

## ORDINANCE

**AN ORDINANCE OF THE CITY OF DESOTO, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND MAP OF THE CITY OF DESOTO, TEXAS, AS HERETOFORE AMENDED, SO AS TO RESTATE AND AMEND PLANNED DEVELOPMENT NO. 20 FOR THE PROPERTY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF FOR ALL PURPOSES; PROVIDING THAT THE PLANNED DEVELOPMENT FOR RETAIL SHALL BE SUBJECT TO THE SPECIAL CONDITIONS SET FORTH HEREIN; AND AMENDING THE DEVELOPMENT CONDITIONS PERTAINING TO AN AREA SOUTH OF WINTERGREEN ROAD AND WEST OF NORTH INTERSTATE HIGHWAY 35-E ON APPROXIMATELY 2.18 ACRES OF LAND CONSISTING OF ONE LOT WHICH IS MORE PARTICULARLY DESCRIBED IN EXHIBIT "I" ATTACHED HERETO AND MADE A PART HEREOF FOR ALL PURPOSES; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Planning and Zoning Commission of the City of DeSoto and the governing body of the City of DeSoto in compliance with the laws of the State of Texas, and the Ordinances of the City of DeSoto, have given requisite notice by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof, and in the exercise of its legislative discretion have concluded that the Comprehensive Zoning Ordinance and Map should be amended; and

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

**SECTION 1.** That the Comprehensive Zoning Ordinance and Map of the City of DeSoto, Texas, duly passed by the governing body of the City of DeSoto on the 19th day of August, 1997, as heretofore amended, be, and the same are hereby amend by restating Planned Development No. 20 for the property described in Exhibit "A" attached hereto and made a part hereof for all purposes, and subject to the following Conceptual Development Plan and Special Conditions including Exhibits "B" through "H", attached hereto and made a part hereof for all purposes.

**SECTION 2.** The property shall be developed and used only in accordance with the following development conditions:

- I. **Purpose.** The purpose of this planned development district is to provide an area adjacent to Interstate Highway 35-E within which facilities for various types of retail uses which can be developed under appropriate standards and

guidelines. The intent is to encourage a unified and quality development, which will also be compatible with adjacent residential areas. The standards and requirements set forth herein form the conceptual plan for the district.

- II. **Base Zoning District.** The property shall be used and developed in accordance with General Retail District Regulations of the Comprehensive Zoning Ordinance, except as otherwise provided herein.
- III. All provisions of the Zoning Ordinance shall be observed unless otherwise specified in this Planned Development.
- IV. The following requirements shall apply to all properties and construction within the boundaries as described in Exhibit "A" of this Planned Development, except as otherwise provided herein.

**A. Permitted Uses**

The use of the land in the district shall be limited to the herein listed uses and subject to the conditions contained herein.

- 1. Accessory Building (business or industry)
- 2. Art Supply Store
- 3. Art Gallery or Museum
- 4. Automobile Dealership (new) - indoor or outside lot
- 5. Bakery or Confectionery Shop (retail)
- 6. Bank or Savings and Loan Office
- 7. Barber or Beauty Shop
- 8. Book or Stationery Shop or Newsstand
- 9. Bookstore
- 10. Church or Rectory
- 11. Cleaning and pressing, small shop and pick-up
- 12. Computer Sales
- 13. Convent or Monastery
- 14. Country Club (private)
- 15. Discount or Department Store
- 16. Donut Shop
- 17. Driving School
- 18. Drug Store or Pharmacy
- 19. Florist or Garden Shop (inside sales only)
- 20. Food or Beverage Convenience Store (without gasoline sales)
- 21. Fraternal Organization, Lodge or Union Hall
- 22. Furniture or Appliance Store
- 23. Gas Line and Regulation Station
- 24. Grocery Store
- 25. Handcraft Shop and Art Objects Sales
- 26. Hardware Store or Hobby Shop

27. Household Appliances Service or Repair
28. Ice Cream or Frozen Yogurt Sales
29. Key Shop
30. Kindergarten or Nursery School
31. Laboratory, Medical or Dental
32. Local Utility Line
33. Medical Appliances, Fitting, Sales or Rental
34. Mortuary or Funeral Home
35. Motel or Hotel

a. Each hotel or motel shall provide at least seventy-five (75) guest rooms and contain a lobby and lounge area, recreational facilities, meeting rooms and a place for dining according to the following criteria:

- (1) A restaurant with a minimum size of fifteen (15) square feet (excluding the kitchen) per guest room. If complete cooking facilities are provided in each guest room, no restaurant is required. A restaurant separately owned and operated but within two hundred (200') feet of the lobby entrance and contiguous to the hotel/motel site may be counted as all or part of the restaurant requirement.
- (2) A lounge or waiting area with a minimum size of six (6) square feet per guest room. Atriums and other open areas may be counted as waiting areas if seating is provided.
- (3) A lobby area (not counting the work area for hotel employees) which is designed as part of the check-in/out area for hotel guests with a minimum size of eleven (11) square feet per guest room. The lobby and lounge/waiting area may be designed as a single space but in such case shall be a minimum size of seventeen (17) square feet per guest room. The lobby check-in/check-out area (registration desk) shall be open and unobstructed. The size of the registration counter shall be a minimum of fifteen (15) feet in length.
- (4) A minimum of one (1) meeting or conference room for each fifty (50) guest rooms, or portion thereof, shall be provided. Each meeting room shall be a minimum size of four hundred (400) square feet in size. Rooms for overnight guest lodging shall not be counted as meeting rooms.
- (5) A swimming pool with a minimum surface area of 1000 square feet. Alternative recreational facilities such as exercise rooms, racquetball courts, spas, and game areas may be

approved as part of or instead of the requirements for a swimming pool on the Site Plan.

- b. A covered drive area designed for the temporary parking of hotel/motel guests while checking in or out shall be constructed adjacent to the lobby or registration area.
  - c. Each guest room shall have a minimum interior area of three hundred twenty-five (325) square feet including sleeping area, closet(s) and bathroom.
  - d. Each hotel/motel guest room shall provide a television and telephone.
  - e. Heavy load vehicles longer than forty (40) feet shall not be permitted on the hotel/motel site except for the delivery of goods and services for use by the hotel or motel.
  - f. On-site self service or coin-operated laundry facilities shall not be available to hotel/motel guests.
- 36. Off-street parking incidental to main use
  - 37. Office, Medical or Dental
  - 38. Offices, General Business and Professional
  - 39. Optical or Eyeglass Store
  - 40. Pet Shop
  - 41. Print Shop (less than 6,000 square feet)
  - 42. Private Club with alcoholic beverage sales
    - a. Club shall conform to all applicable state and local requirements and Ordinances as may be or become applicable to the sale of alcohol.
    - b. Private clubs shall be allowed only as a part of restaurants whose primary service is food sales.
    - c. Separate bar seating areas shall be limited to not more than twenty percent (20%) of the total seating area unless otherwise approved on the detailed development plan.
    - d. No outside signage shall include any references, either words or symbolic, relating to alcoholic beverages or the word "club."
  - 43. Radio Broadcaster (without broadcasting tower)
  - 44. Restaurant or Cafeteria (not drive-in type)
  - 45. Retail Stores, Apparel, Gift, Accessory and similar items
  - 46. School, Business

47. School, Public or Denominational
48. Studio, Health and reducing or similar service
49. Studio, Music or Dance
50. Studio, Decorator, Artist, Photographer
51. Swim, Tennis or Handball Club
52. Swimming Pool (private)
53. Telephone exchange, switching or relay or transmitting station (no utility storage or open storage)
54. Temporary Field Office or Construction Yard or Office (subject to temporary permit issued by Building Official)
55. Tennis Court (private)
56. Theater or Playhouse in building
57. Travel Bureau or Travel Consultant
58. Uses owned or operated by the City of DeSoto
59. Variety Store or similar Retail Outlet
60. Veterinarian, office only (no outside pens)
61. Existing residential uses in the Rolling Hills Subdivision which were in existence prior to the adoption of this Ordinance shall be deemed conforming uses. All improvements to residential uses shall conform to single family-eight standards. Vacant platted lots shall not be allowed to develop as residential.

**B. Uses Permitted Only By Specific Use Permit**

1. Amusement Commercial (outdoors - indoors)
2. Auto Parts and Accessory Sales (indoors)
3. Building material sales (indoors)
4. Building material sales with outdoor storage
5. Buildings in excess of six (6) stories in height
6. Dance Hall or Restaurant with area for dancing
7. Gasoline sales (retail)
8. Helistop
9. Metal exterior buildings
10. Tire Dealer (new tires only)
11. Hotel/Motel with at least 75 units but unable to meet the requirements under Section 2.(1).35.a. of this Ordinance

**C. Landscape Requirements**

The land contained in this Planned Development district has unique natural characteristics of terrain, drainageways and existing trees. The major items of these natural features shall be considered and incorporated into the detailed development plan. This area is also one of the most prominent and visible areas of DeSoto. It is the objective of this sub-section to encourage new development to enhance new building sites and improve the aesthetic image of this area and upgrade

existing substandard landscaped and drainage areas.

The following criteria and standards shall apply to landscape materials and installation:

1. All required landscaped open areas shall be completely covered with living plant material. Artificial landscaping materials such as wood chips and gravel may be used under trees, shrubs and other plants.
2. Plant materials shall conform to the standards of the approved plant list for the City of DeSoto (see the exhibit "e" for the approved plant list) and the American Standard for Nursery Stock. Grass seed, sod and other material shall be clean and reasonably free of weeds and noxious pests and insects.
3. Trees shall have an average spread of crown of greater than fifteen feet (15') at maturity. Trees having a lesser average mature crown of fifteen feet (15') may be substituted by grouping the same so as to create the equivalent of fifteen feet (15') crown of spread. Trees shall be of a minimum of three inches (3") in caliper (measured six inches (6") above the ground) and seven feet (7') in height at time of planting.
4. Shrubs not of the dwarf variety shall be a minimum of two feet (2') in height when measured immediately after planting. Hedges, where installed, shall be planted and maintained so as to form a continuous, unbroken, solid visual screen, which will be three feet (3') high within one (1) year after time of planting.
5. Vines not intended as ground cover shall be a minimum of two feet (2') in height immediately after planting and may be used in conjunction with fences, screens, or walls to meet landscape screening requirements as set forth.
6. Grass areas shall be sodded, plugged, sprigged, and hydro-mulched or seeded except that solid sod shall be used in swales, earthen berms or other areas subject to erosion.
7. Ground covers used in lieu of grass in whole and in part shall be planted in such a manner as to present a finished appearance and reasonably completed coverage within one (1) year of planting.
8. All required landscaped open space shall be provided with adequate and inconspicuous irrigation systems.
9. Any trees preserved on a site meeting the herein specifications may be credited toward meeting the tree requirement of any landscaping

provision of this section (also see Section (21), Tree Preservation, below) according to the following table:

<u>Circumference of Existing Tree</u>	<u>Credit Against Tree Requirement</u>
6" to 8"	1.0 tree
9" to 30"	1.5 trees
31" to 46"	2.0 trees
47" or more	3.0 trees

Due to their limited height and size, mesquite trees will receive only fifty percent (50%) of the above credit for tree preservation. All other existing trees may receive credit if they are not on the City's approved plant material list but approved by the Director of Planning or designee. Should any required tree designated for preservation in the landscape plan die, the owner shall replace the tree with a three inch (3") minimum caliper tree in accordance with the credits listed above. Tree circumference shall be measured four and one-half feet (4 ½') above natural grade.

