



**LAKEWOOD VILLAGE TOWN HALL  
100 HIGHRIDGE DRIVE  
LAKEWOOD VILLAGE, TEXAS  
VIA TELEPHONE CONFERENCE  
TOWN COUNCIL MEETING  
APRIL 23, 2020 7:00 P.M.**

**NOTICE IS HEREBY GIVEN** Pursuant to section 551.127 of the Texas Government Code, and in conjunction with the guidance and provisions provided by the Governor of Texas in the declaration of disaster and subsequent executive orders altering certain Open Meetings Act requirements and banning gatherings of more than 10 people, the Town Council of the Town of Lakewood Village will conduct the meeting scheduled at 7:00 p.m. on April 23, 2020 at Lakewood Village Town hall, 100 Highridge Drive by telephone conference in order to advance the public health goal of limiting face-to-face meetings (also called “social distancing”) to slow the spread of the Coronavirus (COVID-19). There will be **no in-person public access** to the location described above and less than a quorum may be physically present at the location.

This Notice and Meeting Agenda, and the Agenda Packet, are posted online at [lakewoodvillagetx.us](http://lakewoodvillagetx.us). The public toll-free dial-in number to participate in the telephonic meeting is hosted through ZOOM. The dial in number is: 346-248-7799. You will be prompted to enter the meeting ID number: 995 3096 8331

The public will be permitted to offer public comments telephonically as provided by the agenda and as permitted by the presiding officer during the meeting. **Persons wishing to speak before the Council must notify the Town Secretary via email, [linda@lakewoodvillagetx.us](mailto:linda@lakewoodvillagetx.us), no later than 6:30 p.m. April 23, 2020. The email must include your name, full address, and the agenda item on which you wish to speak.** A recording of the telephone/video meeting will be made and will be available to the public in accordance with the Open Meetings Act upon written request.

**SPECIAL SESSION – AGENDA**

Call to Order and Announce a Quorum is Present

**A. PLEDGE TO THE FLAG:**

**B. VISITOR/CITIZENS FORUM:** At this time, any person with business before the Council not scheduled on the agenda may speak to the Council. The council may not comment or deliberate such statements during this period, except as authorized by Section 551.042, Texas Government Code.

**C. PUBLIC HEARING:** A public hearing to provide an opportunity for citizen comment on an ordinance amending Ordinance No. 19-02, the Comprehensive Zoning Ordinance, and amending the official zoning map of the Town by rezoning approximately 77.89 acres of land to Planned Development - Single-Family Residential owned by Sam Hill Venture. (Continued from the March 26, 2020 Council Meeting)

**D. PUBLIC HEARING:** A public hearing is scheduled to provide an opportunity for citizen comment on the proposed comprehensive plan.

**E. CONSENT AGENDA:**

1. Minutes of March 12, 2020 Council Meeting (Asbell)
2. Minutes of March 26, 2020 Council Meeting (Asbell)
3. Minutes of April 9, 2020 Council Meeting (Asbell)

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**F. REGULAR AGENDA:**

1. Consideration of Ordinance Planned Development-1 Zoning (Vargus)
2. Discussion of Road Project (Vargus)
3. Consideration of Sale of Woodcrest Property (West)
4. Discussion of Council Meeting Schedule (Vargus)

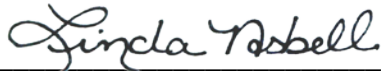
**G. EXECUTIVE SESSION:** – In accordance with Texas Government Code, Section 551.001, et seq., the Town Council will recess into Executive Session (closed meeting) to discuss the following:

1. § 551.071(2), Texas Government Code to wit: consultation with Town Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter to receive legal advice re: Development agreements, development and zoning standards;
2. § 551.072 Texas Government Code to wit: deliberations about real property regarding Sam Hill Ventures, Sanctuary at Sunset Cove, and Le Tuong; and
3. § 551.087 Texas Government Code to wit: Economic Development Negotiations regarding Sam Hill Ventures, Sanctuary at Sunset Cove, and Le Tuong.

**H. RECONVENE:** Reconvene into regular session and consideration of action, if any, on items discussed in executive session.

**I. ADJOURNMENT**

I do hereby certify that the above notice of meeting was posted on the designated place for official notice at 5:55 p.m. on Monday, April 20, 2020.



Linda Asbell, TRMC, CMC, Town Secretary



The Town Council reserves the right to adjourn into closed session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Section 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and 551.087 (Economic Development), 418.183 (Homeland Security)

This facility is wheelchair accessible and accessible parking spaces are available. Please contact the Town Secretary's office at 972-294-5555 or FAX 972-292-0812 for further information.

One or more board members of the LAKEWOOD VILLAGE MUNICIPAL DEVELOPMENT DISTRICT may attend this meeting. No action will be taken by the MDD board.

# **LAKEWOOD VILLAGE TOWN COUNCIL**

## **COUNCIL MEETING**

**MARCH 12, 2020**

### **Council Members:**

Dr. Mark Vargus, Mayor  
Darrell West – Mayor Pro-Tem  
Clint Bushong  
Serena Lepley  
Matt Bissonnette - ABSENT  
Eric Farage

### **Town Staff:**

Linda Asbell, TRMC, CMC – Town Secretary  
Andy Messer, Town Attorney

### **REGULAR SESSION - 7:00 P.M.**

With a quorum of the Council Members present, Mayor Vargus called the Regular Meeting of the Town Council to order at 7:00 p.m. on Thursday, March 12, 2020 in the Council Chambers of the Lakewood Village Town Hall, 100 Highridge Drive, Lakewood Village, Texas.

### **PLEDGE TO THE FLAG:**

**(Agenda Item A)**

Mayor Vargus led the Pledge of Allegiance

### **VISITOR/CITIZENS FORUM:**

**(Agenda Item B)**

No one requested to speak

### **PUBLIC HEARING**

**(Agenda Item C)**

A public hearing was held to provide an opportunity for citizen comment on the proposed Comprehensive Plan. Mayor Vargus opened the public hearing at 7:06 p.m.

Mayor Vargus reported the comprehensive plan that was included in the February packet is the most recent draft version. No additional changes have been proposed. No one requested to speak

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**MOTION:** Upon a motion made by Mayor Pro-Tem West and seconded by Councilwoman Lepley council voted four (4) “ayes” and no (0) “nays” to close the public hearing. The motion carried.

**CONSENT AGENDA:**

**(Agenda Item D)**

Mayor Vargus reported on efforts to obtain a Standard and Poor’s rating for the bond sale.

1. Minutes of February 13, 2020 Council Meeting (Asbell)
2. Minutes of February 27, 2020 Council Meeting (Asbell)

**MOTION:** Upon a motion made by Mayor Pro-Tem West and seconded by Councilwoman Lepley, council voted four (4) “ayes”, no (0) “nays” to approve the consent agenda items as presented. *The motion carried.*

**REGULAR AGENDA:**

**(Agenda Item E)**

**Consideration of Ordinance Cancelling  
General Election and Declaring Winners  
(Asbell)**

**(Agenda Item E.1)**

Mayor Vargus reported all candidates were unopposed. The council has had an unprecedented number of meetings and the Mayor appreciates all the hard work council members have put in on the important projects being handled in the last year.

**MOTION:** Upon a motion made by Mayor Pro-Tem West and seconded by Councilman Farage, council voted four (4) “ayes”, no (0) “nays” to approve the ordinance cancelling the May 2, 2020 General Election and declaring winners. *The motion carried.*

**Discussion of S&P Global Credit Rating  
(Asbell)**

**(Agenda Item E.2)**

Mayor Vargus reported the Town of Lakewood Village has completed the process to be granted a credit rating. Lakewood Village received a rating of “AA-“. Mr. Friedman, of SAMCO, the Town of Lakewood Village’s Financial Advisor, reported the credit rating is a tremendous advantage and something to be proud of. The rating allows the town to avoid the cost of bond insurance. Mr. Friedman reported the only reason the town did not receive a higher rating is due to the size of the town. The town’s financial position is very strong, and the great credit rating

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REGULAR SESSION  
MARCH 12, 2020**

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reflects the financial strength of the town. Mr. Friedman reported the difference in interest savings with the next higher credit rating is nominal.

**Discussion and consideration of all matters incident and related to the issuance and sale of “Town of Lakewood Village, Texas, Combination Tax and Limited Pledge Revenue Certificates of Obligation, Series 2020”, including the adoption of an ordinance authorizing the issuance of such certificates of obligation. (Vargus)**

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**(Agenda Item E.3)**

Andrew Friedman, SAMCO Capital distributed the results of the bid for bonds. The best bid received was a 3.16% interest rate. Mr. Friedman reported due to the current conditions of the stock market the interest rate is expected and he recommends taking this bid rather than waiting thirty days and rebidding the bonds. Mayor Vargus reported the 2019-2020 budget was adopted assuming a 4% interest rate. Mr. Friedman reported \$4,500,000 will be delivered on April 8, 2020 if council approves the bond issuance. The funds delivered will be a net total after fees have been removed. The bonds can be paid down early beginning seven years after issuance.

**MOTION:** Upon a motion made by Mayor Pro-Tem West and seconded by Councilman Farage council voted four (4) “ayes” and no (0) “nays” to approve the ordinance authorizing the issuance of Town of Lakewood Village, Texas, Combination Tax and Limited Pledge Revenue Certificates of Obligations, Series 2020 to Stifel, Nicolaus & Co., Inc. The motion carried.

