

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

SEPTEMBER 14, 2020

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

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AN AGENDA INFORMATION PACKET IS AVAILABLE ONLINE AT www.flower-mound.com/AgendaCenter
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There will be limited seating in Jody Smith Hall to allow for social distancing.

Meeting participants may be asked to wait in the lobby until their name is called.

Comments regarding any item on this agenda can be sent to the Planning & Zoning Commission by emailing pz@flower-mound.com or by calling 972-874-6005.

A. CALL MEETING TO ORDER 6:30 P.M. *(or immediately following the SMARTGrowth Committee Meeting)*

B. PUBLIC COMMENT

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

C. 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).

D. DIRECTOR'S REPORT

1. Development Update

E. REGULAR ITEMS

This part of the agenda consists of discretionary items either relating to zoning or a requested variation from the Town's development standards. If a public hearing is required, it will be noted next to the item on the agenda. Typically, the Planning & Zoning Commission will make a recommendation to Town Council on these types of projects.

1. *Minutes of August 24, 2020*

Consider approval of the minutes of the August 24, 2020, Planning and Zoning Commission Regular Session.

2. *Z20-0006 – Grace Park Residential*

Public Hearing

Public Hearing to consider a request for rezoning (Z20-0006 – Grace Park Residential) from Agricultural District (A) to Single-Family District-15 (SF-15). The property is generally located south of Cross Timbers Road and east of Regency Park Court.

3. *SUP20-0006 – Justin Road Storage Center SUP-421*

Public Hearing

Public Hearing to consider an ordinance amending Specific Use Permit No. 421 (SUP20-0006 - Justin Road Storage Center) to allow expansion of an existing mini-warehouse facility, with an exception for meritorious design and a waiver to the Architectural Standards of the Town's Urban Design Plan. The property is generally located south of Justin Road and west of Meadow View.

4. *LDR20-0001 – Economic Development Waiver Removal*

Public Hearing

Public Hearing to consider an ordinance amending the Land Development Regulations (LDR20-0001 – Economic Development Waiver Removal) by amending Chapter 98 entitled "Zoning," of the Town's Code of Ordinances, as well as the SMARTGrowth Implementation Manual, to remove the option for economic development waivers of either environmental or community character SMARTGrowth requirements within the Town of Flower Mound.

F. ADJOURNMENT – REGULAR SESSION

I do hereby certify that the Notice of Meeting was posted on the bulletin board in Town Hall of the Town of Flower Mound, Texas, a place convenient and readily accessible to the general public at all times, on the following date and time: September 10, 2020, at 3:00 p.m., at least 72 hours prior to the scheduled time of said meeting.

LauriAnn Cash, Executive Assistant

Pursuant to Section 551.071 of the Texas Government Code, the Planning and Zoning Commission reserves the right to consult in closed session with its attorney and to receive legal advice regarding any item listed on this agenda.

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

AGENDA ITEM NO: 1

REGULAR ITEM

DATE: September 14, 2020

FROM: LauriAnn Cash, Development Services Executive Assistant

ITEM: Consider approval of the minutes of the August 24, 2020, Planning and Zoning Commission Regular Session.

I. BACKGROUND INFORMATION

The Planning and Zoning Commission held a regular meeting on August 24, 2020.

II. ATTACHMENTS

1. Draft Minutes

THE FLOWER MOUND PLANNING & ZONING COMMISSION MEETING HELD ON THE 24TH DAY OF AUGUST 2020, IN THE FLOWER MOUND TOWN HALL, LOCATED AT 2121 CROSS TIMBERS ROAD IN THE TOWN OF FLOWER MOUND, COUNTY OF DENTON, TEXAS, AT 6:30 PM

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

David Johnson	Chair
Adam Schiestel	Commissioner, Place 2
Robert Rawson	Commissioner, Place 3
Philip Del Vecchio	Commissioner, Place 5
Laura Dillon	Commissioner, Place 6
Robert Cox	Commissioner, Place 8
Timothy Fink	Commissioner, Place 9

Constituting a quorum with the following members absent:

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

And the following members of Town staff present:

Alicia Kreh	Town Attorney
Lexin Murphy	Director of Planning Services
Robert Pegg	Assistant Director of Engineering
Poornima Kashyap	Principal Planner
Claire Barnes	Planner
LauriAnn Cash	Executive Assistant

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

B. INVOCATION AND PLEDGE OF ALLEGIANCE

C. PUBLIC COMMENT

None

D. FUTURE AGENDA ITEMS

None

E. DIRECTOR'S REPORT

1. Coordination of Calendars

F. CONSENT ITEMS

1. Consider approval of the minutes of the August 10, 2020, Planning and Zoning Commission Regular Session
2. Consider a request for a Record Plat (RC20-0007 – Traditions of Flower Mound) to create a residential subdivision. The property is generally located west of Old Settlers Road and north of Harris Road.

Commissioner Cox moved to approve Consent Items 1 and 2 as presented in the agenda caption as identified above. Commissioner Rawson seconded the motion.

VOTE ON THE MOTION

AYES: Schiestel, Rawson, Del Vecchio, Dillon, Cox, Fink

NAYS: None

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

G. REGULAR ITEMS

3. Consider a request for a Site Plan (SP20-0009 – 3040 Pavilion (Morriss Commons)) to develop a retail building. The property is generally located west of Morriss Road and north of Flower Mound Road.

Staff Presentation

Claire Barnes, Planner

Applicant Presentation

Juan Vasquez, Vasquez Engineering; present for questions, no presentation

Commission Deliberation

Commissioner Cox moved to approve SP20-0009 – 3040 Pavilion (Morriss Commons), as presented. Commissioner Del Vecchio seconded the motion.

VOTE ON THE MOTION

AYES: Fink, Cox, Dillon, Del Vecchio, Rawson, Schiestel

NAYS: None

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

4. Public Hearing to consider a request for rezoning (Z20-0001 – Fieldcrest Road Residential) from Agricultural District (A) to Single-Family District-10 (SF-10). The property is generally located on the south side of Fieldcrest Road and south of Kales Lane.

Staff Presentation

Claire Barnes, Planner

Applicant Presentation

Jason Kilpatrick, Ridinger Associates; present for questions, no presentation

Spoke in Favor:

None

Spoke in Opposition:

None

Question of Informational Nature

Doug Schaumburg, 3705 Fieldcrest Road, Flower Mound
Shehal Oswal, 3616 Saint Mark Drive, Flower Mound
Don Wood, 3612 Saint Mark Drive, Flower Mound

Commission Deliberation

Commissioner Cox moved to recommend approval of Z20-0001 – Fieldcrest Road Residential, as presented. Commissioner Schiestel seconded the motion.

VOTE ON THE MOTION

AYES: Schiestel, Rawson, Del Vecchio, Dillon, Cox, Fink

NAYS: None

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

5. Consider a request for a Record Plat (RC20-0003 – Fieldcrest Addition) to create two residential lots with an exception to the grading criteria, regarding residential lot-to-lot drainage, contained in the Town's Engineering Design Criteria and Construction Standards adopted through Chapter 32 of the Code of Ordinances. The property is generally located on the south side of Fieldcrest Road south of Kales Lane.

Staff Presentation

Claire Barnes, Planner

Applicant Presentation

Jason Kilpatrick, Ridinger Associates; present for questions, no presentation

Spoke in Favor:

None

Spoke in Opposition:

None

Question of Informational Nature

Doug Schaumburg, 3705 Fieldcrest Road
Shehal Oswal, 3616 Saint Mark Drive, Flower Mound
Don Wood, 3612 Saint Mark Drive, Flower Mound

Commission Deliberation

Commissioner Cox moved to recommend approval of RC20-0003 – Fieldcrest Addition,
as presented. Commissioner Schiestel seconded the motion.

VOTE ON THE MOTION

AYES: Fink, Cox, Dillon, Del Vecchio, Rawson, Schiestel

NAYS: None

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

H. ADJOURNMENT – REGULAR SESSION 7:22 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: September 14, 2020

FROM: Chuck Russell, Principal Planner

ITEM: **Public Hearing to consider a request for rezoning (Z20-0006 – Grace Park Residential) from Agricultural District (A) to Single-Family District-15 (SF-15). The property is generally located south of Cross Timbers Road and east of Regency Park Court.**

I. ITEM SUMMARY

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

This application will require final action by the Town Council, which is scheduled for September 21, 2020.

II. APPLICATION ANALYSIS

The purpose of this request is to rezone approximately 9.796 acres of land in order to develop residential lots in conformance with the existing Master Plan designation of Low-Density Residential uses, which is defined as single family detached residential development with minimum 15,000 square foot lots or greater. The existing Agricultural zoning permits residential lots containing a minimum of two acres in size.

The property to the west is part of the Regency Park Addition and zoned Single-Family District-15 (SF-15). The property to the north across Cross Timbers Road is a part of the Bridlewood development. Property to the east is zoned a combination of Planned Development District-173 (PD-173) with Agricultural District (A) uses and a nursing or congregate care facility as well as Single-Family District-15 (SF-15) containing the Flower Mound Woods Addition. Property to the south is zoned a combination of Agricultural District (A) and Single-Family Estate District (SFE).

On July 20, 2020, the Town Council denied two applications regarding the subject property:

1. A request for a Master Plan Amendment (MPA19-0005 – Grace Park) to amend Section 1.0, Land Use Plan, of the Master Plan to change the current land use designation from Low Density Uses to Medium Density Uses.
2. A request for rezoning (ZPD19-0013 – Grace Park) from Agricultural District (A) to Planned Development District No. 177 (PD-177) with Single-Family District-10

(SF-10) uses, with certain exceptions, waivers and modifications to the Code of Ordinances.

If the subject rezoning request is approved by Town Council, the applicant will be bringing forward applications for a development plan and record plat in the future.

III. CORRESPONDENCE

The Town Code requires both public notice in a newspaper of general circulation (Denton Record Chronicle) and notification of the property owners within 200 feet of the subject property for all Zoning Amendment requests. Project No. Z20-0006 had a total of 56 Property Owner Notifications mailed. At the time this report was written, the Town had received 0 items of correspondence in support and 0 items of correspondence in opposition to the request. All written correspondence was sent directly to the Planning and Zoning Commission according to the new public communication process.

IV. ATTACHMENTS

A. Background Information

1. Vicinity Map
2. Letter of Intent

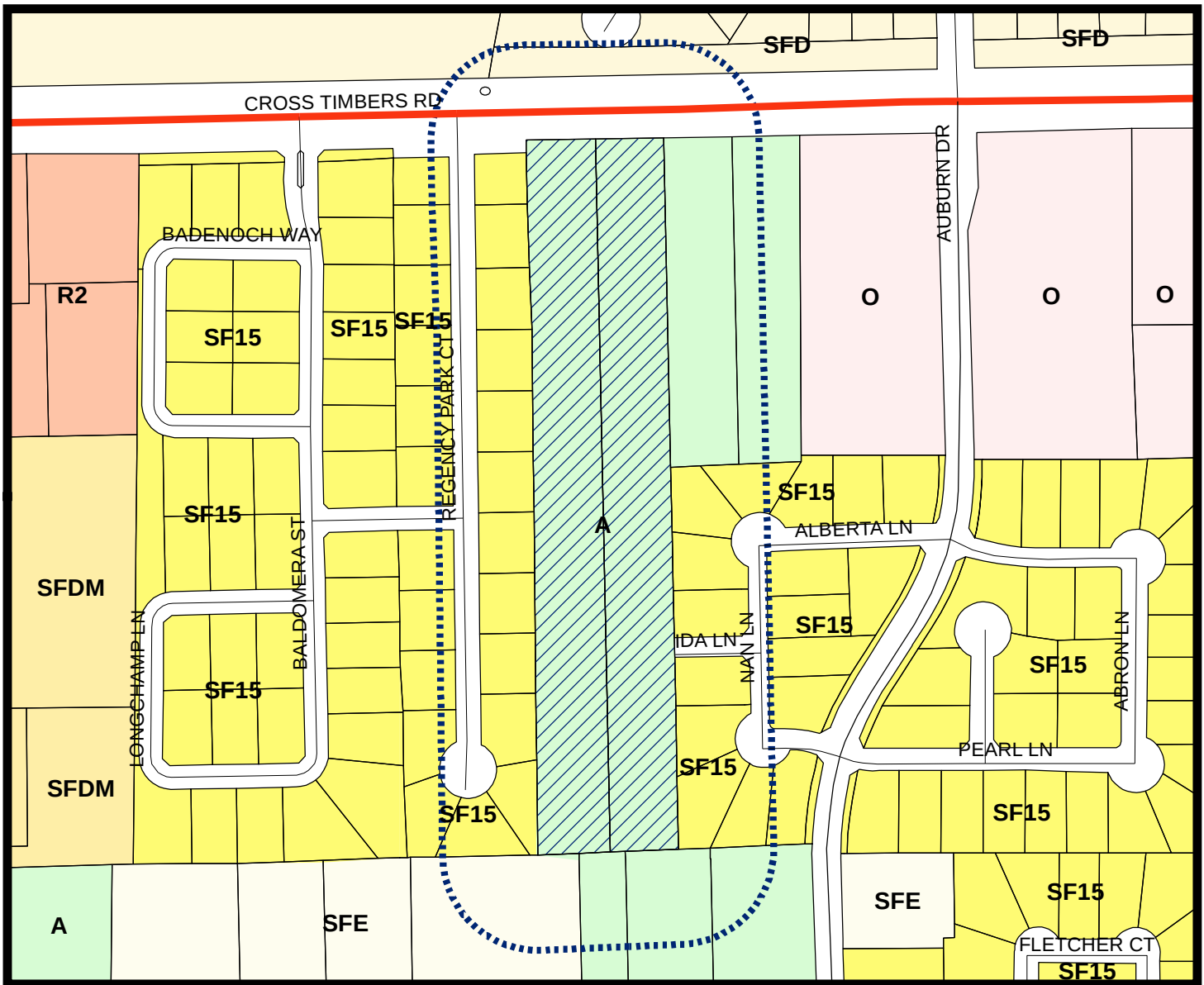
B. Application Details

1. Zoning Exhibit

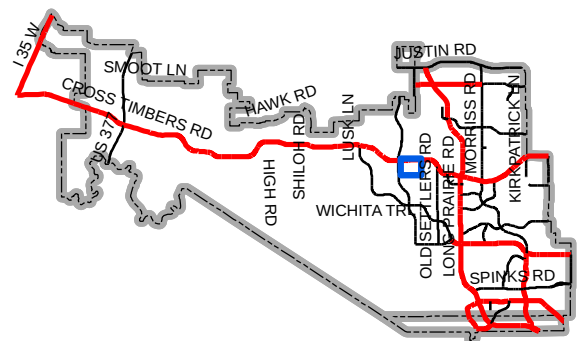
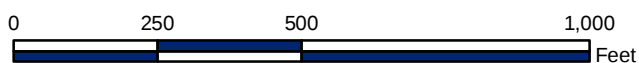
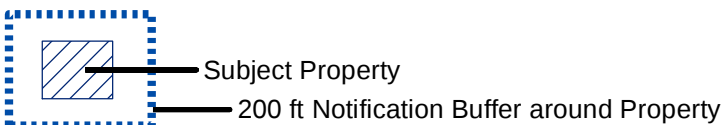
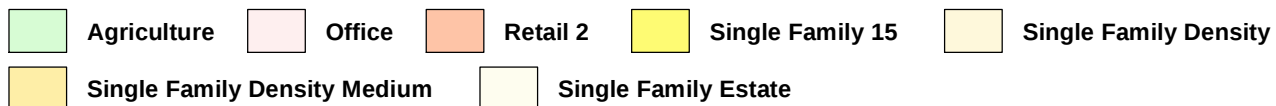


Vicinity Map

Reference Project: Z20-0006



LEGEND



Map Location



Rembert Enterprises, Inc.

