at highway station 817+89.87;~~

~~THENCE North 87 deg. 10 min. 00 sec. East, a distance of 500.00 feet to a point 500 feet East of and perpendicular to the East right-of-way line of said U.S. Highway No. 75;~~

~~THENCE in a Southerly direction 500 feet East of and parallel with the East right-of-way line of said U.S. Highway No. 75, the following calls and distances:~~

~~South 13 deg. 38 min. 47 sec. East, a distance of 159.91 feet to a point;~~

~~South 02 deg. 50 min. 00 sec. East, a distance of 149.32 feet to the beginning of a curve;~~

~~With a curve to the right having a radius of 4524.72 feet, (chord bears South 00 deg. 0 1 min. 04 sec. West, 450.15 ft.), a distance of 450.33 feet to a point in the center of Post Oak Creek and on the Southerly line of said Lee 26.318 acre tract;~~

~~THENCE in a Southeasterly direction with the center of said Post Oak Creek, the Southerly line of said 26.318 acre tract, the following calls and distances:~~

~~South 17 deg. 55 min. 00 sec. East, a distance of 113.24 feet to a point;~~

~~South 44 deg. 10 min. 00 sec. East, a distance of 232.88 feet to a point;~~

South 20 deg. 59 min. 00 sec. East, a distance of 279.56 feet to a point;

South 41 deg. 03 min. 00 sec. East, a distance of 105.88 feet to a point;

South 27 deg. 54 min. 00 sec. East, a distance of 173.45 feet to an angle point and a jog to the West in the West right-of-way line of old U.S. Highway No. 75, at highway station 800+00;

South 78 deg. 32 min. 13 sec. East, crossing said old highway 75 and continuing for a total distance of 127.19 feet to a point;

North 74 deg. 16 min. 00 sec. East, a distance of 52.20 feet to a point;

North 31 deg. 15 min. 00 sec. East, a distance of 275.80 feet to a point;

South 71 deg. 38 min. 00 sec. East, a distance of 103.00 feet to a point;

South 27 deg. 54 min. 00 sec. East, a distance of 458.30 feet to a point;

South 64 deg. 26 min. 00 sec. East, a distance of 22.79 feet to a point on a West line of a West line of a 221.867 acre tract of land conveyed by Stephen B. Gremmels to Pylon Farms, Inc. by deed dated October 11, 1965, recorded in Volume 1040, Page 518, Deed Records, Grayson County, Texas;

THENCE South 13 deg. 41 min. 11 sec. East, with a West line of said 221.867 acre tract, a distance of 1098.90 feet to an ell corner of said tract;

THENCE South 29 deg. 21 min. 33 sec. West, through said 221.867 acre tract, a distance of 1443.79 feet to the Northeast corner of an 0.939 acre tract of land conveyed by Windle Lee Golden, et ux to Richard J. Kalb, et ux by deed dated July 24, 1989, recorded in Volume 2049, Page 131, Real Property Records, Grayson County, Texas, the Southeast corner of a 4.256 acre tract of land conveyed by Leon H. Bloomer, et ux to Pylon Farms, Inc. by deed dated December 21, 1965, recorded in Volume 1054, Page 67, Deed Records, Grayson County, Texas, on a West line of said 221.867 acre tract;

THENCE South 14 deg. 08 min. 33 sec. East, with a West line of said 221.867 acre tract, the East line of said 0.939 acre tract, passing the Northwest corner of Constitution Village Addition, Section Two to the City of Sherman, Texas as shown by plat of record in Volume 4, Page 22, Plat Records, Grayson County, Texas and continuing for a total distance of 246.07 feet to the Southeast corner of said 0.939 acre tract;

THENCE South 14 deg. 37 min. 30 sec. East, continuing with a West line of said 221.867 acre tract, the West line of said Constitution Village Addition, Section Two, a distance of 443.34 feet to a point;

THENCE South 13 deg. 42 min. 08 sec. East, continuing with a West line of said 221.867 acre tract, the West line of said Constitution Village Addition, Section Two, passing its Southwest corner, the Northwest corner of Constitution Village Addition to the City of Sherman, Texas as shown by plat of record in Volume 3, Page 73, Plat Records, Grayson County, Texas and continuing with the West line of said Constitution Village Addition, passing its Southwest corner on the North right-of-way line of F.M. Highway No. 1417 and continuing for a total distance of 1698.56 feet to a point on the South right-of-way line of said F.M. Highway No. 1417, the North line of a 13.40 acre tract of land described in Correction Trustee's Deed from Robert W. Minshew, Trustee to Kennedy & Minshew Professional Corporation, dated September 2, 2003, recorded in Volume 3534, Page 461, Official Public Records, Grayson County, Texas;

THENCE South 75 deg. 46 min. 49 sec. West, with the South right-of-way line of said F.M. Highway No. 1417, the North line of said 13.40 acre tract, a distance of 120.40 feet to its Northwest corner;

THENCE South 13 deg. 46 min. 49 sec. East, with the West line of said 13.40 acre tract, a distance of 776.73 feet to a point;

~~THENCE South 13 deg. 30 min. 32 sec. East, continuing with the West line of said 13.40 acre tract, passing its Southwest corner, the Westerly Northwest corner of a 214.134 acre tract of land conveyed by Edward C. Greene, Trustee to Rolling Meadows Associates by deed dated September 28, 1984, recorded in Volume 1716, Page 384, Deed Records, Grayson County, Texas and continuing with the Westerly West line of said 214.134 acre tract for a total distance of 849.43 feet to the Northeast corner of a 25.229 acre tract of land described in Tract 2 indeed from Sherman Development Limited Partnership No. 1 to Sam H. Berry by deed dated October 1, 1993, recorded in Volume 2298, Page 258, Real Property Records, Grayson County, Texas;~~

~~THENCE South 74 deg. 56 min. 00 sec. West, with the North line of said 25.229 acre tract, a distance of 667.02 feet to its Northwest corner, on the East right-of-way line of said U.S. Highway 75;~~

~~THENCE in a Northerly direction with the East right-of-way line of said U.S. Highway 75, the following calls and distances:~~

~~North 09 deg. 47 min. 31 sec. West, a distance of 423.53 feet to highway station 737+00"R"~~

~~North 05 deg. 50 min. 32 sec. East, a distance of 155.77 feet to highway station 738+50"R";~~

~~North 09 deg. 48 min. 00 sec. West, a distance of 200.00 feet to highway station 740+50"R";~~

~~North 14 deg. 25 min. 28 sec. West, a distance of 293.96 feet to highway station 743+43"R";~~

~~THENCE South 74 deg. 29 min. 41 sec. West, crossing said U.S. Highway 75, a distance of 319.88 feet to the Southeast corner of an 0.7688 acre tract of land conveyed by Greater Sherman, Inc. to the City of Sherman, Texas by deed dated November 8, 1978, recorded in Volume 1455, Page 265, Deed Records, Grayson County, Texas, the Northeast corner of a 24.05 acre tract of land conveyed by Sherman Economic Development Corporation to the State of Texas by deed dated January 17, 2003 recorded in Volume 3454, Page 609, Official Public Records, Grayson County, Texas.~~

~~THENCE South 80 deg. 12 min. 00 sec. West, with the South line of said 0.7688 acre tract, a North line of said 24.05 acre tract, a distance of 184.80 feet to the Southwest corner of said 0.7688 acre tract, a Northwest corner of said 24.05 acre tract, on an East line of Northgate Technology Park Addition to the City of Sherman, Texas as shown by plat of record in Volume 12, Page 43, Plat Records, Grayson County, Texas;~~

~~THENCE in a Northerly direction with the West line of said 0.76887 acre tract, an East line of said Northgate Technology Park Addition, the following calls and distances:~~

~~North, a distance of 48.43 feet to a point;~~

~~North 06 deg. 48 min. 00 sec. East, a distance of 59.50 feet to a point;~~

~~North 06 deg. 00 min. 00 sec. West, a distance of 53.00 feet to a point;~~

~~North 57 deg. 37 min. 00 sec. West, a distance of 71.12 feet to the Northwest corner of said 0.7688 acre tract, the Easterly Northeast corner of said Northgate Technology Park Addition, on the South line of 75 and 1417 Addition to the City of Sherman, Texas as shown by plat of record in Volume 12, Page 92, Plat Records, Grayson County, Texas.~~

~~THENCE South 76 deg. 23 min. 44 sec. West, with the South line of said 75 and 1417 Addition, a North line of said Northgate Technology Park Addition, a distance of 38.20 feet to the Southwest corner of Lot Two, the Southeast corner of Lot One of said 75 and 1417 Addition;~~

~~THENCE in a Northerly direction with the East line of said Lot One, the West line of said Lot Two of 75 and 1417 Addition, the following calls and distances:~~

~~North 53 deg. 38 min. 37 sec. West, a distance of 60.71 feet;~~

~~North 43 deg. 07 min. 10 sec. West, a distance of 33.15 feet;~~

South 77 deg. 01 min. 50 sec. West, a distance of 119.26 feet;

North 57 deg. 03 min. 29 sec. West, a distance of 63.21 feet;

South 59 deg. 49 min. 33 sec. West, a distance of 59.56 feet;

North 69 deg. 45 min. 10 sec. West, a distance of 42.46 feet;

North 06 deg. 31 min. 27 sec. East, a distance of 32.18 feet;

North 32 deg. 52 min. 33 sec. West, a distance of 54.38 feet;

North 64 deg. 39 min. 19 sec. West, a distance of 110.97 feet;

North 45 deg. 30 min. 11 sec. West, a distance of 48.34 feet to the Northeast corner of said Lot One, the Northwest corner of said Lot Two on the North line of said 75 and 1417 Addition, the South right-of-way line of F.M. Highway 1417;

THENCE North 49 deg. 46 min. 52 sec. West, crossing said F.M. Highway 1417, a distance of 194.80 feet to a point on the North right-of-way line of said F.M. Highway 1417, the South line of the above mentioned Shafer 130.48 acre tract;

THENCE in a Westerly direction with the North right-of-way line of said F.M. Highway 1417, the South line of said 130.48 acre tract, the following calls and distances:

South 70 deg. 42 min. 26 sec. West, a distance of 200.49 feet;

South 74 deg. 58 min. 59 sec. West, a distance of 499.93 feet;

South 73 deg. 49 min. 20 sec. West, a distance of 207.88 feet to the PLACE OF BEGINNING and containing 428.74 ACRES OF LAND more or less.

(5) Permitted Uses. The uses listed below are permitted within the Blalock Commercial Overlay District in addition to the permitted uses of each specific zoning district.

Educational, Institutional, Public and Special Uses

Helistop

Household Care Facility

Museum/Art Gallery

Transportation, Utility and Communication Uses

Stealth Antenna, Commercial

Telephone Exchange

Office and Professional Uses

~~Administrative, Medical or Professional Office~~

~~Government Office~~

~~Insurance Office~~

~~Research and Development Center~~

~~Retail Uses Over 50,000 sq. ft.~~

~~Retail uses over 50,000 sq. ft. are permitted when authorized by a Specific Use Permit.~~

~~Retail Uses 50,000 sq. ft. and under~~

~~Alcoholic Beverage Establishment~~

~~Antique Shop and Used Furniture~~

~~Building Material and Hardware Sales, Major~~

~~Building Material and Hardware Sales, Minor~~

~~Convenience Store with Gas Pumps~~

~~Convenience Store without Gas Pumps~~

~~Equipment and Machinery Sales and Rental, Major~~

~~Equipment and Machinery Sales and Rental, Minor~~

~~Feed Store~~

~~Furniture, Home Furnishings and Appliance Store~~

~~Retail Stores and Shops~~

~~Restaurant or Cafeteria~~

~~Service Uses~~

~~Artisan's Workshop~~

~~Bank, Savings and Loan or Credit Union~~

~~Beauty Salon/Barber Shop~~

~~Business Service~~

~~Cabinet/Upholstery Shop~~

~~Contractor's Shop and/or Storage Yard (Inside)~~

~~Dry Cleaning, Major~~

~~Dry Cleaning, Minor~~

~~Furniture Restoration~~

~~Gunsmith~~

~~Gymnastics/Dance Studio~~

~~Health/Fitness Center~~

~~Household Appliance Service and Repair~~

~~Indoor Gun Range~~

~~Locksmith/Security System Company~~

~~Mortuary/Funeral Parlor~~

~~Print Shop Minor~~

~~Restaurant or Cafeteria~~

~~Restaurant, Drive-In~~

~~Small Engine Repair Shop~~

~~Veterinarian Clinic with Indoor Soundproof Kennels~~

~~Automobile and Related Uses~~

Auto Parts Sales, Inside

Automobile parking Lot/Garage

Automobile Repair, Major -No Outside Storage

Automobile Repair, Minor -No Outside Storage

Automobile Sales/Leasing, New

Automobile Sales, Used

Carwash

Motorcycle Sales/Service

Wholesale Uses

Bottling Works

Mini-Warehouse/Public Storage

Office/Showroom

Office/Warehouse/Distribution Center

Storage or Wholesale Warehouse

(6) Prohibited Uses.

Bulk Chemical & Petroleum Storage Terminals

Sexually Oriented Business

(7) Nonresidential Building Placement.

(A) 55.7' from ROW of Hwy 75 and Heritage Parkway

(B) 55.7" from ROW of other streets

(C) 55.7' from interior and rear property lines

(8) Signs. One freestanding sign per lot. Signs may have a maximum 65 square foot face area and shall not exceed twelve feet in height. Minimum setback for signs shall be 25 feet from the highway right-of-way.

(Ordinance 5638 adopted 2/15/10)

(9) Parking Areas. Parking areas and driveways shall be concrete and with curb and gutter along state highways adjacent to open drainage areas. Alternative parking materials may be used to reduce

impervious cover when parking is provided that exceeds city requirements and approved by the Planning and Zoning Commission. Cross access driveways are required adjacent to commercial zoned tracts. The number of parking spaces required for each use is determined by similar uses in Commercial and Manufacturing Districts. (Ordinance 6385 adopted 5/17/21)

(10) Landscaping.

(A) Landscaping definition. Landscaping shall be defined, for the purposes of these requirements, as plant material including, but not limited to, grass, trees, shrubs, flowers, vines and other ground cover, natural land forms, water forms, planters, walks and plaza areas.

(B) Site definition. Site shall be defined, for the purposes of these guidelines, as any plot, tract or parcel of land or combination of contiguous lots, tracts or parcels of land which is developed (or intended for development) according to an overall site plan. A site shall be exclusive of any land dedicated for public use through the platting process.

(C) Compliance. Landscaping shall conform to the following:

(i) Landscaping shall be required on all developments and shall be completed prior to the issuance of the certificate of occupancy. All detention ponds shall be landscaped.

(ii) Every site adjacent to the highway right-of-way shall include a buffer strip, landscaped and irrigated, being ten (10) feet in depth adjacent to the highway right-of-way.

(iii) All landscaping shall be installed so as to avoid hazards.

(iv) An effort shall be made to preserve existing trees.

ARCHITECTURAL DESIGN GUIDELINES

(11) Mandatory Site and Structure Provisions.

(A) Specific materials and color palette: To achieve unity between buildings in a commercial development of more than one building, all buildings in the subject development shall use a minimum of 10% of stone or faux stone for all street facing or publicly visible facades. All other building materials and colors should coordinate with and compliment this stone.

(B) Masonry requirements: All buildings shall be constructed with a minimum 60% masonry, exclusive of doors and windows. Masonry shall consist of brick, stone, stucco, simulated stone, or architecturally detailed & painted concrete tilt wall. Unpainted, integral color concrete masonry units are allowed as masonry, but are limited to maximum 50% of a street facing facade.

(C) Secondary materials: Secondary materials (maximum 40%) may be EIFS, stucco, wood, metal, or other approved material. Wood or vertical metal shall be limited to a maximum 15% of any building facade per material.

(D) Earth Toned Colors: At least 80% of facade is neutral, crème, or deep, rich, non-reflective natural or earth-toned colors, and no more than 1 color is used for visible roof surfaces.

(E) EIFS: the use of Exterior Insulated Finishing System (EIFS) is not allowed below eight (8) feet above finished grade.

(F) Glass: Windows shall have a maximum reflectivity of 20%. Pink and gold glass is not permitted.

(G) Mechanical unit screening: All mechanical equipment shall be screened from all public view. Screening must match building color and material. Ground-mounted mechanical units may be screened with an evergreen landscape screen.

(H) Exposed conduit, ladders, utility boxes, and drain spouts shall be painted to match the color of the building or an accent color.

(I) Trash and Recycling Collection Areas:

(1) Trash and recycling collection areas shall be located to minimize visibility.

(2) Trash, recycling receptacles, and trash compactors shall be screened with an eight foot masonry wall of a consistent color and material of the primary building.

(3) Enclosures shall be oriented so that the service opening does not face any public right-of-way or residentially zoned property where possible. The opening shall incorporate a metal gate to visually screen the dumpster or compactor. Concrete-filled steel bollards are required at the rear of the enclosure and in front of the enclosure to protect the gate hinges.

(4) Enclosures located in public areas must be screened with landscaping.

(5) All metal gates must not be allowed to swing into the drive aisle or fire lane.

(J) Loading Areas: All loading and service areas shall be screened from view from adjacent public streets and adjacent residential when possible. Screening shall be by walls compatible to the project design and landscaping.

(12) Design Elements. Each development must score a minimum of 6 points for buildings under 10,000 sf, 8 points for buildings 10,001-50,000 sf, and 10 points for buildings/developments 50,001 sf or above by implementing a choice/combination of the following design elements: (see Appendix A [of this subsection] for illustrations)

*Additions to existing buildings must be of similar design, and must meet the point score required for the building size of the addition.

**Applicant must submit a table with the architectural drawings enumerating the proposed points acquired for the development.

(Ordinance 5638 adopted 2/15/10)

Points:	**Element:**	**Description: (if necessary):**
4	Four-Sided Architecture	Building to be equally finished with a "front door" appearance on all four sides. Required masonry percentages to be met on each elevation.
3	Building Articulation	Building facades over 100' in length must have building offsets of at least 4' for a minimum of 25% of the facade. No wall plane may extend more than 100' without horizontal and vertical articulation. Building facades between 40-100' in length may have either horizontal or vertical articulation. Facade articulations/offsets shall be shown on the elevation drawings along with dimensions verifying that the elevations have met the above requirements as part of site plan submittal.

2	Porches	Covered areas with columns and sloped roof attached to the main facade of the structure. Must extend at least 6 feet beyond the main facade and across at least 15% of the facade.
1	Trellises	Trellis used to enhance an entry feature or as a shaded walkway.
2	Covered Walkways	An exterior walkway at least 6' in depth protected by the roof of the main structure, and across at least 15% of the facade.
3	Canopies/Awnings	Coverings of canvas, metal, or other material hung from the building facade to protect windows or door openings.
3	Roof Overhangs	Buildings that feature a pitched roof or partially pitched roof with overhang at least 4 feet beyond the primary facade.
4	Natural Materials	Use stone, simulated stone, stucco and/or brick, for at least 60% of facade (exclusive of doors and windows).

Points:	**Element:**	**Description: (if necessary):**
4	Pitched roof	Pitched roof covering 100% of the total roof area with a pitch of at least 3:12 and no visible flat roofline.
2	Gabled Elements	If a flat roof is used, gabled parapet walls are used to break up long facades.
3	Varied Roof Heights	Within a pitched roof, varied roof heights or dormers to break up the line of the roof.
2	Architectural Details in the building facade	i.e. ornamental brickwork, limestone window/door lintels, etc.

1	Decorative Paving at sidewalks	Pavers or decorative concrete for min. 10% of total walkways.
1	Site Amenities	Outdoor seating, patio areas, fountains, or decorative light fixtures.
1	Public sculpture/artwork	Point validity to be determined by the Planning and Zoning Commission.
2	Enhanced Landscape	Provide a minimum increase of 25% in the number of trees, shrubs, and ornamental plantings required by city ordinance.

(Ordinance 5638 adopted 2/15/10; Ordinance 6385 adopted 5/17/21)

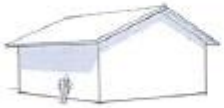
Appendix A

Porch

Trellis

Covered Walkway

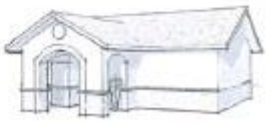
Canopies/Awnings



Roof Overhang

Gabled Elements

Varied Roof Heights



Architectural Details

Appendix B

~~Architectural Examples~~

PORCHES
Covered areas with columns and sloped roof attached to the main façade of the structure. Must extend at least 6 feet beyond the main facade and across at least 15% of the facade.

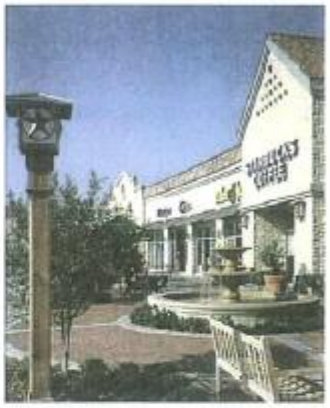
Four-Sided Architecture Building to be equally finished with a "quality" appearance on all four sides. Required masonry perventages to be met on each elevation.

BUILDING ARTICULATION

Building facades over 100' in length must have building offsets of at least 4' for a minimum of 25% of the façade. No wall plane may extend more than 100' without horizontal and vertical articulation. Building facades between 40-100' in length may have either horizontal or vertical articulation.

Facade articulations/offsets shall be shown on the elevation drawings along with dimensions verifying that the elevations have met the above requirements as part of Architectural Review submittal.

ROOF OVERHANGS
Buildings that feature a pitched roof or partially pitched roof with overhang at least 4 feet beyond the primary facade.



NATURAL MATERIALS

Use stone, simulated stone, and/or brick, for at least 60% of facade (exclusive of doors and windows).

PITCHED ROOF

Pitched roof covering 100% of the total roof area with a pitch of at least 3:12 and no visible flat roofline.

GABLED ELEMENTS If a flat roof is used, gabled parapet walls are used to break up long facades.

VARIED ROOF HEIGHTS

Within a pitched roof, varied roof heights or dormers to break up the line of the roof.

DECORATIVE PAVING

Pavers or decorative concrete for min. 10% of total walkways.

SITE AMENITIES

Outdoor seating, patio areas, fountains, or decorative light fixtures.

~~(Ordinance 5638 adopted 2/15/10)~~

~~Sec. 6.13.8. A&C (Arts and Cultural Overlay) district.~~

~~The A&C (Arts and cultural overlay) District is primarily to promote the arts and cultural uses in the city. This district includes all lands as described herein: A point of beginning at the railroad right-of-way and Walnut Street, South on Walnut to Pecan Street, West on Pecan to Elm Street, South on Elm to Laurel, West on Laurel to Rusk Street, North on Rusk to Washington Street, West on Washington to Sam Rayburn Freeway, North on Sam Rayburn Freeway to the railroad right-of-way, and east along the railroad right-of-way to Walnut Street. (Ordinance 4890, sec. 1, adopted 10/2/00)~~

~~(1) Purpose. The development of the Arts and Cultural Overlay District offers significant economic and recreational opportunities for the city and its citizens. Businesses of art and cultural significance and compatible uses may be consolidated in this district to enhance and complement each other. The development standards will make the city a more desirable place to live and conduct business.~~

~~(2) Permitted uses. Permitted uses are limited to the following list, however any other use and/or sign may be permitted in the Arts and Cultural Overlay District if it is compatible with the district and is approved by exception by the Planning and Zoning Commission.~~

~~(Ordinance 6385 adopted 5/17/21)~~

~~Aesthetic garden~~

~~Arts studio~~

~~Accessory residential (One off-street parking space per unit required)~~

~~Bank and lending institution~~

~~Church~~

~~Community center~~

~~Dance studio~~

~~Farmers market, indoor or outdoor~~

~~Movie and cinema~~

~~Museum~~

~~Music shop~~

~~Office~~

~~Office, government~~

~~Parking structure and lot~~

~~Restaurants, indoor and outdoor seating~~

~~Retail use, indoor~~

~~Stage, outdoor~~

~~Storage of goods or merchandise used in, produced by, or normally carried in stock in conjunction with any permitted use in the district~~

~~Theater and playhouse~~

~~Trolley and taxi stop~~

~~Other uses approved by the planning and zoning board.~~

~~(3) Parking regulations. Parking is not required in the Arts and Cultural Overlay District except for residential uses.~~

~~(4) Area regulations. Lot size and coverage shall be in conformance with the primary designated zoning district.~~

~~(Ordinance 4890, sec. 1, adopted 10/2/00)~~

~~Sec. 7. Supplementary district regulations and exceptions.~~

~~(1) Accessory buildings.~~

~~(a) Accessory buildings detached from the main building by an enclosed or unenclosed structure may be permitted within the allowable building area of any lot defined by the required front, side and rear building lines.~~

~~(b) No accessory building shall be permitted in the front yard or in the required side yard.~~

~~(c) Accessory buildings and carports may be permitted in the required rear yard provided:~~

~~1. That they are detached from the main building or structure and separated therefrom by a distance of not less than 6 feet.~~

~~2. Said accessory buildings and carports have a rear and an interior side yard setback of not less than 5 feet.~~

~~3. Where the accessory building within the required rear yard is adjacent to a side street, the minimum side yard setback from said street shall be 10 feet.~~

~~4. Accessory buildings when detached from the main building shall be located a minimum of 60 feet back from the front property line and be separated therefrom by a distance of not less than 6 feet.~~

~~(d) In no case shall the total floor area of all accessory buildings or portions thereof within the required rear yard exceed thirty (30) percent of the area of the required rear yard.~~

~~(e) The area of the required rear yard shall be the product of the rear yard setback and the mean width of the lot.~~

~~(f) On any odd or irregular shaped lot, the required rear yard may be established as an equal amount of square feet of land behind the furthermost rear wall of the main building as would be determined by the depth of rear yard required, times the width of the lot if said lot was of rectangular shape.~~

~~(g) Accessory buildings cannot be located in drainage or utility easements.~~

(2) T.V./radio towers and satellite receiving systems:

(a) T.V./radio towers and satellite receiving systems may be permitted within the allowable building area of any lot defined by the required front, side, and rear building lines.

(b) No T.V./radio tower or satellite receiving system shall be permitted in the front yard, but same may be permitted in the required rear yard or side yard provided:

1. Said T.V./radio tower or satellite receiving system shall have a rear and an interior side yard setback of not less than five (5) feet.

2. Where the T.V./radio tower or satellite receiving system within the required rear yard is adjacent to a side street, the minimum side yard setback from said street shall be twenty-five (25) feet.

(c) As used herein, the term "satellite receiving system" shall mean any device, disc or structure designed for the purpose of receiving television or radio transmissions from earth orbiting satellites.

(d) Guy wires utilized to hold a T.V./radio tower in place shall not be considered as part of the tower for purposes of measuring setback distances required herein.

(e) That any person, firm, or corporation who violates any provision of this subsection, or who fails to comply with any of the provisions herein, within the corporate limits of the City of Sherman, shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine of not less than ten dollars ($10.00) nor more than two hundred dollars ($200.00). Each day that such violation continues shall constitute a separate offense and shall be punishable accordingly.

(3) Exterior Facade: Masonry or equivalent shall be required on the sides of all commercial buildings in C-O (Office) District, C-1 (Retail Business) District, and C-2 (General Commercial) District visible from the front street right-of-way on all streets as listed in Section 7(5)(d) and in the Central Business District. Masonry shall be brick, stone, EFIS (Exterior Finish Insulation System) or concrete lap siding.

(a) Masonry requirements may be excluded on the rear or one side of a building where screening is required and is not visible from the front street right-of-way as listed in Section 7(5)(d).

(4) Central business area: The Central Business Area is designated on the official zoning map attached to this ordinance by a heavy solid black line.

(a) Central business district parking exception: Off-street parking shall not be required for buildings and structures erected or altered within the Central Business District as defined in section (4) above.

(b) One- to four-family occupancies in the Central Business District: One- to four- family occupancies shall be allowed in the Central Business District, with the following restrictions:

(1) Residential occupancies shall not be allowed in the first half of the first floor of any building facing a front street;

(2) Residential occupancies shall have two (2) fire-safe exits;

(3) Any room used as a bedroom shall have a window or door to the outside for emergency egress;

(4) Residential occupancies shall conform to the construction codes regulating the same;

(5) Residential occupancies shall have one-hour fire separation as required by the construction codes or shall be equipped with fire sprinkler equipment;

(6) Five (5) or more family occupancies shall be reviewed by the Planning and

Zoning Commission Board and approved by the city council by special permit; and

(7) Building owners shall be required to provide one (1) off-street parking space for each residential apartment beginning with the fifth apartment in each building.

(5) Distance between buildings on same lot:

(a) Outer courts and open spaces between walls of residential buildings. Where any wall or portion thereof of a residential building is parallel or within 30 degrees of another wall or portion thereof of the same building or of another residential building on the same lot, the distance between the two walls shall not be less than one-fourth of the length of the shorter wall. The distance between walls of buildings shall not be less than 8 feet and need not exceed 30 feet.

(b) Distance between walls of buildings. The shortest horizontal distance measured between the vertical walls of a building or buildings perpendicular to an axis, all points along which are midway between said walls.

(6) Special building setback:

(a) No building, structures, awnings, canopies, porches or signs shall be built within twenty-five (25) feet of the front property line on any federal, state, farm to market, or existing county road as extended, or city street where a need to widen same, to decrease traffic congestion is anticipated, or the building of structures within said twenty-five (25) foot setback specified herein would pose sight obstruction hazards to existing or future vehicular traffic, regardless of whether such property is within a Residential, Retail, Commercial or Manufacturing District and without regard to whether the lot fronts on such designated highways or if adjacent to such highways as specifically set forth in subsection (d). Gasoline pump islands shall be allowed twelve (12) feet to face of curb and canopies ten (10) feet to closest point of property line. Subject to the approval of the building inspector, telephone poles, utility poles, signs, fences and all improvements at ground level may be constructed within such area, and existing buildings may be replaced, repaired and maintained.

(b) No commercial or industrial building or structure shall be erected with an overhead type door which faces the front of any residentially zoned property. Additionally, no building or structure subject to the special setback requirements of this section shall be erected nor shall a building permit be issued until the Planning and Zoning Commission shall have reviewed and approved the site plan.

(c) In case of special hardships as may be determined by the Board of Adjustments and approved by city council by special permit, existing buildings may be extended into the herein required twenty-five-foot setback.

(d) Subsections (5)(a), (5)(b), and (5)(c) shall apply specifically to the following streets as a minimum setback, but such setback shall not apply in the Central Business District except for the herein mentioned streets:

Center Street

Crockett Street

Dewey Avenue

First Street, south of Centennial Street

U.S. Highway 82

Houston, west of Elm and east of Montgomery

Lamar, west of Elm and east of Montgomery

Loy Lake Road

Travis Street, north of Washington and south of Jones

Washington Street

Taylor Street

Gallagher Drive

Lamberth Road

Texoma Parkway

Fallon Drive, west of Texoma Parkway

State Highway 289

Moore Street

Flanary Road

Friendship Road

Park Avenue

Quail Run Road

FM 691

(7) Side yard setback on street side of corner lot:

(a) The side yard setback of accessory buildings, wings and main structures shall be 10 feet where the side* line of a lot as shown on the plat of such lot is a street line.

*In no case shall the orientation of a building or structure, or the arrangement of doors, windows or other features of a building or structure determine the front, side, or rear line of a lot for the purposes of this ordinance. Lot lines shall be interpreted as defined in Section 16.

(8) Side yard setback exception on street side of corner lot:

(a) Where the extended side street line of a corner lot serves as the front street line of one or more other lots in the same block, then the side yard setback on the side street line of said corner lot shall be at least 10 feet.

(b) Where the extended side street line of a corner lot serves as the front or side line of said lot, then the front line of such corner lot shall be determined to be along that street line of the two intersecting streets having the greatest percentage of said street line platted or developed as a front line. Setbacks on a square corner lot shall be determined from (7)(a) and (8)(a) above.

(9) Minimum street frontage required for residential use: Except as permitted in this ordinance, no lot shall contain any building used in whole or in part for residential purposes unless such lot abuts for at least 60 feet on a street or officially approved place which means of access shall have a minimum right-of-way width of 50 feet.

(10) Parking and off-street loading areas:

(a) Off-street parking shall be required at the time any building or structure is erected or is enlarged or increased in capacity in accordance with the parking ratio requirements of this ordinance.

(b) Each off-street parking space shall be a rectangle 9 feet by 20 feet exclusive of access drives or aisles, and shall be located completely on private property. Adequate ingress and egress to all parking spaces shall be provided.

(c) Off-street loading spaces required. In any district, in connection with every building or part thereof hereafter erected and having a gross floor area of 3,000 square feet or more, which is to be occupied by any use requiring the receipt or distribution by vehicles of

material or merchandise, there shall be provided and maintained, on the same lot with such building, at least one off-street loading space plus one additional loading space for each 30,000 square feet or major fraction thereof of gross floor area so used in excess of 3,000 square feet.

(d) Each loading space shall be no less than 10 feet in width, 25 feet in length and 12 feet in height. Such space may occupy all or part of any required yard or court space.

(e) In applying the off-street parking requirements, the floor area shall be the sum of the several floors of all enclosed buildings and structures on the lot measured from the center line of exterior walls. The floor area shall not include cellars and open and unenclosed balconies, terraces, porches, stairs and parking structures.

(f) Where open land is used for sales, manufacturing, storage or other operations in a manner similar to indoor operations, such open land shall be added to the floor area in determining the number of parking spaces required.

(g) Any lighting used to illuminate any off-street parking area shall be so arranged as to direct the light away from the adjoining premises of any Residential Districts.

(h) Paving. Any off-street parking area, service drive or driveway shall be surfaced with an asphaltic or portland cement binder pavement so as to provide a durable and dustless surface.

(i) Parking ratio abbreviations in the permitted use, temporary use, and specific use schedules refer to the off-street parking requirements applicable to the corresponding uses. Interpretation of off-street parking requirements is as follows:

Parking Ratio	Interpretation of Off-Street Parking Requirements
none	Off-street parking not required
1/100	1 space for each 100 sq. ft. of gross floor space
1/unit	1 space for each dwelling unit
1/guest room	1 space for each guest room
1/3 seats	1 space for each three seats within the largest auditorium (20 inches shall equal 1 seat if benches are provided)
1/3 beds	1 space for each 3 beds
1/1.5 emp.	1 space for each 1 ½ employees
5/alley	5 spaces for each bowling lane
10/wash lane	10 spaces for each washing lane

(11) Projections into required yards: Open and unenclosed building projections such as outside stairways and fire escapes, balconies, terraces or porches, awnings, eave and roof extensions, and ornamental features may project into the required yards for a distance not to exceed 4 feet; provided, however, that no supporting structures for such extensions may be located within the required yards. In no case shall such projections be located closer than 3-1/2 feet from any lot line. Supporting members for stairways and fire escapes only, however, shall be permitted

within the required yards.

(12) Site Plan Requirements:

(a) Purpose: The purpose of site plan approval is to determine compliance with this ordinance and to promote the orderly and harmonious development of the City.

(b) General Standards:

1. A site plan is a plan of development drawn to scale indicating:

(i) The location and arrangement of buildings on the subject property.

(ii) Building setbacks and yards.

(iii) Landscaping and/or walls and fences for screening purposes.

(iv) Off-street parking and loading areas and design of ingress and egress to and from abutting streets.

(v) Zoning of adjacent property.

(vi) The location of screened trash receptors.

(vii) Fire lanes.

(viii) When required, a site tabulation table including:

* Gross square feet of each structure.

* Gross square feet of property.

* Required parking.

* Parking provided.

* Current zoning.

* Proposed zoning.

* Hard surface/impervious area (square feet).

* Landscaped area (square feet).

* Floor-to-Area Ratio (FAR).

2. Site plans for new commercial projects shall be prepared by a design professional (architect, engineer, surveyor, etc.) except as listed below:

(i) Temporary Use Permits.

(ii) Additions to existing buildings under one thousand (1,000) square feet

3. Where a site plan is required, a zoning permit shall not be issued until a site plan of development has been approved by the Development Services Director, except for site plans required for approval through the Planning and Zoning Commission subject to Section 7(6)(b) of this ordinance.

4. A site plan required for a zone change may be a conceptual plan.

5. For any specific use permit application or whenever two or more main buildings, or portions thereof, are placed upon a single lot or tract and such buildings will not face upon a street or officially approved place, a site plan shall be submitted to and approved by the Planning and Zoning Commission.

6. For any temporary use permit application, a site plan shall be submitted to and approved by the Board of Adjustments.

7. Blalock Industrial Park of Sherman: The provisions of Ordinance No. 2252* providing zoning for Blalock Industrial District are reenacted and said provisions of said ordinance shall be applicable in the said district.

(c) Site Plan Application Procedure:

1. Preapplication Meeting.

(i) It is recommended that the applicant meet with an authorized representative of the Development Services Department to allow the applicant to learn the general procedures for approval, and to review the general plan of the proposed development, but the development/ project shall not be discussed in sufficient detail to provide the City with fair notice of the project.

(ii) No applications may be submitted to or accepted for filing with representatives of the Development Services Department during the meeting.

2. Application Contents Generally. All applications and filings shall meet the requirements as defined by the Development Application Checklist and Engineering Standards, as they exist or may be amended, which shall be established and maintained by the Director of Development Services and the Director of Engineering Services, respectively. Incomplete applications shall not be accepted for filing and shall not be considered officially filed.

(i) Filing Procedure.

1. All applications and filings for approval required by this Ordinance shall be filed with the Development Services Department.

2. The Development Application Checklist, as it exists or may be amended, shall prescribe the procedures for filing.

3. All applications and filings shall occur only on official Development Services Schedule Dates, published as part of the Development Application Checklist.

4. If an application or filing is rejected by the Development Services Department, then it is not considered filed under this Ordinance or the law or regulation governing the application or filing, including Chapter 212 of the Texas Local Government Code, if applicable.

5. Any application submitted on a date other than an official Development Services Schedule Date shall be rejected and shall not be considered filed under this Ordinance and the law or regulation governing the application or filing, including Chapter 212 of the Texas Local Government Code, if applicable.

6. An application must be considered complete and officially filed in accordance with this Section prior to being processed for review and consideration.

(ii) Development Review Schedule Dates. The Director of Development Services shall publish schedules of the official Development Review Processing Dates as follows:

1. A Development Services Schedule for all land development applications and filings for the period January 1 to December 31 of each year shall be set by the Planning & Zoning Commission on or before December 1 of the year before such period and shall be published as part of the Development Application Checklist. Any changes or amendments to the

approved schedule require Planning & Zoning Commission approval.

2. A Disapproval Development Services Schedule for the period January 1 to December 31 of each year shall be set by the Planning & Zoning Commission on or before December 1 of the year before such period and shall be published as part of the Development Application Checklist. Any changes or amendments to the schedule require Planning & Zoning Commission approval. The Disapproval Development Services Schedule shall govern an applicant's response to the conditional approval or disapproval of a plan or plat subject to Section 212.0093 of the Texas Local Government Code. Any such response submitted on a date other than an official Disapproval Development Services Schedule Date shall be rejected and shall not be considered filed under this Ordinance and the law or regulation governing the application or filing, including Chapter 212 of the Texas Local Government Code, if applicable.

(iii) Fees Required. Every application shall be accompanied by the prescribed fees set forth in the City's fee schedule, as approved by city council and as may be amended from time to time. The prescribed fee is not refundable.

(iv) Delinquent City Taxes on Property. An application shall not be deemed complete, nor shall it be approved, if there are delinquent City taxes on the subject property.

3. Modification of Applications Prior to Approval. The applicant may modify a complete application following its filing and prior to the expiration of the period during which the City is required to act on the application only in accordance with the following conditions.

(i) If the modification is for revisions requested by the City, and the modification is received at least fourteen (14) calendar days prior to the time scheduled for decision on the application, the application shall be decided within the original period for decision (from the original official filing date) prescribed by this Zoning Ordinance.

(ii) Any other modifications to an application will not be accepted.

4. Initiation, Complete Application and Expiration.

(i) Initiation by Owner. An application required under this Zoning Ordinance may be initiated only by the owner of the land subject to the application, or by the owner's duly authorized representative. If the applicant is a representative of the property owner, the application shall include a written and notarized statement from the property owner, such as a duly executed "Power of Attorney," authorizing the representative to file the application on the owner's behalf.

(ii) Applicability. The procedures within this Section shall apply to all applications that are required by the City and submitted in accordance with this Zoning Ordinance.

(iii) Determination of Completeness. Every application shall be subject to a determination of completeness by the responsible official for processing the application. An application must be complete in order to be accepted for review by the City.

1. The application shall only be accepted by the responsible official for processing when it is accompanied by all documents required by, and prepared in accordance with, the requirements of this Zoning Ordinance. A typographical error shall not, by itself, constitute an incomplete application.

2. A determination of completeness shall not constitute a determination of compliance with the substantive requirements of this Zoning Ordinance.

3. A determination of completeness shall be conducted in accordance with the following procedures:

    * If the application does not contain all information, as defined by the Development Application Checklist, as it exists or may be amended, and/or does not conform to all standards required by any ordinance, law, or regulation governing the application, then it shall be considered incomplete. The applicant shall be notified in writing within ten (10) business days if the submitted application is incomplete.

    * The City shall reject all incomplete applications and provide written notice of the rejection to the applicant by one of the following methods:

    ° Mail;

    ° Email;

    ° Delivery service; or

    ° Hand delivery or other delivery method of written notice approved by the Director of Development Services.

    The written notice need not identify all reasons why the application was deemed incomplete. If the notice contains one or more reasons why the application was deemed incomplete, addressing the reason(s) identified in the notice does not guarantee acceptance of a subsequent application.

    * If the application is determined to be complete, the application shall be processed as prescribed by this Zoning Ordinance.

4. It is not guaranteed that an accepted, complete application will be approved, if after the application is deemed complete, it is determined that the application does not comply with this Zoning Ordinance and all other applicable laws or regulations.

5. No Accrual of Vested rights from Specific Applications: No rights derived from Chapter 245 of the Texas Local Government Code, as amended, shall accrue from an application for a permit that expires, from an application for a permit that is denied or from an application that does not provide fair notice.

6. 30-Day Action Extension Request:

    (i) Request. An applicant may submit in writing a request to extend the 30-day action in relation to the decision time for site plans of thirty (30) days, as mandated by

State law.

(ii) Received. If the applicant requests an extension, such request must be received by the municipal authority on or before the eleventh (11th) calendar day prior to the municipal authority's deadline to act.

Editor's note Ordinance No. 2252 is included in chapter 14 of the Code of Ordinances as exhibit B.

(13) Fences and Screening Devices:

(a) Purpose: The purpose of these standards is to provide reasonable regulations for the appearance, location, type, and maintenance of fences and screening devices to ensure safety and the high-quality character and appearance of the city.

(b) General Standards: The following criteria shall apply to all landscaping materials and installations:

1. No fence, hedge, or screening device shall be placed within the following triangular areas at the intersections of streets and alleys due to sight distance requirements:

(i) At all street intersections, the triangular area formed by the street right-of-way lines and a line connecting them at points twenty-five (25) feet from the intersection of the right-of-way lines. Depending on the curvature of intersecting roads, the city engineer may require a larger triangular area.

(ii) At all intersections of streets with alleys, the triangular area formed by the street right-of-way line and the alley right-of-way line or the street right-of-way line and the property line connecting them at points ten (10) feet from their intersection.

(iii) Variances to the sight distance requirements may be approved by the City Engineer, subject to specific engineering criteria such as design speed, traffic control, and other site conditions.

2. An irrigated landscaped strip, or an earthen berm, planted with trees or shrubs including a minimum of sixty (60) percent non-deciduous trees or shrubs that will achieve sight and noise obstruction, may be provided as a screening device as approved by the Planning and Zoning Commission.

3. Backstops and safety fences may be erected in parks and recreational areas with the approval of the city engineer and the Development Services Director to a height in keeping with standard practices for such uses, so long as such fence or backstop is not otherwise detrimental to public safety.

4. Electric fences or wires are prohibited along and adjoining any public street, alley or public grounds and any common property line. Such fences or wires shall not be erected, maintained, re-erected or repaired. Electric fences or wires shall include A.C. and D.C. current and all voltage.

5. Patio screens and/or walls used for other purposes than line fencing may exceed a height of six (6) feet when located within the allowable main building area of any lot as defined by the required front, side and rear building lines, but shall not exceed a height of ten (10) feet.

6. A detailed site plan for a screening device shall be submitted to the Development Services Department for review. The Planning and Zoning Commission may be required to approve a fence or screening device if the site plan does not meet current requirements.

7. Prohibited Materials: Metal panel fences are not permitted in any district.

(c) Single-family Residential Districts:

1. No fence, hedge or screening device shall exceed a height of four (4) feet within a front yard in a residential district. Fences, within the front yard must be decorative with openings not less than fifty (50) percent of the fence area. Chain link, woven wire mesh or similar materials are not considered decorative fencing and are prohibited.

2. Fences used for screening shall not exceed a height of eight (8) feet within a required side or rear yard in a residential district. Such fences shall be constructed of wood, stone, brick, concrete block or other suitable material customarily used in residential landscaping; installed in a neat and workmanlike manner; having a completely solid area with no openings; and permanently maintained.

(d) Multi-family and Non-residential Districts:

1. A minimum six (6) foot masonry or wrought iron, with masonry columns, perimeter fence shall be provided to surround multi-family development. The masonry columns shall be separated at 24 feet on the portion of the development facing public streets, and 32 feet on all other portions of the development.

2. A minimum six (6) foot solid screening device shall be provided where a multi-family development (R-2), commercial development (C-0, C-1, or C-2), or a manufacturing development (M-1, M-1.5, M-2) is adjacent to a single-family district (R-A, SF-1, or R-1).

3. No fence, hedge or screening device shall exceed a height of four (4) feet within a front yard in a multi-family or non-residential district. Fences within the front yard must be decorative with openings in not less than fifty (50) percent of the fence area. Chain link, woven wire mesh or similar materials are not considered decorative fencing and are prohibited.

4. All uses within an R-2, C-O, C-1, C-2, M-1, M-1.5 or M-2 district shall provide a screening device as an enclosure for garbage and trash containers. Such screening device shall be located within the building area of the lot, parcel or tract or land. The container shall be positioned or screened in such a way so that it is not visible from any street, highway or major thoroughfare as listed in Section 7(5)(d).

5. Security fences may be erected to a height of ten (10) feet in commercial and manufacturing districts within the required building area.

(e) Agricultural Areas:

1. Line fences used for control of farm animals or to identify property boundaries may be constructed on a property greater than three (3) acres with active agricultural use. Such fences may be constructed of materials customarily used in agricultural landscaping. Poultry netting or welded wire on t-posts is not permitted for the use of line fences.

2. Approval by the Development Services Director may be granted for the erection of electric fences or wires in agricultural areas described in section 7(13)(b)(4) for control of farm animals and in other areas to control dogs or other small animals provided the electric fences or wires are within a fenced area that will provide a protective enclosure.

3. Gates designed for vehicle access shall be set back at least 20 feet from the property line.

(14) Signs:

(a) Purpose. The purpose of this subsection is to promote health, safety, comfort, convenience, and general welfare of the citizens; to allow growth which conforms to a comprehensive plan of the city; to provide uniform sign standards which promote a positive city image reflecting order, harmony, and pride and thereby strengthening the economic stability of Sherman's business, cultural and residential areas. Objectives to be pursued in applying specific standards are as follows:

1. To identify individual business, residential, and public uses without creating confusion, unsightliness, or visual obscurity of adjacent businesses.

2. To assure that all signs in terms of size, height, and location are properly related to the overall adjacent land use.

3. To assure that off-premises advertising is compatible with adjacent land uses.

(b) General provisions.

1. All signs shall pertain to the identification of the primary uses and/or primary services provided or primary products sold on the premises, except for billboards, auxiliary, governmental, or community service signs as provided.

2. All signs, where applicable, shall meet the standards of the City Building Code.

3. Except as herein provided, no person or business firm, acting either as principal or agent, shall erect any sign or sign structure until a sign permit for such work has been issued by the Development Services Director to a bonded contractor or the owner or occupant of the premises where the work is to be done. No permit shall be required for nonilluminated signs otherwise permitted in subsections (g)1, (g)2, (k), or (1).

4. Not more than two sides of a sign structure may be used for display except pylon signs especially designed for more than two side viewing.

5. No sign, sign structure, or sign support shall project over any property line, except that a sign placed flat against the wall of a building, which is on the property line may project eighteen (18) inches over the public property line.

6. Trees, rocks, bridges, fences, windmill towers and dilapidated buildings shall not be used as sign supports.

7. All business locations shall be identified by a street address sign which is clearly visible from the street.

8. Signs with flashing, blinking or traveling lights shall have lightbulbs which do not exceed sixty (60) watts each. Such lightbulbs shall be frosted.

9. In the event that more than one sign related definition applies to a nonprohibited proposed sign, resulting in conflicting regulations thereon, the sign applicant may choose the definition that is to apply, with qualification that any regulations related to that definition must be adopted. Where the proposed sign is of a type that is prohibited, it shall remain prohibited notwithstanding that it may also come within the definition of an approved type of sign.

10. Digital Signs/LED signs: digital signs shall have a maximum transition time between messages of two (2) seconds. The minimum duration of the message display shall be eight (8) seconds. Brightness shall be no more than 0.3 footcandles over ambient light. Automatic dimming is required. The brightness measurement shall be taken utilizing a Footcandle meter at 200' measured perpendicular to the face of the digital sign.

11. No off-premises advertising is allowed.

(c) Prohibited sign. *The following signs shall be prohibited in all districts*:

1. Any signs and supports, other than those signs and supports required by governmental authority, or for which a street use license has been issued, which are located on the public right-of-way, including on public streets, alleys, and parkways. This section [subsection] shall not apply to signs on commercial vehicles or commercial trailers lawfully operated or parked in such areas, except that this exception shall not otherwise be used to legitimate the use of advertising vehicles and trailers prohibited in section (3)1 [subsection (e)1] following.

2. Any signs which resemble an official traffic sign or signal or which bear the words "Stop," "Go Slow," "Caution," "Danger," "Warning," or similar words.

3. Signs which, by reason of their size, location, movement, content, coloring, or manner of illumination, may be confused with or construed as a traffic control sign, signal or device, or the light of an emergency or road equipment vehicle, or which hide from [view] any traffic or street sign or signal or device.

4. Any sign which emits sound, odor or visible matter which serves as a distraction to persons within the public right-of-way.

5. Any sign, billboard or outdoor advertising, as that term is defined in V.T.C.A., the Alcoholic Beverage Code, Section 108.51, which advertises an alcoholic beverage or the manufacture, sale or distribution of an alcoholic beverage.

(d) Abandoned or damaged signs.

1. All abandoned signs and their supports shall be removed within ninety (90) days from the date of abandonment. All damaged signs shall be repaired or removed within ninety (90) days. The zoning officer shall have the authority to grant a time extension not exceeding an additional ninety (90) days from an abandoned, non-damaged sign.

2. All advertising signs shall be removed within ninety (90) days of closing or moving of a business. Faces of signs may be painted or blanked in lieu of removal.

3. Should the responsible party or parties, after due notice, fail to correct a violation of this section, the Development Services Director shall cause such signs and their supports to be demolished and removed.

(e) Parking of advertising vehicles.

l. No person shall park an advertising vehicle or trailer on a public right-of-way, on public property, or on private property so as to be visible from a public right-of-way.

(f) Nonconforming sign abatement.

1. The following signs and/or advertising items shall become nonconforming on the effective date of this ordinance.

2. Any sign which is affixed to sign supports prohibited in section [subsection] (b)6.

3. Banners, pennants, searchlights, twirling signs, sandwich or "A" frame signs, sidewalk or curb signs, balloon or other gas filled objects.

4. Any signs which resemble an official traffic sign or signal or which bear the words "Stop", "Caution", "Go Slow", "Danger", "Warning" or similar words.

5. Signs which, by reason of their size, location, movement, content, coloring or manner of illumination may be confused with or construed as a traffic control sign, signal, or device, or the light of an emergency or road equipment vehicle, or which hide from view any traffic or street sign or signal or device.

6. Any sign which emits sound, odor or visible matter, which serves as a distraction to persons within the public right-of-way.

7. Any signs and their supports in violation of section [subsection] (c)1 are hereby deemed to be in trespass on public property and shall be immediately removed by the owner or his agent. If the owner fails to remove such signs, the owner shall be in violation of this ordinance and may be cited as such. If the owner is not known, the city administration shall cause the signs and supports to be removed.

8. The manner of notice where required by this ordinance shall be by regular mail. Refusal of mail, which has been properly addressed and posted, shall not void the notice. Publication may be used when the addressee or his whereabouts are unknown and said publication shall be done in the same manner as prescribed in Vernon's Annotated Civil Statutes for service of process by publication. Notice by publication shall be deemed sufficient regardless of its effect as actual notice.

With the exception of signs made of paper or cardboard and their supports which may be disposed of immediately, removed signs and supports shall be stored a period not to exceed fourteen (14) days beginning the first day of effective notice, whether actual or constructive. A storage charge of five dollars ($5.00) per day will be levied beginning the fourth day of that fourteen (14) day period. Before the expiration of the storage period, the owner of the sign and supports may reclaim his property upon payment of any storage charges and the cost of removal. If said sign and support have not been reclaimed by the expiration of the storage period, they may be disposed of in the manner hereafter provided. If the sign and supports are not capable of being sold, they may be discarded, but if sold, the proceeds therefrom shall be first applied to the storage charge and removal charge, then to the general fund of the city.

9. All signs which are in violation of the provisions of this ordinance shall become nonconforming. Such signs may be maintained, repaired and may be continued so long as their nonconformity is not increased. Nonconforming signs shall not be enlarged in area or increased in height. No nonconforming sign shall be continued when abandoned. Abandonment means when a business vacates a premises. The new business's sign shall comply with this ordinance as a new sign.

(g) The following signs shall be permitted in the R-1 District.

1. One (1) sign not exceeding one and one-half (1½) square feet in area, indicating only the name and address of the occupant, for each residential unit.

2. One (1) unlighted sign not exceeding sixteen (16) square feet in area on each development lot pertaining to the prospective sale or rental of the property on which it is located.

3. Bulletin erected by a church, community center, school, public agency, or institution on its own premises for announcement purposes, and which does not exceed 20 square feet in area and 6 feet in height.

4. Conditional uses. Sign requirements for all conditional uses shall be set by the Board of Adjustments, and in no case shall the requirements exceed the requirements for that use or similar type uses in the district in which the use is ordinarily permitted.

(h) The following signs shall be permitted in the R-2 District.

1. Primary identification signs, each having an area not exceeding ten (10) percent

of the area of one (1) wall or five (5) percent of the area of two (2) walls, where applicable, or fifty (50) square feet, whichever is less.

2. Informational type signs, each not exceeding ten (10) square feet in an [sic] area per building.

3. All signs shall be placed flat against the wall of a building and shall not project above the parapet wall or side wall of the building.

4. All signs, except for the informational signs, shall identify the development by name and address only. Signs may be back lighted, indirect lighted, internal lighted or lighted by spots.

(i) Freestanding signs.

1. One (1) freestanding sign for each freestanding building, not to exceed one (1) freestanding sign per development lot, except as provided in section [subsection] (h)4 shall be permitted only as indicated below.

2. C-1, C-2, M-l, M-1.5, and M-2 Districts with frontage on a thoroughfare.

3. Area. The area of a freestanding sign shall not exceed three hundred (300) square feet.

4. Height. Sign height shall not exceed fifty (50) feet above the centerline of the thoroughfare, access road or facing street.

5. Signs at commercial locations that are not on a highway or major thoroughfare may have a maximum height of twelve (12) feet and a maximum face area of thirty-two (32) square feet.

6. Nonconforming signs. Where a lawful sign exists at the effective date of adoption or amendment of this ordinance that could not be erected under the terms of this ordinance, as amended, such sign may be continued so long as it remains otherwise lawful, subject to the following provisions:

a. No such sign may be enlarged or altered in any way which increases its nonconformity; and

b. Should such sign be moved for any reason for any distance whatever, it shall thereafter conform to the regulations as set forth in (i)1. through 5. above.

7. Temporary banners may be placed on existing conforming freestanding signs. Total face are of the existing sign and the banner combined shall not exceed three hundred (300) square feet. Banners shall be securely fastened at all times to the structure.

(j) Roof signs. Roof signs on a building shall not be more than fifty (50) feet in height, measured from ground level of the building. No roof signs, regardless of height, may rotate more than six (6) revolutions per minute.

(k) Governmental signs. Governmental signs not exceeding thirty-two (32) square feet in area and not exceeding ten (10) feet in height, shall be permitted. Such standards shall not apply where state or federal regulations are in conflict with these standards.

(l) Community service signs. Any community service signs for seasonal celebration shall have no size limitation if placed in or on windows. Any community service signs, not of a seasonal celebration nature, shall be placed in or on windows and shall have a combined area not exceeding ten (10) percent of the area of all the windows on the same wall. Such sign area shall not be counted against permitted wall sign area.

(m) Billboards (Off-premises poster panels or bulletins, digital signs, or painted or printed bulletins). Outdoor advertising signs of this type shall be permitted in the C-1, C-2, M-

1, M-1.5, and M-2 Districts with a Specific Use Permit and subject to the following conditions:

1. Billboards shall be constructed to meet the construction standards of the International Building Code. Billboards may have one sign face per side for a maximum of two sides. Only one side face may be visible from one direction of traffic. The back side of the billboard structure shall be boxed in to create a smooth finish. All framework and boxing shall be painted to blend with the surrounding area; ex: sky blue or light grey in open areas and brown or forest green in areas with trees.

2. Billboards shall be a minimum of thirty-five (35) feet from any residentially zoned property line.

3. The maximum area of any billboard sign face shall be three hundred (300) square feet. The maximum width of any billboard shall be thirty-five (35) feet.

4. Billboards shall be within seventy-five (75) feet and on the inbound side of highways 75 or 82 frontage. All billboards shall have one face visible to inbound traffic. The inbound traffic side of highways shall be defined as the side of the highway for traffic coming into the city beginning at the City Limits and ending at North Travis Street for southbound Highway 75, at Highway 82 for northbound Highway 75, at North Travis for westbound Highway 82 and at Texoma Parkway (Hwy 91) for eastbound Highway 82.

5. There shall be a minimum radial separation of two thousand (2,000) feet between all billboards.

6. Billboards shall have a setback of not less than thirty-five (35) feet. Setbacks from side lines shall be not less than thirty-five (35) feet.

7. Billboards shall have a maximum height of forty-two and a half (42.5) feet above the center of the facing street, access road, or thoroughfare. Provided, however, no billboard sign shall be higher than fifty (50) feet measured from its base.

8. All lighting of billboards shall be so shielded as not to produce intensive or excessive light or glare on adjacent property.

9. Billboards shall not be permitted within the Central Business District as designated on the official zoning map.

10. Digital Billboards. In addition to the above conditions, digital billboards shall have a maximum transition time between messages of two (2) seconds. The minimum duration of the message display shall be eight (8) seconds. Brightness shall be no more than 0.3 footcandles over ambient light. Automatic dimming is required. The brightness measurement shall be taken utilizing a Footcandle meter at 200' measured perpendicular to the face of the digital billboard.

(n) Wall Signs.

1. The maximum area of any wall sign shall be three hundred (300) square feet. In no case, shall a wall sign exceed 20% of any single wall.

2. Temporary banners may be placed on existing buildings. Total area of the banner and existing sign shall not exceed three hundred (300) square feet. Banners shall be securely fastened at all times flat against the structure.

(o) Central Business District. On-premises signs in the Central Business District shall not exceed the height of the building on the lot. No pole signs shall be allowed in the Central Business District. When a sign is erected or placed before a permit is obtained, the permit fee shall be double.

(p) Political signs.

(1) It is the intent of this section to provide minimum regulations regarding the posting, maintenance and removal of political signs. Political signs are permitted in all zoning districts, subject to the restrictive provisions of this section. Although political signs are temporary signs, temporary sign permits do not have to be obtained. The provisions of this section do not apply to billboards [which are subject to Section 7(m)] or to political signs inside of a building, even if visible outside the building.

(2) For the limited purposes of this section, a political sign is a temporary sign announcing, supporting or opposing a candidate or issue in connection with any national, state or local election.

(3) Political signs are prohibited on all public property (real and personal), which shall include, but not be limited to, public right-of-way, buildings, fences surrounding public property, sidewalks, crosswalks, curbs, curbstones, fences, walls, playground equipment and/or facilities, street lamp posts, traffic light poles, guy lines, horizontal struts, City barricades, hydrants, trees, shrubs, tree stakes or guards, railroad trestles, poles for electric light or power or telephone or telegraph or trolley wire or upon any fixture of the fire alarm or police telegraph system, bridges, drinking fountains, street signs or traffic signs, planter strips and in City facilities such as parks, City Hall, library, fire stations, and corporation yards.

(4) Political signs may be placed on private property with the consent of the property owner (or person entitled to possession) or their authorized agent, subject to the following:

(i) Political signs shall not be placed in a manner that creates a hazardous condition to or obstructs either vehicular or pedestrian traffic, or obstructs or restricts safe visibility of a vehicle driver or pedestrian.

(ii) Political signs located on corner lots at street intersections shall not be over three (3) feet high if located within fifteen (15) feet from the lot corner at the street intersection and extending fifteen (15) feet in all directions, except if placed upon the signage portion of a lawful billboard or lawful business sign.

(iii) Except for lawful billboards and the political signs described in paragraph (ii) hereinabove, no political sign shall exceed a total of thirty six (36) square feet, be more than eight (8) feet in height, be illuminated, or have any moving elements.

(iv) Political signs shall be removed within ten (10) days after the election. In the event that the election is a primary election, or similar preliminary election, the successful candidates for the later election, including a run-off election, may leave their signs in place to be removed within ten (10) days after the general or run-off election.

(v) Should a political sign be erected in a manner or location in violation of this ordinance or exceed the size limitations or be permitted to remain longer then [than] the time period provided for herein, the City may, either at the expense of the advertised candidate or at the expense of the property owner, or both, immediately cause such signs to be removed. If a candidate is to be charged a removal fee, the City shall provide the candidate three (3) days prior notice before removal by the City.

Editor's note Ordinance 5165, sec. 2, adopted 9/2/03, enacted a fee schedule for removal of political

signs, which is on file in the office of the city clerk.

(15) Telecommunications antennas and towers:

(a) Purpose; goals. The purpose of this ordinance is to provide the citizens of the City of Sherman with the best services possible while minimizing the detrimental visual effect of antennas and structures. This ordinance does not regulate or apply to existing private communication equipment, towers or antennae solely for internal communication and used by a utility company with a franchise agreement with the City of Sherman, which are not available for use by the general public.

(b) Definitions. Refer to Section 16 of the General Zoning Ordinance, Definitions.

(c) Regulations:

1. Locations requiring building permit only: Permitted locations for antennas on monopole, light standards, flagpoles, and colocations:

a. An antenna may be located on any existing structure (buildings, signs, water towers, etc.) in any zoning district. The antenna only may extend up to ten (10) feet above the main structure. The allowance of an additional ten (10) feet in height does not apply to existing towers and/or poles. Installations on existing structures shall comply with load requirements of the City of Sherman Building Code.

b. Colocation on water towers and existing towers.

c. Monopole towers only in the following districts with the maximum heights and conditions as listed:

C-O	40 feet
C-1	50 feet
C-2	70 feet
M-Districts	100 feet

(i) Towers shall maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted sky blue or gray, so as to reduce visual obtrusiveness. At the lower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the lower facilities to the natural setting and built environment.

(ii) Towers over seventy (70) feet shall have a minimum setback from Residential Zones of four hundred (400) feet.

(iii) A minimum setback of two hundred (200) feet or one and one-half (1½) times the height of the monopole from any residential zoning district, whichever is greater.

(iv) A minimum setback equal to the tower height from any property line.

(v) A minimum separation of one thousand (1,000) feet from any other monopole or antenna tower, except for colocations on the same tower or monopole.

2. Locations requiring Planning and Zoning Commission approval:

a. A specific use permit is required for any towers proposed to be located in the Overlay District, the Historical District, the Central Business District, and all other types of towers and sites not listed above. The applicant shall provide the following as part of a S.U.P. application:

(i) Proof of attempt to colocate on existing structures or towers. An affidavit that applicant has contacted all other providers and tower owners in applicant's target ring and that applicant was unable to colocate. Information to be provided includes date of contract, contact name, phone number, tower location, and reason colocation was not feasible.

(ii) Coverage map for proposed antenna. Disclosure of target ring, lower coverage area, identification of all existing towers in the target ring and their owners, and applicant's propagation studies for the target ring.

(iii) Verification list of all property owners notified of the proposed tower within a three hundred foot (300) radius or three (3) times the height of the tower, whichever is greater. Verification shall be return receipts from the U.S. Postal Service. Proof of notification by U.S. Mail, within twenty-one (21) days before application, of proposed tower location and height to all property owners within a three hundred (300) foot radius from the tower or three (3) times the height of the tower, whichever is greater.

(iv) A plan to minimize the visual impact of the tower. A detailed plan to minimize the visual impact of the tower and associated buildings and to maintain the aesthetic quality of the surrounding neighborhood by use of appropriate architectural concepts, camouflaging, colors, landscaping, textures Of materials and screening, drawn to scale, to include the method of maintaining and replacing any dead or dying vegetation.

(v) Visual elevations to scale of the proposed tower or antenna and surrounding area. Visual elevations drawn to scale of the proposed tower or antenna and the surrounding three (3) mile radius area, depicting where any portion of the proposed tower could be seen by pedestrians.

3. Additional items:

a. All towers, supporting facilities, buildings, antennas, and below-ground structures located within the city limits of the City of Sherman, Texas, including such structures located on real property subsequently annexed into the City of Sherman, Texas, and new towers, supporting facilities, buildings, antennas, and all below-ground structures, shall be removed by the tower or antenna owner after each tower or antenna ceases operations for ninety (90) days, and such owners are required to provide the city with a copy of the notice to the FCC of the intent to cease operations, required to immediately revegetate the tower site in order to blend in with the surrounding area, and required to pay a penalty of fifty dollars ($50.00) per day until removal and revegetation is complete.

b. All towers shall be built three (3) times the capacity of their intended use in order that secondary users could lease the balance of the tower capacity at reasonable rates.

c. Applicants shall send, by certified mail, notice to all other tower users in the area, stating their siting needs and/or sharing capabilities. Applicants can not be denied space on a lower [tower] unless mechanical, structural, or regulatory factors prevent sharing.

d. A sign having two-inch high letters shall identify all users of the tower.

e. Each tower, supporting facilities, buildings, and antennas located on real property annexed into the City of Sherman, Texas, shall, within one hundred eighty (180) days of such annexation, be modified to minimize the visual impact of these structures and to maintain the aesthetic quality of the surrounding neighborhood by use of appropriate architectural concepts, camouflaging, colors, painting, landscaping, textures of materials, and other screening devices.

4. Federal requirement. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this section shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations.

5. Building codes; safety standards. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the tower fails to comply with such codes and standards and constitutes a danger to persons and property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such codes and standards. If the owner fails to bring such tower into compliance within the said thirty (30) days, the city may remove such tower or cause such tower to be removed at the owner's expense.

(d) Removal of abandoned antennas and towers. Any antenna or tower that is not operated for a continuous period of six (6) months shall be considered abandoned, and the owner of such antenna or tower shall remove same within ninety (90) days of receipt of notice from the Development Services Director notifying the owner of such abandonment. If such antenna or tower is not removed within said ninety (90) days, the Development Services Director may cause such antenna or tower to be removed at the owner's expense. If there are two (2) or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

(e) Refusal to grant request. Rejection of an application for a permitted use request for an antenna, tower or alternative tower structure by the Development Services Director shall require the proponent to submit a zone case for a specific use permit in accordance with section 8(5) of this chapter.

(16) Model homes: In developments of five (5) new homes or more, model homes may be a permitted use for a period of up to one (1) year. For periods over one (1) year a specific use permit shall be required. A model home is a home used for display purposes only, not for a residence, which will showcase architectural styles, materials, workmanship, appliances, fixtures, type of construction, floor plans, and other amenities.

(Ordinance 2545, sec. 3, adopted 1/23/67; Ordinance 2827, sec. 1, adopted 4/19/71; Ordinance 3415, sec. 1, adopted 4/7/80; Ordinance 3559, sec. 2, adopted 12/14/81; Ordinance 3578, secs. 1, 2, adopted 4/19/82; Ordinance 3691, sec. 1, adopted 9/19/83; Ordinance 3678, secs. 1, 3, adopted 8/13/83; Ordinance 3818, sec. 2, adopted 3/18/85; Ordinance 3822, sec. 1, adopted 4/1/85; Ordinance 3832, sec.

1, adopted 5/28/85; Ordinance 3858, sec. 1, adopted 7/8/85; Ordinance 3859, sec. 1, adopted 8/5/85; Ordinance 4072, sec. 1, adopted 8/1/88; Ordinance 4423, sec. 1, adopted 5/22/95; Ordinance 4425, sec. 1, adopted 6/5/95; Ordinance 4426, sec. 1, adopted 6/5/95; Ordinance 4486, sec. 1, adopted 1/16/96; Ordinance 4572, sec. 3, adopted 12/16/96; Ordinance 4581, sec. 1, adopted 2/10/97; Ordinance 4598, sec. 1, adopted 4/21/97; Ordinance 4874, secs. 1–3, adopted 8/7/00; Ordinance 4990, sec. 1, adopted 2/4/02; Ordinance 5024, sec. 1, adopted 6/10/02; Ordinance 5083, sec. 1, adopted 2/3/03; Ordinance 5113, sec. 2, adopted 3/3/03; Ordinance 5154, sec. 1, adopted 8/18/03; Ordinance 5156, secs. 1–3, adopted 8/18/03; Ordinance 5165, sec. 1, adopted 9/2/03; Ordinance 5381, secs. 1–2, adopted 5/15/06; Ordinance 5591 adopted 2/16/09; Ordinance 5714 adopted 8/15/11; Ordinance 6196 adopted 3/18/19; Ordinance 6385 adopted 5/17/21; Ordinance 6407, sec. 2, adopted 8/16/21)

State law reference—Authority of municipality to regulate signs, V.T.C.A., Local Government Code ch. 216.

Sec. 8. Administration and enforcement; building permits, certificates of zoning compliance, temporary use permits, and specific use permits.

(1) Administration and enforcement: The Development Services Director shall administer and enforce this ordinance. He may be provided with the assistance of such other persons as the city council may direct.

(a) If the Development Services Director shall find that any of the provisions of this ordinance are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of additions, alterations, or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance to insure compliance with or to prevent violation of its provisions.

(2) Building permits required:

(a) No building or other structure shall be erected, moved, added to, or structurally altered without a permit therefor, issued by the Building Official. No building permit shall be issued except in conformity with the provisions of this ordinance, except after written order from the Board of Adjustments.

(b) Application for building permit. All applications for building permits shall be accompanied by plans in duplicate, drawn to scale showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the Development Services Director or the Building Official, including existing or proposed building or alteration; existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of this ordinance.

1. One (1) copy of the plans shall be returned to the applicant by the Building Official, after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. The second copy of the plans, similarly marked, shall be retained by the Building Official.

(c) Explanation of building permit.

1. If the work described in any building permit has not begun within ninety (90) days from the date of issuance thereof, said permit shall expire; it shall be cancelled by the building official; and written notice thereof shall be given to the persons affected.

2. If the work described in any building permit has not been substantially completed within two (2) years of the date of issuance thereof, said permit shall expire and be cancelled by the Building Official, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new building permit has been obtained.

(3) Zoning permits required: The purpose of the zoning permit is to determine compliance with the provisions of this ordinance. No owner shall use or permit the use of any land, structure or building, or part thereof, hereafter created, erected, changed, converted or enlarged, wholly or partly in any R, C, or M District until a zoning permit has been issued by the Development Services Director; provided, however, that no zoning permit shall be required when any use of land, structure or building or part thereof is continued by the renters, lessees or owner.

(a) No zoning permit shall be required for any land, structure or building occupied principally as a one and two family dwelling unless more specifically required elsewhere in this ordinance.

(b) A zoning permit shall be required for a home occupation in the residential districts.

(c) Application shall be made by the property owner or agent thereof on a form prescribed by the city council.

(d) There shall be no fee for a zoning permit.

(e) It shall be the duty of the Development Services Director to issue a zoning permit, provided he is satisfied that the structure, building or premises, and the proposed uses thereof conform with all requirements of this ordinance and that all other reviews and actions, if any, called for in this ordinance have been complied with and all necessary approvals secured therefore [therefor].

(f) Land and buildings may be occupied and used only for the use for which the zoning permit is issued.

1. In any case where the conditions of such permit have not been or are not complied with, the permittee shall be given notice of intention to revoke such permit at least ten (10) days prior to revocation. After conclusion of said ten days, permit may be revoked.

2. In any case where a zoning permit has not been used within six (6) months after the date of granting thereof, then without further action, the permit granted shall be null and void.

(g) A record of all zoning permits shall be kept on file in the office of the Development Services Director, and a copy of any such permit shall be furnished on request to any person having a proprietary or tenancy interest in the building or premises affected.

(h) No excavation for any building shall be commenced before a zoning permit for the intended structure has been issued.

(i) Failure to obtain a zoning permit shall be a violation of this ordinance and punishable under section 15 of this ordinance.

(Ordinance 2291, sec. 1, adopted 1/13/64; Ordinance 2346, sec. 1, adopted 11/2/64; Ordinance 2465, adopted 2/7/66; Ordinance 2778, sec. 2, adopted 7/13/70; Ordinance 2984, sec. 1, adopted 2/4/74; Ordinance 3018, sec. 1, adopted 8/5/74; Ordinance 3057, secs. 1, 3, adopted 5/27/75; Ordinance 3306, sec. 1, adopted 2/26/79; Ordinance 3327, sec. 1, adopted 5/21/79; Ordinance 3433, sec. 3, adopted 6/16/80; Ordinance 3435, sec. 1, adopted 6/16/80; Ordinance 3706, sec. 2, adopted 11/14/83; Ordinance 3818, sec. 3, adopted 3/18/85; Ordinance 3873, sec. 1, adopted 9/3/85; Ordinance 3990, secs. 1, 2, adopted 11/24/86; Ordinance 4051, secs. 1, 2, adopted 1/18/88; Ordinance 4061, sec. 1, adopted 4/11/88; Ordinance 4070, sec. 1, adopted 6/20/88; Ordinance 4088, sec. 1, adopted 11/7/88; Ordinance 4104, secs. 2, 3, adopted 7/17/89;

Ordinance 4346, sec. 3, adopted 5/23/94; Ordinance 4377, sec. 1, adopted 11/7/94; Ordinance 4420, sec. 1, adopted 5/22/95; Ordinance 4529, secs. 1, 2, adopted 7/1/96; Ordinance 4572, sec. 4, adopted 12/16/96; Ordinance 4599, secs. 1, 2, adopted 4/21/97; Ordinance 5025, sec. 1, adopted 6/10/02; Ordinance 5082, secs. 2, 4, adopted 8/18/03; Ordinance 6385 adopted 5/17/21)

(4) Temporary Use Permits:

(a) In addition to the zoning permit called for in subsection (3) above, a temporary use permit shall be required before the following temporary uses can be permitted in the district or districts indicated where the time limit of occupancy exceeds two (2) weeks:

Temporary Use	**Parking Ratio**	**District**
Automobile parking lot; for a special event	None	R
Batching plant, Portland cement, concrete, noncommercial	None	R, C
Carnival or circus	1/500	R, C, M
Christmas trees and wreaths, retail	None	R
Model home real estate sales office, temporary	2/model home	R
Portable Storage Containers	None	R, C, M
Retail and wholesale of agricultural products not raised on the premises and sold from vehicles parked off-street, not over 500 square feet of retail and wholesale storage and sales area	None	R, C, M
Snow cone stand	2/snow cone stand	R
Tents, Seasonal Retail	None	C

(Ordinance 6385 adopted 5/17/21)

(b) A temporary use permit is an exception to the zoning ordinance and allowable where the facts and conditions prescribed and detailed in the ordinance as those upon which a temporary use permit may be granted are determined by the board of adjustment to exist. (Ordinance 5447 adopted 3/5/07)

(c) The applicant, in applying to the Board of Adjustments for a temporary use permit or exception, shall simply demonstrate that he meets the requirements of the particular use and district and need not show unnecessary hardship.

(d) The Development Services Director shall not issue a zoning permit for such uses that are hereafter created, changed, converted or enlarged, either wholly or in part, until a temporary use permit has been obtained from the Board of Adjustments in accordance with the exceptions procedures set forth in section 9 paragraph (2)(b).

(Ordinance 6385 adopted 5/17/21)

(e) The purpose of the regulations described in this subsection is to allow the proper integration into the city of uses which may be suitable only in specific locations in a zoning district and only for limited periods of time. (Ordinance 5447 adopted 3/5/07)

(f) Application for a temporary use permit shall be made by the property owner or certified agent thereof to the Board of Adjustments on forms prescribed for this purpose by the city council. Such application shall be accompanied by a site plan as set forth in subsection (7). Temporary use permits, revocable, conditional and valid for a term period not to exceed 6 months, may be issued by the Board of Adjustments for any of the uses or purposes for which such permits are required or permitted by the terms of this ordinance. Granting of a temporary use permit does not exempt the applicant from complying with the requirements of the building code or other ordinances.(Ordinance 6385 adopted 5/17/21)

(g) The fee to cover administrative costs of a temporary use permit application shall be as established by the city council, no part of which shall be refundable. (Ordinance 5447 adopted 3/5/07)

(h) In considering any application for a temporary use permit, the Board of Adjustments shall give due regard to the nature and condition of all adjacent uses and structures. The Board of Adjustments may deny an application for a temporary use permit, and, in granting or renewing a temporary use permit, the Board of Adjustments may impose such requirements and conditions with respect to location, construction, maintenance, and operation, in addition to those expressly stipulated in this ordinance for the particular use, as they may deem necessary for the protection of adjacent properties, and the public interest.

(i) Portable storage containers may be allowed without a Temporary Use Permit on properties that have an active building permit, subject to approval from the Director of Development Services.

(j) Provided that the Board of Adjustments finds:

(1) That the proposed structure or use conforms to the requirements and intent of this ordinance and the comprehensive plan,

(2) That any additional conditions stipulated by the Board of Adjustments as deemed necessary in the public interest have been met, and

(3) That such use will not under the circumstances of the particular case constitute a nuisance or be detrimental to the public welfare of the community.

The Board of Adjustments shall issue a temporary use permit therefore.

(k) Following the issuance of a temporary use permit by the Board of Adjustments the Development Services Director shall issue a zoning permit, as provided in subsection (3) above, and shall ensure that development is undertaken and completed in compliance with said permits.

(4.1) Reserved.

(Ordinance 6385 adopted 5/17/21)

(5) Specific use permits:

(a) In addition to the zoning permit called for in subsection (3) above, a specific use permit shall be required before the following specific uses can be permitted in the district or districts indicated.

The following specific uses are permitted in any district of lower classification than indicated herein without a specific use permit:

(Ordinance 6194 adopted 3/18/19)

Parking Requirement	Specific Use	District
1/1.5 employees	Ambulance Service	C-1, C-2
1/3 seats	Auditorium, arena, coliseum, theater or amphitheater	C-1
None	Automobile/boat sales, new or used	C
1/400	Automobile, glass, muffler, seat cover, tire and upholstery service, sales, installation and repair, but not including tire recapping	C
3/wash lane	Automobile laundry, Carwash	C
None	Automobile parking lot or structured parking	R
None	Automobile repair, body, work, painting. Automobile, wrecks, for sale, damaged condition may be offered for sale; provided the automobiles are stored within a completely enclosed building. The salvage or dismantling of parts or wrecked automobiles for sale or the salvage of undamaged portions of automobiles for assembly to undamaged portions of other automobiles is hereby prohibited within the C-2 (General Commercial) District. The storage of wrecked or damaged automobiles for any purpose other than those specified herein is prohibited	C-2
1/1,000 sq. ft. of general floor space and 1/400 sq. ft. of office floor space	Automobile wrecking, salvaging, and storage	M
1/200	Beauty parlor, single operator homeowner	R
1/guest room 1/innkeeper	Bed and Breakfast establishments	R
1/400	Boat rental, storage and repair	C-2
1/400	Cabinet or carpentry shop	C-2
None	Cemetery or mausoleum	R
1/7 seats	Church or other place of worship including parish houses and Sunday Schools, but excluding rescue missions or temporary revivals	R

1/200	City, county, state and federal govt. garage, maintenance yard, or similar govt. establishment	R
1/400	Club or lodge	C
1/1,000	Cold storage Plant	C 2
1/200	Commercial amusement centers	C
None	Concession stand within a park, playground or playfield	R
1/400	Contractors or construction offices, with outside storage	C 2, M
None	Construction, equipment sales, service, rental and repair shops and yards	C 2
1/3 beds	Convalescent home	In any District
1/100	Dance hall, commercial	C 2
1/200	Doctor or dentist One doctor or dentist with staff, No retail sales	R
1/200	Dry cleaning plant, Package plant	C
1/Bedroom; minimum 2/unit	Dwelling, Multifamily	C
1/Bedroom; minimum 2/unit	Dwelling, Single-family	C
1/Bedroom; minimum 2/unit	Dwelling, Two-family (Duplex)	R-1, C
None	Earth moving and excavations, depositing of construction materials, clay, earth, gravel, minerals, rock, sand or stone on the ground	In any District
1/1000	Electric power substation or generating including ground-mounted solar and wind	R, C
1/400	Farm equipment sales, service, repairs, feed store	C 2
None	Food Truck Lot	C M
1/400	Freight depot or terminal, railroad and/or truck	C 2
1/1.5 emp.	Garment manufacturing	C 2

1/400	Gas compressor or regulator station	R
8/green	Golf course	R
1/200	Halfway house; mental, alcoholic, etc.	R, C
1/200	Hookah Bar, Smoking Lounge, Smoke Shop, Vape Shop	C, M
1/3 beds	Hospitals, general, not including animal	In any District
1/unit	Hotel	C-1
2/1 unit	Industrialized Housing	SF1 & R
1/3 beds	Institution, correctional, detention penal or for use of insane, feeble minded, alcoholic or narcotic patients on a minimum site of 15 acres	R
1/3 beds	Institution for children and aged; nonprofit	R
1/400	Institution, nonresidential	C, M
1/200	Loan office	C
1/400	Lumberyard (parking does not include lumber sheds)	C-2
1/200	Medical or dental clinic No retail sales	R
1/400	Meeting halls	C
None	Mining, including extraction of clay, gravel, sand; quarrying of rocks or stone	In any District
1/1,000	Mini-warehouse	C
1/unit	Mobile home park	C-2
1/400	Mobile home/manufactured home sales with distribution	C-2 & M
1/200 office	Model home display/sales without distribution	C & M
1/unit	Motel	C-1
1/400	Motorcycle sales, repair, storage and service	C-2

1/2,000 sq. ft. of space utilized for operation	Motorized outdoor amusements (i.e. total go carts, motorcycles)	In any District
1/400	Novelty Products, Manufacture or Sales	M-1
1/3 beds	Nursing home	In any District
1/200	Office services only, no sales of goods, wares or merchandise or storing stocks	R
1/1.5 emp.	Oil well supplies and machinery sales	C-2
1/2,000 sq. ft. of space utilized or total operation	Outdoor commercial amusements, i.e., miniature golf etc.	C-2
None	Outdoor Storage	C, M
1/bedroom (min. 2/unit)	Patio homes	In any District
1/200	Photographer's studio; sales limited to photos and film	R
1/1,000	Pipe storage enclosed	C-2
1/400	Private clubs when required to obtain a permit from the Texas Alcoholic Beverage Commission Note: The parking requirement of 1/400 applies to the bar and/or dance floor portion of the club only.	C & M
1/400	Public library or museum	R
None	Radio or television broadcasting transmitter or tower, microwave relay tower	In any District
1/1,000 sq. ft. of space utilized for total operation	Recycling center	C
1/3 beds	Sanatorium on a site of 10 acres or more	R
1/1.5 emp.	Schools, elementary, high, college and universities, public, private or denominational	In any District
1/1.5 emp.	School, nursery, kindergarten or daycare for children	R
1/200	Secondhand Store, Rummage Shop	C, M
1/400	Sexually oriented businesses	C-2, M-1

1/200	Shopping center on a site of 5 acres or more	R
None	Sign: Advertised or billboard (Which directs attention to a business commodity, service, or entertainment conducted, sold or offered elsewhere than upon the same lot)	C-2 & M
1/200	Tattoo Studio	C, M
1/400	Taxidermist	C
1/100	Teaching or tutoring more than 4 students at any one time	R
1/400	Telephone exchange, but not including garage, shop or service	R
1/400	Telephone exchange, garage, shop or service	C
None	Theater, drive in	C-2
None	Trailer sales, other than mobile home/manufactured housing and rentals	C-2
1/400	Trucking, carting, crating, express handling and storage	C-2
1/1,000	Transit vehicle, bus and truck storage, servicing, repairs and sales	C-2
1/1,000	Warehousing establishment other than accessory to permitted retain use	C-2
1/500	Wholesale for construction and building materials	C-2

(Ordinance 6385 adopted 5/17/21)

(b) A specific use permit is an amendment to the district regulations of the zoning ordinance that permits the permanent establishment of a specific use within a zoning district in which such specific use may be established unless such use of land or structure discontinue or be abandoned for a period of sixty (60) consecutive days in which event such specific use permit shall be void and such use may not thereafter be resumed unless a new specific use permit granted in accordance with this section. (Ordinance 6194 adopted 3/18/19)

(c) The Development Services Director shall not issue a zoning permit for such uses that are hereafter created, changed, converted or enlarged, either wholly or in part, until a specific use has been obtained in accordance with the amendment procedures set forth in section 12.(Ordinance 6385 adopted 5/17/21)

(d) The purpose of the regulations described in this subsection is to allow the proper integration into the city of uses which may be suitable only in specific locations in a

zoning district. (Ordinance 6194 adopted 3/18/19)

(e) Application for a specific use permit shall be made by the property owner or certified agent thereof to the Planning and Zoning Commission on forms prescribed for this purpose by the city council. Such application shall be accompanied by a site plan as set forth in section 7. When application for a specific use permit is made for a use that can only be permitted by issuance of a specific use permit, the zoning board may require additional plans, information, operating data and expert evaluation concerning the location and function and characteristics of any building or use proposed. A specific use permit shall not be granted when the requested use is not compatible with the character of the neighborhood. Specific use permits, revocable, conditional or valid for a term period, may be issued for any of the uses or purposes for which such permits are required or permitted by the terms of this ordinance. Granting a specific use permit does not exempt the applicant from complying with the requirements of the building code or other ordinances. Applicants for a specific use permit to drill an oil and/or gas well shall comply with all of the requirements of Chapter 20, now article 4.10 of the Code of Ordinances.

(f) The Planning and Zoning Commission may recommend approval or disapproval of an application for a specific use permit and, upon approval of a permit, the Planning and Zoning Commission may impose requirements and conditions as set out in subsection (g) below.

(g) The Planning and Zoning Commission shall consider:

(Ordinance 6385 adopted 5/17/21)

1. The neighborhood, building and use characteristics as they relate to or are compatible with the existing and adjacent conditions and uses.

