

ORDINANCE No. 2585

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, AMENDING PLANNED DEVELOPMENT-6 (PD-6), ORDINANCE No. 2363, ON 36.823 ACRES OF THE J. C. HALE SURVEY, ABSTRACT NO. 202, KAUFMAN COUNTY, TEXAS, AS CONVEYED TO TERRELL MARKET CENTER, LTD. RECORDED IN VOLUME 3294, PAGE 549, DEED RECORDS KAUFMAN COUNTY TEXAS; GENERALLY LOCATED AT THE SOUTHERN INTERSECTION OF FM 148 AND SPUR 557, AND BEING PART OF THAT 89.24 ACRE TRACT OF LAND CONVEYED TO CHARLIE RISINGER AND WIFE, DENA RISINGER AS RECORDED IN VOLUME 2665, PAGE 338, DEED OF RECORDS OF KAUFMAN COUNTY, TEXAS; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

ARTICLE I.

WHEREAS, the Planning and Zoning Commission of the City of Terrell, Texas, held a public hearing on October 22, 2013, on a request to amend Planned Development 6 (PD-6), Ordinance No. 2363, on 36.823 acres of the J. C. Hale Survey, Abstract No. 202, Kaufman County, Texas, generally located at the Southern intersection of FM 148 and Spur 557, and being part of that 89.24 acre tract of land conveyed to Charlie Risinger and wife, Dena Risinger as recorded in Volume 2665, Page 338, Deed of Records of Kaufman County, Texas and recommended approving a zone change on this property; and

WHEREAS, the City Council of the City of Terrell, Texas, held a public hearing on November 5, 2013, on a request to amend Planned Development 6 (PD-6), Ordinance No. 2363 on 36.823 acres of the J. C. Hale Survey, Abstract No. 202, Kaufman County, Texas, generally located at the Southern intersection of FM 148 and Spur 557, and being part of that 89.24 acre tract of land conveyed to Charlie Risinger and wife, Dena Risinger as recorded in Volume 2665, Page 338, Deed of Records of Kaufman County, Texas; and

WHEREAS, the City Council has determined that all notice requirements have been given in compliance with the laws and ordinances of the City of Terrell; and

WHEREAS, the City Council of the City of Terrell, Texas, has determined that it would be in the best interest of the citizens of Terrell to amend Planned Development 6 (PD-6), Ordinance No. 2363, on 36.823 acres of the J. C. Hale Survey, Abstract No. 202, Kaufman County, Texas, generally located at the Southern intersection of FM 148 and Spur 557, and being part of that 89.24 acre tract of land conveyed to Charlie Risinger and wife, Dena Risinger as recorded in Volume 2665, Page 338, Deed of Records of Kaufman County, Texas.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Terrell, Texas:

THAT Planned Development 6 (PD-6), Ordinance No. 2363, be and is hereby amended by Ordinance Number 2585 Planned Development 6R (PD-6R) on that certain 36.823 acre tract of land conveyed to Terrell Market Center, Ltd. recorded in Volume 3294, Page 549, D.R.K.C.T. out of the J. C. Hale Survey, Abstract No. 202, Kaufman County, Texas, generally located at the Southern intersection of FM 148 and Spur 557, and being part of that 89.24 acre tract of land conveyed to Charlie Risinger and wife, Dena Risinger as recorded in Volume 2665, Page 338, Deed of Records of Kaufman County, Texas.

ARTICLE II

All ordinances or part of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

ARTICLE III

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases 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 of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

ARTICLE IV

This Ordinance will take effect immediately from and after its passage and the publication of the caption, as the law in such case provides.

PASSED AND APPROVED this the 5th day of November, 2013.

PASSED AND ADOPTED this the 19th day of November, 2013.

APPROVED:

Hal Richards, Mayor

ATTEST:

John Rounsavall, City Secretary

APPROVED AS TO FORM:

Mary Gayle Ramsey, City Attorney

EXHIBIT A
PLANNED DEVELOPMENT DISTRICT (PD-6R)
TERRELL MARKET CENTER
TERRELL, TEXAS

I. Applicability

- a. The planned development district created herein shall apply to and govern the development of the tract(s) of land described on Exhibit B.
- b. Solely for purposes of establishing conformity with the Comprehensive Site Plan and the right to sell beer and wine, the base zoning of this Planned Development shall be Highway Corridor District (HC) as outlined in the City of Terrell Zoning Ordinance as adopted or amended. All criteria of this Planned Development shall supersede all criteria of the Highway Corridor District and any topic regulated by the Highway Corridor District not expressly defined in this Planned Development shall not be deemed applicable to the tract(s) of land described on Exhibit B. If there is a conflict then the regulations of this district shall apply in all cases. Approval of the Planned Development and Comprehensive Site Plan shall be deemed as conformance with the Zoning Ordinance and any and all Highway Corridor District requirements.

II. Submittals Required

- a. Comprehensive Site Plan (Exhibit F) – a comprehensive site plan shall be submitted in accordance with the requirements of the City of Terrell Zoning Ordinance as adopted or amended. The comprehensive site plan shall be for the entire area of land contained within the planned development district. Development of individual pad sites within the Planned Development shall be through the submittal of Construction Plats with accompanying site plans and civil engineering, which shall be subject to review and approval by the City Council. Approval of the Construction Plat by the City Council shall be considered to be verification that the Construction Plat is in substantial conformance with the approved Planned Development Comprehensive Site Plan referenced herein.
- b. An amendment to the Comprehensive Site Plan shall be processed and approved as an amendment to the PD Ordinance. Following approval of the Comprehensive Site Plan or amendments thereto, development applications, including construction plats and site plans, shall be in substantial conformance with the approved Comprehensive Site Plan.