10. No living trees greater than eight inches (8") in caliper may be cut, destroyed or damaged on the development site until approved as part of the Site Plan requirements in this Ordinance.
11. Earthen berms shall have side slopes not to exceed 33.3 percent (three feet (3') of horizontal distance for each one foot (1') of height). All berms shall contain necessary drainage provisions as may be required by the Director of Planning.
12. For all nonresidential parcels with less than two hundred fifty feet (250') of frontage adjacent to a dedicated public right-of-way, at least fifteen percent (15%) of the street yard shall be permanent landscape area. Nonresidential parcels having two hundred fifty feet (250') or more of frontage shall have at least twenty percent (20%) of the street yard in permanent landscape area (see Exhibit "C" for example). A minimum of ten percent (10%) of the entire site shall be devoted to living landscape, which shall include grass, ground cover, plants, shrubs or trees. The street yard shall be defined as the area between the building front and the front property line. For gasoline service stations, a requirement of a minimum fifteen percent (15%) landscape area for the entire site, including a six hundred (600) square foot landscape area at appropriate Intersection corners, which can be counted toward the fifteen percent (15%) requirement.
13. A minimum ten-foot (10') landscape buffer (interior parkway) adjacent to right-of-way of any street is required (see Exhibit "C"). If

the lot is a corner lot, two frontages shall be required to observe the ten-foot (10') buffer. If more than two frontages exist, then the other right-of-way frontages shall be required to have no more than seven and one-half feet (7-1/2') of landscaped interior parkway area. Developers shall be required to plant one (1) large tree per forty (40) linear feet or portion thereof of street frontage. Trees may be clustered or grouped to facilitate site design. The landscaped portion of interior parkways may be included in the required landscape area percentage. The interior parkway is defined as that area on private property between the street right-of-way line and the curb of the parking area or building area.

14. Landscape areas within parking lots should generally be at least one parking space in size, with no landscape area less than fifty (50) square feet in area. Landscape areas shall be no less than five feet (5') wide and shall equal a total of at least sixteen (16) square feet per parking space. There shall be a landscaped area with at least one (1) tree within sixty feet (60') of every parking space. There shall be a minimum of one (1) tree planted in the parking area for every ten (10) parking spaces within parking lots with more than twenty (20) spaces. Within parking lots, landscape areas should be located to define parking areas and assist in clarifying appropriate circulation patterns. Landscape Islands shall be located at the terminus of all parking rows, and should contain at least one tree. All landscape areas shall be protected by a monolithic curb or wheel stops and remain free of trash, litter, and car bumper overhangs.
15. All existing trees which are to be preserved shall be provided with a permeable surface under the existing drip line of the tree. All new trees shall be provided with a permeable surface under the drip line a minimum of four feet (4') by four feet (4').
16. At least seventy-five percent (75%) of the frontage of parking lots, adjacent to a public right-of-way, within the street yard, shall be screened from public streets with evergreen shrubs obtaining a minimum height of three feet (3') or a low masonry wall of equal height. Use of a wall for parking lot screening should be accompanied with landscape planting in the form of low shrubs and groundcover to soften the appearance of the wall.
17. A minimum of fifty percent (50%) of the total trees required for the property shall be large trees as specified on the approved plant list. Small trees shall be used under existing or proposed overhead utility lines.
18. Necessary driveways from the public right-of-way shall be permitted through all required landscaping. The maximum width for driveways



shall be forty feet (40') for nonresidential two-way movements, twenty-five feet (25') for nonresidential one-way movements, or in accordance with the standards set forth in the DeSoto Engineering Design manual.

19. Whenever an off-street parking area or vehicular use area abuts an adjacent property line, a perimeter landscape area of at least five feet (5') shall be maintained between the edge of the parking area and the adjacent property line. Whenever the adjacent property is used or zoned for residential use, a landscaped area of at least ten feet (10') shall be provided, planted with one large tree for each forty (40) linear feet or portion thereof of adjacent exposure. See exhibit "D" for perimeter landscape area example.
20. Any use, which backs or is adjacent to single family uses in the Rolling Hills subdivision shall construct a six-foot (6') high masonry-screening wall along the common property line.

21. Tree Preservation

- a. During any construction or land development, the developer shall clearly mark all trees to be maintained and may be required to erect and maintain protective barriers around all such trees or groups of trees. The developer shall not allow the movement of equipment or the storage of equipment, materials, and debris or fill to be placed within the drip line of any trees.
- b. During the construction stage of development, the developer shall not allow cleaning of equipment or material under the canopy of any tree or group of trees to remain. Neither shall the developer allow the disposal of any waste material such as, but not limited to: paint, oil, solvents, asphalt, concrete, mortar, etc., under the canopy of any tree or groups of trees to remain.
- c. No attachment or wires of any kind, other than those of a protective nature, shall be attached to any tree.

22. Maintenance

The owner, tenant and/or their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping. All required landscaping shall be maintained in a neat and orderly manner at all times. This shall include, but not to be limited to: mowing (of grass of six inches (6") or higher), edging, pruning, fertilizing, watering, weeding, and other such activities common to the maintenance of landscaping. Landscaped areas shall be kept

free of trash, litter, weeds, and other such material or plants not a part of the landscaping. All plant material shall be maintained in a healthy and growing condition as is appropriate for the season of the year. Plant materials, which die, shall be replaced with plant material of similar variety and size, within ninety (90) days. Trees with a trunk diameter in excess of six inches (6") measured twenty-four inches (24") above the ground may be replaced with ones of similar variety having a trunk diameter of no less than three inches (3") measured twenty-four inches (24") above the ground. However, if said landscape areas are above the minimum required landscape provisions, death of a plant or plant material which may still result in the requirements of the minimum standards being met does not necessitate replacement, except as required to maintain the integrity of the landscaping design. A time extension may be granted by the Director of Planning if substantial evidence is presented to indicate abnormal circumstances beyond the control of the owner or his agent.

Failure to maintain any landscape area in compliance with this section shall result in the disapproval and revocation of any issued certificate of occupancy associated with the occupancy of said area.

### 23. Sight Distance and Visibility

Rigid compliance with these landscaping requirements shall not be such as to cause visibility obstructions and/or blind corners at intersections. Whenever an access way abuts the intersection of two (2) or more public rights-of-way, a triangular visibility area, as described below, shall be created. Landscaping within the triangular visibility area shall be designed to provide unobstructed cross-visibility at a level between three (3) and six (6) feet. Trees may be permitted in this area provided they are trimmed in such a manner that no limbs or foliage extend into the cross-visibility area. The triangular areas are:

- a. The areas of property on both sides of the intersection of an access way and public right-of-way shall have a triangular visibility area with two (2) sides of each triangle being a minimum of ten feet (10') in length from the point of Intersection and the third side being a line connecting the ends of the other two (2) sides.
- b. The areas of property located at a corner formed by the intersection of two (2) or more public rights-of-way shall have a triangular visibility area with two (2) sides of each triangle being a minimum of twenty-five feet (25') in length from the point of the intersection and the third side being a line connecting the ends of

the other two (2) sides.

Landscaping, except required grass and low ground cover, shall not be located closer than three feet (3') from the edge of any access way pavement.

In the event other visibility obstructions are apparent in the proposed landscape plan, as determined by the Director of Planning, the requirements set forth herein may be reduced to the extent to remove the conflict.

24. Special Open Space Requirements Adjacent to Creeks

Special landscape treatment shall be provided along the creek along the west boundary of this Planned Development. Unless otherwise approved in the Site Plan, all flood plain area shall be included for this treatment south of Meadows Parkway. In such areas, the existing terrain and trees in excess of eight inches (8") in caliper shall be protected and preserved in accordance with sub-section "10" above.

The creek area shall be enhanced to the following criteria:

- a. The creek and drainage area shall be cleared of all debris and other trash and restored as close as possible to the natural grade along the creek banks.
- b. The natural grade of the creek area and 100 year flood plain shall be sodded with Bermuda grass or appropriate ground cover.
- c. Any slope in excess of twenty-five percent (25%) shall be planted with suitable ground cover for erosion control.
- d. Areas requiring retaining walls shall be constructed as required by the City of DeSoto Engineering Standards with materials approved by the City Engineer.
- e. One (1) large tree (see Exhibit "B") for each twenty (20) linear feet shall be planted adjacent to the edge of the flood plain boundary.
- f. The area within the flood plain may be counted as part of the landscape requirements established in sub-sections 12,13 and 14 above if approved on the Site Plan.

Any development north of the Meadows Parkway shall maintain the existing natural vegetation adjacent to the creek. Any area north of the Meadows Parkway not suitable for protection shall be reflected on the Site Plan with an alternative equal screening treatment.

**D. Construction Standards**

All new structures constructed or existing structures which expand the gross floor area by more than thirty percent (30%) shall be of fire resistant material a minimum of ninety percent (90%) stone, brick, masonry or glass.

1. Definitions: For the purpose of this sub-section the following definitions shall apply:

a. Masonry construction shall include all construction of stone material, brick material, or concrete panel construction, which is composed of solid, cavity, faced, or veneered-wall construction.

The standards for acceptable masonry construction types are listed below:

(1) **Stone Material:** Masonry construction using stone material may consist of granite, marble, limestone, slate, river rock, and other hard and durable naturally occurring all weather stone. Cut stone and dimensioned stone techniques are acceptable.

(2) **Brick Material:** Brick material used for masonry construction shall be hard fired (kiln fired) clay or slate material which meets the latest version of ASTM standard C216, Standard Specification for Facing Brick (Solid Masonry Unit Made of Clay or Shale), and shall be Severe Weather (SW) grade, and Type FBA or FBS or better. Unfired or under fired clay, sand, or shale brick are not allowed.

(3) **Concrete Panel Construction:** Concrete finish or pre-cast panel (tilt wall) construction shall be integrally painted or dyed, fluted, exposed aggregate, or other approved architectural concrete finish and must be approved as part of the Site Plan. Smooth or untextured concrete finishes are not acceptable.

b. Acceptable glass standards are as follows:

(1) **Glass walls** shall include glass curtain walls or glass block

construction. Glass curtain wall shall be defined as an exterior wall which carries no structural loads, and which may consist of the combination of metal, glass, or other surfacing material supported in a metal framework.