3625 Bonanza Lane Flower Mound, TX 75022

July 31, 2020

Planning Division
2121 Cross Timbers Road
Flower Mound, TX 75028

RE: Grace Park (Community)
Flower Mound, Texas

To whom it may concern,

Please accept this as our formal Letter of Intent to describe the requested Zoning application.

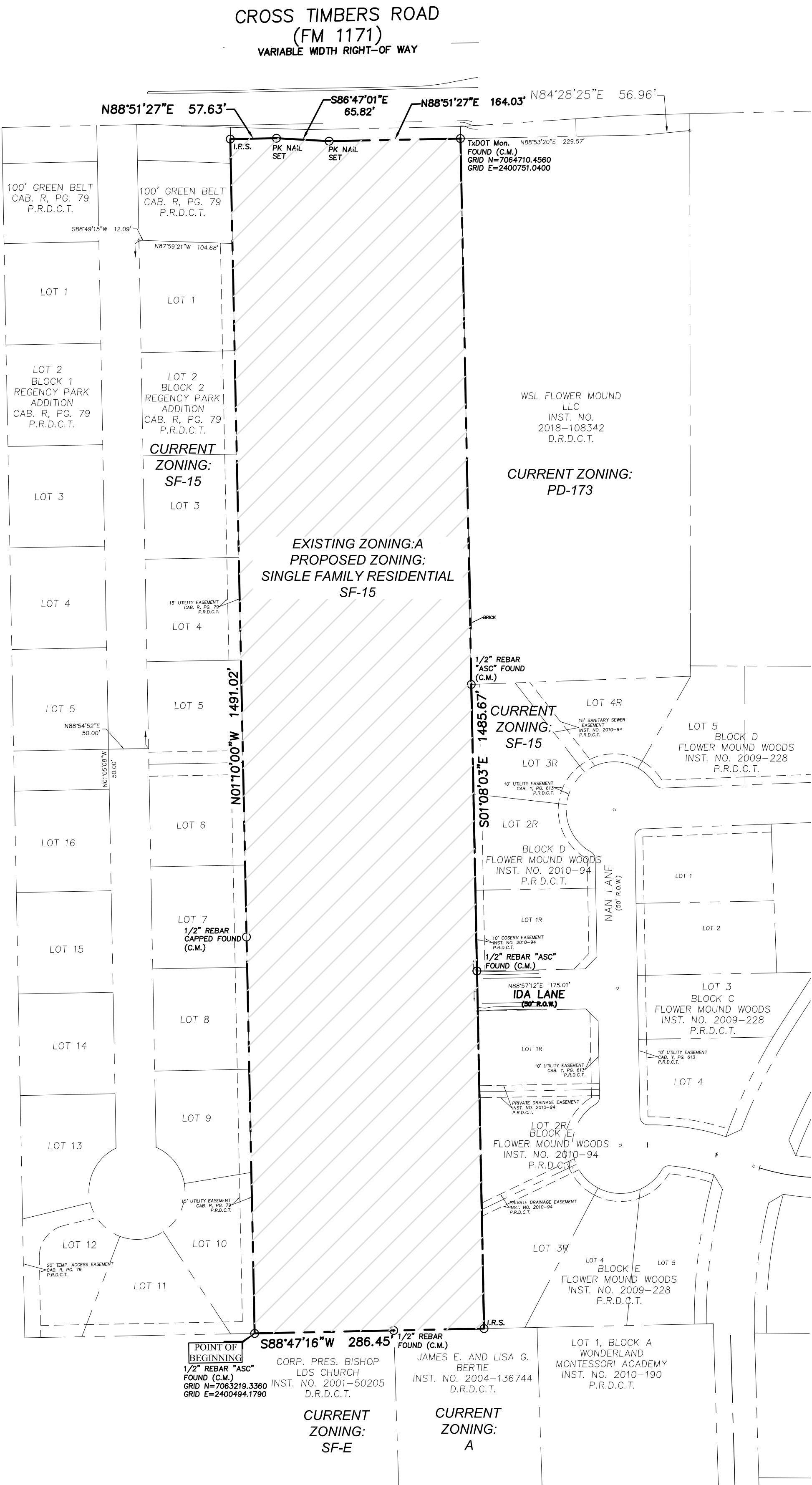
In October of 2019, we began the process of planning this +/- 9.796 acre tract of land near the Intersection of Regency Park Ct. and FM 1171 (also known as Cross Timbers Road, a public roadway), by meeting with the Town's Development Review Committee (DRC). This tract of land is surrounded by two (2) Low-Density Residential communities.

The current zoning for the property is A – Agriculture. We are requesting the zoning to be SF-15 single family detached for the property. The proposed use is consistent with the Master Plan, zoning and density of the surrounding subdivisions.

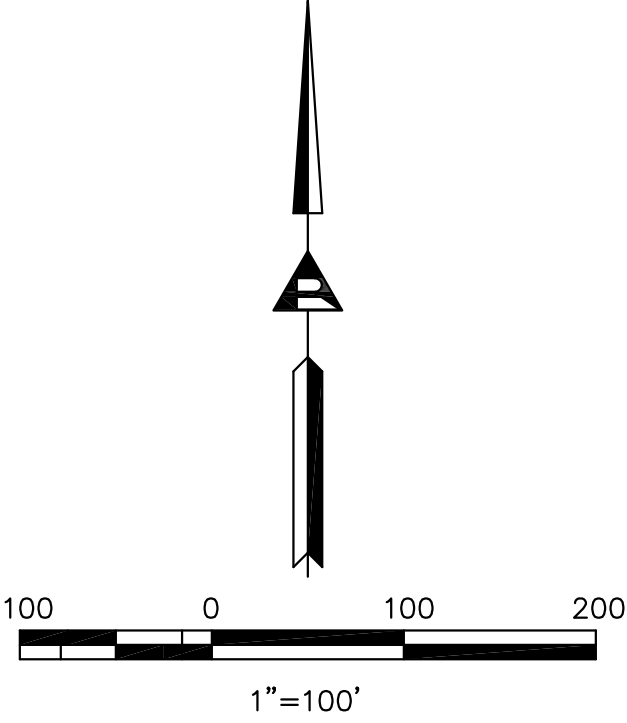
We appreciate your consideration of our project and should you have any questions, please feel free to contact us.

Sincerely,

Reginald Rembert
Rembert Enterprises, Inc.

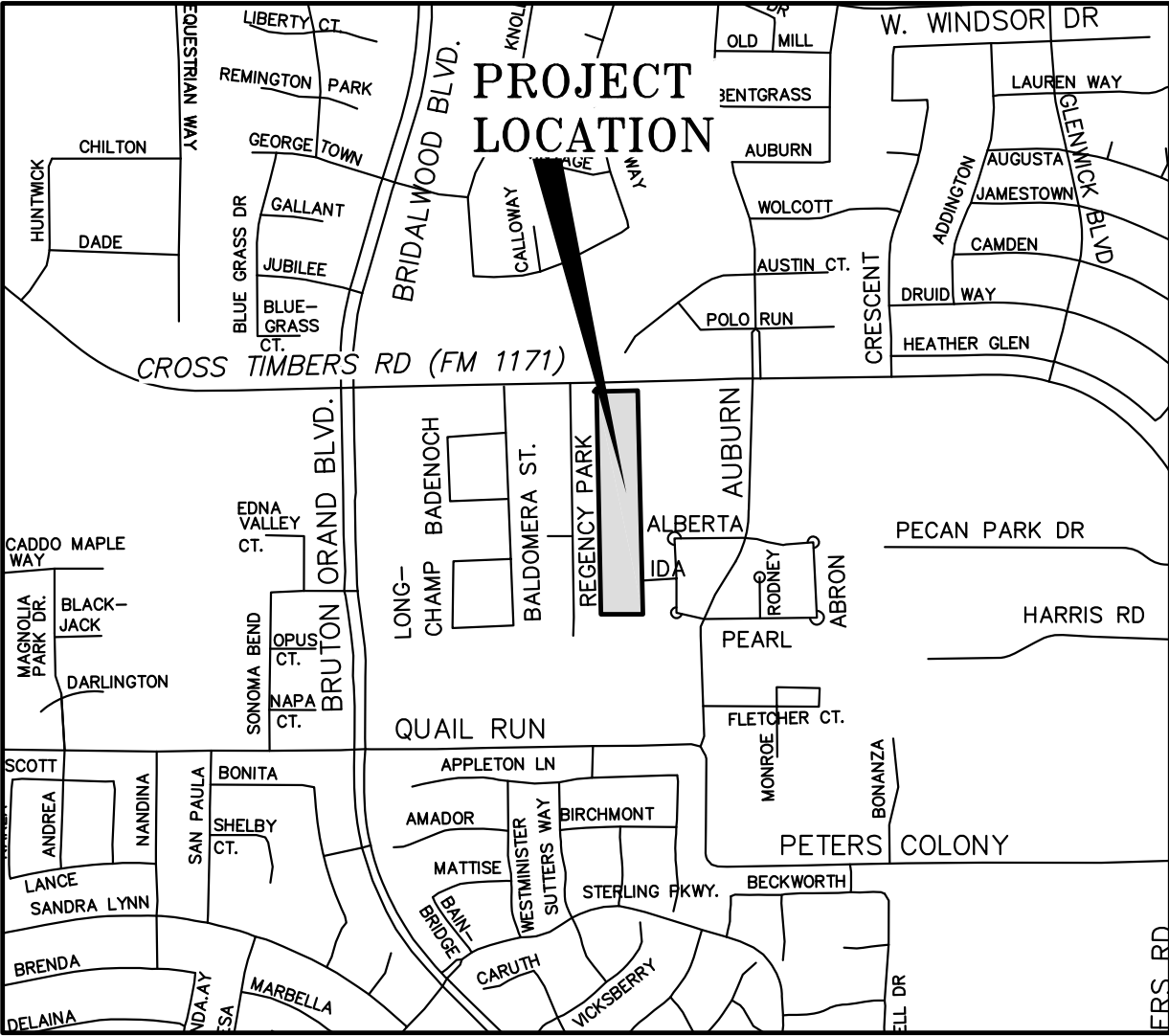


LEGEND	
D.R.D.C.T.	DEED RECORDS, DENTON COUNTY, TEXAS
P.R.D.C.T.	PLAT RECORDS, DENTON COUNTY, TEXAS
R.P.R.D.C.T.	REPLAT RECORD DENTON COUNTY, TEXAS
---	PROPERTY BOUNDARY
---	ADJACENT PROPERTY BOUNDARY



Zoning Standard	Required
SF-15	
Min. Lot Area	15,000 sf.
Min. Lot Width	80 ft.
Min. Floor Area	1,800 sf.
Min. Front Yard	25 ft.
Min. Side Yard	12 ft.
Min. Rear Yard	30 ft.
Max. Lot Coverage	35 %
Max. Height (stories/ft.)	3/35 ft.

MASTER PLAN FEATURES	
Land Use Plan	Low Density Residential
Specific Plans	None
Urban Design Plan	None
Parks and Trails	8' Trail along F.M. 1171
Open Space Plan	N/A
Thoroughfare Plan	Cross Timbers Road - Major Arterial;
Water Plan	Existing 12" WM, S. Side of Cross Timbers Rd.
Wastewater Plan	Connect to existing SS manhole at Ida Lane & to Existing 8" SS stub, at west property line of subject tract, on Cross Timbers Road.



VICINITY MAP
N.T.S.