III. Uses Permitted

- a. Uses allowed in the planned development district shall be those shown on Exhibit C. Any use not specifically listed herein is hereby prohibited unless such request for an unlisted use is submitted to the City Council for approval as an amendment to this ordinance.

IV. Development Standards

- a. Height, Area and Yard Regulations
 - i. Maximum building height shall not exceed 100 feet except for special architectural features which may not exceed 120 feet in height. Maximum number of stories is 8.
 - ii. Minimum lot area shall not be less than 5,000 square feet except for approved kiosks and ATM buildings.
 - iii. Minimum lot width shall be 50 feet.
 - iv. Minimum lot depth shall be 100 feet. There shall be no maximum lot depth.
 - v. Minimum front setback shall be 25 feet from street right-of-way line. Where property has frontage on more than one street, one street frontage may be treated as a side boundary.
 - vi. Minimum side and rear setbacks shall be 15 feet from street right-of-way line or boundary line of the planned development.
 - vii. There shall be no minimum interior side setback as long as fire separation standards are met.
 - viii. Lot coverage by buildings shall not exceed 60%.
 - ix. Maximum lot coverage by impervious surfaces is 90%.
 - x. Maximum FAR is 1:1 except for non-retail uses or mixed uses.
 - xi. There is no maximum building size as long as fire standards and other site requirements, such as parking and landscaping, are met.
- b. Minimum Exterior Construction Standards, Building Materials and Design
 - The objective is to obtain compatibility and quality in architectural design to protect and enhance value of the development and each building site. Attention should be given to the compatible treatment of all exterior surfaces.

The developer shall maintain an architectural control committee to help insure compatibility and quality within the development. Minimum exterior construction standards shall be in accordance with City of Terrell Ordinance 2266 as adopted or amended.

- i. There shall be a compatible architectural framework in which individual tenant character may be expressed. All buildings including parking structures shall be finished on all sides in a compatible architectural concept and shall not detract from adjacent property.
- ii. Ancillary support structures are to be of similar style, design, color, and material as that used for principal structures.
- iii. Building materials for architectural design features shall be of permanent, lasting quality such as masonry, stone, E.I.F.S., GFRC, precast concrete, cast stone, tile, stucco, cast iron, glass, wood (or synthetic wood products), etc. For buildings greater than or equal to 10,000 sq. ft., a minimum of 5% of the front façade shall be stone comparable to natural quarried Lueders. For buildings less than 10,000 sq. ft., a minimum of 10% of the front façade shall be stone comparable to natural quarried Lueders. No artificial stone will be allowed as a substitute for this requirement except on the real property described on Exhibit B-1 attached hereto, on which manufactured stone shall be an expressly permitted building material.
- iv. Color schemes shall reflect a certain quality and expression consistent with the architectural character and design of the structure. Accent colors may be used to identify architectural features or highlight details. The use of primary or garish colors shall not be predominately used on the exterior facade of any structure. This shall not be intended to prevent or exclude a national or regional retailer from using their prototypes.
- v. Stand fans, skylights, cooling towers, communication towers, satellite dishes, vents, and any other structures or equipment, whether located on the roof or elsewhere, shall be architecturally compatible or effectively shielded from view from any public or private dedicated street by an architecturally sound method.
- vi. Each commercial building, complex of buildings, or separate commercial business enterprises shall have a trash bin on the premises adequate to handle the trash and waste items generated, manufactured, or acquired thereon by such commercial activities. The sorting, handling, moving, storing, removing and disposing of all waste materials must be housed or screened from public view.

- vii. Building roofs shall be so designed and constructed to prevent water ponding and to shed water in a reasonable amount of time. Built-up roofs and roof-top items which include equipment, piping, flashing, and other items shall be maintained for continuity of the roof appearance.
 - viii. Roof top equipment, piping, flashing, and other items on the roof shall be screened by a perimeter parapet wall extending taller than the tallest piece of roof equipment, so as not to be visible from roadways.
 - ix. In all cases, mechanical equipment on roofs and outcroppings should be clad by a like building material or painted with a color scheme similar to the principal structure walls or roof.
- c. Service, Loading and Storage - Loading dock areas, storage areas, storage tanks, trash containers and maintenance facilities, that are located between the face of the building and a property line fronting on a public street shall either be housed in closed buildings or shall, with the exception of driveway ingress/egress points, be screened from view from public roadways by the use of screening walls, parapet walls, living screens and berms or a combination thereof.
- d. Site Lighting
- i. Lighting should be provided for vehicular, pedestrian, signage, architectural and site features.
 - ii. Site lighting fixtures used along entrance driveways and parking areas shall be uniform and a consistent design within each platted Block of the development. Lighting standards for illuminating these areas shall be no taller than 60 ft. high.
 - iii. The pattern of light pooling from each fixture shall be carefully considered to provide smooth, even lighting of driveways and parking, while eliminating undesirable glare or light intrusion into adjacent property outside of the planned development district. Parking areas shall have a minimum average of 2-foot candle on a maintained basis. Light sources shall be metal halide, LED, mercury vapor or of similar color. Yellow/orange source lights are prohibited from use. Incandescent source lighting should be considered for pedestrian areas and near buildings.
 - iv. Pedestrian walkways, courts, gardens and entrance areas shall be illuminated to enhance the pedestrian qualities of the development. Low level fixtures should complement the architectural design and

focus on quality landscape lighting that will enhance the development.

