

**AGENDA
TOWN OF FLOWER MOUND
PLANNING AND ZONING COMMISSION MEETING**

APRIL 8, 2019

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

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AN AGENDA INFORMATION PACKET IS AVAILABLE ONLINE AT www.flower-mound.com/AgendaCenter
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A. CALL MEETING TO ORDER 6:30 P.M.

B. INVOCATION AND PLEDGE OF ALLEGIANCE

C. PUBLIC COMMENT

The purpose of this item is to allow the public 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. FUTURE AGENDA ITEMS

The purpose of this item is to allow the Chairman and members of the Commission an opportunity to bring forward items they wish to discuss at a future meeting, with the understanding a consensus of the Commission is needed in order for that item to be placed on a future agenda and in accordance with the Town Council Agenda Setting Policy (Ord. 65-15).

E. DIRECTOR'S REPORT

1. Plat presentations

F. REGULAR ITEMS

1. *Minutes of March 25, 2019*

Consider approval of the minutes of the March 25, 2019, Planning and Zoning Commission Regular Session.

2. *RP19-0002 – Franklin Hills Lots 36R-1, 36R-2, 37R-1, Block F-2 Public Hearing*

Public Hearing to consider a request for a Replat (RP19-0002 – Franklin Hills Lots 36R-1, 36R-2, 37R-1, Block F-2) to create three residential lots. The property is generally located to the west of Sunnyview Lane.

3. *LDR19-0002 – Drainage and Grading* *Public Hearing*
Public Hearing to consider a request to amend the Land Development Regulations (LDR19-0002 – Drainage and Grading) by amending Chapter 32, entitled “Engineering Design Criteria and Construction Standards,” of the Town’s Code of Ordinances.
4. *LDR19-0003 – Park Credit Option* *Public Hearing*
Public Hearing to consider approval of an ordinance amending Chapter 90 of the Town’s Land Development Regulations (LDR19-0003 – Park Credit Option), adding minimum park land dedication requirements for multi-family and senior housing uses; clarifying park development fee requirements; providing options for privately maintained and publicly accessible parks and open space; clarifying park land dedication and park development fee requirements for the (MU) mixed use district and (PD) planned development district; and deleting existing provisions in conflict therewith.
5. *LDR19-0004 – Limited Residential Definition* *Public Hearing*
Public Hearing to consider a request for a Land Development Regulation Amendment (LDR19-0004 - Limited Residential Definition) to amend Chapter 98, Article III, Division 22, entitled "CC Campus Commercial District," of the Town's Code of Ordinances, to define the standards for Limited Residential development.

G. ADJOURNMENT – REGULAR SESSION

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: April 4, 2019, at 4:00 p.m., at least 72 hours prior to the scheduled time of said meeting.

LauriAnn Cash, 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 Jody Smith Hall 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.
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PLANNING AND ZONING COMMISSION

AGENDA ITEM NO: 1

REGULAR ITEM

DATE: April 8, 2019

FROM: LauriAnn Cash, Development Services Executive Assistant

ITEM: Consider approval of the minutes of the March 25, 2019, Planning and Zoning Commission Regular Session.

I. BACKGROUND INFORMATION

The Planning and Zoning Commission held a regular meeting on March 25, 2019.

II. ATTACHMENTS

1. Draft Minutes

THE FLOWER MOUND PLANNING & ZONING COMMISSION MEETING HELD ON THE 25TH DAY OF MARCH, 2019, 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:

Laile Neal	Vice Chair
Brad Ruthrauff	Commissioner, Place 1
Robert Rawson	Commissioner, Place 3
David Johnson	Commissioner, Place 4
Albert Picardi	Commissioner, Place 5
Laura Dillon	Commissioner, Place 6
Robert Cox	Commissioner, Place 8
Thomas Pickering	Commissioner, Place 9

Constituting a quorum with the following members absent:

Perfecto Solis	Chair
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(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
Lexin Murphy	Director of Planning Services
Chuck Russell	Town Planner
Tiffany Bruce	Executive Director of Public Works
Clay Riggs	Assistant Director of Public Works
Robert Pegg	Engineering Manager
LauriAnn Cash	Executive Assistant

A. CALL REGULAR SESSION TO ORDER (Council Chambers): 6:30 P.M.

B. INVOCATION AND PLEDGE OF ALLEGIANCE

C. PUBLIC COMMENT

None

D. FUTURE AGENDA ITEMS

1. Commissioner Ruthrauff would like to see the Town Council, Planning and Zoning Commission, and the Transportation Commission meet to learn how development and traffic interact/impact each other.

E. DIRECTOR'S REPORT

1. Planning & Zoning Commission Business Topics Retreat: scheduled for Friday, March 29 at 4:00pm
2. Training Budget: Texas APA Conference will be held in November and in Waco, TX
3. Early Termination of Senior Housing Overlay: will be scheduled in the near future at the request of the Town Council
4. Park Ordinance Amendments: will possibly be scheduled for the April 8th PZ meeting

F. REGULAR ITEMS

1. **Consider approval of the minutes of the March 11, 2019, Planning and Zoning Commission Regular Session**

Commission Deliberation

Commissioner Johnson moved to approve the March 11, 2019, minutes as written. Commissioner Picardi seconded the motion.

VOTE ON THE MOTION

AYES: Ruthrauff, Rawson, Johnson, Picardi, Neal, Dillon, Cox

NAYS: None

ABSTAIN: None

The motion to approve passed with a vote of 7-0-0.

2. **Public Hearing to consider a request for rezoning (ZPD18-0012 – Lisanti Cell Tower) to amend Planned Development -135 (PD-135) with Campus Industrial (CI) uses to allow development of a communication tower, to modify the development standards, and request certain modifications and exceptions to the Code of Ordinances as related to the subject property, including reduction of required landscaping. The property is generally located south of Spinks Road and east of Long Prairie Road.**

Staff Presentation

Chuck Russell, Town Planner

Applicant Presentation

Bebb Francis, The Francis Law Firm, P.C. (Attorney for American Tower LLC)

Spoke In Favor:

None

Spoke In Opposition:

None

Commission Deliberation

Commissioner Johnson moved to recommend approval of ZPD18-0012 – Lisanti Cell Tower as presented. Commissioner Ruthrauff seconded the motion.

VOTE ON THE MOTION

AYES: Cox, Dillon, Neal, Picardi, Johnson, Rawson, Ruthrauff

NAYS: None

The motion to recommend approval passed with a vote of 7-0-0.

G. ADJOURNMENT – REGULAR SESSION 7:06 P.M.

i. CALL TO ORDER – WORK SESSION 7:08 P.M.

a. Presentation and discussion of Engineering & Drainage Construction Standards

Presenter

Robert Pegg, Assistant Director of Engineering

The work session was closed at 8:35 P.M.

TOWN OF FLOWER MOUND, TEXAS

Chuck Russell, Town Planner

ATTEST:

LauriAnn Cash, Executive Assistant



PLANNING AND ZONING COMMISSION

AGENDA ITEM NO: 2

REGULAR ITEM

DATE: April 8, 2019

FROM: Poornima Kashyap, Senior Planner

ITEM: **Public Hearing to consider a request for a Replat (RP19-0002 – Franklin Hills, 36R-1, 36R-2, 37R-1, Block F-2) to create three residential lots. The property is generally located to the west of Sunnyview Lane.**

I. ITEM SUMMARY

This application has been reviewed by DRC and determined to be ready for consideration by the Planning and Zoning Commission. There are no outstanding issues.

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

II. APPLICATION ANALYSIS

The purpose of this replat is to reconfigure the lot lines between Lots 36R and 37R, Block F-2 and to add additional land which is a portion of Lot 13, Block F-2 to this replat to create three lots. Two of the three lots (Lots 36R-1 and 37R1) are improved with a single family structure. The replat creates a new buildable lot, Lot 36R-2. The subject replat consists of approximately 2.651 acres total. Access to all three lots is from Sunnyview Lane.

The property is zoned Single-Family District-10 (SF-10) which requires a minimum lot size of 10,000 square feet. However, due to the unavailability of Town sewer service in the western part of the Town and State Law requirements, all three lots are minimum half acre in size.

On March 2010, the Planning and Zoning Commission approved a replat to consolidate four lots to two lots, Lots 36R and 37R consisting of approximately 1.472 acres total.

III. CORRESPONDENCE

Since this property is zoned single-family residential, Town Code requires both public notice in a newspaper of general circulation (Denton Record Chronicle) and notification of the property owners within 200 feet of the subject property that also live within the same subdivision. At the time this report was written, staff had received one phone call requesting additional information.

