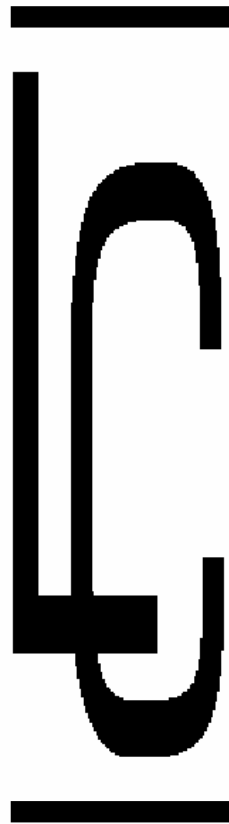


**DESIGN GUIDELINES**  
for  
**LEGENDS CROSSING**  
Waco • Texas



June 26, 2007

## **1.0 GENERAL INFORMATION**

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### **1.1 Introduction**

LEGENDS CROSSING is a planned development where natural and manmade features have been selectively woven into the infrastructure which serve to unite the development's function and visual appearance.

### **1.2 Purpose**

The primary purpose of the Design Guidelines is to assure property owners within LEGENDS CROSSING will conform and adhere to the same high standards of design excellence and successfully integrate the various properties into a cohesive development. The guidelines seek to establish a design framework which the property owner will use as a guide for site improvement, with latitude and flexibility (on the one hand) balanced against preserving the value, consistency and integrity of LEGENDS CROSSING (on the other hand). These Design Guidelines will, hopefully, serve to guide, inform, aid and inspire to the same extent as they may prohibit, restrict and require. LEGENDS CROSSING WACO DEVELOPMENT, LP (the "MASTER DEVELOPER" or "DECLARANT") has ultimate responsibility and authority for the promulgation of the Design Guidelines and the architectural approval process. LEGENDS CROSSING may, from time to time, delegate these responsibilities to an appointed Design Review Committee ("DRC"). While some features are mandated, the DRC may make discretionary judgments to reduce or waive any requirement when it can be demonstrated (to the reasonable satisfaction of the DRC) that appropriate mitigating measures have been taken and that the overall spirit and intent will be preserved. However, such discretionary approval(s) shall not represent or constitute a binding precedent since no two or more tracts or circumstances are likely to be alike.

### **1.3 Design Review**

The Declaration of Covenants, Conditions and Restrictions (Declaration) for LEGENDS CROSSING provide that no building, structure, fence, wall or improvement of any kind or nature shall be erected, placed or altered until all plans and specifications have been first submitted to and approved by LEGENDS CROSSING WACO DEVELOPMENT, LP or its delegated representative, the DRC. The DRC has appointed a Secretary who receives and reviews plans and specifications for improvements in which specific recommendations concerning approvals or disapprovals are made to the DRC. The DRC meets on a regular basis throughout the year.

### **1.4 Building Code**

LEGENDS CROSSING is under jurisdiction of the City of Waco, which has adopted the International Building Code. All improvements must be designed in accordance with this code and all other applicable codes, regulations and ordinances of any other governmental entity. The DRC will not arbitrarily or unreasonably withhold its approval of such plans or specifications provided that they are in compliance with these and other applicable standards, applicable codes, regulations and ordinances.

## **2.0 PROCEDURES FOR SUBMITTALS**

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**2.1** Submittals shall be by owner or authorized agent, to the DRC, whenever any improvements or changes are proposed for any portion of the site, building exterior, or whenever changes are proposed for building use.

Submittals are not required when improvements are "in kind": replacements such as repainting the original color, or landscape replacement of deteriorated or damaged landscape plant material.

**2.2** Submittals shall be made prior to plan processing at the City of Waco, except as otherwise indicated herein. Submittals shall be made according to the requirements of Section 3.0 and in the sequence specified in Section 3.0.

2.3 All submittals shall be submitted in duplicate to:

Design Review Committee  
c/o G. E. WALKER & ASSOCIATES, L.L.C.  
600 Austin Avenue, Suite 20  
Waco, TX 76701

2.4 Building Plans shall be prepared by a currently State of Texas registered architect. Site plans shall be prepared by a State of Texas registered architect. Grading and drainage plans shall be prepared by a State of Texas registered civil engineer. Landscape plans shall be prepared by a State of Texas registered landscape architect.

2.5 Include lot/parcel and tract/parcel map numbers on all plans and other documents submitted for review.

2.6 All submittals shall include a total of two complete sets. Submittals of plans should not exceed a 30" x 42" sheet size.

2.7 Any submittals not complete as to required number of copies or required information will be considered "Not Submitted."

2.8 Construction Document Plans which are stamped, "Not for Construction," will not be reviewed or accepted.

### 3.0 SUBMITTAL CATEGORIES

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The Design Review Committee (DRC) shall review submittals in the sequence of three (3) categories:

No. 1: Conceptual Plan

No. 2: Preliminary Building and Site Design

No. 3: Construction Documents

The purpose, prerequisite, and required materials for the three submittal categories are described herein.

If the Construction Documents (Category III) have not been completed within 18 months after the initial Conceptual Plan (Category I) approval has been given, all previous approvals shall be revoked. The three-category sequence of submittals must then begin again. Requests for extension may be granted in cases of unusual hardship as determined by the DRC.

#### 3.1 Category I - Conceptual Plan

A. **Purpose:** To review proposed conceptual site organization, building size and type, parking location, access points, circulation and grading constraints. To confirm that proposed uses and site are compatible and that design generally follows these Standards.

B. **Prerequisite:** A Master Plan is required when a development will occur in phases. The Master Plan must be approved by the DRC before the Conceptual Site Plan is submitted. The DRC may require a minimum scope and size for the first phase.