PROPERTY DESCRIPTION:

BEING a 9.796 acre tract of land situated in the P. Malone Survey, Abstract Number 836, being a tract of land conveyed to Joe H. Keahey by deed recorded in Volume 3127, Page 343, Deed Records, Denton County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch rebar found for the southeast corner of Lot 10, Block 2 of Regency Park Addition, an addition to the Town of Flower Mound, as recorded in Cabinet R, Page 79, Plat Records, Denton County, Texas also being a point on the north line of a tract of land conveyed to Corp. Pres. Bishop LDS Church by deed recorded in Instrument Number 2001-50205, Deed Records, Denton County, Texas;

THENCE North 01 degrees 10 minutes 00 seconds West, departing the north line of said Corp. Pres. tract, with the east line of said Lot 10 and continuing with the east lines of Lots 8 and 9, Block 2 of said Regency Park, passing a 1/2 inch rebar capped found for the northeast corner of said Lot 8, same being the southeast corner of Lot 7, Block 2 of said Regency Park, a distance of 457.24 feet and continuing with the east lines of Lots 1, 2, 3, 4, 5, 6 and 7, Block 2, of said Regency Park, and continuing with the east line of a 100 foot green belt dedication as recorded in Cabinet R, Page 79, Plat Records, Denton County, Texas and continuing to the south right of way line of Cross Timbers Road (Called 180 foot right of way by Cabinet R, Page 79, P.R.D.C.T.), a total distance of 1,491.02 feet to a 1/2 inch rebar capped "ASC" set for corner;

THENCE the following three calls with the south right of way line of said Cross Timbers Road:

North 88 degrees 51 minutes 27 seconds East, a distance of 57.63 feet to a PK Nail set for corner;

South 86 degrees 47 minutes 01 seconds East, a distance of 65.82 feet to a PK Nail set for corner;

North 88 degrees 51 minutes 27 seconds East, a distance of 164.03 feet to a TXDOT Monument found for the northwest corner of a tract of land conveyed to WSL Flower Mound, LLC by deed recorded in Instrument Number 2018-108342, Deed Records, Denton County, Texas;

THENCE South 01 degrees 08 minutes 03 seconds East, departing the south right of way line of said Cross Timbers Road, with the west line of said WSL tract, passing a 1/2 inch rebar capped "ASC" found for the southwest corner of said WSL tract, same being the northwest corner of Lot 3R, Block D, Flower Mound Woods, an addition to the Town of Flower Mound, as recorded in Instrument Number 2010-94, Plat Records, Denton County, Texas, at a distance of 681.54 feet, and continuing with the west line of said Lot 3R, also with Lots 1R and 2R, Block D, of said Flower Mound Woods, passing a 1/2 inch rebar capped "ASC" found for the southwest corner of said Lot 1R, same being the northwest corner of Ida Lane (50 foot right of way line), at a distance of 1,039.14 feet and continuing with the west lines of Lots 1R, 2R, and 3R, Block E, of said Flower Mound Woods, a total distance of 1,485.67 feet to a 1/2 inch rebar capped "ASC" set for the southwest corner of said second referenced Lot 3R and lying on the north line of a tract of land conveyed to James E. and Lisa G. Bertie by deed recorded in Instrument Number 2004-136744, Deed Records, Denton County, Texas;

THENCE South 88 degrees 47 minutes 16 seconds West, with the north line of said Bertie tract, passing a 1/2 inch rebar capped "Concomon" found for the northwest corner of said Bertie tract, same being the northeast corner of said Corp. Pres. tract, a distance of 112.65 feet and continuing with the north line of said Corp. Pres. tract, a total distance of 286.45 feet to THE POINT OF BEGINNING and containing 426,698 square feet or 9.796 acres of land, more or less.

GRACE PARK
RESIDENTIAL SUBDIVISION
9.796 acres Situated in the
P. Malone Survey, Abstract No. 836
in the
Town of Flower Mound
Denton County, Texas

OWNER:
Joe H. Keahey
3861 Cross Timbers Rd.
Flower Mound, TX 75028

DEVELOPER/APPLICANT:
Rembert Enterprises, Inc.
3625 Bonanza Lane
Flower Mound, TX 75022
CONTACT: Reginald Rembert
214-213-5982

ENGINEER:
Ridinger Associates, Inc.
550 S. Edmonds Ln, Suite 101
Lewisville, TX 75067
CONTACT: Dale Ridinger
972-353-8000 Office
972-353-8011 Fax

Ridinger Associates, Inc.

Civil Engineers - Planners

Firm No. 1969

550 S. Edmonds Lane, Suite 101

Lewisville, Texas 75067

Tel. No. (972) 353-8000

Fax No. (972) 353-8011

No.

Date

Revisions

App.

GRACE PARK
RESIDENTIAL SUBDIVISION
FLOWER MOUND, TEXAS

ZONING EXHIBIT

Scale: 1" = 100'
Designed by: LDR
Drawn by: JWH
Checked by: LDR
Date: JULY 30, 2020
Project No. 035-030



PLANNING AND ZONING COMMISSION

AGENDA ITEM NO: 3

REGULAR ITEM

DATE: September 14, 2020

FROM: Poornima Kashyap, Principal Planner

ITEM: **Public Hearing to consider an ordinance amending Specific Use Permit No. 421 (SUP20-0006 - Justin Road Storage Center) to allow expansion of an existing mini-warehouse facility, with an exception for meritorious design and a waiver to the Architectural Standards of the Town's Urban Design Plan. The property is generally located south of Justin Road and west of Meadow View.**

I. ITEM SUMMARY

This application has been reviewed by DRC and determined to be ready for consideration by the Planning and Zoning Commission. There is a waiver request to the Town's regulations, which necessitates special consideration by the Commission (see Analysis below).

This application will require final action by the Town Council, which is scheduled for September 21, 2020.

II. APPLICATION ANALYSIS

The purpose of this application is to amend an existing Specific Use Permit (SUP-421) for Justin Road Storage facility to allow for the expansion of an existing mini-warehouse facility on the subject property. The property is zoned Industrial District-1 (I-1), which allows a mini-warehouse use upon approval of a Specific Use Permit (SUP) by the Town Council. The Town defines mini-warehouse as "an enclosed storage facility of a commercial nature containing independent, fully enclosed bays that are leased to persons exclusively for dead storage of their household goods or personal property."

The project is currently located on two platted lots, which will be replatted into one lot in the event this SUP is approved. On April 7, 2014, Town Council approved SUP-421 for Lot 2R (4.685 acres) consisting of four single story buildings, approximately 94,680 square feet with a total of 663 units. The current request is to incorporate Lot 1R consisting of 0.838 acres into the SUP and add 11 more storage units that will be intended for boats and recreational vehicles (RV).

Lot 1R is developed with a 5,000 square-foot metal industrial building, which the applicant is redeveloping, and proposing to add another 5,000 square-foot new building, for a total of a 10,000 square-foot expansion of the SUP. As the 'Redevelopment' section of the Town's Urban Design Plan (UDP) is applicable to the existing metal building, the existing building is not subject to any waivers to the architectural standards

of the UDP. The purpose of this section is to encourage redevelopment of old, existing, non-compliant buildings by bringing them closer to compliance. The applicant is proposing to clad the metal building with bricks on the north (visible from Justin Road) and east facades to match with the existing storage facility. The majority of the south façade shares a common wall with the new building and the applicant is proposing to paint the west metal façade. The building does not have a pitched roof, as would typically be required by the UDP, and the doors and windows on the east façade exceed the 50 percent limit. However, they are moving the building/site closer to conformance and increasing the building's enduring quality and design.

15. Redevelopment

15.1. Buildings / sites planned for redevelopment are subject to the above architectural standards of the Urban Design Plan. In each case, amendments to a building's elevations and/or site plan should meet each requirement above or be in substantial conformance thereto. If complete conformance to the above standards cannot be practically achieved, substantial conformance is demonstrated by illustrating that the proposed changes to the elevations and/or site plan have moved the building / site closer to conformance with the standards and increased the building's enduring quality and design as applicable within the Town's Master Plan.

O

The applicant is requesting waivers to the following architectural standards for the new 5,000 square foot building.

A. Architectural Standards (Roof Pitch)

Section 12.1 of the Town's Urban Design standards states:

Roofs and Parapets

12.1. Roofs of non-residential buildings 15,000 square feet or less are to reflect hip and/or gable styles that replicate residential scale and pitch. In designing a residential scaled roof for non-residential buildings 15,000 square feet or less, the goal shall be a roof that provides for characteristic roof pitches/slopes of residential homes in the Town of Flower Mound (6/12 to 9/12 slope) and high steeply-pitched and/or expansive roof pitches/slopes shall be avoided. The Town Council may approve, upon recommendation from the Planning and Zoning Commission, a waiver to this request for individual projects. Such requests should only be contemplated in areas that are not adjacent to residences, are part of large-scale developments, and provide architectural detail to soften the appearance of large, tall vertical walls.

The proposed building is less than 15,000 square feet and a flat, non-pitched roof is being proposed in order to better integrate with the existing structure. Please refer to the proposed elevations in Attachment B(1).

B. Waiver to Architectural Standards (Meritorious Design)

The Urban Design Plan provides Architectural Standards for non-residential buildings in the Town with the intent of creating developments of "enduring and exemplary quality and design." The purpose of these standards is to encourage building design of meritorious quality throughout the Town and prohibit franchise architecture. Some of the architectural standards addressed are building materials, colors, roof pitch, pedestrian scale, entry points, and building orientation. As allowed by the Urban

Design Plan, an applicant can request a waiver to certain Architectural Standards if their proposal is determined to have meritorious quality and design.

Section 5.1 of the Town's Urban Design standards states:

Elevations of low-rise non-residential buildings (one to two stories) should be a minimum of 50% masonry, excluding doors and windows, consisting of stone, brick, stucco or finished tilt-wall concrete, or a mixture of those materials.

The percentage of doors and windows on the east façade of the new building is at 77 percent due to the large overhead doors designed to accommodate boat and RV storage.

Both lots currently have access from Justin Road. If the SUP were to be approved, the applicant must get site plan and replat applications approved prior to the development of the proposed use. The required parking for this use is 12 spaces and the concept plan shows 11 spaces, which is within the Town's allowable 20 percent deviation. The proposed development complies with the Town's landscape requirements.

III. CORRESPONDENCE

The Town Code requires both public notice in a newspaper of general circulation (Denton Record Chronicle) and notification of the property owners within 200 feet of the subject property for all zoning application requests. SUP20-0006 had a total of 20 Property Owner Notifications mailed. At the time this report was written, staff had not received any correspondence regarding this item.

IV. ATTACHMENTS

A. Background Information

1. Vicinity Map
2. Letter of Intent

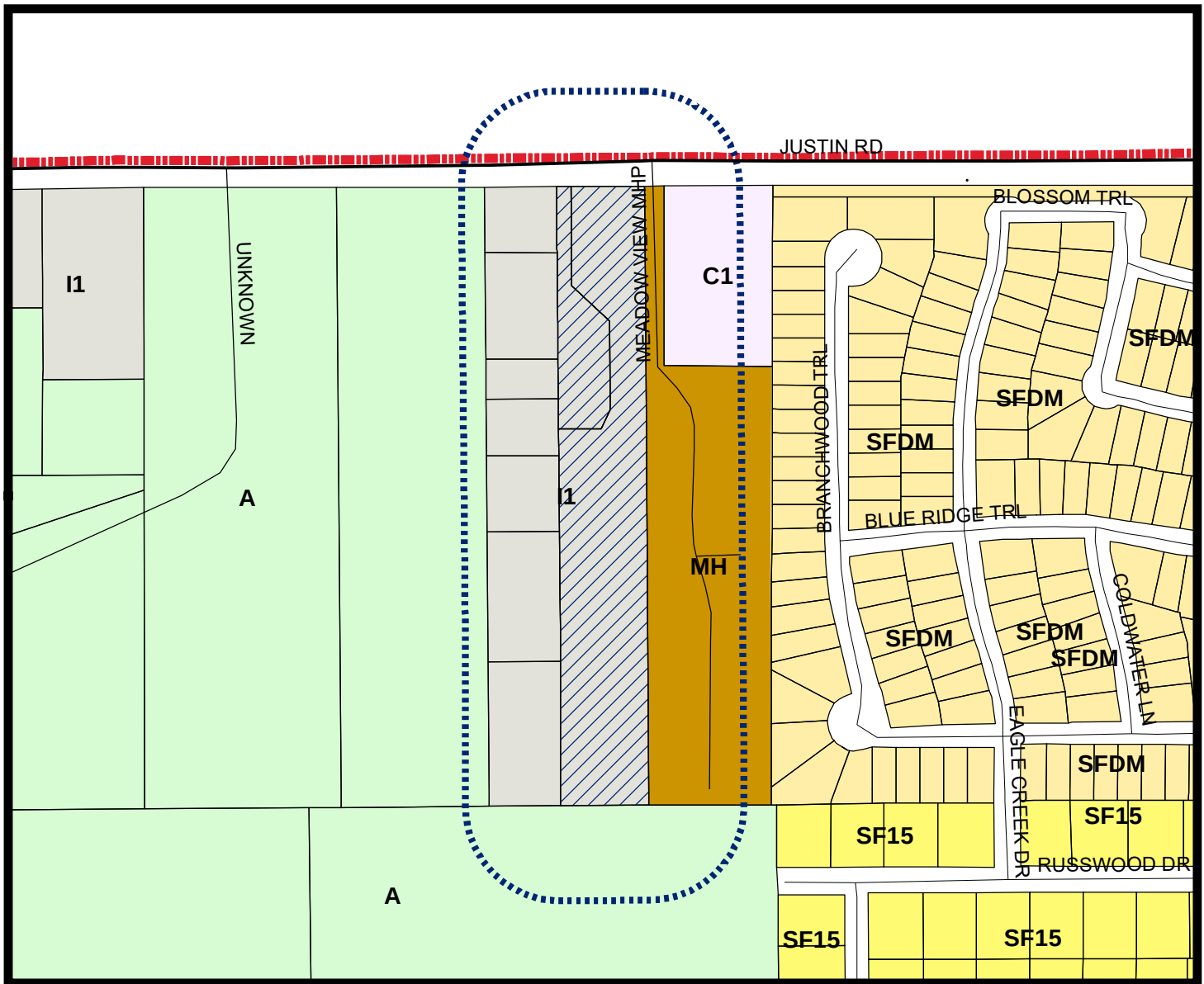
B. Application Details

1. Specific Use Permit Exhibit

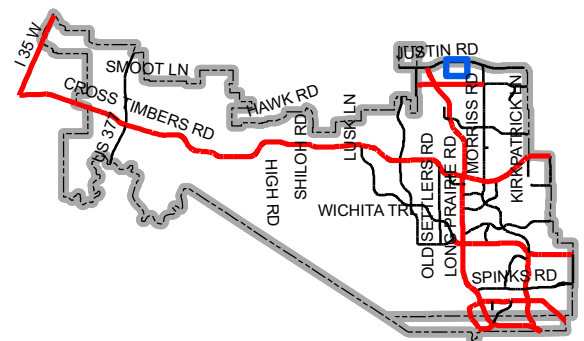
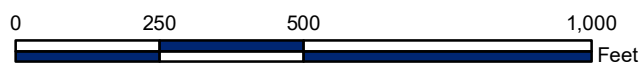
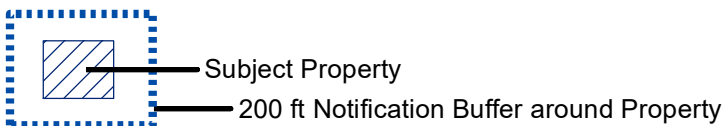
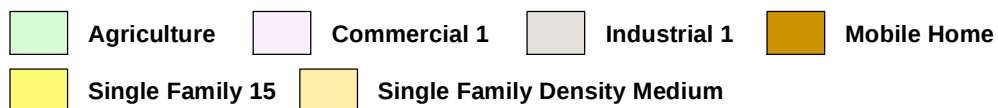


