

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

MAY 11, 2020

LOCATION: VIRTUAL MEETING (VIDEO CONFERENCE)

[CLICK HERE](#) FOR INSTRUCTIONS ON HOW TO PARTICIPATE IN THE MEETING

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

Effective March 16, 2020, Texas Governor Abbott suspended certain Open Meeting rules to allow telephonic or videoconference meetings of government bodies that are accessible to the public to decrease large groups of people from assembling. The suspension temporarily removes the requirement that government officials and members of the public be physically present at a meeting location. The Town of Flower Mound Planning and Zoning Commission meetings will be temporarily held via video conference and will not be held at the Flower Mound Town Hall. A recording of the meeting will be available the following day at <https://www.flower-mound.com/fmtv> under “Planning and Zoning Archive” tab.

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

B. INVOCATION

C. GENERAL PUBLIC COMMENTS

The purpose of this item is to allow the public an opportunity to address the Planning and Zoning Commission on issues that are not indicated as a “Public Hearing” on this agenda. Issues regarding daily operational or administrative matters should first be dealt with by calling Town Hall at 972-874-6000 during business hours.

[CLICK HERE](#) to submit general comments regarding issues or agenda items not indicated as a 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. Planning & Zoning Commission Priorities
2. New Development Map Functionality

F. REGULAR ITEMS

1. *Minutes of April 27, 2020*

Consider approval of the minutes of the April 27, 2020, Planning and Zoning Commission Regular Session.

2. *RC20-0001 – Crosby Addition, Lots 1 & 2, Block 1*

Consider a request for a Record Plat (RC20-0001 – Crosby Addition) to create two non-residential lots. The property is generally located south of Spinks Road and east of Long Prairie Road.

3. *SP20-0001 – Caddo Office Building*

Consider a request for a Site Plan (SP20-0001 – Caddo Office Building) to develop an office building. The property is generally located south of Spinks Road and east of Long Prairie Road.

4. *LDR19-0010 – Platting Updates*

Public Hearing

[CLICK HERE](#) to submit comments regarding this public hearing item.

Public Hearing to consider an ordinance amending the Land Development Regulations (LDR19-0010 – Platting Updates) by amending Chapter 74 entitled "General Provisions," Chapter 78 entitled "Administration," and Chapter 90 entitled "Subdivisions" of the Town's Code of Ordinances to create a process for assessing project completeness and associated vested rights, as well as project expiration dates, and to clarify review and approval processes for development plans and plats, in compliance with new state regulations.

G. ADJOURNMENT – REGULAR SESSION

I do hereby certify that the Notice of Meeting was posted on the Town of Flower Mound website (www.flower-mound.com) on the following date and time: May 7, 2020, at 4:30 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.



PLANNING AND ZONING COMMISSION

AGENDA ITEM NO: 1

REGULAR ITEM

DATE: May 11, 2020

FROM: LauriAnn Cash, Development Services Executive Assistant

ITEM: Consider approval of the minutes of the April 27, 2020, Planning and Zoning Commission Regular Session.

I. BACKGROUND INFORMATION

The Planning and Zoning Commission held a regular meeting on April 27, 2020.

II. ATTACHMENTS

1. Draft Minutes

THE FLOWER MOUND PLANNING & ZONING COMMISSION MEETING HELD ON THE 27TH DAY OF APRIL 2020, VIA VIRTUAL MEETING (VIDEO CONFERENCE), DUE TO THE COVID-19 PANDEMIC, IN THE TOWN OF FLOWER MOUND, COUNTY OF DENTON, TEXAS, AT 6:30PM

The Planning & Zoning Commission met in a regular session via video conference 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 on the video conference:

Lexin Murphy	Director of Planning Services
Ashley Dierker	Town Attorney
Robert Pegg	Assistant Director of Engineering
Poornima Kashyap	Principal Planner
LauriAnn Cash	Executive Assistant

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

B. INVOCATION

C. GENERAL PUBLIC COMMENTS

Quentin Witherspoon, 1608 Stone Creek Drive; regarding Regular Item #2

D. FUTURE AGENDA ITEMS

None

E. DIRECTOR'S REPORT

1. Upcoming Items

F. REGULAR ITEMS

1. **Consider approval of the minutes of the April 13, 2020, Planning and Zoning Commission Regular Session.**

Commission Deliberation

Vice-Chair Ruthrauff moved to approve the minutes of April 13, 2020. Commissioner Dillon 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 to 0.

2. **Consider a request for a Site Plan (SP19-0025 – Marvel Car Wash) to develop a car wash facility. The property is generally located south of Justin Road and west of Stone Hill Farms Parkway.**

Staff Presentation

Poornima Kashyap, Principal Planner

Applicant (present to answer questions)

Kent Martin of Kent Martin Construction LLC, Longview, Texas
Oscar Galan of Classic Design, Grand Prairie, Texas
David Recht of DHR Engineering, Inc., Irving, Texas

Commission Deliberation

Vice-Chair Ruthrauff moved to approve SP19-0025 – Marvel Car Wash as presented. Commissioner Schiestel seconded the motion.

VOTE ON THE MOTION

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

NAYS: Pickering

The motion to approve passed with a vote of 5 to 1.

G. ADJOURNMENT – REGULAR SESSION 7:29 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

REGULAR ITEM

DATE: May 11, 2020

FROM: Chuck Russell, Principal Planner

ITEM: Consider a request for a Record Plat (RC20-0001 – Crosby Addition) to create two non-residential lots. The property is generally located south of Spinks Road and east of Long Prairie Road.

I. ITEM SUMMARY

This application has been reviewed by DRC and has been scheduled for consideration by the Planning and Zoning Commission.

The project has a companion application, Site Plan (SP20-0001), for consideration on the same agenda.

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

II. APPLICATION ANALYSIS

The purpose of this record plat is to create a buildable lot for the Caddo Office Building project as well as to plat the remainder of the site under common ownership.

- Lot 1, Block A contains approximately 2.64 acres and will be developed with a 40,685 square-foot office building (See companion site plan application)
- Lot 2, Block A contains approximately 17.68 acres and is not planned to be developed at this time.

The property is located within Planned Development District No. 38 (PD-38) for Commercial District-2 (C-2) uses. Access to Lot 1, Block A will be from Spinks Road. Access to Lot 2, Block A will be from Long Prairie Road and Spinks Road. The plat depicts necessary setbacks and easements.

III. ATTACHMENTS

A. Background Information

1. Vicinity Map
2. Letter of Intent

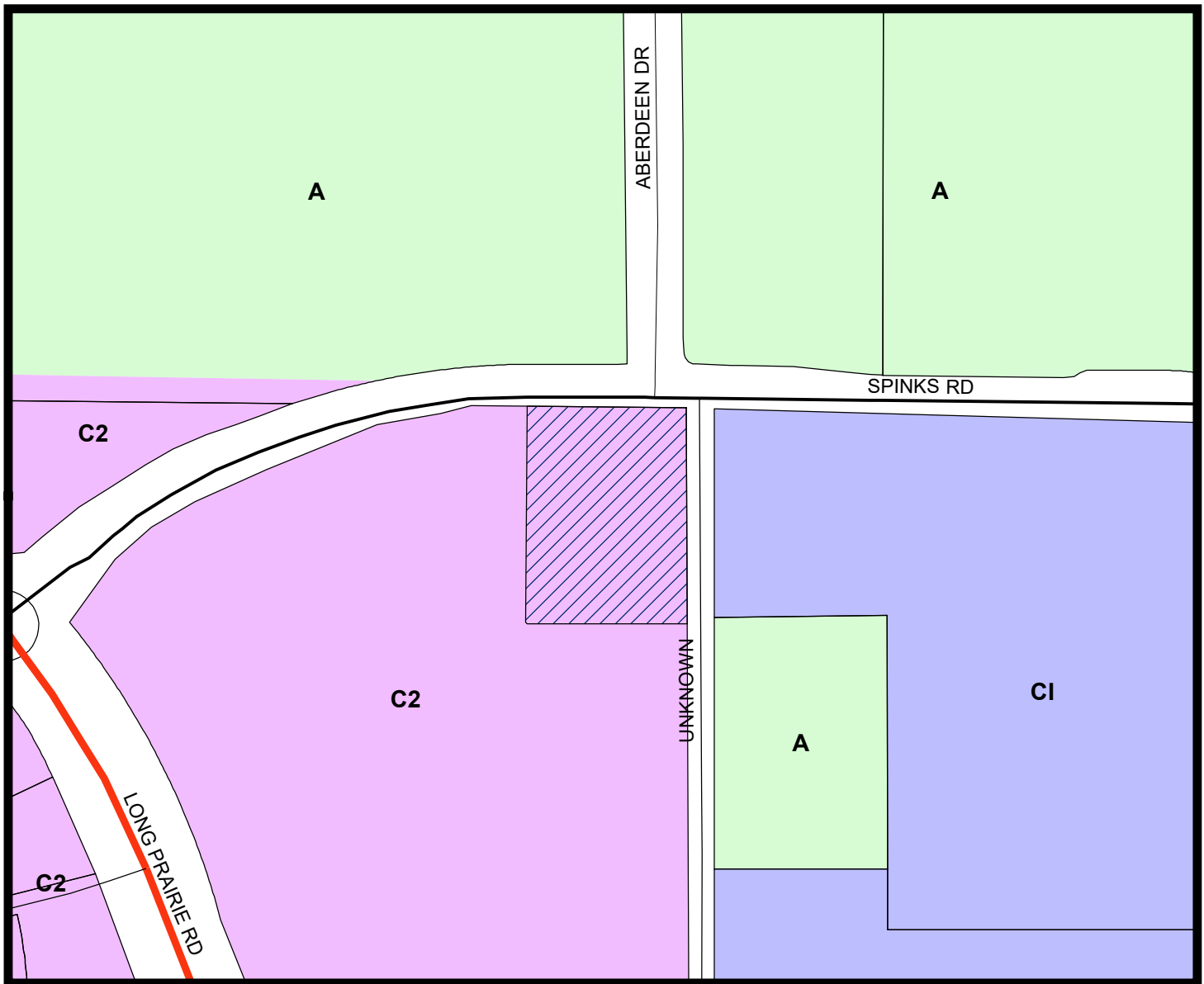
B. Application Details

1. Record Plat Package



Vicinity Map

Reference Project: RC20-0001 & SP20-0001



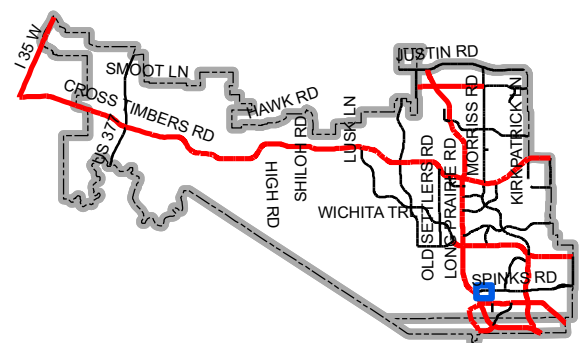
LEGEND

Agriculture
 Campus Industrial
 Commercial 2

Subject Property



0 187.5 375 750 Feet



Map Location

Town of Flower Mound
2121 Cross Timbers Road
Flower Mound, TX 75028
972-874-6349

RE: Letter of Intent for Record Plat Submittal for Caddo Development Project at SEC of Long Prairie Road (F.M. 2499) and Spinks Road, Flower Mound, Texas.

To whom it may concern:

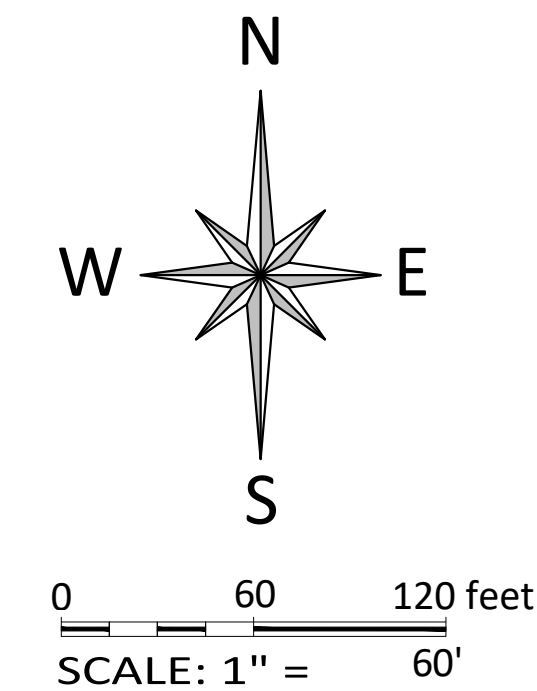
- The tract is currently zoned as Planned Development No. 38 (PD-38) with Commercial District-2 (C-2) uses. Per our Zoning Verification Letter from the Town of Flower Mound, our use of "Office, General Business and Professional" is listed as a permitted use.
- This development project by Caddo Development, LLC will be built on a new 2.638 acre lot of the existing 17.682 acre tract of the land owned by WCFLP RE 2499, LP at the SEC corner of Long Prairie Road and Spinks Road in the Town of Flower Mound.
- This new plat will be 2 lots, #1 @ 2.638 acres, #2 @ 14.99 acres.
- A conceptual site plan has been submitted concurrently with our Site Plan Application. As of the time of this submittal, it has not yet been approved.
- All development of this project will be done in one phase.
- No special considerations or variances will be needed for this project.

If you should have any questions, please contact me at 214-701-7100 or by email at dbarret@caddoholdings.com.

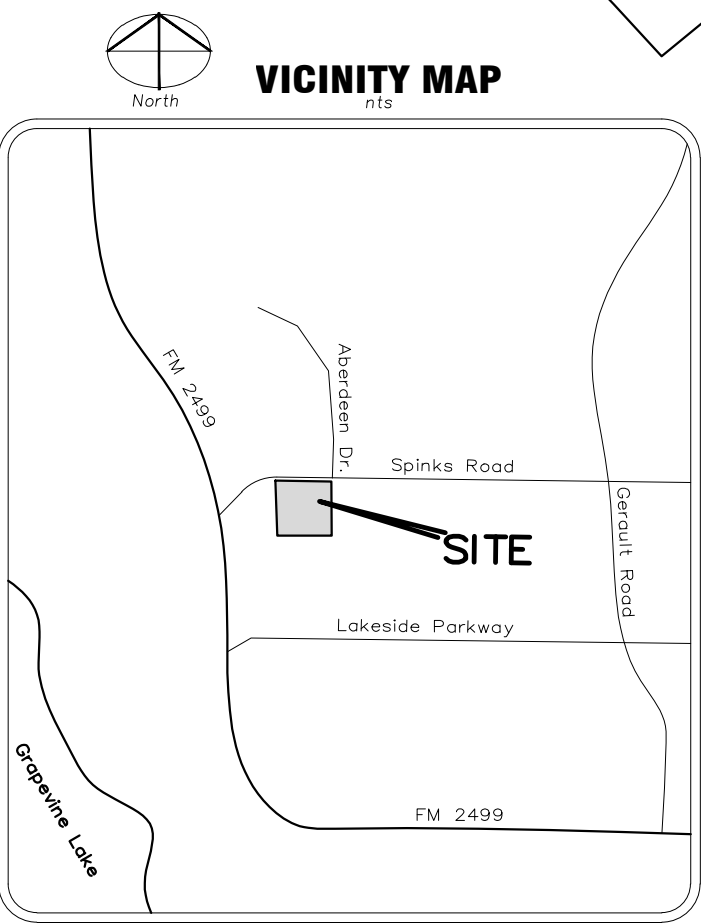
Sincerely,



David Barret
Caddo Development, LLC
1341 W. Mockingbird Ln, #580W
Dallas, TX 75247



—LEGEND—
irs = Iron Rod Set
cirs = Capped Iron Rod Set
purple cap, stamped "RPLS 6451"
(C.M.) = Controlling Monument



Benchmark: Town of Flower Mound benchmark 18. A 2" diameter domed aluminum cap stamped, "TOWN OF FLOWER MOUND" set in the northeast corner of a concrete curb inlet on the north side of Spinks Road, just south of Bluebonnet Elementary School. 0.45 +/- miles east of FM 2499. Monument is 90' east of a utility pole and just west of concrete drive.

Elev. = 598.67

Temporary Benchmark: Electrical Manhole near northeast property corner.

Elev. = 609.16

No portion of the subject property lies within any area of 100-year flood according to FEMA's Flood Insurance Rate Map No. 48121C0680 G, dated April 18, 2011. Property is in zone X.

All coordinates shown hereon are Texas State Plane, Texas North Central 4202 (Grid Values).

SURVEYOR'S CERTIFICATION

KNOW ALL MEN BY THESE PRESENTS:

That I, Dustin D. Davison, RPLS do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon were properly placed under my supervision

PRELIMINARY
RELEASED 3/2/20 FOR REVIEW PURPOSES ONLY. THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE.

Signature

Date



NOTARY PUBLIC

STATE OF TEXAS §
COUNTY OF DENTON §

BEFORE ME, the undersigned authority, on this day personally appeared Dustin D. Davison, RPLS, of Duenes Land Surveying, LLC known to me to be the person whose name is subscribed to the foregoing instrument and acknowledges to me that he executed the same for the purpose and the consideration therein expressed, in the capacity therein stated, and as the act and deed of said partnership.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on the ____ day of _____, 2020.

Notary Public in and for the State of Texas

DRAINAGE EASEMENT NOTES:

- UPKEEP AND MAINTENANCE OF THE PRIVATE DRAINAGE EASEMENT IS THE RESPONSIBILITY OF THE PROPERTY OWNER.
- UPKEEP AND MAINTENANCE SHALL INCLUDE BUT NOT LIMITED TO THE FOLLOWING ITEMS:
 - GRASS AND GROUND COVER SHALL BE KEPT TO A HEIGHT REQUIRED BY THE TOWN ORDINANCE.
 - THE DETENTION FACILITY SHALL BE KEPT FREE OF DEBRIS AND LITTER, WITH PARTICULAR ATTENTION GIVEN TO KEEPING THE OUTLET STRUCTURE CLEAR AT ALL TIMES.
 - ACCUMULATED SEDIMENT SHALL BE REMOVED FROM THE FACILITY AS REQUIRED TO ENSURE THAT THERE IS NO REDUCTION IN FUNCTION OR DETENTION CAPACITY.
- NO DUMPING OF ANY TYPE IS PERMITTED WITHIN THIS EASEMENT AREA.

Selling a portion of this addition by metes and bounds is a violation of City Ordinance and State Law and is subject to fines and withholding of utilities and building permits.