C. **Required Materials:**

1. *Conceptual site plan* (minimum scale: 1" = 40'-0"), indicating:

- a. Proposed building footprint with dimensions to property lines;
- b. Access drives (width and type);

- c. Parking lot areas indicating location and number of spaces;
  - d. Pedestrian circulation;
  - e. General pad elevations; top and bottom of slope elevations;
  - f. Building/parking setback lines for the specific site;
  - g. Proposed storage/service areas;
  - h. Landscaped areas; indicate landscape zone per Section 6.0; and
  - i. Site drainage (existing and finished grades).
2. *Statistical summary* (indicate on plan):
- a. Total lot/parcel area (square feet);
  - b. Total building area (square feet);
  - c. Floor area ratio (total gross building area/total site area);
  - d. Total building footprint area (square feet) if greater than one story;
  - e. Percent (%) lot coverage of building;
  - f. Total number of parking spaces (required and provided);
  - g. Total parking area (square feet);
  - h. Parking ratio (gross building area per parking space);
  - i. Percent (%) lot coverage of parking area;
  - j. Total landscape area (square feet); and
  - k. Percent (%) lot coverage of landscaping.

### 3.2 Category II - Preliminary Building and Site Design (Site Plan)

- A. **Purposes:** To review the refined site plan, preliminary architectural and landscape design. To confirm building program and grading concept. After approval by the DRC, the site plan package may be submitted to the City of Waco for review.
- B. **Prerequisite:** Category I (Conceptual Plan) shall be approved by the DRC.
- C. **Required Materials:**
  - 1. *Preliminary site plan* (minimum scale: 1" = 40'-0") indicating:
    - a. Building footprint with dimensions to property line;
    - b. Access drives (width and type);
    - c. Parking lot areas indicating location, number of spaces (required and provided), and dimensions;
    - d. Walkways;
    - e. Building/parking setback lines for the specific site; and
    - f. Proposed storage/service areas.
  - 2. *Preliminary grading plan* (minimum scale: 1" = 40'-0") indicating:
    - a. Top/bottom of slopes, with existing and finished grades;
    - b. Building pad elevation;
    - c. Parking lot and drive areas with spot elevations or contours;
  - 3. *Preliminary drainage plan*
  - 4. *Preliminary water and sewer plan*

5. *Preliminary landscape plan* (minimum scale: 1" = 40'-0")
  - a. Edge conditions;
  - b. Vehicular entry treatment;
  - c. General plant palette;
  - d. Outdoor people gathering areas (patios, courtyards);
  - e. Enhanced paving areas (i.e. pavers, colored and textured concrete, etc.);
  - f. General planting areas, tree locations (required and provided);
  - g. Street trees (required and provided), per Section 6.0; and
  - h. Site lighting plan with source description (i.e. metal halide).
6. *Building floor plan* with use areas noted (minimum scale: 1/8" = 1'0").
7. *Building elevations* for each side of building (minimum scale: 1/8" = 1'0").
8. One *architectural rendering*.
9. *Specification of exterior materials* (surfaces, glass, paints, stains, textures, finishes, screening, walls/fences). Submit color and material boards 8" x 13" in size. Sample size shall be a minimum of 2" x 3".
10. *Site Graphics/Proposed Signs* - Location, Design, Materials, etc.

### **3.3 Category III – Construction Documents**

- A. **Purpose:** To review the Construction Documents package. The package shall be submitted for DRC review concurrently with submittal to City of Waco for plan check.
- B. **Prerequisite:** Category II (Preliminary Building and Site Design) approval by the DRC.
- C. **Required Materials:** Construction Documents package submitted to the DRC shall include all sheets.

## **4.0 SITE PLANNING CRITERIA**

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### **4.1 Minimum Setback Lines**

All setback lines shall be in accordance with the City of Waco Zoning Ordinance for LEGENDS CROSSING. No structure may be placed within the setback lines. In addition to the restrictions set forth in the Zoning Ordinance and unless otherwise approved by the DRC.

- A. Height - as specified in the City of Waco Zoning Ordinance for LEGENDS CROSSING.
  1. *Building* – as specified in the City of Waco Zoning Ordinance for LEGENDS CROSSING.
- B. The following improvements are allowed within minimum setback areas:
  1. *Structures* below and covered by the ground;
  2. *Steps, walks, driveways, and curbing*;
  3. *Retaining or screening walls* not to exceed 3'-0" in height or as approved by the DRC;
  4. *Landscaping*;
  5. *Any other improvement* approved in writing by Declarant.

#### 4.2 Site Access

- A. All driveway locations shall be subject to approval by the DRC and the City of Waco.
- B. Pedestrian access from adjacent street(s) shall be provided to building entry and integrated into overall site design.

#### 4.3 Site Entry Treatment

Each site shall provide a well-articulated, identifiable entry sequence for pedestrian and vehicular users from street to building and, in the case of lots fronting common area open space (i.e. lake) , from open space to building. Entry onto the site and connections to and into the building shall be enhanced with landscaping, enhanced hardscape and accented architectural design.

#### 4.4 Sites adjacent to Central Common Area Open Space and Lakes

The central common area open space, lakes, and amenities are provided for the recreation and appreciation of all of the LEGENDS CROSSING sites. The Developer should encourage their use through the following:

- A. Provide additional open space and passive recreational facilities to supplement the existing common space.
- B. Provide direct and comfortable pedestrian access to the lake perimeter trail meeting Texas Accessibility Standards (TAS).
- C. Provide enhanced landscaping amenities, and landscape lighting on the lake side of the property for the enjoyment of common area user. Walls, retaining walls, or other site features on the lake side of the property shall utilize natural stone masonry with the following specifications (matching existing common area landscape amenities):
  - Exposed Stone Type: Leuder's limestone
  - Pattern: Random rectangular
  - Mortar: Buff color (maximum 1/2" joints)
- D. Restaurant sites should provide comfortable outdoor dining areas which optimize views to the lake and associated amenities.
- E. Sites adjacent to the lakes shall provide drainage flumes (no more than one per lot) to convey concentrated stormwater runoff from the developed site to the adjacent lake. The flumes shall consist of "curbed," mortared rock riprap of the size, type of rock, shape, and mortar color to match the rock riprap of the lakes. The existing sidewalk around the perimeter of the lakes shall be sawcut at an existing control joint and a sidewalk drain with a reinforced concrete top shall be constructed to convey the stormwater beneath the sidewalk. The mortared rock flume shall extend to the concrete edge wall of the lake. All sidewalk and turf grass that lies within the common area between the lot and the lake shall be restored to a "like new" condition at the sole expense of the lot owner. Any deviations to the above-outlined surface drainage scheme must be approved, in writing, with the Conceptual Plan (Category 1) from the DRC.

