

**AGENDA
TOWN OF FLOWER MOUND
SMARTGROWTH 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.**

A. CALL MEETING TO ORDER 6:00 P.M.

B. INVOCATION AND PLEDGE OF ALLEGIANCE

C. PUBLIC COMMENT

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

D. REGULAR ITEMS

1. *Minutes of October 28, 2019*

Consider approval of the minutes of the October 28, 2019, SMARTGrowth Commission Regular Session.

2. *Police Services and Fire & Emergency Services 2019 Annual Report*

Presentation of 2019 Annual Reports by the Town's Police Services and Fire and Emergency Services departments in compliance with the Town's SMARTGrowth Program, and the opportunity for the Commission to ask questions and provide input.

3. *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.

E. 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.

<p>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.</p>



SMARTGROWTH 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 October 28, 2019, SMARTGrowth Commission Regular Session.

I. BACKGROUND INFORMATION

The SMARTGrowth Commission held a regular meeting on October 28, 2019.

II. ATTACHMENTS

1. Draft Minutes

THE FLOWER MOUND SMARTGROWTH COMMISSION MEETING HELD ON THE 28TH DAY OF OCTOBER, 2019, IN THE FLOWER MOUND TOWN HALL, LOCATED AT 2121 CROSS TIMBERS ROAD IN THE TOWN OF FLOWER MOUND, COUNTY OF DENTON, TEXAS, AT 6:00 PM

The SMARTGrowth Commission met in a regular session with the following members present:

David Johnson	Chair
Brad Ruthrauff	Vice-Chair
Adam Schiestel	Commissioner, Place 2
Rob Rawson	Commissioner, Place 3
Phil Del Vecchio	Commissioner, Place 5
Laura Dillon	Commissioner, Place 6
Thomas Pickering	Commissioner, Place 7
Tim Fink	Commissioner, Place 9
Mark Glover	Representative of the Real Estate Industry
Reginald Rembert	Representative of the Development Industry

Constituting a quorum with the following members absent:

Robbie Cox	Commissioner, Place 8
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And the following members of Town staff present:

James Donovan	Town Attorney
Lexin Murphy	Director of Planning Services
Chuck Russell	Town Planner
Robert Pegg	Assistant Director of Engineering
Matt Hotelling	Traffic Engineer
LauriAnn Cash	Executive Assistant

A. CALL TO ORDER: 6:00 P.M.

B. INVOCATION AND PLEDGE

C. PUBLIC COMMENT

D. REGULAR ITEMS

- 1. Consider approval of the minutes of the February 25, 2019, SMARTGrowth Commission Regular Session.**

Commissioner Deliberation

Vice-Chair Ruthrauff moved to approve the February 25, 2019, minutes as presented. Commissioner Dillon seconded the motion.

VOTE ON THE MOTION

AYES: Schiestel, Rawson, Del Vecchio, Ruthrauff, Dillon, Pickering, Fink, Glover, Rembert

NAYS: None

ABSENT: Cox

The motion passed with a vote of 9-0.

E. ADJOURNMENT – REGULAR SESSION: 6:04 P.M.

***i.* WORK SESSION: 6:04 P.M.**

- a. Presentation and discussion of the Town’s SMARTGrowth Program, to include discussion on possible updates and/or amendments as necessary.
- b. Presentation and discussion of the Town’s Transportation Model Update and various other transportation related topics.

The work session was closed at 7:49 P.M.

TOWN OF FLOWER MOUND, TEXAS

Lexin Murphy, Director of Planning Services

ATTEST:

LauriAnn Cash, Executive Assistant



SMARTGROWTH COMMISSION
AGENDA ITEM NO: 2
REGULAR ITEM

DATE: September 14, 2020

FROM: Lexin Murphy, Director of Planning Services

ITEM: **Presentation of 2019 Annual Reports by the Town’s Police Services and Fire & Emergency Services Departments, in compliance with the Town’s SMARTGrowth Program, and opportunity for the Commission to ask questions and provide input.**

I. ITEM SUMMARY

This item fulfills the requirements of the Adequate Public Services component of the Town’s SMARTGrowth Program. No formal action is required by the Commission.

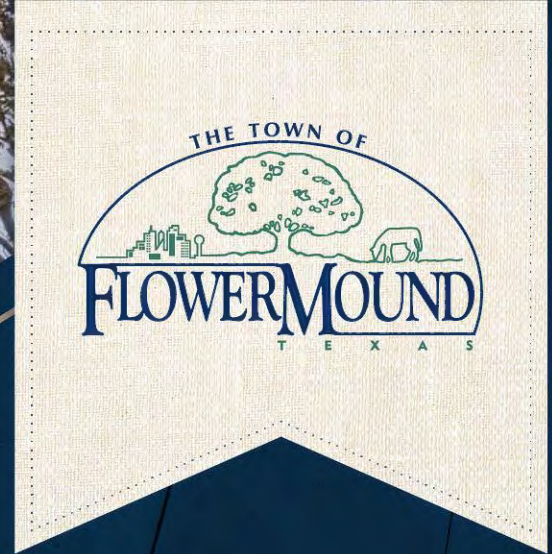
II. APPLICATION ANALYSIS

The purpose of the Adequate Public Services component of the Town’s SMARTGrowth Program is to “safeguard the public health, safety, and welfare by maintaining quality police, fire, and emergency services at a level consistent with Town growth and expectations.” One critical element of the component is the requirement for an annual report, whereby the department chiefs communicate the results of their ongoing analyses related to the equity, effectiveness, and efficiency of their departments and services. Each year, no later than 90 days after the end of the previous calendar year, the chiefs provide this report to the SMARTGrowth Commission, which also creates an opportunity for questions and feedback.

As the SMARTGrowth Commission meeting originally planned for March 23, 2020, was canceled due to the Coronavirus pandemic, the subject reports were emailed to Commissioners on March 31, 2020, as well as to Town Council members. Those reports will now be presented to the Commission by Police Chief Kancel and Fire Chief Greaser. Upon completion of the presentation, the reports will be posted on the [SMARTGrowth webpage](#) on the Town’s website.

V. ATTACHMENTS

1. 2019 Presentation – Flower Mound Police Services
2. 2019 Presentation – Flower Mound Fire & Emergency Services



2019

Public Safety Report

Flower Mound Police & Fire Departments

POLICE DEPARTMENT REPORT 2019

Validating the service levels as related to
equity, effectiveness, and efficiency.

EQUITY

- **Data regarding customer service and external complaints**
- **Documentation of accreditation**
- **Documentation of Texas Commission on Law Enforcement (TCOLE) training standards compliance**

EQUITY

Racial Profiling Complaints

Year	Complaints	Complaints Sustained
2015	1	0
2016	0	0
2017	1	0
2018	0	0
2019	0	0

Internal Affairs Complaints

Year	Complaints	Complaints Sustained
2015	5	2
2016	2	2
2017	4	3
2018	3	2
2019	2	2

EQUITY

Accreditation

Recognized by Texas Police Chiefs Association Foundation Recognition Program since 2015. Voluntarily compliance with 166 law enforcement best practices as verified by external state assessors. Received four year reaccreditation in August, 2019.