Vicinity Map

Reference Project: SUP20-0006



LEGEND



Map Location

Advantage Storage
2221 Lakeside Parkway, Suite 1260
Richardson, Texas 75082
972-547-0236
rjones@AdvantageStorage.net



22 June 2020

**Planning Department of the
Town of Flower Mound**
1001 Cross Timbers Road
Flower Mound, TX 76028

Re: Revised Letter of Intent
Amendment to the SUP Concept Plan Ordinance 16-14
And Replat
2711 Justin Road

To Whom it May Concern,

Please accept this letter and attachments as a description of our intent regarding the property located at 2711 Justin Road. We very recently closed on the purchase of the property referenced above. The ownership entity is ADV Flower Mound Justin Property, Owner, LLC, a Delaware limited liability company. The property consists of two separately platted lots, Lot 1 & 2, Justin Road Storage Center Addition. Lot 1 contains approximately 0.8379 acres and is improved with a 50' x 100' metal industrial building. This building shares a common drive with the storage facility and has a rock outside storage yard enclosed by a chain link fence. Lot 2 contains approximately 4.6847 acres and is improved with a class A self-storage facility that was completed in 2018.

Although platted together and sharing a common drive onto Justin Road, the two properties are very dissimilar in terms of architecture, quality of improvements, etc., not to mention being separated by a chain link fence. The metal industrial building currently does not have electricity, sanitary sewer or water service. It would be our goal to improve and enlarge the existing industrial building and remove the chain link fencing to provide a unified, high-quality self-storage property. Our proposed plans would include:

1. Gut the interior of the existing building, provide electrical service, add 4 new overhead and walk-through doors, provide full height brick veneer on three sides of the building and replace trim, gutters and downspouts to match the existing storage facility.
2. The proposed use for the building would be four 1,250 SF storage spaces suitable for fully enclosed boat, RV and vehicle storage.
3. We propose a 50' x 100' addition on the south end of the existing building. This space would share the existing electrical service and be divided into seven storage spaces approximately 14.28' x 50' suitable for boat, RV and vehicle storage. The building addition would be brick veneer matching the existing storage facility.
4. Remove the existing chain link fence separating the two properties.
5. Modify existing curb storm inlets to surface storm inlets.
6. Modify existing concrete to consolidate the drive area.

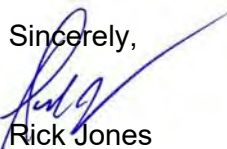
7. Remove existing gravel surface and install concrete.
8. Modify existing wrought iron fencing to secure the area in one compound accessed by the existing access gate.
9. Provide dense, mature living screen on the west side of the property from Justin Road to the north face of the existing industrial building. Currently this area has a dilapidated chain link fence which is an eyesore and provides no screening to the poor-quality property to the west, and the back of the industrial buildings currently being developed.
10. Provide new, high quality landscaping and irrigation system on Lot 1.

We respectfully request the following exceptions be granted as part of the request per staff's comments received June 17, 2020:

1. Grant an exception to the requirement of a maximum of 50% of any façade that can be doors or windows for the east side of the building addition. The building is designed for enclosed boat and RV storage and the east façade faces an interior drive and is not visible from any perimeter perspective from the street or adjoining properties.
2. Grant an exception requiring pitched gable or hip roofs on buildings containing 15,000 SF or less. The exception is needed due to the fact that the new building addition is being added onto an existing building with low sloped, standing seam metal roof. Additionally, the low slope roof pitch is consistent with not only the existing building being expanded, but is also consistent with all of the existing self storage buildings which are part of this development.

Our proposed timeline for this project is to begin immediately following acquisition of necessary planning approvals and building permit. Please let me know if you have any questions.

Sincerely,



Rick Jones

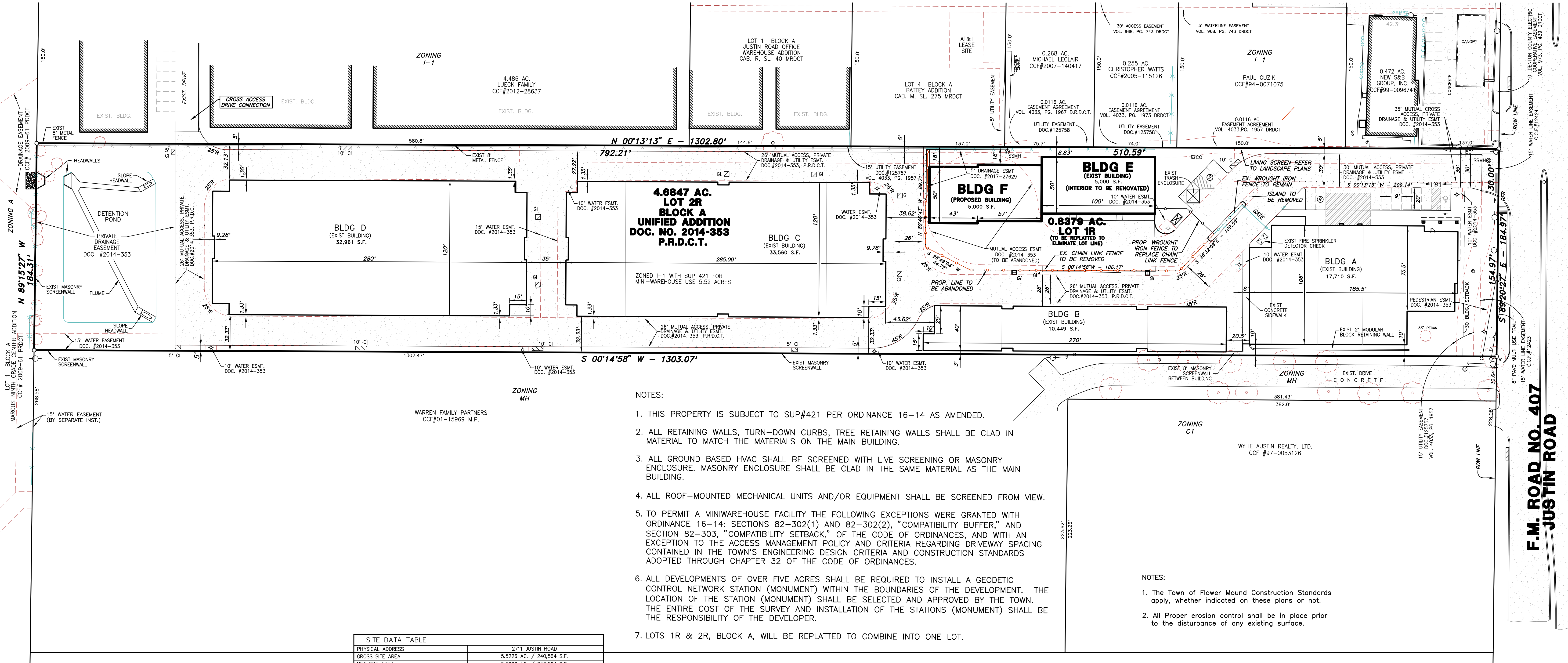
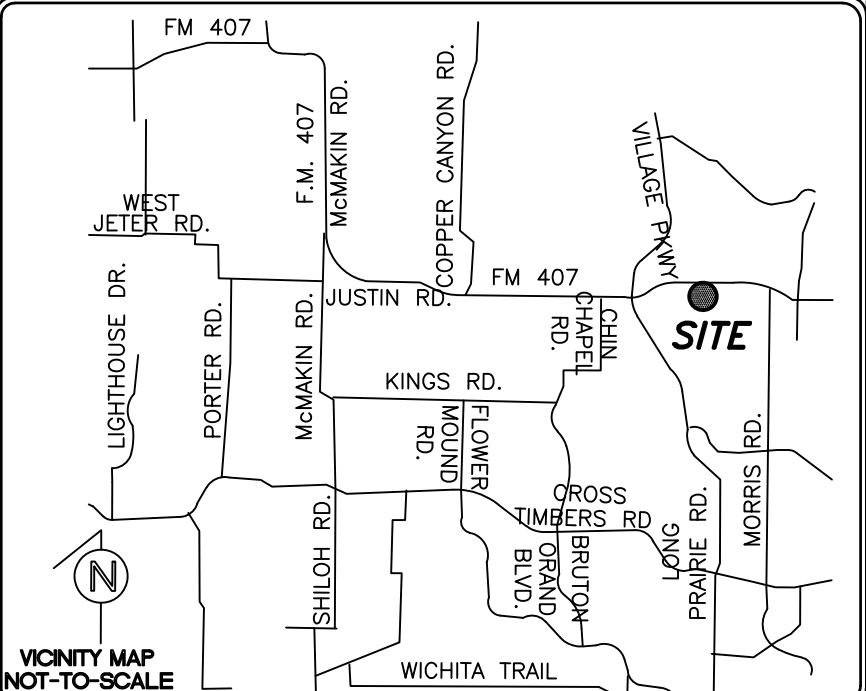
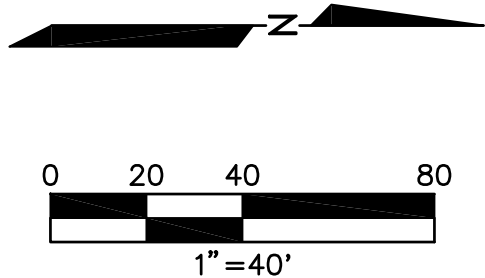
Authorized Signatory

ADV Flower Mound Justin Property Owner, LLC, a Delaware limited liability company

972-832-8933 cell

Rjones@AdvantageStorage.net

MASTER PLAN FEATURES	
LAND USE PLAN	COMMERCIAL/INDUSTRIAL
AREA PLAN	NOT IN A DISTRICT
URBAN DESIGN PLAN	LONG PRAIRIE DISTRICT
PARKS AND TRAILS	8" TRAIL ALONG SOUTH SIDE OF FM 407
OPEN SPACE PLAN	NA
THOROUGHFARE PLAN	URBAN MINOR ARTERIAL
WATER PLAN	EXISTING 12" WATER-WAKETON ELEVATED STORAGE TANK
WASTEWATER PLAN	EXISTING 8" SANITARY SEWER EAST - LONG PRAIRIE
ECONOMIC IMPACT	SEE NARRATIVE



- NOTES:
1. THIS PROPERTY IS SUBJECT TO SUP#421 PER ORDINANCE 16-14 AS AMENDED.
 2. ALL RETAINING WALLS, TURN-DOWN CURBS, TREE RETAINING WALLS SHALL BE CLAD IN MATERIAL TO MATCH THE MATERIALS ON THE MAIN BUILDING.
 3. 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.
 4. ALL ROOF-MOUNTED MECHANICAL UNITS AND/OR EQUIPMENT SHALL BE SCREENED FROM VIEW.
 5. TO PERMIT A MINIWAREHOUSE FACILITY THE FOLLOWING EXCEPTIONS WERE GRANTED BY ORDINANCE 16-14: SECTIONS 82-302(1) AND 82-302(2), "COMPATIBILITY BUFFER," AND SECTION 82-303, "COMPATIBILITY SETBACK," OF THE CODE OF ORDINANCES, AND WITH AN EXCEPTION TO THE ACCESS MANAGEMENT POLICY AND CRITERIA REGARDING DRIVEWAY SPACING CONTAINED IN THE TOWN'S ENGINEERING DESIGN CRITERIA AND CONSTRUCTION STANDARDS ADOPTED THROUGH CHAPTER 32 OF THE CODE OF ORDINANCES.
 6. ALL DEVELOPMENTS OF OVER FIVE ACRES SHALL BE REQUIRED TO INSTALL A GEODETIC CONTROL NETWORK STATION (MONUMENT) WITHIN THE BOUNDARIES OF THE DEVELOPMENT. THE LOCATION OF THE STATION (MONUMENT) SHALL BE SELECTED AND APPROVED BY THE TOWN. THE ENTIRE COST OF THE SURVEY AND INSTALLATION OF THE STATIONS (MONUMENT) SHALL BE THE RESPONSIBILITY OF THE DEVELOPER.
 7. LOTS 1R & 2R, BLOCK A, WILL BE REPLATTED TO COMBINE INTO ONE LOT.

- NOTES:
1. The Town of Flower Mound Construction Standards apply, whether indicated on these plans or not.
 2. All Proper erosion control shall be in place prior to the disturbance of any existing surface.