LONG PRAIRIE ROAD
(Variable ROW)
N 27°53'03" W
420.95'

Line Table

LINE	BEARING	DISTANCE
L1	S 89°04'24" E	36.11'
L2	N 89°04'24" W	19.12'
L3	N 00°15'27" W	227.51'
L4	N 89°04'24" W	9.55'
L5	N 89°04'24" W	8.82'
L6	N 00°55'36" E	26.34'
L7	N 89°04'24" W	8.82'
L8	N 89°04'24" W	7.38'
L9	N 00°15'27" W	34.55'
L10	N 85°37'39" W	9.84'
L11	N 00°55'36" E	80.84'
L12	N 89°04'24" E	56.45'
L13	N 00°55'36" E	80.84'
L14	N 89°04'24" E	56.45'
L15	N 89°04'24" W	13.00'
L16	N 00°55'36" W	15.00'
L17	N 89°04'24" W	317.37'
L18	N 00°55'36" E	331.76'
L19	S 00°55'36" W	319.07'
L20	N 89°04'24" W	104.79'
L21	N 00°55'36" E	32.50'
L22	N 89°04'24" W	15.00'
L23	S 00°55'36" W	32.50'
L24	N 89°04'24" W	182.58'
L25	S 20°54'58" E	59.94'
L26	N 20°54'58" W	18.64'
L27	N 00°55'36" E	43.52'
L28	S 36°10'51" E	2.12'
L29	N 50°34'56" E	15.02'
L30	S 36°10'51" E	15.09'
L31	N 59°57'08" E	227.48'
L32	N 08°00'09" W	15.00'
L33	N 59°57'08" E	228.87'

Curve Table

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	25.00'	39.79'	39.72'	N 43°20'05" E	91°11'03"
C2	137.00'	46.42'	46.20'	N 79°21'57" W	19°24'54"
C3	163.00'	55.23'	54.97'	S 79°21'57" E	19°24'54"
C4	1042.70'	185.78'	185.61'	S 86°23'45" W	9°08'32"
C5	1016.85'	185.62'	185.63'	S 86°16'44" W	9°20'36"
C6	137.00'	46.42'	46.20'	N 79°21'57" W	19°24'54"
C7	163.00'	55.23'	54.97'	N 79°21'57" W	19°24'54"
C8	25.00'	38.33'	34.99'	N 44°39'55" W	88°48'57"
C9	1016.92'	233.28'	232.77'	N 75°02'09" E	13°08'38"
C10	1042.92'	193.16'	192.88'	N 76°32'11" E	10°36'42"
C11	25.00'	38.33'	34.69'	N 64°50'54" W	87°51'12"
C12	25.50'	9.24'	9.19'	N 31°18'08" W	20°48'19"
C13	1060.92'	432.60'	429.61'	N 71°38'02" E	23°21'47"
C14	1045.92'	427.00'	424.04'	S 71°38'19" W	23°23'28"

WCFLP RE 2499, LP
Instrument No. 2010-206

STATE OF TEXAS

COUNTY OF DENTON

WHEREAS, **WCFLP RE 2499, LP**, acting by and through the undersigned, its duly authorized agent, is the sole owner of a tract of land located in the J. TANNAHILL SURVEY, Abstract No. 1252, in the Town of Flower Mound, Denton County, Texas, according to the deed recorded in Instrument No. 90782 of the Deed Records of Denton County, Texas, and being more particularly described as follows:

BEGINNING at a 5/8" capped iron rod with a purple plastic cap stamped, "RPLS 6451", set at the intersection of the southerly line of Spinks Road (Variable ROW) with the easterly line of Long Prairie Road (FM 2499) (Variable ROW);

THENCE northeasterly, along the southerly line of said Spinks Road the following bearings and distances:

North 50°34'56" East, for a distance of 66.63 feet to a 5/8" capped iron rod with a purple plastic cap stamped, "RPLS 6451", set at the beginning of a curve to the right, having a radius of 1,085.92 feet and a chord which bears North 70°45'58" East, for 749.36 feet;

Along said curve to the right, through a central angle of 40°22'04", for an arc distance of 765.09 feet to a 1/2" iron rod found;

South 89°04'24" East, for a distance of 232.72 feet to a 5/8" iron rod found on the west line of Lot 1R, Block A, DFW AIRPORT NORTH DISTRIBUTION CENTER II, an addition to the Town of Flower Mound, as recorded in Document Number 2017-316, Plat Records, Denton County, Texas, same being 20.64 feet from the northwest corner of said Lot 1R;

THENCE South 00°17'53" East, along said west line of Lot 1R, passing at a distance of 284.43 feet, the southwest corner of said Lot 1R, same being the northwest corner of Lot 1, Block A, FLOWER MOUND SOUTH SUBSTATION ADDITION, an addition to the Town of Flower Mound, recorded in Cabinet V, Slide 786, Plat Records, Denton County, Texas, continuing and passing at an additional distance of 400.00 feet, an "X" cut in concrete for the southwest corner of said Lot 1, same being the northwest corner of Lot 2, Block A, DFW AIRPORT NORTH DISTRIBUTION CENTER II, an addition to the Town of Flower Mound, as recorded in Document Number 2015-366, Plat Records, Denton County, Texas, and continuing for a total distance of 960.66 feet to a 5/8" capped iron rod with a purple plastic cap stamped, "RPLS 6451" set for the southeast corner of the herein described tract of land;

THENCE North 89°04'44" West, departing the west line of said Lot 2, for a distance of 686.69 feet to a 5/8" capped iron rod with a purple plastic cap stamped, "RPLS 6451", set in the easterly line of aforementioned Long Prairie Road;

THENCE North 21°53'03" West, along said easterly line, for a distance of 420.65 feet to a 5/8" iron rod found at the beginning of a curve to the left, having a radius of 1,225.92 feet and a chord which bears North 29°14'19" West, for 313.85 feet;

THENCE along said curve to the left and said easterly line, through a central angle of 14°42'32", for an arc distance of 314.71 feet to the **POINT OF BEGINNING**, and containing 770,005 square feet or 17.677 acres of land, more or less.

DEDICATION STATEMENTS

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT, WCFLP RE 2499, LP, acting herein by and through its duly authorized officers, does hereby adopt this plat designated herein as Crosby 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 line 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 growth 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 easement 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 purpose 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.

OWNER'S SIGNATURE

(Owner's Agent) (Title)

NOTARY STATEMENT

STATE OF TEXAS §
COUNTY OF DENTON §

BEFORE ME, the undersigned authority, on this day personally appeared _____, of _____, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledges to me that he/she executed the same for the purpose and the consideration therein expressed, in the capacity therein stated, and as the act and deed of said partnership.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on the ____ day of _____, 2020.

Notary Public in and for The State of Texas

APPROVAL STATEMENTS

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

RECORD PLAT

A Record Plat of Lot(s) 1 and 2, Block(s) 1, Crosby Addition, being 17.677 acres of land located in the J. TANNAHILL SURVEY, ABSTRACT NUMBER 1252 an addition to the Town of Flower Mound, Denton County, Texas.

SURVEYOR:

Duenes Land Surveying, LLC
2112 Blackfoot Trail
Mesquite, Texas 75149
Contact: Dustin D. Davison, RPLS
214-317-0685
dustin@dueneslandsurveying.com

ENGINEER:

ORACLE ENGINEERING
2204 Green Hill Dr
McKinney TX 75070
Contact: Matt Kostial, PE
214-226-5325
mattkostial@sbcglobal.net



PLANNING AND ZONING COMMISSION

AGENDA ITEM NO: 3

REGULAR ITEM

DATE: May 11, 2020

FROM: Chuck Russell, Principal Planner

ITEM: Consider a request for a Site Plan (SP20-0001 – Caddo Office Building) to develop an office building. The property is generally located south of Spinks Road and east of Long Prairie Road.

I. ITEM SUMMARY

This application has been reviewed by DRC and has been scheduled for consideration by the Planning and Zoning Commission.

The project has a companion application, Record Plat (RC20-0001), for consideration on the same agenda.

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

II. APPLICATION ANALYSIS

The purpose of this request is to obtain site plan approval to develop a two-story, 40,685 square-foot office building. The subject site is approximately 2.64 acres and currently vacant. The property is located within Planned Development District No. 38 (PD-38) for Commercial District-2 (C-2) uses, and an office use is permitted by right.

Primary access to the site is from Spinks Road, with cross-access being provided for the remainder of the property at the time it develops. The companion Record Plat application provides drainage, utility, and mutual access easements. The parking requirement for the proposed building is 136 spaces calculated at the ratio of one space for every 300 square feet of the facility. The site plan depicts 148 spaces, which is within the Town's allowable 20 percent deviation.

The landscape plan depicts required landscape buffer trees, street yard trees, parking lot trees and compatibility buffer trees. Proposed landscaping is in compliance with both PD-38 and the Town's landscape regulations.

The proposed conceptual elevations are in compliance with the Urban Design Plan except that secondary masonry (Nichiha Panels) will exceed 20% of the total square footage on the north and west elevations. Nichiha is a fiber cement product produced from cement, sand and cellulose fibers. There will be 3 different types of panels on the proposed building. Industrial block is similar in look to cast-in-place concrete, Miraia is a higher gloss similar to metal panels, and the Vintage Wood is a wood look. The

applicant will discuss the merits of Nichiha materials at the Planning and Zoning Commission meeting.

The existing zoning for the subject property (PD-38) was approved by Town Council in February of 1986. As is similar to other PD's approved during this time, the ordinance requires submittal of an overall site plan for a Tract being developed **in part or in whole**. Since the proposed use is a part of a larger tract, an overall site plan was submitted by the applicant depicting a potential build-out of the entire tract (Attachment A(3)). This is a non-regulatory plan and the actual development of the remainder of the parent tract will be determined at site plan or when/if the parent tract is rezoned.

III. ATTACHMENTS

A. Background Information

1. Vicinity Map
2. Letter of Intent
3. Non-regulatory Comprehensive Site Plan

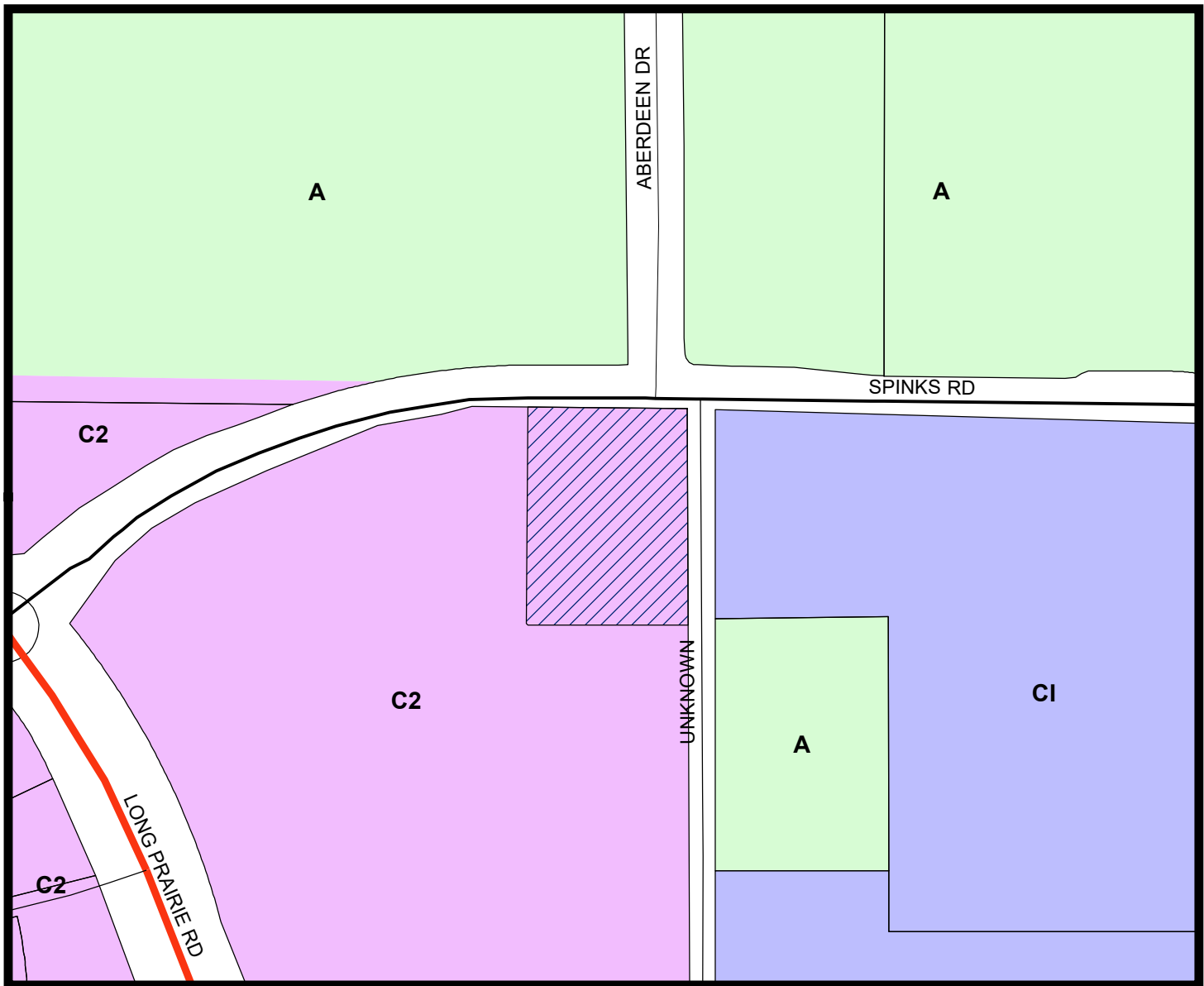
B. Application Details

1. Site Plan Package



Vicinity Map

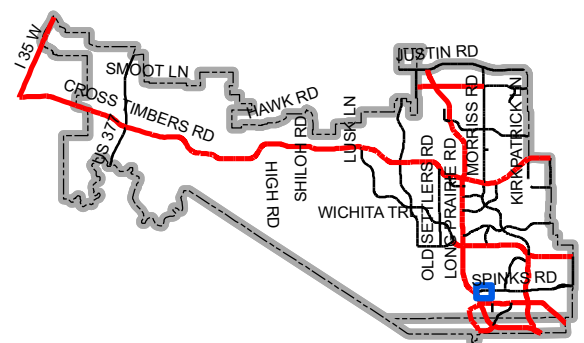
Reference Project: RC20-0001 & SP20-0001



LEGEND

Agriculture
 Campus Industrial
 Commercial 2

Subject Property



Map Location

Town of Flower Mound
2121 Cross Timbers Road
Flower Mound, TX 75028
972-874-6349

RE: Letter of Intent for Record Plat Submittal for Caddo Development Project at SEC of Long Prairie Road (F.M. 2499) and Spinks Road, Flower Mound, Texas.

To whom it may concern:

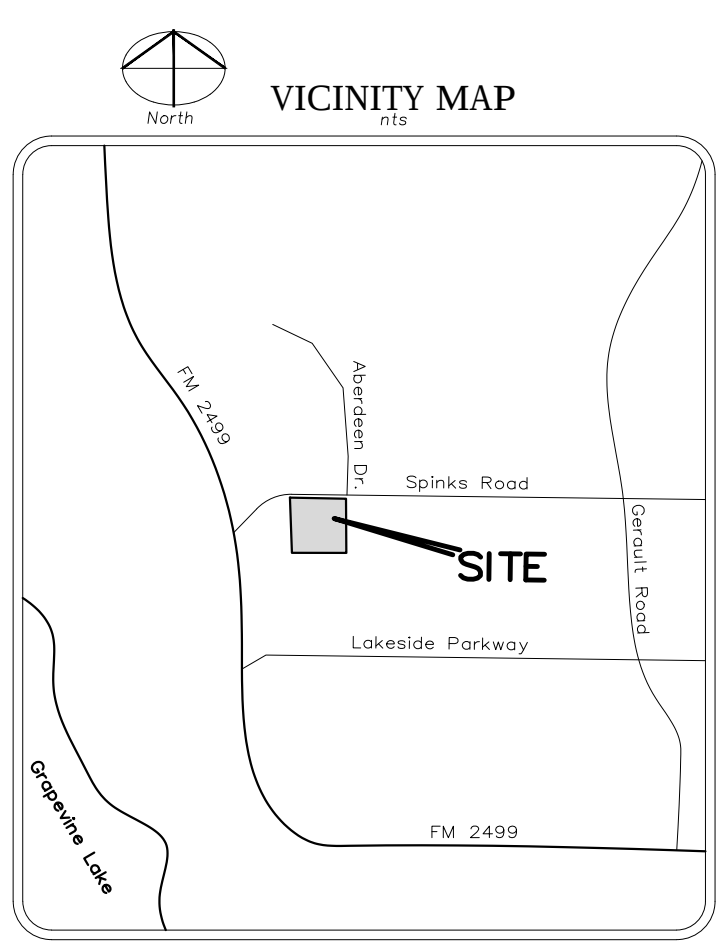
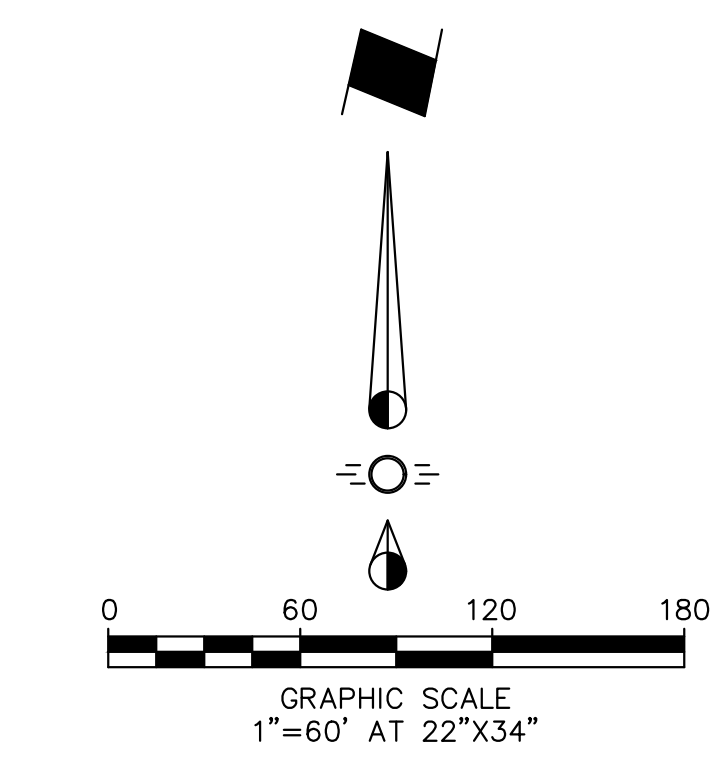
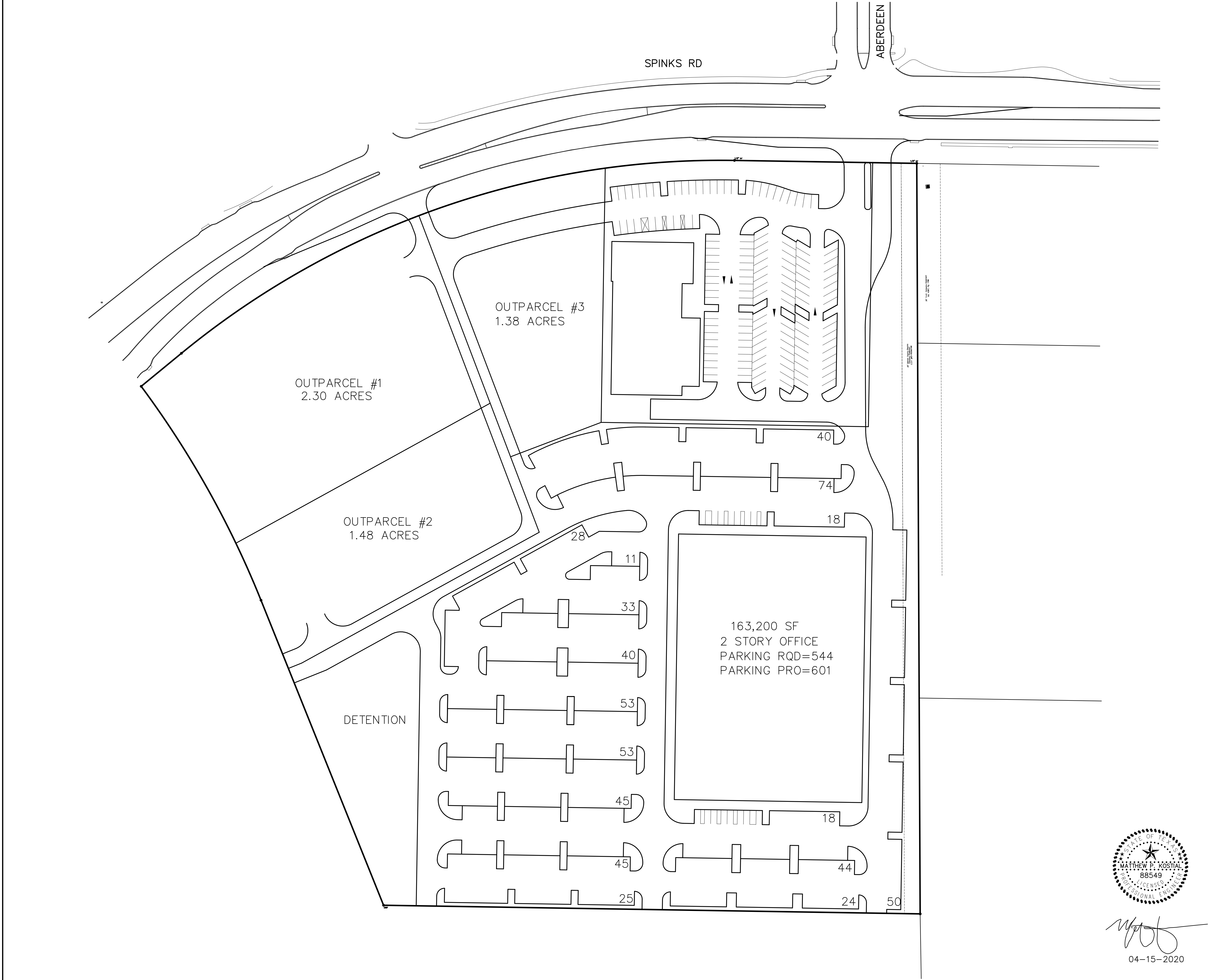
- The tract is currently zoned as Planned Development No. 38 (PD-38) with Commercial District-2 (C-2) uses. Per our Zoning Verification Letter from the Town of Flower Mound, our use of "Office, General Business and Professional" is listed as a permitted use.
- This development project by Caddo Development, LLC will be built on a new 2.638 acre lot of the existing 17.682 acre tract of the land owned by WCFLP RE 2499, LP at the SEC corner of Long Prairie Road and Spinks Road in the Town of Flower Mound.
- This new plat will be 2 lots, #1 @ 2.638 acres, #2 @ 14.99 acres.
- A conceptual site plan has been submitted concurrently with our Site Plan Application. As of the time of this submittal, it has not yet been approved.
- All development of this project will be done in one phase.
- No special considerations or variances will be needed for this project.