2. **Construction Standards** - The standards and criteria contained within this section are deemed to be minimum standards and shall apply to all new, altered or repaired construction occurring within the City.

a. All nonresidential uses shall be of exterior fire resistant construction having at least ninety percent (90%) of the total exterior walls above grade level, excluding doors and windows, constructed of masonry or glass wall construction, in accordance with the City's building code and fire prevention code. Building facades which face or side any public street or residential zoning districts, or otherwise have public exposure, shall be constructed entirely of stone, brick, or glass wall construction. All sides of the structure shall be finished in a similar or the predominant material used on the structure. Strict adherence to this rule shall not be such as to prevent architectural creativity. Consideration for exceptions shall be based only on the following and subject to approval on the Site Plan by the Planning and Zoning Commission and the City Council:

(1) Architectural design and creativity

(2) Compatibility with surrounding developed properties

b. No accessory buildings are permitted in this Planned Development District.

c. **Temporary Construction Buildings**

Temporary buildings and temporary building material storage areas to be used for construction purposes may be permitted for a specific period of time in accordance with a permit issued by the Building Official and subject to periodic renewal by the Building Official for cause shown. Upon completion or abandonment of construction or expiration of permit, such field offices and buildings shall be removed at the satisfaction of the Building official.

d. All building materials shall be noted and described on the Site Plan.

**E. Site Design Requirements**

1. All refuse collection containers (or dumpsters) shall be screened with a masonry wall constructed out of materials defined above in Section (2)(1) titled "Construction Standards" and compatible with the main structure. Refuse container location shall be shown on the Site Plan. Containers shall not occupy areas counted as part of the required parking requirements. Each container shall be shown in a specified location which will facilitate collection and maneuvering of collection trucks. Each container shall have a gate to screen the container when not in use (see Exhibit "E" for construction guidelines).
2. Loading and off-street parking
  - a. All drives and approaches shall provide adequate space and clearances to allow for the maneuvering of trucks off-street. Each site shall provide a designated maneuvering area for trucks.
  - b. All loading areas shall be designed where loading doors or docking areas are not visible from collectors, major thoroughfares or residential areas.
  - c. All loading areas used by heavy load vehicles shall be designed to minimize the impact on adjacent residential uses. If loading areas are adjacent to single-family, duplex, or multifamily areas, loading and unloading hours shall be restricted to 6:00 a.m. to 10:00 p.m.

3. Building orientation

It is the intent of this planned development to integrate the mixture of uses, which will occur. Therefore, buildings which may be exposed to the primary access or use area of another building shall be designed so as to not adversely impact such buildings. All buildings shall be finished with a similar material on all sides. Buildings adjacent to the creek shall provide access and orientation to the street required in Section (5) titled "Circulation" below.

4. Pad Sites

Development sites under 1.5 acres in size (pad sites) shall be limited to specific areas within the PD. Pad sites shall be limited as follows:

- a. Three (3) sites north of Wintergreen Road

- b. Three (3) sites south of Wintergreen Road and north of Meadows Parkway
- c. Three (3) sites south of Meadows Parkway
- d. Three (3) sites north of Daniieldale Drive

5. Circulation (Interior)

Every development site adjacent to the street identified on Exhibit "F" shall provide a street access easement thirty feet (30') wide to accommodate a twenty-seven foot (27') paved street. Each development shall be responsible for constructing the pavement to City standards. No development south of Wintergreen Road shall be permitted until provisions have been made for construction of the street access easement. The street access easement adjacent to the creek shall provide access or a connection to Wintergreen Road, Meadows Parkway and the frontage road along the Interstate Highway 35-E. North of Wintergreen Road, the street shall conform to the City's Thoroughfare Plan. Alternate provisions for construction of the street access easement may be approved as part of the Site Plan but the Site Plan shall not be approved until an agreement is established for immediate or future construction of the street. Parking is not permitted on this access easement street. Buildings which face this street shall observe a minimum setback of twenty feet (20').

6. Joint Access

All parcels with less than three hundred feet (300') of frontage adjacent to the Interstate Highway 35-E frontage road shall be limited to one (1) drive opening for vehicular ingress and egress. For tracts with more than three hundred feet (300') of frontage, one drive opening per three hundred feet (300') of frontage or portion thereof shall be permitted. Additional drive openings may be permitted if reciprocal access easements are provided. Drives with reciprocal access agreements shall be reflected on the Site Plan and shown on the final plat with appropriate language stating the reciprocal agreement.

7. Screening

All mechanical, heating and air conditioning units and equipment shall be screened or hidden from public view. Satellite dishes are prohibited in the front yard area. Only one satellite dish shall be permitted per lot or primary structure.

Satellite dishes shall not exceed twelve feet (12') in diameter and must be permitted through the Building Inspection Department. Satellite dishes are not permitted on poles or similar supports over six feet (6') high.

Screening walls are not required between uses or development sites in this Planned Development. Screening walls may be required by the Planning and Zoning Commission and City Council in certain conditions to relieve adverse impact.

8. Unified Lighting Plan

As part of the Site Plan, the applicant shall show the style and type of lighting to be used on the site. The purpose of this requisite is to establish a unified standard for parking areas and reduce the impact on adjacent residential areas. The following criteria shall be used in review and development of the unified lighting plan.

- a. Any use shall be operated so as not to produce obnoxious and intense glare or direct illumination across the bounding property line from a visible source of illumination of such intensity as to create a nuisance or detract from the use or enjoyment of adjacent property. All outside lights shall be made up of a light source and reflector so selected that acting together, the light beam is controlled and not directed across any bounding property line above a height of three (3) feet. The allowable maximum Intensity measured at the property line of a residential use shall be 0.2-foot candles. Light poles shall be placed on the site a minimum setback equal to its height from all adjacent residential property.
- b. All off-street parking areas for non-residential uses in non-residential districts which are used after dark shall be illuminated beginning one-half (1/2) hour after sunset and continuing throughout the hours of business operation. If only a portion of a parking area is offered for use after dark, only that part is required to be illuminated in accordance with these standards. However, the portion offered for use shall be clearly designated. Lighting within the parking areas shall meet the following minimum requirements:

(1) Intensity

- (a) Minimum at any point on the parking area surface to be at least 0.6 foot candles Initial, and at least 0.3 foot candles maintained or one-third (1/3) of the average,



whichever is greater.

- (b) Illumination shall not exceed an average of one (1) foot candle at ground level and shall distribute not more than two-tenths (0.2) foot candles of light upon any adjacent residentially zoned area.

(2) Height

- (a) On tracts or lots over three (3) acres in size, the maximum height for poles with lights is thirty feet (30').
- (b) On tracts or lots less than three (3) acres, the maximum height of poles with lights is twenty feet (20').
- (c) Special lighting or lighting higher than thirty feet (30') may be approved as specifically noted on a Site Plan.

9. Area and Setback Standards

- a. Minimum side yard: Twenty feet (20') adjacent to a street or public access easement. Ten feet (10') on an interior lot (not facing a street).
- b. Minimum rear yard: Forty feet (40') adjacent to a street; twenty feet (20') adjacent to a public access easement.
- c. Minimum front yard: Forty feet (40') adjacent to a street; twenty feet (20') adjacent to a public access easement.

10. Signs

All parcels which do not have principal frontage on Interstate Highway 35-E shall be required to meet the following criteria and standards for detached signs.

- a. Signs on poles or other similar supports are not permitted.
- b. All signs shall be monument type signs (see Exhibit "G" for example).
- c. Number of Signs - Only one detached on any premise or lot, except that individual lots which have more than six hundred feet (600') of frontage along a public right-of-way, other than an alley, may have one (1) additional detached sign per street frontage.

- d. A Monument Sign is a free-standing sign having a low profile and made of stone, concrete, metal, routed wood planks or beams, brick or similar materials, including individual lettering, which repeat or harmonize with the architecture of the establishment it serves. Monument signs must be built on a monument base as opposed to a pole or similar base. A monument sign contains only the company or corporation name, logo, address and product or service of the establishment. No advertising or promotional information is permitted thereon. Such sign may be single or double-faced. Such signs and base shall not exceed eight feet (8') in overall height above the natural or average grade and the actual sign face shall not exceed eighty (80) square feet per side. Total cross-sectional area shall not exceed five (5) square feet.
- e. Materials - Signs shall be constructed of metal, masonry, or durable plastic. Metal signs shall have a baked-on finish. Wood shall not be used as a material except as permitted herein by Site Plan approval.
- f. Parcels fronting Interstate Highway 35-E shall meet the requirements specified in the DeSoto Sign Ordinance.

**F. Administrative Procedures and Requirements**

- 1. Site Plan requirements as established in Exhibit "H."
- 2. A development schedule indicating the approximate date on which construction is expected to begin and the rate of anticipated development to completion shall be included with the Site Plan. The development schedule shall become part of the Site Plan and shall be adhered to by the owner, developer and his successor in interest.
- 3. A legal instrument establishing a plan for permanent care and maintenance of any common area or communally-owned facility must be submitted before the Site Plan will be approved. All such instruments shall be approved by the City Attorney as to legal form, and by the Planning and Zoning Commission and City Council as to suitability for the proposed use of the common area.
- 4. The Planning and Zoning Commission shall require elevations and perspective drawings, including height, number of floors, and exposures of access, light and air, building color, showing the relationship of the buildings to adjacent property, open spaces and other features of the development plan for all buildings. The elevations as approved by the Planning and Zoning Commission and

City Council shall become part of the Site Plan.

V. The property located South of Wintergreen Road and West of North Interstate Highway 35-E on approximately 2.18 acres of land and consisting of one lot and being more particularly described in Exhibit "I" attached hereto and made a part hereof for all purposes shall be developed and used only in accordance with the Development Regulations for Planned Development No. 20 with the following deviations:

1. Pole Sign. One pole sign shall be permitted at the location denoted on the Site Plan attached as Exhibit "J". The sign is to be fifty feet (50') in height and three hundred feet (300') in area.
2. Right-of-Way. Waive the requirement for thirty foot (30') of right-of-way along the western part of this tract.
3. Restaurant. Permit a deviation to the requirement that a restaurant be located within two hundred feet (200') of the lobby entrance if a restaurant is not provided within the hotel.
4. Screening. Shrubs shall be provided to the north and west of the detention pond to screen the detention pond from view.
5. Sidewalk. A meandering sidewalk shall be provided along Wintergreen Road.
6. Detailed Site Plan. The Detailed Site Plan attached as Exhibit "K" is hereby approved.
7. Landscape Plan. The Landscape Plan attached as Exhibit "L" is hereby approved.
8. Backage Road. An amended Site Plan approved by the Planning and Zoning Manager shall be required in the event the City acquires the right-of-way for the construction of the backage road in which event the western connection off of Wintergreen Road shall be reconstructed so as to connect to Wintergreen Road as shown on the amended Site Plan.