2. The separate and distinct problems that may be caused by a particular use, including but not limited to traffic, peace and order, safety, parking, health, morals and temperance.

3. Previous use permits for location.

4. The minutes of hearings for zone change approval for the location.

(Ordinance 6194 adopted 3/18/19)

(h) The Planning and Zoning Commission may approve or disapprove upon consideration of the above. Before recommending approval, the Planning and Zoning Commission may impose such requirements and conditions regarding development standards and safeguards as the conditions indicate important to the welfare and protection of adjacent property from excessive noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, offensive view or other undesirable or hazardous conditions, or nuisances and for protection of the public interests.

Upon consideration of the factors herein set out and recommendation made under subsection (g) above to impose certain conditions to a specific use permit, the Planning and Zoning Commission shall make specific findings, set out in the minutes of the board as follows:

1. The proposed structure or use conforms to the requirements and intent of this ordinance and the comprehensive plan of the city;

2. That all applicable conditions and factors herein set out have been considered;

3. That the imposition of conditions provided in section 6(5)(g) have been met; and the use does not constitute a nuisance or detriment to the public.

(Ordinance 6385 adopted 5/17/21)

(6) Construction and use to be as provided in applications, plans, building permits and zoning permits:

Building permits or zoning permits issued on the basis of plans and applications approved by the building official authorize only the use, arrangement and construction set forth in such approved plans and applications. Any other use, arrangement or construction at variance with that authorized shall be deemed violation of this ordinance, and punishable as provided by section 15 hereof. (Ordinance 5502 adopted 12/3/07)

(7) [Reserved.]

Editor's note The material in this subsection pertaining to private clubs has been omitted at the request of the city. Because this change has not been made in accordance with the amendment procedures as mandated in V.T.C.A., Local Government Code sec. 211.006 and other applicable sections of the Local Government Code, Franklin Legal Publishing, Inc., assumes no responsibility or liability for such change being made.

(8) [Reserved.]

Editor's note The material in this subsection pertaining to sexually oriented businesses has been omitted at the request of the city. Because this change has not been made in accordance with the amendment procedures as mandated in V.T.C.A., Local Government Code sec. 211.006 and other applicable sections of the Local Government Code, Franklin Legal Publishing, Inc., assumes no responsibility or liability for such change being made.

(9) Patio homes (PH):

(a) Purpose. A patio home development is intended to provide for areas of detached, zero-lot-line, single-family development in a clustered lot pattern with a common usable open space system that is an integral part of the development.

(b) Lot area, width and setback requirements.

1. Minimum lot area: 4,000 square feet.
2. Minimum lot width (of corner lot): 40 feet (45 feet).
3. Maximum lot width (of corner lot): 50 feet (55 feet).
4. Minimum front yard: 20 feet.
5. Maximum front yard setback: 25 feet.
6. Minimum side yard (of corner lot): 5 feet* (10 feet on street side).
7. Maximum side yard: Not applicable.
8. Minimum rear yard: 10 feet.
9. Maximum living area: 2,500 square feet.

Patio home developments shall be developed as either minimum five (5) foot setbacks or as zero lot line homes. If developed as zero lot line homes, then one (1) side yard shall be reduced to zero feet, while the other side yard shall be increased to a minimum of ten (10) feet. A minimum five foot wide maintenance easement shall be placed on the adjacent lot to enable the property owner to maintain his house. Side yards and maintenance easements shall be placed on the subdivision plat. A minimum separation between patio homes of ten (10) feet shall be provided. Roof overhangs will be allowed to project into the maintenance easement a maximum of twenty-four (24) inches. Side yard setbacks must be uniform for all homes within a given block.

(c) Permitted uses. Permitted uses are identical to those contained in section 6.2(4) for the R-1 (one family residential) district, with the exception that field crops, horticulture, nursery, truck gardening, and railroad rights-of-way are prohibited. Duplexes are not permitted in Patio home (PH) districts.

(d) Maintenance requirements for common areas. A property owners association is required for continued maintenance of common land and facilities. Review and approval of the

property owners association is required before building permits can be issued.

(e) Usable open space requirements. Any contiguous subdivision, including multiple phases, developed with twenty-five (25) or more lots under the Patio Home standards of this ordinance shall provide usable open space. Developments with 25 - 49 patio home lots shall provide usable open space which equals or exceeds five (5) percent of the gross platted area, excluding rights-of-way for major thoroughfares. Developments with 50 or more patio homes shall provide usable open space which equals or exceeds ten (10) percent of the gross platted area, excluding rights-of-way for major thoroughfares. A contiguous subdivision is defined as: abutting or separated only by a local or collector street to the subdivision. Subdivisions separated by rights-of-way, drainage or utility easements in excess of sixty (60) feet in width shall not be considered as contiguous.

Design criteria - Areas provided as usable open space shall meet the following criteria:

1. Individual usable open space areas shall be twenty thousand (20,000) square feet or larger. Usable open space must be a minimum of fifty (50) feet wide and have no slope greater than ten (10) percent.

2. Pools, tennis courts, walks, patios and similar amenities may be located within areas designated as usable open space. Areas occupied by enclosed buildings (except gazebos and pavilions), drives, parking, overhead electrical transmission lines, drainage channels and antennas may not be included in calculating usable open space.

3. Usable open space areas must be easily viewed from adjacent streets and homes.

Landscaped areas - Additional common open space and landscaped areas may be provided, but shall not be counted as usable open space unless they meet the criteria above.

Unacceptable open space - The Planning and Zoning Commission may deny the creation of any common open space area if in the judgment of the commission the area would be:

1. Difficult to maintain;

2. A security or safety concern; or

3. An unreasonable financial burden to the homeowners association.

At the time of site plan and/or subdivision plat approval, the Planning and Zoning Commission and/or city council may give full or partial credit for open areas that exceed the maximum slope or which are otherwise unusable if it is determined that such areas are environmentally or aesthetically significant and that their existence enhances the development.

Also, approval may be granted for up to one-third of the required open space to be credited for off-site dedicated open space that meets the development's needs in terms of adjacency, accessibility, usability, and design integration. It is to be noted that the granting of the off-site credit is a discretionary power of the Planning and Zoning Commission and/or city council. The guidelines below may assist in considering if credit is appropriate:

Adjacency - Is fifteen (15) percent or more of the site's boundary adjacent to park land?

Accessibility - Are there defined pedestrian connections between the development and the park land?

Usability - Is the park land immediately adjacent to the development suitable for use by residents?

Design integration – Does the design of the development provide a significant visual and pedestrian connection to the park land?

(f) Screening Devices. Refer to Section 7(13) for fences, hedges and screening regulations.

(g) Shingles. The use of wood shingles on the main building or any accessory building is prohibited.

(h) Miscellaneous requirements. The elimination of a garage space by enclosing the garage with a stationary building wall shall be prohibited.

(10) Bed and breakfast establishments. Bed and breakfast establishments shall be permitted with a specific use permit in a residential district. The following conditions shall apply to a bed and breakfast establishment:

(a) Definition – A bed and breakfast is an innkeeper (owner/manager) occupied home which offers lodging for paying guests and serves breakfast to those guests. Guests shall be transient in nature.

(b) Parking – A bed and breakfast shall provide one (1) off-street parking space (minimum size of nine (9) feet by twenty (20) feet) for each guest room and one (1) parking space for the innkeeper.

(c) Number of guests – A bed and breakfast will be subject to single family residential construction up to and including five (5) guest rooms. Any bed and breakfast exceeding five (5) guest rooms per residence will meet commercial building requirements. A residence is defined as a building(s) serviced by a single water, gas and/or electric service.

(d) Alarm system – A bed and breakfast must have an approved, hard-wired smoke alarm system which is installed by a licensed installer and activates all alarms and notifies the fire department simultaneously.

(Ordinance 2291, sec. 1, adopted 1/13/64; Ordinance 2346, sec. 1, adopted 11/2/64; Ordinance 2465, adopted 2/7/66; Ordinance 2778, sec. 2, adopted 7/13/70; Ordinance 2984, sec. 1, adopted 2/4/74; Ordinance 3018, sec. 1, adopted 8/5/74; Ordinance 3057, secs. 1, 3, adopted 5/27/75; Ordinance 3306, sec. 1, adopted 2/26/79; Ordinance 3327, sec. 1, adopted 5/21/79; Ordinance 3433, sec. 3, adopted 6/16/80; Ordinance 3435, sec. 1, adopted 6/16/80; Ordinance 3706, sec. 2, adopted 11/14/83; Ordinance 3818, sec. 3, adopted 3/18/85; Ordinance 3873, sec. 1, adopted 9/3/85; Ordinance 3990, secs. 1, 2, adopted 11/24/86; Ordinance 4051, secs. 1, 2, adopted 1/18/88; Ordinance 4061, sec. 1, adopted 4/11/88; Ordinance 4070, sec. 1, adopted 6/20/88; Ordinance 4088, sec. 1, adopted 11/7/88; Ordinance 4104, secs. 2, 3, adopted 7/17/89; Ordinance 4346, sec. 3, adopted 5/23/94; Ordinance 4377, sec. 1, adopted 11/7/94; Ordinance 4420, sec. 1, adopted 5/22/95; Ordinance 4529, secs. 1, 2, adopted 7/1/96; Ordinance 4572, sec. 4, adopted 12/16/96; Ordinance 4599, secs. 1, 2, adopted 4/21/97; Ordinance 5025, sec. 1, adopted 6/10/02; Ordinance 5082, secs. 2, 4, adopted 8/18/03; Ordinance 6385 adopted 5/17/21; Ordinance 6385 adopted 5/17/21)

Sec. 9. Board of adjustment: procedure.

(1) A board of adjustment is hereby established which shall consist of five (5) members and two (2) alternates. Vacancies shall be filled for the unexpired term of the member affected.

(a) *Proceedings of the board of adjustment.*

1. The board of adjustment shall adopt rules necessary to the conduct of its affairs, and in keeping with the provisions of this ordinance. Meetings shall be held at the call of the chairman and at such times as the board may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

2. The board of adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the board.

(b) *Appeals; hearings; notice.*

1. Any person aggrieved or any official or department of the governing body of the city affected by any decision or judgment of the building official concerning interpretation of administration of this ordinance, may appeal such decision or judgment to the board of adjustment. Such appeals shall be taken within a reasonable time, not to exceed ten (10) days or such other period as may be provided by the rules of the board, by filing with the building official and with the board of adjustment a notice of appeal accompanied by a fee as established by the city council specifying the grounds thereof. The building official shall forthwith transmit to the board all papers constituting the record upon which the action appealed from was taken.

2. The board of adjustment shall fix a reasonable time for the hearing of appeal, given [giving] public notice thereof as well as due notice to the parties in interest and decide the same within a reasonable time. At the hearing any party may appear in person or by agent or attorney.

(c) *Stay of proceedings*.

1. An appeal stays all proceedings in furtherance of the action taken from, unless the building official from whom the appeal is taken certifies to the board of adjustment after the notice of appeal is filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the board of adjustment or by a court of record on application, on notice to the building official from whom the appeal is taken and on due cause shown.

(2) *The board of adjustment: Powers and duties*. The board of adjustment shall have the following powers and duties:

(a) *Administrative review*. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the building official in the enforcement of this ordinance.

(b) *Exceptions; conditions governing application; procedures*.

1. To hear and decide only such exceptions or temporary use permits as the board of adjustment is specifically authorized to pass on by the terms of this ordinance; to decide such questions as are involved in determining whether exceptions should be granted; and to grant exceptions with such conditions and safeguards as are appropriate under this ordinance, or to deny exceptions when not in harmony with the purpose and intent of this ordinance. An exception or temporary use permit shall not be granted by the board of adjustment unless and until:

a. A written application for an exception together with fee is submitted, accompanied by an accurate legal description, maps, site plans, drawings and any necessary data, indicating the section of this ordinance under which the exception is sought and stating the grounds on which it is requested;

b. Notice shall be given of such public hearing to the owner of the property for which the exception is sought or his agent and to all owners of real property lying within two hundred (200) feet of the subject property, such notice to be given not less than 10 days before the date set for hearing, to all such owners who have rendered their said property for city taxes as the ownership appears on the last approved city tax roll. Such notice may be served by depositing same, properly addressed and postage paid, in the city post office. Notice of the time and place of

such hearing shall also be given by one publication in the official newspaper at least 15 days prior to such hearing. Failure of owners to receive notice of hearing shall in no way affect the validity of action taken.

c. The public hearing shall be held. Any party may appear in person, or by agent or attorney.

d. The board of adjustment shall make a finding that it is empowered under the section of this ordinance described in the application to grant the exception, and that the granting of the exception will not adversely affect the public interest.

2. In granting any exception, the board of adjustment may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the exception is granted, shall be deemed a violation of this ordinance and punishable under section 15 of this ordinance. The board of adjustment shall prescribe a time limit within which the action for which the exception is required shall be begun or completed, or both. Failure to begin or complete, or both, such action within the time limit set shall void the exception.

(c) *Variances; conditions governing application; procedure*.

1. To authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship. A variance from the terms of this ordinance shall not be granted by the board of adjustment unless and until:

a. A written application for variance together with fee is submitted, accompanied by an accurate legal description, maps, site plans, drawings and any necessary data, demonstrating:

i. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;

ii. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;

iii. That the special conditions and circumstances do not result from the actions of the applicant;

iv. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures or buildings in the same district;

v. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

b. Notice of public hearing shall be given as in subsection (2)(b)lb above.

c. The public hearing shall be held. Any party may appear in person or by agent or by attorney.

d. The board of adjustment shall make findings that the requirements of

subsection (2)(c)1a above have been met.

e. The board of adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.

f. The board of adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

2. In granting any variance, the board of adjustment may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance and punishable under section 15 of this ordinance.

3. Under no circumstances shall the board of adjustment grant a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.

(d) *Decisions of the board of adjustment*.

1. In exercising the above mentioned powers, the board of adjustment may, so long as such action is in conformity with the terms of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirements, decision or determination appealed from and may make such order, requirements, decision, or determination as ought to be made, and to that end shall have powers of the administrative official from whom the appeal is taken.

2. The concurring vote of four of the members of the board shall be necessary to reverse any order, requirement, decision or determination of the building official, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to effect any variation in the application of this ordinance.

(3) *Appeals from the board of adjustment*: All decisions of the board of adjustment shall be final unless appealed to the city council.

(Ordinance 2972, sec. 1, adopted 10/1/73)

State law reference Board of adjustment, V.T.C.A., Local Government Code sec. 211.008 et seq.

Sec. 10. Duties of building official, board of adjustment, city council, and courts on matters of appeal.

(1) All questions of interpretation and enforcement of this ordinance shall be presented to the administrative official and his decisions thereon shall be final unless appealed to the board of adjustment pursuant to the procedure described in section 9(1)(b)1 of Ordinance 2280 [this ordinance].

Under this ordinance the city council shall have only the duties of:

(a) Considering and adopting or rejecting proposed amendments or the repeal of this ordinance, as provided by law; and

(b) Of establishing a schedule of fees and charges as stated in section 11 below.

(Ordinance 2972, sec. 2, adopted 10/1/73)

Sec. 11. Schedule of fees, charges and expenses.

(1) The city council shall establish a schedule of fees, charges and expenses, and a collection

procedure for building permits, amendment applications, appeals and other matters pertaining to this ordinance. The schedule of fees shall be listed in the ordinance or posted in the office of the building official and may be altered or amended only by the city council.

(2) No permit, amendment, special exception or variance shall be issued unless or until such costs, charges, fees or expenses have been paid in full, nor shall any action be taken or public hearing be held unless or until preliminary charges and fees have been paid in full.

(Ordinance 6189 adopted 3/18/19)

Cross reference Chapter 3, Article 3.14, Permit, Development and Registration Fees.

Sec. 12. Amendments.

The governing body may, from time to time, amend this ordinance by changing the boundaries of districts or by changing any other provision thereof whenever the public necessity and convenience and general welfare require such amendment.

(1) APPLICATION:

(a) *Who may initiate action*. Amendment may be initiated by the city council or the [planning and] zoning board or by an application of one or more owners of property affected by the proposed amendment.

(b) *Application fee*. Each application by a property owner shall be accompanied by a fee as established by the city council, to cover administrative and processing costs.

(c) *Accompanying data*. An application for an amendment shall be accompanied by the following:

(1) A preliminary plat or map for the land affected by the amendment, to include land size and legal description.

(2) A city map showing the location, and a smaller vicinity map showing a 200-foot radius of the site.

(3) A site plan complying with the provisions of section 7(12)(a), and which, in addition, shows existing and proposed drainage, utilities and traffic count, must be filed with the zoning office fourteen (14) days before the meeting of the planning and zoning commission [board].

(4) A statement describing the intended use of the property sought to be rezoned.

(5) Any data necessary to demonstrate that the proposed amendment is in general conformance with the comprehensive plan of the city, and that it will not adversely impact the health, safety, morale [morals] and general welfare of the City of Sherman.

(6) Where land is to be rezoned, a sign must be posted on the property at least fourteen (14) days prior to the public hearing with the planning and zoning board. On zone change requests involving property larger than one (1) acre, a sign four feet (4') by eight feet (8') must be placed on the property by the applicant, which states the zone change request proposed and the intended use. The sign must be placed in a location which is clearly legible to the general public.

(7) Any and all easements that may appear on the property, plus any new proposed easements.

(2) PUBLIC HEARING BEFORE THE ZONING BOARD:

(a) Upon filing of the application, the [planning and] zoning board shall call a public hearing on said application as provided herein.

(b) *Notice of public hearing*. Written notice of such hearing shall be sent to the owner of the

property or his agent and to all persons of [owning] real property lying within two hundred (200) feet of the property on which the change in classification is proposed, such notice to be given not less than ten (10) days before the date set for hearing, to all such owners who have rendered their said property for city taxes as the ownership appears on the last approved city tax roll. Such notice may be served by depositing the same, properly addressed and postage paid, in the city post office. Where property lying within two hundred (200) feet of the property proposed to be changed is located in territory which was annexed to the city after the final date for making the renditions which are included on the last approved city tax roll, notice to such owners shall be given [by] one publication in the official newspaper at least fifteen (15) days before the time of hearing. Failure of owners to receive notice of hearing shall in no way affect the validity of action taken.

(c) *Action by zoning board at conclusion of hearing*. If after conclusion of the hearing, and after considering the information provided in section 12(1)(c) supra, the board decides to recommend amendment of this ordinance to the city council, the [planning and] zoning board may impose requirements and conditions it deems necessary in order to protect the health, safety, morale [morals] and general welfare of the public. The recommendation for amendment of this ordinance shall be by motion of the [planning and] zoning board approved by the affirmative votes of not less than a majority of those present and voting; provided, however, that in no case shall an affirmative recommendation be forwarded to the city council with less than four (4) affirmative votes. A copy of any recommended amendment shall be submitted to the city council and shall be accompanied by a report of findings, summary of hearings and any other pertinent data.

(d) Any amendment to this ordinance concerning a zoning change request will become null and void if the site plan submitted, pursuant to section 12(1)(c) supra, is changed in size by twenty (20) percent or more, or if the intended use is changed from that stated in the application for zone change.

(e) *Appeal of [planning and] zoning board denial of application*. In the event the [planning and] zoning board recommends denial of an application after public hearing, the applicant may appeal said determination to the city council by filing a written notice of appeal with the city secretary within ten (10) days after the determination of the [planning and] zoning board.

(3) ACTION BY THE CITY COUNCIL:

(a) If the [planning and] zoning board has recommended approval of an application or if the zoning board has recommended denial of an application and a notice of appeal has been filed pursuant to subsection (2)(d) [(2)(e)] above, the city council shall within ten (10) days following the perfection of said appeal cause a notice of a public hearing on the matter to be published, as the word "published" is defined in the city charter, setting forth therein the matter to be heard, the date, time and place of hearing thereon. The public hearing shall follow the publication by no less than seven (7) days. Decisions of the city council shall be final unless an appeal be made to a court of competent jurisdiction within the time and in the manner provided for by the laws of the State of Texas.

(b) The city council may, by simple majority vote, recommend disapproval of an application for amendment of the zoning ordinance, or in recommending approval of an amendment to the zoning ordinance, the city council may impose such requirements and conditions or changes as they may deem necessary pursuant to subsection 1 [(1)] of this section.

(c) A three-fourths (3/4) vote of at least five (5) city council members present and voting is required in order to adopt proposed amendments that have been recommended for

disapproval by the [planning and] zoning board. A vote of three-fourths (3/4) of the city council is required in order to adopt proposed amendments that have been recommended for approval by the [planning and] zoning board against which a written protest has been filed with the city secretary duly signed and acknowledged by any one of the following:

1. The owners of twenty (20) percent of the land included in the proposed amendment.

2. The owners of twenty (20) percent of the land immediately adjacent to the land included in the proposed amendment and extending two hundred (200) feet therefrom.

3. The owners of twenty (20) percent of the land directly opposite the land included in the proposed amendment and two hundred (200) feet from the street frontage of such opposite land.

(d) *Effect of denial of application*. In case an application for an amendment to the zoning ordinance is denied by the city council, said application shall not be eligible for reconsideration for one year subsequent to such denial. A new application affecting or including all or part of the same property must be substantially different from the application denied, in the opinion of the zoning board to be eligible for consideration, within one year of the denial of the original application.

(Ordinance 2972, sec. 3, adopted 10/1/73; Ordinance 3154, sec. 1, adopted 11/22/76; Ordinance 4087, sec. 1, adopted 11/21/88; Ordinance 4565, sec. 1, adopted 12/16/96)

State law reference Amendments to zoning ordinances, V.T.C.A., Local Government Code sec. 211.006.

Sec. 13. Provisions of ordinance declared to be minimum requirements.

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals and general welfare. Whenever the requirements of this ordinance are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the most restrictive or that imposing the higher standards shall govern.

Sec. 14. Complaints regarding violations.

Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the causes and basis thereof, shall be filed with the building official. He shall record properly such complaint, immediately investigate and take action thereon as provided by this ordinance. Should the administrative official, acting in conjunction with other city officials, decline to take action within 15 days, the complaining party may seek enforcement of his complaint in the manner provided by the laws of the State of Texas and the same shall be true should the administrative official and other city officials feel the public interest would be best served by not initiating any action.

(Ordinance 3721, sec. 3, adopted 12/27/83; Ordinance 5148, secs. 1–4, adopted 7/21/03)

Sec. 15. Penalties for violation.

(1) A violation of any of the provisions of this Chapter 14 or failure to comply with any of its requirements shall constitute a Class C misdemeanor. Any person who violates this Chapter 14 or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than two thousand dollars ($2,000.00) and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered as a separate offense.

(2) A violation of any of the provisions of this Chapter 14 by the owner, tenant, occupant or manager of any building, structure, premises or part thereof, and any architect, builder, contractor, agent or other person who commits, participates in, assists in, or maintains such violation may each

be found guilty of a Class C misdemeanor with a fine of not more than two thousand dollars ($2,000.00) per day and each day the violation occurs is a separate offense.

(Ordinance 6385 adopted 5/17/21)

(3) Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation including temporary restraining orders and temporary and permanent injunctions. (Ordinance 3721, sec. 3, adopted 12/27/83; Ordinance 5148, secs. 1–4, adopted 7/21/03)

(4) An owner, occupant, tenant, manager or other person who violates any provision of this Chapter 14 or who participates in, assists in or maintains a violation of this Chapter 14 is subject to a civil penalty up to one thousand dollars ($1,000.00) per day for each violation and each day the violation occurs shall be a separate offense. (Ordinance 6385 adopted 5/17/21)

State law reference Enforcement of zoning ordinances, V.T.C.A., Local Government Code sec. 211.012.

Sec. 16. Definitions.

For the purposes of this ordinance, certain terms or words used herein shall be interpreted as follows:

The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular. The word "shall" is mandatory; the word "may" is permissive. The words "used" or "occupied" include the words "intended," "designed" or "arranged" to be used or occupied. The word "lot" includes the words "plot" or "parcel".

Accessory building: (a) In a residential district, a subordinate building, attached to or detached from the main building, without separate utilities, not used for commercial purposes, and not rented, a washroom, a storage room for domestic storage only and space for one or more automobiles. (b) In other districts, a subordinate building, the use of which is incidental to and used only in conjunction with the main building.

Accessory use: A use subordinate to the principal use of a building or lot and serving a purpose customarily incidental to the principal use.

Agent of owner: Any person who can show certified written proof that he is acting for the property owner.

Alley: A public or private way not more than 30 feet wide affording only secondary means of access to abutting property.

Apartment: A room or suite of rooms in an apartment house arranged, designed or occupied as a residence by a single family, individual or group of individuals.

Apartment house: Any multiple-family dwelling or building or portion thereof, which is designed, built, rented, leased, let or hired out to be occupied as three or more apartments or which is occupied as the home or residence of three or more families living independently of each other and maintaining separate cooking facilities.

Basement: A story whose floor is more than 12 inches, but not more than half of its story height below the average level of the adjoining ground (as distinguished from a "cellar" which is a story more than one-half below such level). A basement or cellar, when used as a dwelling, shall be counted as a story for purposes of height measurement.

Beginning of construction: The incorporation of labor and materials within the foundation of the building or buildings.

Boardinghouse: A building other than a hotel, where lodging and meals for five or more persons are served for compensation.

Building: Any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals or property. When such a structure is divided into separate

parts by one or more unpierced walls extending from the ground up, each part is deemed a separate building.

Building area: The building area is the inner edge of any required yard or required setback, and the corresponding outer edge of the buildable area. No portion of the main building or structure may be extended to occupy any portion of the lot outside its building area.

Building official: The building inspector or other official appointed by the city council to enforce the zoning ordinance.

Building line: A line parallel or approximately parallel to a lot line or street line and beyond which buildings may not be erected.

Building, main: A building in which is conducted the principal use of the site on which it is located. In any residential district any and all dwellings shall be deemed to be main buildings on the site on which they are located.

Clinic, medical: An institution or station for the examination and treatment of ill and afflicted out-patients.

Colocation: Installation of an additional antenna on an existing tower or pole.

Convalescent home: Any structure used for or occupied by more than three persons recovering from illness or suffering from the infirmities of old age.

Court: An open, unoccupied and unobstructed space, other than a yard, on the same lot with a building or group of buildings.

Coverage of a lot or maximum allowable building area: The ratio of gross floor area of the first floor of a building or of a group of buildings on the same lot to the area of the lot, expressed as a percentage.

Day nursery (includes nursery school, kindergarten, or day care for children): A place where more than four children (unrelated) are left for care between the hours of 7 a.m. and 12 p.m.

Density: The maximum number of family units permitted on a lot.

Detached structure: Any building, accessory building or structure that is not physically attached to any other building or structure by any means.

District or zoning district: A portion of the territory of the city within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this ordinance.

Dwelling: Any building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons, but not including a tent, trailer or mobile home.

Dwelling, single-family: A building designed for or used exclusively for residence purposes by one family or housekeeping unit.

Dwelling, duplex or two-family: A building designed for or used exclusively for residence purposes by two families or two housekeeping units.

Dwelling, multiple-family: A building or portion thereof designed for or used by three or more families or housekeeping units.

Dwelling unit or unit: One room, or a suite of two or more rooms, designed for or used by one family for living and sleeping purposes and having only one kitchen or kitchenette.

FAA: The Federal Aviation Administration.

Family: A person living alone, or two or more persons living together as a single housekeeping unit in a dwelling unit, and in which not more than four individuals are unrelated by blood.

FCC: The Federal Communications Commission.

Floor area of a building: The sum of the gross horizontal areas of the several floors of a building or buildings, measured from the center lines of exterior walls or from the center line of walls separating two buildings in square feet.

Freight Container/Portable Storage Container: A standardized, reusable shipping vessel used in the transportation of freight and capable of being mounted and moved on a rail car, or mounted on a chassis or bogie for movement by truck trailer or loaded on a ship.

Grade, existing: The average level of the original surface of the ground adjacent to the exterior walls of the building.

Height: When referring to an antenna or other structure, the distance measured from the ground level to the highest point on the structure, even if the highest point is an antenna.

Hotel: A building occupied as the more or less temporary abiding place of individuals who are lodged with or without meals, in which as a rule the rooms are occupied for hire, and in which there are more than 12 sleeping rooms, a public room for the accommodation of more than 12 guests and a general kitchen.

Industrialized Housing: An off-site modularly constructed single-family or duplex to be used as a permanent residential structure in accordance with the laws of the State of Texas and have all local permits and licenses applicable to other single-family or duplex residences and shall (1) have a value equal to or greater than the median taxable value for each single-family dwelling located within 500 feet of the lot on which the industrialized housing is proposed to be located; (2) have exterior siding, roofing, roof pitch, foundation fascia, and fenestration compatible with the single-family dwellings located within 500 feet of the lot on which the industrialized housing is proposed to be located; (3) comply with municipal aesthetic standards, building setbacks, side and rear yard offsets, subdivision control, architectural landscaping, square footage, and other site requirements applicable to single-family dwellings; and (4) be securely fixed to a permanent foundation.

Industrialized Housing Value: The taxable value of the industrialized housing and the lot after installation of the housing. Such housing and lot value shall be accurately estimated by the tax appraiser for the Grayson County Tax Appraisal District before installation upon the lot.

Lot: One piece, parcel or tract of land which collectively meets all of the following requirements at the time of filing for a zoning permit:

(1) Is located within a single block.

(2) Has frontage on an accepted and improved public street.

(3) Is occupied or utilized or designated by its owner, owners or developer to be occupied, developed or utilized as a unit for a principal use and uses accessory thereto, together with such open spaces as are required by this ordinance.

(4) And of which a plat has been recorded in the office of the county clerk.

Lot, area of: The area of the lot shall be the net area of the lot and shall not include portions of streets and alleys.

Lot depth: The mean horizontal distance between the front lot line and rear lot line of a zoning lot.

Lot line: A boundary of a lot.

Lot line, front: The street right-of-way line at the front of a lot.

Lot line, rear: The lot line opposite and most distant from the front.

Lot line, side: A lot line which is not a front lot line or rear lot line. A side lot line separating a lot from a thoroughfare other than an alley is an exterior side lot line as opposed to an interior side lot line.

Lot width: The mean horizontal distance between the side lot lines of a lot.

Mobile home park: Any lot upon which twenty or more mobile homes, occupied for dwelling purposes, [are located] regardless of whether or not a charge is made for such accommodation.

Monopole: A freestanding single pole tower engineered to support communications antenna(s), which is self-supporting and without guy wires or additional support.

Motel (includes tourist courts): One or more buildings designed or used as temporary living quarters

for automobile transients in which individual cooking facilities may or may not be provided. If facilities are provided for individual cooking so that the unit or units may be occupied as dwelling units the same area, density, yard regulations and off-street parking as required in the R-2 (Multifamily Residential) District, shall be observed. In all cases, one off-street parking space shall be provided for each room or suite of rooms.

Nursing home: Any premises where more than three persons are lodged and furnished with meals and nursing care.

Open space: Area included in any side, rear or front yard or any other unoccupied space on a lot that is open and unobstructed to the sky.

Receive-only antennas/amateur radio antenna: Any tower or antenna that is under seventy (70) feet in height and is owned or operated by a federally licensed amateur radio station operator or is used exclusively for reception only, including local television broadcast reception antennas, direct broadcast satellite antennas or multichannel multipoint distribution services. Receive only/amateur radio antennas are not subject to regulation under section 7(15).

Sales of alcoholic beverages: The revenue derived or provided from the service of alcoholic beverages.

Setback line: That line which is parallel to and the minimum allowable horizontal distance from a given point or line of reference, such as a lot line, to the minimum required building line.

Sign: Any structure or part thereof, or any device attached to, painted on or represented on a building or other structure, upon which is displayed or included any letter, work [word], model, banner, decoration, device, or representation used as, or which is in the nature of, an announcement, direction, advertisement, or other attention-directing device.

Sign, area of: The total exterior surface computed in square feet of a sign having but one exposed exterior surface; the aggregate exposed exterior surface computed in square feet of a sign having more than one such surface.

Sign, freestanding: Any sign which is not attached to a building or other structure, including portable signs.

Story: That portion of a building included between the surface of any floor and the ceiling next above it.

Street: Any thoroughfare other than an alley.

Street line: A dividing line between a street right-of-way line and an abutting lot, tract or parcel of land.

Structure: Anything constructed, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground.

Structural alteration: Any change in the structural members of a building, such as walls, columns, beams or girders.

Tower: Any structure that is designed and constructed primarily for the purpose of supporting one (1) or more antennas, including self-supporting lattice towers, guy towers, or monopole towers.

Wrecked or damaged automobiles: Vehicles with visible damage or that are incapable of highway operation. Wrecking and salvaging include, but are not limited to, dismantling or assembling of parts for sale, reuse, or reassembly to undamaged vehicles and offered for sale.

Yard: An open, unoccupied space other than a court, on the lot in which a building is situated and which is unobstructed from the ground to the sky.

Yard, front: An open, unoccupied space on a lot facing a street and extending across the front of a lot between the side yard lines and being the minimum horizontal distance between the street line and the main building.

Yard, required front: An open space extending the full width of a lot between the front lot line and the front setback line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this ordinance.

Yard, rear: An open space unoccupied and unobstructed extending across the rear of a lot from one side lot line to the other side lot line and being the minimum horizontal distance between the rear lot line and the main building.

Yard, required rear: An open space extending the full width of the lot between the rear lot line and the rear setback line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this ordinance.

Yard, side: An open, unoccupied space on the same lot with a building, situated between the building and side line of the lot and extending through from the front yard to the required rear yard. Any lot line not the rear line or a front line shall be deemed a side line.

Yard, required side: An open space extending from the minimum front yard setback line to the minimum rear yard setback line between the side yard setback line and the nearest side lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this ordinance.

Zoning map, official: The zoning map or maps of the city attested together with all amendments subsequently adopted.

Zoning permit: A document issued by the building official authorizing buildings, structures or uses consistent with the terms of this ordinance and for the purpose of carrying out and enforcing its provisions. Where a building permit has been issued by the building official in accordance with section 8(2)(a), the zoning permit shall be construed to have been issued.

(Ordinance 2423, sec. 1, adopted 10/4/65; Ordinance 3706, sec. 3, adopted 11/14/83; Ordinance 4101, sec. 1, adopted 5/22/89; Ordinance 4426, sec. 2, adopted 6/5/95; Ordinance 5082, sec. 3, adopted 8/18/03; Ordinance 6385 adopted 5/17/21)

Sec. 17. *Residential and Commercial Tree Preservation*

(1) Residential Tree and Landscaping

(a) The City finds that the planting of trees aids in the stabilization of soil by preventing erosion and sedimentation, generates oxygen, provides a buffer and screen against pollution, provides a haven for birds, protects and enhances property values and enhances the city's physical and aesthetic appearance.

(b) Scope: This ordinance shall apply to all new residential construction. These regulations do not apply to additions to existing dwellings.

(c) Definitions: Approved Tree List – Approved list of trees to choose from for planting (*denotes introduced from outside Texas):

CITY OF SHERMAN TREE LIST

Common Name	**Scientific Name**
Bigtooth maple	Acer grandidentatum
Chalk maple	Acer leucoderme
Caddo maple	Acer saccharum 'Caddo' (Acer barbatum)
Chittamwood	Bumelia lanuginosa

~~Pecan~~	~~Carya illinoensis~~
~~Black hickory~~	~~Carya texana~~
~~Redbud~~	~~Cercis canadensis~~
~~Desert willow~~	~~Chilopsis linearis~~
~~Arizona cypress~~	~~Cupressus arizonica~~
~~Texas persimmon~~	~~Diospyros texana~~
~~Eastern persimmon~~	~~Diospyros virginiana~~
~~White ash~~	~~Fraxinus americana~~
~~Green ash~~	~~Fraxinus pennsylvanica~~
~~Ginkgo*~~	~~Ginkgo biloba~~
~~Deciduous holly~~	~~Ilex decidua~~
~~Yaupon holly~~	~~Ilex vomitoria~~
~~Texas walnut~~	~~Juglans microcarpa~~
~~Walnut~~	~~Juglans nigra~~
~~Eastern red cedar~~	~~Juniperus virginiana~~
~~Golden rain tree*~~	~~Koelreuteria paniculata~~
~~Crepe myrtle*~~	~~Lagerstroemia indica~~
~~Sweetgum~~	~~Liquidambar styraciflua~~
~~Bois d'arc~~	~~Maclura pomifera~~
~~Southern magnolia~~	~~Magnolia grandiflora~~
~~Dawn redwood*~~	~~Metasequoia glyptostroboides~~
~~Texas mulberry~~	~~Morus microphylla~~
~~Red mulberry~~	~~Morus rubra~~

~~Afghan or Eldarica pine*~~	~~Pinus eldarica~~
~~Chinese pistachio*~~	~~Pistacia chinensis~~
~~Mexican plum~~	~~Prunus mexicana~~
~~Ornamental pear*~~	~~Pyrus calleryana~~
~~Texas oak~~	~~Quercus buckleyi~~
~~Escarpment live oak~~	~~Quercus fusiformis~~
~~Havard shin oak~~	~~Quercus havardii~~
~~Bluejack oak~~	~~Quercus incana~~
~~Lacey oak~~	~~Quercus laceyi~~
~~Bur oak~~	~~Quercus macrocarpa~~
~~Blackjack oak~~	~~Quercus marilandica~~
~~Chinkapin oak~~	~~Quercus muehlenbergii~~
~~Water oak~~	~~Quercus nigra~~
~~Shumard red oak~~	~~Quercus shumardii~~
~~White shin oak~~	~~Quercus sinuata var. breviloba~~
~~Post oak~~	~~Quercus stellata~~
~~Live oak~~	~~Quercus virginiana~~
~~Western soapberry~~	~~Sapindus drummondii~~
~~Eve's necklace~~	~~Sophora affinis~~
~~Bald cypress~~	~~Taxodium distichum~~
~~Winged elm~~	~~Ulmus alata~~
~~American elm~~	~~Ulmus americana~~
~~Cedar elm~~	~~Ulmus crassifolia~~

Lacebark elm*	Ulmus parvifolia
Drake elm*	Ulmus parvifolia 'Drake'
Slippery elm	Ulmus rubra
Mexican buckeye	Ungnadia speciosa
Texas ash	Fraxinus texensis
Tickle-tongue	Zanthoxylum hirsutum

(d) Caliper: Diameter of the trunk of the tree measured twelve (12) inches above grade.

(e) Applicability: The terms and provisions of this ordinance shall apply to all property as follows:

1. New one and two family residential construction. Two two (2) inch caliper trees from the approved tree list (defined herein) are required prior to the certificate of occupancy being issued.

(f) Variances: The Planning and Zoning Board of Adjustments after a public hearing shall hear appeals for variances to this ordinance.

(2) Commercial Tree and Landscaping

Off-street parking landscaping [twenty-five (25) spaces or more].

(a) All areas that are used for parking shall conform to the minimum landscaping requirements of this Article. Parking lots shall have open landscaped areas that are equal to but not less than ten (10) percent of the parking areas and drives in the parking areas. The required area may be used as island, perimeter landscaping, or in any combination. A minimum of forty (40) percent of the required landscaped area must be used as islands.

(b) Landscaping shall consist of a combination of such materials as grasses, ground cover, shrubs, vines, hedges, trees, or other such materials. Grasses and ground cover alone shall not constitute adequate landscaping.

(c) Approved Tree List – Approved list of trees to choose from for planting (*denotes introduced from outside Texas):

CITY OF SHERMAN TREE LIST

Common Name	**Scientific Name**
Bigtooth maple	Acer grandidentatum
Chalk maple	Acer leucoderme
Caddo maple	Acer saccharum 'Caddo' (Acer barbatum)

~~Chittamwood~~	~~Bumelia lanuginose~~
~~Pecan~~	~~Carya illinoensis~~
~~Black hickory~~	~~Carya texana~~
~~Redbud~~	~~Cercis canadensis~~
~~Desert willow~~	~~Chilopsis linearis~~
~~Arizona cypress~~	~~Cupressus arizonica~~
~~Texas persimmon~~	~~Diospyros texana~~
~~Eastern persimmon~~	~~Diospyros virginiana~~
~~White ash~~	~~Fraxinus americana~~
~~Green ash~~	~~Fraxinus pennsylvanica~~
~~Ginkgo*~~	~~Ginkgo biloba~~
~~Deciduous holly~~	~~Ilex decidua~~
~~Yaupon holly~~	~~Ilex vomitoria~~
~~Texas walnut~~	~~Juglans microcarpa~~
~~Walnut~~	~~Juglans nigra~~
~~Eastern red cedar~~	~~Juniperus virginiana~~
~~Golden rain tree*~~	~~Koelreuteria paniculata~~
~~Crepe myrtle*~~	~~Lagerstroemia indica~~
~~Sweetgum~~	~~Liquidambar styraciflua~~
~~Bois d'arc~~	~~Maclura pomifera~~
~~Southern magnolia~~	~~Magnolia grandiflora~~
~~Dawn redwood*~~	~~Metasequoia glyptostroboides~~
~~Texas mulberry~~	~~Morus microphylla~~

~~Red mulberry~~	~~Morus rubra~~
~~Afghan or Eldarica pine*~~	~~Pinus eldarica~~
~~Chinese pistachio*~~	~~Pistacia chinensis~~
~~Mexican plum~~	~~Prunus mexicana~~
~~Ornamental pear*~~	~~Pyrus calleryana~~
~~Texas oak~~	~~Quercus buckleyi~~
~~Escarpment live oak~~	~~Quercus fusiformis~~
~~Havard shin oak~~	~~Quercus havardii~~
~~Bluejack oak~~	~~Quercus incana~~
~~Lacey oak~~	~~Quercus laceyi~~
~~Bur oak~~	~~Quercus macrocarpa~~
~~Blackjack oak~~	~~Quercus marilandica~~
~~Chinkapin oak~~	~~Quercus muehlenbergii~~
~~Water oak~~	~~Quercus nigra~~
~~Shumard red oak~~	~~Quercus shumardii~~
~~White shin oak~~	~~Quercus sinuate var. breviloba~~
~~Post oak~~	~~Quercus stellata~~
~~Live oak~~	~~Quercus virginiana~~
~~Western soapberry~~	~~Sapindus drummondii~~
~~Eve's necklace~~	~~Sophora affinis~~
~~Bald cypress~~	~~Taxodium distichum~~
~~Winged elm~~	~~Ulmus alata~~
~~American elm~~	~~Ulmus americana~~

Cedar elm	Ulmus crassifolia
Lacebark elm*	Ulmus parvifolia
Drake elm*	Ulmus parvifolia 'Drake'
Slippery elm	Ulmus rubra
Mexican buckeye	Ungnadia speciosa
Texas ash	Fraxinus texensis
Tickle-tongue	Zanthoxylum hirsutum

(d) Visibility at intersections. On a corner lot, no structure shall be erected or constructed, and no vegetation shall be planted and allowed to grow, in such a manner as to impede vision between a height of two (2) feet and eight (8) feet above the centerline grades of the intersecting streets, in the triangular area bounded by the intersecting street lines and a line joining points along said street lines twenty (20) feet from the point of their intersection.

(Ordinance 5355 adopted 11/21/05)

EXHIBIT A-1 MATRIX OF PERMITTED USES

Permitted Uses	**Parking Ratio**	**R-A**	**SF-1**	**R-1**	**R-2**	**C-O**	**C-1**	**C-2**	**M-1**	**M-1.5**	**M-2**	**MH**
Accessory building; garage or carport, domestic storage	None	Yes	Yes	Yes	Yes	No	No	No	Yes	Yes	Yes	Yes
Accessory building for agricultural storage	None	Yes	No	No	No	No	No	No	Yes	Yes	Yes	Yes
Advertising displays manufactured.	None	No	No	No	No	No	No	No	Yes	Yes	Yes	No
Ambulance service	1/1.5 emp.	No	No	No	No	No	SUP	SUP	No	No	No	No
Animal and poultry husbandry, dairying and pasturage, but not including the feeding of garbage	None	Yes	No	No	No	No	No	No	Yes	Yes	Yes	Yes
Animal hospital, pound	1/200	No	No	No	No	No	No	Yes	Yes	Yes	Yes	No

or shelter (parking requirements does not include outdoor kennels)												
Art, supply store, antiques, gallery or museum	1/200	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	No
Asphalt or asphalt products	1/1000 of general floor space 1/400 of office floor space	No	No	No	No	No	No	No	No	No	Yes	No
Auditorium, arena, coliseum, theater or amphitheater	1/3 seats	No	No	No	No	No	SUP	No	No	No	No	No
Automobile accessory and supply store	1/200	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	No
Automobile laundry, Carwash	3/wash lane	No	No	No	No	No	SUP	SUP	No	No	No	No
Automobile parking lot or structured parking	None	SUP	SUP	SUP	SUP	Yes	Yes	Yes	Yes	Yes	Yes	No
Automobile parking lot; for a special event	None	TUP	TUP	TUP	TUP	No	No	No	No	No	No	No
Automobile rental or taxi storage and repair	None	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	No
Automobile repair, body work, painting. Automobile, wrecks for sale, damaged condition may be offered for sale; provided the automobiles are stored within a completely enclosed building. The salvage or dismantling of parts of wrecked automobiles for sale or the salvage of undamaged portions of automobiles for assembly to undamaged	None	No	No	No	No	No	No	SUP	No	No	No	No

portions of other automobiles is hereby prohibited with the C-2 (General Commercial) District. The storage of wrecked or damaged automobiles for any purpose other than those specified herein is prohibited												
Automobile service station	None	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	No
Automobile wrecking, salvaging & storage	1/1000 of general floor space 1/400 of office floor space	No	No	No	No	No	No	No	SUP	SUP	SUP	No
Automobile, glass, muffler, seat cover, tire & upholstery service, sales, installation and repair, but not including tire recapping	1/400	No	No	No	No	SUP	SUP	SUP	No	No	No	No
Automobile/boat sales, new or used	None	No	No	No	No	SUP	SUP	SUP	No	No	No	No
Automobiles, motorcycles, trucks or trailers, including parts or rebuilding of engines	1/1000 of general floor space 1/400 of office floor space	No	No	No	No	No	No	No	Yes	Yes	Yes	No
Bait store	1/200	No	No	No	No	No	No	Yes	Yes	Yes	Yes	No
Bakery, retail	1/200	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	No
Bakery, wholesale	1/1000	No	No	No	No	No	No	Yes	Yes	Yes	Yes	No
Bank, Company and Credit Unions	1/200	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	No
Barber and beauty shop equipment and	1/400	No	No	No	No	No	No	Yes	Yes	Yes	Yes	No

specialties; sales												
Barbershop or beauty parlor	1/200	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	No
Baseball park, commercial	1/3 seats	No	No	No	No	No	No	Yes	Yes	Yes	Yes	No
Batching plant, Portland cement, concrete, noncommercial	None	TUP	TUP	TUP	TUP	TUP	TUP	TUP	No	No	No	No
Batching or mixing plant, asphalt or concrete	1/1000 of general floor space 1/400 of office floor space	No	No	No	No	No	No	No	No	No	Yes	No
Battery manufacturing	1/1000 of general floor space 1/400 of office floor space	No	No	No	No	No	No	No	Yes	Yes	Yes	No
Beauty parlor, single operator homeowner	1/200	SUP	SUP	SUP	SUP	No	No	No	No	No	No	No
Bed and Breakfast establishments	1/guest room 1/innkeeper	SUP	SUP	SUP	SUP	No	No	No	No	No	No	No
Bedrooms - two bedrooms may be rented but not more than four 4 people	1/unit	Yes	No	Yes	Yes	No	No	No	No	No	No	No
Blueprinting and similar reproduction processes	1/200	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	No
Boat rental, storage and repair	1/400	No	No	No	No	No	No	SUP	No	No	No	No
Boats, building or repair	1/1000 of general floor space 1/400 of office floor	No	No	No	No	No	No	No	Yes	Yes	Yes	No

	space											
Boiler manufacture	1/1000 of general floor space 1/400 of office floor space	No	No	No	No	No	No	No	No	No	Yes	No
Bookbinding	1/1000	No	No	No	No	No	No	Yes	Yes	Yes	Yes	No
Books, binding, other than hand binding	1/1000 of general floor space 1/400 of office floor space	No	No	No	No	No	No	No	Yes	Yes	Yes	No
Bookstore or lending library, commercial	1/200	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	No
Bottling works, for all beverages – not including alcoholic	1/1000 of general floor space 1/400 of office floor space	No	No	No	No	No	No	No	Yes	Yes	Yes	No
Bottling works, for all beverages – including alcoholic	1/1000 of general floor space 1/400 of office floor space	No	No	No	No	No	No	No	No	No	Yes	No
Bowling alley	5/alley	No	No	No	No	No	No	Yes	Yes	Yes	Yes	No
Brick, stone, tile or clay products	1/1000 of general floor space 1/400 of office floor space	No	No	No	No	No	No	No	No	No	Yes	No
Brooms or brushes	1/1000 of general floor space 1/400 of	No	No	No	No	No	No	No	Yes	Yes	Yes	No

	office floor space											
Bus Station	None	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	No
Business machines, sales/service	1/400	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	No
Cabinet or carpentry shop	1/400	No	No	No	No	No	No	SUP	No	No	No	No
Camera or photographic supply store	1/200	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	No
Cameras or other photographic equipment and film	1/1000 of general floor space 1/400 office floor space	No	No	No	No	No	No	No	Yes	Yes	Yes	No
Candy, nut, confectionery store	1/200	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	No
Carnival or circus	1/500	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	No
Carpet cleaning, enclosed nonflammable solvents	1/400	No	No	No	No	No	No	Yes	Yes	Yes	Yes	No
Carpets, manufacture and cleaning	1/1000 of general floor space 1/400 of office floor space	No	No	No	No	No	No	No	Yes	Yes	Yes	No
Caterer	1/200	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	No
Cement, lime, or plaster of paris	1/1000 of general floor space 1/400 of office floor space	No	No	No	No	No	No	No	No	No	Yes	No
Cemetery or mausoleum	None	SUP	SUP	SUP	SUP	No	No	No	No	No	No	No
Ceramics, stone, glass,	1/1000 of	No	No	No	No	No	No	No	Yes	Yes	Yes	No

marble, and porcelain products	general floor space 1/400 office floor space											
Chemicals, including acids, acetylene, aniline dyes, ammonia, bleaching compounds, carbide, caustic soda, cellulose, chlorine, cleaning or polishing preparations, creosoting, exterminating agents, hydrogen or oxygen, industrial alcohol, solvents, sugar, potash, plastic materials, or synthetic rosins, or rayon yarns	1/1000 of general floor space 1/400 of office floor space	No	No	No	No	No	No	No	No	Yes	Yes	No
Christmas tree and wreaths	None	TUP	TUP	TUP	TUP	No	Yes	Yes	Yes	Yes	Yes	No
Church or other place of worship, including parish houses and Sunday schools, but excluding rescue missions or temporary revivals	1/7 seats	SUP	SUP	SUP	SUP	No	No	No	No	No	No	No
City, county, state and federal government garage, maintenance yard, or similar govt. establishment	1/200	SUP	SUP	SUP	SUP	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Clinic or office, medical	1/200	No	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes	No
Clothing retailer including formal wear and costumes	1/200	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	No
Club or lodge	1/400	No	No	No	No	SUP	SUP	SUP	No	No	No	No
Coal, coke, charcoal or tar products, including gas.	1/1000 of general floor space 1/400 of	No	No	No	No	No	No	No	No	Yes	Yes	No

	office floor space											
Cold storage plant	1/1000	No	No	No	No	No	No	SUP	No	No	No	No
Commercial amusement centers	1/200	No	No	No	No	SUP	SUP	SUP	No	No	No	No
Concession stand within a park, playground or playfield	None	SUP	SUP	SUP	SUP	No	No	No	No	No	No	No
Construction, equipment sales, service, rental and repair	None	No	No	No	No	No	No	SUP	No	No	No	No
Contractors or construction offices, with outside storage	1/400	No	No	No	No	No	No	SUP	SUP	SUP	SUP	No
Contractors or construction offices, without outside storage	1/400	No	No	No	No	No	No	Yes	Yes	Yes	Yes	No
Convalescent home	1/3 beds	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP
Cotton ginning, cotton wadding or linters, cottonseed products manufacture, cotton baling or compress.	1/1000 of general floor space 1/400 of office floor space	No	No	No	No	No	No	No	No	No	Yes	No
Dance hall, commercial	1/100	No	No	No	No	No	No	SUP	No	No	No	No
Department Store	1/200	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	No
Doctor or Dentist – One doctor or dentist with staff – No retail sales	1/200	SUP	SUP	SUP	SUP	No	No	No	No	No	No	No
Drugstores	1/200	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	No
Dry cleaning pickup station	1/200	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	No

Dry Cleaning plant, package plant	1/200	No	No	No	No	SUP	SUP	SUP	No	No	No	No
Dwelling, Multifamily	1/bedroom (min. 2/unit)	No	No	No	Yes	SUP	SUP	SUP	No	No	No	No
Dwelling, Single Family	1/bedroom (min. 2/unit)	Yes	Yes	Yes	Yes	SUP	SUP	SUP	No	No	No	Yes
Dwelling, Two Family (Duplex)	1/bedroom (min. 2/unit)	No	No	SUP	Yes	SUP	SUP	SUP	No	No	No	No
Earth moving and excavations, depositing of construction materials, clay, earth, gravel, minerals, rock, sand or stone on the ground	None	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP
Eating place (inside and outside service)	2/4 seats	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	No
Eating place (inside service only)	1/4 seats	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	No
Eating place (outside service only)	1/100 min. 8	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	No
Electric power substation or generating including ground-mounted solar and wind	1/1000	SUP	SUP	SUP	SUP	SUP	SUP	SUP	Yes	Yes	Yes	No
Electrical appliances, equipment assembly, supplies, or similar products, including electrical machinery	1/1000 of general floor space 1/400 of office floor space	No	No	No	No	No	No	No	Yes	Yes	Yes	No
Electrical equipment and components	1/1000 of general floor space 1/400 of office floor space	No	No	No	No	No	No	No	No	Yes	Yes	No

Excelsior or packing materials	1/1000 of general floor space 1/400 of office floor space	No	No	No	No	No	No	No	No	Yes	Yes	No
Explosives	1/1000 of general floor space 1/400 of office floor space	No	No	No	No	No	No	No	No	Yes	Yes	No
Explosives or fireworks	1/1000 of general floor space 1/400 of office floor space	No	No	No	No	No	No	No	No	No	Yes	No
Exterminator	1/400	No	No	No	No	No	No	Yes	Yes	Yes	Yes	No
Farm equipment sales, service, repairs, feed store	1/400	No	No	No	No	No	No	SUP	No	No	No	No
Fertilizers	1/1000 of general floor space 1/400 of office floor space	No	No	No	No	No	No	No	No	No	Yes	No
Field crops, horticulture, nursery, truck gardening, but not including retail sales on the premises	None	Yes	Yes	Yes	Yes	No	No	No	Yes	Yes	Yes	No
Floor covering sales retail	1/400	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	No
Florist shop, greenhouse (parking requirement does not include greenhouse or open stock)	1/200	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	No

Food locker plant for consumer use	1/200	No	No	No	No	No	No	Yes	Yes	Yes	Yes	No
Food or grocery store, retail	1/200	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	No
Food products	1/1000 of general floor space 1/400 of office floor space	No	No	No	No	No	No	No	Yes	Yes	Yes	No
Food Truck Lot	None	No	No	No	No	SUP	SUP	SUP	SUP	SUP	SUP	No
Freight depot or terminal, railroad and/or truck	1/400	No	No	No	No	No	No	SUP	No	No	No	No
Funeral home or mortuary	1/3 seats	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	No
Furniture and upholstery manufacturing	1/1000 of general floor space 1/400 of office floor space	No	No	No	No	No	No	No	Yes	Yes	Yes	No
Furniture and appliances sales; custom upholstery, not automobile related	1/400	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	No
Garment manufacturing	1/1.5 emp.	No	No	No	No	No	No	SUP	No	No	No	No
Gas compressor or regulator station	1/400	SUP	SUP	SUP	SUP	No	No	No	No	No	No	No
Gas or flammable liquids, storage or products	1/1000 of general floor space 1/400 of office floor space	No	No	No	No	No	No	No	No	Yes	Yes	No
Gelatin, glue or size	1/1000 of general floor	No	No	No	No	No	No	No	No	No	Yes	No

	space 1/400 of office floor space											
Gift, novelty shop	1/200	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	No
Glass and cutting shop	1/400	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	No
Golf course	8/green	SUP	SUP	SUP	SUP	No	No	No	No	No	No	No
Golf driving ranges, commercially operated	1/2000 sq. ft.	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	No
Grain, milling or processing, elevators	1/1000 of general floor space 1/400 of office floor space	No	No	No	No	No	No	No	No	No	Yes	No
Graphite or graphite products	1/1000 of general floor space 1/400 of office floor space	No	No	No	No	No	No	No	No	Yes	Yes	No
Gypsum	1/1000 of general floor space 1/400 of office floor space	No	No	No	No	No	No	No	No	No	Yes	No
Hair, felt or feathers, bulk processing, washing, curling or dyeing	1/1000 of general floor space 1/400 of office floor space	No	No	No	No	No	No	No	No	No	Yes	No
Halfway house; mental, alcoholic, etc.	1/200	SUP	SUP	SUP	SUP	SUP	SUP	SUP	No	No	No	No
Hardware industrial	1/400	No	No	No	No	No	No	Yes	Yes	Yes	Yes	No

sales												
Hardware store and small tool rental, but not including sales of lumber or industrial hardware.	1/200	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	No
Hatchery	1/1000 of general floor space 1/400 of office floor space	No	No	No	No	No	No	No	No	No	Yes	No
Health Club or Studio	1/200	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	No
Heavy equipment, storage, repair and sales, earth moving	1/1000 of general floor space 1/400 of office floor space	No	No	No	No	No	No	No	Yes	Yes	Yes	No
Hobby shop or craft supply store	1/200	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	No
Home occupations: Refer to Section 6.2(4) or 6.3(4) for additional detail.		Yes	Yes	Yes	Yes	No	No	No	No	No	No	No
Hookah Bar, Smoking Lounge, Smoke Shop, Vape Shop	1/200	No	No	No	No	SUP	SUP	SUP	SUP	SUP	SUP	No
Hospitals, general, not including animal	1/3 beds	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP
Hotel	1/unit	No	No	No	No	No	SUP	No	No	No	No	No
Ice vending establishment	None	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	No
Ice, dry or natural	1/1000 of general floor space 1/400 of	No	No	No	No	No	No	No	Yes	Yes	Yes	No

	office floor space											
Incineration, distillation or reduction of garbage, offal, or dead animals, fat rendering	1/1000 or general floor space 1/400 of office floor space	No	No	No	No	No	No	No	No	No	Yes	No
Industrialized Housing	2/1 unit	SUP	SUP	SUP	SUP	No	No	No	No	No	No	No
Insecticides, fungicides, disinfectants, or related industrial or household chemical compounds	1/1000 of general floor space 1/400 of office floor space	No	No	No	No	No	No	No	No	No	Yes	No
Institution for children and aged, nonprofit	1/3 beds	SUP	SUP	SUP	SUP	No	No	No	No	No	No	No
Institution, correctional, detention, penal or for use of insane, feeble minded, alcoholic or narcotic patients on a minimum site of 15 acres	1/3 beds	SUP	SUP	SUP	SUP	No	No	No	No	No	No	No
Institution, nonresidential	1/400	No	No	No	No	SUP	SUP	SUP	SUP	SUP	SUP	No
Jewelry store	1/200	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	No
Junk handling or storage, assembly of iron, rags, and similar materials enclosed by an opaque wall or fence 6 feet in height.	1/1000 of general floor space 1/400 of office floor space	No	No	No	No	No	No	No	No	No	Yes	No
Jute, hemp, sisal or oakum products	1/1000 of general floor space 1/400 of office floor	No	No	No	No	No	No	No	No	No	Yes	No

	space											
Laboratory, medical or dental	1/400	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	No
Laboratory, research or testing	1/400	No	No	No	No	No	No	Yes	Yes	Yes	Yes	No
Laundry plant (steam)	1/1000 of general floor space 1/400 of office floor space	No	No	No	No	No	No	No	Yes	Yes	Yes	No
Laundry, pickup station or self-service	1/200	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	No
Leather, hair, or fur tanning, curing, finishing or dyeing and products	1/1000 of general floor space 1/400 of office floor space	No	No	No	No	No	No	No	No	No	Yes	No
Linen or uniform supply, or diaper service	1/400	No	No	No	No	No	No	Yes	Yes	Yes	Yes	No
Livestock auction sales, feeding yards, pens with barns and temporary unloading, concentration loading and shipping	1/1000 of general floor space 1/400 of office floor space	No	No	No	No	No	No	No	No	No	Yes	No
Loan office	1/200	No	No	No	SUP	SUP	SUP	SUP	No	No	No	No
Locksmith or key shop	1/200	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	No
Lumberyard (parking does not include lumber sheds)	1/400	No	No	No	No	No	No	SUP	No	No	No	No
Machine tools, including metal lathes, metal press, metal stamping machines, woodworking machines, or similar	1/1000 of general floor space 1/400 of office floor	No	No	No	No	No	No	No	Yes	Yes	Yes	No

products	space											
Machine tools, sales, service, rental and repair	1/400	No	No	No	No	No	No	Yes	Yes	Yes	Yes	No
Machinery, miscellaneous, including repairs	1/1000 of general floor space 1/400 of office floor space	No	No	No	No	No	No	No	Yes	Yes	Yes	No
Machines, business, including typewriters, accounting machines, calculators, card counting equipment, or similar products	1/1000 of general floor space 1/400 of office floor space	No	No	No	No	No	No	No	Yes	Yes	Yes	No
Manufactured Home Park		No	No	No	No	No	No	No	No	No	No	SUP
Manufacturing of baked goods, candy, delicatessen foods and ice cream	1/400	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	No
Mattresses, including rebuilding or renovating	1/1000 of general floor space 1/400 of office floor space	No	No	No	No	No	No	No	Yes	Yes	Yes	No
Meat or fish products, including slaughtering of meat or preparation of fish for packing	1/1000 general floor space 1/400 of office floor space	No	No	No	No	No	No	No	No	No	Yes	No
Medical or dental clinic - No retail sales	1/200	SUP	SUP	SUP	SUP	No	No	No	No	No	No	No
Meeting halls	1/400	No	No	No	SUP	SUP	SUP	SUP	No	No	No	No
Metal alloys of foil, miscellaneous,	1/1000 of general floor	No	No	No	No	No	No	No	No	Yes	Yes	No

including solder, pewter, brass, bronze, or tin, lead or gold foil, or similar products	space 1/400 of office floor space											
Metal or metal ores, reduction, refining, smelting or alloying	1/1000 of general floor space 1/400 of office floor space	No	No	No	No	No	No	No	No	Yes	Yes	No
Metal or metal products, stamping or extrusion, treatment, bonding, finishing or processing, including enameling, japanning, lacquering, galvanizing, plating, or similar processes.	1/1000 general floor space 1/400 of office floor space	No	No	No	No	No	No	No	No	Yes	Yes	No
Metal welding casting or foundry products, including ornamental iron work, or similar products.	1/1000 of general floor space 1/400 of office floor space	No	No	No	No	No	No	No	No	Yes	Yes	No
Mining, including extraction of clay, gravel or sand; quarrying of rock or stones	None	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP
Mini-warehouse	1/1000	No	No	No	SUP	SUP	SUP	SUP	No	No	No	No
Mirror silvering	1/1000	No	No	No	No	No	No	Yes	Yes	Yes	Yes	No
Mobile home park	1/unit	No	No	No	No	No	No	SUP	No	No	No	No
Mobile home/manufactured home sales with distribution	1/400	No	No	No	No	No	No	SUP	SUP	SUP	SUP	No
Model home display/sales without distribution	1/200 office	No	No	No	No	SUP	SUP	SUP	SUP	SUP	SUP	No

Model home real estate sales office, temporary	2/model home	TUP	TUP	TUP	TUP	No	No	No	No	No	No	No
Monument sales and incidental processing	1/1000	No	No	No	No	No	No	Yes	Yes	Yes	Yes	No
Motel	1/unit	No	No	No	No	No	SUP	No	No	No	No	No
Motorcycle sales, repair, storage, and service	1/400	No	No	No	No	No	No	SUP	No	No	No	No
Motorized outdoor amusements i.e. total go-carts, motorcycles)	1/2000 sq. ft. of space utilized for operation	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP
Music store	1/400	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	No
Musical instruments, including pianos or organs	1/1000 of general floor space 1/400 of office floor space	No	No	No	No	No	No	No	Yes	Yes	Yes	No
Newspaper distribution station	None	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	No
Novelty Products, Manufacture or Sales	1/400	No	No	No	No	No	No	No	SUP	No	No	No
Nursing home	1/3 beds	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP
Office – Services only, No sales of goods, wares or merchandise or storing stocks	1/200	SUP	SUP	SUP	SUP	No	No	No	No	No	No	No
Office, any type	1/400	No	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes	No
Oil well supplies and machinery sales	1/1.5 emp.	No	No	No	No	No	No	SUP	No	No	No	No
Optical goods, optician, optometrist	1/200	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	No

Orthopedic or medical appliances, including artificial limbs, braces, supports, stretchers or similar products	1/1000 of general floor space 1/400 of office floor space	No	No	No	No	No	No	No	Yes	Yes	Yes	No
Orthopedic or medical shoe or appliance store and repair	1/400	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	No
Outdoor commercial amusements, i.e., miniature golf, etc.	1/2000 sq. ft. of space utilized or total operation	No	No	No	No	No	No	SUP	No	No	No	No
Outdoor Storage	None	No	No	No	No	SUP	SUP	SUP	SUP	SUP	SUP	No
Paint and wallpaper store or decorators shop	1/200	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	No
Paint, enamel, lacquer, turpentine or varnish.	1/1000 of general floor space 1/400 of office floor space	No	No	No	No	No	No	No	No	Yes	Yes	No
Paper products, including envelopes, stationery, bags, boxes, shipping containers, bulk goods, tubes, wallpaper printing, or similar products.	1/1000 of general floor space 1/400 of office floor space	No	No	No	No	No	No	No	Yes	Yes	Yes	No
Patio homes	1/bedroom (min. 2/unit)	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP
Pawn Shop	1/200	No	No	No	No	No	No	Yes	Yes	Yes	Yes	No
Pet shop	1/200	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	No
Petroleum or petroleum products, refining, including gasoline or other petroleum	1/1000 of general floor space 1/400 of	No	No	No	No	No	No	No	No	No	Yes	No

products	office floor space											
Pharmaceutical products	1/1000 of general floor space 1/400 of office floor space	No	No	No	No	No	No	No	Yes	Yes	Yes	No
Photographer's studio; sales limited to photos and film	1/200	SUP	SUP	SUP	SUP	No	No	No	No	No	No	No
Photographic studio or store and photo processing	1/200	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	No
Pipe storage enclosed	1/1000	No	No	No	No	No	No	SUP	No	No	No	No
Plastic and rubber products	1/1000 of general floor space 1/400 of office floor space	No	No	No	No	No	No	No	No	Yes	Yes	No
Plumbing fixture sales, retail	1/400	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	No
Portable offices and construction buildings which shall be removed upon completion or abandonment of construction work.	None	Yes	Yes	Yes	Yes	No	No	No	Yes	Yes	Yes	No
Portable Storage Containers	None	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	No
Post Office	1/200	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	No
Printing or publishing, including engraving or photoengraving	1/400	No	No	No	No	No	No	Yes	Yes	Yes	Yes	No
Private clubs when required to obtain a permit from the Texas	1/400 (The parking requirement	No	No	No	No	SUP	SUP	SUP	SUP	SUP	SUP	No

Alcoholic Beverage Commission	applies to the bar and/or dance floor portion of the club only.)											
Public library or museum	1/400	SUP	SUP	SUP	SUP	No	No	No	No	No	No	No
Public park, playground or playfield	None	Yes	Yes	Yes	Yes	No	No	No	No	No	No	No
Radio or television broadcasting transmitter or tower, microwave relay tower	None	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP
Radio, television or recording studio	1/200	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	No
Railroad rights-of-way but not including shops and yards	None	Yes	Yes	Yes	Yes	No	No	No	Yes	Yes	Yes	No
Railroad yards, shops, or equipment	1/1000 of general floor space 1/400 of office floor space	No	No	No	No	No	No	No	No	No	Yes	No
Recycling center	1/1000 sq. ft.	No	No	No	No	SUP	SUP	SUP	No	No	No	No
Rehabilitation center for handicapped persons	1/1.5 emp.	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	No
Rental, repair, or servicing of articles whose sale is permitted in the same district, unless more specifically listed elsewhere	1/200	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	No
Retail and wholesale of agricultural products not raised on the premises and sold from vehicles parked off street, not over 500 square feet of	None	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	No

retail and wholesale storage and sales area												
Rooming, boarding house	1/bedroom (min. 2/unit)	No	No	No	Yes	No	No	No	No	No	No	No
Sanatorium on a site of 10 acres or more	1/3 beds	SUP	SUP	SUP	SUP	No	No	No	No	No	No	No
School nursery, kindergarten or daycare for children	1/1.5 emp.	SUP	SUP	SUP	SUP	No	No	No	No	No	No	No
School, commercial or trade	1/1000 of general floor space 1/400 of office floor space	No	No	No	No	No	No	No	Yes	Yes	Yes	No
School, commercial or trade, when not involving any danger of fire or explosion of offensive noise, vibration, dust, odor, glare, heat or other objectionable influences	1/400	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	No
Schools; elementary, high, college and universities, public, private or denominational	1/1.5 emp.	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP
Secondhand store or rummage shop	1/200	No	No	No	No	SUP	SUP	SUP	SUP	SUP	SUP	No
Sewing machine sales, retail	1/200	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	No
Sexually oriented businesses	1/400	No	No	No	No	No	No	SUP	SUP	No	No	No
Shoe repair shop or store	1/200	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	No
Shopping center on a site of 5 acres or more	1/200	SUP	SUP	SUP	SUP	No	No	No	No	No	No	No

Sign shop	1/400	No	No	No	No	No	No	Yes	Yes	Yes	Yes	No
Sign: Advertised or billboard (Which directs attention to a business commodity, service, or entertainment conducted, sold or offered elsewhere than upon the same lot)	None	No	No	No	No	No	No	SUP	SUP	SUP	SUP	No
Skating rink, commercial	1/400	No	No	No	No	No	No	Yes	Yes	Yes	Yes	No
Slaughtering or packing of animals or poultry	1/1000 of general floor space 1/400 of office floor space	No	No	No	No	No	No	No	No	No	Yes	No
Snow Cone Stand	2/snow cone stand	TUP	TUP	TUP	TUP	No	No	No	No	No	No	No
Soaps or detergents, perfumes	1/1000 of general floor space 1/400 of office floor space	No	No	No	No	No	No	No	No	Yes	Yes	No
Sporting goods store	1/200	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	No
Sporting or athletic equipment	1/1000 of general floor space 1/400 of office floor space	No	No	No	No	No	No	No	Yes	Yes	Yes	No
Stationery store	1/200	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	No
Steel products, miscellaneous fabrication or assembly (Manufacturing)	1/1000 of general floor space 1/400 of office floor space	No	No	No	No	No	No	No	Yes	Yes	Yes	No

Storage of goods or merchandise, used in, produced by or normally carried in stock in conjunction with permitted uses in the applicable district regulations	1/1000	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	No
Studio for professional work or for teaching any form of fine arts, photography, music, drama, etc.	1/400	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	No
Swimming pool, commercial	1/200	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	No
Swimming pool, private	None	Yes	Yes	Yes	Yes	No	No	No	No	No	No	Yes
Tailor shop seamstress, altering and repairing of wearing apparel	1/400	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	No
Tattoo Studio	1/200	No	No	No	No	SUP	SUP	SUP	SUP	SUP	SUP	No
Taxidermist	1/400	No	No	No	No	SUP	SUP	SUP	No	No	No	No
Teaching or tutoring more than 4 students at any one time	1/100	SUP	SUP	SUP	SUP	No	No	No	No	No	No	No
Telephone answering service	1/200	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	No
Telephone exchange, garage, shop or service	1/400	No	No	No	No	SUP	SUP	SUP	No	No	No	No
Telephone exchange, but not including garage, shop or service	1/400	SUP	SUP	SUP	SUP	No	No	No	No	No	No	No
Tents, Seasonal Retail	None	No	No	No	No	TUP	TUP	TUP	No	No	No	No
Textiles, spinning, weaving, manufacturing, dyeing, bleaching, printing, knit	1/1000 of general floor space	No	No	No	No	No	No	No	Yes	Yes	Yes	No

goods, yard thread or cordage	1/400 of office floor space											
Theater, drive-in	None	No	No	No	No	No	No	SUP	No	No	No	No
Tires, recapping or vulcanizing shop	1/1000 of general floor space 1/400 of office floor space	No	No	No	No	No	No	No	Yes	Yes	Yes	No
Tools or hardware, including bolts, nuts, screws, doorknobs, drills, hand tools or cutlery, hinges, house hardware, locks, nonferrous metal castings, plumbing appliances, or similar products.	1/1000 of general floor space 1/400 of office floor space	No	No	No	No	No	No	No	Yes	Yes	Yes	No
Toy store	1/200	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	No
Toys		No	No	No	No	No	No	No	Yes	Yes	Yes	No
Trailer sales, other than mobile home/manufactured housing and rentals	None	No	No	No	No	No	No	SUP	No	No	No	No
Transit vehicle, bus and struck storage, servicing repairs and sales	1/1000	No	No	No	No	No	No	SUP	No	No	No	No
Trucking, carting, crating, express handling and storage	1/400	No	No	No	No	No	No	SUP	No	No	No	No
Vehicles, children's, including bicycles, scooters, wagons, baby carriages or similar vehicles	1/1000 of general floor space 1/400 of office floor space	No	No	No	No	No	No	No	Yes	Yes	Yes	No
Venetian blinds,	1/1000 of	No	No	No	No	No	No	No	Yes	Yes	Yes	No

window shades, or awnings	general floor space 1/400 of office floor space											
Veterinarian, indoor soundproof kennels only	1/400	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	No
Warehousing establishment other than accessory to permitted retail use	1/1000	No	No	No	No	No	No	SUP	No	No	No	No
Watch repair	1/200	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	No
Water distillation	1/1.5 emp.	No	No	No	No	No	No	Yes	Yes	Yes	Yes	No
Wholesale establishment including storage	1/400	No	No	No	No	No	No	Yes	Yes	Yes	Yes	No
Wholesale office with storage limited to samples	1/400	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	No
Wood products, pulp, fiber, or lumber processing, or reduction including paper mill operations	1/1000 of general floor space 1/400 of office floor space	No	No	No	No	No	No	No	No	No	Yes	No
Wood scouring or pulling	1/1000 of general floor space 1/400 of office floor space	No	No	No	No	No	No	No	No	No	Yes	No

(Ordinance 6385 adopted 5/17/21)

EXHIBIT B*

ZONING BLALOCK INDUSTRIAL PARK

ORDINANCE NO. 2252

AN ORDINANCE CREATING AN INDUSTRIAL DISTRICT AND REGULATING AND

RESTRICTING THE LOCATION, CONSTRUCTION AND USE OF BUILDINGS, STRUCTURES, AND THE USE OF LAND IN THE SAID INDUSTRIAL DISTRICT HEREIN CREATED, TO BE KNOWN AS THE BLALOCK INDUSTRIAL PARK OF SHERMAN, TEXAS, AND FOR SAID PURPOSE DIVIDING THE SAID INDUSTRIAL DISTRICT INTO NUMBERED TRACTS: ENACTING PROVISIONS INCIDENT TO AND RELATING TO THE SUBJECT AND PURPOSE OF THIS ORDINANCE; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHERMAN:

ARTICLE I. PURPOSES

Sec. 100. Purposes

In and by the enactment of this ordinance it is the intent of the City of Sherman to provide for and create an industrial district for the purpose of promoting and protecting the public health, safety, morals and general welfare of the inhabitants of the City of Sherman, and providing a procedure, climate and location for the orderly development of light industry.

ARTICLE II. DEFINITIONS

Except where specifically defined herein all words used in this ordinance shall carry their customary meanings. Words used in the present tense include the future, and the plural includes the singular; the word "tract" includes the word "plot", "lot" or "parcel"; the word "building" includes the word "structure"; the word "shall" is intended to be mandatory; "occupied" or "used" shall be considered as though followed by the words "or intended, arranged or designed to be used or occupied".

(1) *Accessory use*: A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

(2) *Accessory use*: A use incidental to the principal use of a building. In buildings restricted to residence use, the office of a professional man, customary family occupations and workshops not conducted for compensation, shall be deemed accessory use.

(3) *Alterations*: As applied to a building or structure, a change or rearrangement in the structural parts or in the exit facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one position to another.

(4) *Alterations, structural*: Any change in the supporting members of a building such as bearing walls, columns, beams or girders.

(5) *Area, building*: The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces and steps.

(6) *Area, net site*: The total area within the property lines, excluding external streets.

(7) *Building*: Any structure having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of persons, animals or chattels.

(8) *Building, accessory*: A subordinate building or a portion of the main building on a lot, the use of which is customarily incidental to that of the main or principal building.

(9) *Building, detached*: A building surrounded by open space on the same lot.

(10) *Building, front line of*: The line of that face of the building nearest the front line of the lot. This face includes sun parlors and covered porches whether enclosed or unenclosed, but does not include steps.

(11) *Building, height*: The vertical distance measured from the average elevation of the proposed

finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

(12) *Building, main*: A building in which is conducted the principal use of the lot on which it is located.

(13) *Coverage*: That percentage of the plot or lot area covered by the building area.

(14) *Floor area*: The sum of the gross horizontal areas of the several floors of the building or buildings, measured from the exterior faces of exterior walls or from the center line of walls separating two buildings. In particular, the "floor area" of a building or buildings shall include:

(a) Basement space.

(b) Elevator shafts and stairwells at each floor.

(c) Floor space for mechanical equipment, with structural headroom of seven feet, six inches or more.

(d) Penthouses.

(e) Attic space (whether or not a floor has actually been laid) providing structural headroom of seven feet, six inches or more.

(f) Interior balconies and mezzanines.

(g) Enclosed porches.

(h) Accessory uses, not including space for accessory off-street parking.

However, the "floor area" of a building shall not include:

(i) Cellar space, except that cellar space used for retailing shall be included for the purpose of calculating requirements for accessory off-street parking spaces and accessory off-street loading berths.

(j) Elevator and stair bulkheads, accessory water tanks and cooling towers.

(k) Floor space used for mechanical equipment, with structural headroom of less than seven feet, six inches.

(l) Attic space, whether or not a floor has actually been laid, providing structural headroom of less than seven feet, six inches.

(m) Uncovered steps.

(n) Terraces, breezeways and open spaces.

(o) Accessory off-street parking spaces.

(p) Accessory off-street loading berths up to 200 percent of the amount required by section 410.

(15) *Floor area of a building*: The sum of the gross horizontal area of the several floors of a building and its accessory buildings on the same lot, excluding cellar and basement floor areas not devoted to residential use, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between exterior faces of walls.

(16) *Floor area ratio of a building*: The quotient of the floor area of a building divided by its lot area.

(17) *Grade, established*: The elevation of the center line of the streets as officially established by the city authorities.

(18) *Grade, finished*: The completed surfaces of lawns, walks, and roads brought to grades as shown on official plans or designs relating thereto.

(19) *Lot*. Land occupied or to be occupied by a building and its accessory buildings, or by a dwelling group and its accessory buildings, together with such open spaces as are required under the

provisions of this ordinance, having not less than the minimum area and width required by this ordinance for a lot in the district in which such land is situated, and having its principal frontage on a street or on such other means of access as may be determined in accordance with the provisions of the law to be adequate as a condition of the issuance of a building permit for a building on such land.

(20) *Lot, depth of*: The mean distance from the street line of the lot to its opposite rear line measured in the general direction of the side lines of the lot.

(21) *Lot, width of*: The mean width measured at right angles to its depth.

(22) *Lot lines*: Any line dividing one lot from another.

(23) *Nonconforming use*: A building, structure or use of land existing at the time of enactment of this ordinance, and which does not conform to the regulations of the district or zone in which it is situated.

(24) *Parking space*: An off-street space available for the parking of one motor vehicle and having an area of not less than 200 square feet exclusive of passageways and driveways appurtenant thereto and giving access thereto, and having direct access to a street or alley.

(25) *Sign*: A "sign" is any structure or part thereof, or any device attached to a structure or painted or represented on a structure, which shall display or include any letter, word, model, banner, flag, pennant, insignia, device or representation used as, or which is in the nature of an announcement, direction or advertisement. A "sign" includes any "billboard", but does not include the tag, pennant, or insignia of any nation, or group of nations, or of any state, city or other political unit, or of any political, educational, charitable, philanthropic, civic, professional, religious or like campaign, drive, movement, or event. However, a "sign" as defined herein, shall not include [a] similar structure or device located within a building.

(a) "Business sign" is a sign which directs attention to a business or profession conducted or to products sold upon the same lot. A "For Sale" or "To Let" sign relating to the lot on which it is displayed shall be deemed a "business sign".

(b) An "advertising sign" is a sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the same lot.

(c) An "illuminated sign" is any sign designed to give forth any artificial light or designed to reflect such light deriving from any source which is intended to cause such light or reflection. A "flashing sign" is any "illuminated sign" on which the artificial light is not maintained stationary and constant in intensity and color at all times when in use.

(26) *Story*: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between any floor and the ceiling next above it.

(27) *Street*: A public or private way which affords the principal means of access to abutting properties.

(28) *Structure*: Anything constructed or erected, the use of which requires location on the ground, or attachment to something having location on the ground.

(29) *Yard, front*: An open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the street line and the front line of the building projected to the side lines of the lot. The depth of the front yard shall be measured between the front line of the building and the street line. Covered porches, whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required front yard.

(30) *Yard, rear*: An unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot. The depth of the rear yard shall be measured between the rear line of the lot, or the center line of the alley if there be an alley, and the rear line of the building.

(31) *Yard, side*: An open unoccupied space on the same lot with a main building situated between the

side line of the building and the adjacent side line of the lot and extending from the rear line of the front yard to the front line of the rear yard. If no front yard is required, the front boundary of the side yard shall be the front line of the lot and if no rear yard is required the rear boundary of the side yard shall be the rear line of the lot.

ARTICLE III. ESTABLISHMENT OF DISTRICTS

Sec. 300. List of districts.

For the purpose of promoting the public health, safety, morals, and general welfare in the City of Sherman:

(1) There is hereby, for the purposes of convenience, denominated "Blalock Industrial Park" the following area described by metes and bounds as follows:

Field Notes for Blalock Industrial Park

Situated in the County of Grayson, State of Texas, being a part of the Preston Kitchens Survey, Abstract No. 667, Sherrod Dunman Survey, Abstract No. 329, Elizabeth Jones Survey, Abstract No. 625, and William Martin Survey, Abstract No. 765, and described by metes and bounds as follows, to wit: Beginning at the Southeast corner of the W. L. Pickens tract of land in the Preston Kitchens Survey, said corner being on the West line of Highway 75 access road; thence along the west right-of-way of said Highway 75 access road and the East line of City of Sherman Russell Water Station, Johnson and Johnson 437.697 acre tract of land, and the Greater Sherman, Inc. 54,328 acre tract of land for a distance of 5,917 ft., more or less, to a point opposite the I. B. M. tract of land; thence North 74 deg., 56 min. East a distance of 967.37 ft., more or less, to the most Northerly corner of I. B. M. tract of land; thence along the East line of I. B. M. tract of land the following calls and distances: South 13 deg., 35 min. East for a distance of 510.0 ft.; South 48 deg., 32 min. East 1,556.42 ft.; South 66 deg., 10 min. East 1,885.73 ft. to a point in the West line of the Frisco Railroad right-of-way; thence along the West and North lines of said Frisco Railroad and the East and South line of I. B. M. tract of land the following calls and distances: South 7 deg., 42 min. West a distance of 452.7 ft., more or less; South 82 deg., 18 min. East a distance of 75.0 ft., more or less; South 9 deg., 02 min. West a distance of 227.95 ft., more or less, to P. C. of 2 deg., 30 min. curve to the right; thence in a Southwesterly direction a distance of 1,870.58 ft., more or less, along said curve to the P. T.; thence continuing with said railroad right-of-way: South 62 deg., 59 min. West a distance of 319.75 ft., more or less; South 62 deg., 24 min. West a distance of 1,617 ft., more or less, to the East right-of-way of Hwy. 75 at the overpass above the said Frisco Railroad; thence continuing with said railroad right-of-way South 62 deg., 24 min. West a distance of 1,510 ft., more or less, to a point in the East line of Sherman Industrial Districts, Inc. 151.25 acre tract of land (Formerly owned by Haynes); thence South 16 deg. East a distance of 1,760 ft., more or less, to Choctaw Creek; thence up Choctaw Creek with its meanderings to the Southwest corner of said 151.25 acre tract of land; thence North 16 deg. West a distance of 2,966 ft., more or less; thence North 74 deg. East a distance of 456 ft., more or less, to center of creek; thence up said creek to a point in the South line of Greater Sherman Inc. 127 acre tract of land formerly owned by C. L. Green and W. A. Henson; thence South 74 deg. West a distance of 1,420 ft., more or less, to the Southwest corner of said 127 acre tract of land; thence North 16 deg. West a distance of 4,263 ft., more or less, along the West line of said 127 acre tract and the West line of Bessie Kinnard 184.662 acre tract of land to a point in the North line of F.M. Hwy. 1417 and the South line of Johnson and Johnson 437.697 acre tract of land; thence South 74 deg., 59 min. West a distance of 400 ft., more or less, along the North line of F.M. Hwy. 1417 to the Southwest corner of Johnson and Johnson 437.697 acre tract of land; thence along the West line of Johnson and Johnson 437.697 acre tract of land the following calls and distances: North 15 deg., 13 min. West a distance of 3,295.73 ft.; North 84 deg., 41 min. East a distance of 64.55 ft.; North 05 deg., 19 min. West a distance of 349.18 ft.; to the Northwest corner of said Johnson and Johnson 437.697 acre tract of land; thence North 74 deg., 40 min. East a distance of 3,614.68 ft. along the North line of Johnson and Johnson tract of land; thence North 14 deg., 30 min. West a distance of 469.10 [ft.]; thence North 75 deg., 32 min. East a distance of 1,400 ft. along the North line of Johnson

and Johnson and the South line of the W. L. Pickens tract of land to the place of beginning and containing 1,350 acres of land, more or less.

"I, James S. Hart, Registered Public Surveyor, prepared the above field notes from field notes of the various tracts of land of which the Blalock Industrial Park is comprised."

Section 300, paragraph 1, of Ordinance No. 2252, is amended so as to hereafter include the following described tract of land, to-wit:

Situated in the County of Grayson, State of Texas, being a part of Sherrod Dunman Survey, Abstract No. 329, and being the same land conveyed to L. O. Blanton, Jr. and Alan A. Hulsey by deed recorded in Vol. 847, Page 347, Deed Records, Grayson County, Texas and described by metes and bounds as follows to wit:

Beginning at S.E. corner of L. O. Blanton, Jr. tract of land and N. line of I. B. M. Corp. tract of land; thence S. 74° W. a distance of 746.39' to a point in the East Right of way of U.S. Hwy. 75 S.; thence N. 11° 30' W. a distance of 1,699.5' with the East Right of Way of said Hwy. 75 S. to the N. boundary line of said Dunman Survey and the center line of the old Dorchester Road; thence N. 74° E. a distance of 626.94' along the center line of said Dorchester Road and N. line of said Dunman Survey to a point; thence S. 16° E. a distance of 1,685.1' to the place of beginning and containing 26.68 acres.