TCOLE

January, 2020 TCOLE official report shows all officers and dispatchers current with licenses and mandatory training requirements.

2019 DEPARTMENT AWARDS

(Scoring Criteria Included Crime Statistics)

No. 1 Safest City in Texas over 50,000 Population; thehomesecurityadvisor.com

No. 1 Safest City in Texas; safehome.org

No. 2 Happiest Small Towns in America; topcounselingschools.org

No. 4 Best City for Families in the United States; Apartmentlist.com

No. 5 Safest City to Raise a Child in the United States; Safewise.com

No. 16 Safest City in Texas; Safewise.com

EFFECTIVENESS

- **Review of response times by priority**
- **Review of case clearance rates**
- **Review of crime rates**
- **Review of traffic crash data**
- **Review of community programs**
- **Review of annual employee survey**
- **Review of available citizen survey results**

EFFECTIVENESS - RESPONSE TIMES

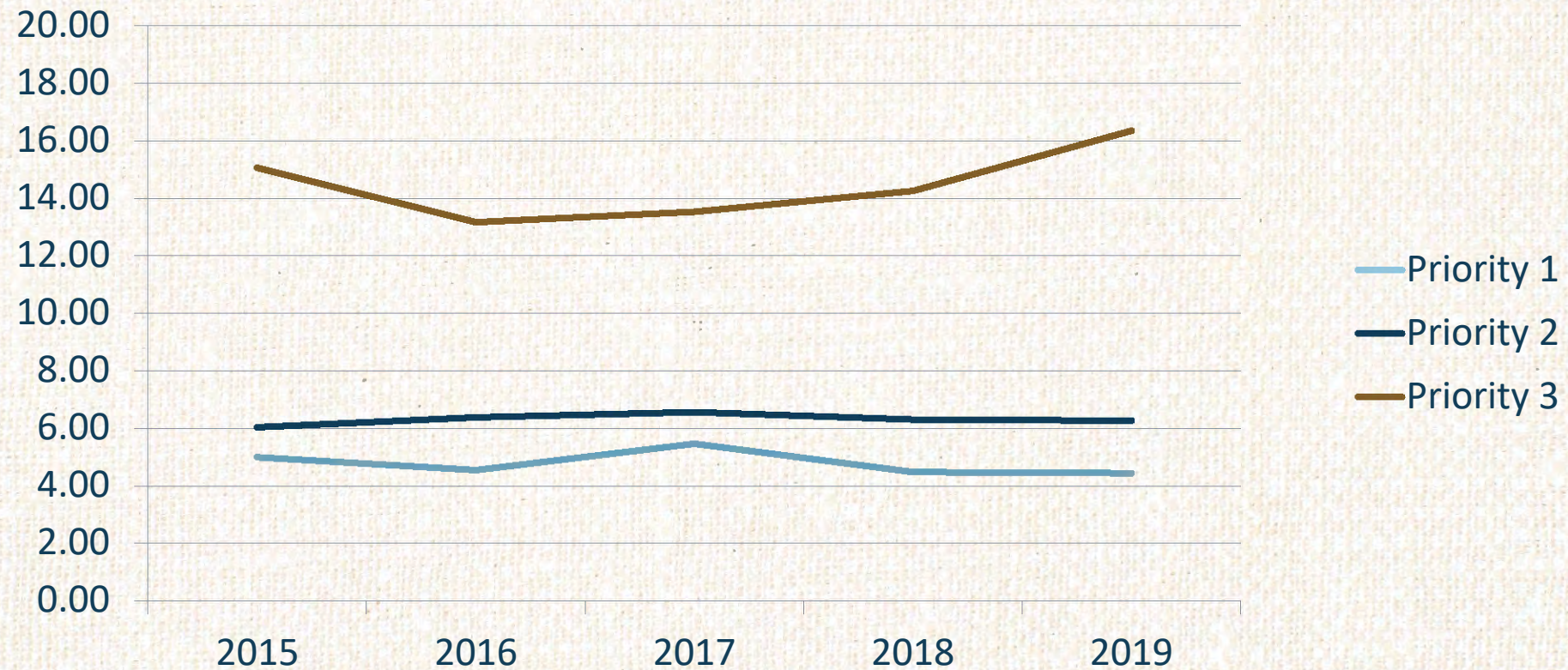
Response Times (Minutes)	2015	2016	2017	2018	2019
Priority 1	05:00	04:55	05:47	04:48	04:44
Priority 2	06:04	06:38	06:57	06:31	06:27
Priority 3	15:06	13:17	13:53	14:26	16:35

In 2019, officers responded to 43,375 incidents, conducted 7,047 traffic stops, and made 893 arrests.

Examples of priority calls:

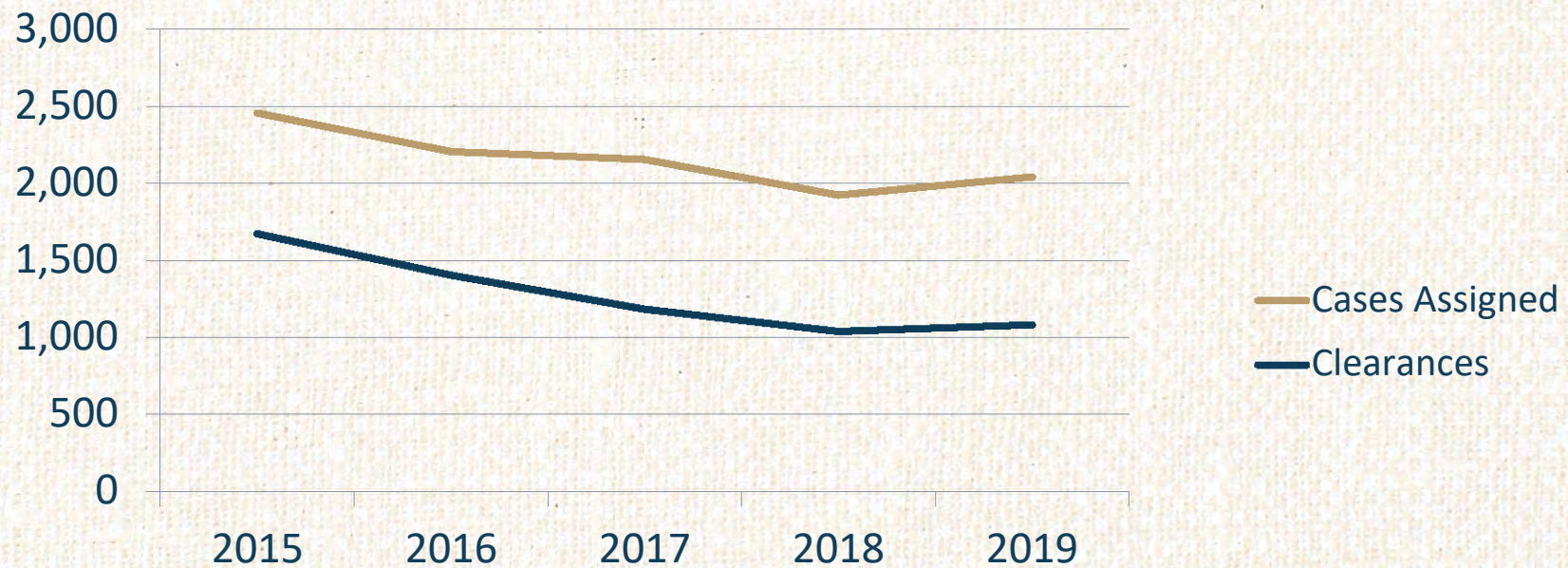
- Priority 1: Person with gun, major accident
- Priority 2: Traffic hazard, shoplifting
- Priority 3: Fraud, forgery, criminal mischief