If you should have any questions, please contact me at 214-701-7100 or by email at dbarret@caddoholdings.com.

Sincerely,

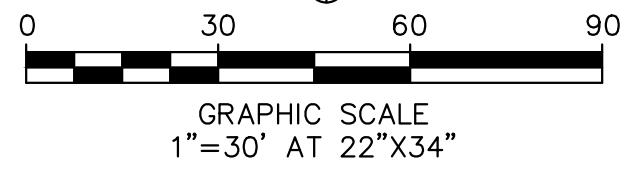
A handwritten signature in blue ink, appearing to read 'DKR', with a long horizontal flourish extending to the right.

David Barret
Caddo Development, LLC
1341 W. Mockingbird Ln, #580W
Daiias, TX 75247

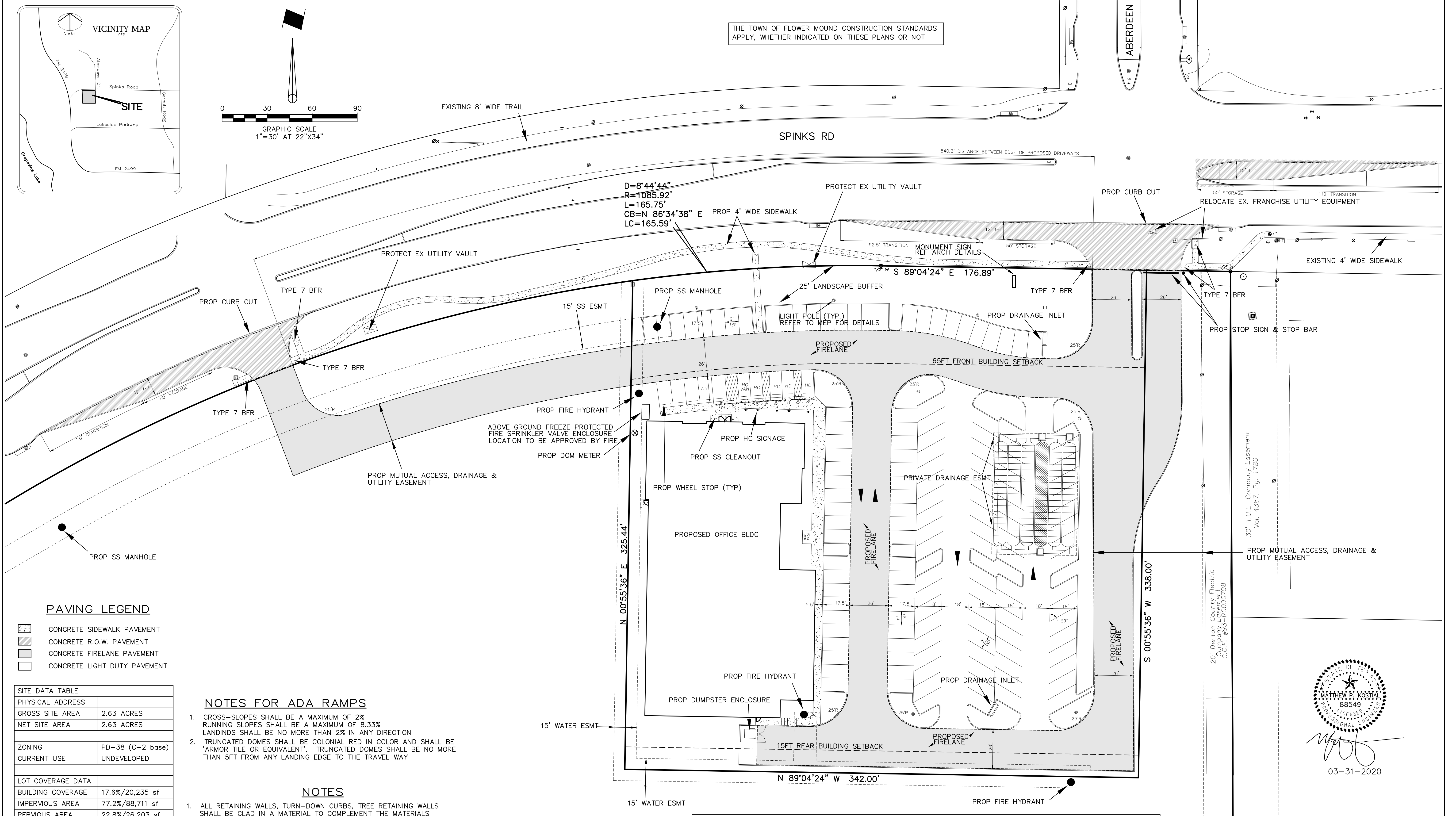


Matthew P. Kostal
04-15-2020

THIS PLAN FOR REFERENCE ONLY						
REVISION	DESCRIPTION					DATE
CONCEPTUAL SITE PLAN EXHIBIT						
Yeager Addition Lot 1, Block A 2.638 Acres Zoned=PD						
Town of Flower Mound, Texas						
ORACLE ENGINEERING						
2204 Green Hill Drive McKinney TX 75072 TELE (214) 226-5325						
DESIGNED	DRAWN	DATE	SCALE	NOTES	FILE	NO.
MPK	MPK	04/2020	1"=60' at 22x34	-	-	C3b



THE TOWN OF FLOWER MOUND CONSTRUCTION STANDARDS
APPLY, WHETHER INDICATED ON THESE PLANS OR NOT



	CONCRETE SIDEWALK PAVEMENT
	CONCRETE R.O.W. PAVEMENT
	CONCRETE FIRELANE PAVEMENT
	CONCRETE LIGHT DUTY PAVEMENT

SITE DATA TABLE	
PHYSICAL ADDRESS	
GROSS SITE AREA	2.63 ACRES
NET SITE AREA	2.63 ACRES
ZONING	PD-38 (C-2 base)
CURRENT USE	UNDEVELOPED

1. CROSS-SLOPES SHALL BE A MAXIMUM OF 2%
RUNNING SLOPES SHALL BE A MAXIMUM OF 8.33%
LANDINGS SHALL BE NO MORE THAN 2% IN ANY DIRECTION
2. TRUNCATED DOMES SHALL BE COLONIAL RED IN COLOR AND SHALL BE
'ARMOR TILE OR EQUIVALENT'. TRUNCATED DOMES SHALL BE NO MORE
THAN 5FT FROM ANY LANDING EDGE TO THE TRAVEL WAY

1. ALL RETAINING WALLS, TURN-DOWN CURBS, TREE RETAINING WALLS SHALL BE CLAD IN A MATERIAL TO COMPLEMENT THE MATERIALS AND COLORS WITHIN THIS DEVELOPMENT
2. ALL GROUND BASED HVAC SHALL BE SCREENED WITH LIVE SCREENING OR MASONRY ENCLOSURE. MASONRY ENCLOSURE SHALL BE CLAD IN THE SAME MATERIAL AS THE MAIN BUILDING
3. ALL ROOF-MOUNTED MECHANICAL UNITS AND/OR EQUIPMENT SHALL BE SCREENED FROM VIEW.
4. DUMPSTER SCREENING WALL SHALL BE CLAD IN A MATERIAL TO MATCH THE MATERIALS ON THE MAIN BUILDING
5. DUMPSTER SCREENING WALL REQUIRES A SEPARATE BUILDING PERMIT
6. SIGNS REQUIRE A SEPARATE BUILDING PERMIT. ANY SIGNS DEPICTED ON THE SUBJECT SITE PLAN/ELEVATIONS ARE NOT APPROVED AS A PART OF THIS REVIEW AND MUST COMPLY WITH ALL APPLICABLE TOWN REGULATIONS
7. SIDEWALKS SHALL HAVE A MAXIMUM CROSS-SLOPE OF 2% AND SHALL HAVE A MAXIMUM RUNNING SLOPE OF 5%

DEVELOPER
DAVID BARRET
CADDO HOLDINGS
1341 W MOCKINGBIRD LANE, SUITE 580W
DALLAS, TX 75247
214-701-7100

PREPARER
MATT KOSTIAL, PE
ORACLE ENGINEERING
2204 GREEN HILL DR
MCKINNEY, TX 75072
214-226-5325

2.63 ACRES IN DENTON COUNTY

MASTER PLAN FEATURES	
LAND USE PLAN	COMMERCIAL/INDUSTRIAL (SERVICE) (ZONED C-2 AND PD)
SPECIFIC PLAN	N/A
URBAN DESIGN PLAN	LAKESIDE BUSINESS DISTRICT
PARKS AND TRAILS	EX 8FT MULTI-PURPOSE TRAIL INSTALLED ON THE NORTH SIDE OF SPINKS RD FUTURE 8FT MULTI-PURPOSE TRAIL TO BE INSTALLED ON THE EAST SIDE OF LONG PRAIRIE RD (FM 2499)
OPEN SPACE PLAN	NONE
THOROUGHFARE PLAN	LONG PRARIE RD (FM 2499) = MAJOR ARTERIAL SPINKS RD = MINOR ARTERIAL
WATER PLAN	EX 8 INCH WATER LINE ALONG NORTH SIDE OF SPINKS RD
WASTEWATER PLAN	EX 8 INCH SS MAIN LINE ALONG EAST SIDE OF LONG PRAIRIE RD (FM 2499)

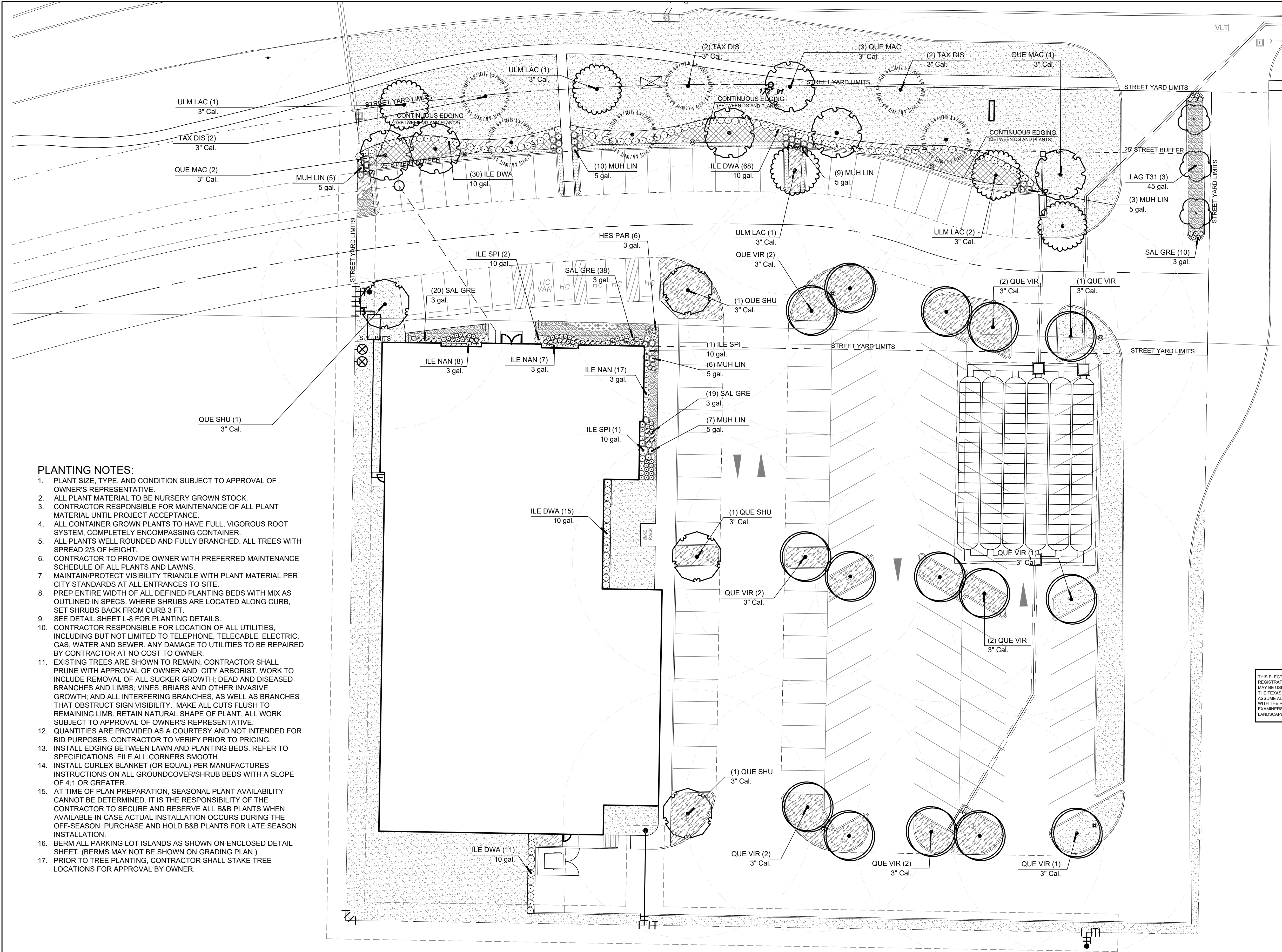
03-31-2020

SITE PLAN
Crosby Addition
Lot 1, Block A
2.638 Acres
Zoned=PD
Town of Flower Mound, Texas

ORACLE ENGINEERING

2204 Green Hill Drive
McKinney TX 75072
TELE (214) 226-5325

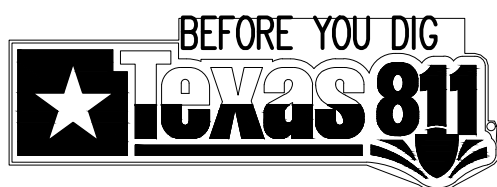
DESIGNED	DRAWN	DATE	SCALE	NOTES	FILE	NO.
MPK	MPK	03/2020	1"=30' at 22x34	-	-	C3a



- PLANTING NOTES:**
1. PLANT SIZE, TYPE, AND CONDITION SUBJECT TO APPROVAL OF OWNER'S REPRESENTATIVE.
 2. ALL PLANT MATERIAL TO BE NURSERY GROWN STOCK.
 3. CONTRACTOR RESPONSIBLE FOR MAINTENANCE OF ALL PLANT MATERIAL UNTIL PROJECT ACCEPTANCE.
 4. ALL CONTAINER GROWN PLANTS TO HAVE FULL, VIGOROUS ROOT SYSTEM, COMPLETELY ENCOMPASSING CONTAINER.
 5. ALL PLANTS WELL ROUNDED AND FULLY BRANCHED. ALL TREES WITH SPREAD 2/3 OF HEIGHT.
 6. CONTRACTOR TO PROVIDE OWNER WITH PREFERRED MAINTENANCE SCHEDULE OF ALL PLANTS AND LAWNS.
 7. MAINTAIN/PROTECT VISIBILITY TRIANGLE WITH PLANT MATERIAL PER CITY STANDARDS AT ALL ENTRANCES TO SITE.
 8. PREP ENTIRE WIDTH OF ALL DEFINED PLANTING BEDS WITH MIX AS OUTLINED IN SPECS. WHERE SHRUBS ARE LOCATED ALONG CURB, SET SHRUBS BACK FROM CURB 3 FT.
 9. SEE DETAIL SHEET L-8 FOR PLANTING DETAILS.
 10. CONTRACTOR RESPONSIBLE FOR LOCATION OF ALL UTILITIES, INCLUDING BUT NOT LIMITED TO TELEPHONE, TELECABLE, ELECTRIC, GAS, WATER AND SEWER. ANY DAMAGE TO UTILITIES TO BE REPAIRED BY CONTRACTOR AT NO COST TO OWNER.
 11. EXISTING TREES ARE SHOWN TO REMAIN. CONTRACTOR SHALL PRUNE WITH APPROVAL OF OWNER AND CITY ARBORIST. WORK TO INCLUDE REMOVAL OF ALL SUCKER GROWTH; DEAD AND DISEASED BRANCHES AND LIMBS; VINES, BRIARS AND OTHER INVASIVE GROWTH; AND ALL INTERFERING BRANCHES, AS WELL AS BRANCHES THAT OBSTRUCT SIGN VISIBILITY. MAKE ALL CUTS FLUSH TO REMAINING LIMB. RETAIN NATURAL SHAPE OF PLANT. ALL WORK SUBJECT TO APPROVAL OF OWNER'S REPRESENTATIVE.
 12. QUANTITIES ARE PROVIDED AS A COURTESY AND NOT INTENDED FOR BID PURPOSES. CONTRACTOR TO VERIFY PRIOR TO PRICING.
 13. INSTALL EDGING BETWEEN LAWN AND PLANTING BEDS. REFER TO SPECIFICATIONS. FILE ALL CORNERS SMOOTH.
 14. INSTALL CURLEX BLANKET (OR EQUAL) PER MANUFACTURES INSTRUCTIONS ON ALL GROUNDCOVER/SHRUB BEDS WITH A SLOPE OF 4:1 OR GREATER.
 15. AT TIME OF PLAN PREPARATION, SEASONAL PLANT AVAILABILITY CANNOT BE DETERMINED. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO SECURE AND RESERVE ALL B&B PLANTS WHEN AVAILABLE IN CASE ACTUAL INSTALLATION OCCURS DURING THE OFF-SEASON. PURCHASE AND HOLD B&B PLANTS FOR LATE SEASON INSTALLATION.
 16. BERM ALL PARKING LOT ISLANDS AS SHOWN ON ENCLOSED DETAIL SHEET. (BERMS MAY NOT BE SHOWN ON GRADING PLAN.)
 17. PRIOR TO TREE PLANTING, CONTRACTOR SHALL STAKE TREE LOCATIONS FOR APPROVAL BY OWNER.

