



AGENDA

TOWN OF FLOWER MOUND PLANNING AND ZONING COMMISSION MEETING

JANUARY 8, 2018

**FLOWER MOUND TOWN HALL
2121 CROSS TIMBERS ROAD
FLOWER MOUND, TEXAS**

.....
AN AGENDA INFORMATION PACKET IS AVAILABLE FOR PUBLIC INSPECTION
ONLINE AT www.flower-mound.com/AgendaCenter
.....

A. CALL TO ORDER: 6:30 P.M.

B. INVOCATION AND PLEDGE OF ALLEGIANCE

C. CITIZEN'S COMMENTS

The purpose of this item is to allow citizens an opportunity to address the Commission on issues that are not the subject of a public hearing. Items requiring a public hearing are clearly marked as such on the agenda, and citizens and visitors will be allowed to speak on those items during the public hearing.

D. REGULAR ITEMS

1. *Minutes of December 11, 2017*

Consider approval of the minutes of the December 11, 2017, Planning and Zoning Commission Regular Session.

2. *MISC17-0008 – Re-Application Waiver*

Consider approval of a request for a waiver to the one-year waiting period required after denial of a rezoning request by the Town Council in order to allow acceptance of a new zoning application for the same property, as outlined in Section 78-154, "Action by town council," of the Code of Ordinances. The property is generally located south of FM 1171 and west of High Road.

E. ADJOURNMENT

I do hereby certify that the Notice of Meeting was posted on the bulletin board in Town Hall of the Town of Flower Mound, Texas, a place convenient and readily accessible to the general public at all times, on the following date and time: Jan. 4, 2018, at 2:45 pm, at least 72 hours prior to the scheduled time of said meeting.



Cindi Price, Executive Assistant

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 on this agenda.

The Flower Mound Town Hall and Council Chambers are wheelchair accessible. Requests for accommodations or interpretive services must be made at least 48 hours prior to this meeting by contacting Planning Services at (972) 874-6350.

THE FLOWER MOUND PLANNING & ZONING COMMISSION MEETING HELD ON THE 11TH DAY OF DECEMBER, 2017, IN THE FLOWER MOUND TOWN HALL, LOCATED AT 2121 CROSS TIMBERS ROAD IN THE TOWN OF FLOWER MOUND, COUNTY OF DENTON, TEXAS, AT 6:30 PM

The Planning & Zoning Commission met in a regular session with the following members present:

Perfecto Solis	Chair
Mike McCall	Vice Chair
Brad Ruthrauff	Commissioner, Place 1
Laile Neal	Commissioner, Place 2
David Johnson	Commissioner, Place 4
Albert Picardi	Commissioner, Place 5
Laura Dillon	Commissioner, Place 6
Heth Kendrick	Commissioner, Place 8
Rob Rawson	Commissioner, Place 9

Constituting a quorum with the following members absent:

N/A

(Places 8 and 9 of the Commission do not vote on items unless they sit in place of one of the regular members, Places 1-7.)

And the following members of Town staff present:

Ashley Dierker	Town Attorney
Tommy Dalton	Assistant Town Manager
Doug Powell	Executive Director
Chuck Russell	Town Planner
Robert Pegg	Engineering Manager
Poornima Kashyap	Senior Planner
Richard Brown	Senior Planner
Cindi Price	Executive Assistant

- A. CALL TO ORDER: 6:30 P.M.**
- B. INVOCATION AND PLEDGE OF ALLEGIANCE**
- C. CITIZENS/VISITORS COMMENTS**

Paul Stone, 4100 Broadway, Flower Mound
- D. REGULAR ITEMS**

- 1. Consider approval of the minutes of the November 13, 2017, Planning and Zoning Commission Regular Session.**

Commission Deliberation

Commissioner Johnson moved to approve the November 13, 2017, minutes as presented. Vice Chair McCall seconded the motion.

VOTE ON THE MOTION

AYES: Dillon, Picardi, McCall, Johnson, Neal, Ruthrauff

NAYS: None

ABSTAIN: None

ABSENT: None

The motion passed with a vote of 6-0.

2. Consider a request for a Record Plat (RC16-0015 - The Conservatory Estates, Phase 1) to create a residential subdivision. The property is generally located north of Cross Timbers Road and west of Freeman Road.