EFFECTIVENESS - RESPONSE TIMES



EFFECTIVENESS - INVESTIGATIONS

Investigations	2015	2016	2017	2018	2019
Cases Assigned	2,458	2,208	2,155	1,925	2,043
Clearances	1,674	1,404	1,183	1,040	1,082



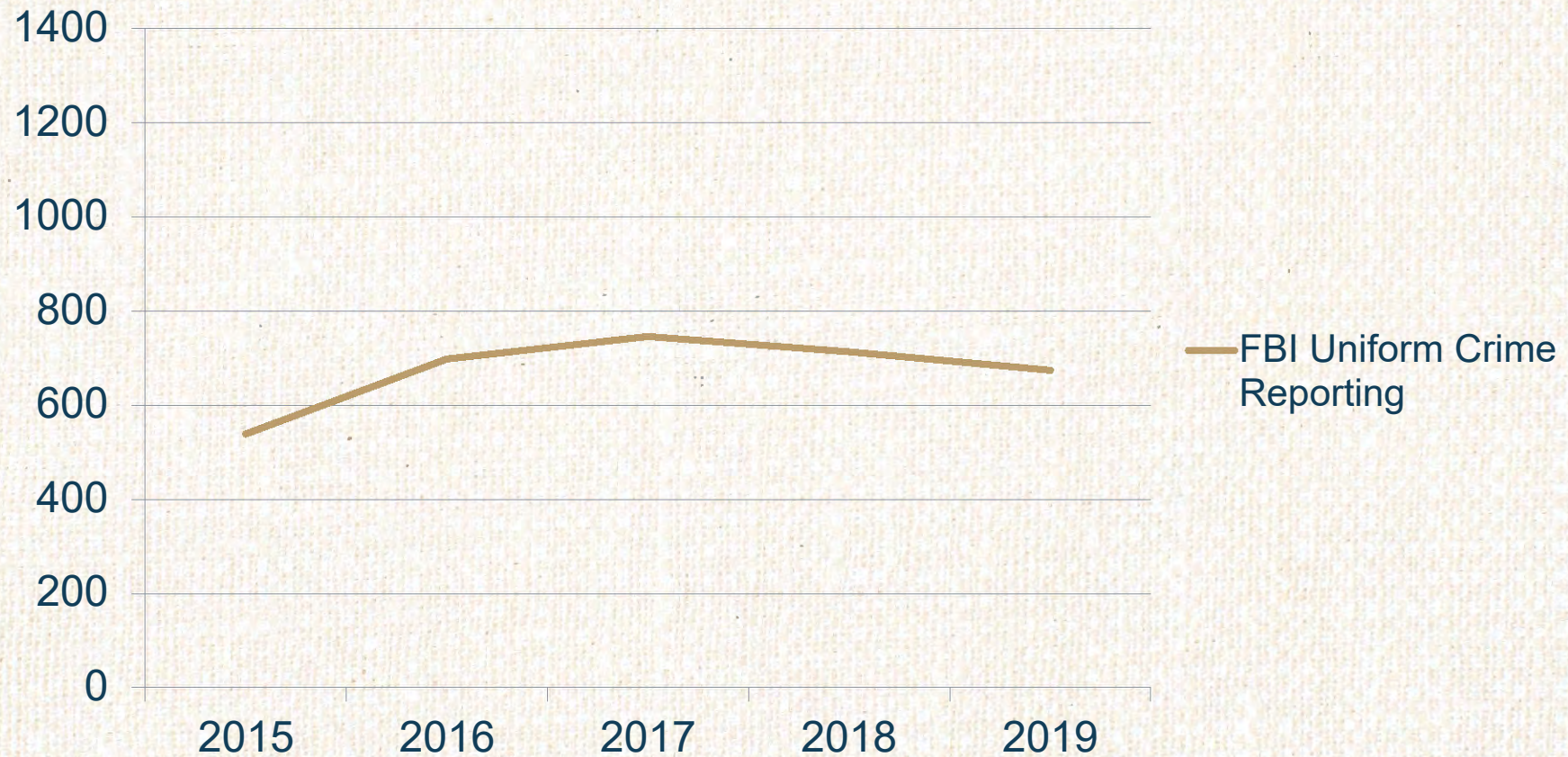
EFFECTIVENESS – CRIME RATES

	2015	2016	2017	2018	2019**
Total FBI Uniform Crime Reporting Offenses*	539	698	746	713	674
Homicides	0	0	2	0	0
Sexual Assault	9	9	12	14	12
Robbery	5	6	4	10	5
Aggravated Assault	20	25	30	21	29
Burglary	80	73	80	44	52
Theft – Larceny	403	553	599	590	555
Motor Vehicle Theft	22	32	19	34	21