FLOOD NOTE

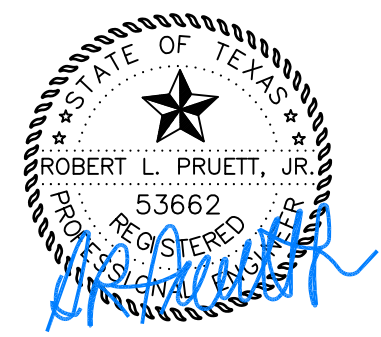
ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) - NATIONAL FLOOD INSURANCE PROGRAM (NFIP) - FLOOD INSURANCE RATE MAP (FIRM) - FOR THE DENTON COUNTY, TEXAS AND INCORPORATED AREAS - MAP NO. 48121C0530G, MAP REVISED, APRIL 18, 2011, THE PROPERTY SHOWN HEREON LIES IN ZONE "X" (OTHER AREAS).

BENCHMARKS	
SITE BENCH MARK NO. 1: CENTER STORM INLET FACE LOCATED ALONG THE SOUTH PAVEMENT LINE OF F.M. 407 WESTERLY AT A DISTANCE OF 53 FEET FROM THE NORTHWEST CORNER OF LOT 2 OF UNIFIED ADDITION. ELEVATION = 645.54'	
SITE BENCH MARK NO. 2: NEC STORM INLET LOCATED ALONG THE SOUTH PAVEMENT LINE OF F.M. 407 EASTERLY AT A DISTANCE OF 86 FEET FROM THE NORTHEAST CORNER OF LOT 1 OF UNIFIED ADDITION. ELEVATION = 640.73'	

SITE DATA TABLE		
PHYSICAL ADDRESS	2711 JUSTIN ROAD	
GROSS SITE AREA	5.5226 AC. / 240,564 S.F.	
NET SITE AREA	5.5226 AC. / 240,564 S.F.	
ZONING	I-1/SUP 421	
CURRENT USE	MINI-WAREHOUSE	
LOT COVERAGE DATA (OVERALL)		
BUILDING COVERAGE EXISTING	94,680 S.F. (39.4%)	
ADDITIONAL BUILDING COVERAGE PROPOSED	10,000 S.F. (4.1%)	
IMPERVIOUS AREA	193,135 S.F. (80.3%)	
PERVIOUS AREA	47,429 S.F. (19.7%)	
PARKING SUMMARY (OVERALL)		
OFFICE (1000 S.F.) EXISTING	REQUIRED 3 (1/300 S.F.)	PROVIDED 2 (1/300 S.F.)
MINI-WAREHOUSE (663 UNITS) EXISTING	9 (1/75 STORAGE BAYS)	9 (1/75 STORAGE BAYS)
MINI-WAREHOUSE (11 UNITS) PROPOSED		
TOTAL PARKING	12	11
BUILDING DATA		
EXISTING BUILDINGS	ONE STORY	
PROPOSED BUILDINGS	ONE STORY	
EXISTING PEAK HEIGHT	24'-0"	
EXISTING MEAN HEIGHT	11'-0"	
PROPOSED BUILDING E & F PEAK HEIGHT	17'-6" (1 STORY)	
PROPOSED BUILDING E & F MEAN HEIGHT	16'-2" (1 STORY)	
EXISTING TOTAL SQUARE FOOTAGE	94,680 S.F.	
PROPOSED SQUARE FOOTAGE	10,000 S.F.	

LEGEND	
	F.H. EXISTING FIRE HYDRANT
	F.H. PROPOSED FIRE HYDRANT
	W.M. EXISTING WATER METER
	W.M. PROPOSED WATER METER
	W.V. EXISTING WATER VALVE
	W.V. PROPOSED WATER VALVE
	CO SANITARY CLEANOUT
	P.P. POWER POLE
	GUY POWER POLE ANCHOR
	SSMH SANITARY SEWER MANHOLE
	VPP VERIZON PEDESTAL PAD
	CI CURB INLET
	IRS IRON ROD SET
	IRF IRON ROD FOUND
	R.P.R.D.C.T. REAL PROPERTY RECORDS, DENTON COUNTY, TEXAS
	D.R.D.C.T. DEED RECORDS, DENTON COUNTY, TEXAS
	M.R.D.C.T. MAP RECORDS, DENTON COUNTY, TEXAS
	EXISTING BUILDING

THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY ROBERT L. PRUETT, JR., P.E. 53662 ON 8/27/2020

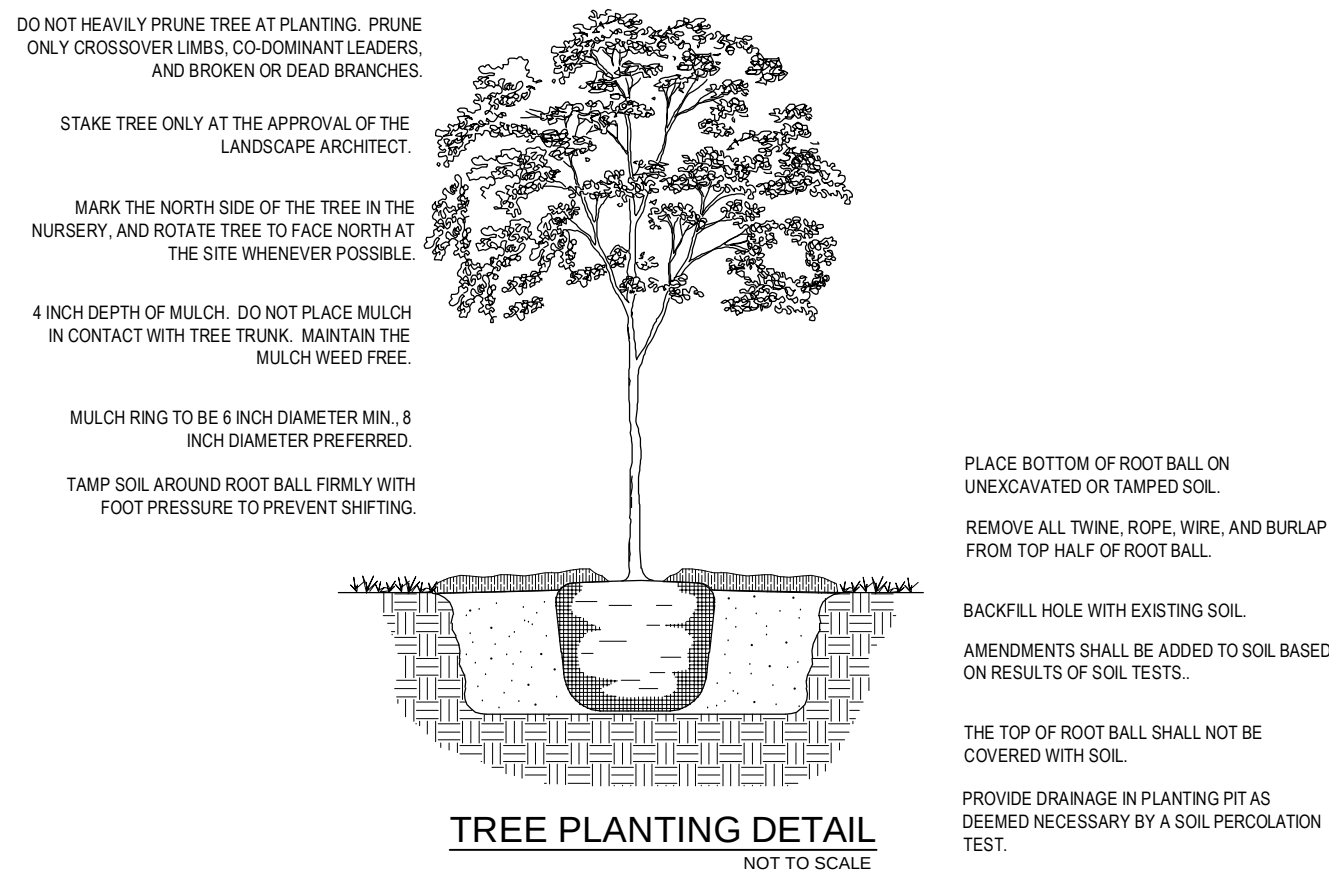
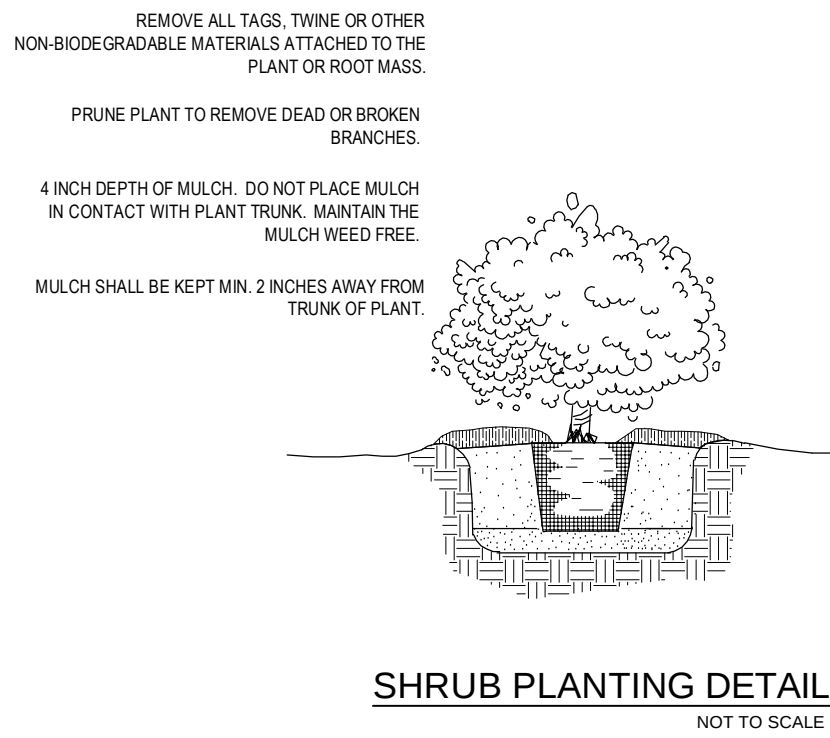
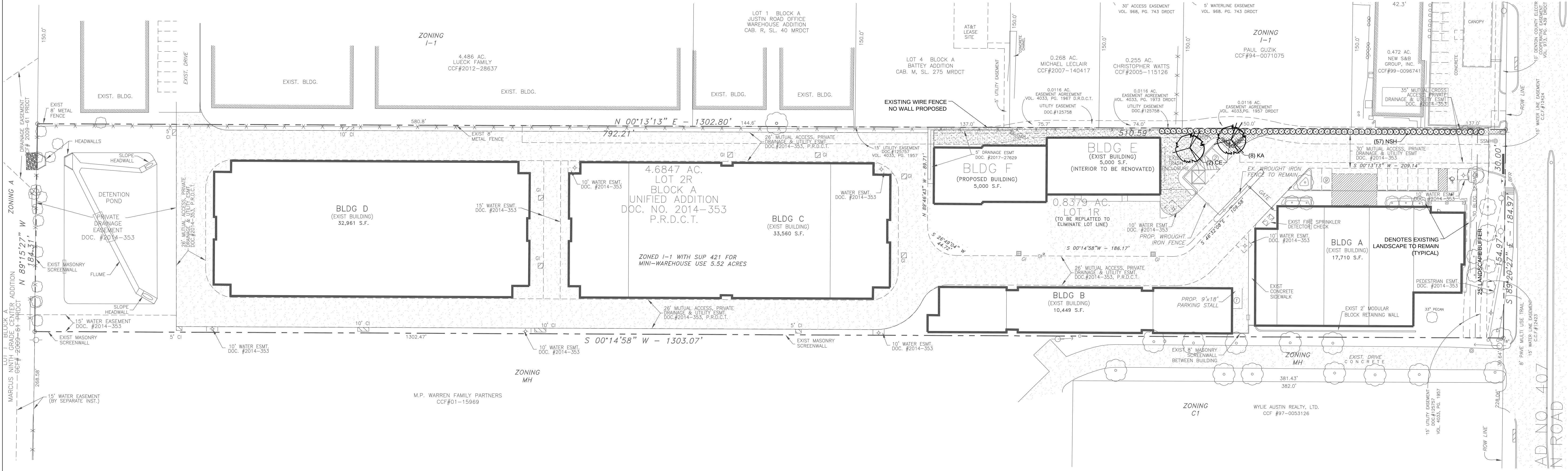


REV.	DATE	SHEET

CONCEPT PLAN
JUSTIN ROAD STORAGE CENTER
LOTS 1R & 2R, BLOCK A, UNIFIED ADDITION
BEING 5.5226 ACRES
IN THE SHELTON LUTTRELL SURVEY, ABSTRACT NO. 744
TOWN OF FLOWER MOUND, DENTON COUNTY, TEXAS
AUGUST 2020

OWNER
ADVANTAGE STORAGE
2221 LAKESIDE BOULEVARD, SUITE 1260
RICHARDSON, TEXAS 75082
(972) 547-0236
CONTACT: RICK JONES
EMAIL: RJONES@ADVANTAGESTORAGE.NET

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RICHARDSON, TEXAS 75080
(972) 385-2272
CONTACT: ROBERT L. PRUETT, P.E.
EMAIL: RPRUETT@LANDEVENGINEERS.COM



PLANT PIT TO BE AT LEAST 2X WIDER THAN ROOT BALL. SCARIFY AND ANGLE SIDES OF THE HOLE.

REMOVE CONTAINER FROM ROOT MASS. LOOSEN ROOTS FROM POTBOUND PLANTS BY SCORING OR PULLING.

DAMPEN SOIL PRIOR TO PLANTING.

BACKFILL HOLE WITH THOROUGH MIXTURE OF 1 PT. SAND, 1 PT. ORGANIC HUMUS, 1 PT. NATIVE TOPSOIL.