III. ATTACHMENTS

A. Background Information

1. Vicinity Map
2. Letter of Intent

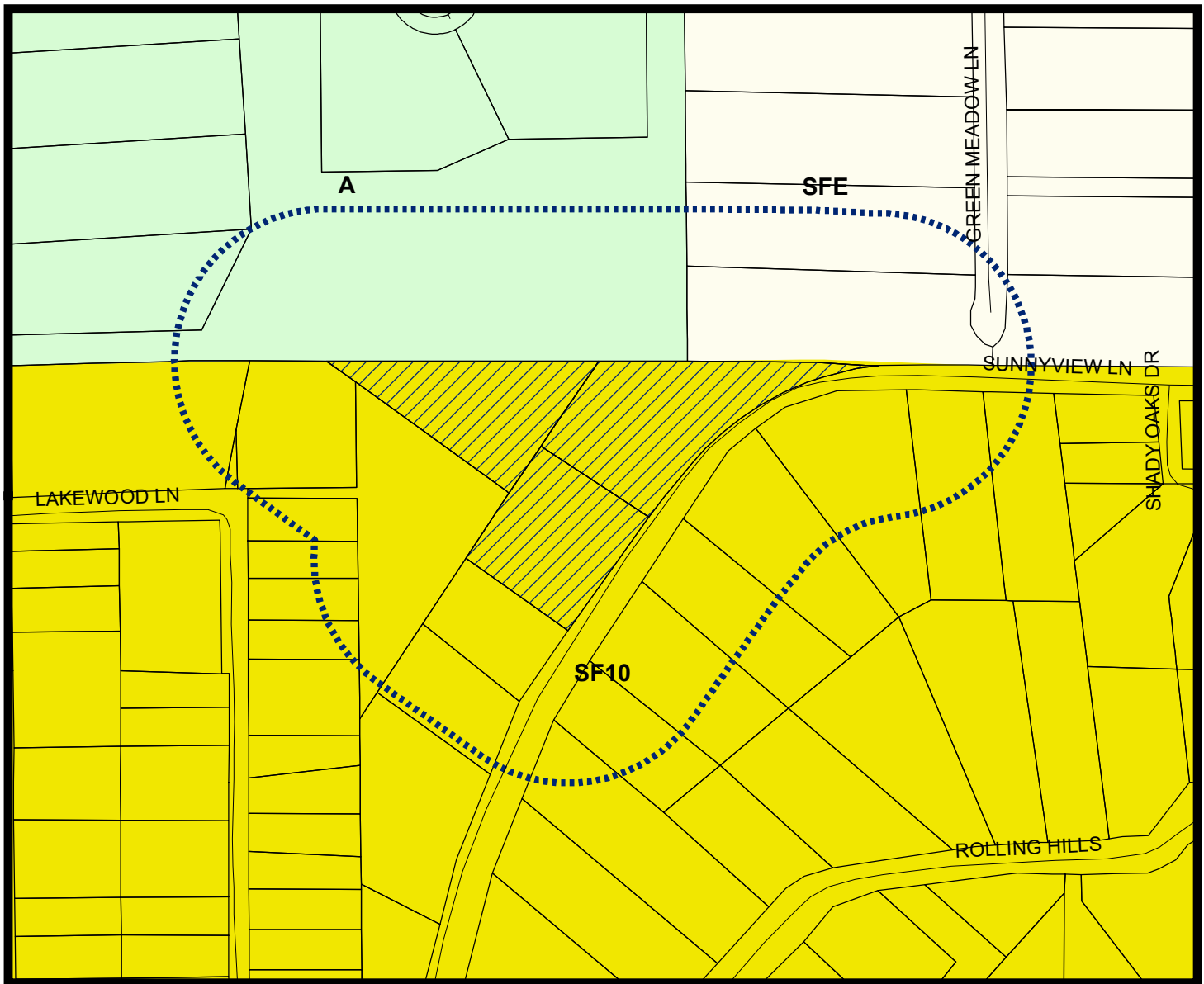
B. Application Details

1. Replat Package

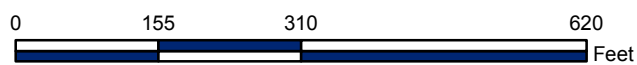
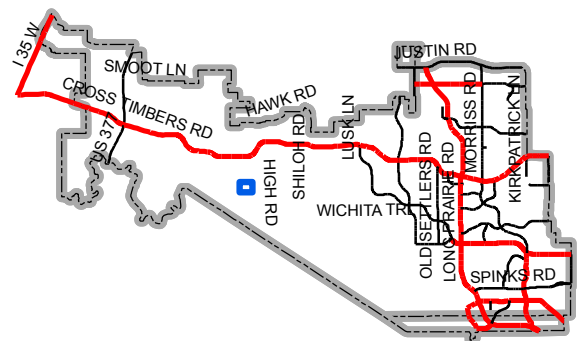
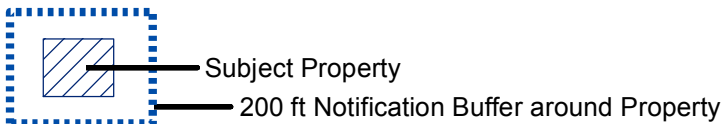


Vicinity Map

Reference Project: RP19-0002



LEGEND



Map Location

Thursday, February 21, 2019
3820 Sunneyview Lane
Lots 36R, 37R, and Part of Lot 13 Block F-2
Town of Flower Mound, Denton County, Texas
Page 1 of 1



Letter of Intent:

To Whom It May Concern:

Regarding Franklin Hills Addition, Lots 36R and Lot 37R, Block F-2, we are proposing a replat of these two properties with a tract of land called a portion of Lot 13, Franklin Hills Addition. The total lot size is 115,467 square feet or 2.651 acres. The current zoning is: Single Family 10

These three lots are being reconfigured into three newly proposed platted lots as proposed as 36R-1, 36R-2 and 37R-1, Block F-2.

These proposed lot sizes are as follows:

Lot 36R-1 – 21,780 square feet or 0.500 acres. This lot has an existing home on the property.

Lot 36R-2 – 59,126 square feet or 1.357 acres. This is a vacant lot.

Lot 37R-1 – 34,561 square feet or 0.793 acres. This lot has an existing home on the property.

Throughout the process of platting, we appreciate all the help that goes into making this project as smooth and compete as possible. Please contact me if you have any questions, comments or concerns.

A handwritten signature in blue ink, appearing to read "Grayson CeBallos".

Grayson CeBallos
Project Manager
Windrose Land Services
grayson.cebaltos@windorseservices.com
972-370-5871 – Direct
214-217-2544 - Main



PLANNING AND ZONING COMMISSION

AGENDA ITEM NO: 3

REGULAR ITEM

DATE: April 8, 2019

FROM: Robert Pegg, P.E. Assistant Director of Engineering

ITEM: **Public Hearing to consider a request to amend the Land Development Regulations (LDR19-0002 – Drainage and Grading) by amending Chapter 32, entitled “Engineering Design Criteria and Construction Standards,” of the Town’s Code of Ordinances.**

I. ITEM SUMMARY

This Town initiated item proposes to amend the Town’s Land Development Regulations to prevent drainage issues in future residential subdivisions.

This application will require final action by the Town Council, which is scheduled for April 15.

II. APPLICATION ANALYSIS

On March 25th, 2019, staff delivered a presentation to the Planning and Zoning Commission (P&Z) as a work session item following the regular Planning and Zoning Commission meeting. The presentation covered issues related to high water and flooding that occurred during the late summer and fall of 2018 within the Town of Flower Mound. Staff provided a list of recommended changes to the Town’s Engineering Design Criteria (Chapter 32 of the Code of Ordinances) designed to address the observed drainage issues in future residential subdivisions.

Planning and Zoning Commission members were supportive of the proposals brought forward by staff and provided feedback requesting that staff consider incorporating an additional change increasing the minimum grades permitted on drainage channels and ditches. P&Z also requested that staff check with the Town’s survey cities to see if they had standards for private drainage easements, a suggestion being proposed by staff.

The proposed amendments to Chapter 32 include the original suggestions presented by staff on March 25th along with the requested change of the minimum grades suggested by the P&Z Commission. Staff has also conducted a survey of the Town’s survey cities and included the results as an attachment to this report.

III. ATTACHMENTS

1. Proposed Amendments to Chapter 32
2. Survey City Results

Proposed Amendments to Chapter 32

The following changes are proposed to Chapter 32 – Engineering Design Criteria and Construction Standards.

1. Proposed Changes to Chapter IV – A. “Runoff Methods.”

- a. Paragraph 2. Rational Method, Section c. Time of Concentration, Item IV) (a) is changed as follows:

Current Text: 10 minutes for property zoned multiple family, churches, schools, local business, central business, commercial, or industrial.

Proposed Text: 10 minutes for property zoned multiple family, high-density single family (lots smaller than 7,500 square feet), churches, schools, local business, central business, mixed use, commercial, or industrial.

- b. Paragraph 2. Rational Method, Section c. Time of Concentration, Item IV) (b) is changed as follows:

Current Text: 15 minutes for property zoned for parks, cemeteries, agricultural, and single family residential.

Proposed Text: 15 minutes for property zoned for parks, cemeteries, agricultural, and single family residential (7,500 square foot lots or larger).

- c. Paragraph 2. Rational Method, Section c. Time of Concentration, Item V) (a) is changed as follows:

Current Text: 10 minutes for property zoned multiple family, churches, schools, local business, central business, commercial, or industrial.

Proposed Text: 10 minutes for property zoned multiple family, high-density single family (lots smaller than 7,500 square feet), churches, schools, local business, central business, mixed use, commercial, or industrial.

- d. Paragraph 2. Rational Method, Section c. Time of Concentration, Item V) (b) is changed as follows:

Current Text: 15 minutes for property zoned for parks, cemeteries, agricultural, and single family residential.

Proposed Text: 15 minutes for property zoned for parks, cemeteries, agricultural, and single family residential (7,500 square foot lots or larger).

2. Proposed Changes to Chapter IV – C. “Town Design Criteria.”

- a. Paragraph 2. Open Channel, Section (f). Channel/Ditch Slopes and Velocities, Item 1 “Minimum Slopes” is changed as follows:

Current Text: Where practicable, all unstabilized channel/ditches should have sufficient gradient to avoid ponding in low flow conditions. A minimum slope of 1 1/2% is required for all unstabilized channel/ditches and swales except those used as part of a wetlands area. Stabilized channels/ditches and swales shall have a minimum of 0.7%.

Proposed Text: All vegetated channels and ditches shall have sufficient gradient to avoid ponding in low flow conditions. A minimum slope of 1 1/2% is required for all vegetated channel/ditches and swales except those used as part of a wetlands area. Channels, ditches and swales that have been stabilized by erosion matting or rip-rap shall have a minimum of grade of 1.0%.

- b. Paragraph 2. Open Channel, Section (f). Channel/Ditch Slopes and Velocities, Item 2 “Maximum Velocity for Earthen Channel/ditch” is changed as follows:

Current Text: Channels and ditches are to be left in their natural state provided that the channel/ditch velocities are 6.0 or less.

Proposed Text: Channels and ditches are to be left in their natural state provided that the velocities are 6.0 or less. The maximum velocity allowed in vegetated channel, ditches and swales is 6 feet per second.

- c. Paragraph 2. Open Channel, Section (f). Channel/Ditch Slopes and Velocities, Item 3 “Maximum Velocity for Improved Stabilized Channel/ditch” is changed as follows:

Current Text: The maximum velocity allowed in improved stabilized channel/ditch is 10 feet per second.

Proposed Text: The maximum velocity allowed in channels, ditch or swales that have been stabilized by erosion matting or rip-rap is 10 feet per second.