* UCR totals less arson

**The UCR data for 2019 has been submitted to FBI for review.

EFFECTIVENESS – CRIME RATES



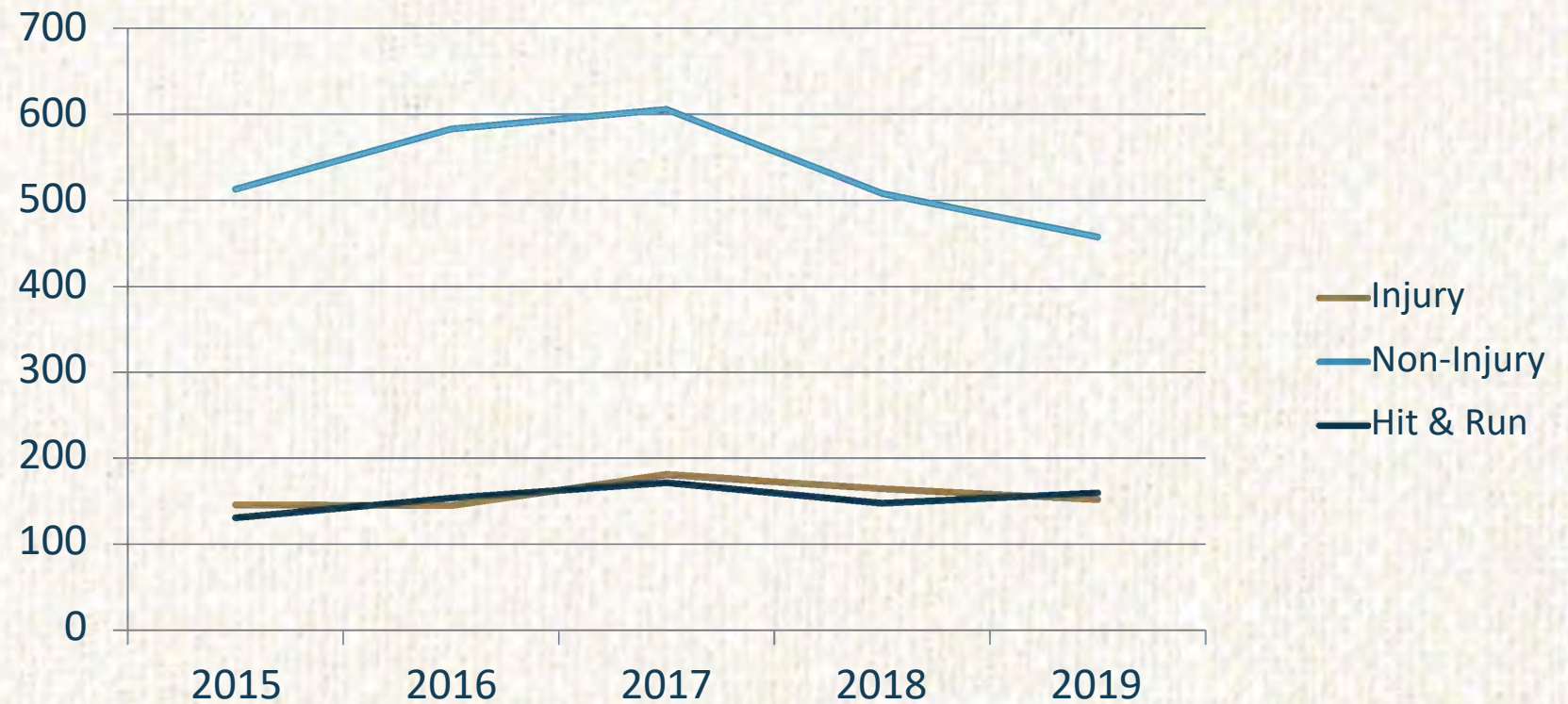
EFFECTIVENESS – CRIME RATES

Crime Rates Per 100,000 Population



EFFECTIVENESS – CRASH DATA

Accidents Types	2015	2016	2017	2018	2019
Injury	146	145	181	165	152
Non-Injury	513	583	606	508	457
Hit & Run	131	154	172	148	160



ANIMAL SERVICES ACTIVITY

Service Activity	2015	2016	2017	2018	2019
Calls for Service	8,073	7,396	6,261	4,785*	4,496*
Impoundments	1,141	937	908	904	888

In 2019, Flower Mound Animal Services adopted out 403 animals and provided 57 public presentation. The shelter can be categorized as a “no kill” shelter as no animals were euthanized, excluding terminally sick or animals deemed dangerous.

* Animal Services began using CAD/RMS for record keeping

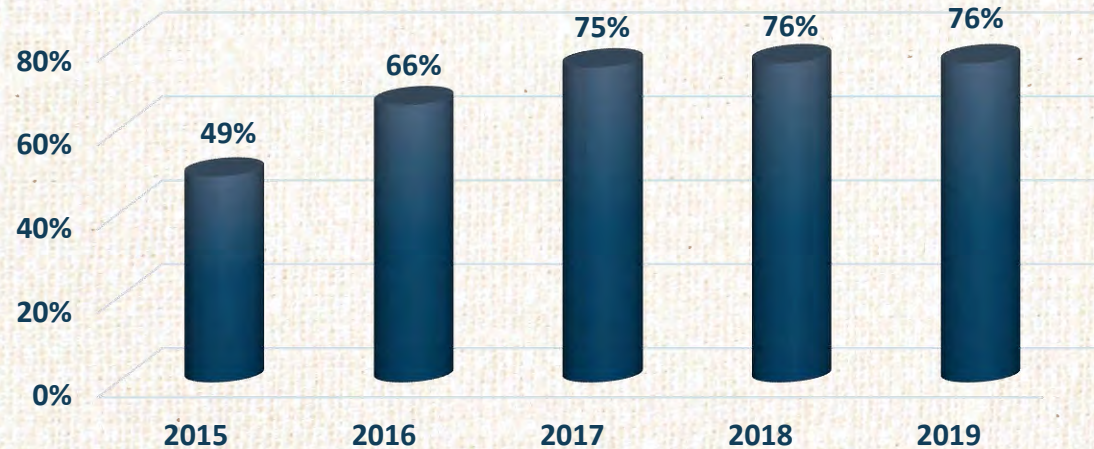
EFFECTIVENES

COMMUNITY PROGRAMS

- Citizens Police Academy
- Advanced Citizens Police Academy
- Citizens Public Safety Patrol
- Junior Police Academy
- Crossroads Program
- Neighborhood Watch
- Home Security Inspections
- Business Security Inspections
- Santa Cops
- National Night Out
- Annual Open House
- “Coffee with a Cop”
- Police Bicycle Unit
- Annual TCAP event
- Police Pet of the Month
- Texas Special Olympics partner
- Police volunteer breakfast
- Get the “scoop” ice cream coupons for kids
- Animal Services Clear the Shelter Event
- Public Relations Video Series “Beyond the Badge”
- High School Tip Lines
- “SHARP” Self defense class
- Dog Park Safety Program; seminars/park patrolling
- Digital Child ID
- CPSP Volunteer Bike Unit
- Online Reporting
- Cook's Children's State Fair Fundraiser and Event
- Bike with the Blue
- CPAAA Basic Cyclist Course
- **LISD Student Practicum**