(2) The said "Blalock Industrial Park" is hereby divided into tracts numbered, identified and bounded and described as follows:

(a) That area bounded on the North by the Dorchester road and on the East and South by the City Limits of Sherman, and bounded on the West by the center line of U.S. Highway 75 shall be known as Tract Number One (1).

Section 300, paragraph (2)(a), of Ordinance No. 2252, is amended so as to hereafter include within Tract No. 1, the following property, to-wit:

All that certain tract or parcel of land fully described in deed to I. B. M. and recorded in Vol. 842, Pages 418, 577, and 482 Deed Records, Grayson County, Texas, to which reference is made for all purposes.

(b) That area bounded on the North by the Dorchester Road, and on the East by the center line of U.S. Highway No. 75 bounded on the South by the City Limits of Sherman, and on the West by the center line of the old Sherman-Howe Road shall be known as Tract Number Two (2).

(c) That area bounded on the East by the center line of the Sherman Road and bounded on the North by the center line of the Dorchester Road and on the South and West by the City Limits of Sherman shall be known as Tract Number Three (3).

(d) That area bounded on the South line by the old Dorchester Road, on the East by the center line of U.S. Highway No. 75, and bounded on the North by the South line of the W. L. Pickens land, bounded on the West by the City Limits of Sherman shall be known as Tract Number Four (4).

(e) That area bounded on the South line by the old Dorchester Road, on the East by the St. Louis & San Francisco Railway Company service track, and West of the main plant and facilities of Johnson & Johnson shall be known as Tract Number Four Point One (4.1).

Situated in the City of Sherman, Grayson County, Texas, being a part of the Elizabeth Jones Survey, Abstract No. 625, and being a part of the 314.444 acre tract of land conveyed by Sherman Industrial Districts, Inc. to Johnson & Johnson by deed dated November 29, 1960, recorded in Volume 924, Page 40, Deed Records, Grayson County, Texas, and being more particularly described by metes and bounds as follows:

Beginning at a 1/2" steel rod set for the Southwest corner of the herein described tract at the point of intersection of the West line of the said 314.444 acre tract with the North

right-of-way line of F.M. Highway No. 1417;

Thence North 15° 10' 56" West with a fence along the West line of the said 314.444 acre tract a distance of 3,279.13 feet to a 3/4" pipe found at an angle point;

Thence North 84° 34' 59" East continuing with said fence a distance of 64.55 feet to a 3/4" pipe found at an angle point;

Thence North 05° 18' 31" West continuing with said fence and West line a distance of 348.99 feet to 3/4" pipe found maintaining the Northwest corner of the said 314.444 acre tract;

Thence North 74° 42' 53" East with a fence along the North line of the said 314.444 acre tract a distance of 2,630.61 feet to a 1/2" steel rod set for corner at the point of intersection of said North line with the extension of the West right-of-way line of the St. Louis & San Francisco Railway Company service track West of the main plant and facilities of said Johnson & Johnson;

Thence South 08° 48' 59" East with said extended line and continuing with said West right-of-way line 50 feet West of and parallel to the centerline of the main track for a total distance of 3,646.00 feet to a 1/2" steel rod set for the Southeast corner of the herein described tract in the said North right-of-way line of Highway No. 1417;

Thence South 74° 59' 00" West with said North right-of-way line a distance of 2,349.82 feet to the Point-of-Beginning and containing 211.212 acres of land more or less.

(f) Section 300, paragraph (2), of Ordinance No. 2252, is amended so as to hereafter create Tract No. 5, and described as follows, to-wit:

Situated in the County of Grayson, State of Texas, being a part of Sherrod Dunman Survey, Abstract No. 329, and being the same land conveyed to L. O. Blanton, Jr. and Alan A. Hulsey by deed recorded in Vol. 847, Page 347, Deed Records, Grayson County, Texas and described by metes and bounds as follows, to-wit:

Beginning at S.E. corner of L. O. Blanton, Jr. tract of land and N. line of I. B. M. Corp. tract of land; thence S. 74° W. a distance of 746.39' to a point in the East Right-of-Way of U.S. Hwy. 75 S.; thence N. 11° 30' W a distance of 1,699.5' with the East Right-of-Way of said Hwy. 75 S. to the N. boundary line of said Dunman Survey and the center line of the old Dorchester Road; thence N. 74° E. a distance of 626.94' along the center line of said Dorchester Road and N. line of said Dunman Survey to a point; thence S. 16° E. a distance of 1,685.1' to the place of beginning and containing 26.68 acres.

(3) The streets and roads within said park are accepted and designated as streets of the City of Sherman and identified by name as shown on the zoning map herein provided for, except in those instances in which acceptance and utilization would be inconsistent with ownership in the State of Texas.

(Ordinance 4967, sec. 1, adopted 10/15/01)

Sec. 310. Zoning map.

Said "Blalock Industrial Park" and the various districts with which it is divided are each and all bounded as shown on a map entitled "Zoning Map of Blalock Industrial Park of the City of Sherman, Texas" adopted this 17th day of December, 1962, and certified by the city clerk of the City of Sherman, Texas, after same had been first approved by the planning commission and city engineer of said city, which map accompanies and which, with all explanatory matter therein, is hereby made a part of this ordinance.

Editor's note The map referred to in section 310 is not included herein, but is on file in the city clerk's office.

Sec. 320. Interpretation of district boundaries.

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the zoning map, the following rules shall apply:

(1) Where district or tract boundaries are indicated as approximately following the center lines of streets or highways, street lines, or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be such boundaries.

(2) Where district boundaries are so indicated that they approximately follow the lot or tract lines, such lot or tract lines shall be construed to be said boundaries.

(3) Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning map. If no distance is given such dimension shall be determined by the use of the scale shown on said zoning map.

(4) Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line.

(5) Where the boundary of a district follows a stream, lake or other body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the City of Sherman unless otherwise indicated.

ARTICLE IV. REGULATIONS

Sec. 400. Application of regulations.

Except as hereinafter provided:

(1) No building or land shall hereafter be used or occupied and the building or part thereof shall be erected, moved, or altered unless in conformity with the regulations herein specified for the district in which it is located.

(2) No building shall hereafter be erected or altered in any tract:

(a) To exceed the applicable height.

(b) To occupy a greater percentage of lot area applicable to such tract and building.

(c) To have narrower or smaller front yards or in any wise infringe upon the setback line, side yards, or come closer to the side lot lines than is herein specified for the tract in which said building is located.

(3) No part of a yard or other open space about any building required for the purpose of complying with the provisions of this ordinance shall be included as a part of a yard or other open space similarly required for another building.

Sec. 410. Schedule of regulations.

(1) Except as hereinafter specified, all buildings and structures hereinafter erected within "Blalock Industrial Park" shall conform to the construction standards specified in the building code and all other applicable ordinances of the City of Sherman.

(2) The following regulations shall apply to all tracts within said "Blalock Industrial Park".

(a) *Permitted principal uses*.

1. Said premises shall not be used or occupied at any time for any purposes other than the purposes of light industrial manufacturing, wholesaling, jobbing, warehousing or businesses of a kindred nature; provided, however, that the uses of the lands, buildings, structures or processes shall not exceed the performance standards hereinafter set forth.

2. The provisions of Articles 2235 and 2236 of the Ordinances of the City of Sherman, as amended, shall not be applicable to "Blalock Industrial Park".

(b) *Uses prohibited*. All uses of land, buildings, and structures for industrial processes that may be noxious, injurious, or an annoyance and nuisance by reason of the production or emission of dust, smoke, refuse, matter, odor, gas, fumes, noise or similar substances or conditions, or that do not comply with the performance standards hereinafter set forth, are prohibited. Provided, however, that any uses may be permitted if approved by the city planning commission, zoning commission and city council of the City of Sherman, and subject to the securing of a permit therefor, and to such conditions, restrictions and safeguards as will be necessary by said board, commission or council for the purpose of protecting the health, safety, morals or general welfare of the community and said "Blalock Industrial Park".

(c) *Building height limit*. No building shall be erected to a height in excess of 100 feet; provided, however, that water towers or tanks, standpipes, elevator housing, air-conditioning equipment, stairways, ventilation fans, roof signs and similar equipment may exceed 100 feet in height with written consent and approval of the city council of the City of Sherman.

(d) *Required lot area*. No building or house shall be erected or maintained on a tract having an area less than 25 acres, unless otherwise herein permitted. Except on Tract Nos. 2, 3 and 4.1, the area may be not less than 5 acres. Tract No. 5 the area may be not less than the current separately owned lands, and the setback from Sam Rayburn Freeway shall be 50 feet, and the side yards shall be at least 50 feet, with a rear yard of 35 feet.

(e) *Percentage of lot coverage*. Any building or buildings, including accessory buildings, shall not cover more than 20% of the tract upon which it is constructed unless otherwise herein specified. Except on Tract Nos. 2, 3 and 4.1, the maximum coverage shall be 50% of the tract upon which it is constructed.

(f) *Impervious Cover*. The impervious cover on a tract shall not exceed 80% of the total tract area. Impervious cover shall include all roads, driveways, parking areas, buildings, concrete walkways and other impermeable construction covering the natural land surface. All pedestrian sidewalks within public right-of-way are excluded from the impervious cover calculations. Storm water detention, swales, and other conveyances for drainage purposes only shall not be calculated as impervious cover.

(g) *Yards and setback required*.

1. *Setback, front lines and yards*. Every building and structure of new construction shall have a minimum front yard setback of 400 feet from any new main road, street or arterial highway and a minimum front yard setback of 200 feet from any other road, unless otherwise herein specified. Except on Tract Nos. 3 and 4.1, the front setback shall be 100 feet from any road, street or arterial highway. Such setback areas between the building lines and the roads right-of-way shall be used for lawns, open landscaping and green areas. Infield area is to be landscaped; it shall be done attractively with lawns, trees, etc., and thereafter properly maintained in a sightly and well-kept condition. Except in Tract No. 2, the minimum setback line on Dorset Drive shall be not less than 55.7 feet, the setback from Sam Rayburn Freeway shall be not less than 55.7 feet and the setback from any other street shall be not less than 55.7 feet but subject to special permit from the city zoning board of adjustments and appeals and the city council.

2. *Side lines and yards*.

a. No structures or buildings, including accessory buildings, shall be located closer than 55.7 feet to any side building site line.

b. When any such side yard between any building or accessory building and the lot line is used as a vehicular accessway, it shall be at least 55.7 feet in width.

3. *Rear lines and yards*. All rear yards are required to be so designed as to be 55.7 feet in depth between any rear building, accessory building, or parking area and any rear abutting property line.

(h) *Screening*. Screening in Tract Nos. 2, 3 and 4.1 shall be provided as necessary to achieve appropriate and desirable sight and noise obstruction in accordance with the purposes of the Blalock Industrial Park.

(i) *Loading docks*. No loading docks may be on any street frontage. Each building shall have adequate off-street loading and unloading facilities and provision for same shall be made in a location that will not interfere with accessory parking areas and means of ingress and egress. Provision for handling all freight either by railroad or truck shall be on those sides of any buildings, which do not face on any street or proposed street, and no loading dock entrance doors for such loading docks shall be so located without written consent of the city council. The distances between the outside limits of loading areas and the side or rear lot line herein specified for rear yards and side yards must be observed. For each building or structure which shall be erected and for each light manufacturing, jobbing, warehousing, wholesaling, or other uses permitted in "Blalock Industrial Park" there shall be provided on each tract developed and used in accordance with the requirements for such tract, and shall be provided off-street parking facilities to be of sufficient capacity to serve both the employees of the building located on such tract and the use made thereof and any commercial vehicle connected therewith or serving the same; said parking facilities must be off the public streets and shall be designated on the plans submitted for the building permit.

(j) *Parking*. Generally, but not specifically, attempt should be made to acquire the minimum rate of one parking space for each two employees to be employed on the premises. Parking lot services shall be constructed and maintained in accordance with the requirements of the ordinances of the City of Sherman governing such installation.

The parking areas shall not be used for any purpose other than the accessory parking of automobiles or other vehicles. In no case shall any storage, servicing, or dismantling of automobiles or other vehicles nor shall unloading or loading be permitted in the park areas. In no event shall any part of the parking areas or lawns be used for the storage or abandonment of any article, nor storage of trucks, trailers, etc., shall be allowed in the open.

No building permit for the construction of any building or buildings on any tract shall be issued unless and until the building inspector of the City of Sherman, and superior authority, where necessary, has approved the site plan for the tract for which application is made showing not only types and locations of building or buildings, but also lay-out of parking areas and areas for unloading and loading.

(k) *Outside storage*. No article, material, or commodities shall be kept, stored or displayed outside the confines of buildings unless it be so screened by fences, walls, or planting that it cannot be seen from a public street. The area used for outside storage shall be located to the rear ½ of the property which shall in no instance be placed on that half of the property adjacent to any existing or proposed street.

(l) *Fences*. No fences, masonry walls, or masked planting shall be permitted to extend beyond the building lines except as may be permitted under the supplementary provisions of this ordinance.

(m) *Building facing and construction*. All buildings erected on any tract shall be faced with masonry, concrete, stone, glass, cement plaster, exterior insulation facing system

(EIFS), or factory finished metal panels. Factory finished metal panels shall not include standard galvanized or painted corrugated or "R" type panels, aluminum, asbestos, or iron or steel or corrugated aluminum, asbestos, iron or steel. No building shall be constructed with a wooden frame. Should any building be constructed of light weight aggregate, concrete blocks, tile blocks or tile bricks, the front of such building must be finished with face brick, common brick painted, limestone or their equivalent. Where the exterior (except the front wall) is constructed of light weight aggregate or concrete blocks, unless such exterior walls are finished in stucco, or gunite, or their equal, the building shall be tooled or painted and such exterior walls shall be rubbed down and covered sufficiently with standard waterproofing paint.

(n) *Signs*. No billboards or advertising signs other than those identifying the name, business and products of the person, firm, or establishment occupying the premises shall be permitted, and such signs so permitted shall not exceed 300 square feet in size; provided, however, that a sign not to exceed four feet by eight feet in size offering the premises for sale or lease may be permitted.

(o) *Tanks*. Storage of all bulk liquids and gases, including oil, gasoline, petroleum products, acid waste neutralization, deionized water, as well as nitrogen and other gases shall be screened from public view, and located at the back of the facility when possible.

(p) *Refuse and sewage*. No waste material shall be dumped upon or permitted to remain upon any part of the premises, unless first treated. Treated release shall conform to TNRCC water quality requirements.

Industrial sewage shall be treated with on-site treatment systems, and release to sanitary sewage system shall meet the standards set forth by the City of Sherman sanitary waste treatment department.

Hazardous production materials (HPM's) stored and dispensed on-site shall be screened from public view and shall be stored in areas with containment and spill protection, as required by the applicable building code and fire code requirements.

(q) *Residence prohibited*. No building shall be constructed for or used as living quarters within the area covered by this ordinance.

(r) *Performance standards*. Unless otherwise permitted under other provisions of this ordinance, there shall be no occupancy or use within the area covered by this ordinance which does not comply with the following performance standards:

1. *Smoke*. No smoke shall be permitted within the area which possesses a greater density than that equal to Ringlemann [Ringelmann] Number Two or greater, according to the Ringlemann [Ringelmann] Classification.

2. *Odor*. No industry or use shall be permitted which commits or results in an odor nuisance and any applicant may be required to present detailed plans for the elimination of any odors.

3. *Dust and dirt*. No industry or use shall be permitted which emits or gives off fly ash of 0.3 grains per cubic foot of flue gas at a stack temperature of 500° Fahrenheit. Any applicant may be required to furnish satisfactory proof that it will be able to keep all dust and dirt confined within the walls of structures on its premises.

4. *Noxious gases*. The release of gases of noxious or toxic nature shall meet the concentration levels and requirements set forth by TNRCC air quality standards.

5. *Glare and heat*. Any operations involving arc welding, or acetylene torch or emitting glare and heat shall be so conducted that it cannot be seen, felt, or observed from outside the property upon which same is being conducted, save

and except during building construction or remodeling.

6. *Fire hazards*. All ordinances of the City of Sherman relative to fire and fire hazards shall be observed in said area covered by this ordinance.

7. *Noise*. Except for noise from a transportation facility or from construction work, noise may not exceed 55 decibels Ldn during daylight hours and 45 decibels Ldn during nighttime hours, as measured from any property line. Earth borne vibrations may not exceed limits in Column I below:

Frequency Cycles Per Second	*Column I Displacement (inches)*
0 to 1	0.0020
1.1 to 10	0.0010
10.1 to 20	0.0008
20.1 to 30	0.0005
30.1 to 40	0.0004
40.1 and over	0.0003

No industry or use shall be permitted within the area covered by this ordinance which shall permit or cause to be emanated objectionable noise, and any applicant may be required to furnish satisfactory proof for the elimination or muffling of any noise.

(Ordinance 4967, sec. 2, adopted 10/15/01)

ARTICLE V. ADMINISTRATION

Sec. 500. Enforcement.

(1) *Building permits*. No building or structure shall be erected, added to, or structurally altered until a permit therefor has been issued by the building inspector of the City of Sherman. All applications for such permits and fees charged therefor shall be in accordance with the requirements of the building code, zoning ordinance, and other applicable ordinances of the City of Sherman.

All procedures and appeals incident to the future processing of such permits shall, likewise, be identical with and in accordance with the requirements of the building code, zoning ordinances, and other applicable ordinances of the City of Sherman.

(2) *Certificate of occupancy*.

(a) No land shall be occupied or used and no building hereafter erected, altered or extended shall be used or changed in use or any required area reduced until a certificate of occupancy shall have been issued by the building inspector, stating that the buildings or proposed use thereof complies with the provisions of this ordinance.

(b) No nonconforming use shall be maintained, renewed, changed, or extended without a certificate of occupancy having first been issued by the building inspector.

(c) All certificates of occupancy shall be applied for coincident with the application for a building permit. Said certificate shall be issued within ten (10) days after the erection or alteration shall have been approved as complying with the provisions of this ordinance.

(d) The building inspector shall maintain a record of all certificates and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the building affected.

(e) No permit for excavation for, or the erection or alteration of, or repairs to any building shall be issued until an application has been made for a certificate of occupancy.

(f) Under such rules and regulations as may be established by the [planning and] zoning board, the planning commission, and city council, a temporary certificate of occupancy for not more than 30 days, for a part of the building, may be issued by the building inspector.

Sec. 510. Special consideration.

Where there are practical difficulties and unnecessary hardships in the way of carrying out the strict letter of this ordinance, the [planning and] zoning board, the planning commission, and city council shall, in concert, have the power in passing upon any appeals to vary or modify the application of any of the regulations or provisions of this ordinance relating to the use, construction or alteration of buildings or structures, or the use of the land so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.

Sec. 520. Violations.

A violation of this ordinance is an offense punishable by a fine not exceeding $2,000.00, and each and every day shall be considered as a separate violation.

Editor's note At the request of the city, the fine in section 520 was changed from $200.00 to $2,000.00. Because this change has not been made in accordance with the zoning amendment procedures as mandated in V.T.C.A., Local Government Code sec. 211.006 and other applicable sections of the Local Government Code, Franklin Legal Publishing, Inc., assumes no responsibility or liability for such change being made. However, it should be noted that V.T.C.A., Local Government Code sec. 54.001 authorizes a fine of up to $2,000.00 for violation of zoning regulations.

ARTICLE VI. AMENDMENTS

Sec. 600. Amendment procedure.

The city council of the City of Sherman may, from time to time, on its own motion or on petition or on recommendation of the planning [and zoning] commission [board], amend, supplement or repeal the regulations and provisions of this ordinance after public notice and hearing. All amendments to the ordinance shall be governed by the regulations and procedures applicable to any change or amendment to the building code and zoning laws of the City of Sherman.

ARTICLE VII. MISCELLANEOUS

Sec. 700. Interpretation.

In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements adopted for the promotion of the public health, morals, safety, or general welfare. Whenever the requirements of this ordinance are at variance with the requirements of any lawfully

~~adopted rules, regulations or ordinance, the requirements of this ordinance shall be held to be paramount, exclusive and controlling to the exclusion of any and all others.~~

~~**Sec. 710. Validity and separability.**~~

~~Should any section or provisions of this ordinance be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.~~

~~**Sec. 720. Repealer.**~~

~~This ordinance, together with all changes and amendments, is hereby declared to be paramount, superior and controlling to all other rules, regulations or ordinances covering the matter to which it relates and any other rule, regulation, or ordinance, treating with or thought, in any wise, to relate to the matters covered by this ordinance shall be inapplicable to the matters governed by this ordinance or to which it relates.~~

~~PASSED AND APPROVED this the 17th day of December, 1962.~~

SECTION 4: Open Meeting. The meeting at which this Ordinance was introduced and passed was open to the public and that public notice of the time, place and purpose of said meeting was given all as required by law.

SECTION 5: Effective Date; Publication. This Ordinance shall become effective from and after its adoption and publication as required by law. The City Clerk is directed to publish the caption of this Ordinance as required by law.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS on this 5th day of December 2022.

_____

DAVID PLYLER, MAYOR

ATTEST:

_____

LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM:
ABERNATHY, ROEDER,
BOYD & HULLETT, P.C.

_____

RYAN D. PITTMAN, CITY ATTORNEY

Planning & Zoning Commission and Board of Adjustments

Agenda Item No. 25.

Meeting Date: 11/15/2022

Prepared by: Kerri Turner, Development Services Coordinator
Rob Rae, Director of Development Services

Clay Mahone, Chairman
David Downtain, Vice Chairman
Shawn Davis, Commissioner
Leigh Ann Sims, Commissioner
Paul Manley, Commissioner
Glenn Whitaker, Commissioner
Bryan Blagg, Commissioner

Requested Action/Proposed Use:

CONSIDERATION OF ZONING ORDINANCE UPDATE

Public Hearing and Consideration of an Ordinance of the City Council of the City of Sherman, Texas, repealing Exhibit A (General Zoning Ordinance), Exhibit A-1 (Matrix Of Permitted Uses) and Exhibit B (Zoning – Blalock Industrial Park) of Chapter 14 (Zoning Ordinance) of the Code Of Ordinances of the City of Sherman, Texas; adopting a New Comprehensive Zoning Ordinance to be codified at Article 14.01 (General Provisions) through Article 14.11 (Sherman Municipal Airport Hazard Zoning) of the Code of Ordinances; establishing new zoning regulations within the City of Sherman, Texas in accordance with Chapter 211 of the Texas Local Government Code, the Home Rule Charter of the City of Sherman, Texas and other law; regulating and restricting the height, number of stories and size of buildings and other structures, the percentage of lots that may be occupied, the size of the yards, courts and other open spaces, the density of population, the location and use of buildings, structures and land for trade, industry, residence or other purpose; and, in the case of designated places and areas of historic and cultural importance, to regulate and restrict the construction, alteration, reconstruction or razing of buildings and other structures; defining terms; providing for variances and appeals; Amending Chapter 14 (Zoning Ordinance), Article 14.01 (General Provisions), Article 14.02 (Sherman Municipal Airport Hazard Zoning Ordinance), Article 14.03 (Planning And Zoning Board), Article 14.04 (General Zoning Ordinance) and Article 14.05 (Zoning – Blalock Industrial Park); providing for inclusion in the Code of Ordinances; providing repealing and severability clauses; providing a penalty not to exceed $2,000; finding and determining that the meeting at which this ordinance is passed was noticed and is open to the public as required by law.

Background:

In 2022, the City of Sherman began the process of updating the Zoning Ordinance in response to the request for additional flexibility in zoning districts, particularly with residential uses.
A Planning and Zoning Subcommittee was established on February 22, 2022 to review the current zoning ordinance and to recommend changes. This committee had meetings on March 8, April 12, May 10, June 14, and July 12, 2022. In addition, a presentation of proposed changes were given to the Planning and Zoning Commission on June 21 and July 19, 2022 and to City

Council on September 22, 2022 to review the draft zoning ordinance recommendations.

Adjacent Zoning:
Not Applicable.

Origination:
City of Sherman

Master Plan Designation:
Not Applicable.

Number of notices mailed:
Not required

Objections Received:
0

Attachments

Proposed Zoning Ordinance

SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **E. 10.**

Meeting Date: 12/05/2022

Prepared By: Rob Rae, Director of Development Services

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6556

Amending The Code of Ordinances of The City of Sherman, Texas, to Add Appendix C, Comprehensive Fee Schedule, and Amending Article 3.14 (Permit, Development and Registration Fees); Establishing and Organizing Fees, Fines and Other Charges to be Assessed and Collected By The City of Sherman; Providing a Penalty Clause with a Maximum Fine of $2,000, Savings/Repealing Clause, Severability Clause and an Effective Date; Providing for the Publication of the Caption Hereof

Issue:

To consider an Ordinance of The City Council Of The City Of Sherman, Texas, Amending The Code Of Ordinances of The City of Sherman, Texas, to Add Appendix C, Comprehensive Fee Schedule, and Amending Article 3.14 (Permit, Development and Registration Fees); Establishing and Organizing Fees, Fines and Other Charges to be Assessed And Collected By The City of Sherman.

Background:

In the City of Sherman Code of Ordinances, the fee schedule for building permits and planning and zoning related items are located in Chapter 3 Building Regulations. As part of the update to Chapter 14 (Zoning Ordinance), staff recommends removing the references to the fee schedule in Chapter 3 and to consolidate all fees within the Code of Ordinances into one location, Appendix C, Comprehensive Fee Schedule.

At this time, staff is not recommending an increase to any current fees for building permits or for planning and zoning related requests, only to reorganize the fee schedule into a new location.

A new recommended fee is included in this request: "Work Prior to Permit Issuance (in addition to permit fees)" is being recommended by staff at $250 to discourage contractors in the City of Sherman from doing work without first getting a building permit.

Origination:

City of Sherman

Financial Consideration:

None

Staff Recommendation:

Staff recommends approval of the Ordiance changes as presented.

Alternatives:

The City Council could deny the request.

Attachments

Ordinance No. 6556

ORDINANCE NO. 6556

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF SHERMAN, TEXAS, TO ADD APPENDIX C, COMPREHENSIVE FEE SCHEDULE, AND AMENDING ARTICLE 3.14 (PERMIT, DEVELOPMENT AND REGISTRATION FEES); ESTABLISHING AND ORGANIZING FEES, FINES AND OTHER CHARGES TO BE ASSESSED AND COLLECTED BY THE CITY OF SHERMAN; PROVIDING A PENALTY CLAUSE WITH A MAXIMUM FINE OF $2,000, SAVINGS/REPEALING CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW

WHEREAS, the City Council of the City of Sherman, Texas ("City Council") finds that it is necessary to establish a comprehensive fee schedule of the City of Sherman, Texas ("City" or "Sherman") for the purpose of consolidating the various fees, fines and other charges found within the Code of Ordinances, City of Sherman, Texas ("Code of Ordinances"); and

WHEREAS, the City Council desires to add Appendix C (Comprehensive Fee Schedule) to the Code of Ordinances: and

WHEREAS, this Ordinance shall be codified at Appendix C (Comprehensive Fee Schedule) of the Code of Ordinances; and

WHEREAS, Sherman has complied with all legal notices and public hearings as required by law; and

WHEREAS, the City Council finds that it will be advantageous, beneficial and in the best interest of the citizens of Sherman to amend the Code of Ordinances as set forth below.

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

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2: Amendment to the Code of Ordinances, Appendix C (Comprehensive Fee Schedule) Adopted. The Code of Ordinances is amended to add Appendix C as follows:

"**APPENDIX C: COMPREHENSIVE FEE SCHEDULE**

This fee schedule is not an exhaustive list of all fees identified in the Sherman Code of Ordinances.

(1) Building Permit and Inspection Fees
   (a) Single-Family Residential Building Permits

Minimum Fee	$50
Accessory Buildings or Accessory Structures (Carport, Arbors, etc.)	$50
Swimming Pool (in-ground or above-ground)	$250
Fence	$50
Full Residential Remodels or Additions	$0.30/square foot
New Residential	$0.30/square foot
Partial Residential Remodels	$0.30/square foot
Mechanical, Electric, Plumbing Permits	$50
Moving Home Structure	$50
Demolition	$50
Solar Permit	$50
Roofing Repair or Replacement	$50
Irrigation	$50

(b) Multi-Family Residential Building Permits

Minimum Fee	$50
New Multifamily Residential (includes plan review and inspections)	$0.30/square foot
Multifamily Remodels	$0.30/square foot
Mechanical, Electric, Plumbing Permits (for new construction)	$0.05/square foot
Mechanical, Electric, Plumbing Permits (for remodels or repair)	$50
Irrigation	$50
Roofing Repair or Replacement	$50
Demolition	$50
Swimming Pool	$250

(c) Commercial Building Permits

Minimum Fee	$50
New Commercial	$0.30/square foot
Commercial Remodel	$5.00 for each $1,000 in project valuation
Mechanical, Electric, Plumbing Permits (for new construction)	$0.05/square foot
Mechanical, Electric, Plumbing Permits (for remodels or repair)	$50
Irrigation	$50
Roofing Repair or Replacement	$50
Demolition	$50
Temporary Utility Permit	$50

(d) Other Building Permit and Inspection Fees

After-Hours Inspections	$77
Work Prior to Permit Issuance (in addition to permit fees)	$250

Reinspection Fees:	
1st Re-inspection	$50
2nd Re-inspection	$50
3rd Re-inspection	$50
Contractor Registration	No Fee
Certificate of Occupancy Permit	$50

(e) Exceptions. No fee shall be charged for permits for the Sherman Independent School District or churches.

(2) Subdivision Fees

(a) Plat Fees

Preliminary Plat	$350.00
Final Plat	$350.00
Replat	$140.00

(3) Zoning Fees

(a) Zoning Requests

Temporary Use Permit	$140.00
Variance or Special Exception	$210.00
Specific Use Permit	$420.00
Zone Change	$420.00
Site Plan	$140.00
Planned Development	$10,000.00 + $20.00 per acre
Zoning Verification Letter	$50.00

(b) Special Called Meetings

Planning and Zoning Commission	$1,400.00
Board of Adjustment	$1,400.00
Comprehensive Plan Board	$700.00
Heritage Row Historical Board	$500.00

(c) Signs

Sign permit (new construction)	$100.00
Sign permit (refacing)	$50.00

(d) Exceptions. No fee shall be charged for permits or zoning requests for the Sherman Independent School District or churches."

SECTION 3: Amendment to Article 3.14 (Permit, Development and Registration Fees) of the Code of Ordinances. Article 3.14 (Permit, Development and Registration Fees) of the Code of Ordinances is hereby amended as follows[1]:

"**ARTICLE 3.14 RESERVED ~~PERMIT, DEVELOPMENT AND REGISTRATION FEES~~**

§ 3.14.001 Reserved ~~**Building permits.**~~

~~Minimum fee~~ ~~$50.00~~

[1] Deletions are evidenced by ~~strikethrough~~; additions are underlined.

~~Residential accessory building~~	~~$0.30 per sq. ft.~~
~~Commercial remodel, general repairs, etc. - for each $1,000.00 cost~~	~~$5.00~~
~~Swimming pool~~	~~$250.00~~
~~Fence~~	~~$50.00~~
~~Residential remodel, general repairs, etc.~~	~~$0.30 per sq. ft.~~
~~New residential (one- and two-family)~~	~~$0.30 per sq. ft.~~
~~Commercial and multifamily~~	~~$0.30 per sq. ft.~~
~~Demolition of buildings under 1,000 sq. ft.~~	~~$50.00~~
~~Demolition of buildings over 1,000 sq. ft.~~	~~$50.00~~
~~Moving permits for buildings~~	~~$70.00~~
~~Occupancy permit for other than new buildings~~	~~$50.00~~

§ 3.14.002 Reserved ~~**Signs.**~~

~~Sign permits minimum fee~~	~~$50.00~~
~~Sign face over 32 sq. ft.~~	~~$100.00~~
~~All billboards~~	~~$250.00~~

§ 3.14.003 Reserved ~~**Electrical permits.**~~

~~Minimum fee~~	~~$50.00~~
~~New construction - commercial~~	~~$0.05 per sq. ft.~~
~~Temporary meter~~	~~$14.00~~
~~Meter loop~~	~~$14.00~~
~~Additional meter loop~~	~~$1.40~~
~~Electrical openings (each)~~	~~$0.42~~
~~If no new service, 1st opening~~	~~$14.00~~

§ 3.14.004 Reserved ~~**Heating and air-conditioning permits.**~~

~~Minimum fee~~	~~$50.00~~
~~New construction - commercial~~	~~$0.05 per sq. ft.~~
~~0-150,000 BTU and/or 3 tons cooling~~	~~$28.00~~
~~For each additional 100,000 BTU and/or each ton cooling~~	~~$4.20~~

§ 3.14.005 Reserved ~~**Gas permits.**~~

~~Minimum fee~~	~~$50.00~~

§ 3.14.006 Reserved ~~**Plumbing permits.**~~

~~Minimum fee~~	~~$50.00~~
~~New construction - commercial~~	~~$0.05 per sq. ft.~~
~~Add-on or repairs:~~	~~-~~
~~For each fixture~~	~~$3.50~~
~~Sewer line~~	~~$14.00~~
~~Fire line~~	~~$50.00~~
~~Water line~~	~~$14.00~~
~~Water heater sticker permit~~	~~$14.00~~
~~Water heater~~	~~$14.00~~
~~Yard sprinklers~~	~~$50.00~~
~~Remodel drainage~~	~~$14.00~~

§ 3.14.007 Reserved ~~**Inspections.**~~

~~All reinspections for red tag~~	~~$50.00~~
~~After hours inspections~~	~~$77.00~~

§ 3.14.008 Reserved ~~**Special called meetings.**~~

~~Planning and zoning board~~	~~$1,400.00~~
~~Appeal to construction code board of~~	~~$140.00~~

~~adjustments and appeals~~

~~Standard unsafe building code appeals board~~	~~$140.00~~
~~Comprehensive plan board~~	~~$700.00~~

§ 3.14.009 Reserved ~~**Zoning request fees.**~~

~~Temporary use permit~~	~~$140.00~~
~~Repeat temporary use permit (same address, same owner)~~	~~$35.00~~
~~Exception or variance~~	~~$210.00~~
~~Specific use permit~~	~~$420.00~~
~~Zone change~~	~~$420.00~~
~~Planned development (base fee = per acre)~~	~~$10,000.00 + $20.00 per ac.~~
~~Plats:~~	-
~~Preliminary and final plats~~	~~$350.00~~
~~Replat~~	~~$140.00~~
~~Site plan~~	~~$140.00~~

§ 3.14.009.01 Reserved ~~**Municipal setting designation application fee.**~~

~~Municipal setting designation application fee: $5,000.00.~~

§ 3.14.010 Reserved ~~**Contractor registration.**~~

~~Electrical – master~~	~~$50.00~~
~~Electrical – journeyman~~	~~$20.00~~
~~Plumbing – master~~	~~$0.00~~
~~Plumbing – journeyman~~	~~$0.00~~
~~Mechanical~~	~~$50.00~~
~~Irrigator~~	~~$50.00~~
~~Backflow preventer~~	~~$50.00~~
~~Homebuilder/general contractor~~	~~$50.00~~
~~General contractor~~	~~$50.00~~
~~Fire line installer~~	~~$50.00~~

§ 3.14.011 Reserved ~~**Exceptions.**~~

~~No fee shall be charged for permits or zoning requests for the Sherman Independent School District or churches.~~"

SECTION 4: Penalty. Any person, firm, corporation or entity violating any provision of this Ordinance, or the Zoning Ordinance, as they exist or may be amended, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in an amount not exceeding FIVE HUNDRED DOLLARS ($500.00), unless the violation relates to fire safety, zoning or public health and sanitation, in which case the fine amount shall not exceed TWO THOUSAND AND NO/100 DOLLARS ($2,000.00). A violation of any provision of this Ordinance shall constitute a separate violation for each calendar day in which it occurs. The penal provisions imposed under this Ordinance shall not preclude Sherman from filing suit to enjoin the violation. Sherman retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 5: Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional and/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 Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, regardless of whether any one or more sections, subsections, sentences, clauses or phrases is declared

unconstitutional and/or invalid.

SECTION 6: Repealing/Savings. The Zoning Ordinance shall remain in full force and effect, save and except as amended by this or any other Ordinance. 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 7: Open Meeting. The meeting at which this Ordinance was introduced and passed was open to the public and that public notice of the time, place and purpose of said meeting was given all as required by law.

SECTION 8: Effective Date; Publication. This Ordinance shall become effective from and after its adoption and publication as required by law. The City Clerk is directed to publish the caption of this Ordinance as required by law.

[*The remainder of this page intentionally left blank*.]

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS on this 5th day of December 2022.

THE CITY OF SHERMAN, TEXAS

BY:_____
DAVID PLYLER, MAYOR

ATTEST:

BY:_____
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM:
ABERNATHY, ROEDER,
BOYD & HULLETT, P.C.

BY:_____
RYAN D. PITTMAN, CITY ATTORNEY

SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **E. 11.**

Meeting Date: 12/05/2022

Prepared By: Teri Fine, Assistant to the City Manager

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6557

Readopting Chapter 8, Article 8.04, Division 2 of the Code of Ordinances, entitled "Curfew Hours for Minors," with No Modifications; Providing for Inclusion in the Code of Ordinances; Providing for Severability; Providing for a Repealer

Issue:

To consider readopting, without modification, the code provisions that provide "Curfew Hours for Minors"

Background:

Ordinance No. 5270, adopted at the December 6, 2004 Council meeting and codified at Chapter 8, Article 8.04, Division 2 of the Code of Ordinances, establishes "Curfew Hours for Minors." Under Section 370.002 of the Texas Local Government Code, curfew ordinances must be reviewed by the Council in a public hearing every three years or the ordinance expires. The last review was performed at the December 2, 2019 Council meeting (Ordinance No. 6271); and Chapter 8, Article 8.04, Division 2 was readopted without modification. The review must evaluate the curfew ordinance's effect on the community and the problems the ordinance was intended to remedy.

Origination:

Police Department

Financial Consideration:

There is no financial impact for this agenda item.

Staff Recommendation:

It is recommended that the City Council adopt this Ordinance, which will serve to readopt without modification Chapter 8, Article 8.04, Division 2 of the Code of Ordinances, "Curfew Hours for Minors."

Alternatives:

The City Council could suggest modifications to the ordinance.

Attachments

Ordinance No. 6557
Current Chapter 8, Article 8.04, Division 2, "Curfew Hours for Minors"
Texas Local Government Code, Section 370.002

ORDINANCE NO. 6557

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, READOPTING CHAPTER 8, ARTICLE 8.04, DIVISION 2 OF THE CODE OF ORDINANCES, ENTITLED "CURFEW HOURS FOR MINORS", WITH NO MODIFICATIONS; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City Council conducted a public hearing on the need to continue the ordinance entitled "Curfew Hours for Minors;" contained in Chapter 8, Article 8.04, Division 2 of the Code of Ordinances (hereinafter "Ordinance") in accordance with Section 370.002 of the Texas Local Government Code; and

WHEREAS, the City Council reviewed the Ordinance's effects on the community and the problems that the Ordinance was intended to remedy; and

WHEREAS, the City Council desires that the Ordinance be continued in effect with no modifications;

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

SECTION 1. That the Ordinance entitled "Curfew Hours for Minors" contained in Chapter 8, Article 8.04, Division 2 of the Code of Ordinances is hereby readopted in its entirety with no modifications.

SECTION 2. That it is the intention of the City Council of the City of Sherman, Texas, that the provisions of this ordinance shall become a part of the Code of Ordinances of the City of Sherman, Texas, and that sections of this ordinance may be renumbered or re-lettered to accomplish such intention.

SECTION 3. That the provisions of this ordinance are severable and the invalidity of any word, phrase or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given all as required by law.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS.

INTRODUCED on this the 5th day of December 2022.

ADOPTED on this the 5th day of December 2022.

EFFECTIVE DATE on this the 5th day of December 2022.

CITY OF SHERMAN, TEXAS

ATTEST:

BY: _____ **BY:** _____
LINDA ASHBY, CITY CLERK **DAVID PLYLER, MAYOR**

APPROVED AS TO FORM
AND CONTENT:
THE LAW FIRM OF
ABERNATHY, ROEDER,
BOYD & HULLETT, P.C.

BY: _____
RYAN D. PITTMAN, CITY ATTORNEY

CHAPTER 8
OFFENSES AND NUISANCES

ARTICLE 8.04 OFFENSES INVOLVING PUBLIC MORALS

Division 1. Generally

Secs. 8.04.001–8.04.030 Reserved

Division 2. Curfew Hours for Minors

Sec. 8.04.031 Definitions

Curfew hours.

(1) 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday or Thursday until 6:00 a.m. of the following day; and

(2) 11:59 p.m. on any Friday or Saturday until 6:00 a.m. on any Saturday or Sunday.

Emergency. An unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

Establishment. Any privately owned place of business operated for a profit to which the public is invited, including but not limited to any place of amusement or entertainment.

Guardian.

(1) A person who, under court order, is the guardian of the person of a minor; or

(2) A public or private agency with whom a minor has been placed by a court.

Minor. Any person under seventeen (17) years of age.

Operator. Any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

Parent. A person who is:

(1) A natural parent, adoptive parent, or stepparent of another person; or

(2) At least eighteen (18) years of age and authorized by a parent or guardian to have the care and custody of a minor.

Public place. Any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.

Remain. To:

(1) Linger or stay; or

(2) Fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.

Serious bodily injury. Bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

Sec. 8.04.032 Offenses

(a) A minor commits an offense if he remains in any public place or on the premises of any establishment within the city during curfew hours.

(b) A parent or guardian of a minor commits an offense if he knowingly permits, or by insufficient control allows, the minor to remain in any public place or on the premises of any establishment within the city during curfew hours.

(c) The owner, operator, or any employee of an establishment commits an offense if he knowingly allows a minor to remain upon the premises of the establishment during curfew hours.

Sec. 8.04.033 Defenses

(a) It is a defense to prosecution under section 8.04.032 that the minor was:

(1) Accompanied by the minor's parent or guardian;

(2) On an errand at the direction of the minor's parent or guardian, without any detour or stop;

(3) In a motor vehicle involved in interstate travel;

(4) Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;

(5) Involved in an emergency;

(6) On the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the minor's presence;

(7) Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the city, the Sherman Independent School District, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the city, the Sherman Independent School District, a civic organization, or another similar entity that takes responsibility for the minor;

(8) Attending a function or event sponsored and supervised by an establishment that prohibits ingress and egress to the establishment during curfew hours and the management of the establishment has registered the function or event with the city at least forty-eight (48) hours in advance;

(9) Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or

(10) Married or had been married or had disabilities of minority removed in accordance with chapter 31 of the Texas Family Code.

(b) It is a defense to prosecution under section 8.04.032(c) that the owner, operator, or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

(Ordinance 5805 adopted 12/2/13; Ordinance 5995 adopted 12/5/16)

Texas Local Government Code, Section 370.002

LOCAL GOVERNMENT CODE

TITLE 11. PUBLIC SAFETY

SUBTITLE C. PUBLIC SAFETY PROVISIONS APPLYING TO MORE THAN ONE TYPE OF LOCAL GOVERNMENT

CHAPTER 370. MISCELLANEOUS PROVISIONS RELATING TO MUNICIPAL AND COUNTY HEALTH AND PUBLIC SAFETY

Sec. 370.001. HEALTH CONTRACTS IN BORDER MUNICIPALITIES OR COUNTIES. The governing body of a municipality or county that has a boundary that is contiguous with the border between this state and the Republic of Mexico may contract with a border municipality or state in the Republic of Mexico to provide or receive health services.

Added by Acts 1991, 72nd Leg., ch. 769, Sec. 1, eff. Aug. 26, 1991.

Sec. 370.002. REVIEW OF JUVENILE CURFEW ORDER OR ORDINANCE. (a) Before the third anniversary of the date of adoption of a juvenile curfew ordinance by a general-law municipality or a home-rule municipality or an order of a county commissioners court, and every third year thereafter, the governing body of the general-law municipality or home-rule municipality or the commissioners court of the county shall:

(1) review the ordinance or order's effects on the community and on problems the ordinance or order was intended to remedy;

(2) conduct public hearings on the need to continue the ordinance or order; and

(3) abolish, continue, or modify the ordinance or order.

(b) Failure to act in accordance with Subsections (a)(1)-(3) shall cause the ordinance or order to expire.

Added by Acts 1995, 74th Leg., ch. 262, Sec. 96, eff. May 31, 1995.

Sec. 370.003. MUNICIPAL OR COUNTY POLICY REGARDING ENFORCEMENT OF DRUG LAWS. The governing body of a municipality, the commissioners court of a county, or a sheriff, municipal police department, municipal attorney, county attorney, district attorney, or criminal district attorney may not adopt a policy under which the entity will not fully enforce laws relating to drugs, including Chapters 481 and 483, Health and Safety Code, and federal law.

SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **E. 12.**

Meeting Date: 12/05/2022

Approved By: Robby Hefton, City Manager

Caption:

ADOPTION OF ORDINANCES

Consider Adoption of Ordinance Numbers 6547, 6548, 6549, 6550, 6551, 6552, 6553, 6554, 6555, 6556 & 6557.

Issue:

E. 1. **INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6547**
Authorizing the Issuance of "CITY OF SHERMAN, TEXAS, LIMITED TAX NOTES, SERIES 2023"; Specifying the Terms and Features of Such Notes; Levying a Continuing Direct Annual Ad Valorem Tax for the Payment of Such Notes; and Resolving Other Matters Incident and Related Thereto, Including the Approval and Execution of a Paying Agent/Registrar Agreement and the Approval and Distribution of an Official Statement and Providing an Effective Date

E. 2. **INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6548**
Accepting and Approving an Amended and Restated Service and Assessment Plan and a Phase #2 Assessment Roll for the Bel Air Village Public Improvement District; Making a Finding of Special Benefit to the Property in Phase #2 of The District; Levying Special Assessments Against Property within Phase #2 of The District And Establishing a Lien on Such Property; Providing for Payment of the Assessments In Accordance With Chapter 372, Texas Local Government Code, As Amended; Providing for the Method of Assessment and the Payment of the Assessments, Providing Penalties and Interest on Delinquent Assessments, Providing For Severability, And Providing An Effective Date

E. 3. **INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6549**
Amending Section 8, Subsection (5)(A), Ordinance No. 2280 and Adopting Ordinance No. 6549 so as to Grant a Specific Use Permit to allow a Church, Wood Accessory Building and Pavilion in an R-1 (One-Family Residential) District/R-2 (Multi-Family Residential) District/O-1.1 (FM Highway 1417) Overlay District and Repeal Ordinance No. 4286, located at 601 North FM 1417 (Heritage Parkway), being 14.597 Acres, Nazarene 1st Addition, being a Re-Plat of Lots 1 and 2, Block 5 of Laurel Creek Addition in the J.B. McAnair Survey, Abstract No. 763 and the G.W. McGlothlin Survey, Abstract No. 828 (Heritage Nazarene Church, Owners; Mike Hastings; Representative; and Preston Trail Land Surveying, Surveyor); Providing That This Specific Use Permit Shall Be Granted Subject to Certain Conditions; Providing A Penalty Not to Exceed $2,000.00

E. 4. **INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6550**
Amending Section 12, Ordinance No. 2280, so as to Include Certain Property within the C-2 (General Commercial) District located in the 2300-2700 Blocks East Highway 82, being 22.705 acres in part of the Samuel McGlothlen Survey, Abstract No. 811 and the Ruben Hendrix Survey, Abstract No. 504 (Frostfire Hwy 82 LLC, Owners; Mathias Haubert, Bohler Engineering, Engineer; Lee Engineering, Traffic Engineer; and Copley Land Surveying, Surveyor); Providing for a Penalty not to Exceed $2,000.00; Providing A Repealing/Savings Clause, Severability Clause And An Effective Date

E. 5. **INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6551**

Amending Section 12, Ordinance No. 2280, so as to Include Certain Property within the R-2 (Multi-Family Residential) District located in the 2300-2700 Blocks East Highway 82, being 51.718 acres in part of the Samuel McGlothlen Survey, Abstract No. 811 and the Ruben Hendrix Survey, Abstract No. 504 (Frostfire Hwy 82 LLC, Owners; Mathias Haubert, Bohler Engineering, Engineer; Lee Engineering, Traffic Engineer; and Copley Land Surveying, Surveyor); Providing for a Penalty not to Exceed $2,000.00; Providing A Repealing/Savings Clause, Severability Clause And An Effective Date; Finding And Determining That The Meeting At Which This Ordinance Is Passed Was Noticed And Is Open To The Public As Required By Law

E. 6. **INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6552**

Amending Section 8, Subsection (5)(A), Ordinance No. 2280, So As to Grant a Specific Use Permit to Allow a Mini-Warehouse in a C-2 (General Commercial) District in the 2300-2700 Blocks East Highway 82, being 14.819 acres in part of the Samuel McGlothlen Survey, Abstract No. 811 and the Ruben Hendrix Survey, Abstract No. 504 (Frostfire Hwy 82 LLC, Owners; Mathias Haubert, Bohler Engineering, Engineer; Lee Engineering, Traffic Engineer; and Copley Land Surveying, Surveyor); Providing That This Specific Use Permit Shall Be Granted Subject to Certain Conditions; Providing A Penalty Not to Exceed $2,000.00

E. 7. **INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6553**

Amending Section 8, Subsection (5)(A), Ordinance No. 2280, So As to Grant a Specific Use Permit to Allow Batting Cages in a C-2 (General Commercial) District at 3400 Texoma Parkway, being 3.61 Acres in part of the Hillard Jennings Survey, Abstract No. 639, being part of Lots 10, 12, 13, and 14, and all of Lot 11, Block 1, of Redick Addition (TADLA, Owner; Dax Powell, Tenant; and Helvey-Wagner Surveying, Surveyor); Providing That This Specific Use Permit Shall Be Granted Subject to Certain Conditions; Providing A Penalty Not to Exceed $2,000.00

E. 8. **INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6554**

Amending The Code Of Ordinances Of The City Of Sherman, Texas, Chapter 14 (Zoning Ordinance), To Rezone Real Property Consisting Of 1,495.57± Acres, Situated In The Preston Kitchens Survey, Abstract No. 667, Sherrod Dunman Survey, Abstract No. 329, Elizabeth Jones Survey, Abstract No. 625, And William Martin Survey, Abstract No. 765, In The City Of Sherman, Grayson County, Texas; Providing That The Real Property Is Rezoned And Placed In The Planned Development District / Light Manufacturing (M-1) District (Pd/M-1) Zoning Classification; Describing The Tract To Be Rezoned; Providing A Penalty Clause With A Maximum Fine Of $2,000, Savings/Repealing Clause, Severability Clause And An Effective Date; And Providing For The Publication Of The Caption Hereof

E. 9. **INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6555**

Repealing Exhibit A (General Zoning Ordinance), Exhibit A-1 (Matrix Of Permitted Uses) And Exhibit B (Zoning – Blalock Industrial Park) Of Chapter 14 (Zoning Ordinance) Of The Code Of Ordinances, City Of Sherman, Texas; Adopting A New Comprehensive Zoning Ordinance To Be Codified At Article 14.01 (General Provisions) Through Article 14.11 (Sherman Municipal Airport Hazard Zoning Ordinance) Of Chapter 14 Of The Code Of Ordinances; Establishing New Zoning Regulations Within The City Of Sherman, Texas In Accordance With Chapter 211 Of The Texas Local Government Code, The Home Rule Charter Of The City Of Sherman, Texas And Other Law; Regulating And Restricting The Height, Number Of Stories And Size Of Buildings And Other Structures, The Percentage Of Lots That May Be Occupied, The Size Of The Yards, Courts And Other Open Spaces, The Density Of Population, The Location And Use Of Buildings, Structures And Land For Trade, Industry, Residence Or Other Purpose; And, In The Case Of Designated Places And Areas Of Historic And Cultural Importance, To Regulate And Restrict The Construction, Alteration, Reconstruction Or Razing Of Buildings And Other Structures; Defining Terms; Providing For Variances And Appeals; Amending Chapter 14 (Zoning Ordinance), Article 14.01 (General Provisions), Article 14.02 (Sherman Municipal Airport Hazard Zoning Ordinance), Article 14.03 (Planning And Zoning Board), Article 14.04 (General Zoning Ordinance) And Article 14.05 (Zoning – Blalock Industrial Park); Providing For Inclusion In The Code Of Ordinances;Providing Repealing And Severability Clauses; Providing A Penalty With A Maximum Fine Of $2,000

E. 10. **INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6556**

Amending The Code of Ordinances of The City of Sherman, Texas, to Add Appendix C, Comprehensive Fee Schedule, and Amending Article 3.14 (Permit, Development and Registration Fees); Establishing and Organizing Fees, Fines and Other Charges to be Assessed and Collected By The City of Sherman; Providing a Penalty Clause with a Maximum Fine of $2,000, Savings/Repealing Clause, Severability Clause and an Effective Date; Providing for the Publication of the Caption Hereof

E. 11. **INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6557**

Readopting Chapter 8, Article 8.04, Division 2 of the Code of Ordinances, entitled "Curfew Hours for Minors," with No Modifications; Providing for Inclusion in the Code of Ordinances; Providing for Severability; Providing for a Repealer

SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **F. 1.**

Meeting Date: 12/05/2022
Prepared By: Clint Philpott, Assistant City Manager
Approved By: Robby Hefton, City Manager

Caption:

RESOLUTION NO. 6996
Authorizing Execution of Certain Documents in Connection With The Bel Air Village Public Improvement District, including, without Limitation, that Certain Phase #2 Landowner Agreement and Bel Air Village Public Improvement District Phase #2 Reimbursement Agreement

Issue:

To authorize execution of documents in connection with the Bel Air Village Public Improvement District (PID). Documents include the Phase #2 Landowner Agreement and Bel Air Village PID Phase #2 Reimbursement Agreement

Background:

The City and Bel Air Communities, LLC, a Delaware limited liability company (the "Original Developer") entered into that certain Bel Air Village Master Development Agreement on December 18, 2020 (the "MDA"), as approved by the City Council pursuant to Resolution No. 6676, whereby the MDA provides for the terms and conditions for, among other things, the formation of the Bel Air Village Public Improvement District (the "PID") and the construction and development of certain public improvements (the "Authorized Improvements") by the Original Developer that are subject to reimbursement from assessments levied by the PID.

On March 15, 2021, the City Council held a public hearing on the advisability of the public improvements and services described in the petition as required by Sec. 372.009 of the PID Act and made the findings required by Sec. 372.009(b) of the PID Act and, by Resolution No. 6711 authorized and created the PID.

The documents covered by this Resolution relate specifically to the PID, not just to the Bel Air project, and are required to be adopted as part of wrapping up the final creation of the PID. The documents were provided by and have been reviewed by the City's PID consultant, MuniCap, as well as by the City's legal counsel, Abernathy, Roeder, Boyd, and Hullett, P.C.

The Landowner Agreement is necessary to, among other things, document the agreement by the current landowner to create the PID, to authorize assessment of property taxes to current and future landowners during the entire term of the PID, and to make required disclosures about the existence of the PID to future homeowners.

The Reimbursement Agreement sets out the commitment of the PID to reimburse the developer for eligible costs under the Service and Assessment Plan, which is considered for adoption under a separate Ordinance at this Council meeting. This Reimbursement Agreement is different than the reimbursement provisions included in the recently amended MDA. The MDA set forth the City's arrangements to allow the developer to construct improvements that are the City's obligation to construct, whereas this Reimbursement Agreement sets forth the obligations of the PID to reimburse the developer for PID-eligible developer improvement responsibilities. So together, the MDA and this Reimbursement Agreement cover reimbursement for ALL infrastructure improvements within the Bel Air Planned Development, both City-related and developer-related costs.

Origination:

Bel Air Communities, LLC
City Manager's Office

Financial Consideration:

The Landowner will be reimbursed exclusively from assessments levied on property owners in the Bel Air PID for Phase #2 improvements. No other City revenues will be used under these Agreements to reimburse PID expenses to the developer.

Staff Recommendation:

Staff recommends approval of the Landowner Agreement and the Reimbursement Agreement.

Alternatives:

As directed by the City Council

Attachments

Resolution No. 6996
Landowner Agreement
Reimbursement Agreement

RESOLUTION NO. 6996

A RESOLUTION OF THE CITY COUNCIL OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF CERTAIN DOCUMENTS IN CONNECTION WITH THE BEL AIR VILLAGE PUBLIC IMPROVEMENT DISTRICT, INCLUDING, WITHOUT LIMITATION, THAT CERTAIN PHASE #2 LANDOWNER AGREEMENT AND BEL AIR VILLAGE PUBLIC IMPROVEMENT DISTRICT PHASE #2 REIMBURSEMENT AGREEMENT; FINDING AND DETERMING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

RECITALS

WHEREAS, the City and Bel Air Communities, LLC, a Delaware limited liability company (the "Original Developer") entered into that certain Bel Air Village Master Development Agreement on December 18, 2020 (the "MDA"), as approved by the City Council pursuant to Resolution No. 6676, whereby the MDA provides for the terms and conditions for, among other things, the formation of the Bel Air Village Public Improvement District (the "PID") and the construction and development of certain public improvements (the "Authorized Improvements") by the Original Developer that are subject to reimbursement from assessments levied by the PID; and

WHEREAS, the Original Developer's interest and obligations in and to the MDA have been assigned to Terra Perpetua, LLC, a Delaware limited liability company (the "Developer"); and

WHEREAS, on March 15, 2021, after due notice, the City Council of the City (the "City Council") held a public hearing in the manner required by law on the advisability of the public improvements and services described in the petition as required by Sec. 372.009 of the PID Act and made the findings required by Sec. 372.009(b) of the PID Act and, by Resolution No. 6711 adopted by a majority of the members of the City Council, authorized and created the PID in accordance with its finding as to the advisability of the Authorized Improvements; and

WHEREAS, in connection with the formation of the PID and levy of certain "Assessments" (herein so called) against property within Phase #2 of the PID to fund reimbursement of costs incurred in connection with construction and development of the Authorized Improvements, Bel Air Village SFR, LLC, a Delaware limited liability company (the "Landowner"), an affiliate of the Developer, and the City desire to enter into that certain "Phase #2 Landowner Agreement" (herein so called) attached hereto as **Exhibit A** and incorporated herein for all purposes, which such Landowner Agreement provides, among other things, the Landowner's agreement and acknowledgment that the property within the PID is subject to the payment of Assessments, and providing for the recording of certain Covenants, Conditions and Restrictions providing for the same to run with said property; and

WHEREAS, the Developer and the City desire to enter into that certain Bel Air Village Public Improvement District Phase #2 Reimbursement Agreement (the "Reimbursement Agreement") attached hereto as **Exhibit B** and incorporated herein for all purposes, which such Reimbursement Agreement establishes the process by which the Developer may be reimbursed by the funds from the PID for Developer's construction and development of the Authorized Improvements benefitting Phase #2 of the PID.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS:

SECTION 1. That the City Manager be and is hereby authorized and directed, subject to all contract documents being properly completed and approved as to form and content by the City Attorney, to execute the Landowner Agreement and the Reimbursement Agreement, in accordance with all contract documents attached hereto and made a part hereof for all purposes.

SECTION 2. That it is hereby officially found and determined that the meeting at which this resolution is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS.

PASSED AND APPROVED on this the 5th day of December 2022.

CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:
THE LAW FIRM OF ABERNATHY, ROEDER, BOYD & HULLETT, P.C.

BY: _____
NAME: _____
CITY ATTORNEY

PHASE #2 LANDOWNER AGREEMENT

This **PHASE #2 LANDOWNER AGREEMENT** (the "Agreement"), is entered into as of December 5, 2022, between the **City of Sherman, Texas** (the "City"), a home rule municipality of the State of Texas (the "State"), and **Bel Air Village SFR, LLC**, a Delaware limited liability company ("Landowner").

RECITALS:

WHEREAS, Landowner owns the parcels described by a metes and bounds description attached as **Exhibit I** to this Agreement and which is incorporated herein for all purposes (the "Landowner Parcel"), which is partially comprised of the Phase #2 Assessed Property (as defined in the Service and Assessment Plan) consisting of specially benefitted, privately-owned land located within a portion of the Bel Air Village Public Improvement District (the "District") in the City; and

WHEREAS, Terra Perpetua, LLC, a Delaware limited liability company (the "Developer") and the City have entered into that certain Bel Air Village Master Development Agreement, dated December 18, 2020 (as amended from time to time, the "MDA"), which provides for, among other things, the creation of the District, the City's and Developer's construction of certain improvements within the District, Developer's dedication of certain public improvements within the District to the City, Developer's application for a public improvement district to levy Assessments (as defined in the Service and Assessment Plan) on property within the District, and other matters with respect to the development of the Landowner Parcel and the District; and

WHEREAS, the city council of the City (the "City Council") has adopted an assessment ordinance for the Phase #2 Projects (including all exhibits and attachments thereto, the "Phase #2 Assessment Ordinance") and the Service and Assessment Plan included as an exhibit to the Phase #2 Assessment Ordinance (the "Service and Assessment Plan") and which is incorporated herein for all purposes, and has levied an assessment on the Phase #2 Assessed Property that will be used to reimburse Developer for the costs of constructing the Phase #2 Projects (as defined in the Service and Assessment Plan) or pledged as the security for the payment of bonds or other obligations to be issued for the purpose of paying the costs of constructing the Phase #2 Projects that will benefit the Phase #2 Assessed Property (as defined in the Service and Assessment Plan); and

WHEREAS, the Covenants, Conditions and Restrictions attached to this Agreement as **Exhibit II** and which are incorporated herein for all purposes**,** include the statutory notification required by Texas Property Code, Section 5.014, as amended, to be provided by the seller of residential property that is located in a public improvement district established under Chapter 372 of the Texas Local Government Code, as amended (the "PID Act"), to the purchaser.

NOW, THEREFORE, for and in consideration of the mutual promises, covenants, obligations and benefits hereinafter set forth, the City and Landowner hereby contract, covenant and agree as follows:

DEFINITIONS; APPROVAL OF AGREEMENTS

Definitions. Capitalized terms used but not defined herein (including each exhibit hereto) shall have the meanings ascribed to them in the Service and Assessment Plan.

Affirmation of Recitals. The findings set forth in the Recitals of this Agreement are hereby incorporated as the official findings of the City Council.

I.
AGREEMENTS OF LANDOWNER

A. Affirmation and Acceptance of Agreements and Findings of Benefit. Landowner hereby ratifies, confirms, accepts, agrees to, and approves:

(i) the creation and boundaries of the District, and the boundaries of the Landowner's Parcel which are within the District, as shown on **Exhibit I,** and the location and development of the Phase #2 Projects on the Landowner Parcel and on the property within Phase #2 of the District;

(ii) the determinations and findings as to the benefits by the City Council in the Service and Assessment Plan and the Phase #2 Assessment Ordinance; and

(iii) the Phase #2 Assessment Ordinance and the Service and Assessment Plan.

B. Acceptance and Approval of Assessments and Lien on Property. Landowner consents to, agrees to, acknowledges and accepts the following:

(i) each Assessment levied by the City on the Phase #2 Assessed Property, as shown on the assessment roll attached as Appendix G to the Service and Assessment Plan (the "Phase #2 Assessment Roll");

(ii) the Phase #2 Projects specially benefit the Phase #2 Assessed Property, in an amount equal to or in excess of the Assessment levied on the Phase #2 Assessed Property within Phase #2 of the District, as such Assessment is shown on the Phase #2 Assessment Roll;

(iii) each Assessment is final, conclusive and binding upon Landowner and any subsequent owner of the Phase #2 Assessed Property, regardless of whether such landowner may be required to prepay a portion of, or the entirety of, such Assessment upon the occurrence of a mandatory prepayment event as provided in the Service and Assessment Plan;

(iv) the obligation to pay the Assessment levied on the Phase #2 Assessed Property owned by it (or in the case of installments, to pay the installments) when due and in the amount required by and stated in the Service and Assessment Plan and the Phase #2 Assessment Ordinance;

(v) each Assessment or reassessment, with interest, the expense of collection, and reasonable attorney's fees, if incurred, is a first and prior lien against the Phase #2 Assessed Property, superior to all other liens and monetary claims except liens or monetary claims for state, county, school district, or municipal ad valorem taxes, and is a personal liability of and charge against the owner of any portion of the Phase #2 Assessed Property regardless of whether such owner is named;

(vi) the Assessment lien on the Phase #2 Assessed Property is a lien and covenant that runs with the land and is effective from the date of the Phase #2 Assessment Ordinance and continues until the Assessment is paid and may be enforced by the governing body of the City in the same manner that an ad valorem tax lien against real property may be enforced by the City;

(vii) delinquent installments of the Assessment shall incur and accrue interest, penalties, and attorney's fees as provided in the PID Act;

(viii) the owner of an Assessed Parcel or a lot within such Assessed Parcel, may pay at any time the entire Assessment, with interest that has accrued on the Assessment, on any such Assessed Parcel or lot within such Assessed Parcel;

(ix) the Annual Installments of the Assessments (as defined in the Service and Assessment Plan and Phase #2 Assessment Roll) may be adjusted, decreased and extended; and, the shall be obligated to pay their respective revised amounts of the annual installments, when due, and without the necessity of further action, assessments or reassessments by the City, the same as though they were expressly set forth herein; and

(x) Landowner has received, or hereby waives, all notices required to be provided to it under State law, including the PID Act, prior to the Effective Date (defined herein).

C. Mandatory Prepayment of Assessments. Landowner agrees and acknowledges that Landowner or subsequent landowners may have an obligation to prepay an Assessment upon the occurrence of a mandatory prepayment event, at the sole discretion of the City and in accordance with the Service and Assessment Plan, as amended or updated or upon sale of property in the District to a party not subject to Assessments or upon the occurrence of another mandatory prepayment event listed in the Service and Assessment Plan.

D. Notice of Assessments. Landowner further agrees as follows:

(i) the provisions of this Agreement and the Covenants, Conditions and Restrictions attached hereto as **Exhibit II** shall be terms, conditions and provisions running with the Landowner's Parcel and shall be recorded (the contents of which shall be consistent with the Phase #2 Assessment Ordinance and the Service and Assessment Plan as reasonably determined by the City), in the records of the County Clerk of Grayson County, as a lien and encumbrance against such Phase #2 Assessed Property, and Landowner hereby authorizes the City to so record such documents against the Landowner's Parcel;

(ii) reference to the Covenants, Conditions and Restrictions attached hereto as **Exhibit II** shall be included on all recordable subdivision plats and such plats shall be recorded in the real property records of Grayson County, Texas;

(iii) in the event of any subdivision, sale, transfer or other conveyance by Landowner of the right, title or interest of Landowner in the Landowner's Parcel or any part thereof, the owner(s) of the Landowner's Parcel, or any such part thereof, shall continue to be bound by all of the terms, conditions and provisions of such Covenants, Conditions and Restrictions and any purchaser, transferee or other subsequent owner shall take such Landowner's Parcel or portion thereof subject to all of the terms, conditions and provisions of such Covenants, Conditions and Restrictions; and

(iv) Landowner shall comply with, and shall contractually obligate (and promptly provide written evidence of such contractual provisions to the City) any party who purchases the Landowner's Parcel owned by Landowner, or any portion thereof, for the purpose of constructing residential properties that are eligible for "homestead" designations under State law, to comply with, the Homebuyer Education Program described on **Exhibit III** to this Agreement. Such compliance obligation shall terminate as to each Lot (as defined in the Service and Assessment Plan) if, and when, (i) a final certificate of occupancy for a residential unit on such Lot is issued by the City, and (ii) there is a sale of a Lot to an individual homebuyer, it being the intent of the undersigned that the Homebuyer Education Program shall apply only to a commercial builder who is in the business of constructing and/or selling residences to individual home buyers (a "Builder") but not to subsequent sales of such residence and Lot by an individual home buyer after the initial sale by a Builder.

Notwithstanding the provisions of this Section, upon Landowner's request and the City's consent, in the City's sole and absolute discretion, the Covenants, Conditions and Restrictions may be included with other written restrictions running with the land on property within the District, provided they contain all the material provisions and provide the same material notice to prospective property owners as does the document attached as **Exhibit II**.

II.
OWNERSHIP AND CONSTRUCTION OF PHASE #2 PROJECTS

A. Ownership and Transfer of Phase #2 Projects. Landowner acknowledges that all of the Phase #2 Projects and the land (or easements, as applicable) needed therefor shall be owned by the City, as applicable, once accepted by and conveyed to the City, following construction and Landowner will execute such conveyances and/or dedications of public rights of way and easements as may be reasonably required to evidence such ownership, as generally described on the current plats of the property within the District, and without monetary or other compensation to the Landowner as set forth in the MDA or otherwise required by the City's standard procedure regarding the same, other than as provided in that certain Bel Air Village Public Improvement District Phase #2 Reimbursement Agreement between the City and Developer of even date herewith (the "Reimbursement Agreement").

B. Grant of Easement and License, Construction of Phase #2 Projects.

(i) Any subsequent owner of the Landowner's Parcel shall, upon the request of the City or Landowner grant and convey to the City or Landowner and its contractors, materialmen and workmen a temporary license and/or easement, as appropriate, to construct the Phase #2 Projects on the property within Phase #2 of the District, to stage on the property within Phase #2 of the District construction trailers, building materials and equipment to be used in connection with such construction of the Phase #2 Projects and for passage and use over and across parts of the property within Phase #2 of the District as shall be reasonably necessary during the construction of the Phase #2 Projects, and without monetary or other compensation to be paid for such grant or conveyance. Any subsequent owner of the Landowner's Parcel may require that each contractor constructing the Phase #2 Projects cause such owner of the Landowner's Parcel to be indemnified and/or named as an additional insured under liability insurance reasonably acceptable to such owner of the Landowner's Parcel. The right to use and enjoy any easement and license provided above shall continue until the construction of the Phase #2 Projects is complete; provided, however, any such license or easement shall automatically terminate upon the earlier of (1) the recording of the final plat for the Landowner's Parcel in the real property records of Grayson County, Texas, or (2) the City's acceptance of the Phase #2 Projects.

(ii) Landowner hereby agrees that any right or condition imposed by any agreement, with respect to the imposition of the Assessment has been satisfied, and that Landowner shall not have any rights or remedies against the City under any law or principles of equity concerning the imposition of the Assessments, with respect to the formation of the District, approval of the Service and Assessment Plan and the City's levy and collection of the Assessments.

III.
COVENANTS AND WARRANTIES; MISCELLANEOUS

A. Special Covenants and Warranties of Landowner. Landowner represents and warrants to the City as follows:

(i) Landowner is duly organized, validly existing and, as applicable, in good standing under the laws of the state of its organization and has the full right, power and authority to enter into this Agreement, and to perform all the obligations required to be performed by Landowner hereunder.

(ii) This Agreement has been duly and validly executed and delivered by, and on behalf of, Landowner and, assuming the due authorization, execution and delivery thereof by and on behalf of the City and Landowner, constitutes a valid, binding and enforceable obligation of such party enforceable in accordance with its terms. This representation and warranty is qualified to the extent the enforceability of this Agreement may be limited by applicable bankruptcy, insolvency, moratorium, reorganization or other similar laws of general application affecting the rights of creditors in general.

(iii) Neither the execution and delivery hereof, nor the taking of any actions contemplated hereby, will conflict with or result in a breach of any of the provisions of, or constitute a default, event of default or event creating a right of acceleration, termination or cancellation of any obligation under, any instrument, note, mortgage, contract,

judgment, order, award, decree or other agreement or restriction to which Landowner is a party, or by which Landowner or Landowner's Parcel is otherwise bound.

(iv) Landowner is, subject to all matters of record in the Grayson County, Texas Real Property Records, the sole owner of the Landowner's Parcel.

(v) The Landowner's Parcel owned by Landowner is not subject to, or encumbered by, any covenant, lien, encumbrance or agreement which would prohibit (i) the creation of the District, (ii) the levy of the Assessments and the priority of the lien related to the assessments as described in this Agreement, or (iii) the construction of the Phase #2 Projects on those portions of the property within Phase #2 of the District which are to be owned by the City, as generally described on the current plats of the property within the District (or, if subject to any such prohibition, the approval or consent of all necessary parties thereto has been obtained).

(vi) Landowner covenants and agrees to execute any and all documents necessary, appropriate or incidental to the purposes of this Agreement, as long as such documents are consistent with this Agreement and do not create additional liability of any type to, or reduce the rights of, such Landowner by virtue of execution thereof.

B. Waiver of Claims Concerning Phase #2 Projects. Landowner, with full knowledge of the provisions, and the rights thereof pursuant to such provisions, of applicable law, waives any claims against the City and its successors, assigns and agents, pertaining to the installation of the Phase #2 Projects; provided, however, the foregoing waiver should not apply to any potential claims available to the Landowner under the Reimbursement Agreement.

C. Notices. Any notice or other communication to be given to the City or Landowner under this Agreement shall be given by delivering the same in writing to:

To the City:	Attn: City Manager City of Sherman, Texas 220 W. Mulberry Street Sherman, TX 75090
With a copy to:	Attn: Robert H. Roeder and Kris Kearney, City Attorney Abernathy, Roeder, Boyd & Hullett, P.C. 1700 Redbud Blvd., Suite 300 McKinney, TX 75069
To Landowner:	Attn: Ronny Guerrero Bel Air Village SFR, LLC 2800 N. Dallas Parkway, Suite 324 Plano, TX 75093
With a copy to:	Attn: Ross Martin Winstead PC 2728 N. Harwood Street, Suite 500

Dallas, TX 75201

Any notice sent under this Agreement (except as otherwise expressly required) shall be written and mailed, or sent by electronic or facsimile transmission confirmed by mailing written confirmation at substantially the same time as such electronic or facsimile transmission, or personally delivered to an officer of the recipient as the address set forth herein.

Each recipient may change its address by written notice in accordance with this Section. Any communication addressed and mailed in accordance with this provision shall be deemed to be given when so mailed, any notice so sent by electronic or facsimile transmission shall be deemed to be given when receipt of such transmission is acknowledged, and any communication so delivered in person shall be deemed to be given when receipted for, or actually received by, the addressee.

D. Parties in Interest. This Agreement is made solely for the benefit of the City and Landowner and is not assignable, except, in the case of Landowner, in connection with the sale or disposition of all or substantially all of the parcels which constitute the Landowner's Parcel. However, the parties expressly agree and acknowledge that the City, Landowner, each current owner of any parcel which constitutes the Landowner's Parcel, and the holders of bonds issued by the City to finance the costs of the Phase #2 Projects and which are secured by a pledge of the Assessments or any part thereof, if any, are express beneficiaries of this Agreement and shall be entitled to pursue any and all remedies at law or in equity to enforce the obligations of the parties hereto. This Agreement shall be recorded in the real property records of Grayson County, Texas.

E. Amendments. This Agreement may be amended only by written instrument executed by the City and Landowner. No termination or amendment shall be effective until a written instrument setting forth the terms thereof has been executed by the then-current owners of the property within the District and recorded in the Real Property Records of Grayson County, Texas.

F. Effective Date. This Agreement shall become and be effective (the "Effective Date") upon the date of final execution by the latter of the City and Landowner and shall be valid and enforceable on said date and thereafter.

G. Estoppels. Within 10 business days after written request from a party hereto, the other party shall provide a written certification, indicating whether this Agreement remains in effect as to the Landowner's Parcel.

H. Termination. This Agreement shall terminate and be of no further force and effect as to the Landowner's Parcel upon payment in full of the Assessment(s) against such Landowner's Parcel.

I. Anti-Boycott Verification. Landowner hereby verifies that Landowner and its parent companies, wholly- or majority-owned subsidiaries, and other affiliates, if any, do not boycott Israel and, to the extent this Agreement is a contract for goods or services, will not boycott Israel during the term of this Agreement. The foregoing verification is made solely to comply with Section 2271.002, Texas Government Code, and to the extent such Section does not contravene applicable State or Federal law. As used in the foregoing verification, 'boycott Israel' means

refusing to deal with, terminating business activities with, or otherwise taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations specifically with Israel, or with a person or entity doing business in Israel or in an Israeli-controlled territory, but does not include an action made for ordinary business purposes. Landowner understands "affiliate" to mean an entity that controls, is controlled by, or is under common control with the Landowner and exists to make a profit.

J. Iran, Sudan, and Foreign Terrorist Organizations. Landowner hereby represents that neither Landowner nor any of its parent companies, wholly- or majority-owned subsidiaries, and other affiliates is a company identified on a list prepared and maintained by the Texas Comptroller of Public Accounts under Section 2252.153 or Section 2270.0201, Texas Government Code, and posted on any of the following pages of such officer's internet website: https://comptroller.texas.gov/purchasing/docs/sudan-list.pdf, https://comptroller.texas.gov/purchasing/docs/iran-list.pdf, or https://comptroller.texas.gov/purchasing/docs/fto-list.pdf. The foregoing representation is made solely to comply with Section 2252.152, Texas Government Code, and to the extent such Section does not contravene applicable State or Federal law and excludes Landowner and each of its parent company, wholly- or majority-owned subsidiaries, and other affiliates, if any, that the United States government has affirmatively declared to be excluded from its federal sanctions regime relating to Sudan or Iran or any federal sanctions regime relating to a foreign terrorist organization. Landowner understands "affiliate" to mean any entity that controls, is controlled by, or is under common control with Landowner and exists to make a profit.

K. Energy Companies. To the extent this Agreement constitutes a contract for goods or services for which a written verification statement is required under Section 2274.002 (as added by Senate Bill 13 in the 87th Texas Legislative Session), Texas Government Code, as amended, the Landowner hereby verifies that it and its parent companies, wholly- or majority- owned subsidiaries, and other affiliates, if any, do not boycott energy companies and, will not boycott energy companies during the term of this Agreement. The foregoing verification is made solely to comply with Section 2274.002, Texas Government Code, as amended, to the extent Section 2274.002, Texas Government Code does not contravene applicable Texas or federal law. As used in the foregoing verification, "boycott energy companies" shall have the meaning assigned to the term "boycott energy company" in Section 809.001, Texas Government Code. The Landowner understands "affiliate" to mean an entity that controls, is controlled by, or is under common control with the Landowner and exists to make a profit.

L. Firearm Entities. To the extent this Agreement constitutes a contract for goods or services for which a written verification statement is required under Section 2274.002 (as added by Senate Bill 19 in the 87th Texas Legislative Session, "SB 19"), Texas Government Code, as amended, the Landowner hereby verifies that it and its parent companies, wholly- or majority-owned subsidiaries, and other affiliates, if any,

(1) do not have a practice, policy, guidance or directive that discriminates against a firearm entity or firearm trade association; and

(2) will not discriminate during the term of this Agreement against a firearm entity or firearm trade association.

The foregoing verification is made solely to comply with Section 2274.002, Texas Government Code, as amended, to the extent Section 2274.002, Texas Government Code does not contravene applicable Texas or federal law. As used in the foregoing verification, "discriminate against a firearm entity or firearm trade association" shall have the meaning assigned to such term in Section 2274.001(3) (as added by SB 19), Texas Government Code. The Landowner understands "affiliate" to mean an entity that controls, is controlled by, or is under common control with the Landowner and exists to make a profit.

[Signature pages to follow]

EXECUTED by the City and Landowner on the respective dates stated below.

Date: _____ **CITY OF SHERMAN**

By: _____
David Plyler, Mayor

ATTEST:

_____
Linda Ashby, City Clerk

APPROVED AS TO FORM

_____
Ryan D. Pittman, Attorney for the City

STATE OF TEXAS §
§
COUNTY OF GRAYSON §

This instrument was acknowledged before me on the _____ day of December, 2022 by David Plyler, Mayor of the City of Sherman, Texas on behalf of said City.

_____
Notary Public, State of Texas

(SEAL)

_____
Name printed or typed

Commission Expires:_____

[Signature Page Landowner Agreement]

LANDOWNER

BEL AIR VILLAGE SFR, LLC,
a Delaware limited liability company

By: _____
Name: Ronny Guerrero
Its: President & CEO

STATE OF TEXAS §
§
COUNTY OF DALLAS §

This instrument was acknowledged before me on the _____ day of December, 2022 by Ronny Guerrero, President & CEO of Bel Air Village SFR, LLC, a Delaware limited liability company, on behalf of said company.

_____
Notary Public, State of Texas

LANDOWNER AGREEMENT - EXHIBIT I

METES AND BOUNDS DESCRIPTION OF LANDOWNER'S PARCEL

WHEREAS TERRA PERPETUA, LLC., is the sole owner of a tract of land situated in the Sharrod Dunman Survey, Abstract No. 329, City of Sherman, Grayson County, Texas and being a portion of a called 245.83-acre tract of land described in a Special Warranty Deed to Terra Perpetua, LLC, recorded in Instrument No. 2018-3686 and a portion of a called 32.545-acre tract of land described in a Special Warranty Deed to Terra Perpetua, LLC, recorded in Instrument No. 2019-22865, both of the Official Public Records, Grayson County, Texas, and being all of Lot 2-HOA, Block F, Bel-Air Village, Phase 1, an Addition to the City of Sherman, Texas according to the Replat thereof recorded in Instrument No. 2022-55, said Official Public Records, and being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8-inch iron rod with red plastic cap stamped "KHA" found for the southernmost southwest corner of Bel-Air Village, Phase 1, an Addition to the City of Sherman, Texas according to the Amended Plat there of recorded in Instrument No. 2022-54, said Official Public Records, same being the southwest corner of the southern terminus of Bel Air Boulevard (variable width public right-of-way, Instrument No. 2022-54);

THENCE South 78°54'13" East, along the southern terminus of said Bel Air Boulevard, a distance of 110.96 feet to a 5/8-inch iron rod with red plastic cap stamped "KHA" found for the southeast corner of the southern terminus of said Bel Air Boulevard;

THENCE North 11°05'47" East, along the easterly right-of-way line of said Bel Air Boulevard, a distance of 25.16 feet to a 5/8-inch iron rod with red plastic cap stamped "KHA" found for the south corner of a corner clip at the intersection of the easterly right-of-way line of said Bel Air Boulevard and the southerly right-of-way line of the aforementioned Beach Boulevard;

THENCE North 50°33'06" East, along said corner clip, a distance of 46.74 feet to a 5/8-inch iron rod with red plastic cap stamped "KHA" found for the north corner of said corner clip;

THENCE along the southerly right-of-way line of said Beach Boulevard the following courses and distances:

> South 82°57'08" East, a distance of 24.65 feet to a 5/8-inch iron rod with red plastic cap stamped "KHA" found for at the beginning of a tangent curve to the left with a radius of 207.00 feet, a central angle of 11°18'55", and a chord bearing and distance of South 88°36'35" East, 40.81 feet;
>
> In an easterly direction, with said curve to the left, an arc distance of 40.88 feet to a 5/8-inch iron rod with red plastic cap stamped "KHA" found at the beginning of a reverse curve to the right with a radius of 193.00 feet, a central angle of 18°29'55", and a chord bearing and distance of South 85°01'06" East, 62.04 feet;
>
> In an easterly direction, with said curve to the right, an arc distance of 62.31 feet to a 5/8-inch iron rod with red plastic cap stamped "KHA" found for the end of said curve to the right; South 75°46'08" East, a distance of 78.75 feet to a 5/8-inch iron rod with red plastic cap stamped "KHA" found for corner;

South 30°46'08" East, a distance of 14.14 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found for corner; South 14°13'52" West, a distance of 10.00 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found for corner;

South 75°46'08" East, a distance of 50.00 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found for corner;

North 14°13'52" East, a distance of 10.00 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found for corner;

North 59°13'52" East, a distance of 14.14 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found for corner;

South 75°46'08" East, a distance of 96.06 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found at the beginning of a tangent curve to the left with a radius of 825.00 feet, a central angle of 07°24'04", and a chord bearing and distance of South 79°28'11" East, 106.50 feet;

In an easterly direction, with said curve to the left, an arc distance of 106.57 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found for the end of said curve to the left;

South 39°33'34" East, a distance of 14.40 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found for corner;

South 04°23'56" West, a distance of 10.00 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found for corner;

South 85°36'04" East, a distance of 50.00 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found for corner;

North 04°23'56" East, a distance of 10.00 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found for corner;

North 48°21'25" East, a distance of 14.40 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found at the beginning of a non-tangent curve to the left with a radius of 825.00 feet, a central angle of 02°50'58", and a chord bearing and distance of South 89°27'25" East, 41.02 feet;

In an easterly direction, with said curve to the left, an arc distance of 41.03 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found for the end of said curve to the left;

North 89°07'06" East, a distance of 142.12 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found at the beginning of a tangent curve to the right with a radius of 1,475.00 feet, a central angle of 00°47'56", and a chord bearing and distance of North 89°31'04" East, 20.57 feet;

In an easterly direction, with said curve to the right, an arc distance of 20.57 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found for the end of said curve to the right;

South 44°18'21" East, a distance of 14.00 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found for corner;

South 01°16'37" West, a distance of 10.00 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found for corner;

South 88°43'23" East, a distance of 50.00 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found for corner;

North 01°16'37" East, a distance of 10.00 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found for corner;

North 46°51'34" East, a distance of 14.00 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found at the beginning of a non-tangent curve to the right with a radius of 1,475.00 feet, a central angle of 04°03'00", and a chord bearing and distance of South 85°20'18" East, 104.24 feet;

In an easterly direction, with said non-tangent curve to the right, an arc distance of 104.26 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found for corner;

South 83°18'48" East, a distance of 367.76 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found for the northernmost northeast corner of the aforementioned Lot 2-HOA, common to the northwest corner of Lot 2, Block F, said Bel-Air Village, Phase 1 (2022-54);

THENCE South 06°41'12" West, departing the southerly right-of-way line of said Beach Boulevard and along the common line of said Lot 2-HOA and said Lot 2, a distance of 115.00 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found for the southwest corner of said Lot 2, common to an angle point in the northerly line of said Lot 2-HOA;

THENCE South 83°18'48" East, continuing along said common line and along the southerly lines of Lots 3 & 4, Block F, said Bel-Air Village, Phase 1 (2022-54) and the southerly line of Lot 1-HOA, Block F, aforementioned Bel-Air Village, Phase 1 (2022-55), a distance of 225.00 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” found for the easternmost northeast corner of said Lot 2-HOA, common to the southeast corner of said Lot 1-HOA, same being on the westerly line of a 225-foot right-of-way for the Burlington Northern Santa Fe Railroad;

THENCE South 06°41'12" West, along the common line of said Lot 2-HOA and said Burlington Northern Santa Fe Railroad right-of-way, passing at a distance of 560.00 feet a 5/8-inch iron rod with red plastic cap stamped “KHA” found for the southeast corner of said Lot 2-HOA, and continuing along the same course and the westerly line of said Burlington Northern Santa Fe Railroad right-of-way and along the easterly line of the aforementioned 245.83-acre tract, for a total distance of 2,194.84 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” set for corner;

THENCE North 83°18'48" West, along the common line of said 245.83-acre tract and said Burlington Northern Santa Fe Railroad right-of-way, a distance of 75.00 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” set for corner;

THENCE South 06°41'12" West, continuing along said common line, a distance of 842.82 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” set for the southeast corner of said 245.83-acre tract, common to the northeast corner of a called 82.032-acre tract of land described as Tract 3 in a Warranty Deed to Sherman Development Limited Partnership No. 1, recorded in Volume 2353, Page 218, Deed Records, Grayson County, Texas;

THENCE North 67°19'59" West, departing the westerly line of said Burlington Northern Santa Fe Railroad right-of-way and along the southerly line of said 245.83-acre tract and the northerly line of said Tract 3, passing at a distance of 1036.32 feet a 1/2-inch iron rod found for the northwest corner of said Tract 3, and continuing along the same course and the southerly line of said 245.83-acre tract, for a total distance of 1,879.33 feet to a 1/2-inch iron rod found at the southwest corner of a 8-inch wood fence post corner for an angle point in the southerly line of said 245.83-acre tract;

THENCE North 49°31'49" West, continuing along the southerly line of said 245.83-acre tract, a distance of 170.15 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” set for corner;

THENCE departing the southerly line of said 245.83-acre tract and crossing said 245.83-acre tract the following courses and distances:

North 26°56'33" East, a distance of 433.90 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” set at the beginning of a tangent curve to the right with a radius of 60.00 feet, a central angle of 234°54'01", and a chord bearing and distance of North 35°36'26" West, 106.49 feet;

In a northerly direction, with said curve to the right, an arc distance of 245.99 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” set at the beginning of a reverse curve to the left with a radius of 20.00 feet, a central angle of 54°54'01", and a chord bearing and distance of North 54°23'34" East, 18.44 feet;

In a easterly direction, with said curve to the left, an arc distance of 19.16 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” set for the end of said curve to the left;

North 26°56'33" East, a distance of 125.42 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” set at the beginning of a tangent curve to the left with a radius of 957.00 feet, a central angle of 20°05'14", and a chord bearing and distance of North 16°53'56" East, 333.80 feet;

In a northerly direction, with said curve to the left, an arc distance of 335.51 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” set for the end of said curve to the left;

North 39°39'08" West, a distance of 34.88 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” set for corner;

North 87°23'18" West, a distance of 10.00 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” set for corner;

North 02°36'42" East, a distance of 90.00 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” set for corner;

South 87°23'18" East, a distance of 11.08 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” set for corner;

North 47°38'05" East, a distance of 35.37 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” set at the beginning of a non-tangent curve to the right with a radius of 2,793.00 feet, a central angle of 21°18'23", and a chord bearing and distance of North 13°28'55" East, 1,032.65 feet;

In a northerly direction, with said curve to the right, an arc distance of 1,038.63 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” set at the beginning of a reverse curve to the left with a radius of 957.00 feet, a central angle of 13°02'20", and a chord bearing and distance of North 17°36'57" East, 217.31 feet;

In a northerly direction, with said curve to the left, an arc distance of 217.78 feet to a 5/8-inch iron rod with red plastic cap stamped “KHA” set for the end of said curve to the left;

North 11°05'47" East, a distance of 162.11 feet to the POINT OF BEGINNING and containing 119.806 acres (5,218,735 sq. ft.) of land, more or less.

