

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

DECEMBER 9, 2019

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

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

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 indicated as a "Public Hearing" on this agenda. Issues regarding daily operations or administrative matters should be first be dealt with by calling Town Hall at 972-874-6000 during business hours.

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. Short-Term Rental Court Decision
2. Development Project Updates

F. CONSENT ITEMS

This part of the agenda consists of non-controversial or "housekeeping" items required by law. Items may be removed from Consent by any Commissioner by making such request prior to a motion and vote.

1. Minutes of November 11, 2019: Consider approval of the minutes of the November 11, 2019, Planning and Zoning Commission Regular Session.
2. RC19-0008 – Perkins Addition Lot 1 and Lot 2, Block A: Consider a request for a Record Plat to create two residential lots. The property is generally located north of Timber Creek Road and west of Stapleton Street.

G. REGULAR ITEMS

3. *RP19-0013 – Faith Lutheran Church Addition* *Public Hearing*

Public Hearing to consider a request for a Replat (RP19-0013 – Faith Lutheran Church Addition) to create a non-residential subdivision. The property is generally located north of Valley Ridge Boulevard and east of Morriss Road.

4. *SUP19-0009 – Jungle Castle SUP-460* *Public Hearing*

Public Hearing to consider an ordinance granting Specific Use Permit No. 460 (SUP19-0009 – Jungle Castle) to permit an amusement and recreation (indoors) use. The property is generally located south of Flower Mound Road and west of Long Prairie Road.

5. *LDR19-0008 – Park Credit Update* *Public Hearing*

Public Hearing to consider an ordinance amending the Land Development Regulations (LDR19-0008 – Park Credit Update) by amending Chapter 90 entitled “Subdivisions,” of the Town’s Code of Ordinances to clarify the requirements of the park credit option for parkland dedication within the Town of Flower Mound.

6. *LDR19-0009 – Fencing Update* *Public Hearing*

Public Hearing to consider an ordinance amending the General Ordinance and Land Development Regulations (LDR19-0009 – Fencing Update) by amending Chapter 14 entitled “Buildings and Building Regulations,” and Chapter 98 entitled “Zoning,” of the Town’s Code of Ordinances to create clarifying definitions and standards for fences and walls within the Town of Flower Mound.

H. 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: December 5, 2019, at 3:00 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

CONSENT ITEM

DATE: December 9, 2019

FROM: LauriAnn Cash, Development Services Executive Assistant

ITEM: Consider approval of the minutes of the November 11, 2019, Planning and Zoning Commission Regular Session.

I. BACKGROUND INFORMATION

The Planning and Zoning Commission held a regular meeting on November 11, 2019.

II. ATTACHMENTS

1. Draft Minutes

THE FLOWER MOUND PLANNING & ZONING COMMISSION MEETING HELD ON THE 11TH DAY OF NOVEMBER, 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:

David Johnson	Chair
Brad Ruthrauff	Vice-Chair
Adam Schiestel	Commissioner, Place 2
Robert Rawson	Commissioner, Place 3
Philip Del Vecchio	Commissioner, Place 5
Laura Dillon	Commissioner, Place 6
Thomas Pickering	Commissioner, Place 7
Robert Cox	Commissioner, Place 8
Timothy Fink	Commissioner, Place 9

Constituting a quorum with the following members absent:

None

(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:

James Donovan	Town Attorney
Lexin Murphy	Director of Planning Services
Chuck Russell	Town Planner
Robert Pegg	Assistant Director of Engineering
Richard Brown	Senior Planner
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

None

E. DIRECTOR'S REPORT

1. Coordination of calendars

2. Council direction on short-term rentals

F. CONSENT ITEMS

1. Consider approval of the minutes of the October 28, 2019, Planning and Zoning Commission Regular Session
2. Consider a request for a Record Plat (RC19-0006 – Trailwood Phase II) to develop a residential subdivision. The property is generally located south of Cross Timbers Road and west of U.S. 377.

Vice-Chair Ruthrauff moved to approve Consent Items 1 and 2 as presented in the agenda caption as identified above. Commissioner Pickering seconded the motion.

VOTE ON THE MOTION

AYES: Schiestel, Rawson, Del Vecchio, Ruthrauff, Dillon, Pickering

NAYS: None

The motion to approve passed with a vote of 6-0.

G. REGULAR ITEMS

3. Public Hearing to consider an ordinance for rezoning (ZPD19-0009 – Windsor Professional Centre) to amend Planned Development District No. 92 (PD-92) with Office District (O) uses, to add the Health club or athletic club use as a permitted use for Lot 4, only. The property is generally located north of Windsor Centre Drive and west of Long Prairie Road.

Staff Presentation

Richard Brown, Senior Planner

Applicant Presentation

Randy Taub, Law Office of R. Ford Taub (attorney for applicant)

Spoke in Favor:

None

Spoke in Opposition:

Gilland Cheault, 4315 Windsor Centre Trail, Suite 500, Flower Mound
Jeff Tasker, 3709 Sandhurst Drive, Flower Mound

Commission Deliberation

Vice-Chair Ruthrauff moved to recommend denial of ZPD19-0009 – Windsor Professional Centre, as presented. Commissioner Del Vecchio seconded the motion.

VOTE ON THE MOTION

AYES: Pickering, Dillon, Ruthrauff, Del Vecchio, Rawson, Schiestel

NAYS: None

The motion to recommend denial passed with a vote of 6-0.

H. ADJOURNMENT – REGULAR SESSION 7:26 P.M.

TOWN OF FLOWER MOUND, TEXAS

Lexin Murphy, Director of Planning Services

ATTEST:

LauriAnn Cash, Executive Assistant



PLANNING AND ZONING COMMISSION

AGENDA ITEM NO: 2

CONSENT ITEM

DATE: December 9, 2019

FROM: Chuck Russell, Town Planner

ITEM: **Consider a request for a Record Plat (RC19-0008 – Perkins Addition Lot 1 and Lot 2, Block A) to create two residential lots. The property is generally located north of Timber Creek Road and west of Stapleton Street.**

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 property consists of two tracts of land containing a total of approximately 5.063 acres of land. Each lot is developed with residential and agricultural uses. The purpose of this record plat is to create two residential lots containing 3.83 and 1.0 acres respectively. The property is located within a Single-Family Estate (SF-E) zoning district which requires a minimum lot size of one acre.

Access to both proposed lots is from Stapleton Lane. The record plat provides for all required setbacks and easements. Additionally, an approximate 9,999 square foot right-of-way dedication along the property's Stapleton Lane frontage will be provided.

III. ATTACHMENTS

A. Background Information

1. Vicinity Map
2. Letter of Intent

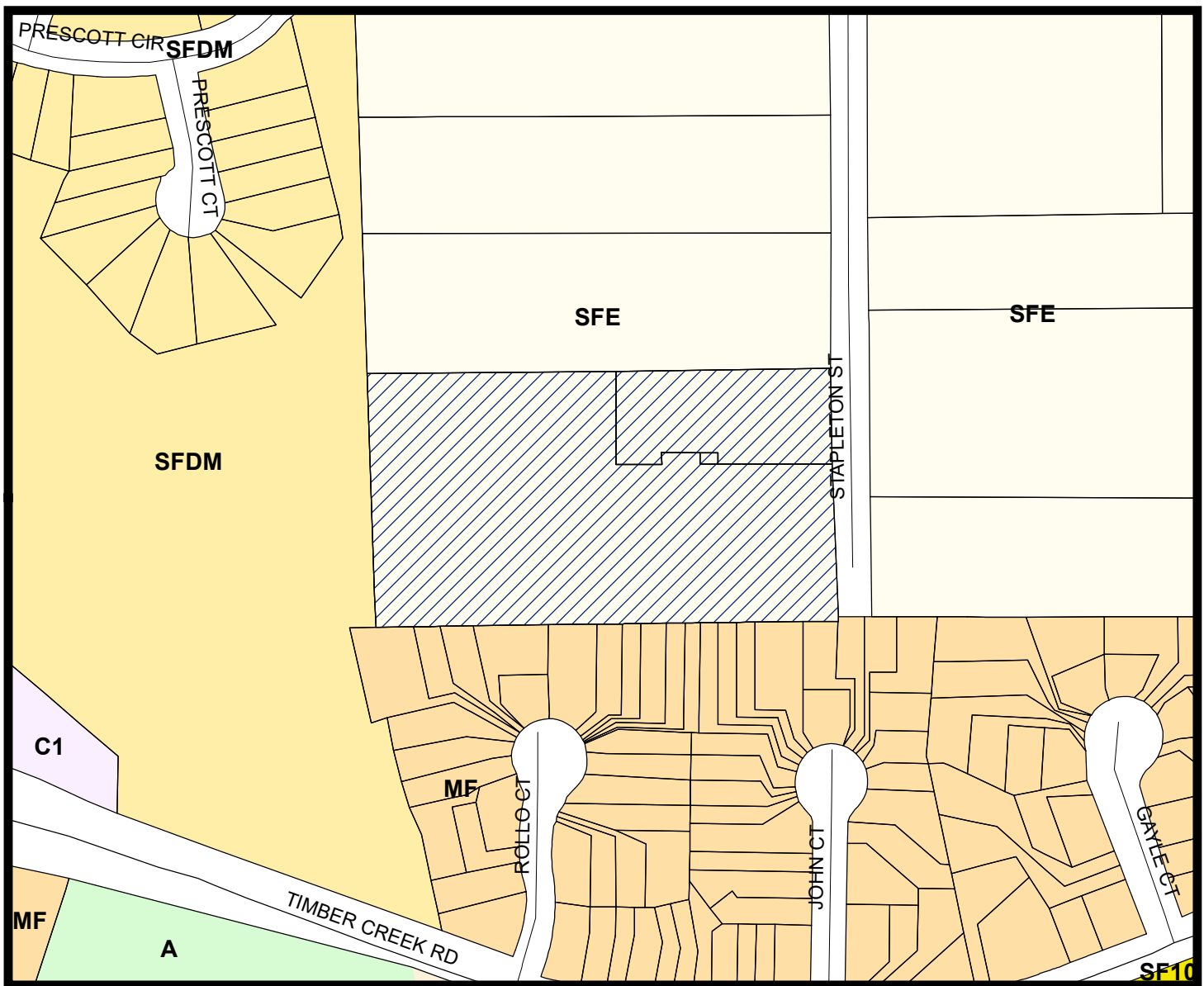
B. Application Details

1. Record Plat Package

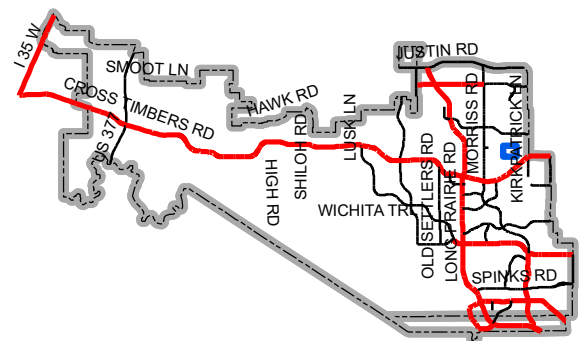
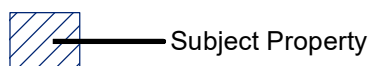
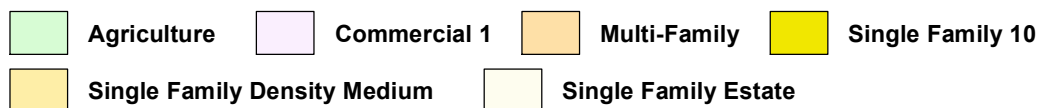


Vicinity Map

Reference Project: RC19-0008



LEGEND



Map Location

Thursday, December 5, 2019
Perkins Addition
Town of Flower Mound, Denton County, Texas
Page 1 of 1



Letter of Intent:

To Whom It May Concern:

Regarding the proposed Perkins Addition:

We are proposing a Record plat of a tract 5.063 acre tract of land situated in the R. King Survey conveyed to Brooke and Gary Perkins by deed recorded in Instrument Number 2013-136488, Deed Records, Denton County, Texas and David L. and Patricia McCarty by deed recorded in Instrument Number 1996-45791, Deed Records, Denton County, Texas. There are two separate parcels currently reflected under one current deed, with a total of three tracts being converted into two lots.

The existing zoning is Single Family Estate District (SF-E). There are no exceptions being requested.