EFFECTIVENESS – EMPLOYEE SURVEY RESULTS

Job Satisfaction High or Very High

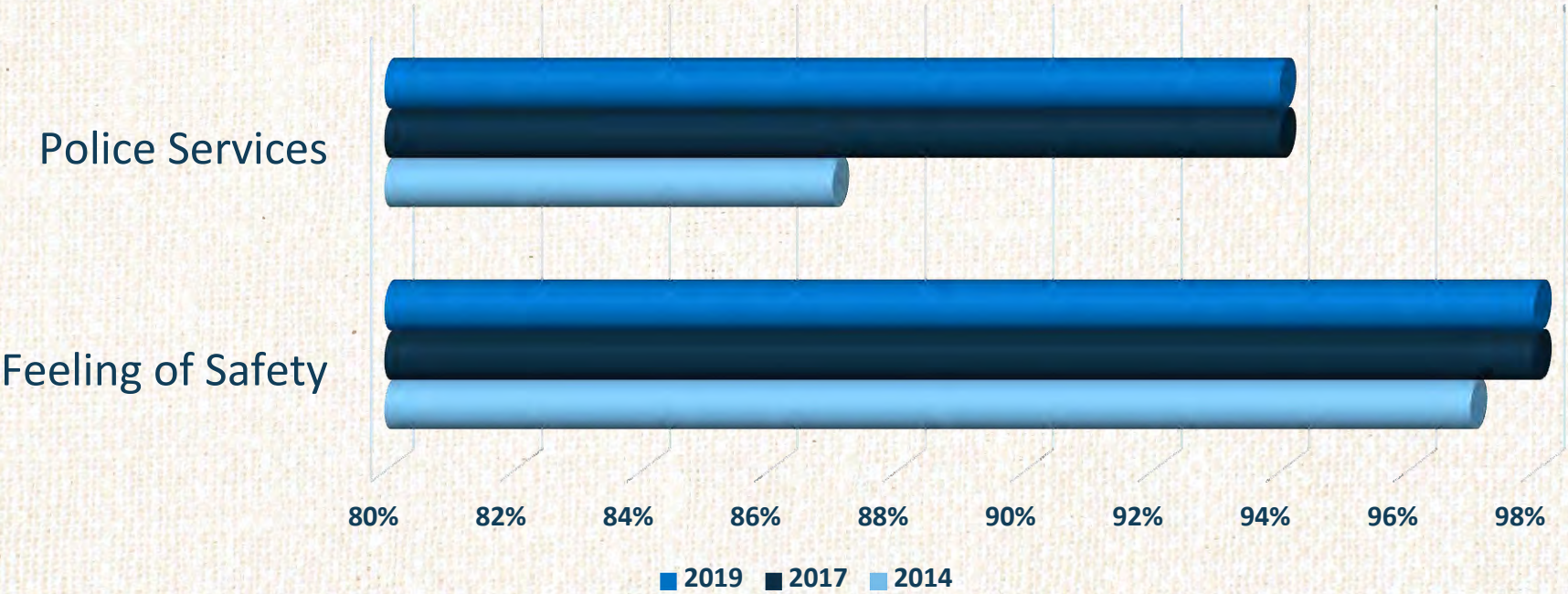


92% of Employees Rated Equipment Good to Excellent



EFFECTIVENESS – CITIZEN SURVEY RESULTS

Citizen Survey Results for Police Services & Overall Feeling of Safety



98% Overall Feeling of Safety

EFFICIENCY

- **Staffing levels**
- **Staffing deployment**
- **Organizational structure**
- **Budget**
- **Technology**

EFFICIENCY

2019 Staffing Levels

- 90% avg. police officer staffing
- 80% avg. police officer deployable staffing
- Restructured officer STEP pay plan to increase retention and recruiting capacity
- Updated five year plan
- Held sixth annual staff retreat

Organizational Structure

- Added school crossing guard program with 1 FT and 62 PT positions
- Moved police PIR duties from Town Secretary to PD
 - Upgraded 1 PT to FT position
- Detention officer upgrade to supervisor
- Rotated assistant chief and captain duties

Flower Mound Police Department Organizational Chart



AUTHORIZED STRENGTH

Officers: 104
Civilians: 47
Civilians PT: 65
Total 216

Revised: 1/17/2020

EFFICIENCY

Budget / Fiscal Responsibility

FY 18/19 Crime District Budget

\$3,533,891

End of Year Balance

\$361,390; **10.2%** Remaining

FY 18/19 General Fund Budget

\$14,987,987

End of Year Balance

\$989,188 **6.6%** Remaining

Revenue Created

\$9,560 received from regional services provided for warrant entry, detention center services, and animal shelter services;

\$14,898 received from local seizures

EFFICIENCY

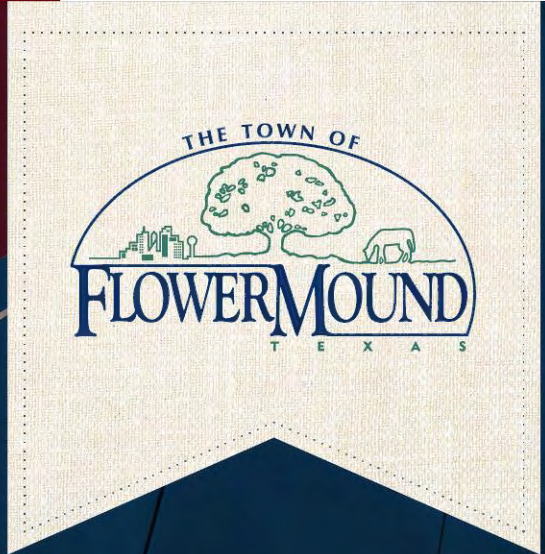
New Technology for 2019

- **Police fleet camera system transition** to Axon, matching body cameras creating one efficient data searchable platform
- **Evertel; secure messaging platform** to insure compliance with SB944 (open records)
- **Cloud Gavel Software;** legal means to procure remote search and arrest warrants
- **GovPay;** provides detention facility ability to accept electronic payments for fines

LOOKING FORWARD

- Review/update five and ten year staffing and equipment plans
- Looking forward to the results of more aggressive police officer recruiting program
- Final phase of police building update and renovation
 - More efficient use of current facility

Questions?



SMARTGrowth Commission

Fire Chief Eric Greaser

SMARTGrowth Report

- The purpose of the report is to ensure adequate staffing, resources, and service levels.
- The report will focus on the following categories:
 - Equity
 - Effectiveness
 - Efficiency

Equity

- FMFD maintained a PPC/ISO 2
- Accreditation
 - FMFD has submitted for “Best Practices” accreditation through the Texas Fire Chiefs Association and is updating requirements for the review process
- FMFD is compliant with:
 - Texas Commission on Fire Protection
 - Texas Department of State Health Services
 - Texas Division of Emergency Management
 - Texas Commission on Law Enforcement
 - Criminal Justice Information Systems

Effectiveness

- Review of Response Times
- Review of Total Calls for Service
- Review of Calls by District
- Review of EMS Call Data
- Review of Fire Prevention Efforts
- Review of Training
- Review of Emergency Management Efforts
- Review of Community Programs
- Review of Annual Employee Survey
- Review of Citizen Survey Results

Effectiveness

- Review of Response Times

Response Times (Minutes)	2015	2016	2017	2018	2019
Lights & Sirens	5:54	5:48	5:50	5:57	5:55

Effectiveness

- FMFD responded to 5,913 calls for service in 2019—a 3.86% increase from 2018

Major Incident Type	# of Incidents	% of Total
Fires	130	2.20%
Overpressure rupture, explosion, overheat-no fire	4	0.07%
Rescue & Emergency Medical Service	3274	55.37%
Hazardous Condition (No Fire)	222	3.75%
Service Call	940	15.90%
Good Intent Call	480	8.12%
False Alarm & False Call	812	13.73%
Severe Weather & Natural Disaster	29	0.49%
Special Incident Type	22	0.37%
Total	5913	100.00%

