

1. Agenda

Documents:

[04-13-2017 AGENDA.PDF](#)

2. Meeting Materials

Documents:

[04-13-2017 COUNCIL PACKET \(PUBLIC\).PDF](#)



**Town of Northlake
Council Meeting Agenda
Thursday, April 13, 2017 at 5:30 pm
1400 FM 407 - Chamber Room
Northlake, Texas**

Notice is hereby given as required by Title 5, Chapter 551.041 of the Government Code that the Northlake Town Council will meet in a work session and regular meeting on Thursday, April 13th, 2017 at 5:30 pm at the Northlake Town Hall in the Chamber Room, 1400 FM 407, Northlake Texas. The items listed below are placed on the agenda for discussion and/or action.

1. Call Regular Work Session to Order

2. Presentations

Northlake Economic Development Video

Northwest Metroport Chamber of Commerce Regional Economic Development Video

3. Briefing Items

A. Proposed Northlake Office Park development on 3 acres at the northwest corner of FM 407 and Thompson Road

B. FY 17 Quarterly Investment Report

C. FY 17 Quarterly Budget Update

4. Call Regular Meeting to Order

Pledge of Allegiance-Moment of Silence

5. Public Input

This item is available for citizens to address the Town Council on any issues that are not the subject of a public hearing. No action by law may be taken on the topic. The presiding officer reserves the right to impose a time limit on this portion of the agenda

6. Consent Items

All items listed below are considered routine by Town Council and will be enacted with one motion. There will be no separate discussion of items unless a Councilmember so requests, in which event the item will be removed and considered separately

D. Consider for approval the Town Council meeting minutes dated March 23, 2017

E. Consider for approval a Resolution of the Town of Northlake suspending the April 21, 2017 effective date of Oncor Electric Delivery Company's requested rate change to permit the Town time to study the request and to establish reasonable rates; approving cooperation with the Steering Committee of Cities/Towns served by Oncor to hire legal and consulting services and to negotiate with the company and direct any necessary litigation and appeals; finding that the meeting at which this Resolution is passed is open to the public as required by law; requiring notice of this Resolution to the Company and Legal Counsel for the Steering Committee (Resolution No. 17-8)

- F. Consider for approval a Resolution authorizing continued participation with the Steering Committee of Cities/Towns served by Oncor; and authorizing the payment of 11 cents per capita to the Steering Committee to fund regulatory and legal proceedings and activities related to Oncor Electric Delivery Company LLC (Resolution No. 17-9)
- G. Consider for approval an Ordinance of the Town of Northlake, Texas granting to CoServ Gas LTD., d/b/a CoServ Gas, a franchise to furnish and supply gas to the general public in the Town of Northlake, Denton County, Texas and to transport, deliver, sell, and distribute gas in and out of and through said municipality for all purposes; providing for the payment of a fee or charge for the use of the streets, alleys, and public ways (Ordinance No. 17-0413A)

7. Regular Items

- H. Consider for approval an Ordinance amending Article 8.03 “Junked Vehicles” of the Code of Ordinances of the Town by amending the definition of Junked Vehicles; designating a person to administer this article; updating the Article to be consistent with State Law (Ordinance No. 17-0413)
- I. Consider for approval an Ordinance amending Ordinance No. 13-0523A being a Mixed-Use Planned Development zoning district as amended; amending the zoning classification and development standards of certain property in the Town of Northlake as described in Exhibit ‘A’; being more particularly described as a 143.209 acre tract of land out of the Lewis Medlin Survey, Abstract No. 830 in the Town of Northlake, Denton County Texas
 - i. Public Hearing
 - ii. Ordinance No. 17-0413B
- J. Consider for approval an Ordinance amending Ordinance No. 13-0124A being the Northlake Unified Development Code as amended, by changing the zoning classification of a 635.5 acre tract of land situated in the FW Thornton Survey, Abstract No. 1244 and the A McDonald Survey, Abstract No. 785 in the Town of Northlake from “RR” Rural Residential to “MPD” Mixed-Use Planned Development and revising the official zoning map in accordance therewith, providing for the adoption of development standards
 - i. Ordinance No. 17-0413C
- K. Consider for approval an Ordinance amending Ordinance No. 13-0124A being the Northlake Unified Development Code as amended, by changing the zoning classification of a 361.7 acre tract of land situated in the FW Thornton Survey, Abstract No. 1244 , A McDonald Survey, Abstract No. 785 and the JG Cleveland Survey, Abstract No. 1461 in the Town of Northlake from “RR” Rural Residential to “MPD” Mixed-Use Planned Development and revising the official zoning map in accordance therewith, providing for the adoption of development standards
 - i. Public Hearing
 - ii. Ordinance No. 17-0413D
- L. Consider for approval an Ordinance amending Ordinance No. 13-0124A being the Northlake Unified Development Code as amended, by changing the zoning classification of a 160.374 acre tract of land situated in the A McDonald Survey, Abstract No. 785 in the Town of Northlake from “RR” Rural Residential to “MPD” Mixed-Use Planned Development and revising the official zoning map in accordance therewith, providing for the adoption of development standards

- i. Public Hearing
- ii. Ordinance No. 17-0413E

- M. Consider for approval Development Agreement between HP Gibbs LP and the Town of Northlake for Gibbs-Young-Thompson Properties
- N. Consider for approval a Resolution of the Town of Northlake, Texas amending and restating Resolution No. 16-41 for its consent to create Northlake Municipal Management District No. 1 serving 1,181.7 acres of land (Resolution No. 17-10)
- O. Consider for approval an Ordinance amending the Code of Ordinances of the Town of Northlake by the amendment of Chapter 12 Utilities; amending Article 12.02 "Water and Sewer Service"; amending the method for billing defective meters; amending the procedure for the provision of notices of delinquency (Ordinance No. 17-0413F)
- P. Consider for approval an Ordinance amending the Town of Northlake Fee Schedule; Appendix "A" to the Code of Ordinances, Town of Northlake, Texas, amending Article A4.000 Water and Sanitary Sewer Service Fees (Ordinance No. 17-0413G)
- Q. Consider for approval a Resolution nominating one candidate to a slate of nominees for the Board of Managers of the Denco Area 9-1-1 District (Resolution No. 17-11)

8. Convene into Executive Session

Pursuant to Texas Government Code, annotated, Chapter 551 Subchapter D:

- a. Section 551.071 authorizes a governmental body to consult with its attorney in an executive session to seek his or her advice on a legal matter. It provides as follows: A governmental body may not conduct a private consultation with its attorney except:
 - 1) When the governmental body seeks the advice of its attorney about:
 - (a) Pending or contemplated litigation; or
 - (b) A settlement offer; or

'Town of Northlake vs. City of Justin (Cause No. 15-08170-367)
- b. Section 551.087 authorizes a governmental body to convene into executive session to deliberate regarding economic development negotiations
 - 1) Property located in the Town or the Town's ETJ located at the northwest corner of Sam Reynolds Road and Boss Range Road

9. Adjournment

CERTIFICATION

I hereby certify that the above agenda was posted on the front glass doors and bulletin board at Town Hall 1400 FM 407, Northlake, Texas on Friday, April 7, 2017 by 4 pm.

A handwritten signature in black ink that reads "Shirley Rogers". The signature is written in a cursive, flowing style.

Shirley Rogers, Town Secretary

NOTE: The Town Council reserves the right to adjourn into executive 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); Section 551.072 (Deliberations about Real Property); 551.073 (Deliberations about Gifts and Donations); 551.074 (Personnel Matters); 55.076 (Deliberations about Security Devices); 551.087 (Economic Development Negotiations)



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Regular Work Session

Agenda Item 1



Presentations

Agenda Item 2

Northlake Economic Development Video

Northwest Metroport Chamber of Commerce Regional Economic Development Video



Briefing Items

Agenda Item 3

- A. Proposed Northlake Office Park development on 3 acres at the northwest corner of FM 407 and Thompson Road
- B. FY 17 Quarterly Investment Report
- C. FY 17 Quarterly Budget Update

Memo

To: Honorable Mayor and Town Council
From: Drew Corn, Town Administrator
CC: Shirley Rogers, Town Secretary
Nathan Reddin, Development Director
Date: April 13, 2017
Re: Proposed Northlake Office Park Development

Town staff has been working with a developer planning to build a small medical office park on a 3-acre tract in Northlake's extraterritorial jurisdiction (ETJ) at the northwest corner of FM 407 and Thompson Road. The first building within the development is to be the home of Mansell Family Dentistry and Orthodontics, and you've probably noticed the sign on FM 407 about it coming soon. The office park is planned to ultimately contain approximately 16,000 sf of office space in 4 buildings. During the design process, the developer has met with Town staff several times to understand the Town's full requirements, including parking, signage and landscaping, despite its location in the ETJ. The site has been designed to meet our requirements as much as possible. As you are aware the Town has limited ability to control development in the ETJ, primarily limited to platting and infrastructure standards. Due to the size of the lot and unavailability of sewer currently, an on-site sewage facility (OSSF) is proposed. Water will be provided by the Town of Northlake which is to the site. But other than this, the Town has little control over the development, including its use and design standards, and cannot annex the property without the consent of the property owner.

The developer is interested in annexing the property but has requested a development agreement so that parameters for development of the property will be agreed to prior to annexation. Among the requests are Commercial zoning of the property to allow for the proposed medical office use, waiver of the preliminary plat requirement for this tract only (final platting will still be required), and acceptance of the site plan and exterior architectural design/materials. In exchange for these requests, the owner/developer will petition to be annexed upon completion and occupancy of the first building on the property, and the Town will also have assurance of a quality development which appears to adhere to the Comprehensive Plan and meet most requirements of the UDC.

Example Photos from sister development in Saginaw

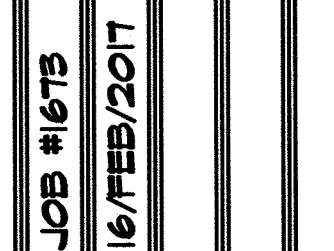


At this briefing the developer will present his plan for the office park and be available for any questions or comments. Based on feedback from Council, staff will bring back a development agreement for action at the next Town Council meeting.

Please contact me at 940.242.5703 if you have any questions or comments.

Attachments:

- Proposed Site Plan and Architectural Elevations



BLAKE ARCHITECTS
1202 S. White Chapel Blvd.
Southlake, Texas 76092 • Suite A • 817-488-9397

BALLARD FAMILY DENTISTRY
F.M. 407 DENTON COUNTY, TEXAS

SHEET

A = |

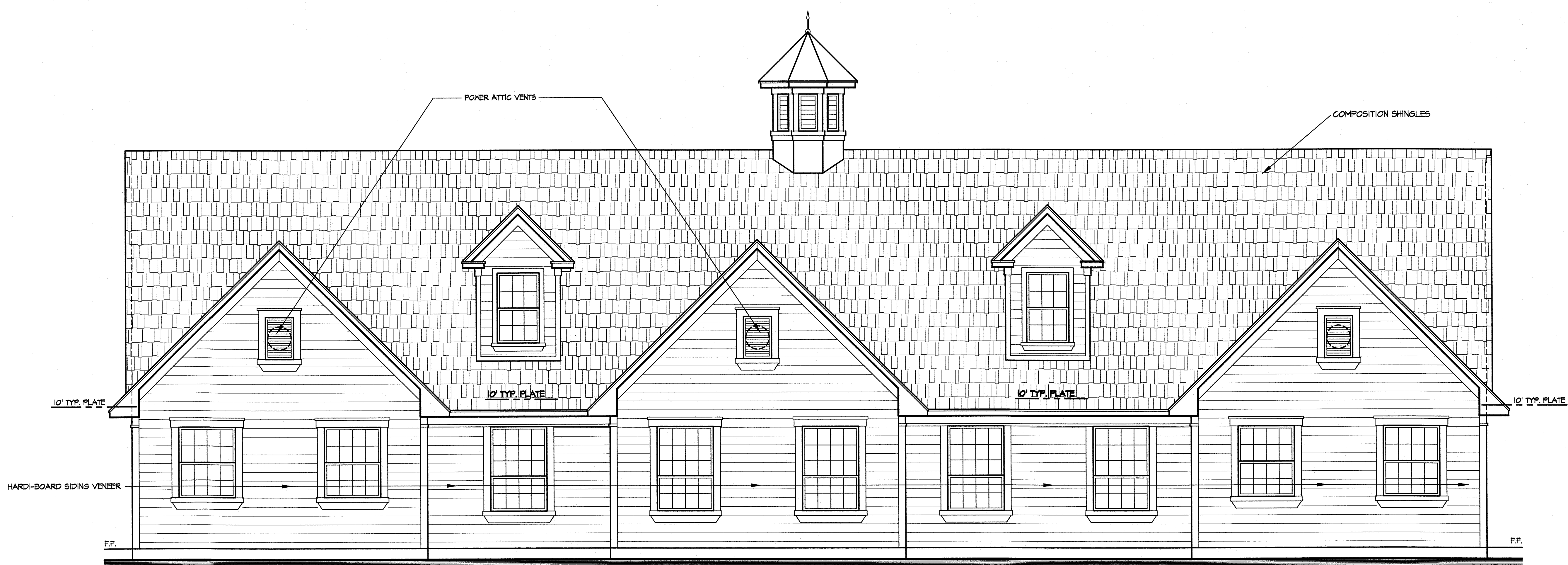
OF 7A SHEET



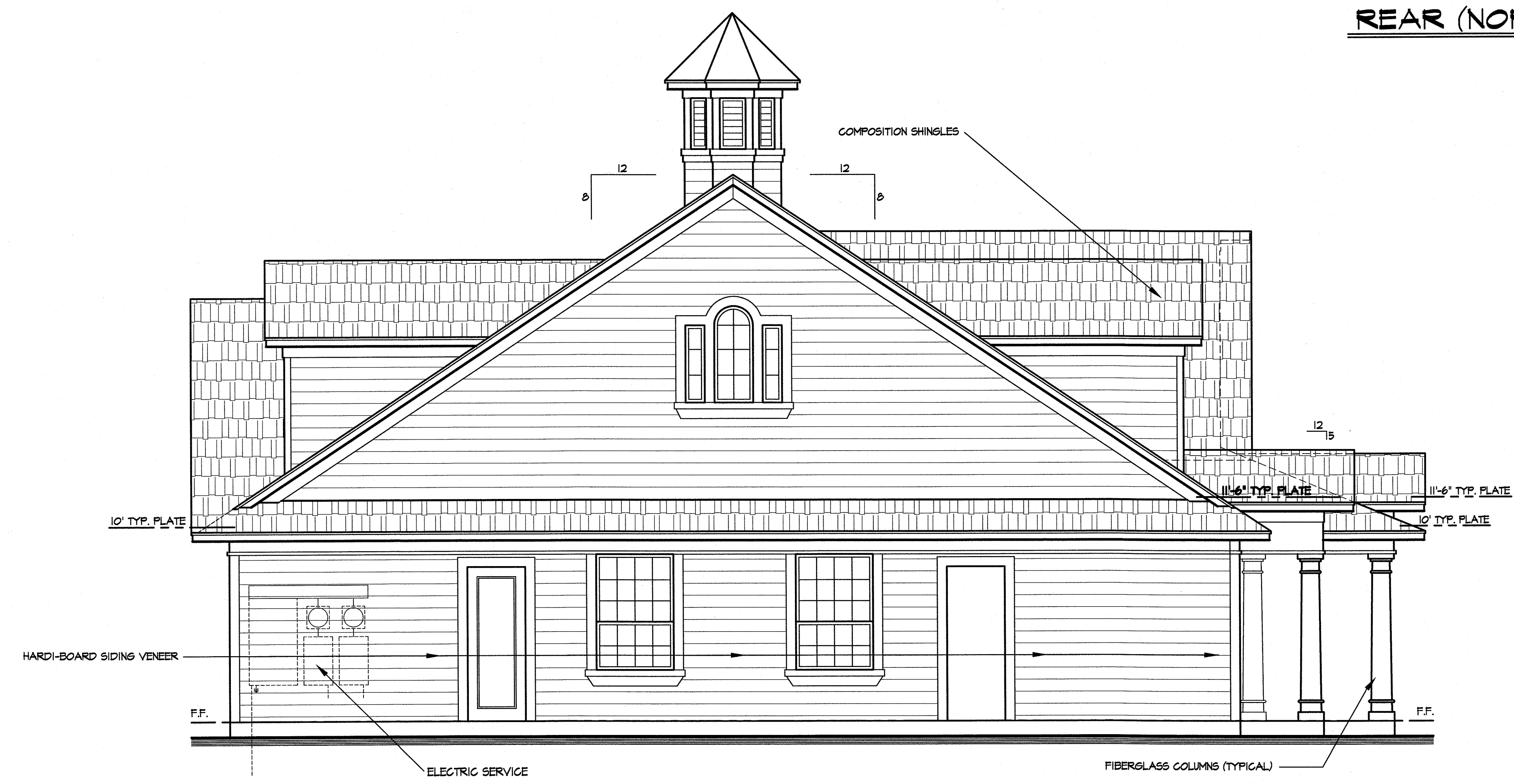
BUILDING ELEVATIONS

SCALE: 1/4"=1'-0"

11/11/2019 11:16:16 AM



REAR (NORTH) ELEVATION
SCALE: 1/4"=1'-0"



LEFT SIDE (WEST) ELEVATION
SCALE: 1/4"=1'-0"

Memo

To: Honorable Mayor and Town Council
From: Karen Bolyard, Director of Finance
CC: Drew Corn, Town Administrator
Shirley Rogers, Town Secretary
Date: April 13, 2017
Re: Quarterly Investment Report –Second Quarter 2017

The Town earned \$23,710.46 in interest revenue from the investment accounts during the second quarter 2017. When comparing the first quarter interest earnings with the second quarter interest earnings, the Town incurred a (4%) or \$990.12 decrease in interest income. The decrease is due to withdrawals to pay for first quarter incentives and to reallocate funds from the Wells Fargo Investment account to the Logic Investment Pool so that a better interest rate is obtained.

Approximately 84% of the investments that the Town holds are in LOGIC. This entity allows local governments within Texas to “pool” their money together to earn increased returns over individual investment options. One advantage of the pooled system is same day access to funds should the need arise. The pool is maintained in accordance with the Public Funds Investment Act. The pool’s interest yield is regularly compared to Treasury Bills because of the similarities in security. Treasury Bills are sold by the US Government and are considered the most conservative investment option, often having the lowest interest yield. The Treasury bill return remains low, fueling low earnings in the pools.

The remainder of the Town’s investments are held in an interest bearing account with Wells Fargo. The interest rate offered through Wells Fargo is comparable to that of investment pools and allows the Town to use the balance to earn credits to offset banking fees. The investments are partially covered from bank default by FDIC insurance with the remainder fully collateralized with the collateral held by a third party.

If you have any questions regarding this report or need further information please contact me at 940-242-5706.



Quarterly Investment Report

January - March

Investment	Account Number	Account Name	Account Code	Beginning Balance	Account Activity	Interest Earned			Ending Balance
						Jan-17	Feb-17	Mar-17	
Wells Fargo	65302966649	General Fund	100-11225-00-00	297,649.69	1,000,000.00	39.56	35.73	127.49	1,297,852.47
LOGIC	2414814014 & 4015	General Fund	100-11275-00-00	340,695.30	2,500,000.00	45.20	41.22	58.77	2,840,840.49
Wells Fargo	65302966649	Donations Fund	105-11225-00-00	6,642.86		1.27	1.15	0.75	6,646.03
LOGIC	2414814014 & 4015	Donations Fund	105-11275-00-00	915.08		13.74	12.51	25.80	967.13
Wells Fargo	65302966649	Hotel/Motel Fund	110-11225-00-00	278,036.87		53.14	48.00	31.46	278,169.47
LOGIC	2414814014 & 4015	Hotel/Motel Fund	110-11275-00-00	63,537.69		65.02	59.30	79.54	63,741.55
Wells Fargo	65302966649	Court Revenue Fund	120-11225-00-00	53,921.74		10.31	9.31	6.10	53,947.46
LOGIC	2414814014 & 4015	Court Revenue Fund	120-11275-00-00	9,962.15		21.15	19.27	33.57	10,036.14
LOGIC	2414814014 & 4015	Court Technology Fund	121-11275-00-00	7.51		12.99	11.84	25.02	57.36
Wells Fargo	65302966649	4A EDC	130-11225-00-00	36,055.32		6.89	6.22	4.08	36,072.52
LOGIC	2414814014 & 4015	4A EDC	130-11275-00-00	28,243.17		36.12	32.93	49.25	28,361.47
Wells Fargo	65302966649	4B CDC	131-11225-00-00	14,525.61		2.78	2.51	1.64	14,532.54
LOGIC	2414814014 & 4015	4B CDC	131-11275-00-00	28,243.17		36.12	32.93	49.25	28,361.47
Wells Fargo	65302966649	Belmont	140-11225-00-00	40,271.36		7.70	6.95	4.56	40,290.57
LOGIC	2414814014	Belmont	140-11275-00-00	4,033.70		16.30	14.85	28.48	4,093.33
Wells Fargo	65302966649	Police Asset Forfeiture Fund	150-11225-00-00	7,564.56		1.45	1.31	0.86	7,568.17
Wells Fargo	65302966649	Child Safety Fund	152-11225-00-00	52,160.04		9.97	9.01	5.90	52,184.92
LOGIC	2414814014 & 4015	Child Safety Fund	152-11275-00-00	4,646.20		16.79	15.30	29.00	4,707.30
LOGIC	2414814014 & 4015	Court Online Access Fees	153-11275-00-00	7.52		12.99	11.84	25.02	57.37
Wells Fargo	65302966649	Debt Service Fund	160-11225-00-00	29,214.82		5.58	5.04	3.31	29,228.75
LOGIC	2414814015	Debt Service	160-11275-00-00	7.52		12.99	11.84	25.02	57.37
Wells Fargo	65302966649	Water/Waste Water Fund	200-11225-00-00	1,916.35		0.37	0.33	0.22	1,917.26
LOGIC	2414814014 & 4015	Water/Waste Water Deposit Fund	200-11280-00-00	29,622.58		37.24	33.96	50.44	29,744.22
Wells Fargo	65302966649	Cost Recovery Fund	201-11225-00-00	128,970.66		24.65	22.27	14.59	129,032.17
LOGIC	2414814014 & 4015	Cost Recovery Fund	201-11285-00-00	14,218.68		24.64	22.46	37.23	14,303.00
Wells Fargo	6530266649	Water Impact Fees North Fund	202-11225-00-00	17.78		4.33	3.91	4.83	30.85
LOGIC	2414814014 & 4015	Water Impact Fees North	202-11275-00-00	7.52		12.99	11.84	25.02	57.37
Wells Fargo	6530266649	Water Capital Projects Fund	203-11225-00-00	17.78		4.33	3.91	4.83	30.85
LOGIC	752414814011	Waterline Project-CO Srs 2014A	203-11275-00-00	897,228.30		747.66	681.14	795.03	899,452.13
LOGIC	752414814013	Waterline Project-CO Srs 2014B	203-11276-00-00	393,164.30		321.95	293.30	337.41	394,116.96
Wells Fargo	6530266649	Water Impact Fees South Fund	204-11225-00-00	17.78		4.33	3.91	4.83	30.85
LOGIC	2414814014 & 4015	Water Impact Fees South	204-11275-00-00	7.52		12.99	11.84	25.02	57.37
Wells Fargo	65302966649	Capital Projects Fund	301-11225-00-00	25,180.41		4.81	4.35	2.85	25,192.42
LOGIC	2414814014 & 4015	Capital Projects Fund	301-11275-00-00	6,717,547.78	34,365.78	5,513.65	5,029.97	5,819.53	6,768,276.71
LOGIC	752414814012	Highlands PID #2 Developer Reim	402-11275-00-00	3,039,461.59	(3,015,000.00)	2,085.86	19.77	22.75	26,589.97
Wells Fargo	65302966649	Equipment Fund	505-11225-00-00	161,203.34		30.81	27.83	18.24	161,280.22
LOGIC	2414814014 & 4015	Equipment Fund	505-11275-00-00	612.39		13.48	12.28	25.54	663.69
Wells Fargo	6530266649	Building Services	506-11225-00-00	17.78		4.33	3.91	4.83	30.85
LOGIC	2414814014 & 4015	Building Services Fund	506-11275-00-00	7.52		12.99	11.84	25.02	57.37
				\$ 12,705,561.94	\$ 519,365.78	\$ 9,289.48	\$ 6,587.88	\$ 7,833.10	\$ 13,248,638.14

Total Quarter Interest Earned \$ 23,710.46

AVERAGE YIELDS

LOGIC

Wells Fargo

WEIGHTED AVERAGE MATURITY

37 days

0.2300%

TREASURY YIELDS

30 Day T-Bill

0.5049%

90 Day T-Bill

0.6036%

1 Year T-Bill

0.8903%

Memo

To: Honorable Mayor and Town Council
From: Karen Bolyard, Finance Director
CC: Shirley Rogers, Town Secretary
Drew Corn, Town Administrator
Date: April 13, 2017
Re: Quarterly Budget Review – Second Quarter 2017

General Fund revenues ended the second quarter 15.1% higher than anticipated. The increase is mainly attributable to sales tax and ad valorem collections. Monthly sales tax receipts averaged \$62,000 during the first half of the fiscal year. During the second quarter the Town received the majority of the ad valorem taxes including collections of prior year outstanding accounts. General fund expenditures are in step with budget expectations.

Hotel Occupancy Tax revenues are lower than anticipated due to the Denton Creek Inn completing their conversion to senior apartment units. Expenditures remain below budget expectations

The NEDC and NCDC revenues exceeded budget expectations by 36% at the end of the second quarter. Average monthly sales tax collections were \$31,300.00 for each entity during the first half of the fiscal year. During the second quarter both entities collectively paid \$62,500.00 for the Sonic Pioneer Grant and \$150,000.00 for the Rosa's Café Pioneer Grant.

The Capital Projects Fund paid out the Dale Earnhardt Way reimbursement incentive to the developer, Northport 35 Investors. In addition, Denton County reimbursed the Town from their bond program for the Dale Earnhardt Way Project.

The Water/Sewer fund is on track with overall budget expectations. Fees for water meter rentals and the increased volume in new meter sets continue to exceed budget expectations for water fees and other revenue. Expenditures are slightly less than budget expectations.

If you have any questions or comments please contact me at 940.242.5706.



Town of Northlake
GENERAL FUND
Quarter Ended March 31 2017

Fund: 100	Original Budget	Forecasted Budget	Quarterly Activity	YTD Activity	Over(under) Forecasted Budget	% of Budget Realized	Prior Year Actual	Prior Year Quarter	Prior YTD Activity	Over(Under) Prior Year Actual	% of Actual Realized
BEGINNING FUND BALANCE:	1,510,410	1,510,410		1,510,410			1,478,315		1,478,315		
REVENUES:											
Court Fines	625,000	625,000	185,538	314,864	(310,136)	50.4%	601,110	-	45,446	(555,664)	7.6%
Sales/Beverage Tax	400,000	400,000	192,312	375,707	(24,293)	93.9%	679,648	-	(58,400)	(738,048)	-8.6%
Ad Valorem Taxes	725,000	725,000	599,499	755,657	30,657	104.2%	693,972	-	9,689	(684,283)	1.4%
Permits and Registrations	15,950	15,950	6,842	20,559	4,609	128.9%	31,452	-	2,698	(28,754)	8.6%
Franchise Fees	285,000	285,000	67,658	67,876	(217,124)	23.8%	257,563	-	(17,296)	(274,859)	-6.7%
Building Permits	821,250	821,250	201,446	392,992	(428,258)	47.9%	686,682	-	45,080	(641,602)	6.6%
Development	327,500	327,500	24,567	194,359	(133,141)	59.3%	343,565	-	62,638	(280,926)	18.2%
Transfers	200,000	200,000	50,000	100,000	(100,000)	50.0%	175,000	-	-	(175,000)	0.0%
Other Revenue:	108,260	108,260	28,620	61,134	(47,126)	56.5%	110,340	-	3,053	(107,287)	2.8%
TOTAL REVENUE:	3,507,960	3,507,960	1,356,483	2,283,148	(1,224,812)	65.1%	3,579,331	-	92,910	(3,486,422)	2.6%
EXPENDITURES:											
Payroll & Benefits	2,047,239	2,047,239	423,573	909,187	(1,138,052)	44.4%	1,635,467	-	81,130	(1,554,337)	5.0%
Supplies	140,508	140,508	32,388	49,885	(90,623)	35.5%	105,596	-	1,151	(104,445)	1.1%
Maintenance	197,678	197,678	33,924	96,675	(101,003)	48.9%	187,603	-	2,318	(185,284)	1.2%
Utilities	10,320	10,320	5,344	9,153	(1,167)	88.7%	14,661	-	1,401	(13,260)	9.6%
Services	880,880	880,880	180,885	313,883	(566,997)	35.6%	843,499	-	60,441	(783,058)	7.2%
Capital Outlay	-	-	-	-	-	0.0%	2,484	-	-	(2,484)	0.0%
Transfers	230,741	230,741	67,088	134,176	(96,565)	58.2%	757,927	-	-	(757,927)	0.0%
Lease Purchase Debt Service	-	-	-	-	-	0.0%	-	-	-	-	0.0%
TOTAL EXPENDITURES:	3,507,366	3,507,366	743,201	1,512,959	(1,994,407)	43.1%	3,547,237	-	146,442	(3,400,795)	4.1%
REV OVER/(UNDER) EXP	594	594	613,281	770,189			32,094	-	(53,532)		
ENDING FUND BALANCE	1,511,004	1,511,004		2,280,599			1,510,410		1,424,783		



Town of Northlake
HOTEL OCCUPANCY TAX
 Quarter Ended March 31 2017

Fund: 110	Original Budget	Forecasted Budget	Quarterly Activity	YTD Activity	Over(under) Forecasted Budget	% of Budget Realized	Prior Year Actual	Prior Year Quarter	Prior YTD Activity	Over(Under) Prior Year Actual	% of Actual Realized
BEGINNING FUND BALANCE:	1,258,552	1,258,552		1,258,552			1,029,865		1,029,865		
REVENUES:											
Taxes / Fees & Fines	270,000	270,000	49,848	101,865	(168,135)	37.7%	257,813	-	24,511	(233,301)	9.5%
Permits and Registrations	-	-	-	-	-	0.0%	-	-	-	-	0.0%
Franchise Fees	-	-	-	-	-	0.0%	-	-	-	-	0.0%
Building Permits	-	-	-	-	-	0.0%	-	-	-	-	0.0%
Development	-	-	-	-	-	0.0%	-	-	-	-	0.0%
Transfers	-	-	-	-	-	0.0%	-	-	-	-	0.0%
Other Revenue:	16,096	16,096	337	515	(15,581)	3.2%	21,535	-	55	(21,481)	0.3%
TOTAL REVENUE:	286,096	286,096	50,185	102,380	(183,716)	35.8%	279,348	-	24,566	(254,782)	8.8%
EXPENDITURES:											
Payroll & Benefits	31,626	31,626	5,928	14,153	(17,473)	44.8%	27,911	-	1,535	(26,376)	5.5%
Supplies	-	-	-	-	-	0.0%	-	-	-	-	0.0%
Maintenance	-	-	-	-	-	0.0%	-	-	-	-	0.0%
Utilities	-	-	-	-	-	0.0%	167	-	26	(141)	15.4%
Services	57,339	57,339	435	9,909	(47,430)	17.3%	22,583	-	1,376	(21,207)	6.1%
Capital Outlay	-	-	-	-	-	0.0%	-	-	-	-	0.0%
Transfers	-	-	-	-	-	0.0%	-	-	-	-	0.0%
Lease Purchase Debt Service	-	-	-	-	-	0.0%	-	-	-	-	0.0%
TOTAL EXPENDITURES:	88,965	88,965	6,363	24,062	(64,903)	27.0%	50,661	-	2,937	(47,724)	5.8%
REV OVER/(UNDER) EXP	197,131	197,131	43,822	78,318			228,686	-	21,629		
ENDING FUND BALANCE	1,455,683	1,455,683		1,336,870			1,258,552		1,051,494		



Town of Northlake
SPECIAL REVENUE FUNDS
 Quarter Ended March 31 2017

Fund: <<120,121,150,151,152,1	Original Budget	Forecasted Budget	Quarterly Activity	YTD Activity	Over(under) Forecasted Budget	% of Budget Realized	Prior Year Actual	Prior Year Quarter	Prior YTD Activity	Over(Under) Prior Year Actual	% of Actual Realized
BEGINNING FUND BALANCE:	250,910	250,910		250,910			180,989		180,989		
REVENUES:											
Interest	305	305	289	389	84	127.6%	323	-	21	(302)	6.4%
Court Technology	16,000	16,000	4,983	8,385	(7,615)	52.4%	15,785	-	1,267	(14,518)	8.0%
Court Security	12,000	12,000	3,737	6,289	(5,711)	52.4%	11,845	-	950	(10,894)	8.0%
Seatbelt Fees	15,000	15,000	1,410	2,088	(12,912)	13.9%	5,830	-	650	(5,180)	11.1%
Online Access Fees	15,000	15,000	-	4,521	(10,479)	30.1%	21,013	-	1,711	(19,301)	8.1%
Seized Monies & Goods	-	-	-	-	-	0.0%	-	-	-	-	0.0%
State Training	-	-	-	-	-	0.0%	416	-	-	(416)	0.0%
Child Safety	1,000	1,000	-	2,100	1,100	210.0%	1,773	-	-	(1,773)	0.0%
Transfers	-	-	-	-	-	0.0%	59,416	-	-	(59,416)	0.0%
Other Revenue:	-	-	-	1,852	1,852	0.0%	4,555	-	-	(4,555)	0.0%
TOTAL REVENUE:	59,305	59,305	10,419	25,624	(33,681)	43.2%	120,956	-	4,600	(116,357)	3.8%
EXPENDITURES:											
Payroll & Benefits	6,000	6,000	97	1,098	(4,902)	18.3%	99	-	-	(99)	0.0%
Supplies	3,250	3,250	-	2,812	(438)	86.5%	7,559	-	3,385	(4,174)	44.8%
Maintenance	1,500	1,500	4,325	4,325	2,825	288.3%	-	-	-	-	0.0%
Utilities	3,000	3,000	513	917	(2,083)	30.6%	2,159	-	-	(2,159)	0.0%
Services	30,700	30,700	14,897	19,016	(11,684)	61.9%	41,218	-	125	(41,093)	0.3%
Capital Outlay	24,000	24,000	9,657	9,657	(14,343)	40.2%	-	-	-	-	0.0%
Transfers	-	-	-	-	-	0.0%	-	-	-	-	0.0%
Lease Purchase Debt Service	-	-	-	-	-	0.0%	-	-	-	-	0.0%
TOTAL EXPENSES:	68,450	68,450	29,489	37,826	(30,624)	55.3%	51,036	-	3,510	(47,526)	6.9%
REV OVER/(UNDER) EXP	(9,145)	(9,145)	(19,070)	(12,203)			69,921	-	1,090		
ENDING FUND BALANCE	241,765	241,765		238,707			250,910		182,079		



Town of Northlake
CAPITAL PROJECTS
 Quarter Ended March 31 2017

Fund:	301										
	Original Budget	Forecasted Budget	Quarterly Activity	YTD Activity	Over(under) Forecasted Budget	% of Budget Realized	Prior Year Actual	Prior Year Quarter	Prior YTD Activity	Over(Under) Prior Year Actual	% of Actual Realized
BEGINNING FUND BALANCE:	11,071	11,071		11,071			(13,986)		(13,986)		
REVENUES:											
Taxes / Fees & Fines	-	-	-	-	-	0.0%	-	-	-	-	0.0%
Permits and Registrations	-	-	-	-	-	0.0%	-	-	-	-	0.0%
Franchise Fees	-	-	-	-	-	0.0%	-	-	-	-	0.0%
Building Permits	-	-	-	-	-	0.0%	-	-	-	-	0.0%
Development	-	-	-	-	-	0.0%	-	-	-	-	0.0%
Transfers	-	-	-	-	-	0.0%	50,000	-	-	(50,000)	0.0%
Bond Proceeds	6,700,000	6,700,000	34,366	6,738,006	38,006	100.6%	-	-	-	-	0.0%
Other Revenue:	-	-	1,186,375	1,200,298	1,200,298	0.0%	57	-	4	(53)	7.3%
TOTAL REVENUE:	6,700,000	6,700,000	1,220,741	7,938,304	1,238,304	118.5%	50,057	-	4	(50,053)	0.0%
EXPENDITURES:											
Payroll & Benefits	-	-	-	-	-	0.0%	-	-	-	-	0.0%
Supplies	-	-	-	-	-	0.0%	-	-	-	-	0.0%
Maintenance	-	-	-	-	-	0.0%	-	-	-	-	0.0%
Utilities	-	-	-	-	-	0.0%	-	-	-	-	0.0%
Services	-	-	123,690	123,690	123,690	0.0%	-	-	-	-	0.0%
Capital Outlay	6,700,000	6,700,000	1,300,000	1,300,000	(5,400,000)	19.4%	-	-	-	-	0.0%
Transfers	-	-	-	-	-	0.0%	-	-	-	-	0.0%
Lease Purchase Debt Service	-	-	-	-	-	0.0%	-	-	-	-	0.0%
TOTAL EXPENSES:	6,700,000	6,700,000	1,423,690	1,423,690	(5,276,310)	21.2%	-	-	-	-	0.0%
REV OVER/(UNDER) EXP	-	-	(202,949)	6,514,614			50,057	-	4		
ENDING FUND BALANCE	11,071	11,071		6,525,685			36,071		(13,982)		



Town of Northlake

DEBT SERVICE

Quarter Ended March 31 2017

Fund:	160										
	Original Budget	Forecasted Budget	Quarterly Activity	YTD Activity	Over(under) Forecasted Budget	% of Budget Realized	Unaudited Prior Year Actual	Unaudited Prior Year Quarter	Unaudited Prior YTD Activity	Over(Under) Prior Year Actual	% of Actual Realized
BEGINNING FUND BALANCE:	249,740	249,740		249,740			34,765		34,765		
REVENUES:											
Taxes / Fees & Fines	400,000	400,000	329,367	404,430	4,430	101.1%	260,514	-	3,415	(257,099)	1.3%
Permits and Registrations	-	-	-	-	-	0.0%	-	-	-	-	0.0%
Franchise Fees	-	-	-	-	-	0.0%	-	-	-	-	0.0%
Building Permits	-	-	-	-	-	0.0%	-	-	-	-	0.0%
Development	-	-	-	-	-	0.0%	-	-	-	-	0.0%
Transfers	-	-	-	-	-	0.0%	200,000	-	-	(200,000)	0.0%
Bond Proceeds	-	-	-	-	-	0.0%	-	-	-	-	0.0%
Other Revenue:	50	50	64	144	94	288.8%	66	-	5	(61)	7.3%
TOTAL REVENUE:	400,050	400,050	329,431	404,574	4,524	101.1%	460,580	-	3,420	(457,160)	0.7%
EXPENDITURES:											
Payroll & Benefits	-	-	-	-	-	0.0%	-	-	-	-	0.0%
Supplies	-	-	-	-	-	0.0%	-	-	-	-	0.0%
Maintenance	-	-	-	-	-	0.0%	-	-	-	-	0.0%
Utilities	-	-	-	-	-	0.0%	-	-	-	-	0.0%
Services	1,941	1,941	-	-	(1,941)	0.0%	300	-	-	(300)	0.0%
Capital Outlay	-	-	-	-	-	0.0%	-	-	-	-	0.0%
Transfers	-	-	-	-	-	0.0%	-	-	-	-	0.0%
Lease Purchase Debt Service	598,334	598,334	73,507	73,437	(524,897)	12.3%	245,304	-	36,066	(209,238)	14.7%
TOTAL EXPENSES:	600,275	600,275	73,507	73,437	(526,838)	12.2%	245,604	-	36,066	(209,538)	14.7%
REV OVER/(UNDER) EXP	(200,225)	(200,225)	255,925	331,138			214,976	-	(32,646)		
ENDING FUND BALANCE	49,515	49,515		580,878			249,740		2,119		



Town of Northlake
WATER & SEWER FUND
 Quarter Ended March 31 2017

Fund: <<200>>	Original Budget	Forecasted Budget	Quarterly Activity	YTD Activity	Over(under) Forecasted Budget	% of Budget Realized	Prior Year Actual	Prior Year Quarter	Prior YTD Activity	Over(Under) Prior Year Actual	% of Actual Realized
BEGINNING FUND BALANCE:	2,653,339	2,653,339		2,653,339			2,227,459		2,227,459		
REVENUES:											
Water Sales	1,900,000	1,900,000	356,812	667,742	(1,232,258)	35.1%	1,216,909	-	126,204	(1,090,705)	10.4%
Water Fees	125,250	125,250	45,050	109,900	(15,350)	87.7%	166,850	-	9,450	(157,400)	5.7%
Sewer Sales	759,900	759,900	265,948	467,655	(292,245)	61.5%	680,368	-	50,740	(629,627)	7.5%
Sewer Fees	3,000	3,000	6,050	6,750	3,750	225.0%	6,350	-	50	(6,300)	0.8%
Transfers	-	-	-	-	-	0.0%	-	-	-	-	0.0%
FWSD Reimbursement	-	-	-	-	-	0.0%	-	-	-	-	0.0%
Developer Contributions	-	-	-	-	-	0.0%	-	-	-	-	0.0%
Other Revenue:	10,650	10,650	13,751	34,092	23,442	320.1%	81,605	-	25,293	(56,312)	31.0%
TOTAL REVENUE:	2,798,800	2,798,800	687,611	1,286,140	(1,512,660)	46.0%	2,152,082	-	211,737	(1,940,344)	9.8%
EXPENSES:											
Payroll & Benefits	380,494	380,494	73,413	140,198	(240,296)	36.8%	244,699	-	7,015	(237,684)	2.9%
Supplies	42,070	42,070	12,536	18,179	(23,891)	43.2%	26,783	-	90	(26,693)	0.3%
Maintenance	92,800	92,800	22,942	49,598	(43,202)	53.4%	104,721	-	(1,810)	(106,531)	-1.7%
Wholesale Water	1,000,000	1,000,000	169,315	285,590	(714,410)	28.6%	722,044	-	27,039	(695,005)	3.7%
Sewer Treatment	500,000	500,000	195,600	461,321	(38,679)	92.3%	228,325	-	119,889	(108,436)	52.5%
Utilities	45,220	45,220	11,040	16,492	(28,728)	36.5%	36,092	-	1,607	(34,485)	4.5%
Services	59,150	59,150	25,585	61,321	2,171	103.7%	191,908	-	2,530	(189,378)	1.3%
Capital Outlay	189,900	189,900	47,296	85,820	(104,080)	45.2%	-	-	-	-	0.0%
Transfers	297,262	297,262	74,316	148,631	(148,631)	50.0%	171,629	-	-	(171,629)	0.0%
Lease Purchase Debt Service	-	-	-	-	-	0.0%	-	-	-	-	0.0%
TOTAL EXPENSES:	2,606,896	2,606,896	632,043	1,267,151	(1,339,745)	48.6%	1,726,201	-	156,361	(1,569,840)	9.1%
REV OVER/(UNDER) EXP	191,904	191,904	55,568	18,990			425,881	-	55,376		
ENDING FUND BALANCE	2,845,243	2,845,243		2,672,329			2,653,339		2,282,835		
Less: Net Capital Assets	(2,477,506)	(2,477,506)		(2,477,506)			(2,477,506)		(2,369,136)		
Less: Customer Deposits	(246,035)	(246,035)		(246,035)			(211,510)		(100,806)		
Less: Upper Trinity Deposit	-	-		-			-		-		
Changes to Fund Balance	-	-		-			-		-		
UNRESTRICTED FUND BALANCE	121,702	121,702		(51,212)			(35,677)		(187,107)		



Town of Northlake
EQUIPMENT FUND
 Quarter Ended March 31, 2017

Fund: 505	Original Budget	Forecasted Budget	Quarterly Activity	YTD Activity	Over(under) Forecasted Budget	% of Budget Realized	Prior Year Actual	Prior Year Quarter	Prior YTD Activity	Over(Under) Prior Year Actual	% of Actual Realized
BEGINNING FUND BALANCE:	370,929	370,929		370,929			335,090		335,090		
REVENUES:											
Equipment Service Revenue-PD	110,000	110,000	27,500	55,000	(55,000)	50.0%	69,750	-	-	(69,750)	0.0%
Equipment Service Revenue-PW	25,000	25,000	6,250	12,500	(12,500)	50.0%	25,000	-	-	(25,000)	0.0%
Equipment Service Revenue-Utilities	125,000	125,000	31,250	62,500	(62,500)	50.0%	25,000	-	-	(25,000)	0.0%
Transfer from Donation Fund	-	-	-	-	-	0.0%	12,500	-	-	(12,500)	0.0%
Transfers from GF	-	-	-	-	-	0.0%	-	-	-	-	0.0%
Transfer from UF	-	-	-	-	-	0.0%	-	-	-	-	0.0%
Bond Proceeds	300,000	300,000	-	301,360	1,360	100.5%	-	-	-	-	0.0%
Other Revenue	500	500	128	840	340	168.0%	363	-	27	(336)	7.3%
TOTAL REVENUE:	560,500	560,500	65,128	432,199	(128,301)	77.1%	132,613	-	27	(132,586)	0.0%
EXPENSES:											
Payroll & Benefits	-	-	-	-	-	0.0%	-	-	-	-	0.0%
Supplies	-	-	-	-	-	0.0%	-	-	-	-	0.0%
Maintenance	7,000	7,000	-	-	(7,000)	0.0%	3,388	-	3,388	-	100.0%
Utilities	-	-	-	-	-	0.0%	-	-	-	-	0.0%
Services	-	-	-	-	-	0.0%	93,386	-	-	(93,386)	0.0%
Capital Outlay	496,707	496,707	63,314	399,099	(97,608)	80.3%	-	-	-	-	0.0%
Transfers	-	-	-	-	-	0.0%	-	-	-	-	0.0%
Lease Purchase Debt Service	61,785	61,785	-	-	(61,785)	0.0%	-	-	-	-	0.0%
TOTAL EXPENSES:	565,492	565,492	63,314	399,099	(166,393)	70.6%	96,774	-	3,388	(93,386)	3.5%
REV OVER/(UNDER) EXP	(4,992)	(4,992)	1,814	33,101			35,839	-	(3,361)		
ENDING FUND BALANCE	365,937	365,937		404,030			370,929		331,728		
Less: Net Capital Assets	(322,581)	(322,581)		(322,581)			(322,581)		(219,561)		
Changes to Fund Balance	-	-		-			-		-		
UNRESTRICTED FUND BALANCE	43,356	43,356		81,449			48,348		112,167		



Town of Northlake
BUILDING SERVICES FUND
 Quarter Ended March 31, 2017

Fund: 506	Original Budget	Forecasted Budget	Quarterly Activity	YTD Activity	Over(under) Forecasted Budget	% of Budget Realized	Prior Year Actual	Prior Year Quarter	Prior YTD Activity	Over(Under) Prior Year Actual	% of Actual Realized
BEGINNING FUND BALANCE:	25,000	25,000		25,000			-		-		
REVENUES:											
Mayor & Council	825	825	206	413	(413)	50.0%	-	-	-	-	0.0%
Administration-GF	16,000	16,000	4,000	8,000	(8,000)	50.0%	264,546	-	25,000	(239,546)	9.5%
Town Secretary	6,958	6,958	1,740	3,479	(3,479)	50.0%	6,325	-	-	(6,325)	0.0%
Municipal Courts	20,870	20,870	5,218	10,435	(10,435)	50.0%	18,973	-	-	(18,973)	0.0%
Development	8,696	8,696	2,174	4,348	(4,348)	50.0%	7,905	-	-	(7,905)	0.0%
Police	62,611	62,611	15,653	31,306	(31,306)	50.0%	56,919	-	-	(56,919)	0.0%
Public Works	17,392	17,392	4,348	8,696	(8,696)	50.0%	15,811	-	-	(15,811)	0.0%
Administration-HOT	1,739	1,739	435	870	(870)	50.0%	1,581	-	-	(1,581)	0.0%
Adminstration-EDC	1,739	1,739	435	870	(870)	50.0%	1,581	-	-	(1,581)	0.0%
Administration-CDC	1,739	1,739	435	870	(870)	50.0%	1,581	-	-	(1,581)	0.0%
Administration-WS Fund	4,870	4,870	1,218	2,435	(2,435)	50.0%	4,427	-	-	(4,427)	0.0%
Utility Department	17,392	17,392	4,348	8,696	(8,696)	50.0%	15,811	-	-	(15,811)	0.0%
Maintenace Reserve	-	-	-	-	-	0.0%	10,001	-	-	(10,001)	0.0%
TOTAL REVENUE:	160,831	160,831	40,208	80,416	(80,416)	50.0%	405,461	-	25,000	(380,461)	6.2%
EXPENSES:											
Payroll & Benefits	-	-	-	-	-	0.0%	-	-	-	-	0.0%
Supplies	24,760	24,760	5,814	12,548	(12,212)	50.7%	25,191	-	1,054	(24,136)	4.2%
Maintenance	8,000	8,000	1,205	2,821	(5,179)	35.3%	6,446	-	(350)	(6,796)	-5.4%
Utilities	30,500	30,500	7,213	12,223	(18,277)	40.1%	24,730	-	119	(24,611)	0.5%
Services	74,200	74,200	18,367	42,400	(31,800)	57.1%	-	-	-	-	0.0%
Capital Outlay	8,000	8,000	-	-	(8,000)	0.0%	-	-	-	-	0.0%
Transfers	-	-	-	-	-	0.0%	-	-	-	-	0.0%
Lease Purchase Debt Service	-	-	-	-	-	0.0%	-	-	-	-	0.0%
TOTAL EXPENSES:	145,460	145,460	32,598	69,991	(75,469)	48.1%	56,367	-	823	(55,543)	1.5%
REV OVER/(UNDER) EXP	15,371	15,371	7,610	10,424			349,094	-	24,177		
ENDING FUND BALANCE	40,371	40,371		35,424			349,094		24,177		
Less: Net Capital Assets	(27,190)	(27,190)		(27,190)			(27,190)		-		
Changes to Fund Balance	-	-		-			-		-		
UNRESTRICTED FUND BALANCE	13,181	13,181		8,234			321,904		24,177		



Town of Northlake
DEPARTMENT REPORT
 Quarter Ended March 31 2017

	Original Budget	Forecasted Budget	Quarterly Activity	YTD Activity	Over(under) Forecasted Budget	% of Budget Realized	Prior Year Actual	Prior Year Quarter	Prior YTD Activity	Over(Under) Prior Year Actual	% of Actual Realized
COUNCIL											
EXPENDITURES:											
Payroll & Benefits	2,600	2,600	-	760	(1,840)	29.2%	2,103	-	60	(2,043)	2.9%
Supplies	1,100	1,100	120	206	(894)	18.7%	817	-	-	(817)	0.0%
Maintenance	-	-	-	-	-	0.0%	205	-	-	(205)	0.0%
Utilities	750	750	148	283	(467)	37.8%	822	-	-	(822)	0.0%
Services	15,000	15,000	1,025	4,941	(10,059)	32.9%	9,933	-	905	(9,028)	9.1%
Capital Outlay	-	-	-	-	-	0.0%	-	-	-	-	0.0%
Transfers	825	825	-	-	(825)	0.0%	-	-	-	-	0.0%
Lease Purchase Debt Service	-	-	-	-	-	0.0%	-	-	-	-	0.0%
TOTAL EXPENSES:	20,275	20,275	1,293	6,190	(14,085)	30.5%	13,879	-	965	(12,915)	7.0%
ADMINISTRATION											
EXPENDITURES:											
Payroll & Benefits	323,891	323,891	74,766	156,787	(167,104)	48.4%	290,158	-	14,289	(275,869)	4.9%
Supplies	14,825	14,825	8,527	9,751	(5,074)	65.8%	10,033	-	-	(10,033)	0.0%
Maintenance	650	650	-	81	(569)	12.5%	306	-	-	(306)	0.0%
Utilities	1,200	1,200	376	677	(523)	56.4%	2,147	-	229	(1,919)	10.6%
Services	228,325	228,325	37,806	91,081	(137,244)	39.9%	278,553	-	2,441	(276,111)	0.9%
Capital Outlay	-	-	-	-	-	0.0%	-	-	-	-	0.0%
Transfers	16,000	16,000	4,000	8,000	(8,000)	50.0%	15,546	-	-	(15,546)	0.0%
Lease Purchase Debt Service	-	-	-	-	-	0.0%	-	-	-	-	0.0%
TOTAL EXPENSES:	584,891	584,891	125,474	266,377	(318,514)	45.5%	596,743	-	16,959	(579,784)	2.8%
TOWN SECRETARY											
EXPENDITURES:											
Payroll & Benefits	92,971	92,971	21,715	45,758	(47,213)	49.2%	86,698	-	4,574	(82,124)	5.3%
Supplies	3,510	3,510	518	906	(2,604)	25.8%	2,323	-	-	(2,323)	0.0%
Maintenance	500	500	-	81	(419)	16.3%	51	-	-	(51)	0.0%
Utilities	-	-	-	-	-	0.0%	485	-	177	(308)	36.6%
Services	14,650	14,650	4,896	7,459	(7,191)	50.9%	16,540	-	281	(16,260)	1.7%
Capital Outlay	-	-	-	-	-	0.0%	-	-	-	-	0.0%
Transfers	6,958	6,958	1,740	3,479	(3,479)	50.0%	-	-	-	-	0.0%
Lease Purchase Debt Service	-	-	-	-	-	0.0%	-	-	-	-	0.0%
TOTAL EXPENSES:	118,589	118,589	28,868	57,683	(60,906)	48.6%	106,097	-	5,032	(101,065)	4.7%



Town of Northlake
DEPARTMENT REPORT
 Quarter Ended March 31 2017

	Original Budget	Forecasted Budget	Quarterly Activity	YTD Activity	Over(under) Forecasted Budget	% of Budget Realized	Prior Year Actual	Prior Year Quarter	Prior YTD Activity	Over(Under) Prior Year Actual	% of Actual Realized
MUNICIPAL COURT											
EXPENDITURES:											
Payroll & Benefits	202,687	202,687	47,206	98,845	(103,842)	48.8%	184,886	-	9,898	(174,987)	5.4%
Supplies	6,040	6,040	994	1,472	(4,568)	24.4%	3,286	-	-	(3,286)	0.0%
Maintenance	-	-	-	163	163	0.0%	3,266	-	-	(3,266)	0.0%
Utilities	-	-	-	-	-	0.0%	-	-	295	295	0.0%
Services	59,610	59,610	10,631	15,654	(43,956)	26.3%	(1,673)	-	1,651	3,324	-98.7%
Capital Outlay	-	-	-	-	-	0.0%	-	-	-	-	0.0%
Transfers	20,870	20,870	5,218	10,435	(10,435)	50.0%	20,277	-	-	(20,277)	0.0%
Lease Purchase Debt Service	-	-	-	-	-	0.0%	-	-	-	-	0.0%
TOTAL EXPENSES:	289,207	289,207	64,048	126,570	(162,637)	43.8%	210,042	-	11,844	(198,197)	5.6%
DEVELOPMENT SERVICES											
EXPENDITURES:											
Payroll & Benefits	75,216	75,216	17,587	36,723	(38,493)	48.8%	68,981	-	3,794	(65,187)	5.5%
Supplies	1,700	1,700	501	786	(914)	46.3%	3,999	-	-	(3,999)	0.0%
Maintenance	800	800	400	481	(319)	60.1%	1,297	-	-	(1,297)	0.0%
Utilities	150	150	148	283	133	188.8%	630	-	177	(453)	28.1%
Services	344,130	344,130	96,455	128,400	(215,730)	37.3%	384,051	-	48,203	(335,848)	12.6%
Capital Outlay	-	-	-	-	-	0.0%	-	-	-	-	0.0%
Transfers	8,696	8,696	2,174	4,348	(4,348)	50.0%	8,449	-	-	(8,449)	0.0%
Lease Purchase Debt Service	-	-	-	-	-	0.0%	-	-	-	-	0.0%
TOTAL EXPENSES:	430,692	430,692	117,264	171,022	(259,670)	39.7%	467,406	-	52,174	(415,233)	11.2%
POLICE											
EXPENDITURES:											
Payroll & Benefits	1,096,531	1,096,531	205,877	460,114	(636,417)	42.0%	824,652	-	40,077	(784,575)	4.9%
Supplies	79,628	79,628	15,428	26,816	(52,812)	33.7%	60,634	-	1,110	(59,525)	1.8%
Maintenance	29,978	29,978	4,867	11,284	(18,694)	37.6%	31,660	-	1,378	(30,283)	4.4%
Utilities	4,500	4,500	1,236	2,914	(1,586)	64.7%	6,344	-	410	(5,934)	6.5%
Services	61,200	61,200	18,384	29,278	(31,922)	47.8%	41,993	-	3,613	(38,380)	8.6%
Capital Outlay	-	-	-	-	-	0.0%	2,484	-	-	(2,484)	0.0%
Transfers	135,000	135,000	43,153	86,306	(48,695)	63.9%	130,582	-	-	(130,582)	0.0%
Lease Purchase Debt Service	-	-	-	-	-	0.0%	-	-	-	-	0.0%
TOTAL EXPENSES:	1,406,837	1,406,837	288,945	616,712	(790,125)	43.8%	1,098,349	-	46,588	(1,051,761)	4.2%



Town of Northlake
DEPARTMENT REPORT
 Quarter Ended March 31 2017

	Original Budget	Forecasted Budget	Quarterly Activity	YTD Activity	Over(under) Forecasted Budget	% of Budget Realized	Prior Year Actual	Prior Year Quarter	Prior YTD Activity	Over(Under) Prior Year Actual	% of Actual Realized
PUBLIC WORKS - GENERAL FUND											
EXPENDITURES:											
Payroll & Benefits	238,343	238,343	56,421	110,200	(128,143)	46.2%	176,630	-	8,437	(168,193)	4.8%
Supplies	33,705	33,705	6,300	9,947	(23,758)	29.5%	24,490	-	42	(24,449)	0.2%
Maintenance	165,750	165,750	28,658	84,585	(81,165)	51.0%	150,818	-	941	(149,877)	0.6%
Utilities	3,720	3,720	3,437	4,996	1,276	134.3%	4,234	-	113	(4,121)	2.7%
Services	28,000	28,000	2,091	8,781	(19,219)	31.4%	43,872	-	423	(43,449)	1.0%
Capital Outlay	-	-	-	-	-	0.0%	-	-	-	-	0.0%
Transfers	42,392	42,392	10,598	21,196	(21,196)	50.0%	41,898	-	-	(41,898)	0.0%
Lease Purchase Debt Service	-	-	-	-	-	0.0%	-	-	-	-	0.0%
TOTAL EXPENSES:	511,910	511,910	107,505	239,705	(272,205)	46.8%	441,942	-	9,956	(431,986)	2.3%
GENERAL FUND - NON DEPARTMENTAL											
EXPENDITURES:											
Payroll & Benefits	15,000	15,000	-	-	(15,000)	0.0%	1,360	-	-	(1,360)	0.0%
Supplies	-	-	-	-	-	0.0%	13	-	-	(13)	0.0%
Maintenance	-	-	-	-	-	0.0%	-	-	-	-	0.0%
Utilities	-	-	-	-	-	0.0%	-	-	-	-	0.0%
Services	129,965	129,965	9,804	28,700	(101,265)	22.1%	76,990	-	2,941	(74,049)	3.8%
Capital Outlay	-	-	-	-	-	0.0%	-	-	-	-	0.0%
Transfers	-	-	-	-	-	0.0%	534,416	-	-	(534,416)	0.0%
Lease Purchase Debt Service	-	-	-	-	-	0.0%	-	-	-	-	0.0%
TOTAL EXPENSES:	144,965	144,965	9,804	28,700	(116,265)	19.8%	612,778	-	2,941	(609,838)	0.5%
ADMINISTRATION - UTILITY FUND											
EXPENSES:											
Payroll & Benefits	99,357	99,357	23,220	47,740	(51,617)	48.0%	76,329	-	919	(75,410)	1.2%
Supplies	6,200	6,200	4,140	4,970	(1,230)	80.2%	6,148	-	-	(6,148)	0.0%
Maintenance	100	100	-	81	(19)	81.3%	51	-	-	(51)	0.0%
Utilities	-	-	-	-	-	0.0%	43	-	145	103	340.2%
Services	25,350	25,350	12,109	20,060	(5,290)	79.1%	101,964	-	626	(101,339)	0.6%
Capital Outlay	-	-	-	-	-	0.0%	-	-	-	-	0.0%
Transfers	154,870	154,870	38,718	77,435	(77,435)	50.0%	129,731	-	-	(129,731)	0.0%
Lease Purchase Debt Service	-	-	-	-	-	0.0%	-	-	-	-	0.0%
TOTAL EXPENSES:	285,877	285,877	78,187	150,286	(135,591)	52.6%	314,267	-	1,690	(312,577)	0.5%



Town of Northlake
DEPARTMENT REPORT
 Quarter Ended March 31 2017

	Original Budget	Forecasted Budget	Quarterly Activity	YTD Activity	Over(under) Forecasted Budget	% of Budget Realized	Prior Year Actual	Prior Year Quarter	Prior YTD Activity	Over(Under) Prior Year Actual	% of Actual Realized
PUBLIC WORKS - UTILITY FUND											
EXPENSES:											
Payroll & Benefits	281,137	281,137	50,193	92,458	(188,679)	32.9%	168,345	-	6,096	(162,249)	3.6%
Supplies	35,870	35,870	8,396	13,209	(22,661)	36.8%	20,635	-	90	(20,545)	0.4%
Maintenance	92,700	92,700	22,942	49,517	(43,183)	53.4%	104,670	-	(1,810)	(106,480)	-1.7%
Utilities	1,545,220	1,545,220	375,954	763,404	(781,816)	49.4%	986,418	-	148,390	(838,028)	15.0%
Services	21,800	21,800	8,648	28,715	6,915	131.7%	72,170	-	321	(71,849)	0.4%
Capital Outlay	189,900	189,900	47,296	85,820	(104,080)	45.2%	-	-	-	-	0.0%
Transfers	142,392	142,392	35,598	71,196	(71,196)	50.0%	41,898	-	-	(41,898)	0.0%
Lease Purchase Debt Service	-	-	-	-	-	0.0%	-	-	-	-	0.0%
TOTAL EXPENSES:	2,309,019	2,309,019	549,027	1,104,318	(1,204,701)	47.8%	1,394,136	-	153,087	(1,241,049)	11.0%
PUBLIC WORKS - NON DEPARTMENTAL											
EXPENSES:											
Payroll & Benefits	-	-	-	-	-	0.0%	25	-	-	(25)	0.0%
Supplies	-	-	-	-	-	0.0%	-	-	-	-	0.0%
Maintenance	-	-	-	-	-	0.0%	-	-	-	-	0.0%
Utilities	-	-	-	-	-	0.0%	-	-	-	-	0.0%
Services	12,000	12,000	4,829	12,546	546	104.6%	17,774	-	-	(17,774)	0.0%
Capital Outlay	-	-	-	-	-	0.0%	-	-	-	-	0.0%
Transfers	-	-	-	-	-	0.0%	-	-	-	-	0.0%
Lease Purchase Debt Service	-	-	-	-	-	0.0%	-	-	-	-	0.0%
TOTAL EXPENSES:	12,000	12,000	4,829	12,546	546	104.6%	17,799	-	-	(17,799)	0.0%



Regular Session

Agenda Item 4



Public Input

Agenda Item 5



Consent Items

Agenda Item 6

- D. Consider for approval the Town Council meeting minutes dated March 23, 2017
- E. Consider for approval a Resolution of the Town of Northlake suspending the April 21, 2017 effective date of Oncor Electric Delivery Company's requested rate change to permit the Town time to study the request and to establish reasonable rates; approving cooperation with the Steering Committee of Cities/Towns served by Oncor to hire legal and consulting services and to negotiate with the company and direct any necessary litigation and appeals; finding that the meeting at which this Resolution is passed is open to the public as required by law; requiring notice of this Resolution to the Company and Legal Counsel for the Steering Committee (Resolution No. 17-8)
- F. Consider for approval a Resolution authorizing continued participation with the Steering Committee of Cities/Towns served by Oncor; and authorizing the payment of 11 cents per capita to the Steering Committee to fund regulatory and legal proceedings and activities related to Oncor Electric Delivery Company LLC (Resolution No. 17-9)
- G. Consider for approval an Ordinance of the Town of Northlake, Texas granting to CoServ Gas LTD., d/b/a CoServ Gas, a franchise to furnish and supply gas to the general public in the Town of Northlake, Denton County, Texas and to transport, deliver, sell, and distribute gas in and out of and through said municipality for all purposes; providing for the payment of a fee or charge for the use of the streets, alleys, and public ways (Ordinance No. 17-0413A)



**Town of Northlake
Council Meeting Minutes
Thursday, March 23, 2017
1400 FM 407 - Chamber Room
Northlake, Texas**

1. Mayor Peter Dewing called the regular work session to order at 5:30 pm, quorum present

Council present: Peter Dewing, Jean Young, Mike McBride, Michael Ganz, Roger Sessions, Danny Simpson

Staff present: Drew Corn, Town Administrator; Nathan Reddin, Development Director; Sergeant Alex Arnold; Karen Bolyard, Finance Director and Shirley Rogers, Town Secretary

Consultants present: Drew Larkey, Legal Counsel; Ben McGahey, PE, Town Engineer

2. Briefing Items

A. Northwest ISD Presentation on a Proposed School Bond Election

- Dr. Ryder Warren, Superintendent briefed the council-
Stated the Board of Trustees voted to call a bond election for May 6 2017; was developed and recommended by the Long Range Planning Committee which represented a cross section of the community with members meeting eight times to study, discuss, and prioritize district needs. The \$399 million bond package addresses growth and facility improvements in five main area: student population growth; advancing student programs; technology infrastructure & devices; aging conditions of existing facilities; and safety & security of students and staff

B. Chadwick Farms Development Update for Next Phase

- Nathan Reddin briefed the council on the next phase of the development-
Tract 3A is planned for approx. 49,300 sq. ft. of commercial space including 3 pad sites on SH 114. Tract 3B is planned for multi-family residential designed to be integrated w the adjacent 3A tract commercial with a minimum of 10,000 sq. ft. of commercial development. This will be brought back at the next council meeting in April for public hearing on an amendment to the MPD

C. Pecan Square Update including Planned Development of Gibbs-Young-Thompson Tracts and Development Agreement

- Brian Carlock, Sr Vice President of Acquisitions briefed the council-
A total of 1,200 acres south of FM 407, will have three residential sub-districts-Lifestyle, Traditional and Estate; commercial/retail, open spaces, 12' and 8' trails, Dark Sky lighting, upgraded landscaping, FM 407 75' buffer, land for schools, improved traffic mobility along FM 407, improvements to Mulkey Lane and Cleveland Gibbs Road. Will have economic benefits

- Drew Corn, Town Administrator briefed the council on the proposed development agreement- Creation of a municipal management district, rezoning to mixed-use planned development, proportional impact fee reimbursement-for Cleveland Gibbs, Mulkey and Faught Roads, 20"/16" water line along Cleveland Gibbs Rd, sewer impact fees going towards trunk line; addition to Town trail system, public parks and square

During this item Jean Young, Council Member Place 1, filed a Conflict of Interest Affidavit before the meeting stating she has a substantial interest in a business entity or real property that may receive a special economic effect by the vote or decisions of the Northlake Town Council. Therefore, she will not take part of any discussion regarding the item

D. Proposed Water Bill Late Payment Notice and Water Service Disconnect Procedures

- Karen Bolyard, Finance Director briefed the council on updates to the utility processes

3. Mayor Dewing called the regular meeting to order at 7:19 pm, all members present
Pledge of Allegiance and a Moment of Silence was observed

4. Public Input

- Joel McGregor, resident of Northlake, stated his concerns of opposition on the proposed junked vehicles ordinance
- Rena Hardeman, resident of Northlake, stated her opposition of the proposed junked vehicle ordinance; noticed that the official notification on proposed rezoning of Gibbs property red line had been moved and wanted to know how that would affect the percentages for the council vote
- Tammy Wright, resident of Northlake, stated there were recent out of control burning incidents on days the county had designated as no-burn days and that she witnessed a fire on property in Northlake on Saturday. Wanted to know what measures are being taken to ensure that all citizens are aware of the county's guidelines and regulations regarding opening burning and that appropriate measures are taken for offenders

5. Consent Items

- E. By general consent, the council approved the meeting minutes dated March 9, 2017

6. Regular Items

- F. By general consent, the item was tabled: an Ordinance amending Article 8.03 "Junked Vehicles" of the Code of Ordinances of the Town by amending the definition of Junked Vehicles; designating a person to administer this article; updating the Article to be consistent with State Law
- G. Councilmember Ganz moved to approve Ordinance No. 17-0323A, providing for the annexation and zoning of a territory more specially described herein, but generally comprising approximately 6.65 acres located in the Patrick Rock Survey, Abstract No. 1063 situated in the extra-territorial jurisdiction of the Town of Northlake, Denton County, Texas; extending the boundary limits of said Town of Northlake, Texas for all municipal purposes. 2nd by Councilmember Sessions

Vote: Motion to approve unanimous

- H. Councilmember Young moved to approve a Preliminary Plat of Lots 1-4, Block 3, Northport Addition, a proposed development consisting of 4 commercial lots on a 14.003-acre tract of land out of the L. Medlin Survey, Abstract No. 830, generally located north of SH 114 between Northport Drive and Dale Earnhardt Way, and zoned Commercial (C). Northport Partners, LLC is the owner/applicant/developer. Deotte, Inc. is the engineer. Pacheco Koch is the surveyor. Case # PP-17-001. 2nd by Mayor Pro Tem Simpson

Vote: Motion to approve unanimous

- I. Mayor Dewing open the public hearing at 7:35 pm to hear comments for or against a zoning change from Rural Residential (RR) to Mixed-Use Planned Development (MPD) for a proposed master planned development, Pecan Square, to include a mix of commercial and residential uses with a mix of lot sizes and densities, located on approximately 635.5146 acres of land situated in the F.W. Thornton Survey, Abstract No. 1244, and the A. McDonald Survey, Abstract No. 785, and generally located on the west side of Cleveland-Gibbs Road between FM 407 and Mulkey Lane. J. Young Land and Cattle, Ltd. is the owner. Hillwood Communities is the applicant/developer. Case # PD-17-002

Received 10 notification response forms prior to the meeting (7 in favor; 3 opposed)

Received 5 notification response forms during the meeting (5 opposed)

- Rena Hardeman, resident of Northlake, stated she submitted a group of notification responses at the meeting in opposition to the rezoning request; said council can deny the rezoning the property and deny the application; everyone she has spoken with is opposed to the development
- Tammy Wright, resident of Northlake, stated she has mixed feelings about the development; she appreciates Ms. Young's desire to sell her land and profit from the sale which is a common right held by all land owners; believes Hillwood has been very receptive to input from the leaders and residents; would like to see fewer houses on larger lots; the development would bring an elementary school and could possibly bring a middle and high school which is needed in Northlake; would bring much needed funding to the town without resorting to an increase in the tax rate which the Mayor and councils have worked hard over the 10 years to prevent. Stated Hillwood was complying with the 2016 Comp Plan
- Roger Thompson, resident of Northlake, mentioned the creditability of Hillwood. Has leased land from them for over 20 years, and worked with them while a school board trustee for 13 year, believed they were very trustworthy
- Dale Toon, resident of Northlake, has mixed feelings about the proposed development; appreciates Hillwood working with the Mayor, Council and Staff; doesn't like the 40' lots, would like to see less density; likes the construction of Mulkey Lane which could help alleviate some of the traffic woes on FM 407

During this item Jean Young, Council Member Place 1, filed a Conflict of Interest Affidavit before the meeting stating she has a substantial interest in a business entity or real property that may receive a special economic effect by the vote or decisions of the Northlake Town Council. Therefore, she will not take part of any discussion regarding the item

- J. Mayor Pro Tem Simpson moved to approve Ordinance No. 17-0323B, amending the Code of Ordinance 14-1211A Appendix 'A' Fee Schedule Article A4.003 Water and Sewer Impact Fee Schedule. 2nd by Councilmember Sessions

Vote: Motion to approve unanimous

7. Executive Session – did not convene into closed session during the meeting

Pursuant to Texas Government Code, annotated, Chapter 551 Subchapter D:

- a. Section 551.071 authorizes a governmental body to consult with its attorney in an executive session to seek his or her advice on a legal matter. It provides as follows: A governmental body may not conduct a private consultation with its attorney except:

- 1) When the governmental body seeks the advice of its attorney about:

(a) Pending or contemplated litigation; or

(b) A settlement offer; or

'Town of Northlake vs. City of Justin (Cause No. 15-08170-367)

8. Mayor Dewing adjourned the meeting at 7:48 pm

Passed and approved on this the 13th day of April, 2017

Town of Northlake, Texas

Peter Dewing, Mayor

Attest:

Shirley Rogers, Town Secretary

**TOWN OF NORTHLAKE, TEXAS
RESOLUTION NO. 17-8**

RESOLUTION OF THE TOWN OF NORTHLAKE SUSPENDING THE APRIL 21, 2017, EFFECTIVE DATE OF ONCOR ELECTRIC DELIVERY COMPANY'S REQUESTED RATE CHANGE TO PERMIT THE TOWN TIME TO STUDY THE REQUEST AND TO ESTABLISH REASONABLE RATES; APPROVING COOPERATION WITH THE STEERING COMMITTEE OF CITIES/TOWNS SERVED BY ONCOR TO HIRE LEGAL AND CONSULTING SERVICES AND TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION AND APPEALS; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL FOR THE STEERING COMMITTEE

WHEREAS, on or about March 17, 2017, Oncor Electric Delivery Company (Oncor), pursuant to PURA §§ 33.001 and 36.001 filed with the Town of Northlake a Statement of Intent to increase electric transmission and distribution rates in all municipalities exercising original jurisdiction within its service area effective April 21, 2017; and

WHEREAS, the Town of Northlake is a member of the Steering Committee of Cities/Towns Served by Oncor ("Steering Committee") and will cooperate with the 156 similarly situated city/town members and other city/town participants in conducting a review of the Company's application and to hire and direct legal counsel and consultants and to prepare a common response and to negotiate with the Company prior to getting reasonable rates and direct any necessary litigation; and

WHEREAS, PURA § 36.108 grants local regulatory authorities the right to suspend the effective date of proposed rate changes for ninety (90) days after the date the rate change would otherwise be effective; and

WHEREAS, PURA § 33.023 provides that costs incurred by Cities/Towns in ratemaking proceedings are to be reimbursed by the regulated utility.

THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF NORTHLAKE, TEXAS:

1. That the April 21, 2017 effective date of the rate request submitted by Oncor on or about March 17, 2017, be suspended for the maximum period allowed by law to permit adequate time to review the proposed changes and to establish reasonable rates.

2. As indicated in the Town's resolution approving membership in the Steering Committee, the Executive Committee of Steering Committee is authorized to hire and direct legal counsel and consultants, negotiate with the Company, make recommendations regarding reasonable rates, and to intervene and direct any necessary administrative proceedings or court litigation associated with an appeal of a rate ordinance and the rate case filed with the Town or Public Utility Commission.

3. That the Town's reasonable rate case expenses shall be reimbursed by Oncor.

4. That it is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law and the public notice of the time, place, and purpose of said meeting was given as required.

5. A copy of this Resolution shall be sent to Oncor, Care of Howard Fisher, Oncor Electric Delivery Company, LLC, 1616 Woodall Rodgers Freeway, Dallas, Texas 75202 and to Thomas Brocato, Counsel to the Steering Committee, at Lloyd Gosselink Rochelle & Townsend, P.C. P. O. Box 1725, Austin, Texas 78767-1725.