- d. Paragraph 5. Detention Facilities, Section a. General, Item ii) is changed as follows:

Current Text: Detention facilities will be in the form of wet ponds in office and retail land uses and either wet or dry facilities for commercial or industrial land uses. Institutional uses will adhere to the form of the pond for the predominant surrounding land use, but will at a minimum provide detention in the form of a dry pond.

Proposed Text: Detention facilities will be in the form of wet ponds in residential, mixed-use, office and retail land uses and either wet or dry facilities for commercial or industrial land uses. Institutional uses will adhere to the form of the pond for the predominant surrounding land use, but will at a minimum provide detention in the form of a dry pond.

- e. Paragraph 5. Detention Facilities, Section a. General, Item v) is added:

Proposed Text: Detention in underground facilities is permitted.

- f. Paragraph 5. Detention Facilities, Section a. General, Item vi) is added:

Proposed Text: The use of regional detention facilities is encouraged.

- g. Paragraph 5. Detention Facilities, Section b. Design Criteria, Item i) is changed as follows:

Current Text: Detention facilities shall be designed for the 100-year event under fully developed conditions in the water shed. Regional facilities are encouraged.

Proposed Text: Detention facilities shall be designed for the 100-year event under fully developed conditions in the water shed.

- h. Paragraph 5. Detention Facilities, Section b. Design Criteria, Item iv) is changed as follows:

Current Text: A detention facility shall have enough gradient to ensure positive drainage to the outlet structures so as to avoid nuisance conditions such as standing water, odors, insects, and weeds. A minimum slope of 0.40 towards the outlet structure is required for all detention facilities.

Proposed Text: A detention facility shall have enough gradient to ensure positive drainage to the outlet structures so as to avoid nuisance conditions such as standing water, odors, insects, and weeds. A minimum slope of 1.5% towards the outlet structure is required for all detention facilities.

- i. Paragraph 5. Detention Facilities, Section c. Pond Form, Item i) is changed as follows:

Current Text: Wet (retention) ponds are required for retail and office land uses and shall be designed utilizing the following guidelines:

Proposed Text: Wet (retention) ponds are required for residential, mixed-use, retail and office land uses and shall be designed utilizing the following guidelines:

- j. Paragraph 5. Detention Facilities, Section c. Pond Form, Item i)(b) is changed as follows:

Current Text: Spray fountains or stone water features shall be used for aeration.

Proposed Text: Spray fountains, bubblers or stone water features shall be used for aeration.

3. Proposed Addition to Chapter IV – “Storm Water System Improvements”

- a. A new paragraph, “Paragraph 10. Private Storm Water Systems”, is proposed to add minimum standards for private, HOA/BOA maintained storm water systems in residential subdivisions.
- b. Proposed text for Paragraph 10. Private Storm Water Systems
 - 1) Minimum Standards for Private Storm Water Systems.
 - a) These standards apply to storm water systems that are located within private drainage easements or X-Lots that are dedicated to an HOA or BOA for maintenance.
 - b) Private storm water systems may be in the form of an open channel (swale) or an underground storm sewer system.
 - c) Private storm water systems must be designed to convey the 100 year storm event. A complete design must be provided in the construction plans and the design must include the HGL for all storm lines, laterals and inlets.
 - d) The velocities in private storm drainage systems must conform to the Town’s design standards for public storm water systems.
 - e) Private storm water systems must be located in drainage easements that are a minimum of 10 feet wide. The drainage easements must be accessible for maintenance purposes from an X-Lot or the ROW.
 - f) Private storm water systems will be inspected by the Town during installation and are subject to the Town’s 3% inspection fee.
 - 2) Private Open Channel Storm Water Systems.
 - a) These standards do not apply to areas within the flood plain or to existing creeks or streams even if they are contained completely on a private lot. Creeks and streams must conform to the Town’s public design criteria.
 - b) With the exception of freeboard, private open channel systems must meet all of the design requirements as public systems. This includes, but is not limited to, velocity, slopes, side slopes and bends. Private open channel systems require a minimum of 6-inches of freeboard.
 - c) Private open channel systems may be vegetated or mechanically stabilized (lined). While lined channels are permitted, the material used to line the channel must be “enhanced” or decorative in nature; plain concrete or grouted rip-rap is not permitted.
 - d) Drainage easements for open channel systems may only be crossed by tubular steel type fencing; no solid style fences are permitted across an open channel type system. The fence restriction must be noted on the subdivision plat as well as in the construction plans. There must be a minimum of 4” of clearance between the lowest part of a fence and the top of a private swale.

3) Private Storm Sewer Systems and Appurtenances

- a) These standards do not apply to private streets; private streets must meet the same standards as public streets.
- b) Private storm sewer systems must meet the same velocity and hydraulic gradient requirements as public storm sewer systems.
- c) Curb inlet size shall be a minimum of three feet (3').
- d) Drop inlets, including those in residential systems, shall be a minimum of 18"x18". Inlets located in unpaved areas must have a minimum of a 2' wide concrete apron.
- e) Inlet structures must be constructed from concrete and may be either pre-cast or cast in place. Cast in place concrete inlets must be designed by an engineer and must have a detail provided in the construction plans. Grate type inlet structures are permitted provided that the grate is cast or ductile iron and can be removed to allow for access and cleaning.
- f) Storm pipes may be either corrugated smooth interior polypropylene (PP) pipe or reinforced concrete pipe (RCP) and must be a minimum of 12" in diameter. Private storm lines must be placed in embedment and must be installed in compliance with the manufacturer's specification. All pipe intersections require a concrete junction box or a manufactured fitting.

4. Proposed Changes to Chapter IV – Appendix A, Hydrology Tables and Figures.

- a. Table 2, titled "Runoff Coefficient Values for "C"" is deleted.
- b. A new Table 2, titled "Runoff Coefficient Values for "C"", see Enclosure 1, is added.

5. Proposed Changes to Chapter IV – C. "Town Design Criteria." Appendix "Rain Fall data"

- a. Table 4, titled "Flower Mound IDF Curve" is deleted.
- b. A new Table 4, titled "NOAA, Atlas 14 - Flower Mound DDF Curve", see Enclosure 2, is added.

6. Proposed Changes to Chapter VI - A. "Grading Criteria."

- a. Paragraph 3. Residential Construction, Section a. Lot Grading, Item (1) is changed as follows:

Current Text: No lot-to-lot cross drainage shall be allowed. If this cannot be avoided, cross drainage shall be conveyed within easements to an open space or public interceptor.

Proposed Text: No lot-to-lot drainage is permitted in residential sub-divisions; lots shall be designed so that they drain to either the ROW or to a drainage easement contained within an X-Lot. The Town Council may grant an exception to this section provided that the developer agrees to install a private drainage system that is located within a drainage easement dedicated to the HOA and that the system

meets the minimum private storm water system standards contained in Section IV of this manual.

- b. Paragraph 3. Residential Construction, Section a. Lot Grading, Item (3) is changed as follows:

Current Text: Slopes across any portion of a residential building lot, not be steeper than 3:1, unless it is being kept in an existing and natural state.

Proposed Text: Slopes across any portion of a residential building lot, may not be steeper than 3:1, unless it is being kept in an existing and natural state.

- c. Paragraph 3. Residential Construction, Section a. Lot Grading, Item (5) is changed as follows:

Current Text: Lot grades shall be verified, by a survey prior to commencement of stabilization for paving. At the end of construction, a lot grading certification letter shall accompany the required as-built grading plans. All final grades shall be within -0.25, of those shown on the approved construction plans.

Proposed Text: Lot grades shall be verified, by a survey prior to commencement of stabilization for paving. At the end of construction, a lot grading certification letter shall accompany the required as-built grading plans. All final grades shall be within +/- 0.3', of those shown on the approved construction plans.

- d. Paragraph 4. Non-Residential Construction, Section a. Grading, Item (4) is changed as follows:

Current Text: Lot grades shall be verified, by a survey prior to commencement of stabilization for paving. At the end of construction, a lot grading certification letter shall accompany the required as built grading plans. All final grades shall be within - 0.25, of those shown on the approved construction plans.

Proposed Text: Lot grades shall be verified, by a survey prior to commencement of stabilization for paving. At the end of construction, a lot grading certification letter shall accompany the required as-built grading plans. All final grades shall be within +/- 0.3', of those shown on the approved construction plans.

Land Use	Runoff Coefficient	by Zoning District
Park areas – No developed land	0.30	A, WR, REC
Developed park sites	0.40	WR, REC
2 acre Residential or Single Family Estate	0.45	AG or SF-E
Single family residential (7,500 SF or larger)	0.55	SF-10, SF-15, SF-30,
Duplex	0.60	2F
Single family residential (below 7,500 SF)	0.65	CBD, MU, SF-5
Multi-family, Townhouse or SFA	0.70	MF, MH
Schools	0.70	SF-E, SF-30, SF-15, SF-10, SF-A, 2F, MF, MH, O, C-1, C-2, I-1
Churches	0.75	SF-E, SF-30, SF-15, SF-10, SF-A, 2F, MF, MH, O, R-1, R-2, I-1, I-2
Local Business	0.75	O, R-1
Central Business or Mixed Use	0.85	O, R-2, MU
Commercial	0.85	C-1, C-2
Industrial	0.85	I-1, I-2
ROW	0.95	

Survey of Benchmark Cities

1. The following benchmark cities were contacted and asked the following question: Does your city have standards for private drainage easements?

POSSIBLE RESPONSES:

- ☒ Yes
- ☒ No
- ☒ No Response
- ☒ No, currently considering adding

2. Results of survey Benchmark Cities

CITY NAME	RESULT
Allen	☒ Yes ☐ No ☐ No Response ☐ No, currently considering adding
Carrollton	☒ Yes ☐ No ☐ No Response ☐ No, currently considering adding
Colleyville	☒ Yes ☐ No ☐ No Response ☐ No, currently considering adding
Coppell	☒ Yes ☐ No ☐ No Response ☐ No, currently considering adding
Denton	☒ Yes ☐ No ☐ No Response ☐ No, currently considering adding
Frisco	☐ Yes ☐ No ☒ No Response ☐ No, currently considering adding

Grapevine	☐ Yes ☐ No ☐ No Response ☒ No, currently considering adding	
Highland Village	☒ Yes ☐ No ☐ No Response ☐ No, currently considering adding	
Keller	☐ Yes ☐ No ☐ No Response ☒ No, currently considering adding	
Lewisville	☐ Yes ☐ No ☒ No Response ☐ No, currently considering adding	
McKinney	☐ Yes ☒ No ☐ No Response ☐ No, currently considering adding	
North Richland Hills	☐ Yes ☒ No ☐ No Response ☐ No, currently considering adding	
Richardson	☐ Yes ☒ No ☐ No Response ☐ No, currently considering adding	
Southlake	☒ Yes ☐ No ☐ No Response ☐ No, currently considering adding	

3. Final Conclusion of survey

14 Benchmark Cities

7- Yes

5 - No

2 - No Response

NOTE: Of the five cities that answered “NO”, two cities are currently considering adding standards.