#### 4.5 Parking

- A. **Parking Areas:** All parking areas shall have concrete curb and gutter and shall be paved with either reinforced concrete pavement or with hot mixed asphaltic concrete pavement.
- B. **Parking Requirements:**
  1. Subject to the provisions of subsections listed below. Parking spaces shall be provided in a manner which satisfies the parking requirements of the City of Waco.

2. The following parking requirements must be satisfied with offstreet parking spaces:
  - a. Parking lots are required to have internal irrigated landscape islands. Refer to Landscape Section 6.5/B for specifications.
  - b. Except for accessible spaces, shall have a maximum grade slope of 5%; however, a variance will be considered (in writing) of 7% - 8% for no more than 5% of the site.
  - c. All parking areas must be screened from view of adjacent property or streets by use of landscaping (berms, trees, non-deciduous plants, etc.) or other means acceptable to the DRC. (Refer to Screening Section 4.11)

#### **4.6 Service and Loading Areas**

- A. Provisions shall be made on each site for any necessary vehicle loading (no street vehicle loading or unloading shall be permitted).
- B. All trucks or other motor vehicles stored upon a site must be inside a closed building or screened portion of the site, unless approved in writing by the DRC.
- C. No loading doors shall be located on a building facade facing a street or be within view of public streets, or common area open spaces.

#### **4.7 Exterior Storage**

- A. Exterior storage shall be fully screened by walls that are connected to, of the same material, and generally integral to the main building. The height shall be adequate such that no materials will be visible above the wall.

#### **4.8 Refuse Collection and Storage**

- A. All outdoor refuse enclosures shall be constructed of an enhanced masonry wall that is compatible to the architecture of the main structure, 6' minimum height, with a noncombustible gate, so as to screen all refuse containers from adjacent lots or streets. No refuse collection or storage areas shall be located between a street and the front of a building. (Refer to Section 4.11/E for additional landscape requirements.)
- B. Refuse collection areas shall be designed to contain all refuse generated onsite between collections. Commercial dumpster-type trash bins must be used. Residential-style trash cans or "toters" are not allowed.

#### **4.9 Utilities, Communication Devices, and Screening of Exterior Electrical Equipment and Transformers**

- A. All exterior onsite utilities, including but not limited to drainage systems, sewers, gas lines, water lines, electrical, telephone, and communications wires and equipment, shall be installed and maintained underground.
- B. No antenna or device for transmission or reception of any signals including, but not limited to, telephone, television, and radio shall be placed on any structure so that it is visible at a point located 5'-0" above the ground (or ground floor) level at a distance of 500'-0" in any direction, unless approved in writing by the DRC. In all cases, these items should be discreetly located and screened from view as much as possible.
- C. Electrical equipment shall be mounted on the interior of a building wherever practical. When interior mounting is not practical, electrical equipment shall be screened from public view. In no case shall exterior electrical equipment be mounted on the street side of any building.
- D. Transformers that are separate from the building and may be visible from a public street shall be screened with either planting or a durable, noncombustible wall. There should not be any above ground obstruction of the transformer pad, as required by the utility companies. Where possible, refuse containers and transformers shall be integrated into the same enclosure.

- E. Backflow preventors shall not be located in turf areas or within sixty feet from the center line of the project entry drive(s). Backflow preventors should be grouped, if possible, with other above grade utilities and screened appropriately with landscaping. If possible, they should be located at the sides of building. All backflow preventors should be painted black or dark green. Backflow preventor components which may be required to be painted a color other than green shall be located separate from backflow preventor, on the side of a building, and appropriately screened.
- F. Private sewer components (i.e., manholes, clarifiers, etc.) located in paving should occur in the isles of parking lots or service drives. Private sewer components shall not be located within the street frontage within sixty feet of the center line of project entry drive(s) now within turf areas.
- G. Solar Panels must be integrated with the building and site architecture.

#### 4.10 Drainage

Stormwater from roof downspouts shall not be drained into planting areas or onto common area open space, and/or property owned by others. It is highly encouraged that building roof drains be tied into an underground stormwater system or conveyed via drainage flumes. Stormwater runoff from those lots adjacent to the lakes shall be drained into the lakes in accordance with the methodology outlined above in Section 4.4(E) of these Guidelines.

#### 4.11 Screening and Landscape Buffers

- A. **Intent.** It is the intent of these regulations to provide for a pleasing and consistent visual experience throughout the LEGENDS CROSSING Development while providing alternatives of method and material to allow for design flexibility and visual variety.
- B. **Design Character.** The designer shall carefully consider the various design criteria described in the Design Guidelines and respect the intended design character for all screening situations.
- C. **Landscape as Screening.** Where the screen height is to be achieved with landscaping, it may be attained with any combination of retaining walls, berms and shrubs. The screen height shall be fully achieved at the time of landscaping. All shrubs used for screening shall be evergreen, shall not be planted farther on center than the maximum spacing as shown on the LEGENDS CROSSING Recommended Tree and Plant List (see Exhibit "A"), and shall create a solid screen within one growing season.
- D. **Parking Screening.** Parking screening shall occur where parking lots are viewed from public streets or open space. Except as required below, screening may be berms, shrubs, berms with shrubs, or a combination of berms, retaining walls and shrubs. The screen shall be installed at a minimum height of 3'-0" above top of curb of parking to be screened. Note: Landscape screening shall be a minimum height of 3' at time of initial planting. Planting beds shall be a minimum of 5'-0" wide where adjacent to parking curb allowing ultimate clearance for automobile overhang without damage to plant materials or landscape irrigation. Screen height shall be measured from the top of the adjacent parking curb. Note: It is highly recommended a strip of concrete, decorative gravel, or mulch be placed along the curb of head-in parking spaces to accommodate vehicle overhang.
- E. **Service Area and Equipment Screening.** If visible from the street, adjacent property, lakes, or open space frontage, all the following shall be screened:

Storage areas; loading docks and ramps; satellite dishes; service equipment storage areas; storage tanks, trash dumpsters, service vehicles; other site equipment as determined by the DRC.