- v. General illumination shall commence one half hour before sunset and last until the Building Site is closed for the evening. Parking structures and pedestrian walkways shall be illuminated during all hours of darkness and when poor weather conditions warrant.
- vi. Notwithstanding anything contained herein to the contrary, a regional or national retail business shall be permitted to use its standard project lighting, insofar as it complies with federally mandated energy codes. The lighting and fixture plan set forth on Exhibit D attached hereto shall be deemed to be in full compliance with Section 40, Lighting and Glare Standards of the City of Terrell Zoning Ordinance as adopted or amended.

e. Signage and Graphics

i. General

- 1. Monument, pylon and pole sign locations shall be approved as shown on the comprehensive site plan.
- 2. The number of signs allowed within the development shall be as follows:
 - a. Monument signs - Along IH 20 and FM 148 a monument sign shall be allowed at each driveway and/or on each lot.
 - b. Pylon signs – Along IH 20, 4 pylon signs shall be allowed. Along FM 148, 4 pylon signs shall be allowed. Along Spur 557, 3 pylon signs shall be allowed.
 - c. Pole signs – Along IH 20, 1 pole sign shall be allowed. Along Spur 557, 1 pole sign shall be allowed.

ii. Monument Signs

- 1. Monument signs shall identify individual tenants or uses within a tract or lot. Monument signs shall be a maximum of twelve (12) feet tall. The face area of a monument sign shall not exceed 150 square feet per face excluding the sign

base. The base area may not exceed seventy-five (75) square feet per side.

2. Monument signs shall be illuminated by means of either ground mounted flood lighting or internal letter illumination either face lit or reverse channel lit. Light fixtures should be screened from view in front of the sign.
3. Monument signs shall be located at a set back distance of not less than five (5) feet from the right-of-way line of any adjacent street and incorporated within the landscaping area or buffer.
4. Construction of monument signs shall include a base of material compatible with the material used for buildings.

iii. Pylon Signs

1. Along IH 20, pylon signs shall be constructed at a height not to exceed fifty (50') feet. Along FM 148, pylon signs shall be constructed at a height not to exceed thirty (30') feet. Along Spur 557, pylon signs shall be constructed at a height not to exceed thirty (30') feet. The face area of a pylon sign shall not exceed 300 square feet per face excluding the sign base. The base area for a pylon sign shall not exceed 100 square feet per face area.
2. The base of a pylon sign shall be located at a set back distance of not less than five (5') feet from the right-of-way line of any adjacent street and may be incorporated within the landscaping area or buffer.
3. Pylon signs shall be illuminated by means of internal illuminated letters or back lit channel letters. Letter sizes and logo shall not exceed the bounds of the sign faces as limited above.
4. Construction of pylon signs shall include a base of material compatible with the material used for buildings.

iv. Pole Signs

1. Along IH 20, pole signs shall be constructed at a height not to exceed one hundred (100') feet. Along Spur 557, pole signs shall be constructed at a height not to exceed one hundred (100') feet.

2. No portion of a pole sign shall be located less than five (5') feet from the right-of-way line of any adjacent street and may be incorporated within the landscaping area or buffer.
3. The pole sign depicted on Exhibit E attached hereto is expressly permitted hereunder.

v. Tenant Exterior Signage

1. Each tenant shall be allowed primary identification signs on the exterior of the premises as follows:
 - a. Inline tenant - one (1) sign
 - b. End cap tenant – two (2) signs
 - c. Freestanding tenant- three (3) signs
2. Secondary message signs shall be allowed.
3. Rotating, box, can (individual lighted channel letters are permissible), flashing, noise making, odor producing, or back-lit canopy signs shall not be permitted.
4. All materials and components used in the manufacture and installation of tenant's sign shall be new stock, free from defects that impair strength, durability and appearance. All signage material shall be of non-corrosive material or treated to be non-corrosive.
5. Signs of individual tenants with rentable space equal to or in excess of 15,000 sq. ft. shall have a maximum height of letters of 8 feet.
6. Signs for tenants of less than 15,000 sq. ft. but equal to or in excess of 2,500 sq. ft. shall have a maximum height of letters of 60 inches.
7. Signs for tenants of less than 2,500 sq. ft. shall have a maximum height of letters of 36 inches.
8. The maximum overall length of any tenant's installed storefront sign shall not exceed 75% of the storefront width. If the tenant's fascia length is less than the storefront width, such as at the comers, then the tenant's maximum sign length shall be the lesser of (a) 90% of the allotted space or (b) 75% of the storefront width. No portable signs

shall be placed by any tenant on the exterior of the premises.