TEMPORARY IRRIGATION WILL BE REQUIRED TO ESTABLISH TURF IN ALL DISTURBED AREAS WITHOUT A PERMANENT IRRIGATION SYSTEM. INSTALL SOD TO ESTABLISH TURF IN ALL DISTURBED AREAS AS IDENTIFIED ON GRADING AND EROSION CONTROL PLANS.

NOTE:
NO LANDSCAPE PLANTINGS
WITHIN 18" OF PARKING
LOT CURBS.



REF SHEET L-3 FOR PLANT LEGEND

CITY OF -FLOWER MOUND LANDSCAPE ORDINANCE CHART-		
REQUIRED STREET YARD LANDSCAPING	20% OF STREET YARD TO BE LANDSCAPED AREA	
	REQUIRED	PROVIDED
	35,465 SF X 20% = 7,093 SF	12,675 SF
REQUIRED STREET YARD TREES	10 TREE REQ FOR FIRST 10,000 SF, 1 ADDITIONAL FOR EACH 2,500 SF	
	REQUIRED	PROVIDED
	35,465-10,000= 25,465 SF 25,465/2500=10 10 + 10 = 20 TREES	24 TREES
REQUIRED STREET BUFFER TREES	1 TREE REQUIRED PER EVERY 30 LF	
	REQUIRED	PROVIDED
	343 LF / 30 = 12 TREES	12 TREES
REQUIRED PARKING LOT LANDSCAPING	90 SF LANDSCAPE AREA REQUIRED PER EVERY 12 SPACES WITHIN LANDSCAPE YARD	
	REQUIRED	PROVIDED
	(41 SPACES/12) X 90 = 308 SF	1,446 SF
	60 SF LANDSCAPE AREA REQUIRED PER EVERY 12 SPACES OUTSIDE LANDSCAPE YARD	
	REQUIRED	PROVIDED
	(108 SPACES/12) X 60 = 540 SF	4,176 SF
REQUIRED PARKING LOT TREES	1 TREE REQUIRED PER EVERY 10 SPACES	
	REQUIRED	PROVIDED
	148 / 10 = 15 TREES	15 TREES

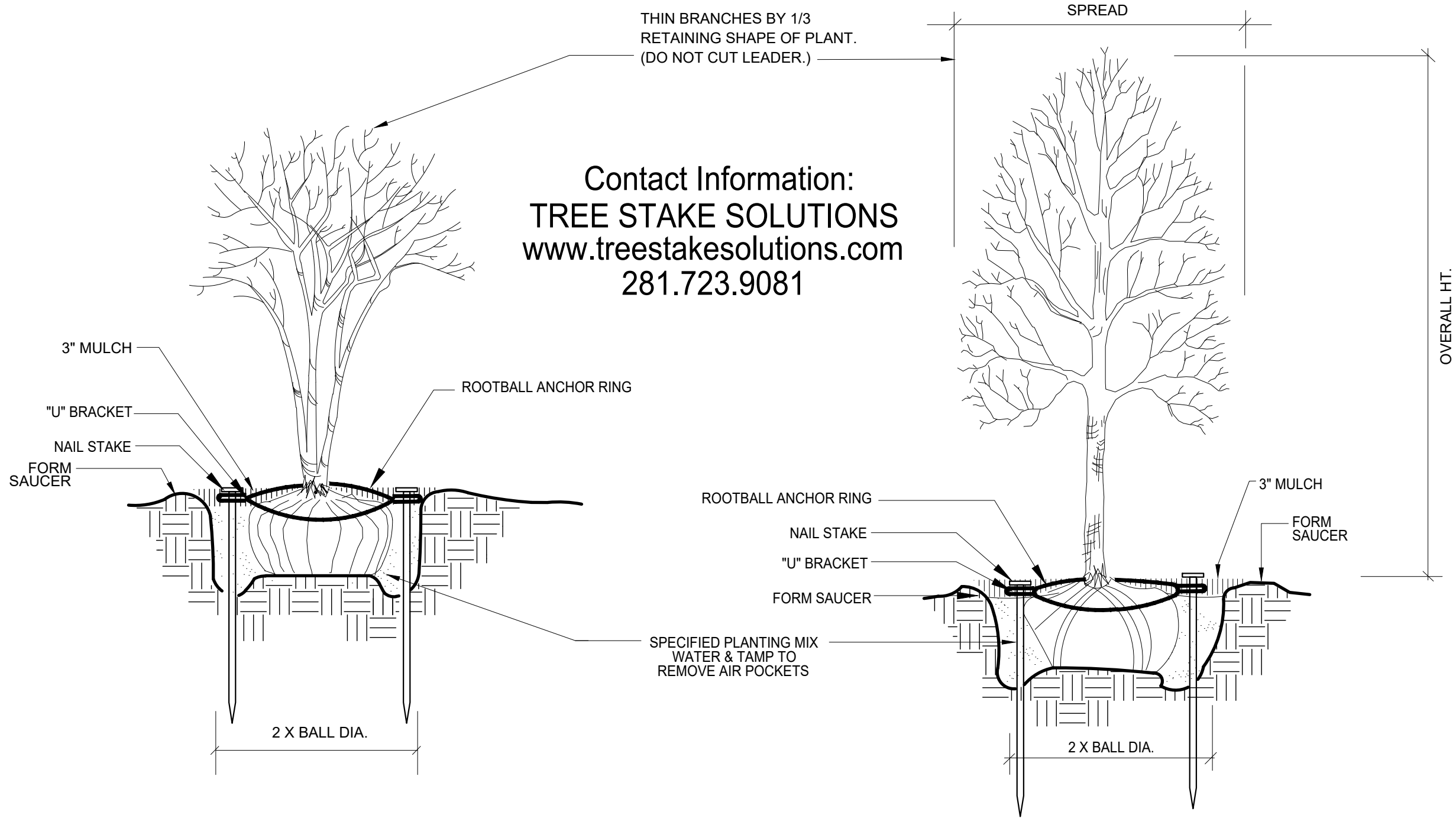
THIS ELECTRONIC DRAWING FILE IS RELEASED UNDER THE AUTHORITY OF GREG CUPPETT, LANDSCAPE ARCHITECT REGISTRATION NUMBER 2872 ON 05/05/20, WHO MAINTAINS THE ORIGINAL FILE. THIS ELECTRONIC DRAWING FILE MAY BE USED AS A BACKGROUND DRAWING. PURSUANT TO RULE 3.103(F) OF THE RULES AND REGULATIONS OF THE TEXAS BOARD OF ARCHITECTURAL EXAMINERS, THE USER OF THIS ELECTRONIC DRAWING FILE AGREES TO ASSUME ALL RESPONSIBILITY FOR ANY MODIFICATION TO OR USE OF THIS DRAWING FILE THAT IS INCONSISTENT WITH THE REQUIREMENTS OF THE RULES AND REGULATIONS OF THE TEXAS BOARD OF ARCHITECTURAL EXAMINERS. NO PERSON MAY MAKE MODIFICATIONS TO THIS ELECTRONIC DRAWING FILE WITHOUT THE LANDSCAPE ARCHITECT'S EXPRESS WRITTEN PERMISSION.



Benchmark: Town of Flower Mound benchmark 18. A 2" diameter domed aluminum cap stamped, "TOWN OF FLOWER MOUND" set in the northeast corner of a concrete curb inlet on the north side of Spinks Road, just south of Bluebonnet Elementary School. 0.45 +/- miles east of FM 2499. Monument is 90' east of a utility pole and just west of concrete drive. Elev. = 598.67

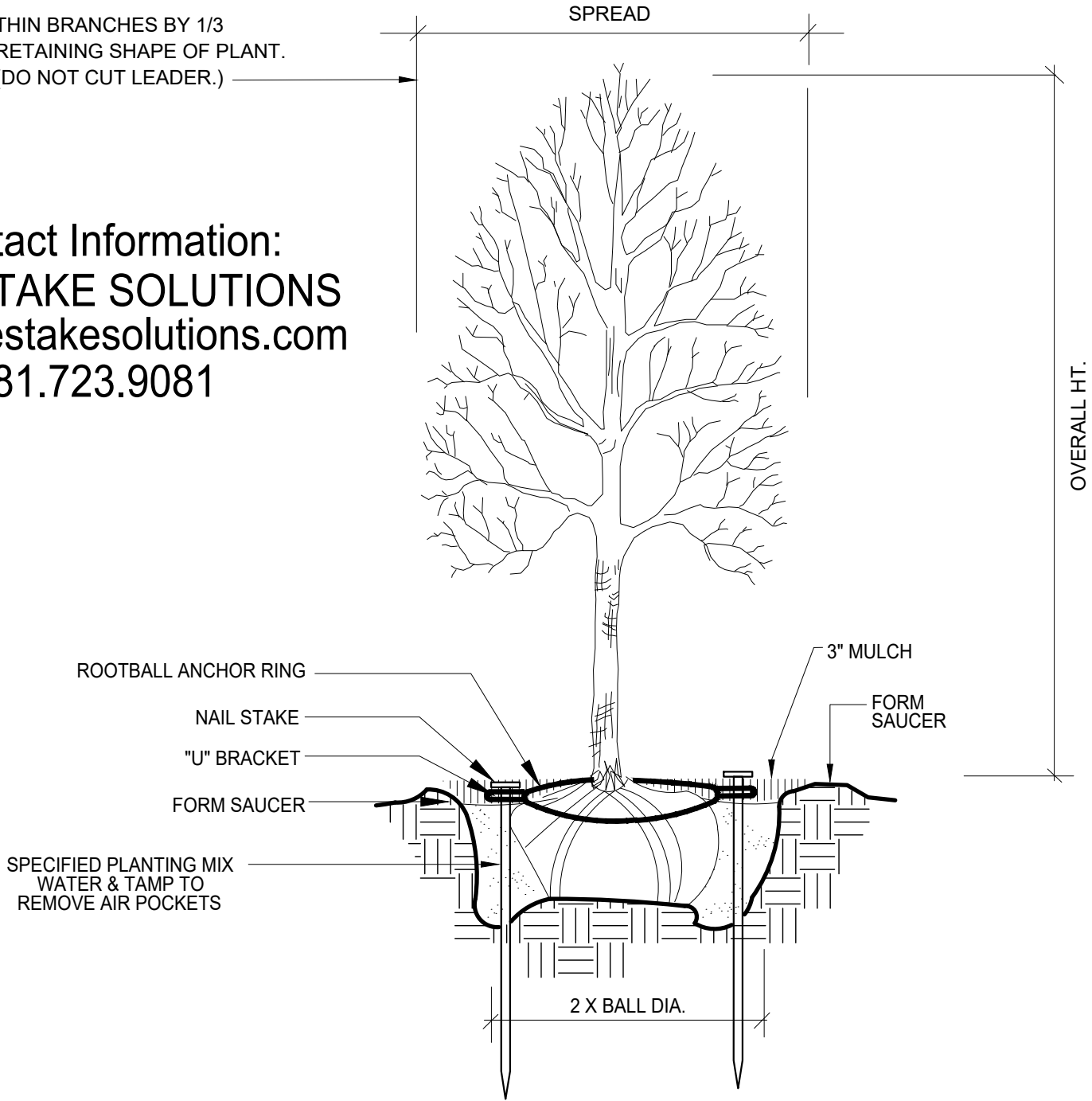
Temporary Benchmark: Electrical Manhole near northeast property corner. Elev. = 609.16

REVISION	DESCRIPTION	DATE
Crosby Addition Lot 1, Block A 2.638 Acres Zoned=PD Town of Flower Mound, Texas		
LANDSCAPE PLAN		
DESIGNED	DRAWN	DATE
		02/20
SCALE	NOTES	FILE
1"=20' at 22x34	-	-
		NO.
		L2



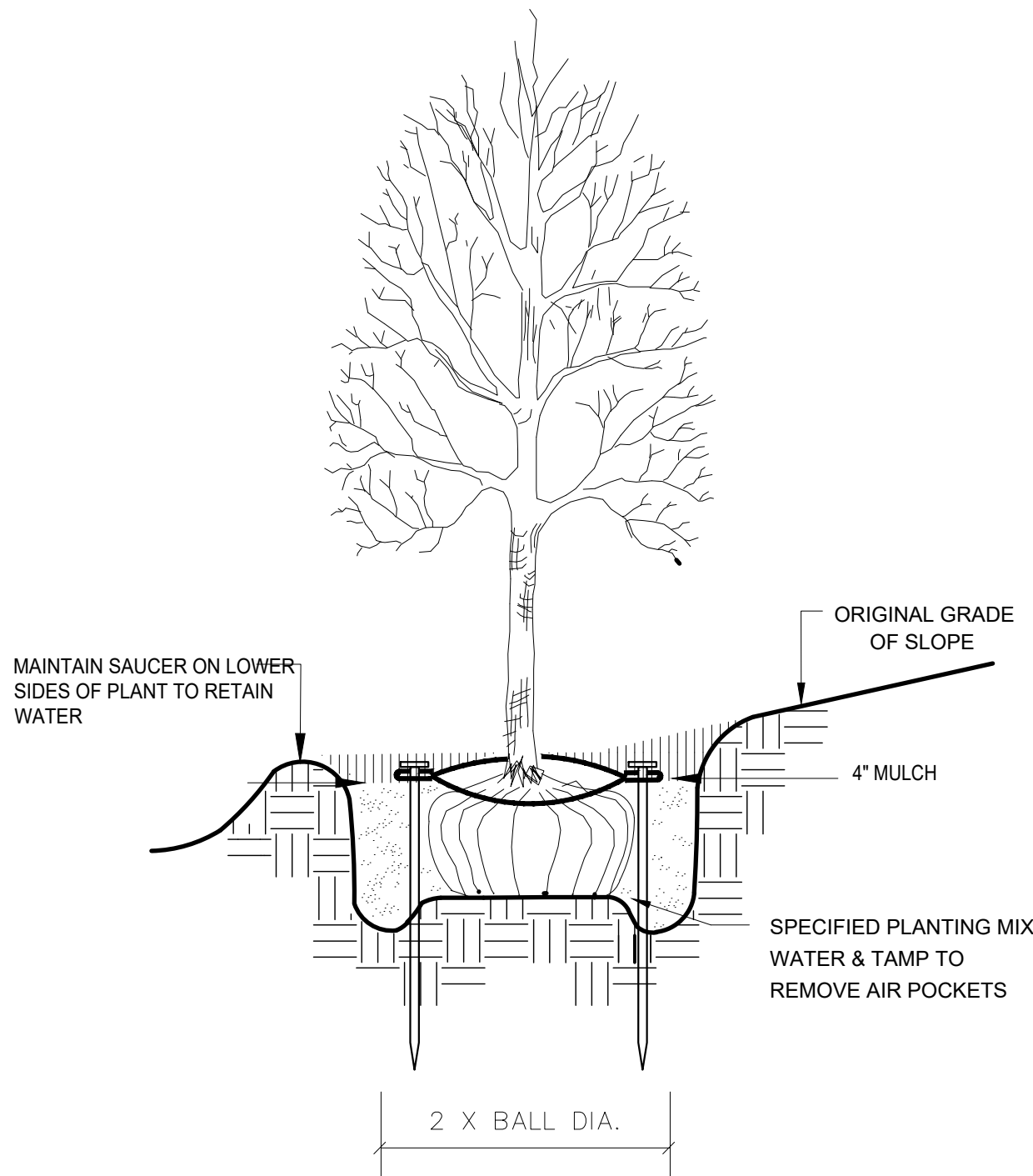
**STAKING FOR MULTI-TRUNK TREES
& TREES 2" CAL. & UNDER**

