



## AGENDA

**REGULAR MEETING OF THE  
PLANNING AND ZONING COMMISSION  
CITY OF HIGHLAND VILLAGE, TEXAS  
TUESDAY, MAY 15, 2018, 7:00 PM  
HIGHLAND VILLAGE MUNICIPAL COMPLEX  
CITY COUNCIL CHAMBERS  
1000 HIGHLAND VILLAGE ROAD, HIGHLAND VILLAGE, TEXAS**

### OPEN SESSION

(City Council Chambers – 7:00 PM)

1. **Call to Order/ Roll Call.**
2. **Consider Approval of the Minutes from the Regular meeting of Planning and Zoning held on January 16, 2018.**
3. **Visitor's Comments**  
*(Anyone wishing to address the Planning and Zoning Commission must complete a Speakers' Request form and return it to City Staff. In accordance with the Texas Open Meetings Act, the Commission is restricted in discussing or taking action on items not posted on the agenda. Action on your statement can only be taken at a future meeting.)*
4. **Conduct Public Hearing and Review and Consider an application to amend the Sign Regulations of the Marketplace Planned Development District with Retail (MPD-R), as amended, applicable to Lot 1, Block A, The Shops at Highland Village, generally located northwest of the intersection of FM 2499 and FM 407.**
5. **Receive Status Report on Various Projects.**
  - **Future P&Z Meetings**
6. **Adjournment.**

Pursuant to Section 551.071 of the Texas Government Code, the Planning and Zoning Commission reserves the right to consult in closed session with its attorney and to receive legal advice regarding any item listed.

**I HEREBY CERTIFY THAT THIS NOTICE OF MEETING WAS POSTED ON THE PUBLIC BULLETIN BOARD AT THE MUNICIPAL COMPLEX, 1000 HIGHLAND VILLAGE ROAD, HIGHLAND VILLAGE, TEXAS IN ACCORDANCE WITH THE TEXAS GOVERNMENT CODE, CHAPTER 551, ON MAY 11, 2018 NOT LATER THAN 5:00 P.M.**

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Autumn Aman  
Community Development Coordinator

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's Office at (972) 899-5132 or Fax (972) 317-0237 for additional information.

Removed from posting on the \_\_\_\_\_ day of \_\_\_\_\_, 2018 at \_\_\_\_\_ by  
\_\_\_\_\_ at \_\_\_\_\_.

**DRAFT MINUTES**  
**REGULAR MEETING OF THE**  
**PLANNING AND ZONING COMMISSION CITY OF HIGHLAND VILLAGE, TEXAS**  
**HELD IN THE MUNICIPAL COMPLEX, 1000 HIGHLAND VILLAGE ROAD**  
**TUESDAY, JANUARY 16, 2018**

**1. Call to Order/Roll Call.**

Chairman Deedee Ricketts called the meeting to order at 7:00 p.m.

**Roll Call**

Present:	Deedee Ricketts	Chairman
	Stan Lemko	Vice Chairman
	Rick Turner	Commissioner
	Bob Holden	Commissioner
	Robert Fiester	Commissioner
	Tom Heslep	Alternate Commissioner
	Dylan Romo	Alternate Commissioner
Staff Members:	Michael Leavitt	City Manager
	Autumn Aman	Community Development Coordinator
	Sasha Torres	Community Services Assistant

**2. Consider Approval of the Minutes from the Regular meeting of the Planning and Zoning Commission held on October 17, 2017.**

Vice Chairman Stan Lemko made a motion to approve the minutes with non-substantive changes. Commissioner Rick Turner seconded the motion.

**Motion passed (5-0)**

**3. Consider Approval of the Minutes from the Special meeting of the Planning and Zoning Commission held on November 20, 2017.**

Commissioner Turner made a motion to approve the minutes as written. Vice Chairman Lemko seconded the motion.

**Motion Passed (5-0)**

**4. Visitor's Comments.**

There were no visitor comments.

**5. Receive and discuss presentation regarding a proposed Planned Development for Residential uses on a 5.76 ± acre tract of land out of the W.P. Pearce Survey Abstract No. 1015 City Of Highland Village, Denton County, Texas, commonly known as 180 Highland Village Road, as presented by G&A Consultants.**

Community Development Coordinator Autumn Aman stated it had been requested by Ms. Randi Rivera with G&A Consultants, on behalf of the property owner Victor Gutierrez de Pineres, they be allowed to give a presentation to the Commission on a proposed development of property that would required the creation of a Planned Development District for Residential use. She continued that the said property is located at 180 Highland Village Road and stated City staff thought it would be beneficial to have the applicant make a presentation of what was being proposed prior to submitting any formal application.