PLANNING AND ZONING COMMISSION

AGENDA ITEM NO: 4

REGULAR ITEM

DATE: April 8, 2019

FROM: Tommy Dalton, Assistant Town Manager

ITEM: Public Hearing to consider an ordinance amending Chapter 90 of the Town's Land Development Regulations (LDR19-0003 – Park Credit Option), adding minimum park land dedication requirements for multi-family and senior housing uses; clarifying park development fee requirements; providing options for privately maintained and publicly accessible parks and open space; clarifying park land dedication and park development fee requirements for the (MU) mixed use district and (PD) planned development district; and deleting existing provisions in conflict therewith.

I. ITEM SUMMARY

This Town initiated item proposes to amend the Town's Land Development Regulations regarding park requirements for certain types of development.

This item will require final action by the Town Council, which is scheduled for April 15.

II. APPLICATION ANALYSIS

At the July 17, 2018, Strategic Planning Session the Town Council directed staff to examine park/open space standards for multi-family uses. An update was provided to the Council on [August 6, 2018](#) (FF to 12:20). An internal committee was formed to research and review potential options.

During the August 6 update to Council, staff discussed the concept of mixed-use developments obtaining credits toward satisfying the Town's park land requirements. Staff presented the credit concept to the Parks Board on November 1, 2018 ([video link](#) – FF to 3:50 / [packet link](#) – pg. 32). Overall, the board provided positive feedback on the proposed changes, but had the following concerns. A brief summary of how the proposed ordinance addresses the concern is also provided.

1. Impact on Parks Board recommendation if plan substantially changes at P&Z or Council
 - a. *The proposed ordinance outlines the review and approval process, whereby the Parks Board recommendation is forwarded directly to Council as part of the development application. The Planning and Zoning Commission will consider the recommendation of the Parks Board when making their recommendation to the Town Council on the zoning application. In the event there is a conflict, it will need to be reconciled at*

the Council meeting, or Council will have the option to table the item, or remand back to the Parks Board and/or Planning and Zoning Commission depending on the nature of the issue(s).

2. Maintenance of the open space
 - a. *The proposed ordinance requires the developer to submit a maintenance plan that will be reviewed by staff and the Parks Board.*
3. Concerned with open space that isn't usable (i.e. floodplain and steep grades)
 - a. *The proposed ordinance provides limits on the amount of these areas that can be credited.*
4. Developer feedback
 - a. *Staff has made developers in the Lakeside Business District aware of the proposed changes, but has not solicited specific feedback.*
5. Providing for youth sport options (practice fields and courts)
 - a. *Youth sports is not an identified open space type, but that does not prevent a developer from proposing it.*
6. Routing draft ordinance back through Parks Board prior to adoption
 - a. *Staff presented the final draft of the ordinance to the Parks Board at their April 4, 2019, meeting.*
 - *Video link:*
 - <https://www.flower-mound.com/969/Streaming-Video>
(Select "Other Meetings Archive" above the player, then select Parks Board April 04, 2019). A direct video link was not available at the time this report was written.
 - *Packet link:*
 - <https://www.flower-mound.com/AgendaCenter/ViewFile/Agenda/04042019-3333>

Another component of this review is establishing a formula to determine how many acres are required to be dedicated, or cash in lieu paid, based on the number of dwelling units for multi-family and senior housing. The current ordinance has the same requirements for all types of housing of 3.36 acres per 100 dwelling units. Direction was given by Council to look at multi-family and senior multi-family dedication requirements that would not decrease the Town's level of service, but at the same time provide a quantitative calculation.

Staff provided an update to the Council on January 31, 2019.

- Video Link:
 - <http://flowermoundtx.swagit.com/play/01312019-741/3/>
- Packet Link:
 - <https://www.flower-mound.com/AgendaCenter/ViewFile/Agenda/01312019-3252>

The proposed ordinance does not change the minimum amount of park area that is dedicated for standalone single-family development (3.36 acres per 100 dwelling units for single-family detached, and single-family attached uses). It proposes 2.78 acres per 100 dwelling units for multi-family uses, and 2.4 acres per 100 dwelling units for age-restricted senior family residential uses.

In order to implement the credit option, several sections of the code need to be amended. The attached summary table provides which sections are proposed for amendment, what is being amended, and why.

The concepts and credit calculations discussed with the Parks Board during the November meeting haven't changed. However, several sections have been added to the ordinance for implementation purposes. The new sections cover the following and are followed by a brief description:

- **Purpose and intent:** A general statement on the purpose and intent of the park credit option.
- **Definitions:** Provides specific definitions for the ordinance.
- **Applicability:** Describes which projects the ordinance is applicable.
- **Dedication options:** A developer has the option to dedicate land to the Town as any other development does, pay the dedication fee, pursue the credit option, or propose a combination.
- **Submittal Requirements:** Provides submittal requirements for development proposing the credit option.
- **Open space types and credit calculation:** Defines the allowed open spaces and the credits. (This was the focus of the November Park Board meeting.)
- **Review and approval process:** Provides the review and approval process for developments requesting the credit option.
- **Park Development Fee:** Identifies that developments proposing the credit option may ask for park fee reimbursement for structured recreation, internal extensions of the Town's required trail system, and pedestrian bridges. Pedestrian bridges were included upon the direction of Town Council.
- **Phasing and Timing:** Requires that a phasing plan for the open space be submitted, along with a completion schedule.
- **Amendments to approved plans or regulations:** Allows minor modifications to be approved administratively.

Attachment 2, the proposed ordinance, captures the sections of town code needing amendment along with the new standards for the park credit option.

IV. CORRESPONDENCE

The Town Code requires public notice in a newspaper of general circulation (Denton Record Chronicle). At the time this report was written, the Town had not received any correspondence regarding this item.

V. ATTACHMENTS

1. Summary Table
2. Draft Ordinance

Summary table of ordinance amendments

Chapter	Article	Division	Section	Existing Language	Proposed Language	Why Amend
90	VI	9 – Park and Recreational Areas	90-443(d)	The minimum amount of park and recreational area that shall be dedicated pursuant to this division shall be 3.36 acres per 100 dwelling units. Land within floodplain and floodway designated areas shall not be counted toward meeting the requirement of this subsection.	The minimum amount of park and recreational area that shall be dedicated pursuant to this division shall be 3.36 acres per 100 dwelling units for single-family detached, and single-family attached uses, 2.78 acres per 100 dwelling units for multi-family uses, and 2.4 acres per unit for age-restricted senior family residential uses . Land within floodplain and floodway designated areas shall not be counted toward meeting the requirement of this subsection, subject to Section 90-449-	This section is being amended to add the multi-family and senior housing dedication requirements.
90	VI	9 – Park and Recreational Areas	90-446(b)	<i>Basis.</i> Park development fees shall be based on an assumed cost of typical improvements for a five-acre neighborhood park of \$206,800.00. Based upon the park land requirement of 3.36 acres per 100 dwelling units, a five-acre park equates to 149 units. The proportional park development fee is calculated by apportioning the total cost for improvements for a five-acre park by 149 units. Therefore, the park development fee is as listed in appendix A of this Code per unit.	<i>Fee.</i> Park development fees shall be \$1338.00 per unit as listed in appendix A of this Code.	This section is being amended to remove superfluous information and explicitly identify the park development fee.
90	VI	9 – Park and Recreational Areas	90-449	New	Park credit option. See section 90-449 in Attachment 2	This is the park credit option standard.
98	III	25 – Mixed Use District	98-902(c)	Table 3, Section 3.0: *Overall open/civic space allocations in the MU district shall be a minimum of 5 percent of the gross area of the entire site included in the MU concept plan and shall be distributed appropriately between the MU components. Higher open space allocations may be eligible for height bonuses outlined in section 7 (i). The location and design of appropriate open spaces shall be based on section 7(g) of this chapter. Dedicated open spaces in the MU may be applied as a credit up to 100 percent of the park dedication requirements in section 90-44 only with Town Council approval.	*Overall open/civic space allocations in the MU district shall be a minimum of 5 percent of the gross area of the entire site included in the MU concept plan and shall be distributed appropriately between the MU components. Higher open space allocations may be eligible for height bonuses outlined in section 7 (i). The location and design of appropriate open spaces shall be based on section 7(g) of this chapter. Dedicated open spaces in the MU may be applied as a credit up to 100 percent of the park dedication requirements in section 90-44 only with Town Council approval.	This is being amended to remove conflicts with the new park credit option.
98	III	25 – Mixed Use District	98-905 (b)	Park land dedication and park development fees requirements.	Park land dedication and park development fee requirements shall conform to Section 90-449 of Chapter 90 (Park Dedication Credit Option).	This is being amended to remove conflicts with the new park credit option.
98	III	25 – Mixed Use District	98-905 (1-3)	Delete	N/A	This is being amended to remove conflicts with the new park credit option.
98	III	21 – PD Planned Development District	98-815	New	Park land dedication and park development fee requirements shall conform to Chapter 90, Division 8 – Parks and Recreational Areas, Section 90-441 through Section 90-449.	This is being added to explicitly identify that PDs must follow the Town’s park development standards.