**Consideration of Award of Bid for Phase 2 Street Rehabilitation Project to Ed Bell Construction in the amount of \$4,444,797.75 (Vargus)**

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**(Agenda Item E.4)**

Mayor Vargus introduced Mr. Brandon Bell with Kimley Horn. Mr. Bell reported the town received six bids. The apparent low bidder is Ed Bell Construction for 360 days to completion at an amount of \$4,444,797.75. Kimley Horn has contacted all the references and received good reports on previous work done by Ed Bell Construction. There was some discussion about change orders. There was some discussion about the variance between the high and low bidders and the anticipated time for completion of the construction project.

**MOTION:** Upon a motion made by Councilman Farage and seconded by Councilwoman Lepley council voted four (4) “ayes” and no (0) “nays” to award the bid for the

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phase 2 street rehabilitation project to Ed Bell Construction in the amount of \$4,444,797.75. The motion carried.

**Consideration of Contract for Electric  
Service Provider for Rocky Point Water  
System (Asbell)**

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**(Agenda Item E.5)**

Town Secretary Asbell reported on the reduction in rate which should result in a savings of one-third or more on the electric bill. The contract will be for three years.

**MOTION:** Upon a motion made by Councilwoman Lepley and seconded by Mayor Pro-Tem West council voted four (4) “ayes” and no (0) “nays” to approve a three-year contract with TXU Energy. The motion carried.

**EXECUTIVE SESSION:**

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**(Agenda Item F)**

At 7:29 p.m. Mayor Vargus recessed into executive session in accordance with (1) § 551.071(2), Texas Government Code to wit: consultation with Town Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter to receive legal advice re: Agenda Item F.6.

**RECONVENE:**

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**(Agenda Item G)**

Mayor Vargus reconvened the regular session at 8:52 p.m. No action was taken.

**REPORTS:**

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**(Agenda Item H)**

Mayor Vargus reminded the council that the next council meeting would be March 26 at 7:00 p.m.

Town Secretary Asbell reported the Appreciation Dinner which will be this Saturday and the Town Crawfish Boil will be held on April 11 and will also feature an Easter Egg hunt.

**ADJOURNMENT**

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**(Agenda Item I)**

**MOTION:** Upon a motion made by Councilwoman Lepley and seconded by Mayor Pro-Tem West council voted four (4) “ayes” and no (0) “nays” to adjourn the Special

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MARCH 12, 2020**

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Meeting of the Lakewood Village Town Council at 9:47 p.m. on Thursday,  
January 16, 2020. The motion carried.

These minutes approved by the Lakewood Village Town Council on the XXth day of April 2020.  
APPROVED

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Darrell West  
MAYOR PRO-TEM

ATTEST:

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Linda Asbell, TRMC, CMC  
TOWN SECRETARY

# **LAKEWOOD VILLAGE TOWN COUNCIL**

## **COUNCIL MEETING**

**MARCH 26, 2020**

### **Council Members:**

Dr. Mark Vargus, Mayor  
Darrell West – Mayor Pro-Tem  
Clint Bushong  
Serena Lepley  
Matt Bissonnette - ABSENT  
Eric Farage

### **Town Staff:**

Linda Asbell, TRMC, CMC – Town Secretary  
Andy Messer, Town Attorney

### **SPECIAL SESSION - 7:00 P.M.**

With a quorum of the Council Members present, Mayor Vargus called the Special Meeting of the Town Council to order at 7:00 p.m. on Thursday, March 26, 2020 via teleconference in the Council Chambers of the Lakewood Village Town Hall, 100 Highridge Drive, Lakewood Village, Texas.

### **PLEDGE TO THE FLAG:**

**(Agenda Item A)**

Mayor Vargus led the Pledge of Allegiance

### **VISITOR/CITIZENS FORUM:**

**(Agenda Item B)**

No one requested to speak

*Council Moved to Agenda Item D*

### **PUBLIC HEARING**

**(Agenda Item D)**

A public hearing was held to provide an opportunity for citizen comment on the proposed zoning change. Mayor Vargus opened the public hearing at 7:03 p.m. Mayor Vargus reported this will be the first of three public hearings. Mayor Vargus stated he has received many questions about the school property. The school property and zoning are not covered in this ordinance. Mayor Vargus reported the school will be required to contain school related parking within the school



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property and not on Lakewood Village streets. This public hearing is only for the proposed zoning related to the LandPlan concept plan.

Dan Tantalo, 710 Carrie Lane, stated that he is opposed to the trail being located behind his property and wants one-acre properties as a buffer.

James Chandler, 565 Melody Lane, asked why the public hearing was being held during the COVID-19 crisis. Mayor Vargus reported the public hearing process is being spread out over six weeks to give citizens ample opportunities to convey any concerns or opinions.

Joni Lehan, 750 Carrie Lane, stated she is opposed to the trail being located behind her property.

Yvette Bravo, 300 Hillside Drive, asked if construction of a school was an eventuality or if there would be an opportunity to vote to not allow it in Lakewood Village. Mayor Vargus stated Little Elm Independent School District has owned the property for approximately 20 years. They are trading property with LandPlan. If the school board decides to go forward with constructing a school, there is no procedure which would allow citizens to vote to disallow the school. There is no definite date or timeframe for when or if a school will be constructed. Ms. Bravo asked about Exhibits A and B, Mayor Vargus reported those exhibits are legal descriptions and a survey. Ms. Bravo asked about the orientation of the school when or if it will be constructed. Mayor Vargus reported there is no way to know but there will be discussion about design prior to construction. Ms. Bravo asked if Lakecrest would be removed. Mayor Vargus stated Lakecrest is an easement across the land of private owners. After the proposed zoning the through road will be moved. Ms. Bravo stated that she does not support having an elementary school directly behind her house.

Megan Bennett, 300 Hillside Drive, asked if there would be fencing between the school along Highridge Drive. Mayor Vargus stated no details are known about the design of the school at this time. When or if the school is constructed the Town would be meeting with the school about design elements which would provide screening and trees. Mayor Vargus stated the school talked at one point about making the school two stories in order to reduce their footprint.

**MOTION:** Upon a motion made by Mayor Pro-Tem West and seconded by Councilman Farage council voted four (4) “ayes” and no (0) “nays” to table the public hearing to the April 9, 2020 council meeting. The motion carried.

*Council Moved to Agenda Item C*

**PUBLIC HEARING**

**(Agenda Item C)**

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SPECIAL SESSION  
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A public hearing was held to provide an opportunity for citizen comment on the proposed Comprehensive Plan. Mayor Vargus opened the public hearing at 7:22 p.m.

No one requested to speak.

**MOTION:** Upon a motion made by Mayor Pro-Tem West and seconded by Councilwoman Lepley council voted four (4) “ayes” and no (0) “nays” to close the public hearing. The motion carried.

**REGULAR AGENDA:**

**(Agenda Item E)**

**Consideration of Resolution Extending the  
Disaster Declaration and Public Health  
Emergency due to COVID-19 (Asbell)**

**(Agenda Item E.1)**

Mayor Vargus reported the town of Lakewood Village declared a public health emergency and closed town hall. The declaration is consistent with the Denton County Order. The playground is closed. Mayor Vargus reported his declaration only lasts for 7 days, the resolution extends the declaration until such time as the emergency is over. There was some discussion about extending the declaration and authorizing the Mayor to implement any actions necessary to comply with the State and County orders. There was some discussion about extending the authority until such time as the emergency is over.

**MOTION:** Upon a motion made by Mayor Pro-Tem West and seconded by Councilwoman Lepley, council voted four (4) “ayes”, no (0) “nays” to approve the resolution declaring a disaster and public emergency. *The motion carried.*

**Discussion of Semi-Annual Budget Review  
(Vargus)**

**(Agenda Item E.2)**

Mayor Vargus reported expenses are down, franchise fees are higher than expected. Sales tax is running much higher than last year. Mayor Vargus reviewed the semi-annual report showing the operating surplus is approximately \$220,000 which has been directed into the road project. Mayor Vargus reported approximately eight properties are delinquent on their property taxes which is unusual. The utility fund has approximately \$90,000 in revenues at this point in the year.

**Discussion of Road Project (Vargus)**

**(Agenda Item E.3)**

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Mayor Vargus reported Ed Bell Construction company has requested a three-week delay in start date due to all the rain. The construction company is continuing to survey because the equipment used is automated and runs off GPS data. Mayor Vargus reported nearly all the mailboxes and other obstacles in the way of the road have been removed. Mayor Vargus reported the construction is not affected by the COVID-19 emergency because it is covered under critical infrastructure.

**EXECUTIVE SESSION:**

**(Agenda Item F)**

Mayor Vargus announced the council will immediately adjourn after reconvening following the Executive Session. Council will take no action after the executive session.

At 7:34 p.m. Mayor Vargus recessed into executive session in accordance with (1) § 551.071(2), Texas Government Code to wit: consultation with Town Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter to receive legal advice re: Agenda Item F.6.

**RECONVENE:**

**(Agenda Item G)**

Mayor Vargus reconvened the regular session at 9:24 p.m. No action was taken.

**REPORTS:**

**(Agenda Item H)**

No reports

**ADJOURNMENT**

**(Agenda Item I)**

**MOTION:** Upon a motion made by Councilwoman Lepley and seconded by Mayor Pro-Tem West council voted four (4) “ayes” and no (0) “nays” to adjourn the Special Meeting of the Lakewood Village Town Council at 9:24 p.m. on Thursday, March 26, 2020. The motion carried.

These minutes approved by the Lakewood Village Town Council on the XXth day of April 2020.