Ms. Randi Rivera, G&A Consultants, 111 Hillside Drive, Lewisville, Texas, addressed the Commission and proceeded with her presentation beginning with the project name of which would be Victor Villas, then continued with the following:

**The Team working on the proposed development:**

Developer/Property owner: Victor Gutierrez de Pineres, Jaramco Investments, LLC.

Developer's Team: Fred Placke, Remax Realty, Sarah Paty, Robert Gravley, Gravley LDS, LLC.

Design Team: G&A Consultants, LLC, Randi Rivera, Senior Planner, Bobby Dollak, Senior Project Engineer, Ron Stewart, Senior Landscape Architect.

Economic Analyst: Catalyst Commercial, Jason Claunch.

**Property Location/Aerial/Property Photos:**

Ms. Randi Rivera stated the address of the property is 180 Highland Village Road and described the surrounding properties, those being the Double Tree Park, Edgewood Estates to the west, and one residential property to the east.

**Property Survey:**

Ms. Rivera described the property as being 5.9 acres with approximate two-hundred and ninety (290') feet of frontage on Highland Village Road. She continued that approximately 2.2 acres is inundated with the 537' Lewisville Lake flowage easement and 0.2 acres of Highland Village Road right-of-way, thus, leaving a net of 3.5 acres of developable land.

**Land Use Designation/Transit-Oriented Development (TOD) Designation:**

Ms. Rivera continued with the Cities Land Use Map and the (TOD) Designation and the goals from the City of Highland Village Ordinance that was adopted in September 2007, those being;

- Support publicly funded transit investments and enhance transit ridership.
- Increase housing options suited to a mix of generations and incomes.
- Decrease automobile use and create mobility choice options and healthy lifestyles such as walking, transit and bicycling.
- Create a compact development within an easy walk of public transit and with sufficient density to support ridership.
- Ensure compatibility and connectivity with surrounding neighborhoods.
- Recognize that not all TODs are the same. Create TOD plans that are flexible so they can respond to changing conditions.
- Strive to make TODs realistic yet economically viable and valuable from a diversity of

- perspectives (city, transit agency, developer, resident employer).
- Incorporate retail into the development if it is a viable use at the location without the transit component, ideally drawing customers from both the TOD and a major thoroughfare.

### **Existing Zoning:**

Ms. Rivera stated the current existing zoning for the property is SF-12, single family residential 12,000 square foot lots and that they did anticipate coming forward with a formal application to request changing the zoning and creating a Planned Development District.

### **Earlier Concepts/Components/Challenges:**

Ms. Rivera shared prior visions for the property of a mixed use development, consisting of urban 4-story residential, restaurants, five-story hotel, outdoor dining, pedestrian connectivity (internally and externally), appropriate transition towards Hwy. 35-E, fulfill goals of the City's TOD designation, and the infrastructure needs were already in place. She continued that it would have required the acquisition of all properties on Edgewood Drive. Ms. Rivera stated they did meet with the realtor representing the homeowners on Edgewood Drive and there was no consensus on appropriate values for the existing homes versus value to re-developing the land. Ms. Rivera proceeded with the history of the Edgewood properties and homeowners, the misconception that development was already going to happen when indeed there had never been any type of formal application made to the City and the homeowners opposition to a proposed five-story hotel and the uncertainties of mixed-use viability due to site conditions.

### **TOD Definition/Examples:**

Ms. Rivera discussed the three (3) different components that make a TOD successful, transit core, transit oriented district/neighborhood, and transit support area. She explained how they believed the property did meet the components of the TOD and gave examples of successful TOD's such as the Mockingbird Station, Downtown Plano Station, Galatyn Park TOD Richardson, and the 5<sup>th</sup> Street Crossing Downtown Garland TOD. She stated the common trend of all was available land within the transit core that is developable, public incentives and partnerships to attract developers, and high density housing choices.

### **TOD Viability and Site Conditions:**

Ms. Rivera discussed walking paths and trails; she stated the walking path was 3,500 feet from site to station (less than on half mile: within TOD support area), limited available land next to the station, and limited access/visibility to site from Hwy. 35-E.