TOWN OF FLOWER MOUND, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING SECTION 90-443(d) "CHARACTER AND MINIMUM DEDICATION" OF DIVISION 9, "PARK AND RECREATIONAL AREAS," OF ARTICLE VI, "STANDARDS," OF CHAPTER 90 OF THE TOWN'S CODE OF ORDINANCES BY ADDING MINIMUM PARK LAND DEDICATION REQUIREMENTS FOR MULTI-FAMILY AND SENIOR HOUSING USES; BY AMENDING SECTION 90-446(b) "PARK DEVELOPMENT FEES" OF DIVISION 9, "PARK AND RECREATIONAL AREAS," OF ARTICLE VI, "STANDARDS," OF CHAPTER 90 OF THE TOWN'S CODE OF ORDINANCES BY CLARIFYING THE PARK DEVELOPMENT FEE REQUIREMENT; BY ADDING AN NEW SECTION 90-449 "PARK CREDIT OPTION" OF DIVISION 9, "PARK AND RECREATIONAL AREAS," OF ARTICLE VI, "STANDARDS," OF CHAPTER 90 OF THE TOWN'S CODE OF ORDINANCES TO PROVIDE OPTIONS FOR PRIVATELY MAINTAINED AND PUBLICLY ACCESSIBLE PARKS AND OPEN SPACE; BY AMENDING SECTION 98-902(c) "DEVELOPMENT STANDARDS" OF DIVISION 25, "MU MIXED USE DISTRICT," OF ARTICLE III, "DISTRICT REGULATIONS," OF CHAPTER 98 OF THE TOWN'S CODE OF ORDINANCES BY AMENDING THE NOTE CONTAINED IN SECTION 3.0 OF TABLE 3; BY AMENDING SECTION 98-905(b) "MODIFICATIONS" OF DIVISION 25, "MU MIXED USE DISTRICT," OF ARTICLE III, "DISTRICT REGULATIONS," OF CHAPTER 98 OF THE TOWN'S CODE OF ORDINANCES BY CLARIFYING THE PARK LAND DEDICATION AND PARK DEVELOPMENT FEE REQUIREMENTS FOR THE MU MIXED USE DISTRICT; BY AMENDING SECTION 98-905(b), SUBSECTIONS 1-3 "MODIFICATIONS" OF DIVISION 25, "MU MIXED USE DISTRICT," OF ARTICLE III, "DISTRICT REGULATIONS," OF CHAPTER 98 OF THE TOWN'S CODE OF ORDINANCES BY DELETING SAID SUBSECTIONS; BY ADDING A NEW SECTION 98-815, "PARK DEDICATION AND PARK DEVELOPMENT FEES" OF DIVISION 21, "PD PLANNED DEVELOPMENT DISTRICT," OF ARTICLE III, "DISTRICT REGULATIONS," OF CHAPTER 98 OF THE TOWN'S CODE OF ORDINANCES BY CLARIFYING THE PARK STANDARDS FOR PD PLANNED DEVELOPMENT DISTRICTS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Flower Mound is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the Town Council previously adopted Chapters 90 and 98 to the Code of Ordinances establishing comprehensive regulations for the subdivision and zoning of land with the development of real property within in the Town; and

WHEREAS, the Town Council finds and determines that park and open space regulations related to multi-family and senior housing should be established to allow options for privately maintained and publicly accessible open space; and,

WHEREAS, the Town has complied with all requirements of Chapter 211 of the Texas Local Government Code, Chapter 78 of the Town's Land Development Regulations, and all other laws dealing with notice, publication and procedural requirements for the approval of a Land Development Regulations Amendment; and,

WHEREAS, the Town Council finds that the amendment to Chapters 90 and 98 as outlined herein is in the best interest of the Town of Flower Mound and will promote the health, safety, and general welfare of the citizens of the Town of Flower Mound and the general public.

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

SECTION 1

That Section 90-443(d) "Character and minimum dedication" of Chapter 90 of the Code of Ordinances, Town of Flower Mound, Texas, is hereby amended by to read as follows:

Sec. 90-443. - Character and minimum dedication.

- (d) The minimum amount of park and recreational area that shall be dedicated pursuant to this division shall be 3.36 acres per 100 dwelling units for single-family detached, and single-family attached uses, 2.78 acres per 100 dwelling units for multi-family uses, and 2.4 acres per unit for age-restricted senior family residential uses. Land within floodplain and floodway designated areas shall not be counted toward meeting the requirement of this subsection, subject to Section 90-449.

SECTION 2

That Section 90-446(b) "Park development fees" of Chapter 90 of the Code of Ordinances, Town of Flower Mound, Texas, is hereby amended by to read as follows:

Sec. 90-446. - Character and minimum dedication.

- (b) *Fee.* Park development fees shall be \$1,338.00 per unit as listed in appendix A of this Code.

SECTION 3

That Section 90-449 “Park dedication credit option” of Chapter 90 of the Code of Ordinances, Town of Flower Mound, Texas, is added to read as follows:

Sec. 90-449. – Park credit option.

- a) *Purpose and Intent*: The Town provides various applications of open space to create a place of recreation and relaxation for its residents. An opportunity exists between the Town, property owners, and developers to enhance the resident's quality of life by providing options for privately maintained and publicly accessible open space. This will ensure new residential development augments the publicly accessible parks and facilities provided and maintained by the Town.
- b) *Definitions*: In addition to the definitions contained in Subpart B of the Town's Code of Ordinances, the following definitions shall also apply to development utilizing the Credit Option:
- *Credit Option* means the alternative option of providing privately maintained and publically accessible open space under this section otherwise required by the park land dedication requirements outlined in Sections 90-444, and 90-445.
 - *Director of Planning Services* means the Director of Planning Services or their designee.
 - *Enhanced paving* is paving treatment that includes stamped concrete, stained concrete, brick or stone paving, or any combination of said treatments.
 - *Integral to* means open space that cannot otherwise be constructed without also constructing an associated building. Examples include courtyards that are integrated into the design of a building or set of buildings, or a square that cannot remain open and accessible, or undamaged during the construction of an adjacent building.
 - *Structured recreation* means larger recreational components such as playground equipment, sport courts, splash pads, adult and youth fitness stations, natural and interactive playgrounds, and outdoor classrooms.
 - *Mixed-use development* means development that proposes vertical mixed use that combines different uses in the same building. Lower floors should have more public uses with more private uses on the upper floors.
 - *Multi-use development* means development that proposes a horizontal mix of uses that combines single-use buildings on distinct parcels in a range of land uses within a block.
- c) *Applicability*: The credit option only applies to residential uses in a mixed or multi-use development.
- 1) Except as provided in this section, the credit option for privately maintained and publicly accessible open space is allowed for residential development with the following zoning designations:
- a) A PD Planned Development District, approved by the Town Council after **April 15, 2019**, and that permits residential uses in a mixed or multi-use development.
 - b) A MU Mixed Use District, approved by the Town Council after **April 15, 2019**.

ORDINANCE NO.

- 2) The following are exempt from utilizing the credit option and the requirements of this ordinance.
 - a) Any property zoned as a Multi-Family District as provided for in Section 98-481 of the Town Code of Ordinances before April 15, 2019.
 - b) A PD Planned Development approved by the Town Council before April 15, 2019, unless the Planned Development is amended to permit residential uses.
 - c) Any property zoned a MU Mixed Use District as provided for in Section 98-896 of the Town Code of Ordinances before April 15, 2019.
- 3) Standalone single-family detached, single-family attached, and multi-family residential projects not proposed as part of a mixed or multi-use development are subject to Sections 90-441 – 90-448 above and are ineligible to utilize the credit option.
- d) *Required Parkland Dedication Options:* Development of residential uses subject to Section 90-449(c), has the following options to satisfy the Town's park land dedication requirements:
 - 1) Dedicate land pursuant to Section 90-441 – 90-448.
 - 2) Pay cash in lieu of the required parkland dedication pursuant to Section 90-445.
 - 3) Credit Option – This option is when the applicant requests the Town to consider privately built and maintained open space that is publically accessible to be considered as credit toward the otherwise required park land dedication requirements.
 - 4) A combination of the above.
- e) *Submittal Requirements for the Credit Option:* The following are required for development applications utilizing the Credit Option:
 - 1) Open Space Plan: An Open Space Plan is required with any application for development where the applicant's request includes the Credit Option. The applicant shall submit an open space plan with the zoning application for the subject property. The Open Space Plan shall include the following:
 - a) Conceptual landscaping associated with the applicant's zoning application that conforms with the Town's Concept Landscape Plan requirements;
 - b) Location, description, open space type, and minimum area of all open spaces;
 - c) Location and description of natural features listed in 90-449(f) or identified in the Environmentally Sensitive Area Survey, which may be provide as a separate plan sheet for clarity purposes;
 - d) Location and area of all proposed publically accessible open spaces;
 - e) Location, dimension, and type of pedestrian connections between open space amenities;
 - f) Location and preliminary design details of all proposed open space amenities;
 - g) Details of the perpetual maintenance for each open space area, which must be feasible and appropriate for each open space type;
 - h) Phasing and location of open space associated with the overall development and open space associated, and integral to, specific buildings.
 - i) The open space plan shall include the information requested in the Open Space Plan Checklist. Information listed on the Open Space Plan Checklist, shall be established and maintained by the Director of Planning Services.