AMENDMENTS SHALL BE ADDED TO SOIL BASED ON RESULTS OF SOIL TESTS.

PLACE BOTTOM OF ROOT BALL ON ON TAMPED SOIL THAT HAS BEEN SETTLED WITH WATER.

PLANT SOIL LEVEL SHALL BE 1" HIGHER THAN SURROUNDING GRADE.

TAMP SOIL AROUND ROOT BALL LIGHTLY WITH FOOT OR HAND PRESSURE TO PREVENT SHIFTING.

PROVIDE DRAINAGE IN PLANTING PIT AS DEEMED NECESSARY BY A SOIL PERCOLATION TEST.

Notes

No changes shall be made to the plans, including plant material type and location without prior approval from Landscape Architect or Owner.

All plant material shall be guaranteed for a period of 1 year from date of installation completion. Wording to this effect shall be include in Contractor's proposal.

The Contractor shall notify the Landscape Architect in writing of discrepancies between the plans and actual site conditions prior to commencing work. Failure to do so shall be interpreted as the Contractor accepting such conditions and responsible at no additional cost to Owner, for any future adjustments that need to be made.

All work shall be in accordance to plans. Any defective work shall be corrected at no additional cost.

The quality of the plant material is subject to the approval of the Landscape Architect and may be rejected before or after installation. All plant material must meet all American Standard for Nursery Stock Standards (ANSNS).

All areas to be sodded shall first be tilled to a uniform depth of 4 inches in two, crossing directions. After the initial tilling operation, incorporate 1,500 pounds per acre of 10-20-10 fertilizer or as specified by a soil test. Apply amendments as specified by a soil test.

Sod strips shall be pulled tightly together in a neat orderly manner. Do not overlap sod strips and do not use any strips that exhibit weak or thin soil.

Installed sod that turns yellow shall be given 7 days to recover before it will be rejected. Replace rejected sod by completely and uniformly cutting out area to make the repair.

After installation, the sod shall be rolled in two directions with a roller not weighing less than 100 lbs. per square foot.

Amendments shall be added to each planting pit and bed area.

All burlap material on balled and burlapped plants shall be the type that decomposes within two years. Synthetic or plastic type wrappings are not allowed.

After setting balled and burlapped plants, remove the top 1/3 of the burlap and completely remove all binder twine. No burlap shall show above the surface.

All planting areas shall be graded smooth, without the presence of low spots, depressions or irregular humps. Areas around planting beds shall be constructed to re-direct drainage around and away from planting areas. All planting areas shall be constructed and graded to ensure positive drainage away from structures.

Brown Cedar mulch shall be applied within 24 hours of planting of new plant material. Mulch shall be spread evenly to a settled depth of 4" around all trees and shrubs to the limits of the planting beds as shown on plans.

All plantings shall be "watered in" by flooding the backfield hole within the same working day upon which they were planted. All plants shall be adjusted as necessary to ensure correct depth of planting, vertical alignment and/or to compensate for settling. Soil shall be firmed around around each plant as final adjustments are made.

LANDSCAPE TABULATIONS

Street Buffer Landscaping			
Street		Required Buffer Width	Provided Buffer Width
Justin Road		25'	25'
Street Buffer Trees			
Standard	Street Frontage	Required	Provided
1 Tree per 30 L.F.	Justin Road 183'	6 Trees (3" cal)	6 Ex Trees (3" cal)
Street Yard Trees			
Standard	Total Street Yard (Square Feet)	Required	Provided
1 Tree for every 1,000 sf	Justin Road 6,526.54 sf	7 Trees (3" cal)	7 Ex Trees (3" cal)
Parking Area Landscaping			
Standard	No. of Parking Spaces	Required	Provided
90 sf per 12 Spaces	11 Spaces	90 sf	634 sf
Parking Area Trees			
Standard	No. of Parking Spaces	Required	Provided
1 Tree per 10 Spaces	11 Spaces	2 Trees (3" cal)	2 new (3" cal) 6 Ex. Orn. Trees
All parking spaces to be located within 50' of a parking lot tree			

LANDSCAPE REQUIREMENT CALCULATIONS

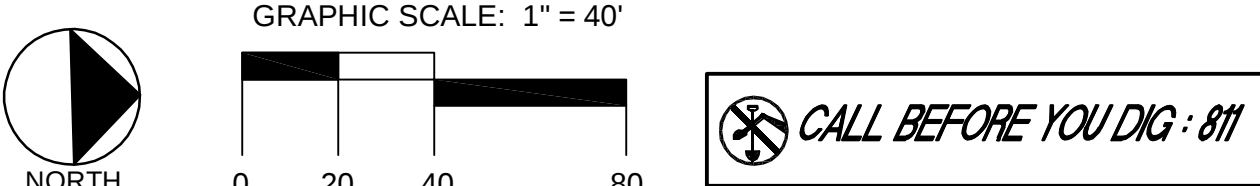
Required Street Yard Landscape Area	Min. 50%
Street Yard Area	6,526.45 s.f.
Existing Street Yard Landscape Area	5,191.67 s.f.
Percentage of Street Yard in Living Landscape	79.54%

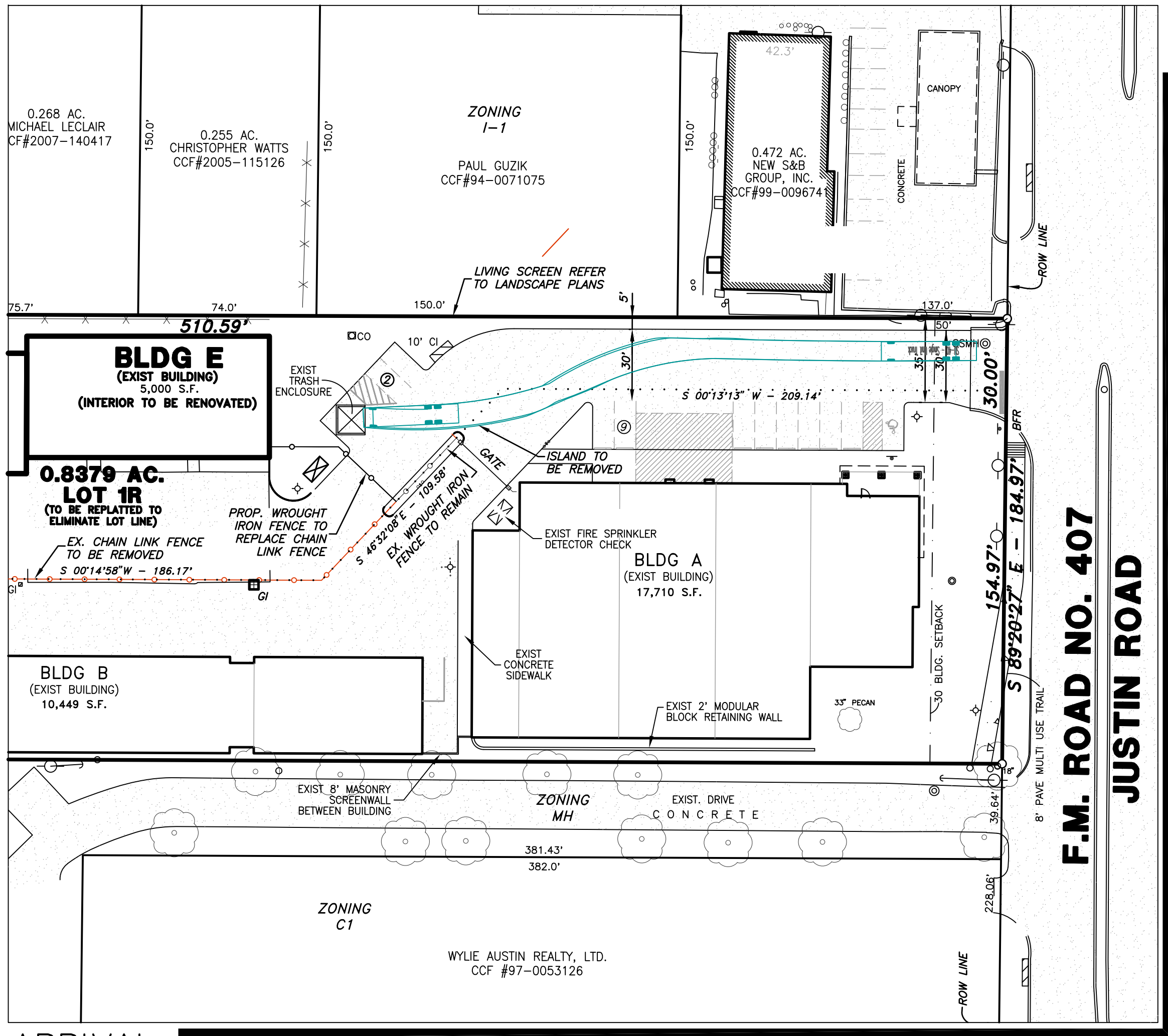
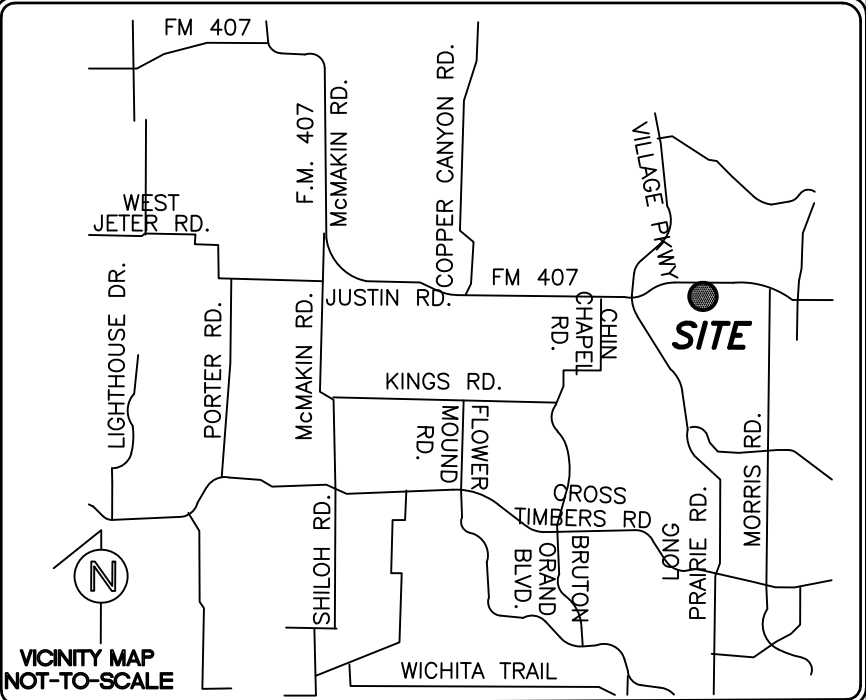
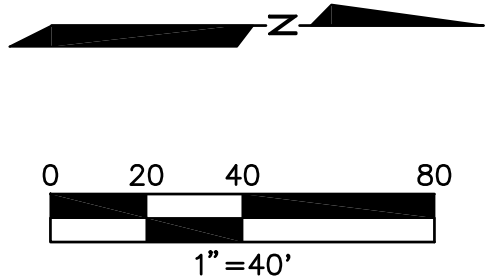
PROPOSED TREES				
Symbol	Key	Name	Size	Spacing
	CE	Elm, Cedar <i>Ulmus crassifolia</i>	3" Cal/ 10' Ht.	As Scaled

PROPOSED PLANTS				
Symbol	Key	Name	Size	Spacing
	KA	Abelia, Radiance <i>Abelia x grandiflora 'Radiance'</i>	5 Gal.	36"
	NSH	Holly, Nellie Stevens <i>Ilex x 'Nellie R. Stevens'</i>	6' Ht.	60"

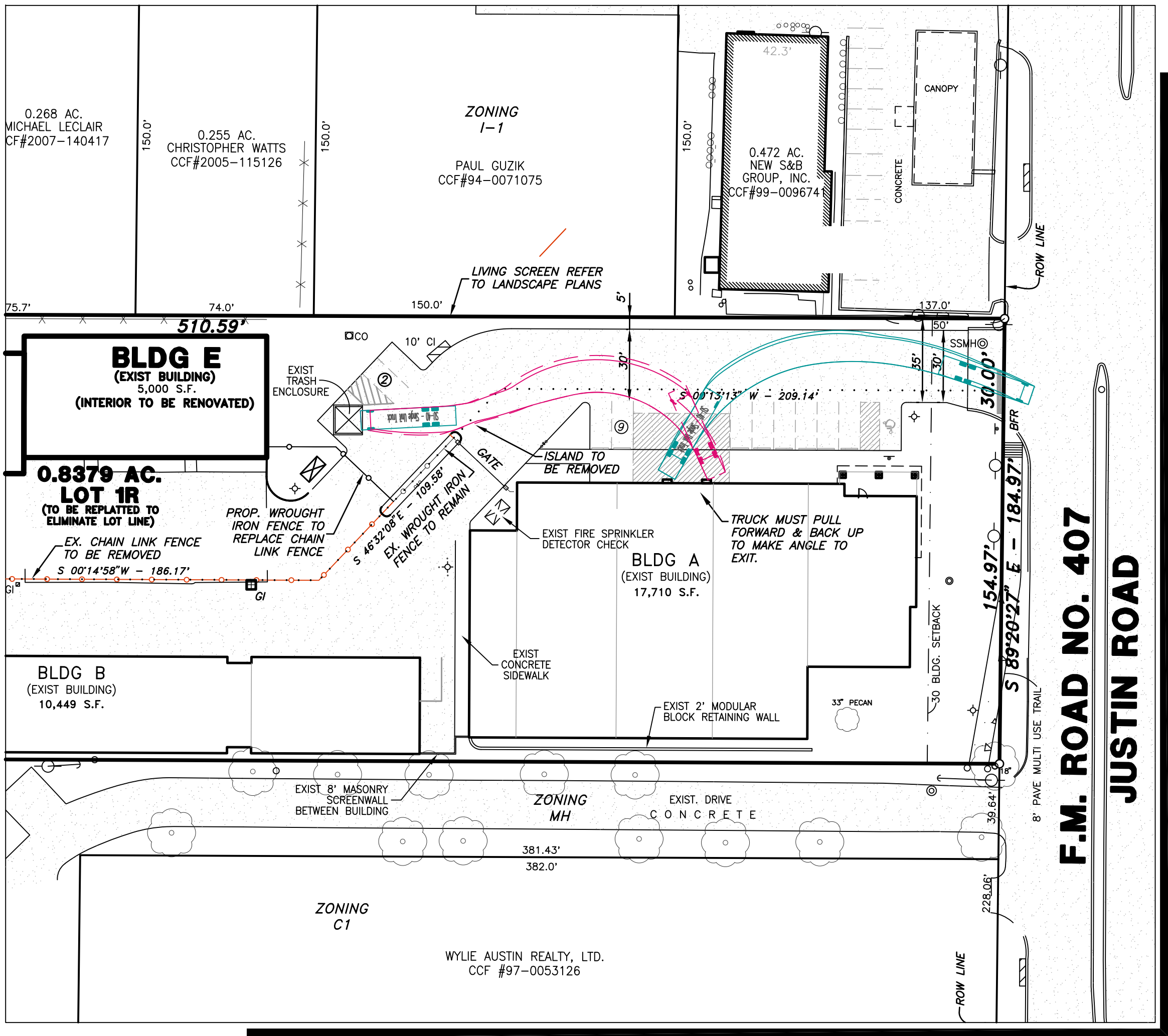
- Common Bermuda Solid Sod or Hydrosprigs- 4,100 s.f. Shown
- Bed Area - 1,550 s.f. Shown
To be Cedar Mulch, 4" Depth.
- Denotes bed line between planting areas - To be 4" x 1/8" Brown, Commercial Grade, Steel Edging