### **Economic Analysis – Catalyst Commercial:**

Mr. Jason Claunch, Catalyst Commercial, 8750 N. Central Expressway. #1020, Dallas, Texas addressed the Commission. He proceeded discussing his past projects and continued with an overview of the Economic Analysis of the property and their findings of what the market says for the area. He stated access is limited and challenging for motorists on Hwy. 35-E going northbound, the lack of traffic counts on Highland Village Road, and the visibility being inadequate. Mr. Claunch stated the market shed was over supplied for the area; it would have to be something very significant for the area and based upon their review, the highest and best use for the subject property would be residential development. Retail and commercial were not

viable; apartments are great but would not be appropriate for this area.

**Preferred Concept Plan/Typical Lot Sizes/Representative Photos:**

Ms. Rivera concluded her presentation with their proposed development that they would like to go forward with and the preferred concept plan being the following:

- Thirty-nine (39) single family detached houses, density of six (6) units per acre.
- Amenities/access to Copperas Branch Lake and open space.
- City trail segment.
- Appropriate transition of density towards Hwy. 35-E.
- The transit station attracts residents.
- Fulfills goal of TOD Land Use by offering new housing option, creating compact development, ensuring compatibility with surrounding neighborhoods since it would be a single-family detached development.
- Ten (10') foot landscape buffer along Highland Village Road.
- Two access drives.
- Signage walls at the entrance along with ornamental metal fencing with masonry columns, and plantings.
- Shade trees and outdoor areas.
- Exclusive lakefront and cul-de-sac lots and parking area for lake access/amenities.
- Lot sizes would consist of + 2,240 square foot minimum lot area.
- Front entry recessed garages.
- Five (5') feet between houses, two - three story with balcony or roof terrace.
- 2,000 to 3,000 square foot.
- Price range starting at \$400's.

Alternate Commissioner Tom Heslep questioned the calculations on the density, the 2,000 square foot minimum for each dwelling and the sale price. He questioned if any right-of-way would be lost.

Ms. Rivera responded that density in the planning industry was calculated on gross acreage and no right-of-way would be lost.

Commissioner Bob Holden questioned if there were any plans for a gated community.

Ms. Rivera responded that it had been discussed and they would look into if it would be agreed upon by the City, she did not think that it would be supported at this time, so they would not be proposing a gated community.

Commissioner Turner questioned the maintenance of the amenities, open space, Highland Village Road landscaping, the involvement of a Home Owners Association (HOA) and if the HOA would be on or off site.

Ms. Rivera stated the development would be part of and maintained by a HOA.

Vice Chairman Lemko questioned the proposed rear yard setbacks.

Ms. Rivera stated that the rear and side setbacks would be five (5') foot.

Vice Chairman Lemko questioned if there were any plans to widen Highland Village Road.

City Manager Michael Leavitt responded there was not.

Vice Chairman Lemko questioned if the garages would be one or two car.

Ms. Rivera responded they would be two car garages.

Vice Chairman Lemko questioned if there would be windows on the back elevation of the dwelling units looking down at the residents behind them.

Ms. Rivera responded that every floor would have windows with limited windows on the side elevations due to building codes.

Vice Chairman Lemko questioned if the front yard would consist mainly of stone and driveway.

Ms. Rivera stated there would be some ornamental plantings with minimal green space on each lot and the possibility of shade trees on the oversized lots.

Vice Chairman Lemko questioned soundproofing.

Mr. Gutierrez de Pineres stated the houses would have a design not incorporated in regular houses, possibly using a special type of window that isolates from road noise.

Ms. Rivera added they would have screening along the west property line, possibly an eight (8') foot board on board fencing or live screening.

Chairman Lemko questioned lighting on the property.

Ms. Rivera responded the property owners would have to comply with city ordinances.

Vice Chairman Lemko ended in summary that his main concerns were the setbacks, visual, soundproofing, lighting, traffic onto Highland Village Road and the possibility of having to do a traffic study.

Commissioner Robert Fiester questioned if the flowage easement was Army Corp of Engineer property and if there would be any relief by obtaining a Letter of Map Revision (LOMR) or Conditional Letter of Map Revision (CLOMR) to amend the property to remove it from the flowage easement. He continued if the thirty-nine (39) units were the yield needed to make the project viable, questioning because of the proposed five (5') foot setbacks. Commissioner Fiester continued questioning if the proposed development was staying within the spirit of the TOD and if the single loaded road was removed, bringing it down to twenty-nine (29) lots, would that make a difference.

Alternate Commissioner Dylan Roma commented that he was sensitive to the Edgewood Drive residents, putting himself in their position, but also the ultimate need to develop but with limited options from the economic analysis, he questions what would be the options. He stated it would be exciting to have the initial concept with the exception of possibly rethinking the layout.