- 2) **Open Space Easement:** All publically accessible open space counted toward open space credit shall be dedicated as a permanent public access easement on the face of a plat to be maintained by the property owner(s), or the property owner's association. Changes to an open space easement are allowed only after Town Council approval following a recommendation by the Town's Park Board. Changes to an open space easement may not reduce the amount of open space, the amount of land that is publically accessible, or the accessibility standards outlined in the easement.
- f) *Open Space Types and Credit Calculation:* Each open space that meets the requirements specific to that open space type shall be eligible to receive the Credit Option outlined for each. Additional credit may be given for each open space by the Town Council, after review by the Parks Board, and shall only be given to open space that has met the specific open space type credit eligibility requirements and has provided additional or enhanced amenities. Maximum credit shall not exceed the calculations provided in the credit option for each open space type. Each open space in which the developer requests to receive credit shall be designated by type in the Open Space Plan and meet the credit eligibility requirements of the open space types below. The Planning Department shall maintain representative examples of each open space type to provide illustrative guidance, the Guide to Open Space Types, on the design, development, character, activation, and location for each open space type.
- 1) *Courtyard.* A courtyard is an unoccupied space, open to the sky, which is bound on two or more sides by the exterior walls of the building or by two or more exterior walls, lot lines or yards. Courtyards may be totally enclosed on all sides by the exterior walls of a building that provides an open pedestrian connection to a public sidewalk, public street, or platted access easement in order to be considered for open space credit.
- a) **Required Amenities:**
 - 1) Enhanced paving.
 - 2) Seating and associated shade.
 - 3) Focal point in the form of a fountain, sculpture, art installation, or landscape feature.
 - b) **Lighting:** Accent lighting.
 - c) **Signage:** None if open to a public street, appropriate directional signage if not open to a public street.
 - d) **Landscape Design:** Coordinated planting scheme.
 - e) **Credit Option:** If the development meets the standards above they are eligible for 1.75x the amount of land provided, the Town Council may approve additional credit that shall not exceed more than 2.5x the amount of land provided.
- 2) *Natural Area.* A natural area is open space which consists of areas in the flood plain, upland habitat, creeks, water bodies, topographical slopes, and other environmentally sensitive areas. Activities in the environmental preserve shall be limited to nature trails, paths, and equestrian trails. If significant lake access is available, canoe put-ins or other passive water recreation activities may be permitted. The size of a natural area may vary depending upon the environmental element being preserved. Natural areas may also be in or part of conservation easements.
- a) **Required Amenities:**
 - 1) Connection to internal trails proposed with the development, and connection to town required trail system if present on site, and within 300 feet of the natural area

- 2) Paved and/or natural trails that traverse the natural area, including defined entrance and signage.
 - 3) May include wildlife viewing areas, mountain biking, disc golf, interpretation and education facilities where conditions permit.
 - b) Lighting: None, or low voltage accent lighting where appropriate.
 - c) Signage: May include interpretive kiosks as deemed appropriate.
 - d) Landscape Design: Areas to incorporate landscaping include entryways or around structures. In these situations, sustainable design is preferred.
 - e) Credit Option: If the development meets the standards above they are eligible for 1.5x the amount of land provided, Town Council may grant additional credit that shall not exceed more than 2.25x the amount of land provided.
- 3) *Green or Lawn.* A green or Lawn is an open space available for unstructured recreation and as a gathering place. It may be defined by landscaping rather than buildings and should be adjacent to active uses. Its landscape consists of land and trees in a natural arrangement, requiring minimal maintenance. The size of a green shall range from .5 acre to 2 acres.
- a) Required Amenities:
 - 1) Seating and associated shade.
 - b) Lighting: Street lighting, or ambient accent and bollard lighting as appropriate.
 - c) Signage: None if open to a public street. Appropriate directional signage if not open to a public street.
 - d) Landscape Design: Predominately turf with a coordinated planting scheme.
 - e) Credit Option: If the development meets the standards above they are eligible for 1.75x the amount of land provided, Town Council may grant additional credit that shall not exceed more than 2.5x the amount of land provided.
- 4) *Park.* A park is a natural preserve available mainly for unstructured recreation. Any structured recreation shall be limited to less than ten percent of the park. A park is usually independent of surrounding building frontages. Its landscape consists of natural paths, trails, meadows, woodlands, and open shelters. Its size shall be greater than 1 acre.
- a) Required Amenities:
 - 1) Connection to internal trails proposed with the development, and connection to a town required trail system if the park is located within 300 feet of the required town trail system.
 - 2) Seating and associated shade.
 - 3) Structured recreation; playground, splash pad, or other type of recreational use as approved by the Parks Director.
 - b) Lighting: None, or low voltage accent lighting where appropriate will be considered.
 - c) Signage: Signage to be placed by entrances, appropriate directional signage if not open to a public street.
 - d) Landscape Design: Coordinated planting scheme.
 - e) Credit Option: If the development meets the standards above they are eligible for 1.5x the amount of land provided, Town Council may grant additional credit that shall not exceed more than 2.25x the amount of land provided.
- 5) *Plaza.* A plaza is an open space available for civic purposes and limited commercial activities. A plaza is spatially defined by buildings and its landscape shall consist primarily

of enhanced pavement with trees being optional. Plazas are to be located in the core or transition areas of the development no larger than 1 acre in size. Plazas can be wider sidewalks or extensions of sidewalks for the purpose of providing outdoor seating for restaurants and cafes.

- a) Required Amenities:
 - 1) Enhanced paving that defines the space through the change in material or colors.
 - 2) Seating and associated shade. Buildings may provide shading requirements if the plaza is situated to utilize building shade during the summer months.
 - b) Lighting: None, or low voltage accent lighting where appropriate will be considered.
 - c) Signage: None if open to a public street, appropriate directional signage if not open to a public street.
 - d) Landscape Design: Coordinated planting scheme. Planters that incorporate seating are encouraged and appropriate.
 - e) Credit Option: If the development meets the standards above they are eligible for 1.75x the amount of land provided, Town Council may grant additional credit that shall not exceed more than 2.5x the amount of land provided
- 6) *Square*. A square is generally a geometrically symmetrical open space of one half; to two acres, available for unstructured recreation and civic purposes. A square is spatially defined by streets and buildings, at least on three sides. Its landscape consists of paths, lawns, and trees, all formally arranged.
- a) Required Amenities:
 - 1) Enhanced paving that defines the space through the change in material or colors.
 - 2) Seating and associated shade. Buildings may provide shading requirements if the plaza is situated to utilize building shade during the summer months.
 - 3) Focal point in the form of a fountain, sculpture, art installation, or landscape feature.
 - b) Lighting: Perimeter lighting, accent lighting where appropriate will be considered.
 - c) Signage: None if open to a public street. Appropriate directional signage if not open to a public street.
 - d) Landscape Design: Turf, trees, and coordinated planting scheme. Planters that incorporate seating are encouraged and appropriate.
 - e) Credit Option: If the development meets the standards above they are eligible for 1.75x the amount of land provided, Town Council may grant additional credit that shall not exceed more than 2.5x the amount of land provided
- 7) *Retention/Detention facilities*. Retention/detention facilities are storm water management basins meant to collect storm water and slowly release it at a controlled rate so that downstream areas are not flooded or eroded. These facilities must be designed for multiple uses, and include low impact design principals for credit towards parkland dedication requirements.
- a) Required Amenities:
 - 1) Natural stone or brick veneer complementary to the development is required on headwalls, bridges, culverts, retaining walls, and like structures.

- 2) A minimum 8ft trail is required around the facility where conditions such as excessive slope, or outfall structures do not prohibit the construction of the trail. The trail shall connect to internal trails proposed with the development, and connect to a town required trail system, if the facility is located within 300 feet of the required town trail system.
 - 3) Seating and associated shade.
 - b) Site Specific Required Amenities:
 - 1) Detention basins must be a multi-purpose use that provides access to the basin for active and passive recreation activities.
 - 2) Retention basins must provide at least one overlook with at least one bench and trash receptacle and three shade trees.
 - c) Lighting: Perimeter lighting, accent lighting where appropriate will be considered.
 - d) Signage: None if open to a public street. Appropriate directional signage if not open to a public street.
 - e) Landscape Design: Shade trees planted a minimum of 30ft on center, staggered on each side of the trail surrounding the retention/detention facility.
 - f) Engineering standards:
 - 1) Meets the Town's Engineering Standards.
 - 2) Slope of a retention pond does not exceed three (3) percent; allowable to twenty five (25) percent, but requires stone terracing for any slope exceeding three (3) percent. Terracing or the cutting of a sloped plane into a series of successively receding flat surfaces or platforms, shall have a maximum shelf depth of three feet with maximum 6 inch risers, and shall not negatively impact environmentally sensitive areas.
 - g) Credit Option: If the development meets the standards above they are eligible for 1x the amount of land provided, Town Council may grant additional credit that shall not exceed more than 1.75x the amount of land provided.
- 8) *General Open Space.* Open spaces that do not fit into any of the definitions above that may be considered by the Park Board for qualifying open space credit. General Open Space must follow the intent of this section, and the determination will be made by the Town Council, following the recommendation of the Parks Board.
- a) Credit Option: If the development meets the standards above they are eligible for 1x the amount of land provided, Town Council may grant additional credit that shall not exceed more than 1.75x the amount of land provided.
- 9) *Calculation.* Calculation of the open space eligible for credit shall be exclusive of all rights-of-way or easements for streets or alleys, required buffers and setbacks, required screening and landscaping, parking, parking lot tree islands, utility yards, town trail extensions as outlined in the Parks and Trails Master Plan, and all Area Plan requirements as set out in the Master Plan, to include the following:
- a. Floodplain or water impoundments as identified under Section 98-148 shall only be eligible for credit in the Natural Area open space type. The maximum amount of floodplain or water impoundment allowed to count toward open space credit shall be 50% of the total area of open space credit applied to the project and any amount of floodplain or water impoundment above the 50% allowed shall not count toward the open space credit calculation.

- b. In an effort to preserve its natural features, a Natural Area open space type that is not located in the floodplain and contains grades protected under Section 98-147 Topographical slope protection, which limits public access, shall be allowed to have a maximum of 50% of the total open space credit area protected under Section 98-147 Topographical slope protection. The minimum 50% of the open space credit area not protected by Sec. 98-147 Topographical slope protection must be publicly accessible and may include amenities that meet the Natural Area credit eligibility requirements.

g) *Review and Approval Process for the Credit Option:*

- 1) The Open Space Plan shall be reviewed by the Director of Planning Services in conjunction with the zoning application for conformance with the standards contained in this section, and is considered a component of the zoning application for the property. Where open space type requirements and amenities are required based on their appropriateness, the Director of Planning Services or their designee, shall make a recommendation to the Park Board about the appropriateness of the open space type requirements and amenities based on the plans and details submitted with the development application. The Park Board recommendation shall be provided to the Town Council as part of the zoning application. The Planning and Zoning Commission will consider the recommendation of the Parks Board when making their recommendation to the Town Council on the zoning application.

h) *Park Development Fee:*

- 1) Applicability. Development utilizing the Credit Option shall pay park development fees in accordance with Section 90-446 except as provided below:
 - a. Credit for park improvements. Credit for park improvements as identified in Section 90-446(c) is limited to structured recreation, internal extensions of the Town's required trail system, and pedestrian bridges as approved by the Town Council and subject to conformance with departmental park standards and approval by the director of parks and recreation or their designee.

i) *Phasing and Timing:*

- 1) A phasing plan shall be submitted with the zoning application, as part of the project's development standards. The phasing plan shall include the following:
 - a. Phasing of each open space associated with the overall development.
 - b. Phasing of open space associated, and integral to, specific buildings.
 - c. Phasing of all perimeter landscaping and trails.
 - d. Phasing of trails and sidewalks that provide pedestrian connectivity between open space amenities.
 - e. Proposed conditions for acceptance of open space areas proposed under the credit option, subject to the review and approval of the Director of Planning Services.
 - f. Any mapping necessary to illustrate the proposed phasing plan as required by the Director of Planning Services.