All items that are required to be screened shall be screened by the use of decorative concrete or masonry walls consistent with the architectural style and material of the building. The height of the wall shall be adequate to totally screen the tallest item to be screened. If the wall exceeds 6'-0" in height, a minimum of 75% of any side of the wall shall be covered with evergreen shrubs, vines and/or trees. Items to be screened



which are 6'-0" or less in height, except those mentioned above, may be screened by the use of walls as described above or by the use of evergreen shrubs as approved by the DRC. Shrubs shall be installed equal to the height of the item to be screened at time of planting.

F. ***Loading Docks and Areas.***

1. *Loading docks and areas* shall not be located on the street side of any building or structure, except the DRC may approve such location in writing (subject to express screening requirements) on one street of corner buildings or structures.
2. *Loading areas* may not encroach setback areas, except that Declarant may approve such encroachment in connection with the approval of the street side loading areas for corner buildings as described in the preceding paragraph.
3. *Loading docks and areas* shall not be within 50'-0" of any common area open space.

G. ***Screening of Service Equipment.*** A plan showing the location and screening of all exterior utility meters, transformers, air conditioning units, cooling towers, and other exterior mechanical equipment must be approved by the DRC. No roof mounted mechanical equipment shall be permitted unless 100% screened and approved by the DRC.

## **5.0 ARCHITECTURAL CRITERIA**

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### **5.1 Architectural Theme/Character**

- A. Buildings should be tasteful, timeless, and reflect the latest technology. Designs should be devoted to serenity and compatibility rather than to flash and drama.
- B. Architectural features, materials, and color shall not dramatically contrast with those existing on immediately adjacent parcels.
- C. On parcels immediately adjacent common area open space, architectural form and color should blend with the character of the open space.

### **5.2 Building Massing**

- A. Architectural interest shall be created by reducing scale and visually articulating exterior building walls by, fragmenting into smaller or multiple structures or masses in a similar plane; wall texture placement; clustering small scale elements such as planter walls around the major form; creation of shadow lines and patterns.
- B. Roofscapes shall be carefully designed to break up long expanses of horizontal planes. Sloped roofs shall have a minimum 6:12 pitch unless otherwise approved by the DRC for extremely large roof areas.
- C. Retail Building Massing Requirements:
  1. *Horizontal Articulation:* No building façade shall extend greater than four (4) times the wall's height without having a minimum offset of 10% of the wall's height.
  2. *Vertical Articulation:* No horizontal wall shall extend for a distance greater than four (4) times the height of the wall without changing height by a minimum of 10% of the wall's height.
  3. *Exposed Columns:* Exposed support columns shall be constructed of or clad in the same masonry material as the principal structure, or of cast stone.
  4. *Sidewalks:* Covered sidewalks shall be required along the front of inline retail space.

5. *End corners of buildings* shall be articulated with tower elements.

### **5.3 Building Entrances**

- A. Site access entrance drives and building entries shall be readily visible to the first-time visitor.
- B. Building entries shall be highlighted by such features as:
  - 1. *Ceremonial entry porte-cocheres;*
  - 2. *Plazas;*
  - 3. *Special planters and plantings;*
  - 4. *Architectural walls;*
  - 5. *Colored and/or Textured hardscape;* and
  - 6. *Design features that connect outdoors to indoors.*

### **5.4 Building Height**

Structural heights are outlined in the Waco Zoning Ordinance.

### **5.5 Building Materials**

- A. One dominant material should be selected for all building exterior walls preferable natural stone, clay brick, or faux stone as noted under 5.5/O./1. below.
- B. Corrugated metal-sided type buildings shall not be allowed.
- C. Reflective glass that is warm in character and harmonious such as green, gray, or bronze may be used.  
  
Untinted mirrored glass, and highly reflective gold glass (glass which exceeds a 27% reflectance percentage) will not be allowed. Black glass will be allowed only when used to accent or enhance primary glass color and/or primary building materials.
- D. Improvements shall not be adorned with stylistic ornamentation or details that are out of character with the overall development's image.
- E. Fence materials should coordinate with the primary building materials. Use of stone, brick and/or wrought iron is strongly encouraged. Black, brown or dark green vinyl coated wire fences will be the only type of chain link fencing permitted at LEGENDS CROSSING and will be permitted only in areas not visible from public streets or common area open space. Construction sites may use the galvanized chain link fencing in temporary situations.
- F. Exterior wall surface materials shall be limited to two approved materials, excluding trim, unless otherwise approved in writing by the DRC.
- G. Exterior fire escapes will not be allowed.
- H. Stucco exterior walls shall be the traditional three (3) coats process unless another process is specifically approved by the DRC.
- I. Wood shake siding shall be No. 1 Hand Split Red Cedar shakes and should only be considered appropriate on small scale buildings.

- J. Medium and high density patio balconies shall be designed to have no less than 50% screened in its entirety; unless otherwise approved in writing by the DRC.
- K. No above ground level swimming pool or spa may be installed on any parcel, and any swimming pool shall be designed and engineered in compliance with the City of Waco Building Code.
- L. No built-up or membrane roofing and mechanical units shall be above the parapet wall.
- M. Exterior wood may be used but must be finished with paint or solid base stain.
- N. Use of tile, slate, standing seam metal, etc. is encouraged for roofs. Colors shall be selected from an earthtone palette. If composition shingles are used, the minimum "weight" shall be 300 lbs. per square and shall be a 30-year architectural/dimensional type shingle.
- O. Retail Building Material Requirements:
  1. Thirty percent (30%) of each of the building wall surfaces other than glass shall be stone, clay brick natural or faux stone. All building materials are subject to approval by the DRC.  
  
Natural stone or faux stone shall be or match the following:
    - Stone Type: Leuder's limestone
    - Stone Pattern: Random rectangular
    - Mortar: Buff color (maximum 1/2" wide joints)
  2. Architectural design and style shall be continued on all building facades to lend a similarity of design and appearance to the backside of buildings through the use of compatible facades and roof treatments.
  3. EIFS (exterior insulation finish systems) will be allowed as a trim material only at locations above 10'-0" in height or when used for soffits.
- P. Building exterior material colors are to be compatible with one another and shall not dramatically contrast with those existing on immediately adjacent parcels. A limited mix of dominant exterior building materials of a harmonious color range shall be utilized on any building or group of buildings. The colors used shall be those of a natural earth tone palette. No primary or bright colors shall be allowed. All materials and colors are subject to approval by the DRC.