**SECTION 3.** That all provisions of the Ordinances of the City of DeSoto, in conflict with the provisions of this Ordinance be, and the same are hereby, repealed, and all other provisions of the Ordinances of the City of DeSoto not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

**SECTION 4.** That should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or

provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.


**SECTION 5.** That any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of DeSoto, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

**SECTION 6.** This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and City Charter in such case provides.

**IT IS ACCORDINGLY SO ORDAINED.**

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DESOTO, TEXAS ON THE 17<sup>TH</sup> DAY OF JANUARY, 2006.**

**APPROVED:**

  
Michael B. Hurtt, Mayor

**ATTEST:**

  
Anell Shipman, City Secretary

**APPROVED AS TO FORM:**

  
Peter G. Smith, City Attorney  
EV 1-27-06 - AS 01-27-06



## EXHIBIT "A"

## LEGAL DESCRIPTION

## PD-20

Being a tract of land situated in the J. C. Chapman Survey, Abstract NO. 303 and the W. R. Wampler Survey, Abstract No. 1540, City of DeSoto, Dallas County, Texas and being more particularly described as follows:

Beginning at a point for corner on the east line of Southpointe, an addition to the City of DeSoto, recorded in Volume 84008, Page 1442, Map Records, Dallas County, Texas also being the southwest corner of DeSoto Plaza, an addition to the City of DeSoto, recorded in Volume 84230, Page 2373, Map Records, Dallas County, Texas;

THENCE along the common line of said Southpointe and DeSoto Plaza the following calls:

N 13' 25' 10" E, a distance of 443.65 ft. to point for corner;

THENCE S 89' 40' 50" E, a distance of 15.00 ft. to a point for corner;

THENCE N 00' 28' 15" E, a distance of 156.50 ft. to a point for corner and the beginning of a circular curve to the left;

THENCE along said circular curve to the left and leaving said common line and along the east line of said Southpointe, having a central angle of 28' 05' 31", a radius of 368.45 ft., a tangent length of 92.18 ft., a chord bearing of N 13' 34' 30" W. chord length of 178.85 ft. and an arc length of 180.65 ft. to the point of tangency, also being the southwest corner of Gardski's Restaurant. An addition to the City of DeSoto, recorded in Volume 86025, Page 2699, Map Records, Dallas County, Texas;

THENCE along the common line of said Southpointe and Gardski's the following calls:

THENCE N 27' 32' 23" W. a distance of 110.00 ft. to a point for beginning of a circular curve to the right;

THENCE along said circular curve to the right having a central angle of 42' 33' 09", a radius of 275.00 ft., a tangent length of 107.09 ft., a chord bearing of N. 06' 15' 48" W, a chord length of 199.58 ft. and an arc length of 204.24 ft. to a point for corner on the south line of South pointe Drive (50' R.O.W.):

THENCE S 89' 52' 57" E. along the south line of said Southpointe Drive, a distance of 229.65 ft. to a point for corner;

THENCE N 03'10'50" E. crossing said Southpointe Drive and along the east line of Southpointe Phase II, and addition to the City of DeSoto, recorded in Volume 2001071, Page 1633, Map Records, Dallas County, Texas, a distance of 163.00 ft. to a point for corner on the south line of Lot 6, Block 2 of said Southpointe Addition:

THENCE S 86'49'10" E. along the south line of said Lot 6, a distance of 30.00 ft. to a point for corner;

THENCE S 66'30'42" E. continuing along the south line of said Lot 6, a distance of 146.23 ft. to a point for corner;

THENCE along the east line of said Southpointe Addition the following calls:

THENCE N 23' 42' 13" E. a distance of 123.52 ft. to a point for corner;

THENCE N 42'37'47" W. a distance of 97.81 ft. to a point for corner;

THENCE N 65'39'47" W. a distance of 86.72 ft. to a point for corner;

THENCE N 24'54'47" W. a distance of 105.30 ft. to a point for corner;

THENCE N 21'19'13" E. a distance of 183.19 ft. to a point for corner on the south line of The Meadows Parkway (60' R.O.W.);

THENCE N 22'46'30" W. crossing said The Meadows Parkway, a distance of 80.10 ft. to a point for corner on the north line of said The Meadows Parkway, also being the southeast corner of North Meadows, an addition to the City of DeSoto, recorded in Volume 77100, Page 977, Map Records, Dallas County, Texas;

THENCE along the east line of said North Meadows the following calls:

THENCE N 18'11'3'7" E, a distance of 29.45 ft. to a point for corner;

THENCE N 74'30'13" E, a distance of 79.74 ft. to a point for corner;

THENCE N 42'33'13" E, a distance of 98.29 ft. to a point for corner;

THENCE N 47'47'475" W, a distance of 227.56 ft. to a point for corner;

THENCE N 04'44'13" E, a distance of 60.22 ft. to a point for corner;

THENCE N 53'52'13" E, a distance of 108.61 ft. to a point for corner;

THENCE N 12'53'13" E, a distance of 164.79 ft. to a point for corner;

THENCE N 55'22'47" W, a distance of 44.94 ft. to a point for corner;

THENCE N 20°09'47" W, a distance of 141.66 ft. to a point for corner;

THENCE N 48°04'47" W, a distance of 123.57 ft. to a point for corner;

THENCE N 70°16'47" W, a distance of 65.00 ft. to a point for corner;

THENCE N 09°47'13" E, a distance of 106.53 ft. to a point for corner;

THENCE N 34°49'47" W, a distance of 176.21 ft. to a point for corner;

THENCE N 19°16'47" W, a distance of 56.48 ft. to a point for corner;

THENCE N 22°26'13" E, a distance of 34.55 ft. to a point for corner;

THENCE N 55°22'13" E, a distance of 74.53 ft. to a point for corner;

THENCE N 66°15'13" E, a distance of 109.00 ft. to a point for corner;

THENCE N 10°39'13" E, a distance of 89.33 ft. to the northeast corner of said North Meadows Addition:

THENCE S 89°51'59" W, along the north line of said North Meadows Addition, a distance of 1100.93 ft. to a point for corner, same being the most southerly-southeast corner of Wintergreen Commercial Center, an addition to the City of DeSoto, recorded in Volume 82025, Page 2044, Map Records, Dallas County, Texas;

THENCE N 02°45'35" W, along an easterly of said Wintergreen Commercial Center Addition, a distance of 793.59 ft. to a point for corner in the centerline of Wintergreen Road (100' R.O.W.);

THENCE along the centerline of said Wintergreen Road the following calls:

THENCE S 89°36'00" W, a distance of 14.14 ft. to the beginning of a circular curve to the left:

THENCE along said circular curve to the left having a central angle of 17°26'00", a radius of 1043.58 ft., a tangent length of 160.00 ft., a chord bearing of S 80° 53' 00 W, a chord length of 316.31 ft. and an arc length of 317.53 ft. to the beginning of a circular curve to the right;

THENCE along said circular curve to the right having a central angle of 18°27'30", a radius of 984.69 ft., a chord bearing of S 81°23'45" W, a chord length of 315.86 ft and an arc length of 317.23 ft. to the point of tangency;

THENCE N 89°22'30" W, a distance of 80.47 ft. to a point for corner at the intersection of the centerline of said Wintergreen Road with the centerline of Wintergreen Couth (60' R.O.W.);

THENCE N 00°07'00" East, along the centerline of said Wintergreen Court, a distance of 599.14 ft. to a point for corner;

THENCE S 89°53'00" E, leaving the centerline of said Wintergreen Court, a distance of 30.00 ft. to a point for corner on the east line of said Wintergreen Court;

THENCE N 00°07'00" E, along the east line of said Wintergreen Court, a distance of 475.00 ft., to a point for corner;

THENCE N 45°24'54" E, along a corner clip, a distance of 42.21 ft. to a point for corner;

THENCE S 89°17'13" E, along the south line of said Wintergreen Court, a distance of 709.48 ft. to the beginning of a circular curve to the left: THENCE along said circular curve to the left having a central angle of 33°43'11", a radius of 775.00 ft., a tangent length of 234.87 ft., a chord bearing of N 16°53'19" W, a chord length of 449.55 ft. to a point for corner;

THENCE S 22°56'43" W, a distance of 12.99 ft. to a point for corner;

THENCE N 11°15'06" E, a distance of 14.25 ft. to a point for corner on the south line of Centre Park Boulevard (71' R.O.W.);

THENCE N 56° 15'06" E, along the south line of said Centre Park Boulevard, a distance of 423.53 ft. to the beginning of a circular curve to the right;

THENCE along the south line of said Centre Park Boulevard and said circular curve to the right having a central angle of 13°12'19", a radius of 1304.50, a tangent length of 151.00 ft., a chord bearing of N 62°51'15" E, a chord length of 299.99 ft. and an arc length of 300.66 ft. to a point for corner;

THENCE N 02°09'43" W, crossing said Centre Park Boulevard, a distance of 73.72 ft. to a point for corner on the north line of said Centre Park Boulevard;

THENCE N 73°09'26" E, along the north line of said Centre Park Boulevard, a distance of 119.64 ft. to appoint for corner and the beginning of a circular curve to the left;

THENCE leaving the north line of said Centre Park Boulevard and along said circular curve to the left having a central angle of 88°54'28", a radius of 25.00 ft., a tangent length of 24.53 ft., a chord bearing of N 32°35'21"E, a chord length of 35.02 ft. and an arc length of 38.79 ft. to the point of tangency;



THENCE N 11°51'53" W, a distance of 102.59 ft. to the beginning of a circular curve to the right;

THENCE along said circular curve to the right having a central angle of 12°05'58", a radius of 1253.00 ft., a tangent length of 132.80 ft., a chord bearing of N 05°48'54" W, a chord length of 264.11 ft. and an arc length of 264.60 ft. to the point of tangency;

THENCE N 00°27'18" W, a distance of 2076.61 ft. to the beginning of a circular curve to the left;

THENCE along said circular curve to the left having a central angle of 89°39'33", a radius of 25.00ft., a tangent length of 24.85 ft., a chord bearing of N 44°35'48" W, a chord length of 35.25 and an arc length of 39.12 ft. to a point for corner on the south line of Danieldale Road;

THENCE S 89°25'35" E, along the south line of said Danieldale Road, a distance of 801.24 ft. to a point for corner in the centerline of Interstate Highway 35-E;

THENCE along the centerline of said Interstate Highway 35-E the following calls:

THENCE S 00°06'51" W, a distance of 2615.67 ft. to a point for corner;

THENCE S 00°03'09" E, a distance of 2039.60 ft. to a point for corner;