PASSED AND APPROVED this the 13th day of April, 2017

Town of Northlake, Texas

Perter Dewing, Mayor

ATTEST:

Shirley Rogers, Town Secretary

Mr. Brocato's Direct Line: (512) 322-5857
Email: tbrocato@lglawfirm.com

MEMORANDUM

TO: Steering Committee of Cities Served by Oncor Members
FROM: Geoffrey Gay
Thomas Brocato *T.B.*
DATE: March 17, 2017
RE: Oncor Electric Delivery Company's Statement of Intent to Increase Rates
Suspension Packet

ACTION REQUIRED TO SUSPEND THE EFFECTIVE DATE BY APRIL 21, 2017

Earlier today, Oncor filed a Statement of Intent to Increase Rates with all cities in its service area that retain original jurisdiction. The Company is seeking to increase rates by approximately \$317 million over rates currently in place, or approximately 7.5% over present revenues. Residential customers would see an 11.8% increase in rates. If approved, a residential customer using 1000 kWh per month would see a bill increase of about \$6.68 per month. Additionally, the Company proposes to increase street lighting rates by 0.5%.

The rate increase requested by Oncor will become effective on April 21, 2017, unless the city takes action to suspend the effective date. The statute permits cities to extend the effective date by up to 90 days in order to study the filing. **The city must take action to suspend the effective date by April 21, 2017.** If your city does not have a regular council meeting scheduled before April 21st or is otherwise unable to take action on the suspension resolution by April 21st, please contact me as soon as possible.

Attached to this memo is a model suspension resolution and staff report. In the past, Oncor local managers have provided cities with a model denial resolution and may recommend that the city immediately deny the rate request. If this occurs, we do not recommend that you deny the request at this time. Suspending the effective date allows cities more time to review the application and decide on the final action, including settlement or denial of Oncor's requested rate increase.

The Steering Committee of Cities Served by Oncor will hold a conference call of all Steering Committee members later this month to discuss Oncor's rate request. During the call there will also be an opportunity for Steering Committee members to discuss strategy with Steering Committee consultants and attorneys.

If you have any questions, please feel free to contact Thomas (512/322-5857, tbrocato@lglawfirm.com).

STEERING COMMITTEE CITIES SERVED BY ONCOR (Total 156)

Addison	Fate	Oak Leaf
Allen	Flower Mound	Oak Point
Alvarado	Forest Hill	Odessa
Andrews	Fort Worth	O'Donnell
Anna	Frisco	Ovilla
Archer City	Frost	Palestine
Argyle	Gainesville	Pantego
Arlington	Garland	Paris
Azle	Glenn Heights	Plano
Bedford	Grand Prairie	Pottsboro
Bellmead	Granger	Prosper
Belton	Grapevine	Ranger
Benbrook	Haltom City	Rhome
Beverly Hills	Harker Heights	Richardson
Big Spring	Haslet	Richland
Breckenridge	Heath	Richland Hills
Bridgeport	Henrietta	River Oaks
Brownwood	Hewitt	Roanoke
Buffalo	Highland Park	Robinson
Burkburnett	Honey Grove	Rockwall
Burleson	Howe	Rosser
Caddo Mills	Hurst	Rowlett
Cameron	Hutto	Sachse
Canton	Iowa Park	Saginaw
Carrollton	Irving	Sansom Park
Cedar Hill	Jolly	Seagoville
Celina	Josephine	Sherman
Centerville	Justin	Snyder
Cleburne	Kaufman	Southlake
Coahoma	Keller	Springtown
Colleyville	Kennedale	Stephenville
Collinsville	Kerens	Sulphur Springs
Colorado City	Killeen	Sunnyvale
Comanche	Krum	Sweetwater
Commerce	Lake Worth	Temple
Coppell	Lakeside	Terrell
Copperas Cove	Lamesa	The Colony
Corinth	Lancaster	Trophy Club
Crowley	Lewisville	Tyler
Dallas	Lindale	University Park
Dalworthington Gardens	Little Elm	Venus
DeLeon	Little River Academy	Waco
De Soto	Malakoff	Watauga
Denison	Mansfield	Waxahachie
Duncanville	McKinney	Westover Hills
Early	Mesquite	White Settlement
Eastland	Midland	Wichita Falls
Edgecliff Village	Midlothian	Willow Park
Ennis	Murchison	Woodway
Euless	Murphy	Wylie
Everman	New Chapel Hill	
Fairview	North Richland Hills	
Farmers Branch	Northlake	

TOWN OF NORTHLAKE, TEXAS

RESOLUTION NO: 17-9

A RESOLUTION AUTHORIZING CONTINUED PARTICIPATION WITH THE STEERING COMMITTEE OF CITIES/TOWNS SERVED BY ONCOR; AND AUTHORIZING THE PAYMENT OF 11 CENTS PER CAPITA TO THE STEERING COMMITTEE TO FUND REGULATORY AND LEGAL PROCEEDINGS AND ACTIVITIES RELATED TO ONCOR ELECTRIC DELIVERY COMPANY, LLC.

WHEREAS, the Town of Northlake is a regulatory authority under the Public Utility Regulatory Act (PURA) and has exclusive original jurisdiction over the rates and services of Oncor Electric Delivery Company, LLC (Oncor) within the municipal boundaries of the city; and

WHEREAS, the Steering Committee has historically intervened in Oncor rate proceedings and electric utility related rulemakings to protect the interests of municipalities and electric customers residing within municipal boundaries; and

WHEREAS, the Steering Committee is participating in Public Utility Commission dockets and projects, as well as court proceedings, and legislative activity, affecting transmission and distribution utility rates; and

WHEREAS, the Town is a member of the Steering Committee of Cities/Towns Served by Oncor; and

WHEREAS, the Steering Committee functions under the direction of an Executive Committee which sets an annual budget and directs interventions before state and federal agencies, courts and legislatures, subject to the right of any member to request and cause its party status to be withdrawn from such activities; and

WHEREAS, the Executive Committee in its December 2016 meeting set a budget for 2017 that compels an assessment of eleven cents (\$0.11) per capita; and

WHEREAS, in order for the Steering Committee to continue its participation in these activities which affects the provision of electric utility service and the rates to be charged, it must assess its members for such costs.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF NORTHLAKE, TEXAS:

I.

That the Town is authorized to continue its membership with the Steering Committee of Cities/Towns Served by Oncor to protect the interests of the Town of Northlake and protect the interests of the customers of Oncor Electric Delivery Company, LLC residing and conducting business within the Town limits.

II.

The Town is further authorized to pay its assessment to the Steering Committee of eleven cents (\$0.11) per capita based on the population figures for the Town shown in the latest TML Directory of City Officials.

III.

A copy of this Resolution and the assessment payment check made payable to “*Steering Committee of Cities Served by Oncor*” shall be sent to David Barber, Steering Committee of Cities Served by Oncor, c/o City Attorney’s Office, Mail Stop 63-0300, 101 S. Mesquite St., Suite 300, Arlington, Texas 76010.

PRESENTED AND PASSED on this the _____ day of _____, 2017, by a vote of _____ ayes and _____ nays at a regular meeting of the Town Council of the Town of Northlake, Texas

Town of Northlake, Texas

Peter Dewing, Mayor

ATTEST:

Shirley Rogers, Town Secretary

APPROVED AS TO FORM:

Ashley Dierker, Town Attorney

MEMORANDUM

TO: Steering Committee of Cities Served by Oncor

FROM: Paige Mims, Chair

DATE: March 8, 2017

RE: **Action Needed – 2017 Membership Assessment Invoice**

Enclosed please find the 2017 Steering Committee of Cities Served by Oncor (“Steering Committee”) membership assessment invoice and draft resolution. These items are discussed below. We ask that your city please take action on the membership assessment as soon as possible.

Although the Steering Committee does not require that your city take action by resolution to approve the assessment, some members have requested a resolution authorizing payment of the 2017 membership assessment. Payment of the membership assessment fee shall be deemed to be in agreement with the terms of the Steering Committee participation agreement.

Please forward the membership assessment fee and, if applicable, the signed resolution to David Barber, Steering Committee of Cities Served by Oncor, c/o City Attorney’s Office, Mail Stop 63-0300, 101 S. Mesquite St., Suite 300, Arlington, Texas 76010. Checks should be made payable to: *Steering Committee of Cities Served by Oncor*. If you have any questions, please feel free to contact me at (972/941-7125) or Geoffrey Gay (ggay@lglawfirm.com, 512/322-5875) or Thomas Brocato (tbrocato@lglawfirm.com, 512/322-5857).

Membership Assessment Invoice and Resolution

The Steering Committee is the most active consumer group advocating the interests of cities and residential and small commercial customers within the cities to keep electric transmission and distribution (*i.e.*, wires) rates reasonable. Steering Committee activities protect the authority of municipalities over the regulated wires service and rates charged by Oncor Electric Delivery Company, LLC (“Oncor”).

The work undertaken by the Steering Committee has saved cities and ratepayers millions of dollars in unreasonable charges. In order to continue to be an effective voice before the Public Utility Commission of Texas (“Commission” or “PUC”), ERCOT, the Legislature, and in the courts, the Steering Committee must have your support. The membership assessment is deposited in an account which funds Steering Committee activities.

In 2016, Oncor filed for approval of a change in ownership. The Steering Committee has been an active participant in that process seeking to ensure that ratepayers are not harmed. In addition, the Steering Committee is currently engaged in the 85th Legislative Session. Earlier this year, the Steering Committee was successful at the Texas Supreme Court preserving in excess of \$20,000,000 in franchise fee payments to the cities that would have to be refunded if we had lost. The Steering Committee is also involved in numerous rulemakings and projects at the PUC. The Steering Committee also participated in Oncor’s Energy Efficiency Cost Recovery Factor

("EECRF") proceeding, which is the annual proceeding to determine the surcharge to fund the Commission's energy efficiency program.

On December 8, 2016, the Steering Committee approved the 2017 assessment for Steering Committee membership. Based upon the population-based assessment protocol previously adopted by the Steering Committee, the assessment for 2017 is a per capita fee of \$0.11 based upon the population figures for each city shown in the latest TML Directory of City Officials. The enclosed invoice represents your city's assessment amount.

To assist you in the assessment process, we have attached several documents to this memorandum for your use:

- OCSC 2016 Year in Review
- Model resolution approving the 2017 assessment (optional, provided for those cities that have requested a resolution to authorize payment)
- Model staff report supporting the resolution
- List of Steering Committee members
- 2017 Assessment invoice
- 2016 Assessment invoice and statement (only if not yet paid)
- Blank member contact form to update distribution lists

STEERING COMMITTEE CITIES SERVED BY ONCOR (Total 156)

Addison	Fate	Oak Leaf
Allen	Flower Mound	Oak Point
Alvarado	Forest Hill	Odessa
Andrews	Fort Worth	O'Donnell
Anna	Frisco	Ovilla
Archer City	Frost	Palestine
Argyle	Gainesville	Pantego
Arlington	Garland	Paris
Azle	Glenn Heights	Plano
Bedford	Grand Prairie	Pottsboro
Bellmead	Granger	Prosper
Belton	Grapevine	Ranger
Benbrook	Haltom City	Rhome
Beverly Hills	Harker Heights	Richardson
Big Spring	Haslet	Richland
Breckenridge	Heath	Richland Hills
Bridgeport	Henrietta	River Oaks
Brownwood	Hewitt	Roanoke
Buffalo	Highland Park	Robinson
Burkburnett	Honey Grove	Rockwall
Burleson	Howe	Rosser
Caddo Mills	Hurst	Rowlett
Cameron	Hutto	Sachse
Canton	Iowa Park	Saginaw
Carrollton	Irving	Sansom Park
Cedar Hill	Jolly	Seagoville
Celina	Josephine	Sherman
Centerville	Justin	Snyder
Cleburne	Kaufman	Southlake
Coahoma	Keller	Springtown
Colleyville	Kennedale	Stephenville
Collinsville	Kerens	Sulphur Springs
Colorado City	Killeen	Sunnyvale
Comanche	Krum	Sweetwater
Commerce	Lake Worth	Temple
Coppell	Lakeside	Terrell
Copperas Cove	Lamesa	The Colony
Corinth	Lancaster	Trophy Club
Crowley	Lewisville	Tyler
Dallas	Lindale	University Park
Dalworthington Gardens	Little Elm	Venus
DeLeon	Little River Academy	Waco
De Soto	Malakoff	Watauga
Denison	Mansfield	Waxahachie
Duncanville	McKinney	Westover Hills
Early	Mesquite	White Settlement
Eastland	Midland	Wichita Falls
Edgecliff Village	Midlothian	Willow Park
Ennis	Murchison	Woodway
Euless	Murphy	Wylie
Everman	New Chapel Hill	
Fairview	North Richland Hills	
Farmers Branch	Northlake	

ORDINANCE NO. 17-0413A

AN ORDINANCE OF THE TOWN OF NORTHLAKE, TEXAS, GRANTING TO COSERV GAS, LTD., D/B/A COSERV GAS, A FRANCHISE TO FURNISH AND SUPPLY GAS TO THE GENERAL PUBLIC IN THE TOWN OF NORTHLAKE, DENTON COUNTY, TEXAS, AND TO TRANSPORT, DELIVER, SELL, AND DISTRIBUTE GAS IN AND OUT OF AND THROUGH SAID MUNICIPALITY FOR ALL PURPOSES; PROVIDING FOR THE PAYMENT OF A FEE OR CHARGE FOR THE USE OF THE STREETS, ALLEYS, AND PUBLIC WAYS; AND PROVIDING A SEVERABILITY CLAUSE, A PENALTY CLAUSE, AND AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Northlake, Texas (hereinafter referred to as “Town”), finds that it is in the best interest of the Town to adopt a franchise ordinance allowing CoServ Gas to furnish and supply gas to the general public in the Town, and to transport, deliver, sell, and distribute gas in, out of, and through said municipality for all purposes;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NORTHLAKE, TEXAS, THAT:

SECTION I. Grant of Franchise, Term, and Use

(A) Town hereby grants to Company and its successors and assigns, subject to Section XIV herein, the right, privilege and franchise, and Town’s consent, to use and occupy the present and future Public Right-of-Way of the Town for the purpose of constructing, operating, maintaining, removing and replacing therein and thereon the System needed and necessary to transport, deliver, sell and distribute gas in, out of, and through the Town, and to sell gas to persons, firms, and corporations, including all the general public, within the Town’s corporate limits.

(B) The term of this Ordinance begins on the Effective Date (as defined in Section XX below) and ends on December 31 of the calendar year in which the tenth (10th) anniversary of the Effective Date occurs; provided that, unless written notice is given by either party hereto to the other not less than six (6) months before the expiration of this Ordinance, it shall be automatically renewed for an additional period of five (5) years from such expiration date and shall be automatically renewed thereafter for like periods of five (5) years until canceled effective as of the expiration of any such renewal period by written notice given not less than six (6) months before the expiration of any such renewal period.

(C) The terms and conditions set forth in this Ordinance represent the terms and conditions under which the Company shall construct, operate, maintain, remove and replace the

System within the Town. This Franchise does not grant to Company the right, privilege, or authority to engage in any other activities within the Public Right-of-Way other than those set forth in Section I(A).

(D) By entering into this Ordinance, the Town does not in any manner surrender or waive its regulatory or other authority or rights pursuant to the Constitution and statutes of the State of Texas as the same may be amended, nor any of its rights and powers pursuant to present or future ordinances of the Town. Likewise, Company's acceptance of the terms of this Ordinance shall in no way affect or impair Company's rights, obligations or remedies under any federal, state or local law or regulation, nor shall such acceptance be deemed a waiver, release or relinquishment of Company's rights to contest, appeal or file suit with respect to any action or inaction of the Town, including adoption of ordinances by the Town, that Company believes is contrary to this Ordinance or any federal, state or local law or regulation.

SECTION II. Definitions

(A) "Town" shall mean the Town of Northlake, Texas.

(B) "Company" shall mean CoServ Gas, Ltd. and its successors and assigns, but does not include a CoServ affiliate, which shall have no rights hereunder except by succession or assignment in accordance with Section XIV herein.

(C) "Town Manager" shall mean the Town Manager of the Town or his or her designee.

(D) "Gross Revenues" shall mean the operating revenue for the sale of gas after the Effective Date to the Company's customers within the corporate boundaries of the Town pursuant to the accounting principles established by the Federal Energy Regulatory Commission, including specifically Accounts 480, 481 and 482, as amended, except as modified herein, including:

- (1) all revenues derived, directly or indirectly, from the sale of gas to all classes of customers in the Town (excluding gas sold to another gas utility in the Town for resale to its customers within the Town);
- (2) all revenues derived from the transportation of gas through the System of Company within the Town to customers located within the Town (excluding gas transported to another gas utility in the Town for resale to its customers within the Town);
- (3) the purchase price or, if the purchase price is not disclosed to the Company by the Transport Customer, the value of gas transported by Company for Transport Customers through the System of Company within the Town ("Third Party Sales") (excluding the value of any gas transported to another gas utility in the Town for resale to its customers within the Town). Company shall request that each Transport Customer of the Company disclose to the Company the

purchase price of said gas. Should the Transport Customer fail or refuse to disclose such purchase price to Company, the value of such gas shall be established by utilizing 110% of the Houston Ship Channel index of prices for large package of gas as published each month in "Inside FERC's Gas Market Report" under "Delivered Spot-Gas Prices" (or a successor publication or another publication agreed upon by Town and Company) as reasonably near the time as the transportation service is performed;

- (4) franchise fees paid pursuant to Section X of this Ordinance, revenues from non-utility and non-regulated services or products, and the following "miscellaneous charges:"
 - (a) charges to connect, disconnect, or reconnect gas,
 - (b) charges to handle returned checks from consumers within the Town, and
 - (c) State gross receipts fees.

"Gross Revenues" shall not include:

- (i) the revenue of any Affiliate or subsidiary of Company;
- (ii) other than fees specifically included within the definition of Gross Revenues and franchise fees payable pursuant to Section X below, any taxes or fees required to be remitted to a third party including the Town;
- (iii) interest or investment income earned by Company;
- (iv) monies received from the lease or sale of real or personal property;
- (v) amounts billed or collected from Company's customers for refundable fees and deposits;
- (vi) State or federal grants, credits or reimbursements;
- (vii) sales of gas for resale or to wholesale customers;
- (viii) reimbursements for damage to, or relocation of, and part of the System;
- (ix) amounts billed or collected by the Company from its customers for charitable contributions such as Operation Roundup;
- (x) revenues billed but not ultimately collected or received by the Company; and
- (xi) payments received for contributions in aid of construction performed within the Town, including but not limited to, builder contributions, under contracts entered into after the Effective Date.

(E) "Person" shall mean any natural person, or any association, firm, partnership, joint venture, corporation, or other legally recognized entity, whether for-profit or not-for-profit, but shall not, unless the context explicitly requires otherwise, include the Town or any employee, agent, servant, representative, or official of the Town.

(F) "Public Right-of-Way" shall mean public streets, alleys, highways, bridges, public easements, public places, thoroughfares and sidewalks of the Town, as they now exist or may be hereafter constructed or extended within the corporate limits of the Town.

(G) “System” or “System Facilities” shall mean all of the Company’s pipes, pipelines, gas mains, laterals, feeders, regulators, meters, fixtures, connections and other infrastructure and appurtenant equipment used for or incident to providing delivery, transportation, distribution, supply and sales of natural gas for, but not limited to, heating, lighting and power, located within the corporate limits of the Town.

(H) “Transport Customer” shall mean any Person for which Company delivers gas through the System of Company within the Town for delivery or consumption within the Town.

(I) “Affiliate” shall mean any individual, partnership, association, joint stock company, limited liability company, trust, corporation, or other Person or entity who owns or controls, or is owned or controlled by, or is under common ownership or control with, the entity in question. As used in this definition, the term “control” means, with respect to an entity that is a corporation, the ownership, directly or indirectly, of more than 50% of the voting securities of such entity or, with respect to an entity that is not a corporation, the power to direct the management or policies of such entity, whether by operation of law, by contract or otherwise.

SECTION III. Construction, Maintenance, Operation & Relocation of Company System Facilities

(A) Company’s System shall be constructed and maintained so as not to unreasonably interfere with any existing water and wastewater lines, electric facilities, storm sewer lines, open drainage areas, cable, fiber optic cable, roadways, sidewalks, alleys, traffic control devices, public signs, or any other publicly owned or publicly franchised facility. Company shall promptly clean-up, repair, and restore all thoroughfares and other surfaces which it may disturb.

(B) Permits

- (1) Company’s facilities shall not unreasonably interfere with Town-owned public works facilities and with vehicular and pedestrian use of Public Right-of-Way.
- (2) Company shall not be required to submit a permit application for the placement of facilities outside of the Public Right-of-Way, however, Company shall provide detailed drawings, in accordance with Company’s customary practice, reflecting Company’s installations on private property to the extent necessary for Town to verify compliance with Town ordinances related to zoning, development, building regulations, and setbacks, and for easement verification.

- (3) Company shall submit a permit application to Town for the placement of new facilities, for upgrade or augmentation of existing facilities, or for replacement of existing facilities in the Public Right-of-Way. Such permit application shall include:
 - (a) complete plans and detailed drawings reflecting compliance with all applicable zoning, development, and building requirements of the Town; and
 - (b) all additional information requested by Town reasonably related to the permit request.
- (4) Except as otherwise provided in this Section III(B), following the submission of a permit application described herein, notice of Town's approval or denial of Company's request for a permit shall be provided in accordance with Town's usual procedures for processing of permit applications.
- (5) Town shall endeavor to complete its review of Company's application within thirty (30) days after Town's receipt of the permit application. Prior to the expiration of the said thirty (30) day period, Town shall request any additional information that is necessary to complete its review of Company's application. Town shall issue a decision regarding Company's permit application within fifteen (15) days after receipt of the additional information. If the additional information is not sufficient to complete the review of Company's application, the Town may request additional information. Town shall issue a decision regarding the application within fifteen (15) days after receipt of all additionally requested information.
- (6) If Town has not approved or denied Company's request for a permit within:
 - (a) Thirty (30) days after receipt by Town of the permit application (if no additional information was requested by Town), or
 - (b) The timeline established in Section III(B)(5) after receipt by Town of all additional information requested by Town reasonably related to the permit request,then upon written request by Company, the Town's department director in charge of the permit process shall, within fifteen (15) days after such written request, approve (and issue) the permit or deny the permit application in question.

- (7) Company may proceed with the placement of the facilities described in its permit application if written notice of Town's approval or denial of Company's request for a permit is not provided within the timeline pursuant to Section III(B)(6) above.
- (8) A permit application approved by the Town shall be valid for a period of time consistent with the amount of time reasonably required and submitted in the permit application for the Company to perform the work described in the permit application. Town shall grant an extension of such time as reasonably required to complete such work upon Town's receipt of Company's request in writing for such an extension, but in no case shall the extended period exceed six (6) months from the date of such written request.

(C) Company shall install, maintain, construct, operate, remove and replace its facilities in accordance with applicable Town ordinances and so as to not unreasonably interfere with traffic or any existing water and wastewater lines, electric facilities, storm sewer lines, open drainage areas, cable, fiber optic cable, roadways, sidewalks, alleys, traffic control devices, public signs, or any other publicly owned or publicly franchised facility. The location of all pipes, mains, laterals, and other equipment shall be subject to approval by the City Administrator or designee prior to construction; provided however, said approval shall not be unreasonably withheld. In determining the location of new facilities of the Town and other users of Public Right-of-Way within Town, Town shall minimize interference with then-existing System Facilities of Company and agrees to work with Company and other users of Public Right-of-Way in order to minimize, to the extent reasonably possible, interference with existing System Facilities of Company by other users of the Public Right-of-Way. In determining the location of the Company's new facilities in the Town, the Company shall minimize interference with then-existing or documented planned underground structures of the Town or with existing facilities of other users of the Public Right-of-Way. In the event of a conflict between the location of the proposed System Facilities of Company and the location of the existing facilities of Town or other users of Public Right-of-Way within Public Right-of-Way which the parties involved have been unable to resolve through their good faith efforts, Town or an authorized agent of Town shall resolve the conflict and determine the location of the respective facilities within the Public Right-of-Way, subject, however, to the terms and conditions of this Ordinance and giving effect to generally accepted industry operational and safety practices.

(D) Company's property and operations within the Public Right-of-Way of the Town shall be subject to such reasonable rules and regulations of the Town as may be authorized by applicable law from time to time for the protection of the general public. The Company shall construct, maintain, and operate its System Facilities in a manner which provides reasonable protection against injury or damage to persons or property in accordance with applicable federal and state laws. The Town shall endeavor to provide Company with reasonable notice and opportunity to review and comment upon any new or revised Town laws, rules, or regulations that impact Company's use of the Public Right-of-Way, but the failure to do so shall not affect the applicability of such laws, rules, or regulations to Company.

(E) The Town's annual and long-range capital improvements plans, as well as any updates or changes thereto, will be made available to Company upon request. Town shall notify Company as soon as reasonably possible of any projects that will affect Company's System Facilities located in the Public Right-of-Way.

(F) Any and all excavations and obstructions in and upon the Public Right-of-Way caused by the Company's operations under this Ordinance shall be repaired and removed as quickly as is reasonably possible under the circumstances. All excavations shall be repaired in a good and workmanlike manner and restored to the approximate condition that existed prior to the excavation. Replacement of sod is to be of like kind, and smoothed, shaped, rolled, and compacted for proper landscape maintenance. The public shall be protected by barriers and lights placed, erected, marked, and maintained by the Company in accordance with the standards set forth in the current Texas Manual on Uniform Traffic Control Devices, as well as any other applicable local, state, and federal requirements. Company warrants that any such restoration work performed in the Public Right-of-Way shall be in satisfactory condition for a period not to exceed two (2) years, to the extent that such restoration work has not been disturbed by other users of the Public Right-of-Way or by acts of God. In the event that the Company fails to repair or restore an excavation site within fourteen (14) days after receipt of written notice from the Town of a deficiency, the Town may, at its option, perform the needed repair or restoration and the Company shall promptly reimburse the Town for the reasonable cost of such repair or restoration. Except for repairs, day to day maintenance, or in cases of emergency conditions, work conducted within the Public Right-of-Way shall require an approved permit issued by the Town prior to commencement of work. Company shall not be required to pay fees or bonds related to its use of the Public Right-of-Way other than in accordance with Section X hereof.

(G) The Town reserves the right to lay, and permit to be laid, any Town-owned facilities, such as stormwater, sewer, gas, water, wastewater and other pipe lines, cable, and conduits, or other improvements, and to do and permit to be done any underground or overhead work that may be necessary or proper in, across, along, over, or under Public Right-of-Way occupied by Company. The Town also reserves the right to change in any manner any Town-owned curb, sidewalk, highway, alley, public way, street, and Town-owned utility lines, storm sewers, drainage basins, drainage ditches, and other Town facilities.

(H) The Town may request that Company remove or relocate its mains, laterals, and other System Facilities lying within Public Rights-of-Way to accommodate the Town constructing, reconstructing, improving, widening, or straightening its Public Rights-of-Way, sewers, drainage, water lines, or other utilities, including modifications to sidewalks or other Public Rights-of-Way required by the Americans with Disabilities Act. Company shall do so at its own expense for System Facilities that are in conflict, unless such work is for the primary purpose of beautification or to accommodate a private developer. Company and Town agree that a project is not undertaken primarily for beautification unless more than fifty percent (50%) of the project costs are allocated to costs unassociated with those required to meet Town standards for highway, road, street, public way, or other public work, including costs associated with water, sewer, drainage, paving and subgrade, curb and gutter, and sidewalk construction. Company and Town shall jointly determine whether System Facilities are in conflict and the extent that the proposed Town facilities are determined by Town and Company to be inconsistent with gas distribution industry standard safe operating practices for existing facilities. All such relocations shall be performed in accordance with applicable Town ordinances. Town and Company shall collaborate on designs where there is the potential need for facilities to be relocated to a depth of greater than four feet (4'). Following relocation, Company shall repair, according to Town specifications, clean up, and restore to the condition it was in before being disturbed, all Public Rights-of-Way disturbed during the construction and repair of its System at its expense. Company shall not be required to relocate System Facilities to a depth of greater than four (4) feet unless prior agreement is obtained from Company.

(I) When Company is required by Town to remove or relocate its mains, laterals, and other facilities lying within Public Rights-of-Way to accommodate a request by Town, and costs of utility removals or relocations are eligible under federal, state, county, local, or other programs for reimbursement of costs and expenses incurred by Company as a result of such removal or relocation, and such reimbursement is required to be handled through Town, Company costs and

expenses shall be included by Town in any application by Town for reimbursement only if Town has actual or constructive notice that Company relocation costs are eligible for reimbursement and only if Company submits a request together with its cost and expense documentation to Town a reasonable time prior to the filing of the application. Town shall make all reasonable efforts to provide reasonable written notice to Company of the deadline for Company to submit documentation of the costs and expenses of such relocation to Town in order for Town to be able to submit its application for reimbursement to such program in a timely manner. Upon receipt of an amount of reimbursement intended for utility relocation including, but not limited to, gas utilities, Town shall remit to Company, within sixty (60) days of receipt, the portion of reimbursement related to the relocation or removal of Company's facilities. In the event that the Town receives only a portion of any reimbursement costs sought and the reimbursement received is not delineated separately such that Company's eligible relocation costs are clearly noted, the Town will reimburse Company only after the Town's costs have been paid in full. When Company is required to remove or relocate any System Facility without reimbursement, Company shall have the right to seek recovery of relocation costs as provided for in applicable state and/or federal law. Nothing herein shall be construed to prohibit, alter, or modify in any way the right of Company to seek or recover a surcharge from customers for the cost of relocation pursuant to applicable state and/or federal law. If Company is required by Town to remove or relocate its mains, laterals, or other System Facilities lying within Public Right-of-Way to accommodate a private developer or for projects whose primary purpose is beautification or for any reason other than the construction, reconstruction, improving, widening, or straightening of its Public Right-of-Way, sewers, drainage, water lines, or other utilities by Town, Company shall be entitled to reimbursement from Town or others of the cost and expense of such removal or relocation. Notwithstanding the foregoing, Town shall not be responsible for reimbursement of any relocation costs if Company secures or is eligible to secure reimbursement of eligible costs from any other source other than through a statutory rate mechanism or other rate mechanism adopted by the Town. This paragraph applies exclusively to the Company's recovery of its relocation costs and, except as provided in Section X(E), nothing herein shall prohibit the Town from denying or opposing a request by Company to increase or modify its other rates, charges, fees, or tariffs.

(J) When Company is required to remove or relocate its mains, laterals or other System Facilities to accommodate construction by Town without reimbursement from Town, Company shall have the right to seek recovery of relocation costs as provided for in applicable state and/or federal law. Nothing herein shall be construed to prohibit, alter, or modify in any way the right of Company to seek or recover a surcharge from customers for the cost of relocation

pursuant to applicable state and/or federal law. Town shall not oppose recovery of relocation costs when Company is required by Town to perform relocation. Town shall not require that Company document request for reimbursement as a pre-condition to recovery from customers of such relocation costs pursuant to applicable state and/or federal law. Notwithstanding the foregoing, the Town shall have the right to request other project documentation to the full extent provided by state law.

(K) If Town abandons any portion of the Public Right-of-Way in which Company has System Facilities, for public safety reasons or in furtherance of a public project, Town shall determine whether it is appropriate to retain a public utility easement in such Public Right-of-Way for use by Company. If Town determines, in its sole reasonable discretion, that the continued use of the Public Right-of-Way by Company is compatible with the abandonment of the Public Right-of-Way, then in consideration of the compensation set forth in Section XX, and to the maximum extent of its right to do so, Town shall grant Company an easement for such use, and the abandonment of the Public Right-of-Way shall be subject to the right and continued use of Company. If Town determines, in its sole reasonable discretion, that it is not appropriate to retain a public utility easement in such Public Right-of-Way, Company shall be responsible, subject to the provisions of Section III, for relocating its System from such Public Right-of-Way, as directed by Town. If Public Right-of-Way is sold, conveyed, abandoned, or surrendered by Town to a third party, such action shall be conditioned upon Company's right to maintain use of the former Public Right-of-Way. If the third party requests Company to relocate its System from the former Public Right-of-Way, and if such relocation is agreed to by Company, such relocation shall be at the expense of the party requesting same. In addition, in the event of a third party requesting the relocation, if the relocation cannot practically be made to another Public Right-of-Way, the expense of any right-of-way acquisition shall be considered a relocation expense to be reimbursed by the party requesting the relocation.

(L) In addition to maps provided as part of the permit application process, upon request by Town made no more often than once in any 6-month period, Company shall provide maps showing the location of its primary System Facilities. In addition, Company shall cooperate in locating its System Facilities when necessary to avoid conflict and protect the health and safety of the public.

SECTION IV. Laying of Lines in Advance of Paving

(A) Whenever Town endeavors to pave or repave any Public Right-of-Way in which Company's System Facilities already exist, Company will be provided the opportunity, at no

expense to Town, in advance of such paving to modify such System Facilities, if defective or inadequate in size, and to lay new System Facilities, or modify same, if inadequate in size or defective, in the Public Right-of-Way.

(B) At least ninety (90) calendar days prior to the planned paving or repaving of a Public Right-of-Way, Town shall give Company written notice of the intention of Town to pave or repave any such Public Right-of-Way in which Company's System Facilities already exist. Upon receipt of such notice, Company shall initiate its review process to determine the need to modify its System Facilities, and the need to lay or modify service lines underneath the portions of the Public Right-of-Way to be paved. If Company determines such a need, Company shall promptly initiate such work and shall thereafter proceed in a good faith and workmanlike manner to completion of the necessary work within ninety (90) calendar days after receipt of the notice from the Town. Company's failure to complete the necessary work within the ninety (90) day period may be excused at the Town's discretion, if Company has promptly notified the Town of the circumstances that have caused the delay, and has requested an extension of the construction period.

SECTION V. Liability Insurance & Indemnification

(A) Company shall, at its sole cost and expense, obtain, maintain, or cause to be maintained, and provide, throughout the term of this Ordinance, insurance in the amounts, types and coverages in accordance with the following requirements. Such insurance may be in the form of self-insurance to the extent permitted by applicable law or by obtaining insurance, as follows:

(1) Commercial general or excess liability with minimum limits of five million dollars (\$5,000,000). To the extent that coverage is maintained on a claims made form, the minimum limits are ten million dollars (\$10,000,000) per occurrence and twenty million dollars (\$20,000,000) aggregate. This coverage shall include the following:

- i. Products/completed operations to be maintained for a warranty period of 2 years,
- ii. Personal and advertising injury,
- iii. Contractual liability, and
- iv. Explosion, collapse, or underground (XCU) hazards.

(2) Automobile liability coverage with a minimum policy limit of one million dollars (\$1,000,000) combined single limit each accident. This coverage shall include all owned, hired, and non-owned automobiles.

(3) Workers' compensation and employer's liability coverage. Statutory workers' compensation benefits in accordance with the statutes and regulations of the State of Texas. Company must provide the Town with a waiver of subrogation for workers' compensation claims.

(4) Upon request, the Company will provide proof of insurance in accordance with this Ordinance within thirty (30) days after such request. Company will not be required to furnish separate proof when applying for permits.

(B) IN CONSIDERATION OF THE GRANTING OF THIS FRANCHISE, COMPANY AGREES TO INDEMNIFY AND HOLD HARMLESS THE TOWN, ITS OFFICERS, AGENTS, AND EMPLOYEES (THE "INDEMNITEES") FROM AND AGAINST ALL SUITS, ACTIONS, LIABILITY, OR CLAIMS OF INJURY TO ANY PERSON OR PERSONS, OR DAMAGES TO ANY PROPERTY BROUGHT OR MADE FOR OR ON ACCOUNT OF ANY DEATH, INJURIES TO, OR DAMAGES RECEIVED OR SUSTAINED BY ANY PERSON OR PERSONS OR FOR DAMAGE TO OR LOSS OF PROPERTY ARISING OUT OF, OR OCCASIONED BY COMPANY'S INTENTIONAL OR NEGLIGENT ACTS OR OMISSIONS IN CONNECTION WITH COMPANY'S OPERATIONS, EXCEPT TO THE EXTENT SUCH SUITS, ACTIONS, LIABILITY, CLAIMS OR DAMAGES ARE CAUSED BY THE INTENTIONAL OR NEGLIGENT ACTS OR OMISSIONS OF ANY OF THE INDEMNITEES.

(C) This Section V does not waive any governmental immunity available to the Town under Texas law. This Section is not intended to create a cause of action or liability for the benefit of third parties, but is solely for the benefit of the Company and the Town. This Section is not intended to limit the ability of Town or Company to settle claims through mediation.

SECTION VI. Installation of Meter

If a meter is to be installed in or near the Public Right-of-Way, Company agrees to discuss with the Town's representative the aesthetics of the meter placement and to accommodate any requests of Town to the maximum extent possible. If Town requests a meter upgrade, Company will comply so long as Town reimburses Company for the reasonable costs incurred by Company in changing meters. In no event, however, shall underground meters be required.

SECTION VII. Rates

Company shall furnish reasonably adequate service to the public at reasonable rates and charges therefor, and Company shall maintain its System in good order and condition. Such rates

shall be established in accordance with all applicable statutes and ordinances. Company shall maintain on file with the Town copies of its current tariffs, schedules, or rates, and charges and service rules and regulations applicable to the Town. The rates and charges collected from its customers in the Town shall be subject to revision and change by either the Town or Company in the manner provided by law.

SECTION VIII. Extensions of Mains

Company shall not be required to extend mains on any Public Right-of-Way more than one hundred (100) feet for any one consumer of gas; provided, however, Company is not required to extend its mains or facilities if the customer will not use gas for space heating and water heating, or the equivalent load, at a minimum.

SECTION IX. Non-Exclusive Use

The rights and privileges granted to Company by this Ordinance are not to be considered exclusive and Town hereby expressly reserves the right to grant, at any time, like privileges and rights as it may see fit to any other person or corporation for the purpose of furnishing gas for, but not limited to, light, heat, and power to and for Town and the inhabitants thereof.

SECTION X. Franchise Fee and Payment

(A) In consideration of the privilege granted by the Town to Company to use and occupy the Public Right-of-Way in the Town for the purposes stated herein, Company and its successors and assigns agree to deliver and pay to Town, and Town agrees to accept, a franchise fee in an amount equivalent to five percent (5%) of the Company's Gross Revenues as defined in Section II(D). The initial payment shall be paid to the Town by Company on or before the Due Date for the Quarter, as set forth below, in which the Effective Date occurs, and shall include Gross Revenues received by Company from the Effective Date of this Ordinance. Thereafter the Company shall pay the franchise fee quarterly as follows:

<u>Due Date</u>	<u>Quarter</u>
May 15	First (January 1 - March 31)
August 15	Second (April 1 - June 30)
November 15	Third (July 1 - September 30)
February 15	Fourth (October 1 - December 31)

(B) Each payment due during the term of this Ordinance will be made on or before the close of business on the payment due date. If any payment due date required by this Ordinance falls on a weekend or declared bank holiday, payment shall be made by the close of business on the next working day.

(C) It is expressly agreed that the franchise fee payments shall be in lieu of any and all other and additional occupation taxes, easement, franchise taxes or charges (whether levied as a special or other character of tax or charge), municipal license, permit, and inspection fees, bonds, street taxes, and street or alley rentals or charges, and all other and additional municipal taxes, charges, levies, fees, and rentals of whatsoever kind and character, including, without limitation, any charges under Chapter 182 of the Texas Tax Code (collectively, the "Other Charges") that Town may now impose or hereafter levy and collect from Company or Company's agents, excepting only the usual general or special ad valorem taxes that Town is authorized to levy and impose upon real and personal property and Company's separate obligation to reimburse the Town for street repairs in accordance with this Ordinance. Should Town not have the legal power to agree that the payment of the franchise fees shall be in lieu of the Other Charges, then Town agrees that it will apply so much of said franchise fee payments as may be necessary to satisfy Company's obligations, if any, to pay such Other Charges.

(D) If Company fails to pay when due any payment provided for in this Section X, Company shall pay such amount plus interest consistent with the rate for customer deposits under Texas Utilities Code Section 183.003 from such due date until payment is received by Town.

(E) CoServ Gas Franchise Fee Recovery Tariff.

(1) The Company may from time-to-time file with the Town a tariff amendment(s) to provide for the recovery of the franchise fees payable by the Company under this Ordinance.

(2) Town agrees that it will take no action, nor cause any other person or entity to take any action, to prohibit the recovery of such franchise fees by the Company.

(F) In order to determine the Gross Revenues received by Company, Company agrees that quarterly, on the same date that payment is made as provided in the preceding paragraphs of this Section X, it will provide a statement showing the amount of Gross Revenues for the period covered by the payments.

(G) Within thirty (30) days after the effective date of this Ordinance, the Town shall provide Company (at the notice address specified in Section XV) with maps clearly showing the

location of the boundaries of the Town. Within thirty (30) days after Town annexes property into, or disannexes property from, the territory of Town, Town shall provide Company (at the notice address specified in Section XV) with maps clearly showing the location of the boundaries of such annexed or disannexed property. Within sixty (60) days, or such additional time as mutually agreed to by the Town and Company, after Company's receipt of (i) written notice from the Town that the Town has annexed territory into the Town and (ii) maps showing clearly the areas annexed, the Company shall revise its accounting records to include the annexed territory, and Company's customers therein, within the Town. After such time period, Gross Revenues related to Company's customers whose consuming facilities' points of delivery are located within such annexed area shall be included in the calculation of the franchise fee payable under this Ordinance. Likewise, Gross Revenues related to Company's customers whose consuming facilities' points of delivery are located in any area disannexed by Town shall cease to be included in the calculation of the franchise fee payable under this Ordinance upon the effective date of such disannexation.

SECTION XI. Retention, Accessibility and Confidentiality of Records

(A) Company shall maintain the fiscal records and supporting documentation for payments of Gross Revenues associated with this Ordinance for not less than five years.

(B) Company gives Town, its designee, or any of their duly authorized representatives, access to and the right to examine relevant books, accounts, records, audit reports, reports, files, documents, written material, and other papers belonging to or in use by Company pertaining to the franchise fee payable under this Ordinance (the "Records") during the Company's regular business hours and at the Company's principal offices upon receipt of thirty (30) days written notice from the Town. The Town's access to the Records will be limited to information needed to verify that, within the two (2) year period prior to such access to the Records, Company is and has been complying with the terms of this Ordinance. If such an examination reveals that Company has underpaid the franchise fee to Town, then upon receipt of written notification from Town regarding the existence of such underpayment, Company shall undertake a review of Town's claim and, if said underpayment is confirmed, remit the amount of underpayment to Town, including any interest calculated in accordance with Section X(D). The cost of the audit shall be borne by Town unless the Company is finally determined to have underpaid the franchise fee by five percent (5%) or more, in which case the reasonable costs of the audit shall be immediately reimbursed to the Town by Company. The rights to access the Records shall terminate two (2)

year(s) after the termination or expiration of this Ordinance. Company agrees to maintain the Records in an accessible location.

(C) Any information that is not required by law to be made public shall be kept confidential by Town. The Town shall provide notice to Company of any request for release of information previously designated by Company as proprietary or confidential non-public information prior to releasing the information so as to allow Company adequate time to pursue available remedies for protection. If the Town receives a request under the Texas Public Information Act that includes Company's previously designated proprietary or confidential information, Town agrees to request an opinion from the Texas Attorney General as to the confidential or the proprietary nature of the information. The Town also will provide Company with notice of the request, and thereafter Company is responsible for establishing that an exception under the Texas Public Information Act allows the Town to withhold the information.

SECTION XII. Renegotiation

If either the Town or Company requests renegotiation of any term of this Ordinance, Company and Town agree to renegotiate in good faith revisions to any and all terms of this Ordinance. If the parties cannot come to agreement upon any provisions being renegotiated, then the existing provisions of this Ordinance will continue in effect for the remaining term of the Ordinance.

SECTION XIII. Termination

(A) The Town, in accordance with subsection (B) of this Section XIII, may terminate this Ordinance and all rights and privileges pertaining thereto, in the event that the Company violates any material provision of this Ordinance (an "Event of Default").

(B) Uncured Events of Default.

- (1) Upon the occurrence of an Event of Default which can be cured by the immediate payment of money to Town or a third party, Company shall have thirty (30) days (or such additional time as may be agreed to by the Town) after receipt of written notice from Town of an occurrence of such Event of Default to cure same before Town may exercise any of its rights or remedies pursuant to Section XIII(C).
- (2) Upon the occurrence of an Event of Default by Company which cannot be cured by the immediate payment of money to Town or a third party, Company shall have sixty (60) days (or such additional time as may be

agreed to by the Town) after receipt of written notice from Town of an occurrence of such Event of Default to cure same before Town may exercise any of its rights or remedies pursuant to Section XIII(C).

- (3) If the Event of Default is not cured within the time period allowed for curing the Event of Default as provided for herein, such Event of Default shall, without additional notice, become an Uncured Event of Default, which shall entitle Town to exercise the remedies pursuant to Section XIII(C).

(C) Remedies. Upon receipt of a notice of an alleged Uncured Event of Default as described in Section XIII(B), which notice shall specify the alleged failure with reasonable particularity, the Company shall, within the time periods specified in Section XIII(B) or such longer period of time as may be agreed to by the Town, either cure such alleged failure or, in a written response to the Town, present facts and arguments in refuting or defending such alleged failure, or state that such alleged failure will be cured and set forth the method and time schedule for accomplishing such cure. In the event that such cure is not forthcoming or the Town determines that an unexcused "Uncured Event of Default" has occurred, Town shall be entitled to exercise any and all of the following cumulative remedies:

- (1) The commencement of an action against Company at law for monetary damages.
- (2) The commencement of an action in equity seeking injunctive relief or the specific performance of any of the provisions, which as a matter of equity, are specifically enforceable.
- (3) The termination of the franchise granted herein.

(D) Remedies Not Exclusive. The rights and remedies of Town and Company set forth in this Ordinance shall be in addition to, and not in limitation of, any other rights and remedies provided by law or in equity. Town and Company understand and intend that such remedies shall be cumulative to the maximum extent permitted by law and the exercise by a party of any one or more of such remedies shall not preclude the exercise by such party, at the same or different times, of any other such remedies for the same failure to cure. However, notwithstanding this Section or any other provision of this Ordinance, Town shall not recover both liquidated damages and actual damages for the same violation, breach, or noncompliance, either under this Section or under any other provision of this Ordinance.

(E) Termination. The franchise granted herein may be terminated only in accordance with the provisions of Section XIII(C). Town shall notify Company in writing at least thirty (30) business days in advance of the Town Council meeting at which the questions of termination shall

be considered, and Company shall have the right to appear before the Town Council in person or by counsel and raise any objections or defenses Company may have that are relevant to the proposed forfeiture or termination. The effective date of such termination shall be the thirtieth (30th) day following the date of the final termination decision of the Town Council. Until the termination becomes effective, the provisions of this Ordinance shall remain in effect for all purposes.

SECTION XIV. Successors and Assigns

Company's rights under this Ordinance shall not be assigned or transferred without the written consent of the Town, which consent shall not be unreasonably withheld; provided, however, that Company may assign its rights under this Ordinance to a parent, subsidiary, affiliate or successor entity without such consent, so long as such parent, subsidiary, affiliate or successor (i) assumes all obligations of Company hereunder, and (ii) is bound to the same extent as Company hereunder. Company shall give the Town sixty (60) days prior written notice of any assignment to a parent, subsidiary, affiliate or successor entity. Any required consent shall be expressed by an ordinance that fully recites the terms and conditions, if any, upon which such consent is given. Any assignment or transfer effected prior to the Town's approval thereof, if required, shall authorize the Town to treat such assignment or transfer as an Uncured Event of Default and immediately implement the provisions of Section XIII, including the right to terminate the franchise granted herein.

SECTION XV. Notices

Any notice required or permitted to be delivered hereunder shall be deemed received if: (i) delivered in person to the applicable address set forth below; (ii) deposited in an official depository under the regular care and custody of the United States Postal Service located within the confines of the United States of America and sent by certified mail, return receipt requested, and addressed to such party at the applicable address set forth below; or (iii) delivered to such party by courier receipted delivery to the applicable address set forth below. Either party may designate another address within the confines of the continental United States of America for notice, but until written notice of such change is deemed received by the other party as provided above, the last address of such party designated for notice shall remain such party's address for notice.

If intended for the Town:

Town of Northlake, Texas
Attention: Town Administrator

1400 FM 407
Northlake, Texas 76247

If intended for the Company:

CoServ Gas, Ltd.
Attention: President
7701 S. Stemmons Freeway
Corinth, Texas 76210

SECTION XVI. Severability; Amendment; Ordinance Controlling

It is the intention of the Town Council that this Ordinance, and every provision thereof, shall be considered severable, and the invalidity or unconstitutionality of any section, clause, provision or portion of this Ordinance shall not affect the validity or constitutionality of any other portion of this Ordinance. Both the Company and the Town expressly recognize that this Ordinance creates a binding and enforceable contract between them, which contract may not be amended without written consent of both the Company and the Town. Should any inconsistency or conflict exist now or in the future between the provisions of this Ordinance and the Town's charter or another ordinance or ordinances, then the provisions of this Ordinance shall control to the extent of such inconsistency or conflict to the extent not prohibited by law.

SECTION XVII. Governing Law

This Ordinance shall be governed and construed in accordance with the laws of the State of Texas, without giving effect to any conflicts of law rule or principle that might result in the application of the laws of another jurisdiction. This Ordinance is performable in Denton County, Texas, and exclusive venue for any action concerning this Ordinance, the transactions contemplated hereby or the liabilities or obligations imposed hereunder shall be in the State District Court of Denton County, Texas.

SECTION XVIII. No Waiver

Either Town or Company shall have the right to waive any requirement contained in this Ordinance, which is intended for the waiving party's benefit, but, except as otherwise provided herein, such waiver shall be effective only if in writing executed by the party for whose benefit such requirement is intended. No waiver of any breach or violation of any term of this Ordinance shall be deemed or construed to constitute a waiver of any other breach or violation, whether concurrent or subsequent, and whether of the same or a different type of breach or violation.

SECTION XIX. Paragraph Headings; Construction

The paragraph headings contained in this Ordinance are for convenience only and shall in no way enlarge or limit the scope or meaning of the various and several paragraphs hereof. Both parties have participated in the preparation of this Ordinance and this Ordinance shall not be construed either more or less strongly against or for either party.

SECTION XX. Acceptance; Effective Date

In order to accept the franchise granted herein, the Company must evidence its written acceptance of the terms and conditions of this Ordinance by executing and delivering to the Town, within thirty (30) days after the Town provides written notice to Company of the final adoption of this Ordinance by the Town, a letter in the form of Exhibit A attached hereto and incorporated herein. Upon and subject to such written acceptance, this Ordinance shall become effective as of the first day of the calendar month that is not less than sixty (60) days after the final adoption of this Ordinance by the Town (such date being the "Effective Date").

PASSED AND APPROVED ON THIS THE ____ DAY OF _____, 2017.

APPROVED:

Peter Dewing, Mayor

ATTEST:

Shirley Rogers, Town Secretary

APPROVED AS TO FORM:

Ashley Dierker, Town Attorney

EXHIBIT "A"

CoServ Acceptance of Franchise Ordinance

[DATE]

Town of Northlake
Attention: Town Secretary
1400 FM 407
Northlake, Texas 76247

RE: CoServ Gas franchise; Ordinance No. _____

This letter certifies that CoServ Gas, Ltd. accepts and agrees to be contractually bound by the terms and conditions of Ordinance No. _____, a copy of which is attached hereto as Exhibit A.

COSERV GAS, LTD.

By: CoServ Natural, L.L.C., its General Partner

By: _____

Printed Name: _____

Title: _____



Regular Items

Agenda Item 7

- H. Consider for approval an Ordinance amending Article 8.03 “Junked Vehicles” of the Code of Ordinances of the Town by amending the definition of Junked Vehicles; designating a person to administer this article; updating the Article to be consistent with State Law (Ordinance No. 17-0413)
- I. Consider for approval an Ordinance amending Ordinance No. 13-0523A being a Mixed-Use Planned Development zoning district as amended; amending the zoning classification and development standards of certain property in the Town of Northlake as described in Exhibit ‘A’; being more particularly described as a 143.209 acre tract of land out of the Lewis Medlin Survey, Abstract No. 830 in the Town of Northlake, Denton County Texas
 - i. Public Hearing
 - ii. Ordinance No. 17-0413B
- J. Consider for approval an Ordinance amending Ordinance No. 13-0124A being the Northlake Unified Development Code as amended, by changing the zoning classification of a 635.5 acre tract of land situated in the FW Thornton Survey, Abstract No. 1244 and the A McDonald Survey, Abstract No. 785 in the Town of Northlake from “RR” Rural Residential to “MPD” Mixed-Use Planned Development and revising the official zoning map in accordance therewith, providing for the adoption of development standards
 - i. Ordinance No. 17-0413C
- K. Consider for approval an Ordinance zoning amending Ordinance No. 13-0124A being the Northlake Unified Development Code as amended, by changing the zoning classification of a 361.7 acre tract of land situated in the FW Thornton Survey, Abstract No. 1244 , A McDonald Survey, Abstract No. 785 and the JG Cleveland Survey, Abstract No. 1461 in the Town of Northlake from “RR” Rural Residential to “MPD” Mixed-Use Planned Development and revising the official zoning map in accordance therewith, providing for the adoption of development standards
 - i. Public Hearing
 - ii. Ordinance No. 17-0413D
- L. Consider for approval an Ordinance zoning amending Ordinance No. 13-0124A being the Northlake Unified Development Code as amended, by changing the zoning classification of a 160.374 acre tract of land situated in the A McDonald Survey, Abstract No. 785 in the Town of Northlake from “RR” Rural Residential to “MPD” Mixed-Use Planned Development and

revising the official zoning map in accordance therewith, providing for the adoption of development standards

- i. Public Hearing
- ii. Ordinance No. 17-0413E

- M. Consider for approval Development Agreement between HP Gibbs LP and the Town of Northlake for Gibbs-Young-Thompson Properties
- N. Consider for approval a Resolution of the Town of Northlake, Texas amending and restating Resolution No. 16-41 for its consent to create Northlake Municipal Management District No. 1 serving 1,181.7 acres of land (Resolution No. 17-10)
- O. Consider for approval an Ordinance amending the Code of Ordinances of the Town of Northlake by the amendment of Chapter 12 Utilities; amending Article 12.02 "Water and Sewer Service"; amending the method for billing defective meters; amending the procedure for the provision of notices of delinquency (Ordinance No. 17-0413F)
- P. Consider for approval an Ordinance amending the Town of Northlake Fee Schedule; Appendix "A" to the Code of Ordinances, Town of Northlake, Texas, amending Article A4.000 Water and Sanitary Sewer Service Fees (Ordinance No. 17-0413G)
- Q. Consider for approval a Resolution nominating one candidate to a slate of nominees for the Board of Managers of the Denco Area 9-1-1 District (Resolution No. 17-11)

Memo

To: Honorable Mayor and Town Council
From: Drew Corn, Town Administrator
CC: Nathan Reddin, Development Director
Shirley Rogers, Town Secretary
Date: April 13, 2017
Re: Junked Vehicle Ordinance Revisions Consideration

Town staff was recently made aware that current the ordinance regarding junked vehicles do not conform to Texas State statute which was recently amended. The Town of Northlake as a general law municipality may only enforce laws specifically stated in statute. In particular for junked vehicles, the Town must adopt an ordinance mirroring State statute before being empowered to enforce.

The proposed revised ordinance was first scheduled for Council consideration on February 9, 2017 at which point it was tabled. On March 9th, the Council again table the item requesting additional information. Although the item appeared on the March 23rd agenda no action was taken to allow staff an opportunity to research the requested information.

Town Secretary Shirley Rogers pulled the junked vehicle ordinances from the City of Denton, City of Roanoke, Town of Trophy Club, Town of Copper Canyon, Town of Bartonville, City of Justin, Town of Argyle, City of Irving, Town of Haslet and City of Southlake. Town Attorney Ashley Dierker analyzed each of the ordinances. All of the ten municipalities researched follow State statute with the exception of the Cities of Denton, Irving and Southlake which allow the municipal court judge to issue any orders necessary to enforce the procedures to allow entry onto private property.

In the revised ordinance, Ashley has added language similar to the City of Denton that requires a magistrate to issue a warrant to enter private property if consent is not given. She has also removed reference to the up to \$2,000 fine allowed in administrative citations and referred to the Town's fee schedule.

As stated at the previous council meeting, Council has three basic options: repeal the current junked vehicle ordinance and thereby relinquish any authority to abate junked vehicle as a public nuisance, take no action and maintain the status quo which does not conform to State law, or adopt the proposed ordinance.

Please contact me at 940.242.5701 if you have any questions or comments.

ORDINANCE NO. 17-0413

AN ORDINANCE AMENDING ARTICLE 8.03, “JUNKED VEHICLES,” OF THE CODE OF ORDINANCES OF THE TOWN OF NORTHLAKE BY AMENDING THE DEFINITION OF JUNKED VEHICLES; DESIGNATING A PERSON TO ADMINISTER THIS ARTICLE; UPDATING THE ARTICLE TO BE CONSISTENT WITH STATE LAW; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING THAT THIS ORDINANCE IS CUMULATIVE; PROVIDING A PENALTY FOR VIOLATION; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE:

WHEREAS, the Town of Northlake, Texas is a Type A general law municipality located in Denton County, Texas created in accordance with the provisions of Chapter 6 of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the Town previously adopted Article 8.03 identifying junked vehicles as a public nuisance and providing regulations for junked vehicles; and

WHEREAS, the Northlake Town Council has determined to amend Article 8.03 to make it consistent with the state law regarding junked vehicles and to better protect the city from public nuisances; and

WHEREAS, the Town Council has determined that the amendments as outlined herein are in the best interest of the health, safety, and general welfare of the citizens of the Town of Northlake and the public.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NORTHLAKE, TEXAS:

SECTION 1. The findings set forth above are incorporated into the body of this ordinance as if fully set forth herein.

SECTION 2. That Section 8.03.002, Definitions, of Article 8.03, Junked Vehicles, of the Northlake Code of Ordinances is hereby amended in its entirety to read as follows:

“The following terms, whenever used or referred to in this article, shall have the same respective meaning unless a different meaning clearly appears from the context:

Antique vehicle. A passenger car or truck that is at least 25 years old.

Inoperable. Incapable of being propelled on its own power.

Junked vehicle.

(a) A vehicle that is:

(1) self-propelled; and

(2) is:

(A) wrecked, dismantled or partially dismantled, or discarded; or

(B) inoperable and has remained inoperable for more than:

(i) seventy-two (72) consecutive hours, if the vehicle is on public property; or

(ii) thirty (30) consecutive days, if the vehicle is on private property.

(b) For purposes of this article, “junked vehicle” includes a motor vehicle, aircraft, or watercraft. This subchapter applies only to:

(1) a motor vehicle that displays an expired license plate or does not display a license plate;

(2) an aircraft that does not have lawfully printed on the aircraft an unexpired federal aircraft identification number registered under Federal Aviation Administration aircraft registration regulations in 14 C.F.R. Part 47; or

(3) a watercraft that does not have lawfully on board an unexpired certificate of number and is not a watercraft described by Section 31.055, Texas Parks and Wildlife Code.

Motor vehicle collector. A person who owns one or more antique or special interest vehicles and acquires, collects, or disposes of an antique or special interest vehicle or part of an antique or special interest vehicle for personal use to restore and preserve an antique or special interest vehicle for historic interest.

Special interest vehicle. A motor vehicle of any age that has not been changed from original manufacturer’s specifications and, because of its historic interest, is being preserved by a hobbyist.”

SECTION 3. That Section 8.03.005, Hearing, of Article 8.03, Junked Vehicles, of the Northlake Code of Ordinances is hereby amended in its entirety to read as follows:

“(a) The owner of a vehicle or the owner or occupant of the premises where the vehicle is located or the premises adjacent to the public right-of-way where the

vehicle is located may, within the 10-day period after the notice required by section 8.03.004(b) is served, file a written request with the municipal court clerk to set a date and time to appear before the town council for a public hearing to determine whether the vehicle, or part of a vehicle, is a junked vehicle. If a hearing is requested within the 10-day period after the notice required by section 8.03.004(b) is served, the junked vehicle shall not be abated by the town until ordered to do so by the town council. If timely requested, the hearing shall be held not earlier than the 11th day after the date the notice required by section 8.03.004(b) is served.

(b) At the public hearing, the town council shall hear and consider all relevant evidence, objections or protests and shall receive testimony from owners, witnesses, town employees and interested persons relative to such alleged public nuisance. The hearing may be continued from time to time.

(c) At a hearing under this section concerning a motor vehicle, the motor vehicle is presumed, unless demonstrated otherwise by the owner, to be inoperable.

(d) At the conclusion of a hearing under this section, the town council shall consider all evidence and determine whether the vehicle, or part of a vehicle, constitutes a junked vehicle and a public nuisance as alleged. If the town council finds that the vehicle, or part of a vehicle, is a junked vehicle and a public nuisance, that there is sufficient cause to abate the public nuisance, and that the notice requirements provided in this article have been met, the town council shall make a written order setting forth its findings and ordering that the junked vehicle and public nuisance be abated.

(e) If the information is available at the location of the junked vehicle and nuisance, the order requiring removal of the nuisance must include:

(1) for a motor vehicle, the vehicle's:

- (A) description;
- (B) vehicle identification number; and
- (C) license plate number;

(2) for an aircraft, the aircraft's:

- (A) description; and
- (B) federal aircraft identification number as described by Federal Aviation Administration aircraft registration regulations in 14 C.F.R. Part 47; and

(3) for a watercraft, the watercraft's:

- (A) description; and

(B) identification number as set forth in the watercraft's certificate of number."

SECTION 4. That Section 8.03.006, Abatement by town, of Article 8.03, Junked Vehicles, of the Northlake Code of Ordinances is hereby amended in its entirety to read as follows:

"If no hearing is requested prior to the expiration of 10-day window after the notice required by section 8.03.004(b) is served, or in the event the town council orders abatement of the nuisance, the town administrator, or his designee, or any duly authorized person may abate such public nuisance by removal and disposal of the junked vehicle in accordance with this article and Subchapter E, Chapter 683, of the Texas Transportation Code."

SECTION 5. That Section 8.03.010, Disposal of vehicle, of Article 8.03, Junked Vehicles, of the Northlake Code of Ordinances is hereby amended in its entirety to read as follows:

"Any junked vehicle removed by the town or any duly authorized person pursuant to the authority of this article may be disposed of by removal and sale to a scrap yard, a motor vehicle demolisher, or a suitable site operated by a municipality or county. The removal of a junked vehicle or parts thereof from property may be by any duly authorized person."

SECTION 6. That Subsection (c) of Section 8.03.012, Violations; penalty, of Article 8.03, Junked Vehicles, of the Northlake Code of Ordinances is hereby amended in its entirety to read as follows:

"(c) The municipal court shall order abatement and removal of the nuisance on conviction for an offense under this section."

SECTION 7. That Section 8.03.013, Removal with permission of owner or occupant, of Article 8.03, Junked Vehicles, of the Northlake Code of Ordinances is hereby amended in its entirety to read as follows:

"If, within the 10-day period after the notice is served in accordance with section 8.03.004, the owner of the junked vehicle or occupant of the premises on which the junked vehicle is located or the property adjacent to the right-of-way where the junked vehicle is located shall give his written permission to the town for removal of the junked vehicle from the premises, the giving of such permission shall be considered compliance with the provisions of this article."

SECTION 8. That Article 8.03, Junked Vehicles, of the Northlake Code of Ordinances is hereby amended by adding Section 8.03.015, Authority to enforce article, to read as follows:

"Sec. 8.03.015 Authority to enforce article

(a) The town administrator, or his designee, is authorized to administer the procedures for the abatement and removal of a public nuisance under this article.

(b) The procedures for the abatement and removal of a public nuisance under this article must be administered by regular salaried, full-time employees of the town, except that any authorized person may remove the nuisance.

(c) A person authorized to administer the procedures under this article may enter private property to examine a public nuisance, to obtain information to identify the nuisance, and to remove or direct the removal of the nuisance: 1) with consent of the owner or person in control of the property; 2) with a valid warrant issued by a magistrate as defined in Texas Code of Criminal Procedure Article 2.09; or 3) when the private property is open to the public.”

SECTION 9. Any person, firm or corporation violating any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction, shall be fined in accordance with Section 1.01.009 of the Code of Ordinances of the Town of Northlake, Texas for each offense, and each and every violation or day such violation shall continue to exist, shall be deemed a separate offense.

SECTION 10. With the exception of those Ordinances expressly repealed herein, this Ordinance shall be cumulative of all provisions of Ordinances of the Town of Northlake, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event the more stringent provision shall apply and the less stringent provision, whether contained within this Ordinance or in any prior Ordinance of the Town, whether codified or un-codified, is hereby repealed to the extent of the conflict, but all other provisions of the Ordinances of the Town, whether codified or un-codified, which are not in conflict with the provisions of the Ordinance, shall remain in full force and effect.

SECTION 11. It is hereby declared to be the intention of the Town Council that the phrases, clauses, sentences, paragraph section of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court or competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this ordinance, since same would have been enacted by the Town Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 12. All rights and remedies of the Town are expressly saved as to any and all violations of the provisions of this Ordinance, or any other Ordinances affecting the matters addressed herein, which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by the Ordinance but may be prosecuted until final disposition by the courts.

SECTION 13. The Town Secretary of the Town of Northlake is hereby directed to publish the caption, penalty clause, publication clause, and effective date clause of this Ordinance.

SECTION 14. This Ordinance shall be in full force and effect from and after its passage and publication as required by law.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF NORTHLAKE, TEXAS, ON THIS THE 13th DAY OF APRIL, 2017.

Town of Northlake, Texas

Peter Dewing, Mayor

ATTEST:

Shirley Rogers, Town Secretary

Memo

To: Honorable Mayor and Town Council
From: Nathan Reddin, Development Director
CC: Drew Corn, Town Administrator
Shirley Rogers, Town Secretary
Date: April 13, 2017
Re: Chadwick Farms MPD Amendment (PD-17-003)

Purpose: To hold a public hearing and consider amending the Mixed-Used Planned Development (MPD) zoning ordinance for Chadwick Farms, a planned development on approximately 143.209 acres of land situated in the Lewis Medlin Survey, Abstract 830, and generally located on the south side of SH 114 from approximately 1,000 feet east of IH 35W and continuing along the frontage of SH 114 to the eastern limits of the Town of Northlake at Cleveland-Gibbs Road.

Public Hearing Information: Mixed-Use Planned Development (MPD) is the zoning designation for the Chadwick Farms development. Any amendments to the MPD are considered zoning changes requiring a public hearing. A public hearing is scheduled to be held at this meeting prior to consideration of the MPD amendment. Notice of the public hearing was published in the Denton Record Chronicle and mailed to all property owners within 200 feet of the site as required. Staff has received one written response as of the date of April 7, 2017. No responses have been received from a property owner within the notification area. Any responses received prior to the public hearing will be presented at the Town Council meeting.

Owner/Applicant/Developer: Chadwick Farms, Ltd.

Engineer/Surveyor: Goodwin and Marshall, Inc.

Background: Chadwick Farms is a master planned development in Northlake and Fort Worth with approximately 143 acres located in Northlake on the south side of SH 114. The site was initially zoned Mixed-Use Planned Development (MPD) in 2001 with the approval of Ordinance No. 01-0614B. This ordinance set the development plan for land uses to include approximately 45 acres for multi-family residential use in Tract 1 and approximately 106 acres for commercial use in Tract 2. Ordinance No. 08-0410A amended the development standards but did not change the development plan. Ordinance No. 13-0523A updated the development plan by adding Tract 3A (Commercial) & 3B (Multi-Family Residential) on the western portion of the development and provided additional standards for the development of these tracts including a requirement that development of Tract 3B shall be with at least 10,000 square feet of commercial development on Tract 3A.

Adjacent Zoning/Existing Land Uses:

North: SH 114 right-of-way/two-lane (future) frontage roads with wide median for future freeway main lanes
South: City of Fort Worth/St. Peter's Lutheran Church with open space and single-family residential beyond
East: City of Roanoke/Undeveloped

West: Mixed-Use Planned Development (MPD)/Sonic restaurant, several hotels under construction, and one vacant pad site within the Texas Speedway Centre development

Comprehensive Plan Designation: The Future Land Use Map of the Comprehensive Plan shows this site within the Workforce Residential (WR) Character Area and the Highway Corridors (HC) Special Area. WR provides for the mixture of uses permitted in the MPD, including multi-family residential with a density up to 22 units per acre and neighborhood services, retail, commercial, and professional offices in a mixed use environment. HC provides for heavier commercial uses in context with nearby uses and may also include high-density residential such as apartments.

Requested Amendments: Chadwick Farms, Ltd., the owner/developer of Chadwick Farms, submitted an application to amend the MPD and presented this request to the Town Council on March 23rd at the Council workshop. The request is to amend the development plan for only Tracts 3A & 3B and to revise the several development standards primarily for the development of Tracts 3A & 3B.

Analysis: This next phase of development in Chadwick Farms is for the tracts referred to as Tract 3A and Tract 3B. Tract 3A is planned for approximately 49,300 square feet of commercial space including three pad sites on SH 114. Tract 3B is planned for multi-family residential development designed to be integrated with the adjacent Tract 3A commercial development with a minimum of 10,000 square feet of commercial development required with development of Tract 3B.

In order to accommodate an updated design to provide a new, more contemporary multi-family product to Northlake which addresses current market demands, the developer has requested an MPD amendment to modify some standards primarily for development of Tracts 3A & 3B. Renderings for the proposed buildings in the next phase are attached, and most of the development standards revisions are requested so that the proposed design shown on the renderings may be used. Other revisions are proposed for clarity or to provide better use of the property. Revisions to the amount of open space on a multi-family residential lot are off-set by the 20% of open space to be provided in the overall development which exceeds the 0-5% recommended for the WR Character Area. The requested reduction in parking to 1.8 spaces per unit closely matches the parking provided at existing multi-family residential developments such as Dry Creek Ranch Apartments. Finally, the revised Development Plan provides for only two more apartment units (249 instead of 247) yet it reduces the overall Tract 3B multi-family footprint to allow for an additional 5,700 square feet of commercial space on Tract 3A (49,300 sf instead of 43,600 sf).

Recommendation: Staff finds the proposed MPD amendment acceptable for approval based on its adherence to the Comprehensive Plan.

Attachments:

- Public Hearing Information – Notice, Buffer Map, & Contact List
- Proposed renderings
- Ordinance No. 17-0413B – Proposed MPD Amendment (with redline of Ex. B)



NOTICE OF PUBLIC HEARING

Notice is hereby given that the Northlake Town Council will hold a public hearing on Thursday, April 13, 2017, at a meeting to begin at 5:30 pm at Northlake Town Hall, 1400 FM 407, Northlake, Texas. The purpose of this hearing is to hear comments for or against an amendment to the Chadwick Farms Mixed-Use Planned Development (MPD), revising the development standards and the development plan, for the approximately 143.209-acre tract of land situated in the Lewis Medlin Survey, Abstract No. 830, generally located on the south side of SH 114 from approximately 1,000 feet east of IH 35W and continuing along the frontage of SH 114 to the eastern limits of the Town of Northlake at Cleveland-Gibbs Road. Chadwick Farms, LTD is the owner/applicant/developer. Goodwin and Marshall, Inc. is the engineer/surveyor. Case # PD-17-003.

ABOUT THIS REQUEST

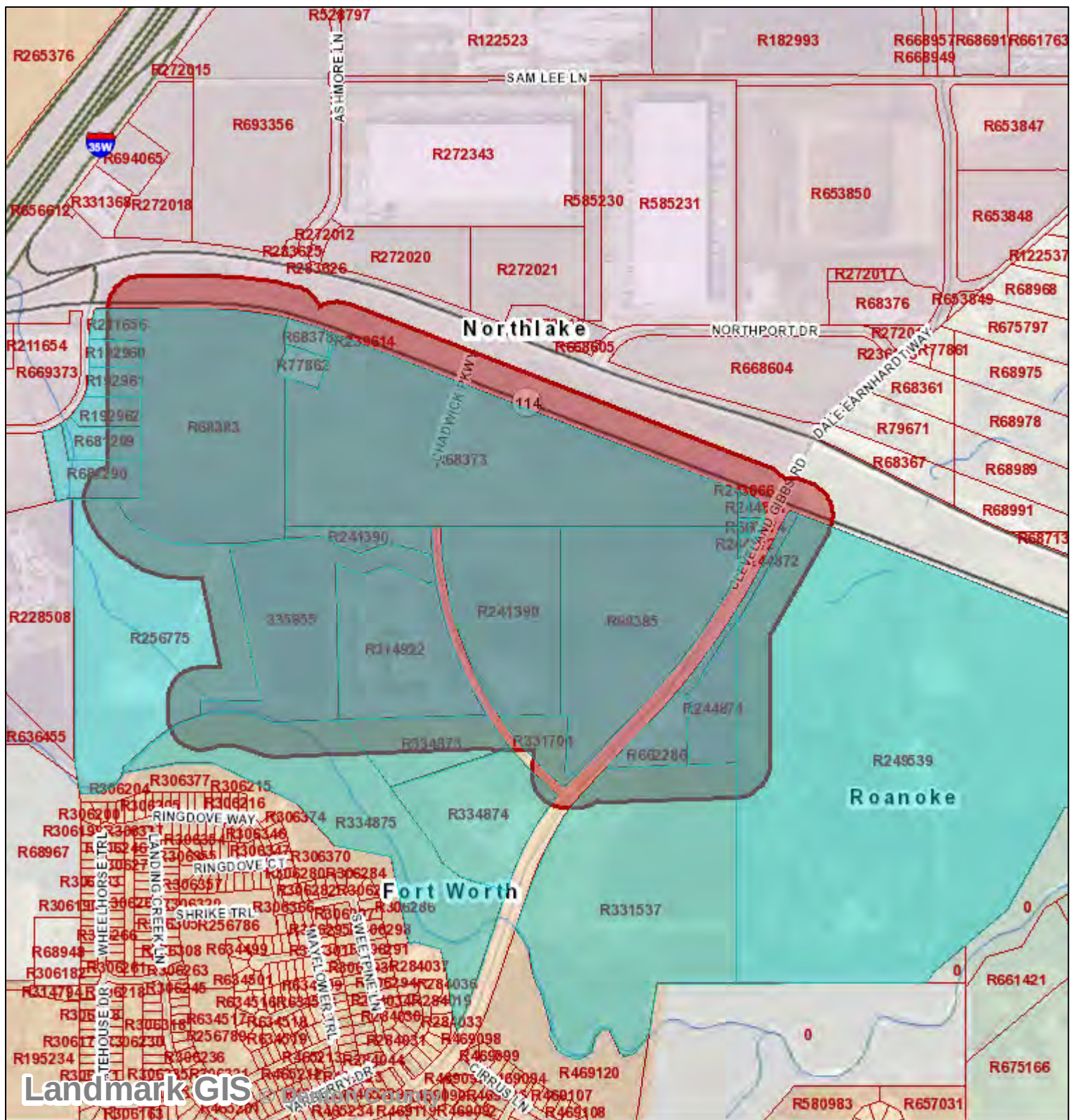
The proposed MPD amendment is currently under review. The revisions will be posted on the Town website www.town.northlake.tx.us under News & Notices upon completion of staff review. A copy of the proposed development plan is attached. If you would like more information or have any questions about this request, please contact Nathan Reddin, Development Director, at 940-242-5703 or nreddin@town.northlake.tx.us. You may also visit Northlake Town Hall between the hours of 8:00 am to 4:00 pm, Monday – Friday.

PUBLIC HEARING PROCESS

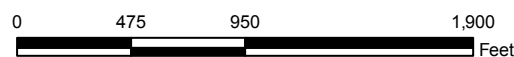
The public hearing process is designed to provide opportunities for citizen involvement and comment. The public hearing is held before the Town Council. During the public hearing, interested persons are asked to sign in and speak before the Town Council to provide comments for or against the request before the Town Council. Prior to the public hearing, Northlake landowners within two hundred (200) feet of the subject property are notified of the request by mailing of this notice thirty (30) days prior to the date of the public hearing. Notifications are also published in the Denton Record-Chronicle fifteen (15) days prior to the date of the public hearing.