APPROVED

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Darrell West  
MAYOR PRO-TEM

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MARCH 26, 2020**

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ATTEST:

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Linda Asbell, TRMC, CMC  
TOWN SECRETARY

# **LAKEWOOD VILLAGE TOWN COUNCIL**

## **COUNCIL MEETING**

**APRIL 9, 2020**

### **Council Members:**

Dr. Mark Vargus, Mayor  
Darrell West – Mayor Pro-Tem  
Clint Bushong  
Serena Lepley  
Matt Bissonnette – via telephone conference  
Eric Farage

### **Town Staff:**

Linda Asbell, TRMC, CMC – Town Secretary

### **REGULAR SESSION - 7:00 P.M.**

With a quorum of the Council Members present, Mayor Vargus called the Regular Meeting of the Town Council to order at 7:03 p.m. on Thursday, April 9, 2020 via telephone conference in the Council Chambers of the Lakewood Village Town Hall, 100 Highridge Drive, Lakewood Village, Texas

### **PLEDGE TO THE FLAG:**

**(Agenda Item A)**

Mayor Vargus led the Pledge of Allegiance

### **VISITOR/CITIZENS FORUM:**

**(Agenda Item B)**

No one requested to speak

### **PUBLIC HEARING**

**(Agenda Item C)**

A public hearing was held to provide an opportunity for citizen comment on an ordinance amending Ordinance No. 19-02, the Comprehensive Zoning Ordinance, and amending the official zoning map of the Town by rezoning approximately 77.89 acres of land to Planned Development - Single-Family Residential owned by Sam Hill Venture. (Continued from the March 26, 2020 Council Meeting)

Mayor Vargus reported this is a rezoning request by Sam Hill Ventures, but it is not a zoning relating to the school district property. No one requested to speak.

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**MOTION:** Upon a motion made by Mayor Pro-Tem West and seconded by Councilman Bissonnette council voted five (5) “ayes” and no (0) “nays” to continue the public hearing until the April 23, 2020 council meeting. The motion carried.

**PUBLIC HEARING**

**(Agenda Item D)**

A public hearing was held to provide an opportunity for citizen comment on the proposed comprehensive plan.

No one requested to speak.

**MOTION:** Upon a motion made by Mayor Pro-Tem West and seconded by Councilman West council voted five (5) “ayes” and no (0) “nays” to close the public hearing. The motion carried.

**PUBLIC HEARING**

**(Agenda Item E)**

A public hearing was held to provide an opportunity for citizen comment on the petition filed by The Sanctuary Texas, LLC requesting the creation of Public Improvement District 1. (Continued from the February 13, 2020 Council Meeting)

No one requested to speak.

**MOTION:** Upon a motion made by Mayor Pro-Tem West and seconded by Councilwoman Lepley council voted five (5) “ayes” and no (0) “nays” to continue the public hearing to the June 11, 2020 Council Meeting. The motion carried.

**REGULAR AGENDA:**

**(Agenda Item F)**

**Consideration of Resolution Creating Public  
Improvement District No. 1 (Asbell)**

**(Agenda Item F.1)**

No action was taken

**Discussion of Concrete Road Project (Vargus)**

**(Agenda Item F.2)**

Mayor Vargus reported the bond proceeds have been deposited in the bank. Brittney Shake, of Kimley Horn, reported the project has been awarded and the contract has been executed. The pre-con meeting with the town, engineers, and contractor is scheduled for April 13, 2020. The expected start date is May 11, 2020 with paving to begin mid-summer. Pending weather delays the expected completion date is May 11, 2021. Ms. Shake reported the situation with COVID-19 might require additional documentation from the town that the work is deemed essential and the workers are authorized to be working. Town Secretary Asbell reported she has already created an essential worker letter to be provided to the contractors.

**Consideration of Amendment to Mayor  
Vargus Declaration of Emergency (Vargus)**

**(Agenda Item F.3)**

Mayor Vargus reported on a problem with door-to-door solicitation during the stay-at-home order. The amendment to the declaration prohibits door-to-door solicitation. Mayor Vargus reported that economics are important so vendors are permitted to contact town hall to drop off flyers which will then be made available to citizens in the mailbox area.

**MOTION:** Upon a motion made by Mayor Pro-Tem West and seconded by Councilman Farage council voted five (5) “ayes” and no (0) “nays” to ratify Mayor Vargus amended emergency order prohibiting door-to-door solicitation. The motion carried.

**Discussion of Operational Changes due to  
COVID-19 (Vargus)**

**(Agenda Item F.4)**

Mayor Vargus reported that Town Secretary Asbell has been working from home except for a few hours on Monday, Friday, and for council meetings. Mayor Vargus reported that for document control the original documents must stay at town hall, and bill paying must be done on the secure network inside town hall. Mayor Vargus stated Town Secretary Asbell will scan bills to check signers to obtain authorization via email which will document the required second signature. Council meetings will be accomplished via telephone/video conference. After the council reconvenes following an executive session no action will be taken and no reports will be given, council will immediately adjourn. Town Hall will remain closed to the public, but council members may access the building when necessary.

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**Discussion of Town Investments (Vargus)**

**(Agenda Item F.5)**

Mayor Vargus reported that the COVID-19 situation has caused the stock market to be volatile. When the market is unstable investors tend to invest in treasury bills. The town's investment funds are in TexPool which have short-term securities and commercial paper. Mayor Vargus reported that the return rate dropped about 10% at TexPool so he moved the excess funds back into Point Bank. TexPool rate is currently 0.93%, the interest rate at Point Bank is 1.02%. There was some discussion about how fast transfers can be made.

**EXECUTIVE SESSION:**

**(Agenda Item G)**

At 7:29 p.m. Mayor Vargus recessed into executive session in accordance with (1) § 551.071(2), Texas Government Code to wit: consultation with Town Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter to receive legal advice re: Development agreements, development and zoning standards; (2) § 551.072 Texas Government Code to wit: deliberations about real property regarding Sam Hill Ventures, Sanctuary at Sunset Cove, Le Tuong, and Project Lightning Bolt; (3) § 551.087 Texas Government Code to wit: Economic Development Negotiations regarding Sam Hill Ventures, Sanctuary at Sunset Cove, Le Tuong, and Project Lightning Bolt; and § 551.076 Texas Government Code to wit: Deliberations about Security Devices.

**RECONVENE:**

**(Agenda Item H)**

Mayor Vargus reconvened the special session at 9:00 p.m. No action was taken.

**REPORTS:**

**(Agenda Item I)**

No reports were made.

**ADJOURNMENT**

**(Agenda Item J)**

**MOTION:** Upon a motion made by Councilwoman Lepley and seconded by Mayor Pro-Tem West council voted five (5) "ayes" and no (0) "nays" to adjourn the Special Meeting of the Lakewood Village Town Council at 9:01 p.m. on Thursday, April 9, 2020. The motion carried.

These minutes approved by the Lakewood Village Town Council on the XXrd day of April 2020.



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REGULAR SESSION  
APRIL 9, 2020**

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APPROVED:

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Darrell West  
MAYOR PRO-TEM

ATTEST:

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Linda Asbell, TRMC, CMC  
TOWN SECRETARY

**ORDINANCE 20-\_\_**  
**ZONING – PLANNED DEVELOPMENT - 01**

**AN ORDINANCE AMENDING LAKEWOOD VILLAGE'S COMPREHENSIVE ZONING ORDINANCE NO. 19-02; REZONING A TRACT OF LAND CONSISTING OF 77.531 ACRES, MORE OR LESS, SITUATED IN THE BENJAMIN C. SHAHAN SURVEY, ABSTRACT NO. 1169 AND WILLIAM LOFTON SURVEY, ABSTRACT NO. 750 IN THE TOWN OF LAKEWOOD VILLAGE, DENTON COUNTY, TEXAS HERETOFORE ZONED SINGLE FAMILY RESIDENTIAL – A PORTION OF DISTRICT 6 (SF-6) IS REZONED PLANNED DEVELOPMENT – 01 - SINGLE FAMILY RESIDENTIAL (PD-SF); DESCRIBING THE TRACT TO BE REZONED; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.**

**WHEREAS**, the Town of Lakewood Village, Texas ("Lakewood Village") has received a request from Sam Hill Venture to rezone 77.531 acres of land, more or less, situated in the Benjamin C. Shahan Survey, Abstract No. 1169 and William Lofton Survey, Abstract No. 750 in Lakewood Village, Denton County, Texas; and

**WHEREAS**, the Town Council of Lakewood Village (the "Town Council") has investigated into and determined that the facts contained in the request are true and correct; and

**WHEREAS**, all legal notices required for rezoning have been given in the manner and form set forth by law, and 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 Town Council has further investigated into and determined that it will be advantageous and beneficial to Lakewood Village and its inhabitants to amend Lakewood Village's Comprehensive Zoning Ordinance No. 19-02 and rezone this property as set forth below.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS, THAT:**

**Section 1: Findings**

The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

**Section 2: Amendments to Lakewood Village's Comprehensive Zoning Ordinance No. 19-02**

Lakewood Village's Comprehensive Zoning Ordinance No. 19-02 is amended as follows: The zoning designation of the below-described property containing 77.531 acres, more or less, situated

in the Benjamin C. Shahan Survey, Abstract No. 1169 and William Lofton Survey, Abstract No. 750 in Lakewood Village, Denton County, Texas, (the "Property") and all streets, roads and alleyways contiguous and/or adjacent thereto are hereby rezoned as Planned Development – 01 - Single Family Residential (PD-SF).

The Property as a whole is more particularly described in Exhibit "A" attached hereto and incorporated herein for all purposes.