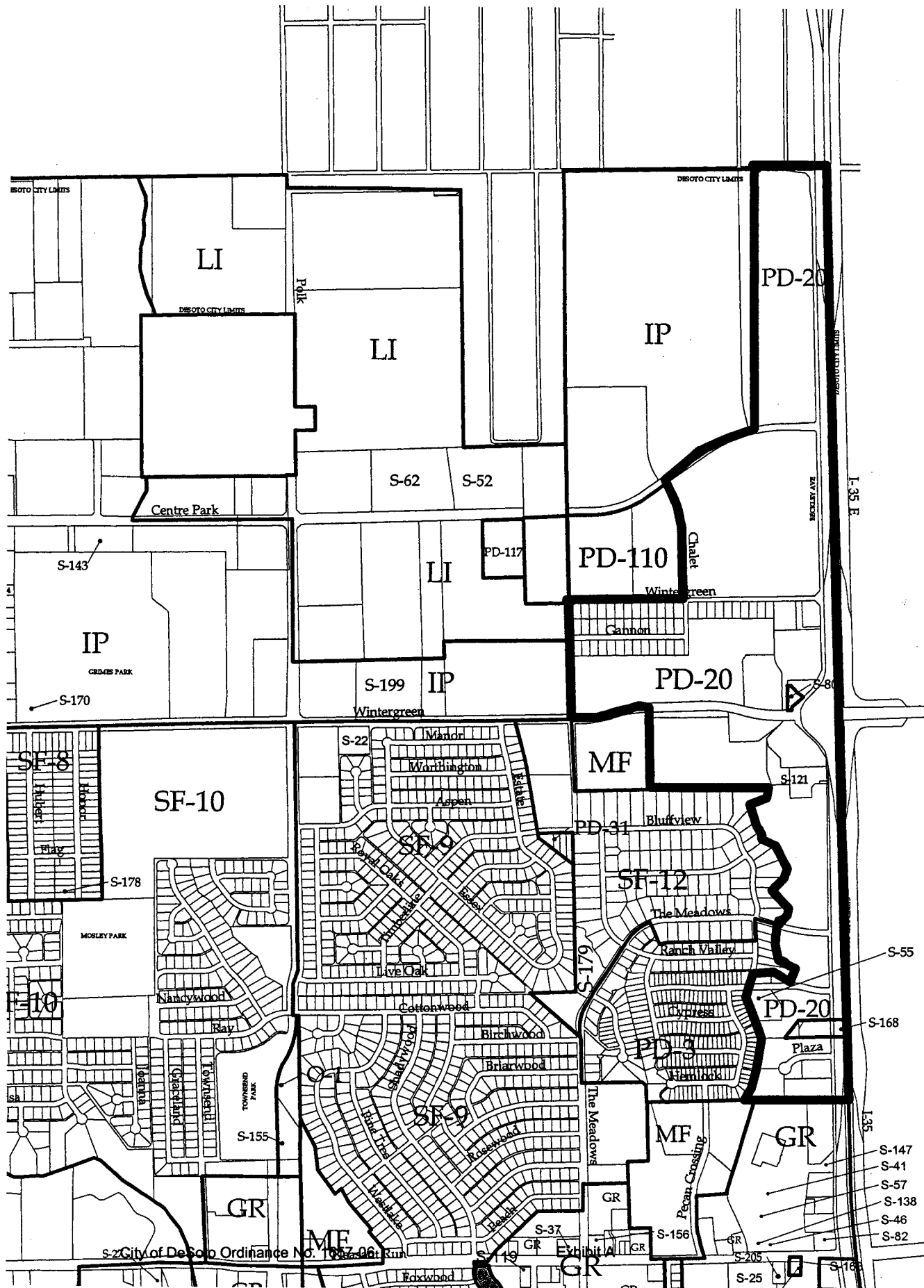
THENCE S 00°09'51" W, a distance of 1384.60 ft. to a point for corner;

THENCE S 00°17'51" W, a distance of 2634.00 ft. to a point for corner;

THENCE S 00°31'51" W, a distance of 301.13 ft. to a point for corner;

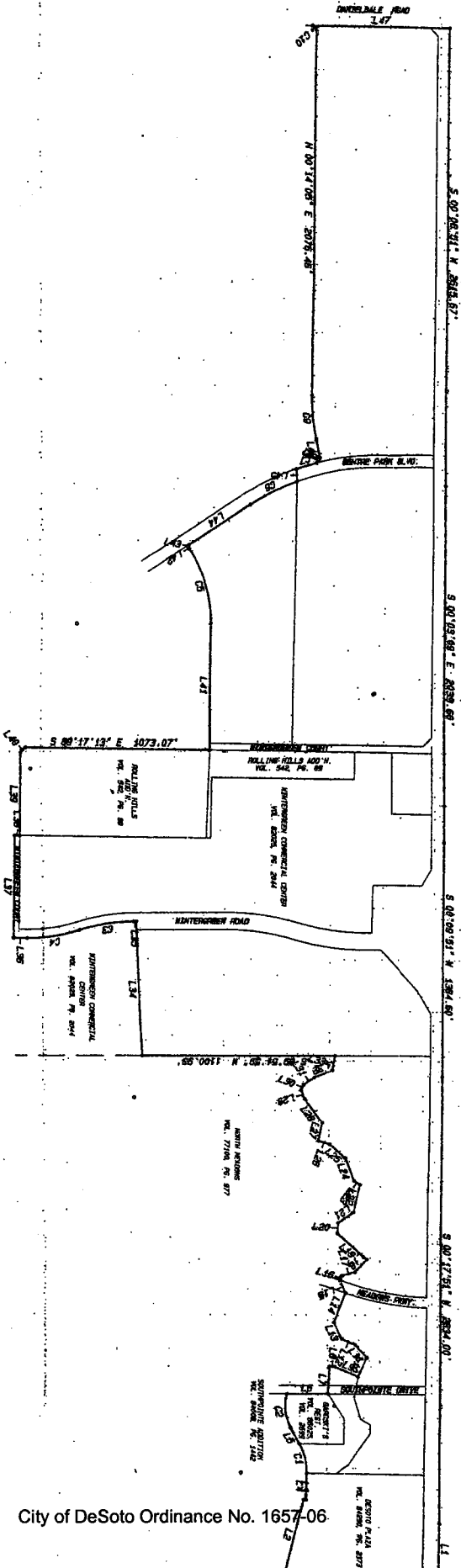
THENCE N 89°28'50" W, leaving the centerline of said Interstate Highway 35-E and along the south line of said DeSoto Plaza, a distance of 871.72 ft. to the Point of Beginning and containing 228.9 acres (9,972,918 Sq. Ft.) of land, more or less.

# EXHIBIT "A"



# EXHIBIT "A"

RECEIVED  
 JAN 09 2006  
 CITY OF DeSOTO  
 PLANNING & ZONING



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City of DeSoto Ordinance No. 1657-06

Exhibit A

REV. 10/14/05

SEE ATTACHED PLANS

ROLLING HILLS

# EXHIBIT "B"

## A-4 APPROVED PLANT LIST, CITY OF DESOTO

Large Trees  
(within parking areas  
or as street trees)

*Pecan*  
*Sweetgum*  
*Chinese Pistachio*  
*Live Oak*  
*Red Oak*  
*Shumard Oak*  
*Chinese Tallow*  
*Cedar Elm*  
*Texas Ash*

Large Trees  
(non-vehicular areas)

*Bur Oak*  
*Texas Persimmon*  
*Willow*

Small Trees

*Bradford Pear*  
*Aristocrat Pear*  
*Crape Myrtle*  
*Purple Plum*  
*Mexican Plum*  
*Yaupon Holly*  
*Golden Raintree*  
*Wax Myrtle*  
*Redbud*

Evergreen Shrubs  
(Acceptable for low [5' or less]  
screening)

*Dwarf Abelia*  
*Dwarf Yaupon Holly*  
*Dwarf Burford Holly*  
*Barberry*  
*Japanese Boxwood*  
*Eleagnus*

Evergreen Shrubs  
(Acceptable as noted for  
6' screening)

*Red Tip Photinia*  
*Cleyera*  
*Nellie R. Stevens Holly*  
*Waxleaf Ligustrum*  
*Sweet Viburnum*  
*Willowleaf Holly*  
*Cherry Laurel*  
*Burford Holly*

Other Shrubs

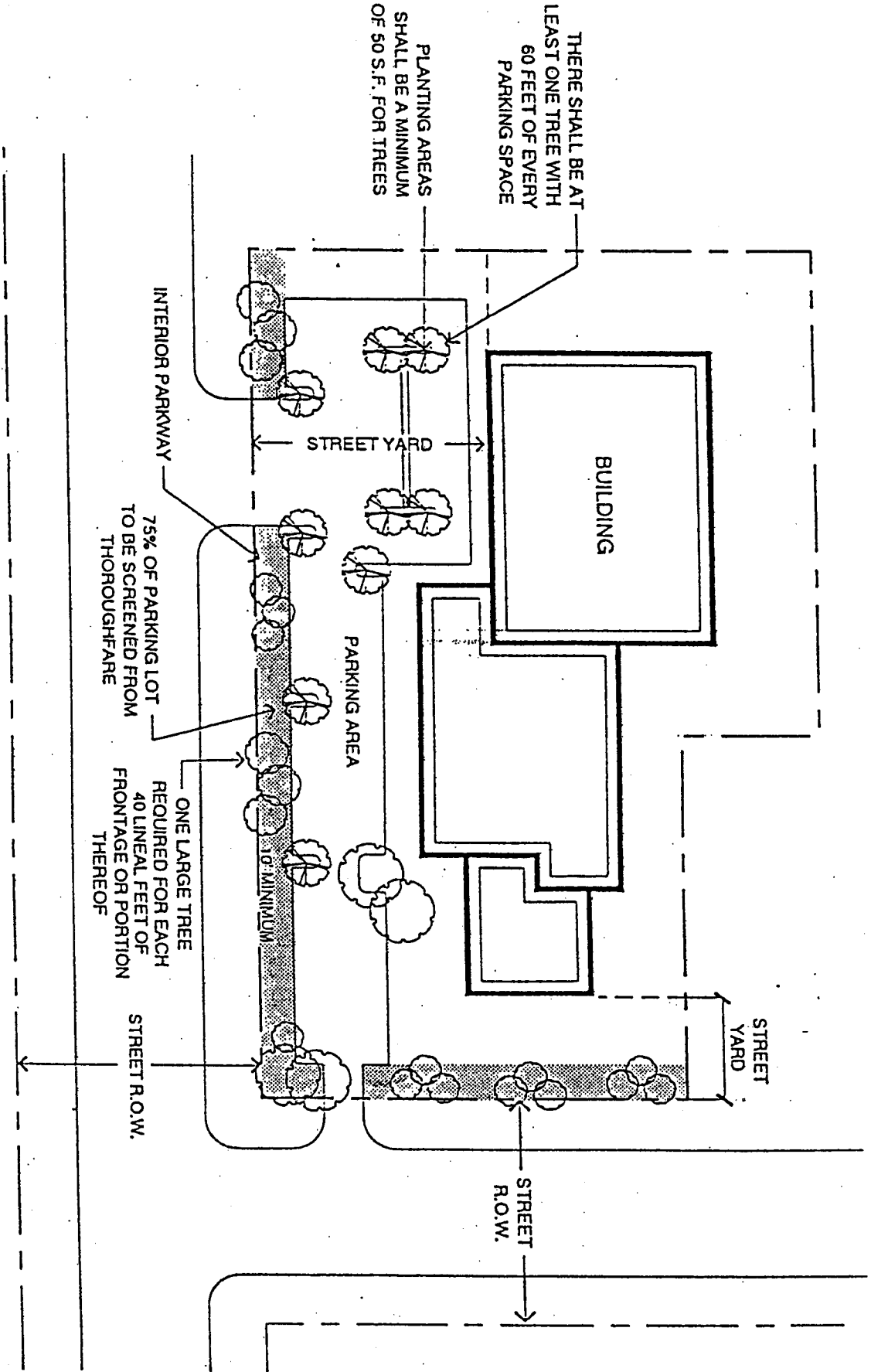
*Possumhaw Holly*  
*TexasSage (Ceniza)*  
*Nandina*  
*Chinese Holly*  
*Juniper*  
*Sumac*