JUSTIN ROAD STORAGE CENTER LOTS 1R & 2R, BLOCK A, UNIFIED ADDITION

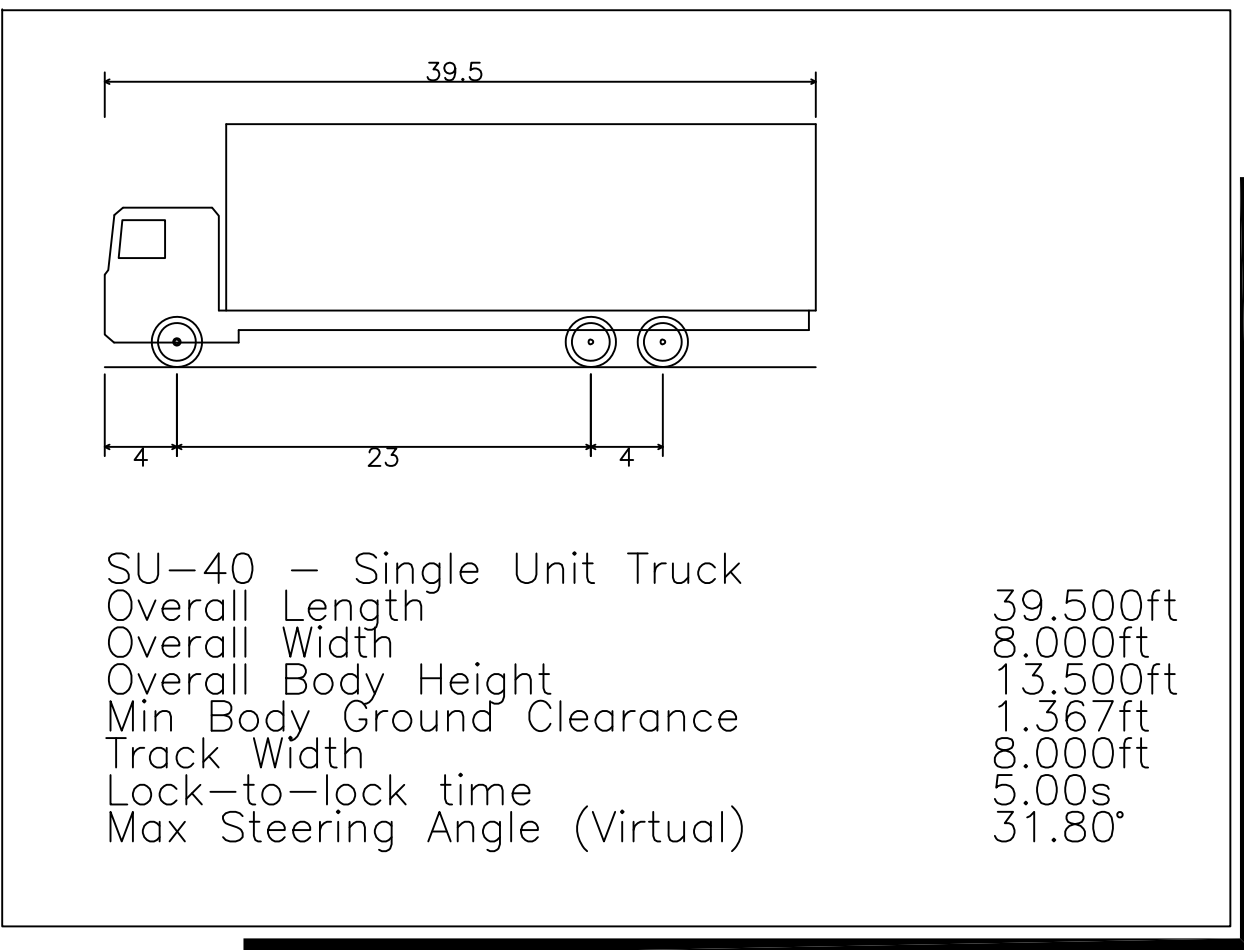




ARRIVAL



DEPARTURE



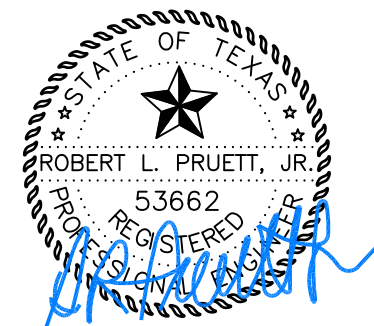
SU-40 - Single Unit Truck
Overall Length 39.500ft
Overall Width 8.000ft
Overall Body Height 13.500ft
Min Body Ground Clearance 1.367ft
Track Width 8.000ft
Lock-to-lock time 5.00s
Max Steering Angle (Virtual) 31.80°

BENCHMARKS

SITE BENCH MARK NO. 1: CENTER STORM INLET FACE LOCATED ALONG THE SOUTH PAVEMENT LINE OF F.M. 407 WESTERLY AT A DISTANCE OF 53 FEET FROM THE NORTHWEST CORNER OF LOT 2 OF UNIFIED ADDITION. ELEVATION = 645.54'

SITE BENCH MARK NO. 2: NEC STORM INLET LOCATED ALONG THE SOUTH PAVEMENT LINE OF F.M. 407 EASTERLY AT A DISTANCE OF 86 FEET FROM THE NORTHEAST CORNER OF LOT 1 OF UNIFIED ADDITION. ELEVATION = 640.73'

THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY ROBERT L. PRUETT, JR., P.E. 53662 ON 8/7/2020



REV.	DATE	SHEET

TRUCK TURN EXHIBIT
JUSTIN ROAD STORAGE CENTER
LOTS 1R & 2R, BLOCK A, UNIFIED ADDITION
BEING 5.5226 ACRES
IN THE SHELTON LUTTRELL SURVEY, ABSTRACT NO. 744
TOWN OF FLOWER MOUND, DENTON COUNTY, TEXAS
AUGUST 2020

OWNER
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NOT FOR REGULATORY
APPROVAL, PERMITTING, OR
CONSTRUCTION

SHEET TITLE
CONCEPTUAL
ELEVATIONS

SUP-10



		North	South	East	West
1.	Total Facade S.F.	876 s.f.	108 s.f.	1520 s.f.	1520 s.f.
2.	Facade S.F. (exclusive of doors and windows)	855 s.f.	108 s.f.	708 s.f.	1520 s.f.
3.	Doors and Windows S.F.	21 s.f.	0 s.f.	812 s.f.	0 s.f.
4.	Primary Masonry totals (Min. 80%)	855 s.f. and 100% of 2	0 s.f. and 0% of 2	708 s.f. and 100% of 2	94 s.f. and 6% of 2
	▪ Brick s.f. (as applicable)	855 s.f. and 100% of 2	0 s.f. and 0% of 2	708 s.f. and 100% of 2	94 s.f. and 6% of 2
	▪ Stone s.f. (as applicable)	.....	.....	.....	.....
	▪ Stucco s.f. (as applicable)	.....	.....	.....	.....
	▪ Tile Wall s.f. (as applicable)	.....	.....	.....	.....
5.	Secondary Masonry totals (max. 20%)				
	▪ EIFS s.f. (as applicable)	.....	.....	.....	.....
	▪ Handplank s.f. (as applicable)	.....	.....	.....	.....
	▪ Existing Metal Panel	.....	108 s.f.	.....	1,426 s.f.



100 NORTH TRAVIS STREET
SUITE NO.500A
SHERMAN, TEXAS 75090

903 893 5800

www.davidbacastudio.com

SCHEMATIC
DESIGN
REVIEW

NOT FOR REGULATORY
APPROVAL, PERMITTING, OR
CONSTRUCTION

REVISIONS	DATE		DESCRIPTION
	NO.		

SHEET TITLE
CONCEPTUAL
ELEVATIONS

JUSTIN ROAD STORAGE
2711 Justin Rd, Flower Mound, TX 75028

PROJECT NUMBER

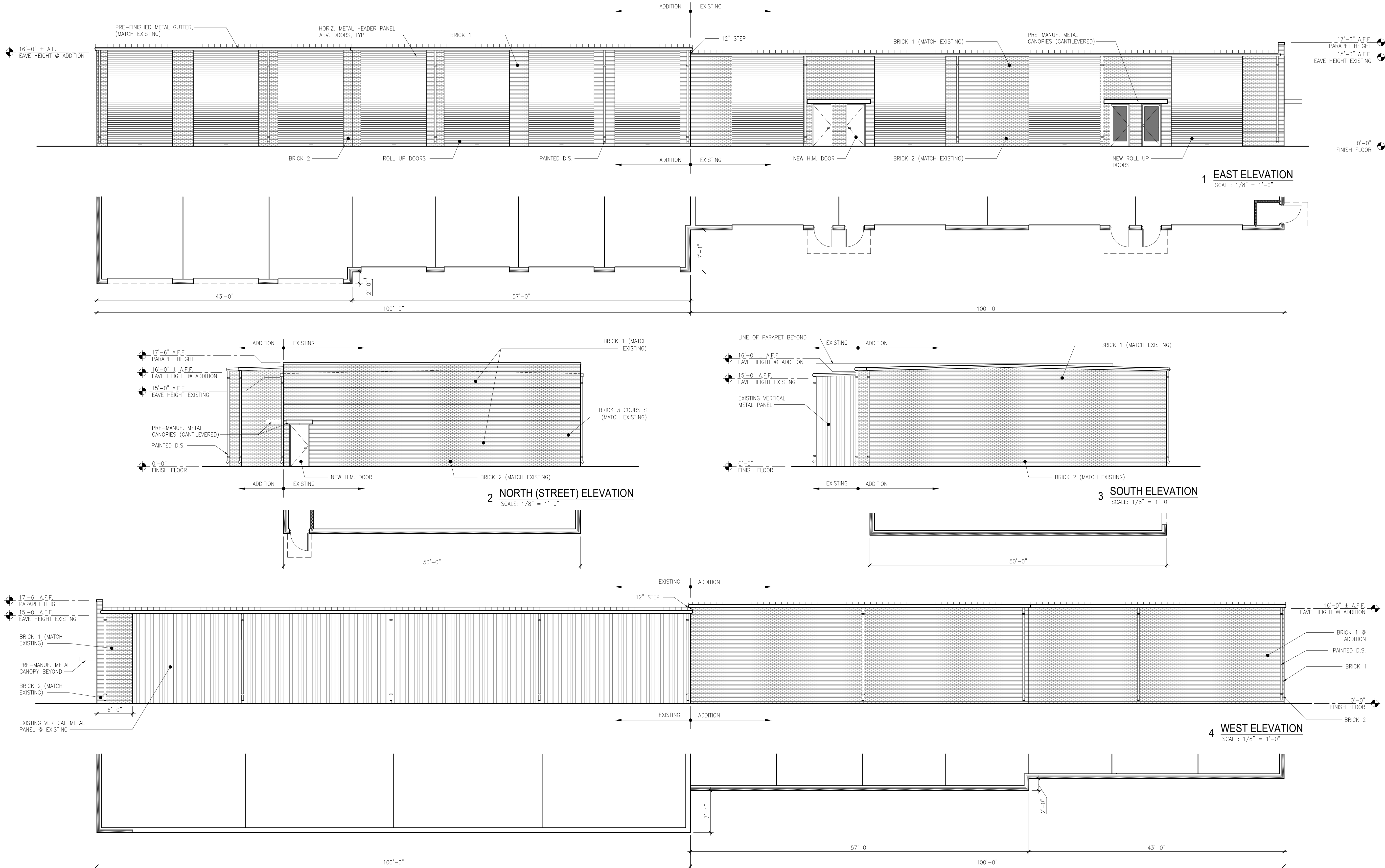
2012

DATE

05.04.20

SHEET NUMBER

SUP-1



NOTES:
1. EXISTING DUMPSTER ENCLOSURE TO BE USED
2. ANY EXTERNAL ELECTRICAL PANELS WILL BE PAINTED/TEXTURED TO MATCH THE MATERIAL AND COLOR OF THE BUILDING
3. 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 RIVER WALK SIGN REGULATIONS AND/OR TOWN REGULATIONS