These proposed lot sizes are as follows:

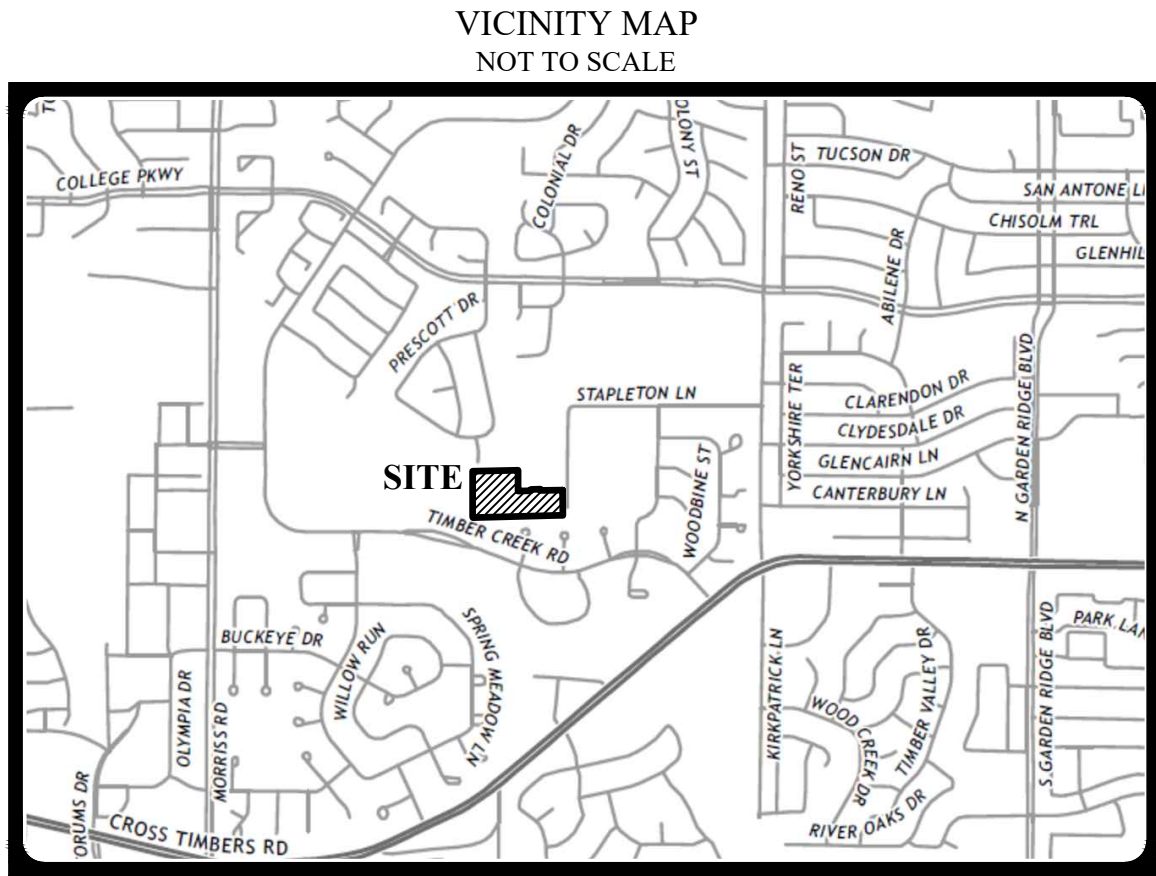
Lot 1, Block A – 172,485 square feet or 3.960 acres. There is an existing home and barn on the lot.

Lot 2, Block A – 48,060 square feet or 1.103 acres. There is an existing home and garage on this lot.

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

A handwritten signature in black ink, appearing to read "Grayson CeBallos". The signature is fluid and cursive, with the first name "Grayson" and last name "CeBallos" clearly distinguishable.

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



SURVEYOR'S NOTES:

- Bearings and distances are based on Texas State Plane Coordinate System, Texas North Central Zone 4202 North American Datum of 1983 (NAD 83) (U.S. Foot) with a combined scale factor of 1.000150630.
- This property lies within Zone "X" Unshaded, "X" Shaded, Zone AE, and AE Floodway of the Flood Insurance Rate Map for Denton County, Texas and Incorporated Areas, map no. 4812IC0545G, dated April 18, 2011, via scaled map location and graphic plotting.
- Notice: Selling a portion of this addition by metes and bounds is a violation of City subdivision ordinance and state platting statutes and is subject to fines and withholding of utilities and building certificates.
- The purpose of this plat is take three tracts of land and create two recorded lots.
- The property is zoned a Single-Family Estate District (SF-E).

STATE OF TEXAS §
COUNTY OF DENTON §

This is to certify that I, Thomas W. Mauk, a Registered Professional Land Surveyor of the State of Texas, have platted the subdivision from an actual survey on the ground, and that this plat correctly represents that survey made by me or under my direction and supervision

PRELIMINARY

THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE VIEWED OR RELED UPON AS A FINAL SURVEY DOCUMENT DATED 12/4/2019

Thomas W. Mauk, R.P.L.S.
No. 5119

STATE OF TEXAS §
COUNTY OF §

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Thomas W. Mauk, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 20____.

Notary Public in and for the State of Texas

Owners Certificate

STATE OF TEXAS §
COUNTY OF DENTON §

WHEREAS Gary Brice Perkins, Brooke Perkins, David L. McCarty and Patricia McCarty, are the owners of a 5.063 acre tract of land situated in the R. King Survey, Abstract Number 699, same being a tract of land conveyed to Gary Brice Perkins and Wife, Brooke Perkins by deed recorded in Instrument Number 2013-136488, Deed Records, Denton County, Texas also being a tract of land conveyed to David L. McCarty and Patricia McCarty by deed recorded in Instrument Number 1996-R0045791, Deed Records, Denton County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a PK Nail found for the southeast corner of said McCarty tract, same being the northeast corner of said Perkins tract and lying on the center line of Stapleton Lane (60 foot right of way as shown on Cabinet R, Page 61, Plat Records, Denton County, Texas);

THENCE South 00 degrees 43 minutes 23 seconds East with the west right of way line of said Stapleton Lane, a distance of 183.42 feet to a 1/2 inch rebar capped "ARTHUR SURVEYING COMPANY" found for corner, same being a point on the north line of Lot M, Timber Creek Garden Homes, an addition to the Town of Flower Mound, as recorded in Cabinet C, Page 387, Plat Records, Denton County, Texas;

THENCE South 89 degrees 13 minutes 55 seconds West with the north line of said Lot M, and continuing with the north line of Lot N of said Timber Creek Garden Homes, a distance of 32.84 feet to a 1/2 inch rebar capped "ASC" set for corner;

THENCE South 88 degrees 26 minutes 27 seconds West with the north lines of Timber Creek Garden Homes, as recorded in Cabinet C, Page 388, Plat Records, Denton County, Texas, same being Cabinet D, Page 205, Plat Records, Denton County, Texas, Cabinet H, Page 316, Plat Records, Denton County, Texas and Cabinet C, Page 386, Plat Records, Denton County, Texas a total distance of 625.77 feet to a 1/2 inch rebar capped "ARTHUR SURVEYING COMPANY" set for corner and being an interior "Eli" corner of Timber Creek Park Addition, Phase 3, an addition to the Town of Flower Mound, as recorded in Cabinet G, Page 113, Plat Records, Denton County, Texas;

THENCE North 00 degrees 17 minutes 23 seconds West with the east line of said Timber Creek Park Addition, a distance of 337.97 feet to a 1/2 inch rebar capped "ARTHUR SURVEYING COMPANY" found for the southwest corner of Lot 2, Block A, Stapleton Estates, an addition to the Town of Flower Mound, as recorded in Cabinet W, Page 74, Plat Records, Denton County, Texas;

THENCE North 88 degrees 52 minutes 27 seconds East departing the east line of said Timber Creek Park Addition, with the south line of said Lot 2, passing a 1/2 inch rebar capped "ARTHUR" at a distance of 331.31 feet, and continuing with the south line of said Lot 2, a total distance of 656.01 feet to a 1/2 inch rebar capped "ARTHUR SURVEYING COMPANY" set for corner on the west right of way line of said Stapleton Lane;

THENCE South 00 degrees 43 minutes 23 seconds East, with the west right of way line of said Stapleton Lane, a distance of 150.00 feet to THE POINT OF BEGINNING and containing 268,550 square feet or 5.063 acres of land, more or less.

Owners Dedication

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS

That Gary Brice Perkins, Brooke Perkins, David L. and Patricia McCarty acting herein do hereby adopt this plat designated herein as Perkins Addition, an addition to the Town of Flower Mound, Denton County, Texas.

The easements shown hereon are hereby reserved for the purposes as indicated. All streets, alleys, rights of way and Lots 1 and 2, Block A, are hereby dedicated in fee simple to the Town of Flower Mound for municipal purposes. The utility and fire lane easements (streets, alleys, and common areas) shall be open to the public, fire and police units, garbage and rubbish collection agencies and all public and private utilities for each particular use. No buildings, trees, shrubs or other improvements or growths shall be constructed, reconstructed or placed upon, over or across the utility easements as shown. Said utility easements being hereby reserved for the mutual use and accommodation of all public utilities using or desiring to use same.

All and any public utility shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs, or other improvements or growths which in any way endanger or interfere with the construction, maintenance or efficiency of its respective system on the utility easements and all public utilities shall at all times have the full right of ingress and egress to and from and upon the said utility easements for the purpose of construction, reconstruction, inspecting, patrolling, maintaining and adding to or removing all or parts of its respective systems without the necessity at any time of procuring the permission of anyone. Any public utility shall have the right of ingress and egress to private property for the purposes of reading meters and any maintenance and service required or ordinarily performed by that utility

This plat approved subject to all platting ordinances, rules, regulations and resolutions of the Town of Flower Mound.

By: _____
Gary Brice Perkins Printed Name/Date

By: _____
Brooke Perkins Printed Name/Date

By: _____
David L. McCarty Printed Name/Date

By: _____
Patricia McCarty Printed Name/Date

STATE OF TEXAS §
COUNTY OF §
BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Gary Brice Perkins, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 20____.

Notary Public in and for the State of Texas

STATE OF TEXAS §
COUNTY OF §
BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Brooke Perkins, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

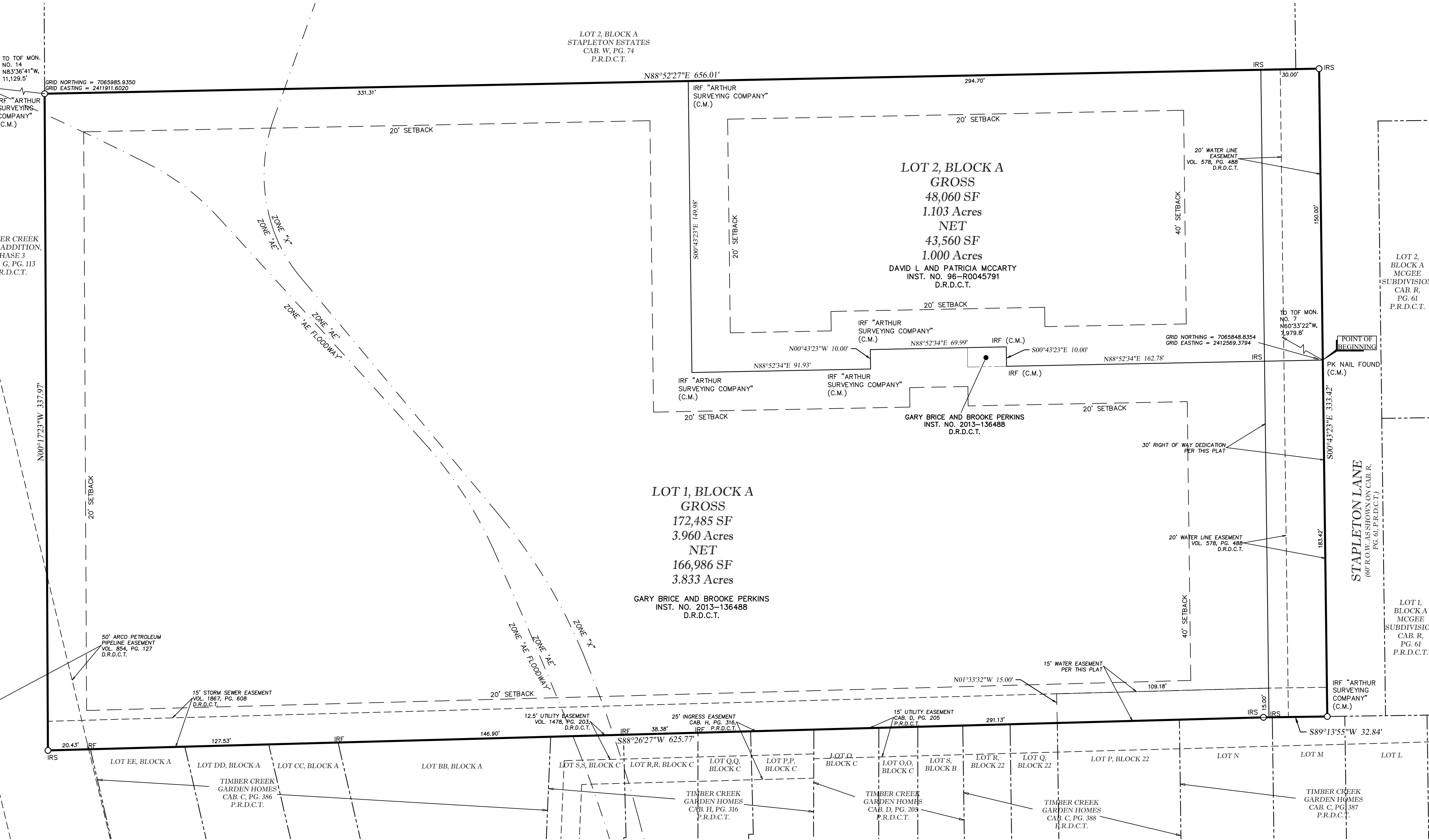
GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 20____.