The development plans, standards, uses and schedules for the Property in this Planned Development District shall conform to, and comply with 1) the planned development standards attached hereto as Exhibit "B", and 2) the conceptual plan attached hereto as Exhibit "C". Exhibits "B" and "C" are incorporated herein for all purposes. Except as amended by this Ordinance, the development of the Property within this Planned Development District must comply with the requirements of all ordinances, rules and regulations of Lakewood Village, as they currently exist or may be amended.

Three (3) original, official and identical copies of the zoning exhibit map are hereby adopted and shall be filed and maintained as follows:

a. Two (2) copies shall be filed with the Town Secretary and retained as the original records and shall not be changed in any manner.

b. One (1) copy shall be filed with the building inspector and shall be maintained up-to-date by posting thereon all changes and subsequent amendments for observation, issuing building permits, certificates of compliance and occupancy and enforcing the zoning ordinance. Reproduction for information purposes may from time-to-time be made of the official zoning district map.

### **Section 3: No Vested Interest/Repeal**

No developer or property owner shall acquire any vested interest in this Ordinance, the Planned Development Zone or in any other specific regulations contained herein. Any portion of this Ordinance may be repealed by the Town Council in the manner provided for by law.

### **Section 4: Unlawful Use of Premises**

It shall be unlawful for any person, firm or corporation to make use of said premises in some manner other than as authorized by this Ordinance, and it shall be unlawful for any person, firm or corporation to construct on said premises any building that is not in conformity with the permissible uses under this Zoning Ordinance.

### **Section 5: Penalty Provision**

Any person, firm, corporation or business entity violating this Ordinance or any provision of Lakewood Village's Comprehensive Zoning Ordinance No. 19-02, or as amended, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined a sum not exceeding Two Thousand Dollars (\$2,000.00). Each continuing day's violation under this Ordinance shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude Lakewood Village from filing suit to enjoin the violation. Lakewood Village retains all legal rights and remedies available to it pursuant to local, state and federal law.

**Section 6: Savings/Repealing Clause**

Lakewood Village's Comprehensive Zoning Ordinance No. 19-02 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: Severability**

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

**Section 8: Effective Date**

This Ordinance shall become effective from and after its adoption and publication as required by law.

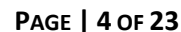
**PASSED AND APPROVED** by the Town Council of the Town of Lakewood Village, Texas this \_\_\_\_\_ day of \_\_\_\_\_ 2020.

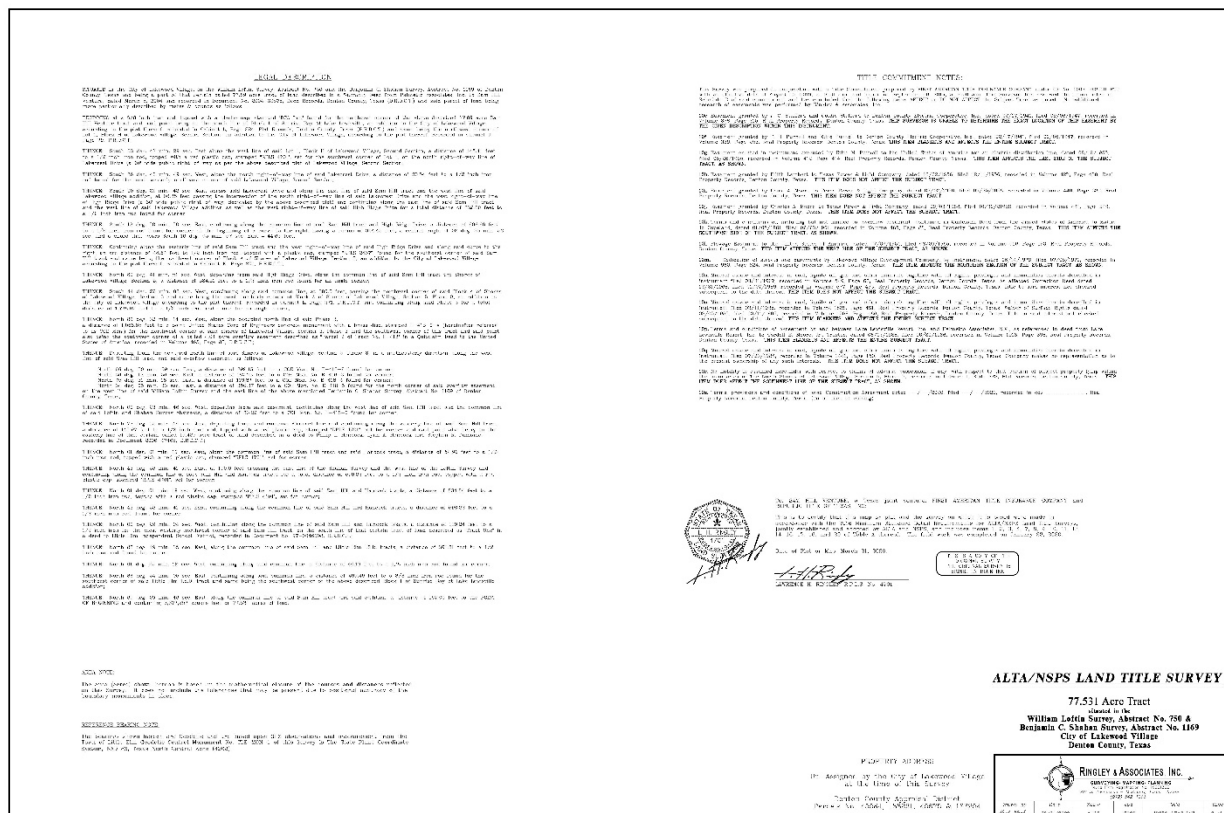
\_\_\_\_\_  
Dr. Mark E. Vargus  
Mayor

**ATTESTED:**

\_\_\_\_\_  
Linda Asbell, TRMC, CMC  
Town Secretary

## Legal Description





## LEGAL DESCRIPTION

SITUATED in the City of Lakewood Village, in the William Loftin Survey, Abstract No. 750 and the Benjamin C. Shahan Survey, Abstract No. 1169 of Denton County, Texas and being a part of that certain called 77.89 acre tract of land described in a Warranty Deed from Palmetto Associates, Inc. to Sam Hill Venture, dated March 5, 2004 and recorded in Document No. 2004-39575, Deed Records, Denton County, Texas (D.R.D.C.T.) and said parcel of land being more particularly described by metes & bounds as follows:

BEGINNING at a 5/8 inch iron rod, topped with a plastic cap, stamped "DCA Inc." found for the northeast corner of the above described 77.89 acre Sam Hill Venture tract and said point being on the south line of Block 1 of Sunrise Bay At Lake Lewisville, an addition to the City of Lakewood Village, according to the plat thereof, recorded in Cabinet L, Page 224, Plat Records, Denton County, Texas (P.R.D.C.T.) and same being the northwest corner of Lot 1, Block H of Lakewood Village, Second Section, an addition to the City of Lakewood Village, according to the plat thereof, recorded in Cabinet J, Page 79, P.R.D.C.T.

THENCE: South 03 deg. 47 min. 29 sec. East along the west line of said Lot 1, Block H of Lakewood Village, Second Section, a distance of 145.41 feet to a 1/2 inch iron rod, topped with a red plastic cap, stamped "RPLS 4701", set for the southwest corner of Lot 1, on the north right-of-way line of Lakecrest Drive (a 60' wide public right-of-way as per the above described plat of Lakewood Village, Second Section;

THENCE: South 86 deg. 46 min. 49 sec. West, along the north right-of-way line of said Lakecrest Drive, a distance of 30.54 feet to a 1/2 inch iron rod found for the most westerly northwest corner of said Lakewood Village, Second Section;

THENCE: South 00 deg. 31 min. 42 sec. East, across said Lakecrest Drive and along the east line of said Sam Hill tract and the west line of said Lakewood Village addition, at 60.35 feet passing the intersection of the south right-of-way line of said Lakecrest Drive and the west right-of-way line of High Ridge Drive (a 60' wide public right-of-way, dedicated by the above described plat) and continuing along the east line of said Sam Hill tract and the west line of said Lakewood Village addition as well as the west right-of-way line of said High Ridge Drive for a total distance of 332.60 feet to a 1/2 inch iron rod found for corner

THENCE: South 18 deg. 50 min. 58 sec. East, continuing along the common line of said Sam Hill tract and High Ridge Drive, a distance of 986.96 feet to a 1/2 inch iron rod found for corner at the beginning of a curve to the right, having a radius of 984.48 feet, a central angle of 02 deg. 35 min. 52 sec. and a chord that bears South 16 deg. 05 min. 57 sec. East – 44.63 feet;

THENCE: Continuing along the easterly line of said Sam Hill tract and the west right-of-way line of said High Ridge Drive and along said curve to the right, an arc distance of 44.64 feet to 1/2 inch iron rod, topped with a plastic cap, stamped "RPLS 2437", found for the southeast corner of said Sam Hill tract and same being the northeast corner of Block A of Shores of Lakewood Village, Section 5, an addition to the City of Lakewood Village according to the plat thereof, recorded in Cabinet K, Page 201, P.R.D.C.T.;



THENCE: North 89 deg. 41 min. 51 sec. West, departing from said High Ridge Drive, along the common line of said Sam Hill tract the Shores of Lakewood Village, Section 5, a distance of 534.51 feet to a 1/2 inch iron rod found for an angle corner;