SCALE: NOT TO SCALE



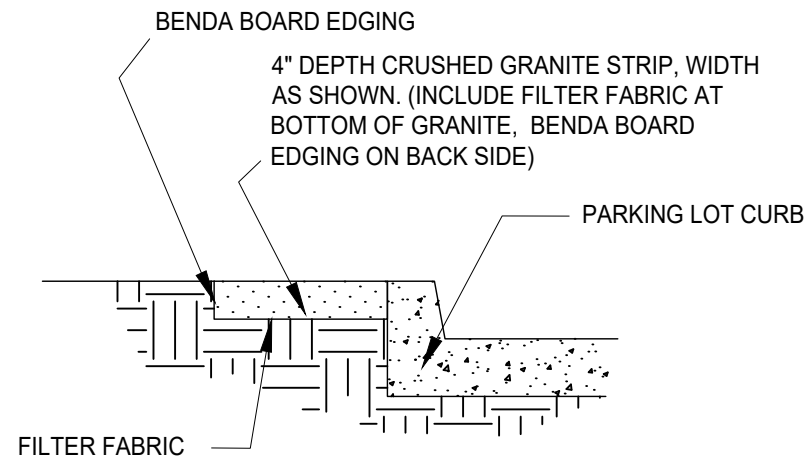
TREE PLANTING OVER 2" CALIPER

SCALE: NOT TO SCALE



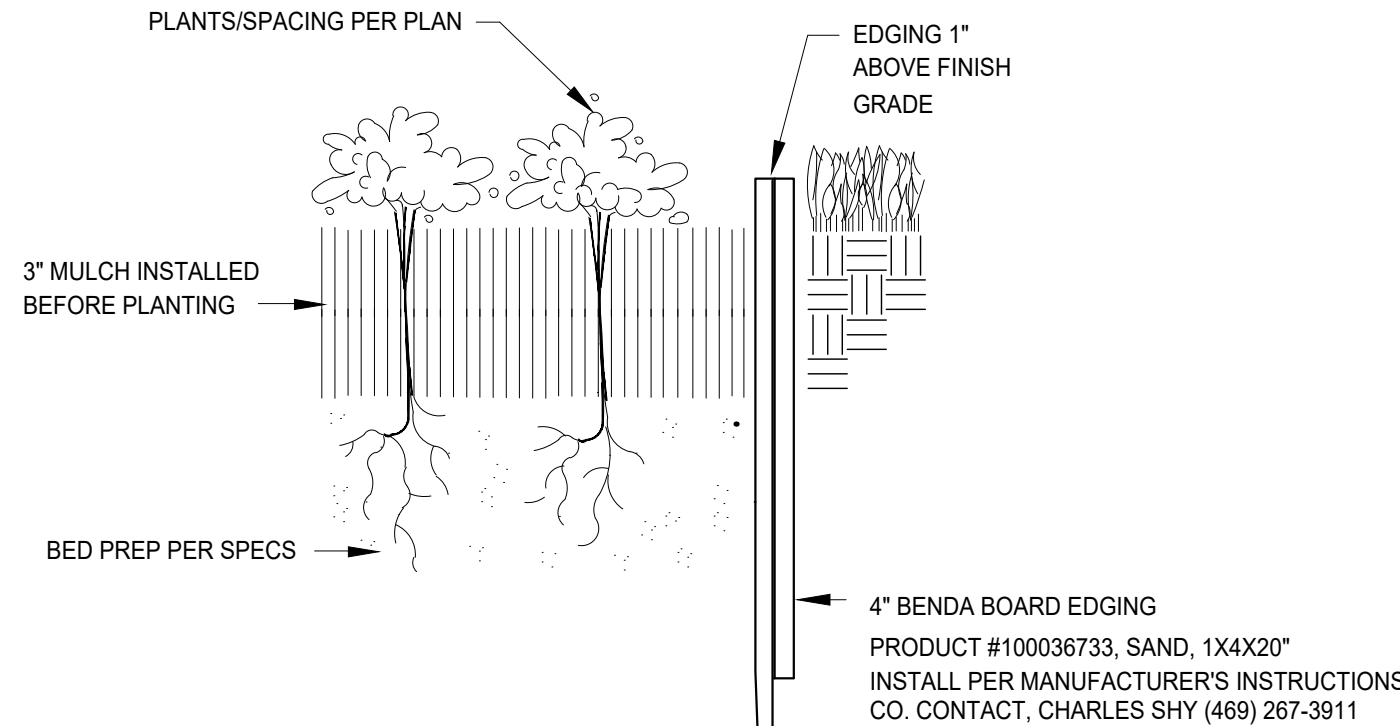
TREES PLANTING ON SLOPES

SCALE: NOT TO SCALE



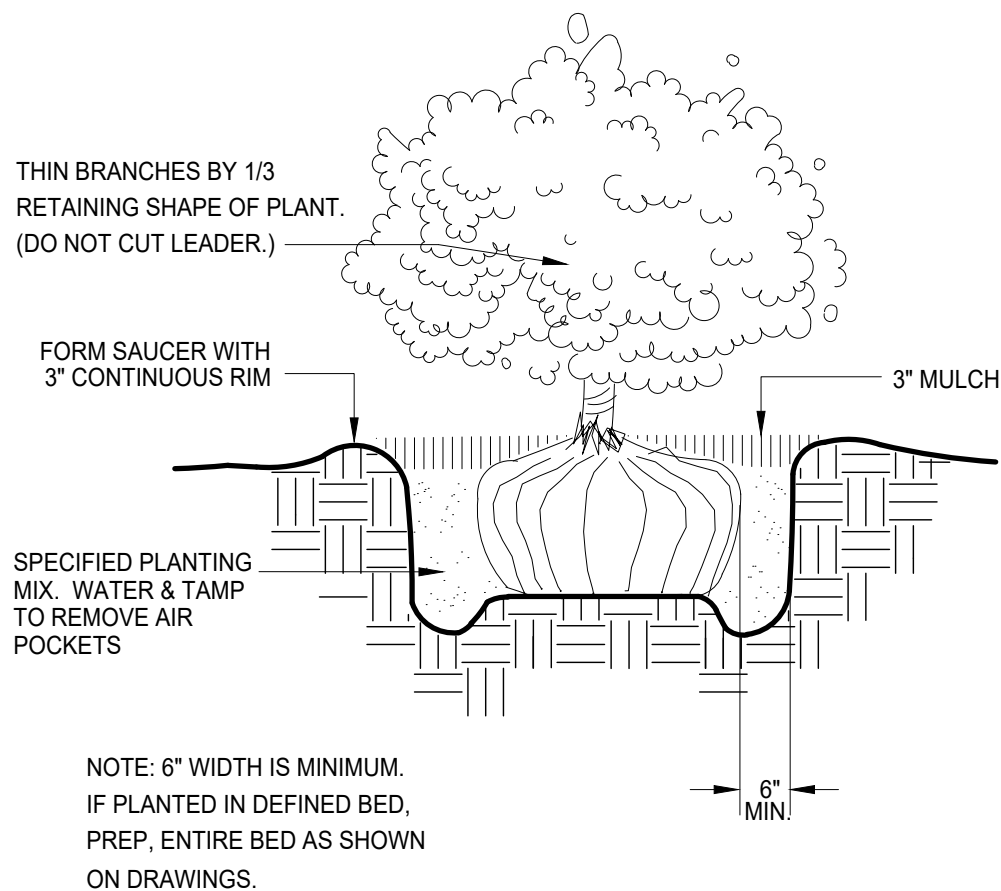
GRANITE STRIP

SCALE: NOT TO SCALE



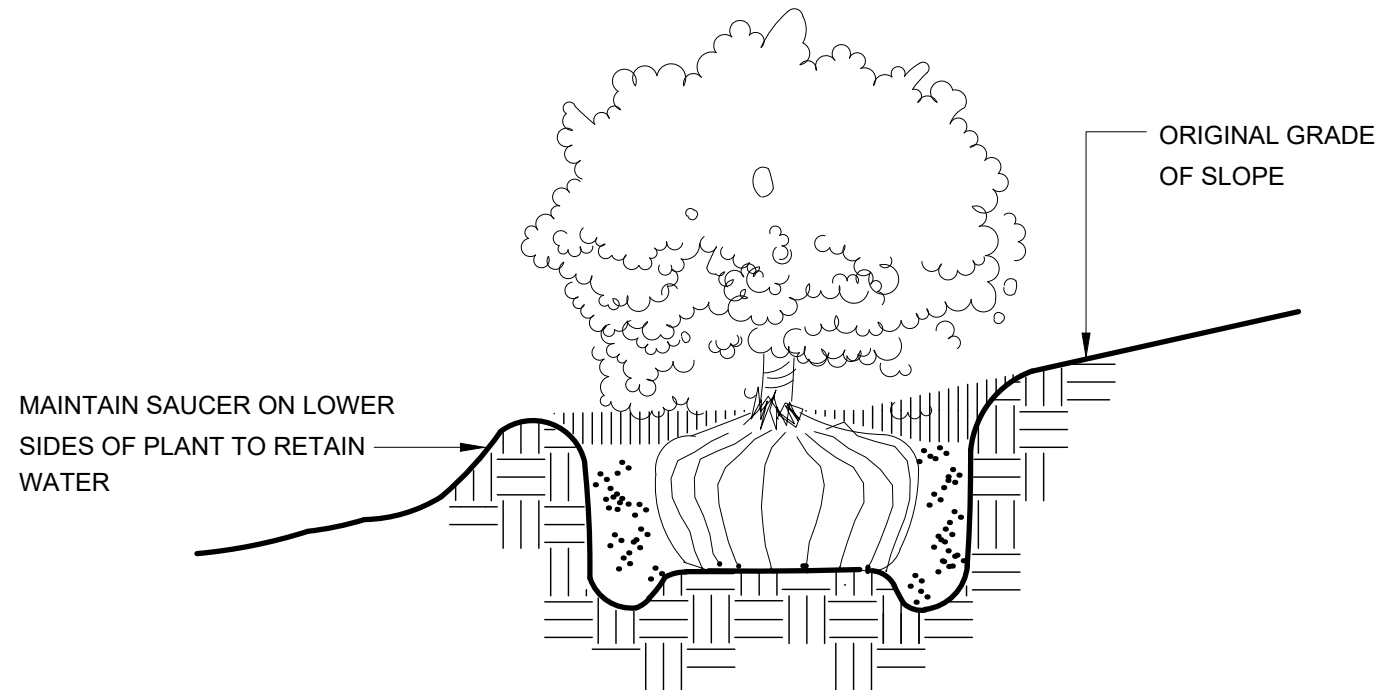
**BEDDING PLANTS/
EDGING/ TURF DETAIL**

SCALE: NOT TO SCALE



SHRUB PLANTING

SCALE: NOT TO SCALE



TREE/SHRUB PLANTING ON SLOPES

SCALE: NOT TO SCALE

PLANT SCHEDULE

TREES	CODE	QTY	BOTANICAL NAME	COMMON NAME	SIZE	HEIGHT	SPACING	REMARKS
	LAG T31	3	Lagerstroemia indica 'Tuscarora'	Crape Myrtle	45 gal.	8' Min Ht.	As Shown	3 to 5 Canes
	QUE MAC	6	Quercus macrocarpa	Burr Oak	3" Cal.	12' Min Ht	As Shown	Single Straight Trunk
	QUE SHU	4	Quercus shumardii	Shumard Red Oak	3" Cal.	12' Min Ht	As Shown	Single Straight Trunk
	QUE VIR	15	Quercus virginiana	Southern Live Oak	3" Cal.	12' Min Ht	As Shown	Single Straight Trunk
	TAX DIS	6	Taxodium distichum	Bald Cypress	3" Cal.	12' Min Ht	As Shown	Single Straight Trunk
	ULM LAC	5	Ulmus parvifolia	Chinese Lacebark Elm	3" Cal.	12' Min Ht	As Shown	Single Straight Trunk
SHRUBS	CODE	QTY	BOTANICAL NAME	COMMON NAME	SIZE	HEIGHT	SPACING	REMARKS
	HES PAR	6	Hesperaloe parviflora	Red Yucca	3 gal.	18"-24"	36" O.C.	
	ILE DWA	124	Ilex cornuta 'Dwarf Burford'	Dwarf Burford Holly	10 gal.	36" Min	36" O.C.	
	ILE NAN	32	Ilex vomitoria 'Nana'	Dwarf Yaupon	3 gal.	18"-24"		
	ILE SPI	4	Ilex vomitoria 'Will Flemming'	Will Flemming Yaupon	10 gal.	36" Min		
	MUH LIN	41	Muhlenbergia lindheimeri	Lindheimer's Muhly	5 gal.	36" Min	36" O.C.	
	SAL GRE	87	Salvia greggii	Autumn Sage	3 gal.	18"-24"	24" O.C.	
GROUND COVERS	CODE	QTY	BOTANICAL NAME	COMMON NAME	SIZE	HEIGHT	SPACING	REMARKS
	CAR CHE	155 sf	Carex cherokeensis	Cherokee Sedge	4" pots		12" O.C.	
	CYN DAC	23,938 sf	Cynodon dactylon	Bermuda Grass	sod			
	DEC SIP	552 sf	Decomposed Granite	Decomposed Granite	4" depth			w/ Weed barrier
	MUH REV	718 sf	Muhlenbergia reverchonii	Seep Muhly	4" pots		12" O.C.	
	NAS PON	768 sf	Nassella tenuissima 'Pony Tails'	Mexican Feathergrass	4"	Pot	18" O.C.	
	SEA CAN	56 sf	Seasonal Color	Seasonal Color	TBD		9" O.C.	To be determined by Owner
	TRA ASI	3,475 sf	Trachelospermum asiaticum	Asian Jasmine	4"	Pot	12" O.C.	

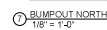
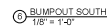


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Benchmark: Town of Flower Mound benchmark 18. A 2" diameter domed aluminum cap stamped, "TOWN OF FLOWER MOUND" set in the northeast corner of a concrete curb inlet on the north side of Spinks Road, just south of Bluebonnet Elementary School. 0.45 +/- miles east of FM 2499. Monument is 90' east of a utility pole and just west of concrete drive. Elev. = 598.67

Temporary Benchmark: Electrical Manhole near northeast property corner. Elev. = 609.16

REVISION	DESCRIPTION	DATE				
Crosby Addition Lot 1, Block A 2.638 Acres Zoned=PD Town of Flower Mound, Texas						
PLANTING DETAILS						
DESIGNED	DRAWN	DATE	SCALE	NOTES	FILE	NO.
		02/20	1"=20' at 22x34	-	-	L3



NOTE: NORTH AND SOUTH CALCULATIONS ACCOUNT FOR THE BUMPOUT

NOTE: ALL SIGNS ARE NOT APPROVED WITH THIS SITE PLAN AND REQUIRE SEPERATE PERMITS.

NOT FOR CONSTRUCTION

SHEET NUMBER

A4.00



TYPE SIX
DESIGN AND
DEVELOPMENT SERVICES
300 E. ABRAM ST. #150
ARLINGTON, TX 76010
682-999-8154

CADDO FLOWER MOUND, TEXAS

INTERNATIONAL HWY. & SPRING RD.

T6_1929

ISSUE DATE
03_20_2020

ISSUED FOR
50% SET

REVISIONS	
#	REVISION

SHEET NAME
EXTERIOR ELEVATIONS

THE CADD IS THE PROPERTY OF THE CLIENT AND MAY NOT BE REPRODUCED OR USED FOR ANY OTHER PROJECT WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT.
NICHOLAS B. BAKER
2007

NOT FOR CONSTRUCTION

SHEET NUMBER
A4.00

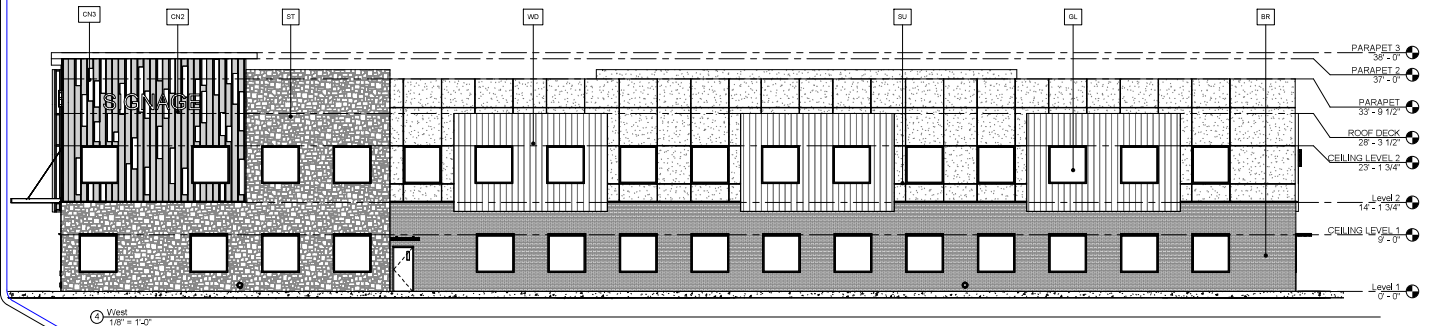
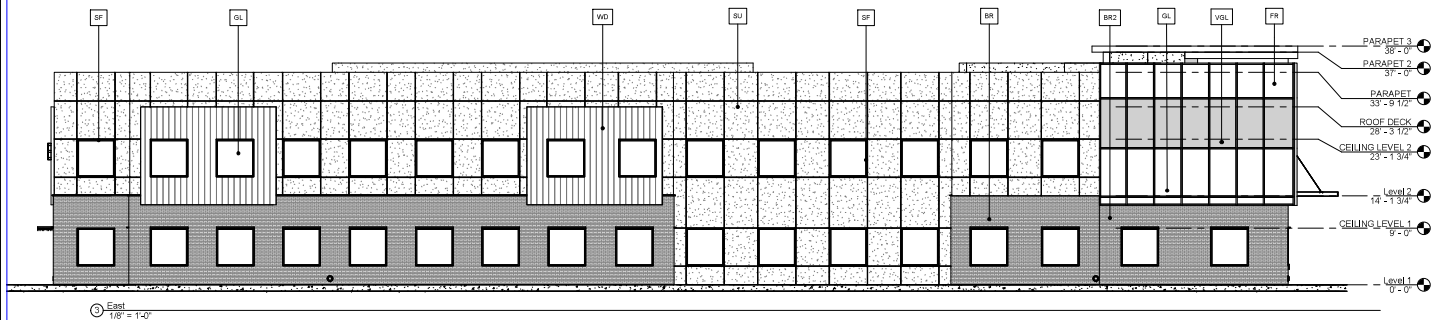
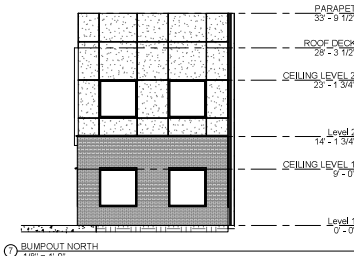
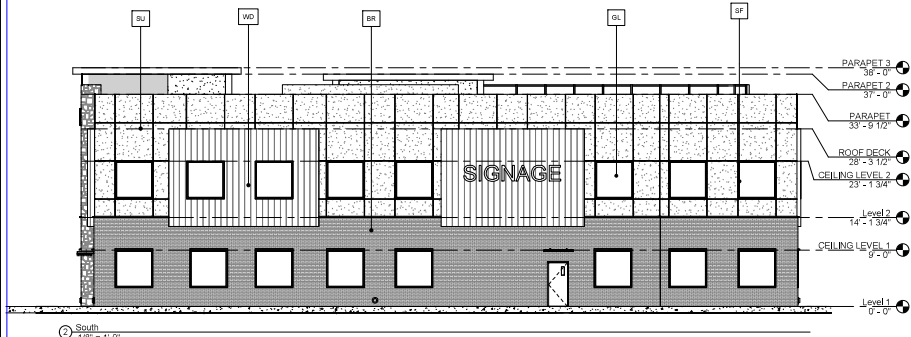
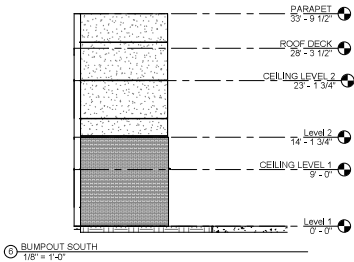
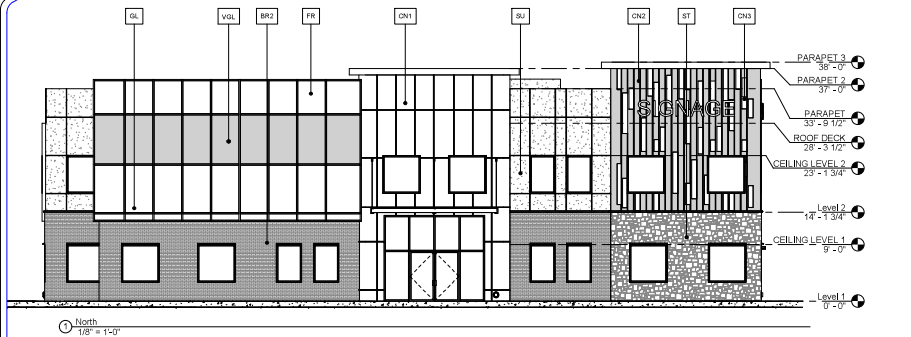
03_20_2020

MATERIAL CALCULATIONS		NORTH	EAST	SOUTH	WEST
1.	TOTAL FACADE S.F.	4,633	6,713	4,251	6,795
2.	FACADE S.F.	2,872	4,849	3,651	5,654
3.	DOORS AND WINDOWS S.F.	1,761	1,864	600	1,140
4.	PRIMARY MASONRY TOTAL	1,780 - 62%	4,320 - 89%	2,994 - 82%	4,101 - 73%
	BRICK	849	1,582	1,404	1,515
	STUCCO	664	2,738	1,590	1,575
	STONE	267	0	0	1,011
5.	SECONDARY MASONRY TOTAL	1,092 - 38%	529 - 11%	657 - 18%	1,555 - 27%
	NICHHA CEMENT PANEL - MIRAIA	526	0	0	630
	NICHHA CEMENT PANEL - INDUSTRIAL BLOCK	566	0	0	0
	NICHHA WOOD LOOK PANEL	0	529	657	925

NOTE: NORTH AND SOUTH CALCULATIONS ACCOUNT FOR THE BUMPOUT

EXTERIOR ELEVATION MATERIAL LEGEND	
BR	BRICK - BLACKSON - "ANDIRON SMOOTH"
BR2	BRICK - BLACKSON - "MANGANESE IS VELOUR"
SU	3-COAT STUCCO - "SW6073"
ST	CHOPPED STONE - BLACKSON - "OKLAHOMA BECKETT BLEND, MULTI"
WD	WOOD LOOK PANEL - NICHHA - "ROUGHSAWN TOBACCO"
CN1	CEMENT PANEL - NICHHA - CAST IN PLACE LOOK - "INDUSTRIAL BLOCK"
CN2	CEMENT PANEL - NICHHA - "MIRAIA" - CUSTOM COLOR "SW6993" - SMOOTH FINISH
CN3	CEMENT PANEL - NICHHA - "MIRAIA" - CUSTOM COLOR "SW6250" - SMOOTH FINISH
GL	CLEAR INSULATED GLASS
FR	FROSTED GLASS
SF	STOREFRONT - KAWNEER - "DARK BRONZE #40"

NOTE: ALL SIGNS ARE NOT APPROVED WITH THIS SITE PLAN AND REQUIRE SEPARATE PERMITS.