Notary Public in and for the State of Texas

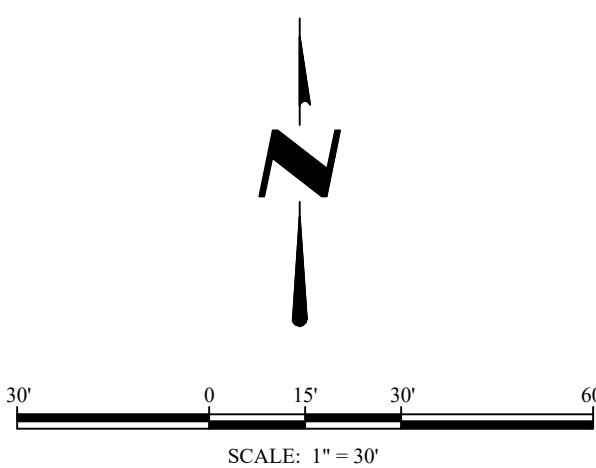
STATE OF TEXAS §
COUNTY OF §
BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Patricia McCarty, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 20____.

Notary Public in and for the State of Texas



- LEGEND OF ABBREVIATIONS
- D.R.D.C.T. DEED RECORDS, DENTON COUNTY, TEXAS
 - O.P.R.D.C.T. OFFICIAL PUBLIC RECORDS, DENTON COUNTY, TEXAS
 - P.R.D.C.T. PLAT RECORDS, DENTON COUNTY, TEXAS
 - ROW RIGHT OF WAY
 - IRS 1/2 INCH CAPPED REBAR STAMPED "ASC" SET
 - C.M. CONTROLLING MONUMENT



APPROVED:

TOWN OF FLOWER MOUND
PLANNING AND ZONING COMMISSION

Perfecto Solis, Chairman
Planning and Zoning Commission

_____, 20____
Date

SIGNED AND SEALED:
TOWN OF FLOWER MOUND

Theresa Scott, Town Secretary
Town of Flower Mound

Lexin Murphy, Director of Development Services

OWNER/DEVELOPER
Gary Brice and Brooke Perkins
1414 Stapleton Lane,
Flower Mound, Texas 75028



DRAWN BY: G.L.C. DATE: 07/01/2019 CHECKED BY: T.M.

RECORD PLAT
PERKINS ADDITION
LOTS 1 AND 2, BLOCK A
Being a 5.063 Acre tract of Land
Situated in the R. King Survey,
Abstract No. 699

Town of Flower Mound, Denton County, Texas

~ 2019 ~

FOR DENTON COUNTY USE ONLY

FOR DENTON COUNTY USE ONLY

FOR DENTON COUNTY USE ONLY



PLANNING AND ZONING COMMISSION

AGENDA ITEM NO: 3

REGULAR ITEM

DATE: December 9, 2019

FROM: Poornima Kashyap, Senior Planner

ITEM: **Public Hearing to consider a request for a Replat (RP19-0013 – Faith Lutheran Church Addition) to create a non-residential subdivision. The property is generally located north of Valley Ridge Boulevard and east of Morriss Road.**

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 request is to replat Lot 1, Block A of the Faith Lutheran Church Addition into three lots to allow for construction of a veterinary hospital on one of the newly created lots. The site plan for the veterinary hospital (SP19-0021) is under review by staff and will be placed on a future Planning and Zoning Commission meeting agenda upon completion of staff review. The property is located within Planned Development 19 (PD-19) with Retail District-2 (R-2) and Office (O) uses.

Access to the lots will be from Morriss Road and Valley Ridge Boulevard. The attached replat provides for all required setbacks, buffers, and easements. As required by PD-19 development standards, the plat depicts a 10-foot pedestrian access easement to accommodate a future trail connection between Morriss Road and Grand Park. The applicant and town staff are in agreement with the proposed location of this easement, which is shown along the southern and a portion of the eastern property lines of Lot 2.

On July 15, 2019, the Town Council approved a Master Plan Amendment (MPA18-0011) and a Zoning Planned Development amendment (ZPD18-0007) to change the land use and zoning on approximately 1.75 acres (northern portion) of the total eight acres of land from Medium Density Residential to Retail and from Office to Retail District-2 uses respectively to allow a veterinary hospital with indoor pens as an allowed use.

III. ATTACHMENTS

A. Background Information

1. Vicinity Map
2. Letter of Intent

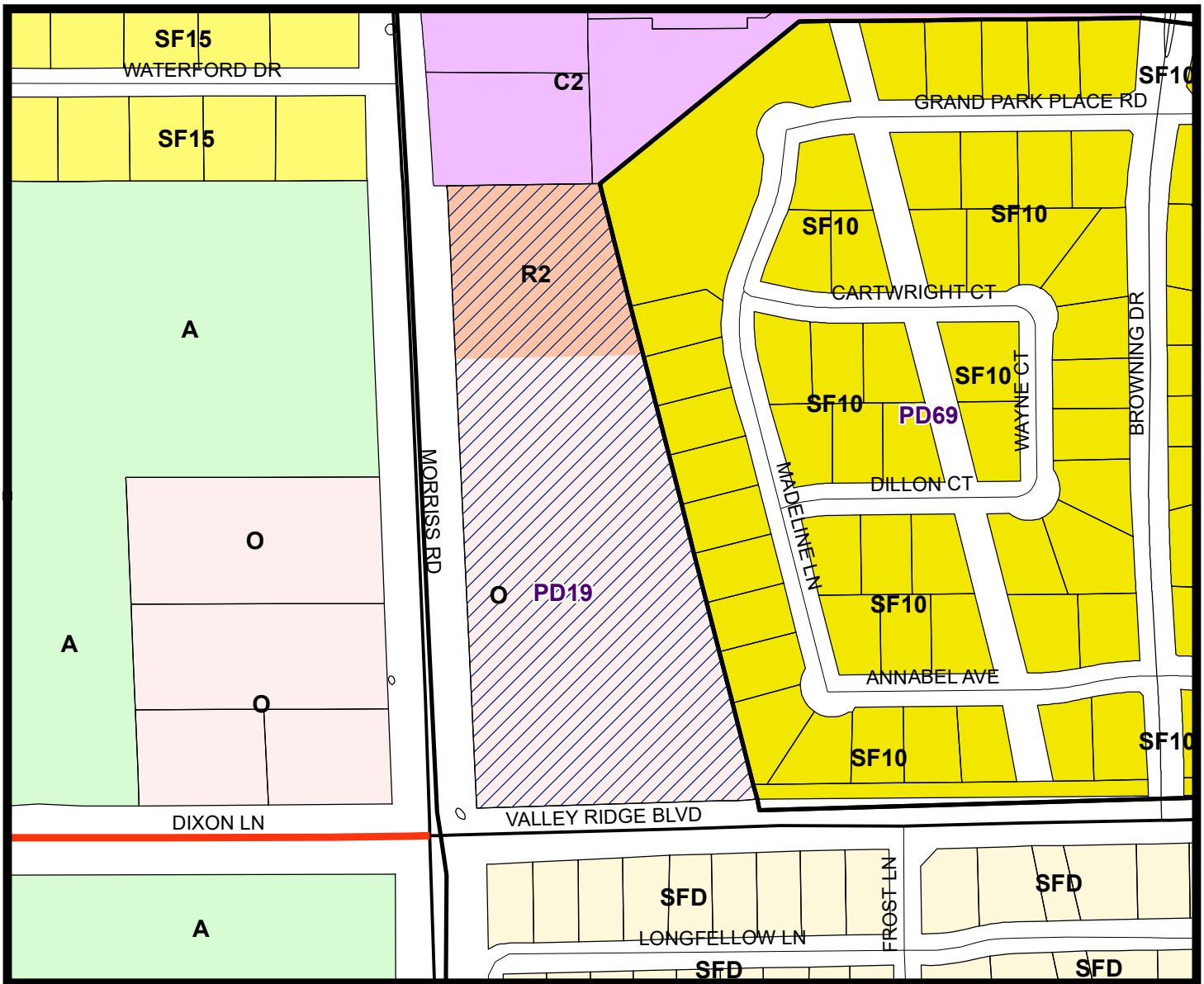
B. Application Details

1. Replat Plat Package

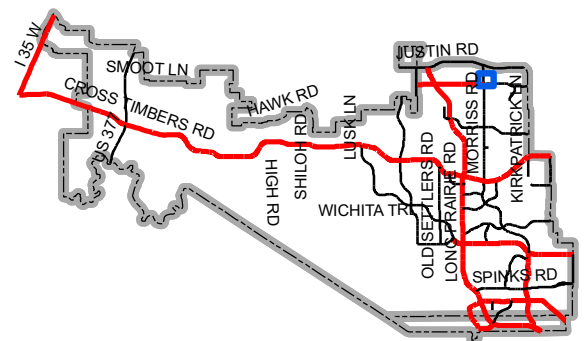
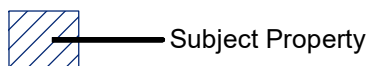
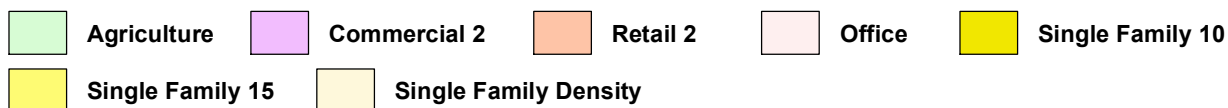


Vicinity Map

Reference Project: RP19-0013



LEGEND



Map Location



LETTER OF INTENT > HIGHLAND POINTE PARK - RP

September 9, 2019

Ms. Lexin Murphy
Director of Planning Services
Town of Flower Mound
2121 Cross Timbers Road
Flower Mound, TX 75028

**RE: Record Plat Application – Highland Pointe Park
Letter of Intent
G&A Job No. 18264**

Lexin:

Please accept this letter, on behalf of Dr. Chris Carmichael, as an explanation of the proposed re-plat application. The property, recently zoned as part of PD 19, is located just north of Valley Creek Boulevard, east of Morriss Road and is the Faith Lutheran Church property. Accompanying this application will be a site plan application.

PROJECT DESCRIPTION

The re-plat will revise the existing Faith Lutheran Church Addition, into 3 lots. The existing church will remain on Lot 1R, and two new lots will be created. Lot 3 will be for the proposed building and Lot 2 will be the future building. The re-plat shows the known easements needed for the project, both existing and proposed.

Please do not hesitate to contact me with any questions or comments regarding this application.