9. Tenants shall be allowed to place the store address numerals on the front of the storefront using 3" high white vinyl numbers in the Helvetica Medium typeface. These numbers shall be mounted on the exterior storefront glass as directed by the U.S. Postal Service.
10. Store logo or name (maximum 3" high) may be used on glass or a graphic band to identify glass with maximum height being 36" from the floor.
11. For multi-tenant buildings, tenants shall be required to place the name of the business on the rear service door(s) in letters which shall be 3" high. For single occupant buildings, occupants shall be required to place either the name of the business or the 911 address on the rear service door(s) in letters which shall be 3" high.
12. No banners, posters, flyers or advertising material of any kind shall be permitted to be mounted on the exterior glass or upon any exterior wall surface or structure, except as provided below. Notwithstanding the above, if the tenant opens later than 30 days after the "Grand Opening" of the center, tenant shall be allowed one "Grand Opening" banner, limited in size to 50 sq. ft. Tenant shall have a permit for such banner if required by code.
13. Notwithstanding anything contained herein to the contrary, a regional or national retail business shall be expressly permitted to use its standard project signage provided that it is in scale with the space occupied and surrounding building and signs. (For example, a 50,000 square foot building on-site would be required to utilize signs of a size typical for its buildings of +/- 50,000 square feet elsewhere or, alternatively, of a size typical for other buildings of +/- 50,000 within the PD.)
14. Any proposed sign not in compliance with these standards may only be approved by an appeal to the City of Terrell Board of Adjustment.

f. Parking and driveways

- i. Fire lanes, driveway, loading areas and access easements shall be paved in accordance with the minimum design standards of the City of Terrell codes and ordinances in effect at the time of adoption of this planned development. Requests for areas to be paved with asphalt in lieu of concrete shall be submitted to the City on a case by case basis for review and approval.
- ii. Required parking may be located anywhere on a lot or parcel on which the main structure is located. Required parking may also be located on an adjacent tract, lot or parcel within the planned development district provided a parking easement is shown on the plat for such tract, lot or parcel.
- iii. The number of required parking spaces shall be dependent upon the use and shall meet the requirements of the City of Terrell ordinances in effect at the time of adoption of this Planned Development district
- iv. No required parking space may be occupied by signs, cart corrals, merchandise, or display items at any time.

V. Landscape Standards

a. General – The overall objective of the landscape standards is to:

- i. Enhance the overall development site.
- ii. Provide a level of unity along the perimeter of the development and along roadways.
- iii. Reinforce views into/out of the property.
- iv. Identify and define site entrances and on-site traffic circulation aisles.
- v. Minimize views to parking, service and loading areas.

b. Landscape edge

- i. A ten (10') feet wide landscaping edge shall be required along all public street frontages.
- ii. Within the landscaped edge, one (1) shade tree (3" caliper minimum) or an approved ornamental tree shall be planted per 500 square feet of landscaped edge. Trees may be planted in groupings to protect sight lines to buildings. The number of required trees shall be calculated solely on the area of the required landscaped edge.

- c. Parking lots
 - i. Landscape within parking lots should provide shade, while breaking up large expanses of paving.
 - 1. There shall be eight (8) square feet of interior landscaping for each parking space (180 square feet). These landscaping areas within the parking lot may be grouped.
 - 2. There shall be one (1) shade tree (3" caliper minimum) or an approved ornamental tree for every 25 parking spaces. Trees may be placed anywhere within the parking lot and may be grouped within the landscape areas.
 - 3. All landscaped areas shall be protected by a raised six (6) inch concrete curb.
 - ii. Surface parking areas must be screened from public streets and adjacent building sites outside of the PD by the use of plantings and/or berms or a combination thereof to minimize views of automobiles below their hood lines.
 - 1. Where parking lots abut the landscape edge ten (10) shrubs (5 gallon minimum) shall be planted per 500 square feet of landscaped edge. The number of required shrubs shall be calculated solely on the area of the required landscaped edge.
 - 2. A berm may be placed within the landscaped edge in lieu of the required shrubs or in combination with shrubs. The berm may not be longer than one-half the length of the landscaped edge. The berm must be not less than 24 inches in height above the average grade of the parking lot curbs. The slope of the berm shall not exceed a 3 to 1 grade.
 - 3. If the parking lot is located 25 feet or more from the street right-of-way line, no shrubs or berms will be required.
- d. All plantings (landscape plans) shall be approved by the City of Terrell as part of the construction documents submitted with the permit application for each phase or lot development.
- e. Not less than 10% of the area within the planned development shall be developed and maintained as open space. Open space includes quality areas used for walks, plazas, courts, water features, and other similar

features which are not specifically designed for vehicular access or parking. The open space requirement is cumulative for the planned development and open space may be aggregated on lots or parcels anywhere within the overall development.

- f. For any corner lot at the intersection of two public streets, a minimum landscaped area of 600 square feet shall be located at the street intersection corner of the lot. This landscaped area shall be provided within an area measured a minimum distance of 40 feet from the projected corner of the intersection on both sides of the lot.
- g. A conventional automatic or manual underground irrigation system with freeze and moisture sensors must be used to ensure adequate watering of the plant materials in landscaped areas. No irrigation shall be required for undisturbed natural areas or undisturbed future development areas unless needed to establish turf or ground cover to prevent or mitigate erosion.