#### **5.6 Mechanical Equipment (Exterior)**

- A. Exterior components of plumbing, processing, cooling, and ventilating systems including (but not limited to) piping, tanks, stacks, collectors, fans, blowers, ducts, meters, compressors, wall mounted HVAC units, motors, incinerator ovens, and chillers ("exterior components") shall not be mounted on the exterior of any building wall visible from a public street, adjacent property, or common area open space.
- B. Exterior components shall be screened by a screening device (such as a screen wall, balcony wall, or a parapet wall) that shall be integrated into the architectural design of the building. The screening device shall be at least the height of the exterior components and shall be in accordance with applicable portions of Section 4.10 of these Standards.
- C. All exterior components, regardless of the height of the screening device, shall be neatly installed and mounted, and shall be painted to match their background.
- D. Drainage pipes (downspouts) on building facades along streets shall not be exposed, unless it is a portion of the ornamentation of the architecture.
- E. Louvers and vents must be architecturally integrated with the building elevation.

## 5.7 Driveways and Sidewalks

- A. **Composition of Driveways.** All driveways and alleys shall be reinforced concrete pavement or hot mixed asphaltic concrete (with concrete curb and gutter) paving or other materials approved by the City of Waco, Texas.
- B. **Alignment and Size of Driveways.** Alignment and size of driveways and alleys should conform to the standards and objectives expressed in Design Guidelines, must be approved by the DRC and comply with all relevant regulations and ordinances of the City of Waco, Texas.
- C. **Sidewalks.** Each public street shall have a reinforced concrete sidewalk, the size and location of which should conform to the Design Guidelines, must be approved by the DRC and comply with the City of Waco, Texas standards.

## 5.8 Exterior Lighting

A lighting plan showing all locations, spacing, standard types and light types and sizes must be submitted for approval by the DRC. No exterior light shall be installed or maintained within the Property, which is found to be objectionable by the DRC. Upon being given notice by the DRC that any exterior light is objectionable, the Owner of the Property on which the same is located will immediately remove said light or shield the same in such a way that it is no longer objectionable. Exterior lighting shall not be directed at, or spill over intrusively onto, adjacent property or common area open space.

- A. Illumination of signage must be approved in writing by the DRC.
- B. Illumination of retail signage must be included in the submission of signage standards which is required for all retail centers.
- C. Lighting may not be of flashing or moving character for building illumination or signage.
- D. Illumination will be required on all exterior facing streets or proposed streets and for all parking areas and walkways between buildings and parking areas unless otherwise waived or modified by Declarant in writing. Such illumination must conform to plans approved in writing by the DRC pursuant to Article IV hereof.
- E. 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.
- F. Appropriate accent lighting of the architecture or other site features is encouraged. Trees shall be uplighted in key areas such as main vehicular and pedestrian entries, building entries, gardens, etc.
- G. Identification graphics and signs shall be lighted internally or from ground mounted locations. Light fixtures should be screened from view in front of the sign.
- H. Pole lighting will be a maximum of 15'-0" in height for pathways and walkways and shall be compatible in style and color with that installed by the Master Developer in the common area open spaces; 30'-0" for parking areas and roadways. Light pole bases constructed of exposed concrete that exceed a height of 2'-0" are to be clad in brick or stone that is compatible with the development. Exposed concrete bases may not be painted any bright (i.e. yellow, red or orange).
- I. Lighting fixtures for parking lots will be "down" lighted ("shoebox" or "cut off") and the light source shall not be seen from any side of the fixture. Drop-down lenses are prohibited.
- J. Holiday lights and decorations must be removed no later than 20 days after the holiday.

- K. Low or High Pressure Sodium (yellow/orange source) lights are not allowed. Mercury Vapor, Metal Halide, and other “white” light sources are allowed.
- L. Exterior building mounted light fixtures are to be shielded cut-off fixtures with no drop-down lenses and mounted at a maximum height of 12'-0" above finish floor.
- M. Exterior canopy and soffit lighting shall be recessed with no visible drop-down lenses.

## **6.0 LANDSCAPE ARCHITECTURE CRITERIA**

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### **6.1 Landscape Theme/Character**

- A. ***Intent.*** It is the intent of these regulations to recognize, utilize and supplement the existing landscape and visual resources. It is the further intent to structure a visible introduced landscape, ensuring consistent quality and providing visual harmony. The designer shall carefully consider the various design criteria described in the design guidelines and respect the quality and intended landscape character of the LEGENDS CROSSING Development. **Landscape design and development for all sites within the Development shall substantially exceed the minimum standards required by the City of Waco.**

Owners are responsible for design and construction of all landscape and irrigation areas on their site and adjoining right-of-way. Plantings shall be maintained in a healthy and vigorous growing condition or replaced with equal size and species material. Plant sizes and spacing shall meet the minimum sizes and stock specification (i.e. container-grown) as shown on the LEGENDS CROSSING Recommended Tree and Plant List (see Exhibit “A”) and as otherwise required in these Guidelines. All trees susceptible to wind damage should be staked and guyed or kept vertical by other approved methods. Angular guying is not recommended. Soil testing is encouraged and soils shall be amended by Owner as necessary. All plant materials shall be pruned to enhance their normal growth habit.

### **6.2. Landscape Definitions**

- A. CALIPER means:
  - for a single-stem tree, the diameter of the trunk measured twelve (12) inches above the ground for a tree having a diameter up to and including eight (8) inches, and measured at four and one-half (4 ½) feet above the ground for a tree having a diameter of more than eight (8) inches.
  - for multi-stem trees, the diameter of the trunk measured at the narrowest point below branching when branching occurs higher than twelve (12) inches above the ground. When branching occurs at or lower than twelve (12) inches above the ground, caliper means the diameter of the largest stem plus the average diameter of the remaining stems, measured at four and one-half (4 ½) feet above the ground.
- B. CONTAINER-GROWN STOCK (GENERAL) means plants or trees grown in a container (from seedling stage) for sufficient length of time for the root system to have developed to hold the soil together, firm and whole.
- C. CONTAINER-GROWN TREE STOCK means trees grown in a container from seedling stage and complies with Container-grown Stock (General) requirements.
- D. CONTAINERIZED TREE STOCK means trees grown in a container for not less than one (1) year and complies with Container-grown Stock (General) requirements.
- E. CRITICAL ROOT ZONE means the circular area of ground surrounding a tree extending a distance of one foot per caliper inch of the tree, measured from the tree trunk or stem.