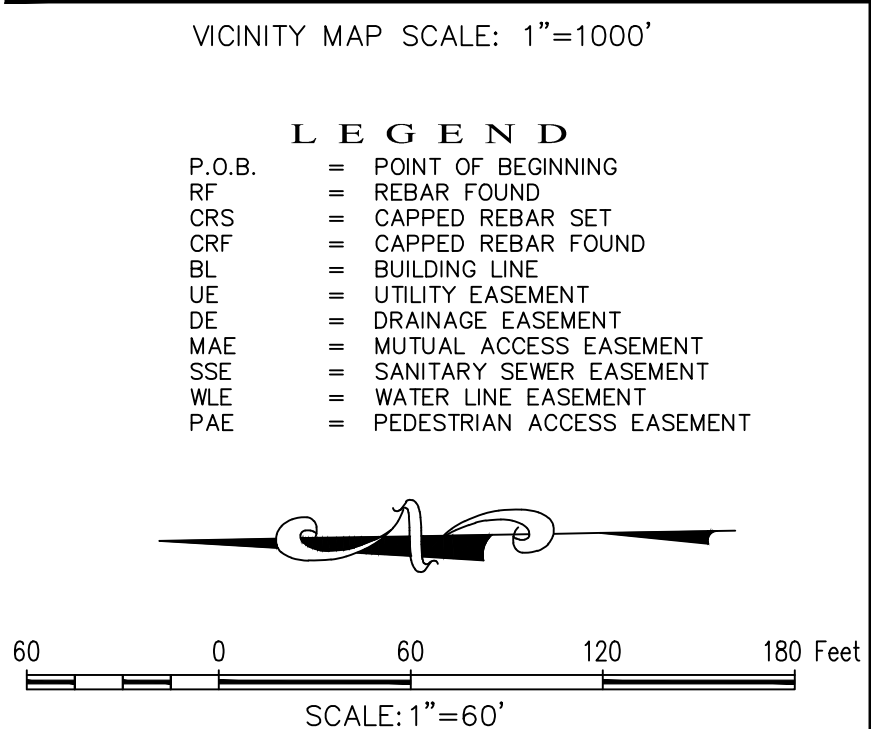
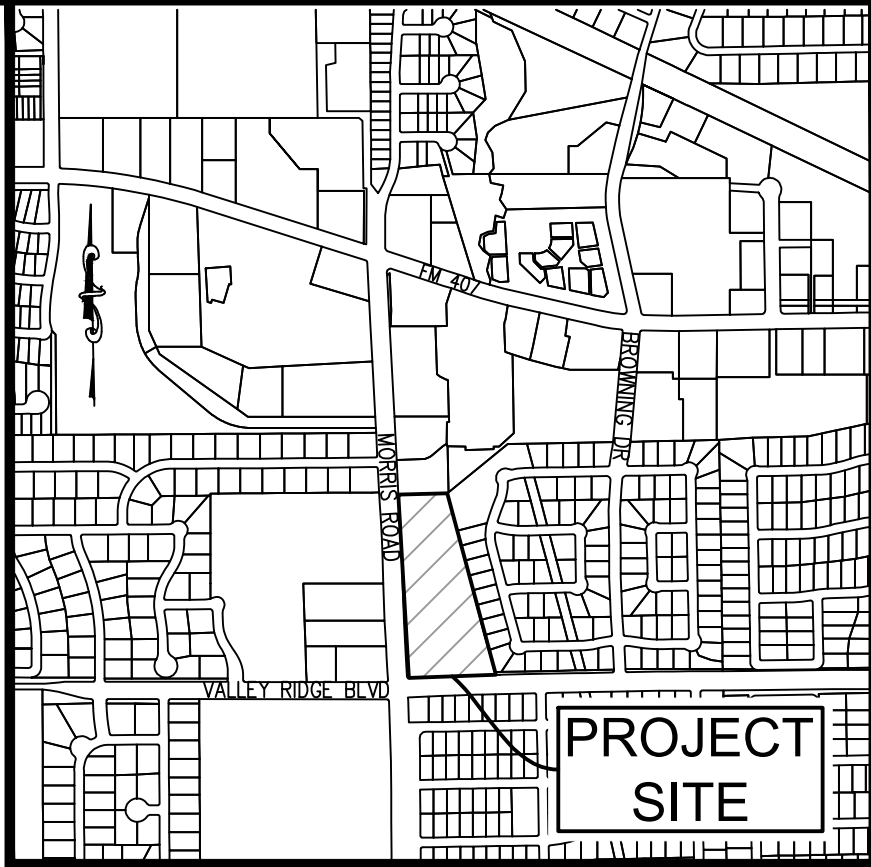
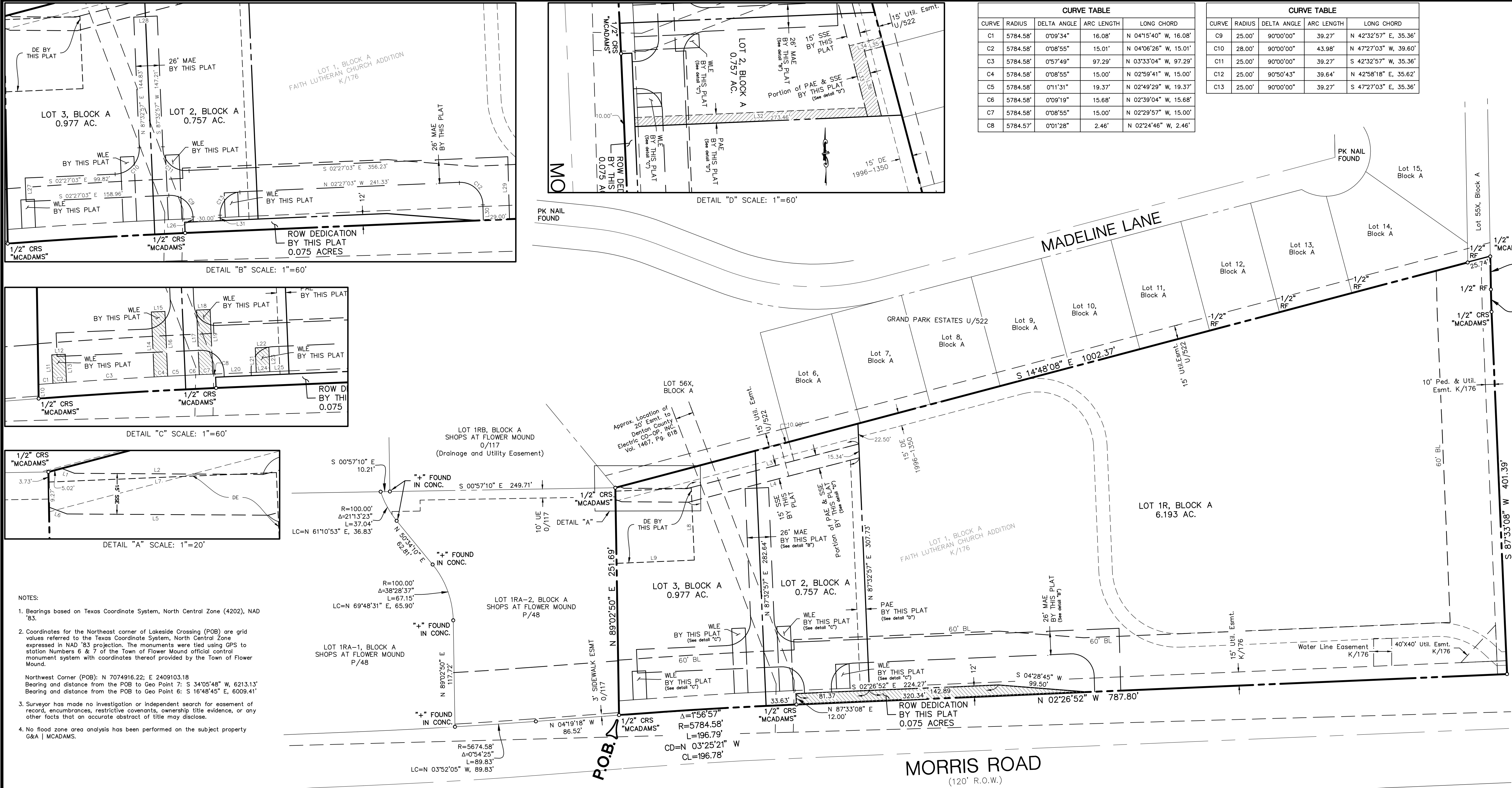
Sincerely,

G&A | McAdams

A blue ink signature of Scott Minnis, written in a cursive style.

Scott Minnis
Project Manager, Engineering

cc: Josh Barton, P.E., Project Manager
Dr. Chris Carmichael, Highland Pointe Park



VALLEY RIDGE
(80' R.O.W.)

REPLAT

A Record Plat of Lots 1R, 2, & 3, Block A
FAITH LUTHERAN CHURCH ADDITION,
an addition to the Town of Flower Mound,
Denton County, Texas,
Being a REPLAT of Lot 1, Block A,
Faith Lutheran Church Addition,

an addition to the Town of Flower Mound, Denton County,
Texas, according to the Plat recorded in
Cabinet K, Page 176, Plat Records, Denton County, Texas
8.002 Acres
in the
E. SMITH SURVEY, ABSTRACT NO. 1160
TOWN OF FLOWER MOUND
DENTON COUNTY, TEXAS



The John R. McAdams
Company, Inc.
(DBA, G&A [McAdams])
111 Hillside Drive
Lewisville, Texas 75057
972.436.9712
201 Country View Drive
Roanoke, Texas 76262
940.240.1012
TBP# 19762 TBP#S: 10194440
www.gacon.com
www.mcadamsco.com

DRAWN BY: BC DATE: 9/6/19 SCALE: 1"=60' JOB. No. **18264**

OWNER/DEVELOPER
CHRIS CARMICHAEL
2250 JUSTIN RD, SUITE 140
HIGHLAND VILLAGE, TX
Ph. 334-332-8367
Contact: HIGHLAND VILLAGE, TX

LINE TABLE			LINE TABLE			LINE TABLE		
LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L1	S 20°32'58" W	5.09'	L13	N 87°32'57" E	31.10'	L25	N 02°24'02" W	21.19'
L2	S 00°21'03" W	69.59'	L14	N 87°32'57" E	71.90'	L26	N 87°32'57" E	5.40'
L3	S 14°33'22" E	196.83'	L15	N 02°27'03" W	15.00'	L27	S 87°32'57" W	26.00'
L4	S 14°33'22" E	195.57'	L16	N 87°32'57" E	71.76'	L28	S 02°31'56" E	26.00'
L5	S 00°21'03" W	74.22'	L17	N 87°32'57" E	71.57'	L29	N 88°23'40" E	69.08'
L6	S 20°32'58" W	7.09'	L18	N 02°27'03" W	15.00'	L30	N 88°23'40" E	17.71'
L7	S 02°23'32" E	84.14'	L19	N 87°32'57" E	71.56'	L31	S 87°32'57" W	6.06'
L8	N 87°32'57" E	79.92'	L20	N 02°24'02" W	45.67'	L32	S 87°32'57" W	255.96'
L9	S 02°23'32" E	86.23'	L21	N 87°32'57" E	27.09'	L33	N 14°33'22" W	70.62'
L10	N 89°02'50" E	15.70'	L22	N 02°27'03" W	15.00'	L34	N 75°11'52" E	36.62'
L11	N 87°32'57" E	31.53'	L23	N 87°32'57" E	27.09'	L35	N 75°11'52" E	21.66'
L12	S 02°27'03" E	15.00'	L24	N 02°24'02" W	15.00'	L36	S 14°33'22" E	74.13'

APPROVED:
TOWN OF FLOWER MOUND
PLANNING AND ZONING COMMISSION

David Johnson, Chairman
Planning and Zoning Commission

Lexin Murphy, Director of Planning Services
Town of Flower Mound

SIGNED AND SEALED:
TOWN OF FLOWER MOUND

Theresa Scott, Town Secretary
Town of Flower Mound

SURVEYOR'S STATEMENT

I, James Stowell, a Registered Professional Land Surveyor in the State of Texas, have prepared this plat of the above property from an actual survey on the ground, and this plat represents that survey made by me or under my supervision.
PRELIMINARY DOCUMENT.
THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT.
JAMES STOWELL, RPLS 6813 12/3/19

James Stowell, RPLS
Texas Registration No. 6513

STATE OF TEXAS
COUNTY OF DENTON

BEFORE ME, THE UNDERSIGNED AUTHORITY, personally appeared _____ known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged that he executed the same for the purpose and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 2019.

Notary Public State of Texas

My commission expires the _____ day of _____, 2019.

LIENHOLDER'S RATIFICATION OF PLAT DEDICATION

STATE OF TEXAS
COUNTY OF DENTON

Whereas, _____ acting by and through the undersigned, its duly authorized agent, is a lienholder of a portion of the property described hereon, does hereby ratify all dedications and provisions of this plat as shown.

FIRST UNITED BANK AND TRUST COMPANY

BY: _____

NAME: _____

TITLE: _____

DATE: _____

STATE OF TEXAS
COUNTY OF DENTON

BEFORE ME, THE UNDERSIGNED AUTHORITY, personally appeared _____ known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged that he executed the same for the purpose and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 2019.

Notary Public

NOTES:

- Bearings based on Texas Coordinate System, North Central Zone (4202), NAD '83.
- Coordinates for the Northeast corner of Lakeside Crossing (POB) are grid values referred to the Texas Coordinate System, North Central Zone expressed in NAD '83 projection. The monuments were tied using GPS to station Numbers 6 & 7 of the Town of Flower Mound official control monument system with coordinates thereof provided by the Town of Flower Mound.
- Northwest Corner (POB): N 7074916.22; E 2409103.18
Bearing and distance from the POB to Geo Point 7: S 34°05'48" W, 6213.13'
Bearing and distance from the POB to Geo Point 6: S 16°48'45" E, 6009.41'
- Surveyor has made no investigation or independent search for easement of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate abstract of title may disclose.
- No flood zone area analysis has been performed on the subject property
G&A | MCADAMS.