LANDOWNER AGREEMENT - EXHIBIT II

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

This **DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS** (as it may be amended from time to time, this "Declaration") is made as of _____, 2022 by **Bel Air Village SFR, LLC** a Delaware limited liability company (the "Landowner").

RECITALS:

A. The Landowner holds record title to that portion of the real property located in Grayson County, Texas, which is described in the attached Exhibit I (the "Landowner's Parcel").

B. The City Council of the City of Sherman (the "City Council") upon a petition requesting the establishment of a public improvement district covering the Landowner's Parcel within the District to be known as the Bel Air Village Public Improvement District (the "District") by the then owners of more than 50% of the appraised value of the taxable real property and owners of more than 50% of the area of all taxable real property within the area requested to be included in the District created such District, in accordance with the Public Improvement District Assessment Act, Chapter 372, Texas Local Government Code, as amended (the "PID Act").

C. The City Council has adopted a Phase #2 Assessment Ordinance for the second phase of development of the Landowner's Parcel within the District ("Phase #2") to levy assessments for certain public improvements (including all exhibits and attachments thereto, the "Phase #2 Assessment Ordinance") and the Service and Assessment Plan included as an exhibit to the Phase #2 Assessment Ordinance (as amended from time to time, the "Service and Assessment Plan"), and has levied the assessments (as amended from time to time, the "Assessments") on the Phase #2 Assessed Property in Phase #2 of the District, which Phase #2 is coextensive with the Landowner's Parcel.

D. The statutory notification required by Texas Property Code, Section 5.014, as amended, to be provided by the seller of residential property that is located in a public improvement district established under Chapter 372 of the Texas Local Government Code, as amended, to the purchaser, is incorporated into these Covenants, Conditions and Restrictions.

DECLARATIONS:

NOW, THEREFORE, the Landowner hereby declares that the Landowner's Parcel is and shall be subject to, and hereby imposes on the Landowner's Parcel, the following covenants, conditions, and restrictions:

1. Acceptance and Approval of Assessments and Lien on Property:

(a) Landowner accepts each Assessment levied on each portion of the Phase #2 Assessed Property within the Landowner's Parcel owned by such Landowner.

(b) The Assessment (including any reassessment, the expense of collection, and reasonable attorney's fees, if incurred) is (a) a first and prior lien (the "Assessment Lien") against the property assessed, superior to all other liens or claims except for liens or claims for state, county, school district or municipality ad valorem property taxes whether now or hereafter payable, and (b) a personal liability of and charge against the owners of the property to the extent of their ownership regardless of whether the owners are named. The Assessment Lien is effective from the date of the Phase #2 Assessment Ordinance until the Assessments are paid and may be enforced by the City in the same manner as an ad valorem property tax levied against real property that may be enforced by the City. The owner of any assessed property within the Landowner's Parcel may pay, at any time, the entire Assessment levied against any such property. Foreclosure of an ad valorem property tax lien on property within Phase #2 of the District will not extinguish the Assessment or any unpaid but not yet due annual installments of the Assessment and will not accelerate the due date for any unpaid and not yet due annual installments of the Assessment.

It is the clear intention of all parties to these Declarations of Covenants, Conditions and Restrictions, that the Assessments, including any annual installments of the Assessments (as such annual installments may be adjusted, decreased or extended), are covenants that run with the Landowner's Parcel and specifically binds the Landowner, its successors and assigns.

In the event of delinquency in the payment of any annual installment of the Assessment, the City is empowered to order institution of an action in district court to foreclose the related Assessment Lien, to enforce personal liability against the owner of the real property for the Assessment, or both. In such action the real property subject to the delinquent Assessment may be sold at judicial foreclosure sale for the amount of such delinquent property taxes and Assessment, plus penalties, interest, and costs of collection.

2. Landowner or any subsequent owner of the Landowner's Parcel waives:

(a) any and all defects, irregularities, illegalities, or deficiencies in the proceedings establishing the District and levying and collecting the Assessments or the annual installments of the Assessments;

(b) any and all notices and time periods provided by the PID Act including, but not limited to, notice of the establishment of the District and notice of public hearings regarding the levy of Assessments by the City Council concerning the Assessments;

(c) any and all defects, irregularities, illegalities, or deficiencies in, or in the adoption of, the Phase #2 Assessment Ordinance by the City Council;

(d) any and all actions and defenses against the adoption or amendment of the Service and Assessment Plan, the City's finding of a 'special benefit' pursuant to the PID Act and the Service and Assessment Plan, and the levy of the Assessments; and

(e) any right to object to the legality of any of the Assessments or the Service and Assessment Plan or to any of the previous proceedings connected therewith which occurred prior to, or upon, the City Council's levy of the Assessments.

3. Amendments: This Declaration may be terminated or amended only by a document duly executed and acknowledged by the then-current owner(s) of the Landowner's Parcel and the City. No such termination or amendment shall be effective until a written instrument setting forth the terms thereof has been executed by the parties by whom approval is required as set forth above and recorded in the Real Property Records of Grayson County, Texas.

4. Third Party Beneficiary: The City is a third-party beneficiary to this Declaration and may enforce the terms hereof.

5. Notice to Subsequent Purchasers: Upon the sale of a dwelling unit within the District, the purchaser of such property shall be provided a written notice that reads substantially similar to the following:

TEXAS PROPERTY CODE SECTION 5.014
NOTICE OF OBLIGATION TO PAY
IMPROVEMENT DISTRICT ASSESSMENT
TO THE CITY OF SHERMAN, GRAYSON COUNTY, TEXAS
CONCERNING THE FOLLOWING PROPERTY:

LOT BLOCK PROPERTY ADDRESS

As the purchaser of the real property described above, you are obligated to pay assessments to the City of Sherman, Texas, for the costs of a portion of a public improvement or services project (the "Authorized Improvements") undertaken for the benefit of the property within the Bel Air Village Public Improvement District (the "District") created under the provisions of Subchapter A, Chapter 372, Texas Local Government Code, as amended.

AN ASSESSMENT HAS BEEN LEVIED AGAINST YOUR PROPERTY FOR THE AUTHORIZED IMPROVEMENTS, WHICH MAY BE PAID IN FULL AT ANY TIME. IF THE ASSESSMENT IS NOT PAID IN FULL, IT WILL BE DUE AND PAYABLE IN ANNUAL INSTALLMENTS THAT WILL VARY FROM YEAR TO YEAR DEPENDING ON THE AMOUNT OF INTEREST PAID, COLLECTION COSTS, ADMINISTRATIVE COSTS, AND DELINQUENCY COSTS.

The exact amount of the assessment may be obtained from the City of Sherman, Texas. The exact amount of each annual installment will be approved each year by the City Council of the City of Sherman, Texas in the annual service plan update for the District. More information about the assessments, including the amounts and due dates, may be obtained from the City of Sherman, Texas, 220 W. Mulberry Street, Sherman, TX 75090.

YOUR FAILURE TO PAY ANY ASSESSMENT OR ANY ANNUAL INSTALLMENT MAY RESULT IN PENALTIES AND INTEREST BEING ADDED TO WHAT YOU OWE OR IN A LIEN ON AND THE FORECLOSURE OF YOUR PROPERTY.

The undersigned purchaser acknowledges receipt of this notice before the effective date of a binding contract for the purchase of the real property at the address described above.

[PURCHASER]

By:_____

Name:_____

Date: _____

[PURCHASER]

By: _____

Name: _____

Date:_____

The undersigned seller executes this notice pursuant to Texas Property Code Section 5.014(a-1), as amended, before the effective date of a binding contract for purchase of the real property at the address described above.

[SELLER]

By:_____

Name:_____

Date:_____

EXECUTED by the undersigned on the date set forth below to be effective as of the date first above written.

LANDOWNER

BEL AIR VILLAGE SFR, LLC,
a Delaware limited liability company

By: _____
Name: Ronny Guerrero
Its: President & CEO

STATE OF TEXAS §
§
COUNTY OF DALLAS §

This instrument was acknowledged before me on the _____ day of December, 2022 by Ronny Guerrero, President & CEO of Bel Air Village SFR, LLC, a Delaware limited liability company, on behalf of said company.

_____
Notary Public, State of Texas

LANDOWNER AGREEMENT - EXHIBIT III

HOMEBUYER EDUCATION PROGRAM

As used in this Exhibit III, the recorded Phase #2 Assessment Ordinance and the Covenants, Conditions and Restrictions in **Exhibit II** of this Agreement are referred to as the "Recorded Notices."

1. Any Landowner who is a Builder shall attach the Recorded Notices and the final Phase #2 Assessment Roll for such Assessed Parcel (or if the Phase #2 Assessment Roll is not available for such Assessed Parcel, then a schedule showing the maximum 30 year payment for such Assessed Parcel) as an addendum to any residential homebuyer's contract.

2. Any Landowner who is a Builder shall provide evidence of compliance with 1 above, signed by such residential homebuyer, to the City.

3. Any Landowner who is a Builder shall prominently display signage in its model homes, if any, substantially in the form of the Recorded Notices.

4. If prepared and provided by the City, any Landowner who is a Builder shall distribute informational brochures about the existence and effect of the District in prospective homebuyer sales packets.

5. Any Landowner who is a Builder shall include Assessments in estimated property taxes, if such Builder estimates monthly ownership costs for prospective homebuyers.

BEL AIR VILLAGE PUBLIC IMPROVEMENT DISTRICT
PHASE #2 REIMBURSEMENT AGREEMENT

This Bel Air Village Public Improvement District Phase #2 Reimbursement Agreement (this "Reimbursement Agreement") is executed by and between the **City of Sherman, Texas** (the "City") and **Terra Perpetua, LLC**, a Delaware limited liability company (the "Developer") (individually referred to as a "Party" and collectively as the "Parties") to be effective December 5, 2022 (the "Effective Date").

RECITALS

WHEREAS, capitalized terms used in this Reimbursement Agreement shall have the meanings given to them in this Reimbursement Agreement or in the Bel Air Village Public Improvement District Service and Assessment Plan, dated April 4, 2022 and updated for Phase #2 of even date herewith, as the same may be further amended, supplemented, and updated from time to time (the "SAP") approved by an ordinance passed and approved by the City Council on December 5, 2022; and

WHEREAS, the Developer and the City have entered into that certain Bel Air Village Master Development Agreement, dated December 18, 2020 (as amended from time to time, the "MDA"), which provides for, among other things, the creation of the District (defined below), the City's and the Developer's construction of certain improvements within the District that include, without limitation, the Phase #2 Projects (defined below), the Developer's dedication of certain public improvements within the District to the City, which include, without limitation, the Phase #2 Projects, the levy of Assessments (as subsequently defined in the SAP) on property within Phase #2 of the District, and other matters with respect to the development of the District Property (defined below) and the District; and

WHEREAS, on March 15, 2021 the City Council passed and approved Resolution No. 6711 authorizing the creation of the Bel Air Village Public Improvement District (the "District") covering approximately 278 acres of land in Sherman, Texas that is owned by the Developer and described by metes and bounds in said Resolution (the "District Property"); and

WHEREAS, the purpose of the District is to finance public improvements (the "Authorized Improvements") as provided by Chapter 372, Texas Local Government Code, as amended (the "PID Act") that promote the interests of the City and confer a special benefit on the Assessed Property within the District; and

WHEREAS, the District Property is being developed in phases, and Assessments for each phase have been or will be levied against the Assessed Property (as defined in the SAP) within such phase to pay the costs of Authorized Improvements (as defined in the SAP) that confer a special benefit on the Assessed Property within such phase; and

WHEREAS, Phase #2 Projects (as defined in the SAP) are to be constructed within Phase #2 of the District Property, as described and depicted in the SAP; and

WHEREAS, on November 7, 2022, the City Council passed and approved Resolution No. 6983 determining, among other things, the estimated costs of the Phase #2 Projects; and

WHEREAS, on December 5, 2022, the City Council passed and approved Ordinance No. _____ (the "Assessment Ordinance") which, among other things, approved the SAP (including the Phase #2 Assessment Roll), levied assessments, and established the dates upon which interest on assessments will begin to accrue and collection of assessments will begin; and

WHEREAS, in addition to approving the SAP, the Assessment Ordinance levied Assessments against property within Phase #2 (the "Phase #2 Assessed Property") for the Phase #2 Projects in accordance with the Phase #2 Assessment Roll attached as Appendix G to the SAP; and

WHEREAS, the SAP established $20,186,042 as the cost of the Phase #2 Projects, of which, $20,186,042 is to be assessed against Phase #2 of the District Property (the "Phase #2 Projects Costs"); and

WHEREAS, the SAP allocated the Phase #2 Projects Costs to Phase #2 of the District Property, and the SAP contemplated the allocation of the Phase #2 Projects Costs among the lots and improvements to be created or constructed in Phase #2; and

WHEREAS, Assessments against the District Property within Phase #2 of the District ("Phase #2 Assessments") are reflected on the Phase #2 Assessment Roll as approved by the City Council; and

WHEREAS, the SAP and the Assessment Ordinance provide, in part, that an Assessment or Assessments may be paid in full, and if an Assessment is not paid in full, it shall be due and payable in Annual Installments plus interest for a period of 30 years or until the Assessment is paid in full; and

WHEREAS, all revenue received and collected by the City from the collection of the Phase #2 Assessments and Annual Installments (excluding Delinquent Collection Costs, and Administrative Expenses) (the "Phase #2 Assessment Revenue") shall be deposited as required by the PID Act into an assessment fund that is segregated from all other funds of the City (the "Phase #2 Assessment Fund"); and

WHEREAS, while not currently contemplated, if Future Phase #2 Bonds (as defined below) are issued, Phase #2 Assessment Revenue shall be collected and deposited as provided in the indenture(s) authorizing the issuance of the Future Phase #2 Bonds; and

WHEREAS, the Phase #2 Assessment Revenue deposited into the Phase #2 Assessment Fund shall be used to reimburse the Developer and its assigns for the Phase #2 Projects Costs advanced by the Developer in an amount not to exceed $20,186,042, plus interest; and

WHEREAS, other than the MDA, the Parties agree that this Reimbursement Agreement supersedes and replaces any prior agreements (whether written or oral) including any amendments to those prior agreements between the Parties regarding the subject matter hereof; and

WHEREAS, the obligations of the City to use the Phase #2 Assessments as provided hereunder is authorized by the PID Act;

NOW, THEREFORE, FOR AND IN CONSIDERATION OF THE MUTUAL COVENANTS OF THE PARTIES SET FORTH IN THIS REIMBURSEMENT AGREEMENT AND FOR VALUABLE CONSIDERATION THE RECEIPT AND ADEQUACY OF WHICH ARE ACKNOWLEDGED, THE PARTIES AGREE AS FOLLOWS:

1. Recitals. The recitals in the "WHEREAS" clauses of this Reimbursement Agreement are true and correct, create obligations of the Parties, and are incorporated as part of this Reimbursement Agreement for all purposes.

2. Reimbursement. Strictly subject to the terms, conditions, and requirements as herein provided and solely from the Phase #2 Assessment Revenues after deduction of the City's Administrative Expenses (as defined in the SAP), the City agrees to pay the Developer and its assigns, and the Developer and its assigns shall be entitled to receive from the City, the amount equal to the actual hard and soft costs of the design and construction of the Phase #2 Projects paid by the Developer for the Phase #2 Projects Costs that were within budgeted costs, or authorized overrun costs, that were paid or incurred by the Developer in accordance with the MDA, the SAP and this Reimbursement Agreement plus interest on the unpaid balance in accordance with the terms of this Reimbursement Agreement until the date otherwise set forth in the MDA (the "Maturity Date"), and which shall be reimbursed to the Developer and its assigns in a principal amount not to exceed $20,186,042 as it pertains to the Phase #2 Projects (the "Reimbursement Amount"), plus interest accrued. Notwithstanding the right to reimbursement set forth in the preceding sentence, the Developer acknowledges and agrees that the Developer shall be responsible for all actual costs and expenses incurred in constructing and developing the Phase #2 Projects. The City hereby covenants to create, concurrently with the execution of this Reimbursement Agreement, a separate fund to be designated the "Phase #2 Assessment Fund." The Reimbursement Amount is payable from monies to be deposited in the Phase #2 Assessment Fund, or from the net proceeds of Future Phase #2 Bonds, if any, as described below:

    a. All payments of the Reimbursement Amount are payable solely from: (i) the Phase #2 Assessment Revenue received and collected by the City and deposited into the Phase #2 Assessment Fund; (ii) the net proceeds (after payment of costs of issuance, including the costs paid or incurred by the City) of one or more series of bonds (the "Future Phase #2 Bonds"), if any, issued by the City and secured by the Phase #2

Assessment Revenue, or (iii) a combination of items (i) and (ii) immediately above. The Phase #2 Assessment Revenue shall be received, collected and deposited into the Phase #2 Assessment Fund subject to the following limitations:

i. Calculation of the Phase #2 Assessments and the first Annual Installments for lots or parcels of property within the District shall begin as provided for in the SAP and the Assessment Ordinance, or a subsequent amendment to either.

ii. Until such time as Future Phase #2 Bonds are issued, if any, the Phase #2 Assessments shall accrue interest at the rates set forth in this Section 2. Interest shall continue on the unpaid principal amount of the Phase #2 Assessments for a lot or parcel of property in Phase #2 of the District for the earlier of 30 years or until the Phase #2 Assessments for such lot or parcel of property are paid in full.

iii. The Developer and its assigns shall be reimbursed in a combined aggregate amount not to exceed the Reimbursement Amount plus interest from the Phase #2 Assessment Fund and as allowed under Section 2(a) above.

iv. The unpaid Reimbursement Amount shall bear simple interest per annum at the rates of 9.09% for years one (1) through five (5) and 6.09% thereafter, provided that, in the event Future Phase #2 Bonds are issued, the per annum interest rates on the Reimbursement Amount shall not exceed, and shall be limited to, the per annum interest rate on such bonds. The interest rates have been approved by the City Council and are authorized by the PID Act and were determined based upon *The Bond Buyer*, a daily publication that publishes this interest rate index, which the highest average index rate for tax-exempt bonds reported in the previous month was 4.09%. The interest rates of 9.09% and 6.09% contained herein comply with Subsections 372.023(e)(1) and (e)(2) of the PID Act.

v. If any Future Phase #2 Bonds are issued, the City shall bill, collect, and upon receipt, deposit all Phase #2 Assessment Revenue relating to such bonds in the manner set forth in the indenture(s) authorizing such bonds.

vi. The obligation of owners of the Phase #2 Assessed Property within the District, including the Developer to the extent it continues to own any Phase #2 Assessed Property, to pay Assessments is not in any way dependent on the availability of amounts in the Phase #2 Assessment Fund, or otherwise available from other sources, including any Future Phase #2 Bonds issued by the City, that are secured or that are to be paid, in whole or in part, by

Phase #2 Assessments, to pay for all or any portion of the costs and expenses of the Phase #2 Projects hereunder.

vii. The Developer acknowledges that any lack of availability of amounts in the Phase #2 Assessment Fund or otherwise available from other sources, including any Future Phase #2 Bonds issued by the City, that are secured or that are to be paid, in whole or in part, by Phase #2 Assessments, to pay the costs of the Phase #2 Projects shall in no way diminish any obligation of the Developer with respect to the construction of or contributions for the Phase #2 Projects required by the MDA, the SAP or this Reimbursement Agreement or any other agreement to which the Developer is a party or any governmental approval to which the Developer or any land within the District is subject.

viii. The City shall have no responsibility whatsoever to the Developer with respect to the investments of any monies held by a trustee under an indenture, including any loss of all or a portion of the principal invested or any penalty for liquidation of an investment.

b. The City and the Developer agree that monies deposited into the Phase #2 Assessment Fund and upon the presentation of evidence satisfactory to the City Manager of the City, the City will, on a no more frequently than monthly basis if a Certification for Payment (defined below) is approved by the City, cause the payment for cost(s) of Phase #2 Projects from the Phase #2 Assessment Fund, subject to the availability of funds in the Phase #2 Assessment Fund, to the Developer or its assignees. These payments will be delivered to the Developer or its assignees in accordance with the MDA, the SAP and this Reimbursement Agreement pursuant to the submission of a "Certification for Payment" (herein so called) substantially in the form of **Exhibit A** attached hereto and incorporated herein for all purposes as follows:

i. No payment hereunder shall be made from the Phase #2 Assessment Fund until a Certification for Payment is received from the Developer on or before the tenth (10^{th}) day of any given month for work with respect to a Phase #2 Project (or its completed segment or phase thereof) and approved for payment by the City Manager of the City. Upon receipt of a Certification for Payment (along with all accompanying documentation required by the City) from the Developer, the City's inspector shall conduct a review in order to confirm that such request is complete, to confirm that the work with respect to such Phase #2 Project identified therein for which payment is requested was performed in accordance with all applicable governmental laws, rules and regulations and applicable plans and specifications previously approved by the City therefor and with the terms

of the MDA and SAP, and to verify and approve the actual cost of such work specified in such Certification for Payment (collectively, the "Developer Compliance Requirements"), and shall, upon the conclusion of the review, forward the request to the City Manager of the City. The City's inspector shall also conduct such review as is required in his discretion to confirm the matters certified in the Certification for Payment. The Developer agrees to cooperate with the City's inspector in conducting each such review and to provide the City's inspector with such additional information and documentation as is reasonably necessary for the City's inspector to conclude each such review.

ii. Within fifteen (15) days of receipt of any Certification for Payment, the City Manager shall either (i) approve and execute the Certification for Payment and forward the same to the account administrator of the Phase #2 Assessment Fund for payment (from those funds available in the Phase #2 Assessment Fund), or (ii) disapprove the Certification for Payment by giving written notification to the Developer of such disapproval, in whole or in part, and specifying the reasons for such disapproval and the additional requirements to be satisfied for approval of such Certification for Payment. If a Certification for Payment seeking reimbursement is approved only in part, the City Manager shall specify the extent to which the Certification for Payment is approved and shall deliver such partially approved Certification for Payment to the account administrator of the Phase #2 Assessment Fund for approval in accordance with this Reimbursement Agreement, and any such partial work shall be processed for payment under Section 5.02, notwithstanding such partial denial. The City shall have an additional ten (10) days from the receipt of additional documentation from Developer that is required as part of a partially or wholly denied Certification of Payment to approve or deny such previously denied Certification of Payment.

iii. If the City Manager denies the Certification for Payment, the denial must be in writing, stating the reason(s) for denial. The denial may be appealed to the engineer of record mutually selected by the Parties by the Developer in writing within thirty (30) days of being denied by the City Manager. The engineer of record's final opinion shall be binding on the Parties.

iv. Upon receipt of a reviewed and approved Certification for Payment, as evidenced by the signature of the City Manager, or determination of the engineer of record in the case of an appeal, the account administrator of the Phase #2 Assessment Fund shall make payment from the Phase #2 Assessment Fund from those funds available, for such approved Certification for Payment pursuant to the terms of the Certification for

Payment in accordance with the MDA, SAP and this Reimbursement Agreement. Any amount remaining to be paid on a no more frequently than monthly basis after funds have been exhausted in the Phase #2 Assessment Fund, shall remain as an amount outstanding to be paid, and shall be paid in the next disbursement of funds from the Phase #2 Assessment Fund, again subject to availability of funds in the Phase #2 Assessment Fund and in accordance with the MDA, SAP and this Reimbursement Agreement.

v. Notwithstanding any other provisions of this Reimbursement Agreement, the account administrator of the Phase #2 Assessment Fund shall make payment directly to the person or entity specified by the Developer in an approved Certification for Payment, including: (1) a general contractor or supplier of materials or services or jointly to Developer (or any permitted assignee of such Developer) and the general contractor or supplier of materials or services, as indicated in an approved Certification for Payment; (2) to the Developer or any assignee of the Developer if an unconditional lien release is attached to such Certification for Payment; and, (3) to the Developer, or to the third party contractor directly, at Developer's request as specified in the Certification for Payment, in the event the Developer provides a general contractor's or suppliers of materials unconditional lien release for a portion of the work covered by the Developer or any assignee of the Developer to the extent of such lien release. None of the account administrator of the Phase #2 Assessment Fund, the City, City Council, City Manager, or any other City representative shall have any liability for relying on the accuracy of the payee information in any Certification for Payment as presented by the Developer or its assignees.

vi. Nothing in this Reimbursement Agreement shall be deemed to prohibit Developer or the City from contesting in good faith the validity or amount of any mechanic's or materialman's lien and/or judgment nor limit the remedies available to Developer or the City with respect thereto, including the withholding of any payment that may be associated with the exercise of any such remedy, so long as such delay in performance shall not subject the Phase #2 Project to foreclosure, forfeiture, or sale. If any such mechanics or materialman's lien and/or judgment with respect to any Phase #2 Project is contested, the Developer shall post or cause delivery of a surety bond in the amount determined by the City or City may decline to accept the Phase #2 Project until such mechanics or materialman's lien and/or judgment is satisfied.

3. Unpaid Balance. The amount of the Reimbursement Amount that has not been paid, plus the interest accrued as described in Section 2(a)(iv) above, are collectively, the "Unpaid

Balance." The Unpaid Balance is secured by and payable solely from the Phase #2 Assessment Revenue received and collected by the City and deposited into the Phase #2 Assessment Fund and/or from the net proceeds of the Future Phase #2 Bonds, if any. No other City funds, revenue, taxes, or income of any kind shall be used to pay the Unpaid Balance, even if the Unpaid Balance is not paid in full by the Maturity Date. This Reimbursement Agreement shall not, under any circumstances, give rise to or create a charge against the general credit or taxing power of the City or a debt or other obligation of the City payable from any source other than Phase #2 Assessment Revenue received, collected and deposited into the Phase #2 Assessment Fund or from the net proceeds of the Future Phase #2 Bonds, if any. The City covenants that it will comply with the provisions of this Reimbursement Agreement, the MDA, and the PID Act, including provisions relating to the administration of the District and the enforcement and collection of taxes and assessments, and all other covenants provided therein. Notwithstanding its collection efforts, if the City fails to receive all or any part of the Phase #2 Assessment Revenue and, as a result, is unable to make transfers from the Phase #2 Assessment Revenue Fund for payments to the Developer as required under this Reimbursement Agreement, such failure and inability shall not constitute a Failure or Default by the City under this Reimbursement Agreement.

4. Future Phase #2 Bonds. As of the effective date hereof, it is not contemplated that any Future Phase #2 Bonds will be issued. If that changes and the City elects to issue any Future Phase #2 Bonds, the City shall obtain the Developer's prior written consent authorizing the same. The net proceeds of any Future Phase #2 Bonds shall be used, from time to time, first to pay the Unpaid Balance due to the Developer under this Reimbursement Agreement for the costs of Phase #2 Projects that have already been paid and then to pay all or any portion of any Phase #2 Projects Cost. If, after application of the net proceeds of such Future Phase #2 Bonds, any Phase #2 Projects Cost remains unpaid, then the Developer shall pay or cause payment of such cost. If, after application of the net proceeds of any Future Phase #2 Bonds, the Unpaid Balance due the Developer remains unpaid, all payments toward the Unpaid Balance due the Developer shall be paid from amounts deposited into any funds created for such purpose under any indenture relating to any Future Phase #2 Bonds. Once the principal amount of all Future Phase #2 Bonds plus all payments paid to the Developer under this Reimbursement Agreement equal the Unpaid Balance, this Reimbursement Agreement shall terminate.

5. Assignment. The Developer has the right to convey, transfer, assign, mortgage, pledge, or otherwise encumber, in whole or in part without the consent of (but with written notice to) the City, the Developer's right, title, or interest under this Reimbursement Agreement including, but not limited to, any right, title, or interest of the Developer in and to payment of the Unpaid Balance (any of the foregoing, a "Transfer," and the person or entity to whom the Transfer is made, a "Transferee"). Notwithstanding the foregoing, however, no

Transfer shall be effective until five days after notice of the Transfer is received by the City, including for each Transferee the information required by Section 9 below. The City may rely on any notice of a Transfer received from the Developer without obligation to investigate or confirm the validity or occurrence of such Transfer. No conveyance, transfer, assignment, mortgage, pledge or other encumbrance shall be made by the Developer or any successor or assignee of the Developer that results in the City being an "obligated person" within the meaning of Rule 15c2-12 of the United States Securities and Exchange Commission without the express written consent of the City. The Developer waives all rights or claims against the City for any such funds provided to a third party as a result of a Transfer for which the City has received notice.

6. Limited Liability of City. The obligations of the City under this Reimbursement Agreement are non-recourse and payable only from the Phase #2 Assessment Fund or the net proceeds of the Future Phase #2 Bonds, if any, and such obligations do not create a debt or other obligation payable from any other City revenues, taxes, income, or property. None of the City or any of its elected or appointed officials or any of its officers or employees shall incur any liability hereunder to the Developer or any other party in their individual capacities by reason of this Reimbursement Agreement or their acts or omissions under this Reimbursement Agreement.

7. Other Agreements. Nothing in this Reimbursement Agreement is intended to constitute a waiver by the City of any remedy the City may otherwise have outside this Reimbursement Agreement against the Developer, any Transferee, or any other person or entity involved in the design, construction or installation of the Phase #2 Projects. The obligations of the Developer hereunder shall be those as a Party hereto and not solely as an owner of property in the District. Nothing herein shall be construed, nor is intended, to affect the City's or Developer's rights and duties to perform their respective obligations under other agreements, regulations and ordinances.

8. Applicable Law; Venue. This Reimbursement Agreement is being executed and delivered, and is intended to be performed in the State of Texas. Except to the extent that the laws of the United States may apply to the terms hereof, the substantive laws of the State of Texas shall govern the validity, construction, enforcement, and interpretation of this Reimbursement Agreement. In the event of a dispute involving this Reimbursement Agreement, venue for such dispute shall lie in any court of competent jurisdiction in Grayson County, Texas.

9. Notice. Any notice required or contemplated by this Reimbursement Agreement shall be signed by or on behalf of the Party giving the Notice, and shall be deemed effective as follows: (i) when delivered by a national company such as FedEx or UPS with evidence of delivery signed by any person at the delivery address regardless of whether such person was the named addressee; or (ii) 72 hours after the notice was deposited with the United

States Postal Service, Certified Mail, Return Receipt Requested. Any Party may change its address by delivering written notice of such change in accordance with this section. All Notices given pursuant to this Section shall be addressed as follows:

To the City:	Attn: City Manager City of Sherman, Texas 220 W. Mulberry Street Sherman, TX 75090
With a copy to:	Attn: Robert H. Roeder and Kris Kearney, City Attorney Abernathy, Roeder, Boyd & Hullett, P.C. 1700 Redbud Blvd., Suite 300 McKinney, TX 75069
To Developer:	Attn: Ronny Guerrero Terra Perpetua, LLC 2800 N. Dallas Parkway, Suite 324 Plano, TX 75093
With a copy to:	Attn: Ross Martin Winstead PC 2728 N. Harwood Street, Suite 500 Dallas, TX 75201

10. Notwithstanding anything herein to the contrary, nothing herein shall otherwise authorize or permit the use by the City of the Phase #2 Assessments contrary to the provisions of the PID Act.

11. Remedies:

    a. If either Party fails to perform an obligation imposed on such Party by this Reimbursement Agreement (a "Failure") and such Failure is not cured after written notice and the expiration of the cure periods provided in this section, then such Failure shall constitute a "Default." Upon the occurrence of a Failure by a non-performing Party, the other Party shall notify the non-performing Party and all Transferees of the non-performing Party in writing specifying in reasonable detail the nature of the Failure. The non-performing Party to whom notice of a Failure is given shall have at least 30 days from receipt of the notice within which to cure the Failure; however, if the Failure cannot reasonably be cured within 30 days and the non-performing Party has diligently pursued a cure within such 30-day period and has provided written notice to the other Party that additional time is needed, then the cure period shall be extended for an additional 30 day period so long as the non-performing Party is diligently pursuing a cure. Any Transferee shall have the same

rights as the Developer to enforce the obligations of the City under this Reimbursement Agreement and shall also have the right, but not the obligation, to cure any alleged Failure by the Developer within the same time periods that are provided to the Developer. The election by a Transferee to cure a Failure by the Developer shall constitute a cure by the Developer but shall not obligate the Transferee to be bound by this Reimbursement Agreement with respect to Developer obligations under this Reimbursement Agreement unless the Transferee agrees to be bound.

b. If the Developer is in Default, the City shall have available all remedies at law or in equity, provided that no Default by the Developer shall: (1) affect the obligations of the City to use the amounts transferred to the Phase #2 Assessment Fund as provided in Sections 2 and 3 of this Reimbursement Agreement; or (2) entitle the City to terminate this Reimbursement Agreement.

c. If the City is in Default, the Developer's sole and exclusive remedies shall be to: (1) seek a writ of mandamus to compel performance by the City; or (2) seek specific enforcement of this Reimbursement Agreement.

12. Conflicts. To the extent there is a conflict between this Reimbursement Agreement and an indenture securing the Future Phase #2 Bonds, the indenture securing the Future Phase #2 Bonds shall control as the provisions relate to the Phase #2 Assessments. To the extent there is a conflict between this Reimbursement Agreement and the MDA, this Reimbursement Agreement shall control.

13. Non-Waiver. The failure by a Party to insist upon the strict performance of any provision of this Reimbursement Agreement by the other Party, or the failure by a Party to exercise its rights upon a Default by the other Party shall not constitute a waiver of such Party's right to insist and demand strict compliance by such other Party with the provisions of this Reimbursement Agreement.

14. No Waiver of Powers or Immunity. The City does not waive or surrender any of its governmental powers, immunities, or rights except to the extent permitted by law and necessary to allow the Developer to enforce its remedies under this Reimbursement Agreement.

15. Parties in Interest. Nothing in this Reimbursement Agreement, express or implied, is intended to or shall be construed to confer upon or to give to any person or entity other than the City and the Developer and its transferees or assigns any rights, remedies, or claims under or by reason of this Reimbursement Agreement, and all covenants, conditions, promises, and agreements in this Reimbursement Agreement shall be for the sole and exclusive benefit of the City and the Developer.

16. Interpretation. The Parties acknowledge that each has been actively involved in negotiating this Reimbursement Agreement. Accordingly, the rule of construction that any ambiguities are to be resolved against the drafting Party will not apply to interpreting this Reimbursement Agreement. In the event of any dispute over the meaning or application of any provision of this Reimbursement Agreement, the provision will be interpreted fairly and reasonably and neither more strongly for nor against any Party, regardless of which Party originally drafted the provision.

17. Time. In this Reimbursement Agreement, time is of the essence and compliance with the times for performance herein is required.

18. Authority and Enforceability. The City represents and warrants that this Reimbursement Agreement has been approved by official action by the City Council of the City in accordance with all applicable public notice requirements (including, but not limited to, notices required by the Texas Open Meetings Act) and that the individual executing this Reimbursement Agreement on behalf of the City has been duly authorized to do so. The Developer represents and warrants that this Reimbursement Agreement has been approved by appropriate action of the Developer, and that the individual executing this Reimbursement Agreement on behalf of the Developer has been duly authorized to do so. Each Party respectively acknowledges and agrees that this Reimbursement Agreement is binding upon such Party and is enforceable against such Party, in accordance with its terms and conditions and to the extent provided by law.

19. Entire Agreement. Subject only to the terms of the MDA, this Reimbursement Agreement constitutes the entire agreement between the Parties and supersedes all prior agreements, whether oral or written, covering the subject matter of this Reimbursement Agreement. This Reimbursement Agreement shall not be modified or amended except in writing signed by the Parties. If any provision of this Reimbursement Agreement is determined by a court of competent jurisdiction to be unenforceable for any reason, then: (a) such unenforceable provision shall be deleted from this Reimbursement Agreement; (b) the unenforceable provision shall, to the extent possible and upon mutual agreement of the Parties, be rewritten to be enforceable and to give effect to the intent of the Parties; and (c) the remainder of this Reimbursement Agreement shall remain in full force and effect and shall be interpreted to give effect to the intent of the Parties.

20. Counterparts. This Reimbursement Agreement may be executed in any number of counterparts, each of which shall be deemed an original.

21. Further Documents. The Parties agree that at any time after execution of this Reimbursement Agreement, they will, upon request of another Party, execute and deliver such further documents and do such further acts and things as the other Party may reasonably request in order to effectuate the terms of this Reimbursement Agreement. This provision shall not be construed as limiting or otherwise hindering the legislative discretion

of the City Council seated at the time that this Reimbursement Agreement is executed or any future City Council.

22. Term. The term of this Reimbursement Agreement is thirty (30) years, or until the Unpaid Balance is paid in full, whichever occurs first. If the Developer defaults under this Reimbursement Agreement, this Reimbursement Agreement shall not terminate with respect to the costs of the Phase #2 Projects that have been approved by the City pursuant to an approved Certification for Payment prior to the date of default.

23. Force Majeure. Each Party shall use good faith, due diligence and reasonable care in the performance of its respective obligations under this Reimbursement Agreement, and time shall be of the essence in such performance; however, in the event a Party is unable, due to force majeure, to perform its obligations under this Reimbursement Agreement, then the obligations affected by the force majeure shall be temporarily suspended. Within three (3) business days after the occurrence of a force majeure, the Party claiming the right to temporarily suspend its performance, shall give Notice to all the Parties, including a detailed explanation of the force majeure and a description of the action that will be taken to remedy the force majeure and resume full performance at the earliest possible time. The term "force majeure" shall include events or circumstances that are not within the reasonable control of Party whose performance is suspended and that could not have been avoided by such Party with the good faith exercise of good faith, due diligence and reasonable care.

24. Anti-Boycott Verification. The Developer hereby verifies that it and its parent company, wholly- or majority-owned subsidiaries, and other affiliates, if any, do not boycott Israel and, to the extent this Reimbursement Agreement is a contract for goods or services, will not boycott Israel during the term of this Reimbursement Agreement. The foregoing verification is made solely to comply with Section 2271.002, Texas Government Code, and to the extent such Section does not contravene applicable Federal law. As used in the foregoing verification, 'boycott Israel' means refusing to deal with, terminating business activities with, or otherwise taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations specifically with Israel, or with a person or entity doing business in Israel or in an Israeli-controlled territory, but does not include an action made for ordinary business purposes. The Developer understands "affiliate" to mean an entity that controls, is controlled by, or is under common control with the Developer and exists to make a profit.

25. Iran, Sudan, and Foreign Terrorist Organizations. The Developer hereby represents that neither it nor any of its parent company, wholly- or majority-owned subsidiaries, and other affiliates is a company identified on a list prepared and maintained by the Texas Comptroller of Public Accounts under Section 2252.153 or Section 2270.0201, Texas Government Code, and posted on any of the following pages of such officer's internet

website: https://comptroller.texas.gov/purchasing/docs/sudan-list.pdf, https://comptroller.texas.gov/purchasing/docs/iran-list.pdf, or https://comptroller.texas.gov/purchasing/docs/fto-list.pdf. The foregoing representation is made solely to comply with Section 2252.152, Texas Government Code, and to the extent such Section does not contravene applicable Federal law and excludes the Developer and each of its parent company, wholly- or majority-owned subsidiaries, and other affiliates, if any, that the United States government has affirmatively declared to be excluded from its federal sanctions regime relating to Sudan or Iran or any federal sanctions regime relating to a foreign terrorist organization. The Developer understands "affiliate" to mean any entity that controls, is controlled by, or is under common control with the Developer and exists to make a profit.

26. Energy Companies. To the extent this Reimbursement Agreement constitutes a contract for goods or services for which a written verification statement is required under Section 2274.002 (as added by Senate Bill 13 in the 87th Texas Legislative Session), Texas Government Code, as amended, the Developer hereby verifies that it and its parent companies, wholly- or majority- owned subsidiaries, and other affiliates, if any, do not boycott energy companies and, will not boycott energy companies during the term of this Reimbursement Agreement. The foregoing verification is made solely to comply with Section 2274.002, Texas Government Code, as amended, to the extent Section 2274.002, Texas Government Code does not contravene applicable Texas or federal law. As used in the foregoing verification, "boycott energy companies" shall have the meaning assigned to the term "boycott energy company" in Section 809.001, Texas Government Code. The Developer understands "affiliate" to mean an entity that controls, is controlled by, or is under common control with the Developer and exists to make a profit.

27. Firearm Entities. To the extent this Reimbursement Agreement constitutes a contract for goods or services for which a written verification statement is required under Section 2274.002 (as added by Senate Bill 19 in the 87th Texas Legislative Session, "SB 19"), Texas Government Code, as amended, the Developer hereby verifies that it and its parent companies, wholly- or majority- owned subsidiaries, and other affiliates, if any,

    (1) do not have a practice, policy, guidance or directive that discriminates against a firearm entity or firearm trade association; and

    (2) will not discriminate during the term of this Reimbursement Agreement against a firearm entity or firearm trade association.

The foregoing verification is made solely to comply with Section 2274.002, Texas Government Code, as amended, to the extent Section 2274.002, Texas Government Code does not contravene applicable Texas or federal law. As used in the foregoing verification, "discriminate against a firearm entity or firearm trade association" shall have the meaning assigned to such term in Section 2274.001(3) (as added by SB 19), Texas Government

Code. The Developer understands “affiliate” to mean an entity that controls, is controlled by, or is under common control with the Developer and exists to make a profit.

[SIGNATURE PAGES TO FOLLOW]

Executed by Developer and City to be effective on the Effective Date.

Date: _____

CITY OF SHERMAN

By: _____
David Plyler, Mayor

ATTEST:

_____
Linda Ashby, City Clerk

APPROVED AS TO FORM

_____
Ryan D. Pittman, Attorney for the City

DEVELOPER

TERRA PERPETUA, LLC,
a Delaware limited liability company

By: _____
Name: Ronny Guerrero
Its: President & CEO

EXHIBIT A

FORM OF CERTIFICATION FOR PAYMENT

The undersigned is an agent for Terra Perpetua, LLC, a Delaware limited liability company (the "Developer") and requests payment from the [Phase #2 Assessment Fund (as defined in the Phase #2 Reimbursement Agreement)][construction account under the bond indenture] from the City of Sherman, Texas (the "City") in the amount of $_____ for labor, materials, fees, and/or other general costs related to the construction of certain Phase #2 Projects related to the Bel Air Village Public Improvement District (the "Phase #2 Projects"). Unless otherwise defined, any capitalized terms used herein shall have the meanings ascribed to them in the Bel Air Village Public Improvement District Service and Assessment Plan (the "SAP"), the Bel Air Village Master Development Agreement (as amended from time to time, the "MDA"), or the Bel Air Village Public Improvement District Phase #2 Reimbursement Agreement (the "Phase #2 Reimbursement Agreement").

In connection to the above referenced payment, the Developer represents and warrants to the City as follows:

1. The undersigned is a duly authorized officer of the Developer, is qualified to execute this Certification for Payment on behalf of the Developer, and is knowledgeable as to the matters set forth herein.

2. The payment requested for the below referenced Phase #2 Projects have not been the subject of any prior payment request submitted to the City or, if previously requested, no disbursement was made with respect thereto.

3. The amount listed for the Phase #2 Projects below is a true and accurate representation of the costs associated with the creation, acquisition, or construction of said Phase #2 Project, and such costs are in compliance with the MDA, SAP, and the Phase #2 Reimbursement Agreement.

4. The Developer is in compliance with the terms and provisions of the MDA, SAP, and the Phase #2 Reimbursement Agreement.

5. All conditions set forth in the MDA, SAP, and the Phase #2 Reimbursement Agreement for the payment hereby requested have been satisfied.

6. The work with respect to the Phase #2 Project referenced below (or its completed segment) has been completed and the City may begin inspection of the Phase #2 Project.

7. The Developer agrees to cooperate with the City in conducting its review of the requested payment, and agrees to provide additional information and documentation as is reasonably necessary for the City to complete said review. In no event shall the City require both an all-bills-paid affidavit and copies of cleared checks to be provided as supporting documentation. The City agrees that providing either an all-bills-paid affidavit or copies of cleared checks shall be sufficient.

8. As required by Texas Local Government Code, Section 252.051, as amended, the Developer has provided the City with an independent appraisal of any Phase #2 Project consisting of any real property, or any interest in real property including easements and rights-of-way and open space if any, to be acquired by the City including specifically monies on deposit in the Phase #2 Assessment Fund.

Payments requested should include the following:

Payee / Description of Phase #2 Project	**Total Cost of Phase #2 Project**	**Budgeted Cost of Phase #2 Project**	**Amount to be paid from the Phase #2 Assessment Fund**

Attached hereto, are receipts, purchase orders, change orders, and similar instruments which support and validate the above requested payments.

Pursuant to the Phase #2 Reimbursement Agreement, after receiving this Certification for Payment, the City is authorized to inspect the Phase #2 Project (or completed segment or phase) and confirm that said work has been completed in accordance with all applicable governmental laws, rules, and approved plans and specifications. Afterwards, the City must then accept or deny this Certification for Payment.

Payments requested hereunder shall be made as directed below:

a. X amount to Person or Account Y for Z goods or services.

b. Etc.

I hereby declare that the above representations and warranties are true and correct.

TERRA PERPETUA, LLC

By:_____

Name: _____

Title: _____

Date: _____

APPROVAL OF REQUEST BY CITY

The City is in receipt of the attached Certification for Payment, acknowledges the Certification for Payment, and finds the Certification for Payment to be in order. After reviewing the Certification for Payment, the City approves the Certification for Payment.

CITY OF SHERMAN, TEXAS

By: _____

Name: _____

Title: _____

Date: _____

SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **F. 2.**

Meeting Date: 12/05/2022

Prepared By: Clint Philpott, Assistant City Manager

Approved By: Robby Hefton, City Manager

Caption:

RESOLUTION NO. 6997

Authorizing Execution of The Second Amendment to The Bel Air Village Master Development Agreement With Terra Perpetua, LLC, A Delaware Limited Liability Company, Amending The Terms And Conditions of The Bel Air Village Master Development Agreement Dated December 18, 2020 And Approved By Resolution No. 6676

Issue:

Amending the Master Development Agreement for the construction of the City's portion of public facilities in Bel-Air Village, Phase 2, approximately 120 acres and 561 single family lots, East of U.S. Highway 75 and South of F.M. 1417 (Vietnam Veterans Parkway)

Background:

Bel Air Communities, LLC a Delaware Limited Liability Company proposes to construct an approximate 278-acre Development East of U.S. Highway 75 and South of F.M. 1417 (Vietnam Veterans Parkway). Bel Air is ready to commence construction of Phase II of their development, which will include the construction of streets, sidewalks, landscaping, storm sewer, water, and wastewater mains. The developer's portion of improvements will total about $20.2 million, and there is a separate agenda item on this agenda to discuss the funding for their portion of this project through the Public Improvement District (PID).

This Amendment to the Master Development Agreement (MDA), the MDA of which was approved by the Council in December 2020, lines out the City's commitment to allow the developer to manage the construction of Phase II improvements that are the *City's* responsibility. This amendment will allow the City to gain favorable pricing and to ensure seamless management for ALL of the public infrastructure improvements. The total cost of the City's portion of this project is expected to be less than 30% of the total project improvements of over $10.5 million, as is allowed by state law.

The City's portion of Phase II will include approximately 2,200 feet of Bel Air Boulevard which is on the city's Master Thoroughfare Plan, approximately 2,150 feet of Beach Boulevard and 1,750 feet of London Lane. Upon completion, the improvements will be dedicated to the City, and the City will be responsible for the maintenance of these public facilities thereafter.

Under this MDA arrangement, the City agrees to reimburse the developer for these City project costs on a monthly basis as construction draw requests are submitted and approved by City staff.

Origination:

Engineering Department

Financial Consideration:

The City's portion of these improvements is about $10.5 million. The savings yielded by having the developer construct Phase I City-related improvements was an estimated 25% - 35% compared to engineering cost estimates for the City to have constructed these improvements.

Staff Recommendation:

Staff recommends approval of the Amendment to the Master Development Agreement.

Alternatives:

As directed by the City Council

Attachments

Resolution No. 6997
Second Amendment to MDA
Budget
Aerial Location Map

RESOLUTION NO. 6997

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF THE SECOND AMENDMENT TO THE BEL AIR VILLAGE MASTER DEVELOPMENT AGREEMENT WITH TERRA PERPETUA, LLC, A DELAWARE LIMITED LIABILITY COMPANY, AMENDING THE TERMS AND CONDITIONS OF THE BEL AIR VILLAGE MASTER DEVELOPMENT AGREEMENT DATED DECEMBER 18, 2020 AND APPROVED BY RESOLUTION NO. 6676; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

RECITALS

WHEREAS, the City and Bel Air Communities, LLC, a Delaware limited liability company (the "Original Developer") entered into that certain Bel Air Village Master Development Agreement on December 18, 2020 (the "MDA"), as approved by the City Council pursuant to Resolution No. 6676, whereby the MDA provides for the terms and conditions for the construction of public facilities in the Bel Air Village Planned Development, an approximate 278-acre development east of U.S. Highway 75 and sough of F.M. 1417 (Vietnam Veterans Parkway) and located wholly within Sherman Tax Increment Reinvestment Zone #7 in the City of Sherman ("Bel Air Village"), Texas; and

WHEREAS, the Original Developer's interest and obligations in and to the MDA have been assigned to Terra Perpetua, LLC, a Delaware limited liability company (the "Developer"); and

WHEREAS, the Developer and the City desire to amend the terms and conditions of the MDA pursuant to that certain Second Amendment to Bel Air Village Master Development Agreement (the "Second Amendment") attached hereto and made a part hereof for all purposes to acknowledge Developer's assumption of interest and obligations in and to the MDA, and to modify other terms related to the development and construction of Bel Air Village.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS:

SECTION 1. That the City Manager be and is hereby authorized and directed, subject to all contract documents being properly completed and approved as to form and content by the City Attorney, to execute the Second Amendment, in accordance with all contract documents attached hereto and made a part hereof for all purposes.

SECTION 2. That it is hereby officially found and determined that the meeting at which this resolution is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS.

PASSED AND APPROVED on this the 5th day of December 2022.

CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:
THE LAW FIRM OF ABERNATHY, ROEDER, BOYD & HULLETT, P.C.

BY: _____
RYAN D. PITTMAN, CITY ATTORNEY

SECOND AMENDMENT TO
BEL AIR VILLAGE
MASTER DEVELOPMENT AGREEMENT

This Second Amendment to Bel Air Village Master Development Agreement (this "Second Amendment") is entered into by and between **Terra Perpetua, LLC**, a Delaware limited liability company (the "Developer"), and the **City of Sherman, Texas**, a home-rule municipality of the State of Texas (the "City," and collectively with the Developer, the "Parties"), to be effective on the date upon which the last of all of the Parties has approved and duly executed this Second Amendment ("Effective Date").

ARTICLE I
RECITALS

WHEREAS, the City and Bel Air Communities, LLC, a Delaware limited liability company (the "Original Developer") entered into that certain Bel Air Village Master Development Agreement, dated as of December 18, 2020, recorded under Instrument Number 2021-12452 in the Official Records of Grayson County, Texas (the "Original Agreement"), as amended by that certain First Amendment to Bel Air Village Master Development Agreement, between the City and the Developer, effective as of April 19, 2021 (the "First Amendment" and together with the Original Agreement and this Second Amendment, the "MDA"), which provides for certain terms and conditions related to the phased development of the Property into a mixed-use project known as "Bel Air Village;" and

WHEREAS, the MDA provides for the Developer's design, construction, installation and development of certain improvements on the Property referred to as the Developer Improvements, and the City's design, construction, installation and development of certain improvements on the Property referred to as the City Improvements, which such Developer Improvements and City Improvements are collectively referred to as the Improvements; and

WHEREAS, the Developer and the City intend to commence construction and development of each Party's respective Improvements designated for Phase 2 of Bel Air Village; and

WHEREAS, the City Improvement previously identified as Legacy Boulevard shall hereby be identified as "London Lane" as shown on Exhibit C and Exhibit D; and

WHEREAS, the City Improvement previously identified as Bel Air Beach Road shall hereby be identified as "Beach Boulevard" as shown on Exhibit C and Exhibit D; and

WHEREAS, the Parties intend to allow the Developer, at Developer's sole cost and expense and not subject to any reimbursement from City, to utilize temporary bypass pumping for the portion of the existing sewer line that impedes the Developer's excavation for Phase 2 as shown on Exhibit C, subject to all applicable laws, ordinances and regulations (the "Phase 2 Bypass Pumping"); and

WHEREAS, the Developer shall include the Phase 2 portion of Bel Air Boulevard, Beach Boulevard, and London Lane in its Phase 2 construction contracts in addition to those Developer Improvements known as the Authorized Improvements to be constructed in Phase 2 that consist of public improvements that will be dedicated to the City in the manner set forth in the MDA; and

WHEREAS, the City shall reimburse the Developer for Developer's costs incurred in designing, constructing and installing the Phase 2 portion of Bel Air Boulevard, Beach Boulevard, and London Lane in a manner that is consistent with the terms and conditions set forth in this Second Amendment and all state, federal, and local laws, including, without limitation, the City Regulations and Chapter 212, Subchapter C of the Texas Local Government Code.

NOW, THEREFORE, for and in consideration of the mutual covenants of the Parties set forth in this Second Amendment, and for other good and valuable consideration, the receipt and adequacy of which are acknowledged, the MDA is hereby amended as follows:

AGREEMENT

1. Incorporation of Recitals. The representations, covenants and recitations set forth in the forth in the foregoing recitals of this Second Amendment are true and correct, are incorporated into the body of this Second Amendment and are adopted as findings of the City and the authorized representative of the Developer.

2. MDA Recitals. The ninth recital to the MDA is amended as follows:

> **WHEREAS,** in consideration for Developer's agreements contained herein and contingent upon the Developer's construction of the Developer Improvements, the City will design, construct, install, develop or reimburse in the manner specified in this Agreement and at its sole cost and expense certain infrastructure improvements on the Property in phases consistent with the Concept Plan, City Regulations, and terms and conditions of this Agreement, which will include, without limitation, the following (collectively, the "City Improvements"): (i) the road identified on the Concept Plan as London Lane, along with appurtenant utilities, drainage, and other infrastructure required to support the same (collectively, "London Lane"); (ii) the road identified on the Concept Plan as Bel Air Boulevard ("Bel Air Boulevard"), along with appurtenant utilities, drainage, and other infrastructure required to support the same (collectively, referred to herein as "Bel Air Boulevard"); (iii) the road identified on the Concept Plan as Beach Boulevard, along with appurtenant utilities, drainage, and other infrastructure required to support the same (collectively, "Beach Boulevard"); and (iv) the road improvements identified on the Concept Plan at the intersection of FM 1417 and Bel Air Boulevard, which will include a new 20" water main located along the thoroughfare known as FM 1417 (the "FM 1417 Water Main"), a deceleration lane (the "FM 1417 Deceleration Lane"), a traffic light serving such intersection (the "FM 1417 Traffic Light"), along with appurtenant utilities, drainage, and other infrastructure required to support the same (together with the FM 1417 Water

Main, the FM 1417 Deceleration Lane, and the 1417 Traffic Light, the "FM 1417 Improvements"); and

3. Phase 2 City Improvements. The last sentence of Section 4.1(b) of the MDA titled "Phase 2" is hereby deleted and replaced in its entirety with the following:

"The City will participate in the construction of Beach Boulevard, London Lane, along with the four (4) total anticipated lanes of Bel Air Boulevard for Phase 2 as follows:

(1) Construction of Phase 2 Improvements and Reimbursement. The Parties acknowledge and agree to the following:

(A) Developer, on behalf of the City, shall include Beach Boulevard, London Lane, and portion of Bel Air Boulevard to be constructed in Phase 2 in Developer's Phase 2 construction contract in addition to those other Authorized Improvements that Developer is responsible for constructing and developing in Phase 2. The City and the Developer acknowledge and agree that the plans and specifications for the Phase 2 portion of Bel Air Boulevard, Beach Boulevard, and London Lane shall be produced by Kimley-Horn and Associates, Inc. pursuant to the service contract said engineer has with the Developer. The Developer shall be permitted to perform Phase 2 Bypass Pumping, at Developer's sole cost and expense and not subject to any reimbursement from City, as shown on Exhibit C, subject to all applicable laws, ordinances and regulations.

(B) The City shall reimburse the Developer pursuant to the process set forth in Section 2(c) herein for all of the Developer's actual, documented costs incurred in designing, constructing, and installing London Lane, Beach Boulevard, and the Phase 2 portion of Bel Air Boulevard; provided, however, in no event shall the City's reimbursement to the Developer exceed 30% of the total construction cost of all of the improvements that the Developer constructs in Phase 2 in the manner set forth herein, and such reimbursement shall comply with all state, federal, and local laws and regulations, including, without limitation, the City Regulations and Chapter 212, Subchapter C of the Texas Local Government Code. Project management costs for construction in connection with the construction of London Lane, Beach Boulevard, and the Phase 2 Portion of Bel Air Boulevard shall not exceed 3.5% of the total construction cost of London Lane, Beach Boulevard, and the Phase 2 Portion of Bel Air Boulevard that the Developer constructs in Phase 2 and dedicates to the City in the manner set forth herein. The City's estimated reimbursement of the Developer as set forth above is $10,500,000.

(C) After commencement and during construction of London Lane, Beach Boulevard, and/or the Phase 2 portion of Bel Air Boulevard, the Developer shall deliver to the City a written request for reimbursement of its actual costs incurred as set forth in Section 2(b) herein on or before the tenth (10^{th}) day of each month (each a "Reimbursement Request"), accompanied by evidence of such reimbursable costs, for the City's approval, such approval not to be unreasonably withheld, conditioned or delayed. Each Reimbursement Request shall include a written certificate from the Developer's contractor, in a form reasonably acceptable to the City, stating the portion(s) of London Lane, Beach Boulevard, or the Phase 2 portion of Bel Air Boulevard completed to date, the cost (after payment of the Reimbursement Request) to complete

the same, the amount paid for the same to date, and such other information, affidavits, or certifications as the City may reasonably require. Each Reimbursement Request shall include copies of appropriate partial or full-release lien waivers in form and content sufficient to comply with all local laws, City Regulations, and recording requirements as reasonably satisfactory to the City. If the City approves the Developer's Reimbursement Request, or fails to object to the Developer's Reimbursement Request in writing within ten (10) business days of receipt thereof, such Reimbursement Request shall be deemed approved by the City and the City shall reimburse the Developer the amount set forth in such approved Reimbursement Request no later than the end of the calendar month within which the Reimbursement Request was sent. For purposes of clarity, if the City makes only objections to some, but not all, of the Developer's Reimbursement Request, those portions of the Reimbursement Request that the City does not object to shall be reimbursed by the City to the Developer in the manner set forth above. If the City timely objects to any portion of a Reimbursement Request, the City shall specify the objectionable items, the reasons for the objections, and the actions to be taken or modifications to be made in order to obtain the City's approval of the Reimbursement Request. The City and the Developer shall attempt in good faith to resolve such objections and obtain the City's approval of such Reimbursement Request. If the Parties are unable to resolve such objections and obtain the City's approval of such Reimbursement Request within ten (10) days after the date of the City's objection, the objectionable portions of such Reimbursement Request shall be submitted to the engineer corresponding to the particular Improvement that the Developer is seeking reimbursement for resolution and approval, and said engineer's decision shall be binding on the Parties. The City shall reimburse the Developer as directed in writing by such engineer within five (5) days after its receipt of such direction.

(D) The City shall waive all of the City's standard engineering plan review, inspection, and testing fees in connection with the construction of London Lane, Beach Boulevard, and the Phase 2 portion of Bel Air Boulevard; provided, however, the Developer shall pay to the City an engineering plan review, inspection, and testing fee equal to 4% of the total construction cost of all public, Authorized Improvements that the Developer constructs in Phase 2 and dedicates to the City in the manner set forth herein less the cost to construct London Lane, Beach Boulevard, and the Phase 2 portion of Bel Air Boulevard. Notwithstanding the foregoing, the Developer shall remain subject to paying the City's other standard fees as part of the City Regulations in connection with its development of the Property as otherwise set forth herein. The City and the Developer acknowledge and agree that any and all goods and services relative to the public, Authorized Improvements that the Developer constructs and Phase 2 and dedicates to the City in the manner set forth herein are exempt from state and local sales tax in accordance with §151.309 and §151.311 of the Texas Tax Code.

(E) Performance, Payment, and Maintenance Bond. Prior to the Developer's commencement of construction of any Improvements on the Property, the Developer and the Developer's contractor will be required to enter into the City's standard "Three-Party Agreement" (herein so called), which such Three-Party Agreement requires, among other things, the Developer to present the City Performance Bonds, Payment Bonds, and Maintenance Bonds in a form approved by the City.

(F) Failure to Complete Phase 2 Improvements. If the Developer fails to complete the public, Authorized Improvements that the Developer is required to construct in

Phase 2 and dedicate to the City in the manner set forth herein on or before January 31, 2025, the City may, at its election, use the Performance Bond referenced above to complete such Improvements without the necessity of providing the Developer with further notice prior to such election. The City's exercise of the Performance Bond shall not constitute a waiver of any other remedies that the City may be entitled to hereunder in the event of the Developer's default."

4. Exhibit C. Exhibit "C" of the MDA is replaced with the Exhibit "C" attached hereto as Exhibit "A".

5. Exhibit D. Exhibit "D" of the MDA is replaced with the Exhibit "D" attached hereto as Exhibit "B".

6. Defined Terms. Any term not defined herein shall be deemed to have the same meaning ascribed to it under the MDA.

7. Ratification. The Developer and the City hereby ratify and confirm all of the terms, provisions, covenants and conditions of the MDA and acknowledge and agree that the MDA remains in full force and effect, except as amended in this Second Amendment.

8. Controlling Agreement. To the extent that any provision contained herein conflicts with the MDA, the provision contained herein shall supersede such conflicting provisions contained in the MDA.

9. Entire Agreement/Amendment. This Second Amendment, the First Amendment and the Original Agreement contain the entire agreement of the Parties with respect to the matters contained herein. This Second Amendment may not be modified or terminated except upon the provisions hereof or by the mutual written agreement of the Parties hereto.

10. Authority to Execute. The individuals executing this Second Amendment on behalf of the respective Parties below represent to each other and to others that all appropriate and necessary action has been taken to authorize the individual who is executing this Second Amendment to do so for and on behalf of the Party for which his or her signature appears, that there are no other parties or entities required to execute this Second Amendment in order for the same to be an authorized and binding agreement on the Party for whom the individual is signing this Second Amendment and that each individual affixing his or her signature hereto is authorized to do so, and such authorization is valid and effective on the date hereof.

11. Counterparts. This Second Amendment may be executed in a number of identical counterparts, each of which shall be deemed an original for all purposes, and all such counterparts shall, collectively, constitute one Second Amendment. An electronic mail or facsimile signature will also be deemed to constitute an original if properly executed and delivered to the other Party.

12. Anti-Boycott Verification. The Developer hereby verifies that it and its parent company, wholly- or majority-owned subsidiaries, and other affiliates, if any, do not boycott Israel and, to the extent this MDA is a contract for goods or services, will not boycott Israel during the term of this MDA. The foregoing verification is made solely to comply with Section 2271.002,

Texas Government Code, and to the extent such Section does not contravene applicable Federal law. As used in the foregoing verification, 'boycott Israel' means refusing to deal with, terminating business activities with, or otherwise taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations specifically with Israel, or with a person or entity doing business in Israel or in an Israeli-controlled territory, but does not include an action made for ordinary business purposes. The Developer understands "affiliate" to mean an entity that controls, is controlled by, or is under common control with the Developer and exists to make a profit.

13. Iran, Sudan, and Foreign Terrorist Organizations. The Developer hereby represents that neither it nor any of its parent company, wholly- or majority-owned subsidiaries, and other affiliates is a company identified on a list prepared and maintained by the Texas Comptroller of Public Accounts under Section 2252.153 or Section 2270.0201, Texas Government Code, and posted on any of the following pages of such officer's internet website: https://comptroller.texas.gov/purchasing/docs/sudan-list.pdf, https://comptroller.texas.gov/purchasing/docs/iran-list.pdf, or https://comptroller.texas.gov/purchasing/docs/fto-list.pdf. The foregoing representation is made solely to comply with Section 2252.152, Texas Government Code, and to the extent such Section does not contravene applicable Federal law and excludes the Developer and each of its parent company, wholly- or majority-owned subsidiaries, and other affiliates, if any, that the United States government has affirmatively declared to be excluded from its federal sanctions regime relating to Sudan or Iran or any federal sanctions regime relating to a foreign terrorist organization. The Developer understands "affiliate" to mean any entity that controls, is controlled by, or is under common control with the Developer and exists to make a profit.

14. Energy Companies. To the extent this MDA constitutes a contract for goods or services for which a written verification statement is required under Section 2274.002 (as added by Senate Bill 13 in the 87th Texas Legislative Session), Texas Government Code, as amended, the Developer hereby verifies that it and its parent companies, wholly- or majority- owned subsidiaries, and other affiliates, if any, do not boycott energy companies and, will not boycott energy companies during the term of this MDA. The foregoing verification is made solely to comply with Section 2274.002, Texas Government Code, as amended, to the extent Section 2274.002, Texas Government Code does not contravene applicable Texas or federal law. As used in the foregoing verification, "boycott energy companies" shall have the meaning assigned to the term "boycott energy company" in Section 809.001, Texas Government Code. The Developer understands "affiliate" to mean an entity that controls, is controlled by, or is under common control with the Developer and exists to make a profit.

15. Firearm Entities. To the extent this MDA constitutes a contract for goods or services for which a written verification statement is required under Section 2274.002 (as added by Senate Bill 19 in the 87th Texas Legislative Session, "SB 19"), Texas Government Code, as

amended, the Developer hereby verifies that it and its parent companies, wholly- or majority-owned subsidiaries, and other affiliates, if any,

(1) do not have a practice, policy, guidance or directive that discriminates against a firearm entity or firearm trade association; and

(2) will not discriminate during the term of this MDA against a firearm entity or firearm trade association.

The foregoing verification is made solely to comply with Section 2274.002, Texas Government Code, as amended, to the extent Section 2274.002, Texas Government Code does not contravene applicable Texas or federal law. As used in the foregoing verification, "discriminate against a firearm entity or firearm trade association" shall have the meaning assigned to such term in Section 2274.001(3) (as added by SB 19), Texas Government Code. The Developer understands "affiliate" to mean an entity that controls, is controlled by, or is under common control with the Developer and exists to make a profit.

[signatures on following pages]

EXECUTED by the City and Developer on the respective dates stated below.

Date: _____ **CITY OF SHERMAN**

By: _____
David Plyler, Mayor

ATTEST:

_____
Linda Ashby, City Clerk

APPROVED AS TO FORM

_____
_____, Attorney for the City

STATE OF TEXAS §
§
COUNTY OF GRAYSON §

This instrument was acknowledged before me on the _____ day of December, 2022 by David Plyler, Mayor of the City of Sherman, Texas on behalf of said City.

_____
Notary Public, State of Texas

(SEAL)

_____
Name printed or typed

Commission Expires:_____

DEVELOPER

Terra Perpetua LLC,
a Delaware limited liability company

By: _____
Name: Ronny Guerrero
Its: President & CEO

STATE OF TEXAS §
§
COUNTY OF DALLAS §

This instrument was acknowledged before me on the _____ day of December, 2022 by Ronny Guerrero, President & CEO of Terra Perpetua, LLC, a Texas limited liability company, on behalf of said company.

_____
Notary Public, State of Texas

EXHIBIT "A"
AMENDED MDA EXHIBIT C

EXHIBIT "C"
AUTHORIZED IMPROVEMENTS

City's Authorized Improvements:

City's Authorized Improvements will consist of all water, sewer, drainage, roadway infrastructure and related appurtenances, excavation, signage, street lighting, landscape, and irrigation within the rights of way or adjacent public easements for each of the projected phases. This will include the following:

Phase 1 - Reimbursement funding for Phase 1 portion of Bel Air Boulevard and the FM 1417 Improvements

Phase 2 – Reimbursement funding for Phase 2 portion of Bel Air Boulevard, Beach Boulevard, and London Lane.

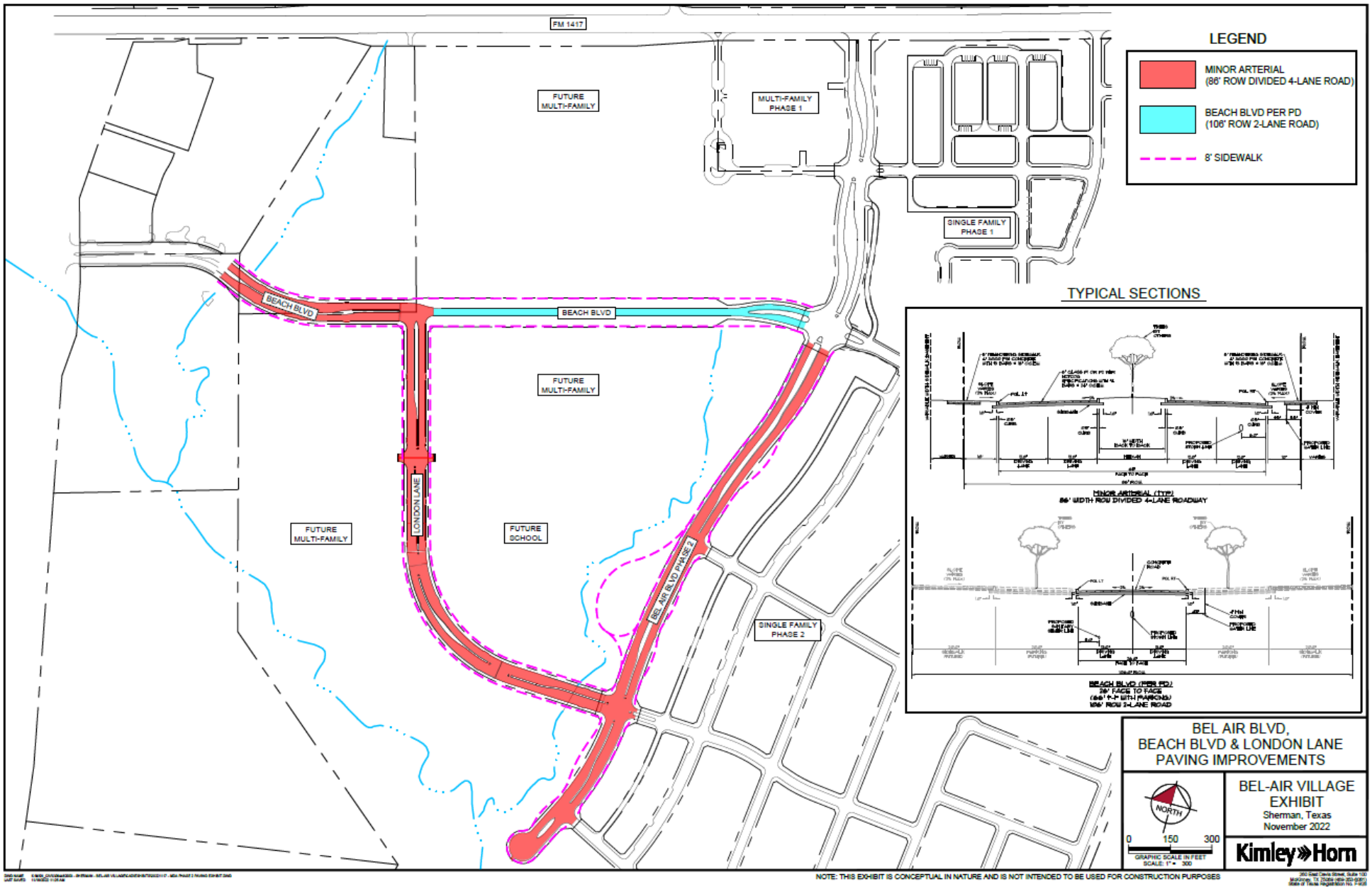
Developer's Authorized Improvements:

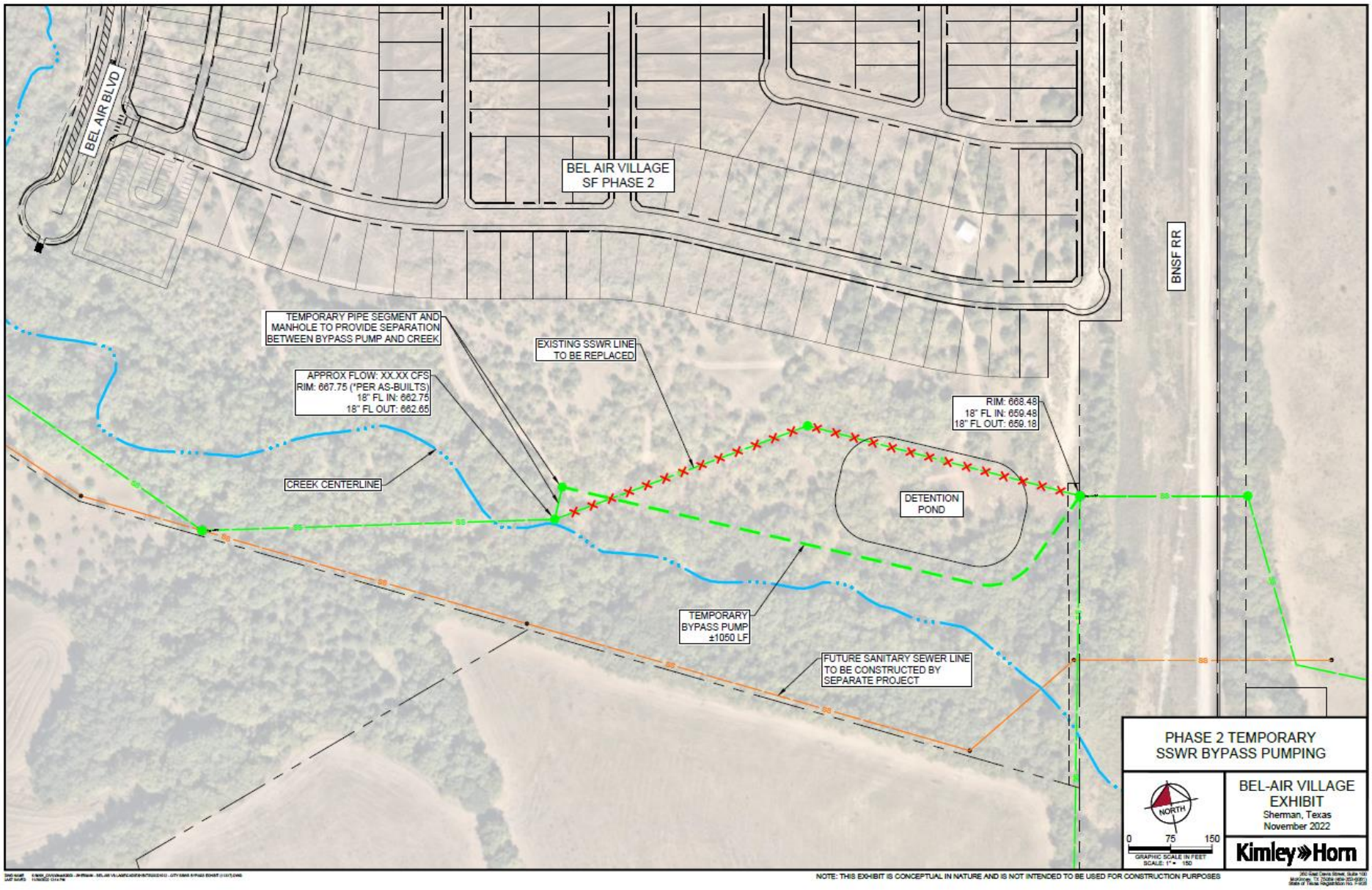
Developer's Authorized Improvements will consist of all water, sewer, drainage, roadway infrastructure and related appurtenances for each of the projected phases, and will also include various quality of life public amenities such as parks, trails and linear park areas, open and green spaces, and water feature amenities, such as the following:

Certain Public Infrastructure to serve the Single-Family Development.

Certain Amenities such as parks, trails, linear parks, open and green space, Bel Air Beach Club and related features, and other quality of life amenities.

Certain Public Infrastructure to serve the Multi-Family Complex.


FM 1417
FUTURE MULTI-FAMILY
MULTI-FAMILY PHASE 1
SINGLE FAMILY PHASE 1
BEACH BLVD
BEACH BLVD
FUTURE MULTI-FAMILY
LONDON LANE
FUTURE MULTI-FAMILY
FUTURE SCHOOL
BEL AIR BLVD PHASE 2
SINGLE FAMILY PHASE 2
LEGEND
MINOR ARTERIAL (86' ROW DIVIDED 4-LANE ROAD)
BEACH BLVD PER PD (106' ROW 2-LANE ROAD)
8' SIDEWALK
TYPICAL SECTIONS
MINOR ARTERIAL (TYP.)
86' WIDTH ROW DIVIDED 4-LANE ROADWAY
BEACH BLVD (PER PD)
86' WIDTH ROW 2-LANE ROAD
BEL AIR BLVD, BEACH BLVD & LONDON LANE PAVING IMPROVEMENTS
NORTH
0
150
300
GRAPHIC SCALE IN FEET
BEL-AIR VILLAGE EXHIBIT
Sherman, Texas
November 2022
Kimley»Horn
NOTE: THIS EXHIBIT IS CONCEPTUAL IN NATURE AND IS NOT INTENDED TO BE USED FOR CONSTRUCTION PURPOSES


BEL AIR BLVD
BEL AIR VILLAGE
SF PHASE 2
BNSF RR
TEMPORARY PIPE SEGMENT AND
MANHOLE TO PROVIDE SEPARATION
BETWEEN BYPASS PUMP AND CREEK
EXISTING SSWR LINE
TO BE REPLACED
APPROX FLOW: XX.XX CFS
RIM: 667.75 (*PER AS-BUILTS)
18" FL IN: 662.75
18" FL OUT: 662.65
RIM: 668.48
18" FL IN: 659.48
18" FL OUT: 659.18
CREEK CENTERLINE
DETENTION
POND
TEMPORARY
BYPASS PUMP
±1050 LF
FUTURE SANITARY SEWER LINE
TO BE CONSTRUCTED BY
SEPARATE PROJECT
SS
PHASE 2 TEMPORARY
SSWR BYPASS PUMPING
NORTH
0
75
150
GRAPHIC SCALE IN FEET
SCALE: 1" = 150
BEL-AIR VILLAGE
EXHIBIT
Sherman, Texas
November 2022
Kimley»Horn
NOTE: THIS EXHIBIT IS CONCEPTUAL IN NATURE AND IS NOT INTENDED TO BE USED FOR CONSTRUCTION PURPOSES

Note: Inclusion of this exhibit in the Second Amendment shall not imply or be interpreted as City Council approval of any proposed change or amendment to the subject property's current zoning, development standards, site plan, plat or other land development entitlement that may be depicted in this exhibit or the initiation of the development process. Any such proposed change or amendment must be separately acted on by the Planning and Zoning Commission and/or City Council.

EXHIBIT "B"

AMENDED MDA EXHIBIT D

Note: Inclusion of this exhibit in the Second Amendment shall not imply or be interpreted as City Council approval of any proposed

change or amendment to the subject property's current zoning, development standards, site plan, plat or other land development entitlement that may be depicted in this exhibit or the initiation of the development process. Any such proposed change or amendment must be separately acted on by the Planning and Zoning Commission and/or City Council.

	PHASE 2				BEL AIR BLVD PHASE 2
NUMBER OF ACRES	115.0				4.7
NUMBER OF LOTS	561				N/A
	TOTAL	PID DIRECT	PID MI	NON-PID	City Project
ENGINEERING, CONSULTING, CITY FEES	2,499,061	1,898,004	569,057	32,000	324,434
EXCAVATION AND EROSION CONTROL	1,876,534	1,530,860	29,340	301,639	193,091
WATER SYSTEMS	1,999,397	1,999,397	0	0	326,097
SANITARY SEWER	2,548,753	2,536,153	12,600	0	N/A
STORM SEWER	3,399,845	1,820,276	1,579,569	0	231,676
PAVING	5,151,279	5,151,279	0	0	1,368,021
SITE FENCING / RETAINING WALLS / LANDSCAPE	5,095,925	331,500	1,225,200	3,539,225	0
DRY UTILITIES	38,880	0	0	38,880	17,640
SUB-TOTAL CONSTRUCTION COST	**22,609,673**	**15,267,469**	**3,415,766**	**3,911,744**	**2,460,959**
PER LOT COST	40,302	27,215	6,089	6,973	N/A
10% CONTINGENCY	2,260,967	1,526,747	341,577	391,174	246,096
SUB-TOTAL WITH CONTINGENCY	24,870,641	16,794,215	3,757,343	4,302,918	2,707,055
ROLLBACK TAXES	172,500	0	0	172,500	N/A
TOTAL CONSTRUCTION COST	**25,043,141**	**16,794,215**	**3,757,343**	**4,475,418**	**2,707,055**

	Beach Club Blvd./London Lane
NUMBER OF ACRES (ROW ONLY)	8.0
	TOTAL NON-PID
ENGINEERING, CONSULTING, CITY FEES	796,000
EXCAVATION AND EROSION CONTROL	147,680
WATER SYSTEMS	770,238
SANITARY SEWER	857,307
STORM SEWER	1,724,426
PAVING	2,420,085
SITE FENCING / RETAINING WALLS / LANDSCAPE	91,656
DRY UTILITIES	73,500
SUB-TOTAL CONSTRUCTION COST	**6,880,891**
10% CONTINGENCY	**688,089**
TOTAL CONSTRUCTION COST	**7,568,980**

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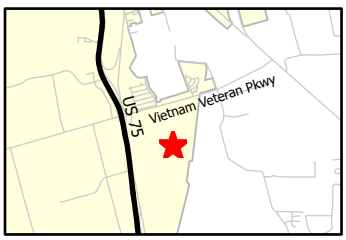
N
W E
S

CITY OF SHERMAN

Bel Air Village



SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **F. 3.**

Meeting Date: 12/05/2022

Prepared By: Theresa Hutchinson, Parks & Recreation Manager

Approved By: Robby Hefton, City Manager

Caption:

RESOLUTION NO. 6998

Authorizing the Execution of a Professional Design Services Agreement with Dunken Sims Stoffels, Inc. for the Design of Ballfield Lighting, Trail Lighting, and Shading at Pecan Grove Athletic Complex.

Issue:

To consider a contract for professional design services with Dunken Sims Stoffels, Inc. for the design of ballfield lighting, trail lighting, and shading at Pecan Grove Athletic Complex.

Background:

The first phase of Pecan Grove Athletic Complex opened in September of 2020. Due to limited funding during the first phase, ballfield lighting, trail lighting and shading were pushed to following years. The professional design services agreement will provide plans and specifications for lighting four baseball/softball fields, lighting for the one-mile walking trail and shading for the specator areas, playground and dugouts for four baseball/softball fields. The agreement will also provide construction documents, assistance with bidding and construction administration.

Origination:

Parks and Recreation Department

Financial Consideration:

The total funding needed for this contract is $93,500.

Staff Recommendation:

It is recommended that the contract for professional design services with Dunken Sims Stoffels, Inc. for ballfield lighting, trail lighting, and shading be approved.

Alternatives:

As may be directed by the City Council.

Attachments

Resolution No. 6998
Professional Services Agreement

RESOLUTION NO. 6998

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXECUTION OF A PROFESSIONAL DESIGN SERVICES AGREEMENT WITH DUNKEN SIMS STOFFELS, INC. FOR THE DESIGN OF BALLFIELD LIGHTING, TRAIL LIGHTING AND SHADING AT PECAN GROVE ATHLETIC COMPLEX; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS:

SECTION 1. That the City Manager be and is hereby authorized and directed, subject to all contract documents being properly completed and approved as to form and content by the City Attorney, to execute a Professional Services Agreement with Dunken Sims Stoffels, Inc. for design of the Pecan Grove Athletic Complex Lighting and Shading, in accordance with all contract documents attached hereto and made a part hereof for all purposes.

SECTION 2. That it is hereby officially found and determined that the meeting at which this resolution is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS on this the 5th day of December 2022.

CITY OF SHERMAN, TEXAS

ATTEST:

BY: _____ **BY:** _____

LINDA ASHBY, CITY CLERK **DAVID PLYLER, MAYOR**

APPROVED AS TO FORM AND CONTENT:
THE LAW FIRM OF ABERNATHY, ROEDER, BOYD & HULLETT, P.C.

BY: _____
NAME: _____
CITY ATTORNEY

AGREEMENT

BETWEEN

THE CITY OF SHERMAN, TEXAS AND

DUNKIN SIMS STOFFELS, INC.