- F. ENHANCED PAVEMENT means any permeable or nonpermeable decorative pavement material intended for pedestrian or vehicular use. Examples of enhanced pavement include brick or stone pavers, grass paver, exposed aggregate concrete, and stamped and stained concrete.
- G. EVERGREEN TREE OR SHRUB means a tree or shrub of a species that normally retains its leaves throughout the year.
- H. FIELD-SELECTED OR NURSERY GROWN BALLED AND BURLAPPED TREE STOCK (B&B) means balled and burlapped plants with, natural balls of earth of sufficient diameter and depth to encompass the fibrous and feeding root system necessary for full recovery of the plant. Provide 10" of root ball per 1" caliper of trunk (measured 8" above grade level for trees 4" caliper and less and 12" above grade for larger trees).
- I. GRADING means any digging, scooping, removing, depositing or stockpiling, of earth materials.
- J. GROUND COVER means natural mulch, or plants of species that normally reach a height of less than three (3) feet on maturity, installed in such a manner so as to form a continuous cover over the ground.
- K. LANDSCAPE ARCHITECT means a person licensed to practice the profession of landscape architecture in the State of Texas under state licensing guidelines.
- L. LANDSCAPE AREA means an area at least 80% of which is covered by natural grass, ground cover, or other natural plant materials (excluding screening).
- M. LANDSCAPE BUFFER STRIP means a landscape area that serves a buffer function.
- N. LARGE CANOPY TREE means a species of tree that reaches a mature height above 30' and normally bears crown foliage typically no lower than six (6) feet above ground level upon maturity.
- O. LARGE SHRUB TREE means a shrub that normally reaches a height of six (6) feet or more upon maturity.
- P. NON-CANOPY TREE means a species of tree that reaches a mature height over 10' and whose natural character is to have full and solid branching to ground level.
- Q. PUBLIC STREET OR HIGHWAY RIGHT-OR-WAY is defined as the lineal footage of property abutting a public street or highway, excluding the lineal footage of access or driveway entries.
- R. SMALL CANOPY TREE means a species of tree that reaches a mature height of 10' to 30' and bears crown foliage typically no lower than four (4) feet above ground level upon maturity.

**6.3. General Landscape Requirements**

Landscape and irrigation plans shall be prepared in accordance with the Design Guidelines. These plans are to be prepared at an appropriate scale to describe detail (1" = 40'-0" minimum, 1" = 20'-0" preferable), with sheet sizes no larger than 30" x 42". The Category II – Preliminary Building and Site Design (Site Plan) and Category III – Construction Documents Submittals Landscape Plan Submittals shall include the following:

- A. **Structures** - configuration, location and finish floor elevation;
- B. **Vehicular pavements** (on site and adjacent) - configuration, location, and grade elevation;
- C. **Equipment** (i.e., transformers, air conditioning pads, panel boxes, trash handling system, manholes, and other ground mount equipment) - location and size;

- D. **Existing Vegetation** - species, caliper, grade elevation, trees to be saved showing protection and preservation methods, trees to be relocated showing location and outlining transplant methods, trees to be removed showing required replacement;
- E. **Landscape Requirements Table** - landscape materials required vs. landscape materials provided; square footage of landscaping required vs. square footage of landscaping provide, etc.
- F. **Plant List** - plant materials common name, botanical name, minimum size requirements (caliper, height, and spread), container-grown, specific requirements, etc.
- G. **Existing Grades** - site perimeter spot elevations and contour intervals at no less than 1'-0";
- H. **Proposed Grades** - 1' contour interval;
- I. **Landscape Construction** - (i.e., paving, walls, fences, pools, fountains, planters, trellis, site furnishings, berms, drainage) - configuration, size, location, material, color, elevation, detail, and specification;
- J. **Surface Drainage Systems** - location, detail and specification;
- K. **Landscape Lighting Systems** - location, detail and specification;
- L. **Introduced Vegetation** - species, size, location, spacing, quantity, material and installation specifications;
- M. **Irrigation System** - head and pipe locations, type and size, valves, controller, backflow preventor, and meter location and size, material and installation specifications (Category III – Construction Documents submittal only);
- N. **Undeveloped Parcel** - size and location of any undeveloped parcels on the site with a description of treatment and proposed maintenance; and
- O. **Erosion Control** - location and method of control measures protecting adjacent properties and lakes (Category III – Construction Documents submittal only).

All plans shall be submitted in duplicate to the DRC and must be approved prior to construction, disruption of the site, or moving or removal of existing vegetation. There shall be no deviation from the approved plans. Changes from the original approved plans shall be resubmitted showing said changes and shall be subject to review and approval by the DRC.

Category III – Construction Documents submittal shall be sealed by a State of Texas licensed Landscape Architect (landscape plans) and a State of Texas licensed Irrigation Designer (irrigation plans).

#### **6.4 Introduced Vegetation**

Introduced vegetation is defined as trees, shrubs, vines, groundcovers, seasonal flowers and turf grasses as shown in the LEGENDS CROSSING Recommended Tree and Plant List (see Exhibit "A"). This plant list is not totally inclusive. Plant material traditional to the central Texas plant palette may be submitted for DRC consideration, providing a written specification detailing specialized bed preparation or maintenance is submitted. Use of improved or registered varieties of plants listed in the plant list is encouraged. Measurements in caliper, root spread, height and quality shall be determined by the latest edition of "American Standards for Nursery Stock." The Declarant has formulated a list of introduced vegetation in an attempt to identify those plants best suited to LEGENDS CROSSING's unique environment. See Exhibit "A" - LEGENDS CROSSING Recommended Tree and Plant List.

#### **6.5 Landscape Requirements**

- A. BOUNDARY LANDSCAPING shall be provided along the abutting public street or highway right-of-way. Such landscaping shall consist of a combination of groundcover and deciduous and evergreen shrubs.