Staff Presentation

Poornima Kashyap, Senior Planner

Commission Deliberation

Commissioner Johnson moved to approve RC16-0015 – The Conservatory Estates, Phase 1. Vice Chair McCall seconded the motion.

VOTE ON THE MOTION

AYES: Ruthrauff, Neal, Johnson, McCall, Picardi, Dillon

NAYS: None

ABSTAIN: None

ABSENT: None

The motion passed with a vote of 6-0.

3. Consider a request for a Record Plat (RC17-0008 - Southgate Commercial, Northwest Tract) to create three non-residential lots and one open space lot. The property is generally located north of Long Prairie Road and west of Gerault Road.

Staff Presentation

Poornima Kashyap, Senior Planner

Commission Deliberation

Commissioner Johnson moved to approve RC17-0008 - Southgate Commercial, Northwest Tract. Vice Chair McCall seconded the motion.

VOTE ON THE MOTION

AYES: Dillon, McCall, Johnson, Neal, Ruthrauff

NAYS: None

ABSTAIN: Picardi

ABSENT: None

The motion passed with a vote of 5-0-1.

- 4. Consider a request for a Record Plat (RC17-0009 - Southgate Commercial, Northeast Tract) to create three non-residential lots. The property is generally located north of Long Prairie Road and east of Gerault Road.**

Staff Presentation

Poornima Kashyap, Senior Planner

Commission Deliberation

Commissioner Johnson moved to approve RC17-0009 - Southgate Commercial, Northeast Tract. Vice Chair McCall seconded the motion.

VOTE ON THE MOTION

AYES: Ruthrauff, Neal, Johnson, McCall, Picardi, Dillon

NAYS: None

ABSTAIN: None

ABSENT: None

The motion passed with a vote of 6-0.

- 5. Consider a request for a design change (MISC17-0007) for the terminus feature in the central roundabout within the Lakeside DFW development. The property is within the intersection of Edgemere Road and Lakeside Parkway.**

Staff Presentation

Doug Powell, Executive Director

Applicant Presentation

Alex Brown, Realty Capital Management

Commission Deliberation

Commissioner Johnson moved to deny MISC17-0007 – Lakeside DFW Roundabout as submitted. Vice Chair McCall seconded the motion.

VOTE ON THE MOTION

AYES: Dillon, McCall, Johnson, Ruthrauff

NAYS: Picardi, Neal

ABSTAIN: None

ABSENT: None

The motion passed with a vote of 4-2.

6. **Public Hearing to consider a request for rezoning (ZPD17-0007 - The Point) from Planned Development District No. 31 (PD-31) with Campus Commercial District (CC) uses to Planned Development District No.156 (PD-156) with both non-residential and residential uses in compliance with the Campus Commercial land use designation within the Lakeside Business District Area Plan, including a Comprehensive Sign Package, and with certain exceptions and modifications to the Code of Ordinances. The property is generally located east of Long Prairie Road and north of Silveron Boulevard.**

Commissioner Kendrick recused himself from Item 6, and left Council Chambers.

Staff Presentation

Richard Brown, Senior Planner
Tommy Dalton, Assistant Town Manager

Applicant Presentation

David Watson, Direct Development
Matt Enzler, Trammell Crow Residential
Kendra Stephenson, Portmanteau Consulting
Larry Cates, Cates-Clark & Associates

Spoke In Favor –

Ron Crowell, 2112 Archer Court, Flower Mound
Jeff Ramsey, 5100 Clear Creek Drive, Flower Mound
Mark Walker, 3310 Juniper Street, Flower Mound
Todd Weaver, 3505 Yucca, Flower Mound
Jim Wills, 14160 Dallas Parkway, Dallas
Paul Stone, 4100 Broadway, Flower Mound
Brit Stock, 3701 Acton, Flower Mound
Matt Green, 3800 Birchmont, Flower Mound

Spoke In Opposition –

Jim Engel, 5110 Bayberry Street, Flower Mound
Richard Myers, 909 Lake Carolyn Parkway, Irving
Joe Roach, 4993 Lusk Lane, Flower Mound
Sandeep Sharma, 2504 Stillwater Court, Flower Mound
Scott Tarwater, 4613 Windmill Lane, Flower Mound

Submitted a card In Opposition, but did not wish to speak:

Amar Uppalapati, 6109 Madeline Lane, Flower Mound

Close Public Hearing

Commission Deliberation

Commissioner Johnson moved to recommend approval of ZPD17-0007 – The Point. Vice Chair McCall seconded the motion.