OWNER'S CERTIFICATE AND DEDICATION

BEING all that certain lot, tract, or parcel of land, situated in the E. Smith Survey, Abstract Number 1160, Town of Flower Mound, Denton County, Texas, and being all of Lot 1, Block A, Faith Lutheran Church Addition, according to the plat thereof, recorded in Cabinet K, Page 176, Plat Records, Denton County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2" capped rebar set, stamped "MCADAMS" at the northwest corner of said Lot 1, Block A, being the southwest corner of Lot 1RA-2, Block A, Shops of Flower Mound, according to the plat thereof, recorded in Cabinet P, Page 48, Plat Records, Denton County, Texas, and being in the east line of Morris Road, a called 120 foot Right of Way;

THENCE N 89°02'50" E, with the north line of said Lot 1, and the south line of said Lot 1RA-2, a distance of 251.69 feet, to a 1/2" capped rebar set, stamped "MCADAMS" at the northeast corner of said Lot 1, the southeast corner of said Lot 1RA-2, and the northwest corner of Grand Park Estates, according to the plat thereof, recorded in Cabinet U, Page 522, Plat Records, Denton County, Texas;

THENCE S 14°48'08" E, with the east line of said Lot 1, and the west line of said Grand Park Estates, passing at a distance of 680.84 a 1/2" rebar found at the southwest corner of Lot 11, Block A, of said Grand Park Estates, passing at a distance of 760.84 a 1/2" rebar found at the southwest corner of Lot 12, Block A, of said Grand Park Estates, passing at a distance of 843.84 a 1/2" rebar found at the southwest corner of Lot 13, Block A, of said Grand Park Estates, passing at a distance of 976.63 a 1/2" rebar found at the southwest corner of Lot 14, Block A, of said Grand Park Estates, continuing a total distance of 1002.37 feet to a 1/2" capped rebar set, stamped "MCADAMS" at the southeast corner of said Lot 1, being the southeast corner of Lot 55X, Block A, of said Grand Park Estates, and being in the north line of Valley Ridge Boulevard, a called 80 foot Right-of-Way;

THENCE with the south line of said Lot 1, and the north line of Valley Ridge Boulevard, the following three (3) courses and distances:

S 88°55'16" W, said a distance of 36.49 feet to a 1/2" rebar found;

southwesterly with a curve to the left, having a radius of 1040.00 feet, a central angle of 1°22'09", an arc length of 24.85, and whose chord bears S 88°14'12" W a distance of 24.85 feet to a 1/2" capped rebar set, stamped "MCADAMS";

S 87°33'08" W, a distance of 401.39 feet to a "+" set in concrete at the southwest corner of said Lot 1, and being at the northeast intersection of Valley Ridge Boulevard and Morris Road;

THENCE N 02°26'52" W, with the east line of Morris Road, and the west line of said Lot 1, a distance of 787.80 feet to a 1/2" capped rebar set, stamped "MCADAMS";

THENCE northwesterly with the east line of said Morris Road, and the west line of said Lot 1, with a curve to the left, having a radius of 5784.58 feet, a central angle of 1°56'57", an arc length of 196.79', and whose chord bears N 03°25'21" W a distance of 196.78 feet to the POINT OF BEGINNING and containing approximately 8.002 acres of land.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS: THAT WE, _____ acting herein by and through its duly authorized representatives, do hereby adopt this plat designated herein as FAITH LUTHERAN CHURCH ADDITION, an addition to the Town of Flower Mound, Denton and Tarrant County, Texas. The easements shown hereon are hereby reserved for the purposes indicated. All streets, alleys and rights-of-way are hereby dedicated in fee simple to the Town of Flower Mound for municipal purposes. The utility and fire lane easements (streets, alleys and common areas) shall be open to the public, fire and police units, garbage and rubbish collection agencies and all public and private utilities for each particular use. No buildings, trees, shrubs or other improvements or growths shall be constructed, reconstructed or placed upon, over or across the utility easements as shown. Said utility easements are hereby reserved for the mutual use and accommodation of any utility using or desiring to use the same.

All and any public utility shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs, or other improvements or growths which in any way endanger or interfere with the construction, reconstruction, maintenance or efficiency of its respective system on the utility easements, and all public utilities shall at all times have the right of ingress and egress to and from upon the said utility easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining or adding to or removing all or parts of its respective system without the necessity at any time of procuring the permission of anyone. Any public utility shall have the right of ingress to private property for the purposes of reading meters and any maintenance and service required or ordinarily performed by that utility.

This plat approved subject to all platting ordinances, rules, regulations and resolutions of the Town of Flower Mound.

WITNESS MY HAND this _____ day of _____, 2019.

Owner



PLANNING AND ZONING COMMISSION

AGENDA ITEM NO: 4

REGULAR ITEM

DATE: December 9, 2019

FROM: Chuck Russell, Town Planner

ITEM: **Public Hearing to consider an ordinance granting Specific Use Permit No. 460 (SUP19-0009 – Jungle Castle) to permit an amusement and recreation (indoors) use. The property is generally located south of Flower Mound Road and west of Long Prairie Road.**

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 Town Council, which is scheduled for December 16, 2019.

II. APPLICATION ANALYSIS

The purpose of this application is to request approval of a Specific Use Permit (SUP-460) to provide for an amusement and recreation (indoors) use to occupy a portion of the multi-tenant retail building within the Founders Square retail development. The property is zoned Planned Development District No. 37 (PD-37). This request is located within the Retail-2 District (R-2) tract within PD-37. The proposed use is permitted subject to Town Council approval of a Specific Use Permit.

On July 31, 2000, the Planning and Zoning Commission approved a site plan for a 40,990 square foot retail building (Founders Square). The applicant proposes to occupy approximately 2,125 square feet within Founders Square to provide for the requested use. There are no proposed revisions to the approved landscape plan or elevations for the building.

The Town Code requires 11 parking spaces for the proposed use. A total of 253 parking spaces exist for the development. Based on the current tenant mix of the existing retail building, approximately 302 parking spaces are required, including the proposed use. The required parking falls within the 20 percent deviation allowed by the Code.

As part of the request, the applicant has agreed to the following standards:

- Hours of operation: Monday through Thursday (9:00 a.m. to 6:00 p.m.) and Friday through Sunday (9:00 a.m. to 7:00 p.m.)
- Soundproofing of the lease area so that no noise is audible to adjacent tenants

The retail development has access from both Long Prairie Road and Flower Mound Road. Excluding the adjacency of the two thoroughfares, the retail center is wrapped by a single-family subdivision along its western and southern boundaries (The Villages of Northshore, Phase 1A).

III. CORRESPONDENCE

The 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 for all rezoning requests. At the time this report was written, staff had received no correspondence in support or in opposition to the project.

IV. ATTACHMENTS

A. Background Information

1. Vicinity Map
2. Letter of Intent
3. Approved Site Plan, Landscape Plan and Elevations

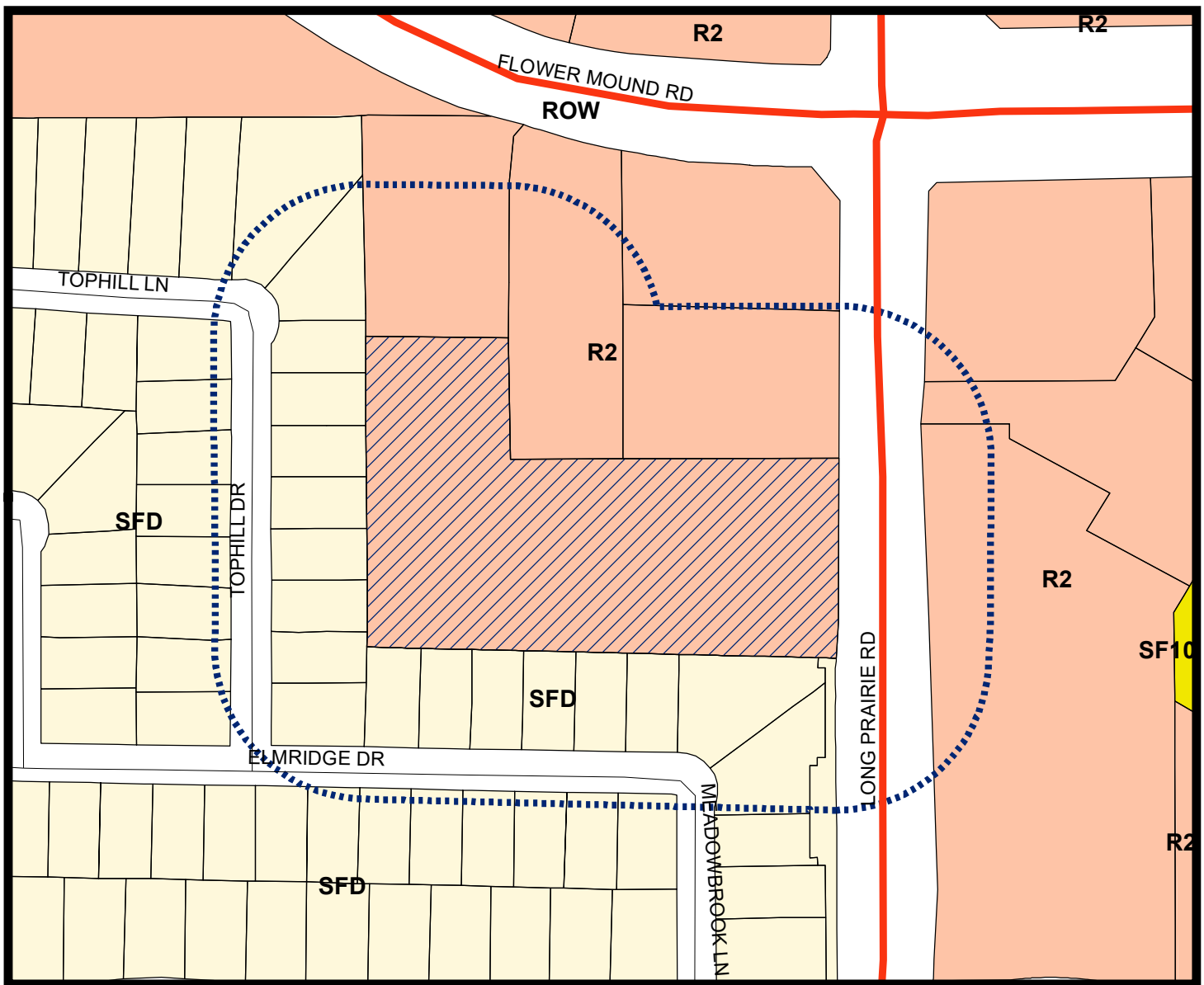
B. Application Details

1. Specific Use Permit Package



Vicinity Map

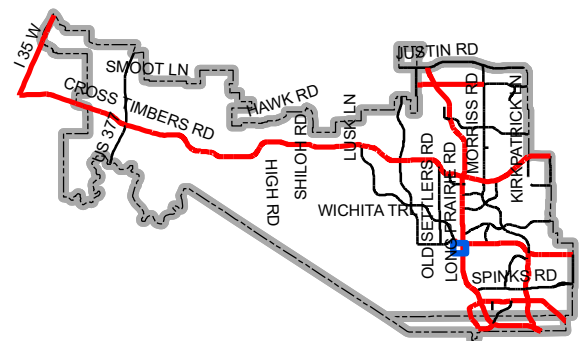
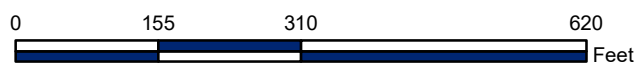
Reference Project: SUP19-0009



LEGEND

- Retail 2
- Single Family 10
- Single Family Density

- Subject Property
- 200 ft Notification Buffer around Property



Map Location

November 5, 2019

Letter of Intent

SUP19-0009
Jungle Castle

Members of the Planning and Zoning Commission and Town Council:

We are applying for a Specific Use Permit for an Amusement and recreation (indoors) use. We provide a children's indoor playground. No outside activity areas are proposed.

We will occupy 2,125 square feet of floor area within the Founders Square retail development. The property is located within the Tract 2 portion (approximately 14 acres) of PD – 37 with Retail-2 District (R-2) uses, which requires a Specific Use Permit for this use.

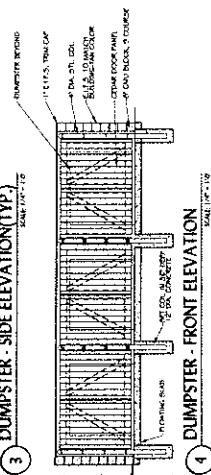
Nine required parking spaces will be provided as well as our building permit package will include for soundproofing of our lease space. Our proposed days and hours of operation are as follows:

Monday – Thursday/9:00 a.m. to 6:00 p.m.
Friday to Sunday/9:00 a.m. to 7:00 p.m.