ATTACHMENTS:

EXHIBIT A – PLANNED DEVELOPMENT (PD-6R) REGULATIONS

EXHIBIT B – LEGAL DESCRIPTION – ENTIRE PD

EXHIBIT B-1 – LEGAL DESCRIPTION – TRACT 2 ONLY

EXHIBIT C – PERMITTED USES

EXHIBIT D – LIGHTING PLAN

EXHIBIT E – POLE SIGN DETAIL

EXHIBIT F – COMPREHENSIVE SITE PLAN

EXHIBIT B

BEING all that tract of land in the City of Terrell, Kaufman County, Texas, a part of the John C. Hale Survey, Abstract No. 202, and being a part of that 89.24 acre tract of land conveyed to Charlie Risinger and wife, Dena Risinger as recorded in Volume 2665, Page 338, Kaufman County Deed Records, and being further described as follows: Note: the 36.823 acre tract is now deeded to Terrell Market Center, Ltd. recorded in Volume 3294, Page 549, D.R.K.C.T.

BEGINNING at a concrete monument found at the northwest corner of said 89.24 acre tract of land, said point being the intersection of the southwest line of Spur Highway No. 557 (a variable width right-of-way) with the southeast line of Farm-to-Market Highway No. 148 (a variable width right-of-way);

THENCE along the southwest line of Spur Highway No. 557 as follows:

South 67 degrees 38 minutes 45 seconds East, 190.22 feet to a concrete monument found for corner;

North 71 degrees 26 minutes 01 seconds East, 428.40 feet to a one-half inch iron rod set for corner;

South 85 degrees 21 minutes 46 seconds East, 139.42 feet to a one-half inch iron rod set for corner;

THENCE South 04 degrees 12 minutes 08 seconds West, 1402.87 feet to a one-half inch iron rod set for corner in the north line of Interstate Highway No. 20 (a variable width right-of-way);

THENCE along the north line of said Interstate Highway No. 20 as follows:

North 85 degrees 47 minutes 52 seconds West, 459.15 feet to a concrete monument found for corner;

North 85 degrees 17 minutes 14 seconds West, 590.62 feet to a concrete monument found for corner;

North 76 degrees 27 minutes 41 seconds West, 186.23 feet to a steel post found for corner;

North 75 degrees 01 minutes 29 seconds West, 252.57 feet to a concrete monument found for corner;

North 88 degrees 44 minutes 18 seconds West, 213.10 feet to a concrete monument found for corner;

North 32 degrees 55 minutes 22 seconds West, 23.08 feet to a concrete monument found at the intersection of the north line of Interstate Highway No. 20 with the southeast line of Farm-to-Market Highway No. 148;

THENCE along the southeast line of said Farm-to-Market Highway No. 148 as follows:

North 43 degrees 01 minutes 13 seconds East, 683.77 feet to a concrete monument found for corner;

North 44 degrees 07 minutes 59 seconds East, 879.60 feet to the POINT OF BEGINNING and containing 1,604,018 square feet or 36.823 acres of land.

EXHIBIT B-1

BEING A 19.515 ACRE TRACT OF LAND OUT OF A CALLED 36.823 ACRE TRACT OF LAND SITUATED IN THE JOHN C. HALE SURVEY, ABSTRACT NO. 202, KAUFMAN COUNTY, TEXAS, AS CONVEYED TO TERRELL MARKET CENTER, LTD. BY DEED, AND RECORDED IN VOLUME 3294, PAGE 549, OF THE DEED RECORDS OF KAUFMAN COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a concrete monument found at the southwest corner of said 36.823 acre tract, same being at a corner clip at the intersection of the north line of Interstate 20, a variable width public right of way, with the southeast line of F.M. Road 148, a variable width public right of way;

THENCE North 43°01'13" East, along and with the west line of said 36.823 acre tract and the common southeast line of said F.M. Road 148, for a distance of **683.77 feet** to a 1/2 inch iron rod with cap set;

THENCE North 44°07'59" East, continuing along and with the west line of said 36.823 acre tract and the common southeast line of said F.M. Road 148, for a distance of **51.55 feet**, to a 1/2 inch iron rod with cap set for the northwest corner of the herein described tract of land, same being the beginning of a non-tangent curve to the left;

THENCE over and across said 36.823 acre tract in a southeasterly direction **317.49 feet** along the arc of said curve to the left, having a radius of **495.13 feet**, a central angle of **36°44'23"**, and a chord which bears **South 67°36'46" East**, a distance of **312.08 feet** to a 1/2 inch iron rod with cap set for corner;

THENCE South 85°47'25" East, continuing over and across said 36.823 acre tract, for a distance of **950.17 feet**, to a 1/2 inch iron rod with cap set in the east line of said 36.823 acre tract and the common west line of a tract of land as conveyed unto Baylor Health Care Systems by Terrell Market Center, Ltd., by deed recorded in Volume 3294, Page 554, of the Deed Records of Kaufman County, Texas, for the northeast corner of the herein described tract of land;

THENCE South 04°12'08" West, along and with the east line of said 36.823 acre tract and the west line of said Baylor Health Care Systems tract, for a distance of **564.92 feet**, to a 1/2 inch iron rod found in the north line of said aforesaid Interstate 20, for the southeast corner of said 36.823 acre tract and the southeast corner of the herein described tract of land;

THENCE North 85°47'52" West, along and with the south line of said 36.823 acre tract and the north line of said Interstate 20, for a distance of **459.15 feet**, to a concrete monument found for corner;

THENCE North 85°17'14" West, continuing along and with the south line of said 36.823 acre tract and the north line of said Interstate 20, for a distance of **590.62 feet**, to a concrete monument found for corner;

THENCE North 76°27'41" West, continuing along and with the south line of said 36.823 acre tract and the north line of said Interstate 20, for a distance of **186.23 feet**, to a 1/2 inch iron rod with cap set for corner;

THENCE North 75°01'29" West, continuing along and with the south line of said 36.823 acre tract and the north line of said Interstate 20, for a distance of **252.57 feet**, to a concrete monument found for corner;

THENCE North 88°44'18" West, continuing along and with the south line of said 36.823 acre tract and the north line of said Interstate 20, for a distance of **213.10 feet**, to a concrete monument found for corner;

THENCE North 32°55'22" West, continuing along and with the south line of said 36.823 acre tract and the north line of said Interstate 20, for a distance of **23.08 feet** to the **POINT of BEGINNING** and **CONTAINING 19.515 ACRES** or **850,090 SQUARE FEET OF LAND**, more or less.