VOTE ON THE MOTION

AYES: Ruthrauff, Johnson, McCall, Picardi, Dillon

NAYS: Neal

ABSTAIN: None

ABSENT: None

The motion passed with a vote of 5-1.

[Chair Solis called for a 10-minute break.]

Commissioner Kendrick returned to Council Chambers.

- 7. Public Hearing to consider a request to amend the Land Development Regulations (LDR17-0002 – Parks and Recreational Areas) by amending Chapter 90, Article VI, Division 8, entitled “Parks and Recreational Areas,” of the Town’s Code of Ordinances.**

Staff Presentation

Tommy Dalton, Assistant Town Manager
Doug Powell, Executive Director

In Favor – None

In Opposition –

Paul Stone, 4100 Broadway, Flower Mound
Stephen Jones, 2816 Guardian Court, Flower Mound

Close Public Hearing

Commission Deliberation

Commissioner Johnson moved to table LDR17-0002 – Parks and Recreational Areas until further information can be provided and additional feedback from staff and Council. Vice Chair McCall seconded the motion.

VOTE ON THE MOTION

AYES: Dillon, Picardi, McCall, Johnson, Neal, Ruthrauff

NAYS: None

ABSTAIN: None

ABSENT: None

The motion passed with a vote of 6-0.

E. ADJOURNMENT: 10:57 P.M.

TOWN OF FLOWER MOUND, TEXAS

DOUGLAS S. POWELL, AICP
Executive Director, Development Services

ATTEST:

Cindi Price, Executive Assistant

DRAFT



PLANNING AND ZONING COMMISSION AGENDA ITEM NO: 2

DATE: January 8, 2018

FROM: Doug Powell, Executive Director of Development Services

ITEM: Consider approval of a request (MISC17-0008) for a waiver to the one-year waiting period required after denial of a rezoning request by the Town Council in order to allow acceptance of a new zoning application for the same property, as outlined in Section 78-154, "Action by town council," of the Code of Ordinances. The property is generally located south of FM 1171 and west of High Road.

I. ITEM SUMMARY

There are no outstanding issues associated with this request.

This application will require final action by the Planning and Zoning Commission.

II. APPLICATION ANALYSIS

At its November 20, 2017, meeting, the Town Council denied the Serenity cluster development proposal for the subject property. This action followed two public hearings and a recommendation for denial from the Planning and Zoning Commission. Per Section 78-154, "Action by town council," of the Town's Code of Ordinances, the denial initiates a requirement for a one-year waiting period before a new zoning application can be accepted for the same property. The section also describes the conditions and process for requesting a waiver to the waiting period.

The specifics of Section 78-154 state:

"(2) A waiting period of one year, between the date an application for amendment to the comprehensive master plan or a requested change in zoning is denied by the town council and a new application for such a change or amendment is accepted, is hereby established. For purposes of this article, "denied by the town council" shall mean that a motion by the town council to deny the requested zoning change passed by a majority of the quorum present and voting, or that a motion by the town council to approve the requested zoning change failed for lack of having the necessary votes, or that a motion by the town council to approve or deny the requested zoning change resulted in a tie vote. The one-year waiting period shall be applicable to all requested amendments and changes for the same or a more intensive land use categories, or zoning districts, on all or any portion of the property previously considered for amendment or change in land use or zoning; provided, however, that such one-year waiting period shall not be applicable to any proposed amendment or change instituted by the town council or planning and

zoning commission, or to a request for an amendment or change that is denied by the town council without prejudice. A property owner may apply for a waiver of the one-year waiting period as follows:

- a. The applicant shall submit a request in writing to the town office of community development within ten days of the denial by the town council. Upon the filing of a request within the required time period, the office of community development shall inform the applicant in writing of the date on which the planning and zoning commission shall consider the request and advise the applicant of his rights to appear before the planning and zoning commission.
- b. The planning and zoning commission may waive the one-year waiting period upon a finding that the circumstances surrounding the property have changed sufficiently to warrant the acceptance of a new application for a comprehensive master plan or zoning amendment or change prior to the end of the one-year waiting period. A majority of the planning and zoning commission quorum present and voting shall be required to grant any such request. If the request is granted, compliance with the procedures contained in subpart B of this Code and other applicable rules and regulations of the town shall be required.
- c. The applicant may appeal a denial under this article by the planning and zoning commission to the town council by filing a request in writing with the town office of community development within ten days of the denial by the planning and zoning commission.
- d. The decision of the town council regarding the request for a waiver shall be final.”

The purpose of this item is to consider the applicant’s request for a waiver in order to allow him to have the option to re-submit for a zoning change without waiting a year. Notwithstanding this request, the developer still has the option to bring forward a development plan application that complies with the current Ag zoning and Master Plan, and develop two-acre, single-family residential lots.

III. CORRESPONDENCE

No public hearing notifications were required for this waiver request; however, at the time this report was written, staff had received several emails in opposition. Any additional correspondence received after the agenda packet posting on the Town’s website will be provided to the Commissioners at the meeting.