TYPE-SIX
DESIGN AND
DEVELOPMENT SERVICE
300 E. ABRAM ST. #150
ARLINGTON, TX 76010
682-999-8154

CADDO FLOWER MOUND, TEXAS

INTERNATIONAL PKWY. & SPINKS RD.

T6_1929

ISSUE DATE
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ISSUED FOR
50% SET

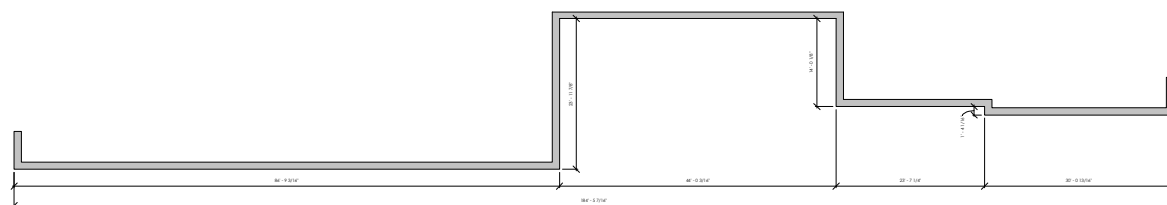
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SHEET NAME
FACADE FOOTPRINTS

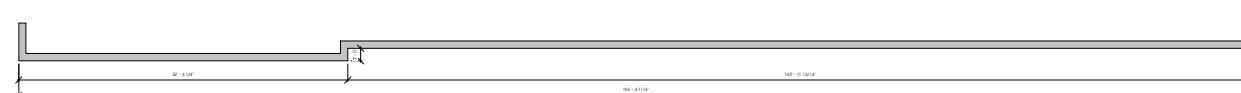
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OR CONSTRUCTION.

NICHOLAS DIMMERMAN
23697

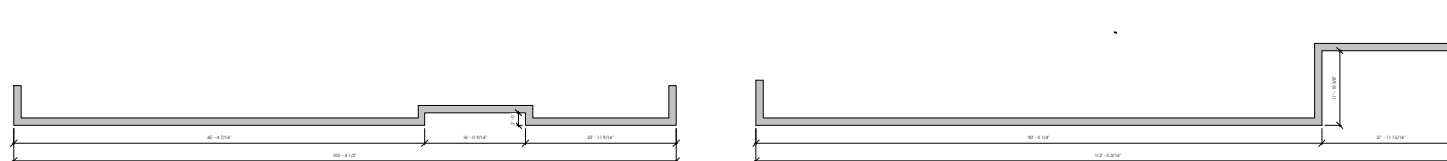
SHEET NUMBER
A13.00



① East Elevation
1/8" = 1'-0"



② West Elevation
1/8" = 1'-0"



③ North Elevation
 $1/8" = 1'-0"$

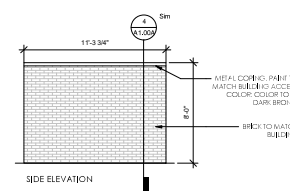
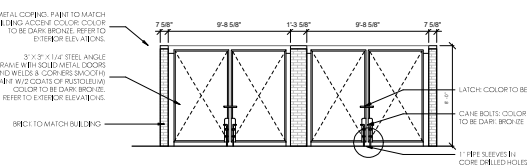
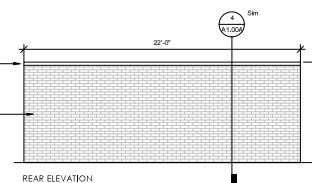
④ South Elevation
1/8" = 1'-0"

[illegible]

SHEET NUMBER
A1.00A



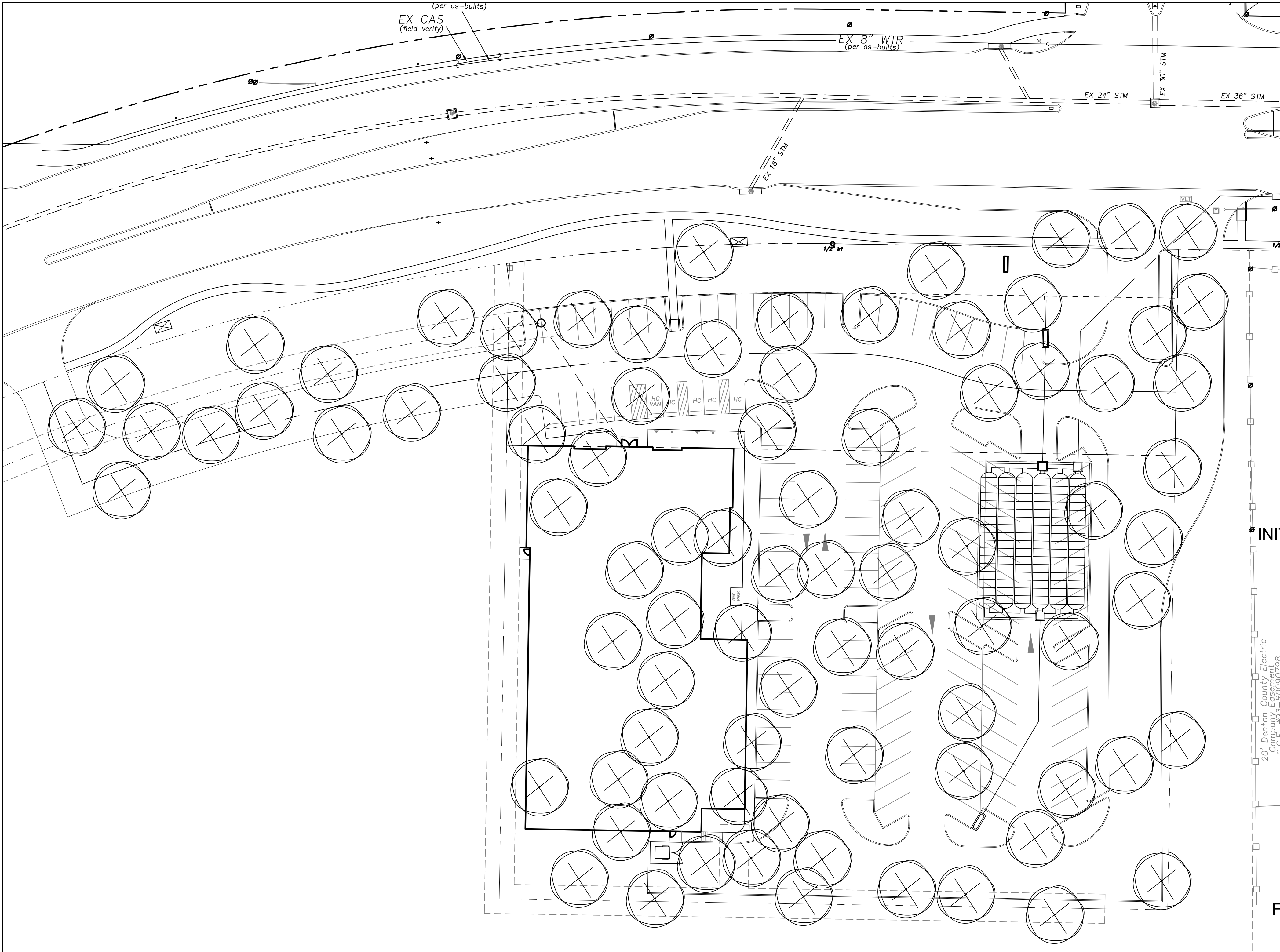
1 DUMPSTER GATE HINGE
1 1/2" = 1'-0"



② DUMPSTER ENCLOSURE
1/4" = 1'-0"



SHEET NUMBER
A1.00A



TREE MITIGATION CALCULATIONS

AS REQUIRED FOR ON-SITE TREES PER DESIGNATED STATUS:

UNPROTECTED TREES

TOTAL TREES:	Approx 85	TOTAL CALIPER INCHES:	approx 850"
REMOVED:	85	REMOVED:	850"
PRESERVED:	0	PRESERVED:	0"

INITIAL MITIGATION (NOT APPLICABLE) = NOT APPLICABLE

PROTECTED TREES

TOTAL TREES:	0	TOTAL CALIPER INCHES:	0"
REMOVED:	0	REMOVED:	0"
PRESERVED:	0	PRESERVED:	0"

INITIAL MITIGATION (TREE FOR TREE) = 0 TREES (@ 3") = 0"

FLOODPLAIN MITIGATION (x1.5 CALIPER REMOVED) = 0" (1.5) = 0"

SPECIMEN TREES

TOTAL TREES:	0	TOTAL CALIPER INCHES:	0"
REMOVED:	0	REMOVED:	0"
PRESERVED:	0	PRESERVED:	0"

INITIAL MITIGATION (x2 CALIPER REMOVED) = NOT APPLICABLE

INITIAL MITIGATION TOTALS:

0" (PROTECTED REMOVED)
+ 0" (FLOODPLAIN REMOVED)
+ 0" (SPECIMEN REMOVED)

= 0" REQ. MITIGATION

MITIGATION CREDITS:

PROTECTED TREES PRESERVED WITHIN BUILDABLE AREA:

= 0 (3") = 0"

SPECIMEN TREES PRESERVED WITHIN BUILDABLE AREA:

= 0 x (3") = 0"

MITIGATION CREDIT TOTALS:

0" (PROTECTED PRESERVED)
+ 0" (SPECIMEN PRESERVED)

= 0" CREDIT

FINAL MITIGATION TOTALS:

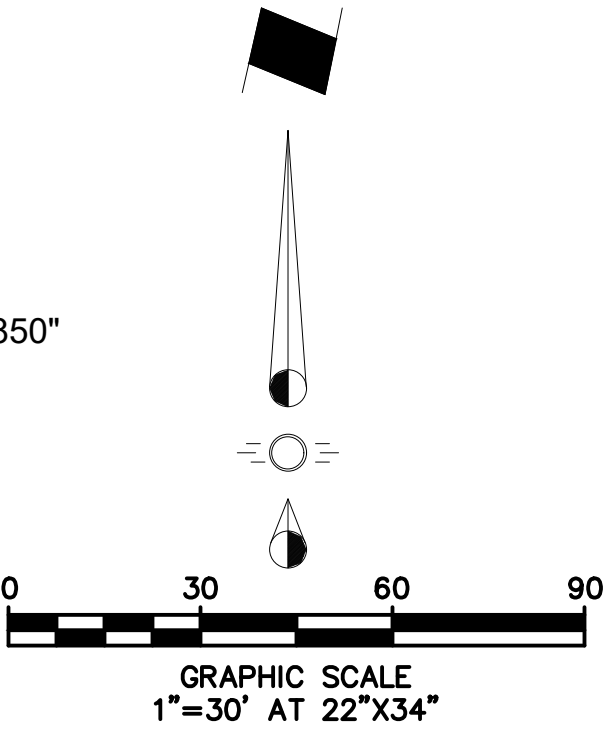
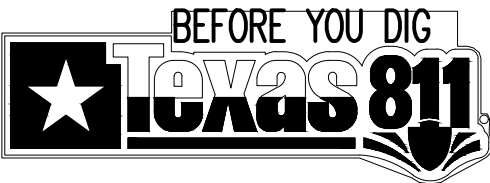
0" (INITIAL MITIGATION TOTAL)
- 0" (MITIGATION CREDIT TOTAL)

= 0" REQUIRED MITIGATION

CAUTION!!!
UNDERGROUND UTILITIES ARE LOCATED IN THIS AREA. 48 HOURS PRIOR TO ANY CONSTRUCTION ACTIVITIES, CONTACT LINE LOCATES FOR FRANCHISE UTILITY INFO. CALL BEFORE YOU DIG:
TEXAS EXCAVATION SAFETY SYSTEM (TESS) 1-800-344-8377
TEXAS ONE CALL SYSTEMS 1-800-245-4545
LONE STAR NOTIFICATION CENTER 1-800-669-8344 EXT. 5



BEFORE YOU DIG...



LANDSCAPE ARCHITECT / ARBORIST STATEMENT
"I Gregory Cuppett, ASLA, Tx. Landscape Architect, 2672 being a landscape architect or arborist attest that there are no protected or specimen trees observed on the proposed development site, based upon a recent site visit."

LEGEND

- 499 EXISTING PROTECTED TREE TO BE PRESERVED/PROTECTED
- 499 EXISTING UNPROTECTED TREE TO BE REMOVED BY PERMIT

NOTE:

NO PROTECTED TREES ON THE SITE



THIS ELECTRONIC DRAWING FILE IS RELEASED UNDER THE AUTHORITY OF GREG CUPPETT, LANDSCAPE ARCHITECT REGISTRATION NUMBER 2877 ON 04/23/20. WHO MAINTAINS THE ORIGINAL FILE. THIS ELECTRONIC DRAWING FILE MAY BE USED AS A BACKGROUND DRAWING. PURSUANT TO RULE 3.103(F) OF THE RULES AND REGULATIONS OF THE TEXAS BOARD OF ARCHITECTURAL EXAMINERS, THE USER OF THIS ELECTRONIC DRAWING FILE AGREES TO ASSUME ALL RESPONSIBILITY FOR ANY MODIFICATION TO OR USE OF THIS DRAWING FILE THAT IS INCONSISTENT WITH THE REQUIREMENTS OF THE RULES AND REGULATIONS OF THE TEXAS BOARD OF ARCHITECTURAL EXAMINERS. NO PERSON MAY MAKE MODIFICATIONS TO THIS ELECTRONIC DRAWING FILE WITHOUT THE LANDSCAPE ARCHITECT'S EXPRESS WRITTEN PERMISSION.

Benchmark: Town of Flower Mound benchmark 18. A 2" diameter aluminum cap stamped, "TOWN OF FLOWER MOUND" set in the northeast corner of a concrete curb inlet on the north side of Spinks Road, just south of Bluebonnet Elementary School. 0.45 +/- miles east of FM 2499. Monument is 90' east of a utility pole and just west of concrete drive. Elev. = 598.67

Temporary Benchmark: Electrical Manhole near northeast property corner. Elev. = 609.16

REVISION	DESCRIPTION	DATE				
	Crosby Addition Lot 1, Block A 2.638 Acres Zoned=PD					
Town of Flower Mound, Texas						
TREE PRESERVATION PLAN						
DESIGNED	DRAWN	DATE	SCALE	NOTES	FILE	NO.
		02/20	1"=30' at 22x34	-	-	L1



PLANNING AND ZONING COMMISSION

AGENDA ITEM NO: 4

REGULAR ITEM

DATE: May 11, 2020

FROM: Lexin Murphy, Director of Planning Services

ITEM: **Public Hearing to consider an ordinance amending the Land Development Regulations (LDR19-0010 – Platting Updates) by amending Chapter 74 entitled “General Provisions,” Chapter 78 entitled “Administration,” and Chapter 90 entitled “Subdivisions” of the Town’s Code of Ordinances to create a process for assessing project completeness and associated vested rights, as well as project expiration dates, and to clarify review and approval processes for development plans and plats, in compliance with new state regulations.**

I. ITEM SUMMARY

This Town-initiated item proposes to amend the Town’s Land Development Regulations by introducing new sections that address vesting and project completeness and expiration, which will create a clearer process to consider and make determinations on vesting claims and expire those claims as applicable. It is also updating the Subdivision Chapter of our regulations to incorporate changes the legislature implemented to Chapter 212 of the Local Government Code during last year’s session, as well as providing general cleanup of out-of-date language in these sections.

This item will require final action by the Town Council, which is scheduled for June 1, 2020.

II. APPLICATION ANALYSIS

The Town has had a couple of situations come up recently where an applicant claimed their project was vested, and that because of this, they did not have to follow current Town ordinances. While the Local Government Code does provide for some vested rights in both permits and projects for applicants, it is not all-encompassing. However, because the Town has never adopted official practices establishing the limits of vested rights and creating a process for an applicant to request vesting and for the Town to make a determination on it, we have not been able to take full advantage of our municipal rights in this area. The new sections proposed for Chapter 78 will remedy that situation. These new guidelines also outline the process for staff to determine if an application is complete and establishes that if the project is incomplete, no associated vested rights are created.

In addition, while the Town’s previous ordinance language made it clear that plats had to be considered administratively complete before they were put on a Planning and Zoning Commission or Council agenda, it was not clear that was the Town’s definition of “filed”

as it relates to the guidelines of Chapter 212 for the review of plats and plans. This language has been clarified throughout the ordinance. The other changes that were necessary to meet new state requirements are the inclusion of standards for conditional approval or disapproval of plats or development plans and applicants' options for response, as well as the new process of notifying surrounding property owners after residential replats are approved.

Other proposed updates throughout the text include removal of outdated position titles and practices, the removal of an exception that allowed industrial lots to skirt some platting requirements and the incorporation of an exception for lots that are more than two and a half times long as they are wide.

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 received one inquiry about this item.

IV. ATTACHMENTS

1. Draft Redline Ordinance

Sec. 74-3. – Definitions.

...

Land use plan means the land use plan element of the town's comprehensive master plan, as may be amended, including the future land use map and ~~specific plan areas~~ plans.

...

Town manager means the chief administrative officer of the town, or designated representative.

...

Sec. 74-5. - Consistency with comprehensive master plan.

...

~~(c) Subdivisions and site plans for property in the specific plan areas of the comprehensive master plan shall be consistent with the land use and planning guidelines set forth for these areas in the comprehensive master plan.~~

ARTICLE VI. - VESTED RIGHTS.**Division 1. - Petition Submittal and Review Procedures.****Sec. 78-261 - DEFINITIONS.**

- (1) In this article, "permit," "project," and "regulatory agency" have the meanings assigned to them by Chapter 245 of the Texas Local Government Code.
- (2) "Petition" means a vested rights petition that alleges rights under Chapter 245 of the Texas Local Government Code to develop property under ordinances, regulations, or rules other than those in effect on the date the permit application is submitted.
- (3) "Town Manager" means the Town Manager or his designee
- (4) "Vesting Date" means the date on which a project accrued development rights under Chapter 245 of the Texas Local Government Code.
- (5) "Vested Rights" means a right conferred by state law to develop property under ordinances, regulations, or rules other than those in effect on the date a permit application is submitted. The term includes development rights under Chapter 245, but does not include a right existing under common law.

Sec 78-262 - PURPOSE AND APPLICABILITY.

- (A) This article establishes requirements for determining whether a project is entitled to vested rights under Chapter 245 of the Local Government Code. To the extent a project is entitled to vested rights, as determined under this article, a permit necessary to initiate, continue, or complete the project may be exempt from current regulations.
- (B) The purpose of this article is to:
 - (1) Establish a clear and consistent process for evaluating vested rights claims;
 - (2) Ensure that vested rights determinations are based on accurate and complete information, including the nature and scope of the original project for which vested rights are asserted and actual development, if any, that has occurred over time; and
 - (3) Recognize legitimate claims of vested rights under state law, while ensuring that new development complies to the greatest extent possible with current regulations.