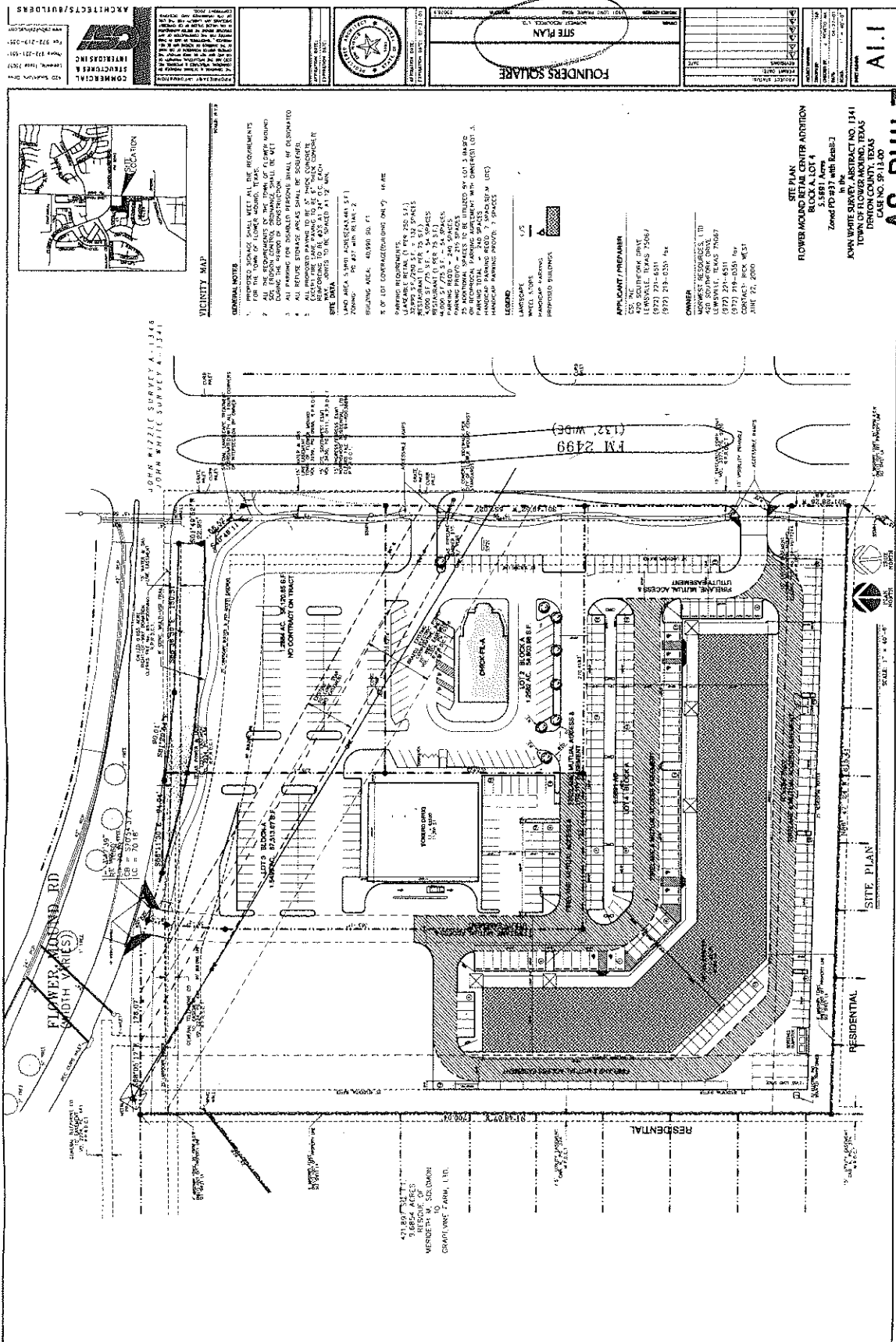
Other than the requirement to obtain a Specific Use Permit for our business, there are no exceptions or variances being requested.

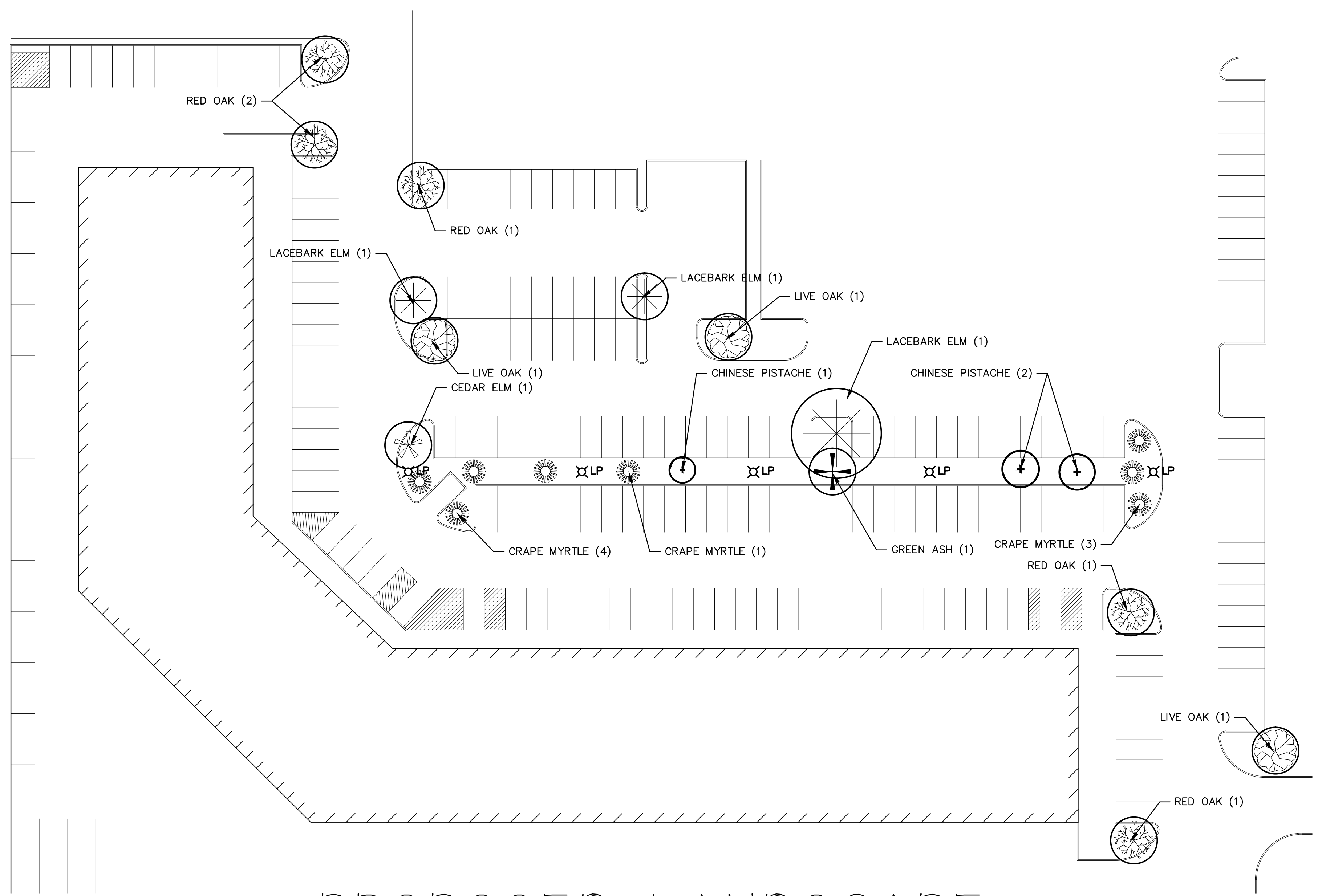
Sincerely,

Xiaobin Guo



AS BUILT
6-29-01





PROPOSED LANDSCAPE

PARKING LOT TREES TO REMAIN	1
PROPOSED TREES TO BE INSTALLED	8
TOTAL PARKING LOT TREES	24

LEGEND

- PROPOSED CRAPE MYRTLE
- EXISTING LIVE OAK
- EXISTING RED OAK
- EXISTING LACEBARK ELM
- EXISTING GREEN ASH
- EXISTING CEDAR ELM

PLANT LIST

QUANT.	COMMON NAME	BOTANICAL NAME	SIZE	MIN. HT.	SPACE	REMARKS
8	CRAPE MYRTLE	Lagerstroemia indica	30 gal.	7'-8'	per plan	Multi trunk

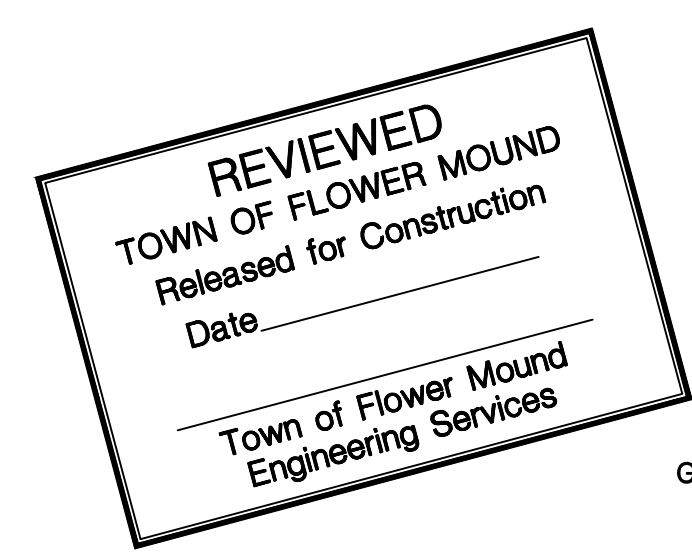
SECTION 94-123(4) (From Town Code at the time of platting)

ALLOWS FOR ORNAMENTAL TREES TO BE INSTALLED IN LIEU OF 30% OF REQUIRED PARKING LOT TREES

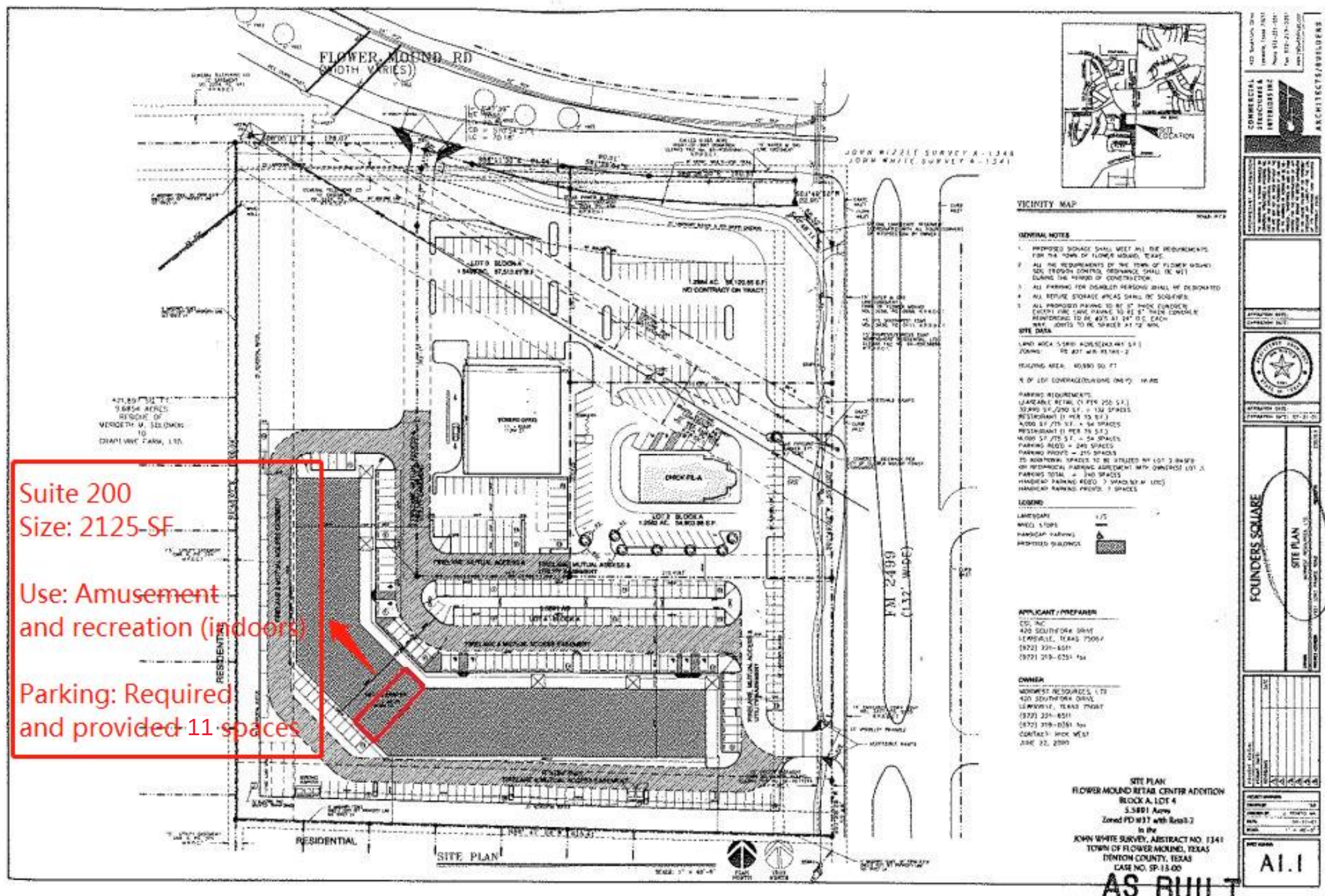
NOTE:

THERE ARE (24) EXISTING PARKING LOT TREES ON THIS SITE AND ONLY (22) ARE REQUIRED

The Following Plat/Graphic
Case Number **ASP14-0019-SP11-01**
Was Administratively Approved
On Date **APR.24, 2014**



OWNER/DEVELOPER
GRASS ROOTS LANDSCAPE GROUP
237 SAMUEL
LEWISVILLE, TX 75057
Ph. 469-268-9851
Contact: John "Booker" Rheudasil







PLANNING AND ZONING COMMISSION

AGENDA ITEM NO: 5

REGULAR ITEM

DATE: December 9, 2019

FROM: Lexin Murphy, Director of Planning Services

ITEM: **Public Hearing to consider an ordinance amending the Land Development Regulations (LDR19-0008 – Park Credit Update), by amending Chapter 90 entitled “Subdivisions,” of the Town’s Code of Ordinances to clarify the requirements of the park credit option for parkland dedication within the Town of Flower Mound.**

I. ITEM SUMMARY

This Town-initiated item proposes to clarify the Town’s Land Development Regulations regarding parkland dedication requirements for certain types of development.