FOR

PROFESSIONAL SERVICES

Made as of the 5th day of December 2022:

Between City: **The City of Sherman, Texas**
220 W. Mulberry Street
Sherman, Texas 75090
Telephone: (903) 892-7208

and Consultant: **Dunkin Sims Stoffels, Inc**
622 W. State Street
Garland, Texas 75040
Telephone: (214) 553-5778

for the following Project: **Pecan Grove Athletic Complex Lighting and Shading**

THIS AGREEMENT ("Agreement") is made and entered into by and between the City of Sherman, Texas, a home-rule municipality ("City"), and Dunkin Sims Stoffels, Inc ("Consultant"), to be effective from and after the date as provided above. City and Consultant are at times each referred to herein as a "party" or collectively as the "parties."

WHEREAS, City desires to engage Consultant to provide professional services for the Pecan Grove Athletic Complex Lighting and Shading Project ("Project"); and

WHEREAS, Consultant desires to render such professional services ("Services") for City on the terms and conditions provided herein.

NOW, THEREFORE, KNOW ALL PERSONS BY THESE PRESENTS:

That for and in consideration of the covenants contained herein, for the mutual benefits to be obtained hereby and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

ARTICLE 1
CONSULTANT'S SERVICES

1.1 **Employment of Consultant** – City hereby agrees to retain Consultant to perform the Services in connection with the Project. Consultant agrees to perform the Services in accordance with the terms and conditions of this Agreement. Consultant further agrees that if any employee of Consultant who is performing the day-to-day Services under this Agreement for the Project is separated, for any reason, from employment with Consultant, Consultant shall provide City with written notice thereof at least five (5) business days' prior to said separation unless circumstances reasonably warrant a shorter notice period, which shall not exceed two (2) business days following the separation.

1.2 **Scope of Services** – The parties agree that Consultant shall perform the Services as are set forth and described in **Exhibit A**, attached hereto and incorporated herein by reference for all purposes ("Scope of Services"). The parties understand and agree that deviations or modifications to the Scope of Services described in **Exhibit A**, in the form of a written amendment to this Agreement, may be authorized from time to time by City ("Amendment").

1.2.1 **Requirement of Written Amendment** – "Extra" work, "claims" invoiced as "extra" work or "claims" which have not been issued as a duly executed, written Amendment by the Sherman Director of Engineering or designee will not be authorized for payment and/or shall not become part of this Agreement. A duly executed, written Amendment requiring additional funding of $50,000 or more of the original contract amount shall be preceded by the Sherman City Council's authorization for the Sherman City Manager to execute said Amendment.

1.2.2 **CONSULTANT SHALL NOT PERFORM ANY "EXTRA" WORK AND/OR ADDITIONAL SERVICES WITHOUT A DULY EXECUTED, WRITTEN AMENDMENT ISSUED BY THE CITY**.

1.3 **Schedule of Work** – Consultant agrees to commence work immediately on the execution of this Agreement, and to proceed diligently with said work to completion.

1.4 **Standard of Care** – Consultant shall perform the Services required hereunder in accordance with the prevailing engineering standard of care by exercising the skill and care ordinarily utilized by engineers performing the same or similar services under the same or similar circumstances in the State of Texas.

ARTICLE 2
CITY'S RESPONSIBILITIES

City shall do the following in a timely manner so as not to delay the Services of Consultant:

2.1 **Project Data** – City shall furnish required information that is reasonably requested by Consultant and that City has in its possession at the time of Consultant's request, as expeditiously as necessary for the orderly progress of the Project, and Consultant shall be entitled to rely upon the accuracy and completeness of the information furnished by City under this Article 2.1.

2.2 **City Project Manager** – When necessary in City's sole discretion, City shall designate a representative authorized to act on City's behalf with respect to the Project ("Project Manager"). City, the Project Manager and/or his or her authorized designee shall examine the documents submitted by Consultant and shall render any required decisions pertaining thereto as soon as practicable to avoid unreasonable delay in the progress of Consultant's Services.

ARTICLE 3
CONSULTANT'S COMPENSATION

3.1 **Compensation for Consultant's Services** – As described in "Article 1, Consultant's Services" of this Agreement, compensation for this Project shall be: (a) for Basic Services in an amount not to exceed **Ninety Three Thousand Five Hundred Dollars ($93,500.00)**.

3.3.1 **Completion of Record Documents** – City and Consultant agree that the completion of Record Documents and/or "As-Built" Documents, including hard copy formatting and electronic formatting, shall be completed, submitted to, and accepted by City prior to payment. Completion of the Record Documents and/or "As-Built" documents shall be included in the Consultant's Fee and considered to be within the Scope of Services defined under this Agreement." The electronic formatting shall be consistent with the standards established in **Exhibit B**, Guidelines for Computer Aided Design and Drafting ("CADD"), which is attached hereto and incorporated herein by reference for all purposes.

3.3.2 **Disputes between City and Construction Contractor** – If the Project involves Consultant performing Construction Administration Services relating to an agreement between a Construction Contractor ("Contractor") and City, and on receipt of a written request by City, Consultant shall research previous and existing conditions of the Project, and make a determination whether or not to certify that sufficient cause exists for City to declare Contractor in default of the terms and conditions of the Agreement. Consultant shall submit his findings in writing to City, or submit a written request for a specific extension of time (including the basis for such

extension), within fifteen (15) calendar days of receipt of the written request from City. City and Consultant agree that if requested by City, completion of this task shall be included in the Consultant's Fee and considered to be within the Scope of Services as defined under this Agreement.

3.3.3 **Consultation and Approval by Governmental Authorities and Franchised Utilities** – Consultant shall be solely responsible for identifying and analyzing the requirements of governmental agencies and all franchise utilities involved with the Project, and for consulting with such agencies and utilities to obtain all necessary approvals and/or permissions. Consultant shall be responsible for preparation and timely submittal of documents required for review, approval and/or recording by such agencies and/or utilities. Consultant shall be solely responsible for making such changes in the construction documents ("Construction Documents") as may be required by existing written standards promulgated by such agencies and/or utilities at no additional charge to City.

3.2 **Additional Services** – Consultant shall provide the Services as described in the Scope of Services set forth in **Exhibit A** of this Agreement. If authorized in writing by City, Consultant shall provide additional services, to be compensated as provided in an Amendment to the Contract on a cost not to exceed sum or hourly basis in accordance with this paragraph ("Additional Services") and a mutually agreed estimate of man-hours and expenses. These services may include, but are not limited to:

3.3.1 Additional meetings, hearings, work-sessions or other similar presentations which are not provided for or contemplated in the Scope of Services described in **Exhibit A**.

3.3.2 Additional drafts and revisions to the Project which are not provided for or contemplated in the Scope of Services as described in **Exhibit A**.

3.3.3 Additional copies of final reports and construction plans which are not provided for or contemplated in the Scope of Services as described in **Exhibit A**.

3.3.4 Photography, professional massing models which are not provided for or contemplated in the Scope of Services as described in **Exhibit A**.

3.3.5 Compensation for Additional Services authorized by City shall be in addition to Consultant's Fee and shall be based on direct billable labor rates and expenses.

3.3.6 Compensation for Additional Services authorized by City shall be in addition to Consultant's Fee and shall be based on an hourly basis according to the following personnel rates. The rates set forth in this chart are subject to

reasonable change provided prior written notice of said change is given to and approved by City.

Hourly Billable Rates by Position

Position	Hourly Rate
Principal	$150.00
Admin	$75.00

3.2 **Invoices** – No payment to Consultant shall be made until Consultant tenders an invoice to City. Consultant shall submit monthly invoices for Services rendered, based upon the actual percentage of work complete at the time the invoice is prepared, or shall submit invoices to City immediately upon completion of each individual task listed in **Exhibit A**. On all submitted invoices for Services rendered, Consultant shall include appropriate background materials to support the submitted charges on said invoice. Upon request, such background material may include, but is not limited to, employee timesheets, invoices for work obtained from other parties, and receipts and/or log information relating to Direct Expenses. All invoices shall provide a summary methodology for administrative markup and/or overhead charges.

3.3 **Timing of Payment** – City shall make payment to Consultant for said invoices within thirty (30) days following receipt and acceptance thereof. The parties agree that payment by City to Consultant is considered to be complete upon mailing of payment by City. Furthermore, the parties agree that the payment is considered to be mailed on the date that the payment is postmarked.

3.4 **Disputed Payment Procedures** – In the event of a disputed or contested billing by City, only that portion so contested may be withheld from payment, and the undisputed portion will be paid. City shall notify Consultant of a disputed invoice, or portion of an invoice, in writing by the twenty-first (21st) calendar day after the date City receives the invoice. City shall provide Consultant an opportunity to cure the basis of the dispute. If a dispute is resolved in favor of Consultant, City shall proceed to process said invoice, or the disputed portion of the invoice, within the provisions of Article 3.5 of this Agreement. If a dispute is resolved in favor of City, Consultant shall submit to City a corrected invoice, reflecting any and all payment(s) of the undisputed amounts, documenting the credited amounts, and identifying outstanding amounts on said invoice to aid City in processing payment for the remaining balance. Such revised invoice shall have a new invoice number, clearly referencing the previous submitted invoice. City agrees to exercise reasonableness in contesting any billing or portion thereof that has background materials supporting the submitted charges.

3.5 **Failure to Pay** – Failure of City to pay an invoice, for a reason other than on written notification as stated in the provisions of Article 3.6 of this Agreement, to Consultant within sixty (60) days from the date of the invoice shall grant Consultant the right, in addition to any and all other rights provided, to, upon written notice to City, suspend performance under this Agreement, and such act or acts shall not be deemed a breach of this Agreement. However, Consultant shall not suspend performance under this Agreement prior to the tenth (10^{th}) calendar day after written notice of suspension was provided to City, in accordance with Chapter 2251, Subchapter "D" of the TEX. GOV'T CODE. City shall not be required to pay any invoice submitted by Consultant if Consultant breached any provision(s) herein.

3.6 **Adjusted Compensation** – If the Scope of the Project ("Scope of the Project") or if the Services are materially changed due to no error by Consultant in the performance of Services under this Agreement, the amounts of Consultant's compensation shall be equitably adjusted as approved by City in its sole discretion. Any additional amounts paid to Consultant as a result of any material change to the Scope of the Project shall be authorized by written Change Order duly executed by both parties before the Services are performed.

3.7 **Project Suspension** – If the Project is suspended or abandoned in whole or in part for more than three (3) months, Consultant shall be entitled to compensation for any and all work completed to the satisfaction of City in accordance with the provisions of this Agreement prior to suspension or abandonment. In the event of such suspension or abandonment, Consultant shall deliver to City all finished or unfinished documents, data, studies, drawings, maps, models, reports, photographs and/or any other items prepared by Consultant in connection with this Agreement prior to Consultant receiving final payment. If the Project is resumed after being suspended for more than three (3) months, Consultant's compensation shall be equitably adjusted as approved by City. Any additional amounts paid to Consultant after the Project is resumed shall be agreed upon in writing by both parties before the services are performed

3.8 **Fixed Budget Limit for Construction Cost** - If a fixed budget limit for the Construction Cost has been established, the Consultant shall be permitted to make reasonable adjustments in the scope of the Project and to include alternate bid items in the Bid Proposal to adjust the Construction Cost to the fixed limit. However, this paragraph shall not operate to increase the fixed budget limit of the Construction Cost established in the following paragraph. All adjustments in the scope of the Project shall be approved by the City and documented in writing. Should the lowest bona fide bid for construction of the Project be in excess of 130% of $1,500,000.00 due to the negligence of the Consultant, the City may (1) give written approval of an increase in such fixed limit, (2) authorize rebidding or re-negotiating of the Project, (3) terminate the Project and this Agreement in accordance herewith, or (4), require that the Consultant adjust the Project scope or quality, or both, as necessary to reduce the Construction Cost to within the

budgetary constraints. In the case of (4) the Consultant, without additional charge to the City, shall consult with the City and shall revise and modify the drawings and specifications as necessary to achieve compliance with the fixed limitation on Construction Cost. These revisions and modifications may include splitting the Project into multiple Construction Phases that will fall within budget constraints. The Consultant shall provide the services defined in Exhibit A, as required, for each of the new phases created by splitting the Project. Absent negligence on the part of the Consultant in making its estimates of probable Construction Cost, providing services as defined in Exhibit A shall be the limit of the Consultant's liability arising from the establishment of such fixed limitation of Construction Costs. The Consultant shall be entitled to compensation for all other services performed in accordance with this Agreement.

ARTICLE 4
OWNERSHIP OF DOCUMENTS

4.1 **Documents Property of City** – The Project is the property of City, and Consultant may not use the documents, plans, data, studies, surveys, drawings, maps, models, reports, photographs and/or any materials for any other purpose not relating to the Project without City's prior written consent. City shall be furnished with such reproductions of the Project, plans, data, documents, maps, and any other information as defined in **Exhibit A**. Upon completion of the work, or any earlier termination of this Agreement under Article 3 and/or Article 8 of this Agreement, Consultant will revise plans, data, documents, maps, and any other information as defined in **Exhibit A** to reflect changes while working on the Project through the date of completion of the work, as solely determined by City, or the effective date of any earlier termination of this Agreement under Article 3 and/or Article 8 of this Agreement, and promptly furnish the same to City in an acceptable electronic format. All such reproductions shall be the property of City who may use them without Consultant's permission for any purpose relating to the Project, including, but not limited to, completion of the Project, and/or additions, alterations, modifications, and/or revisions to the Project. Any reuse of the documents not relating to the Project shall be at City's own risk.

4.2 **Documents Subject to Laws Regarding Public Disclosure** – Consultant acknowledges that City is a governmental entity and that all documents, plans, data, studies, surveys, drawings, maps, models, reports, photographs and/or any items prepared or furnished by Consultant (and Consultant's professional associates and/or sub-consultants) under this Agreement are instruments of service in respect of the Project and property of City. Upon completion of the Project, all of the documents, plans, data, studies, surveys, drawings, maps, models, reports, photographs and/or any items prepared or furnished by Consultant (and Consultant's professional associates and/or sub-consultants) shall thereafter be subject to the Texas Public Information Act (Chapter 552, TEX. GOV'T CODE, as amended) and any other applicable laws requiring public disclosure of the information contained in said documents.

ARTICLE 5
CONSULTANT'S INSURANCE REQUIREMENTS

5.1 **Required General Liability Insurance** – Consistent with the terms and provisions of **Exhibit C**, Contractor Insurance Guidelines, which is attached hereto and incorporated herein by reference for all purposes, Consultant shall procure and maintain throughout the term of this Agreement, at no expense to City, a general liability insurance policy with a company that maintains a minimum rating of "A" by A.M. Best's Key Rating Guide, or other equivalent rating service(s), and is authorized to transact business in the State of Texas, in an amount not less than One Million and 00/100 Dollars ($1,000,000.00) for each occurrence, and Two Million and 00/100 Dollars ($2,000,000.00) in the aggregate. Such policy shall name City, its officers, agents, representatives, and employees as additional insureds as to all applicable coverage. Such policy shall provide for a waiver of subrogation against City for injuries, including death, property damage, or any other loss to the extent that same is covered by the proceeds of the insurance. Such policy shall require the provision of written notice to City at least thirty (30) days prior to cancellation, non-renewal or material modification of any policies, evidenced by return receipt or United States Certified Mail. Consultant shall furnish City with certificates and required endorsement(s) evidencing such coverage prior to commencing work on the Project.

5.2 **Required Professional Liability Insurance** – Consistent with the terms and provisions of **Exhibit C**, Consultant shall procure and maintain throughout the term of this Agreement, at no expense to City, a professional liability (errors and omissions) insurance policy with a company that maintains a minimum rating of "A" by A.M. Best's Key Rating Guide, or other equivalent rating service(s), and is authorized to transact business in the State of Texas, in an amount not less than One Million and 00/100 Dollars ($1,000,000.00) for each claim, and One Million and 00/100 Dollars ($1,000,000.00) in the aggregate. Such policy shall require the provision of written notice to City at least thirty (30) days prior to cancellation, non-renewal or material modification of any policies, evidenced by return receipt or United States Certified Mail. Consultant shall furnish City with certificates and required endorsement(s) evidencing such coverage prior to commencing work on the Project.

5.3 **Required Workers Compensation Insurance** – Consistent with the terms and provisions of **Exhibit C**, Consultant shall procure and maintain throughout the term of this Agreement, at no expense to City, all Statutory Workers Compensation Insurance as required by the laws of the State of Texas. Such insurance policy shall be with a company that maintains a minimum rating of "A" by A.M. Best's Key

Rating Guide, or other equivalent service(s), and is authorized to transact business in the State of Texas. Such policy shall require the provision of written notice to City at least thirty (30) days prior to cancellation, non-renewal or material modification of any policies, evidenced by return receipt or United States Certified Mail. Consultant shall furnish City with certificates and required endorsement(s) evidencing such coverage prior to commencing work on the Project.

5.4 **Circumstances Requiring Umbrella Coverage or Excess Liability Coverage** – If the Project's size and scope warrant, and if identified on the checklist located in **Exhibit C**, Consultant shall procure and maintain throughout the term of this Agreement, at no expense to City, an umbrella coverage or excess liability coverage insurance policy with a company that maintains a minimum rating of "A" by A.M. Best's Key Rating Guide, or other equivalent rating service(s), and is authorized to transact business in the State of Texas, in an amount of Two Million and 00/100 Dollars ($2,000,000.00). Such policy shall require the provision of written notice to City at least thirty (30) days prior to cancellation, non-renewal, or material modification of any policies, evidenced by return receipt or United States Certified Mail. Consultant shall furnish City with certificates and required endorsement(s) evidencing such coverage prior to commencing work on the Project.

ARTICLE 6
CONSULTANT'S ACCOUNTING RECORDS

Records of Direct Expenses and expenses pertaining to services performed in conjunction with the Project shall be kept on the basis of generally accepted accounting principles. Invoices will be sent to City as indicated in Article 3.4 of this Agreement. Copies of employee time sheets, receipts for direct expense items and other records of Project expenses will be made available if requested.

ARTICLE 7
AUDITS AND RECORDS/VENDOR DISCLOSURE

Consultant agrees that at any time during normal business hours and as often as City may deem necessary, Consultant shall make available to representatives of City for examination all of its records with respect to all matters covered by this Agreement, and will permit such representatives of City to audit, examine, copy and make excerpts or transcripts from such records, and to make audits of all contracts, invoices, materials, payrolls, records of personnel, conditions of employment and other data relating to all matters covered by this Agreement, and for a period of four (4) years from the date of final settlement of this Agreement or for such other or longer period, if any, as may be required by applicable statute or other lawful requirement.

Consultant agrees that it is further aware of the vendor disclosure requirements set forth in Chapter 176, TEX. LOC. GOV'T CODE, as amended, and will abide by the same. In this connection, a lawful representative of Consultant shall execute and deliver to City the

Conflict of Interest Questionnaire, Form CIQ, attached hereto as **Exhibit D** and incorporated herein for all purposes, no later than the Effective Date of this Agreement.

ARTICLE 8
TERMINATION OF AGREEMENT/REMEDIES

City may, upon thirty (30) days written notice to Consultant, terminate this Agreement, for any reason or no reason at all, before the termination date hereof, without prejudice to any other remedy it may have. If City terminates this Agreement due to a default of and/or breach by Consultant and the expense of finishing the Project exceeds Consultant's Fee at the time of termination, Consultant waives its right to any portion of Consultant's Fee as set forth in Article 3 of this Agreement and agrees to pay any costs over and above the fee which City is required to pay in order to finish the Project. On any default and/or breach by Consultant, City may elect not to terminate the Agreement, and in such event it may make good the deficiency in which the default consists, and deduct the costs from Consultant's Fee due Consultant as set forth in Article 3 of this Agreement. If City terminates this Agreement and Consultant is not in default of the Agreement, Consultant shall be entitled to compensation for any and all work completed to the satisfaction of City in accordance with the provisions of this Agreement prior to termination.

In the event of any termination, Consultant shall deliver to City all finished and/or unfinished documents, data, studies, surveys, drawings, maps, models, reports, photographs and/or any items prepared by Consultant in connection with this Agreement prior to Consultant receiving final payment.

The rights and remedies provided by this Agreement are cumulative, and the use of any one right or remedy by either party shall not preclude or waive its rights to use any or all other remedies. These rights and remedies are given in addition to any other rights the parties may have by law, statute, ordinance, or otherwise.

ARTICLE 9
DISPUTE RESOLUTION/MEDIATION

In addition to all remedies at law, the parties may agree to attempt to resolve any controversy, claim or dispute arising out of or relating to the interpretation or performance of this Agreement, or breach thereof, by voluntary mediation to be conducted by a mutually acceptable mediator. However, if both parties do not agree to voluntarily mediate any such controversy, claim or dispute, mediation shall not be required.

ARTICLE 10
INDEMNITY

CONSULTANT SHALL RELEASE, DEFEND, INDEMNIFY AND HOLD HARMLESS CITY AND ITS CITY COUNCIL MEMBERS, OFFICERS, AGENTS, REPRESENTATIVES AND EMPLOYEES (COLLECTIVELY REFERRED TO AS "CITY" FOR PURPOSES OF THIS

ARTICLE 10) FROM AND AGAINST ALL DAMAGES, INJURIES (WHETHER IN CONTRACT OR IN TORT, INCLUDING PERSONAL INJURY AND DEATH), CLAIMS, PROPERTY DAMAGES (INCLUDING LOSS OF USE), LOSSES, DEMANDS (REGARDLESS OF WHETHER THE ALLEGATIONS ARE FALSE, FRAUDULENT OR GROUNDLESS), SUITS, ACTIONS, JUDGMENTS, LIENS, COSTS AND EXPENSES, INCLUDING REASONABLE ATTORNEY'S FEES AND EXPENSES (INCLUDING ATTORNEY'S FEES AND EXPENSES INCURRED IN ENFORCING THIS ARTICLE 10), THAT IN WHOLE OR IN PART ARISE OUT OF OR ARE CONNECTED WITH, OR THAT ARE ALLEGED TO HAVE ARISEN OUT OF OR CONNECTED WITH, GOODS AND/OR SERVICES PROVIDED BY CONSULTANT, ITS OFFICERS, AGENTS, REPRESENTATIVES, EMPLOYEES, SUBCONTRACTORS, LICENSEES, INVITEES OR ANY OTHER THIRD PARTIES FOR WHOM CONSULTANT IS LEGALLY RESPONSIBLE (COLLECTIVELY REFERRED TO AS "CONSULTANT" FOR PURPOSES OF THIS ARTICLE 10) PURSUANT TO THIS AGREEMENT AND/OR THE NEGLIGENT, GROSSLY NEGLIGENT AND/OR INTENTIONAL WRONGFUL ACT AND/OR OMISSION OF CONSULTANT IN ITS/THEIR PERFORMANCE OF THIS AGREEMENT, REGARDLESS OF THE JOINT OR CONCURRENT NEGLIGENCE OR STRICT LIABILITY OF THE CITY (COLLECTIVELY, "CLAIMS"). THIS INDEMNIFICATION PROVISION AND THE USE OF THE TERM "CLAIMS" IS ALSO SPECIFICALLY INTENDED TO APPLY TO, BUT IS NOT LIMITED TO, ANY AND ALL CLAIMS, WHETHER CIVIL OR CRIMINAL, BROUGHT AGAINST CITY BY ANY GOVERNMENT AUTHORITY OR AGENCY RELATED TO ANY PERSON PROVIDING SERVICES UNDER THIS AGREEMENT THAT ARE BASED ON ANY FEDERAL IMMIGRATION LAW AND ANY AND ALL CLAIMS, DEMANDS, DAMAGES, ACTIONS AND CAUSES OF ACTION OF EVERY KIND AND NATURE, KNOWN AND UNKNOWN, EXISTING OR CLAIMED TO EXIST, RELATING TO OR ARISING OUT OF ANY EMPLOYMENT RELATIONSHIP BETWEEN CONSULTANT AND ITS EMPLOYEES OR SUBCONTRACTORS AS A RESULT OF THAT SUBCONTRACTOR'S OR EMPLOYEE'S EMPLOYMENT AND/OR SEPARATION FROM EMPLOYMENT WITH THE CONSULTANT, INCLUDING BUT NOT LIMITED TO ANY DISCRIMINATION CLAIM BASED ON SEX, SEXUAL ORIENTATION OR PREFERENCE, RACE, RELIGION, COLOR, NATIONAL ORIGIN, AGE OR DISABILITY UNDER FEDERAL, STATE OR LOCAL LAW, RULE OR REGULATION, AND/OR ANY CLAIM FOR WRONGFUL TERMINATION, BACK PAY, FUTURE WAGE LOSS, OVERTIME PAY, EMPLOYEE BENEFITS, INJURY SUBJECT TO RELIEF UNDER THE WORKERS' COMPENSATION ACT OR WOULD BE SUBJECT TO RELIEF UNDER ANY POLICY FOR WORKERS COMPENSATION INSURANCE, AND ANY OTHER CLAIM, WHETHER IN TORT, CONTRACT OR OTHERWISE. CONSULTANT IS EXPRESSLY REQUIRED TO DEFEND CITY AGAINST ALL SUCH CLAIMS; PROVIDED, HOWEVER,

THAT IF A COURT OF COMPETENT JURISDICTION SIGNS A JUDGMENT THAT BECOMES FINAL AND NON-APPEALABLE, DETERMINING THAT THE CITY (WITHOUT WAIVING ANY GOVERNMENTAL IMMUNITY) HAS JOINT, CONCURRENT OR SOLE NEGLIGENCE FOR THE CLAIMS IN ACCORDANCE WITH THE LAWS OF THE STATE OF TEXAS ("JUDGMENT"), THEN CONSULTANT IS NOT REQUIRED TO INDEMNIFY OR DEFEND CITY TO THE EXTENT OF THE NEGLIGENCE APPORTIONED TO CITY FOR EACH CAUSE(S) OF ACTION IDENTIFIED IN THE JUDGMENT. IN THE EVENT THE JUDGMENT PROVIDES THAT CITY IS JOINTLY, CONCURRENTLY OR SOLELY NEGLIGENT FOR THE CLAIMS REFERRED TO THEREIN, CITY AGREES TO REIMBURSE CONSULTANT FOR ALL REASONABLE AND NECESSARY COSTS INCURRED AND PAID BY CONSULTANT THAT ARE ATTRIBUTABLE TO CITY'S PERCENTAGE OF JOINT, CONCURRENT OR SOLE NEGLIGENCE, AS SET FORTH IN THE JUDGMENT, INCLUDING REASONABLE AND NECESSARY ATTORNEY'S FEES AND EXPENSES, WITHIN SIXTY (60) DAYS OF THE DATE THE JUDGMENT BECOMES FINAL AND NON-APPEALABLE. IF THIS AGREEMENT IS A CONTRACT FOR ENGINEERING OR ARCHITECTURAL SERVICES, THEN CONSULTANT'S INDEMNITY AND DEFENSE OBLIGATIONS UNDER THIS ARTICLE 10 ARE LIMITED BY, AND TO BE READ AS COMPLYING WITH, SECTION 271.904 OF THE TEXAS LOCAL GOVERNMENT CODE.

IN ITS SOLE DISCRETION, CITY SHALL HAVE THE RIGHT TO APPROVE OR SELECT DEFENSE COUNSEL TO BE RETAINED BY CONSULTANT IN FULFILLING ITS OBLIGATION HEREUNDER TO DEFEND AND INDEMNIFY CITY, UNLESS SUCH RIGHT IS EXPRESSLY WAIVED BY CITY IN WRITING. CITY RESERVES THE RIGHT TO PROVIDE A PORTION OR ALL OF ITS OWN DEFENSE; HOWEVER, CITY IS UNDER NO OBLIGATION TO DO SO. ANY SUCH ACTION BY CITY IS NOT TO BE CONSTRUED AS A WAIVER OF

CONSULTANT'S OBLIGATION TO DEFEND CITY OR AS A WAIVER OF CONSULTANT'S OBLIGATION TO INDEMNIFY CITY PURSUANT TO THIS AGREEMENT. CONSULTANT SHALL RETAIN CITY-APPROVED DEFENSE COUNSEL WITHIN SEVEN (7) BUSINESS DAYS OF CITY'S WRITTEN NOTICE THAT CITY IS INVOKING ITS RIGHT TO DEFENSE OR INDEMNIFICATION UNDER THIS AGREEMENT. IF CONSULTANT FAILS TO RETAIN COUNSEL WITHIN SUCH TIME PERIOD, CITY SHALL HAVE THE RIGHT TO RETAIN DEFENSE COUNSEL ON ITS OWN BEHALF, AND CONSULTANT SHALL BE LIABLE FOR ALL COSTS INCURRED BY CITY. THE RIGHTS AND OBLIGATIONS CREATED BY THIS ARTICLE SHALL SURVIVE TERMINATION OF THIS AGREEMENT.

ARTICLE 11
NOTICES

Any notice provided or permitted to be given under this Agreement must be in writing and may be served by depositing the same in the United States Mail, addressed to the party to be notified, postage pre-paid and registered or certified with return receipt requested; by facsimile; by electronic mail, with documentation evidencing the addressee's receipt thereof; or by delivering the same in person to such party a via hand-delivery service, or any courier service that provides a return receipt showing the date of actual delivery of same to the addressee thereof. Notice given in accordance herewith shall be effective upon receipt at the address of the addressee. For purposes of notification, the addresses of the parties shall be as follows:

If to City, addressed to:

Theresa Hutchinson
Parks and Recreation Manager
City of Sherman
220 W Mulberry St.
Sherman, TX 75091
Telephone: (903) 892-7219
Email: TheresaH@cityofsherman.com

With a copy to:

Abernathy, Roeder, Boyd & Hullett, P.C.
Attention: Ryan D. Pittman
1700 Redbud Blvd., Suite 300
McKinney, Texas 75069
Telephone: (214) 544-4000
Facsimile: (214) 544-4054
Email: rpittman@abernathy-law.com

If to Consultant, addressed to:

Dennis Sims
Principal
Dunkin Sims Stoffels, Inc.
622 W. State Street
Garland, Texas 75040
Telephone: (214) 553-5778
Email: dsims@dssland.com

ARTICLE 12
MISCELLANEOUS

12.1 **Complete Agreement** – This Agreement, including the exhibits hereto labeled "A" through "F," all of which are incorporated herein for all purposes, constitute the entire Agreement by and between the parties regarding the subject matter hereof and supersedes all prior and/or contemporaneous written and/or oral understandings. This Agreement may not be amended, supplemented, and/or modified except by written agreement duly executed by both parties. The following exhibits are attached below and made a part of this Agreement:

12.1.1 **Exhibit A**, Scope of Services.

12.1.2 **Exhibit B**, Guidelines for Computer Aided Design and Drafting (CADD).

12.1.3 **Exhibit C**, Contractor Insurance Guidelines.

12.1.4 **Exhibit D**, Conflict of Interest Questionnaire, Form CIQ.

To the extent that **Exhibit A**, **Exhibit B**, **Exhibit C** or **Exhibit D** are in conflict with provisions of this Agreement or each other, the provisions of this Agreement, then the provisions of **Exhibit B**, **Exhibit C**, **Exhibit D** or **Exhibit A** shall prevail in that order.

12.2 **Assignment and Subletting** – Consultant agrees that neither this Agreement nor the work to be performed hereunder will be assigned or sublet without the prior written consent of City. Consultant further agrees that the assignment or subletting of any portion or feature of the work or materials required in the performance of this Agreement shall not relieve Consultant of its full obligations to City as provided by this Agreement. All such approved work performed by assignment or subletting shall be billed through Consultant, and there shall be no third party billing.

12.3 **Attorney's Fees** – If either party files any action or brings any proceeding against the other arising from this Agreement, then as between City and Consultant, the prevailing party shall be entitled to recover as an element of its costs of suit, and not as damages, reasonable and necessary attorneys' fees and litigation expenses both at trial and on appeal, subject to the limitations set forth in TEX. LOC. GOV'T CODE § 271.153, as it exists or may be amended, if applicable.

12.4 **Successors and Assigns** – City and Consultant, and their respective partners, assigns, successors, subcontractors, executors, officers, agents, employees, representatives and administrators are hereby bound to the terms and conditions of this Agreement.

12.5 **Savings/Severability** – In the event of a term, condition, or provision of this Agreement is determined to be invalid, illegal, void, unenforceable, or unlawful by a court of competent jurisdiction, then that term, condition, or provision, shall be

deleted and the remainder of the Agreement shall remain in full force and effect as if such invalid, illegal, void, unenforceable or unlawful provision had never been contained in this Agreement.

12.6 **Governing Law/Venue** – This Agreement shall be governed by and construed in accordance with the laws of the State of Texas, without regard to conflict of law principles. The exclusive venue for any action arising out of this Agreement shall be a court of appropriate jurisdiction in Grayson County, Texas.

12.7 **Execution/Consideration** – This Agreement is executed by the parties hereto without coercion or duress for any substantial consideration, the sufficiency of which is forever confessed.

12.8 **Authority** – The individuals executing this Agreement on behalf of the respective parties below represent to each other that all appropriate and necessary action has been taken to authorize the individual who is executing this Agreement to do so for and on behalf of the party for which his or her signature appears, that there are no other parties or entities required to execute this Agreement in order for the same to be an authorized and binding agreement on the other party for whom the individual is signing this Agreement and that each individual affixing his or her signature hereto is authorized to do so, and such authorization is valid and effective on the date hereof.

12.9 **Waiver** – Waiver by either party of any breach of this Agreement, or the failure of either party to enforce any of the provisions of this Agreement, at any time, shall not in any way affect, limit, or waive such party's right thereafter to enforce and compel strict compliance.

12.10 **Headings** – The headings of the various sections of this Agreement are included solely for convenience of reference and are not to be full or accurate descriptions of the content thereof.

12.11 **Multiple Counterparts** – This Agreement may be executed in a number of identical counterparts, each of which shall be deemed an original for all purposes. An electronic mail and/or facsimile signature will also be deemed to constitute an original if properly executed and delivered to the other party.

12.12 **Immunity** – It is expressly understood and agreed that, in the execution and performance of this Agreement, City has not waived, nor shall be deemed to have waived, any immunity, governmental, sovereign and/or official, or defense that is available to it against claims arising in the exercise of governmental powers and functions. By entering into this Agreement, the parties do not create any obligations, express or implied, other than those set forth in this Agreement.

12.13 **Incorporation of Recitals** – The representations, covenants and recitations set forth in the foregoing recitals of this Agreement are true and correct and are incorporated into the body of this Agreement and adopted as findings of City and the authorized representative of Consultant.

12.14 **Additional Representations** – Each signatory represents this Agreement has been read by the party for which this Agreement is executed and that such party has had the opportunity to confer with its counsel.

12.15 **Miscellaneous Drafting Provisions** – This Agreement shall be deemed drafted equally by all parties hereto. The language of all parts of this Agreement shall be construed as a whole according to its fair meaning, and any presumption or principle that the language herein is to be construed against any party shall not apply.

12.16 **No Third-Party Beneficiaries** – Nothing in this Agreement shall be construed to create any right in any third party not a signatory to this Agreement, and the parties do not intend to create any third party beneficiaries by entering into this Agreement.

12.17 **Indemnity** – The parties agree that the Indemnity provision set forth in Article 10 of this Agreement is conspicuous and the parties have read and understood the same.

12.18 **Representations** – All representations and covenants made by one party to the other in this Agreement or in any certificate or other instrument delivered by one party to the other under this Agreement shall be considered to have been relied upon by the other party and will survive the satisfaction of any fees under this Agreement, regardless of any investigation made by either party.

12.19 **Independent Contractor** – In performing this Agreement, Consultant shall act as an independent contractor with respect to City. In no event shall this Agreement be construed as establishing a partnership, joint venture or similar relationship between the parties and nothing herein shall authorize either party to act as agent for the other. Consultant shall be liable for its own debts, obligations, acts and omissions, including the payment of all required withholding, social security and other taxes and benefits with respect to all of Consultant's officers, directors, partners, employees and representatives, who shall not be considered City employees and shall not be eligible for any employee benefit plan offered by City.

12.20 **Debarment/Suspension** – City is prohibited from making any award or permitting any award at any tier to any party which is debarred or suspended or otherwise excluded from or ineligible for participation in federal assistance programs under Executive Order 12549, Debarment and Suspension. City, Consultant and Consultant's subcontractors shall comply with federal and state regulations

regarding debarment and suspension. Consultant shall include a statement of compliance with federal and state debarment and suspension regulations in all third-party agreements for work on the Project.

12.21 **Restrictions on Lobbying** – City and Consultant are prohibited from using funds awarded under the Agreement for lobbying purposes. Consultant shall include a statement of compliance with this provision in applicable procurement solicitations and third-Party agreements for work on the Project.

12.22 **Appropriation of Funds** – Funds are not presently budgeted for City's performance under this Agreement beyond the end of City's current fiscal year. City will give Consultant sixty (60) days' notice if funds for City's performance are not budgeted to continue beyond that time. City shall have no liability for payment of any money for services performed after the end of City's current fiscal year unless and until such funds are budgeted.

12.23 **Certifications Required by Texas Law** – In accordance with Chapter 2270 of the Texas Government Code (to the extent applicable), Consultant hereby certifies that Consultant does not boycott Israel and will not boycott Israel during the term of any contract with City, including during the term of this Agreement. In accordance with Chapter 809 of the Texas Government Code (to the extent applicable), Consultant hereby certifies that Consultant does not boycott energy companies and will not boycott energy companies during the term of any contract with City, including during the term of this Agreement. In accordance with Chapter 2274 of the Texas Government Code (to the extent applicable), Consultant hereby certifies that Consultant does not have a practice, policy, guidance or directive that discriminates against a firearm entity or firearm trade association and will not discriminate against a firearm entity or firearm trade association during the term of any contract with City, including during the term of this Agreement. The foregoing terms have the meanings ascribed to them in the referenced statutes if defined therein.

12.24 **Reference to Consultant** – When referring to "Consultant," this Agreement shall refer to and be binding upon Consultant, and its officers, directors, partners, employees, representatives, contractors, subcontractors, licensees, invitees, agents, successors, assignees (as authorized herein), vendors, grantees, trustees, legal representatives and/or any other third parties for whom Consultant is legally responsible.

12.25 **Reference to City** – When referring to "City," this Agreement shall refer to and be binding upon City, its Council members, officers, agents, representatives, employees and/or any other authorized third parties for whom City is legally responsible.

IN WITNESS WHEREOF, the parties have executed this Agreement and caused this Agreement to be effective on the date set forth in the introductory clause of this Agreement.

CITY:

City of Sherman, Texas,
a Texas home-rule municipality

By: _____
Robby Hefton, City Manager

CONSULTANT:

Dunkin Sims Stoffels, Inc
a Corporation

By: _____
Dennis Sims
Principal

APPROVED AS TO FORM:

_____
Abernathy, Roeder, Boyd & Hullett, P.C.
Ryan D. Pittman, City Attorneys

STATE OF TEXAS §
§
COUNTY OF Dallas §

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED Dennis Sims, KNOWN TO ME TO BE ONE OF THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT; HE ACKNOWLEDGED TO ME THAT HE IS THE PRESIDENT AND DULY AUTHORIZED REPRESENTATIVE FOR Dunkin Sims Stoffels Inc AND THAT HE EXECUTED SAID INSTRUMENT FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 29 DAY OF November 2022.

BRENDA A. BRISCOE
Notary Public, State of Texas
Comm. Expires 08-04-2024
Notary ID 11671489

Brenda A Briscoe
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS
My commission expires: 8-04-2024

EXHIBIT A
SCOPE OF SERVICES

EXHIBIT B

GUIDELINES FOR COMPUTER AIDED DESIGN AND DRAFTING (CADD)

1. Files shall done in DWG/DXF format.

2. Files shall be georeferenced in the State Plane, Texas North Central FIPS 4202 (feet) coordinate system, using a datum of NAD 83 Grid.

3. If a surface adjustment factor is applied to the data, any surface adjustment factors used should be clearly documented on the drawing.

4. If submissions for the Project relate to a plat, the file submitted must match exactly the plat that is submitted for recording.

5. The file shall contain required features for the project type as detailed below:

    a. Pre-Construction/As-Built Plans and/or Record Documents:
        i. Layers from Final Plat Requirements as Applicable to Project Type.
        ii. Water Utility Features.
        iii. Sanitary Sewer Features.
        iv. Storm Sewer Features.

6. Each required feature group should be provided as a separate layer within the file.

7. Layer names should be representative of the information contained in the layer.

8. Line work should be done per accepted industry norms.

Text should not be smaller than 0.08" on a full size sheet, and should be a font such at Simplex, Calibri, or Arial.

EXHIBIT C
CONTRACTOR'S INSURANCE GUIDELINES

I. **GENERAL INSURANCE REQUIREMENTS** –

A. All policies shall name the City of Sherman, its officers, agents, representatives and employees as additional insured as to all applicable coverage with the exception of workers compensation insurance and professional liability insurance.

B. Such policies shall require the provision of written notice to City at least thirty (30) days prior to cancellation, non-renewal or material modification of any policies, evidenced by return receipt or United States Certified Mail.

C. Such policies shall provide for a waiver of subrogation against City for injuries, including death, property damage or any other loss to the extent the same is covered by the proceeds of the insurance.

II. **INSURANCE COMPANY QUALIFICATION** – All insurance companies providing the required insurance shall be authorized to transact business in the State of Texas, and shall have a minimum rating of "A" by A.M. Best's Key Rating Guide, or other equivalent rating service(s).

III. **CERTIFICATE OF INSURANCE** – A Certificate of Insurance and policy endorsement(s) evidencing the required insurance shall be submitted prior to execution of the Agreement. If the Agreement is renewed or extended by City, a Certificate of Insurance and policy endorsement(s) shall also be provided to City prior to the date the Agreement is renewed or extended.

IV. **INSURANCE CHECKLIST** – "X" means that the following coverage(s) is required for this Agreement.

	Coverage Required	Limits
_X_ 1.	Worker's Compensation & Employer's Liability	▪ Statutory Limits of the State of Texas
_X_ 2.	General Liability	▪ Minimum $1,000,000.00 each occurrence; ▪ Minimum $2,000,000.00 in the aggregate
___ 3.	XCU Coverage	▪ Minimum $1,000,000.00 each occurrence; ▪ Minimum $2,000,000.00 in the aggregate

_X_	4.	Professional Liability	▪ Minimum $1,000,000.00 each claim; ▪ Minimum $1,000,000.00 in the aggregate
_X_	5.	Umbrella Coverage of Excess Liability Coverage	▪ An amount of $2,000,000.00 ▪ Minimum $2,000,000.00 in the aggregate

_X_ 6. City and its officers, agents, representatives and employees named as additional insured on General Liability Policy, as provided above. This coverage is primary to all other coverage City may possess.

_X_ 7. General Liability Insurance provides for a Waiver of Subrogation against the City for injuries, including death, property damage, or any other loss to the extent that same is covered by the proceeds of the insurance. All insurance policies that are required to name the City as an additional insured must be endorsed to read as primary and non-contributory coverage regardless of the application of other insurance.

_X_ 8. Thirty (30) days' notice of cancellation, non-renewal, or material change required. The words "endeavor to" and "but failure" (to end of sentence) are to be eliminated from the Notice of Cancellation provision on standard ACORD certificates.

_X_ 9. Insurance company has a minimum rating of "A" by A.M. Best's Key Rating Guide, or other equivalent rating service(s).

_X_ 10. The Certificate of Insurance must state the project title and bid number.

___ 11. Other Insurance Requirements (State Below):

DUNKIN SIMS STOFFELS INC.

LANDSCAPE ARCHITECTS / PLANNERS

August 26, 2022

EXHIBIT 'A'

Ms. Theresa Hutchinson
Parks and Recreation Manager
City of Sherman
1002 N. Music
Sherman, Texas 75090

Dear Ms. Hutchinson:

We appreciate the opportunity to submit this Scope of Services for the Pecan Grove West Athletic Complex in Sherman, Texas. This proposal is being submitted for your review and approval. The scope of services is divided into two Phases: Phase I – Basic Design Services and Construction Documents for Phase I; and Phase II – Additional Services related to the project.

PHASE I – BASIC DESIGN SERVICES & CONSTRUCTION DOCUMENTS FOR PHASE I

Design Development Services

Our understanding is we will provide plans and specifications for field lighting for the baseball / softball field complex (4) fields, and trail lighting. We will also provide plans for shade structures over the playground, bleacher areas and dugouts for the baseball / softball complex.

An opinion of probable cost for construction will be prepared for the program elements identified by the Site Plan. To our understanding, the City has budgeted $1,350,000.00 for the lighting and $270,000.00 for the shade structures.

The services in this phase are divided into three sections: (1) Construction Documents and Specifications; (2) Bidding and Contract Award; and (3) Construction Administration. Each section sets forth the services to be performed.

Construction Documents and Specifications

Construction documents and specifications will be prepared for the park elements outlined in the opinion of probable cost for construction. The consulting team will perform the following tasks in this section of the project:

- Playground Bleacher and Dugout Shade Structure
- Hike and Bike Trail Lighting Design
- Sports Lighting for Four (4) Fields
- Construction Details providing plans, sections, elevations of the individual elements of the plans.

- Prepare proposal forms and appropriate add or deduct alternates.
- Prepare the project manual in conjunction with construction documents.

Bidding and Contract Award

The Consultant will be responsible for the following tasks in this phase:

- Answer questions and interpret drawings during the bidding period.
- Assist the City in assessing bids with the CMR.
- Prepare and distribute any required addendum.
- Attend the bid opening and prepare a bid tabulation sheet for completion at the bid opening.
- Analyze the bids and make a written recommendation to the City for awarding a contract.

Construction Administration

We will perform the following tasks during this phase of the project:

- Consultation and advice to the City.
- Preparation of elementary and supplementary sketches required to resolve field conditions.
- Approval of submittals and shop drawings submitted by contractors for conformance with the design concept.
- The Consulting Team shall make periodic site visits to determine if the project is proceeding in accordance with the contract documents. The Consulting Team shall not be responsible or liable for the Contractor's failure to perform the construction work in accordance with the contract documents.
- Review and approval of all certificates for payment submitted by the Contractor.
- Prepare Change Orders for the City's approval and execution.
- Coordinate final site walk through with the City at the conclusion of the construction and provide a punch list to Contractor to complete the project.

PHASE II - ADDITIONAL SERVICES

The following items set forth below are services provided in addition to the Basic Design Services. Costs for each item listed have been provided as a reimbursable expense.

The following items are budget numbers only. Actual set fees will be determined once the final scope is established.

Plan and Specification Printing

The Consultant will invoice the City at cost for all out-of-house printing of plans, specifications and plotting of AutoCAD files. Requested mounting or laminating of master plans will also be invoiced at the incurred cost.

In-house printing of check prints for use in preparing the construction documents are included in the basic design services.

Postage and delivery expenses will not be invoiced during the Design Phase of the contract. Courier, express mail, or overnight delivery charges, as well as, the cost of mailing sets of contract documents to prospective bidders will be charged to the City. We would recommend the City budget $2,000.00 for this task.

Texas Department of Licensing and Regulation Fees

The City should budget $3,000.00 for plan review and inspection fees for ADA compliance.

SUMMARY OF FEES

Phase I – Basic Design Services & Construction Documents for Phase I (Based on Construction Budget of $1,500,000.00)	$88,500.00
Phase I Total:	**$88,500.00**

Phase II - Additional Services

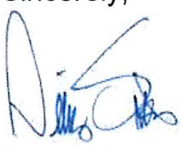
Plan and Specification Printing	$ 2,000.00
TDLR Fees	$ 3,000.00
Phase II - Additional Services Total:	**$ 5,000.00**
TOTAL SERVICES FEES:	**$ 93,500.00**

Preparation of Alternates

The Consultant's fees are based upon the total dollars allocated for construction of the project. The Consultant will prepare an estimate for probable cost of construction. This estimate will be based on the design development phase of the project. Should the City request design alternates be prepared for bidding, the consulting team will invoice the City in addition to the original contract amount, the agreed percentage of construction costs for preparation of plans, construction documents and specifications for the alternates. Any such expenses shall be pre-authorized by the City in advance of work being of work being performed.

We appreciate the opportunity to submit this scope of services and we look forward to working with you and the City of Sherman. If you have any questions, do not hesitate to call me.

Sincerely,



Dennis Sims, RLA
Principal
Dunkin Sims Stoffels, Inc.

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 11/29/22

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER	CONTACT NAME: Alyssa Denton
McLaughlin Insurance Agency 3012 Ridge Road Suite 204 Rockwall, TX 75032	PHONE (A/C, No, Ext): 469-941-4101 FAX (A/C, No): E-MAIL ADDRESS: alyssa@mclaughlin-ins.com

INSURED	INSURER(S) AFFORDING COVERAGE	NAIC #
Dunkin Sims Stoffels, Inc. 622 West State Street Garland, TX 75040	INSURER A: Hanover Insurance Company	22292
	INSURER B: Hartford - Sentinel Insurance Company	11000
	INSURER C: Hartford Accident and Indemnity Company	22357
	INSURER D: Property & Casualty Insurance Company of Hartford	34690
	INSURER E:	
	INSURER F:	

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
B	[X] COMMERCIAL GENERAL LIABILITY [ ] CLAIMS-MADE [X] OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: [ ] POLICY [X] PRO-JECT [ ] LOC [ ] OTHER:	Y	Y	65SBAAB4906	03/06/22	03/06/23	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG	$ 1,000,000 $ 1,000,000 $ 10,000 $ 1,000,000 $ 2,000,000 $ 2,000,000
C	AUTOMOBILE LIABILITY [X] ANY AUTO [ ] OWNED AUTOS ONLY [ ] SCHEDULED AUTOS [ ] HIRED AUTOS ONLY [ ] NON-OWNED AUTOS ONLY	Y	Y	65UECEB9811	03/06/22	03/06/23	COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)	$ 1,000,000 $ $ $
B	[X] UMBRELLA LIAB [X] OCCUR [ ] EXCESS LIAB [ ] CLAIMS-MADE [ ] DED [ ] RETENTION $	Y	Y	65SBAAB4906	03/06/22	03/06/23	EACH OCCURRENCE AGGREGATE	$ 2,000,000 $ 2,000,000
D	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) Y / N [N] If yes, describe under DESCRIPTION OF OPERATIONS below	N / A	Y	65WBCAF5L4B	03/01/22	03/01/23	[X] PER STATUTE [ ] OTH-ER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT	 $ 500,000 $ 500,000 $ 500,000
A	Professional Liability	N	Y	LHDA734662-07	09/12/22	09/12/23	Per Claim Annual Aggregate	$1,000,000 $1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

City of Sherman, its officers, agents, representatives and employees are named as additional insured per the above forms on the General Liability, Business Auto, and Umbrella Policies with Primary and Non-Contributory status per the above General Liability and Business Auto and Waiver of Subrogation per the above forms on the General Liability, Business Auto, Workers Compensation and Umbrella Policies of insured but only to the extent that the limits and forms are required to satisfy the terms of a written contract. Umbrella policy applies excess of General Liability, Auto Liability, and Employers Liability. 30 Day notice is in favor of the certificate holder. 10 day notice of cancellation for non-payment of premium. RE: Pecan Grove Athletic Complex Lighting and Shading.

CERTIFICATE HOLDER

The City of Sherman, Texas
220 W. Mulberry Street
Sherman, Texas 75090

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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EXHIBIT D
CONFLICT OF INTEREST QUESTIONNAIRE, FORM CIQ

CONFLICT OF INTEREST QUESTIONNAIRE — FORM CIQ

For vendor doing business with local governmental entity

This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.

This questionnaire is being filed in accordance with Chapter 176, Local Government Code, by a vendor who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the vendor meets requirements under Section 176.006(a).

By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7th business day after the date the vendor becomes aware of facts that require the statement to be filed. *See* Section 176.006(a-1), Local Government Code.

A vendor commits an offense if the vendor knowingly violates Section 176.006, Local Government Code. An offense under this section is a misdemeanor.

OFFICE USE ONLY
Date Received

1 **Name of vendor who has a business relationship with local governmental entity.**

DUNKIN SMS STAFFELS, INC

2 ☐ **Check this box if you are filing an update to a previously filed questionnaire.** (The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date on which you became aware that the originally filed questionnaire was incomplete or inaccurate.)

3 **Name of local government officer about whom the information is being disclosed.**

_____
Name of Officer

4 **Describe each employment or other business relationship with the local government officer, or a family member of the officer, as described by Section 176.003(a)(2)(A). Also describe any family relationship with the local government officer. Complete subparts A and B for each employment or business relationship described. Attach additional pages to this Form CIQ as necessary.**

A. Is the local government officer or a family member of the officer receiving or likely to receive taxable income, other than investment income, from the vendor?

☐ Yes ☒ No

B. Is the vendor receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer or a family member of the officer AND the taxable income is not received from the local governmental entity?

☐ Yes ☒ No

5 **Describe each employment or business relationship that the vendor named in Section 1 maintains with a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership interest of one percent or more.**

N/A

6 ☐ Check this box if the vendor has given the local government officer or a family member of the officer one or more gifts as described in Section 176.003(a)(2)(B), excluding gifts described in Section 176.003(a-1).

7

Signature of vendor doing business with the governmental entity

11/30/2022
Date

Form provided by Texas Ethics Commission www.ethics.state.tx.us Revised 1/1/2021

SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **F. 4.**

Meeting Date: 12/05/2022
Prepared By: Tom Pruitt, Utility Engineer
Approved By: Robby Hefton, City Manager

Caption:

**** RESOLUTION NO. 6999***

Authorizing Execution of a Professional Services Agreement with Pape-Dawson Engineers, Inc. for Sherman Water Treatment Plant - Concentrate Discharge and Outfall Design Services

Issue:

To consider a contract for professional engineering services with Pape-Dawson Engineers, Inc. for Sherman Water Treatment Plant - Concentrate Discharge and Outfall Design Services

Background:

In the process of removing total dissolved solids (TDS), saltiness from Lake Texoma Water, the Water Treatment Plant creates about 15% of concentrated brine that must be disposed of. The more drinking water made, the more brine is created. Currently, this concentrate is sent to the Wastewater Treatment Plant through the wastewater system. However, the increasing amounts are exceeding the capacity of the collection system and also has a negative impact on the Wastewater Treatment Plant. The City has applied to the TCEQ and received a discharge permit to send this concentrate to a nearby creek.

The scope of work for the design services for the brine discharge outfall at the water treatment plant will include a new pump station, a force main, and the construction of an earthen-lined outfall channel. Work includes easement descriptions and exhibits, electrical design, structural design and geotechnical investigations.

Origination:

Engineering Department

Financial Consideration:

The fee for engineering services will be $890,300.00. The project is funded through the 2023 GTUA Open Market Bonds.

Staff Recommendation:

It is recommended that the contract for professional engineering services with Pape-Dawson Engineers, Inc. for Sherman Water Treatment Plant - Concentrate Discharge and Outfall Design Services be approved.

Alternatives:

As may be directed by the City Council

Attachments

Resolution No. 6999
Signed Agreement
Location Map

RESOLUTION NO. 6999

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH PAPE-DAWSON ENGINEERS, INC. FOR SHERMAN WATER TREATMENT PLANT – CONCENTRATE DISCHARGE AND OUTFALL DESIGN SERVICES; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS:

SECTION 1. That the City Manager be and is hereby authorized and directed, subject to all contract documents being properly completed and approved as to form and content by the City Attorney, to execute a Professional Services Agreement with Pape-Dawson Engineers, Inc. for Sherman Water Treatment Plant – Concentrate Discharge and Outfall Design Services, in accordance with all contract documents attached hereto and made a part hereof for all purposes.

SECTION 2. That it is hereby officially found and determined that the meeting at which this resolution is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS on this the 5th day of December 2022.

CITY OF SHERMAN, TEXAS

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

BY: _____
DAVID PLYLER, MAYOR

APPROVED AS TO
FORM AND CONTENT:
THE LAW FIRM OF ABERNATHY,
ROEDER, BOYD & HULLETT, P.C.

BY: _____
NAME: _____
CITY ATTORNEY

AGREEMENT

BETWEEN

THE CITY OF SHERMAN, TEXAS AND

PAPE-DAWSON ENGINEERS, INC.

FOR

PROFESSIONAL SERVICES

Made as of the ____ day of _____ ,2022:

Between City: **The City of Sherman, Texas**
220 W. Mulberry Street
Sherman, Texas 75090
Telephone: (903) 892-7208

and Consultant: **Pape-Dawson Engineers, Inc.**
5810 Tennyson Parkway, Suite 425
Plano, TX 75024
Telephone: (210) 420-8494

for the following Project: **Sherman Water Treatment Plant – Concentrate Discharge and Outfall Design Services**

THIS AGREEMENT ("Agreement") is made and entered into by and between the City of Sherman, Texas, a home-rule municipality ("City"), and Pape-Dawson Engineers, Inc., a Texas corporation ("Consultant"), to be effective from and after the date as provided above. City and Consultant are at times each referred to herein as a "party" or collectively as the "parties."

WHEREAS, City desires to engage Consultant to provide professional program management services for major infrastructure ("Project"); and

WHEREAS, Consultant desires to render such professional services ("Services") for City on the terms and conditions provided herein.

NOW, THEREFORE, KNOW ALL PERSONS BY THESE PRESENTS:

That for and in consideration of the covenants contained herein, for the mutual benefits to be obtained hereby and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

ARTICLE 1
CONSULTANT'S SERVICES

1.1 **Employment of Consultant** City hereby agrees to retain Consultant to perform the Services in connection with the Project. Consultant agrees to perform the Services in accordance with the terms and conditions of this Agreement. Consultant further agrees that if any key personnel of Consultant who is performing the day-to-day Services under this Agreement for the Project is separated, for anyreason, from employment with Consultant, Consultant shall provide City with written notice thereof at least five (5) business days' prior to said separation unlesscircumstances reasonably warrant a shorter notice period, which shall not exceed two (2) business days following the separation.

1.2 **Scope of Services** - The parties agree that Consultant shall perform the Services as are set forth and described in **Exhibit A,** attached hereto and incorporated herein by reference for all purposes ("Scope of Services"). The parties understand and agree that deviations or modifications to the Scope of Services described in **Exhibit A,** in the form of written amendment to this Agreement, may be authorizedfrom time to time by City ("Amendment(s)").

12.1 **Requirement of Written Amendment** "Extra" work, "claims" invoiced as "extra" work or "claims" which have not been issued as a duly executed, written Amendment by the Sherman Director of Engineering or designee will not be authorized for payment and/or shall not become part of this Agreement. A duly executed, written Amendment requiring additional funding of $50,000 or more of the original contract shall be preceded by the Sherman City Council's authorization for the Sherman City Manager to execute said Amendment.

12.2 **CONSULTANT SHALL NOT PERFORM ANY "EXTRA" WORK AND/OR ADDITIONAL SERVICES WITHOUT A DULY EXECUTED, WRITTEN AMENDMENT ISSUED BY THE CITY.**

1.3 **Schedule of Work** - Consultant agrees to commence work immediately on the execution of this Agreement, and to proceed diligently with said work to completion as described in the Project Budget Summary, attached hereto as **Exhibit B** and incorporated herein by reference for all purposes.

1.4 **Standard of Care** - Consultant shall perform the Services required hereunder in accordance with the prevailing engineering standard of care by exercising the skill and care ordinarily utilized by engineers performing the same or similar services under the same or similar circumstances in the State of Texas.

ARTICLE 2
CITY'S RESPONSIBILITIES

City shall do the following in a timely manner so as not to delay the Services of Consultant:

2.1 **Project Data** - City shall furnish required information that is reasonably requested by Consultant and that City has in its possession at the time of Consultant's request, as expeditiously as necessary for the orderly progress of the Project, andConsultant shall be entitled to rely upon the accuracy and completeness of the information furnished by City under this Article 2.1.

2.2 **City Project Manager** - When necessary in City's sole discretion, City shall designate a representative authorized to act on City's behalf with respect to the Project ("Project Manager"). City, the Project Manager and/or his or her authorized designee shall examine the documents submitted by Consultant and shall render any required decisions pertaining thereto as soon as practicable to avoid unreasonable delay in the progress of Consultant's Services.

ARTICLE 3
CONSULTANT'S COMPENSATION

3.1 **Compensation for Consultant's Services** - As described in "Article 1, Consultant's Services" of this Agreement, compensation for this Project shall be:
(a) for the Services, in an amount not to exceed eight hundred and ninety thousand, three hundred and 00/100 dollars **($890,300.00)** ("Consultant's Fee") on a Time and Material basis as set forth in **Exhibit B;** and
(b) paid in accordance with this Article 3 and the Project Budget Summary as set forth in **Exhibit B.**

3.1.1 **Completion of Program Documents** City and Consultant agree that the completion of Program Documents, including hard copy formatting and electronic formatting, shall be completed, submitted to, and accepted by City prior to payment. Completion of the Program Documents shall be included in the Consultant's Fee and considered to be within the Scope of Services defined under this Agreement." The electronic formatting shall be consistent with the standards established in **Exhibit C,** Guidelines for Computer Aided Design and Drafting ("GADD"), which is attached hereto and incorporated herein by reference for all purposes.

3.1.2 **Disputes between City and Construction Contractor** - If the Project involves Consultant performing Construction Administration Services relating to an agreement between a Construction Contractor ("Contractor") and City, and on receipt of a written request by City, the Design Consultantshall research previous and existing conditions of the Project, and make a determination whether or not to certify that sufficient cause exists for City to declare Contractor in default of the terms and conditions of the Agreement.

Consultant shall submit his findings in writing to City, or submit a written request for a specific extension of time (including the basis for such extension), within fifteen (15) calendar days of receipt of the written request from City. City and Consultant agree that if requested by City in writing, completion of this task shall be included in the Consultant's Fee and considered to be within the Scope of Services as defined under this Agreement.

3.2 **Direct Expenses** - Direct Expenses ("Direct Expenses") are included in Consultant's Fee as described in Article 3.1 of this Agreement and include actual reasonable and necessary expenditures made by Consultant and Consultant's employees and subcontractors in the interest of the Project. All submitted Direct Expenses are to be within the amounts as stated in the Project Engineering Budget Summary set forth in **Exhibit 8,** and consistent with **Exhibit D,** Guidelines for Direct Expenses; General and Administrative Markup; Travel and Subsistence Expenses, which is attached hereto and incorporated herein by reference for all purposes. Consultant shall be solely responsible for the auditing and accuracy of all Direct Expenses, including those of its subcontractors, prior to submitting to City for reimbursement. Any over-payment by City for errors in submittals for reimbursement may be deducted from Consultant's subsequent payment for Services; provided, however, that this shall not be City's sole and exclusive remedy for said over-payment.

3.3 **Additional Services** - Consultant shall provide the Services as described in the Scope of Services set forth in **Exhibit A** of this Agreement. If authorized in writing by City, Consultant shall provide additional services, to be compensated as provided in an Amendment to the Contract on a cost not to exceed sum or hourly basis in accordance with this paragraph ("Additional Services") and a mutually agreed estimate of man-hours and expenses. These services may include, but are not limited to:

3.3.1 Additional meetings, hearings, work-sessions or other similar presentations which are not provided for or contemplated in the Scope of Services described in **Exhibit A.**

3.3.2 Additional drafts and revisions to the Project which are not provided for or contemplated in the Scope of Services as described in **Exhibit A.**

3.3.3 Additional copies of final reports and construction plans which are not provided for or contemplated in the Scope of Services as described in **Exhibit A.**

3.3.4 Photography, professional massing models which are not provided for or contemplated in the Scope of Services as described in **Exhibit A.**

3.3.5 Compensation for Additional Services authorized by City shall be in addition to Consultant's Fee and shall be based on direct billable labor rates and

expenses.

3.3.6 Compensation for Additional Services authorized by City shall be in addition to Consultant's Fee and shall be based on an hourly basis according to the following personnel rates. The rates set forth in this chart are subject to reasonable change provided prior written notice of said change is given to and approved by City.

Hourly Billable Rates by Position

Position	Hourly Rate
Administrative Assistant	$175
Construction Inspector	$196
CADD Technician	$165
Data Analyst	$185
Design Leader	$371
Document Manager	$175
Engineer	$206
Environmental Scientist	$175
Geospatial Staff	$185
GIS Analyst	$216
GIS Manager	$340
GIS Specialist	$149
GIS Web Developer	$216
IT / PMIS Support	$288
Legal Counsel	$438
Partnering Facilitator	$438
Principal In Charge	$386
Program Controls Manager	$371
Program Manager	$386
Project Engineer	$227
Project Manager	$288
Scheduler	$268
Sr. Construction Manager	$386
Sr. Environmental Manager	$371
Sr. Project Engineer	$288
Sr. Project Manager	$371
Sr. Vice President	$397
Technical Manager (QA/QC)	$386
Technical Practice Leader	$386

3.4 **Invoices** - No payment to Consultant shall be made until Consultant tenders an invoice to City. Consultant shall submit monthly invoices for Services rendered, based upon the actual percentage of work complete at the time the invoice is

prepared, or shall submit invoices to City immediately upon completion of each individual task listed in **Exhibit B.** On all submitted invoices for Services rendered, Consultant shall include appropriate background materials to support the submitted direct charges on said invoice. Upon request, additional background material may include, but is not limited to, invoices for work obtained from other parties, and receipts and/or log information relating to Direct Expenses. All invoices shall provide a summary methodology for administrative markup and/or overhead charges.

3.5 **Timing of Payment** - City shall make payment to Consultant via electronic fund transfer for said invoices within thirty (30) days following receipt and acceptance thereof.

3.6 **Disputed Payment Procedures** - In the event of a disputed or contested billing by City, only that portion so contested may be withheld from payment, and the undisputed portion will be paid. City shall notify Consultant of a disputed invoice, or portion of an invoice, in writing by the twenty-first (21^{st}) calendar day after the date City receives the invoice. City shall provide Consultant an opportunity to cure the basis of the dispute. If a dispute is resolved in favor of Consultant, City shall proceed to process said invoice, or the disputed portion of the invoice, within the provisions of Article 3.5 of this Agreement. If a dispute is resolved in favor of City, Consultant shall submit to City a corrected invoice, reflecting any and all payment(s) of the undisputed amounts, documenting the credited amounts, and identifying outstanding amounts on said invoice to aid City in processing payment for the remaining balance. Such revised invoice shall have a new invoice number,clearly referencing the previous submitted invoice. City agrees to exercise reasonableness in contesting any billing or portion thereof that has background materials supporting the submitted charges.

3.7 **Failure to Pay-** Failure of City to pay an invoice, for a reason other than on written notification as stated in the provisions of Article 3.6 of this Agreement, to Consultant within sixty (60) days from the date of the invoice shall grant Consultant the right, in addition to any and all other rights provided, to, upon written notice to City, suspend performance under this Agreement, and such act or acts shall not be deemed a breach of this Agreement. However, Consultant shall not suspend performance under this Agreement prior to the tenth (10^{th}) calendar day after written notice of suspension was provided to City, in accordance with Chapter 2251, Subchapter "D" of the TEX. GOV'T CODE. City shall not be required to pay any invoice submitted by Consultant if Consultant breached any provision(s) herein.

3.8 **Adjusted Compensation** - If the Scope of the Project ("Scope of the Project") or if the Services are materially changed due to no error by Consultant in the performance of Services under this Agreement, the amounts of Consultant's compensation shall be equitably adjusted as approved by City in its sole discretion. Any additional amounts paid to Consultant as a result of any material change to the Scope of the Project shall be authorized by Change Order duly executed by both parties before the Services are performed.

3.9 **Project Suspension** - If the Project is suspended or abandoned in whole or in part

for more than three (3) months, Consultant shall be entitled to compensation for any and all work completed to the satisfaction of City in accordance with the provisions of this Agreement prior to suspension or abandonment. In the event of such suspension or abandonment, Consultant shall deliver to City all finished or unfinished documents, data, studies, drawings, maps, models, reports, photographs and/or any other items prepared by Consultant in connection with this Agreement prior to Consultant receiving final payment. If the Project is resumed after being suspended for more than three (3) months, Consultant's compensation shall be equitably adjusted as approved by City. Any additional amounts paid to Consultant after the Project is resumed shall be agreed upon in writing by both parties before the services are performed.

ARTICLE 4
OWNERSHIP OF DOCUMENTS

4.1 **Documents Property of City-** The Project is the property of City, and Consultant may not use the documents, plans, data, studies, surveys, drawings, maps, models, reports, photographs and/or any materials for any other purpose not relating to the Project without City's prior written consent. City shall be furnished with such reproductions of the Project, plans, data, documents, maps, and any other information as defined in **Exhibit A.** Upon completion of the work, or any earlier termination of this Agreement under Article 3 and/or Article 8 of this Agreement, Consultant will revise plans, data, documents, maps, and any other information as defined in **Exhibit A** to reflect changes while working on the Project through the date of completion of the work, as solely determined by City, or the effective date of any earlier termination of this Agreement under Article 3 and/or Article 8 of this Agreement, and promptly furnish the same to City in an acceptable electronic format. All such reproductions shall be the property of City who may use them without Consultant's permission for any purpose relating to the Project, including, but not limited to, completion of the Project, and/or additions, alterations, modifications, and/or revisions to the Project. Any reuse of the documents not relating to the Project shall be at City's own risk.

4.2 **Documents Subject to Laws Regarding Public Disclosure** - Consultant acknowledges that City is a governmental entity and that all documents, plans, data, studies, surveys, drawings, maps, models, reports, photographs and/or any items prepared or furnished by Consultant (and Consultant's professional associates and/or sub-consultants) under this Agreement are instruments of service in respect of the Project and property of City. Upon completion of the Project, all of the documents, plans, data, studies, surveys, drawings, maps, models, reports, photographs and/or any items prepared or furnished by Consultant (and Consultant's professional associates and/or sub-consultants) shall thereafter be subject to the Texas Public Information Act (Chapter 552, TEX.

GOV'T CODE, as amended) and any other applicable laws requiring public disclosure of the information contained in said documents.

ARTICLE 5
CONSULTANT'S INSURANCE REQUIREMENTS

5.1 **Required General Liability Insurance-** Consistent with the terms and provisions of **Exhibit E,** Contractor Insurance Guidelines, which is attached hereto and incorporated herein by reference for all purposes, Consultant shall procure and maintain throughout the term of this Agreement, at no expense to City, a general liability insurance policy with a company that maintains a minimum rating of "A" by A.M. Best's Key Rating Guide, or other equivalent rating service(s), and is authorized to transact business in the State of Texas, in an amount not less than One Million and 00/100 Dollars ($1,000,000.00) for each occurrence, and Two Million and 00/100 Dollars ($2,000,000.00) in the aggregate. Such policy shall name City, its officers, agents, representatives, and employees as additional insureds as to all applicable coverage. Such policy shall provide for a waiver of subrogation against City for injuries, including death, property damage, or any other loss to the extent that same is covered by the proceeds of the insurance. Such policy shall require the provision of written notice to City at least thirty (30) days prior to cancellation, non-renewal or material modification of any policies, evidenced by return receipt or United States Certified Mail. Consultant shall furnish City with certificates and required endorsement(s) evidencing such coverage prior to commencing work on the Project.

5.2 **Required Professional Liability Insurance** - Consistent with the terms and provisions of **Exhibit E,** Consultant shall procure and maintain throughout the term of this Agreement, at no expense to City, a professional liability (errors and omissions) insurance policy with a company that maintains a minimum rating of "A" by A.M. Best's Key Rating Guide, or other equivalent rating service(s), and is authorized to transact business in the State of Texas, in an amount not less than One Million and 00/100 Dollars ($1,000,000.00) for each claim, and Two Million and 00/100 Dollars ($2,000,000.00) in the aggregate. Such policy shall require the provision of written notice to City at least thirty (30) days prior to cancellation, non-renewal or material modification of any policies, evidenced by return receipt or United States Certified Mail. Consultant shall furnish City with certificates and required endorsement(s) evidencing such coverage prior to commencing work on the Project.

5.3 **Required Workers Compensation Insurance** - Consistent with the terms and provisions of **Exhibit E,** Consultant shall procure and maintain throughout the term of this Agreement, at no expense to City, all Statutory Workers Compensation Insurance as required by the laws of the State of Texas. Such insurance policy shall be with a company that maintains a minimum rating of "A" by A.M. Best's KeyRating Guide, or other equivalent service(s), and is authorized to transact business in the State of Texas. Such policy shall require the provision of written notice to

City at least thirty (30) days prior to cancellation, non-renewal or material modification of any policies, evidenced by return receipt or United States Certified Mail. Consultant shall furnish City with certificates and required endorsement(s) evidencing such coverage prior to commencing work on the Project.

5.4 **Circumstances Requiring Umbrella Coverage or Excess Liability Coverage -** If the Project's size and scope warrant, and if identified on the checklist located in **Exhibit E**, Consultant shall procure and maintain throughout the term of this Agreement, at no expense to City, an umbrella coverage or excess liability coverage insurance policy with a company that maintains a minimum rating of "A" by A.M. Best's Key Rating Guide, or other equivalent rating service(s), and is authorized to transact business in the State of Texas, in an amount of Two Million and 00/100 Dollars ($2,000,000.00). Such policy shall require the provision of written notice to City at least thirty (30) days prior to cancellation, non-renewal, or material modification of any policies, evidenced by return receipt or United States Certified Mail. Consultant shall furnish City with certificates and required endorsement(s) evidencing such coverage prior to commencing work on the Project.

ARTICLE 6
CONSULTANT'S ACCOUNTING RECORDS

Records of Direct Expenses and expenses pertaining to services performed in conjunction with the Project shall be kept on the basis of generally accepted accounting principles. Invoices will be sent to City as indicated in Article 3.4 of this Agreement. Copies of employee time sheets, receipts for direct expense items and other records of Project expenses will be made available if requested.

ARTICLE 7
AUDITS AND RECORDSNENDOR DISCLOSURE

Consultant agrees that at any time during normal business hours and as often as City may deem necessary, Consultant shall make available to representatives of City for examination all of its records with respect to all matters covered by this Agreement, and will permit such representatives of City to audit, examine, copy and make excerpts or transcripts from such records, and to make audits of all contracts, invoices, materials, payrolls, records of personnel, conditions of employment and other data relating to all matters covered by this Agreement, and for a period of four (4) years from the date of final settlement of this Agreement or for such other or longer period, if any, as may be required by applicable statute or other lawful requirement.

Consultant agrees that it is further aware of the vendor disclosure requirements set forth in Chapter 176, TEX. LOC. GOV'T CODE, as amended, and will abide by the same. In thisconnection, a lawful representative of Consultant shall execute and deliver to City the Conflict of Interest Questionnaire, Form CIQ, attached hereto as **Exhibit F** and incorporated herein for all purposes, no later than the Effective Date of this Agreement.

ARTICLE 8
TERMINATION OF AGREEMENT/REMEDIES

City may, upon thirty (30) days written notice to Consultant, terminate this Agreement, for any reason or no reason at all, before the termination date hereof, without prejudice to any other remedy it may have. If City terminates this Agreement due to a default of and/or breach by Consultant and the expense of finishing the Project exceeds remaining Consultant's Fee at the time of termination, Consultant waives its right to any portion of Consultant's Fee as set forth in Article 3 of this Agreement and agrees to pay any costs over and above the fee which City is required to pay in order to finish the Project. On anydefault and/or breach by Consultant, City may elect not to terminate the Agreement, and in such event it may make good the deficiency in which the default consists, and deduct the costs from Consultant's Fee due Consultant as set forth in Article 3 of this Agreement. If City terminates this Agreement and Consultant is not in default of the Agreement, Consultant shall be entitled to compensation for any and all work completed to the satisfaction of City in accordance with the provisions of this Agreement prior to termination.

In the event of any termination, Consultant shall deliver to City all finished and/or unfinished documents, data, studies, surveys, drawings, maps, models, reports, photographs and/or any items prepared by Consultant in connection with this Agreement prior to Consultant receiving final payment.

The rights and remedies provided by this Agreement are cumulative, and the use of any one right or remedy by either party shall not preclude or waive its rights to use any or all other remedies. These rights and remedies are given in addition to any other rights the parties may have by law, statute, ordinance, or otherwise.

ARTICLE 9
DISPUTE RESOLUTION/MEDIATION

In addition to all remedies at law, the parties may agree to attempt to resolve any controversy, claim or dispute arising out of or relating to the interpretation or performance of this Agreement, or breach thereof, by voluntary mediation to be conducted by a mutually acceptable mediator. However, if both parties do not agree to voluntarily mediate any such controversy, claim or dispute, mediation shall not be required.

ARTICLE 10
INDEMNITY

CONSULTANT SHALL RELEASE, DEFEND, INDEMNIFY AND HOLD HARMLESS CITY AND ITS CITY COUNCIL MEMBERS, OFFICERS, AGENTS, REPRESENTATIVES AND EMPLOYEES (COLLECTIVELY REFERRED TO AS "CITY" FOR PURPOSES OF THIS ARTICLE 10) FROM AND AGAINST ALL DAMAGES, INJURIES (WHETHER IN CONTRACT OR IN TORT, INCLUDING PERSONAL INJURY AND DEATH), CLAIMS, PROPERTY

DAMAGES (INCLUDING LOSS OF USE), LOSSES, DEMANDS (REGARDLESS OF WHETHER THE ALLEGATIONS ARE FALSE, FRAUDULENT OR GROUNDLESS), SUITS, ACTIONS, JUDGMENTS, LIENS, COSTS AND EXPENSES, INCLUDING REASONABLE ATTORNEY'S FEES AND EXPENSES (INCLUDING ATTORNEY'S FEES AND EXPENSES INCURRED IN ENFORCING THIS ARTICLE 10), THAT IN WHOLE OR IN PART ARISE OUT OF OR ARE CONNECTED WITH, OR THAT ARE ALLEGED TO HAVE ARISEN OUT OF OR CONNECTED WITH, GOODS AND/OR SERVICES PROVIDED BY CONSULTANT, ITS OFFICERS, AGENTS, REPRESENTATIVES, EMPLOYEES, SUBCONTRACTORS, LICENSEES, INVITEES OR ANY OTHER THIRD PARTIES FOR WHOM CONSULTANT IS LEGALLY RESPONSIBLE (COLLECTIVELY REFERRED TO AS "CONSULTANT" FOR PURPOSES OF THIS ARTICLE 10) PURSUANT TO THIS AGREEMENT AND/OR THE NEGLIGENT, GROSSLY NEGLIGENT AND/OR INTENTIONAL WRONGFUL ACT AND/OR OMISSION OF CONSULTANT IN ITS/THEIR PERFORMANCE OF THIS AGREEMENT, REGARDLESS OF THE JOINT OR CONCURRENT NEGLIGENCE OR STRICT LIABILITY OF THE CITY (COLLECTIVELY, "CLAIMS"). THIS INDEMNIFICATION PROVISION AND THE USE OF THE TERM "CLAIMS" IS ALSO SPECIFICALLY INTENDED TO APPLY TO, BUT IS NOT LIMITED TO, ANY AND ALL CLAIMS, WHETHER CIVIL OR CRIMINAL, BROUGHT AGAINST CITY BY ANY GOVERNMENT AUTHORITY OR AGENCY RELATED TO ANY PERSON PROVIDING SERVICES UNDER THIS AGREEMENT THAT ARE BASED ON ANY FEDERAL IMMIGRATION LAW AND ANY AND ALL CLAIMS, DEMANDS, DAMAGES, ACTIONS AND CAUSES OF ACTION OF EVERY KIND AND NATURE, KNOWN AND UNKNOWN, EXISTING OR CLAIMED TO EXIST, RELATING TO OR ARISING OUT OF ANY EMPLOYMENT RELATIONSHIP BETWEEN CONSULTANT AND ITS EMPLOYEES OR SUBCONTRACTORS AS A RESULT OF THAT SUBCONTRACTOR'S OR EMPLOYEE'S EMPLOYMENT AND/OR SEPARATION FROM EMPLOYMENT WITH THE CONSULTANT, INCLUDING BUT NOT LIMITED TO ANY DISCRIMINATION CLAIM BASED ON SEX, SEXUAL ORIENTATION OR PREFERENCE, RACE, RELIGION, COLOR, NATIONAL ORIGIN, AGE OR DISABILITY UNDER FEDERAL, STATE OR LOCAL LAW, RULE OR REGULATION, AND/OR ANY CLAIM FOR WRONGFUL TERMINATION, BACK PAY, FUTURE WAGE LOSS, OVERTIME PAY, EMPLOYEE BENEFITS, INJURY SUBJECT TO RELIEF UNDER THE WORKERS' COMPENSATION ACT OR WOULD BE SUBJECT TO RELIEF UNDER ANY POLICY FOR WORKERS COMPENSATION INSURANCE, AND ANY OTHER CLAIM, WHETHER IN TORT, CONTRACT OR OTHERWISE. CONSULTANT IS EXPRESSLY REQUIRED TO DEFEND CITY AGAINST ALL SUCH CLAIMS; PROVIDED, HOWEVER, THAT IF A COURT OF COMPETENT JURISDICTION SIGNS A JUDGMENT THAT BECOMES FINAL AND NON-APPEALABLE, DETERMINING THAT THE CITY (WITHOUT WAIVING ANY GOVERNMENTAL IMMUNITY) HAS JOINT, CONCURRENT

OR SOLE NEGLIGENCE FOR THE CLAIMS IN ACCORDANCE WITH THE LAWS OF THE STATE OF TEXAS ("JUDGMENT"), THEN CONSULTANT IS NOT REQUIRED TO INDEMNIFY OR DEFEND CITY TO THE EXTENT OF THE NEGLIGENCE APPORTIONED TO CITY FOR EACH CAUSE(S) OF ACTION IDENTIFIED IN THE JUDGMENT. IN THE EVENT THE JUDGMENT PROVIDES THAT CITY IS JOINTLY, CONCURRENTLY OR SOLELY NEGLIGENT FOR THE CLAIMS REFERRED TO THEREIN, CITY AGREES TO REIMBURSE CONSULTANT FOR ALL REASONABLE AND NECESSARY COSTS INCURRED AND PAID BY CONSULTANT THAT ARE ATTRIBUTABLE TO CITY'S PERCENTAGE OF JOINT, CONCURRENT OR SOLE NEGLIGENCE, AS SET FORTH IN THE JUDGMENT, INCLUDING REASONABLE AND NECESSARY ATTORNEY'S FEES AND EXPENSES, WITHIN SIXTY (60) DAYS OF THE DATE THE JUDGMENT BECOMES FINAL AND NON-APPEALABLE. IF THIS AGREEMENT IS A CONTRACT FOR ENGINEERING OR ARCHITECTURAL SERVICES, THEN CONSULTANT'S INDEMNITY AND DEFENSE OBLIGATIONS UNDER THIS ARTICLE 10 ARE LIMITED BY, AND TO BE READ AS COMPLYING WITH, SECTION 271.904 OF THE TEXAS LOCAL GOVERNMENT CODE.

IN ITS SOLE DISCRETION, CITY SHALL HAVE THE RIGHT TO APPROVE OR SELECT DEFENSE COUNSEL TO BE RETAINED BY CONSULTANT IN FULFILLING ITS OBLIGATION HEREUNDER TO DEFEND AND INDEMNIFY CITY, UNLESS SUCH RIGHT IS EXPRESSLY WAIVED BY CITY IN WRITING. CITY RESERVES THE RIGHT TO PROVIDE A PORTION OR ALL OF ITS OWN DEFENSE; HOWEVER, CITY IS UNDER NO OBLIGATION TO DO SO. ANY SUCH ACTION BY CITY IS NOT TO BE CONSTRUED AS A WAIVER OF CONSULTANT'S OBLIGATION TO DEFEND CITY OR AS A WAIVER OF CONSULTANT'S OBLIGATION TO INDEMNIFY CITY PURSUANT TO THIS AGREEMENT. CONSULTANT SHALL RETAIN CITY-APPROVED DEFENSE COUNSEL WITHIN SEVEN (7) BUSINESS DAYS OF CITY'S WRITTEN NOTICE THAT CITY IS INVOKING ITS RIGHT TO DEFENSE OR INDEMNIFICATION UNDER THIS AGREEMENT. IF CONSULTANT FAILS TO RETAIN COUNSEL WITHIN SUCH TIME PERIOD, CITY SHALL HAVE THE RIGHT TO RETAIN DEFENSE COUNSEL ON ITS OWN BEHALF, AND CONSULTANT SHALL BE LIABLE FOR ALL COSTS INCURRED BY CITY. THE RIGHTS AND OBLIGATIONS CREATED BY THIS ARTICLE SHALL SURVIVE TERMINATION OF THIS AGREEMENT.

ARTICLE 11
NOTICES

Any notice provided or permitted to be given under this Agreement must be in writing and may be served by depositing the same in the United States Mail, addressed to the party to be notified, postage pre-paid and registered or certified with return receipt requested; by facsimile; by electronic mail, with documentation evidencing the addressee's receipt thereof; or by delivering the same in person to such party a via hand-delivery service, or any courier service that provides a return receipt showing the date of actual delivery of same to the addressee thereof. Notice given in accordance herewith shall be effective upon receipt at the address of the addressee. For purposes of notification, the addresses of the parties shall be as follows:

If to City, addressed to:

Wayne E. Lee, P.E., CFM
Director of Engineering
City of Sherman
220 W Mulberry St.
Sherman, TX 75091
Telephone: (903) 892-7327
Email: waynel@cityofsherman.com

With a copy to:

Abernathy, Roeder, Boyd & Hullett, P.C.
Attention: Ryan D. Pittman
1700 Redbud Blvd., Suite 300
McKinney, Texas 75069
Telephone: (214) 544-4000
Facsimile: (214) 544-4054
Email: rpittman@abernathy-law.com

If to Consultant, addressed to:

Cara Tackett, P.E,
Managing Principal, Water Resources
Pape-Dawson Engineers, Inc
5810 Tennyson Parkway, Suite 425
Plano, TX 75024
Telephone: (210) 420-8494
Email: ctackett@pape-dawson.com

ARTICLE 12
MISCELLANEOUS

12.1 **Complete Agreement-** This Agreement, including the exhibits hereto labeled "A" through "F," all of which are incorporated herein for all purposes, constitute the entire Agreement by and between the parties regarding the subject matter hereof

and supersedes all prior and/or contemporaneous written and/or oral understandings. This Agreement may not be amended, supplemented, and/or modified except by written agreement duly executed by both parties. The following exhibits are attached below and made a part of this Agreement:

12.1.1 **Exhibit A.** Scope of Services.

12.1.2 **Exhibit B,** Project Budget Summary.

12.1.3 **Exhibit C,** Guidelines for Computer Aided Design and Drafting (GADD).

12.1.4 **Exhibit D,** Guidelines for Direct Expenses; General and Administrative Markup; Travel and Subsistence Expenses.

12.1.5 **Exhibit E,** Contractor Insurance Guidelines.

12.1.6 **Exhibit F,** Conflict of Interest Questionnaire, Form CIQ.

To the extent that **Exhibit A, Exhibit B, Exhibit C, Exhibit D, Exhibit E,** or **Exhibit F** are in conflict with provisions of this Agreement or each other, the provisions of this Agreement, then the provisions of **Exhibit B, Exhibit C, Exhibit D, Exhibit E, Exhibit F** or **Exhibit A** shall prevail in that order.