EXHIBIT C

PERMITTED USES

Agricultural Uses

Greenhouse
Hay, Grain, and/or Feed Sales

Residential Uses

Townhouse or Multi-Family (Apartments) are allowed as units above ground level retail and office storefronts

Office Uses

Armed Services Recruiting Center
Check Cashing Service
Credit Agency
Insurance Agency Offices
Offices (Brokerage Services)
Offices (Health Services)
Offices (Legal Services)
Offices (Medical Office)
Offices (Professional)
Offices (Parole-Probation)
Real Estate Offices)
Telemarketing Agency
Bank
Savings and Loan
Security Monitoring Company (No Outside Storage)

Personal and Business Service Uses

Appliance Repair
Ambulance Service (Private)
Automobile Driving School (including Defensive Driving)
Automatic Teller Machines (ATM's)
Barber/Beauty Shop/College (barber or cosmetology school or college)
Barber/Beauty Shop (non-college)
Communication Equipment Sales/Service (Installation and/or Repair - No outdoor sales or storage or towers/antennae)
Computer Sales
Credit Unions
Dance/Drama/Music Schools (Performing Arts)
Extended Stay Hotels/Motels (residence hotels)
Exterminator Service (No outdoor sales or storage)
Financial Service (Advice/Invest)

Hotel/Motel
Conference/Convention Center
Martial Arts School/Dance Studio
Kiosk (Providing a service)
Laundry/Dry Cleaning (Drop off/Pick up)
Locksmith
Mini-Warehouse/Self Storage
Photo Studio
Photocopying/Duplicating
Shoe Repair
Studio for Radio or Television
Tailor Shop
Tool Rental (Indoor storage only)
Tool Rental (with outdoor storage)
Travel Agency

Retail Uses

Alcoholic Beverage Retail Sales
All-Terrain Vehicle (go-carts) Dealer/Sales
Antique Shop (including outside storage)
Art Dealer/Gallery
Auto Dealer (New – Auto servicing and used auto sales as accessory uses only)
Auto Dealer, used auto sales
Auto Supply store for new & rebuilt parts
Bakery
Bike Sales and/or Repair
Book Store
Building Material Sales
Cabinet Shop (Manufacturing)
Cafeteria
Confectionery Store (Retail)
Consignment Shop
Convenience Store (with or without vehicular fuel sales)
Department Store
Drapery Shop/Blind Shop
Florist
Food or Grocery Store
Furniture Sales (indoor)
Garden Shop (inside and outside)
Handicraft Shop
Hardware Store
Home Improvement Center
Itinerant Vendor/Vending
Lawnmower Sales and/or Repair
Major Appliance Sales/Rental (indoor)
Needlework Shop
Package Liquor Sales (only insofar as Package Liquor Sales are allowed geographically
under other City Ordinances and State of Texas requirements)

Personal Watercraft Sales (New/Repair)
Pet Shop/Supplies/Grooming
Pharmacy
Plant Nursery (retail sales/outdoor storage)
Recycling Kiosk
Restaurant
Restaurant (Drive-in)
Retail Store (Miscellaneous)
Security Systems Installation Company
Temporary Outdoor Retail Sales/Commercial Promotion
Upholstery Shop (non-auto)
Used Merchandise/Furniture Store
Vacuum Cleaner Sales and Repair
Veterinarian (indoor kennels)
Woodworking Shop (ornamental)

Transportation and Automotive Uses

Amusement Devices/Arcade (four or more devices, indoors only)
Auto Accessories
Auto Body Repair
Auto Leasing and Rental
Auto Glass Repair/Tinting
Auto Interior Shop/Upholstery
Auto Muffler Shop
Auto Paint Shop
Auto Parts Sales (indoors only, no repair bays)
Auto Repair (Major)
Auto Repair (Minor)
Auto Tire Repair/Sales (indoor)
Car Wash (self service; automated)
Full Service Car Wash (Detail Shop)
Gasoline Service Station (selling vehicular fuels including, but not limited to, gasoline)
 which does not promote the servicing or fueling of 18 wheel or similar
 vehicles (excepting those 18 wheel or similar vehicles delivering merchandise,
 supplies and/or fuel to the business)
Limousine/Taxi Service
Public Garage/Parking Structure
Quick Lube/Oil Change/Minor Inspection
Tire Sales
Truck Rental

Amusement and Recreational Uses

Amusement, Commercial (indoors)
Amusement, Commercial (outdoors)
Bingo Facility
Bowling Center
Broadcast Station (with tower)