Ground Cover

*Asian Jasmine*  
*Honeysuckle*  
*English Ivy*  
*Liriope*  
*Monkey Grass*  
*Vinca*  
*Trailing Juniper*  
*Vinca (Periwinkle)*

- Notes:  Plants in italics are preferred due to their lower water demand as designated in "Landscape Water Conservation....Xeriscape" published by the Texas Agricultural Extension Service
- Additional plant material may be approved as appropriate

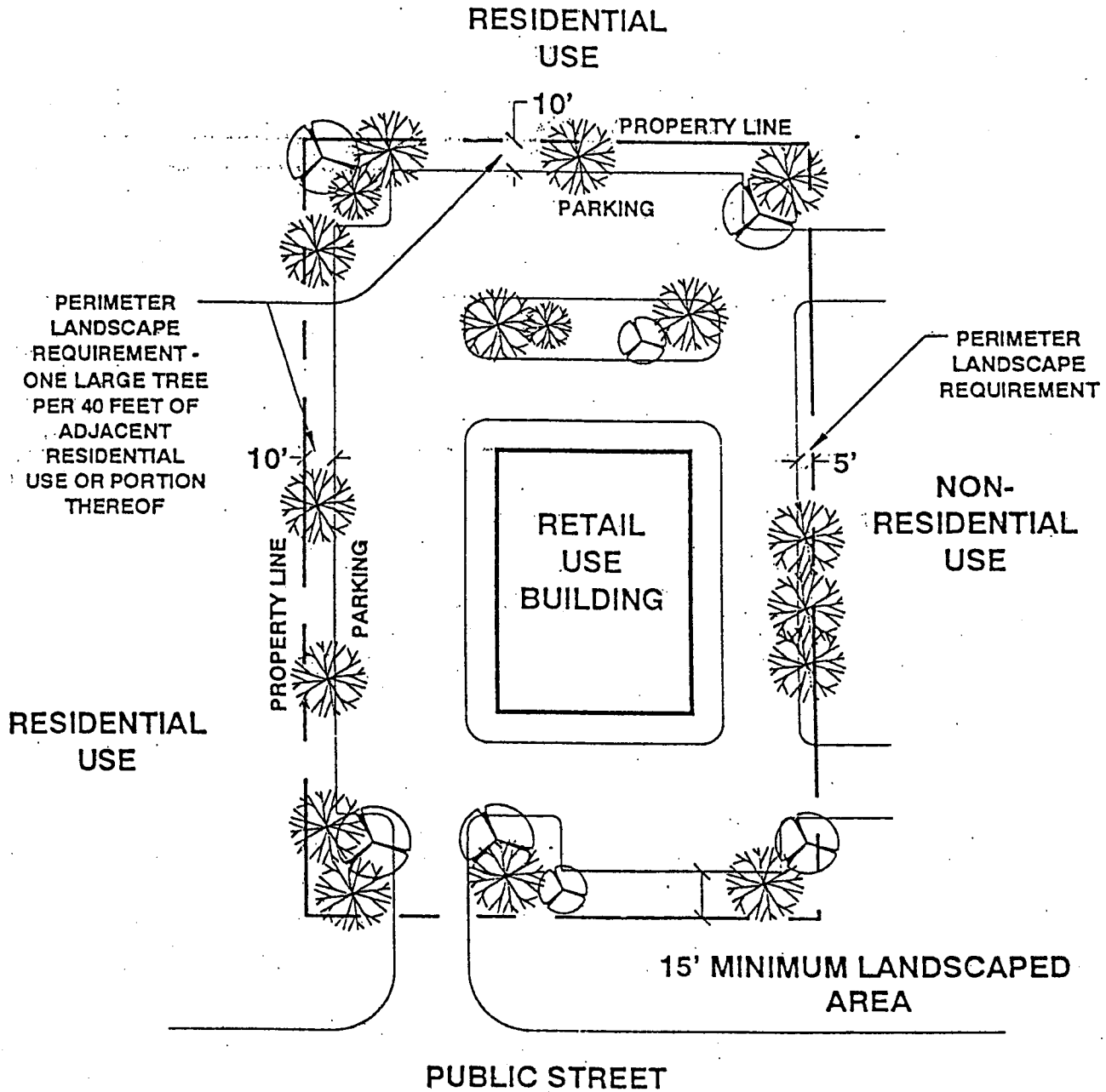
# EXHIBIT "C"



## LANDSCAPE REQUIREMENTS

EXAMPLE

# EXHIBIT "D"



## PERIMETER LANDSCAPE REQUIREMENT

# EXHIBIT "E"

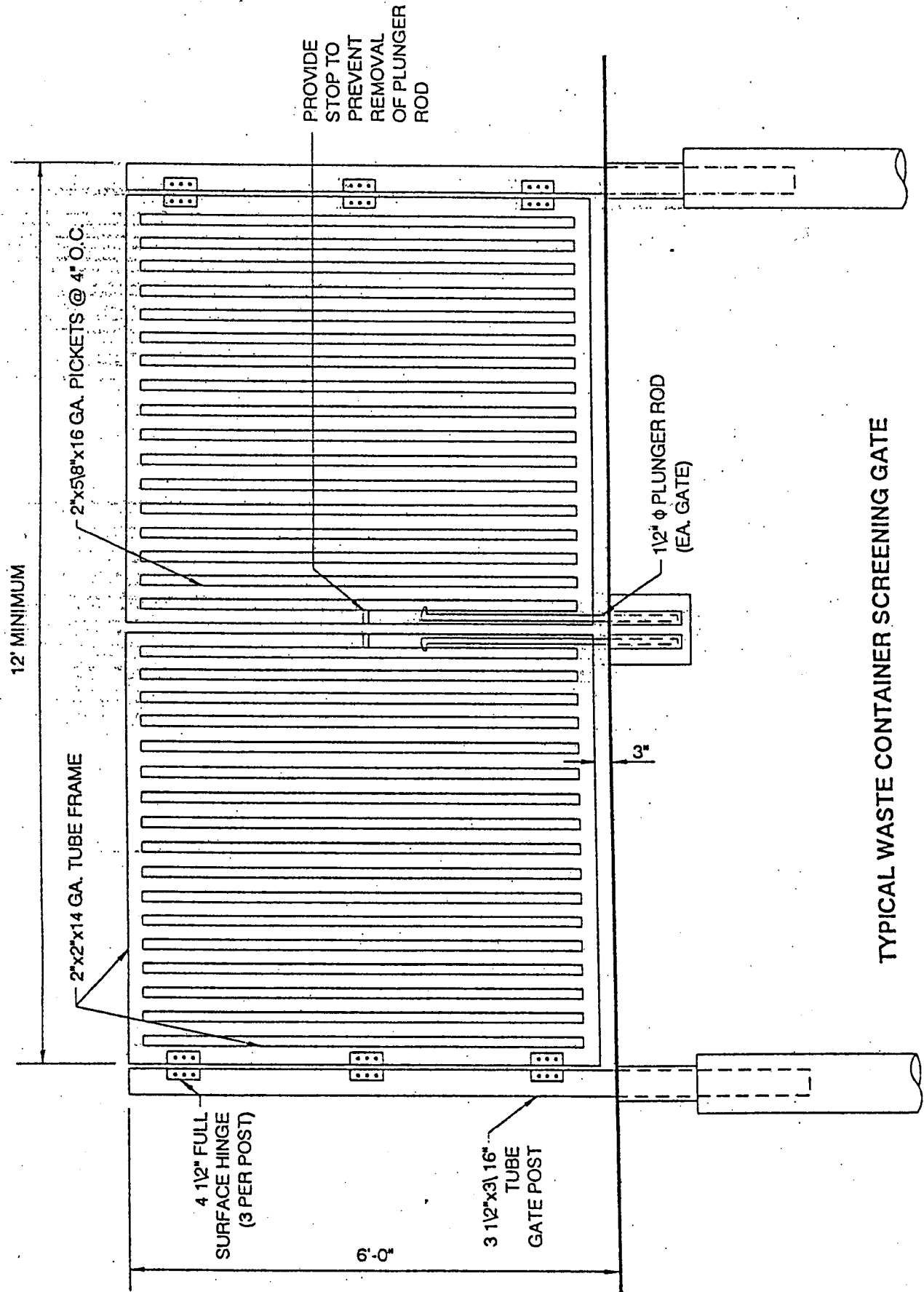


EXHIBIT "F"

PD-200

SF MF  
S-40

C

PROPOSED  
ACCESS  
EASEMENT  
27 FEET ON  
PAVEMENT

SF-1  
SF-2

PD-3

5'-0" & "0"  
LOT LINE

SF-1

EXISTING  
PECAU  
CROSSING  
DRIVE

PD-13  
(MF)