ORDINANCE NO.

- 2) A completion schedule for the open spaces proposed by the applicant shall be submitted at the time of site plan application for the development.
 - 3) Detention/Retention open space credit types and associated amenities shall be completed prior to the acceptance of the subdivision. If the development requires more than one detention/retention pond, then the ponds associated with the phase under construction must be completed prior to the acceptance of that phase of the subdivision.
 - 4) Construction/installation of open space and enhancements associated and integral to specific buildings shall be completed prior to issuance of a Certificate of Occupancy or Building Final of that building.
- j) *Amendments to approved plans or regulations to developments with a credit option:*
- 1) The concept plans, open space plan, and development standards establish the regulatory framework of land uses, building location and design, open space type, locations and amenities, access, parking, and trail and sidewalk connectivity as established by the applicant in conjunction with the zoning application. Any changes to the Open Space Plan that are beyond the range of flexibility provided in the ordinance establishing the zoning district, or as provided below, shall be considered as major change and shall constitute a zoning amendment to be reviewed by staff and subject to planning and zoning commission recommendation and town council approval. The Director of Planning Services may approve minor changes to and deviations from the Open Space Plan with the applicant's written justification for such changes. Minor changes may be approved administratively by the director and a revised Open Space Plan shall be filed with the town. Any changes shall be reviewed cumulatively from the last town council approved Open Space Plan. Major changes to the approved Open Space Plan include any of the following:
 - a. Elimination of trail connectivity shown on the approved plans.
 - b. Any changes to the development standards for open space that were approved with the ordinance creating the zoning district.
 - c. Any reductions in excess of ten percent (10%) in the open space type areas in any phase of the development that was approved as part of the Open Space Plan.

SECTION 4

That Section 98-902(c) "Development Standards" of Chapter 98 of the Code of Ordinances, Town of Flower Mound, Texas, specifically the note contained in Section 3.0 of Table 3 is hereby amended by to read as follows:

*Overall open/civic space allocations in the MU district shall be a minimum of 5 percent of the gross area of the entire site included in the MU concept plan and shall be distributed appropriately between the MU components. Higher open space allocations may be eligible for height bonuses outlined in section 7 (i). The location and design of appropriate open spaces shall be based on section 7(g) of this chapter.

SECTION 5

ORDINANCE NO.

That Section 98-905(b) "Modifications" of Chapter 98 of the Code of Ordinances, Town of Flower Mound, Texas, is hereby amended by to read as follows:

Sec. 90-905. - Modifications.

(b) Park land dedication and park development fee requirements shall conform to Section 90-449 of Chapter 90 (Park credit option).

SECTION 6

That Section 98-905(b), specifically subsections 1-3, "Modifications" of Chapter 98 of the Code of Ordinances, Town of Flower Mound, Texas, be deleted in their entirety,

SECTION 7

That Section 98-815 "Park dedication and park development fees" of Chapter 98 of the Code of Ordinances, Town of Flower Mound, Texas, is added to read as follows:

Sec. 98-815. – Park dedication and park development fees.

Park land dedication and park development fee requirements shall conform to Chapter 90, Division 8 – Parks and Recreational Areas, Section 90-441 through Section 90-449.

SECTION 8

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

SECTION 9

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

SECTION 10

All ordinances, orders or resolutions heretofore passed the adopted by the Town Council of the Town of Flower Mound, Texas are hereby repealed to the extent that said ordinances, resolutions, or parts thereof, are in conflict herewith.

SECTION 11

The Town Secretary of the Town of Flower Mound is hereby directed to publish the caption of this Ordinance in the official newspaper of the Town of Flower Mound as required by Section 3.07 of the Charter of the Town of Flower Mound.

SECTION 12

This Ordinance shall take effect and be in full force from and after the date of its passage and publication.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, BY A VOTE OF _ TO _, ON THIS THE 15 DAY OF APRIL, 2019.

APPROVED:

STEVE DIXON, MAYOR

ATTEST:

Theresa Scott, TOWN SECRETARY



PLANNING AND ZONING COMMISSION

AGENDA ITEM NO: 5

REGULAR ITEM

DATE: April 8, 2019

FROM: Lexin Murphy, Director of Planning Services

ITEM: Public Hearing to consider a request for a Land Development Regulation Amendment (LDR19-0004 - Limited Residential Definition) to amend Chapter 98, Article III, Division 22, entitled "CC Campus Commercial District," of the Town's Code of Ordinances, to define the standards for Limited Residential development.

I. ITEM SUMMARY

This Town initiated item proposes to amend the Town's Land Development Regulations to provide standards for Limited Residential development within the Lakeside Business District.

This item will require final action by the Town Council, which is scheduled for April 15.

II. APPLICATION ANALYSIS

At the July 17, 2018, Strategic Planning Session, Town Council directed staff to bring forward a discussion on Limited Residential development in the Lakeside Business District. Staff made a presentation to Council on this topic at the January 31, 2019, Work Session ([video link](#), [packet link](#).)

During the Work Session, staff recapped previous discussion items:

- Can Flower Mound draw significant office/commercial projects without the inclusion of a substantial number of residential units?
- If residential is limited numerically, should the limitation be determined per project or per the overall district?
- What would be the most appropriate method for calculating the percentage of allowable residential uses and/or units?

At the conclusion of the Work Session discussion, Council gave staff the following direction in drawing up a proposal defining "limited residential" in the Lakeside Business District:

- Identify the most appropriate location to house this new definition and associated standards.
- Incorporate a 75/25% split between non-residential and residential uses in this area, ensuring that provisions are included to maintain open space in any new projects.

- Build in an incentive opportunity that would allow applicants to increase their residential percentage to 35% for exceptional projects.

On March 4, 2019, during the Town Manager's Report, staff presented initial provisions of the proposal to Council for feedback ([video link](#) – FF to 27:25.)

Staff proposed to:

- Include the new development standards within the Campus Commercial zoning district.
- Limit residential development to 25% of overall building square footage in any new planned development, allowing the square footage of commercial parking garages to count toward the non-residential development total.
- Require a phasing plan.
- Limit residential buildings to a maximum of four stories in height.
- Require 5% of the gross site area be dedicated as open space.
- Incorporate an opportunity for a bonus density request of up to 10%, based on the quality and amount of open space and non-residential development.

Council's feedback to these provisions was to:

- Look at parking garage requirements to ensure the Town is incentivizing quality structures.
- Provide more details and/or direction on which project elements would warrant density bonuses.
- Maintain the four-story maximum height limitation for residential uses.

The proposed ordinance maintains the elements of the initial proposal, and includes more design requirements for parking garages and details on the project features that would be prioritized in consideration of density bonuses.

III. CORRESPONDENCE

The Town Code requires public notice in a newspaper of general circulation (Denton Record Chronicle). At the time this report was written, the Town had not received any correspondence regarding this item.

IV. ATTACHMENTS

A. Background Information

1. Lakeside Business District Area Plan language
2. Design and Use Intent section

B. Application Details

1. Draft Redline Ordinance

Lakeside Business District

Lakeside Business District Land Use Categories:

Campus Commercial – Campus Commercial means a mixture of uses which includes corporate offices, office parks, hotels, commercial, similar uses, and may include limited residential development. The intent is to create a vibrant area that encourages dynamic economic development focused around live, work, and play opportunities. A mixture of uses is important as well as its design details, amenity quality, and the use of natural areas and open spaces to provide a unique quality of life and sense of place.

Development in the district must demonstrate the following:

1. Compliance with the three elements of the District's Vision:
 - a. Create high quality, regional commercial development;
 - b. Competes in the economic development arena; and
 - c. Develops a balanced tax base to reduce the residential tax burden;
2. Exemplary and enduring quality and design shall be achieved by establishing a high level of development standards;
3. Market factors should ensure a robust mix of uses that are economically viable, support a high quality of life, and provide sustainable fiscal health for the Town;
4. No one single use should be allowed to predominate in the District at build-out;
5. Uses and design shall be in context with the existing environment and adjacent developments; and
6. Residential development should provide a range of residential options that reflect changing lifestyles and demographics, and should be facilitated through the balancing of market demand and community preferences.

Campus Industrial - Large scale developments such as corporate offices, office parks, service/repair, light industry, clean assembly and similar uses, in a planned campus setting. Retail and restaurant uses serving the campus industrial uses could be included, if they are planned as integral elements of the developments.

Office - Office and services uses ranging from garden office developments for small professional practices to larger, multi-story facilities for large tenants. This category would not typically include retail uses, except for incidental service or convenience retail for the office building tenants. In larger office districts, restaurants are encouraged within walking distance of the office buildings.

Lakeside Business District Elements:

Roadways – There are various roadways within the Lakeside Business District. Please refer to the "Town of Flower Mound Thoroughfare Plan" for more specific information on roadways in the Lakeside Business District.

Town Entrance Landscape - International Parkway, Lakeside Parkway and Gerault Road are all major roads into Flower Mound. Landscape for developments along these roads should be of an exemplary quality that reflects their importance as entrances into the Town. The "Town of Flower Mound Urban Design Plan" indicates suggested standards for private and public landscape development along these roads along with the Town's "Median and Right-of-way Design Guidelines." It will be appropriate for the private landscapes to reflect the individuality of the

various developments within the Lakeside Business District, while the public landscape should provide an element of continuity through the District.

Architectural facades along the Town Entrance streets will be a significant contributor to the image of the Lakeside Business District, and should be designed to an exemplary standard for their use. Parking between the building line and the street should be kept to a minimum to enhance the landscape image of the District.