Sec 78-263 - VESTED RIGHTS PETITION REQUIRED.

A petition for vested rights that meets the requirements of Section 78-264 must be submitted by a landowner or a landowner's agent in order to request that an application for a permit be reviewed under ordinances, regulations, or rules other than those in effect on the date the application is filed.

Sec. 78-264 - CONTENTS OF VESTED RIGHTS PETITION.

- (A) Except as provided in Subsection (B) of this section, a petition for vested rights required by Section 78-263 must be submitted on a form approved by the Town Manager and must include, at a minimum, the following information:
- (1) reference to one of the following applications, which must be submitted concurrently with the vested rights petition:
 - (a) a permit application for development of the property; or
 - (b) a plan for development, on a form provided by the Town Manager, that establishes the nature of the permit sought, including the scope and intensity of proposed development and the type of land use, but need not include construction-level detail;
 - (2) a summary of the basis on which the applicant claims vested rights;
 - (3) the date on which the applicant claims that vested rights accrued and any permit that was submitted on that date; and
 - (4) a complete chronological history of the project for which vested rights are claimed, including:
 - (a) a list of permits for development of the property, along with supporting documents, that were issued or applied for after the date the applicant claims that vested rights accrued;
 - (b) a description of any permitted or unpermitted development that occurred on the property after the date the applicant claims that vested rights accrued;
 - (c) a description of existing development on the property, regardless of whether the development is permitted or unpermitted;
 - (d) a list of all zoning changes affecting the property, if any;
 - (e) any covenants, conditions, or restrictions recorded in the deed records for the property; and
 - (f) if deemed relevant by the Town Manager, evidence regarding progress towards completion of the project under Section 78-282.
- (B) The Town Manager may allow an applicant to omit information required under this section if, in the sole judgment of the Town Manager, an application is associated with a project for which vested rights have been conclusively established by a court order or by a settlement agreement entered into with the Town.

Division 2. - Vested Rights Determinations.**Sec. 78-271 - CRITERIA FOR APPROVAL.**

- (A) The Town Manager shall review a petition for vested rights under the criteria described in this subsection.
- (1) General Standard. A permit application is entitled to development rights under Chapter 245 of the Local Government Code if the permit is required to initiate, continue, or complete a project for which a prior application was submitted to the Town. An application is not entitled to development rights if it is unrelated to or inconsistent with the original project or if the original project has been completed, changed, or expired.
 - (2) Review Criteria. In determining whether a petition meets the standard for approval under this subsection, the Town Manager shall consider the following factors:
 - (a) The nature and extent of proposed development shown on the prior permit or other application that initiated the project for which vested rights are claimed;
 - (b) Whether the permit application submitted in connection with the vested rights petition is related to and consistent with the original project;
 - (c) The nature and extent of prior development of the property, including any permitting or construction activity that occurred subsequent to the vesting date requested by the applicant;
 - (d) Any prior vested rights determinations made for development of the property; and
 - (e) Whether the project has expired in accordance with Division 3 (*Expirations*) of this article or other applicable regulations.
- (B) The criteria in this section are intended to assist the Town Manager in reviewing petitions for vested rights, but do not limit the Town Manager from considering other factors relevant to the determination of rights for a particular project.

Sec. 78-272 - VESTED RIGHTS DETERMINATION.

- (A) Not later than 10 business days after acceptance of a complete vested rights petition, the Town Manager shall review the petition under Section 78-272 and render a determination consistent with the requirements of this section.
- (B) In acting on a petition, the Town Manager may:
- (1) approve the petition and require the development applications necessary to initiate, continue, or complete the project to be reviewed in accordance with regulations in effect on the vesting date, except for those regulations exempt from vesting under state law;
 - (2) deny the petition and require the development application associated with the project to be reviewed under current regulations of this title; or
 - (3) approve the petition in part, as authorized by Subsection (C) of this section.
- (C) The Town Manager may approve a petition in part if a project is legally entitled to some, but not all, of the rights asserted in the petition, or if a change in the scale or intensity of development is necessary to maintain conformity with the original project. A vested rights determination may not waive or modify applicable regulations or provide relief not required by Chapter 245 of the Texas Local Government Code.
- (D) The Town Manager shall provide a written determination to the applicant, which must state:
- (1) Whether the petition is approved or denied, in whole or in part, and the basis for the decision;

(2) Findings of fact in support of the decision and information sufficient to identify the permit on which the petition is based; and

(3) If the petition is approved:

(a) a description of the project for which vested rights are recognized; and

(b) a vesting date.

(E) A vested rights determination under this section does not affect the availability of a variance or other administrative remedy authorized by this title, but requesting a variance is not required to exhaust administrative remedies for purposes of challenging a determination by the Town Manager that a project is not entitled to vested rights.

Sec. 78-273 - EFFECT OF VESTED RIGHTS DETERMINATION.

If the Town Manager approves a vested rights petition, any permit required to initiate, continue, or complete the project shall be entitled to the development or continuing use rights recognized by the vested rights determination, unless the project expires under Division 3 (*Expirations*) of this article or other applicable regulations.

Division 3. - Expirations.

Sec. 78-281 - EXPIRATION REQUIREMENTS GENERALLY.

(A) During the timeframes established under this division, a vested rights determination for a project approved under Section 78-272 applies to any permit application required to initiate, continue, or complete the project.

(B) If all permits for a project expire, the project expires.

(C) A permit application submitted after a project expires constitutes a new project and is subject to the current regulations of this Code.

(D) The expiration of a project associated with a final plat does not affect the validity of a platted lot under this Subpart B.

Sec. 78-282 - DORMANT PROJECTS.

(A) This section is adopted under Section 245.005 of the Local Government Code to provide expiration dates for permits.

(B) A permit issued prior to the effective date of this ordinance shall expire two years after [effective date of this ordinance] unless the applicant submits evidence sufficient to show that progress towards completion of the project was made prior to that date under Subsection (F) of this section.

(C) a project initiated prior to the effective date of this ordinance shall expire five years after [effective date of this ordinance] unless the applicant submits evidence sufficient to show that progress towards completion of the project was made prior to that date under Subsection (F) of this section.

(D) A permit issued after the effective date of this ordinance shall expire two years after the date the permit application was filed unless the applicant submits evidence sufficient to show that progress towards completion of the project was made prior to that date under Subsection (F) of this section.

- (E) A project initiated after the effective date of this ordinance shall expire five years after the first permit application was filed for the project unless the applicant submits evidence sufficient to show that progress towards completion of the project was made prior to that date under Subsection (F) of this section.
- (F) For purposes of this section, progress towards completion of a project includes any one of the following:
- (1) an application for a final plat or plan is submitted to a regulatory agency;
 - (2) a good-faith attempt is made to file with a regulatory agency an application for a permit necessary to begin or continue towards completion of the project;
 - (3) costs have been incurred for developing the project including, without limitation, costs associated with roadway, utility, and other infrastructure facilities designed to serve, in whole or in part, the project (but exclusive of land acquisition) in the aggregate amount of five percent of the most recent appraised market value of the real property on which the project is located;
 - (4) fiscal security is posted with a regulatory agency to ensure performance of an obligation required by the regulatory agency; or
 - (5) utility connection fees or impact fees for the project have been paid to a regulatory agency.

...

Sec. 90-4 Requirements for Completeness Determination

- (A) Every application for approval of any type of plat or plan for development shall be subject to a determination of completeness by the Town Manager.
- (B) No application shall be deemed complete and accepted for processing unless it is accompanied by all documents required by and prepared in accordance with the requirements of this Chapter or other applicable ordinances.
- (C) The Town Manager may from time to time impose additional requirements for a complete application that are not contained within but are consistent with the application contents and standards set forth in this Chapter.
- (D) A determination of completeness shall not constitute a determination of compliance with the substantive requirements of this Chapter.

Sec. 90-5 Process for Completeness Determination

- (A) Not later than the tenth (10th) business day after the date an application for approval of a plat or plan for development is submitted, the Town Manager shall make a determination whether the application constitutes a complete application and that the developer has submitted the following required information:
- (1) for an application for a development plan, the documents and information specified in Section 90-33;
 - (2) for a record plat application, the documents and information specified in Section 90-93; and
 - (3) for an application of any other type, the documents and information specified in applicable ordinances.
- (B) The Town Manager shall provide written notice to the applicant that the application is incomplete, not later than the 10th business day after the application is submitted. The

determination shall specify the documents or other information needed to complete the application and shall state that the application will expire if the documents or other information is not submitted within forty-five (45) days after the date the application was submitted.

- (C) The processing of an application by any City employee prior to the time the application is determined to be complete shall not be binding on the City as the date of filing. The filing date shall be determined as set forth in Section 90-7. The incompleteness of an application shall be grounds for denial of the application regardless of whether a determination of incompleteness was mailed to the applicant.

Sec. 90-6 Expiration of Incomplete Application

- (A) An application for approval of a plat or plan for development shall be deemed to expire on the forty-fifth (45th) day after the application is submitted to the Town for processing if the applicant fails to provide documents or other information necessary to meet the requirements of this Chapter or such other applicable ordinances as specified in the determination provided to the applicant. Thereafter, a new application must be submitted.
- (B) No vested rights accrue solely from the filing of an application that has expired pursuant to this section.

Sec. 90-7 Application Review

- (A) An applicant for development shall submit a written application for approval of a plat or plan for development to the Development Services Department on forms prepared by the Town, together with all required documents, such as studies, drawing, exhibits, or other ordinance requirements, in sufficient size and number as required by the Town's current submittal policies, and any reasonable information requested by the Development Services Department to assist the Town in its review of the application.
- (B) An application shall not be processed for review until after a determination of completeness has been issued. An application lacking required documentation or information shall be returned to the applicant by the Development Services Department as provided in Section 90-5.
- (C) After the Town Manager has determined that the application is complete, they shall compile a report of written comments regarding the compliance of the application with Town ordinances and provide a copy of the report to the applicant.
- (D) The development plan or plat shall be deemed filed with the Town on the date that the Town Manager determines that the application and all supporting documents meet the requirements of this Chapter and/or other applicable ordinances, where applicable, except for any variances requested in writing by the applicant. This shall constitute the filing date. Thereafter, the plat shall be scheduled for review by the Commission.

Sec. 90-8 Official Filing Date

The time period established by state law for processing or deciding a plat application shall commence on the filing date, as established by Section 90-7(D).

...

Sec. 90-31. - Purpose and applicability of article provisions.

A development plan shall be submitted and ~~must be approved~~ filed pursuant to section 90-7 prior to the ~~submittal-review~~ of a record plat whenever a subdivision of five or more lots is proposed. Notwithstanding the foregoing, a development plan is not required prior to the submittal

of a record plat for a nonresidential subdivision that is either being record platted in conformity to a concept plan previously approved by the town council; or, is in general conformity with the Town's Master Plan and associated development regulations. The development plan is intended to show all the planning factors necessary to enable the proper town approving authorities to determine whether the proposed plan for land development is satisfactory from the standpoint of public health, safety and welfare and is in accordance with the general guidance provided by the comprehensive master plan. The development plan and its review are intended to produce a subdivision design in which all planning factors have been recognized and reconciled, as distinguished from the record plat, in which the engineering factor of dimensional precision is the predominant objective. The record plat is the legal document filed of record with the county.

• ~~Sec. 90-32. Preapplication conference.~~

~~Prior to the filing of a development plan, the subdivider shall meet with the town manager or his designated agent to acquaint himself with the requirements of the town and the relationship of the proposed subdivision to the comprehensive master plan. At such meeting, the density standards, street requirements, utility service and general character of the development may be discussed. At the preapplication conference, the subdivider may be represented by a land planner, engineer, surveyor or legal counsel.~~

Sec. 90-32. - Submittal requirements.

The subdivider or owner shall ~~file~~submit all necessary documents~~the appropriate number of copies of the development plan,~~ as outlined in the development plan application packet. Each drawing shall measure 24 inches by 36 inches and shall be drawn to a scale of no less than 100 feet to one inch, unless otherwise approved by the town manager. When necessary, the development plan may be on several sheets accompanied by an index sheet showing the entire subdivision. Such development plan shall be accompanied by a completed application and shall contain the following information:

...

(6) *Proposed blocks, lots and zoning building-setback lines.* The subdivision shall show all proposed blocks, lots, front yard zoning building-setback lines, and rear or side yard zoning building-setback lines adjacent to rights-of-way, with principal dimensions.

...

(13) *Preliminary drainage plans.* A preliminary drainage plan shall accompany the development plan. This study shall show contours, acreages, runoff, existing/proposed storm drain lines, pipe sizes, direction of flow, inlet locations, headwalls, points of discharge, detention/retention features, channels, creekways, 100-year floodplain limits, fully developed 100-year floodplain limits, and connections to any existing systems. The engineer shall also analyze any off-site acreage that contributes to the subdivision, as well as any off-site storm drain extensions, grade to drain locations or required easements.

...

(20) *Tree survey.* A tree survey subject to the requirements and conditions enumerated in division 2, article III of chapter 94,~~tree permits~~Preservation.

...

(22) *Comprehensive master plan features.* All applicable features of the comprehensive master plan relative to the proposed subdivision, including land use plan, urban design plan, park

and open space plan, water master plan, wastewater master plan, and drainage/stormwater master plan, ~~and specific area plans~~, if applicable.

Secs. 90-334 – 90-50. – Reserved.

DIVISION 2. - REVIEW PROCEDURES

Sec. 90-51. - Scheduling and consideration.

The appropriate fees and ~~number of copies of the development plan~~ required documentation, as described in section 90-323, shall be submitted to the town manager. ~~The development plan shall be considered administratively complete after it is examined and determined to be in compliance with the general and administrative provisions of this article by the town manager and the director of public works or their designee.~~ The development plan shall be scheduled for consideration within the time period prescribed by law. on the first available planning and zoning commission agenda, as determined by the date of acceptance for review and the calendar schedule ~~as maintained by the town manager.~~

Sec. 90-52. - Distribution of Notation on development plans.

The following notice shall be stamped included on the face of ~~each the~~ development plan: "Development plan - for inspection purposes only; not an official document approved for record purposes." ~~The town manager shall distribute the development plans immediately upon receipt to the development review committee.~~

...

Sec. 90-54. - Comments; written staff report.

Based on the development review committee's review, a written staff report and analysis shall be prepared and submitted to the planning and zoning commission relative to the proposed subdivision's compliance to the regulations of this article, the comprehensive master plan and other master plans such as utility plans.

Sec. 90-55. - Review by planning and zoning commission.

(a) *Items for consideration.* The planning and zoning commission shall, in its action on the development plan, consider the physical arrangement of the subdivision, including the alignment and configuration of street and thoroughfare rights-of-way and determine compliance with the land use plan, thoroughfare plan, and any other applicable provisions of the comprehensive master plan, taking into consideration the recommendations of town staff. The planning and zoning commission shall also review and recommend that appropriate easements for proposed or future utility service and surface drainage are provided, and that the lot size and area comply with the minimum requirements for the type of sanitary sewage disposal proposed. Where connection to an approved sanitary sewage collection and treatment system is not proposed, all lots and building sites shall contain a minimum area of two acres, unless otherwise approved based upon Texas Administrative Code 285.4 or as allowed through cluster or conservation development standards. ~~studies of the particular soil conditions and evaluation of the topographic and geologic character of the area being subdivided.~~

(b) *Action.* Following review of the development plan and other materials submitted for conformity to the regulations of this article, including changes deemed advisable and the kind and extent of improvements to be made by the subdivider, the planning and zoning commission shall act thereon as submitted or modified, and, if approved, the planning and zoning commission shall express its approval as conditional approval and state the conditions of such approval, if

any, or if disapproved, shall express its disapproval and its reasons therefor. The planning and zoning commission shall act on the development plan within 30 days after the date that it is filed or such longer period as permitted by law. For purposes of this Article, the date that the development plan is filed shall be determined in accordance with Section 90-7 hereof.

(c) *Notation of action.* ~~The action of the planning and zoning commission shall be noted on two copies of the development plan, referenced and attached to any conditions relative thereto. One copy shall be returned to the subdivider and the other retained by the town manager.~~ A notation of the action taken and requisite reasons therefor shall be entered in the records of the planning and zoning commission.

Sec. 90-56. - Review by town council.

(a) *Submittal.* The town manager shall, within 30 days following recommendation by the planning and zoning commission at the next available town council meeting following recommendation by the planning and zoning commission, submit the development plan, with the conditions established by the planning and zoning commission, to the town council for their consideration.

(b) *Action.* The town council shall approve or disapprove the development plan, with or without special provisions, within 30 days following recommendation by the planning and zoning commission, or such longer period as permitted by law.

(c) *Conditional Approval or Disapproval.* Development plans that are conditionally approved or disapproved by the town council shall be returned to the subdivider with a written statement that clearly articulates each specific condition for the conditional approval or reason for the disapproval. Each condition or reason specified may not be arbitrary, must be directly related to the requirements under Subchapter A. Regulation of Subdivisions of Chapter 212 of the Texas Local Government Code, and must include a citation to the law, including a statute or municipal ordinance, that is the basis for the conditional approval or disapproval.

(d) *Applicant Response to Conditional Approval or Disapproval.* After the conditional approval or disapproval of a development plan, the subdivider may submit a written response that satisfies each condition for the conditional approval or remedies each reason for the disapproval. The Town Manager shall review any submitted revisions that were required under subsection (d) and schedule the development plan for review by the appropriate governing body, which shall determine whether to approve or disapprove the subdivider's previously conditionally approved or disapproved development plan, pursuant to the guidelines set forth in subsection (d). If the revised development plan is still not in compliance with Town standards or requirements, a disapproval of the submittal must be issued no later than the fifteenth (15th) day after the date the response was submitted.

Sec. 90-57. - Effect of development plan approval.

...

(b) *Lapse of approval.* Approval of the development plan shall be valid for a period of 18 months from the date of approval, and the general terms and conditions under which the development plan approval was granted will not be changed. The town council shall withdraw its approval of a development plan unless the record plat is filed-approved by the appropriate governing body within such 18-month period or unless the 18-month period is extended by the town council at the request of the subdivider.

Sec. 90-58. - Preliminary grading release; bonding.

Upon approval of construction plans, but prior to approval of the record plat, right-of-way and lot grading may commence; provided, however, that such grading does not authorize any utility-related construction. Any such right-of-way and/or lot grading conducted prior to the approval of the record plat shall be entirely at the sole option and risk of the owner/developer. Such optional right-of-way or lot grading shall be subject to the following:

- (1) Submission of ~~an Environmental Protection Agency (EPA) Texas Commission on Environmental Quality (TCEQ)~~ stormwater pollution prevention plan (SWPPP);
- (2) Submission of a copy of the application to the ~~EPA-TCEQ~~ of a notice of intent (NOI) to begin lot grading;
- (3) Submission of grading plans to be approved by the ~~director of public works town~~; and
- (4) Submission of a restoration bond to the town in the amount of \$~~120~~,000.00 per acre that is valid for a period of ~~one~~two years. The purpose of such bond is to provide the town with a mechanism to restore proper grading and vegetation to the job site if the developer/owner fails to complete the subdivision improvements after initial clearing has occurred. The town reserves the right to call the bond at any point during the ~~one~~two-year period that it appears the job site has been abandoned, the contractor fails to respond to written notice, and the time limits for maintaining or proceeding with such construction activity are in violation of ~~EPATCEQ~~ requirements. The bond shall be returned subsequent to the filing of a record plat for the subdivision.