Chairman Deedee Ricketts questioned the difference in ridership of other TODs versus ridership and the station in Lewisville, and how that would impact development.

Mr. Claunch stated they look at ridership and if you had an active stop, maybe three-thousand (3000) riders in a day, they look at the way their system is designed, the frequency, and at an economic development stand point, by a per net benefit, riders are purely incremental. He stated he had not calculated current ridership as of today for the area; it might deliver eight-hundred (800) square foot of commercial demand based on ridership.

Chairman Ricketts questioned what drives the development, is it the ridership and if we do not have the ridership, what is going to drive the ridership.

Mr. Claunch stated that less than 4% of the Mockingbird Station is probably the commercial development supported by the ridership.

Chairman Ricketts commented that at the Mockingbird station, it is all the apartments, the density driving the commercial demand; it really has nothing to do with ridership.

Mr. Claunch agreed with Chairman Ricketts comment stating it is a very small part of the component.

Chairman Ricketts commented she was trying to better understand how much a TOD really influences our development.

Chairman Ricketts stated she was disturbed by the flow of events in this, the City has a vision in the Comprehensive Plan Land Use Map, which may or may not be appropriate based on how the ridership is developing, we see the mixed use desire for the perimeter of the City and now we are talking residential. Talking residential in such a way that is double the density than what currently exists in Highland Village, and then we get into our height and landscape standards.

Commissioner Turner stated the initial concept was a beautiful plan layout. He questioned if the City was ready to give up, what was the goal of the City, was the City looking at that type of development than just residential development. He commented that it appeared to be very well thought-out and very well done. Mr. Turner questioned if any additional study should be performed to understand or determine the best use of the property, what the City really has in mind for their growth, ridership, could we draw from Denton for the kind of development needed, easily accessible by DCTA. Should the City give up on that thought, has the City thought through it enough to say no we are just going residential.

Mr. Claunch commented that he did not think there was a solution for quality commercial that would be sustainable at the location based on his research.

Mr. Gutierrez de Pineres addressed the Commission stating what most cities with TOD's had to do was change their ordinances to attract development of this type of product, not all TOD's are the same, successful TOD's have much higher density and his was not even close to what others have.

Chairman Ricketts concluded with stating that the next step in the process would be to make application to the City and with the required public hearings and required votes, that would then determine the answer to what the City wants today.

## **6. Receive Status Reports on Various Projects**

- **Future P&Z Meetings**

Community Development Coordinator Aman stated that the next meeting would be held on February 20, 2018.

**7. Adjournment.**

Meeting adjourned at 8:31 p.m.

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Autumn Aman  
Community Development Coordinator

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Deedee Ricketts - Chairman  
Planning and Zoning

**CITY OF HIGHLAND VILLAGE**  
**PLANNING AND ZONING**

**AGENDA# 4**

**MEETING DATE: May 15, 2018**

**SUBJECT: Conduct Public hearing and review and consider an amendment to the Sign Regulations of the Marketplace Planned Development District with Retail (MPD-R), as amended, applicable to Lot 1, Block A, The Shops at Highland Village, generally located northwest of the intersection of FM 2499 and FM 407.**

**PREPARED BY: Autumn Aman, Community Development Coordinator**

**BACKGROUND**

The City has received an application for an amendment to the sign regulations for The Shops at Highland Village. The applicant, MP Shops at Highland Village LLC., is requesting to amend the Ordinance as it relates to adding Tenant Monument Signs and Light Pole Banner Signs.

**IDENTIFIED NEED/S:**

To amend this ordinance, public hearings are required to be conducted by both the Planning and Zoning Commission and City Council. All public hearing notification requirements have been met. Prior to the City Council taking any action on the application, the Commission must review the application and make a recommendation for action to the City Council.

**OPTIONS & RESULTS:**

Options are to recommend to the City Council that the application be (1) approved as submitted, (2) approved with modifications, or (3) deny the request. The Commission may also postpone any action in order to receive any additional information which it requests be presented.

**PROGRESS TO DATE: (if appropriate)**

As of the date of preparation of this briefing, May 10, 2018, staff has not received any emails or inquiries on the nature of the request.

**BUDGETARY IMPACT/ORDINANCE CHANGE: (if appropriate)**

An amendment to the Ordinance is required. A copy of the draft ordinance prepared by the City Attorney is attached.