MATERIAL TABULATION CHART – BUILDING “F” (NEW)

		North	South	East	West
1.	Total Facade S.F.	148 s.f.	853 s.f.	1617 s.f.	1617 s.f.
2.	Facade S.F. (exclusive of doors and windows)	148 s.f.	853 s.f.	371 s.f.	1617 s.f.
3.	Doors and Windows S.F.	0 s.f.	0 s.f.	1246 s.f.	0 s.f.
4.	Primary Masonry totals (Min. 80%)	148 s.f. and 100% of 2	853 s.f. and 100% of 2	371 s.f. and 100% of 2	1617 s.f. and 100% of 2
	• Brick s.f. (as applicable)	148 s.f. and 100% of 2	853 s.f. and 100% of 2	371 s.f. and 100% of 2	1617 s.f. and 100% of 2
	• Stone s.f. (as applicable)	-----	-----	-----	-----
	• Stucco s.f. (as applicable)	-----	-----	-----	-----
	• Tilt Wall s.f. (as applicable)	-----	-----	-----	-----
5.	Secondary Masonry totals (max. 20%)	-----	-----	-----	-----
	• EIFS s.f. (as applicable)	-----	-----	-----	-----
	• Hardiplank s.f. (as applicable)	-----	-----	-----	-----
	• Detail any additional (as applicable)	-----	-----	-----	-----

MATERIAL TABULATION CHART – BUILDING “E” (EXISTING)

		North	South	East	West
1.	Total Facade S.F.	876 s.f.	108 s.f.	1520 s.f.	1520 s.f.
2.	Facade S.F. (exclusive of doors and windows)	855 s.f.	108 s.f.	708 s.f.	1520 s.f.
3.	Doors and Windows S.F.	21 s.f.	0 s.f.	812 s.f.	0 s.f.
4.	Primary Masonry totals (Min. 80%)	855 s.f. and 100% of 2	0 s.f. and 0% of 2	708 s.f. and 100% of 2	94 s.f. and 6% of 2
	• Brick s.f. (as applicable)	855 s.f. and 100% of 2	0 s.f. and 0% of 2	708 s.f. and 100% of 2	94 s.f. and 6% of 2
	• Stone s.f. (as applicable)	-----	-----	-----	-----
	• Stucco s.f. (as applicable)	-----	-----	-----	-----
	• Tilt Wall s.f. (as applicable)	-----	-----	-----	-----
5.	Secondary Masonry totals (max. 20%)	-----	-----	-----	-----
	• EIFS s.f. (as applicable)	-----	-----	-----	-----
	• Hardiplank s.f. (as applicable)	-----	-----	-----	-----
	• Existing Metal Panel	-----	108 s.f.	-----	1,426 s.f.



PLANNING AND ZONING COMMISSION

AGENDA ITEM NO: 4

REGULAR ITEM

DATE: September 14, 2020

FROM: Lexin Murphy, Director of Planning Services

ITEM: **Public Hearing to consider an ordinance amending the Land Development Regulations (LDR20-0001 – Economic Development Waiver Removal), by amending Chapter 98 entitled “Zoning,” of the Town’s Code of Ordinances, as well as the SMARTGrowth Implementation Manual, to remove the option for economic development waivers of either environmental or community character SMARTGrowth requirements within the Town of Flower Mound.**

I. ITEM SUMMARY

This Town-initiated item proposes to amend the Town’s Land Development Regulations regarding SMARTGrowth requirements, as well as the referenced SMARTGrowth Implementation Manual, to remove the potential for an Economic Development Waiver of either environmental or community character standards.

This item will require final action by the Town Council, which is scheduled for September 21, 2020.

II. APPLICATION ANALYSIS

The SMARTGrowth ordinance and Implementation Manual have always included the ability for Town Council to waive environmental and community character requirements for specific development projects that met outlined criteria. However, there have been projects submitted in recent years that used this capability, or requested to use this capability (which only requires a simple majority approval), to go around processes that would have either resulted in additional scrutiny and review of environmental impacts or held the approval to a super majority standard. In one of these cases, the applicant stated that their (and their attorney’s) review of our adopted language led them to believe that they were automatically granted the economic development (ED) waiver if their project met the economic development criteria outlined in the Implementation Manual.

These concerns were discussed with the SMARTGrowth Commission at their last meeting on October 28, 2019, ([web link](#)). At that time, the Commission unanimously agreed to consider the topic at a future meeting and requested that staff look into and provide recommendations to address the concerns. The proposed updates clarify any potential confusion on the matter by eliminating both the ED criteria and the language that allows for waivers of SMARTGrowth standards. This does not, however, eliminate Council’s ability to incentivize projects as they see fit or to approve projects that have environmental impacts, using existing processes. The one additional change that is

proposed with this ordinance amendment is to create an exception that could be approved by Town Council for impacting water impoundment areas. That is the only environmental quality standard that did not offer a relief mechanism outside of the ED waiver process.

To date, there has not been an ED waiver requested or issued for community character requirements. When incompatibility issues in development projects have presented themselves based on community character, they have been addressed through master plan amendment or meritorious design exception requests. Therefore, no impact is expected from removing the potential for an ED waiver to community character criteria.

Attachment 1 and 2, the draft redline ordinance and SMARTGrowth Implementation Manual, note all of the proposed revisions.

IV. CORRESPONDENCE

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

V. ATTACHMENTS

1. Draft Redline Ordinance
2. Draft Redline SMARTGrowth Implementation Manual

Sec. 98-33. - SMARTGrowth Implementation Manual—Amendments.

From and after the effective date of this section, the town council adopts the amendments to the SMARTGrowth Implementation Manual, ~~which amendments are attached to Ordinance No. 54-02 as exhibit 1 and incorporated herein for all purposes,~~ to assist with the implementation of the SMARTGrowth program, ~~as amended by Ordinance No. 22-03. As shown on exhibit 1, these amendments are to section A, adequate public infrastructure, and subsections 6(B) and 7(B) of the SMARTGrowth Implementation Manual.~~

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Subdivision E. - Economic Development.

Sec. 98-140. - Economic development incentive policy.

- (a) *Eligibility; purpose.* New private capital investment (exclusive of land values) may be considered for economic development incentives by the town council, pursuant to the town's economic development incentives policy. The purpose of this criterion is to assist in meeting the goals set forth in the town's economic development and marketing plan while promoting a vigorous, diversified and regionally competitive economy, and a balanced tax base to ensure Flower Mound's long-term financial ability to respond to the service demands of both new and existing development without placing a disproportionate tax burden on homeowners. Economic development incentives may be offered ~~for the following projects,~~ in accordance with the town's economic development incentives policy.:

~~—Campus commercial projects include corporate office, office park development, hospitality and/or resort uses, private medical and health care uses, retail uses, and other business uses related to the telecommunications and bio-tech industries.~~

~~—Campus industrial projects include clean manufacturing uses related to electronic components and/or the telecommunications or bio-tech industries, logistical warehousing and distribution uses related to electronic components or other high-value products, and research and development uses.~~

~~—Retail and mixed use projects include single and multiple retail uses and mixed-use developments consisting of both office and retail uses.~~

- (b) *Application.* For nonresidential projects, depending upon the nature of the project, incentives may be applied~~approved~~ at any appropriate step in the development process, as determined by the town council, in its sole discretion.

(Ord. No. 41-02, § 3.01.1(d)5.d., 7-15-2002; Ord. No. 52-07, § 3, 7-16-2007)

Secs. 98-141—98-144. - Reserved.

Subdivision F. - Environmental Quality

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Sec. 98-148. - Water impoundment protection.

- (a) *Restrictions; purpose.* No development application or project shall be approved that proposes to eliminate, or to alter or discontinue recharge flows to, existing impoundments of water with

a surface area capacity of one-half acre or more (regardless of whether such impoundments are naturally occurring or constructed), unless an exception is granted by Town Council. All such impoundments shall be integrated into the proposed development and addressed in the development's environmental protection plan, if applicable, which shall at a minimum include such enhancements and restoration as are necessary to provide or maintain reasonable wildlife habitat, to improve the aesthetic quality in areas of shoreline transition and to stabilize shoreline areas subject to erosion. The purpose of this criterion is to protect the natural, scenic and ecological resources that are essential elements of Flower Mound's community character and that provide irreplaceable plant and wildlife habitat.

- (b) *Application*. For residential projects, applicable to applications for development plans and record plats. For nonresidential projects, applicable to applications for record plats and site plans.

(Ord. No. 41-02, § 3.01.1(d)5.e., 7-15-2002)

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~~Sec. 98-151. — Waiver of environmental quality criteria.~~

~~It is recognized that certain projects that qualify for economic development incentives, pursuant to the town's economic development incentives policy, due to their size, location, amenities and design, may necessitate waivers from the environmental quality criteria contained in this subdivision. Any requested waiver shall be evaluated during the development process and action taken thereon by the planning and zoning commission and the town council in accordance with the purposes and objectives contained in section 98-31 of the SMARTGrowth program and the town's economic development incentives policy.~~

~~(Ord. No. 52-07, § 4, 7-16-2007)~~

Secs. 98-15~~12~~—98-159. - Reserved.

Subdivision G. - Community Character

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~~Sec. 98-169. — Waiver of community character criteria.~~

~~It is recognized that certain projects that qualify for economic development incentives, pursuant to the town's economic development incentives policy, due to their size, location, amenities and design, may necessitate waivers from the community character criteria contained in this subdivision. Any requested waiver shall be evaluated during the development process and action taken thereon by the planning and zoning commission and the town council in accordance with the purposes and objectives contained in section 98-31 of the SMARTGrowth program and the town's economic development incentives policy.~~

~~(Ord. No. 52-07, § 5, 7-16-2007)~~

Secs. 98-1~~69~~~~70~~—98-230. - Reserved.

SMARTGrowth Implementation Manual

1. ECONOMIC DEVELOPMENT INCENTIVE POLICY

A PURPOSE: The purpose of this criterion is to assist in meeting the goals set forth in the Town's Economic Development and Marketing Plan while promoting a vigorous, diversified and regionally competitive economy, and a balanced tax base to ensure Flower Mound's long-term financial ability to respond to the service demands of both new and existing development without placing a disproportionate tax burden on homeowners.

~~**B. CRITERION: Economic Development Incentive Policy.** New private capital investment (exclusive of land values) exceeding the following schedule of taxable valuations may be considered for economic development incentives.~~

~~· **Campus Commercial** including corporate office, office park development, hospitality and/or resort uses, private medical and health care uses, retail uses, and other business uses related to the telecommunications and bio-tech industries exceeding a total valuation of \$10,000,000 for a single structure or \$15,000,000 for multiple buildings in a single related development.~~

~~· **Campus Industrial** including clean manufacturing uses related to electronic components and/or the telecommunications or bio-tech industries, logistical warehousing and distribution uses, and research and development uses exceeding a valuation of \$7,500,000 for a single structure or \$10,000,000 for multiple buildings in a single related development.~~

~~· **Retail and Mixed Use** including single and multiple retail uses and mixed-use developments consisting of both office and retail uses, with a single retail structure exceeding a valuation of \$5,000,000, multiple retail uses in a single related development exceeding \$7,500,000 or mixed-use developments including both office and retail when the cumulative value of all construction valuation exceeds \$10,000,000.~~

CB. METHODOLOGY: Incentives will be considered and negotiated on a project-by-project basis commensurate with the quality and character of the development and the extent to which it contributes to the accomplishment of community character and quality of life objectives. Incentives may be considered for approval by the Town Council only after community input and public hearing. The incentives may include but are not limited to the following:

- . Permit fee waivers or reductions
- . Impact fee reductions
- . Infrastructure assistance
- . Public/private partnerships
- . Performance-based tax abatements (with give back provisions in the event of non-performance)

Approval of an incentive for any project shall be at the sole discretion of the Town Council and no project shall automatically be entitled to receive an incentive.

~~D. **EXCEPTIONS:** It is recognized that certain projects that qualify for economic development incentives, due to their size, location, amenities and design, may necessitate waivers from the environmental quality and community character SMARTGrowth Criteria contained in the SMARTGrowth Program. Consequently, an applicant may submit a request for a waiver of one or more environmental quality and/or community character SMARTGrowth Criteria. Each requested waiver shall be evaluated and action taken thereon by the Planning and Zoning Commission and the Town Council in accordance with the purposes and objectives contained in Section (a) of the SMARTGrowth Program adopted by Ordinance No. 41-02.~~

EC. APPLICATION: For nonresidential projects, depending upon the nature of the project, incentives will be applied at the appropriate step in the development process, as determined by the Town. Expedited development review shall be approved administratively.

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4. WATER IMPOUNDMENT PROTECTION

A. PURPOSE: The purpose of this criterion is to protect the natural, scenic and ecological resources that are essential elements of Flower Mound's community character and that provide irreplaceable plant and wildlife habitat.

B. CRITERION: Water Impoundment Protection. No development application or project shall be approved that proposes to eliminate, or to alter or discontinue recharge flows to, existing impoundments of water with a surface area capacity of one-half acre or more (regardless of whether such impoundments are naturally occurring or constructed), unless an exception is granted by Town Council. All such impoundments shall be integrated into the proposed development and addressed in the development's Environmental Protection Plan, if applicable, which shall at a minimum include such enhancements and restoration as are necessary to provide or maintain reasonable wildlife habitat, to improve the aesthetic quality in areas of shoreline transition and to stabilize shoreline areas subject to erosion.

C. METHODOLOGY: Compliance with this criterion shall be in accordance with the applicable provisions of the Design Criteria and Construction Standards as adopted by the Town Council.

D. APPLICATION: For residential projects, applicable to applications for development plans and record plats. For nonresidential projects, applicable to applications for record plats and site plans.