WRITTEN RESPONSE PROCESS

You may also make your opinion known on this request by returning the enclosed Notification Response Form. Please return this form with your comments prior to the date of the public hearing. *This in no way prohibits you from attending and participating in the public hearing.* The Council is informed of the percentage of responses in support and in opposition of the request. If the owners of more than twenty (20) percent of the Northlake land area within two hundred (200) feet of the site submit written opposition, then a three-fourths majority (typically four (4) out of five (5) votes) of the Town Council is required to approve the request. ***These forms are used to calculate the percentage of landowner opposition.***



200 Foot Buffer - Map



<http://www.dentoncounty.com>

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Denton County does not guarantee the correctness or accuracy of any features on this product and assumes no responsibility in connection therewith. This product may be revised at any time without notification to any user.



Mailing List for Public Hearing Notices

Case Name: Chadwick Farms MPD Amendment
Case Type: Planned Development (PD) Amendment
Case Number: PD-17-003
Public Hearing Date: April 13, 2017

PROPERTY ID	OWNER NAME	OWNER ADDRESS	CITY	STATE	ZIP	LEGAL DESCRIPTION
OWNER	CHADWICK FARMS LTD	5300 TOWN AND COUNTRY BLVD STE 265	FRISCO	TX	75034	
SCHOOL	NORTHWEST ISD	PO BOX 77070	FORT WORTH	TX	76177	
R98954	TEXAS DEPARTMENT OF TRANSPORTATION RIGHT OF WAY DIVISION	4777 US HIGHWAY 80 E	MESQUITE	TX	75150	A0830A L. MEDLIN, TR 15
R211656	MHR LANDLORD LLC	5725 NW 132ND ST	OKLAHOMA CITY	OK	73142	TEXAS SPEEDWAY CENTRE BLK 2 LOT 1R
R244874	ESTATE OF BYRON NELSON THE	12221 MERIT DR STE 1400	DALLAS	TX	75251	A0830A L. MEDLIN, TR 14A
R314922	CHADWICK APARTMENTS PHASE I LTD	5300 TOWN AND COUNTRY BLVD STE 265	FRISCO	TX	75034	CHADWICK FARMS SUBDIVISION BLK 1 LOT 1
R662286	PREMIER ACADEMY- CHADWICK FARMS LLC	2205 GALLOWAY BLVD	TROPHY CLUB	TX	76262	PREMIER ACADEMY-NORTHLAKE BLK A LOT 1
MULTIPLE	NORTHLAKE HOTELS LLC	7701 LAS COLINAS RDG STE 250	IRVING	TX	75063	TEXAS SPEEDWAY CENTRE BLK 2 LOTS 2 & 3
R192962	SPEEDWAY HOTELS LLC	7701 LAS COLINAS RDG STE 250	IRVING	TX	75063	TEXAS SPEEDWAY CENTRE BLK 2 LOT 4
R681289	MOTOR SPEEDWAY PARTNERS	5953 DALLAS PKWY STE 200	PLANO	TX	75093	TEXAS SPEEDWAY CENTRE BLK 2 LOT 5R2
R681290	PEGASUS HOTELS LLC	433 LAS COLINAS BLVD E STE 860	IRVING	TX	75039	TEXAS SPEEDWAY CENTRE BLK 2 LOT 5R1



NOTIFICATION RESPONSE FORM

Form revised 9/14/2011

CASE INFORMATION

Public Hearing Date: April 13, 2017, 5:30 pm
Case Type: Planned Development (PD) zoning change
Case Name: Chadwick Farms MPD Amendment
Case #: PD-17-003

WRITTEN RESPONSE

Please check one: ☐ In favor of request ☐ Neutral/Undecided on request ☒ Opposed to request

Comments (optional):

THE DENSITY OF THE PLAN IS TOO HIGH. THE ADDED AMOUNTS WILL OVERWHELM THE INFRASTRUCTURE. I WOULD LIKE TO SEE FEWER HOMES PROPOSED IN THIS PLAN. I KNOW THAT DEVELOPMENT IS GOING TO HAPPEN, BUT DON'T LIKE THIS DENSITY PLAN. TRAFFIC, TRAFFIC, TRAFFIC.

Signature: Thomas E. Dudark Date: 4-4-17
Printed Name: THOMAS E. DUDARK
Address: [REDACTED] City/State/ZIP: NORTH LAKE, TX
Phone number: [REDACTED]

RETURN COMPLETED FORM VIA EMAIL, FAX OR HAND DELIVERY BEFORE THE START OF THE SCHEDULED PUBLIC HEARING.

RETURN RESPONSES AND/OR DIRECT QUESTIONS TO:

Town of Northlake
Development Director
Email: nreddin@town.northlake.tx.us
Phone: 940-242-5703
Fax: 940-648-0363

Address:
1400 FM 407
Northlake, Texas 76247

FOR OFFICE USE ONLY

Stamp Received
RECEIVED
APR 07 2017
BY: [Signature]

Property within notification area: ☐ Yes ☒ No
Property ID: _____
Property Size: _____





ORDINANCE NO. 17-0413B

AN ORDINANCE AMENDING ORDINANCE NO. 13-0523A BEING A MIXED-USE PLANNED DEVELOPMENT ZONING DISTRICT AS AMENDED; AMENDING THE ZONING CLASSIFICATION AND DEVELOPMENT STANDARDS OF CERTAIN PROPERTY IN THE TOWN OF NORTHLAKE AS DESCRIBED IN EXHIBIT ‘A’; BEING MORE PARTICULARLY DESCRIBED AS A 143.209 ACRE TRACT OF LAND OUT OF THE LEWIS MEDLIN SURVEY, ABSTRACT 830, IN THE TOWN OF NORTHLAKE, DENTON COUNTY, TEXAS; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Northlake, as an incorporated municipality in the State of Texas, has been given the authority by Chapter 211 of the Local Government Code to establish zoning and amend zoning in accordance with Chapter 211; and

WHEREAS, the Town Council of the Town of Northlake, Texas heretofore adopted Ordinance No. 13-0523A establishing the zoning of Mixed-Use Planned Development District “MPD” for a 143.209 acre tract of land located in the Lewis Medlin Survey A. 830 in the Town of Northlake, Denton County, Texas; and

WHEREAS, Ordinance No. 13-0523A contained development standards which regulate and restrict the location and use of buildings, structures, and land for trade, industry, residence, and other purposes, and provides for the establishment of zoning districts of such number, shape and area as may be best suited to carry out these regulations; and

WHEREAS, the Town of Northlake has received a request to amend the development plan and development standards included in Ordinance No. 13-0523A, the same being the established “MPD” Mixed-Use Planned Development District; and

WHEREAS, all requirements of Chapter 211 of the Local Government Code, and all other laws dealing with notice, publication and procedural requirements for rezoning of the property have been complied with; and

WHEREAS, a public hearing was held by the Town Council of the Town of Northlake on April 13, 2017 with respect to the zoning changes described herein; and

WHEREAS, the Town Council of the Town of Northlake does hereby deem it advisable and in the public interest to amend Ordinance No. 13-0523A being a “MPD” Mixed-Use Planned Development District.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NORTHLAKE, TEXAS:

SECTION 1

Ordinance No. 13-0523A is hereby amended so that the Mixed-use Planned Development District “MPD” Development Standards are amended to be as provided in Exhibit “B” and the conceptual Development Plan is amended as provided in Exhibit “C” attached hereto.

SECTION 2

The use of the property described in Exhibit “A” shall be subject to all applicable regulations contained in the Development Standards provided in Exhibit “B”, the Unified Development Code and all other applicable and pertinent ordinances of the Town of Northlake.

SECTION 3

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the Town of Northlake, and this ordinance shall not operate to repeal or affect the Code of Ordinances of the Town of Northlake or any other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such Code of Ordinances or any other ordinances are hereby repealed.

SECTION 4

It is hereby declared to be the intention of the Northlake Town Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court or competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since same would have been enacted by the Town Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 5

Any person, firm, association of persons, corporation or other organization violating the provisions of this ordinance shall be deemed to be guilty of a misdemeanor and, upon conviction, shall be fined an amount not to exceed \$2,000.00. Each day that a violation continues shall be deemed a separate offense.

SECTION 6

This ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the laws of the State of Texas.

PASSED AND APPROVED on this the 13th day of April 2017.

Peter Dewing, Mayor

ATTEST:

Shirley Rogers, Town Secretary

EXHIBIT A

PROPERTY DESCRIPTION

BEING a tract of land in the Lewis Medlin Survey, Abstract No. 830, situated in the Town of Northlake, Denton County, Texas and being a portion of those tracts conveyed to Chadwick Farms, Ltd. by deeds recorded in Volume 4815, Page 789, Volume 4861, Page 1173, Volume 4387, Page 566 and Volume 4684, Page 836, all of the Deed Records of Denton County, Texas (DRDCT) and being more particularly described as follows:

BEGINNING at a 5/8" iron pin found, said iron pin also being the northwest corner of said Chadwick Farms, Ltd. tract recorded in Volume 4684, Page 836, said iron pin also being on the south right-of-way line of said State Highway No. 114;

THENCE South 89 deg. 53 min. 01 sec. East, along the north line of said Chadwick Farms, Ltd. tract recorded in Volume 4684, Page 836 and along the south right-of-way line of said State Highway No. 114, a distance of 451.20 feet, said point being the point of curvature of a circular curve to the right having a radius of 1859.86 feet, a central angle of 13 deg. 22 min. 01 sec. and being subtended by a chord which bears South 83 deg. 10 min. 52 sec. East, 432.92 feet;

THENCE along the north line of said Chadwick Farms, Ltd. tract recorded in Volume 4684, Page 836 and along the south right-of-way line of said State Highway No. 114 and along said curve to the right, a distance of 433.90 feet to a 5/8" iron pin found, said iron pin being the northeast corner of said Chadwick Farms, Ltd. tract recorded in Volume 4684, Page 836, said iron pin also being the northwest corner of a tract of land conveyed to Brazos Electric Power Cooperative, Inc. by deed recorded in Volume 366, Page 338 and Volume 1042, Page 439, DRDCT;

THENCE South 00 deg. 52 min. 58 sec. East, departing the south right-of-way line of said State Highway No. 114, along the east line of said Chadwick Farms, Ltd. tract recorded in Volume 4684, Page 836 and along the west line of said Brazos Electric Power Cooperative tract, a distance of 177.37 feet, said point being the northernmost corner of a tract of land conveyed to Brazos Electric Power Cooperative, Inc. by deed recorded in Volume 2798, Page 868, DRDCT;

THENCE South 16 deg. 34 min. 48 sec. West, along the east line of said Chadwick Farms, Ltd. tract recorded in Volume 4684, Page 836 and the west line of said Brazos Electric Power Cooperative tract, a distance of 143.37 feet;

THENCE South 68 deg. 26 min. 16 sec. East, along the east line of said Chadwick Farms, Ltd. tract recorded in Volume 4684, Page 836 and the west line of said Brazos Electric Power Cooperative tract, a distance of 46.55 feet to a 1" iron pin found, said iron pin being on the west line of a tract of land conveyed to Chadwick Farms, Ltd. by deed recorded in Volume 4815, Page 789, DRDCT;

THENCE South 72 deg. 23 min. 29 sec. East, along the west line of said Chadwick Farms, Ltd. tract recorded in Volume 4815, Page 789 and the south line of a tract of land conveyed to Brazos

Electric Power Cooperative by deeds recorded in Volume 366, Page 338 and Volume 1042, Page 439, a distance of 201.25 feet to a 5/8" iron pin found;

THENCE North 17 deg. 52 min. 53 sec. East, a distance of 149.91 feet;

THENCE North 18 deg. 29 min. 10 sec. East, a distance of 162.85 feet, said point also being on the south right-of-way line of said State Highway No. 114 ;

THENCE South 68 deg. 43 min. 15 sec. East along the south right-of-way line of said State Highway No. 114, a distance of 2623.47 feet;

THENCE South 69 deg. 14 min. 48 sec. East along the south right-of-way line of said State Highway No. 114, a distance of 80.16 feet;

THENCE South 69 deg. 00 min. 19 sec. East along the south right-of-way line of said State Highway No. 114 East, a distance of 124.94 feet;

THENCE South 26 deg. 28 min. 27 sec. West, a distance of 266.23 feet, said point also being the Point of Curvature of a circular curve to the right having a radius of 4000.00 feet, a central angle of 17 deg. 05 min. 33 sec. and being subtended by a chord which bears South 35 deg. 01 min. 13 sec. West, 1188.87 feet;

THENCE along said curve to the right, a distance of 1193.29 feet;

THENCE South 43 deg. 34 min. 00 sec. West, tangent to said curve, a distance of 428.80 feet;

THENCE South 88 deg. 05 min. 55 sec. West, along the south line of said 32.582 acre Chadwick Farms, Ltd. tract recorded in Volume 4861, Page 1173 and along a north line of said Chadwick Holdings Tract One, a distance of 161.10 feet to a 1/2" iron pin found, said iron pin being the southwest corner of said 32.582 acre Chadwick Farms, Ltd. tract recorded in Volume 4861, Page 1173;

THENCE North 00 deg. 37 min. 34 sec. East, along the west line of said 32.582 acre Chadwick Farms, Ltd. tract recorded in Volume 4861, Page 1173 and along a north line of said Chadwick Holdings Tract One a distance of 340.33 feet, said point being the southeast corner of the Chadwick Farms, Ltd. tract recorded in Volume 4387, Page 566;

THENCE South 88 deg. 05 min. 38 sec. West, along the south line of said Chadwick Farms, Ltd. tract recorded in Volume 4387, Page 566 and along the north line of Tract One and Tract Two of said Chadwick Holdings tracts, a distance of 1754.92 feet;

THENCE North 68 deg. 21 min. 28 sec. West, along the south line of said Chadwick Farms, Ltd. tract recorded in Volume 4387, Page 566 and along the north line of Tract Two of said Chadwick Holdings tracts, a distance of 44.86 feet;

THENCE North 11 deg. 31 min. 07 sec. West, a distance of 1048.53 feet;

THENCE South 82 deg. 47 min. 23 sec. West, a distance of 156.72 feet, said point also being the Point of Curvature of a circular curve to the right having a radius of 448.07 feet, a central angle of 78 deg. 37 min. 53 sec. and being subtended by a chord which bears North 57 deg. 53 min. 40 sec. W, 567.79 feet;

THENCE along said curve to the right, a distance of 614.92 feet;

THENCE North 89 deg. 48 min. 05 sec. East, a distance of 97.12 feet;

THENCE North 00 deg. 43 min. 18 sec. West along the west line of said Chadwick Farms, Ltd. tract recorded in Volume 4684, Page 836, a distance of 1092.93 feet to the Point of Beginning and containing 6,238,165 square feet or 143.209 acres of land, more or less.

EXHIBIT B
+/- 143.209 ACRES

MPD, Mixed-Use Planned Development District

1.00 Tract 1 - Multi-Family Residential (Approximately 45.015 acres)

1.01 **General Description:** The multi-family residential tract is intended to provide for a high quality medium density development. These multi-family units are attached units. Access shall be provided from private access drives or parking areas connecting to adjacent public streets. These multi-family units will range from 2 units per building to 24 units per building. Units within multi-family residential facilities restricted to the uses of retirement housing and assisted living may be located within a single building or multiple buildings with greater than 24 units per building. Requirements for multi-family development shall be governed by standards as described below.

1.02 **Permitted Uses:** Land uses permitted within the Multi-Family Residential areas, indicated as Tract 1, are as follows:

1. Multi-Family Residential units as described herein;
2. The following uses shall be included as a multi-family residential development:
 - a. Retirement Housing, which shall be defined as “A residential facility principally designed for persons 55 years of age or older.” This does not include “Convalescent and nursing homes, hospice care, and related institutions” use as defined in the Unified Development Code. Such uses may be allowed with approval of a Specific Use Permit.
 - b. Assisted Living Facility, which shall be defined as “A facility providing residence, supervision and daily assistance for individuals, generally persons 55 years of age or older, with common dining and recreational areas designed for the needs of the elderly. Services in these establishments include assistance with routine living functions that are non-medical in nature, such as dressing, grooming, bathing and social and recreational services, such as meal services, transportation, housekeeping, linen and organized social activities.”
 - c. Accessory Buildings as defined in Section 1.15.6.

1.03 **Density:** The overall allowed density for Tract 1 shall be 16 units per gross area, including the floodplain area.

1.04 **Minimum Lot Area:** 20,000 square feet

1.05 **Minimum Lot Width:** 100 feet

1.06 **Minimum Front Yard:** 30 feet for one story principle structure
40 feet for two story principle structure
50 feet for three story principle structure

- 1.07 **Minimum Side and Rear Yards:** 25 feet for one, two and three story principle structures
- 1.08 **Minimum Building Separation:** 15 feet
- 1.09 **Minimum Floor Area Per Dwelling Unit:**
1. Multi-Family Residential Uses
 - a. 650 square feet - 1 Bedroom
 - b. 900 square feet - 2 Bedroom
 - c. 1100 square feet - 3 Bedroom
 - d. 200 square feet - Each additional bedroom
 2. Retirement Housing and Assisted Living Uses
 - a. 330 square feet – Studio Apartment
 - b. 560 square feet – Shared Unit/Apartment
 - c. 720 square feet - 2 Bedroom
 - d. 110 square feet - Each additional bedroom
- 1.10 **Maximum Lot Coverage:** 35%, excluding accessory buildings
- 1.11 **Maximum Height:** The permitted height of all multi-family structures shall not exceed three (3) stories, or forty five (45) feet to the mean point of the roof, whichever is greater.
- 1.12 **Building Materials:** The exterior building materials shall be a minimum of eighty percent (80%) masonry product (including stucco), exclusive of windows and doors. A minimum of two exterior materials shall be included on every facade. Hardi-plank may be used above the first story and may be credited as an alternative construction material for up to 30% of the total 80% masonry requirement. Hardi-plank may also be used within all breezeways and patios, including the first story. Alternative materials may be approved at the time of Site Plan approval. The development in its entirety shall be consistent with the design theme of its various parts. No metal roofs shall be permitted with the exception of standing-seam metal roofs, which shall be approved in conjunction with the Site Plan.
- 1.13 **Required Open Space:** The minimum amount of required open space for any multi-family lot shall be 20% of the area of the lot, net of floodplain and adjacent right-of-way.
- 1.14 **Parking Requirements:**
1. Multi-Family Residential: The minimum parking requirement shall be two (2) nine (9) foot by eighteen (18) foot parking spaces per unit. All parking shall meet the requirements of the Americans with Disabilities Act (ADA). Parking areas shall be paved with concrete or asphalt and graded to drain appropriately. No head in parking shall be permitted to overhang over any landscaped areas. Twenty percent (20%) of the total required parking spaces, as defined above, shall be covered. Said 20% may be a mix of car ports and enclosed garages. In the event an apron is provided in front of the enclosed garages, it shall be counted as a parking space.

2. Retirement Housing and Assisted Living Uses: The minimum parking requirement shall be 0.6 parking spaces sized nine (9) foot by eighteen (18) foot parking spaces per unit. All parking shall meet the requirements of the Americans with Disabilities Act (ADA). Parking areas shall be paved with concrete or asphalt and graded to drain appropriately. No head in parking shall be permitted to overhang over any landscaped areas.
3. Except for the immediate loading and unloading, the parking of recreational vehicles, trailers, and boats shall be prohibited.

1.15 Miscellaneous Multi-Family Residence Provisions:

1. All private balconies shall have lockable, enclosed storage areas.
2. A concrete, stone, masonry or decorative metal wall not greater than six feet (6') in height may be erected in the front yard provided, however, that a minimum of fifty percent (50%) of the wall shall be open construction. Alternatively, an eight foot (8') wall may be constructed, being a combination of masonry and wrought-iron or tubular steel, such that the bottom portion of the wall may be masonry for a height of no more than four and one half feet (4 1/2'), with wrought-iron or tubular steel on top. Further, fences and walls must be constructed in accordance with the Unified Development Code of the Town of Northlake in effect at the time of final Site Plan approval. Solid masonry fences without at least 50% open construction and chain link fences shall be prohibited.
3. All trash collection, storage facilities and loading docks should be located in the rear of the property whenever possible and all such facilities shall be enclosed or screened on a minimum of three sides by the use of masonry walls or plant materials approved by the Town of Northlake at the time of final Site Plan approval.
4. Landscaping shall be provided in accordance with the requirements of the Unified Development Code of the Town of Northlake, including the provision of irrigation. The owner is responsible for maintenance of all required landscaping.
5. Restricted Entry. Entry to the multi-family development may be restricted by the use of gates, the exact location of which shall be approved by the Town of Northlake at the time of final Site Plan approval.
6. Accessory Buildings. An accessory building is a subordinate or incidental building, attached to or detached from the main building, that does not have separate kitchen facilities, is not used as a dwelling or living quarters, and is not used for commercial purposes or financial gain. Accessory buildings may have water and sanitary sewer service and may be climate controlled. Accessory buildings shall include but are not limited to the following: detached garages, carports, general apartment maintenance buildings, storage sheds and trash collection and storage facilities. Except for carports and the maintenance building, all accessory buildings shall be constructed of the same building materials as the primary buildings as set forth in Section 1.12 above. Accessory buildings may not be permitted without a primary structure. In addition, accessory buildings shall follow the following criteria:

- | | | |
|----|-------------------------------------|----------------|
| a. | Minimum Front Yard Set Backs | 50 feet |
|----|-------------------------------------|----------------|

- | | | |
|----|---|----------------|
| b. | Minimum Rear and Side Yard Set Backs | 10 feet |
| c. | Minimum Building Separation | 10 feet |

The aforementioned set backs shall be measured to the building walls. Roof overhangs shall be permitted to fall within the defined setbacks.

2.00 Tract 2 - Commercial (Approximately 75.879 Acres)

2.01 **General Description:** The Commercial areas will provide the ability to encourage and to accommodate the development of office, retail, and commercial service centers within growth corridors located along State Highway 114.

2.02 **Permitted Uses:** The following uses shall be permitted in the Commercial areas, subject to compliance with all applicable conditions contained within the Unified Development Code of the Town of Northlake:

- Accessory building or structure
- Amusement: commercial, indoor
- Auto gasoline fuel sales
- Antique shop
- Appliance sales or rentals
- Art supply store
- Auto gasoline or motor fuel sales
- Auto glass, seat cover, muffler shop
- Auto laundry/car wash
- Auto parts and accessory sales, no outside storage
- Auto repair garage, indoor only
- Auto/truck rental service
- Bakery or retail confectioner
- Bank / financial institution
- Building materials sales
- Cabinet or upholstery shop
- Child care center
- Contractor: electrical, mechanical, plumbing, no outside storage
- Convenience store with automotive fuel sales
- Convenience store without automotive fuel sales
- Custom personal shop
- Department store
- Drapery, sewing, or weaving shop
- Drugstore or pharmacy
- Florist shop
- Furniture or appliance store
- Greenhouse or nursery
- Grocery store
- Handicraft shop and art objects
- Hardware or hobby shop
- Health and fitness studio
- Hotel or motel
- Key shop
- Laboratory, medical or dental

- Laundry/dry cleaning: pick up and/or self service
- Lithography or print shop
- Mini-warehouse
- Mortuary or funeral home
- Motorcycle sales and repair, indoor only
- Movie theater or indoor play house
- Musical instrument sales and manufacturing
- Office, business or professional
- Office, medical or dental
- Paint store
- Parking lot or structure
- Pet shop
- Photographer and/or artist studio
- Photographic print shop
- Plumbing shop, without outside storage
- Recreation or health club
- Repair and maintenance services for buildings
- Repair, household appliance
- Repair, small engine
- Restaurant, with drive-in service
- Restaurant, without drive-in service
- Retail specialty shop
- Retail, variety or similar store
- Roller or ice rink
- School, business
- Sewage pumping station
- Shopping center or mall
- Studio, music, dance, and/or drama
- Telephone exchange, switching, relay, or transmission station
- Tool rental
- Veterinarian hospital, indoor only
- Veterinarian, office only
- Veterinarian supply store
- Video/game rental store

2.03 **Specific Uses:** The following use shall be permitted in the Commercial areas only upon approval of a Specific Use Permit by the Town Council in accordance with the procedures and standards of Section 5.11, Specific Use Permit (SUP) of Article 5, Unified Development Code of the Town of Northlake:

- Private club
- Petroleum or gas well

2.04 **Prohibited Uses:** The use of portable storage freight containers shall be prohibited.

~~2.05 **Maximum Floor Area Ratio:** The maximum floor area ratio shall be 1:1.~~

2.05 **Maximum Floor Area Ratio:** The maximum floor area ratio shall be 1:1.

2.06 **Required Parking:** The minimum parking requirements shall be consistent with those requirements outlined in Article 10, Parking and Loading Standards of the Unified Development Code of the Town of Northlake except as otherwise provided herein. All parking spaces shall be a minimum of nine (9) feet by eighteen (18) feet in size. All parking areas shall be constructed of concrete paving and be curbed and graded to drain appropriately. No head in parking shall be permitted to overhang any landscaped areas. The parking lot shall be subject to the landscape regulations of the Unified Development Code of the Town of Northlake including, but not limited to, the provision of a landscaped strip along public-right-of-way and landscape islands. No seasonal, outdoor sales shall be permitted within any required parking area except for temporary vending in accordance with Article 4.200 Temporary Vending of Chapter 4 of the Town of Northlake Code of Ordinances. Any proposed seasonal, outdoor sales areas must be clearly identified at the time of final Site Plan submittal and approved by the Town of Northlake.

2.07 **Shared Parking:** It is anticipated that the commercially zoned property will have a variety of different uses. Therefore, it is expected that opportunities for shared parking may exist within the project in order to reduce the overall number of parking places otherwise required. At such time as opportunities for shared parking are identified, the owner(s) of all affected properties shall submit proposed shared parking agreements to the Town of Northlake for review and approval. Such agreements shall be signed by all owners and affected parties. If the Town approves a shared parking agreement, such approval shall be conditioned on the uses contained in the shared parking agreement. Any change of use shall require re-submittal, review and approval by the Town of Northlake.

2.08 **Building Materials:** The exterior building materials shall be a minimum of eighty percent (80%) masonry (stucco, stone, brick, fiber cement), exclusive of windows and doors. Alternative materials may be approved at the time of Site Plan approval. The development in its entirety shall be consistent with the design theme of its various parts. No metal roofs shall be permitted with the exception of standing seam metal roofs, which shall be approved in conjunction with the Site Plan.

2.09 **Building Height:** No Commercial building shall exceed two (2) stories or forty five (45) feet in height, whichever is greater.

2.10 **Building Articulation:** Building facades shall meet the following minimum standards for articulation:

1. **Horizontal Articulation:** No building wall-front elevation shall extend for a distance equal to ~~two~~ three (3) times the wall's height without having an offset of ~~15~~ 10% of the wall's height, and that new plane shall extend for a distance equal to at least 25% of the maximum length of the first plane.

2. **Vertical Articulation:** No ~~horizontal wall~~front elevation shall extend horizontally for a distance greater than ~~two-three~~ (3) times the height of the wall without changing ~~height~~vertically by a minimum of ~~45~~10% of the wall's height.
- 2.11 **Minimum Lot Area:** None.
- 2.12 **Minimum Lot Width:** None.
- 2.13 **Minimum Lot Depth:** None.
- 2.14 **Maximum Lot Coverage:** In no case shall more than fifty percent (50%) of the total lot area be covered by the combined area of the main buildings. Parking structures and surface parking facilities shall be excluded from the coverage computations.
- 2.15 **Minimum Front Yard:** The minimum front yard shall be thirty (30) feet.
- 2.16 **Minimum Side Yard:** The minimum side yard requirements shall be consistent with those requirements outlined for the Commercial (C) zoning district in Section 5.6 Dimensional and Developmental Standards Summary of Article 5 of the Unified Development Code of the Town of Northlake.
- 2.17 **Minimum Rear Yard:** The minimum rear yard requirements shall be consistent with those requirements outlined for the Commercial (C) zoning district in Section 5.6 Dimensional and Developmental Standards Summary of Article 5 of the Unified Development Code of the Town of Northlake.
- 2.18 **Screening Requirements:**
 1. **Mechanical Equipment:** All mechanical equipment such as gas meters, electrical panels, HVAC equipment and similar devices shall be screened from parking and off-site view.
 2. **Trash Collection, Storage Facilities, and Loading Docks** shall be screened from view of parking areas located in front of buildings. Unless approved by the Town of Northlake Town Council or its designee, all trash collection, storage facilities and loading docks should be located in the rear of the property whenever possible. All such facilities shall be enclosed or screened on a minimum of three sides by the use of masonry walls or plant materials approved by the Town of Northlake at the time of final Site Plan approval.
 3. **Screening Fences and/or Walls:** If it is determined during final Site Plan approval that screening fences and/or walls are necessary for the phase of development under consideration, such fences and/or walls shall be constructed by the commercial developer prior to the issuance of a Certificate of Occupancy for the phase of development under construction. For security purposes, such fences shall be concrete, stone, or masonry, and shall not exceed eight feet (8') in height. All screening fences and walls shall be architecturally compatible with the colors and materials of the accompanying building. All screening fences and/or walls shall

be constructed in accordance with the requirements of the Unified Development Code of the Town of Northlake.

2.19 Landscaping.

1. Landscaping shall be provided in accordance with the requirements of the Unified Development Code of the Town of Northlake, including the provision of irrigation. The owner is responsible for maintenance of all required landscaping.
2. It is the intent of the developer to utilize the existing open space and natural screen along the rear boundary of the commercial phases of the development. However, if it is determined by the Town of Northlake in conjunction with the approval of the final Site Plan that insufficient natural screening exists between the open space and the adjacent commercial property, a landscape buffer a minimum of twelve feet (12') wide shall be provided. Trees a minimum of three inches (3") in caliper shall be provided at a ratio of one (1) tree per two hundred and fifty (250) square feet of buffer area. Understory plants (shrubs, bushes, etc) shall be provided in order to sufficiently screen the commercial area from the open space when the landscape material reaches maturity. Screening shall be maintained at all times to these specifications by the property owner.

3.00 PLANNED DEVELOPMENT - GENERAL CONDITIONS

- 3.01 **Sign Restrictions:** Sign Restrictions shall be consistent with those requirements outlined in Article 11, Signs, of the Unified Development Code of the Town of Northlake, except that the following signs shall be prohibited:
- Pole/Pylon Signs
 - Moving Signs
 - Vehicle Signs
 - Any type of flashing sign
- 3.02 **Emergency Vehicle Accessibility:** A twenty-four (24) foot fire lane shall be provided in the commercial and multi-family portions of the property in accordance with the adopted Fire Code of the Town of Northlake. Adequate turnaround areas shall be provided if there are any dead ends in the Site Plan.
- 3.03 **Driveways:** A maximum of eight (8) driveway connections shall be allowed to State Highway 114, with four (4) located east of the proposed Chadwick Parkway, and four (4) located west of the proposed Chadwick Parkway. Cross access agreements shall be required among all commercial properties in order to provide for shared access to the driveways. Proof of such cross access easements shall be provided to the Town of Northlake prior to the issuance of a building permit in each commercial area. For the purposes of this restriction, Cleveland-Gibbs Road and Chadwick Parkway are not considered driveways, and shall not count against the eight (8) allowed access points. All driveway connections to State Highway 114 are subject to approval of the Texas Department of Transportation.
- 3.04 **Utility Lines:** With the exception of the Brazos Electric Cooperative transmission line along the north boundary line of the property, all utility lines (electricity, phone, gas, cable, etc.) shall be placed underground.
- 3.05 **Roadways:**
1. Cleveland-Gibbs Road: Cleveland-Gibbs Road shall be a divided four lane major arterial within a 100 foot right-of-way.
 2. Chadwick Parkway: Chadwick Parkway, as depicted on the Development Plan, shall be a forty one (41) foot roadway within a sixty (60) foot right-of-way.
- 3.06 **Open Space:**
1. All floodplain and floodways contained within the proposed development shall be included in defined open space areas.
 2. The exact size and configuration of the open space depicted on the development plan shall be determined in conjunction with the adjacent city, state, and federal entities, to be finalized in conjunction with the approval of the final Site Plan of the project by the Town of Northlake. Open space areas shall be maintained by the property owner. Open space areas outside of the multi-family area as designated on the development plan shall be open and accessible to the general

public. The minimum amount of open space required to be preserved at full build out of the development is 20%.

3. Multi-purpose trail connections shall be made through the open space, so as to interconnect with the parks and open space system located within the City of Fort Worth.
4. A multi-purpose trail and/or sidewalk connection shall be made between the multi-family portions of the project and shall provide pedestrian access and connectivity from the multi-family areas to adjacent commercial areas of the development.

4.00 SITE LIGHTING STANDARDS

4.01 Outdoor Lighting Plan

An Outdoor Lighting Plan must be submitted with any required site plan or landscape plan on all public or private properties, including rights- of-way, public easements, franchises, and utility easements. Said Outdoor Lighting Plan shall be submitted prior to issuing a building permit and must be approved by the Town Council in conjunction with final Site Plan approval. Plans shall include the following:

1. A layout of the proposed fixture locations.
2. The light source.
3. The luminous area for each proposed light source.
4. The type and height of the light fixture or of the light source above grade.
5. The type of illumination.

4.02 General

1. All building lighting for security or aesthetics will be fully shielded type, not allowing any upward distribution of light. Wallpack type fixtures shall be fully shielded.
2. Relative to landscaping or building lighting, high pressure sodium, metal halide, or mercury vapor sources may not exceed 175 watts, and incandescent sources may not exceed 300 watts.
3. Relative to parking lots and vehicle movement areas, lighting in cut-off type fixtures shall not exceed a maximum of 400 watts.
4. Display, building, and aesthetic lighting must be externally lit from the top and shine downward.
5. Shielding shall be required in all outdoor lighting installations as specified below.

<u>Lamp Type</u>	<u>Shielding</u>
Low Pressure Sodium (LPS)	Fully Shielded
High Pressure Sodium (HPS)	Fully Shielded
Metal Halide	Fully Shielded
Mercury Vapor	Prohibited
Fluorescent	Partially or Fully Shielded
Incandescent (150 watts/fixture)	Partially or Fully Shielded
Incandescent (<150 watts/fixture)	Partially or Fully Shielded
Any light source <50 watts	Unshielded Permitted
Low intensity Neon, Krypton or Argon Discharge Tubes	Unshielded Permitted

4.03 Non-residential

1. All non-essential lighting shall be turned off after business hours, leaving only necessary lighting for site security.
2. Floodlight, accent, aesthetic and security lights must be fully shielded and no uplighting shall be permitted except that lighting of 50 watts or less is excepted if necessary for security purposes.

4.04 Prohibited

1. Laser Source Light. The use of laser source light or any similar high intensity light for outdoor advertising or entertainment, when projected above the horizontal is prohibited.
2. Searchlights: The operation of searchlights for advertising purposes is prohibited.
3. Floodlights: The use of floodlights is prohibited.
4. Up-lighting of any display, building and aesthetic lighting is prohibited.

4.05 Exemptions

1. All temporary emergency lighting required by the Police or Fire Departments or other emergency services, as well as vehicular luminaries.
2. All hazard warning luminaries required by Federal regulatory agencies, except that all luminaries used must be red and must be shown to be as close as possible to the Federally required minimum lumen output requirement for the specific task.
3. Any luminaire of 50 watts or less provided the accumulated illumination of 50 watt luminaries does not exceed 50 watts.
4. Seasonal decorative lighting.

4.06 Temporary Exemptions. The Town Council or its designee may approve temporary exemptions from these requirements for a period not exceeding 30 days.

5.00 Development Schedule

- 5.01 Cleveland-Gibbs Road has been completed.
- 5.02 Chadwick Parkway has been completed.
- 5.03 Work on Tracts 3A and 3B should commence in ~~2014~~2017 and will take approximately 6-9 months to complete the first phase of Tract 3A and all of Tract 3B.
- 5.04 Plans are for the entire project to be completed as market conditions dictate.

6.00 Tract 3A - Commercial (Approximately ~~6.64~~7.859 Acres)

- 6.01 **General Description:** The Commercial areas will provide the ability to encourage and to accommodate the development of office, retail, and commercial service centers within growth corridors located along State Highway 114 in conjunction with the development associated with Tract 3B.
- 6.02 **Permitted Uses, Restrictions and Guidelines:** All uses, restrictions and guidelines established in Sections 2.02 to 2.19 shall apply to this tract.
- 6.03 **Access and Connectivity:** In conjunction with development of Tract 2, vehicular access and connectivity shall be provided to this Tract and Tract 3B via a minimum twenty-four (24) foot wide driveway contained within a cross access easement between the properties. Such easement and driveway shall continue to a stub out to the adjacent property at the western boundary of the Tract. Pedestrian access and connectivity shall be provided between this Tract and the adjacent Tract 3B and the other multi-family portions of the project via multi-purpose trail and/or sidewalk connections. Such connectivity shall be identified on the final Site Plan to be approved by the Town Council.

7.00 Tract 3B - Multi-Family Residential (Approximately ~~15.674~~14.456 Acres)

7.01 General Description: The multi-family residential tract is intended to provide for a high quality medium density development. These multi-family units are attached units. Access shall be provided from private access drives or parking areas connecting to adjacent public streets. These multi-family units will range from 2 units per building to ~~24~~100 units per building. Requirements for multi-family development shall be governed by standards as described above and shall be constructed with at least 10,000 SF of commercial development located within Tract 3A.

7.02 Permitted Uses, Restrictions and Guidelines: All uses, restrictions and guidelines established in Sections 1.02 to 1.15 shall apply to this tract except as provided in this section.

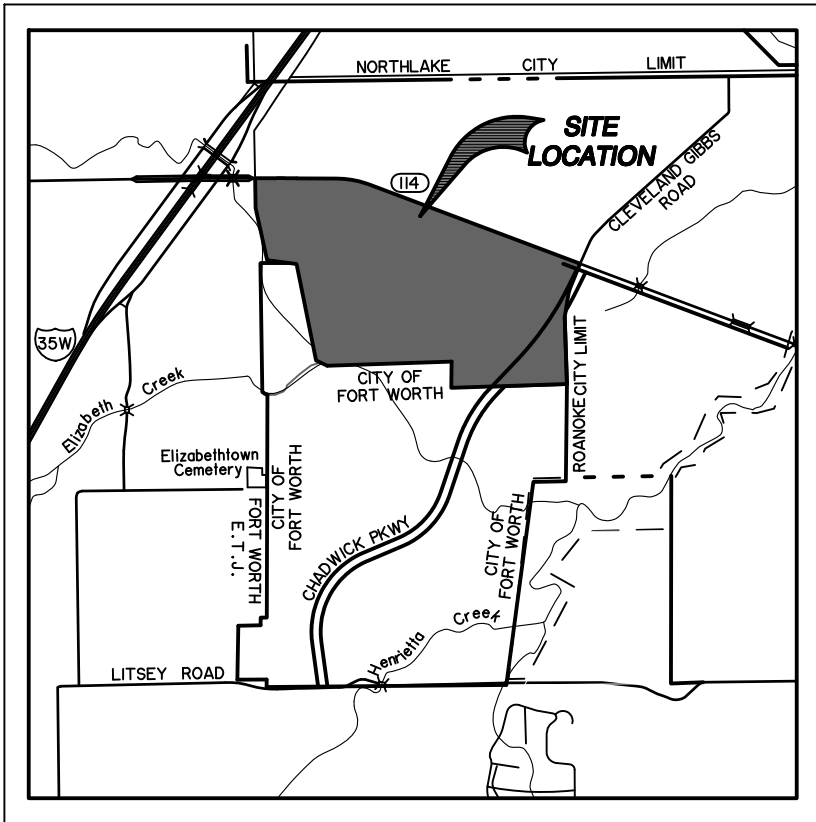
1. **Density:** The overall allowed density for Tract 3B shall be 18 nits per gross area, including the floodplain area.
2. **Minimum Side and Rear Yards:** 20 feet for one, two and three story principle structures.
3. **Minimum Floor Area Per Dwelling Unit:**
 - a. 500 square feet – 1 Bedroom
 - b. 800 square feet – 2 Bedroom
 - c. 1,000 square feet – 3 Bedroom
4. **Maximum Height:** The permitted height of all multi-fmaily structures shall not exceed three (3) stories, or fifty (50) feet to the mean point of the rood, whichever is greater.
5. **Building Materials:** The exterior building materials shall be a minimum of eighty percent (80%) masonry product (stucco, stone, brick, fiber cement), exclusive of windows and doors. A minimum of two exterior materials shall be included on every façade. Fiber cement may also be used within all breezeways and patios, including the first story. Alternative materials may be approved at the time of Site Plan approval. The development in its entirety shall be consistent with the design theme of its various parts. No metal roofs shall be permitted with the exception of standing-seam metal roofs, which shall be approved in conjunction with the Site Plan.
6. **Required Open Space:** The minimum amount of required open space for any multi-family lot shall be 15% of the area of the lot, net of floodplain and adjacent right-of-way.
- 4.7. **Parking Requirements:** The minimum multi-family residential parking requirement shall be one point eight (1.8) nine (9) foot by eighteen (18) foot parking spaces per unit. All parking shall meet the requirements of the Americans with Disabilities Act (ADA). Parking areas shall be paved with concrete or asphalt and graded to drain appropriately. No head in parking shall be permitted to overhang over any landscaped areas. Ten percent (10%) of the total required parking spaces, as defined above, shall be covered. Said 10% may be a mix of car ports and enclosed garages. In the event an apron is provided in front of the enclosed garages, it shall be counted as a parking space.

7.03 Access and Connectivity: In conjunction with development of Tract 2, vehicular access shall be provided to this Tract and Tract 3A via a minimum twenty-four (24) foot wide

driveway contained within a cross access easement between the properties. Such easement and driveway shall continue to a stub out to the adjacent property at the western boundary of the Tracts. Pedestrian access and connectivity shall be provided between this Tract and the adjacent Tract 3A and the other multi-family portions of the project via multi-purpose trail and/or sidewalk connections. Such connectivity shall be identified on the final Site Plan to be approved by the Town Council.

EXHIBIT C

DEVELOPMENT PLAN



VICINITY MAP
NTS

TABULATIONS

TRACT 1-MULTIFAMILY

PHASE ONE - (BUILT OUT)

264 TOTAL UNITS
528 PARKING SPACES REQUIRED @ 2 TO 1
528 PARKING SPACES PROVIDED
+11 HC ACCESSIBLE SPACES PROVIDED

PHASE TWO

188 TOTAL UNITS
376 PARKING SPACES REQUIRED @ 2 TO 1
376 PARKING SPACES PROVIDED
+10 GUEST PARKING PROVIDED
(ALLOWABLE BASED ON DENSITY OF 16 UNITS/AC)

TRACT 2- COMMERCIAL

660,201 SQUARE FEET OF BUILDING
3,301 PARKING SPACES REQUIRED @ 1:200
3,710 PARKING SPACES PROVIDED
(PROPOSED AS SHOWN)

TRACT 3A - COMMERCIAL

49,300 SQUARE FEET OF BUILDING
247 PARKING SPACES REQUIRED @ 1:200
327 PARKING SPACES PROVIDED
(PROPOSED AS SHOWN)

TRACT 3B - MULTI-FAMILY

249 TOTAL UNITS
448 PARKING SPACES REQUIRED @ 1.8 TO 1
455 PARKING SPACES PROVIDED
(PROPOSED AS SHOWN)

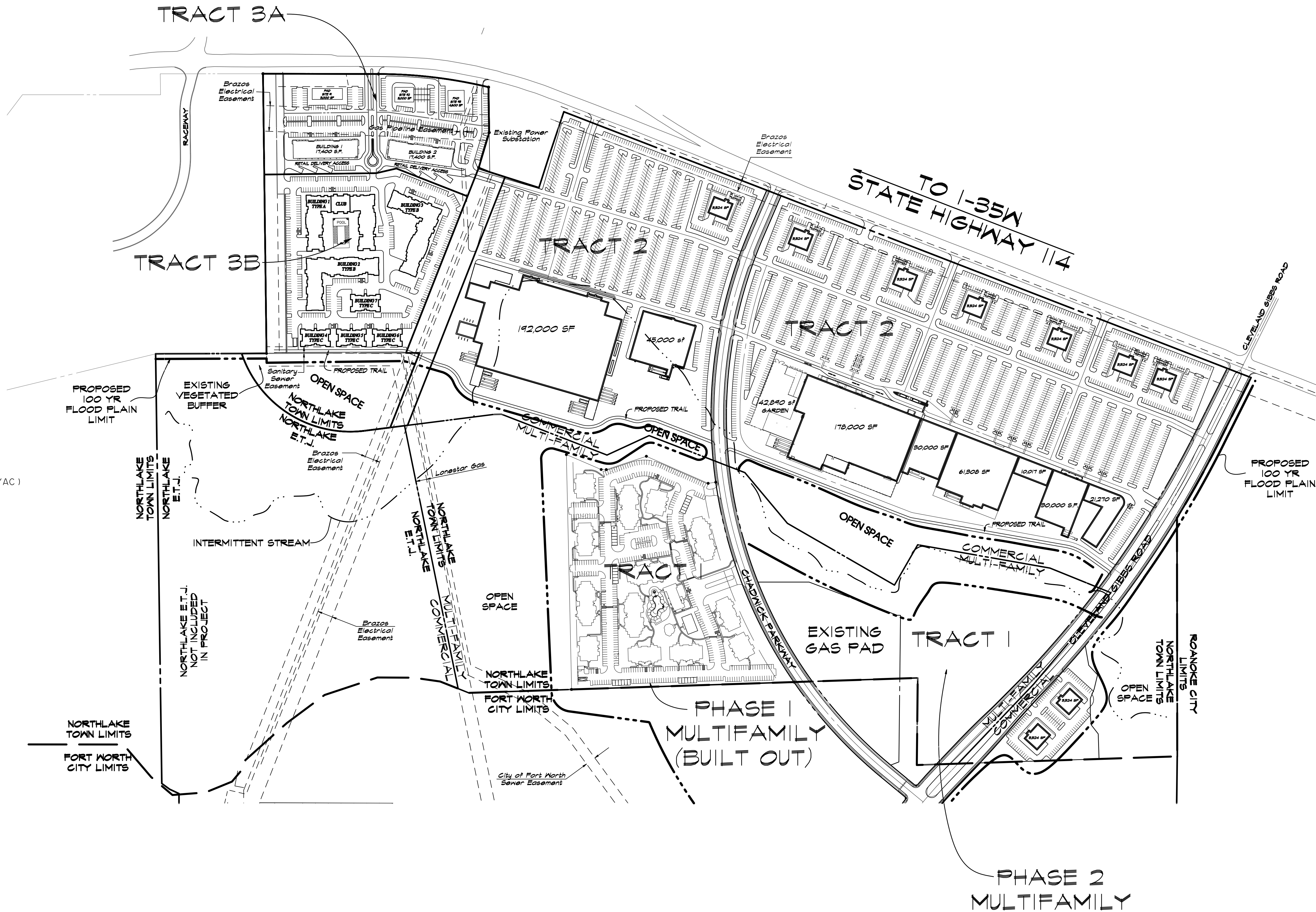
THE MAXIMUM BUILDING COVERAGE FOR THE PROPOSED DEVELOPMENT SHALL NOT EXCEED 50%.

NOTE: All buildings and parking layout and square footage calculations are conceptual only, to be approved as part of the final site plan.

HODGES AND ASSOCIATES
13642 Omega Drive
Dallas, Texas 75244
(972) 387-1000

BGO ARCHITECTS
2211 North Lamar, Ste. 300
Dallas, TX 75202
(214) 740-0080

NOTE: ALL BUILDINGS SHOWN ARE FOR CONCEPTUAL PLANNING ONLY.

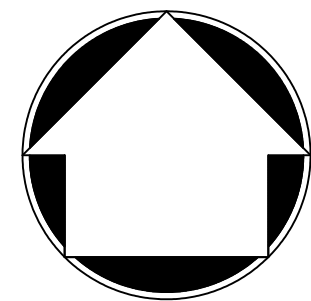


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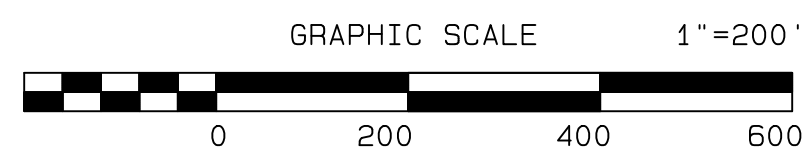
Chadwick Farms, Ltd.
4000 West Windsor Drive
Flower Mound, Texas 75028

GOODWIN AND MARSHALL, P.C.
CIVIL ENGINEERS-PLANNERS-SURVEYORS
4001 BRIDGE STREET, SUITE 100, FORT WORTH, TEXAS 76112

**CHADWICK FARMS
NORTHLAKE LAND USE EXHIBIT
DEVELOPMENT PLAN**



DEVELOPMENT PLAN



JOB NO. :	9933
DATE :	February 2017
DSGN/DRFT :	BAC
REVIEW :	EWE
SHEET	1
OF	1

Memo

To: Honorable Mayor and Town Council
From: Nathan Reddin, Development Director
CC: Drew Corn, Town Administrator
Shirley Rogers, Town Secretary
Date: April 13, 2017
Re: 635.5-Acre Young Tract Mixed-Use Planned Development (MPD)

Purpose: To consider a zoning change from Rural Residential (RR) to Mixed-Use Planned Development (MPD) for a proposed master planned development on approximately 635.5146 acres of land situated in the F.W. Thornton Survey, Abstract No. 1244, and the A. McDonald Survey, Abstract No. 785, and generally located on the west side of Cleveland-Gibbs Road between FM 407 and Mulkey Lane.

Public Hearing Information: Northlake's Unified Development Code (UDC) in accordance with state law requires that a zoning change must be approved by ordinance following public notice and a public hearing. The public hearing was held at the March 23rd Council meeting. A record of the public hearing comments is provided in the draft minutes on this same agenda. Notice of the public hearing was published in the Denton Record Chronicle and mailed to all Northlake property owners subject to the MPD and within 200 feet of the MPD district as required. Staff received a total of 16 written responses with 7 in favor of the request and 9 opposed. Two of the responses in favor of the request represent property from within the 200-foot notification area, while none of the opposing responses are from within the buffer. Two additional responses in favor of the request are from within 200 feet but are not within Northlake's Town limits.

Owner: J. Young Land & Cattle, Ltd.

Applicant/Developer: Hillwood Communities

Background This zoning change request is for one of the three tracts under separate ownership planned for a 1,158-acre mixed-use, master planned development currently being referred to as Pecan Square. Numerous presentations have been made by the developer regarding this development, including the presentation of a draft MPD at the March 23rd Town Council meeting. The draft MPD was revised in response to comments and concerns expressed at the meeting, and this revised MPD is to be considered for adoption at this meeting.

Adjacent Zoning/Existing Land Uses:

North: No zoning (ETJ) except for Town Hall site zoned Rural Residential (RR) / primarily large undeveloped tracts with Northlake Town Hall, North Texas Church of Christ, and homes in Harvest Meadows Ph 3 on the eastern portion of the site's northern boundary opposite FM 407

635.5-Acre Young Tract Mixed-Use Planned Development (MPD)

Page 2 of 3

South:	Rural Residential (RR) / Vacant (planned as part of this same development with zoning request to MPD)
East:	Rural Residential (RR) and Corral City / Vacant, undeveloped land and several gas well sites opposite Cleveland-Gibbs Rd. Adjacent property in Corral City planned for Apartments and Commercial uses
West:	Rural Residential (RR) / Vacant (planned as part of this same development with zoning request to MPD)

Comprehensive Plan Designation: The future land use plan of the Comprehensive Plan shows most of the site to be within the Neighborhood Residential (NR) Character Area. The southeast corner of the site approaches the Mixed Use (MU) Character Area while the far western boundary of the property approaches the Ranch Preservation (RP) Character Area.

Summary of Proposed MPD: The MPD provides for the rezoning of this tract as part of a larger master plan including two additional tracts with MPD zoning requests on this same agenda. Since the three zoning cases work together within one master plan, staff has reviewed them together as a single master plan, and the same standards are incorporated in each MPD.

The MPD's call for a mix of uses and development types within five subdistricts – Lifestyle, Traditional, Estate, Commercial and Mixed Use. The Lifestyle, Traditional, and Estate Subdistricts are primarily intended for single-family detached residential. The Lifestyle subdistrict contains the highest density single-family detached residential with a mix of 50-foot wide lots and a new to Northlake 40' rear entry lot type served by an alley. The Traditional subdistrict provides for 50', 60', and 70' wide lots similar to the existing Harvest and Canyon Falls developments and the proposed Heritage Fields development. The Estate subdistrict provides the largest lots with approximately ½ acre minimum lot sizes. The Commercial subdistrict is based on the Town's Commercial zoning district, providing for a variety of commercial uses, and the Mixed Use district allows for both commercial uses and residential use with both single-family attached (townhomes) and single-family detached homes allowed. No multi-family (apartments) or two-family (duplexes) are permitted.

Detailed standards for each subdistrict are provided in the development standards when they differ from the typical requirements of the Town outlined in the UDC. In most cases, these standards exceed those of the UDC or provide standards for things that are not addressed in the UDC. Limitations on the number of residential units are provided based on lot types in each subdistrict with the smaller lots having a maximum and larger lots having a minimum. The overall residential density is limited to 3 units per acre.

The locations of each subdistrict are identified on the concept plan with the most dense, intense subdistricts (Lifestyle, Mixed Use and Commercial) located internal to the site or on the eastern and southeastern portions of the site nearest IH 35W and similar existing or proposed uses. The lowest densities (Estate and Traditional) are provided along the northern and western boundaries of the site to help preserve the rural character of the FM 407 corridor and properly transition to adjacent lower density uses to the north and west of the development. An Option 2 of the Concept Plan provides a school site which could be used for a new high school, middle school and sports complex south of Mulkey Lane. The school site is listed as an option since it is contingent upon approval of the Northwest ISD. In addition to the subdistricts, open space is also shown on the concept plan. A

635.5-Acre Young Tract Mixed-Use Planned Development (MPD)

Page 3 of 3

minimum of 15% of the overall development must be preserved as open space. A detailed open space plan is also provided which shows trail locations intended to connect to the planned Town-wide trail network. A large open space area is preserved around the natural drainage occurring on the western boundary of the site which creates a natural buffer to the 1-acre lots to the west in the Highlands development.

The remaining exhibits of the MPD show the proposed street network and detailed street sections with each type of street having a detailed street section which specifies the width of the street as well as the location and specifications of sidewalks/trails, utilities, landscaping, and screening. The FM 407 street section calls for a minimum 75' wide open space with a farm trail lined with a double row of trees. This design along with the adjacent Estate lots are intended to preserve a rural feel along the FM 407 corridor.

Staff Analysis: Staff has reviewed this application in accordance with the UDC and found the submittal to meet the minimum requirements to be considered by the Town Council. The proposed zoning was also evaluated for compatibility with the Comprehensive Plan. The proposed MPD's appear to be appropriately designed for adherence with the Comprehensive Plan and compatibility with adjacent developments as they currently exist or are planned. The majority of the development is within the Neighborhood Residential (NR) Character Area which is described as "usually in a suburban form" with "undeveloped areas, such as the perimeter of a subdivision along collectors and arterials" (FM 407 setback). It calls for the presence of trails with connectivity to the larger trail network (Open Space Plan), and it states that neighborhood services should be close by and located on arterials and collectors (Commercial & Mixed Use subdistricts). NR also calls for a mix of single family housing products on a variety of lot sizes with an average density of 3 units per acre, and the MPD's provide five different product types including two new types (40' rear entry and townhomes) to Northlake for a maximum gross density of 3 units per acre. NR is intended to contain 15-20% open space, and the MPD's provide for a minimum of 15% open space.

The southeastern portion of the MPD's site is made up of the Commercial and Mixed Use subdistricts which fall within the Mixed Use (MU) Character Area of the future land use plan. Uses and densities proposed in the MPD's in this area are less intense than the MU Character Area calls for, which allows multi-family residential up to 22 units per acre and mid-rise buildings. The MPD does not allow multi-family and provides for a maximum height of 40' in the Commercial subdistrict. The far western boundary of the MPD's site approaches the Ranch Preservation (RP) Character Area. However, much of the adjacent property in RP is zoned for and being developed as 1-acre lots instead of the 5-acre lots called for in RP. The ½-acre Estate lots and open space appear to provide a reasonable buffer to the adjacent 1-acre lots.

Recommendation: Staff finds the proposed MPD acceptable for approval based on its adherence to the Comprehensive Plan and compatibility with existing and proposed adjacent land uses.

Attachments:

- Ordinance No. 17-0413C – Proposed MPD Zoning

ORDINANCE NO. 17-0413C

AN ORDINANCE AMENDING ORDINANCE NO. 13-0124A BEING THE NORTHLAKE UNIFIED DEVELOPMENT CODE AS AMENDED, BY CHANGING THE ZONING CLASSIFICATION OF A 635.5-ACRE TRACT OF LAND SITUATED IN THE F.W. THORNTON SURVEY, ABSTRACT NUMBER 1244, AND THE A. MCDONALD SURVEY, ABSTRACT NUMBER 785, IN THE TOWN OF NORTHLAKE FROM “RR” RURAL RESIDENTIAL TO “MPD” MIXED-USE PLANNED DEVELOPMENT AND REVISING THE OFFICIAL ZONING MAP IN ACCORDANCE THEREWITH; PROVIDING FOR THE ADOPTION OF DEVELOPMENT STANDARDS; PROVIDING FOR THE ADOPTION OF A CONCEPT PLAN; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Northlake, as an incorporated municipality in the State of Texas, has been given the authority by Chapter 211 of the Local Government Code to establish zoning and amend zoning in accordance with Chapter 211; and

WHEREAS, the Town Council of the Town of Northlake heretofore adopted Ordinance No. 13-1024A establishing the Unified Development Code which contains the zoning regulations of the Town of Northlake; and

WHEREAS, the Unified Development Code and Official Zoning Map established the zoning of “RR” Rural Residential for a 635.5-acre tract of land located in the F.W. Thornton Survey, Abstract Number 1244, and the A. McDonald Survey, Abstract Number 785, in the Town of Northlake, Denton County, Texas (the “Property”); and

WHEREAS, the Unified Development Code provides for adoption of Planned Development Districts; and

WHEREAS, the Town of Northlake has received a request from the owners of the Property to rezone the Property to establish a “MPD” Mixed-Use Planned Development District; and

WHEREAS, the Town of Northlake heretofore adopted Ordinance No. 16-1208E on December 12, 2016, The Pathway to 2040 Northlake Comprehensive Plan Update, and the requested rezoning complies with recommendations of the plan; and

WHEREAS, all requirements of Chapter 211 of the Local Government Code, and all other laws dealing with notice, publication and procedural requirements for zoning of property have been complied with; and

WHEREAS, a public hearing was held by the Town Council of the Town of Northlake on March 23, 2017 with respect to the zoning change described herein; and

WHEREAS, the Town Council of the Town of Northlake does hereby deem it advisable and in the public interest to approve the zoning change request and establish a “MPD” Mixed-Use Planned Development District on the Property.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NORTHLAKE, TEXAS:

SECTION 1

The 635.5-acre Property more fully described in Exhibit “A” shall be zoned “MPD” Mixed-Use Planned Development with the concept plan as provided in Exhibit “B” and development standards as provided in Exhibit “C” attached hereto.

SECTION 2

The use of the Property described in Exhibit “A” shall be subject to all applicable regulations contained in the Development Standards provided in Exhibit “C”, the Unified Development Code, and all other applicable and pertinent ordinances of the Town of Northlake.

SECTION 3

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the Town of Northlake, and this ordinance shall not operate to repeal or affect the Code of Ordinances of the Town of Northlake or any other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such Code of Ordinances or any other ordinances are hereby repealed.

SECTION 4

It is hereby declared to be the intention of the Northlake Town Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court or competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since same would have been enacted by the Town Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 5

Any person, firm, association of persons, corporation or other organization violating the provisions of this ordinance shall be deemed to be guilty of a misdemeanor and, upon conviction, shall be fined an amount not to exceed \$2,000.00. Each day that a violation continues shall be deemed a separate offense.

SECTION 6

This ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the laws of the State of Texas.

PASSED AND APPROVED on this the 13th day of April 2017.

Peter Dewing, Mayor

ATTEST:

Shirley Rogers, Town Secretary

Exhibit A
Metes and Bounds Description of the Property

TRACT 1

BEGINNING AT THE NORTHWEST CORNER OF THE TRACT BEING DESCRIBED HEREIN AT A 1/2-INCH IRON ROD FOUND IN THE SOUTH RIGHT-OF-WAY LINE OF F.M. 407 FOR THE NORTHEAST CORNER OF THAT CERTAIN CALLED 174.821 ACRE TRACT OF LAND DESCRIBED IN DEED TO J. YOUNG LAND & CATTLE, LTD., RECORDED IN DOCUMENT #10-108044, REAL PROPERTY RECORDS, DENTON COUNTY, TEXAS AND THE NORTHWEST CORNER OF SAID 460.6946 ACRE TRACT OF LAND, FROM WHICH A 1/2-INCH IRON ROD FOUND FOR THE NORTHWEST CORNER OF SAID 174.821 ACRE TRACT OF LAND BEARS SOUTH 89 DEGREES 55 MINUTES 02 SECONDS WEST, A DISTANCE OF 1346.79 FEET;

THENCE NORTH 89 DEGREES 45 MINUTES 28 SECONDS EAST, WITH THE SOUTH RIGHT-OF-WAY LINE OF SAID F.M. 407, A DISTANCE OF 3632.77 FEET TO A CAPPED IRON ROD SET FOR THE BEGINNING OF A CURVE TO THE RIGHT;

THENCE CONTINUING WITH SAID RIGHT-OF-WAY LINE AND WITH SAID CURVE TO THE RIGHT, AN ARC LENGTH OF 137.75 FEET, A RADIUS OF 5688.58 FEET, A CENTRAL ANGLE OF 01 DEGREES 23 MINUTES 15 SECONDS, AND A CHORD THAT BEARS SOUTH 89 DEGREES 32 MINUTES 55 SECONDS EAST, A DISTANCE OF 137.75 FEET TO A CAPPED IRON ROD SET FOR THE NORTHWEST CORNER OF THAT CERTAIN CALLED 79.459 ACRE TRACT OF LAND DESCRIBED IN DEED TO CORRAL CITY LAND, LLC, RECORDED IN DOCUMENT #14-61327, REAL PROPERTY RECORDS, DENTON COUNTY, TEXAS;

THENCE SOUTH 00 DEGREES 17 MINUTES 23 SECONDS EAST, A DISTANCE OF 5323.82 FEET TO A METAL FENCE POST FOUND FOR CORNER IN THE NORTH LINE OF THAT CERTAIN CALLED 386.8295 ACRE TRACT OF LAND DESCRIBED IN DEED TO HP GIBBS, LP., RECORDED IN DOCUMENT #12-145021, REAL PROPERTY RECORDS, DENTON COUNTY, TEXAS;

THENCE SOUTH 89 DEGREES 51 MINUTES 24 SECONDS WEST, A DISTANCE OF 3770.41 FEET TO A CAPPED IRON ROD SET IN THE EAST LINE OF SAID 174.821 ACRE TRACT OF LAND, FROM WHICH A 1/2-INCH IRON ROD FOUND FOR THE MOST EASTERLY SOUTHEAST CORNER THEREOF BEARS SOUTH 00 DEGREES 17 MINUTES 27 SECONDS EAST, A DISTANCE OF 210.49 FEET;

THENCE NORTH 00 DEGREES 17 MINUTES 27 SECONDS WEST, A DISTANCE OF 5318.97 FEET TO THE POINT OF BEGINNING AND CONTAINING 460.677 ACRES OF LAND, MORE OR LESS.

TRACT 2

ALL THAT CERTAIN TRACT OF LAND SITUATED IN THE ALEXANDER MCDONALD SURVEY, DENTON COUNTY, TEXAS, AND BEING A CALLED 174.821 ACRES OF LAND AS DESCRIBED IN A DEED FROM TNF REALTY, LP TO J. YOUNG LAND AND CATTLE, LTD., AS RECORDED IN COUNTY CLERK'S FILE NUMBER 10-108044, REAL PROPERTY RECORDS OF DENTON COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A BENT 1/2" IRON ROD FOUND FOR THE NORTHEAST CORNER OF SAID 174.821, AT THE NORTHWEST CORNER OF A CALLED 460.6945 ACRE TRACT OF LAND DESCRIBED IN A DEED TO J. YOUNG LAND & CATTLE, LTD, AS RECORDED IN COUNTY CLERK'S FILE NUMBER 03-203076, REAL PROPERTY RECORDS OF DENTON COUNTY, TEXAS, AND IN THE SOUTH RIGHT-OF-WAY LINE OF FM ROAD 407;

THENCE SOUTH 00 DEGREES 17 MINUTES 27 SECONDS EAST WITH THE EAST LINE OF SAID 174.821 ACRE TRACT AND THE EAST LINE OF SAID ALEXANDER MCDONALD SURVEY, A DISTANCE OF 5529.46 FEET TO A BENT 1/2" IRON ROD FOUND FOR THE MOST EASTERLY SOUTHEAST CORNER OF SAID 174.821 ACRE TRACT, AT THE MOST NORTHERLY NORTHWEST CORNER OF A CALLED 386.8295 ACRE TRACT DESCRIBED IN A DEED TO HP GIBBS LP, AS RECORDED IN COUNTY CLERK'S FILE NUMBER 12-145021, REAL PROPERTY RECORDS OF DENTON COUNTY, TEXAS, AND IN A GRAVEL ROAD UNDER APPARENT PUBLIC USE POSTED AS MULKEY LANE;

THENCE SOUTH 53 DEGREES 25 MINUTES 37 SECONDS WEST WITH SAID ROAD, A DISTANCE OF 257.13 FEET TO A BENT 1/2" IRON ROD FOUND FOR THE MOST SOUTHERLY SOUTHEAST CORNER OF SAID 174.821 ACRE TRACT, AND IN THE RECOGNIZED AND OCCUPIED SOUTH LINE OF SAID ALEXANDER MCDONALD SURVEY;

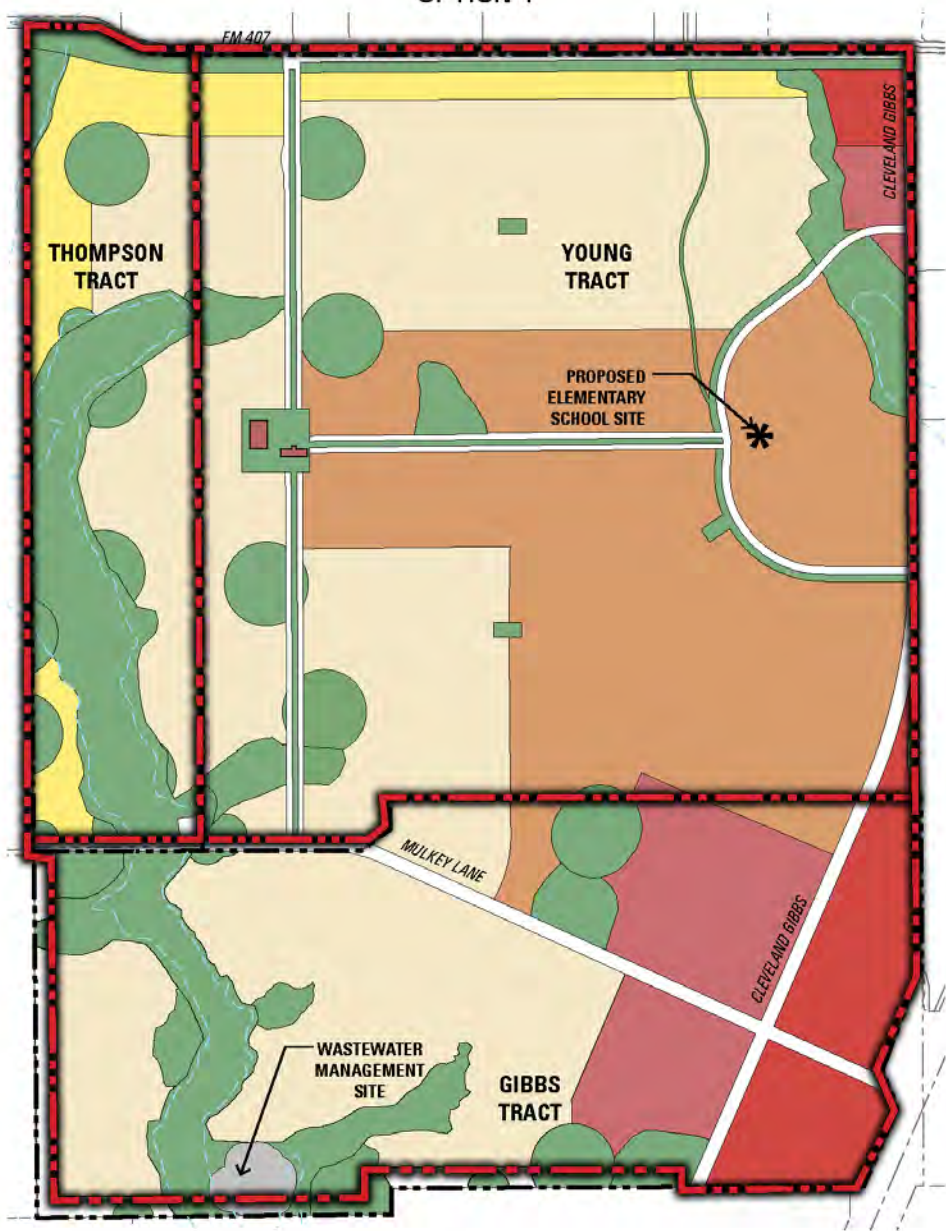
THENCE SOUTH 89 DEGREES 55 MINUTES 43 SECONDS WEST WITH THE SOUTH LINE THEREOF, THE SOUTH LINE OF SAID 174.821 ACRE TRACT, A NORTH LINE OF SAID 386.8295 ACRE TRACT, AND SAID ROAD, A DISTANCE OF 1131.86 FEET TO A PK NAIL SET FOR THE SOUTHWEST CORNER OF SAID 174.821 ACRE TRACT;

THENCE NORTH 00 DEGREES 22 MINUTES 05 SECONDS WEST WITH THE WEST LINE OF SAID 174.821 ACRE TRACT A DISTANCE OF 5682.18 FEET TO A CAPPED 1/2" IRON ROD SET FOR THE NORTHWEST CORNER OF SAID 174.821 ACRE TRACT, AT THE NORTHEAST CORNER OF A CALLED 161.333 ACRE TRACT OF LAND DESCRIBED IN A DEED TO THOMPSON GRAIN & CATTLE, INC. AS RECORDED IN COUNTY CLERK'S FILE NUMBER 03-128214, REAL PROPERTY RECORDS OF DENTON COUNTY, TEXAS, AND IN THE SAID RIGHT-OF-WAY LINE OF FM ROAD 407;

THENCE NORTH 89 DEGREES 55 MINUTES 02 SECONDS EAST WITH THE SAID RIGHT-OF-WAY AND THE NORTH LINE OF SAID 174.821 ACRE TRACT, A DISTANCE OF 1346.79 FEET TO THE POINT OF BEGINNING AND CONTAINING 174.821 ACRES OF LAND.

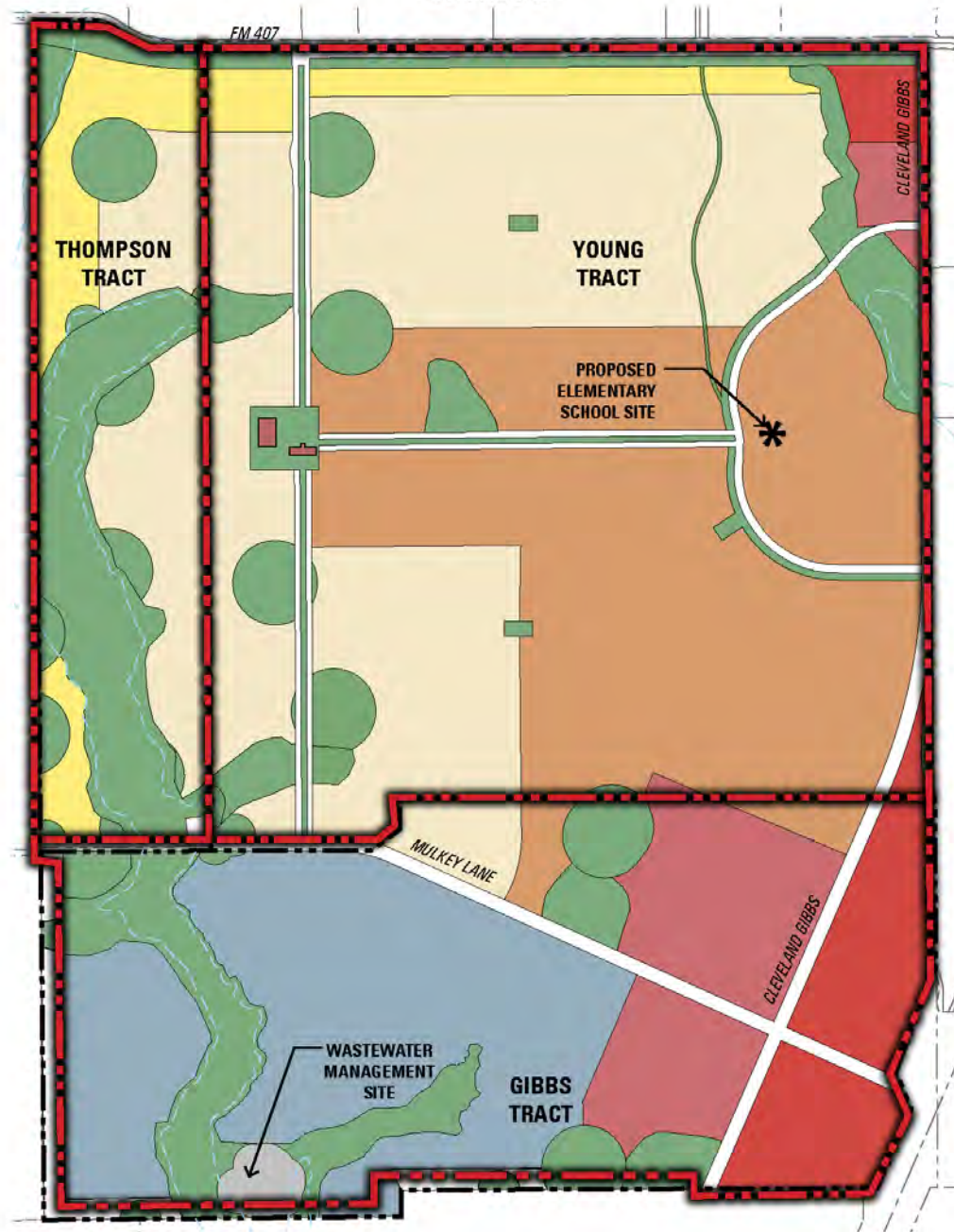
Exhibit B **Concept Plan**

CONCEPT PLAN OPTION 1



LEGEND			
SYMBOL	DESCRIPTION		
[Yellow Box]	Traditional	[Dashed Red Line]	Boundary Line Between Young, Gibbs and Thompson
[Red Box]	Commercial	[Notes Box]	Notes
[Orange Box]	Mixed Use	[Notes Box]	- All locations of boundaries, land uses and roads are approximate.
[Light Orange Box]	Lifestyle		
[Light Green Box]	Estate		
[Dark Green Box]	Open Space		
[Grey Box]	Waste Water Management Plant		

CONCEPT PLAN OPTION 2



LEGEND			
SYMBOL	DESCRIPTION		
	Commercial		Traditional
	Mixed Use		Estate
	Lifestyle		Open Space
			Waste Water Management Plant
			School Site
			Boundary Line Between Young, Gibbs and Thompson
		Notes	
		- All locations of boundaries, land uses and roads are approximate	

Exhibit C
Development Regulations

I. DEFINITIONS

1. Commercial Subdistrict means the area designated "Commercial" on the Concept Plan.
2. Concept Plan means either of the two concept plans attached as **Exhibit B**, as amended from time to time in accordance with Section III of this Ordinance. The boundaries of each subdistrict on the original Concept Plan are conceptual and are expected to change as the development plan and engineering details for the Property are finalized.
3. Development means the property shown on **Exhibit D** consisting of the Gibbs, Young, and Thompson tracts.
4. District means Northlake Municipal Management District No. 1, including any future expansions and any districts resulting from the subdivision of Northlake Municipal Management District No. 1.
5. EDM means the Engineering Design Manual, as amended following the fifth anniversary of the Town Council's adoption of this PD Ordinance.
6. Estate Subdistrict means the area designated "Estate" on the Concept Plan.
7. Lifestyle Subdistrict means the area designated "Lifestyle" on the Concept Plan.
8. Masonry means brick, stone, stucco, and hardiplank (cementitious fiberboard).
9. Mews lot means a lot accessed by an alley and fronting on an open space area rather than a street.
10. Mixed Use Subdistrict means the area designated "Mixed Use" on the Concept Plan.
11. Open space means the open space areas designated on the Open Space Plan and Concept Plan.
12. Open Space Plan means either of the two open space plans attached as **Exhibit E**, as amended from time to time in accordance with Section V of this Ordinance.
13. PD Ordinance means Ordinance No. 17-0413C creating this planned development district.
14. Property means the 635.5-acre tract of land described on **Exhibit A**.
15. Street Sections means **Exhibit F**.