IV. ATTACHMENTS

A. Background Information

1. Vicinity Map
2. Letter of Intent

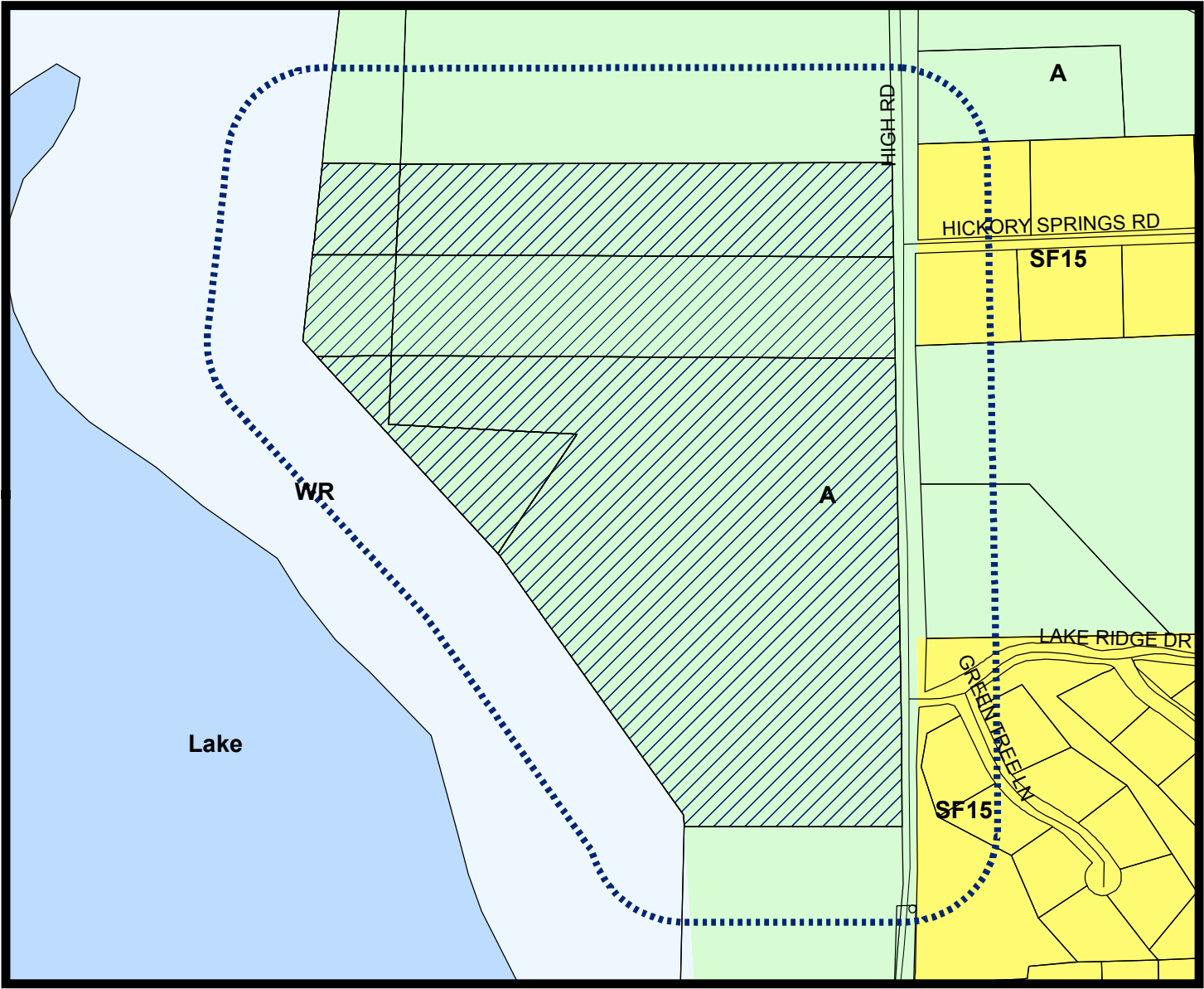
B. Correspondence

1. Correspondence in Opposition



Vicinity Map

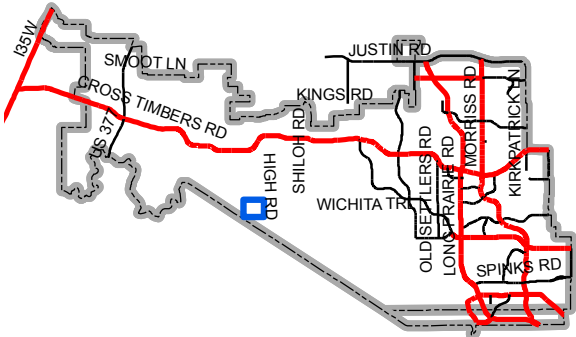
Reference Project: **MISC17-0008**



LEGEND

- Agriculture
- Lake
- Single Family 15
- Water Recreation

- Subject Property
- 200 ft Notification Buffer around Property



Map Location

November 22, 2017

TO: Town of Flower Mound
Planning Department
ATTN: Doug Powell, Tommy Dalton, Chuck Russell, Cindi Price

FROM: Ron Crosby
Ridinger & Associates
Rembert Enterprises, Inc.

SUBJECT: Waiver Request (Appeal Council's Decision for Serenity Project)

This is a request to waive the one year waiting period to submit a new application for the Serenity Project ZPD16-0007 because circumstances may have changed significantly to warrant acceptance of a new application.

Respectfully submitted,

Ron Crosby, Property Owner
Ridinger & Associates, Applicant
Rembert Enterprises, Inc., Developer

From: Lou
Sent: Thursday, January 4, 2018 9:44 AM
To: planning
Cc: Cindi Price
Subject: Opposition to MISC17-0008

Dear Flower Mound P&Z Commission,

I would like to go on record that I am in opposition to waiving the one year waiting period for the developer.

It seems highly unlikely the circumstances surrounding the property have changed sufficiently to warrant the acceptance of a new application since it was only a few days in which the waiver request was issued after the Flower Mound Town Council unanimously denied the proposal.

This developer does not have in mind the best interests for our Town of Flower Mound, in particular, protecting the Cross Timbers Conservation Development District.

I have been a resident in Flower Mound almost 40 years and would like to continue to see the Master Plan upheld to its highest standards.

Thank you for your service to The Town of Flower Mound.

Sincerely,

Elizabeth Howell
3823 Sunnyview Lane
Flower Mound, TX 75022

Sent from my iPad

From: Fred Howell
Sent: Thursday, January 4, 2018 10:19 AM
To: planning ; Cindi Price
Subject: FW: Opposition to MISC17-0008

Subject: Opposition to MISC17-0008

Dear Flower Mound P&Z Commission,

I would like to go on record that I am in opposition to waiving the one year waiting period for the developer.

It seems highly unlikely the circumstances surrounding the property have changed sufficiently to warrant the acceptance of a new application since it was only a few days in which the waiver request was issued after the Flower Mound Town Council unanimously denied the proposal.