Effectiveness

- Total Calls by District

District	Number of Calls
Station 1	2760
Station 2	289
Station 3	587
Station 4	578
Station 5	856
Station 6	130
Station 7	178
DCA-Denton County	12
Double Oak	132
Denton County ESD#1	60
Out of Jurisdiction	331
TOTAL	5913

Effectiveness

- EMS Calls by Location

Location Type	Total Incident	Total Patients
Airport		
Assisted Living Center	365	365
Dialysis	9	9
Doctor's Office/Clinic	115	115
EMS Provider (Ground)	3	3
Farm	1	1
Freestanding ER	9	9
Home/Residence	1490	1490
Hospital	10	10
Industrial Place	23	23
Lake, River, Ocean	4	4
Nursing Home	206	206
Other specified place	48	48
Place of Business	227	227
Place of Recreation/Sport	52	52
Police/Jail	49	49
Public Building	63	63
Recreation Area	20	20
Rehabilitation Center	13	13
Residential Institution	8	8
School	75	75
Street or Highway	331	331
Urgent Care	17	17
Wilderness Area	5	5
Total Patients		3145

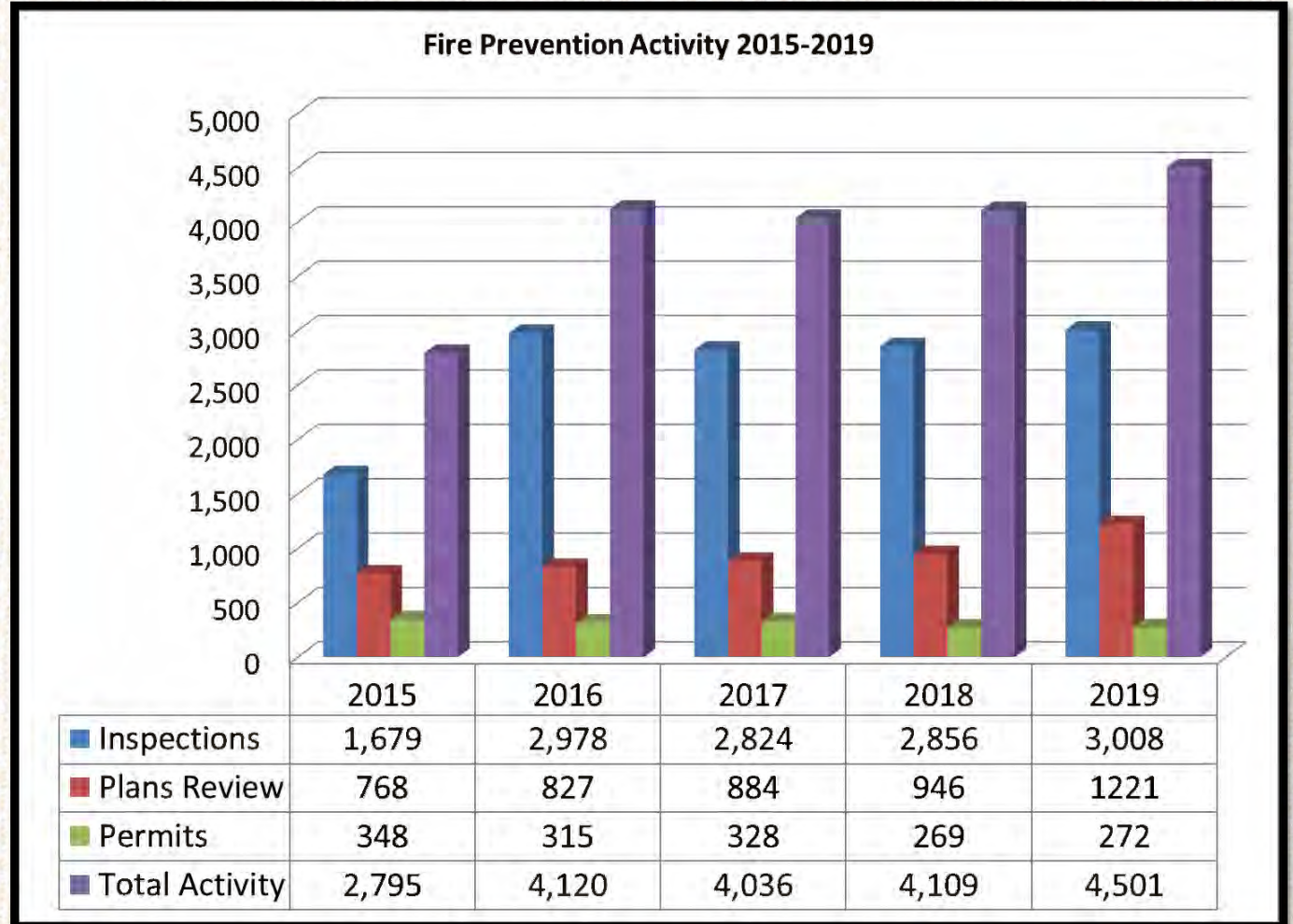
Effectiveness

- EMS Call Types

EMS Call Types	# of Incidents
Substance Abuse/Poisoning/Allergic Reaction	170
Psychiatric & Anxiety Disorders	116
Seizures	123
Cardiac/Hypertension	325
Breathing Problems	197
Trauma	774
Loss of Consciousness/Vertigo/Migraine	372
Gastric Issues	225
EENT-Dental	16
Cancer	3
General Illness/Malaise/Fatigue	241
Cardiac Arrest	43
Burns	3
Suicides	14
Environmental	17
Obstetrics & Gynecology	9
Abuse	2
Pain Syndrome	170
Sepsis	42
TIA/Stroke	51
Endocrine/Diabetes	72
Renal/Genitourinary	27
No Complaints/Refused Transport	115
Dead on Scene	18
Total	3145

Effectiveness

Fire Prevention Division



Effectiveness

- **Fire Investigations- 11**
 - 2 Arsons
 - One Conviction
 - One with the District Attorney



Effectiveness

- All Divisions maintain TCFP and EMS certifications
- Suppression
 - Technical rescue: ropes, swiftwater
 - EMS continuing education
 - Live Fire Training
- Prevention
 - Also maintain TCOLE certifications
 - TCOLE New Supervisor
 - CJIS Certification
 - K-9 Recertification
 - Command Vehicle Operators
 - Defensive Tactics Instructor
- Emergency Management
 - Attended the Train-the-trainer of Prevention and Response to Suicide Bombing Incidents in Socorro, NM (FEMA-funded)

Effectiveness

Emergency Management Division

- Installed a new Outdoor Warning Siren in Canyon Falls
 - Secured agreements to partner with Double Oak and installed a siren there
- Conducted Damage Assessment and Disaster Debris Management Exercises with Town Staff
- Deployment Reimbursements Received-\$153,520.53
- \$43,000 Homeland Security Grant for a Public Works Emergency Response Team debris response trailer
- \$2.8 million SAFER Grant
- Erath County Floods, Dallas Tornado, ROV response to Wise County
- Received numerous grant funded training and conferences
- Updated 5 Annexes to the Town's Emergency Operations Plan & updated the Disaster Debris Management Plan