16. Traditional Subdistrict means the area designated "Traditional" on the Concept Plan.
17. UDC means the Town of Northlake Unified Development Code, as amended following the fifth anniversary of the Town Council's adoption of this PD Ordinance.

II. EFFECTIVE DATE; APPLICABLE REGULATIONS

1. Effective Date. This PD Ordinance shall become effective upon publication as required by law and upon HP Gibbs, LP or its designee acquiring ownership of the Property. If HP Gibbs, LP or its designee has not acquired ownership of the Property by December 31, 2017, this PD Ordinance shall become void and shall be of no further force or effect, and the preexisting zoning of the Property shall be automatically reinstated on the Property.
2. Applicable Regulations. Development and use of the Property shall comply with this PD Ordinance, the UDC, and the EDM, and any other applicable ordinance not specifically modified herein. In the event of a conflict between this PD Ordinance and any other applicable Town ordinances, this PD Ordinance shall control.

III. CONCEPT PLAN; SITE PLANS

1. Development of the Property shall generally comply with the Concept Plan.
2. The following changes to the Concept Plan are minor and do not require Town approval: realignment of roadways, the size of each subdistrict provided the size does not change by more than 15 percent from the size of the subdistrict shown on the original Concept Plan attached to this PD Ordinance, changes to the configuration of the open space areas shown on the original Concept Plan provided a minimum of 15 percent of the overall Development shall be used as open space. Open space areas shall be a minimum of 0.5 acres in size to satisfy the minimum 15 percent requirement. The amended Concept Plan shall satisfy all applicable regulations.
3. All changes to the Concept Plan that do not fall under Section III(2) shall require Town Council approval. This procedure is not considered a change in zoning, and no public hearing shall be required.
4. No site plan approval shall be required for any development within the Property other than non-residential development (excluding amenity centers and any uses within an open space area). For non-residential development, site plan approval shall be required in accordance with Section 12.15 of the UDC, and the criteria for approval shall be that the site plan demonstrates compliance with this PD Ordinance.
5. With the exception of the approvals required by this Section III, no other concept plan, site plan, development plan, landscaping plan or other plan approvals of any

kind are required except in connection with the standard building permit review and approval process.

IV. BASE ZONING DISTRICTS: PERMITTED USES

1. Lifestyle, Traditional, and Estate Subdistricts. The base zoning district for the Lifestyle, Traditional, and Estate Subdistricts shall be the "MU" Mixed Use Zoning District. Permitted uses shall be limited to agricultural uses, single family detached homes, parks, public primary and secondary schools, a public school stadium, and sports facilities, all of which are permitted by right.
2. Commercial Subdistrict. Permitted uses shall be all principal and accessory uses which are allowed by right in the "C" Commercial Zoning District, in accordance with Table 5.2 of the UDC. In addition, agricultural uses are permitted by right. A Specific Use Permit shall be required for all uses otherwise requiring a Specific Use Permit in the "C" Commercial Zoning District, in accordance with Table 5.2 of the UDC.
3. Mixed Use Subdistrict. Permitted uses shall be all principal and accessory uses which are allowed by right in the "MU" Mixed Use Zoning District, in accordance with Table 5.2 of the UDC, including but not limited to single family detached and single family attached homes, except as follows: agricultural uses, public primary and secondary schools, a public school stadium, and sports facilities are permitted by right, and multifamily and duplex uses are prohibited. A Specific Use Permit shall be required for all uses otherwise requiring a Specific Use Permit in the "MU" Mixed Use Zoning District, in accordance with Table 5.2 of the UDC.
4. Accessory Uses. All uses that are customarily incidental to the main use on the same platted lot shall be permitted as accessory uses. Accessory uses may include agricultural uses, including in connection with an amenity center. In addition, the following accessory uses identified in the UDC are permitted subject to any restrictions in the UDC that are applicable to these uses: accessory buildings, accessory dwellings, basic utilities, home occupations, and outdoor recreation areas (lighted).
5. Temporary Uses. Temporary uses, including construction offices and temporary concrete/asphalt batching plants, shall be permitted in accordance with Section 5.12 of the UDC. Model homes are permitted by right.

V. OPEN SPACE

1. Development of the Property shall generally comply with the Open Space Plan. The following changes to the Open Space Plan are minor and do not require Town approval: changes to the configuration of the open space areas shown on the original Open Space Plan provided a minimum of 15 percent of the overall Development shall be used as open space. Open space areas shall be a minimum

- of 0.5 acres in size to satisfy the minimum 15 percent requirement. All other changes to the Open Space Plan shall require Town Council approval. This procedure is not considered a change in zoning, and no public hearing shall be required.
2. The following improvements are permitted within the open space: landscaping, hardscaping, an amenity center, the existing arena and barn, fountains, ponds, lakes, lighting, signage related to the open space, fencing, trails, pavilions, swimming pools, playground equipment, and similar improvements that are customarily found in parks and open spaces.
 3. The following uses are permitted within open space: passive and active recreational uses, meeting space and offices within the existing arena and barn, community gardens, other agricultural uses, one or more amenity centers, food truck or other food and entertainment vending operations, fireworks on national holidays, and similar uses.
 4. Open space shall be owned and maintained by a home owners association or the District.
 5. With the exception of controlled access areas, including but not limited to the amenity center, pool areas, and any buildings, open space shall be open to the general public.
 6. Open space may include: playground equipment for small children; multiple purpose hard surfaced play areas; space for court games, such as basketball, tennis, volleyball and in-line hockey; playfield space for non-organized competitive games such as baseball, football or soccer; picnic tables and grills; restrooms; and drinking fountains and sitting areas.
 7. The Open Space Plan shall be deemed to fully satisfy all of the Town's requirements for park land dedication, payment of park fees including any fees in lieu of dedication, and private open space.
 8. The requirements in this Section V shall be the exclusive open space requirements applicable to the Property. Without limiting the foregoing, Sections 9.6 through 9.9 of the UDC shall not apply.

VI. DEVELOPMENT STANDARDS

1. Residential. Development of the Lifestyle, Traditional, and Estate Subdistricts shall comply with Table 1 below. The following shall comply with the Estate Subdistrict development standards: an amenity center, any modifications to the existing arena and barn, a school, a stadium, and a sports facility. The requirements in this Section VI are the exclusive lot size, setback, building height, lot coverage, roof pitch, dwelling size, and masonry requirements applicable to the Lifestyle, Traditional, and Estate Subdistricts.

2. Commercial. The Commercial Subdistrict shall be developed in accordance with the rules applicable to the "C" Commercial Zoning District, except as otherwise modified by this PD Ordinance.
3. Mixed Use. The Mixed Use Subdistrict shall be developed in accordance with Section VI(1) above for residential development and Section VI(2) above for non-residential development. In addition, the mixed use development standards in Section 5.9(D) of the UDC shall apply to non-residential development in the Mixed Use Subdistrict. Development of single family attached uses shall comply with Table 2 below. The requirements in this Section VI are the exclusive lot size, setback, building height, lot coverage, roof pitch, dwelling size, and masonry requirements applicable to single family attached uses.
4. Gas Well Setbacks. All future developments adjacent to an existing oil or gas well site shall observe the following setbacks, which shall be the exclusive setback requirements for new development near a gas well, gas pipeline, or any related improvements regardless of any conflicting provisions in the UDC, the Town's building and fire codes, or any other provision of the Town's Code of Ordinances:
 - a. A minimum 150 feet of separation shall be required from the well bore hole to any property line.
 - b. A minimum 300 feet of separation shall be required from the well bore hole to the closest buildable portion of a lot.
 - c. A minimum 20 feet of separation shall be required from any gas well collection pipe line to the closest buildable portion of a lot.
5. Height Exception. Notwithstanding anything to the contrary in this Section VI, there shall be no story or height limit on an amenity center or the existing arena and barn, or for a stadium or sports facilities, including ancillary structures.
6. Overall Density. The maximum residential density shall be three units per gross acre within the overall Development.

Table 1

Development Standard	Lifestyle Subdistrict		Traditional Subdistrict			Estate Subdistrict
Minimum Lot Width	40' (Rear Entry)	50'	50'	60'	70'	100'
Minimum Lot Depth	90'	110'	115'	115'	125'	200'
Minimum Front Yard Setback	10'	20'	20'	20'	20'	25'
Minimum Side Yard Setback	10' spacing between homes on separate lots	5'	5'	5'	5'	10'

Development Standard	Lifestyle Subdistrict		Traditional Subdistrict			Estate Subdistrict
Minimum Rear Yard Setback	7.5'	10'	10'	10'	10'	20'
Porch Minimum Front Yard Setback	5'	12'	12'	12'	12'	12'
Front Porch Minimum Depth	4'	4'	4'	4'	4'	4'
Front Porch Maximum depth	5'	12'	12'	12'	12'	12'
Garage Minimum Front Yard Setback	N/A	20'	20'	20'	20'	25'
Garage Minimum Rear Yard Setback	7.5'	10'	10'	10'	10'	10'
Garage Minimum Side Yard Setback	10' spacing between garages on separate lots	5'	5'	5'	5'	10'
Maximum Building/Structure Height	40'	40'	40'	40'	40'	40'
Maximum Number of Stories	2	2	2	2	2	2
Maximum Lot Coverage	65%	55%	55%	55%	55%	55%
Minimum Roof Pitch	8:12	6:12	6:12	6:12	6:12	6:12
Minimum Dwelling Size	1,300 SF	1,600 SF	1,700 SF	2,000 SF	2,200 SF	2,400 SF
Minimum Masonry % on Exterior of Residence (excluding porch floor, columns, and roof trim)	100%	100%	100%	100%	100%	100%
Maximum Size of Accessory Buildings (cumulative)	600 SF	600 SF	600 SF	600 SF	600 SF	600 SF
Maximum Building Area Occupied for Home Business/Home Occupation	600 SF	600 SF	600 SF	600 SF	600 SF	600 SF
Maximum # of Units per Subdistrict (per Concept Plan 1)*	1175		1750			96
Minimum % of Units per Product Type within Each Subdistrict (per Concept Plan 1)*	N/A	50%	N/A	40%	10%	N/A
Maximum % of Units per Product Type within Each Subdistrict (per Concept Plan 1)*	50%	N/A	50%	N/A	N/A	N/A
Maximum # of Units per Subdistrict (per Concept Plan 2)*	1175		1200			96
Minimum % of Units per Product Type within each Subdistrict (per Concept Plan 2)*	N/A	50%	N/A	35%	5%	N/A
Maximum % of Units Per Product Type within Each Subdistrict (per Concept Plan 2)*	50%	N/A	60%	N/A	N/A	N/A

*Measured at full buildout

Notes to Table 1:

1. Lot coverage is measured as the area covered by the roof of the residence and garage.

2. All wood must be stained or painted.
3. Swimming pools may be located in the required rear yard setback
4. Porch flooring is required to be masonry, concrete, or wood.
5. Porch columns are required to be masonry, wood, or fiberglass.
6. Porch roof trim is required to be wood, fiberglass, or masonry.
7. Roofing materials are required to be asphalt shingles, metal, slate, simulated slate, or tile.
8. Home businesses may be located above or within a garage and must be operated by the home owner.
9. The maximum lot coverage requirements substitute for the maximum impervious cover requirements in the UDC.
10. The front yard setback shall be measured from the street right-of-way to the front face of the building. Covered terraces, eaves, and roof extensions may project into the required front yard.
11. On corner lots, the front yard setback shall be required only along the street on which the home fronts.
12. Every part of a required side yard shall be open and unobstructed except for accessory buildings, fences, landscaping, and the ordinary projections of window sills, belt courses, cornices and other architectural features projecting not to exceed twelve inches into the required side yard, and roof eaves projecting not to exceed 24 inches into the required side yard.
13. Every part of a required rear yard shall be open and unobstructed to the sky from a point 30 inches above the general ground level of the graded lot, except for accessory buildings, fences, landscaping, and the ordinary projections of window sills, belt courses, cornices and roof overhangs and other architectural features projecting not to exceed 24 inches into the required rear yard.
14. Where lots have double frontage, running from one street to another, a required front yard setback shall be provided on both streets.
15. Alleys are permitted, but not required. Front entry, rear entry, j-swing, and side entry garages are permitted.
16. A minimum of two enclosed parking spaces per dwelling unit shall be required.
17. In the Estate Subdistrict, a minimum lot size of 20,000 square feet may be substituted for the minimum lot width and lot depth in Table 1.
18. The following residential architectural standards shall apply to the 40' single family lots in the Lifestyle Subdistrict: All residences shall include at least four of the following design features to provide visual relief along the front of the residence:
 - Bay window
 - Brick chimney on exterior wall visible from front of the home
 - Cast stone accents
 - A covered front porch
 - Dormers
 - Gables
 - Variable roof pitch
 - Shutters

Table 2

Development Standard	Single Family Attached
Minimum Lot Width	22'
Minimum Lot Depth	80'
Minimum Front Yard Setback	None
Maximum Front Yard Setback	20'
Minimum Side Yard Setback (Corner)	None
Minimum Side Yard Setback (Interior)	None
Minimum Rear Yard Setback	None
Maximum Front Yard Setback for a Porch	12'
Minimum Porch Depth	4'
Maximum Porch Depth	12'
Garage Minimum Rear Yard Setback	3.5'
Garage Minimum Side Yard Setback	None
Maximum Building Height	50'
Maximum Number of Stories	2.5
Maximum Lot Coverage	100%
Minimum Roof Pitch	6:12
Minimum Dwelling Size	1,200 SF
Minimum Masonry % on Exterior of Residence (excluding porch floor, columns, and roof trim)	100%
Maximum Number of Single Family Attached Homes	490

Notes to Table 2:

1. Lot coverage is measured as the area covered by the roof of the residence and garage.
 2. All wood must be stained or painted.
 3. Swimming pools may be located in the required rear yard setback
 4. Roofing materials are required to be asphalt shingles, metal, slate, simulated slate, or tile.
 5. The maximum lot coverage requirements substitute for the maximum impervious cover requirements in the UDC.
 6. The front yard setback shall be measured from the street right-of-way to the front face of the building. Covered terraces, eaves, and roof extensions may project into the required front yard.
 7. On corner lots, the front yard setback shall be required only along the street on which the home fronts.
 8. Every part of a required rear yard shall be open and unobstructed to the sky from a point 30 inches above the general ground level of the graded lot, except for accessory buildings and landscaping as permitted and the ordinary projections of window sills, belt courses, cornices and roof overhangs and other architectural features projecting not to exceed 24 inches into the required rear yard.
 9. Where lots have double frontage, running from one street to another, a required
- Ordinance No. 17-0413C– 635.5-Acre Tract Mixed-Use Planned Development
Exhibit C – Page 8

front yard setback shall be provided on both streets.

10. All single family attached residences shall have a rear entry garage. A minimum of one enclosed parking space per dwelling unit shall be required.

VII. DESIGN STANDARDS

1. The design standards in Section 9.5 of the UDC shall apply except as provided in this Section VII.
2. The sole design standards applicable to residential development shall be the masonry requirements of Table 1 and Table 2 above and the following:
 - a. Garages.
 - i. Garage doors must be recessed a minimum of 12 inches from the garage face. This requirement does not apply to rear entry garages.
 - ii. Garage doors shall contain at least three of the following enhancements: shed roofs; faux cedar/wood clad doors; double doors; windows; decorative hardware and lights; and reveals/texture. This requirement does not apply to rear entry garages.
 - iii. No more than four homes in a row may have garages parallel to and facing the street.
 - iv. Detached garages are permitted.
 - v. The minimum garage dimensions for a two-car garage shall be 20 feet by 20 feet.
 - b. Driveways. All driveways must accommodate the off-street parking of two vehicles without blocking the sidewalk. Driveways shall transition to 12 feet at the street to reduce impervious cover. Driveways shall be constructed without altering drainage swales. Concrete driveways within the right-of-way shall be a minimum of 3,000 PSI concrete with #4 rebar on a 12-inch grid pattern.

VIII. LANDSCAPING, BUFFERS, SCREENING

1. The landscaping and tree preservation requirements of Section 9.10 of the UDC, and the screening and fencing requirements of Section 9.11 of the UDC, shall apply except as follows:
 - a. Landscape buffers, setbacks, and materials along streets shall comply with the Street Sections in lieu of the UDC requirements. Section 9.11.B.1.a of the UDC shall not apply.

- b. One street tree shall be required per residential lot. Street trees along residential streets may be located in the parkway provided the planting does not interfere with utilities or visibility.
- c. Section 9.11.A.3.g of the UDC shall not apply
- d. Section 9.11.A.3.j of the UDC shall be modified to read as follows: Fences for double frontage lots or corner lots adjacent to a street shall be located at least ten feet from the right-of-way line.
- e. Section 9.11.A.3.k of the UDC shall be modified to read as follows: If a corner lot is adjacent to a subdivision's screening wall, a fence may be constructed at least ten feet from the right-of-way line connect with the screening wall.
- f. Development shall comply with the FM 407 setback, landscaping, and fencing exhibit attached as **Exhibit G**.
- g. All required residential landscaping shall be installed by the home builder prior to occupancy of the residence.
- h. Landscaping for residential lots shall consist of drought-tolerant plants. Bermuda will be allowed as a drought-tolerant turf on residential lots. St. Augustin grass is prohibited. At least 50 percent of the available pervious portion of the front yard and corner yard on residential lots must have landscape bed coverage and include shrubs, ornamental grasses, perennials, vines, and ground cover. For purposes of this provision, the front yard means the area within the required front yard setback, and the corner yard means the area within the required street side setback. All shrub beds in the front and corner yard must be fully prepped with compost material and top dressed with a two inch to four inch later of shredded hardwood mulch. Acceptance by the Town shall not be delayed until ground cover is established.
- i. Colored mulch is prohibited.
- j. No other landscaping requirements (including right-of-way landscaping requirements in Sections 7.01-7.05 of the EDM), screening requirements, or fencing requirements shall apply.

IX. STREETS

Development shall comply with the Street Sections. For street types that are not shown on the Street Sections, compliance with standard Town requirements shall be required.

X. SIGNS

In addition to the signage permitted by the UDC, the signage described on **Exhibit H** is permitted.

XI. MISCELLANEOUS

1. All retaining walls not installed by the developer or subdivider shall be (a) constructed and maintained by the owner on the high side; (b) designed so that the face of the retaining wall is on the property line; (c) engineered by a licensed professional engineer if the wall exceeds four feet in height; (d) designed to locate two inch diameter weeps at ten feet on center with weep holes that are three inches above the low side finish grade, cut flush and painted to match the stone; (e) designed to provide a gravel drain pocket and fountain stone per the geotech and engineer's recommendation; (f) designed so that the top of the wall remains flush with the high side finish grade; and (f) designed to allow a high side lot to drain on a low side lot for no more than one lot.
2. In general, block lengths along minor or secondary streets shall not exceed 2,000 feet, and along major streets shall not exceed 2,500 feet. There shall be no minimum block length. For purposes of this provision, major street shall be FM 407, Cleveland-Gibbs, Mulkey, and any collector (as shown in the Street Sections). All other roads shall be considered minor or secondary streets for purposes of this provision.
3. Every lot shall be provided with adequate access to a public street, either by direct frontage on such street, or by public access easement approved by the Town Council; however, news lots may be served by an alley with a minimum width of 20 feet. Residential driveway access to FM 407, Cleveland-Gibbs, and Mulkey shall be prohibited.
4. The developer or subdivider shall construct all required sidewalks other than those that will be located adjacent to the front or sides of residential lots.
5. No maintenance bond shall be required for the wastewater treatment plant operated by the District.
6. Early grading permits shall be permitted prior to approval of engineering plans at the risk of the developer or subdivider.
7. Building permits may be issued for a maximum of 20 percent of the lots on a platted phase prior to completion and acceptance of all improvements associated with the plat provided each lot for which an early building permit is issued has water service and can be accessed by an all weather road.
8. The Property may be served by a wastewater treatment plant owned and maintained by the District. The wastewater treatment plant may be located on the Property in the general location shown on the Concept Plan.
9. Water wells may not be drilled for the purpose of providing potable water;

however, wells may be drilled for the provision of irrigation water, and effluent may be reused for irrigation. If effluent is used, all applicable state laws shall be followed.

10. The maximum length of any cul-de-sac shall be the greater of 600 feet measured from the curb line of the intersecting street to the radius point of the turnaround or, 30 single family lots. The right-of-way radius shall be 50 feet and the curb radius 40 feet within the cul-de-sac turnaround. Cul-de-sac turnarounds are not required to be visible from the intersecting street.
11. In Table II-3 of the EDM, the minimum centerline radius for a residential roadway with a rate of superelevation of 0 shall be changed to 200 feet.
12. In Table II-7 of the EDM, (a) the maximum approach grade for all residential driveways shall be changed to 14 percent, as measured from the garage finished floor to the curb line of the intersecting street; (b) the minimum and maximum driveway throat width for a residential local street shall be eliminated; and (c) the minimum distance from a driveway to an intersection for a local residential street shall be changed to 25 feet, except at the intersection of a local residential street and FM 407, Cleveland-Gibbs, or Mulkey.
13. The following provisions in Section 7.03, Part VII Landscaping in the Public Right-of-Way, of the EDM shall not apply: Minimum landscape requirements will be established by the Town. An 8-inch wide concrete mow strip shall be installed between all planting beds and grassed areas. Only trees with a mature height less than 30 feet may be planted closer than 20 feet to either side of an overhead line. No trees shall be directly under utility lines.
14. Street lights shall be installed in all new subdivisions. For residential streets, street lights shall be installed at each intersection, at major curves, at end of cul-de-sacs, and at maximum intervals of 600 feet. The developer/subdivider shall pay the costs for all street lighting. Street light luminaries shall be high pressure sodium (HPS), metal halide (MH), or LED. Luminaires shall be mounted on poles at least 11 feet high as shown on standard details for street lights or as approved by the Town Administrator. Street lighting shall be designed to direct light down. Street light materials and design shall be determined by the developer or subdivider with the approval of the Town Administrator.
15. [The following provision in Section 1.2.2, Part III Drainage, of the EDM shall not apply: If existing channel velocities exceed six (6) feet per second, a maximum increase of ten percent in velocities will be allowed.]
16. Section 3.3 (General Design and Construction Standards, Single Family Lot Grading) of the EDM shall be modified to read in its entirety as follows: All single family lots shall be graded such that the building pads are higher than the street. Lots may be graded to allow drainage towards the adjacent lot and perpendicular to public rights-of-way or drainage easements provided drainage

easements are provided for the swales.

17. Section 3.3 (General Design and Construction Standards, Minimum Pipe Sizes and Depths) of the EDM shall be modified to read in its entirety as follows: Minimum pipe sizes are 21" diameter for mains and 18" diameter for inlet leads. Minimum pipe size for lead lines to sag inlets shall be 21". Minimum depth of storm sewer from outside top of conduit to top of curb/pavement is 24 inches.
18. Drainage easements shall include a minimum of ten-foot (10') margin on both sides beyond actual top of bank for improved earthen channels. There shall be no restriction on locating retaining walls within or adjacent to a drainage easement in order to reduce the easement width; however, the Town may require a geotechnical study and/or an underground drainage system design option prior to approval of retaining walls in a drainage easement.
19. Section 26 of Appendix B, Private Development General Notes for Construction Plans, of the EDM shall be modified to read as follows: "Seed/sod shall be furnished to establish ground cover over all disturbed areas as an erosion control measure. The Contractor shall not wait until the completion of the entire project before doing this work." Acceptance of the project shall not be delayed based on compliance with this section.
20. The subdivision acceptance process shall be in accordance with the UDC and EDM in effect at the time of PD adoption.
21. Utility placement shall be as shown on the Street Sections.
22. Water and sewer services may cross open space areas to serve a mews lot.

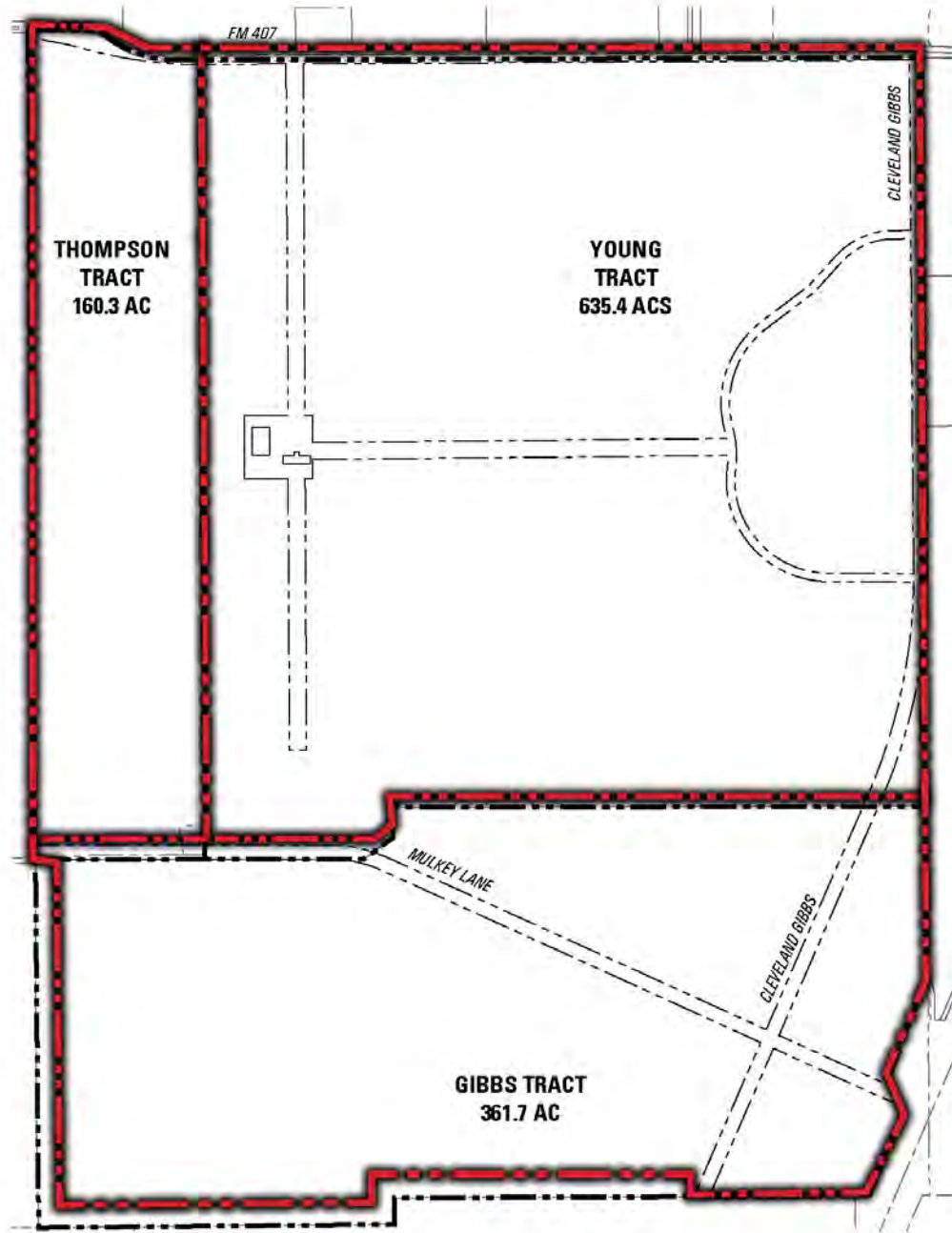
XII. EXHIBITS

The following exhibits are attached to this PD Ordinance and incorporated herein for all purposes:

Exhibit A	Metes and Bounds Description of the Property
Exhibit B	Concept Plan (Options 1 & 2)
Exhibit C	Development Regulations
Exhibit D	Overall Development Boundaries (3 Tracts)
Exhibit E	Open Space Plan (Options 1 & 2)
Exhibit F	Street Sections
Exhibit G	FM 407 Setback, Landscaping, and Fencing Details
Exhibit H	Signage

Exhibit D
Overall Development Boundaries (3 Tracts)

OVERALL DEVELOPMENT BOUNDARIES

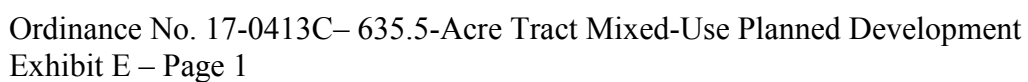


LEGEND	
SYMBOL	DESCRIPTION
	Boundary Line Between Young, Gibbs and Thompson

Notes

- All locations of boundaries, land uses and roads are approximate

OPEN SPACE PLAN OPTION 1



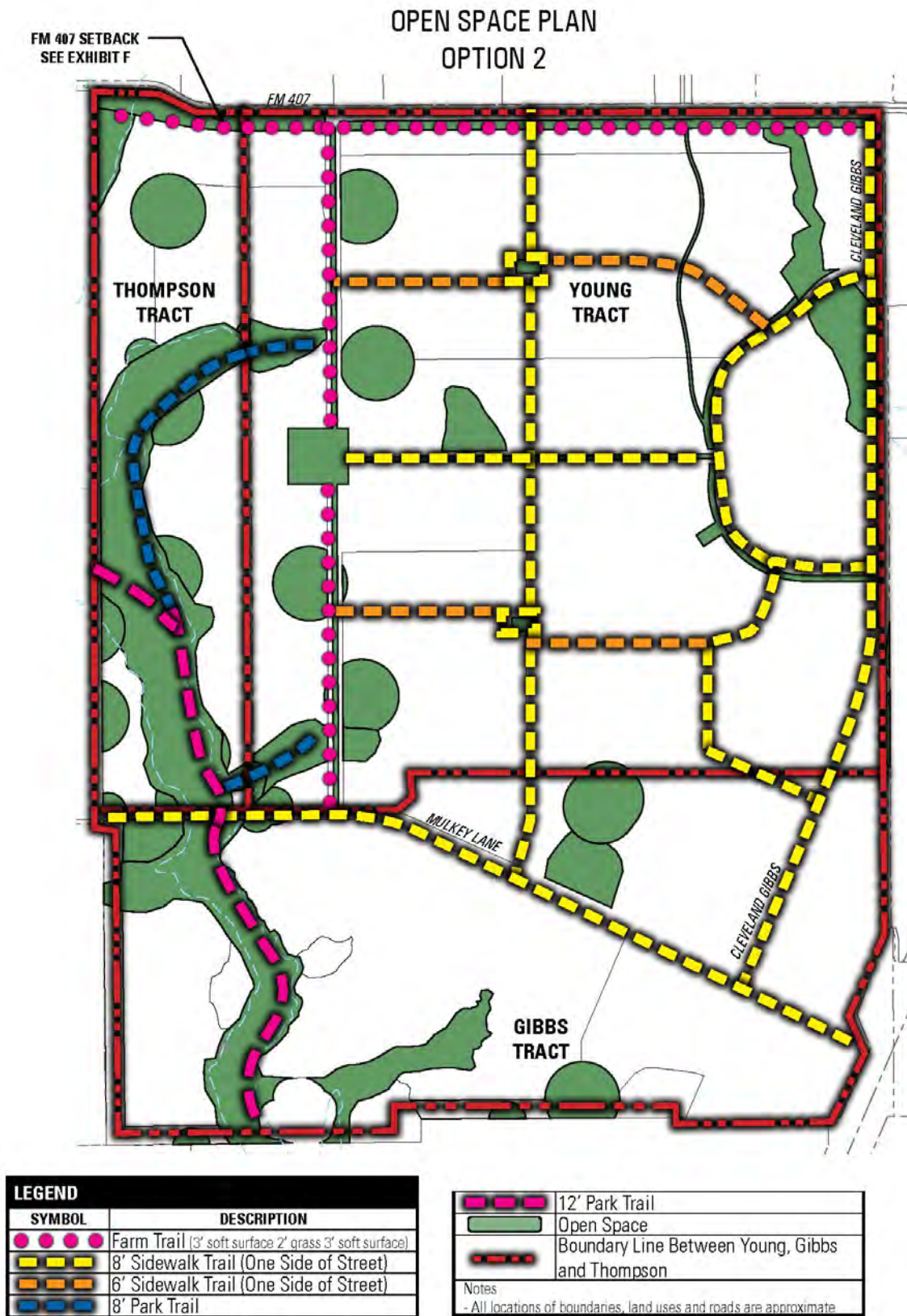
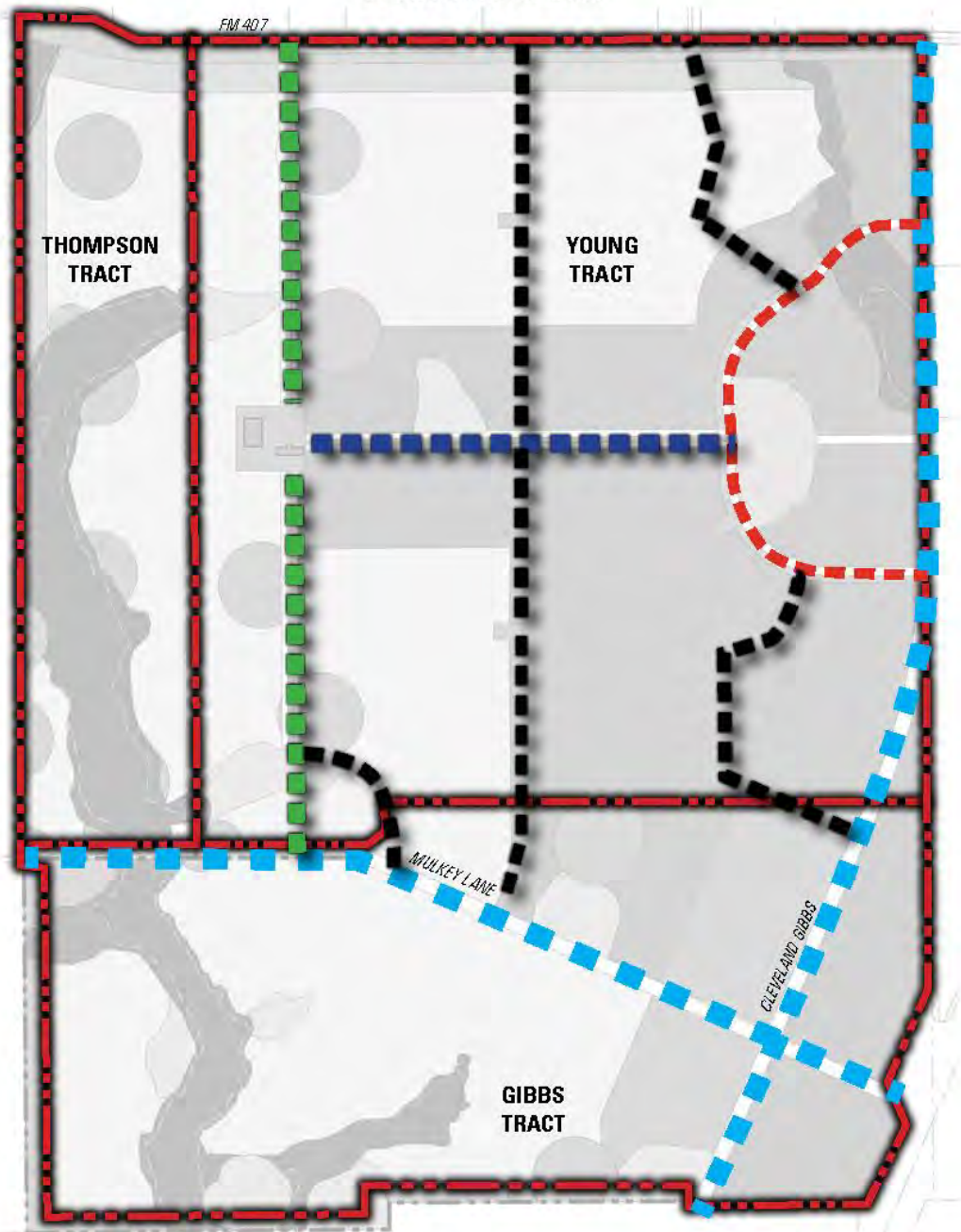


Exhibit F
Street Sections

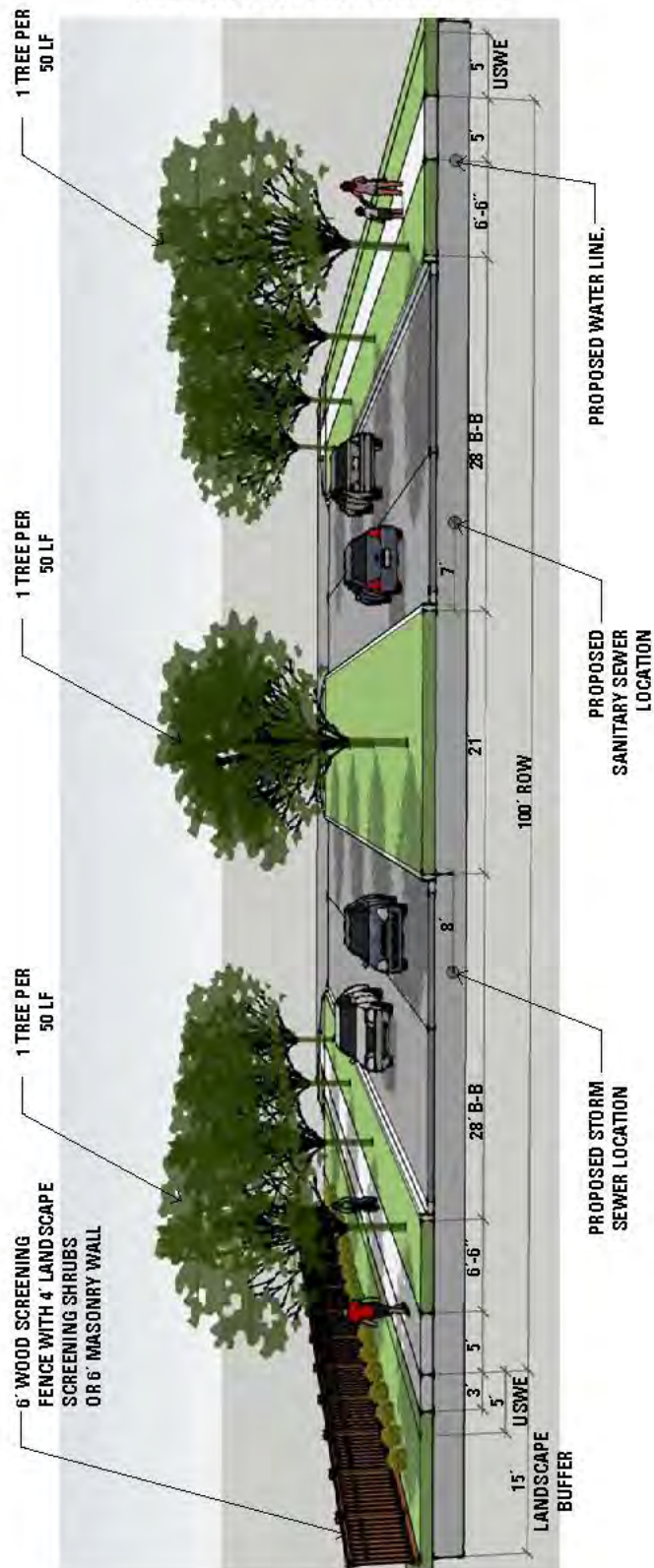
STREET NETWORK



LEGEND		
SYMBOL	SECTION	STREET TYPE
	A	Cleveland Gibbs / Mulkey (100' ROW)
	B	Pecan Street
	C	Elm Esplande
	D	Collector (60' ROW)
	E	Residential Connector (64' ROW)

	F	Residential Street
	G	Alley Street
	Boundary Line Between Young, Gibbs and Thompson	
Notes - All locations of boundaries, land uses and roads are approximate.		

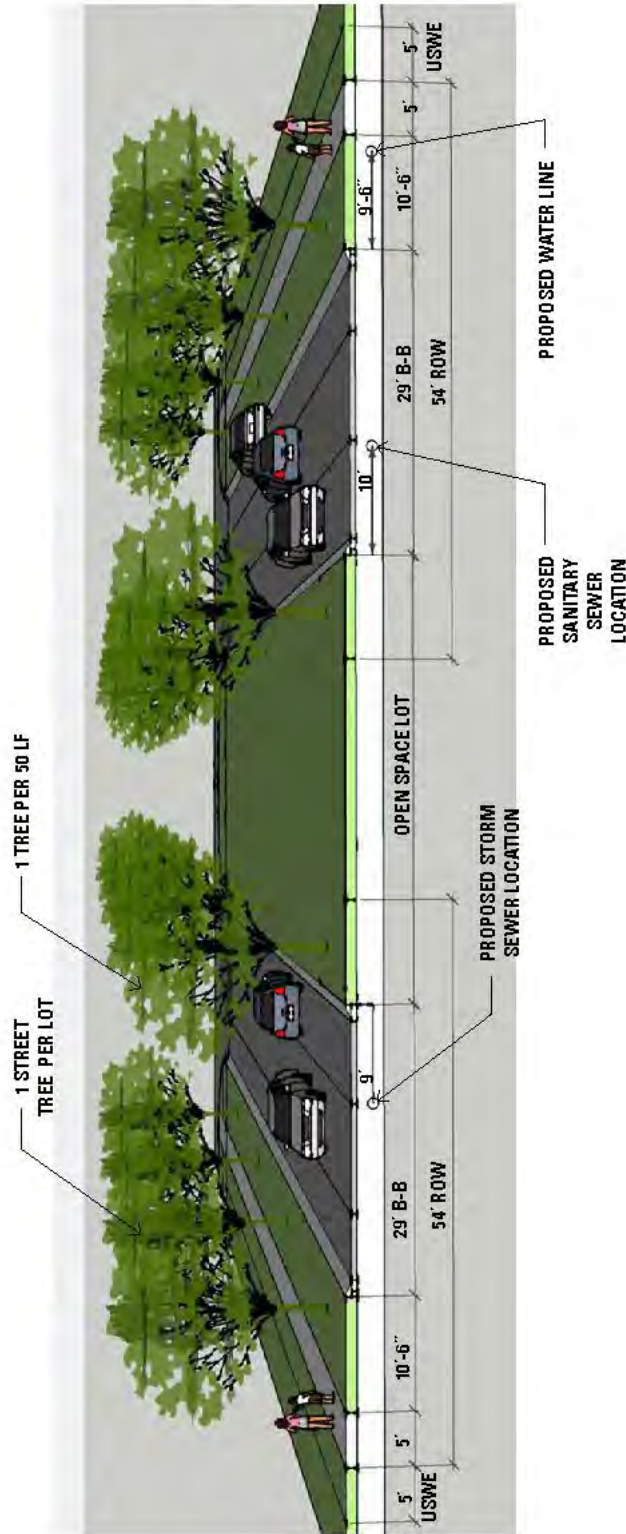
CLEVELAND GIBBS/MULKEY



*ALL TREES TO BE CENTERED BETWEEN CURB AND SIDEWALK
 ** LANDSCAPE BUFFER ONLY REQUIRED TO ADJACENT SINGLE FAMILY OR COMMERCIAL WITHIN TOWN LIMITS
 ***SHRUBBERY SIDEWALKS, GROUND COVER AND TRAILS ARE ALLOWED WITHIN THE UTILITY AND SIDEWALK EASEMENTS (USWE)

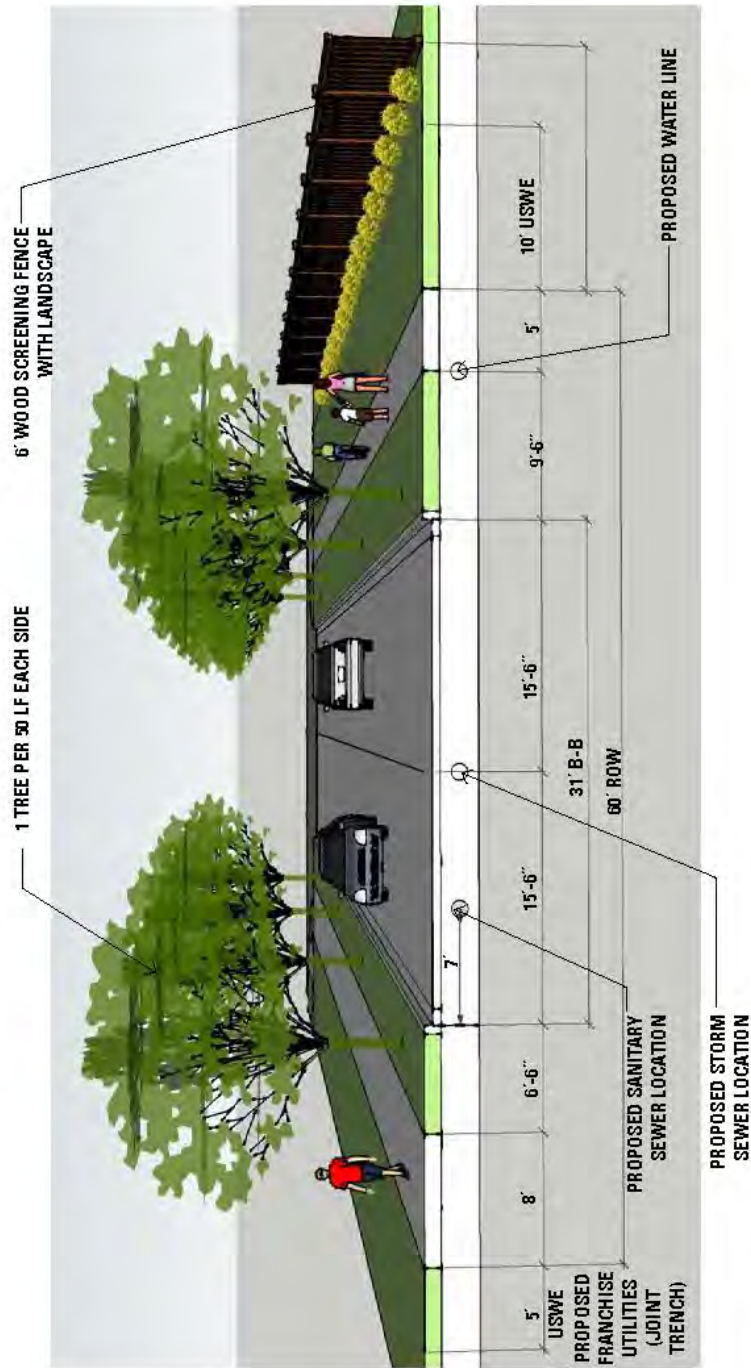
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WITHIN THE UTILITY AND SIDEWALK EASEMENTS (USWE)

ELM ESPLANDE



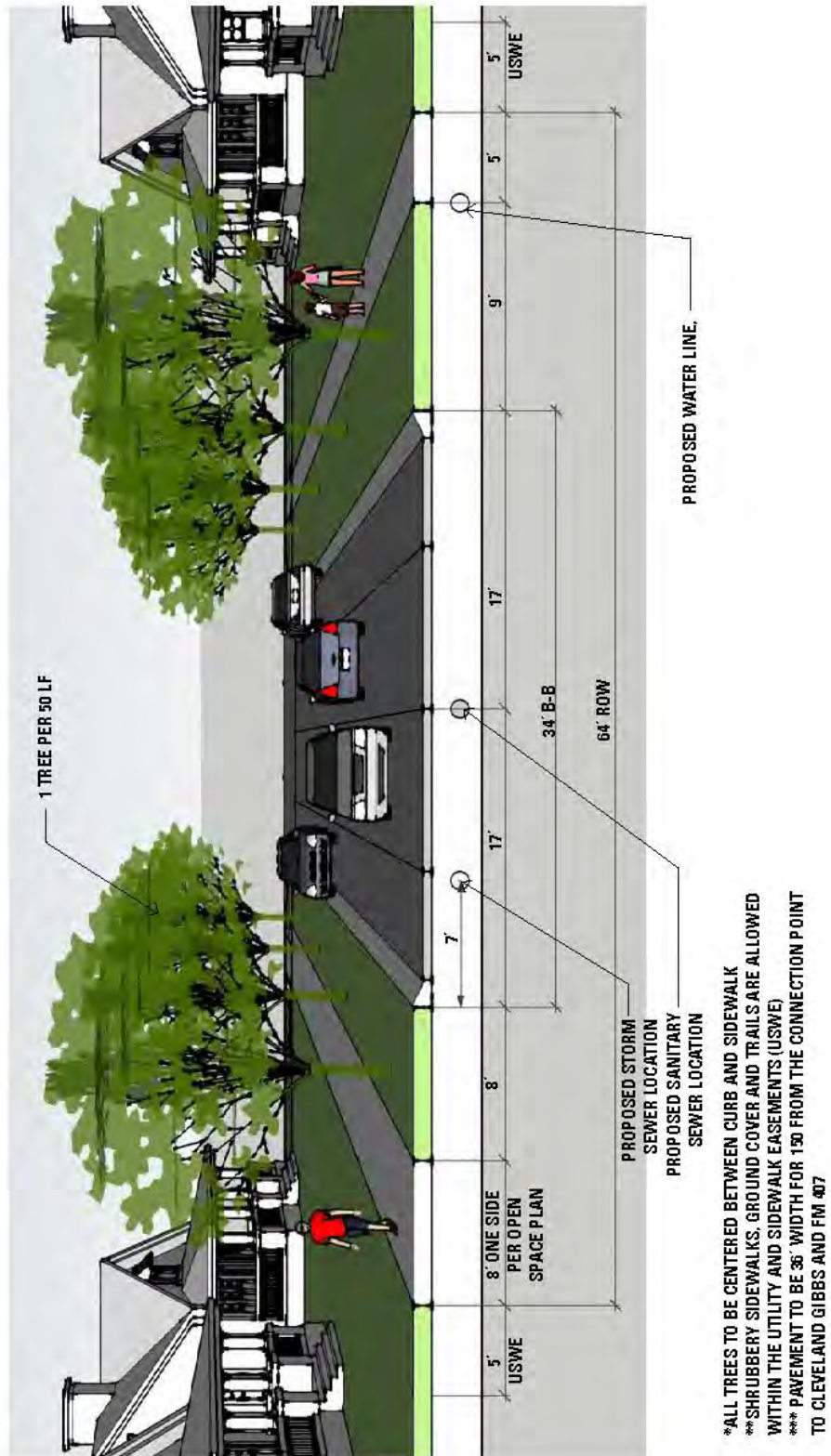
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 WITHIN THE UTILITY AND SIDEWALK EASEMENTS (USWE)

COLLECTOR ROAD

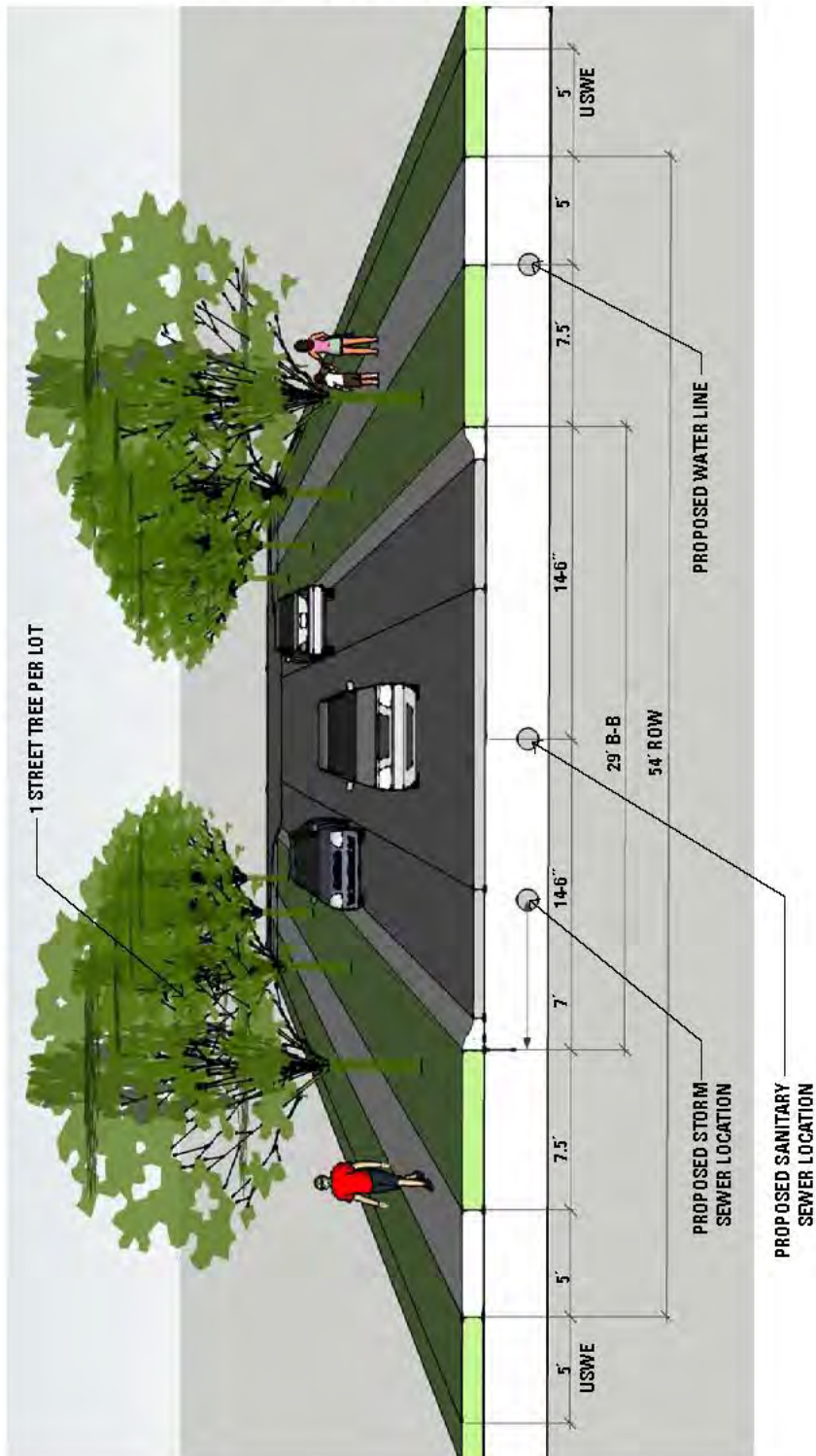


- *ALL TREES TO BE CENTERED BETWEEN CURB AND SIDEWALK
- **SHRUBBERY SIDEWALKS, GROUND COVER AND TRAILS ARE ALLOWED WITHIN THE UTILITY AND SIDEWALK EASEMENTS (USWE)
- *** PAVEMENT TO BE 36' WIDTH FOR 150' FROM THE CONNECTION POINT TO CLEVELAND GIBBS AND FM 407

RESIDENTIAL CONNECTOR

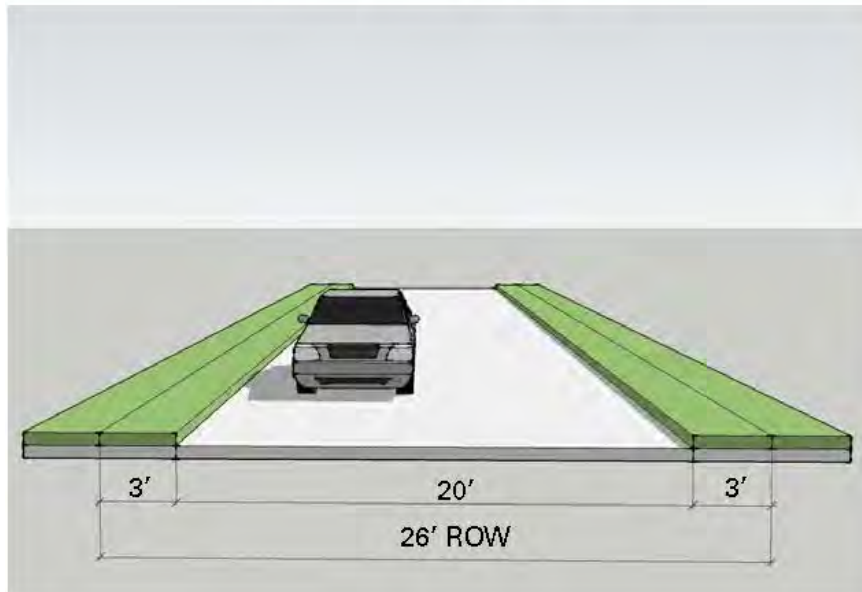


TYPICAL RESIDENTIAL STREET

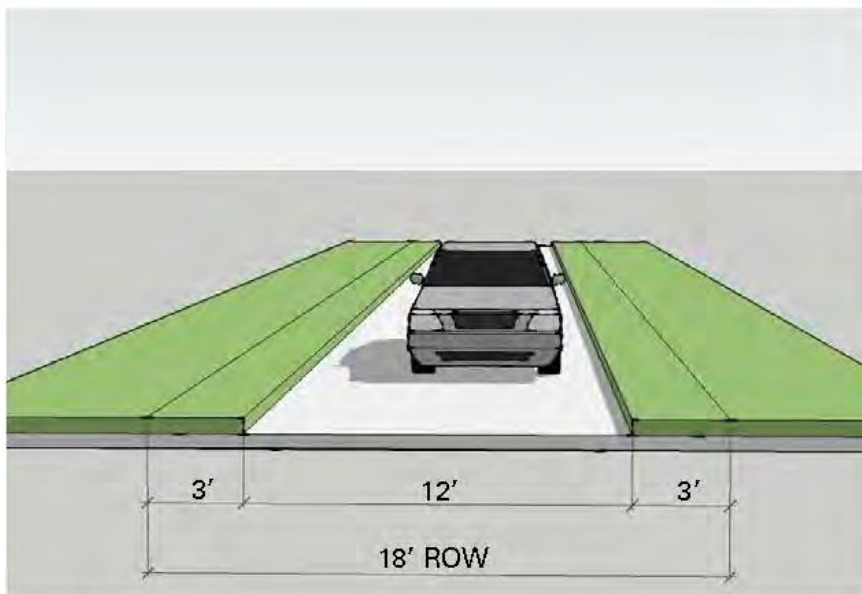


*ALL TREES TO BE CENTERED BETWEEN CURB AND SIDEWALK
 **SHRUBBERY SIDEWALKS, GROUND COVER AND TRAILS ARE ALLOWED
 WITHIN THE UTILITY AND SIDEWALK EASEMENTS (USWE)

TYPICAL ALLEY SECTIONS



20' ALLEY (MEWS LOTS ONLY)



12' ALLEY

Exhibit G
FM 407 Setback, Landscaping, and Fencing Details

FM 407 SETBACK AND LANDSCAPING

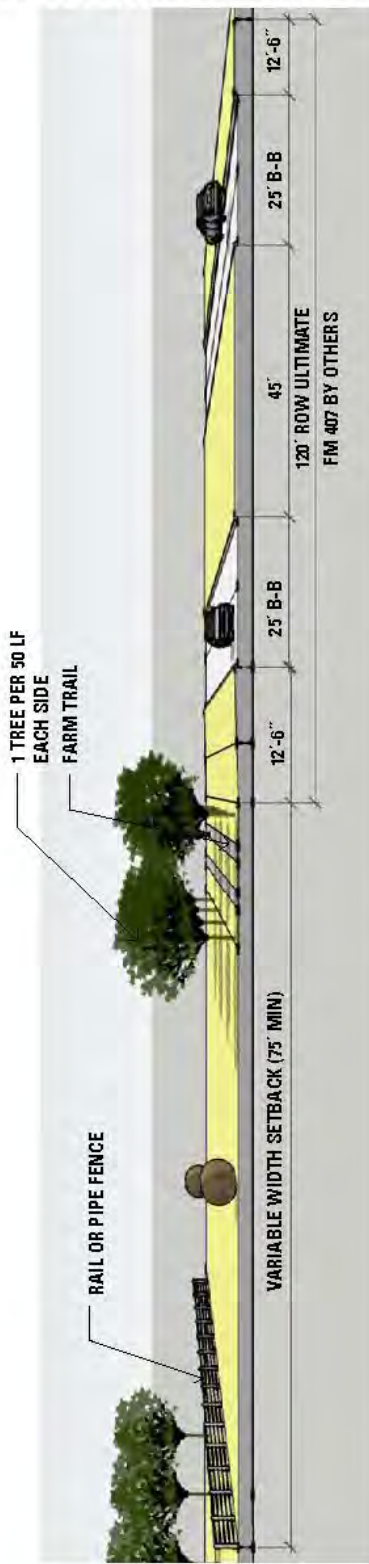
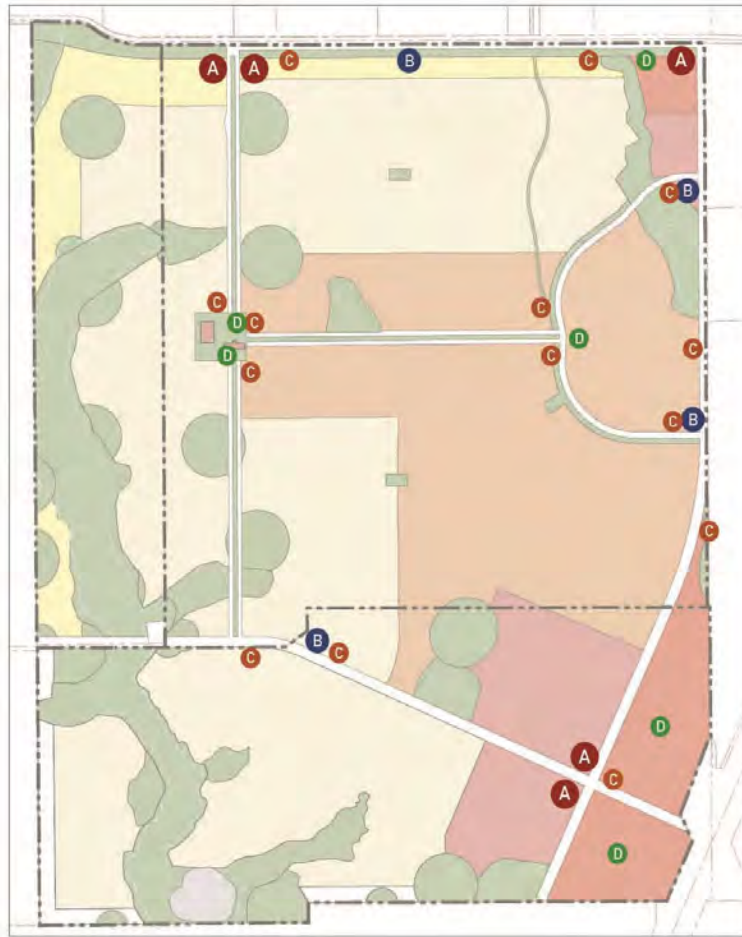
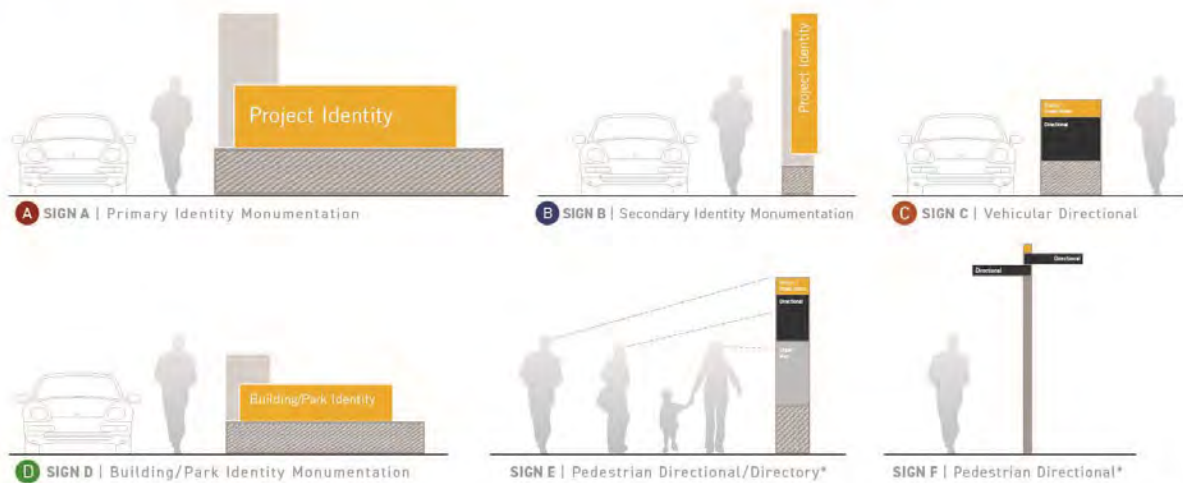


Exhibit H Signage

SIGNAGE LOCATION DIAGRAM



NOTE: Specific designs shown are diagrams and are not indicative of the final signage design and what is required to be built. The locations and suggested quantities of these signs is based on the current concept site plan and can change consistent with changes to the concept site plan.



* SIGNS NOT YET LOCATED

SIGN TYPES DEFINED



SIGN A | Primary Identity Monumentation



SIGN B | Secondary Identity Monumentation



SIGN C | Vehicular Directional



SIGN D | Building/Park Identity Monumentation



SIGN E | Pedestrian Directional/Directory*



SIGN F | Pedestrian Directional*

SIGN A | Freestanding identity monument installed at project entries. Material palette to include stone, painted metal, and wood as needed. Maximum height to be 18'-0" and width to be 30'-0"; Externally illuminated. Number Permitted in overall development: 5

SIGN B | Freestanding vertical identity monument installed at secondary entries. This sign intended to identify the project where a smaller footprint is needed. Material palette to include stone, painted metal, and wood as needed. Maximum height to be 12'-0" and width to be 10'-0"; Externally illuminated. Number Permitted in overall development: 4

SIGN C | Two-sided directional sign. All vehicular directional signs should be located to maintain sight lines along major circulation routes and should be well illuminated for visual clarity and safety. A singular and consistent font of upper and lower case characters should be used, individual tenant logo fonts are strongly discouraged. Copy not to exceed three (3) inches in height. Material palette to include stone, painted metal, and wood as needed. Maximum height to be 6'-0" and width to be 5'-0"; Externally illuminated. Number Permitted in overall development: 14

SIGN D | Freestanding building/park identity monument installed at noteworthy locations. This sign intended to identify the smaller destinations within the project. Material palette to include stone, painted metal, and wood as needed. Maximum height to be 6'-0" and width to be 12'-0"; Externally illuminated. Number Permitted in overall development: 6

SIGN E | Two-sided directional sign, text and directory graphic. Pedestrian directional signs and their supports should be used consistently throughout the development. A singular and consistent font of upper and lower case characters should be used, individual tenant logo fonts are strongly discouraged. Copy not to exceed 1.5 inches in height. Material palette to include stone, painted metal, and wood as needed. Maximum height to be 10'-0" and width to be 3'-0"; Externally illuminated. Number Permitted in overall development: 8

SIGN F | Non-illuminated post-mounted directional for secondary locations with minimal available ground space. Material palette to include painted metal and wood as needed. Maximum height to be 10'-0" and width to be 3'-0"; Non illuminated. Number Permitted in overall development: 12

NOTE: Specific designs shown are diagrams and are not indicative of the final signage design and what is required to be built. The locations and suggested quantities of these signs is based on the current concept site plan and can change consistent with changes to the concept site plan.

* SIGNS NOT YET LOCATED

Memo

To: Honorable Mayor and Town Council
From: Nathan Reddin, Development Director
CC: Drew Corn, Town Administrator
Shirley Rogers, Town Secretary
Date: April 13, 2017
Re: 361.7-Acre Gibbs Tract Mixed-Use Planned Development (MPD)

Purpose: To hold a public hearing and a consider zoning change from Rural Residential (RR) to Mixed-Use Planned Development (MPD) for a proposed master planned development on 361.7 acres of land situated in the F.W. Thornton Survey, Abstract No. 1244, the A. McDonald Survey, Abstract No. 785, and the J.G. Cleveland Survey, Abstract No. 1461, and generally located south of Mulkey Lane and west of Cleveland-Gibbs Road.

Public Hearing Information: Northlake's Unified Development Code (UDC) in accordance with state law requires that a zoning change must be approved by ordinance following public notice and a public hearing. A public hearing is scheduled at this meeting. Notice of the public hearing was published in the Denton Record Chronicle and mailed to all Northlake property owners subject to the MPD and within 200 feet of the MPD district as required. Staff has received a total of 14 written responses as of the date of this memo with 5 in favor of the request and 9 opposed. Of the responses in favor of the request, four properties within the 200-foot notification area are represented, while one property within the buffer is represented by multiple responses in opposition. The written opposition so far does not meet the threshold to require a three-fourths majority.

Owner: HP Gibbs

Applicant/Developer: Hillwood Communities

Background This zoning change request is for one of the three tracts under separate ownership planned for a 1,158-acre mixed-use, master planned development currently being referred to as Pecan Square. Numerous presentations have been made by the developer regarding this development, including the presentation of a draft MPD at the March 23rd Town Council meeting. The draft MPD was revised in response to comments and concerns expressed at the meeting, and this revised MPD is to be considered for adoption at this meeting.

Adjacent Zoning/Existing Land Uses:

North: Rural Residential (RR) / Primarily vacant (planned as part of this same development with zoning request to MPD)
South: Rural Residential (RR) / Vacant
East: Rural Residential (RR) / Vacant, undeveloped land and IH 35W

361.7-Acre Gibbs Tract Mixed-Use Planned Development (MPD)

Page 2 of 2

West: Rural Residential (RR) / Vacant

Comprehensive Plan Designation: The future land use plan of the Comprehensive Plan shows most of the site to be within the Neighborhood Residential (NR) Character Area. The eastern portion of the site is within the Mixed Use (MU) Character Area while the far western boundary of the property approaches the Ranch Preservation (RP) Character Area.

Summary of Proposed MPD: See summary included in memo for 635.5-Acre Young Tract MPD.

Staff Analysis: See analysis included in memo for 635.5-Acre Young Tract MPD.

Recommendation: Staff finds the proposed MPD acceptable for approval based on its adherence to the Comprehensive Plan and compatibility with existing and proposed adjacent land uses.

Attachments:

- Public Hearing Information – Notice, Buffer Map, Contact List & Written Responses
- Ordinance No. 17-0413D – Proposed MPD Zoning
 - *Note that redundant exhibits were not included in the paper copy of packet. Please refer to the full Ordinance for the 635.5-Acre Young Tract MPD.*

NOTICE OF PUBLIC HEARING

Notice is hereby given that, due to a revised application including less area requested to be rezoned, the public hearing before the Northlake Town Council originally scheduled for March 23, 2017 will be cancelled and rescheduled for Thursday, April 13, 2017, at a meeting to begin at 5:30 pm at Northlake Town Hall, 1400 FM 407, Northlake, Texas. The purpose of this hearing is to hear comments for or against a zoning change from Rural Residential (RR) to Mixed-Use Planned Development (MPD) for a proposed master planned development to include a mix of commercial and residential uses with a mix of lot sizes and densities, located on approximately 361.7 acres of land situated in the F.W. Thornton Survey, Abstract No. 1244, the A. McDonald Survey, Abstract No. 785, and the J.G. Cleveland Survey, Abstract No. 1461, and generally located south of Mulkey Lane and west of Cleveland-Gibbs Road. HP Gibbs is the owner. Hillwood Communities is the applicant/developer. Case # PD-17-001.

ABOUT THIS REQUEST

The MPD is currently under review. The proposed MPD will be posted on the Town website www.town.northlake.tx.us under News & Notices upon completion of staff review. If you would like more information or have any questions about this request, please contact Nathan Reddin, Development Director, at 940-242-5703 or nreddin@town.northlake.tx.us. You may also visit Northlake Town Hall between the hours of 8:00 am to 4:00 pm, Monday – Friday.

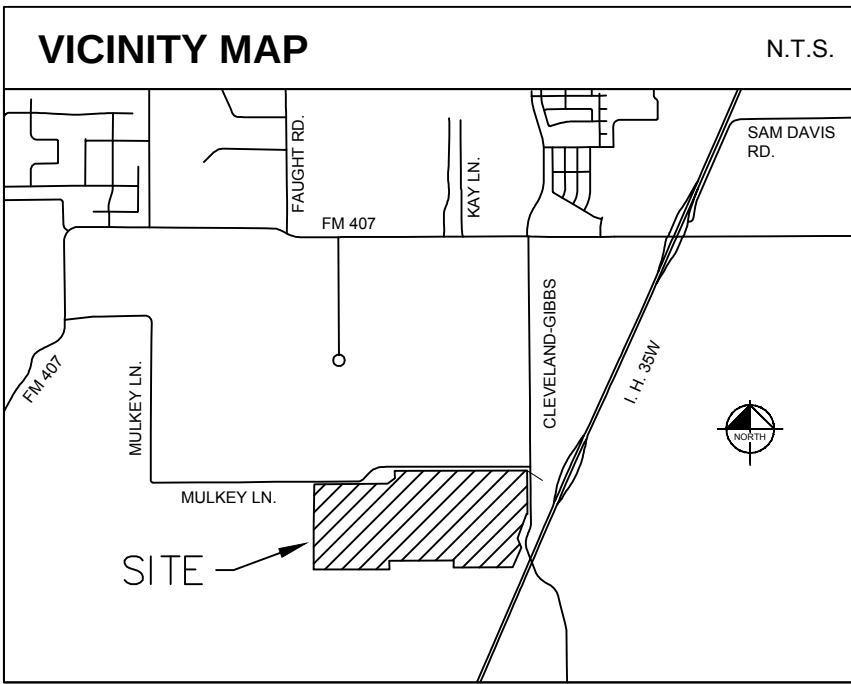
PUBLIC HEARING PROCESS

The public hearing process is designed to provide opportunities for citizen involvement and comment. The public hearing is held before the Town Council. During the public hearing, interested persons are asked to sign in and speak before the Town Council to provide comments for or against the request before the Town Council. Prior to the public hearing, Northlake landowners within two hundred (200) feet of the subject property are notified of the request by mailing of this notice thirty (30) days prior to the date of the public hearing. Notifications are also published in the Denton Record-Chronicle fifteen (15) days prior to the date of the public hearing.