THENCE: South 44 deg. 22 min. 03 sec. West, continuing along said common line, at 380.0 feet, passing the northwest corner of said Block A of Shores of Lakewood Village, Section 5 and same being the most northerly corner of Block A of Shores of Lakewood Village, Section 5, Phase 3, an addition to the City of Lakewood Village according to the plat thereof, recorded in Cabinet L, Page 271, P.R.D.C.T. and continuing along said Phase 3 for a total distance of 1,768.97 feet to a 1/2 inch iron rod found for an angle corner;

THENCE: North 89 deg. 32 min. 14 sec. West, along the occupied north line of said Phase 3, a distance of 1,066.65 feet to a point United States Corp of Engineers concrete monument with a brass disc, stamped E-415-0-A (hereinafter referred to as COE Mon.) for the northwest corner of said Shores of Lakewood Village, Section 5, Phase 3 and the southwest corner of this tract and said point also being the southwest corner of a called 4.04 acre overflow easement described as "Parcel 2 of Tract No. E-418" in a Quitclaim Deed to the United States of America, recorded in Volume 465, Page 88, D.R.D.C.T.;

THENCE: Departing from the occupied north line of said Shores of Lakewood Village, Section 5, Phase 3, in a northeasterly direction, along the west line of said Sam Hill tract and said overflow easement as follows:

North 66 deg. 00 min. 59 sec. East, a distance of 392.15 feet to a COE Mon. No. E-418-2 found for corner;

North 36 deg. 13 min. 56 sec. East, a distance of 187.73 feet to a COE Mon. No. E-418-3 found for corner;

North 75 deg. 31 min. 16 sec. East, a distance of 119.37 feet to a COE Mon. No. E-418-4 found for corner;

North 34 deg. 05 min. 33 sec. East, a distance of 350.37 feet to a COE Mon. No. E-418-5 found for the north corner of said overflow easement, on the west line of said William Loftin Survey and the east line of the above mentioned Benjamin C. Shahan Survey, Abstract No. 1169 of Denton County, Texas;

THENCE: North 00 deg. 23 min. 46 sec. West, departing from said easement, continuing along the west line of said Sam Hill tract and the common line of said Loftin and Shahan Survey Abstracts, a distance of 86.22 feet to a COE Mon. No. E-418-6 found for corner;

THENCE: North 72 deg. 15 min. 48 sec. West, departing from said common Abstract line and continuing along the westerly line of said Sam Hill tract, a distance of 140.97 feet to a 1/2 inch iron rod, topped with a red plastic cap, stamped "RPLS 4701", set for corner and said point also being on the easterly line of that certain called 19.429 acre tract of land described in a deed to Philip L. Hancock, Lynn A. Hancock and Stephen R. Dumaine, recorded in Document 2006-47468, D.R.D.C.T.;



THENCE: North 01 deg. 01 min. 19 sec. West, along the common line of said Sam Hill tract and said Hancock tract, a distance of 54.96 feet to a 1/2 inch iron rod, topped with a red plastic cap, stamped "RPLS 4701", set for corner;

THENCE: North 43 deg. 58 min. 41 sec. East, at 190.0 feet crossing the east line of the Shahan Survey and the west line of the Loftin Survey and continuing along the common line of said Sam Hill and Hancock tracts for a total distance of 590.32 feet to a 1/2 inch iron rod, topped with a red plastic cap, stamped "RPLS 4701", set for corner;

THENCE: North 01 deg. 01 min. 19 sec. West, continuing along the common line of said Sam Hill and Hancock tracts, a distance of 834.84 feet to a 1/2 inch iron rod, topped with a red plastic cap, stamped "RPLS 4701", set for corner;

THENCE: North 43 deg. 58 min. 41 sec. East, continuing along the common line of said Sam Hill and Hancock tracts, a distance of 590.32 feet to a 1/2 inch iron rod, found for corner;

THENCE: North 00 deg. 29 min. 04 sec. West, continuing along the common line of said Sam Hill and Hancock tracts, a distance of 119.24 feet to a 1/2 inch iron for the most westerly northwest corner of said Sam Hill tract, on the south line of that certain tract of land described as "Tract One" in a deed to Little Elm Independent School District, recorded in Document No. 97-0046698, D.R.D.C.T.;

THENCE: North 88 deg. 49 min. 35 sec. East, along the common line of said Sam Hill and Little Elm I.S.D. tracts, a distance of 391.31 feet to a 1/2 inch iron rod found for corner;

THENCE: North 01 deg. 25 min. 12 sec. West, continuing along said common line, a distance of 40.19 feet to a 3/8 inch iron rod found for corner;

THENCE: North 86 deg. 54 min. 05 sec. East, continuing along said common line, a distance of 499.49 feet to a 3/8 inch iron rod found for the southeast corner of said Little Elm I.S.D. tract and same being the southwest corner of the above described Block 1 of Sunrise Bay at Lake Lewisville addition;

THENCE: North 85 deg. 09 min. 48 sec. East, along the common line of said Sam Hill tract and said addition, a distance of 187.03 feet to the POINT OF BEGINNING and containing 3,377,257 square feet or 77.531 acres of land.

**EXHIBIT B**

## Development Standards

**1. Permitted Uses**

A. Allowed Uses: Land uses allowed within this PD district are as follows:

Garage Apartment  
Guest House  
Single Family Residence  
Accessory Structure - C  
Child-Care: Home - C  
Home Occupation – C  
Homebuilder Marketing Center – C  
Municipal Uses Operated by the Town  
Public School  
Parks or Open Space  
Electrical Sub Station - S  
Telephone Exchange – S  
Temporary buildings of the builders and uses incidental to construction work on the premises, which shall be removed upon completion of such work.

\*C – specifies a conditional use which is permitted if the conditional development standards contained in the Zoning Ordinance are met.

\*S - indicates Specific Use Permit is required

**2. Development Standards - Single-Family Residential**

A. Area and building requirements: This Planned Development Ordinance permits two different single-family residential lot types: Type A and Type B. The development standards for each lot type are outlined in the following Table 1.

**Table 1**

Development Standards	Type A	Type B
<b>Setbacks</b>		
Minimum Front Yard	25 ft	20 ft
Minimum Front Yard for porches and swing-in garages	20 ft	20 ft
Minimum Side Yard – Dwelling or Accessory Structure	15 ft	10 ft
Minimum Rear Yard – Dwelling or Accessory Structure	5 ft	5 ft
Minimum Side Yard – Pool and/or Spa	10 ft	10 ft

Minimum Rear Yard – Pool and/or Spa	10 ft	10 ft
Minimum Side Yard (adjacent to a street)	15 ft	15 ft

Lot Dimensions		
Minimum Area	½ acre	1/3 acre
Minimum Width	90 ft	70 ft
Minimum Depth	None	None

Dwellings		
Minimum Air-Conditioned Dwelling Area (Total ft <sup>2</sup> )	2,400 ft <sup>2</sup>	1,800 ft <sup>2</sup>
Minimum Ground Floor Air-Conditioned Dwelling Area – Two Story	2,400 ft <sup>2</sup>	1,800 ft <sup>2</sup>
Maximum Height / Stories	2.5	2.5
Maximum Lot Coverage / Impervious Surface	50%	50%
Minimum Elevation (above mean sea level)	540 ft	

- B. Lot Width: The width of any lot shall not be less than as shown in Table 1 as measured at the front building line of the lot, except that lot width for lots at the terminus of a cul-de-sac or along street elbows/eyebrows may be less; provided all other requirements of the section are fulfilled.
- C. Front Yard: The minimum front yard shall be as shown in Table 1. Covered drives and porte-cocheres that are architecturally designed as an integral element of the main structure and are constructed with the same materials as the main structure may extend an additional five (5) feet into the front yard from the minimum front yard setback. Required front yards must be open and unobstructed except for light posts and flag poles that are twenty (20) feet or less in height. Ordinary projections of windowsills, belt courses, cornices, and other architectural features may project up to twelve (12) inches into the required front yard. A fireplace chimney may project up to two (2) feet into the required front yard if its area of projection does not exceed twelve (12) square feet. Cantilevered roof eaves and balconies may project up to five (5) feet into the required front yard.
- D. Minimum Front Yard Setback Reduction and Average Setback: Refer to Exhibit D-6 Staggered Front Yard Setbacks for Illustration.
1. The minimum front yard setback requirements may be reduced by a maximum of five (5) feet for all single family lots provided that at least fifty (50) percent of the structures on a given block are set back an additional five (5) feet from the original setback.
  2. The average setback along the block shall equal the original setback requirement.
  3. The purpose of this average setback is to encourage a variety of front yard setbacks along a street.
  4. In no case shall the average front yard setback be less than the minimum established in Table 1: Setbacks.