Effectiveness

Community Programs

- Station Tours – 78 groups toured the fire stations
- 160 on-site visits
- FMFD S.A.F.E Team – delivered fire safety and severe weather preparedness education to approximately 9,100 LISD students!
- Citizens Fire Academy – hands on learning program for Town residents to learn aspects of FMFD operations.
- Youth Fire Academy – summer-time offering of a week long camp for 7th and 8th graders to learn: history, EMS, investigations, apparatus
- Monthly “Hot Topics” TV program done in conjunction with Town’s Communication Department

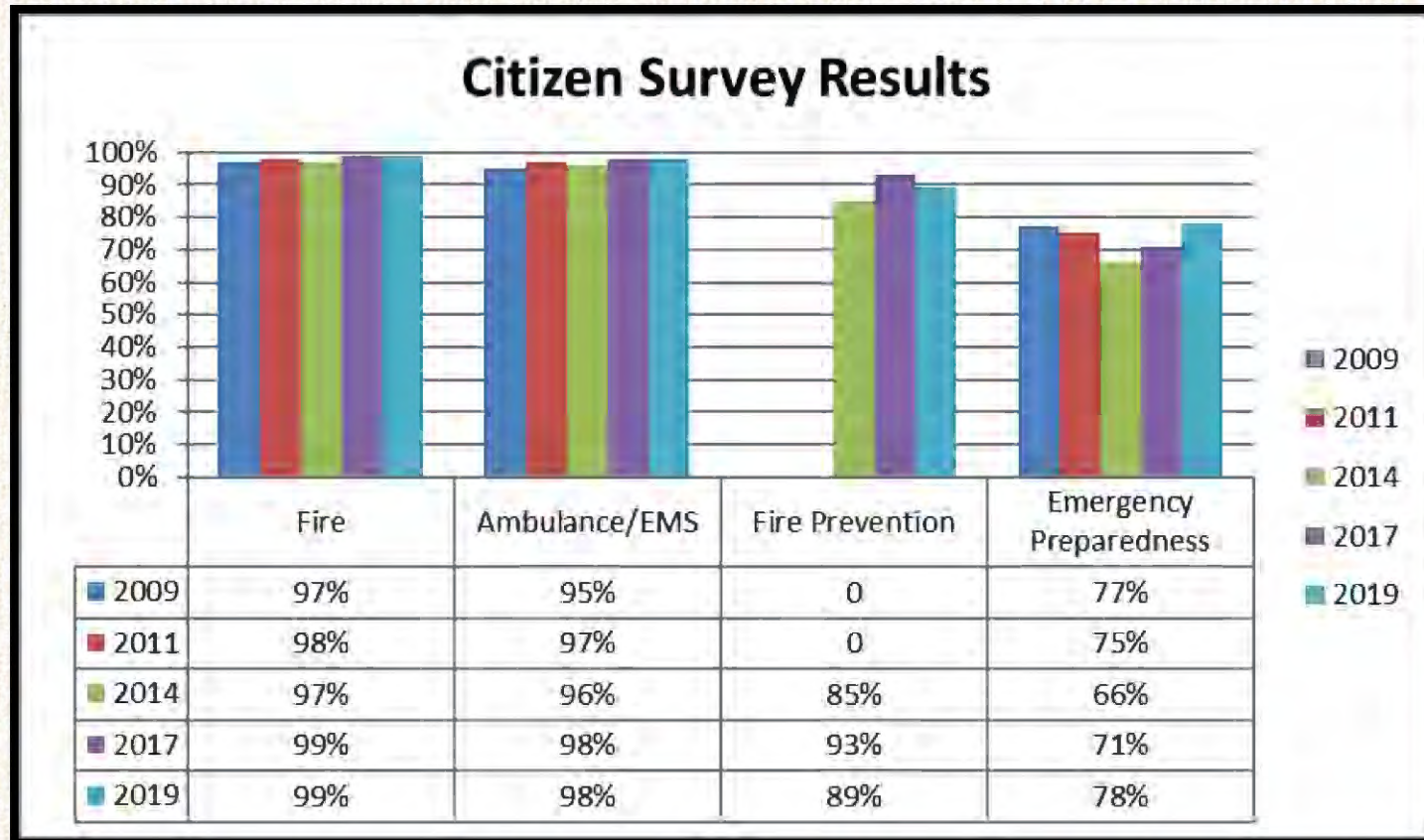
Effectiveness

Employee Survey Results

- The Fire Department had a 98% job satisfaction rating in 2018.