WRITTEN RESPONSE PROCESS

You may also make your opinion known on this request by returning the enclosed Notification Response Form. Please return this form with your comments prior to the date of the public hearing. *This in no way prohibits you from attending and participating in the public hearing.* The Council is informed of the percentage of responses in support and in opposition of the request. If the owners of more than twenty (20) percent of the Northlake land area within two hundred (200) feet of the site submit written opposition, then a three-fourths majority (typically four (4) out of five (5) votes) of the Town Council is required to approve the request. ***These forms are used to calculate the percentage of landowner opposition.***

Page 2 of 2



CLEVELAND GIBBS ROAD

This document was prepared under 22 IAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

<u>Scale</u>	<u>Drawn by</u>	<u>Checked by</u>	<u>Date</u>	<u>Project No.</u>	<u>Sheet No.</u>
= 300'	MBM	KHA	03/13/2017	063226900	1 OF 1

Mailing List for Public Hearing Notices

Case Name: Gibbs Tract MPD
Case Type: Planned Development (PD)
Case Number: PD-17-001
Public Hearing Date: April 13, 2017

PROPERTY ID	OWNER NAME	OWNER ADDRESS	CITY	STATE	ZIP	LEGAL DESCRIPTION
OWNER	HP GIBBS LP	13600 HERITAGE PKWY STE 200	FORT WORTH	TX	76177	
APPLICANT	HILLWOOD COMMUNITIES ATTN: BRIAN CARLOCK	3000 TURTLE CREEK BLVD	DALLAS	TX	75219	
SCHOOL	NORTHWEST ISD	PO BOX 77070	FORT WORTH	TX	76177	
R133160	GWARTNEY BILLY G & ERICKA L	8669 HIGHWAY 377	ARGYLE	TX	76226	A0785A A. MCDONALD, TR 2A
MULTIPLE	LIGON, JACQUELINE S & LIGON, LANE E & NEWSOM, IRENE ETAL	404 S COLLEGE AVE	JUSTIN	TX	76247	A1616A G. GIBBS, TR 1 & A1591A A.M. FELTUS, TR 2
MULTIPLE	J YOUNG LAND & CATTLE LTD	13737 FM 1171	NORTHLAKE	TX	76262	A0785A A. MCDONALD, TR 1 & A1244A F. THORTON, TR 45
R212742	GENE MCCUTCHIN LTD II	PO BOX 802043	DALLAS	TX	75380	A1244A F. THORTON, TR 47B(INSIDE CITY)
R70669	GIBBS, KATHRYN G & GIBBS, KIP & SANDY CO-GUARDIANS C/O RICKEY J BRANTLEY, ATTY, PC	855 TEXAS ST, #100	FORT WORTH	TX	76102	A1435A AF WIGGS, TR 1
R68208	HARDEMAN SAVOIE FAMILY LTD P/S	PO BOX 158	JUSTIN	TX	76247	A0413A ERWIN, TR 1
R68226	THOMPSON GRAIN & CATTLE INC	8729 THOMPSON RD	JUSTIN	TX	76247	A0785A A. MCDONALD, TR 2(PT)
R161073	RCM HIGHLANDS LP	909 LAKE CAROLYN PKWY STE 150	IRVING	TX	75039	A0785A A. MCDONALD, TR 3A



NOTIFICATION RESPONSE FORM

Form revised 9/14/2011

CASE INFORMATION

Public Hearing Date: April 13, 2017, 5:30 pm
Case Type: Planned Development (PD) zoning change
Case Name: Gibbs Tract MPD
Case #: PD-17-001

WRITTEN RESPONSE

Please check one: ☐ In favor of request ☐ Neutral/Undecided on request ☒ Opposed to request

Comments (optional):

I'm opposed because of the high density of houses proposed. I would reconsider if there were 1/2 as many houses/townhouses/apts in the plan

Signature: Paula Dudark Date: 4-6-17
Printed Name: Paula Dudark
Address: [REDACTED] City/State/ZIP: Northlake, TX 76247
Phone number: [REDACTED]

RETURN COMPLETED FORM VIA EMAIL, FAX OR HAND DELIVERY BEFORE THE START OF THE SCHEDULED PUBLIC HEARING.

RETURN RESPONSES AND/OR DIRECT QUESTIONS TO:

Town of Northlake
Development Director
Email: nreddin@town.northlake.tx.us
Phone: 940-242-5703
Fax: 940-648-0363

Address:
1400 FM 407
Northlake, Texas 76247

FOR OFFICE USE ONLY

Stamp Received
RECEIVED
APR 07 2017
BY: [Signature]

Property within notification area: ☐ Yes ☒ No

Property ID: _____

Property Size: _____



NOTIFICATION RESPONSE FORM

Form revised 9/14/2011

CASE INFORMATION

Public Hearing Date: April 13, 2017, 5:30 pm
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Case Name: Gibbs Tract MPD
Case #: PD-17-001

WRITTEN RESPONSE

Please check one: ☐ In favor of request ☐ Neutral/Undecided on request ☒ Opposed to request

Comments (optional):

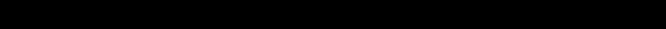
Signature: 

Date: 3/29/17

Printed Name: C.S. LUDBICZEWSKI

Address: 

City/State/ZIP: NORTHLAKE TX 76247

Phone number: 

RETURN COMPLETED FORM VIA EMAIL, FAX OR HAND DELIVERY BEFORE THE START OF THE SCHEDULED PUBLIC HEARING.

RETURN RESPONSES AND/OR DIRECT QUESTIONS TO:

Town of Northlake
Development Director
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Fax: 940-648-0363

Address:
1400 FM 407
Northlake, Texas 76247

****FOR OFFICE USE ONLY****

Stamp Received

RECEIVED
MAR 29 2017

BY: _____

Property within notification area: ☐ Yes ☒ No

Property ID: _____

Property Size: _____



NOTIFICATION RESPONSE FORM

Form revised 9/14/2011

CASE INFORMATION

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WRITTEN RESPONSE

Please check one: ☒ In favor of request ☐ Neutral/Undecided on request ☐ Opposed to request

Comments (optional):

There are 100 reasons to approve this zoning change.
If I had to name 1 it would be schools.
Schools = health & well being of Northlake.

Signature: Robin L-S Young Date: 3-29-2017
Printed Name: Robin L-S Young
Address: [REDACTED] City/State/ZIP: Northlake, TX 76262
Phone number: [REDACTED]

RETURN COMPLETED FORM VIA EMAIL, FAX OR HAND DELIVERY BEFORE THE START OF THE SCHEDULED PUBLIC HEARING.

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Fax: 940-648-0363

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1400 FM 407
Northlake, Texas 76247

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Stamp Received

RECEIVED

MAR 29 2017

BY: [Signature]

Property within notification area: ☐ Yes ☐ No

Property ID: _____

Property Size: _____



NOTIFICATION RESPONSE FORM

Form revised 9/14/2011

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Case Name: Gibbs Tract MPD
Case #: PD-17-001

WRITTEN RESPONSE

Please check one: ☒ In favor of request ☐ Neutral/Undecided on request ☐ Opposed to request

Comments (optional):

Signature: Weldon Jack Young Date: 3-29-2017
Printed Name: Weldon Jack Young
Address: [REDACTED] Northlake, TX 76262 City/State/ZIP: Northlake, TX 76262
Phone number: [REDACTED]

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Address:
1400 FM 407
Northlake, Texas 76247

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Stamp Received

RECEIVED

MAR 29 2017

BY: JR

Property within notification area: ☐ Yes ☐ No
Property ID: _____
Property Size: _____



NOTIFICATION RESPONSE FORM

Form revised 9/14/2011

CASE INFORMATION

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Case Name: Gibbs Tract MPD
Case #: PD-17-001

WRITTEN RESPONSE

Please check one: ☐ In favor of request ☐ Neutral/Undecided on request ☒ Opposed to request

Comments (optional):

Please deny the request for change
in zoning.

Signature: Chase Saville Date: 3/23/2017
Printed Name: Chase Saville
Address: [REDACTED] City/State/ZIP: Northlake, TX 76247
Phone number: _____

RETURN COMPLETED FORM VIA EMAIL, FAX OR HAND DELIVERY BEFORE THE START OF THE SCHEDULED PUBLIC HEARING.

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Northlake, Texas 76247

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Stamp Received
RECEIVED
MAR 23 2017
BY: RR

Property within notification area: ☐ Yes ☒ No
Property ID: _____
Property Size: _____



NOTIFICATION RESPONSE FORM

Form revised 9/14/2011

CASE INFORMATION

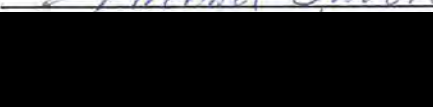
Public Hearing Date: April 13, 2017, 5:30 pm
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Case Name: Gibbs Tract MPD
Case #: PD-17-001

WRITTEN RESPONSE

Please check one: ☐ In favor of request ☐ Neutral/Undecided on request ☒ Opposed to request

Comments (optional):

Please deny zoning change request

Signature: 
Printed Name: Michael Savoie
Address: 
Phone number:

Date: 3/23/17
City/State/ZIP: Northlake TX 76247

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RECEIVED
MAR 23 2017
BY: 

Property within notification area: ☐ Yes ☒ No

Property ID: _____

Property Size: _____



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WRITTEN RESPONSE

Please check one: ☐ In favor of request ☐ Neutral/Undecided on request ☒ Opposed to request

Comments (optional):

Opposed to request.

Signature: Carla Hardeman
Printed Name: Carla Hardeman
Address: [REDACTED]
Phone number: _____

Date: 3/21/2017
City/State/ZIP: JUSTIN, TX 76247

RETURN COMPLETED FORM VIA EMAIL, FAX OR HAND DELIVERY BEFORE THE START OF THE SCHEDULED PUBLIC HEARING.

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Property within notification area: ☐ Yes ☒ No

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WRITTEN RESPONSE

Please check one: ☐ In favor of request ☐ Neutral/Undecided on request ☒ Opposed to request

Comments (optional):

Opposed to request.

Signature: [Handwritten Signature]

Date: 3/21/2017

Printed Name: RENA HARDEMAN

Address: [Redacted]

City/State/ZIP: JUSTIN TX 76247

Phone number: _____

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MAR 23 2017
BY: JR

Property within notification area: ☐ Yes ☒ No

Property ID: _____

Property Size: _____



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Case #: PD-17-001

WRITTEN RESPONSE

Please check one: ☐ In favor of request ☐ Neutral/Undecided on request ☒ Opposed to request

Comments (optional):

Opposed to request.

Signature:

Date:

3/21/2017

Printed Name:

Heide Hardeman

Address:

[Redacted Address]

City/State/ZIP:

JUSTIN TX 76247

Phone number:

RETURN COMPLETED FORM VIA EMAIL, FAX OR HAND DELIVERY BEFORE THE START OF THE SCHEDULED PUBLIC HEARING.

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Development Director

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1400 FM 407

Northlake, Texas 76247

****FOR OFFICE USE ONLY****

Stamp Received
RECEIVED
MAR 23 2017
BY:

Property within notification area: ☐ Yes ☒ No

Property ID: _____

Property Size: _____



NOTIFICATION RESPONSE FORM

Form revised 9/14/2011

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Case #: PD-17-001

WRITTEN RESPONSE

Please check one: ☐ In favor of request ☐ Neutral/Undecided on request ☒ Opposed to request

Comments (optional):

attached document

Signature: *Dorley Miley*

Date: *3-23-17*

Printed Name: *Dorley Miley*

Address: [REDACTED]

City/State/ZIP: *Northlake, TX 76226*

Phone number: [REDACTED]

RETURN COMPLETED FORM VIA EMAIL, FAX OR HAND DELIVERY BEFORE THE START OF THE SCHEDULED PUBLIC HEARING.

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Fax: 940-648-0363

Address:
1400 FM 407
Northlake, Texas 76247

****FOR OFFICE USE ONLY****

Stamp Received

RECEIVED

MAR 23 2017

BY: *JR*

Property within notification area: ☐ Yes ☒ No

Property ID: _____

Property Size: _____

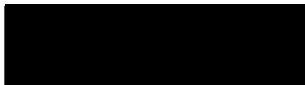
Northlake City Council,

Please consider not approving the request for YOUNG/GIBBS/THOMPSON tracts from rural residential to mixed use. I realize development is coming and they have a right to sell their land, but let's hold Hillwood or any developer to our standards. We want a Rural feel with no less than 1 acre homesites. A Rural façade does not equate to Rural. I don't want to see a sea of rooftops like in North Fort Worth.

You are our only hope of keeping Northlake rural and beautiful.

Thank you for your time,

Lesley Miley





NOTIFICATION RESPONSE FORM

Form revised 9/14/2011

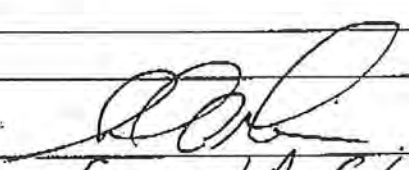
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Case Name: Gibbs Tract MPD
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WRITTEN RESPONSE

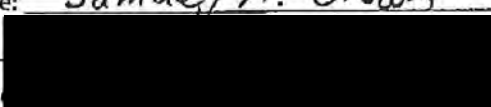
Please check one: ☐ In favor of request ☐ Neutral/Undecided on request ☒ Opposed to request

Comments (optional):

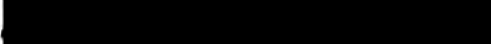
Signature: 

Date: 3/23/2017

Printed Name: Samuel A. Gibson

Address: 

City/State/ZIP: Northlake TX 76247

Phone number: 

RETURN COMPLETED FORM VIA EMAIL, FAX OR HAND DELIVERY BEFORE THE START OF THE SCHEDULED PUBLIC HEARING.

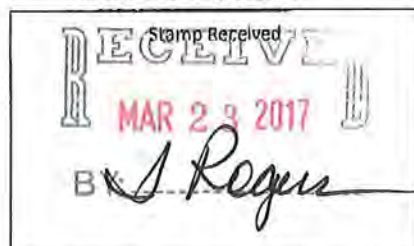
RETURN RESPONSES AND/OR DIRECT QUESTIONS TO:

Town of Northlake
Development Director

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Phone: 940-242-5703
Fax: 940-648-0363

Address:
1400 FM 407
Northlake, Texas 76247

****FOR OFFICE USE ONLY****



Property within notification area: ☐ Yes ☐ No

Property ID: _____

Property Size: _____



NOTIFICATION RESPONSE FORM

Form revised 9/14/2011

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Case #: PD-17-001

WRITTEN RESPONSE

Please check one: ☒ In favor of request ☐ Neutral/Undecided on request ☐ Opposed to request

Comments (optional):

The Estate of Bert H. Gibbs and the Guardianship of Katherine Gibbs
has ceded over 700 acres to the south of the property. The
interested parties are in favor of the Planned Development

Signature: Kenneth Gibbs, Dependent Administrator Date: March 9, 2017
Printed Name: Kenneth Gibbs, by Rakey Brantley, on behalf of the Dependent Administrator
Address: [REDACTED] City/State/ZIP: TX, Northlake, Texas 76102
Phone number: [REDACTED]

RETURN COMPLETED FORM VIA EMAIL, FAX OR HAND DELIVERY BEFORE THE START OF THE SCHEDULED PUBLIC HEARING.

RETURN RESPONSES AND/OR DIRECT QUESTIONS TO:

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Development Director
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Fax: 940-648-0363

Address:
1400 FM 407
Northlake, Texas 76247

FOR OFFICE USE ONLY

Stamp Received

RECEIVED

MAR 09 2017

BY: JK

Property within notification area: ☒ Yes ☐ No
Property ID: 70669
Property Size: _____



NOTIFICATION RESPONSE FORM

Form revised 9/14/2011

CASE INFORMATION

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Case #: PD-17-001

WRITTEN RESPONSE

Please check one: ☒ In favor of request ☐ Neutral/Undecided on request ☐ Opposed to request

Comments (optional):

Signature: Kay Thompson

Date: 3/8/17

Printed Name: Kay Thompson

Address: [REDACTED]

City/State/ZIP: Justin, TX 76247

Phone num: [REDACTED]

RETURN COMPLETED FORM VIA EMAIL, FAX OR HAND DELIVERY BEFORE THE START OF THE SCHEDULED PUBLIC HEARING.

RETURN RESPONSES AND/OR DIRECT QUESTIONS TO:

Town of Northlake
Development Director
Email: nreddin@town.northlake.tx.us
Phone: 940-242-5703
Fax: 940-648-0363

Address:
1400 FM 407
Northlake, Texas 76247

FOR OFFICE USE ONLY

Stamp Received

RECEIVED
MAR 08 2017

BY: [Signature]

Property within notification area: ☒ Yes ☐ No

Property ID: _____

Property Size: _____



NOTIFICATION RESPONSE FORM

Form revised 9/14/2011

CASE INFORMATION

Public Hearing Date: March 23, 2017, 5:30 pm
Case Type: Planned Development (PD) zoning change
Case Name: Gibbs Tract MPD
Case #: PD-17-001

WRITTEN RESPONSE

Please check one: ☒ In favor of request ☐ Neutral/Undecided on request ☐ Opposed to request

Comments (optional):

Signature: Gene McCutchin Date: 2-23-17
Printed Name: Gene McCutchin
Address: [REDACTED] City/State/ZIP: Dallas, TX 75380
Phone num: [REDACTED]

RETURN COMPLETED FORM VIA EMAIL, FAX OR HAND DELIVERY BEFORE THE START OF THE SCHEDULED PUBLIC HEARING.

RETURN RESPONSES AND/OR DIRECT QUESTIONS TO:

Town of Northlake
Development Director
Email: nreddin@town.northlake.tx.us
Phone: 940-242-5703
Fax: 940-648-0363

Address:
1400 FM 407
Northlake, Texas 76247

FOR OFFICE USE ONLY

Stamp Received

RECEIVED

By Nathan Reddin at 11:52 pm, Feb 23, 2017

Property within notification area: ☒ Yes ☐ No

Property ID: 213742

Property Size: _____

ORDINANCE NO. 17-0413D

AN ORDINANCE AMENDING ORDINANCE NO. 13-0124A BEING THE NORTHLAKE UNIFIED DEVELOPMENT CODE AS AMENDED, BY CHANGING THE ZONING CLASSIFICATION OF A 361.7-ACRE TRACT OF LAND SITUATED IN THE F.W. THORNTON SURVEY, ABSTRACT NUMBER 1244, THE ALEXANDER MCDONALD SURVEY, ABSTRACT NUMBER 785 AND THE J.G. CLEVELAND SURVEY, ABSTRACT 1461, IN THE TOWN OF NORTHLAKE FROM “RR” RURAL RESIDENTIAL TO “MPD” MIXED-USE PLANNED DEVELOPMENT AND REVISING THE OFFICIAL ZONING MAP IN ACCORDANCE THEREWITH; PROVIDING FOR THE ADOPTION OF DEVELOPMENT STANDARDS; PROVIDING FOR THE ADOPTION OF A CONCEPT PLAN; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Northlake, as an incorporated municipality in the State of Texas, has been given the authority by Chapter 211 of the Local Government Code to establish zoning and amend zoning in accordance with Chapter 211; and

WHEREAS, the Town Council of the Town of Northlake heretofore adopted Ordinance No. 13-1024A establishing the Unified Development Code which contains the zoning regulations of the Town of Northlake; and

WHEREAS, the Unified Development Code and Official Zoning Map established the zoning of “RR” Rural Residential for a 361.7-acre tract of land located in the F.W. Thornton Survey, Abstract Number 1244, the Alexander McDonald Survey, Abstract Number 785 and the J.G. Cleveland Survey, Abstract 1461, in the Town of Northlake, Denton County, Texas (the “Property”); and

WHEREAS, the Unified Development Code provides for adoption of Planned Development Districts; and

WHEREAS, the Town of Northlake has received a request from the owners of the Property to rezone the Property to establish a “MPD” Mixed-Use Planned Development District; and

WHEREAS, the Town of Northlake heretofore adopted Ordinance No. 16-1208E on December 12, 2016, The Pathway to 2040 Northlake Comprehensive Plan Update, and the requested rezoning complies with recommendations of the plan; and

WHEREAS, all requirements of Chapter 211 of the Local Government Code, and all other laws dealing with notice, publication and procedural requirements for zoning of property have been complied with; and

WHEREAS, a public hearing was held by the Town Council of the Town of Northlake on April 13, 2017 with respect to the zoning change described herein; and

WHEREAS, the Town Council of the Town of Northlake does hereby deem it advisable and in the public interest to approve the zoning change request and establish a “MPD” Mixed-Use Planned Development District on the Property.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NORTHLAKE, TEXAS:

SECTION 1

The 361.7-acre Property more fully described in Exhibit “A” shall be zoned “MPD” Mixed-Use Planned Development with the concept plan as provided in Exhibit “B” and development standards as provided in Exhibit “C” attached hereto.

SECTION 2

The use of the Property described in Exhibit “A” shall be subject to all applicable regulations contained in the Development Standards provided in Exhibit “C”, the Unified Development Code, and all other applicable and pertinent ordinances of the Town of Northlake.

SECTION 3

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the Town of Northlake, and this ordinance shall not operate to repeal or affect the Code of Ordinances of the Town of Northlake or any other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such Code of Ordinances or any other ordinances are hereby repealed.

SECTION 4

It is hereby declared to be the intention of the Northlake Town Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court or competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since same would have been enacted by the Town Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 5

Any person, firm, association of persons, corporation or other organization violating the provisions of this ordinance shall be deemed to be guilty of a misdemeanor and, upon conviction, shall be fined an amount not to exceed \$2,000.00. Each day that a violation continues shall be deemed a separate offense.

SECTION 6

This ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the laws of the State of Texas.

PASSED AND APPROVED on this the 13th day of April 2017.

Peter Dewing, Mayor

ATTEST:

Shirley Rogers, Town Secretary

Exhibit A
Metes and Bounds Description of the Property

BEING a tract of land situated in the F.W. Thornton Survey, Abstract Number 1244, the Alexander McDonald Survey, Abstract Number 785 and the J.G. Cleveland Survey, Abstract 1461, Denton County, Texas, and being a portion of a called 386.8295-acre tract of land conveyed to H.P. Gibbs, LP, according to the document filed of record in Instrument Number 2012-145021, Official Public Records Denton County, Texas, said tract being described as follows:

BEGINNING at a point near the intersection of Mulkey Lane and Cleveland Gibbs Road for the northeast corner of said Gibbs 386.8295-acre tract and the **POINT OF BEGINNING** of the tract of land described herein;

THENCE South 0°26'52" East, along the easterly line of said Gibbs 386.8295-acre tract, a distance of 1247.31 feet to a point for corner of this tract, same being on the westerly right of way line of Interstate Highway No. 35W;

THENCE South 89°33'26" West, continuing along the easterly line of said Gibbs 386.8295-acre tract and along the westerly right of way line of said Interstate Highway No. 35W, a distance of 22.00 feet to a point for corner of this tract;

THENCE South 20°40'05" West, continuing along the easterly line of said Gibbs 386.8295-acre tract and the westerly right of way line of said Interstate Highway No. 35W, a distance of 745.37 feet to a point for corner of this tract;

THENCE South 21°48'21" East, continuing along the easterly line of said Gibbs 386.8295-acre tract and the westerly right of way line of said Interstate Highway No. 35W, a distance of 290.00 feet to a point for corner of this tract;

THENCE South 23°14'39" West, continuing along the easterly line of said Gibbs 386.8295-acre tract and the westerly right of way line of said Interstate Highway No. 35W, a distance of 608.98 feet to the southeast corner of said Gibbs 386.8295-acre tract;

THENCE South 89°45'21" West, departing the westerly right of way line of said Interstate Highway No. 35W and along the southerly line of said Gibbs 386.8295-acre tract a distance of 1192.32 feet to a point for corner of this tract;

THENCE North 0°14'39" West, departing the southerly line of said Gibbs 386.8295-acre tract and crossing said Gibbs 386.8295-acre tract, a distance of 150.00 feet to a point for corner of this tract;

THENCE South 89°45'21" West, along a line that is 150 feet north of and parallel to the southerly line of said Gibbs 386.8295-acre tract, a distance of 2330.46 feet to a point for corner of this tract;

THENCE South 0°05'00" West, along a line that is 150 feet west of and parallel to an

easterly line of said Gibbs 386.8295-acre tract a distance of 188.33 feet to a point for corner of this tract;

THENCE South 89°26'14" West, along a line that is 150 feet north of and parallel to the southerly line of said Gibbs 386.8295-acre tract, a distance of 2235.18 feet to a point for corner of this tract;

THENCE North 0°51'03" West, along a line that is 150 feet east of and parallel to the westerly line of said Gibbs 386.8295-acre tract, a distance of 1162.28 feet to a point for corner of this tract;

THENCE North 0°09'33" West, continuing along a line that is 150 feet east of and parallel to the westerly line of said Gibbs 386.8295-acre tract, a distance of 1310.87 feet to a point for corner on the northerly line of said Gibbs 386.8295-acre tract, same being in Mulkey Lane;

THENCE North 89°55'43" East, along the northerly line of said Gibbs 386.8295-acre tract and with said Mulkey Lane, a distance of 2188.01 feet to a point for corner of this tract;

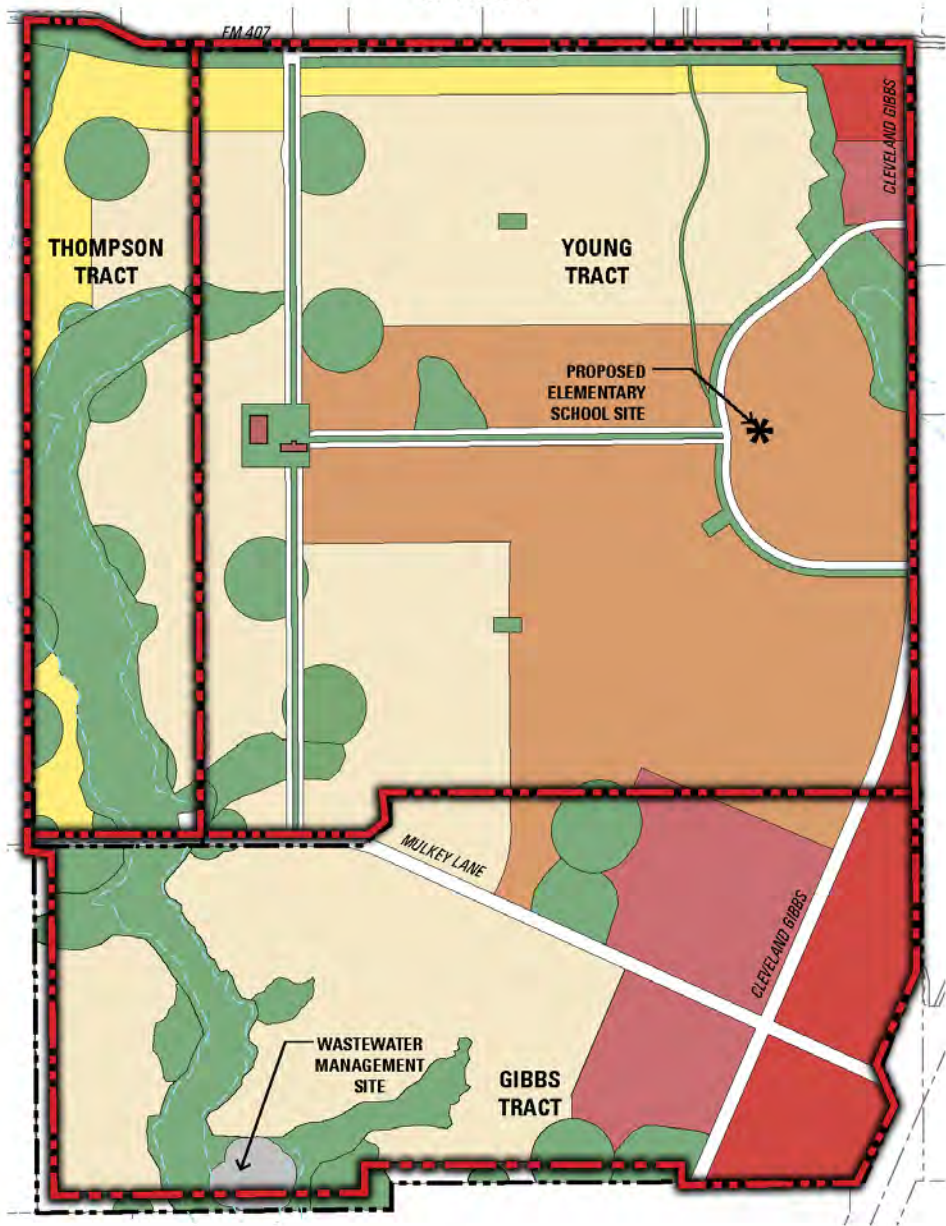
THENCE North 53°25'37" East, continuing along the northerly line of said Gibbs 386.8295-acre tract and with said Mulkey Lane, a distance of 257.13 feet to a point for a corner of this tract;

THENCE North 0°17'27" West, continuing along the northerly line of said Gibbs 386.8295-acre tract and with said Mulkey Lane, a distance of 210.49 feet to a point for corner of this tract;

THENCE North 89°51'24" East, continuing along the northerly line of said Gibbs 386.8295-acre tract and with said Mulkey Lane, a distance of 3794.19 feet to the **POINT OF BEGINNING** and containing 361.7 acres of land, more or less.

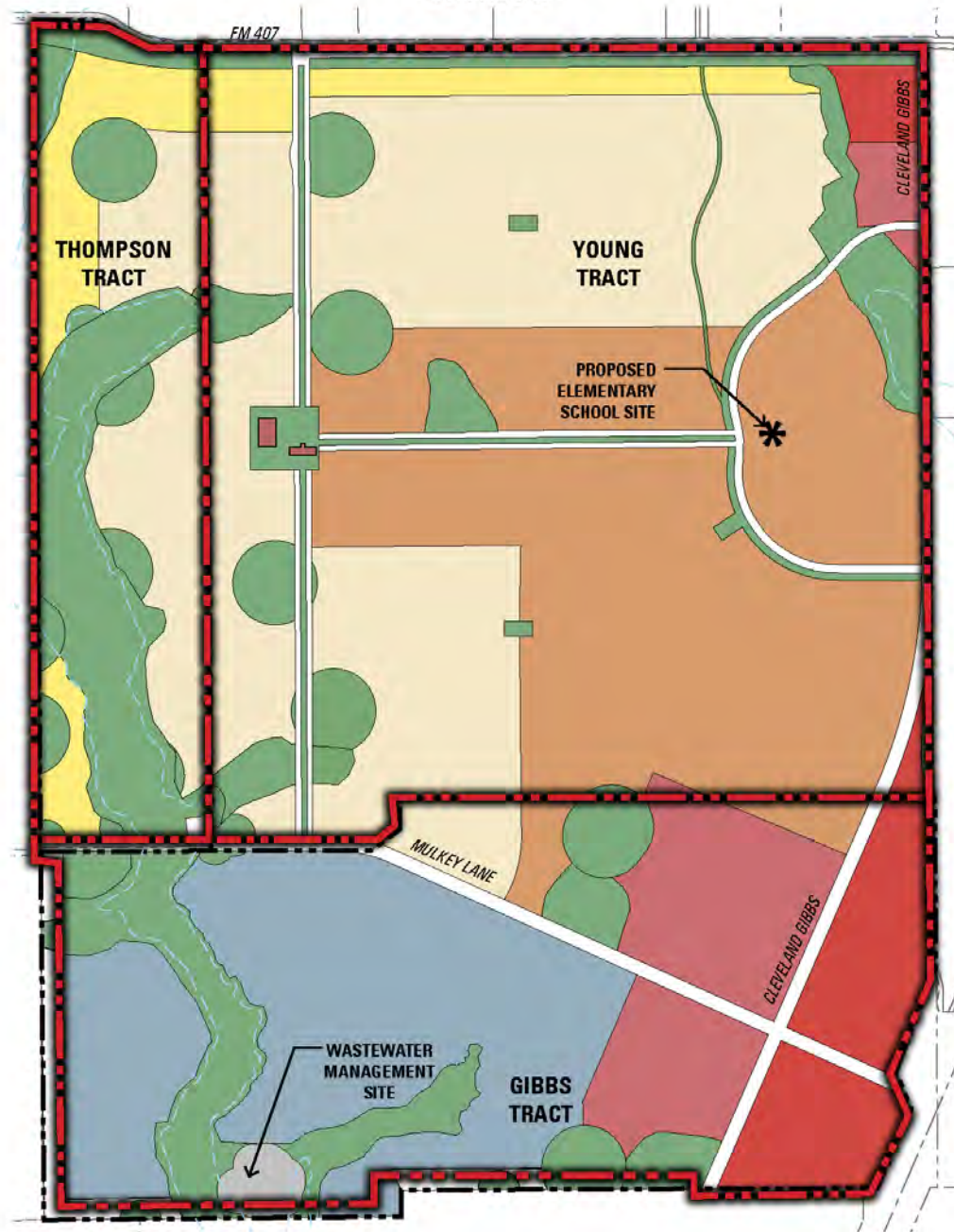
Exhibit B Concept Plan

CONCEPT PLAN
OPTION 1



LEGEND			
SYMBOL	DESCRIPTION		
	Traditional		Estate
	Open Space		Waste Water Management Plant
	Commercial		Boundary Line Between Young, Gibbs and Thompson
	Mixed Use	Notes	
	Lifestyle	- All locations of boundaries, land uses and roads are approximate.	

CONCEPT PLAN OPTION 2



LEGEND			
SYMBOL	DESCRIPTION		
	Commercial		Traditional
	Mixed Use		Estate
	Lifestyle		Open Space
			Waste Water Management Plant
			School Site
			Boundary Line Between Young, Gibbs and Thompson
		Notes	
		- All locations of boundaries, land uses and roads are approximate	

Exhibit C
Development Regulations

I. DEFINITIONS

1. Commercial Subdistrict means the area designated "Commercial" on the Concept Plan.
2. Concept Plan means either of the two concept plans attached as **Exhibit B**, as amended from time to time in accordance with Section III of this Ordinance. The boundaries of each subdistrict on the original Concept Plan are conceptual and are expected to change as the development plan and engineering details for the Property are finalized.
3. Development means the property shown on **Exhibit D** consisting of the Gibbs, Young, and Thompson tracts.
4. District means Northlake Municipal Management District No. 1, including any future expansions and any districts resulting from the subdivision of Northlake Municipal Management District No. 1.
5. EDM means the Engineering Design Manual, as amended following the fifth anniversary of the Town Council's adoption of this PD Ordinance.
6. Estate Subdistrict means the area designated "Estate" on the Concept Plan.
7. Lifestyle Subdistrict means the area designated "Lifestyle" on the Concept Plan.
8. Masonry means brick, stone, stucco, and hardiplank (cementitious fiberboard).
9. Mews lot means a lot accessed by an alley and fronting on an open space area rather than a street.
10. Mixed Use Subdistrict means the area designated "Mixed Use" on the Concept Plan.
11. Open space means the open space areas designated on the Open Space Plan and Concept Plan.
12. Open Space Plan means either of the two open space plans attached as **Exhibit E**, as amended from time to time in accordance with Section V of this Ordinance.
13. PD Ordinance means Ordinance No. 17-0413D creating this planned development district.
14. Property means the 361.7-acre tract of land described on **Exhibit A**.
15. Street Sections means **Exhibit F**.

16. Traditional Subdistrict means the area designated "Traditional" on the Concept Plan.
17. UDC means the Town of Northlake Unified Development Code, as amended following the fifth anniversary of the Town Council's adoption of this PD Ordinance.

II. APPLICABLE REGULATIONS

Development and use of the Property shall comply with this PD Ordinance, the UDC, and the EDM, and any other applicable ordinance not specifically modified herein. In the event of a conflict between this PD Ordinance and any other applicable Town ordinances, this PD Ordinance shall control.

III. CONCEPT PLAN; SITE PLANS

1. Development of the Property shall generally comply with the Concept Plan.
2. The following changes to the Concept Plan are minor and do not require Town approval: realignment of roadways, the size of each subdistrict provided the size does not change by more than 15 percent from the size of the subdistrict shown on the original Concept Plan attached to this PD Ordinance, changes to the configuration of the open space areas shown on the original Concept Plan provided a minimum of 15 percent of the overall Development shall be used as open space. Open space areas shall be a minimum of 0.5 acres in size to satisfy the minimum 15 percent requirement. The amended Concept Plan shall satisfy all applicable regulations.
3. All changes to the Concept Plan that do not fall under Section III(2) shall require Town Council approval. This procedure is not considered a change in zoning, and no public hearing shall be required.
4. No site plan approval shall be required for any development within the Property other than non-residential development (excluding amenity centers and any uses within an open space area). For non-residential development, site plan approval shall be required in accordance with Section 12.15 of the UDC, and the criteria for approval shall be that the site plan demonstrates compliance with this PD Ordinance.
5. With the exception of the approvals required by this Section III, no other concept plan, site plan, development plan, landscaping plan or other plan approvals of any kind are required except in connection with the standard building permit review and approval process.

IV. BASE ZONING DISTRICTS; PERMITTED USES

1. Lifestyle, Traditional, and Estate Subdistricts. The base zoning district for the Lifestyle, Traditional, and Estate Subdistricts shall be the "MU" Mixed Use Ordinance No. 17-0413D – 361.7-Acre Tract Mixed-Use Planned Development
- Exhibit C – Page 2

Zoning District. Permitted uses shall be limited to agricultural uses, single family detached homes, parks, public primary and secondary schools, a public school stadium, and sports facilities, all of which are permitted by right.

2. Commercial Subdistrict. Permitted uses shall be all principal and accessory uses which are allowed by right in the "C" Commercial Zoning District, in accordance with Table 5.2 of the UDC. In addition, agricultural uses are permitted by right. A Specific Use Permit shall be required for all uses otherwise requiring a Specific Use Permit in the "C" Commercial Zoning District, in accordance with Table 5.2 of the UDC.
3. Mixed Use Subdistrict. Permitted uses shall be all principal and accessory uses which are allowed by right in the "MU" Mixed Use Zoning District, in accordance with Table 5.2 of the UDC, including but not limited to single family detached and single family attached homes, except as follows: agricultural uses, public primary and secondary schools, a public school stadium, and sports facilities are permitted by right, and multifamily and duplex uses are prohibited. A Specific Use Permit shall be required for all uses otherwise requiring a Specific Use Permit in the "MU" Mixed Use Zoning District, in accordance with Table 5.2 of the UDC.
4. Accessory Uses. All uses that are customarily incidental to the main use on the same platted lot shall be permitted as accessory uses. Accessory uses may include agricultural uses, including in connection with an amenity center. In addition, the following accessory uses identified in the UDC are permitted subject to any restrictions in the UDC that are applicable to these uses: accessory buildings, accessory dwellings, basic utilities, home occupations, and outdoor recreation areas (lighted).
5. Temporary Uses. Temporary uses, including construction offices and temporary concrete/asphalt batching plants, shall be permitted in accordance with Section 5.12 of the UDC. Model homes are permitted by right.

V. OPEN SPACE

1. Development of the Property shall generally comply with the Open Space Plan. The following changes to the Open Space Plan are minor and do not require Town approval: changes to the configuration of the open space areas shown on the original Open Space Plan provided a minimum of 15 percent of the overall Development shall be used as open space. Open space areas shall be a minimum of 0.5 acres in size to satisfy the minimum 15 percent requirement. All other changes to the Open Space Plan shall require Town Council approval. This procedure is not considered a change in zoning, and no public hearing shall be required.
2. The following improvements are permitted within the open space: landscaping, hardscaping, an amenity center, the existing arena and barn, fountains, ponds,

lakes, lighting, signage related to the open space, fencing, trails, pavilions, swimming pools, playground equipment, and similar improvements that are customarily found in parks and open spaces.

3. The following uses are permitted within open space: passive and active recreational uses, meeting space and offices within the existing arena and barn, community gardens, other agricultural uses, one or more amenity centers, food truck or other food and entertainment vending operations, fireworks on national holidays, and similar uses.
4. Open space shall be owned and maintained by a home owners association or the District.
5. With the exception of controlled access areas, including but not limited to the amenity center, pool areas, and any buildings, open space shall be open to the general public.
6. Open space may include: playground equipment for small children; multiple purpose hard surfaced play areas; space for court games, such as basketball, tennis, volleyball and in-line hockey; playfield space for non-organized competitive games such as baseball, football or soccer; picnic tables and grills; restrooms; and drinking fountains and sitting areas.
7. The Open Space Plan shall be deemed to fully satisfy all of the Town's requirements for park land dedication, payment of park fees including any fees in lieu of dedication, and private open space.
8. The requirements in this Section V shall be the exclusive open space requirements applicable to the Property. Without limiting the foregoing, Sections 9.6 through 9.9 of the UDC shall not apply.

VI. DEVELOPMENT STANDARDS

1. Residential. Development of the Lifestyle, Traditional, and Estate Subdistricts shall comply with Table 1 below. The following shall comply with the Estate Subdistrict development standards: an amenity center, any modifications to the existing arena and barn, a school, a stadium, and a sports facility. The requirements in this Section VI are the exclusive lot size, setback, building height, lot coverage, roof pitch, dwelling size, and masonry requirements applicable to the Lifestyle, Traditional, and Estate Subdistricts.
2. Commercial. The Commercial Subdistrict shall be developed in accordance with the rules applicable to the "C" Commercial Zoning District, except as otherwise modified by this PD Ordinance.
3. Mixed Use. The Mixed Use Subdistrict shall be developed in accordance with Section VI(1) above for residential development and Section VI(2) above for non-residential development. In addition, the mixed use development standards in

Section 5.9(D) of the UDC shall apply to non-residential development in the Mixed Use Subdistrict. Development of single family attached uses shall comply with Table 2 below. The requirements in this Section VI are the exclusive lot size, setback, building height, lot coverage, roof pitch, dwelling size, and masonry requirements applicable to single family attached uses.

4. Gas Well Setbacks. All future developments adjacent to an existing oil or gas well site shall observe the following setbacks, which shall be the exclusive setback requirements for new development near a gas well, gas pipeline, or any related improvements regardless of any conflicting provisions in the UDC, the Town's building and fire codes, or any other provision of the Town's Code of Ordinances:
 - a. A minimum 150 feet of separation shall be required from the well bore hole to any property line.
 - b. A minimum 300 feet of separation shall be required from the well bore hole to the closest buildable portion of a lot.
 - c. A minimum 20 feet of separation shall be required from any gas well collection pipe line to the closest buildable portion of a lot.
5. Height Exception. Notwithstanding anything to the contrary in this Section VI, there shall be no story or height limit on an amenity center or the existing arena and barn, or for a stadium or sports facilities, including ancillary structures.
6. Overall Density. The maximum residential density shall be three units per gross acre within the overall Development.

Table 1

Development Standard	Lifestyle Subdistrict		Traditional Subdistrict			Estate Subdistrict
Minimum Lot Width	40' (Rear Entry)	50'	50'	60'	70'	100'
Minimum Lot Depth	90'	110'	115'	115'	125'	200'
Minimum Front Yard Setback	10'	20'	20'	20'	20'	25'
Minimum Side Yard Setback	10' spacing between homes on separate lots	5'	5'	5'	5'	10'
Minimum Rear Yard Setback	7.5'	10'	10'	10'	10'	20'
Porch Minimum Front Yard Setback	5'	12'	12'	12'	12'	12'
Front Porch Minimum Depth	4'	4'	4'	4'	4'	4'
Front Porch Maximum depth	5'	12'	12'	12'	12'	12'
Garage Minimum Front Yard Setback	N/A	20'	20'	20'	20'	25'
Garage Minimum Rear Yard Setback	7.5'	10'	10'	10'	10'	10'

Development Standard	Lifestyle Subdistrict		Traditional Subdistrict			Estate Subdistrict
Garage Minimum Side Yard Setback	10' spacing between garages on separate lots	5'	5'	5'	5'	10'
Maximum Building/Structure Height	40'	40'	40'	40'	40'	40'
Maximum Number of Stories	2	2	2	2	2	2
Maximum Lot Coverage	65%	55%	55%	55%	55%	55%
Minimum Roof Pitch	8:12	6:12	6:12	6:12	6:12	6:12
Minimum Dwelling Size	1,300 SF	1,600 SF	1,700 SF	2,000 SF	2,200 SF	2,400 SF
Minimum Masonry % on Exterior of Residence (excluding porch floor, columns, and roof trim)	100%	100%	100%	100%	100%	100%
Maximum Size of Accessory Buildings (cumulative)	600 SF	600 SF	600 SF	600 SF	600 SF	600 SF
Maximum Building Area Occupied for Home Business/Home Occupation	600 SF	600 SF	600 SF	600 SF	600 SF	600 SF
Maximum # of Units per Subdistrict (per Concept Plan 1)*	1175		1750			96
Minimum % of Units per Product Type within Each Subdistrict (per Concept Plan 1)*	N/A	50%	N/A	40%	10%	N/A
Maximum % of Units per Product Type within Each Subdistrict (per Concept Plan 1)*	50%	N/A	50%	N/A	N/A	N/A
Maximum # of Units per Subdistrict (per Concept Plan 2)*	1175		1200			96
Minimum % of Units per Product Type within each Subdistrict (per Concept Plan 2)*	N/A	50%	N/A	35%	5%	N/A
Maximum % of Units Per Product Type within Each Subdistrict (per Concept Plan 2)*	50%	N/A	60%	N/A	N/A	N/A

*Measured at full buildout

Notes to Table 1:

1. Lot coverage is measured as the area covered by the roof of the residence and garage.
2. All wood must be stained or painted.
3. Swimming pools may be located in the required rear yard setback
4. Porch flooring is required to be masonry, concrete, or wood.
5. Porch columns are required to be masonry, wood, or fiberglass.
6. Porch roof trim is required to be wood, fiberglass, or masonry.
7. Roofing materials are required to be asphalt shingles, metal, slate, simulated slate, or tile.

8. Home businesses may be located above or within a garage and must be operated by the home owner.
9. The maximum lot coverage requirements substitute for the maximum impervious cover requirements in the UDC.
10. The front yard setback shall be measured from the street right-of-way to the front face of the building. Covered terraces, eaves, and roof extensions may project into the required front yard.
11. On corner lots, the front yard setback shall be required only along the street on which the home fronts.
12. Every part of a required side yard shall be open and unobstructed except for accessory buildings, fences, landscaping, and the ordinary projections of window sills, belt courses, cornices and other architectural features projecting not to exceed twelve inches into the required side yard, and roof eaves projecting not to exceed 24 inches into the required side yard.
13. Every part of a required rear yard shall be open and unobstructed to the sky from a point 30 inches above the general ground level of the graded lot, except for accessory buildings, fences, landscaping, and the ordinary projections of window sills, belt courses, cornices and roof overhangs and other architectural features projecting not to exceed 24 inches into the required rear yard.
14. Where lots have double frontage, running from one street to another, a required front yard setback shall be provided on both streets.
15. Alleys are permitted, but not required. Front entry, rear entry, j-swing, and side entry garages are permitted.
16. A minimum of two enclosed parking spaces per dwelling unit shall be required.
17. In the Estate Subdistrict, a minimum lot size of 20,000 square feet may be substituted for the minimum lot width and lot depth in Table 1.
18. The following residential architectural standards shall apply to the 40' single family lots in the Lifestyle Subdistrict: All residences shall include at least four of the following design features to provide visual relief along the front of the residence:
 - Bay window
 - Brick chimney on exterior wall visible from front of the home
 - Cast stone accents
 - A covered front porch
 - Dormers
 - Gables
 - Variable roof pitch
 - Shutters

Table 2

Development Standard	Single Family Attached
Minimum Lot Width	22'
Minimum Lot Depth	80'
Minimum Front Yard Setback	None

Development Standard	Single Family Attached
Maximum Front Yard Setback	20'
Minimum Side Yard Setback (Corner)	None
Minimum Side Yard Setback (Interior)	None
Minimum Rear Yard Setback	None
Maximum Front Yard Setback for a Porch	12'
Minimum Porch Depth	4'
Maximum Porch Depth	12'
Garage Minimum Rear Yard Setback	3.5'
Garage Minimum Side Yard Setback	None
Maximum Building Height	50'
Maximum Number of Stories	2.5
Maximum Lot Coverage	100%
Minimum Roof Pitch	6:12
Minimum Dwelling Size	1,200 SF
Minimum Masonry % on Exterior of Residence (excluding porch floor, columns, and roof trim)	100%
Maximum Number of Single Family Attached Homes	490

Notes to Table 2:

1. Lot coverage is measured as the area covered by the roof of the residence and garage.
2. All wood must be stained or painted.
3. Swimming pools may be located in the required rear yard setback
4. Roofing materials are required to be asphalt shingles, metal, slate, simulated slate, or tile.
5. The maximum lot coverage requirements substitute for the maximum impervious cover requirements in the UDC.
6. The front yard setback shall be measured from the street right-of-way to the front face of the building. Covered terraces, eaves, and roof extensions may project into the required front yard.
7. On corner lots, the front yard setback shall be required only along the street on which the home fronts.
8. Every part of a required rear yard shall be open and unobstructed to the sky from a point 30 inches above the general ground level of the graded lot, except for accessory buildings and landscaping as permitted and the ordinary projections of window sills, belt courses, cornices and roof overhangs and other architectural features projecting not to exceed 24 inches into the required rear yard.
9. Where lots have double frontage, running from one street to another, a required front yard setback shall be provided on both streets.
10. All single family attached residences shall have a rear entry garage. A minimum of one enclosed parking space per dwelling unit shall be required.

VII. DESIGN STANDARDS

1. The design standards in Section 9.5 of the UDC shall apply except as provided in this Section VII.
2. The sole design standards applicable to residential development shall be the masonry requirements of Table 1 and Table 2 above and the following:
 - a. Garages.
 - i. Garage doors must be recessed a minimum of 12 inches from the garage face. This requirement does not apply to rear entry garages.
 - ii. Garage doors shall contain at least three of the following enhancements: shed roofs; faux cedar/wood clad doors; double doors; windows; decorative hardware and lights; and reveals/texture. This requirement does not apply to rear entry garages.
 - iii. No more than four homes in a row may have garages parallel to and facing the street.
 - iv. Detached garages are permitted.
 - v. The minimum garage dimensions for a two-car garage shall be 20 feet by 20 feet.
 - b. Driveways. All driveways must accommodate the off-street parking of two vehicles without blocking the sidewalk. Driveways shall transition to 12 feet at the street to reduce impervious cover. Driveways shall be constructed without altering drainage swales. Concrete driveways within the right-of-way shall be a minimum of 3,000 PSI concrete with #4 rebar on a 12-inch grid pattern.

VIII. LANDSCAPING, BUFFERS, SCREENING

1. The landscaping and tree preservation requirements of Section 9.10 of the UDC, and the screening and fencing requirements of Section 9.11 of the UDC, shall apply except as follows:
 - a. Landscape buffers, setbacks, and materials along streets shall comply with the Street Sections in lieu of the UDC requirements. Section 9.11.B.1.a of the UDC shall not apply.
 - b. One street tree shall be required per residential lot. Street trees along residential streets may be located in the parkway provided the planting does not interfere with utilities or visibility.
 - c. Section 9.11.A.3.g of the UDC shall not apply

- d. Section 9.11.A.3.j of the UDC shall be modified to read as follows: Fences for double frontage lots or corner lots adjacent to a street shall be located at least ten feet from the right-of-way line.
- e. Section 9.11.A.3.k of the UDC shall be modified to read as follows: If a corner lot is adjacent to a subdivision's screening wall, a fence may be constructed at least ten feet from the right-of-way line connect with the screening wall.
- f. Development shall comply with the FM 407 setback, landscaping, and fencing exhibit attached as **Exhibit G**.
- g. All required residential landscaping shall be installed by the home builder prior to occupancy of the residence.
- h. Landscaping for residential lots shall consist of drought-tolerant plants. Bermuda will be allowed as a drought-tolerant turf on residential lots. St. Augustin grass is prohibited. At least 50 percent of the available pervious portion of the front yard and corner yard on residential lots must have landscape bed coverage and include shrubs, ornamental grasses, perennials, vines, and ground cover. For purposes of this provision, the front yard means the area within the required front yard setback, and the corner yard means the area within the required street side setback. All shrub beds in the front and corner yard must be fully prepped with compost material and top dressed with a two inch to four inch later of shredded hardwood mulch. Acceptance by the Town shall not be delayed until ground cover is established.
- i. Colored mulch is prohibited.
- j. No other landscaping requirements (including right-of-way landscaping requirements in Sections 7.01-7.05 of the EDM), screening requirements, or fencing requirements shall apply.

IX. STREETS

Development shall comply with the Street Sections. For street types that are not shown on the Street Sections, compliance with standard Town requirements shall be required.

X. SIGNS

In addition to the signage permitted by the UDC, the signage described on **Exhibit H** is permitted.

XI. MISCELLANEOUS

- 1. All retaining walls not installed by the developer or subdivider shall be (a) constructed and maintained by the owner on the high side; (b) designed so that the

- face of the retaining wall is on the property line; (c) engineered by a licensed professional engineer if the wall exceeds four feet in height; (d) designed to locate two inch diameter weeps at ten feet on center with weep holes that are three inches above the low side finish grade, cut flush and painted to match the stone; (e) designed to provide a gravel drain pocket and fountain stone per the geotech and engineer's recommendation; (f) designed so that the top of the wall remains flush with the high side finish grade; and (f) designed to allow a high side lot to drain on a low side lot for no more than one lot.
2. In general, block lengths along minor or secondary streets shall not exceed 2,000 feet, and along major streets shall not exceed 2,500 feet. There shall be no minimum block length. For purposes of this provision, major street shall be FM 407, Cleveland-Gibbs, Mulkey, and any collector (as shown in the Street Sections). All other roads shall be considered minor or secondary streets for purposes of this provision.
 3. Every lot shall be provided with adequate access to a public street, either by direct frontage on such street, or by public access easement approved by the Town Council; however, mews lots may be served by an alley with a minimum width of 20 feet. Residential driveway access to FM 407, Cleveland-Gibbs, and Mulkey shall be prohibited.
 4. The developer or subdivider shall construct all required sidewalks other than those that will be located adjacent to the front or sides of residential lots.
 5. No maintenance bond shall be required for the wastewater treatment plant operated by the District.
 6. Early grading permits shall be permitted prior to approval of engineering plans at the risk of the developer or subdivider.
 7. Building permits may be issued for a maximum of 20 percent of the lots on a platted phase prior to completion and acceptance of all improvements associated with the plat provided each lot for which an early building permit is issued has water service and can be accessed by an all weather road.
 8. The Property may be served by a wastewater treatment plant owned and maintained by the District. The wastewater treatment plant may be located on the Property in the general location shown on the Concept Plan.
 9. Water wells may not be drilled for the purpose of providing potable water; however, wells may be drilled for the provision of irrigation water, and effluent may be reused for irrigation. If effluent is used, all applicable state laws shall be followed.
 10. The maximum length of any cul-de-sac shall be the greater of 600 feet measured from the curb line of the intersecting street to the radius point of the turnaround or, 30 single family lots. The right-of-way radius shall be 50 feet and the curb

- radius 40 feet within the cul-de-sac turnaround. Cul-de-sac turnarounds are not required to be visible from the intersecting street.
11. In Table II-3 of the EDM, the minimum centerline radius for a residential roadway with a rate of superelevation of 0 shall be changed to 200 feet.
 12. In Table II-7 of the EDM, (a) the maximum approach grade for all residential driveways shall be changed to 14 percent, as measured from the garage finished floor to the curb line of the intersecting street; (b) the minimum and maximum driveway throat width for a residential local street shall be eliminated; and (c) the minimum distance from a driveway to an intersection for a local residential street shall be changed to 25 feet, except at the intersection of a local residential street and FM 407, Cleveland-Gibbs, or Mulkey.
 13. The following provisions in Section 7.03, Part VII Landscaping in the Public Right-of-Way, of the EDM shall not apply: Minimum landscape requirements will be established by the Town. An 8-inch wide concrete mow strip shall be installed between all planting beds and grassed areas. Only trees with a mature height less than 30 feet may be planted closer than 20 feet to either side of an overhead line. No trees shall be directly under utility lines.
 14. Street lights shall be installed in all new subdivisions. For residential streets, street lights shall be installed at each intersection, at major curves, at end of cul-de-sacs, and at maximum intervals of 600 feet. The developer/subdivider shall pay the costs for all street lighting. Street light luminaries shall be high pressure sodium (HPS), metal halide (MH), or LED. Luminaires shall be mounted on poles at least 11 feet high as shown on standard details for street lights or as approved by the Town Administrator. Street lighting shall be designed to direct light down. Street light materials and design shall be determined by the developer or subdivider with the approval of the Town Administrator.
 15. [The following provision in Section 1.2.2, Part III Drainage, of the EDM shall not apply: If existing channel velocities exceed six (6) feet per second, a maximum increase of ten percent in velocities will be allowed.]
 16. Section 3.3 (General Design and Construction Standards, Single Family Lot Grading) of the EDM shall be modified to read in its entirety as follows: All single family lots shall be graded such that the building pads are higher than the street. Lots may be graded to allow drainage towards the adjacent lot and perpendicular to public rights-of-way or drainage easements provided drainage easements are provided for the swales.
 17. Section 3.3 (General Design and Construction Standards, Minimum Pipe Sizes and Depths) of the EDM shall be modified to read in its entirety as follows: Minimum pipe sizes are 21" diameter for mains and 18" diameter for inlet leads. Minimum pipe size for lead lines to sag inlets shall be 21". Minimum depth of storm sewer from outside top of conduit to top of curb/pavement is 24 inches.

18. Drainage easements shall include a minimum of ten-foot (10') margin on both sides beyond actual top of bank for improved earthen channels. There shall be no restriction on locating retaining walls within or adjacent to a drainage easement in order to reduce the easement width; however, the Town may require a geotechnical study and/or an underground drainage system design option prior to approval of retaining walls in a drainage easement.
19. Section 26 of Appendix B, Private Development General Notes for Construction Plans, of the EDM shall be modified to read as follows: "Seed/sod shall be furnished to establish ground cover over all disturbed areas as an erosion control measure. The Contractor shall not wait until the completion of the entire project before doing this work." Acceptance of the project shall not be delayed based on compliance with this section.
20. The subdivision acceptance process shall be in accordance with the UDC and EDM in effect at the time of PD adoption.
21. Utility placement shall be as shown on the Street Sections.
22. Water and sewer services may cross open space areas to serve a mews lot.

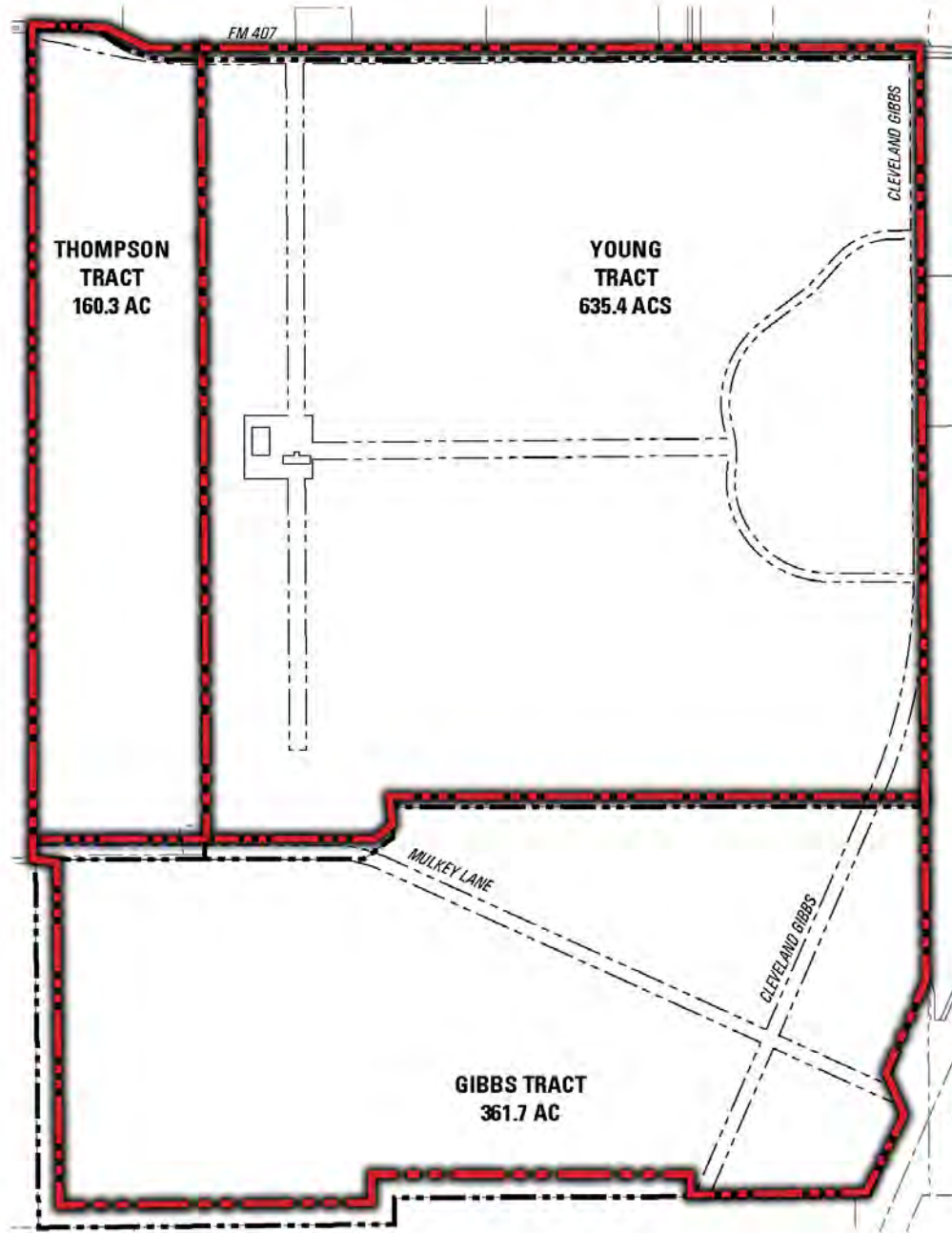
XII. EXHIBITS

The following exhibits are attached to this PD Ordinance and incorporated herein for all purposes:

Exhibit A	Metes and Bounds Description of the Property
Exhibit B	Concept Plan (Options 1 & 2)
Exhibit C	Development Regulations
Exhibit D	Overall Development Boundaries (3 Tracts)
Exhibit E	Open Space Plan (Options 1 & 2)
Exhibit F	Street Sections
Exhibit G	FM 407 Setback, Landscaping, and Fencing Details
Exhibit H	Signage

Exhibit D
Overall Development Boundaries (3 Tracts)

OVERALL DEVELOPMENT BOUNDARIES



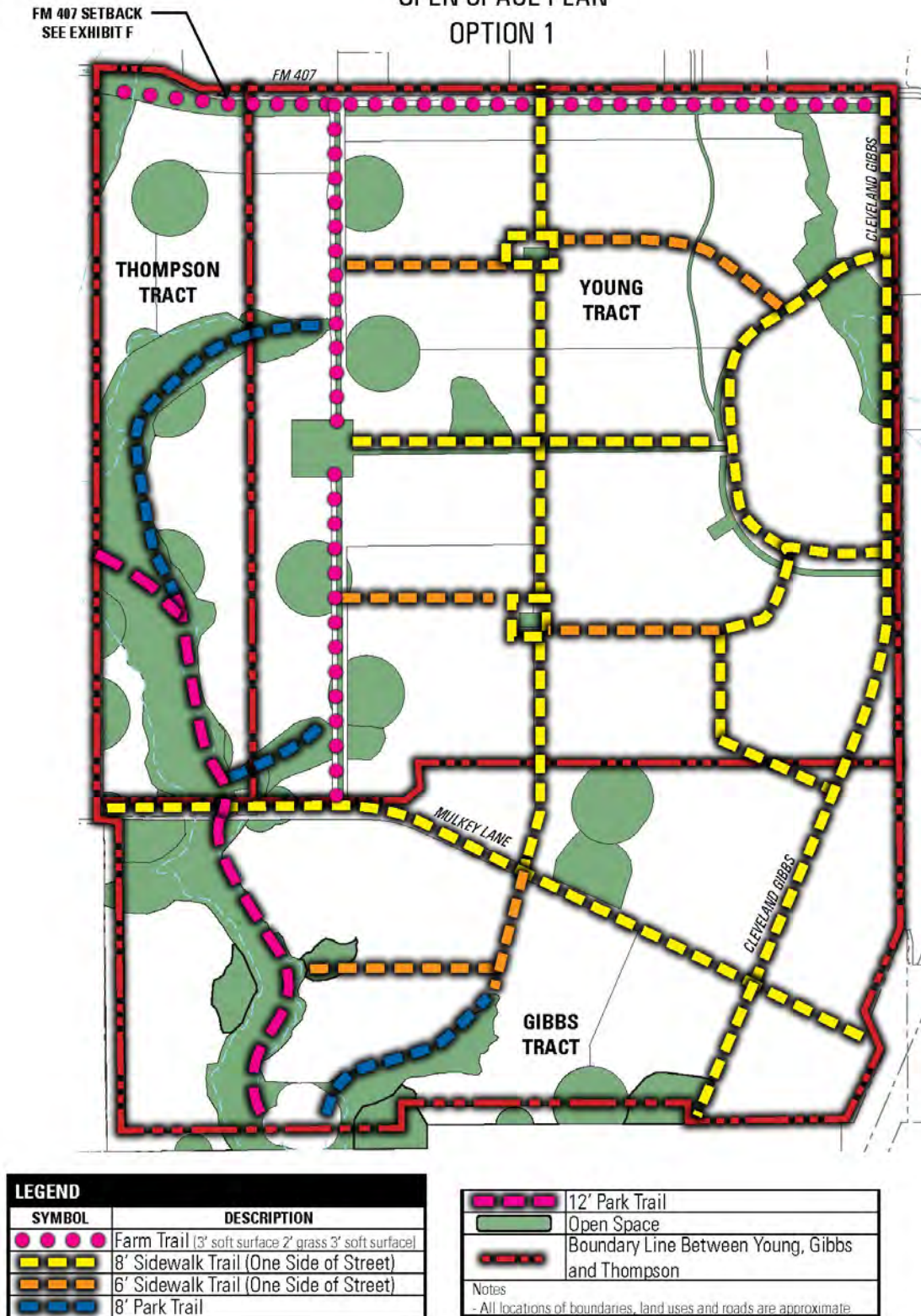
LEGEND	
SYMBOL	DESCRIPTION
	Boundary Line Between Young, Gibbs and Thompson

Notes

- All locations of boundaries, land uses and roads are approximate

Exhibit E
Open Space Plan (Options 1 & 2)

**OPEN SPACE PLAN
OPTION 1**



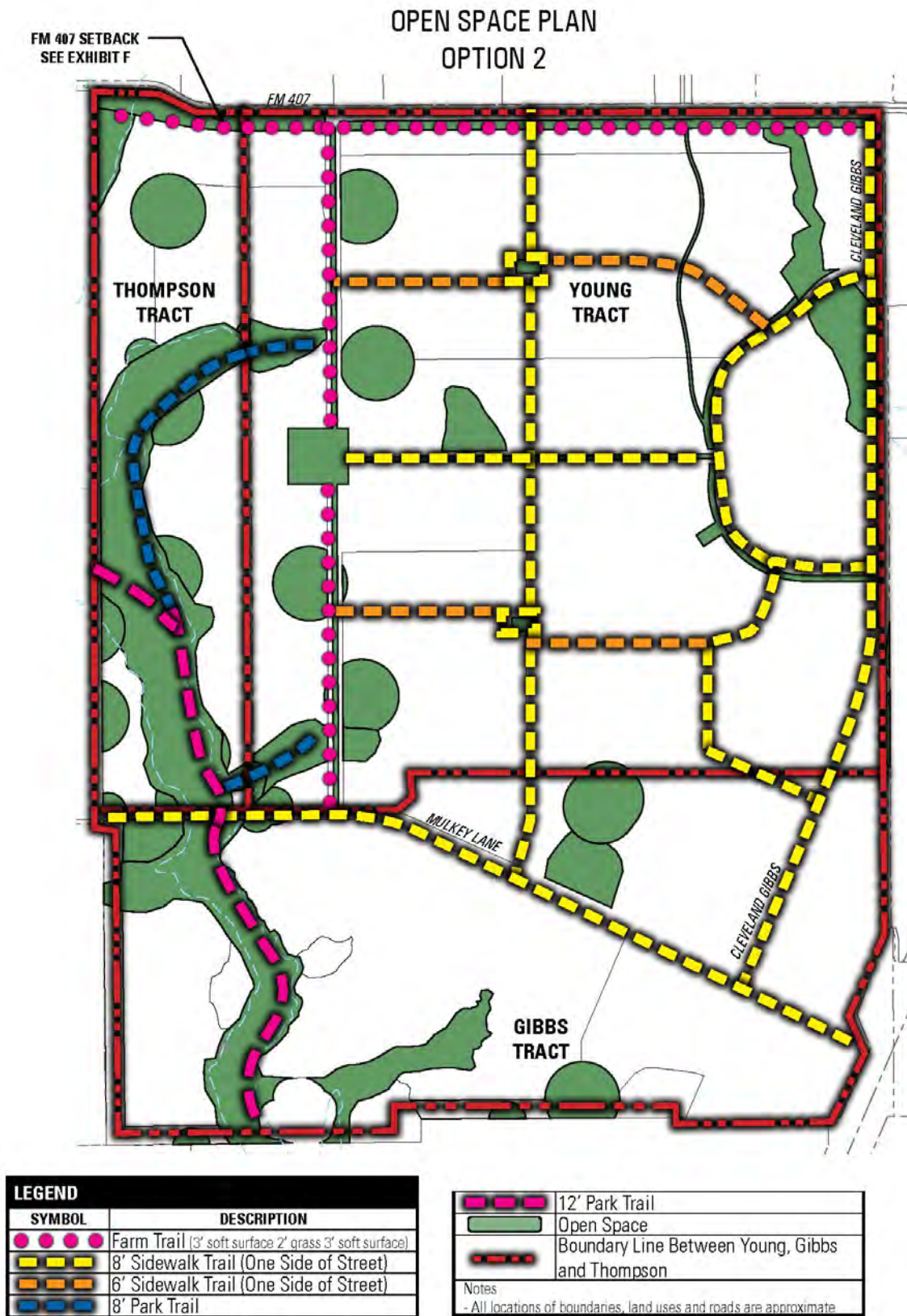
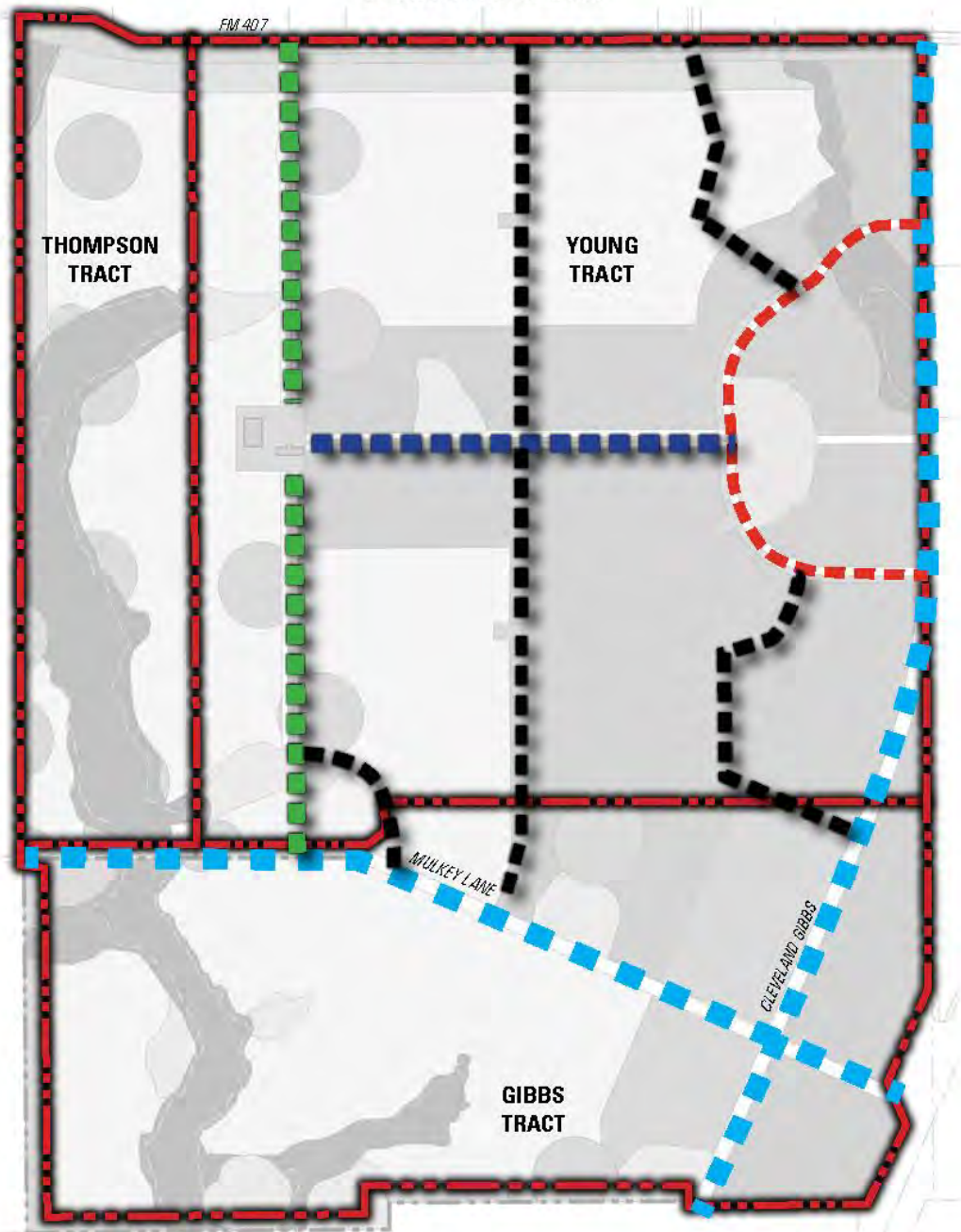


Exhibit F
Street Sections

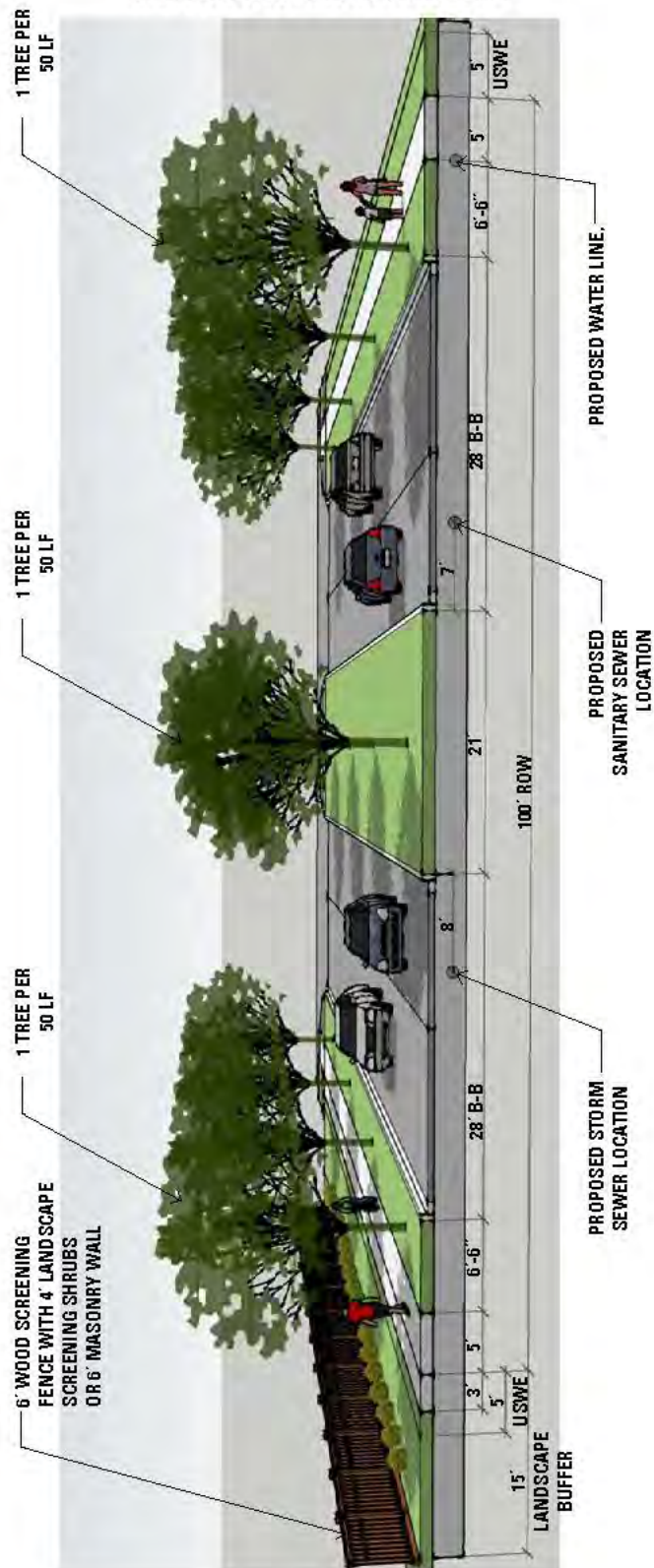
STREET NETWORK



LEGEND		
SYMBOL	SECTION	STREET TYPE
	A	Cleveland Gibbs / Mulkey (100' ROW)
	B	Pecan Street
	C	Elm Esplande
	D	Collector (60' ROW)
	E	Residential Connector (64' ROW)

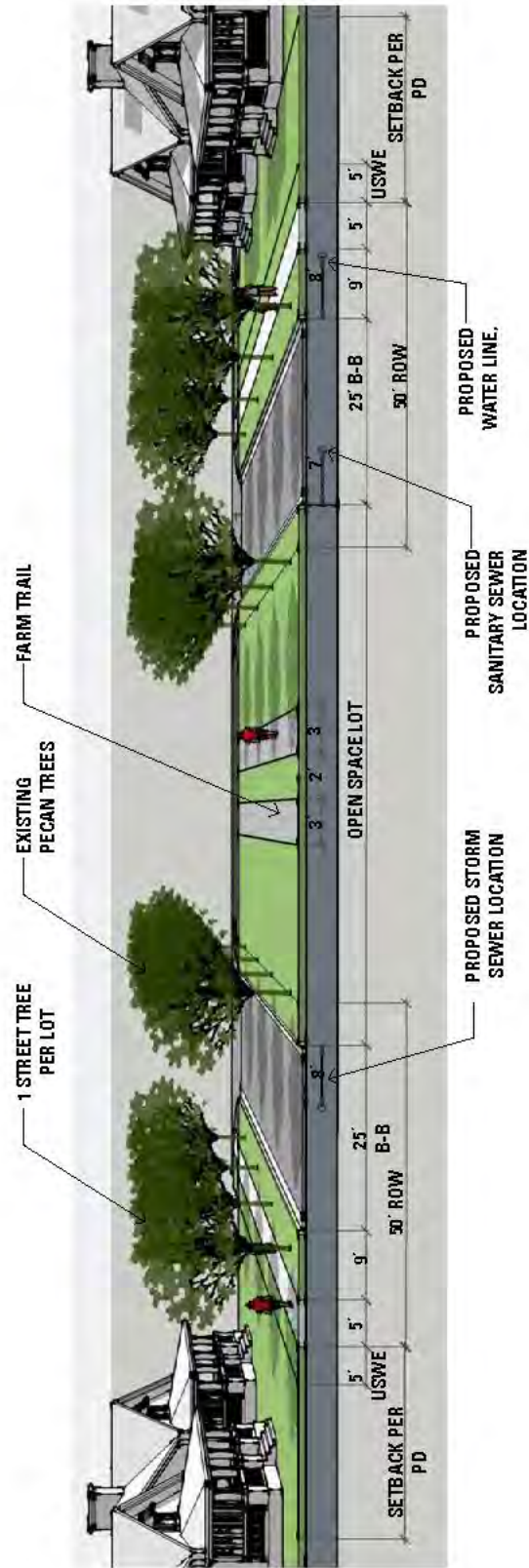
	F	Residential Street
	G	Alley Street
	Boundary Line Between Young, Gibbs and Thompson	
Notes		
- All locations of boundaries, land uses and roads are approximate.		