- One LARGE CANOPY TREE shall be required for every 30' of frontage or fraction thereof. Trees do not have to be placed at 30' evenly spaced intervals, but may be grouped to achieve the desired effect.
- Two SMALL CANOPY TREES for a maximum of 25% of the required Large Canopy Trees may be substituted.
- Trees shall be placed so as not to obstruct sight distances or vehicular or pedestrian circulation. A proportionate increase in the required 25% shrub coverage may be substituted for a decrease in the number of trees. Landscaping must include a combination of grass and/or groundcover and shrubs and must be visible from the public right-of-way.
- At least 25% of the landscaped area must consist of shrubs.
- Boundary landscaping shall be appropriate to the character of the site and the landscaped areas shall be a size to allow proper maintenance. Parkway may be counted in meeting the minimum landscape requirements except where documented plans propose an action that will involve the eventual utilization of the parkway for such purposes as widening of a street, placement of a sidewalk or installation of storm drainage. Landscaping within the parkway shall be executed in such a manner as to provide for pedestrian passage.

#### B. INTERIOR PARKING REQUIREMENTS

Any parking area that contains twenty (20) or more parking spaces shall provide interior landscaping, in addition to the required landscaped edge, as follows:

- Fifteen (15) square feet of landscaping for each parking space shall be provided within the paved boundaries of the parking lot area.
- Where an existing parking lot area is altered or expanded to increase the number of spaces to twenty (20) or more, interior landscaping shall be provided on the new portion of the lot in accordance with the Design Guidelines.
- All landscaped areas shall be protected by a raised six inch (6") concrete curb. Pavement shall not be placed closer than three feet (3') from the trunk of a tree unless a root barrier approved by the DRC is utilized.
- Landscaped islands shall generally be located at the terminus of all parking rows, and shall contain at least one (1) LARGE CANOPY TREE with no more than fifteen (15) parking spaces permitted in a continuous row without being interrupted by a landscaped island. Where there is a landscaped median between two rows of head-in parking, landscaped islands are required every twenty (20) spaces.
- Landscaped islands shall be a minimum of one hundred (100) square feet, not less than eight feet (8') wide and a length equal to the abutting parking space.
- Subject to approval by the DRC, a portion of the required islands may be grouped to form larger islands.
- There shall be at least one (1) LARGE CANOPY TREE within one hundred and fifty feet (150') of every parking space. This minimum distance may be expanded with DRC approval in the event that required islands are grouped to form larger islands.

#### C. BUILDING PERIMETER PLANTINGS

Perimeter plantings or sidewalk tree grates (if necessary to facilitate pedestrian access) are required for all buildings. One LARGE CANOPY TREE shall be required for every five thousand (5,000) square feet of gross building area. These trees shall be located within thirty feet (30') of the face of the building. These



plantings are intended to enhance pedestrian areas while breaking up large areas of impervious surface. Trees required by other Sections of the Design Guidelines will not meet this requirement. Trees can be grouped or planted in singular, evenly spaced form. These tree plantings should be placed so as not to impede sign visibility. Trees intended for building perimeter plantings shall meet the following criteria:

- Be planted within thirty feet (30') of the front building face.
- Trees planted in paving less than four feet (4') from the back of the curb shall be located in a tree grate with a minimum dimension of four feet (4').
- SMALL CANOPY TREES may be substituted for Large Trees at foundation of the building at the rate of three Small Canopy Trees for each requirement of one Large Tree (3:1) with DRC approval.
- Trees may be placed in groups with appropriate spacing for species.
- The full building perimeter, with the exception of that required for pedestrian entries and other functional hardscape, shall be planted in a minimum 5' width landscape bed containing a mixture of shrubs and groundcovers creating seasonal interest.
- The above requirements may be reduced if approved by the DRC and additional pedestrian features such as plazas, seating areas, fountains, and outdoor recreation facilities are provided. These facilities must occupy an area equal to or greater than five percent (5%) of the total building area.

#### D. COMMON AREA OPEN SPACE EDGES

Sites adjacent to parks, the lakes or other common area open space are encouraged to provide landscape of the same character. Sites shall provide screening when necessary (see 4.11 Screening and Landscape Buffers), and are encouraged to use trees to frame views and complement the character of the common area open spaces and lakes.

The Developer is required to link walks to the existing common area sidewalk or trail system to encourage pedestrian access to the lake amenities and outlined under 4.4 above.

#### E. SITE ENTRIES

Though streetscapes should express informal character, site entries should attract the driver's attention by increasing the mass and size of plant material and adding seasonal color interest in flowering trees, shrubs and groundcovers.

- Monument signage should be visually prominent, but be integrated with, and maintain the scale of the surrounding landscape.
- Accent lighting is encouraged. Light color, for accent lighting, should remain in the white range (i.e. Incandescent, Metal Halide, or Mercury Vapor).
- Fountains, flags and other architectural elements used in the entry landscape must conform to local codes and should be designed to reflect good taste and appropriate character.
- Medians at entries are encouraged as they provide more opportunity for landscaping and better entry identification and traffic control.
- Landscapes must not interfere with the "sight" line necessary for seeing oncoming traffic. Refer to City of Waco driveway and intersection criteria for minimum standards. Take into consideration all situations of unusual requirements for view lines such as grade differences, road curves, vehicular spreads, existing objects, etc.

F. VIEWS

- The total project should be designed so that it becomes a positive addition to the views from adjacent areas. Outward view should be framed with plant material which will also serve to soften views of the architecture.
- Incorporate views of lakes and other common area open space into projects, while respecting the quality of views of neighboring sites.

**6.6 Site Construction**

During site construction, the Site Developer is encouraged to comply with the following site construction and protection guidelines:

- A. Respect and maintain the major drainage patterns of the site;
- B. Leave as much groundcover vegetation growing as possible during construction to reduce soil erosion;
- C. Stockpile topsoil prior to mass grading and re-spread in landscape areas after construction of buildings is complete;
- D. New grades should blend into existing grades and be natural in appearance;
- E. Where retaining walls are required or proposed, natural stone walls are preferred. Railroad tie walls are not allowed. Natural stone retaining walls shall meet the following specifications for all exposed surfaces:
  - Stone Type: Leuder's limestone
  - Stone Pattern: Random rectangular (matching existing common area landscape amenities)
  - Mortar: Buff color (maximum 1/2" wide joints)
- F. Developers shall minimize erosion and siltation into lake and adjacent properties with hay bales, silt fences, or rock berms maintained at appropriate locations until groundcover vegetation can be reestablished.