- E. Required Parking: A minimum of four (4) off-street concrete parking spaces shall be provided for each residential unit. As part of the parking requirement, at least two (2) of the off-street parking spaces shall be in an enclosed garage. Parking spaces shall be at least ten (10) feet in length, which shall not include any sidewalk.
- F. Floodplain: Any floodplain included within the limits of a single-family lot shall be designated as a no-build easement on the final plat.
- G. Architectural Standards: The following architectural standards shall apply to all single-family homes on Type A and Type B lots within this Planned Development District:
1. Exterior Façade Building Materials: Front elevations (including the street facing side elevation of corner lots) shall be one hundred (100) percent masonry; all other elevations shall be at least eight (80) percent masonry. Masonry shall be defined as brick, natural stone, cut stone, cast stone, hard coat or three-coat stucco (not synthetic). Glass, cement siding, or similar materials may be used for window box-outs, bay windows, roof dormers, or similar architectural features. Rough sawn wood timbers or similar materials may be used for architectural features such as columns and headers above windows and garage doors. Each floor plan must have a minimum of three (3) elevations offered with different architectural styles and must include one elevation constructed with three-coat stucco. Exterior construction materials shall consist of brick, natural stone, cut stone, cast stone, hard coat or three-coat stucco (not synthetic). Glass, exterior wood, or similar materials may also be used for window box-outs, bay windows, roof dormers, garage door and window headers, columns, or other architectural features.
  2. Minimum Roof Pitch: The minimum roof pitch shall be 6:12 for all structures. Exposed gutters shall be compatible with the surface to which they are attached.
  3. Roof Material: Roof materials shall be composition 30-year architectural shingles, standing seam metal or copper, natural or imitation slate shingles, or natural or imitation clay shingles. Wooden shingles are prohibited.
  4. Garages: Garages shall be J-swing. The minimum garage size is twenty-five (25) feet in width by twenty-two (22) feet in depth. Driveways may extend into the side yard setback a maximum of seven (7) feet.
  5. Landscaping: Required landscaping shall include a minimum of two (2) four-inch (4") caliper shade trees in the front yard and one (1) three-inch (3") caliper shade tree in the rear yard. Additionally, at least one (1) row of shrubs with a minimum height of twenty-four inches (24") shall be planted on three-foot (3') centers along the front elevation of the home (excluding the garage and front entry). The rear yard trees shall be placed in locations that will allow installation of a swimming pool without removal of the tree(s). The front yard trees shall be offset and be either three (3) feet closer to house or street than trees in front yard of each adjacent lot, so that trees are not in a straight line down an entire block. All lots must have automatic sprinklers.

6. Fencing: The following fence requirements are illustrated on the Fencing Plan attached hereto as Exhibit D-1.
- a. Front: Fences extending across the front side yard from the home to the side property line shall be a six-foot (6') black wrought iron or tubular steel fence. Where the front yard fence intersects with the side yard fence, a decorative metal corner column shall be constructed. The height of the corner column shall be twelve (12) to eighteen (18) inches greater than the fence and the width of the corner column shall be ten (10) to twelve (12) inches.
  - b. Side: Fences constructed along side property lines between lots shall be board-on-board, stained, and weather-treated with a face cap and steel posts and be a maximum of eight-foot (8') in height. However, a six-foot (6') length of black wrought iron or tubular steel fence shall be constructed to serve as a transition between the side yard wood fence and a wrought iron or tubular steel fence constructed across the front side yard or along the rear property line.
  - c. Rear: Rear yard fencing of lots that back to the Greenbelt or Open Space labeled on the Concept Plan attached hereto as Exhibit C and rear yard fencing of lots that back to property owned by the United States Corps of Engineers shall be six-foot (6') in height and constructed of black wrought iron or tubular steel fence. Where lots back to streets, no fence shall be constructed parallel to the wrought iron or tubular steel fencing along the rear of the lot. A rear yard fence between lots or for Type B lots that back to the west shall be board-on-board, stained, and weather-treated with a face cap and steel posts and be a maximum of eight-foot (8') in height.
  - d. Fence Height Transitions: Where side yard fences intersect with front or rear yard fences, fences of different heights shall be transitioned so that the fences are the same height where the fences intersect.
  - e. Special Provisions for Waterfront Properties:
    - i. For any fence where any portion will be constructed in the floodplain, the property owner must submit construction plans along with written letters of approval from the US Army Corp of Engineers and the Lakewood Village Floodplain Administrator prior to the Town issuing a permit.
    - ii. Solid fences such as masonry walls, stockade-type, and board on board are not permitted in the floodplain.
  - f. Retaining Walls: Retaining walls must be constructed of stone and designed by an engineer.
7. Driveway, Front Walkway, and Front Porch Materials: All driveways, front walkways, and front porches must be constructed of complementary brick pavers, natural stone,

- interlocking pavers, stamped concrete, exposed aggregate, or salt with stain finish and bordered with stone, brick, or concrete. The cumulative area of any driveway plus any impermeable surface area located between the front property line and any front building wall shall not exceed fifty (50) percent coverage or twenty-five (25) percent coverage for corner lots.
8. Patios: All front yard patios must be covered and included in the roofline of the home.
  9. Chimneys: All chimneys must have decorative metal caps.
  10. Screening of Air Conditioning Units and Pool Equipment: Air conditioning units and pool equipment shall be screened from the view of the street by a fence or landscaping.
  11. Design Repetition: A minimum of nine (9) platted residential lots must be skipped on the same side and six (6) skipped on the opposite side of a street before rebuilding the same single-family residential unit consisting of an identical elevation and color. The same floor plan shall not be repeated on adjacent lots or directly across the street.

### 3. Development Standards – Public School

- A. Public School: Development standards for a public school constructed within this Planned Development district include:
  1. Site Plan and Final Plat: Town approval of a site plan and final plat is required prior to the development of a public school.
  2. Minimum Front Yard – Fifty (50) feet
  3. Minimum Side Yard – Fifty (50) feet
  4. Minimum Rear Yard – Fifty (50) feet
  5. Maximum Building Height – Two (2) stories
  6. Required Parking and Stacking - A minimum of one (1) off-street concrete parking space shall be provided per classroom plus one (1) space for each four (4) seats in any auditorium, gymnasium, or other place of assembly. Parking spaces shall be a minimum of nine (9) feet wide by twenty (20) feet in depth. The site design for the school shall include one-way driveways that accommodate stacking for drop-off and pick-up of students.
  7. Exterior Construction Materials: The school shall be constructed in a manner that is consistent with the same general standards to which other schools have recently been constructed or are contemplated to be constructed within the boundaries of Little Elm Independent School District.



#### 8. Landscaping:

- a. Perimeter Landscape Buffers: A minimum twenty (20) foot landscape buffer shall be provided along perimeter streets and property lines.
- b. Perimeter Landscaping: At least one (1) three-inch (3") caliper canopy tree shall be planted every forty (40) linear feet or fraction thereof along perimeter streets. Trees may be grouped or clustered to facilitate site design. In addition, three (3) ornamental trees may be provided in lieu of one (1) canopy tree.
- c. Internal Landscaping: Parking area shall contain planting islands located so as to best relieve the expanse of paving. Planting islands shall be placed a minimum of every twenty (20) spaces within parking areas. One (1) three-inch (3") caliper canopy tree shall be located on landscape islands and near the terminus of all parking rows.

#### 4. General Conditions

- A. Parks, Open Space, and Greenbelt Buffers: A minimum of eleven (11) acres of parks, open space, and greenbelt buffers shall be dedicated to the Town in the approximate locations depicted on the Concept Plan. The parks, open space, and greenbelt buffers shall be dedicated to the Town at the time each respective area is platted. These collective dedications shall satisfy all obligations for park dedication and park fees for this Planned Development district.
- B. Hike and Bike Trail – Included in the above referenced parks and open space dedication is a forty (40) foot wide greenbelt along the southern perimeter of the Property. The developer will grade and clear a minimum eight (8) foot wide walkable natural path within the greenbelt upon development of the Property to serve as a hike and bike trail.
- C. Screening of Lots Backing to Streets: Where single-family lots back to a street, a minimum ten (10) foot wide greenbelt buffer dedicated to the Town shall be located between the lots and the adjacent right-of-way. Within the greenbelt buffer, trees and shrubs shall be planted to screen the back of the lots from the adjacent streets. No driveway access is allowed across a greenbelt buffer. A minimum six (6) foot wrought iron or tubular steel fence shall be constructed on the greenbelt buffer adjacent to the property line of the single-family lots. Masonry columns and short sections of a masonry wall may be incorporated into the fence for visual enhancement. The greenbelt buffer, the fence or wall, trees, and shrubs are illustrated on the Screening Plan attached hereto as Exhibit D-2.
- D. Landscaping of Parks, Open Space, and Trail: An effort will be made to preserve existing trees within the forty (40) foot wide greenbelt and natural open space areas identified on the Concept Plan. In addition, the developer will install trees and turf within the parks in

accordance with the Planting Plan attached hereto as Exhibit D-3 and within the greenbelt buffers in accordance with Screening Plan attached hereto as Exhibit D-2. The developer shall be responsible for the mowing and general maintenance of the parks and greenbelt buffers for two (2) years after dedication of the areas to the Town or until at least fifty (50) homes have been issued Certificates of Occupancy within this Planned Development district, whichever is sooner. Thereafter, the Town shall maintain the parks and greenbelt buffers to a standard consistent with a first-class residential subdivision in the north Texas regional area unless the developer obtains a maintenance license from the Town by a separate agreement. The landscaping requirements specified for this Planned Development district shall satisfy any and all tree preservation or mitigation requirements for properties within the Planned Development district.

- E. Streets: Streets shall consist of a sixty (60) foot wide right-of-way with a twenty-two (22) foot paving section. Typical street sections are illustrated on the Street Plan attached hereto as Exhibit D-4. Streets located adjacent to the west and south sides of the school site shall be constructed as a thirty-six (36) foot paving section. Cul-de-sacs shall be designed with a radius of fifty (50) feet for right-of-way and a radius of forty (40) feet for paving. Right-of-way widths may be modified to accommodate the roundabout, divided entries, and other unique project features. The developer shall have no obligation to make improvements to Highridge Drive.

- F. Drainage: Storm drainage shall be primarily conveyed by earthen channels, open drainage courses and by the street itself but may also be enclosed in concrete pipes as necessary. Lay down / roll curbs may be used to convey stormwater but standard six-inch (6") curbs are prohibited. Open drainage courses carrying street runoff between lots may be an earthen channel provided that an easement is provided from top-of-bank to top-of-bank.