CLEVELAND GIBBS/MULKEY



*ALL TREES TO BE CENTERED BETWEEN CURB AND SIDEWALK
 ** LANDSCAPE BUFFER ONLY REQUIRED TO ADJACENT SINGLE FAMILY OR COMMERCIAL WITHIN TOWN LIMITS
 ***SHRUBBERY SIDEWALKS, GROUND COVER AND TRAILS ARE ALLOWED WITHIN THE UTILITY AND SIDEWALK EASEMENTS (USWE)

PECAN STREET



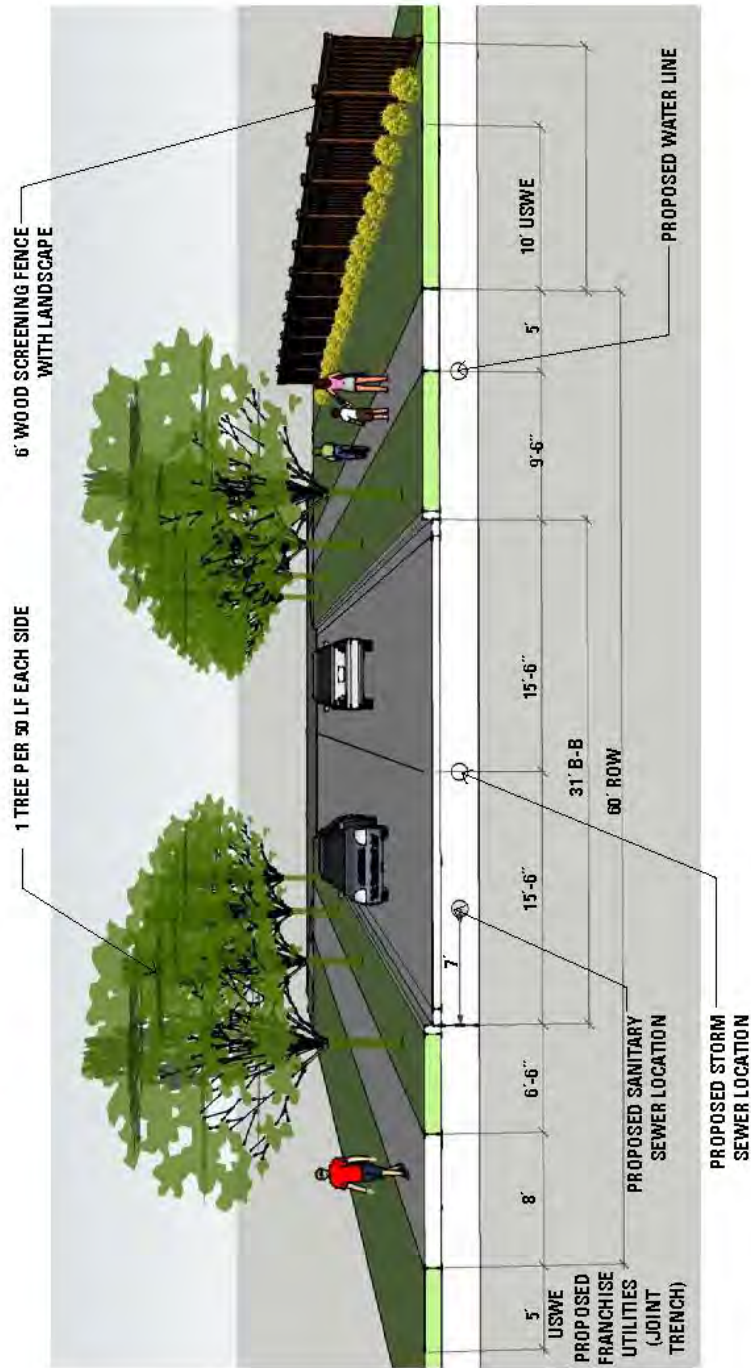
*ALL TREES TO BE CENTERED BETWEEN CURB AND SIDEWALK
 **SHRUBBERY SIDEWALKS, GROUND COVER AND TRAILS ARE ALLOWED
 WITHIN THE UTILITY AND SIDEWALK EASEMENTS (USWE)

[illegible][illegible]**PROPOSED STORM
SEWER LOCATION**

1 STREET
TREE PER LOT

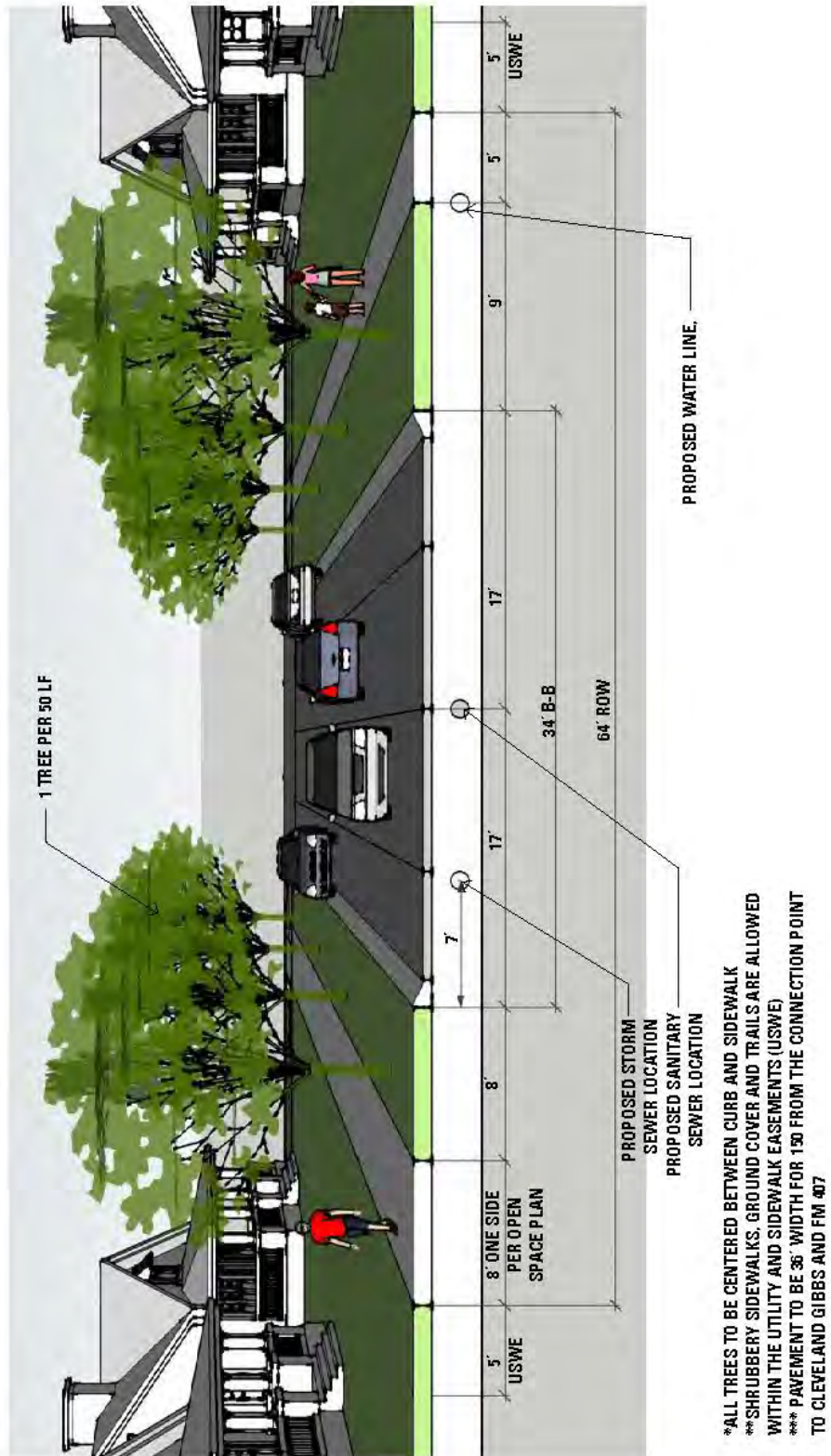
***ALL TREES TO BE CENTERED BETWEEN CURB AND SIDEWALK
***SHRUBBERY SIDEWALKS, GROUND COVER AND TRAILS ARE ALLOWED
WITHIN THE UTILITY AND SIDEWALK EASEMENTS (USWE)**

COLLECTOR ROAD

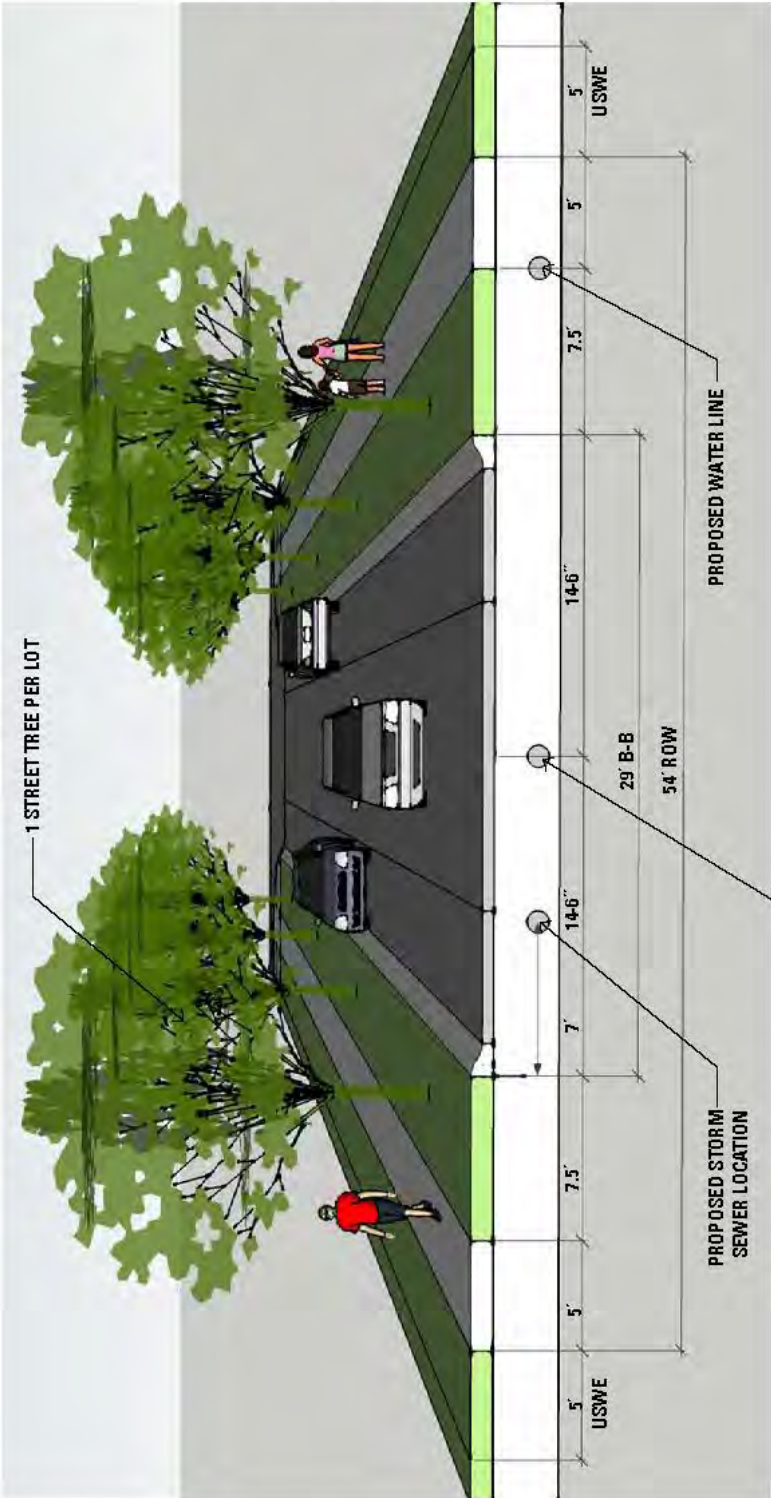


- *ALL TREES TO BE CENTERED BETWEEN CURB AND SIDEWALK
- **SHRUBBERY SIDEWALKS, GROUND COVER AND TRAILS ARE ALLOWED WITHIN THE UTILITY AND SIDEWALK EASEMENTS (USWE)
- *** PAVEMENT TO BE 36' WIDTH FOR 150' FROM THE CONNECTION POINT TO CLEVELAND GIBBS AND FM 407

RESIDENTIAL CONNECTOR

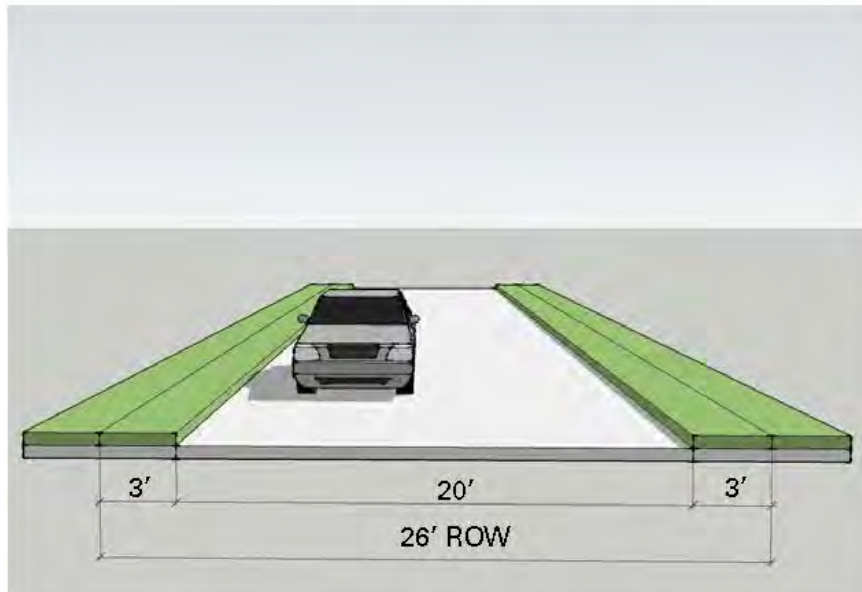


TYPICAL RESIDENTIAL STREET

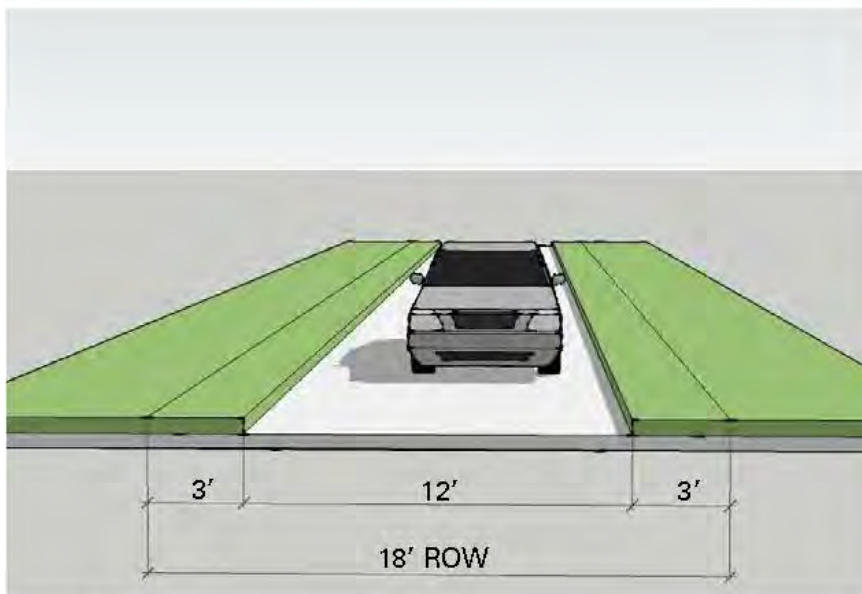


*ALL TREES TO BE CENTERED BETWEEN CURB AND SIDEWALK
 **SHRUBBERY SIDEWALKS, GROUND COVER AND TRAILS ARE ALLOWED
 WITHIN THE UTILITY AND SIDEWALK EASEMENTS (USWE)

TYPICAL ALLEY SECTIONS



20' ALLEY (MEWS LOTS ONLY)



12' ALLEY

Exhibit G
FM 407 Setback, Landscaping, and Fencing Details

FM 407 SETBACK AND LANDSCAPING

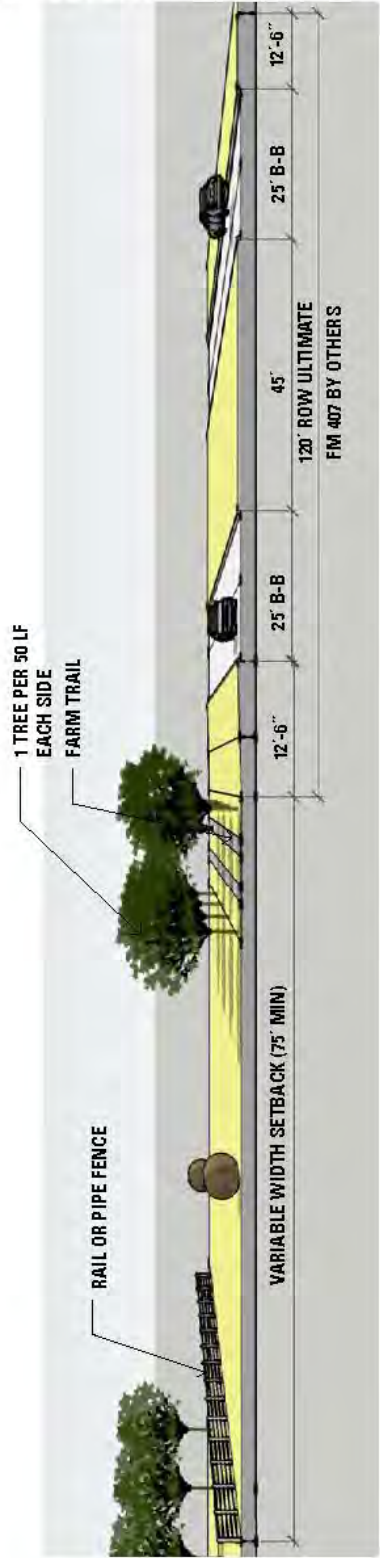
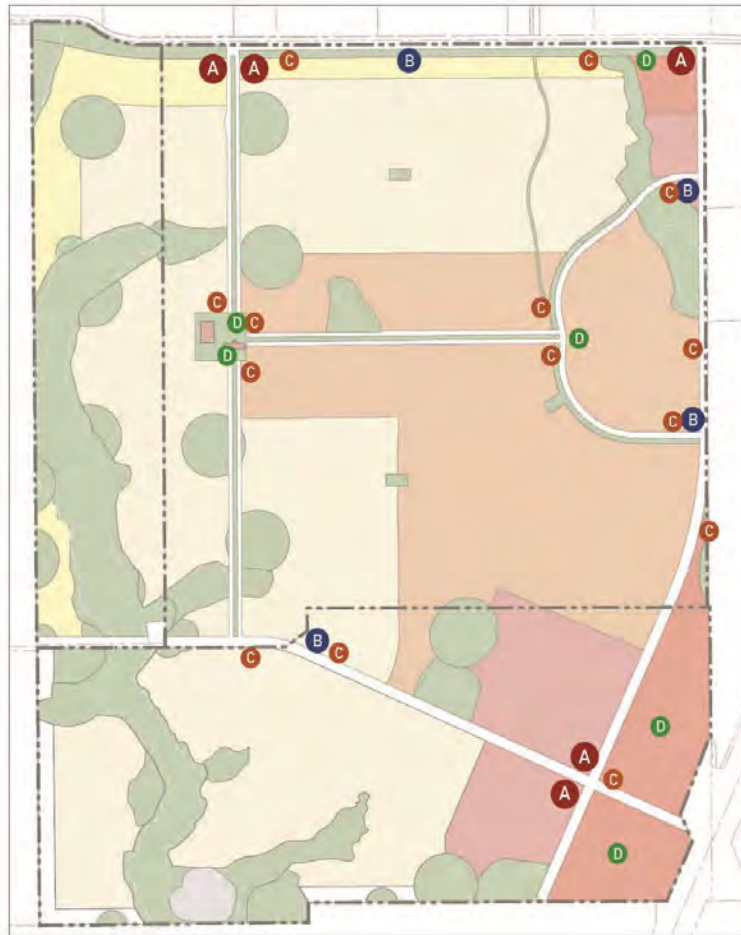
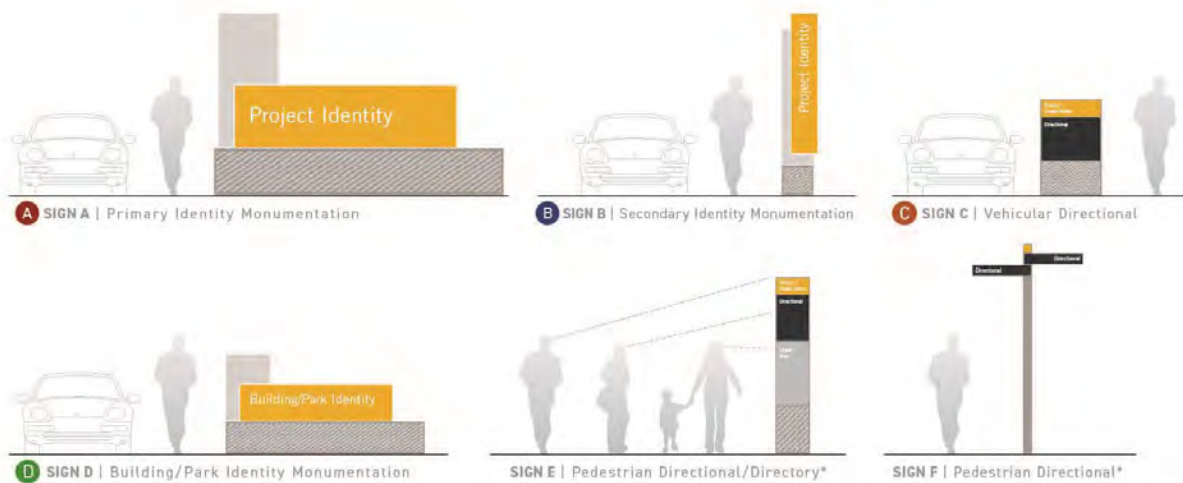


Exhibit H Signage

SIGNAGE LOCATION DIAGRAM



NOTE: Specific designs shown are diagrams and are not indicative of the final signage design and what is required to be built. The locations and suggested quantities of these signs is based on the current concept site plan and can change consistent with changes to the concept site plan.



* SIGNS NOT YET LOCATED

SIGN TYPES DEFINED



SIGN A | Primary Identity Monumentation



SIGN B | Secondary Identity Monumentation



SIGN C | Vehicular Directional



SIGN D | Building/Park Identity Monumentation



SIGN E | Pedestrian Directional/Directory*



SIGN F | Pedestrian Directional*

SIGN A | Freestanding identity monument installed at project entries. Material palette to include stone, painted metal, and wood as needed. Maximum height to be 18'-0" and width to be 30'-0"; Externally illuminated. Number Permitted in overall development; 5

SIGN B | Freestanding vertical identity monument installed at secondary entries. This sign intended to identify the project where a smaller footprint is needed. Material palette to include stone, painted metal, and wood as needed. Maximum height to be 12'-0" and width to be 10'-0"; Externally illuminated. Number Permitted in overall development; 4

SIGN C | Two-sided directional sign. All vehicular directional signs should be located to maintain sight lines along major circulation routes and should be well illuminated for visual clarity and safety. A singular and consistent font of upper and lower case characters should be used, individual tenant logo fonts are strongly discouraged. Copy not to exceed three (3) inches in height. Material palette to include stone, painted metal, and wood as needed. Maximum height to be 6'-0" and width to be 5'-0"; Externally illuminated. Number Permitted in overall development; 14

SIGN D | Freestanding building/park identity monument installed at noteworthy locations. This sign intended to identify the smaller destinations within the project. Material palette to include stone, painted metal, and wood as needed. Maximum height to be 6'-0" and width to be 12'-0"; Externally illuminated. Number Permitted in overall development; 6

SIGN E | Two-sided directional sign, text and directory graphic. Pedestrian directional signs and their supports should be used consistently throughout the development. A singular and consistent font of upper and lower case characters should be used, individual tenant logo fonts are strongly discouraged. Copy not to exceed 1.5 inches in height. Material palette to include stone, painted metal, and wood as needed. Maximum height to be 10'-0" and width to be 3'-0"; Externally illuminated. Number Permitted in overall development; 8

SIGN F | Non-illuminated post-mounted directional for secondary locations with minimal available ground space. Material palette to include painted metal and wood as needed. Maximum height to be 10'-0" and width to be 3'-0"; Non illuminated. Number Permitted in overall development; 12

NOTE: Specific designs shown are diagrams and are not indicative of the final signage design and what is required to be built. The locations and suggested quantities of these signs is based on the current concept site plan and can change consistent with changes to the concept site plan.

* SIGNS NOT YET LOCATED

Memo

To: Honorable Mayor and Town Council
From: Nathan Reddin, Development Director
CC: Drew Corn, Town Administrator
Shirley Rogers, Town Secretary
Date: April 13, 2017
Re: 160.374-Acre Thompson Tract Mixed-Use Planned Development (MPD)

Purpose: To hold a public hearing and consider a zoning change from Rural Residential (RR) to Mixed-Use Planned Development (MPD) for a proposed master planned development on 160.374 acres of land situated in the A. McDonald Survey, Abstract No. 785, and generally located south of FM 407 at Faught Road.

Public Hearing Information: Northlake's Unified Development Code (UDC) in accordance with state law requires that a zoning change must be approved by ordinance following public notice and a public hearing. A public hearing is scheduled at this meeting. Notice of the public hearing was published in the Denton Record Chronicle and mailed to all Northlake property owners subject to the MPD and within 200 feet of the MPD district as required. Staff has received a total of 11 written responses as of the date of this memo with 3 in favor of the request and 8 opposed. Of the responses in favor of the request, two properties within the 200-foot notification area are represented, while one property within the buffer is represented by multiple responses in opposition. The written opposition so far does not meet the threshold to require a three-fourths majority.

Owner: Thompson Grain & Cattle, Inc.

Applicant/Developer: Hillwood Communities

Background This zoning change request is for one of the three tracts under separate ownership planned for a 1,158-acre mixed-use, master planned development currently being referred to as Pecan Square. Numerous presentations have been made by the developer regarding this development, including the presentation of a draft MPD at the March 23rd Town Council meeting. The draft MPD was revised in response to comments and concerns expressed at the meeting, and this revised MPD is to be considered for adoption at this meeting.

Adjacent Zoning/Existing Land Uses:

North: Rural Residential (RR) / Vacant land and 5+ acre residential lot
South: Rural Residential (RR) / Vacant (planned as part of this same development with zoning request to MPD)
East: Rural Residential (RR) / Horse Ranch (planned as part of this same development with zoning request to MPD)

160.374-Acre Thompson Tract Mixed-Use Planned Development (MPD)

Page 2 of 2

West: Rural Estate (RE) / 1+ acre residential lots in the Highlands development opposite floodplain/open space

Comprehensive Plan Designation: The future land use plan of the Comprehensive Plan shows this site to be along the border between the Neighborhood Residential (NR) Character Area and the Ranch Preservation (RP) Character Area.

Summary of Proposed MPD: See summary included in memo for 635.5-Acre Young Tract MPD.

Staff Analysis: See analysis included in memo for 635.5-Acre Young Tract MPD.

Recommendation: Staff finds the proposed MPD acceptable for approval based on its adherence to the Comprehensive Plan and compatibility with existing and proposed adjacent land uses.

Attachments:

- Public Hearing Information – Notice, Buffer Map, Contact List & Written Responses
- Ordinance No. 17-0413E – Proposed MPD Zoning
 - *Note that redundant exhibits were not included in the paper copy of packet. Please refer to the full Ordinance for the 635.5-Acre Young Tract MPD.*



NOTICE OF PUBLIC HEARING

Notice is hereby given that the Northlake Town Council will hold a public hearing on Thursday, April 13, 2017, at a meeting to begin at 5:30 pm at Northlake Town Hall, 1400 FM 407, Northlake, Texas. The purpose of this hearing is to hear comments for or against a zoning change from Rural Residential (RR) to Mixed-Use Planned Development (MPD) for a proposed master planned development to include a mix of commercial and residential uses with a mix of lot sizes and densities, located on approximately 160.374 acres of land situated in the A. McDonald Survey, Abstract No. 785, and generally located south of FM 407 at Faught Road. Thompson Grain & Cattle, Inc. is the owner. Hillwood Communities is the applicant/developer. Case # PD-17-004.

ABOUT THIS REQUEST

The MPD is currently under review. The proposed MPD will be posted on the Town website www.town.northlake.tx.us under News & Notices upon completion of staff review. If you would like more information or have any questions about this request, please contact Nathan Reddin, Development Director, at 940-242-5703 or nreddin@town.northlake.tx.us. You may also visit Northlake Town Hall between the hours of 8:00 am to 4:00 pm, Monday – Friday.

PUBLIC HEARING PROCESS

The public hearing process is designed to provide opportunities for citizen involvement and comment. The public hearing is held before the Town Council. During the public hearing, interested persons are asked to sign in and speak before the Town Council to provide comments for or against the request before the Town Council. Prior to the public hearing, Northlake landowners within two hundred (200) feet of the subject property are notified of the request by mailing of this notice thirty (30) days prior to the date of the public hearing. Notifications are also published in the Denton Record-Chronicle fifteen (15) days prior to the date of the public hearing.

WRITTEN RESPONSE PROCESS

You may also make your opinion known on this request by returning the enclosed Notification Response Form. Please return this form with your comments prior to the date of the public hearing. *This in no way prohibits you from attending and participating in the public hearing.* The Council is informed of the percentage of responses in support and in opposition of the request. If the owners of more than twenty (20) percent of the Northlake land area within two hundred (200) feet of the site submit written opposition, then a three-fourths majority (typically four (4) out of five (5) votes) of the Town Council is required to approve the request. ***These forms are used to calculate the percentage of landowner opposition.***

Page 2 of 2

Mailing List for Public Hearing Notices

Case Name: Thompson Tract MPD
Case Type: Planned Development (PD)
Case Number: PD-17-004
Public Hearing Date: April 13, 2017

PROPERTY ID	OWNER NAME	OWNER ADDRESS	CITY	STATE	ZIP	LEGAL DESCRIPTION
OWNER	THOMPSON GRAIN & CATTLE INC	8729 THOMPSON RD	JUSTIN	TX	76247	
APPLICANT	HILLWOOD COMMUNITIES ATTN: BRIAN CARLOCK	3000 TURTLE CREEK BLVD	DALLAS	TX	75219	
SCHOOL	NORTHWEST ISD	PO BOX 7070	FORT WORTH	TX	76177	
R133160	GWARTNEY, BILLY G & ERICKA L	8669 HIGHWAY 377	ARGYLE	TX	76226	A0785A A. MCDONALD, TR 2A
R70709	HP GIBBS LP	13600 HERITAGE PKWY STE 200	FORT WORTH	TX	76177	A1461A CLEVELAND, TR 1
R68247	J YOUNG LAND & CATTLE LTD	13737 FM 1171	NORTHLAKE	TX	76262	A0785A A. MCDONALD, TR 1
R68208	HARDEMAN SAVOIE FAMILY LTD P/S	PO BOX 158	JUSTIN	TX	76247	A0413A ERWIN, TR 1
MULTIPLE	IQBAL ,WASEEM	2280 FM 407	NORTHLAKE	TX	76247	NORTHLAKE COUNTRY ESTATES PH II BLK A LOTS 14R1 & 14R2
MULTIPLE	RCM HIGHLANDS LP	909 LAKE CAROLYN PKWY STE 150	IRVING	TX	75039	A0785A A. MCDONALD, TR 3A & THE HIGHLANDS PHASE I BLK B LOT 23



NOTIFICATION RESPONSE FORM

Form revised 9/14/2011

CASE INFORMATION

Public Hearing Date: April 13, 2017, 5:30 pm
Case Type: Planned Development (PD) zoning change
Case Name: Thompson Tract MPD
Case #: PD-17-004

WRITTEN RESPONSE

Please check one: ☐ In favor of request ☐ Neutral/Undecided on request ☒ Opposed to request

Comments (optional):

Signature: _____

Date: _____

Printed Name: _____

Address: _____

City/State/ZIP: _____

Phone number: _____

RETURN COMPLETED FORM VIA EMAIL, FAX OR HAND DELIVERY BEFORE THE START OF THE SCHEDULED PUBLIC HEARING.

RETURN RESPONSES AND/OR DIRECT QUESTIONS TO:

Town of Northlake
Development Director

Email: nreddin@town.northlake.tx.us

Phone: 940-242-5703

Fax: 940-648-0363

Address:

1400 FM 407

Northlake, Texas 76247

****FOR OFFICE USE ONLY****

Stamp Received

RECEIVED
MAR 29 2017

BY: _____

Property within notification area: ☐ Yes ☒ No

Property ID: _____

Property Size: _____



NOTIFICATION RESPONSE FORM

Form revised 9/14/2011

CASE INFORMATION

Public Hearing Date: April 13, 2017, 5:30 pm
Case Type: Planned Development (PD) zoning change
Case Name: Thompson Tract MPD
Case #: PD-17-004

WRITTEN RESPONSE

Please check one: ☒ In favor of request ☐ Neutral/Undecided on request ☐ Opposed to request

Comments (optional):

Highest & Best use. Also protects flood plain & natural loveliness of Northlake.

Signature: Robin L-S Young Date: 3-29-2017
Printed Name: Robin L-S Young
Address: [REDACTED] City/State/ZIP: Northlake, TX 76262
Phone number: [REDACTED]

RETURN COMPLETED FORM VIA EMAIL, FAX OR HAND DELIVERY BEFORE THE START OF THE SCHEDULED PUBLIC HEARING.

RETURN RESPONSES AND/OR DIRECT QUESTIONS TO:

Town of Northlake
Development Director
Email: nreddin@town.northlake.tx.us
Phone: 940-242-5703
Fax: 940-648-0363

Address:
1400 FM 407
Northlake, Texas 76247

FOR OFFICE USE ONLY

Stamp Received

RECEIVED

MAR 29 2017

BY: 74

Property within notification area: ☐ Yes ☐ No
Property ID: _____
Property Size: _____



NOTIFICATION RESPONSE FORM

Form revised 9/14/2011

CASE INFORMATION

Public Hearing Date: April 13, 2017, 5:30 pm
Case Type: Planned Development (PD) zoning change
Case Name: Thompson Tract MPD
Case #: PD-17-004

WRITTEN RESPONSE

Please check one: ☒ In favor of request ☐ Neutral/Undecided on request ☐ Opposed to request

Comments (optional):

Signature: Weldon Jack Young Date: 3-29-2017
Printed Name: Weldon Jack Young
Address: [REDACTED] City/State/ZIP: Northlake, TX 76262
Phone number: [REDACTED]

RETURN COMPLETED FORM VIA EMAIL, FAX OR HAND DELIVERY BEFORE THE START OF THE SCHEDULED PUBLIC HEARING.

RETURN RESPONSES AND/OR DIRECT QUESTIONS TO:

Town of Northlake
Development Director
Email: nreddin@town.northlake.tx.us
Phone: 940-242-5703
Fax: 940-648-0363

Address:
1400 FM 407
Northlake, Texas 76247

FOR OFFICE USE ONLY

Stamp Received

RECEIVED

MAR 29 2017

BY: JK

Property within notification area: ☐ Yes ☐ No
Property ID: _____
Property Size: _____



NOTIFICATION RESPONSE FORM

Form revised 9/14/2011

CASE INFORMATION

Public Hearing Date: April 13, 2017, 5:30 pm
Case Type: Planned Development (PD) zoning change
Case Name: Thompson Tract MPD
Case #: PD-17-004

WRITTEN RESPONSE

Please check one: ☒ In favor of request ☐ Neutral/Undecided on request ☐ Opposed to request

Comments (optional):

Signature: _____

Date: _____

Printed Name: _____

Address: _____

City/State/ZIP: _____

Phone number: _____

RETURN COMPLETED FORM VIA EMAIL, FAX OR HAND DELIVERY BEFORE THE START OF THE SCHEDULED PUBLIC HEARING.

RETURN RESPONSES AND/OR DIRECT QUESTIONS TO:

Town of Northlake
Development Director
Email: nreddin@town.northlake.tx.us
Phone: 940-242-5703
Fax: 940-648-0363

Address:
1400 FM 407
Northlake, Texas 76247

****FOR OFFICE USE ONLY****

Stamp Received

RECEIVED

MAR 23 2017

BY: _____

Property within notification area: ☒ Yes ☐ No

Property ID: _____

Property Size: _____



NOTIFICATION RESPONSE FORM

Form revised 9/14/2011

CASE INFORMATION

Public Hearing Date: April 13, 2017, 5:30 pm
Case Type: Planned Development (PD) zoning change
Case Name: Thompson Tract MPD
Case #: PD-17-004

WRITTEN RESPONSE

Please check one: ☐ In favor of request ☐ Neutral/Undecided on request ☒ Opposed to request

Comments (optional):

attached document

Signature: Lesley Milley

Date: 3-23-17

Printed Name: Lesley Milley

Address: [REDACTED]

City/State/ZIP: Northlake, TX 76226

Phone num: [REDACTED]

RETURN COMPLETED FORM VIA EMAIL, FAX OR HAND DELIVERY BEFORE THE START OF THE SCHEDULED PUBLIC HEARING.

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Northlake, Texas 76247

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MAR 23 2017

BY: RR

Property within notification area: ☐ Yes ☒ No

Property ID: _____

Property Size: _____

Northlake City Council,

Please consider not approving the request for YOUNG/GIBBS/THOMPSON tracts from rural residential to mixed use. I realize development is coming and they have a right to sell their land, but let's hold Hillwood or any developer to our standards. We want a Rural feel with no less than 1 acre homesites. A Rural façade does not equate to Rural. I don't want to see a sea of rooftops like in North Fort Worth.

You are our only hope of keeping Northlake rural and beautiful.

Thank you for your time,

Lesley Miley





NOTIFICATION RESPONSE FORM

Form revised 9/14/2011

CASE INFORMATION

Public Hearing Date: April 13, 2017, 5:30 pm
Case Type: Planned Development (PD) zoning change
Case Name: Thompson Tract MPD
Case #: PD-17-004

WRITTEN RESPONSE

Please check one: ☐ In favor of request ☐ Neutral/Undecided on request ☒ Opposed to request

Comments (optional):

attached document

Signature: Lesley Miley Date: 3-23-17
Printed Name: Lesley Miley
Address: [REDACTED] City/State/ZIP: Northlake, TX 76226
Phone number: [REDACTED]

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Northlake, Texas 76247

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RECEIVED

MAR 23 2017

BY: [Signature]

Property within notification area: ☐ Yes ☒ No
Property ID: _____
Property Size: _____

Northlake City Council,

Please consider not approving the request for YOUNG/GIBBS/THOMPSON tracts from rural residential to mixed use. I realize development is coming and they have a right to sell their land, but let's hold Hillwood or any developer to our standards. We want a Rural feel with no less than 1 acre homesites. A Rural façade does not equate to Rural. I don't want to see a sea of rooftops like in North Fort Worth.

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Thank you for your time,

Lesley Miley





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Case #: PD-17-004

WRITTEN RESPONSE

Please check one: ☐ In favor of request ☐ Neutral/Undecided on request ☒ Opposed to request

Comments (optional):

Signature:

Date: 3/23/2017

Printed Name:

Samuel A. Gibson

Address:

[Redacted address]

City/State/ZIP: Northlake TX 76247

Phone number:

[Redacted phone number]

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Phone: 940-242-5703
Fax: 940-648-0363

Address:
1400 FM 407
Northlake, Texas 76247

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MAR 23 2017
BY: J. Rogers

Property within notification area: ☐ Yes ☐ No

Property ID: _____

Property Size: _____



NOTIFICATION RESPONSE FORM

Form revised 9/14/2011

CASE INFORMATION

Public Hearing Date: April 13, 2017, 5:30 pm
Case Type: Planned Development (PD) zoning change
Case Name: Thompson Tract MPD
Case #: PD-17-004

WRITTEN RESPONSE

Please check one: ☐ In favor of request ☐ Neutral/Undecided on request ☒ Opposed to request

Comments (optional):

Opposed to request

Signature: Heide Hardeman
Printed Name: Heide Hardeman
Address: [REDACTED]
Phone number: _____

Date: March 21, 2017
City/State/ZIP: JUSTIN TX 76247

RETURN COMPLETED FORM VIA EMAIL, FAX OR HAND DELIVERY BEFORE THE START OF THE SCHEDULED PUBLIC HEARING.

RETURN RESPONSES AND/OR DIRECT QUESTIONS TO:

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Development Director
Email: nreddin@town.northlake.tx.us
Phone: 940-242-5703
Fax: 940-648-0363

Address:
1400 FM 407
Northlake, Texas 76247

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Stamp Received
RECEIVED
MAR 23 2017
BY: JK

Property within notification area: ☐ Yes ☒ No

Property ID: _____

Property Size: _____



NOTIFICATION RESPONSE FORM

Form revised 9/14/2011

CASE INFORMATION

Public Hearing Date: April 13, 2017, 5:30 pm
Case Type: Planned Development (PD) zoning change
Case Name: Thompson Tract MPD
Case #: PD-17-004

WRITTEN RESPONSE

Please check one: ☐ In favor of request ☐ Neutral/Undecided on request ☒ Opposed to request

Comments (optional):

opposed to request.

Signature:

Rena Hardeman

Date:

March 21, 2017

Printed Name:

RENA HARDEMAN

Address:

[Redacted Address]

City/State/ZIP:

JUSTIN TX 76247

Phone number:

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Development Director

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Phone: 940-242-5703

Fax: 940-648-0363

Address:

1400 FM 407

Northlake, Texas 76247

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Stamp Received
RECEIVED
MAR 23 2017
BY: *RR*

Property within notification area: ☐ Yes ☒ No

Property ID: _____

Property Size: _____



NOTIFICATION RESPONSE FORM

Form revised 9/14/2011

CASE INFORMATION

Public Hearing Date: April 13, 2017, 5:30 pm
Case Type: Planned Development (PD) zoning change
Case Name: Thompson Tract MPD
Case #: PD-17-004

WRITTEN RESPONSE

Please check one: ☐ In favor of request ☐ Neutral/Undecided on request ☒ Opposed to request

Comments (optional):

Opposed to request

Signature: Carla Hardeman
Printed Name: Carla Hardeman
Address: [REDACTED]
Phone number: [REDACTED]

Date: March 21, 2017
City/State/ZIP: JUSTIN, TX 76247

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Address:
1400 FM 407
Northlake, Texas 76247

****FOR OFFICE USE ONLY****

Stamp Received
RECEIVED
MAR 23 2017
BY: [Signature]

Property within notification area: ☐ Yes ☒ No

Property ID: _____

Property Size: _____



NOTIFICATION RESPONSE FORM

Form revised 9/14/2011

CASE INFORMATION

Public Hearing Date: April 13, 2017, 5:30 pm
Case Type: Planned Development (PD) zoning change
Case Name: Thompson Tract MPD
Case #: PD-17-004

WRITTEN RESPONSE

Please check one: ☐ In favor of request ☐ Neutral/Undecided on request ☒ Opposed to request

Comments (optional):

Please deny the zoning change request

Signature: *Chase Savoie* Date: *3/23/2017*
Printed Name: *Chase Savoie*
Address: [REDACTED] City/State/ZIP: *Northlake, TX 76247*
Phone number: [REDACTED]

RETURN COMPLETED FORM VIA EMAIL, FAX OR HAND DELIVERY BEFORE THE START OF THE SCHEDULED PUBLIC HEARING.

RETURN RESPONSES AND/OR DIRECT QUESTIONS TO:

Town of Northlake
Development Director
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Phone: 940-242-5703
Fax: 940-648-0363

Address:
1400 FM 407
Northlake, Texas 76247

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Stamp Received
RECEIVED
MAR 23 2017
BY: *JR*

Property within notification area: ☐ Yes ☒ No

Property ID: _____

Property Size: _____



NOTIFICATION RESPONSE FORM

Form revised 9/14/2011

CASE INFORMATION

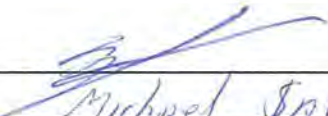
Public Hearing Date: April 13, 2017, 5:30 pm
Case Type: Planned Development (PD) zoning change
Case Name: Thompson Tract MPD
Case #: PD-17-004

WRITTEN RESPONSE

Please check one: ☐ In favor of request ☐ Neutral/Undecided on request ☒ Opposed to request

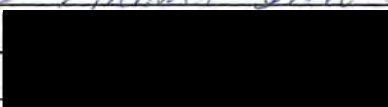
Comments (optional):

Please deny zoning change request.

Signature: 

Date: 3/23/17

Printed Name: Michael Jovine

Address: 

City/State/ZIP: Northlake TX 76247

Phone number: 

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1400 FM 407

Northlake, Texas 76247

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Stamp Received
RECEIVED
MAR 23 2017
BY: 

Property within notification area: ☐ Yes ☒ No

Property ID: _____

Property Size: _____

ORDINANCE NO. 17-0413E

AN ORDINANCE AMENDING ORDINANCE NO. 13-0124A BEING THE NORTHLAKE UNIFIED DEVELOPMENT CODE AS AMENDED, BY CHANGING THE ZONING CLASSIFICATION OF A 160.374-ACRE TRACT OF LAND SITUATED IN THE A. MCDONALD SURVEY, ABSTRACT NUMBER 785, IN THE TOWN OF NORTHLAKE FROM “RR” RURAL RESIDENTIAL TO “MPD” MIXED-USE PLANNED DEVELOPMENT AND REVISING THE OFFICIAL ZONING MAP IN ACCORDANCE THEREWITH; PROVIDING FOR THE ADOPTION OF DEVELOPMENT STANDARDS; PROVIDING FOR THE ADOPTION OF A CONCEPT PLAN; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Northlake, as an incorporated municipality in the State of Texas, has been given the authority by Chapter 211 of the Local Government Code to establish zoning and amend zoning in accordance with Chapter 211; and

WHEREAS, the Town Council of the Town of Northlake heretofore adopted Ordinance No. 13-1024A establishing the Unified Development Code which contains the zoning regulations of the Town of Northlake; and

WHEREAS, the Unified Development Code and Official Zoning Map established the zoning of “RR” Rural Residential for a 160.374-acre tract of land located in the A. McDonald Survey, Abstract Number 785, in the Town of Northlake, Denton County, Texas (the “Property”); and

WHEREAS, the Unified Development Code provides for adoption of Planned Development Districts; and

WHEREAS, the Town of Northlake has received a request from the owners of the Property to rezone the Property to establish a “MPD” Mixed-Use Planned Development District; and

WHEREAS, the Town of Northlake heretofore adopted Ordinance No. 16-1208E on December 12, 2016, The Pathway to 2040 Northlake Comprehensive Plan Update, and the requested rezoning complies with recommendations of the plan; and

WHEREAS, all requirements of Chapter 211 of the Local Government Code, and all other laws dealing with notice, publication and procedural requirements for zoning of property have been complied with; and

WHEREAS, a public hearing was held by the Town Council of the Town of Northlake on April 13, 2017 with respect to the zoning change described herein; and

WHEREAS, the Town Council of the Town of Northlake does hereby deem it advisable and in the public interest to approve the zoning change request and establish a “MPD” Mixed-Use Planned Development District on the Property.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NORTHLAKE, TEXAS:

SECTION 1

The 160.374-acre Property more fully described in Exhibit “A” shall be zoned “MPD” Mixed-Use Planned Development with the concept plan as provided in Exhibit “B” and development standards as provided in Exhibit “C” attached hereto.

SECTION 2

The use of the Property described in Exhibit “A” shall be subject to all applicable regulations contained in the Development Standards provided in Exhibit “C”, the Unified Development Code, and all other applicable and pertinent ordinances of the Town of Northlake.

SECTION 3

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the Town of Northlake, and this ordinance shall not operate to repeal or affect the Code of Ordinances of the Town of Northlake or any other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such Code of Ordinances or any other ordinances are hereby repealed.

SECTION 4

It is hereby declared to be the intention of the Northlake Town Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court or competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since same would have been enacted by the Town Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 5

Any person, firm, association of persons, corporation or other organization violating the provisions of this ordinance shall be deemed to be guilty of a misdemeanor and, upon

conviction, shall be fined an amount not to exceed \$2,000.00. Each day that a violation continues shall be deemed a separate offense.

SECTION 6

This ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the laws of the State of Texas.

PASSED AND APPROVED on this the 13th day of April 2017.

Peter Dewing, Mayor

ATTEST:

Shirley Rogers, Town Secretary

Exhibit A
Metes and Bounds Description of the Property

BEING a tract of land situated in the A. McDonald Survey, Abstract Number 785, Denton County, Texas, and being a portion of that tract of land conveyed to Thompson Grain & Cattle, Inc., according to the document filed of record in Document Number 2003-128214, Deed Records of Denton County, Texas, said tract being described as follows:

BEGINNING at a point in the south line of F.M. Highway 407 for the northwest corner of said Thompson tract and same being the **POINT OF BEGINNING** of the tract of land described herein;

THENCE with said south line the following five (5) courses and distances:

South 89°03'05" East, a distance of 410.80 feet to a point for a corner of this tract at the beginning of a tangent curve to the right having a central angle of 35°51'30", a radius of 279.62 feet, a chord bearing and distance of South 71°07'20" East, 172.16 feet;

With said curve to the right, an arc distance of 175.00 feet to a point for corner of this tract;

South 53°03'05" East, a distance of 4.80 feet to a point for a corner of this tract at the beginning of a non-tangent curve to the left having a central angle of 37°02'44", a radius of 749.75 feet, a chord bearing and distance of South 71°23'45" East, 476.36 feet;

With said curve to the left, an arc distance of 484.76 feet to a point for corner;

South 89°46'05" East, a distance of 192.70 feet to a point for corner of this tract;

THENCE South 0°23'05" East, a distance of 5432.30 feet to a point for corner of this tract;

THENCE South 82°35'23" West, a distance of 180.18 feet to a point for corner of this tract;

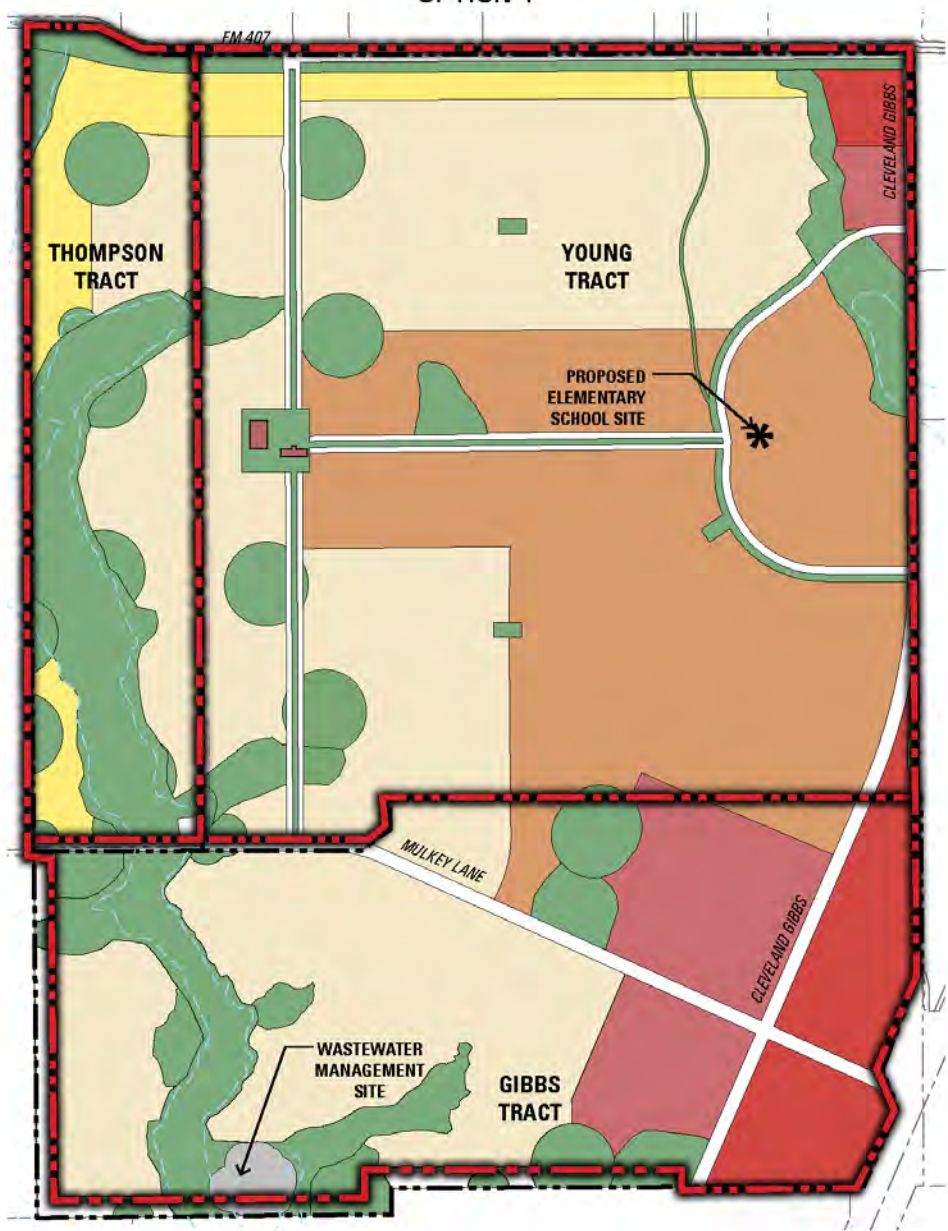
THENCE South 7°46'14" East, a distance of 199.92 feet to a point for corner of this tract;

THENCE South 89°27'58" West, a distance of 1058.48 feet to a point for corner of this tract;

THENCE North 0°28'05" West, a distance of 5881.70 feet to the **POINT OF BEGINNING** and containing 160.374 acres or 6,985,913 square feet of land, more or less.

Exhibit B **Concept Plan**

CONCEPT PLAN
OPTION 1



LEGEND			
SYMBOL	DESCRIPTION		
	Traditional		Boundary Line Between Young, Gibbs and Thompson
	Commercial	Notes - All locations of boundaries, land uses and roads are approximate.	
	Mixed Use		
	Lifestyle		
	Open Space		
	Waste Water Management Plant		

CONCEPT PLAN OPTION 2



LEGEND	
SYMBOL	DESCRIPTION
[Red]	Commercial
[Pink]	Mixed Use
[Orange]	Lifestyle

[Yellow]	Traditional
[Light Yellow]	Estate
[Green]	Open Space
[Light Blue]	Waste Water Management Plant
[Dark Blue]	School Site

[Red Dashed Line]	Boundary Line Between Young, Gibbs and Thompson
Notes	
- All locations of boundaries, land uses and roads are approximate	

Exhibit C
Development Regulations

I. DEFINITIONS

1. Commercial Subdistrict means the area designated "Commercial" on the Concept Plan.
2. Concept Plan means either of the two concept plans attached as **Exhibit B**, as amended from time to time in accordance with Section III of this Ordinance. The boundaries of each subdistrict on the original Concept Plan are conceptual and are expected to change as the development plan and engineering details for the Property are finalized.
3. Development means the property shown on **Exhibit D** consisting of the Gibbs, Young, and Thompson tracts.
4. District means Northlake Municipal Management District No. 1, including any future expansions and any districts resulting from the subdivision of Northlake Municipal Management District No. 1.
5. EDM means the Engineering Design Manual, as amended following the fifth anniversary of the Town Council's adoption of this PD Ordinance.
6. Estate Subdistrict means the area designated "Estate" on the Concept Plan.
7. Lifestyle Subdistrict means the area designated "Lifestyle" on the Concept Plan.
8. Masonry means brick, stone, stucco, and hardiplank (cementitious fiberboard).
9. Mews lot means a lot accessed by an alley and fronting on an open space area rather than a street.
10. Mixed Use Subdistrict means the area designated "Mixed Use" on the Concept Plan.
11. Open space means the open space areas designated on the Open Space Plan and Concept Plan.
12. Open Space Plan means either of the two open space plans attached as **Exhibit E**, as amended from time to time in accordance with Section V of this Ordinance.
13. PD Ordinance means Ordinance No. 17-0413E creating this planned development district.
14. Property means the 160.374-acre tract of land described on **Exhibit A**.
15. Street Sections means **Exhibit F**.

16. Traditional Subdistrict means the area designated "Traditional" on the Concept Plan.
17. UDC means the Town of Northlake Unified Development Code, as amended following the fifth anniversary of the Town Council's adoption of this PD Ordinance.

II. EFFECTIVE DATE; APPLICABLE REGULATIONS

1. Effective Date. This PD Ordinance shall become effective upon publication as required by law and upon HP Gibbs, LP or its designee acquiring ownership of the Property. If HP Gibbs, LP or its designee has not acquired ownership of the Property by December 31, 2017, this PD Ordinance shall become void and shall be of no further force or effect, and the preexisting zoning of the Property shall be automatically reinstated on the Property.
2. Applicable Regulations. Development and use of the Property shall comply with this PD Ordinance, the UDC, and the EDM, and any other applicable ordinance not specifically modified herein. In the event of a conflict between this PD Ordinance and any other applicable Town ordinances, this PD Ordinance shall control.

III. CONCEPT PLAN; SITE PLANS

1. Development of the Property shall generally comply with the Concept Plan.
2. The following changes to the Concept Plan are minor and do not require Town approval: realignment of roadways, the size of each subdistrict provided the size does not change by more than 15 percent from the size of the subdistrict shown on the original Concept Plan attached to this PD Ordinance, changes to the configuration of the open space areas shown on the original Concept Plan provided a minimum of 15 percent of the overall Development shall be used as open space. Open space areas shall be a minimum of 0.5 acres in size to satisfy the minimum 15 percent requirement. The amended Concept Plan shall satisfy all applicable regulations.
3. All changes to the Concept Plan that do not fall under Section III(2) shall require Town Council approval. This procedure is not considered a change in zoning, and no public hearing shall be required.
4. No site plan approval shall be required for any development within the Property other than non-residential development (excluding amenity centers and any uses within an open space area). For non-residential development, site plan approval shall be required in accordance with Section 12.15 of the UDC, and the criteria for approval shall be that the site plan demonstrates compliance with this PD Ordinance.
5. With the exception of the approvals required by this Section III, no other concept plan, site plan, development plan, landscaping plan or other plan approvals of any

Ordinance No. 17-0413E-160.374-Acre Tract Mixed-Use Planned Development

kind are required except in connection with the standard building permit review and approval process.

IV. BASE ZONING DISTRICTS: PERMITTED USES

1. Lifestyle, Traditional, and Estate Subdistricts. The base zoning district for the Lifestyle, Traditional, and Estate Subdistricts shall be the "MU" Mixed Use Zoning District. Permitted uses shall be limited to agricultural uses, single family detached homes, parks, public primary and secondary schools, a public school stadium, and sports facilities, all of which are permitted by right.
2. Commercial Subdistrict. Permitted uses shall be all principal and accessory uses which are allowed by right in the "C" Commercial Zoning District, in accordance with Table 5.2 of the UDC. In addition, agricultural uses are permitted by right. A Specific Use Permit shall be required for all uses otherwise requiring a Specific Use Permit in the "C" Commercial Zoning District, in accordance with Table 5.2 of the UDC.
3. Mixed Use Subdistrict. Permitted uses shall be all principal and accessory uses which are allowed by right in the "MU" Mixed Use Zoning District, in accordance with Table 5.2 of the UDC, including but not limited to single family detached and single family attached homes, except as follows: agricultural uses, public primary and secondary schools, a public school stadium, and sports facilities are permitted by right, and multifamily and duplex uses are prohibited. A Specific Use Permit shall be required for all uses otherwise requiring a Specific Use Permit in the "MU" Mixed Use Zoning District, in accordance with Table 5.2 of the UDC.
4. Accessory Uses. All uses that are customarily incidental to the main use on the same platted lot shall be permitted as accessory uses. Accessory uses may include agricultural uses, including in connection with an amenity center. In addition, the following accessory uses identified in the UDC are permitted subject to any restrictions in the UDC that are applicable to these uses: accessory buildings, accessory dwellings, basic utilities, home occupations, and outdoor recreation areas (lighted).
5. Temporary Uses. Temporary uses, including construction offices and temporary concrete/asphalt batching plants, shall be permitted in accordance with Section 5.12 of the UDC. Model homes are permitted by right.

V. OPEN SPACE

1. Development of the Property shall generally comply with the Open Space Plan. The following changes to the Open Space Plan are minor and do not require Town approval: changes to the configuration of the open space areas shown on the original Open Space Plan provided a minimum of 15 percent of the overall Development shall be used as open space. Open space areas shall be a minimum

- of 0.5 acres in size to satisfy the minimum 15 percent requirement. All other changes to the Open Space Plan shall require Town Council approval. This procedure is not considered a change in zoning, and no public hearing shall be required.
2. The following improvements are permitted within the open space: landscaping, hardscaping, an amenity center, the existing arena and barn, fountains, ponds, lakes, lighting, signage related to the open space, fencing, trails, pavilions, swimming pools, playground equipment, and similar improvements that are customarily found in parks and open spaces.
 3. The following uses are permitted within open space: passive and active recreational uses, meeting space and offices within the existing arena and barn, community gardens, other agricultural uses, one or more amenity centers, food truck or other food and entertainment vending operations, fireworks on national holidays, and similar uses.
 4. Open space shall be owned and maintained by a home owners association or the District.
 5. With the exception of controlled access areas, including but not limited to the amenity center, pool areas, and any buildings, open space shall be open to the general public.
 6. Open space may include: playground equipment for small children; multiple purpose hard surfaced play areas; space for court games, such as basketball, tennis, volleyball and in-line hockey; playfield space for non-organized competitive games such as baseball, football or soccer; picnic tables and grills; restrooms; and drinking fountains and sitting areas.
 7. The Open Space Plan shall be deemed to fully satisfy all of the Town's requirements for park land dedication, payment of park fees including any fees in lieu of dedication, and private open space.
 8. The requirements in this Section V shall be the exclusive open space requirements applicable to the Property. Without limiting the foregoing, Sections 9.6 through 9.9 of the UDC shall not apply.

VI. DEVELOPMENT STANDARDS

1. Residential. Development of the Lifestyle, Traditional, and Estate Subdistricts shall comply with Table 1 below. The following shall comply with the Estate Subdistrict development standards: an amenity center, any modifications to the existing arena and barn, a school, a stadium, and a sports facility. The requirements in this Section VI are the exclusive lot size, setback, building height, lot coverage, roof pitch, dwelling size, and masonry requirements applicable to the Lifestyle, Traditional, and Estate Subdistricts.

2. Commercial. The Commercial Subdistrict shall be developed in accordance with the rules applicable to the "C" Commercial Zoning District, except as otherwise modified by this PD Ordinance.
3. Mixed Use. The Mixed Use Subdistrict shall be developed in accordance with Section VI(1) above for residential development and Section VI(2) above for non-residential development. In addition, the mixed use development standards in Section 5.9(D) of the UDC shall apply to non-residential development in the Mixed Use Subdistrict. Development of single family attached uses shall comply with Table 2 below. The requirements in this Section VI are the exclusive lot size, setback, building height, lot coverage, roof pitch, dwelling size, and masonry requirements applicable to single family attached uses.
4. Gas Well Setbacks. All future developments adjacent to an existing oil or gas well site shall observe the following setbacks, which shall be the exclusive setback requirements for new development near a gas well, gas pipeline, or any related improvements regardless of any conflicting provisions in the UDC, the Town's building and fire codes, or any other provision of the Town's Code of Ordinances:
 - a. A minimum 150 feet of separation shall be required from the well bore hole to any property line.
 - b. A minimum 300 feet of separation shall be required from the well bore hole to the closest buildable portion of a lot.
 - c. A minimum 20 feet of separation shall be required from any gas well collection pipe line to the closest buildable portion of a lot.
5. Height Exception. Notwithstanding anything to the contrary in this Section VI, there shall be no story or height limit on an amenity center or the existing arena and barn, or for a stadium or sports facilities, including ancillary structures.
6. Overall Density. The maximum residential density shall be three units per gross acre within the overall Development.

Table 1

Development Standard	Lifestyle Subdistrict		Traditional Subdistrict			Estate Subdistrict
Minimum Lot Width	40' (Rear Entry)	50'	50'	60'	70'	100'
Minimum Lot Depth	90'	110'	115'	115'	125'	200'
Minimum Front Yard Setback	10'	20'	20'	20'	20'	25'
Minimum Side Yard Setback	10' spacing between homes on separate lots	5'	5'	5'	5'	10'

Development Standard	Lifestyle Subdistrict		Traditional Subdistrict			Estate Subdistrict
Minimum Rear Yard Setback	7.5'	10'	10'	10'	10'	20'
Porch Minimum Front Yard Setback	5'	12'	12'	12'	12'	12'
Front Porch Minimum Depth	4'	4'	4'	4'	4'	4'
Front Porch Maximum depth	5'	12'	12'	12'	12'	12'
Garage Minimum Front Yard Setback	N/A	20'	20'	20'	20'	25'
Garage Minimum Rear Yard Setback	7.5'	10'	10'	10'	10'	10'
Garage Minimum Side Yard Setback	10' spacing between garages on separate lots	5'	5'	5'	5'	10'
Maximum Building/Structure Height	40'	40'	40'	40'	40'	40'
Maximum Number of Stories	2	2	2	2	2	2
Maximum Lot Coverage	65%	55%	55%	55%	55%	55%
Minimum Roof Pitch	8:12	6:12	6:12	6:12	6:12	6:12
Minimum Dwelling Size	1,300 SF	1,600 SF	1,700 SF	2,000 SF	2,200 SF	2,400 SF
Minimum Masonry % on Exterior of Residence (excluding porch floor, columns, and roof trim)	100%	100%	100%	100%	100%	100%
Maximum Size of Accessory Buildings (cumulative)	600 SF	600 SF	600 SF	600 SF	600 SF	600 SF
Maximum Building Area Occupied for Home Business/Home Occupation	600 SF	600 SF	600 SF	600 SF	600 SF	600 SF
Maximum # of Units per Subdistrict (per Concept Plan 1)*	1175		1750			96
Minimum % of Units per Product Type within Each Subdistrict (per Concept Plan 1)*	N/A	50%	N/A	40%	10%	N/A
Maximum % of Units per Product Type within Each Subdistrict (per Concept Plan 1)*	50%	N/A	50%	N/A	N/A	N/A
Maximum # of Units per Subdistrict (per Concept Plan 2)*	1175		1200			96
Minimum % of Units per Product Type within each Subdistrict (per Concept Plan 2)*	N/A	50%	N/A	35%	5%	N/A
Maximum % of Units Per Product Type within Each Subdistrict (per Concept Plan 2)*	50%	N/A	60%	N/A	N/A	N/A

*Measured at full buildout

Notes to Table 1:

1. Lot coverage is measured as the area covered by the roof of the residence and garage.

2. All wood must be stained or painted.
3. Swimming pools may be located in the required rear yard setback
4. Porch flooring is required to be masonry, concrete, or wood.
5. Porch columns are required to be masonry, wood, or fiberglass.
6. Porch roof trim is required to be wood, fiberglass, or masonry.
7. Roofing materials are required to be asphalt shingles, metal, slate, simulated slate, or tile.
8. Home businesses may be located above or within a garage and must be operated by the home owner.
9. The maximum lot coverage requirements substitute for the maximum impervious cover requirements in the UDC.
10. The front yard setback shall be measured from the street right-of-way to the front face of the building. Covered terraces, eaves, and roof extensions may project into the required front yard.
11. On corner lots, the front yard setback shall be required only along the street on which the home fronts.
12. Every part of a required side yard shall be open and unobstructed except for accessory buildings, fences, landscaping, and the ordinary projections of window sills, belt courses, cornices and other architectural features projecting not to exceed twelve inches into the required side yard, and roof eaves projecting not to exceed 24 inches into the required side yard.
13. Every part of a required rear yard shall be open and unobstructed to the sky from a point 30 inches above the general ground level of the graded lot, except for accessory buildings, fences, landscaping, and the ordinary projections of window sills, belt courses, cornices and roof overhangs and other architectural features projecting not to exceed 24 inches into the required rear yard.
14. Where lots have double frontage, running from one street to another, a required front yard setback shall be provided on both streets.
15. Alleys are permitted, but not required. Front entry, rear entry, j-swing, and side entry garages are permitted.
16. A minimum of two enclosed parking spaces per dwelling unit shall be required.
17. In the Estate Subdistrict, a minimum lot size of 20,000 square feet may be substituted for the minimum lot width and lot depth in Table 1.
18. The following residential architectural standards shall apply to the 40' single family lots in the Lifestyle Subdistrict: All residences shall include at least four of the following design features to provide visual relief along the front of the residence:
 - Bay window
 - Brick chimney on exterior wall visible from front of the home
 - Cast stone accents
 - A covered front porch
 - Dormers
 - Gables
 - Variable roof pitch
 - Shutters

Table 2

Development Standard	Single Family Attached
Minimum Lot Width	22'
Minimum Lot Depth	80'
Minimum Front Yard Setback	None
Maximum Front Yard Setback	20'
Minimum Side Yard Setback (Corner)	None
Minimum Side Yard Setback (Interior)	None
Minimum Rear Yard Setback	None
Maximum Front Yard Setback for a Porch	12'
Minimum Porch Depth	4'
Maximum Porch Depth	12'
Garage Minimum Rear Yard Setback	3.5'
Garage Minimum Side Yard Setback	None
Maximum Building Height	50'
Maximum Number of Stories	2.5
Maximum Lot Coverage	100%
Minimum Roof Pitch	6:12
Minimum Dwelling Size	1,200 SF
Minimum Masonry % on Exterior of Residence (excluding porch floor, columns, and roof trim)	100%
Maximum Number of Single Family Attached Homes	490

Notes to Table 2:

1. Lot coverage is measured as the area covered by the roof of the residence and garage.
 2. All wood must be stained or painted.
 3. Swimming pools may be located in the required rear yard setback
 4. Roofing materials are required to be asphalt shingles, metal, slate, simulated slate, or tile.
 5. The maximum lot coverage requirements substitute for the maximum impervious cover requirements in the UDC.
 6. The front yard setback shall be measured from the street right-of-way to the front face of the building. Covered terraces, eaves, and roof extensions may project into the required front yard.
 7. On corner lots, the front yard setback shall be required only along the street on which the home fronts.
 8. Every part of a required rear yard shall be open and unobstructed to the sky from a point 30 inches above the general ground level of the graded lot, except for accessory buildings and landscaping as permitted and the ordinary projections of window sills, belt courses, cornices and roof overhangs and other architectural features projecting not to exceed 24 inches into the required rear yard.
 9. Where lots have double frontage, running from one street to another, a required
- Ordinance No. 17-0413E–160.374-Acre Tract Mixed-Use Planned Development
Exhibit C – Page 8

front yard setback shall be provided on both streets.

10. All single family attached residences shall have a rear entry garage. A minimum of one enclosed parking space per dwelling unit shall be required.

VII. DESIGN STANDARDS

1. The design standards in Section 9.5 of the UDC shall apply except as provided in this Section VII.
2. The sole design standards applicable to residential development shall be the masonry requirements of Table 1 and Table 2 above and the following:
 - a. Garages.
 - i. Garage doors must be recessed a minimum of 12 inches from the garage face. This requirement does not apply to rear entry garages.
 - ii. Garage doors shall contain at least three of the following enhancements: shed roofs; faux cedar/wood clad doors; double doors; windows; decorative hardware and lights; and reveals/texture. This requirement does not apply to rear entry garages.
 - iii. No more than four homes in a row may have garages parallel to and facing the street.
 - iv. Detached garages are permitted.
 - v. The minimum garage dimensions for a two-car garage shall be 20 feet by 20 feet.
 - b. Driveways. All driveways must accommodate the off-street parking of two vehicles without blocking the sidewalk. Driveways shall transition to 12 feet at the street to reduce impervious cover. Driveways shall be constructed without altering drainage swales. Concrete driveways within the right-of-way shall be a minimum of 3,000 PSI concrete with #4 rebar on a 12-inch grid pattern.

VIII. LANDSCAPING, BUFFERS, SCREENING

1. The landscaping and tree preservation requirements of Section 9.10 of the UDC, and the screening and fencing requirements of Section 9.11 of the UDC, shall apply except as follows:
 - a. Landscape buffers, setbacks, and materials along streets shall comply with the Street Sections in lieu of the UDC requirements. Section 9.11.B.1.a of the UDC shall not apply.