Effectiveness

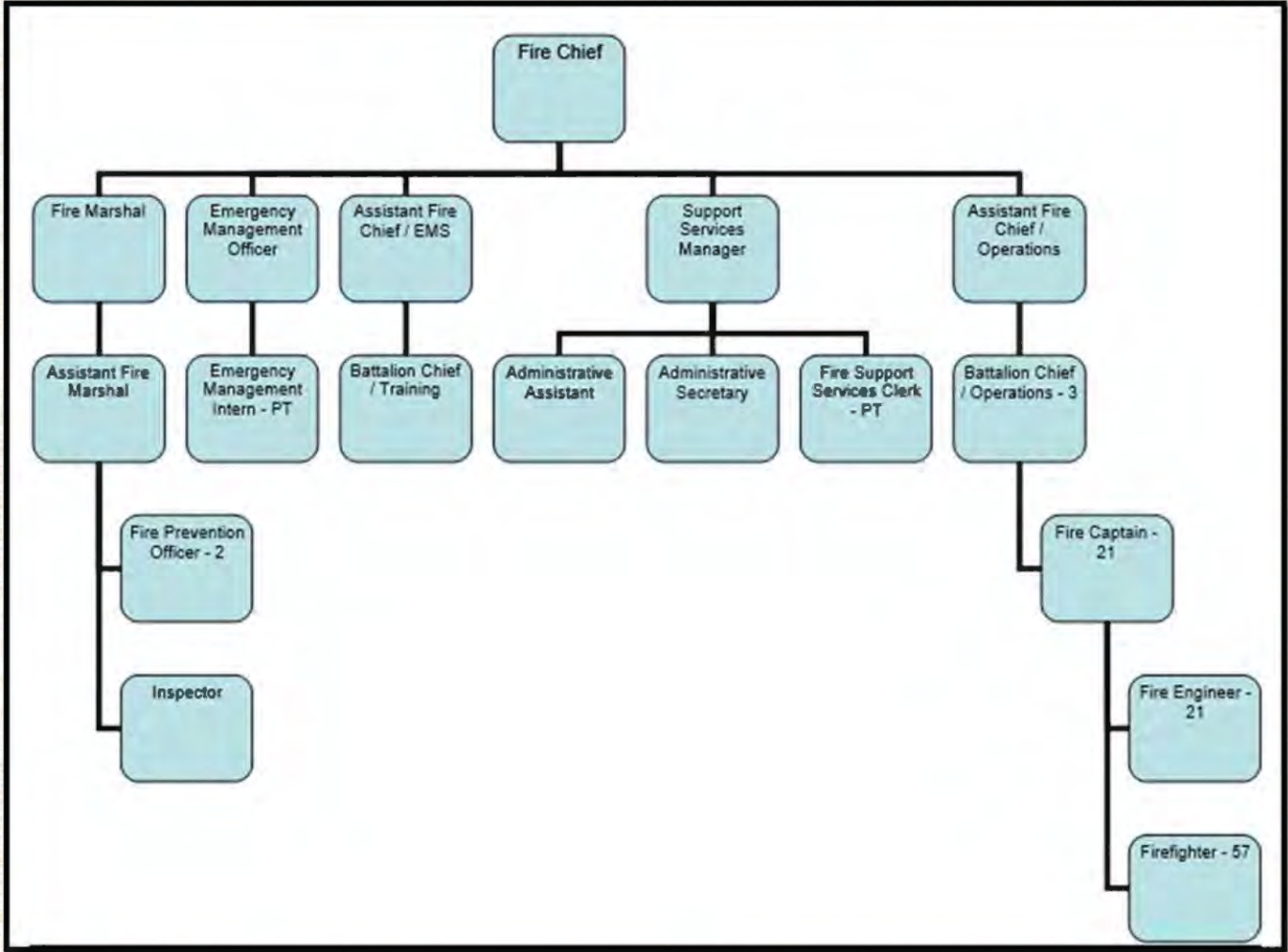
- Citizen Survey Results



Efficiency

- Organizational Chart
- Operations Staffing
- Station Allocation
- Budget
- Deployments
- New Rescue Programs

Efficiency



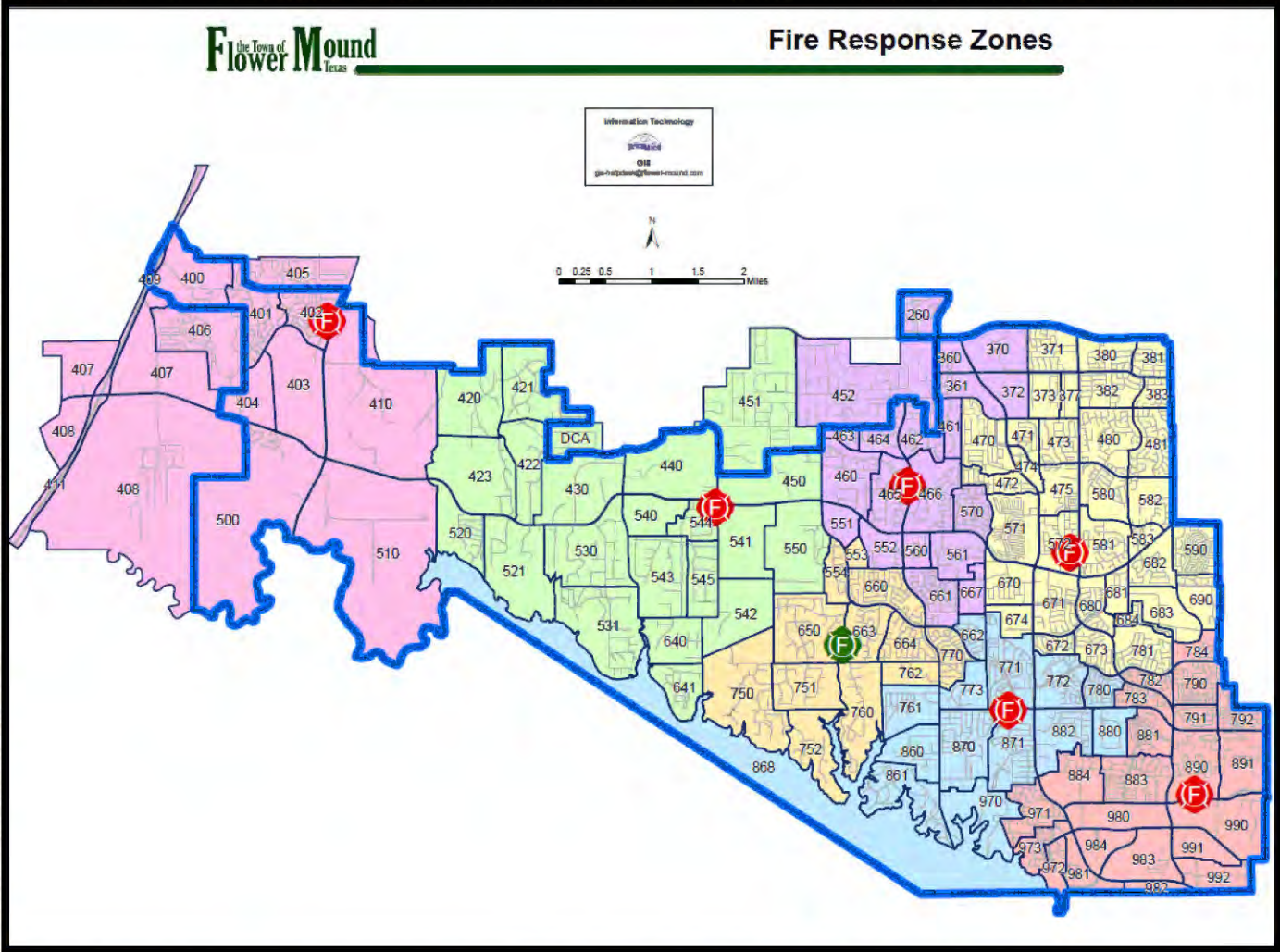
Efficiency

Operations Staffing

- 6 Stations
- 34 per shift
- Minimum staffing-29 per shift
- 6 Engine Companies
- 1 Truck Company
- 3 Medics (Ambulances)
- 1 Battalion Chief/Shift Commander

Efficiency

Station Allocation



Efficiency

Budget

- General Fund- Fire and Emergency Services **\$16,497,490**
- Special Revenue Funds/Expenditures- Fire District Sales Tax **\$3,298,602**

- Total Budget **\$19,796,092**

Efficiency

Deployments

- Received reimbursement for California wildfire deployment
- Two Task Force Stand-by Deployments
- One Emergency Medical Task Force Deployment to the Coppers Break Fire
- Regional mutual aid deployments



Efficiency

- Development of a National Fire Protection Administration (NFPA) compliant heavy rescue program for vehicle extrication, structure collapse and rope capabilities
- Expansion of the NFPA complaint water rescue program for still water (lakes/ponds), moving water (floods/rivers/steams), boat operations
- Receipt of the American Heart Association Mission Lifeline Award for rapid recognition, treatment, notification to the cardiac facilities and transport of persons suffering STEMI heart attacks

Looking Forward

- Station #7-Skillern @ Wichita Trail, Construction beginning, Estimated completion Spring 2020
- Land acquisition for Joint Public Safety Facility/Station 6





SMARTGROWTH COMMISSION

AGENDA ITEM NO: 3

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.~~

...

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

...

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)

...

~~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

...

~~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~~6970~~—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.

...

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.