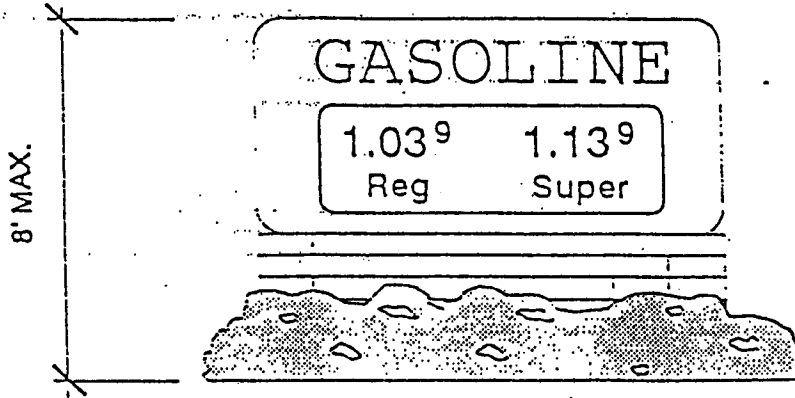
PD-4

S-40

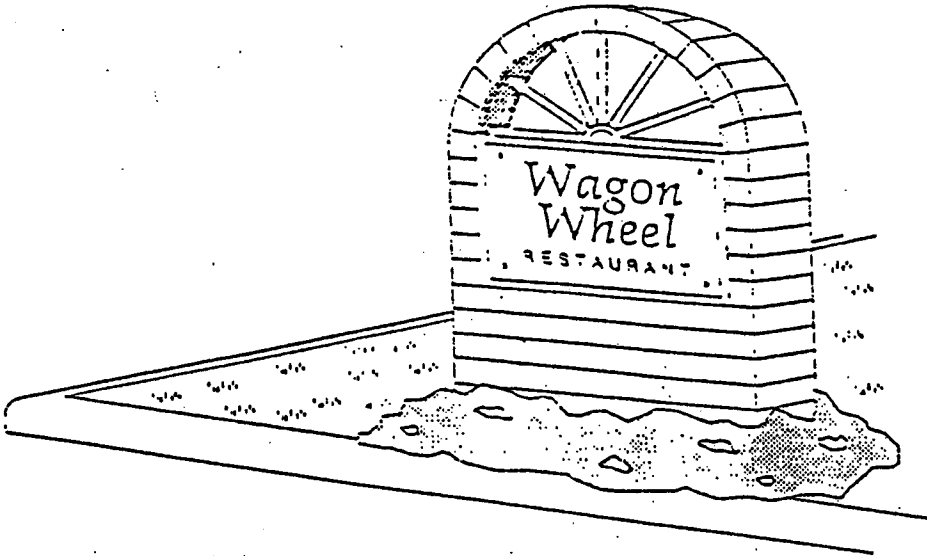




# EXHIBIT "G"



Typical Monument Signage



## EXHIBIT "H"

### SITE PLAN REVIEW REQUIREMENTS FOR PD-20

#### I. SITE PLAN REVIEW

A. **Purpose** - This section establishes a site plan review process for proposed developments. The purpose of the review is to ensure efficient and safe land development, harmonious use of land, compliance with appropriate design standards, safe and efficient vehicular and pedestrian circulation, parking and loading, and adequate water supply, drainage and storm water management, sanitary facilities, and other utilities and services within the Planned Development.

B. **Applicability** - Site plan review and approval shall be required for all development within PD-20.

No building permit shall be issued for any development unless a site plan is first submitted to and reviewed by the Planning and Zoning Commission and approved by the City Council. No certificate of occupancy shall be issued unless all construction and development conform to the site plan as approved by the City. A public hearing on a site plan is not required unless a site plan does not conform to the requirements set forth in this P.D. Any site plan not meeting the requirements of this P.D. shall be required to be reviewed at a public hearing before the Planning and Zoning Commission and City Council prior to approval.

C. **Exemptions and exceptions** - Site plan approval shall not be required for any existing structure unless such structure expands its gross floor area more than 20 percent.

D. **Site plan details** - The site plan shall contain sufficient information relative to site design considerations, including but not limited to the following:

1. Location of proposed building(s) and structures
2. On- and off-site circulation (including truck loading and pickup areas)
3. Parking
4. Grading
5. Landscaping design (including significant existing vegetation)
6. Placement of utilities

7. Screening
8. Engineering for streets and utilities
9. Drainage
10. Building elevations

Provision of the above items shall conform to the principles and standards of this ordinance and P.D. To ensure the submission of adequate site plan information, the City is hereby empowered to maintain and distribute a list of specific requirements for site plan review applications including but not limited to the number of copies, size and scale of the drawing(s), etc. Upon periodic review, the Director of Planning shall have the authority to update such requirements for site plan details.

**E. Supplemental requirements** - The Planning Department may require other information and data for specific site plans. This data may include but is not limited to geologic information, water yields, flood data, environmental information, traffic analysis, road capacities, market information, economic data for the proposed development, hours of operation, elevations in color and perspective drawings, building material samples, lighting, and similar information. Approval of a site plan may establish conditions for construction based on such information.

**F. Principles and standards for site plan review** - The following criteria have been set forth as a guide for evaluating the adequacy of proposed development in this P.D. The City staff shall review the site plan for compliance with all applicable requirements of this ordinance and the Comprehensive Plan, for harmony with surrounding uses and the circulation plan for development of the P.D.; for the promotion of the health, safety, order, efficiency, and economy of the City; and for the maintenance of property values and the general welfare.

Based upon its review, the staff may recommend approval, conditionally approve, request modifications, or recommend denial of the site plan based on evaluation of the site plan details with respect to:

1. The site plan's compliance with all provisions of the Zoning Ordinance and other ordinances of the City of DeSoto including but not limited to off-street parking and loading, lighting, open space, and the generation of objectionable smoke, fumes, noise, odors, dust, glare, vibration, or heat.
2. The impact of the development relating to the preservation of existing natural resources on the site and the impact on the natural resources of the surrounding properties and neighborhood.
3. The relationship of the development to adjacent uses in terms of harmonious design, setbacks, maintenance of property values, and negative impacts.

4. The provision of a safe and efficient vehicular and pedestrian circulation system.
5. The design and location of off-street parking and loading facilities to ensure that all such spaces are usable and are safely and conveniently arranged.
6. The sufficient width and suitable grade and location of streets designed to accommodate prospective traffic and to provide access for fire fighting and emergency equipment to buildings.
7. The coordination of streets so as to arrange a convenient system consistent with the Thoroughfare Plan of the City of DeSoto.
8. The use of landscaping and screening (1) to provide adequate buffers to shield lights, noise, movement, or activities from adjacent properties when necessary and (2) to complement the design and location of buildings and be integrated into the overall site design.
9. Exterior lighting to ensure safe movement and for security purposes, which shall be arranged so as to minimize glare and reflection on adjacent properties.
10. The location, size, and configuration of open space areas to ensure that such areas are suitable for intended recreation and conservation uses.
11. Protection and conservation of soils from erosion by wind or water or from excavation or grading.
12. Protection and conservation of water courses and areas subject to flooding.
13. The adequacy of water, drainage, sewerage facilities, garbage disposal, and other utilities necessary for essential services to residents and occupants.

## II. APPROVAL PROCESS

- A. The city staff shall place the site plan on the regular agenda of the Planning and Zoning Commission within ninety (90) days after submission. If recommended for approval by the Planning and Zoning Commission, the site plan shall automatically be placed on the City Council agenda. If approved by the City Council, the Building Official shall be authorized to issue a building permit. This approval does not release the applicant of other requirements as may be required to obtain a building permit.
- B. Effect of site plan approval - If development of a lot with an approved site plan has not commenced within one year of the date of final approval of the site plan, the site plan shall be deemed to have expired. Said review and approval shall be evaluated according to the standards F above, taking into account all changes to applicable ordinances which have occurred subsequent to the prior approval of the site plan.

It is recognized that final architectural and engineering design may necessitate minor changes in the approved site plan. In such cases, the Director of Planning shall have the authority to approve minor modifications of an approved site plan, provided that such modifications do not materially change the circulation and building location on the site, or any conditions specifically attached as part of the City Council approval.

## EXHIBIT 'T'

### LEGAL DESCRIPTION

Being a 2.18 acre tract of land situated in the John C. Chapman Survey, Abstract No. 303, in the City of Desoto, Dallas County, Texas, and being a tract of land conveyed to Willis E. McNeill, Jr. by deed recorded in Volume 2005094, Page 1441, of the Deed Records, Dallas County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch iron rod found the northwest corner of said McNeill tract, same being the most northeasterly corner of a tract of land conveyed to Ronald A. Weaseled by deed recorded in Volume 94212, Page 0794, of the Deed Records, Dallas County, Texas, same being in the south right-of-way line of Wintergreen Road (a 100' right-of-way), same being a curve to the right having a radius of 1258.85 feet, and a delta angle of 04 deg. 29 min. 32 sec.;

THENCE along the common line of said McNeill tract, and the south right-of-way line of said Wintergreen Road, and along said curve to the right, an arc distance of 98.70 feet, and a chord bearing and distance of South 75 deg. 57 min. 43 sec. East, 98.76 feet to a 1/2 inch iron rod found for corner, said point being the beginning of a curve to left having a radius of 1402.29 feet, and a delta angle of 16 deg. 25 min. 03 sec.;