- b. One street tree shall be required per residential lot. Street trees along residential streets may be located in the parkway provided the planting does not interfere with utilities or visibility.
- c. Section 9.11.A.3.g of the UDC shall not apply
- d. Section 9.11.A.3.j of the UDC shall be modified to read as follows: Fences for double frontage lots or corner lots adjacent to a street shall be located at least ten feet from the right-of-way line.
- e. Section 9.11.A.3.k of the UDC shall be modified to read as follows: If a corner lot is adjacent to a subdivision's screening wall, a fence may be constructed at least ten feet from the right-of-way line connect with the screening wall.
- f. Development shall comply with the FM 407 setback, landscaping, and fencing exhibit attached as **Exhibit G**.
- g. All required residential landscaping shall be installed by the home builder prior to occupancy of the residence.
- h. Landscaping for residential lots shall consist of drought-tolerant plants. Bermuda will be allowed as a drought-tolerant turf on residential lots. St. Augustin grass is prohibited. At least 50 percent of the available pervious portion of the front yard and corner yard on residential lots must have landscape bed coverage and include shrubs, ornamental grasses, perennials, vines, and ground cover. For purposes of this provision, the front yard means the area within the required front yard setback, and the corner yard means the area within the required street side setback. All shrub beds in the front and corner yard must be fully prepped with compost material and top dressed with a two inch to four inch later of shredded hardwood mulch. Acceptance by the Town shall not be delayed until ground cover is established.
- i. Colored mulch is prohibited.
- j. No other landscaping requirements (including right-of-way landscaping requirements in Sections 7.01-7.05 of the EDM), screening requirements, or fencing requirements shall apply.

IX. STREETS

Development shall comply with the Street Sections. For street types that are not shown on the Street Sections, compliance with standard Town requirements shall be required.

X. SIGNS

In addition to the signage permitted by the UDC, the signage described on **Exhibit H** is permitted.

XI. MISCELLANEOUS

1. All retaining walls not installed by the developer or subdivider shall be (a) constructed and maintained by the owner on the high side; (b) designed so that the face of the retaining wall is on the property line; (c) engineered by a licensed professional engineer if the wall exceeds four feet in height; (d) designed to locate two inch diameter weeps at ten feet on center with weep holes that are three inches above the low side finish grade, cut flush and painted to match the stone; (e) designed to provide a gravel drain pocket and fountain stone per the geotech and engineer's recommendation; (f) designed so that the top of the wall remains flush with the high side finish grade; and (f) designed to allow a high side lot to drain on a low side lot for no more than one lot.
2. In general, block lengths along minor or secondary streets shall not exceed 2,000 feet, and along major streets shall not exceed 2,500 feet. There shall be no minimum block length. For purposes of this provision, major street shall be FM 407, Cleveland-Gibbs, Mulkey, and any collector (as shown in the Street Sections). All other roads shall be considered minor or secondary streets for purposes of this provision.
3. Every lot shall be provided with adequate access to a public street, either by direct frontage on such street, or by public access easement approved by the Town Council; however, news lots may be served by an alley with a minimum width of 20 feet. Residential driveway access to FM 407, Cleveland-Gibbs, and Mulkey shall be prohibited.
4. The developer or subdivider shall construct all required sidewalks other than those that will be located adjacent to the front or sides of residential lots.
5. No maintenance bond shall be required for the wastewater treatment plant operated by the District.
6. Early grading permits shall be permitted prior to approval of engineering plans at the risk of the developer or subdivider.
7. Building permits may be issued for a maximum of 20 percent of the lots on a platted phase prior to completion and acceptance of all improvements associated with the plat provided each lot for which an early building permit is issued has water service and can be accessed by an all weather road.
8. The Property may be served by a wastewater treatment plant owned and maintained by the District. The wastewater treatment plant may be located on the Property in the general location shown on the Concept Plan.
9. Water wells may not be drilled for the purpose of providing potable water;

however, wells may be drilled for the provision of irrigation water, and effluent may be reused for irrigation. If effluent is used, all applicable state laws shall be followed.

10. The maximum length of any cul-de-sac shall be the greater of 600 feet measured from the curb line of the intersecting street to the radius point of the turnaround or, 30 single family lots. The right-of-way radius shall be 50 feet and the curb radius 40 feet within the cul-de-sac turnaround. Cul-de-sac turnarounds are not required to be visible from the intersecting street.
11. In Table II-3 of the EDM, the minimum centerline radius for a residential roadway with a rate of superelevation of 0 shall be changed to 200 feet.
12. In Table II-7 of the EDM, (a) the maximum approach grade for all residential driveways shall be changed to 14 percent, as measured from the garage finished floor to the curb line of the intersecting street; (b) the minimum and maximum driveway throat width for a residential local street shall be eliminated; and (c) the minimum distance from a driveway to an intersection for a local residential street shall be changed to 25 feet, except at the intersection of a local residential street and FM 407, Cleveland-Gibbs, or Mulkey.
13. The following provisions in Section 7.03, Part VII Landscaping in the Public Right-of-Way, of the EDM shall not apply: Minimum landscape requirements will be established by the Town. An 8-inch wide concrete mow strip shall be installed between all planting beds and grassed areas. Only trees with a mature height less than 30 feet may be planted closer than 20 feet to either side of an overhead line. No trees shall be directly under utility lines.
14. Street lights shall be installed in all new subdivisions. For residential streets, street lights shall be installed at each intersection, at major curves, at end of cul-de-sacs, and at maximum intervals of 600 feet. The developer/subdivider shall pay the costs for all street lighting. Street light luminaries shall be high pressure sodium (HPS), metal halide (MH), or LED. Luminaires shall be mounted on poles at least 11 feet high as shown on standard details for street lights or as approved by the Town Administrator. Street lighting shall be designed to direct light down. Street light materials and design shall be determined by the developer or subdivider with the approval of the Town Administrator.
15. [The following provision in Section 1.2.2, Part III Drainage, of the EDM shall not apply: If existing channel velocities exceed six (6) feet per second, a maximum increase of ten percent in velocities will be allowed.]
16. Section 3.3 (General Design and Construction Standards, Single Family Lot Grading) of the EDM shall be modified to read in its entirety as follows: All single family lots shall be graded such that the building pads are higher than the street. Lots may be graded to allow drainage towards the adjacent lot and perpendicular to public rights-of-way or drainage easements provided drainage

easements are provided for the swales.

17. Section 3.3 (General Design and Construction Standards, Minimum Pipe Sizes and Depths) of the EDM shall be modified to read in its entirety as follows: Minimum pipe sizes are 21" diameter for mains and 18" diameter for inlet leads. Minimum pipe size for lead lines to sag inlets shall be 21". Minimum depth of storm sewer from outside top of conduit to top of curb/pavement is 24 inches.
18. Drainage easements shall include a minimum of ten-foot (10') margin on both sides beyond actual top of bank for improved earthen channels. There shall be no restriction on locating retaining walls within or adjacent to a drainage easement in order to reduce the easement width; however, the Town may require a geotechnical study and/or an underground drainage system design option prior to approval of retaining walls in a drainage easement.
19. Section 26 of Appendix B, Private Development General Notes for Construction Plans, of the EDM shall be modified to read as follows: "Seed/sod shall be furnished to establish ground cover over all disturbed areas as an erosion control measure. The Contractor shall not wait until the completion of the entire project before doing this work." Acceptance of the project shall not be delayed based on compliance with this section.
20. The subdivision acceptance process shall be in accordance with the UDC and EDM in effect at the time of PD adoption.
21. Utility placement shall be as shown on the Street Sections.
22. Water and sewer services may cross open space areas to serve a mews lot.

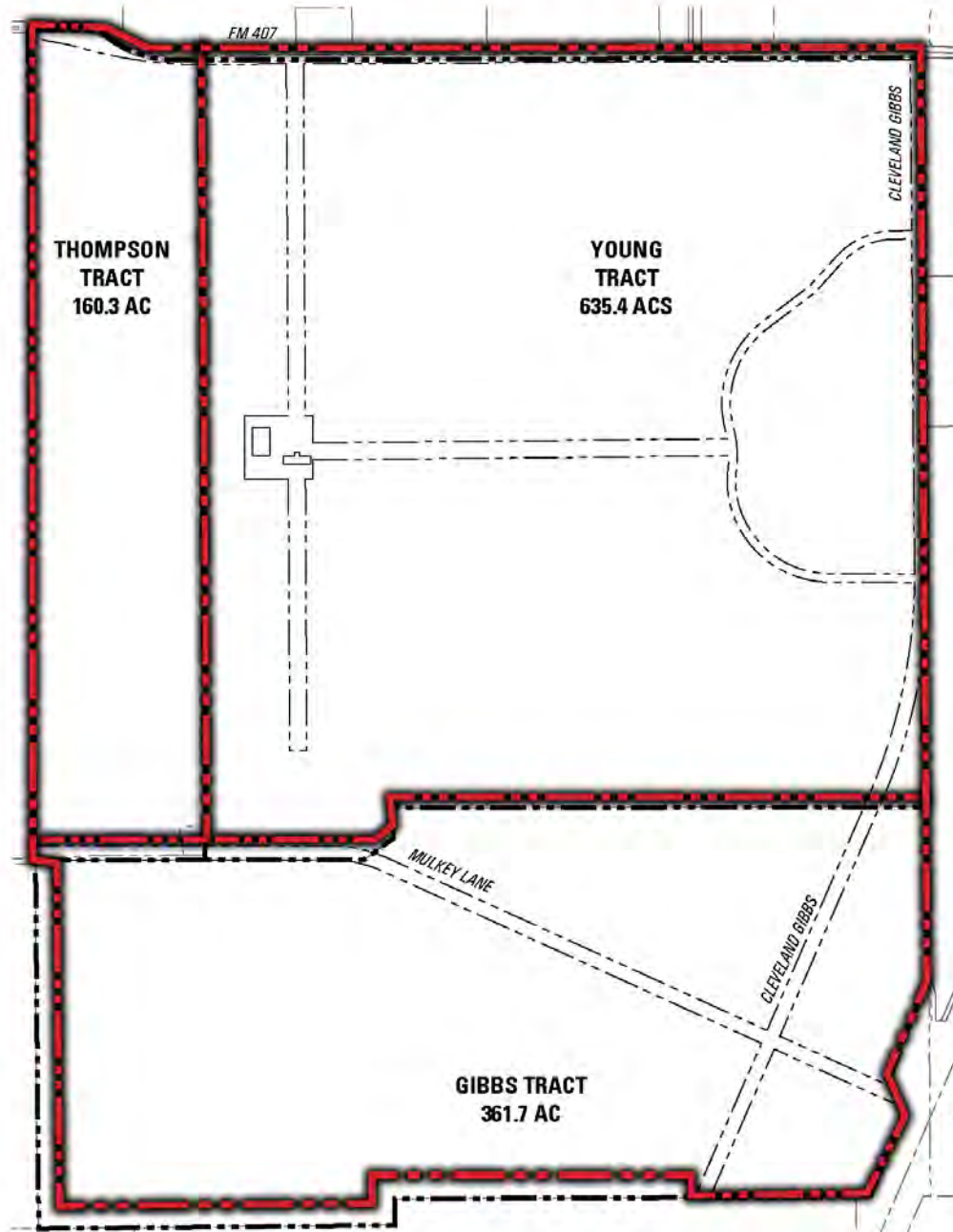
XII. EXHIBITS

The following exhibits are attached to this PD Ordinance and incorporated herein for all purposes:

Exhibit A	Metes and Bounds Description of the Property
Exhibit B	Concept Plan (Options 1 & 2)
Exhibit C	Development Regulations
Exhibit D	Overall Development Boundaries (3 Tracts)
Exhibit E	Open Space Plan (Options 1 & 2)
Exhibit F	Street Sections
Exhibit G	FM 407 Setback, Landscaping, and Fencing Details
Exhibit H	Signage

Exhibit D
Overall Development Boundaries (3 Tracts)

OVERALL DEVELOPMENT BOUNDARIES



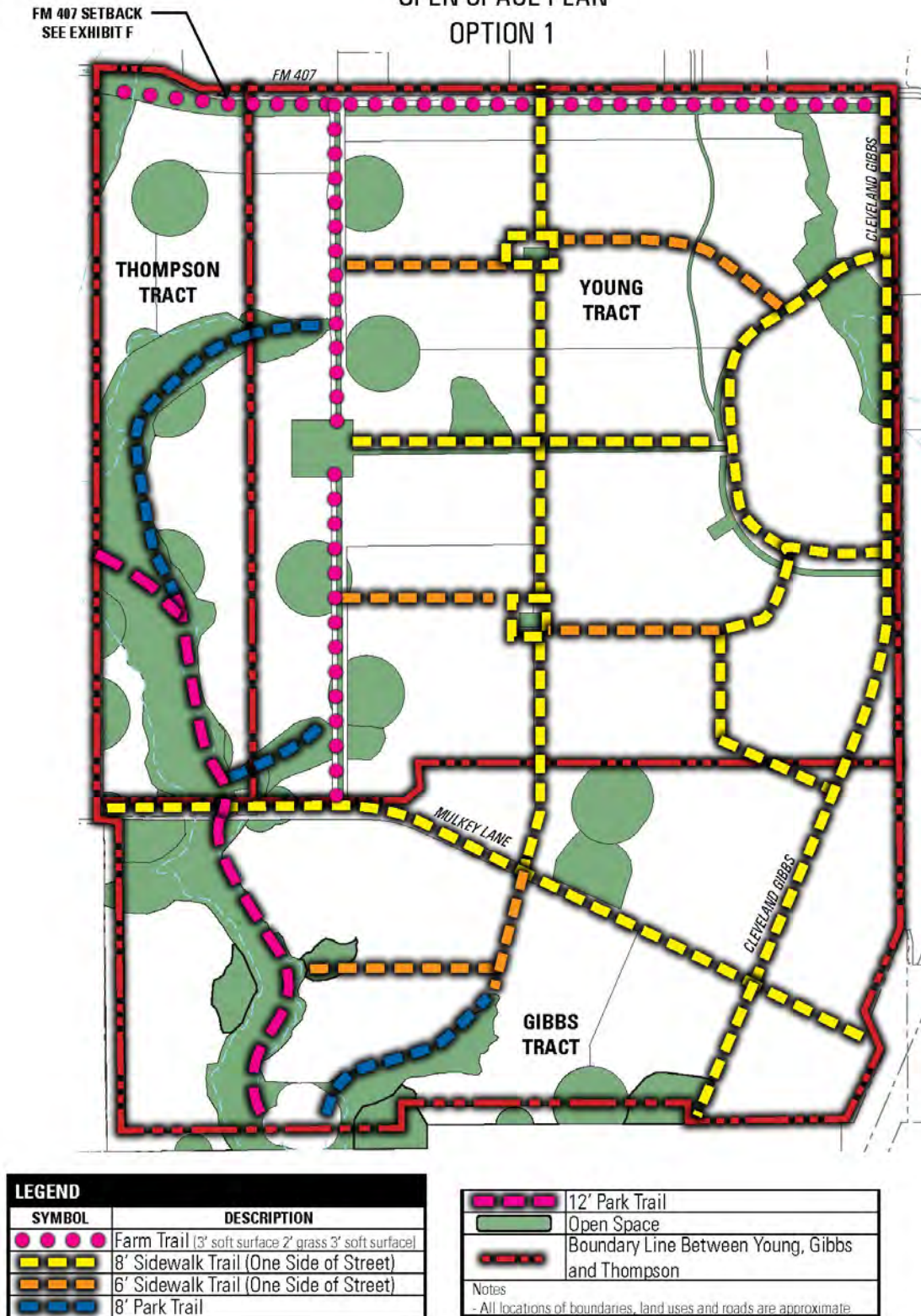
LEGEND	
SYMBOL	DESCRIPTION
	Boundary Line Between Young, Gibbs and Thompson

Notes

- All locations of boundaries, land uses and roads are approximate

Exhibit E
Open Space Plan (Options 1 & 2)

**OPEN SPACE PLAN
OPTION 1**



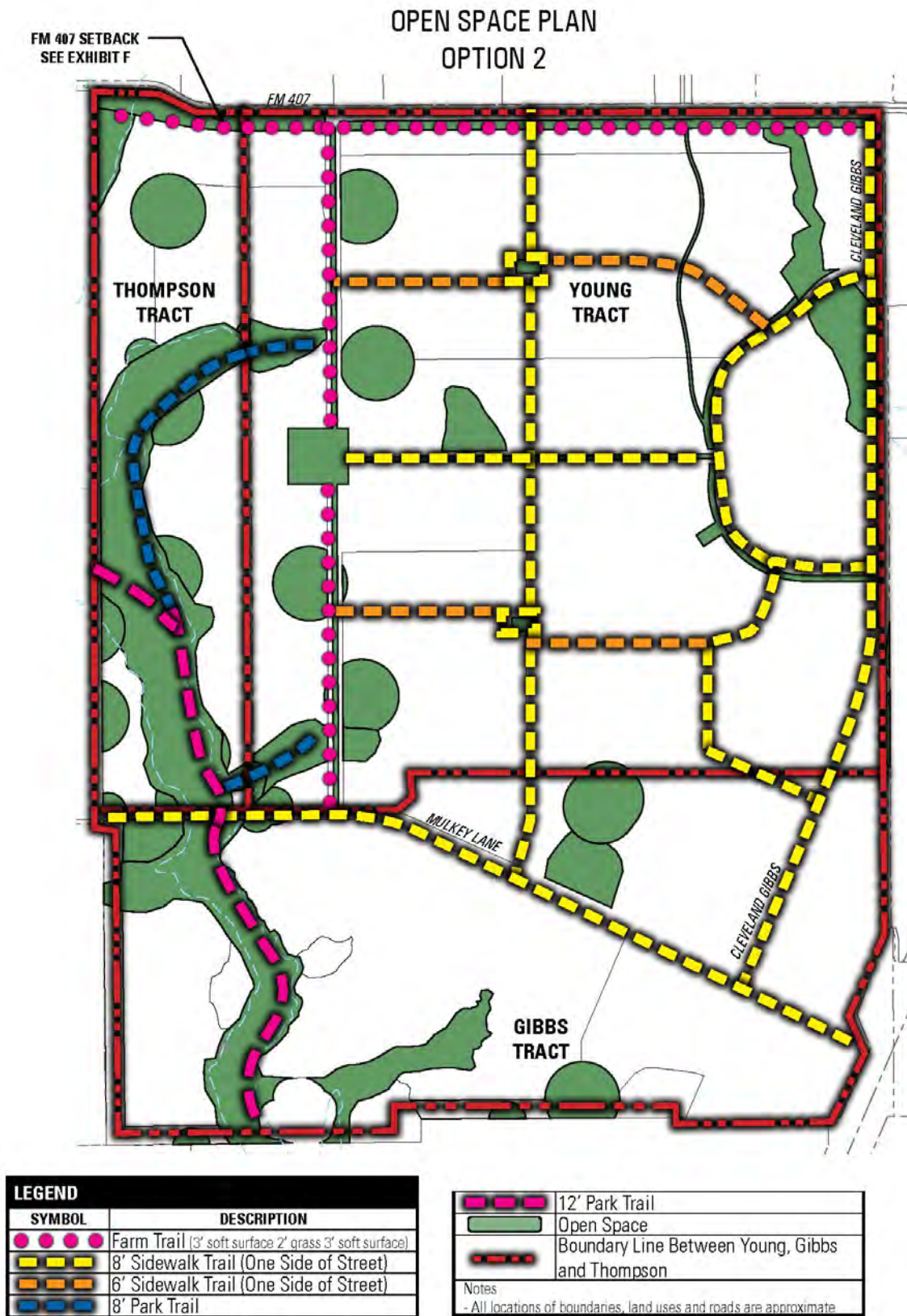
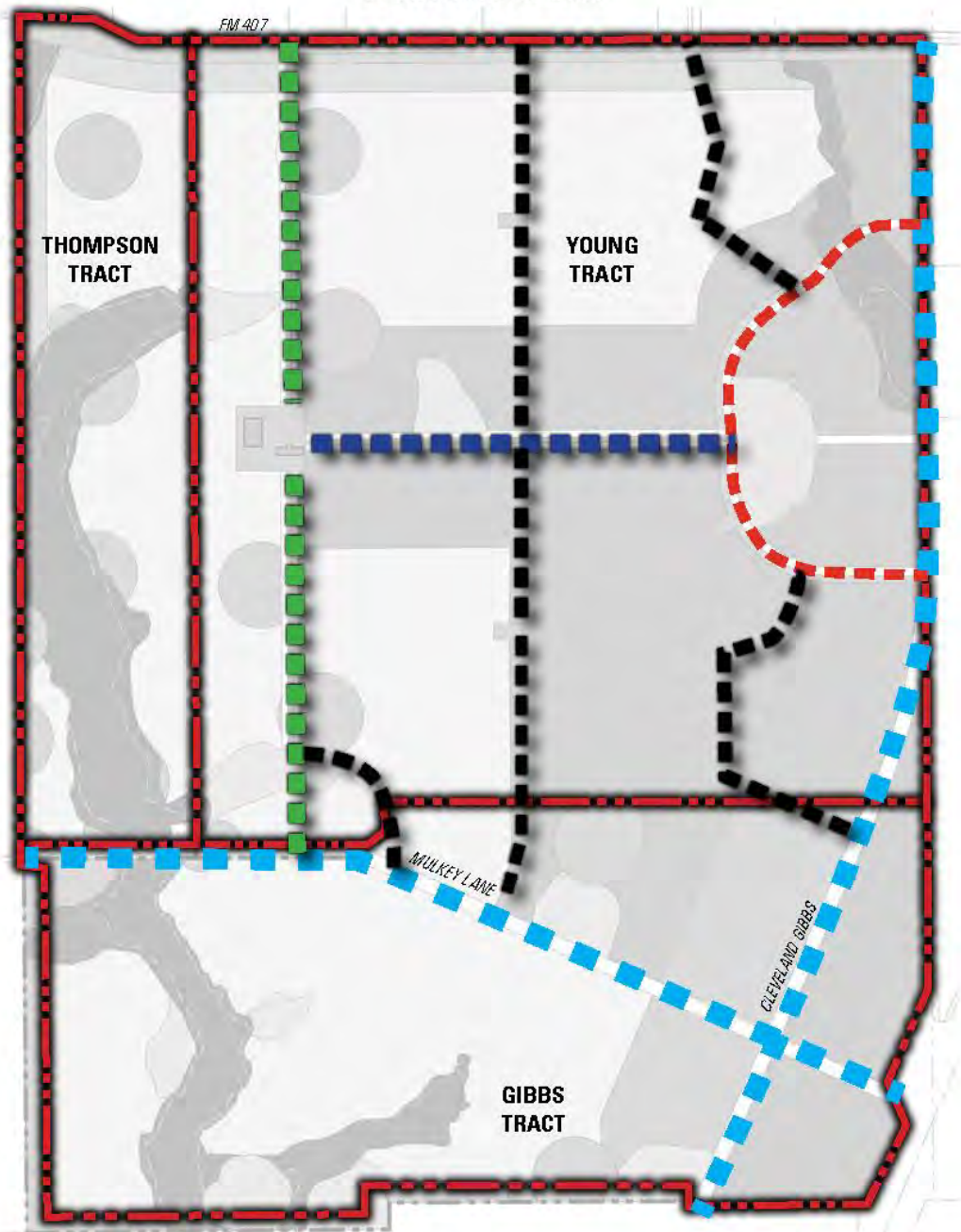


Exhibit F
Street Sections

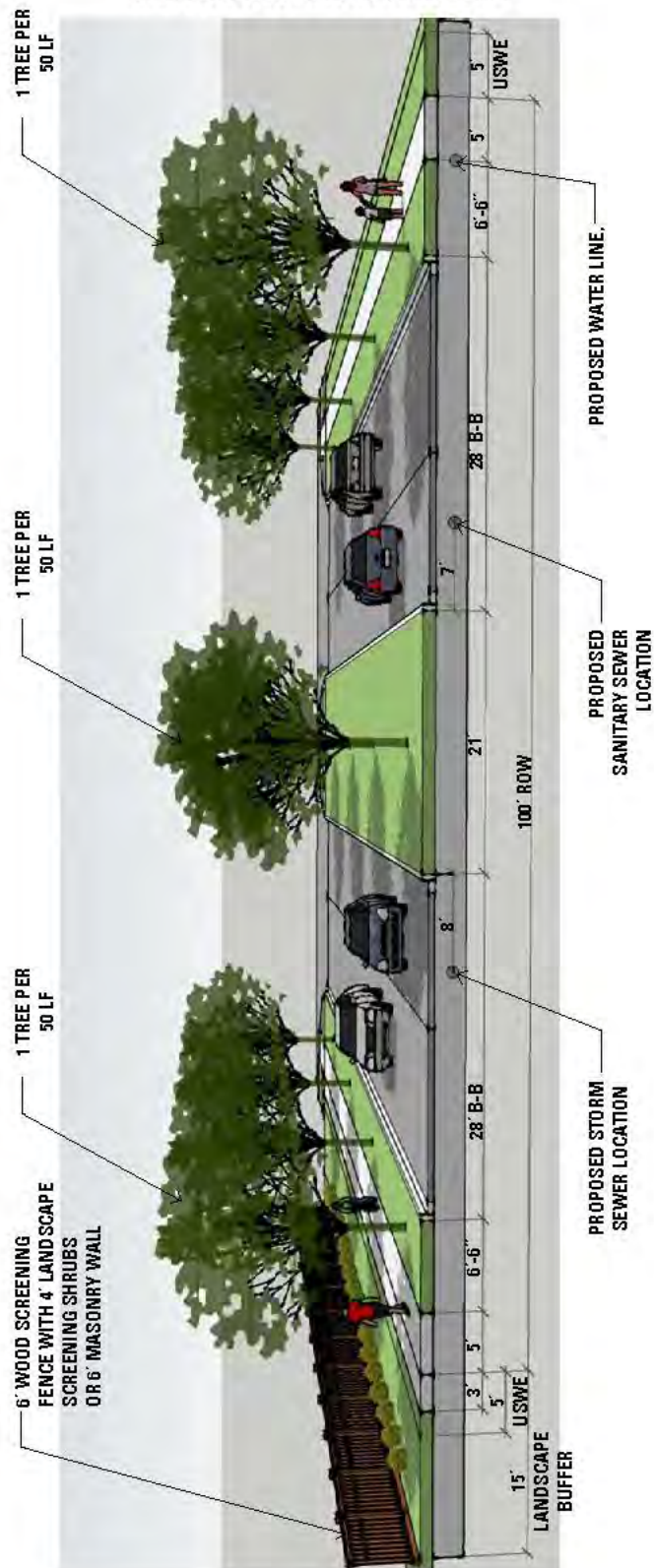
STREET NETWORK



LEGEND		
SYMBOL	SECTION	STREET TYPE
	A	Cleveland Gibbs / Mulkey (100' ROW)
	B	Pecan Street
	C	Elm Esplande
	D	Collector (60' ROW)
	E	Residential Connector (64' ROW)

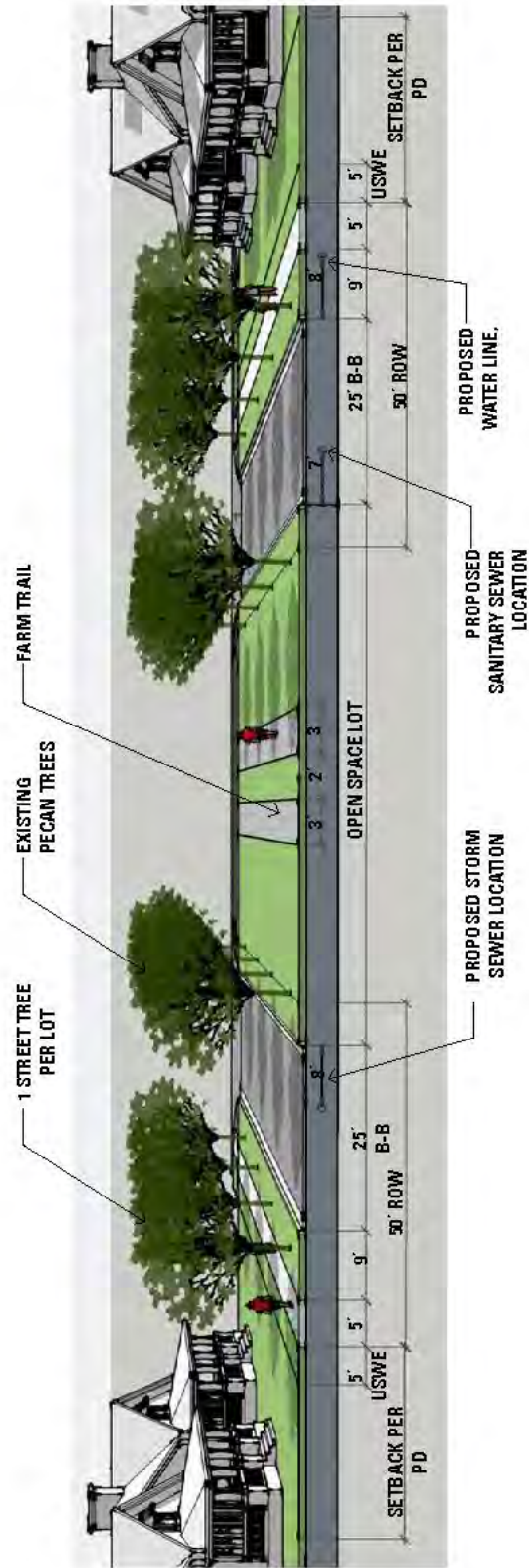
	F	Residential Street
	G	Alley Street
	Boundary Line Between Young, Gibbs and Thompson	
Notes - All locations of boundaries, land uses and roads are approximate.		

CLEVELAND GIBBS/MULKEY



*ALL TREES TO BE CENTERED BETWEEN CURB AND SIDEWALK
 ** LANDSCAPE BUFFER ONLY REQUIRED TO ADJACENT SINGLE FAMILY OR COMMERCIAL WITHIN TOWN LIMITS
 ***SHRUBBERY SIDEWALKS, GROUND COVER AND TRAILS ARE ALLOWED WITHIN THE UTILITY AND SIDEWALK EASEMENTS (USWE)

PECAN STREET



*ALL TREES TO BE CENTERED BETWEEN CURB AND SIDEWALK
 **SHRUBBERY SIDEWALKS, GROUND COVER AND TRAILS ARE ALLOWED
 WITHIN THE UTILITY AND SIDEWALK EASEMENTS (USWE)

5' 5' 10'-6" 29' B-B 54' ROW 9' 10'-6" 29' B-B 54' ROW 5' USWE 5' USWE 5' USWE

OPEN SPACE LOT

PROPOSED STORM SEWER LOCATION

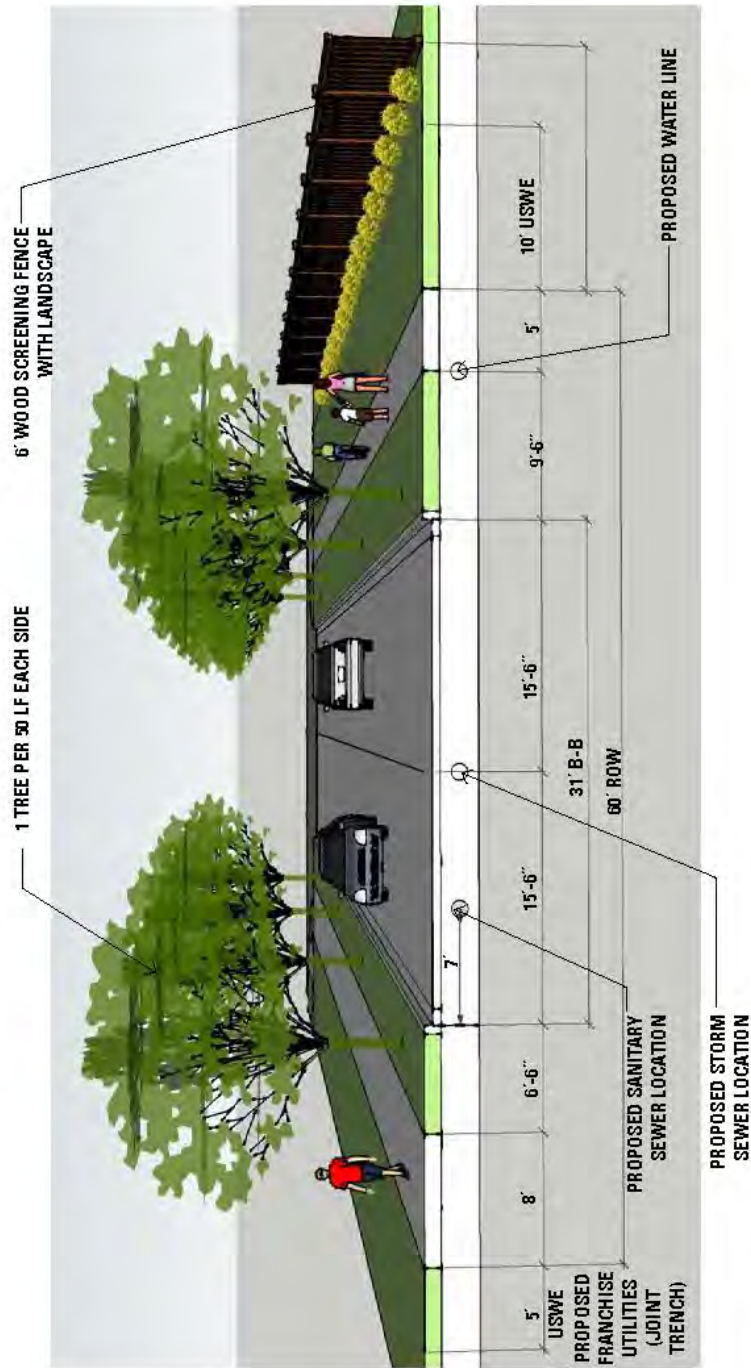
PROPOSED SANITARY SEWER LOCATION	EXISTING SEWER LOCATION	PROPOSED SEWER LOCATION

**PROPOSED STORM
SEWER LOCATION**

— 1 STREET TREE PER LOT — 1 TREE PER 50 LF

***ALL TREES TO BE CENTERED BETWEEN CURB AND SIDEWALK
**SHRUBBERY SIDEWALKS, GROUND COVER AND TRAILS ARE ALLOWED
WITHIN THE UTILITY AND SIDEWALK EASEMENTS (USWE)**

COLLECTOR ROAD



*ALL TREES TO BE CENTERED BETWEEN CURB AND SIDEWALK
 **SHRUBBERY SIDEWALKS, GROUND COVER AND TRAILS ARE ALLOWED
 WITHIN THE UTILITY AND SIDEWALK EASEMENTS (USWE)
 *** PAVEMENT TO BE 36' WIDTH FOR 150' FROM THE CONNECTION POINT
 TO CLEVELAND GIBBS AND FM 407

1 TREE PER 50 LF

5' USWE

8' ONE SIDE PER OPEN SPACE PLAN

7'

17'

17'

9'

5'

5' USWE

34' B-B

64' ROW

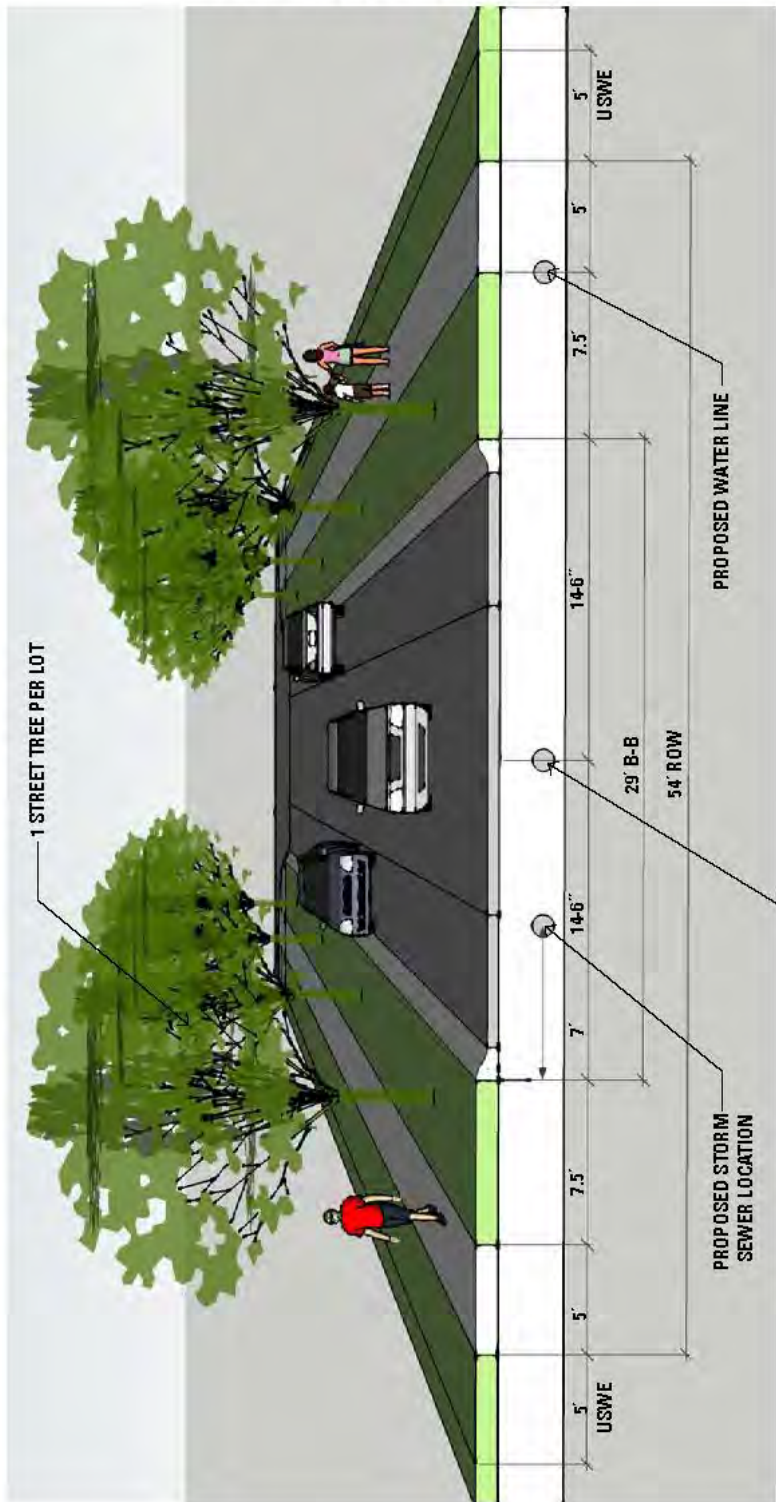
PROPOSED STORM SEWER LOCATION

PROPOSED SANITARY SEWER LOCATION

PROPOSED WATER LINE

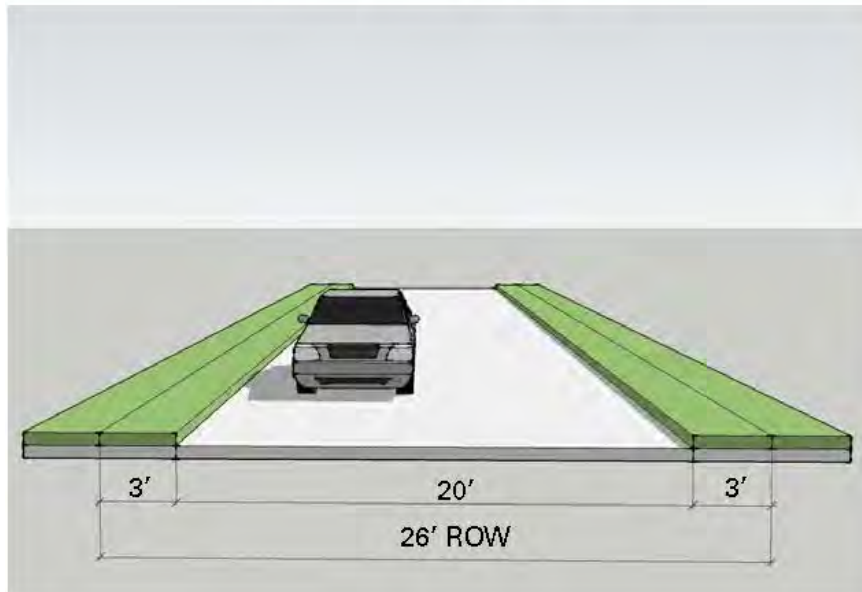
Ordinance No. 17-0413E-160.374-Acre Tract Mixed-Use Planned Development
Exhibit F – Page 6

TYPICAL RESIDENTIAL STREET

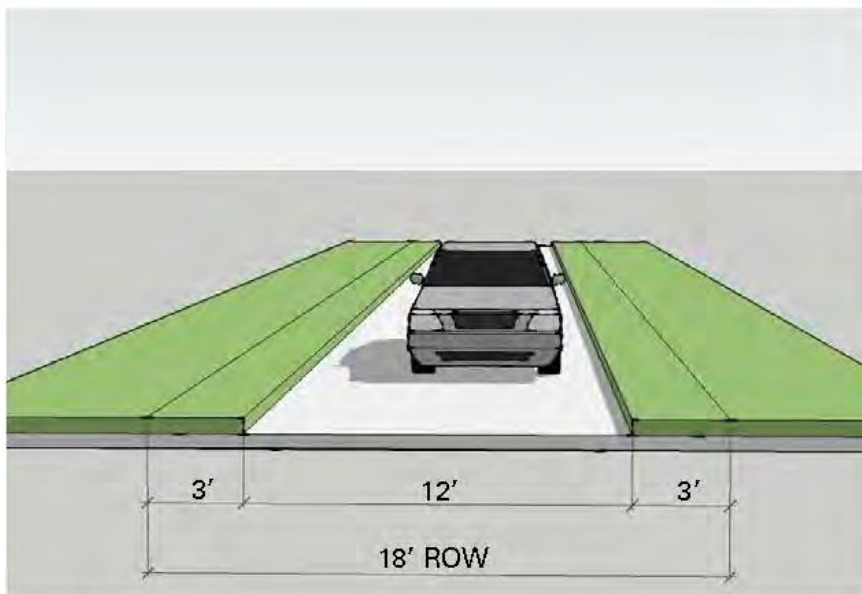


*ALL TREES TO BE CENTERED BETWEEN CURB AND SIDEWALK
 **SHRUBBERY SIDEWALKS, GROUND COVER AND TRAILS ARE ALLOWED
 WITHIN THE UTILITY AND SIDEWALK EASEMENTS (USWE)

TYPICAL ALLEY SECTIONS



20' ALLEY (MEWS LOTS ONLY)



12' ALLEY

Exhibit G
FM 407 Setback, Landscaping, and Fencing Details

FM 407 SETBACK AND LANDSCAPING

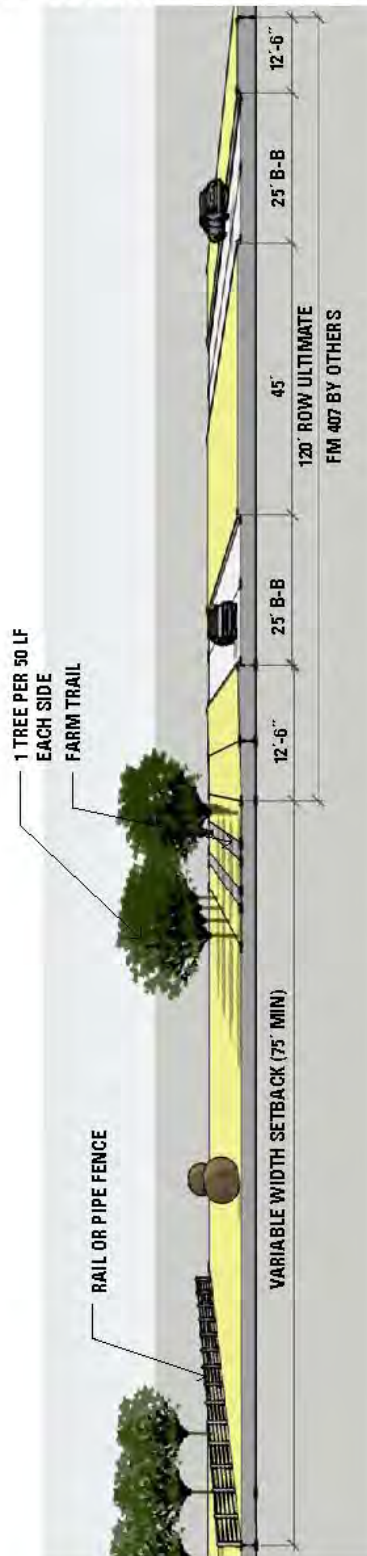
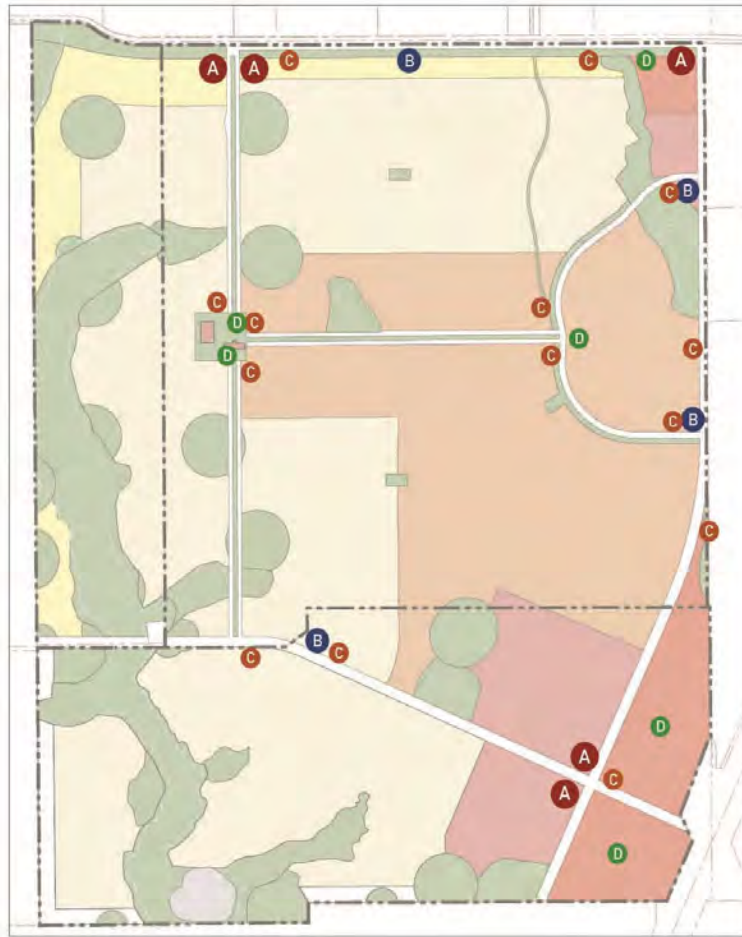
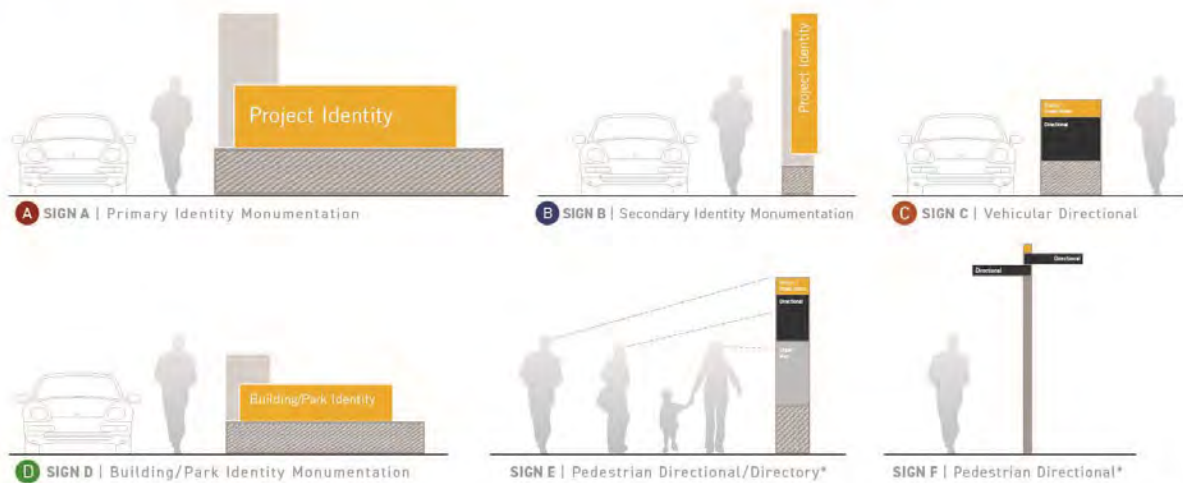


Exhibit H Signage

SIGNAGE LOCATION DIAGRAM



NOTE: Specific designs shown are diagrams and are not indicative of the final signage design and what is required to be built. The locations and suggested quantities of these signs is based on the current concept site plan and can change consistent with changes to the concept site plan.



* SIGNS NOT YET LOCATED

SIGN TYPES DEFINED



SIGN A | Freestanding identity monument installed at project entries. Material palette to include stone, painted metal, and wood as needed. Maximum height to be 18'-0" and width to be 30'-0"; Externally illuminated. Number Permitted in overall development; 5



SIGN B | Freestanding vertical identity monument installed at secondary entries. This sign intended to identify the project where a smaller footprint is needed. Material palette to include stone, painted metal, and wood as needed. Maximum height to be 12'-0" and width to be 10'-0"; Externally illuminated. Number Permitted in overall development; 4



SIGN C | Two-sided directional sign. All vehicular directional signs should be located to maintain sight lines along major circulation routes and should be well illuminated for visual clarity and safety. A singular and consistent font of upper and lower case characters should be used, individual tenant logo fonts are strongly discouraged. Copy not to exceed three (3) inches in height. Material palette to include stone, painted metal, and wood as needed. Maximum height to be 6'-0" and width to be 5'-0"; Externally illuminated. Number Permitted in overall development; 14



SIGN D | Freestanding building/park identity monument installed at noteworthy locations. This sign intended to identify the smaller destinations within the project. Material palette to include stone, painted metal, and wood as needed. Maximum height to be 6'-0" and width to be 12'-0"; Externally illuminated. Number Permitted in overall development; 6



SIGN E | Two-sided directional sign, text and directory graphic. Pedestrian directional signs and their supports should be used consistently throughout the development. A singular and consistent font of upper and lower case characters should be used, individual tenant logo fonts are strongly discouraged. Copy not to exceed 1.5 inches in height. Material palette to include stone, painted metal, and wood as needed. Maximum height to be 10'-0" and width to be 3'-0"; Externally illuminated. Number Permitted in overall development; 8



SIGN F | Non-illuminated post-mounted directional for secondary locations with minimal available ground space. Material palette to include painted metal and wood as needed. Maximum height to be 10'-0" and width to be 3'-0"; Non illuminated. Number Permitted in overall development; 12

NOTE: Specific designs shown are diagrams and are not indicative of the final signage design and what is required to be built. The locations and suggested quantities of these signs is based on the current concept site plan and can change consistent with changes to the concept site plan.

* SIGNS NOT YET LOCATED

Memo

To: Honorable Mayor and Town Council
From: Drew Corn, Town Administrator
CC: Nathan Reddin, Development Director
Shirley Rogers, Town Secretary
Date: April 13, 2017
Re: Gibbs Young Thompson Tracts Development Agreement

On December 9, 2016, and January 12, 2017, Council heard from Hillwood Communities on a proposed mixed-used planned development of 1,182 acres known as the Gibbs Young Thompson tracts. On January 30th, Council approved a memo of understanding with Hillwood on the creation of a Municipal Management District and consent to the permitting of a waste water treatment plant. On March 9th, Hillwood again presented the planned development with more detail based on the design charrette attended by Mayor Dewing, Mayor Pro Tem Simpson and Council Member McBride. Most recently on March 23rd, a public hearing was held for the rezoning of the Young tract.

Attached is the proposed development agreement governing the construction of public infrastructure in the mixed-use development in the Gibbs Young Thompson tracts. As with the zoning, Mayor Dewing has been a crucial part of the negotiations in protecting the interests of the Town. You received an advance copy of the development agreement via email on March 31st. No further changes have been made from the March 31st version. The developer will build water, sewer and road improvements per the Town's master plans. Because they are constructing per our plans, they are legally eligible for reimbursement of corresponding impact fees.

They will build a majority of roads in the Town's Master Thoroughfare Plan for this Zone (including Mulkey, Faught and Cleveland-Gibbs). Per initial estimates, the developer would have been eligible for reimbursement of 100% of the road impact fees. However Mayor Dewing was able to negotiate 10% of the road impact fee for Town projects. (Remember, the projects must be used in this zone.) Additionally, the developer has agreed to the creation of a TIRZ for the sole purpose of funding an on-ramp from Mulkey to southbound IH 35W.

They will also build all the water lines within their property per the water master plan but not offsite storage tanks. Therefore, we have negotiated that the developer receives 60% of the water impact fee while the Town reserves 40%. For sewer, 100% of the impact fees will be retained by the Town and reserved for the future sanitary sewer interceptor. In addition the MMD will be responsible for 50% of the trunk line project cost after the reserved sewer impact fees have been spent. Because the MMD does not currently exist, the developer will guarantee the funding of the future sanitary sewer

Gibbs Young Thompson Tracts Development Agreement

April 13, 2017

Page 2 of 2

interceptor until such time the MMD is created. Also for sewer service, the Town has agreed to charge the same sewer rate as other customers in Town and remit that amount to the MMD for operating the treatment plant.

To reach an equitable and roughly proportional cost sharing of all infrastructure projects, the Town will only reimburse up to 50% of the costs of the improvements discussed above and listed in the agreement thereby limiting the total liability of the Town. Another protection is that when the impact fees by the percentages listed are exhausted, the Town will have met its reimbursement obligation.

In raw numbers based on best estimates, the sharing of impact fees is as follows:

<u>Impact Fee</u>	<u>Developer</u>	<u>Town</u>
Roadway	\$9 M	\$1 M
Water	\$6 M	\$4 M
Sewer	\$0 M	\$3 M

Per the developer agreement the estimated costs of developer-built public infrastructure that are part of the Town's master plans are as follows:

<u>Infrastructure</u>	<u>Costs</u>
Roadways	\$12.7 M
Water	\$20.4 M
Sewer	\$8.5 M

Please contact me at 940.242.5701 if you have any questions or comments.

DEVELOPMENT AGREEMENT

This Development Agreement (this "Agreement") is executed between HP GIBBS, LP, a Texas limited partnership (the "Owner") and the Town of Northlake, Texas, a general law municipality (the "Town") (the Owner and the Town, being referred to, individually, as a "Party" and, collectively, as the "Parties").

ARTICLE I. **RECITALS**

WHEREAS, the Owner is the owner of approximately 386 acres of land in Denton County, Texas (the "County") described by metes and bounds on **Exhibit A** (the "Gibbs Property"); and

WHEREAS, the Owner has contracted to purchase approximately 635 acres of land in the County described by metes and bounds on **Exhibit B** (the "Young Property"); and

WHEREAS, the Owner has contracted to purchase approximately 160 acres of land in the County described by metes and bounds on **Exhibit C** (the "Thompson Property");

WHEREAS, the Gibbs Property, Young Property, and Thompson Property (collectively, the "Property") are depicted on **Exhibit D**; and

WHEREAS, all of the Property is located within the corporate boundaries of the Town; and

WHEREAS, the Owner intends that the Property be developed with retail water and sewer service by the Town; and

WHEREAS, the Texas Commission on Environmental Quality ("TCEQ") or its predecessor has issued certificate of convenience and necessity ("CCN") number 12915 to the Town to provide retail water service to the Property; and

WHEREAS, the TCEQ or its predecessor has issued CCN number 20866 to the Town to provide retail sewer service to the Property; and

WHEREAS, by Resolution No. 16-41, approved by the Town on December 8, 2016, the Town consented to the creation of Northlake Municipal Management District No. 1 (the "District") on the Gibbs Property; and

WHEREAS, by Resolution ____, approved by the Town on April 13, 2017, the Town reaffirmed its consent to the creation of the District on the Gibbs Property and the inclusion of the Young Property and Thompson Property in the District (the "Consent Resolution"); and

WHEREAS, the general nature of the work to be done in the District is the acquisition and construction of a waterworks system, a sanitary sewer system, a storm water drainage system and a roadway system (collectively, the "Public Infrastructure"); and

WHEREAS, in order for the District to acquire and construct the Public Infrastructure with sufficient capacity to serve full development of the Property, the Town has consented to the inclusion of the Young Property and the Thompson Property within the District; and

WHEREAS, the Owner or the District will construct or cause to be constructed the Public Infrastructure; and

WHEREAS, the Parties also contemplate that some, or all, of the Property might be appropriate for inclusion in a tax increment reinvestment zone ("TIRZ") in accordance with Chapter 311 of the Texas Tax Code; and

WHEREAS, the Parties anticipate that Town may consider the creation of a TIRZ which includes some, or all, of the Property to finance certain roadway improvements including I-35 off-ramps; and

WHEREAS, on April 13, 2017, the Town approved Ordinance No. ____ zoning the Gibbs Property; and

WHEREAS, on April 13, 2017, the Town approved Ordinance No. ____ zoning the Young Property; and

WHEREAS, on April 13, 2017, the Town approved Ordinance No. ____ zoning the Thompson Property (collectively with Ordinance No.____ and Ordinance No.____ referred to herein as the "Zoning Ordinances"); and

WHEREAS, the Parties acknowledge that the Property shall be developed in accordance with the Zoning Ordinances and the attached plan for development; and

WHEREAS, the Town Council has determined that this Agreement and the development of the Property described herein comply in all respects with the Zoning Ordinances.

NOW THEREFORE, for and in consideration of the mutual covenants of the Parties set forth in this Agreement, and for other good and valuable consideration the receipt and adequacy of which are acknowledged and agreed by the Parties, the Parties agree as follows:

ARTICLE II.

PARK FEES AND PARK LAND DEDICATION

The Parties agree that development in accordance with the Zoning Ordinances satisfies all park fee and park land dedication obligations. As such, no park fees of any kind or park land dedication will be required for development of the Property.

ARTICLE III.

HOMEOWNER ASSOCIATION

Section 3.01 Homeowners Association. The Owner shall create a mandatory homeowners association ("HOA") with covenants and restrictions running with the Property, including design guidelines. The HOA will be required to maintain all perimeter fencing, landscaping, private

parks, and green space not maintained by the District. The HOA or the District will also be required to maintain non-standard city street signs.

ARTICLE IV.
PUBLIC INFRASTRUCTURE; RETAIL UTILITY SERVICE; DISTRICT CONSENT

Section 4.01 Retail Water Service.

(a) Retail water service to the Property for development in accordance with this Agreement and the Zoning Ordinances will be provided by the Town at the Town's generally applicable in-town rates for comparable customer classes. The Town agrees to require 5/8-inch water meters for single family lot development of the Property. The Town agrees that the entire Gibbs Property shall be placed and served in the northern service area, as described in the Water and Sewer Impact Fee Study for Northlake, Texas dated April 13, 2012 and prepared by Halff. The Town further agrees that no Fort Worth water impact fees shall be required to be paid in connection with the development of the Property.

(b) The Owner agrees to construct the water improvements depicted on **Exhibit E** (the "Water Improvements"), which are on the Town's water capital improvement plan ("Water CIP") and/or water master plan ("Water Master Plan"), and the Town agrees to reimburse the Owner for such construction in accordance with Section 4.04 of this Agreement. The Town also agrees to update its Water CIP to include all of the Water Improvements. The Water Improvements are further described as follows: a 30-inch water line from approximately Kay Lane and F.M. 407, east 1,600 feet along FM 407 to Cleveland-Gibbs Road; a 16-inch water line from the intersection of Cleveland-Gibbs Road south 7,310 feet along future Cleveland Gibbs Road to the intersection of Mulkey Lane and Cleveland-Gibbs Road; then a 20-inch water line will continue south 1,180 feet along Cleveland-Gibbs Road to the southern property line of the Property; a 20-inch water line from the intersection of FM 407 and Pecan Street south 5,600 feet to the future alignment of Mulkey Lane; then a 16-inch water line will continue south 3,600 feet to the southern boundary of the Property; a 16-inch water line from the future intersection of Pecan Street and Elm Street west for approximately 1,800 feet to the west property line of the Property; a 20-inch water line from the future intersection of the future alignment of Mulkey Lane and Interstate Highway 35 approximately 5,190 feet to the intersection of Pecan Street and Mulkey; and then a 12-inch water line will continue west 1,180 feet to the western boundary of the Property. The line sizes referenced above in this Section 4.01(b) may be decreased based on the Town's approval of a revised Water CIP or Water Master Plan.

(c) The Water Improvements will require the Town to acquire an off-site water easement in the location north of FM 407 shown on **Exhibit E**. The Town will work with the Owner to acquire such easement. The Owner shall give the Town at least 270 days written notice that the Owner will be proceeding with construction of the Water Improvements that require the off-site water easement. Prior to providing such notice, the Owner shall provide to the Town a legal description for the necessary off-site water easement. The Owner shall be responsible for the cost of engineering and survey work required to produce the legal description. The Town shall use its best efforts to acquire the off-site water easement within such 270-day notice period through a negotiated purchase and, to the extent necessary, through condemnation.

If the Town fails to acquire the off-site water easement, the Owner may acquire such easement and the Town agrees to assist the Owner in such acquisition if necessary.

(d) The Owner shall dedicate, at no cost to the Town, all on-site easements necessary for the Water Improvements.

(e) The Town shall construct, at its sole cost and expense, water plant improvements required to serve full development of the Property. The Town appropriated revenue for such construction from water system operational revenues, water impact fee reserves, utility bond proceeds, and general bond proceeds. If the Town fails to construct needed water plant improvements required to serve full development of the Property within 180 days after receipt of written notice from the Owner, the Owner may construct such water plant improvements and be reimbursed for the full cost of such construction and all related expenditures from either the revenue appropriated for such purpose or water impact fees collected by the Town for the purpose of funding such water plant improvements.

Section 4.02 Retail Sewer Service.

(a) Retail sewer service to the Property for development in accordance with this Agreement and the Zoning Ordinances will be provided by the Town at the Town's generally applicable in-town rates for comparable customer classes.

(b) The Town consents to the Owner's or the District's application to the TCEQ for a domestic wastewater permit for a wastewater treatment plant (the "WWTP") with capacity in the WWTP limited to serving full development of the Property. The Town's consent applies to the initial permit application, as well as renewal and expansion permits necessary to serve the Property. If the WWTP is not timely constructed in a manner that permits development of the first phase of the Property, the Town will permit the Owner, at its sole cost and expense, or the District to pump and haul wastewater from the Property until such time as the WWTP is available to serve the Property.

(c) The District will own, operate and maintain the WWTP, and may sell the WWTP to a third party with the Town Council's prior written consent. The Town will own, operate and maintain all other components of the sewer system serving the Property. Upon dissolution of the District, the WWTP will be transferred to the Town, and the Town will own and maintain the WWTP thereafter.

(d) So long as the District owns the WWTP and the WWTP is providing wastewater treatment services to all or any portion of the Property, the Town will pay the District to treat such wastewater at the same rate per gallon that the Town pays the Trinity River Authority for wastewater treatment unless the Town terminates its contract with the Trinity River Authority in which case the Town will pay the District at the same rate per gallon that the Town pays to the provider of wastewater treatment services.

(e) The Town agrees to deposit all sewer impact fees collected from the Property into a segregated interest bearing account for the purpose of funding the sewer gravity line shown on **Exhibit F** (the "Ultimate Sewer Solution"). To the extent such impact fee revenue is not sufficient to fund the full cost of the Ultimate Sewer Solution, the Town will issue debt to fund

the remaining costs. The Owner waives the right to any credits or reimbursement of sewer impact fees subject to the Town complying with this section.

(f) Provided (i) the Town gives the Owner and the District one year notice prior to commencing construction of the Ultimate Sewer Solution, (ii) the Town issues debt to fund construction of the Ultimate Sewer Solution (to the extent sewer impact fee revenue or other Town revenue is insufficient to fund all such costs), (iii) the Town constructs the Ultimate Sewer Solution and allows the Property to be connected to such sewer line, and (iv) the Town has approved the final inspection of 2,700 residences within the Property (i.e., the Property is 75 percent developed), the Owner or the District shall be required to pay 50 percent of the debt service on Town issued debt to fund construction of the portion of the Ultimate Sewer Solution required to serve the Property. The Owner is obligated only until such time as the District is created and assumes sole responsibility for such obligation. The District will cause the Property to be transitioned from the WWTP sewer service to the Ultimate Sewer Solution sewer service when the Property is 75 percent developed, as described in this Section 4.02(f).

Section 4.03 Roadways.

(a) FM 407 is a TxDOT facility, and the Parties acknowledge that the Owner is required to comply with TxDOT requirements. Notwithstanding any provision of the Town's Engineering Design Manual or any other Town ordinance, policy, rule or regulation to the contrary, no improvements to FM 407, the proposed I-35 bridge or any other roadway improvements outside the Property boundaries will be required by the Town for development of the Property except for the Owner's construction obligations in this Section 4.03(e).

(b) The scope of any required traffic impact analysis ("TIA") shall be limited to studying and recommending roadway improvements within the boundaries of the Property or contiguous major intersections.

(c) Not later than 90 days after the Owner's acquisition of the Young Property, the Owner will transfer to the Town, by special warranty deed, that portion of Cleveland Gibbs right-of-way shown on **Exhibit G**.

(d) The Town shall construct, at its sole cost and expense, the eastern two lanes of Cleveland-Gibbs Road and all related drainage improvements adjacent to the Property as shown on **Exhibit G**. The Town appropriated revenue for such construction from the Town's Combination Tax Revenue CO Series 2016 (par amount \$6,990,000).

(e) Following the Town's construction of the first two lanes of Cleveland-Gibbs Road as required by Section 4.03(d), the Owner will construct the remaining two lanes of the same segment of Cleveland-Gibbs Road. In addition, the Owner shall construct the four lanes shown on the Town's master thoroughfare plan for those portions of Pecan Street (aka Faught Road), Mulkey Lane, and Cleveland-Gibbs Road within the Property (i.e., the portion of the Property that is on both sides of the road and is owned by the Owner at the time of construction), as shown on **Exhibit H**. All of the roadway improvements described in this Section 4.03(e) shall be collectively referred to herein as the "Roadway Improvements". The Town agrees to reimburse the Owner for the construction of the Roadway Improvements in accordance with

Section 4.04 of this Agreement. The timing of construction of the Roadway Improvements shall be determined by the TIA, and construction of each roadway shall not be required any sooner than approval of a final plat for a portion of the Property adjacent to the roadway. The Owner shall also dedicate all on-site right-of-way easements necessary for the Roadway Improvements. The form of right-of-way easements shall be mutually approved by the Parties.

Section 4.04 Reimbursement. The Town and the Owner hereby enter into a Texas Local Government Code Chapter 380 agreement to compensate the Owner for the construction of the Water Improvements and the Roadway Improvements. The Town agrees to grant 60 percent of all water impact fees collected from the Property to the Owner until the Owner has been fully reimbursed for 50 percent of the estimated cost of the Water Improvements identified on the water capital improvement plan or water master plan, as identified on Exhibit E-1. The Town agrees to grant 90 percent of all roadway impact fees collected from the Property to the Owner until the Owner has been fully reimbursed for 50 percent of the estimated cost of the Roadway Improvements identified on the roadway capital improvement plan, as identified on Exhibit H-1. Such payments will be made by the Town to the Owner on a quarterly basis within thirty (30) days following each March 31, June 30, September 30 and December 31, until the payment obligations in this Section 4.04 have been satisfied.

Section 4.05 Dedication, Ownership and Maintenance of Public Infrastructure. The Owner or the District shall dedicate all Public Infrastructure other than the WWTP to the Town. Notwithstanding such dedication, the Owner or the District shall have a continuing capacity reservation in the water and sewer Public Infrastructure sufficient to serve full development of the Property, which capacity shall be made available by the Town as necessary to provide water service to customers within the Property.

Section 4.06 District Consent. This Agreement constitutes the irrevocable and unconditional consent of the Town to the creation of the District and the annexation by the District of the Young Property and the Thompson Property, as set forth in the Consent Resolution. The consents contained in this section and in the Consent Resolution are given by the Town: (a) in full satisfaction of any requirements for district consents contained in any law, rule, regulation or policy; (b) with the understanding that the such consent is irrevocable; (c) with the understanding that the Owner has relied on the Town's consent to Owner's material detriment and but for such consent, the Owner would not have entered into this Agreement. The Town waives its right to dissolve the District until water, sanitary sewer, drainage improvements, and roads have been constructed to serve at least 90 percent of the net developable territory of the District, and the District has reimbursed the developer of the District for all costs advanced to or on behalf of the District.

Section 4.07 TIRZ Creation. The Parties understand and acknowledge that the Town may create a TIRZ to include the Property, pursuant to Chapter 311, Texas Tax Code. Notwithstanding the foregoing, nothing contained herein shall obligate the Town to create a TIRZ without the due consideration of the Town Council and any TIRZ created shall be created pursuant to, and in accordance with, the requirements of Chapter 311, Texas Tax Code, as amended, and other applicable law. If created, a TIRZ would fund certain roadway improvements including, but not limited to, I-35 off-ramps.

ARTICLE V.
EFFECTIVE DATE AND TERM OF AGREEMENT

Section 5.01 Effective Date. With respect to the Gibbs Property, this Agreement is effective on April 13, 2017 (the "Effective Date"). With respect to the Young Property, this Agreement is automatically effective upon the date the Owner or the Owner's designee acquires the Young Property, and the effective date for such purposes shall be April 13, 2017. With respect to the Thompson Property, this Agreement is automatically effective upon the date the Owner or the Owner's designee acquires the Thompson Property, and the effective date for such purposes shall be April 13, 2017.

Section 5.02 Term. The term of this Agreement will be 25 years commencing on the Effective Date (the "Term").

Section 5.03 Termination of Agreement. This Agreement may be terminated by the Owner at any time by written notice to the Town if the Owner does not acquire the Young Property or does not acquire the Thompson Property.

ARTICLE VI.
EVENTS OF DEFAULT; REMEDIES

Section 6.01 Events of Default. No Party shall be in default under this Agreement until notice of the alleged failure of such Party to perform has been given (which notice shall set forth in reasonable detail the nature of the alleged failure) and until such Party has been given a reasonable time to cure the alleged failure (such reasonable time determined based on the nature of the alleged failure, but in no event less than thirty (30) days after written notice of the alleged failure has been given). In addition, no Party shall be in default under this Agreement if, within the applicable cure period, the Party to whom the notice was given begins performance and thereafter diligently and continuously pursues performance until the alleged failure has been cured.

Section 6.02 Remedies. IF A PARTY IS IN DEFAULT, THE AGGRIEVED PARTY MAY, AT ITS OPTION AND WITHOUT PREJUDICE TO ANY OTHER RIGHT OR REMEDY UNDER THIS AGREEMENT, SEEK ANY RELIEF AVAILABLE AT LAW OR IN EQUITY, INCLUDING, BUT NOT LIMITED TO, AN ACTION UNDER THE UNIFORM DECLARATORY JUDGMENT ACT, SPECIFIC PERFORMANCE, MANDAMUS, AND INJUNCTIVE RELIEF. NOTWITHSTANDING THE FOREGOING, HOWEVER, NO DEFAULT UNDER THIS AGREEMENT SHALL:

(a) entitle the aggrieved Party to terminate this Agreement; or

(a) entitle the aggrieved Party to suspend performance under this Agreement unless the portion of the Property for which performance is suspended is the subject of the default (for example, the Town shall not be entitled to suspend its performance with regard to the development of "Tract X" by "Developer A" based on the grounds that Developer A is in default with respect to any other tract or based on the grounds that any other developer is in default with respect to any other tract) unless the default is in the nature of the failure to undertake a shared obligation as between such tracts or developers; or

- (b) adversely affect or impair the current or future obligations of the Town to provide water service to any portion of the Property within its water CCN; or
- (c) adversely affect or impair the current or future obligations of the Town to provide sewer service to any portion of the Property within its sewer CCN; or
- (d) adversely affect the Town's consent to the District;
- (e) entitle the aggrieved Party to seek or recover monetary damages of any kind; or
- (f) limit the Term.

ARTICLE VII.

ASSIGNMENT AND ENCUMBRANCE

Section 7.01 Assignment by the Owner to Successor Owners. The Owner has the right (from time to time without the consent of the Town, but upon written notice to the Town) to assign this Agreement, in whole or in part, and including any obligation, right, title, or interest of the Owner under this Agreement, to any person or entity (an "Assignee") that is or will become an owner of any portion of the Property or that is an entity that is controlled by or under common control with the Owner or that is the District. Each assignment shall be in writing executed by the Owner and the Assignee and shall obligate the Assignee to be bound by this Agreement to the extent this Agreement applies or relates to the obligations, rights, title, or interests being assigned. A copy of each assignment shall be provided to all Parties within fifteen (15) days after execution. Provided that the successor owner assumes the liabilities, responsibilities, and obligations of the assignor under this Agreement as to the Property or portion of the Property in question, the assigning party will be released from any rights and obligations under this Agreement as to the Property involved in such assignment, effective upon receipt of the assignment by the Town. It is specifically intended that this Agreement and all terms, conditions, and covenants herein shall survive a transfer, conveyance or assignment occasioned by the exercise of foreclosure of lien rights to a creditor or a party hereto, whether judicial or nonjudicial, as evidenced by execution of this Agreement by all lienholders against the Property as of the Effective Date subordinating such liens to this Agreement. No assignment by the Owner shall release the Owner from any liability that resulted from an act or omission by the Owner that occurred prior to the effective date of the assignment. The Owner shall maintain true and correct copies of all assignments made by the Owner to Assignees, including a copy of each executed assignment and the Assignee's Notice information as required by this Agreement.

Section 7.02 Assignment by the Town. The Town shall not assign this Agreement, in whole or in part, and including any obligation, right, title, or interest of the Town under this Agreement, without the prior written approval of the Owner.

Section 7.03 Encumbrance by the Owner and Assignees. The Owner has the right, from time to time, to collaterally assign, pledge, grant a lien or security interest in, or otherwise encumber any of their respective rights, title, or interest under this Agreement for the benefit of their respective lenders without the consent of, but with prompt written notice to, the Town, and in no event provided later than ten (10) days after any such encumbrance takes effect. The collateral assignment, pledge, grant of lien or security interest, or other encumbrance shall not, however,

obligate any lender to perform any obligations or incur any liability under this Agreement unless the lender agrees in writing to perform such obligations or incur such liability. Provided the Town has been given a copy of the documents creating the lender's interest, including Notice (hereinafter defined) information for the lender, then that lender shall have the right, but not the obligation, to cure any default under this Agreement and shall be given a reasonable time to do so in addition to the cure periods otherwise provided to the defaulting Party by this Agreement; and the Town agrees to accept a cure offered by the lender as if offered by the defaulting Party. A lender is not a Party to this Agreement unless this Agreement is amended, with the consent of the lender, to add the lender as a Party. Notwithstanding the foregoing, however, this Agreement shall continue to bind the Property and shall survive any transfer, conveyance, or assignment occasioned by the exercise of foreclosure or other rights by a lender, whether judicial or non-judicial. Any purchaser from or successor owner through a lender of any portion of the Property shall be bound by this Agreement and shall not be entitled to the rights and benefits of this Agreement with respect to the acquired portion of the Property until all defaults under this Agreement with respect to the acquired portion of the Property have been cured.

Section 7.04 Encumbrance by the Town. The Town shall not collaterally assign, pledge, grant a lien or security interest in, or otherwise encumber any of its rights, title, or interest under this Agreement without the Owner's prior written consent.

ARTICLE VIII.

RELEASES, AND ESTOPPEL CERTIFICATES

Section 8.01 Releases. From time to time upon written request of the Owner, the Mayor and Town Administrator, or designee of their choice, may execute, subject to approval as to form by the Town Attorney, a partial release of this Agreement if the requirements of this Agreement have been met.

Section 8.02 Estoppel Certificates. From time to time upon written request of the Owner, the Mayor and the Town Administrator, or a designee of their choice, may execute a written estoppel certificate, subject to approval as to form by the Town Attorney, identifying any obligations of the Owner under this Agreement that are in default or, with the giving of notice or passage of time, would be in default; and stating, to the extent true, that to the best knowledge and belief of the Town, the Owner is in compliance with its duties and obligations under this Agreement, except as expressly identified.