**RECOMMENDATION:**

Staff recommends the Planning and Zoning Commission review and forward a recommendation to City Council.

ORDINANCE NO. 2018-\_\_\_\_\_

**AN ORDINANCE OF THE CITY OF HIGHLAND VILLAGE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ZONING DISTRICT MAP OF THE CITY OF HIGHLAND VILLAGE AS PREVIOUSLY AMENDED, BY AMENDING THE SIGN REGULATIONS APPLICABLE TO THE DEVELOPMENT AND USE OF LOT 1, BLOCK A, THE SHOPS AT HIGHLAND VILLAGE, LOCATED IN THE MARKETPLACE PLANNED DEVELOPMENT DISTRICT WITH RETAIL (MPD-R) AS SET FORTH IN EXHIBIT “H” – SIGNAGE CRITERIA; PROVIDING FOR A CONFLICTS RESOLUTION CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR NO VESTED INTEREST; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS, THAT:**

**SECTION 1.** The Comprehensive Zoning Ordinance and Zoning District Map of the City of Highland Village, Texas, as amended, by amending in accordance with Section Two of this Ordinance the regulations relating to the use and development of Lot 1, Block A, The Shops at Highland Village, an addition to the City of Highland Village, Texas, (“the Property”) which is located in and subject to the regulations of The Marketplace Planned Development District with Retail (MPD-R) established by Ordinance No. 04-943, and amended by Ordinance Nos. 04-962, 05-984, 07-1030, 08-1062, 2014-1160, 2014-1163, and 2015-1174 (hereafter referred to collectively as “The Marketplace PD Ordinance”).

**SECTION 2.** Exhibit “H” – Signage Criteria of The Marketplace PD Ordinance is amended as follows:

- A. Paragraph 2 of Section II “Responsibilities, Limitations, Liabilities” is amended to read as follows:
  2. The use of banners, flags, or pennants is prohibited except as follows:
    - a. Corner banners used solely for marketing the overall property and not specific tenants as shown on Exhibits 5a and 5b of this Exhibit H

that are installed on poles located as shown on Exhibit 1 of this Exhibit H and identified as “Corner Flagpoles and Banners;

- b. Parking Lot Banners may be installed on light poles located within the parking lot on the Property in the size, quantity, and location shown on Exhibit 1a of this Exhibit H. Such Parking Lot Banners shall be used solely to (i) display the logo of The Shops of Highland Village and/or (ii) promote special events occurring on the Property that are sponsored or co-sponsored by the Property’s owner or management company and/or by the City; and
- c. Interior Banners may be installed on light poles located within the parking lot on the Property in the size, quantity, and location shown on Exhibit 1a of this Exhibit H. Such Interior Banners shall be used solely to (i) display the logo of The Shops of Highland Village, (ii) promote special events occurring on the Property that are sponsored or co-sponsored by the Property’s owner or management company and/or by the City, and/or (iii) identify the names and trademarked logos of tenants located within proximity to the Interior Banner location.

Banners authorized to be installed on the Property shall be anchored to a rigid frame on both top and bottom attached to the light pole. Banners that become torn, faded, or otherwise damaged to the point of being unable to be fully anchored on both top and bottom must be removed. Banners shall not be installed on any tree, public utility pole or structure.

**B.** Section III-A titled “Tenant Monuments Signs” is added to read as follows:

**III-A. TENANT MONUMENT SIGNS:**

Monument signs containing the names and trademarked logos of current tenants leasing space or owners of lots within the Property may be installed on the Property subject to the following:

- 1. The size, dimensions, materials, and colors of each Tenant Monument Sign and its components shall be substantially as shown on Exhibit 12 to this Exhibit H. Each Tenant Monument Sign may be double-sided.
- 1. No more than four (4) Tenant Monument signs may be located along the street frontage of FM 407(Justin Road).
- 2. No more than Six (6) Tenant Monument signs may be located along the street frontage of FM 2499(Village Parkway).
- 3. No more than Four (4) Tenant Monument signs may be located along the street frontage of Chinn Chapel Road.
- 4. The sign area for each side of the Tenant Monument Signs shall not exceed fifteen (15) square feet per side.