12.2 **Assignment and Subletting** - Consultant agrees that neither this Agreement nor the work to be performed hereunder will be assigned or sublet without the prior written consent of City. Consultant further agrees that the assignment or subletting of any portion or feature of the work or materials required in the performance of this Agreement shall not relieve Consultant of its full obligations to City as provided by this Agreement. All such approved work performed by assignment or subletting shall be billed through Consultant, and there shall be no third party billing.

12.3 **Attorney's Fees** - If either party files any action or brings any proceeding against the other arising from this Agreement, then as between City and Consultant, the prevailing party shall be entitled to recover as an element of its costs of suit, and not as damages, reasonable and necessary attorneys' fees and litigation expenses both at trial and on appeal, subject to the limitations set forth in TEX. Loe. Gov'T CODE§ 271.153, as it exists or may be amended, if applicable.

12.4 **Successors and Assigns** - City and Consultant, and their respective partners, assigns, successors, subcontractors, executors, officers, agents, employees, representatives and administrators are hereby bound to the terms and conditions of this Agreement.

12.5 **Savings/Severability** - In the event of a term, condition, or provision of this Agreement is determined to be invalid, illegal, void, unenforceable, or unlawful by a court of competent jurisdiction, then that term, condition, or provision, shall be

deleted and the remainder of the Agreement shall remain in full force and effect as if such invalid, illegal, void, unenforceable or unlawful provision had never been contained in this Agreement.

12.6 **Governing Law/Venue** -This Agreement shall be governed by and construed in accordance with the laws of the State of Texas, without regard to conflict of law principles. The exclusive venue for any action arising out of this Agreement shall be a court of appropriate jurisdiction in Grayson County, Texas.

12.7 **Execution/Consideration** - This Agreement is executed by the parties hereto without coercion or duress for any substantial consideration, the sufficiency of which is forever confessed.

12.8 **Authority** - The individuals executing this Agreement on behalf of the respective parties below represent to each other that all appropriate and necessary action has been taken to authorize the individual who is executing this Agreement to do so for and on behalf of the party for which his or her signature appears, that thereare no other parties or entities required to execute this Agreement in order for thesame to be an authorized and binding agreement on the other party for whom theindividual is signing this Agreement and that each individual affixing his or her signature hereto is authorized to do so, and such authorization is valid and effective on the date hereof.

12.9 **Waiver** - Waiver by either party of any breach of this Agreement, or the failure of either party to enforce any of the provisions of this Agreement, at any lime, shall not in any way affect, limit, or waive such party's right thereafter to enforce and compel strict compliance.

12.10 **Headings** - The headings of the various sections of this Agreement are included solely for convenience of reference and are not to be full or accurate descriptions of the content thereof.

12.11 **Multiple Counterparts** - This Agreement may be executed in a number of identical counterparts, each of which shall be deemed an original for all purposes. An electronic mail and/or facsimile signature will also be deemed to constitute an original if properly executed and delivered to the other party.

12.12 **Immunity** - It is expressly understood and agreed that, in the execution and performance of this Agreement, City has not waived, nor shall be deemed to have waived, any immunity, governmental, sovereign and/or official, or defense that is available to it against claims arising in the exercise of governmental powers and functions. By entering into this Agreement, the parties do not create any obligations, express or implied, other than those set forth in this Agreement.

12.13 **Incorporation of Recitals** - The representations, covenants and recitations set

forth in the foregoing recitals of this Agreement are true and correct and are incorporated into the body of this Agreement and adopted as findings of City and the authorized representative of Consultant.

12.14 **Additional Representations** - Each signatory represents this Agreement has been read by the party for which this Agreement is executed and that such party has had the opportunity to confer with its counsel.

12.15 **Miscellaneous Drafting Provisions** - This Agreement shall be deemed drafted equally by all parties hereto. The language of all parts of this Agreement shall be construed as a whole according to its fair meaning, and any presumption or principle that the language herein is to be construed against any party shall not apply.

12.16 **No Third Party Beneficiaries** Nothing in this Agreement shall be construed to create any right in any third party not a signatory to this Agreement, and the parties do not intend to create any third party beneficiaries by entering into this Agreement.

12.17 **Indemnity** - The parties agree that the Indemnity provision set forth in Article 10 of this Agreement is conspicuous and the parties have read and understood the same.

12.18 **Representations** - All representations and covenants made by one party to the other in this Agreement or in any certificate or other instrument delivered by one party to the other under this Agreement shall be considered to have been relied upon by the other party and will survive the satisfaction of any fees under this Agreement, regardless of any investigation made by either party.

12.19 **Key Personnel** - The following Consultant staff are identified as key personnel: Program Manager, Technical Manager (QA/QC), Program Controls/Scheduler, Water Treatment Plant (WTP) Expert, Reverse Osmosis (RO) Expert, and Alternative Delivery & Construction Liaison.

12.20 **Independent Contractor** - In performing this Agreement, Consultant shall act as an independent contractor with respect to City. In no event shall this Agreement be construed as establishing a partnership, joint venture or similar relationship between the parties and nothing herein shall authorize either party to act as agent for the other. Consultant shall be liable for its own debts, obligations, acts and omissions, including the payment of all required withholding, social security and other taxes and benefits with respect to all of Consultant's officers, directors, partners, employees and representatives, who shall not be considered City employees and shall not be eligible for any employee benefit plan offered by City.

12.21 **Debarment/Suspension** - City is prohibited from making any award or permitting any award at any tier to any party which is debarred or suspended or otherwise excluded from or ineligible for participation in federal assistance programs under

Executive Order 12549, Debarment and Suspension. City, Consultant and Consultant's subcontractors shall comply with federal and state regulations regarding debarment and suspension. Consultant shall include a statement of compliance with federal and state debarment and suspension regulations in all third-party agreements for work on the Project.

12.22 **Restrictions on Lobbying** City and Consultant are prohibited from using funds awarded under the Agreement for lobbying purposes. Consultant shall include a statement of compliance with this provision in applicable procurement solicitations and third-Party agreements for work on the Project.

12.23 **Appropriation of Funds** - Funds are not presently budgeted for City's performance under this Agreement beyond the end of City's 2021-2022 fiscal year. City will give Consultant sixty (60) days' notice if funds for City's performance are not budgeted to continue beyond that time. City shall have no liability for paymentof any money for services performed after the end of City's 2021-2022 fiscal year unless and until such funds are budgeted.

12.24 **Reference to Consultant-** When referring to "Consultant," this Agreement shall refer to and be binding upon Consultant, and its officers, directors, partners, employees, representatives, contractors, subcontractors, licensees, invitees, agents, successors, assignees (as authorized herein), vendors, grantees, trustees, legal representatives and/or any other third parties for whom Consultant is legally responsible.

12.25 **Reference to City** When referring to "City," this Agreement shall refer to and be binding upon City, its Council members, officers, agents, representatives, employees and/or any other authorized third parties for whom City is legally responsible.

12.26 **Duty to Facilitate Compliance with Public Information Act-**

(a) The obligations in this provision apply if this Agreement (1) has a stated expenditure of at least $1 million in public funds for the purchase of goods or services by City; or (2) results in the expenditure of at least $1 million in public funds for the purchase of goods or services by City in a fiscal year of the Sherman City Council.

(b) If this Agreement is described in subsection (a) above, Consultant shall comply with the following obligations, which are set forth in Subchapter J, Chapter 552, Texas Government Code:

(1) preserve all contracting information related to this Agreement as provided by the records retention requirements applicable to Sherman for the duration of this Agreement;

(2) promptly provide to Sherman any contracting information related to this Agreement that is in the custody or possession of Consultant on request of Sherman; and

(3) on completion of this Agreement, either: (1) provide at no cost to City all contracting information related to the contract that is in the custody or possession of Consultant; or (2) preserve the contracting information related to this Agreement as provided by the records retention requirements applicable to City.

(c) As used in this provision, the term "contracting information" shall have the same meaning as that term is defined in Section 552.003, Texas Government Code.

(d) The requirements of Subchapter J, Chapter 552, Texas Government Code, may apply to this Agreement and the Consultant agrees that this Agreement can be terminated if the Consultant knowingly or intentionally fails to comply with a requirement of that subchapter.

[Signature page follows.]

IN WITNESS WHEREOF, the parties have executed this Agreement and caused this Agreement to be effective on the date set forth in the introductory clause of this Agreement.

CITY:
City of Sherman, Texas,
a Texas home-rule municipality

By: _____
Robby Hefton, City Manager

CONSULTANT:
Pape-Dawson Engineers, Inc.
a Texas corporation

By: _____
Cara C. Tackett, P.E,
Managing Principal, Water Resources

APPROVED AS TO FORM:

_____
Abenathy, Roeder, Boyd & Hullett, P.C.
Ryan D. Pittman, City Attorneys

STATE OF TEXAS §
§
COUNTY OF GRAYSON §

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED **ROBBY HEFTON,** KNOWN TO ME TO BE ONE OF THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT; HE ACKNOWLEDGED TO ME THAT HE IS THE CITY MANAGER AND DULY AUTHORIZED REPRESENTATIVE FOR THE **CITY OF SHERMAN, TEXAS,** A TEXAS HOME-RULE MUNICIPALITY, AND THAT HE EXECUTED SAID INSTRUMENT FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED.

GIVEN,UNDER MY HAND AND SEAL OF OFFICE THIS _____ DAY OF _____2022.

_____
NOTARY PUBLIC IN AND FO THE STATE OF TEXAS
My commission expires: _____

STATE OF TEXAS §
§
COUNTY OF Bexar §

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED **Cara Tackett,** KNOWN TO ME TO BE ONE OF THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT; HE ACKNOWLEDGED TO ME THAT HE IS THE PRESIDENT AND DULY AUTHORIZED REPRESENTATIVE FOR **Pape-Dawson Engineers, Inc,** AND THAT HE EXECUTED SAID INSTRUMENT FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 29th DAY OF November 2022.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS
My commission expires: January 29, 2024

ROSIE PEREZ
My Notary ID # 130517485
Expires January 29, 2024

Rosie Perez

EXHIBIT A

November 3, 2022

Mr. Tom Pruitt, P.E.
Utility Engineer
City of Sherman
220 W Mulberry Street
Sherman, Texas 75091

Re: Sherman Water Treatment Plant – Concentrate Discharge and Outfall Design Services

Dear Mr. Pruitt:

We are pleased to present this proposal for providing design services in connection with the above referenced project. The scope of work for the design services for the brine discharge outfall at the Water Treatment Plant (WTP) is to install a pump station to convey the effluent from the final settling ponds to the Texas Commission on Environmental Quality (TCEQ) permitted outfall. The WTP is located west of LaCima Road and south of Grayson Drive in the City of Sherman. The proposed pump station would be located at the southern end of the WTP site, at the southeast corner of the existing final settling ponds. The project includes the following design and construction activities:

- Approximately 2,500-feet of force main. The City requires the design to size the force main to service current and future flows. The proposed alignment of the force main is to install the pipe from the pump station, go past the existing final settling ponds, through a private property, go across N. Heritage Parkway (FM 1417), and discharge into the proposed outfall infrastructure and a discharge channel. The discharge channel shall be earthen-lined and erosion protected. Necessary survey, easement acquisitions, and geotechnical studies required for the force main and its discharge channel are included in this scope. It is assumed that a bore will be required to install the force main under FM 1417.
- The design and construction of a proposed, pump station to be located just east of the final settling ponds. The pump station and force main system design includes the capability to convey a future flow of approximately 7.0 million gallons per day (MGD, ultimate) to the discharge outfall infrastructure. The proposed pump station will consist of outfall structures at the final settling ponds, piping to convey the flows to the pump station, a cast-in-place wet well with anti-vortex baffle walls, pumps, an electrical building to house the electrical equipment, a backup generator, a SCADA system, associated grading and drainage improvements, an all-weather access drive, yard lighting poles, and security fencing. The pump station and force main design will be based on the TCEQ Lift Station Design and Construction Guidelines.

Our proposed scope of services and associated fees are as follows:

1.0 PROJECT MANAGEMENT (TASK 501)

This task includes overall management of the project's design and construction, coordination of subconsultants, the City of Sherman (the City) and public agencies and property owners. Project Management services will be provided over an 18-month period to include design, bidding and construction administration.

1.1 PROJECT OVERSIGHT

1. Coordinate regular meetings and project participants as appropriate.
2. Maintain communications with the City throughout the process.

1.2 PROJECT COORDINATION WITH SUBCONSULTANTS

Coordinate subconsultant services in support of the project:

1. Topographic Survey
2. Subsurface Utility Engineering (SUE)
3. Geotechnical Investigation and Reports
4. Pump Station Electrical and Instrumentation Design Consultant
5. Pump Station Structural Design Consultant

2.0 OFF-SITE FORCEMAIN EASEMENT ACQUISITIONS

This task includes overall management of project's easement acquisitions for the off-site force main alignment from the pump station to convey the brine effluent to the discharge infrastructure. The current alignment includes four (4) properties. The task is broken down as follows:

2.1. FIELD SURVEY DEVELOPMENT (TASK 190)

1. Obtain right of entry survey permission from landowners for tracts and support survey in required documentation.
2. Prepare preliminary and final field survey for each property parcel, including field note descriptions, survey exhibits, and aerial photo exhibits for use by the City in easement acquisition and securing rights-of-access.

2.2 EASEMENT DOCUMENTS (TAXABLE)(TASK 109)

This item represents allowance for preparation of field notes, exhibits, and related documents and includes the following:

1. Provide support services to aid in securing four (4) sets of appropriate permanent and temporary construction easements for the off-site water force main and its discharge infrastructure.
2. Included is all appropriate documentation, agent logs and records of communication, and fully executed easement documents.
3. With regards to the crossing at N. Heritage Parkway (FM 1417), provide support and/or engage with Texas Department of Transportation (TxDOT) in obtaining any permit(s) and/or agreements as applicable under the Texas Administrative Code, Title 43, Rule §21.36, "Rights of Utilities".

2.3. RIGHT-OF-WAY (ROW) ACQUISITION SUPPORT (TAXABLE)(TASK 108)

1. Provide support services for ROW acquisition, title research, and certificates for the four (4) tracts for off-site water force main and its discharge infrastructure.
2. Review project scope and prepare Initial Offer Letters (IOL).
3. Research ownership for the subject tracts and prepare run-sheets and Limited Certificate of Title (LCT).
4. ROW acquisition and negotiations process following the Eminent Domain laws in Texas.
5. Complete ROW documentation, agent logs, notes, and fully executed easement documents.

2.4. APPRAISAL SERVICES (TASK 390)

1. Provide opinion of market value for the four (4) tracts for the off-site water force main.

2.5 EASEMENT ACQUISITION LEGAL SUPPORT (TASK 391)

1. Provide negotiation support services.
2. All acquisition support services will adhere to the Uniform Relocation Assistance and Real Property Acquisition Policies Act (the Uniform Act) and the Code of Federal Regulations (CFR) Section 49, Part 24. Each property owner will be provided the Landowners Bill of Rights as prescribed by the Texas Legislature in Texas Government Code Section 402.031 and Chapter 21 of the Texas Property Code.
3. Drafting original documents.

3.0 30% DESIGN PHASE

3.1 30% DESIGN SERVICES (TASK 202)

This task includes evaluation of pump station site location and finalize the off-site force main alignment and its discharge infrastructure. The analysis includes the evaluation of the influent infrastructure, pipes and pump station sizing necessary to convey the estimated flows through the proposed system. The design will be based on ultimate flows to be treated at the WTP.

General Design:

1. Conduct up to two (2) site visits as required to become familiar with the project and surrounding area.
2. Prepare meeting documents and conduct a kick-off meeting with City staff on design of the different components required for this project.
3. Conduct regular meetings City staff. Prepare meeting agenda and summarize action items and pending decisions resulting from the meeting. This scope assumes a total of four (4) virtual meetings.
4. Gather information (e.g. as-built documents, block maps, engineering reports, etc.) for the project. Coordinate with City and other utility providers as needed.

5. Develop schematic layouts and drawings in sufficient detail to finalize the on and off-site force main alignment, the influent and discharge infrastructures, and the pump station site plan.
6. Coordinate with SUE and utility agencies to identify potential conflicts with existing underground utilities.
7. Determine if any existing utility conflicts occur along the proposed force main alignment (both on and off site) and propose alternatives required to avoid these conflicts.
8. Identify permitting agencies and key stakeholders (e.g. City of Sherman, Collin County, TCEQ, TxDOT, and others as appropriate), develop a plan for coordination activities with various stakeholders during the design. This scope assumes one (1) meeting with each of the permitting agencies.
9. Identify permitting requirements and prepare a permit log including all permits required for the project.
10. Coordinate the design with federal, state, and local agencies to abide by all of the latest applicable rules, regulations, ordinances, and codes for development of the design plans and supporting documents.
11. Recommend additional required field investigation to include geotechnical investigation, environmental, archaeological, topographic survey, subsurface utility (SUE), and any other field investigation as needed.
12. Conduct preliminary evaluation of construction methods (open cut, boring, trenchless, etc.) for the force main.
13. Prepare 30% construction plans based on the design tasks above.
14. Prepare 30% Opinion of Probable Construction Costs (OPCC), AACE Level 4.
15. Perform internal quality management prior to submitting the plans to City for review.
16. Update the project schedule.

Pump Station Design:

1. Prepare schematic pump station plans and force main alignment, listing anticipated details, and listing of anticipated specification section headings.
2. Provide draft Electrical, Instrumentation, and SCADA sections of the Engineering Report.
3. Provide electric one line diagram, P&ID, and preliminary site plan.
4. Prepare a preliminary site plan to include grading and drainage design, analysis of TCEQ storm water quality treatment requirements, analysis of how the site will be accessed, utility service connections and routing, and permitting implications. This includes coordination of geotechnical boring locations.
5. Prepare 30% preliminary documents.
6. Prepare 30% OPCC, AACE Level 4 for the pump station infrastructure.

Subconsultants:

1. Provide necessary field survey services and site reconnaissance to develop schematic layouts and drawings in sufficient detail to finalize the on and off-site

force main alignment, the influent and discharge infrastructures, and the pump station site plans.

2. Coordinate with the utility agencies as needed, conduct utility investigation, and locate all the existing underground utilities within the project scope as identified and required to install the pump station and its appurtenances.
3. Coordinate with the geotechnical, structural, electrical, and instrumentation subconsultants to establish the 30% design requirements.

3.2 JURISDICTIONAL WATERS DELINEATION (TASK 233)

This task includes a Section 404 (Clean Water Act) preliminary jurisdictional determination for the proposed project area to confirm the presence or absence of wetlands and/or other "waters of the US" and applicable permitting requirements as related to Section 404 of the Clean Water Act. This determination will be conducted according to the methodology prescribed by the 1987 US Army Corps of Engineer (USACE) Wetland Delineation Manual and applicable Regional Supplement and will include a literature review, as well as a detailed field reconnaissance to gather necessary information for future delineation efforts. A report is to be prepared with a map of areas that would potentially be under the jurisdiction of the USACE according to the most recent guidance, data forms, soils, vegetation, and hydrology analysis. A summary of impacts, if known, to jurisdictional waters as defined in the Federal Wetland Regulations 33 Code of Federal Regulations (CFR) Part 328 and the Clean Water Act as was done prior to the 2015 rule, including the Supreme Court decision in Rapanos v. United States, 547 U.S. 715 (EPA & USACE 2008), which requires application of the "significant nexus" standard by the USACE and Environmental Protection Agency joint guidance on jurisdictional determinations is also to be provided.

3.3 ENDANGERED SPECIES ASSESSMENTS (TASK 322)

An endangered species habitat assessment for compliance with the Endangered Species Act will be conducted on the site and reviewed by a USFWS-permitted biologist. Pape-Dawson will also coordinate with the Texas Parks and Wildlife Department to determine if there are any previously recorded federally listed or rare species on the site. A delineation of any habitat for any of the species listed by the US Fish and Wildlife Service as having the potential to occur in the project site county will be included in a summary memo.

**Site Visit is to be conducted at the same time as the WOUS Delineation; if not additional fees could accrue.*

3.4 ARCHAEOLOGICAL PERMIT ACQUISITION (TASK 239)

For projects located on land owned by a public entity or otherwise granted to a political subdivision of the state, compliance with the Antiquities Code of Texas as implemented by the Texas Historical Commission (THC) is required. As the proposed project area is to be granted to City of Sherman and potentially anticipates federal

permitting through the USACE, the following scope of work is intended to provide compliance with the ACT, and Section 106 of the NHPA.

Prior to project construction and initiating fieldwork, Pape-Dawson archaeologists to obtain an Antiquities Permit from the Texas Historical Commission (THC) in compliance with the Antiquities Code of Texas. This permit to include a research design detailing the project approach and proposed archaeological methods. Data gathered from the cultural resources background study to be included in the research design accompanying the permit application. Background study to include a literature and records review to determine if the proposed project area was previously investigated for cultural resources and to identify any cultural resources recorded within a review area not to exceed a 1-kilometer (0.6-mile) radius from the proposed project area. The background study to include data from the Texas Historical Commission (THC) online Historic and Archaeological Sites Atlas to identify previously recorded archaeological sites, National Register of Historic Places-listed properties and districts, State Antiquities Landmarks, Official Texas Historical Markers, Recorded Texas Historic Landmarks, National Park Service Historic Trails, and cemeteries within the review area. In addition, Pape-Dawson cultural resources staff to examine soil, geological, and environmental data, as well as recent and historic-age maps and aerial photographs available online (as applicable).

3.5 CULTURAL/ARCHEOLOGICAL RESOURCES SURVEY (TASK 240)

Should the THC require that Pape-Dawson archaeologists conduct an intensive archaeological survey of the approximately 2,500 linear feet of project area, the results of a cursory review for scoping purposes only suggests that archaeological deposits, if present, would be located near the surface or shallowly buried at depths reachable by shovel test excavations.

A. Survey – Shovel Testing (up to 1 day)

Pape-Dawson archaeologists to perform a pedestrian survey of the project area supplemented by systematic shovel testing. Archaeologists to observe the ground surface along evenly spaced transects and erosional exposures along drainage features for cultural materials, archaeological features, and historic structures. Archaeologists to excavate a maximum of 17 shovel tests. Shovel tests to be approximately 30 centimeters in diameter, and to be excavated to sterile substrate, bedrock, water table, compaction, or to a maximum of 80 centimeters below the ground surface. Excavated shovel tests to follow the Council of Texas Archeologists' 2020 (CTA) survey standards and guidelines; however, shovel testing may be precluded by soil conditions, natural features, or disturbances. Soils to be screened through 1/4" hardware mesh unless otherwise dominated by clay. Clay soils to be finely divided and hand sorted. Shovel tests to be described, mapped using a submeter accurate GPS, and backfilled upon completion with excavated spoil and compacted by hand; no additional compaction or fill to be necessary.

If archaeological sites are found on the property, site boundaries are to be defined to the extent possible within the project area according to appropriate delineation techniques. Surficial and shallowly buried sites require a minimum of nine shovel tests, unless precluded by project limits or extent of landforms per CTA standards. Newly identified and/or revisited sites to be recorded on TexSite forms and filed with the Texas Archeological Research Laboratory (TARL) in accordance with CTA guidelines.

Diagnostic artifacts (for example projectile points or glass bottles) to be collected. A representative sample of non-diagnostic artifacts (for example lithic debitage or window glass shards) observed during the survey to be photographed and documented in the field but are not intended to be collected. At the discretion of the Principal Investigator, non-diagnostic artifacts may be collected during the survey.

Notes:

i. *If additional compliance not outlined above arises subsequent to this proposal, additional services may be necessary.*
ii. *Project area not to exceed approximately 2,500 linear feet in length and a 50-foot wide corridor (2.92 acres total).*
iii. *If proposed project limits change after the initiation of the investigation, additional services may be required.*
iv. *Right-of-entry to be obtained prior to field investigation.*
v. *Assumes one continuous field mobilization with unfettered project area access. If more than one field mobilization is required due to denial of right-of-entry, additional services may be required.*
vi. *Field costs are based on estimated maximum total of one (1) business day of survey for a crew of two; if additional investigation is required, additional services may be necessary.*
vii. *Assumes a 10-hour day for field investigations.*
viii. *Archival research may be necessary if historic archaeological sites and/or historic-age resources are located within the project area. Archival research to be negotiated under a separate scope and fee.*
ix. *Assumes one (1) archaeological site to be recorded or revisited that does not exceed 0.75 acre in size. If more than one (1) site or a site greater than 0.75 acre in area is encountered, additional services may be necessary.*
x. *Assumes that none of the project area has been previously inventoried in compliance with current CTA standards.*
xi. *A maximum of two (2) archaeological features to be observed and documented in the field. If more than two (2) archaeological features are encountered, additional services may be necessary.*
xii. *Feature documentation to consist of standard excavation and documentation techniques (GPS mapping, photography, measurements, and description). If features are determined to be potentially significant, additional*

documentation (TDS, LiDAR, and/or 3D modeling) may be required and additional services may be necessary.

xiii. *If a potentially significant archaeological site is located during survey that cannot be preserved and buffered, any required archaeological testing and/or data recovery (hand-excavated units and/or column samples) would be covered under an additional services request.*

xiv. *Human burials or other physical manifestations of graves are NOT likely to be encountered during the field work. If found, additional regulatory requirements and fees may apply if the area cannot be avoided and buffered.*

xv. *No special analyses (e.g. flotation, macrobotanical analysis, and radiocarbon dating) to be conducted as part of this work. If artifacts encountered that require special analyses, additional services may be necessary.*

B. Report

Following the completion of fieldwork and analysis, Pape-Dawson to produce a report per the CTA guidelines. This field data, along with soils and geology for the project area, and background literature review to be included in the report. The report to also detail the methods and results of the field efforts and include maps showing the location of recorded archaeological site and/or historic-age structure(s). In addition, the report to include eligibility assessments of significance if archaeological sites are present within the project area. Pape-Dawson to produce the required number of reports and distribute them to the appropriate regulatory agency(s) for review and approval. One round of agency comments to be addressed, if necessary.

C. Artifact Analysis and Curation

Collected artifacts to be washed in water and air-dried on drying racks or dry-brushed prior to analysis. Archaeologists to review and categorize the artifacts according to class and material type and include results in the report. Analysis costs are estimates only; actual costs vary according to the number of artifacts recovered and the amount of paperwork generated. Select collected materials and field-generated paperwork to be prepared in accordance with THC requirements for State Held-in-Trust collections and submitted to the Center for Archeological Research at the University of Texas at San Antonio upon acceptance of the final report pursuant to requirements in the permit.

Notes:

i. *A maximum of 10 artifacts to be collected for laboratory analysis. If more than 10 artifacts are collected, additional services may be necessary.*

ii. *A maximum of 30 artifacts to be observed and documented in the field without collection. If more than 30 artifacts are encountered, additional services may be necessary.*

3.6 DIRECT EXPENSES (REIMBURASABLES) (TASK 503)

Reimbursable expenses include GPS unit, digital camera, field vehicle, materials/reproduction, and TARL site form fee(s).

3.7 PUMP STATION AND FORCE MAIN DESIGN REPORT (TASK 901)

1. A pump station and force main design report to be prepared in general conformance with TCEQ Chapter 290 pump station design guidelines.
2. Prepare and provide preliminary calculations for pump station and force main sizing including pump requirements, design head, sizing, flow determination, force main velocities, surge pressures, storage requirements buoyancy calculations, detention and cycle times, flush times, pump station and force main alignment maps, pump cut sheets, and system vs. pump curves.
3. Prepare and provide preliminary design documents and necessary calculations for sizing the influent infrastructure at the final settling ponds to convey flows to the pump station.
4. Prepare and provide preliminary design documents and necessary calculations for sizing the outfall infrastructure at the force main discharge location.
5. Incorporate City comments from 30% design review.

3.8 PERMITTING (TASK 390)

1. Prepare and submit Collin County Right-of-Way permit for the crossing.
2. Prepare engineering report for submittal with construction drawings for review and approval.
3. Provide regular communications and teleconference as appropriate during permitting process.

3.9 SUPPLEMENTAL SERVICES

Pre-Construction Notice (Task 290)

Pape-Dawson proposes to prepare a Pre-construction Notice Application submittal package, if needed, in accordance with the USACE Ft. Worth District permits released March 19, 2017 and all necessary supporting material as per “Part IV: Attachments” of the referenced forms. This scope of work assumes impacts will be under 0.5 acres, under 300 linear feet of stream, and no mitigation required.

Note: If impacts are over 0.5 acres, over 300 linear feet, or if mitigation is required, additional coordination with the USACE and additional services will *be required along with mitigation fees.*

4.0 CONSTRUCTION DOCUMENTS DESIGN PHASE

4.1 90% DESIGN SERVICES

This task will not begin until the City has accepted the proposed 30% construction plans developed in Task 3.

General Design:

1. Develop final 90% construction drawings for the proposed Brine discharge infrastructure per City requirements including:
   a) General Notes, quantities, existing and proposed easements, project control map, contractor access and staging plan, abandonment plan (if any), Plan and profile drawings, boring plans and details, preliminary tree permit and tree protection, standard details, and any project specific details.
2. Prepare 90% OPCC for the project.

Pump Station and Force Main Design:

1. Prepare 90% construction plans including includes coversheet, general notes, overall alignment, influent infrastructure, pump station site, paving, dimensional control, utility, grading and drainage plans, force main plans and profiles, discharge outfall structure, and construction details. Specifications include coversheet, index, and specifications.
2. Prepare 90% OPCC.
3. Provide the mechanical, electrical, instrumentation, and SCADA sections of the Engineering Report.
4. Prepare documents for City and TCEQ submittals.

Subconsultants:

1. Coordinate with the surveyors, SUE, and geotech subs for any additional information required during this design phase. Coordinate 90% design input from the structural, electrical, and instrumentation subconsultants.

4.2 100% DESIGN SERVICES (TASK 202)

This task assumes that the influent structure, pump station, force main and the outfall structure will be constructed under one construction contract. This task will commence after receiving the City's and TCEQ's comments from the submitted 90% construction documents. This task includes services to address one round of comments received from TCEQ and the City from the 90% submittal.

1. Develop final 100% construction drawings for the proposed Brine discharge infrastructure per City requirements.
2. Incorporate the 90% design review comments by the City and TCEQ, if any.
3. Coordinate 100% design input from geotech, structural, electrical, and instrumentation subconsultants.
4. Prepare final 100% OPCC for the project.

4.3 BIDDING AND AWARD PHASE SERVICES (TASK 401)

This task anticipates a public bidding process for one (1) construction package procured through the City.

1. Bidding Services

a) Prepare bid documents for advertisement and bidding by City.
b) Coordinate with City on advertisement of project.

c) Attend and participate in pre-bid conference with City.
d) Prepare addenda, bid clarification responses as appropriate for distribution to bidders. Prepare revisions to plans, details, and/or specifications as appropriate.
e) Attend bid opening.

2. Award Services

a) Prepare an evaluation of bid proposals and develop recommendations for award, as appropriate.

5.0 CONSTRUCTION PHASE SERVICES (TASK 301)

This task anticipates a single, construction contract for the project. It is anticipated that construction will require approximately 12 months.

5.1 Pre-Construction Coordination

a) Coordinate Pre-Construction Conference for construction project. Provide written summaries and directives as appropriate.
b) Coordinate with the contractor for a one-time placement of a maximum of ten (10) project control points providing horizontal and vertical control for development of cut sheets and construction staking by the contractor to be used for the construction of the proposed force main.
c) Provide contractors with a project control and information drawing with project coordinates, control points and benchmark elevations, in hard copy and electronic (AutoCAD) formats.

5.2 Construction Observation Services

General Civil:

a) Make twelve (12) site visits during the construction period to review progress and construction procedures. Prepare and distribute a construction observation report for the site visits.
b) Review contractor submittals; provide comments and/or acknowledgements as appropriate.
c) Review contractor's shop drawings, requests for information, change order requests, and construction staking information and calculations.
d) Attend bi-weekly meetings for the project with contractors, and City representatives. Prepare written summaries of meetings and distribute to attendees.
e) Review contractors' applications for payment with accompanying data and updated schedule adjustments, and recommend amounts for payment, and amounts of retainage. Forward updated construction schedules and payment applications to City for processing and payment.
f) Attend substantial completion walkthrough and prepare punchlist for contractor.

Subconsultants:

a) Make six (6) visits during the construction period to site to review progress and construction procedures. Prepare and distribute a construction observation report for the site visits.
b) Review contractor submittals; provide comments and/or acknowledgements as appropriate.
c) Review contractor's shop drawings, requests for information, change order requests, and requests for information and calculations.
d) Attend substantial completion walkthrough and prepare punchlist for contractor.
e) Provide 1 day of on-site commissioning support during startup and testing. Provide guidance as needed. Programming to be done by City. Adjustment /installation of equipment, testing and start-up services to be provided by Contractor.

5.3 Record Drawing Services

a) Review interim and final record drawing information prepared by Contractor. Provide comments to Contractor as appropriate for correction and resubmittal. This is limited to one (1) round of review and comments for final record drawings.
b) Prepare record drawings in City-approved format of completed improvements, based on information provided by Contractor, and submit to City in Mylar and AutoCAD electronic format.

SUBCONSULTANTS

A. Electrical Subconsultant *(Scope by Gupta Associates Inc.; attached*)
B. Structural Subconsultant *(Scope by JQ Infrastructure; attached)*
C. Geotechnical Subconsultant *(Scope by D&S Engineering; attached)*
D. Subsurface Utility Consultant *(Scope by The Rios Group; attached)*
E. Surveying Subconsultant *(Scope by Bowman; attached)*

THIS PROPOSAL ASSUMES AND/OR EXCLUDES THE FOLLOWING:

- *Agency review fees, impact fees, and platting fees are not included herein.*
- *Construction staking is not included herein, unless otherwise stated. A fee for said services may be provided, if requested, once the entire construction staking scope is known.*
- *Additional services required by the City which may arise, and are not outlined above, to be compensated for on an hourly basis or negotiated to a lump sum fee.*
- *Changes made to the force main alignment after design has begun will constitute a change of scope and additional fees will be required.*

We appreciate the opportunity to work with you on this project.

Sincerely,
Pape-Dawson Engineers, Inc.

CITY OF SHERMAN

Matt Garcia
Vice-President

Signature: _____
Name: _____
Title: _____
Date: _____

Cara C. Tackett, P.E.
Managing Principal, Water Resources

W:\projects\703\68\01\Contracts\Brine Discharge Design\Revised Nov 14\Exhibit A - Sherman concentrate discharge and outfall design services - Scope of Workrev111422.docx

EXHIBIT B

PAPE-DAWSON ENGINEERS

Project Name: Concentrate Discharge and Outfall Design Services

Date of Estimate: 10/21/2022

Date (revised): 11/11/2022

Estimator's Initials: SSG/KSK

		Design Fees	Construction Services
Task 1.0	Project Management	$ 44,000.00	
Task 2.0	Off-Site Force main Easement Acquisitions	$ 68,000.00	
Task 3.0	30% Design Phase	$ 165,000.00	
Task 4.0	Construction Documents Design Phase	$ 175,000.00	
Task 5.0	Construction Phase		$ 175,000.00
	Subtotal- Pape-Dawson Engineers	***$ 452,000.00***	***$ 175,000.00***
Sub-Consultants			
	Survey (Bowman)	$ 11,600.00	
	Electrical and I&C (Gupta & Associates, Inc)	$ 90,800.00	$ 32,500.00
	Geotechnical (D&S Engineering Labs)	$ 8,000.00	
	Structural (JQ Infrastructure)	$ 80,600.00	$ 21,100.00
	SUE (The Rios Group)	$ 18,700.00	
	Subtotal- Subconsultants	***$ 209,700.00***	***$ 53,600.00***
	Estimated Project Fees =	**$ 661,700.00**	**$ 228,600.00**
Total Estimated Design + Construction Services Fees =		**$ 890,300.00**	

EXHIBIT F

CONFLICT OF INTEREST QUESTIONNAIRE

FORM CIQ

For vendor doing business with local governmental entity

This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.

This questionnaire is being filed in accordance with Chapter 176, Local Government Code, by a vendor who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the vendor meets requirements under Section 176.006(a).

By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7th business day after the date the vendor becomes aware of facts that require the statement to be filed. *See* Section 176.006(a-1), Local Government Code.

A vendor commits an offense if the vendor knowingly violates Section 176.006, Local Government Code. An offense under this section is a misdemeanor.

OFFICE USE ONLY

Date Received

1 **Name of vendor who has a business relationship with local governmental entity.**

2 ☐ **Check this box if you are filing an update to a previously filed questionnaire.** (The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date on which you became aware that the originally filed questionnaire was incomplete or inaccurate.)

3 **Name of local government officer about whom the information is being disclosed.**

N/A

Name of Officer

4 **Describe each employment or other business relationship with the local government officer, or a family member of the officer, as described by Section 176.003(a)(2)(A). Also describe any family relationship with the local government officer. Complete subparts A and B for each employment or business relationship described. Attach additional pages to this Form CIQ as necessary.**

A. Is the local government officer or a family member of the officer receiving or likely to receive taxable income, other than investment income, from the vendor?

☐ Yes ☐ No

B. Is the vendor receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer or a family member of the officer AND the taxable income is not received from the local governmental entity?

☐ Yes ☐ No

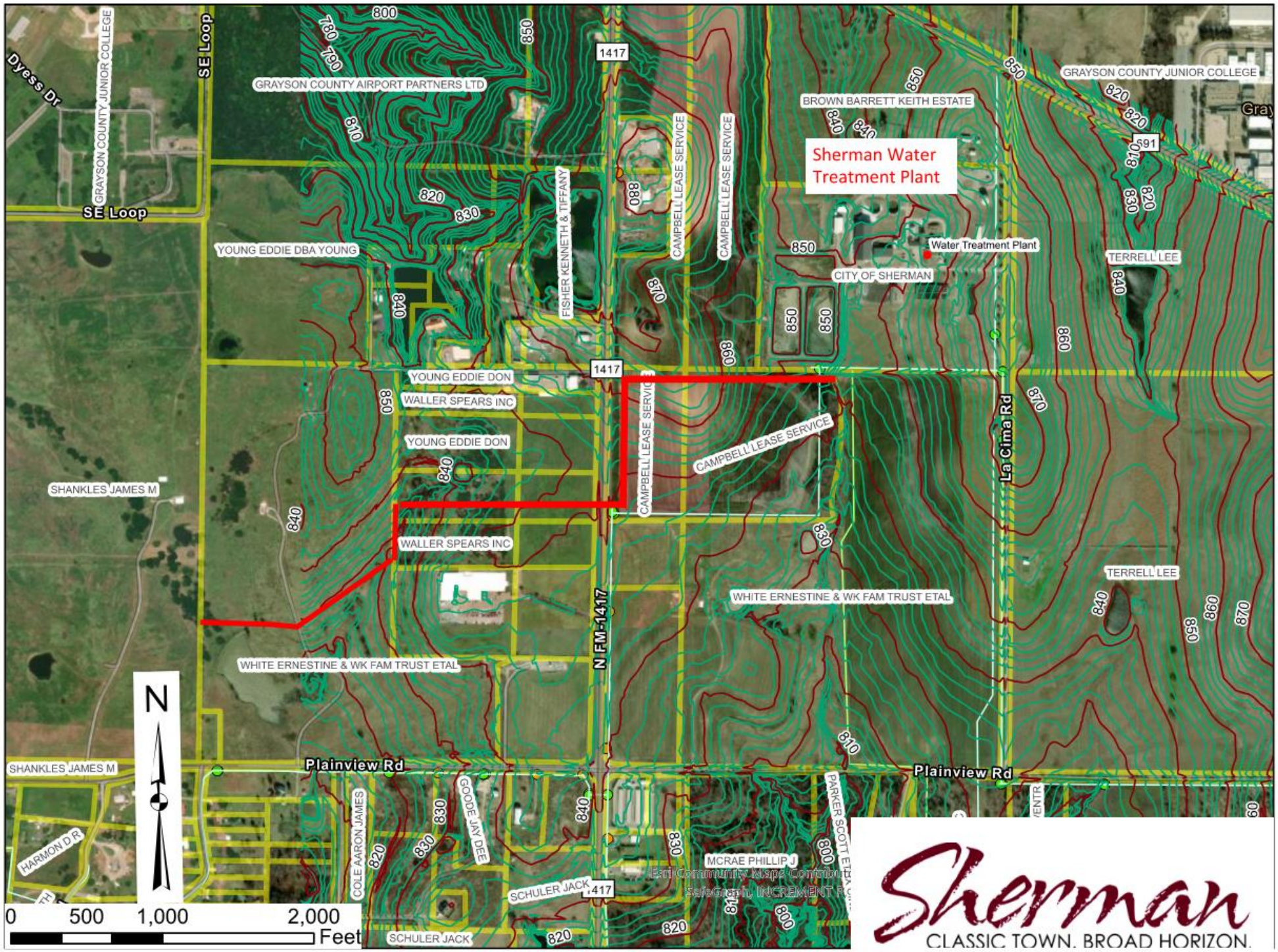
5 **Describe each employment or business relationship that the vendor named in Section 1 maintains with a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership interest of one percent or more.**

6 ☐ Check this box if the vendor has given the local government officer or a family member of the officer one or more gifts as described in Section 176.003(a)(2)(B), excluding gifts described in Section 176.003(a-1).

7 Signature of vendor doing business with the governmental entity

11/03/2022

Date


Sherman Water Treatment Plant
Water Treatment Plant
CITY OF SHERMAN
GRAYSON COUNTY AIRPORT PARTNERS LTD
BROWN BARRETT KEITH ESTATE
GRAYSON COUNTY JUNIOR COLLEGE
YOUNG EDDIE DBA YOUNG
YOUNG EDDIE DON
WALLER SPEARS INC
CAMPBELL LEASE SERVICE
FISHER KENNETH & TIFFANY
TERRELL LEE
SHANKLES JAMES M
WHITE ERNESTINE & WK FAM TRUST ETAL
MCRAE PHILLIP J
SCHULER JACK
COLE AARON JAMES
GOODE JAY DEE
PARKER SCOTT ETAL
HARMON D R
Dyess Dr
SE Loop
N FM-1417
La Cima Rd
Plainview Rd
1417
N
0 500 1,000 2,000 Feet
Sherman
CLASSIC TOWN. BROAD HORIZON.

SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **F. 5.**

Meeting Date: 12/05/2022

Prepared By: Kevin Winkler, Public Works Manager

Approved By: Robby Hefton, City Manager

Caption:

**** RESOLUTION NO. 7000***

Authorizing the Purchase of Two New 2023 ACX64 with New Way 31yd Sidewinder Automated Side Loader Trucks from Chastang Enterprise for the Solid Waste Department through the Texas Local Government Purchasing Cooperative (BuyBoard).

Issue:

To consider approval of a resolution to puchase two new 2023 Autocar Sidewinder Automated Side Loaders from the BuyBoard for use within the Solid Waste Department.

Background:

The requested purchase is a new purchase to be used in the daily operations of the Solid Waste Department.

The Texas Local Government Purchasing Cooperative was created to increase the purchasing power of government entities and to simplify their purchasing by using a customized electronic purchasing system called the BuyBoard.

Origination:

Department of Public Works

Financial Consideration:

The two new 2023 Autocar Sidewinder ASL's will be purchased from Chastang Enterprises for $785,049.00 through the BuyBoard. Funding for this purchase was appropriated in the fiscal year 2022-2023 Solid Waste Department Budget.

Staff Recommendation:

It is recommended that staff be authorized to purchase the two new Autocar Sidewinder ASL's through the BuyBoard.

Alternatives:

As may be recommended by the City Council

Attachments

Resolution No. 7000
Chastang Enterprise Quote
BuyBoard Agreement
Image

RESOLUTION NO. 7000

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE PURCHASE OF TWO NEW 2023 ACX64 WITH NEW WAY 31YD SIDEWINDER AUTOMATED SIDE LOADER TRUCKS FROM CHASTANG ENTERPRISES FOR THE SOLID WASTE DEPARTMENT THROUGH THE TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD); FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS:

SECTION 1. That the City Manager be and is hereby authorized and directed to purchase from Chastang Enterprises through BuyBoard two new 2023 Autocar ACX64 with New Way 31yd Sidewinder Automated Side Loader Trucks at a total price of Seven Hundred Eighty Five Thousand and Forty Nine Dollars ($785,049.00). Any agreements related to the purchase must be approved by the City Attorney. Funds for this purchase are being committed out of the City of Sherman's fiscal year 2022-2023 budget.

SECTION 2. That it is hereby officially found and determined that the meeting at which this resolution is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS on this the 5th day of December 2022.

CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:
THE LAW FIRM OF ABERNATHY, ROEDER, BOYD & HULLETT, P.C.

BY: _____
RYAN D. PITTMAN, CITY ATTORNEY

Send out latest trim updates

Chastang

AUTOCAR

Chastang Enterprises, Inc.
6200 N. Loop East
Houston, TX 77026
713.678.5000

TEXAS LOCAL GOVERNMENT PUCHASING COOPERATIVE

CUSTOMER:	City of Sherman	QUOTE DATE:	10/1/2022
CONTACT	Jimmy Mrozinksi	QUOTED BY:	Carl Norberg
PHONE:	903-892-7288	PHONE:	713-678-5060 512-557-7453
EMAIL:	jimmy@cityofsherman.com	EMAIL:	cnorberg@chastangford.com

ITEM DESCRIPTION:	2023 Autocar ACX64 with New Way 31Yd Sidewinder Automated Side Loader

CHASSIS EQUIPMENT

STANDARD EQUIPMENT
Single LH Drive Cab
Tilt/Telescop Steering Column
Allison 3000 Series 5-Speed
Cummins L9 350HP Diesel Engine

STANDARD EQUIPMENT
Air Conditioning
Technical Training Manuals
Autocar 24/7 Tech Support
RP 170 Connectors

OPTIONAL EQUIPMENT
Dual Drive Cab-LH/RH Sit
Allison 4500 Series 6 Speed Transmission
Cummins X12 350HP Diesel Engine
46,000 Rear Suspension
Vocational Frame Prep/Double Frame
Hendrickson 20K Front Axle
Four Wheel Lock
Chassis Engineering Layout
Front Engine PTO Prep
46,000 Rear Suspension
Severe Duty Main Frame
Heated, Remote Mirrors
Oil Pan Guard
Central Air Drain Manifold
Aux. Load Cushions
Turbo Heat Shield
Engine Block Heater

OPTIONAL EQUIPMENT	
Auto Neutral Trans and Vocation Programming	
Autocar Advanced Diagnostic Display	
Allison Transmission Retarder	
Dual Fire Extinguishers	
LH Vertical Exhuast	
16" Two Stage Air Cleaner	
16.5x7 Front Brakes	
16.5x8.62 Rear Brakes	
Overhang over 56"	
46,000 Rear Axle	
Refuse Suspension Prep	
Air Ride Driver's Seat	
Heated Fuel/Water Seperator	
11R22.5 Rear Tires	
5 Year Cummins Aftertreatment Warranty	
5 Year Transmission Warranty	
5 Year Cummins Engine Warranty	
CHASSIS TOTAL	212612

BODY EQUIPMENT

BODY VENDOR:	Texas Pack & Load	PROPOSAL NO.		ITEM NO.		ITEM PRICE:	179712
BODY MFG:	New Way	MODEL:	Sidewinder	TYPE:	ASL	CAPACITY:	31 Yard

OPTIONAL EQUIPMENT	COST

OPTIONAL EQUIPMENT	COST
BODY OPTIONS	0
BODY TOTAL	179712

Submit Approved Quote to BuyBoard:
Fax: 800-211-5454 Email: info@buyboard.com

ESTIMATED DELIVERY	Late 2023 (4th quarter)

UNIT PRICE	392324
QUANTITY	2
CONTRACT FEE (per PO)	400
TOTAL PURCHASE	785049

-13,814.00 each

-28K

Budgeted ~~757K~~ 757,020.00

RECEIVED JUL 15 2002

YOUR COPY

INTERLOCAL PARTICIPATION AGREEMENT

RECEIVED JUL 15 '02

for the
Texas Local Government Purchasing Cooperative

This Interlocal Participation Agreement ("Agreement") is made and entered into by and between the Texas Local Government Purchasing Cooperative ("Cooperative"), an administrative agency of cooperating local governments, acting on its own behalf and the behalf of all participating local governments, and the undersigned local government of the State of Texas ("Cooperative Member"). The purpose of this Agreement is to facilitate compliance with state bidding requirements, to identify qualified vendors of commodities, goods and services, to relieve the burdens of the governmental purchasing function, and to realize the various potential economies, including administrative cost savings, for Cooperative Members.

WITNESSETH:

WHEREAS, the Cooperative Members are authorized by Chapter 791, et seq., The Interlocal Cooperation Act of the Government Code ("the Act"), to agree with other local governments to form purchasing cooperatives; and

WHEREAS, the Cooperative is an administrative agency of local governments cooperating in the discharge of their governmental functions; and

WHEREAS, the Cooperative Member does hereby adopt the Organizational Interlocal Agreement, together with such amendments as may be made in the future, reflecting the evolving mission of the Cooperative and further agrees to become an additional party to that certain Organizational Interlocal Agreement promulgated on the 26th day of January, 1998.

NOW, THEREFORE, BE IT RESOLVED that the undersigned Cooperative Member in consideration of the agreement of the Cooperative and the Cooperative Members to provide services as detailed herein does agree to the following terms, conditions, and general provisions.

In return for the payment of the contributions and subject to all terms of this Agreement, the parties agree as follows:

TERMS AND CONDITIONS

1. **Adopt Organizational Interlocal Cooperation Agreement.** The Cooperative Member by the adoption and execution of this Agreement hereby adopts and approves the Organizational Interlocal Agreement dated January 26, 1998, together with such amendments as may be made in the future and further agrees to become a Cooperative Member.
2. **Term.** The initial term of this Agreement shall commence at 12:01 a.m. on the date executed and signed and shall automatically renew for successive one-year terms unless sooner terminated in accordance with the provisions of this Agreement. The terms, conditions, and general provisions set forth below shall apply to the initial term and all renewals.
3. **Termination.**
    a. By the Cooperative Member. This Agreement may be terminated by the Cooperative Member at any time by thirty (30) days prior written notice to the Cooperative; provided all charges owed to the Cooperative and any vendor have been fully paid.
    b. By the Cooperative. The Cooperative may terminate this Agreement by:
        1. Giving ten (10) days notice by certified mail to the Cooperative Member if the Cooperative Member fails or refuses to make the payments or contributions as herein provided; or
        2. Giving thirty (30) days notice by certified mail to the Cooperative Member.

c. Termination Procedure. If the Cooperative Member terminates its participation during the term of this Agreement or breaches this Agreement, or if the Cooperative terminates participation of the Cooperative Member under any provision of this Article, the Cooperative Member shall bear the full financial responsibility for any purchases occurring after the termination date, and for any unpaid charges accrued during its term of membership in the Cooperative. The Cooperative may seek the whole amount due, if any, from the terminated Cooperative Member. The Cooperative Member will not be entitled to a refund of membership dues paid.

4. **Payments.**
   a. The Cooperative Member agrees to pay membership fees based on a plan developed by the Cooperative. Membership fees are payable by Cooperative Member upon receipt of an invoice from the Cooperative, Cooperative Contractor or vendor. A late charge amounting to the maximum interest allowed by law, but not less than the rate of interest under Section 2251.021, et seq., Texas Government Code, shall begin to accrue daily on the 31st day following the due date and continue to accrue until the contribution and late charges are paid in full. The Cooperative reserves the right to collect all funds that are due to the Cooperative in the event of termination by Cooperative Member or breach of this Agreement by Cooperative Member.
   b. The Cooperative Member will make timely payments to the vendor for the goods, materials and services received in accordance with the terms and conditions of the Invitation to Bid and related procurement documents. Payment for goods, materials and services and inspections and acceptance of goods, materials and services ordered by the procuring party shall be the exclusive obligation of the procuring Cooperative Member.
5. **Cooperative Reporting.** The Cooperative will provide periodic activity reports to the Cooperative Member. These reports may be modified from time to time as deemed appropriate by the Cooperative.
6. **Administration.** Cooperative Member will use the BuyBoard purchasing application in accordance with instruction from the Cooperative; discontinue use upon termination of participation; maintain confidentiality and prevent unauthorized use; maintain equipment, software and testing to operate the system at its own expense; report all purchase orders generated to Cooperative or its designee in accordance with instructions of the Cooperative; and make a final accounting to Cooperative upon termination of membership.
7. **Amendments.** The Board may amend this agreement, provided that notice is sent to each participant at least 60 days prior to the effective date of any change described in such amendment which, in the opinion of the Board, will have a material effect on the Cooperative Members participation in the Cooperative.

GENERAL PROVISIONS

1. **Authorization to Participate.** Each Cooperative Member represents and warrants that its governing body has duly authorized its participation in the Cooperative.
2. **Bylaws.** The Cooperative Member agrees to abide by the Bylaws of the Cooperative, as they may be amended, and any and all reasonable policies and procedures established by the Cooperative.
3. **Compensation.** The parties agree that the payments under this Agreement and all related exhibits and documents are amounts that fairly compensate the Cooperative for the services or functions performed under the Agreement, and that the portion of gross sales paid by participating vendors enables the Cooperative to pay the necessary licensing fees, marketing costs, and related expenses required to operate a statewide system of electronic commerce for the local governments of Texas.
4. **Cooperation and Access.** The Cooperative Member agrees that it will cooperate in compliance with any reasonable requests for information and/or records made by the Cooperative. The Cooperative reserves the right to audit the relevant records of any Cooperative Member. Any breach of this Article shall be considered material and shall make the Agreement subject to termination on ten (10) days written notice to the Cooperative Member.

5. **Coordinator.** The Cooperative Member agrees to appoint a program coordinator who shall have express authority to represent and bind the Cooperative Member, and the Cooperative will not be required to contact any other individual regarding program matters. Any notice to or any agreements with the coordinator shall be binding upon the Cooperative Member. The Cooperative Member reserves the right to change the coordinator as needed by giving written notice to the Cooperative. Such notice is not effective until actually received by the Cooperative.
6. **Current Revenue.** The Cooperative Member hereby warrants that all payments, contributions, fees, and disbursements required of it hereunder shall be made from current revenues budgeted and available to the Cooperative Member.
7. **Defense and Prosecution of Claims.** The Cooperative Member authorizes the Cooperative to regulate the commencement, defense, intervention, or participation in a judicial, administrative, or other governmental proceeding or in an arbitration, mediation, or any other form of alternative dispute resolution, or other appearances of the Cooperative and/or any past or current Cooperative Member in any litigation, claim or dispute, and to engage counsel and appropriate experts, in the Cooperative's sole discretion, with respect to such litigation, claim or disputes. The Cooperative Member does hereby agree that any suit brought against the Cooperative or a Cooperative Member may be defended in the name of the Cooperative or the Member by the counsel selected by the Cooperative, in its sole discretion, or its designee, on behalf of and at the expense of the Cooperative as necessary for the prosecution or defense of any litigation. Full cooperation by the Cooperative Member shall be extended to supply any information needed or helpful in such prosecution or defense. Subject to specific revocation, the Cooperative Member hereby designates the Cooperative to act as a class representative on its behalf in matters arising out of this Agreement.
8. **Governance.** The Board of Trustees (Board) will govern the Cooperative in accordance with the Bylaws. Travis County, Texas will be the location for filing any dispute, claim or lawsuit.
9. **Limitations of Liability.** COOPERATIVE, ITS ENDORSERS (TEXAS ASSOCIATION OF SCHOOL BOARDS, TEXAS ASSOCIATION OF COUNTIES, AND TEXAS MUNICIPAL LEAGUE) AND SERVICING CONTRACTOR (TEXAS ASSOCIATION OF SCHOOL BOARDS) DO NOT WARRANT THAT THE OPERATION OR USE OF COOPERATIVE SERVICES WILL BE UNINTERRUPTED OR ERROR FREE. COOPERATIVE, ITS ENDORSERS AND SERVICING CONTRACTORS, HEREBY DISCLAIM ANY AND ALL WARRANTIES, EXPRESS OR IMPLIED, IN REGARD TO ANY INFORMATION, PRODUCT OR SERVICE FURNISHED UNDER THIS AGREEMENT, INCLUDING WITHOUT LIMITATION, ANY AND ALL IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE. THE PARTIES AGREE THAT IN REGARD TO ANY AND ALL CAUSES OF ACTION ARISING OUT OF OR RELATING TO THIS AGREEMENT, NEITHER PARTY SHALL BE LIABLE TO THE OTHER UNDER ANY CIRCUMSTANCES FOR SPECIAL, INCIDENTAL, CONSEQUENTIAL, OR EXEMPLARY DAMAGES, EVEN IF IT HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES.
10. **Merger.** This Interlocal Participation Agreement, Terms and Conditions, and General Provisions, together with the Bylaws, Organizational Interlocal Agreement, and Exhibits, represents the complete understanding of the Cooperative, and Cooperative Member electing to participate in the Cooperative.
11. **Notice.** Any written notice to the Cooperative shall be made by first class mail, postage prepaid, and delivered to the Associate Executive Director Financial Planning, Texas Association of School Boards, Inc., P.O. Box 400, Austin, Texas 78767-0400.
12. **Venue.** This Agreement shall be governed by and construed in accordance with the laws of the State of Texas, and venue shall lie in Travis County, Texas.
13. **Warranty.** By the execution and delivery of this Agreement, the undersigned individuals warrant that they have been duly authorized by all requisite administrative action required to enter into and perform the terms of this Agreement.

IN WITNESS WHEREOF, the parties, acting through their duly authorized representatives, sign this Agreement as of the date indicated.

TO BE COMPLETED BY THE COOPERATIVE:
TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE, as acting on behalf of all other Cooperative Members

By: _____ Date: 7-15-02
Gerald Brashears, Cooperative Administrator

TO BE COMPLETED BY COOPERATIVE MEMBER:

CITY OF SHERMAN, TEXAS

By: _____ Date: 5/28/2002
L. SCOTT WALL, CITY MANAGER

Coordinator for the Cooperative Member is:

Name:	MARYANN WINKLER
Address:	405 N. RUSK STREET
	SHERMAN, TEXAS 75090
Phone:	(903) 892-7285
Fax:	(903) 891-0255
Email:	PURCH@TEXOMA.NET

SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **F. 6.**

Meeting Date: 12/05/2022

Prepared By: Billy Hartsfield, Acting Fire Chief

Approved By: Robby Hefton, City Manager

Caption:

**** RESOLUTION NO. 7001***

Authorizing the Purchase of a 2023 Frazer Type I 14' Module Ambulance for the Sherman Fire Department from Knapp Chevrolet and Frazer, Ltd. through the Houston-Galveston Area Council of Governments (H-GAC)

Issue:

To consider the purchase of a 2023 Frazer Type I 14' Module Ambulance for the Sherman Fire Department

Background:

The purchase of a 2023 Frazer Type I 14' Module Ambulance will replace City vehicle 126, a 2015 Dodge Ram 4500 ambulance with 100,000 miles.

Purchasing through the H-GAC conforms to the requirements of Texas statutes that are applicable to competitive bids and competitive proposals.

Origination:

Acting Fire Chief Billy Hartsfield

Financial Consideration:

A quote was received from Frazer LTD for the purchase of a new ambulance from Knapp Chevrolet and Frazer, Ltd. through the H-GAC in the amount of $328,318.00. This quote includes the H-GAC cooperative fee of $1,000.00. Funds for the purchase and fee were appropriated in the fiscal year 2022-2023 budget.

Staff Recommendation:

The staff recommends authorization of the purchase.

Alternatives:

As directed by the City Council

Attachments

Resolution No. 7001
Ambulance Quote
H-GAC Interlocal Agreement

RESOLUTION NO. 7001

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE PURCHASE OF A 2023 FRAZER TYPE I 14' MODULE AMBULANCE FOR THE SHERMAN FIRE DEPARTMENT FROM KNAPP CHEVROLET AND FRAZER, LTD. THROUGH THE HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS (H-GAC); FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS:

SECTION 1. That the City Manager be and is hereby authorized and directed to purchase from Knapp Chevrolet and Frazer, Ltd., through the Houston-Galveston Area Council of Governments (H-GAC), a 2023 Frazer Type I 14' Module Ambulance for the Sherman Fire Department at a total price of Two Hundred Eighty-Six Thousand Six Hundred Dollars and No Cents ($328.318.00), in accordance with the provisions of the H-GAC proposal and terms and conditions of the Interlocal Participation Agreement, both attached hereto and made a part hereof for all purposes. Any agreements related to the purchase must be approved by the City Attorney. Funds for this purchase are being committed out of the City of Sherman's fiscal year 2022-2023 budget.

SECTION 2. That it is hereby officially found and determined that the meeting at which this resolution is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS on this the 5th day of December 2022.

CITY OF SHERMAN, TEXAS

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

BY: _____
DAVID PLYLER, MAYOR

APPROVED AS TO FORM AND CONTENT:
THE LAW FIRM OF ABERNATHY, ROEDER, BOYD & HULLETT, P.C.

BY: _____
RYAN D. PITTMAN, CITY ATTORNEY

Customer Quote

11/7/2022 10:04:40 AM

Estimate No:	Q2927-0001
Quote Date:	10/28/2022
Expiration Date:	11/30/2022
Salesperson:	HB
Payment Terms:	Net 30

Invoice To: 10227

Dillon Stewart
Sherman Fire Department
City of Sherman
P.O. Box 1106
Sherman TX 75091
US

Deliver To:

Dillon Stewart
Sherman Fire Department
City of Sherman
P.O. Box 1106
Sherman TX 75091
US
Phone:dillons@cityofsherman.com

Order Instructions:

Chassis only must be paid for at the time of arrival to the dealership. Balance invoiced 30 days prior to unit completion and will be due at the time of delivery.

The estimated chassis price may change at the discretion of the chassis manufacturer.

Revision Log:
October 28:
UNOC #535 changed radio equipment
Removed Opticom
Changed UNOC #1823 to CPI docking station
Added Frazer Provided PowerLOAD

No.	Item	Qty	U/M:		Unit Price		Net Amount
1	MODULE Type I 14' Module	1.00	EA	$	255,068.00	$	255,068.00
2	CHASSIS 2022/2023 Chevy C4500 Diesel	1.00	EA	$	72,250.00	$	72,250.00
3	DELIVERY Customer Pick Up - FOB Frazer	1.00	M	$	0.00	$	0.00
5	HGAC-NEW Contract No. AM10-20	1.00	EA	$	1,000.00	$	1,000.00
6	SpecDoc Configurable item to create the SpecDoc	1.00	EA	$	0.00	$	0.00

Frazer will accept returns on parts up to 180 days after shipment. No restocking fee will be charged if the item is returned within 90 days of the original invoice date. All parts returns should be shipped back freight prepaid and require prior approval with a "Returns Material Authorization" (RMA) clearly displayed on the exterior of the shipping package. A credit will be issued towards the customer's account within approximately 7 business days of receipt of the item. If a part is returned after 90 days of the original invoice date a 15% restocking fee will be applied. Frazer Ltd reserves the right to accept returned items at its sole discretion based upon the condition of the item to be placed back into stock. :

Customer Quote

11/7/2022 10:04:40 AM

Estimate No:	Q2927-0001
Quote Date:	10/28/2022
Expiration Date:	11/30/2022
Salesperson:	HB
Payment Terms:	Net 30

Order Instructions:

No.	Item	Qty	U/M:		Unit Price		Net Amount

Sale Amount:	328,318.00
Order Disc(0.0000%):	0.00
Surcharge:	N/A
Sales Tax:	0.00
Misc Charges:	0.00
Total Amount:	328,318.00

Frazer will accept returns on parts up to 180 days after shipment. No restocking fee will be charged if the item is returned within 90 days of the original invoice date. All parts returns should be shipped back freight prepaid and require prior approval with a "Returns Material Authorization" (RMA) clearly displayed on the exterior of the shipping package. A credit will be issued towards the customer's account within approximately 7 business days of receipt of the item. If a part is returned after 90 days of the original invoice date a 15% restocking fee will be applied. Frazer Ltd reserves the right to accept returned items at its sole discretion based upon the condition of the item to be placed back into stock. :

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For your convenience, all pricing has been itemized below per quote Q2927-0001 for Sherman Fire Department

Base Module	$	144,493.00
Chassis Exterior	$	21,600.00
Module Exterior	$	27,375.00
Chassis Interior	$	4,400.00
Module Interior	$	57,200.00
Total	**$**	**255,068.00**

Items included in above totals:

1. Type I 14' Module - Side Entry Door Forward of Front I/O Configuration	$	5,350.00
2. This is a CAAS GVS v2.0 Unit	$	incl
Chassis Exterior:		
3. Heat Shielding for Diesel Chassis	$	1,750.00
4. Chassis Options: OEM back-up camera with in-dash monitor	$	incl
5. Chassis Paint Layout: Keep Factory Paint Color - Red	$	incl
6. Chassis : 2023 Chevy 4500, Diesel, 4x2, Regular Cab, 108" Cab to Axle, Chevy Red (WA130X)	$	incl
7. Suspension: LiquidSpring	$	13,550.00
8. Wheel type: Factory Aluminum	$	incl
9. Dual Dynamics Valve Stem Extender with Equalization and Pressure Indicator	$	325.00
10. Road Force Elite tire and wheel balancing	$	incl
11. Led Go-Light with Black Housing with Control Pad at Chassis Headliner	$	1,475.00
12. 10" and 12" Air Horns	$	1,250.00
13. Compressor Type: Fast Recovery	$	1,625.00
14. Switching Options: Momentary	$	100.00
15. Window Tint (35% VLT) on Chassis Doors	$	325.00
16. Exhaust Removal System	$	800.00
17. Passenger's side Grille Light: Whelen M4 Blue/Red Light	$	100.00
18. Driver's side Grille Light: Whelen M4 Red/Blue Light	$	100.00
19. Passenger's side Intersect Light: Whelen M4 Blue/Red Light	$	100.00
20. Driver's side Intersect Light: Whelen M4 Red/Blue Light	$	100.00
21. Note to Engineering, this is the magnetic plymovent exhaust tip	$	incl
Chassis Exterior Subtotal	**$**	**21,600.00**
Module Exterior:		
22. Power Source: Onan 5.5kW Generator	$	11,000.00

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23. Locking Gas Cap	$	incl
24. Module Paint Layout: Non-White One Tone - Chevy Red (WA130X)	$	2,900.00
25. Rear Wall 3M Conspicuity Layout - Chevron : Fluorescent Yellow/Green Base Color and Red - Translucent Overlay	$	1,750.00
26. Entry Door Conspicuity Layout - Squares : White Base Color	$	375.00
27. Compartment Conspicuity Layout - Strips : White Base Color	$	200.00
28. Frazer Provided Graphics	$	3,000.00
29. Body Drop on the Passenger's Side Forward of Rear Wheels	$	incl
30. Hidden Switch Behind the Driver's Side Front Corner Stone Guard	$	250.00
31. Shore Power: Single 30 Amp on Front Wall	$	incl
32. Pigtail/Plug Option: Pigtail	$	incl
33. Install Ignition Kill Switch	$	325.00
34. Coax 1: Run coax from location 1 to Chassis	$	incl
35. Coax 2: Run coax from location 2 to Electrical Compartment terminated to GPS Opticom	$	incl
36. Coax 3: Run coax from location 3 to Electrical Compartment	$	incl
37. Coax 4: Run coax from location 4 to Electrical Compartment	$	incl
38. UNOC #535 Install Customer Provided Radio Equipment: -Motorola APX 8500 radio base in the electrical compartment; battery hot ignition activated -Antenna on the module roof -Radio head in console slot 3; battery hot, ignition activated. -Mic on P/S of console slot 1 Speaker on front of console.	$	850.00
39. UNOC - Install customer provided Sierra Wireless modem with antenna; location TBD	$	300.00
40. Front Wall Light Layout: M Pattern Light	$	incl
41. Front Wall Light #1: Whelen M6 Amber Light	$	incl
42. Front Wall Light #2: Whelen M6 Red Light	$	incl
43. Front Wall Light #3: Whelen M6 Clear Light	$	incl
44. Front Wall Light #4: Whelen M6 Red Light	$	incl
45. Front Wall Light #5: Whelen M6 Amber Light	$	incl
46. Front Wall Driver Side Box Light: Whelen M6 Red Light	$	incl
47. Front Wall Passenger Box Light: Whelen M6 Red Light	$	incl
48. Driver Wall Front Box Light: Whelen M6 Red Light	$	incl

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49. Driver Wall Rear Box Light: Whelen M6 Red Light	$	incl
50. Driver Wheel Well Light: Whelen M6 Red/Blue Light	$	100.00
51. Side Scene Lights: Frazer Standard Whelen M9 Chrome Housing	$	incl
52. O2 Compartment Style: 76" O2 Standup with Divider	$	incl
53. O2 Cylinder Bracket Type: Ratchet Straps for H Cylinder	$	incl
54. O2 Cylinder Changing Wrench	$	100.00
55. Intermediate Compartment Style: Left T-Split	$	250.00
56. Additional Shelf in the Intermediate Compartment	$	100.00
57. Electrical Compartment Style: Taller Electrical Compartment	$	incl
58. Dometic Self-Contained A/C with Exhaust Fan	$	incl
59. Rear Storage Compartment Style: Rear Storage with Flatbars for SCBA Brackets	$	250.00
60. (2) SC-50-H-6-SF SCBA brackets raised 10" off the Floor of the Compartment	$	1,200.00
61. Coat Hooks: Four Hooks - 1 on Front Wall, 1 on Rear Wall, and 2 on an angle on the Ceiling	$	250.00
62. UNOC #1916 - Furnish and install (2) SC-50-H-5-SFPHS SCBA brackets on the flat bars in D/S rear storage compartment in lieu of standard SCBA brackets selected in CPQ.	$	incl
63. Module Window Option: Sliding Window	$	incl
64. Window Tint (5% VLT) on Rear and Side Entry Doors	$	325.00
65. Upper Rear Wall Light Layout: 3 Across	$	incl
66. Upper Light #1: Whelen M6 Load Light	$	incl
67. Upper Light #2: Whelen M6 Amber Light	$	incl
68. Upper Light #3: Whelen M6 Load Light	$	incl
69. Lower Light #1: Whelen M6 Brake/Tail/Turn Red Light	$	incl
70. Lower Light #2: Whelen M6 Brake/Tail/Turn Red Light	$	incl
71. Lower Light #3: Whelen M6 Red/Blue Light	$	100.00
72. Lower Light #4: Whelen M6 Red/Blue Light	$	100.00
73. Rear Wall Driver Box Light: Whelen M6 Red Light	$	incl
74. Rear Wall Passenger Box Light: Whelen M6 Red Light	$	incl
75. Rear Backboard Options: No Shelf	$	incl
76. Lower BTTs: 2 M6 Lights on each side	$	825.00
77. Rear Bumper	$	incl
78. Door Grabbers	$	incl

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79. License Plate Light	$	incl
80. Passenger Wall Front Box Light: Whelen M6 Red Light	$	incl
81. Passenger Wall Rear Box Light: Whelen M6 Red Light	$	incl
82. Passenger Wheel Well Light: Whelen M6 Red/Blue Light	$	100.00
83. Interior Step Option: Double Step Well	$	incl
84. Passenger Rear Compartment Style: Onan Genset Compartment	$	incl
85. Door Locks on Entry Doors and Compartments	$	2,725.00
Module Exterior Subtotal	**$**	**27,375.00**

Chassis Interior:

86. Siren Speakers: 2 CAST Speakers	$	675.00
87. Tap-2 on Primary Siren	$	incl
88. Siren Option: Whelen C9 Siren in Console	$	incl
89. Mic 1 on driver's side slot 1	$	incl
90. HAAS Alert System: HAAS Alert Responder to Vehicle - 3 Year Sub	$	incl
91. Slot 1: Extended MDT plate - swivel, no fuel gauge (swivel on passenger side)	$	525.00
92. Slot 2: Single Slot Switch Panel	$	incl
93. Slot 3: Radio Plate: 7.5 L X 2.5 W opening dims	$	incl
94. Slot 4: Siren 1	$	incl
95. Console Switch Layout : Primary - Secondary - Air Horn - Blank - Side Scene (Driver's Side) - Side Scene (Passenger's Side) - Rear Load - Interior Lights - Start/Stop Genset -	$	incl
96. New Armrest	$	250.00
97. Console Layout: 4-Slot Console	$	incl
98. Front Base of Console: 120VAC	$	600.00
99. Floor in Front of Console: Gamber Johnson Heavy Dual Cup Holder	$	200.00
100. Rear of Console: Single Mapholder	$	250.00
101. Chassis Rear Wall: 3 High Glove Box Holder	$	250.00
102. Camera System: Chevrolet OEM Back-up Camera System	$	600.00
103. Aftermarket Vinyl Seats	$	950.00
104. UNOC #1823 - Install customer provided Gamber Johnson docking station, with built-in power supply, on swivel on extended MDT plate.	$	100.00
Chassis Interior Subtotal	**$**	**4,400.00**

Module Interior:

105. Protek Cushions	$	incl

106. Cobalt Blue Interior	$	incl
107. Stainless Steel Countertops	$	incl
108. Safety Yellow Powdercoated Grab Rails	$	200.00
109. Stacked Cabinet with Medvault Opening	$	1,425.00
110. Medvault w/ Wifi	$	3,150.00
111. (2) Glove Box Holders on the Front Wall	$	375.00
112. Module Heater : New	$	1,000.00
113. Location 1: 8 Switch panel	$	incl
114. Location 2: Single O2 Outlet	$	incl
115. Location 3: Electric O2 panel with monitor	$	2,000.00
116. Location 4: Dual USB receptacles	$	250.00
117. Location 6: Thermostat	$	incl
118. Location 7: Blank	$	incl
119. Location 8: Quad 120 VAC	$	incl
120. Location 9: Suction	$	incl
121. Door Lock Switch at Action Wall	$	150.00
122. Action Wall Switch Layout : Interior Lights; Dimmer; Ventilation Fan; Electric O2; Module Heater - Hi/Off/Low; Blank; Blank; Unlock/Lock;	$	incl
123. Technimount ZOLL X Monitor Mount (Heavy Duty) on the Action Wall Countertop	$	1,700.00
124. Sharps Container at Action Wall	$	incl
125. Acrylic Holder at the Action Wall Cabinet	$	incl
126. Valor Seating at CPR Seat	$	1,750.00
127. Acrylic Holder Aft CPR Seat	$	incl
128. Rear Door Switch Layout : Acknowledge; Blank; Dump/Bypass (Suspension); Rear Load;	$	incl
129. 2 High Glove Box Low and Sharps Container High on Rear Wall	$	400.00
130. Valor Seating at Squad Bench	$	3,500.00
131. Two Seating Positions at the Squad Bench - 1 and 2	$	incl
132. Triple Squad Bench Cabinet	$	1,050.00
133. Trashcan With Lid at the Head of the Squad Bench	$	incl
134. O2 Outlet Above the Front I/O	$	incl
135. Door Forward Front I/O with Hospital Grade Power Strip with Lexan Doors	$	incl
136. 2 High "D" Cylinder Holder in the Front I/O	$	200.00
137. Duplex Outlet Above the Front I/O	$	incl

138. Large Black Trashcan at the Side Entry Door	$	200.00
139. UNOC #638 - Furnish and install large acrylic holder, in lieu of 22-pocket holder, at squad bench position 3	$	350.00
140. UNOC #1751 - Furnish and install 2-high D cylinder holder in the exterior compartment below front I/O in lieu of being in the front I/O cabinet	$	incl
141. Install Evergreen UV-C air and surface disinfection lamp in ceiling raceway with control unit in electrical compartment	$	5,225.00
142. O2 Outlet in Ceiling Raceway	$	375.00
143. IV Hanger on Ceiling Raceway	$	incl
144. Overhead Grabrails on Both Sides	$	250.00
145. IV Hanger on Squad Bench Ceiling	$	incl
146. Head knocker options: With Clock only	$	525.00
147. Stryker cot tower only (no antler and bar)	$	incl
148. Floor Options: New Stryker Power-LOAD System	$	30,800.00
149. Loncoin II Onyx Floor	$	incl
150. Captain's Chair Type: Valor's Captain's Chair with Child Safety Seat and 4pt. Harness	$	2,050.00
151. NOTE: Frazer Provided PowerLOAD will be Gen 2.	$	incl
152. Customer Provided Items Processing Fee	$	275.00
Module Interior Subtotal	**$**	**57,200.00**
153. Temporary Supply Chain Surcharge	$	17,243.00

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Email this quote along with your PO

to Herbert Brady at hbrady@frazerbilt.com

Remit To:

Per TMVCC, we are quoting this through our licensed franchise dealer, Knapp Chevrolet.

Knapp Chevrolet
PO box 4179
Houston TX 77210

Standard Terms and Conditions

INVOICING AND PAYMENT TERMS: Vendor shall submit one (1) original invoice per payment due. The invoice(s) shall include the items listed in accordance with the quote mentioned in the Sale Agreement with reference to the Customer's Purchase Order Number.

If the Sale Agreement provides for any progress (or advance) payments based on specific milestones or activities, Vendor's invoice shall certify to the accomplishment or performance by Vendor of said milestone or activity, and that Customer has obtained a security interest in such Products to the extent of such payment.

Payment shall be due upon receipt of the invoice and delivery of the unit to the Customer unless previously negotiated.

CANCELLATION POLICY: Cancellation of orders must be received 120 days prior to the agreed upon delivery date. If the order is cancelled within the 120 day window, a fee of 25% of the total purchase order price will apply.

DELIVERY TERMS: The products listed in the estimate are to be delivered Free On Board (FOB) Destination to Houston,TX. Customer representative(s) will pick up the unit at upfitter location, 7219 Rampart St., Houston, TX 77081 and transport it to their final destination at customer expense unless otherwise specified in the Vendor quote.

TERMINATION FOR CAUSE: Customer may terminate this Sale Agreement and any corresponding Purchase Order, or any part thereof, for cause including, but not limited to the following Vendor actions: (1) any default or breach of any of the terms and conditions of the Sale Agreement, (2) failure to provide Customer, upon request, a reasonable assurance of future performance, or (3) bankruptcy, dissolution, or suspension of payments by judicial decree. If Vendor does not cure such failure within a period of five (5) days or such a longer period as Customer may authorize in writing after the date such notice is sent to Vendor, then termination may proceed.

Vendor may also terminate this Sale Agreement and any corresponding Purchase Order for cause, and Vendor will not be in breach of same, in the event any supplier to Vendor fails to deliver Products and/or component parts in a timely fashion and Vendor cannot make alternate accommodations in order to comply with the Parties' agreed upon completion and delivery dates.

CHANGE ORDERS: Vendor has the right to modify the Purchase Order requirements and conditions as needed and will advise Customer in writing of such requested changes. Vendor shall not proceed with any changes without Customer's written authorization. Any request by Customer to change the terms or conditions of the Purchase Order, including product specifications, options, and price, must be made in advance of the production job order release. Any changes made after the release of the production job order will incur a $350 fee per change order made in a 24 hour period and will be included on a secondary invoice. Vendor reserves the right to refuse changes requested by the Customer.

PROPRIETARY INFORMATION, CONFIDENTIALITY AND ADVERTISING: All commercial, financial or technical information in any form that Vendor provides to Customer shall be deemed proprietary and confidential and Customer shall not disclose such information to third parties without Vendor's written consent. Termination of the Sale Agreement shall not relieve Customer of this confidentiality obligation. Upon Vendor's request, Customer shall return all confidential information to Vendor along with any reproductions, in whole or in part. The confidentiality obligation does not apply to information that is in the public domain through no fault of Customer or to information lawfully within Customer's possession prior to the date of the Purchase Order, as evidenced by Customer's written records.

INDEMNIFICATION: Customer shall fully release, indemnify, defend and hold harmless Vendor, its co-venturers, its contractors, and their respective affiliates, and Vendor's and their respective directors, officers and employees (including agency personnel) ("Vendor Group") from and against any and all claims arising out of the Customer's purchase, use, sale or incorporation of any Products purchased from Vendor into Customer's products or equipment wherein it is claimed or alleged that Vendor's Products are defective or violate any warranty, standard of care, industry standard or governmental regulation or term or condition of any Purchase

Order without regard to any allegation of negligence on the part of the Vendor Group as it pertains to Vendor's Products.

Vendor shall fully release, indemnify, defend and hold harmless Customer, its co-venturers, its contractors, and their respective affiliates, and the Customer's and their respective directors, officers and employees (including agency personnel) ("Customer Group") from and against any and all claims arising out of the Customer's purchase, use, sale or incorporation of any Products purchased from Vendor into Customer's products or equipment wherein it is claimed or alleged that Vendor's Products are defective or violate any warranty, standard of care, industry standard or governmental regulation or term or condition of any Purchase Order without regard to any allegation of negligence on the part of the Customer Group as it pertains to Vendor's Products.

Customer Initials: _____

LIMITATIONS ON DAMAGES: In the event of any dispute, disagreement or breach alleged by Customer on the part of Vendor, Customer's exclusive and sole remedy shall be repair or replacement, if practical, of the module, or component part, by Vendor. If Vendor is not able to effectuate a repair, replacement, or cure that brings the module, or component part, into compliance with the Parties' agreement, then Vendor shall refund the sale price to Customer. In no event shall Vendor be liable to Customer, or to any third-party acting through Customer, for any additional, consequential or punitive damages, or damages for lost sales, revenue or profits claimed by Customer or any third-party acting through Customer.

FORCE MAJEURE: A force majeure delay shall mean any delay or other unforeseeable causes beyond the reasonable control of the party affected, provided that any such delay is not caused, in whole or in part, by the acts or omissions of the party so delayed and further provided that such party is unable to make up for such delay with reasonable diligence and speed. If any such cause delays Vendor's performance, the delivery date or time for completion may be extended by a period of time reasonably necessary to overcome the effect of such delay; however, Vendor shall take all reasonable measures to mitigate the effects of the force majeure event and to minimize such delay. A party affected by a force majeure event shall notify the other party of such force majeure event within forty-eight (48) hours of its knowledge of such event for the event to be considered a bona fide force majeure event.

TITLE AND RISK OF LOSS: Title to the Products shall transfer to Customer upon receipt of Products by Customer or its agent unless otherwise stated in the Sale Agreement. Notwithstanding the above, risk of loss of the Products shall remain with Vendor until delivered to Customer.

WAIVER: Vendor's failure to exercise or enforce any right in the Purchase Order, or any other right or privilege under law, or Vendor's waiver of any breach by Customer shall not constitute a waiver or modification of any terms, conditions, privileges or rights whether of the same or similar type, unless Vendor gives such waiver in writing.

LIENS: Vendor waives and relinquishes all existing and future liens and claims (statutory or otherwise) for the Products specified in the Purchase Order, and warrants that the Products will be free and clear of all liens, claims or encumbrances of any kind.

INSPECTION, REVIEW AND WITNESSING: Customer and/or the ultimate owner of the Products have the right to inspect and attend testing of the Products at Vendor's premises (or its supplier's or subcontractor's premises) with reasonable advance notice. If any inspection is made on the premises of Vendor or its supplier, Vendor, without additional charge, shall provide all reasonable facilities and assistance for the safety and convenience of the inspectors in the performance of their duties.

APPLICABLE LAW AND VENUE: The Sale Agreement shall be governed and interpreted in accordance with the laws of the State of Texas, without reference to any principle of conflict of laws. Customer and Vendor expressly exclude the application of the Convention on International Sale of Goods to the Sale Agreement. Venue for all judicial, administrative, or regulatory proceedings shall be Houston, Harris County, Texas.

OWNERSHIP OF DOCUMENTS: Title to all drawings, specifications, calculations, technical data and other documents that Customer submits in accordance with the Purchase Order shall vest with Vendor. Vendor shall have the right to use such documents for any purpose pertaining to the manufacture, assembly, and delivery of the Products.

Title to all drawings, specifications, calculations, technical data, and other documents that Vendor submits to the Customer shall vest with the Customer. Customer shall have the right to use such documents for any purpose pertaining to the installation, operation, and maintenance of the Products.

INSURANCE: Vendor shall comply with the project insurance requirements for which the Products are being provided. Customer shall provide specific reasonable levels required as soon as such levels are available, which shall not exceed $1,000,000 for any non-statutory category other than excess liability umbrella, which shall not exceed $4,000,000. When requested by Customer, Vendor shall provide certificates of insurance as proof of same.

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SURVIVAL: The provisions of the following Paragraphs of these Terms and Conditions shall survive any cancellation or termination of the Purchase Order: (Proprietary Information, Confidentiality and Advertising), (Indemnification), (Liens), and (Applicable Law and Venue).

HOUSTON-GALVESTON AREA COUNCIL
INTERLOCAL AGREEMENT

ILA NUMBER: 91-1539

THIS INTERLOCAL AGREEMENT ("Agreement"), made and entered into pursuant to the Interlocal Cooperation Act (Article 4413(32c) V.T.C.S.) by and between the Houston-Galveston Area Council, hereinafter referred to as H-GAC, having its principal place of business at 3555 Timmons Lane, Suite 500, Houston, Texas 77027 and CITY OF SHERMAN, hereinafter referred to as the local government having its principal place of business at 400 N. RUSK, SHERMAN, TX 75090.

WITNESSETH:

WHEREAS, H-GAC is a regional planning commission created under Acts of the 59th Legislature, Regular Session, 1965, recodified as Chapter 391 Texas Local Government Code; and

WHEREAS, H-GAC has entered into an agreement with the local government on the 18TH day of MARCH, 19 91 and

WHEREAS, the local government desires to purchase certain governmental administrative functions, goods or services; and

WHEREAS, H-GAC hereby agrees to perform the scope of services outlined in Article 5 as hereinafter specified in accordance with the Agreement, and

NOW, THEREFORE, H-GAC and the local government do hereby agree as follows:

ARTICLE 1 LEGAL AUTHORITY

The local government warrants and assures H-GAC that it possesses adequate legal authority to enter into this Agreement. The local government's governing body has authorized the signatory official(s) to enter into this Agreement and bind the local government to the terms of this Agreement and any subsequent amendments hereto.

ARTICLE 2 APPLICABLE LAWS

H-GAC and the local government agree to conduct all activities under this Agreement in accordance with all applicable rules, regulations, ordinances and laws in effect or promulgated during the term of this Agreement.

ARTICLE 3 WHOLE AGREEMENT

The Interlocal Agreement and Attachments, as provided herein, constitute the complete Agreement between the parties hereto, and supersedes any and all oral and written agreements between the parties relating to matters herein. Except as otherwise provided herein, this Agreement cannot be modified without written consent of the parties.

ARTICLE 4 PERFORMANCE PERIOD

The period of this Interlocal Agreement shall be for the (balance of) fiscal year of the local government which begins 10/31/90, 19__ and ends 10/31/91, 19__. This contract shall thereafter automatically be renewed annually for each succeeding fiscal year, provided that such renewal shall not have the effect of extending the period in which the local government may make any payment due H-GAC beyond the fiscal year in which such obligation was incurred under this Agreement.

H-GAC or the local government may cancel this Agreement at any time upon 30 days written notice to the other party to this Agreement. The obligations of the local government, including its obligation to pay H-GAC for all costs incurred under this Agreement prior to such notice shall survive such cancellation, as well as any other obligation incurred under this Agreement, until performed or discharged by the local government.

ARTICLE 5 SCOPE OF SERVICES

The local government appoints H-GAC its true and lawful purchasing agent for the purchase of certain materials and services through the Council's Cooperative Purchasing Program, as enumerated through the submission of a duly executed purchase order, order form or resolution. All material purchased hereunder shall be in accordance with specifications established by H-GAC.