ARTICLE IX.

ADDITIONAL PROVISIONS

Section 9.01 Recitals. The recitals contained in this Agreement: (a) are legislative findings by the Town Council; (b) are true and correct as of the Effective Date; (c) contribute to the basis upon which the Parties negotiated and entered into this Agreement; and (d) reflect the final intent of the Parties as stated therein. In the event it becomes necessary to interpret any provision of this Agreement, the intent of the Parties, as evidenced by the recitals, shall be taken into consideration and, to the maximum extent possible, given full effect. The Parties have relied upon the recitals as part of the consideration for entering into this Agreement and, but for the intent of the Parties reflected by the recitals, would not have entered into this Agreement.

Section 9.02 Notices. All notices required or contemplated by this Agreement (or otherwise given in connection with this Agreement) (a "Notice") shall be in writing, shall be signed by or on behalf of the Party giving the Notice, and shall be effective as follows: (a) on or after the 5th business day after being deposited with the United States mail service, Certified Mail, Return Receipt Requested, with a confirming copy sent by FAX; (b) on the day delivered by a private delivery or private messenger service (such as FedEx or UPS) as evidenced by a receipt signed by any person at the delivery address (whether or not such person is the person to whom the Notice is addressed); or (c) otherwise on the day actually received by the person to whom the Notice is addressed by delivery in person or by regular mail. Notices given pursuant to this section shall be addressed as follows:

To the Town:	Town of Northlake Attn: Mayor 1400 FM 1407 Northlake, Texas 76247 E-mail: _____ TEL: _____ FAX: _____
To the Owner:	HP GIBBS, LP Attn: Brian Carlock 3000 Turtle Creek Blvd. Dallas, Texas 75219 E-mail: brian.carlock@hillwood.com TEL: (972) 201-2932 FAX: (972) 201-2959
With a copy to:	Shupe Ventura, PLLC Attn: Misty Ventura 9406 Biscayne Blvd. Dallas, Texas 75218 E-mail: misty.ventura@svlandlaw.com TEL: (214)328-1101 FAX: (800) 519-3768

Section 9.03 Reservation of Rights. THE OWNER WAIVES ALL CLAIMS THAT ANY OBLIGATION INCURRED BY THE OWNER SET OUT IN THIS AGREEMENT CONSTITUTES A "TAKING", AN ILLEGAL EXACTION, OR INVERSE CONDEMNATION OF ALL OR ANY PORTION OF THE PROPERTY PROVIDED THE TOWN REIMBURSES THE OWNER IN ACCORDANCE WITH THE TERMS OF THIS AGREEMENT. EXCEPT AS EXPRESSLY SET FORTH IN THIS AGREEMENT, THE OWNER DOES NOT, BY ENTERING INTO THIS AGREEMENT, WAIVE (AND THE OWNER EXPRESSLY RESERVES) ANY RIGHTS AND CLAIMS THAT THE OWNER MAY HAVE ARISING FROM ANY ACTION BY THE TOWN AFTER THE EFFECTIVE DATE. THE TOWN SHALL NOT BE REQUIRED TO DETERMINE ROUGH PROPORTIONALITY OR NECESSITY AS PROVIDED FOR IN SECTION 212.904 OF THE TEXAS LOCAL GOVERNMENT CODE FOR ANY DEDICATIONS OR IMPROVEMENTS EXPRESSLY REQUIRED UNDER THIS AGREEMENT.

Section 9.04 Governmental Powers; Limited Waiver of Immunity. It is understood that by execution of this Agreement the Town does not waive or surrender any of its governmental powers, immunities, or rights, except as specifically waived pursuant to this Section 9.04. The Town waives its governmental immunity from suit and liability only as to any action brought by the Owner to pursue the remedies available under this Agreement and only to the extent necessary to pursue such remedies. Nothing in this Section 9.04 shall waive any claims, defenses, or immunities that the Town has with respect to suits against the Town by persons or entities not a party to this Agreement. The Town acknowledges that this Agreement constitutes a contract for goods and services subject to Texas Local Government Code Chapter 271, Subchapter I to the extent the Owner is providing a service to the Town pursuant to this Agreement.

Section 9.05 Authority and Enforceability. The Town represents and warrants that this Agreement has been approved by the Town Council in accordance with all applicable public notice requirements (including, but not limited to, notices required by the Texas Open Meetings Act) and that the individual executing this Agreement on behalf of the Town has been duly authorized to do so. The Owner represents and warrants that this Agreement has been approved by appropriate action of the Owner, and that the individuals executing this Agreement on behalf of the Owner have been duly authorized to do so. Each Party acknowledges and agrees that this Agreement is binding upon such Party and enforceable against such Party.

Section 9.06 Entire Agreement; Severability; Amendment. This Agreement constitutes the entire agreement between the Parties and supersedes all prior agreements, whether oral or written, covering the subject matter of this Agreement. This Agreement shall not be modified or amended except in writing signed by the Town, the Owner, and the owner of the portion of the Property affected by the amendment. If any provision of this Agreement is determined by a court of competent jurisdiction to be unenforceable for any reason, then: (a) such unenforceable provision shall be deleted from this Agreement; (b) the unenforceable provision shall, to the extent possible, be rewritten to be enforceable and to give effect to the intent of the Parties; and (c) the remainder of this Agreement shall remain in full force and effect and shall be interpreted to give effect to the intent of the Parties.

Section 9.07 Applicable Law; Venue. This Agreement is entered into under and pursuant to, and is to be construed and enforceable in accordance with, the laws of the State of Texas, and all obligations of the Parties are performable in Denton County. Venue and exclusive jurisdiction for any action to enforce or construe this Agreement shall be in Denton County.

Section 9.08 No Waiver. Any failure by a Party to insist upon strict performance by another Party of any material provision of this Agreement shall not be deemed a waiver thereof, and the Party shall have the right at any time thereafter to insist upon strict performance of any and all provisions of this Agreement. No provision of this Agreement may be waived except by writing signed by the Party waiving such provision. Any waiver shall be limited to the specific purposes for which it is given. No waiver by any Party of any term or condition of this Agreement shall be deemed or construed to be a waiver of any other term or condition or subsequent waiver of the same term or condition.

Section 9.09 No Third Party Beneficiaries. This Agreement only inures to the benefit of, and may only be enforced by, the Parties and their permitted assignees. No other person or entity shall have any right, title, or interest under this Agreement or otherwise be deemed to be a third-party beneficiary of this Agreement.

Section 9.10 Force Majeure. Each Party shall use good faith, due diligence and reasonable care in the performance of its respective obligations under this Agreement, and time shall be of the essence in such performance; however, in the event a Party is unable, due to force majeure, to perform its obligations under this Agreement, then the obligations affected by the force majeure shall be temporarily suspended. Within three business days after the occurrence of a force majeure, the Party claiming the right to temporarily suspend its performance shall give Notice to all the Parties, including a detailed explanation of the force majeure and a description of the action that will be taken to remedy the force majeure and resume full performance at the earliest possible time. The term "force majeure" shall include events or circumstances that are not within the reasonable control of the Party whose performance is suspended and that could not have been avoided by such Party with the exercise of good faith, due diligence and reasonable care. Any suspension of obligation(s) because of any force majeure shall terminate automatically sixty (60) days following the provision of the Notice described by this section, unless otherwise separately agreed by the affected Party(ies).

Section 9.11 Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original and constitute one and the same instrument.

Section 9.12 Further Documents. Each Party shall, upon request of the other Party, execute and deliver such further documents and perform such further acts as may reasonably be requested to effectuate the terms of this Agreement and achieve the intent of the Parties.

Section 9.13 Exhibits. The following Exhibits are attached to this Agreement and are incorporated herein for all purposes:

Exhibit A	Metes and Bounds Description of the Gibbs Property
Exhibit B	Metes and Bounds Description of the Young Property
Exhibit C	Metes and Bounds Description of the Thompson Property
Exhibit D	Depiction of the Property
Exhibit E	Water Improvements
Exhibit E-1	Estimated Cost of Water Improvements
Exhibit F	Ultimate Sewer Solution
Exhibit G	Cleveland-Gibbs Right-of-Way Dedication
Exhibit H	Roadway Improvements
Exhibit H-1	Estimated Cost of Roadway Improvements

Executed by the Town and the Owner to be effective on the Effective Date.

REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK

TOWN OF NORTHLAKE

By: _____
Peter Dewing, Mayor

ATTEST:

By: _____
Shirley Rogers, Town Secretary

APPROVED AS TO FORM:

Ashley Dierker

OWNER:

HP GIBBS, LP,
a Texas limited partnership

By: BOH Investments GP, LLC,
a Delaware limited liability company,
its general partner

By: _____
Brian Carlock, Senior Vice President

Exhibit A
Metes and Bounds Description of the Gibbs Property

BEING a tract of land situated in the F.W. Thornton Survey, Abstract Number 1244, the Alexander McDonald Survey, Abstract Number 785 and the J.G. Cleveland Survey, Abstract 1461, Denton County, Texas, and being all of a called 386.8295-acre tract of land conveyed to H.P. Gibbs, LP, according to the document filed of record in Instrument Number 2012-145021, Official Public Records Denton County, Texas, said tract being described as follows:

BEGINNING at a point near the intersection of Mulkey Lane and Cleveland Gibbs Road for the northeast corner of said Gibbs 386.8295-acre tract and the **POINT OF BEGINNING** of the tract of land described herein;

THENCE South 0°26'52" East, along the easterly line of said Gibbs 386.8295-acre tract, a distance of 1247.31 feet to a point for corner of this tract, same being on the westerly right of way line of Interstate Highway No. 35W;

THENCE South 89°33'26" West, continuing along the easterly line of said Gibbs 386.8295-acre tract and along the westerly right of way line of said Interstate Highway No. 35W, a distance of 22.00 feet to a point for corner of this tract;

THENCE South 20°40'05" West, continuing along the easterly line of said Gibbs 386.8295-acre tract and the westerly right of way line of said Interstate Highway No. 35W, a distance of 745.37 feet to a point for corner of this tract;

THENCE South 21°48'21" East, continuing along the easterly line of said Gibbs 386.8295-acre tract and the westerly right of way line of said Interstate Highway No. 35W, a distance of 290.00 feet to a point for corner of this tract;

THENCE South 23°14'39" West, continuing along the easterly line of said Gibbs 386.8295-acre tract and the westerly right of way line of said Interstate Highway No. 35W, a distance of 608.98 feet to the southeast corner of said Gibbs 386.8295-acre tract;

THENCE South 89°45'21" West, departing the westerly right of way line of said Interstate Highway No. 35W and along the southerly line of said Gibbs 386.8295-acre tract, a distance of 3373.63 feet to a point for corner of this tract;

THENCE South 0°05'00" West, continuing along the southerly line of said Gibbs 386.8295-acre tract, a distance of 187.50 feet to a point for corner of this tract;

THENCE South 89°26'14" West, continuing along the southerly line of said Gibbs 386.8295-acre tract, a distance of 2532.75 feet to the southwest corner of said Gibbs 386.8295-acre tract;

THENCE North 1°04'15" West, along the westerly line of said Gibbs 386.8295-acre tract, a distance of 900.53 feet to a point for corner of this tract;

THENCE North 0°22'11" West, continuing along the westerly line of said Gibbs 386.8295-acre tract, a distance of 411.92 feet to a point for corner of this tract;

THENCE North 0°09'33" West, continuing along the westerly line of said Gibbs 386.8295-acre tract, a distance of 1304.25 feet to the northwest corner of said Gibbs 386.8295-acre tract, same also being in Mulkey Lane;

THENCE North 89°45'31" East, along the northerly line of said Gibbs 386.8295-acre tract and with said Mulkey Lane, a distance of 1206.20 feet to a point for corner of this tract;

THENCE North 89°54'56" East, continuing along the northerly line of said Gibbs 386.8295-acre tract and with said Mulkey Lane, a distance of 1131.63 feet to a point for corner of this tract;

THENCE North 53°26'52" East, continuing along the northerly line of said Gibbs 386.8295-acre tract and with said Mulkey Lane, a distance of 257.30 feet to a point for a corner of this tract;

THENCE North 0°18'14" West, continuing along the northerly line of said Gibbs 386.8295-acre tract and with said Mulkey Lane, a distance of 214.39 feet to a point for corner of this tract;

THENCE North 89°51'24" East, continuing along the northerly line of said Gibbs 386.8295-acre tract and with said Mulkey Lane, a distance of 3794.19 feet to the **POINT OF BEGINNING** and containing 386.8295 acres of land, more or less.

Exhibit B
Metes and Bounds Description of the Young Property

TRACT 1

BEGINNING AT THE NORTHWEST CORNER OF THE TRACT BEING DESCRIBED HEREIN AT A 1/2-INCH IRON ROD FOUND IN THE SOUTH RIGHT-OF-WAY LINE OF F.M. 407 FOR THE NORTHEAST CORNER OF THAT CERTAIN CALLED 174.821 ACRE TRACT OF LAND DESCRIBED IN DEED TO J. YOUNG LAND & CATTLE, LTD., RECORDED IN DOCUMENT #10-108044, REAL PROPERTY RECORDS, DENTON COUNTY, TEXAS AND THE NORTHWEST CORNER OF SAID 460.6946 ACRE TRACT OF LAND, FROM WHICH A 1/2-INCH IRON ROD FOUND FOR THE NORTHWEST CORNER OF SAID 174.821 ACRE TRACT OF LAND BEARS SOUTH 89 DEGREES 55 MINUTES 02 SECONDS WEST, A DISTANCE OF 1346.79 FEET;

THENCE NORTH 89 DEGREES 45 MINUTES 28 SECONDS EAST, WITH THE SOUTH RIGHT-OF-WAY LINE OF SAID F.M. 407, A DISTANCE OF 3632.77 FEET TO A CAPPED IRON ROD SET FOR THE BEGINNING OF A CURVE TO THE RIGHT;

THENCE CONTINUING WITH SAID RIGHT-OF-WAY LINE AND WITH SAID CURVE TO THE RIGHT, AN ARC LENGTH OF 137.75 FEET, A RADIUS OF 5688.58 FEET, A CENTRAL ANGLE OF 01 DEGREES 23 MINUTES 15 SECONDS, AND A CHORD THAT BEARS SOUTH 89 DEGREES 32 MINUTES 55 SECONDS EAST, A DISTANCE OF 137.75 FEET TO A CAPPED IRON ROD SET FOR THE NORTHWEST CORNER OF THAT CERTAIN CALLED 79.459 ACRE TRACT OF LAND DESCRIBED IN DEED TO CORRAL CITY LAND, LLC, RECORDED IN DOCUMENT #14-61327, REAL PROPERTY RECORDS, DENTON COUNTY, TEXAS;

THENCE SOUTH 00 DEGREES 17 MINUTES 23 SECONDS EAST, A DISTANCE OF 5323.82 FEET TO A METAL FENCE POST FOUND FOR CORNER IN THE NORTH LINE OF THAT CERTAIN CALLED 386.8295 ACRE TRACT OF LAND DESCRIBED IN DEED TO HP GIBBS, LP., RECORDED IN DOCUMENT #12-145021, REAL PROPERTY RECORDS, DENTON COUNTY, TEXAS;

THENCE SOUTH 89 DEGREES 51 MINUTES 24 SECONDS WEST, A DISTANCE OF 3770.41 FEET TO A CAPPED IRON ROD SET IN THE EAST LINE OF SAID 174.821 ACRE TRACT OF LAND, FROM WHICH A 1/2-INCH IRON ROD FOUND FOR THE MOST EASTERLY SOUTHEAST CORNER THEREOF BEARS SOUTH 00 DEGREES 17 MINUTES 27 SECONDS EAST, A DISTANCE OF 210.49 FEET;

THENCE NORTH 00 DEGREES 17 MINUTES 27 SECONDS WEST, A DISTANCE OF 5318.97 FEET TO THE POINT OF BEGINNING AND CONTAINING 460.677 ACRES OF LAND, MORE OR LESS.

TRACT 2

ALL THAT CERTAIN TRACT OF LAND SITUATED IN THE ALEXANDER MCDONALD SURVEY, DENTON COUNTY, TEXAS, AND BEING A CALLED 174.821 ACRES OF LAND AS DESCRIBED IN A DEED FROM TNF REALTY, LP TO J. YOUNG LAND AND CATTLE, LTD., AS RECORDED IN COUNTY CLERK'S FILE NUMBER 10-108044, REAL PROPERTY RECORDS OF DENTON COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A BENT 1/2" IRON ROD FOUND FOR THE NORTHEAST CORNER OF SAID 174.821, AT THE NORTHWEST CORNER OF A CALLED 460.6945 ACRE TRACT OF LAND DESCRIBED IN A DEED TO J. YOUNG LAND & CATTLE, LTD, AS RECORDED IN COUNTY CLERK'S FILE NUMBER 03-203076, REAL PROPERTY RECORDS OF DENTON COUNTY, TEXAS, AND IN THE SOUTH RIGHT-OF-WAY LINE OF FM ROAD 407;

THENCE SOUTH 00 DEGREES 17 MINUTES 27 SECONDS EAST WITH THE EAST LINE OF SAID 174.821 ACRE TRACT AND THE EAST LINE OF SAID ALEXANDER MCDONALD SURVEY, A DISTANCE OF 5529.46 FEET TO A BENT 1/2" IRON ROD FOUND FOR THE MOST EASTERLY SOUTHEAST CORNER OF SAID 174.821 ACRE TRACT, AT THE MOST NORTHERLY NORTHWEST CORNER OF A CALLED 386.8295 ACRE TRACT DESCRIBED IN A DEED TO HP GIBBS LP, AS RECORDED IN COUNTY CLERK'S FILE NUMBER 12-145021, REAL PROPERTY RECORDS OF DENTON COUNTY, TEXAS, AND IN A GRAVEL ROAD UNDER APPARENT PUBLIC USE POSTED AS MULKEY LANE;

THENCE SOUTH 53 DEGREES 25 MINUTES 37 SECONDS WEST WITH SAID ROAD, A DISTANCE OF 257.13 FEET TO A BENT 1/2" IRON ROD FOUND FOR THE MOST SOUTHERLY SOUTHEAST CORNER OF SAID 174.821 ACRE TRACT, AND IN THE RECOGNIZED AND OCCUPIED SOUTH LINE OF SAID ALEXANDER MCDONALD SURVEY;

THENCE SOUTH 89 DEGREES 55 MINUTES 43 SECONDS WEST WITH THE SOUTH LINE THEREOF, THE SOUTH LINE OF SAID 174.821 ACRE TRACT, A NORTH LINE OF SAID 386.8295 ACRE TRACT, AND SAID ROAD, A DISTANCE OF 1131.86 FEET TO A PK NAIL SET FOR THE SOUTHWEST CORNER OF SAID 174.821 ACRE TRACT;

THENCE NORTH 00 DEGREES 22 MINUTES 05 SECONDS WEST WITH THE WEST LINE OF SAID 174.821 ACRE TRACT A DISTANCE OF 5682.18 FEET TO A CAPPED 1/2" IRON ROD SET FOR THE NORTHWEST CORNER OF SAID 174.821 ACRE TRACT, AT THE NORTHEAST CORNER OF A CALLED 161.333 ACRE TRACT OF LAND DESCRIBED IN A DEED TO THOMPSON GRAIN & CATTLE, INC. AS RECORDED IN COUNTY CLERK'S FILE NUMBER 03-128214, REAL PROPERTY RECORDS OF DENTON COUNTY, TEXAS, AND IN THE SAID RIGHT-OF-WAY LINE OF FM ROAD 407;

THENCE NORTH 89 DEGREES 55 MINUTES 02 SECONDS EAST WITH THE SAID RIGHT-OF-WAY AND THE NORTH LINE OF SAID 174.821 ACRE TRACT, A DISTANCE

OF 1346.79 FEET TO THE POINT OF BEGINNING AND CONTAINING 174.821 ACRES
OF LAND.

Exhibit C
Metes and Bounds Description of the Thompson Property

BEING a tract of land situated in the A. McDonald Survey, Abstract Number 785, Denton County, Texas, and being a portion of that tract of land conveyed to Thompson Grain & Cattle, Inc., according to the document filed of record in Document Number 2003-128214, Deed Records of Denton County, Texas, said tract being described as follows:

BEGINNING at a point in the south line of F.M. Highway 407 for the northwest corner of said Thompson tract and same being the **POINT OF BEGINNING** of the tract of land described herein;

THENCE with said south line the following five (5) courses and distances:

South 89°03'05" East, a distance of 410.80 feet to a point for a corner of this tract at the beginning of a tangent curve to the right having a central angle of 35°51'30", a radius of 279.62 feet, a chord bearing and distance of South 71°07'20" East, 172.16 feet;

With said curve to the right, an arc distance of 175.00 feet to a point for corner of this tract;

South 53°03'05" East, a distance of 4.80 feet to a point for a corner of this tract at the beginning of a non-tangent curve to the left having a central angle of 37°02'44", a radius of 749.75 feet, a chord bearing and distance of South 71°23'45" East, 476.36 feet;

With said curve to the left, an arc distance of 484.76 feet to a point for corner;

South 89°46'05" East, a distance of 192.70 feet to a point for corner of this tract;

THENCE South 0°23'05" East, a distance of 5432.30 feet to a point for corner of this tract;

THENCE South 82°35'23" West, a distance of 180.18 feet to a point for corner of this tract;

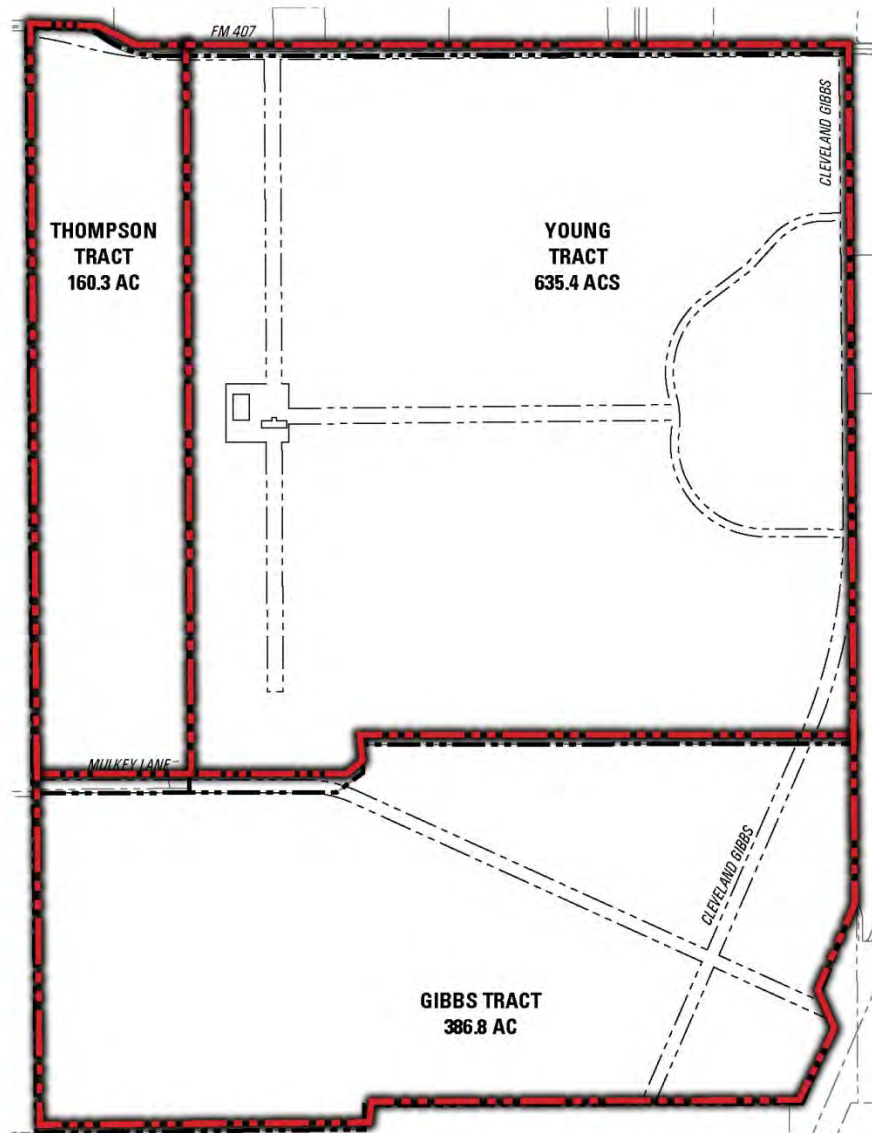
THENCE South 7°46'14" East, a distance of 199.92 feet to a point for corner of this tract;

THENCE South 89°27'58" West, a distance of 1058.48 feet to a point for corner of this tract;

THENCE North 0°28'05" West, a distance of 5881.70 feet to the **POINT OF BEGINNING** and containing 160.374 acres or 6,985,913 square feet of land, more or less.

Exhibit D
Depiction of the Property

OVERALL DEVELOPMENT BOUNDARIES



LEGEND	
SYMBOL	DESCRIPTION
	Boundary Line Between Young, Gibbs and Thompson

Notes
- All locations of boundaries, land uses and roads are approximate

Exhibit E

Water Improvements

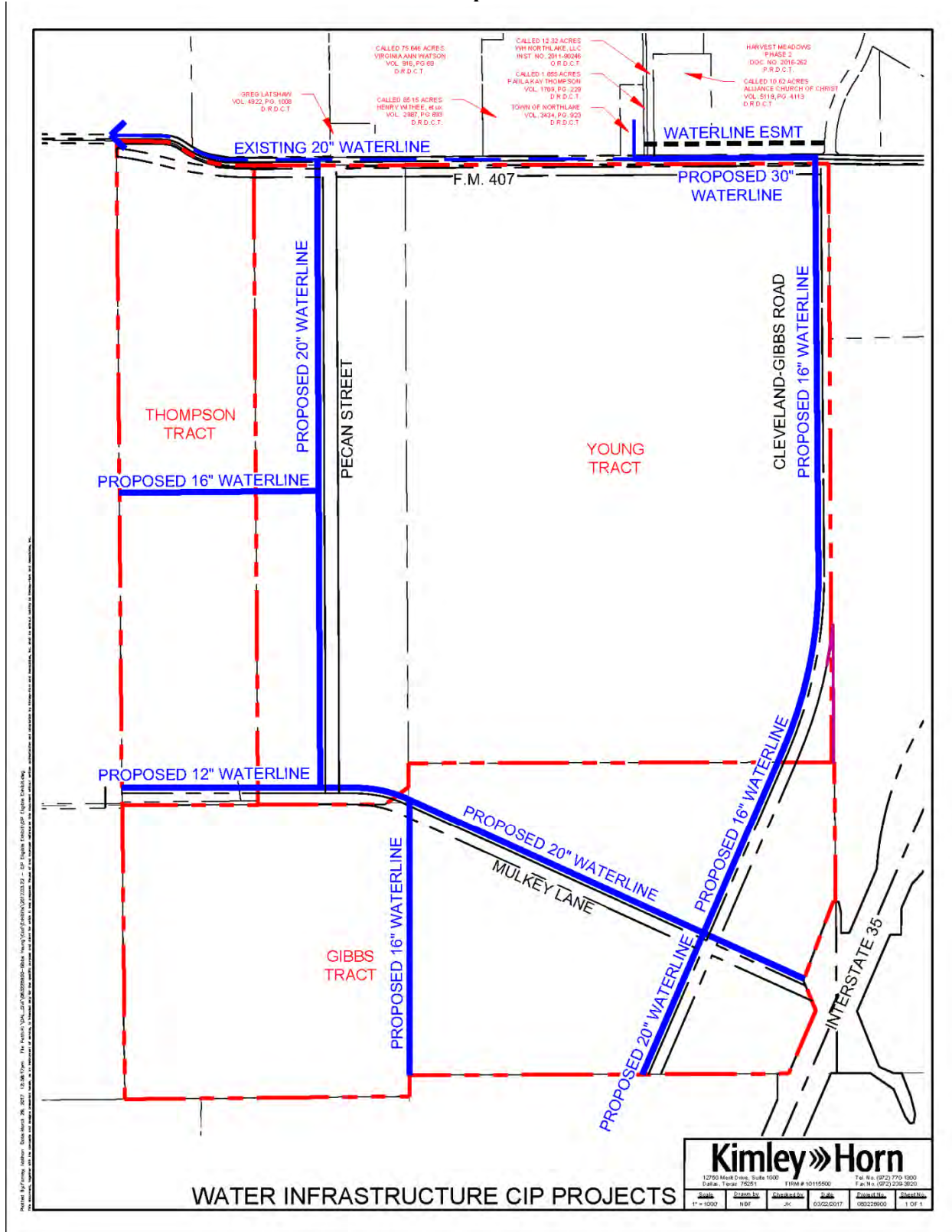


EXHIBIT E-1 **ESTIMATED COST OF WATER IMPROVEMENTS**



WATER INFRASTRUCTURE

OPINION OF PROBABLE CONSTRUCTION COST

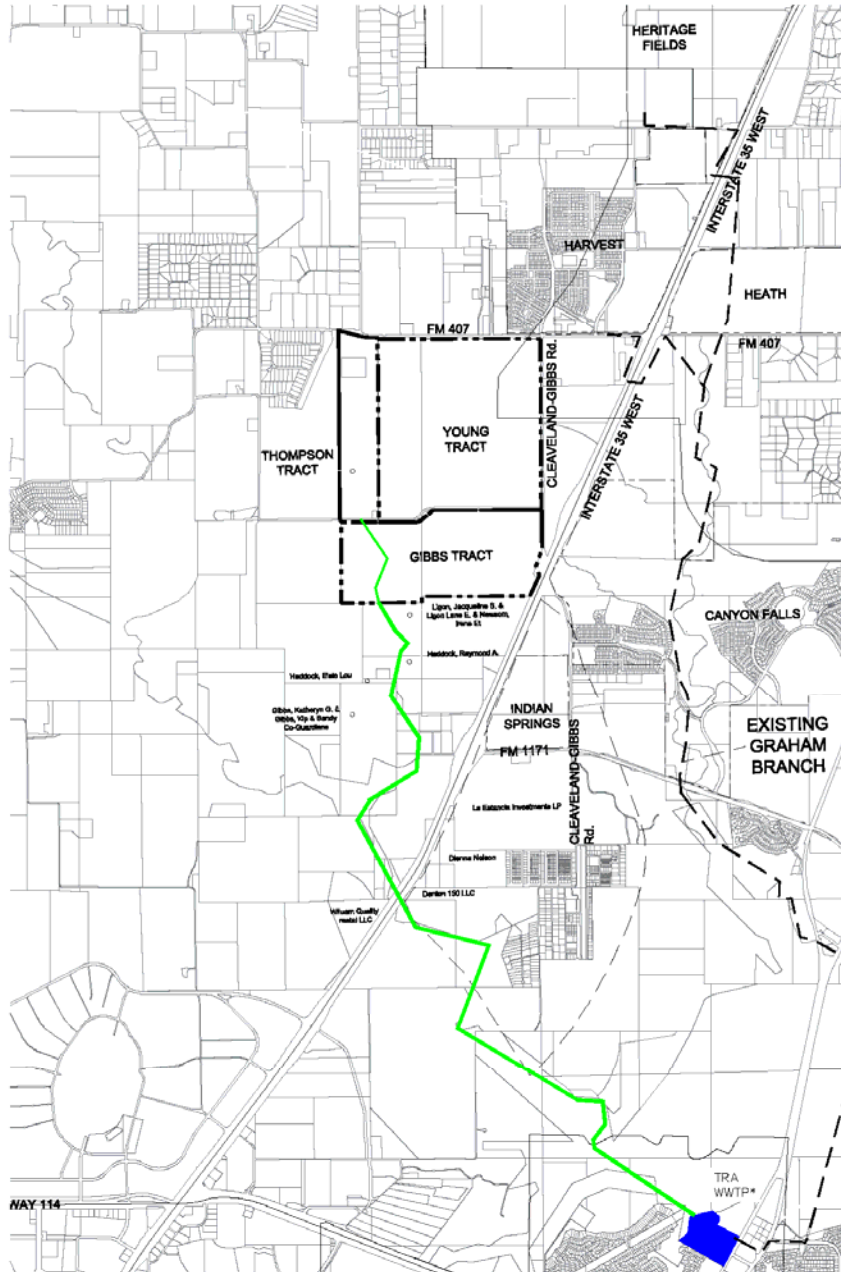
3/31/2017

Water CIP Infrastructure Projects

	PROJECT	TOTAL PROJECT COST		50% PROJECT COST	
1	FM 407 30" WATER LINE	\$	1,199,100	\$	599,550
2	CLEVELAND GIBBS 16" & 20" WATER LINE	\$	3,587,920	\$	1,793,960
3	PECAN STREET 20" & 16" WATER LINE	\$	3,675,200	\$	1,837,600
4	16" WATER LINE WEST OF AMENITY CENTER	\$	833,600	\$	416,800
5	MULKEY LANE 12" & 20" WATER LINE	\$	3,397,100	\$	1,698,550
	TOTAL	\$	12,692,920	\$	6,346,460

Exhibit F Ultimate Sewer Solution

SANITARY SEWER ULTIMATE PLAN



LEGEND	
SYMBOL	DESCRIPTION
	Wastewater Treatment Plant
	Sanitary Sewer Line

Notes
All locations of boundaries, land uses and roads are approximate.

Exhibit G
Cleveland-Gibbs Right-of-Way Dedication

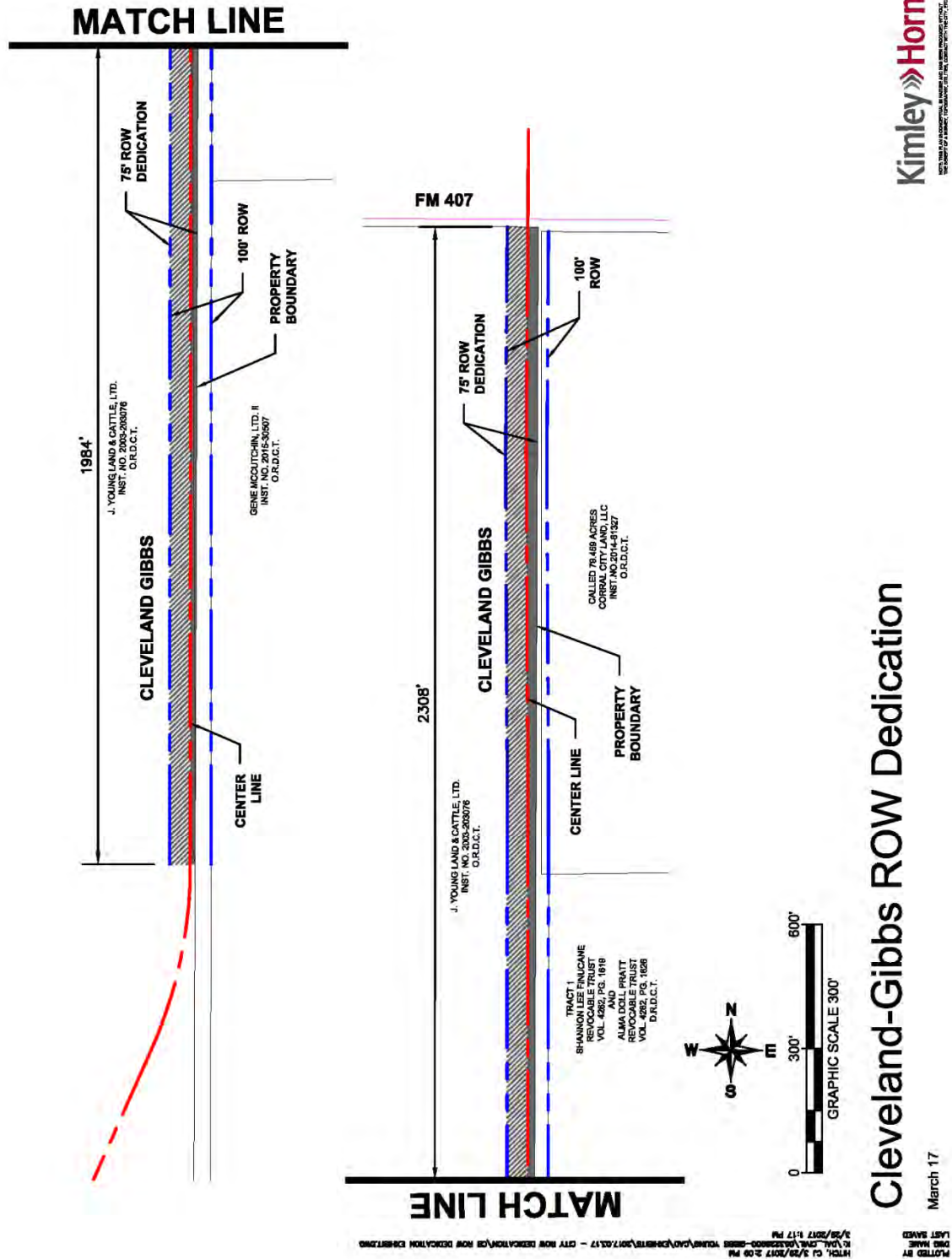


Exhibit H Roadway Improvements

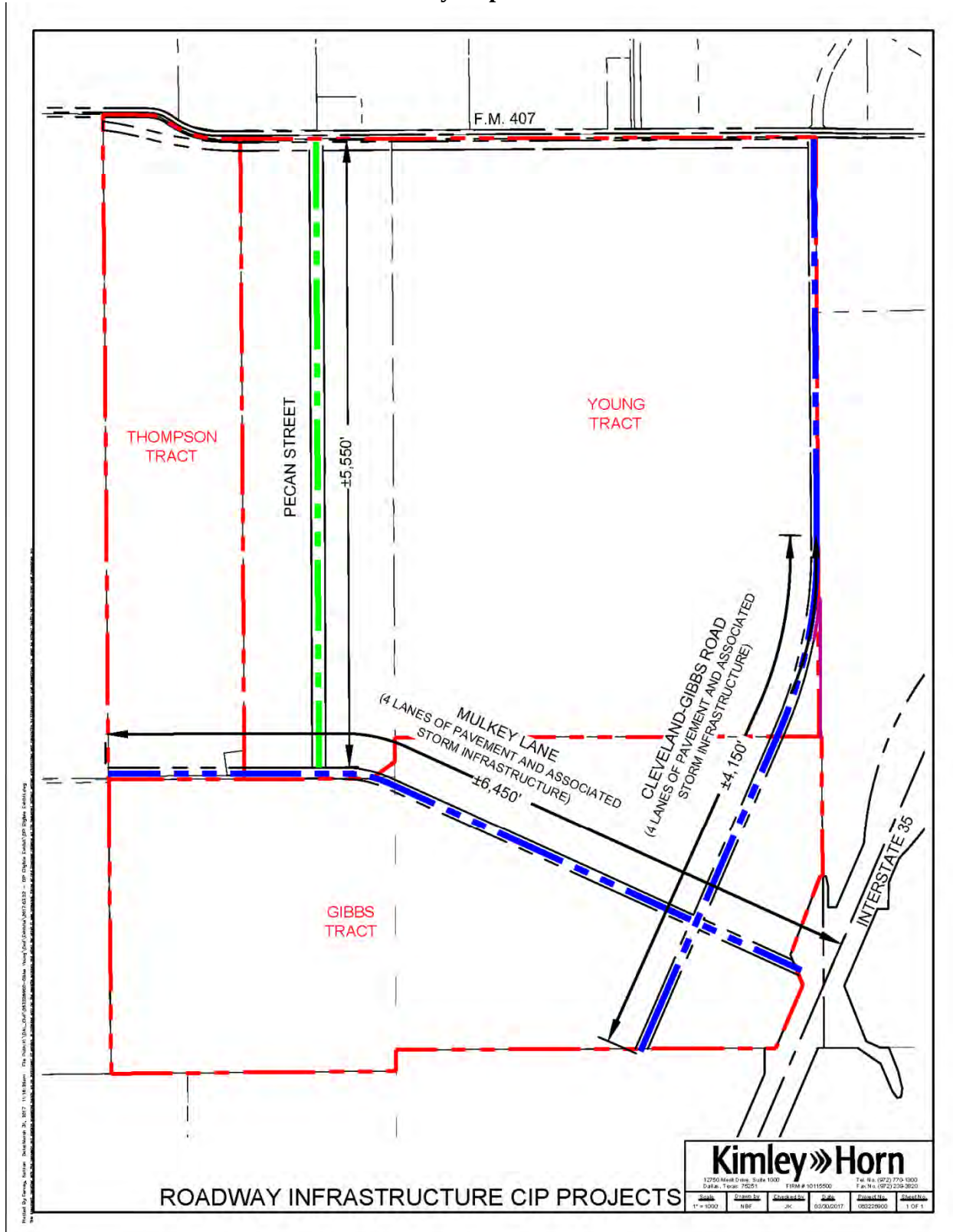


EXHIBIT H-1

ESTIMATED COST OF ROADWAY IMPROVEMENTS



ROADWAY INFRASTRUCTURE

OPINION OF PROBABLE CONSTRUCTION COST

3/31/2017

Roadway CIP Infrastructure Projects

	PROJECT	TOTAL PROJECT COST		50% PROJECT COST	
1	CLEVELAND GIBBS ROAD (4,150 +/- LF) 2 Lanes of a 4 Lane divided (100' ROW; 28' B-B)	\$	4,065,379	\$	2,032,690
2	MULKEY LANE (6,450 +/- LF) 2 Lanes of a 4 Lane divided (100' ROW; 28' B-B)	\$	8,189,252	\$	4,094,626
3	PECAN STREET (5,550 +/- LF) 2 Lanes of a 4 Lane divided (100' TOTAL ROW; 25' B-B)	\$	8,120,047	\$	4,060,024
TOTAL		\$	20,374,678	\$	10,187,339

Memo

To: Honorable Mayor and Town Council

From: Drew Corn, Town Administrator

CC: Shirley Rogers, Town Secretary
Nathan Reddin, Development Director

Date: April 13, 2017

Re: Amended and Restated Consent Resolution to Create Municipal Management District for Gibbs Young and Thompson Tracts

On December 8, 2016, Hillwood Communities presented a proposed concept plan for the development of tracts of land previously purchased from the Gibbs Family or currently under contract with Young Land and Cattle. At the time, the proposed master planned community was bounded by FM 407 to the north, Cleveland-Gibbs Road to the east, approximately one-half mile south of Mulkey Lane, and approximately a mile west of Cleveland-Gibbs Road for a total of 1,019 acres.

Also at December 8th meeting, Hillwood received consent from the Town to create a Municipal Management District (MMD) to assist in the financing of the public infrastructure for the Gibbs tract only. Because the MMD creation process goes through the Texas Commission on Environmental Quality (TCEQ) which has a lengthy creation process, Hillwood requested Town consent early so they can submit the application as soon as possible.

Subsequently, Hillwood entered a contract to purchase the Thompson tract at approximately 160 acres to the west of the Young tract. The original consent resolution was contingent upon rezoning of the properties. The proposed amended and restated resolution before Council for consideration includes the Young and Thompson tracts as well as the Gibbs tracts from the original resolution for a total of 1,182 acres. In addition the proposed resolution removes the rezoning contingency in anticipation of rezoning.

If Council does not grant the rezoning request, Hillwood would withdraw their efforts to create the Municipal Management District. As has been stated multiple times without the rezoning the development is unviable.

Please contact me at 940.242.5701 if you have any questions or comments.

TOWN OF NORTHLAKE, TEXAS

RESOLUTION NO. 17-10

AMENDING AND RESTATING RESOLUTION NO. 16-41

RESOLUTION 16-41 IS HEREBY AMENDED AND RESTATED AS FOLLOWS:

WHEREAS, by Petition dated December 5, 2016 (“Petition”) HW GIBBS, LP, a Texas limited partnership (the “Petitioner”), petitioned the Town of Northlake, Texas (“Town”) for its consent to create Northlake Municipal Management District No. 1 (the “District”) to serve the approximately 386.83 acres of land, more or less, in Denton County, Texas as described in Exhibit “A” attached hereto and incorporated herein for all intents and purposes (the “Land”); and

WHEREAS, all of the land to be included within the District is located within the corporate boundaries of the Town; and

WHEREAS, in response to such Petition the Town adopted Resolution No. 16-41 (“Resolution”) consenting to the creation of the District conditioned upon: (i) the petitioner applying for and receiving the appropriate zoning; and (ii) the Petitioner qualifying and submitting to the Texas Commission on Environmental Quality (“TCEQ”), to serve as a director of the District, a person nominated by the Town Council; and

WHEREAS, Petitioner now has satisfied such conditions; and

WHEREAS, following the adoption of the Resolution the Town Council of the Town has received a Petition for Consent to Addition of Land into the Boundaries of the District requesting the addition of 634.498 acres to the District, a copy of such petition is attached hereto as Exhibit “B”; and

WHEREAS, following the adoption of the Resolution the Town Council of the Town has received a Petition for Consent to Addition of Land into the Boundaries of the District requesting the addition of 160.374 to the District, a copy of such petition is attached hereto as Exhibit “C”; and

WHEREAS, the Town Council of the Town desires to adopt a Resolution for the purpose of (i) removing the conditions from its consent to the creation of the District; and (ii) consenting to the addition of the land described in the attached Exhibits “B” and “C” into the boundaries of the District.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF NORTHLAKE, TEXAS:

Section 1. That the Town Council of the Town hereby amends and restates Town of Northlake Resolution No. 16-41 in accordance with this resolution.

Section 2. That the Town Council of the Town hereby grants its consent to and the Mayor is instructed to execute such additional documents, if any, as required to evidence the Town's consent to the creation of a municipal management district, to be known as "Northlake Municipal Management District No. 1," on the property described in Exhibit "A" which is located within the Town's corporate boundaries.

Section 3. That the Town Council of the Town of Northlake hereby grants its consent to and the Mayor is instructed to execute such additional documents, if any, as required to evidence the Town's consent to the addition of the land described in the attached Exhibit "B" into the boundaries of the District, after it is created by the TCEQ.

Section 4. That the Town Council of the Town of Northlake hereby grants its consent to and the Mayor is instructed to execute such additional documents, if any, as required to evidence the Town's consent to the addition of the land described in the attached Exhibit "C" into the boundaries of the District, after it is created by the TCEQ.

Section 5. That the Town Council of the Town of Northlake hereby waives its right to dissolve the District until water, sanitary sewer, and drainage improvements, and roads have been constructed to serve at least 90 percent of the net developable territory of the District, as it may exist from time to time, and the District has reimbursed the developer of the District for all costs advanced to or on behalf of the District.

Section 6. That this resolution shall take effect immediately from and after its passage and is accordingly so resolved.

Passed and approved on the 13th day of April, 2017

Town of Northlake, Texas

Peter Dewing, Mayor

ATTEST: _____

Shirley Rogers, Town Secretary

EXHIBIT "A"
LEGAL DESCRIPTION FOR 386.83-ACRE TRACT OF LAND

BEING a tract of land situated in the F.W. Thornton Survey, Abstract Number 1244, the Alexander McDonald Survey, Abstract Number 785 and the J.G. Cleveland Survey, Abstract 1461, Denton County, Texas, and being all of a called 386.8295-acre tract of land conveyed to H.P. Gibbs, LP, according to the document filed of record in Instrument Number 2012-145021, Official Public Records Denton County, Texas, said tract being described as follows:

BEGINNING at a point near the intersection of Mulkey Lane and Cleveland Gibbs Road for the northeast corner of said Gibbs 386.8295-acre tract and the **POINT OF BEGINNING** of the tract of land described herein;

THENCE South 0°26'52" East, along the easterly line of said Gibbs 386.8295-acre tract, a distance of 1247.31 feet to a point for corner of this tract, same being on the westerly right of way line of Interstate Highway No. 35W;

THENCE South 89°33'26" West, continuing along the easterly line of said Gibbs 386.8295-acre tract and along the westerly right of way line of said Interstate Highway No. 35W, a distance of 22.00 feet to a point for corner of this tract;

THENCE South 20°40'05" West, continuing along the easterly line of said Gibbs 386.8295-acre tract and the westerly right of way line of said Interstate Highway No. 35W, a distance of 745.37 feet to a point for corner of this tract;

THENCE South 21°48'21" East, continuing along the easterly line of said Gibbs 386.8295-acre tract and the westerly right of way line of said Interstate Highway No. 35W, a distance of 290.00 feet to a point for corner of this tract;

THENCE South 23°14'39" West, continuing along the easterly line of said Gibbs 386.8295-acre tract and the westerly right of way line of said Interstate Highway No. 35W, a distance of 608.98 feet to the southeast corner of said Gibbs 386.8295-acre tract;

THENCE South 89°45'21" West, departing the westerly right of way line of said Interstate Highway No. 35W and along the southerly line of said Gibbs 386.8295-acre tract, a distance of 3373.63 feet to a point for corner of this tract;

THENCE South 0°05'00" West, continuing along the southerly line of said Gibbs 386.8295-acre tract, a distance of 187.50 feet to a point for corner of this tract;

THENCE South 89°26'14" West, continuing along the southerly line of said Gibbs 386.8295-acre tract, a distance of 2532.75 feet to the southwest corner of said Gibbs 386.8295-acre tract;

THENCE North 1°04'15" West, along the westerly line of said Gibbs 386.8295-acre tract, a distance of 900.53 feet to a point for corner of this tract;

THENCE North 0°22'11" West, continuing along the westerly line of said Gibbs 386.8295-acre tract, a distance of 411.92 feet to a point for corner of this tract;

THENCE North 0°09'33" West, continuing along the westerly line of said Gibbs 386.8295-acre tract, a distance of 1304.25 feet to the northwest corner of said Gibbs 386.8295-acre tract, same also being in Mulkey Lane;

THENCE North 89°45'31" East, along the northerly line of said Gibbs 386.8295-acre tract and with said Mulkey Lane, a distance of 1206.20 feet to a point for corner of this tract;

THENCE North 89°54'56" East, continuing along the northerly line of said Gibbs 386.8295-acre tract and with said Mulkey Lane, a distance of 1131.63 feet to a point for corner of this tract;

THENCE North 53°26'52" East, continuing along the northerly line of said Gibbs 386.8295-acre tract and with said Mulkey Lane, a distance of 257.30 feet to a point for a corner of this tract;

THENCE North 0°18'14" West, continuing along the northerly line of said Gibbs 386.8295-acre tract and with said Mulkey Lane, a distance of 214.39 feet to a point for corner of this tract;

THENCE North 89°51'24" East, continuing along the northerly line of said Gibbs 386.8295-acre tract and with said Mulkey Lane, a distance of 3794.19 feet to the **POINT OF BEGINNING** and containing 386.8295 acres of land, more or less.

EXHIBIT "B"
LEGAL DESCRIPTION FOR 635.498-ACRE TRACT OF LAND

TRACT 1

BEGINNING AT THE NORTHWEST CORNER OF THE TRACT BEING DESCRIBED HEREIN AT A 1/2-INCH IRON ROD FOUND IN THE SOUTH RIGHT-OF-WAY LINE OF F.M. 407 FOR THE NORTHEAST CORNER OF THAT CERTAIN CALLED 174.821 ACRE TRACT OF LAND DESCRIBED IN DEED TO J. YOUNG LAND & CATTLE, LTD., RECORDED IN DOCUMENT #10-108044, REAL PROPERTY RECORDS, DENTON COUNTY, TEXAS AND THE NORTHWEST CORNER OF SAID 460.6946 ACRE TRACT OF LAND, FROM WHICH A 1/2-INCH IRON ROD FOUND FOR THE NORTHWEST CORNER OF SAID 174.821 ACRE TRACT OF LAND BEARS SOUTH 89 DEGREES 55 MINUTES 02 SECONDS WEST, A DISTANCE OF 1346.79 FEET;

THENCE NORTH 89 DEGREES 45 MINUTES 28 SECONDS EAST, WITH THE SOUTH RIGHT-OF-WAY LINE OF SAID F.M. 407, A DISTANCE OF 3632.77 FEET TO A CAPPED IRON ROD SET FOR THE BEGINNING OF A CURVE TO THE RIGHT;

THENCE CONTINUING WITH SAID RIGHT-OF-WAY LINE AND WITH SAID CURVE TO THE RIGHT, AN ARC LENGTH OF 137.75 FEET, A RADIUS OF 5688.58 FEET, A CENTRAL ANGLE OF 01 DEGREES 23 MINUTES 15 SECONDS, AND A CHORD THAT BEARS SOUTH 89 DEGREES 32 MINUTES 55 SECONDS EAST, A DISTANCE OF 137.75 FEET TO A CAPPED IRON ROD SET FOR THE NORTHWEST CORNER OF THAT CERTAIN CALLED 79.459 ACRE TRACT OF LAND DESCRIBED IN DEED TO CORRAL CITY LAND, LLC, RECORDED IN DOCUMENT #14-61327, REAL PROPERTY RECORDS, DENTON COUNTY, TEXAS;

THENCE SOUTH 00 DEGREES 17 MINUTES 23 SECONDS EAST, A DISTANCE OF 5323.82 FEET TO A METAL FENCE POST FOUND FOR CORNER IN THE NORTH LINE OF THAT CERTAIN CALLED 386.8295 ACRE TRACT OF LAND DESCRIBED IN DEED TO HP GIBBS, LP., RECORDED IN DOCUMENT #12-145021, REAL PROPERTY RECORDS, DENTON COUNTY, TEXAS;

THENCE SOUTH 89 DEGREES 51 MINUTES 24 SECONDS WEST, A DISTANCE OF 3770.41 FEET TO A CAPPED IRON ROD SET IN THE EAST LINE OF SAID 174.821 ACRE TRACT OF LAND, FROM WHICH A 1/2-INCH IRON ROD FOUND FOR THE MOST EASTERLY SOUTHEAST CORNER THEREOF BEARS SOUTH 00 DEGREES 17 MINUTES 27 SECONDS EAST, A DISTANCE OF 210.49 FEET;

THENCE NORTH 00 DEGREES 17 MINUTES 27 SECONDS WEST, A DISTANCE OF 5318.97 FEET TO THE POINT OF BEGINNING AND CONTAINING 460.677 ACRES OF LAND, MORE OR LESS.

TRACT 2

ALL THAT CERTAIN TRACT OF LAND SITUATED IN THE ALEXANDER MCDONALD SURVEY, DENTON COUNTY, TEXAS, AND BEING A CALLED 174.821 ACRES OF LAND AS DESCRIBED IN A DEED FROM TNF REALTY, LP TO J. YOUNG LAND AND CATTLE, LTD., AS RECORDED IN COUNTY CLERK'S FILE NUMBER 10-108044, REAL PROPERTY RECORDS OF DENTON COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A BENT 1/2" IRON ROD FOUND FOR THE NORTHEAST CORNER OF SAID 174.821, AT THE NORTHWEST CORNER OF A CALLED 460.6945 ACRE TRACT OF LAND DESCRIBED IN A DEED TO J. YOUNG LAND & CATTLE, LTD, AS RECORDED IN COUNTY CLERK'S FILE NUMBER 03-203076, REAL PROPERTY RECORDS OF DENTON COUNTY, TEXAS, AND IN THE SOUTH RIGHT-OF-WAY LINE OF FM ROAD 407;

THENCE SOUTH 00 DEGREES 17 MINUTES 27 SECONDS EAST WITH THE EAST LINE OF SAID 174.821 ACRE TRACT AND THE EAST LINE OF SAID ALEXANDER MCDONALD SURVEY, A DISTANCE OF 5529.46 FEET TO A BENT 1/2" IRON ROD FOUND FOR THE MOST EASTERLY SOUTHEAST CORNER OF SAID 174.821 ACRE TRACT, AT THE MOST NORTHERLY NORTHWEST CORNER OF A CALLED 386.8295 ACRE TRACT DESCRIBED IN A DEED TO HP GIBBS LP, AS RECORDED IN COUNTY CLERK'S FILE NUMBER 12-145021, REAL PROPERTY RECORDS OF DENTON COUNTY, TEXAS, AND IN A GRAVEL ROAD UNDER APPARENT PUBLIC USE POSTED AS MULKEY LANE;

THENCE SOUTH 53 DEGREES 25 MINUTES 37 SECONDS WEST WITH SAID ROAD, A DISTANCE OF 257.13 FEET TO A BENT 1/2" IRON ROD FOUND FOR THE MOST SOUTHERLY SOUTHEAST CORNER OF SAID 174.821 ACRE TRACT, AND IN THE RECOGNIZED AND OCCUPIED SOUTH LINE OF SAID ALEXANDER MCDONALD SURVEY;

THENCE SOUTH 89 DEGREES 55 MINUTES 43 SECONDS WEST WITH THE SOUTH LINE THEREOF, THE SOUTH LINE OF SAID 174.821 ACRE TRACT, A NORTH LINE OF SAID 386.8295 ACRE TRACT, AND SAID ROAD, A DISTANCE OF 1131.86 FEET TO A PK NAIL SET FOR THE SOUTHWEST CORNER OF SAID 174.821 ACRE TRACT;

THENCE NORTH 00 DEGREES 22 MINUTES 05 SECONDS WEST WITH THE WEST LINE OF SAID 174.821 ACRE TRACT A DISTANCE OF 5682.18 FEET TO A CAPPED 1/2" IRON ROD SET FOR THE NORTHWEST CORNER OF SAID 174.821 ACRE TRACT, AT THE NORTHEAST CORNER OF A CALLED 161.333 ACRE TRACT OF LAND DESCRIBED IN A DEED TO THOMPSON GRAIN & CATTLE, INC. AS RECORDED IN COUNTY CLERK'S FILE NUMBER 03-128214, REAL PROPERTY RECORDS OF DENTON COUNTY, TEXAS, AND IN THE SAID RIGHT-OF-WAY LINE OF FM ROAD 407;

THENCE NORTH 89 DEGREES 55 MINUTES 02 SECONDS EAST WITH THE SAID RIGHT-OF-WAY AND THE NORTH LINE OF SAID 174.821 ACRE TRACT, A DISTANCE OF 1346.79 FEET TO THE POINT OF BEGINNING AND CONTAINING 174.821 ACRES OF LAND.

EXHIBIT "C"
LEGAL DESCRIPTION FOR 160.374-ACRE TRACT OF LAND

BEING a tract of land situated in the A. McDonald Survey, Abstract Number 785, Denton County, Texas, and being a portion of that tract of land conveyed to Thompson Grain & Cattle, Inc., according to the document filed of record in Document Number 2003-128214, Deed Records of Denton County, Texas, said tract being described as follows:

BEGINNING at a point in the south line of F.M. Highway 407 for the northwest corner of said Thompson tract and same being the **POINT OF BEGINNING** of the tract of land described herein;

THENCE with said south line the following five (5) courses and distances:

South 89°03'05" East, a distance of 410.80 feet to a point for a corner of this tract at the beginning of a tangent curve to the right having a central angle of 35°51'30", a radius of 279.62 feet, a chord bearing and distance of South 71°07'20" East, 172.16 feet;

With said curve to the right, an arc distance of 175.00 feet to a point for corner of this tract;

South 53°03'05" East, a distance of 4.80 feet to a point for a corner of this tract at the beginning of a non-tangent curve to the left having a central angle of 37°02'44", a radius of 749.75 feet, a chord bearing and distance of South 71°23'45" East, 476.36 feet;

With said curve to the left, an arc distance of 484.76 feet to a point for corner;

South 89°46'05" East, a distance of 192.70 feet to a point for corner of this tract;

THENCE South 0°23'05" East, a distance of 5432.30 feet to a point for corner of this tract;

THENCE South 82°35'23" West, a distance of 180.18 feet to a point for corner of this tract;

THENCE South 7°46'14" East, a distance of 199.92 feet to a point for corner of this tract;

THENCE South 89°27'58" West, a distance of 1058.48 feet to a point for corner of this tract;

THENCE North 0°28'05" West, a distance of 5881.70 feet to the **POINT OF BEGINNING** and containing 160.374 acres or 6,985,913 square feet of land, more or less.

Memo

To: Honorable Mayor and Town Council

From: Karen Bolyard, Finance Director & Eric Tamayo, Public Works Director

cc: Shirley Rogers, Town Secretary
Drew Corn, Town Administrator

Date: April 13, 2017

Re: Updating of Utility Processes

During the last Council meeting, the Council was briefed regarding changes that staff would like to make to the utility billing processes. The changes are necessary due to increased customer volume.

Staff recommends changing sections three and four of ordinance 99-1111B to update the way calculations are performed when preparing a bill for a defective meter and updating the utility billing processes for penalties and disconnection notices. In addition, staff recommends updating the fee schedule for a late penalty of 10% of the account balance instead of 5% of the account balance.

Instead of amending ordinance 99-1111B, our Town Attorney felt it would be advantageous to draft two new ordinances to amend chapter 12 of the code of ordinances and to amend the fee schedule to bring it up to date. This is simpler than listing all of the previous ordinances that contain water provisions as it amends the most current applicable provisions.

Section three of the drafted ordinance 17-0413 updates the process utilized to calculate bills when defective meters have been discovered. The outlined process brings clarity to staff and the customer.

Section four of ordinance 17-0413 updates the monthly billing processes to reflect changes that have occurred in subsequent ordinances of 99-1111B whereby late penalties are applied fifteen (15) days from the date of billing. In addition, section four changes the dates of when a disconnection notice is sent to a customer from forty-five (45) days to twenty-five (25) days after billing occurs. Disconnection for non-payment will occur if payment is not received within ten (10) days of the disconnection notice being sent.

If you have any questions or comments please contact Eric Tamayo at 940-242-5704 or myself at 940-242-5706.

ORDINANCE NO. 17-0413F

AN ORDINANCE AMENDING CODE OF ORDINANCES, TOWN OF NORTHLAKE, TEXAS; BY THE AMENDMENT OF CHAPTER 12 UTILITIES; AMENDING ARTICLE 12.02, "WATER AND SEWER SERVICE;" AMENDING THE METHOD FOR BILLING DEFECTIVE METERS; AMENDING THE PROCEDURE FOR THE PROVISION OF NOTICES OF DELINQUENCY; PROVIDING THAT THIS ORDINANCE IS CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Northlake, Texas is a Type A general law municipality located in Denton County, Texas created in accordance with the provisions of Chapter 6 of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the Town Council of the Town of Northlake heretofore adopted regulations regarding water and sewer service within the Town and providing a policy for handling delinquent and unpaid water and service accounts now located in Chapter 12 Utilities, Article 12.02 Water and Sewer Service, of the Code of Ordinances, Town of Northlake, Texas; and

WHEREAS, the Town Council has determined that the regulations governing defective meters and disconnection of service should be amended as set out herein; and

WHEREAS, the Town Council has reviewed the proposed amendments and hereby finds and determines that the amendments as set out herein are in the best interest of the Town of Northlake and promote the health and safety of the citizens of Northlake and the public at large.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NORTHLAKE, TEXAS:

SECTION 1

Chapter 12, Utilities, Article 12.02, Water and Sewer Service, is amended to read as follows:

"Article 12.02. Water and Sewer Service.

Sec. 12.02.001 Penalty.

Any person, firm, association of persons, corporation or other organization violating the provisions of this article shall be deemed to be guilty of a misdemeanor and, upon conviction, shall be fined in accordance with the general penalty provision found in section 1.01.009 of this code. Each day that a violation continues shall be deemed a separate offense.

Sec. 12.02.002 Cost Recovery Schedule.

The town cost recovery schedule for water and wastewater utilities activities shall be established in accordance with the charges and fees listed in the fee schedule found in Appendix A of this code.

Sec. 12.02.003 Defective Meters.

Ord. No. 17-0413F

If during any billing period, a meter stops or becomes defective, thereby failing to accurately register water consumption during that period, the following procedure will be followed in order to provide a reasonable and just billing.

- (a) The result of a calculation using the average of the most recent six months of consumption shall be used as the consumption amount for the billing period in question.
- (b) If the account in question has no billing history, a minimum billing (identified as an estimated bill) will be sent, and
 - 1. Consumption for the next three (3) consecutive months will be averaged;
 - 2. The original estimated bill will be adjusted so that the estimated bill equals the three (3) month average; and
 - 3. If the original estimated bill is less than the final adjusted averaged bill then the customer will be liable for the difference and if the original estimated bill is more than the adjusted averaged bill then the customer's utility account will receive a credit for the difference.

Sec. 12.02.004 Billing; delinquency; disconnection of service.

The meters of water customers shall be read monthly. Monthly billings for both water and sewer services shall be rendered promptly thereafter and shall become delinquent ten (10) days from the date of billing. If said charges are not paid on or before fifteen (15) days from date of billing, a service charge will be added to the bill. If said charges are not paid on or before twenty five (25) days from date of billing a disconnection notice will be mailed to the account holder. If payment in full is not received by the tenth (10) day of the disconnection notice being mailed, both water and sewer services shall be discontinued and neither such service shall be resumed until all said charges, plus the applicable reconnection charges for resumption of water service, are paid in full. If sewer-only service must be physically disconnected, the cost of labor and equipment plus thirty percent (30%) for resumption of service will be charged to the customer.

Utility bills and disconnection notices are mailed to the customer on or before the last day of each month. Failure to receive a bill or disconnection notice does not alleviate a customer from the liability of charges for services rendered, late penalties, reconnection fess, or any other water and sewer related charges.”

SECTION 2

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the Town of Northlake, and this ordinance shall not operate to repeal or affect the Code of Ordinances of the Town of Northlake or any other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such Code of Ordinances or any other ordinances are hereby repealed.

SECTION 3

It is hereby declared to be the intention of the Northlake Town Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court or competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since same would have been enacted by the Town Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 4

Any person, firm or corporation violating any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction, shall be fined in accordance with Section 1.01.009 of the Code of Ordinances of the Town of Northlake, Texas for each offense, and each and every violation or day such violation shall continue to exist, shall be deemed a separate offense.

SECTION 5

The Town Secretary is hereby directed to publish the caption, penalty clause, and effective date of this Ordinance as required by Section 52.011 of the Local Government Code.

SECTION 6

All rights and remedies of the Town of Northlake are expressly saved as to any and all violations of the provisions of the ordinances amended herein, which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 7

This ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the laws of the State of Texas.

PASSED AND APPROVED on this the 13th day of April, 2017.

Town of Northlake, Texas

Peter Dewing, Mayor

ATTEST:

Shirley Rogers, Town Secretary

ORDINANCE NO. 17-0413G

AN ORDINANCE AMENDING THE TOWN OF NORTHLAKE'S FEE SCHEDULE; APPENDIX "A" TO THE CODE OF ORDINANCES, TOWN OF NORTHLAKE, TEXAS; AMENDING ARTICLE A4.000 WATER AND SANITARY SEWER SERVICE FEES; PROVIDING THAT THIS ORDINANCE IS CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Northlake, Texas is a Type A general law municipality located in Denton County, Texas created in accordance with the provisions of Chapter 6 of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the Town has previously established and promulgated the Town of Northlake's Fee Schedule to include various fees to include, without limitation: Building and Construction Fees; Temporary Vending Fees; Business Related Fees; Cost Recovery Fee Schedule; Development Application Fees; Public Works/Engineering Fees; Health Related Fees; Overweight Vehicle Permit Fees; Miscellaneous Fees; Fire and Public Safety Related Fees; Animal Control Fees; and Municipal Court Fees; and

WHEREAS, the Town Council has determined that the fees outlined in the Fee Schedule related to cost recovery for water and sewer service should be updated to reflect the currently applicable fees; and

WHEREAS, the Town Council has reviewed the proposed amendments to the Fee Schedule and hereby finds and determines that the amendments as set out herein are in the best interest of the Town of Northlake and promote the health and safety of the citizens of Northlake and the public at large.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NORTHLAKE, TEXAS:

SECTION 1

Section A4.001(b), "Miscellaneous Fees," of Article A4.000, "Water and Sanitary Sewer Service Fees," of the Town of Northlake's Fee Schedule, Appendix A, "Fee Schedule" to the Code of Ordinances, Town of Northlake, Texas is hereby amended to read as follows:

"Sec. A4.001(b) Miscellaneous Fees.

- (1) Fire hydrant meter charges (all other uses): \$3,000 for deposit + \$100.00 per month rental + in-town commercial usage rate.
- (2) Failure to return fire hydrant meter for reading: \$250.00.
- (3) Water reconnect for nonpayment: \$125.00.
- (4) Water meter reread: One reread annually at no cost, then \$25.00 for each reread thereafter. Fee waived if mistake determined.
- (5) Late payment fee: 10% overdue balance per 15 days (\$10.00 min.)."

SECTION 2

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the Town of Northlake, and this ordinance shall not operate to repeal or affect the Code of Ordinances of the Town of Northlake or any other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such Code of Ordinances or any other ordinances are hereby repealed.

SECTION 3

It is hereby declared to be the intention of the Northlake Town Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court or competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance, since same would have been enacted by the Town Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 4

A person, firm, or corporation commits an offense if the person, firm, or corporation conducts an activity or commences a use for which the payment of a fee is required if the person, firm, or corporation has not paid the applicable fee. Any person, firm, or corporation who commits such an offense shall be guilty of a misdemeanor and upon conviction, shall be fined in accordance with Section 1.01.009 of the Code of Ordinances of the Town of Northlake, Texas for each offense, and each and every violation or day such violation shall continue to exist, shall be deemed a separate offense.

SECTION 5

The Town Secretary is hereby directed to publish the caption, penalty clause, and effective date of this Ordinance as required by Section 52.011 of the Local Government Code.

SECTION 6

All rights and remedies of the Town of Northlake are expressly saved as to any and all violations of the provisions of the ordinances amended herein, which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 7

This ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the laws of the State of Texas.

PASSED AND APPROVED on this the 13th day of April, 2017

Town of Northlake, Texas

Peter Dewing, Mayor

ATTEST:

Shirley Rogers, Town Secretary



**TOWN OF NORTHLAKE, TEXAS
RESOLUTION 17-9**

**A RESOLUTION NOMINATING ONE CANDIDATE TO A SLATE OF NOMINEES FOR THE
BOARD OF MANAGERS OF THE DENCO AREA 9-1-1 DISTRICT**

WHEREAS, Section 772, Health and Safety Code, provides that two voting members of the Board of Managers of an Emergency Communications District shall be appointed jointly by all cities and towns lying wholly or partly within the District;

**NOW, THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE
TOWN OF NORTHLAKE, TEXAS:**

Section 1

The Town of Northlake hereby nominates _____ as a candidate for the appointment to the Board of Managers for the Denco Area 9-1-1 District.

Section 2

That this resolution shall become effective immediately upon its passage and approval.

PASSED AND APPROVED this the 13th day of April, 2017

Peter Dewing, Mayor

ATTEST:

APPROVED AS TO FORM:

Shirley Rogers, Town Secretary

Ashley Dierker, Town Attorney



Denco Area 9-1-1 District

1075 Princeton Street • Lewisville, TX 75067 • Mailing: PO BOX 293058 • Lewisville, TX 75029-3058

Phone: 972-221-0911 • Fax: 972-420-0709

TO: Denco Area 9-1-1 District Participating Municipal Jurisdictions

FROM: Mark Payne, Executive Director *MP*

DATE: March 15, 2017

RE: Appointment to the Denco Area 9-1-1 District Board of Managers

Chapter 772, Texas Health and Safety Code, provides for the Denco Area 9-1-1 District Board of Managers to have "two members appointed jointly by all the participating municipalities located in whole or part of the district." The enclosed resolution, approved by the district's board of managers on March 10, 2016, describes the appointment process of a municipal representative to the Denco Board of Managers.

Each year on September 30th, the term of one of the two members appointed by participating municipalities expires. This year it is the term of Mayor Sue Tejml. Members are eligible for consecutive terms and Mayor Tejml has expressed her desire to serve another term.

In order to coordinate the appointment among 34 participating municipalities, the Denco requests the following actions by the governing bodies of each city/town:

1. **Immediate Action (Nominate):** If your city/town would like to nominate a candidate to represent the municipalities on the Denco Board of Managers, please send a letter of nomination, by way of council action, and résumé of the candidate to the Denco Area 9-1-1 District office. **For a nomination to be considered, written notification of council action must reach the Denco Area 9-1-1 District by 5:00 p.m. June 15, 2017.** No nominations shall be considered after that time.
2. **Future Action (Vote):** On June 16, 2017, Denco staff will send the slate of nominees to each city/town for consideration, requesting the city/town council vote by resolution for one of the nominees. Written notice of the council's selection must reach the Denco Area 9-1-1 District by 5:00 p.m. on September 15, 2017. No votes will be accepted after that time.
3. **Process Closure (Results):** The Denco Board of Managers and all municipal jurisdictions will be informed of the votes from responding cities/towns. The candidate with the most votes will be the municipalities' representative to the Denco Area 9-1-1 District Board of Managers for the two-year term beginning October 1, 2017.

Please send a copy of your council's official action and candidate résumé to the Denco Area 9-1-1 District, **P.O. Box 293058, Lewisville, TX 75029-3058** or to Andrea Zepeda at andrea.zepeda@denco.org. Denco staff will acknowledge receipt and sufficiency of the submitted documents. If that acknowledgement is not received within one (1) business day, or you have any other questions, please contact Ms. Zepeda at 972-221-0911. As a courtesy, Denco will provide notification of your council's action to the nominee.

A sample nomination resolution has been enclosed for your convenience. Thank you for your support of the Denco Area 9-1-1 District.

c: Denco Area 9-1-1 District Board of Managers

Enclosures

DENCO AREA 9-1-1 DISTRICT

RESOLUTION

**DEFINING PROCEDURE FOR APPOINTMENT OF PARTICIPATING
MUNICIPALITIES' REPRESENTATIVE TO THE DISTRICT BOARD OF MANAGERS**

WHEREAS, this resolution shall take the place of Resolution 1999.02.04.R01 by the same title; and

WHEREAS, Chapter 772, Texas Health and Safety Code provides for the Denco Area 9-1-1 District Board of Managers to have "two members appointed jointly by all the participating municipalities located in whole or part of the district."; and

WHEREAS, each member serves a term of two years beginning on October 1st of the year member is appointed; and

WHEREAS, one member representing participating municipalities is appointed each year.

NOW, THEREFORE BE IT RESOLVED BY THE DENCO AREA 9-1-1 DISTRICT BOARD OF MANAGERS:

The procedure for participating municipalities to appoint a representative to the Denco Area 9-1-1 District Board of Managers shall be the following:

1. **Nominate Candidate:** Prior to March 15th of each year, the executive director shall send a written notice to the mayor of each participating municipality advising that nominations are being accepted until June 15th of that same year, for one of the municipal representatives to the Denco Area 9-1-1 District Board of Managers. The notice shall advise the mayors that for a nomination to be considered, written notification of council action must be received at the Denco office prior to 5:00 p.m. on June 15th of that year. No nominations shall be considered after that time.
2. **Vote for Candidate:** On June 16th of each year, the executive director shall send written notice to the mayor of each participating municipality, providing the slate of nominees to be considered for appointment to the Denco Area 9-1-1 District Board of Managers for the term beginning October 1st. The notice shall advise the mayor that the city/town council shall vote, by resolution from such city/town, for one of the nominees. Written notice of the council's selection must be received at the district office by 5:00 p.m. on September 15th. No votes will be accepted after that time.
3. **Tally Votes:** The one nominee with the most votes received by the deadline will be the municipal representative appointed for the two-year term beginning October 1st.
4. **Tie Breaker:** If there is a tie between two candidates with the most votes, a runoff election will be held immediately with the candidate receiving the most votes serving the remainder of the term. The incumbent representative shall serve in that position until replaced.

APPROVED and ADOPTED on this 10th day of March 2016.


Chairman of the Board


Secretary of the Board



Executive Session

Agenda Item 8

Pursuant to Texas Government Code, annotated, Chapter 551 Subchapter D:

- a. Section 551.071 authorizes a governmental body to consult with its attorney in an executive session to seek his or her advice on a legal matter. It provides as follows: A governmental body may not conduct a private consultation with its attorney except:
 - 1) When the governmental body seeks the advice of its attorney about:
 - (a) Pending or contemplated litigation; or
 - (b) A settlement offer; or

Town of Northlake vs. City of Justin (Cause No. 15-08170-367)
- b. Section 551.087 authorizes a governmental body to convene into executive session to deliberate regarding economic development negotiations
 - 1) Property located in the Town or the Town's ETJ located at the northwest corner of Sam Reynolds Road and Boss Range Road