**6.7 Berm Construction**

Berms are used for screening, buffering and to provide visual relief and shall be built to the following specifications:

- A. Berms shall have a maximum slope of 3.5:1 (29%), but should have a gently rounded top and are encouraged to be constructed with a more gradual slope;
- B. Berms should be long, teardrop shapes which overlap where possible;
- C. Adequate slope should be provided between berms to allow for positive drainage, a 3% slope on the drainage center is desired;
- D. Berms should be built with fill material which is free of debris and large rocks, and then well compacted in layers to prevent sink holes and depressions from forming.

**6.8 Construction Time**

The City of Waco, Texas requires landscape and irrigation be installed before a certificate of occupancy is issued. In some situations, the City may issue a temporary certificate until completion.

The use of winter Ryegrass shall be considered a temporary measure to reduce soil erosion through the winter season. If winter rye is used, it shall be completely herbicided and scalped and replaced with approved turf grass according to the approved landscape plan by May 30 of the following year.

## **6.9 Maintenance**

Installed landscape items shall be properly maintained at all times. Grasses and weeds shall at no time be allowed to exceed 6" in height in developed areas or 9" in undeveloped areas. Unless construction has commenced, wildflower areas shall not be mowed until after wildflowers seed. Dead and unhealthy materials shall be replaced in a timely manner, with materials of the same size and specification as previously approved.

## **6.10 Irrigation Requirements**

All landscape areas are to have complete, automatic landscape irrigation systems, including parkways and right-of-way areas along public streets. The landscape sprinkler irrigation system shall be designed and operated to prevent or minimize runoff and discharge of irrigation water onto roadways, driveways, adjacent properties and any areas not under control of the user. Normal wind directions and velocities must be taken into account.

All landscape areas along walks, curbs, and turf areas are to be irrigated with pop-up type heads. All systems are to use the City of Waco's standards and requirements for back flow prevention.

All irrigation systems are to be designed by a Texas Registered Landscape Irrigator. All systems are required to have head to head coverage or closer. Controller devices must be screened or placed out of view.

Irrigation systems must be maintained. Blown heads on main line ruptures must be repaired immediately and head water arc and direction must be adjusted at all times to keep overspray at a minimum.

## **6.11 Signage and Graphics**

The following section contains criteria for the design and installation of signage and graphics:

### **A. Monument Signs**

1. Monument Signs shall identify individual tenants within a Retail Tract or Lot. Monument Signs shall be a maximum of eight (8) feet tall with a face square footage not to exceed 48 square feet per face and a base area in excess of the face square footage not to exceed 24 square feet.
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.
3. Monument Signs shall be located at a set back distance of not less than eight (8) feet from the right-of-way line of any adjacent street.
4. Design of Retail Monument Signs shall include a base of material of the following:
  - Stone Type: Leuder's limestone
  - Stone Pattern: Random rectangular
  - Mortar: Buff color (maximum 1/2" wide joints)

B. Pylon Signs are not allowed within the Development.

### **C. Tenant Exterior Signs**

1. Tenant Exterior Signs shall be installed prior to opening for business in the premises. Each tenant shall be allowed a maximum of three (3) signs on the exterior of the premises.
2. Owner shall require Tenant to obtain a sign permit, if required by code, for the installation of its exterior sign from the appropriate governing authority, prior to the installation of such sign.

3. The following signs shall not be permitted: Rotating, box, can, flashing, noise making, odor producing, or back-lit canopy.
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.

#### D. General Sign Design Criteria

1. The following restrictions shall apply to all signs:
  - a. Signs of individual tenants with rentable space in excess of 15,000 sq. ft. shall not exceed a maximum height of 6 feet.
  - b. Signs for tenants of less than 15,000 sq. ft. shall not exceed a maximum height of 28 inches.
  - c. Each letter of any such sign shall be at least 4" wide and shall not project from the surface more than 15 inches.
2. The maximum overall length of any tenant's installed storefront sign shall not exceed 75% of the storefront width, or the maximum length allowed by the local governing authority, whichever is less. If the tenant's fascia length is less than the storefront width, such as at the corners, then the tenant's maximum sign length shall be the lesser of (a) 90% of the allotted space, (b) 75% of the storefront width, or (c) the maximum allowed by the local governing authority.
3. Each letter shall be fastened individually to the building with stainless steel pins.

#### E. Secondary Exterior Signs

1. No portable signs shall be placed by any tenant on the exterior of the premises.
2. 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.
3. 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.
4. Tenant shall be required to place the name of the store on the rear service door in letters which shall be 3" high.
5. No banners, posters, flyers or advertising material of any kind shall be permitted to be mounted on the exterior glass. Notwithstanding the above, if the tenant opens later than 30 days after the "Grand Opening" of the retail establishment, 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.

#### F. Trucks with Graphics

No vehicles with graphics shall be permanently located on any Retail Tract or Lot. All vehicles marked with graphics are subject to a parking time limit of 24 hours in any location. Any such vehicle may be towed and stored at the direction of the Association at the vehicle owner's expense twenty-four (24) hours after written notice of said violation is attached to or placed on said vehicle.

## **7.0 COMPLETION INSPECTION**

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LEGENDS CROSSING has developed a set of procedures to follow in obtaining final acceptance of constructed projects from the Legends Crossing Commercial Association as follows:

1. Building Completion Inspection
  - a. Will be held at the point which the contractor(s) consider their work to be complete on a given building or structure.
2. Landscape Completion Inspection
  - a. Will be held at the point which the contractor(s) consider their work to be complete on a given site.
3. Hardscape Completion Inspection
  - a. May be held concurrently with the Landscape Completion Inspections and includes sidewalks and other site hardscape features (i.e. retaining walls, screen walls, etc.).
4. Final Inspection
  - a. Will be held with same attendees to certify completion of punch list items and to authorize Final Acceptance.
  - b. If Final Inspection on a given project contains very few or only very minor punch list items, acceptance of project may be Authorized at time of Final Inspection.
5. The following should be notified to schedule completion inspections:
  - G. E. WALKER & ASSOCIATES L.L.C.  
Phone: 254-714-1402