Day Camp
Dinner Theatre
Driving Range
Earth Satellite Dish (private, less than 3' in diameter)
Exhibition Hall
Golf Course (miniature)
Golf Course (private)
Golf Course (Public)
Health Club (physical fitness; indoor only)
Motion Picture Theater (indoors)
Motion Picture Studio, commercial film
Museum (indoors only)
Park and/or Playground (private)
Park and/or Playground (public; municipal)
Travel Trailers/RVs (short-term stays)
Travel Trailers/RVs (long-term stays)
Rodeo Grounds
Skating Rink
Swimming Pool (private; membership)
Swimming Pool (public; municipal)
Tennis Court (private/lighted)
Tennis Court (private/not lighted)

Institutional/Governmental Uses

Antenna (non-commercial) – co-located on roof tops only – no freestanding towers
Antenna (Commercial) – co-located on roof tops only – no freestanding towers
Assisted Living Facility
Broadcast Towers (commercial) – co-located on roof tops only – no freestanding towers
Cellular Communications Tower/PCS co-located on roof tops only – no freestanding towers
Child Day Care (business)
Church/Place of Worship
Civic Club
Clinic (medical)
Community Center (municipal)
Electrical Substation
Electrical Transmission Line
Emergency Care Clinic
Fire Station
Franchised Private Utility (not listed)
Fraternal Organization
Gas Transmission Line (regulating station)
Governmental Building or Use (County, State or Federal)
Group Day Care Home
Heliport
Helistop
Hospice
Hospital (acute care/chronic care)

Library (public)
Mailing Service (private)
Maternity Homes
Municipal Facility or Use
Non-Profit Activities by Church (in furtherance of church/religious purposes)
Nursing/Convalescent Home
Philanthropic Organization
Phone Exchange/Switching Station
Police Station
Post Office (governmental)
Radio/Television Tower (commercial) - co-located on roof tops only – no freestanding towers
Rectory/Parsonage
Retirement Home/Home for the Aged
School, K through 12 (private)
School, K through 12 (public)
Utility Distribution Line
Water Supply Facility (private)
Water Supply Facility (public; includes elevated water storage)
Water/Wastewater Treatment Plant (public)

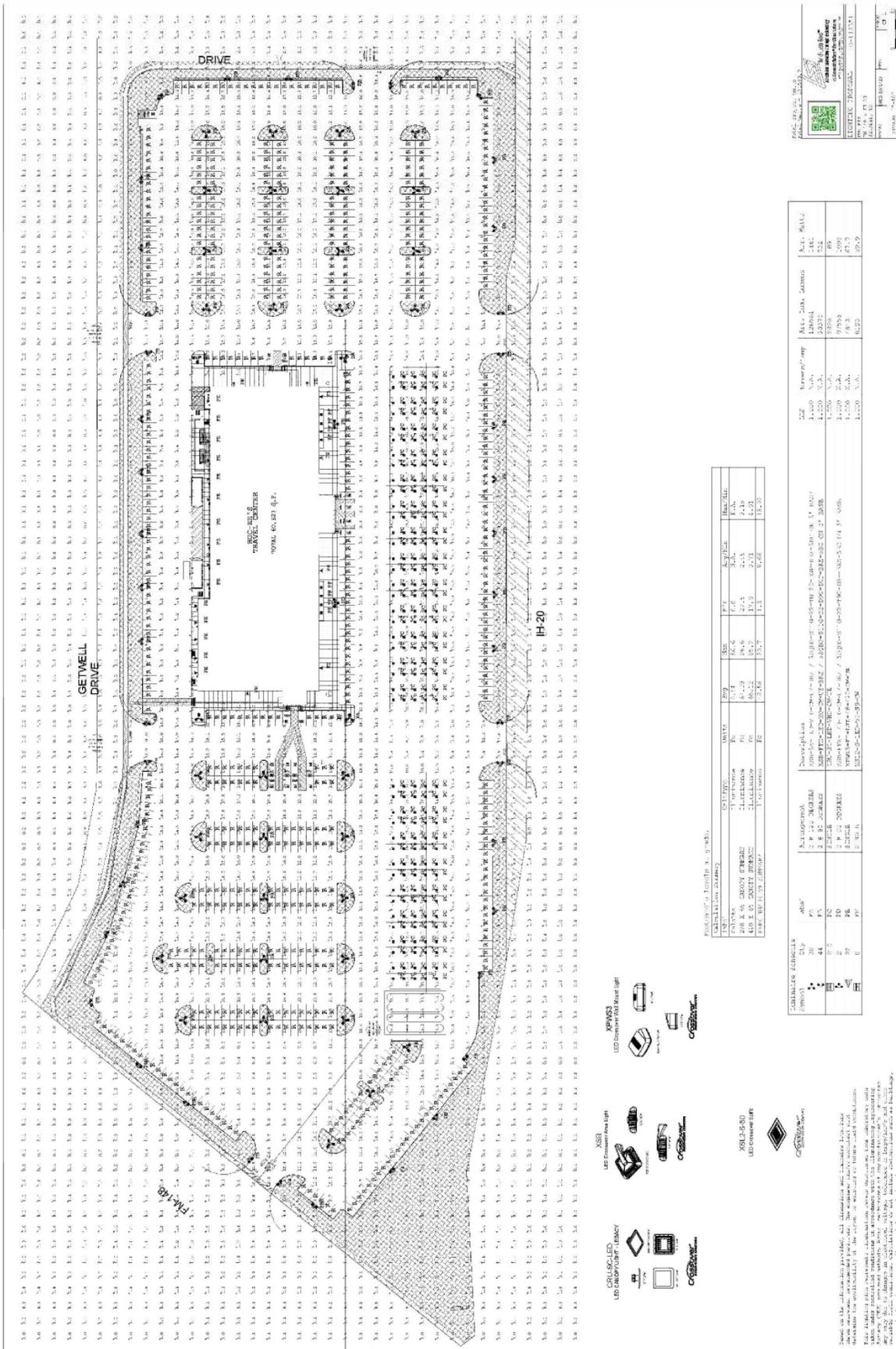
Commercial and Wholesale Trade Uses

Book Binding
Feed & Grain Store/Farm Supply Store
Furniture Manufacture
Heating and Air Conditioning Sale/Services
Propane Sales (retail)
Taxidermist
Veterinarian (only indoor kennels or pens)
Warehouse/Office