Increased storm water runoff attributable to new development shall not cause impacts to adjoining, upstream or downstream properties. Impacts are defined as an increase in runoff between pre and post development. Where the projected runoff from a new development exceeds runoff from pre-development conditions, the Town may require the phasing of a development, the use of control methods such as retention or detention, obtaining off-site drainage easements, and/or the construction of off-site drainage improvements as means of mitigation.

- G. Sidewalks: No sidewalks are required except that the developer shall construct six-foot (6') wide sidewalks in the locations depicted on Concept Plan.
- H. Alleys: It is the intent of this planned development to avoid the use of alleys. However, if developer and Town determine alleys are necessary, alleys shall be twelve (12) feet wide within eighteen (18) feet right-of-way.
- I. Mailboxes: Cluster box units will be provided for mail delivery as required by the United States Postal Service. Cluster box units will be located within the centralized parks/open space areas or at a location otherwise designated by the Town.



J. Outdoor Lighting: Outdoor lighting shall comply with Ordinance 20-04. Any conflict between this Ordinance and Ordinance 20-04, Ordinance 20-04 shall control.

K. Signs: In any potential conflict between this Ordinance and Sign Ordinance 11-14, this Ordinance shall control.

1. Monument Signs: Monument signs may be constructed by the developer in the locations depicted on the Concept Plan. The design of the monument signs shall generally be in accordance with the Signage Plan attached hereto as Exhibit D-5 unless otherwise mutually agreed by the Town Council and developer.
2. School Signage: Wall signs and monument signs that identify the name of the school are permitted.
3. Municipal Signage: Wall signs and monument signs that identify municipal facilities are permitted.

## Exhibit C Concept Plan

The Concept Plan establishes the general guidelines for this Planned Development district by conceptually illustrating the project boundaries, land use types, approximate locations of lots, roadways, parks, and open space. Final locations of lots, roadways, parks, and open space will be determined at the time of plat approval and shall be developed in accordance with Town ordinances.