District Arterial Landscape - Spinks Road, Garden Ridge Road and the new north-south urban minor arterial between International Parkway (FM 2499) and Spinks Road are all significant routes within and through the Lakeside Business District. The “Town of Flower Mound Urban Design Plan” along with the Town’s “Median and Right-of-way Design Guidelines” also indicates suggested standards for private and public landscape development along these roads. The landscape is particularly important along Spinks, as there are single family residential neighborhoods north of Spinks. It is desirable, though not essential for the landscape treatment to be continued on the edges of the Town parks along Spinks and Garden Ridge Road.

Parks and Flood Plain - There are two parks in the Lakeside Business District: Gerault Park and Bakersfield Park. These are community parks. Refer to the “Town of Flower Mound Parks and Trails Plan” for more specific information on these parks.

There is a significant flood plain along the eastern and southeastern edge of the Lakeside Business District. Since the Town of Flower Mound discourages construction in flood plains, and alteration of flood plains, these areas should be preserved. They should be incorporated into the landscape planning for adjoining development. Since they are anticipated to include segments of the Town’s multi-purpose trail in the future, site development in the adjoining Commercial/Industrial areas should be planned for compatible adjacent uses and site features, and avoid exterior storage, utility and similar uses in direct view of the potential trail areas.

Landscape Setback Buffer - Landscape and setback buffers are necessary to provide suitable separations between commercial and/or industrial uses in the Lakeside Business District from residential neighborhoods and developments which abut the District. These are required between the Campus Commercial and Office/Retail land uses west of International Parkway and the existing neighborhoods to their west.

Buffers will also be necessary between the Office/Retail area at the northeast corner of the International Parkway/Spinks Road intersection and the adjacent Estate Density Residential District to its east and north. Since neither of these developments has yet been planned, the buffer between the uses needs to be incorporated into the land development planning for this area.

A landscape/setback buffer is also indicated along the southern edge of Spinks Road. Because of the existing and planned single family residential neighborhoods and the school on the north side of Spinks, the northern boundaries of the Campus Commercial area between International Parkway and Gerault Road should include a landscape buffer at least that screens service and utility areas from view from the neighborhoods and from Spinks Road.

The “Town of Flower Mound Urban Design Plan” along with the Town’s “Median and Right-of-way Design Guidelines” indicates standards for landscape and setback buffers between non-residential and residential land uses.

Trail System - There are existing segments of the Town’s multi-purpose trail system in this area along with other trail opportunities. Please refer to the “Town of Flower Mound Parks and Trails Plan” for more specific information on the trail system.

Internalized Service Areas - In the areas of the Lakeside Business District designated as suitable for Commercial/Industrial land uses, service areas such as truck docks, layout or storage yards, utility components, trash handling and similar unsightly elements that are essential to appropriate commercial and industrial uses should be planned for locations internal to the major surrounding streets: International Parkway, Gerault Road, Lakeside Parkway, and Garden Ridge Road. Such uses should not be visible from these streets.

Architectural Impact Zone - The land at the southern edge of the Commercial/Industrial area east of Gerault Road and north of International Parkway is highly visible from northbound traffic on International Parkway as it enters Flower Mound. Because of the prominence of this site, and its significance to the Town's entry, buildings in this zone should be designed with particular attention to architectural quality and features as seen from International Parkway. This does not preclude industrial buildings from being built in this zone, but it does require that facades and elevations seen from International Parkway be of significantly higher architectural quality than is generally associated with industrial buildings.

Trees and Natural Features - Several large areas of trees, drainage courses and other natural features exist within the Lakeside Business District. These natural features are representative of the distinctive natural atmosphere of Flower Mound, and can have high amenity value for development. Existing trees fall within the purview of the Town's Tree Preservation Ordinance. Trees and other natural amenities should be incorporated into the planning and landscape design of developments within the Lakeside Business District.

Flower Mound Gateways - Distinctive entry demarcation to the Town of Flower Mound will help distinguish it as a unique community. Flower Mound Gateways are planned at or near the Town limits on International Parkway, Lakeside Parkway and Spinks Road.

Refer to the "Town of Flower Mound Urban Design Plan" along with the Town's "Median and right-of-way Design Guidelines" for more specific information on the Flower Mound Gateways.

Town Landmark Intersections - The three major arterials in the Lakeside Business District, International Parkway, Lakeside Parkway, and Gerault Road, are all principal entrances into the Town for both residents and visitors. The intersections with other arterials and collectors on these three streets will be significant orientation locations, particularly for visitors not familiar with Flower Mound. Consequently, these intersections will be major landmarks in the Town, and should be landscaped to provide an exemplary quality of entrance and orientation experience for residents and visitors to Flower Mound.

Refer to the "Town of Flower Mound Urban Design Plan" along with the Town's "Median and Right-of-way Design Guidelines" for more specific information on Town Landmark Intersections.

2.0 Area Plans



DESIGN AND USE INTENT:

In implementing the standards for the Campus Commercial areas, it is the intent that proposed developments focus on job creation and developing a non-residential tax base by planning and designing office and commercial uses. Continuing with the elements of the District's vision, development must:

1. Focus on exemplary and enduring building and site design
2. Focus on high quality development standards
3. Focus on place making, and creating engaging and inspiring places
4. Focus on protecting, respecting, and incorporating open and natural areas through preservation and creating unique outdoor experiences
5. Focus on connectivity to adjacent developments and amenities

In that context development shall:

1. Focus on high quality office development
2. Provide for high quality office and focused commercial uses along FM 2499
3. Limit large parking fields along FM 2499
4. Provide a design that incorporates all uses into a walkable site including open spaces, gathering spots and linked to environmental amenities

In consideration of office and focused commercial development, the Town may allow a limited number of residential units as an incentive for development that incorporates the elements of the district. Any planned residential areas shall be away from, and off of, FM 2499.

The Town will initiate an amendment to change the cross section of Silveron to make it pedestrian oriented.

Sec. 98-848. - Compliance with area plan components

All development in the CC campus commercial district shall be in compliance with the components outlined in the area plans for the Lakeside Business District or the Denton Creek district. **For** development within the Lakeside Business District Area Plan, Campus Commercial means a mixture of uses which includes corporate offices, office parks, hotels, commercial, similar uses, and may include limited residential development. To ensure the appropriate mixture of uses is provided within the Campus Commercial district, residential development will only be allowed as part of a planned development meeting the criteria outlined below.

- 1. Residential development criteria:** Residential development shall comply with the following standards:
 - a. Residential uses shall be limited to 25% of the overall building square footage in any new planned development in the Campus Commercial District. The remaining 75% of building square footage shall pertain to non-residential uses.
 - b. A phasing plan outlining the percentage mix of residential and non-residential development that will be built in each phase must be submitted with the zoning application, noting the restriction that only the final phase can be comprised of exclusively residential development.
 - c. Buildings used for residential development are limited to a maximum of four stories in height to ensure that residential buildings do not dominate the skyline in an area intended primarily for non-residential use.
 - d. Central core or “wrapped” parking structures surrounded on two or more sides with residential units, are required for multi-family uses. No more than 20% of the required parking for multi-family uses shall be provided as surface parking.
- 2. Parking Structures for non-residential uses:** Parking structures designated to meet non-residential parking requirements may count toward the percentage of non-residential building square footage, provided they meet the following standards:
 - a. Utilize a unified design theme tying the parking structure to other nearby structures within the development.
 - b. Incorporate architectural screens or other techniques to mitigate any adverse visual effects of the parking garage to pedestrians and adjacent properties.
 - c. Provide space to satisfy at least 80% of the required parking of the use(s) identified on the proposed concept plan.
 - d. Are greater than two stories.
- 3. Open space:** The provision of adequate and appropriate open space areas shall be integral to all planned developments in the Campus Commercial District incorporating residential uses. To ensure this is provided, open space shall comply with the following standards:
 - a. The minimum requirement for open space in these types of projects is five percent of the gross area of the site, which shall be dedicated open space and shall be included in the zoning change/development plan application.
 - b. The identified open space can also be used to meet parkland dedication requirements, as outlined in Chapter 90. However, if payment of cash in lieu of dedication is selected,

the five percent open space requirement would remain, as the open space requirement stands on its own and should not be considered a substitution for, nor a requirement in addition to, the language already noted in Chapter 90.

- c. Any open space provided in excess of five percent may be eligible for density bonus provisions as outlined below. Required landscaping, buffers, and detention/retention areas are not counted toward the open space requirement.

4. Bonus provisions:

- a. An applicant may apply for a residential density bonus of up to 10% to equal a maximum of 35% of the overall building square footage. In order to be considered for bonus provisions, the applicant shall provide a list and conceptual design of amenities/design elements on the required concept plan, proposed residential and non-residential (if known) uses and/or tenants for identified buildings, and elevations highlighting proposed building designs.
- b. The planning and zoning commission shall make a recommendation to the town council on the requested bonus package. The town council shall make the final decision on the appropriateness of the amenity/design package for the bonus requested, and may grant all, some, or none of the allowable bonus based on the amenity/design package.

5. Considerations toward achieving a residential density bonus:

- a. Focus and design based on placemaking that incorporates the following elements:
 - i. Use of pedestrian scale design elements including sidewalks/walkways/trails with appropriately scaled shade, planters, and seating along streets and building facades.
 - ii. Use of pedestrian linkages throughout the development.
 - iii. Incorporation of public spaces and art.
- b. The quality of open space provided, as determined by the following:
 - i. The percent increase in open space over the base requirement.
 - ii. The extent to which access has been provided to and emphasis has been placed on preservation of existing wooded areas, view sheds, water bodies, topography, and stream corridors in a natural and continuous state.
 - iii. The extent to which a range of open spaces have been provided to be contiguous with existing open spaces and to invite passive recreation uses from plazas and squares to playgrounds, parks, and environmental preserves.
- c. The percentage of the ground floor building area occupied as nonresidential use only.
- d. Use of parking structures to meet parking requirements, with particular emphasis placed on those that:
 - i. Incorporate pedestrian-oriented uses at street level.
 - ii. Minimize street frontage.
- e. The seamless blending of residential and non-residential spaces, such as restaurants and retail, while incorporating appropriate transitions between uses of varying intensity.
- f. The type, design, and desirability of non-residential uses/tenants and buildings.
- g. Impact of site specific conditions such as grades, vegetation, and automobile and pedestrian access.