This developer does not have in mind the best interests for our Town of Flower Mound, in particular, protecting the Cross Timbers Conservation Development District.

I have been a resident in Flower Mound almost 40 years and would like to continue to see the Master Plan upheld to its highest standards.

Thank you for your service to The Town of Flower Mound.

Sincerely,

Fred Howell
3823 Sunnyview Lane
Flower Mound, TX 75022

From: Ron Huebner
Sent: Wednesday, January 3, 2018 7:08 PM
To: planning
Subject: MISC17-0008 Opposition

As a resident of Franklin Hills, I am opposed to any waiver by the P&Z commission to the developer of the Serenity proposed development that does not conform to the current Ag Zoning that requires 2 acre residential lots.

In the recent past, the developer made a mockery of the entire process, including the spacing of the 1st and 2nd public meetings a year apart (and making virtually no changes from the 1st the 2nd submission), lying to residents, the breaking of ordinances by clearing and grading, and the lack of even submitting finalized details such as land trust or HOA managed open space.

He has not operated in good faith in any way and does not deserve a waiver of any kind.

Thank you for including my protest in the public record.

--

Ron Huebner

From: kristin m
Sent: Wednesday, January 3, 2018 10:32 PM
To: Cindi Price; planning
Cc: Guy Mrnustik
Subject: High Rd - serenity opposition

We have lived in Flower Mound about 18months and have loved being here. We stumbled upon the gem of High Rd as we were seeking out a place to escape the hustle and bustle of living in DFW but also a place our kids could truly enjoy the outdoors in a safe and 'remote' area. There are very few places you can feel like you can take a deep breath and feel removed from all the stressors of this life. There is something good for the soul when you are surrounded by beautiful trees, open fields, hay barrels, and small animals scurrying around. We moved to this area specifically to be out of the neighborhoods and subdivisions you see all over the metroplex with houses in close proximity, gated communities excluding oneself from the sense of community with one another, busy streets full of cars and kids indoors because they can't adventure, get dirty, pick up sticks without being in someone else's yard. Kids thrive by being outside, playing, running and seeking adventure in nature. There is not a day that goes by that you don't see people walking, jogging, or riding bikes up and around High Rd. Building new properties that would increase the traffic on High Rd and take away from the beauty and tranquility of this area but would also be a huge safety issue for all of us. I encourage you to drive down High Rd and get a glimpse of what we experience day to day and compare it to any other subdivision in the area with increase housing, more traffic and less open land. It would be a detriment to the Flower Mound not to preserve the area of High Rd for the way it is now.

Thank you
Mrnustik family
[7330 Fair Lake Rd](#)

Sent from my iPhone

From: walder
Sent: Wednesday, January 3, 2018 9:46 PM
To: planning
Subject: MISC17-0008 opposition

I am writing to say that we are opposed to the development of SERENITY on High Road. Please distribute this to the P&Z committee and put it on the public record that my husband and I oppose to this development.

As far as we can understand the P&Z commission may waive the one-year waiting period upon a finding that **the circumstances surrounding the property have changed sufficiently to warrant the acceptance of a new application** for a comprehensive master plan or zoning amendment or change prior to the end of the one-year waiting period.

From what we understand the request was made 2 days after we had attended the public meeting where the plans for Serenity were not approved unanimously by the town council. We find it disturbing that 2 days later there could be that many changes that would warrant the acceptance of a new application. It seems like this process is a waste of time and money at the moment for the town of Flower Mound. Please allow Serenity the 1-year waiting period to rethink and develop the property for our neighborhood on High Road. We are not opposed to the development of that area on High Road, but as stated in the November meeting we are opposed to the current plans.

Thank you
Dan and Kay Walder
3413 Shady Trail

From: Lori Wilkins
Sent: Thursday, January 4, 2018 2:22 PM
To: Cindi Price; planning
Subject: Serenity

Please consider this email as opposing the waiver of the one year period for submitting an new proposal for Serenity. During the almost two years for the first plan there was ample time for changes. The residents felt disrespected by the developer since the beginning and as this waiver was filed two days after the council meeting denying his plan, that feeling continues. This approach certainly feels like an end run around the ordinances designed to prevent this behavior.

Thank you
Lori Wilkins

Sent from my iPhone