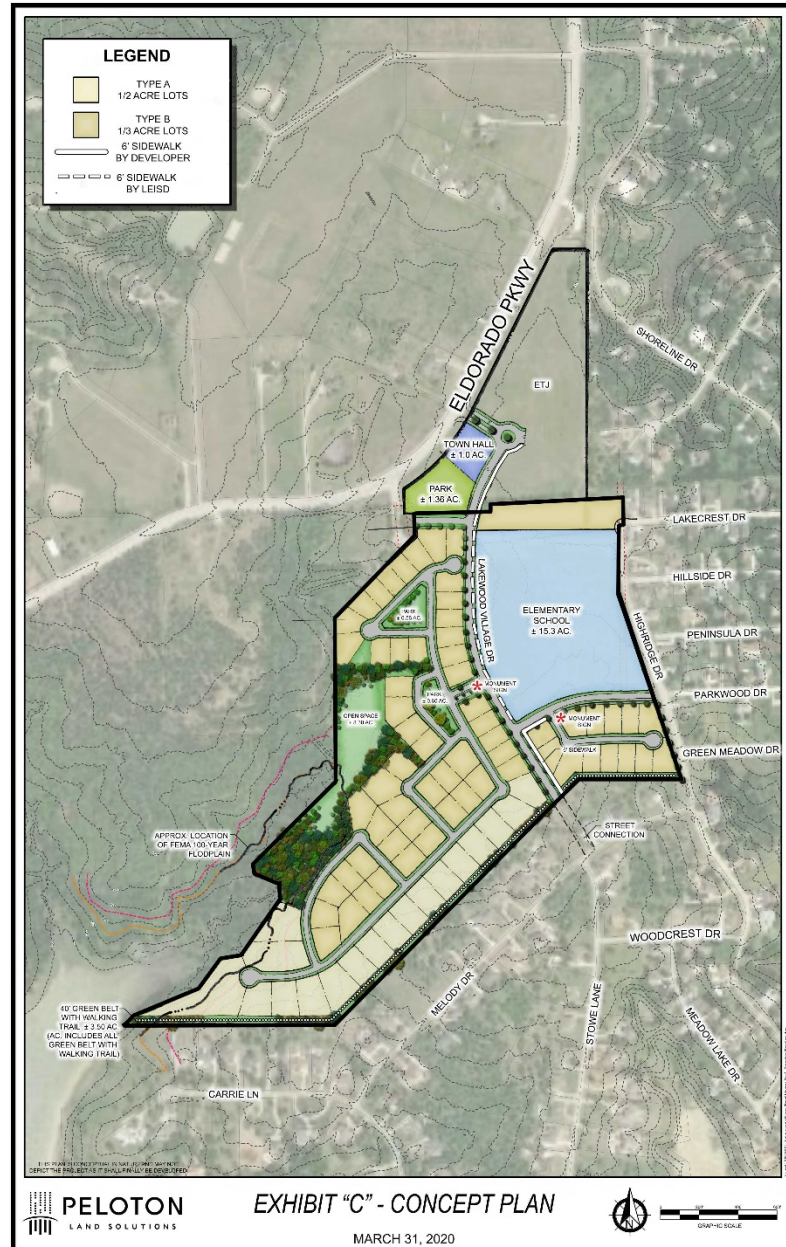


Exhibit D-1  
Fencing Plan

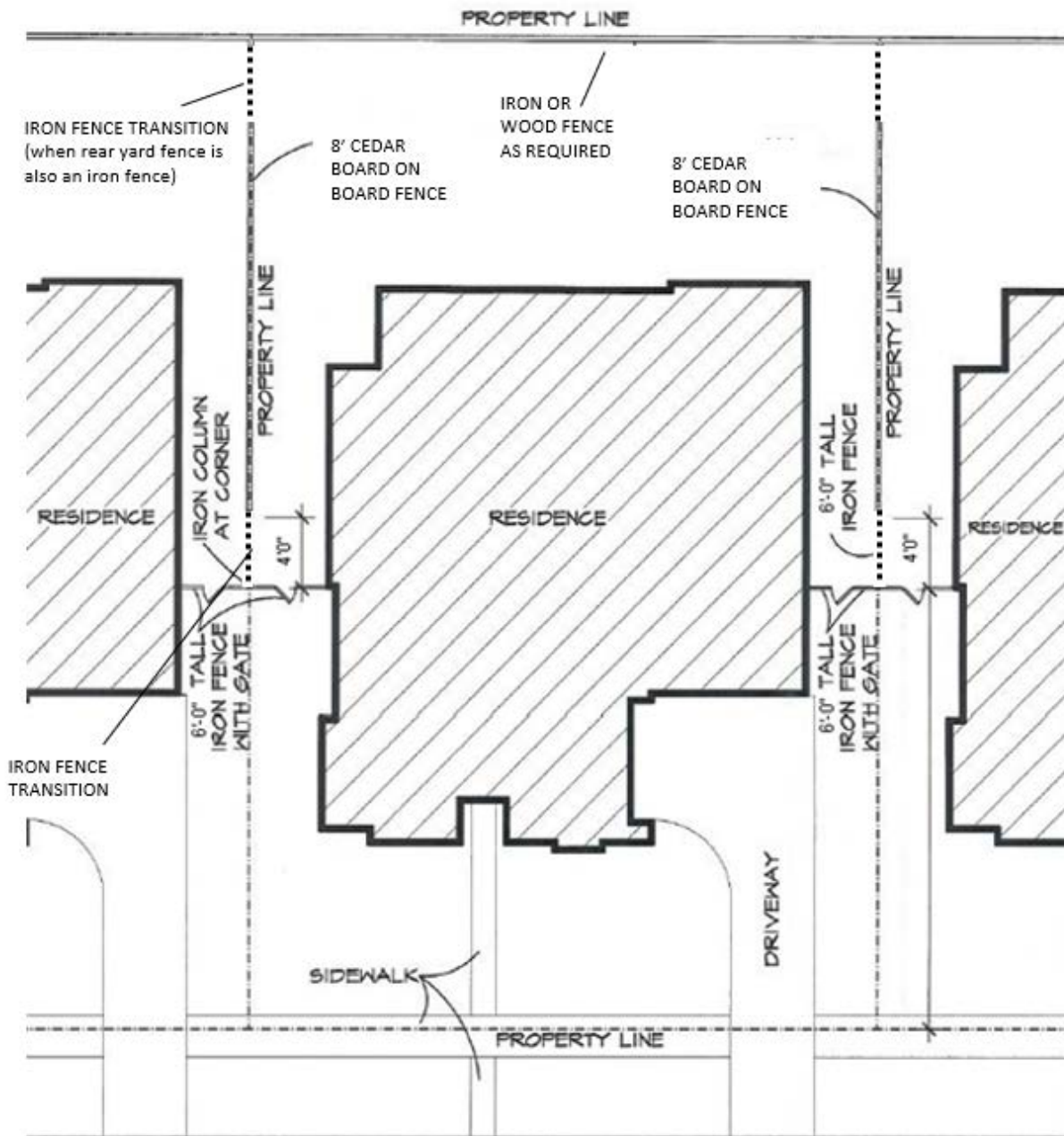


Exhibit D-2  
Screening Plan

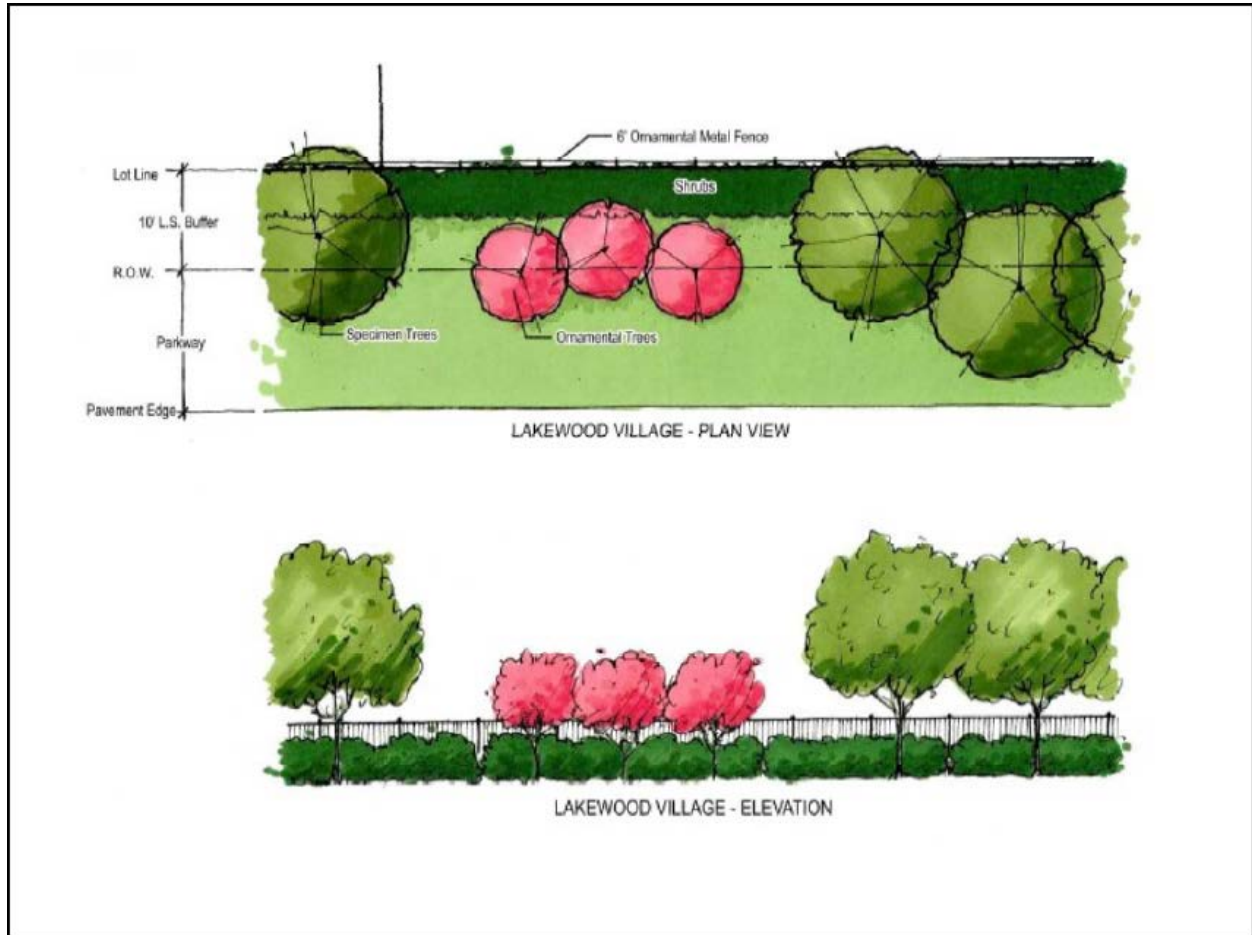




Exhibit D-3  
Planting Plan

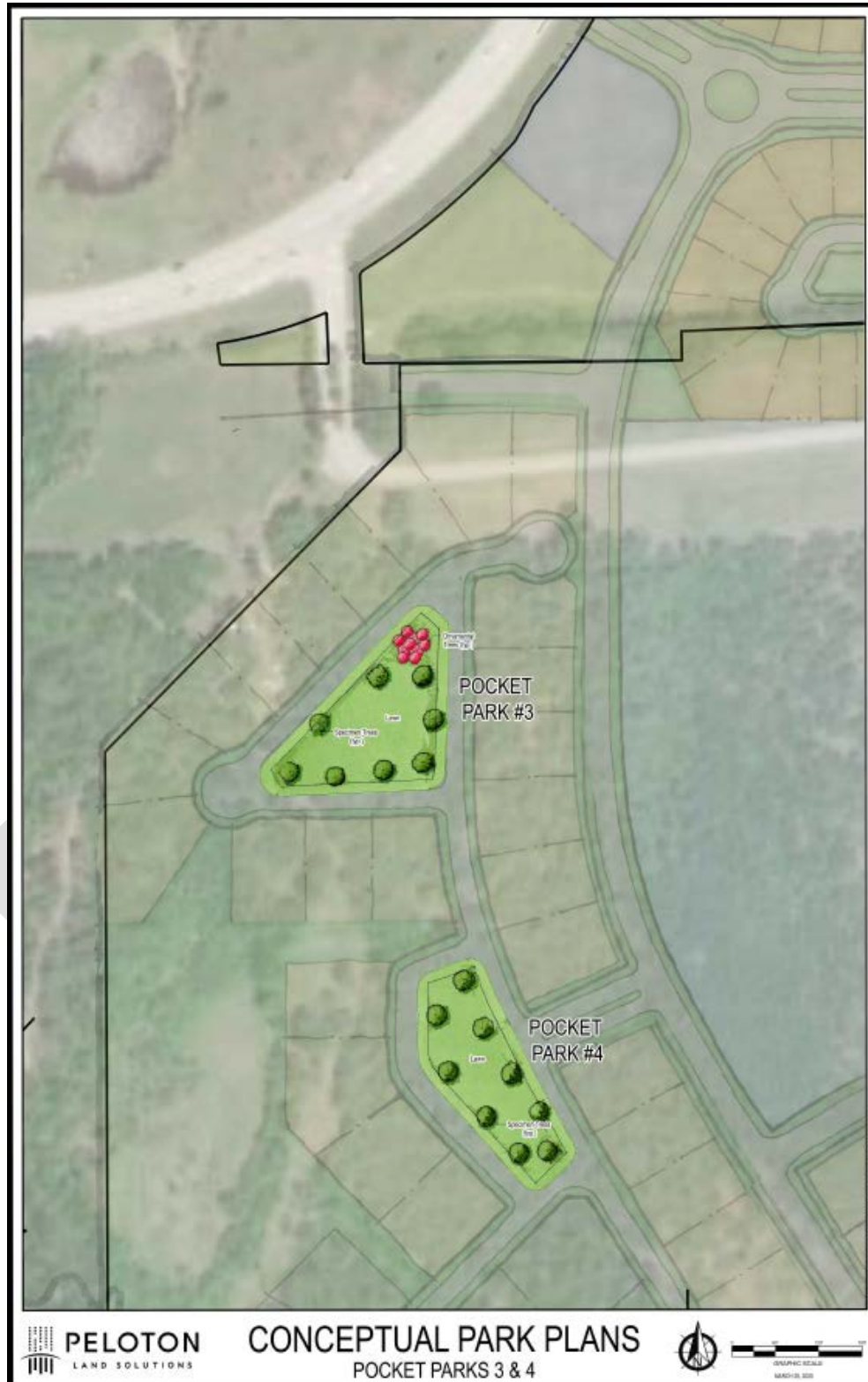


Exhibit D-4  
Street Plan

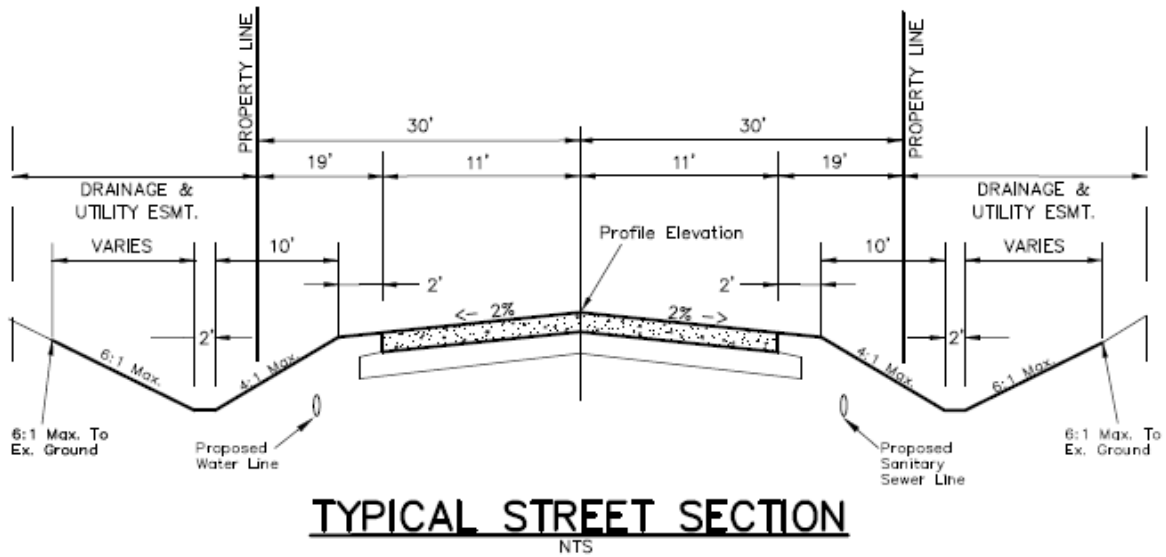


Exhibit D-5  
Signage Plan

Monument Sign(s)



Exhibit D-6  
Staggered Front Yard Setbacks