The materials and services shall be procured in accordance with procedures governing competitive bidding by H-GAC; and at the unit prices and administrative fee as indicated in the current H-GAC Order Form and Price Lists.

Ownership (title) of material purchased shall transfer directly from the vendor to the local government. The local government agrees to provide H-GAC with documentation of receipt and acceptance of material within five (5) days of acceptance of same.

ARTICLE 6 PAYMENTS

The local government agrees that, upon the presentation by H-GAC of a properly documented, verified proof of performance and a statement of costs H-GAC has incurred in accordance with the terms of this Agreement, it shall pay H-GAC, from current revenues available to the local government during the current fiscal year, on or before the date of the delivery of materials and services to be provided under this agreement.

ARTICLE 7 CHANGES AND AMENDMENTS

Any alterations, additions, or deletions to the terms of this Agreement which are required by changes in Federal and State law or regulations are automatically incorporated into this Agreement without written amendment hereto, and shall become effective on the date designated by such law or regulation.

H-GAC may, from time to time, require changes in the scope of the services offered through the H-GAC Cooperative Purchasing Program to be performed hereunder.

ARTICLE 8 TERMINATION PROCEDURES

Either H-GAC or the local government may cancel or terminate this Agreement upon thirty (30) days written notice by certified mail to the other party. In the event of such termination prior to completion of any purchase provided for herein, the local government agrees to pay for services on a prorated basis for materials and services actually provided and invoiced in accordance with the terms of this Agreement, including penalties, less payment of any compensation previously paid.

ARTICLE 9 SEVERABILITY

All parties agree that should any provision of this Agreement be determined to be invalid or unenforceable, such determination shall not effect any other term of this Agreement, which shall continue in full force and effect.

ARTICLE 10 FORCE MAJEURE

To the extent that either party to this Agreement shall be wholly or partially prevented from the performance within the term specified of any obligation or duty placed on such party by reason of or through strikes, stoppage of labor, riot, fire, flood, acts of war, insurrection, accident, judgement, act of God, or specific cause reasonably beyond the parties' control and not attributable to its neglect or nonfeasance, in such event, the time for the performance of such obligation or duty shall be suspended until such disability to perform is removed. Determination of force majeure shall rest solely with H-GAC.

ARTICLE 11 VENUE

Venue and jurisdiction of any suit, or cause of action arising under or in connection with the Agreement shall lie exclusively in Harris County, Texas.

This instrument, in duplicate originals, has been executed by the parties hereto as follows:

CITY OF SHERMAN
Local Government

BY Talmadge M Buie

TALMADGE M BUIE
CITY MANAGER DATE 3/18/91

Name & Title of Signatory
(PLEASE TYPE)

HOUSTON-GALVESTON AREA COUNCIL

BY [signature] Date 7/27/91
Manager of Cooperative Purchasing

BY [signature] Date 8/3/91
March 28, 1991

Jack Steele
Executive Director

SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **G. 1.**

Meeting Date: 12/05/2022

Prepared By: Teri Fine, Assistant to the City Manager

Approved By: Robby Hefton, City Manager

Caption:

OTHER BUSINESS

Receive Update from Texas Department of Transportation Paris District Engineer Noel Paramanantham on TxDOT Projects

Issue:

To receive an update on the status of current and planned Sherman area TxDOT projects

Background:

TxDOT's Paris District Engineer Noel Paramanantham will provide a brief update on the status of several current transportation projects

Origination:

City Manager Robby Hefton

Financial Consideration:

There is no financial consideration related to this agenda item.

Staff Recommendation:

There is no Council action required on this agenda item.

Alternatives:

This is an update presentation, so no alternatives apply to this agenda item.

SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **G. 2.**

Meeting Date: 12/05/2022

Prepared By: Rob Rae, Director of Development Services

Approved By: Robby Hefton, City Manager

Caption:

***** OTHER BUSINESS***

Replat approval of B.H. Moore Heirs Addition, Lot 8R, Block 16, being 0.200 Acres in part of the Samuel Blagg Survey, Abstract No. 56, and being the South 100 ft. of Lot 8, Block 16 of the B.H. Moore Heirs Addition; Moran Developments, LLC, Owner and Helvey-Wagner Surveying, Inc., Surveyor (1228 South Rusk Street)

Issue:

To consider Replat approval of B.H. Moore Heirs Addition, Lot 8R, Block 16, being 0.200 Acres in part of the Samuel Blagg Survey, Abstract No. 56, and being the South 100 ft. of Lot 8, Block 16 of the B.H. Moore Heirs Addition; Moran Developments, LLC, Owner and Helvey-Wagner Surveying, Inc., Surveyor (1228 South Rusk Street)

Background:

The property is located at 1228 South Rusk Street, the northwest corner of South Rusk and West Dulin Streets and is zoned R-1 (One-Family Residential) District. The owner would like to plat the property into one lot for residential development.

Origination:

Moran Developments, LLC (Owner)
Helvey-Wagner Surveying, Inc. (Surveyor)

Financial Consideration:

None

Staff Recommendation:

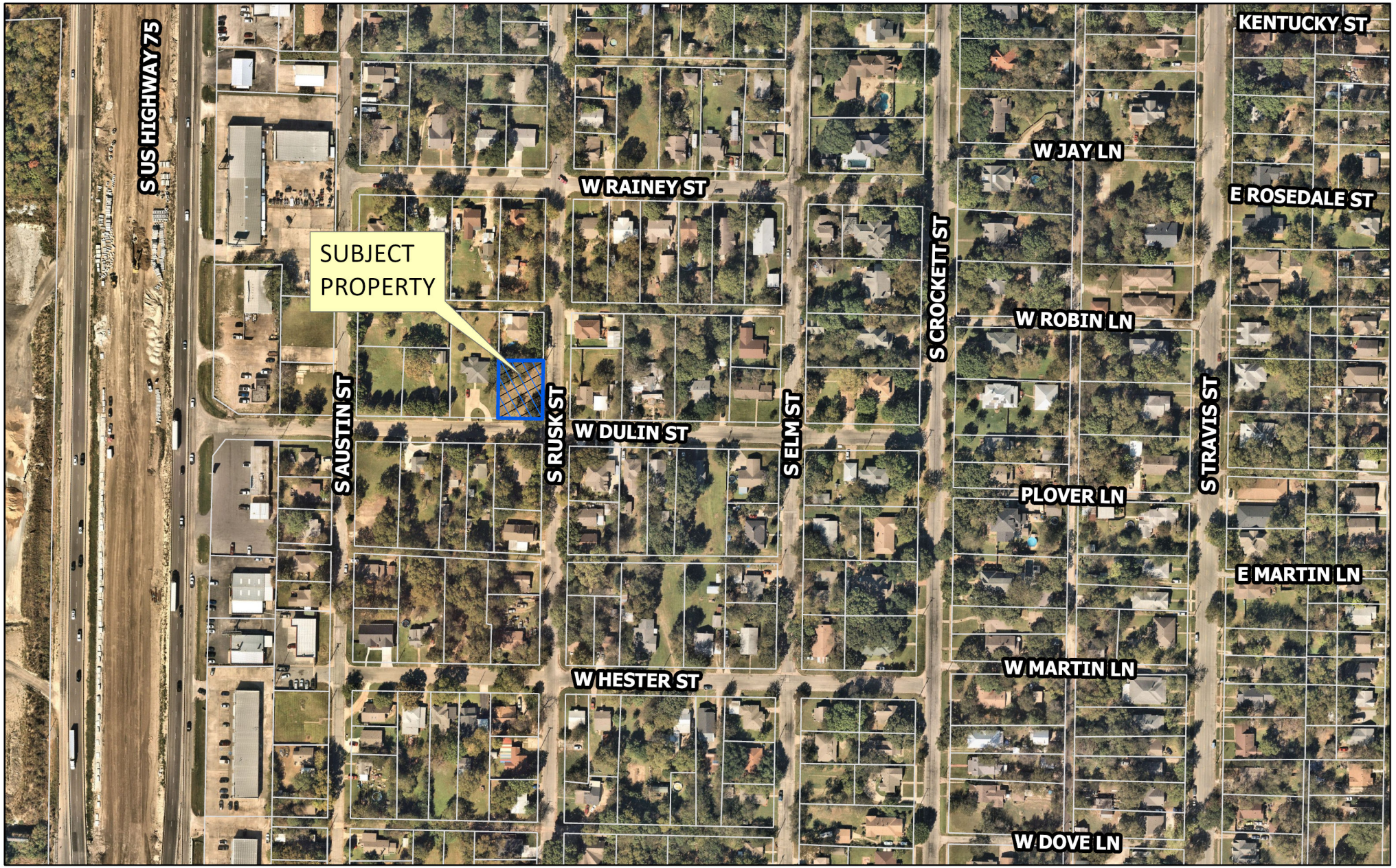
At the November 15, 2022 regular meeting, the Planning and Zoning Commission voted unanimously to recommend to the City Council that the Replat be approved subject to the Staff Review Letter.

Alternatives:

None

Attachments

Location Map
Zoning Map
Zoning Sign Photo
Replat
Staff Review Letter
P & Z Communication



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Sherman
CLASSIC TOWN. BROAD HORIZON.

City of Sherman, Texas
Development Services Department

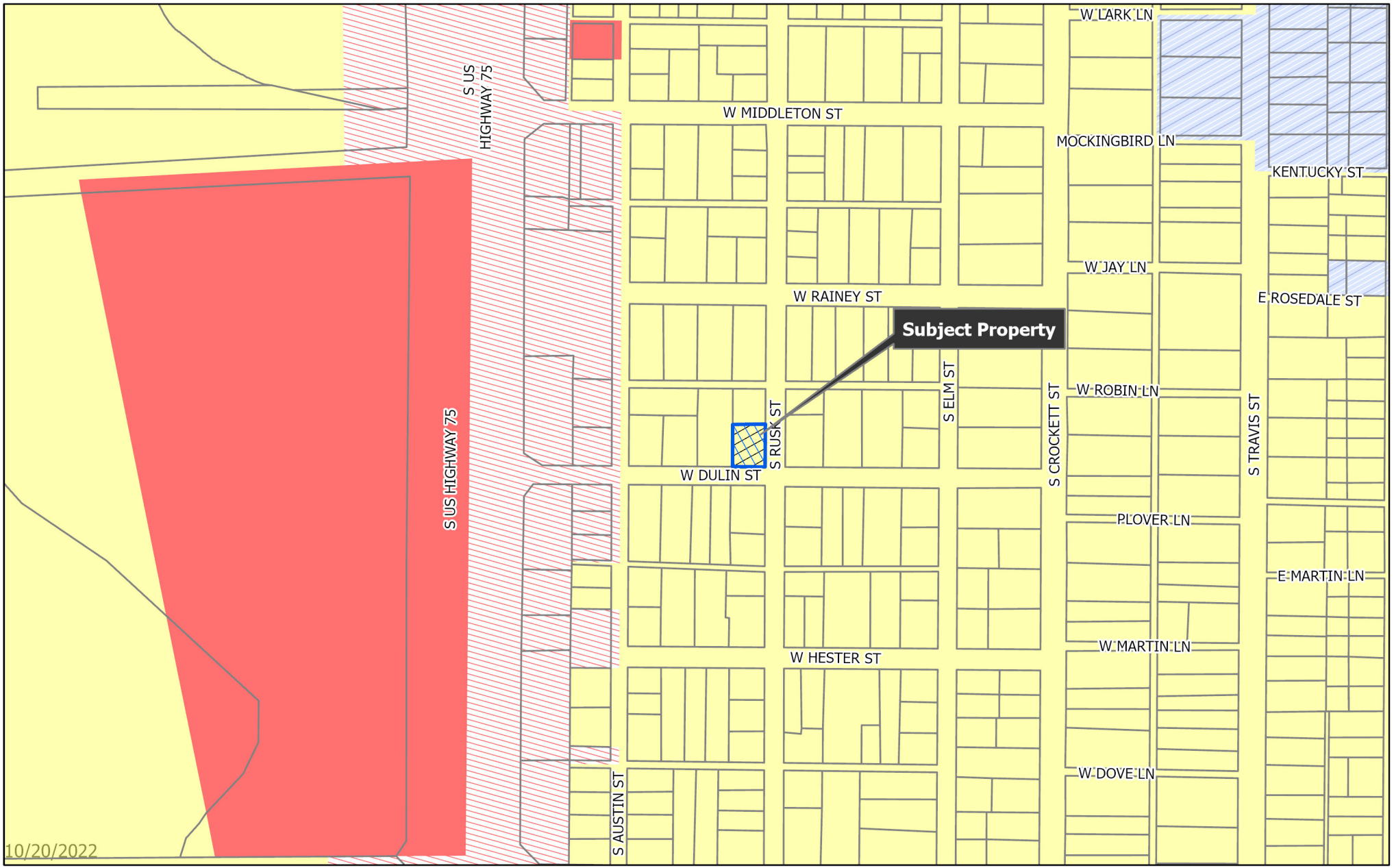
CITY OF SHERMAN

1228 S Rusk

N
W E
S

Date: 10/20/2022 8:25 AM

Scale: 1:2,943



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Sherman
CLASSIC TOWN. BROAD HORIZON.

City of Sherman, Texas
Development Services Department

- BIP Blalock Industrial Park
- C-1 Retail Business District
- C-2 General Commercial District
- CO Office District
- Lakes
- M-1 Light Manufacturing District
- M-1.5 Medium Manufacturing District
- M-2 Heavy Manufacturing District
- MH Manufacturing Housing Distgrict
- R-1 One Family Residential District
- R-2 Multi-Family Residential District
- R-A Single Family Agricultural District
- SF-1 Single Family Residential District
- PD Planned Development
- Subject Locations
- Parcels
- City Limits

CITY OF SHERMAN
Zoning Location Map

1228 S Rusk

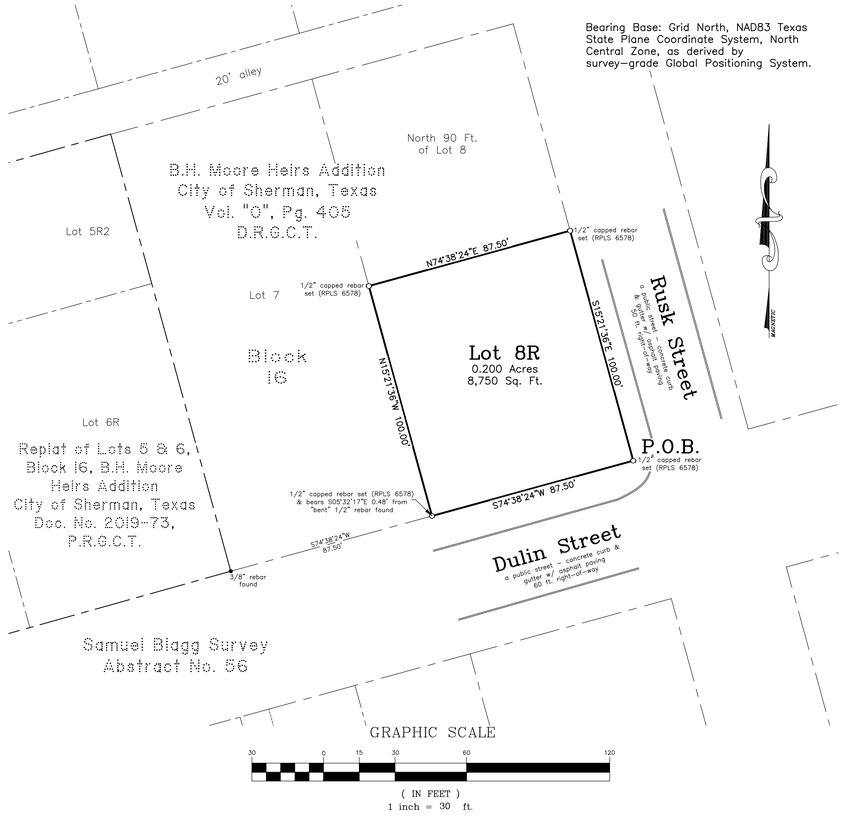
N W E S

Scale: 1:4,006

Date: 10/20/2022 8:25 AM

1228 s Rusk

ZONING
REQUESTED
AT THIS LOCATION
ADDITIONAL
INFORMATION
903-892-7229
Oct 27, 2022 at 9:20 AM



Lot 8R, Block 16
Replat of the South 100 ft. of Lot 8, Block 16, B.H. Moore Heirs Addition
to the
City of Sherman, Texas
0.200 Acres
in the
Samuel Blagg Survey
Abstract No. 56

General Notes:

1. Water Supply to be provided by City of Sherman.
2. Sewer service to be provided by City of Sherman.
3. Electrical service is provided by Oncor Electrical Delivery.
4. Blocking the flow of water or construction of improvements in drainage easements, and filling or obstruction of the floodway is prohibited.
5. Any existing creeks or drainage channels traversing along or across the addition will remain as open channels and will be maintained by the individual owners of the lot or lots that are traversed by or adjacent to the drainage courses along or across said lots.
6. The City of Sherman will not be responsible for the maintenance and operation of said drainage ways or for the control of erosion.
7. The property shown on the plat hereon lies within a Zone "X" (areas determined to be outside 500-year floodplain) Designation, as shown on the Flood Insurance Rate Map for Grayson County, Texas and Incorporated Areas, Map No. 48181C0405 G, Revised Date: September 29, 2010.
8. Neither the City of Sherman nor the undersigned surveyor will be responsible for any damage, personal injury, or loss of life or property occasioned by flooding or flooding conditions.
9. The owners and builders must comply with all other state and federal regulations regarding developments of this type.

Job No. CGS501022

Helvey-Wagner Surveying, Inc.
222 W. Main St., Denison, Texas 75020
Phone (903) 463-6191
Email: kate@helveywagnersurvey.net
TBPELS Firm Registration No. 10088100

Owner:
Moran Developments, LLC
910 S. Travis Street
Sherman, Texas 75090

Vicinity Map
(not to scale)

X:\Shared Projects\1228-S-Rusk-Street-Sherman\Civil 3D\Plat.dwg 10/7/2022 3:21 PM

FIELD NOTES

SITUATED in the City of Sherman, County of Grayson, being a part of the Samuel Blagg Survey, Abstract No. 56, being the South 100 ft. of Lot 8, Block 16 of the B.H. Moore Heirs Addition to the City of Sherman, Texas, as per plat of record in Volume "O", Page 405, Deed Records, Grayson County, Texas, being more particularly described by metes and bounds as follows, to-wit:

BEGINNING at a 1/2 inch capped rebar set (RPLS 6578) lying at the intersection of the West line of Rusk Street, with the North line of Dulin Street, being the Southeast corner of both said Lot 8 and the herein described tract;

THENCE South 74 deg. 38 min. 24 sec. West, with the North line of said Dulin Street and the South line of said Lot 8, a distance of 87.50 ft. to a 1/2 inch capped rebar set (RPLS 6578) at the Southeast corner of Lot 7, Block 16 of said B.H. Moore Heirs Addition and being the Southwest corner of both said Lot 8 and the herein described tract, said rebar bears South 05 deg. 32 min. 17 sec. East, 0.48 ft. from a "bent" 1/2 inch rebar found;

THENCE North 15 deg. 21 min. 36 sec. West, with the East line of said Lot 7 and the West line of said Lot 8, a distance of 100.00 ft. to a 1/2 inch capped rebar set (RPLS 6578) at the Northwest corner of the herein described tract;

THENCE North 74 deg. 38 min. 24 sec. East, over and across said Lot 8, a distance of 87.50 ft. to a 1/2 inch capped rebar set (RPLS 6578) in the West line of said Rusk Street and the East line of said Lot 8, at the Northeast corner of the herein described tract;

THENCE South 15 deg. 21 min. 36 sec. East, with the West line of said Rusk Street and the East line of said Lot 8, a distance of 100.00 ft. to the **PLACE OF BEGINNING** and containing **0.200 ACRES** of land.

KNOW ALL MEN BY THESE PRESENTS:

THAT I, Kate A. Wagner, Registered Professional Land Surveyor, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon were properly placed under my personal supervision, in accordance with the subdivision regulations of the City of Sherman, Texas.

_____
Kate A. Wagner, R. P. L. S. No. 6578 Date:

STATE OF TEXAS · SURVEYOR · KATE A. WAGER · 6578 · REGISTERED PROFESSIONAL LAND SURVEYOR

I, Luis Moran, Member of Moran Developments, LLC, sole owner of Lot 8R, Block 16, Replat of the South 100 ft. of Lot 8, Block 16, B.H. Moore Heirs Addition to the City of Sherman, Texas, do hereby dedicate the streets, easements, alleys, rights-of-way, parks, school sites and other public places shown hereon to the public use forever.

_____
Authorized Representative for Moran Developments, LLC

AVIGATION RELEASE

WHEREAS, Moran Developments, LLC, hereinafter called OWNER (whether one or more), is the owner of a certain parcel of land situated in the City of Sherman, Grayson County, Texas, being more particularly described as Lot 8R, Block 16, Replat of the South 100 ft. of Lot 8, Block 16, B.H. Moore Heirs Addition, an addition to the City of Sherman, Grayson County, Texas.

OWNER does hereby waive, release, remise, quit claim and forever hold harmless the City of Sherman, Texas, a municipal corporation, hereinafter called CITY, and Sherman Municipal Airport, hereinafter called AIRPORT, from any and all claims for damages of any kind that OWNER may now have or may hereinafter have in the future by reason of the passage of all aircraft (aircraft being defined for the purposes of this instrument as any contrivance now known or hereinafter invented, used or designed or navigation of or flight in the air) by whomsoever owned and operated, in the airspace above OWNER'S property. Such release shall include, but not be limited to, any damages to the OWNER's described property, such as noise, vibration, fumes, dust, fuel and lubricant particles, and all other effects that may be caused by the operation of aircraft landing at or taking off from or operating at or on the Sherman Municipal Airport, whether such claim be for injury or death to person or persons damages to or taking off of property; and OWNER does hereby fully remiss and release any right or cause of action which it may now have or which it may in the future have against the CITY or AIRPORT, whether such claims be for injury or death to persons or damage to property due to noises, vibration, fumes, dust, fuel and lubricant particles, and all the other effects that may be caused or may have been caused by the operation and/or maintenance of aircraft or aircraft engines at or on said Sherman Municipal Airport.

It is agreed that this Release shall be binding upon OWNER, his successors, heirs, executors, administrators and assigns, in interest with regard to said property located at Lot 8R, Block 16, Replat of the South 100 ft. of Lot 8, Block 16, B.H. Moore Heirs Addition, an addition to the City of Sherman, Texas, and it is further agreed that this instrument shall be a covenant running with the land, and shall be recorded in the Deed Records of Grayson County, Texas.

Executed this _____ day of _____, 2022.

By: _____

By: Luis Moran, Authorized Representative for Moran Developments, LLC, Owner

Before me the undersigned, a notary public in and for said County and State, on this day personally appeared Luis Moran, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

Given under my hand and seal of office this _____ day of _____, 2022.

_____
Notary Public, Grayson County, Texas

Sherman
CLASSIC TOWN. BROAD HORIZON.

This, the final plat of Replat of the South 100 ft. of Lot 8, Block 16, B.H. Moore Heirs Addition to the City of Sherman, Texas, is hereby approved this _____ day of _____, 2022, by the Planning and Zoning Commission of the City of Sherman, Texas.

_____ _____
Chairman Secretary

This, the final plat of Replat of the South 100 ft. of Lot 8, Block 16, B.H. Moore Heirs Addition to the City of Sherman, Texas, is hereby approved this _____ day of _____, 2022, by the City Council of the City of Sherman, Texas.

ACCEPTED BY THE CITY COUNCIL OF SHERMAN, TEXAS: _____
MAYOR, CITY OF SHERMAN, TEXAS DATE

The undersigned, the City Clerk of the City of Sherman, Texas, does hereby certify that the foregoing final plat of Replat of the South 100 ft. of Lot 8, Block 16, B.H. Moore Heirs Addition to the City of Sherman, Texas, was submitted to the City Council of Sherman, Texas, on the _____ day of _____, 2022, and the City Council by formal action then and there accepted the dedication of streets, alleys, easements and public places, as shown and set forth in and upon said map or plat, and said City Council further authorized the Mayor to note the acceptance thereof by signing his name as hereinabove subscribed.

WITNESS MY HAND THIS _____ DAY OF _____, 2022, BY _____
CITY CLERK, CITY OF SHERMAN, TEXAS

Lot 8R, Block 16
Replat of the South 100 ft. of Lot 8, Block 16, B.H. Moore Heirs Addition
to the
City of Sherman, Texas
0.200 Acres
in the
Samuel Blagg Survey
Abstract No. 56

Helvey-Wagner Surveying, Inc.
222 W. Main St., Denison, Texas 75020
Phone (903) 463-6191
Email: kate@helveywagnersurvey.net
TBPELS Firm Registration No. 10088100

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Sherman
CLASSIC TOWN. BROAD HORIZON.

STAFF REVIEW LETTER

November 7, 2022

Moran Developments, LLC
910 S. Travis
Sherman, TX 75090

Helvey-Wagner Surveying, Inc.
222 W. Main St.
Denison, TX 75020

Dear Applicants,

The request for approval of the Replat of Lot 8R, Block 16, Replat of the South 100 ft. of Lot 8, Block 16, B.H. Moore Heirs Addition has been scheduled to be heard by the Planning and Zoning Commission on the day of Tuesday, November 15, 2022 at 5:00 p.m., in the City Council Chambers, City Hall at 220 W. Mulberry.

City staff has reviewed your request with regards to engineering and development guidelines and finds the following items need to be addressed:

1. Simplify Plat Name. Plat name must not exceed 20 characters in length. Sub-labels, i.e. "being a replat of…" do not count in the total character limit.
2. Dedicate a 5' Right of Way Dedication along Rusk Street in regards to Grayson County/City of Sherman Thoroughfare Plan. *Code of Ordinances Chapter 10, Exhibit A, Secs. 5(B)(5), (10); 5(C)(1); 6(B)(7)-(8), (14)-(15); 12(B)(1)(a); 12(B)(1)(k)(1)-(3); 12(B)(5)*
3. Dedicate a 15'x15' Right of Way corner clip on Southeast corner of proposed Lot 8R. *Code of Ordinances Chapter 10, Exhibit A, Secs. 5(B)(5), (10); 5(C)(1); 6(B)(7)-(8), (14)-(15); 12(B)(1)(a); 12(B)(1)(k)(1)-(3); 12(B)(5)*
4. Dedicate a 10' Utility Easement along Rusk Street. *Code of Ordinances Chapter 10, Exhibit A, Sec. 12(D)*
5. Dedicate a 10' Utility Easement along Dulin Street. *Code of Ordinances Chapter 10, Exhibit A, Sec. 12(D)*
6. Modify 10' Utility Easement on Southeast corner of proposed Lot 8R to parallel new right of way created by corner clip.
7. Wastewater main must be extended in accordance with City criteria to serve proposed Lot prior to Building Permit being issued. Wastewater capacity shall be verified for proposed use. *Code of Ordinances Chapter 13, Sec. 13.07.282; Chapter 10, Exhibit A, Sec. 12(H)* permitted.
8. Show Ownership block on both pages of plat.
9. Drive approaches and sidewalks must conform to City of Sherman standards and a permit with drawing showing dimensions is required from City of Sherman Engineering Department for review and approval prior to any work being done within public right of way. *Code of Ordinances Chapter 3, Division 5, Sec. 3.10.154*

10. Civil Engineering plans shall be provided to the Engineering Department for review and approval. Plat to reflect changes upon Engineering review. *Code of Ordinances Chapter 10, Exhibit A, Sec. 12, Code of Ordinances Chapter 10, Exhibit A, Sec. 15.*
11. Three Party Agreement required for Public Infrastructure.
12. Any other changes made to the plat prior to the final fulfillment of the conditions of the staff review, must be considered minor by staff, as to not require resubmission to the Planning & Zoning Commission.
13. Original tax certificates with $0.00 balance for each taxing property involved in plat shall be furnished to the City of Sherman Engineering Department at the time of delivery of final mylar and prints for the purpose of recording the plat. *Code of Ordinances Chapter 10, Exhibit A, Secs. 6(B), 6(B)(11)*
14. Upon final staff approval, 1 Mylar and 3 paper copies must be submitted in 24"x36" size for recording. Both mylar and paper copies must be split, but not cut, to be 2-24"x18" pages per Grayson County requirements. 1 page must have the legal description (preferably in portrait layout) and the other page must have the image. Both mylar and paper copies must look the same. Both split pages must include the Subdivision Name block and page numbers. Submit digital image to the Engineering department for approval prior to printing mylars and paper copy. Final copies for filing will not be accepted until after approval by P&Z Commission, City Council, and Engineering Department. CAD file must be submitted digitally at time of final approval. *Code of Ordinances Chapter 10, Exhibit A, Sec. 6(B)*

It is the policy of this Board not to consider a request unless the applicant or its representative attends the meeting at which the request is considered. You are hereby notified to present your case on the date and time stated above.

If additional information or clarification is needed, do not hesitate to contact Wayne Lee, at 903-892-7327 prior to the meeting.

Respectfully,

Wayne E. Lee, P.E., CFM
Director of Engineering

cc: Robby Hefton, City Manager
Tom Pruitt, Utility Engineer
Clint Philpott, Assistant City Manager
Rob Rae, Director of Development Services
Billy Hartsfield, Fire Marshal
The Law Firm of Abernathy, Roeder, Boyd, & Hughlett, P.C., City Attorney

Planning & Zoning Commission and Board of Adjustments

Agenda Item No. 7.

Meeting Date: 11/15/2022

Prepared by: Lauren Marlow, Administrative Assistant
Rob Rae, Director of Development Services

Clay Mahone, Chairman
David Downtain, Vice Chairman
Shawn Davis, Commissioner
Leigh Ann Sims, Commissioner
Paul Manley, Commissioner
Glenn Whitaker, Commissioner
Bryan Blagg, Commissioner

Requested Action/Proposed Use:

* **1228 SOUTH RUSK STREET**

The request of Moran Developments, LLC (Owner) and Helvey-Wagner Surveying, Inc. (Surveyor) concerning the property located at 1228 South Rusk Street, being 0.200 Acres in part of the Samuel Blagg Survey, Abstract No. 56, and being the South 100 ft. of Lot 8, Block 16 of the B.H. Moore Heirs Addition, as follows:

Planning and Zoning Commission

Replat approval of B.H. Moore Heirs Addition, Lot 8R, Block 16.

Background:

The property is located at 1228 South Rusk Street, the northwest corner of South Rusk and West Dulin Streets and is zoned R-1 (One-Family Residential) District. The owner would like to plat the property into one lot for residential development.

Adjacent Zoning:

R-1 (One-Family Residential) District

Origination:

Moran Developments, LLC (Owner)
Helvey-Wagner Surveying, Inc. (Surveyor)

Master Plan Designation:

Not Applicable.

Number of notices mailed:

196

Objections Received:

0

Development Review Meeting:
No

Attachments

Location Map
Zoning Map
Zoning Sign Photo
Replat
Site Plan
Staff Review Letter

SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **G. 3.**

Meeting Date: 12/05/2022

Prepared By: Rob Rae, Director of Development Services

Approved By: Robby Hefton, City Manager

Caption:

***** OTHER BUSINESS***

Replat approval of 709 East Lamberth Addition, Block A, Lot 1, being 0.152 acres in the George B. Pilant Survey, Abstract Number 963, and also being part of Lot 3, Block 1, East Side Addition; Luke Scheibmeir, Owner and Preston Trail Land Surveying, Surveyor (709 East Lamberth)

Issue:

To consider Replat approval of 709 East Lamberth Addition, Block A, Lot 1, being 0.152 acres in the George B. Pilant Survey, Abstract Number 963, and also being part of Lot 3, Block 1, East Side Addition; Luke Scheibmeir, Owner and Preston Trail Land Surveying, Surveyor (709 East Lamberth)

Background:

The property is located at 709 East Lamberth Road between Masters Street and North Loy Lake Road and is zoned R-1 (One-Family Residential) District. The owner would like to plat the property into two lots for commercial development.

Origination:

Luke Scheibmeir (Owner)
Preston Trail Land Surveying (Surveyor)

Financial Consideration:

None

Staff Recommendation:

At the November 15, 2022 regular meeting, the Planning and Zoning Commission voted unanimously to recommend to the City Council that the Replat be approved subject to the Staff Review Letter.

Alternatives:

None

Attachments

Location Map

Zoning Map
Zoning Sign Photo
Replat
Land Description
Staff Review Letter
P & Z Communication

dlagrone H:\ENGINEER\GIS\ArcGIS Pro Projects\Planning\Public Notification.aprx

Sherman
CLASSIC TOWN. BROAD HORIZON.

City of Sherman, Texas
Development Services Department

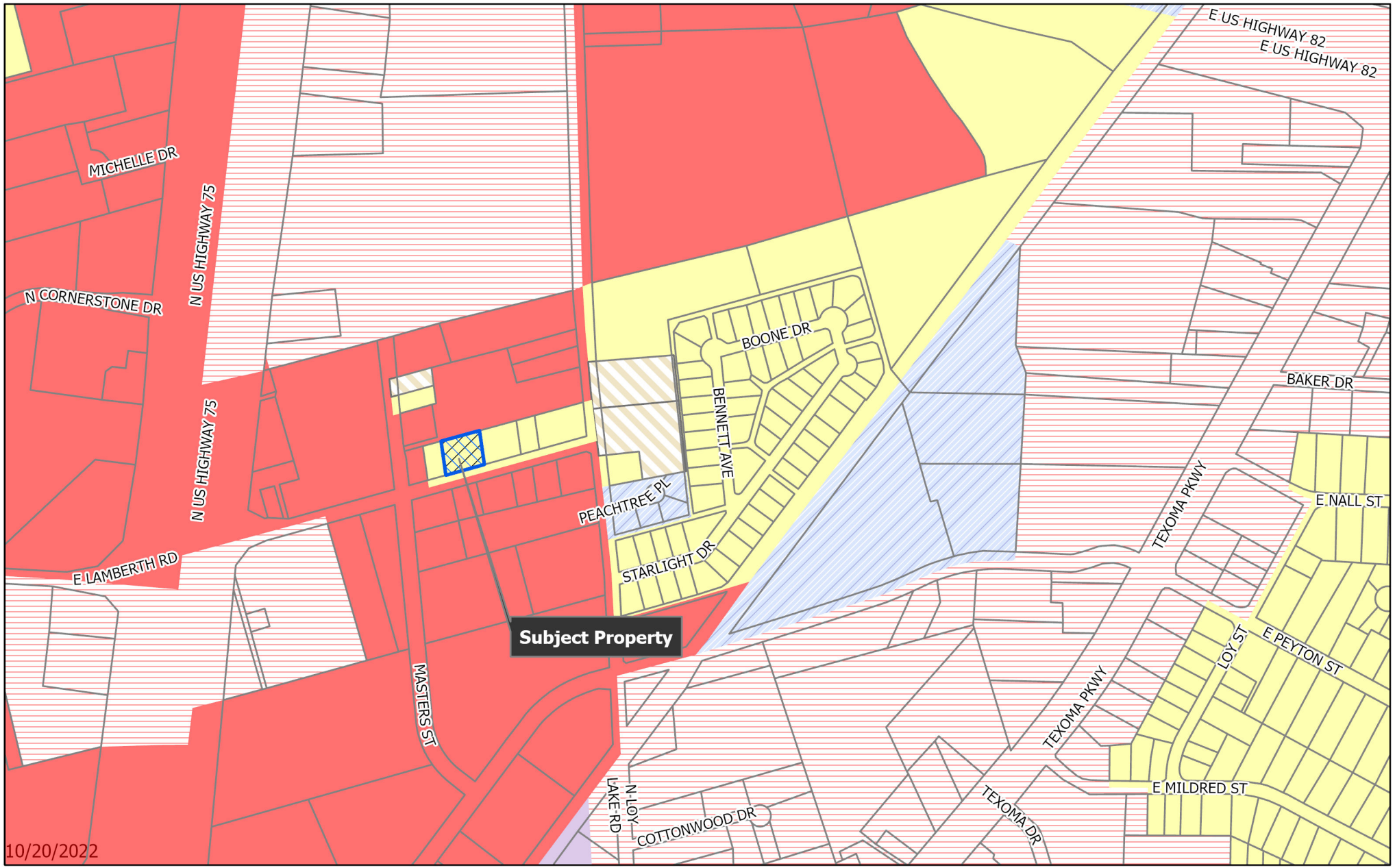
CITY OF SHERMAN

709 E Lamberth

N
W E
S

Date: 10/20/2022 8:25 AM

Scale: 1:3,348



Sherman
CLASSIC TOWN. BROAD HORIZON.

City of Sherman, Texas
Development Services Department

- BIP Blalock Industrial Park
- C-1 Retail Business District
- C-2 General Commercial District
- CO Office District
- Lakes
- M-1 Light Manufacturing District
- M-1.5 Medium Manufacturing District
- M-2 Heavy Manufacturing District
- MH Manufacturing Housing Distgrict
- R-1 One Family Residential District
- R-2 Multi-Family Residential District
- R-A Single Family Agricultural District
- SF-1 Single Family Residential District
- PD Planned Development
- Subject Locations
- Parcels
- City Limits

CITY OF SHERMAN
Zoning Location Map

709 E Lamberth

N
W E
S

Scale: 1:6,260

Date: 10/20/2022 8:25 AM

709 E Lamberth

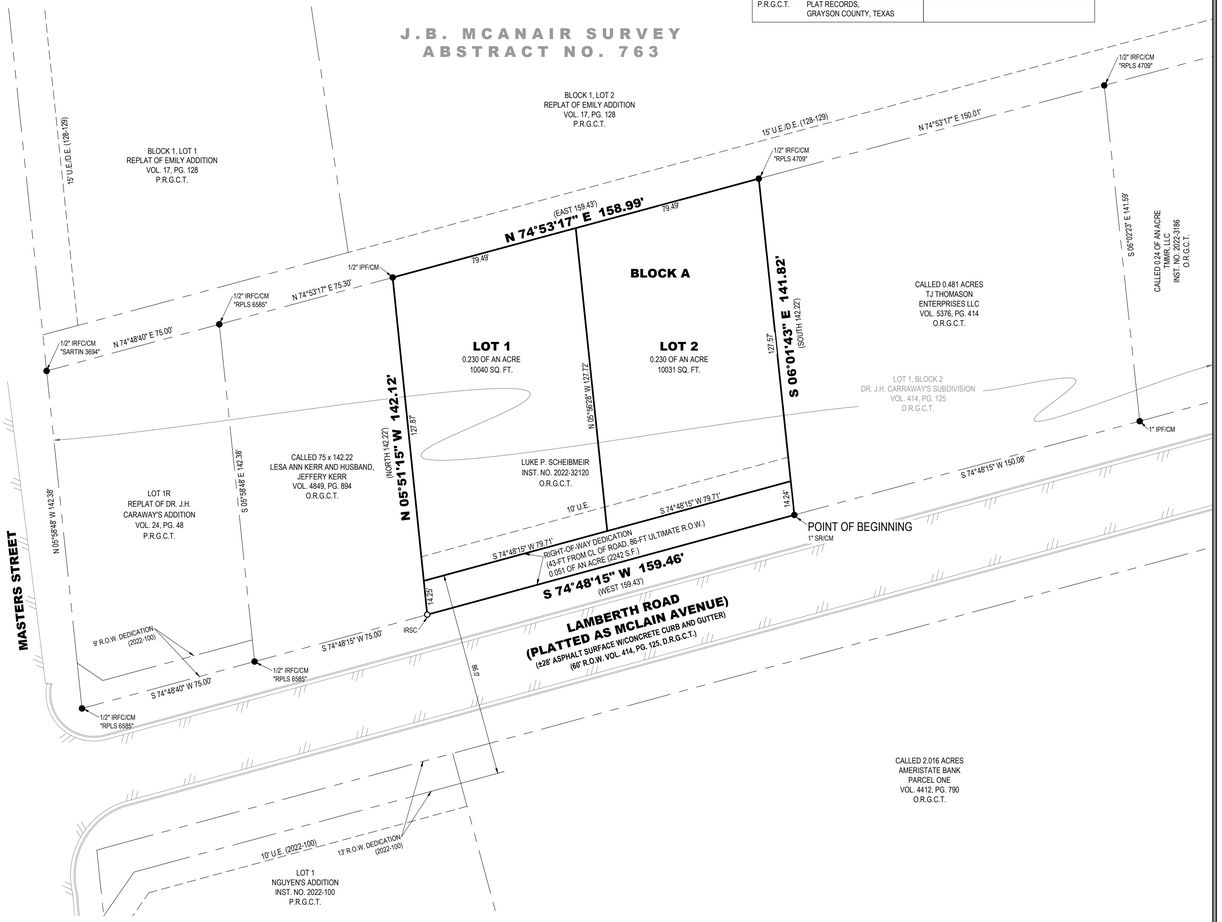
LEGEND

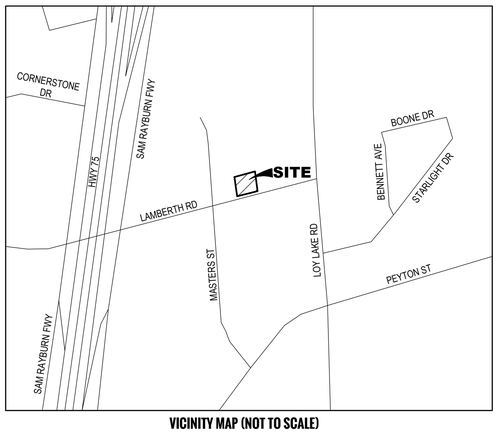
●	FOUND MONUMENT	D.R.G.C.T.	DEED RECORDS, GRAYSON COUNTY, TEXAS
○	SET MONUMENT		
IRSC	1/2" IRON ROD W/ "PRESTON TRAIL LAND SURVEYING, RPLS 6585" CAP SET	O.R.G.C.T.	OFFICIAL RECORDS, GRAYSON COUNTY, TEXAS
IRF	IRON ROD FOUND	VOL., PG.	VOLUME, PAGE
IRFC	IRON ROD FOUND W/PLASTIC CAP	INST. NO.	INSTRUMENT NO.
IRF/SQ	SQUARE IRON ROD FOUND	———	BOUNDARY LINE
IPF	IRON PIPE FOUND	——— - - ———	ADJOINER LINE
SR	SUCKER ROD	- - - - - - -	EASEMENT
CM	CONTROLLING MONUMENT	//////////	ASPHALT
( )	DEED OR PLAT CALL	U.E.	UTILITY EASEMENT
R.O.W.	RIGHT-OF-WAY	D.E.	DRAINAGE EASEMENT
P.R.G.C.T.	PLAT RECORDS, GRAYSON COUNTY, TEXAS		

GRAPHIC SCALE IN FEET (0, 15, 30)

All bearings shown are based on grid north of the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983.

FLOOD STATEMENT:
I have examined the F.E.M.A. Flood Insurance Rate Map for City of Sherman, Grayson County, Texas, Community Number 485509, effective date 09/01/2022 and that map indicates that this property is within "Non-shaded Zone X" defined as "Areas determined to be outside the 0.2% annual chance flood" as shown on Panel 0290 G of said map. This flood statement does not imply that the property and/or structures thereon will be free from flooding or flood damage, on rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes. This flood statement shall not create liability on the part of the surveyor.





VICINITY MAP (NOT TO SCALE)

PRELIMINARY
THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT

OWNER/DEVELOPER:
Luke P. Scheibmeir
709 East Lamberth Road
Sherman, TX 75090

SURVEYOR:
Chris Noah, RPLS 6585
Preston Trail Land Surveying LLC
787 W FM 996
Pottsboro, TX 75076
Ph: 903-786-6029

709 EAST LAMBERTH ADDITION
BLOCK A, LOT 1
BEING A REPLAT OF DR. J.H. CARRAWAY'S ADDITION
BLOCK 2, PART OF LOT 1
0.512 OF AN ACRE
J.B. MCANAIR SURVEY, ABSTRACT NO. 763
City of Sherman, Grayson County, Texas

Preston Trail LAND SURVEYING
787 W FM 996
Pottsboro, TX 75076
www.prestontraillandsurveying.com
903-786-6029

TBPLS Firm No. 10194175	Drawn by: MNO Checked by: CRN	Scale: 1"=30' Date: 10/14/2022	Project No. 22-0506 Sheet No. 1 of 2

STATE OF TEXAS §
COUNTY OF GRAYSON §

OWNER'S CERTIFICATE

WHEREAS LUKE P. SCHEIBMEIR is the owner of all of that certain tract or parcel of land situated in the J.B. McNair Survey, Abstract No. 763, City of Sherman, Grayson County, Texas, and being part of Lot 1, in Block 2, of Dr. J.H. Carraway's Subdivision, a Subdivision to the City of Sherman, Grayson County, Texas, according to the plat thereof recorded in Volume 414, Page 125, Deed Records, Grayson County, Texas, and being a re-tracement survey of a tract of land described in the deed to Luke P. Scheibmeir, recorded in Instrument No. 2022-32120, Official Records, Grayson County, Texas and being more particularly described as follows:

BEING all of that certain tract or parcel of land situated in the J.B. McNair Survey, Abstract No. 763, City of Sherman, Grayson County, Texas, and being part of Lot 1, in Block 2, of Dr. J.H. Carraway's Subdivision, a Subdivision to the City of Sherman, Grayson County, Texas, according to the plat thereof recorded in Volume 414, Page 125, Deed Records, Grayson County, Texas, and being a re-tracement survey of a tract of land described in the deed to Luke P. Scheibmeir, recorded in Instrument No. 2022-32120, Official Records, Grayson County, Texas and being more particularly described as follows:

BEGINNING at a Sucker Rod found for the southeast corner of said Scheibmeir Tract, common to the southwest corner of a called 0.481 of an acre tract of land described in the deed to TJ Thomason Enterprises LLC, recorded in Volume 5376, Page 414, said Official Records, on the southerly line of said Lot 1, and on the northerly right-of-way line of Lamberth Road (Platted as Mclain Avenue), from which a 1-inch iron pipe found for the southeast corner of said 0.481 acre tract bears North 74°48'15" East, a distance of 150.08 feet;

THENCE South 74°48'15" West, with the southerly line of said Scheibmeir Tract, and with the southerly line of said Lot 1, and with the northerly right-of-way line of said Lamberth Road, a distance of 159.46 feet to a 1/2-inch inch iron rod with a plastic cap stamped "PRESTON TRAIL LAND SURVEYING RPLS 6585" set for the southwest corner of said Scheibmeir Tract, common to the southeast corner of a called 75-foot by 142.22-foot tract of land described in the deed to Lisa Ann Kerr and Husband, Jeffery Kerr, recorded in Volume 4849, Page 894, said Official Records, from which a 1/2-inch iron rod with a plastic cap stamped "RPLS 6585" found for the southwest corner of said Kerr tract bears South 74°48'15" West, a distance of 75.00 feet;

THENCE North 05°51'15" West, with the westerly line of said Scheibmeir Tract, and with the easterly line of said Kerr Tract, and crossing said Lot 1, a distance of 142.12 feet to a 1/2-inch iron pipe found for the northwest corner of said Scheibmeir Tract, common to the northeast corner of said Kerr Tract, on the southerly line of Lot 2, in Block 1, of the Replat of Emily Addition, an addition to the City of Sherman, Grayson County, Texas, according to the plat thereof recorded in Volume 17, Page 128, Plat Records, Grayson County, Texas, and on the northerly line of said Lot 1, from which a 1/2-inch iron rod with a plastic cap stamped "RPLS 6585" found for the northwest corner of said Kerr Tract bears South 74°53'17" West, a distance of 75.30 feet;

THENCE North 74°53'17" East, with the northerly line of said Scheibmeir Tract, and with the northerly line of said Lot 1, and with the southerly line of said Lot 2, a distance of 158.99 feet to a 1/2-inch iron rod with a plastic cap stamped "RPLS 4709" found for the northeast corner of said Scheibmeir Tract, common to the northwest corner of aforesaid 0.481 acre tract, from which a 1/2-inch iron rod with a plastic cap stamped "RPLS 4709" found for the northeast corner of said 0.481 acre tract bears North 74°53'17" East, a distance of 150.01 feet;

THENCE South 06°01'43" East, with the easterly line of said Scheibmeir Tract, and with the westerly line of said 0.481 acre tract, and crossing said Lot 1, a distance of 141.82 feet to the POINT OF BEGINNING and enclosing 0.512 of an acre (22,314 square feet) of land, more or less.

OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS

That **LUKE P. SCHEIBMEIR**, does hereby adopt this plat designating the hereinbefore described property as **709 EAST LAMBERTH ADDITION, BLOCK A, LOT 1, BEING A REPLAT OF BLOCK 2, PART OF LOT 1, OF DR. J.H. CARAWAY'S ADDITION** , an Addition to the City of Sherman, Grayson County, Texas, and does hereby dedicate to the public use forever all streets, rights-of-way, alleys and easements shown thereon. The City or any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs or other improvements or growths in which any way endanger or interfere with the construction, maintenance or efficiency of its respective systems on any of these easements, and the City or any public utility shall at all times have the right of ingress and egress to and from and upon the said easement for the purpose of constructing, reconstructing, inspecting, and patrolling, without the necessity at any time of procuring the permission of anyone. This plat approved subject to all platting ordinances, rules, regulations, and resolutions of the City of Sherman, Texas.

BY: _____
Luke P. Scheibmeir

STATE OF TEXAS §
COUNTY OF GRAYSON §

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared **Luke P. Scheibmeir,** known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein.

WITNESS MY HAND AND SEAL OF OFFICE THIS THE ____ DAY OF _____, 20_____.

_____
Notary Public in and for the State of Texas

CITY COUNCIL CERTIFICATE OF ACCEPTANCE

Accepted by the City Council of the City of Sherman, Texas:

_____ _____ _____
Mayor, City of Sherman, Texas Date

The undersigned, the City Clerk of the City of Sherman, hereby certifies that the foregoing plat of **709 EAST LAMBERTH ADDITION, BLOCK A, LOT 1, BEING A REPLAT OF BLOCK 2, PART OF LOT 1, OF DR. J.H. CARAWAY'S ADDITION** to the City of Sherman was submitted to the City Council on the _____ day of _____, 20_____, and the City Council by formal action then and there accepted the dedication of streets, alleys, easements and public places as shown and set forth in and upon said map or plat and said City Council further authorized the Mayor to note the acceptance thereof by signing his name as hereinabove subscribed.

Witness my hand this _____ day of _____, A.D. 20____.

_____
Clerk, City of Sherman, Texas

PLANNING AND ZONING COMMISSION CERTIFICATE OF ACCEPTANCE

Accepted this _____ day of _____, 20____, by the City Planning and Zoning Commission of the City of Sherman, Texas.

_____ _____ _____
Chairman Secretary

SURVEYORS CERTIFICATE

I, the undersigned, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that this plat is true and correct and was prepared from an actual survey of the property made under my supervision on the ground and that all monuments shown hereon actually actually exist and that their location, size, and material are correctly shown.

_____
Chris R. Noah Date
Registered Professional Land Surveyor No. 6585

PRELIMINARY
THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT

AVIGATION RELEASE

STATE OF TEXAS §
COUNTY OF GRAYSON §

WHEREAS, **LUKE P. SCHEIBMEIR**, hereinafter called OWNER (whether one or more), is the owner of a certain parcel of land situated in the City of Sherman, Grayson County, Texas, being more particularly described as **709 EAST LAMBERTH ADDITION, BLOCK A, LOT 1 BEING A REPLAT OF BLOCK 2, PART OF LOT 1, OF DR. J.H. CARAWAY'S ADDITION**, an addition to the City of Sherman, Grayson County, Texas.

OWNER does hereby waive, release, remise, quit claim and forever hold harmless the City of Sherman, Texas, a municipal corporation, hereinafter called CITY, and Sherman Municipal Airport, hereinafter called AIRPORT, from any and all claims for damages of any kind that OWNER may now have or may hereinafter have in the future by reason of the passage of all aircraft (aircraft being defined for the purposes of this instrument as any contrivance now known or hereinafter invented, used or designed or navigation of or flight in the air) by whomsoever owned and operated, in the airspace above OWNER'S property. Such release shall include, but not be limited to, any damages to the OWNER's described property, such as noise, vibration, fumes, dust, fuel and lubricant particles, and all other effects that may be caused by the operation of aircraft landing at or taking off from or operating at or on the Sherman Municipal Airport, whether such claim be for injury or death to person or persons damages to or taking off of property; and OWNER does hereby fully remiss and release any right or cause of action which it may now have or which it may in the future have against the CITY or AIRPORT, whether such claims be for injury or death to persons or damage to property due to noises, vibration, fumes, dust, fuel and lubricant particles, and all the other effects that may be caused or may have been caused by the operation and/or maintenance of aircraft or aircraft engines at or on said Sherman Municipal Airport.

It is agreed that this Release shall be binding upon OWNER, his successors, heirs, executors, administrators and assigns, in interest with regard to said property located at **709 EAST LAMBERTH ADDITION, BLOCK A, LOT 1 BEING A REPLAT OF BLOCK 2, PART OF LOT 1, OF DR J.H. CARAWAY'S ADDITION**, an addition to the City of Sherman, Texas, and it is further agreed that this instrument shall be a covenant running with the land, and shall be recorded in the Deed Records of Grayson County, Texas.

Executed this ____ day of _____, 20___.

BY: _____
Luke P. Scheibmeir

OWNER/DEVELOPER:
Luke P. Scheibmeir
709 East Lamberth Road
Sherman, TX 75090

SURVEYOR:
Chris Noah, RPLS 6585
Preston Trail Land Surveying LLC
787 W FM 996
Pottsboro, TX 75076
Ph: 903-786-6029

709 EAST LAMBERTH ADDITION
BLOCK A, LOT 1
BEING A REPLAT OF DR. J.H. CARRAWAY'S ADDITION
BLOCK 2, PART OF LOT 1
0.512 OF AN ACRE
J.B. MCANAIR SURVEY, ABSTRACT NO. 763
City of Sherman, Grayson County, Texas

Preston Trail LAND SURVEYING
787 W FM 996
Pottsboro, TX 75076
www.prestontraillandsurveying.com
903-786-6029

TBPLS Firm No. 10194175	Drawn by: MNO Checked by: CRN	Scale: 1"=30' Date: 10/14/2022	Project No. 22-0506 Sheet No. 2 of 2

BEING all of that certain tract or parcel of land situated in the J.B. McaNair Survey, Abstract No. 763, City of Sherman, Grayson County, Texas, and being part of Lot 1, in Block 2, of Dr. J.H. Carraway's Subdivision, a Subdivision to the City of Sherman, Grayson County, Texas, according to the plat thereof recorded in Volume 414, Page 125, Deed Records, Grayson County, Texas, and being a re-tracement survey of a tract of land described in the deed to Luke P. Scheibmeir, recorded in Instrument No. 2022-32120, Official Records, Grayson County, Texas and being more particularly described as follows:

BEGINNING at a Sucker Rod found for the southeast corner of said Scheibmeir Tract, common to the southwest corner of a called 0.481 of an acre tract of land described in the deed to TJ Thomason Enterprises LLC, recorded in Volume 5376, Page 414, said Official Records, on the southerly line of said Lot 1, and on the northerly right-of-way line of Lamberth Road (Platted as Mclain Avenue), from which a 1-inch iron pipe found for the southeast corner of said 0.481 acre tract bears North 74°48'15" East, a distance of 150.08 feet;

THENCE South 74°48'15" West, with the southerly line of said Scheibmeir Tract, and with the southerly line of said Lot 1, and with the northerly right-of-way line of said Lamberth Road, a distance of 159.46 feet to a 1/2-inch inch iron rod with a plastic cap stamped "PRESTON TRAIL LAND SURVEYING RPLS 6585" set for the southwest corner of said Scheibmeir Tract, common to the southeast corner of a called 75-foot by 142.22-foot tract of land described in the deed to Lisa Ann Kerr and Husband, Jeffery Kerr, recorded in Volume 4849, Page 894, said Official Records, from which a 1/2-inch iron rod with a plastic cap stamped "RPLS 6585" found for the southwest corner of said Kerr tract bears South 74°48'15" West, a distance of 75.00 feet;

THENCE North 05°51'15' West, with the westerly line of said Scheibmeir Tract, and with the easterly line of said Kerr Tract, and crossing said Lot 1, a distance of 142.12 feet to a 1/2-inch iron pipe found for the northwest corner of said Scheibmeir Tract, common to the northeast corner of said Kerr Tract, on the southerly line of Lot 2, in Block 1, of the Replat of Emily Addition, an addition to the City of Sherman, Grayson County, Texas, according to the plat thereof recorded in Volume 17, Page 128, Plat Records, Grayson County, Texas, and on the northerly line of said Lot 1, from which a 1/2-inch iron rod with a plastic cap stamped "RPLS 6585" found for the northwest corner of said Kerr Tract bears South 74°53'17" West, a distance of 75.30 feet;

THENCE North 74°53'17" East, with the northerly line of said Scheibmeir Tract, and with the northerly line of said Lot 1, and with the southerly line of said Lot 2, a distance of 158.99 feet to a 1/2-inch iron rod with a plastic cap stamped "RPLS 4709" found for the northeast corner of said Scheibmeir Tract, common to the northwest corner of aforesaid 0.481 acre tract, from which a 1/2-inch iron rod with a plastic cap stamped "RPLS 4709" found for the northeast corner of said 0.481 acre tract bears North 74°53'17" East, a distance of 150.01 feet;

THENCE South 06°01'43" East, with the easterly line of said Scheibmeir Tract, and with the westerly line of said 0.481 acre tract, and crossing said Lot 1, a distance of 141.82 feet to the POINT OF BEGINNING and enclosing 0.512 of an acre (22,314 square feet) of land, more or less.

Sherman
CLASSIC TOWN. BROAD HORIZON.

STAFF REVIEW LETTER

November 7, 2022

Luke P. Scheibmeir
709 E. Lamberth
Sherman, TX 75090

Preston Trail Land Surveying
787 W. FM 996
Pottsboro, TX 75076

Dear Applicants,

The request for approval of the Replat of 709 East Lamberth Addition has been scheduled to be heard by the Planning and Zoning Commission on the day of Tuesday, November 15, 2022 at 5:00 p.m., in the City Council Chambers, City Hall at 220 W. Mulberry.

City staff has reviewed your request with regards to engineering and development guidelines and finds the following items need to be addressed:

1. Dedicate a 15' Utility Easement along Lamberth Road. *Code of Ordinances Chapter 10, Exhibit A, Sec. 12(D)*
2. Reference call from Northwest corner point of proposed Lot 1 on drawing does not match metes and bounds description. Correct appropriately. *Code of Ordinances Chapter 10, Exhibit A, Sec.6(B)(7)*
3. Drive approaches and sidewalks must conform to City of Sherman standards and a permit with drawing showing dimensions is required from City of Sherman Engineering Department for review and approval prior to any work being done within public right of way. *Code of Ordinances Chapter 3, Division 5, Sec. 3.10.154*
4. Any other changes made to the plat prior to the final fulfillment of the conditions of the staff review, must be considered minor by staff, as to not require resubmission to the Planning & Zoning Commission.
5. Original tax certificates with $0.00 balance for each taxing property involved in plat shall be furnished to the City of Sherman Engineering Department at the time of delivery of final mylar and prints for the purpose of recording the plat. *Code of Ordinances Chapter 10, Exhibit A, Secs. 6(B), 6(B)(11)*
6. Upon final staff approval, 1 Mylar and 3 paper copies must be submitted in 24"x36" size for recording. Both mylar and paper copies must be split, but not cut, to be 2-24"x18" pages per Grayson County requirements. 1 page must have the legal description (preferably in portrait layout) and the other page must have the image. Both mylar and paper copies must look the same. Both split pages must include the Subdivision Name block and page numbers. Submit digital image to the Engineering department for approval prior to printing mylars and paper copy. Final copies for filing will not be accepted until after approval by P&Z Commission, City Council, and Engineering Department. <u>CAD file must be submitted digitally at time of final approval</u>. *Code of Ordinances Chapter 10, Exhibit A, Sec. 6(B)*

It is the policy of this Board not to consider a request unless the applicant or its representative attends the meeting at which the request is considered. You are hereby notified to present your case on the date and time stated above.

If additional information or clarification is needed, do not hesitate to contact Wayne Lee, at 903-892-7327 prior to the meeting.

Respectfully,

Wayne E. Lee, P.E., CFM
Director of Engineering

cc: Robby Hefton, City Manager
Tom Pruitt, Utility Engineer
Clint Philpott, Assistant City Manager
Rob Rae, Director of Development Services
Billy Hartsfield, Fire Marshal
The Law Firm of Abernathy, Roeder, Boyd, & Hughlett, P.C., City Attorney

Planning & Zoning Commission and Board of Adjustments

Agenda Item No. 10.

Meeting Date: 11/15/2022

Prepared by: Lauren Marlow, Administrative Assistant
Rob Rae, Director of Development Services

Clay Mahone, Chairman
David Downtain, Vice Chairman
Shawn Davis, Commissioner
Leigh Ann Sims, Commissioner
Paul Manley, Commissioner
Glenn Whitaker, Commissioner
Bryan Blagg, Commissioner

Requested Action/Proposed Use:

* **709 EAST LAMBERTH ROAD**

The request of Luke Scheibmeir (Owner) and Preston Trail Land Surveying (Surveyor) concerning the property located at 709 East Lamberth Road, being 0.512 acres in the J.B. McAnair Survey, Abstract No. 763, and being part of Lot 1, Block 2, J.H. Carraway's Subdivision, as follows:

Planning and Zoning Commission

Replat approval of 709 East Lamberth Addition, Block A, Lot 1.

Background:

The property is located at 709 East Lamberth Road between Masters Street and North Loy Lake Road and is zoned R-1 (One-Family Residential) District. The owner would like to plat the property into two lots for commercial development.

Adjacent Zoning:

R-1 (One-Family Residential) District
C-1 (Retail Business) District

Origination:

Luke Scheibmeir (Owner)
Preston Trail Land Surveying (Surveyor)

Master Plan Designation:

Not Applicable.

Number of notices mailed:

28

Objections Received:

0

Development Review Meeting:
No

Attachments

Location Map
Zoning Map
Zoning Sign Photo
Replat
Staff Review Letter

SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **G. 4.**

Meeting Date: 12/05/2022

Prepared By: Rob Rae, Director of Development Services

Approved By: Robby Hefton, City Manager

Caption:

***** OTHER BUSINESS***

Replat approval of Emaar Addition, being 0.317 acres in the George B. Pilant Survey, Abstract No. 963, and also being all of Lot 4 and part of Lot 5, Block 2, J.C. Linnstead Addition; Naveed Owais, Emaar TX LLC, Owner and Underwood Drafting & Surveying, Surveyor (514 South Dewey Avenue)

Issue:

To consider Replat approval of Emaar Addition, being 0.317 acres in the George B. Pilant Survey, Abstract No. 963, and also being all of Lot 4 and part of Lot 5, Block 2, J.C. Linnstead Addition; Naveed Owais, Emaar TX LLC, Owner and Underwood Drafting & Surveying, Surveyor (514 South Dewey Avenue)

Background:

The property is located at 514 South Dewey Avenue, the northwest corner of East King Street and South Dewey Avenue and is zoned C-1 (Retail Business) District. The owner would like to plat the property into one lot for commercial development.

Origination:

Naveed Owais, Emaar TX LLC (Owners)
Underwood Drafting & Surveying

Financial Consideration:

None

Staff Recommendation:

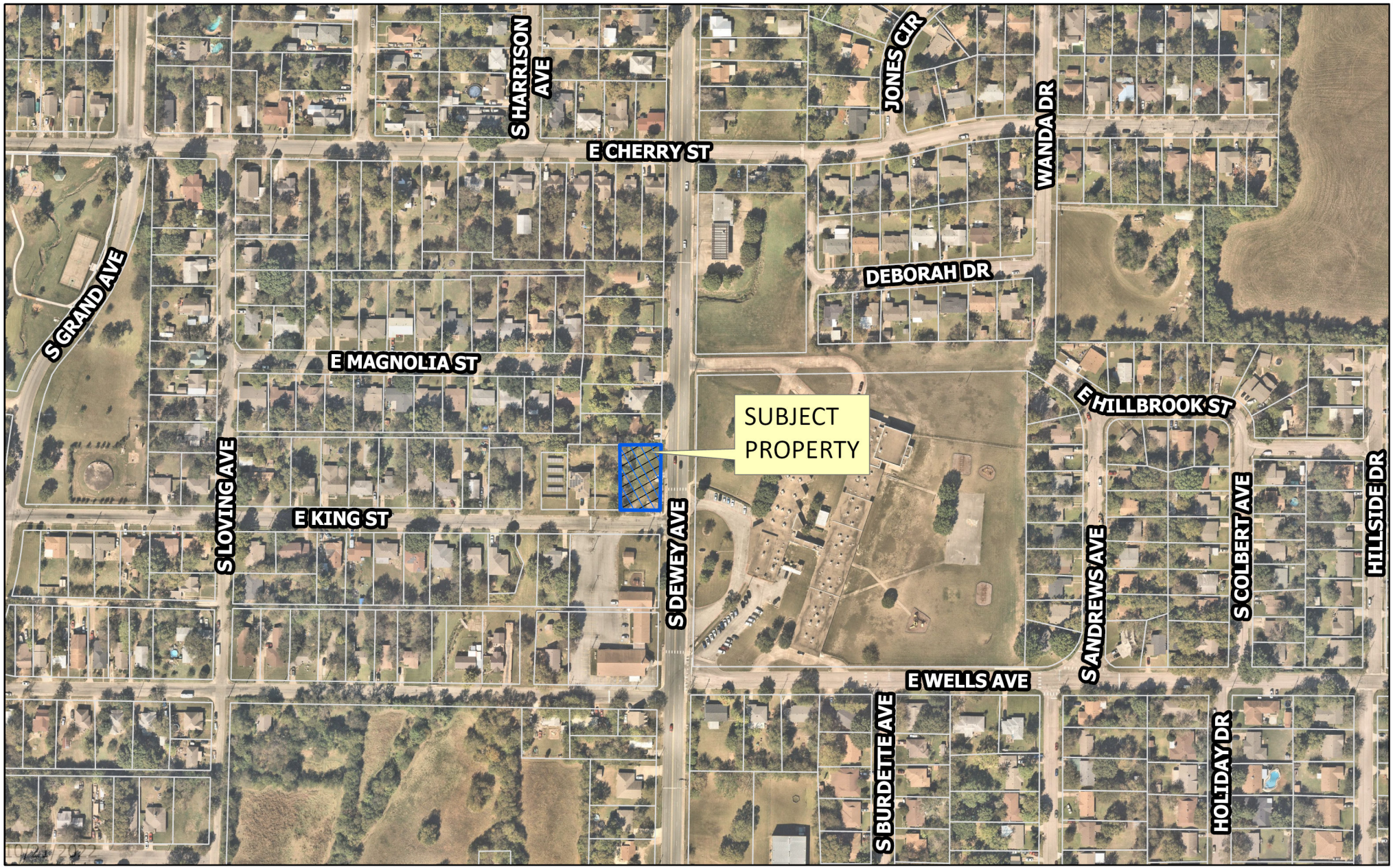
At the November 15, 2022 regular meeting, the Planning and Zoning Commission voted unanimously to recommend to the City Council that the Replat be approved subject to the Staff Review Letter.

Alternatives:

None

Attachments

Location Map
Zoning Map
Replat
Staff Review Letter
P & Z Communication



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10/21/2022

Sherman
CLASSIC TOWN. BROAD HORIZON.

City of Sherman, Texas
Development Services Department

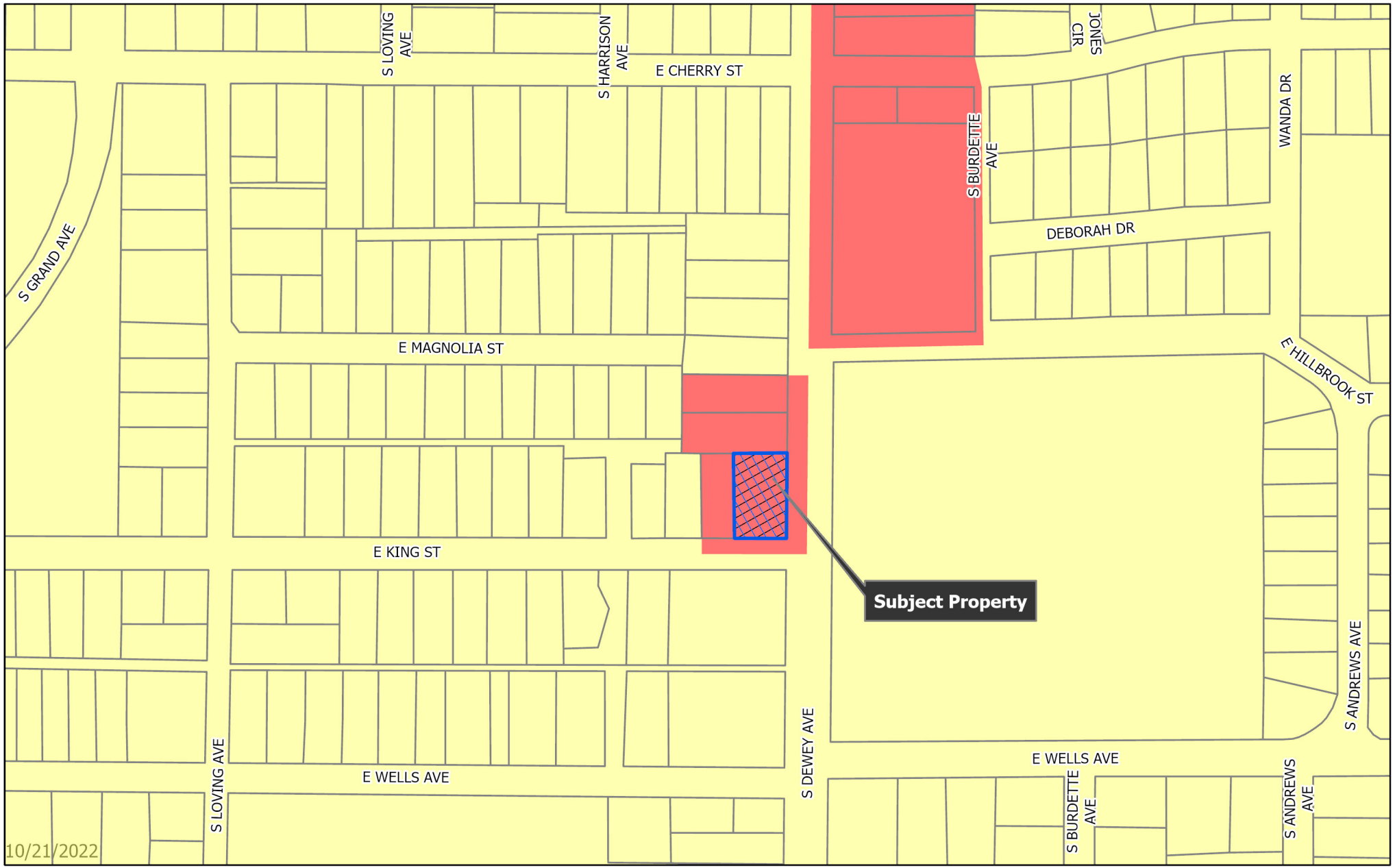
CITY OF SHERMAN

514 S Dewey

N
W E
S

Date: 10/20/2022 4:56 PM

Scale: 1:3,348



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Sherman
CLASSIC TOWN. BROAD HORIZON.

City of Sherman, Texas
Development Services Department

- BIP Blalock Industrial Park
- C-1 Retail Business District
- C-2 General Commercial District
- CO Office District
- Lakes
- M-1 Light Manufacturing District
- M-1.5 Medium Manufacturing District
- M-2 Heavy Manufacturing District
- MH Manufacturing Housing Distgrict
- R-1 One Family Residential District
- R-2 Multi-Family Residential District
- R-A Single Family Agricultural District
- SF-1 Single Family Residential District
- PD Planned Development
- Subject Locations
- Parcels
- City Limits

CITY OF SHERMAN
Zoning Location Map

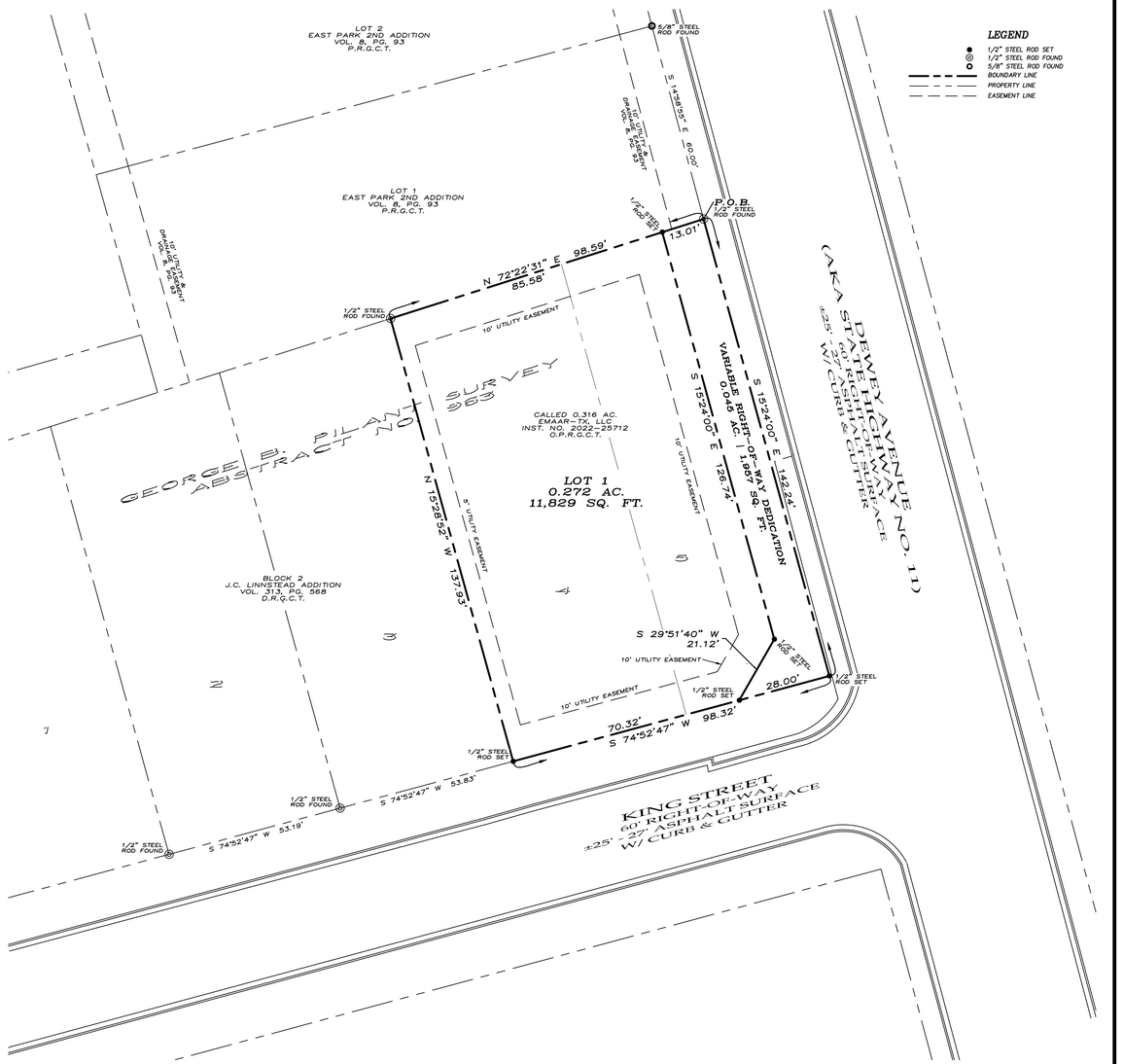
514 S Dewey

N W E S

Scale: 1:2,564

Date: 10/20/2022 4:56 PM

JOB NO. 22101065



~ BASIS OF BEARINGS ~
GRID NORTH, NAD 83
TEXAS STATE PLANE COORDINATE SYSTEM
NORTH CENTRAL ZONE

EMAAR ADDITION

REPLAT OF J. C. LINNSTEAD ADDITION
ALL OF LOT 4 AND PART OF LOT 5, BLOCK 2
Being a part of the George B. Pilant Survey, Abstract Number 963.
Being in the City of Sherman, Grayson County, Texas.
Containing 0.317 acres of land

GRAPHIC SCALE
20 0 10 20 40 80
(IN FEET)
1 inch = 20 ft.

10-20-22

OWNERS/DEVELOPER	SURVEYOR
EMAAR-TX LLC	DOUGLAS W. UNDERWOOD
2829 GULF BREEZE CT.	R.P.L.S. NO. 4709
PLANO, TX 75074	3404 INTERURBAN ROAD
CONTACT: NAVEED OWAIS	DENISON, TEXAS

UNDERWOOD
DRAFTING & SURVEYING
3404 INTERURBAN ROAD DENISON, TEXAS 75021 (903)465-2151

SHEET 1 OF 2

JOB NO. 22101065

LEGAL DESCRIPTION

Situated in the County of Grayson, State of Texas, being a part of George B. Pilant Survey, Abstract No. 963, and being all of Lot 4 and part of Lot 5 in Block 2 of J.C. Linnstead Addition, according to the plat thereof recorded in Volume 313, Page 568, Deed Records, Grayson County, Texas, and being the same tract of land of a called 0.316 acre tract of land described in the deed to Emaar-TX, LLC, recorded in Instrument No. 2022-25712, Official Public Records, Grayson County, Texas, and being described by metes and bounds as follows:

Beginning at a 1/2" steel rod found for the northeast corner of said 0.316 acre tract, common to the southeast corner of Lot 1 of East Park 2nd Addition, according to the plat thereof recorded in Volume 8, Page 93, Plat Records, Grayson County, Texas, and on the westerly right-of-way line of Dewey Avenue (AKA State Highway No. 11);

Thence South 15°24'00" East, with the easterly line of said 0.316 acre tract, and with the westerly right-of-way line of said Dewey Avenue, a distance of 142.24 feet to a 1/2" steel rod set for the southeast corner of said 0.316 acre tract, and at the interestion of the westerly right-of-way line of said Dewey Avenue and the northerly right-of-way line of King Street;

Thence South 74°52'47" West, with the southerly line of said 0.316 acre tract, and with the northerly right-of-way line of said King Street, a distance of 98.32 feet to a 1/2" steel rod set for the southwest corner of said 0.316 acre tract, common to the southeast corner of Lot 3 of aforesaid Block 2;

Thence North 15°28'52" West, with the westerly line of said 0.316 acre tract, and with the easterly line of said Lot 3, a distance of 137.93 feet to a 1/2" steel rod found for the northwest corner of said 0.316 acre tract, common to the northeast corner of said Lot 3, and on the southerly line of aforesaid Lot 1, East Park 2nd Addition;

Thence North 72°22'31" East, with the northerly line of said 0.316 acre tract, and with the southerly line of said Lot 1, a distance of 98.59 feet to the Point-of-Beginning and containing 0.317 acres (13,787 square feet) of land, more or less.

CERTIFICATE OF COMPLIANCE

The Undersigned, the City Clerk of the City of Sherman, hereby certifies that the foregoing, EMAAR ADDITION, an addition to the City of Sherman, Texas, was submitted to the City Council on the ____day of _____, 2022, and the City Council by formal action then and there accepted the dedication of streets, alleys, easements and public places, as shown and set forth in and upon said map or plat, and said City Council further authorized the Mayor to note the acceptance thereof by signing his name as herein above subscribed.

Witness my hand this____day of _____, 2022.

_____
Clerk, City of Sherman, Texas

PRELIMINARY
THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED, VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT

SURVEYOR'S CERTIFICATION

KNOWN ALL MEN BY THESE PRESENTS:

That I, Douglas W. Underwood, Registered Professional Land Surveyor, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments thereon where properly placed, under my personal supervision, in accordance with the subdivision regulations of the City of Sherman, Texas.

_____ _____
Douglas W. Underwood Date
Registered Professional
Land Surveyor, No. 4709

ACCEPTANCE

Approved this _____ day of _____, 2022, by the City Planning Commission to the City of Sherman, Texas.

_____ _____
Chairman Secretary

CERTIFICATE OF ACCEPTANCE OF DEDICATION

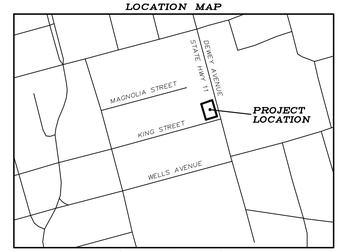
Accepted by the City Council of the City of Sherman

_____ _____
Mayor, City of Sherman, Texas Date

~ GENERAL NOTES ~

1. Water Supply to be provided by the City of Sherman.
2. Sewer Service to be provided by the City of Sherman.
3. Electrical service is provided by Oncor Electrical Delivery.
4. Blocking the flow of water or construction of improvements in drainage easements, and filling or obstruction of the floodway is prohibited.
5. Any existing creeks or drainage channels traversing along or across the addition will remain as open channels and will be maintained by the individual owners of the lot or lots that are traversed by or adjacent to the drainage courses along or across said lots.
6. The City of Sherman will not be responsible for the maintenance and operation of said drainage ways or drainage easements for the control of erosion.
7. Neither the City of Sherman nor the undersigned surveyor will be responsible for any damage, personal injury, or loss of life or property occasioned by flooding or flooding conditions.
8. The owners and builders must comply with all other local, state and federal regulations regarding developments of this type.
9. Bearings are based on the City of Sherman Control Monument Network.
10. The City of Sherman reserves the right to require submission of Development Plat based on proposed use of each lot.
11. The subject property does not lie within a Federal Emergency Management Agency (FEMA) designated flood plain as shown by Firm Map No. 48181C0290G, effective date September 1, 2022.

LOCATION MAP



(NOT TO SCALE)

OWNERS DEDICATION

NOW THEREFORE KNOWN ALL MEN BY THESE PRESENTS:

THAT I, EMAAR-TX, LLC, do hereby adopt this plat designating the hereinabove property as the EMAAR ADDITION, an addition to the City of Sherman, and do hereby dedicate to the public use forever the streets and easements shown on this plat for the mutual use and accommodation of all public and private utilities desiring to use or using same. Any public or private utility shall have the right to remove and keep removed all or part or any buildings, fences, trees, shrubs or other improvements or growths which in anyway endanger or interfere with the construtsion, maintenance, or efficiency of its respective systems on any of these easements strips and any public or private utility shall, at all times, have a right of ingress and egress to and from and upon the said easement strips for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining and adding to or removing all or part of its respective system without the permission of anyone. This plat approved subject to all ordinances, rules regulations and resolutions of the City of Sherman, Texas.

WITNESS MY HAND this_____day of _____, 2022.

_____
NAVEED OWAIS
EMAAR-TX, LLC

STATE OF TEXAS
COUNTY OF GRAYSON

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared, NAVEED OWAIS known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this___day of_____, 2022.

_____
Notary Public in and for
the State of Texas
Commission Expires: _____

AVIGATION RELEASE

THE STATE OF TEXAS
COUNTY OF GRAYSON

WHEREAS, EMAAR-TX, LLC, hereinafter called OWNER (whether one or more), is the owner of a certain parcel of land situated in the City of Sherman, Grayson County, Texas, being more particularly described as EMAAR ADDITION, an addition to the City of Sherman, Grayson County, Texas.

OWNER does hereby waive, release, remise, quit claim and forever hold harmless the City of Sherman, Texas, a municipal corporation, hereinafter called CITY, and Sherman Municipal Airport, hereinafter called AIRPORT, from any and all claims for damages of any kind that OWNER may now have or may hereinafter have in the future by reason of the passage of all aircraft (aircraft being defined for the purposes of this instrument as any contrivance now known or hereinafter invented, used or designed or navigation of or flight in the air) by whomsoever owned and operated, in the airspace above OWNER'S property. Such release shall include, but not be limited to, any damages to the OWNER'S described property, such as noise, vibration, fumes, dust, fuel and lubricant particles, and all other effects that may be caused by the operation of aircraft landing at or taking off from or operating at or on the Sherman Municipal Airport, whether such claim be for injury or death to person or persons damages to or taking off of property and OWNER does hereby fully remise and release any right or cause of action which it may now have or which it may in the future have against the CITY or AIRPORT, whether such claims be for injury or death to persons or damage to property due to noises, vibration, fumes, dust, fuel and lubricant particles, and all the other effects that may be caused or may have been caused by the operation and/or maintenance of aircraft or aircraft engines at or on said Sherman Municipal Airport.

It is agreed that this Release shall be binding upon OWNER, his successors, heirs, executors, administrators and assigns, in interest with regard to said property located at EMAAR ADDITION, an addition to the City of Sherman, Texas, and it is further agreed that this instrument shall be a covenant running with the land, and shall be recorded in the Deed Records of Grayson County, Texas.

EXECUTED THIS_____DAY OF_____, 2022

BY: EMAAR-TX, LLC

BY: _____
NAVEED OWAIS

EMAAR ADDITION

REPLAT OF J. C. LINNSTEAD ADDITION
ALL OF LOT 4 AND PART OF LOT 5, BLOCK 2
Being a part of the George B. Pilant Survey, Abstract Number 963.
Being in the City of Sherman, Grayson County, Texas.
Containing 0.317 acres of land

10-20-22

OWNERS/DEVELOPER
EMAAR-TX LLC
2829 GULF BREEZE CT.
PLANO, TX 75074
CONTACT: NAVEED OWAIS

SURVEYOR
DOUGLAS W. UNDERWOOD
R.P.L.S. NO. 4709
3404 INTERURBAN ROAD
DENISON, TEXAS

UNDERWOOD
DRAFTING & SURVEYING
3404 INTERURBAN ROAD DENISON, TEXAS 75021 (903)465-2151

SHEET 2 OF 2

Sherman
CLASSIC TOWN. BROAD HORIZON.

STAFF REVIEW LETTER

November 7, 2022

Emaar-TX, LLC
Attn: Naveed Owais
2829 Gulf Breeze Ct.
Plano, TX 75074

Underwood Drafting & Surveying
3404 Interurban Road
Denison, TX 75021

Dear Applicants,

The request for approval of the Replat of Emaar Addition has been scheduled to be heard by the Planning and Zoning Commission on the day of Tuesday, November 15, 2022 at 5:00 p.m., in the City Council Chambers, City Hall at 220 W. Mulberry.