...

ARTICLE III. - PLATS

DIVISION 1. - GENERALLY

Sec. 90-91. - Applicability of article provisions.

~~Approval of a development plan by the planning and zoning commission and the town council shall constitute conditional approval of a record plat, subject to a determination of compliance with the provisions of divisions 1 and 2 of this article. After approval of a development plan~~Once town staff has determined a development plan meets all Town standards, the applicant may submit for ~~filing of record review with the county~~ a record plat conforming to the approved development plan that contains all or a portion of the property contained in the approved development plan (see section 90-122, conformance with development plan). Any application for a plat shall include all property under common ownership. Application for record plats for proposed subdivisions containing four or fewer lots and requiring no public improvements may be ~~filed-submitted~~ without an approved development plan.

Sec. 90-92. - Conveyance of land.

Notwithstanding any other provisions of divisions 1 and 2 of this article, record plats for the express purpose of conveying land to the town for municipal purposes and requiring no public improvements are not subject to approval of a development plan, and may be approved by the town manager ~~upon recommendation of the town engineer, director of public works and the executive director of development services~~ without the approval of the planning and zoning commission and town council. The town may waive certain record plat submittal requirements as may be appropriate for such record plats.

Sec. 90-93. - Record plat submittal requirements.

(a) The owner of land on which approval has been obtained for a development plan ~~shall~~ may have prepared and ~~submitted~~ tefor review by the planning and zoning commission. The owner shall submit the appropriate fees and ~~number of copies of the record plat and construction plans required documentation~~, as outlined in the town's record plat application packet. Each drawing shall measure 18 inches by 24 inches and shall be drawn to a scale of 100 feet to one inch, unless otherwise approved by the ~~executive director of development services~~ town manager. When necessary, the record plat may be on several sheets accompanied by an index sheet showing the entire subdivision. For large subdivisions, the record plat may be submitted for approval progressively in sections satisfactory to the planning and zoning commission.

(b) The completed application for a record plat shall contain or be accompanied by the following information:

...

(7) Zoning Building-Setback lines. Minimum zoning building-setback lines, ~~when required or approved by the planning and zoning commission~~, shall be placed on the record plat.

...

(19) *Mandatory homeowners' association documents*. ~~Two copies of a~~ Any mandatory homeowners' association documents, in accordance with the town's standard format and the requirements of article IV of this chapter, mandatory homeowner's associations, shall be submitted with the record plat for review by the town attorney's office.

...

(21) *Separate conveyance for dedicated public lands and rights-of-way*. Dedicated public lands ~~and rights-of-way~~ shall be separately conveyed to the town by a special warranty deed prior to the ~~record plat being recorded in the deed records of the county~~ issuance of the first building permit within the subdivision.

~~(22) Planned development sunset provision. For subdivisions located within a planned development district, a note shall be included on the face of the record plat indicating that the zoning may be changed by the town council to IH interim holding district if a record plat is not recorded within five years pursuant to chapter 78 of this Code.~~

(23) *Digitized submittal*. A copy of the record plat drawing must be submitted in a digitized format compatible with the town's geographic information system (GIS).

(24) *Tree survey*. If a record plat is submitted, for which the submission of a development plan is not also required, then the record plat shall be submitted with a tree survey prepared in accordance with the requirements of division 2, article III of chapter 94 of this Code.

Sec. 90-94. - Administrative approval of minor plats.

Notwithstanding any other provisions of this article, minor plats or replats involving four or fewer lots and requiring no public improvements may be approved by the town manager, ~~upon recommendation of the town engineer, the director of public works, and the executive director of development services,~~ without the approval of the planning and zoning commission or town council.

...

DIVISION 2. - REVIEW PROCEDURES

Sec. 90-121. - Scheduling Filing.

After approval of the development plan by the planning and zoning commission and town council, or after staff's determination that the development plan is filed in accordance with section 90-7, and within 18 months of the approval date unless extended by action of the town council, the subdivider may submit for approval the record plat. ~~A completed application for a record plat, meeting all the requirements of, section 90-93 shall be submitted to the executive director of development services at least 45 days prior to the meeting at which consideration is desired. The official date of the record plat, and the date on which it shall be considered administratively complete, shall be the date upon which the record plat is determined to be in compliance with the general and administrative provisions of this chapter, by the executive director of development services, or the date upon which the construction plans are found to be in full compliance with this chapter's standards, by the director of public works, whichever occurs later. Once the~~ The record plat is filed, it will then be scheduled for consideration by the on the first available planning and zoning commission within the time period prescribed by law~~agenda as determined by the date of acceptance for review and the calendar schedule as maintained by the executive director of development services.~~ For purposes of this Article, the date that the record plat is filed shall be determined in accordance with Section 90-7 hereof.

...

Sec. 90-123. - Review of construction plans.

~~The director of public works~~ Town engineering staff shall review the construction plans in relation to the submitted plat, and the record plat shall not be considered filed pursuant to section 90-7 until all comments on the construction plans have been resolved. ~~submit to the planning and zoning commission his report at the record plat presentation. The developer shall pay the reasonable cost of review of the construction plans before the record plat is presented to the planning and zoning commission.~~

Sec. 90-124. - Review by planning and zoning commission.

(a) *Action.* The record plat shall be presented to the planning and zoning commission, along with any appropriate recommendations s by ~~the executive director of development services~~ staff. The planning and zoning commission shall act on the record plat within 30 days after the official filing date. The date that the record plat is filed shall be determined in accordance with Section 90-7 hereof, unless such time is extended by agreement with the subdivider. If no action is taken by the planning and zoning commission within 30 days after the official filing date or such longer period as permitted by law~~may have been agreed upon~~, the record plat shall be deemed approved. A certificate showing the official date and failure to take action thereon within 30 days of such date shall, on demand, be issued by the planning and zoning commission, and this certificate shall be sufficient in lieu of a written endorsement or other evidence of approval.

...

(d) *Conditional Approval or Disapproval.* Record plats that are conditionally approved or disapproved by the planning and zoning commission shall be returned to the subdivider ~~by the executive director of development services~~ with a written ~~an attached~~ statement that clearly articulates each of the specific conditions for the conditional approval or reasons for the disapproval ~~reasons for such action.~~ Each condition or reason specified may not be arbitrary, must be directly related to the requirements under Subchapter A. Regulation of Subdivisions of Chapter 212 of the Texas Local Government Code, and must include a citation to the law, including a statute or municipal ordinance, that is the basis for the conditional approval or disapproval.

(e) *Applicant Response to Conditional Approval or Disapproval.* After the conditional approval or disapproval of a plat, the subdivider may submit a written response that satisfies

each condition for the conditional approval or remedies each reason for the disapproval. The Town Manager shall review any submitted revisions that were required under subsection (d) and schedule the plat for review by the appropriate governing body, which shall determine whether to approve or disapprove the subdivider's previously conditionally approved or disapproved plat, pursuant to the guidelines set forth in subsection (d). If the revised plat is still not in compliance with Town standards or requirements, a disapproval of the submittal must be issued no later than the fifteenth (15th) day after the date the response was submitted.

~~.(e) Appeal. Any subdivider aggrieved by any finding or action of the planning and zoning commission that involves the disapproval of a record plat or the jurisdiction of the town council as to dedication or improvements, shall have the right of appeal to the town council within 30 days from the date of such finding or action, but any appeal must be taken within 30 days of such action and not thereafter.~~

...

Sec. 90-126. - Action following approval.

...

(b) *Plats within the town.* The record plat for any subdivision located within the corporate limits of the town shall then be ~~caused to be~~ filed of record ~~by the town~~ in the plat records of the county, but only after the planning and zoning commission and the town council, if required, has officially acted upon the record plat with reference to improvements, dedications and utilities. Filing fees shall be paid by the developer.

...

Sec. 90-127. - Easements after approval filing of record plat.

When new easements are needed or required, or existing easements need to be relocated, after a record plat, replat or amended plat has been approved filed with the County, regardless of whether construction has been completed at the site, the owner or developer of the property burdened by such easements shall ~~file with the executive director of development services a survey showing property boundary lines, location and dimensions of all proposed and existing easements, indicating volume and page numbers, both onsite and offsite, roadways, rail lines and public rights of way crossing and adjacent to the subject property. The survey shall be certified by a registered professional land surveyor and submitted to the town for the review and approval of all separate instrument easements~~ apply for an amended plat or replat, as applicable, noting the new or revised location of the subject easement.

Sec. 90-128. - Vacating plat.

(a) The proprietors of the tract covered by a plat may request to vacate the plat at any time before any lot in the plat is sold. The plat is vacated when a signed, acknowledged instrument declaring the plat vacated is approved and recorded in the manner prescribed for the original plat.

...

DIVISION 3. - REPLATS AND PLAT AMENDMENTS

Sec. 90-151. - Replats.

(a) *Replatting without vacating preceding plat.* A replat of a subdivision or part of a subdivision may be recorded and is controlling over the preceding plat without vacation of that plat if the replat:

- (1) Is signed and acknowledged by only the owners of the property being replatted;

(2) Is approved, ~~after a public hearing on the matter at which parties in interest and citizens have an opportunity to be heard,~~ by the municipal authority responsible for approving plats; and

...

(c) *Additional requirements for certain replats.*

...

~~(2) Notice of the hearing required under section 90-151(a) shall be given before the 15th day before the date of the hearing by:~~

~~a. Publication in an official newspaper or a newspaper of general circulation in the county in which the municipality is located; and~~

~~b. By written notice, with a copy of subsection (c)(3) hereof attached, forwarded by the municipal authority responsible for approving plats to the owners of lots that are in the original subdivision and that are within 200 feet of the lots to be replatted, as indicated on the most recently approved municipal tax roll or in the case of a subdivision within the extraterritorial jurisdiction, the most recently approved county tax roll of the property upon which the replat is requested. The written notice may be delivered by depositing the notice, properly addressed with postage prepaid, in a post office or postal depository within the boundaries of the municipality.~~

~~(2) If a proposed replat described by subsection (c)(1) requires an variance or exception, a public hearing must be held by the proper town approving authorities.~~

~~(3) Notice of the hearing required under subsection (c)(2) shall be given before the 15th day before the date of the hearing:~~

~~a. By publication in an official newspaper or a newspaper of general circulation in the county in which the town is located; and~~

~~b. By written notice, with a copy of subsection (c)(4) hereof attached, to the owners of lots that are in the original subdivision and that are within 200 feet of the lots to be replatted, as indicated on the most recently approved municipal tax roll, or in the case of a subdivision within the extraterritorial jurisdiction, the most recently approved county tax roll of the property upon which the replat is requested. The written notice may be delivered by depositing the notice, properly addressed with postage prepaid, in a post office or postal depository within the boundaries of the municipality.~~

~~(43) If the proposed replat requires a variance or exception and is protested in accordance with this subsection, the proposed replat must receive, in order to be approved, the affirmative vote of at least three-fourths of the members present of the municipal planning commission or governing body, or both. For a legal protest, written instruments signed by the owners of at least 20 percent of the area of the lots or land immediately adjoining the area covered by the proposed replat and extending 200 feet from that area, but within the original subdivision, must be filed with the town in accordance with the provisions of section 78-154(d)(1) planning and zoning commission prior to the close of the public hearing.~~

~~(54) In computing the percentage of land area under subsection (c)(43), the area of streets and alleys shall be included.~~

~~(65) Compliance with subsections (c)(43) and (c)(54) is not required for approval of a replat of part of a preceding plat if the area to be replatted was designated or reserved for other than single or duplex family residential use by notation on the last legally recorded plat or in the legally recorded restrictions applicable to the plat.~~

(7) If the proposed replat described by subsection (c)(1) does not require an exception, the Town shall, not later than the 15th day after the date the replat is approved, provide written notice by mail of the approval of the replat to each owner of a lot in the original subdivision that is within 200 feet of the lots to be replatted according to the most recent town or county tax roll. This subsection does not apply to a proposed replat if the planning and zoning commission holds a public hearing and gives notice of the hearing in the manner provided by subsection (c)(3).

(8) The notice of a replat approval required by subsection (c)(7) must include:

a. the zoning designation of the property after the replat; and

b. the telephone number and email address an owner of a lot may use to contact the Town about the replat.

Sec. 90-152. - Plat amendments.

Notwithstanding any other provision of this article, the town manager, upon the recommendation of ~~the town engineer, the director of public works and the executive director of development services staff~~, is authorized to approve and issue an amending plat that is signed by the applicants only, and that is for solely one or more of the following purposes, and such approval and issuance shall not require notice, hearing or approval of other lot owners:

...

ARTICLE V. – IMPROVEMENTS

Sec. 90-211. – Administrative approval.

Subdivision improvements shall be subject to acceptance by the town manager, upon the recommendation of ~~the town engineer~~ ing staff, ~~the director of public works and the town manager.~~

Sec. 90-212. - Time frame for completion.

(a) *Plan resubmittal.* If construction has not commenced within one year after approval of the plans, resubmittal of plans may be required ~~by the town engineer for to~~ meeting current standards and engineering requirements. These plans will be reviewed and comments noted within 30 days. A fee as provided for in the fee schedule found in appendix A of this Code is required upon the resubmittal of plans for review. The term "construction" shall mean the start or commencement of construction of town-maintained facilities.

~~(b) Expiration and extension of approval. If the public improvements for a subdivision have not been constructed and accepted by the town, and the corresponding record plat for such subdivision filed in the map and plat records of the appropriate county within 18 months from the date of record plat approval by the town, such record plat shall be null and void and shall conclusively be deemed to be withdrawn, without further action by the town; provided, however, that this subsection shall not apply to record plats approved by the town prior to September 1, 1992. If the public improvements for a subdivision that was approved prior to September 1, 1992, have not been constructed and accepted by the town, and the corresponding record plat for such subdivision filed in the map and plat records of the appropriate county by February 1, 1994, such record plat shall be null and void and shall conclusively be deemed to be withdrawn, without further action by the town. An approved, unexpired record plat may be extended once for a period not to exceed 12 months, pursuant to the following provisions:~~

~~(1) The town council may extend the approval of the record plat, for good cause shown by the applicant, if there has been no significant change in development conditions affecting the~~

~~subdivision plan and the record plat continues to comply with all applicable standards and ordinances.~~

~~(2) A request for an extension of time to complete final public improvements for a subdivision pursuant to the provisions of this section shall be submitted to the town manager no later than the date the record plat expires. The request shall be in writing, and the application shall state the reason and justification for the requested extension.~~

...

Sec. 90-219. – As-built plans.

Prior to the acceptance of a subdivision by the town, the engineer for the developer shall submit to the town engineering staff ~~two~~ ^a complete sets of construction drawings of the ~~paving, drainage, water and sewer improvements subdivision~~ showing all changes made in the plans during construction and containing on each sheet an as-built stamp bearing the signature of the engineer and the date. The as-built drawings must be submitted in a digitized format acceptable to the engineering staff and compatible with the town's geographic information system (GIS).

In addition, the engineer for the developer shall submit to the town ~~staff four copies of a revised electronic version of the~~ tree survey prepared in accordance with the requirements of ~~division 2, article III of chapter 94 of this Code, tree permits~~ Preservation. This revised tree survey shall be superimposed upon the record plat to indicate the location of all protected, specimen, ~~majestic~~ and historic trees, as defined in ~~division 4, article III of chapter 94 of this Code, on the tract after completion of construction. One complete set of reproducible drawings of the utility plan sheets, containing the as-built information, shall be submitted. In addition, all of the above-cited drawings must be submitted in a digitized format compatible with the town's geographic information system (GIS).~~

...

Sec. 90-221. – Inspection fee.

Prior to the ~~acceptance issuance of the a subdivision development permit~~ by the town for the construction of a subdivision, the subdivider shall pay a design review and inspection fee equal to three percent of the estimated construction costs of the water and sewer utilities, drainage facilities, fire lanes and streets in each subdivision. If deemed necessary by staff, Tthe subdivider shall ~~file provide certified~~ copies of the executed construction contracts ~~with to~~ the town manager for a determination verification of the actual amount of the fee to be assessed against the subdivider prior to acceptance of the subdivision.

Sec. 90-222. - Cash escrow.

At the discretion of the town ~~engineer~~, if extenuating circumstances exist beyond control of the developer/owner, the town may allow the developer/owner to provide a cash escrow in the amount equal to 125 percent of the cost of the installation of the landscaping. There shall be no interest paid on the cash escrow.

...

Chapter 90 – Subdivisions. Article VI. – Standards.

DIVISION 1. – GENERALLY

~~Sec. 90-251. – Special roadway and area standards.~~

~~New residential subdivisions within a specific plan area or with frontage on principal, country or scenic roadways shall be subject to the following standards:~~

~~(1) *Specific plan area.* New residential subdivisions within a specific plan area shall conform to the land use and planning guidelines established in the comprehensive master plan for such areas.~~

~~(2) *Special roadways.* New residential subdivisions with frontage on a principal, country or scenic roadway shall be subject to the following standards:~~

~~a. *Landscaped buffer.* A landscaped buffer shall be provided adjacent to such roadway as required in section 82-212(2)a, landscaping and screening applicability. Such landscaped buffer shall be located in a dedicated easement or separate parcel, and shall be maintained by the mandatory homeowners' association.~~

~~b. *Scenic roadway setback.* The scenic roadways designated in the comprehensive master plan, namely FM 1171 from Old Settlers Road west to U.S. 377 and FM 2499 from FM 3040 (Flower Mound Road) south to the town limits, are to have the maximum preservation of existing natural features, trees and views, extensive landscaping of the roadside where it does not currently exist, and limitations on density of new development within 1,000 feet of the roadway centerline. Compliance with this section shall be at the determination of the town council, upon recommendation by the planning and zoning commission.~~

~~(Code 1989, ch. 12, § 4.02)~~

Secs. 90-25~~12~~—90-270. - Reserved.

DIVISION 2. – LOTS AND BLOCKS

...

Sec. 90-272. - Lot depth, lines and frontage.

(a) *Depth.* Lot depth ~~should~~shall not exceed 2½ times the lot width~~., unless an exception is approved by the Town Council after receiving a recommendation from the planning and zoning commission.~~

...

~~Sec. 90-276. — Exception for industrial lots.~~

~~An industrial subdivision shall be processed for approval in the same manner as provided for a residential subdivision, except that individual lots are not required on such plat, and only streets, blocks, easements and minimum building lines shall be indicated.~~

...

Sec. 90-311. – Street design standards.

...

(c) The spacing of median breaks and drive approaches shall be as set forth in subsection (a) of this section, unless otherwise approved by the town engineering staff. ~~The criteria for the spacing of median breaks shall not apply in specific plan areas of the town's comprehensive master plan, as amended.~~ In addition to the above criteria, no residential drive shall be closer than 35 feet from any intersection.

...

Sec. 90-375. – Streetlights and traffic control devices.

Streetlights comparable with those required on public rights-of-way must be provided. Street lighting design plans shall be approved by the town manager or his designee. Design plans and locations of all traffic control devices shall be approved by the town engineering staff~~or his designee~~. The design, size, color and construction of all traffic control devices must comply with

those required in public rights-of-way. A sign stating that a street is private shall be provided at the entrance to every private street from a public street.

Sec. 90-376. - Utility connection.

Utilities to any part of the subdivision shall not be connected until the requirements of this chapter are met, and the town ~~engineer~~ has issued a certification of compliance of proper construction of the private streets and private alleys.