This item will require final action by the Town Council, which is scheduled for December 16, 2019.

II. APPLICATION ANALYSIS

The park credit option for parkland dedication with multi-family and mixed use projects was adopted by Council on April 15, 2019 ([video link](#)). This option was incorporated to establish reasonable and consistent parkland dedication requirements that provide for quality parks and open spaces in these types of projects.

Since the time of the park credit option’s adoption, the Town has had an applicant and associated project come forward that wanted to submit under the new standards. In working with the applicant on their submittal, it came to staff’s attention that there were a few typos within the text, as well as some instances where additional language could be provided to clarify the standards. This proposed update incorporates those changes. The only revision of substance that is being suggested is substituting the term “park” for the open space type of “natural preserve.” There was confusion from applicants as to how “natural preserve” functionally differed from “natural area,” and we believe this title change makes that differentiation clear.

The proposed updates do not change the minimum amount of park area that is required to be dedicated for any type of project, nor the process for doing so.

Attachment 1, the draft redline ordinance, notes all of the proposed revisions.

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. Draft Redline Ordinance

Park Credit Update Draft Ordinance

Amend Chapter 90 – Subdivisions, 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 100 dwelling units for age-restricted residential uses meeting the provisions of the Federal Housing for Older Persons Act. Land within floodplain and floodway designated areas shall not be counted toward meeting the requirement of this subsection, subject to except as allowed in Section 90-449.

Amend Chapter 90 – Subdivisions, Sec 90-449. - *Park credit option.*

- a) *Purpose and Intent:* The Town finds that public~~ally~~ly accessible open space is necessary to create a place of recreation and relaxation for its residents. An opportunity exists between the Town, property owners, and developers to enhance the residents' quality of life by providing options for privately maintained and publicly accessible open space. This open space will ensure that new residential development augments and complements the Town's public parks and facilities.
- 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 electing to pursue the Credit Option:
 - *Credit Option* means the alternative option of providing privately maintained and public~~ally~~ly accessible open space under this section in lieu of dedicating park land or payment in lieu thereof, in accordance with Sections 90-444 and 90-445, hereof.
 - *Director of Planning Services* means the Town's Director of Planning Services or the Director's designee.
 - *Enhanced paving* means a paving treatment that consists of stamped concrete, stained concrete, brick or stone paving, or any combination of said treatments.
 - *Open space associated with and integral to, specific buildings* 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.
 - *Open Space Plan* means a detailed, scaled drawing meeting all of the submittal requirements of this Section.
 - *Open Space Types* means courtyards, natural areas, greens or lawns, natural preserves parks, plazas, squares, detention/retention facilities, and general open space.
 - *Structured recreation* means larger recreational facilities 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.
 - *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 may only be applied to residential uses within the following zoning districts:
- 1) A PD Planned Development District that permits residential uses in a Mixed-use development or a Multi-use development, approved by the Town Council after April 15, 2019.
 - 2) An MU Mixed Use District, approved by the Town Council after April 15, 2019.
- d) *Required Park Land Dedication Options*: Applicants eligible for the Credit Option under this Section 90-449 may request that the Town Council consider accepting privately maintained and public~~ally~~ accessible open space to fully or partially offset the otherwise required public park land dedication, or fees in lieu thereof.
- e) *Submittal Requirements for the Credit Option*: The following is required for eligible applicants seeking the Credit Option alternative:
- 1) Open Space Plan: Eligible applicants shall submit an Open Space Plan with the zoning application for the subject property. The Open Space Plan shall include all of the following detail~~s~~:
 - a) Conceptual landscaping associated with the applicant's zoning application that complies 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 Section 90-449(f) as well as any such features identified in the Environmentally Sensitive Area Survey required by the Town's SMARTGrowth Program. This information may be provided on a separate plan sheet for clarity purposes.
 - d) Location and area of all proposed public~~ally~~ accessible open spaces within the development.
 - 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) A summary of the perpetual maintenance proposed for each open space area, which maintenance must be feasible and appropriate for each Open Space Type.
 - h) Phasing and location of the open space associated with the overall development and the open space associated with, and integral to, specific buildings.
 - i) A checklist of all required information to be depicted on an Open Space Plan shall be maintained by the Director of Planning Services.
 - 2) Open Space Easement: All public~~ally~~ accessible open space accepted by the Town in lieu of otherwise required park land dedication, or the payment of fees in lieu thereof, shall be dedicated to the public as a permanent public access easement, reflected on the face of a plat. All such open space shall be maintained by the property owner(s) or the property owners' association. Changes to a dedicated open space access easement

are permitted only after Town Council approval following a recommendation by the Town Parks Board. Changes to an open space access easement may not reduce the amount of Council- approved open space, the amount of land that is public~~all~~ly accessible, or the accessibility standards outlined in the easement.

- f) *Open Space Types and Credit Calculation:* Each area of open space that meets the requirements of this Section shall be eligible to receive a Town Council approved reduction in the amount of park land dedication, or fee payment in lieu thereof, otherwise required. The amount of credit that may be granted for eligible open space~~s~~ shall be dependent on whether additional or enhanced amenities are provided, as described herein. Each proposed open space shall be subject to the following Open Space Type-specific criteria and maximum credit eligibility limitations. 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.

- 3) *Green or Lawn.* A green or lawn is an open space available for unstructured recreation and as a gathering place. A green or lawn may be bordered by landscaping rather than buildings and should be adjacent to active uses such as retail and restaurant uses. Its landscape shall consist of land and trees in a coordinated arrangement, requiring minimal maintenance. The size of a green or lawn shall not be less than one half (0.5) acre and shall not exceed two (2) acres in size.
- a) A green or lawn must, at a minimum, incorporate the following amenities:
 - 1) Seating and associated shade.
 - b) Lighting: Street lighting, or ambient accent and bollard lighting, shall be installed, as appropriate.
 - c) Signage: No signage shall be permitted if the green or lawn is open to a public street. Appropriate directional signage shall be installed if not open to a public street.
 - d) Landscape Design: A green or lawn shall be predominately turf with a coordinated planting scheme.
 - e) Credit Option: If the development satisfies the standards above, the Town Council may approve a credit towards the required park land dedication, or fees in lieu thereof, on a per acre basis, at a ratio of one and three quarter (1.75) acres of required park land for every one (1) acre of green or lawn open space provided. In the event additional or enhanced amenities are provided, the Town Council may increase the credit to a ratio of no more than two and one half (2.5) acres of required park land for every one (1) acre of green or lawn open space provided.
- 4) Natural Preserve Park. A natural preserve park is intended primarily to provide unstructured recreation, but structured recreation should also be a component. Any structured recreation within a natural preserve park shall be limited to less than ten percent of the area. A natural preserve park is usually independent of surrounding building frontages. Its landscape consists of natural paths, trails, meadows, woodlands, and open shelters. A natural preserve park must be greater than one (1) acre in size.

- a) A ~~natural preserve park~~ must, at a minimum, incorporate the following amenities:
 - 1) A ~~natural preserve park~~ must connect to any trail identified on the Town's Parks and Trails Master Plan, if the planned trail is present within the development (or contiguous with the development) and is located within three hundred feet (300') of the ~~natural preserve park~~. The ~~natural preserve park~~ must also be accessible from the development's planned commercial or residential areas through the installation of an interconnected system of sidewalks or trails.
 - 2) Seating and associated shade.
 - 3) Structured Recreation; playground, splash pad, or other type of recreational use as recommended by the Director of Parks and Recreation.
- b) Lighting: Exterior lighting is prohibited except in limited circumstances where low voltage accent lighting may be appropriate.
- c) Signage: Signage shall be placed adjacent to all entrances, as well as appropriate directional signage if the park is not open to a public street.
- d) Landscape Design: A coordinated planting scheme must be implemented.
- e) Credit Option: If the development satisfies the standards above, the Town Council may approve a credit towards the required park land dedication, or fees in lieu thereof, on a per acre basis, at a ratio of one and one half (1.5) acres of required park land for every one (1) acre of ~~natural preserve park~~ open space provided. In the event additional or enhanced amenities are provided, the Town Council may increase the credit to a ratio of no more than two and one quarter (2.25) acres of required park land for every one (1) acre of ~~natural preserve park~~ open space provided.

- 7) *Retention/Detention Facilities.* Retention/detention facilities are storm water management basins designed 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 must incorporate ~~include~~ low impact design principals in order to qualify for the Credit Option.
 - a) Retention/detention facilities must, at a minimum, incorporate the following 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 eight-foot (8') trail is required around the retention/detention facility except where site conditions such as excessive slopes or outfall structures render construction of the trail infeasible. The trail shall connect to internal trails proposed within the development. The trail shall also connect to any trail identified on the Town's Parks and Trails Master Plan, if the trail required by ~~this subsection~~ (f)(7)(a)(2) of this section is located within three hundred feet (300') of the trail identified on the Town's Parks and Trails Master Plan and the latter is located within the development or is contiguous to the development.
 - 3) Seating and associated shade.
 - b) Retention/detention facilities must, at a minimum, incorporate the following facility- specific amenities:

- 1) Detention basins must be designed to achieve a multi-purpose use that provides access to the basin for active and passive recreation activities.
 - 2) Retention basins must provide at least one (1) overlook with at least one (1) bench, one (1) trash receptacle, and a minimum of three (3) shade trees.
 - c) Lighting: Perimeter lighting and accent lighting shall be permitted where appropriate.
 - d) Signage: No signage is permitted if the retention/detention facility is open to a public street. Appropriate directional signage shall be installed if the retention/detention facility is not open to a public street.
 - e) Landscape Design: Shade trees, planted a minimum of thirty-feet (30') on center, staggered on each side of the trail surrounding the retention/detention facility, shall be planted.
 - f) The following engineering standards shall apply to the design of a retention/detention facility:
 - 1) The retention/detention facility must comply with the provisions of Chapter 32, the Town's Engineering Design Criteria and Construction Standards.
 - 2) The slope from the edge of a retention pond shall not exceed three twenty five percent (25%); provided, however, any slope that exceeds three percent (3%) shall incorporate stone terracing. Terracing or the cutting of a sloped plane into a series of successively receding flat surfaces or platforms, must have a maximum shelf depth of three feet (3') with a maximum six inch (6") risers, and shall not negatively impact Environmentally Sensitive Areas regulated by the Town's SMARTGrowth Program.
 - g) Credit Option: If the development satisfies the standards above, the Town Council may approve a credit towards the required park land dedication, or fees in lieu thereof, on a per acre basis, at a ratio of one (1) acre of required park land for every one (1) acre of retention/detention facility open space provided. In the event additional or enhanced amenities are provided, the Town Council may increase the credit to a ratio of no more than one and one half (1.5) acres of required park land for every one (1) acre of retention/detention facility open space provided.
- 8) *General Open Space.* Open spaces that do not fit into any of the Open Space Types identified above may be considered by the Park Board for eligibility for the Credit Option. General open space may be accepted by the Town Council, following a recommendation by the Parks Board, if the Town Council finds that the general open space satisfies the purpose and intent of this section, as set forth in subsection (a) of this section.
- a) Credit Option: If the development satisfies the standards above, the Town Council may approve a credit towards the required park land dedication, or fees in lieu thereof, on a per acre basis, at a ratio of one and one half (1.5) three quarter (1.75) acres of required park land for every one (1) acre of general open space provided. In the event additional or enhanced amenities are provided, the Town Council may increase the credit to a ratio of no more than one and one half (1.5) three quarter (1.75) acres of required park land for every one (1) acre of general open space provided.