City staff has reviewed your request with regards to engineering and development guidelines and finds the following items need to be addressed:

1. Dedicate a 5' Right of Way Dedication along Dewey Avenue aka SH 11 in regards to Grayson County/City of Sherman Thoroughfare Plan. *Code of Ordinances Chapter 10, Exhibit A, Secs. 5(B)(5), (10); 5(C)(1); 6(B)(7)-(8), (14)-(15); 12(B)(1)(a); 12(B)(1)(k)(1)-(3); 12(B)(5)*
2. Dedicate a 15' Utility Easement along Dewey Avenue aka SH 11. *Code of Ordinances Chapter 10, Exhibit A, Sec. 12(D)*
3. Remove 5' Utility Easement from western boundary line.
4. Remove 10' Utility Easement from northern boundary line.
5. Drive approaches and sidewalks must conform to City of Sherman standards and a permit with drawing showing dimensions is required from City of Sherman Engineering Department for review and approval prior to any work being done within public right of way. *Code of Ordinances Chapter 3, Division 5, Sec. 3.10.154*
6. Drive approaches will not be permitted off of Dewey Avenue.
7. Any other changes made to the plat prior to the final fulfillment of the conditions of the staff review, must be considered minor by staff, as to not require resubmission to the Planning & Zoning Commission.
8. Original tax certificates with $0.00 balance for each taxing property involved in plat shall be furnished to the City of Sherman Engineering Department at the time of delivery of final mylar and prints for the purpose of recording the plat. *Code of Ordinances Chapter 10, Exhibit A, Secs. 6(B), 6(B)(11)*

9. Upon final staff approval, 1 Mylar and 3 paper copies must be submitted in 24"x36" size for recording. Both mylar and paper copies must be split, but not cut, to be 2-24"x18" pages per Grayson County requirements. 1 page must have the legal description (preferably in portrait layout) and the other page must have the image. Both mylar and paper copies must look the same. Both split pages must include the Subdivision Name block and page numbers. Submit digital image to the Engineering department for approval prior to printing mylars and paper copy. Final copies for filing will not be accepted until after approval by P&Z Commission, City Council, and Engineering Department. CAD file must be submitted digitally at time of final approval. *Code of Ordinances Chapter 10, Exhibit A, Sec. 6(B)*

It is the policy of this Board not to consider a request unless the applicant or its representative attends the meeting at which the request is considered. You are hereby notified to present your case on the date and time stated above.

If additional information or clarification is needed, do not hesitate to contact Wayne Lee, at 903-892-7327 prior to the meeting.

Respectfully,

Wayne E. Lee, P.E., CFM
Director of Engineering

cc: Robby Hefton, City Manager
Tom Pruitt, Utility Engineer
Clint Philpott, Assistant City Manager
Rob Rae, Director of Development Services
Billy Hartsfield, Fire Marshal
The Law Firm of Abernathy, Roeder, Boyd, & Hughlett, P.C., City Attorney

Planning & Zoning Commission and Board of Adjustments

Agenda Item No. 13.

Meeting Date: 11/15/2022

Prepared by: Lauren Marlow, Administrative Assistant
Rob Rae, Director of Development Services

Clay Mahone, Chairman
David Downtain, Vice Chairman
Shawn Davis, Commissioner
Leigh Ann Sims, Commissioner
Paul Manley, Commissioner
Glenn Whitaker, Commissioner
Bryan Blagg, Commissioner

Requested Action/Proposed Use:

* **514 SOUTH DEWEY AVENUE**

The request of Naveed Owais, Emaar TX LLC (Owners) and Underwood Drafting & Surveying concerning the property located at 514 South Dewey Avenue, being 0.317 acres in the George B. Pilant Survey, Abstract No. 963, and also being all of Lot 4 and part of Lot 5, Block 2, J.C. Linnstead Addition, as follows:

Planning and Zoning Commission

Replat approval of Emaar Addition.

Background:

The property is located at 514 South Dewey Avenue, the northwest corner of East King Street and South Dewey Avenue and is zoned C-1 (Retail Business) District. The owner would like to plat the property into one lot for commercial development.

Adjacent Zoning:

R-1 (One-Family Residential) District
C-1 (Retail Business) District

Origination:

Naveed Owais, Emaar TX LLC (Owners)
Underwood Drafting & Surveying

Master Plan Designation:

Not Applicable.

Number of notices mailed:

0

Objections Received:
0

Development Review Meeting:
No

Attachments

Location Map
Zoning Map
Replat
Staff Review Letter

SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **G. 5.**

Meeting Date: 12/05/2022
Prepared By: Rob Rae, Director of Development Services
Approved By: Robby Hefton, City Manager

Caption:

***** OTHER BUSINESS***

Final Plat approval of Lot 1 and Lot 2, Block 1 Frontera, being 113.414 acres in the Aaron Burleson Survey, Abstract No. 61; of Frontera MHC, LLC, Owner; Marley Phillips, Developer/Representative; Bowman, Consulting Firm (2708 East Lamar Street)

Issue:

To consider Final Plat approval of Lot 1 and Lot 2, Block 1 Frontera, being 113.414 acres in the Aaron Burleson Survey, Abstract No. 61; of Frontera MHC, LLC, Owner; Marley Phillips, Developer/Representative; Bowman, Consulting Firm (2708 East Lamar Street)

Background:

The property is located at 2708 East Lamar Street, the southeast corner of Wells Street and Highway 56 and is zoned MH (Manufacturing Housing) District. The owner would like to plat the property into one lot for a manufactured housing development.

The following has been approved for this location:

- October 19, 2021 Planning and Zoning - Zone change from R-A (Single Family Agricultural) District to M-H (Manufacturing Housing District). This item was approved by City Council on 4/18/2022.
- October 19, 2021 - Variance to allow 40’ wide lots in lieu of the required 60’ for a Manufactured Home Community in an M-H (Manufactured Housing) District.
- April 18, 2022 City Council - Annexation of subject property being 113.414 acres.

Origination:

Frontera MHC, LLC (Owner)
Marley Phillips (Developer/Representative)
Bowman (Consulting Firm)
Spooner and Associates Land Surveyors (Surveyor)

Financial Consideration:

None

Staff Recommendation:

At the November 15, 2022 regular meeting, the Planning and Zoning Commission voted unanimously to recommend to the City Council that the Final Plat be approved subject to the Staff Review Letter.

Alternatives:

None

Attachments

Location Map
Final Plat
Metes / Bounds
Staff Review Letter
P & Z Communication

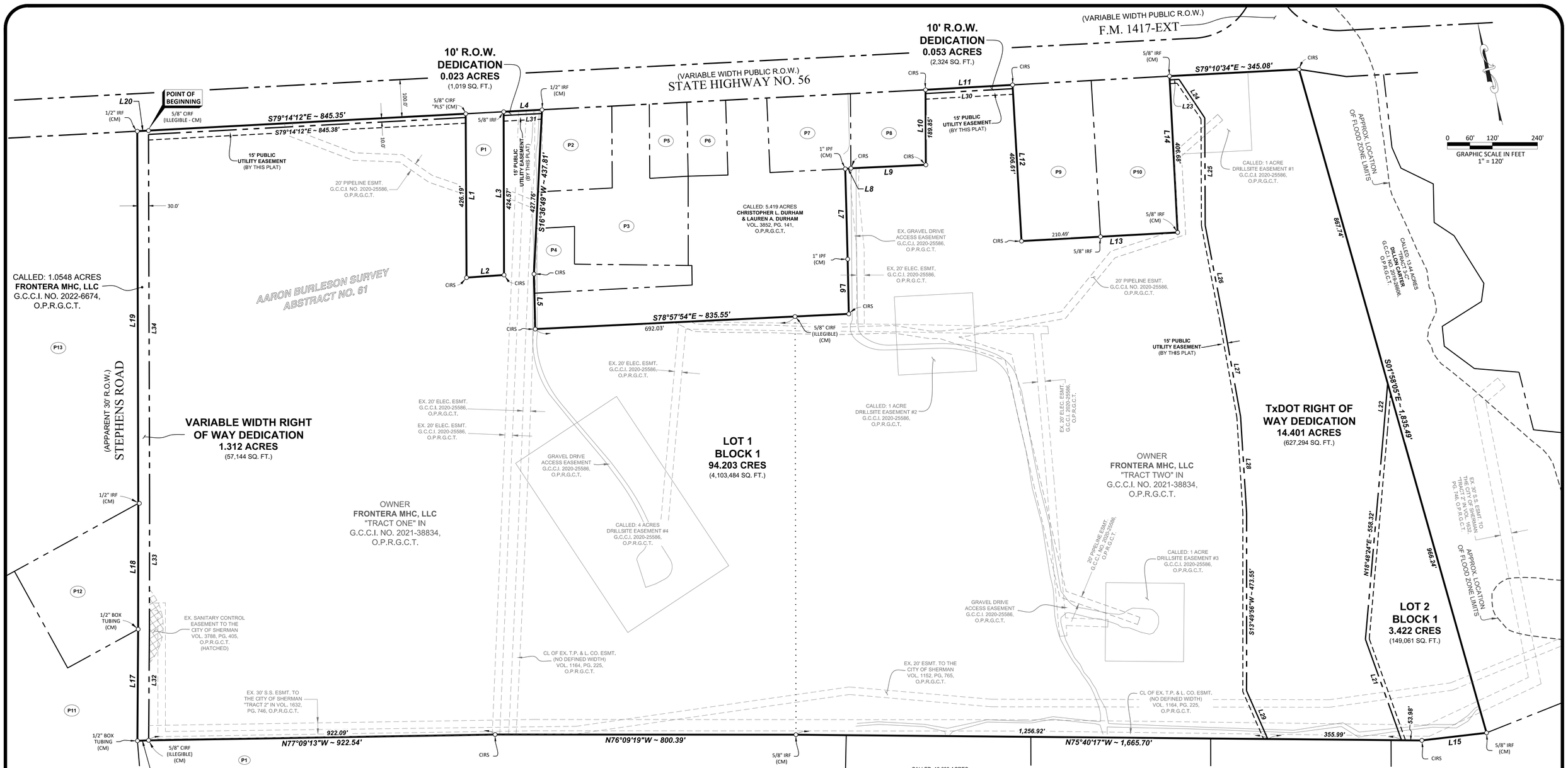
Sherman
CLASSIC TOWN. BROAD HORIZON.

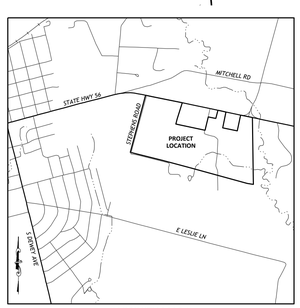
City of Sherman, Texas
Development Services Department

2708 East Lamar Street

NOT TO SCALE

1 in = 717 ft





* VICINITY MAP *
(NOT TO SCALE)

P1 OWNER **TAMMIE SUE DONAHUE** VOL. 4597, PG. 393, O.P.R.G.C.T.

P2 CALLED: 0.9611 ACRES **STEVEN R. MULLINS** VOL. 5719, PG. 303, O.P.R.G.C.T.

P3 CALLED: 2.221 ACRES **EDUARDO LIEVANO & ROSA PORTILLO LIEVANO** VOL. 5988, PG. 538, O.P.R.G.C.T.

P4 CALLED: 0.792 ACRES **DONALD L. BERRY** VOL. 4755, PG. 549, O.P.R.G.C.T.

P5 OWNER **MARY J. STEVENS** VOL. 5444, PG. 897 DESCRIBED IN VOL. 3542, PG. 612, O.P.R.G.C.T.

P6 CALLED: 0.46 ACRES **PATRICIA A. WITHERSPOON** G.C.C.I. NO. 2015-18542, O.P.R.G.C.T.

P7 CALLED: 1.01 ACRES **DENNIS M. SCRIVEN & DIANA SCRIVEN** VOL. 2698, PG. 391, O.P.R.G.C.T.

P8 OWNER **CARLOS LLANAS & MARIA YATES** G.C.C.I. NO. 2018-12782, O.P.R.G.C.T.

P9 CALLED: 2.00 ACRES **CHRISTOPHER A. GRIPP** VOL. 4307, PG. 348, O.P.R.G.C.T.

P10 CALLED: 2.00 ACRES **SHERMAN CONGREGATION OF JEHOVAH'S WITNESS** VOL. 1351, PG. 442, O.P.R.G.C.T.

P11 CALLED: 23.839 ACRES **MD SHAHIDUL RANA, SENJIN I. RANA & SHAJAN I. RANA** G.C.C.I. NO. 2020-27764, O.P.R.G.C.T.

P12 CALLED: 2.00 ACRES **CITY OF SHERMAN** VOL. 1038, PG. 124, O.P.R.G.C.T.

P13 CALLED: 13.936 ACRES **OSCAR MARTINEZ** VOL. 5418, PG. 169, O.P.R.G.C.T.

LINE TABLE

LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L1	S13°30'57"W	436.20'	*L18*	N13°53'41"E	335.22'
L2	S80°10'45"E	100.00'	*L19*	N13°38'23"E	990.91'
L3	N13°39'51"E	434.58'	*L20*	N79°14'12"W	30.04'
L4	S79°10'19"E	102.19'	*L21*	N05°50'58"W	285.43'
L5	S12°29'09"W	146.66'	*L22*	N18°33'50"E	126.41'
L6	N12°36'08"E	145.74'	*L23*	S79°10'34"E	24.87'
L7	N12°17'15"E	240.51'	*L24*	S19°55'44"E	123.26'
L8	N82°11'29"W	15.03'	*L25*	S13°35'10"W	286.04'
L9	N78°49'02"W	199.56'	*L26*	S02°56'16"W	262.00'
L10	S13°34'43"W	199.86'	*L27*	S03°44'17"W	256.02'
L11	N79°24'26"W	232.08'	*L28*	S10°11'55"W	256.75'
L12	N10°31'38"E	416.61'	*L29*	S09°53'50"E	140.26'
L13	N79°22'54"W	416.02'	*L30*	N79°24'26"W	232.61'
L14	S10°50'33"W	416.68'	*L31*	N79°10'19"W	101.67'
L15	N82°52'10"W	173.42'	*L32*	N14°10'56"E	295.41'
L16	N78°20'17"W	29.57'	*L33*	N13°53'41"E	335.36'
L17	N14°10'56"E	296.65'	*L34*	N13°38'23"E	982.47'

* LEGEND *

CIRS	5/8" IRON ROD WITH CAP SET STAMPED "SPOONER 5922"
CIRF	IRON ROD WITH CAP FOUND
IRF	IRON ROD FOUND
IPF	IRON PIPE FOUND
(CM)	CONTROLLING MONUMENT
VOL.	VOLUME
PG.	PAGE
G.C.C.I. NO.	GRAYSON COUNTY CLERK'S INSTRUMENT NUMBER
O.P.R.G.C.T.	OFFICIAL PUBLIC RECORDS GRAYSON COUNTY, TEXAS
CL	CENTERLINE
OHE	OVERHEAD ELECTRIC
GMK	GAS MARKER
	POWER POLE
SS	SANITARY SEWER MANHOLE

NOTE: SEE SHEET 2 OF 2 FOR OWNER'S DEDICATION, OWNER'S CERTIFICATE, GENERAL NOTES, SURVEYOR'S STATEMENT & CITY APPROVAL.

THIS DOCUMENT IS
PRELIMINARY
FOR REVIEW PURPOSES ONLY
ERIC S. SPOONER, R.P.L.S.
October 20, 2022

OWNER/APPLICANT

FRONTERA MHC, LLC
3705 LAKEVIEW PARKWAY, STE 209
ROWLETT, TEXAS 75088
PH: (972) 365-0307
ATTN: DAVID ZULEJKIC

ENGINEER:

Bowman CONSULTING

1120 S. CAPITAL OF TEXAS HIGHWAY
BUILDING #3, SUITE 220
AUSTIN, TEXAS 78746
PH: (512) 327-1180
ATTN: MIA HERNANDEZ, E.I.T.

SURVEYOR:

SPOONER & ASSOCIATES
REGISTERED PROFESSIONAL LAND SURVEYORS
OVER 30 YEARS OF SERVICE
309 BYERS STREET, SUITE 100, EULESS, TEXAS 76039
(817) 685-9448 WWW.SPOONERSURVEYORS.COM
TBPLS FIRM NO. 10054900 – S&A 211321p

CITY PROJECT NO. _____
FINAL PLAT OF
LOTS 1 & 2, BLOCK 1
FRONTERA

BEING A FINAL PLAT OF A 113.414 ACRE TRACT OF LAND LOCATED IN THE AARON BURLESON SURVEY, ABSTRACT NO. 61, GRAYSON COUNTY, TEXAS, SAID 113.414 ACRE TRACT OF LAND BEING ALL OF THOSE CERTAIN TRACTS OF LAND CONVEYED TO FRONTERA MHC, LLC, BY THE DEEDS THEREOF FILED FOR RECORD IN GRAYSON COUNTY CLERK'S INSTRUMENT NO. 2021-38834 AND 2022-6674, OFFICIAL PUBLIC RECORDS, GRAYSON COUNTY, TEXAS.

2 LOTS & 4 R.O.W. DEDICATIONS
113.414 ACRES
OCTOBER 2022

* OWNER'S CERTIFICATION *

STATE OF TEXAS §
COUNTY OF GRAYSON §

WHEREAS, FRONTERA MHC, LLC, is the sole owner of a 113.414 acre tract of land located in the Aaron Burleson Survey, Abstract No. 61, Grayson County, Texas, said 113.414 acre tract of land being all of a called 55.272 acre tract of land described as "Tract One", and all of a called 57.070 acre tract of land described as "Tract Two", conveyed to **FRONTERA MHC, LLC**, by deed thereof filed for record in Grayson County Clerk's Instrument No. 2021-38834, Official Public Records, Grayson County, Texas (O.P.R.G.C.T.), said 113.414 acre tract of land also being all of a called 1.0548 acre tract of land conveyed to **FRONTERA MHC, LLC**, by deed thereof filed for record in Grayson County Clerk's Instrument No. 2022-6674, O.P.R.G.C.T., said 113.414 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch iron rod with an illegible cap found (Controlling Monument) at the northwest property corner of said Tract One, same being at the northeast property corner of the said 1.0548 acre tract, and being on the south right-of-way line of State Highway No. 56 (being a variable width public right-of-way also known as East Lamar Street;

THENCE South 79°14'12" East, along a north property line of said Tract One and along the said south right-of-way line, a distance of 845.35 feet to a 5/8 inch iron rod with a cap stamped "PLS" found (Controlling Monument) at a northeast property corner of said Tract One, same being the northwest property corner of that certain tract of land conveyed to Tammie Sue Donahue, by deed thereof filed for record in Volume 4597, Page 393, O.P.R.G.C.T.;

THENCE departing the said right-of-way line, and along the common property line of said Tract One and the said Donahue tract the following courses and distances:

South 13°30'57" West, a distance of 436.20 feet to a 5/8 inch iron rod with a cap stamped "SPOONER 5922" set (hereinafter referred to as an iron rod set);

South 80°10'45" East, a distance of 100.00 feet to an iron rod set;

North 13°39'51" East, a distance of 434.58 feet to a 5/8 inch iron rod found at a northwest property corner of said Tract One, same being the northeast property corner of the said Donahue tract, and being on the said south right-of-way line);

THENCE South 79°10'19" East, along a north property line of said Tract One and along the said south right-of-way line, a distance of 102.19 feet to a 1/2 inch iron rod found (Controlling Monument) at the most northerly northeast property corner of said Tract One, same being the northwest property corner of a called 0.9611 acre tract of land conveyed to Steven R. Mullins, by deed thereof filed for record in Volume 5719, Page 303, O.P.R.G.C.T.;

THENCE South 16°36'49" West, departing the said right-of-way line, along a northeast property line of said Tract One, in part along the west property line of the said 0.9611 acre tract, in part along the most westerly property line of a called 2.221 acre tract of land conveyed to Eduardo Lievano & Rosa Portillo Lievano, by deed thereof filed for record in Volume 5988, Page 538, O.P.R.G.C.T., and in part along the west property line of a called 0.792 acre tract of land conveyed to Donald L. Berry, by deed thereof filed for record in Volume 4755, Page 549, O.P.R.G.C.T., a distance of 437.81 feet to an iron rod set;

THENCE South 12°29'09" West, continuing along the said northeast property line of Tract One, in part along the said west property line of the 0.792 acre tract, and in part along the most westerly southwest property line of a called 5.419 acre tract of land conveyed to Christopher L. Durham and Lauren A. Durham, by deed thereof filed for record in Volume 3852, Page 141, O.P.R.G.C.T., a distance of 146.66 feet to an iron rod set at an interior ell property corner of said Tract One, same being the most southerly southwest property corner of the said 5.419 acre tract;

THENCE South 78°57'54" East, along a northeast property line of said Tract One and along the south property line of the said 5.419 acre tract, at a distance of 692.03 feet passing a 5/8 inch iron rod with an illegible cap found (Controlling Monument) at the most easterly northeast property corner of said Tract One, same being the most westerly northwest property corner of the aforementioned Tract Two, and continuing along a northwest property line of said Tract Two and along the said south property line of the 5.419 acre tract, in all a total distance of 835.55 feet to an iron rod set at an interior ell property corner of said Tract Two, same being the southeast property corner of the said 5.419 acre tract;

THENCE North 12°36'08" East, along a northwest property line of said Tract Two and along an east property line of the said 5.419 acre tract, a distance of 145.74 feet to a 1 inch iron pipe found (Controlling Monument) at a west property corner of said Tract Two, same being the east property corner of the said 5.419 acre tract;

THENCE North 12°17'15" East, continuing along the said northwest property line of Tract Two and along the said east property line of the 5.419 acre tract, a distance of 240.51 feet to a 1 inch iron pipe found (Controlling Monument) at a northwest property corner of said Tract Two, same being the most easterly northeast property corner of the said 5.419 acre tract, same being on a south property line of a called 1.01 acre tract of land conveyed to Dennis M. Scriven and Diana Scriven, by deed thereof filed for record in Volume 2436, Page 126, O.P.R.G.C.T.;

THENCE South 82°11'29" East, along a north property line of said Tract Two and along the southeast property line of the said 1.01 acre tract, a distance of 15.03 feet to an iron rod set at the southeast property corner of the said 1.01 acre tract, same being the southwest property corner of that certain tract of land conveyed to Carlos Llana and Maria Yates, by deed thereof filed for record in Grayson County Clerk's Instrument No. 2018-12782, O.P.R.G.C.T.;

THENCE South 78°49'02" East, along a north property line of said Tract Two and along the south property line of the said Llanas and Yates tract, a distance of 199.56 feet to an iron rod set at an interior ell property corner of said Tract 2, same being the southeast property corner of the said Llanas and Yates tract;

THENCE North 13°34'43" East, along a northwest property line of said Tract Two, same being the east property line of the said Llanas and Yates tract, a distance of 199.86 feet to an iron rod set at a northwest property corner of said Tract Two, same being the northeast property corner of the said Llanas and Yates tract, said iron rod set also being on the aforementioned south right-of-way line of State Highway No. 56;

THENCE South 79°24'26" East, along a northerly property line of said Tract Two and along the said south right-of-way line, a distance of 232.08 feet to an iron rod set at a northeast property corner of said Tract Two, same being the northwest property corner of a called 2.00 acre tract of land conveyed to Christopher A. Grip, by deed thereof filed for record in Volume 4307, Page 348, O.P.R.G.C.T.;

THENCE South 10°31'38" West, departing the said right-of-way line, along a northeast property line of said Tract Two, same being the west property line of the said 2.00 acre tract, a distance of 416.61 feet to an iron rod set at a interior ell property corner of said Tract 2, same being the southwest property corner of the said 2.00 acre tract;

THENCE South 79°22'54" East, along a northeast property line of said Tract Two and along the south property line of the said 2.00 acre tract, at a distance of 210.49 feet passing a 5/8 inch iron rod found at the southeast property corner of the said 2.0 acre tract, same being the southwest property corner of a called 2.00 acre tract of land conveyed to the Sherman Congregation of Jehovah's Witness, by deed thereof filed for record in Volume 1351, Page 442, O.P.R.G.C.T., and continuing along the said northeast property line and along the south property line of the said 2.00 acre tract (Sherman Congregation of Jehovah's Witness), in all a total distance of 416.02 feet to a 5/8 inch iron rod found (Controlling Monument) at an interior ell property corner of said Tract Two, same being the southeast property corner of the said 2.00 acre tract (Sherman Congregation of Jehovah's Witness - hereinafter referred to as the "2.00 acre tract");

THENCE North 10°50'33" East, along a northwest property line of said Tract Two and along the east property line of the said 2.00 acre tract, a distance of 416.68 feet to a 5/8 inch iron rod found (Controlling Monument) at a northwest property corner of said Tract Two, same being the northeast property corner of the said 2.00 acre tract, and being on the aforesaid south right-of-way line of State Highway No. 56;

THENCE South 79°10'34" East, along the a north property line of said Tract Two and along the said south right-of-way line, a distance of 345.08 feet to an iron rod set at the most easterly northeast property corner of said Tract Two, same being the northwest property corner of a called 13.44 acre tract of land described as "Tract 3-C", conveyed to Dillon Carter, by deed thereof filed for record in Grayson County Clerk's Instrument No. 2019-26606, O.P.R.G.C.T.;

THENCE South 01°58'05" East, departing the said right-of-way line, along the east property line of said Tract Two and along the west property line of the said 13.44 acre tract, a distance of 1,835.49 feet to a 5/8 inch iron rod found (Controlling Monument) at the most easterly southeast property corner of said Tract Two, same being the southwest property corner of the said 13.44 acre tract, and being a north property corner of a called 21.000 acre tract of land conveyed to David Ray Sullivan, by deed thereof filed for record in Grayson County Clerk's Instrument No. 2020-19176, O.P.R.G.C.T.;

THENCE North 82°52'10" West, along a southeast property line of said Tract Two and along a north property line of the said 21.000 acre tract, a distance of 173.42 feet to an iron rod set at a south property corner of said Tract Two, same being a north property corner of the said 21.000 acre tract;

THENCE North 75°40'17" West, along the south property line of said Tract Two, in part along the said north property line of the 21.000 acre tract, in part along the north property line of a called 20.60 acre tract of land conveyed to Brandon Greg, by deed thereof filed for record in Grayson County Clerk's Instrument No. 2020-18714, O.P.R.G.C.T., in part along the north property lines of a called 20.600 acre tract of land described as "Tract 1", and a called 19.699 acre tract of land described as "Tract 2", conveyed to Senjin Rana and Shajan Rana, by deed thereof filed for record in Grayson County Clerk's Instrument No. 2020-24679, O.P.R.G.C.T., and in part along a northeast property line of the remainder of a called 81.626 acre tract of land conveyed to Whitmire Forward, LC, by deed thereof filed for record in Volume 5568, Page 523, O.P.R.G.C.T., a distance of 1,665.70 feet to a 5/8 inch iron rod found (Controlling Monument) at the southwest property corner of said Tract Two, same being the southeast property corner of the aforesaid Tract One;

THENCE North 76°09'19" West, along the south property line of said Tract One and continuing along the said northeast property line of the 81.626 acre tract, a distance of 800.39 feet to an iron rod set;

THENCE North 77°09'13" West, continuing along the said property lines, a distance of 922.54 feet to a 5/8 inch iron rod with an illegible cap found (Controlling Monument) at the southwest property corner of said Tract One, same being the southeast property corner of the aforementioned 1.0548 acre tract;

THENCE North 78°20'17" West, along the south property line of the said 1.0548 acre tract, a distance of 29.57 feet to a a 1/2 inch metal box tubing found (Controlling Monument) at the southwest property corner of the said 1.0548 acre tract, same being the east property line of a called 23.839 acre tract of land conveyed to MD Shahidul Rana, Senjin I. Rana & Shajan I. Rana, by deed thereof filed for record in Grayson County Clerk's Instrument No. 2020-27764, O.P.R.G.C.T.;

THENCE North 14°10'56" East, along a west property line of the said 1.0548 acre tract and along the said east property line of the 23.89 acre tract, a distance of 296.65 feet to a 1/2 inch metal box tubing found (Controlling Monument) at the most easterly northeast property corner of the said 23.839 acre tract, same being the southeast property corner of a called 2.00 acre tract of land conveyed to the City of Sherman, by deed thereof filed for record in Volume 1038, Page 124, O.P.R.G.C.T.;

THENCE North 13°53'41" East, continuing along the said west property line of the 1.0548 acre tract and along the east property line of the said 2.00 acre tract, a distance of 335.22 feet to a 1/2 inch iron rod found (Controlling Monument) at the northeast property corner of the said 2.00 acre tract, same being the most southerly southeast property corner of a called 13.936 acre tract of land conveyed to Oscar Martinez, by deed thereof filed for record in Volume 5418, Page 169, O.P.R.G.C.T.;

THENCE North 13°38'23" East, continuing along the said west property line and along the east property line of the said 13.936 acre tract, a distance of 990.91 feet to a 1/2 inch iron rod found (Controlling Monument) at the northwest property corner of the said 1.0548 acre tract, same being the northeast property corner of the said 13.936 acre tract, and being on the aforementioned south right-of-way line of State Highway No. 56;

THENCE South 79°14'12" East, along the north property line of the said 1.0548 acre tract and along the said south right-of-way line, a distance of 30.04 feet to the **POINT OF BEGINNING**.

The hereinabove described tract of land contains a computed area of **113.414 acres (4,940,325 square feet)** of land, more or less.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT, FRONTERA MHC, LLC, does hereby adopt this plat designating the hereinabove described property as FRONTERA, an Addition to the City of Sherman, Grayson County, Texas, and dedicated to the public use forever the roads, streets, and easements shown hereon, for the use and accommodation of any public utility desiring use or using same for the purpose of constructing, maintaining, adding to or removing any or all of their respective systems located therein.

Witness my hand, this the _____ day of _____, 2022.

_____
David Zulejkic, Managing Principal

STATE OF TEXAS §

COUNTY OF DALLAS §

BEFORE ME, the undersigned, a Notary Public in and for the said County and State, on this day personally appeared DAVID ZULEJKIC, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purpose and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, on this the _____ day of _____, 2022.

_____
Notary Public, State of Texas

STATE OF TEXAS §
COUNTY OF GRAYSON §

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, FRONTERA MHC, LLC, hereinafter called OWNER (whether one or more), is the owner of a certain parcel of land situated in the City of Sherman, Grayson County, Texas, being more particularly described in this plat.

OWNER does hereby waive, release, remise, quit claim and forever hold harmless the City of Sherman, Texas, a home-rule municipality, hereinafter called CITY, and the Sherman Municipal Airport, hereinafter called AIRPORT, and their respective successors and assigns, of and from any and all claims for damages of any kind that OWNER may now have or may hereinafter have in the future by reason of the passage of any and all aircraft ("aircraft" being defined for the purpose of this instrument as any contrivance now known or hereinafter invented, including but not limited to jet, propeller-driven, civil, military, experimental or commercial aircraft and helicopters, regardless of existing or future noise levels, designed or used for the purpose of transporting persons or property through the air, by whoever owned or operated), in the airspace over OWNER's property. Such release shall include, but not be limited to, any damages to OWNER'S property, such as noise, vibration, fumes, dust, fuel and lubricant particles, and all other effects that may be caused by the operation of aircraft landing at, taking off from, operating at or on, or being maintained at the Sherman Municipal Airport, whether such claim be for injury or death to person or persons or damages to or taking of property.

This Release shall be binding upon OWNER and OWNER's successors, heirs, executors, administrators and assigns, and shall be a covenant running with the land.

Executed this _____ day of _____, AD, 2022.

_____
David Zulejkic, Managing Principal for
Frontera MHC, LLC

Drainage Maintenance Instructions:

It is important to ensure that the detention pond and all drainage infrastructure are periodically maintained to ensure that the system is conveying properly. Any areas where the berm scours, the area is to be restored per plan. The weir opening is to be periodically checked to ensure no sediments are interrupting the drainage flow. The detention pond and drainage infrastructure shall be inspected annually to ensure that it is working properly.

All inspections must be recorded and must contain the following information:

An assessment of the condition and functionality of the stormwater or water quality control. Maintenance and repair actions performed on the control facility during the past year. The professional opinion of the inspector regarding the current functionality of the control and its ability to operate per the original design specifications. Recommendations regarding the need for maintenance or modifications that will allow for the control to operate per the original design specifications. Inspection and maintenance records must be retained and provided to the city for review upon request.

General Plat Note:

Internal water and sewer lines will be privately owned and maintained.

STATE OF TEXAS §
COUNTY OF TARRANT §

THAT, I, Eric S. Spooner, do hereby certify that I prepared this final plat and the field notes made a part thereof from an actual and accurate survey of the land and that the corner monuments shown thereon were properly placed under my personal supervision, in accordance with the Subdivision Regulations of the City fo Sherman, Texas.

Surveyed on the ground during the month of October 2021.

_____
Eric S. Spooner, R.P.L.S. Date
Texas Registration No. 5922

THIS DOCUMENT IS
PRELIMINARY
FOR REVIEW PURPOSES ONLY
ERIC S. SPOONER, R.P.L.S.
October 20, 2022

STATE OF TEXAS §
COUNTY OF TARRANT §

BEFORE ME, the undersigned, a Notary Public in and for the said County and State, on this day personally appeared Eric Spooner, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purpose and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, on this _____ day of_____, 2022.

_____
Notary Public, State of Texas

* GENERAL NOTES *

- The bearings, distances and coordinates shown hereon are referenced to the Texas Coordinate System of 1983, Texas North Central Zone 4202, and are based on the North American Datum of 1983, 2011 Adjustment. Coordinates shown are scaled to surface distances at 0,0 using a combined scale factor of 1.000105801. All areas shown hereon are calculated based on surface measurements.
- According to the Flood Insurance Rate Map published by the Federal Emergency Management Agency, Department of Homeland Security and by graphic plotting only, the subject property appears to be located in Zone "X" (areas determined to be outside the 0.2 % annual chance floodplain) as shown on Map No. 48181C0290F; map revised September 29, 2010, for Grayson County and incorporated areas. This flood statement does not imply that the property and/or structures located in Zone "X" will be free from flooding or flood damage. This flood statement shall not create liability on the part of the Surveyor.
- This Survey was prepared with the benefit of a copy of a Commitment for Title Insurance prepared by Chicago Title Insurance Company, G.F. No. 2001478T, having an effective date of January 30, 2022 and issued February 9, 2022; and only reflects those easments, covenants, restrictions, and other matters of record listed in Schedule B of said commitment. No other research for matters of record, not listed in said Commitment, was preformed by Spooner & Associates.
- Unless shown otherwise hereon, all property corners are monument with a 5/8 inch iron rod with a cap stamped "SPOONER 5922".
- All easements not dimensioned hereon are parallel-perpendicular to the adjoining line.
- Notice: Selling a portion of this addition by metes and bounds is a violation of City Ordinance and State Law, and is subject to fines and withholding of utilities and building permits.

OWNER/APPLICANT

FRONTERA MHC, LLC
3705 LAKEVIEW PARKWAY, STE 209
ROWLETT, TEXAS 75088
PH: (972) 365-0307
ATTN: DAVID ZULEJKIC

ENGINEER:

Bowman CONSULTING

1120 S. CAPITAL OF TEXAS HIGHWAY
BUILDING #3, SUITE 220
AUSTIN, TEXAS 78746
PH: (512) 327-1180
ATTN: MIA HERNANDEZ, E.I.T.

SURVEYOR:

SPOONER & ASSOCIATES
REGISTERED PROFESSIONAL LAND SURVEYORS
OVER 30 YEARS OF SERVICE
309 BYERS STREET, SUITE 100, EULESS, TEXAS 76039
(817) 685-8446 WWW.SPOONERSURVEYORS.COM
TBPLS FIRM NO. 10054900 ~ S&A 21132.fp

CITY PROJECT NO. _____

FINAL PLAT OF

LOTS 1 & 2, BLOCK 1
FRONTERA

BEING A FINAL PLAT OF A 113.414 ACRE TRACT OF LAND LOCATED IN THE AARON BURLESON SURVEY, ABSTRACT NO. 61, GRAYSON COUNTY, TEXAS, SAID 113.414 ACRE TRACT OF LAND BEING ALL OF THOSE CERTAIN TRACTS OF LAND CONVEYED TO FRONTERA MHC, LLC, BY THE DEEDS THEREOF FILED FOR RECORD IN GRAYSON COUNTY CLERK'S INSTRUMENT NO. 2021-38834 AND 2022-6674, OFFICIAL PUBLIC RECORDS, GRAYSON COUNTY, TEXAS.

2 LOTS & 2 R.O.W. DEDICATIONS
113.414 ACRES
OCTOBER 2022

*** METES AND BOUNDS DESCRIPTION ***

BEING a 113.414 acre tract of land located in the Aaron Burleson Survey, Abstract No. 61, Grayson County, Texas, said 113.414 acre tract of land being all of a called 55.272 acre tract of land described as "Tract One", and all of a called 57.070 acre tract of land described as "Tract Two", conveyed to **FRONTERA MHC**, LLC, by deed thereof filed for record in Grayson County Clerk's Instrument No. 2021-38834, Official Public Records, Grayson County, Texas (O.P.R.G.C.T.), said 113.414 acre tract of land also being all of a called 1.0548 acre tract of land conveyed to **FRONTERA MHC, LLC,** by deed thereof filed for record in Grayson County Clerk's Instrument No. 2022-6674, O.P.R.G.C.T., said 113.414 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch iron rod with an illegible cap found (Controlling Monument) at the northwest property corner of said Tract One, same being at the northeast property corner of the said 1.0548 acre tract, and being on the south right-of-way line of State Highway No. 56 (being a variable width public right-of-way also known as East Lamar Street;

THENCE South 79°14'12" East, along a north property line of said Tract One and along the said south right-of-way line, a distance of 845.35 feet to a 5/8 inch iron rod with a cap stamped "PLS" found (Controlling Monument) at a northeast property corner of said Tract One, same being the northwest property corner of that certain tract of land conveyed to Tammie Sue Donahue, by deed thereof filed for record in Volume 4597, Page 393, O.P.R.G.C.T.;

THENCE departing the said right-of-way line, and along the common property line of said Tract One and the said Donahue tract the following courses and distances:

South 13°30'57" West, a distance of 436.20 feet to a 5/8 inch iron rod with a cap stamped "SPOONER 5922" set (hereinafter referred to as an iron rod set);

South 80°10'45" East, a distance of 100.00 feet to an iron rod set;

North 13°39'51" East, a distance of 434.58 feet to a 5/8 inch iron rod found at a northwest property corner of said Tract One, same being the northeast property corner of the said Donahue tract, and being on the said south right-of-way line);

THENCE South 79°10'19" East, along a north property line of said Tract One and along the said south right-of-way line, a distance of 102.19 feet to a 1/2 inch iron rod found (Controlling Monument) at the most northerly northeast property corner of said Tract One, same being the northwest property corner of a called 0.9611 acre tract of land conveyed to Steven R. Mullins, by deed thereof filed for record in Volume 5719, Page 303, O.P.R.G.C.T.;

THENCE South 16°36'49" West, departing the said right-of-way line, along a northeast property line of said Tract One, in part along the west property line of the said 0.9611 acre tract, in part along the most westerly property line of a called 2.221 acre tract of land conveyed to Eduardo Lievano & Rosa Portillo Lievano, by deed thereof filed for record in Volume 5988, Page 538, O.P.R.G.C.T., and in part along the west property line of a called 0.792 acre tract of land conveyed to Donald L. Berry, by deed thereof filed for record in Volume 4755, Page 549, O.P.R.G.C.T., a distance of 437.81 feet to an iron rod set;

THENCE South 12°29'09" West, continuing along the said northeast property line of Tract One, in part along the said west property line of the 0.792 acre tract, and in part along the most westerly southwest property line of a called 5.419 acre tract of land conveyed to Christopher L. Durham and Lauren A. Durham, by deed thereof filed for record in Volume 3852, Page 141, O.P.R.G.C.T., a distance of 146.66 feet to an iron rod set at an interior ell property corner of said Tract One, same being the most southerly southwest property corner of the said 5.419 acre tract;

THENCE South 78°57'54" East, along a northeast property line of said Tract One and along the south property line of the said 5.419 acre tract, at a distance of 692.03 feet passing a 5/8 inch iron rod with an illegible cap found (Controlling Monument) at the most easterly northeast property corner of said Tract One, same being the most westerly northwest property corner of the aforementioned Tract Two, and continuing along a northwest property line of said Tract Two and along the said south property line of the 5.419 acre tract, in all a total distance of 835.55 feet to an iron rod set at an interior ell property corner of said Tract Two, same being the southeast property corner of the said 5.419 acre tract;

THENCE North 12°36'08" East, along a northwest property line of said Tract Two and along an east property line of the said 5.419 acre tract, a distance of 145.74 feet to a 1 inch iron pipe found (Controlling Monument) at a west property corner of said Tract Two, same being the east property corner of the said 5.419 acre tract;

THENCE North 12°17'15" East, continuing along the said northwest property line of Tract Two and along the said east property line of the 5.419 acre tract, a distance of 240.51 feet to a 1 inch iron pipe found (Controlling Monument) at a northwest property corner of said Tract Two, same being the most easterly northeast property corner of the said 5.419 acre tract, same being on a south property line of a called 1.01 acre tract of land conveyed to Dennis M. Scriven and Diana Scriven, by deed thereof filed for record in Volume 2436, Page 126, O.P.R.G.C.T.;

THENCE South 82°11'29" East, along a north property line of said Tract Two and along the southeast property line of the said 1.01 acre tract, a distance of 15.03 feet to an iron rod set at the southeast property corner of the said 1.01 acre tract, same being the southwest property corner of that certain tract of land conveyed to Carlos Llana and Maria Yates, by deed thereof filed for record in Grayson County Clerk's Instrument No. 2018-12782, O.P.R.G.C.T.;

THENCE South 78°49'02" East, along a north property line of said Tract Two and along the south property line of the said Llanas and Yates tract, a distance of 199.56 feet to an iron rod set at an interior ell property corner of said Tract 2, same being the southeast property corner of the said Llanas and Yates tract;

THENCE North 13°34'43" East, along a northwest property line of said Tract Two, same being the east property line of the said Llanas and Yates tract, a distance of 199.86 feet to an iron rod set at a northwest property corner of said Tract Two, same being the northeast property corner of the said Llanas and Yates tract, said iron rod set also being on the aforementioned south right-of-way line of State Highway No. 56;

THENCE South 79°24'26" East, along a northerly property line of said Tract Two and along the said south right-of-way line, a distance of 232.08 feet to an iron rod set at a northeast property corner of said Tract Two, same being the northwest property corner of a called 2.00 acre tract of land conveyed to Christopher A. Grip, by deed thereof filed for record in Volume 4307, Page 348, O.P.R.G.C.T.;

THENCE South 10°31'38" West, departing the said right-of-way line, along a northeast property line of said Tract Two, same being the west property line of the said 2.00 acre tract, a distance of 416.61 feet to an iron rod set at an interior ell property corner of said Tract 2, same being the southwest property corner of the said 2.00 acre tract;

THENCE South 79°22'54" East, along a northeast property line of said Tract Two and along the south property line of the said 2.00 acre tract, at a distance of 210.49 feet passing a 5/8 inch iron rod found at the southeast property corner of the said 2.0 acre tract, same being the southwest property corner of a called 2.00 acre tract of land conveyed to the Sherman Congregation of Jehovah's Witness, by deed thereof filed for record in Volume 1351, Page 442, O.P.R.G.C.T., and continuing along the said northeast property line and along the south property line of the said 2.00 acre tract (Sherman Congregation of Jehovah's Witness), in all a total distance of 416.02 feet to a 5/8 inch iron rod found (Controlling Monument) at an interior ell property corner of said Tract Two, same being the southeast property corner of the said 2.00 acre tract (Sherman Congregation of Jehovah's Witness - hereinafter referred to as the "2.00 acre tract");

THENCE North 10°50'33" East, along a northwest property line of said Tract Two and along the east property line of the said 2.00 acre tract, a distance of 416.68 feet to a 5/8 inch iron rod found (Controlling Monument) at a northwest property corner of said Tract Two, same being the northeast property corner of the said 2.00 acre tract, and being on the aforesaid south right-of-way line of State Highway No. 56;

THENCE South 79°10'34" East, along the a north property line of said Tract Two and along the said south right-of-way line, a distance of 345.08 feet to an iron rod set at the most easterly northeast property corner of said Tract Two, same being the northwest property corner of a called 13.44 acre tract of land described as "Tract 3-C", conveyed to Dillon Carter, by deed thereof filed for record in Grayson County Clerk's Instrument No. 2019-26606, O.P.R.G.C.T.;

THENCE South 01°58'05" East, departing the said right-of-way line, along the east property line of said Tract Two and along the west property line of the said 13.44 acre tract, a distance of 1,835.49 feet to a 5/8 inch iron rod found (Controlling Monument) at the most easterly southeast property corner of said Tract Two, same being the southwest property corner of the said 13.44 acre tract, and being a north property corner of a called 21.000 acre tract of land conveyed to David Ray Sullivan, by deed thereof filed for record in Grayson County Clerk's Instrument No. 2020-19176, O.P.R.G.C.T.;

THENCE North 82°52'10" West, along a southeast property line of said Tract Two and along a north property line of the said 21.000 acre tract, a distance of 173.42 feet to an iron rod set at a south property corner of said Tract Two, same being a north property corner of the said 21.000 acre tract;

THENCE North 75°40'17" West, along the south property line of said Tract Two, in part along the said north property line of the 21.000 acre tract, in part along the north property line of a called 20.60 acre tract of land conveyed to Brandon Greg, by deed thereof filed for record in Grayson County Clerk's Instrument No. 2020-18714, O.P.R.G.C.T., in part along the north property lines of a called 20.600 acre tract of land described as "Tract 1", and a called 19.699 acre tract of land described as "Tract 2", conveyed to Senjin Rana and Shajan Rana, by deed thereof filed for record in Grayson County Clerk's Instrument No. 2020-24679, O.P.R.G.C.T., and in part along a northeast property line of the remainder of a called 81.626 acre tract of land conveyed to Whitmire Forward, LC, by deed thereof filed for record in Volume 5568, Page 523, O.P.R.G.C.T., a distance of 1,665.70 feet to a 5/8 inch iron rod found (Controlling Monument)

at the southwest property corner of said Tract Two, same being the southeast property corner of the aforesaid Tract One;

THENCE North 76°09'19" West, along the south property line of said Tract One and continuing along the said northeast property line of the 81.626 acre tract, a distance of 800.39 feet to an iron rod set;

THENCE North 77°09'13" West, continuing along the said property lines, a distance of 922.54 feet to a 5/8 inch iron rod with an illegible cap found (Controlling Monument) at the southwest property corner of said Tract One, same being the southeast property corner of the aforementioned 1.0548 acre tract;

THENCE North 78°20'17" West, along the south property line of the said 1.0548 acre tract, a distance of 29.57 feet to a a 1/2 inch metal box tubing found (Controlling Monument) at the southwest property corner of the said 1.0548 acre tract, same being the east property line of a called 23.839 acre tract of land conveyed to MD Shahidul Rana, Senjin I. Rana & Shajan I. Rana, by deed thereof filed for record in Grayson County Clerk's Instrument No. 2020-27764, O.P.R.G.C.T.;

THENCE North 14°10'56" East, along a west property line of the said 1.0548 acre tract and along the said east property line of the 23.89 acre tract, a distance of 296.65 feet to a 1/2 inch metal box tubing found (Controlling Monument) at the most easterly northeast property corner of the said 23.839 acre tract, same being the southeast property corner of a called 2.00 acre tract of land conveyed to the City of Sherman, by deed thereof filed for record in Volume 1038, Page 124, D.R.G.C.T.;

THENCE North 13°53'41" East, continuing along the said west property line of the 1.0548 acre tract and along the east property line of the said 2.00 acre tract, a distance of 335.22 feet to a 1/2 inch iron rod found (Controlling Monument) at the northeast property corner of the said 2.00 acre tract, same being the most southerly southeast property corner of a called 13.936 acre tract of land conveyed to Oscar Martinez, by deed thereof filed for record in Volume 5418, Page 169, O.P.R.G.C.T.;

THENCE North 13°38'23" East, continuing along the said west property line and along the east property line of the said 13.936 acre tract, a distance of 990.91 feet to a 1/2 inch iron rod found (Controlling Monument) at the northwest property corner of the said 1.0548 acre tract, same being the northeast property corner of the said 13.936 acre tract, and being on the aforementioned south right-of-way line of State Highway No. 56;

THENCE South 79°14'12" East, along the north property line of the said 1.0548 acre tract and along the said south right-of-way line, a distance of 30.04 feet to the **POINT OF BEGINNING.**

The hereinabove described tract of land contains a computed area of **113.414 acres (4,940,325 square feet)** of land, more or less.

Sherman
CLASSIC TOWN. BROAD HORIZON.

STAFF REVIEW LETTER

November 7, 2022

Frontera MHC, LLC
Attn: David Zulejkic
3705 Lakeview Pkwy., Ste. 209
Rowlett, TX 75088

Bowman Consulting
Attn: Mia Hernandez, E.I.T.
1120 S. Capital of Texas Highway
Building #3, Suite 220
Austin, TX 78746

Spooner & Associates
309 Byers Street, Ste. 100
Euless, TX 76039

Dear Applicants,

The request for approval of the Final Plat of Lots 1 & 2, Block 1 Frontera has been scheduled to be heard by the Planning and Zoning Commission on the day of Tuesday, November 15, 2022 at 5:00 p.m., in the City Council Chambers, City Hall at 220 W. Mulberry.

City staff has reviewed your request with regards to engineering and development guidelines and finds the following items need to be addressed:

1. Dedicate a 20'x20' Right of Way corner clip on Northwest corner of proposed Lot 1, Block 1. *Code of Ordinances Chapter 10, Exhibit A, Secs. 5(B)(5), (10); 5(C)(1); 6(B)(7)-(8), (14)-(15); 12(B)(1)(a); 12(B)(1)(k)(1)-(3); 12(B)(5)*
2. Dedicate a 10' Utility Easement along Stephens Road. *Code of Ordinances Chapter 10, Exhibit A, Sec. 12(D)*
3. Modify 10' Utility Easement on Northwest corner of proposed Lot 1, Block 1 to parallel new right of way created by corner clip.
4. Dedicate Mutual Access Easement to allow access to oil well site south of subject property.
5. Show "Variable Width Right of Way Dedication" for Stephens Road as "30' Right of Way Dedication."
6. The width of the right-of-way and pavement for State Highway No. 56 shall be shown on the plat. If no ROW is documented, existing ROW shall be determined by found monuments and shown on plat. *Code of Ordinances Chapter 10, Exhibit A, Sec.6(B)(7)*
7. Width of CL of Ex. T.P.&L. Co. Easement, Vol. 1164, Pg. 225, DRGCT, to be verified and shown accordingly, both graphically and in the call out.
8. Plat layout does not meet City standard. Coordinate with Engineering Department for example of required plat layout. *Code of Ordinances Chapter 10.05, Section 6*

9. Plat layout does not meet City standard. Coordinate with Engineering Department for example of required plat layout. *Code of Ordinances Chapter 10.05, Section 6*
10. City standard P&Z Commission and City Council signature blocks shall be added to plat. *Chapter 10.05, Section 6*
11. Avigation Release language to be titled on plat. *Code of Ordinances Chapter 14, Article 14.02*
12. Metes and bounds do not match. Correct appropriately. *Code of Ordinances Chapter 10, Exhibit A, Sec.6(B)(7)*
13. City of Sherman Engineering Department to be provided with a letter from Pink Hill Water Supply Corporation releasing CCN rights of subject property to City of Sherman.
14. Internal water and wastewater lines will be privately owned and maintained.
15. Privately owned and maintained detention in accordance with City criteria may be required. Engineering documentation shall be provided to the City of Sherman Engineering Department for review and approval. If detention is required, Ownership and Maintenance information to be shown on plat. *Code of Ordinances Chapter 10, Exhibit A, Sec. 12(I)*
16. Civil Engineering plans shall be provided to the Engineering Department for review and approval. Plat to reflect changes upon Engineering review. *Code of Ordinances Chapter 10, Exhibit A, Sec. 12, Code of Ordinances Chapter 10, Exhibit A, Sec. 15.*
17. Check with United States Postal Service (972-393-6326) for establishing the method or mode of mail delivery, the type of mailbox and location of the mailbox for each street delivery address. Centralized delivery is the preferred method of mail delivery.
18. Drive approaches and sidewalks must conform to City of Sherman and TxDOT standards and a permit with drawing showing dimensions is required from City of Sherman Engineering Department for review and approval prior to any work being done within public right of way. *Code of Ordinances Chapter 3, Division 5, Sec. 3.10.154*
19. Any other changes made to the plat prior to the final fulfillment of the conditions of the staff review, must be considered minor by staff, as to not require resubmission to the Planning & Zoning Commission.
20. Original tax certificates with $0.00 balance for each taxing property involved in plat shall be furnished to the City of Sherman Engineering Department at the time of delivery of final mylar and prints for the purpose of recording the plat. *Code of Ordinances Chapter 10, Exhibit A, Secs. 6(B), 6(B)(11)*
21. Upon final staff approval, 1 Mylar and 3 paper copies must be submitted in 24"x36" size for recording. Both mylar and paper copies must be split, but not cut, to be 2-24"x18" pages per Grayson County requirements. 1 page must have the legal description (preferably in portrait layout) and the other page must have the image. Both mylar and paper copies must look the same. Both split pages must include the Subdivision Name block and page numbers. Submit digital image to the Engineering department for approval prior to printing mylars and paper copy. Final copies for filing will not be accepted until after approval by P&Z Commission, City Council, and Engineering Department. <u>CAD file must be submitted digitally at time of final approval</u>. *Code of Ordinances Chapter 10, Exhibit A, Sec. 6(B)*

It is the policy of this Board not to consider a request unless the applicant or its representative attends the meeting at which the request is considered. You are hereby notified to present your case on the date and time stated above.

If additional information or clarification is needed, do not hesitate to contact Wayne Lee, at 903-892-7327 prior to the meeting.

Respectfully,

Wayne E. Lee, P.E., CFM
Director of Engineering

cc: Robby Hefton, City Manager
Tom Pruitt, Utility Engineer
Clint Philpott, Assistant City Manager
Rob Rae, Director of Development Services
Billy Hartsfield, Fire Marshal
The Law Firm of Abernathy, Roeder, Boyd, & Hughlett, P.C., City Attorney

Planning & Zoning Commission and Board of Adjustments

Agenda Item No. 14.

Meeting Date: 11/15/2022

Prepared by: Lauren Marlow, Administrative Assistant
Rob Rae, Director of Development Services

Clay Mahone, Chairman
David Downtain, Vice Chairman
Shawn Davis, Commissioner
Leigh Ann Sims, Commissioner
Paul Manley, Commissioner
Glenn Whitaker, Commissioner
Bryan Blagg, Commissioner

Requested Action/Proposed Use:

* **2708 EAST LAMAR STREET**

The request of Frontera MHC, LLC (Owner), Marley Phillips (Developer/Representative), Bowman (Consulting Firm) and Spooner and Associates Land Surveyors (Surveyor) concerning the property at 2708 East Lamar Street, being 113.414 acres in the Aaron Burleson Survey, Abstract No. 61, as follows:

Planning and Zoning Commission

Final Plat approval of Lot 1 and Lot 2, Block 1 Frontera.

Background:

The property is located at 2708 East Lamar Street, the southeast corner of Wells Street and Highway 56 and is zoned MH (Manufacturing Housing) District. The owner would like to plat the property into one lot for a manufactured housing development.

The following has been approved for this location:

- October 19, 2021 Planning and Zoning - Zone change from R-A (Single Family Agricultural) District to M-H (Manufacturing Housing District). This item was approved by City Council on 4/18/2022.
- October 19, 2021 - Variance to allow 40’ wide lots in lieu of the required 60’ for a Manufactured Home Community in an M-H (Manufactured Housing) District.
- April 18, 2022 City Council - Annexation of subject property being 113.414 acres.

Adjacent Zoning:

R-1 (One-Family Residential) District
ETJ (Extra Territorial Jurisdiction)

Origination:

Frontera MHC, LLC (Owner)
Marley Phillips (Developer/Representative)
Bowman (Consulting Firm)
Spooner and Associates Land Surveyors (Surveyor)

Master Plan Designation:

Not Applicable.

Number of notices mailed:

0

Objections Received:

0

Development Review Meeting:

Yes

Attachments

Location Map
Final Plat
Metes / Bounds
Staff Review Letter

SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **G. 6.**

Meeting Date: 12/05/2022

Prepared By: Rob Rae, Director of Development Services

Approved By: Robby Hefton, City Manager

Caption:

***** OTHER BUSINESS***

Final Plat approval of Fielder Addition, being 0.492 acres in the J.B McAnair survey, Abstract No. 763, and being a part of Block 29, Chaffins Second Addition; LaCima Contracting, LLC, Owner; Paul Terrell, Representative; and Copley Land Surveying, Surveyor (1104 East Chaffin Street)

Issue:

To consider Final Plat approval of Fielder Addition, being 0.492 acres in the J.B McAnair survey, Abstract No. 763, and being a part of Block 29, Chaffins Second Addition; LaCima Contracting, LLC, Owner; Paul Terrell, Representative; and Copley Land Surveying, Surveyor (1104 East Chaffin Street)

Background:

The property is located at 1104 East Chaffin Street in the southeast corner of North Vaden and East Chaffin Streets. The owner would like to plat the property into three lots for residential development. The owner is also requesting Variances for the setbacks of the existing home and existing detached garage.

Origination:

LaCima Contracting, LLC (Owner)
Paul Terrell (Representative)
Copley Land Surveying (Surveyor)

Financial Consideration:

None

Staff Recommendation:

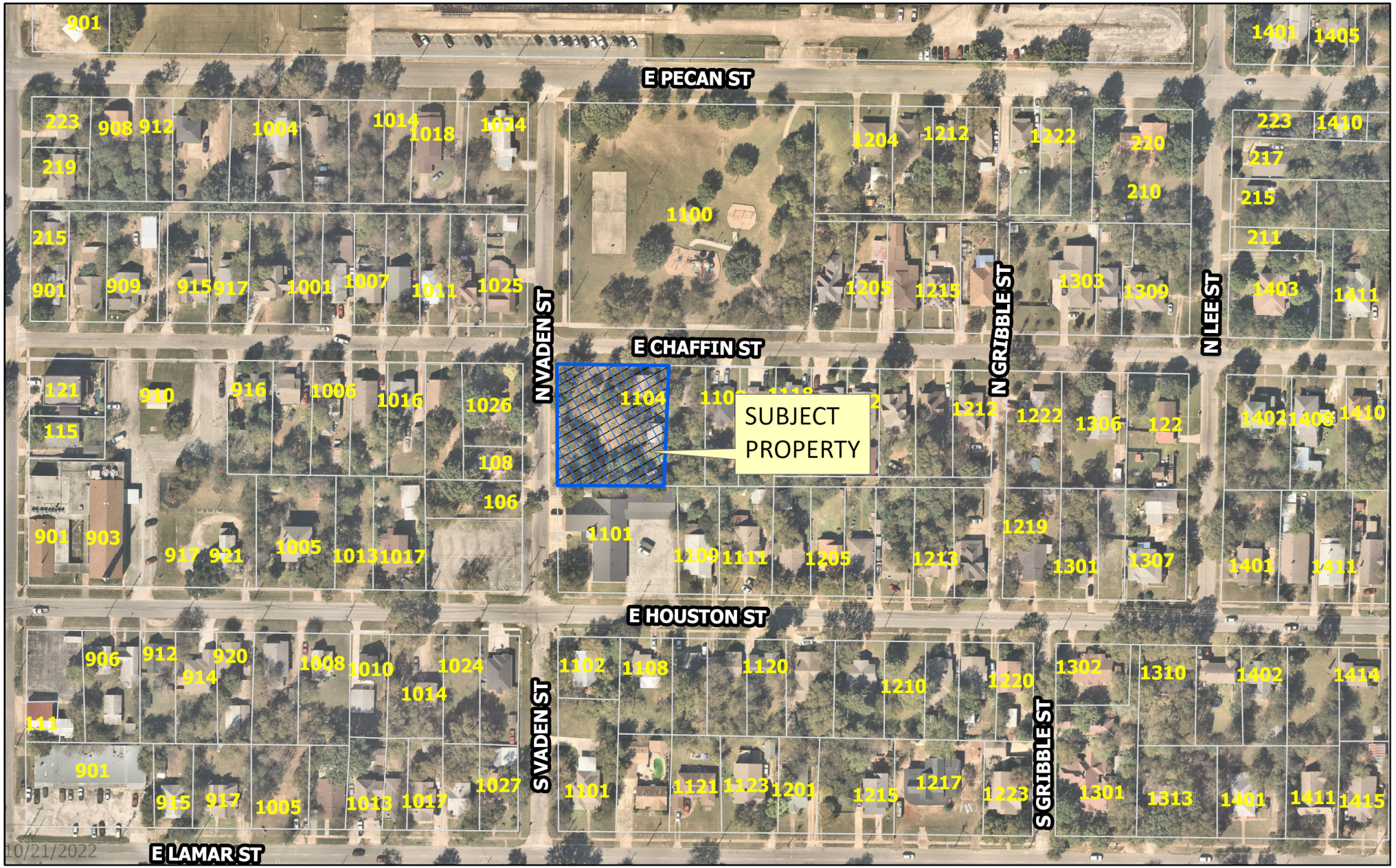
At the November 15, 2022 regular meeting, the Planning and Zoning Commission voted unanimously to recommend to the City Council that the Final Plat be approved subject to the Staff Review Letter.

Alternatives:

None

Attachments

Location Map
Zoning Map
Zoning Sign Photo
Replat
Staff Review Letter
P & Z Communication



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Sherman
CLASSIC TOWN. BROAD HORIZON.

City of Sherman, Texas
Development Services Department

CITY OF SHERMAN

1104 E Chaffin

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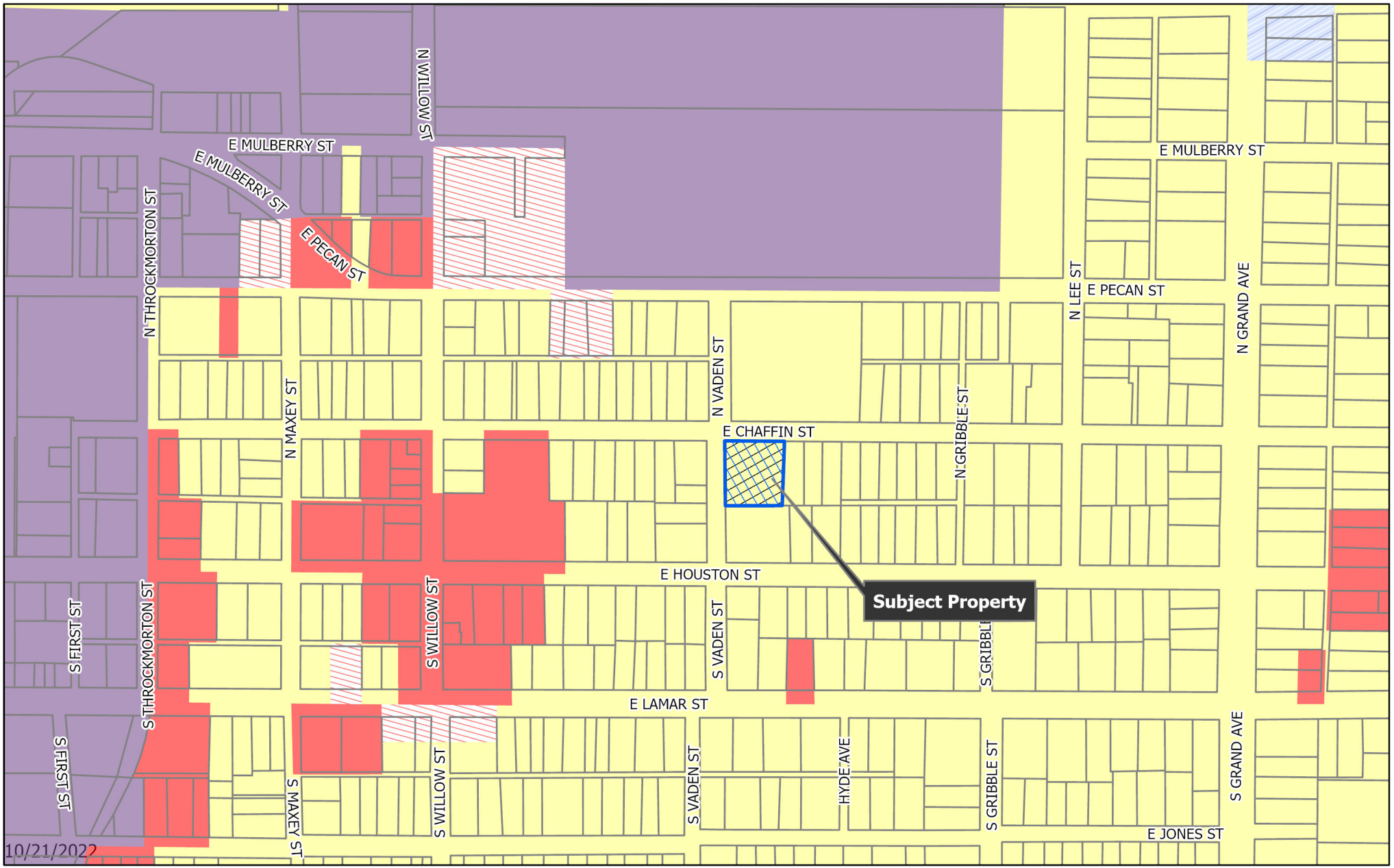
Date: 10/21/2022 8:24 AM

Scale: 1:2,143



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Sherman
CLASSIC TOWN. BROAD HORIZON.

City of Sherman, Texas
Development Services Department

- BIP Blalock Industrial Park
- C-1 Retail Business District
- C-2 General Commercial District
- CO Office District
- Lakes
- M-1 Light Manufacturing District
- M-1.5 Medium Manufacturing District
- M-2 Heavy Manufacturing District
- MH Manufacturing Housing Distgrict
- R-1 One Family Residential District
- R-2 Multi-Family Residential District
- R-A Single Family Agricultural District
- SF-1 Single Family Residential District
- PD Planned Development
- Subject Locations
- Parcels
- City Limits

CITY OF SHERMAN
Zoning Location Map

1104 E Chaffin

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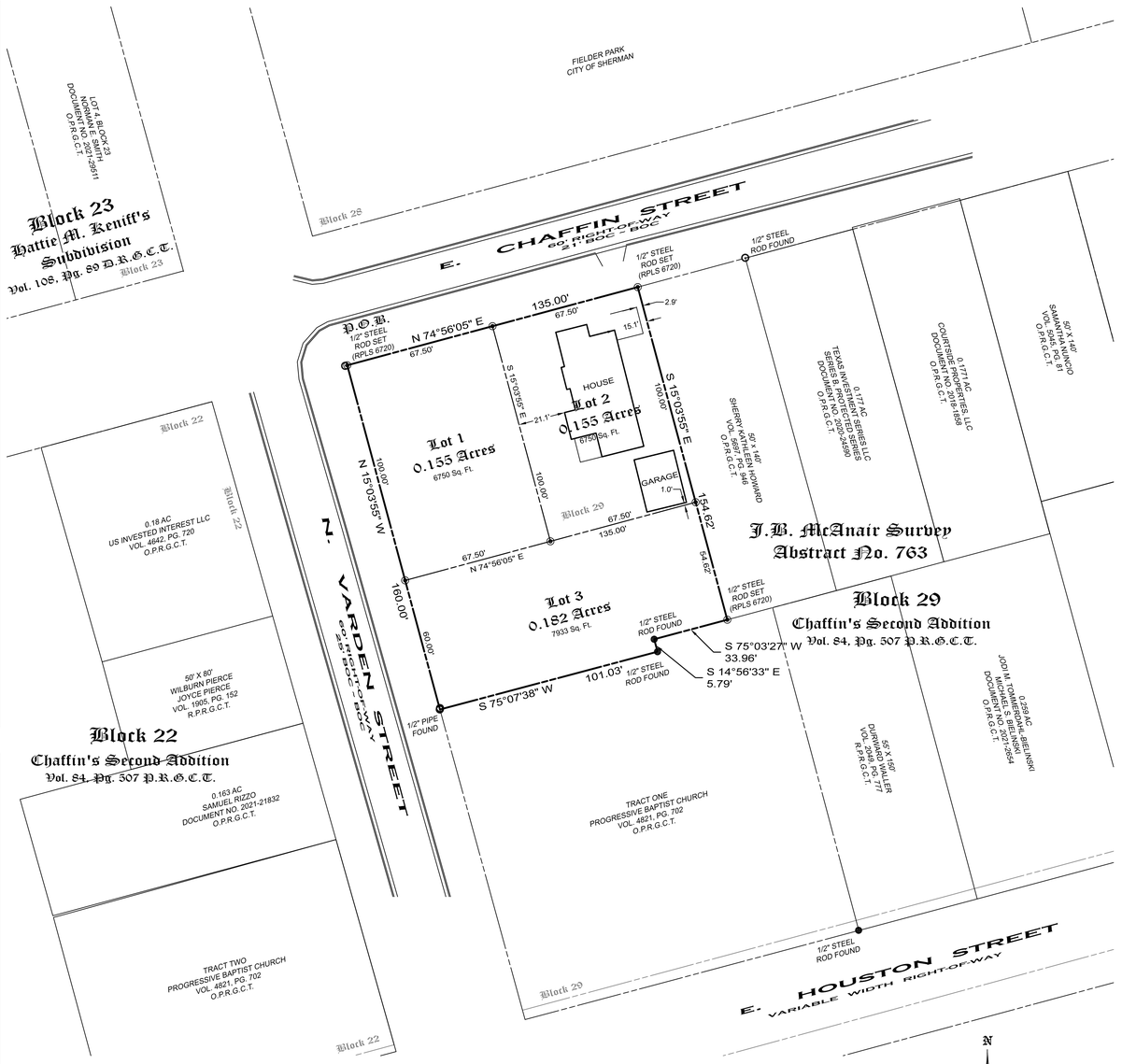
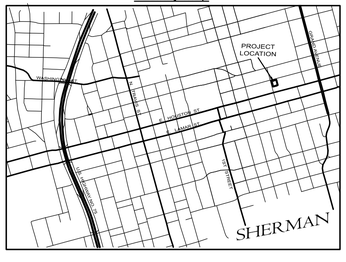
Scale: 1:4,006

Date: 10/21/2022 8:24 AM

1104 E Chaffin



Vacinity Map



Final Plat of
Fielder Addition
a Replat of a part of
Block 29, Chaffin's Second Addition
an addition to the City of Sherman
Grayson County, Texas

10/20/2022

Copley Land Surveying
1702 Verdi Ln., Sherman, Texas 75090
TX 903-415-0643, OK 580-980-0181
john@copleylandsurveying.com

OWNERS/DEVELOPER
SHERRY KATHLEEN HOWARD
1803 N. BINKLEY STREET
SHERMAN, TEXAS 75092

SURVEYOR
JOHN C. COPLEY
R.P.L.S. NO. 6720
1702 VERDI LN.
SHERMAN, TEXAS 75090

Legal Description

Situated *in the City of Sherman, County of Grayson, State of Texas, being a part of the J.B. McAnair Survey, Abstract No. 763, and being a part of Block 29, Chaffin's Second Addition, an addition to the City of Sherman, as shown by plat of record in Volume 84, Page 507, Plat Records, Grayson County, Texas and being all of the First Tract and Second Tract of lands conveyed to Sherry Kathleen Howard by deed of record in Document No. 2020-23491, Official Public Records, Grayson County, Texas and being more particularly described by metes and bounds as follows:*

Beginning *at a 1/2" steel rod set with an aluminum cap marked COPLEY RPLS 6720 for the shared northwest corner of said Block 29 and said Second Tract, and being the intersection of the south line of E. Chaffin Street and the east line of N. Varden Street;*

Thence ***North 74°56'05" East****, along the south line of said E. Chaffin Street and the north line of said Block 29 and the North line of said First and Second Tract, a distance of* ***135.00 feet*** *to a 1/2" steel rod set with an aluminum cap marked COPLEY RPLS 6720 for the northeast corner of said First Tract and the northwest corner of a 50' x 140' Tract of land conveyed to Sherry Kathleen Howard by deed of record in Volume 5697, Page 946 of said Official Public Records;*

Thence ***South 15°03'55" East****, along the east line of said First Tract and the west line of said 50' x 140' Tract, a distance of* ***154.62 feet*** *to a 1/2" steel rod set with an aluminum cap marked COPLEY RPLS 6720 for the southeast corner of said First Tract, the southwest corner of said 50' x 140' Tract and being in the north line of a Tract of land conveyed to Progressive Baptist Church;*

Thence westerly along the north line of said Progressive Baptist Church and the south line of said First and Section Tract the following calls and distances;
South 75°03'27" West*, a distance of* ***33.96 feet*** *to a 1/2" steel rod found;*
South 14°56'33" East*, a distance of* ***5.79 feet*** *to a 1/2" steel rod found;*
South 75°07'38" West*, a distance of* ***101.03 feet*** *to a 1/2" pipe found maintaining the southwest corner of said Second Tract and the northwest corner of said Progressive Baptist Church Tract and being in the west line of said Block 29 and the east line of said N. Varden Street;*

Thence ***North 15°03'55" West****, along the east line of said N. Varden Street and the west line of said Block 29, a distance of* ***160.00 feet*** *to the* ***Point-of-Beginning*** *and containing* ***0.492 acres*** *of land.*

KNOWN ALL MEN BY THESE PRESENTS:

That I, John C. Copley, Registered Professional Land Surveyor, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments thereon where properly placed, under my personal supervision, in accordance with the subdivision regulations of the City of Sherman, Texas.

John C. Copley *Date*
Registered Professional
Land Surveyor No. 6720
Firm No. 10194429

AVIGATION RELEASE

THE STATE OF TEXAS §
COUNTY OF GRAYSON §

WHEREAS, SHERRY KATHLEEN HOWARD, hereinafter called OWNER (whether one or more), is the owner of a certain parcel of land situated in the City of Sherman, Grayson County, Texas, being more particularly described as Fielder Addition, an addition to the City of Sherman, Grayson County, Texas.

OWNER does hereby waive, release, remise, quit claim and forever hold harmless the City of Sherman, Texas, a municipal corporation, hereinafter called CITY, and Sherman Municipal Airport, hereinafter called AIRPORT, from any and all claims for damages of any kind that OWNER may now have or may hereinafter have in the future by reason of the passage of all aircraft (aircraft being defined for the purposes of this instrument as any contrivance now known or hereinafter invented, used or designed or navigation of or flight in the air) by whomsoever owned and operated, in the airspace above OWNER'S property. Such release shall include, but not be limited to, any damages to the OWNER's described property, such as noise, vibration, fumes, dust, fuel and lubricant particles, and all other effects that may be caused by the operation of aircraft landing at or taking off from or operating at or on the Sherman Municipal Airport, whether such claim be for injury or death to person or persons damages to or taking off of property; and OWNER does hereby fully remiss and release any right or cause of action which it may now have or which it may in the future have against the CITY or AIRPORT, whether such claims be for injury or death to persons or damage to property due to noises, vibration, fumes, dust, fuel and lubricant particles, and all the other effects that may be caused or may have been caused by the operation and/or maintenance of aircraft or aircraft engines at or on said Sherman Municipal Airport.

It is agreed that this Release shall be binding upon OWNER, his successors, heirs, executors, administrators and assigns, in interest with regard to said property located at Fielder Addition, an addition to the City of Sherman, Texas, and it is further agreed that this instrument shall be a covenant running with the land, and shall be recorded in the Deed Records of Grayson County, Texas.

Executed this ____ day of _____, 2022.

By:_____
SHERRY KATHLEEN HOWARD

~ GENERAL NOTES ~

1. Water Supply to be provided by the City of Sherman.
2. Sewer service to be provided by the City of Sherman.
3. Electrical service is provided by Oncor Electrical Delivery.
4. Blocking the flow of water or construction of improvements in drainage easements, and filling or obstruction of the floodway is prohibited.
5. Any existing creeks or drainage channels traversing along or across the addition will remain as open channels and will be maintained by the individual owners of the lot or lots that are traversed by or adjacent to the drainage courses along or across said lots
6. The City of Sherman will not be responsible for the maintenance and operation of said drainage ways or for the control of erosion.
7. Neither the City of Sherman nor the undersigned surveyor will be responsible for any damage, personal injury, or loss of life or property occasioned by flooding or flooding conditions.
8. The owners and builders must comply with all other local, state and federal regulations regarding developments of this type.
9. Bearings are based on the City of Sherman Control Monument Network.
10. The City of Sherman reserves the right to require submission of Development Plat based on proposed use of each lot.

Purpose:
The purpose of this is to re-plat part of block 29.

Owners Certificate & Dedication

NOW THEREFORE KNOWN ALL MEN BY THESE PRESENTS:

That I, SHERRY KATHLEEN HOWARD, Owner and Developer, do hereby adopt this plat designating the hereinabove property as the Final Plat of FIELDER ADDITION, an addition to the City of Sherman, and do hereby dedicate to the public use forever the streets and easements shown on this plat for the mutual use and accommodation of all public and private utilities desiring to use or using same. Any public or private utility shall have the right to remove and keep removed all or part or any buildings, fences, trees, shrubs or other improvements or growths which in anyway endanger or interfere with the construction, maintenance, or efficiency of its respective systems on any of these easements strips and any public or private utility shall, at all times, have a right of ingress and egress to and from and upon the said easement strips for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining and adding to or removing all or part of its respective system without the permission of anyone. This plat approved subject to all ordinances, rules regulations and resolutions of the City of Sherman, Texas.

WITNESS MY HAND this ____ day of _____ _____, 2022.

SHERRY KATHLEEN HOWARD

STATE OF TEXAS
COUNTY OF GRAYSON

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared SHERRY KATHLEEN HOWARD known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this__ _day of_____, 2022.

Notary Public in and for
the State of Texas

Acceptance of Dedication

The Undersigned, the City Clerk of the City of Sherman, hereby certifies that the foregoing, the Final Plat of FIELDER ADDITION, an addition to the City of Sherman, Texas, was submitted to the City Council on the_ ____day of _____, 2022, and the City Council by formal action then and there accepted the dedication of streets, alleys, easements and public places, as shown and set forth in and upon said map or plat, and said City Council further authorized the Mayor to note the acceptance thereof by signing his name as herein above subscribed.

Witness my hand this____ day of _____, _____ ,2022.

Clerk, City of Sherman, Texas

Approved this _____ day of _____,2022, by the City Planning Commission to the City of Sherman, Texas.

Chairman *Secretary*

Accepted by the City Council of the City Sherman.

Mayor, City of Sherman, Texas *Date*

Final Plat of
Fielder Addition
a Replat of a part of
Block 29, Chaffin's Second Addition
an addition to the City of Sherman
Grayson County, Texas

10/20/2022

Copley Land Surveying
1702 Verdi Ln., Sherman, Texas 75090
TX 903-415-0643, OK 580-980-0181
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OWNERS/DEVELOPER
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SURVEYOR
JOHN C. COPLEY
R.P.L.S. NO. 6720
1702 VERDI LN.
SHERMAN, TEXAS 75090

Sherman
CLASSIC TOWN. BROAD HORIZON.

STAFF REVIEW LETTER

November 7, 2022

Sherry Kathleen Howard
1803 N. Binkley St.
Sherman, TX 75092

Copley Land Surveying
Attn: John Copley
1702 Verdi Lane
Sherman, TX 75090

Dear Applicants,

The request for approval of the Final Plat of Fielder Addition has been scheduled to be heard by the Planning and Zoning Commission on the day of Tuesday, November 15, 2022 at 5:00 p.m., in the City Council Chambers, City Hall at 220 W. Mulberry.

City staff has reviewed your request with regards to engineering and development guidelines and finds the following items need to be addressed:

1. Addition Name, surrounding plat references, and calls must be in Arial, Calibri, or Times New Roman font. *Code of Ordinances Chapter 10.05, Exhibit A, Section 6(B)*
2. Dedicate a 15'x15' Right of Way corner clip on Northwest corner of proposed Lot 1. *Code of Ordinances Chapter 10, Exhibit A, Secs. 5(B)(5), (10); 5(C)(1); 6(B)(7)-(8), (14)-(15); 12(B)(1)(a); 12(B)(1)(k)(1)-(3); 12(B)(5)*
3. Dedicate a 10' Utility Easement along Chaffin Street. *Code of Ordinances Chapter 10, Exhibit A, Sec. 12(D)*
4. Dedicate a 10' Utility Easement along Vaden Street. *Code of Ordinances Chapter 10, Exhibit A, Sec. 12(D)*
5. Modify 10' Utility Easement on Northwest corner of proposed Lot 1 to parallel new right of way created by corner clip.
6. Vaden Street is spelled incorrectly on drawing and in metes and bounds description. Correct appropriately. *Code of Ordinances Chapter 10, Exhibit A, Sec.6(B)(7)*
7. Remove directions from streets on drawing and in metes and bounds description. *Code of Ordinances Chapter 10, Exhibit A, Sec.6(B)(7)*
8. Plat title to read "Fielder Addition, being a replat of…"
9. Water main must be extended in accordance with City criteria to serve proposed Lot 3. *Code of Ordinances Chapter 13, Sec. 13.07.282; Chapter 10, Exhibit A, Sec. 12(G)*
10. Wastewater main must be extended in accordance with City criteria to serve proposed Lots 1 and 2. Wastewater capacity shall be verified for proposed use. *Code of Ordinances Chapter 13, Sec. 13.07.282; Chapter 10, Exhibit A, Sec. 12(H)*

11. 1104 E. Chaffin Street (Proposed Lot 2) property's only access to Wastewater Main is across proposed Lot 3. An Engineered Wastewater main must be extended within Right of Way to easternmost property line of proposed Lot 2 in accordance with City criteria prior to Building Permit being issued. *Code of Ordinances Chapter 13, Sec. 13.07.282; Chapter 10, Exhibit A, Sec. 12(H)*
12. Relocation of wastewater service for 1104 E. Chaffin (proposed Lot 2) is required prior to filing of plat.
13. Drive approaches and sidewalks must conform to City of Sherman standards and a permit with drawing showing dimensions is required from City of Sherman Engineering Department for review and approval prior to any work being done within public right of way. *Code of Ordinances Chapter 3, Division 5, Sec. 3.10.154*
14. Civil Engineering plans shall be provided to the Engineering Department for review and approval. Plat to reflect changes upon Engineering review. *Code of Ordinances Chapter 10, Exhibit A, Sec. 12, Code of Ordinances Chapter 10, Exhibit A, Sec. 15.*
15. Three Party Agreement required for Public Infrastructure.
16. Any other changes made to the plat prior to the final fulfillment of the conditions of the staff review, must be considered minor by staff, as to not require resubmission to the Planning & Zoning Commission.
17. Original tax certificates with $0.00 balance for each taxing property involved in plat shall be furnished to the City of Sherman Engineering Department at the time of delivery of final mylar and prints for the purpose of recording the plat. *Code of Ordinances Chapter 10, Exhibit A, Secs. 6(B), 6(B)(11)*
18. Upon final staff approval, 1 Mylar and 3 paper copies must be submitted in 24"x36" size for recording. Both mylar and paper copies must be split, but not cut, to be 2-24"x18" pages per Grayson County requirements. 1 page must have the legal description (preferably in portrait layout) and the other page must have the image. Both mylar and paper copies must look the same. Both split pages must include the Subdivision Name block and page numbers. Submit digital image to the Engineering department for approval prior to printing mylars and paper copy. Final copies for filing will not be accepted until after approval by P&Z Commission, City Council, and Engineering Department. CAD file must be submitted digitally at time of final approval. *Code of Ordinances Chapter 10, Exhibit A, Sec. 6(B)*

It is the policy of this Board not to consider a request unless the applicant or its representative attends the meeting at which the request is considered. You are hereby notified to present your case on the date and time stated above.

If additional information or clarification is needed, do not hesitate to contact Wayne Lee, at 903-892-7327 prior to the meeting.

Respectfully,

Wayne E. Lee, P.E., CFM
Director of Engineering

cc: Robby Hefton, City Manager
Tom Pruitt, Utility Engineer
Clint Philpott, Assistant City Manager
Rob Rae, Director of Development Services
Billy Hartsfield, Fire Marshal
The Law Firm of Abernathy, Roeder, Boyd, & Hughlett, P.C., City Attorney

Planning & Zoning Commission and Board of Adjustments

Agenda Item No. 22.

Meeting Date: 11/15/2022

Prepared by: Lauren Marlow, Administrative Assistant
Rob Rae, Director of Development Services

Clay Mahone, Chairman	
David Downtain, Vice Chairman	Paul Manley, Commissioner
Shawn Davis, Commissioner	Glenn Whitaker, Commissioner
Leigh Ann Sims, Commissioner	Bryan Blagg, Commissioner

Requested Action/Proposed Use:

1104 CHAFFIN STREET

The request of LaCima Contracting, LLC (Owner), Paul Terrell (Representative) and Copley Land Surveying (Surveyor) concerning the property located at 1104 Chaffin Street, being 0.492 acres in the J.B McAnair survey, Abstract No. 763, and being a part of Block 29, Chaffins Second Addition, as follows:

Board of Adjustment

A. Variance under Ordinance No. 2280, Section 7, Subsection (1)(C)(1) to allow a 5' setback from the home in lieu of the required 6' for the existing detached garage in an R-1 (One-Family Residential) District.
B. Variance under Ordinance No. 2280, Section 7, Subsection (1)(C)(2) to allow a 1' rear yard setback in lieu of the required 5', and a 1' side yard setback in lieu of the required 5' for the existing detached garage in an R-1 (One-Family Residential) District.
C. Variance under Ordinance No. 2280, Section 6.3, Subsection (1) to allow a 15' front yard setback in lieu of the required 25' for an existing home in an R-1 (One-Family Residential) District.

Planning and Zoning Commission

D. Final Plat approval of Fielder Addition, a Replat of a Part of Block 29, Chaffins's Second Addition.

Background:

The property is located at 1104 Chaffin Street in the northeast corner of Vaden Street. The owner would like to plat the property into three lots for residential development. The owner is also requesting Variances for the setbacks of the existing home and exhisting detached garage.

Adjacent Zoning:

R-1 (One Family Residential) District

Origination:
LaCima Contracting, LLC (Owner)
Paul Terrell (Representative)
Copley Land Surveying (Surveyor)

Master Plan Designation:
Not Applicable.

Number of notices mailed:
29

Objections Received:
0

Development Review Meeting:
No

Attachments

Location Map
Zoning Map
Zoning Sign Photo
Survey
Replat
Site Plan
Staff Review Letter - Variance
Staff Review Letter - Replat

SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting

Meeting Date: 12/05/2022

Approved By: Robby Hefton, City Manager

Caption:

COUNCIL CALENDAR

Attachments

2022 Council Calendar

2023 Council Calendar

2022
Council Calendar

January

Su	Mo	Tu	We	Th	Fr	Sa
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February

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	Holiday
	Holiday for Firefighters/Police Only
	City Council Regular Meeting
	City Council Called Meeting
	Special Called Meeting
	Budget Workshop
	Cancelled City Council Meeting

CALLED MEETINGS	
1/18/20222	Rescheduled - Martin Luther King, Jr. Day
2/9/2022	CIP-Public Works Planning Session
2/23/2022	Joint Meeting - Legal Training (Canceled-Bad Weather)
3/23/2022	Joint Meeting - Legal Training
4/19/2022	Budget Planning Meeting
5/26/2022	Capital Improvement Program Work Session
6/7/20222	Budget Workshop - Day 1
6/16/2022	Special Called Meeting
7/5/2022	Rescheduled - Independence Day
9/6/2022	Resheduled - Labor Day
9/13/2022	Joint Meeting - SEDCO Board
9/22/2022	Review CompPlan and Zoning Ordinances
12/12/2022	Called City Council Meeting (Christmas Holiday)
12/19/2022	Regular Council Meeting - (Canceled - Christmas Holiday)

2023
Council Calendar

January						
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CALLED MEETINGS	