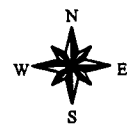
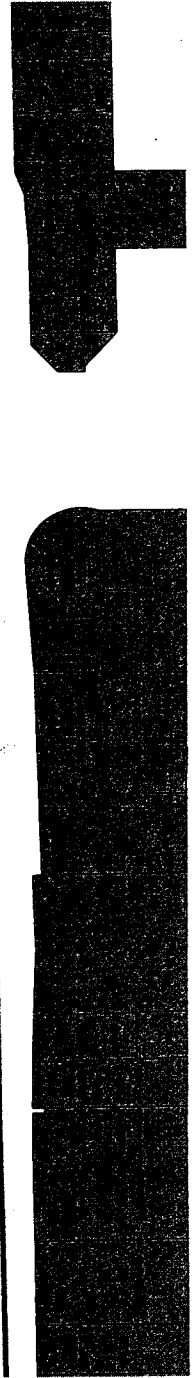
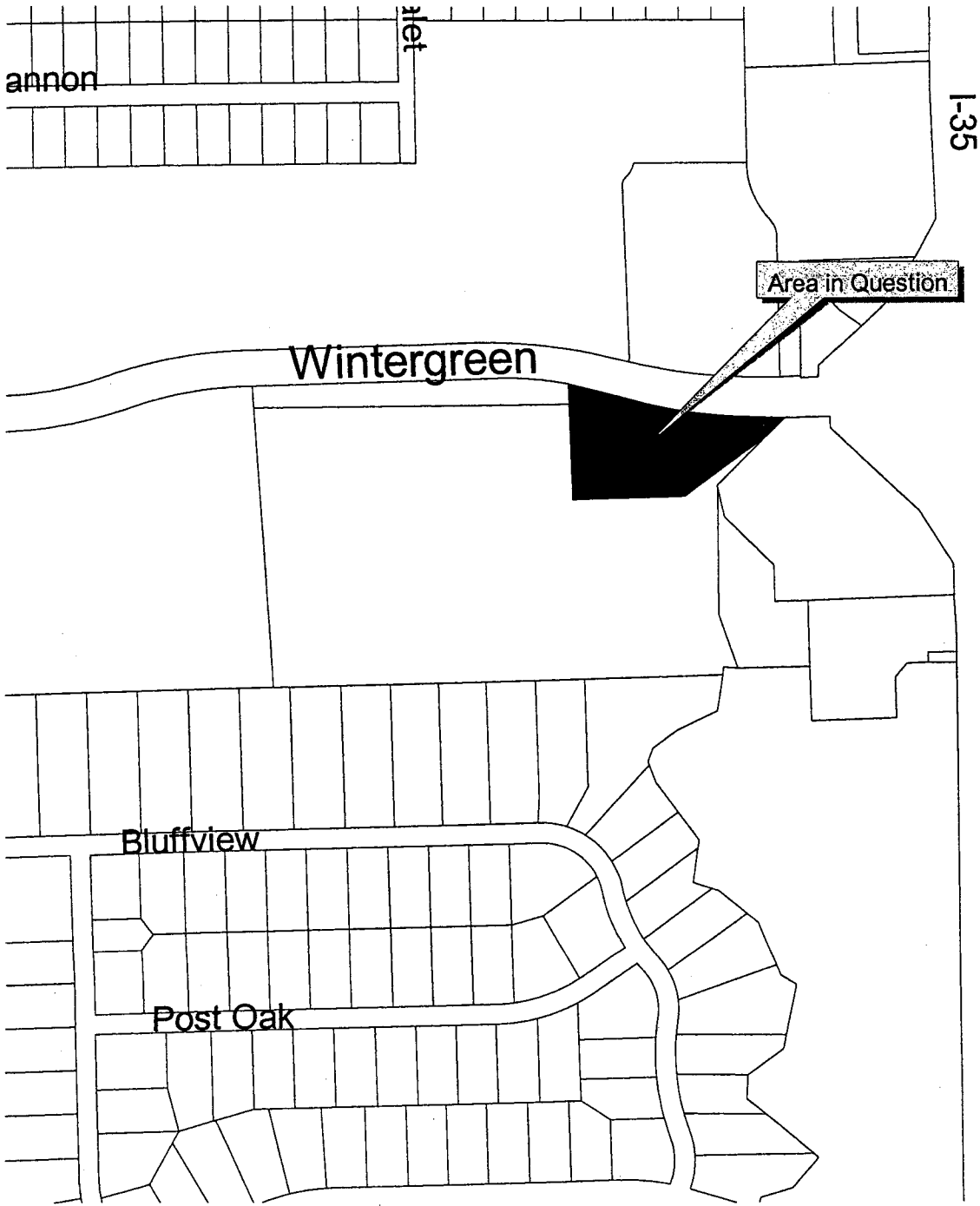
THENCE along the common line of said McNeill tract, and the south right-of-way line of said Wintergreen Road, and along said curve to the left, an arc distance of 401.81 feet, and a chord bearing and distance of South 81 deg. 55 min. 28 sec. East, 400.44 feet to a 5/8 inch iron rod found for corner, said point being the northeast corner of said McNeill tract, same being the most northerly northwest corner of Lot 2, Block A, of the I-35 Market Center Addition, an Addition to the City of DeSoto, Dallas County, Texas, according to the plat thereof recorded in Volume 95150, Page 5899, of the Map Records of Dallas County, Texas;

THENCE South 45 deg. 16 min. 37 sec. West, along the common line of said McNeill tract, and said Lot 2, passing the most westerly northwest corner of said Lot 2, at a distance 235.65 feet, and continuing along the common line of said McNeill tract, and said Weisfeld tract, a total distance of 298.56 feet to a 5/8 inch iron rod found for corner, said point being the southeast corner of said McNeill tract;

THENCE South 88 deg. 56 min. 18 sec. West, along the common line of said McNeill tract, and said Weisfeld tract, a distance of 274.63 feet to a 5/8 inch iron rod found for corner, said point being the southwest corner of said McNeill tract;

THENCE North 01 deg. 03 min. 42 sec. West, along the common line of said McNeill tract, and said Weisfeld tract, a distance of 295.42 feet to the POINT OF BEGINNING and containing 94,946 square feet or 2.18 acres of computed land.

# EXHIBIT "I"



# EXHIBIT "J"

## PROPOSED SIGNAGE

65 ft      15 ft      27 ft      30 in

1134 N. S. Highway  
Dallas, TX 75228  
Tel: 714-913-0014  
Fax: 714-913-0144  
www.westernunion.com

The Western Union Company  
www.westernunion.com

CLASS: Holiday in Express

MANUFACTURER: De Soto

DESCRIPTION: Pole Signs

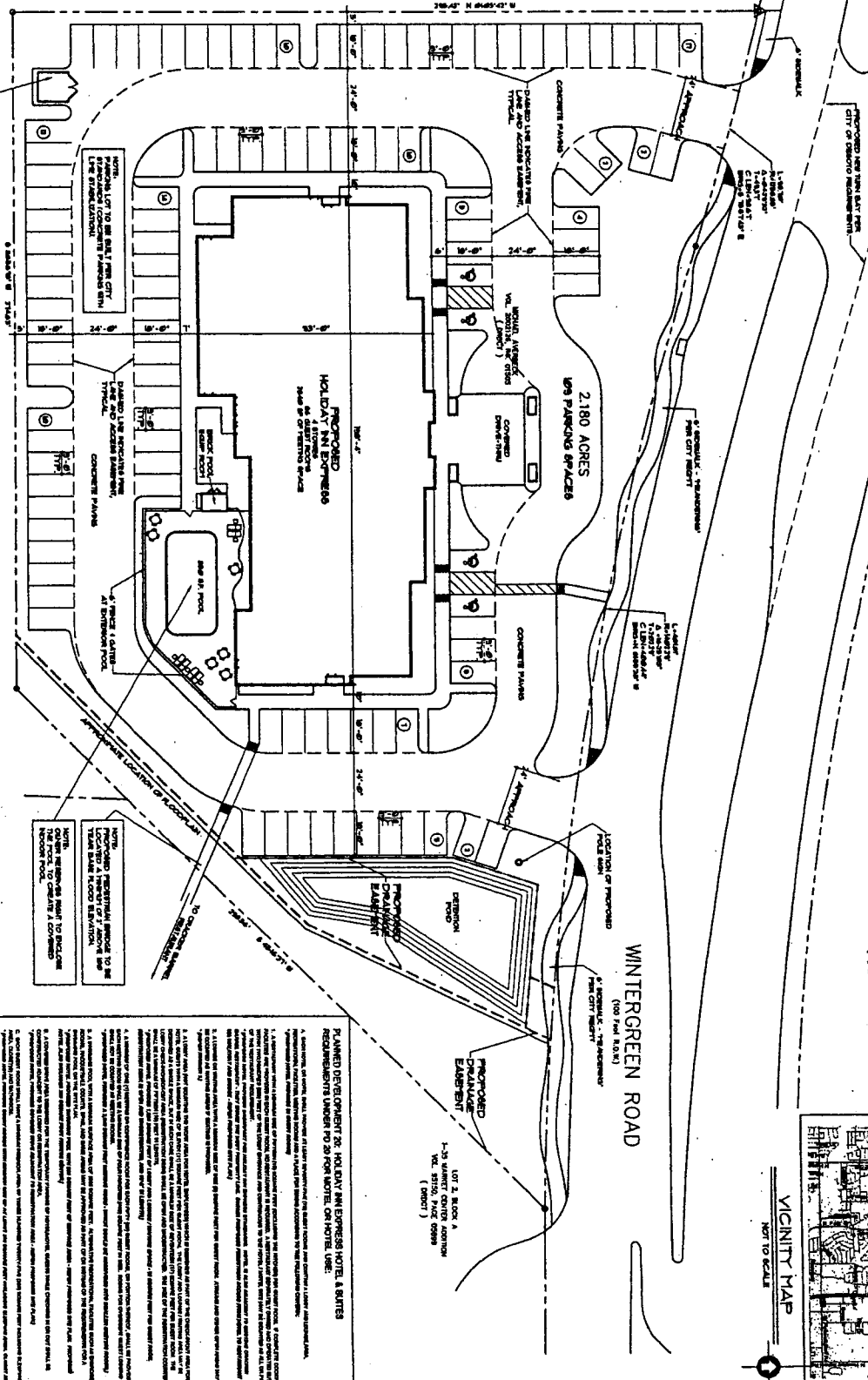
EFFECTIVE DATE: February 11, 2008



# EXHIBIT "K"

NOTE: ALL DIMENSIONS ARE SHOWN IN FEET AND INCHES. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE. THE CITY ENGINEER SHALL BE CONSULTED ON ALL DIMENSIONS. THE CITY ENGINEER SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OF THE DIMENSIONS SHOWN ON THIS PLAN. RECOMMENDATIONS SHALL BE PROVIDED.

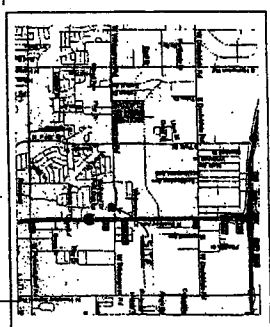
DEC 3 0 2005



TRACT 1  
ACROSS A SECTION  
OF THE  
SOUTH 1/4, SEC. 36,  
T. 12N., R. 10E., S. 15E.

TRACT 1  
ACROSS A SECTION  
OF THE  
SOUTH 1/4, SEC. 36,  
T. 12N., R. 10E., S. 15E.

1 PROPOSED SITE PLAN  
SCALE: 1" = 200'



VICINITY MAP  
NORTH TO SCALE

NOTE: THE PROPOSED DEVELOPMENT SHALL BE LOCATED IN THE SOUTH 1/4 OF THE SECTION 36, T. 12N., R. 10E., S. 15E. THE DEVELOPMENT SHALL BE SUBJECT TO ALL APPLICABLE REGULATIONS AND REQUIREMENTS.

PLANNED DEVELOPMENT FOR HOLIDAY INN EXPRESS HOTEL & SUITES  
REQUIREMENTS UNDER PD 20 FOR HOTEL OR HOTEL USE:

1. The proposed development shall be located on a lot of not less than 5,000 square feet.
2. The proposed development shall be subject to all applicable zoning regulations and requirements.
3. The proposed development shall be subject to all applicable subdivision regulations and requirements.
4. The proposed development shall be subject to all applicable fire safety regulations and requirements.
5. The proposed development shall be subject to all applicable health and safety regulations and requirements.
6. The proposed development shall be subject to all applicable environmental regulations and requirements.
7. The proposed development shall be subject to all applicable utility regulations and requirements.
8. The proposed development shall be subject to all applicable traffic regulations and requirements.
9. The proposed development shall be subject to all applicable noise regulations and requirements.
10. The proposed development shall be subject to all applicable other regulations and requirements.