9) *Calculation.* Calculation of the open space eligible for credit shall be in accordance with the following:

- a) Eligible open space shall exclude all rights-of-way or easements for streets or alleys, required street buffers and setbacks, required screening and landscaping for parking, storage and refuse areas, parking, parking lot tree islands, utility yards, town trail extensions as outlined in the Town Parks and Trails Master Plan, and all Area Plan requirements as set out in the Master Plan.
- b) Floodplain or water impoundments, as identified in Section 98-148, shall only be eligible for credit in the natural area Open Space Type. The maximum amount of floodplain or water impoundment that may be counted toward open space credit shall not exceed fifty percent (50%) of the allowable total natural area ~~of~~ open space credit applied to the development. Any amount of floodplain or water impoundment that exceeds this limitation shall be excluded from the credit calculation.
- c) Areas of proposed natural area and natural preserve park open space: 1) containing grades subject to Section 98-147, governing topographical slope protection, 2) located outside of the floodplain, and 3) which prohibit public access, may be counted toward up to fifty percent (50%) of the allowable natural area or park open space credit. The remaining fifty percent (50%) of the proposed natural area or natural preserve park open space must not be subject to the protections set forth in Section 98-147 and must be publicly accessible.

i) *Phasing and Timing:*

- 4) Construction/installation of open space and enhancements associated with and integral to specific buildings shall be completed prior to issuance of a Certificate of Occupancy or Building Final ~~of for~~ that building.

j) *Amendments to approved plans or regulations associated with developments containing approved open space:*

- 2) The Director of Planning Services may approve minor changes to and deviations from the Open Space Plan, based upon the applicant's written justification for such changes. Upon approval, a revised Open Space Plan shall be filed with the Town and any associated fee adjustments shall be calculated. The Director of Planning Services may deny a minor change or deviation from the Open Space Plan regardless of the applicant's written justification. In the event of such denial, an applicant may instead seek approval of the change or deviation by filing an application to amend the zoning ordinance governing the development.



PLANNING AND ZONING COMMISSION

AGENDA ITEM NO: 6

REGULAR ITEM

DATE: December 09, 2019

FROM: Forrest Williams, Comprehensive Planner

ITEM: **Public Hearing to consider an ordinance amending the General Ordinances and Land Development Regulations (LDR19-0009 – Fencing Update) by amending Chapter 14 entitled “Buildings and Building Regulations,” and Chapter 98 entitled “Zoning,” of the Town's Code of Ordinances to create clarifying definitions and standards for fences and walls within the Town of Flower Mound.**

I. ITEM SUMMARY

This Town-initiated item proposes to amend the Town's General Ordinances and the Town's Land Development Regulations to provide updates to the definitions and standards for fences and walls.

This item will require final action by the Town Council, which is scheduled for December 16, 2019.

II. APPLICATION ANALYSIS

During the Strategic Planning Session on June 21, 2019, ([web link](#)) Town Council gave staff direction to bring forward ordinance amendments providing regulatory relief to existing homeowners in the following situations:

- 1) Needed perimeter fence/masonry wall repairs/replacements in subdivisions without HOA's or PD standards
- 2) Uneven fencing and/or sightlines for homeowners in existing residential lots adjacent to new subdivisions that were constructed with varying topography

Due to infrastructure aging, there has been an increase in requests to replace perimeter fences in older subdivisions. Depending on the age of the subdivision and the way the subdivision's fencing standards were adopted, staff's ability to enforce a fair and consistent standard has varied.

In 1992, the Town adopted mandatory HOA regulations that created a mechanism for perimeter wall/fence maintenance. In 1994, the Town adopted its current subdivision perimeter fence standards, which require masonry walls and columns, or columns with tubular steel fencing and plantings along thoroughfare streets (Section 98-1143).

Prior to 1994, the code left the decision on perimeter fence treatment to the Planning and Zoning Commission and/or Town Council. In those cases, whatever was approved with the subdivision was the standard. Sometimes the Planned Development (PD)

outlined the fencing requirements, and sometimes it did not. There are several subdivisions without HOAs (platted prior to the mandatory HOA ordinance (Ord. 35-92) adopted on July 20, 1992), where the masonry components of the perimeter fence are now failing. Individual property owners have expressed a hardship due to the expense of the repair, and some property owners have requested to replace the masonry components with wood (board-on-board) fencing. During the Strategic Planning Session, Council agreed that this would be an acceptable alternative in cases where there was no HOA in place to fund the masonry fence replacement and no clear standard requiring a masonry perimeter fence at that location.

Town Council was also contacted by a resident that backs up to a new residential subdivision that is under construction. The design of the new subdivision has left the resident with mismatched fencing along his rear property line. A portion of his rear property line is bordered by a new residential lot that contains a six-foot wooden privacy fence on a four-foot stone retaining wall. The remaining property line is bordered by an ornamental steel fence adjacent to dedicated open space. The resident requested that the Council direct staff to amend the Town's Land Development Regulations to allow exceptions to the Town's fencing requirements in extenuating circumstances where existing homeowners were negatively impacted by new development. Town Council directed staff to develop a standard that was tailored to the type of situation described.

Since the Strategic Planning Session, staff reached out to all departments who deal with fencing-related issues and identified other updates that would be recommended. This includes creating a definition for a Global Fence Permit and Established Front Yard and creating an allowance for front yard fencing in key lots, provided the fence is setback a minimum of 10 feet from the property line. Staff has provided a draft redline ordinance noting all proposed definitions and standard updates.

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

1. Draft Redline Ordinance

Fencing Standards Update Draft Ordinance

Amend Article XIII. – Property Maintenance Standards, Division 1. – Generally.

Sec. 14-513. - *Definitions.*

Global Fence Permit means a permit for the repair or replacement of any fencing and/or masonry screening walls located within the same subdivision, to be constructed on two or more contiguous lots without interruption. Interruption may be, but is not limited to, a street, another lot, an open space, or an easement.

Perimeter fence means any fence as defined for the purposes of this article that is adjacent to an arterial or collector road as defined in the town's thoroughfare plan, and does not meet the requirements of section 98-821 perimeter screening of this Code. This definition does not include any fence allowed under the town's urban design plan or ~~any five-foot fence allowed under section 98-1142(b) of this Code.~~ any barbed wire or metal/wire livestock fencing allowed by this Code in A, agricultural district.

Amend Article XIII. – Property Maintenance Standards, Division 2. - Minimum Standards.

Sec. 14-541. - *Enumeration.*

An owner and/or occupant commits an offense under this article if he fails to:

- (1) Securely close or cover a well, cesspool or cistern;
- (2) keep the doors and windows of a vacant structure or vacant portion of a structure securely closed to prevent unauthorized entry;
- (3) Maintain fences and related appurtenances in good condition and not as a dilapidated or deteriorated fence. Fences shall not be propped up or leaned against a pole, piece of lumber or other similar object as a means of support. ~~A dilapidated or deteriorated fence in which 25 percent or more of the fence area is adjacent to a town arterial or collector road may not be repaired. If 25 percent or more of the perimeter fence is determined to be dilapidated or deteriorated, it may not be repaired;~~ instead the perimeter fence that is adjacent to a town arterial or collector road shall be completely replaced and constructed in accordance with section 14-542;
- (4) Maintain in good condition and protect all exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and from decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and all surfaces with rust and corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from all exterior surfaces; surfaces designed for stabilization by oxidation are exempt from this requirement;

Fencing Standards Update Draft Ordinance

- (5) Maintain all perimeter walls, carports, awnings, patio covers, garages and garage doors, sheds, storage buildings, outbuildings, and other accessory buildings or structures in a structurally sound condition, and free of deterioration;
- (6) Maintain all satellite dishes, antennas, towers, stacks and other similar structures in a structurally sound and secure condition free of deterioration and instability;
- (7) Maintain the interior of a vacant structure or vacant portion of a structure free from rubbish and garbage; or
- (8) Replace all broken glass on the exterior of homes and accessory structures.

The property standards of this section do not apply when the subject premises are the site of either a new construction project or a repair or remodeling project for which a building permit has been issued and reasonable and continuous progress is being made to complete the project or construction.

Amend Chapter 74. – General Provisions, Sec. 74-3. - *Definitions*.

Established front yard means the required front yard located between the street and the front of the house on lots having two required front yards.

Amend Chapter 98. – Zoning, Article IV. – Supplementary District Regulations, Division 7. - Fences and Walls, Sec. 98-1142. - ~~Front yard fence~~ Fence height and visibility.

- (a) Except in A, agricultural district and Key Lots as defined by this code, no fence or wall within a required front yard shall exceed four feet in height above the adjacent grade.
- (b) In the A, agricultural district no solid fence or wall within a required front yard shall exceed four feet in height above the adjacent grade; however, notwithstanding the foregoing, barbed wire or metal/wire livestock fencing not exceeding five feet in height above the adjacent grade shall be permitted within a required front yard.
- (c) No fence or wall erected within a required side or rear yard shall exceed eight feet in height above the adjacent grade.
- (d) Fences and walls shall be erected in accordance with the requirements of section 82-161 of this Code, corner visibility.
- (e) No fence or wall within the established front yard for key lots shall exceed four (4) feet in height above the adjacent grade. Fences constructed within the additional required front yard shall not exceed eight (8) feet in height, but must be setback a minimum of 10 feet from the property line. Fences constructed within the first 10 feet of the additional required front yard shall not exceed four (4) feet in height.

Fencing Standards Update Draft Ordinance

- (f) Town Council may grant an exception for maximum fence height or fencing materials for individual lots in situations where a new subdivision perimeter fence caused compatibility concerns with an existing residential fence due to topography and/or location.

Amend Sec. 98-1143. - *Perimeter and open space walls and fences.*

- (a) Subdivision perimeter fences and walls constructed adjacent and parallel to the rights-of-way of arterial and collector streets shall consist of masonry, stone, wrought-iron or tubular steel, or a combination of such materials. The fences and walls shall be a minimum of six feet in height and shall have masonry or stone columns measuring a minimum of 24 inches by 24 inches, with monolithic tops, placed a maximum of 40 feet apart on center. Vertical or horizontal spacing of members of wrought-iron or tubular steel fencing and their attachment to any column shall not allow passage of a four-inch sphere. Wrought-iron and tubular steel fencing shall be used in conjunction with, and further provide for, approved plantings from section 82-277 of this Code, "Screening plant selection list," placed three feet on center adjacent to all wrought-iron and tubular steel fencing. Such perimeter fencing shall be located within a three-foot wide fence easement dedicated to the mandatory homeowners' association for perpetual maintenance by such association. Parallel privacy fences of wood or other construction shall not be allowed between the perimeter fencing and parallel foundation lines on adjacent or contiguous lots. Notwithstanding the foregoing, wrought-iron or tubular steel fencing of a minimum of four feet in height may be allowed at the open end of cul-de-sacs and between parallel streets, provided that such fencing complies with all of the requirements contained in this section other than height.
- (b) Fences constructed adjacent and parallel to dedicated park, trail, or open space areas shall consist of wrought-iron or tubular steel. Such fences shall be a minimum of four feet in height and shall be of consistent color throughout a development. Vertical or horizontal spacing of members of wrought-iron or tubular steel fencing shall not allow passage of a four-inch sphere. Parallel privacy screening of masonry construction, not exceeding 50 percent of the lot width, shall be allowed between the wrought-iron or tubular steel fencing and parallel foundation lines on abutting lots. Approved plantings from section 82-277, screening plant selection list, shall be placed three feet on center along the entire length of that side of the masonry screening facing the wrought-iron or tubular steel fencing. Such masonry screening shall be located a minimum distance of ten feet from the wrought-iron or tubular steel fencing. Fences of wood shall not be allowed between such perimeter fencing and parallel foundation lines on adjacent or contiguous lots.
- (c) Property owners replacing existing masonry walls in neighborhoods where HOAs were not established and/or designated to provide ongoing fence/wall maintenance and that have no applicable Planned Development standards, shall either match original construction materials or meet the perimeter fence standards established in Section 14-542 of the Town's Code of Ordinances.

Fencing Standards Update Draft Ordinance

Amend Appendix A – *Fee Schedule*.

When a building, plumbing, mechanical or electrical permit is required by the building, plumbing, mechanical or electrical code adopted by the Town of Flower Mound, the following fees shall be assessed:

(d) Fees for additions, alterations, repairs, demolition, screening walls, retaining walls and accessory buildings. The following fees shall be charged for small construction jobs involving additions, alterations and repairs. Projects that involve substantial work shall be charged as new construction at the discretion of the building official.

Type of Construction	Permit Fee
***	***
Retaining wall, or Screening wall, <u>or Global Fence Permit</u>	150.00
***	***