5. Names of individual tenants will be displayed on Translucent Polycarbonate panels, with no more than two panels on each side of the Tenant Monument Sign as shown on Exhibit 12. No more than one Tenant shall be listed on each sign panel for a maximum of two Tenants listed on each side of the Tenant Monument Sign. On all double exposure Tenant Monument signs, there shall be a mechanism in place that prevents see through exposure.
6. Only a Tenant's logo and/or franchisee logo will be allowed on Tenant Monument signs.
7. All Tenant Monument signs must be internally lit. Ground base up lighting of Tenant Monument Signs is prohibited.
8. Tenant Monument Signs with flashing lights, neon, LED, or LCD lights, and Electronic Message panels, including LED or LCD panels, are prohibited on Tenant Monument signs.
9. Tenant Monument Signs may be equipped with solar panels provided such panels are made part of the sign structure and horizontal to the ground or otherwise not readily visible.
10. The Tenant Monument Signs will be constructed of a mixture of synthetic stone/woods and metals substantially as shown on Exhibit 12 and will be architecturally compatible and complementary with the existing Center Identification signage and shopping center buildings.
11. All Tenant Monument Signs shall be placed on private property, outside of the right-of-way of any public highway or street and any utility easements. Tenant Monument signs placed adjacent to turn lanes and in the vicinity of all ingress and egress access points for The Shops at Highland Village may be subject to a Sight Line Visibility study after Sign Permit application is reviewed and shall not be placed within a location that prohibits safe visibility of traffic on intersecting streets and driveways.
12. A Tenant Monument Sign shall be no closer than:
  - a. one hundred feet (100.0') feet from another Tenant Monument Sign; and
  - b. twenty-five feet (25.0') from a Primary Corner Monument Sign.
13. Not later than the 30th day after the earlier of the date a Tenant has vacated its lease premises on the Property or the date the Tenant is no longer open for business to the public, notwithstanding continued occupancy of its leases premises, the tenant name on the Tenant Monument sign shall be removed and replaced with a blank panel. "Coming Soon" signage will be allowed once a finish out building permit has been issued by the City for a new tenant. When the total area of a viewable panel is unoccupied by a tenant name, the Center name and or logo may be placed on the Tenant Monument sign.

- C. Exhibit H is amended by adding Exhibit 1a and Exhibit 12 to read as attached hereto as Attachments 1 and 2, respectively, attached hereto and incorporated herein by reference.

**SECTION 3.** All ordinances of the City of Highland Village related to the use and development of the Property heretofore adopted and in effect upon the effective date of this Ordinance are and shall remain in full force and effect except to the extent amended by this Ordinance or to the extent there is an irreconcilable conflict between the provisions of said other ordinance and the provisions of this Ordinance, in which case the provisions of this Ordinance shall be controlling. Notwithstanding the foregoing, to the extent they differ from or otherwise conflict with the provisions of The Marketplace PD Ordinance as amended by this Ordinance, the amendments to Exhibit H "Signage Criteria" set forth in Ordinance Nos. 2014-1160 and 2014-1163 are not repealed or amended by this Ordinance and, with respect to the use and development of the property described in Ordinance Nos. 2014-1160 and 2014-1163, shall be controlling in the event of a conflict between said ordinances and The Marketplace PD Ordinance as amended by this Ordinance.

**SECTION 4.** Should any word, sentence, paragraph, subdivision, clause, phrase or section of this Ordinance, or of the Comprehensive Zoning Ordinance, as amended hereby, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said Ordinance or the Comprehensive Zoning Ordinance, as amended hereby, which shall remain in full force and effect.

**SECTION 5.** An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Comprehensive Zoning Ordinance, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

**SECTION 6.** Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in Comprehensive Zoning Ordinance as previously amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000) for each offense.

**SECTION 7.** No person or entity shall acquire any vested interest in this Ordinance or any specific regulations contained herein. This Ordinance and any regulations may be amended or repealed by the City Council of the City of Highland Village, Texas, in the manner provided by law.

**SECTION 8.** This ordinance shall take effect immediately from and after its passage on Second Reading and publication of the caption in accordance with the provisions of the Charter of the City of Highland Village, and it is accordingly so ordained.

**FIRST READ ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2018, BY THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS.**

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS, ON SECOND READING ON THIS THE \_\_\_\_ DAY OF \_\_\_\_\_, 2018.**

**APPROVED:**

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**Charlotte J. Wilcox, Mayor**

**ATTEST:**

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**Angela Miller, City Secretary**

**APPROVED AS TO FORM AND LEGALITY:**

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**Kevin B. Laughlin, City Attorney**

(kbl:5/10/18:99160)

Ordinance No. 2018-\_\_\_\_\_  
Attachment 1

Exhibit 1a "Banner Sign Plan" to Exhibit H "Signage Criteria"