Light Industrial/Manufacturing Uses

Contractor's Office/Sales, no outside storage including vehicles
Contractor's Office/Sales, with outside storage including vehicles
Contractor's Temporary On-Site Construction Office (only with permit)
Electronic Assembly
Engine Repair/Motor Manufacturing Re-Manufacturing and/or Repair
Laboratory Equipment Manufacturing
Maintenance and Repair Service for Buildings
Micro Brewery (on-site manufacturing and sales)
Outside Storage
Plumbing Shop (no outside storage)
Sign Manufacturing
Sign Shop (small scale, such as a storefront; includes sign and banner making for retail sale only)
Stone/Clay/Glass Manufacturing

EXHIBIT D



PROPOSED LIGHTING SCHEDULE

TYPE	QUANTITY	WATTAGE	WATTAGE	WATTAGE	WATTAGE	WATTAGE	WATTAGE
LED	10	100	1000	10000	100000	1000000	10000000
LED	20	200	2000	20000	200000	2000000	20000000
LED	30	300	3000	30000	300000	3000000	30000000
LED	40	400	4000	40000	400000	4000000	40000000
LED	50	500	5000	50000	500000	5000000	50000000
LED	60	600	6000	60000	600000	6000000	60000000
LED	70	700	7000	70000	700000	7000000	70000000
LED	80	800	8000	80000	800000	8000000	80000000
LED	90	900	9000	90000	900000	9000000	90000000
LED	100	1000	10000	100000	1000000	10000000	100000000

ITEM	DESCRIPTION	QTY	UNIT PRICE	TOTAL PRICE	DATE
1	LED LIGHTING	100	1000	100000	10/15/20
2	LED LIGHTING	200	2000	400000	10/15/20
3	LED LIGHTING	300	3000	900000	10/15/20
4	LED LIGHTING	400	4000	1600000	10/15/20
5	LED LIGHTING	500	5000	2500000	10/15/20
6	LED LIGHTING	600	6000	3600000	10/15/20
7	LED LIGHTING	700	7000	4900000	10/15/20
8	LED LIGHTING	800	8000	6400000	10/15/20
9	LED LIGHTING	900	9000	8100000	10/15/20
10	LED LIGHTING	1000	10000	10000000	10/15/20

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CONTACT: 1-800-555-1234
 1234 MAIN STREET, SUITE 500
 ANYTOWN, CA 90000
 WWW.LIGHTINGDESIGN.COM

490.625 SQ FT



NOTE: OPPOSITE SIDE LOGO

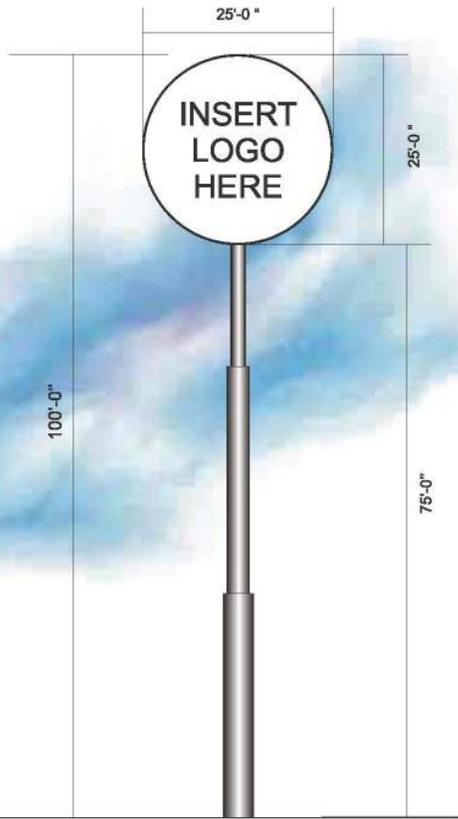


EXHIBIT E
POLE SIGN



www.southwestsigns.com
(210) 648-3221 / 800-927-3221

PRESENTATION DRAWING

Client:

Client's Location:

Terrell, TX
Sales Rep: Greg B.
Project Manager: JTB

PM Approval:

Date: 9.25.13
Drawn By: JTB

Revision:
R2) show 'insert logo here' 9/6/13 DR.

Scale: 1/16" = 1'-0"

Work Order# 33873-001 of 1

Sign Description:

Manufacture & Install (1) ONE
D/F main ID.

Please note that actual steel
size will be determined by
structural engineer

Underwriters
Laboratories Inc.

Primary wires provided by customer.
Sign voltage based upon 120v.

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BEING PLANNED FOR YOU BY SWS SIGNS.
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Customer Approval: